



LOCAL REVIEW BODY

APPLICATION NO.0610/FUL/22 – CHANGE OF USE FROM HOUSE (CLASS 9) TO FORM 8 LETTING BEDROOMS, WILLOWBANK, 1 BURNSIDE ROAD, BATHGATE

REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY

A PURPOSE OF REPORT

This report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the Council's Appointed Person to refuse planning permission for a change of use from house (class 9) to form 8 letting bedrooms, Willowbank, 1 Burnside Road, Bathgate

B REVIEW DOCUMENTS

The following documents form the review documents for consideration by the Local Review Body and are circulated to members with this report:

1. The Notice of Review, and supporting documentation, submitted by the applicant, dated 26 October 2022.
2. The Handling Report, prepared by the Planning Case Officer, dated 7 September 2022.
3. The Decision Notice, issued by the Appointed Person, dated 7 September 2022.

Two consultee responses to the application have been received. The council's Transportation Service, as a statutory consultee, recommended that the application be refused (see attached comments). Additionally, the council's Environmental Health, also a statutory consultee, made no objection to the proposal but have made some observations and recommended planning conditions, details of which are attached to this report.

The applicant has requested, in their supporting statement, that a site inspection be carried out prior to the determination of the application for review.

C SITE VISITS AND FURTHER PROCEDURE

A site inspection of the application site will be undertaken in advance of the Local Review Body's first consideration of the review application; this will be completed on 25 January 2023. However, the Local Review Body, upon

consideration of the review application before it, can determine if further procedure is required before reaching a decision. This can include any, or any combination, of the following; an accompanied site inspection, further written submissions and hearing session/s.

D DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

The Appointed Person refused the application in that it was not in accordance with policies DES1 (Design Principles) and EMP7 (Tourism) of the West Lothian Local Development Plan as it had not been demonstrated there would be no significant adverse impact on residential amenity due to the intensity of the proposed use and resultant level of daily comings and goings of individuals. Further, there is insufficient parking for 1 space for each of the 8 letting bedrooms and the proposed parking arrangement does not allow for vehicles to leave in a forward gear but would lead to vehicles blocking each other and causing access issues

Further information can be obtained in the Decision Notice and Handling Report both of which are attached to this report.

E PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS

Without prejudice to the outcome of this review, to assist the LRB in its deliberations and to assist the applicant and interested persons in securing a prompt resolution of the review, attached to the report are a set of draft planning conditions which the LRB may wish to consider imposing should it be minded to grant planning permission. A copy is circulated with this report

Lesley Montague, Managing Solicitor, West Lothian Civic Centre

Email address:- lesley.montague@westlothian.gov.uk

Date: 25 January 2023



West Lothian Civic Centre Howden South Road Howden Livingston EH54 6FF Tel: 01506 280000 (for general enquiries) Email: planning@westlothian.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100604622-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Willowbank"/>
First Name: *	<input type="text" value="Andy"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Dyet"/>	Address 1 (Street): *	<input type="text" value="Burnside Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Bathgate"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="REDACTED"/>	Postcode: *	<input type="text" value="EH48 4PT"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing	<input type="text" value="669186"/>	Easting	<input type="text" value="297030"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use from house (class 9) to form 8 letting bedrooms

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to the matters set out within the Statement in Support of Review.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Document 1 Application Form Document 2 Location Plan Document 2 Refused Plans Document 4 Planning
 Statement Document 5 Email exchange with Case Officer Document 6 Report of Handling Document 7
 Decision Notice

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

0610/FUL/22

What date was the application submitted to the planning authority? *

08/07/2022

What date was the decision issued by the planning authority? *

07/09/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Andrew Bennie

Declaration Date: 26/10/2022



STATEMENT IN SUPPORT OF
REQUEST TO REVIEW THE REFUSAL
BY WEST LoTHIAN COUNCIL OF
PLANNING APPLICATION REFERENCE
0610/FUL/22

ANDREW BENNIE
PLANNING LIMITED

STATEMENT IN SUPPORT OF
REQUEST TO REVIEW THE REFUSAL
BY WEST LOTHIAN COUNCIL OF
PLANNING APPLICATION REFERENCE
0610/FUL/22

3 Abbots Court
Dullatur
G68 0AP

Tel: [REDACTED]

E-mail: [REDACTED]

October 2022

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1.0 INTRODUCTION

- 1.1 This Statement has been prepared by Andrew Bennie Planning Limited on behalf of M A Dyet in support of his request that the Planning Authority, under the provisions of Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 review the decision of the Appointed Person to refuse planning permission in respect of planning application reference 0610/FUL/22.

- 1.2 This Statement should be read in conjunction with the matters set out within the completed Notice of Review Form.

2.0 PROPOSALS SUBJECT TO REVIEW

- 2.1 Under the terms of the application to which this Request to Review relates, planning permission was sought for the change of use of the dwelling house which forms the application site to allow for its use as a Guest House (Class 7), this proposed use providing for a total of eight lettable rooms).
- 2.2 Internally, the existing accommodation would be reconfigured to provide for a total of eight private bedrooms, each with its own kitchen area and dedicated bathroom facilities.
- 2.3 Externally, the only alteration to the property would involve the blocking up of a small window which is located towards the front of the east facing elevation of the property.

3.0 REASONS FOR REQUESTING THE REVIEW

- 3.1 On the basis of the Grounds of Review, which are set out within Section 5.0 of this Statement, it is submitted that the Appointed Person has failed to provide sufficient reasons to reasonably justify the refusal of this planning application when considered against the relevant provisions of the development plan.
- 3.2 It is submitted that the application proposals can be both fully and reasonably justified against the relevant provisions of the development plan and that the proposed development will have no demonstrably adverse impact upon the residential amenity of the surrounding area.
- 3.3 Consequently, this Review is put forward on the basis of the unreasonable and unjustifiable grounds for the refusal of the planning application in question.

4.0 REVIEW PROCEDURE

- 4.1 In addition to consideration of those matters, which are set out within the Notice of Review Form and this Statement, it is requested that the Local Review Body also carry out an inspection of the Site prior to their consideration and determination of this Review.

- 4.2 An inspection of the Site is considered to be necessary in this instance in order that the members of the Local Review Body can view the nature of the Site and its relationship to the adjacent residential properties

5.0 GROUNDS OF REVIEW

- 5.1 The application which forms the basis of this Request to Review was refused planning permission by Notice dated 25th April 2022, with the single stated reason for the refusal of the application reading as follows:

1: It has been demonstrated there would be no significant adverse impact on residential amenity due to the intensity of the proposed use and resultant level of daily comings and goings of individual. Further, there is insufficient parking for 1 space for each of the 8 letting bedrooms and the proposed parking arrangement doesn't allow for vehicles to leave in a forward gear but would lead to vehicles blocking each other and causing access issues. The proposal is therefore contrary to policies DES1 (Design Principles) and EMP7 (Tourism) of the West Lothian Local Development Plan 2018.

- 5.2 A full copy of the Decision Notice on this application is provided within the list of documents lodged in support of this Request to Review.
- 5.3 The various points raised within the stated reason for the refusal of the application are addressed in detail below.
- 5.4 The first sentence of the reason for the refusal of the application states that "*It has not been demonstrated there would be no significant adverse impact on residential amenity due to the intensity of the proposed use and resultant level of daily comings and goings of individuals.*"
- 5.5 Whilst it is accepted that the proposed change of use involves the creation of eight lettable room, it is not accepted that in and of itself, this will lead to a situation which would see each of these rooms occupied on a continuous basis and that as such, the Appointed Person appears simply to have made assumptions as regards the intensity of the proposed use of the premises based solely upon the stated number of lettable rooms and not upon any common sense assessment as to the occupancy levels that are likely to be achieved.
- 5.6 From a business perspective, it is self-evident that maximum occupation of the Guest House on 365 days of the year clearly represents the ideal situation on the part of the applicant. This said, the applicant is not naive enough to presume that full occupation at all times, or indeed at any time, is a realistic proposition. Rather, the applicant has based his business

assumptions on significantly lower occupation levels being achieved, it being assumed, in line with established industry research data, that the premises will achieve average occupancy levels of circa 54%.

- 5.7 Consequently, it is not accepted that the intensity of the use of the site for the purposes proposed under this application will be significantly different from the potential intensity of use associated with any domestic properties of this scale.
- 5.8 There is also no basis upon which the Council can support its contention that the proposed use of the property will lead to any significant increase in the "level of daily coming and goings of individuals".
- 5.9 The Council's position on this specific matter appears to be predicated on the simple premiss that those visitors using the proposed Guest House will enter and leave the property on numerous occasions and that when doing so they will produce levels of noise that would be out of keeping with the established noise levels in the surrounding area.
- 5.10 With respect, the Council's position on this matter cannot be supported and clearly indicates that the Appointed Person is of the view that potential users of the premises cannot be trusted to act in a responsible or respectful manner.
- 5.11 The Appointed Person's position on this matter also fails to take properly into account the actual nature of the area which immediately surrounds the application site.
- 5.12 Whilst identified as lying within the general urban area and lying adjacent to existing residential properties, the site lies immediately opposite several commercial/business premises, all of which to varying degrees produce an element of noise which is clearly audible at various times of the day. The site also lies adjacent to a reasonably well trafficked road, the use of which gives rise to road noise at all times of the day.
- 5.13 These various considerations point clearly to the fact that the site is not located within an area which is not capable of accommodating the proposed use of the property without giving rise to any noticeable increase in the established background noise levels and that as such the proposed use of the property will not have an adverse impact upon the established level of amenity of those residential properties which lie adjacent to the site.
- 5.14 **If it is accepted that potential users of premises such as that proposed under this application, can act in a responsible and respectful manner, as is clearly evidenced**

by the users of other similar premises and hotels across the Council area, it is respectfully submitted that this aspect of the sole reason for the refusal of this application cannot be reasonably or justifiably supported.

- 5.15 The second aspect of the stated reason for the refusal of the application which forms the basis of this Review relates to the level of on-site parking provision, with it being stated that there is insufficient parking for one space per lettable bedroom and that that proposed parking arrangements does not allow for vehicles to exit the site in a forward gear but would lead to vehicles blocking each other and hence causing access issues.
- 5.16 There are a number of issues arising from this aspect of the reason for the refusal of the application; first it is predicated on the assumption that all of the available rooms will be let at the same time; and second that the applicant has no means of controlling the number of vehicles that can park on the site at any given time.
- 5.17 Looking at these two points in turn, the following comments are made.
- 5.18 Readily available research analysis relating to the hospitality industry indicates that the yearly average occupancy rates for bed and breakfast/guest house establishments is just under 54%. If this figure is used as a base line, it can be expected that on average, 4 of the available rooms would be let at any one time, hence giving rise to a requirement for 4 off-street parking spaces.
- 5.19 The application site in its present configuration has the potential to easily accommodate 6 off-street parking spaces the arrangement of would allow for each vehicle to enter and leave the site without requiring any other vehicles to be moved.
- 5.20 This available level of on-site parking exceeds the number of spaces that would be required in connection with the expected average occupancy levels associated with the proposed use and that as such, for the majority of the time, there would be more parking spaces available that would actually be required.
- 5.21 It is therefore submitted first that the Appointed Person has failed to suitably demonstrate that an insufficient number of on-site parking spaces would be provided as part of the proposed change of use and second that based on the average expected occupancy levels associated with the proposed use, the proposed development will provide more on-site parking spaces than would actually be required for the vast majority of the time.

- 5.22 It is also of relevance to note that through the online booking system that of necessity will require to be put in place to allow the proposed Guest House to operate, the applicant/appellant has the ability to control the number of guests who would be able to make use of the on-site parking provided, this being achieved by requiring those parties making bookings to specify whether or not they require a parking space.
- 5.23 If six parking spaces are already allocated for any given evening/period of stay, the system will advise parties that on the dates in question on-site parking will not be available, thus allowing parties either not to proceed with their booking or to proceed in the knowledge that they will require to make alternative parking arrangements if they are travelling to the site by car.
- 5.24 In this simple way, the appellant can ensure that guests arriving by car will always be able to park on-site.
- 5.25 With regards to the issue of vehicles leaving the site in reverse gear, it is noted that vehicles doing so would not be contravening any laws or roads regulations and would be performing a manoeuvre that is carried out countless times in any given day when vehicles exit both domestic and commercial sites.
- 5.26 As has been clearly stated earlier within this Statement, sufficient space exists within the site ensure that each of the six on-site parking spaces that will be provided as part of this proposed development can be accessed independently of each other and as such vehicles will not be "blocked in" by other parked vehicles thus ensuring that no access issues will arise.
- 5.27 It is also of note that if it were deemed necessary, a further two of-site parking spaces could be created within the existing front garden area of the property, thus providing a parking space for each of the lettable bedrooms, with it being submitted that the provision of these additional two spaces could be covered by a suitably worded planning condition.
- 5.28 **In view of the foregoing, it is respectfully submitted that the Appointed Person has failed to demonstrate that the proposed development will give rise to any access issues with it being further submitted that the level of on-site parking that will be provided as part of the proposed development is sufficient to cater for the needs of the proposed use.**

6.0 SUMMARY

- 6.1 It is our respectful submission that the Council, via the Appointed Person has failed to provide sufficient information to support and justify the stated reasons for the refusal of this planning application.
- 6.2 It is submitted that in terms of the relevant provisions of the adopted Local Development Plan, the proposed development can be fully and reasonably justified against the various policies which have been referenced within the stated reason for the refusal of the application which forms the basis of this Request to Review.
- 6.3 **Taking into account all of those matters set out above, I would respectfully request that the Local Review Body uphold this Review and in so doing, grant planning permission pursuant to planning application reference 0610/FUL/22.**

APPENDIX 1 – SCHEDULE OF REVIEW DOCUMENTS

Document 1	Application Form
Document 2	Location Plan
Document 2	Refused Plans
Document 4	Planning Statement
Document 5	Email exchange with Case Officer
Document 6	Report of Handling
Document 7	Decision Notice



DECISION NOTICE REFUSAL OF PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997, as amended

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **refuses full planning permission for the development described below**, and in the planning application and docquetted plan(s).

APPLICATION REFERENCE 0610/FUL/22

PROPOSAL Change of use from house (class 9) to form 8 letting bedrooms

LOCATION Willowbank, 1 Burnside Road, Bathgate, West Lothian, EH48 4PT,
(GRID REF: 297030, 669186)

APPLICANT Mr Andy Dyet, Willowbank, 1 Burnside Road, Bathgate, EH48 4PT

The above **local application was determined by an officer appointed by the council in accordance with its scheme of delegation**. Please see the advisory notes for further information, including how to request a review of any conditions.

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated:
07.09.2022

Wendy McCorriston
Development Management Manager

West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Signature:



The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0610/FUL/22, for the reason(s) set out as follows:

- 1 It has not been demonstrated there would be no significant adverse impact on residential amenity due to the intensity of the proposed use and resultant level of daily comings and goings of individuals. Further, there is insufficient parking for 1 space for each of the 8 letting bedrooms and the proposed parking arrangement doesn't allow for vehicles to leave in a forward gear but would lead to vehicles blocking each other and causing access issues. The proposal is therefore contrary to policies DES1 (Design Principles) and EMP7 (Tourism) of the West Lothian Local Development Plan 2018.

ADVISORY NOTES TO DEVELOPER

How to challenge the council's Decision

If your application was determined under delegated powers as a local application by an officer appointed by the council and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. You can find information on these processes and how to apply for a review, or to appeal, here:

<https://www.westlothian.gov.uk/article/33128/Decisions-Reviews-and-Appeals>

If the decision of the council is overturned by the Local Review Body or the Directorate for Planning and Environmental Appeals, the developer of the land should be made aware of the following notes.

Notification of the start of development

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Notification of completion of development

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Contaminated land procedures

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease and the issue shall be reported in writing to the planning authority immediately. The developer is required to follow the councils Supplementary Planning Guidance Development of land potentially affected by contamination. This document provides developers and their consultants with information on dealing with the planning process in West Lothian when development is proposed on land which is suspected of being affected by contamination. This document and further guidance is provided via the Councils web pages at <https://www.westlothian.gov.uk/article/34731/Contaminated-Land>

Liaison with the Coal Authority

As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.

Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.

To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Advisory note to developer - General

Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.

Annex 1, Schedule of Plans - 0610/FUL/22

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	02
2	Floor Plans & Elevations	03
3	Floor Plans & Elevations	04



DATA LABEL: PUBLIC

HANDLING REPORT

Ref. No.:	0610/FUL/22	Email:	kirsty.hope@westlothian.gov.uk
Case Officer:	Kirsty Hope	Tel No.:	01506 282413
Ward:	Bathgate	Member:	Willie Boyle Harry Cartmill Tony Pearson Pauline Stafford

Title	Change of use from house (class 9) to form 8 letting bedrooms (Grid Ref: 297030, 669186) at Willowbank, 1 Burnside Road, Bathgate, West Lothian, EH48 4PT
Application Type	Local Application
Decision Level	Delegated List
Site Visit	22.07.2022
Recommendation	Refuse Permission
Decision	
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	n/a
EIA Screening	Does the development require EIA screening - No If Yes, checklist completed and filed – n/a

Description of Proposals

Change of use from house (class 9) to form 8 letting bedrooms

Site History

- 0794/FUL/21 - Application under Section 42 to remove condition 3 (use as ancillary accommodation) from planning permission 0356/FUL/09 for change of use from workshop to ancillary residential accommodation was granted planning permission on 16.12.2021.
- LIVE/0356/FUL/09 - Change of use from workshop to ancillary residential accommodation was granted planning permission on 24.07.2009.

- LIVE/0664/FUL/01 - Erection of a joiners workshop was granted planning permission on 02.10.2001.
- LIVE/0095/FUL/92 - Erection of a conservatory was granted planning permission 04.03.1992.
- LIVE/0860/A/97 - Erection of a signboard was granted advertisement consent on 18.12.1997.

Representations

No representations were received for this application.

Consultations

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	1 space required per bedroom, insufficient space for turning.	Noted.
WLC Environmental Health	No	Attach conditions if consented.	Noted, conditions shall be attached, if consented.

Policies Considered

Policy Title	Policy Text
DES1 - Design Principles	All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals, the developer will be required to ensure that: a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity; b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates; c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety; d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping; e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices; f. the development does not result in any significant adverse impact on the water environment as required

	<p>by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided; g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development. Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.</p>
EMP7 - Tourism	<p>New, or expanded tourism-related development, will be supported where it is capable of strengthening the appeal and attraction of West Lothian to a wide range of visitors, thereby contributing to the greater West Lothian economy. The council will also require to be satisfied that the proposals: a. would not adversely impact on the natural and built environment including any special historic environment assets, natural heritage designations or landscape interests; and b. would not adversely impact on local or residential amenity; and c. would be compatible with neighbouring land uses; and d. would be of a character and scale in keeping with the setting of the area, can be located in an unobtrusive manner and includes high quality design; and e. the proposed development site is or can be well served by public transport and other sustainable modes; and f. accord with all other relevant policies in the Local Development Plan. Additionally, where tourist accommodation is proposed on sites outwith the settlement boundaries, a site specific business case/locational need justification will require to be submitted in support of any planning application for evaluation.</p>
EMG5 - Noise	<p>There is a presumption against developments that are:</p> <ul style="list-style-type: none"> a. likely to generate significant amounts of noise being located close to noise sensitive developments such as existing or proposed housing; or b. residential or other noise sensitive developments being close to noisy land use. The only exceptions will be where it can be demonstrated that: <ul style="list-style-type: none"> a. through design or mitigation, satisfactory internal and external noise levels can be achieved at the noise sensitive development; and b. through design or mitigation, there will be no adverse impact on the continued operation of any existing or proposed business or activity. <p>The terms of the council's Supplementary Guidance on Noise will apply.</p>

Guidance

Supplementary Guidance on Planning and Noise approved February 2019.

Officer Assessment

The application is for a change of use from house (class 9) to form 8 letting bedrooms. This existing property is a detached dwelling located within an established residential area and within the settlement boundary of Bathgate.

A revised layout plan was received during the course of the application to include kitchen and provision to each bedroom.

The applicant has advised that the guest rooms would be made available for varying lengths of stay to suit the individual needs requirements of those parties using the establishment throughout the entire 365 days of the year. It has not been demonstrated by the applicant that there would be no significant adverse impact on adjacent residents in terms of parking as well as the potential disruption caused by the comings and goings of individuals.

The applicant has also pointed to other planning permissions 0396/FUL/18 and 0926/FUL/18 that would operate in a similar manner. However, these applications are significantly different to what is being proposed as both of these premises are located on upper floors of public houses and are within town centre locations and not within residential estates.

There is no indoor communal space therefore guests may use the garden ground for recreational purposes which given there are 8 separate bedrooms this could have the potential to cause noise concerns to nearby residents.

The applicant has advised that one member of staff will visit the site on a daily basis for cleaning and room changes. This could potentially be another vehicle to park.

While, no site layout plan was provided highlighting parking provision, it is not clear how parking for each of the 8 letting bedrooms could be accommodated on the site without blocking each other or causing access issues. Whilst there is limited on-street parking nearby the proposed development would be overdevelopment of the plot. WLC Roads & Transportation have also raised concerns in relation to parking provision.

Whilst this proposal to some degree could be considered as a form of tourism development that would usually be encouraged provided there's no detrimental impact on neighbouring properties. The proposal would have potential to adversely impact on local or residential amenity, by the comings and goings of individuals as well as the use of the garden by 8 different guests on a daily basis.

It is not considered that this location is compatible with neighbouring land uses.

Given the entire premises is to be used for letting of x8 rooms, this would be overdevelopment of the plot and would impact on the residential amenity of neighbouring residents.

It is noted that there is a local town service that operates from Burnside Road on an hourly basis from 0930 until 1745, this does not operate over the weekend. And given it is hourly, therefore

cars would still be the preferred method of transport if travelling for work, or indeed if this bus is missed. The train station is a considerable distance for walking to.

It is therefore recommended planning permission be refused.

Conclusions and Reasons for Decision

The application is for a change of use from house (class 9) to form 8 letting bedrooms.

The proposal is contrary to policy DES 1 (Design Principles) and EMP 7 (Tourism) within the West Lothian Local Development Plan, 2018.

It is therefore recommended the application be refused planning permission.

List of Review Documents

Drawings schedule:

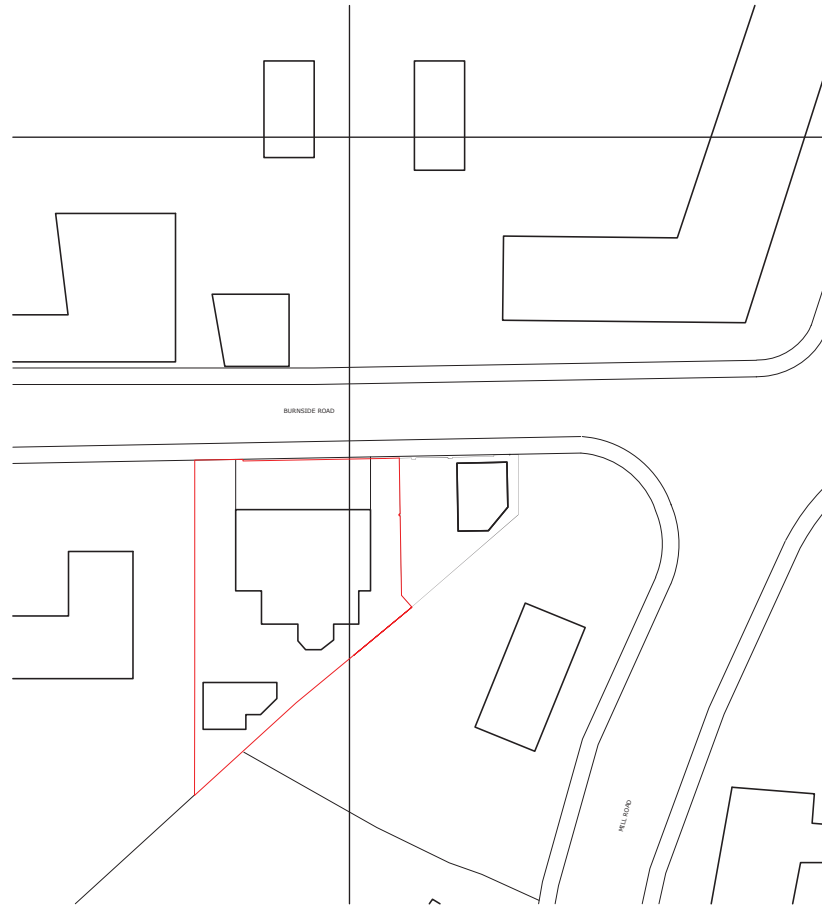
Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	02
2	Floor Plans & Elevations	03
3	Floor Plans & Elevations	04

Other relevant documents:

West Lothian Local Development Plan, 2018;

Case Officer: Kirsty Hope

Date: 7 September 2022

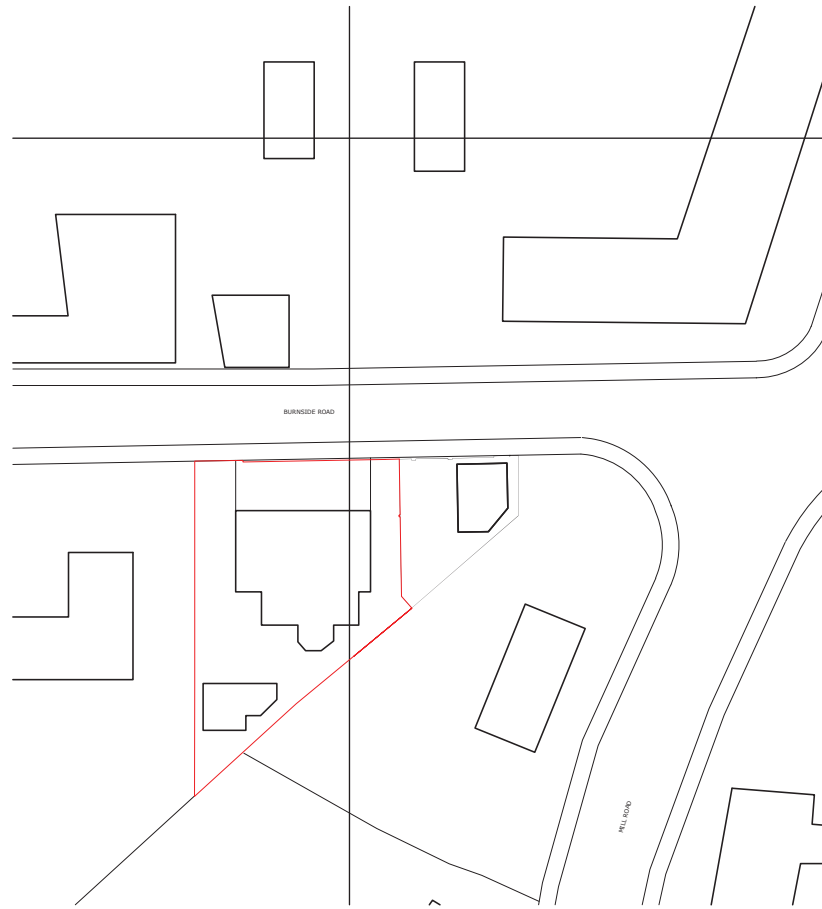


— SITE BOUNDARY

1 Site Location
1:500



Subdivision		
Project: Willowbank Cottage 1 Burnside Road, Bathgate		
5/15 Princes Gardens , Hyndland , G12 9HR		
Scale 1:500/@A3	Date June 22	By MC
Job No 0360	Drawing no 02	Rev -
© Satdraft 2022		



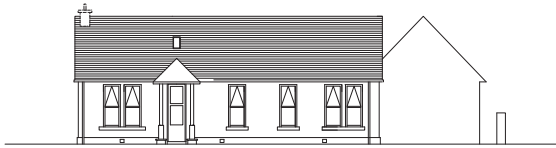
— SITE BOUNDARY

1 Site Location
1:500

REFUSED	
App No:	0610/FUL/22
Date:	07.09.2022
West Lothian Council	



Subdivision		
Project: Willowbank Cottage 1 Burnside Road, Bathgate		
5/15 Princes Gardens , Hyndland , G12 9HR		
Scale 1:500/@A3	Date June 22	By MC
Job No 0360	Drawing no 02	Rev -
© Satdraft 2022		



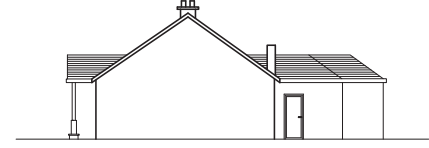
1 Front Elevation
1:250



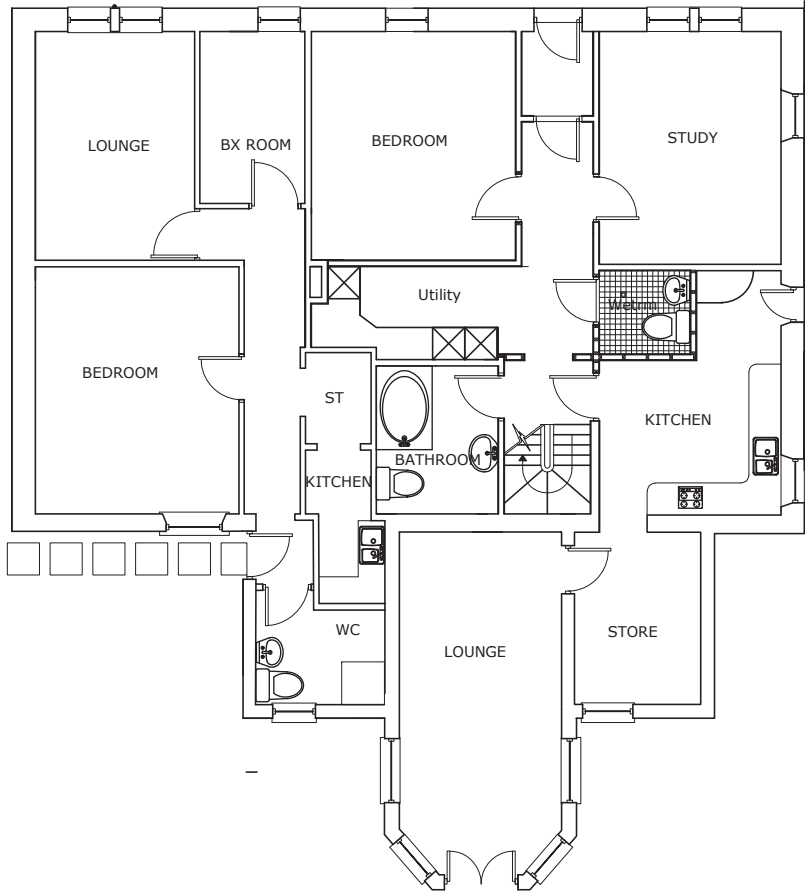
2 Rear Elevation
1:250



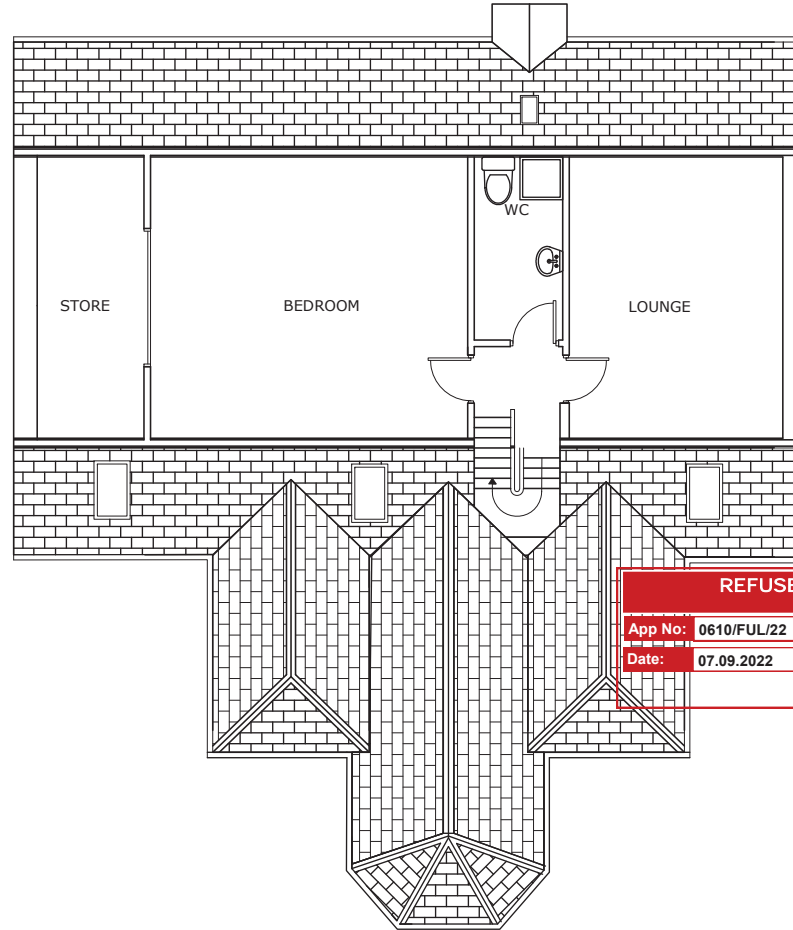
3 Side Elevation
1:250



4 Side Elevation
1:250



5 Ground Floor Plan Existing
1:100



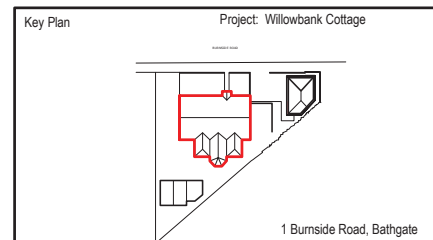
6 First Floor Plan Proposed
1:100

REFUSED

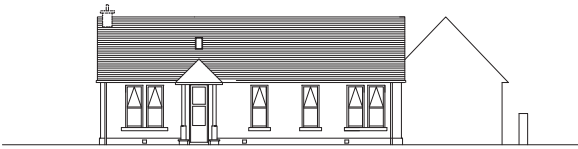
App No: 0610/FUL/22

Date: 07.09.2022

West Lothian Council



Existing Layout			
5/15 Princes Gardens, Hyndland, Glasgow, G12 9HR			
Scale	1:100/250@A3	Date	July 22
Job No	0360	Drawing no	03
		By	MC
		Rev	-
© Satdraft Ltd 2022			



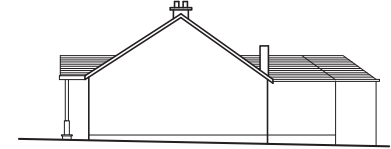
1 Front Elevation
1:250



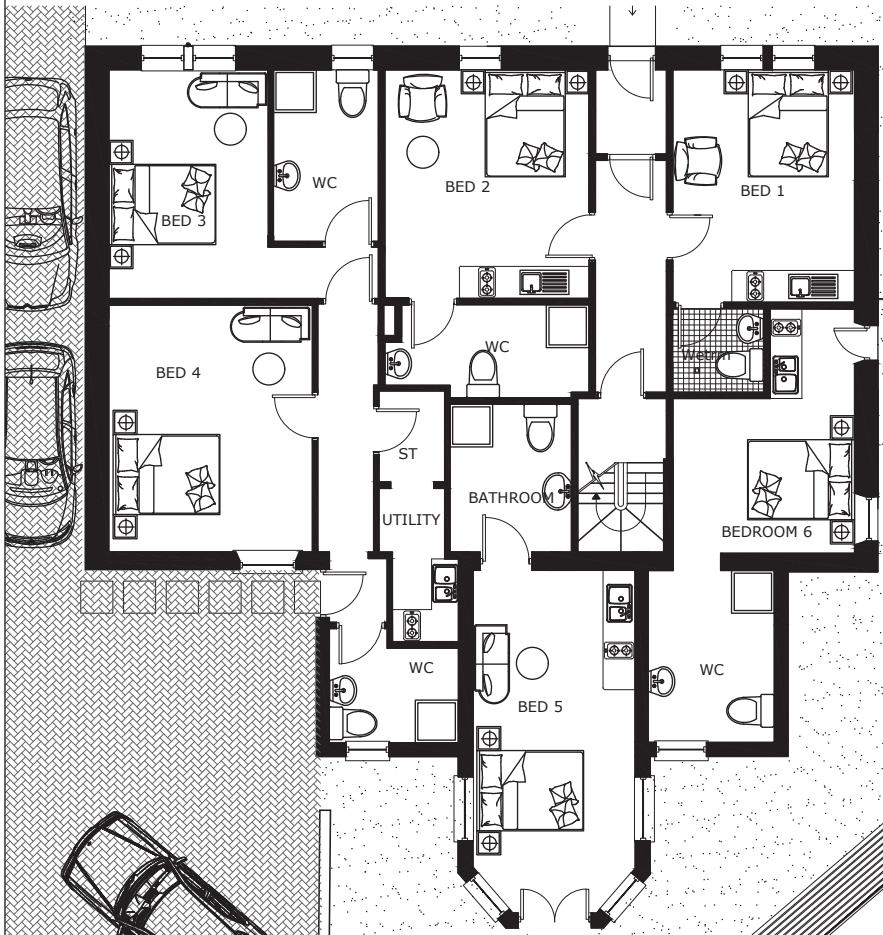
2 Rear Elevation
1:250



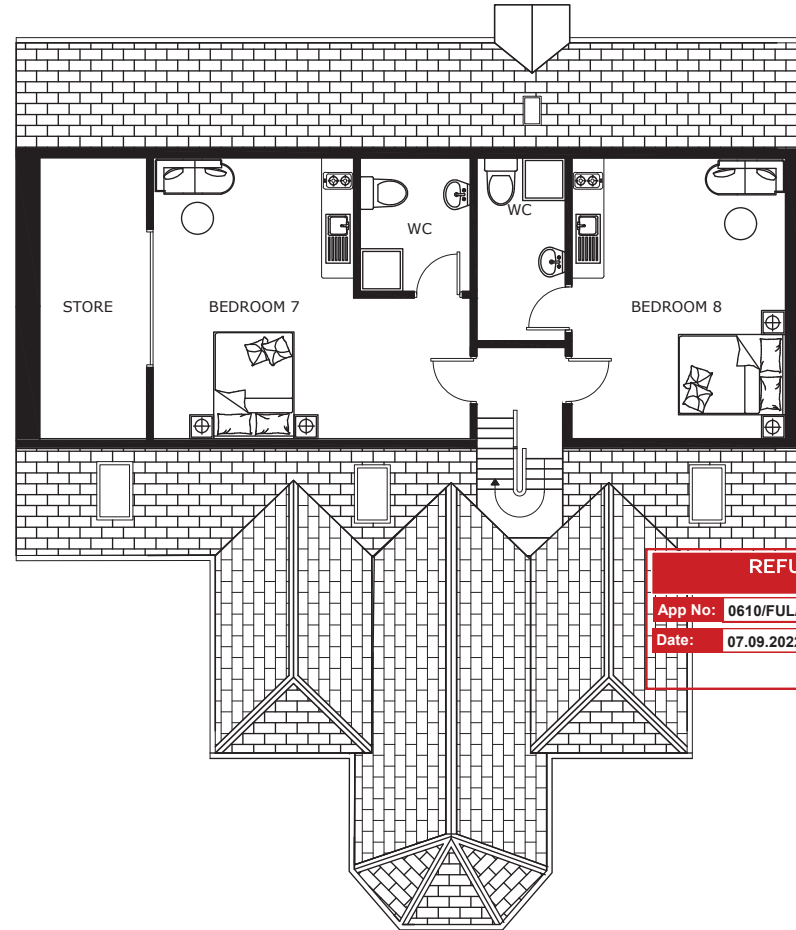
3 Side Elevation
1:250



4 Side Elevation
1:250



5 Ground Floor Plan
1:100



6 First Floor Plan
1:100

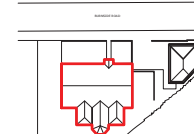
REFUSED

App No: 0610/FUL/22

Date: 07.09.2022

West Lothian Council

Key Plan Project: Willowbank Cottage



1 Burnside Road, Bathgate

PROPOSED

5/15 Princes Gardens , Hyndland , Glasgow , G12 9HR			
Scale	1:100/250@A3	Date	Aug 2022
Job No	0360	By	MC
		Drawing no	04
		Rev	-

Subject: RE: Planning Application Reference 0610/FUL/22 - Willowbank, Burnside Road, Bathgate [OFFICIAL]
Date: Friday, 26 August 2022 at 11:57:42 British Summer Time
From: Hope, Kirsty
To: Andrew Bennie
Attachments: image001.png

DATA LABEL: OFFICIAL

Hi Andrew

Thanks for your email.

Whilst I appreciate the response below, this application is not something that we would be able to support.

There are concerns in regards to the disruption to the residential amenity of nearby residents including the comings and goings of individuals. As well as insufficient parking to allow safe egress of the site. Parking requirements are different in a town centre which this application is not.

Please let me know if you wish to withdraw the application prior to Thursday 1st September 2022, otherwise we shall proceed to determine the application for refusal.

Kindest Regards
Kirsty Hope
Planning Officer
Development Management

West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF

From: Andrew Bennie <[REDACTED]>
Sent: 25 August 2022 13:00
To: Hope, Kirsty <Kirsty.Hope@westlothian.gov.uk>
Subject: Planning Application Reference 0610/FUL/22 - Willowbank, Burnside Road, Bathgate
Importance: High

Dear Kirsty

I trust that this e-mail finds you well.

With regards to the points raised within your e-mails of 27th and 28th July, I would comment/advise as follows:

What type of guest house is this likely to be?

It is intended that the premises will be operated as a Guest House, with the rooms being made available for varying lengths of stay to suit the individual needs requirements of those parties using the establishment.

To this end, the premises will operate in a manner which is very similar to the guest house establishments granted planning permission under the terms of planning permission reference numbers 0396/FUL/18 and 0926/FUL/18.

Will there be any one resident in the guest house - I am assuming not as the kitchen facilities appear to

be getting removed?

The proposed internal configuration of the proposed guest house has been amended to facilitate the provision of kitchen facilities within each of the proposed guest bedrooms – as per the details shown on the amended layout plan attached.

Will the rooms be let out individually or will the property be let out as a whole, or both?

It is anticipated that the rooms will be let on an individual basis although the possibility exists that bookings could involve more than one room or indeed cover all rooms in a single booking.

How this proposal would operate? For example how would this facility be booked, how would the rooms be accessed through the house?

The rooms would be booked via an online booking service, which would also cover the need to specify whether on-site parking would be required.

Access to the rooms would be taken as follows:

Rooms 1,2,7 and 8 via a shared access to the front of the premises.

Rooms 3 and 4 via a shared access to the side of the premises.

Room 5 via a dedicated access to the rear of the premises.

Room 6 via a dedicated access to the side of the premises.

These details are shown in the amended layout drawing attached.

Number of staff (if any)? Is there anyone onsite daily, or is this proposal completely separate to the single dwelling house number 1a?

No staff will be resident at the premises but a single staff member will visit the site on a daily basis for general cleaning and any room changes required.

Is it proposed to operate 365 days a year?

The premises will operate 365 days of the year but it is expected that occupancy levels will vary throughout the year, associated with recognised holiday periods.

Who is likely to use this facility - tourism/short stays?

It is anticipated that the premises will be used by both of these groups.

Would the garden ground be used for guests?

The garden ground would be available for the use of guests should they chose to do so.

It would appear from the plans that all kitchen facilities would be removed, can you confirm this to be the case?

The amended layout plan attached confirm that kitchen facilities have been introduced into each of the individual rooms.

Can you show where parking would be provided for all?

On-site parking would be provided within the existing driveway which currently serves the property.

On the general matter of parking, it is considered that not all potential guests will arrive by car, this being in light of the accessibility of the site both to the railway station and existing bus routes, with it being further noted that the availability of on-site parking will be controlled via the on-line booking service.


It is further noted that in the case of planning permission references 0396/FUL/18 and 0926/FUL/18, the Council did not require the provision of any off-street parking spaces.

In light of these factors, it is considered that the level of on-site parking that can be provided as part of this proposed development is sufficient to support the needs of the guest house.

I trust that you find this information to be of assistance and I look forward to discussing matters with you further in due course.

With best wishes.

Andrew Bennie, BA (Hons) MRTPI
Director



ANDREW BENNIE
PLANNING LIMITED

West Lothian Council - Data Labels:

OFFICIAL - Sensitive: Contains Personal or Business Sensitive Information for authorised personnel only

OFFICIAL: Contains information for council staff only

PUBLIC: All information has been approved for public disclosure

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

P SAVE PAPER - Please do not print this e-mail unless absolutely necessary.

This message, together with any attachments, is sent subject to the following statements:

1. It is sent in confidence for the addressee only. It may contain legally privileged information. The contents are not to be disclosed to anyone other than the addressee. Unauthorised recipients are requested to preserve this confidentiality and to advise the sender immediately.
2. It does not constitute a representation which is legally binding on the Council or which is capable of constituting a contract and may not be founded upon in any proceedings following hereon unless specifically indicated otherwise.

<http://www.westlothian.gov.uk>



West Lothian Civic Centre Howden South Road Howden Livingston EH54 6FF Tel: 01506 280000 (for general enquiries) Email: planning@westlothian.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100581200-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed change of use of dwelling house to guest house (Class 7)

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place? Yes No
 (Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Andrew Bennie Planning Limited"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Andrew"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Bennie"/>	Building Number:	<input type="text" value="3"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Address 1 (Street): *	<input type="text" value="Abbotts Court"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Dullatur"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="G68 0AP"/>
Email Address: *	<input type="text" value="REDACTED"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Willowbank"/>
First Name: *	<input type="text" value="Andy"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Dyet"/>	Address 1 (Street): *	<input type="text" value="Burnside Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Bathgate"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH48 4PT"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ≤ Yes No

Site Area

Please state the site area:

Please state the measurement type used: ≤ Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Dwelling house.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? * ≤ Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ≤ Yes **T** No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * ≤ Yes **T** No

Do your proposals make provision for sustainable drainage of surface water?? * ≤ Yes **T** No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

T Yes

≤ No, using a private water supply

≤ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * ≤ Yes **T** No ≤ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * ≤ Yes **T** No ≤ Don't Know

Trees

Are there any trees on or adjacent to the application site? * ≤ Yes **T** No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * **T** Yes ≤ No

If Yes or No, please provide further details: * (Max 500 characters)

Kerb side bin storage to the rear of the property - as per existing arrangements.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * ≤ Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * Yes ≤ No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 7 Hotels and Hostels

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

8

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) * ≤ Yes No ≤ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ≤ Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Andrew Bennie

On behalf of: Mr Andy Dyet

Date: 04/07/2022

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
A Design Statement or Design and Access Statement. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
A Flood Risk Assessment. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
Drainage/SUDS layout. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
A Transport Assessment or Travel Plan	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
Contaminated Land Assessment. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
Habitat Survey. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
A Processing Agreement. *	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Andrew Bennie

Declaration Date: 04/07/2022

Payment Details

Online payment: 335197

Payment date: 04/07/2022 13:24:00

Created: 04/07/2022 13:24



PLANNING STATEMENT IN SUPPORT OF
PLANNING APPLICATION FOR THE CHANGE OF USE
FROM RESIDENTIAL TO GUEST HOUSE OF THE PROPERTY
AT WILLOWBANK, 1 BURNSIDE ROAD, BATHGATE

ANDREW BENNIE
PLANNING LIMITED

PLANNING STATEMENT IN SUPPORT OF
PLANNING APPLICATION FOR THE CHANGE OF USE
FROM RESIDENTIAL TO GUEST HOUSE OF THE PROPERTY
AT WILLOWBANK, 1 BURNSIDE ROAD, BATHGATE

Prepared by:

Andrew Bennie Planning Limited
3 Abbots Court
Dullatur
G68 0AP



July 2022

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1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared by Andrew Bennie Planning Limited, on behalf of Mr. A Dyet and is submitted in support of an application for planning permission for the change of use of the residential property at 1 Burnside Road, Bathgate to allow for the use of the property as a Guest House (Class 7).
- 1.2 This statement provides information on both the Application Site and its surroundings and sets out an assessment of the policy basis against which the application proposals require to be assessed. The statement also provides an outline of the form of development proposed under this application.
- 1.3 Should West Lothian Council require any further, relevant information in respect of this proposed development or clarification of any matters relating to these proposals, Andrew Bennie Planning Limited would be pleased to assist in its timeous provision.

2.0 THE APPLICATION SITE AND SURROUNDINGS

- 2.1 The application site, hereinafter referred to as the "Site" comprises a one and a half storey detached residential property which lies on the south side of Burnside Road, Bathgate.
- 2.2 The Site lies a short distance to the west of the roundabout junction formed by Burnside Road/Mill Road/Cochrane Street and is surrounded on all sides by existing residential properties.
- 2.3 The Site lies close to several bus stops located on both Burnside Road and Mill Road, which provide a range of frequent services to a range of locations and also lies within a short walking distance of the town centre.

3.0 PLANNING POLICY BACKGROUND

3.1 The current approved development plan covering the Site comprises the approved SESPlan Strategic Development Plan and the adopted West Lothian Local Development Plan.

3.2 Due to the nature and scale of the development to which this application relates, the provisions of the SESPlan are not considered to be of any material relevance to the assessment and determination of this application and as such its terms are not considered further within this Statement.

West Lothian Local Development Plan

3.3 The policies of the Local Development Plan which are of relevance to the assessment of this application are set out below.

Policy DES 1 – Design Principles

"All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design.

Development proposals which are poorly designed will not be supported.

When assessing development proposals, the developer will be required to ensure that:

- a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;*
- b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates;*
- c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety;*

- d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping;*
- e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices;*
- f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided;*
- g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and*
- h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development.*

Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals.

Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance."

Policy EMP 7 – Tourism

"New, or expanded tourism-related development, will be supported where it is capable of strengthening the appeal and attraction of West Lothian to a wide range of visitors, thereby contributing to the greater West Lothian economy. The council will also require to be satisfied that the proposals:

- 1. would not adversely impact on the natural and built environment including any special historic environment assets, natural heritage designations or landscape interests; and*
- 2. would not adversely impact on local or residential amenity; and*
- 3. would be compatible with neighbouring land uses; and*
- 4. would be of a character and scale in keeping with the setting of the area, can be located in an unobtrusive manner and includes high quality design; and*
- 5. the proposed development site is or can be well served by public transport and other sustainable modes; and*
- 6. accord with all other relevant policies in the Local Development Plan.*

Additionally, where tourist accommodation is proposed on sites outwith the settlement boundaries, a site specific business case/locational need justification will require to be submitted in support of any planning application for evaluation."

4.0 THE APPLICATION PROPOSALS

- 4.1 Under the terms of this application, planning permission is sought for the change of use of the residential property which comprises the application site to allow for its use as a Guest House (Class 7).
- 4.2 Internally, the existing accommodation would be reconfigured to provide for a total of eight private bedrooms, each with its own dedicated bathroom facilities.
- 4.3 Externally, the only alteration to the property would involve the blocking up of a small window which is located towards the front of the east facing elevation of the property.

5.0 PLANNING ASSESSMENT

5.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that:

“Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise, to be made in accordance with that plan.”

5.2 Section 37(2) of the Act further provides that in dealing with applications for planning permission:

“... the Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.”

5.3 For the purposes of the determination of this application, the approved development plan comprises of the approved SESPlan Strategic Development Plan and the adopted West Lothian Local Development Plan.

5.4 As is detailed at paragraph 3.2 above, given the scale of the development, which is proposed under this application, it is not considered that the proposals raise any issues which are of a strategic nature and that as such, the provisions of the SESPlan are not deemed to be of material relevance to the consideration and determination of this application.

5.5 Policies DES 1 and EMP 7 are considered to comprise the relevant policies against which the proposed development requires to be assessed. When assessed against the provisions of these policies, the following comments are made.

Policy DES 1

a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;

5.6 The proposed development involves only a minor alteration to the exterior appearance of the property, involving the removal of one small gable window and as such the proposals are not considered to give rise to any adverse impacts upon adjacent buildings or the street scape.

b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates;

5.7 This criterion is not considered to be of material relevance to the assessment of the proposed development.

c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety;

5.8 The Site lies close to a number of existing bus routes and is within a short walk from the town centre and as such will enable and encourage active travel. In terms of the available on site parking provision, the site is capable of accommodating circa six cars which is considered to be more than adequate to serve the needs of the proposed development.

5.9 As such, it is considered that the proposals can be reasonably justified against this criterion.

d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping;

5.10 This criterion is not considered to be of material relevance to the assessment of the proposed development.

e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices;

5.11 This criterion is not considered to be of material relevance to the assessment of the proposed development.

f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided;

- 5.12 This criterion is not considered to be of material relevance to the assessment of the proposed development.

g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided;

- 5.13 This criterion is not considered to be of material relevance to the assessment of the proposed development.

h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development.

- 5.14 This criterion is not considered to be of material relevance to the assessment of the proposed development.

- 5.15 On the basis of the considerations set out above, it is submitted that the proposed development can be fully and reasonably justified against the relevant provisions of Policy DES 1.

Policy EMP 7

1. would not adversely impact on the natural and built environment including any special historic environment assets, natural heritage designations or landscape interests;

- 5.16 The proposed development will have no adverse impact on any natural or built environment assets/interests and as such can be fully justified against this criterion.

2. would not adversely impact on local or residential amenity;

- 5.17 Given the nature of the proposed development and the existence of several nearby commercial premises on Burnside Road, it is not considered that the proposed

development will have any adverse impact upon the amenity of any nearby residential properties.

3. would be compatible with neighbouring land uses;

- 5.18 The use of the property as a Guest House is considered to be compatible with neighbouring land uses, which as noted previously within this Statement comprise mainly residential properties.

4. would be of a character and scale in keeping with the setting of the area, can be located in an unobtrusive manner and includes high quality design;

- 5.19 This criterion is not considered to be of material relevance to the consideration and assessment of the proposed development.

5. the proposed development site is or can be well served by public transport and other sustainable modes;

- 5.20 As has been noted previously within this Statement the Site is located adjacent to a number of existing bus routes, with it being further noted that the Site lies within a reasonable walking distance of Bathgate Railway Station. Accordingly, it is considered that the Site is well served by existing public transport services.

6. accord with all other relevant policies in the Local Development Plan.

- 5.21 Policy DES 1 is the primary policy against which the proposed development requires to be assessed and as is noted above at paragraph 5.15, it is submitted that the proposed development can be fully and reasonably justified against the relevant provisions of said policy.

6.0 CONCLUSIONS

- 6.1 In line with the provisions of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application proposals fall to be assessed against the terms of the approved development plan, so far as they are of material relevance to the determination of the application, and in the light of any other relevant material considerations.
- 6.2 For the purposes of this application, the approved development plan comprises the approved SESPlan Strategic Development Plan and the adopted West Lothian Local Development Plan. The nature of the proposed development is such that they raise no issues of strategic consequence, which would require to be assessed against the provisions of the SESPlan Strategic Development Plan.
- 6.3 The relevant provisions of the adopted Local Plan are identified as being Policies DES 1 and EMP 7.
- 6.4 These policies are assessed in detail within Section 5 above, with the overall conclusion being that the application proposals can be reasonably justified against the provisions of the adopted Local Development Plan.
- 6.5 **For the reasons set out within Section 5.0, it is submitted that the application proposals can be fully and reasonably justified against the provisions of the approved development plan.**
- 6.6 **No other material considerations have been identified which would outweigh the acceptability, in terms of the development plan, of the application proposals.**
- 6.7 **Accordingly, it is respectfully requested that West Lothian Council grant Planning Permission pursuant to this application.**



DECISION NOTICE REFUSAL OF PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997, as amended

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **refuses full planning permission for the development described below**, and in the planning application and docquetted plan(s).

APPLICATION REFERENCE 0610/FUL/22

PROPOSAL Change of use from house (class 9) to form 8 letting bedrooms

LOCATION Willowbank, 1 Burnside Road, Bathgate, West Lothian, EH48 4PT,
(GRID REF: 297030, 669186)

APPLICANT Mr Andy Dyet, Willowbank, 1 Burnside Road, Bathgate, EH48 4PT

The above **local application was determined by an officer appointed by the council in accordance with its scheme of delegation**. Please see the advisory notes for further information, including how to request a review of any conditions.

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated:
07.09.2022

Wendy McCorriston
Development Management Manager

West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Signature:



The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0610/FUL/22, for the reason(s) set out as follows:

- 1 It has not been demonstrated there would be no significant adverse impact on residential amenity due to the intensity of the proposed use and resultant level of daily comings and goings of individuals. Further, there is insufficient parking for 1 space for each of the 8 letting bedrooms and the proposed parking arrangement doesn't allow for vehicles to leave in a forward gear but would lead to vehicles blocking each other and causing access issues. The proposal is therefore contrary to policies DES1 (Design Principles) and EMP7 (Tourism) of the West Lothian Local Development Plan 2018.

ADVISORY NOTES TO DEVELOPER

How to challenge the council's Decision

If your application was determined under delegated powers as a local application by an officer appointed by the council and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. You can find information on these processes and how to apply for a review, or to appeal, here:

<https://www.westlothian.gov.uk/article/33128/Decisions-Reviews-and-Appeals>

If the decision of the council is overturned by the Local Review Body or the Directorate for Planning and Environmental Appeals, the developer of the land should be made aware of the following notes.

Notification of the start of development

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Notification of completion of development

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Contaminated land procedures

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease and the issue shall be reported in writing to the planning authority immediately. The developer is required to follow the councils Supplementary Planning Guidance Development of land potentially affected by contamination. This document provides developers and their consultants with information on dealing with the planning process in West Lothian when development is proposed on land which is suspected of being affected by contamination. This document and further guidance is provided via the Councils web pages at <https://www.westlothian.gov.uk/article/34731/Contaminated-Land>

Liaison with the Coal Authority

As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.

Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.

To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Advisory note to developer - General

Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.

Annex 1, Schedule of Plans - 0610/FUL/22

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	02
2	Floor Plans & Elevations	03
3	Floor Plans & Elevations	04

HANDLING REPORT

Ref. No.:	0610/FUL/22	Email:	kirsty.hope@westlothian.gov.uk
Case Officer:	Kirsty Hope	Tel No.:	01506 282413
Ward:	Bathgate	Member:	Willie Boyle Harry Cartmill Tony Pearson Pauline Stafford

Title	Change of use from house (class 9) to form 8 letting bedrooms (Grid Ref: 297030, 669186) at Willowbank, 1 Burnside Road, Bathgate, West Lothian, EH48 4PT
Application Type	Local Application
Decision Level	Delegated List
Site Visit	22.07.2022
Recommendation	Refuse Permission
Decision	
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	n/a
EIA Screening	Does the development require EIA screening - No If Yes, checklist completed and filed – n/a

Description of Proposals

Change of use from house (class 9) to form 8 letting bedrooms

Site History

- 0794/FUL/21 - Application under Section 42 to remove condition 3 (use as ancillary accommodation) from planning permission 0356/FUL/09 for change of use from workshop to ancillary residential accommodation was granted planning permission on 16.12.2021.
- LIVE/0356/FUL/09 - Change of use from workshop to ancillary residential accommodation was granted planning permission on 24.07.2009.

- LIVE/0664/FUL/01 - Erection of a joiners workshop was granted planning permission on 02.10.2001.
- LIVE/0095/FUL/92 - Erection of a conservatory was granted planning permission 04.03.1992.
- LIVE/0860/A/97 - Erection of a signboard was granted advertisement consent on 18.12.1997.

Representations

No representations were received for this application.

Consultations

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	1 space required per bedroom, insufficient space for turning.	Noted.
WLC Environmental Health	No	Attach conditions if consented.	Noted, conditions shall be attached, if consented.

Policies Considered

Policy Title	Policy Text
DES1 - Design Principles	All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals, the developer will be required to ensure that: a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity; b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates; c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety; d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping; e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices; f. the development does not result in any significant adverse impact on the water environment as required

	<p>by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided; g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development. Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.</p>
<p>EMP7 - Tourism</p>	<p>New, or expanded tourism-related development, will be supported where it is capable of strengthening the appeal and attraction of West Lothian to a wide range of visitors, thereby contributing to the greater West Lothian economy. The council will also require to be satisfied that the proposals: a. would not adversely impact on the natural and built environment including any special historic environment assets, natural heritage designations or landscape interests; and b. would not adversely impact on local or residential amenity; and c. would be compatible with neighbouring land uses; and d. would be of a character and scale in keeping with the setting of the area, can be located in an unobtrusive manner and includes high quality design; and e. the proposed development site is or can be well served by public transport and other sustainable modes; and f. accord with all other relevant policies in the Local Development Plan. Additionally, where tourist accommodation is proposed on sites outwith the settlement boundaries, a site specific business case/locational need justification will require to be submitted in support of any planning application for evaluation.</p>
<p>EMG5 - Noise</p>	<p>There is a presumption against developments that are:</p> <ul style="list-style-type: none"> a. likely to generate significant amounts of noise being located close to noise sensitive developments such as existing or proposed housing; or b. residential or other noise sensitive developments being close to noisy land use. The only exceptions will be where it can be demonstrated that: <ul style="list-style-type: none"> a. through design or mitigation, satisfactory internal and external noise levels can be achieved at the noise sensitive development; and b. through design or mitigation, there will be no adverse impact on the continued operation of any existing or proposed business or activity. <p>The terms of the council's Supplementary Guidance on Noise will apply.</p>

Guidance

Supplementary Guidance on Planning and Noise approved February 2019.

Officer Assessment

The application is for a change of use from house (class 9) to form 8 letting bedrooms. This existing property is a detached dwelling located within an established residential area and within the settlement boundary of Bathgate.

A revised layout plan was received during the course of the application to include kitchen and provision to each bedroom.

The applicant has advised that the guest rooms would be made available for varying lengths of stay to suit the individual needs requirements of those parties using the establishment throughout the entire 365 days of the year. It has not been demonstrated by the applicant that there would be no significant adverse impact on adjacent residents in terms of parking as well as the potential disruption caused by the comings and goings of individuals.

The applicant has also pointed to other planning permissions 0396/FUL/18 and 0926/FUL/18 that would operate in a similar manner. However, these applications are significantly different to what is being proposed as both of these premises are located on upper floors of public houses and are within town centre locations and not within residential estates.

There is no indoor communal space therefore guests may use the garden ground for recreational purposes which given there are 8 separate bedrooms this could have the potential to cause noise concerns to nearby residents.

The applicant has advised that one member of staff will visit the site on a daily basis for cleaning and room changes. This could potentially be another vehicle to park.

While, no site layout plan was provided highlighting parking provision, it is not clear how parking for each of the 8 letting bedrooms could be accommodated on the site without blocking each other or causing access issues. Whilst there is limited on-street parking nearby the proposed development would be overdevelopment of the plot. WLC Roads & Transportation have also raised concerns in relation to parking provision.

Whilst this proposal to some degree could be considered as a form of tourism development that would usually be encouraged provided there's no detrimental impact on neighbouring properties. The proposal would have potential to adversely impact on local or residential amenity, by the comings and goings of individuals as well as the use of the garden by 8 different guests on a daily basis.

It is not considered that this location is compatible with neighbouring land uses.

Given the entire premises is to be used for letting of x8 rooms, this would be overdevelopment of the plot and would impact on the residential amenity of neighbouring residents.

It is noted that there is a local town service that operates from Burnside Road on an hourly basis from 0930 until 1745, this does not operate over the weekend. And given it is hourly, therefore

cars would still be the preferred method of transport if travelling for work, or indeed if this bus is missed. The train station is a considerable distance for walking to.

It is therefore recommended planning permission be refused.

Conclusions and Reasons for Decision

The application is for a change of use from house (class 9) to form 8 letting bedrooms.

The proposal is contrary to policy DES 1 (Design Principles) and EMP 7 (Tourism) within the West Lothian Local Development Plan, 2018.

It is therefore recommended the application be refused planning permission.

List of Review Documents

Drawings schedule:

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	02
2	Floor Plans & Elevations	03
3	Floor Plans & Elevations	04

Other relevant documents:

West Lothian Local Development Plan, 2018;

Case Officer: Kirsty Hope

Date: 7 September 2022



OPERATIONAL SERVICES
ROADS & TRANSPORTATION
DEVELOPMENT MANAGEMENT & TRANSPORTATION PLANNING

ROADS & TRANSPORTATION CONSULTATION RESPONSE TO PLANNING APPLICATION

This proposal is (tick as appropriate)	
Acceptable without conditions	<input type="checkbox"/>
Acceptable with conditions noted below	<input type="checkbox"/>
Not acceptable & should be refused	<input checked="" type="checkbox"/>
HOLDING OBJECTION – The application is not acceptable in current format and applicant requires to submit additional information to enable the proposals to be fully assessed.	<input type="checkbox"/>

Signing Off	
DM & TP Officer Roads & Transportation	Chris Nicol
DM & TP Manager Roads & Transportation	<input type="checkbox"/>
Date Issued to Development Management Officer	26 August 2022

Recommendation & Proposed Conditions	From a Roads & Transportation view, this application is REFUSED for the following reasons: Parking standards are for 1 space per bedroom. No additional space to allow vehicles to turn.
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DM Case Officer	Kirsty Hope	Applicant	Mr Andy Dyet
Application Ref	0610/FUL/22	Date Issued	11 July 2022
Proposal	Change of use from house (class 9) to form 8 letting bedrooms		
Location	Willowbank, 1 Burnside Road, Bathgate		

Legislation & Guidance Applicable (tick as appropriate)	
Roads (Scotland) Act 1984	<input type="checkbox"/>
Designing Streets	<input type="checkbox"/>
SCOTS National Roads Development Guide	<input type="checkbox"/>
SUDS for Roads	<input type="checkbox"/>
Sewers for Scotland	<input type="checkbox"/>

Constraints (tick as appropriate)	
Public Footpath / Rights of Way	<input type="checkbox"/>
Core Path Plan	<input type="checkbox"/>
Control of Advertisements (Scotland) 1984	<input type="checkbox"/>
Residential Development Guide 2018	<input type="checkbox"/>
Other (please specify)	<input type="text"/>

Site Description	Existing residential property
Quality Plan	N/A
Road Safety Audit	N/A
Transport Assessment or Statement	N/A
Does the red line boundary reach the adopted public road	Yes
Is there a footway or footpath connecting the site to the existing adopted road network	Yes
Drawings & documents assessed	Location plan Proposed site plan Supporting statement
Does Road Layout comply with WLC Standards	N/A
Does Parking comply with WLC Standards (including disabled provision)	6 spaces available for 8 units and no space for turning around.

DATA LABEL: PUBLIC

Sightline Requirements	N/A
Do the proposals affect any existing TRO's (e.g) waiting restrictions, speed limits) or bus stop locations	No
Do the proposals affect any Core Paths, NCR's or Rights of Way	No
SUDS Details	
Site History including any previous planning applications	

ROADS & TRANSPORTATION MANAGER
Operational Services
Whitehill Service Centre
4 Inchmuir Road
Whitehill Industrial Estate
Bathgate
West Lothian
EH48 2EP

Planning Consultation Response

Our reference: LP/178984
Direct Dial: 01506 282 373
Email: lynn.parsler@westlothian.gov.uk

7 September 2022

Environmental Health & Trading Standards
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Tel: 01506 280000

Environmentalhealth@westlothian.gov.uk
Tradingstandards@westlothian.gov.uk

For the attention of Ms Hope

West Lothian Civic Centre
Howden South Road
Howden
Livingston
EH54 6FF

**Environmental Health &
Trading Standards Manager**
Craig Smith

PREMISES: 1 Burnside Road, Bathgate Planning Consultation Response 0610/FUL/22

I refer your consultation of 11/07/2022 regarding this application.

Environmental Health has no objections to make on the application. However, I have reviewed the application and would make the following observations on behalf of Environmental Health.

Observations on Planning Application

1. Noise

- The development has the potential to create noise nuisance during construction, which can be effectively controlled by application of the standard construction site noise conditions;

2. Short Term lets legislation

- The new short term lets legislation will apply to a premises such as this and the applicant should be advised that a licence will be required from the Council once the licensing application scheme is in place later this year;

3. Potential House in Multiple Occupation (HMO)

- Depending on how the property is operated, an HMO licence may be required. The applicant should be aware that this would require a specific layout to be in place and the current layout would not meet those requirements. It may also need a separate planning permission to operate as an HMO. It is recommended that the applicant discusses this in further detail by contacting Environmental Health at environmentalhealth@westlothian.gov.uk Further information is available by visiting the following web page <https://www.westlothian.gov.uk/article/34802/Houses-in-Multiple-Occupation-HMO-Licence>

Recommendations on Planning Application

If the application is granted, I recommend the following conditions:

4. Noise (Construction)

- Any work required to implement this planning permission that is audible within any adjacent noise sensitive receptor or its curtilage shall be carried out only between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on a Saturday and at no time on a Sunday, unless otherwise agreed in writing with the planning authority. This includes deliveries and operation of on site vehicles and equipment.

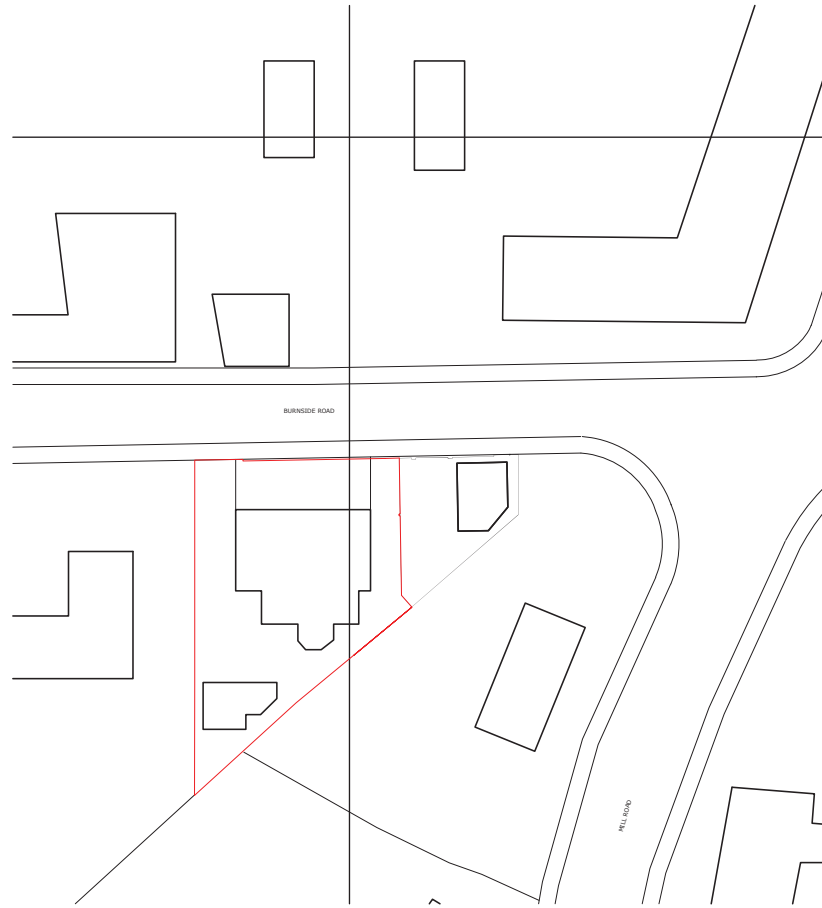
5. Waste

- Prior to works starting on site, details of refuse storage facilities shall be submitted for the written approval of the planning authority. This must take into account the foreseeable use and occupancy levels of the development.

Should you wish to discuss the matter further, please contact me.

Yours faithfully

Lynn Parsler
Environmental Health Officer



— SITE BOUNDARY

1 Site Location
1:500



Subdivision		
Project: Willowbank Cottage 1 Burnside Road, Bathgate		
5/15 Princes Gardens , Hyndland , G12 9HR		
Scale 1:500/@A3	Date June 22	By MC
Job No 0360	Drawing no 02	Rev -
© Satdraft 2022		

0610/FUL/22 Conditions

1. This planning permission will lapse on the expiration of 3 years from the date of this decision notice, unless the development has been commenced before that date.

Reason: This is the standard three year period stipulated by the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Any construction work required to implement this planning permission that is audible within any adjacent noise sensitive receptor or its curtilage shall be carried out only between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on a Saturday and at no time on a Sunday, unless otherwise agreed in writing with the planning authority. This includes deliveries and operation of on-site vehicles and equipment.

Reason: In the interests of visual and environmental amenity.

3. Prior to works starting on site, details of refuse storage facilities shall be submitted for the written approval of the planning authority. This must take into account the foreseeable use and occupancy levels of the development.

Reason: In the interests of visual and environmental amenity.