DATA LABEL: Public

Development Management Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

3 March 2020

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 March 2020** 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 19 February 2020 (herewith).

Public Items for Decision

5. Application No.1230/FUL/19 - Erection of 2 houses and associated works at land south of 14 Craigs Court, Torphichen (herewith)

6. Application No.1231/H/19 - Erection of garage with ancillary accommodation, Sandygait Cottage, Murieston Road, Murieston,

Livingston (herewith)

7. Application No.1240/FUL/19 - Erection of multi-arts workshop/rehearsal centre including accommodation and associated works at Colzium Cottage, Kirknewton (herewith)

Public Items for Information

8. Consider list of delegated decisions on planning applications and enforcement actions for 14 to 28 February 2020 (herewith)

9. Appeals :-

(a) Application 0538/FUL/18: Conversion and Extension of Farm Buildings to form 4 Houses and Erection of 4 Houses with Associated Works at Cairnview Mains Farm, West Calder - Appeal dismissed

(b) Application 0412/FUL/19: Display of Cars and Vans for sale (Continuation of Use Granted Under 0786/FUL/15) at 35-37 Main Street, Winchburgh - Appeal dismissed

(c) Application 0636/P/18: Planning Permission in Principle for Residential Development with access, landscaping, Suds and associated infrastructure at Land South of Sibbalds Brae, and West of Falside Crescent, Bathgate - Appeal allowed

(d) Application 0864/FUL/19: Erection of A House, Garage and Associated Works at The Paddocks, Kirknewton - Out of time

(e) Enforcement case ENF/0290/17: The Alleged Display of one unauthorised free standing sign at 10 Caputhall Road, Deans Industrial Estate, Livingston - Appeal submitted

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NOTE **For further information please contact Val Johnston, Tel No.01506 281604 or emal 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

March 2019

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

March 2019

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 19 FEBRUARY 2020.

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

Apologies – Councillors Tom Conn and George Paul

1 DECLARATIONS OF INTEREST

Agenda Item 5 (Application No.0848/FUL/19) – Councillor Stuart Borrowman had not participated in consideration of this item in December 2019 and would therefore not participate in the item of business.

Agenda Item 5 (Application No.0848/FUL/19) – Councillor Pauline Clark declared an interest in that she had attended a meeting of the West Calder and Harburn Community Council when they had discussed the application, but as she did not offer an opinion on the matter, she would participate in the item of business.

Agenda Item 5 (Application No.0848/FUL/19) – Councillor Lawrence Fitzpatrick declared an interest in that he was a council appointee to the West of Scotland Archaeology Service, who were a statutory consultee on the application, but he would participate in the item of business.

2 ORDER OF BUSINESS

The Chair ruled the following in terms of Standing Order 11:

- That agenda item 7 (Application No. 1272/H/19) would be considered before agenda item 6 (Application No. 1150/FUL/19).
- That the following appeal, which officers would present orally, would be added under agenda item 9 (Appeals):

  Application No.0538/FUL/18 - Conversion and extension of farm buildings to form 4 houses and erection of 4 houses with associated works at Cairnview Mains Farm, West Calder - Appeal dismissed.
- That Councillor Carl John would be added to the list of speakers for agenda item 6 (Application No. 1150/FUL/19).

3 MINUTE

The committee confirmed the minute of its meeting held on 22 January 2020. The Chair thereafter signed the minute.

4 APPLICATION NO.0848/FUL/19

Councillor Stuart Borrowman took no part in the decision of this application.

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:

Application No.	Proposal	Recommendation
0848/FUL/19	Erection of 48 Houses at Hartwood Road, West Calder	Grant planning permission, subject to conditions and a legal agreement to secure the relevant developer obligations

The committee then heard Ms Joan O'Donnell speak on behalf of West Calder and Harburn Community Council in support of their objections to the application.

The committee then heard Mr Ian Simmonds, Ms Lorna McCallum, Mr Kenny Saunders (on behalf of Ms Gail Simmons), Mr John Hastie and Mr Dennis O'Donnell (on behalf of Mr Duncan Collin), local residents, speak in support of their objections to the application.

The committee then heard Mr Gordon Johnson from Persimmon Homes, the applicant, speak in support of the application.

The committee also noted that whilst Mr Neil Parry, the applicant's agent, was in attendance, he did not wish to address committee but was available to answer questions.

The committee then heard Councillors Cathy Muldoon and David Dodds, local ward members, speak in support of their objections to the application.

Motion

To refuse planning permission on the grounds that it would exacerbate the existing unacceptable levels of traffic congestion and danger to pedestrians on Hartwood Road and local streets as they all interact with junction A71, and therefore it does not comply with policies DES1 and HOU1.

- Moved by Councillor Pauline Clark and seconded by Councillor Lawrence Fitzpatrick.

Amendment

To approve the application and grant planning permission subject to conditions and a legal agreement to secure the relevant developer

obligations.

- Moved by Councillor David Tait and seconded by the Chair.

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

Motion	Amendment
Willie Boyle	Charles Kennedy
Pauline Clark	Tom Kerr
Lawrence Fitzpatrick	David Tait

Decision

Following a vote for which the motion and amendment received three votes each (with three members having given apologies), the Chair used his casting vote in favour of the amendment and it was agreed accordingly.

5 APPLICATION NO.1272/H/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:

Application No.	Proposal	Recommendation
1272/H/19	Single storey extension to the property located at 94 Braeside Park, Mid Calder	Grant planning permission

Decision

To grant planning permission.

6 APPLICATION NO.1150/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:

Application No.	Proposal	Recommendation
1150/FUL/19	Erection of two houses and garages (amendment to application 1124/FUL/18) (Partly in	Grant planning permission, subject to conditions

	retrospect) at 9 Churchill Way, Kirknewton

The committee then heard Mr Brian Dewar, on behalf of Mr Gill Greeves, Mr Torhill Dewar, Mr David Dickson and Mr and Mrs Coulter, local residents, speak in support of their objections to the application.

The committee also noted that whilst Mr Kenny Farrell, local resident, had requested to speak, he was not in attendance at the meeting.

The committee then heard Mr Stewart McKenna and Mrs Anne Pinkerton, applicants, speak in support of the application.

The committee then heard Councillor Carl John, a local ward member, speak in respect of the application.

Decision

To grant planning permission, subject to conditions and subject to amending condition 2 to also exclude the garages being used for commercial purposes.

7 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 actions for the period 17 January to 7 February 2020 was submitted for the information of the committee.

Decision

To note the list of delegated decisions.

8 APPEALS

The committee noted that the following appeals had been submitted following refusal of planning permission:

Application No.	Proposal
1175/A/19	Display of three illuminated wall mounted billboard signs at Whitburn Road, Bathgate
0948/A/19	Display of 2 fascia signs, 1 window graphic sign and 1 freestanding sign (in retrospect) at 100 West Main Street, Whitburn

The committee noted that the following appeal had been submitted against enforcement action:

Application No.	Proposal
ENA-400-2040	Alleged unauthorised change of use from public open space to private garden ground at 45 Longpark Place, Livingston

The committee also noted that the following appeal had been dismissed:

Application No.	Proposal
0538/FUL/18	Conversion and extension of farm buildings to form 4 houses and erection of 4 houses with associated works at Cairnview Mains Farm, West Calder

West Lothian Council

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

1.1 Erection of 2 houses with associated works at land to the south of 14 Craigs Court, Torphichen.

2 DETAILS

Reference no.	1230/FUL/19	**Owner of site**	Mr Kenneth Andrew
Applicant	Mr Kenneth Andrew	**Ward & local members**	**Armadale and Blackridge** Councillor Stuart Borrowman Councillor Sarah King Councillor Andrew McGuire
Case officer	Kirsty Hope	**Contact details**	01506 282413 Kirsty.hope@westlothain.gov.uk

Reason for referral to Development Management Committee: Request by Councillor Stuart Borrowman

3 RECOMMENDATION

3.1 Refuse Planning Permission

4. DETAILS OF THE PROPOSAL AND BACKGROUND

4.1 Planning permission is sought for the erection of 2 houses on land to the south of 14 Craigs Court, Torphichen. The site is located on the western side of the B792 to the north of Craigs Lodge on the southern edge of the Torphichen settlement boundary. The site is located within Torphichen Conservation Area.

4.2 The site contains a number of mature trees particularly around the perimeter of the site and along the B792.

4.3 The topography of the site has a steep gradient generally rising towards the north (Craigs Court). Given the gradient of the site, the north elevation on both proposed houses is single storey with the rear (south) elevation being 3 and a half stories. There is approximately a 5 metres difference in the ground levels to eave height between the north and south elevations. The proposed houses will have 4-bedrooms over 4-floors with an integral garage on the bottom floor.

4.4 A single proposed vehicle access would be taken from the B792 on the eastern boundary and parking is provided for two vehicles for each house.

History

4.5 Planning Application - LIVE/0182/FUL/17 Land To Rear (South) Of 14 Craigs Court, Torphichen – for the erection of 2 houses (Grid Ref: 297095, 672072) was refused planning permission on 12 May 2017.

5. REPRESENTATIONS

5.1 Five letters of objection were received including one from the Torphichen Community Council.

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

Comments	Response
• Disruption of wildlife, habitats as well as protected species.	• Noted. An ecology report was submitted by the applicant and it is noted that a badger license will be required along with a nesting bird survey, if consented.
• Unsuitable proposal which would compromise the character and appearance of the conservation area.	• Noted. Addressed further in the assessment below.
• Road safety concerns	• Noted. Addressed further in the assessment below.
• The properties would be in full view from well down the Bathgate Road, increasing the built up area and being prominent on the south approach to Torphichen	• Noted. Addressed further in the assessment below.
• Lack of sensitivity in relation to eco-friendly design/technology	• Noted. Addressed further in the assessment below.
• Loss of natural daylight/sunlight for neighbouring residents	• Noted. Neighbouring properties are a considerable distance.
• The houses would dominate the adjacent property to the south	• Noted. Addressed further in the assessment below.
• Loss of privacy for Craigs Lodge	• Noted. Addressed further in the assessment below.
• No provision for bins and access.	• Noted.
• Scale of properties not in keeping with the character of the area.	• Noted. Addressed further in the assessment below.
• Loss of trees	• Noted. Addressed further in the assessment below.
• No drainage details.	• Noted.

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 Flood Risk Manager	No	No flooding concerns. Surface water – Request more details to show the exact means by which forward flows of surface water will be controlled and forced into the attenuation tanks, the nature and proposed volume of the filtration and attenuation systems and supporting drainage calculations, particularly in the context of the steepness of the site.	Noted. Refusal is recommended taking these comments into account.
WLC Arboricultural Officer	Yes	Does not support the removal of the trees located along the boundary (or changing the location of the boundary wall – due to the root depth). The boundary trees of the site add to the character of the entry/exit of the village and the amenity value of the surrounding area.	Noted. Refusal is recommended taking these comments into account.
WLC Roads & Transportation	Yes	The sightline requirement and the stopping sight distance cannot be achieved without the boundary wall being lowered and a subsequent re-profile of the land being retained. Visibility splay cannot be achieved within the ownership of the applicant. Concerns in relation to road safety.	Noted. Refusal is recommended taking these comments into account.
WLC Education Planning	No	The site shall require to contribute to the following education contributions should it gain consent:- Non-denominational Secondary and Denominational Secondary per dwelling.	Noted. Should planning permission be granted, then the relevant developer contributions would need to be secured.

Consultee	Objection?	Comments	Planning Response
WLC Contaminated Land Officer	No	Attach condition in relation to potential contamination during construction.	Noted. Should planning permission be granted, then a condition shall be attached.
WLC Environmental Health	No	None.	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 Edinburgh and South East Scotland (SESplan) and the West Lothian Local Development Plan

7.3 The relevant development plan policies are listed below:

Plan & Policy	Policy Summary	Assessment	Conform
West Lothian Local Development Plan (LDP) (2018) DES1 - Design Principles	This policy states that development needs to integrate with its context and the surrounding built form and have an acceptable impact on amenity.	The proposed dwellings do not integrate well with their surroundings given the design of the development. The south facing elevations will be seen from the roadside given the steep slope and the 3.5 storey design. There would be a significant adverse impact on the character of the southern site boundary, if the boundary wall was to be moved or reduced in height and trees removed. Visibility onto the B792 cannot be achieved within the application site alone. Any reduction in height of the boundary wall and associated loss of trees to achieve the required visibility splay would have a detrimental impact on the visual amenity and character of the entry/exit of Torphichen.	No

Plan & Policy	Policy Summary	Assessment	Conform
West Lothian Local Development Plan (LDP) (2018) HOU3 - Infill and Windfall Housing Development within Settlements	This policy states new housing development within settlement boundaries will be supported, subject to nine criteria.	The proposed development site is within the Torphichen settlement boundary. With respect the proposed development, Transportation advise that there would be an adverse risk on road safety given that an acceptable visibility splay cannot be achieved within the ownership of the applicant and additionally without adversely impacting the existing boundary wall or trees. The matures trees, in particular on the perimeter of the site, are an important feature of the surrounding context and contribute to the character and appearance of the Torphichen Conservation Area. Whilst the applicant has indicated that only one tree would be affected to achieve the required visibility, it is considered that there would be far greater impacts on the boundary trees. The applicant has failed to adequately demonstrate which trees would be affected and remain.	No
West Lothian Local Development Plan (LDP) (2018) ENV24 - Conservation Area	This policy states that we development will not be permitted which would have any adverse effect on their character and appearance. Proposals must have regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area and will require appropriate high standards of design, materials, siting and implementation.	Given the above comments about the impact on the mature (perimeter) trees and the boundary wall, together with the applicant has not satisfactorily demonstrated that the proposed development preserves or enhances the character and appearance of the Torphichen conservation area.	No
West Lothian Local Development Plan (LDP) (2018) NGR1a - Low and Zero Carbon Generating Technology	This policy advises that a statement will be required to be submitted demonstrating compliance with this requirement.	No statement has been provided however details are within the design statement about solar gain.	No – could be achieved by condition.

Plan & Policy	Policy Summary	Assessment	Conform
West Lothian Local Development Plan (LDP) (2018) EMG2 - Flooding	This policy states that when considering proposals for development, the council will adopt a precautionary approach to the flood risk from all sources.	The proposed development is not at risk of flooding.	Yes
West Lothian Local Development Plan (LDP) (2018) EMG3 - Sustainable Drainage	This policy states that 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.	The applicant has not satisfactorily demonstrated that the surface water can be attenuated from the site given the topography of the land.	No
West Lothian Local Development Plan (LDP) (2018) EMG6 - Vacant, Derelict and Contaminated Land	This policy advises that 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.	The applicant submitted a site investigation phase 1 report which is satisfactory. A condition in relation to any contamination found during the build can be attached, if consented.	Yes
West Lothian Local Development Plan (LDP) (2018) INF 1: Infrastructure Provision and Developer Obligations	This policy states the council will seek contributions to mitigate the individual or cumulative impacts of development.	The proposal does not raise any infrastructural or education capacity concerns. The LDP and statutory guidance, sets out the required developer obligations and these are listed below: • Education (Denominational & Non-Denominational Secondary) • Cemeteries	Yes – Subject to the relevant planning obligations being secured.

7.4 Also relevant is the following:

- Supplementary Guidance on Residential Development Guide
- Supplementary Guidance on Flooding and Drainage

7.5 The key determining issues for assessment in respect of the application are set out below:

Principle of development

7.6 The site is located within the Torphichen settlement boundary and within the conservation area. The proposed development is for two houses that are 3 and a half storeys in height from the south elevation and single storey from the north elevation.

7.7 The proposed design is not in keeping with the character of the settlement given the scale of the surrounding properties and does not to enhance or preserve the character of and appearance of the conservation area. Due to the position, height and massing of the proposed houses, there would be an overbearing impact on the neighbouring Craigs Lodge.

Trees

7.8 The site is located within a conservation area and currently has trees on the boundary of the B792 that have good amenity values in terms of the appearance of the entry/exit of Torphichen and they contribute to the character of the area.

7.9 Although the applicant has submitted a tree survey, this is insufficient as there is no accompanying plan showing the position of the surveyed trees in relation to the development proposals. The submitted plans indicate that only one tree would be removed at the access. There is insufficient information provided by the applicant to demonstrate that other trees would be affected. However, to obtain the required visibility splay from the access junction onto the B792, the trees on the roadside boundary would be impacted and this would be to the detriment of the character of the conservation area.

Access

7.10 Whilst parking can be accommodated within the site and the site is accessible by public transport and within close proximity to local shops and amenities, there are concerns with regards to the visibility onto the B792.

7.11 The council's Roads & Transportation has advised that the required visibility splay of 120m by 82m cannot be achieved with the wall in situ. The plans submitted show that the wall will remain, thus meaning that visibility cannot be achieved, resulting in a detrimental impact on road safety.

Flooding and Surface Water

7.12 The site is not at risk of flooding in the terms of policy EMG 2. However, the applicant has not satisfactorily demonstrated that the surface water can be attenuated from the site given the topography of the land and as such, the proposal is contrary to policy EMG 3 within the development plan.

8. CONCLUSION AND RECOMMENDATION

8.1 The site is located within the Torphichen settlement boundary and therefore there is a presumption in favour of infill residential development subject to policy criteria being met. However the topography of the site has a significant impact on developing the site. Additionally the proposed development is not acceptable given the impact on road safety (in terms of visibility) and potential impact on the trees (on and off the site) and boundary wall. As such, the proposals will have a detrimental impact on the character and appearance of the Torphichen Conservation Area.

8.2 The proposed design of the development is not acceptable in terms of its local context. The overbearing impact on the neighboring residential property to the south is also not satisfactory.

8.3 The applicant has not satisfactorily demonstrated that the visibility splay onto the B792 can be satisfactorily achieved, nor that trees of value or the existing stone boundary wall will be safeguarded. Furthermore, there is not sufficient information on the surface water attenuation or a carbon emission reduction statement.

8.4 The proposal is therefore contrary to the policies of the development plan and it is therefore recommended that planning permission is refused, as set out in the attached draft reasons.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Draft Reasons for Refusal
- Location Plan
- Aerial Photograph
- Location Plan
- Plot A - site plan and elevations
- Plot B - site plan and elevations
- Landscape Proposals
- Access Junction Visibility Splay (x2)
- Representations
- Local Member Referral Form

Craig McCorriston
Head of Planning, Economic Development and Regeneration **Date: 11 March 2020**

DRAFT REASONS FOR REFUSAL – APPLICATION 1230/FUL/19

Reasons for refusal

1. The proposal would result in an unacceptable adverse impact on road safety as a satisfactory visibility splay onto the B792 cannot be achieved (within the application site or indeed on land in which the applicant has no land ownership). The proposal is contrary to policy DES1 of the West Lothian Local Development Plan.

2. The applicant has not satisfactorily demonstrated that the proposed development preserves or enhances the character and appearance of the Torphichen conservation area. The proposed development in terms of its position, height and massing is not sympathetic to the surrounding area and would have an overbearing impact on the neighbouring property at Craigs Lodge and is therefore contrary to both policy DES1 and ENV 24 of the West Lothian Local Development Plan.

3. The applicant has not satisfactorily demonstrated that the surface water can be attenuated from the site given the topography of the land. As such, the proposal is contrary to Policy EMG3 of the West Lothian Local Development Plan.

4. The applicant has not satisfactorily demonstrated that the boundary trees within the site will not be detrimentally affected and as such, the proposal is contrary to Policy DES 1 and ENV 9 and ENV 24 of the West Lothian Local Development Plan.

5. The applicant has not submitted a statement to demonstrate that at least 10% of the current carbon emission reduction will be met. The proposal is therefore contrary to policy NRG1a of the West Lothian Local Development Plan.

West Lothian Council

1230/FUL/19 - Land South of 14 Craigs Court Torphichen EH48 4NU

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0 50 m

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1230/FUL/19 - Land South of 14 Craigs Court Torphichen EH48 4NU

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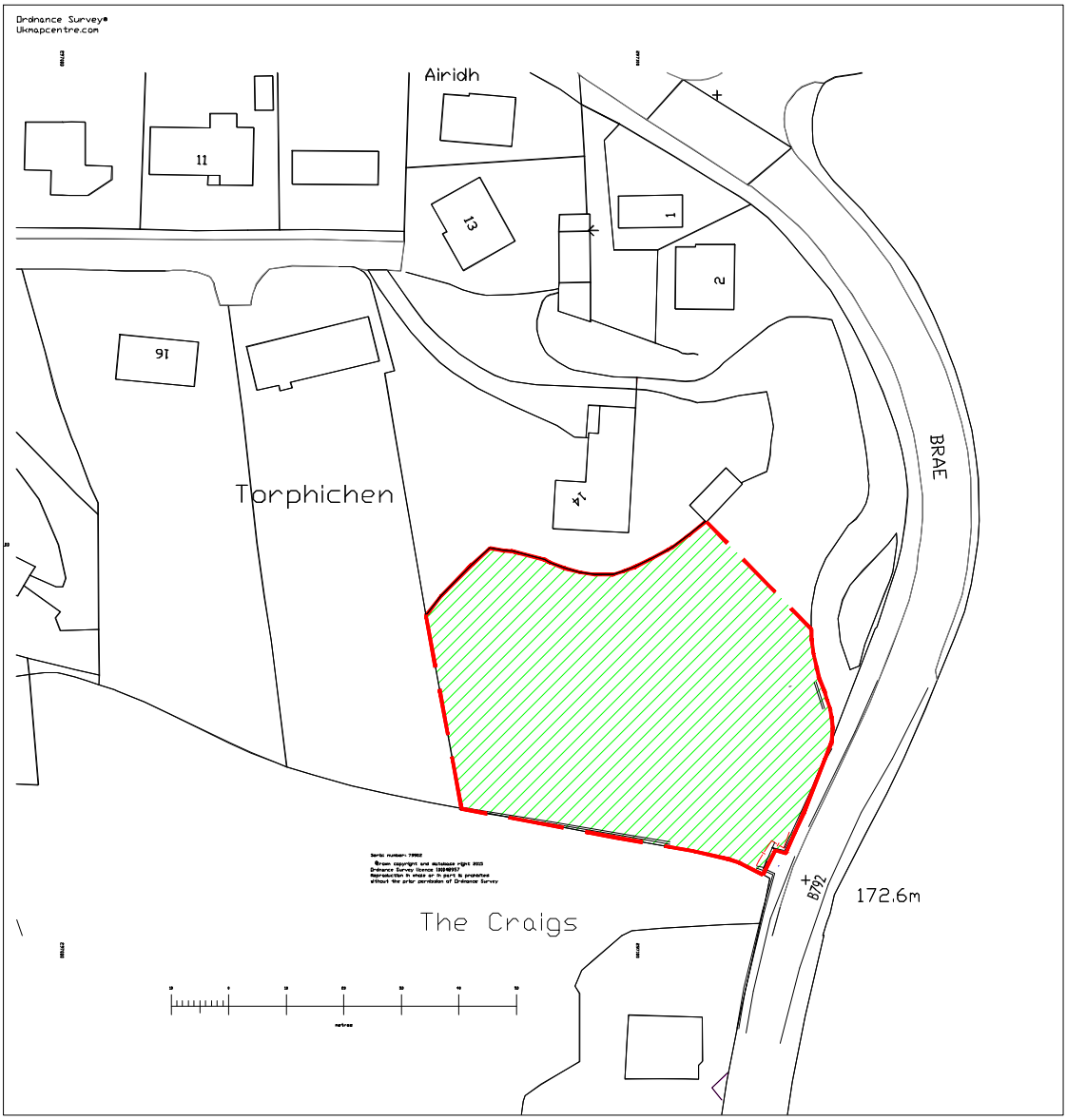
0 50 m



Location Plan
Scale 1:1250

Site boundary

Plot subject to planning proposal

NO. DATE REVISION

1st Draft Solutions
Architectural Drafting Services
2/1 48 Wanlock St, Glasgow, G51 3AB
t:01412377050 m:07542099809
patrick@1stdraftsolutions.co.uk
www.1stdraftsolutions.co.uk

PROJECT TITLE Development of 2 Dwellings		
SITE Land @ the rear 14 Craigs Ct, Torphichen		
DRAWING TITLE Location Plan		
CLIENT Kenneth Andrew		
DATE Sept 19	DRAWN PMcM	SCALE 1:1250
PROJECT AL10370	NUMBER GA_013	REVISION --

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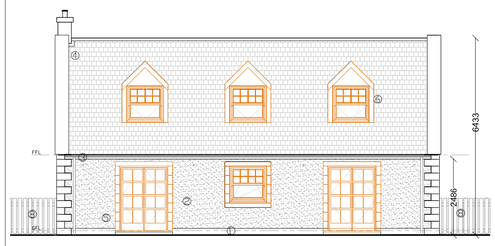
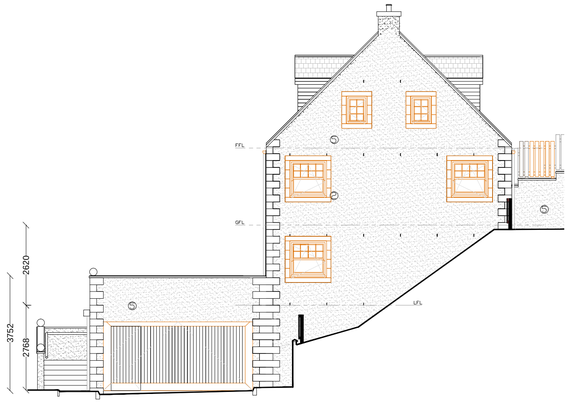


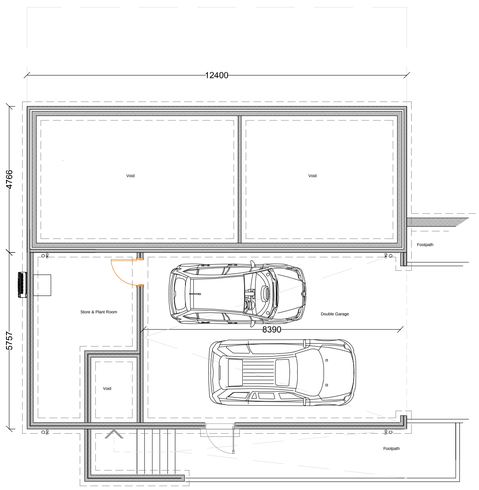
Front Elevation (North)
Scale 1:100



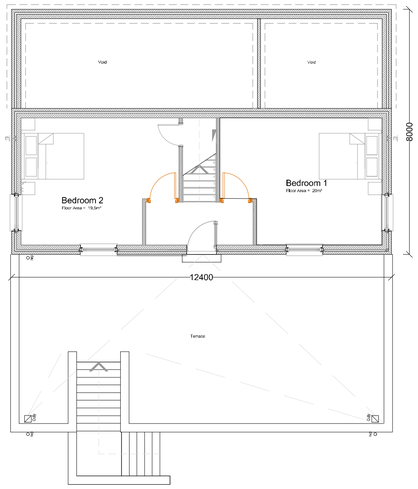
Side Elevation (East)
Scale 1:100

Rear Elevation (South)
Scale 1:100

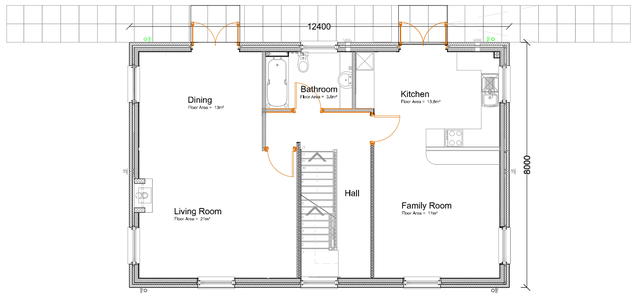
Side Elevation (West)
Scale 1:100



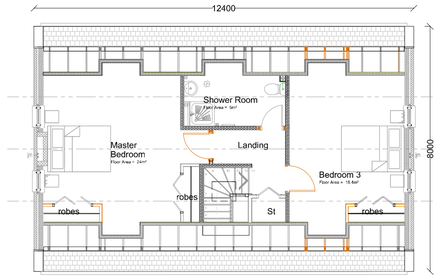
Garage Floor Plan
Scale 1:100



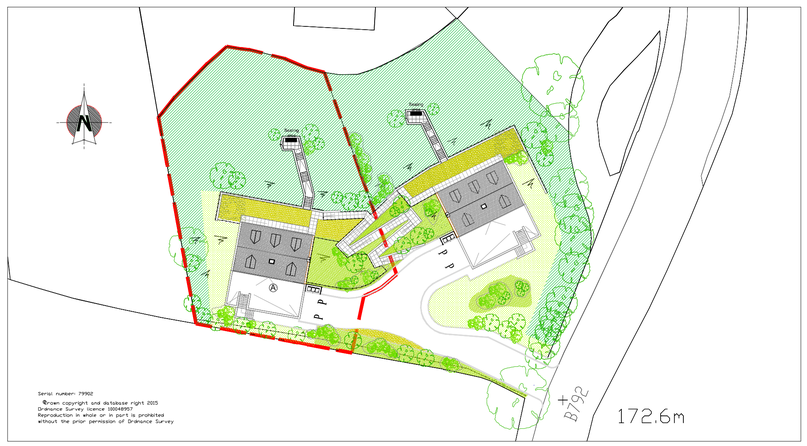
Basement Floor Plan
Scale 1:100



Ground Floor Plan
Scale 1:100



Loft Space Floor Plan
Scale 1:100



Proposed Site Plan
Scale 1:500

Plot A Notes

Plot area = 1340m² (0.33 Acres)
House footprint area = 171m²
Garden area (flat) = 87m²

Location Plan
Scale 1:500

General notes

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All material to be fitted must be as per manufacturers instructions

NO.	DATE	REVISION
A	Apr 19	Revised floor plans and boundary

1st Draft Solutions
Architectural Drafting Services
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patrick@1stdraftsolutions.co.uk
www.1stdraftsolutions.co.uk

PROJECT TITLE: Development of 2 Dwellings		
SITE: Land @ the rear 14 Craigs Ct, Torphichen		
DRAWING TITLE: Plot A Planning Proposal		
CLIENT: Kenneth Andrew		
DATE: Sept 2018	DRAWN: PMcM	SCALE: As Specified
PROJECT: AL10370	NUMBER: GA_01	REVISION: A

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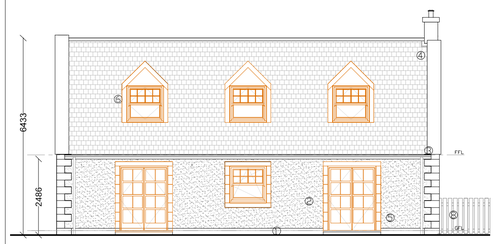
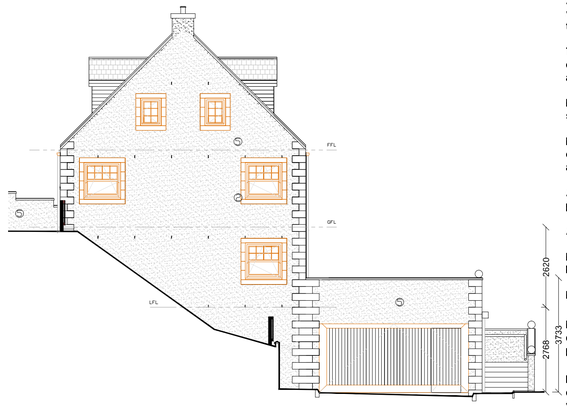


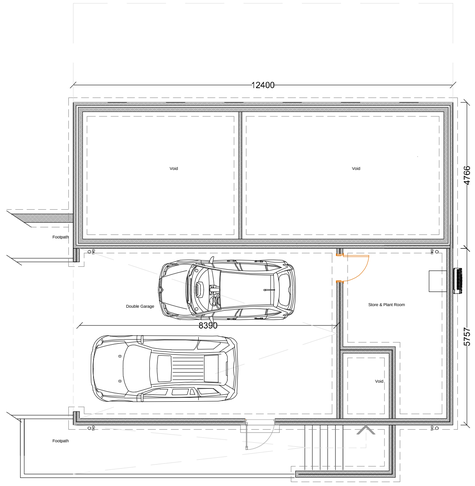
Front Elevation (North)
Scale 1:100

Side Elevation (East)
Scale 1:100

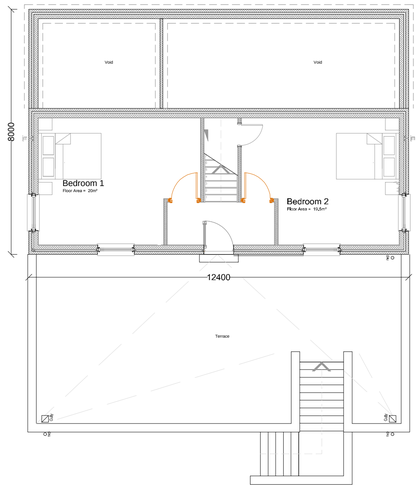
Rear Elevation (South)
Scale 1:100



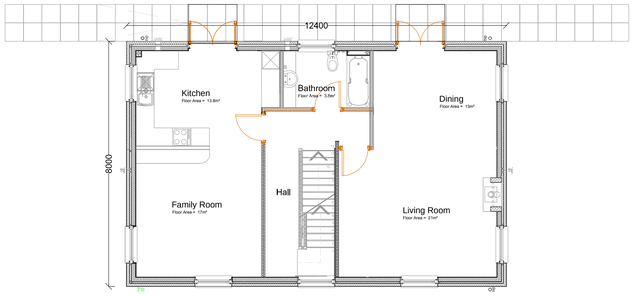
Side Elevation (West)
Scale 1:100



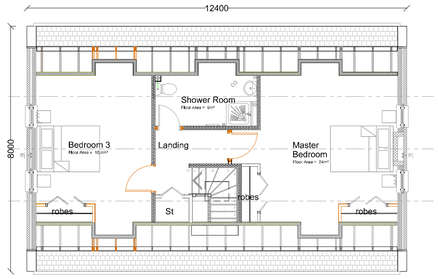
Garage Floor Plan
Scale 1:100



Basement Floor Plan
Scale 1:100



Ground Floor Plan
Scale 1:100

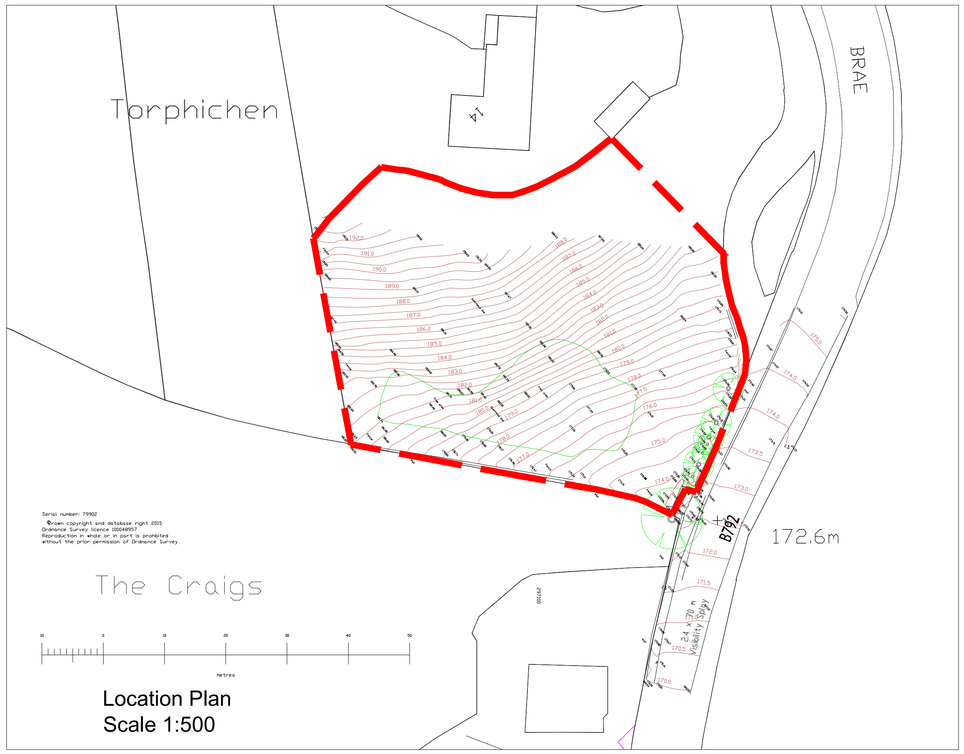


Loft Space Floor Plan
Scale 1:100

Proposed Site Plan
Scale 1:500

Plot B Notes

Plot area = 1732m² (0.42 Acres)
House footprint area = 171m²
Garden area (flat) = 88m²



Location Plan
Scale 1:500

General notes

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NO:	DATE	REVISION
A	Apr 19	Revised floor plans and boundary

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PROJECT TITLE: Development of 2 Dwellings		
SITE: Land @ the rear 14 Craigs Ct, Torphichen		
DRAWING TITLE: Plot B Planning Proposal		
CLIENT: Kenneth Andrew		
DATE: Sept 2018	DRAWN: PMcM	SCALE: As Specified
PROJECT: AL10370	NUMBER: GA_02	REVISION: A

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PLANTING SPECIFICATION NOTES

GENERAL: All workmanship to relevant British standards and Codes of Practice. All tree operations to be in accordance with BS 8545: 2014 Trees: 'From nursery to Independence in the landscape - recommendations'. All landscaping operations to BS 4428: 1989 and stock as defined in BS 3936: Part 1 (1992), Part 9 (1987) and Part 10 (1992). Use tools and machinery suitable for use and comply with Health and Security Regulations. The Landscape Contractor must follow good husbandry practice and allow for keeping all new planting and grassed areas well watered during the defects liability period/maintenance period of the contract. All plants to be supplied in the condition and planted at the density specified in the planting schedules. All planting to be carried out under the authorisation of the supervising officer only and include:

SITE CLEARANCE: Remove rubbish, concrete, decayed vegetation, foreign material and stones exceeding 50mm prior to cultivation.

CLIMATIC CONDITIONS: Carry out the works while soil and weather conditions are suitable for the relevant operations. Ground preparation should be carried out during dryer periods; in very wet weather there is potential to damage soil structure and a serious increase in water run-off and erosion. If possible, allow cultivation to settle prior to planting. Carry out tree and shrub planting between October and late March.

GROUND PREPARATION: Ground preparation will be necessary before planting takes place to improve the soil conditions and suppress weeds. The objectives of ground preparation need to be achieved with minimal soil disturbance. Apply a suitable non-residual herbicide to planting areas. Supply and spread a suitable fertiliser, Zeneca 'Enmag' or equivalent, as appropriate over all planting areas following detailed analysis of ameliorated and any imported soil material.

EXISTING WOODLAND / VEGETATION: Vegetation within the middle part of the Site where the two dwellings are located including regenerating / self-seeded trees, understorey planting and scrub vegetation will be removed. Existing trees around the Site's periphery to be retained as far as practicable. A single mature pine tree next to the access junction will be removed to accommodate the access. Care must be taken in this zone to ensure existing trees and understorey are retained are protected. As such, the grubbing up and removal of vegetation and any potential soil excavations within this zone will be dug by hand and hand tools, with due care and diligence taken. There should be no storage of materials or access by machinery within this zone.

TREE SUPPORT/PROTECTION: All trees to be staked and protected with a tubex tree guard. All shrubs to protected and supported with a spiral guard and cane. Landscape Contractor to ensure all new planting is adequately protected from voles, rabbits, etc using appropriately sized protective shelters supported by canes and wooden stakes. Existing trees to be retained around the Site's periphery will be protected during the construction phase by tree protection fecning in accordance with BS 5837:2012. Inside the exclusion of the area of the fencing there shall be no: mechanical excavation, no lowering of levels, no storage of plants or machinery, and only hand digging permitted. Where the erection of a protective fence is not possible, i.e. at the access off Mallens Brae, metal corrugated fence panels shall be laid at the entrance to prevent compaction of the ground and spread loads of machinery in the vicinity of existing mature trees to be retained, including the mature sycamore just beyond the Site's south-eastern corner.

TREES / SHRUB PLANTING, GENERAL: Upon receiving plant stock on site, quality of stock should be checked to ensure - planting stock to be undamaged, sturdy, healthy, vigorous, of good shape and without elongated shoots. Stock should be free from pests, diseases, discoloration, weeds and physiological disorders with balanced root and branch systems, root system and condition and true to name in accordance with the relevant part of the National Plant Specification. If stock is to be planted within four weeks of arrival, they can stay in the bags. For longer storage, plants should be taken out of bags and roots covered with soil.

PREPARATION FOR TREES / ORNAMENTAL SHRUBS / HEDGES / GRASS / BULBS:
Trees: All trees to be planted: Heavy standard tree pits to be planted in pits 2000 x 2000 x 750mm deep. Smaller feathered and standard trees to be planted in pits 1500 x 1500x 1000 mm. Structure trees to be planted at 1m centres. Retain existing soil less than 50mm in size for re-use as backfill. In sloping ground, maintain horizontal bases and vertical sides with no less than minimum depth throughout.Break up base of pits to a depth of 150mm and scarify sides. Backfill with mixture of soil excavated from the pit and additional soil as required together with 25% tree planting compost. Trees to be supported with 1800mm long softwood stakes with crossbar finished 600mm above ground. All posts and crossbars to be painted with two coats of dark black stain off site. Tree attached to centre of crossbar using Flat Back Unslotted Block and T260 Buckle Tree Tie by Rubberloc (or equal and approved). An urban watering system such as 'Mona Relief' by Green-Tech (or equal and approved) with inlet clearly visible to be installed around root system to enable watering during the establishment period and during periods of extended dry weather or drought. Where necessary, protect underground services from tree roots using Rootbarrier 325 by Green-Tech (or equal and approved). Install to manufacturers instructions.
Shrub planting: to be cultivated to a depth of 450mm with any compacted ground broken up to full depth. Stones over 50mm in any dimension to be removed. Shrubs to be pit planted, excavated 150mm deeper and wider than size of rootball. Pits to be backfilled with excavated material. Plants to be carefully firmed in.
Grass and wildflower areas: cultivated to a depth of 150mm with subsoil shaped to shed water and graded to form smooth contours. Any compacted ground broken up to full depth. Stones over 38mm to be removed and the area brought to a fine tilth, uniformly firmed, pre-seeding fertiliser applied and seeded with quality lawn seed.
Lawn areas: to be turfed with an amenity grass mix from an approved source.

WATERING: After planting thoroughly water planted areas ensuring the full depth of topsoil is thoroughly wetted. Continue to water through the growing season to ensure the establishment and continued thriving of all planting.

MAINTENANCE / AFTERCARE: The completion period for all soft landscape areas shall be 12 months from practical completion. The contractor shall be responsible during this time for undertaking with due care, in accordance with BS 4428 all operations required to ensure the establishment and maintenance of healthy vigorous plants, including as necessary. General attendance to plants, watering as necessary to maintain a healthy stock, weeding of all planted areas on a monthly basis. Mowing of amenity grass to a height of 30-50mm. There should be little need to weed control during the first growing season as thorough ground preparation should have been carried out. During season two onwards a management / maintenance regime as per below should be followed. Implementation of the landscape works shall be in accordance with the development programme presented for the site. Soft landscape works will be implemented in the first available planting season after commencement of the development, and where possible, to ensure that the species are given the best opportunity to establish.

LEGEND

HARD LANDSCAPE PROPOSALS

- ACCESS ROAD AND CAR BAYS - ASPHALT EDGED WITH PC CONCRETE KERB
- PATH - TEXTURED FLAG PAVING
- 1.8M HIGH CLOSE BOARDED TIMBER FENCE
- 1.2M HIGH PICKET FENCE
- EXISTING STONE WALL TO BE RETAINED AND AUGMENTED WHERE NECESSARY
- RETAINING WALL
- GATES TO ARCHITECTS DETAILS

SOFT LANDSCAPE PROPOSALS

- EXISTING TREES TO BE RETAINED AND PROTECTED DURING CONSTRUCTION PHASE IN LINE WITH BS 5837:2012
- EXISTING TREES TO BE REMOVED
- AREA MANAGED AS WILDFLOWER GRASS
- AREA MANAGED AS LAWN GRASS (TURF)

SPECIMEN TREES

SPECIES	SIZE
Betula utilis jacquemontii 'Doorenbos'	12-14cm girth, RB
Pyrus calleryana 'Chanticleer'	12-14cm girth, RB
Sorbus huphensis 'Pink Pagoda'	12-14cm girth, RB

SPECIMEN TREES

SPECIES	SIZE
Arbutus unedo	40-60cm, 10-12L, C
Pieris Forest Flame	80-100cm, 10L, C

ORNAMENTAL SHRUBS

Berberis thunbergii 'Rose Glow'	40-60cm, 5L, C
Cornus alba 'Sibirica'	40-60cm, 2L, C
Euonymous 'Silver Queen'	40-60cm, 5L, C
Lavandula stoecas	40-60cm, 5L, C
Lonicera nitida 'Baggeson's Gold'	40-60cm, 5L, C
Mahonia aquafolium	40-60cm, 3L, C
Viburnum tinus 'Eve Price'	40-60cm, 5L, C

GROUND / LOW ORNAMENTAL COVER

Gymnocarpium dryopteris	1L, C
Galium odoratum	1L, C
Geranium nodosum	9cm, C
Primula vulgaris	2L, C

WOODLAND STRUCTURE PLANTING
Woodland structure trees planted at 3m centres

SPECIES	SIZE
Betula pubescens	8-10cm, RB
Fagus sylvatica	8-10cm, RB
Prunus avium	8-10cm, RB
Tilia cordata	8-10cm, RB
Sorbus aucuparia	8-10cm, RB

WOODLAND UNDERSTOREY
Woodland mix trees planted at 1m centres

Buddleia davidii	40-60cm, CG
Betula pubescens	40-60cm, BR
Corylus avellana	40-60cm, BR
Crataegus monogyna	40-60cm, BR
Malus sylvestris	40-60cm, BR
Rubus fruiticosa	40-60cm, BR
Rosa canina	40-60cm, BR
Viburnum opulus	40-60cm, BR

REVISIONS	DRAWN BY	DATE

SCALE
0 5 10 15
metres

NOTES
Only scale for planning purposes.
Red line not shown on the landscape drawing in order that boundary details are clearly illustrated.
All dimensions confirmed on site.
All dimensions shown in metres unless otherwise stated.
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Cross refer with 1st Draft Solutions Site Layout.

DIRECTORY PATH
A1918/Craigs Court, Torphichen/Landscape Proposals/Autocad/Current

PROJECT
PROPOSED TWO NEW DWELLING HOUSES, AT LAND AT THE REAR OF 14 CRAIGS COURT, TORPHICHEN

CLIENT
KENNETH ANDREW

JOB REF.
A1918

DRAWING NUMBER
L(90)0001

REVISION

DRAWING TITLE
General Arrangement Plan -
Hard and Soft Landscape Proposals

PROJECT STAGE
PLANNING

SCALE 1-200 | A1 ☒ A2 ☐ A3 ☐ A4 ☐
DRAWN BY AS
DATE DRAWN 20th November 2019
CHECKED BY VLM

VLM landscape design

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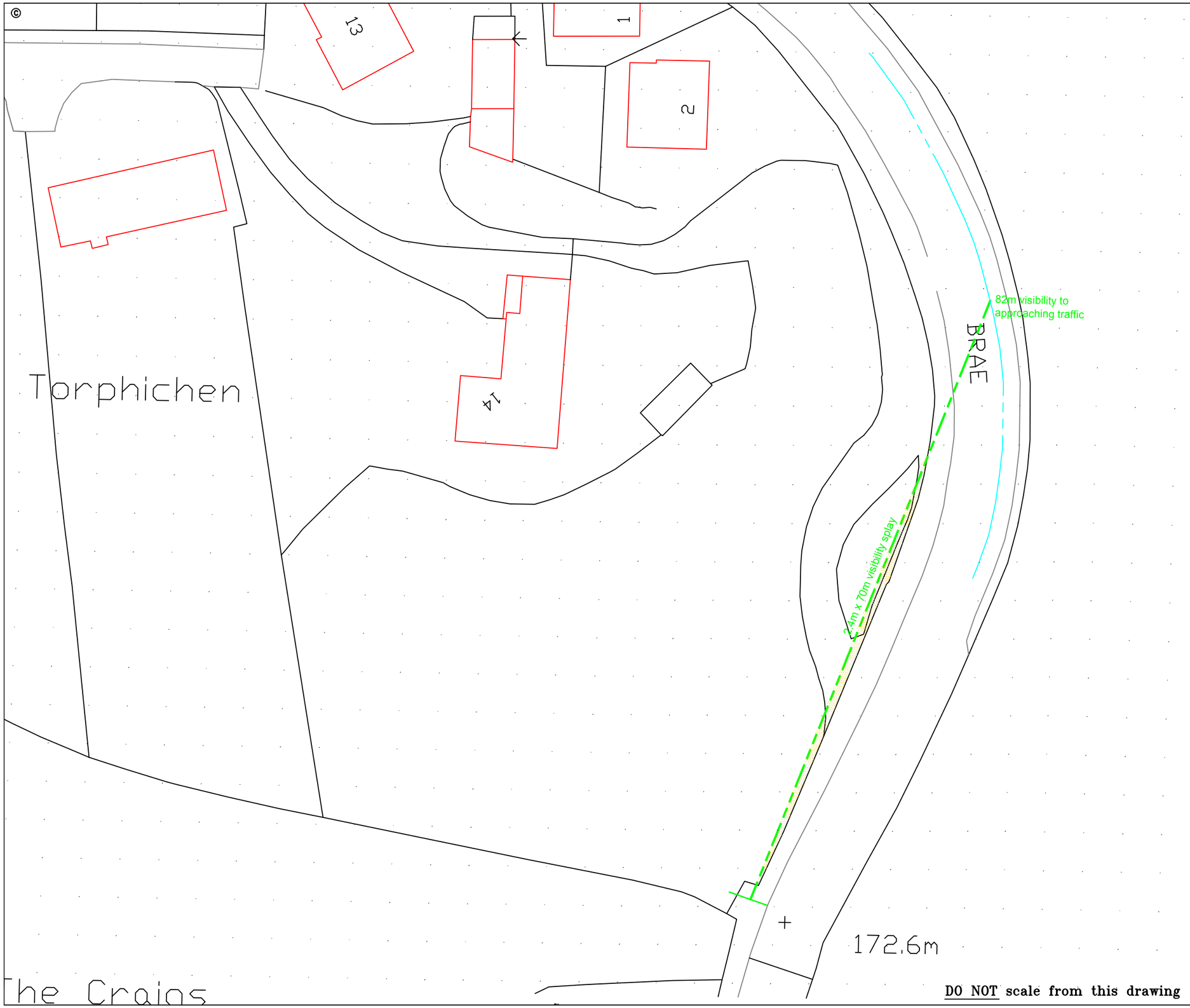
www.vlmlandscapedesign.com

DWG REF: A1918 L(90)0001 HARD & SOFT LANDSCAPE PROPOSALS



672100

Rev.	Revision details	By / Date	Checked / Date

Client
MR KRN ANDREW

Project
TORPHICHEN

Drawing Title
ACCESS JUNCTION
(VISIBILITY SPLAYS)

Drawn	AC	Checked	AC
Date	9 OCT 2017	Date	9 OCT 2017
Scale	1:500 @ A3	Drg. No.	H123–SK–01

ANDREW CARRIE
TRAFFIC & TRANSPORTATION

P.O. Box 2070
Livingston
West Lothian EH54 0EG
Tel: 07798 646844
Web www.acarrie.net

Serial number: 79902

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Proposed Site Plan
Scale 1:250

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PROJECT TITLE: Development of 2 Dwellings		
SITE: Land @ the rear 14 Craigs Ct, Torphichen		
DRAWING TITLE: Proposed Site Plan Visual Splay		
CLIENT: Kenneth Andrew		
DATE: Sept 2018	DRAWN: PMcM	SCALE: 1:250
PROJECT: AL10370	NUMBER: GA_05	REVISION: A

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2nd January 2020

Planning Application 1230/FUL/19 – 14 Craigs Court, Torphichen.
The Torphichen Community Council unanimously voted to object to the above application. The reasons for objecting are as follows;
1. The loss of privacy for the existing property Craigs Lodge as both houses proposed are situated on land which rises steeply directly to the north of Craigs Lodge. Indeed one of the proposed houses is now even closer to the boundary wall with Craigs Lodge creating overshadowing and overlooking this private, established house.
2. Both the proposed houses are more than 3 storeys high, 11694mm at rear elevation (South) given that the garages form a further floor. They are both higher than the typical character of other buildings in the area. They will pose a huge visual impact viewed from the south.
3. There will be an environmental impact of loss of open space in a rural setting. We disagree that this site can be called a brownfield development as stated in the applicants design statement as no previous development has been made on this site. The present vegetation stabilises the soil on a steep site. It also provides area for rainwater to be soaked up naturally. If this is removed to build houses the runoff may destabilise the old boundary wall. Winter frost will make the surface of the proposed steep drives very slippery and dangerous for vehicles and pedestrians and may result in parking on the main road
4. Vehicles coming from the north turning into the proposed entrance create a hazard on a blind corner. Vehicles turning out of the entrance to the right (south) will be dicing with death every time they leave. The visibility splays proposed do not meet the 120m requirement for a 40mph speed limit. During construction a large number of vehicles entering and leaving as well as parking on the roadside will be very dangerous. Once inhabited, there might be 4 vehicles or more using this hazardous proposed entrance.
5. The drainage plan shows the site drainage going into main drainage which does not exist in this location. There are no services to this site. There would therefore have to be a septic tank or similar. The site consisting mainly of rock, what is the plan for a soakaway when there is very little soil or space? One assumes that there would need to be removal of rock on the site to create an area for foundations as ground levels appears to be being reduced by up to 3m. This is a very disturbing and potentially destabilising procedure for neighbours and wildlife.
6. Loss of trees and habitat. In these times very concerning times of Global Warming we need to keep all methods of retaining carbon by keeping trees wherever possible. Development of this site appears to give little consideration for the existing trees and vegetation. Badgers sett – Community Council would prefer that the natural habitat of the badger was left undisturbed.

With thanks,
Marsie Ewing.
Chair
Torphichen Community Council.

Comments for Planning Application 1230/FUL/19

Application Summary
Application Number: 1230/FUL/19
Address: Land South Of 14 Craigs Court Torphichen Bathgate West Lothian EH48 4NU
Proposal: Erection of 2 houses with associated works
Case Officer: Kirsty Hope

Customer Details
Name: Mr Andrew Hardie
Address: The Dog House Torphichen

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:As a resident of Mallens Brae / B792 I am especially aware of the unsuitability of this proposal and I object to this application on various grounds.

As the Ecology Report confirms the immediate area is home to a number of different wildlife species. Even this relatively small area is ecologically invaluable to the surrounding area. Building here will amount to a direct loss of wildlife habitat. The badgers setts , in , under and around the proposed site have been used for generations and are likely been there for a century . We need small areas like this in Torphichen to remain undeveloped.

These new buildings are particularly unsuitable for this historic conservation area and regardless of visibility considerations , will without doubt compromise the character and appearance of the area. The removal of part of the original wall also causes concern.

As a Building Surveyor , I am overwhelmed by the lack of environmental sensitivity in this proposal and the absence of eco-friendly design features and technology. These buildings , if were to go ahead , do not serve the surrounding area well.

In addition, the houses will slightly increase traffic on what is already a difficult and potentially dangerous point of this road. The traffic speed survey is flawed and inaccurate for a number of reasons.

Comments for Planning Application 1230/FUL/19

Application Summary
Application Number: 1230/FUL/19
Address: Land South Of 14 Craigs Court Torphichen Bathgate West Lothian EH48 4NU
Proposal: Erection of 2 houses with associated works
Case Officer: Kirsty Hope

Customer Details
Name: Mrs Kirsty McLaughlin
Address: 33 Dunsyre road Newbigging

Comment Details
Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:I object to the Proposed Development of these two Properties at Mallens Brae, Torphichen.

Having lived at Craigs Lodge for a number of years I am well aware of the impact this development would have on the area.
Building work would cause unsettling and distress to the many types of wildlife that currently live and use the grounds as grazing. Their habitat would be significantly changed and it would only be expected that they would not return when lengthy works have been completed.

The changes suggested to widen the access for clearer visibility would have no impact on the speed cars drive on entering and leaving Torphichen. It is well known within the Village and surrounding areas that this is a notorious stretch of road and several accidents there in recent years are still evident, with damage to the wall still clearly visible.

Hope, Kirsty

From: [redacted]
Sent: 07 January 2020 13:55
To: Hope, Kirsty
Subject: Fwd: Application 2013/FUL/19

Dear Ms Hope

I enclose objections from both myself and from my neighbour, Andrew Hardie. I am not computer literate enough to take out other stuff which is also there. Andrew has also sent his objections separately in an email. Has that email also not been received?

Please confirm receipt of our objections.

Thank you, Geraldine

From: [redacted]
Sent: Monday, 6 January 2020, 21:23
To: [redacted]
Subject: Re: Application 2013/FUL/19

PLANNING OBJECTION DRAFT

I object to this application on various grounds.

As a resident of Mallens Brae / B792 I am especially aware of the unsuitability of this proposal.

This area is one of the last few relatively unspoilt areas in West Lothian and the central belt. As can be seen in the Ecology Report this area is home to a number of different wildlife species.

Even this relatively small area is ecologically invaluable. We need small areas like this to remain undeveloped.

These new buildings are completely unsuitable for this historic conservation area and regardless of visibility considerations , will without doubt compromise the character and appearance of the area. The removal of part of the original wall also causes concern.

As a Building Surveyor , I am overwhelmed by the lack of environmental sensitivity in this proposal and the absence of eco-friendly design features and technology. These buildings , if were to go ahead , do not serve the surrounding area well.

In addition, the houses will slightly increase traffic on what is already a difficult and potentially dangerous point of this road. The traffic speed survey is fundamentally flawed and inaccurate for a number of reasons.

_____

[redacted]

From: geraldine malcolm
Sent: Sunday, 5 January 2020, 23:17

[redacted]

From: geraldine malcolm
Sent: Sunday, January 5, 2020 11:01:54 PM
To: [redacted]
Subject: Application 2013/FUL/19
My name: Geraldine Malcolm
Address : Craigs Lodge, Torphichen EH48 4NY

I cannot access your online form to object to this planning application as your site is not working.

I object to this planning application. I was the only person notified and, being timed to hit the Christmas and New Year period, very few people are aware of it, but that doesn't mean they approve. My notification arrived the week before Christmas and the library confirmed that your site was unavailable on 31st Dec when I wanted copies of the application. A poor show. My terminally ill partner was taken to hospital on 25th December and I'm having trouble catching up with things. I am convinced of the unsuitability of this site for these huge houses.

I've lived on the B792 for almost 30years and am astonished at the claimed traffic speeds; of course, the 9.30-11.30am hand-count misses peak traffic altogether. Traffic in both directions is often both fast and furious. Many times I've been harassed while trying to turn into my drive from either left or right and regularly frightened when putting out the rubbish. Removing part of the original estate wall to improve the sightline will give impatient drivers too much confidence on an already dangerous bend. There are regular accidents already, especially in wet weather, all due to this deceptive bend, one straight through my garden wall, regrettably. The Community Council's efforts to get a 30mph speed limit is surely evidence of current traffic problems. Unfortunately, this request has been ongoing for some time and, until granted, really shouldn't be considered a reason to approve an application for two new-builds.

And I wonder how you could even consider the destruction and re-shaping of part of the original wall in a conservation village of which West Lothian is rightly proud?

The house at 14 Craig's Court was given planning permission on the understanding that it wouldnt be visible from the B792 up from Bathgate. This condition was in fact breached and it does look rather obtrusive, especially at night with its lights on. If the same conditions were applied to this application, surely these houses wouldn't be built, so high are they and so visible at night?

My house, Craigs Lodge, was built on two floors in 1878 as a gatehouse for the quarry in The Craigs and was dug into the landscape so that my kitchen windows are level with my back garden. The ground rises sharply from there. These two proposed houses have been re-positioned since the first application, yet, still presenting their four storeys to face me, are no less overwhelming and intrusive than before, due to the very steep gradient of the hill.

There is a very small cottage in my garden which was built in a similar way to the proposed new-builds in1854....the visible cellar propping it up as the ground falls away makes it look huge but it's only on one storey with a little bedroom in the attic. So I know how enormous these houses on four storeys will appear to be from my side. They are quite out of proportion to the surrounding properties.

One of the houses is to be constructed just feet behind my 3ft high boundary drystane dyke, with a large terrace on its garage overlooking my back garden. This is very insensitive. I must also advise that this house, on the left-hand side of the drawing, will get no sunlight. The back of my garden is fairly gloomy and I have a number of large, mature trees and rhododendrons along my side of the boundary. Surely I can't be forced to cut these down? Nor will either house receive much natural daylight, nor have pleasant views, despite claims to the contrary. The perimeter pine trees are staying, there is a massive sycamore in the back corner of my garden and a large wooded area further along. The houses will be visible from the road, way up high due to the gradient, throwing my pleasant old house out of scale to look like a dolls house, down below.

No provision seems to have been made for rubbish bins: there will be six. The pavement is too narrow/unsightly and the binmen quite cavalier. Neither master bedroom has an en-suite bathroom/shower or wetroom, and 2xw.c's between four bedrooms on four floors hardly constitute luxury accommodation.

Lastly, this piece of land, described variously as derelict/neglected/brownfield was previously cultivated garden. If it remained as it is now, the deer and badgers I see so frequently would continue to thrive, untroubled. And the village would keep its historic approach.

Please do not approve this application.

I would be grateful for an acknowledgement of receipt of this email

Comments for Planning Application 1230/FUL/19

Application Summary
Application Number: 1230/FUL/19
Address: Land South Of 14 Craigs Court Torphichen Bathgate West Lothian EH48 4NU
Proposal: Erection of 2 houses with associated works
Case Officer: Kirsty Hope

Customer Details
Name: Ms Kitty Malcolm
Address: Craigs Lodge Torphichen Wet Lothian

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:I am wishing to object to these current revised plans for the building of 2 new houses on the plot south of 14 Craigs Court. The reason for my objection is due to road safety. Although this application is looking to widen the driveway for these houses it is not taking into consideration for the speed and blind corner on this section of road.

I have seen the speed reports attached with this application. This report is 2 years old, since this time there has been a fatal accident on the B792 with the loss of 2 lives in January last year (2019). Although this accident was on a different part of the road, it is similar to the section by the proposed driveway. In addition to this crash, since living in Craigs Lodge there have been other crashes, one of which was directly outside our property. It was caused by excessive speed on a tight corner and they collided with the wall of Craigs Lodge and the farmer's wall opposite. This happened adjacent to the proposed new driveway.

The report which was conducted over a week does record people who are travelling over the speed limit of 40mph on more than one occasion.

The report that was conducted in Oct was on a Friday mid-morning, after the rush hour. This is a time that typically the road is quieter than normal. It is not a true reflection of how busy the road is nor the speed that people travel. I feel the data that has been presented is not a true representation of speeds and volume of traffic on the road in 2020.

In addition to the traffic concerns, the proposed plans are not in keeping with the conservation area of Torphichen. The houses are not only close together with limited green space, they are also on the boundary wall to Craig Lodge, meaning that both houses will have limited privacy. I understand there is demand for housing, however, housing doesn't need to be squeezed into one

plot of land for the sake of monetary gain at the loss of quality of life, safety and in keeping with the natural surrounding area.

West Lothian Council

☒ 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 (and by 12 noon).

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

Application Details	**Reason For Referral Request** (please tick ✓)
Application Reference Number 1230/FUL/19	**Applicant Request**..... ☑
Site Address land at Craigs Court Torphichen	**Constituent Request**..... ☐
Title of Application erection of two houses	**Other (please specify)**..... ☐
Member's Name Cllr Borrowman	
Date 17 Feb '20	

West Lothian Council

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Erection of garage with ancillary accommodation at Sandygait Cottage, Murieston Road, Murieston, Livingston, West Lothian, EH54 9AN

2 DETAILS

Reference no.	1231/H/19	**Owner of site**	Mr A Haran
Applicant	Mr A Haran	**Ward & local members**	**Livingston South** Councillor Lawrence Fitzpatrick Councillor Peter Heggie Councillor Peter Johnston Councillor Moira Shemilt
Case officer	Rachael Lyall	**Contact details**	01506 281110 Rachael.lyall@westlothian.gov.uk

Reason for referral to Development Management Committee: Local Member Request by Councillor Lawrence Fitzpatrick

3 RECOMMENDATION

Grant Planning Permission.

4. DETAILS OF THE PROPOSAL AND BACKGROUND

4.1 This planning application seeks permission for the erection of a two-storey double garage with ancillary accommodation on the first floor.

4.2 The proposed garage will be located in the south of the site and is to sit to the rear of the existing property at Sandygait Cottage, Murieston Road which is heavily screened by high trees and landscaping.

4.3 The double garage will measure 9.00m x 7.50m and will be 7.20m in height. The proposed development will have a gabled pitch roof with the inclusion of Velux roof lights on the front elevation. A staircase and balcony will be erected on the side (west) elevation which will provide access to the first floor accommodation whilst maintaining the required space for the ground floor double garage.

4.4 The materials proposed for the development will match that of the existing house in order to allow for an integrated development which will be in keeping with the local context.

History

4.5 No relevant site history.

4.6 LIVE/0714/CLU/13 - Installation of 6 roof lights and patio doors - Grant Certificate of Lawfulness - 08.11.2013

4.7 LIVE/0508/FUL/07 - Siting of a residential caravan (in retrospect) – Refuse Planning Permission – 23.07.2007

5. REPRESENTATIONS

5.1 Two representations were received.

5.2 A summary of representations are provided in the table below. Full copies of all representations are attached to this report.

Comments	Response
• Overdevelopment of site,	• The proposal will still allow for adequate usable garden ground to both the rear and side of the house. Permitted development rights for houses allow you to extend extensively within your back garden,
• Intended purpose/use,	• A condition will be attached restricting the use of the development,
• Loss of privacy,	• Due to the orientation of the outbuilding and the distances from the surrounding developments/properties, the development will not significantly impact or directly overlook neighbouring properties. Additionally, a condition will also be attached to ensure screening is erected on the North side of the balcony to prevent any possible overlooking,
• Loss of visual amenity,	• Due to the development being located to the rear of the existing house, the works will not adversely affect the visual amenity. A condition has also been attached stating materials will match the existing house in order to complement the existing dwelling and surroundings,
• Impact on drainage.	• This is to be discussed between the applicant and a Building Standards Officer when an application is submitted for a building warrant.

6. CONSULTATIONS

6.1 No consultations were required to be undertaken.

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 (SES Plan) and the West Lothian Local Development Plan

7.3 The relevant development plan policies are listed below:

Plan	Policy Summary	Assessment	Conform?
West Lothian Local Development Plan (LDP) (2018) Design Principles (DES 1)	This policy states that development proposals are required to integrate with their local context. Development proposals should have no significant adverse impact on adjacent buildings.	This proposal will integrate with the local context and surrounding properties and will not negatively impact the visual or residential amenity. Additionally, the proposed works will not significantly cause any detrimental effect to the privacy of neighbouring properties and will allow for the applicant to enhance his existing plot.	Yes

7.4 This proposal also relates to the council's House Extension and Alteration Design Guidelines, 2015.

8. CONCLUSION AND RECOMMENDATION

8.1 The determining issue in this application is the visual and residential amenity.

8.2 Due to the distances between surrounding properties, orientation and location of the proposed development, the proposed balcony and stairs will not directly overlook any neighboring properties. Additionally, a screen of 1.8m high from will be fitted on the proposed stairwell, on the north side of the balcony to ensure the current privacy levels are indefinitely maintained for both the applicant and the neighbouring properties.

8.3 An overshadowing diagram demonstrates that the proposed works will not overshadow any neighbouring properties and will only overshadow the applicants own house during certain times of the day.

8.4 The proposed works will still allow for usable garden ground to both the side and rear of the existing property. The proposed development will be located behind large trees and heavy landscaping which will provide appropriate screening and will allow for the current visual and residential amenity to be retained.

8.5 A condition will also be attached to ensure that the proposed use of the development remains ancillary to the existing house and is used for domestic purposes only. Therefore, the proposed development will remain ancillary to the existing house in perpetuity through the use of the conditions which are attached to this report.

8.6 Although, this planning application proposes a development of a larger scale in comparison to that of the existing house, it is to be noted that the works are located within a larger plot which is surrounded by several other properties, garages and developments of a much larger scale.

8.7 This proposal adheres to West Lothian Council's Local Development Plan's Design Principles (DES1) Policy and follows the supplementary guidance given in the House Extension and Alteration Design Guide 2015.

8.8 It is recommended that this application is granted planning permission.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Location Plan
- Aerial Plan
- Proposed Plan and Elevations
- Proposed Ground Floor Plan and Elevations
- Proposed First Floor Plan
- Block Plan
- Representations
- Draft Conditions
- Local Member Request Form

Craig McCorriston
Head of Planning, Economic Development and Regeneration **Date: 11.03.2020**

West Lothian Council

1231/H/19 -Sandygait Cottage - EH54 9AN

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1231/H/19 -Sandygait Cottage - EH54 9AN

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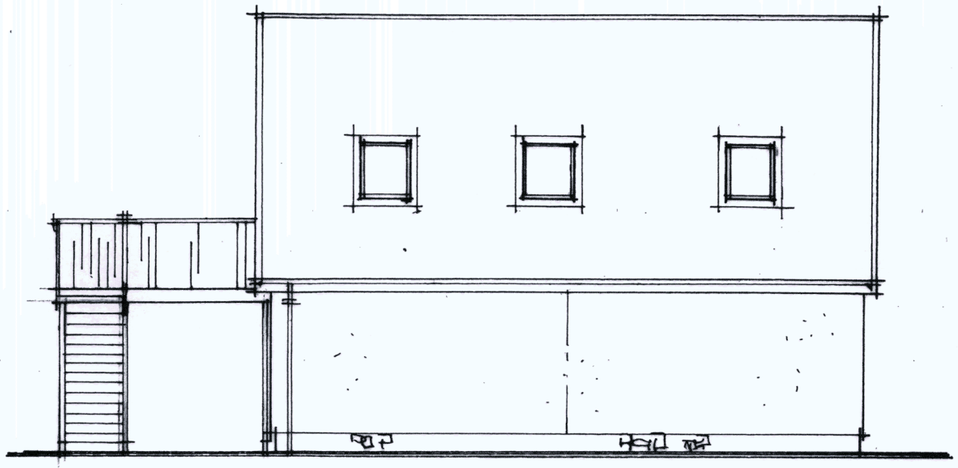
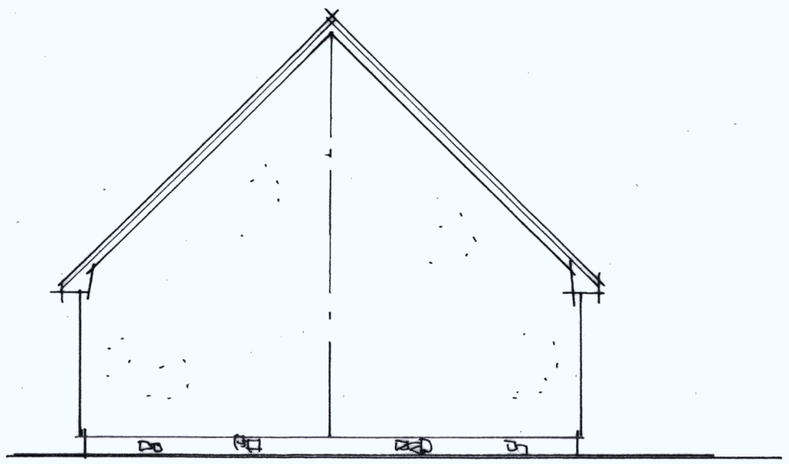
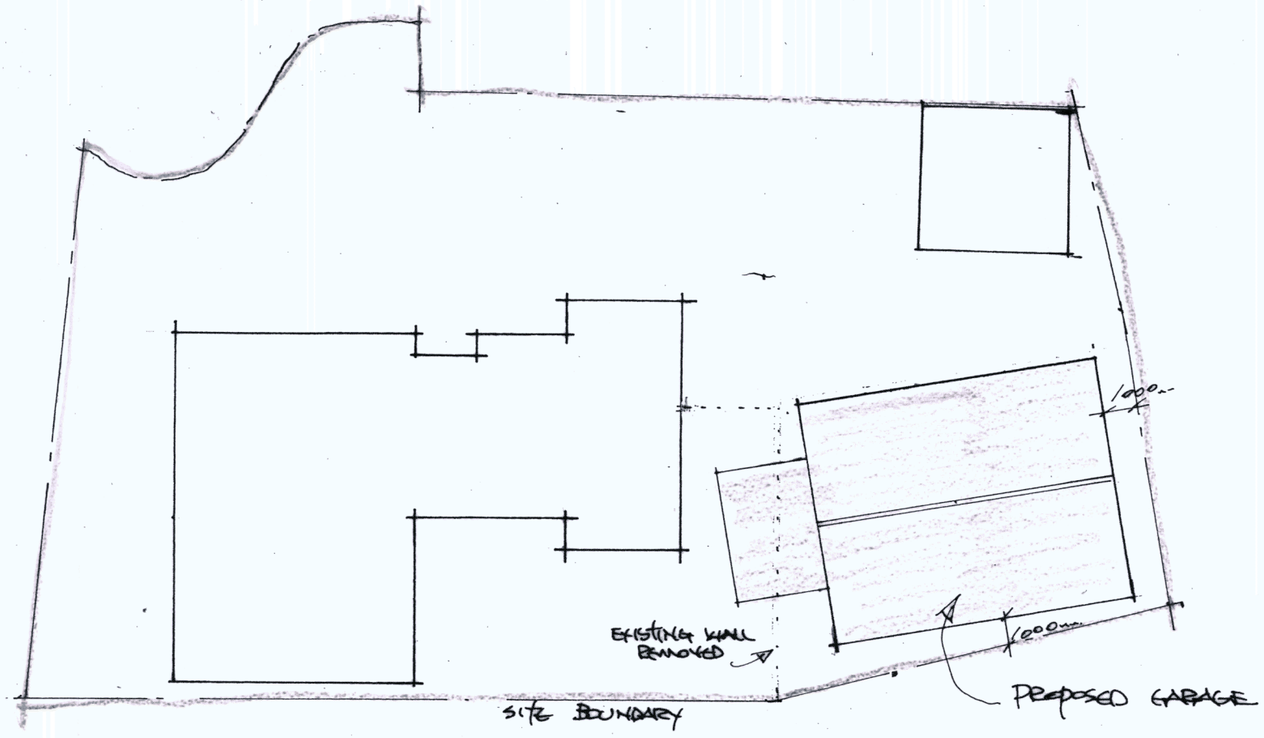


REAR ELEVATION

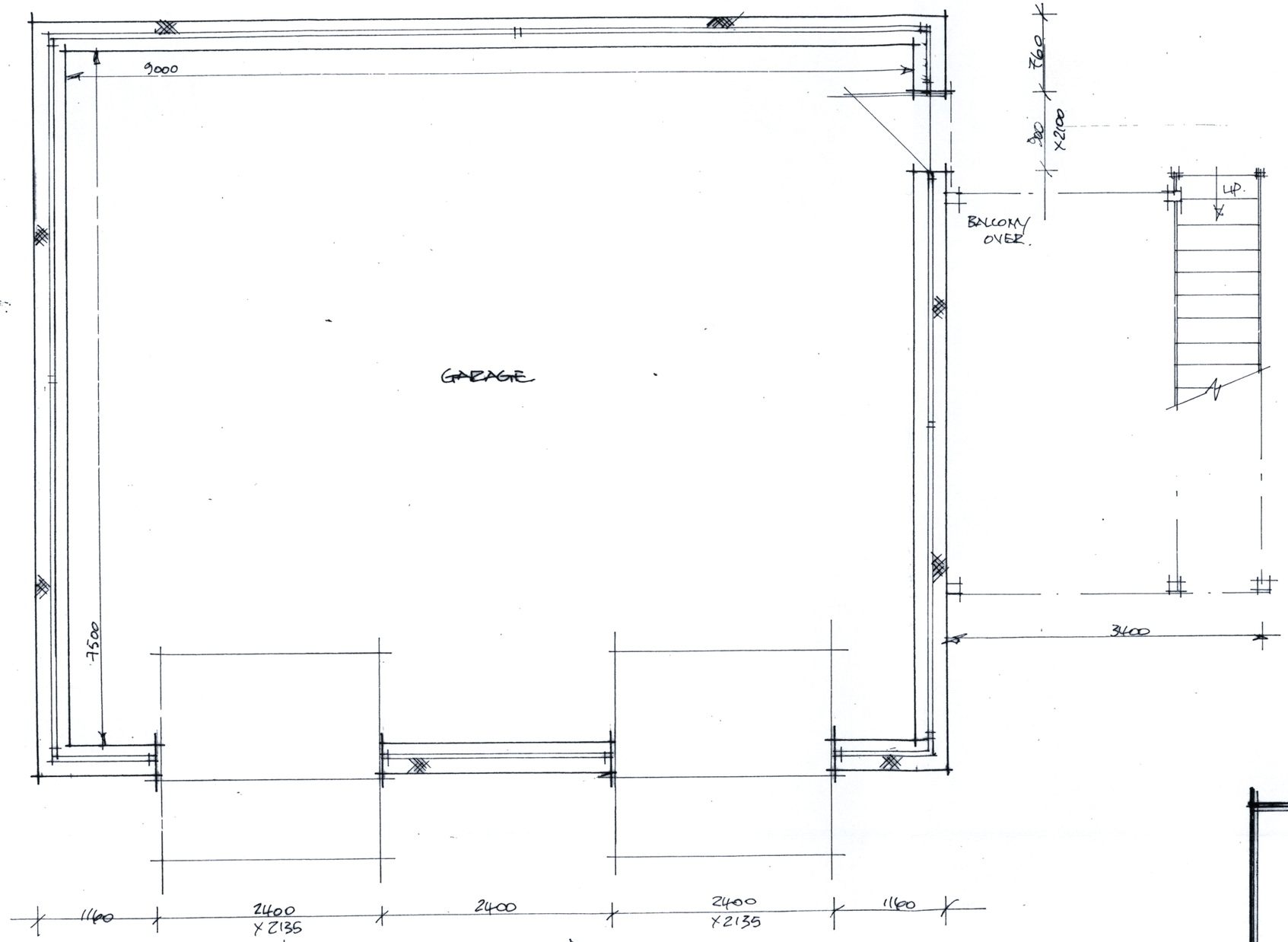


SIDE ELEVATION



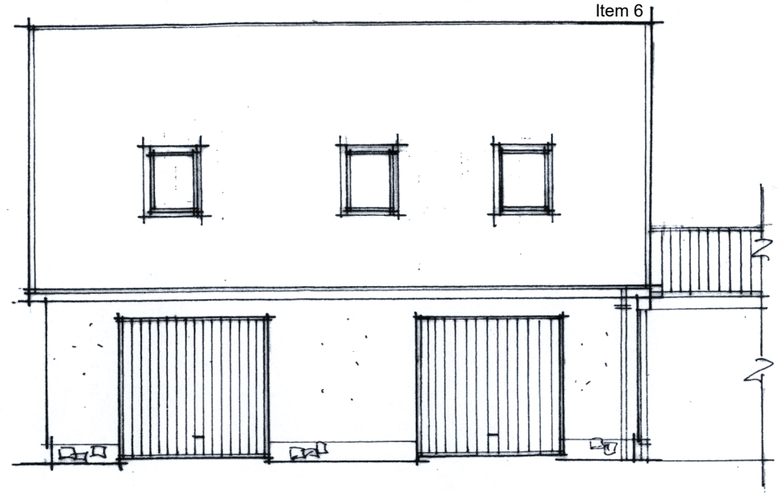
BLOCK PLAN

PROPOSED ERECTION OF GARAGE AND ANCILLARY ACCOMMODATION AT- SANDYGATE COTTAGE MURIESTON ROAD LIVINGSTON	
SCALE - 1:100, 1:200	DWG. No-04
DATE - NOVEMBER 2019	REV. -

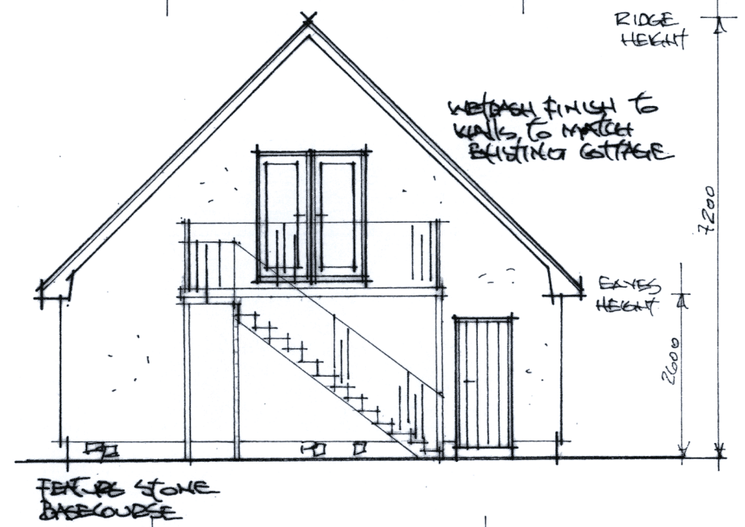


GROUND FLOOR PLAN

FLAT PROFILE CONCRETE INTERLOCKING ROOF TILES.



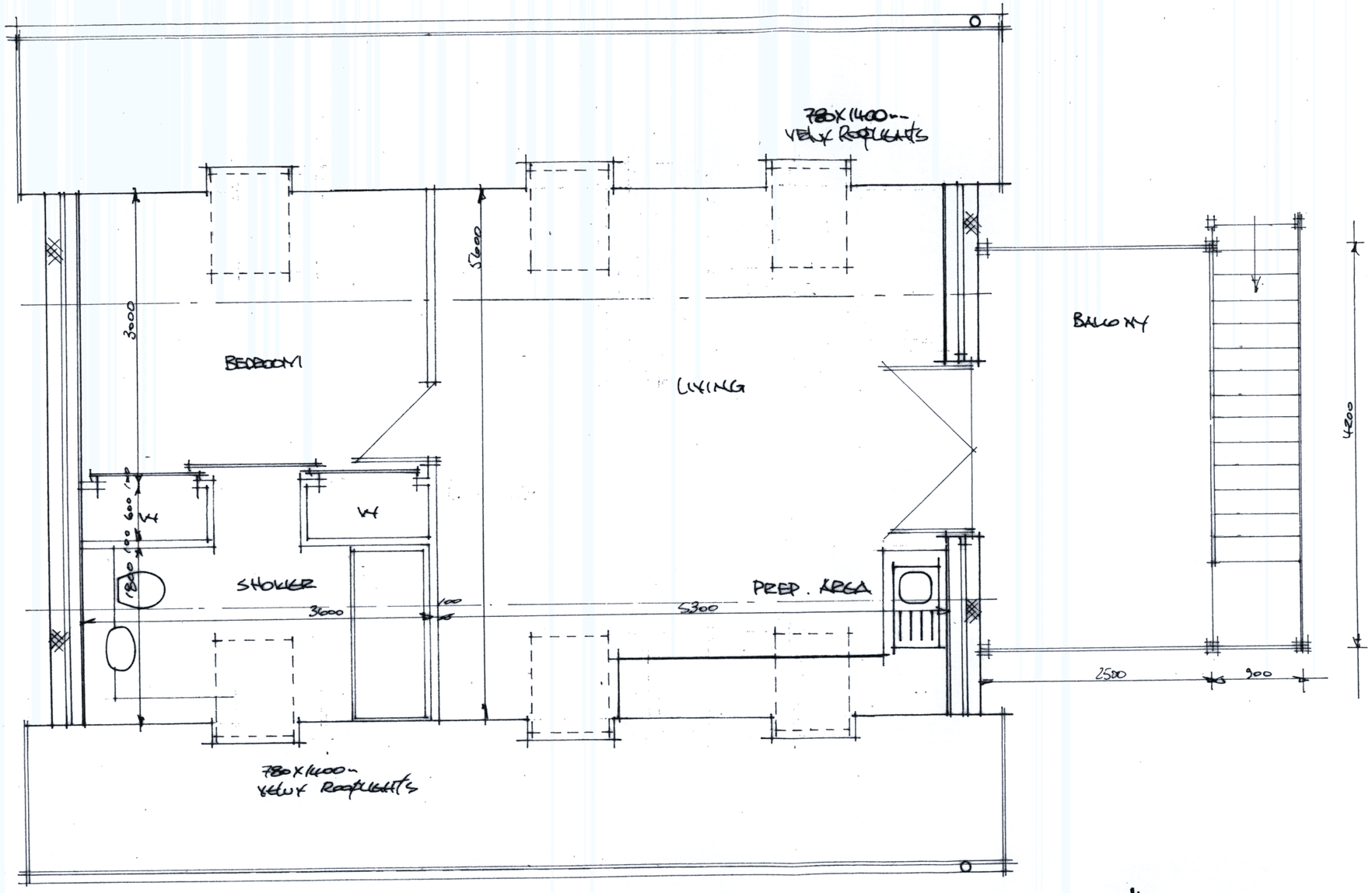
FRONT ELEVATION



SIDE ELEVATION

PROPOSED ERECTION OF GARAGE AND ANCILLARY ACCOMMODATION AT -
SANDYGATE COTTAGE
MURIESTON ROAD
LIVINGSTON

SCALE - 1:50, 1:100	DWG. No - 01
DATE - NOVEMBER 2019	REV. -

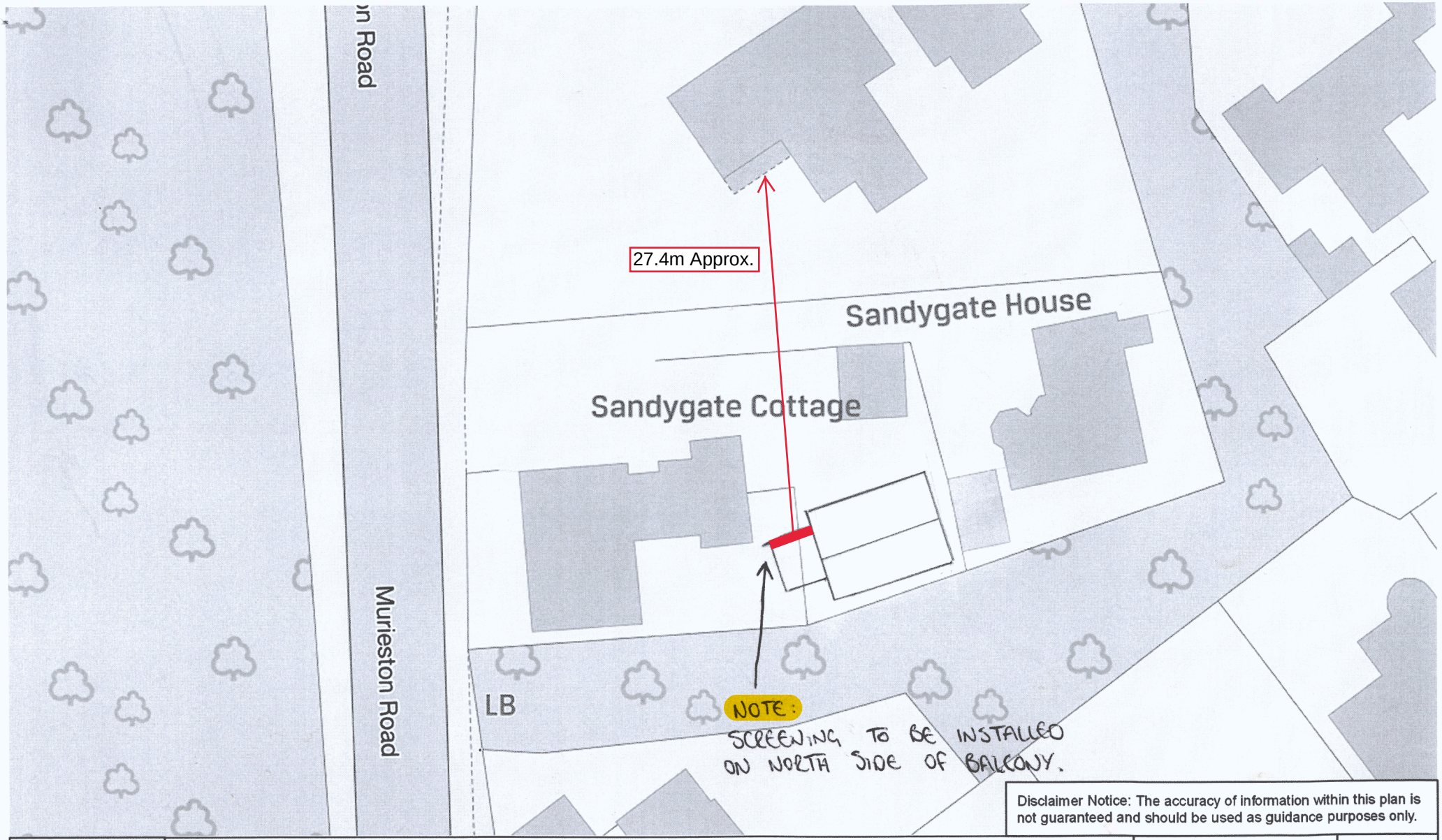


UPPER FLOOR PLAN

PROPOSED ERECTION OF GARAGE AND ANCILLARY ACCOMMODATION AT-
SANDYGATE COTTAGE
MURIESTON ROAD
LIVINGSTON

SCALE - 1:50	DWG. No - 02
DATE - NOVEMBER 2019	REV. -

SCANNING - 1259/H/19



Disclaimer Notice: The accuracy of information within this plan is not guaranteed and should be used as guidance purposes only.

West Lothian Council

Sandygait Cottage

1:400

Planning, Economic Development & Regeneration,
West Lothian Civic Centre, Livingston, EH54 6FF

2020-02-06T13:46:27

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Comments for Planning Application 1231/H/19

Application Summary

Application Number: 1231/H/19
Address: Sandygait Cottage Murieston Road Murieston Livingston West Lothian EH54 9AN
Proposal: Erection of garage with ancillary accomodation
Case Officer: Rachael Lyall

Customer Details

Name: Mr Ian Mcleod
Address: sandygate house murieston road livingston

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:I have looked at my neghbour Mr Gerry Bann and would like to agree with some points. I have no objections to the new build but i agree with 6/ 7/ 8/ on Mr Bann,s objections I would like this follow as my main consernes. I would like add the new build if built to standard would enhance the plot if built in accordance.

Comments for Planning Application 1231/H/19

Application Summary
Application Number: 1231/H/19
Address: Sandygait Cottage Murieston Road Murieston Livingston West Lothian EH54 9AN
Proposal: Erection of garage with ancillary accomodation
Case Officer: Rachael Lyall

Customer Details
Name: Mr Gerry Bann
Address: Malvern House Murieston Valley Livingston

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:I reside at Malvern House, Murieston Valley, Livingston, along with my wife, Helen Bann. We are neighbours to the proposed development site, which is on the south/southerly boundary of our property. This Notice of Objection is submitted on behalf of my wife and myself.

1. Inadequacy of plans submitted with this planning application.

Firstly, we would submit that the plans currently submitted in support of this application are wholly insufficient to provide a full and informed picture to properly understand the orientation and layout of the proposed development on the site in question; and are, therefore, not in their current form sufficient to allow this application to proceed further. For example, whilst the plans contain references such as 'Rear Elevation' and 'Side Elevation', the plans do not make the compass orientation of each elevation clear, i.e. they do not specify whether a particular elevation is, for example, south/southerly facing, or west/westerly facing. This, of course, is of critical importance, since only with that information can neighbours such as ourselves be clear as to important details, such as whether the first floor entrance or the balcony in respect of the proposed accommodation faces towards and, therefore, overlooks our own home and, in turn, impacts more adversely on the privacy of or own home.
In short, therefore, if permission is contemplated for any part of this proposed development, we would submit that the applicant should first be called upon to submit new plans which provide the necessary information specified above, namely the compass orientation of each elevation; and for due time to then be allowed for any interested parties, including ourselves, to make further comment.

2. Over-development of site.

Given that the site already contains a detached cottage with what we understand to be generous accommodation and also a separate detached double garage, we would question whether there is a need for this proposed development of what would be a further double garage and further separate accommodation.
We believe that that this proposed erection of what would mean a third detached building would amount to over-development or excessive development of what, in size, is a modest site. In that regard, we would observe that the site has already been developed to what we would suggest is a reasonable and balanced level, having already been sub-divided some years ago to allow the sale and development of the back garden plot, on which Sandygait House (as distinct from Sandygait Cottage) is now erected.

3. Intended purpose/use of the proposed development.

We also have concerns as to whether the development should be permitted in terms of its intended use or purpose. In particular, as neighbours to this site, even before this proposed development, we have for some time had serious concerns as to congestion or over-use of the site, for example, in terms of the site being continuously used for the parking, storage and, quite possibly, repair of multiple motor vehicles, often extending to as many as six or seven motor vehicles parked 'car-lot' style, side-by-side and nose-to-tail. We have also had reason to believe that the site may have been used for commercial board/lodging.
By way of example in respect of vehicles, we have attached some photos of the site showing various cars parked/stored at the site as at yesterday, Thursday 9th January, which photos give some flavour of how this congested over-use of the site adversely impacts upon the visual amenity not only of the site itself, but also adversely impacts visual amenity from the perspective of neighbours such as ourselves at Malvern House and the occupiers of Sandygait House, and also from the perspective of the countless members of the public - such as walkers, joggers, cyclists and drivers - who on a daily basis pass the front boundary of the site, along Murieston Road, Livingston - a country, rural area of Livingston otherwise known for its high visual amenity and beauty.
Against this background, we are extremely concerned at the prospect of the site hosting even more traffic, both pedestrian and vehicular, and at this proposed development being intended to continue to facilitate what may as a matter of fact be the running of a commercial business in vehicle repair and/or vehicle trading; and/or commercial guest lodgings.

4. Loss of Amenity & Privacy.

Again, as residents of the home on the adjoining site to the north of the proposed development, my wife and I are concerned that the development, as presently proposed, will result in a significant loss of amenity and privacy for ourselves and our home.
In particular, we note that the proposal is to erect what would be a two-storey building on a site where the buildings currently only consist of one storey. That would necessarily result in our home

being overlooked, or, more particularly, looked into from the second storey of the proposed development directly towards what are primary parts of our home where we have always enjoyed due privacy, and where it is reasonable to expect such privacy, namely, at ground level, our family room and our lounge, and, on the upper level, our main bedroom.
These concerns as to loss of amenity and privacy are even greater, given that all of the proposed living accommodation for the proposed development, including the entrance door itself and the balcony platform is, we note, intended to be located at first or upper floor level.
Further, this significant adverse impact in terms of amenity and privacy will be even more extreme if, as seems very real from our experience to date, the proposed development is intended to continue to facilitate what as a matter of fact is the running of a commercial business in vehicle repair and/or vehicle trading and/or commercial board/lodgings.

5. Loss of Visual Amenity.

As indicated above, if permitted, the proposed development would result in what is a relatively small site containing three separate, but adjacent detached buildings. More importantly, however, all three of these buildings would be different in character and design. That's to say, none of the buildings would be in keeping with or complementary to the other: the first being an older, traditional single-storey cottage; the second being a pre-fabricated concrete double-garage; and the third being a newly built two-storey building, intended for more people and more vehicles. Against this background, we are concerned that to allow the co-existence of three buildings of such different character and appearance will have a significant adverse impact in terms of the visual amenity not only of the applicant's site, but also of neighbouring homes, namely our home at Malvern House, as well as the home of our neighbours at Sandygait House, and, indeed, the wider area, given that the applicant's site borders the very public area of Murieston Road, Livingston.

6. Impact on drainage.

We understand that the site has encountered issues with drainage in the past and we would question whether the public drainage system is adequate to support the additional demands which would result from the garage and accommodation which is intended.

7. No commercial use.

We would, therefore, ask that any use of the site, current or future, is confined to purely residential purposes and, in particular, that any commercial or business use of the site, current or future, for the repair or trading of vehicles or for guest boarding, is prohibited.

8. Conditions for any new building.

(a) If permission is contemplated for the erection of a new building, then we would ask that any

such permission is restricted to the erection of a garage, and does not extend to living accommodation; and, for reasons of visual amenity, we would ask that permission for any such garage would be on the condition that the current pre-fabricated concrete garage which is not in keeping with the character of the current cottage, is first removed, i.e. to avoid what would be the congestion and aesthetic issues of three separate detached buildings of different character all on the same modestly sized site.

(b) If, however, permission is contemplated for living accommodation, then we would submit that the applicant should first be called upon to provide the planning department as decision-makers, and ourselves as interested parties with fuller, more detailed plans making absolutely clear as to which elevation faces which way, for example, to ensure that any balcony or windows attached to the proposed building is not on the north/northerly elevation overlooking the family areas of our own home, such as family room, lounge and bedroom.

(c) Further, if permission is being contemplated for accommodation, we would ask that for reasons of privacy, the building - and accommodation contained within - is confined to a single storey, ground floor building.

(d) If, however, permission is contemplated not only for accommodation, but also for accommodation on a second storey or upper floor level, then would submit that in order to mitigate the impact on privacy for ourselves as neighbours, it would be a fair condition of any such grant that the applicant erects along the south/southerly boundary of our plot (which separates our site from the applicant's) a solid, closeboard timber fence, which for the sake of maintaining the privacy of our own home, should be of an increased height, say 8 feet.

END OF COMMENTS.

Draft Justification and Conditions

The reason(s) why the council made this decision is (are) as follows:

The proposal accords with the terms of the development plan and there are no material considerations to indicate that the application should not be granted.

This permission is granted subject to the following conditions:-

(1) The accommodation hereby approved shall be ancillary to the main house and used solely for purposes incidental to the enjoyment of the main house. The accommodation shall not be used for commercial purposes and shall not be sold, rented or otherwise disposed of separately from the main house.

Reason: To ensure that the property is not sold or let separately, in the interest of residential amenity.

(2) The materials to be used on the roofs and walls of the ancillary accommodation; hereby approved shall match those on the existing house unless otherwise agreed in writing with the planning authority.

Reason: To integrate the development with the surrounding area, in the interests of visual amenity.

(3) Notwithstanding, a 1.8m high screen shall be erected along the North side of the proposed balcony handrail. Details of the screening shall be submitted to the planning authority and approved in writing prior to the commencement of development on site. Thereafter the screening shall be retained in perpetuity.

Reason: In the interest of neighbouring properties and residential amenity.

West Lothian Council

☒ 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 (and by 12 noon).

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

Application Details	**Reason For Referral Request** (please tick ✓)
Application Reference Number **1231/H/19** **Site Address** **Sandygait Cottage** **Murieston Road** **Murieston** **Livingston** **West Lothian** **Title of Application** **Erection of garage with ancillary accommodation** **……** **Member's Name** **Cllr Lawrence Fitzpatrick** **Date** **17th February 2020**	**Applicant Request……..** ❑ **Constituent Request……..** ☑ **Other (please specify)……..** ❑

West Lothian Council

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

1.1 Erection of a multi-arts workshop/rehearsal centre including accommodation and associated works at land to the north of Colzium Cottage

2 DETAILS

Reference no.	1240/FUL/19	**Owner of site**	Colzium Arts Farm Ltd
Applicant	Mr Rob Thorburn	**Ward & local members**	**East Livingston & East Calder** Councillor Frank Anderson Councillor Carl John Councillor Dave King Councillor Damian Timson
Case officer	Kirsty Hope	**Contact details**	01506 282413 kirsty.hope@westlothian.gov.uk

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

3 RECOMMENDATION

3.1 Refuse Planning Permission

4. DETAILS OF THE PROPOSAL AND BACKGROUND

4.1 Planning permission is sought for the erection of a multi-arts workshop/rehearsal centre including accommodation, as well as the erection of five individual accommodation pods and associated works. The site is located within a field positioned north of Colzium Cottage and is accessed via an existing single track road that joins the A70.

4.2 This development is proposed over two phases, this application being the first phase. This proposed development would be used a purpose built arts centre to create, teach and share skills.

4.3 The site slopes down towards the single track access and is bound by a stone wall.

History

4.6 1198/FUL/18 – Planning Permission for the erection of a multi-arts workshop/rehearsal centre including accommodation and associated works was withdrawn on 23 August 2019.

5. REPRESENTATIONS

5.1 No representations were received.

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
West Of Scotland Archaeology Service	No	No archaeological work required in relation to this application.	Noted.
WLC Flood Risk Management	No	No flooding concerns. The applicant has demonstrated surface water drainage. Foul treatment requires to be registered and approved by SEPA.	Noted. An advisory shall be attached, if consented.
Pentland Hills Regional Park	N/A	No comments received.	Noted.
WLC Roads & Transportation	Yes	The public road junction at A70 requires to be improved in road safety terms.	The proposal does not include any improvements to the road junction and is not located within the ownership of the applicant. Refusal is recommended taking these comments into account.
WLC Environmental Health	No	Attach a condition in relation to any amplified music shall not be audible from any nearby sensitive receptors (from the premises).	Noted. A condition shall be attached, if consented.

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	Policy Summary	Assessment	Conform
West Lothian Local Development Plan (LDP) (2018) DES1 - Design Principles	All development proposals will require to take account of and be integrated with the local context and built form. Developments will be required to comply with criteria in the policy.	The proposal is contrary to criteria (b) landscape character, as there would be an adverse impact on the rural character of the locality and (c) accessibility, as the proposed development is not accessible for all and does not encourage active travel given its location.	No
West Lothian Local Development Plan (LDP) (2018) EMP 3 - Employment Development outwith Settlement Boundaries	Proposals for new small scale business development on sites outwith settlement boundaries (including the re-use and conversion of existing farm and industrial buildings) will be supported subject to criteria (a to h)	See further assessment below.	No
West Lothian Local Development Plan (LDP) (2018) ENV 1 - Character and Special Landscape Areas	Development will not be permitted where it may significantly and adversely affect local landscape character.	The site is situated within a Special Landscape Area. The proposal will have an impact of the local landscape character due to its scale and location however due to the screening it is only likely to be seen from hilltops.	In Part
West Lothian Local Development Plan (LDP) (2018) ENV 3 - Other Development in the Countryside.	Development in the countryside will only be permitted where criteria (a-e) are met.	See further assessment below	No

Plan & Policy	Policy Summary	Assessment	Conform
West Lothian Local Development Plan (LDP) (2018) EMG 6 - Vacant, Derelict & Contaminated Land	Site Investigation phase 1 - required where the Council suspects land contamination and then a phase 2 intrusive site investigation should this be required.	Phase 1 Site Investigation requires a Phase 2 intrusive site investigation which was not submitted along with this application.	No – Applicant has not demonstrated that this site is safe to develop in terms of land contamination.
West Lothian Local Development Plan (LDP) (2018) NRG 1 – Climate Change and Sustainability	Sets out the principles of reducing greenhouse gas emissions through a wide range of measures designed to mitigate and adapt to climate change.	Whilst it is noted there are a number of ways in which this development could contribute to sustainability, the site is not serviced by sustainable travel methods.	In Part
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.	Whilst there are statements of how this could be achieved it has not been expressly demonstrated, but it is likely that these standards could be met.	Yes, subject to condition if consented.

7.4 Also relevant is the following:

- Supplementary Guidance on Development in the Countryside.
- Supplementary Guidance on Flooding and Drainage.

7.5 The determining issues of the application are listed below:

Principle of Development – Employment development outwith settlement boundaries

7.6 Policy EMP 3 of the LDP states that proposals for new small scale business development on sites outwith settlement boundaries (including the re-use and conversion of existing farm and industrial buildings) will be supported subject to criteria being met. In terms of assessing the proposals against the relevant criteria of policy EMP 3, the following comments are made:

7.7 It has not been demonstrated that there is no other suitable alternative site available for the proposal within a settlement boundary or indeed another other part of the district. It is noted that it is desirable (from the applicant) to have a countryside location. The supporting evidence provided by the applicant indicates that only the land which they own has been considered. Therefore it has not been demonstrated that the site has been selected because of its suitability and not simply because of its availability in terms of ownership.

7.8 Whilst is it noted from viewing the business plan that this document indicates that the development could be successful, it has not been demonstrated that there is a locational need which justifies that the development should be within a sensitive countryside location.

7.9 The proposed development does not constitute a farm diversification enterprise.

7.10 Whilst it is noted that development would create a peaceful location with views across the countryside and Pentlands, it has not been demonstrated that this would justify its location or that the proposal will help sustain the rural economy or create significant social benefits.

7.11 The scale, layout and design of the proposal within this rural location is not appropriate for the rural character of the site and surrounding area.

7.12 The site is a considerable distance from residential properties. Environmental Health has requested a condition in relation to audible music which shall be applied if the application is approved.

7.13 The site cannot be easily accessed by public transport and or by footway connections given that there is a single access track to the site only.

7.14 Therefore the criteria of policy EMP 3 - Employment Development out with Settlement Boundaries have not been met.

Principle of Development - Other Development in the Countryside

7.15 Policy ENV 3 of the LDP states that development in the countryside will only be permitted where it meets the guiding principles within the policy. In terms of assessing the proposals against the relevant criteria of policy ENV 3, the following comments are made:

7.16 The proposed development is not justified for agriculture, horticulture and or forestry use. It has not been demonstrated that this development requires a countryside location, although it is noted that this is desirable from the applicant's submission. It is noted that this proposal would provide a recreational facility for a limited number of individuals. However, this would not offset the harm to the countryside in this rural location. This proposal would not respect the existing development pattern and would lead to a somewhat sprawled development site within an open field. The proposed development within a sensitive rural location is not justified.

7.17 The application site does not involve the restoration of an existing brownfield site or re-use any farm buildings in the countryside. The proposal does not infill development within the curtilage of an existing grouping, nor does it infill gaps between existing buildings in the countryside.

7.18 The proposal by virtue of its design, location and landscape setting does not make it an exceptional contribution to the appearance of countryside.

7.19 The proposal is therefore contrary to policy ENV 3 of the Local Development Plan.

Access

7.20 It is noted that the visibility onto the A70 is severely restricted. The council's Roads and Transportation unit has objected to the proposal on the grounds of poor visibility at the A70 junction (for the public to be attending this site). Whilst it is noted that a separate planning application has been approved to alter the access onto the A70, this is not within the ownership of this applicant and the implementation of this upgrade is not within the applicant's control.

7.21 Whilst is it noted that the council's Roads and Transportation has no comments regarding the private access track, the single access track leading to the site has no footpath or set passing places, which given that this site could accommodate up to 24 individuals in the cabin/pods as well as within the multi-arts rehearsal building, the additional level of traffic generated by this proposal would be detrimental to the environmental amenity of this rural location. From the details (in the design statement) this site would be developed across 2 phases and it is proposed to accommodate up to a maximum of 50 individuals. This in turn, would have a significant impact upon the access and rural area. The application site is not well served by public transport and would not encourage other sustainable modes.

8. CONCLUSION AND RECOMMENDATION

8.1 The site is located in a remote location, outwith any settlement boundary, within the Pentland Hills Special Landscape Area and abutting the Pentlands Regional Park, where there is a strong presumption against new development in the countryside unless it is justified in terms of the development plan policies. The proposal fails to meet policy criteria for development in the countryside and it is therefore recommended that planning permission is refused as set out in the draft reasons attached to this report.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Draft Reasons for refusal
- Location Plan
- Aerial Plan
- Location Plan
- Site Plan
- Phasing Plan with legend
- Elevation and Flood Plan of Arts Centre and associated accommodation
- Elevations and Floor Plan of Cabins
- 3D Visuals
- Local Member Referral Form

Craig McCorriston
Head of Planning, Economic Development and Regeneration Date: 11 March 2020

DRAFT REASONS FOR REFUSAL – APPLICATION 1240/FUL/19

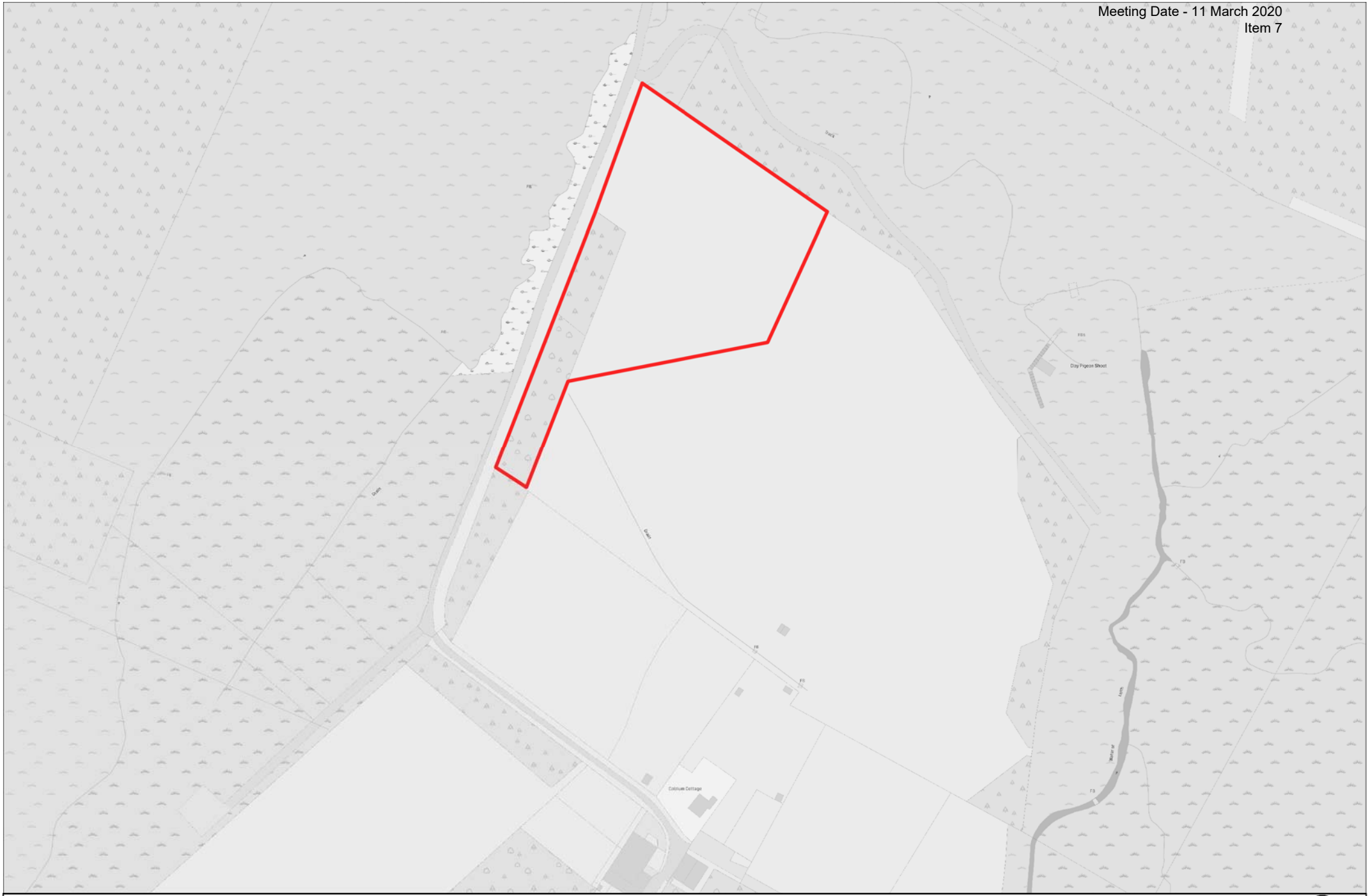
Reasons for refusal

1. The proposal is unacceptable in that it represents unjustified development in the countryside as it fails to meet any of the policy requirements set out in policies EMP 3 and ENV 3 and as it would harm the rural character of the countryside. The proposal is thus contrary to policies EMP 3, ENV 3 and DES 1 of the West Lothian Local Development Plan.

2. The application site is in an isolated and rural location that is not easily served by public transport and or by other sustainable transport modes. Additionally, the scale of the development is unsustainable in terms of its location. The proposal is therefore contrary to policies DES 1, EMP 3 and NRG 1 of the West Lothian Local Development Plan.

3. The visibility onto the A70 is severely restricted and any improvement is out with the control of the applicant. The access onto the A70 without improvement would not be suitable to serve the development and would have adverse impact on road safety. The proposal is therefore contrary to policy DES 1, EMP 3 and NRG 1 of the West Lothian Local Development Plan.

4. The applicant has failed to demonstrate that the site has no adverse contaminated land issues as a phase 2 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.



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1240/FUL/19 - Colzium Cottage Kirnewton EH27 8DH

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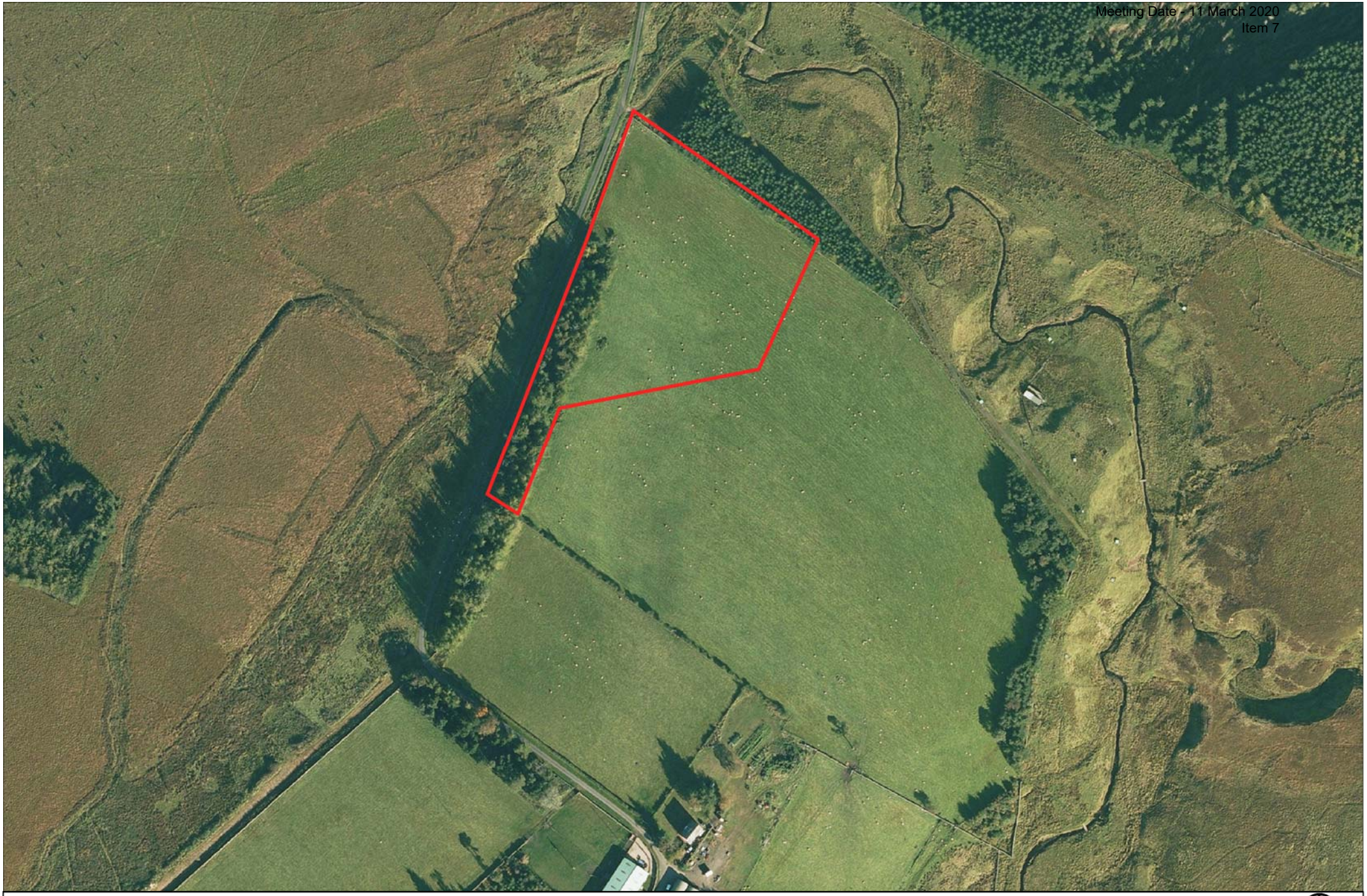

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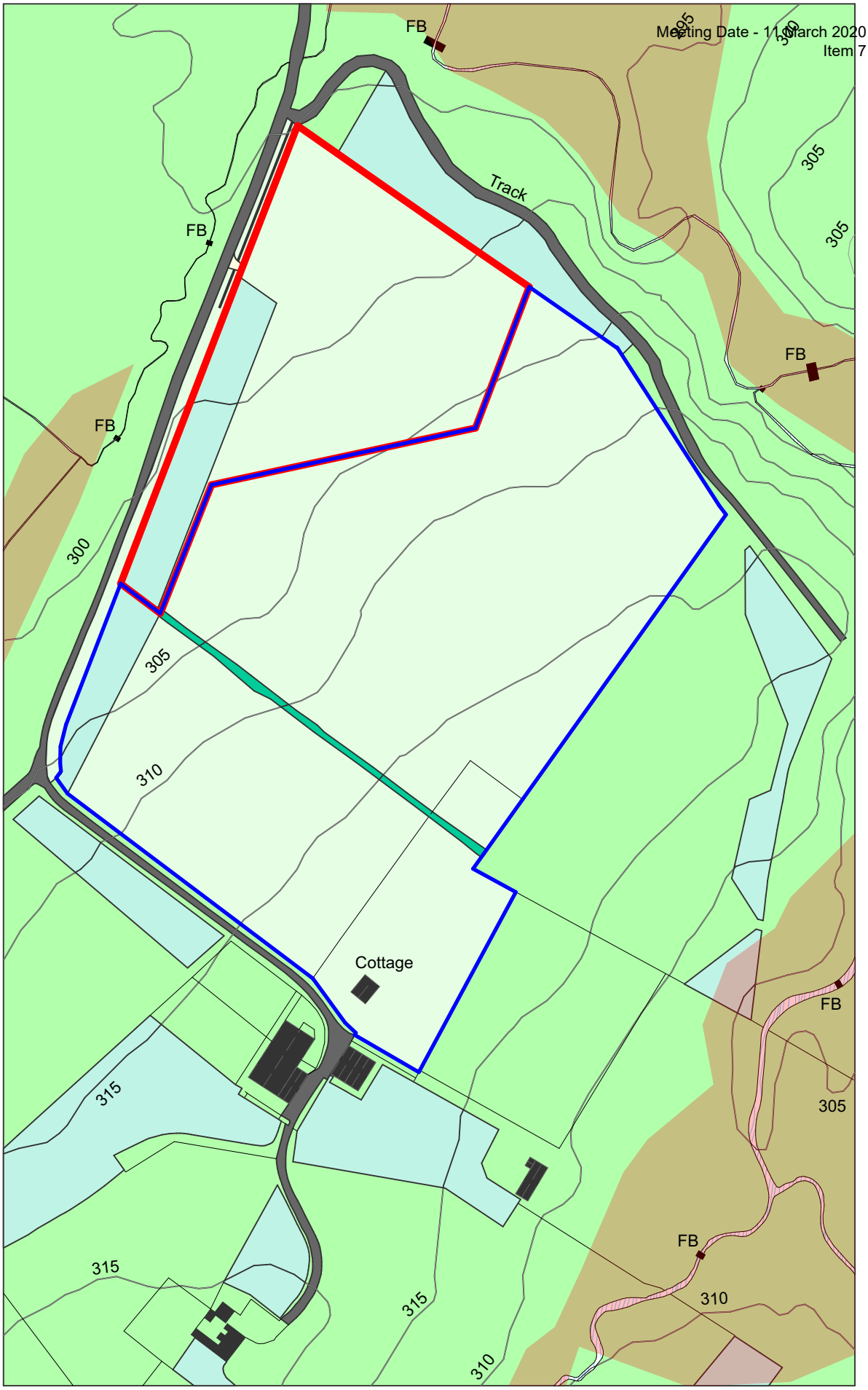

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studiodub@mac.com

COLZIUM ARTS
FARM EH27 8DH
Rob Thorburn & Suzanne Enoch

Location plan

922.**00.01A**

Scale:	Drawing Status:	Drawn by: Remi Lecomte Checked by: Gordon Duffy	Date: 19/12/2018	3 cm ACTUAL IF THE ABOVE DIMENSION DOES NOT MEASURE THREE CENTIMETERS (3 cm) EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.
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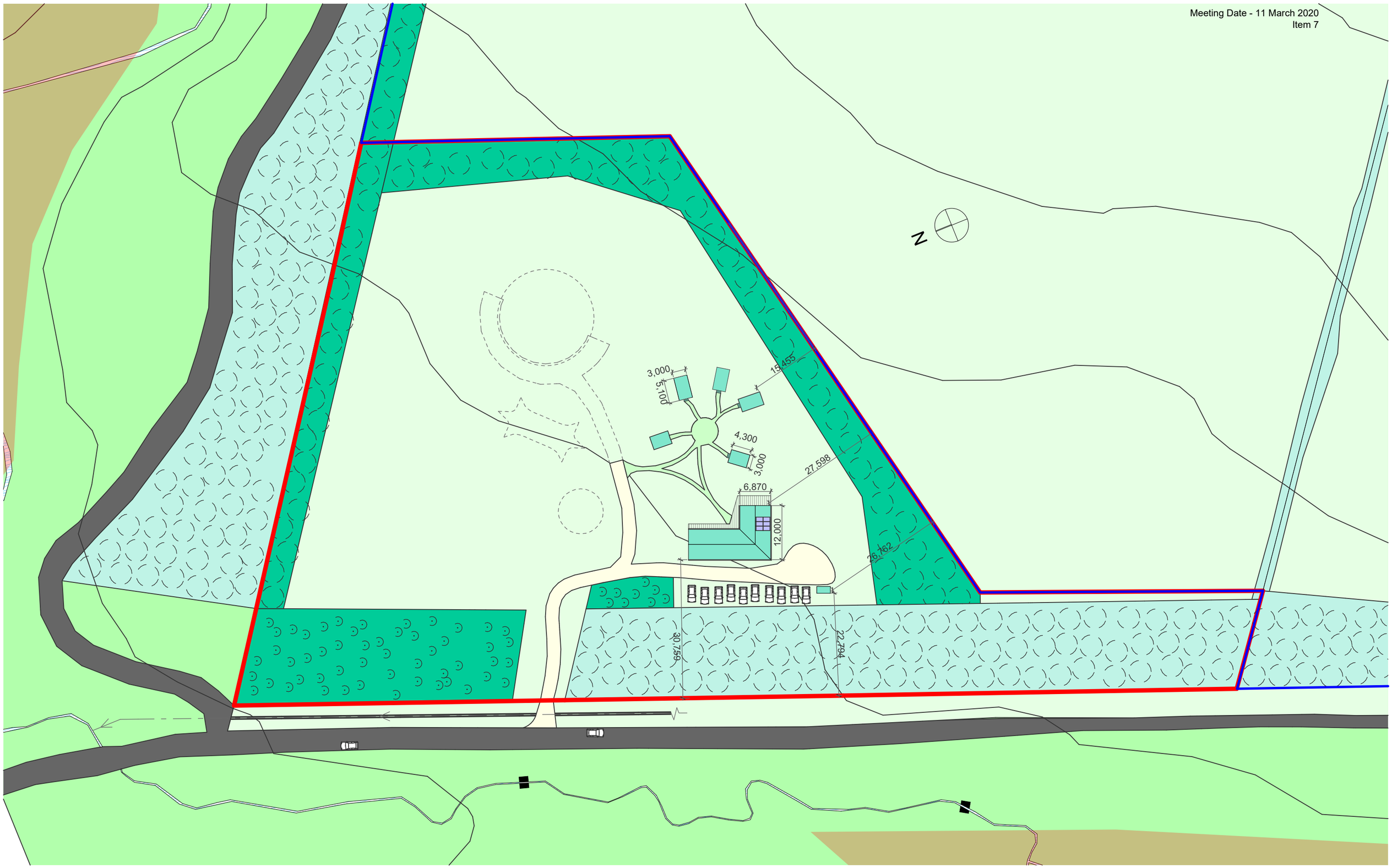

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Rob Thorburn & Suzanne Enoch

Site plan setting out

922.**06.01A**

Scale:
1:750
Drawing Status:
Planning

Drawn by: Remi Lecomte
Checked by: Gordon Duffy

Date: 06/11/2019

3 cm ACTUAL

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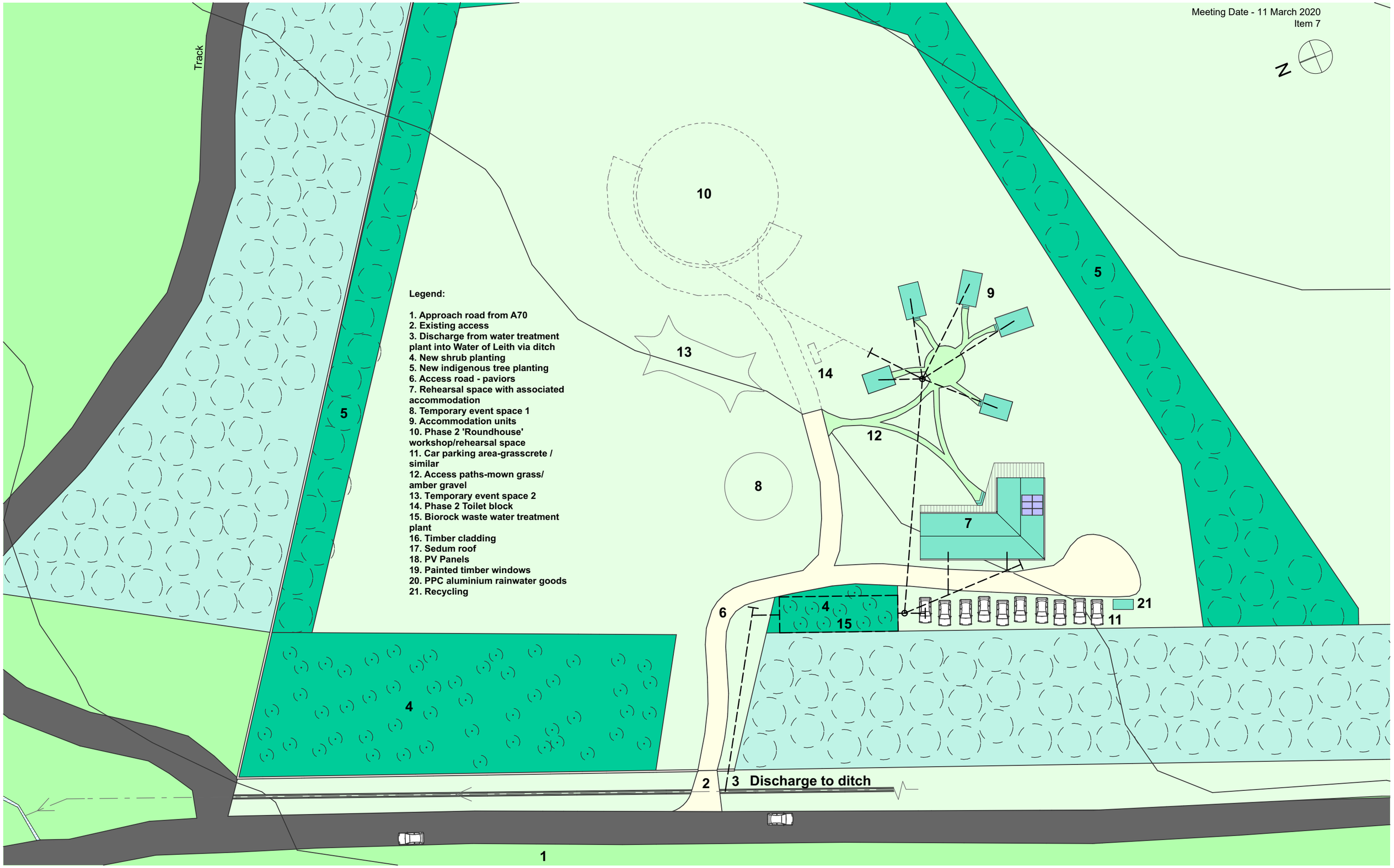

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Site plan & indicative drainage layout

922.**03.01A**

Scale:
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Drawing Status:
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Date: 06/11/2019

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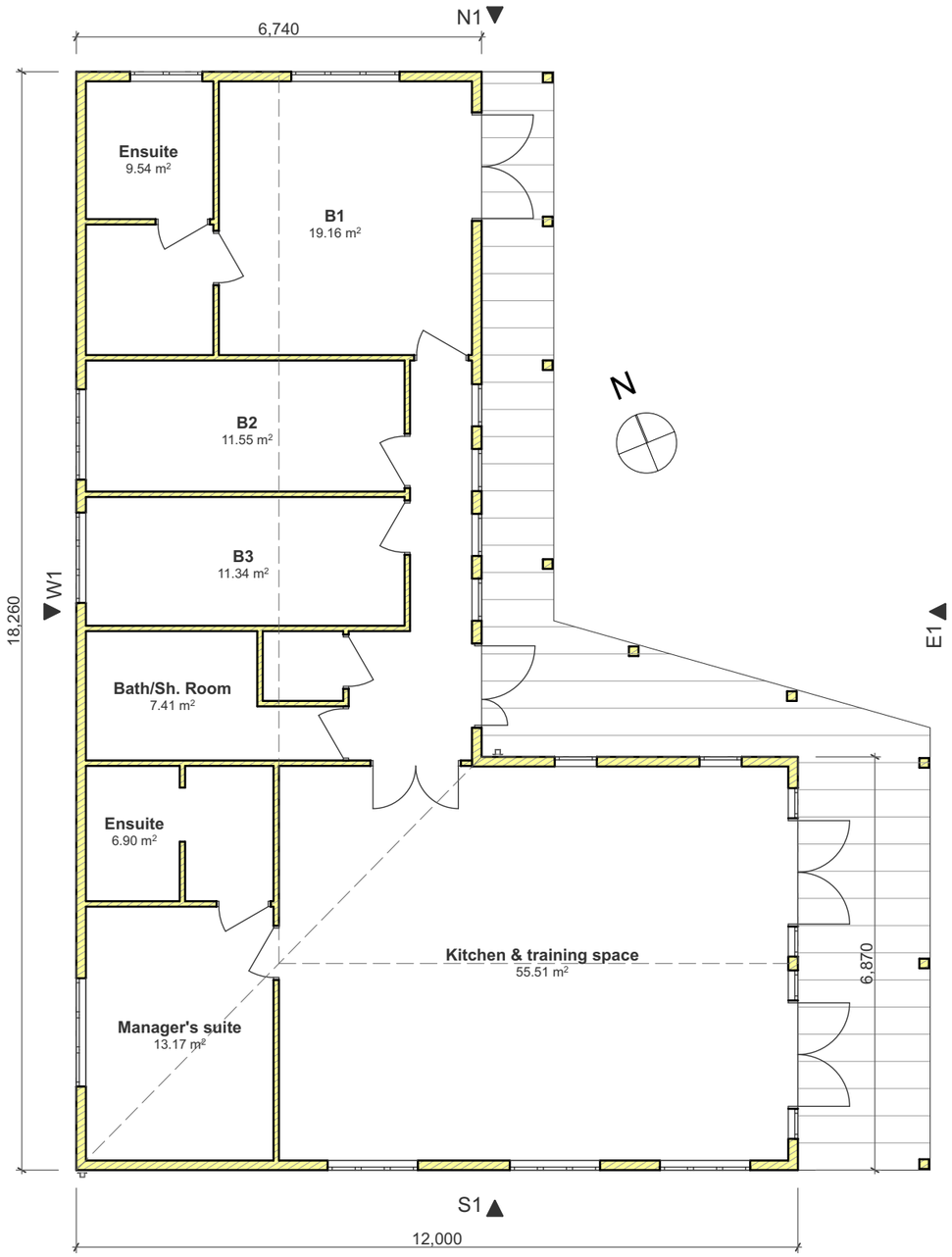
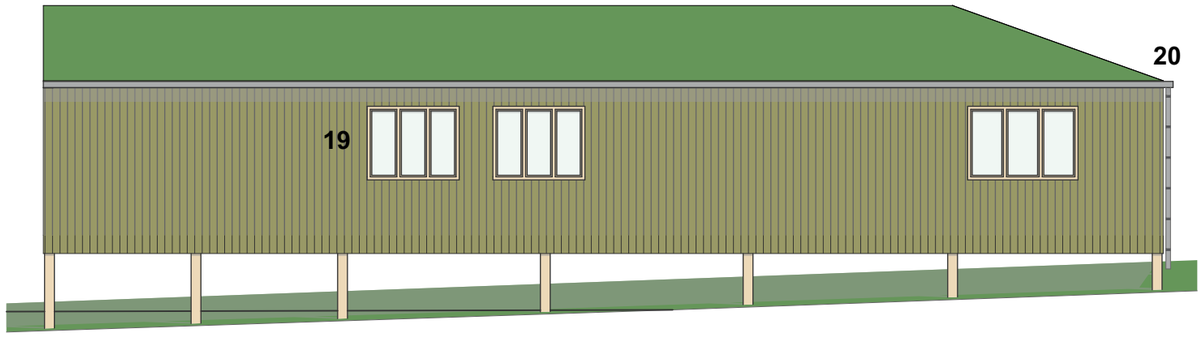


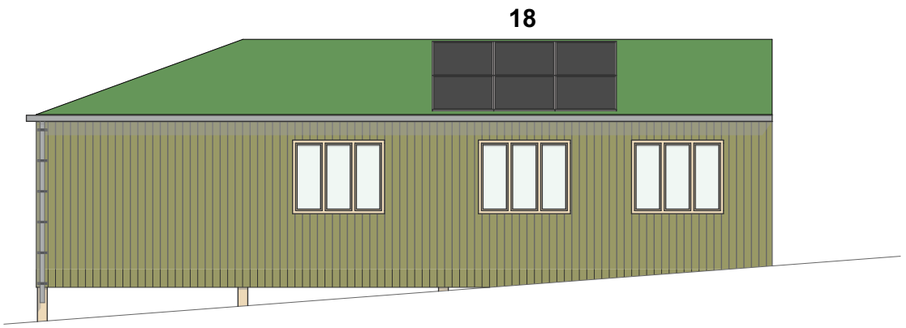
Rehearsal space with associated accommodation

East Elevation

North Elevation



West Elevation



South Elevation

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Rehearsal space with associated accommodation

922.**03.03B**

Scale: 1:100

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Date: 17/12/2019

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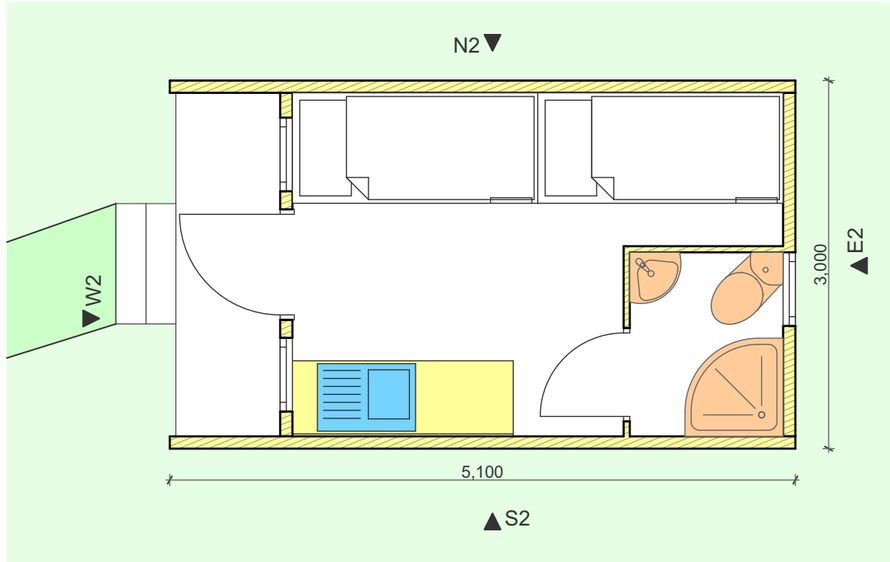
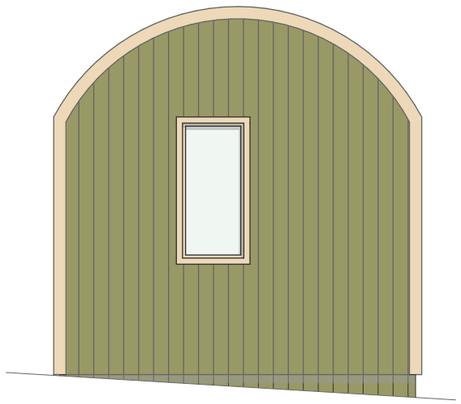
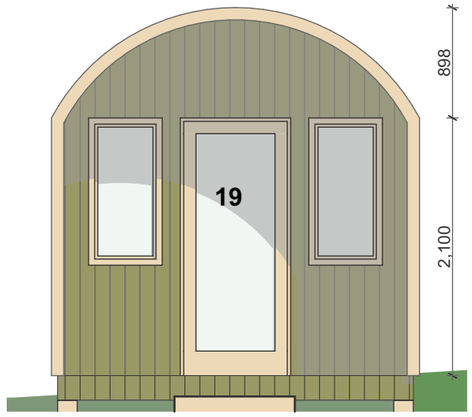


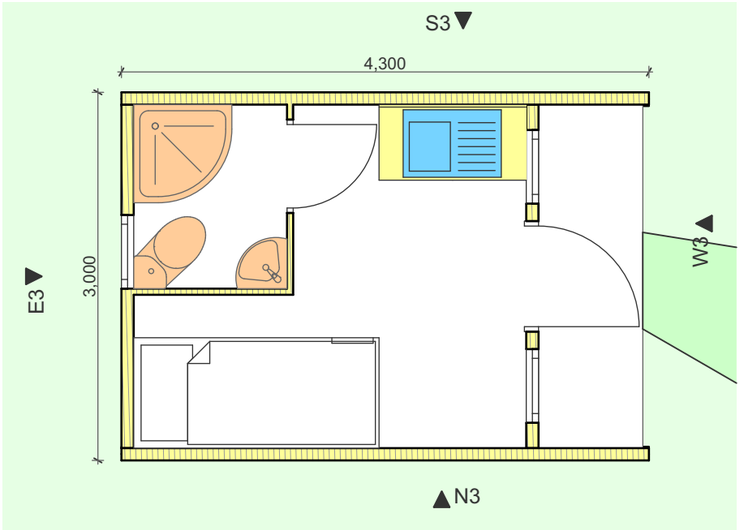
4 Persons Cabin Plan



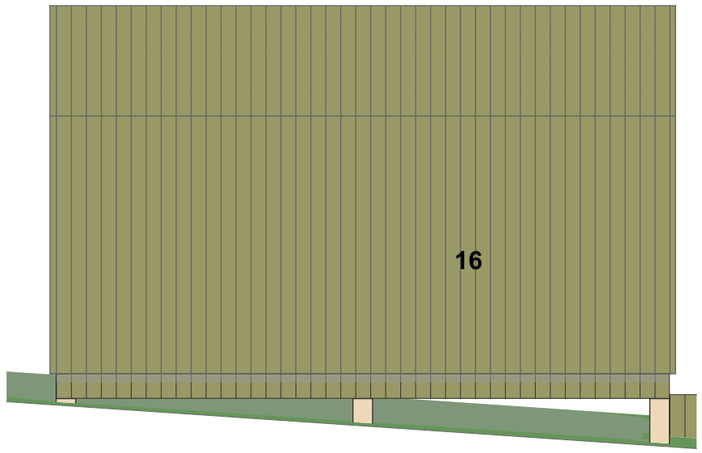
East Elevation E2/3



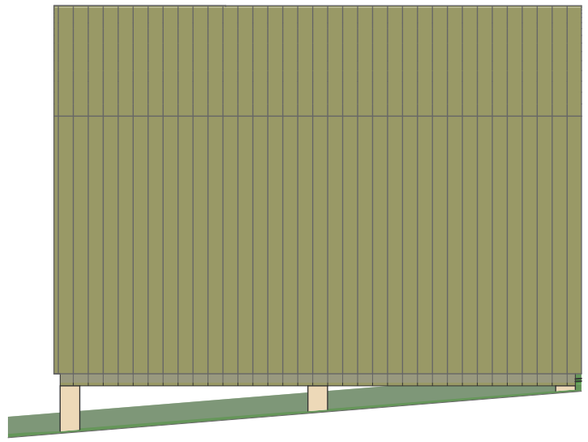
West Elevation W2/3



2 Persons Cabin Plan



North Elevation N2



North Elevation N3

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2 and 4 Persons Cabins

922.**03.04A**

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Checked by: Gordon Duffy

Date: 19/12/2018

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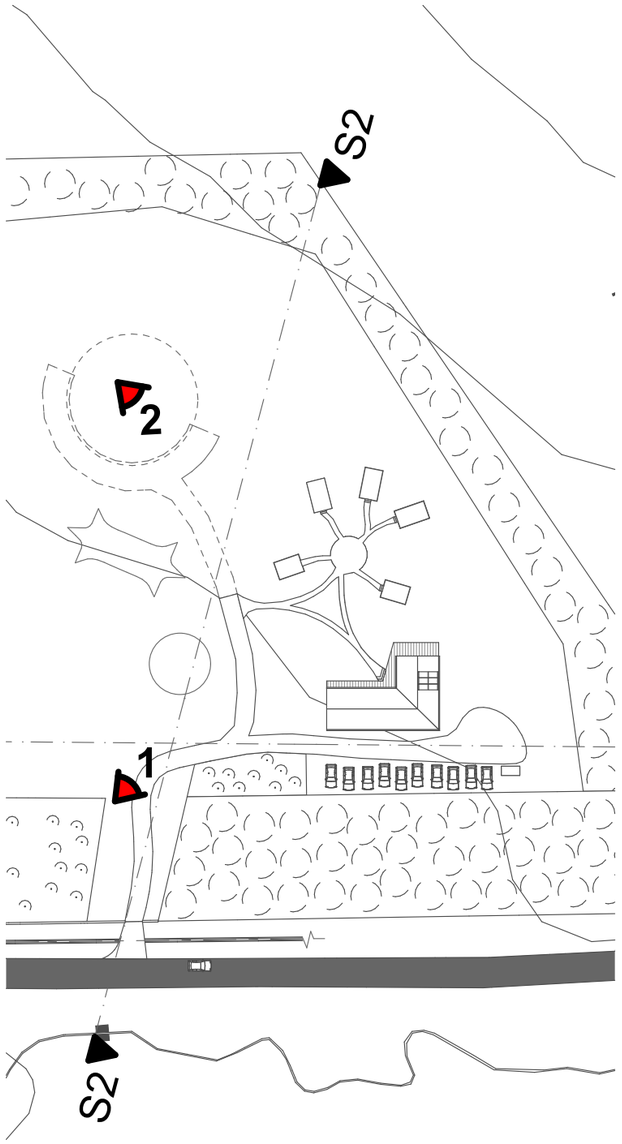

Generic Perspective 2.2

Generic Perspective 1.2

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3D Views

922.**03.09/A**

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1:1000
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Date: 06/11/2019

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West Lothian Council

☒ 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 (and by 12 noon).

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

Application Details	**Reason For Referral Request** (please tick ✓)
Application Reference Number **……1240/FUL/19……** **Site Address** **Colzium Cottage, Kirknewton, West Lothian, EH54 8DH……..……** **Title of Application** **Erection of multi-arts workshop/rehearsal centre including accommodation and associated works……..……** **Member's Name** **Cllr ……Damian Timson……** **Date** **……17th February 2020……**	**Applicant Request……..……✓** **Constituent Request……..……✓** **Other (please specify)……..……❑**

DATA LABEL: OFFICIAL

West Lothian Council

Development Management

List of Delegated Decisions - 14th February 2020

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.:	0670/FUL/19	**Recommendation:**	Grant Planning Permission
Proposal:	Conversion of two flats into one house, change of use from public open space and public footpath to private garden ground and erection of fences		
Address:	11 Main Street, Livingston Village, Livingston, West Lothian, EH54 7AF (Grid Ref: 303835,666892)		
Applicant:	Mr Gary Corbett	**Type:**	Local Application
Ward:	Livingston North	**Case Officer:**	Steven McLaren

Summary of Representations

There have been 3 objections and 1 general comment:
- Historic Environment Scotland should be involved.
- Rear garden extension identified as open space and adjoins the 'greenway'.
- Detracts from environmental nature of the area.
- Potential dumping ground.
- Rear gate unnecessary.
- Front garden extension will impact on private access.
- Impact on character of conservation area.
- Impact on access to services, gas and drainage.

Officers report

Planning permission is sought for three areas of work at the property:-The change of use of 2 flats into 1 house, a garden extension at the rear and a garden extension to the front of the property which would incorporate an area of adopted footpath.

The property is Category C listed and was the subject of a separate listed building consent application granted on 5/9/19. There is no statutory requirement for Historic Environment Scotland to be consulted on Category C listings.. The works to convert the property are internal only at this stage and whilst there is an external stair at the rear of the property, the applicant's intention is to leave this in situ for the time being. Once removed, the render to the rear of the property will require repair to the satisfaction of the council. The interior of the building was altered during the earlier conversion to 2 flats and there are no features in the building which requires protection. The conversion of the building back to a single house is acceptable.

The modest garden extension to the rear backs onto an area of informal landscaping and a public footpath within the River Almond greenway. The extension is approximately 8m from the footpath and will incorporate land already within the title of the property. The proposed garden extension will not impact adversely on the character or nature of this area and will be partly screened by existing vegetation adjacent to the footpath. This extension is therefore acceptable. The proposed garden extension to the front of the property would extend 4m across the public footpath and align with the front garden of 3 houses to the east. Transportation has objected to this extension as there are services within the footpath and the path is adopted for maintenance purposes. The garden extension to the front is therefore not acceptable.

Subject to conditions relating to the repair of the rear of the building, the location of the fence to the rear and a requirement for a hedge to be planted, recommendation is to grant planning permission. The garden extension to the front of the site will be conditioned out and not approved.

Ref. No.:	1008/FUL/19	**Recommendation:**	Grant Planning Permission
Proposal:	Erection of house and detached garage with living accommodation on upper floor (variation to planning permission 0830/FUL/17)		
Address:	5 Inchcross Steadings,Standhill Road, Bathgate, West Lothian, EH48 2UT (Grid Ref: 296662,666800)		
Applicant:	Mr & Mrs Alan & Julie Ann Stewart	**Type:**	Local Application
Ward:	Bathgate	**Case Officer:**	Mahlon Fautua

Summary of Representations

One objection -

- Road safety
- Damage to trees
- Privacy
- Garage should be restricted to domestic use.

Officers report

The development sits within land safeguarded for open space. Nonetheless, the proposal is in accordance with a recently approved planning permission. (Ref: LIVE/0683/FUL/05 and 0830/FUL/17). Furthermore the variation for ancillary accommodation can be controlled by condition.

Conditions of consent will ensure that the any potentially adverse noise effects from the adjacent road would be mitigated and privacy maintained.

It is recommended that planning permission is granted subject to conditions.

Ref. No.:	1230/FUL/19	**Recommendation:**	Refuse Permission
Proposal:	Erection of 2 houses with associated works		
Address:	Land South Of 14 Craigs Court,Torphichen, Bathgate, West Lothian, EH48 4NU (Grid Ref: 297092,672107)		
Applicant:	Mr Kenneth Andrew	**Type:**	Local Application
Ward:	Armadale & Blackridge	**Case Officer:**	Kirsty Hope

Summary of Representations

Five letters of objection including one from the Community Council can be summarised as follows:
-Loss of wildlife habitat (including protected species)
-Unsuitable proposal which would compromise the character and appearance of the conservation area
-Road Safety concerns
-Lack of sensitivity in relation to eco-friendly design/technology
-Lack of natural daylight/sunlight
-Loss of privacy and overshadowing to Craigs Lodge
-Access and provision for bins
-Scale of properties not similar to the character of the area.
-Loss of trees
-No drainage or services at this site.

Officers report

Planning permission is sought for the erection of 2 houses on land to the south of 14 Craigs Court, Torphichen. The site is on the western side of the B792 to the north of Craigs Lodge on the southern edge of the Torphichen settlement boundary.

A previous application (0182/FUL/17) was refused for the erection of two houses. This application does not address the concerns raised previously. There are visibility concerns from the Roads Unit and the removing of part of the boundary wall to allow for visibility would have an adverse impact on the boundary trees within the conservation area. The houses would also have an overbearing impact on the neighbouring property and would not be in-keeping with the surrounding area.

Therefore, it is recommended that planning permission is refused.

Ref. No.:	1231/H/19	**Recommendation:**	Grant Planning Permission
Proposal:	Erection of garage with ancillary accomodation		
Address:	Sandygait Cottage,Murieston Road, Murieston, Livingston, West Lothian (Grid Ref: 305024,664279)		
Applicant:	Mr A Haran	**Type:**	Local Application
Ward:	Livingston South	**Case Officer:**	Rachael Lyall

Summary of Representations

Two Objections -
1. Over development of site,
2. Intended purpose/use of the proposed development,
3. Loss of Amenity & Privacy,
4. Loss of Visual Amenity,
5. Impact on drainage,

Officers report

This planning application seeks permission for the erection of a garage which is to contain ancillary accommodation on the first floor. The proposed development is to be located to the South of the proposed site and is to sit to the rear of the existing property at Sandygait Cottage, Murieston Road.

The double garage is to measure 9.00m x 7.500m and will be 7.200m in overall height. The proposed development will have a gabled pitch roof with the inclusion of Velux roof lights on the front elevation. A staircase and balcony will be erected on the side elevation which will provide access to the first floor accommodation. The materials proposed the for works are to match that of the existing house.

The proposed development will sit to the rear of the existing property which is heavily screened by landscaping to the South and will not be visible from the streetscene and therefore will not detract from the visual amenity of the surroundings. Due to the orientation and location of the proposed development, the proposed balcony and stairs will not directly overlook any neighbouring properties. Additionally, a screen of 1.8m high from will be fitted from the floor level of the proposed balcony, on the North side of the balcony to ensure privacy levels are maintained for both the applicant and neighbours. An overshadowing diagram has demonstrated that the proposed works will not overshadow any neighbouring property. The proposed works will still allow for usable garden ground to both the side and rear of the existing property.

A condition will also be attached to ensure that the proposed use of the development remains ancillary to the existing house and is used for domestic purposes only.

This planning application proposes a large development, although the works are located within a larger plot and the proposal adheres to West Lothian Local Development Plan Policy DES 1 (Design Principles) and follows the appropriate guidance given in the council's House Extension and Alteration Design Guide. Therefore, it is recommended that planning permission is granted.

Ref. No.:	1240/FUL/19	**Recommendation:**	Refuse Permission
Proposal:	Erection of a multi-arts workshop/rehearsal centre including accomodation and associated works		
Address:	Colzium Cottage,Kirknewton, West Lothian, EH27 8DH, (Grid Ref: 308333,658781)		
Applicant:	Mr Rob Thorburn Colzium Arts Farm Ltd	**Type:**	Local Application
Ward:	East Livingston & East Calder	**Case Officer:**	Kirsty Hope

Summary of Representations

No representations received.

Officers report

The proposal includes the erection of a mulit-arts workshop and associated accomodation.

The proposal is considered to be unjustified and intrusive development within a sensitive rural location. The Roads unit have also objected on road safety grounds. The application is therefore contrary to the local development plan policies DES1, EMP3, ENV1, ENV2, ENV3, ENV13, ENV 14 and supplementary Guidance Development in the countryside (2018) and there are no other material considerations which would justify a departure from the development plan.

DATA LABEL: OFFICIAL

West Lothian Council

Development Management

List of Delegated Decisions - 21st February 2020

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.:	1251/H/19	**Recommendation:**	Refuse Permission
Proposal:	Extension to house		
Address:	8 Etna Court,Armadale, West Lothian, EH48 2TD, (Grid Ref: 294913,668002)		
Applicant:	Mr & Mrs Brain & Margaret Eveleigh	**Type:**	Local Application
Ward:	Armadale & Blackridge	**Case Officer:**	Rachael Lyall

Summary of Representations

None

Officers report

This planning application proposes a front extension to the property located at 8 Etna Court, Armadale.

The extension is to consist of an additional bathroom, ensuite and storage cupboard. The extension will measure 3.654m x 5.390m and is to be 2.550m in height to the eaves and 4.200m to the ridgeline of the proposed hipped roof.

It is considered that the proposed development will result in overdevelopment of the plot, specifically within the front area of the existing house. The extension will appear prominent from the streetscene and will impact the visual amenity of both the existing house and the surrounding developments. West Lothian Council's House Alteration and Design Guidelines, 2015, states that extensions should generally not be built forward of the existing house due to this reasoning.

Additionally, the proposed extension does not inetgrate with the existing house and will result in an inappropriate layout and an elongated front elevation which does not complement the surrounding developments.

The application is contrary to Policy DES1 of West Lothian Council's Local Development Plan and the guidelines set out in the House Alteration and Design Guide, 2015. It is therefore recommended that planning permission is refused.

Ref. No.:	0026/FUL/20	**Recommendation:**	Grant Planning Permission
Proposal:	Erection of 4 (1-bedroom flats) (variation to 0607/FUL/16)		
Address:	Land Between 8 And 12 George Street,Armadale, EH48, , (Grid Ref: 293658,668548)		
Applicant:	Black Hawk Developments ltd	**Type:**	Local Application
Ward:	Armadale & Blackridge	**Case Officer:**	Kirsty Hope

Summary of Representations

There have been four letters received in total: two in support and two objecting which are summarised as follows:

Support:-
Concerns regarding sufficient bin provision and storage
Maintenance of the gardens - are these private/communal factored areas
Will tidy up overgrown/gap site.

Objections:-
Parking
Inaccurate plans
Position of the building
Windows onto the Eastern boundary
Density of development
No need for additional dwelling in street

Officers report

Planning permission is sought for the erection of four one-bedroom flats (variation to 0607/FUL/16 which was also for four 1 bedroom flats, approved on 31 March 2017). The main changes from this application are:- an increase in the ridge height, minor footprint changes along with different window fenestrations.

The site is an infill/gap site that is suitable for residential development. Roads have been consulted and raise no objection with respect to parking and traffic. In terms of privacy, there are windows on the side elevations that are opaque glazed. A condition shall be attached to ensure they remain as such

in perpetuity. The site is in an accessible location, close to services and public transport. There are no significant overshadowing concerns. Privacy for neighbouring properties to the rear accords with the supplementary guidance. No details of the proposed external finishing materials are propsoed, however this can be conditioned to ensure the visual appearance and character of the area is retained.

The proposed development is considered to be an acceptable development on the site is recommended that planning permission is granted subject to conditions.

DATA LABEL: OFFICIAL

West Lothian Council

Development Management

List of Delegated Decisions - 28th February 2020

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.:	1263/H/19	**Recommendation:**	Refuse Permission
Proposal:	Extension and alterations to house and formation of raised deck		
Address:	28 Player Green,Knightsridge, Livingston, West Lothian, EH54 8RZ (Grid Ref: 303902,669823)		
Applicant:	Mr William Gemmell	**Type:**	Local Application
Ward:	Livingston North	**Case Officer:**	Rachael Lyall

Summary of Representations

One objection -
- Impact on privacy,
- Overlooking.

Officers report

This planning application proposes a front and side extension to the property located at 28 Player Green, along with the erection of a balcony to the rear of the property. The proposed works look to form a small porch entrance to the front of the house and an en-suite extension to the West elevation.

Currently, the rear to the house is open plan and sits on a much higher level in comparison to other surrounding properties. The existing house overlooks several other properties and their rear gardens. A revised drawing shows that a wall is to be erected at the West end of the balcony which will be 4.12m in height. This wall is to provide screening between no. 28 and no.29 Player Green as without, the proposed balcony will overlook directly into the gardens of no. 29 Player Green. The proposed screening will not complement the existing house and is not considered an adequate resolution to the privacy issue which will be caused by the proposed balcony. The height and build of this wall will additionally impact the current visual amenity and due to the size and length of the balcony, the proposed rear balcony will have a significant detrimental effect on the privacy of neighbouring properties.

This application is contrary to policy DES1 (Design Principles) of West Lothian Council's adopted Local Development Plan and the guidance outlined within the House Extension and Alteration Design Guidelines, 2015.

Therefore it is recommended that planning permission is refused.