



# Development Management

List of Delegated Decisions - 15th January 2021

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](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	1084/FUL/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Change of use from open space to private garden ground and erection of a fence (in retrospect)		
<b>Address:</b>	8 Cannop Crescent, Stoneyburn, West Lothian, EH47 8EF, (Grid Ref: 296753,662144)		
<b>Applicant:</b>	Mrs Lynn Orme	<b>Type:</b>	Local Application
<b>Ward:</b>	Fauldhouse & The Breich Valley	<b>Case Officer:</b>	Kirsty Hope

## **Summary of Representations**

### Objections

- Loss of open space
- Presence of Japanese knotweed if not treated professionally it will spread to neighbouring gardens.
- Land is contaminated as stated by Coal Board
- Loss of parking for residents and preventing access to rear parking area and garage
- Existing court case pending regarding access rights by neighbouring properties.
- Unable to maintain conifers or remove garden outbuildings given the closed access.

### Support

- Applicant has cleared the application site over a number of years.
- Neighbouring properties use the front driveways for parking.
- No Japanese knotweed present on site or in the applicant's garden.

## **Officers report**

The proposal is for the change of use from open space to private garden ground and erection of a fence (in retrospect), the site is located west of 8 Cannop Crescent, Stoneyburn and is accessed via a track alongside number 10 Cannop Crescent.

The site is approximately 208sqm in area and has been divided by the erection of a 1.8m fence. The site historically has been overgrown and the applicant wishes to change the use of the land to garden ground. The proposal would enhance the appearance of an overgrown site that is surrounded by residential properties.

The application site has no recreational/ecological value and has limited visual amenity given its location. The agent has confirmed that no Japanese knotweed was present on site and if found this will be treated accordingly.

Roads & Transportation has no objection to the proposal.

The proposal is acceptable given that it is in accordance with both policy DES1 - (Design Principles) and policy ENV21 (Protection of formal and informal open space) of the local development plan.

It is recommended that planning permission be granted.

<b>Ref. No.:</b>	1085/H/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Extension to house		
<b>Address:</b>	6 Sutherland Crescent, Bathgate, West Lothian, EH48 1EB, (Grid Ref: 297912,668456)		
<b>Applicant:</b>	Mr L Pringle & Miss S Beaton	<b>Type:</b>	Local Application
<b>Ward:</b>	Bathgate	<b>Case Officer:</b>	Rachael Lyall
<p><b><u>Summary of Representations</u></b></p> <p>One objection - - Impact on privacy as a result of dormer extension.</p>			
<p><b><u>Officers report</u></b></p> <p>This application proposes an extension and the formation of a dormer window on the property at 6 Sutherland Crescent, Bathgate.</p> <p>The proposed works have been revised and reduced in width to the rear, in order to slightly reduce the overall footprint in the rear garden and move it further away from the northern neighbouring boundary.</p> <p>The proposed extension will now measure 6.140m x 5.820m to the rear and 1.820m x 6.000m (internal dimension) on the northern (side) elevation. The proposed works will measure 3.050m in overall height to the eaves of the flat roof. The proposed extension will feature two windows within the side elevation which will overlook the applicants' own driveway and the northern boundary, which is sufficiently screened with hedging, greenery and a neighbouring garage. In addition, the neighbouring property to the north sits on a slightly higher level and therefore the proposed side windows will not directly overlook any neighbouring property to a significant extent or any more than is caused by the current side windows. Sliding patio doors are to be installed within the rear elevation of the extension which will open out onto and overlook the applicants' rear garden area.</p> <p>The application also proposes the formation of a rear dormer which is to consist of a flat roof and will overlook the applicants' rear garage and garden area. The neighbouring property to the rear sits on a much higher ground level and the garden is again screened with heavy greenery which provides sufficient screening from the dormer extension. It is to be noted that there is sufficient distance between the proposed dormer windows and the windows of the neighbouring property and the proposed dormer adheres to guidance and is set back from the ridgeline, eaves, gable end and does not dominate the roof space of the existing property.</p> <p>The materials proposed for both the extension and dormer are to match those of the existing property.</p> <p>Although the works are of a larger scale, they have been revised slightly and will still allow for sufficient usable garden ground. In addition, the proposed works will not overshadow or overlook any neighbouring property to a significant extent. The works will still allow for suitable off-street parking and will appear subsidiary to the existing property. The proposed works will only be slightly visible from the main street but will not be detrimental to either the visual or residential amenity.</p>			

Meeting Date - 17 February 2021  
Item No. 8

This proposal adheres to West Lothian Local Development Plan DES 1 (Design Principles) Policy and follows the appropriate guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted planning permission.

<b>Ref. No.:</b>	1122/H/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Extension to house		
<b>Address:</b>	35 Tippet Knowes Park, Winchburgh, West Lothian, EH52 6UR, (Grid Ref: 308345,675045)		
<b>Applicant:</b>	Mrs Frances Wilson	<b>Type:</b>	Local Application
<b>Ward:</b>	Broxburn, Uphall & Winchburgh	<b>Case Officer:</b>	Rachael Lyall
<p><b><u>Summary of Representations</u></b></p> <p>Two objections - - Impact on boundary hedge.</p>			
<p><b><u>Officers report</u></b></p> <p>This planning application proposes a single storey rear extension onto the property located at 35 Tippet Knowes Park, Winchburgh.</p> <p>The proposed extension is to measure 5.20m x 6.50m and will measure 5.20m in overall height. The works will also feature a vestibule which protrudes from the side elevation of the rear extension by 1.43m and is to measure 3.63m in overall height. The proposed extension will feature a window on the side elevation, which will not directly overlook any neighbouring property due to being a high-level window, and sliding patio doors on the rear elevation which will open out onto a small decking and will overlook the applicant's rear garden area.</p> <p>The materials proposed for the works are to match those of the existing property.</p> <p>The objection comment raises concerns with the existing boundary hedge being removed. The objection comment states that if the hedge should be removed, a new boundary fence should be considered in place. A condition will be attached to the decision notice stating that boundary details will be agreed and submitted to the planning authority for approval should the hedge be removed to ensure residential amenity is retained.</p> <p>The proposed works are of an acceptable scale which will not directly overlook or overshadow any neighbouring property to a significant extent. The proposed works will appear subsidiary to the existing property and will not be detrimental to either the visual or residential amenity.</p> <p>This proposal adheres to West Lothian Local Development Plan DES 1 (Design Principles) Policy and follows the appropriate guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted planning permission.</p>			





# Development Management

List of Delegated Decisions - 22nd January 2021

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](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	0902/H/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Formation of 3 dormers, installation of garage doors, external raised terrace and erection of 3m high boundary walls (as amended)		
<b>Address:</b>	Winnock, Burnside Road, Bathgate, West Lothian, EH48 4PX (Grid Ref: 296983,669243)		
<b>Applicant:</b>	Mr & Mrs S Anderson	<b>Type:</b>	Local Application
<b>Ward:</b>	Bathgate	<b>Case Officer:</b>	Kirsty Hope

## Summary of Representations

Three letters of objection -

- o Privacy concerns
- o Right of access concerns
- o Neighbours do not agree to any construction on the north boundary wall - including the garage door proposed.
- o Neighbouring annex is not included in the plans
- o Ongoing court action regarding boundary dispute
- o Detrimental impact on neighbouring properties' amenity
- o Boundary outline is inaccurate

## Officers report

This application seeks planning permission for the formation of 3 dormer extensions (two located on the front and one located on the rear roof plane), the installation of garage doors, as well as an external raised terrace and erection of a 3 metre high boundary wall. A second boundary wall, running north-south along the driveway, has been deleted from the proposals.

### Design and Materials

The proposed dormer extensions are proportionate to the existing roof plane as they do not dominate the existing property in terms of scale and appearance. They are mostly glazed in appearance and the proportions of the windows are similar in scale to the existing house.

The proposed raised terrace is sympathetic to the existing dwelling and appears to be mainly glazed. Whilst it is noted that the external materials are not

annotated on the submitted plans this shall be conditioned to ensure the materials match the existing dwelling where possible.

The proposed 3m boundary wall would continue an existing wall on the boundary that is attached to the existing dwelling and is considered appropriate in scale and design. The plans were revised to omit details of an additional boundary wall along the driveway.

The proposed garage doors replace an existing window on the front elevation and one of the garage doors is proposed on the existing gable elevation. The garage doors would be permitted development and this part of the development could be carried out without the benefit of planning permission.

#### Privacy and Overlooking

The neighbouring property Burnside Cottage has no windows currently on the existing garage nor on the rear elevation that can be seen before the boundary enclosure. However there have been planning applications approved that install windows on the rear elevation of Burnside Cottage, as well as convert the garage to a habitable space and for this reason the agent has submitted a plan indicating the distances and angles to these window openings to ensure the development does not cause any privacy/overlooking concerns.

The proposed plans demonstrate that the dormer extension windows comply with the guidance set out on page 4 of the Planning Guidance - House Extension and Alterations Design Guide, 2020 on distance to habitable windows.

Whilst the raised terrace is in an elevated position it does not directly overlook any neighbouring properties given its orientation and distance to neighbouring properties.

Therefore, there are no privacy or overlooking concerns with regards to the proposals.

#### Sunlight/Daylighting and Overshadowing

The proposals will not cause any significant loss of sunlight/daylight. The proposed dormer extensions are set well within the existing roof plane and the ridge height is not exceeded. The terrace will not cause any overshadowing issues.

#### Garden Ground/Amenity

The private garden ground for this proposal will remain as existing with the additional outdoor amenity space being created by the proposed raised terrace.

#### Parking

Parking will remain unaffected by the proposals.

#### Conclusion

This proposal, as amended, complies with policy DES 1 (Design Principles) within the West Lothian Local Development Plan, 2018 as well as complies with the appropriate guidance within guidance in the House Extension and Alteration Design Guide, 2020.

It is therefore recommended that this application is granted planning permission.



<b>Ref. No.:</b>	0938/P/20	<b>Recommendation:</b>	Refuse Planning Permission in Principle
<b>Proposal:</b>	Planning permission in principle for the erection of a house		
<b>Address:</b>	17 Northwood Park, Deans, Livingston, West Lothian, EH54 8BD (Grid Ref: 302344,669549)		
<b>Applicant:</b>	Mr Jim Shields	<b>Type:</b>	Local Application
<b>Ward:</b>	Livingston North	<b>Case Officer:</b>	Matthew Watson

### **Summary of Representations**

Fourteen objections received:

- Overdevelopment of the area
- Traffic impact
- Loss of privacy
- Precedent

### **Officers report**

The application seeks planning permission in principle for the erection of a house and the division of a plot at 17 Northwood Park, Livingston.

Policy HOU 3 (Infill/Windfall Housing Development within Settlements) criterion (a) of the West Lothian Local Development Plan (LDP) states development should be in keeping with the character of the settlement and local area. Policy DES 1 (Design principles) of the LDP states "All development proposals will require to take account of and be integrated with the local context and built form".

The application is in a backland location by virtue of being located to side of the existing property with access taken off a shared driveway. Plots at the north west end of Northwood Park have been purposely laid out so they are larger plots with a bigger garden area. The proposal would result in a break from that spatial character. Furthermore, the division of plots with a shared access is not part of the spatial character of the area. Backland development is not part of the character of the area, nor is the division of plots with a shared access. The split of larger plots at the north west end of Northwood Park would be unacceptable break from the spatial character of the area. The proposal is therefore contrary to policies HOU 3 and DES 1 of the LDP.

The council's Environmental Health service has stated that a noise assessment is required to be submitted due to the impact of road noise from the M8. This assessment has not been submitted. In the absence of a noise assessment, the proposal is contrary to Policy EMG 5 (Noise) of the LDP.

The council's Flood Risk Management team has recommended that the applicant carry out a high level flood risk assessment due to potential for surface water flooding at the site. This assessment has not been submitted. In the absence of this information, the proposal is contrary to Policy EMG 2 (Flooding) of the LDP.

Overall, and in view of the above, the proposal is contrary to the policies and provisions of the development plan and it is recommended that planning permission in principle is refused.

<b>Ref. No.:</b>	1110/H/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Extension to house (including fence works)		
<b>Address:</b>	33 Alder Walk, Calderwood, East Calder, West Lothian, EH53 0FF (Grid Ref: 309017,668318)		
<b>Applicant:</b>	Mr C Wardman	<b>Type:</b>	Local Application
<b>Ward:</b>	East Livingston & East Calder	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

5 objections:

- Overdevelopment,
- Usable garden ground/landscaping following works,
- Error in plans regarding existing external office,
- Impact on character of surrounding area,
- Impact on privacy/overlooking,
- Impact on visual amenity,
- Increase of hard landscaping.

### **Officers report**

The proposed works propose to erect a rear extension and form a dormer window at the property 33 Alder Walk, Calderwood.

The proposed extension is to replace an existing rear extension which is to be demolished. The proposed replacement extension will extend the full length of the rear elevation and will measure 3.219m in overall height to the ridgeline of the proposed mono pitch roof. Part of the extension is to also consist of a flat roof measuring 2.670m in height. The extension will feature fixed windows and sliding patio doors on the rear elevations which will open out onto and overlook the applicant's rear garden area which is sufficiently screened with fencing.

The external wall materials proposed for the extension are to be a vertical timber and zinc cladding.

The works also look to install velux rooflights within the roof space and form a dormer extension measuring 3.927m on the rear elevation. The dormer will feature two windows and vertical cladding. The dormer window will overlook the rear garden and a large green space located to the rear of the site and will not directly overlook any neighbouring property.

The objection comments raise concerns regarding additional height which has been added to the existing boundary fence and about the erection of an outbuilding. The dimensions and models provided by the agent demonstrate that the outbuilding is classed as permitted development. However, the additional height added to the fence does require planning permission where located to the front of the property or where it exceeds 2m in height to the rear of the property.

The fence measures 2.150m and 1.900m to the side of the house and 2m at the rear of the property in which the additional height will not result in any significant overshadowing, will not be detrimental to the residential amenity and the additional height integrates with the existing fence.

The proposed extension is of an acceptable scale which will appear subsidiary to the existing property and will not overlook or overshadow any more than the existing rear extension which is to be taken down. The works will still allow for sufficient usable garden ground. The additional works, raised within the objection comments have also been considered as part of the application and the additional height of the fence has been assessed alongside the works proposed for the extension and dormer window.

This proposal adheres to West Lothian Local Development Plan DES 1 (Design Principles) Policy and follows the appropriate guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted planning permission.

<b>Ref. No.:</b>	1130/FUL/20	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Erection of garage with upper floor hobby accommodation		
<b>Address:</b>	Land At Gowanbank, Westfield, West Lothian, FK1 2JY (Grid Ref: 291613,671190)		
<b>Applicant:</b>	Mr Andrew Provan	<b>Type:</b>	Local Application
<b>Ward:</b>	Armadale & Blackridge	<b>Case Officer:</b>	Kirsty Hope

### **Summary of Representations**

Two objections were received –

- Gowanbank is Listed, Category A - the proposal should be refused on the grounds of application 0717/H/08 0912/FUL/09 & 0911/LBC/09.
- Access to the proposed outbuilding - suffers from flooding and increased traffic would worsen this regarding maintenance.
- Property burden states no additional buildings may be erected within the feu - no building has been at this site.
- Concerns regarding the end use as a hobby - no details of what this entails.
- Concerns with the height, scale and dominance which would be seen from the site and main road.
- Ground works have taken place and a neighbouring tree was removed.
- Will Historic Scotland be consulted on the proposals?
- Concerns regarding privacy from the proposed velux windows
- Building could change at a future date to a dwelling or business use.
- Upgrade of sewage system would be required and it would need to change to a commercial system - would notice be given to other landowners.

### **Officers report**

The site is located south of Gowanbank, which consists of a cluster of category A listed buildings and is within the countryside. The proposed development is for a one and half storey building to be used as a domestic garage on the ground floor with hobby accommodation on the upper floor. The applicant states that the garage would be used to store plant and equipment to maintain the woodland and ditches nearby and also for storage of cars.

The proposed building measures 17m in length by 8m wide with a ridge height of 7.2m and eaves height of 3.3m. The site would be accessed by a track that leads to Gowanbank. The proposed external materials of the building consist of natural coursed stone walls, slate roof, cast iron gutters with timber soffits and oak windows.

The site historically had temporary permission for a cabin and historic photographs provided by the applicant show part of a wall in this location. No building has occupied this site for many years. The site has been cleared by the applicant. It is not considered that the existing site detracts from the visual and environmental amenity of the surrounding area.

The proposed building has the scale and design characteristics of a house rather than an ancillary functional garage. The scale and design are similar to the existing houses at Gowanbank and the garage would be highly visible on the approach to these category A listed buildings. It is considered that there

is no justification for the scale and design of the proposed building given the rural location. The proposed building, by virtue of its position and design, would harm the setting of the category A listed buildings at Gowanbank.

Further, there are trees adjacent to the site and no assessment of impacts has been submitted. There are also no details of treatment and attenuation of surface water.

The proposal is contrary to the local development plan, specifically policies DES1 (Design principles), ENV3 (Development in the countryside), ENV9 (Woodlands and trees), ENV28 (Listed Buildings) and EMG3 (Sustainable Drainage).

It is thus recommended that planning permission be refused.



# Development Management

## List of Delegated Decisions - 29th January 2021

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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](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	0768/FUL/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Erection of 4 houses with associated access road and parking		
<b>Address:</b>	Land South Of 3 Burnvale, Broxburn, EH52 5PA, (Grid Ref: 305280,667171)		
<b>Applicant:</b>	Mr Les Campbell LBC Developments	<b>Type:</b>	Local Application
<b>Ward:</b>	Broxburn, Uphall & Winchburgh	<b>Case Officer:</b>	Steven McLaren
<b><u>Summary of Representations</u></b>  There have been 2 objections received: <ul style="list-style-type: none"> <li>- Increased traffic</li> <li>- Over development of Burnvale</li> <li>- Access to the site for delivery vehicles and for the removal of spoil</li> <li>- Road and pedestrian safety</li> </ul>			
<b><u>Officers report</u></b>  The proposal is for the construction of 4 houses, 2 detached and 2 semi-detached, on land at 3 Burnvale. The site is within the settlement envelope of Burnvale in the adopted LDP and there was a previous planning permission in principle for the construction of 3 houses. The principle of developing this land for housing is acceptable. The introduction of a 4th house by means of replacing a detached house with two semi-detached properties does not significantly alter the principle of developing the land for residential purposes and will not result in a significant increase in vehicle movements to and from the site.  The houses are of a bespoke design and have been amended to reduce their overall height, minimising the scale of the roof line as originally			

proposed. The houses will re-use the brick from the demolished outbuildings as part of the finishing material, giving a direct relationship with the previous use of the site and helping to integrate the development within the surrounding area. The scale and design of the houses are appropriate and do not give rise to loss of privacy or impact on the residential amenity of neighbours.

The objections raised relate increased traffic, the over development of the area, access to the site for construction vehicles and maintenance of the road. Access to the site is via a private access therefore maintenance responsibilities are a legal matter between the developer/new owners and exiting residents. Transportation has been consulted and has raised no traffic concerns over the development.

Access to the site for construction vehicles is a site management issue however, a planning condition can be used to ensure the condition of the road is inspected in advance of the works and to ensure the access is kept clear of mud and repaired as necessary.

The proposal accords with the policies and provisions of the development plan, including DES1 (Design principles) and HOU3 (Infill housing in settlements) of the adopted LDP.

Recommendation is therefore to grant planning permission subject to conditions.

<b>Ref. No.:</b>	1063/P/20	<b>Recommendation:</b>	Refuse Planning Permission in Principle
<b>Proposal:</b>	Planning permission in principle for the demolition of sheds and erection of a house with paddock		
<b>Address:</b>	Lincroft, Hillhead, Westfield, Falkirk, West Lothian (Grid Ref: 291375,672002)		
<b>Applicant:</b>	R H Young	<b>Type:</b>	Local Application
<b>Ward:</b>	Armadaale & Blackridge	<b>Case Officer:</b>	Kirsty Hope

#### **Summary of Representations**

None

#### **Officers report**

The development site is located out with the settlement boundary and is identified as being located within the countryside. The proposed site currently has two agricultural sheds which are surplus to requirements and the agent has advised are in a state of disrepair and need to be demolished.

The plans note that the proposed dwelling would be sited where one of the agricultural sheds is located with a shared access to the site from the existing driveway for Lincroft. The property would have a garden surrounding the property and a paddock area to the north.

Policy ENV 2 (Housing in the countryside) sets out the criteria of which a house in the countryside will be considered against. Whilst it is noted that the site is brownfield land in which agricultural buildings are currently present on the site, it has not been demonstrated that there is no prospect of the site being able to be used for agriculture or indeed for woodland use. Splitting the site into smaller plots doesn't necessarily mean the use of the land could not be used for these purposes and does not justify building a house on the site. Therefore, it is considered that the proposal does not meet any of the exception criteria set within in Policy ENV 2. The proposal also, for the same reason, fails to meet the terms of the council's approved Supplementary Guidance, Development in the Countryside, 2019.

The application site cannot be easily be accessed by public transport or sustainable transport modes, which in turn would discourage active travel which is contrary to policy DES 1 (Design Principles) and NRG 1 - Climate Change and Sustainability.

The applicant has not submitted a site investigation report to demonstrate that the site has no adverse contaminated land issues. The proposal is therefore contrary to Policy EMG 6 (Vacant, Derelict and Contaminated Land).

It is noted that a suitably worded condition with regards to policy NRG 1a (Low and Zero Carbon Generating Technology) could be applied if the



application was to be supported and the development complied with all other local plan policies and guidance.

Contributions for Education and Cemetery provision would be secured through legal agreement should permission be granted.

In view of the above assessment, the development is not justified and therefore it is recommended that the application is refused.

<b>Ref. No.:</b>	1064/P/20	<b>Recommendation:</b>	Refuse Planning Permission in Principle
<b>Proposal:</b>	Planning permission in principle for the erection of a house		
<b>Address:</b>	Lincroft, Hillhead, Westfield, West Lothian, FK1 2NL (Grid Ref: 291375,672002)		
<b>Applicant:</b>	R H Young	<b>Type:</b>	Local Application
<b>Ward:</b>	Armadaled & Blackridge	<b>Case Officer:</b>	Kirsty Hope

#### **Summary of Representations**

None

#### **Officers report**

The development site is located out with the settlement boundary and is identified as being located within the countryside. The proposed site currently has an agricultural shed of which is surplus to requirements and the agent has advised is in a state of disrepair and need to be demolished.

The plans note that the proposed dwelling would be sited east of the existing shed, on the former yard area with a shared access to the site from the existing driveway. The property would have a garden north of the proposed location of the dwelling.

Policy ENV 2 (Housing in the countryside) sets out the criteria of which a house in the countryside will be considered against. Whilst it is noted that the site is brownfield land in which agricultural buildings are currently present on the site, it has not been demonstrated that there is no prospect of the site being able to be used for agriculture or indeed for woodland use. Splitting the site into smaller plots doesn't necessarily mean the use of the land could not be used for these purposes and does not justify building a house on the site. Therefore, it is considered that the proposal does not meet any of the exception criteria set within in Policy ENV 2. The proposal also, for the same reason, fails to meet the terms of the council's approved Supplementary Guidance, Development in the Countryside, 2019.

The application site cannot be easily be accessed by public transport or sustainable transport modes, which in turn would discourage active travel which is contrary to policy DES 1 (Design Principles) and NRG 1 (Climate Change and Sustainability).

The applicant has not submitted a site investigation report to demonstrate that the site has no adverse contaminated land issues. The proposal is therefore contrary to Policy EMG 6 (Vacant, Derelict and Contaminated Land).

It is noted that a suitably worded condition with regards to policy NRG 1a (Low and Zero Carbon Generating Technology) could be applied if the application was to be supported and the development complied with all other local plan policies and guidance.

Contributions for Education and Cemetery provision would be secured through legal agreement should permission be granted.

In view of the above assessment, the development is not justified and therefore it is recommended that the application is refused.

<b>Ref. No.:</b>	1087/LBC/20	<b>Recommendation:</b>	Refuse Listed Building Consent
<b>Proposal:</b>	Listed building consent for the installation of retractable awning to shopfront and associated adjustments to existing shopfront signage		
<b>Address:</b>	47 High Street, Linlithgow, West Lothian, EH49 7ED, (Grid Ref: 300330,677110)		
<b>Applicant:</b>	Mr Steven Wilson Cafe Taste	<b>Type:</b>	Other
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Claire Johnston
<p><b><u>Summary of Representations</u></b></p> <p>No representations received</p>			
<p><b><u>Officers report</u></b></p> <p>The proposed development would see the introduction of an awning onto the principle elevation of a B listed building within the Linlithgow Palace and High Street conservation area which faces North.</p> <p>The erection of an awning as proposed would constitute visual clutter and would neither preserve nor enhance the appearance of the building or the conservation area and it is therefore contrary to local development plan policies ENV24 (Conservation Areas) and ENV28 (Listed Buildings) and guidance on shopfront alterations in conservation areas.</p> <p>The application is recommended for refusal.</p>			

<b>Ref. No.:</b>	1088/FUL/20	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Installation of retractable awning		
<b>Address:</b>	47 High Street, Linlithgow, West Lothian, EH49 7ED, (Grid Ref: 300330,677110)		
<b>Applicant:</b>	Mr Steven Wilson Cafe Taste	<b>Type:</b>	Local Application
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Claire Johnston
<b><u>Summary of Representations</u></b>			
1 representation received in support of application.			
<b><u>Officers report</u></b>			
<p>The proposed development would see the introduction of an awning onto the principle elevation of a B listed building within the Linlithgow Palace and High Street conservation area which faces North.</p> <p>The erection of an awning as proposed would constitute visual clutter and would neither preserve nor enhance the appearance of the building or the conservation area and it is therefore contrary to local development plan policies ENV24 (Conservation Areas) and DES1 (Design Principles) and guidance on shopfront alterations in conservation areas.</p> <p>The application is recommended for refusal.</p>			

<b>Ref. No.:</b>	1136/H/20	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	First floor extension to house with alterations to windows		
<b>Address:</b>	Mallards, Winchburgh, West Lothian, EH52 6PX, (Grid Ref: 307729,675050)		
<b>Applicant:</b>	Mrs Gina Finch	<b>Type:</b>	Local Application
<b>Ward:</b>	Broxburn, Uphall & Winchburgh	<b>Case Officer:</b>	Rachael Lyall

#### **Summary of Representations**

N/A

#### **Officers report**

This planning application proposes a first floor extension and alterations to existing windows at the property Mallards, Winchburgh.

The first floor extension is to be erected on the east side of the existing property and is to measure 7.780m x 8.215m and is to measure 6.151m in overall height from ground level to the ridgeline of the proposed roof. The ridgeline of the proposed extension is to sit higher than the ridgeline of the existing property.

West Lothian Council's House Extension and Alteration Design Guide states that "two storey side extensions in particular must be designed to be subsidiary in appearance to the main house. The ridge line of the extension should normally be lower than the ridge of the roof of the main house."

It was requested that the ridgeline was revised and reduced in height to sit below the existing ridgeline and in order for the works to appear subsidiary to the main house. However, the applicant wishes for the ridgeline height to remain as is.

This proposal is therefore contrary to guidance and the proposed works will not integrate with the existing property as a result of the ridgeline. It has been noted although that several properties in the area consist of varying ridge heights, the proposed ridgeline will result in an overall scale which will not appear subsidiary and will be detrimental to the visual amenity. If the proposed ridgeline was to appear uniform with the existing ridgeline of the property, the proposal would be acceptable.

The application is contrary to Policy DES 1 (Design Principles) in the adopted West Lothian Local Development Plan and the Council's House Extension and Alteration Design Guide 2020. Therefore, it is recommended that this application is refused planning permission.

<b>Ref. No.:</b>	1159/H/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Two storey side extension and single storey rear sun lounge extension to house		
<b>Address:</b>	154 Langton View, East Calder, West Lothian, EH53 0RD, (Grid Ref: 309078,666788)		
<b>Applicant:</b>	Mr P KILGOUR	<b>Type:</b>	Local Application
<b>Ward:</b>	East Livingston & East Calder	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

One objection -  
 - Concerns over position and height,  
 - Impact on natural light.

### **Officers report**

This planning application proposes a two storey side extension and a single storey rear extension at 154 Langton View, East Calder.

The proposed side extension is to measure 4.450m x 9.512m and will be 8.35m in overall height to the ridgeline of the proposed gable pitch roof, which is to sit level with the existing ridgeline of the property. The side extension is to feature a garage door and window on the front elevation and a window and a door on the rear elevation. The windows on the rear elevation will overlook the applicant's rear garden and a large open space to the rear. No neighbouring properties are situated to the rear of the site which will be overlooked.

The rear extension is to measure 3.000m x 5.125m and is to be 8.45m in overall height to the ridgeline of the mono pitch roof. The rear extension will feature patio doors in the rear elevation and a window in the side elevation which will overlook and open out onto the applicant's rear garden. The existing property sits forward of the neighbouring property located to the west, reducing any dominance on the boundary and any impact on overshadowing. The proposed rear extension will not overshadow any neighbouring property or garden to a significant extent and will extend right up to the neighbouring boundary, however it is to be noted that there is no legal prohibition to extending right up to your boundary.

The proposed site is screened with boundary fencing which will preserve neighbours' privacy.

The materials proposed for both the side and rear extensions are to match those of the existing property.

The proposed works are of an acceptable scale which will integrate with the existing property, will not overlook or overshadow any neighbouring property and will still allow for sufficient usable garden ground. The proposed works will not be detrimental to either the residential or visual amenity.

This proposal adheres to West Lothian Local Development Plan's DES 1 (Design Principles) Policy and follows the appropriate guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted planning permission.

<b>Ref. No.:</b>	1183/FUL/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Change of use from bookmakers (class 2) to cafe with hot food take away and erection of a flue		
<b>Address:</b>	18 Main Street, Deans, Livingston, West Lothian, EH54 8DF (Grid Ref: 302166,668553)		
<b>Applicant:</b>	Rhiannon Properties	<b>Type:</b>	Local Application
<b>Ward:</b>	Livingston North	<b>Case Officer:</b>	Alexander Calderwood

#### **Summary of Representations**

2 objections were received for this application.

The following list summarises the material planning issues raised (the full documents are contained in the application file):

- Implications for noise on nearby residential areas.
- Implications for odours on nearby residential areas.
- Implications for parking provision.

#### **Officers report**

This application seeks full planning permission for the change of use of a property from bookmakers to a cafe with hot food takeaway, and the erection of a flue. This involves a change of use from Class 2 (Financial, professional and other services) to Sui Generis (hot food takeaway). The site is located within the Deans Local Neighbourhood Centre.

West Lothian Local Development Plan 2018 (Relevant Policy)



#### Policy TCR1 - Town Centres

This policy states that proposals for retail will be supported in the sub regional centre and identified town centres where it can be demonstrated that the proposal is of the scale and type commensurate to the centre's role as set out in the network of centres. The application relates to a small scale retail proposal within an identified Local Neighbourhood Centre. It is of a scale which is characteristic of the area and fits the criteria of providing a local service. Therefore, the proposal complies with Policy TCR1.

#### Policy TCR2 - Town Centres First Sequential Approach

This policy states that new shopping facilities will be supported in local neighbourhood centres provided they do not undermine the vitality and viability of the sub-regional centre or any of the identified town centres. As previously established the application relates to a small scale retail proposal. Additionally, the application seeks permission for a hot food takeaway use. The combination of these two facts means that the development will not undermine the vitality and viability of the sub-regional centre (being Almondvale, Livingston) or any of the other identified town centres. Therefore, the policy complies with Policy TCR2.

#### Policy TCR3 - Commercial Entertainment and Hot Food Premises

This policy states that proposals for hot food shops in town or village centres, or in areas of predominantly non residential use, will be supported in principle. It must however be demonstrated that there will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours, and that parking and access requirement can be satisfied.

The site falls within the Deans Local Neighbourhood Centre, and so is acceptable in principle. A couple of letters of representation were received which raised material planning considerations relating to the proposal's implications for noise, odours and parking. Roads and Transportation were consulted and confirmed that they had no objections to the proposal. Additionally, Environmental Health and Trading Standards were consulted, and confirmed that they did not object to the proposal subject to conditions relating to noise and odour be attached to the decision notice which is issued. This confirms that the development is acceptable as long as the conditions are attached and complied with. The proposal complies with Policy TCR3.

#### Policy DES1 - Design Principles

This policy states that new development is accessible as long as there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity. The proposed flue is positioned on the rear roof pane and will be visible from the front elevation of the building above the ridge. It will not protrude any higher than the existing chimney pots, which are positioned at the gables of the building. Therefore, it will not have an overbearing presence on the existing building or the surrounding area and complies with Policy DES1.

The proposals therefore accord with the policies and provisions of the development plan and it is recommended that planning permission is granted.





DATA LABEL: OFFICIAL

## Development Management

List of Delegated Decisions - 5th February 2021

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](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	0548/FUL/20	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Change of use and extension to holiday chalet to form house, erection of free standing annex building (class 9), alterations to ground levels and construction of timber walk ways, stairs and railings (in retrospect)		
<b>Address:</b>	Hillwood House, 3 Craigs Lodges, Linlithgow, West Lothian, EH49 6QF (Grid Ref: 297927,675610)		
<b>Applicant:</b>	Mrs Hilary McNutt	<b>Type:</b>	Local Application
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Steven McLaren

### Summary of Representations

There have been no objections to this application.

### Officers report

Retrospective planning permission is sought for the change of use and extension of a holiday chalet to form house and associated garden ground, the erection of free-standing annexe building (which is being used as additional living accommodation) and alterations to ground levels, construction of timber walk ways, stairs and railings. The chalet was previously a modest 2 bedroom timber A-frame building forming part of a 10 unit holiday chalet park within a woodland setting to the west of Linlithgow.

The chalet was constructed in an elevated position on the side of a hill with an overhanging balcony and the applicant has utilised this change in level to build out and down from the ridge of the original building, maintaining the existing height of the chalet. The original building had a floor area of approximately 65sqm and this has been increased to approximately 155sqm over 2 floors with double height kitchen area. The annexe building is used as additional living accommodation and is some 51sqm in size. The physical alterations to the site are substantial and the new building when seen from the rear is an imposing structure.

The extension and the annexe building have both been completed in timber and despite the scale of the extension, it has been well executed. Had the alterations to the building and the annexe been submitted as an augmentation of the holiday park to accommodate larger families and to improve the quality of the accommodation then the works may have been considered acceptable as they fit within the context of the wooded area, subject to ensuring the privacy of the resident in the former manager's house was maintained.

Whilst the physical development could be considered appropriate within the setting of the chalet park, it is the change of use to residential and the overarching implication this would have for the remainder of the holiday park and other tourist accommodation. Planning permission in principle was granted for a 24 chalet holiday park in 1978. The concept of the development was for short term lets of up to 2 weeks during peak periods.

10 chalets were built under application 0831/FUL/92 and subsequent consents have been given to extend the chalet park, the most recent being 0573/FUL14 for 4 additional lodges, to be built adjacent to an earlier building, and a new manger's house. The current owner has intimated that the operation of the chalet business is a long term commitment. Whilst this current chalet has been sold, its change of use to a house would set an undesirable precedent, eroding the available tourist stock and reducing the number of chalets being managed from the approved new manager's house. The wider implications being that any tourist accommodation granted under council policies to encourage and support tourism in the countryside could simply become housing in the countryside.

There is no specific locational justification for the change of use of the site to residential. A separate planning application for the chalet extension and ancillary works should be submitted for consideration with the use remaining as short term tourist accommodation. The annexe should be removed from site and the ground reinstated, unless an application for its retention as tourist accommodation is submitted and approved.

The proposals are therefore contrary to policy ENV2 (housing development in the countryside) and Supplementary Guidance: Development in the Countryside, 2018 and recommendation is to refuse planning permission.

<b>Ref. No.:</b>	0910/FUL/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Permanent retention of temporary residential accomodation granted under planning permission 0687/FUL/16		
<b>Address:</b>	Northfield Farm,Fauldhouse, West Lothian, EH47 9AA, (Grid Ref: 294766,661955)		
<b>Applicant:</b>	Mr Kevin Sands Team Scotland Ltd	<b>Type:</b>	Local Application
<b>Ward:</b>	Fauldhouse & The Breich Valley	<b>Case Officer:</b>	Kirsty Hope

### **Summary of Representations**

Three representations were received for this application:-

- No commercial access rights to the site
- Maintenance of the road access
- Concerns with regards increased traffic
- Threatening behaviours from applicant
- Need for staff on site and accuracy of number of horses on site
- Previous application 0634/FUL/19 - Inaccuracies in application and wrong address

### **Officers report**

This proposal is for the permanent retention of residential accommodation which was previously granted temporary planning permission under 0687/FUL/16. The accomodation is a one and a half storey log cabin with access provided from an existing private track. It is required in connection with an equestrian business that is operated at Northfield.

Northfield Stables provides horse boarding, horse training, and riding instruction services. The applicant has advised that they plan to expand the business to take in 10-12 boarded horses, 2-3 horses in training, and 2-3 lesson horses. Lessons will be provided in western riding (reining, barrel racing, and western pleasure) and English riding (dressage, jumping, eventing, and English pleasure).

The applicant has demonstrated investment as well as evidence of the business operating for 3 years successfully. It is considered there is a rural justification for the residential acommodation to be permanent.

It is therefore recommended that planning permission be granted.

<b>Ref. No.:</b>	1029/FUL/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Siting of a portable cabin for gym accomodation (in retrospect)		
<b>Address:</b>	Personal Best Gym, Mcneil Crescent, Armadale, West Lothian, EH48 2FZ (Grid Ref: 294028,668871)		
<b>Applicant:</b>	Mr Michael Smith	<b>Type:</b>	Local Application
<b>Ward:</b>	Armadale & Blackridge	<b>Case Officer:</b>	Kirsty Hope
<p><b><u>Summary of Representations</u></b></p> <p>One letter of objection received:</p> <ul style="list-style-type: none"> <li>- Concerns about hours of operation and noise</li> <li>- Plastic coverings may attract vermin</li> <li>- Lack of social distancing (covid19)</li> </ul>			
<p><b><u>Officers report</u></b></p> <p>This retrospective proposal is for a portable building that measures 9.8m by 3m in footprint and 2.95m in height. The location of the portable building is due south of the existing building which is currently occupied as a gym. The portable building will be used for gym accommodation.</p> <p>The proposal is considered to be in accordance with policy DES1 of the LDP as it would have no adverse impact on adjacent housing or on the streetscape in terms of its scale and massing. There is no privacy or overshadowing concerns. Parking will remain unaltered.</p> <p>The proposal is therefore considered acceptable and is recommended that planning permission be granted.</p>			

