



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Planning permission for the continued operation of children's nursery at 9 Riverside Lea, Seafield Road, Blackburn

2 DETAILS

Reference no.	0520/FUL/22	Owner of site	Riverside Cottage Nursery
Applicant	Mr David Addison	Ward & local members	Whitburn & Blackburn Councillor Kirsteen Sullivan Councillor Jim Dickson Councillor George Paul
Case officer	Kirsty Hope	Contact details	01506 282 413 kirsty.hope@westlothian.gov.uk

Reason for referral to Development Management Committee: Referred by Councillor Kirsteen Sullivan

3 RECOMMENDATION

3.1 Grant planning permission subject to conditions.

4 DETAILS OF THE PROPOSAL AND BACKGROUND

4.1 Planning permission is sought for the continued operation of a children's nursery (class 10) at 9 Riverside Lea, Seafield Road, Blackburn. The application site is located outwith the settlement of Blackburn, is within the Blackburn house crofts lowland crofting area and is located with the Livingston Countryside Belt, as identified in the adopted West Lothian Local Development Plan, 2018 (LDP).

4.2 The submitted plans indicate that the nursery floor area is within the previous detached outbuilding/garage as well as the rear garden area that is enclosed. Parking provision is provided along side and in front of 9 Riverside Lea.

History

1.3 The relevant site history is set out below:

- LIVE/0770/FUL/98 - Erection of a house, garage & clinic was granted permission on 3 November 1998.

- Temporary planning permission (LIVE/0405/FUL/09) was granted in 28 August 2009 for the erection of a 32.4 sqm extension to garage and change of use to form children's nursery (class 10). Conditions of the permission included the use of the children's nursery shall lapse on 28 August 2011, unless further permission is granted. Other conditions included no more than 15 children attending on any day, with no more than 1 member of staff and to operate between the hours of 0800 until 1830 Monday to Friday only.
- Temporary planning permission (LIVE/0384/FUL/14) was granted on 5 August 2014 for the continued operation of children's nursery including alterations to driveway to form parking and hardstanding. Conditions of the permission included, the use of the children's nursery shall lapse on 5 August 2017, unless further permission is granted. Other conditions included no more than 35 children attending on any day, with no more than 5 members of staff and to operate between the hours of 0800 until 1830 Monday to Friday only.

EIA Development

- 4.4 The proposal is not EIA development as it does not fall within Schedule 1 or Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2017 (EIA Regulations).

Equalities Impact

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

5. REPRESENTATIONS

- 5.1 Five letters of objection and one letter of support has been received.

- 5.2 A summary of representations is located in the table below.

Objection Comments	Response
<ul style="list-style-type: none"> • Inappropriate location 	<ul style="list-style-type: none"> • Noted. See further assessment below.
<ul style="list-style-type: none"> • Impact on residential amenity 	Noted. Whilst it is noted that there would be some impact on neighbouring properties, Environmental Health is satisfied that, with restrictions on the hours of operation, any impacts would be of an acceptable scale.
<ul style="list-style-type: none"> • Poses a health and safety risk with traffic and speeding vehicles 	<ul style="list-style-type: none"> • Noted. However, the speed of vehicles on a private road is not a material planning consideration. It is the driver's responsibility to drive to the road conditions. Any speed reduction on this private road would

Objection Comments	Response
	need to be paid for by the landowners involved and maintained.
<ul style="list-style-type: none"> Significant congestion 	<ul style="list-style-type: none"> Roads & Transportation has raised no concerns regarding road safety as a result of the development.
<ul style="list-style-type: none"> Noise and nuisance 	<ul style="list-style-type: none"> Noted. However, this is an established use that does not wish to increase the number of children attending. Environmental Health would investigate any noise nuisance separately.
<ul style="list-style-type: none"> Damage to private property and Road repairs 	<ul style="list-style-type: none"> Noted. This is a private legal matter between the properties/drivers of vehicles and / or owners involved. This is not a material planning consideration.
<ul style="list-style-type: none"> Unsocial behaviours/Police involved 	<ul style="list-style-type: none"> Noted. Whilst it is noted, this is a separate matter and any unsocial behaviours should be reported to the police separately.
<ul style="list-style-type: none"> Operational hours from around 7am and after 6pm and weekend events 	<ul style="list-style-type: none"> Noted. Times of the operation hours were previously restricted by condition.
<ul style="list-style-type: none"> More staff than permitted on consent 	<ul style="list-style-type: none"> Noted. Staff numbers were previously restricted by condition.
<ul style="list-style-type: none"> Inaccurate plans 	<ul style="list-style-type: none"> Noted. The plans provided are adequate to determine the application and use.
<ul style="list-style-type: none"> Adverts not on the plans 	<ul style="list-style-type: none"> Noted. Advertisements may require separate advert consent which would be applied for separately to this application and in retrospect.
<ul style="list-style-type: none"> Breaches of previous temporary consent. 	<ul style="list-style-type: none"> Noted. It is noted that a Enforcement Notice was served then this application was submitted.
Supporting Comments	Response
<ul style="list-style-type: none"> Personal reference of applicant 	<ul style="list-style-type: none"> Noted

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	Acceptable without conditions.	Noted.
WLC Environmental Health	No	Attach condition in relation to operational hours, if consented.	Noted. Condition shall be attached, if consented

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.	The proposed use as a nursery is an established use that has benefitted from two previous temporary permissions. The principle of this form of development has therefore been established. There is not an increase in numbers of visitors attending.	Yes
LDP ENV 3 – Other Development in the Countryside	Development in the countryside will only be permitted where it meets criteria a-e.	The application is for the continued use of an existing nursery business and complies with criteria a.	Yes
LDP ENV7 - Countryside Belts and Settlement Setting	Development will only be permitted where it can be demonstrated that the proposal satisfies criteria a-e.	The proposal will not give rise to any coalescence between settlements, the premises is an established use as a nursery for some time.	Yes

7.4 Other relevant policy guidance and documents are listed below:

- Statutory Supplementary Guidance (SG):
 - Development in the Countryside
 - Planning and Noise

8. ASSESSMENT

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

Principle of development

- 8.2 The application is for the continued operation of a children's nursery. The nursery first operated on a temporary basis (LIVE/0405/FUL/09) for up to 15 children and one member of staff. This was renewed by another temporary permission (LIVE/0384/FUL/14) which increased the number of children up to 35 and 5 members of full-time staff which was given temporary consent until 2017. The use of the premises as a children's nursery has been well established.
- 8.3 This application proposes to renew the previous consent of 35 children, however the applicant has advised that they only currently operate at 26 children per day so that they can support the children and provide a better experience. The site currently operates with 8 part time members and generally no more than 5 members of staff on site at any one time. The hours they are currently operating are from 07.30hrs until 17:30hrs however this was due to covid and the applicant would be willing to revert back to 0800hrs until 1830hrs Monday to Friday (which could be conditioned).
- 8.4 The nursery premises include an outbuilding that was converted to a nursery use (which was subsequently extended) and also utilises a generous plot of garden ground. WLC Environmental Health has raised no concerns in relation to noise from the site and has not noted any previous complaints. The proposal complies with Policy DES 1 (Design Principles).
- 8.5 The lowland crofting handbook allows business use in crofting sites and this nursery has been on site for over 10 years.

Countryside

- 8.6 The application site is located within the countryside and designated Livingston Countryside Belt. Policy ENV 7 (Countryside Belts and Settlement Setting) sets out the 4 criteria that must be met. Firstly, the proposal must meet the policy criteria set out in the policies ENV 1 – ENV 6 of the Local Development Plan can be met. In this instance, policy ENV 3 (Other Development in the Countryside) applies.
- 8.7 The proposed use as a children's nursery is well established and the use is appropriate in scale and size and would not have a significant detrimental impact on the neighbouring properties. The proposal therefore complies with both policy ENV 3 (Other Development in the Countryside) and Policy ENV 7 of the Local Development Plan.

Parking/Access

- 8.8 Parking and turning is provided along the front and to the side of the premises and provides ample area for dropping off and picking up children all within the application site. Access the site is via a single-track road with passing places. WLC Roads & Transportation have raised no concerns in relation to the on-site parking. Whilst there are some concerns raised by neighbouring properties regarding access and parking arrangements, this is not sufficient to justify refusal in this instance.

- 8.9 Conditions restricting the hours of operation, numbers of staff/children attending the site would all assist control the impact on neighbouring properties.

9. CONCLUSION AND RECOMMENDATION

- 9.1 The proposal complies with policy DES1 (Design Principles), ENV 3 (Other Development in the Countryside) and ENV 7 (Countryside Belts and Settlement Setting), as well as Supplementary Guidance on New Development in the Countryside, 2019.
- 9.2 It is therefore recommended that planning permission be granted subject to conditions.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Draft conditions
- Location Plan
- 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: 14 September 2022

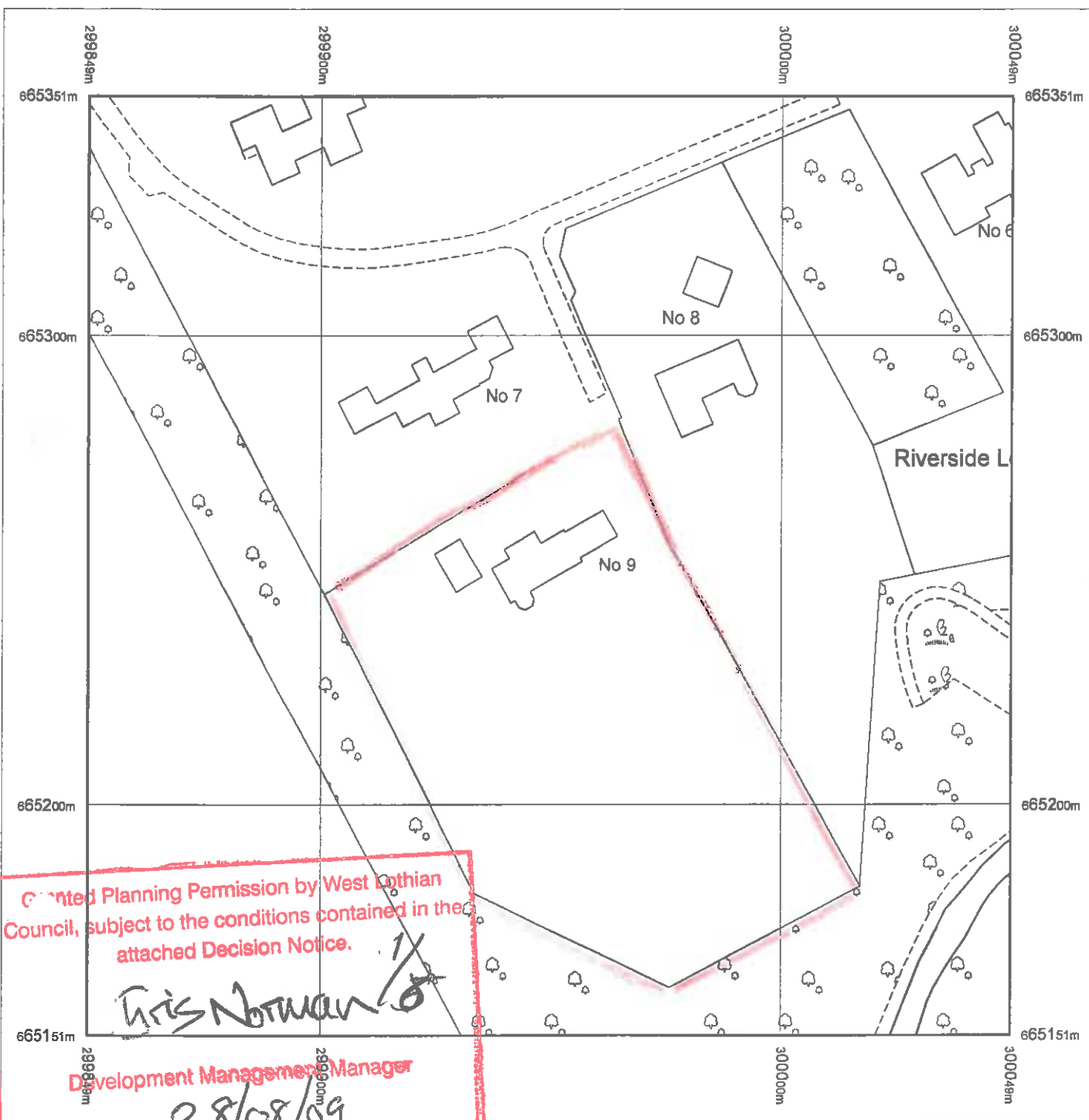
DRAFT CONDITIONS – APPLICATION 0596/FUL/22

1. Notwithstanding the approved plans, no more than 35 children shall attend the nursery on any day.

Reason: To control the size of the nursery to protect the residential amenity of neighbouring properties and the character of the area.

2. The hours of operation of the nursery hereby approved shall be restricted to 0800 hours until 1830 hours Monday to Friday and at no time on a Saturday or Sunday.

Reason: To control the opening times of the nursery to protect the residential amenity of neighbouring properties and the character of the area.



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0405/004/09

Hope, Kirsty

From: dennis uttridge [REDACTED]
Sent: 25 July 2022 14:22
To: Planning; Hope, Kirsty
Cc: tracy thomson
Subject: 0596/FUL/22: Continued operation of childrens nursery | 9 Riverside Lea
Attachments: Council objection - Nursery.v01.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Kirsty,

I am writing to object to application **0596/FUL/22: Continued operation of childrens nursery | 9 Riverside Lea, Seafield Road, Blackburn.**

I have attached the material considerations which outline why the application has considerable safety issues, is not sustainable, has lack of consideration for the upkeep and maintenance of the surrounding area and contravenes many of the council's development plans and council guidelines.

Would you mind confirming receipt of this objection and let me know if you require any further information.

Many Thanks,

Dennis Uttridge

Address: 6 Riverside Lea, Blackburn, West Lothian. EH47 7EL

Telephone: [REDACTED]

email: [REDACTED]

0596/FUL/22: Continued operation of childrens nursery | 9 Riverside Lea Seafield Road Blackburn West Lothian EH47 7EL

The original temporary planning permission (Reference: 0405/FUL/09), was granted on the explicit condition no more than 15 children would attend the nursery on any day *“to control the size of the Nursery to **protect the residential amenity of neighbouring properties and the character of the area**”*. Further condition was added to the temporary permission and granted in 2014 (LIVE/0384/FUL/14) explicitly removing permission in August 2017 *“to monitor the use of the site to ensure that it is operated in a manner to **reduce any potential adverse effects on the surrounding area**”*. Both conditions have been flaunted with the operation of the Nursery and there is demonstrable impact to the neighbouring properties and adverse effect on the area. These include;

- The only access to the Nursery is via a **private road** which is not suitable for the volume of traffic for a high-intensity business. The volume of traffic for the nursery exceeds 100 cars most days. There is no alternate public access to the Nursery.
- The integrity of the road and surrounding infrastructure has been severely compromised with multiple deep potholes and continues to deteriorate at an alarming rate. This represents a **material danger** and has become **extremely unsightly**.
- With the degradation of the road, any access by Emergency services will be severely compromised and **presents a material risk** to the public, the residents and the children at the Nursery.
- The width of the road at places is 3.4 meters with minimal passing places causing significant congestion at key times of the day. Which has resulted in multiple **escalations to the police** (where residents have been threatened and abused by the Nursery customers)
- The congestion and inability for the traffic to pass constitutes a **major safety concern**. Emergency services would be unable to access the properties during key times of the day. The risk is heightened with the elderly residents in the area.
- The Nursery has made no effort or consideration for the on-going maintenance and sustainability to the infrastructure or **safety to the public** going to and from the Nursery. The neglect, lack of consideration and **deterioration to the road** and amenities **is not in the public interest** and has a **material impact on the infrastructure**.
- The road and infrastructure are privately owned by the residents, as such the responsibility and cost of repairs is shared between the residents. There is continual damage to resident's private property where the Nursery customers recklessly drive over private property in an attempt to pass.
- As the application is on a Low Croft initiative, there is a material consideration the application **contravenes many of the council's development plan and council guidance**, in respect to the safety, maintenance, access and aesthetics of the area.
- The proposal has a **material impact with the loss of privacy** as a result of the additional traffic going to/from the Nursery. This is compounded with the large signs which have been erected at the entrance of the private road.

Temporary permission was extended until August 2017 (Reference: LIVE/0384/FUL/14) with the intention of reviewing the impact to the infrastructure and surrounding area;

- The above points clearly evidence there is significant detrimental impact to the road and surrounding infrastructure
- Constitutes a safety concern to the public with the continual deterioration and congestion of the road
- Results in considerable impact to the neighbourhood and residents of the area
- The original application was for no more than 15 children in any one day, this has now more than doubled with no planning consent
- Multiple incidents have involved the police, demonstrating the severity of the impact
- The concerns and objections have senior level visibility with escalations being made to the local authorities, local councillors and MPs
- Riverside Lea is part of a Low Croft initiative with council directive of providing a very low-density rural housing and woodland development, the title deeds explicitly restrict Business, especially the high intensity of the Nursery

Hope, Kirsty

From: Barry Simpson [REDACTED]
Sent: 28 July 2022 09:17
To: Hope, Kirsty; [REDACTED]
Subject: 0596/FUL/22: Continued operation of childrens' nursery - OBJECTION

Dear Kirsty

0596/FUL/22: Continued operation of childrens' nursery
9 Riverside Lea Seafield Road Blackburn West Lothian EH477EL

I wish to strongly object to the operation of the nursery referred to in the above application.

My statement also refers to Planning Ref. LIVE/0384/FUL/14, this temporary consent expired 5th August 2017, however the business continued to operate. The owner had been suggesting over the last few years to me that they are anticipating that the nursery will close down but I see no signs of anything slowing down, in fact the opposite.

The behaviour and nuisance that my neighbours and I are having to endure is entirely inappropriate for the area in which we reside.

Previous objections are documented in earlier correspondence, my current objections can be summarised as follows;

POLICY

The nursery is continuing to operate despite not having relevant permissions to do so. Previous TEMPORARY consent expired 5th August 2017. (LIVE/0384/FUL/14) With no permission the business should not be operating in this location.

The number of staff employed there well exceeds that maximum number stated in the temporary consent from years ago - evidence it is expanding. The nursery website at time of writing lists 12 staff members, well in excess of the limit (5) defined in the previous conditions under temporary consent (LIVE/0384/FUL/14)

<https://www.riversidecottage nursery.co.uk/team>

The nursery is not managed by residents of Riverside Lea - a clear breach of Lowland Crofting Scheme intent.

The nature of the nursery business contravenes the guidance associated with business operation in a Lowland Crofting Scheme on several accounts, including but not limited to access, density and loss of amenity.

LOSS OF AMENITY

My neighbours and I have complained to the nursery staff on many occasions not only about the excessive traffic, but the damage and abusive nature of many of the nursery Clients but we are simply dismissed by the nursery staff and owner. The nursery have confirmed in writing that they can not assist with our ongoing concerns despite the fact my neighbours and I have repeatedly complained to them and regardless of the fact the traffic is associated with their business, stating that I should address any concerns with the police.

I would expect a good neighbour, particularly a business owner, to at least make some effort to alleviate legitimate concerns being repeatedly raised by neighbours when clear evidence is there to be seen, but we are being ignored.

Our property is regularly damaged due to inconsiderate drivers going to and exiting from the nursery (as can be seen in the photos).

Time stamped video and photographic evidence, as demonstrated to the police, evidenced malicious vandalism by specific individuals that have been identified and

often takes place immediately after an interaction when they have been approached and respectfully requested to be respectful of neighbouring properties.

We have been forced to pay for road repairs several times so far in an attempt to avoid damage to our own vehicles, it is not appropriate that my neighbours and I should be paying for avoidable repairs when it is the excessive traffic to the nursery that is causing the problem.

We (and our neighbours) are regularly subject to abuse from drivers attending the nursery, evidenced by several formal police incidents, video/photographic evidence and ongoing complaints.

ROAD TRAFFIC/HEALTH & SAFETY CONCERNS

There is an exceptionally high volume of vehicular traffic going into and exiting from the nursery causing ongoing damage to our garden, neighbouring properties and the private road.

There is a high volume of traffic regularly speeding along the road despite us paying to have a speed bump fitted to deter speeding drivers.

Speeding drivers impose a health & safety risk.

Young children can not safely go outside because of the speeding traffic – unbelievably the nursery children regularly walk the children up and down this road, despite there not being a separate footpath.

We are not able to freely and safely cycle along our private road due to speeding traffic accessing the nursery as a result of the high volume of traffic it attracts.

The volume of traffic associated with the nursery imposes a health & safety risk to residents and indeed anyone currently attending the nursery, associated risks include but are not limited to, pedestrian impact, vehicle impact and **emergency vehicle access being prevented.**

FURTHER NOISE AND NUISANCE

Traffic commences from shortly after 7.00am and continues after 6.00pm - previous temporary consent that expired in 2017 did not allow any business movements prior to 8.00am.

Nursery Clients do not consider this as a residential area during drop-off/collection times as we are subject to regular shouting, car radios at inappropriate volumes and banging car doors from shortly after 7.00am

As an immediate neighbour, whilst screaming children might be considered a normal part of life with any neighbour, the numbers of children and the fact that the nursery promotes external play regularly causes noise levels which would not normally be expected causing difficulty when working from home particularly during online meetings.

ENVIRONMENTAL IMPACT

The road is often blocked and significant congestion (as evidenced in photos) prevents free flow of traffic. This does not permit my neighbours and I to freely access our own driveways (a pre-requisite of the lowland crofting scheme being that any business can not impede residents' access) and this congestion would **prevent emergency vehicle access** should it be required as there is no other vehicular or pedestrian access to our properties.

Although less frequent now, there are weekend events at the nursery, previous consent that expired in 2017 did not allow weekend events. Attendees park on verges causing damage, blocking access (as evidenced in photos) and are often abusive when asked to move vehicles. There are live services under the soft verges and heavy vehicular traffic is likely to cause damage. I have placed cones to prevent nursery attendees from parking above live services, but they simply move the cones and park in any case.

INFRASTRUCTURE

The serious damage being caused to the road by excessive traffic is significant and entirely disproportionate to what should be reasonably expected in this locale. The

evidence of the damages caused by inappropriate levels of traffic including specific damage and excessive wear/pot-holing (in contrast to the upper area of road which is not used for nursery traffic) is there to be seen at any time. This is evidenced in photos, and additional photos have been sent under separate cover.

The private access road being used for nursery access is not designed for and is certainly not capable of sustaining the level of traffic that the nursery currently attracts and as it gets busier, this problem is exacerbated.

Specifically at nursery start and stop times the congestion and excessive traffic movement would be an eye-opener to anyone that has not witnessed this first hand, as it is to those that have. The road is often blocked, verges are used to pass in lieu of allocated passing places and residents are prevented from leaving their homes to get to work as evidenced in photos due to nursery vehicles being stuck or broken down.

SUSTAINABILITY

There is no footpath to access the nursery. Only the private single track road. Considering the traffic levels and current condition of the road, there is no safe pedestrian or cycle access to the nursery, only the dilapidated private single track road.

The nursery owner has made no significant attempt to repair the damaged road and infrastructure.

NEIGHBOURHOOD CHARACTER

Because the nursery staff will not engage with us to resolve our concerns, it has been necessary to call the police regularly with regard to ongoing incidents where we are subject to abuse, roads being intentionally blocked, vandalism and threatening behaviour including one in incident which I was threatened in my own garden. There are several formal police incidents recorded.

A lowland crofting scheme is absolutely not an appropriate location for a business that results in a situation where vehicles pass residents driveways well in excess of 100 times a day every week day as is clearly evidenced by video evidence, which can be presented if required.

INACCURACIES ON SUBMITTED PLANS

The plans submitted are not accurate having simply been copied for the 2014 Planning Application.

The large covered storage structure (about 40m²) is not shown.

The road width is incorrectly noted as being 4m wide when it is in fact significantly narrower than this (closer to 3.4m wide at the point where it is annotated as 4m wide). The road width varies.

The parking arrangement notes a tarmac hammerhead and parking arrangement which is not in place.

The application does not cover the large advertising signs that are placed at the entrance to Riverside Lea.

BREACHES TO PREVIOUS TEMPORARY CONSENT

Numbers of employees significantly exceed limits set by previous Planning Conditions associated with previous Temporary Consent, evidence that it is expanding.

Operating times are outwith the limits set by previous Planning Conditions associated with previous Temporary Consent (expired).

Weekend activities are undertaken in contrast to previous Planning Conditions associated with previous Temporary Consent which prohibited weekend events.

The original temporary consent granted in 2010 (0405/FUL/09) allowed up to 15 children. There were conditions attached. It expired on 28th August 2011 and the nursery continued to operate without permission. The temporary consent granted on 2014 (0384/FUL_14) increased that number to 35 children again with conditions attached. This increase was to capture a physical extension and increase in children

and staff numbers that had been undertaken whilst consent was not in place. This is noted in the associated case notes. This expired 5th August 2017 and the nursery again continued to operate.

This blatant flouting of conditions evidences the cavalier attitude being taken by the nursery operators.

FURTHER COMMENT

As you are aware, the nursery has until recently repeatedly failed to respond to many attempts by your own department to resolve this ongoing and awful situation. This is typical of the responses we get as concerned neighbours.

There is plenty of tangible evidence to demonstrate that the previous conditions set, **with the intention of determining if the nursery operation would have an adverse effect on the community**, were being breached. The nursery owner's lack of empathy for their neighbours and flouting of previous conditions and attempts from West Lothian Planning to resolve this ongoing situation is typical and **I can't see how this will change in the future if the nursery continues to operate in this location.**

Having engaged with local councillors in the lead up to the Planning Enforcement Actions being taken, they were able to witness first hand activities resulting in the frustration we all share when visiting and meeting the surrounding neighbours, all of whom expressed concerns over the situation with complaints dating back to when the nursery was first established.

I have included a small sample of photos with this message but **under separate cover** I have sent some further examples showing the ongoing difficulties that my family and my neighbours are subjected to as a result of the inordinate amount of traffic that the nursery attracts.

Vehicles attending the nursery pass by my property well in excess of 100 times a day most days, more often than not, driving at inappropriate speeds. I have a significant video archive detailing evidence of this.

It is entirely inappropriate for this locale and in total contrast to Lowland Crofting ethos.

The health & safety and wellbeing of my own family has been an ongoing concern of mine for some time.

Aside from the ongoing damage, I have a huge volume of video clips providing evidence of the ongoing speeding posing a health and safety concern which I can forward should it be required. I have already installed a speed bump at my own expense and I will need to install another one as this is an ongoing problem immediately outside my property. I have also had to install at my expense, hedging, ornaments, signage and even rocks to deter the nursery clients from driving on to my property and causing damage.

This vain effort to legitimately maintain my property seems to prompt malicious actions in retaliation, as you'll see from the sample of photos I have included.

I can't see how the nursery can remain open at this location in the interim. With no valid permission to operate, their insurance must be invalid and that imposes a whole different risk, particularly as West Lothian Council is partnering with this nursery as noted in the WLC website.

My neighbours and I remain of the opinion that the nursery should not be operating in this location as this goes entirely against the ethos of a Lowland Crofting Scheme. There are complaints and objections dating back years. Damage and vandalism to my own and my neighbours' properties continues. There is a general lack of care from Clients attending the nursery, it is not uncommon for us to be blocked from accessing our own property and we are frequently subject to abuse. The owner has been telling me for the duration of my residence here that the nursery will be closing but instead it is clearly getting busier.

The previous temporary consent that was in place a few years ago was to allow the effect of the business on the surrounding area to be monitored. It has long since expired and it is clear to see that this business is having a significant adverse effect on the surrounding community.

It is entirely inappropriate for the nursery to be operating in Lowland Crofting Scheme due to the ongoing difficulties as identified above with supporting evidence to substantiate. I hope this will be recognised and the nursery will not be permitted to continue operating in this location.

I would be grateful if you would acknowledge receipt of this communication.

Kind Regards

Barry Simpson

7 Riverside Lea

[REDACTED]

Hope, Kirsty

From: Cat Muir [REDACTED]
Sent: 30 July 2022 19:44
To: Planning; Hope, Kirsty
Subject: Objection to 0596 / FUL / 22 - Continued Operation of Children's Nursery

Follow Up Flag: Follow up
Flag Status: Flagged

30th July 2022

I want to object to the Planning Application reference 0596 / FUL / 22 - Continued Operation of Children's Nursery

General

It is entirely inappropriate for the nursery to operate in a lowland crofting scheme as it goes against the whole intent of the scheme.

The business needs to relocate to a more suitable location as its operation is adversely impacting on the amenity, community, poses health & safety risks, significant congestion, noise & nuisance and is affecting the wellbeing of surrounding neighbours.

Loss of Amenity

There is a huge volume of vehicular traffic going into and exiting from the nursery causing ongoing damage to residents' gardens and the private road

Vehicles attending the nursery pass our driveway well over 100 times a day as shown in videos

Residents do not have free access to their properties due to congestion

Residents regularly face abuse, particularly when nursery attendees are approached and asked to be careful when driving as children are present, or to use the passing places provided on the single track private road. Drivers going to the nursery are regularly abusive, speed, intentionally block the road and driveways purposely drive on our gardens which is all evidenced in video and photos.

Health&Safety

Nursery traffic regularly speeds along the single track private road as videos show, so it is not safe to walk or cycle on the road.

Young children cannot safely go outside because of the speeding traffic - the nursery children walk up and down this road and without hi-vis safety wear.

Not only residents but emergency vehicles would not be able to quickly access in the case of an emergency due to congestion and regular blockages which means I worry and am very panicked when I have my elderly mother here .

The excessive road damage does not provide a safe passage for emergency vehicles or any visitors due to excessive potholing caused by nursery traffic. The road is in very good condition on the east sides where the nursery traffic does not go.

Noise&Nuisance

Nursery traffic starts just after 7am and continues after 6pm as video evidence can demonstrate.

Heavy traffic at business start stop times and lunch periods causes congestion on the single track private road with frequent jams and road blockages (as photos)

Residents are prevented from freely leaving and entering properties

Nursery Clients do not consider this as a residential area during drop off and collection, regular shouting, car horns, car radios at inappropriate volumes and banging car doors from shortly after 7.00am

Although less frequent now, there are weekend and evening events at the nursery including open days and parties - previous consent (exp2017) did not allow weekend events. People attending these events park on our verges, causing damage, blocking private accesses, have parked in our

driveways and are often rude and threatening when asked to move which causes significant anxiety to myself and my children who have been present in the car while clients of the nursery have been threatening and abusive towards us.

Having so many loud and often screaming children on a daily basis is not would be expected from an average, or even a very busy household.

The noise is not in keeping with the nature of this environment and has an adverse effect on our mental health as we cannot sit out in our garden during nursery hours and are very anxious if we need to leave the house during peak nursery traffic hours for fear of blockage or abuse .

Breaches to Previous Consents

The number of staff living outside Riverside lea and employed there is much more than the maximum number stated in the expired temporary consent- evidence it is expanding.

Weekend and evening events take place (as evidenced) causing congestion, noise and nuisance and residents are exposed to further abuse from many of those attending

Business related traffic starts shortly after 7.00am causing disruption, noise & nuisance

The nursery Manager does not reside in Riverside lea, - this does not align with Lowland Crofting Scheme rules

Operating times are very disruptive to residents.

Community

Along with our neighbours, we regularly face abuse from drivers attending the nursery as videos & photos show. This is the cause of great anxiety in a place which should be tranquil.

There have been several formal police incidents to date and ongoing complaints including a section 38 incident where my husband was threatened in our garden.

My son was almost hit by a speeding car and because of that cannot go outside to play in our front garden as cars have driven through our front garden when they cannot get past us or other nursery cars.

The nursery have confirmed in writing that they can not assist with the traffic problems and abuse despite the fact we have repeatedly approached them to help stop these incidents

Our property is regularly damaged due to inconsiderate drivers going to and exiting from the nursery as evidenced in photos, often intentionally as videos and photos show

We have incurred costs for road repairs several times so far - why should we have to do this when it is the excessive traffic to the nursery that is causing the problem and the owner does not contribute ?

The nursery currently lists 12 staff members, significantly more than the numbers allowed in earlier temporary consent

The owner and staff will not engage with neighbours to discuss the ongoing problems

Blatant disregard for conditions in previous temporary consents (expired five years ago)

Traffic movement times as noted above, from just after 7am breach the conditions of previous consents

Staff numbers well exceed previous conditions and numbers are increasing, so vehicles also increase etc.

Children numbers well exceeding the original consent for years and numbers are increasing

The owner has continually ignored many attempts by Planning to resolve the fact they have no permission only reacting when Enforcement notice to close is served. With so many previous breaches this is a clear indication that things will only get worse as they do not seem to care about rules and regulations until forced into it. Who will make them contribute to what are now, very costly road repairs?

Planning Application Errors

The plans submitted are not correct because a huge covered storage area is not shown

The road width is listed as being 4m wide but it is only 3.4m wide at the point where it is shown as 4m wide

The parking arrangement is not what is shown either as there is no tarmac hammerhead

There are two large advertising signs at the entrance to Riverside Lea, again not shown

Owner has persistently ignored attempts by Planning to resolve over many months right up until the Enforcement notice to cease operations was issued. This blatant disregard for compliance with procedures is a sign of likely ongoing issues unless the business is relocated.

I would be grateful if you would please confirm receipt of this objection and that it will be taken into consideration.

Catherine Muir
7 Riverside Lea
Blackburn
EH47 7EL

Hope, Kirsty

From: Haleh Shaygan-Nather [REDACTED]
Sent: 31 July 2022 19:28
To: Hope, Kirsty; Planning
Subject: Re: Objection to 0596 / FUL / 22 - Continued Operation of Children's Nursery

Dear Kirsty Hope and Planning

-I want to object to the Planning Application reference 0596 / FUL / 22 - Continued Operation of Children's Nursery.-

Health & Safety concerns:

I'm a visitor to one of the properties near the above nursery and have broken my shock absorbers and parts a couple of times because of the potholes on the private road. I didn't complain or request compensation from the residents.

However, I don't believe they are due to be rectified soon, because of the high traffic of the nursery that caused them and the bulk maintenance costs that should be covered but won't be paid by them.

So, I don't see the other residents deem it fair to share the costs equally, therefore no repairs.

Also I've experienced the hurrying, speeding, sometimes aggressive parents tend to expect other people to make way for them by going high onto the grass and other verges, that will also cause damage to the/my car. I believe my friends have spoken to the owners about this to no avail.

This is a road to avoid. Personally, I do feel uneasy there. I'm not visiting my friends anymore.

It's important that the present situation, the behaviour of the nursery clientele, and owners, on the delapidated single track road access to the nursery violate a couple of highway codes and laws such as 133 and rule 243, also Rospa legislation 17 and 21 for school site road safety.

The single line road is suitable only for a very few number of cars, not the sort of traffic that is present. A possible growing number of clients and the associating higher traffic will be quite concerning and is not advisable.

Thanks and regards

Haleh Nather

2 Kaims Place
Livingston EH54 7DX

Hope, Kirsty

From: Assad Afzal [REDACTED]
Sent: 31 July 2022 21:19
To: Planning; Hope, Kirsty
Subject: 0596/FUL/22 – continued operation of a children’s nursery at 9 Riverside Lea, Blackburn, West Lothian, EH47 7EL.

Please confirm receipt

31/07/2022

Sent on behalf of

Muhammad Afzal

5 Riverside Lea

Blackburn

EH47 7EL

I am writing with regards to application 0596/FUL/22 – continued operation of a children’s nursery at 9 Riverside Lea, Blackburn, West Lothian, EH47 7EL.

Having been consulted on the original application over ten years ago, it gives me no satisfaction to have to say that all of the objections I raised at the time have come to fruition.

The crofting scheme at Riverside Lea was designed to allow residents to open businesses with a low daily client turnover. With over a 100 client journeys to the nursery on a daily basis – yes, I counted – this type of business has not and is not in keeping with the ethos of the scheme upon which we purchased our plot, back in 1998.

As an example, if the nursery has places for 30 children then that means 4 journeys on the road per child in a single day. If that number includes half sessions then the number jumps to $30 \times 4 + 30 \times 4$, which amounts to 240 journeys per day.

The traffic spread is also not evenly distributed throughout the day, as most if not all parents will drop their children off before going to work in the mornings and collecting them in the evenings, again at the same time.

The nursery is situated at the very end of a single track road that has a many turns and blind spots. It’s impossible to see cars – which frequently travel at high speed – coming up or down, This makes it difficult for traffic in the opposing direction to get to a passing place in time. One has to note that parents dropping off their children are

frequently in a rush and consequently speed on this road at a velocity that simply isn't safe for pedestrians or other users that might be on the road at the time.

The contention on the road means that parents end up going off-road on my garden, causing wilful and deliberate destruction.

At times I have to justify entering my own property because a nursery user has parked at the entrance of my driveway. This is wholly inappropriate and quite intimidating. Is it acceptable that I should be subjected to this abuse?

These items have been repeatedly raised with the nursery and have not yielded anything beyond a shrug.

Given the serious issues I have highlighted above, I objected to the nursery operating from it's current location. A business as successful and client intensive as this clearly should be situated at a location where there is the necessary infrastructure to support it.



Cowgate Under 5s Centre

172, High Street
7, Old Assembly Close
Edinburgh
EH1 1QX



Head of Centre – Dr.Lynn J McNair O.B.E.



Letter of Support: Managing Director Luke Addison, Riverside Cottage Nursery.

1 August 2022

To whom it may concern,

In the years that I have worked alongside Luke Addison, I have witnessed his profound commitment to the children, their families and the staff team; his boundless energy and his willingness to build an educational community. Luke's eagerness to participate in all aspects of community life has been nothing short of impressive. He goes out of his way to enhance community life, I have often gone out walking with Luke in his local community, with his dog, Huntley, a beautiful animal, and it is clear to me what a valued member of the community Luke is, as he is warmly greeted by many.

His love of humanity, his love of children is clear from his practice. Luke is a practitioner who practices with dignity, creativity, peace, co-operation, love and justice for all. His commitment to practice is evident through big and small gestures, for example, he is always fully present and prepared in the early years environment; he carries this practice to his work outside, in his neighbourly gestures. His genuine respect for children is apparent. Children (and adults) adore him.

Luke has a humane and revolutionary soul. He is a liberal humanist. Luke has excellent inter / intrapersonal skills; further he is a reflect / reflexive individual. Quite recently we embarked on an exploration of diversity and inclusion. These reflective exchanges provided an opportunity to pursue respect and mutual interests for intellectual rigour and transformation. In our discussions, as always Luke responds with detailed thoughtfulness. With Luke you are given a real sense of the conversion of knowledge into transformative action, i.e., he learning is never wasted.

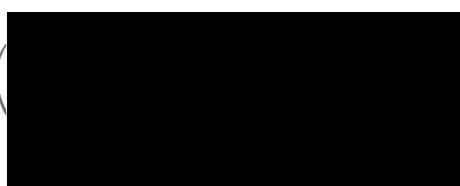
Luke is a trained Froebelian. A Froebelian approach subverts the common pedagogical order of control, instead it is an approach of 'Freedom with Guidance'. A Froebelian understands the early learning and childcare centre / school is the place where learning and the appropriation of the accumulated knowledge of

a society or culture takes places, enabling a flourishing in that moment. Resulting in Luke being an intuitive practitioner with immense practical knowledge.

While it can be acknowledged that as human beings we are many things, I know Luke as prolific, generous, a humble activist whose authenticity and humanity are tangible.

Please do get in touch should you need any further information.

Kind regards



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 ✓)
Application Reference Number 0596/FUL/22.....	Applicant Request <input type="checkbox"/>
Site Address 9 Riverside Lea, Seafield Road, Blackburn, West Lothian, EH47 7EL (Grid Ref: 299951,665254)..... 	Constituent Request <input checked="" type="checkbox"/> X
Title of Application Continued operation of children's nursery..... 	Other (please specify) <input type="checkbox"/>
Member's Name Cllr Kirsteen Sullivan.....	
Date 29/08/22.....	

