



Development Management Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

4 December 2019

A meeting of the **Development Management Committee** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston** on **Wednesday 11 December 2019 at 10:00am**.

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, declarations of interest in any urgent business and consideration of reports for information.

The Chair will invite members to identify any such reports they wish to have fully considered, which failing they will be taken as read and their recommendations approved.

4. Confirm Draft Minutes of Meeting of Development Management Committee held on Wednesday 13 November 2019 (herewith)

Public Items for Decision

5. Application No.0848/FUL/19 - Erection of 48 houses at Hartwood Road, West Calder (herewith)
6. Application No.0918/MS/19 - Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton

Road from Oversheil to Nethersheil (in retrospect) at Calderwood, East Calder (herewith)

7. Application No.0954/FUL/19 - Erection of retaining wall at land adjacent to Clarendon House, Linlithgow (herewith)
8. Application No.0956/FUL/19 - Change of use of open space to private garden ground and erection of timber boundary fence (in retrospect) (as amended) at 28 Oldwood Place, Eilburn, Livingston (herewith)
9. Application No.1057/FUL/19 - Erection of house with detached garage at Whauphill House, Hermand Estate, West Calder (herewith)

Public Items for Information

10. Consider list of delegated decisions on planning applications and enforcement actions for 8 November to 29 November 2019 (herewith)
11. Appeals :-
 - (a) ENF/0220/19 - Old Breich Inn, Breich Crossroad - appeal submitted against enforcement action
 - (b) Application No.0514/FUL/19, 45 Longpark Place, Eilburn - Appeal submitted to DPEA
 - (c) Application No.0538/FUL/18 - Cairnview Mains Farm, West Calder - Appeal submitted to DPEA
 - (d) Application No.0412/FUL/19 - 35-37 Main Street, Winchburgh - appeal submitted to DPEA
 - (e) ENF/0207/19 - Angels Nail Bar, 212 High Street, Linlithgow - appeal submitted against enforcement action

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

CODE OF CONDUCT AND DECLARATIONS OF INTEREST

This form is to help members. It is not a substitute for declaring interests at the meeting.

Members should look at every item and consider if they have an interest. If members have an interest they must consider if they have to declare it. If members declare an interest they must consider if they have to withdraw.

NAME	MEETING	DATE

AGENDA ITEM NO.	FINANCIAL (F) OR NON- FINANCIAL INTEREST (NF)	DETAIL ON THE REASON FOR YOUR DECLARATION (e.g. I am Chairperson of the Association)	REMAIN OR WITHDRAW

The objective test is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.

Other key terminology appears on the reverse.

If you require assistance, please ask as early as possible. Contact Julie Whitelaw, Monitoring Officer, 01506 281626, julie.whitelaw@westlothian.gov.uk, James Millar, Governance Manager, 01506 281695, james.millar@westlothian.gov.uk, Carol Johnston, Chief Solicitor, 01506 281626, carol.johnston@westlothian.gov.uk, Committee Services Team, 01506 281604, 01506 281621, committee.services@westlothian.gov.uk

SUMMARY OF KEY TERMINOLOGY FROM REVISED CODE

The objective test

“...whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor”

The General Exclusions

- As a council tax payer or rate payer or in relation to the council's public services which are offered to the public generally, as a recipient or non-recipient of those services
- In relation to setting the council tax.
- In relation to matters affecting councillors' remuneration, allowances, expenses, support services and pension.
- As a council house tenant, unless the matter is solely or mainly about your own tenancy, or you are in arrears of rent.

Particular Dispensations

- As a member of an outside body, either appointed by the council or later approved by the council
- Specific dispensation granted by Standards Commission
- Applies to positions on certain other public bodies (IJB, SEStran, City Region Deal)
- Allows participation, usually requires declaration but not always
- Does not apply to quasi-judicial or regulatory business

The Specific Exclusions

- As a member of an outside body, either appointed by the council or later approved by the council
- The position must be registered by you
- Not all outside bodies are covered and you should take advice if you are in any doubt.
- Allows participation, always requires declaration
- Does not apply to quasi-judicial or regulatory business

Categories of “other persons” for financial and non-financial interests of other people

- Spouse, a civil partner or a cohabitee
- Close relative, close friend or close associate
- Employer or a partner in a firm
- A body (or subsidiary or parent of a body) in which you are a remunerated member or director
- Someone from whom you have received a registrable gift or registrable hospitality
- Someone from whom you have received registrable election expenses

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 13 NOVEMBER 2019.

Present – Councillors Charles Kennedy (Chair), Tom Kerr, Stuart Borrowman, Pauline Clark, Lawrence Fitzpatrick, George Paul and David Tait

Apologies – Councillors William Boyle and Harry Cartmill

1. DECLARATIONS OF INTEREST

- 1) Agenda Item 5 (Application No.0927/FUL/18 – Erection of 18 houses at land at south east of Tarbert Drive, Murieston, Livingston) – Councillor Lawrence Fitzpatrick declared a non-financial interest in that he was a council appointed member of the West of Scotland Archaeology Service, who were a statutory consultee on the application, but would participate in the item of business;
- 2) Agenda Item 5 (Application No.0927/FUL/18 – Erection of 18 houses at land at south east of Tarbert Drive, Murieston, Livingston) – Councillor Stuart Borrowman declared an interest in that he had met with the applicant but as he had not stated a position on the application he would participate in the item of business; and
- 3) Agenda Item 5 (Application No.0927/FUL/18 – Erection of 18 houses at land at south east of Tarbert Drive, Murieston, Livingston) – Councillor David Tait declared an interest in that he had attended a presentation on the application but as he had not stated a position on it he would participate in the item of business.

2. MINUTE

The committee approved the Minute of its meeting held on 16 October 2019. The Minute was thereafter signed by the Chair.

3. APPLICATION NO.0927/FUL/18

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0927/FUL/18	Erection of 18 houses with associated infrastructure and landscaping (as amended) at land to	Grant planning permission, subject to conditions and a legal agreement to secure developer

south east of Tarbert contributions.
Drive, Murieston,
Livingston

The committee then heard from local residents Ms Annie Dryden, Ms Clare O'Lone, Ms Gillian de Felice, Mr Calum Whitelaw, Ms Dionne Lemmer, Mr Christopher Dryden (on behalf of Mr Karl Beagley), Mr Davidson McQuarrie (on behalf of Ms Carol Hallesy, Ms Aileen Brown, Mr Stuart Brown and Ms Marie Hudson) and Mr Ian Brown from Murieston Community Council all speak in support of their objections to the application.

The committee also heard from Ms Moira Shemilt, who prior to addressing committee, declared that whilst she was objecting to the application as a private resident she was also an elected member of West Lothian Council.

The committee then heard from Mr Fraser Lynne, the applicant, speak in support of the application. The committee noted that Mr Lynne was accompanied by Mr Jason Steele who did not wish to address committee but was available to answer any questions.

Motion

To refuse planning permission as there would be a loss of woodland that was protected by a Tree Preservation Order, a loss of residential amenity and the weight of concerns from local residents against the development.

- Moved by Councillor Stuart Borrowman and seconded by Councillor Lawrence Fitzpatrick

Amendment

To approve the terms of the report and grant planning permission.

- Moved by Councillor Tom Kerr and seconded by Councillor Charles Kennedy

A roll call vote was taken. The result was as follows :-

Motion

Stuart Borrowman
Pauline Clark
Lawrence Fitzpatrick
George Paul

Amendment

Charles Kennedy
Tom Kerr
David Tait

Decision

Following a vote, the motion was successful by 4 votes to 3 and it was agreed accordingly.

Councillors Stuart Borrowman and George Paul took no further part in the remaining items of business.

4. APPLICATION NO.0864/FUL/19

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0864/FUL/19	Erection of house, garage and associated works at The Paddock, Leyden Road, Kirknewton	Refuse planning permission

The committee then heard the applicant's agent, Mr Euan Robertson, speak in support of the application.

The committee noted that whilst the applicant, Mr Crombie, was in attendance at the meeting he did not wish to address committee.

Decision

To approve the terms of the report and refuse planning permission.

5. APPLICATION NO.0918/MS/19

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0918/MS/19	Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethersheil (in retrospect) at Calderwood, East Calder	Approve subject to conditions.

The committee then heard the applicant's representative, Mr Ray Kirk, speak in support of the application.

The committee then heard from local resident, Mr Paul Martin, speak in support of his objections to the proposal.

Decision

To continue the application for one cycle so all the members of the committee could participate in a site visit.

6. LIST OF DELEGATED DECISIONS

The Head of Planning, Economic Development and Regeneration had delegated powers to issue decisions on planning applications and enforcement action.

A list (copies of which had been circulated) of delegated and enforcement action for the period 11 October to 1 November 2019 was submitted for the information of the committee.

Decision

To note the list of delegated decisions.

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Erection of 48 houses at Hartwood Road, West Calder.

2 DETAILS

Reference no.	0848/FUL/19	Owner of site	Firm of James T Walker
Applicant	Persimmon Homes East Scotland	Ward & local members	Fauldhouse and the Breich Valley Councillor Pauline Clark Councillor David Dodds Councillor Cathy Muldoon
Case officer	Mahlon Fautua	Contact details	01506 282426 mahlon.fautua@westlothian.gov.uk

Reason for referral to Development Management Committee: More than 15 objections received and an objection from West Calder & Harburn Community Council.

3 RECOMMENDATION

Grant planning permission, subject to conditions and a legal agreement to secure developer contributions.

4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning permission is sought for the erection of 48 houses at Hartwood Road, West Calder. The application site is greenfield land located between Hartwood Road and Burngrange Park and is 1.55 hectares in area.
- 4.2 Residential development on Hartwood Road bounds the site to the north and to the south is the settlement boundary with countryside beyond.
- 4.3 The proposed residential development is provided through a simple crescent-road layout with two junctions onto Hartwood Road. The proposed houses are a mix of terraced, semi-detached and detached dwellings. The design includes houses fronting onto Hartwood Road with individual driveways on to the road.
- 4.4 A sustainable drainage (SuDS) basin is proposed in the south western corner of the site.

Application History

4.4 0554/91 - Erection of 3 houses with associated works. Withdrawn

4.5 0161/94 - Erection of a house. Refused 19/4/94 (Part of site)

5. REPRESENTATIONS

5.1 The application was subject of statutory publicity and 112 objections were received including an objection from West Calder & Harburn Community Council. Given the number of objections, the full representations are not attached to the report. The representations are available to view in the online case file.

5.2 This is a brief summary of the representations received.

Objecting Comments	Response
<p>Traffic impact</p> <ul style="list-style-type: none"> • Increase in traffic would cause congestion at Junction at Glebe Road and Kirkgate. • Speed of traffic • Road safety 	<p>A transport assessment has been submitted with the application and has been reviewed by WLC Roads & Transportation.</p> <p>This is assessed in section 7 below.</p>
Impact on local infrastructure – Health centre, Schools, cemetery provision etc.	This is assessed below.
Concerns of flooding and drainage.	<p>A flood risk assessment and drainage statement have been submitted with the application and has been reviewed by WLC Flood Risk Management.</p> <p>This is assessed in section 7 below.</p>
Ground stability/subsidence from former mining activities.	<p>With respect to coal mining, the site is located in a development low risk area. Nonetheless, in response to these concerns raised in the objections, the applicant undertook a phase 2 intrusive site investigation which concludes that the former mine workings are at such depth not to pose a risk to site stability.</p> <p>This is assessed further in section 7 below.</p>
Development of the site would result in further encroachment on the open aspect and rural character of the southern part of the village.	<p>The site is allocated for housing in the West Lothian Local Development Plan.</p> <p>This is assessed in section 7 below.</p>
Contrary to the site allocation capacity of 25 homes	This is assessed in section 7 below.
Impact on Amenity	This is assessed in section 7 below.

6. CONSULTATIONS

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

Consultee	Objection	Comments	Planning Response
WLC Roads & Transportation	No	<p>Subject to the following conditions:</p> <ul style="list-style-type: none"> • The costs for promoting a traffic regulation order for extending the double yellow lines on Kirkgate near A71 junction shall be paid by the developer. • Speed limit signs to be relocated to south side of the development and shall relate to extension of street lighting. • Street lighting locations within the site shall be adopted on 2 metre by 1 metre plinths. • Traffic calming in the form of road narrow points with appropriate signs and road markings to be provided at the following points:- <ul style="list-style-type: none"> • East side of Hartwood Road opposite plot 48. • West side of Hartwood Road in front of plot 8. • East side of Hartwood Road between No. 32 & 34 existing. 	Noted. In the event that this planning permission is granted, then conditions to this effect will require to be attached to any planning permission.
WLC Education Planning	No	<p>The proposed development is a site identified within the audit or within the adopted or emerging development plans and plans are in place to meet this demand. Education would not register an objection to this application provided contributions are made. These contributions are targeted at relieving existing or forecast school capacity constraints and represent a proportionate contribution for the size of development suggested.</p> <p>The site will require to contribute to the following should it gain consent.</p> <ul style="list-style-type: none"> • Non-Denominational Primary – West Calder Primary School • Denominational Primary – St Mary's (Polbeth) • Denominational Secondary – West Lothian wide. 	Noted. In the event that this planning permission is granted, the relevant contributions will need to be secured.

Consultee	Objection	Comments	Planning Response
WLC Environmental Health	No	If the application is granted, it is recommended that conditions are attached in relation to: <ul style="list-style-type: none"> Controlling construction noise Electric vehicle charging Residential drainage 	Noted.
SEPA	No	The outputs of the flooding model have identified that a small section of the site has been identified as being at flood risk, where peak water levels are estimated to reach a depth of 180.4m AOD. SEPA agree that a conservative approach has been implemented and it is evident that there are no units proposed within this area of flood risk (Figure 12). The proposed Finished Floor Level (FFL) of the proposed units near the flood extent are also significantly above the design flood level.	Noted
WLC Flood Risk Management	No	Initially sought clarification on the flood risk assessment, location of culvert, SuDs pond adoption and sensitivity analysis. Upon the submission of further information, the outstanding matters were clarified and accepted.	Noted.
Contaminated Land Officer	No	No elevated levels of either toxic or phytotoxic contaminants were detected and agrees with the applicant's assessment that the overall risk to human health and plant life is considered to be low.	Noted. However, further testing is recommended. Therefore in the event that this planning permission is granted, it is recommended that a condition be included requirement these further tests.
WOSAS	No	No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation.	Noted.

7. ASSESSMENT

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 7.2 The development plan comprises the Strategic Development Plan for South East Scotland (SESplan) and the West Lothian Local Development Plan, 2018.

7.3 The relevant development plan policies are listed below:

Policy	Policy Summary	Assessment	Conform
West Lothian Local Development Plan, 2018 (LDP) Policy HOU 1 – Allocated Housing Sites	This policy states that residential development on sites allocated for housing is supported in principle.	The proposal is for housing and is therefore acceptable in principle. The LDP lists the site as having an indicative capacity of 25 houses. The application proposes 48 houses. This is acceptable for the reasons set out in the 'Principle of Development' section below.	Yes
West Lothian Local Development Plan, 2018 (LDP) Policy DES 1 – Design principles	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.	The scale and form of the proposed development does take account of and integrates with the local context and built form. See further assessment in 'Design Principles' section below	Yes
West Lothian Local Development Plan, 2018 (LDP) Policy TRAN 1 – Transport Infrastructure	Development will only be permitted where transport impacts are acceptable.	WLC Roads & Transportation has not objected to the number of houses proposed on grounds of traffic impact. However, should the application be granted, Roads & Transportation recommend a number of conditions listed in paragraph 6.1 above.	Yes, subject to conditions
West Lothian Local Development Plan, 2018 (LDP) Policy INF 1 - Infrastructure Provision and Developer Obligations	The council will seek developer obligations in accordance with Scottish Government guidance to mitigate the development's individual or cumulative impacts upon infrastructure, including cross-boundary impacts. Any such obligations will be concluded prior to the issue of planning permission.	The proposal does not raise any infrastructure capacity concerns. Nonetheless, developer contributions would be necessary to be secured for each unit in line with LDP policy should permission be granted.	Yes, subject to the relevant planning obligations being secured.

Policy	Policy Summary	Assessment	Conform
West Lothian Local Development Plan, 2018 (LDP) EMG 2 – Flooding	When considering proposals for development, the council will adopt a precautionary approach to the flood risk from all sources.	A Flood Risk Assessment has been submitted with the application and assessed as satisfactory by SEPA and the council's flood prevention officer. Appropriate mitigation and design measures can be implemented to ensure that neither the site nor the surrounding properties are affected by flooding. See further assessment in 'Flooding' section below	Yes
West Lothian Local Development Plan, 2018 (LDP) EMG 3 – Sustainable Drainage	Developers may be required to submit a Drainage Impact Assessment (DIA) to ensure that surface water flows are properly taken into account in the design of a development.	A drainage assessment has been submitted with the application. Treatment and attenuation is proposed through a SUDS basin.	Yes
West Lothian Local Development Plan, 2018 (LDP) EMG 6 – Vacant, Derelict and Contaminated Land	Where it is suspected by the council that a development site may be contaminated, the developer will be required to undertake a site investigation.	A site investigation has been submitted with the application which concludes that the overall risk to human health is considered to be low. No gas remediation measures are necessary.	Yes
West Lothian Local Development Plan, 2018 (LDP) NRG 1a – Low and Zero Carbon Generating Technology	At least 10% of the current carbon emission reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies.	The proposal involves low and zero-carbon generating technologies. This is set out in the design and access statement and accepted. This detail would be also approved in any building warrant application.	Yes

7.4 The determining issues for consideration in relation to this application are set out below:

Principle of Development – Site Allocation

7.5 Policy HOU 1 of the LDP states that 'sites listed in Appendix 2 of the Plan and shown on the Proposals Map are allocated as housing sites which contribute to meeting the LDP housing land requirements' and that 'Development of housing on these sites will be supported in principle'.

- 7.6 The application site is allocated for housing development in the LDP Proposals Map as site H-WC 4. Appendix 2 of the LDP lists the application site as having an indicative capacity for 25 units.
- 7.7 This application proposes the erection of 48 houses. The capacity stated in Appendix 2 of the LDP is indicative and does not prevent development for larger or smaller numbers of houses coming forward. The application site is situated in a sustainable location, close to existing services, is of a density that is similar to surrounding housing developments and makes best use of urban land.
- 7.8 In accordance with the council's Supplementary Statutory Guidance – Residential Development Guide, the proposed development would be deemed to be medium density.
- 7.9 WLC Roads & Transportation has not objected to the number of houses proposed on grounds of traffic impact.
- 7.10 The increase from the notional 25 house capacity in the LDP to the 48 houses proposed in this application is considered to be acceptable in view of the above.
- 7.11 The suitability of the site for housing has been assessed in detail through the LDP examination process and the principle of housing development has been established on this site. Therefore the principle of housing development on the application site is acceptable and the proposal is compliant with policy HOU 1.

Design Principles

- 7.12 Policy DES 1 (Design Principles) of the LDP requires that all development proposals take account of and be integrated with the local context and built form.
- 7.13 The proposed development is deemed to be medium density in accordance with the Supplementary Guidance – Residential Development Guide. The surrounding area is varied in terms of its age and density and has a mix of bungalows and two-storey dwellings. The proposed development is generally consistent with the surrounding housing density and would not be incongruous to the development to the east and west of the site. Therefore it is considered that the proposed development would be of a scale that would not be detrimental to the local context and built form.
- 7.14 The proposed internal layout has been designed to consider designing streets principles with the use of shared surfaces.
- 7.15 In terms of assessing the proposals against the criteria of policy DES 1, the following is relevant:
- a. As set out above, it is considered that there would be no adverse impact as a result of scale, massing and layout. In terms of amenity, the proposed development complies with setback distances prescribed in the Residential Development Guide in order to avoid any adverse privacy impact.
 - b. The site is not within a designated special landscaped area or conservation area. Nonetheless, the applicant has submitted an extended Phase 1 Habitat Survey which does not raise any concerns in relation to protected species and other wildlife.

- c. The application site is within a 5 minute walk to Main Street, which is serviced by local and regional bus services. The site is also approximately half a mile to the West Calder train station.
- d. The site is adjacent to a local park and it is proposed to have pedestrian access through to the park to ensure that the open space would be integrated into the proposed development
- e. The proposal involves low and zero-carbon generating technologies. This is set out in the design and access statement and accepted. This detail would be required to be approved in any building warrant application.
- f. The proposed development does not result in any significant adverse impact on the water environment. Flooding and drainage are further assessed below.
- g. It is not considered that there would be significant adverse effects on air quality. In terms of the Residential Development Guide, the proposed development includes the required electric vehicle charging capabilities and is in an accessible location with respect to public transport.
- h. The site is located in a development low risk area in terms of the Coal Authority database. Nonetheless, in response to concerns raised in objections, the applicant undertook a phase 2 intrusive site investigation which concludes that there is a low risk to surface stability from former mine workings. Further assessment is provided below.

7.16 Overall it is considered that the proposed development satisfactorily complies the design principles set out in policy DES 1.

Ground Stability

7.17 In addition to above, Policy DES 1(h) requires the developer to ensure that risks to new development from unstable land resulting from past coal mining activities are fully assessed and, where necessary, mitigated prior to development.

7.18 The application lies within a development low risk area and the Coal Authority did not require to be consulted on the application, however its standing advice applies.

7.19 Notwithstanding this, a Phase 1 desktop and Phase 2 intrusive site investigation has been submitted in support of the application.

7.20 The key findings in terms of ground stability were:

- There are no recorded mine entries within the site or within 20 metres of the site boundary
- Researches recorded the presence of former mine workings at least 90 m in depth within one seam of oil shale underlying the site. These mine workings are considered to lie at sufficient depth to not pose a risk to surface stability.
- The Coal Authority does not hold any records of coal extraction beneath the site.

7.21 The report sets out recommendations on foundation design which are not material to the planning application and would be dealt with at any building warrant application.

7.22 Therefore, it is considered that the proposed development poses no risk to surface stability.

Traffic Impact

- 7.23 The proposal includes 48 new houses which would create new traffic movements onto Hartwood Road and could potentially create adverse impact on the surrounding road networks.
- 7.24 Policy TRAN 1 of the LDP states that development will only be permitted where transport impacts are acceptable. WLC Roads & Transportation has assessed the proposed development and transport statement submitted with the application and has not objected to the number of houses proposed on grounds of traffic impact. However, this is subject to a number of conditions (listed in paragraph 6.1 above) to ensure any adverse impact on the surrounding road network is mitigated and/or avoided.
- 7.25 Therefore, there is no reason to refuse the application based on transport impacts as measures can be implemented by the developer to address any potential traffic problems.

Impact on Infrastructure

- 7.26 Policy INF 1 of the LDP requires developer obligations to mitigate the development's individual or cumulative impacts upon infrastructure, including cross-boundary impacts.
- 7.27 The LDP and statutory guidance, sets out the required developer obligations and these are listed below:
- Education (Denominational Primary, Non-Denominational Primary and Denominational Secondary)
 - Cemeteries
 - Affordable Housing
 - Active Open Space
 - Public Art
- 7.28 As set out in section 6 above, WLC Education Planning do not raise any objection to the proposed development, subject to contributions targeted at relieving existing or forecasted school capacity constraints.
- 7.29 A number of objections have raised the impact from the proposed development on the existing health service provision in West Calder. The LDP does not require any developer contributions in order to mitigate the impact on health services. As such there is no remit to seek such obligations from the applicant.
- 7.30 Contributions must be secured prior to the issue of any planning permission. A draft heads of terms for the required contributions is attached to this report.

Flooding and Drainage

- 7.31 Policy EMG 2 of the LDP states that when considering proposals for development, the council will adopt a precautionary approach to the flood risk from all sources. It is noted that the risk of flooding on the site has been raised in a number of the objections.

- 7.32 A flood risk assessment (FRA) has been submitted with the application and identified parts of the western edge of the site lie within a floodplain. It is recommended by the FRA that all development lie outwith the floodplain. In addition the FRA has recommended finished floor levels. The FRA notes that the risk of flooding can be satisfactorily reduced.
- 7.33 SEPA and WLC Flood Risk Management have reviewed the FRA and accept its findings and recommendations.

8. CONCLUSION AND RECOMMENDATION

- 8.1 In summary, the proposed development is acceptable in principle as it is supported by the development plan, in particular policy HOU 1 of the West Lothian Local Development Plan. The proposed development would be of a medium density and is considered to be compatible with the surrounding built form. Furthermore it is considered that the existing road network can accommodate the proposed development. The development will not increase the risk of flooding to nearby properties and will not be at risk of flooding itself.
- 8.2 Consequently, and in view of the above, it is recommended that planning permission is granted, subject to conditions and a legal agreement securing developer contributions.

9. ATTACHMENTS

- Draft Conditions of Consent
- Draft Heads of Terms – Planning obligations
- Location Plan
- Aerial Photo
- Proposed Site Plan
- Proposed Elevations
- Objection from West Calder & Harburn Community Council
- Sample copy of pro forma objection

Craig McCorriston
Head of Planning, Economic Development and Regeneration Date: 11 December 2019

Draft Conditions of Consent - APPLICATION 0848/FUL/19

1. Part 1

Prior to any development works commencing on site, the additional gas monitoring in accordance with the report entitled "Report on Site Investigations" prepared by Mason Evans dated November 2019 must be completed with a subsequent detailed Gas Risk Assessment being carried out on the results and a Report submitted to the Planning Authority for approval. If it is concluded by the written report that gas protection measures are not required for the site, and this is approved in writing by the Planning Authority, then Parts 2 and 3 of this Condition can be disregarded.

Part 2

Prior to any work beginning on site, full details of the Gas Protection Measures to be installed should be reported on and submitted to the Planning Authority for approval. These details should include all technical specifications, installation procedures and method/s of validation. The measures so installed must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development.

Part 3

Following installation of the gas prevention measures, a Verification Report must be prepared that demonstrates the effectiveness of the measures installed. The Verification Report must be submitted to and approved in writing by the Planning Authority prior to commencement of the new use of the land.

Reason: To ensure ground gas protection measures are acceptable, in the interest of protecting future occupiers of the houses.

2. The landscaping, including tree replanting, as approved in the approved landscaped proposals shall be implemented in the first planting season following any residential unit being occupied, or completion of the development, whichever is sooner.

The new planting shall be maintained for a minimum period of five years until it becomes established. Any trees which within a five year period following completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.

Reason: To ensure proper implementation of the planting proposals in the interest of the amenity of the site and the area as a whole.

3. Prior to the commencement of development, a plan showing all common areas and details of the body who will own and maintain the common areas, together with a schedule of maintenance works, has been submitted to and approved in writing by the planning authority.

Thereafter the common areas shall be maintained in accordance with the details as approved.

Reason: To enable full consideration to be given to those details which have yet to be submitted, in the interests of visual and environmental amenity.

4. Prior to the commencement of development, full details and samples of the materials to be used as external finishes on all buildings and for all roads, parking and hardstanding areas shall be submitted to and approved by the planning authority, and the development shall be carried out strictly using those approved materials.

Reason: To enable full consideration to be given to those details which have yet to be submitted, in the interests of visual and environmental amenity.

5. Prior to the commencement of development, details of the height and finishes of all walls, fences and other means of enclosure shall be submitted of the written approval of the planning authority. Once approved, these details shall be implemented prior to occupation of the houses.

Reason: To enable consideration of these details which have yet to be submitted and in the interests of privacy and amenity.

6. Surface water from the development shall be treated and attenuated by a sustainable drainage system (SUDS) in accordance with the Drainage Statement prepared by indev consult dated July 2019

Reason: To minimise the cumulative effects of surface water and diffuse pollution on the water environment.

7. Prior to the commencement of development, details of electric charging points shown on the approved site plan shall be submitted to and approved in writing by the planning authority. Plans should also detail who will be responsible for managing and maintaining charging infrastructure and this should include arrangements for managing access to EV charging spaces and arrangements for paying for the electricity used during charging.

Thereafter, the approved details shall be installed prior to the occupation of the relevant houses.

Reason: To comply with the requirements of the Air Quality Planning Guidance, in the interest of sustainability.

8. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: To ensure necessary measures should any potential archaeological features are encountered.

9. The following restrictions shall apply to the construction of the development:

Noise (Construction)

- Any work required to implement this planning permission that is audible within any adjacent noise sensitive receptor or its curtilage shall be carried out only between the hours of 0900 and 1800 Monday to Friday and 0900 and 1300 on a Saturday and at no time on a Sunday. This includes deliveries and operation of on-site vehicles and equipment.
- No generators shall be audible within any residential properties between the hours of 2000 and 0900.

Noise (Vehicles/Plant)

- All site vehicles (other than delivery vehicles) must be fitted with non-tonal broadband reversing alarms.
- Heavy goods vehicles shall not arrive or leave the site except between the hours of 0900 and 1700 Monday to Friday and 0900 and 1300 on a Saturday. No heavy goods vehicles shall arrive or leave the site on a Sunday.

Vibration (Construction)

- Where piling or other significant vibration works are likely during construction which may be perceptible in other premises, measures must be in place (including hours of operation) to monitor the degree of vibration created and to demonstrate best practice.
- Prior to any piling or other significant vibration works taking place, a scheme to minimise and monitor vibration affecting sensitive properties shall be submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the details as approved.

Site Compound

- The development shall not begin until the location and dimensions of any site compound have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the details as approved.

Waste

- Effective facilities for the storage of refuse, building debris and packaging shall be provided on site. The facilities shall be specifically designed to prevent refuse, building debris and packaging from being blown off site. Any debris blown or spilled from the site onto surrounding land shall be cleared on a weekly basis. For the

purposes of this condition, it shall be assumed that refuse, debris and packaging on surrounding land has originated from the site if it is of the same or similar character to items used or present on the site.

Reason: In the interests of visual and environmental amenity.

Draft Heads of Terms – Planning Obligations

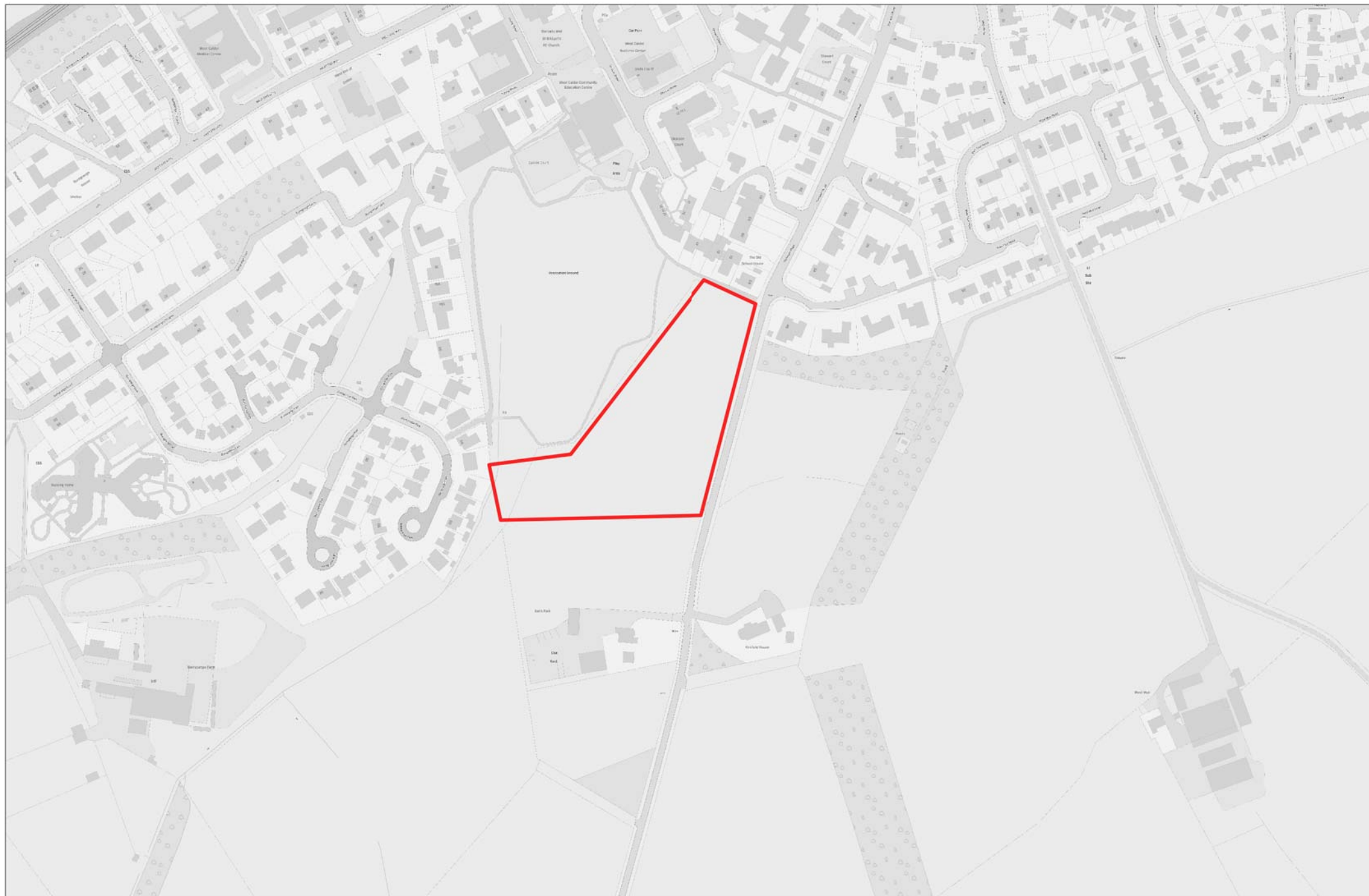
Should the Committee be minded to grant the application, it is recommended a section 75 legal agreement be agreed to secure the obligations set out below prior to the issue of any planning permission.

Contribution Title	Policy Text
Denominational Secondary Education Contributions	£1,983 per residential unit indexed to RICS BCIS 1st Qtr 2010
RC St Marys Polbeth Primary	£563 per residential unit indexed to RICS BCIS 1st Qtr 2009
ND Parkhead Primary	£2,088 per residential unit. This contribution to be indexed to the RICS BCIS 3rd quarter of 2011.
Cemetery Provision	£35 per house/flat is required - indexation to RICS 1st Qtr 2006
Affordable Housing P2018 / Adopted 2019	Fauldhouse and Breich Valley Affordable Housing Requirement - 10% Commuted Sums Threshold - less than 60 A recommended commuted sum for the proposed development is £51,500
Active Open Space Contribution	Active Open Space Play areas and Open Space Figures as per the RDG, One bedroom - £390 per unit,

Contribution Title	Policy Text
	<p>Two or three bedrooms - £1,955 per unit (x 29 units)</p> <p>Four or more bedrooms - £2,345 per unit (x19 units)</p> <p>Indexed to the Building Tender Price Index using second quarter of 2016 as the base date.</p>
Pub Art New Jan 18	£150 per residential unit.

Proposed Draft changes to education contributions

Contribution Title	Policy Text
Denominational Secondary Education Contributions	<p>£2,559 per unit UNINDEXED</p> <p>20% Discount on 3 habitable room units.</p> <p>Exemptions - units with only 2 Habitable Rooms / Student Accommodation / Replacement Housing / Non Permanent Structures / Sheltered Housing / Retirement Complexes.</p>
RC St Marys Polbeth Primary	<p>£1,152 per unit indexed to Q4 2017</p> <p>20% Discount on 3 habitable room units.</p> <p>Exemptions - units with only 2 Habitable Rooms / Student Accommodation / Replacement Housing / Non Permanent Structures / Sheltered Housing / Retirement Complexes.</p>
ND Parkhead Primary	<p>£1023 per unit indexed to Q3 2011 RICS BCIS</p> <p>20% Discount on 3 habitable room units.</p> <p>Exemptions - units with only 2 Habitable Rooms / Student Accommodation / Replacement Housing / Non Permanent Structures / Sheltered Housing / Retirement Complexes.</p>





ACCOMMODATION SCHEDULE

House Type	Notes	Code	No
Portree	2 bed. terr.	613i	9
Newmore	3 bed. terr.	799t	8
Newton	3 bed. s/det.	805s	10
Fortrose	3 bed. det.	805d	2
Leith	4 bed. det.	1033d	6
Balerno	4 bed. det.	1217d	5
Thurso	4 bed. det.	1233d	4
Thornton	4 bed. det.	1247d	4
TOTAL UNITS			48

ELECTRIC CHARGING PLOT SCHEDULE

House Type	Notes	Code	Plot
Thurso	4 bed. det.	1233d	02
Thurso	4 bed. det.	1233d	09
Thurso	4 bed. det.	1233d	10
Thornton	4 bed. det.	1247d	31
Thornton	4 bed. det.	1247d	32
Thurso	4 bed. det.	1233d	35
Thornton	4 bed. det.	1247d	36
Thornton	4 bed. det.	1247d	48
TOTAL UNITS			8

MATERIAL FINISHES

Elevation Treatment
Main Brick EF2 Roughcast
Feature Brick TIW Roof Tile



MATERIALS CODING:

Roof Tiles:
'G' = Quinn Western Slate Grey

Roughcast:

'W' = Dolowhite Chip on White Backing
'M' = Tuscan Chip on Magnolia Backing

Bricks:

'L' = Langold Buff Facing Brick

Doors/Windows:

Front doors to be steel painted black.
Rear/side doors to be steel painted white.
Garage doors to be steel painted white.
Windows to be white uPVC.
Fascias to be white uPVC.
RWP's to be black uPVC.

All landscaping shown reflects the proposed scheme at the time of print. All prospective buyers are to refer to the current Landscape Layout for full details.

All front gardens to be turfed.

Paths to single dwelling to be 1.0m clear.

Pathways to communal areas to be 1.2m clear.

Pavements to be 2m wide unless otherwise stated (ie cycleways)

CONSTRUCTION

All houses on this site will be built in timber frame and to 2015 V6 specification. Refer to site specific drawing issue register for relevant drawings.

KEY

Site Boundary

F18 1.8m High Screen Fence (Vertical Boarded)

F18 1.8m High Screen Fence And Gate

W20b 1800mm High Facing Brick Wall With Timber Panels

W7 900mm High Facing Brick Wall With Piers

F35 1100mm High Metal Railing Fence

Bin Stance For Houses

Plot Number

Electrical Charging Point (See Schedule and specification for more information)

Gable Window Elevation

Tarmac Private Driveway With Red Chip And 900mm Slabbed Path.

Tarmac 2m Footpath

Dashed Line For Service Strip Within Road.

Primary Roads to be Pavours. Colour Brindle.

Parking courts, visitor parking and shared drives to be pavors. Colour Charcoal.

AIR TESTING SCHEDULE

Air tests will be carried out in accordance with BS EN 13829: 2001. Tests will be carried out on the first of each house type completed on the site and this will be determined from the build route of the development. Air tightness target level between 5-7m³/m².h@50PA.

Plot to be tested noted below:

House Type	Plot Number
Newmore	Plot 3
Portree	Plot 4
Leith	Plot 7
Balerno	Plot 8
Thurso	Plot 9
Newton	Plot 12
Fortrose	Plot 15
Thornton	Plot 31

Total Number of Dwellings Tested 8 (1 in 20 dwellings or part there-of).

SOUND TESTING SCHEDULE

Sound tests will be carried out in accordance with BS EN ISO 140-4:1998, BS EN ISO 717-1:1997 and BS EN ISO 717-2:1997. Tests should be carried out as per section 5.1.9 of Building Regulations and in agreement with Building Control officer. Plots to be tested noted below.

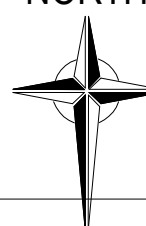
Plot to be tested noted below:

House Type	Plot Number
Newmore-Portree	Plot 3-4 Separating Wall
Newton-Newton	Plot 12-12 Separating Wall

Total Number of Separating Wall Constructions: 18

Total Number of Separating Wall Constructions Tested: 2

NORTH



0 10 20 30 40 50

Scale Bar 1:500 (Metres)



Buyers are warned that this is a working drawing & is not intended to be treated as descriptive material describing, in relation to any particular property or development, any of the Specified Matters prescribed by any Order made under the above Act. The contents of this drawing may be subject to change at any time & alterations & variations can occur during the progress of the works without revision of the drawing. Consequently the layout, form, content & dimensions of the finished construction may differ materially from those shown. Nor do the contents of this drawing constitute a contract, part of any contract or a warranty.

H	Street lighting plinths added as per street lighting layout.	02.12.19	GT
G	F35 metal railing added to retaining wall at SUDs basin, structural planting in the form of hedges to create clear delineation between site boundary and existing park.	27.11.19	GT
F	Roads and parking bays changed to be monoblock pavours, materials of plots 03-06, 18, 36-38 changed, road narrowing's added along Hartwood Road at three places, speed limit signage note added, plots 36 & 37-38 moved to accommodate retaining walls, garages of plots 08 & 10 moved back, wall of plot 48 changed to be less angled.	25.11.19	GT
D	Footpath link removed due to engineering restrictions.	19.11.19	GT
E	Flarenet box added to layout.	12.11.19	GT
C	Parking in front of plots 28-30 split for services to plots.	28.10.19	GT
B	Terrace drives changed to be 6x3.5m, added red chip to parking, road made raised at plots 41/ 42, parking bay beside plot 14 reduced, bell mouth junctions at site entrances with 2m footpaths, 4 electric charging spaces added, W21 wall changed to W20b, handstanding reduced, W20b added to garden of plot 48, road position changed at plots 02-06. Air testing schedule added.	19.09.19	GT
A	SUDs basin, flood plain and surrounding area updated as per engineers comments.	08.07.19	GT

No.	REVISION	DATE	BY
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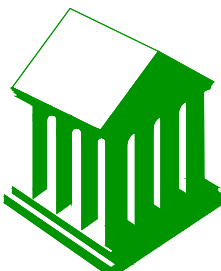
SITE	Hartwood Road West Calder
TITLE	Site Plan
	-

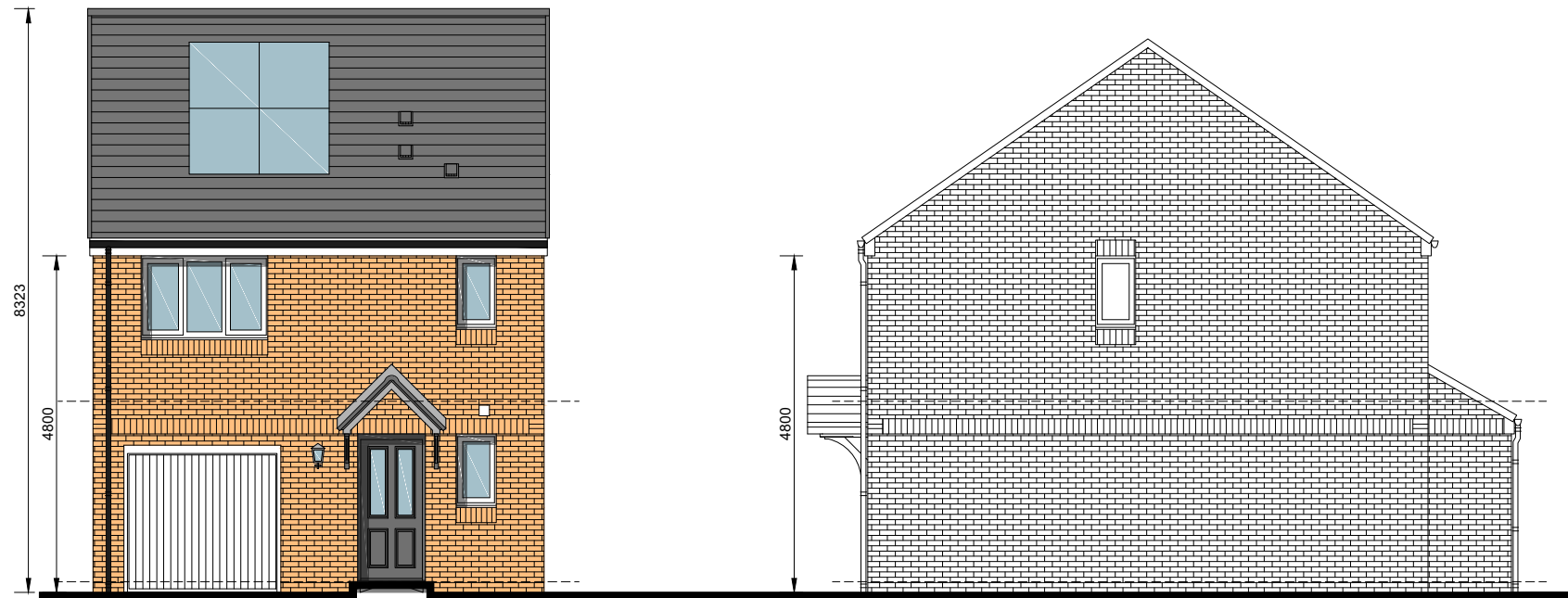
HOD LOCATION	-	DATE	17.10.18
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DRAWN BY	GT	SCALE	1:500 @ A1
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NUMBER	HWR-02-01	REV	H
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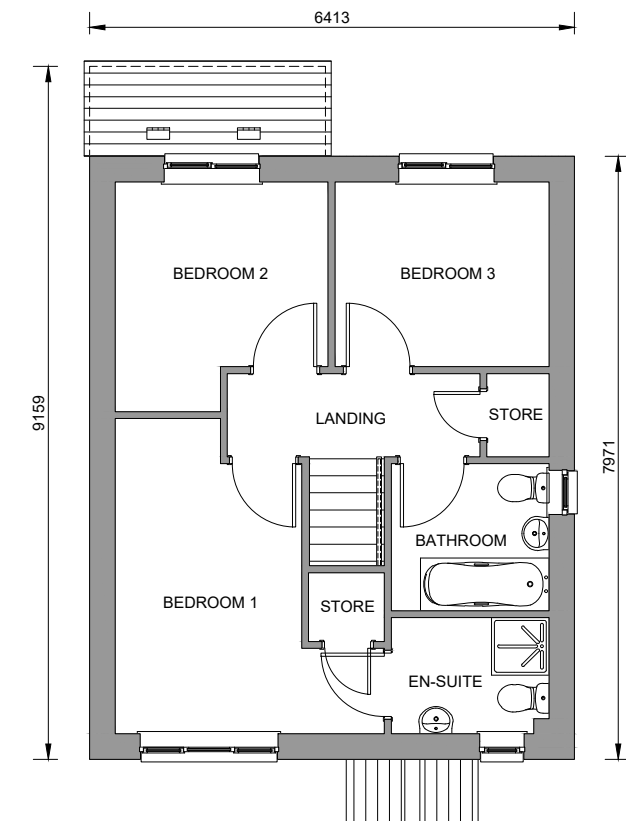
PERSIMMON HOMES
EAST SCOTLAND LTD
UNIT 1
WESTER INCH BUSINESS PARK
OLD WELL COURT
BATHGATE • EH48 2TQ
TEL 01506 638300
FAX 01506 638301



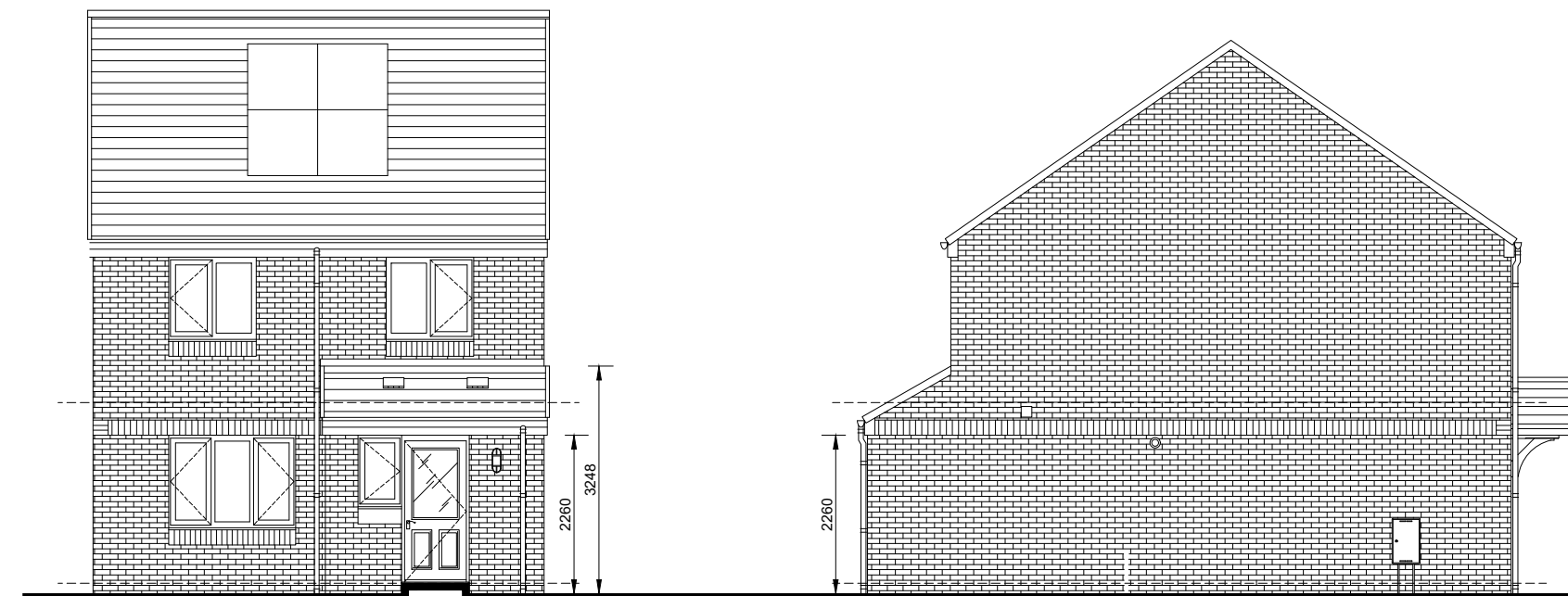


FRONT ELEVATION

RIGHT GABLE ELEVATION

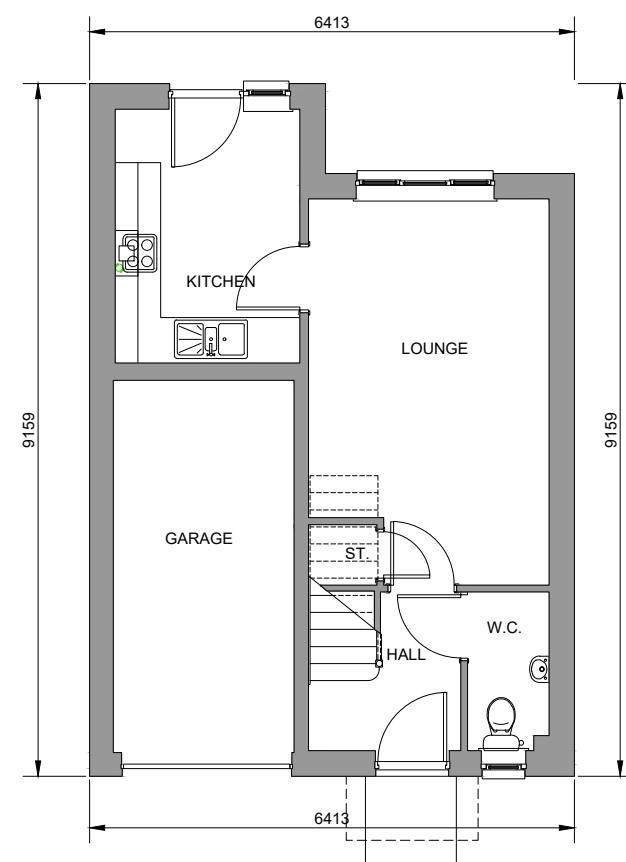
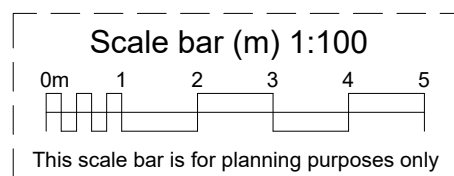


First Floor Plan



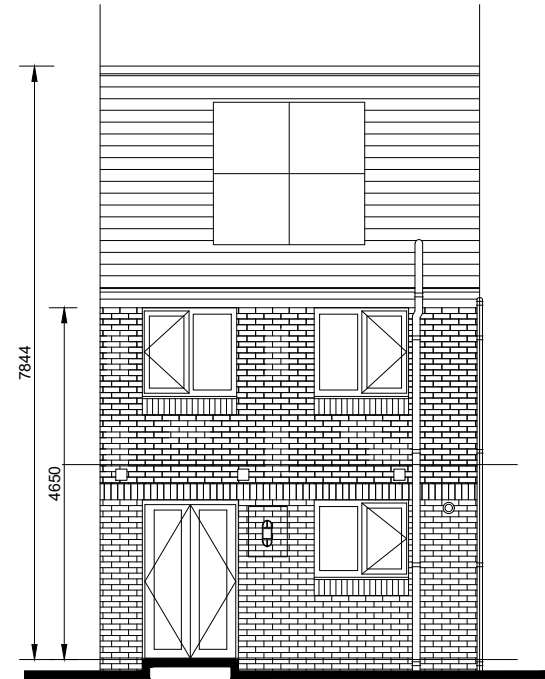
REAR ELEVATION

LEFT GABLE ELEVATION

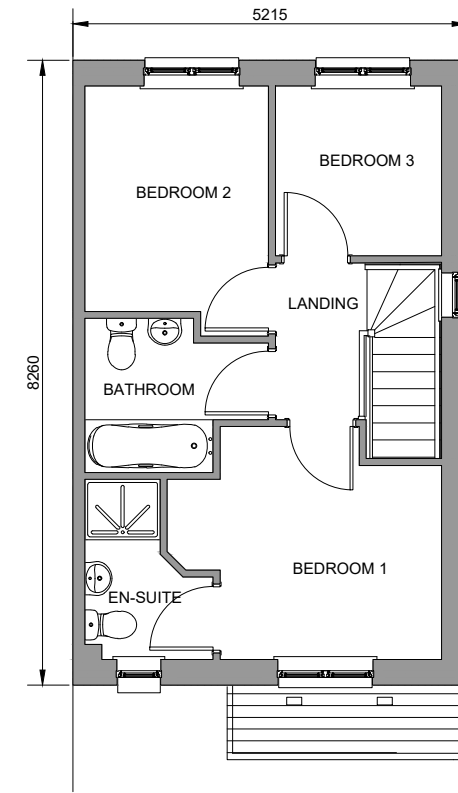




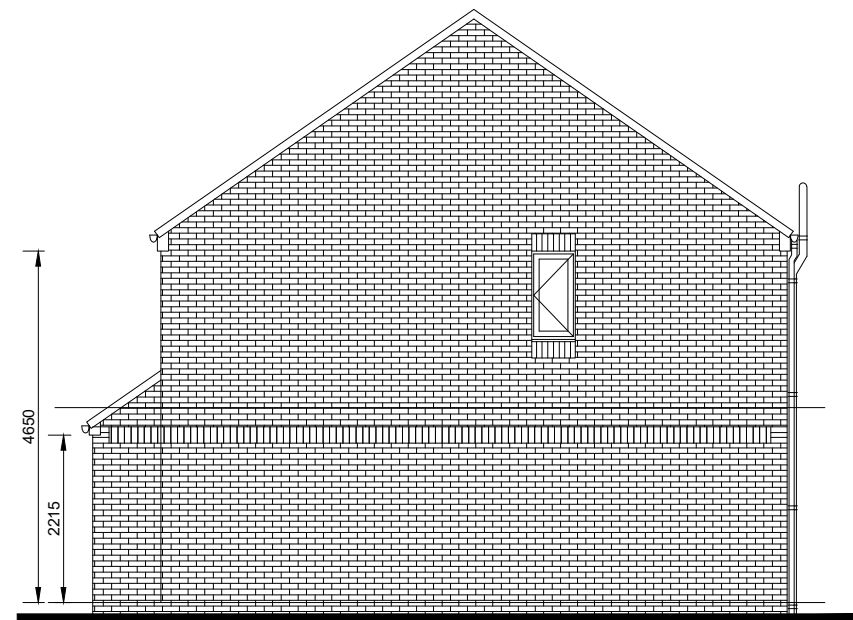
FRONT ELEVATION



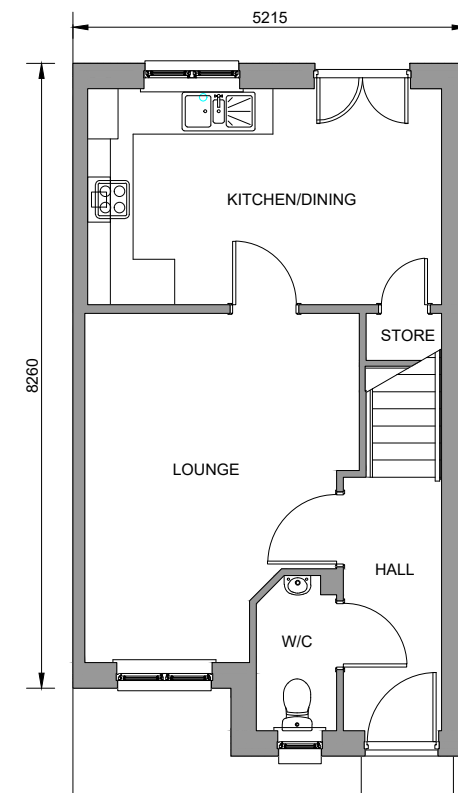
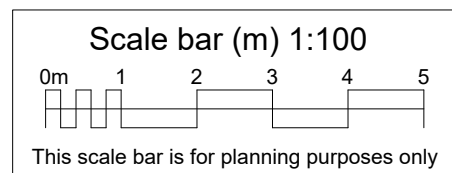
REAR ELEVATION



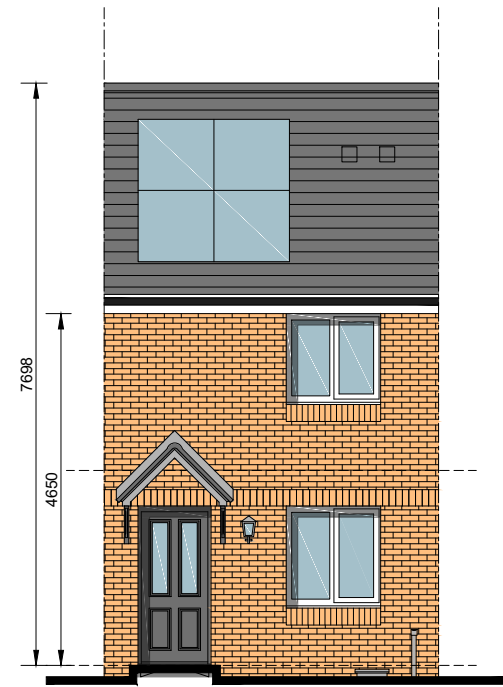
FIRST FLOOR PLAN



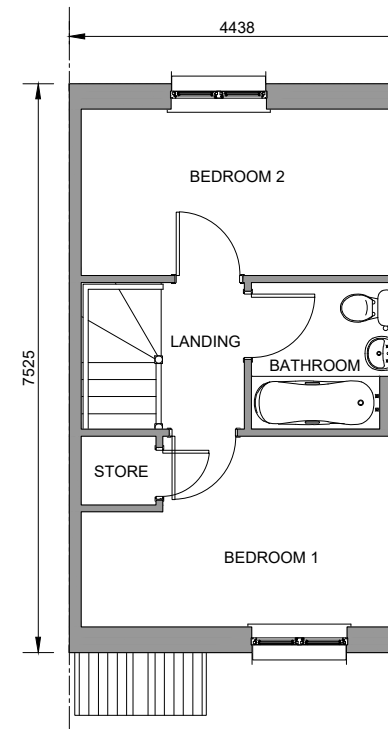
RIGHT GABLE ELEVATION



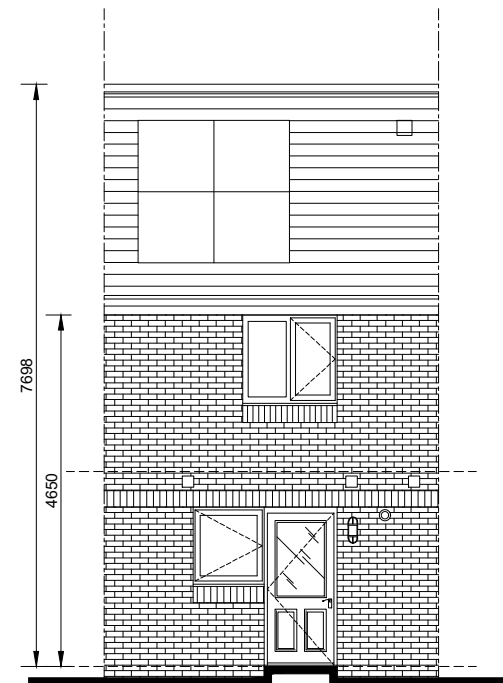
GROUND FLOOR PLAN



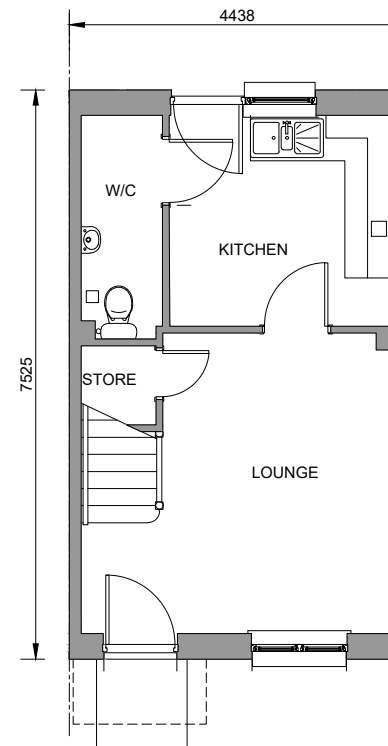
FRONT ELEVATION



MID TERRACE
FIRST FLOOR PLAN



REAR ELEVATION

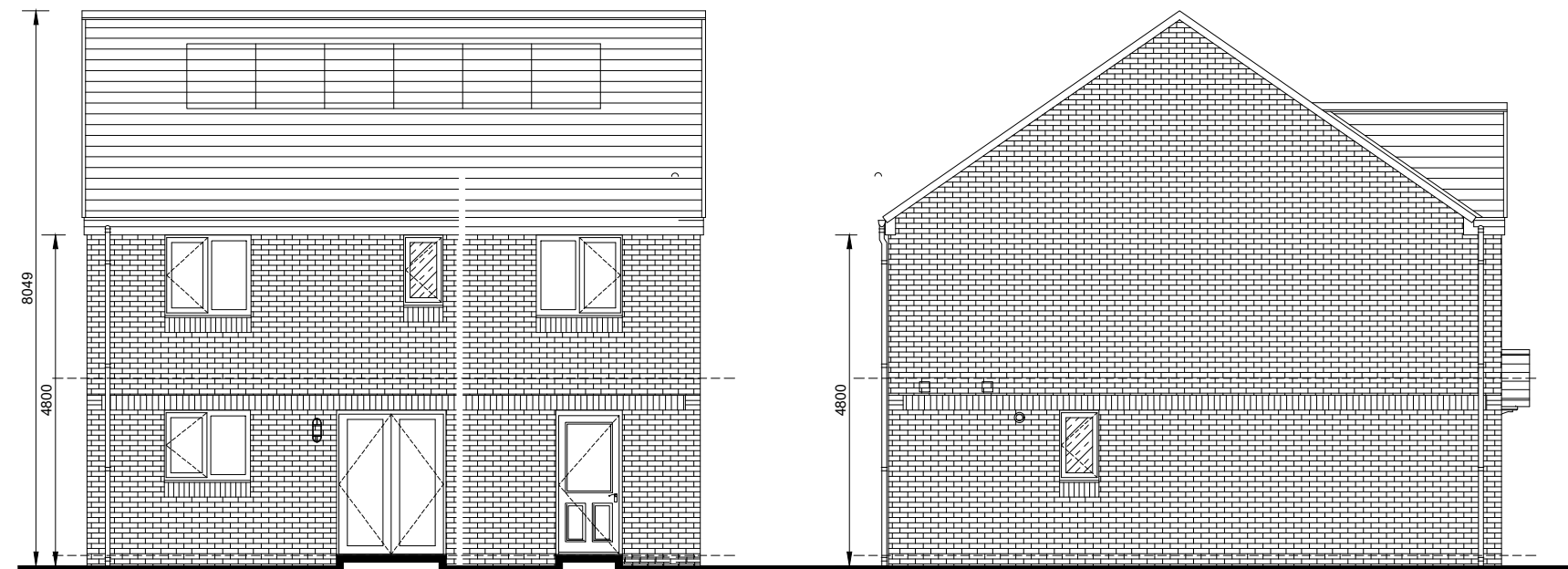


MID TERRACE
GROUND FLOOR PLAN



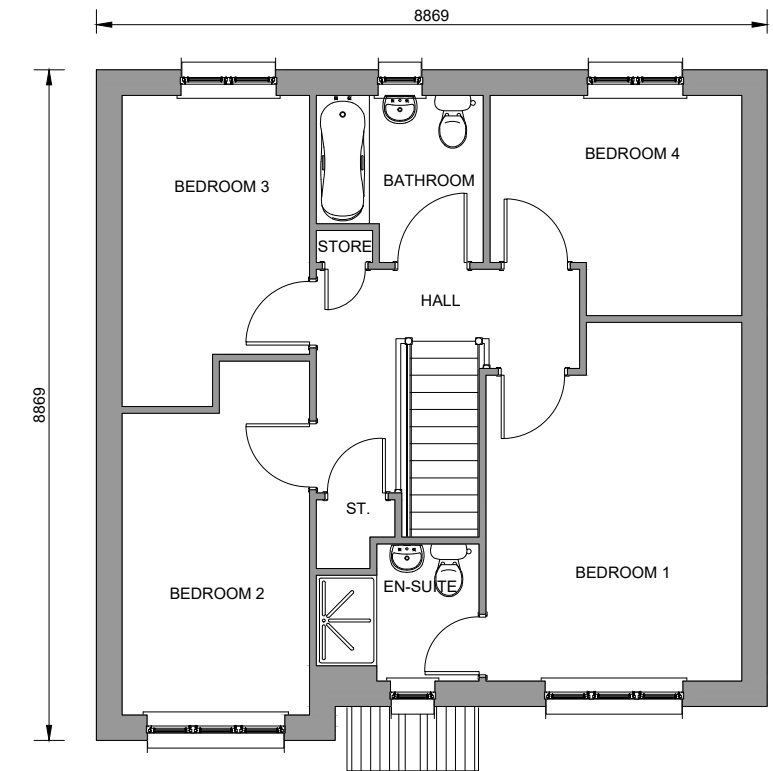
FRONT ELEVATION

RIGHT GABLE ELEVATION

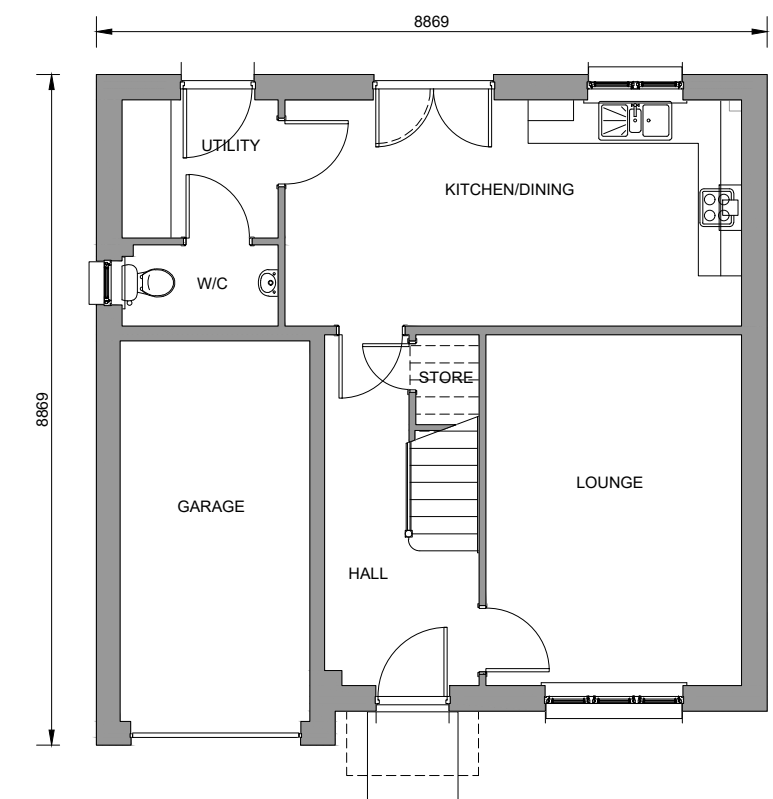


REAR ELEVATION

LEFT GABLE ELEVATION



FIRST FLOOR PLAN

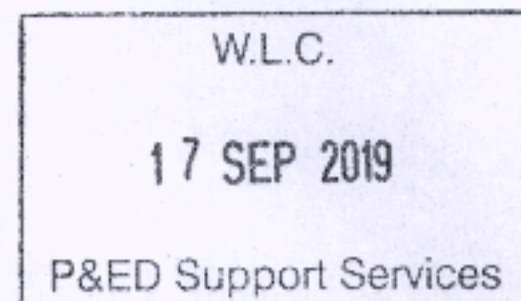


GROUND FLOOR PLAN

WEST CALDER & HARBURN COMMUNITY COUNCIL
West Calder Community Centre, Dickson Street,
West Calder. EH55 8DZ

16th September 2019

Mahlon Fautua,
Planning Officer,
Development Management,
West Lothian Council,
West Lothian Civic Centre,
Howden South Road,
Livingston. EH54 6FF



Planning Application 0848/FUL/19

Dear Mahlon Fautua:

Please be advised that West Calder & Harburn Community Council (WC&H CC) have been approached by residents of Hartwood Road and neighbouring developments and, having listened to their concerns, we are in agreement that this application should not be approved.

At the last Community Council meeting, held on Tuesday 10th September 2019, the committee unanimously voted to object to this planning application, for the reasons highlighted below:

1. Previous planning applications/current developments – The committee were disappointed that previous planning applications had been omitted.

- In 1991, an application (no. 0554/1991) to erect twenty-one houses on this site, in the name of David Boyack Homes, Ltd., was refused. 'The Report to Planning Committee by Head of Planning' mentioned, the following points:
 - "Water and Drainage consider drainage of this site to be difficult and costly for both foul and surface water drainage";
 - "The proposed development would be inconsistent in that the site could not be serviced without excessive resource commitment for secondary school and drainage facilities";
- Three years later, in 1994, an application (no. 0161/1994) to erect a 1½ storey dwelling house on the site, was also refused.

There is also a current development, directly opposite, on the south side of this proposed development site.

2. Development site –

- This land is subsiding and residents have photographic evidence, taken over the last 20+ years. This evidence will be submitted with individual resident's objections.
- Surface water still lies on Hartwood Road after Boyack Homes built nos. 38 to 46 in 1989. We note that the Water Board have concerns that this development might

WEST CALDER & HARBURN COMMUNITY COUNCIL
West Calder Community Centre, Dickson Street,
West Calder. EH55 8DZ

cause surface water and they have stated that they will not accept any surface water. The Community Council are concerned that if surface water does occur, it will affect the football pitch which is used by members of the public and young adults, on a daily basis and, by other groups from West Calder Community Centre.

- As advised, to date test bores have only been done to a depth of 5m.
- As advised, to date, test bores, for gas, have not been carried out at the "sink area".
- As advised, chemicals have already been poured into site.
- There is grave concern that any concrete filling will hamper proper drainage for surface water.
 - Surface water is a problem at the Burngrange Park development – additional surface water, from this site, will flow in that direction as the land of the proposed development site sits higher than Burngrange Park.
 - We have been advised by residents of Burngrange Park that they are extremely concerned that this development may exacerbate the current drainage problems – this is a "high risk" area as defined by WLC, Planning Department.
 - SEPA has written **"...It is therefore recommended that the applicant clarify this before the Flood Risk Assessment can be considered for approval by the planning authority"**.
 - Scottish Water has written **"...For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system."**
 - Contaminated Land Officer has written **"...Similarly there is the potential for gassing issues to be prevalent on the site. There is therefore the possibility that complete pollutant linkages may exist on the site. I would also agree that in order to assess these linkages as well as better define the ground conditions on the site intrusive investigations will be required."**
 - West of Scotland Archaeology Service has written **"...No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service."**
- Number of houses – The WLC Local Development Plan states capacity is for 25 houses, not 48 houses. While the committee understand there is flexibility to raise the capacity of units, by WLC Planning Department, the committee feel that

WEST CALDER & HARBURN COMMUNITY COUNCIL
West Calder Community Centre, Dickson Street,
West Calder. EH55 8DZ

increasing the number of units by almost 100% will cause major problems, for the existing infrastructure.

- Residents on the east boundary line, of this development all inhabit single-storey dwellings. All units on the development site, at the east boundary, are two-storey dwellings. This will impinge on the sunlight/daylight enjoyed by the original properties, and on their privacy.

3. Traffic – This application will add, **at least, another 70 cars** (the committee are in agreement that this is a very “conservative” estimate) to the traffic on Hartwood Road.

- There are 80 car users already in Hartwood Road and 95+ car users in the WestMuir estate that also use Hartwood Road as an exit to A71.
- Approximately 200 cars use the Hartwood Road Junction to access the car parks behind Union Square. Delivery vehicles also use these car parks.
- Farm traffic and residents from the holdings, to the west of the boundary, as well as the villages of Tarbrax, Woolfords, Cobbinshaw etc use Hartwood Road.
- Commercial vehicles often use this road, to avoid A71 traffic.
- Heavy farm traffic uses this road from early morning to late evening, throughout the year.
- Public car parking, from A71 to Glebe Road – cars are often parked on both sides of the road, obstructing any moving traffic.
- There is no pavement on most of the south side of Hartwood Road from Glebe Road to “no limit” sign.
- There are 4 blind entrances, on the south side, where there is no pavement.
- The Community Council have had complaints on pavement parking, immediately after the double yellow lines at the junction with A71.
- Some residents have to park on north side, of Hartwood Road as there is no off-street parking.
- Exiting from Hartwood Road to A71, with no dedicated traffic management system is currently intolerable, for current car users.
- Children also cross this busy junction on the way to and from Parkhead Primary and West Calder High schools.
- “Little Flyers” Nursery, at the corner of Glebe Road, are also concerned about more traffic on Hartwood Road.

4. Infrastructure –

- Although there is currently space at West Calder Medical Centre the committee are not convinced that full account has been taken in respect of current developments at Mossend and 1st phase of Gavieside Village. Patient numbers will increase substantially.

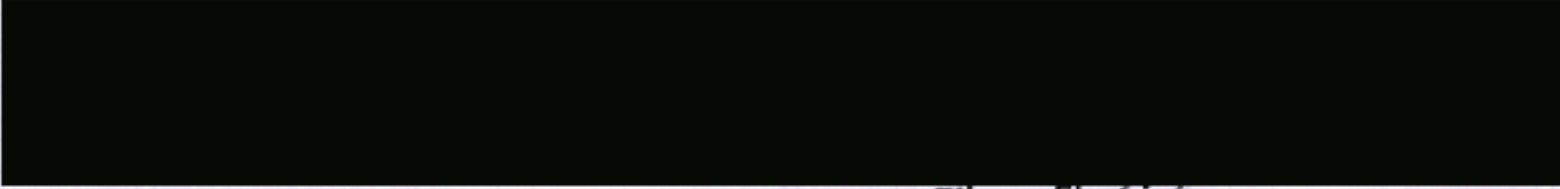
WEST CALDER & HARBURN COMMUNITY COUNCIL
West Calder Community Centre, Dickson Street,
West Calder. EH55 8DZ

- Parkhead Primary is currently at capacity and the committee are not convinced that full account has been taken to include pupils from 500 houses proposed for Mossend and 1st phase of Gavieside Village.
- West Calder High School is at approx. 900 (capacity is 1300). The committee are not convinced that full account has been taken to include pupils from 500 houses proposed for Mossend and 1st phase of Gavieside Village. Also, a recent decision was made to allow children from East Calder to attend WCHS, instead of the new school at Winchburgh – this will seriously affect the capacity at West Calder High School.
- Rail link – There only 25 parking spaces at the railway station and WLC was recently unable to provide the committee with a proposed date for the installation of the Park & Ride facility. Currently, most rail passengers using a car to get to the railway station are parking within the village and at Parkhead Primary, for at least nine hours, per day. This prevents other members of the community from using car parking facilities.

Furthermore, a resident has advised that Persimmon Homes is currently subject to an enquiry and this gives us cause for concern.

On behalf of West Calder & Harburn Community Council, we commend the above objections to your attention.

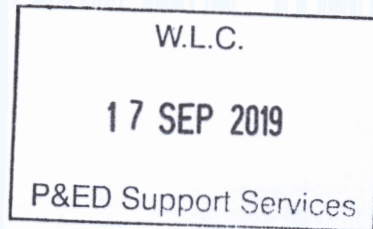
Yours sincerely,



Joan O'Donnell
(Chairperson)

Eileen Fleming
(Planning Secretary)

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



Planning Application 0848/FUL/19 re 'Land to the West of Hartwood Road, West Calder.

Dear Sir/Madam,

I wish to object to the proposed development in Planning Application **0848/FUL/19**, for the following reasons:

The increase in traffic, if a housing development proposing 48 new homes with provision for 65 to 90 new vehicles is approved, would result in Hartwood Road becoming gridlocked. The congestion at the eastern end of the street, at its junctions with Glebe Road and Kirkgate, is already problematic, as traffic tries to join Main Street, especially at peak times. (Remember that Westmuir Road traffic joins this junction via Glebe Road.) Any aggravation of this problem would be folly.

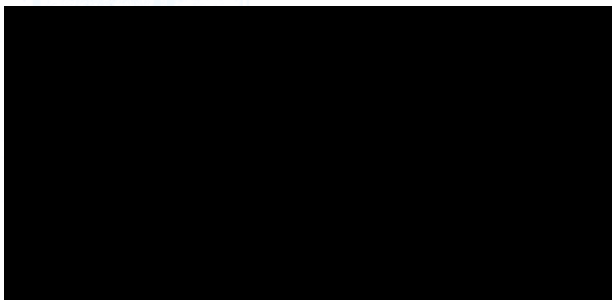
The impact of 48 new homes with, at a conservative estimate, 150 inhabitants will have a disastrous effect upon local infrastructure – the Health Centre, schools, cemetery provision etc.

There are grave doubts about the flooding and drainage capacities on the field in question.

The field is subsiding, most obviously at the north-western point, due to the fact that it covers the area of a major subterranean route associated with Burngrange Shale Mine. Any houses built on such land must be built on uncertain foundations. There may also be grave implications, if the project goes ahead, for surrounding properties.

I/~~we~~, the undersigned, commend these points to you for your serious consideration.

Yours faithfully,



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel (in retrospect) at Calderwood, East Calder

2 DETAILS

Reference no.	0918/MS/19	Owner of site	Stirling Developments Ltd
Applicant	Stirling Developments Ltd	Ward & local members	East Livingston & East Calder Councillor Damian Timson Councillor Frank Anderson Councillor Carl John Councillor Dave King
Case officer	Tony Irving	Contact details	Phone 01506 282410 Email tony.irving@westlothian.gov.uk

Reason for referral to Development Management Committee: Referred by Councillor Damian Timson

3 RECOMMENDATION

Approve subject to conditions.

4 DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 The proposal is for a temporary access road to link residential and business premises at Nethershiel to Clifton Road. A haulage business (Basil Baird & Sons Ltd) has operated from Nethershiel Farm for around 60 years and the implementation of new road infrastructure at Calderwood has affected its historical access from Clifton Road to Nethershiel Farm.
- 4.2 To avoid commercial vehicles having to use the new access road infrastructure, which will serve new housing and the new primary school, Stirling Developments has formed an alternative temporary access road to facilitate a direct access from Nethershiel to Clifton Road. The haulage business will continue to operate from Nethershiel for several more years until housing development at Calderwood reaches toward the north of the site where Nethershiel is situated. This application seeks a temporary permission for a period of five years.
- 4.3 Vehicle movements each day for the haulage business comprise on average 12 lorries leaving Nethershiel at around 5am and returning at around 5pm.

- 4.4 The temporary access road had also been used by Calderwood construction traffic but this has ceased and access is now solely for Nethershiel.

History

- 4.5 The application site forms part of Stirling Development's Calderwood development. Planning permission in principle (0524/P/09) was granted in March 2013 for a mixed use development including 2300 residential units. Development of Calderwood continues on site and there are now around 500 homes occupied.

5 REPRESENTATIONS

- 5.1 13 objections have been received.
- 5.2 A summary of the representations is set out in the table below. The full documents are contained in the application file.

Comments	Response
The access road has been in use for many months for Calderwood construction traffic and for traffic to Nethershiel.	The access road was formed without consent from the council as planning authority. This application has been made to address the situation. While the access had been used for Calderwood construction traffic this use has now ceased.
The plans for Calderwood involve closing Clifton Road at Overshiel. The temporary access road doesn't accord with this and the result is noise and disturbance for residents at Overshiel as a result of the use of the temporary access.	<p>The planning approvals for Calderwood involve closing a section of Clifton Road to traffic and changing it to a greenway for pedestrian and cycle use. This has now been implemented and Clifton Road is now closed to through traffic at Overshiel.</p> <p>The temporary access road brings traffic from the haulage business and from the houses at Nethershiel onto Clifton Road at Overshiel. Although this means such traffic passing properties at Overshiel, this has historically happened for decades as the same traffic previously joined Clifton Road slightly further west and travelled eastward along Clifton Road past the properties at Overshiel.</p> <p>The small number and timing of haulage vehicle movements from the business is such that it is not considered to have unacceptable impacts on the residential amenity of residents at Overshiel.</p>
The temporary access road adversely affects road safety.	WLC Roads & Transportation has assessed the access and raises no concerns about road safety.

6 CONSULTATIONS

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

Consultee	Objection	Comments	Planning Response
-----------	-----------	----------	-------------------

WLC Roads & Transportation	No	A road opening permit is required. The first 10m of the access road must be surfaced in a bituminous material.	Noted. The access road is all hard surfaced.
WLC Environmental Health	No	Hours of use of the road should be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and at no time on Sunday.	Noted. However given the fact that traffic from Nethershiel has past the properties at Overshiel for decades, it is not considered that such a restrictive planning condition is necessary or justified.
City of Edinburgh Council	-	-	No comments were received from CEC.

7 ASSESSMENT

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 The development plan comprises the Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the West Lothian Local Development Plan 2018 (LDP).
- 7.3 The relevant development plan policies are listed below:

Policy	Policy Summary	Assessment	Conform
West Lothian LDP DES1 Design Principles	All proposals will require to take account of and be integrated with the local context and built form. Proposals should have no significant adverse impacts on the local community and be high quality in their design. Proposals which are poorly designed will not be supported. Proposals must also accord with other relevant policies and proposals in the LDP and with supplementary guidance.	The temporary access road is compatible with adjacent uses and the impacts on residential amenity are acceptable.	Yes
West Lothian LDP HOU1 Allocated Housing Sites	Development of housing on allocated sites will be supported in principle and proposals shall have regard to and be in accordance with the Residential Development Guide and accord with requirements identified in Appendix 2.	The site is part of Calderwood which is allocated for housing (and other uses). The temporary access road has no adverse impact on the build out of the housing.	Yes
West Lothian LDP CDA1 Development in Previously Identified Core Development Areas	The council will continue to support housing and mixed used development within those parts of West Lothian previously designated Core Development Area (CDAs) subject to the preparation of master plans to be approved by the council. Infrastructure requirements are identified in Appendix 2 of the LDP.	The site is part of the Livingston & Almond Valley CDA and is part of the Almondell CDA allocation. The applicant has previously prepared a masterplan for the allocation. The temporary access road doesn't	Yes

		prejudice the implementation of the CDA.	
West Lothian LDP TRAN1 Transport Infrastructure	Development will only be permitted where transport impacts are acceptable.	The proposal will have acceptable impacts on the road network.	Yes

The principle of the development

7.4 The temporary access road is required to maintain access for the haulage business from Nethershiel to Clifton Road avoiding use of the new road infrastructure that serves new housing and the future new primary school. This is to allow the haulage business to continue to operate for a further period of time from Nethershiel until housing at Calderwood progresses to the north of the site where Nethershiel is situated.

7.5 The principle of a temporary access road is consistent with the CDA allocation.

Impact of the development on the surrounding area and existing residents

7.6 The objections received raise issues about adverse impacts of construction traffic and Nethershiel traffic on the residential amenity of properties at Overshiel. It is acknowledged that Calderwood construction traffic had been using the temporary access road, leading to a significant number of vehicles using it during the day. This however has now ceased with all construction traffic using new Calderwood road infrastructure off the B7015.

7.7 The remaining traffic using the temporary access road is haulage vehicles and residential movements from Nethershiel. This traffic has previously joined Clifton Road slightly further to the west and thus has always been using Clifton Road and passing properties at Overshiel. The haulage vehicle movements are small in scale and limited to leaving the site early in the morning and returning in the early evening. It is considered that such movements have minimal impact on residential amenity.

8 CONCLUSION AND RECOMMENDATION

8.1 The proposal will allow the haulage business at Nethershiel to continue to operate for a further period of time without using the new road infrastructure which has been designed to serve the new community in Calderwood. The characteristics of the use of the temporary access road are such that it will have acceptable impacts on the amenity of residents at Overshiel. Further, as the road is temporary in nature any impacts that do arise will be time limited.

8.2 In summary, the proposal is consistent with the development plan and there are no material considerations that would merit refusal of the application.

8.3 It is thus recommended that the application be approved subject to conditions.

9 BACKGROUND REFERENCES & ATTACHMENTS

- Draft Conditions
- Location Plan
- Aerial Plan
- Layout Plan
- Calderwood Masterplan
- Representations

Craig McCorriston

Head of Planning, Economic Development and Regeneration **Date:** 11 December 2019

Draft conditions 0918/MSC/19

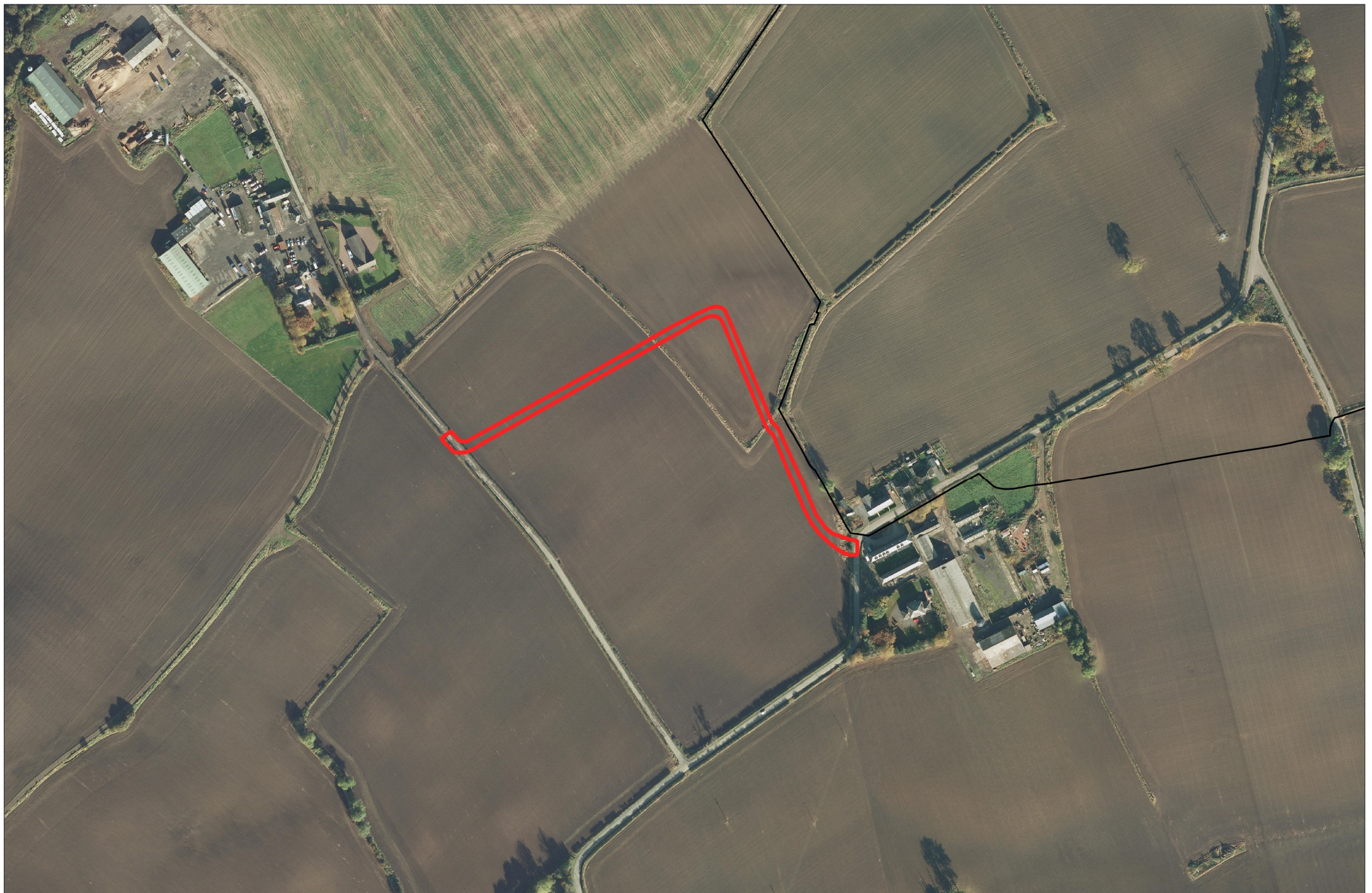
- 1 Approval is granted for a limited period until 11 December 2024. No later than this date, the temporary access road shall be removed and the land reinstated to its former condition.

Reason: Due to the temporary nature of the development, in the interests of the proper planning of the core development area.

- 2 The temporary access road shall be used solely for access to properties at Nethershiel Farm and for no other purpose and for the avoidance of doubt there shall be no use of it by construction traffic related to the build out of the Calderwood development granted under planning permission 0524/P/09.

Reason: In order to retain effective planning control, in the interests of safeguarding residential amenity.





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Nethershiel
Farm

ershiel
arm

Track

Future development
parcel

Future development
parcel

Future development parcel

Future development parcel

Proposed Calderwood Primary School

Future development parcel

Future development parcel

Future development parcel

Future development parcel

Future development parcel

Future development parcel

Overshiel Farm Cottages

Rowantree
Cottage

Clifton Road

Overshiel Farm

102.0m

Overshiel

Revision	Description	Initial	Date

**Stirling
Developments.**

Halbeath Interchange
Business Park
King Seat Road
Dunfermline
KY11 8RY
T: 01383 720 768

info@stirlingdevelopments.co.uk
www.stirlingdevelopments.co.uk

Project
CALDERWOOD

Description

**Nethershiel access
Location Plan**

Status

PLANNING

Scale
1:500@A0

Drawn
NB

Job number
100

Drawing number
SK715

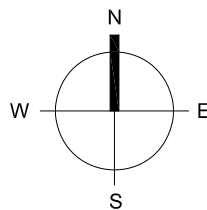
Date

SEPT-19

Revision

.

20 15 10 5 0 10 20 30m





MASTERPLAN

1. CALDERWOOD PRINCIPAL ENTRANCES

2. VILLAGE CENTRE

3. PRIMARY SCHOOL 1

4. PRIMARY SCHOOL 2

5. COMMUNITY HIGH SCHOOL

6. DROVERS WALK PARK

7. HISTORIC LIMEKILNS

8. FUTURE EXPANSION OF CAMPS IND. EST.

9. CEMETERY

10. PARKS

11. RESIDENTIAL AREAS

12. COMMUNITY HUB

A. MEADOW AND WOODLAND EDGE

B. WOODLAND STRUCTURE PLANTING

C. ROAD FRONTAGE PLANTING

D. GREENWAYS

E. PYLON / HABITAT CORRIDOR

F. MULTI- FUNCTIONAL & NETWORKED PUBLIC OPEN SPACE

G. S.U.D.S BASINS.

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Revision	Description	Initial	Date
A	MASTERPLAN UPDATED	MM	06.10.11
B	MASTERPLAN UPDATED	NB	11.10.11
C	NEIGHBOURHOOD PARK INCREASED & ROADS AMENDED	MM	07.08.18
D	MASTERPLAN UPDATED	GT	15.10.18
E	MASTERPLAN UPDATED	GT	26.11.18
F	ROAD WIDTHS UPDATED	GT	09.02.19

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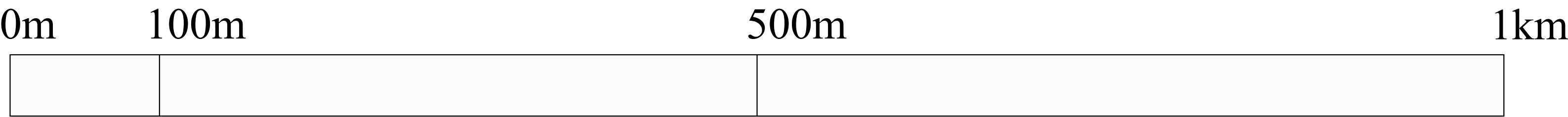
Project
CALDERWOOD
Description
MASTERPLAN

Status
PLANNING

Scale
1:2500@A0
Job number
100

Drawn
NB
Drawing number
103

Date
JULY-09
Revision
G



Comments for Planning Application 0918/MSC/19

Application Summary

Application Number: 0918/MSC/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mr Paul Martin

Address: 4 overshiel farm cottages East calder West Lothian

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Regarding planning application 0918/msc/19 Calderwood temporary access.As this application is for a temporary access onto an Edinburgh district road surely this application should be lodged with Edinburgh planning and not West Lothian.regards paul Martin 4 overshiel farm cottages east calder West Lothian eh53 0ht

Comments for Planning Application 0918/MSC/19

Application Summary

Application Number: 0918/MSC/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mr Mariusz Wlazalak

Address: Unit 2 overshiel farm East calder Livingston West lothian

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Regarding Clifton Road access which is being used without permission and is causing problems for my business because of the volume of construction traffic and also the the damage these vehicles are doing to the road. surely this should be closed as agreed last year regards mariusz wlazalak

Comments for Planning Application 0918/MS/19

Application Summary

Application Number: 0918/MS/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mr Andrew McLeman

Address: McLeman QS Network Ltd Workshop 2, Overshiel Farm East Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This "proposed" road (that incidentally already has existed for 9 months! - presumably without planning permission!) was an understandable temporary alternative route to access Nethershiel Farm via Oversheil farm since Clifton Road was closed at the West end (earlier this year) until the new road from the new roundabout re-created the link to Nethersheil, and now this link has already been created, why is it still required?

We have over the last year faced large amounts of disruption - construction traffic, Nethershiel traffic, drainage works in the road and road resurfacing and we can only now access our office from the East end of Clifton Road. We were told that there would be from now on no more construction or Nethershiel traffic and all access to the West was permanently closed. This application re-opens a link West from Oversheil to Calderwood, that no doubt will be used as a re-creation of Clifton Road. Why is it only now being applied for now the reason for having it is no longer valid.?

Comments for Planning Application 0918/MS/19

Application Summary

Application Number: 0918/MS/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mrs jakki mckenzie

Address: 2 Overshiel Farm Cottages East Calder Livingston

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a resident of Overshiel Farm Cottages I am strongly objecting against any further traffic being given temporary access from Clifton Road and Nethershiel Farm. We have tolerated not only the construction traffic to and from Calderwood, but also the large haulage vehicles from Nethershiel Farm often starting from 5.00am in the morning and returning constantly throughout the day and as late as midnight. Often leaving in convoy creating noise and inconvenience early hours. There has also been an increase in residents from Calderwood using this road as a short cut to Newbridge which is totally unacceptable. There are signs erected stating that there is no access to Calderwood or Nethershiel which are being totally ignored and vehicles are gaining access and becoming an increasing annoyance and inconvenience. This has been tolerated for too long now and therefore submit my objection to you.

Comments for Planning Application 0918/MSC/19

Application Summary

Application Number: 0918/MSC/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mr Bryan Martin

Address: 1 overshiel farm cottages East calder Livingston West Lothian

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I object to planning application for access road this road has been used illegally for 18 months plus now we have had to put up with construction traffic vehicles from new house and lorries which travel past my house at all hours of the day and night .i have to young girls and would not like to see them run over as some of these vehicles are travelling at some speed when they hit this junction and I have seen 2 or 3 near misses involving vehicles exiting from the development .there is plenty other access points into site so it should be shut as was originally agreed .signs where even erected..West Lothian side was shut quickly so ours should be to.

Comments for Planning Application 0918/MSC/19

Application Summary

Application Number: 0918/MSC/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mrs Isobel Charles

Address: 6 Overshiel Farm Cottages Mid Calder Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to the planning for this road as we have had to put up with traffic from this development for the last 18 months which we believe has had no permission to do so. We have been wakened regularly by the heavy trucks going past, sometimes during the night and very early morning. We are already having to put up with constant noise, dust and mud being left on the roads. Surely it's not too much to ask that we have a bit of privacy like the residents on the other side of Clifton Road whose road was closed immediately. There are already many access routes that could easily be used instead of this

Comments for Planning Application 0918/MSC/19

Application Summary

Application Number: 0918/MSC/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mr Stephen Charles

Address: 6 overshiel farm cottages Mid calder Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this access road due to the disruption we have experienced over the last 18 months or so.

There has been traffic noise at all hours, mud and dust on roads, vehicles trying to get to Calderwood and getting stuck. The road closed signs are constantly ignored and cars are coming along and using residents driveways to turn.

I also notice on the application diagram the access point is further up Clifton road than the current one.

The residents on the west side of Clifton Road have had their road closed, why can't this side have the same.

Comments for Planning Application 0918/MSC/19

Application Summary

Application Number: 0918/MSC/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mr Ian mulley

Address: 5 overshiel farm cottage Cliftonville Road Mid Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I would like to object to the planning permission of the temporary road .

We have had enough the last 18 months of heavy lorry's coming and going some times early in the morning or late at night and getting Woking up plus the amount of dirt and dust from these lorry's bring which is bad for our health and the speed these lorry's come down the lane aswell there is a main road they can use not a small country lane

Comments for Planning Application 0918/MSC/19

Application Summary

Application Number: 0918/MSC/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mr Meirion Mulley

Address: 5 overshiel farm cottage Clifton Road Mid Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I'm injecting to the planning permission as we have had enough of these heavy lorry's coming and going especially early in the morning and late at night and I suffer with asthma and with the dust from these lorry's I've been suffering more with my asthma

Comments for Planning Application 0918/MSC/19

Application Summary

Application Number: 0918/MSC/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mr Martyn Mulley

Address: 5 overshiel farm cottage Mid Calder Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I'm injecting to the planning permission as we have had enough of these lorry's coming and going the last 18 months get desturbed at all time of the day getting Woking up at all times during the night,early morning they make a mess of the road creating pot holes etc

We have had a number of damage to our cars through debris left on the roads from these lorry's and as for the dust it gets every where we sometimes can't leave our windows open to let fresh air in

Comments for Planning Application 0918/MSC/19

Application Summary

Application Number: 0918/MSC/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mrs yvonne mulley

Address: 5 overshiel farm cottage Cliftonville Road Mid Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I'm objecting to the planning as we should not have to put up with more of these heavy lorry's

Creating dirt ,dust,and noise at all times of the day and getting disturbed early in the morning

They have a main road which they can use why do we have to put up with it

And they have just moved a badger den to the corner of the road so you will risk the life's of these badgers to

Comments for Planning Application 0918/MSC/19

Application Summary

Application Number: 0918/MSC/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Lord harry garriock

Address: Unit 4, Overshiel Farm, Clifton Road, East Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application is completely unnecessary. This access has been used illegally for the past year + This has had a detrimental effect on my business which is now near closure due to the state of this road which is unusable some days due to the volume of heavy plant and lorries etc. I object most strongly to this application as it is not necessary and was never meant to be an access road but a turning point as was laid out in the original plans, the signs that were erected at the end of the road states no access to Calderwood are being ignored by all and sundry

Regards.

Harry

Comments for Planning Application 0918/MS/19

Application Summary

Application Number: 0918/MS/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Miss Shann Macleod

Address: Overshiel Farmhouse Clifton Road East Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to lodge my objection to this proposal.

The 'Access road to serve Nethershiel' in the 'Description of the proposal' has already been in use for more than 18 months now. It has not just been used by the residents of Nethershiel but by construction traffic and Calderwood residents, at all times of the day and night.

It states that this road is being used 'in advance of constructing prospectively adoptable road', as well as 'a route for Nethershiel residents to access Clifton Road while Calderwood Access Road 3 constructed'. Access road 3 has already been constructed and has been in use for over a year now, making this whole application redundant.

As well as this road there are other roads and access points, that could be used and would be more suitable than a road on a sharp corner, so close to the cottages, and out onto a road which is in Edinburgh District.

Nethershiel has been there since before the development started, and therefore this should have been taken into consideration before now, and if it hasn't surely it should not take 5 years (as well as the previous 18 months) to come up with something more suitable.

I have a letter, dated 21st November stating that this section of Clifton road was to be closed off completely and the work was due to be undertaken in early 2019. It also came with a map clearly showing a dead end, and a turning circle situated where the road is now. This is what the actual plan for this road has always been. Permanent 'no through road' signs have been erected, but that is all. This means that the cottages are now directly linked to a construction site, and that people who have no connection to the development at all are the ones that are being made to suffer.

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1	DESCRIPTION
----------	--------------------

Erection of retaining walls at Land adjacent Clarendon House, Linlithgow, West Lothian, EH49 6AR

2	DETAILS
----------	----------------

Reference no.	0954/FUL/19	Owner of site	Craigs Eco Developments Ltd
Applicant	Craigs Eco Developments Ltd	Ward & local members	Linlithgow Councillor Tom Kerr Councillor Tom Conn Councillor David Tait
Case officer	Matthew Watson	Contact details	01506 283536 matthew.watson@westlothian.gov.uk

Reason for referral to Development Management Committee: Referred by Councillor Tait

3	RECOMMENDATION
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Grant planning permission, subject to conditions.

4.	DETAILS OF THE PROPOSAL AND BACKGROUND
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- 4.1 The application proposes the erection of retaining walls at the southern boundary and between house plots at the development site adjacent to Clarendon House. A section of retention is also proposed at the easternmost plot on the development site.
- 4.2 The walls vary from 0.6 m to 1 m across the southern boundary, 0.45 m to 1 m between plots and 0.25 m to 0.6 m at the easternmost plot. The materials proposed are pressure treated pine supported by grey, galvanised columns. Up to 1.1 metre high fences are proposed on top of the retaining walls between plots 1 and 2, 3 and 4 and 4 and 5.
- 4.3 Members may recall that application 0426/FUL/17 was granted by the Development Management Committee on 25 October 2017, subject to the conclusion of a legal agreement between the applicant and the Council. A Section 69 agreement to secure developer contributions was subsequently concluded and planning permission was granted on 8 February 2019. Subsequently, variations to house types and to the installation of traffic calming measures have been granted planning permission.

History

- 4.4 0507/TCA/19: Felling of three trees, Granted, 04/06/2019
- 4.5 0414/TCA/19: Felling of 5 trees (Partly in retrospect), Granted, 16/05/2019
- 4.6 0344/FUL/19: Amendment to Traffic Calming Measures required by condition 10 of application 0426/FUL/17, Granted, 20/06/2019
- 4.7 0337/FUL/19: Substitution of house type approved under LIVE/0426/FUL/17, Granted, 03/07/2019
- 4.8 0426/FUL/17: Erection of 6 houses including access roads and associated works, Granted, 08/02/2019
- 4.9 0429/FUL/11: Change of use of part of grounds of vacant building into operational base for environmental campaign including erection of polytunnel and shed, Grant temporary permission, 25/08/2011

5. REPRESENTATIONS

- 5.1 Four representations have been received in relation to the application. Two representations are general comments that were looking for information on the application and two representations object to the proposed development.
- 5.2 A summary of representations is located in the table below.

Comments	Response
<u>Objections</u> <ul style="list-style-type: none"> The appearance of the retaining wall is not in keeping with the site. The existing site has a sandstone retaining wall. Why would an industrial look of galvanised metal be acceptable if they are trying to retain a woodland feel? Drainage issues and need for updated SUDS layout, a drainage assessment and a flood risk assessment Need for a habitat survey Lack of information on materials and stepping of walls Significant loss of trees from the development and unlawful removal of 	<ul style="list-style-type: none"> The metal RSJs will match the colour of the roofs and wall finishes of the proposed house and will, thus, be in keeping with their surroundings. The council's Flood Risk Management team has been consulted and has raised no objection to the application and does not require these documents to be submitted. The proposal will not affect animal habitat and this survey is not required. The submitted drawings show this information. These points are not material to the determination of this

<p>trees</p> <ul style="list-style-type: none"> The applicant has shown disregard for planning conditions by continuously breaching condition 6 of their original permission <p><u>Comments</u></p> <ul style="list-style-type: none"> Seeking further information on how the walls will affect properties on Oatlands Park to the south of the site 	<p>application. Separate enforcement investigations have been instigated on alleged breaches of planning control.</p> <ul style="list-style-type: none"> This information has been given to those who commented and the proposal will not affect properties on Oatlands Park.
--	--

6. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
Flood Risk Management	No	<p>The proposal does not introduce a drainage issue and the detail showing the retaining wall is satisfactory.</p> <p>The planning authority needs to consider whether the use of high pressure treated timber is acceptable given it has a lifespan of around 15 years.</p>	Noted. The lifespan is dependent on type of wood and treatment. A planning condition is proposed to be attached that requires the applicant to submit samples of the proposed materials and detail the specific type of wood and treatment.
Arboricultural Officer	No	A method statement is required to show how the walls will be constructed and RSJs secured. Their position and diameter is also required.	Noted. The method statement can be secured via a planning condition. A standard condition for tree protection fencing is required.

7. ASSESSMENT

7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

7.2 The development plan comprises the Strategic Development Plan for South East Scotland (SESplan) and the West Lothian Local Development Plan

7.3 The relevant development plan policies are listed below:

Plan	Policy	Assessment	Conform ?
West Lothian Local Development Plan (LDP) (2018)	DES 1 Design Principle	The proposed retaining walls integrate in an acceptable manner with their context. See	Yes

		detailed assessment below.	
West Lothian LDP	ENV 24 Conservation Areas	The proposed retaining walls do not have an adverse impact on the character and appearance of the conservation area. See detailed assessment below.	Yes
West Lothian LDP	ENV 9 Woodland, Trees and Hedgerows	Subject to a method statement being secured by condition, the impact on trees is acceptable.	Yes
West Lothian LDP	EMG 3 Sustainable Drainage	The proposal will not raise further issues regarding drainage.	Yes

Visual Impact and Impact on the Appearance of the Conservation Area

- 7.4 Policy DES 1 requires development proposals to integrate with their context and built form.
- 7.5 Policy ENV 24 states that development should not have a detrimental impact on the character and appearance of conservation areas.
- 7.6 The proposed wooden sleepers will integrate with the woodland surroundings of the application site and the metal supports will match the wall and roof finishes of the houses currently under construction, in terms of colour. Samples of the wooden sleepers and metal supports will be required via a planning condition to ensure a high quality finish. The proposed 1.1 metre high fences between plots 1 and 2, 3 and 4 and 4 and 5 are acceptable in their scale
- 7.7 For these reasons, the proposal will integrate with its context in acceptable manner and will not have an adverse impact on the character and appearance of the Upper Linlithgow and Union Canal Conservation Area at this point.
- 7.8 The proposal therefore complies with policies DES 1 and ENV 24 of the LDP.

Impact on Trees

- 7.8 Policy ENV 9 states that proposals that adversely impact woodland and groups of trees will not be supported.
- 7.9 The council's arborist has been consulted on the proposals and has raised no objection to the application. The arborist has questioned what method is being used to construct the retaining walls. The area required to be dug for the metal supports will be small and, if hand dug, will not cause harm to roots of surrounding trees.
- 7.10 A construction and arboricultural method statement is proposed to be secured via a planning condition. A condition requiring the protection of nearby trees with fencing is also proposed to be attached to any planning permission.

- 7.11 The impact on trees is therefore acceptable and the proposal complies with Policy ENV 9 of the LDP.

8. CONCLUSION AND RECOMMENDATION

- 8.1 In summary, the proposal is acceptable in visual terms; will not adversely affect the character and appearance of the conservation area; and has an acceptable impact on trees.
- 8.2 Consequently, and in view of the above, it is recommended that planning permission is granted, subject to conditions.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Draft Conditions;
- Location Plan;
- Aerial Plan;
- Site Plan;
- Site Elevations;
- Site Sections;
- Representations;
- Member Referral Form.

Craig McCorriston

Head of Planning, Economic Development and Regeneration Date: 11 December 2019

Draft Conditions – 0954/FUL/19

1. All trees, hedges and shrubs within or adjacent to the site, except those whose removal or trimming has been approved by the planning authority, shall be protected from damage during construction work in accordance with section 6 (barriers and ground protection) of BS 5837 Trees in relation to design, demolition and construction - recommendations.

Prior to the commencement of development, measures in accordance with section 6 (barriers and ground protection) of BS 5837 Trees in relation to design, demolition and construction – recommendations shall be erected for the inspection and agreement of the planning authority.

Reason: To ensure trees to be retained are adequately protected during construction, in the interests of preserving trees in a conservation area and visual and environmental amenity.

2. Prior to the commencement of development, a construction and arboricultural method statement for the retaining walls, to include hand digging, shall be submitted to and approved in writing by the planning authority. Thereafter, the measures identified in the method statement shall be carried out during the construction of the development.

Reason: In the interest of the preservation of trees in a conservation area.

3. Prior to the commencement of development, samples of the materials proposed to be used as external finishes for the retaining walls, including type of wood and treatment, shall be submitted to and approved by the planning authority, and the development shall be carried out strictly using those approved materials.

Reason: To enable full consideration to be given to those details which have yet to be submitted, in the interests of visual and environmental amenity.





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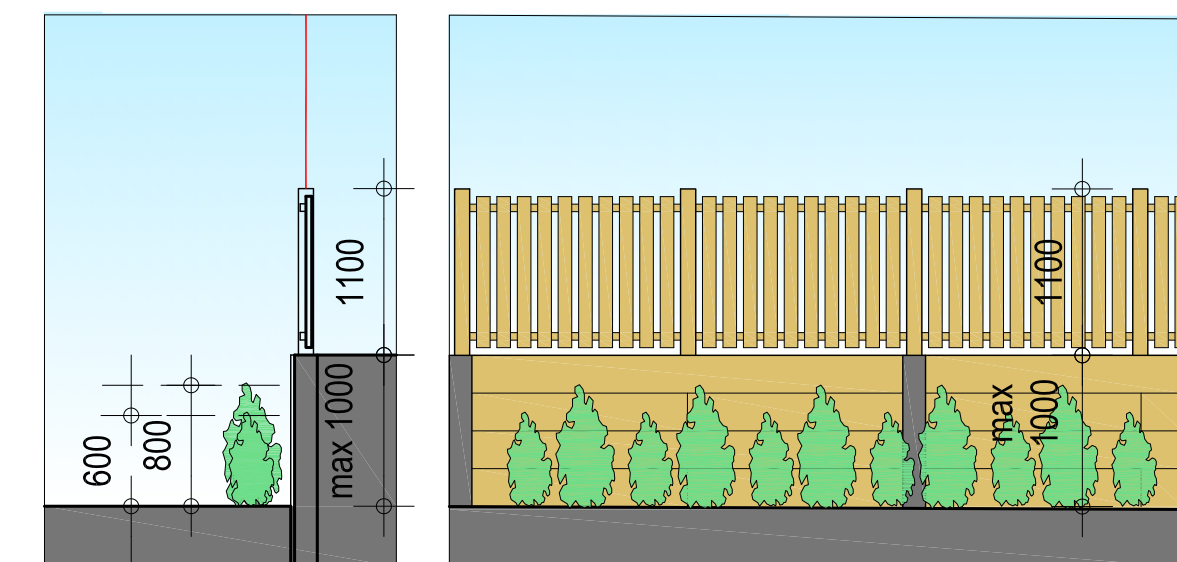
All works to comply with the relevant Codes of Practice and British Standards and shall be carried out to the highest standard of craftsmanship by skilled and qualified persons of the respective trades and in accordance with good building practice.

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.

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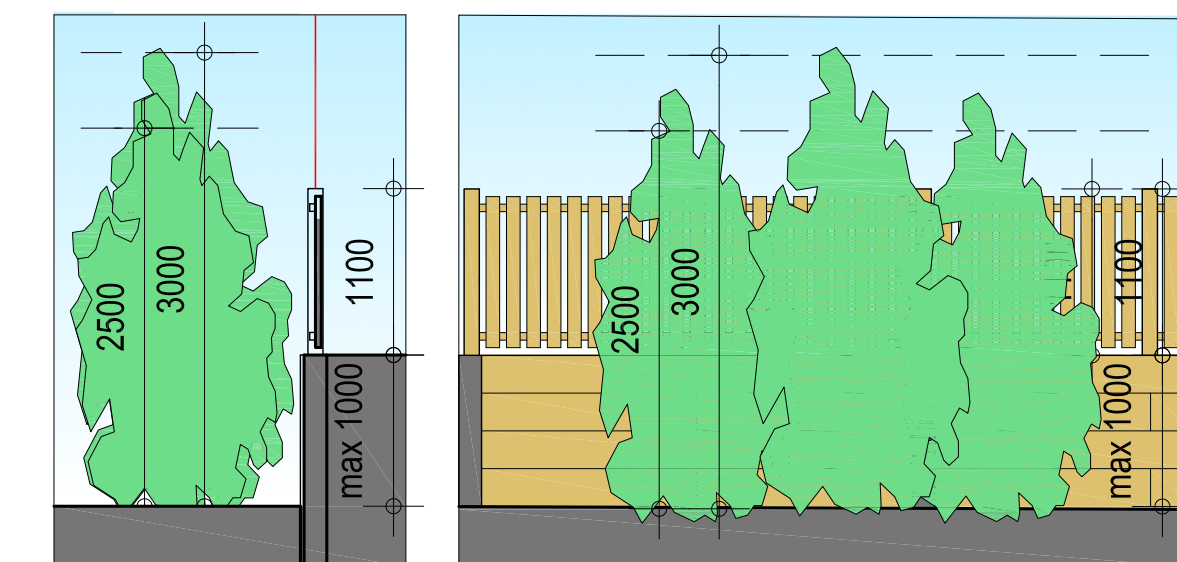
All dimensions are to the structure and exclude any plaster/plasterboard finishes.

boundary treatment 1 [1:50]
retaining wall | fence | yew bush



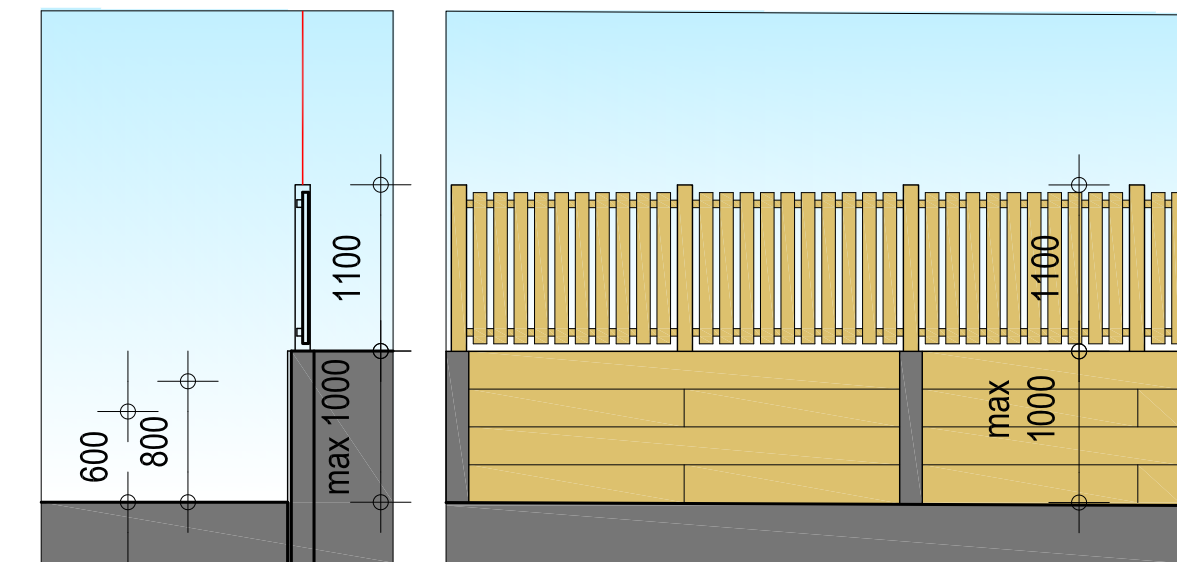
1100mm high straight top timber picket fence with min 6 year old 'taxus baccata' [yew] shrub, height between 600mm and 800mm with root ball to be planted at 400mm centers during planting season of october and april. max 1000mm high retaining wall constructed of galvanised columns with 150mm thick timber sleepers between.

boundary treatment 2 [1:50]
retaining wall | yew bush



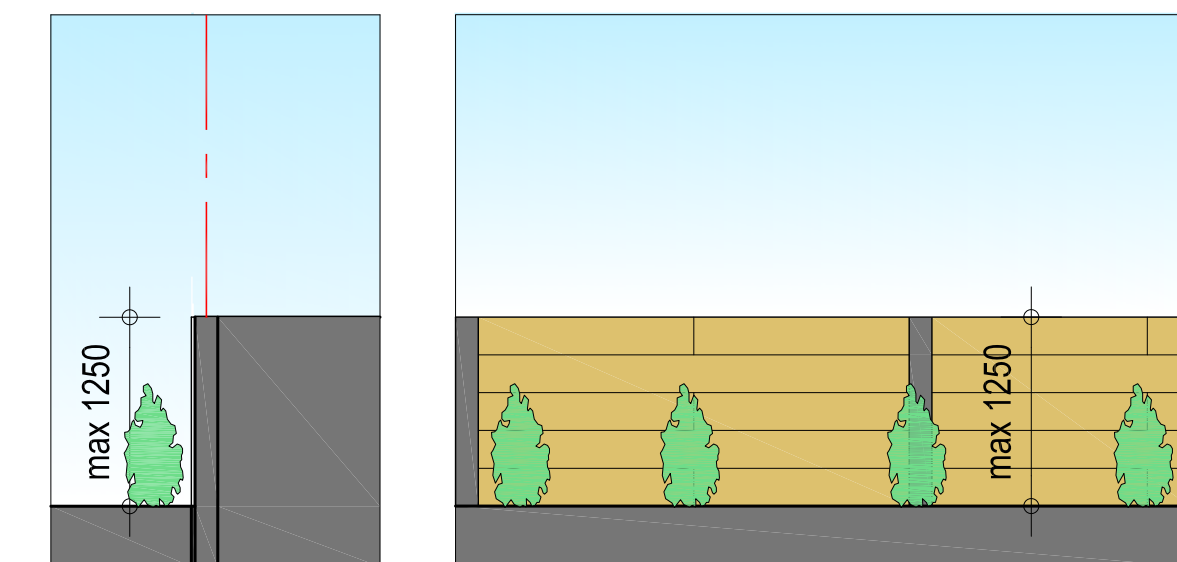
1100mm high straight top timber picket fence min 15 year old 'taxus baccata' [yew] shrub, height between 2.5 and 3 meters with 250-300mm root ball to be planted at 1 meter centers during planting season of october and april. max 1000mm high retaining wall constructed of galvanised columns with 150mm thick timber sleepers between.

boundary treatment 3 [1:50]
retaining wall



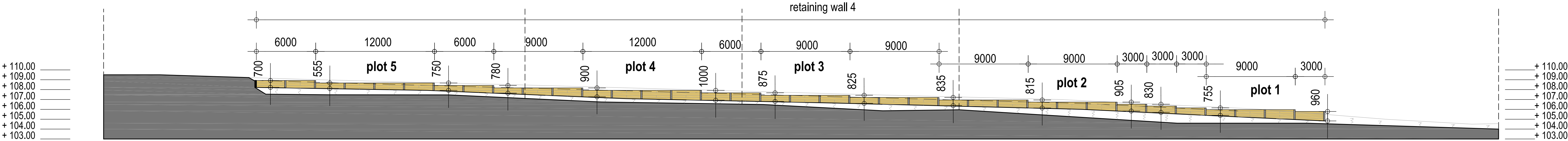
1100mm high straight top timber picket fence. max 1000mm high retaining wall constructed of galvanised columns with 150mm thick timber sleepers between.

boundary treatment 4 [1:50]
retaining wall | landscaped

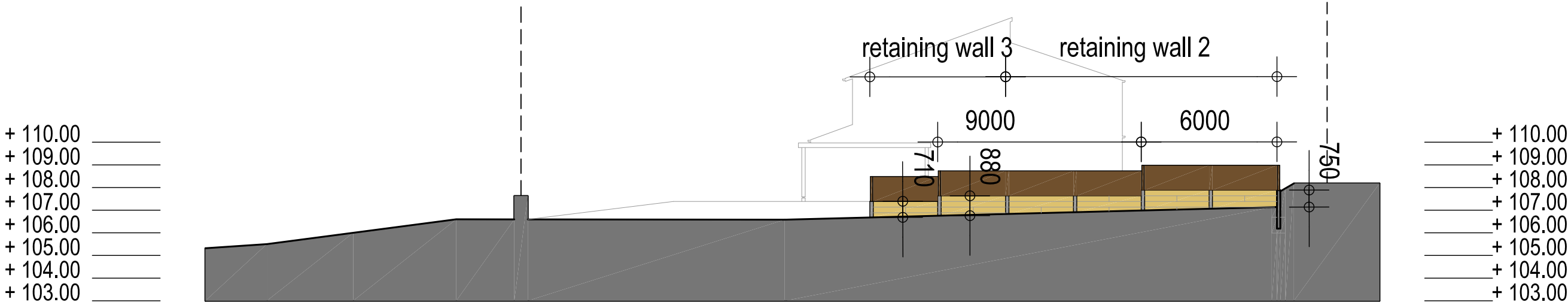


new shrubs to landscape architects specification in front of retaining walls on south boundary. max 1250mm high retaining wall constructed of galvanised columns with 150mm thick timber sleepers between.

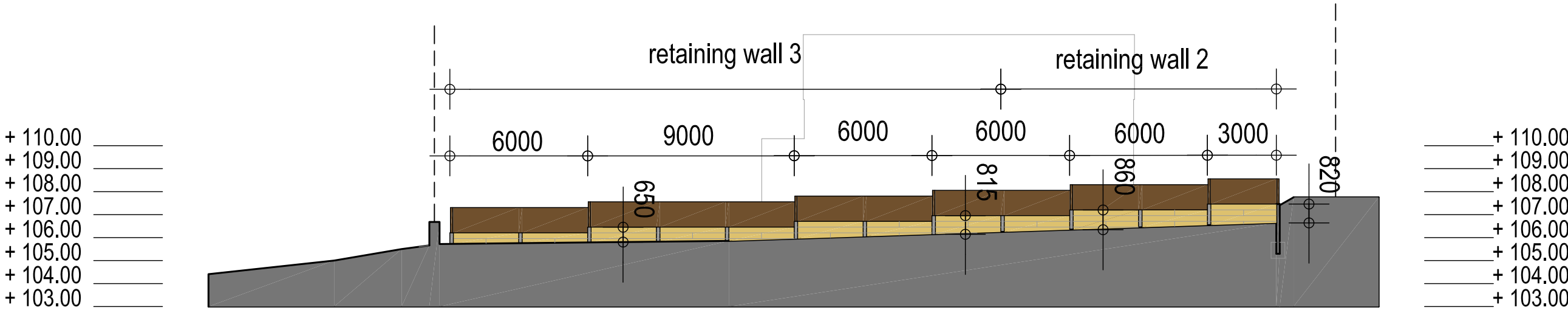
status	PLANNING		
drawing	17003 - P19		scale VAR (A1)
plotted			ref. KW
project	CLARENDON HOUSE LINLITHGOW		
title	REVISED LANDSCAPE PLAN		
slorach wood architects			
contact	The Station Master's Office, Dalmeny Station, South Queensferry, EH30 9JP, Tel: 0131 319 1260 Email: info@swa.uk.net Website: www.swa.uk.net		



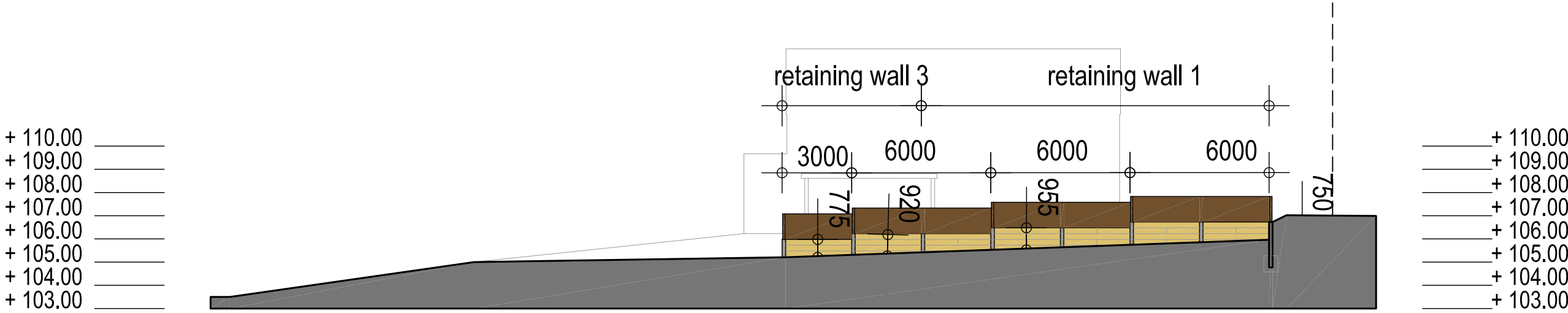
retaining wall elevation at south boundary [1:200]



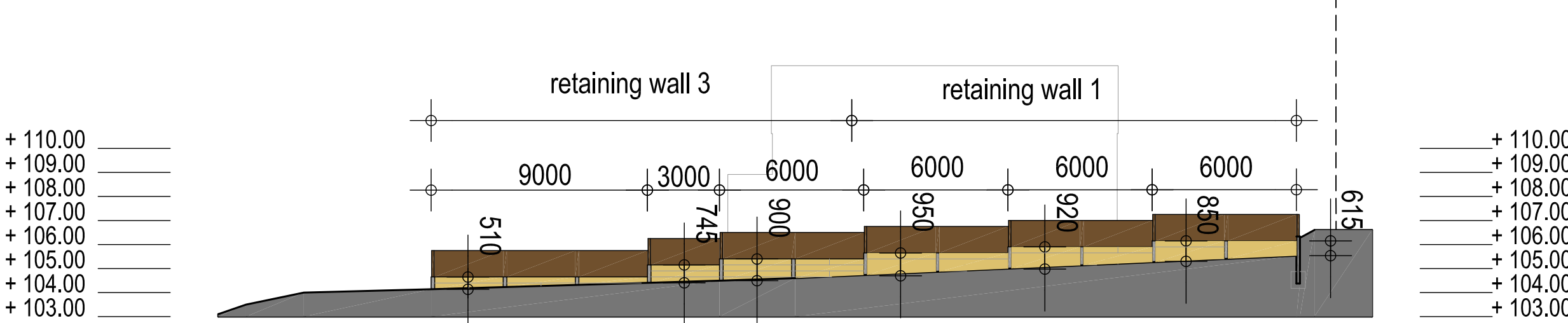
retaining wall between plot 4 & 5 [1:200]



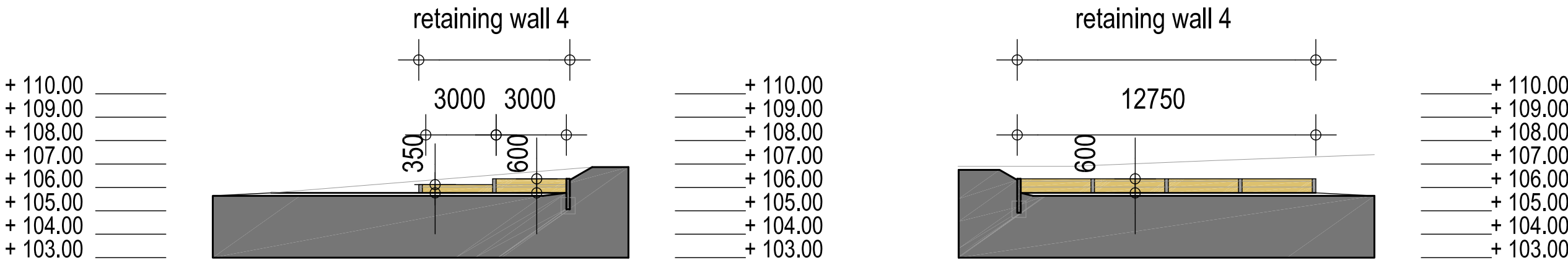
retaining wall between plot 3 & 4 [1:200]



retaining wall between plot 2 & 3 [1:200]



retaining wall between plot 1 & 2 [1:200]

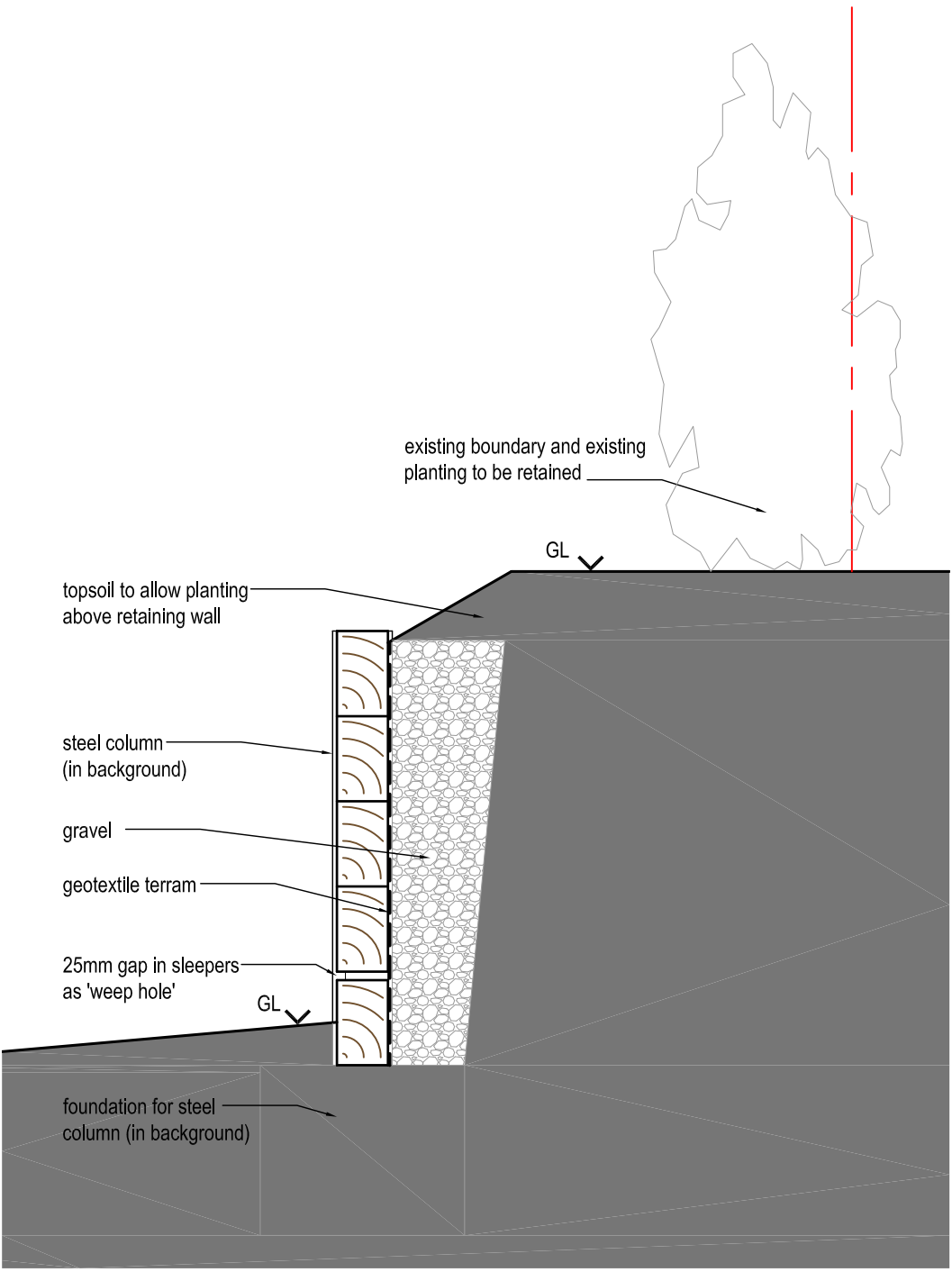


retaining wall at plot 6 [1:200]

north-east elevation

retaining wall at plot 6 [1:200]

south-east elevation



retaining wall section [1:20]

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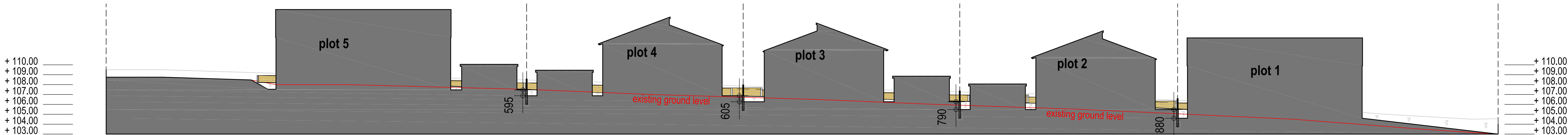
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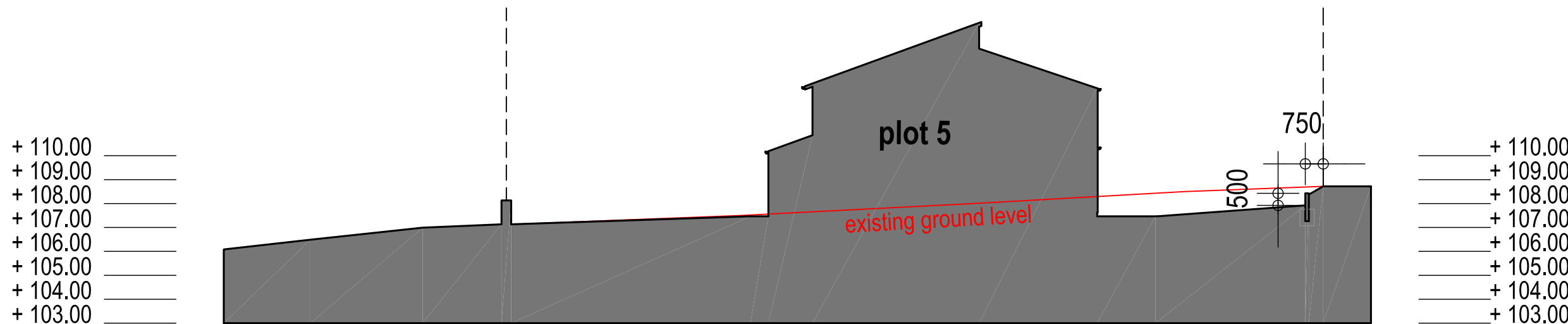
The contractor shall be responsible for making contact with the respective statutory authorities and establish the location of all existing services. The contractor shall ensure compliance with the Local Authority regulations.

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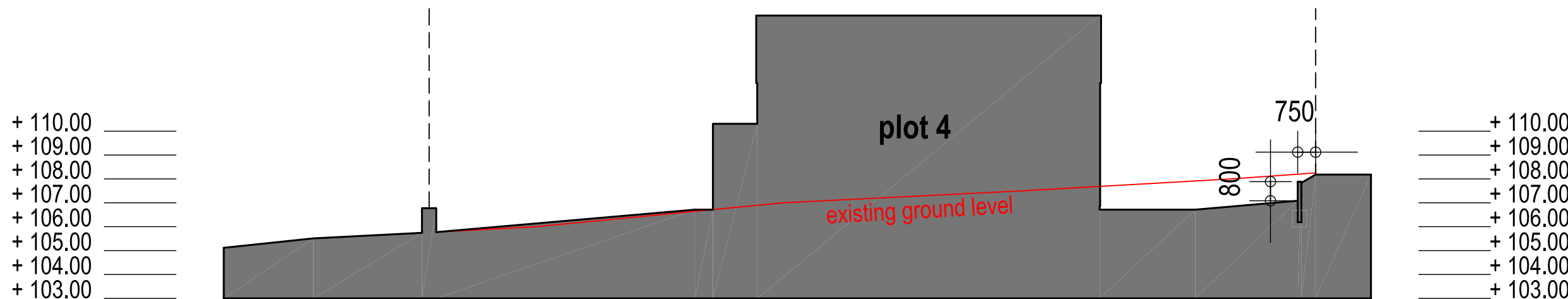
B	RETAINING WALLS SECTION ADDED		18/10/19
A	RETAINING WALLS REVISED TO CLIENT COMMENTS		18/10/19
status		PLANNING	
drawing		17003 - P18 B	scale VAR [A1]
plotted		ref. KW	
project		CLARENDON HOUSE LINLITHGOW	
title		SITE ELEVATIONS WITH RETAINING WALLS	
		slorach wood architects	
contact		The Station Master's Office, Dalmeny Station, South Queensferry, EH30 9JP, Tel: 0131 319 1260 Email: info@swa.uk.net Website: www.swa.uk.net	



section a-a [1:200]



section b-b [1:200]



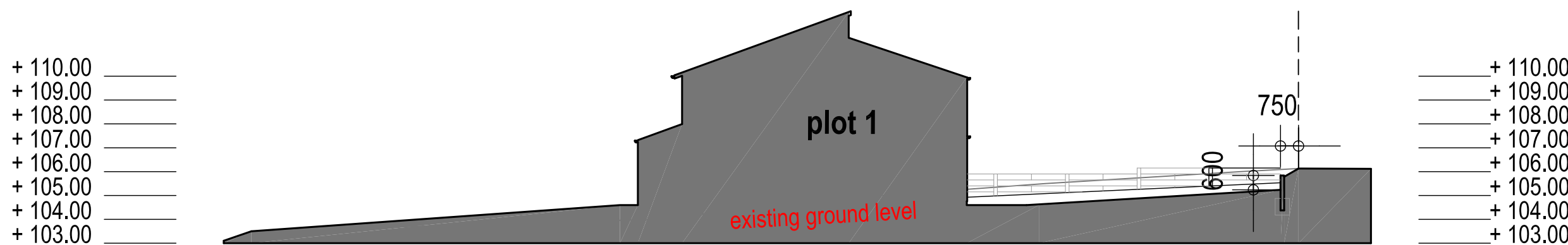
section c-c [1:200]



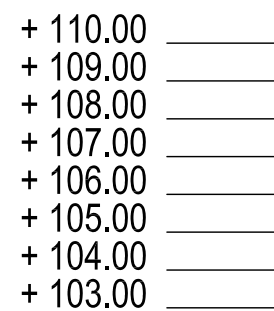
section d-d [1:200]



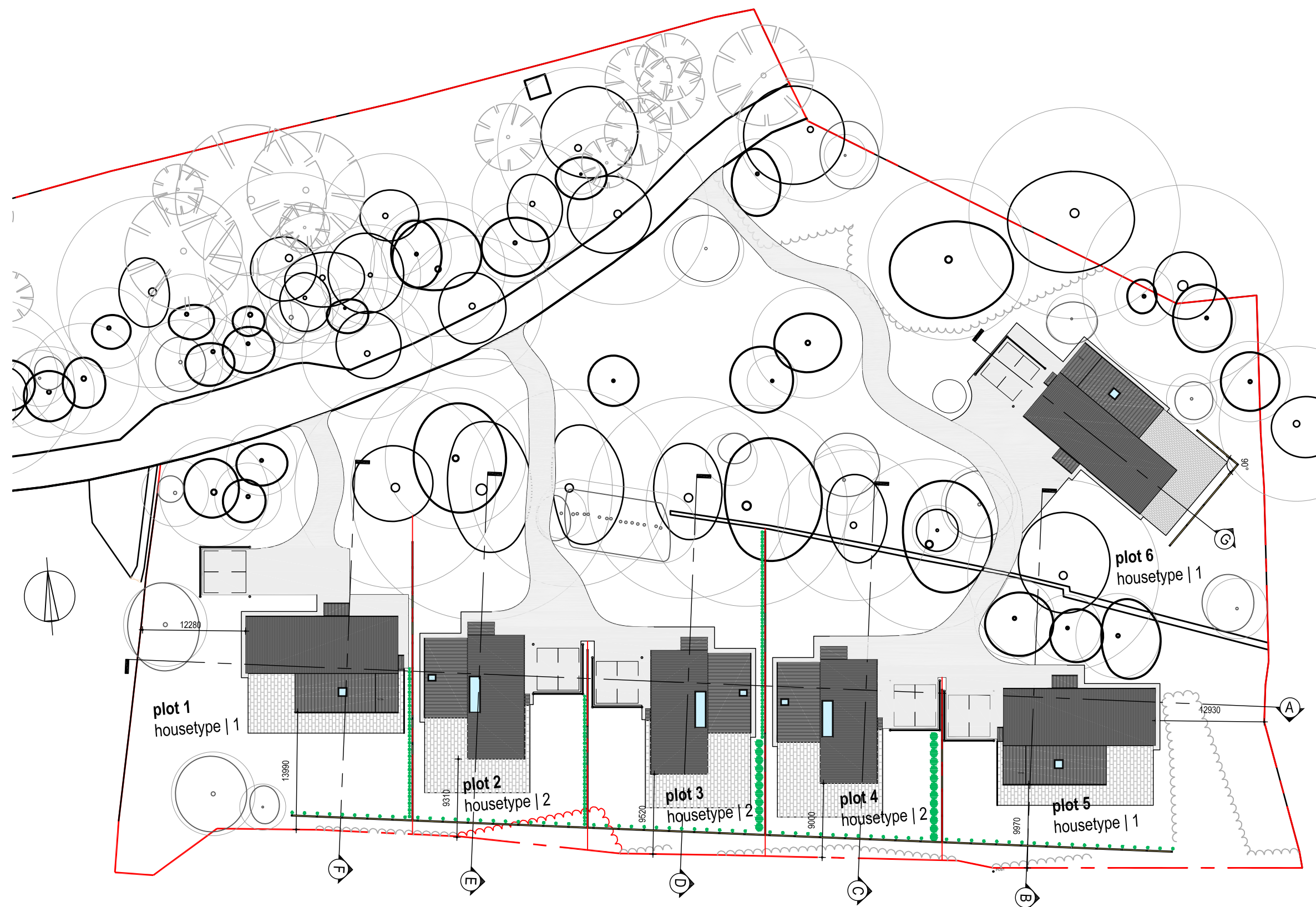
section e-e [1:200]



section f-f [1:200]



section g-g [1:200]



site plan with sections [1:500]

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G	RETAINING WALLS REVISED TO CLIENT COMMENTS	18/10/19
F	RETAINING WALLS REVISED TO REDUCE HEIGHTS & DIMENSIONS ADDED. BOUNDARY TYPE CLARIFIED BETWEEN PLOTS 2 & 3. SECTION G-G	13/10/19
E	PATIO AREAS AMENDED TO CLIENT COMMENTS 7 PLOT 6 RETAINING WALL AMENDED TO SUIT	28/10/19
D	RETAINING WALLS AT BOUNDARY OF PLOTS 2 & 3 REVISED DUE TO REMOVAL OF LOW LANDSCAPING	24/10/19
C	NOTE ADDED CONFIRMING NEW LANDSCAPING AT RETAINING WALLS	09/09/19
B	AMENDMENTS TO CLIENT COMMENTS	09/09/19
A	AMENDMENTS TO CLIENT COMMENTS	28/08/19

status	PLANNING
drawing	17003 - P15 G
plotted	ref. KW
project	CLARENDON HOUSE LINLITHGOW
title	SITE SECTIONS WITH RETAINING WALLS
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

Comments for Planning Application 0954/FUL/19

Application Summary

Application Number: 0954/FUL/19

Address: Clarendon House 30 Manse Road Linlithgow West Lothian EH49 6AR

Proposal: Erection of retaining walls

Case Officer: Matthew Watson

Customer Details

Name: Ms Fiona Stewart

Address: atrium house falkirk

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As the owner to the neighbouring field we have concerns over the significant loss of trees which provide a valuable asset to the area. Further local development plan policy indicates amongst other things that tree felling would be detrimental to landscape, amenity, nature conservation will be discouraged.

To suggest this loss of established woodland would be offset by compensatory planting is disingenuous as it would be difficult to compensate by new and replacement tree planting in the short term.

Planning policy clearly dictates that the loss of mature trees cannot be justified by way of 'enabling development' which is the case here

The proposed development should instead be required to be set back to protect existing trees in line with the local development plan.

Comments for Planning Application 0954/FUL/19

Application Summary

Application Number: 0954/FUL/19

Address: Clarendon House 30 Manse Road Linlithgow West Lothian EH49 6AR

Proposal: Erection of retaining walls

Case Officer: Matthew Watson

Customer Details

Name: Mr Ross Park

Address: Clarendon House, 30 Manse Road Linlithgow

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have a few concerns regarding this application:

1. No site notification has been put up for the public to comment?
2. No gazette notification for the public to comment?
3. Neighbour notification was only issued after I personally queried why there was no notification
4. There has been significant tree removal from this site and yet again we are looking at further damage to the trees. This applicant has shown total disregard for this site by removing trees unlawfully and damaging others by consecutively breaching condition 6 - RPA protection which was part of their original planning application.
5. The whole site was supposed to fit into its surrounding whilst maintaining a woodland feel. I would urge the Councillors to see the site and see if they feel if it still looks like a woodland.
6. The appearance of the retaining wall is not in keeping with the site. The existing site has a sandstone retaining wall. Why would an industrial look of galvanised metal be acceptable if they are trying to retain a woodland feel. I would also question how effective wooden beams will be in the long term for a retaining wall? What is the life expectancy of such a material when being used for a retaining wall?
7. In general there is not enough detail. How long are the retaining walls? How far are they from the boundary or the dwellings on each plot? If they take an angle, what angle?
8. Drainage issues for surrounding land (Clarendon House, Fields to the south of this site, Adjacent back gardens of Oatlands Park to the South of this site. There is no detail on how the retaining wall will be suitably drained.
9. Boundary treatment 4 does not state the height across the site. It simply states it will be stepped. Where and when will it step?
10. Boundary treatment between plots 2 & 3 is stated as treatment 1 but also treatment 3. Which one is it as they are vastly different

11. There is no detail for what the retaining wall at plot 6 will look like or materials being used. What treatment detail is being used here?
12. Site sections drawing does not show Plot 6 elevation section but all others are detailed.

I have no faith in reports from Langton Tree Specialists. On previously reports they misled the RPA between plots 5 & 6 which led to the council granting and increased foot print to both plot 5 & 6 which may cause ongoing issues for tree 1084. In this new report it states "Nearly all proposed work will be carried out at or beyond the RPA of the boundary hawthorn hedges". What RPAs will be affected? Apart from the Hawthorne hedge that runs the length of the south boundary the RPA of yew hedge to the east of plot 5 will be affected. Other trees which will be affected will be 1067 (Goat Willow at 8m) and 1068 (Silver Birch at 11m). Also there are various large trees in the back gardens of Oatlands Park adjacent to this site which will have signification RPA give that they are 20m+ conifers. How will these trees be affected as they do not seem to feature in arborist

From: [REDACTED]
To: [Watson, Matthew](#)
Subject: 0954/FUL/19 (Objection in Full)
Date: 04 November 2019 21:17:50
Importance: High

Matthew,

I have a few concerns regarding this application:

1. No site notification has been put up for the public to comment?
2. No gazette notification for the public to comment?
3. Neighbour notification was only issued after I personally queried why there was no notification
4. There has been significant tree removal from this site and yet again we are looking at further damage to the trees. This applicant has shown total disregard for this site by removing trees unlawfully and damaging others by consecutively breaching condition 6 – RPA protection which was part of their original planning application.
5. The whole site was supposed to fit into its surrounding whilst maintaining a woodland feel. I would urge the Councillors to see the site and see if they feel if it still looks like a woodland.
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7. In general there is not enough detail. How long are the retaining walls? How far are they from the boundary or the dwellings on each plot? If they take an angle, what angle?
8. Drainage issues for surrounding land (Clarendon House, Fields to the south of this site, Adjacent back gardens of Oatlands Park to the South of this site. There is no detail on how the retaining wall will be suitably drained.
9. Boundary treatment 4 does not state the height across the site. It simply states it will be stepped. Where and when will it step?
10. Boundary treatment between plots 2 & 3 is stated as treatment 1 but also treatment 3. Which one is it as they are vastly different
11. There is no detail for what the retaining wall at plot 6 will look like or materials being used. What treatment detail is being used here?
12. Site sections drawing does not show Plot 6 elevation section but all others are detailed.

I have no faith in reports from Langton Tree Specialists. On previously reports they misled the RPA between plots 5 & 6 which led to the council granting and increased foot print to both plot 5 & 6 which may cause ongoing issues for tree 1084. In this new report it states “Nearly all proposed work will be carried out at or beyond the RPA of the boundary hawthorn hedges”. What RPAs will be affected? Apart from the Hawthorne hedge that runs the length of the south boundary the RPA of yew hedge to the east of plot 5 will be affected. Other trees which will be affected will be 1067 (Goat Willow at 8m) and 1068 (Silver Birch at 11m). Also there are various large trees in the back gardens of Oatlands Park adjacent to this site which will have signification RPA give that they are 20m+ conifers. How will these trees be affected as they do not seem to feature in arborists report at all. On the report it states as a precaution “All remaining work

should be carried out according to sections 2 and 4 of the 'Tree protection method statements and specifications' report of March 2019 and should conform to clause 7 of BS 5837: 2012;" the applicant has shown total disregard from this throughout their development which I believe planning enforcement has imposed fines for these breaches.

Arborists report "Any excavation within the RPA must be undertaken by hand or with the use of an air spade (as allowed for in BS 5837: 2012), to limit the potential for root damage and ensure that root severance is kept to a minimum." Due to previous breaches in the RPA the applicant was solely meant to hand dig. Are west Lothian Council going to back track and give use of an air spade in the RPA?

The Applicant/Architect blames the amount of woodland for not understanding that there is a slope to the site. It is clear that the site slopes given that there is an old stone retaining wall which already exists on site between plots 1-5 and plot 6. This retaining wall detail should have been known when the original application was submitted. Even if this detail was not present then surely an application for these additional treatments/walls should have been made before committing to a foundation level for the houses.

The architect states due to the close proximity of the houses there is no option to naturally gradient the land. Again this would have been known when the original planning application was submitted. The site has been over developed which has resulted in the houses being too close together which means the natural excellence of the site has been lost.

Essentially the retaining walls are being used to created a patio and useable garden space with no or very limited gradients. There was always a gentle natural slope to the site until 600mm of top soil was excavated which should have been replaced with non-contaminated topsoil. If this had been the case then no retaining walls would be required.

Core issues in the planning application form completed by Slorach Wood Architects:

- Planning application states No works have been started. Land has already been excavated with a large digger in the root protection area of multiple trees breaching condition 6 of the original planning application
- Planning application states 0.1 Hectares (.24 acres) which is far short of the actual area of this site. The actual site is circa 6 acres
- Planning application states "Do your proposals make provision for sustainable drainage of surface water?" to which it has been answered "No". How can a retaining wall that runs virtually the whole length of the south side of the site not require an updated SUDs agreement when the ground slopes downhill from South to North
- Planning application states "Will your proposal require new or altered water supply or drainage arrangements?" to which it has been answered "No". This would surely be affected by an updated SUDs requirement to move excess backed up water which would affect drainage requirements/design for the site.
- Planning application states "Do you think your proposal may increase the flood risk elsewhere?" to which it has been answered "No". I think Clarendon House garden will be affected along with the fields to the south of the site and also the adjacent back gardens of Oatlands Park to the south of the site.

Missing information:

Environmental Statement

- Flood Risk Assessment.
- A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems)
- Drainage/SUDS layout
- Habitat Survey

Regards

Ross

Clarendon House



Comments for Planning Application 0954/FUL/19

Application Summary

Application Number: 0954/FUL/19

Address: Clarendon House 30 Manse Road Linlithgow West Lothian EH49 6AR

Proposal: Erection of retaining walls

Case Officer: Matthew Watson

Customer Details

Name: Mrs Sarah Gahagan

Address: 10 Clarendon Road Linlithgow

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: More specific information on this wall and how it will look and impact on neighbouring houses needed.

Comments for Planning Application 0954/FUL/19

Application Summary

Application Number: 0954/FUL/19

Address: Clarendon House 30 Manse Road Linlithgow West Lothian EH49 6AR

Proposal: Erection of retaining walls

Case Officer: Matthew Watson

Customer Details

Name: Mr Graham Burrows

Address: 6 Clarendon road Linlithgow

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Can you explain exactly where this wall will be and what will it be made of or look like.



West Lothian
Council

Planning Services
Development Management Committee

☒ LOCAL MEMBER REFERRAL REQUEST ☒

Members wishing a planning application to be heard at the Development Management Committee must complete and return this form to Development Management within 7 days.

The planning application details are available for inspection on the council's web site at <http://planning.westlothian.gov.uk/WAM133/searchsubmit/performance.do?action=search>

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
Application Reference Number 0954/FUL/19	Applicant Request
Site Address Clarendon House, Manse Road, Linlithgow	Constituent Request✓
Title of Application Erection of retaining walls	Other (please specify) <input type="checkbox"/>
Member's Name Cllr David Tait	
Date 25/11/2019	

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Change of use of open space to private garden ground and erection of timber boundary fence (in retrospect) (as amended) at 28 Oldwood Place, Eliburn, Livingston, EH54 6UJ

2 DETAILS

Reference no.	0956/FUL/19	Owner of site	Mr Matthew Dyson
Applicant	Mr Matthew Dyson	Ward & local members	Livingston North Councillor Robert De Bold Councillor Alison Adamson Councillor Dom McGuire Councillor Andrew Miller
Case officer	Matthew Watson	Contact details	01506 283536 matthew.watson@westlothian.gov.uk

Reason for referral to Development Management Committee: Objection from Eliburn Community Council

3 RECOMMENDATION

Grant planning permission, subject to conditions.

4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 The application seeks retrospective planning permission for the change of use of an area of open space to private garden ground and a 1.8 metre high fence as a boundary treatment.
- 4.2 The application site is designated as public open space in the West Lothian Local Development Plan.
- 4.3 The application originally proposed to enclose a much larger area of open space. Following negotiation with the applicant, the proposal has been revised. The amended proposal reduces the amount of open space currently enclosed as garden from 443.5 sq m down to 117.4 sq m. This represents a 73.5% reduction in the area enclosed for private garden ground, which will be returned to public open space. The boundary fence

currently sits hard up against the public footpath. The application revises this arrangement so that the fence is set one metre back from the public footpath.

History

- 4.4 0447/H/98: Extension to house, Granted, 24/06/1998

5. REPRESENTATIONS

- 5.1 One representation was received from Elburn Community Council in response to the proposal. This representation objects to the proposed development. A summary of the representation is below:

Comments	Response
<ul style="list-style-type: none"> The proposal is contrary to Policy ENV 21 of the LDP; A six foot high fence bordering the public footpath goes against the principle of open spaces. 	<ul style="list-style-type: none"> The proposal is, on balance, acceptable in terms of ENV 21. See assessment below. The applicant has proposed moving the boundary fence to being one metre off the public footpath. This is acceptable in visual terms. See assessment below.

6. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
Open Space Officer	No	<p>Advises fences should be set one metre back from paths, to reduce the 'corridor' effect for pedestrians and cyclists using the paths.</p> <p>In this case it would also enable easy access to the street lighting cable which runs under the edge of the path.</p>	Noted. The application has been revised so that the fence is set one metre back from the path.

7. ASSESSMENT

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 7.2 The development plan comprises the Strategic Development Plan for South East Scotland (SESplan) and the West Lothian Local Development Plan

7.3 The relevant development plan policies are listed below:

Policy	Policy Summary	Assessment	Conform ?
West Lothian Local Development Plan (LDP) ENV 21 Protection of formal and informal open space	This policy states that proposals which result in a loss of open space will not be supported unless five criteria are met.	Although there is a lack of a locational justification for the loss of open space, the area proposed to be enclosed does not have a significant adverse effect on recreational amenity in the area; the area is not of significant ecological value and there is no loss of trees and woodlands; and connectivity within the wider green network is not compromised. On balance, the proposal is considered to be acceptable in terms of ENV 21.	In part
West Lothian LDP DES 1 Design principles	This policy states that development proposals are required to integrate with their local context.	The proposed movement of the boundary fence one metre off the public footpath means the application is acceptable in terms of visual impact.	Yes

7.4 The determining issues in relation to this application are set out below:

Principle of Development

- 7.5 Policy ENV 21 (Protection of formal and informal open space) criterion (a) of the West Lothian LDP states that where open space would be lost (this includes change of use to garden ground) there needs to be a locational justification.
- 7.6 The applicant has incorporated an area of land into his garden ground. This is proposed to be significantly reduced in area as part of this application. The enclosure of open space to form part of a garden is not in itself a locational justification for the loss of open space. The proposal is therefore not compliant with this part of Policy ENV 21.
- 7.7 There will not be a significant adverse effect on recreational amenity in terms of Policy ENV 21 (b), nor will there be an impact on connectivity or functionality of the wider green network, in terms of Policy ENV 21 (e). Policy ENV 21 (d) is not applicable.
- 7.8 Policy ENV 21 (c) states that the loss of open space will not be supported unless 'the area is not of significant ecological value and disturbance and loss of trees, woodlands and wildlife habitats or green corridors is minimised'.
- 7.9 The site does not have any formal biodiversity or ecology designations and is not viewed as being of 'significant' ecological value. No trees have been felled in the current enclosure of the area of open space and none will be in the revised proposals.

- 7.10 On balance, the significant reduction in private garden ground represented by the applicant's agreement to a negotiated compromise, coupled with the fact there is no adverse impact on recreational amenity; no impact on the wider green network; and the area is not of significant ecological value, means the principle of development is considered acceptable in this instance. A condition is proposed that requires the applicant to move the fence to the position shown on the approved drawings within four months of a decision being issued.

Visual Impact of Boundary Treatments

- 7.11 In terms of the design of the boundary treatments, Policy DES 1 (Design principles) of the LDP states that development must integrate with its local context and built form.
- 7.12 The boundary fence is currently hard up against the public footpath for a length of 58 metres. Revisions to the application propose that the fence is moved one metre away from its current location. The fence is now proposed to run for a length of 13.4 metres alongside the public footpath.
- 7.13 The revisions proposed will result in a much reduced level of visual impact due to the movement of the fence one metre from the footpath and the reduced length of the fence. The revised proposal is viewed as integrating with its context and complies with Policy DES 1 of the LDP.

8. CONCLUSION AND RECOMMENDATION

- 8.1 In summary, the reduced amount of open space enclosed means that, on balance, principle of development is acceptable in this case. The visual impact of the boundary treatments is acceptable with the fence proposed to be moved one metre off the public footpath.
- 8.2 Consequently, and in view of the above, it is recommended that planning permission is granted, subject to conditions.

9. BACKGROUND REFERENCES & ATTACHMENTS

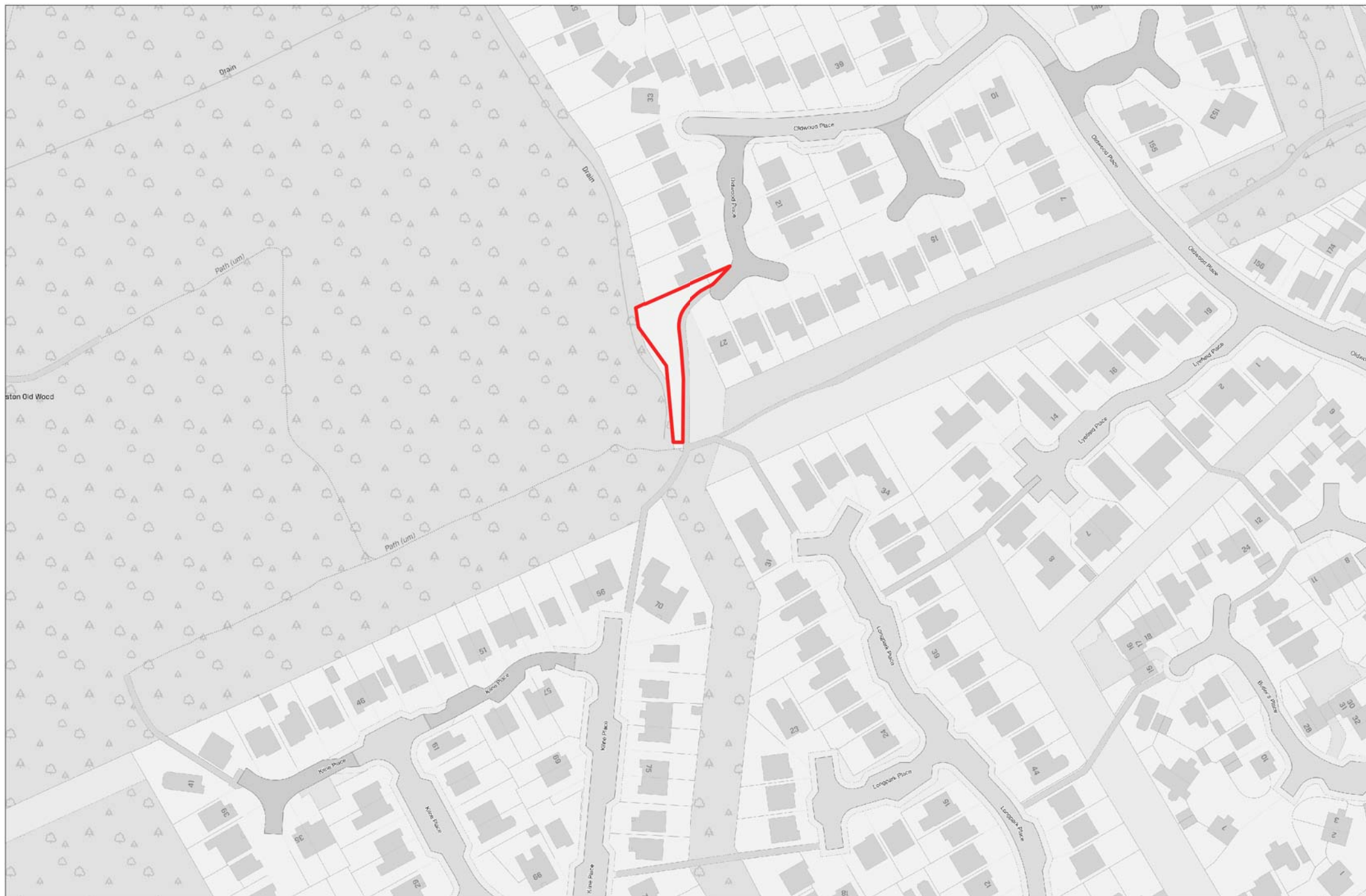
- Draft Conditions;
- Location Plan;
- Aerial Plan;
- Proposed Block Plan;
- Fencing Details;
- Photograph Sheet;
- Representation.

Craig McCorriston
Head of Planning, Economic Development and Regeneration **Date: 11 December 2019**

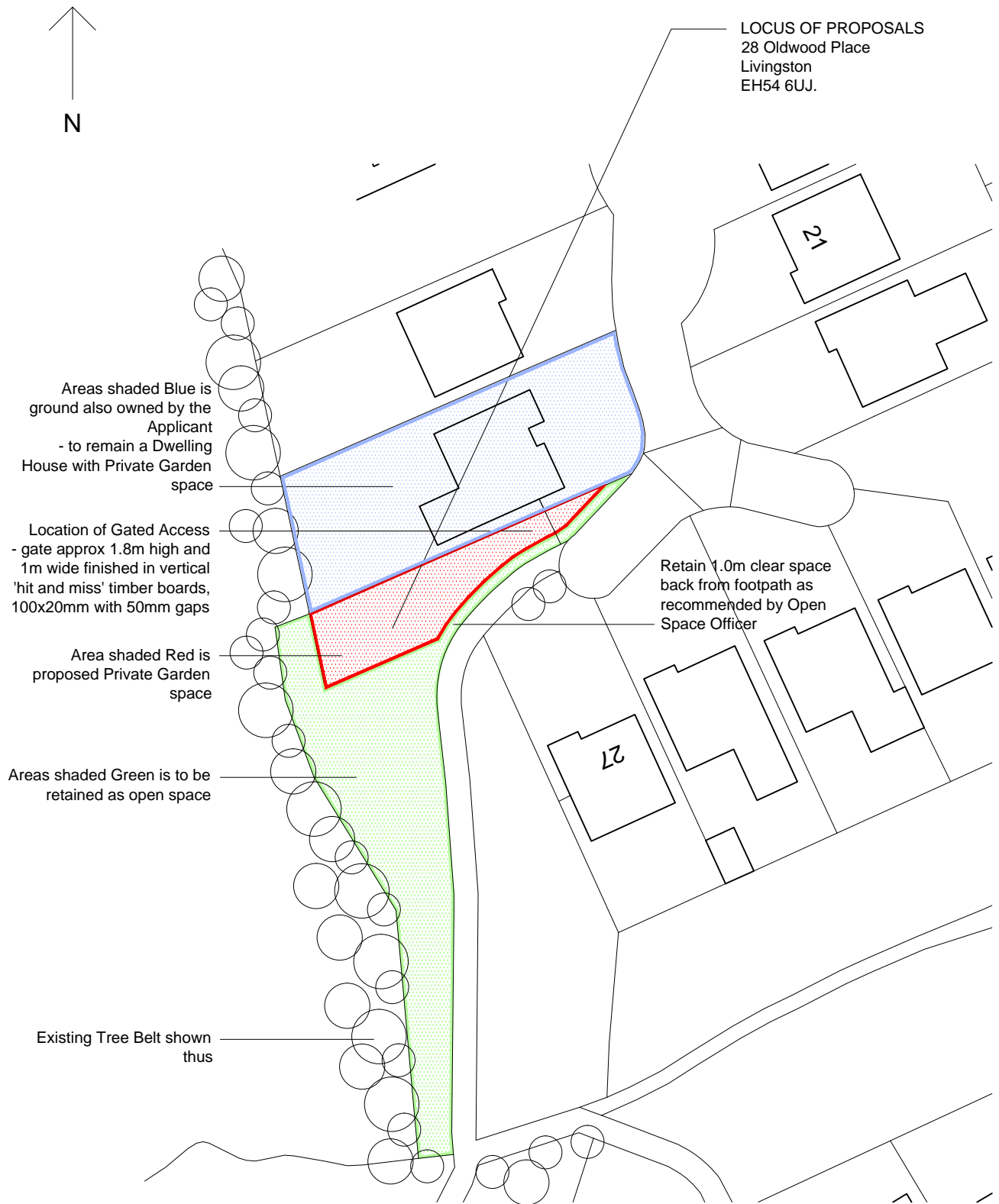
Draft Conditions – 0956/FUL/19

1. Within four months of the date on the decision notice, the fence shall be moved to enclose the area denoted on the approved Block Plan, unless otherwise agreed in writing by the planning authority. The remaining part of the site shall be reinstated as publicly accessible open space with the land made good and any play equipment removed.

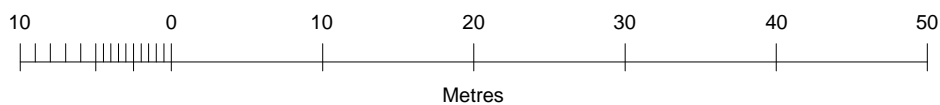
Reason: To ensure the implementation of the revised position of the fence and in the interest of visual amenity.





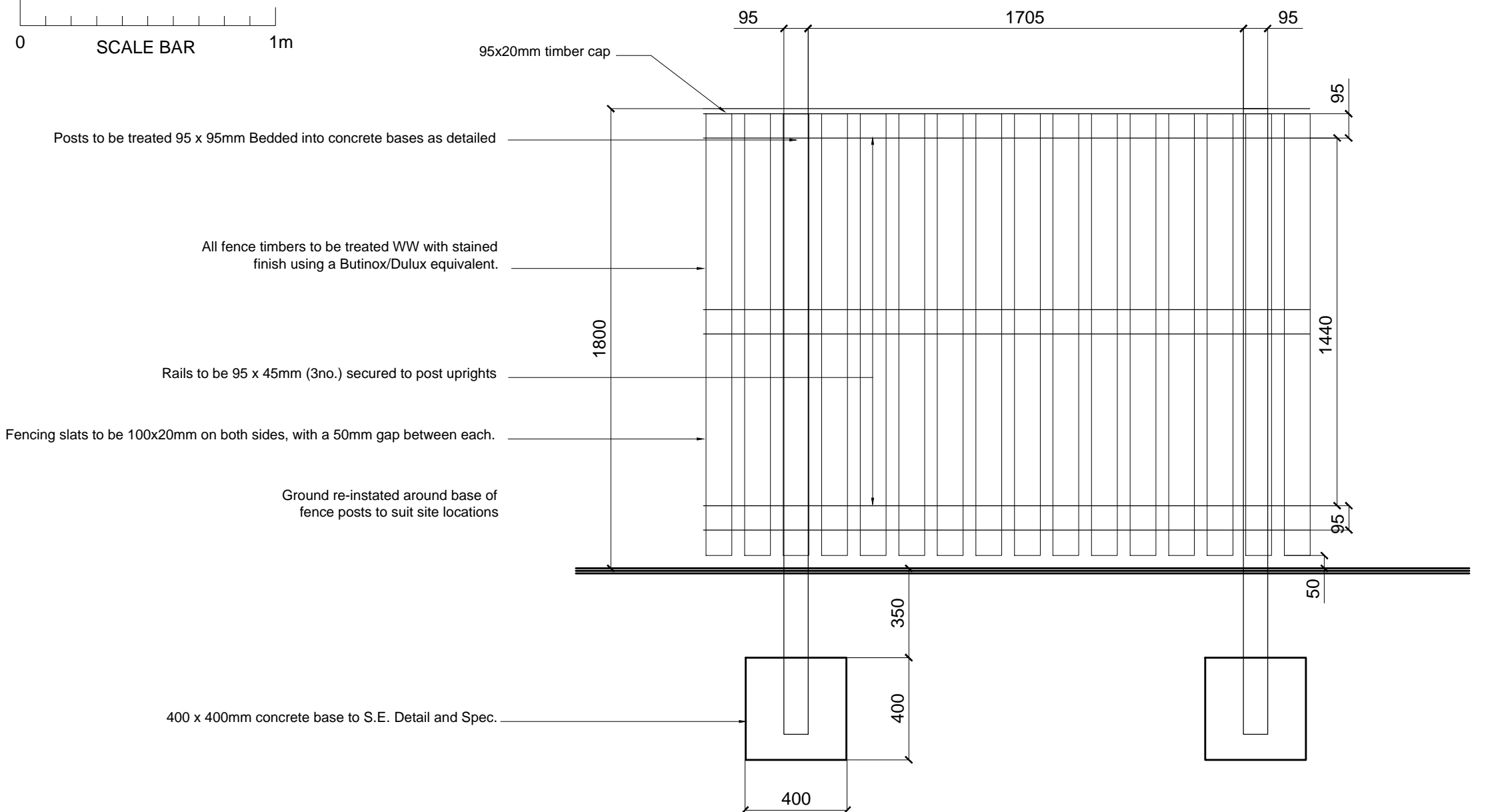
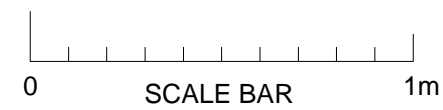


Block Plan at scale 1:500 @ A4

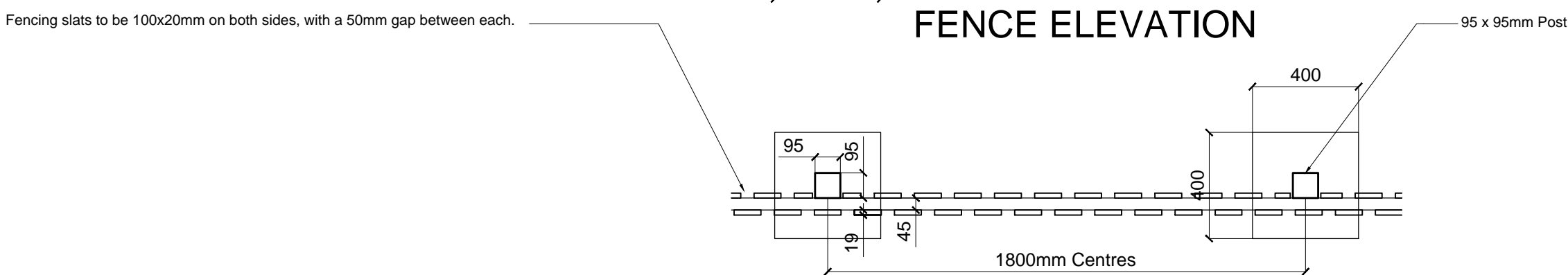


Produced on 25 September 2019 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.
This map shows the area bounded by 303326,667666 303326,667808 303468,667808 303468,667666
Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.
Crown copyright 2019. Supplied by copla ltd trading as UKPlanningMaps.com a licensed Ordnance Survey partner (100054135).
Data licenced for 1 year, expiring 25 September 2020. Unique plan reference: v2c/389241/528126

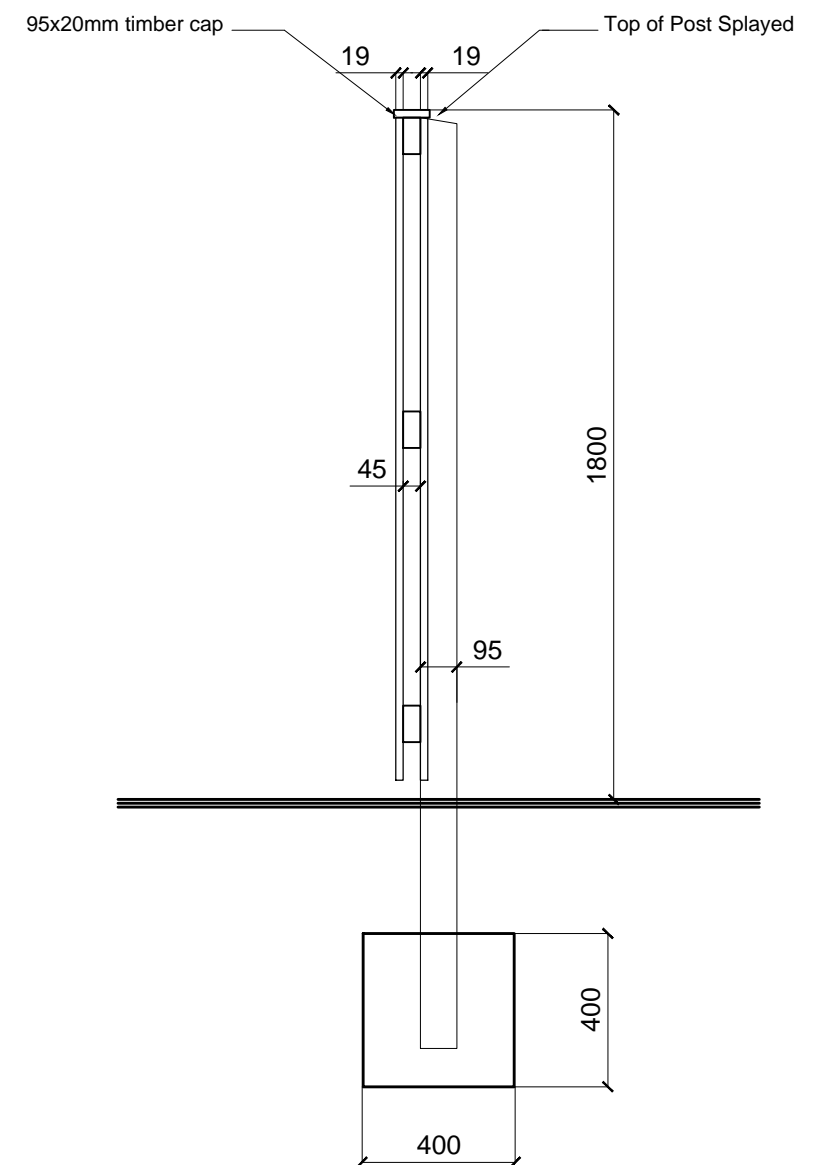
28 Oldwood Place, Livingston, EH54 6UJ.



FENCE ELEVATION



PLAN VIEW



SECTION

SCALE 1:20 @A3

TYPICAL PLAN, SECTION AND ELEVATION OF 'HIT AND MISS' STYLE TIMBER FENCE
28 OAKWOOD PLACE, LIVINGSTON, EH54 6UJ

Elevations photographs of Fenced Area - 28 Oldwood Place, Livingston, EH54 6UJ.



View of Fence from Oldwood Place towards Road Hammerhead



View of Fence from Road Hammerhead - Oldwood Place



View of Fence from Lower Path



View of Garden from House Upper Window

Comments for Planning Application 0956/FUL/19

Application Summary

Application Number: 0956/FUL/19

Address: 28 Oldwood Place Eliburn Livingston West Lothian EH54 6UJ

Proposal: Change of use of open space to private garden ground and erection of timber boundary fence (retrospect)

Case Officer: Matthew Watson

Customer Details

Name: Mr Stephen Egan

Address: 69 Aller Place Eliburn Livingston

Comment Details

Commenter Type: Parish Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As Chair and on behalf of Eliburn Community Council we wish to object to these proposals on the grounds that they are contrary to the adopted Local Area Plan and go against the Policy ENV21. Eliburn has been blighted with owners of parcels of land just fencing it in and changing it from 'open space', only when the authorities find out about it they file for retrospective planning permission. In this particular instance the 6' high fence bordering the public path wholly goes against the principle of 'open spaces'.

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1	DESCRIPTION
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- 1.1 Erection of a house with detached garage at Whauphill House, Hermand Estate, West Calder.

2	DETAILS
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Reference no.	1057/FUL/19	Owner of site	Mrs Diane Brines
Applicant	Mrs Diane Brines	Ward & local members	Fauldhouse and the Breich Valley Councillor Pauline Clark Councillor David Dodds Councillor Cathy Muldoon
Case officer	Kirsty Hope	Contact details	01506 282413 kirsty.hope@westlothian.gov.uk

Reason for referral to Development Management Committee: Request by Councillor Clark

3	RECOMMENDATION
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- 3.1 Refuse Planning Permission

4.	DETAILS OF THE PROPOSAL AND BACKGROUND
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- 4.1 Planning permission is sought for the erection of a house and garage within the garden ground of Whauphill House in the Hermand Estate in West Calder.
- 4.2 The proposed house would be located within the north-west corner of the grounds of Whauphill House and is currently occupied by former livery stables. The house would be single storey with three bedrooms. The building is a modern design with materials including slate roof tile, a mixture of timber cladding, stone and render.
- 4.3 Hermand Estate is located to the east of West Calder along the B7008. Hermand Estate is centred on the category 'B' listed Hermand House which is some 50m west of the application site. The site has its own vehicular access from the B7008 which also serves the ground of West Calder United Football Club.
- 4.4 The site is characterised by the existing woodland large gardens and landscaping surrounding the site. The site is located to the east of the new West Calder High School.

History

- 4.6 Planning Application 0528/FUL/16 – Erection of a house with associated access, driveway and detached garage was refused on 6 October 2016. This decision was appealed to the DPEA and was dismissed on 29 March 2017.

5. REPRESENTATIONS

- 5.1 One comment was received of which neither objects nor supports the application.

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

Comments	Response
The joint private water supply which would be used for the new dwelling is not sufficient to sustain an additional property without affecting water pressure to other properties.	It is for the developer to ensure the new property can secure a water supply.

6. CONSULTATIONS

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

Consultee	Objection	Comments	Planning Response
WLC Roads & Transportation	No	None	Noted.
WLC Environmental Health	No	Attach a condition in relation to standard construction hours.	Noted. If permission is granted, a condition to restrict hours of construction will be attached.
WLC Education Planning	No	Development will require to contribute to education should it gain consent.	Noted.
WLC Flood Prevention Officer	No	More details required with regards to the possible culvert which in turn may impact the proposed soakaway/infiltration field. Discharge of water should be to the nearest watercourse – more details required to show this. Recommend consulting SEPA for water quality.	Noted. More details were not sought from agent at this stage. Consulted SEPA – see separate consultation.
WLC Contaminated Land Officer	No	A site investigation report is required.	Noted. If permission is granted, then a condition should be attached for this to be submitted and approved prior to works starting.

WLC Arborist / Woodland Officer	No	The trees that are to be felled are not of particular value to the woodland. Suitable replacement trees could be planted. Felling Licence may be required for the trees to be removed.	Noted. If permission is granted, then a relevant tree survey and root protection measures shall be submitted and approved prior to works commencing on site.
SEPA	No	Site does not fall within the areas of 'cumulative drainage impact'	Noted.

7. ASSESSMENT

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 7.2 The development plan comprises the Strategic Development Plan for South East Scotland (SESplan) and the West Lothian Local Development Plan, 2018.
- 7.3 The relevant development plan policies are listed below:

Policy	Policy Summary	Assessment	Conform
West Lothian Local Development Plan, 2018 (LDP) Policy ENV 2 – Housing Development in the Countryside	Housing development in the countryside will only be permitted under certain criteria.	<p>The site is located out with the settlement boundary and is therefore designated as being within the countryside. Housing is only permitted where it meets any of criteria A to E of the policy.</p> <p>Criteria A: While the site is partly brownfield in that it contains stables, it isn't significantly intrusive and it could be returned to woodland use. Criteria B: This is not a replacement dwelling. Criteria C: This proposal, whilst it could be considered as infilling of the existing curtilage, is not considered to be part of an existing group of buildings or as filling a gap between existing dwellings. Criteria D: The existing outbuildings will be demolished and cannot be converted for this development.</p>	No

		<p>Criteria E: This is not a lowland crofting proposal.</p> <p>Further, the proposed dwelling is not considered to make an exceptional contribution to the countryside location.</p> <p>In summary, the proposal fails to meet any of the criteria to allow a house in the countryside.</p>	
Supplementary Guidance New Development in the Countryside	Expands on the criteria in policy ENV 2 giving detailed requirements.	The proposal is not considered to be a re-development of a brownfield site as it does not meet the requirements within in the SG. This is not a conversion of an existing building nor is it replacing an existing house. This proposal is not considered to be rural infill development. This dwelling is not considered to make an exceptional contribution to the countryside nor is this considered to be lowland crofting.	No
West Lothian Local Development Plan, 2018 (LDP) Policy ENV 9 – Woodland, Forestry, Trees and Hedgerows	Presumption against development proposals which involve the loss of trees covered by the Tree Preservation Order.	The site is covered by a TPO. There are five trees proposed to be removed including beech and oak trees. There is replacement planting proposed within the proposed block plan.	Yes, subject to condition for replacement should this application be granted.
West Lothian Local Development Plan, 2018 (LDP) Policy DES 1 – Design principles	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.	<p>The proposed scale and design of the dwelling is considered to be in-keeping given that it is single storey, although the proposed building is not considered to be of particularly high quality in design terms. The parking is sufficient and no objections from the Roads Unit. The private garden ground is adequate with boundary hedging that would provide screening and privacy for both residents.</p> <p>However, the proposal fails to meet the terms of policy ENV 2 and related supplementary</p>	In Part

		guidance which is a requirement of policy DES 1.	
West Lothian Local Development Plan, 2018 (LDP) Policy INF 1 - Infrastructure Provision and Developer Obligations	The council will seek developer obligations in accordance with Scottish Government Circular 3/2012 ('Planning Obligations and Good Neighbour Agreements'), as interpreted by emerging case law and amended by subsequent amendments and legislation, to mitigate the development's individual or cumulative impacts upon infrastructure, including cross-boundary impacts. Any such obligations will be concluded prior to the issue of planning permission.	The proposal does not raise any infrastructure capacity concerns. Nonetheless, developer contributions would be necessary to be secured for each unit in line with LDP policy should permission be granted. Contributions would be necessary for: <ul style="list-style-type: none"> • Cemeteries • Education Infrastructure 	Yes
West Lothian Local Development Plan, 2018 (LDP) EMG 3 – Sustainable Drainage	Developers may be required to submit a Drainage Impact Assessment (DIA) to ensure that surface water flows are properly taken into account in the design of a development.	A drainage plan was submitted showing a soakaway and septic tank. Given the comments from WLC Flood Risk Management, more details would need to be submitted. This could be dealt with by condition should permission be granted.	In part
West Lothian Local Development Plan, 2018 (LDP) EMG 6 – Vacant, Derelict and Contaminated Land	Where it is suspected by the council that a development site may be contaminated, the developer will be required to undertake a site investigation, to the satisfaction of the council.	No site investigation has been submitted and therefore it has not been demonstrated that the site is developable with regards to ground contamination.	No
West Lothian Local Development Plan, 2018 (LDP) NRG 1a – Low and Zero Carbon Generating Technology	Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emission reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies.	Limited information was submitted with the application to demonstrate that the proposal would comply. Should planning permission be granted, then a condition should be included requiring more information to demonstrate compliance.	Yes

7.4 The determining issues for consideration in relation to this application are set out below:

Location

7.5 The development site is located out with the settlement boundary and is therefore identified as being located within the countryside. The site is not an infill site nor is it significantly intrusive brownfield land that would be improved by the proposed development.

Principle of development in the Countryside

7.6 West Lothian Local Development Plan 2018 (LDP) policy ENV 2 (Housing Development in the Countryside) sets out the criteria where housing development in the countryside will be permitted. These are:

- a. the proposal provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition; or
- b. the proposal is for the replacement of an existing house in the countryside which is of a poor design or in a poor structural condition; or
- c. the proposal is for infill development within the curtilage of an existing building group or infilling of gaps between existing houses of a single plot width; or
- d. the proposal involves the conversion or rehabilitation of existing rural buildings which the council deems worthy of retention because of their architectural or historic merit; or
- e. the proposal is supported by the council's lowland crofting policy.

Where a proposal by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside an exception to policy may be justified.

7.7 The proposal does not meet any of the above criteria for the development of a house in a countryside location. Therefore the proposal does not comply with policy ENV 2 of the West Lothian Local Development Plan. The proposal also, for the same reason, fails to meet the terms of the council's approved Supplementary Guidance, Development in the Countryside.

Trees

7.8 The proposed dwelling is located within a countryside location which is covered by a Tree Preservation Order. The loss of trees within the site has been considered by the Council's Arborist, who has advised that the trees are of limited value. Whilst the loss of trees within a TPO would be regrettable and would normally be avoided, the applicant has proposed replanting trees and hedging within the site, as shown on the submitted block plan. The proposed re-planting within the site can be conditioned if planning permission is granted.

Drainage

- 7.9 Details were submitted in relation to drainage of the site however the Council's Flood Risk Officer has advised that a soakaway system is not considered acceptable for this location. However, it is noted that there could be other alternatives and this could be dealt with by condition should permission be granted.

Contamination

- 7.10 The agent has not submitted a site investigation report therefore it is unclear if there are ground contamination issues. The proposal therefore does not accord with policy EMG6.

8. CONCLUSION AND RECOMMENDATION

- 8.1 The proposal involves the erection of a house and garage within on the grounds of Whauphill House.
- 8.2 Hermand Estate is a particularly attractive area of countryside and comprises the designed parkland setting of the category B listed Hermand House. It is characterised by a limited number of traditional designed dwellings within generous garden grounds and woodland.
- 8.3 Policy ENV 2 of the West Lothian Local Development Plan and the Supplementary Guidance on New Development in the Countryside provides exemptions of when development in the countryside would be acceptable. However this proposal does not comply with policy ENV 2 Housing in the Countryside nor does it comply with the Supplementary Guidance on New Development in the Countryside. There are no other material considerations to indicate that permission should be granted.
- 8.4 It is therefore recommended that the planning permission be refused.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Draft Reasons for refusal
- Location Plan
- Aerial photograph
- Existing Block Plan
- Proposed Elevations and Site Plan
- Proposed Landscape Plan
- Context Block Plan
- Representations
- Local Member Referral Form

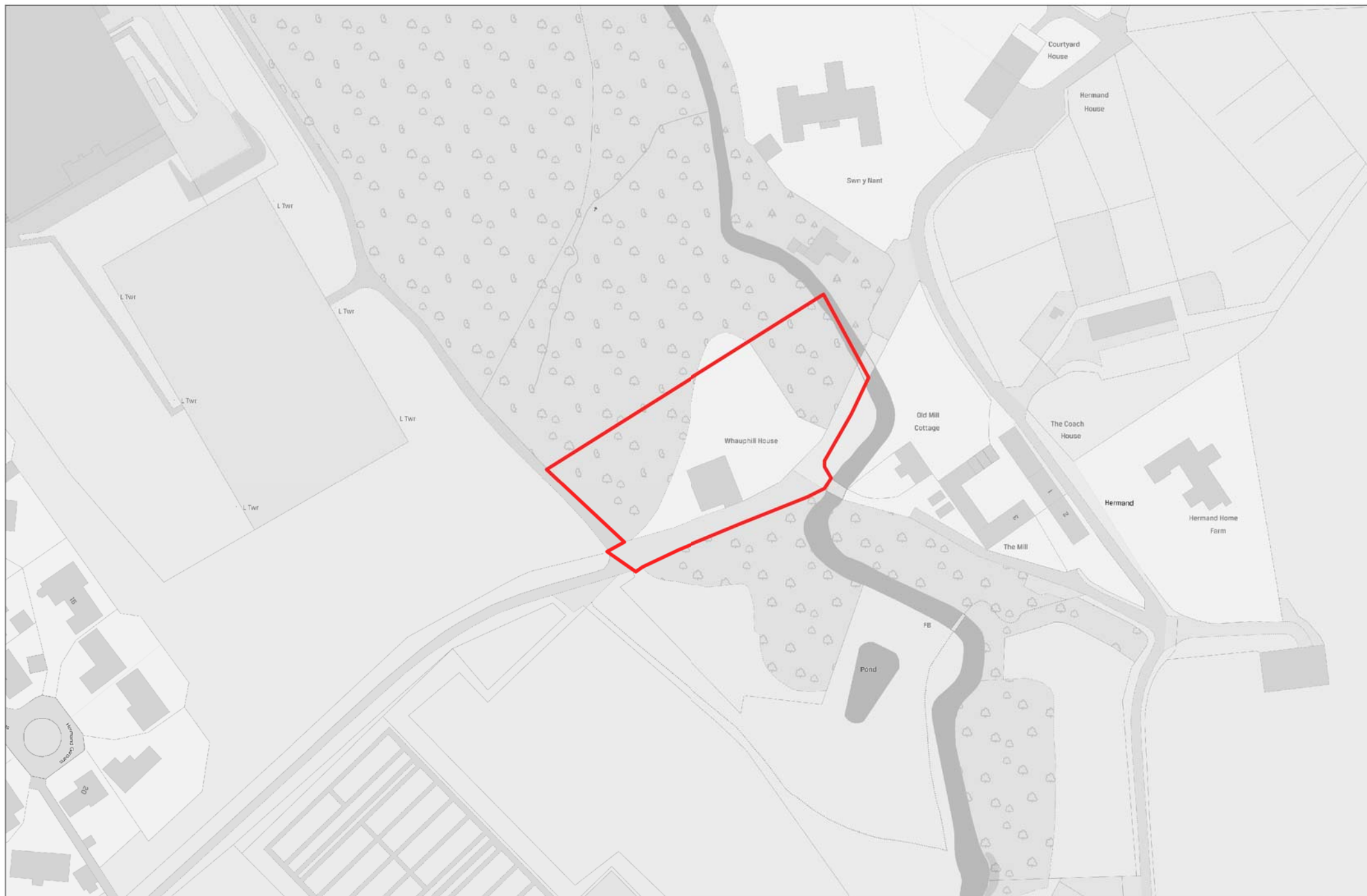
Craig McCorriston

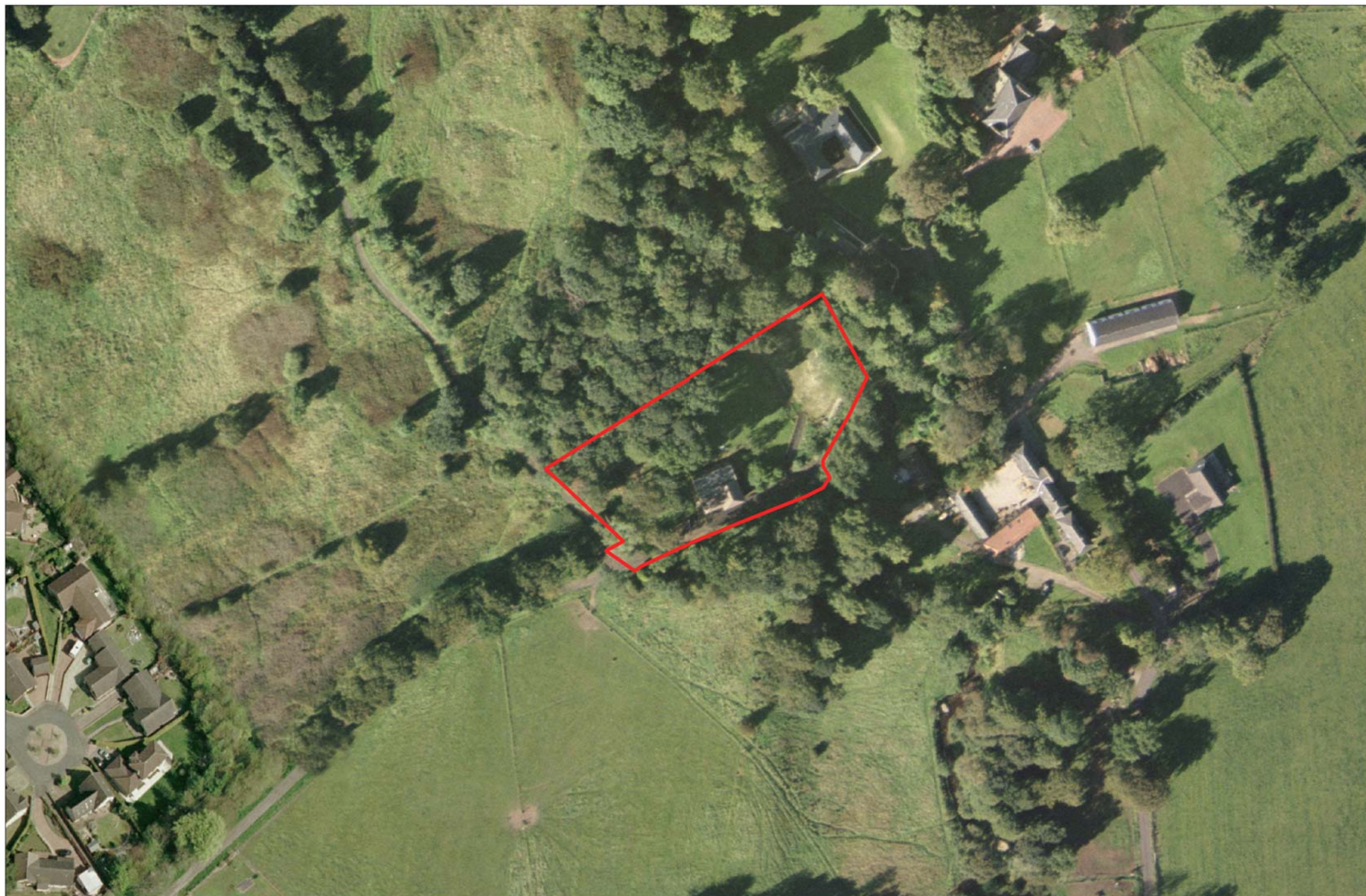
Head of Planning, Economic Development and Regeneration

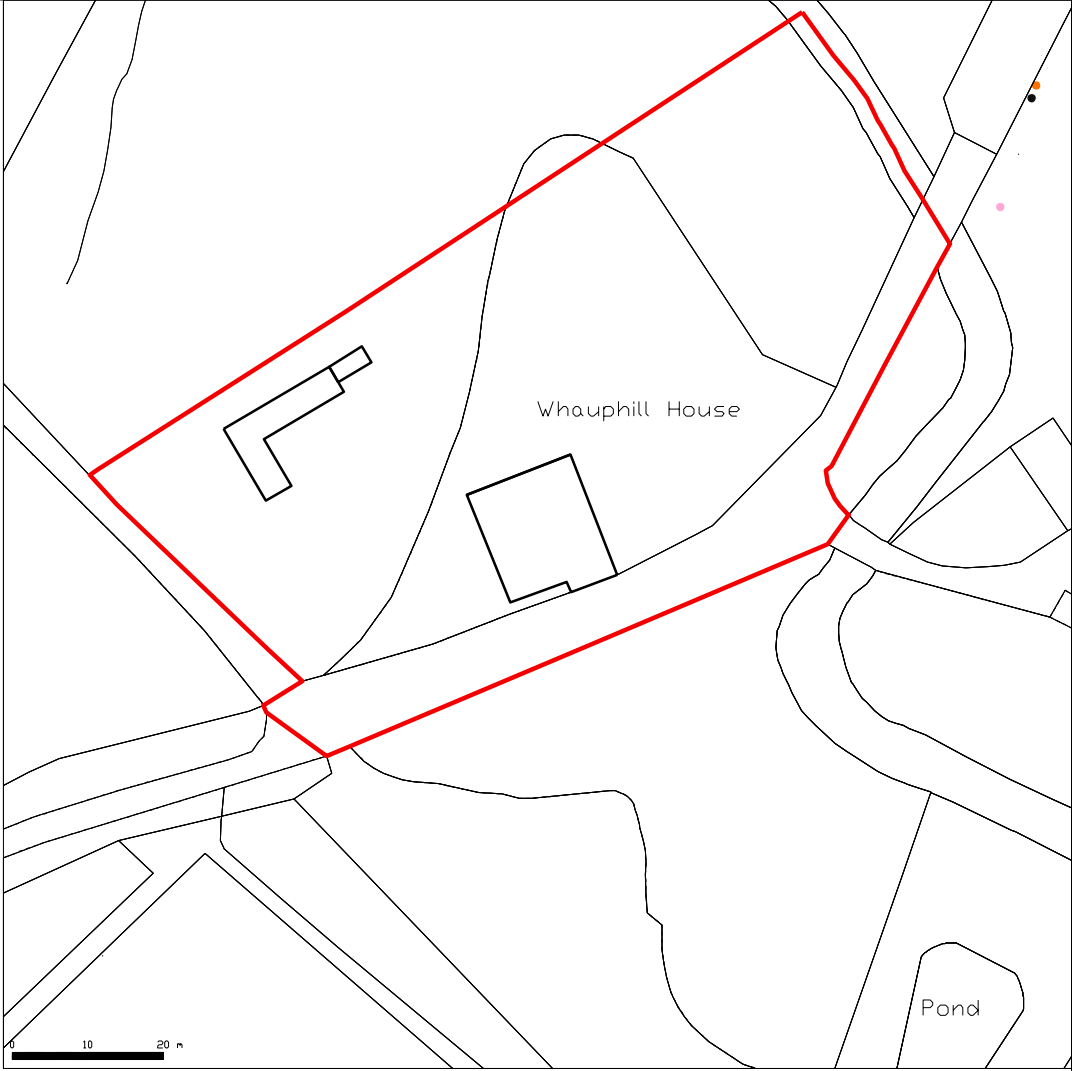
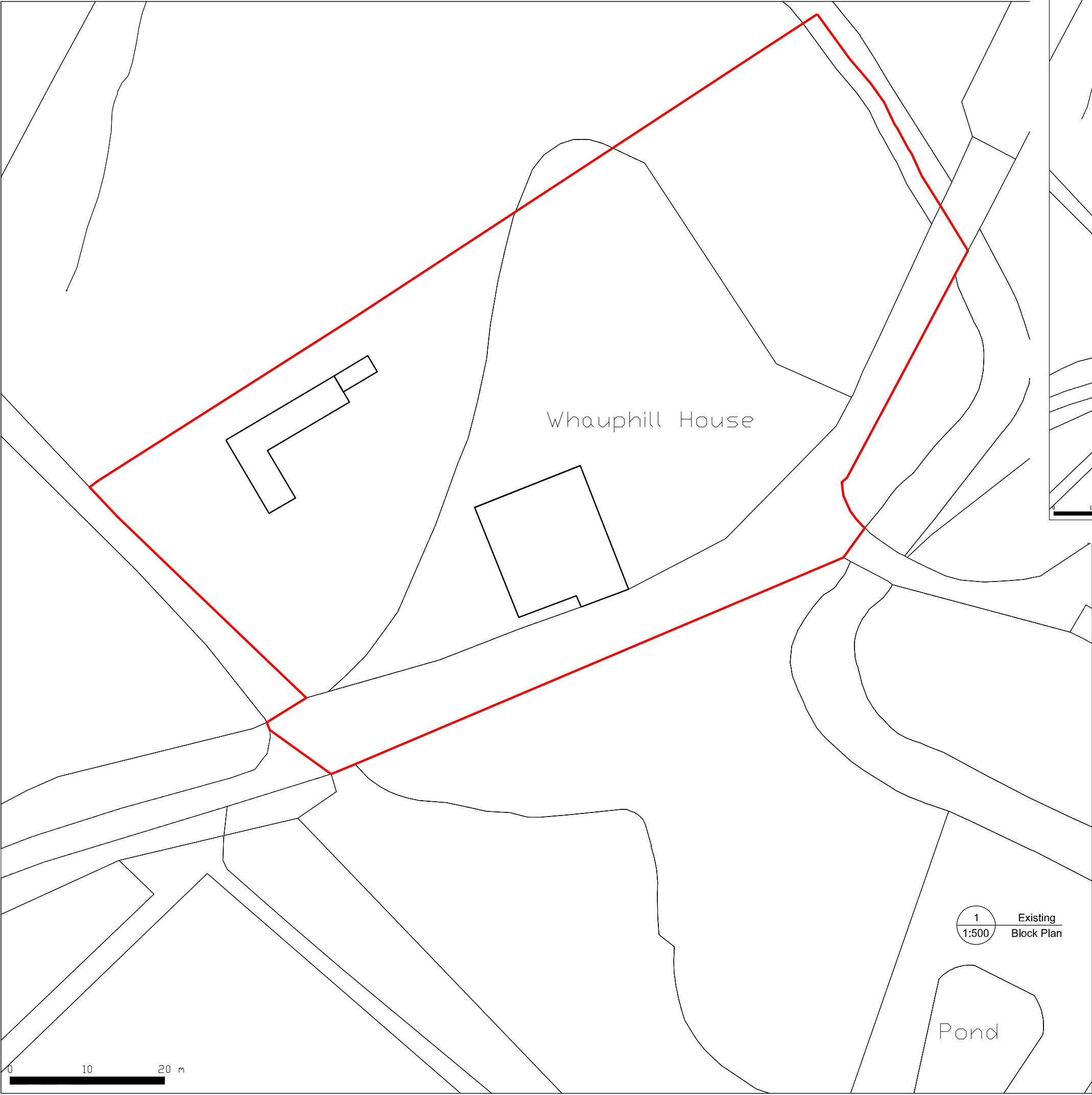
Date: 11 December 2019

DRAFT REASON FOR REFUSAL - APPLICATION 1057/FUL/19

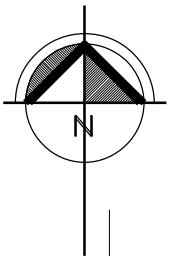
1. The proposed development is unacceptable in that it does not meet criteria for allowing new housing development in the countryside and thus would constitute unjustified development in the countryside that would be to the detriment of the rural character and amenity of the countryside. The proposal is therefore contrary to policy ENV 2 (Housing Development in the Countryside) and Supplementary Guidance New Development in the Countryside of the West Lothian Local Development Plan 2018.
2. The applicant has failed to demonstrate that the site has no adverse contaminated land issues as a site investigation report has not been submitted in support of the proposal. The proposal is therefore contrary to Policy EMG 6 of the West Lothian Local Development Plan 2018.







2 Existing
1:1000 Location Plan

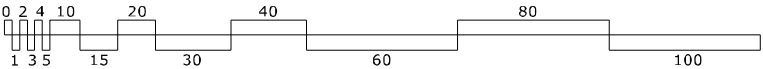


SITE AREAS
-EXISTING-
Site Area - 5609.0Sqm or 0.560Ha
Building Area - 82.0 Sqm
Garden Area - 340.0 Sqm
% green space - 94%

Denotes boundary of application site

REV.	DATE	DRAWN	DESCRIPTION
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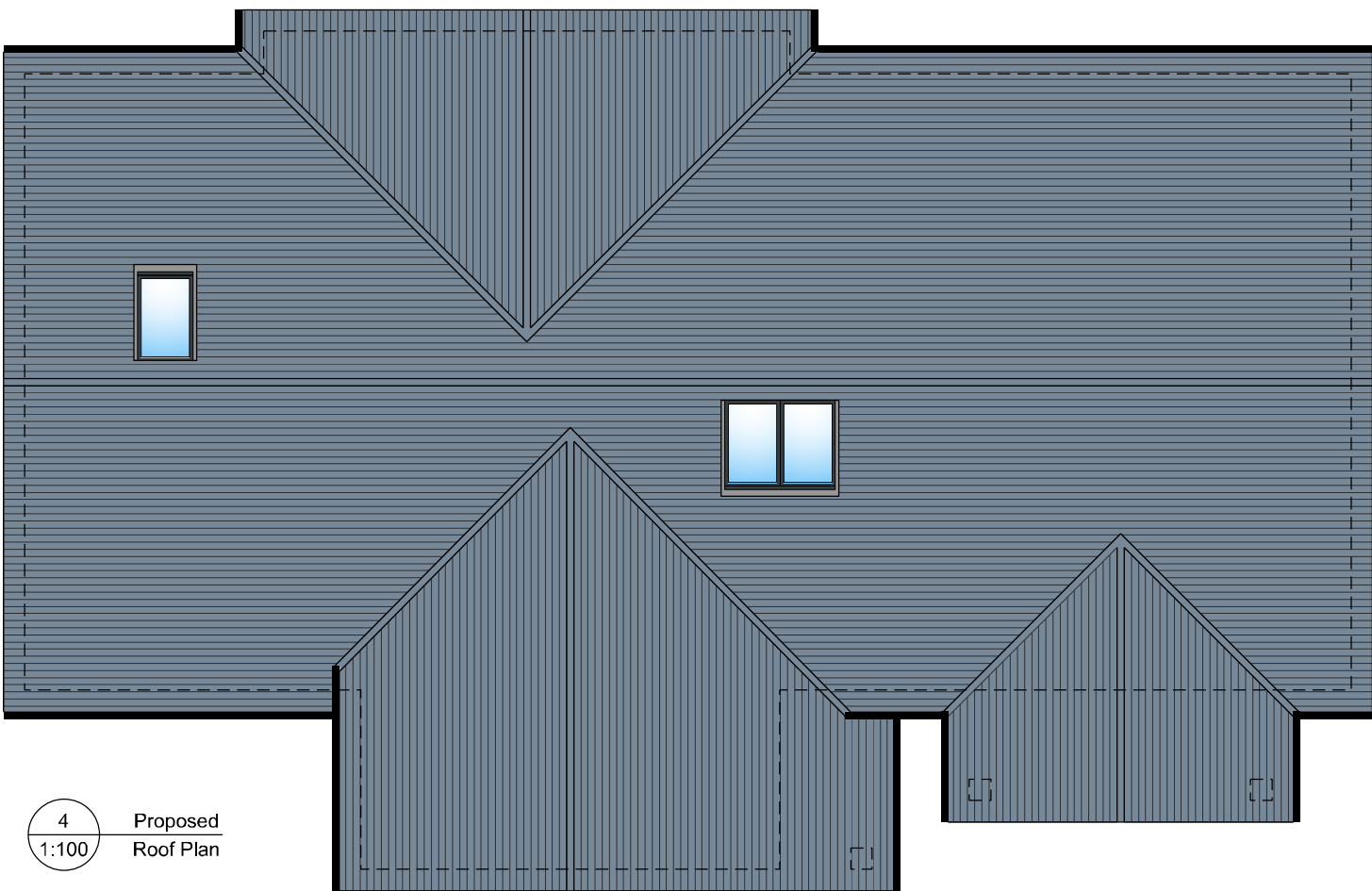
REVISIONS



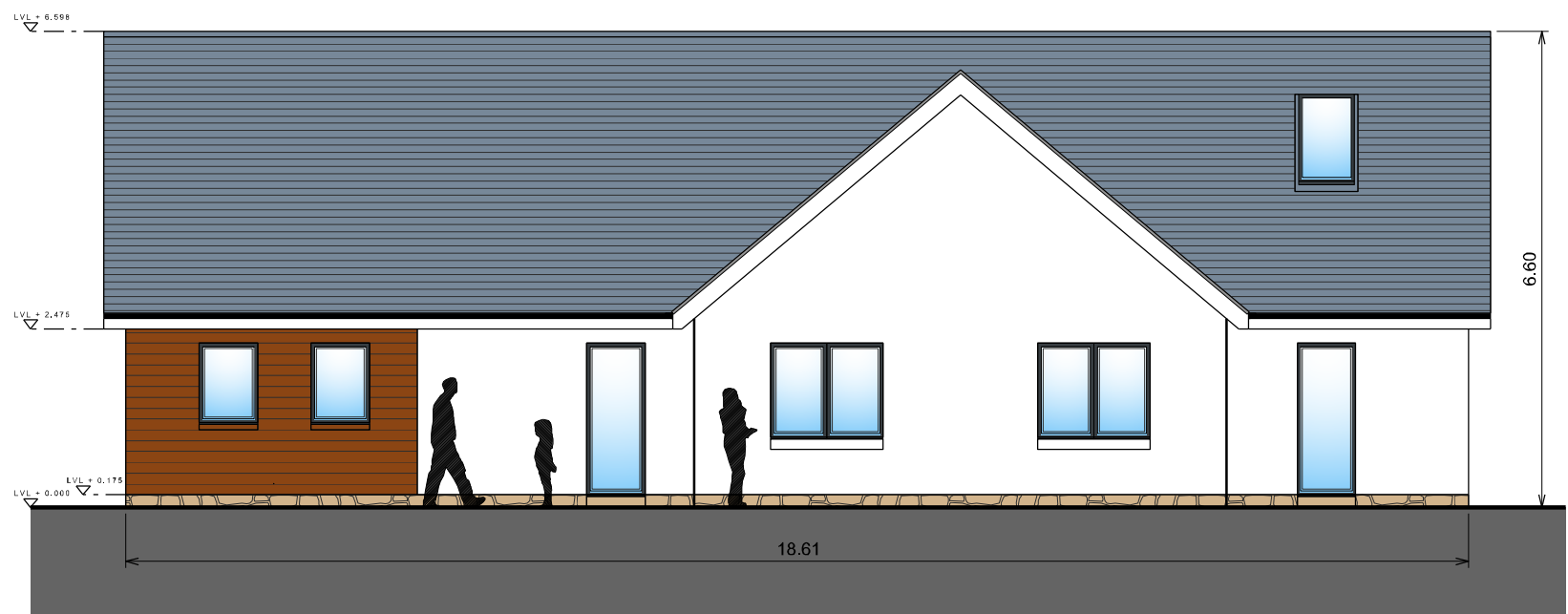
CLIENT: Mr & Mrs Brines
JOB: New Dwelling House
Whauphill Stables, West Calder
DRAWING: Location Plan
DRAWNER JOB NO 3104 DR NO Loc01
DATE June 19 REV. SCALE as shown



ROBERTSON ARCHITECTURE
& DESIGN



4 Proposed
1:100
Roof Plan



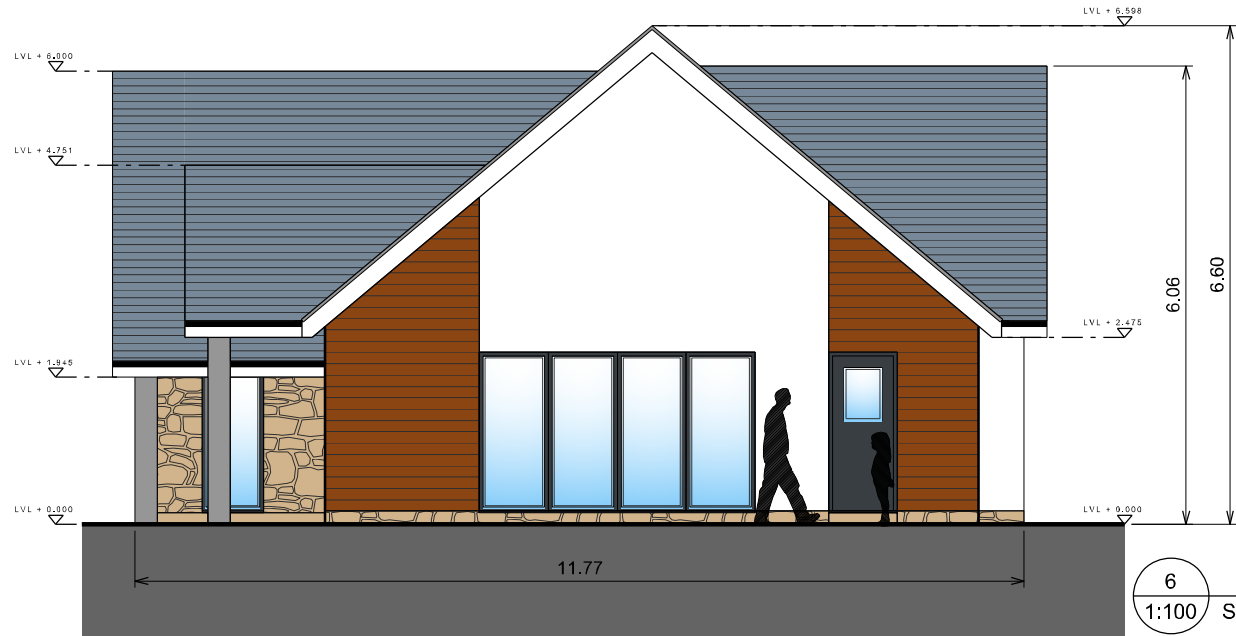
5 Proposed
1:100
Rear Elevation

Materials key

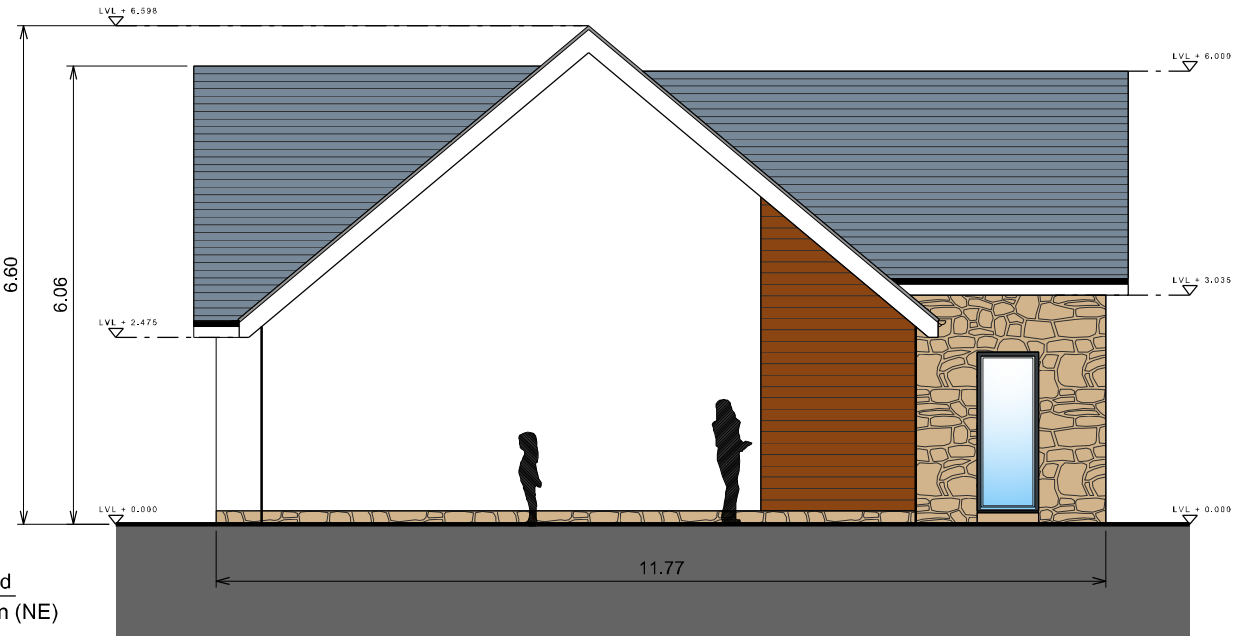
- 1 'Marley' Cedral lap composite cladding colour timber
- 2 'Cupa Heavy 3' Natural slate to match existing
- 3 RAL 7016 Anthracite UPVC windows
- 4 White UPVC soffit / barge boards to minimise maintenance
- 5 Rainwater goods to be black UPVC to match existing
- 6 'Velux' GGL roof windows
- 7 Natural stone



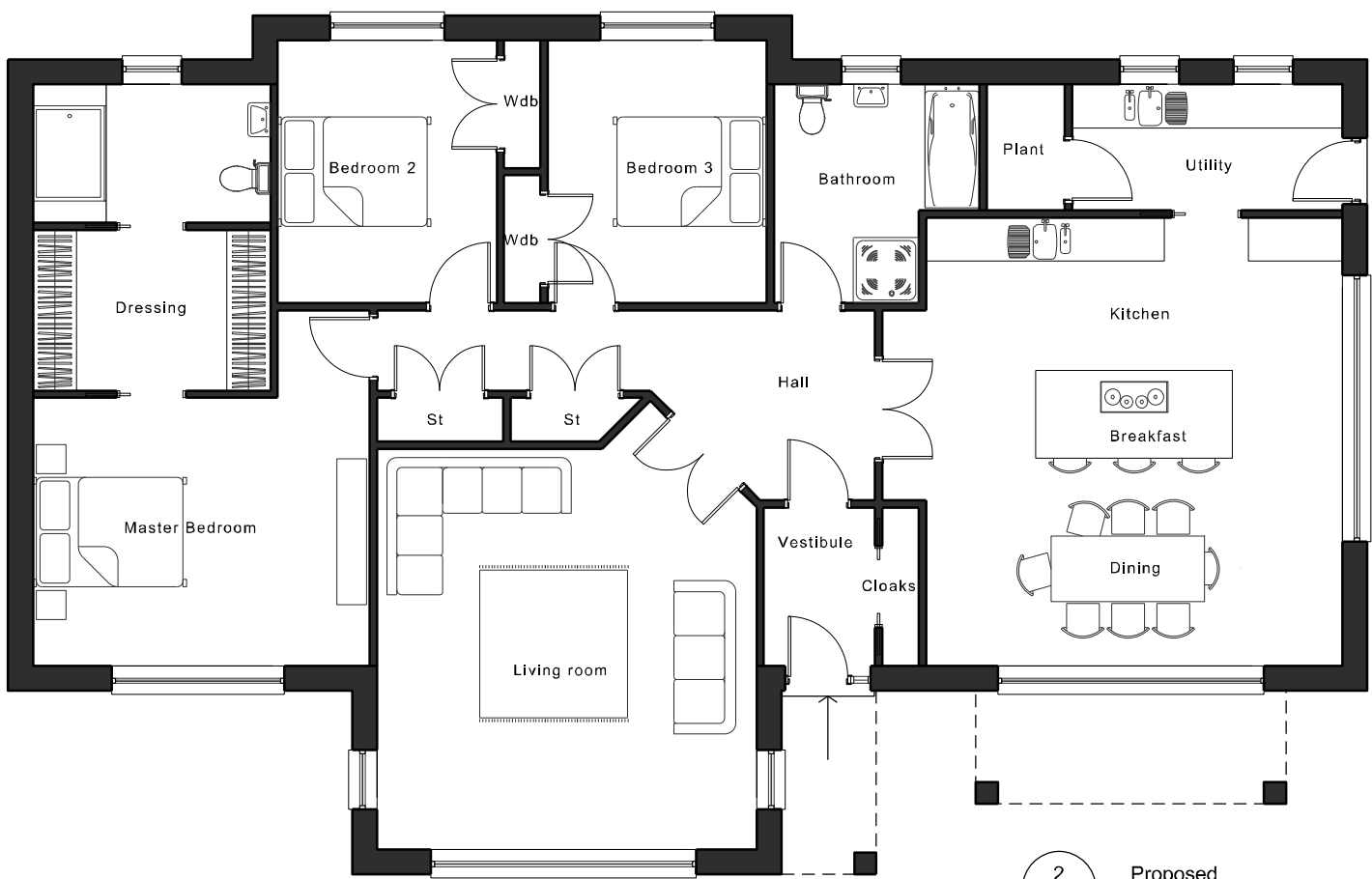
3 Proposed
1:100
Front Elevation



6 Proposed
1:100
Side Elevation (NE)



7 Proposed
1:100
Side Elevation (SW)



2 Proposed
1:100
Floor Plan

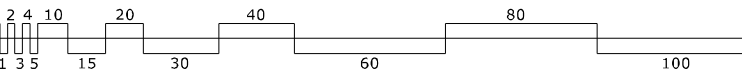


1 Proposed
1:500
Block Plan

Denotes boundary of application site

REV. DATE DRAWN DESCRIPTION

REVISIONS

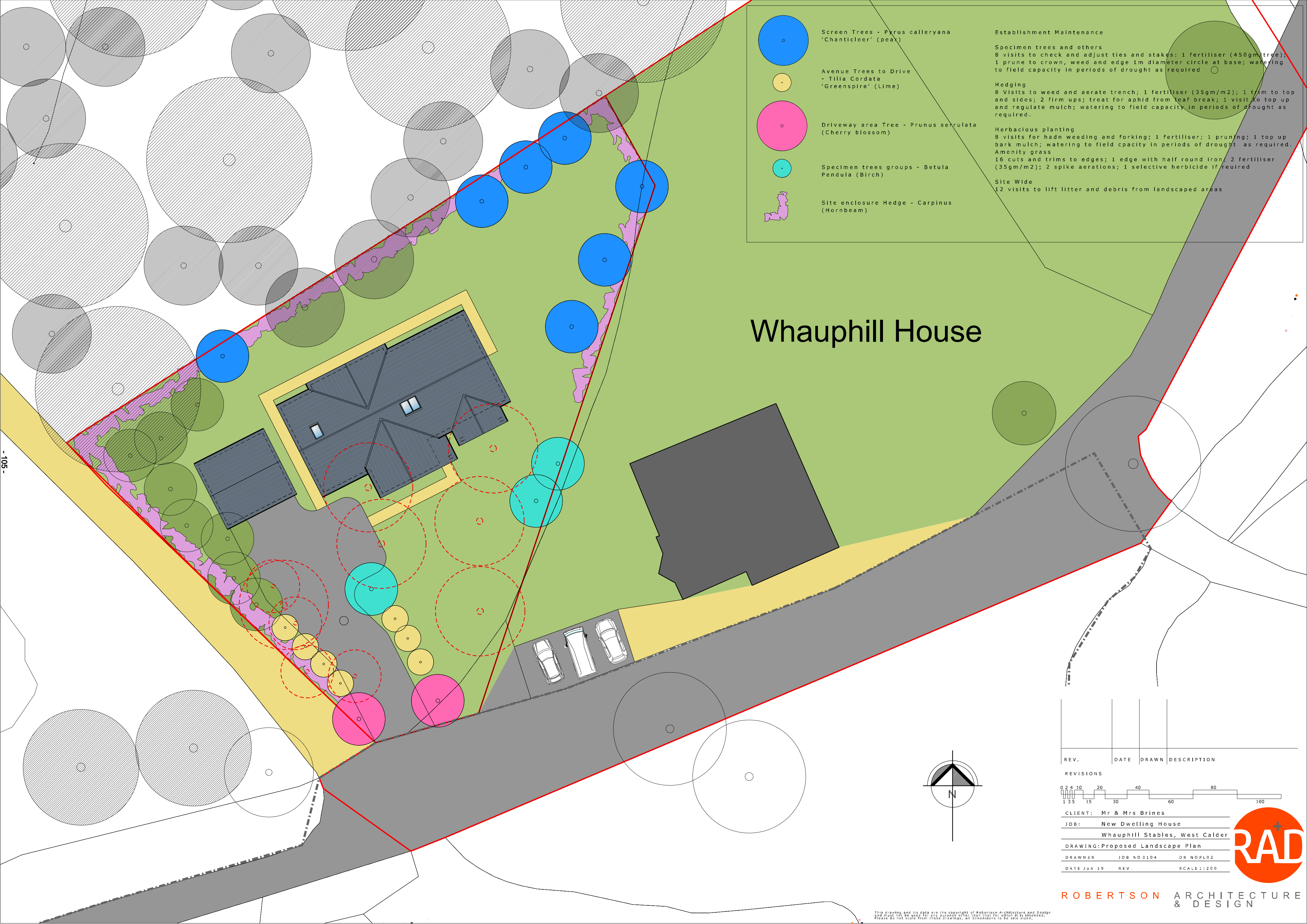


CLIENT: Mr & Mrs Brines
JOB: New Dwelling House
Whauphill Stables, West Calder
DRAWING: Proposed Plans & Elevations
DRAWN: JOB NO 3104 DR NO PL05
DATE: Jun 19 REV. SCALE: 1:100



ROBERTSON ARCHITECTURE & DESIGN

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- 105 -



WCHS 3G floodlit football pitch

Whauphill House

Whauphill Stables

WCHS soil spoil heap

Hermand

Pond

Hermand Gardens

Previous location of paddocks / grazing
Now Hermand Park graveyard 2287 Lairs

Existing access road to Whauphill House from B7008

SITE AREAS

-EXISTING-

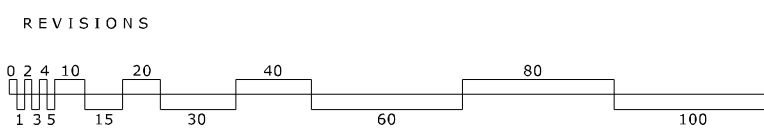
Site Area - 1534.3 Sq. m or 0.1543Ha

Denotes boundary of other land owned by applicant

Denotes boundary of application site

Denotes West Calder Settlement Boundary

REVISIONS



CLIENT:	Mr & Mrs Brines		
JOB:	New Dwelling House		
	Whauphill Stables, West Calder		
DRAWING:	Coalescence Plan		
DRAWN:	JOB NO 3104	DR NO PL01	
DATE:	Aug 19	REV.	SCALE 1:500



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Comments for Planning Application 1057/FUL/19

Application Summary

Application Number: 1057/FUL/19

Address: Whauphill House Hermand Estate West Calder West Lothian EH55 8QZ

Proposal: Erection of a house with detached garage

Case Officer: Kirsty Hope

Customer Details

Name: Mrs Alison McNaught

Address: Old Mill Cottage, Hermand Estate West Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Both Whauphill House and several other properies, including mine, in Hermand Estate have a joint private water supply which I presume is what will be used to supply the new house. I would wish to be sure that this is sufficient to sustain any additional property without affecting pressure to the existing properties.

Development Management

WEEKLY LIST OF APPLICATIONS RECEIVED

☒ LOCAL MEMBER REQUEST FORM ☒

Weekly List for the week commencing
21st October 2019

Members wishing further information on any of the applications in the attached Weekly List of Planning Applications or wishing any application to be referred for determination to the Development Management Committee are asked to complete and return this form to Wendy McCorriston, Development Management Manager, as soon as possible and no later than:


11th November 2019

PLEASE NOTE:

The planning application details will also be available for inspection within the Planning & Building Standards web site by clicking on the link below.

<https://planning.westlothian.gov.uk/online-applications/search.do?action=advanced>

We are trying to encourage people to use the web site as much as possible so you may wish to inspect the application online rather than make a request for a paper copy.

<p>Action Required (please tick ✓)</p> <p><input checked="" type="checkbox"/> Contact me to discuss these proposals</p> <p><input checked="" type="checkbox"/> Refer this application to the Development Management Committee</p> <p><input type="checkbox"/> Other (please specify)</p>	<p>Application Number 1057/FUL/19</p> <p>Member Cllr Pauline Clark</p> <p>Sign </p> <p>Dated 29.10.19</p>
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My reasons for this action are:

Applicant's agent asked me to call this to committee should the application be recommended for refusal.

Development Management

List of Delegated Decisions - 8th November 2019

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

Ref. No.:	0433/FUL/19	Recommendation:	Refuse Permission
Proposal:	Siting of mobile home		
Address:	Tarrareoch Old Farmhouse, 1 Tarrareoch, Station Road, Bathville, Armadale (Grid Ref: 294132,667378)		
Applicant:	Mrs Nicola Jardine	Type:	Local Application
Ward:	Armadale & Blackridge	Case Officer:	Claire Johnston
<u>Summary of Representations</u> Four Objections - <ul style="list-style-type: none"> - Structure was in situ advance of planning permission - Impact on residential amenity - Visual appearance - Privacy Concerns - Noise Nuisance 			
<u>Officers report</u> The application seeks retrospective planning permission for the siting of a mobile home in land adjacent to Tarrareoch B&B in Bathville. It is located in the South East corner of this land, which borders the rear gardens of properties within Primrose View. The intended use of the mobile home is for guests of the existing B&B to meet emerging business needs. Policy DES 1 of the West Lothian LDP states that development must integrate with its context and built form. It is considered that the mobile home is not in keeping with the character or appearance of the properties within this steading development and is therefore contrary to policy. Furthermore, the mobile home is substantially closer to neighbouring properties than the existing B&B property and raises concerns relating to noise impact on neighbouring residents. Any impact will potentially be exacerbated by the transient nature of the residents of the accommodation, due to the high turnover of guests. In the supporting statement the agent makes reference to the fact he considers that the mobile home if used for family members only would benefit from			

Permitted Development Rights. This is not correct; the mobile home requires planning permission as it is not within the curtilage of a residential property, and, additionally, in that it constitutes residential accommodation.

It is therefore recommended that planning permission is refused as the proposal is contrary to LDP policy, DES1 (Design Principles).

Ref. No.:	0880/H/19	Recommendation:	Grant Planning Permission
Proposal:	Extension to house		
Address:	20 Hillhouse Wynd, Kirknewton, West Lothian, EH27 8BU, (Grid Ref: 311789,667322)		
Applicant:	Ms L Gray	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Rachael Lyall
<p><u>Summary of Representations</u></p> <p>One objection -</p> <ul style="list-style-type: none"> - Concerns over the true height of the extension, - Concerns over true distance from boundary, - Overshadowing, - Location of extension. 			
<p><u>Officers report</u></p> <p>This application proposes a rear extension to the rear of a property located at 20 Hillhouse Wynd, Kirknewton. A proposed rear window will overlook the applicant's garden and has no privacy issues due to the boundary being screened by a high fence.</p> <p>The external materials proposed for the works and to match that of the existing house to allow for a sympathetic design which will not cause any detrimental effects to the existing property or its surroundings. The proposal accords with West Lothian Council's Local Development Plan Policy DES 1 and the advice given in the House Extension and Alteration Design Guide.</p> <p>Accordingly, it is recommended that planning permission is granted.</p>			

Development Management

List of Delegated Decisions - 15th November 2019

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

Ref. No.:	0648/FUL/18	Recommendation:	Grant Planning Permission
Proposal:	Erection of a house and associated works		
Address:	Yellow House, 49 West Main Street, Broxburn, West Lothian, EH52 5RL (Grid Ref: 307904,672133)		
Applicant:	Mr Neil Dishington	Type:	Local Application
Ward:	Broxburn, Uphall & Winchburgh	Case Officer:	Steven McLaren
<u>Summary of Representations</u> One objection - <ul style="list-style-type: none"> - Development in the conservation area - Water supply and drainage - Access arrangements/right of access - Impact on privacy - Impact on trees and wildlife 			
<u>Officer's report</u> Planning permission is sought for a detached house on an area of garden ground to the north of 49 West Main Street. The plot sits adjacent to the main street and access would be taken by removing a section of stone wall, forming a driveway onto West Main Street. Vehicle movements from the site will therefore not impact on 49 West Main Street or impact on the amenity of the neighbours. There is an existing gate feature within the wall which provides a right of access to No. 49 and this will be retained. The house has been re-designed to reduce its height commensurate with the properties on West Main Street and a pallet of materials suitable for a conservation area will be used including slate roof, wet dash render and timber window frames and doors. A tree survey has been carried out and the access to the site and parking has been amended to accommodate protection of trees. Water supply is a matter for Scottish Water and drainage will be designed to meet current standards. Areas nearby such as the former Broxburn Primary School site have recently been redeveloped and the site lies next door to the Strathbrock Lodge residential care facility where the wall to the front of the site was modified to allow access. The principle of developing within the conservation area is therefore well established. Subject to securing developer contributions, it is recommended that planning permission is granted.			

Ref. No.:	0828/FUL/19	Recommendation:	Grant Planning Permission
Proposal:	Installation of an above ground telecommunications cabinet		
Address:	Land At 87 East Main Street, Uphall, West Lothian, EH52 5JA, (Grid Ref: 306336,671954)		
Applicant:	Mr Darren Rennie Virgin Media	Type:	Local Application
Ward:	Broxburn, Uphall & Winchburgh	Case Officer:	Steven McLaren

Summary of Representations

Two objections -

- Inappropriate location.
- Hinders alterations to the property and formation of a driveway.
- Encroaches onto resident's property.
- Eyesore.
- Hedge maintenance difficulty.
- Subject to graffiti.

Officer's report

This is a retrospective application for the siting of a small telecommunications cabinet which has been in place since May 2018. The cabinet is located outside the property of 87 East Main Street and planning permission is only required due to the location being within the Uphall Conservation Area. Whilst in front of a low level stone wall and a mature hedge, it does not encroach onto the neighbour's property and has minimal impact on the maintenance of the hedge. There would be sufficient space to accommodate a driveway with the cabinet in its current position, but if it were to be an issue in the event a driveway was considered, this would be a civil matter. The cabinet was in good order at the time of a site visit with no graffiti and whilst it may be possible to locate it elsewhere, the cabinet is in use which would result in disruption to services if it were relocated.

The cabinet does not impact adversely to any significant degree on the character of the conservation area. It is recommended therefore that planning permission is granted.

Ref. No.:	0909/MSC/19	Recommendation:	Grant Matters Specified in Conditions
Proposal:	Approval of matters specified in conditions of planning permission 0843/P/18 for the erection of 6 glamping pods, decking/walkway waste water tank, landscaping and associated works		
Address:	Duntarvie Castle,Winchburgh, West Lothian, , (Grid Ref: 309051,676478)		
Applicant:	G and L Investments	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Steven McLaren

Summary of Representations

One objection -

- The Duntarvie Castle restoration is not progressing.
- Trees have been felled.
- Metal shed erected which affects the castle site.
- Owner is not protecting this historic site.

Officer's report

Planning permission in principle has been granted for the siting of 6 de-mountable camping pods on land adjacent to Duntarvie Castle. The use of the site for such a development was considered under policies relating to tourism, non-residential uses in the countryside and the potential impact of the development on the adjacent listed building. The principle of the development is established and no objections were received at that time. The current Matters Specified in Conditions application follows the draft layout and the design of the pods is acceptable for the location and does not impact adversely on the setting of the listed building.

The shed referred to by the objector is the framework for a temporary marquee, granted in order to allow additional funds to be generated and fed into the castle refurbishment programme. The income generated and the benefit to the refurbishment project will be monitored.

Recommendation is therefore to grant planning permission.

Ref. No.:	0950/H/19	Recommendation:	Refuse Permission
Proposal:	Extension to house		
Address:	4 South East Longridge Crofts, Longridge, Bathgate, West Lothian, EH47 8GD (Grid Ref: 296081,662770)		
Applicant:	Mr G Crolla	Type:	Local Application
Ward:	Fauldhouse & The Breich Valley	Case Officer:	Rachael Lyall
<u>Summary of Representations</u>			
None			
<u>Officer's report</u>			
<p>Planning permission is sought for an extension to the property located at 4 South East Longridge Crofts. The extension would be located to the east of the existing house and would measures 4.5m to the eaves and 7.2m to the ridge line. While it is categorised by the applicant as an extension it is, essentially, a separate dwelling with two bedrooms, an open plan kitchen/living area, mezzanine 'gallery room' and two bathrooms. It would also have a separate garage.</p> <p>The original 'South-East Longridge farm Lowland Crofting Scheme' Design Brief states that developments should be carefully considered and that "a slightly lower height and footprint is suggested for these plots [4-6]" and that "on crofts 4-6, the height must not exceed 6.5m". Therefore, the proposed works are contrary to the Design Brief. The scale of the proposed extension is also contrary to the original design brief where it states that "on no account should the upper limit of 200 sqm be exceeded". The proposed works alone exceed this limit and appear out of scale without the additional footprint of the existing house being considered.</p> <p>The design brief finally states that "where an extension is proposed it will need to be well designed, subsidiary to the existing house and comply with all other aspects of the brief". This is also a guideline in the House Alteration and Design Guide. The mass of proposed works and the contrast in design results in the extension appearing dominating and not subsidiary to the existing house.</p> <p>The proposed works are unacceptable as they are contrary to the South East Longridge Croft Design Brief, Policy DES 1 (Design Principles) and ENV 7 (Countryside Belts and Settlement Setting) of the adopted West Lothian Local Development Plan, and Supplementary guidance in the form of the Council's House Extension and Alteration Design Guide. It is considered that the works would have a significant and adverse effect on the character and appearance of the existing property and would form a discordant element in the wider area. Accordingly, it is recommended that planning permission is refused.</p>			

Development Management

List of Delegated Decisions - 22nd November 2019

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

Ref. No.:	0340/P/19	Recommendation:	Refuse Planning Permission in Principle
Proposal:	Planning permission in principle for a residential development (with Environmental Impact Assessment)		
Address:	Land At Wilcoxholm Farm, Linlithgow, West Lothian, , (Grid Ref: 301148,677096)		
Applicant:	Mr Gary Smith Hallam Land Management Ltd	Type:	Major Application
Ward:	Linlithgow	Case Officer:	Ross Burton
<u>Summary of Representations</u> 54 representations, 52 objecting and two supporting. Objections - <ul style="list-style-type: none"> - Site liable to flooding - access issues - wider traffic issues - impact on canal - impact on wildlife - air pollution - sustainability - pressure on local facilities - site is prime agricultural land - density of development - impact on wildlife - inaccurate/misleading information in supporting statements - lack of open space in the proposed layout - overbearing, out of character with area - privacy 			
<u>Officers report</u>			

Planning permission in Principle is sought for a residential development on Wilcoxholm Farm, on the south-eastern edge of Linlithgow. The application site comprises the northern part of the Wilcoxholm Farm site which is identified for housing release in the Local Development Plan, which has a notional capacity of 200 houses. The layout submitted with this application shows 189 houses, and the accompanying information gives a figure of 450 houses for the whole site.

The application site is bounded to the north by the main railway line and to the south by the canal. Access is proposed to be taken from Maidlands, which is currently a cul-de-sac serving 13 houses. The proposed layout shows three blocks of flats close to the site entrance, adjacent to the canal and a linear development of detached, semi-detached and terraced two storey houses, with a SUDS area at the entrance to the site, opposite the flats.

The applicants submitted a Flood Impact Assessment (FRA) within the Environmental Assessment, which has been assessed by SEPA and the council's flood prevention officer. SEPA recommend an updated FRA at detailed stage, which demonstrates that no other areas will be affected by flooding as a result of the development, and the council's flood prevention officer has concerns about the site's capacity to contain flood water and seepage from the canal.

The proposed layout shows a landscaped strip between the houses and the railway, which would contain a bund and an acoustic fence to protect the houses from railway noise. The council's practice of measuring noise impact on proposed housing sites with windows open would mean that the houses closest to the railway would not comply with the council's requirements.

The proposal is to build 189 houses on the northern part of a larger site bisected by the Union Canal. The entire site, which has an LDP capacity of 200 houses, for reasons of educational capacity, is proposed for the development of 450 houses. The impact of the flats proposed on the canal, the issues with protecting all the proposed houses from railway noise and the potential issues involving flooding and water seepage from the canal all suggest that the proposed layout constitutes overdevelopment of the site. The layout proposed - a single spine road with culs-de-sac and a loop taken from it - is contrary to Government guidance contained in Designing Streets, and the developer has not demonstrated that the access, from Edinburgh Road via Maidlands, is capable of dealing with the volume of traffic that the development would produce.

Accordingly, and in view of the above, the proposal is considered to be contrary to the development plan and it is recommended that planning permission in principle is refused.

Ref. No.:	0954/FUL/19	Recommendation:	Grant Planning Permission
Proposal:	Erection of retaining walls		
Address:	Clarendon House,30 Manse Road, Linlithgow, West Lothian, EH49 6AR (Grid Ref: 300622,676727)		
Applicant:	Craigs Eco Developments Ltd	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Matthew Watson

Summary of Representations

Two objections and two general comments have been received.

Objections

- The appearance of the retaining wall is not in keeping with the site. The existing site has a sandstone retaining wall. Why would an industrial look of galvanised metal be acceptable if they are trying to retain a woodland feel?
- Drainage issues and need for updated SUDS and drainage assessment
- Lack of information on materials and stepping of walls
- Significant loss of trees from the development

Comments

- Seeking further information on how the walls will affect properties on Oatlands Park to the south of the site

Officers report

The application proposes the erection of retaining walls at the southern boundary and between house plots at the development site adjacent to Clarendon House. A section of retention is also proposed at the easternmost plot on the development site. The walls vary from 0.7 m to 1 m across the southern boundary, 0.51 m to 0.95 m between plots and 0.35 m to 0.6 m at the easternmost plot. The materials proposed are pressure treated pine supported by grey galvanised columns.

The retaining walls will be constructed from timber sleepers, which will integrate well into the woodland setting of the development site. The proposed support columns will be grey to match the cladding on the houses that are currently under construction. For these reasons, the visual impact as a result of the retaining walls is acceptable in terms of the appearance of the surrounding area and the Upper Linlithgow and Union Canal Conservation Area.

The retaining walls are situated in close proximity to trees, and in the case of the easternmost plot there is an incursion into the root protection area of a tree on neighbouring land. Any work required to install the retaining walls will require hand digging. A method statement will be secured via a planning condition to ensure the method of construction is acceptable in arboricultural terms.

The proposed retaining walls will not introduce further drainage issues, which has been confirmed by the council's Flood Risk Management team.

Overall, and in view of the above, it is recommended planning permission is granted, subject to conditions.

Ref. No.:	0996/H/19	Recommendation:	Grant Planning Permission
Proposal:	Renewal of planning permission 0477/H/16 for proposed extension		
Address:	East Boghall Cottage, Linlithgow, West Lothian, EH49 7GR, (Grid Ref: 301542,677924)		
Applicant:	Ms Ruth Jack	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Rachael Lyall

Summary of Representations

1 objection

- daylight and overshadowing
- privacy
- loss of landscaping
- visual impact

Officers report

This application proposes a two storey extension to East Boghall Cottage, Linlithgow, which will add a new kitchen and dining space on the ground floor and two bedrooms on the first floor. The rear elevation originally contained a window on the upper floor which would have directly overlooked a neighbouring property, but following negotiation the window is to be removed, which will preserve the privacy of the neighbouring property.

The submitted plans show an existing hedge is located on the front elevation which is to be retained and protected throughout the proposed works. The applicant originally proposed a 1.8m fence in place of this hedge, which would have caused a detrimental effect on the streetscene and the properties surrounding and would have posed a traffic safety risk. Successful negotiations have led to this part of the proposal being dropped.

The proposed extension will be in keeping with the original property and will not dominate the overall character and appearance of the house. Following negotiations, the proposal is in accordance with Policy DES 1 of the Local Development Plan and council guidance. Accordingly, it is recommended that planning permission is granted.

Ref. No.:	1041/H/19	Recommendation:	Refuse Permission
Proposal:	Raising roof to form first floor accommodation		
Address:	50 Kirk Road,Bathgate, West Lothian, EH48 1BP, (Grid Ref: 298308,668294)		
Applicant:	Mr and Mrs S Archondakis	Type:	Local Application
Ward:	Bathgate	Case Officer:	Rachael Lyall

Summary of Representations

One objection -

- height of development
- privacy
- sunlight
- overshadowing

Officers report

Planning permission is sought for raising the roof of an existing bungalow at 50 Kirk Road,Bathgate, to provide accommodation on the first floor.

The existing bungalow is currently 5.7m in height to the ridgeline; the proposals would see this increase to 7.4m. Three rooflights are proposed on both the front and rear elevation.

It is considered that the proposed increase in height will have a detrimental effect on the existing house by appearing as overbearing and overdominating. It would also appear to dominate the existing street which consists of several other bungalows. The proposed increase in height would result in significant overshadow the property to the rear of the proposed site and the additional velux windows will also directly overlook the same neighbouring property, impacting on privacy.

This application is contrary to West Lothian Councils 'House Extension and Alteration Design Guidelines' which states that extension and other alterations should not "not dominate the existing property or neighbours" and "should be subsidiary in appearance to the main house and should not detract from the appearance of the dwelling or surroundings". The proposed works are out of scale in regards to the guidelines and will detract from the surroundings. Guidelines also state that windows should not directly overlook neighbouring properties, which would be the case with the proposed rooflights; in this the proposal would be contrary to Policy DES1 of the Local Development Plan.

Accordingly, it is recommended that planning permission is refused.

Development Management

List of Delegated Decisions - 29th November 2019

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

Ref. No.:	0411/FUL/19	Recommendation:	Grant Planning Permission
Proposal:	Formation of a full size 106m x 66m synthetic sports pitch to replace existing grass pitch with associated bunding, drainage, access paths, fencing and floodlights (as amended)		
Address:	East Calder Park, Main Street, East Calder, West Lothian, (Grid Ref: 308816,667982)		
Applicant:	Mr James Stevenson West Lothian Council	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Matthew Watson

Summary of Representations

83 comments have been received in support of the application, including a representation from East Calder Community Council. Four objections have been received.

Support

- Allows for activities for adults and children to take place in all weathers
- The facility will bring physical and social benefits to the local community
- Will allow for training in a safe environment

Objections

- Noise impact
- Loss of green space
- Impact on parking
- Impact of access for construction
- The facility is not inclusive and is set to benefit only men and boys

Officers report

The application proposes the formation of a synthetic sports pitch to replace existing grass pitch at East Calder Park. The facility is 106 m x 66 m and is

enclosed by a five metre high weldmesh fence. Paths are proposed to connect into the existing path network around East Calder Park.

In terms of principle of development, the 3G pitch is replacing a grass pitch. There will not be a loss of recreational amenity from the area as a result of the proposal; nor will there be an impact on the wider green network. The wider green network will be enhanced by the path connections proposed in the application. Overall, the principle of development is acceptable.

Noise impact has been raised as a concern in representations. Environmental Health has commented on the application and has raised no objection to the proposal but has raised concern over the proximity of the pitch to proposed housing at Raw Holdings, which is yet to be constructed, in the absence of noise mitigation measures at the south east corner of the pitch. No concern has been raised over proximity of the pitch to existing housing at Mansefield. The concerns expressed by Environmental Health are legitimate and there has to be a balance struck for such a facility. It is proposed via a planning condition to limit the use of the pitch to 8pm with the facility closed and floodlights switched off by 8.30pm. On balance, with this condition in place, the impact on residential amenity due to noise is considered to be acceptable.

Concerns have been raised that the proposed facility is not inclusive and will only benefit men and boys. The facility will be available for hire by members of the public when not being used by football clubs. In addition, East Calder Community Football Club has a five-a-side girls team. The proposal is not viewed as raising unacceptable equalities impacts.

In terms of parking impact, the council's roads and transportation service has been consulted on the proposals and has raised no objections to the proposal.

In dealing with construction traffic, it is proposed to attach a condition to any planning permission requiring the approval of a construction management plan, which would set out measures to minimise any disturbance to the use of the park during construction. A condition restricting the hours of construction will also be attached to any planning permission.

In summary, the proposal is acceptable in planning terms and it is therefore recommended that planning permission is granted, subject to conditions.

Ref. No.:	0662/MSC/19	Recommendation:	Grant Matters Specified in Conditions
Proposal:	Approval of matters specified in conditions of planning permission 1012/P/05 for the erection of 53 houses and associated roads, paths, drainage and landscape works		
Address:	Blocks J1 & J2, Land South East Of Church Place, Winchburgh, West Lothian, (Grid Ref: 307970,674950)		
Applicant:	Mr Martin Eaglesham Robertson Homes	Type:	Other
Ward:	Broxburn, Uphall & Winchburgh	Case Officer:	Wendy McCorriston

Summary of Representations

3 objections have been received. The grounds of objection are :

- The site is an important countryside area which should be retained.
- The ground conditions are not suitable for development.
- The house designs and layout are good but the access should be a separate access off the main road not through the existing housing.
- Concern that services and infrastructure, including electricity networks, cannot cope.
- There should be a children's play area on this site.

Officers report

This application forms part of the Phase 2 housing proposals for the settlement expansion of Winchburgh. Phase 1 comprised 550 residential units within the Winchburgh Master Plan, 2009 which was approved on 17 April 2012 under permission ref : 1012/P/05.

In the Master Plan, Block J, was to be used for a main distributor road, together with housing. In 2015 , an application to amend this by removing the main road, increasing the housing area and amending the access point to come through the Block K estate (via the access now shown) ref : 0287/MSC/15 was approved by Development Management Committee. The principle of the housing development on this site and the access to the site is therefore already approved. This application is for the details of the layout, house designs and associated landscaping for the site. The current proposal does include a separate construction access for use during the construction period.

This proposal is for 53 two storey houses in two parcels with a central belt of open space and a small village green area within the southern area of housing. The existing dense woodland belt to the east of the site is to be retained and the open space corridor to the north is to be enhanced. Path connections are provided around and through the site.

All technical checks have been undertaken. The Coal Authority, Contaminated Land Officer, Flood Prevention Officer and Transportation are satisfied with the proposals, subject to appropriate mitigation measures for traffic calming and building foundations and clarifications on the drainage design.

The proposals accord with the updated Master Plan, the permission granted by committee in 2015 and the policies of the LDP 2018. Approval is therefore recommended.

Ref. No.:	0953/FUL/19	Recommendation:	Grant Planning Permission
Proposal:	Change of use from industrial (class 5) to a fitness centre (class 11)		
Address:	1C Young Square, Brucefield, Livingston, West Lothian, EH54 9BX (Grid Ref: 304042,664480)		
Applicant:	Mr David Findlay	Type:	Local Application
Ward:	Livingston South	Case Officer:	Matthew Watson

Summary of Representations

One representation received:

- Noise impact

Officers report

The application proposes a change of use from Class 5 industrial to a Class 11 gym. No external alterations are proposed.

In terms of the principle of the use, the key to the assessment of the application is whether the unit has been marketed for a significant period of time without success in finding a Class 4, 5 or 6 use. The unit has been vacant since April 2019 and has been marketed online on the Brucefield Industrial Estate website since with limited interest. It is proposed to grant a temporary planning permission for 3 years. This will allow for a change of use back to an employment use without planning permission, unless the permission proposed to be granted is extended. A condition will also be applied that restricts the use to a Class 11 gym only and no other use within Class 11. With these conditions in place, the proposal complies with EMP 1 (f) of the LDP.

The proposal is viewed as having an acceptable impact in terms of traffic as peak operating hours are likely to be outside normal working hours (before 8am and after 6pm). Roads and transportation have been consulted on the proposal and have raised no objection to the application. The proposal complies with EMP 1 (i) of the LDP.

Concern over noise impact on the adjoining business have been raised in a representation. The council's Environmental Health service has commented on the proposal and has raised no objection to the proposal, in terms of noise impact on neighbouring businesses. A condition is recommended that music is inaudible from the nearest residential properties at the Barratt development at Limefield. With this condition in place, the proposal will not cause unreasonable harm to amenity and complies with policies EMP 1 (g) and DES 1 of the LDP.

In summary, the proposal is acceptable in principle and will not cause unreasonable harm to amenity. It is therefore recommended that a temporary planning permission is granted, subject to conditions.

Ref. No.:	0996/H/19	Recommendation:	Grant Planning Permission
Proposal:	Renewal of planning permission 0477/H/16 for proposed extension		
Address:	East Boghall Cottage, Linlithgow, West Lothian, EH49 7GR, (Grid Ref: 301542,677924)		
Applicant:	Ms Ruth Jack	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Rachael Lyall

Summary of Representations

1 objections

- daylight and overshadowing
- privacy
- loss of landscaping
- visual impact

Officers report

This application proposes a two storey extension to East Boghall Cottage, Linlithgow, which will add a new kitchen and dining space on the ground floor and two bedrooms on the first floor. The rear elevation originally contained a window on the upper floor which would have directly overlooked a neighbouring property, but following negotiation the window is to be removed, which will preserve the privacy of the neighbouring property.

The submitted plans show an existing hedge is located on the front elevation which is to be retained and protected throughout the proposed works. The applicant originally proposed a 1.8m fence in place of this hedge, which would have caused a detrimental effect on the streetscene and the properties surrounding and would have posed a traffic safety risk. Successful negotiations have led to this part of the proposal being dropped.

The proposed extension will be in keeping with the original property and will not dominate the overall character and appearance of the house. Following negotiations, the proposal is in accordance with Policy DES 1 of the Local Development Plan and council guidance. Accordingly, it is recommended that planning permission is granted.

Ref. No.:	1029/FUL/19	Recommendation:	Grant Planning Permission
Proposal:	Change of use from dance studio (Class 11) to hair and beauty salon (Class 1)		
Address:	115 East Main Street, Broxburn, West Lothian, EH52 5EJ, (Grid Ref: 308525,672245)		
Applicant:	Miss Sarah Bell	Type:	Local Application
Ward:	Broxburn, Uphall & Winchburgh	Case Officer:	Matthew Watson
<p><u>Summary of Representations</u></p> <p>Two representations received. One objection and one comment:</p> <ul style="list-style-type: none"> - Impact on parking - Road safety 			
<p><u>Officers report</u></p> <p>The application proposes a change of use from a Class 11 dance studio to a Class 1 hair and beauty salon.</p> <p>In terms of principle of the use, the application site is located just outside of Broxburn Town Centre. The building has been in commercial use and a Class 1 use will be compatible with surrounding residential properties. The proposal is acceptable in principle.</p> <p>Concerns have been raised about parking as a result of the operations of a neighbouring business. The council's roads and transportation service has been consulted on the application and has raised no objection to the application. The transport implications of the proposal are therefore considered to be acceptable.</p> <p>In summary, the application is acceptable in principle and does not raise unacceptable transport issues. It is therefore recommended planning permission is granted.</p>			

Ref. No.:	1068/FUL/19	Recommendation:	Grant Planning Permission
Proposal:	Change of use from open space to private garden ground and erection of boundary fence/gates		
Address:	3 Mains Farm Place, East Whitburn, West Lothian, EH47 8FG, (Grid Ref: 296368,664772)		
Applicant:	Mr Scott Winton	Type:	Local Application
Ward:	Whitburn & Blackburn	Case Officer:	Kirsty Hope

Summary of Representations

Two letter of objection were received, which can be summerised as follows -

- Would like confirmation that this land is privately owned and not public open space.
- Neighbouring garden enclsoe is 1.6m not 1.8 as shown on the plans.
- Previous applicaiton had condition that neighbours would agree height of fence - was never agreed however a fence was erected at 2.1m.
- Objects to fence being attached to neighbouring fence.
- This application breaches previous consent (0912/FUL/02) as this fence should be in situ in perpetuity.
- Would height of fence be agreed with 48 and 51 Crofters Way?

Officers report

Planning permission is sought to change the use of a strip of land to the rear of 3 Mains Farm Place, East Whitburn. The strip of land is currently fully enclosed by timber fencing and this proposal would involve removing the existing 1.8m to 2.1m boundary fence within the rear garden and erection of a 1.8 metre high boundary fence on the rear boundary. This application also includes the erection of a 1.3m enclosure with steel gated entrance to the front of the property.

The rear strip of land that is enclosed will be incorporated into the rear garden ground of number 3 Mains Farm Place, whilst at the moment this piece of land is not maintained and is overgrown. This application will allow this pocket of land to be maintained and used as garden ground.

The proposed boundary enclosure and gates to the front of the property will be similar in height to the neighbouring property and will be in-keeping with the surrounding area.

In response to the comments received:-

- This land is owned by the applicant, however in planning terms this land is public open space.
- Noted that the neighbouring enclosures are different heights, however the enclosure proposed is 1.8m.
- Previous application conditions cannot be addressed in this application.
- Attaching boundary fences to other boundary enclosures is a civil matter, however the applicant intends to erect a new boundary fence that does

not attach slats to the existing neighbouring boundaries.

- This application is considered in its own merits.
- The drawings have been amended to show a fence being erected on the rear boundary of 1.8m and no agreement will be necessary (in planning terms) with neighbouring properties, this is a private civil matter.

It is therefore considered that the proposals comply with both policy DES1 and policy ENV21 within the development plan and it is recommended to grant planning permission.