



## DEVELOPMENT MANAGEMENT COMMITTEE

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

#### 1 DESCRIPTION

- 1.1 Erection of house at land at Ballencrieff Mill, Bathgate.

#### 2 DETAILS

<b>Reference no.</b>	<a href="#">0384/FUL/21</a>	<b>Owner of site</b>	Mr & Mrs C Hardie
<b>Applicant</b>	Mr & Mrs C Hardie	<b>Ward &amp; local members</b>	<b>Ward</b> Councillor Charles Kennedy Councillor Willie Boyle Councillor Harry Cartmill Councillor John McGinty
<b>Case officer</b>	Kirsty Hope	<b>Contact details</b>	01506 282413 kirsty.hope@westlothian.gov.uk

**Reason for referral to Development Management Committee:** Request by Councillor Boyle

#### 3 RECOMMENDATION

- 3.1 Refuse Planning Permission

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

- 4.1 Planning permission is sought for the erection of one house on land at the entrance of Ballencrieff Mill. The proposed house is single storey in height with accommodation in the attic, 3 bedrooms are proposed in total. Access to the site would be from Ballencrieff Mill.

#### 5. REPRESENTATIONS

- 5.1 One objection has been received.
- 5.2 A summary of the representation is in the table below.

Comments	Response
<ul style="list-style-type: none"> <li>Concerns on visibility and road safety</li> </ul>	<ul style="list-style-type: none"> <li>Noted. See WLC Roads &amp; Transportation response below.</li> </ul>
<ul style="list-style-type: none"> <li>Access would be across an existing passing place which was advised against in previous application 0560/FUL/12.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Each application is considered on its own merit.</li> </ul>

## 6. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
Coal Authority	No	Site is not within a high-risk area. Attach standing advise on public health & safety	Noted. If consented, advisory note shall be attached.
WLC Roads & Transportation	No	Condition that the boundary fence is located behind the street lighting. Visibility splay is acceptable.	Noted. If consented, this condition shall be attached.
WLC Environmental Health	No	Attach construction noise condition.	Noted. If consented, this condition shall be attached.
WLC Education	No	Contributions required towards primary and secondary education.	Noted. Should planning permission be granted, then the relevant developer contributions will need to be secured.
WLC Flood Risk Management	Yes	High level Flood Risk Assessment is required.	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	Policy Summary	Assessment	Conform?
West Lothian Local Development Plan (LDP) (2018)  DES1 - Design Principles	All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment	The proposed dwelling will not integrate well with the surroundings given the narrow width of the site and that this site performs an important de-facto open space function at the junction of Ballencrieff Mill/ Balmuir Road. The property would only benefit from a side garden rather than a rear garden area. The proposal provides a cramped	No

Plan	Policy Summary	Assessment	Conform?
	and be high quality in their design. Development proposals which are poorly designed will not be supported.	appearance detrimental to the character and appearance of the surrounding area.	
West Lothian LDP HOU3 - Infill and Windfall Housing Development	In addition to sites already identified in Policy HOU 1 of the LDP, new housing development will also be supported on sites within settlement boundaries provided it meets criteria (a-i).	The proposal is not in keeping with the character of the settlement and local area. Whilst this land is not designated as open space it provides a natural buffer between the existing housing area and roadside. Flood Risk information has not been provided.	No
West Lothian LDP ENV 21 - Protection of Formal and Informal Open Space	Proposals which will result in the loss of open space will not be supported unless it can be demonstrated that it meets criteria (a-e).	There is no locational need for the proposed house, which will result in the loss of this informal open space.	No
West Lothian LDP INF1 - Infrastructure Provision and developer obligations	The council will seek developer obligations in accordance with Scottish Government Circular 3/2012.	The proposal does not raise any infrastructural or education capacity concerns.  The LDP and statutory guidance, sets out the required developer obligations and these are listed below:  <ul style="list-style-type: none"> <li>• Education (Non-Denominational Primary &amp; Non-Denominational Secondary)</li> <li>• Cemeteries</li> </ul>	Yes – Subject to the relevant planning obligations being secured.
West Lothian LDP EMG2 - Flooding	Developers will be required to submit a full Flood Risk Assessment (FRA) for all developments deemed to be at risk of flooding from any source in medium to high risk areas and developments in low to medium risk areas	Given the site levels and the areas of flood risk a high-level flood risk assessment is required to assess the flood risk.  The applicant has not provided a flood risk assessment.	No

Plan	Policy Summary	Assessment	Conform?
	identified in the risk framework (i.e. developments located in an area at the upper end of the probability scale, essential infrastructure and the most vulnerable land uses).		
West Lothian LDP  EMG3 - Sustainable Drainage	Developers may be required to submit a Drainage Impact Assessment (DIA) to ensure that surface water flows are properly taken into account in the design of a development.	The applicant has not satisfactorily demonstrated the proposed surface water drainage arrangements.	No
West Lothian LDP  NGR1a - Low and Zero Carbon Generating Technology	Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emission reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies.	A statement has not been provided by the applicant.	No - could be achieved by condition.
West Lothian LDP  EMG6 - Vacant, Derelict and Contaminated Land	This policy advises that where it is suspected by the council that a development site may be contaminated, the developer will be required to undertake a site investigation, to the satisfaction of the council.	The applicant has not submitted a site investigation phase 1 report.	No

7.4 Also relevant is the following:

- Supplementary Guidance Residential Development Guide, 2019
- Supplementary Guidance Flooding and Drainage, 2019
- Supplementary Guidance Planning & Education, 2021
- Supplementary Planning Guidance Development of land potentially affected by contamination, 2009
- Planning Advice Note PAN 65 – Planning and Open Space

- 7.5 The site is located within an area of undeveloped land that is located within the Bathgate settlement boundary. The proposed development is for one single storey dwelling. Access would be provided onto Ballencrieff Mill and parking for two vehicles would be provided within the site.
- 7.6 The proposed site is relatively narrow in width and effectively performs an important de-facto open space function at the junction of Balmuir Road / Ballencrieff Mill / Chapmans Brae. The property would have a private garden space to the side of the dwelling, rather than to the rear as the other surrounding properties have.
- 7.7 The house is located with its rear elevation facing onto Balmuir Road and it is proposed to erect a 1.8m high fence within close proximity to the street lighting columns. This will result in a high timber screen boundary fence fronting onto Balmuir Road.
- 7.8 The proposed dwelling will result in a cramped appearance within a site that provides amenity value to the properties to the north that overlook the site and front towards Balmuir Road. The development of the site for a house would be detrimental to the character and appearance of the entrance to Ballencrieff Mill, which in turn would adversely affect the environmental quality of the locality and not create a satisfactory residential environment. The application site is undeveloped land that has the de-facto appearance and function as amenity greenspace. The proposal is contrary to DES1 (Design Principles), HOU3 (Infill and Windfall Housing Development within Settlements) and ENV21 (Protection of Formal and Informal Open Space).
- 7.9 No flood risk assessment has been provided by the applicant. The proposal is therefore contrary to policy EMG 2 (Flooding) within the development plan.
- 7.10 No site investigation report has been provided by the applicant, the proposal is contrary to policy EMG6 (Vacant, Derelict and Contaminated Land) within the development plan.

<b>8. CONCLUSION AND RECOMMENDATION</b>
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- 8.1 The proposal will be detrimental to the character and appearance of the entrance to Ballencrieff Mill, by infilling an area of undeveloped land that functions as open space. The proposal will adversely affect the environmental quality of the locality and will not create a satisfactory residential environment.
- 8.2 The applicant has not satisfactorily demonstrated that the site is not at risk of flooding, as a high-level flood risk assessment has not been submitted. Insufficient information has been provided by the applicant with regard to contaminated land. A carbon emission reduction statement has not been provided.
- 8.3 The proposal is therefore contrary to the policies of the development plan and it is therefore recommended that planning permission is refused, as set out in the attached draft reasons.

<b>9. BACKGROUND REFERENCES &amp; ATTACHMENTS</b>
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- Draft reasons for refusal
- Location and Site Plan
- Local Member Referral Form

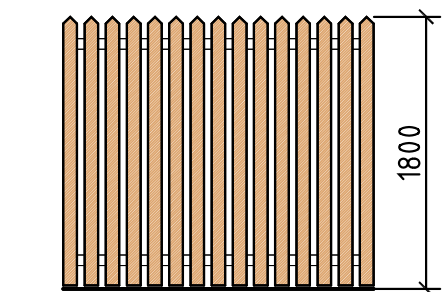
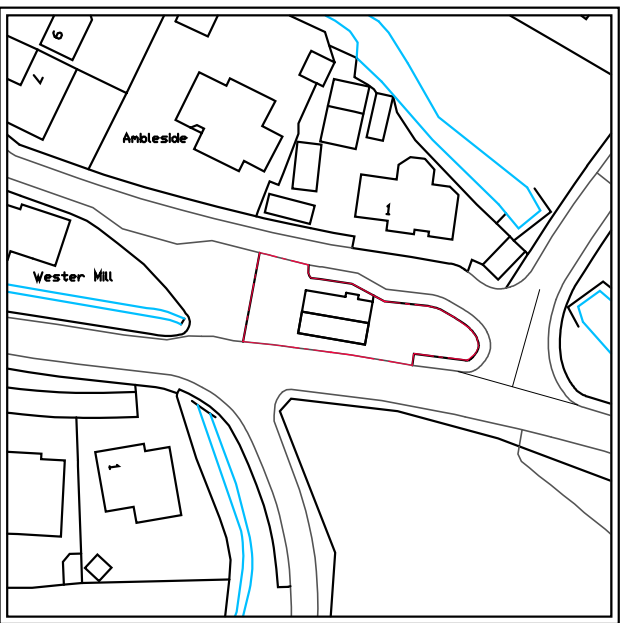
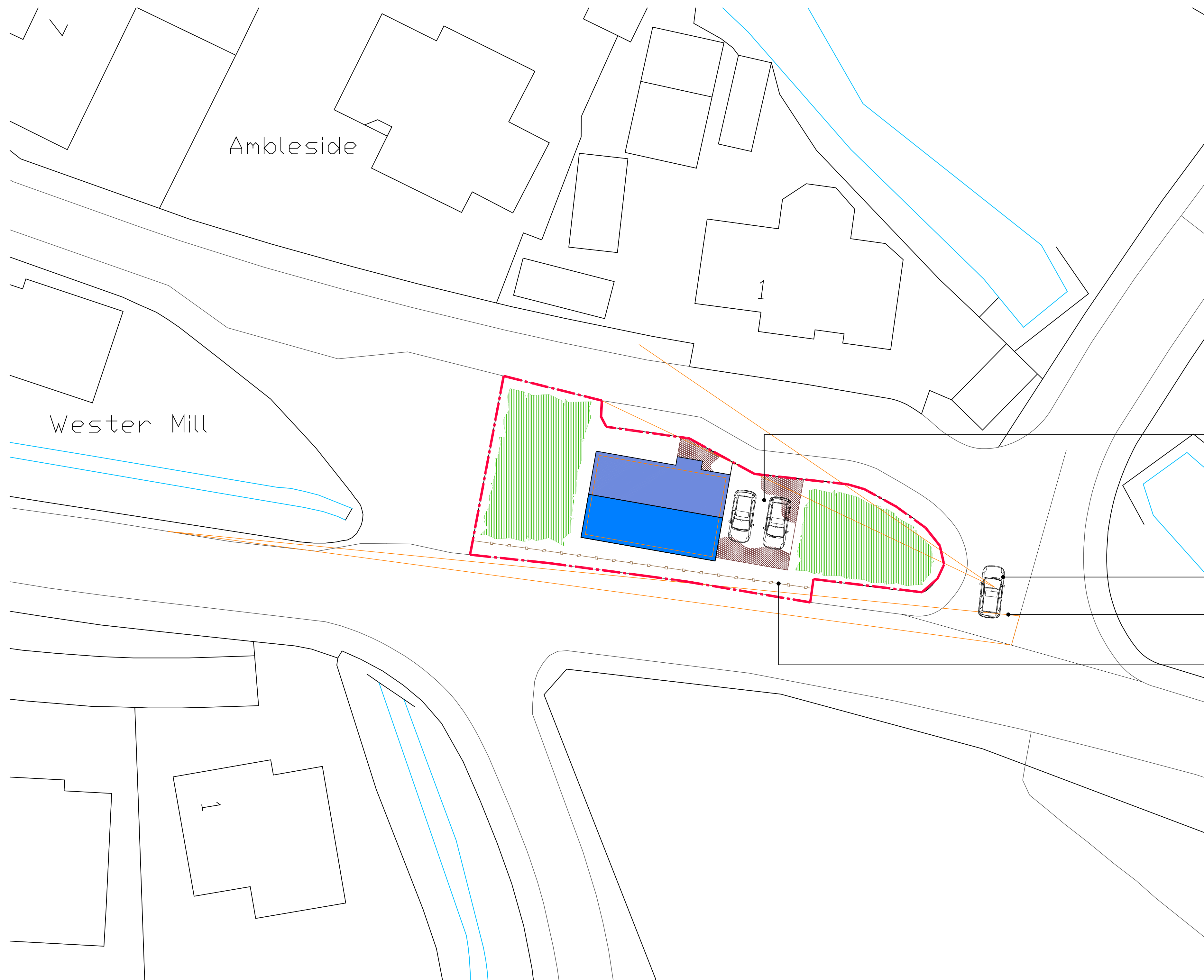
Plans, elevations, 3D views and photos are available in the accompanying presentation pack.

Craig McCorriston

**Head of Planning, Economic Development and Regeneration      Date: 14 July 2021**

Reasons for refusal:

1. The proposed site performs an important open space function at the junction of Balmuir Road / Ballencrieff Mill / Chapmans Brae. The proposed dwelling will result in a cramped appearance, which will have a detrimental impact upon the character and appearance of the surrounding area. The proposal will not create a satisfactory residential environment. The proposal is contrary to both DES1 (Design Principles) and HOU3 (Infill and Windfall Housing Development within Settlements) as well as the Supplementary Guidance: Residential Development Guide, 2019 within the West Lothian Local Development Plan.
2. There is no justification for the development that outweighs the need to retain this area of undeveloped land. The proposal is therefore contrary to Policy ENV21 (Protection of Formal and Informal Open Space) within the West Lothian Local Development Plan.
3. The applicant has not satisfactorily demonstrated that the site is not at risk of flooding by failing to provide a high-level flood risk assessment., The proposal is therefore contrary to Policy EMG2 (Flooding) and the Supplementary Guidance on Flooding and Drainage, 2019 of the West Lothian Local Development Plan.
4. The applicant has not submitted a (phase 1) site investigation report. The proposal is therefore contrary to Policy EMG6 (Vacant, Derelict and Contaminated Land) and the Supplementary Planning Guidance on Development of land potentially affected by contamination, 2009, of the West Lothian Local Development Plan.
5. The applicant has not submitted a statement to demonstrate that at least 10% of the current carbon emission reduction will be met. The proposal is therefore contrary to policy NRG1a (Low and Zero Carbon Generating Technology) of the West Lothian Local Development Plan.



Fence Elevation 1:50

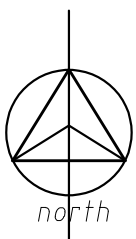
Total site area = 400m²  
House footprint = 70m² representing 17.5% of site  
Private West facing garden area as = 120m²

2 No. 2500x6000mm car parking spaces, with dropped kerb access

Parking to the East side of the house permits full visibility of vehicle movement for traffic entering Ballencrieff Mill

2.5x70m Visibility splay with no obstruction above 500mm high.

18m timber vertical slatted fence erected on West boundary and 1m in from kerbline on South boundary, with shrub planting on roadside.  
10m high timber vertical slatted fence around private garden area to East and West of application site.



Block Plan 1:200

title: Block & Location Plans	
client: Mr & Mrs C Hardie	
project: Proposed new house Ballencrieff Mill Bathgate	
scale: as noted @ A1	date: Apr 21
drawing number: 21/023/PL02A	
HARDIE ASSOCIATES Ltd.	
78 HOPETOUN STREET BATHGATE WEST LoTHIAN EH48 4PD tel: 01506 63979 email: mhardie@hardie-associates.co.uk copyright: Hardie Associates Ltd.	



## PROPOSED DELEGATED PLANNING DECISIONS

### ☒ LOCAL MEMBER REFERRAL REQUEST ☒

In accordance with standing orders members wishing a planning application to be heard at the Development Management Committee have to either represent the ward in which the application site is located or be chair of Development Management Committee and complete and return this form to Development Management within 7 days and by 12 Noon.

*The planning application details are available for inspection within the Planning & Building Standards web site by clicking on the link below.*

<https://planning.westlothian.gov.uk/publicaccess/>

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
<b>Application Reference Number</b> 0384/ful/21 .....	<b>Applicant</b> Request.....X..... <input type="checkbox"/>
<b>Site Address</b> Land at Ballencrieff Mill ..... .....	<b>Constituent</b> Request.....X..... <input type="checkbox"/>
<b>Title of Application</b> Erection of a house ..... .....	<b>Other (please specify).....</b> <input type="checkbox"/>
<b>Member's Name</b> Wm. H. Boyle .....	