

Development Management

List of Delegated Decisions - 7th August 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.:	0417/FUL/20	Recommendation:	Refuse Permission
Proposal:	Change of use from public open space to private garden ground and erection of a fence (in retrospect)		
Address:	75 Bailielands, Linlithgow, West Lothian, EH49 7SX, (Grid Ref: 301964,677484)		
Applicant:	Mr Adam Lang	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Matthew Watson
<u>Summary of Representations</u>			
No representations received.			
<u>Officers report</u>			
<p>The applications seeks retrospective planning permission for the change of use from public open space to private garden ground and erection of a fence. The area of ground enclosed faces onto a public path between Springfield Road and the rear of houses at Bailielands. The area enclosed is 13.2 sq m.</p> <p>Policy ENV 21 sets out the criteria for assessing loss of open space. Although the enclosure of this area of open space has not caused an impact on recreational amenity and the area is not of significant ecological value, the enclosure does not have a locational justification under ENV 21 (a). The principle of development is therefore not acceptable.</p> <p>In terms of visual impact, the protrusion of the fence has resulted in an unsightly addition in the wider context of the path with no other fences in the vicinity of the property protruding in such a manner. The fence fails to integrate with its context and the proposal is contrary to Policy DES 1 of the LDP.</p> <p>Overall, the proposal lacks a locational justification for the enclosure of open space and the visual impact of the fence is unacceptable. The proposal is contrary to policies ENV 21 (Protection of formal and informal open space) and DES 1 (Design principles). Consequently, and in view of the above, it is recommended that planning permission is refused.</p>			

Ref. No.:	0481/MSC/20	Recommendation:	Grant Matters Specified in Conditions
Proposal:	Approval of matters specified in condition 1 of planning permission 1012/P/05 for an amendment to the master plan to extend residential development Block HH		
Address:	Block HH ,Land East Of Niddry Bing, Winchburgh, , (Grid Ref: 309094,674914)		
Applicant:	Winchburgh Developments Limited	Type:	Other
Ward:	Broxburn, Uphall & Winchburgh	Case Officer:	Steven McLaren

Summary of Representations

One objection received:

- Not a suitable for development
- How will access to the B9080 be formed.
- Increased traffic on B9080 and impact on road safety
- Increased congestion and safety of cyclists.
- Proximity to Winchburgh Bing. Health hazards from dust from the bing.

Officers report

The application site was originally set aside as open space in the approved Winchburgh Core Development Area (CDA) master plan approved on 17/4/12 (Ref: 1012/P/05) and lies to the west of Block HH which is allocated for residential development. The site lies with Niddry Bing to the south west and the M9 to the north east of the site. During the progression of the adopted West Lothian Local Development Plan, 2018 (LDP), this site was identified as being appropriate for mixed uses, including housing, with a capacity of 189 units. The amendment to the master plan to extend Block HH into this area of ground aligns the site allocation within the CDA master plan to the land allocation in the adopted LDP. Matters relating to access, traffic speeds, noise and any impact from Niddry Bing will be considered further at a Matters Specified in Conditions stage where road traffic impacts, noise, air quality, drainage etc will be fully considered in consultation with relevant departments and agencies. Recommendation is therefore to grant permission for the amendment to the master plan.

Development Management

List of Delegated Decisions - 14th August 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.:	1149/FUL/19	Recommendation:	Grant Planning Permission
Proposal:	Erection of 54 houses and 56 flats with associated landscaping, drainage and infrastructure (as amended)		
Address:	Land At Hunter Road, Kirkton Campus, Livingston, West Lothian, (Grid Ref: 304390,666698)		
Applicant:	Robertson Living & Camlin (Linwood) Limited	Type:	Major Application
Ward:	Livingston South	Case Officer:	Matthew Watson

Summary of Representations

Five objections from local residents. Livingston Village Community Council support the application following revisions:

Community Council comments:

- Support for the site being developed for housing following latest revisions, subject to conditions
- Conditions relating to landscape and woodland management, wildlife, archaeology and construction hours should be applied if the council is minded to grant planning permission

Objections:

- Traffic impact and road safety
- Lack of open space
- Density of development is too high
- Maintenance of trees and woodland
- Education capacity

Officers report

The application proposes the erection of 54 houses and 56 flats at land at Hunter Road, Livingston. The site is 2.45 ha in size and was the site of the

now demolished Vodafone factory. Mature trees bound the site to the north with the rear boundaries of properties at Kaims Grove, and to the east with Alderstone Road. Trees at the north west corner of the site are covered by the 1965 TPO for Livingston New Town. Flatted properties are located along the southern boundary of the site at Kaims Terrace.

The application site is not allocated for any specific land use in the West Lothian LDP and is a windfall site. Policy HOU 3 of the LDP sets out nine criteria for windfall housing sites to meet. As explained below, the proposal is in keeping with the character of the settlement, compatible with nearby uses and has good accessibility to Livingston Town Centre by public transport and active travel. The site is not allocated for open space or employment uses. An extension to Livingston Village Primary School will be required to accommodate the development and this will be secured through a Section 75 legal agreement. The site is not at significant risk of flooding and the council's Flood Risk Management team has raised no objection to the proposal. Other LDP policies and supplementary guidance are complied with and 25% of the units will be affordable housing. Overall, the proposed development is acceptable in principle and complies with Policy HOU 3.

Some representations have raised concern about the density of development proposed. Policy DES 1 of the LDP requires new development to integrate with its local context and built form. The site is a brownfield site located close to the town centre with higher density flats to the south and lower density, suburban housing located to the north and west. The standards for garden sizes and plot ratios in the Residential Development Guide (RDG) have been complied with. The proposed flats at the east boundary of the site are necessary to mitigate the impact of road noise. Flats at the south east corner of the site have been replaced by houses to address concerns about density. Overall, the proposal will integrate with its local context and built form and complies with Policy DES 1 of the LDP and the RDG.

Policies ENV 9 and ENV 10 state there is a presumption against the loss of trees that are protected by a TPO or are of particular amenity value. Six trees within the area of the TPO are proposed for removal. A total of 77 trees are proposed to be removed across the whole site. All trees to be removed are category C and U trees in the tree survey meaning they are of poor quality. 128 trees are proposed as compensatory planting for those proposed to be removed. The council's arborist is supportive of the proposal. The tree removal proposed is acceptable due to the poor quality of the trees to be removed and the substantial compensatory planting that is proposed. The proposal complies with policies ENV 9 and 10. Conditions for the implementation of replanting/landscaping, tree protection fencing, a woodland management plan and a factoring plan for the landscaping are required.

A number of representations have raised concern about road safety and transport impacts of the development. Policy TRAN 1 of the LDP requires the transport impacts of development to be acceptable. In response to these concerns, the layout of the development has been revised so that no driveways face directly onto Hunter Road. The applicant has submitted a traffic statement with the application. The council's Roads and Transportation team have found the content of the statement to be satisfactory and have raised no objection to the proposal. The proposal complies with Policy TRAN 1.

Conditions will be required for a programme of archaeological works, the implementation of the drainage layout for the development and a remediation method statement. The application will result in the draining of an ornamental pond. An E-DNA test for great crested newts returned a negative result. However, an advisory note will be added to the decision to remind the applicant their responsibilities under protected species legislation. The 25% affordable housing requirement will be secured through a Section 75 legal agreement.

In conclusion, the principle of development is acceptable, the proposed development integrates with its context and built form. Traffic impacts are acceptable, as are impacts on trees. The proposal complies with the relevant provisions of the development plan. It is therefore recommended planning permission is granted, subject to conditions and a Section 75 legal agreement.

Ref. No.:	0189/P/20	Recommendation:	Grant Planning Permission in Principle
Proposal:	Planning permission in principle for a 1.9 ha residential development with associated access, SUDS, landscaping and ancillary works		
Address:	Land North Of Roosevelt Road, Kirknewton, West Lothian (Grid Ref: 310997,667000)		
Applicant:	CC Drummond	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Matthew Watson

Summary of Representations

14 objections have been received in total. 12 objections are from local residents and 2 objections are from elsewhere in West Lothian:

- Impact on road safety from the proposed access
- Traffic impact and congestion
- Noise from construction vehicles
- Lack of education capacity
- Impact on privacy
- Impact on local infrastructure, such as GP provision
- Impact on wildlife
- Drainage problems
- Loss of view

Officers report

The application seeks planning permission in principle for a 1.9 ha residential development with associated access, SUDS, landscaping and ancillary works at land north of Roosevelt Road, Kirknewton. The application is a greenfield site that is currently in agricultural use with overhead power lines crossing the site diagonally. The site is part of a wider allocation for housing in the West Lothian Local Development Plan (LDP), reference: H-KN 2, which is for 90 units. To the south and west of the site is housing at Roosevelt Road and Braekirk Avenue respectively. The north of the site is bound by the Shotts railway line. An indicative layout shows 48 houses with access taken from Braekirk Avenue. The overhead power lines are proposed to remain in situ. 25% of the houses are to be affordable housing.

As stated above, the application site is part of a wider allocation for housing development in the LDP. The principle of housing development on this site is therefore, subject to other development plan policies being met. The proposal complies with Policy HOU 1 (Allocated Housing Sites) of the LDP.

The proposed development is required to provide 25% affordable housing on-site, in line with Policy HOU 4 (Affordable Housing) of the LDP. This will be secured through a Section 75 legal agreement and the indicative layout shows the proposal meeting this requirement. The proposed development complies with Policy HOU 4 of the LDP.

The Shotts line bounds the site to the north. Policy EMG 5 (Noise) of the LDP states residential development located next to noisy uses will only be

permitted where satisfactory noise levels can be achieved through design or mitigation. The applicant has submitted a noise impact assessment with the application. The council's Environmental Healths service has reviewed this and recommended mitigation in the form of an acoustic barrier at the north of the site and that all properties facing the railway are single storey with bedrooms to the rear. These measures can be secured via planning conditions and further noise assessment will be required as part of detailed, matters specified in conditions applications. With mitigation in place, the application complies with Policy EMG 5 of the LDP.

A large number of representations have raised concern over the traffic impact of the development and road safety matters surrounding the proposed access. Policy TRAN 1 (Transport Infrastructure) of the LDP requires the transport impacts of development to be acceptable. The indicative layout submitted with the application shows access taken from Braekirk Avenue with this access road crossing a single-track lane that runs to the rear of houses on Braekirk Avenue northwards to Kirknewton Mains Farm. The applicant has submitted a transport statement with the application. The council's Roads and Transportation service has analysed the findings of the transport statement and has raised no objection to the development on grounds of traffic impact or safety of the proposed access. Noise from construction vehicles can be controlled through a construction hours condition to ensure HGVs are not arriving and leaving the site at unsocial hours. Consequently, the application complies with Policy TRAN 1 of the LDP.

Education capacity for Kirknewton Primary School has been raised in representations. The council's Education Planning Officer has been consulted on the proposal and has recommended a phasing condition of 5 completions per academic year, in the first instance, to manage the capacity of Kirknewton Primary. Developer contributions towards St Paul's Primary and the building of a new Denominational Secondary School in West Lothian will be secured through a Section 75 legal agreement.

Wider infrastructure concerns, particularly in relation to health infrastructure, have been raised in representations. Developer contributions are currently not taken by the Council to expand healthcare facilities. This is a matter for NHS Lothian to consider.

The issue of privacy has been raised in representations. Policy DES 1 (Design Principles) states new development is not to have an adverse impact on amenity. The indicative layout shows houses with gardens that exceed the minimum requirement for a 9 metre rear garden and the minimum window to window distance of 18 metres. The proposal complies with Policy DES 1 in respect of privacy. Loss of views has also been raised but this is not a material planning consideration that can be considered in the assessment of planning applications.

The issue of wildlife has also been raised in representations. The applicant has undertaken and submitted a Phase 1 Habitat and Protected Species Survey. The main issue related to wildlife raised in the report relates to badgers with a sett being within 110 metres of the application site. Pre-commencement checks and mitigation measures during construction are recommended by the report. Scottish Badgers has commented on the application and has raised no objection to the application, as long as checks and mitigation measures are carried out. These can be secured through a planning condition.

In conclusion, the proposal is acceptable in principle and will deliver the necessary affordable housing requirement. Noise issues can be resolved through design and mitigation measures. The transport impact of development is acceptable and education capacity can be managed through a phasing condition. Impacts on privacy and wildlife are acceptable. Overall, the application complies with the relevant provisions of the development plan. It is therefore recommended that planning permission in principle is granted, subject to conditions and a legal agreement to secure developer contributions.

Ref. No.:	0413/H/20	Recommendation:	Refuse Permission
Proposal:	Erection of a shed and decking (in retrospect)		
Address:	53 Eliburn South Road, Eliburn, Livingston, West Lothian, EH54 6SP (Grid Ref: 304231,667662)		
Applicant:	Dorothy Cairns	Type:	Local Application
Ward:	Livingston North	Case Officer:	Rachael Lyall

Summary of Representations

One objection -
- Size of development,
- Location of development,
- Overshadowing.

Officers report

This retrospective planning application proposes the erection of a shed at the property at 53 Eliburn South Road, Livingston.

The shed measures 2.5m in height, however, the development has been constructed on a raised decking. The shed has been constructed using timber and features a windows and door on the front elevation which overlooks the site and neighbouring property to the east.

The shed is of a dominating size in which the added height of the decking beneath, which measures 0.42m form ground level, adds to the domineering effect in which the works adversely affect overall visual impact. The garden shed is out of scale and will directly overlook and overshadow the neighbouring properties and gardens to a significant extent.

This proposal is therefore contrary to West Lothian Local Development Plan, Policy DES 1(Design Principles) and does not follow the appropriate guidance given in the House Extension and Alteration Design Guidelines, 2015. It is recommended that this application is refused planning permission.

Ref. No.:	0424/H/20	Recommendation:	Grant Planning Permission
Proposal:	Extensions to house and construction of raised decking		
Address:	Glencroft, Woodend, Armadale, West Lothian, EH48 3AP (Grid Ref: 292657,669054)		
Applicant:	Mr J Hardie	Type:	Local Application
Ward:	Armadale & Blackridge	Case Officer:	Rachael Lyall

Summary of Representations

One objection -

- Title deeds in relation to outbuildings,
- Information regarding water course on site,
- Proximity of development with retaining wall,
- Flooding,
- Future use of development,
- Details for SEPA,
- Size of proposed development.

Officers report

This planning application proposes the erection of a front porch, a side extension and the formation of decking at Glencroft, located in Woodend.

The proposed side extension is to measure 8.000m x 8.400m and is to be 7.200m in overall height from ground level at the lowest point to the proposed ridgeline of the gable pitch roof which sits below the ridgeline of the existing property. The levels vary approximately by 2.2m on the proposed side elevation. The proposed side elevation is to feature two door openings which are to lead out onto a decking which is to measure 2.2m in height from ground level at the lowest point. This height allows the proposed decking to sit uniform with the ground level at the highest point on the side elvation and therefore will not directly overlook any neighbouring property. The rear elevation is to also feature a new door opening whihc is to lead out onto the proposed decking and also a window opening which will overlook the applicants rear garden and will not significantly impact on any neighbouring property. The rear window is located within the proposed en-suite and will be opaque glazed.

The materials proposed for the works are to be an external timber cladding. A condition will be attached to the decision notice which will request additional details, including the finishing colour, and samples of the material. Revised plans have since been submitted which now include the handrails which are proposed for the raised decking.

The proposed works are an acceptable scale and will not directly overlook or overshadow any neighboring property to a significant extent. The proposed works will not be detrimental to visual or residential amenity. The proposal adheres to West Lothian Local Development Plan, Policy DES1 (Design Principles) 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.

Ref. No.:	0430/H/20	Recommendation:	Refuse Permission
Proposal:	Two storey extension to house and erection of a porch		
Address:	1 Bankton Drive, Murieston, Livingston, West Lothian, EH54 9EH (Grid Ref: 305710,665536)		
Applicant:	Mr David Hanratty	Type:	Local Application
Ward:	Livingston South	Case Officer:	Rachael Lyall

Summary of Representations

N/A

Officers report

This planning application proposes the erection of a two storey side extension and porch onto the property at 1 Bankton Drive, Murieston.

The proposed side extension is to measure 4.30m x 5.28m and is to measure 8.98m in overall height to the ridgeline of the proposed gable pitch roof which sits level with the ridgeline of the existing house. The proposed porch is to measure 3.25m x 2.00m and is to measure 3.33m in overall height.

The existing property is located within a corner plot in which the proposed extension will appear prominent within the street scene and will have a significant impact on the visual amenity of the existing property and street scene. In addition, the proposed extension is of a dominating scale which will appear as overbearing on the side (west) elevation due to the varying ground levels on site and the large basecourse that is required.

This proposal is therefore contrary to West Lothian Local Development Plan, Policy DES1 (Design Principles) and does not follow the appropriate guidance given in the House Extension and Alteration Design Guide, 2015. It is recommended that this application is refused planning permission.

Ref. No.:	0501/H/20	Recommendation:	Refuse Permission
Proposal:	Replace existing single glazed timber windows with uPVC double glazed windows		
Address:	4 Greenpark Cottages, Edinburgh Road, Linlithgow, West Lothian, EH49 6AA (Grid Ref: 300958,677095)		
Applicant:	Mr P Keane	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Rachael Lyall

Summary of Representations

N/A

Officers report

This planning application proposes to replace single glazed timber windows with UPVC windows at 4 Greenpark Cottages, Edinburgh Road. The property is located within Linlithgow conservation area.

The plans propose to replace all existing sash-and-case windows with timber oak effect UPVC windows. The proposed UPVC windows will be of the same style, size and fit however UPVC windows are not advised as a replacement within a conservation area.

It is understood that the neighbouring property have previously replaced their windows, but did so with new timber frames, which is more appropriate for a traditional house within the conservation area.

The proposed UPVC window will be of a detrimental effect on the character of the existing property and the conservation area. Although the West Lothian Council would support the replacement of these windows which do appear to be beyond repair, the use of UPVC windows as a replacement is not be supported in this location.

This proposal is therefore contrary to West Lothian Local Development Plan, Policy DES 1(Design Principles) and Policy ENV24 (Conservation Areas) and does not follow the appropriate guidance given in the House Extension and Alteration Design Guide, 2015. It is recommended that this application is refused planning permission.

Ref. No.:	0551/FUL/20	Recommendation:	Grant Planning Permission
Proposal:	Renewal of consent ref: 0729/FUL/19 for change of use from flat to holiday let		
Address:	10 The Beech Tree, Bridgend, West Lothian, EH49 6PU, (Grid Ref: 304684,675964)		
Applicant:	Mrs Lindsey Manson Bideaways Limited	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Matthew Watson

Summary of Representations

Three objections:

- Impact on the private sewerage system serving the development;
- Noise impact;
- Security concerns;

Officers report

The application proposes the change of use from a two-bed ground floor flat to a full-time commercial holiday let. The applicant has stated that two people will be the maximum number of occupants. The minimum stay is one night and the maximum stay is two months. The permission seeks to renew the temporary planning permission that was granted in August 2019 for 13 months.

Policy EMP 7 (Tourism) of the West Lothian Local Development Plan (LDP) supports tourist related development, subject to residential amenity not being adversely affected. Impact on residential amenity is also assessed more generally through Policy DES 1 (Design Principles) of the LDP.

In terms of the impact on amenity, the main issue raised in representations is noise. As a self-catered facility, how the flat will be used will not be dissimilar to if it were being occupied as long-term residential use but with a turnover of guests. Environmental Health has not raised objections to the proposal in terms of noise. It is proposed to grant a further temporary planning permission for thirteen months to continue to monitor the impact on the amenity of the other flats through another full holiday season within the block of flats. This is because of the potential high turnover of guests with a minimum stay of one night and Covid-19 has meant less visitors using such accommodation. After thirteen months there would be a reversion back to a residential flat or a further planning application to continue use as a holiday let if impacts on amenity are acceptable.

A number of representations have raised issues regarding the sewage system that is operated through a private septic tank. Specifically, representees have raised concern about visitors blocking this system. This is a management issue for the applicant and not a material planning consideration.

Consequently, and in view of the above, it is therefore recommended that a temporary planning permission is granted for thirteen months.

Development Management

List of Delegated Decisions - 21st August 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.:	1174/FUL/19	Recommendation:	Grant Planning Permission
Proposal:	Erection of 16 residential units for adults with care needs, staff building and associated works		
Address:	Land At Cawburn Road, Pumpherston, West Lothian, , (Grid Ref: 306502,669677)		
Applicant:	Ms Mhairi Walker West Lothian Council Social Policy	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Matthew Watson

Summary of Representations

One objection received:

- The proposal is not for housing and does not contribute to land supply
- Noise impact
- Loss of trees
- Further survey work required for bats

Officers report

The application proposes the erection of 16 residential units for adults with care needs, staff building and associated works at the south side of Cawburn Road, Pumpherston. Four blocks of residential units and one staff building are proposed.

The application site is part of a wider LDP allocation for housing development (reference: H-PU 1). The application seeks permission for what is not strictly mainstream housing, as it is for one bedroom houses with a supported living element to them. This is judged to be a Class 9 housing use with a separate supported element and falls within the wider housing allocation. Overall, the proposal complies with Policy HOU 1 (Allocated housing sites) of the LDP and is acceptable in principle.

Policy DES 1 (Design principles) of the LDP requires development to integrate with its local context and built form. The scale and form of the proposed buildings is modest at a single storey in height. The proposed buff brick and pantiled roofs are acceptable finishes for the development. The proposal will integrate with its context and built form and complies with Policy DES 1 of the LDP.

The application is in close proximity to a site inhabited by great crested newts. Policy ENV 20 (Species protection) of the LDP requires surveys and mitigation to be proposed where development could affect protected species. A Great Crested Newt Survey, Protected Species Survey and Phase 1 Extended Habitat Survey have been carried out. Scottish Natural Heritage has commented on the Great Crested Newt Survey and has found the survey to be competent and has raised no objection, subject to mitigation measures being implemented. The implementation of these measures can be secured via condition. The protected species survey and Phase 1 Extended Habitat Survey recommend pre-construction checks for bat roosts, badger setts and nesting birds. An advisory note will remind the applicant of their responsibilities under protected species legislation. The proposal complies with Policy ENV 20 of the LDP.

The issue of noise has been raised in the objection submitted to the application. A bus depot is located to the south of the application site. Policy EMG 5 (Noise) specifies residential development should not be granted next to noisy uses. A noise assessment has been submitted with the application and the council's Environmental Health service has found the assessment to be competent. Mitigation measures in the form of an acoustic fence are to be secured through a condition. The proposal complies with Policy EMG 5 of the LDP.

The application proposes tree removals in the centre and east of the site. Mature trees at the west of the site are proposed to be retained. Trees along the south boundary of the site are also proposed to be retained. A tree survey, arboricultural method statement, tree removal plan, tree planting plan and woodland management plan have been submitted with the application. The council's arborist has examined these documents and has stated the removals are acceptable, subject to replanting and the management plan being implemented. Replanting and the implementation of the management plan can be secured via condition. The proposal complies with Policy ENV 9 (Woodlands/trees) of the LDP.

As the site is treated as housing, developer contributions towards public art and cemeteries are due. These will be secured through an internal transfer. The proposal complies with Policy INF 1 (Developer obligations) of the LDP. Other matters relating to implementation of the drainage layout and submission of a remediation statement are to be secured through condition. The proposal complies with policies EMG 3 (Sustainable drainage) and EMG 6 (Contaminated land).

In summary, the application is acceptable in principle and will integrate with its local context. Matters relating to trees, ecology and noise are acceptable, subject to conditions. The proposal complies with LDP policies HOU 1, DES 1, INF 1, ENV 9, ENV 20, EMG 3, EMG 5 and EMG 6. It is therefore recommended planning permission is granted, subject to conditions and securing developer contributions.

Ref. No.:	0410/FUL/20	Recommendation:	Grant Planning Permission
Proposal:	Erection of a 21sqm utility room outbuilding and installation of french doors		
Address:	3 Goodall Place, Dechmont, West Lothian, EH52 6NY, (Grid Ref: 303927,670867)		
Applicant:	Mrs Tracy Taylor Elm Cottage Care Ltd	Type:	Local Application
Ward:	Broxburn, Uphall & Winchburgh	Case Officer:	Matthew Watson

Summary of Representations

Two objections:

- Loss of view to surrounding countryside
- Impact on trees
- Noise and disturbance from the use of the structure
- Loss of daylight in evening hours
- Overdevelopment of the plot

Officers report

The application proposes the erection of an outbuilding at the Elm Cottage Care Home, 3 Goodall Place, Dechmont. The proposed outbuilding will be situated at the south east of the plot and is 2.5 m in height to the eaves and 3.8 m to the ridge. The installation of french doors is also proposed on the east facing gable elevation of the property.

The proposed scale and form of the outbuilding is modest and not overly bulky. The issue of overdevelopment has been raised in representations. There are other outbuildings to the rear of the care home. The footprint of the proposed outbuilding is modest and even combined with the others will not result in an overall overdevelopment of the plot. The proposed french doors are acceptable in design terms as they are of a scale which integrates with the appearance of the building.

Overall, the proposal is of an acceptable design and complies with Policy DES 1 (Design principles) of the LDP in this respect.

In terms of impact on amenity, the use of the outbuilding as a utility room will not give rise to unacceptable noise issues. The outbuilding is of a modest scale that would not be able to accommodate large scale, commercial equipment.

The issue of daylight has been raised in one representation. The outbuilding has been moved in response to these concerns and is now proposed to be located 3 metres from the boundary with the adjacent property at 1 Goodall Place. The building has also been rotated so that the lower side faces the boundary with 1 Goodall Place. The siting of the outbuilding at the revised location will not result in an adverse impact on amenity with overshadowing affecting the rear of 3 Goodall Place. The nearest window opening on 1 Goodall Place serves a garage, which is not a habitable space. Therefore, there will not be an adverse impact on daylight. In any case, the revised location of the outbuilding passes the 45 degree test on plan and elevation. The

proposal will not have an adverse impact on residential amenity and complies with Policy DES 1 in this respect.

The loss of view to countryside to the north of the site, which was raised in a representation, is not a material consideration in the determination of the planning application.

In summary, the proposed outbuilding is acceptable in design terms and does not cause unreasonable harm to neighbouring amenity. The proposal complies with Policy DES 1 (Design principles) of the West Lothian LDP and approval is recommended. There are no material considerations that outweigh this position.

Ref. No.:	0520/FUL/20	Recommendation:	Refuse Permission
Proposal:	Change of use from public open space to private garden ground (in retrospect)		
Address:	Land To Rear Of 41 Lang Gardens,Bathgate, West Lothian, EH48 2JW, (Grid Ref: 296750,667276)		
Applicant:	Mr Gordon Mabon	Type:	Local Application
Ward:	Bathgate	Case Officer:	Kirsty Hope

Summary of Representations

None.

Officers report

The proposal is for the change of use from open space to private garden ground to the rear of the applicant's property.

The applicant has fenced off an area of open space that forms part of a green corridor to the rear of the properties on Lang Gardens, and has erected a timber shed. The applicant's property is within the settlement boundary and is identified as being within land allocated for housing within the Local Development Plan. The area is currently part of a green corridor that separates the rear gardens from adjacent woodland.

Whilst the fence is in-keeping with the scale and character of other fences in the area, the fence being stepped further into the area of open space does give the appearance of sporadic development that would have a detrimental impact to the visual appearance of the surrounding area and also sets a precedent for other residents to encroach into the open area, cumulatively resulting in a significant loss of open space.

Policy ENV21 (Protection of formal and informal open space) aims to protect areas of open space from unsuitable development, it has not been demonstrated that there is a locational justification for this development.

The proposal is contrary to council Policies DES 1 (Design principles) and ENV 21 as it would result in unsuitable development of open space and therefore is recommended for refusal.

Development Management

List of Delegated Decisions - 28th August 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.:	0377/H/20	Recommendation:	Grant Planning Permission
Proposal:	Erection of a 1.8m high boundary fence		
Address:	175 Maryfield Park, Mid Calder, Livingston, West Lothian, EH53 0SD (Grid Ref: 306992,666792)		
Applicant:	Mr John Schmidt	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Rachael Lyall
<u>Summary of Representations</u> One objection - - Distance between fence and off-street parking spaces.			
<u>Officers report</u> This planning application proposes the erection of a boundary fence to the front and side of the property located at 175 Maryfield Park, Mid Calder. The proposed fence is to be located along the side boundary towards the front of the property and is to enclose a section of the front garden area. Currently, there is an existing fence measuring 2m high which is located to the side of the house. The proposed works look to extend this area of fence further along the side of the property in order to enclose off the rear garden area from the front garden area. A 1m fence is also proposed to be erected to the front of the property which looks to enclose a small area of the front garden ground and seclude the landscaped area from the existing driveway. The proposal has since been revised in which the existing hedge which was previously proposed to be removed, is to now be trimmed back and retained. The fence is to now be located on the inside of the hedge on the applicant's side of the boundary in which the hedge will now remain in situ between the proposed fence and public footpath. By trimming back the hedge, this allows for the hedge to be retained as much as possible but still allows the applicant the garden space that is required. This proposal is of an acceptable scale which adheres to West Lothian Council's Local Development Plan's Design Principles (DES 1) Policy and follows the appropriate guidance given in the House Extension and Alteration Design Guide. It is recommended that this application is granted planning			

Ref. No.:	0497/FUL/20	Recommendation:	Refuse Permission
Proposal:	Alteration and conversion of steading and horse mill to form 4 houses, renovation of farmhouse and erection of 4 new build houses with associated works		
Address:	Burghmuir Farm, Linlithgow, West Lothian, EH49 7LS, (Grid Ref: 302189,678002)		
Applicant:	Mr Robin Braes Burnshot Developments Ltd.	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Matthew Watson

Summary of Representations

One objection from Linlithgow and Linlithgow Bridge Community Council:

- The proposal as submitted, is out of scale and proportion to the existing farm and steading and would overwhelm and compromise the historic integrity and heritage value of the site in its countryside setting.
- In terms of massing, design and detailing, it is considered that the proposals do not reflect the traditional character of the farm steading nor demonstrate the highest standards in design and environmental quality
- The additional floor to the long low outbuilding on the eastern boundary (Plots 2, 3 and 4) overwhelms the modest proportions of the existing building which with the timber cladding and modern window design changes completely the vision of the site
- The use of timber boundary fencing is inappropriate and does not reflect the historic context of the steading
- The site is located on a particularly fast stretch of the A803 and requires careful design of access and egress. The implied turn left only when leaving the site is impractical
- Important that all trees and hedgerows be retained and protected. Any new planting should be of native species
- The use of air source heat pumps in a confined courtyard development is inappropriate due to the inevitable noise reverberating

Officers report

The application proposes the alteration and conversion of steading and horse mill to form 4 houses, renovation of farmhouse and erection of 4 new build houses with associated works at Burghmuir Farm to the east of Linlithgow. The farmhouse, steading and horse mill are C listed.

The raising of the steading roof is not acceptable due to this having a detrimental impact on the special character of it as a listed building. In addition, traditional materials are not used for window and door openings. This is contrary to Policy ENV 28 of the LDP and the provisions of the Supplementary Guidance on Development in the Countryside, which state the raising of roofs will only be considered in exceptional circumstances and traditional materials should be used in conversions of buildings of architectural merit. It is also unclear whether the listed arch is being removed or being incorporated into the conversion of the horse mill.

The amount of new build development is not justified or acceptable in planning terms. The remains of the roofless and ruinous stone and brick buildings on site are not significantly visually or environmentally intrusive. The design of the new build houses do not integrate with their context. In addition, there are two new build plots proposed at the west and north west corner of the site that are not justified in planning terms. The house at plot 9 will involve the loss of three mature trees that have significant amenity value. The loss of these trees is not acceptable without a tree survey justifying loss on grounds of

poor tree health. Moreover, no confidential financial appraisal has been submitted that justifies the level of new build has been submitted. The level of new build, and the proposed design of the new build, will have a detrimental impact on the setting of listed buildings.

In summary, the application will have a detrimental impact on the special character of listed buildings on the site, and their setting, and the level of new build development is unjustified. The proposal is contrary to policies ENV 2 (Housing Development in the Countryside), ENV 28 (Listed Buildings) and DES 1 (Design principles) of the West Lothian Local Development Plan, 2018 and the Supplementary Guidance on Development in the Countryside.

Consequently, and in view of the above, it is recommended planning permission is refused.

Ref. No.:	0498/LBC/20	Recommendation:	Refuse Listed Building Consent
Proposal:	Listed building consent for the renovation of farmhouse, horse mill and associated structures, including alterations and partial demolition, to form houses		
Address:	Burghmuir Farm, Linlithgow, West Lothian, EH49 7LS, (Grid Ref: 302189,678002)		
Applicant:	Mr Robin Braes Burnshot Developments Ltd.	Type:	Other
Ward:	Linlithgow	Case Officer:	Matthew Watson

Summary of Representations

No representations received.

Officers report

The application seeks listed building consent for the renovation of farmhouse, horse mill and associated structures, including alterations and partial demolition, to form houses at Burghmuir Farm to the east of Linlithgow. The farmhouse, steading and horse mill are C listed.

The raising of the steading roof is not acceptable due to this having a detrimental impact on the special character of it as a listed building. In addition, traditional materials are not used for window and door openings. This is contrary to Policy ENV 28 of the LDP and the provisions of the Supplementary Guidance on Development in the Countryside, which state the raising of roofs will only be considered in exceptional circumstances and traditional materials should be used in conversions of buildings of architectural merit. It is also unclear whether the listed arch is being removed or being incorporated into the conversion of the horse mill. Moreover, the level of new build, and the proposed design of the new build, will have a detrimental impact on the setting of listed buildings.

In summary, the application will have a detrimental impact on the special character of listed buildings on the site, and their setting, and the level of new build development is unjustified. The proposal is contrary to policy ENV 28 (Listed Buildings) of the West Lothian Local Development Plan, 2018.

Consequently, and in view of the above, it is recommended listed building consent is refused.

Development Management

List of Delegated Decisions - 4th September 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.:	0206/MSC/20	Recommendation:	Grant Matters Specified in Conditions
Proposal:	Approval of matters specified in conditions of planning permission 0555/FUL/14 for 2 retail/commercial buildings for use classes 1, 2, 3, 4 & Sui Generis hot food takeaway with access, landscpaing and associated infrastructure		
Address:	Land North Of Rigghouse View, Heartlands, Whitburn, West Lothian (Grid Ref: 293307,664650)		
Applicant:	O'Brien Properties Ltd	Type:	Other - MSC for Major App
Ward:	Whitburn & Blackburn	Case Officer:	Mahlon Fautua

Summary of Representations

3 Objections

- Residential amenity (Noise, privacy, smells)
- Traffic generation/Traffic safety
- Visual impact
- Hazardous materials
- Loss of greenspace/Landscaping

Officers report

The principle of the proposed development is supported by the Heartlands outline planning permission. The approved global schematic masterplan identifies the site as being a village hub. The proposed uses (Use classes 1, 2, 3, 4 & Sui Generis) are acceptable in principle.

The applicant has satisfactorily demonstrated that the site can be safely developed in terms of traffic impact, ground contamination and drainage.

The site is adjacent to residential properties and any impact on residential amenity is expected to be mitigated through conditions of consent.

Therefore, it is recommended that the application be approved.

Ref. No.:	0513/H/20	Recommendation:	Refuse Permission
Proposal:	Erection of a 1.8m high timber fence to front of house (in retrospect)		
Address:	47 Riccarton Road, Linlithgow, West Lothian, EH49 6HX, (Grid Ref: 300043,676246)		
Applicant:	Mrs Mary Ambrose	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Rachael Lyall

Summary of Representations

Two objections -
- Fence not in keeping with surrounding area

Officers report

This planning application retrospectively proposes the erection of a 1.8m high fence at 47 Riccarton Road, Linlithgow.

The existing fence has been erected beyond the principal elevation of the existing house.

A previous application (0976/H/19) was submitted for the erection of a side extension. The plans also demonstrated that a section of an existing hedge on the side (eastern) boundary was to be removed and replaced with a fence, however the fence has now been erected along the side and front boundary which was not shown in the previously approved application.

West Lothian Council's House Extension and Alteration Design Guides advises that fences should not exceed 1m in height when erected within a front garden. The proposed fence does not integrate with the streetscene where no other neighbouring properties within the street feature a fence of this height. In addition, the loss of greenery has had a detrimental effect on the visual amenity of the existing and neighbouring properties.

This proposal is therefore contrary to West Lothian Local Development Plan, Policy DES1 (Design Principles) and the guidance given in the House Extension and Alteration Design Guidelines, 2015. It is recommended that the application is refused planning permission.

Ref. No.:	0523/H/20	Recommendation:	Refuse Permission
Proposal:	Erection of garage		
Address:	24 Baird Road, Armadale, West Lothian, EH48 3NS, (Grid Ref: 293845,669306)		
Applicant:	Mr Marcin Staworzynski	Type:	Local Application
Ward:	Armadale & Blackridge	Case Officer:	Rachael Lyall

Summary of Representations

N/A

Officers report

This planning application proposes the erection of a garage at the property 24 Baird Road, Armadale.

The proposed garage is to be erected within the front garden space of the existing property. West Lothian Council's House Extension and Alteration Design Guidelines state that developments should not extend beyond the principal elevation of the existing house and that the design and location of a proposed garage should be in harmony with the existing dwelling. Garages should typically be located either at the side or rear of a house.

The location of the proposed garage is contrary to guidance and will result in the proposed works appearing prominent within the street scene, specifically as the existing house is located within a corner plot. There are several garages within the area, however, none of the style or layout, therefore the proposed garage will not integrate with the surrounding developments and will have a detrimental effect on the visual amenity of the street.

This proposal is contrary to West Lothian Local Development Plan, Policy DES1 (Design Principles) and does not follow the appropriate guidance given in the House Extension and Alteration Design Guidelines. It is recommended that this application is refused planning permission.

Ref. No.:	0524/FUL/20	Recommendation:	Grant Planning Permission
Proposal:	Change of use from open space to allotment with associated boundary fence and structures (in retrospect)		
Address:	Land North Of 7 Ladeside Gardens, Blackburn, West Lothian, EH47 7JD (Grid Ref: 297993,665706)		
Applicant:	Mr Gerry McGlandigran	Type:	Local Application
Ward:	Whitburn & Blackburn	Case Officer:	Kirsty Hope

Summary of Representations

2 objections:

- Loss of amenity resulting from the proposal.
- Access and parking concerns with loss of visitor parking spaces.
- Contributions towards the upkeep/maintenance of private road.
- Concerns regarding noise.

Officers report

This application proposes a change of use from open space to an allotment with associated boundary fence and structures (in retrospect). The area is enclosed by a 1.8m height fence and had a chain and padlock to secure the site. The proposal includes the erection of a shed which measures 5m by 3m in footprint and is no more than 4m in height. There is also a polytunnel proposed that measures 4m by 2m and 1.9m in height with 3 raised flower beds and two beehives.

The proposed allotment is for private use by a family that resides close to the site. The remainder of the site shall remain as existing with an improved pathway along the boundary that can be used by neighbouring residents. Parking will be located at the neighbouring properties home address or on street nearby. This site is not intended for vehicles and is accessed via a gated entrance onto Ladeside Gardens.

The site had no meaningful open space value in its previous condition, being unused and not maintained, and didn't contribute positively to the surrounding residential area.

This proposal enhances the area and does not adversely impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity. WLC Roads and Transportation has no objection to the proposal.

The proposal is considered to be acceptable and it is therefore recommended that planning permission is granted.

Ref. No.:	0545/FUL/20	Recommendation:	Grant Planning Permission
Proposal:	Change of use from leisure (class 11) to non-residential education use (class 10)		
Address:	Beech House, Quarrywood Court, Kirkton, Livingston, West Lothian (Grid Ref: 304574,667355)		
Applicant:	Ashwood Scotland Ltd	Type:	Local Application
Ward:	Livingston South	Case Officer:	Matthew Watson

Summary of Representations

One objection:

- Parking provision
- Road safety

Officers report

The application proposes a change of use from a Class 11 e-sports centre to a Class 10 educational establishment. The application site is located within a designated employment area in the West Lothian Local Development Plan, 2018 where Policy EMP 1 (Safeguarding and developing existing employment land) is the key policy against which the proposal requires to be assessed.

The building in question is already in a non-employment use, therefore, EMP 1 (e) does not apply to the assessment of the application.

The building has been marketed since 31 January 2020 with the applicant being the only interest in leasing the building. Given that marketing has taken place for seven months, and the unit is already in a non-employment use, the application demonstrates marketing over a sustained period with no interest for employment uses. On balance, the proposal complies with EMP 1 (f).

One representation has raised concern about traffic and road safety. The council's Roads and Transportation service has raised no objection to the application on these grounds. The site is located within reasonable walking distance to public transport on Kirkton North Road. The proposal will not cause an unacceptable traffic impact or restrict the range of lawful uses that can operate nearby. The application complies with EMP 1 (g) and (i).

The proposal is already in a non-employment use and will therefore not fragment an existing employment area. The proposal complies with EMP 1 (h).

In summary, the proposed use is acceptable in this location. In view of the above, it is recommended that planning permission is granted, subject to conditions.