



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Demolition of an existing two storey outbuilding and erection of two one-bedroom studio flats at 14 Market Street, Mid Calder, Livingston, EH53 0AA

2 DETAILS

Reference no.	0566/FUL/22	Owner of site	Mr Antonino Carpico
Applicant	Mr Antonino Carpico	Ward & local members	East Livingston and East Calder Councillor Danny Logue Councillor Carl John Councillor Veronica Smith Councillor Damian Doran-Timson
Case officer	Alexander Calderwood	Contact details	01506 280000 alexander.calderwood@westlothian.gov.uk

Reason for referral to Development Management Committee: Referred by Councillor Veronica Smith and Councillor Carl John

3 RECOMMENDATION

3.1 Refuse full planning permission.

4 DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning Permission is sought for the demolition of an existing two storey outbuilding and erection of two one-bedroom studio flats at 14 Market Street, Mid Calder, Livingston. The proposed site sits to the rear of the existing Tonino's takeaway and to the north west of the Black Bull Inn (public house) on Market Street, within the Mid Calder Conservation Area. Alterations to the doors on the front of the takeaway are also proposed, these will provide access to the rear of the site where the 2 flats are to be located.
- 4.2 The application form states that the site is approximately 370m² in area. The submitted plans indicate that access to the site would be via a footpath from the south of the site.
- 4.3 The application is accompanied by a supporting statement which can be viewed in the application file.

History

4.5 The relevant site history is set out below:

- **0037/FUL/18** – Erection of two studio flats and associated works at 14 Market Street, Mid Calder, Livingston– **Refused 19.09.2018 – Review dismissed by Local Review Body 12.12.2018.**
- **0513/FUL/19** – Demolition of building and erection of two studio flats and associated works at 14 Market Street, Mid Calder, Livingston, West Lothian, EH53 0AA – **Decline to Determine: 03.06.2019** as application was submitted within two years of receipt of application 0037/FUL/18 which was dismissed at LRB and was not materially different from that application.
- **0526/FUL/21** – Demolition of outbuilding and erection of 2 studio flats (Grid Ref: 307459, 667609) at 14 Market Street, Mid Calder, West Lothian, EH53 0AA – **Refused: 21/07/2021**

4.6 It should be noted that the current application (0566/FUL/22) is not materially different from the 2018, 2019 and 2021 applications. There is no significant change to the development plan so far as is material to the application.

EIA Development

4.7 The development is not EIA development as the scale and nature is such that it does not fall within the description of development set out in Schedules 1 or 2 of the Environmental Impact Assessment (Scotland) Regulations 2017 (EIA Regulations)

Equalities Impact

4.8 The application has been assessed and has no impact in terms of equalities or human rights.

5. REPRESENTATIONS

5.1 Six objections have been received for this application. Five from members of the public, and one from the River Almond Action Group.

5.2 A summary of representations is located in the table below and full copies of the representations are attached to the report.

Comments	Response
<ul style="list-style-type: none"> • Parking is already strained in the area, and the proposal would exacerbate the problem. 	See comments from Transportation in Section 6 of this report.
<ul style="list-style-type: none"> • The site is directly adjacent to pubs/licensed premises. Occupants of the proposed residential development would likely complain on an environmental basis. This would in turn be detrimental to the reputation of the business. 	See comments from Environmental Health in Section 6 of this report.

<ul style="list-style-type: none"> The proposal will have an adverse impact on neighbouring residential amenity in terms of natural light/sunlight. 	<p>The building will reach an approximate height of 7 metres. The boundary fences will be approximately 1.8 metres in height. There is only 1 metre between the building and the fence. Residential properties border the proposed development site immediately to the north west, and the approximate width of their rear garden area is 11 metres. Therefore, the building will have a particularly overbearing impact on these properties, and significantly reduce the natural light and sunlight that they receive.</p>
<ul style="list-style-type: none"> The proposal is not suitable within the context of the surrounding area, and because of its proximity to licensed premises. 	<p>The proposal does not reflect the character of the conservation area and is recommended for refusal on this basis.</p>
<ul style="list-style-type: none"> Adverse impact on the character of the conservation area. 	<p>The proposal does not reflect the character of the conservation area and is recommended for refusal on this basis. See planning policy and discussion section of this report for further analysis.</p>
<ul style="list-style-type: none"> Drainage detail is inadequate 	<p>Should planning permission be granted a condition will be attached to the decision notice requiring full drainage detail to be submitted.</p>

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
WLC Roads & Transportation	No	One bed flats are seen as having a limited demand for parking as users tend not to have access to a vehicle. Site is well served by bus services.	Noted

Consultee	Objection?	Comments	Planning Response
WLC Environmental Health	Yes	Environmental Health object to the application due to the potential noise nuisance from the neighbouring beer garden and the function room of the public house impacting on the proposed development.	Noted.
WLC Flood Risk Management	No	No comment.	Noted. Should planning permission be granted a condition will be required to be attached to the decision notice requiring full drainage details to be submitted and approved by the planning authority prior to the commencement of development.

7. PLANNING POLICY

- 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) DES1 - Design Principles	All development proposals will require to take account of and be integrated with the local context and built form. Developments which are poorly designed will not be supported.	The proposed two studio flats are to be sited to the rear of a takeaway and close to a public house within Mid Calder town centre. The site provides a poor outlook and no relationship to the street. It is therefore unsuitable in terms of residential amenity. No comparable development is found within the surrounding area and so it does not integrate with the local context and built form.	No

<p>LDP</p> <p>HOU3 –Infill/Windfall Housing Development within Settlements</p>	<p>Housing development will be supported on sites within settlement boundaries provided it meets criteria including compatibility with surrounding uses and achieving a satisfactory residential environment</p>	<p>The proposal would have an adverse impact on the surrounding area and would not achieve a satisfactory residential environment. The development will likely prejudice the operation of the hot food takeaway and public house by being in such close proximity. The residential amenity of the occupants of the new units would be adversely impacted by these businesses. The proposed development is evidently not compatible with the surrounding uses.</p>	<p>No</p>
<p>LDP</p> <p>ENV24 – Conservation Area (Demolitions)</p>	<p>Within Conservation Areas, new development will not be permitted which would have any adverse effect on their character and appearance.</p>	<p>The proposed development does not reflect the traditional character of the Mid Calder Conservation Area. It is modern in character and is positioned behind commercial units that make up part of the high street and centre of Mid Calder. No comparable development is found within the surrounding area.</p> <p>Additionally, whilst the building will not be visible from the street it will be clearly visible by all occupants of the first-floor flats along Market street from rear windows and also likely by users of the pub and beer garden. The negative impact on the conservation area will be apparent to all those who live nearby and user nearby services.</p> <p>Additionally, the design and proposed materials for the street facing doors are inappropriate for use in a prominent shopfront in a conservation area. The use of timber and a traditional pend door form would be expected. The proposed development does not comply with Policy ENV 24.</p>	<p>No</p>

LDP EMG5 - Noise	There is a presumption against residential or other noise sensitive developments being close to noisy land use.	Environmental Health was consulted on the application and provided their grounds for objection on the basis of the relationship with the public house.	No
LDP Policy ENV9 – Woodland, Forestry, Trees and Hedgerows	There will be a presumption against development proposals which involve the loss of, or damage to, woodland and groups of trees (including trees covered by Tree Preservation Order (TPO).	<p>The proposal is not supported under the other policies of the local development plan and so there is no valid justification for the removal of the trees from the site, which would be required to facilitate the development.</p> <p>The submitted plans detail that one tree will be removed. The tree is not protected by a TPO but does contribute to the quality of the natural environment.</p>	No

7.4 Other relevant policy guidance and documents are listed below:

- Scottish Planning Policy 2014 (SPP)
- Designing Streets
- Non-Statutory Planning Guidance (PG)
 - PG – Planning Guidance: The Historic Environment, 2021
- Statutory Supplementary Guidance
 - Residential Development Guide, 2019
 - Planning and Noise, 2017

8. ASSESSMENT

8.1 The determining issues in respect of this application are listed below:

Residential amenity

- 8.2 West Lothian Council's Residential Development Guide (RDG) states that delivering high density development must not be at the expense of amenity and the quality of the environment, resulting in a reduction of space in and around dwellings and giving rise to town cramming.
- 8.3 The proposed two studio flats are to be sited to the rear of a takeaway within Mid Calder town centre. It will sit in close proximity to this fast food takeaway and a public house. It also provides a poor outlook and no relationship to the street.
- 8.4 The development is also an example of tandem development. The RDG defines tandem development as a particular form of infill development where a new house is located immediately behind an existing house and shares the same vehicular access. In the case of this development it will sit behind a takeaway at ground floor level and residential property at first floor level. As the RDG states, the adverse implications for all users of locating in such close proximity will include problems of overlooking, noise disturbance,

loss of amenity, cramming and an adverse impact on the general character of the area.

- 8.5 The RDG also notes that only in exceptional circumstances, and on large, individual plots (in excess of 0.4ha) might it be possible to achieve sufficient separation between houses to overcome the negative implications as previously listed. It is very unlikely that a satisfactory development can be achieved on a site of a lesser size. As detailed in the applicant's application form the total site area is 370sqm, which is approximately 0.04ha. Evidently the site is far too small to accommodate tandem development. In turn the proposals also constitute over development of a site.
- 8.6 The development will create a poor residential environment for its occupants and will also diminish the residential amenity of neighbouring properties. Occupants will likely hear and smell the activity associated with the neighbouring public house/beer garden and takeaway.
- 8.7 The proposal is therefore unsuitable in terms of residential amenity, and conflicts with 'Policy DES 1 Design Principles', 'Policy HOU 3 Infill/Windfall Housing Developments within Settlements' and the RDG. The principle of the development is not acceptable and as such the proposed removal of the trees which are on site is unjustified under 'Policy ENV 9 Woodland, Forestry, Trees and Hedgerows'.

Noise

- 8.8 Environmental Health was consulted on the application and stated that they object due to the potential noise nuisance from the neighbouring beer garden and the function room of the public house impacting on the proposed development. There is significant potential for noise from patrons in the beer garden and amplified music noise from the function room to have a significant adverse impact amounting to potential noise nuisance complaints at the proposed residential dwellings. The proximity of the beer garden and pub is such that there are no opportunities to mitigate the adverse impact. The proposals do not comply with Policy EMG5 which resists locating sensitive uses adjacent to existing noise generating uses.
- 8.9 It is recognised that the unsuitability of the developments siting will have adverse implications for the businesses immediately adjacent. It would be wrong to place residential development in such close proximity because ultimately there will be conflict between the two uses which naturally generate different levels of noise.

Impact on conservation area

- 8.10 Market Street, Mid Calder is characterised by traditional buildings, most of which have businesses operating at ground floor level, and some of which have residential properties above at first floor level. The applicant proposes to build new residential units within the rear curtilage of 14 Market Street. This is out of keeping with the character of surrounding development and that of the Mid Calder Conservation Area. The negative impact on the conservation area will be apparent to all those who live nearby and user nearby services. It does not represent a development that would preserve or enhance the character of the conservation area.
- 8.11 The design and proposed materials for the street facing doors are inappropriate for use in a prominent shopfront in a conservation area. The use of timber and a traditional pend door form would be expected.
- 8.12 Ultimately, the proposals do not comply with Policy ENV 24 Conservation Areas.

9. CONCLUSION AND RECOMMENDATION

- 9.1 The proposal is unsuitable in terms of residential amenity, its integration within the surrounding area and also its integration within the conservation area. It is therefore contrary to Policy DES 1 (Design Principles), Policy HOU 3 (Infill /Windfall Housing Development within Settlements), Policy ENV 24 (Conservation Area (Demolitions)), Policy EMG 5 (Noise), Policy ENV 9 (Woodland, Forestry, Trees and Hedgerows) and the council's Supplementary Guidance – Residential Development Guide (2019).
- 9.2 It is therefore recommended that planning permission be refused.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Draft reasons for refusal
- Location Plan
- Elevations and Floor Plan
- Supporting Statement
- Representations
- Local Member Referral Form

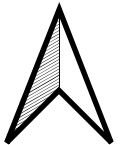
Plans and site photos are available in the accompanying slide presentation pack.

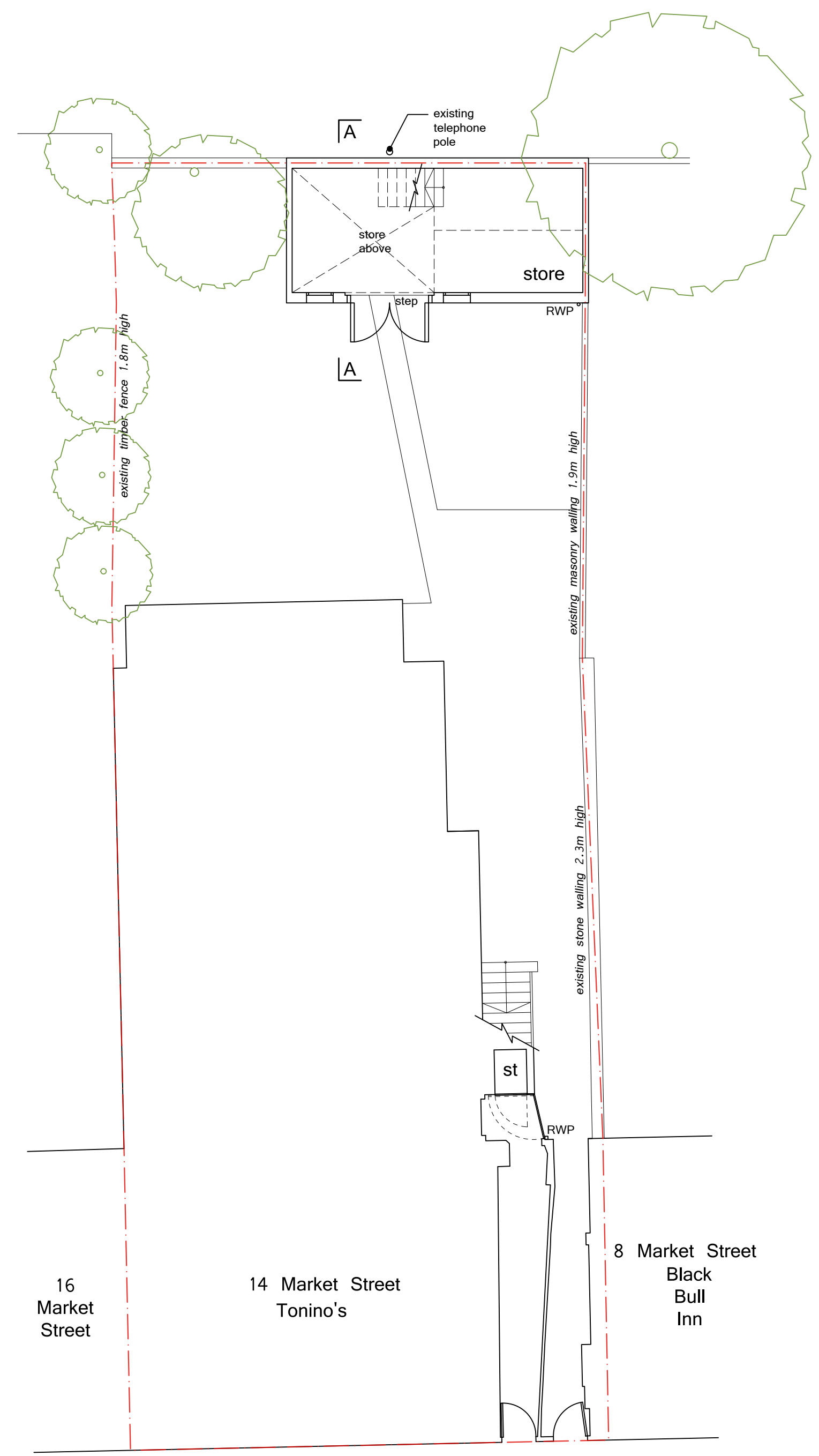
Craig McCorriston
Head of Planning, Economic Development and Regeneration

Date: 17.08.2022

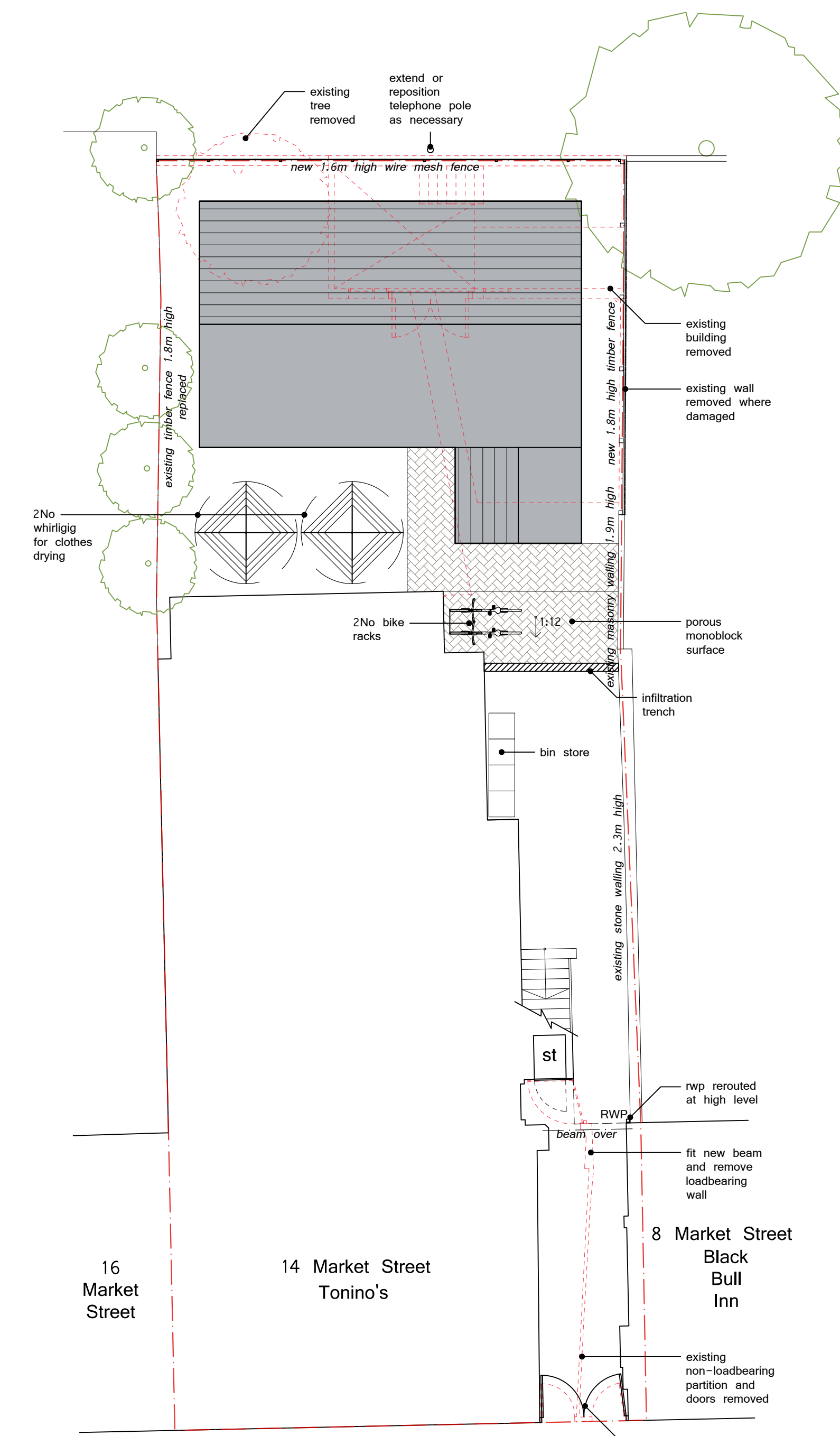
Draft Reason for Refusal

1. The proposed development is unacceptable in that it would result in town cramming and overdevelopment of the application site, to the detriment of residential amenity, and contrary to Policies DES 1 (design principles), HOU 3 (infill/windfall housing development within settlements) and Policy ENV 9 (Woodland, Forestry, Trees and Hedgerows) of the West Lothian Local Development Plan and the council's Supplementary Guidance – Residential Development Guide (2019).
2. The proposal is unacceptable in view of the proximity of the application site to a fast food takeaway and a public house, which is likely to be detrimental to residential amenity for the future residents of the proposed dwellings because of noise and disturbance. The proposal is therefore contrary to Policy EMG 5 (Noise) and Policy HOU 3 (infill/windfall housing development within settlements) of the West Lothian Local Development Plan.
3. The proposed development is unacceptable in that it will constitute town cramming and will have a detrimental impact on the appearance and character of the conservation area, contrary to the requirements of Policy ENV 24 (conservation areas) of the West Lothian Local Development Plan.





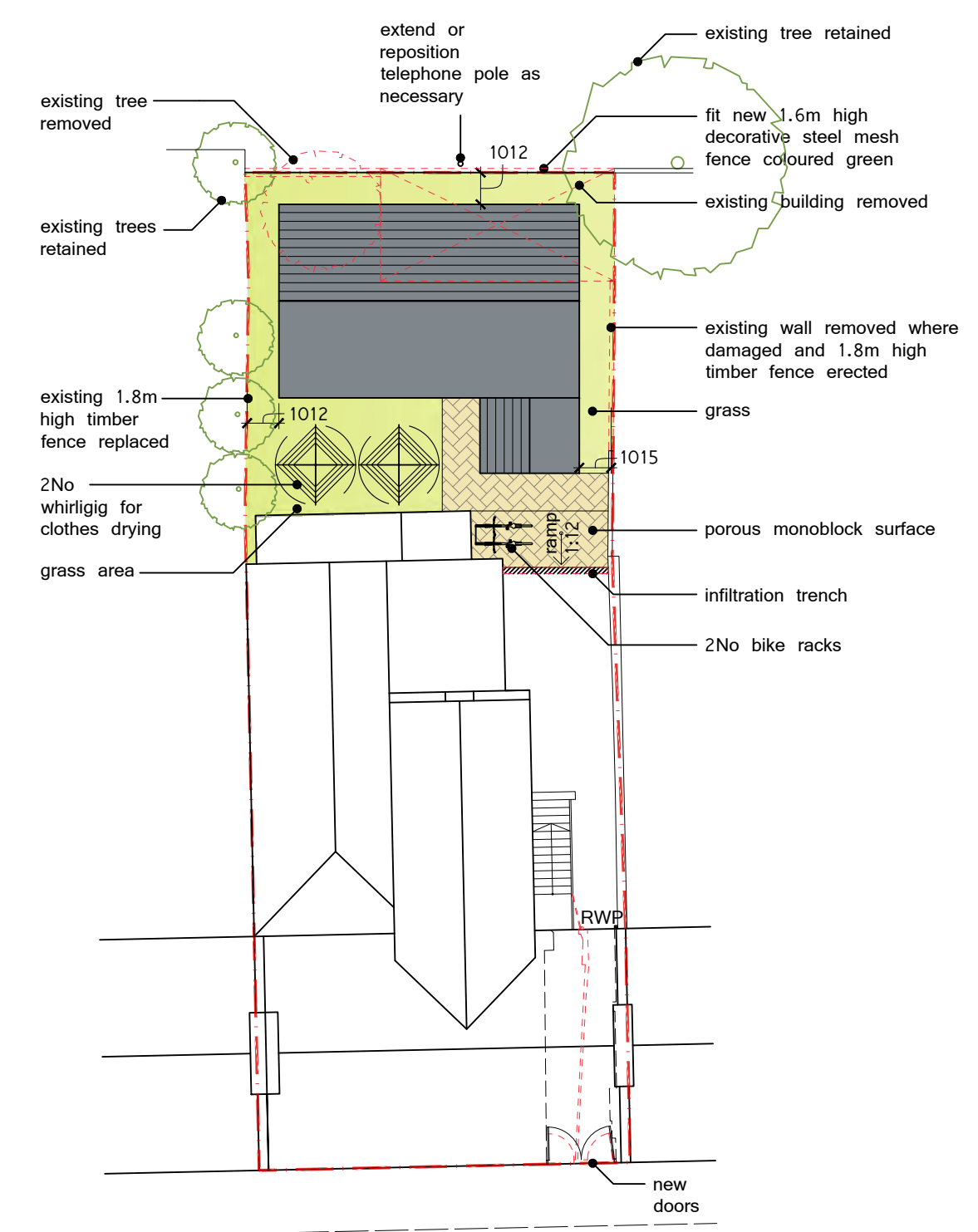
existing site layout



proposed site layout



site location



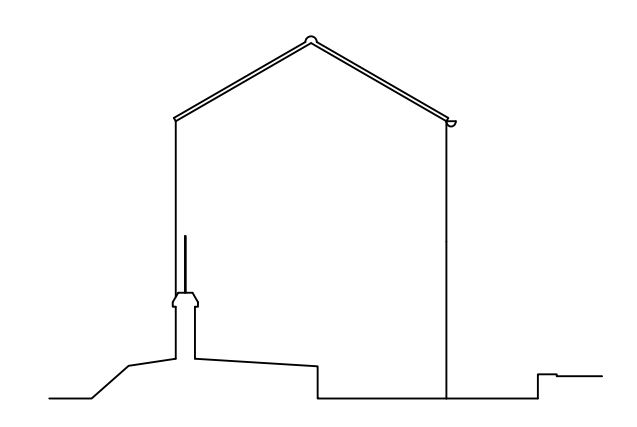
proposed site plan



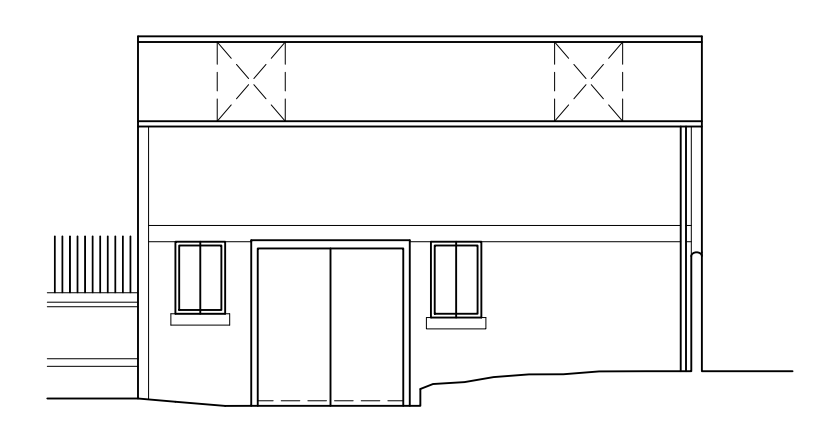
existing front elevation



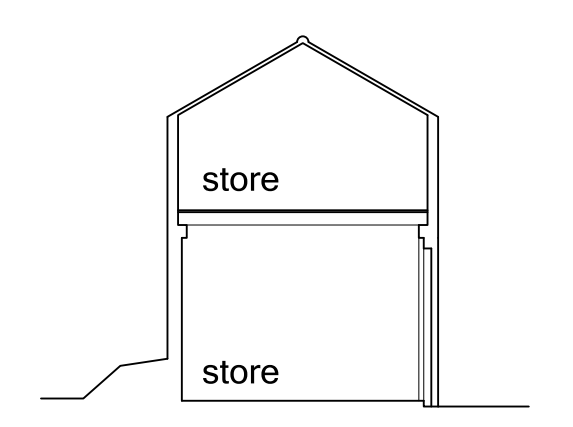
proposed front elevation



existing side elevation



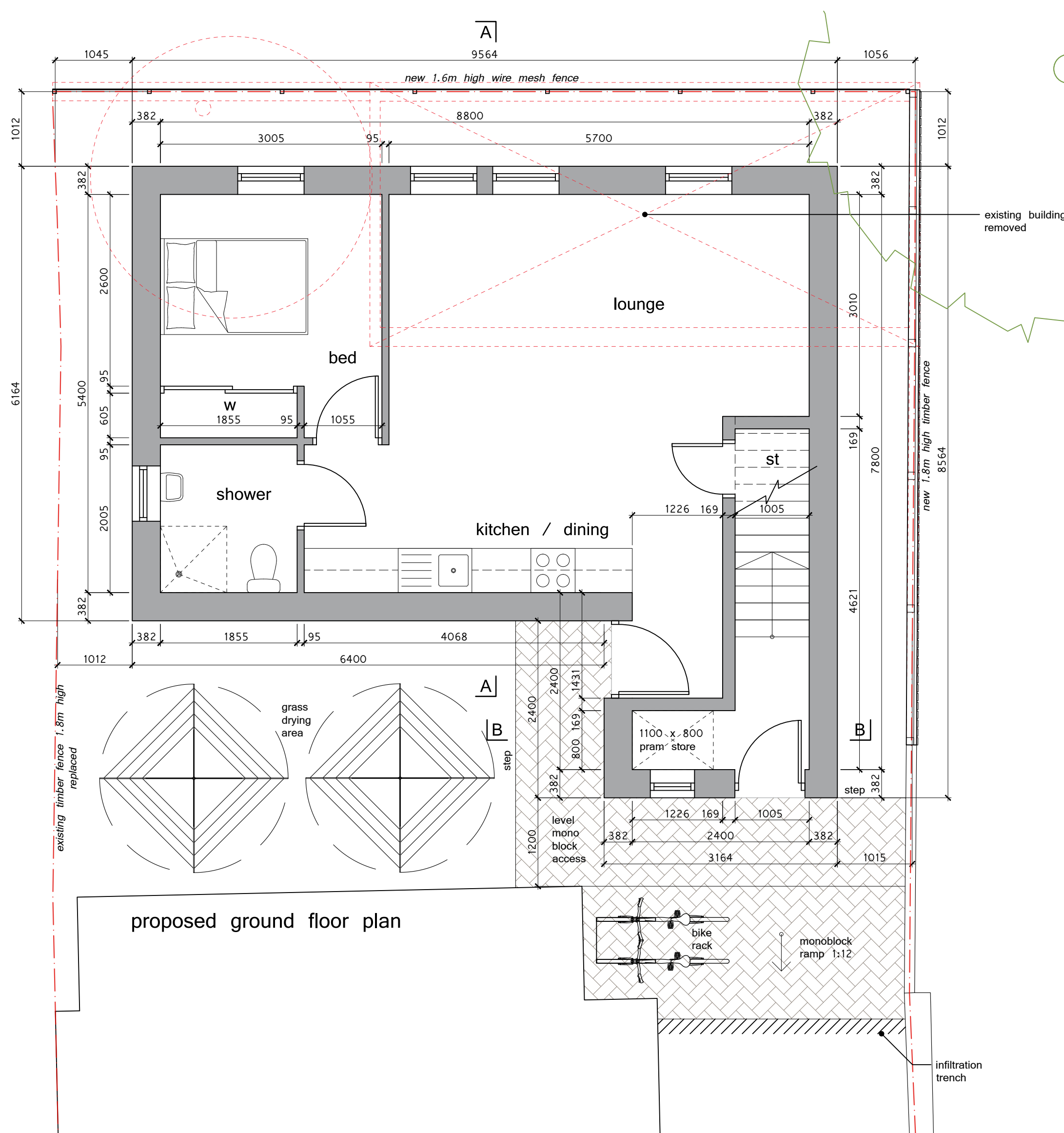
existing rear elevation



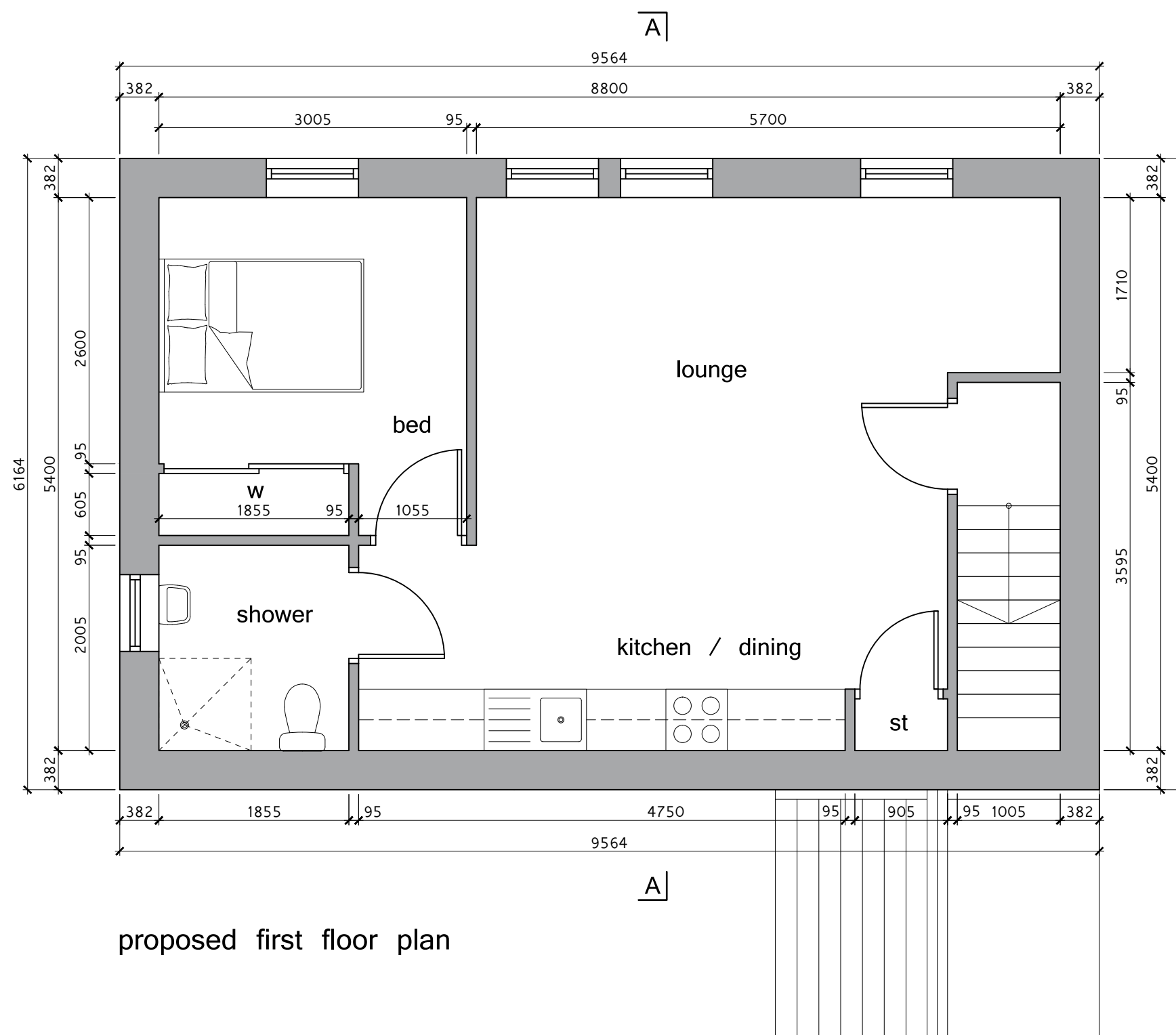
existing section AA

PLANNING

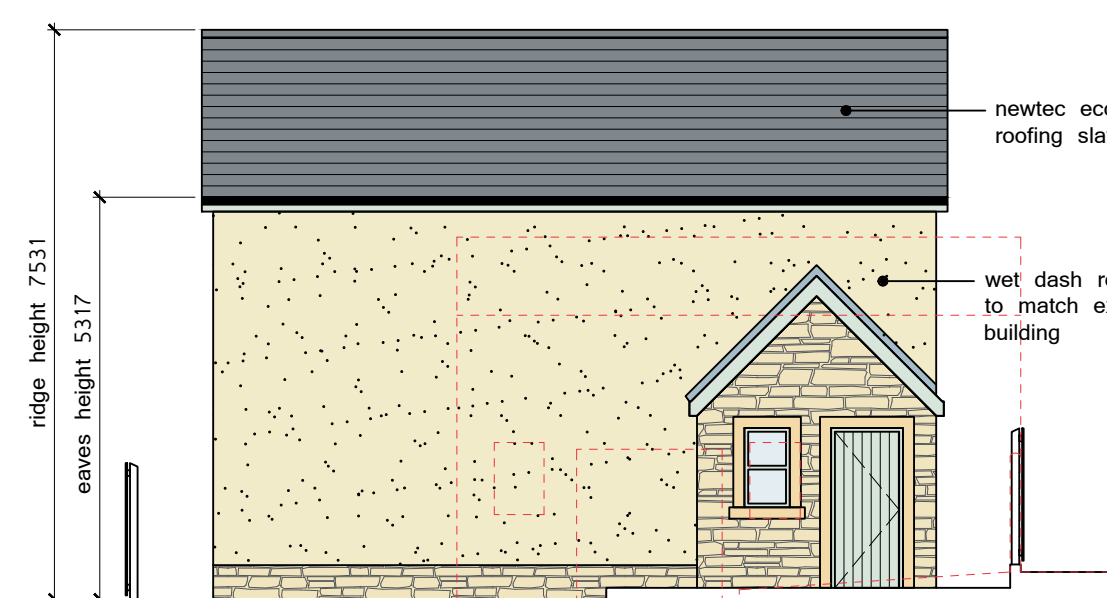
REVISIONS	
A - 12.09.2018 - Add porous monoblock hardstandings	
B - 19.05.2019 - add minor notes and infiltration trench.	
C - 19.06.2022 - reinstate tree add bike rack and drying area amend access door	
JOB TITLE	
EXISTING FLOOR PLAN, ELEVATIONS, SECTION, PROPOSED FLOOR PLAN, ELEVATION, PROPOSED SITE PLAN AND LOCATION PLAN	
PROPOSED DEMOLITION OF AN EXISTING BUILDING AND THE ERECTION OF 2NO ONE BEDROOM STUDIO FLATS TO THE REAR OF	
14 MARKET STREET MID CALDER LIVINGSTON	
1:100, 1:200, 1:1250 12th September 2018	
Drawing Number JWAC A1 PP 01/57/2017 C	
John Watson Architectural Consultant Ltd.	
11 Market Street Midcalder West Lothian EH53 0AL	
Phone: 01506 885928	
E-mail: info.jwactd@gmail.com	



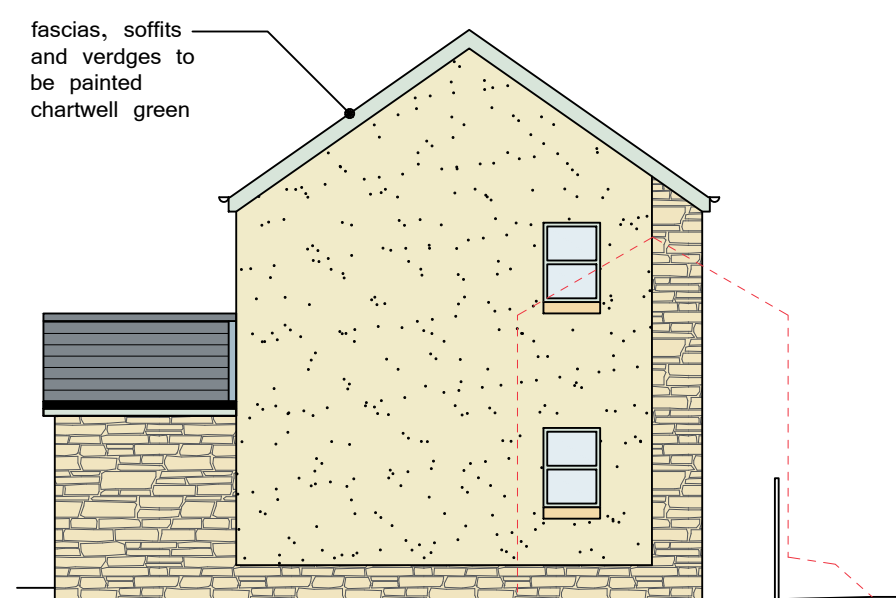
proposed ground floor plan



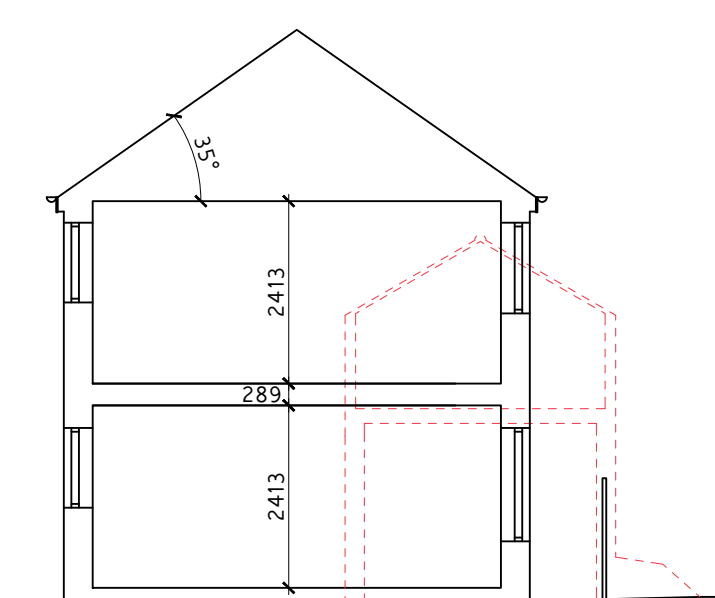
proposed first floor plan



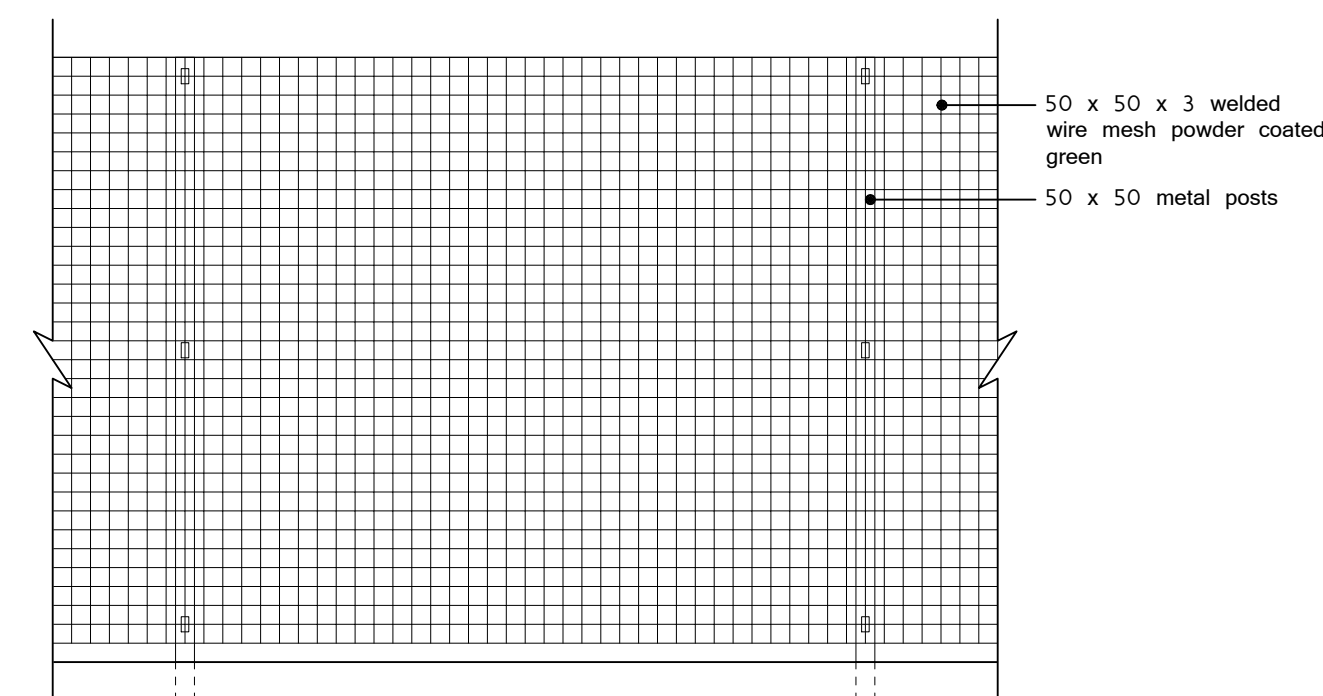
proposed front elevation



proposed side elevation



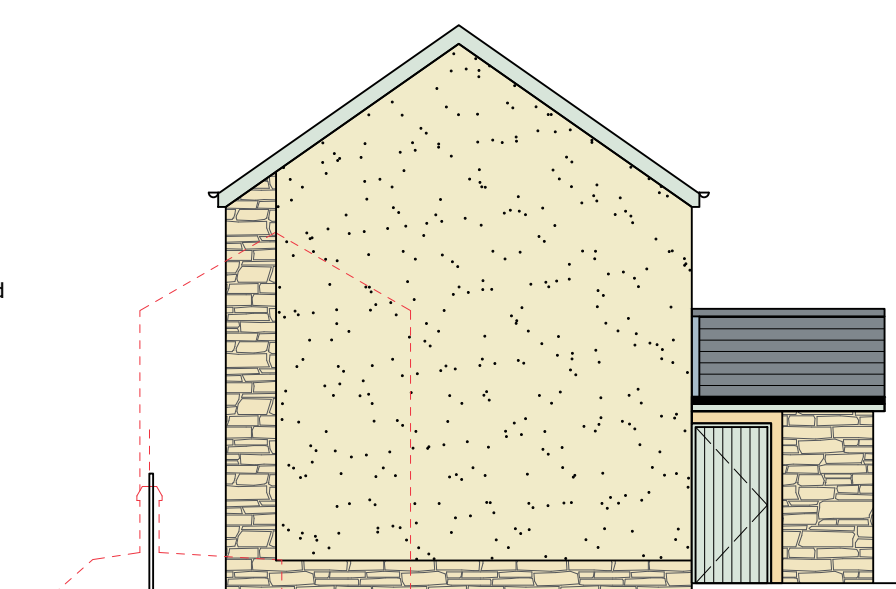
proposed section AA



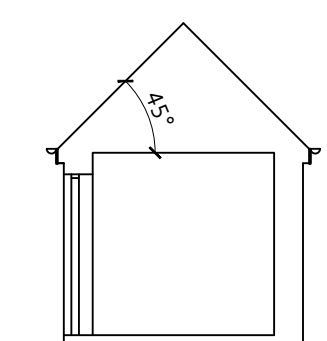
1.6m high wire mesh fence



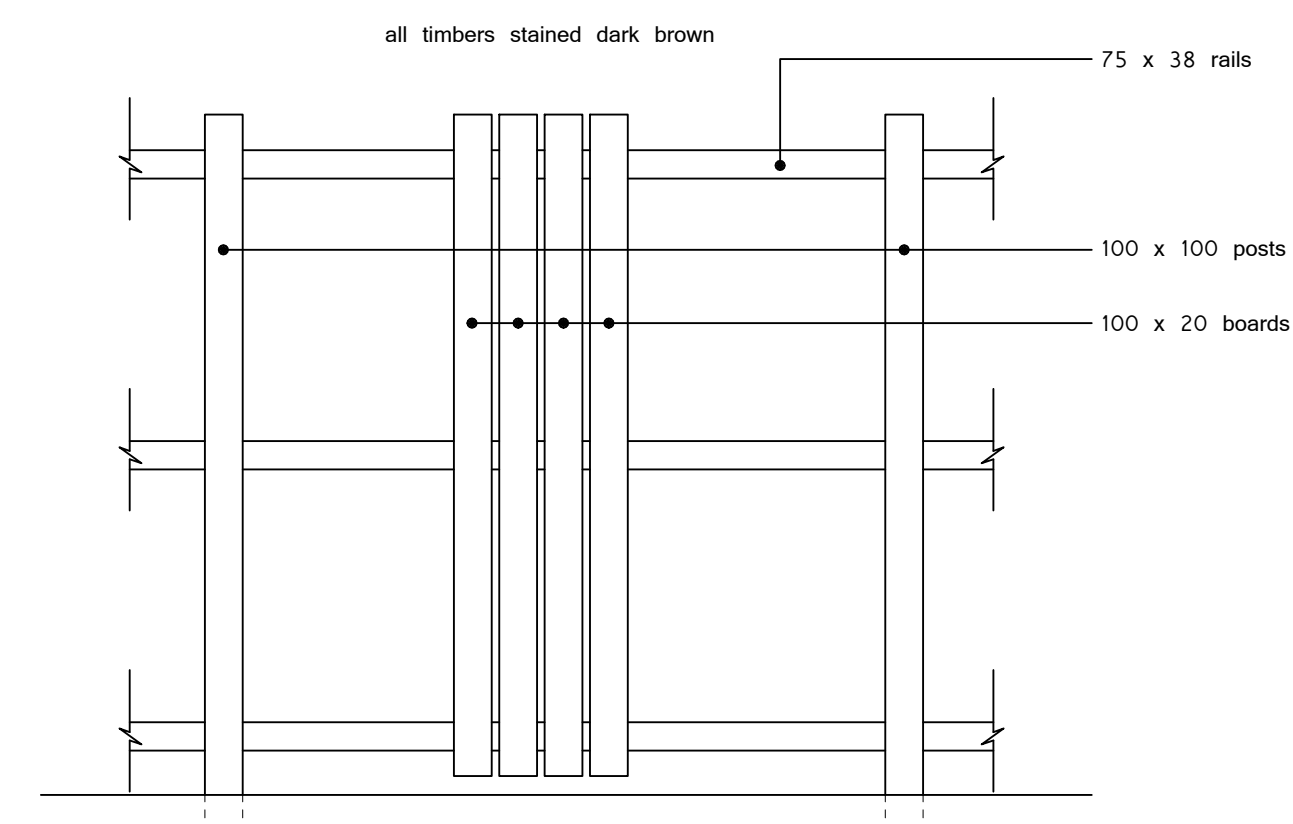
proposed rear elevation



proposed side elevation



proposed section BB



1.8m high timber fence

PLANNING

REVISIONS
A - 12.09.2018 - Reduce building height and adjust external appearance
B - 20.05.2019 - Add minor notes.
C - 20.06.2022 - Reposition window to mitigate noise, reinstate tree
JOB TITLE
PROPOSED PLANS, ELEVATIONS, SECTION AND FENCE DETAILS
PROPOSED DEMOLITION OF AN EXISTING BUILDING AND THE ERECTION OF 2NO ONE BEDROOM STUDIO FLATS TO THE REAR OF
14 MARKET STREET MID CALDER LIVINGSTON
Scales 1:20, 1:50, 1:100 12th September 2018
Drawing Number JWAC A1 PP 02/57/2017 C

John Watson Architectural Consultant Ltd.
11 Market Street
Midcalder
West Lothian
EH53 0AL
Phone: 01506 885928
E-mail: info.jwactd@gmail.com



Supporting Statement

Erection of 2 No Studio Flats and
Associated Works at 14 Market
Street, Mid Calder, Livingston
EH53 0AA

SUPPORTING STATEMENT
ERECTION OF 2 NO STUDIO FLATS AND ASSOCIATED WORKS AT 14 MARKET STREET, MID CALDER,
LIVINGSTON EH53 0AA

Background

The development proposal is for two studio/1-bedroom flats - at 14 Market Street, Mid Calder. The new flats will be keenly priced and will provide the most affordable new build private housing in the Mid Calder area. The flats will be suitable for a single person or for a couple - but not for families/children.

Site

The site is brownfield and currently accommodates an old two-storey outbuilding/store which will be replaced by the new flats.

General Housing Policies

In identifying new sites for housing the Local Development Plan (LDP) advises that some of the main objectives include - making best use of brownfield land in urban areas; identifying sites that are accessible by public transport; and identifying sites close to other compatible uses. The LDP identifies a fundamental need for thousands of new houses and demographic information shows the provision for 1-bedroom properties is essential given the steady growth in life expectancy and the steadily increasing number of houses occupied by only one person.

Policy HOU3 relates to Infill/Windfall Housing Development within Settlements. It states that; - a) new housing development will be supported on sites within settlement boundaries - providing the development is in keeping with, and has no adverse impact, on the local area; b) the site is not identified for an alternative use in the LDP; c) the site is not maintained amenity or open space; d) a satisfactory residential environment can be achieved; e) there is good access to public transport, shopping, education, recreational and community facilities; f) there is sufficient existing infrastructure capacity; g) the site is not at risk of flooding; and h) the proposal complies with other LDP policies. **The proposed development is fully in accordance with HOU3.**

The SPG entitled – Residential Development Guide – encourages (at paragraphs 61 and 90) development that will reduce reliance on cars. It also states that, as a general rule, – West Lothian Council will encourage high density housing development, especially within and adjacent to Town Centres, adjacent to public transport facilities and along key transportation routes – with the proviso that it should not result in Town Cramming. The definition within the SPG should be used in any determination as to Town Cramming.

Transport and Demographics

The LDP seeks to reduce the need to travel and promotes sustainable travel such as public transport including bus use. The Active Travel Plan for West Lothian 2016 – 2021 promotes walking, cycling and non-motorised modes of travel. The proposed development is within a town centre location with very easy access to bus stops/public transport and with a regular bus service in operation – namely services 40,N28,X22,X23,X27 and X28. The Scottish Household Survey (2014/15) reported that 31% of households have no access to a car – and where the household income is less than £20k/yr. the figure is 40%. 54% of households have no car where household income is less than £15k/yr. 57.3% of single pensioner households have no access to a car. The 2019 version of the Household Survey advises that 35% of Scottish households are in single occupancy. The LDP (para 85) states that population growth in West Lothian has been concentrated in the older age groups with a 32.5% increase in the population aged 65 to 79 and a 31% increase in the population aged 80 plus. The National Records of Scotland produce Demographic Fact Sheets for each Council area and

the projections for household types within West Lothian is that the number of lone adult households will increase to 26,595 by 2028. The total number of households in the WLC area will rise from 77,953 (2018) to 85,634 (2028) an increase of 7681 households - with the lone adult households figure rising from 23216 to 26595 an increase of 3379 and accounting for 44% of the increase in total household numbers. Whilst many lone adults will reside in larger houses these studio/one-bedroom flats are targeted towards (and will appeal to) non-car owners ; **and the site is in a Local Neighbourhood Centre where there is no requirement to provide parking.** The development is very small; the studios will likely be occupied by lone adult householders, and will have no significant effect on parking, or on road safety – and refusal on that basis is simply not justified. The flats are targeted towards those who are not car owners and no new parking spaces are proposed. There are two existing private spaces serving the existing property at 14 Market Street and considerable unrestricted off-street parking near to the site. Drawing Number A3 PP03-57-2017B, submitted as part of the application, shows 62 public parking spaces in close proximity; plus, private parking for clients of The Fork & Field/Torphichen Arms; plus, private parking at Mid Calder Bowling Club with proposals presently being constructed to increase parking spaces by 13; plus, the increase of an additional 3 public parking spaces at the existing WLC Bank Street car park. Further, the Residential development Guide SPG indicates one space for each flat with up to 3 bedrooms – with the proviso where there are alternative public transport options a reduced level may be allowed. In this case two existing private spaces already serve 14 Market Street and there is no need for additional parking as a result of the proposed development. **There is very easy access to alternative public transport options and the SPG specifically states reduced parking provision is acceptable in such circumstances.** If 2 spaces are required for up to 6 bedrooms (2 flats) a development of only 2 studios clearly does not require spaces in addition to what is already available - particularly when the flats are not suitable for families.

To reinforce our assertion that there is no requirement for parking provision as part of the development proposal we can state unequivocally that we consulted with the WLC Roads Service as part of the previous application and were advised in writing that “the existing building does not have dedicated off road parking and therefore as the site is in a town centre parking is not a requirement”. The reply also stated that “for the conversion to two flats there is no need for off road parking” and “if an application was to be submitted then I would not be objecting to it on roads grounds”.

The Residential Development Guide (page83) also advises that relaxation of the requirement for provision of a dedicated space per house is acceptable in limited circumstances and **the example provided in the SPG of such circumstances is where there is an abundance of unrestricted off-street parking available in close proximity to the development site - which applies in this case.**

Town Cramming

The Residential Development Guide SPG **states that there is a general presumption in favour of new development within settlement envelopes as this minimises development of greenfield sites** and our conclusions regarding the requirements of the SPG are as follows; -

- a. There is no garden to building footprint plot ratio standard relating to flats and there is no requirement for a minimum garden size (area) for flats. The SPG recognises that occupiers of flats generally do not seek or expect the same level of amenity space as house dwellers although, in an ideal situation, they should have access to amenity open space – as there are often families with young children living in flatted accommodation. In this case the one-bedroom flats are not suitable for families with young children and in any event, the site is in very close proximity to numerous and extensive amenity open space including for example Almondell and Calder Wood Country Park; on Market Street; at Gas Works Brae; a Bowling Club; extensive playing field to the north; and Open Space and Swing Park at Avenue Park West.

- b. The new building is of a scale, height and mass that is sympathetic to the surrounding properties. The design and construction materials complement the character of existing buildings in the area and reflect the local identity. Boundary features will generally be retained, and the building will also be screened from Market Street by the much larger existing buildings.
- c. Satisfactory pedestrian access from Market Street already exists and no vehicular access is proposed.
- d. The new development is to the north of existing properties and will not cause any unacceptable loss of privacy or daylight to habitable rooms or to neighbouring properties. Similarly, the position and layout of the proposed building is such that the proposal will not result in loss of sunlight or significant overshadowing. None of the windows of the habitable rooms of the flats face other habitable rooms or directly overlook private areas of neighbouring gardens with all the habitable rooms having a pleasant outlook over the bowling green. In summary, **the development is not contrary to any of the specific requirements relating to Town Cramming.**

Town Centres

Policy TCR1 relates to Town Centres and states that **proposals for high density residential use will be supported in identified town centres.** The site is shown in the LDP as being within the identified Mid Calder town centre. TCR1 states that residential use on the upper floor of commercial premises will be supported – where a) it does not prejudice the operation of existing businesses at ground floor level; b) a satisfactory level of residential amenity can be achieved for the prospective occupants of the new homes and c) adequate car parking provision can be provided.

It has previously been stated that, because of the proximity of the site to a fast-food takeaway and a public house, there is likely to be detriment to the residential amenity of the future residents of the proposed dwellings because of noise and disturbance (from the chip shop or the pub). No evidence has been presented to justify the mistaken assertion that the chip shop and the public house will result in detriment of the area because of noise and disturbance. The applicant has owned the chip shop for 19 years and over this time has held a late catering licence which would have been revoked in the event of incidents of noise or disturbance. There is no established history of noise/disturbance. In any event, if the chip shop or pub activities were to cause statutory nuisance; or activities were to be contrary to the law then such circumstances would require to be dealt with in the interest of the existing residents who already live above and around the pub and chip shop. The previous assertion that refusal of consent is justified because (the possibility of) noise or disturbance from the existing commercial premises may be detrimental to those living in the 2 new flats is lacking in logic and credibility and completely at odds with the TCR1 policy. There are circumstances throughout the West Lothian area, indeed throughout Scotland, where pubs and chip shops adjoin houses. **The proposed development is not contrary to Policy HOU3/TCR1** and should not be refused simply because it is near to a chip shop or a pub.

Ground Condition/Land Contamination

An examination of historic maps shows no previous on-site potentially contaminative activities. The site is not in a Coal Authority Development High Risk Area and a Mining Risk Assessment is therefore not necessary. If a Contaminated Land Assessment is required a Phase 1 Report complying with CLR 11 and WLC guidance/requirements will be provided.

Flood Risk

The WLC Flood Risk Team has previously advised they hold no records to suggest the site is at risk of flooding and information from SEPA confirms that the site is not at risk from pluvial or fluvial flooding.

Drainage

Drainage from the roof of the existing building (footprint 26.6m²) and from the impermeable existing hardstanding areas(19.34m²) is from a total area of 45.9m² and is to the Scottish Water combined sewer. The footprint of the proposed building is 66.5m². The Ciria C753 Simple Index Approach was used to determine appropriate SUDS measures and it has been concluded that the surface water from the roof will be attenuated prior to discharging into the combined sewer. The development will be subject to a limited surface water discharge of not greater than the pre-development run-off, and this will be achieved by the inclusion of a hydro brake flow control device – with all arrangements being approved by SEPA, Scottish Water and WLC. Permeable monobloc external access and permeable external “other” surfaces are proposed. The foul drainage will discharge to the public sewer.

Design and Conservation

Policy DES1 relates to **Design Principles** and require that development proposals should have no significant adverse impact on the local community and design should be high quality. Developers should also ensure there is no significant adverse impacts on habitats, biodiversity, protected species, amenity, the water environment, air, and soil quality; the development is accessible, and sustainable; and has been assessed in relation to historic mining. The development complies with policy DES1.

The site is in a “hidden” location within the Mid Calder Conservation Area and as a result the development has been sensitively designed to enhance the appearance and character of the area by removing a semi derelict building and replacing it with a building designed in sympathy with the characteristic form of the area. The scale, materials used, and detailing compliment the surrounding buildings. The proposal is not contrary to conservation area policy ENV24.

Economic Development

The LDP, and other WLC policies/strategies seek to provide employment; and to support the local economy. This project is small but will assist in delivering these objectives by providing employment for construction workers and ensuring an old vacant building in Mid Calder Town Centre is replaced with 2 flats, with the residents contributing to the local economy. The Scottish Government’s key Scottish Planning Policy is referred to in the SPP document as **THE PURPOSE-** and it is to deliver ECONOMIC GROWTH. All major political parties seek to grow the economy and create jobs - and the aggregated activities of dozens/hundreds of small construction projects, like this one, can combine to boost the construction industry and deliver work and economic benefits. The economic benefits of “approving planning applications” are a material consideration and should be considered by planning officers in respect of every application.

Letter of 3 April 2020 from Chief Planner re Covid 19

A letter regarding Covid 19 was sent to all local authorities on 03/04/2020 by John McNairney Chief Planner and Kevin Stewart Minister for Local Government, Housing and Planning. It acknowledged that Covid 19 has “turned life upside down for everyone and forced an urgent rethink” - by both the Chief Planner and the Scottish Government.

The letter stated - Planning has a crucial part to play within and beyond the immediate emergency. A high performing planning system will have a critical role in supporting our future economic and societal recovery and our future health and wellbeing. Those of us involved in planning, across sectors, must do what we can to keep plans and proposals moving through the system, throughout this period of uncertainty and in the months and years ahead. That might mean being prepared to adopt some new approaches; measuring risk and taking a pragmatic view of how we can best continue to plan and make decisions vital to the recovery of our communities and businesses.

The Chief Planner and the Planning Minister both recognise the critical role of planning in supporting our future **“economic and societal recovery and our future health and well-being”**; and both **advocate “taking a pragmatic view” when making decisions vital to the recovery of our communities and businesses**”. The letter is a Material Consideration.

Economic Policies and Issues

The Scottish Government has identified its “Purpose” is – “To focus government and public services on creating a more successful country, with opportunities for all to flourish, through increasing sustainable economic growth”. The Council Vision Statement states that development will be used to help regenerate communities and improve the quality of life for all living in West Lothian.

National and local government faces an unprecedented challenge during and after Covid 19 and, as previously stated, approving small projects that make economic sense for everyone concerned can contribute to moving forward.

Conclusions

It is considered that this small development is in accordance with West Lothian Council policies and Scottish Government policies and will contribute to the considerable need for 1-bedroom housing. The development will improve the area by removing a semi derelict outbuilding and replacing it with 2 attractive and appropriately designed studio flats that will provide low-cost accommodation, for example, for an older person wishing to downsize to a well located, easy to heat small retirement home with shops, a bowling green and services near at hand. The development will have no adverse impact.

We respectfully request that the application is granted.

Development and Environmental Services Limited
25 May 2021

Comments for Planning Application 0566/FUL/22

Application Summary

Application Number: 0566/FUL/22

Address: 14 Market Street Mid Calder Livingston West Lothian EH53 0AA

Proposal: Demolition of an existing two storey outbuilding and erection of two one bedroom studio flats

Case Officer: Alexander Calderwood

Customer Details

Name: River Almond Action Group

Address: Spott 1 Mid Calder EH53 0JU

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Drainage and Flood Risk Statement not prepared by a Chartered Professional of ICE or CIWEM

Lacks details

No innovative SuDS such as a green roof, water butt or rain garden

Comments for Planning Application 0566/FUL/22

Application Summary

Application Number: 0566/FUL/22

Address: 14 Market Street Mid Calder Livingston West Lothian EH53 0AA

Proposal: Demolition of an existing two storey outbuilding and erection of two one bedroom studio flats

Case Officer: Alexander Calderwood

Customer Details

Name: Mr Alexander Millar

Address: 16c Market Street Mid Calder EH53 0AA

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Car parking issues also construction access issues in what is an already busy and congested street /area

From: [Planning](#)
To: [Calderwood, Alexander](#)
Subject: FW: Application ref 0566/FUL/22 - [OFFICIAL]
Date: 18 July 2022 08:56:54

DATA LABEL: OFFICIAL

From: Graham Davidson [REDACTED]
Sent: 16 July 2022 12:43
To: Planning <Planning@westlothian.gov.uk>
Subject: Application ref 0566/FUL/22

Graham Davidson
 16a Market Street
 Mid Calder
 EH530AA.

I am writing with regards to the planning application above.

Our property to the rear borders the area proposed for development, running along the perimeter between the property's is a wooden fence and lined along our side are mature plum trees which have been established in the garden for many decades stemming around the time the property was built in originally. My concern is they will be severely damaged with the removal of the original fence and the foundation ground works that will take place if this proposal goes ahead.

My second point of concern is the parking issue in front, potentially having another two flats will add to the number of vehicles already associated to 14 Market Street which is anywhere up to 12 cars associated with Mr Caprios business and tenants. This can make parking outside our property difficult at times.

I have sent a view of our garden showing the trees and boundary fence.

I hope you will consider my issues regarding this application.

Graham Davidson..

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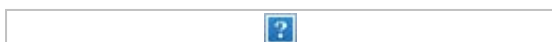
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PUBLIC: All information has been approved for public disclosure

NON-COUNCIL BUSINESS: Contains no business related or sensitive information

Link to **Information Handling Procedure:** <http://www.westlothian.gov.uk/media/1597/Information-Handling-Procedure/pdf/infohandling1.pdf>

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From: [Planning](#)
To: [Calderwood, Alexander](#)
Subject: FW: objection to planning ref: 0566/FUL/22 at 14 Market Street, Mid Calder - [OFFICIAL]
Date: 19 July 2022 08:51:16

DATA LABEL: OFFICIAL

From: Christy McLauchlan [REDACTED]
Sent: 18 July 2022 15:59
To: Planning <Planning@westlothian.gov.uk>
Subject: objection to planning ref: 0566/FUL/22 at 14 Market Street, Mid Calder

To whom it may concern,

I would like to place my objection on record to the planned demolition of an outbuilding and the erection of 2 studio flats adjacent to my property on Market Street in Mid Calder.

The impact of potentially 4 more cars to find parking places in an already congested area is unthinkable. Parking is almost impossible at the weekend and I say that as a resident of 4 Market Street.

The demolition and construction of said building will definitely impact the conservational area here, due to the restricted access to the rear of this property. As mentioned previously there is no space for extra parking or large equipment whilst this is undertaken not to mention the noise disruption.

This would appear to be, in my opinion, a totally unnecessary construction given all the new housing estates that are being built locally.

I look forward to hearing from you.

Kind regards,

Christy McLauchlan.

4 Market Street, Mid Calder, EH53 0AA

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From: [Planning](#)
To: [Calderwood, Alexander](#)
Subject: FW: Planning application Market Street Mid Calder - [OFFICIAL]
Date: 19 July 2022 08:47:27

DATA LABEL: OFFICIAL

From: Lynda McLauchlan [REDACTED]
Sent: 18 July 2022 15:47
To: Planning <Planning@westlothian.gov.uk>
Subject: Planning application Market Street Mid Calder

Good afternoon,

I would like to place my objection on record again, to the planned demolition of an outbuilding and the erection of 2 studio flats next to my property on Market Street in Mid Calder.

The impact of potentially 4 more cars to find parking places in an already congested area is unthinkable. Parking is almost impossible at the weekend and I say that not only as a business owner with my customers in mind but also as a resident of 8 Market Street.

Our garden has recently been refurbished after the Covid restrictions so that we can maximise and utilise our space better. A building of this nature would not sit well with me due to fact that it would sit along the entirety of the boundary wall and block natural light into our garden.

Our garden forms part of our licensed area which leads into a function area and as the previously mentioned Covid restrictions have now passed, we will have functions almost every weekend as people restart their social lives. The prospect of complaints being made on an environmental basis would be detrimental to my business.

The demolition and construction of said building will definitely impact my business due to the restricted access to the rear of this property. As mentioned previously there is no space for extra parking or large equipment whilst this is undertaken not to mention the noise disruption.

I have been neighbours with Mr Carpico for many years now and have always had a good relationship with him and his family but I feel I must object again to this proposal on the grounds that it could have a detrimental effect on my business while we are still rebuilding after all the closures and restrictions that Covid brought.

Regards
 Lynda McLauchlan
 Sent from my iPhone

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From: [Planning](#)
To: [Calderwood, Alexander](#)
Subject: FW: Objection to planning ref: 0566/FUL/22 at 14 Market Street, Mid Calder - [OFFICIAL]
Date: 19 July 2022 08:45:46

DATA LABEL: OFFICIAL

From: [REDACTED]
Sent: 18 July 2022 15:31
To: Planning <Planning@westlothian.gov.uk>
Subject: Re: Objection to planning ref: 0566/FUL/22 at 14 Market Street, Mid Calder

Good afternoon,

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I look forward to hearing from you.

Kind regards,

Donald.



Donald McLauchlan CBII

Proprietor | Black Bull Inn

phone: [REDACTED]

mobile: [REDACTED]

site: blackbullmidcalder.co.uk

email: [REDACTED]

address: 8 Market Street, Mid Calder, EH53 0AA



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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 ✓)
<p>Application Reference Number</p> <p>0566/FUL/22</p> <p>.....</p> <p>Site Address</p> <p>14 Market Street, Mid Calder, Livingston, West Lothian, EH53 0AA (Grid Ref: 307459,667609)</p> <p>Title of Application</p> <p>Demolition of an existing two storey outbuilding and erection of two one- bedroom studio flats</p> <p>Member's Name</p> <p>Councillor Carl John</p> <p>Date: 1/8/22</p>	<p>Applicant Request..... <input type="checkbox"/></p> <p>Constituent Request..... <input checked="" type="checkbox"/></p> <p>Other (please specify)..... <input type="checkbox"/></p>

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