

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Planning permission in principle for the erection of a mixed-use building with 2 shops and 1 flat on ground floor and 4 flats on upper floors and conversion of public house to a flat at 1 Main Street, West Calder.

2 DETAILS

Reference no.	0792/P/22	Owner of site	Mr Hassan Mohammed
Applicant	Mr Hassan Mohammed	Ward & local members	Fauldhouse & The Breich Valley Councillor Pauline Clark Councillor Cathy Muldoon Councillor Craig Meek
Case officer	Kirsty Hope	Contact details	01506 282413 kirsty.hope@westlothian.gov.uk

Reason for referral to Development Management Committee: Referred by Councillor Pauline Clark

3 RECOMMENDATION

3.1 Refuse planning permission in principle.

4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning permission in principle is sought for the erection of a mixed-use building with 2 shops and 1 flat on ground floor and 4 flats on upper floors and conversion of a former public house to a flat at number 1 Main Street, West Calder. The application site is located within the town centre and settlement boundary of West Calder as identified in the adopted West Lothian Local Development Plan 2018 (LDP).
- 4.2 The site consists of a two storey traditional stone built building and adjacent parking / yard area at the junction of Main Street and Cleuch Brae. The ground floor of the building comprises the now closed Mason Arms public house and a hairdresser. It also has an access stair leading to the first floor. On the first-floor level is the Masonic Lodge, which is used for lodge meetings and as a function suite.

History

4.3 The relevant site history is set out below:

- LIVE/1201/FUL/06 Part change of use from public house to form a hairdresser (class 1) was granted planning permission on 29 November 2006.
- LIVE/1347/FUL/05 Part change of use to form hot food take-away was granted planning permission on 22 March 2006.
- LIVE/1305/FUL/05 Formation of rear access stair and landing to first floor was granted planning permission on 22 March 2006.

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 One letter of objection has been received.
- 5.2 A summary of representations is located in the table below.

Comments	3	Response
•	Works have already commenced internally in retrospect	 Noted. No planning permission would be required for internal alterations, although a building warrant may be required from Building Standards.
•	No detail to fully assess the impact of works already under way particularly with regard to materials being used, insulation both sound and fire.	 Noted, as above. The details provided for the planning application are sufficient.
•	The impact on the occupant above the existing public house, including being a regular local venue for gatherings/funerals.	 Noted. Environmental Health has also raised concerns in regards to amenity.
•	Concerns regarding the mutual water supply and surface water drainage routing and impact.	 Noted. Access to mutual utilities is not a material planning consideration, this is a private legal matter.
•	Request that enforcement should suspend these works until all permissions are obtained.	 Noted. This is not considered necessary at this stage, however should permission not be granted enforcement action may be taken.
•	Impact in regards to the noise, odour from cooking facilities, as well as fire risk.	 Noted. Whilst fire risk is possible this is not a reason to justify refusal of a planning application. See

Comments	Response
	further notes from Environmental Health on amenity.
 Privacy concerns from bathroom and bedroom facilities. 	 Noted. Bathroom windows are usually opaque. Any overlooking of the existing footpath/access is not unacceptable.
 Concerns of the proposed extension severely restricts access to/from fire escape. 	 Noted. No changes to the existing fire escape are proposed – this would be accessed via a pend.
Concerns regarding design and layout of the ground floor conversion to be inappropriate due to privacy concerns.	Noted. See further assessment below.
 Concerns regarding the scale, design and layout of the extension which is overbearing and inappropriate. 	Noted. See further assessment below.
 Materials are not sympathetic to the historic building. 	 Noted. See further assessment below.
Parking and access concerns.	 Noted. See Roads &Transportation comments below.
 Existing historic building should be respected. 	 Noted. See further assessment below.

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	Yes	There is no parking provision, 1 space per flat is required.	Noted.
WLC Environmental Health	Yes	Incompatibility of building uses with existing masonic hall.	Noted.
WLC Education	No	Contributions required.	Noted. Should planning permission be granted, then contributions would need to be secured.

WLC Waste Services	Yes	No waste or recycling is noted on the submitted plans. Commercial bins must be separate inside a bin store.	Noted.
WLC Housing	No	Requires a commuted sum to be paid in respect of affordable housing.	Noted. Should planning permission be granted, then contributions would need to be secured.
West of Scotland Archaeology Service	No	Attach a condition in relation to carrying out an archaeological watching brief during construction works.	Noted. A condition shall be attached, if granted.

7. PLANNING POLICIES

- 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	All development	The proposed new building	No
Development Plan	proposals will	does not respect the character	
(LDP) (2018)	require to take	and appearance of the existing	
	account of and	building nor the street on a	
DES1 - Design	be integrated	prominent location within West	
Principles	with the local	Calder town centre.	
	context and built		
	form.		
West Lothian LDP	Housing	The proposed housing use is	No
Local Development	development	not compatible with existing	
Plan (LDP) (2018)	will only be	nearby uses and there would	
	permitted	be a potential for adverse	
HOU 3 - Infill/Windfall	where it meets	impact on the residential	
Housing	criteria a-i.	amenity of the proposed flats.	
Development within			
Settlements			

Plan and Policy	Policy Summary	Assessment	Conform?
West Lothian LDP Local Development Plan (LDP) (2018) HOU 4 – Affordable Housing	New housing developments shall require contributions in accordance with the SG on Affordable Housing	The council shall seek contributions in accordance with the SG on Affordable Housing.	Yes – Subject to the relevant contributions being secured.
West Lothian LDP Local Development Plan (LDP) (2018) INF1 - Infrastructure Provision and development obligations	The council will seek developer obligations in accordance with Scottish Government Circular 3/2012.	The proposal does not raise any education capacity concerns. The required developer obligations and these are listed below: • Education (Both Denominational Primary and Secondary as well as Non-Denominational Primary) • Cemeteries Provision • Affordable Housing	Yes – Subject to the relevant planning obligations being secured.
West Lothian LDP Local Development Plan (LDP) (2018) TCR 1 - Town Centres	Proposals will be supported where it can be demonstrated that the proposal is of appropriate scale. Residential uses on upper floors will only be supported where this does not prejudice the operation of existing businesses.	Retail use is accepted within the town centre location The residential accommodation cannot achieve a satisfactory level of residential amenity for the prospective occupants of the new flats and no car parking provision is provided.	In part
West Lothian LDP Local Development Plan (LDP) (2018) TCR 2 Town Centres First Sequential Approach	Developments appropriate to town centres should be located in accordance with the following sequential approach.	Retail use is accepted within the town centre location.	Yes

Plan and Policy	Policy Summary	Assessment	Conform?
West Lothian LDP	Where it is	A site investigation (phase 1)	No
Local Development	suspected	report has not been submitted.	INU
Plan (LDP) (2018)	by the council	report has not been submitted.	
FIAIT (LDF) (2010)	that a		
EMG 6 – Vacant,			
Derelict and	development site		
Contaminated Land	may be contaminated,		
Contaminated Land	the		
	developer will be		
	required to		
	undertake a site		
	investigation, to		
	the satisfaction		
	of the council.		
	of the courion.		
West Lothian LDP	Development will	No parking provision has been	No
Local Development	only be permitted	provided.	
Plan (LDP) (2018)	where transport	provided.	
1 1011 (251) (2010)	impacts are		
TRAN 1 - Transport	acceptable.		
Infrastructure			
West Lothian LDP	Maintaining the	Proposed building does not	No
Local Development	architectural	respect the local building	
Plan (LDP) (2018)	character and	context.	
	historic		
ENV 27 - Areas of	significance of		
Built Heritage and	built heritage and		
Townscape Value	townscape value		
	of West Calder		
	village		
West Lothian LDP	Development will	A condition in relation to	Yes - by condition
Local Development	not be permitted	carrying out an archaeological	
Plan (LDP) (2018)	where it would	watching brief during	
END/00	have a	construction works is required.	
ENV 32 -	significant		
Archaeology	adverse effect on		
	an identified		
	regionally or		
	locally important		
	archaeological or		
West Lothian LDP	historic site.	A flood risk assessment has	No
	Developers will	not been submitted.	INU
Local Development	be required to submit a full	not been submitted.	
Plan (LDP) (2018)	Flood Risk		
EMG 2- Flooding	Assessment		
LIVIO 2-1 loouling	(FRA) for all		
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Plan and Policy	Policy Summary	Assessment	Conform?
	deemed to be at risk of flooding from any source in medium to high risk areas and developments.		
West Lothian LDP Local Development Plan (LDP) (2018) EMG 3 - Sustainable Drainage	Developers may be required to submit a Drainage Impact Assessment (DIA) to ensure that surface water flows are properly taken into account in the design of a development.	No surface water drainage information has been submitted.	No
West Lothian LDP Local Development Plan (LDP) (2018) EMG 5 – Noise	There is a presumption against developments that are: a. likely to generate significant amounts of noise or b. residential sensitive developments being close to noisy land use.	Noise from the adjacent Masonic Lodge premises that has regular functions would have an adverse impact on future residents.	No
West Lothian LDP Local Development Plan (LDP) (2018) EMG 6 - Vacant, Derelict and Contaminated Land	The developer will be required to undertake a site investigation to the satisfaction of the council.	A site investigation phase 1 report has not been submitted.	No

Other relevant policy guidance and documents are listed below:
Statutory Supplementary Guidance (SG):

O Planning and Noise 7.4

- Residential Development GuideFlooding and Drainage
- o Developer contributions towards cemetery provision
- o Planning & Education
- o Affordable Housing

8. ASSESSMENT

- 8.1 The determining issues in respect of this application are listed below:
- 8.2 This application is for planning permission in principle for the erection of a three-storey mixed-use building with 2 shops and a 1 bedroom flat on ground floor, 2 flats on the first floor and 2 flats on the 2nd floor, plus the conversion of the existing public house to a flat. The application site is located within West Calder town centre.

Proposed extension

- 8.3 Whilst it is noted that this application is for planning permission in principle, the submitted plans do show details of a new three-storey building that would tower above the existing two storey building ridge and eaves height. The proposed design does not respect the character and appearance of the existing building nor the street on a prominent location within West Calder, contrary to policies DES 1 (Design Principles), ENV 27 (Areas of Built Heritage and Townscape Value) and HOU 3 (Infill/Windfall Housing Development within Settlements) of the local development plan (LDP).
- The proposed new building would constitute overdevelopment of the site, as it covers all of the existing parking / yard area, leaving no land for private amenity space, parking, bin store and cycle store, contrary to LDP policies DES 1 (Design Principles), TRAN 1 (Transport Infrastructure) and the SG, Residential Development Guide.
- 8.5 WLC Environmental Health has raised concerns given the potential impact of noise from the existing Masonic Lodge premises above the public house in relation to impacts on residential amenity, contrary to LDP policies TCR 1 (Town Centres), EMG 5 (Noise) and the Supplementary Guidance on Planning and Noise.
- 8.6 WLC Waste Services has raised concerns as no bin provision is noted on the plans.
- 8.7 A phase 1 site investigation report has not been submitted by the applicant, contrary to LDP policy EMG 6 (Vacant, Derelict and Contaminated Land).
- 8.8 No flood risk assessment nor surface water drainage information was submitted by the applicant contrary to policy EMG 2 (Flooding) and EMG 3 (Sustainable Drainage), as well as the SG on Flooding and Drainage.
- 8.9 The use of retail shops given this is a town centre location is accepted in principle however the design of the extension is not considered appropriate.

Conversion to flat

8.10 The proposed conversion of the existing public house to a flatted property within the existing building is not acceptable given the existing function use on the first floor of the building. There would also be no parking, bin or cycle provision. Furthermore, the conversion would have an unacceptably poor level of amenity given its position within the ground floor with extremely limited outlook and daylighting to rooms. The proposal would be contrary to LDP policies EMG 5 (Noise), DES 1 (Design Principles), TRAN 1 (Transport Infrastructure) and TRC1 (Town Centres) and the Supplementary Guidance, Residential Development Guide and the Supplementary Guidance, Planning and Noise.

9. CONCLUSION AND RECOMMENDATION

- 9.1 The proposed new building would result in potential adverse noise impacts from the adjacent Masonic Lodge. It would be over development of the site. The design is not appropriate. There is no external amenity space, parking, bin store and or cycle storage.
- 9.2 In relation to the conversion, there would be potential adverse noise impacts from the adjacent use the Masonic Lodge. A poor level of amenity in terms of outlook / daylighting. No external amenity space, parking, bin store and / or cycle storage.
- 9.3 Furthermore, there was no site investigation (phase 1) submitted, nor was there a flood risk assessment or surface water drainage details submitted, contrary to policies EMG 6 (Vacant, Derelict and Contaminated Land), EMG 2 (Flooding) and EMG 3 (Sustainable Drainage), as well as the Supplementary Guidance on Flooding and Drainage within the West Lothian Local Development Plan, 2018.
- 9.4 The proposal does not comply with LDP policies DES1 (Design Principles), ENV 27 (Areas of Built Heritage and Townscape Value) and HOU 3 (Infill/Windfall Housing Development within Settlements), TCR 1 (Town Centres), EMG 5 (Noise), TRAN 1 (Transport Infrastructure) nor does it comply with the Supplementary Guidance on Planning and Noise or the Residential Development Guide within the West Lothian Local Development Plan, 2018.
- 9.5 It is therefore recommended that planning permission be refused.

10. BACKGROUND REFERENCES & ATTACHMENTS

- Draft reasons for refusal
- Location Plan
- Proposed Block Plan
- Elevations
- Representation
- Local Member Referral Form

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

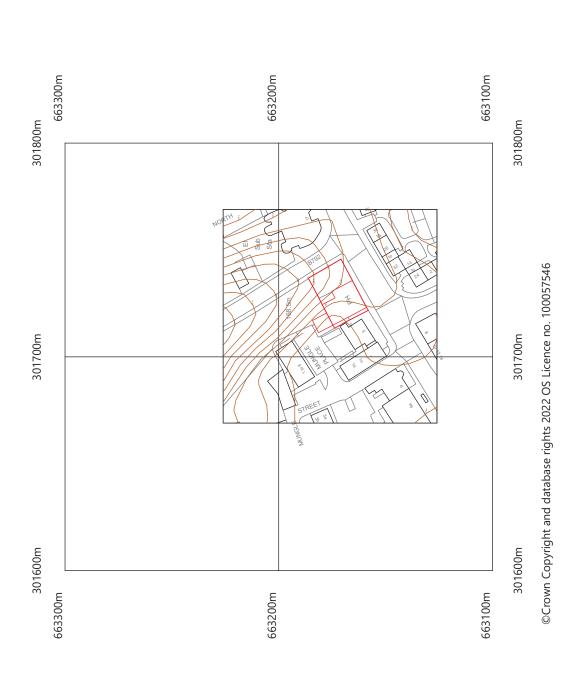
Craig McCorriston

Head of Planning, Economic Development and Regeneration Date: 16 November 2022

DRAFT REASONS FOR REFUSAL - APPLICATION 0792/P/22

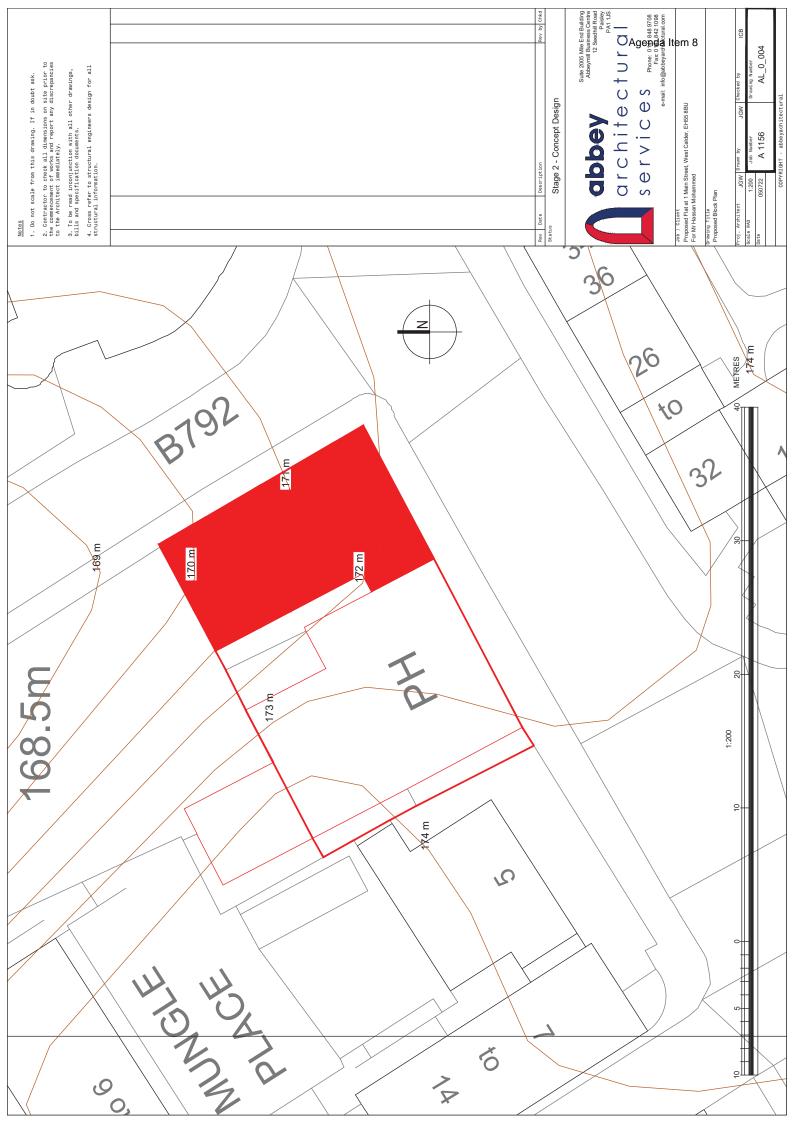
Reasons for refusal

- 1. The proposed new build development is unacceptable in that it is overdevelopment of the site and fails to provide external amenity space, parking, bicycle provision or bin provision. The three-storey design and massing does not respect the adjoining existing traditional building or local character and context. Further, noise from the adjacent Masonic Lodge premises would have an adverse impact on future residents and it has not been shown how such noise impacts would be mitigated. The proposal is thus contrary to policies DES1 (Design Principles), HOU 3 (Infill/Windfall Housing Development within Settlements), TCR 1 (Town Centres), TRAN 1 (Transportation Infrastructure), ENV 27 (Areas of Built Heritage and Townscape Value) and EMG 5 (Noise) of the West Lothian Local Development Plan 2018 and the Supplementary Guidance Residential Development Guide and Supplementary Guidance Planning and Noise within the West Lothian Local Development Plan, 2018.
- 2. The proposed public house to flat conversion is unacceptable in that fails to provide external amenity space, parking, bicycle provision or bin provision. The position of the proposed flat within the building is such that there would be a poor level of residential amenity in terms of outlook / daylighting. Further, noise from the adjacent Masonic Lodge premises would have an adverse impact on future residents and it has not been shown how such noise impacts would be mitigated. The proposal is thus contrary to policies DES 1 (Design Principles), HOU 3 (Infill/Windfall Housing Development within Settlements), TCR 1 (Town Centres), TRAN 1 (Transportation Infrastructure) and EMG 5 (Noise) and the Supplementary Guidance Residential Development Guide and Supplementary Guidance Planning and Noise of the West Lothian Local Development Plan, 2018.
- 3. The applicant has not submitted sufficient information with regards to contaminated land. The proposal is therefore contrary to policy EMG6 (Vacant, Derelict and Contaminated Land) of the West Lothian Local Development Plan 2018.
- 4. The applicant has not submitted a flood risk assessment nor have they submitted surface water drainage details. The proposal is therefore contrary to policy EMG 2 (Flooding) and EMG 3 (Sustainable Drainage), as well as the Supplementary Guidance on Flooding and Drainage of the West Lothian Local Development Plan 2018.





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Comments for Planning Application 0792/P/22

Application Summary

Application Number: 0792/P/22

Address: 1 Main Street West Calder West Lothian EH55 8BU

Proposal: Planning permission in principle for the erection of a mixed-use building with 2 shops and 1 flat on ground floor and 4 flats on upper floors and conversion of public house to a flat

Case Officer: Kirsty Hope

Customer Details

Name: Mr Robert Smith

Address: 3 Main Street West Calder EH54 8PU

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:We wish to object to planning application number 0792/P/22 relating to 1 Main Street, West Calder and I as The Secretary of Thistle Lodge have been instructed to raise this objection on behalf of the Thistle Lodge West Calder who have occupied the upstairs and ground floor entrance to the building since 1818.

We have noted that work has already commenced and has had a detrimental impact on the established usage of the section of premises owned by the Lodge .We consider that this is not a new application as described but an application in retrospect. It is our view the application does not provide enough detail to fully assess the impact of works already under way particularly with regard to materials being used, insulation both sound and fire, impact on the long-established use of the Masonic Lodge, including being a regular local venue for funerals, mutual water supply and surface water drainage routing and impact.

We would therefore ask that enforcement should be put in place to suspend these works until not only is this planning in principle considered but detailed planning and building standards are presented, considered and decided upon.

With specific regard to the application presented we would raise the following objections;

- There is little detail in the current plans to understand the installation materials being used in the works currently being carried out and how that will impact on our part of the building the change of use and the provision of living, dining and cooking facilities indicate and enhanced noise and fire risk to our existing premises as well as smell given that no provision for extract of cooking facilities are indicated.
- The provision of bathroom and bedroom facilities in the existing ground floor with windows opening directly onto our Ground Floor rear access path affect not only our privacy but seem inappropriate for those residing in the converted premises.

Agenda Item 8

- The construction of an extension severely restricts access from our fire escape and since no dimensions are provided this may impact on the safety provisions from our building with the possible consequences of our facilities being required to restructure which should not be the case as they are long established.
- In the planning submission the applicant appears to indicate that altered water or drainage arrangements will be required however, given the fact that these alterations have already resulted in our water being cut off on two occasions while an unapproved development is underway, it appears that those alterations will result in no water being available in future to our section of the building. Indeed, the applicant has already indicated that he will be cutting off our supply which should not be allowed and detailed alterations, which he acknowledges are required, should be agreed as part of this development which as application currently stands is not the case.
- We consider the design and layout of the ground floor conversion to be inappropriate due to window locations to bedrooms and toilet impacting on our access but also consider that the design and layout of the extension is wholly inappropriate and should be refused as it is overbearing in size, changes the whole roofline and historic design concept of the existing roof, changes completely and inappropriately the height and streetscape with eaves and roofline being at variance with and considerably higher than the existing roof and at upper level changes a detached property into a semi-detached which has never been the historical intent of the existing design.
- We further consider that the implied materials and design in roofing, wall construction and window style are at total variance to the historic design of the existing building. We would further advise that regarding road safety and access the difficulties in traffic management and parking in this location are well established from previous debates on planning applications. There is no safe parking in the vicinity and the applicant has not indicated any intent to provide any within the site. The junction at the Cleuch Brae, Kirkgate and A71 is well known as a point of regular congestion and any additional traffic can only lead to further danger. Equally since access to the extension and conversion is indicated to be directly off the A71 and Cleuch Brae any short term parking to drop off residents would lead to increased potential for traffic accident.

The only nearby parking is used for access to local shops and residents of this new development using these limited spaces, since no additional provision has been allowed for could only have detrimental impact on local business.

Finally, while the existing building may not be listed, it has been mentioned as being of historical interest and indeed this area of West Calder is all that remains of the heritage of the village. Many historical features around this corner were removed in the last century including on the land proposed for the extension.

We would therefore maintain that the built heritage of the village, or that which remains, should be maintained despite the destruction carried out under previous planning regimes and approval of

this development would remove one of the last few remaining buildings that are testimony to the villages past and should not be approved.

Yours Sincerely,

Robert C Smith Secretary Thistle lodge 270 3 Main Street West Calder EH55 8BU



PROPOSED DELEGATED PLANNING DECISIONS

IX LOCAL MEMBER REFERRAL REQUEST **IX**

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/

Application Details	Reason For Referral Request (please tick ✓)
Application Reference Number	Applicant Request
0792/P/22	
Site Address	
1 Main St. West Calder EH55 8BU	Constituent Request ✓
	Other (please specify)
Title of Application	
Planning permission in principle for the erection of a mixed-use building with 2 shops and 1 flat on ground floor and 4 flats on upper floors and conversion of public house to a flat	
Member's Name	
Cllr Pauline Clark	
Date	
28/10/2022	