

Development Management

List of Delegated Decisions - 2nd September 2022

DATA LABEL: OFFICIAL

The following decisions will be issued under delegated powers unless any Member representing the ward in which the application is located requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

| | | | |
|---|--|------------------------|--|
| Ref. No.: | 0583/P/22 | Recommendation: | Grant Planning Permission in Principle |
| Proposal: | Planning permission in principle for the erection of 6 houses | | |
| Address: | 16 Raw Holdings, East Calder, West Lothian, EH53 0JN (Grid Ref: 309388,667317) | | |
| Applicant: | Mr David Dickson | Type: | Local Application |
| Ward: | East Livingston & East Calder | Case Officer: | Alexander Calderwood |
| <u>Summary of Representations</u> An objection was received from the River Almond Action Group. They objected for the following reasons: <ul style="list-style-type: none"> - No SWMP or Flood Risk Assessment has been prepared / is available to review on the planning portal - No drainage details have been provided - Would expect to see SuDS features notwithstanding SuDS basins, rain gardens and/or water butts. - The above points are important because the area is at high risk of surface water flooding | | | |
| <u>Officers report</u> This application seeks planning permission in principle for the erection of 6 houses. The relevant policies of the West Lothian Local Development Plan 2018 are: <ul style="list-style-type: none"> - Policy DES 1 (Design Principles) - Policy HOU 1 (Allocated Housing Sites) - Policy CDA 1 (Development in the Previously Identified Core Development Areas) The application site is located at the southern end of the East Calder Core Development Area (CDA) and is within an allocated housing site. It is bound by Langton Road to the south, the NCR75 to the east and fields to the north and west. However, the latter are currently | | | |

being developed out as part of the CDA. This particular section was approved as part of a master plan for 276 houses and 24 flats under application LIVE/0198/FUL/15. The principle of residential development on the site is acceptable.

The application site is located in a corner of the CDA and covers an area of approximately 3,700 sqm. The NCR75 forms an integral part of the CDA and the approved masterplan for the wider area in East Calder. As part of the wider scheme the NCR75 is being upgraded and brought up to an adoptable standard, with a 3 metre wide cycle path and footpath. This will allow for an uninterrupted stretch of cycle and footpath throughout the entirety of the masterplan area and the village of East Calder; and provide a green access route to the areas beyond.

The applicant is required to upgrade the section of the NCR75 that immediately joins their site as part of any approval. The requirement to do this will be attached as a condition to the decision notice. The length of the segment which they require to upgrade is approximately 90 metres, and is the final segment which will connect Langton Road to the wider masterplan area.

The council's Flood Management team has confirmed that there is not a flood risk issue in relation to this site and that the final drainage and SUDs proposals can be conditioned at this stage and dealt with as part of the detailed proposals.

With the attachment of the aforementioned conditions, the proposal is acceptable under Policy DES 1, Policy CDA 1 and Policy HOU 1 of the West Lothian Local Development Plan 2018 and it is recommended that Permission in Principle is granted.

| | | | |
|--|---|------------------------|---------------------------|
| Ref. No.: | 0629/FUL/22 | Recommendation: | Grant Planning Permission |
| Proposal: | Erection of replacement 3,550 sqm primary school, car park and servicing areas, compounds, installation of MUGA and alteration and extension of play spaces, landscaping and associated works | | |
| Address: | Land To The East Of East Calder Primary School, Main Street, East Calder, Livingston, West Lothian (Grid Ref: 308518,667740) | | |
| Applicant: | Mr Andrew Mackie West Lothian Council | Type: | Local Application |
| Ward: | East Livingston & East Calder | Case Officer: | Gillian Cyphus |
| <u>Summary of Representations</u> One objection has been received raising the following concerns - design of the building is inappropriate and it would be better to refurbish the existing school - visual impact on nearby residents - noise and disturbance to nearby residents - loss of sunlight and increase in wind | | | |
| <u>Officers report</u> The application is for a new primary school in East Calder to replace the existing primary school on this site. The new school will be two storey with a mono pitched roof with a maximum height of approximately 10.7m. It will be constructed on the existing playing field to the east of the current school building. The existing building will be demolished to make way for a new playing field and MUGA. The vehicle access points to the site will remain, although a tree will be removed in the existing car park to alter the internal road layout. The current nursery building will remain in situ. The site is surrounding by residential properties, with a public footpath and landscaping running along the southern boundary between the site and the houses. The use of the site as a primary school is already established and is appropriate for this location. The new building is of a modern and high-quality design and will have a positive visual impact on the area. Whilst it acknowledged that the redevelopment of the site will bring the school building and the play facilities closer to some of the existing houses, it will not have a significant detrimental impact on privacy or amenity. Appropriate conditions can be used to limit noise and disturbance during the construction phase of the development. The application complies with policy DES 1 (Design) of the adopted West Lothian Local Development Plan and it is recommended that planning permission is granted. | | | |

Development Management

List of Delegated Decisions - 9th September 2022

The following decisions will be issued under delegated powers unless any Member representing the ward in which the application is located requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

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|-------------------|--|------------------------|---------------------------|
| Ref. No.: | 0221/FUL/21 | Recommendation: | Grant Planning Permission |
| Proposal: | Erection of 12 houses with associated works (variation to 0466/FUL/11) | | |
| Address: | Land At Meadow Crescent, Fauldhouse, West Lothian, , (Grid Ref: 305280,667171) | | |
| Applicant: | M&M Executive | Type: | Local Application |
| Ward: | Fauldhouse & The Breich Valley | Case Officer: | Matthew Watson |

Summary of Representations

Three objections:

- Objects as the site has not been remediated yet
- Impact on road safety
- Impact on wildlife
- Impact of construction noise on surrounding residents

Officers report

The application proposes the erection of 12 houses with associated works as a variation to the 8 houses granted under application 0466/FUL/11.

The principle of development has been accepted under the granting of application 0466/FUL/11 in February 2021. The design and layout is acceptable and will result in a marked improvement on the current state of the site.

The remediation strategy for the site has been found to be competent by the council's Contaminated Land Advisor and SEPA.

Technical matters relating to remediation, tree protection and drainage will be covered by planning condition. A condition on construction hours and noise will also be attached.

Overall, and in view of the above, it is recommended that planning permission, subject to conditions and a Section 75 legal agreement to secure developer contributions.

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|-------------------|--|------------------------|---------------------------|
| Ref. No.: | 0550/H/22 | Recommendation: | Grant Planning Permission |
| Proposal: | Erection of a garden room | | |
| Address: | 155 Spottiswoode Gardens, Mid Calder, Livingston, West Lothian, EH53 0JY (Grid Ref: 307217,666860) | | |
| Applicant: | Mr Ross Iwaniec Urban Pods | Type: | Local Application |
| Ward: | East Livingston & East Calder | Case Officer: | Rachael Lyall |

Summary of Representations

1 objection and 1 neutral comment received.

- Location of garden room.

Planning response -

- Location and site plan provided.

Officers report

This application proposes the erection of a garden room at 155 Spottiswoode Gardens, Mid Calder.

The garden room is to replace an existing detached garage.

The proposed garden room measures 3.570m x 5.000m and is to be 2.800m in overall height from ground level to the eaves of the proposed flat roof. The garden room will feature roof lanterns, 2 x full height windows within the side elevation which will overlook the applicants own property, and sliding patio doors which will open out onto a small covered decking and will overlook into the applicants own garden area. The proposed works will not directly overlook any neighbouring property or garden to a significant extent and will be sufficiently screened with boundary fencing.

The external finishing materials proposed for the works are to be aluminium and timber cladding.

The works have also been revised since the initial submission in order to allow for a driveway measuring 6m in length, in line with the guidance given in the House Extension and Alteration Design Guide 2020.

The proposed works are of a similar size and scale to the existing garage and as a result the proposed works will not result in any additional impacts which could be considered significant or detrimental. The proposed works are also of a scale which appear subservient to the existing property and are considerate to the surrounding streetscene. As a result, the works will neither adversely impact upon the visual or residential amenity.

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

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|---|---|------------------------|------------------------------|
| Ref. No.: | 0662/A/22 | Recommendation: | Refuse Advertisement Consent |
| Proposal: | Display of 1 illuminated fascia sign (in retrospect) | | |
| Address: | 142 West Main Street, Whitburn, West Lothian, EH47 0QR, (Grid Ref: 294229,664920) | | |
| Applicant: | Mr Hung Tran | Type: | Other |
| Ward: | Whitburn & Blackburn | Case Officer: | Rachael Lyall |
| <u>Summary of Representations</u> | | | |
| N/A | | | |
| <u>Officers report</u> | | | |
| <p>This application seeks retrospective advertisement consent for the display of 1 illuminated fascia sign at 142 West Main Street, Whitburn.</p> <p>The fascia signage measures 7.900m x 0.950m and projects from the front elevation by 0.950m. The di-bond signage is internally illuminated and is wrapped with brown maroon vinyl. The sign features logo and lettering in a white and orange colour which has been printed on the vinyl backing.</p> <p>Roads & Transportation has raised no objections to the proposal.</p> <p>The sign is larger than the one it replaced and is considered to be out of scale with the building and will detrimentally impact upon the visual amenity of the streetscene.</p> <p>This proposal is therefore contrary to policy DES1 (Design Principles) of the West Lothian Local Development Plan 2018.</p> <p>It is recommended that advertisement consent be refused.</p> | | | |

Proposed Enforcement Actions – 09/09/2022

| Ref. No. | Owner/ Developer | Location & Alleged Breach of Planning Control | Ward | Proposed action | Reasons for decision and summary steps to comply if applicable |
|-----------------|-----------------------------|---|---------------------|----------------------------|---|
| ENF/0219/22 | Karen & Keith Kelly | 19 Bankton Park West Murieston Livingston West Lothian EH54 9BP Erection of shed | Livingston South | TNA | The shed is a minor breach of planning control. This is not in the public interest to take any formal enforcement action. No further action will be taken on this case. |
| ENF/0270/19 | Kenny & Lisa Chan | 20 Main Street Deans Livingston West Lothian EH54 8BE Not in accordance with approved plans (1178/FUL/18) Air conditioning unit | Livingston North | TNA | A site visit was carried out June 2022 and was noted the air conditioning unit has been relocated. Environmental Health have confirmed the relocated air condoning unit will help the original complaint as it is now located at the back of the property and facing away from the residential properties. No further action will be taken on this case. |

Development Management

List of Delegated Decisions - 16th September 2022

The following decisions will be issued under delegated powers unless any Member representing the ward in which the application is located requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

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|-------------------|--|------------------------|---------------------------|
| Ref. No.: | 0301/FUL/22 | Recommendation: | Grant Planning Permission |
| Proposal: | Erection of extension and alterations to provide a new main entrance, 64 place nursery and extended gym hall, car park, grass pitch, MUGA and associated fencing and landscaping | | |
| Address: | St Paul's Primary School, Main Street, East Calder, West Lothian, EH53 0ES (Grid Ref: 309005,667945) | | |
| Applicant: | West Lothian Council | Type: | Local Application |
| Ward: | East Livingston & East Calder | Case Officer: | Gillian Cyphus |

Summary of Representations

One representation has been received, concerned about the loss of public open space. However, the principle of extending the school onto this site has already been established.

Officers report

This application relates to an extension to the existing primary school to provide additional capacity and improved facilities. The proposals also include new sports facilities, car parking and an improved vehicle access. The new playing field and car park are to be constructed on land which is currently public open space. However, the principle of extending the school onto this site has already been established by planning application 0609/FUL/15 which was granted in May 2021.

The current application therefore relates only to the detail of the proposal and not to the principle of developing this site. The design and layout are acceptable and the application complies with policy DES1 (Design principles) in the adopted West Lothian Local Development Plan. It is therefore recommended that planning permission be granted.

| | | | |
|-------------------|--|------------------------|---------------------------|
| Ref. No.: | 0482/H/22 | Recommendation: | Grant Planning Permission |
| Proposal: | Extension to house and formation of a raised decking | | |
| Address: | 29 Bedlormie Drive, Blackridge, West Lothian, EH48 3RT (Grid Ref: 289003,666842) | | |
| Applicant: | Ms Lauren Jones | Type: | Local Application |
| Ward: | Armadale & Blackridge | Case Officer: | Rachael Lyall |

Summary of Representations

One objection comment received -

- Distance from neighbouring property,
- Height and length of proposed works and decking,
- Impact on overshadowing/natural light,
- Impact on privacy,
- Noise from potential extractor fan for en-suite,
- Overbearing impact caused by side elevation of extension.

Planning response -

- Although it is advised that works should sit at least 1m from the neighbouring boundary, it is to be noted that there is no legal prohibition to extending right up to your boundary,
- See officers report,
- See officers report,
- See officers report,
- Not a material planning consideration,
- See officers report.

Officers report

This application proposes the erection of a single storey rear extension onto the property located at 29 Bedlormie Drive, Blackridge.

The proposal has been revised since the initial submission in which the previously proposed decking has been removed, in order to reduce the overlooking impact, and the proposed height and roof style of the works has also been revised to slightly reduce overshadowing and dominance. The proposal previously proposed a flat roof style, which sat 4.040m high above ground level, however, the works now propose a slight pitched roof which now sits 4.000m in height overall.

The proposed works are to measure 4.300m x 7.800m and feature a window and patio doors on the rear elevation, which will directly overlook and open out into the applicant's rear garden area. The finishing materials proposed for the external walls of the works are to match those of the existing property and the pitched roof is to be finished using a dark grey single ply membrane.

The works will result in some additional overshadowing to the west between 8am and 10am. However, the works will overshadow the applicant's own property and garden the remainder of the day. The proposed works adhere to BRE guidelines regarding right to light which recommends that at least half of a neighbouring garden or open space should receive at least two hours sunlight on March 21.

It is to be noted that the extension sits at a height which could be erected under permitted development rights. Permitted development rights would also allow for an extension which would measure 3m in length, the proposed works measure 4.300m in length which is 1.3m more than could be allowed without planning permission. It is considered that this additional 1.3m, does not result in any significant or adverse impacts.

In addition, it is considered that the existing neighbouring gardens are already overlooked due to minimal screening on the neighbouring boundaries, therefore, the proposed works will not result in any additional overlooking which would detrimentally impact upon the residential properties or existing rear gardens any more than is caused currently by the existing raised steps and patios doors on the rear elevation of the main house.

The proposed works are of an acceptable scale which will appear subservient to the existing property and will still allow for sufficient usable garden ground. The works will not be visible from the main street and will therefore not significantly impact upon the visual amenity of the street scene.

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

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|-------------------|--|------------------------|-------------------|
| Ref. No.: | 0604/FUL/22 | Recommendation: | Refuse Permission |
| Proposal: | Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park | | |
| Address: | Land East of Murieston East Road, Murieston, Livingston, West Lothian (Grid Ref: 306073,665941) | | |
| Applicant: | Mr Asghar Ali Z1 Properties Ltd | Type: | Local Application |
| Ward: | Livingston South | Case Officer: | Steven McLaren |

Summary of Representations

There have been 41 comments made on this application, 33 in support and 8 objections, including one from Murieston Community Council. Objections relate to:

- Loss of trees and impact on wildlife
- impact on environmental amenity
- Impact on character and landscape of Murieston Water path
- Insufficient parking
- Scale of building
- Over development
- Vacant units available elsewhere
- Proposed facility not needed
- No substantial change since previous refusal

Officers report

The applicant seeks to build a split-level building containing a restaurant/bar and cafe with hot food take-away with balcony terrace on a tree covered embankment on the eastern edge of the Bankton Centre local centre. A timber staircase is proposed on the embankment to link Bankton Centre with Murieston Water footpath and the existing car parking is to be extended into an area intended for tree planting for an adjacent development.

This application is a revised scheme for proposals previously refused and then refused at the Local Review Body. Whilst the local centre is identified in the adopted local development plan for a variety of uses, including restaurants etc. the proposals extend from the car park at the local centre down the embankment to the Murieston Water footpath. The design of the building has improved since the previous submission and would be finished in dark brown cladding, however, the overall concept and impact on the area remains unchanged.

The trees in this area are covered by TPO No.2 1965 Mid Lothian and the site lies within an area identified as protected open space in the adopted LDP. The proposed extension to the car park will also result in the loss of a grassed area intended for tree planting following the completion of an adjacent triangular building, to the detriment of the visual and environmental amenity of the area.

The proposal therefore results in an over development of the area with a building of a scale inappropriate for the setting and resulting in tree loss within a TPO and area of protected as open space. The proposals are therefore contrary to the following policies of the adopted West Lothian Local Development Plan, 2018 and the recommendation is to refuse planning permission.

DES1 (design principles)

ENV1 (landscape character and special landscape areas)

ENV9 (woodland, forestry, trees and hedgerows)

ENV10 (protection of urban woodland)

ENV21 (protection of formal and informal open space)

| | | | |
|-------------------|--|------------------------|-------------------|
| Ref. No.: | 0670/FUL/22 | Recommendation: | Refuse Permission |
| Proposal: | Change of use of former day centre with alterations and extension to form hot food takeaway and ice cream parlour with seating facility and installation of flue | | |
| Address: | The Pavillon, Whitburn Road, Bathgate EH48 2RF, (Grid Ref: 296771,668115) | | |
| Applicant: | Mr Muhamnmad Arshad | Type: | Local Application |
| Ward: | Bathgate | Case Officer: | Kirsty Hope |

Summary of Representations

17 objections have been received on the following grounds:

- Increase noise and amenity concerns with late openings
- Increase traffic, road safety and parking concerns
- Site needs renovation or demolition, however, not as a hot food takeaway use.
- Litter
- Odours
- Increase anti-social behaviour and crime
- Impact on privacy
- Not in keeping with the character of the surrounding area

Officers report

This proposed application involves the change of use of former day centre with alterations and extension to form hot food takeaway and ice cream parlour with seating facility as well as the installation of a flue. The application site fronts Whitburn Road and is within a residential area.

The existing building is a single storey building approximately 35sqm (with a 10sqm covered area) and pitched roof. The building is currently in disrepair, enclosed, with no vehicular access. The proposed changes include a flat roof extension to increase the floor area to 108sqm, which would extend the building to adjoin the footway at Whitburn Road.

The applicant has failed to demonstrate it has considered other premises within the town centre, therefore the proposal is contrary to policy TCR 2 (Town Centres First Sequential Approach) of the LDP.

In relation to policy TCR 3 (Commercial Entertainment and Hot Food Premises) the proposal is contrary as it has not been demonstrated that there will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance to the residential properties nearby, litter or odours and there is no parking provision within the site.

The proposed flue is out of proportion with the building and has a detrimental impact on the visual amenity of the surrounding residential area contrary to Policy DES1 (Design Principles)

WLC Roads and Transportation has concerns in relation to lack of parking, pedestrian safety, as well as visibility restrictions with on-street parking, given the nearby junctions.

The proposal is therefore recommended for refusal.

| | | | |
|-------------------|---|------------------------|---------------------------|
| Ref. No.: | 0736/H/22 | Recommendation: | Grant Planning Permission |
| Proposal: | Extension to house | | |
| Address: | 43 Glen Crescent, Deans, Livingston, West Lothian, EH54 8BT (Grid Ref: 302405,668751) | | |
| Applicant: | Mr G Stewart & Ms J MacCallum | Type: | Local Application |
| Ward: | Livingston North | Case Officer: | Lucy Hoad |

Summary of Representations

1 representation of support for the development

1No representation objecting to the development. Main points raised:

Use as air B&B

Maintenance of hedging/road safety

Officers report

The property is a 2-storey semi-detached dwellinghouse of render and tile.

The application seeks planning consent for the erection of a single storey extension to the gable (north west) elevation of the property. The works will provide an additional en-suite bedroom at ground floor level.

The extension (3320 x 7740mm) with pitched roof design is to be set back slightly from the front building line. The angle of roof pitch will reflect that of the main roof. No details of external materials are provided at this stage in the process.

Policy DES1 (Design Principles) states that all development proposals will require to take account of and be integrated with the local context and built form.

In terms of layout and design, the proposed addition is visually acceptable in terms of mass and scale, being subordinate in appearance to the main building, and will not overload the property. The works do not impact the existing parking provision situated to the front of the dwelling. There is ample garden ground remaining to serve the property.

In terms of amenity, there are no issues of significant concern to warrant refusal of the application. It is noted that windows are proposed to the gable/side of the extension fronting the neighbour, however these belong to a bathroom and bedroom so a condition could be applied to ensure use of obscure glazing for this elevation, as the bedroom would receive light from the rear glazed door.

Overall, the proposed development is suitable within the context of the surrounding area and does not raise any issues of design, amenity or road safety.

This proposal adheres to West Lothian Council's Local Development Plan's DES1 (Design Principles) Policy.

It is recommended that the application be approved subject to agreement to external materials and use of obscure glazing.

Proposed Enforcement Actions – 16/09/2022

| Ref. No. | Owner/ Developer | Location & Alleged Breach of Planning Control | Ward | Proposed action | Reasons for decision and summary steps to comply if applicable |
|-----------------|-----------------------------|---|---|----------------------------|---|
| ENF/0330/20 | Not Known | Land to the rear of 17 East End West Calder West Lothian EH55 8AB Siting of containers | Fauldhouse & The Breich Valley | Take No Action | The containers do not cause demonstrable harm and it is not in the public interest to take formal enforcement action. No further action will be taken on this case. |

Development Management

List of Delegated Decisions - 23rd September 2022

The following decisions will be issued under delegated powers unless any Member representing the ward in which the application is located requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

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|-------------------|--|------------------------|---------------------------|
| Ref. No.: | 0646/FUL/22 | Recommendation: | Grant Planning Permission |
| Proposal: | Installation of external plant to the rear of retail unit | | |
| Address: | Units 5 & 6, Stockbridge Retail Park, Falkirk Road, Linlithgow, EH49 7AS (Grid Ref: 305280,667171) | | |
| Applicant: | Marks & Spencer plc | Type: | Local Application |
| Ward: | Linlithgow | Case Officer: | Alexander Calderwood |

Summary of Representations

1 objection was received from a resident of Belsyde Court, immediately west of the application site, concerned that the external plant will have an adverse impact on their residential amenity in terms of noise. They noted that there is already an issue with noise generated by the other adjacent retail units and that this will be exacerbated by the current proposal.

Officers report

This application seeks full planning permission for the installation of an external plant to the rear of a retail unit at Units 5 & 6, Stockbridge Retail Park, Falkirk Road, Linlithgow.

The relevant policies of the West Lothian Local Development Plan 2018 are:

Policy DES 1 (Design Principles); Policy TCR 2 (Town Centres First Sequential Approach); Policy EMG 5 (Noise).

The external plant is to be located to the rear of the retail unit and is located within the service area associated with the retail units. Residential development is situated approximately 22 metres to the west at Belsyde Crescent. The service area is screened from the residential area by a fence of approximately 3 metres in height and also vegetation. The proposed plant area is not readily visible from the wider area and is functional in character and design. It will not have any adverse implications for the character of the surrounding area. The site falls within a commercial centre.

Transportation raised no objection to the application. Environmental Health advised that whilst they do not object to the proposals, they do require conditions to be attached to the decision notice relating to the control of noise. These conditions will ensure that there is no adverse impact on the neighbouring properties in terms of noise.

The proposals therefore comply with Policy DES 1, Policy TCR 2 and Policy EMG 5 of the West Lothian Local Development Plan, 2018 and approval is recommended.

Development Management

List of Delegated Decisions - 30th September 2022

The following decisions will be issued under delegated powers unless any Member representing the ward in which the application is located requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

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|-------------------|--|------------------------|---------------------------|
| Ref. No.: | 0570/H/22 | Recommendation: | Grant Planning Permission |
| Proposal: | Erection of a garage | | |
| Address: | 2 Thomson Road, Armadale, Bathgate, West Lothian, EH48 3GJ (Grid Ref: 293651,667067) | | |
| Applicant: | Mr Martin Graham | Type: | Local Application |
| Ward: | Armadale & Blackridge | Case Officer: | Rachael Lyall |

Summary of Representations

Three objection comments received -

- Overall height of garage,
- External finish of garage integrating with surroundings,
- Impact on overshadowing and daylight,
- Intended use of garage,
- Distance of works from neighbouring boundary,
- Impact on boundary fence,
- Impact on visual amenity.

Planning response -

- The height of the garage has been revised since the initial submission and has been reduced in height by 1.95m. It is to be noted that a garage measuring 2.5m in overall height without planning permission. It is noted that the proposed garage only sits 0.930m above permitted development height,
- It is not considered that the proposed external finishes significantly impact upon the visual amenity of the surrounding area,
- See officers report,
- A condition has been attached to the decision notice stating the the garage will be used for domestic purpose only,
- It is typically advised that developments should sit at least 1m away from any neighbouring boundary, however it is to be noted that there is no legal prohibition to extending or developing right up to your boundary,
- The plans state that works will be erected and externally finished form within the applicants boundary and shows that the existing boundary fence in to remain in place,
- See officers report.

Officers report

This planning application proposes the erection of a detached garage at the property located at 2 Thomson Road, Armadale.

The proposal has been revised since the initial submission in which the roof style, overall height and length has been revised and reduced in order to reduce the visual impact, overall scale and to allow for a driveway in front of the garage measuring 6m in length, in line with guidance given in the House Extension and Alteration Design Guidelines, 2020.

The proposed garage is to now measure 5.624m x 2.578m and is to be 3.430m in overall height from ground level to the ridgeline of the proposed hipped roof. The garage is to feature two velux roof lights within the roof space, a single door within the side elevation and a garage door on the front elevation which will open out into the proposed extended driveway and main streetscene. The proposed garage will not feature any openings which will impact upon the privacy of an neighbouring property and will not directly overlook any rear garden or habitable room. The proposed garage is to be externally finished with a harling finishing on the front elevation and a buff facing brick on the remaining elevations which is to be similar to the external bricks used for various details on the existing properties nearby.

The works also look to extend the existing driveway in width and erect a new fence to the side of the proposed driveway which is to match with the existing boundary fence in height finish and materials.

The garage will sit slightly above the existing boundary fence, in which it is to be noted that the existing boundary fence will currently result in overshadowing onto the neighbouring properties. It is considered that the additional overshadowing caused by the propose garages is not detrimental and will not significantly impact upon any usable neighbouring rear garden or habitable room. The works adhere to BRE guidance which recommends that at least half of the garden or open space can receive at least two hours sunlight on March 21.

It is considered that the works are of an acceptable scale which appear subservient to the existing property and the surrounding garages, specifically the double garage located at no.10. The proposed materials are considered to integrate with the existing property and streetscene and the proposed works will still allow for sufficient garden ground and parking spaces to the rear of the property. The works are not considered to adversely impact upon either the visual or residential amenity.

Development Management

List of Delegated Decisions - 7th October 2022

DATA LABEL: OFFICIAL

The following decisions will be issued under delegated powers unless any Member representing the ward in which the application is located requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

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| Ref. No.: | 0704/H/22 | Recommendation: | Grant Planning Permission |
| Proposal: | Erection of summer house (in retrospect) | | |
| Address: | 102 Hare Moss View, Whitburn, West Lothian, EH47 0BF (Grid Ref: 292965,664033) | | |
| Applicant: | Mr Kevin Kerr | Type: | Local Application |
| Ward: | Whitburn & Blackburn | Case Officer: | Rachael Lyall |
| <u>Summary of Representations</u> 2 anonymous objection comments received - - Proximity to neighbouring boundaries, - Removal of boundary fence, - Impact on overshadowing, - Impact on visual amenity. Planning response - - Although it is advised that developments should sit at least 1m from any neighbouring boundary as good practice, it is to be noted that this can vary depending on site and that there is no legal prohibition to extending right up to your boundary, - There will be a condition attached to the decision notice stating that the neighbouring boundary fence shall be reinstated, - See below re amenity issues. | | | |

Officers report

This application seeks retrospective planning permission for the erection of a summer house within the rear garden of 102 Hare Moss View, Whitburn.

The erected summerhouse measures 4.96m x 3.99m and is 2.69m in overall height from ground level to the flat roof. The summerhouse features double doors on the front elevation, which opens out into the applicant's garden.

It is to be noted that permitted development rights would allow for a structure measuring 2.5m in height to be erected without planning permission. The erected structure measures 0.19m above what is permitted without planning approval.

The site sits at a higher ground level in comparison to the neighbouring properties to the rear of the site and the works sit slightly above the existing boundary fence, which currently results in overshadowing. The additional height of the summerhouse above the boundary fence, does not result in any additional overshadowing which is considered significant or detrimental.

It is also noted that a section of the rear boundary fence has been removed. A condition will be attached to the decision notice stating that this section of fence shall be reinstated.

The works are not significantly visible from the main street and do not adversely impact upon the visual amenity of the streetscape. In addition, the works do not significantly impact upon the residential amenity to a detrimental extent in terms of overshadowing or privacy.

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

It is recommended that this application is granted planning permission.

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| Ref. No.: | 0720/FUL/22 | Recommendation: | Grant Planning Permission in Principle |
| Proposal: | Application under section 42 to amend Condition 3 of planning permission 0586/P/14 (drainage proposals) | | |
| Address: | Land South of Main Street and West of The A899, Dechmont (Grid Ref: 305280,667171) | | |
| Applicant: | Stewart Milne Homes Ltd. | Type: | Other |
| Ward: | Broxburn, Uphall & Winchburgh | Case Officer: | Gillian Cyphus |
| <p><u>Summary of Representations</u></p> <p>Two representations have been received concerning:</p> <ul style="list-style-type: none"> - the principle of development on this site, - the loss of countryside and the impact on infrastructure such as roads and services. <p>The principle of development on this site has already been established through the grant of application 0586/P/14. The current application is only to consider changes to the conditions.</p> | | | |
| <p><u>Officers report</u></p> <p>This application relates to changing a drainage condition on an existing planning permission in principle (0586/P/14).</p> <p>The applicant has proposed a rewording of the condition to update the requirements in line with current guidance, which is acceptable and complies with the terms of policies EMG2 (Flooding) and EMG3 (Sustainable Drainage) in the adopted West Lothian Local Development Plan.</p> <p>The revised condition will also ensure compliance with the council's SG 'Flooding and Drainage'.</p> <p>It is therefore recommended that the application is granted.</p> <p>The effect of granting this application is that a fresh planning permission in principle will be issued. This will mean that the developer has 5 years to implement the development.</p> | | | |