



## DEVELOPMENT MANAGEMENT COMMITTEE

### Report by Head of Planning, Economic Development and Regeneration

#### 1. DESCRIPTION

Change of use from public open ground to private garden and installation of a ramp at 9 Lyefield Place, Eliburn, EH54 6TL

#### 2. DETAILS

Reference no.	<a href="#">0278/FUL/21</a>	Owner of site	Mr Anthony Yates
Applicant	Mr Anthony Yates	Ward & local members	Livingston North  Councillor Alison Adamson  Councillor Dom McGuire  Councillor Robert De Bold  Councillor Andrew Miller
Case officer	Alexander Calderwood	Contact details	01506 280000  alexander.calderwood@westlothian.gov.uk

**Reason for referral to Development Management Committee:** Objection from Eliburn Community Council

#### 3. RECOMMENDATION

3.1 Grant Planning Permission

#### 4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 This application seeks full planning permission for the change of use of an area of land from public open space to private garden ground and the installation of a ramp. The applicant requires wheelchair access to their home at 9 Lyefield Place, they cannot access the property unaided without the ramp.
- 4.2 The area of land is approximately 150m<sup>2</sup> and lies directly adjacent to the rear of 9 Lyefield Place, to the east. It is bound by neighbouring private garden to the south and west. It is bound by a public footpath immediately to the north, with further neighbouring private garden ground beyond this. The land is public open space and has no other use.

- 4.3 The ramp is to be constructed of galvanised steel and will protrude from the rear elevation of 9 Lyefield Place by approximately 4.8 metres. Slabs will be laid at the end of the ramp to give a landing area which is level with the existing public path, which it will lead into.

### **History**

- 4.4 The site is part of a once larger strip of landscaping which ran between two housing developments. Although the larger area was originally planted, all the landscaping appears to have been removed some time prior to 2015. The houses immediately to the north have extended their garden ground in to this area of landscaping, having been granted planning consent in December 2015 (0466/FUL/15). In addition, it appears that the house immediately to the south has extended their garden ground, although there is no record of a planning application for this site.
- 4.5 The area of ground in question was previously enclosed within the garden ground without planning consent and brought to the attention of the enforcement team in July 2019. The owner at the time was advised that planning permission was required for the change of use and the erection of the fence. The fence was removed and the land returned to open space. The property, including the area of open space, was subsequently sold to the applicant.

## **5. REPRESENTATIONS**

- 5.1 The application was advertised in the local press and the comment period has expired.
- 5.2 No representations were received from members of the public. However, Eliburn Community Council lodged a formal objection. The community council objected on the basis that the change of use would lead to the unacceptable erosion of public open space. The full document is in the application file. The objection has been noted, please see the comments from the Neighbourhood and Environment Team below.

## **6. CONSULTATIONS**

- 6.1 This is a summary of the consultations received. The full documents are contained in the application file.

<b>Consultee</b>	<b>Objection</b>	<b>Comments</b>	<b>Planning Response</b>
Neighbourhood Environment Teams	No objection.	Confirmed that the area of land where the change of use is sought, is not considered a valuable piece of public space and would not require to be retained.	Noted.

Property Management	No objection	Confirmed that the area of land where the change of use is sought, is not council-owned.	Noted.
---------------------	--------------	--	--------

## 7. ASSESSMENT

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

Plan and Policy	Policy Summary	Assessment	Conform?
West Lothian Local Development Plan (LDP) (2018) Policy DES 1 Design Principles	This policy states that development proposals are required to integrate with the local context. Development proposals should have no significant adverse impact on adjacent buildings. Where appropriate proposals should include measures to enhance the environment and be of high quality in their design.	The change of use fits in with the context of the surrounding area which is characterised by residential development and generous areas of rear private garden ground. Additionally, the proposed ramp has no implications for the residential amenity of neighbouring properties.	Yes
Policy ENV21 Protection of informal and formal open space	This policy states that proposals which will result in the loss of open space will not be supported unless it can be demonstrated that: a. there is a specific locational justification for the development which outweighs the need to retain the open space; b. there is no significant adverse effect on the overall recreational amenity of the local area, taking	The area of land where the change of use is sought is unkempt and not actively used. The Neighbourhood Environment Team have confirmed that there is no need to retain to the open space. Its conversion into private garden ground provides an opportunity for it to be better maintained.  The change of use would not have a significant adverse effect, given that the land to the north has already	

	<p>account of the council's Open Space Strategy;</p> <p>c. the area is not of significant ecological value and disturbance and loss of trees, woodlands and wildlife habitats or green corridors is minimised;</p> <p>d. comparable open space or enhancement of existing open space can be provided and/or paid for by the developer at an appropriate alternative location where this will provide adequate and acceptable replacement for the open space lost as a result of the development; and</p> <p>e. connectivity within, and functionality of, the wider green network is not threatened and public access routes in or adjacent to the open space will be safeguarded.</p>	<p>been enclosed as private garden ground.</p> <p>The site is not of ecological value, and public access routes will not be compromised.</p>	
--	--	--	--

7.4 The relevant determining issues for this application are set out below:

### **Loss of open space**

7.5 The Neighbourhood Environment Team have confirmed that the area of public open space in question is of little value and that it does not require to be retained. The area is unkempt and not actively used. It's conversion into private garden ground could in turn, improve the environment.

7.6 Whilst there is generally a presumption against the loss of open space and the change of use to garden ground, the applicant has demonstrated a specific locational need. The resident of the property requires a ramped access to the property, which cannot be accommodated in the existing garden ground. Taking this into account, along with the planning history of the adjacent properties set out above, the loss of open space can be supported in this case.

### **Impact on residential amenity**

7.6 The proposed ramp is not of a scale which would have any adverse impact on neighbouring residential amenity. The fence will be stained to match the existing fences in the area. Given the nature and scale of the development it will not have a significant impact on amenity.

## **8. CONCLUSION AND RECOMMENDATION**

- 8.1 In summary, the application proposes the change of use of public open space to private garden ground, and the installation of a ramp. Whilst garden extensions such as this are normally resisted, the specific circumstances of this case allow for the application to be supported. Neither aspect of the proposal will have any significant implications for the surrounding area in terms of the character of the area, or the residential amenity of neighbours. The proposal therefore complies with Policy DES 1 (Design Principles) and ENV21 (Protection of Open Space) of the West Lothian Local Development Plan 2018.
- 8.2 In view of the above, it is recommended that planning permission is granted

## **9. BACKGROUND REFERENCES & ATTACHMENTS**

- Draft Conditions
- Location Plan
- Aerial Plan
- Ramp Specifications
- Eliburn Community Council Objection

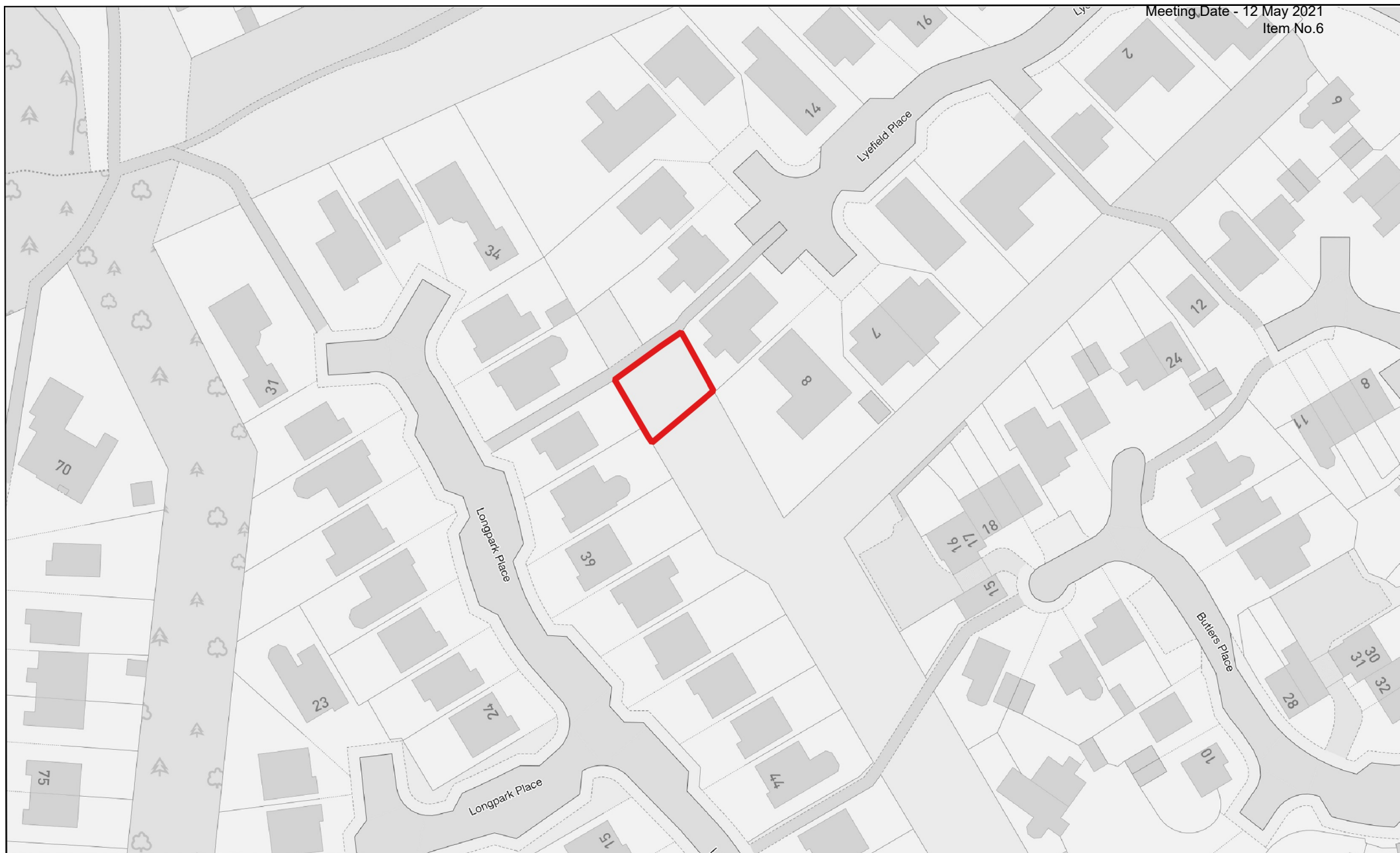
Craig McCorriston

**Head of Planning, Economic Development and Regeneration      Date: 12th May 2021**

**Draft conditions for 0278/FUL/21**

- The fence to be erected around the boundary of the new private garden ground will be 1.8 metres in height and will be stained to match the existing fences in the area.

Reason: In the interests of visual amenity.









# Comments for Planning Application 0278/FUL/21

## Application Summary

Application Number: 0278/FUL/21

Address: 9 Lyefield Place Eliburn Livingston West Lothian EH54 6TL

Proposal: Change of use from public open space to garden ground, erection of fence and installation of a ramp and platforms

Case Officer: Alexander Calderwood

## Customer Details

Name: Mr Stephen Egan

Address: 69 Aller Place Eliburn Livingston EH54 6RG

## Comment Details

Commenter Type: Parish Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: On behalf of Eliburn Community Council I would like to object to this current application. The Community Council are against the erosion of our public open space. Nevertheless, we acknowledge that the need for accessibility can be of overriding importance. The documents currently associated with this application do not show the scale of the proposed ramp (i.e. 3.3m x 2.5m) against the area (currently unstated) of public open space proposed to be lost. In the 1st instance we would like to see plans showing the proposed ramp in scale to the area of public open space being subject to this application.