



Local Review Body

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

3 January 2019

A meeting of the **Local Review Body** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Wednesday 9 January 2019** at **11:00am**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest
3. Order of Business, including notice of urgent business and declarations of interest in any urgent business
4. Confirm Draft Minutes of Meeting of Local Review Body held on Wednesday 12 December 2018 (herewith).

Public Items for Decision

5. Notice of Review Application No.0740/FUL/18 - Erection of a house and garage including formation of an access and associated works at 1-2 Blythfield Cottages, Bellsquarry (herewith)

NOTE **For further information please contact Val Johnston, Tel No.01506 281604 or email val.johnston@westlothian.gov.uk**

DATA LABEL: Public

MINUTE of MEETING of the LOCAL REVIEW BODY held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 12 DECEMBER 2018.

Present – Councillors George Paul (Chair), Tom Conn, Dave King, Lawrence Fitzpatrick, Stuart Borrowman, William Boyle, Pauline Clark, Charles Kennedy, Tom Kerr, Dom McGuire and David Tait

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The committee approved the Minute of the meeting held on 12 September 2018. The Minute was thereafter signed by the Chair.

3. NOTICE OF REVIEW APPLICATION NO.0037/FUL/18 - ERECTION OF TWO STUDIO FLATS AND ASSOCIATED WORKS AT 14 MARKET STREET, MID CALDER

The committee considered a report (copies of which had been circulated) by the Clerk and Legal Adviser to the Local Review Body which related to a Notice of Review following refusal of planning permission for the erection of two studio flats and associated works at 14 Market Street, Mid Calder.

Attached to the report were the Notice of Review and other relevant documents. The report identified the policies in the development plan and the relevant guidance that had been referred to in the review documents.

The committee decided that the review documents in conjunction with the site visit conducted before the meeting provided sufficient information to enable the review to be determined without any further procedure.

The committee considered the review application in terms of the statutory test, to have regards to the development plan and to make its decision in accordance with the development plan unless material considerations indicated otherwise.

The Local Review also took account of the views expressed in the Notice of Review documents.

Decision

To uphold the position of the Appointed Person and refuse planning permission.

4. NOTICE OF REVIEW APPLICATION NO.0710/H/18 - ERECTION OF DETACHED GARAGE WITH LOFT STORAGE AT 41 PUMPHERSTON ROAD, UPHALL STATION, LIVINGSTON

The committee considered a report (copies of which had been circulated) by the Clerk and Legal Adviser to the Local Review Body which related to a Notice of Review following refusal of planning permission for the erection of two studio flats and associated works at 41 Pumpherson Road, Uphall Station.

Attached to the report were the Notice of Review and other relevant documents. The report identified the policies in the development plan and the relevant guidance that had been referred to in the review documents.

The committee decided that the review documents in conjunction with the site visit conducted before the meeting provided sufficient information to enable the review to be determined without any further procedure.

The committee considered the review application in terms of the statutory test, to have regards to the development plan and to make its decision in accordance with the development plan unless material considerations indicated otherwise.

The Local Review also took account of the views expressed in the Notice of Review documents.

Decision

To uphold the position of the Appointed Person and refuse planning permission.



LOCAL REVIEW BODY

APPLICATION NO. 0740/FUL/18 – ERECTION OF HOUSE AND GARAGE INCLUDING FORMATION OF AN ACCESS AND ASSOCIATED WORKS AT LAND AT 1-2 BLYTHFIELD COTTAGES, NEWPARK ROAD, BELLSQUARRY

REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY

A PURPOSE OF REPORT

This covering 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.

The application is to review the refusal of planning permission for the erection of a house and garage including formation of an access and associated works at 1-2 Blythfield Cottages, Newpark Road, Bellsquarry

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, dated 21 November 2018, submitted by the applicant's agent. This also included the following documents:-
 - A Supporting Statement by the applicant's agent including drawings
 - Correspondence dating back to May 2018 between the Planning Case Officer and the applicant's agent;
 - Correspondence dating back to September 2018 between the Planning Case Officer and the applicant's agent;
 - Alternative Site Plan
2. The Handling Report, dated 9 October 2018
3. The Decision Notice and refused plans dated 9 October 2018

Three representations were received in relation to the planning application; these were from Mr Neil and Mrs Jill Lind both of 46 Newpark Road and Dr Steven Haigh and Mrs Anne Haigh of 3/4 Blythfield Cottages. All three were contacted to advise that the review had been received and they had 14 days in which to make further representation. Both Dr Haigh and Mrs and Mrs Lind provided further comments and these were subsequently copied to the agent. They in turn provided further comments in accordance with procedure. All documentation referred to and is included in the report as a series of appendices.

The applicant has stated in the review application that they consider that the Local Review Body could decide the review case with no further procedure.

C DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

Planning permission was refused by the Appointed Person as they considered that the proposed development was a site in a backland location which was at odds with the prevailing spatial character and pattern of development in the area and therefore failed to integrate with the local context and built form of the surrounding area and was therefore contrary to policy HOU3 and DES1 of the WLLP; and the proposal had a garden to building ratio of 66:34 which failed the plot ratios as set out in the Residential Development Guide Planning Guidance, which specifies a 70:30 ratio and was therefore contrary to DES1 of the WLLP.

D PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS

Without prejudice to the outcome of this review, to assist the Local Review Body in its deliberations and to assist the applicant and interested persons in securing a prompt resolution of the review, the Planning Adviser has drafted planning conditions which the Local Review Body may wish to consider imposing should it be minded to grant planning permission. A copy is circulated with this report.

Wendy Richardson, Solicitor, West Lothian Civic Centre
Tel No. 01506 283524, heather.cox@westlothian.gov.uk

Date: 9 January 2019



West Lothian
Council

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 100091357-007

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:	Slorach Wood Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Kirsty	Building Name:	Station Masters Office
Last Name: *	Watson	Building Number:	
Telephone Number: *	01313191260	Address 1 (Street): *	Station Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	South Queensferry
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH30 9JP
Email Address: *	kirsty@swa.uk.net		

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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text" value="1 & 2"/>
First Name: *	<input type="text" value="D"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Cromble"/>	Address 1 (Street): *	<input type="text" value="Blythfield Cottage"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Bellsquarry"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="LIVINGSTON"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="West Lothian"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH54 9AF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

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

Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing

Easting

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)

New House with detached double garage, private entrance and large garden.

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.

See Supporting Statement.

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)

18019 Supporting Statement; Planning Application Ref 0307FUL18; Clarifications on Objections to Planning 18 05 21; Planners Comments on Application 18 05 28; Withdrawing Application 18 06 07; Planning Application Ref 0740FUL18; Correspondence with Planner re dwg scale 18 09 11; Statement to Planning 18 09 14; P04 A Alternative Site Plan

Application Details

Please provide details of the application and decision.

What is the application reference number? *

0740/FUL/18

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

10/08/2018

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

09/10/2018

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Client will be able to provide access as required.

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: Ms Kirsty Watson

Declaration Date: 21/11/2018

West Lothian Council
Local Review Body
Committee Services
West Lothian Civic Centre
HOWDEN SOUTH ROAD
Livingston
EH54 6FF

21 November 2018
18019 / 3.1 / CL171018-10

Dear Sirs,

Blythfield Cottage, Bellsquarry
Planning Appeal for Ref no. 0740/FUL/18

Further to our Clients planning application for the above, we would like to appeal this planning refusal dated the 9th October 2019. On behalf of our Clients, Mr & Mrs D Crombie, we would like to include our written appeal for your consideration. The planning application is for a new dwelling within the cluster of houses at Blythfield Cottages.

The applicants have lived at 1&2 Blythfield Cottages for in excess of thirty years and during this time have seen a dramatic change to the surrounding area as Livingston has grown and continues to grow around them. Having no wish to move from a home that they have sympathetically restored and maintained over that period, Mr and Mrs Crombie feel that the time is right to downsize the land footprint of their property.

The site was selected to provide a reasonable sized garden to the Applicants existing house while allowing maximum space for the new dwelling to be sited within its own garden. Access would be provided via an existing garden access that is connected to Murieston Road by a private access road. This means the site can be wholly utilised without disruption to Newpark Road. This access road is currently used to access the Applicants garden and is the vehicle and pedestrian access to the Applicants neighbours at 3&4 Blythfield Cottages.



Location Plan

Cont.

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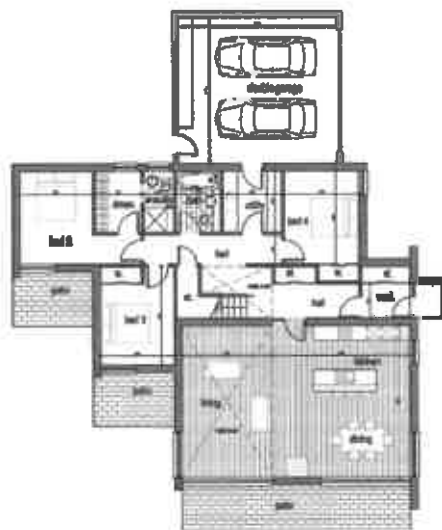


21 November 2018
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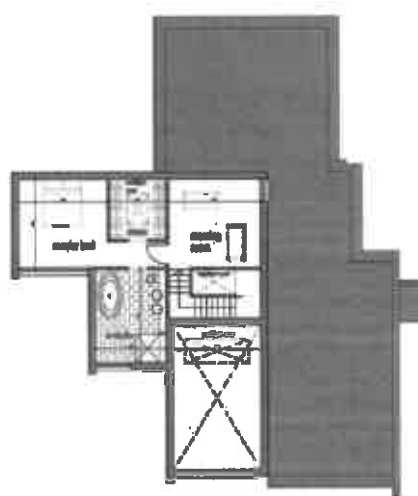
Blythfield Cottage, Bellsquarry

Planning Application Ref no. 0307/FUL/18

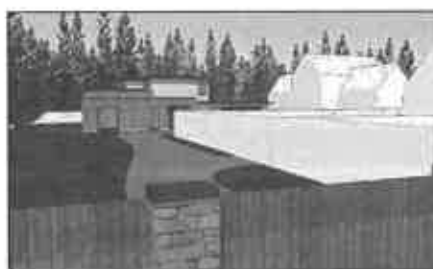
Our initial Planning Application was for a four bedroom family home with a large living/dining/kitchen space and a double garage. The focus on the design was to balance privacy while providing lots of natural light and views. The living spaces of the family room and main bedrooms were located to the south-west of the building to maximise sunlight and garden views as well as opening to the large garden. The ancillary spaces of the garage, utility and bathrooms were located to the north as they do not require significant sunlight or views and they create a buffer to the neighbouring house of 46 Newpark Road. The upper floor mixes private space of the generous master bedroom with ensuite and dressing areas with the public morning room that is open to the stair and ground floor below.



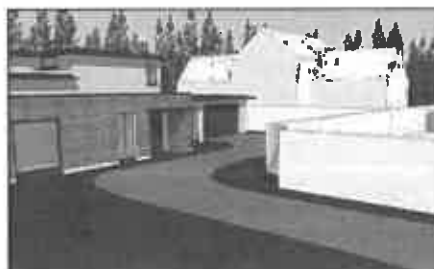
Ground Floor Plan (Ref no. 0307/FUL/18)



First Floor Plan (Ref no. 0307/FUL/18)



3D Images (Ref no. 0307/FUL/18)



This application resulted in a couple of objections from the neighbouring dwellings, and we clarified the points raised with the Planner at the time. To clarify these comments again, the trees on the site are generally not of a high quality and there are trees on Brucefield Industrial Estate that provided screening.

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Blythfield Cottage, Bellsquarry

The Planner responded with the following feedback on the application as a whole:

- *'The proposed house is located immediately behind another residential property. A separate access is used so the proposal is not strictly 'tandem' development but is in a backland location and there is a general presumption against backland development unless it is part of the spatial character of the area. In this case, backland development is not a spatial characteristic of the surrounding area'*
- *'The SPG on infill development states that side to rear elevation distances between residential properties should be at least 12 metres. In your application, there is less than one metre between the north east facing, side elevation. This is not acceptable in terms of the SPG and we would need this elevation moved to a distance of 12 metres from the north west boundary of 46 Newpark Road'*
- *'The scale, bulk and mass of the proposed house is not something that the area is characterised by too. I don't see there being an issue with something that is architecturally different and I can see the materials proposed are to try and complement the houses around the plot but the bulk and mass of the house does not complement the existing development in the area'*
- *'On the whole, the house is a rather 'crammed in' to the plot. We would look for a 9 metre back garden for new houses, as per the SPG, and this criteria is also not met. Overall, the application does not comply with Policies HOU 4 and HOU 9 of the West Lothian Local Plan, Policies DES 1 and HOU 3 of the LDP and the SPG on Infill development.'*
- *'I would generally agree that the trees on the north west and west to south west boundaries are mostly leylandii trees that are not of great value. I am getting a full arboricultural opinion from one of the tree officers for the site as a whole, which I can forward once received.'*

Based on the above, the Planner suggested we withdraw the application as *'something of the scale currently proposed is probably not going to work with this site and I'm unsure whether something that could fit within the parameters of our policies in principle given the area is not characterised by backland development.'*

Following a discussion with the Applicant it was agreed we would withdraw this application to consider the Planners comments and reapply with a design that would be more suitable for the site.

Addressing Planners Comments of Planning Application Ref no. 0307/FUL/18

When completing an alternative design, we contemplated the Planners comments and tried to find a solution that would satisfy the Planners concerns.

Cont.



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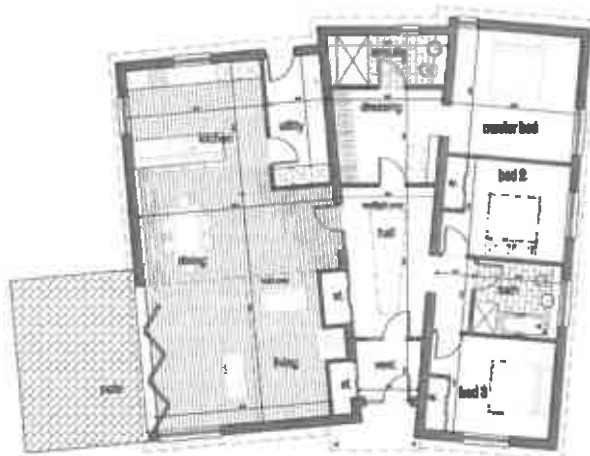
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Blythfield Cottage, Bellsquarry

As required the side elevation of the house was designed to be 12 metres from the neighbour at 46 Newpark Road and we allowed for a 9 meter back garden. This meant the footprint of the new house design would need to be adjusted to suit these parameters.

The Planner noted *'The scale, bulk and mass of the proposed house is not something that the area is characterised by'* and so we fully reconsidered the size of the house.

The alternative house was split into three blocks, one the public living/kitchen/dining area, one the private bedrooms with the entrance hall positioned between. We took influence from the traditional dwellings surrounding the site to provide 2no. single storey pitched roof forms that contain the public and private spaces. The hallway between has a flat roof, with rooflights over to provide natural light, which extends to create a canopy above the front door.



Ground Floor Plan (Ref no. 0740/FUL/18)



3D Images (Ref no. 0740/FUL/18)

Cont.



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Blythfield Cottage, Bellsquarry

Planning Application Ref no. 0740/FUL/18

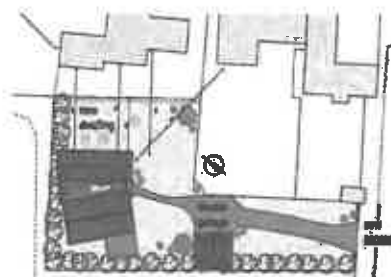
A second Planning Application was registered on 10th August 2018 for the amended house design which satisfied the Planners concerns on the boundary distances and mass, scale and bulk of the initial design. Through the application process the Planner had contacted us with the following comments:

- *'Policy DES 1 of the LDP states that development proposals should integrate with local context and built form. The spatial pattern of development in the area is one of a linear pattern of development along Newpark Road and there is one set of cottages at 90 degrees to the road. There have been divisions of plots but the resulting houses have a road frontage. The proposed house is located immediately behind another residential property. A separate access is used so the proposal is not strictly 'tandem' development but is in a backland location and there is a general presumption against backland development unless it is part of the spatial character of the area. In this case, backland development is not a spatial characteristic of the surrounding area and the proposed house would not integrate with the local context and built form. It is thus contrary to Policy DES 1.'*
- *'The SPG on infill development states that side to rear elevation distances between residential properties should be at least 12 metres. In your application, there is 6.5 to 7 metres between the north east facing, side elevation and 46 Newpark Road. This is not acceptable in terms of the SPG and we would need this elevation moved to a distance of 12 metres from the north west boundary of 46 Newpark Road. I cannot justify an infringement of the SPG at this scale. We would also look for a 9 metre back garden for new houses, as per the SPG.'*
- *'Although the house now meets the building to plot ratio, as set out in the Infill SPG, this does not outweigh the other infringements above and the point about spatial character.'*

As we had specifically designed the dwelling to suit the required distances of 12 meters to the neighbouring elevations and 9 metres to the rear boundary for a garden we knew there had been an error. We contacted the Planner to clarify this and provided an amended drawing confirming the dimensions to the boundary were suitable.



Site Plan (0307/FUL/18)



Site Plan (0740/FUL/18)

Cont.



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21 November 2018
18019 / 3.1 / CL171018-10

Blythfield Cottage, Bellsquarry

In response to the suggestion that the development is Backland Development, we submitted a statement, enclosed with the supporting documentation, to clarify why we did not think this was the case. We feel the site should be considered as Infill Development as this is more suitable to the setting of the site within the cluster of houses at Blythfield Cottages

Regardless of our attempt to satisfy the Planners concerns the application was refused on 9th October 2018.

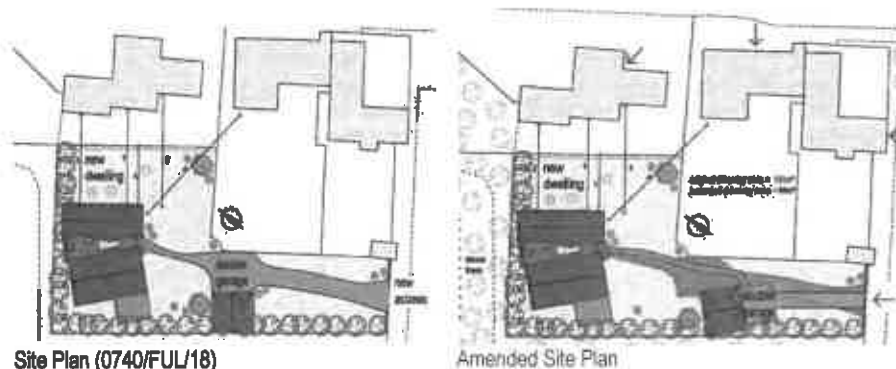
Addressing Planners Comments of Planning Application Ref no. 0740/FUL/18

The Planners Refusal Report notes that *'the impact on privacy is, overall, acceptable'* and that *'tree removal will not affect privacy to an unreasonable degree'*. There is also no comment on the scale, bulk and mass of the dwelling so we understand this concern has now been satisfied with our smaller house design.

As such, you can deduce the dwelling would not negatively affect the neighbouring properties as it does not impact privacy or neighbouring amenity.

While we have satisfied the requirements in terms of a 9 metre garden and 12 meters between buildings, the Planner has commented *'the proposed development has a garden to building ratio of 66:34, which does not comply with the SPG, and is therefore not acceptable in planning terms'*. At the time of calculating the ratio, we were not aware that the drive should be included within the 'Building' portion and so our ratio does not comply.

We appreciate that our current ratio is not acceptable under the SPG guidance, hence it being a reason to refuse Planning Permission. We can easily resolve this issue by decreasing the driveway by 43m² to provide a garden to suitable building ratio of 70:30 as required. As such, enclosed within the supporting documents is our alternative site plan drawing showing an alternative layout which reduces the area of driveway by 47m² to more than satisfy the SPG garden requirement.



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Blythfield Cottage, Bellsquarry

Again, the Planner has commented on the dwelling being a Backland Development, and this appears to be the key reason for the application being refused. As per the statement enclosed within the supporting documentation, we do not agree about the consideration of the site as 'backland', we feel it should be considered as 'infill' development.

We understand 'Backland Development' is interpreted by West Lothian Council as a site that is situated behind the line of the street. This application has been considered as backland development as it is behind the line of Newpark Road. As our site is not accessed by either vehicles or pedestrians from Newpark Road and is not visible from Newpark Road, we do not agree that it should be considered as Backland Development.

Instead, infill development is where development occurs within an existing curtilage of a building group. The cottages of Blythfield are in an L shaped cluster which are located on both Newpark Road and a private access off Murieston Road. The site is utilising an existing gap site within the cluster of cottages.

The Planner suggests *'There have been divisions of plots but the resulting houses have a road frontage.'* Our site is situated beside 3&4 Blythfield Cottages and continues the street line that this existing cottage has created along a private road and so we would therefore disagree that our site does not have a road frontage. This private road is also the only pedestrian and vehicle access to 3&4 Blythfield cottages so again by utilising the existing garden access to the site we are continuing the pattern displayed by 3&4 Blythfield Cottages.

If it is to be considered as 'backland' as per the Planners report, we also question whether this is in fact not part of the spatial character of the area. We wish to again note examples of backland development, both within 500 meters of the site:

1. Sandgate House, Murieston Road, Livingston
The dwelling uses the access of an existing house, it is visible from the street and is not on the street line itself.



Cont.



slorach wood architects ltd.
The Station Master's Office
Dalmeny Station
South Queensferry
EH30 9JP
Tel 0131 319 1260

directors
Walter Wood Dip Arch RIAS RIBA
Sarah Q Brown Dip Arch RIAS RIBA
consultant
Caroline Slorach Dip Arch RIAS RIBA

Registered Office: 01450993

Blythfield Cottage, Bellsquarry

2. Newpark Road, Bellsquarry, Livingston
Four new houses behind the street line with access by a new private road.



The Planner has calculated that *'out of 25 houses only four (16%) are located in a backland location'*. We would suggest that 16% of dwellings is not nominal and that a substantial percentage of houses in the area are not positioned on the street line.

Even if this Application were to be considered 'backland' and was approved by Planning, the adjusted percentage would become 19%, an increase of 3% as 5 out of 26 houses located in backland locations. We do not think this would greatly affect the spatial character of the area.

When considering the small scale of Blythfield cottages, currently 33% of the dwellings would not be considered on the main street line of Newpark Road, as 3&4 Blythfield cottages are accessed from a private road. This proves that Blythfield already has a high proportion of houses in so-called 'backland' locations which would suggest that it is indeed part of the spatial character of the area and pattern of development for the immediate area.

Cont.

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directors

Walter Wood Dip Arch RIAS RIBA
Sarah Q Brown Dip Arch RIAS RIBA
consultant
Caroline Slorach Dip Arch RIAS RIBA

Registered Office: 0450923



21 November 2018
18019 / 3.1 / CL171018-10

Blythfield Cottage, Bellsquarry

The Planners report confirms that *'development should be in keeping with the character of the settlement and local area' and 'development proposals should integrate with local context and built form'*. We strongly agree with this statement, and as such designed the dwelling to compliment the neighbouring houses of both Blythfield and Bellsquarry. Again, we note that there are no issues relating the its scale or design of the house itself.

As the concern of the garden to building ratio is easily resolved, the only concern of the Planner appears to be that the house is in a backland location.

We feel that the house has been wrongly labelled as 'backland' and that we are in fact continuing the pattern of the area. There appears to be little justification for a refusal for this site and as such, we wish to appeal the decision of this application Ref no. 0740/FUL/18 being refused.

We would request that the councillors, upon review of our appeal, would please visit the site to see its relationship to the exiting Blythfield Cottages and its lack of connection to Newpark Road.

Yours faithfully,



Kirsty Watson
For
Slorach Wood Architects

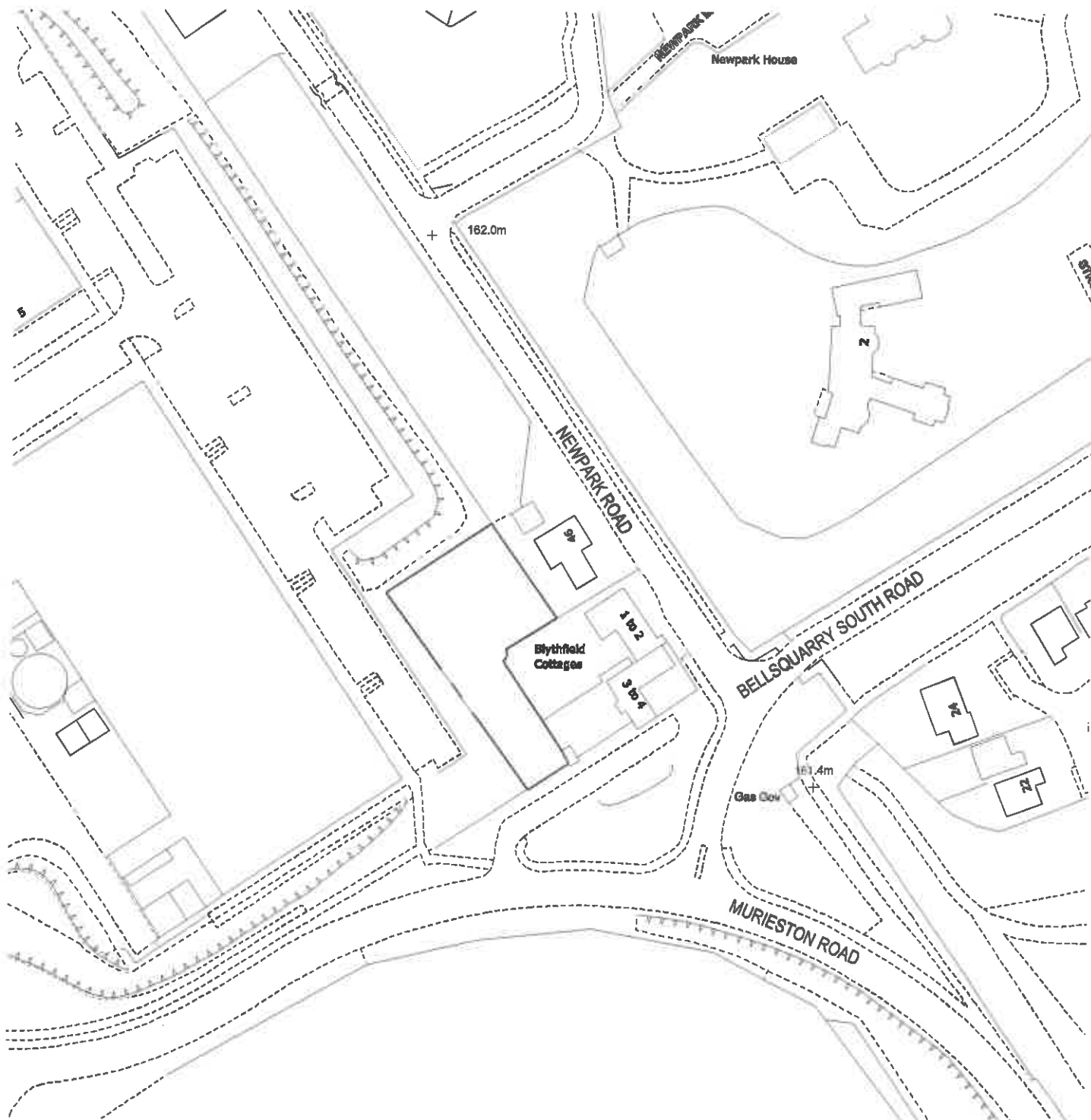
slorach wood architects ltd.
The Station Master's Office
Dalmeny Station
South Queensferry
EH30 9JP
Tel 0131 518 1260

directors

Walter Wood Dip Arch RIAS RIBA
Sarah Q Brown Dip Arch RIAS RIBA
consultant
Caroline Slorach Dip Arch RIAS RIBA



Registered Office: 204/205/206



location plan



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Contractor to ensure works to be in accordance with the following guidance notes regulations, and any other appropriate HSE documentation:

- H&S 180: Health and Safety in Construction;
- H&S 200: Managing high exposure risks at work;
- L21: Management of Health and Safety at Work Regulations;
- L22: Safe use of Work Equipment Regulations;
- L31: Design Construction and Installation of gas service pipes Regulations.

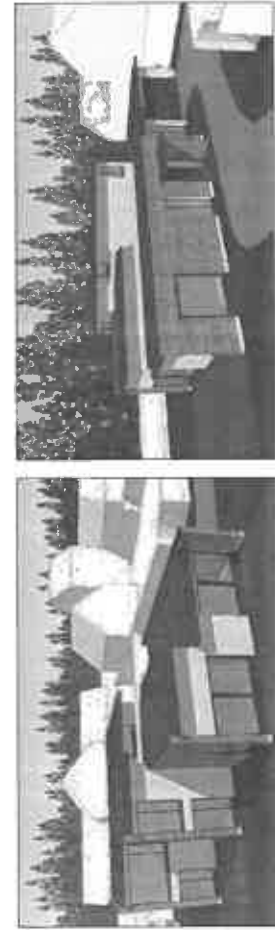


HEALTH AND SAFETY

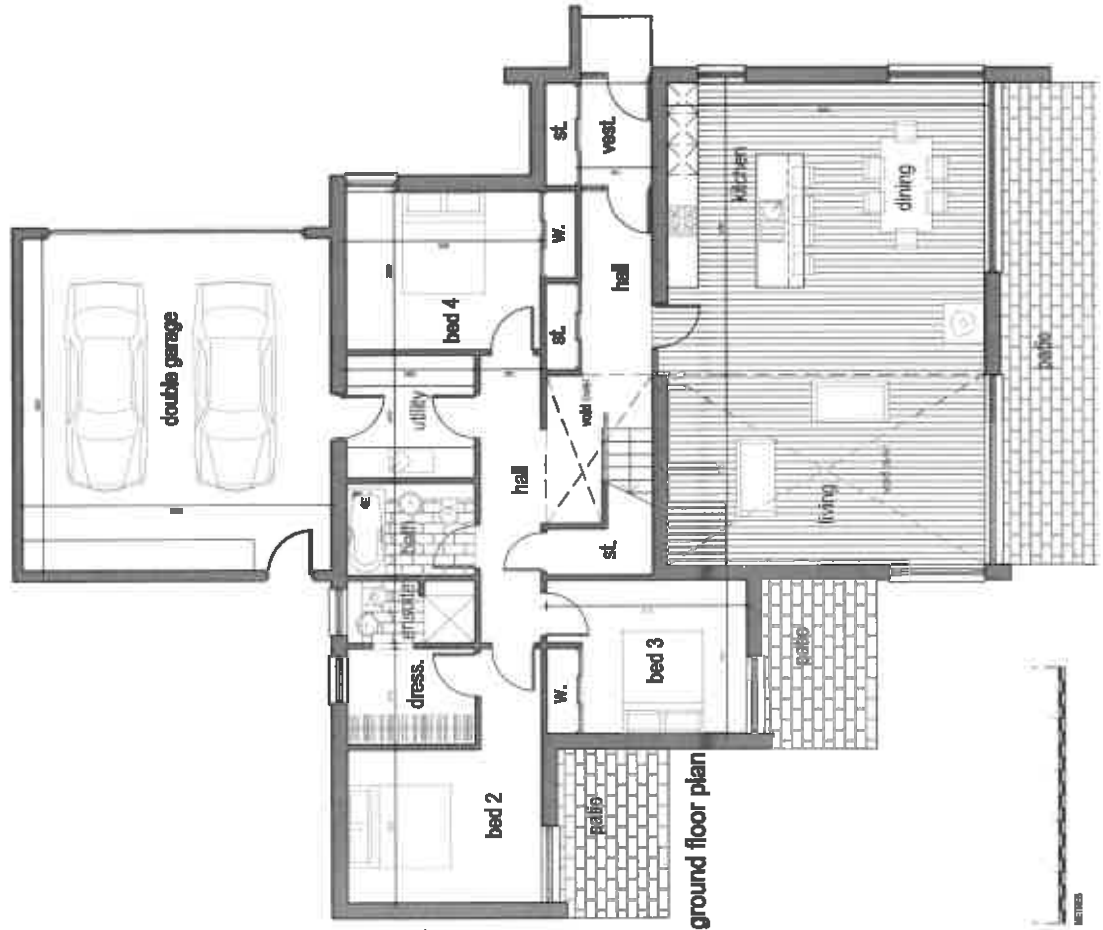
THIS PROJECT IS UNDER THE CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015 AND ALL MATTERS PERTAINING TO HEALTH AND SAFETY TO BE ISSUED TO THE PRINCIPAL DESIGNER AND A COPY RECORDED IN THE HEALTH & SAFETY FILE LOCATED ON SITE AND KEPT BY THE MAIN CONTRACTOR.

THE DESIGN HAS HIGHLIGHTED THE FOLLOWING SPECIAL HAZARDS:

A BOUNDARY AGREEMENT TO CLIENT COMMENTS		05/04/15
status	PLANNING	
drawing	18017 - P01 A	scale 1:1250 (A4)
project	NEW HOUSE BLYTHFIELD COTTAGE BELLSQUARRY	
title	LOCATION PLAN	
strach wood architects		
contact	The Station Master's Office, Dalry Station, South Queensferry, EH30 8JP. Tel: 0131 318 1280 Email: info@swa.uk.net Website: www.swa.uk.net	



external 3D images



ground floor plan

HEALTH AND SAFETY

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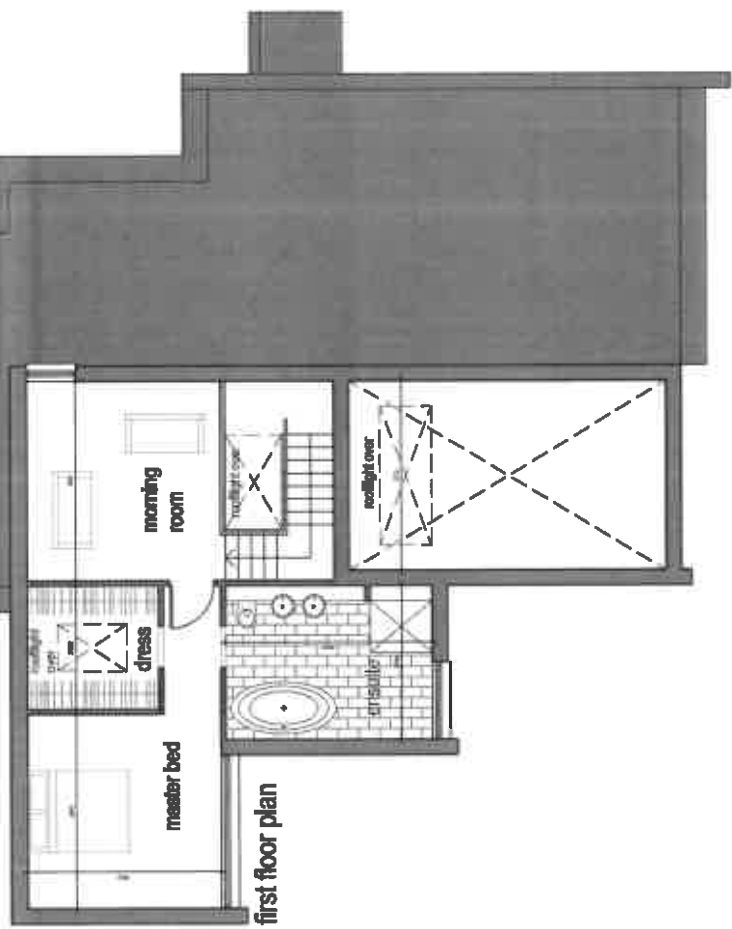
18017 - P02 A

NEW HOUSE
BLYTHFIELD COTTAGE
BELL SQUARE

FLOOR PLANS & 3D IMAGES

external wood finishes

For further information, please contact the planning department. For further information, please contact the planning department. For further information, please contact the planning department.



first floor plan

PLANNING

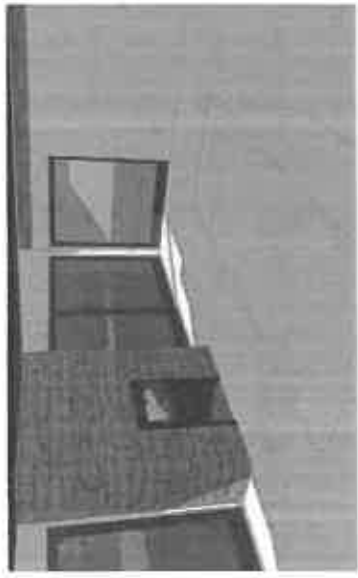
18017 - P02 A

NEW HOUSE
BLYTHFIELD COTTAGE
BELL SQUARE

FLOOR PLANS & 3D IMAGES

external wood finishes

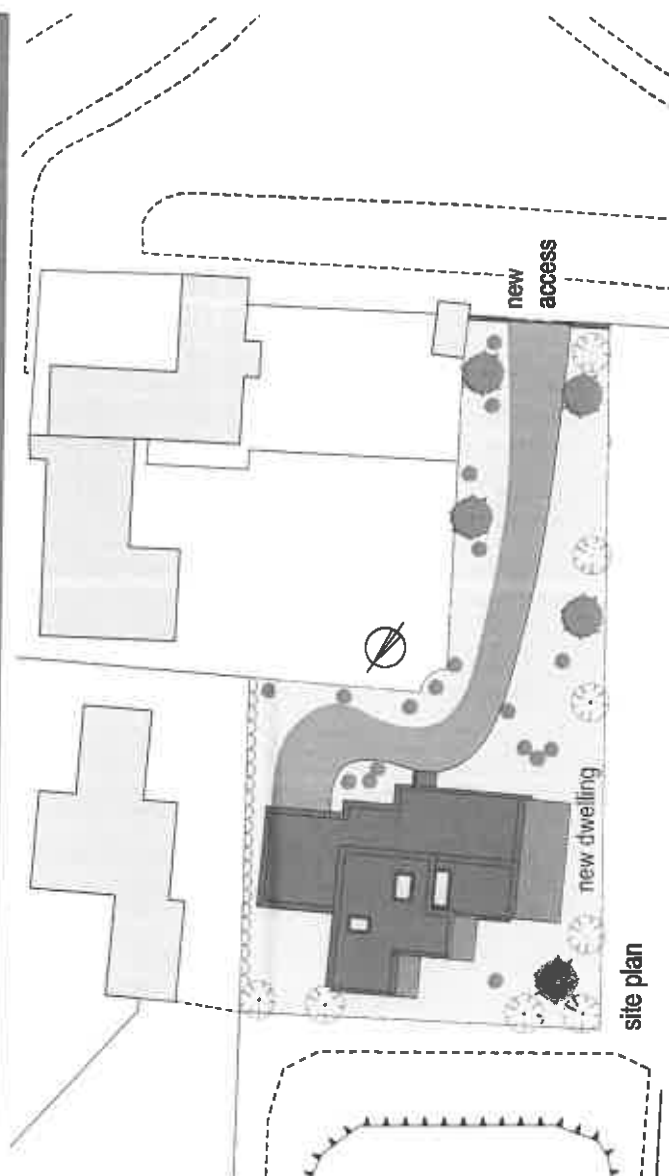
For further information, please contact the planning department. For further information, please contact the planning department. For further information, please contact the planning department.



internal 3D image



external 3D images



site plan

Kirsty Watson

From: Kirsty Watson <kirsty@swa.uk.net>
Sent: 21 May 2018 16:24
To: 'Watson, Matthew'
Subject: 18019 Land At Blythfield Cottages, Bellsquarry Livingston [Ref 0307/FUL/18] - Comments on Objections

Hi Matthew,

As per our recent telephone conversation, can you confirm if you have now been able to complete your site visit at the above?

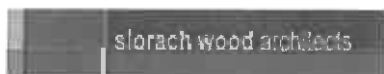
We are aware, via the portal, there have been objections made to the application. We wish to take this opportunity to clarify a couple of details:

1. The objections note that the site has 44 mature trees that would have to be removed to allow the placement of the new dwelling. The suggestion that the trees are mature would have the connotation that they are historic deciduous trees, such as oak or maple. This is not the case as the majority of the trees are evergreen and of the Leilani type. We trust this will become apparent once you have visited the site.
2. The objections suggest that the removal of trees would remove the screen between the houses at Blythfield and Brucefield Industrial Estate. When Brucefield Industrial Estate was created, there was a strip of land between our site and the estate which was planted with evergreen trees that was dedicated to screen the Industrial Estate from the surrounding houses. This screen is still in place and will be more than adequate as a screen between Brucefield Industrial Estate and the cluster of houses at Blythfield regardless of the Applicants intention with the trees on his site.
3. There is a suggestion that the site cannot legally be developed. There was a historic burden on the ground, which was inherited by our Client upon purchasing the site. The Applicant had contacted West Lothian Council's Legal department for advice on the matter and following correspondence from Hannah Sturges on 10th August 2017, they contacted their solicitor for advice. It has now been concluded that as the feudal system was abolished in 2004, the restrictions no longer apply. While this may not necessarily be of consideration for the Planning department, it confirms the Applicant is progressing this application in a mindful manner and has considered all items of concern before proceeding.

We trust the above will be of assistance and should you require anything further please do get in touch.

Kind regards,

Kirsty Watson
Architect
for



Tel: 0131 319 1260
Direct Dial: 0131 331 9917
www.slorachwoodarchitects.com

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Kirsty Watson

From: Watson, Matthew <Matthew.Watson@westlothian.gov.uk>
Sent: 28 May 2018 14:30
To: Kirsty Watson
Subject: RE: 18019 Land At Blythfield Cottages, Bellsquarry Livingston [Ref 0307/FUL/18] - Comments on Objections

Kirsty,

I went out to site last Friday and from that and looking over the application my feedback is as follows:

- The proposed house is located immediately behind another residential property. A separate access is used so the proposal is not strictly 'tandem' development but is in a backland location and there is a general presumption against backland development unless it is part of the spatial character of the area. In this case, backland development is not a spatial characteristic of the surrounding area
- The SPG on infill development states that side to rear elevation distances between residential properties should be at least 12 metres. In your application, there is less than one metre between the north east facing, side elevation. This is not acceptable in terms of the SPG and we would need this elevation moved to a distance of 12 metres from the north west boundary of 46 Newpark Road
- The scale, bulk and mass of the proposed house is not something that the area is characterised by too. I don't see there being an issue with something that is architecturally different and I can see the materials proposed are to try and complement the houses around the plot but the bulk and mass of the house does not complement the existing development in the area
- On the whole, the house is a rather 'crammed in' to the plot. We would look for a 9 metre back garden for new houses, as per the SPG, and this criteria is also not met. Overall, the application does not comply with Policies HOU 4 and HOU 9 of the West Lothian Local Plan, Policies DES 1 and HOU 3 of the LDP and the SPG on Infill development.
- I would generally agree that the trees on the north west and west to south west boundaries are mostly leylandii trees that are not of great value. I am getting a full arboricultural opinion from one of the tree officers for the site as a whole, which I can forward once received.

On the basis of my feedback, I would recommend withdrawing the current application. If the client would like to look at alternatives then I would put in a pre-application enquiry - <https://www.westlothian.gov.uk/article/10863/Pre-Application-Enquiry>. Something of the scale currently proposed is probably not going to work with this site and I'm unsure whether something that could fit within the parameters of our policies in principle given the area is not characterised by backland development.

I will let you go and have a chat with the client and will hold off on a decision for now until I get response with how they want to go forward from here. I would also like to get an environmental health consultation response given the proximity to the Brucefield Industrial Estate and whether there would be any noise issues here.

Kind regards,

Matthew

From: Kirsty Watson [mailto:kirsty@swa.uk.net]
Sent: 23 May 2018 08:49
To: Watson, Matthew
Subject: RE: 18019 Land At Blythfield Cottages, Bellsquarry Livingston [Ref 0307/FUL/18] - Comments on Objections

Hi Matthew,

Yes, the Client will be available on Friday morning to give you access.

Kind regards,

Kirsty Watson
Architect
for



Tel: 0131 319 1260
Direct Dial: 0131 331 9917
www.slорachwoodarchitects.com



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From: Watson, Matthew <Matthew.Watson@westlothian.gov.uk>
Sent: 22 May 2018 13:11
To: Kirsty Watson <kirsty@swa.uk.net>
Subject: RE: 18019 Land At Blythfield Cottages, Bellsquarry Livingston [Ref 0307/FUL/18] - Comments on Objections

Hi Kirsty

Thanks for the clarifications.

Would you be able to ask your client whether I could gain access to the property this Friday morning around 10.30am?

Kind regards

Matthew

From: Kirsty Watson [<mailto:kirsty@swa.uk.net>]
Sent: 21 May 2018 16:24
To: Watson, Matthew
Subject: 18019 Land At Blythfield Cottages, Bellsquarry Livingston [Ref 0307/FUL/18] - Comments on Objections

Hi Matthew,

As per our recent telephone conversation, can you confirm if you have now been able to complete your site visit at the above?

We are aware, via the portal, there have been objections made to the application. We wish to take this opportunity to clarify a couple of details:

1. The objections note that the site has 44 mature trees that would have to be removed to allow the placement of the new dwelling. The suggestion that the trees are mature would have the connotation that they are historic deciduous trees, such as oak or maple. This is not the case as the majority of the trees are evergreen and of the Leilani type. We trust this will become apparent once you have visited the site.
2. The objections suggest that the removal of trees would remove the screen between the houses at Blythfield and Brucefield Industrial Estate. When Brucefield Industrial Estate was created, there was a strip of land between our site and the estate which was planted with evergreen trees that was dedicated to screen the Industrial Estate from the surrounding houses. This screen is still in place and will be more than adequate as a screen between Brucefield Industrial Estate and the cluster of houses at Blythfield regardless of the Applicants intention with the trees on his site.
3. There is a suggestion that the site cannot legally be developed. There was a historic burden on the ground, which was inherited by our Client upon purchasing the site. The Applicant had contacted West Lothian Council's Legal department for advice on the matter and following correspondence from Hannah Sturges on 10th August 2017, they contacted their solicitor for advice. It has now been concluded that as the feudal system was abolished in 2004, the restrictions no longer apply. While this may not necessarily be of consideration for the Planning department, it confirms the Applicant is progressing this application in a mindful manner and has considered all items of concern before proceeding.

We trust the above will be of assistance and should you require anything further please do get in touch.

Kind regards,

Kirsty Watson
Architect
for



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

Kirsty Watson

From: Kirsty Watson <kirsty@swa.uk.net>
Sent: 07 June 2018 12:22
To: 'Watson, Matthew'
Subject: RE: 18019 Land At Blythfield Cottages, Bellsquarry Livingston [Ref 0307/FUL/18] - Comments on Objections

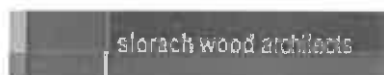
Hi Matthew,

Further to our telephone conversation earlier this week we confirm we would like to withdraw this planning application.

We appreciate your comments below and we will take them on board as we reconsider our proposals when submitting our 'free go'.

Kind regards,

Kirsty Watson
Architect
for



Tel: 0131 319 1260
Direct Dial: 0131 331 9917
www.slorachwoodarchitects.com



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From: Watson, Matthew <Matthew.Watson@westlothian.gov.uk>
Sent: 28 May 2018 14:30
To: Kirsty Watson <kirsty@swa.uk.net>
Subject: RE: 18019 Land At Blythfield Cottages, Bellsquarry Livingston [Ref 0307/FUL/18] - Comments on Objections

Kirsty,

I went out to site last Friday and from that and looking over the application my feedback is as follows:

- The proposed house is located immediately behind another residential property. A separate access is used so the proposal is not strictly 'tandem' development but is in a backland location and there is a general presumption against backland development unless it is part of the spatial character of the area. In this case, backland development is not a spatial characteristic of the surrounding area

- The SPG on Infill development states that side to rear elevation distances between residential properties should be at least 12 metres. In your application, there is less than one metre between the north east facing, side elevation. This is not acceptable in terms of the SPG and we would need this elevation moved to a distance of 12 metres from the north west boundary of 46 Newpark Road
- The scale, bulk and mass of the proposed house is not something that the area is characterised by too. I don't see there being an issue with something that is architecturally different and I can see the materials proposed are to try and complement the houses around the plot but the bulk and mass of the house does not complement the existing development in the area
- On the whole, the house is a rather 'cramped in' to the plot. We would look for a 9 metre back garden for new houses, as per the SPG, and this criteria is also not met. Overall, the application does not comply with Policies HOU 4 and HOU 9 of the West Lothian Local Plan, Policies DES 1 and HOU 3 of the LDP and the SPG on Infill development.
- I would generally agree that the trees on the north west and west to south west boundaries are mostly leylandii trees that are not of great value. I am getting a full arboricultural opinion from one of the tree officers for the site as a whole, which I can forward once received.

On the basis of my feedback, I would recommend withdrawing the current application. If the client would like to look at alternatives then I would put in a pre-application enquiry - <https://www.westlothian.gov.uk/article/10863/Pre-Application-Enquiry>. Something of the scale currently proposed is probably not going to work with this site and I'm unsure whether something that could fit within the parameters of our policies in principle given the area is not characterised by backland development.

I will let you go and have a chat with the client and will hold off on a decision for now until I get response with how they want to go forward from here. I would also like to get an environmental health consultation response given the proximity to the Brucefield Industrial Estate and whether there would be any noise issues here.

Kind regards,

Matthew

From: Kirsty Watson [<mailto:kirsty@swa.uk.net>]
Sent: 23 May 2018 08:49
To: Watson, Matthew
Subject: RE: 18019 Land At Blythfield Cottages, Bellsquarry Livingston [Ref 0307/FUL/18] - Comments on Objections

Hi Matthew,

Yes, the Client will be available on Friday morning to give you access.

Kind regards,

Kirsty Watson
 Architect
 for



Tel: 0131 319 1260
 Direct Dial: 0131 331 9917
www.slorachwoodarchitects.com

Kirsty Watson

From: Kirsty Watson <kirsty@swa.uk.net>
Sent: 14 September 2018 10:52
To: 'Watson, Matthew'
Subject: RE: 18019 New House ar Blythfield Cottages, Bellsquarry - Request for Planning Update [Ref 0740/FUL/18]
Attachments: 18019 Statement to Planning.pdf; 18019 P03 H Elevations & Site Plan.pdf

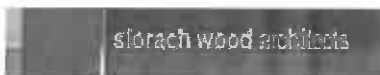
Hi Matthew,

Please see attached our amended Dwg. No. 18019 – P03H finalising the trees to be removed and also our statement on the consideration of the site as backland development showing examples of nearby projects.

We trust this is to your satisfaction. Should you require anything further please do not hesitate to contact us.

Kind regards,

Kirsty Watson
Project Architect
for



Direct Dial: 0131 331 9917
www.slorachwoodarchitects.com



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From: Watson, Matthew <Matthew.Watson@westlothian.gov.uk>
Sent: 11 September 2018 17:23
To: Kirsty Watson <kirsty@swa.uk.net>
Subject: RE: 18019 New House ar Blythfield Cottages, Bellsquarry - Request for Planning Update [Ref 0740/FUL/18]

Hi Kirsty

Thanks for sending this on quickly. For clarification are the leylandii trees at the north west to south west boundary being removed? If they are then their removals should be shown on the site plan too.

Thanks

Matthew

From: Kirsty Watson [mailto:kirsty@swa.uk.net]

Sent: 11 September 2018 17:19

To: Watson, Matthew

Subject: RE: 18019 New House ar Blythfield Cottages, Bellsquarry - Request for Planning Update [Ref 0740/FUL/18]

Hi Matthew,

Further to our telephone conversation earlier today, we attach our Dwg. No. 18019 – P03G confirming the dimensions between the new dwelling and the boundary and neighbouring buildings.

While we understand this confusion is due to the computer programme incorrectly scaling the drawings. Please disregard any concern that the building is too close as the location of the dwelling was selected to minimise disruption to the neighbouring dwellings and meet Planning guidelines on these distances.

We have also shown trees that would need to be removed to allow the construction of this dwelling as requested.

We trust this is to your satisfaction, should you require anything further please let us know.

Kind regards,

Kirsty Watson
Project Architect
for



Direct Dial: 0131 331 9917

www.slorachwoodarchitects.com



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From: Watson, Matthew <Matthew.Watson@westlothian.gov.uk>

Sent: 11 September 2018 13:34

To: Kirsty Watson <kirsty@swa.uk.net>

Subject: RE: 18019 New House ar Blythfield Cottages, Bellsquarry - Request for Planning Update [Ref 0740/FUL/18]

Hi Kirsty

I went out to site yesterday and had another look at the site. I still think that this isn't acceptable in terms of the LDP and the Small Scale Infill SPG. I will give you a bit more detail below:

- Policy DES 1 of the LDP states that development proposals should integrate with local context and built form. The spatial pattern of development in the area is one of a linear pattern of development along Newpark Road and there is one set of cottages at 90 degrees to the road. There have been divisions of plots but the resulting houses have a road frontage. The proposed house is located immediately behind another residential property. A separate access is used so the proposal is not strictly 'tandem' development but is in a backland location and there is a general presumption against backland development unless it is part of the spatial character of the area. In this case, backland development is not a spatial characteristic of the surrounding area and the proposed house would not integrate with the local context and built form. It is thus contrary to Policy DES 1.
- The SPG on infill development states that side to rear elevation distances between residential properties should be at least 12 metres. In your application, there is 6.5 to 7 metres between the north east facing, side elevation and 46 Newpark Road. This is not acceptable in terms of the SPG and we would need this elevation moved to a distance of 12 metres from the north west boundary of 46 Newpark Road. I cannot justify an infringement of the SPG at this scale. We would also look for a 9 metre back garden for new houses, as per the SPG.
- Although the house now meets the building to plot ratio, as set out in the Infill SPG, this does not outweigh the other infringements above and the point about spatial character.

I know that work has gone into taking on board my comments from the previous application but I did say over the phone that it might well be that no development proposal could work with this plot. Despite some improvements, I still am of the view that the proposal cannot be justified in terms of planning policy.

FYI I will be putting the application on the delegated list this Friday as a refusal.

Let me know in the meantime if the client is wanting to withdraw the application again or if they wish to appeal if the application is refused

Thanks

Matthew

From: Watson, Matthew
Sent: 07 September 2018 11:33
To: 'Kirsty Watson'
Subject: RE: 18019 New House at Blythfield Cottages, Bellsquarry - Request for Planning Update [Ref 0740/FUL/18]

Hi Kirsty

I will be looking to go to site on Monday at around 10.30am.

Thanks

Matthew

From: Watson, Matthew
Sent: 04 September 2018 16:11
To: 'Kirsty Watson'
Subject: RE: 18019 New House at Blythfield Cottages, Bellsquarry - Request for Planning Update [Ref 0740/FUL/18]

Hi Kirsty

I suspect it will be this Friday or next Monday when I get to site. I'll let you know tomorrow. If the applicant can leave the gate at the rear access unlocked I can do what I need to do photos wise.

Thanks

Matthew

From: Kirsty Watson [<mailto:kirsty@swa.uk.net>]

Sent: 04 September 2018 12:09

To: Watson, Matthew

Subject: 18019 New House ar Blythfield Cottages, Bellsquarry - Request for Planning Update [Ref 0740/FUL/18]

Hi Matthew,

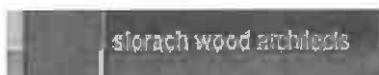
Further to our recent telephone conversation on the above, we understand we are to hold off on the Phase 1 Site Investigation report until you have been able to consider the application further.

Have you been out to visit the site yet? Please get in touch if you require us to arrange a site visit.

We note there are objections on the portal, many of which we believe we have already discussed or satisfied through the amended design. If you require anything further please let us know.

Kind regards,

Kirsty Watson
Project Architect
for



Direct Dial: 0131 331 9917

www.slорachwoodarchitects.com



Slorach Wood Architects' nominated 2018 charity is Angelman Syndrome Support Education & Research Trust (ASSERT) – Registered Charity Number 1021882



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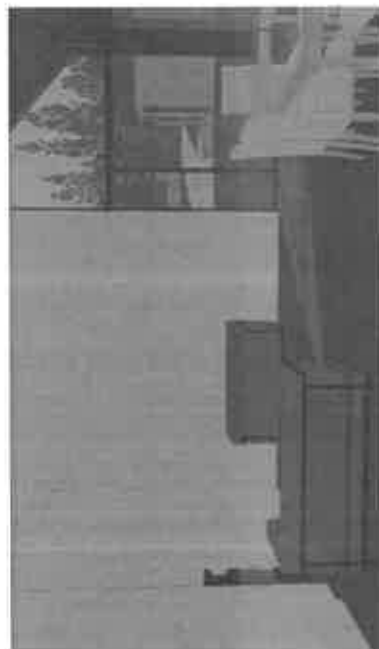
PLANNING

18019 - P03 H

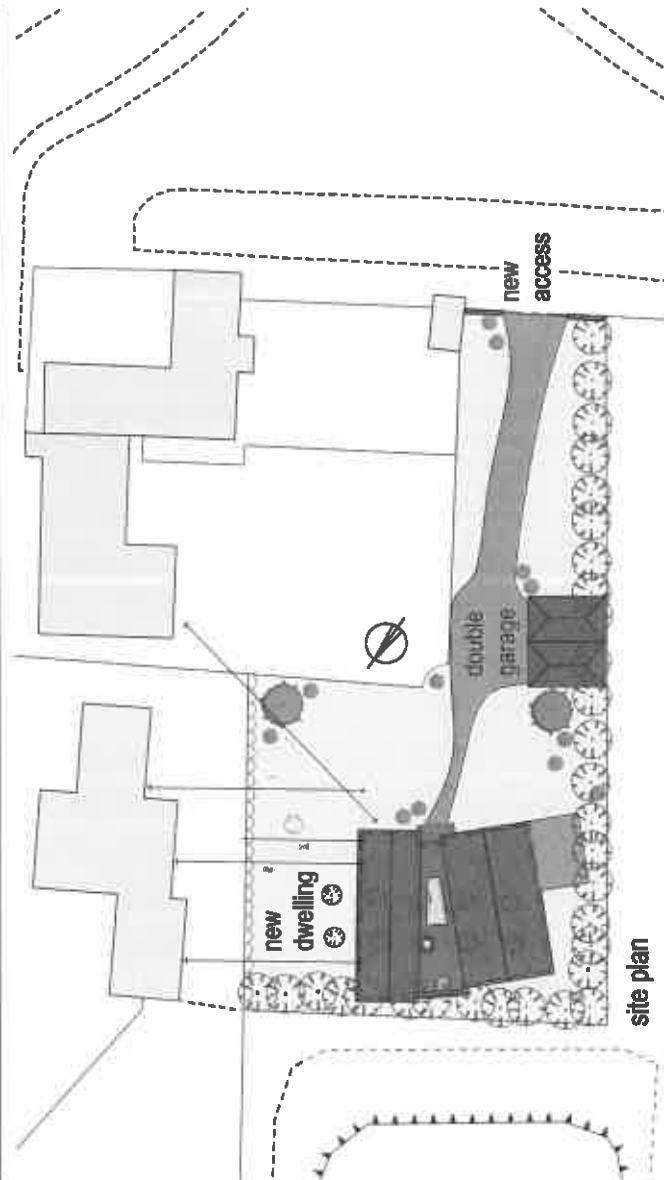
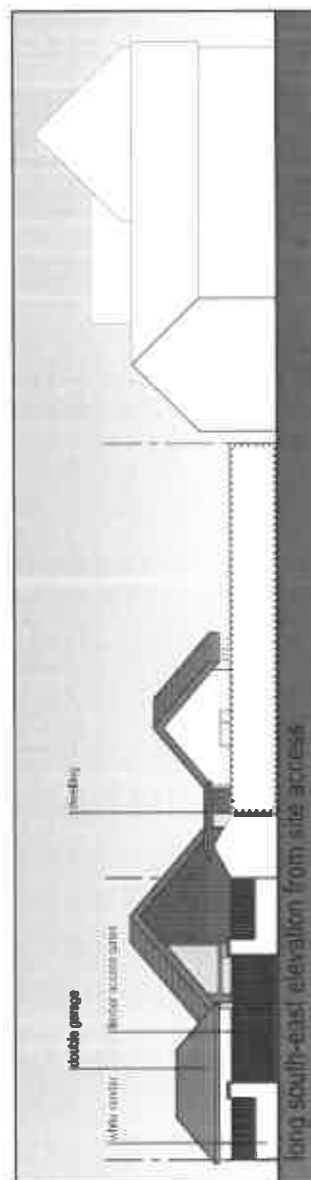
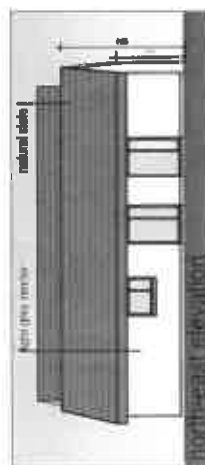
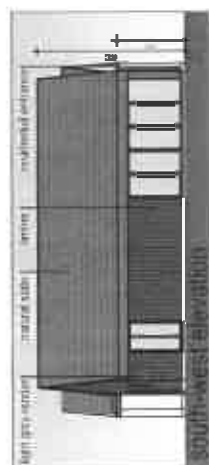
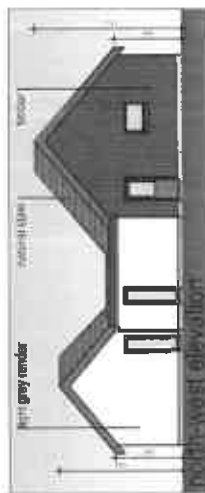
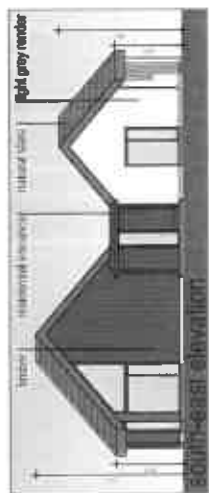
NEW HOUSE
BLYTHFIELD COTTAGE
BELLBOURNEY

ELEVATIONS,
SITE PLAN & 3D IMAGES

Architect: [Name]
Drawing Office: [Name]
Date: [Date]
Scale: [Scale]



internal 3D image



West Lothian Council
Planning Department
Civic Centre
Howden South Road
LIVINGSTON
West Lothian
EH54 6FF

14 September 2018
18019 / 3.1 / CL130918-00

FAO Matthew Watson

Dear Sirs,

Blythfield Cott, Bellsquarry.

Ref: 0740/FUL/18

We write to submit additional information to support the Planning Application in respect of the above project.

Further to our recent correspondence with the Planning department we understand this application is being considered as 'backland development'. We provide this statement in response to this, to clarify our thoughts on this application and justify the location of the house and why we feel this should not be determined as 'backland development'.

We understand that West Lothian Council's interpretation of 'Backland Development' is where a site is behind the line of the street. While our site may be behind the line of the buildings of Newpark Road, the site is neither accessed or visible from this street. The dwellings of Blythfield do not solely relate to Newpark Road as the main façade and entrance of 3&4 Blythfield Cottages utilises a private road (previously the old road) which our site also uses for access. Due to this, we would disagree that the site should be considered 'backland development' and it should instead be considered infill development.

We understand that West Lothian Council's interpretation of 'Infill Development' is where a site is developed within the curtilage of an existing building group. We feel this site is filling the gap in the 'L' shaped cluster of houses at Blythfield. As identified within West Lothian Council's Local Plan, 'infill within the curtilage of an existing building group will be acceptable'. Therefore, as the location of our site completes the grouping of houses in this cluster, we feel this is acceptable development for the character of the area.

Cont.

storch wood architects Ltd.
The Station Master's Office
Dalmeny Station
South Queensferry
EH30 9JP
Tel: 0131 319 1260

directors

Walter Wood Dip Arch RIAS RIBA
Sarah Q. Brown Dip Arch RIAS RIBA
consultant
Caroline Storch Dip Arch RIAS RIBA



Blythfield Cott, Bellequarry

As noted in with the SPG (Supplementary Planning Guidance) for 'Single Plot and Small Scale Infill Residential Development in Urban Areas' 'infill development can make a useful contribution to the housing land supply and add to the overall quality of the townscape. This is especially the case where a conscious effort has been made to complement the local area in terms of design, scale, building density and layout so that the new infill development appears to belong and looks as though it had been planned as part of the original area.'

As you are aware, we had initially submitted a planning application for a much larger, modern house design which we withdrew due to the comments received on its scale. We evaluated our options and selected to redesign a much smaller unit, reducing the dwellings footprint by 30m² and overall area by 90m². The height was also drastically reduced from a 2 storey building to a single storey with a pitched roof so that it sits lower than any of the surrounding houses. As such, we are in agreement with the SPG for 'Single Plot and Small Scale Infill Residential Development in Urban Areas' which requires 'The scale, height and massing of new houses should reflect and be sympathetic to those around them'.

The reduced scale also prevents the new dwelling from having any impact on the streetscape of Newpark Road as the single storey is hidden from view by its 2 storey neighbours. Due to the site's location on a private road and dense landscaping between this private road and Murieston Road there would be no impact of this house visually from any surrounding area so this house would be completely hidden from view.

The scale of the house in relation to the garden is also more than adequate, as it exceeds the requirements outlined in the SPG for 'Single Plot and Small Scale Infill Residential Development in Urban Areas'. The optimum garden to building ratio of 70:30 is expected, whereas our ratio is 80:20, providing substantial amenity space. The large garden also means the house is over 13 metres away from the nearest neighbour, preventing any overshadowing or loss of privacy.

The site is located off a private road accessed from Murieston Road which is currently utilised by 3&4 Blythfield Cottages as their means of access. The site has an existing access onto this private road which provides satisfactory vehicle and pedestrian access into the site which, in agreement with the SPG for 'Single Plot and Small Scale Infill Residential Development in Urban Areas', will not have 'an adverse effect on the amenity of the residents and road safety. West Lothian Council's Structure Plan also confirms it 'supports infill housing where infrastructure capacity exists.'

We are not proposing to extend the street line of Newpark Road nor establish a new road or access from a location that is not already being utilised as a main frontage to a residential building. By providing a dwelling in this location we complete the cluster of houses in the settlement of Blythfield. As such we feel this proposal is appropriate to its setting, integrates well with its local context and built form and enhances the spatial character of the area.

Cont.



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consultant
Caroline Storch Dip Arch RIAS RIBA

14 September 2018
18019 / 3.1 / CL130918-00

Blythfield Cott, Bellsquarry

For your consideration we also include 2 examples of developments within close proximity to the site:

Example 1 | Sandgate House, Murleston Road, Livingston

Application Reference LIVE/0747/FUL/01, approved Nov 2001

Google maps link:

<https://www.google.co.uk/maps/place/Newpark+Rd,+Livingston/@55.8630753,-3.5190466,381m/data=!3m1!1e3!4m5!3m4!1s0x4887dea3dc4f0f8d:0xc71f10eb2d2a4443!8m2!3d55.8674754!4d-3.5251054>

Perhaps considered as tandem development, this site is accessed using the access of an existing house. The house is visible from the street and is not on the street line itself. Our site has no impact on the streetscape and will not deter from the visual amenity of the area due to the scale of the surrounding buildings and dense landscaping.



Example 2 | Newpark Road, Bellsquarry, Livingston

Google maps link:

<https://www.google.co.uk/maps/place/Newpark+Rd,+Livingston/@55.8670105,-3.5250229,385m/data=!3m1!1e3!4m1!3m1!1s0x4887dea3dc4f0f8d:0xc71f10eb2d2a4443!2sNewpark+Rd,+Livingston!3b1!8m2!3d55.8674754!4d-3.5251054!3m4!1s0x4887dea3dc4f0f8d:0xc71f10eb2d2a4443!8m2!3d55.8674754!4d-3.5251054>

This site has four new houses situated behind the street line accessed by a new private road. This breaks the line of the street and utilises access from a private road. This application continues the streetline formed by 3&4 Blythfield cottage that has its main elevation onto the adjacent private road. The site also retains an existing access onto this private road for pedestrian and vehicle access.

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Cont.



Registered Office: 00450923

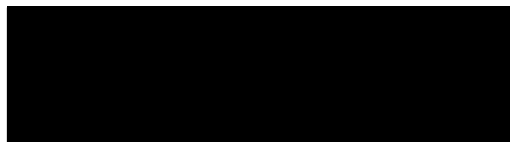
14 September 2018
18019 / 3.1 / CL130918-00

Blythfield Cott. Bellequarry



Should you have any further queries, please do not hesitate to contact us.

Yours faithfully,



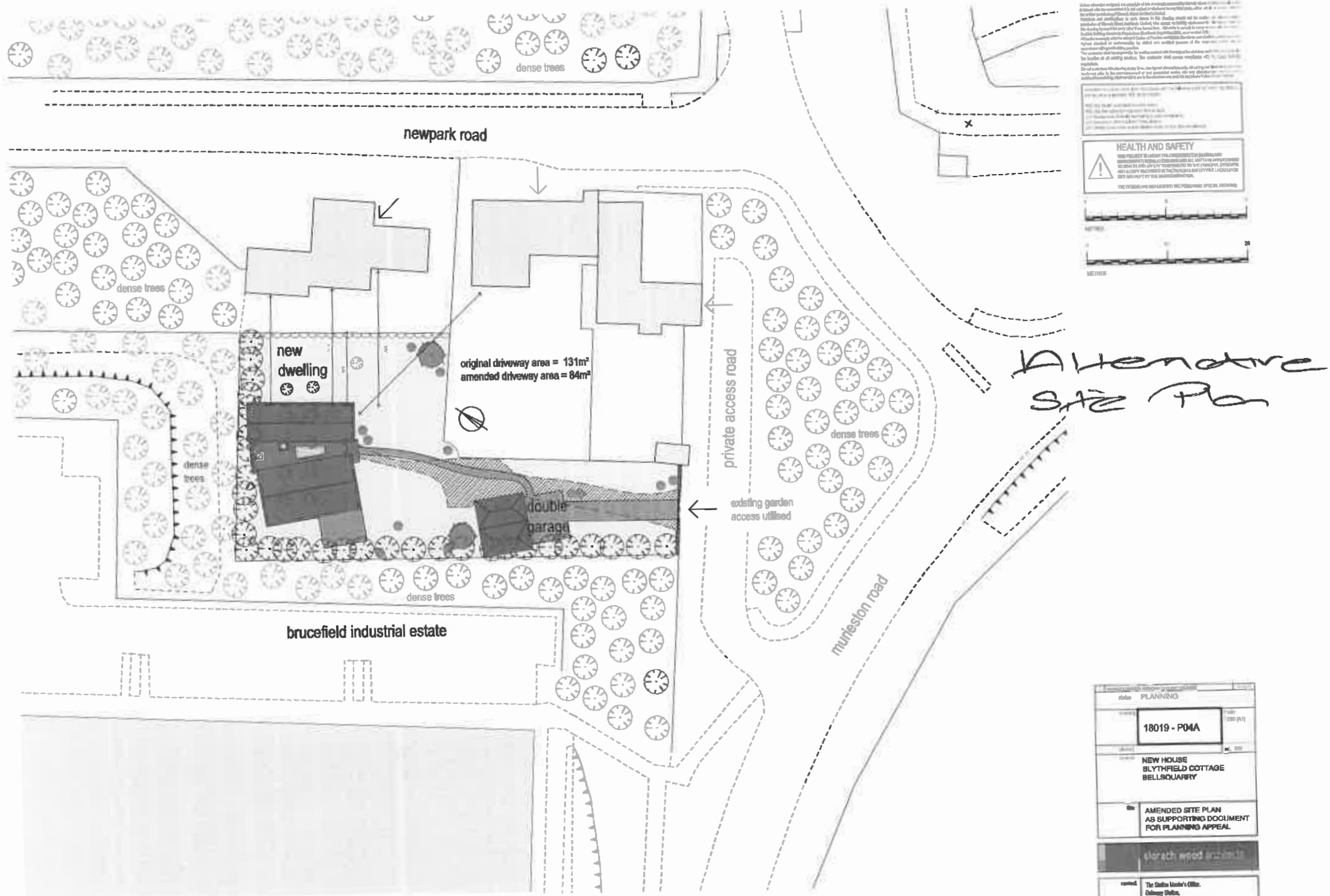
Kirsty Watson
For
Slorach Wood Architects

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The Station Master's Office
Dalmeny Station
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directors
Walter Wood Dip Arch RIAS RIBA
Sarah Q Brown Dip Arch RIAS RIBA
consultant
Caroline Slorach Dip Arch RIAS RIBA

Registered Office: 204/205



site plan

PLANNING	
18019 - P04A	18019 (P1)
NEW HOUSE BLYTHFIELD COTTAGE BELLQUARRY	
AMENDED SITE PLAN AS SUPPORTING DOCUMENT FOR PLANNING APPEAL	
Northwood Associates	
The Station Master's Office, Delivery Station, South Coventry, CV3 9EP, Tel: 0121 318 1180 Email: info@northwood.co.uk Website: www.northwood.co.uk	

HANDLING REPORT

Ref. No.:	0740/FUL/18	Email:	matthew.watson@westlothian.gov.uk
Case Officer:	Matthew Watson	Tel No.:	01506 283536
Ward:	Livingston South	Member:	Peter Heggie Moir Shemilt Lawrence Fitzpatrick Peter Johnston

Title	Erection of a house and garage including formation of an access and associated works (Grid Ref: 304798,664630) at Land At 1-2 Blythfield Cottages, Newpark Road, Bellsquarry, Livingston, West Lothian, EH54 9AF
Application Type	Local Application
Decision Level	Delegated List
Site Visit	10.09.2018
Recommendation	Refuse Permission
Decision	
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	16.08.2018

Description of Proposals

Erection of a house and garage including formation of an access and associated works.

The application proposes the division of the plot at 1&2 Blythfield Cottages, Newpark Road, and the erection of a house and double garage. The house is proposed to be of a contemporary design and is one and a half storeys in height. The walls are proposed to be finished with light grey render and timber cladding and the roof finished with natural slate.

Site History

0307/FUL/18: Erection of a house including formation of an access and associated works, Withdrawn

Representations

This is a summary of the representations received. The full documents are contained in the application file.

Three objections were received raising the following points:

- The trees and canopy spread are not marked on the drawings.
- Tree felling should require a tree survey and a habitat survey, neither of which have been submitted
- Lighting and vehicle movements are buffered by the tree belt. If trees were removed this would be detrimental to amenity.
- No overshadowing calculations, site levels, finished floor levels and drainage information have been submitted.
- A willow tree to the rear of 3&4 Blythfield Cottages which could be damaged.
- Reduction in privacy through the proposed driveway and loss of trees giving an unobstructed view of the industrial estate.
- The proposal does not appear to meet the 70:30 garden to building ratio and is in breach of local plan policies.
- A previous application was refused at 36 Newpark Road for a similar application, reference 0604/P/09

Consultations

This is a summary of the consultations received. The full documents are contained in the application file.

Consultee	Objection?	Comments	Planning Response
Environmental Health	No	No objections to the application.	Noted.
Transportation	No	No objections to the application.	Noted.
Education Planning (Andrew Cotton)	No	No objections to the application subject to receiving developer contributions.	Noted.
Flood Risk Management	No	A drainage layout should be provided if the planning authority is minded to grant permission.	Noted. The application is to be refused and no drainage layout has been submitted.
Scottish Water	N/A	No comments received.	N/A

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

	<p>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.</p>
HOU3 - Infill and Windfall Housing Devel	<p>In addition to sites already identified in Policy HOU 1 of the LDP, new housing development will also be supported on sites within settlement boundaries provided: a. the development will be in keeping with the character of the settlement and local area; b. the site is not identified for an alternative use in the LDP or the proposal complies with Policy EMP 1 - Safeguarding and Developing Existing Employment Land; c. the site does not form an area of maintained amenity or open space unless the proposal conforms with the terms of policy ENV 21 (Protection of formal and informal Open Space) and is acceptable in landscape and townscape terms; d. the proposed housing use is compatible with nearby uses, there is no adverse effect on the character of the local area and a satisfactory residential environment can be achieved; e. the site benefits from good accessibility by public transport and active travel to shopping, education, recreational and other community facilities; f. existing physical infrastructure,</p>

	<p>including roads, drainage, sewage, and education have the capacity to accommodate the proposed development; g. the proposal complies with Policy INF 1 and Policy TRAN 2, as applicable, where additional infrastructure would be required as a result of the development; h. the site is not at significant risk of flooding in the terms of policy EMG 2 (Flooding); and i. the proposal complies with other LDP policies and relevant Supplementary Guidance. Proposals for development within or adjacent to sensitive locations such as Special Landscape Areas (SLAs), Gardens and Designed Landscapes, Historic Battlefields, Conservation Areas or affecting the appearance, character and setting of Listed Buildings and Scheduled Ancient Monuments and any other historic or archaeological asset will be subject to additional scrutiny and may require to be supported by the submission of additional information. In these circumstances, there is an expectation that the standard of design will be higher than in less sensitive locations. Proposals for the change of use, conversion and re-use of existing buildings in non-residential use to housing will also be supported within the settlement boundaries subject to the above criteria being satisfied.</p>
<p>ENV9 - Woodland, Forestry, Trees and Hed</p>	<p>There will be a presumption against development adversely affecting woodlands unless there is a proven locational need and where a sustainable environmental gain through replacement and additional tree planting appropriate to the area is provided and accords with the Scottish Government "Control of Woodland Removal" policy (2009) and the Forestry Commission Scotland's policy "The right tree in the right place" (2010). Where the removal of woodlands or forestry is sanctioned, the practical implications of timber removal from the site will require to be considered and thereafter managed in order to minimise damage to the road network. Details must be provided to and agreed with the council prior to the commencement of the works. The council recognises that woodlands, hedgerows and individual trees can have significant ecological and biodiversity value and make a substantial contribution to landscape character and quality and that they can also be of economic and recreational value. Scottish Planning Policy (SPP 2014) encourages Local Development Plan policies to protect and enhance areas of woodland which are of high nature conservation and/or landscape character value. Accordingly: a. there will be a presumption against development proposals which involve the loss of, or damage to, woodland, groups of trees (including trees covered by Tree Preservation Order (TPO), areas defined as ancient or seminatural woodland, veteran trees or areas forming part of designated and designed landscapes) and hedgerows, which have particular amenity, nature</p>

	<p>conservation, biodiversity, recreation, landscape, shelter belt, cultural, historical value or are of other importance; b. proposals that involve the removal of woodland will only be supported where it would achieve significant and clearly defined public benefits and the criteria for determining the acceptability or otherwise of any proposed woodland removal is set out in the Scotland's Control of Woodland Removal Policy document; c. approval for woodland removal will be conditional on the undertaking of actions to ensure full delivery of the defined additional public benefits; d. planning conditions and agreements will be used to mitigate the environmental impacts arising from development and developers will generally be expected to provide compensatory planting; e. where felling is permitted but woodland removal is not supported, conditions conducive to woodland regeneration will require to be maintained through adherence to good forestry practice as defined in the UK Forestry Standard; f. as an irreplaceable resource, it is unlikely that benefits can be demonstrated for removal of ancient woodland. Exceptions for ancient woodland will therefore not be considered; g. development which is likely to affect individual trees and groups of trees considered important for amenity or their cultural or historic interest should comply with Supplementary Guidance Protection and promotion of woodland, trees and hedges including the undertaking of a Tree Survey, indicating constraints and tree protection requirements including BS 5837:2012; h. the enhancement and management of existing woodland, trees and hedgerow will be encouraged and supported. Where retention of a woodland area is integral to a development proposal, developers will be required to prepare and implement an appropriate Management Plan; and i there will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to local and/or historic landscape character.</p>
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Policy Assessment

See below for policy assessment.

Officer Assessment

Principle and Spatial Character

Policy HOU 3 (Infill/Windfall Housing Development within Settlements) criterion (a) of the West Lothian Local Development Plan (LDP) states development should be in keeping with the character of the settlement and local area. Criterion (i) of HOU 3 states that proposals are required to comply with other LDP policies and Supplementary Guidance.

Policy DES 1 (Design Principles) of the LDP states that development proposals should integrate with local context and built form.

The spatial pattern of development in the area is one of a linear pattern of development along Newpark Road and there is one set of cottages at 90 degrees to the road. There have been divisions of plots but the resulting houses have a road frontage. The proposed house is located immediately behind another residential property. A separate access is used so the proposal is not strictly 'tandem' development but is in a backland location. There is a general presumption against backland development unless it is part of the spatial character of the area.

The applicant's agent has submitted a short statement stating two examples of backland/tandem development in the area - at Sandygate Cottage on Murieston Road and a development of four houses (8A to 10B Newpark Road) to the rear of 4 and 6 Newpark Road. The latter development is pre-1990s and is not representative of current planning policy and practice. Moreover, including the development referred to by the agent, there are 25 houses along Newpark Road. Out of 25 houses only four (16%) are located in a backland location. This clearly shows that the spatial character and pattern of development in the area is not characterised by backland development. With regards to the other example cited at Sandygate Cottage, this is part of Murieston and could not be likened in character to Bellsquarry. It is also an anomaly within its own context.

In this case, backland development is not a spatial characteristic of the surrounding area and the proposed house would not integrate with the local context and built form. The proposal is thus contrary to Policies HOU 3 (a) and DES 1.

Layout

In terms of plot ratios, the Residential Development Guide Planning Guidance on p.80 states that for detached houses there should be a ratio of garden to building of 70:30. Driveways and areas of hardstanding are excluded from garden ground, as stated on p.82. The proposed development has a garden to building ratio of 66:34, which does not comply with the SPG, and is therefore not acceptable in planning terms. The proposal does comply with the SPG in respect of achieving a 9 metre garden and exceeding the rear elevation to side elevation distance of 12 metres. However, habitable rooms will face each other at ground floor level at a distance of less than 18 metres. This is addressed below.

Privacy

The issue of privacy has been raised in representations. The proposed driveway will not cause a loss of privacy and the use of the access road to the driveway is a civil matter. The garden of the proposed house will be overlooked by the rear windows at first floor level of 46 Newpark Road. As stated above, the proposal exceeds the rear to side distances in the SPG. Two bedrooms of the proposed house face towards the dining room and kitchen of 46 Newpark Road. These windows are screened by a low level fence and hedging and is satisfactory in screening the windows of the proposed house. The impact on privacy is, overall, acceptable.

Trees

Concern has been raised in representation regarding loss of trees within the site. The application proposes the removal of eight fruit trees at the north of the site and 31 leylandii trees along the south west to north west boundary, as denoted on the proposed site plan. The trees on site are not protected by a tree preservation order and the site is not in a conservation area. Although the trees along the south west to north west boundary of the

site provide a visual barrier to the Brucefield Industrial Estate and have some amenity value, they not are of a species that is a native broadwood for which protection via a TPO would be sought. There is also further screening of the Brucefield Industrial Estate behind the property boundary. The closest building to the site on the Brucefield Industrial Estate is 20.5 metres from the site and tree removal will not affect privacy to an unreasonable degree.

Other Considerations

N/A

Conclusions and Reasons for Decision

In summary, the proposal is sited in a backland location, which does not fit with the prevailing spatial character and pattern of development in the area. The proposal fails to meet the plot ratios for detached houses, as set out in the SPG on Small scale infill development in urban areas. The proposed development is contrary to Policies HOU 3 (Infill/Windfall Housing Development within Settlements) and DES 1 (Design Principles) of the LDP and Residential Development Guide Planning Guidance. It is therefore recommended that planning permission is refused.

List of Review Documents

Drawings schedule:

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	18017-P01A
2	Floor Plan	18017-P02 D
3	Proposed Elevations	18019-P03 H

Other relevant documents:

West Lothian Local Development;

Case OfficerMATTHEW WATSON..... Date.....09/10/2018.....

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 0740/FUL/18

PROPOSAL Erection of a house and garage including formation of an access and associated works

LOCATION Land At 1-2 Blythfield Cottages, Newpark Road, Bellsquarry, Livingston, West Lothian, EH54 9AF, (GRID REF: 304798, 664630)

APPLICANT Mr & Mrs D Crombie, 1-2 Blythfield Cottages, Bellsquarry, Livingston, West Lothian, EH54 9AF

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:
09.10.2018

Craig McCorriston
Head of Planning, Economic Development and Regeneration

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

Signature:



DATA LABEL: PUBLIC

The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0740/FUL/18, for the reason(s) set out as follows:

- 1 The proposal is sited in a backland location, which is at odds with the prevailing spatial character and pattern of development in the area. As a result, the proposal fails to integrate with the local context and built form of the surrounding area.

The proposed development is therefore contrary to Policies HOU 3 (Infill/Windfall Housing Development within Settlements) and DES 1 (Design Principles) of the West Lothian Local Development Plan and the Residential Development Guide Planning Guidance.

- 2 The proposal has a garden to building ratio of 66:34. This fails to meet the plot ratios for detached houses, as set out in the Residential Development Guide Planning Guidance, which specifies a 70:30 ratio of garden to building for detached houses.

The proposed development is therefore contrary to Policy DES 1 (Design Principles) of the West Lothian Local Development Plan and the Residential Development Guide Planning Guidance.

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. If the application was heard at a committee and in any other case you can seek an appeal of that decision to the Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review, or to appeal, here: <http://www.westlothian.gov.uk/article/2078/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 <http://www.westlothian.gov.uk/article/2220/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.

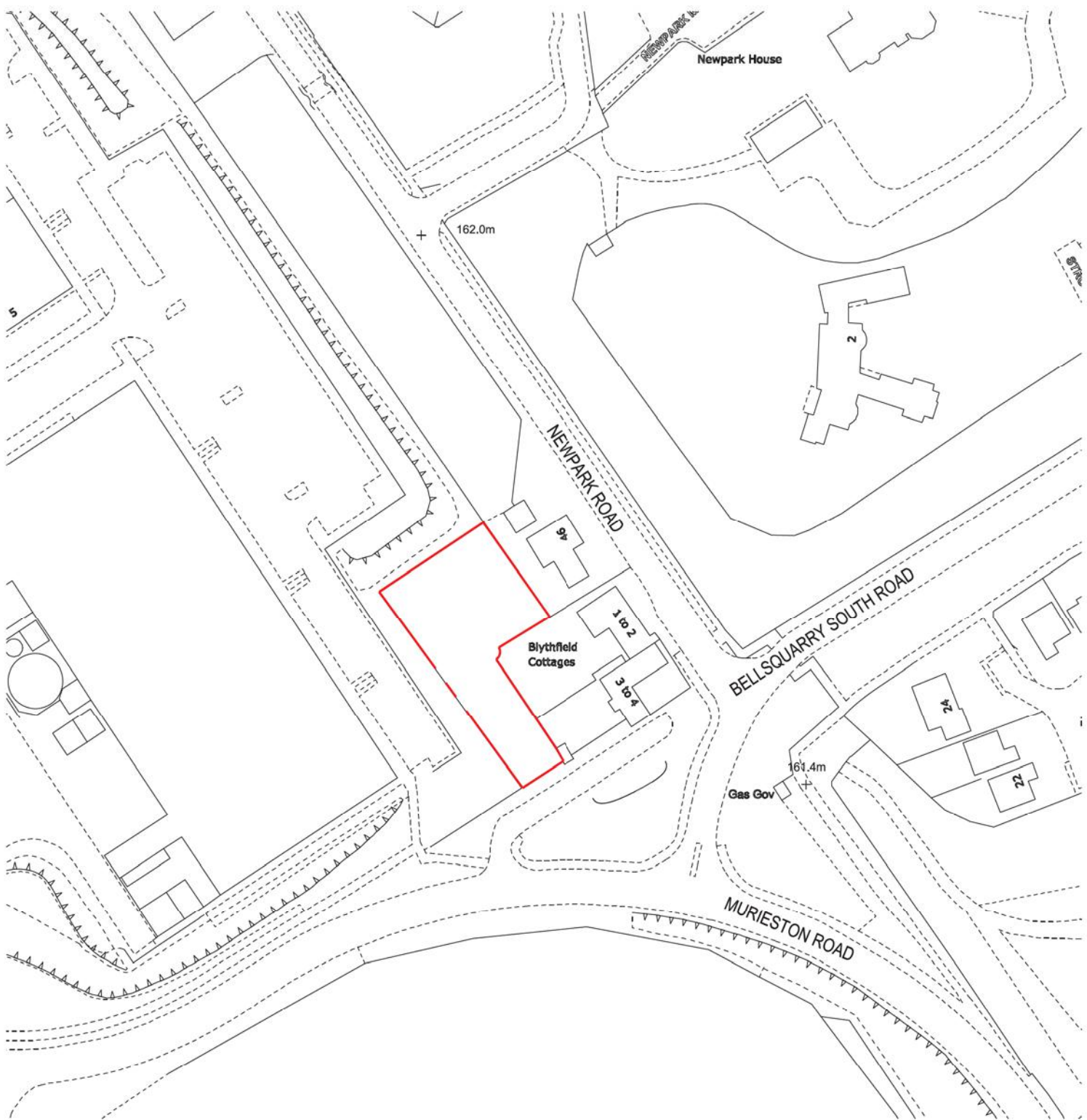
*To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at **www.groundstability.com**.*

Advisory note to developer - General

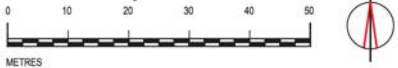
Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.

Annex 1, Schedule of Plans - 0740/FUL/18

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	18017-P01A
2	Floor Plan	18017-P02 D
3	Proposed Elevations	18019-P03 H



location plan



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All works to comply with the relevant Codes of Practice and British Standards and shall be carried out to the highest standard of craftsmanship by skilled and qualified persons of the respective trades and in accordance with good building practice.

The contractor shall be responsible for making contact with the respective statutory authorities and establish the location of all existing services. The contractor shall ensure compliance with the Local Authority regulations.

Do not scale from this drawing at any time. Use figured dimensions only. All setting out dimensions are to be confirmed prior to the commencement of any associated works, with any discrepancies reported to the architect immediately. All dimensions are to the structure and exclude any plaster / plasterboard finishes.

Contractor to ensure works is in accordance with the following guidance notes/ regulations, and any other appropriate HSE documentation:

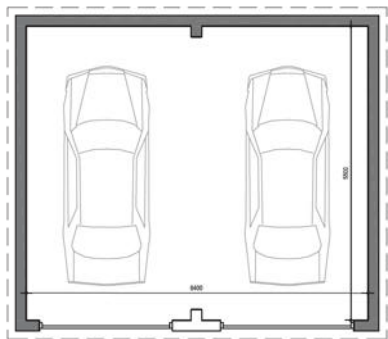
HSG 150: Health and Safety in Construction;
HSG 202: Managing Site exposure risks at work;
L21: Management of Health and Safety at work Regulations;
L22: Safe use of Work Equipment Regulations;
L81: Design Construction and Installation of gas service pipes Regulations.

HEALTH AND SAFETY

THIS PROJECT IS UNDER THE CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015 AND ALL MATTERS APPERTAINING TO HEALTH AND SAFETY TO BE ISSUED TO THE PRINCIPAL DESIGNER AND A COPY RECORDED IN THE HEALTH & SAFETY FILE LOCATED ON SITE AND KEPT BY THE MAIN CONTRACTOR.

THE DESIGN HAS HIGHLIGHTED THE FOLLOWING SPECIAL HAZARDS:

A	BOUNDARY AMENDED TO CLIENT COMMENTS		05/04/18
status		PLANNING	
drawing		18017 - P01 A	scale 1:1250 [A4]
plotted		ref. KW	
project		NEW HOUSE BLYTHFIELD COTTAGE BELLSQUARRY	
title		LOCATION PLAN	
		slorach wood architects	
contact		The Station Master's Office, Dalmeny Station, South Queensferry, EH30 9JP. Tel: 0131 319 1260 Email: info@swa.uk.net Website: www.swa.uk.net	



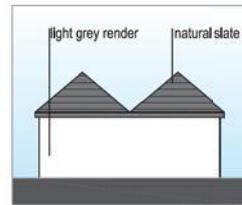
garage ground floor plan



south-east elevation



south-west elevation



north-west elevation



dwelling ground floor plan



external 3D images

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All works to comply with the relevant Code of Practice and Building Regulations and shall be carried out to the highest standard of craftsmanship by skilled and qualified persons of the respective trades and in accordance with good building practice.

The contractor shall be responsible for making contact with the respective statutory authorities and obtaining the location of all existing services. The contractor shall ensure compliance with the local authority regulations.

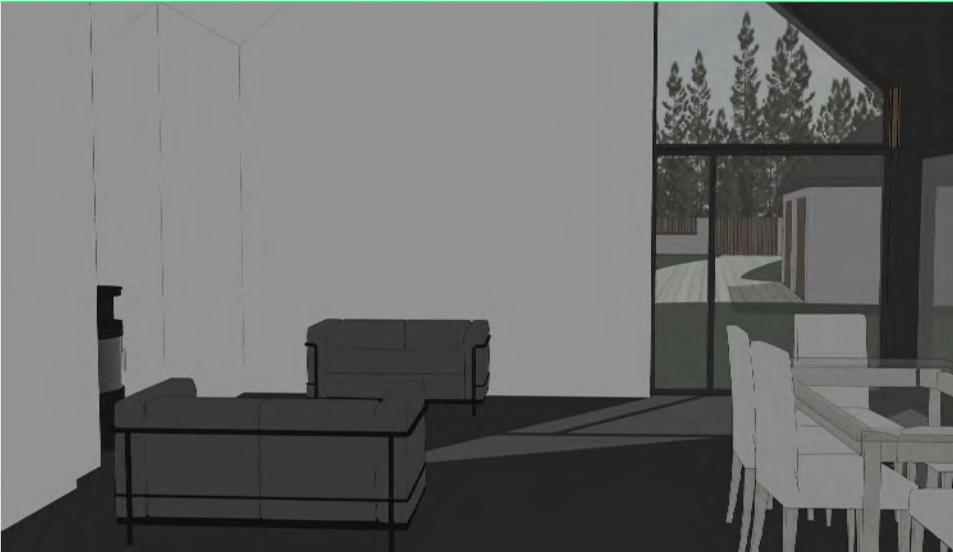
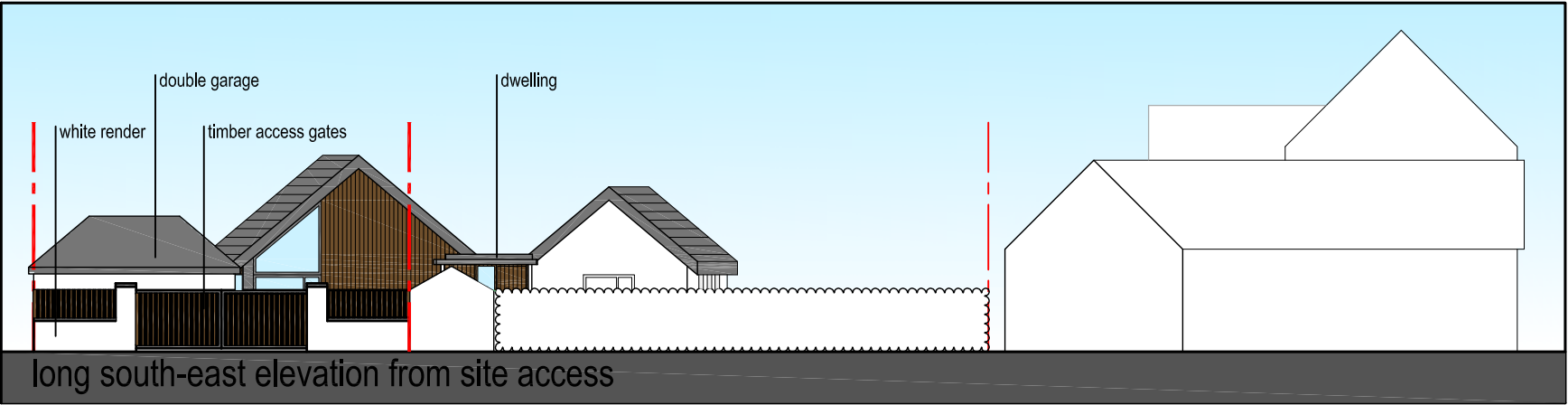
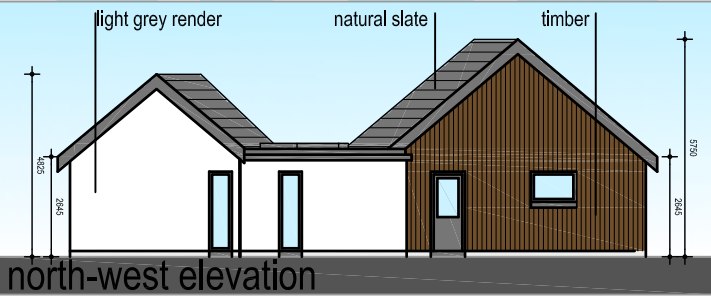
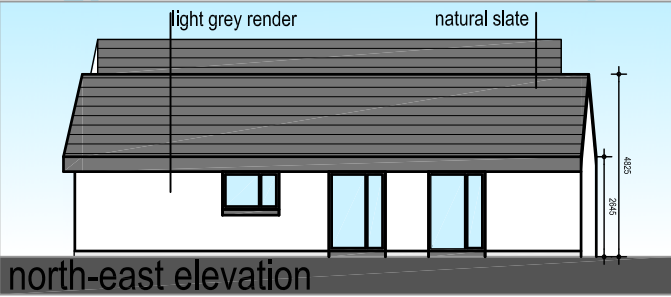
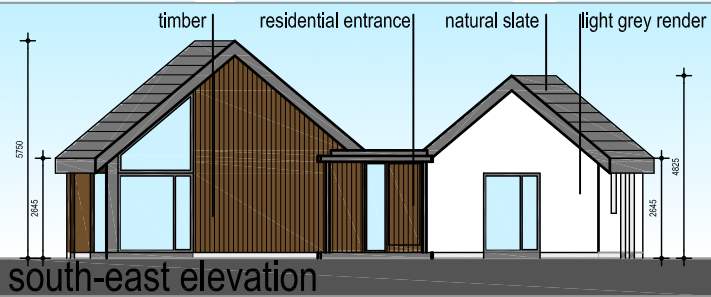
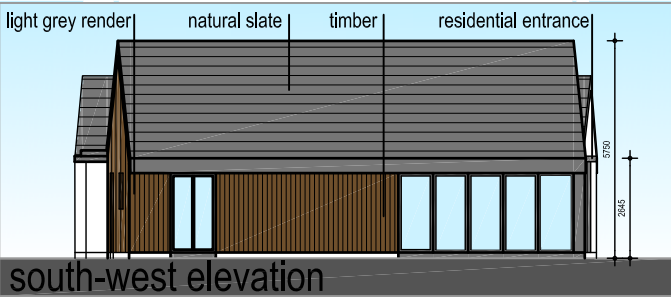
Do not make from this drawing at any time. Use approved dimensions only. All existing and dimensions are to be confirmed prior to the commencement of any associated works, with any discrepancies reported to the architect immediately. All dimensions are to the structure unless otherwise stated (dimension to face).

Contractor to ensure works to be in accordance with the following guidance notes, regulations, and any other appropriate HSE documentation:

HSE 1902 Health and Safety in Construction
HSE 2002 Managing Safe Excavation Work at Height
L20 Management of Health and Safety at Work Regulations
L22 Safe use of Work Equipment Regulations
L81 Design Construction and Installation of gas service pipes Regulations.



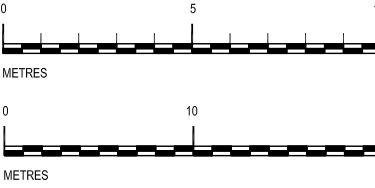
D	GARAGE ADDED	30/07/18
C	ALTERATIONS TO CLIENTS COMMENTS	27/07/18
B	AMENDED HOUSE DESIGN FOLLOWING PLANNING COMMENTS	20/07/18
A	ALTERATIONS TO CLIENTS COMMENTS	05/04/18
status: PLANNING		
drawing	18017 - P02 D	scale 1:500 (A1) 1:100 (A3)
plotted		ref, K0V
project	NEW HOUSE BLYTHFIELD COTTAGE BELLSQUARRY	
site	FLOOR PLANS & 3D IMAGES	
slorach wood architects		
contact	The Station Master's Office, Dalmeny Station, South Queensferry, EH20 9LP, Tel: 0131 319 1260 Email: rh@slw.co.uk Website: www.slw.co.uk	



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All works to comply with the relevant Codes of Practice and British Standards and shall be carried out to the highest standard of craftsmanship by skilled and qualified persons of the respective trades and in accordance with good building practice.
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Do not scale from this drawing at any time. Use figured dimensions only. All setting out dimensions are to be confirmed prior to the commencement of any associated works, with any discrepancies reported to the architect immediately. All dimensions are to the structure and exclude any plaster / plasterboard finishes.

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HSG 150: Health and Safety in Construction;
HSG 262: Managing Skin exposure risks at work;
L21: Management of Health and Safety at work Regulations;
L22: Safe use of Work Equipment Regulations;
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HEALTH AND SAFETY
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THE DESIGN HAS HIGHLIGHTED THE FOLLOWING SPECIAL HAZARDS:



internal 3D image

H	TREES TO BE REMOVE ADDED	14/09/18
G	DIMENSIONS TO BOUNDARY AND NEIGHBORS ADDED, TREES TO BE REMOVE ADDED	11/09/18
F	HEIGHTS ADDED AT PLANNERS REQUEST	07/08/18
E	GARAGE ADDED	30/07/18
D	ALTERATIONS TO CLIENTS COMMENTS	27/07/18
C	AMENDED HOUSE DESING FOLLOWING PLANNERS COMMENTS	20/07/18
B	HEIGHTS ADDED AT PLANNERS REQUEST	12/04/18
A	ALTERATIONS TO CLIENTS COMMENTS	05/04/18
status PLANNING		
drawing	18019 - P03 H	scale 1:100 & 1:200 (A1)
plotted		ref. KW
project	NEW HOUSE BLYTHFIELD COTTAGE BELLSQUARRY	
title	ELEVATIONS, SITE PLAN & 3D IMAGES	
slorach wood architects		
contact	The Station Master's Office, Dalmeny Station, South Queensferry, EH30 9JP. Tel: 0131 319 1260 Email: info@swa.uk.net Website: www.swa.uk.net	

30th August 2018

Planning Application

0740/FUL/18

Land at 1-2 Blythfield Cottages, EH54 9AF

I wish to object to the above planning application.

Trees/ Woodland Buffer

The latest planning application submitted states that trees are affected by the proposal however yet again they have failed to show the trees on the site plan. It is a planning requirement to show them, together with their canopy spread and the details of the proposed felling or lopping.

Yet again these omissions are a deliberate ploy to mislead on the part of the applicants, as the felling of all of the 44 trees is needed to facilitate the proposed house footprint which is indicated on the plan.

It is my understanding that large scale tree removal would require a Tree Survey together with Habitat Survey. Neither of these has been submitted.

This issue together with the continued failure to show site levels, distances to boundaries etc indicates a complete disregard to both the Planning Procedure and my rights. The continued, repeated failure to provide clear information on these issues is not a mistake. These issues are material issues and severely affect my ability to consider them in detail and comment / object on any issues that arise from them.

This tree removal is evident when you plot on the trees and their canopy spread onto the site plan. There are 44 mature trees along the perimeter within the proposed house plot, 13 fruit trees and 5 further trees within the plot. A large mature tree would also need to be felled beside the applicants home to allow the passage of drainage pipes and services to access the plot as the sewers are on Newpark Road.

The 44 mature trees along the two perimeters of the site were planted to form a visual amenity barrier and buffer between the Brucefield Industrial Park and the residential area of Newpark Road. The removal of these trees would result in a clear unobstructed view of the industrial units as this is the narrowest section of the woodland buffer along the entire length of the industrial park. Any trees within the remaining very narrow buffer out with the applicants ownership have their canopy of such a height, taller than those in the applicants garden, that they alone can provide no effective visual barrier.

I have a TPO on the adjoining woodland along Newpark Road, which to quote from it states that it was issued to "contribute greatly to the visual amenity, landscape value and biodiversity of the area".

Given that the trees within the applicants site directly joins my woodland and as such forms a woodland corridor, from the woods and the countryside to the south west of the town through to the Bellsquarry woods and beyond, I should be able to expect the same level of visual amenity, landscape value biodiversity from the applicants wooded area as I provide the community with from my protected woodland along a substantial section of Newpark Road.

Many species of wildlife use this woodland corridor. Deer are regularly seen passing along it The trees are a particularly good habitat for nesting and roosting birds and bats

Given the applicants stated aim to remove the trees and the evident need to remove them to achieve the positioning of the proposed house within the plot, his regular chopping, thinning and removal together with some fire damage of the trees within this area, there is an urgent need to protect them to avoid any further loss of amenity and habitat.

West Lothian Council Guidelines (SPG Single Plot and small scale infill residential development in urban areas).

This document states that Tandem development will not be supported because of the inherent problems of overlooking, noise disturbance, loss of amenity, cramming and the adverse impact on the general character of an area. Only in exceptional circumstances on large individual plots in excess of 0.4Ha / 1acre might it be possible. This proposed plot is not of this size. It is 0.11Ha / 1/4acre, therefore too small to be considered for development.

Planning Permission Refusal 0604/P/09

The above planning application was for a house in a very similar location, with the same neighbour issues further along Newpark Road.

Reasons given for Refusal No.3 and No.4 are totally applicable to this application and a precedent has been set with this decision.

This proposed site is to the rear of existing properties.

It had no direct street frontage

The plot is smaller than required to accommodate a house therefore requires the felling of 44 mature trees.

Proximity of this site to existing lawful employment uses will provide the proposed house with limited amenity and have a negative impact on the operation of existing lawful businesses that could become subject of complaint.

If the trees were removed this would increase way beyond the levels that were deemed to be unacceptable in the previous refusal as most of the windows of the proposed house face directly onto the factories. Similarly the two levels of windows in the two storey factory look directly onto the plot.

High powered lighting and vehicle movements which at the moment are buffered by the tree belt would provide unacceptably low levels of amenity, if the trees were removed , to any house within the plot and would have the same affect on my property.

Inappropriate development of this land negates the environmental benefit of the site to adjacent

Residential properties, where their amenity would be adversely affected through noise or nuisance within the close proximity of existing garden ground.

The above breach the following policies

Policy HOU4 Avoid town cramming of WLLP

Supplementary planning guidance single plot and small scale infill residential development in urban areas

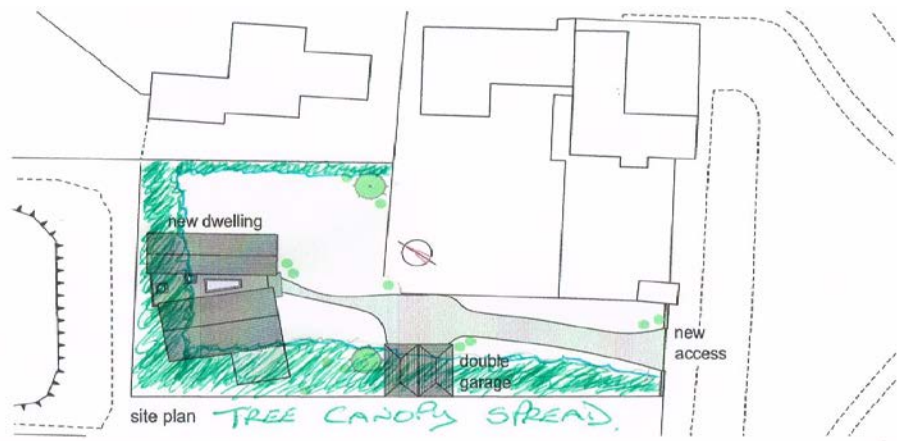
Policy HOU9 existing residential amenity of WLLP

This proposed house is in closer proximity to both residential housing and industrial units than the previous refusal for a house adjacent to 36 Newpark Road, with all the same constraints upon it and as I have previously stated a precedent was set with this refusal and the same should be applied to this application.

Although the new application 0740/FUL/18 is for a proposed house of with reduced mass compared with that in the previous application for the site 0307/FUL/18, the impact on the visual amenity of all the adjoining properties on each other by the proposed removal of the tree buffer between industrial estate and the residential area or Newpark Road has not reduced.

This tree removal would have an even greater impact on my visual amenity than the proposed house.

Not withstanding all of the above, you own guidelines in the Supplementary Planning Guidance regarding Tandem Development, should given the applications failure to meet any of the requirements result in a Refusal and hopefully put an end to this matter.



Yours faithfully

Neil Lind

46 Newpark Road

Bellsquarry

46 Newpark Road
Bellsquarry
Livingston
EH54 9AE

F.A.O Matthew Watson
Planning Application 0740/FUL/18

Response to letter from applicant's architect 14/09/18

I note from the letter that the architect is seeking to try to persuade you that the site is not tandem development. I assume this is tandem development as defined in your supplementary planning guidance. The proposal clearly is tandem development under the definition laid out without that document.

The letter suggests the site does not relate to Newpark Road as the access is not from this road. However, the applicant's house, 1-2 Blythfield Cottages, and its garden are most certainly on Newpark Road. The proposed house is completely behind my property at number 46. It does not follow the building line of any of the buildings that form Blythfield Cottages. Indeed it is located as far away from them as possible within the confines of the applicant's garden. This demonstrates that it is not infill but definitely in tandem with my property at 46 Newpark Road. The suggestion that the proposal completes the cluster of Blythfield is quite ridiculous.

The architect claims that this application will complement the area. How can "a development look as if it has been planned as part of the original" if you propose to clear fell the trees on two boundaries which form the screening between an industrial park and a residential area? The removal of this tree belt would result in the merging of two distinct zones. I do not see this as complementing the area. I also note that no tree or habitat surveys have been carried out. These would be required as the applicant has finally produced a plan showing the true extent of the tree removal. I am sure if this had been produced at the outset it would have resulted in more objections from the community and is a clear breach of the planning regulations.

The fact that the second application is for a smaller scale proposal is meaningless. The proposal still doesn't address the issue of finished floor levels. These would have to be raised in order to accommodate drainage into Newpark Road and as a result the house is going to be much higher in relation to my house than is indicated on the plans.

The new proposal still has the house 5 metres short of the 18 metres required for habitable window separation. The suggestion that I would not have a loss of privacy and that the house would be completely hidden from view is entirely false.

The architect professes that the garden to building ratio is 80:20. When you take the footprint of the house, garages, drives and garden ground retained by the applicant this figure is frankly nonsense. The ratio is nowhere near this figure.

The fact that this proposal is not accessed from Newpark Road but from a shared private road, resulting in an excessively long drive to the position of the house in the furthest away corner of the plot, only serves to highlight the fact that under your own definitions this is in tandem with my property. I expect the planning department to uphold their own guidelines and reject this application.

Yours sincerely,

Neil Lind

Jill Lind
46 Newpark Road
Bellsquarry
Livingston
EH54 9AE

FAO Matthew Watson,

Planning Application. 0740/FUL/18 Land in garden of 1-2 Blythfield Cottages, Bellsquarry.

This application for the creation of a 0.11Ha (1/4 acre) house plot from their existing garden ground using a neighbours driveway, behind the street line of existing houses, with no frontage onto an adopted road is clearly an attempt at Tandem Development. This type of development is not to be supported by the Planning Department unless, according to the SPG on Single plot and small infill in Urban areas, in “exceptional circumstance on a large plot in excess of 0.4Ha (1 acre) “ when all of the issues of separation, amenity etc may be overcome. For the reason of plot size alone, this application should be refused.

There are however many others.

The applicant's documents for this planning application do not include many mandatory submissions as listed in:

- **The Scottish Planning Circular 4:2009 Development Management Procedures - Annex D. Plans and Drawings**

The following have not been submitted:

- “The proposed development in relation to the site boundaries and other existing buildings on site, with written dimensions including those to the boundaries.”
- “Where a proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings and detail the position of the openings on each building.”
- “Include full information to demonstrate how proposed buildings relate to existing site levels and neighbouring development.”
- “Show existing site levels and finished floor levels (with levels related to a fixed datum point off site) and also show the proposals in relation to adjoining buildings.”

West Lothian Council's own Supplementary Planning Guidance - “Single Plot and small infill residential development in urban areas”

These planning guidelines state on page 15, that a number of supporting documents should be included “in addition to the conventional package of plans and elevational drawings”.

The following have not been submitted:

- A location plan, demonstrating the areas spatial character
 - **The plan omits the trees and hedges** bounding and within the application site, using a generic and highly misleading key instead.
- Site levels and cross sections
 - **There are no levels on any of the plans or finished floor levels.** The absence of these make the ‘artists impressions’ meaningless. This is clearly a manipulation of

reality intended to deceive. Especially given the fact that the plot is higher than my garden ground. No calculations can be made of FFL/ridge heights/over shadowing/overlooking without professional topographical survey and calculations. When will these be done? The architects plans state that they should not be scaled from and to use the figured dimensions but there are none. Why?

- A plan of all existing landscape features including a tree survey
 - **This has not been shown to be done as it is not on the planning website.** Indeed a simple look at the plot and the proposed house footprint show why not. There are some 44 trees and other fruit trees which would have to be removed to facilitate this planning application. Despite marking yes on the application form that trees are on the site will be affected the applicants have volunteered no details.
 - When will the applicant comply with his obligations?
 - The tree loss to house ratio of 44 :1 is scandalous.
 - On top of this these trees form the amenity barrier between the residential area of this group of houses and the commercial area in Cochrane Square, Brucefield. The Eurofins facility has two floors of fully glazed commercial space overlooking this proposed site. So no trees, no privacy for us or the new householder.
- Plot coverage calculations
 - **These have not been submitted**
 - This stated the need to have a 70:30 garden to building ratio. This is an extremely large house for the site. I would be very surprised if this proposal is anywhere near this ratio. Is this ratio met?
 - In addition an enclosed private garden should not “be overlooked by others, (however there would be overlooking of this garden space from the commercial unit and seven of our habitable rooms) suitable for sitting out, children’s play, drying of laundry” and “useable private garden ground is defined as being land under the exclusive control “of the householder “within the curtilage of the dwelling”. The applicant showed us the site plan which included him building a garage for himself taking access from the same drive as this proposed dwelling and into his remaining garden. If you look on their submission 18019-P03E, the siteplan the turn in the drive where it would enter his new garden remains. So this area cannot be guaranteed to be any part of the new dwelling exclusively or be used for the garden ratio calculations.
 - Page 9 of your guidelines states that useable private garden ground “should only include ground that has been adequately screened, to the rear and side of the property, and driveways and vehicle hard standings should be excluded from the calculation”. This should exceed 80sqm for a house with 3 bedrooms. Does it?
 - I have also noted that the supplementary planning guidelines state that “Proposals that arithmetically achieve the specified area of private garden ground, but only by aggregating and assortment of irregular pieces of land will not be deemed acceptable”. Using this method may be the only way they could contrive to meet the requirements.
 - As there are no boundary measurements submitted for this plot and it is not fenced off within Mr and Mrs Crombie’s garden, the actual size is a case of your guess is as good as mine. The only marker in there garden is one post.
- Landscape Proposals
 - No mandatory tree survey or any indication of tree works has been carried out.

- This is a requirement in WLC SPG spring 2015 Planning for Nature, Development Management and wildlife.
- When will this policy be observed as the site has a long established mature treebelt, hedges and wild flowers?
- The site also forms a wildlife corridor which would be lost if the application was approved.
- Overshadowing Calculations
 - **None submitted**
 - The proposed dwelling has two habitable rooms and one bathroom facing directly the rear elevation of my property on which has the windows for my seven habitable rooms and one bathroom which are on that elevation. I note on page 9 of your planning guidance states “the acceptable minimum distance between windows of habitable rooms that are directly facing each other is 18m ” and “the distance between buildings is an important factor that has consequences for over shadowing, privacy, daylighting and functionality”
 - The proposed dwelling is sited much closer to my property than this.
 - See diagram of site plan showing a line 18m from my rear elevation.
 - The guidance continues that “new development should not cause an unacceptable loss of privacy or day light to the habitable rooms of existing properties”. This is unavoidable given the size and proximity of the proposed dwelling.
 - “Proposals that would result in the loss of sunlight, leading to over shadowing for a significant part of the day or which would have visually intrusive impact will **also not be supported**”.
 - “It is an established planning principle that the greater part of any overshadowing caused by new building should be confined to the applicants own land”. This is not possible given the position and orientation of the proposal.
- Details of the eaves and ridge heights of adjacent properties
 - **Not submitted**

The applicant has not had the ground surveyed for levels so these have not formed a consideration in the design, nor the ground levels of the existing houses/factories.

What will be the consequence of the drainage plan on the finished floor levels and finished ridge heights, as the sewer is in Newpark Road and the fall required to travel that distance is likely to be high?

What is the significance of the two large gaps in the red site boundary line on the location plan?

Given all of the above required items not shown or submitted, it is inconceivable that any application of this type can be given the go-ahead. As such, neither you nor I can make informed decisions as to exact position, scale, daylight / overshadowing impact or floor levels of the proposal.

I am aghast that neither the applicant nor their agent takes the requirements of the planning process seriously and seems to think that they don't have to provide what the Scottish Government, the council and every other applicant is asked for as standard practice to validate and determine an application. Given that they also failed to provide them in the last application 0307/FUL/18 surely they should have been more prepared this time.

The footprint of this proposed house could easily have fitted behind the applicants own house and negated some of the material considerations I have highlighted. Instead they have chosen to locate it as a tandem development directly behind my home and sacrifice in excess of 44 trees.

Architectural drawings for a proposed house, including elevations and a site plan.

Elevations:

- South-west elevation:** Light grey render, natural slate, timber, residential entrance.
- South-east elevation:** Timber, residential entrance, natural slate, light grey render.
- North-east elevation:** Light grey render, natural slate, timber.
- North-west elevation:** Light grey render, natural slate, timber.

Long south-east elevation from site access: Double garage, white render, timber access gates, dwelling.

Internal 3D image: Shows the interior of the house, including a living room and a dining area.

Site plan: Shows the layout of the house, including the double garage, new dwelling, and new access. Dimensions are indicated: 18m, 18m, 18m.

Handwritten note: Diagram indicates distance of 18m from habitable room windows on each of the 3 segments of 46 Newpark Road and the fact that the proposed house is too close to conform.

Planimetric map: Shows the location of the house on 46 Newpark Road, near the NARROW WOODLAND STRIP and FACTORY CARPARK.

Table of specifications:

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	PLANIMETRIC	1	1:1000	100.00	100.00
2	180119 - P03 F	1	1:1000	100.00	100.00
3	NEW HOUSE	1	1:1000	100.00	100.00
4	ELEVATIONS, SITE PLAN & 3D IMAGES	1	1:1000	100.00	100.00
5	storage wood architraves	1	1:1000	100.00	100.00
6	The Green House Office	1	1:1000	100.00	100.00
7	180119 - P03 F	1	1:1000	100.00	100.00
8	180119 - P03 F	1	1:1000	100.00	100.00
9	180119 - P03 F	1	1:1000	100.00	100.00
10	180119 - P03 F	1	1:1000	100.00	100.00
11	180119 - P03 F	1	1:1000	100.00	100.00
12	180119 - P03 F	1	1:1000	100.00	100.00
13	180119 - P03 F	1	1:1000	100.00	100.00
14	180119 - P03 F	1	1:1000	100.00	100.00
15	180119 - P03 F	1	1:1000	100.00	100.00
16	180119 - P03 F	1	1:1000	100.00	100.00
17	180119 - P03 F	1	1:1000	100.00	100.00
18	180119 - P03 F	1	1:1000	100.00	100.00
19	180119 - P03 F	1	1:1000	100.00	100.00
20	180119 - P03 F	1	1:1000	100.00	100.00
21	180119 - P03 F	1	1:1000	100.00	100.00
22	180119 - P03 F	1	1:1000	100.00	100.00
23	180119 - P03 F	1	1:1000	100.00	100.00
24	180119 - P03 F	1	1:1000	100.00	100.00
25	180119 - P03 F	1	1:1000	100.00	100.00
26	180119 - P03 F	1	1:1000	100.00	100.00
27	180119 - P03 F	1	1:1000	100.00	100.00
28	180119 - P03 F	1	1:1000	100.00	100.00
29	180119 - P03 F	1	1:1000	100.00	100.00
30	180119 - P03 F	1	1:1000	100.00	100.00
31	180119 - P03 F	1	1:1000	100.00	100.00
32	180119 - P03 F	1	1:1000	100.00	100.00
33	180119 - P03 F	1	1:1000	100.00	100.00
34	180119 - P03 F	1	1:1000	100.00	100.00
35	180119 - P03 F	1	1:1000	100.00	100.00
36	180119 - P03 F	1	1:1000	100.00	100.00
37	180119 - P03 F	1	1:1000	100.00	100.00
38	180119 - P03 F	1	1:1000	100.00	100.00
39	180119 - P03 F	1	1:1000	100.00	100.00
40	180119 - P03 F	1	1:1000	100.00	100.00
41	180119 - P03 F	1	1:1000	100.00	100.00
42	180119 - P03 F	1	1:1000	100.00	100.00
43	180119 - P03 F	1	1:1000	100.00	100.00
44	180119 - P03 F	1	1:1000	100.00	100.00
45	180119 - P03 F	1	1:1000	100.00	100.00
46	180119 - P03 F	1	1:1000	100.	

Jill Lind

46 Newpark Road
Bellsquarry
Livingston
EH54 9AE

14th September 2018

FAO Matthew Watson

Planning application 0740/FUL/18

Land in Garden of 1-2 Blythfield, Cottages.

Comments on letter from applicant's architect dated 14/09/2018

The letter seeks to persuade that this is not a tandem development.

The council's own document which was adopted by West Lothian Council Executive on 25th June 2013 **Supplementary Planning Guidance - Single Plot and Small Scale infill residential development in urban areas (how to avoid town cramming)** states and is very specific about the requirement that an infill development site 'where it has no street frontage, has to have an INDEPENDENT vehicular access from an unadopted private driveway or road. This site does not and will not have this as the applicant and their agent both acknowledge that it is a shared access that is proposed, one that already used by 3-4 Blythfield alone for decades.

This sharing means it is not an infill development but a tandem development site as defined on page 6 of the above SPG.

A further point to support that this proposal is tandem development can be seen by the position of its footprint, directly behind 46 Newpark Road, which they try to spin as an advantage in that my house would shield the proposed house from the view of Newpark Road. As such, they are acknowledging that the proposed house would be situated in tandem with my house on Newpark Road. So, on one hand they seek to suggest it's not tandem development but then quote a benefit of the proposed house's location resulting from the tandem nature of the proposal. Further to this, the fact that the proposed house is behind my house and being crammed into a back garden of less than the 1 acre required by a tandem plot is the definition of town cramming and precisely the situation these guidelines were designed to prevent.

The examples of previous applications used by the agent are not valid.

The application for the bungalows on Newpark Road is from the 1980's and the application for Sandygate Cottage LIVE/0729/P/99 is from 1999 – hardly an example of current planning policy. What was considered to be in accordance with the Planning Regulations of 20-35 years ago is clearly not acceptable now and has been superseded by the above SPG.

Moreover, the bungalows are in the heart of the village, at the furthest end away from the application site. They were built in the 1980's, in a time when Bellsquarry was separate from Livingston and none of the houses along Bellsquarry South/Murieston/Bankton/Adambræ even existed.

Similarly, in 1999 when Sandygate Cottage, Murieston Road, at the end of what became Murieston Valley, got its permission, the whole suburb area of Murieston Valley barely existed as it was under construction; the whole area was one big building site. The context of these sites applications at the time of application has to be considered not just the fact that these houses now exist.

The Planning guidelines that allowed these approvals have long been superseded. Applications in 2018 are determined using the planning regulations and supplementary planning guidance that are current in 2018, utilising recent examples from these regulations if they have a precedent.

A recent example is 0604/P/09 which applies in this case. In that application, the issues were the same as this proposed site and the outcome was a refusal.

The applicant's agent talks about Blythfield as though it were a settlement (i.e. "completing the settlement") when in reality it is just 2 semidetached cottages and the proposed house is situated behind my home, as far as physically possible from Blythfield Cottages.

The agent in today's letter has still not addressed the issue of the requirement in the above SPG page 9, to have a minimum separation distance of 18m between windows of habitable rooms directly facing each other, as would clearly be the case here. The distance of 13m that they state does not meet the minimum that is needed to comply with the council's own planning guidelines.

Their letter also states that "there would be no impact of this house visually from any surrounding area so this house is completely hidden from view". This is untrue. The removal of all trees on the western boundary will make it clearly visible from the two storey units occupied by Eurofins at Cochrane Square, Brucefield . It would also not be hidden from our view as we over look it with the windows of 7 habitable rooms. If as they seek to persuade it is infill, it would be in view in an existing street. It is, however, not positioned like that but rather out of view behind another house - a tandem position.

More than once the letter talks of the dense existing landscaping which shields the plot and will shield the new house. This is the same landscaping that will be removed to allow the construction of the house - the landscaping they refer to will not be there to provide this amenity barrier.

There are a number of clear planning violations associated with this planning application. Claims from the agent that they have made attempts to fulfil such criteria are irrelevant – they have not been fulfilled. As such, it is plain and obvious that an approval cannot be granted.

Regards,

Jill Lind

46 Newpark Road
Bellsquarry
Livingston
EH54 9AE

14th September 2018

FAO Matthew Watson

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Regards,

Jill Lind

Comments for Planning Application 0740/FUL/18

Application Summary

Application Number: 0740/FUL/18

Address: Land At 1-2 Blythfield Cottages Newpark Road Bellsquarry Livingston West Lothian EH54 9AF

Proposal: Erection of a house and garage including formation of an access and associated works

Case Officer: Matthew Watson

Customer Details

Name: Dr Steven and Anne Haigh

Address: 3-4 Blythfield Cottages Bellsquarry Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We object to the proposed plan on 5 counts

1. Erection of new building on garden land = change of use

The site proposed is designated garden land

2. Environmental+failure to apply planning application regulations

The proposed plan requires removal of many trees including mature chestnut trees in the applicants garden.

The plan does not demonstrate that there is a willow tree in the far right corner of the garden at 3/4 Blythfield Cottages, which forms part of the specification of our house. We oppose this tree being damaged and environmental grounds and on grounds of privacy as it acts as a shield between the industrial estate and our garden.

The planning application states that any trees and canopy spread must be marked with an indication if any are to be cut back or felled. No landscape survey has been submitted and no mandatory tree survey or indication of tree works has been carried out. The applicant has already started cutting trees back.

The many trees on the perimeter of the proposed plot are not shown on the application and the applicant has stated an intention to fell many of these.

Council regulations on plot coverage state the need to have 70:30 garden to building ratio. It is doubtful this is met. In Jill Lind's application of 15 May 0307/FUL/18 she stated that the applicant had spoken of taking access from the same drive as the proposed dwelling for a garage for his own use such that this area cannot be guaranteed to be any part of the new dwelling exclusively or be used for the garden ratio.

3. The driveway which provides the only access to our property

The access to the proposed site is via the driveway which is the only access to our neighbouring property at 3/4 Blythfield Cotts. The road and transport consultation states that access is from a private road. We have had sole use of this private road (our driveway) and wholly maintained it for the past 27 years (and the previous occupant since prior to 1986) and object to the use of the driveway to create access to a new property.

Use of our driveway to enable construction of a new building would significantly impact on us (and our privacy) and would threaten to block the only access to our house at times.

4. Privacy

See 2+3 above. A new driveway immediately behind our back garden would also reduce our privacy.

The mature trees along the perimeters were planted to form a visual amenity barrier/buffer between the industrial area and our houses.

5. Precedent

Planning permission was previously refused for 36 Newpark Road (0604/P/09) with very similar constraints. This proposed house is closer in proximity to residential housing and industrial units. Further detail may be seen in Neil Lind's objection to 0307/FUL/18 of 4 May 2018.

3/4 Blythfield Cottages,
Bellsquarry,
Livingston,
EH54 9AF
07.12.18

Dear Ms Johnston,

Thank you for inviting us to respond to the Notice of Review concerning Application No 0740/FUL/18. We are pleased to hear that the Local Review Body will consider the comments we have previously submitted, as we do not believe that the attached Notice of Review negates any of those objections. We note that the agent (Ms Watson) states that there were 'a couple of objections', which is of course 100% of those with adjacent properties.

Ms Watson states that Mr and Mrs Crombie 'have no wish to move from a house that they have sympathetically restored and maintained..' yet Mr Crombie told us himself that he and his wife have always planned to sell the property with planning permission, and that they then intend to move in the near future. In other words, the application would largely impact on their neighbours and not themselves.

Ms Watson refers on several occasions to 1 and 2, and 3 and 4 Blythfield Cottages, to create the impression of a bigger complex. There are of course only 2 houses which are semi-detached. We are 3/4 Blythfield Cottages, and the Crombies are 1/2 Blythfield Cottages (though they have changed the name of their house to "Blythfield")

Ms Watson states that 'access would be provided via an existing garden access that is connected to Murieston Road by a private access road'. Please refer to our previous response regarding the driveway which provides the only access to our property. There has only been a useable garden access to Mr Crombie's property for approximately 3 years, since Mr Crombie installed a new gate and cleared the area behind our garden, which had for many years been used as his garden rubbish pile. This access has been used by Mr Crombie on no more than a handful of occasions in the last 27 years, throughout which time we have taken full responsibility for maintaining the private access road ie we have effectively had sole use. We agree with the Planner that any new house built on this site would not have true road frontage as the so called 'private access road' is not a road as such but is our driveway. Hence, we would also agree that the application is a backland development. The fact that the site can be 'wholly utilised without disruption to Newpark Road' simply emphasises that the siting and building of the applicant house would cause little or no disruption to the applicants but would be hugely disruptive to us.

With respect to the trees, whilst it is true that some are leylandii trees, they nevertheless form a valuable barrier which provides some privacy from the adjacent factories. There are also mature chestnut trees that would be destroyed, and we have referred previously to the willow tree at the right-hand corner of our garden, which still does not show on any plan, and which could well be damaged if these plans were to proceed.

With respect to our privacy, further to what has been stated before, we note that with each application/revision there is a movement of buildings ever closer to our property. The latest Notice of Review shows the double garage even closer to our back garden, with the access side of the garage now in direct view of the garden.

We note Ms Watson's invitation to the councillors to visit the site and we trust that if any such visit takes place you will properly consider the impact that the application would have on 3/4 Blythfield Cottages, and that you will uphold the previous decision to reject this application.

Yours sincerely,

Steve and Anne Haigh

Mr & Mrs Lind
46 Newpark Road
Bellsquarry
Livingston
EH54 9AE

Dear Sir / Madam,

Letter of Representation to the Local Review Body Regarding Application 0740/FUL/18

The applicant may have lived at this address for a long time, however at least 50% of the house is a new extension which they constructed soon after they bought the property. As such, the inference that they have been sympathetically restoring the property over this timeframe is fiction. The applicant told me outright that the house is now too large for them and that they would be looking to move and downsize, but first want to maximise the amount of revenue they can get out of the property by trying to get planning permission for a site in the garden before they sell up. I hope this cynical use of a sob story is not given any credence. This planning application is purely for financial gain with no concern or consideration for the neighbouring properties, the amenity of the occupants of the proposed property or the general characteristics of the surrounding area.

I agree with the planners that the proposed plot is clearly backland development and, whilst it may not strictly be tandem development to my property at 46 Newpark Road due to its access arrangement in principle, it is clearly in tandem with my property in reality. If you apply the definition strictly, the proposal is clearly in "tandem" with 3&4 Blythfield Cottages as they sit at 90° to Newpark Road and the proposed plot would take its entry off the access drive to the cottages.

The applicant wants this proposal to be regarded as infill development. The council's own document states, and is very specific about, the requirement that when an infill development site "does not have a direct street main frontage they invariably have an INDEPENDENT vehicular access from the side or rear in the form of an unadopted private driveway or road". Under the definitions in your own SPG, for a plot to be considered as infill it needs to have an independent access, not a shared access as is clearly the case here. Infill development is described by the SPG as filling a gap in a street-line between two existing properties. The proposed site is situated far from the street and as far from the sightline of the applicant's existing house as possible, with no regard for the overlooking issues or the linear nature of the existing dwellings in Bellsquarry. As such it cannot reasonably be considered as infill development, but rather backland development as the planners observed.

The proposal would require the removal of in excess of 40 mature trees which were planted to provide an amenity screen between the industrial park behind the plot, which it shares two boundaries with, and the residential area along Newpark Road. The area of garden ground which this proposed plot relates to was sold to the previous owner of 1&2 Blythfield Cottages at the time of the development of the industrial park to provide a buffer to the existing houses and was sold with the burden upon it that it was to remain only as garden ground. The proposal is not possible without the removal of all of these trees and would leave a very sparse tree belt in place of the effective screen provided by the dense cover and high canopies of the existing strip of woodland.

The examples of previous historic applications used by the agent are not valid. Neither is an example of current planning policy - the bungalows were built in the 1980's and Sandygate Cottage was from 1999. The planning guidelines that allowed these approvals were long ago superseded. Applications in 2018 are determined using the planning regulations and SPG that are currently applicable. Neither of these mirror the proposal under review as the both have direct access to road frontage rather than requiring access via another home's shared private drive.

An application that is comparable is 0604/P/09 - Planning Permission in Principle for the erection of a house in land adjacent to 36 Newpark Road. As you can see from the Location Plan and the extract from the Livingston Town Plan (Figures 1 and 2, overleaf) this site was also along a shared drive off Newpark Road. It was also to be off the street frontage and out of line with existing homes and shared a boundary with Brucefield Industry Park. It was refused by the planning committee. The planner stated in his refusal notice for 0604/P/09 the following:

"The proposed development site is considered to be 'tandem' development, being land to the rear of existing residential properties, where a shared access will be required to access the site from the public road and the proposals offer no street frontage. The plot size is also smaller than that required for this type of development, resulting in unacceptable town cramming. This, in conjunction with the proximity of the site to existing lawful employment uses, is likely to provide any new house with limited amenity. The development is therefore contrary to the following policies and guidance which seek to avoid town cramming:

- Policy HOU4 (Avoiding Town Cramming) of the WLLP
- Supplementary Planning Guidance, a Single Plot and Small Scale Infill Residential Development In Urban Areas"

It subsequently was appealed to the Scottish Government. The reporter upheld the refusal.

The site under review has these exact same issues and its refusal should be upheld.

The applicant states that they have now shown a 9m back garden between the proposed house and 46 Newpark Road. If this is to be the back garden, then I assume it is deemed to be the rear elevation. Accordingly, the SPG states on page 7 that the rear to rear distance between buildings is 18m not 12m. Again, we state that on page 8 of the SPG "the acceptable minimum distance between windows of habitable rooms that are directly facing each other is 18m". No mention is made of which elevation it is, if the rooms are habitable and facing it must be a minimum of 18m. The proposed house is 6m too close to be acceptable to the council's own SPG.

The applicant is also trying to introduce a revised driveway/garage layout at this stage. This is supposed to be a review of the current refused application not a decision on a new one. This change is clearly inadmissible for you review as this would require a new application.

We would request that you uphold the refusal decision made by the development manager and abide by the council's own planning standards.

Yours faithfully,

Neil and Jill Lind

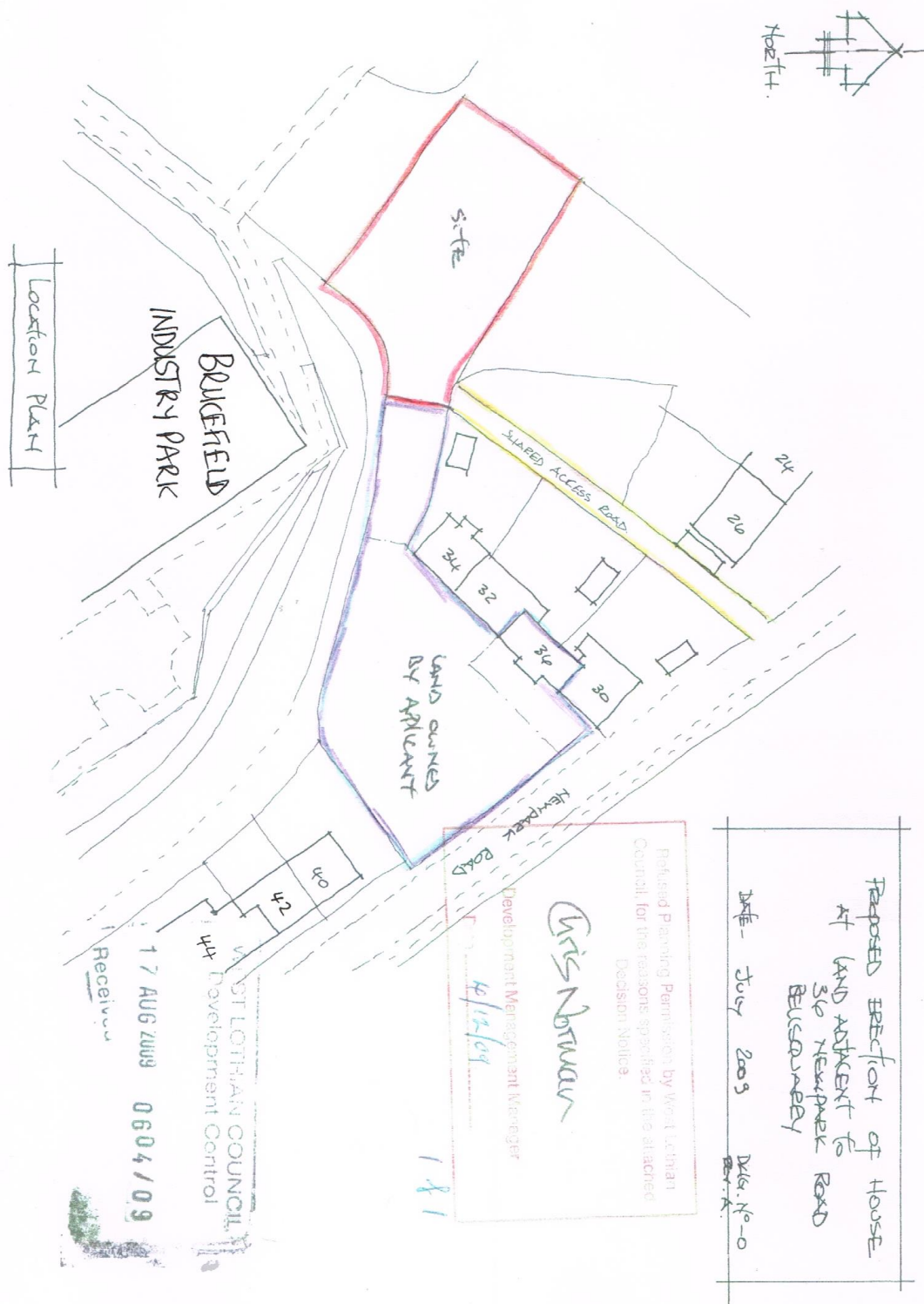


Figure 1: Location Plan of refused application 0604/P/09.

West Lothian Local Development Plan 2018:

KEY

Countryside

- ▲ Nature Reserves
- Protected Right of Way/Core Path
- Proposed Strategic Route
- Land to West Suitable for Very Low Density Housing
- Site of Special Scientific Interest (SSSI)
- Special Area of Conservation (SAC)
- Special Protection Area (SPA)
- Special Landscape Area (SLA)
- Countryside Belt
- Land Safeguarded for Open Space
- Local Biodiversity Sites (LBS)
- Local Geodiversity Sites (LGS)

Heritage

- ★ Scheduled Monument
- Royal Park and Peel
- Designed Gardens and Landscapes
- Battlefields
- Conservation Area
- Area of Special Control
- Development Restrictions (The Rigs)

Employment

- Employment Sites
- Employment Area Boundary

Housing

- Housing Allocation
- Lowland Croft Area
- Settlement Boundary

Town Centre

- Town Centre
- Local Neighbourhood Centre
- Commercial Centre
- Mixed Use

Miscellaneous

- ◆ Proposal
- Proposal
- Pipeline
- Core Development Area
- Cemetery Use
- Search Area for Opencasting
- Licence Area for Petroleum Exploration and Development
- Waste Management Site

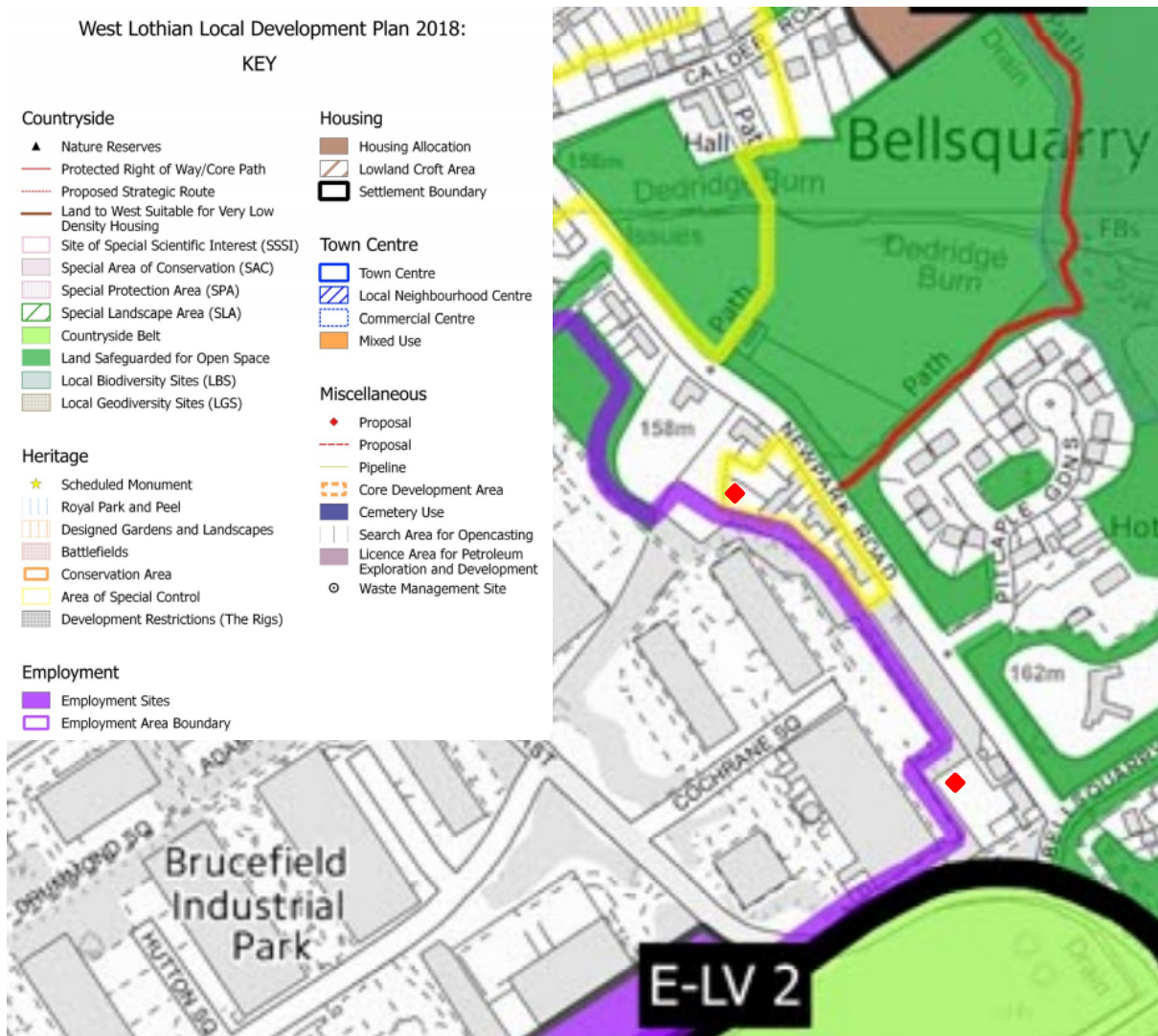


Figure 2: Extract from Livingston Town Plan showing the refused sites at 36 Newpark Road and 1&2 Blythfield Cottages (red diamonds) and highlighting their comparable locations on the boundary of Brucefield Industrial Park.

West Lothian Council
Local Review Body
Committee Services
West Lothian Civic Centre
HOWDEN SOUTH ROAD
Livingston
EH54 6FF

19 December 2018
18019 / 3.1 / CL171218-26

FAO Val Johnston

Dear Sirs,

Blythfield Cott, Bellsquarry
Ref: 0740/FUL/18

We write further to your email dated 13th December 2018 which enclosed Further Representation with regards to the above Notice of Review.

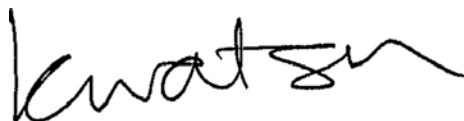
We wished to respond to one item within the correspondence, regarding the access to the Applicants site.

Mr & Mrs Haigh have suggested that the access road adjacent to their house is their driveway. As stated in our drawings and correspondence to date, this is a shared private access road that was historically adopted by the properties of Blythfield Cottages during the construction of the current road.

Perhaps Mr & Mrs Haigh have treated the shared access road as their driveway, however the Applicant has as much right to utilise that shared access road as Mr & Mrs Haigh.

We appreciate that this may be considered a civil matter but we wanted to clarify this item to avoid any misunderstanding during the Notice of Review.

Yours faithfully,



Kirsty Watson
For
Slorach Wood Architects

slorach wood architects Ltd.

The Station Master's Office
Dalmeny Station
South Queensferry
EH30 9JP
Tel. 0131 319 1260

directors

Walter Wood Dip Arch RIAS RIBA
Sarah Q Brown Dip Arch RIAS RIBA
consultant
Caroline Slorach Dip Arch RIAS RIBA



0740/FUL/18 Draft Conditions

This permission is granted subject to the following conditions:

(1) Before work begins a tree survey shall be submitted to the Planning Authority which clearly shows all trees on the application site and identifies any trees which will be affected by the proposed development. Any tree which has to be felled as a result of the development shall be replaced by a tree of the same species, or a different species if agreed with the Planning Authority, in a location to be agreed with the Planning Authority.

Reason: In the interest of visual amenity.

(2) 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.

Reason: In the interest of residential amenity

(3) Before work begins on site the developer shall provide a drainage layout drawing for consideration. The layout drawing must include measures to treat and attenuate surface runoff from the proposed development. The approved drainage scheme shall be implemented prior to the occupation of the house hereby approved.

Reason: In order to ensure that the development does not give rise to problems of flooding on any adjacent properties.

(4) Before work begins on site the developer must demonstrate, to the satisfaction of the Planning Authority, that the privacy of existing residents in adjacent dwellings, and the future residents of the house hereby approved, will not be compromised.

Reason: In the interest of residential amenity

(5) Before work begins on site full details of the materials proposed for the driveway and all boundary treatments shall be submitted for the written approval of the Planning Authority.

Reason: In order to allow consideration of these matters not submitted, in the interest of residential amenity.

(6) No extensions or additions to the house or garage hereby approved shall be permitted without first applying for, and receiving, planning permission.

Reason: In the interest of residential amenity.

Standard Notes:

Please read the following notes carefully as they contain additional information which is of relevance to your development.

Statutory time period for the commencement of development

This planning permission lapses on the expiration of a period of 3 years (beginning with the date on which the permission is granted) unless the development to which the permission relates is begun before that expiration.

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. Failure to provide the above information may lead to enforcement action being taken.

A form which can be used for this purpose can be found using the following link:

<http://www.westlothian.gov.uk/media/2572/Form-Notice-of-initiation-to-development/pdf/FormNotificationInitiationofDevelopment-Feb2015.pdf>

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. A form which can be used for this purpose can be found using the following link:

<http://www.westlothian.gov.uk/media/2579/Form-Notice-of-completion-of-development/pdf/FormNotificationcompletionDevelopment-Feb2015.pdf> .

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

<http://www.westlothian.gov.uk/article/2220/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.

How to challenge the council's Decision

If your application was determined under delegated powers 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. If the application was heard at a committee, related to an advertisement consent or a listed building application, then you can seek an appeal of that decision to the Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review, or to appeal, here: <http://www.westlothian.gov.uk/article/2078/Decisions-Reviews-and-Appeals>

WEST LOTHIAN COUNCIL LOCAL REVIEW BODY

MEMBERS' CHECKLIST

PART 1 – DOCUMENTS, POLICIES AND OTHER CONSIDERATIONS

1	Type of review, review documents, procedural problems, new matters raised, draft conditions and developer agreements
2	Development plan policies and national and local planning guidance
3	Relevant material considerations drawn from the review documents
4	Factual disputes to be resolved

PART 2 – FIRST MEETING

1	National guidance on review cases and applicant's preferences for procedures
2	Additional Information needed and why
3	How to get it – site visit, written submissions, Hearing Session
4	Sufficient information to determine the application?

PART 3 – ADJOURNED FIRST MEETING

1	Completion of procedures decided on at first meeting
2	Additional information needed and why
3	How to get it
4	Sufficient information to determine the application?

PART 4 – DETERMINATION

1	Assess against each development plan policy - conform or breach?
2	Decide as per development plan unless justified by material considerations
3	In applying the statutory test, what is the decision?
4	Provide planning reasons for decision letter and minute