



## ***Development Management Committee***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

17 November 2020

A meeting of the **Development Management Committee** of West Lothian Council will be held within the **Webex Virtual Meeting Room** on **Wednesday 25 November 2020** at **10:00am**.

For Chief Executive

### **BUSINESS**

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.

### **Public Session**

4. Confirm Draft Minutes of Meeting of Development Management Committee held on Wednesday 28 October 2020 (herewith).

### **Public Items for Decision**

5. Application No.0716/H/19 - erection of a retaining wall and fence (in retrospect) at Winncock, Burnside Road, Bathgate (herewith)
6. Application No.1149/FUL/19 - erection of 54 houses and 56 flats with

associated landscaping, drainage and infrastructure at land at Hunter Road, Kirkton Campus, Livingston (herewith)

7. Application No.0322/FUL/20 - erection of a phase 2 thermal treatment plant and extension to materials sorting building (EIA development), Levenseat Waste Management Facility, by Forth Lanark (herewith)
8. Application No.0761/FUL/20 - change of use from public open space to private garden ground and erection of fence at 53 Meadowbank, Ladywell (herewith)
9. Application No.0821/P/20 - planning permission in principle for a 0.6ha residential development of 6 houses at Clark Avenue, Linlithgow (herewith)

#### **Public Items for Information**

10. Consider list of delegated decisions on planning applications and enforcement actions for the period 23 October to 13 November 2020 (herewith)
11. Appeals :-
  - (a) Application 0425/H/20: Formation of a Dormer Window at 3 Newpark Mews, Bellsquarry, Livingston, EH54 9GX - Appeal submitted
  - (b) Application 0557/HHN/20: Appeal against High Hedge Notice at 78 Harburn Road, West Calder, EH55 8AT - Appeal submitted
  - (c) Application 0333/FUL/20: Change of use from Public Open Space to Private Garden Ground and extension to house at 8 Leishman Court, Blackridge, Bathgate, EH48 3TL - Appeal submitted

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NOTE      **For further information please contact Val Johnston on Tel No.01506 281604 or email [val.johnston@westlothian.gov.uk](mailto: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](mailto:julie.whitelaw@westlothian.gov.uk), James Millar, Governance Manager, 01506 281695, [james.millar@westlothian.gov.uk](mailto:james.millar@westlothian.gov.uk), Carol Johnston, Chief Solicitor, 01506 281626, [carol.johnston@westlothian.gov.uk](mailto:carol.johnston@westlothian.gov.uk), Committee Services Team, 01506 281604, 01506 281621 [committee.services@westlothian.gov.uk](mailto:committee.services@westlothian.gov.uk)

## **SUMMARY OF KEY TERMINOLOGY FROM REVISED CODE**

### **The objective test**

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

### **The General Exclusions**

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

### **Particular Dispensations**

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

### **The Specific Exclusions**

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

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

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

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE held within WEBEX VIRTUAL MEETING ROOM, on 28 OCTOBER 2020.

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

1. DECLARATIONS OF INTEREST

Agenda Item 5 (Application No.1149/FUL/19) – Councillor Lawrence Fitzpatrick declared an interest in that he was a council appointed member of the West of Scotland Archaeology Service who were a consultee on the application but would participate in the item of business;

Agenda Item 6 (Application No.0346/H/20) and Agenda Item 7 (Application No.0413/H/20) – Councillor Pauline Clark declared that as both applications had been continued from previous meetings, neither of which she had attended, she would not participate in the items of business as she had not heard all the merits of the case; and

Agenda Item 7 (Application No.0413/H/20) – Councillor Charles Kennedy declared that as the item of business had been continued from the previous, which he had not attended, he would not participate in the item of business as he had not heard all the merits of the case.

2. ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 11, that the agenda would be dealt with in the following order :- Agenda Item 5, 8, 9,10, 6 and 7.

The committee also agreed, in accordance with Standing Order 8(3), that agenda items 11 and 12 were to be taken as read and required no further consideration or discussion.

3. MINUTE

The committee approved the minute of its meeting held on 16 September 2020 subject to the correction showing that Councillor Charles Kennedy had submitted his apologies to the meeting.

4. APPLICATION NO.1149/FUL/19

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
1149/FUL/19	Erection of 54 houses and 56 flats, with	Grant planning permission, subject to

associated landscaping, drainage and infrastructure (as amended) at land at Hunter Road, Kirkton Campus, Livingston conditions and a legal agreement to secure developer contributions

The committee then heard from Mr Brian Johnstone, Chair of Livingston Village Community Council, who spoke in support of the application.

The committee then heard from Mr Ross McMillan, the applicant, speak in support of the application. The committee also noted that the applicant's agent, Mr Kenny Ross, was also in attendance and was available to answer questions from committee.

### Decision

To continue the application for two cycles, unless it could be brought back sooner, to allow legal to ascertain if residential development sites of more than 200 units required a secondary access point.

## 5. APPLICATION NO.0475/H/20

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0475/H/20	Erection of a porch at 105 Bishops Park, Mid Calder	Grant planning permission subject to conditions.

### Decision

To approve the terms of the report and grant planning permission subject to conditions.

## 6. APPLICATION NO.0541/H/20

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0541/H/20	Extension to house at 27 Tennent Park, Mid Calder	Grant planning permission subject to conditions.

### Decision

To approve the terms of the report and grant planning permission subject to conditions.

7. APPLICATION NO.0613/FUL/20

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0613/FUL/20	Extension to hot food takeaway, alterations to flats including installation of a new door and erection of external staircase, installation of new flue and formation of car parking at 8 East Main Street, Uphall	Grant planning permission subject to conditions

Decision

To approve the terms of the report and grant planning permission subject to conditions

8. APPLICATION NO.0346/H/20

Councillor Pauline Clark took no further part in the meeting from this point onwards.

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0346/H/20	Extension to house at 8 Etna Court, Armadale	Grant planning permission subject to conditions

The committee noted that the applicant's representative, Mrs Margaret Eveleigh and the applicant's agent, Mr Dan Henderson did not wish to address committee but were available to answer questions from committee .

Decision

To approve the terms of the report and grant planning permission subject to conditions.

9. APPLICATION NO.0413/H/20

Councillor Tom Kerr chaired the following item of business after Councillor Charles Kennedy left the meeting having declared that he could not take part.

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0413/H/20	Erection of a shed and decking (in retrospect) at 53 Eilburn South Road, Eilburn	Refuse planning permission

The committee then heard Mrs Dorothy Cairns, the applicant, speak in support of the application

Motion

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

- Moved by the Chair and seconded by Councillor Tom Conn

Amendment

To grant temporary planning permission for a period of nine months, with conditions delegated to the Development Management Manager, and thereafter for the shed to be removed from the site unless a fresh planning application was received and approved by the Planning Authority.

- Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor George Paul

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

Motion

Tom Conn  
Tom Kerr

Amendment

Stuart Borrowman  
Willie Boyle  
Lawrence Fitzpatrick  
George Paul  
David Tait

Decision

Following a vote, the amendment was successful by 5 votes to 3 and it was agreed accordingly.

10. LIST OF DELEGATED DECISIONS

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

A list (copies of which had been circulated) of delegated and enforcement action for the period 11 September to 16 October 2020 was submitted for the information of the committee.

Decision

To note the list of delegated decisions.

11. APPEALS :-

The committee noted that the following appeals, which had been submitted to Scottish Ministers, had been dismissed :-

Application No.Proposal

1230/FUL/19

Erection of 2 houses with associated works at land south of 14 Craigs Court, Torphichen, Bathgate

0025/H/20

Raising of roof to form first floor accommodation at 50 Kirk Road, Bathgate

The committee noted that the following appeal had been submitted to Scottish Ministers :-

Application No.Proposal

0375/P/20

Application under Section 42 to develop land without complying with Condition 2B (requires approval of details of means of access to all building) and Condition 2H (requires approval of a design statement) of planning permission 0689/P/17 for Class 4 Business Use and Class 6 Storage/Distribution use at Five Sisters Business Park, Westwood, West Calder.







## DEVELOPMENT MANAGEMENT COMMITTEE

### Report by Head of Planning, Economic Development and Regeneration

#### 1. DESCRIPTION

Erection of a retaining wall and fence (in retrospect) at Winnock, Burnside Road, Bathgate.

#### 2. DETAILS

<b>Reference no.</b>	<a href="#">0716/H/19</a>	<b>Owner of site</b>	Dr Jana Anderson
<b>Applicant</b>	Dr Jana Anderson  Winnock Burnside Road Bathgate West Lothian EH48 4PX	<b>Ward &amp; local members</b>	<b>Bathgate</b>  Councillor Charles Kennedy  Councillor Willie Boyle  Councillor Harry Cartmill  Councillor John McGinty
<b>Case officer</b>	Rachael Lyall	<b>Contact details</b>	01506 281110 Rachael.Lyall@westlothian.gov.uk

**Reason for referral to Development Management Committee:** Local Member Request by Councillor Harry Cartmill

#### 3. RECOMMENDATION

3.1 Grant planning permission

#### 4. DETAILS OF THE PROPOSAL AND BACKGROUND

4.1 This application seeks retrospective planning permission for a fence and the erection of a retaining wall at Winnock, Burnside Road, Bathgate.

4.2 Although this is a retrospective application for the erection of a fence and retaining wall much of the fence has already received consent under a previous application (0256/H/19).

That previous application was also retrospective and although granted consent it was subsequently identified that the location of part of the fence on the ground did not accord with the approved planning consent. Both the approved location and the as built location of the fence are acceptable in planning terms. The previous retrospective application included a condition requiring the height of the fence to be reduced to 1.2m over the first 4m to ensure that visibility onto Burnside Road from the driveway is not impaired. This condition has been complied with.

In addition, the applicant has raised part of the garden ground and formed a turning / parking area which is supported by a retaining wall. Whilst the use of this area for the turning / parking area does not require planning permission, the engineering works and the retaining wall do. The fence is erected on top of the retaining wall, which is further to the east than the position shown on the previous planning consent.

- 4.3 This current application is to regularise the new positioning of the fence and the retaining wall and is acceptable in planning terms.
- 4.4 Members should note that the current and previous applications have been the subject of complaints to the council. A significant element of these complaints relates to ownership and rights over the shared access and the ability of the applicant to implement the consent. Members are reminded that rights over land are not a material planning consideration and that the granting of planning consent does not override any such access rights which are civil rather than planning matters. In addition to the access rights, a number of planning matters including the approach to handling retrospective planning applications and road safety were raised in the complaints. All aspects of the complaint relating to the previous application were ultimately referred to the Scottish Public Services Ombudsman who did not progress the complaint and found no error in the council's handling of the application or its response to the access rights over land.

#### History

- 4.5 **0256/H/19** - Erection of a fence (in retrospect) – Granted Planning Permission (10.06.2019)
- 4.6 **0902/H/20** - Formation of 3 dormers, installation of garage doors, external raised terrace and erection of 3m high boundary walls – Pending Decision
- 4.7 **ENF/0275/20** – Increase in height of fence (with imitation foliage) – Ongoing enforcement case.

### 5. REPRESENTATIONS

- 5.1 3 representations were received.
- 5.2 A summary of representations is located in the table below.

Comments	Response
<ul style="list-style-type: none"> <li>Impact on road safety,</li> </ul>	<ul style="list-style-type: none"> <li>The fence has been reduced to 1.2m where nearest the road and footpath in order to maintain the current visibility splay and to ensure road/pedestrian safety. The part of the fence closest to Burnside Road is not being changed by the current application.</li> </ul>
<ul style="list-style-type: none"> <li>Loss of parking,</li> </ul>	<ul style="list-style-type: none"> <li>The fence is erected on what is understood to be a common access</li> </ul>

<ul style="list-style-type: none"> <li>• Submission of applications in retrospect,</li> <li>• No structural report for retaining wall,</li> <li>• Concerns over drainage.</li> <li>• Accuracy of plans.</li> </ul>	<p>and additional parking space is being provided. However, ownership and access to the spaces within the curtilage of the properties is not a planning consideration.</p> <ul style="list-style-type: none"> <li>• It is acknowledged that the works have already been carried out.</li> <li>• A structural report would be a consideration for Building Standards, not a planning consideration.</li> <li>• There is no evidence to show insufficient drainage on site. The site is also on a slope, in which any surface water will run off into drains on the main street.</li> <li>• Revised plans were requested and submitted to ensure accuracy.</li> </ul>
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## 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 (SESplan) and the West Lothian Local Development Plan

7.3 The relevant development plan policies are listed below:

Plan and Policy	Policy Summary	Assessment	Conform?
West Lothian Local Development Plan (LDP) (2018) Design Principles (DES1) Policy	This policy states that development proposals are required to integrate with the local context. Development proposals should have no significant adverse impact on adjacent buildings. Where appropriate proposals should include measures to enhance the environment and be of high quality in their design.	<p>The retaining wall will not be visible from the main street or neighbouring property and is well screened and therefore the proposed development will not have a detrimental impact on the visual amenity of the area.</p> <p>The relocated fence is still of an acceptable scale which does not result in any additional impacts which are detrimental or significant in</p>	Yes

		comparison to what was previously approved.	
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7.4 This proposal also relates to the council's House Extension and Alteration Design Guidelines, 2020.

7.5 **Determining Issues 1 – Visual Amenity**

7.6 The fence has been stained in a dark brown colour since the previous consent, which allows for the fence to integrate more with the surroundings and further reduce any visual impact.

7.7 The relocated section of the fence is not significantly visible from the main street due to the length of the driveway, accordingly there is no detrimental impact on the visual amenity in comparison to what was assessed and approved for the previous proposal.

7.8 **Determining Issues 2 – Residential Amenity**

7.9 The retaining wall is not visible from any other residential property and, therefore, does not impact upon the residential amenity.

7.10 In addition, the relocated fence does not overshadow or impact upon the privacy of any neighbouring property. The change in position of the fence does not impact on the amenity of the neighbouring residents and, indeed, the as built location of the part of the fence which is the subject of this application is further away from the neighbouring property.

The driveway to the east of the neighbouring property, Burnside Cottage, provides access, both vehicular and pedestrian, to the property at Winnock. Consequently, it is understood that residents and those visiting the property at Winnock will have the right to use that access. The erection of the fence on part of that driveway will not result in a detriment to privacy and indeed should increase privacy to the residents of the neighbouring property as pedestrian access to Winnock can now be taken along the path on the opposite side of the fence.

7.11 **Determining Issues 3 – Road and Traffic Safety**

7.12 The following condition as attached to the previous consent:

*“Notwithstanding the approved plans, the fence will be reduced to 1.2m in height for a distance of 4m from the boundary of the public footpath within 4 weeks of the date of the decision and maintained at this height in perpetuity unless otherwise agreed to in writing by the planning authority.*

*Reason: In the interests of visual amenity and public safety.”*

7.13 The above condition has since been implemented. This reduces any impact on traffic and pedestrian safety and will give a more unobstructed view of vehicles exiting the driveway for pedestrians walking on the Pavement. However, it should be noted that consent for this part of the fence is already in place and is not impacted by the current application.

<b>8. CONCLUSION AND RECOMMENDATION</b>
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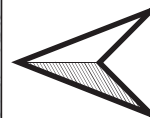
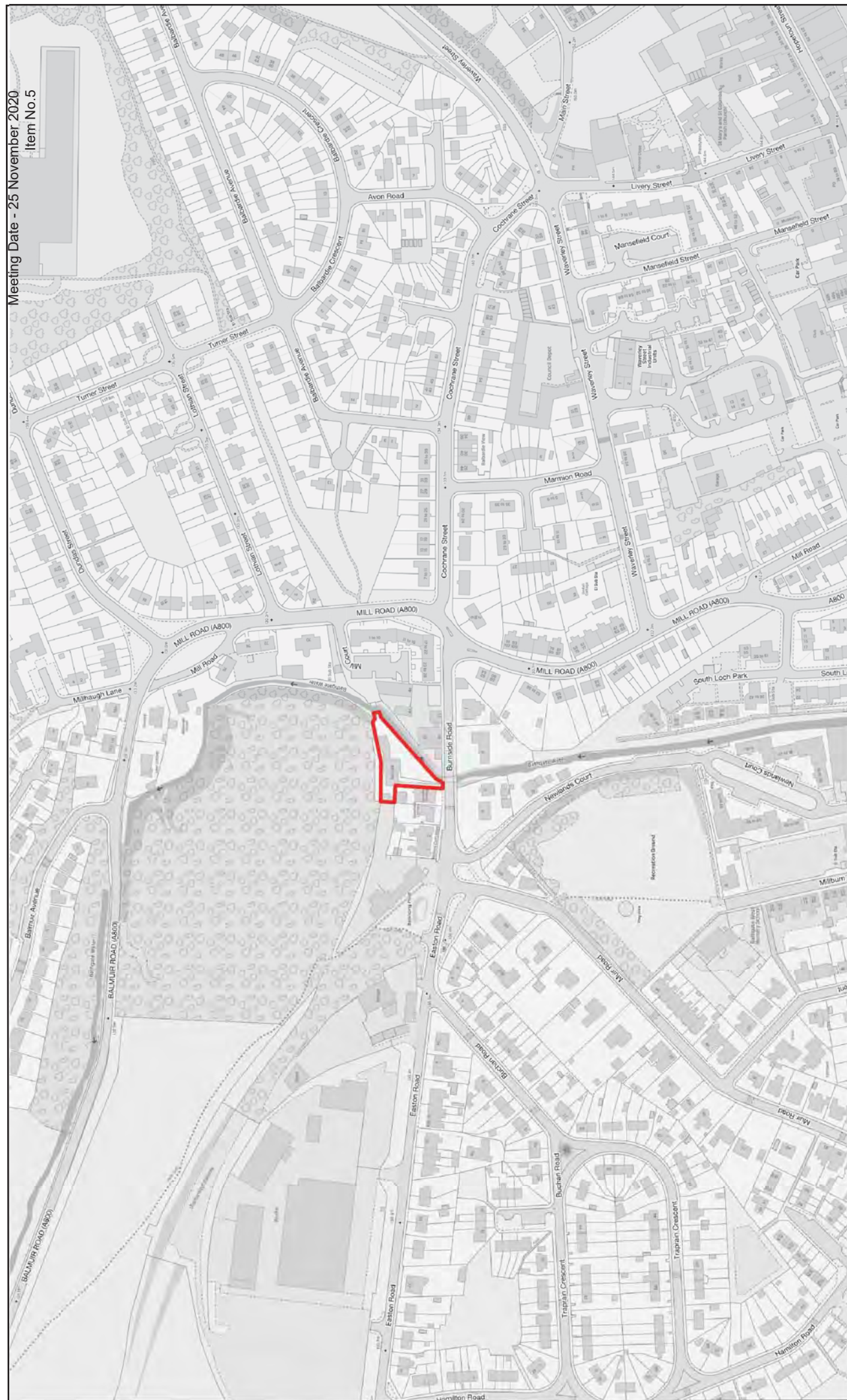
- 8.1 The retaining wall is not visible from any main street and is, therefore, not detrimental to the visual amenity of the existing property or the surrounding area. In regards to the fence, the fence in its 'as built' location remains of an acceptable scale and the new location will not have any more of an impact on visual or residential amenity than that which was previously approved.
- 8.2 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.
- 8.3 It is recommended that this application is granted.

<b>9. BACKGROUND REFERENCES &amp; ATTACHMENTS</b>
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- Location Plan
- Aerial Plan
- Representations
- Draft Conditions
- Local Member Request Form

Craig McCorriston  
**Head of Planning, Economic Development and Regeneration**      **Date: 25 November 2020**





0716/H/19 - Winnock - Burnside Road - Bathgate - EH48 4PX

Development Management - West Lothian Civic Centre - EH54 6FF

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Meeting Date - 25 November 2020  
Item No-5



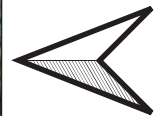
**West Lothian  
Council**

0716/H/19 - Winnock - Burnside Road - Bathgate - EH48 4PX

Development Management - West Lothian Civic Centre - EH54 6FF

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## Comments for Planning Application 0716/H/19

### Application Summary

Application Number: 0716/H/19

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Erection of a retaining wall (in retrospect)

Case Officer: Nancy Douglas

### Customer Details

Name: Mr Mark Flockhart

Address: Burnside cottage Burnside road Bathgate

### Comment Details

Commenter Type: Neighbour

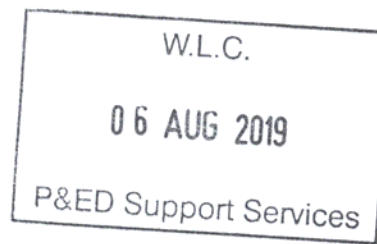
Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I Do strongly object objection sent by post



From: mark flockhart



Mr M Flockhart  
Burnside cottage  
Burnside road  
Douglas  
BATHGATE  
2019

For the attention  
Off Nancy

03/08/2019

( OBJECTION )

I Mr Flockhart

Off Burnside cottage Burnside Road Bathgate West Lothian EH48 4PX would like to object to the planning application Reference 0716/H/19 Address Winnock Burnside road Bathgate EH48 4PX for the proposal  
Erection of a Retaining wall (In retrospect) .

I would like this opportunity to object to this application for the following reasons .

Reason (1) This should have been considered at the same time as the fence as the fence was also applied for in retrospect when there was only a few fence panels up so this was in breach of West Lothian Council to pass this .  
I would like to ask how can the council can pass a fence in retrospect when it was passed on the 10 JUNE 2019 and no foundations.

Reason(2) The fence was passed before the foundations application was applied for meaning that it is in breach as the fence was not completed and the foundations were not completed as they were received on the 12 July and not validated until the 15th of July

Reason(3) Work completed on the 1 July 2019 and is still not passed So again can't be passed there is no way that the fence was in retrospect .

Reason(4) The foundation was again reported before it was completed and again same as the fence no action taking until it was finished .  
So this would not have been completed if action had been taking .

Reason(5) The foundation again was in breach of planning as there was no planning application or building warrant applied for before work started.

Reason(6) This is not the first breach of planning as there has been many more breaches the fence was built without any planning in place so this was in breach.

Reason(7) There was also a enforcement served on this property for running businesses form there private property on 07/03/2019/.

There should have been a enforcement for the fence and the foundations meaning this is the 3rd breach of planning within the last 4 month I would question if you had 1 enforcement .

I would ask why would you not make sure that you have checked before any other works take place just to be sure especially when you are in talks with planning

If the Andersons thought that this land would not hold the fence why was the area drawing into the first set of plans if they did not know it would need planning permission. Also why was this not pointed out by the planning officer

Reason(8) We did not give any permission for any work to take place regarding the fence you will also see in the documents that I have attached again this is a breach.

Reason(9) There is no structural report attached to this and if the applicant is saying that they needed to put up a wall to take the weight of the new fence this is clear that a structural report should have been carried out as the land that both houses are built on was the old shovel works so the land must be checked before any foundations should be laid .

Reason(10) This fence is causing a problem for a turning point and causing a problem to the highways as it is causing a problem with a turning point meaning that I need to turn on the main road and revers up the driveway and the Andersons also are reversing down the drive and out on to the main road video footage has also been sent over showing this is a problem and this has taking our line of sight away causing problems and this area is a road calming area and so should not have any obstructions causing problems as it is a road calming area for a reason it is a dangerous road .

Reason (11) The work carried out on the foundations was not carried out by a builder it was carried out by the odd job man that constructed the fence. The foundation is not 4 meter as we have video footage and photos to prove that the size is more than 7 meters so again the plans are like the fence incorrect and there was no application for any parking in the area on any set of planning application .

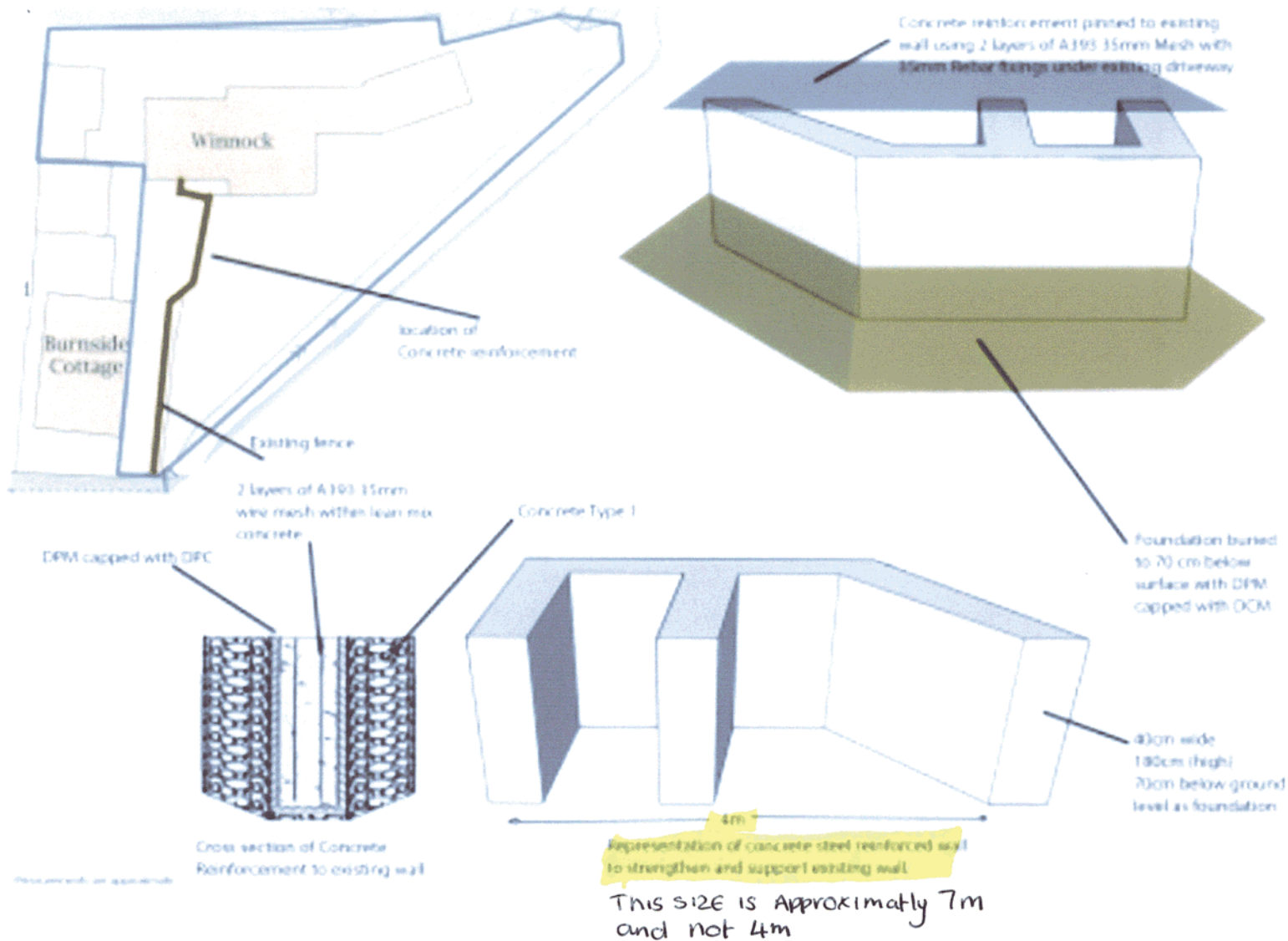
Reason(12) I would also state that there will be a problem of drainage as the driveway runs over to the corner causing this land to sink as you will see again if you visit the site

So for the reasons I have pointed out I would request that the planning application for the fence in retrospect cant stand as it is not what is in the plans and the foundation was also in breach . Again not what is in the plans and also the area that they are using for a parking area again does not have planning permission so both sets of plans should not stand we

have video footage and photo from day one to completion dates and times should you require any to be sent over please do not hesitate to contact me.

Regards  
Mr Flockhart





This foundation has been located within the garden area at Winnock and was extended by over 8 feet from the existing driveway wall as the boundary fence at the driveway edge. was removed in order to create this addition 8 foot by 23 foot. photo's to prove this should you require them or footage. So this again is not what has been applied for in these plans as you can see the highlighted area shows only 4 m which is not the case. This should be measured. This area was drawn in the original plan so we assume that the Anderson's knew they were going to create this area in the first instance.



DATA LABEL: PUBLIC

## HANDLING REPORT

Ref. No.:	0256/H/19	Email:	thomas.cochrane@westlothian.gov.uk
Case Officer:	Thomas Cochrane	Tel No.:	01506 281110
Ward:	Bathgate	Member:	Charles Kennedy Willie Boyle Harry Cartmill John McGinty

Title	Erection of a fence (in retrospect)(Grid Ref: 296983,669243) at Winnock, Burnside Road, Bathgate, West Lothian, EH48 4PX
Application Type	Local Application
Decision Level	Delegated List
Site Visit	01.04.2019
Recommendation	Grant Planning Permission
Decision	Carried out
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	

Photographic evidence on 19th March at 14:08 PM proves that this work was taken place on the foundation's when a site visit was.

## Description of Proposals

Erection of a fence (in retrospect)

## Site History

None

## Representations

One objection received. A summary of the objection is below.

1. It has been open space since 1880.
2. Safety of pedestrians on Public Footpath.
3. Lack of privacy
4. Safety of residents and visitors
5. Conflict with title deeds
6. Wildlife
7. No turning point



5. Conflict with title deeds
6. Wildlife
7. No turning point

#### Planning response.

1. The owner has the right to development by enclosing his property.
2. Planning authority negotiated a drop in height of the fence as it approaches the public footpath.
3. Not founded.
4. The fence does not impact the use of the driveway by pedestrians of visitors.
5. Not a material consideration
6. Not founded,
7. Not a material consideration

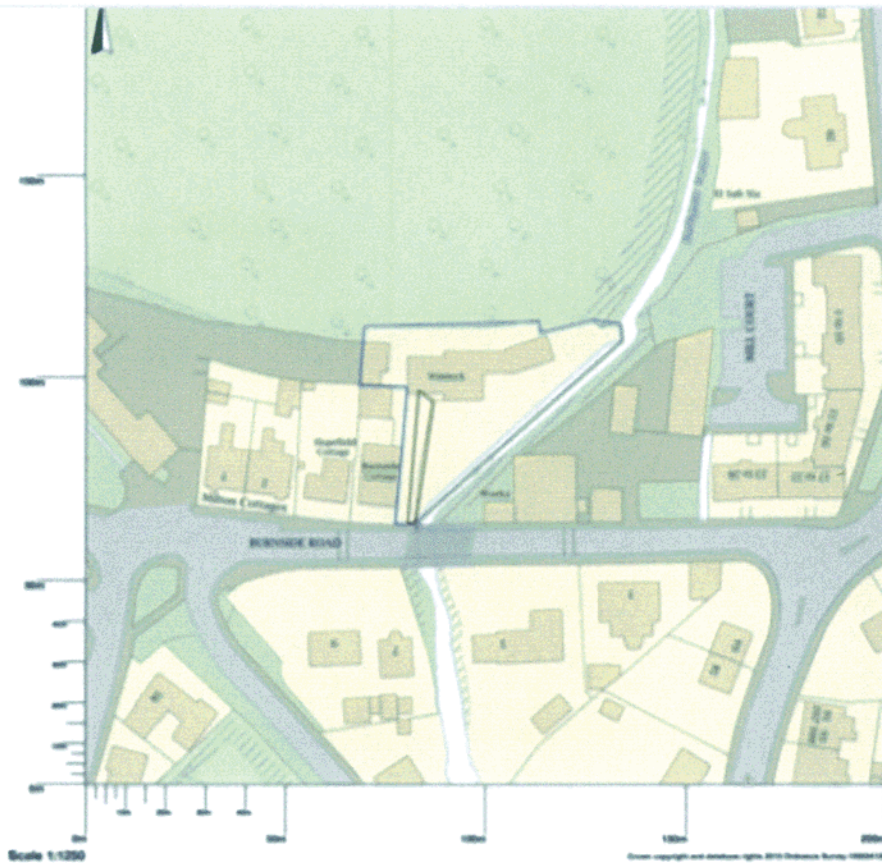
#### Consultations

Not required

#### Policies Considered

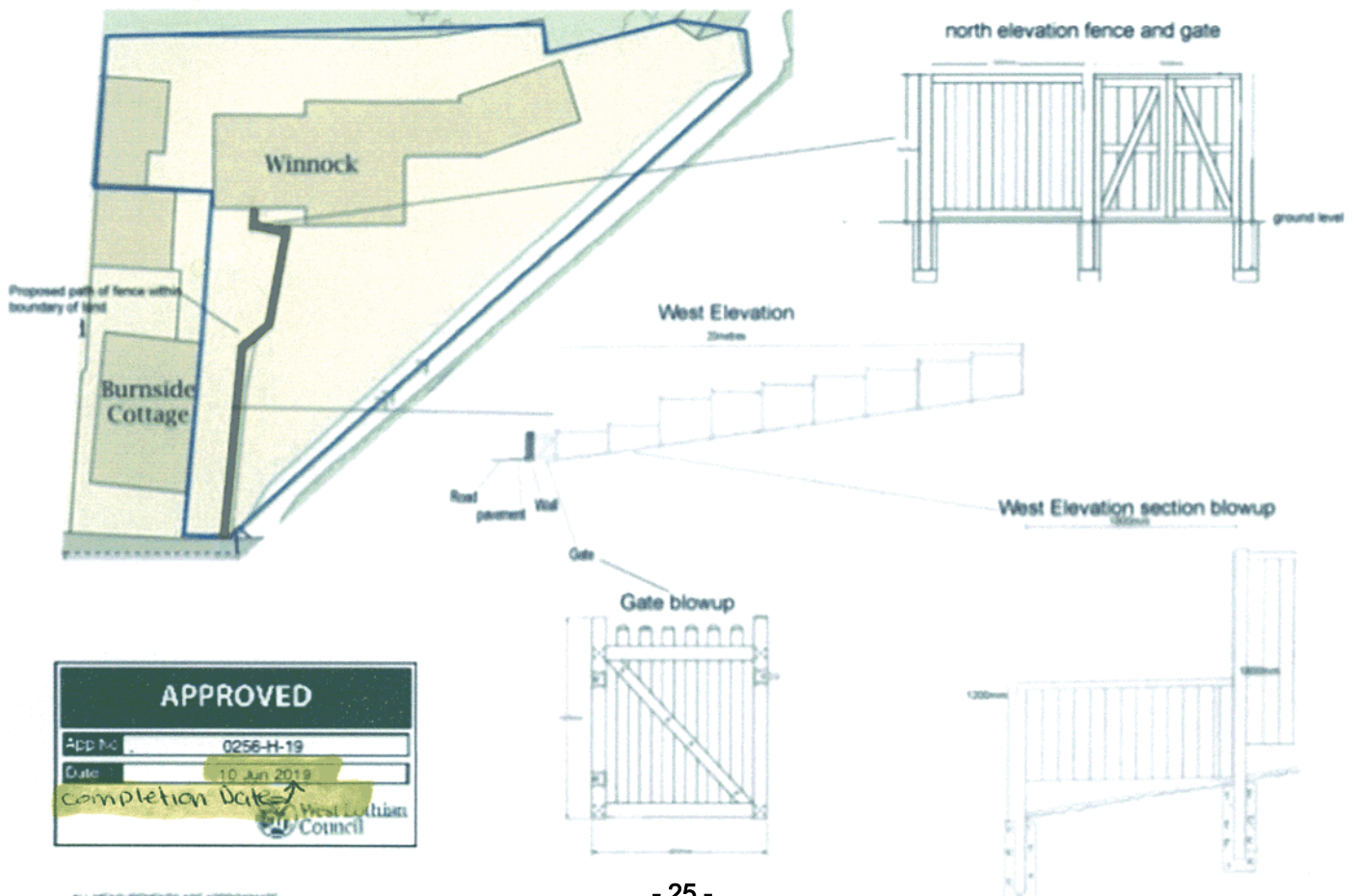
Policy Title	Policy Text
DES1 - Design Principles	<p>All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals, the developer will be required to ensure that: a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity; b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates; c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety; d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping; e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices; f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided; g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and h. risks to new development from unstable land resulting from past mining activities are fully</p>





Map area bounded by: 296890.669345, 297090.669345. Produced on 12 March 2019 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2019. Supplied by UKPlanningMaps.com a licensed OS partner (100054835). Unique plan reference: p4buk/328281/446343

as you can see this was when the fence was passed in (retrospect) we have footage of work being carried out on the fence on the 25th of June. Video footage available should you need it at 17.27pm.







West Lothian  
Council

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100173400-001

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

## Description of Proposal

Please describe accurately the work proposed: \* (Max 500 characters)

While carrying out work for the related fence application (0256/H/19) it was deemed prudent to reinforce the wall along the edge of the drive in order to support the 180cm wooden fence which replaced the 110cm chain link fence. As such a concrete wall has been erected in the garden to support the existing wall.

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

☐ No ☐ Yes - Started ☒ Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): \*

01/07/2019

Please explain why work has taken place in advance of making this application: \*  
(Max 500 characters)

As you can see this was after the fence was passed in retrospect. How can this be possible.

The owners were unaware that reinforcing an existing wall (not increasing the height) required planning permission.

## Applicant or Agent Details

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

☒ Applicant ☐ Agent



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

The proposals accord 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 Notwithstanding the approved plans, the fence will be reduced to 1.2m in height for a distance of 4m from the boundary of the public footpath within 4 weeks of the date of the decision and maintained at this height in perpetuity unless otherwise agreed to in writing by the planning authority.

Reason: In the interests of visual amenity and public safety.

**ADVISORY NOTES TO DEVELOPER**

**Notification of the start and completion of development:**

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site and again once the development is completed. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. Failure to provide the above information may lead to enforcement action being taken. Forms which can be used for this purpose can be found using the following link:

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

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

**Duration of consent:**

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

**How to challenge the council's decision**

If your application was determined under delegated powers and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. If the application was heard at a committee, then you can appeal that decision to the Scottish Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review or to appeal here:

<http://www.westlothian.gov.uk/article/2078/Decisions-Reviews-and-Appeals>

**Additional consents:**

It is the developer's responsibility to obtain all necessary consents prior to commencing works.

**Potentially Contaminated Land:**

In the event that contamination is found at any time when carrying out the approved development that

	assessed and, where necessary, mitigated prior to development. Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.
--	---

### Policy Assessment

This application has been assessed against the West Lothian Local Development Plan, policies DES1(above) as well as the West Lothian Council's Supplementary Guidance on House Extension and Alteration Design Guide

### Officer Assessment

Planning permission is sought for a 2m fence forward of the principal elevation of the detached property. The fence runs parallel to a shared driveway. However, the title splits the driveway, which has seemed to be causing privacy issues. The fence stops approximately 1.5m from the public pavement where it reduces in height to a 1.2m gate. In order to maintain a public view of the watercourse, the planning authority requires the fence to be reduced to 1.2m in height for the first 4m from the public footpath; this minimizes the effect on the public street scene. The applicant was cooperative to our requests and submitted revised plans showing the changes asked for. Although these plans are not ideal, taking the above into account, there are insufficient grounds to refuse this application. It is recommended that this application is approved.

### Other Considerations

This application has been assessed against the West Lothian Local Development Plan, policies DES1(above) as well as the West Lothian Council's Supplementary Guidance on House Extension and Alteration Design Guide

### Conclusions and Reasons for Decision

see officers report

### List of Review Documents

Drawings schedule:

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	p4puk/328281/446343
2	Block Plan	
3	Photograph	

Other relevant documents:





As you can see work for foundation's had already taken place before the planning officer visited on the 1st of April. So the andersons claim that they did not know it needed

Permission is FALSE as this picture was taken 10th march 2019





# LAND REGISTER OF SCOTLAND



TITLE NUMBER WLN53309

D 2

## D. BURDENS SECTION

[REDACTED] in all time  
consented to be erected  
the character of the  
[REDACTED] to be  
[REDACTED] no  
[REDACTED] without  
the consent in writing of us or our foresaids first had and  
obtained;

(Third)

That no additional buildings or other erections whatever shall be  
built or erected upon the ground hereby disposed except with the  
consent in writing of us or our foresaids, which consent may be  
withheld without cause assigned;

(Fourth)

The buildings to be erected as aforesaid on the ground hereby  
disposed shall be insured and against loss by fire to  
be [REDACTED] to be  
ad [REDACTED] and

The [REDACTED] to be erected as aforesaid on the ground hereby  
disposed shall be insured and against loss by fire to  
be [REDACTED] to be  
ad [REDACTED] and

(Sixth)

We did not give any consent  
Nor were we asked and as  
you can see do not even  
have to give a reason for  
the objection's of the foundation  
or fence.

2 Disposed of by [REDACTED] and





# LAND REGISTER OF SCOTLAND



TITLE NUMBER WLN53309

D 3

## D. BURDENS SECTION

his executors and

this title

(First)

The

of the

Bathgate

the

(Sec

My

here

Cottage and

(a) the triangular area of ground tinted brown on the cadastral map and

(b) the said driveway tinted yellow on the cadastral map and the costs of maintenance, repair and renewal of the same will be shared equally between me and my successors as proprietors of Burnside Cottage and my said disponent and his successors as proprietors of the subjects hereby disposed;

(Third)

My said disponent and his successors will be bound to maintain and pay an equitable share of the costs of maintenance, repair and renewal of the subjects hereby disposed of and the driveway and any other works at the subjects hereby disposed of.

As you can see from the above that this confirms that we share half the cost of the Driveway as you can clearly see from the Title Deeds and we did not consent to any work being carried out

(Fourth)


the  
the  
and  
ing  
subjects





As you can see the ground work ~~is~~ is only filled with soil and this was clearly completed before the fence as you can see the fence posts are not even all filled in. This photo was taken on the 23rd of June at 13.50. So none of these were in





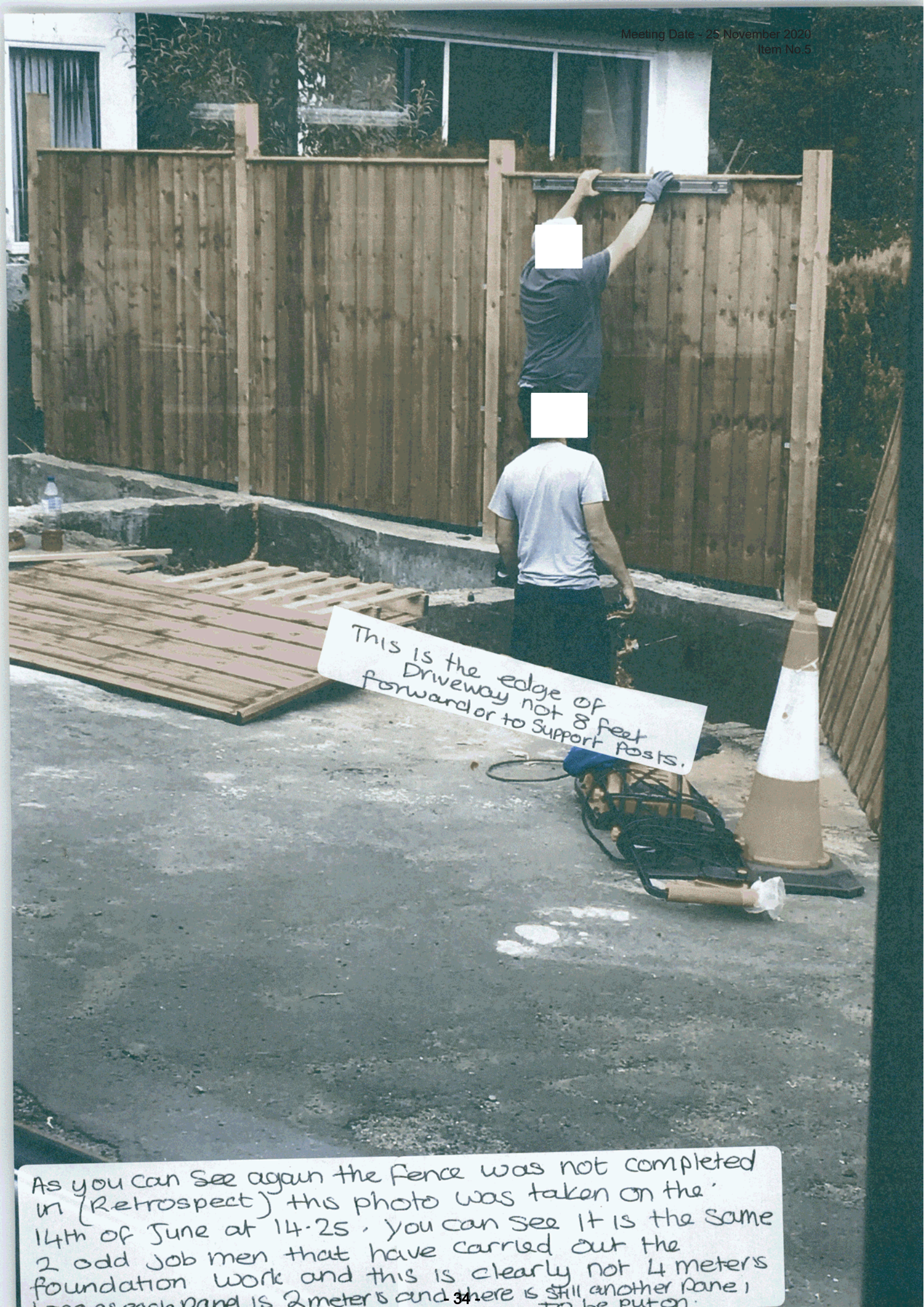
As you can see this is not supporting the edge of the driveway as stated but extending the area into the garden space

Driveway edge

As you can see this is well over 4 meter's as stated in the plan's and not against the driveway as claimed on planning application

This picture was taken on the 15th of May at 12.09 The fence was passed on the 10th of June and as you can see foundation's were in





This is the edge of  
Driveway not 8 feet  
forward or to support posts.

As you can see again the fence was not completed  
in (Retrospect) this photo was taken on the  
14th of June at 14.25. you can see it is the same  
2 odd job men that have carried out the  
foundation work and this is clearly not 4 meters  
each band is 2 meters and there is still another one  
to be put on.





As you can see the fence posts are nowhere near the edge of the drive but 8 feet forward and these green trees and hedges were all





As you can see from the parking cone this is the edge of the drive and has been extended over 8 feet forward into Winnock's Garden and not ~~See~~ For support of the driveway wall





As you can see the quality  
of the concrete in the picture  
This was it the day it got  
filled with soil.





As you can see this is the  
Gate post opening out onto  
the drive and attached to  
the council wall. As you  
can see the original fence.  
is still there but not being



As you can see there is no damp proofing course and the concrete has no top finishing coats, as you can see it is not even level and filled up with old wood and mud.





As you can see this is another vehicle having to reverse out the drive onto the on-coming traffic.



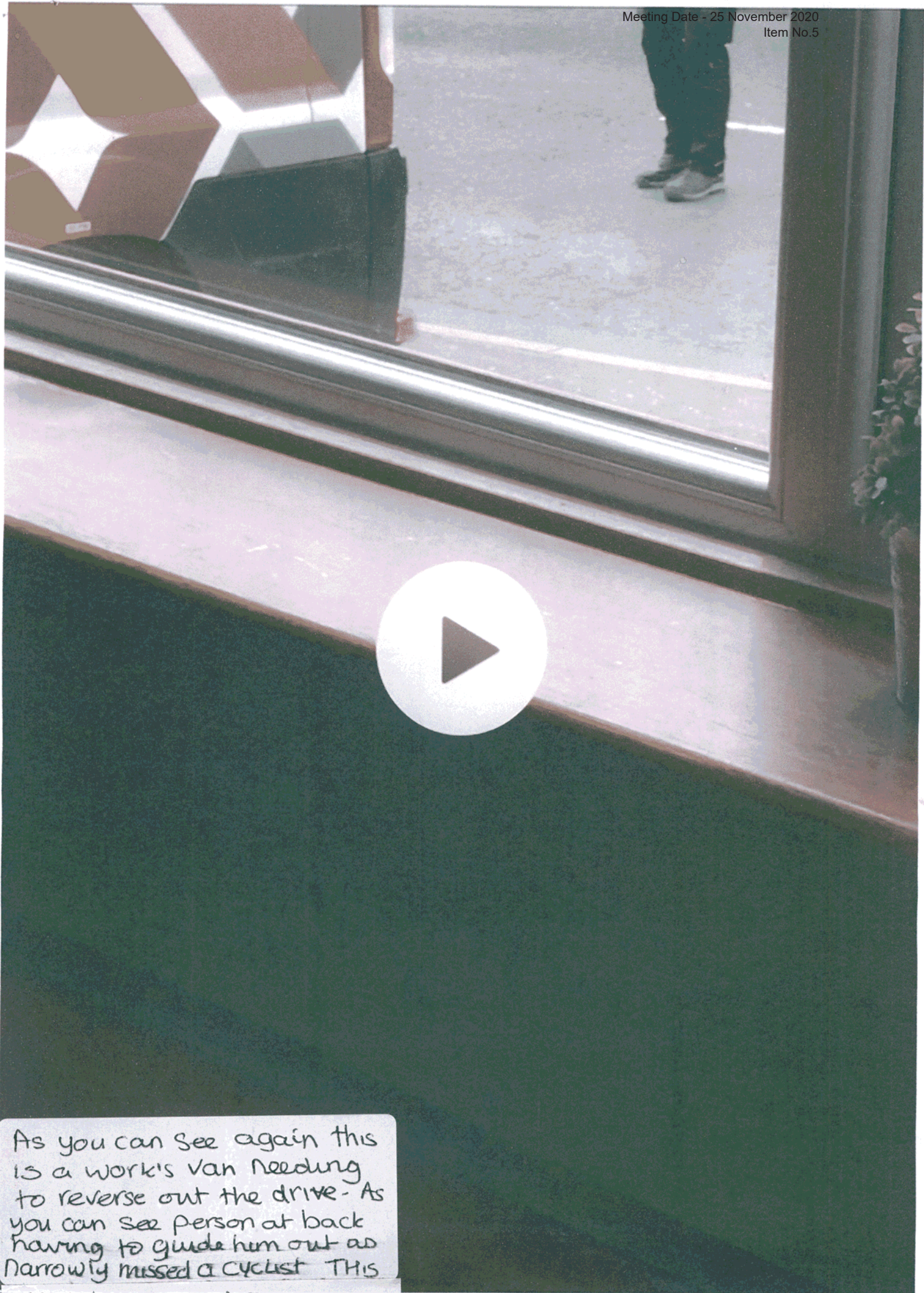
As you can see this area  
has definately been created  
As parking causing us  
problemis. This has not even  
been passed or STRUTURAL  
Report so in breach again. This  
was taken on 27th of July  
2019 at 20:51. Original  
copy can be sent over  
Screen shot with time +  
Date.





As you can see the blue Taxi  
just had to reverse down  
the Drive to exit the driveway  
on the 4th of July at 12-48.  
Can send original Screenshot  
with Date + Time.





As you can see again this is a work's van needing to reverse out the drive - As you can see person at back having to guide him out as narrowly missed a cyclist THIS

was taken 3rd July at 11.54 again original can be supplied





As you can see this bike was just second's away from a Van reversing out the drive into him. Morgan Hewitt has the video Footage.



## Comments for Planning Application 0716/H/19

### Application Summary

Application Number: 0716/H/19

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Erection of a retaining wall (in retrospect)

Case Officer: Nancy Douglas

### Customer Details

Name: Mr Robert Flockhart

Address: 5 whitelaw drive Soon to be Burnside annex EH48, 4PX Burnside Road Bathgate

### Comment Details

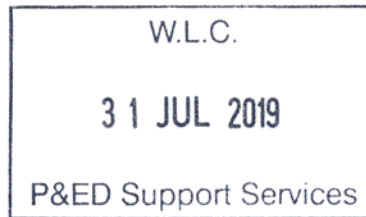
Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I sent a objection in by post on the 30th of July

Mr R Flockhart  
5 Whitelaw drive  
Bathgate  
EH48 4RL



02/08/2019

0716/4/19  
Waney

F.A.O Planning west Lothian council

I would like to send this letter to object to the planning application at Winnock Bathgate for the proposal of the erection of a retaining wall in( retrospect) REF 0716/H/19 As we are looking to be talking up residence at the proposed Annex at Burnside Road Burnside Cottage with our son and daughter-in-law.

When we had plans drawing up for the Annex this is gone to be used for myself and my wife we are both pensioners I am registered disabled Blue badge holder in my 80s with hart conditions and my wife has no use of her hands as she suffers from Arthritis and also suffers leg conditions this is the reason we need to be on one level .

So it is important that the car is parked close by so we can still have our independence . This is the reason we are looking to move in with family we have a car and the area for turning was no problem when we had the plans drawing up.

Now due to this fence and parking area created by Winnock.

This would make it very dangerous for reversing and exiting the parking area and walking around our car safely.

when the work was carried out on the foundations this meant that we could not get up to the parking area causing us problems.

Needing to park at the front this was a big problem as now the fence is right over by over a meter west this is dangerous walking up the drive safely as it takes us a long time walk up and there was no room for a car to pass us walking up the drive.

So as the foundation were not in before the application I would like it to be considered that both the fence and the foundations should both be removed in the event of safety for everyone.

As the plans for the fence where not what is there

I would also state that I would like the area that is been used as parking at Winnock be served that there is no parking on this area should it be passed and they uses there parking



## Comments for Planning Application 0716/H/19

### Application Summary

Application Number: 0716/H/19

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Erection of a retaining wall (in retrospect)

Case Officer: Nancy Douglas

### Customer Details

Name: Mrs Elizabeth Flockhart

Address: Burnside cottage Burnside road bathgate

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I Liz Flockhart would like to OBJECT for the following reasons

1) Both this and REF0256/H/19 should both have been applied for at the same time. As the foundations were drawn in the first set of plans.

2) As for the reason that the applicant was not aware that the foundations needed planning permission is again in question as they were in place when the planning officer visited the breach of the fence being erected on the 01 April 2019 and the foundations were started before the 19 th MARCH 2019

3) I would like both the fence and the foundations to be taking into consideration as the fence that was passed on the 10th June 2019 in retrospect was not completed and clearly as now on the 12 July 2019 the foundations for the fence posts to be erected in is still not passed. So I would also like to object to the fence as this area was never here and would cause a big problem for safety and privacy to road users and pedestrians and also causing us to lose our line of vision to safely exit onto the public highway and enter the driveway with clear vision.

4) The area of land that was garden did not apply for a change of use and claimed that they needed to put the foundations in to support the fence. Should this be the case then this means that the fence clearly was not in place and therefore cannot be passed in retrospect the applicant applied to reinforce the wall along the edge of the drive not to extend into the garden area over 8 feet by 23 feet approx.. This does not match what is again on the planning application as it is clearly not replacing the old chain link fence but reinstating a new fence in a new position in order to create a parking area that has also not been applied for and we would not welcome this due to privacy and safety and there is no structural engineers report and the wall is approx. 5 feet in height.

5) As for safety Winnock do not have a turning area making this very dangerous for us walking up or down the driveway as we have 4 kids and 3 dogs and have disabled visitors and this area

would cause allsorts of problems this was all pointed out in our objection to the fence and like the foundations requiring planning permission we feel was also not fully investigated and there is no structural engineers report and no highways report and we have sent in a lot of video footage to support the danger that this is causing on a road calming area with speed bumps only feet away from the drive

6)if this area was to be passed this would mean that we would lose parking to our house as we cant reverse safely out of our parking area so need to park at the front of the house in order to make sure our kids are safe when getting in and out the car as like. We said winnock are reversing out and my husband has been reversing up the driveway and it is not safe as again the applicant and their small kids still walk and cycle up and down the driveway and it is dangerous. Should this go to committee I would like informed to attend. footage provided

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

Our Ref: 0716/H/19  
Direct Dial No: 01506 281110  
Email: rachael.lyall@westlothian.gov.uk  
12 November 2020  
Tel: 01506 280000

## 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 is no material considerations to indicate that the application should not be granted.

**This permission is granted subject to the following conditions:**

- (1) The fence shall not exceed the height shown on the approved plans; hereby approved and shall be retained at this height in perpetuity unless otherwise agreed with the planning authority.

Reason: In the in residential and visual amenity.

**Standard Notes:**

**Notification of the start and completion of development:**

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site and again once the development is completed. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. Failure to provide the above information may lead to enforcement action being taken. Forms which can be used for this purpose can be found using the following link:

<https://www.westlothian.gov.uk/article/33097/Initiation-of-Development>  
<https://www.westlothian.gov.uk/article/33098/Completion-of-development>

**Duration of consent:**

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

**How to challenge the council's decision**

If your application was determined under delegated powers and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. If the

application was heard at a committee, then you can appeal that decision to the Scottish Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review or to appeal here: <https://www.westlothian.gov.uk/article/33128/Decisions-Reviews-and-Appeals>

**Additional consents:**

It is the developer's responsibility to obtain all necessary consents prior to commencing works.

**Potentially Contaminated Land:**


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



## ☒ LOCAL MEMBER REFERRAL REQUEST ☒

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

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

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
<p><b>Application Reference Number</b></p> <p>.....0716H/19..... .....</p> <p><b>Site Address</b></p> <p>WINNOCK BURNSIDE ROAD ..... .....</p> <p><b>Title of Application</b></p> <p>RETROSPECTIVE PLANNING APPLICATION ..... .....</p> <p><b>Member's Name</b></p> <p>Cllr ...CARTMILL..... .....</p> <p><b>Date</b> 23.10.2020 .....</p>	<p><b>Applicant Request</b>..... <input type="checkbox"/></p> <p><b>Constituent Request</b>..... <input type="checkbox"/></p> <div style="text-align: center; margin: 10px 0;">  <div style="display: inline-block; vertical-align: middle;"> <p style="font-size: 1.2em; margin: 0;">West Lothian Council</p> </div> </div> <p><b>Other (please specify)</b>..... <input type="checkbox"/></p>



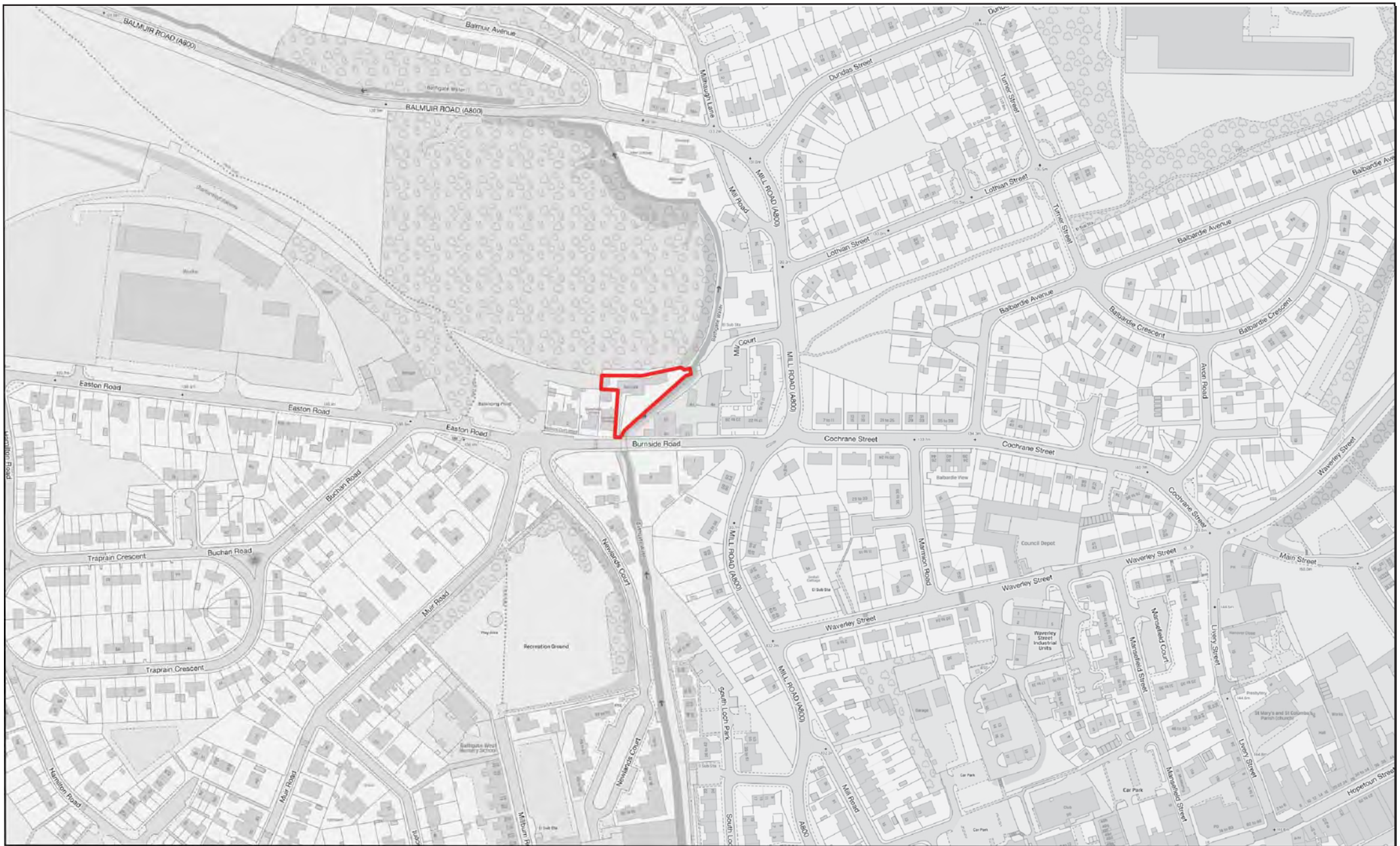
# Development Management Committee

25 November 2020

Item No 05: Application No. 0716/H/19

Erection of a retaining wall and fence (in  
retrospect at  
Winnock Burnside Road, Bathgate EH48 4PX













**UK  
Planning  
Maps**

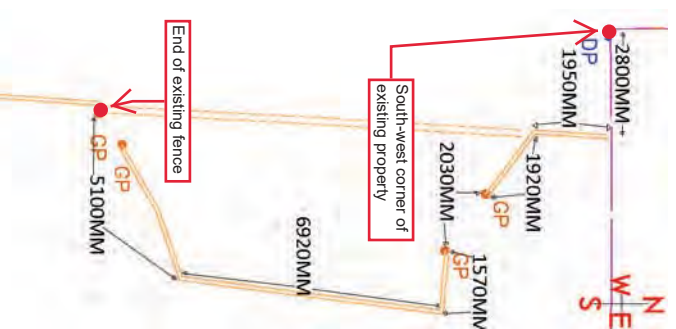


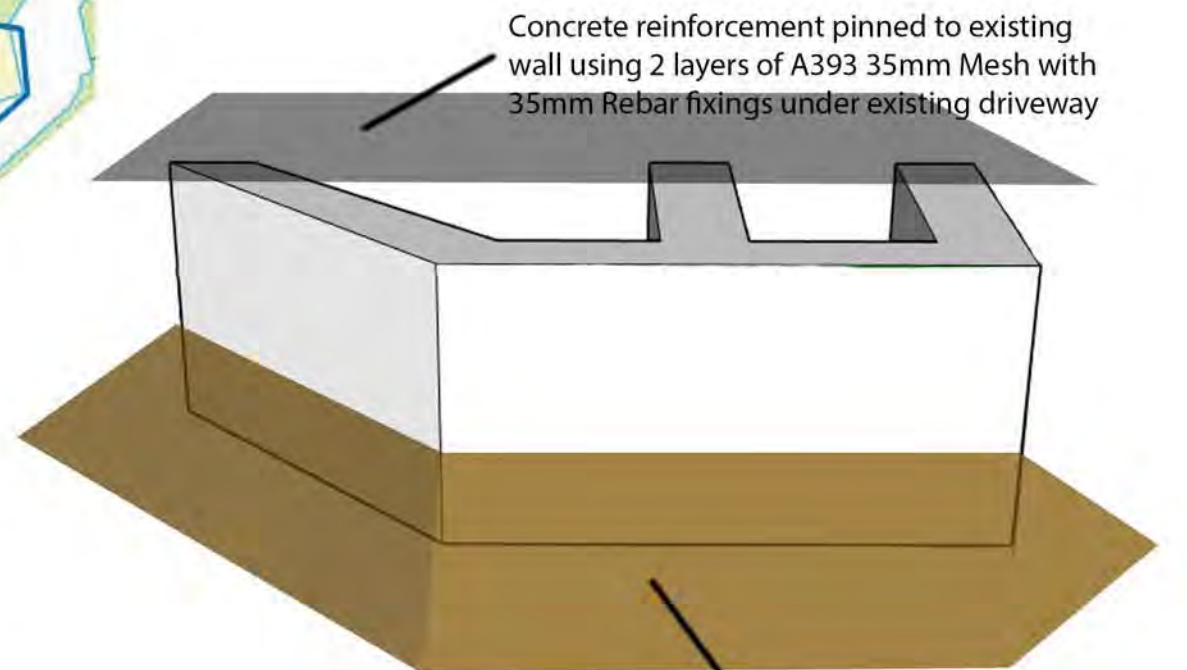
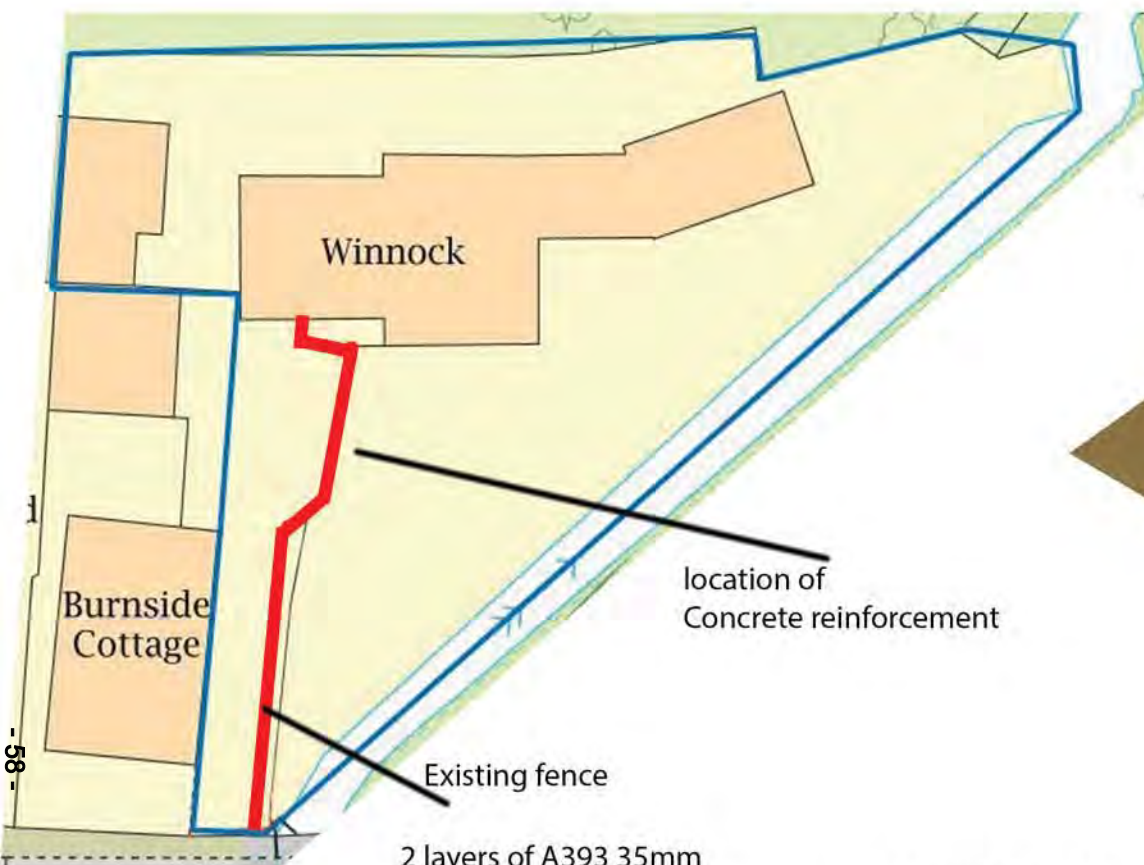
## Winnock, Burnside Road, Bathgate, EH48 4PX



Scale 1:1250

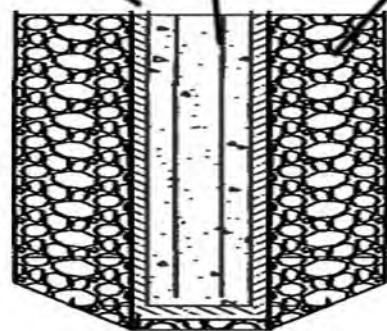
Map area bounded by: 296890,669145 297090,669345. Produced on 12 March 2019 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2019. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p4buk/328281/446343





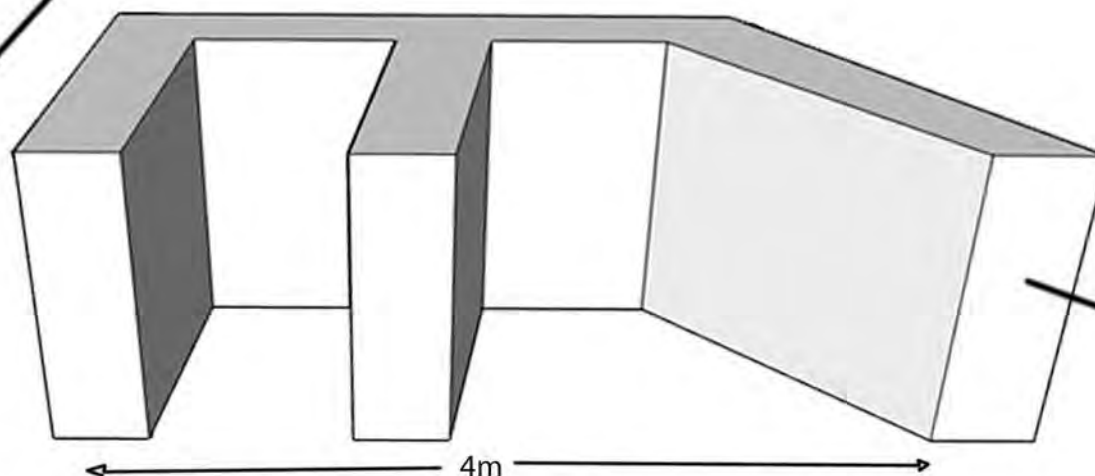
2 layers of A393 35mm wire mesh within lean mix concrete

DPM capped with DPC



Cross section of Concrete Reinforcement to existing wall

Concrete Type 1



Representation of concrete steel reinforced wall to strengthen and support existing wall.

Foundation buried to 70 cm below surface with DPM capped with DCM

40cm wide  
180cm (high)  
70cm below ground level as foundation



































## DEVELOPMENT MANAGEMENT COMMITTEE

### Addendum Report by Head of Planning, Economic Development and Regeneration

#### 1 DESCRIPTION

Erection of 54 houses and 56 flats with associated landscaping, drainage and infrastructure (as amended) at Land at Hunter Road, Kirkton Campus, Livingston

#### 2 DETAILS

<b>Reference no.</b>	<a href="#">1149/FUL/19</a>	<b>Owner of site</b>	Camlin (Linwood) Limited
<b>Applicant</b>	Robertson Living & Camlin (Linwood) Limited	<b>Ward &amp; local members</b>	<b>Livingston South</b>  Councillor Lawrence Fitzpatrick  Councillor Peter Heggie  Councillor Moira Shemilt
<b>Case officer</b>	Matthew Watson	<b>Contact details</b>	01506 283536 matthew.watson@westlothian.gov.uk

**Reason for referral to Development Management Committee:** Referred by Councillor Fitzpatrick

#### 3 RECOMMENDATION

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

#### 4. BACKGROUND & DETAILS OF THE PROPOSAL

4.1 At the meeting of the Development Management Committee on 28 October 2020 members agreed to continue this application. The reason for continuation is as follows:

*"To continue the application for two cycles, unless it could be brought back to committee sooner, to allow Legal to ascertain if residential development sites of more than 200 units required a secondary access point."*

4.2 This report will focus only on the matter of access and transport impact of the development. Other matters were discussed at the previous meeting of the Development Management Committee and no other matters were noted by members for continuing the application.



4.3 In relation to the legal position on the number of units that can be served by a single access, reference was made to 'the Wimpey case' when the proposed development was heard at the meeting of the Development Management Committee on 28 October 2020. The council's Legal Services has not been able to locate any such case law.

4.4 Lothian Regional Council's document 'Standards for Development Roads. A guide to the design and construction of roads for adoption', dated April 1992, did give guidance on the number of residential properties recommended to be served by a general access road, that being up to 200 units. However, this document has now been superseded by Designing Streets and the National SCOTS Roads Development Guide. It is confirmed on page 3 of Designing Streets that

*"In addition, all previous road guidance and standards documents based on DB32 principles are superseded by Designing Streets."*

and

*"Designing Streets should be adopted by all Scottish local authorities or should provide the basis for local and site-specific policy and guidance."*

In this context, 'DB32' (Design Bulletin 32) are old road standards.

4.5 Designing Streets does not recommend limits for the number of residential properties served from a single access. This is re-enforced by the SCOTS National Roads Development Guide (NRDG) and the council's Residential Development Guide Supplementary, both of which do not require any limits. Indeed, the NRDG states at para 1.5:

*"the NRDG supports Designing Streets and expands on its principles to clarify the circumstances in which it can be used."*

The matter of how many residential properties should be served by a single access is therefore to be assessed by local authorities on a case by case basis.

4.6 The proposal remains unchanged from the scheme previously reported to committee on 28 October 2020. However, the applicant is willing to accept a condition for a secondary access if members continue to have concerns over access and the transport impacts of the proposal and a scheme for a second access has been designed.

## 5. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
WLC Transportation	No	No objection to the application in terms of vehicle movements and the number of residential properties being served by one access	Noted.



<b>6. ASSESSMENT</b>
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- 6.1 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.
- 6.2 The development plan comprises the Strategic Development Plan for South East Scotland (SESplan) and the West Lothian Local Development Plan, 2018.
- 6.3 The relevant development plan policies are listed below:

Policy	Policy Summary	Assessment	Conform ?
West Lothian Local Development Plan (LDP) (2018)	This policy requires the transport impacts of development to be acceptable.	The transport impacts of the proposed development are acceptable and there will not be an adverse impact on the capacity of the junction with Kirkton South Road.	Yes
TRAN 1 Transport Infrastructure		See assessment below.	

- 6.4 The determining issues that members need to consider are:

### Transport and Access

- 6.5 Policy TRAN 1 requires the transport impacts of development to be acceptable.
- 6.6 As stated above, the proposal remains unchanged from the scheme previously reported to committee on 28 October 2020. The proposal would result in 306 residential units being served by an access off Kirkton South Road onto Hunter Road.
- 6.7 In terms of traffic impact, the applicant's transport statement, which was based on the previous iteration of the development for 118 units, estimated that there would be an additional *"59 – 66 vehicle journeys on the road network during each weekday peak hour translates to around one additional vehicle journey each minute"*. The current proposal for 110 units would see less vehicle journeys. Around one additional vehicle journey per minute is a minimal impact on the surrounding area.
- 6.8 The council's Roads and Transportation service has provided further comment on the proposal and has raised no objection to the proposed development and the number of resultant vehicle movements and its impact on the Hunter Road / Kirkton South Road junction, as well as the number of properties being taken off the access between Kirkton South Road and Hunter Road.
- 6.9 As stated above, the applicant is willing to accept a condition for a secondary access for emergency vehicles off Alderstone Road if members continue to have concerns over the transport impacts of the development. It should be noted that providing such an access would result in a loss of twelve trees (eight category B trees and four category C trees).



- 6.10 Overall, the transport impacts of the development are acceptable and the proposal complies with Policy TRAN 1 of the LDP.

<b>7. CONCLUSION AND RECOMMENDATION</b>
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- 7.1 As previously stated, the principle of development is acceptable and the proposed development integrates with its context and built form. The impact on trees and the transport impacts of the development are acceptable. The proposal complies with the relevant provisions of the development plan. There are no material considerations that outweigh granting planning permission.
- 7.2 Consequently, and in view of the above, it is recommended that planning permission is granted, subject to conditions and a legal agreement securing developer contributions.

<b>8. BACKGROUND REFERENCES &amp; ATTACHMENTS</b>
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- Draft Conditions
- Committee Report – 28 October 2020
- Location Plan
- Proposed Site Plan
- Representations
- Member Referral Form

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

Craig McCorriston

**Head of Planning, Economic Development and Regeneration      Date: 25 November 2020**

### **Draft Conditions: Hunter Road – 1149/FUL/19**

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

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

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

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

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

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

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

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

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

5. Prior to the commencement of development, a woodland management plan that sets out maintenance arrangements for the woodland at the north west of the site for a minimum of 25 years and who is responsible for maintenance, as well as setting out informal access to this area, shall be submitted to and approved in writing by the planning authority. Thereafter, the management plan shall be implemented in accordance with its approved details.

*Reason: To ensure there is a long term management plan in place for the maintenance of the woodland.*

6. The landscaping, including tree replanting, as approved in drawings 95-57-01e, 95-57-02e 95-57-03e and 95-57-04e, shall be implemented in the first planting season following any residential unit being occupied, or completion of the development, whichever is sooner.

The new planting shall be maintained for a minimum period of five years until it becomes established. Any trees which within a five year period following completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next



planting season with others of a similar size and species unless the planning authority gives written consent to any variation.

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

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

*Reason: In the interests of safeguarding archaeological heritage.*

8. Surface water from the development shall be treated and attenuated by a sustainable drainage system (SUDS) in accordance with the Water Assessment & Drainage Assessment Guide (published by SUDS Working Party) and The SUDS Manual C753 (published by CIRIA).

The proposed drainage layout shall be implemented in accordance with drawing 18-083-20 H, unless otherwise agreed in writing by the planning authority.

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

9. The measures in the submitted Flood Risk Assessment shall be implemented in accordance with the report titled 'Proposed Residential Development Hunter Road, Livingston Flood Risk Assessment Report For Robertson Living', dated 21 December 2018 and the submitted Flood Risk Supplementary Information, dated 7 August 2020.

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

10. Prior to the commencement of development, details of electric charging points for one in six of the houses, which shall be off-street provision, and one in six of the flats, which shall be on-street provision, including who will be responsible for the maintenance of on-street charging points, shall be submitted to and approved in writing by the planning authority. Thereafter, the approved details shall be installed prior to the occupation of the relevant houses and flats.

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

11. The remedial measures shall be undertaken in accordance with the details in the report titled 'Robertson Living Proposed Residential Development, Former Vodafone Site, Hunter Road, Livingston Remediation Statement June 2020' prior to the occupation of any of the houses.

Following completion of the measures identified in the approved Remediation Statement, a Verification Report that demonstrates the effectiveness of the remediation carried out must be prepared. The Verification Report must be submitted to and approved in writing by the Planning Authority prior to commencement of the new use of the land.

*Reason: To ensure there is no contamination on the site that could pose a risk to the health of future occupiers, in the interests of amenity.*

12. The mitigation measures set out in the 'Hunter Road, Livingston – Noise Impact Assessment (NIA) Addendum', dated 10 July 2020, shall be implemented prior to the occupation of plots 8, 9, 10 and 11.

*Reason: To ensure mitigation measures for noise are implemented, in the interest of the amenity of future occupiers.*

13. For the avoidance of doubt, no bedrooms shall face towards Alderstone Road in the flatted blocks at plots 12-67.

*Reason: In the interest of the amenity of future occupiers.*

14. The road between plots 77 and 83 shall be a shared surface with monoblocks.

*Reason: In the interest of road safety.*

15. The footway on either side of the site access at plot 83 shall turn into the development to the tangent point.

*Reason: In the interest of road safety.*

16. Prior to the commencement of development, measures to encourage provision for wildlife shall be submitted to and approved in writing by the planning authority. Thereafter, the agreed measures shall be implemented in accordance with the approved details prior to the completion of the development.

*Reason: To ensure the development provides opportunity for wildlife enhancement.*

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

#### Noise (Construction)

- Any work required to implement this planning permission that is audible within any adjacent noise sensitive receptor or its curtilage shall be carried out only between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on a Saturday and at no time on a Sunday. This includes deliveries and operation of on site vehicles and equipment.
- No generators shall be audible within any residential properties between the hours of 2100 and 0800.

#### Noise (Vehicles/Plant)

- All site vehicles (other than delivery vehicles) must be fitted with non-tonal broadband reversing alarms.
- Heavy goods vehicles shall not arrive or leave the site except between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on a Saturday. No heavy goods vehicles shall arrive or leave the site on a Sunday.

#### Vibration (Construction)

- Where piling or other significant vibration works are likely during construction which may be perceptible in other premises, measures must be in place (including hours of operation)



to monitor the degree of vibration created and to demonstrate best practice. Prior to any piling or other significant vibration works taking place, a scheme to minimise and monitor vibration affecting sensitive properties shall be submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the details as approved.

#### Site Compound

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

#### Waste

- Effective facilities for the storage of refuse, building debris and packaging shall be provided on site. The facilities shall be specifically designed to prevent refuse, building debris and packaging from being blown off site. Any debris blown or spilled from the site onto surrounding land shall be cleared on a weekly basis. For the purposes of this condition, it shall be assumed that refuse, debris and packaging on surrounding land has originated from the site if it is of the same or similar character to items used or present on the site.

#### Wheel Cleaning

- All construction vehicles leaving the site shall do so in a manner that does not cause the deposition of mud or other deleterious material on surrounding roads. Such steps shall include the cleaning of the wheels and undercarriage of each vehicle where necessary and the provision of road sweeping equipment.

*Reason: In the interests of visual and environmental amenity.*

### **Advisory note – Protected Species**

It is the **applicant's responsibility** to determine if there are protected species, including European protected species present, and to take appropriate action if there are, in order to conform to other legislation. If the applicant proceeds with work which results in the harm or disturbance to an animal without having carried out sufficient suitable surveys, they would be **committing an offence** under the Habitats Regulations.

**It is an offence** to deliberately or recklessly capture, kill, disturb etc. any protected species under the Habitat Regulations, for example, bats and nesting birds. It is also an offence to damage or destroy a breeding site or resting place of such an animal, even when the animal isn't present.

If protected species are found prior to or during works then the applicant must apply for a license or licenses from Scottish Natural Heritage before works to the tree(s) where protected species have been found can commence or continue.

Scottish Natural Heritage provides detail of the protection given to European Protected Species and information on the licensing process is also available on the Licensing pages of the SNH website.



## DEVELOPMENT MANAGEMENT COMMITTEE

### Report by Head of Planning, Economic Development and Regeneration

#### 1 DESCRIPTION

Erection of 54 houses and 56 flats with associated landscaping, drainage and infrastructure (as amended) at Land at Hunter Road, Kirkton Campus, Livingston

#### 2 DETAILS

<b>Reference no.</b>	<a href="#">1149/FUL/19</a>	<b>Owner of site</b>	Camlin (Linwood) Limited
<b>Applicant</b>	Robertson Living & Camlin (Linwood) Limited	<b>Ward &amp; local members</b>	<b>Livingston South</b>  Councillor Lawrence Fitzpatrick  Councillor Peter Heggie  Councillor Moira Shemilt
<b>Case officer</b>	Matthew Watson	<b>Contact details</b>	01506 283536 matthew.watson@westlothian.gov.uk

**Reason for referral to Development Management Committee:** Referred by Councillor Fitzpatrick

#### 3 RECOMMENDATION

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

#### 4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 The application proposes the erection of 54 houses and 56 flats on land at Hunter Road, Livingston.
- 4.2 The site is 2.45 ha in size and was the site of the now demolished Vodafone factory. Mature trees bound the site to the north, contiguous with the rear boundaries of properties at Kaims Grove and to the east with Alderstone Road. Mature trees at the north west corner of the site are covered by the 1965 Tree Preservation Order (TPO) for Livingston New Town. Flatted properties are located along the southern boundary of the site at Kaims Terrace.
- 4.3 The application site is located within the Livingston settlement boundary but is not allocated for any specific land use in the adopted West Lothian Local Development Plan and is therefore a windfall site.



- 4.4 Four flatted blocks are proposed at the east of the site, which vary between three and four storeys in height, with the rear elevation of these blocks facing towards Alderstone Road. Two of these blocks, totaling 28 flats, are the affordable housing for the development. A mix of detached, semi-detached and terraced market housing is proposed throughout the site. The houses and flats are predominately proposed to be finished with render with a brick basecourse. The flats and some house types are proposed to have projections finished in brick. A mixture of red and grey roof tiles is proposed for the roof finishes.
- 4.5 A total of 273 trees are proposed for removal with 242 trees plus 3,320 whips proposed as replanting giving a total of 3,572 trees as compensatory planting. Some of the whips will, however, be thinned as part of the on-going woodland maintenance which will be introduced in order to create sustainable, healthy woodland in and around the site. A breakdown of the quality of trees proposed for removal is located at para 7.23 of the report. Where category 'A' or 'B' quality trees are being removed replanting will be in the form of standard or heavy standard trees and a minimum replacement of 1 new tree for each tree removed and up to 6 trees for each tree removed on some parts of the site. The majority of tree removal is at the west of the site, as well as at the north east corner. Replanting is proposed throughout the site.
- 4.6 The layout of the proposed development has been revised from its previous iteration to address concerns in representations and from Livingston Village Community Council about density and road safety.

### History

- 4.7 0758/PAC/18: Proposal of application notice for a residential development with associated access, landscaping and infrastructure, Agreed, 06/12/2018
- 4.8 0814/PAC/16: Proposal of application notice for residential development with associated access, landscaping and infrastructure, Application abandoned, 02/11/2017

## 5. REPRESENTATIONS

- 5.1 Livingston Village Community Council supports the proposed development, subject to certain conditions being attached to any permission. Five objections have been received in relation to the proposed development. All representations are attached to this report.
- 5.2 A summary of representations is located in the table below.

Comments	Response
<u>Support</u> <ul style="list-style-type: none"> <li>Support for the site being developed for housing following latest revisions, subject to conditions</li> <li>Conditions relating to landscape and woodland management, wildlife, archaeology and construction hours should be applied if the council is minded to grant planning permission</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> <li>Noted and these conditions are proposed to be attached to any planning permission</li> </ul>
<u>Objections</u> <ul style="list-style-type: none"> <li>Traffic impact and road safety</li> </ul>	

<ul style="list-style-type: none"> <li>• Lack of open space</li> <li>• Density of development is too high</li> <li>• Maintenance of trees and woodland</li> <li>• Education capacity</li> </ul>	<ul style="list-style-type: none"> <li>• Transportation has raised no objection to the application and has found the traffic statement to be competent. The layout has been revised to address comments about the safety of driveways fronting Hunter Road</li> <li>• The council's open space officer has raised no objection to the proposal and contributions towards open space upgrades in the surrounding area are required.</li> <li>• The layout has been revised to address comments about density. This has dropped the number of units on the site from 118 to 110. See the section on design below.</li> <li>• A woodland management plan will be a condition on the planning permission.</li> <li>• An extension to Livingston Village Primary School is required as a result of the development. With this secured through a legal agreement, Education Planning has no objection to the application.</li> </ul>
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## 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 Transportation	No	No objection to the application subject to conditions on the turning of a footway and shared surface material.	Noted and conditions attached.
WLC Environmental Health	No	No objection subject to conditions related to bedrooms in the flats being to the front of the blocks and mitigation measures for plots	Noted and the conditions are proposed to be attached to any planning permission.
WLC Arboricultural Officer	No	Supportive of the development and the survey carried out is accurate.	Noted.
WLC Flood Risk Management	No	The drainage assessment submitted is acceptable and planning permission should be conditional upon the drainage layout being	Noted and a condition is proposed to be attached to any planning permission.



		implemented. The flood risk assessment and its supplementary report are acceptable.	
WLC Contaminated Land Advisor	No	The site investigation and remediation statement is acceptable. A planning condition for a verification report is required.	Noted and condition attached.
WLC Education Planning	No	No objection subject to receiving developer contributions towards an extension of Livingston Village Primary School and the building of a denominational secondary school in West Lothian.	Noted. Education contributions will be secured through the Section 75 legal agreement.
WLC Housing Strategy & Development	No	The application complies with the affordable housing policy. The 25% affordable housing requirement should be secured in a Section 75 agreement.	Noted. 25% affordable housing will be secured through the Section 75 legal agreement.
WLC Open Space Officer	No	No objection to the application. As there is no requirement for a local park, the small area of open space is welcome. Informal access should be allowed to the woodland.	Noted. The woodland management plan to be secured through a condition can set out how informal access can be made in the woodland. Contributions will be taken to upgrades for parks in the surrounding area.
WLC Waste Services	No	No objections to the application following latest site layout revision.	Noted.
WLC Countryside Services	No	Provision for wildlife should be included in the development. The loss of the pond should be reconsidered.	Noted. A condition for wildlife measures is proposed to be attached to the permission. The pond is proposed to be removed.
Livingston Village Community Council	No	Support the revised layout. Conditions relating to landscape and woodland management, wildlife, archaeology and construction hours should be applied if the council are minded to grant planning permission.	Noted and conditions attached.
West of Scotland Archaeology Service	No	No objection subject to a condition for an archaeological programme of works being applied.	Noted and condition proposed to be attached to the permission.

## 7. ASSESSMENT

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

Policy	Policy Summary	Assessment	Conform ?
West Lothian Local Development Plan (LDP) (2018)  HOU 3 Infill/Windfall Housing Development within Settlements	This policy states that residential development on sites within settlement boundaries are acceptable subject to meeting nine criteria.	The proposal complies with the applicable criteria.  The proposal complies with Policy HOU 3. See the 'Principle of Development' section below for more detail.	Yes
West Lothian LDP  EMG 6 Vacant, Derelict and Contaminated Land	This policy states the redevelopment of vacant land is supported in principle.  The policy also states that, where a site is suspected to be contaminated, site investigations and remedial measures need to be submitted.	The application would result in the redevelopment of a vacant, brownfield site to residential use.  A remediation statement will be secured through a planning condition.  The proposal complies with Policy EMG 6.	Yes
West Lothian LDP  ENV 9 Woodlands, Forestry, Trees and Hedgerows	This policy sets out the criteria for loss of trees of amenity value and that are subject to a TPO. Significant public benefits need to be demonstrated to allow for removal of woodland and compensatory planting needs to be secured.	The application delivers significant public benefits. Removal of existing trees is, on balance, acceptable. Compensatory planting and long term management will be secured through planning conditions.  See the 'Impact Trees' section below for more detail. The proposal complies with Policy ENV 9.	Yes
West Lothian LDP  ENV 10 Protection of Urban Woodland	This policy states that the removal of urban woodlands will only be acceptable where there are significant public benefits.	The application will result in significant public benefits. See the 'Impact on Trees' section below for more detail.  The proposal complies with Policy ENV 10.	Yes



West Lothian LDP DES 1 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 layout is acceptable and the development integrates with its local context and built form.  The proposal complies with Policy DES 1. See the 'Design and Layout' section below for more detail.	Yes
West Lothian LDP EMG 3 Sustainable drainage	This policy states drainage proposals need to ensure surface water can be attenuated.	A drainage assessment has been submitted with the application and has been found to be acceptable by the council's Flood Risk Management team.	Yes
West Lothian LDP HOU 4 Affordable Housing	This policy requires housing sites of more than 25 houses in Livingston South to contribute towards affordable housing via on-site provision.	The applicant is to provide 25% on-site provision for affordable housing, which is to be secured through a Section 75 agreement. The proposal complies with Policy HOU 4.	Yes
West Lothian LDP INF 1 Infrastructure Provision and Developer Obligations	This policy requires developers to enter into a legal agreement to secure developer contributions towards local infrastructure.	The proposal will result in a need for contributions towards education, public art, open space and cemeteries. These have been agreed with the applicant and the proposal is acceptable, subject to a legal agreement securing these contributions.	Yes
West Lothian LDP ENV 32 Archaeology	This policy requires development not to have a negative impact on archaeological sites.	It is proposed to attach a condition for a programme works for archaeology. With this condition in place, the proposal complies with Policy ENV 32.	Yes
West Lothian LDP ENV 20 Species Protection and Enhancement	This policy states development affecting protected species will not be permitted, unless four criteria can be demonstrated.	The application will result in the draining of an ornamental pond. An E-DNA test for great crested newts returned a negative result. An advisory note will be added to the decision to remind the applicant of their responsibilities under protected species legislation. The proposal complies with ENV 20.	Yes
West Lothian LDP TRAN 1 Transport Infrastructure	This policy requires the transport impacts of development to be acceptable.	The submitted transport statement is acceptable and Transportation has raised no objections on the grounds of road safety.	Yes

		The proposal complies with Policy TRAN 1. See the 'Traffic Impact and Transport' section for more detail.	
Supplementary Guidance  Residential Development Guide (RDG)	This document requires residential development to accord with the guidance in the RDG.	The proposal is in accordance with the principles of the RDG.	Yes
Supplementary Guidance (SG)  Affordable Housing	This document requires proposals to accord with the text of the SG.	The proposal accords with the SG with the provision of on-site affordable housing.	Yes

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

### Principle of Development

- 7.5 Policy HOU 3 of the LDP states that housing development within settlement boundaries will be supported if it is in keeping with the character of the settlement and is compatible with nearby uses; is not designated for employment use or open space; is not at significant risk of flooding; and complies with other relevant policy and guidance.
- 7.6 Policy EMG 6 of the LDP states that 'The development of vacant and derelict land is supported in principle provided that the proposal is compatible with other policies of the Local Development Plan'.
- 7.7 The proposed development would result in the redevelopment of a vacant area of land within the Livingston settlement boundary.
- 7.8 As explained below, the proposal is in keeping with the character of the settlement and compatible with nearby uses. The site has good accessibility to Livingston Town Centre by public transport with bus stops located immediately adjacent the application site on Alderstone Road. A path through the proposed layout links to the underpass at Alderstone Road providing an active travel link to the Town Centre. The site is in a sustainable location for housing development. The site is not allocated for open space nor employment uses.
- 7.9 An extension to Livingston Village Primary School will be required for existing infrastructure to accommodate the development and this will be secured through a Section 75 legal agreement. The site is not at significant risk of flooding and the council's Flood Risk Management team has raised no objection to the proposal. Other LDP policies and supplementary guidance are complied with and 25% of the units proposed will be affordable housing.
- 7.10 Overall, the principle of redeveloping a vacant site for housing development at this location is acceptable and the proposal is compliant with policies HOU 3 and EMG 6.



## Design and Layout

- 7.11 Policy DES 1 states that 'All development proposals will require to take account of and be integrated with the local context and built form'.
- 7.12 The site in question is a brownfield site located close to the town centre with flats to the south and lower density, suburban housing located to the north and west.
- 7.13 The application proposes a mix of higher density flats and suburban houses. The standards for garden sizes and plot ratios in the Residential Development Guide have been complied with. The proposed flats at the east boundary of the site are necessary to mitigate the impact of road noise from Alderstone Road.
- 7.14 The application was revised to replace the originally proposed flats at the south east corner of the site with houses to address concerns about density. The site now has an overall density of 44.9 dwellings per hectare.
- 7.15 Given the location of the site and its brownfield nature, coupled with the mixed character of the area between suburban housing and higher density flats, the proposal integrates with its local context and built form. The proposal is not overdevelopment of the site and is of an acceptable density for its location.
- 7.16 Overall, the proposal will integrate with its local context and built form and complies with Policy DES 1 of the LDP and the Residential Development Guide.

## Impact on Trees

- 7.19 Policy ENV 9 states there is a presumption against proposals that involve the removal of trees that are of amenity value or subject to a TPO. There is a requirement to demonstrate public benefits where woodland removal is proposed. Developers are expected to carry out a tree survey and provide compensatory planting with a preference to native species being used in replanting. Management of trees and woodland is expected and supported.
- 7.20 Policy ENV 10 states that woodlands within an urban area 'that contribute to townscape, landscape amenity, biodiversity, cultural or historic value, particularly where their loss would jeopardise ongoing contribution to place-making and/or green network objectives, will be protected from development. Proposals that involve the removal of urban woodland in part or in its entirety will only be supported where it would achieve significant and clearly defined public benefits'.
- 7.21 As stated above, trees at the north west of the site are protected by the 1965 Livingston New Town TPO. There are also mature trees at the north to north east, east and west boundaries of the site. No trees within the site are ancient woodland and the area of trees covered by the 1965 TPO is not within the ancient woodland inventory.
- 7.22 A tree survey has been submitted with the application that has been carried out in accordance with BS5837:2012, as required by ENV 9 (g). The report states that 432 trees have been surveyed. Six trees within the area of the TPO are proposed for removal. A total of 273 trees are proposed to be removed across the whole site.

7.23 A breakdown of the proposed removals, in terms of tree quality is below:

<b>Tree category</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>U</b>	<b>TOTAL</b>
<b>Trees removed</b>	2	57	170	44	273
<b>Trees retained</b>	13	62	84	0	159

- 7.24 The majority of proposed tree removals are trees of poorer quality. Retained trees are of higher quality and will be added to with compensatory planting. It is proposed to plant 3,572 trees as compensatory planting comprising 242 standard or heavy standard trees with the balance being whips. The approach to replanting ensures that the majority of trees being removed are replaced with standard or heavy standards trees with a significant amount of whip and hedge planting to provide for sustainability of the woodland in the future through a range of tree types and ages.
- 7.25 The removal of six trees within the area subject to the 1965 TPO is acceptable as these trees are in poor condition (category U) or of low quality (category C). Four of the six trees are category U trees and the remaining two are category C trees. The best quality trees in the TPO are being retained and development will support the future integrity of the woodland through a long term management plan that is to be secured through a planning condition.
- 7.26 The boundary with Hunter Road at the west of the site will see trees removed along this edge. This edge will be urbanised with houses fronting onto Hunter Road. This will help to integrate the development with the surrounding area in design terms and reflect the urban form, in particular of Kaims Grove to the north, where houses face onto the street. The majority of these trees are lower quality category C trees. There are 17 category B trees proposed for removal in this area. It is proposed to carry out replanting along the Hunter Road frontage to compensate for the loss of trees at this part of the site and to soften the urbanisation of this frontage. A total of 21 trees are proposed as replanting in this area, which exceeds the category B trees proposed for removal.
- 7.27 The trees at the north to north east corner of the site are predominately category C trees of lower quality. A total of 16 category B trees are proposed for removal in this area. There will be an encroachment into this area through built development, however, existing trees that form an edge to Alderstone Road are being retained and it is proposed to provide compensatory planting in the form of 101 trees and 1190 bare root whips. To note, bare root whips are small trees which are proposed as planting within the woodland areas and understorey planting within the canopy of larger trees.
- 7.28 The woodland edge to Alderstone Road is proposed to be retained with removals in this area being predominately category C trees of lower quality with some removal of category B trees. It is proposed to enhance this woodland edge with compensatory planting at the rear of the flats and directly along the Alderstone Road frontage, to reinforce and enhance this woodland edge. A total of 82 trees and 2140 bare root whips are proposed as replanting in this area. Retention of this woodland will ensure that a 'green corridor is maintained over the site linking it to the woodlands to the north and south.



- 7.29 The development of the site will result in public benefits through management of landscaping that has not occurred in recent years; the redevelopment of a vacant site in a sustainable location and the delivery of 28 affordable flats within a priority 1 housing area, as defined in the West Lothian Council's Local Housing Strategy and noted within Policy HOU 4 of the LDP.
- 7.30 Annex 4 of the Implementation Guide on the Control of Woodland Removal Policy sets out the following scenario where it can be acceptable for woodland to be removed and there is a need for compensatory planting: "The Government's central purpose is to increase sustainable economic growth, including the provision of new housing or infrastructure to meet identified local or regional needs". The proposed development falls into this category and provides compensatory planting.
- 7.31 The council's arborist is supportive of the proposal and has stated that the findings of the survey carried out are accurate.
- 7.32 Taking the above at paras 7.24 to 7.30 together, the proposal will remove trees of lesser amenity value that are predominately in poor condition or are of lower quality. The number of category B trees proposed to be removed is acceptable given the substantial level and quality of replanting proposed, together with the introduction of woodland management, which should provide for the effective management of the woodland going forward. The small number of removals of trees subject to a TPO are acceptable due to the condition and quality of the trees in question. The proposal will deliver significant public benefits and is compliant with the Control of Woodland Removal Policy, as well as securing a significant level of compensatory planting and long-term management of landscaping within the site. The proposal is therefore compliant with Policy ENV 9 (a), (b), (c), (d) and (h). The public benefits that will result also mean the proposal is compliant with Policy ENV 10.
- 7.33 On balance, the predominate removal of trees in poor condition and of lower quality and retention of higher quality trees, combined with significant compensatory planting, together with the public benefits of securing a long term management regime for the woodland subject to a TPO; management of other landscape in the development; redevelopment of a vacant site for housing in a sustainable location; and the delivery of 28 affordable flats, justifies the loss of existing trees in this instance.
- 7.34 Overall, the impact on trees as a result of the proposal is acceptable, subject to the implementation of replanting. The proposal complies with policies ENV 9 and 10 of the LDP. Conditions for the implementation of replanting/landscaping, tree protection fencing to be erected during construction, a woodland management plan for the area of protected trees and a factoring plan for the landscaping of the development are all proposed.

<b>8. CONCLUSION AND RECOMMENDATION</b>
---

- 8.1 In summary, the principle of development is acceptable and the proposed development integrates with its context and built form. Traffic impacts are acceptable, as are impacts on trees. The proposal complies with the relevant provisions of the development plan. There are no material considerations that outweigh granting planning permission.
- 8.2 Consequently, and in view of the above, it is recommended that planning permission is granted, subject to conditions and a legal agreement securing developer contributions.

<b>9. BACKGROUND REFERENCES &amp; ATTACHMENTS</b>
---

- Draft Conditions
- Location Plan
- Proposed Site Plan
- Representations
- Member Referral Form

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

Craig McCorriston

**Head of Planning, Economic Development and Regeneration     Date: 28 October 2020**







THE DRAWING IS PREPARED BY: **ema**  
DESIGNED BY: **ema**  
DRAWN BY: **ema**  
CHECKED BY: **ema**  
DATE: **07.10.20**

PROJECT: **18222 PLJ001H**

REVISIONS:

NO.	DESCRIPTION	DATE
1	ISSUED FOR TENDER	07.10.20

**SITE BOUNDARY**

**AFFORDABLE AREA**

**1.8m HIGH TIMBER FENCE**

**1.8m HIGH RANCH STYLE FENCE**

**900mm HIGH RANCH STYLE FENCE**

**DENOTES 7KW HOME ELECTRICAL**

**CHARGING UNIT WITH 1 OUTLET**

**ROOT PROTECTION ZONE FOR EXISTING TREES**

**REFUSE STANCE LOCATIONS**

**DENOTES EXISTING TREES RETAINED**

**DENOTES BIN STANCE LOCATIONS**

SCALE BAR: 0 5 10 20 30 40 50M

NORTH

**ema**  
architects + masterplanners

42 CHARLOTTE SQUARE  
LONDON, W1A 1AA  
T: 011 207 1450  
E: INFO@EMA-ARCHITECTS.CO.UK  
W: WWW.EMA-ARCHITECTS.CO.UK

**ROBERTSON LIVING  
RESIDENTIAL DEVELOPMENT  
HUNTER ROAD,  
LIVINGSTON**

**SITE LAYOUT**

18222 PLJ001Q





Livingston Village Community Council

*Chair: Brian D Johnstone*

*Planning Secretary: Dean Swift*

---

West Lothian Council

Development Management

c/o 11 Kaimes Grove

Civic Centre

Livingston

Howden South Road

EH54 7DU

Livingston

EH54 6FF

27<sup>th</sup> July 2020

For the attention of Matthew Watson

**Application for Planning Permission for a Residential Development at 1 Hunter Road, Livingston**  
**WLC Reference 1149/FUL/19**

Please accept this letter from Livingston Village Community Council as our revised representation in respect of the above application and in response to the WLC letter dated 8<sup>th</sup> July 2020.

This letter supersedes our previous representations dated 12<sup>th</sup> January 2020 and 28<sup>th</sup> May 2020 on this application as it slowly makes its way through the planning process since concept stage at the public exhibition back in December 2018.

These comments refer to the latest site plan no. 18222(PL)001L.

We withdraw our objection as lodged in our letter date 28<sup>th</sup> May 2020 and now support the development as shown on plan 001L.

We request that some conditions are applied to the ultimate approval documents should West Lothian Council be minded to approve the application in its current form. These are listed below.

**Archaeological Matters**

It is probable that the wooded mounded area to the north end of the site could contain items of archaeological significance. Bronze age burial grounds and cists with ancient bones are in the area. We are pleased to note that this mound remains virtually untouched by the construction of the new houses and infrastructure. Since it is a strong feature in the area and will act as a separation screen between the new and the existing housing areas thus preserving existing privacy.

We note that WOSAS have submitted a lengthy report on the site and we support their request to have a suitable condition applied to any approval WLC may be minded to grant.

**Existing Trees and Woodland**

The wooded mound to the north of the site is an important feature to be retained and maintained. The mature trees there are protected by Midlothian County Council TPO no 2 (1965). Under previous ownership this woodland was properly maintained with a woodland maintenance scheme approved by the site occupier and actioned by contractor Mitie. Since the site became empty some 3 years ago there has been no maintenance and the area is very unkempt and overgrown.

We would like to see conditions applied to any approval WLC is minded to grant to cover the following matters.

Before the main construction gets under way a professional woodland team should be briefed to thoroughly inspect the tree area on the mound and carry out a full maintenance of the area to include tree felling if required, tree crown removal if required, undergrowth clearance particularly of self seeded weak sapling trees. This would get rid of the backlog of maintenance.

Going forward there must be a proper woodland maintenance schedule and policy per petua. This scheme policy we feel should be submitted with the planning application before granting approval and approved by the WLC arboriculturist. This ongoing maintenance must then be actioned in the future by a professional company or approved suitably qualified factors.

We note there is a specific plan showing the trees to be felled.

### **Proposed landscaping**

The plans look good and include a good planting specification with species to suit wildlife diversity and hedges. We hope this does not become diluted by events in the later construction period. These will require the maintenance schedule to be adhered to and watering to be added to it. Who is to carry out the maintenance? How will their compliance be policed?

### **WLC Ranger Service Comments**

We note and support the comments made in the Ranger response. These, with the exception of the pond item, should be incorporated within the granting conditions.

### **Construction**

A project of this size will have a lengthy construction programme running to 2 perhaps 3 years. This can give annoyance to neighbours with noise, dust, construction traffic and road works for services connections causing partial road closures. These must all be properly project managed with regular fliers/newsletters to all residents in Kaims Grove. Neighbourly and friendly working hours must also be in the appended conditions to any granting of permission

### **Concluding Comments**

In summary we are in favour of the site being developed for the housing as depicted on plan 1822(PL)001L with some conditions as mentioned above.

Yours Faithfully

*Brian D Johnstone*

Chair

Livingston Village Community Council



**Watson, Matthew**

---

**Subject:** RE: Hunters Road Development 1149/FUL/19 - [OFFICIAL]

---

**From:** [REDACTED]  
**Sent:** 02 June 2020 05:52  
**To:** Planning <[Planning@westlothian.gov.uk](mailto:Planning@westlothian.gov.uk)>  
**Subject:** Hunters Road Development 1149/FUL/19

Dear Sirs,

Regarding 1149/FUL/19 | Erection of 50 houses and 68 flats. Why has this change to the original planning application been allowed at the last minute.

The Hunters Road access to Kaims Grove is on a downward curve, when previous occupants of this site were in occupancy the road often had cars parked on Hunters Road causing residents to exit Kaims on the wrong side of the road and in winter this did result in accidents between vehicles due to obstruction of parked cars ,lcy roads ect.

If these houses with driveways running on to Hunters Road are allowed it will cause a similar issue with Visitor parking. Double yellow lines both sides would stop this.

The bank of trees that obscure the site at the moment have been there for some considerable time now and create a Wildlife link. Foxes have a den beside the pond and newts and invertebrates us this as natural link or bridge between various habitats.

It also would be a sound barrier from the 118 dwellings that are now to be crammed into this relatively small space, I would like to register my objection to this blatant attempt to make major changes at the last minute.

Kind Regards

Mr Brian Ritchie

5 Kaims Grove

EH54 7DU

[REDACTED]

### **West Lothian Council - Data Labels:**

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**From:** [REDACTED]  
**To:** [Planning](#)  
**Cc:** [Watson, Matthew](#)  
**Subject:** 1149/FUL/19  
**Date:** 02 June 2020 21:45:44

---

Good evening Matthew,

Apologies for the late submission of my objection. I was unable to complete this online. I would be obliged if this could be included.

I am looking to object to the amended planning application submitted by EMA architecture and design for the erection of 50 houses and 68 flats.

I objected to the previously submitted plans and believe these concerns are still relevant and would like them to remain. I would also like to raise additional concerns for the safety of pedestrians and road users that has surfaced with the submission of this planning application.

For reasons unknown, the architect is now proposing to erect properties that face directly onto Hunter Road, with drive ways and footpaths also egressing onto this road.

Hunter road consists of a left hand bend with a gradient into Kaims Grove. This area has heavy vegetation on the bend, resulting in road users being unable to see the opposing carriageway and as a consequence making this a blind bend.

Proposing to construct houses on this road appears to be negligent. The Architect has failed to consider the impact of vehicles stopping, parking and reversing on the roadway. Any of these actions on this road could lead to a fatal road traffic collision due to the impact of the aforementioned blind bend.

Further concerns lie with pedestrians attempting to cross the road, at this section of the road, to enter their home or make their way onto the opposing footpath, whilst potential being unable to see any oncoming traffic.

Failing to take these concerns into consideration would be a neglect of the responsibility of West Lothian council in keeping residents safe and reducing the potential of road collisions.

I would again like to address the impact of these dwellings on schools within the catchment area. I note the analytical work undertaken and would like to dispute the findings. The demographics of Scotland are changing with a projected increase in population forecast over the forthcoming years.

Livingston Village primary school, for example, is currently at capacity. The report claims that the addition of these 118 units and any potential children moving into these units, would be accommodated, without the need for an extension to the school. The report appears to focus on the current birth rate without taking into consideration the Scottish Government's projected demographic levels. To request that the concerns raised by West Lothian council regarding school capacity be removed appears short sighted, and the planning application appears to have been submitted without the builder covering the £237,000 cost of expanding the school to be able to cope with the increase.

If the analytical work carried out and the conclusion provided by David McKinney is



incorrect, who would then pay the £237,000 for the school to be extended?

There is also a large area of forestry that will remain due to this being a protected site. This area has been left unkept and overgrown for some time with the land owner having left it to do so. There appears no guidance on who will take responsibility for this area with it already encroaching onto neighbouring properties.

I believe the submitted plans are evident of optimising potential profit over the safety of residents and the wider community of Livingston, whilst brushing over the impact on schools and nurseries in the local area.

I fully object to the previous and current planning application.

Kind regards,

David Muir

**From:** [REDACTED]  
**To:** [Watson, Matthew](#)  
**Subject:** Fwd: 1149/FUL/19. Hunters road  
**Date:** 02 June 2020 16:28:16

---

Sent from my iPad

Begin forwarded message:

**From:** Pam Cunningham [REDACTED]  
**Date:** 2 June 2020 at 16:26:10 BST  
**To:** [matthew.watson@westlothian.co.uk](mailto:matthew.watson@westlothian.co.uk)  
**Subject:** 1149/FUL/19. Hunters road

Dear Sirs,

I am objecting to the revised plans at Hunters Road.

I am concerned about the number of houses being built in such a small area which will impact on the main Hunters Road which is already dangerous if cars are parked, as it is a blind bend and cars coming up or down the road are forced to the other side of the road

With the new revised plans increasing the number of driveways this is more dangerous for road users

The number of extra flats being built there a lack of parking for each house which will result in parking on Hunters Road down into Kaims Grove which will also have an impact on access for emergency vehicles.

The trees to the north of the site on Kaims Grove need maintained, thinned out and reduced in height, . This has not been done for a few years , with the result it is all over growing into our gardens , blocking natural sunlight due to their height.

Yours faithfully  
P CUNNINGHAM  
43 Kaims Grove



**Watson, Matthew**

---

**Subject:** RE: Planning objection - 1149/FUL/19 - [OFFICIAL]

---

**From:** Martin, Philip [REDACTED]  
**Sent:** 02 June 2020 16:23  
**To:** Planning  
**Subject:** RE: Planning objection - 1149/FUL/19

Sorry, I should have included my address,

Dear Sir / Madam  
1149/FUL/19

Erection of 50 houses and 68 flats with associated landscaping, drainage and infrastructure (as amended) | Land At Hunter Road Kirkton Campus Livingston West Lothian

I am writing with reference to the above planning application. I have examined the plans and as a local resident I know the area well.

**Driveways onto Hunter Road.**

This is a narrow bend with double yellow lines, I believe this layout would not provide adequate parking for the houses to be built on Hunter Road, apart from driveways there is no additional parking provided for these 9 houses. This will lead to owners parking their second vehicles on the road which is not suitable due to how narrow it is. Any development on this land must consider the narrowness of the bend and the double yellow lines currently on the road. I don't see where visitors to these 9 houses are to park, the guidance from WLC "One space per dwelling plus half a space provided communal" I don't see any communal parking anywhere near these properties. During football match days when vehicle are illegally parked on this bend access and egress to Kaims Grove is particularly hazardous, driving past 9 driveways on a tight bend is an accident waiting to happen.

**Parking**

In the development there appears to be 1 car parking space per property, excluding houses with a driveway. Whilst I understand the aim of increasing use of walking, cycling and public transport it is an inescapable fact that car ownership is on the rise. Adequate parking should be provided for all new residents in the development to prevent parking on grass verges.

**Play areas/open spaces**

As a parent I understand the benefits of outdoor space and play areas for children. From the drawings I see only 1 open space and no play areas. High quality open space is an essential component of any new housing development, outdoor space and play areas should have been considered at the outset of the design and layout of the development not as an afterthought.

**Removal of the pond**

Having seen newts in the area I feel that the complete removal of the pond should be reconsidered. Any development should consider the provision for wildlife.

Overall I feel the proposed development is an overdevelopment of the area, with poor parking, layout and provision for outdoor space and play areas.

Kind Regards,  
Philip Martin  
42 Kaims Grove,  
Livingston,  
EH54 7DU

**Watson, Matthew**

---

**Subject:** RE: Objection to planning application 1149/FUL/19 - [OFFICIAL]

**From:** [REDACTED]  
**Sent:** 30 May 2020 12:54  
**To:** Planning  
**Subject:** Objection to planning application 1149/FUL/19

Objection to planning application 1149/FUL/19 Hunter Road Kirkton Campus Livingston West Lothian  
30/05/20

The revised layout shows additional properties fronting directly onto Hunter Road (plots 1,2,90-96). Hunter Road at this point is a sweeping corner which encourages higher vehicle speeds and has poor visibility due to the elevation change and vegetation. Properties fronting directly onto the road provide a road safety issue due to conflict between traffic manoeuvring onto driveways and that on the road, and will encourage additional visitor/delivery parking on the road. Parking on Hunter Road was previously common when New Logic House was occupied as office space, and this narrowed the roadway and caused conflict/safety issues due to the aforementioned road characteristics.

Construction of the properties directly facing onto Hunter Road will result in the loss of a number of mature trees on the site's western boundary. Retaining the trees instead of building the properties would also improve the developments integration with the surrounding area.

Please do not publish my name and address.

Regards,

[REDACTED]

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## ☒ 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 at the latest.*

*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>*

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
<p><b>Application Reference Number</b></p> <p>1149/FUL/19</p>	<p><b>Applicant Request</b>..... <input type="checkbox"/></p>
<p><b>Site Address</b></p> <p>Land at Hunter Road, Kirkton Campus Livingston</p>	<p><b>Constituent Request</b>..... <input checked="" type="checkbox"/></p>
<p><b>Title of Application</b></p> <p>Erection of 54 houses and 56 flats with associated landscaping</p>	<p><b>Other (please specify)</b>..... <input type="checkbox"/></p>
<p><b>Member's Name</b></p> <p>Cllr Lawrence Fitzpatrick</p>	
<p><b>Date</b> 21<sup>st</sup> August 2020</p>	

# Development Management Committee

25 November 2020

Item No 06: Application No. 1149/FUL/19

Erection of 54 houses and 56 flats with associated landscaping, drainage and infrastructure (as amended).

Land at Hunter Road, Kirkton Campus, Livingston, West Lothian.















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NO.	DESCRIPTION	DATE	BY

- DENOTES EXISTING TREES TO BE RETAINED
- DENOTES EXISTING TREES TO BE REMOVED



SITE BOUNDARY

**ema**  
architects + masterplanners

42 CHARLOTTE SQUARE  
COVENT GARDEN  
LONDON WC2E 7HX  
T: 020 7463 1400  
W: WWW.EMA-ARCHITECTS.CO.UK

ROBERTSON LIVING  
RESIDENTIAL DEVELOPMENT  
HUNTER ROAD,  
LIVINGSTON

TREE REMOVAL PLAN

DATE: 18/08/2023	BY: J. J. J.	SCALE: 1:100	PROJECT NO: 18222(PL)003
DESIGNED BY: J. J. J.	CHECKED BY: J. J. J.	DATE: 18/08/2023	PROJECT NO: 18222(PL)003
APPROVED BY: J. J. J.	DATE: 18/08/2023	PROJECT NO: 18222(PL)003	PROJECT NO: 18222(PL)003























Project Name	Robertson Living Residential Development
Client	Robertson Living
Location	Hunter Road, Livingston
Architect	ema architects + masterplanners
Date	18/22/PL010A
Scale	1:500
Sheet	1 of 1



ALDERSTONE ROAD ELEVATION



SIDE ELEVATION



DEVELOPMENT ELEVATION



SIDE ELEVATION



GROUND FLOOR LAYOUT



UPPER FLOOR LAYOUT

**ema**  
architects + masterplanners

18/22/PL010A  
18/22/PL010A

ROBERTSON LIVING  
RESIDENTIAL DEVELOPMENT  
HUNTER ROAD  
LIVINGSTON

3 STOREY FLAT BLOCK  
PLANS & ELEVATIONS

18/22/PL010A  
18/22/PL010A



ALDERSTONE ROAD ELEVATION



SIDE ELEVATION



DEVELOPMENT ELEVATION



SIDE ELEVATION



GROUND FLOOR LAYOUT



UPPER FLOOR LAYOUT



Project Name	Robertson Living Residential Development
Project Address	Hunter Road, Livingston
Client	Robertson Living
Architect	ema architects + masterplanners
Project Number	18222/PL011A
Scale	1:100
Date	18/11/2018
Drawn by	ema
Checked by	ema
Approved by	ema

**ema**  
architects + masterplanners

ema architects + masterplanners  
18/11/2018  
18222/PL011A

ROBERTSON LIVING  
RESIDENTIAL DEVELOPMENT  
HUNTER ROAD  
LIVINGSTON

4 STOREY FLAT BLOCK  
PLANS & ELEVATIONS

Project Name	Robertson Living Residential Development
Project Address	Hunter Road, Livingston
Client	Robertson Living
Architect	ema architects + masterplanners
Project Number	18222/PL011A
Scale	1:100
Date	18/11/2018
Drawn by	ema
Checked by	ema
Approved by	ema















































## DEVELOPMENT MANAGEMENT COMMITTEE

### Report by Head of Planning, Economic Development and Regeneration

#### 1 DESCRIPTION

Erection of phase 2 thermal treatment plant and extension to materials sorting building at Levenseat Waste Management Facility, by Forth.

#### 2 DETAILS

<b>Reference no.</b>	<a href="#">0322/FUL/20</a>	<b>Owner of site</b>	Levenseat Limited
<b>Applicant</b>	Levenseat Limited	<b>Ward &amp; local members</b>	Fauldhouse and the Breich Valley Councillor Pauline Clark Councillor David Dodds Councillor Cathy Muldoon
<b>Case officer</b>	Mahlon Fautua	<b>Contact details</b>	01506 282426 <a href="mailto:mahlon.fautua@westlothian.gov.uk">mahlon.fautua@westlothian.gov.uk</a>

**Reason for referral to Development Management Committee:** More than 5 objections received.

#### 3 RECOMMENDATION

Grant planning permission subject to conditions.

#### 4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning permission is sought for the erection of a thermal treatment plant.
- 4.2 The site is located on the west side of the A706, approximately 2km south of the junction with the A71 at Breich and approximately 3km south of Fauldhouse. The site is accessed from the A706, just within the WLC boundary with South Lanarkshire Council.
- 4.3 The total site area is approx. 17 hectares and includes landfill, a range of recycling facilities including waste sorting, aggregate washing and grading and composting. A number of waste management/ processing activities take place on the site.
- 4.4 The proposed thermal treatment plant is phase 2 of the existing Energy from Waste facility at Levenseat. This application seeks to amend the previously consented phase 2 thermal treatment plant (ref: 0795/FUL/16). The proposal also involves an extension to the existing Materials Sorting Building. The proposed phase 2 plant will be sited adjacent to the existing plant (phase 1) which is currently operational.



- 4.5 The application is accompanied by an Environmental Impact Assessment (EIA) report. A formal EIA scoping report was submitted on 22<sup>nd</sup> March 2019 and a formal scoping response was issued on 27<sup>th</sup> May 2019.
- 4.6 It was confirmed that the scope of the EIA report should cover the following topics:
- Air quality and health,
  - Landscape and visual impact.
- 4.7 Other environmental issues were scoped out of the EIA report. It is noted that the planning application for the previously consented phase 2 plant was also accompanied by an EIA report and the findings of that have already been accepted.
- 4.8 Statutory pre-application consultation (1244/PAC/18) was undertaken and a pre-application consultation report has been submitted with this application outlining the consultation that was undertaken prior to the application being submitted.
- 4.9 The proposed amendments to the previously approved phase 2 thermal treatment plant are:

Approved 0795/FUL/16	Proposed amendments
Steel frame industrial building, approximately 65/70m x 95/100m x 30m high	Steel frame industrial building, approximately 84.9m x 24m-44m at its widest point and 52m high (at its highest point)
A stack approximately 55m high with a diameter of 3.9m adjacent to the existing stack	A new twin stack approximately 70m high.
Infill extension to the materials sorting building measuring 55m x 52m	Infill extension to the materials sorting building measuring 55m x 55m.  A further extension measuring 25m x 110m on the western side and a 60m x 75m extension to the south

### Planning History – Overall Waste Management Site

Reference Number	Description	Decision and Date
0190/M/90	Permission to use area for Landfill	Granted - May 1994
0915/FUL/08	Section 42 variation of condition 1 of planning permission 0190/M/90 to increase time scale of waste management permission to 31/3/2032	Granted – 23/03/17
0509/FUL/14	Formation of internal service and access road.	Granted - 23/09/14

0241/A/19	Display of 4 illuminated feature signs incorporating natural stone walling, weathered corten steel uprights and landscaping	Granted – 05/04/19
0044/FUL/19	Application under Section 42 to vary the terms of condition 5 of planning permission 0424/FUL/13 for erection of the thermal treatment plant to increase the restriction on tonnage of waste brought into the overall Levensheat waste management site from 400,000 to 750,000 tonnes per year.	Granted - 15 May 2019

### Planning History – Phase 1 Thermal Treatment Plant and Materials Recycling Facility

Reference Number	Description	Decision and Date
0528/FUL/10	Proposed waste management facility thermal treatment (gasification) plant & buildings, storage facilities and landscaping	Granted - 01/12/2010
0772/PAC/12	Proposal of application notice for proposed development of a thermal treatment plant for waste, associated plant and buildings, storage facilities, landscaping and boundary treatment.	N/A
0116/EIA/13	EIA scoping request for the erection of a thermal treatment plant	EIA required – 03/04/13
0424/FUL/13	Erection of advanced thermal treatment (gasification) plant, associated plant and buildings, storage facilities, landscaping and boundary treatment including utilisation and export of secondary heat.	Granted – 21/10/13
0743/PAC/14	Proposal of application notice for the erection of a materials sorting building and associated works	N/A
0019/FUL/15	Erection of a 4290sqm extension to materials sorting building and associated works	Granted – 18/03/15
0367/PAC/15	Proposal of application notice for additional materials sorting and recycling building and extension to Thermal Plant operations.	N/A



0503/EIA/16	EIA screening opinion for extension to materials recycling facility and thermal treatment operations	EIA Required – 4/08/16
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## Planning History – Phase 2 Thermal Treatment Plant

Reference Number	Description	Decision and Date
0549/EIA/16	EIA scoping opinion for extension to materials recycling facility and thermal treatment operations	Scoping agreed on 4 <sup>th</sup> October 2016.
0795/FUL/16	Erection of thermal treatment plant and extension to materials sorting/recycling building with associated plant and facilities	Granted – 05/04/17
1244/PAC/18	Proposal of application notice for thermal treatment plant. Revised	N/A
0272/EIA/19	EIA scoping opinion for erection of a thermal treatment plan (phase 2)	Scoping agreed

## 5. REPRESENTATIONS

- 5.1 The application was subject of statutory publicity and a total of 97 representations were received, 96 were objections and one representation in support. An objection was received from Mr Neil Findlay MSP.
- 5.2 This is a brief summary of the representations received. Samples of the representations are attached to this report, however the full copies can be found in the online application file.

Objecting Comments	Response
Odour and Air Pollution/Impact on Health/ Lack of scrutiny on dispersal of combusted materials/ No publicly available information about the elevated cadmium and chromium levels in the area.	Noted and further assessed in section 7.6 below.
Visual Impact	Noted and further assessed in section 7.14 below.
Lack of public consultation/ Views of the community have been ignored	Noted. A pre-application consultation report has been submitted with the application outlining the consultation that was undertaken prior to the application being submitted.  The planning authority is satisfied that the applicant met the statutory requirements for pre-application consultation and that the

	notification procedures of this EIA application have been meet.
Impact on road network	Noted and further assessed in section 7.3 below.
Pollution on local waterways	Noted. The proposed plant is within the existing site and would not affect any waterways.
Lack of information on secondary heat	Noted. The application includes the necessary plant and systems for secondary heat extraction. The final use of the heat will be pursued with the operator as a separate matter.
The nature and scale of the operation	Noted. The proposed plant would operate within the existing wider site operations.
Financial control over the site	Not a material planning matter.
Impact on countryside walking/recreation	Noted. The proposed plant would operate within the existing site boundaries.

## 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
Scottish Water	No	General comments on water supply	Noted.
Scottish Natural Heritage	No	Accepts that the impact on air quality on the Hermand Birchwood SSSI would be insignificant with no adverse impact on the features of the SSSI.	Noted.
SEPA	No	No objection subject to conditions relating to: <ul style="list-style-type: none"> <li>A minimum stack height of 70m</li> <li>Re-use of roof and surface water from the plant and extended MRF building</li> <li>Waste management measure during construction and operations.</li> </ul>	Noted.



Consultee	Objection	Comments	Planning Response
Edinburgh Airport	No	Does not conflict with aerodrome safeguarding criteria.	Noted.

## 7. ASSESSMENT

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

Policy	Policy Summary	Assessment	Conform
West Lothian Local Development Plan, 2018 (LDP) NRG 4 – Other Renewable Energy Technologies	The council supports the development of other renewable energy schemes in principle, subject to certain criteria.	The proposal is environmentally acceptable and there would be no discernible impact on the natural and historic environment.	Yes, this is assessed further below.
West Lothian Local Development Plan, 2018 (LDP) Policy DES 1 – Design principles	Development proposals should have no significant adverse impacts on the local community and, where appropriate, should include measures to enhance the environment and be high quality in their design.	The scale and form of the proposed development is not detrimental to the local area in the context of the existing facility.	Yes, this is assessed further below.
West Lothian Local Development Plan, 2018 (LDP) Policy TRAN 1 – Transport Infrastructure	Development will only be permitted where transport impacts are acceptable.	No significant impact on the road network is expected from the operation of the proposed plant as it would operate within the consented tonnage allowed to the site. (0044/FUL/19)	Yes

<b>Policy</b>	<b>Policy Summary</b>	<b>Assessment</b>	<b>Conform</b>
West Lothian Local Development Plan, 2018 (LDP)  ENV 1 – Character and Special Landscape Areas	Development will not be permitted where it may significantly and adversely affect local landscape character.	A Landscape and Visual Impact Assessment has been submitted with the application as part of the EIA report.	Yes, this is assessed further below.
West Lothian Local Development Plan, 2018 (LDP)  ENV 5 – Soil Sustainability Plans	On all greenfield development sites over 1 ha, an assessment of soils will be required in relation to their sustainable re-use for landscape, habitat creation and open space provision and for their capacity to absorb water.	The site is within an existing developed site.	Yes.
West Lothian Local Development Plan, 2018 (LDP)  ENV 11 – Protection of the Water Environment EMG 1 - Water Environment Improvement	Proposals for the culverting of a watercourse will be considered with reference to the SEPA	The site is within an existing developed site no new culverts are proposed.	Yes.
West Lothian Local Development Plan, 2018 (LDP)  EMG 4 – Air Quality	Where a development is likely to affect air quality, developers should identify and provide details of potential mitigation measures	The application was subject to an Environmental Statement.  The air quality assessment concludes that the impact would negligible. SEPA do not dispute these findings.	Yes, this is assessed further below.

- 7.4 Phase 2 of the Energy from Waste plant already benefits from planning permission. Thus, the determining issues for consideration in relation to this application focus on the proposed amendments to the approved facilities and are set out below:

#### **Principle of Development – Levensat Waste Management Facility**

- 7.5 The proposed development sits within the existing Levensat Waste Management Facility which is identified in the Local Development Plan as a Waste Management Facility. Therefore, the development is supported in principle.



## **Air Quality and Health**

- 7.6 Where a development is likely to affect air quality, developers should identify and provide details of potential mitigation measures. The proposal must ensure that concentrations of pollutants are sufficiently low to not cause nuisance, health problems or significant impacts on protected ecological habitats.
- 7.7 The EIA report includes a comprehensive air quality impact assessment (AQA) that quantifies the impact of the cumulative emissions from the proposed second phase of the thermal treatment facility.
- 7.8 The AQA must demonstrate strict emission requirements to meet Air Quality Assessment Level standards (AQAL), which are set to protect human health. The AQA predicts no breach of AQAL.
- 7.9 An air dispersion modelling exercise has been undertaken to assess the maximum impact of the proposals and the impact at sensitive receptors. The AQA includes the air quality assessment levels for the protection of human health and the impact of atmospheric emissions and deposition at a range of sensitive ecological receptors.
- 7.10 The AQA concludes that at all sensitive receptors and at areas of public exposure the significance of the effect is negligible.
- 7.11 Ultimately, the operation of the proposed development will need to comply with Pollution Prevention and Control (PPC) Regulations and would require relevant permits to be issued at an appropriate stage by SEPA.
- 7.12 The ecological assessment submitted with the application concluded that predicted air quality impacts upon Hermand Birchwood Site of Special Scientific Interest (SSSI) would be of such a limited nature that they would be insignificant in ecology terms, with no adverse impacts on the features of the SSSI.
- 7.13 Both SEPA and SNH do not object to the proposal in terms of air quality impact and the findings of the AQA. SEPA recommends that further clarifications are made in the AQA with respect to PPC regulations. In addition, SEPA has recommended conditions to be imposed should planning permission be granted, in terms of the minimum stack height, re-use of water and on-site waste management.

## **Landscape and Visual Impact**

- 7.14 The proposed amended building, including the stack, will be higher and more visible within the wider landscape context. It is noted that the site is not located in a Special Landscape Area (SLA).
- 7.15 The EIA report includes a comprehensive landscape and visual impact assessment (LVIA) that analyses the potential impacts which the proposal and associated development has upon the surrounding landscape and visual receptors. The study area for the assessment was based on a 5km radius from the proposed stack, however, viewpoints at greater distances were considered with respect to potential skyline effects.

- 7.16 The LVIA is conducted on a cumulative basis, including all existing developments and operations including those such as the Tormywheel windfarm and Levenseat sand quarry.
- 7.17 The LVIA concludes that there are no significant (moderate or above) cumulative visual impacts resulting from the proposal. The full baseline visual impacts of all consented wind turbines have also been included.
- 7.18 The proposed buildings are to be constructed alongside the existing buildings and will be of a similar design. It should also be noted that Tormywheel windfarm surrounds the site. The conclusions in the EIA report are accepted in terms of landscape and visual impacts.
- 7.19 The impact of the baseline and consented and operational windfarms were previously modelled and together these would have a 'low' effect on the wider landscape where the proposed amended building may not necessarily be considered to be uncharacteristic when set within the context of the receiving landscape.
- 7.20 It is noted that SNH also agree to the approach and do not object to the application on landscape and visual grounds.
- 7.21 The proposal includes measures to mitigate the landscape impact including the extension of the existing screening bund along with woodland planting on top of the bund.

## **8. CONCLUSION AND RECOMMENDATION**

- 8.1 The application proposal will utilise the site of the existing waste treatment facility and will expand the renewable energy capacity on the site. It has been demonstrated that the environmental impacts, in particular air quality and landscape and visual impact, are acceptable.
- 8.2 The proposal meets the relevant policies of the development plan and is in accordance with relevant national policy and guidance.
- 8.3 It is thus recommended that planning permission is granted, subject to conditions.

## **9. ATTACHMENTS**

- Draft Conditions of Consent
- Location/Site Plan
- Sample of representations

The aerial and plans are contained in the accompanying presentation pack

Craig McCorriston  
**Head of Planning, Economic Development and Regeneration**      **Date: 25 November 2020**



## **Draft Conditions of Consent - APPLICATION 0322/FUL/20**

1. No development shall commence on site until a full site-specific Construction Environmental Management Plan (CEMP) incorporating a Construction Method Statement (CMS) and a Site Waste Management Plan (SWMP) has been submitted and approved in writing by the planning authority, in consultation with SEPA and other agencies such as SNH.

The EMP shall be submitted at least one month prior to commencement of development.

Thereafter, development on the site shall be carried out in accordance with the CEMP as approved.

*Reason: To ensure that the necessary mitigation is in place to protect and preserve the status of watercourses and other sensitive environments, in the interests of environmental amenity*

2. The proposed stack shall be a minimum height of 70m.

*Reason: In the interests of air quality.*

3. No development shall commence on site until an updated contaminated land site investigation and risk assessment have been completed and a written report submitted to and approved in writing by the planning authority. The site investigation and risk assessment must be undertaken by suitably qualified, experienced and competent persons. The written report of the findings must include:

(i) A Phase 2 report incorporating a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site;

(ii) An assessment of the potential risks to:

- human health,
- property (existing and proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- the water environment,
- ecological systems,
- archaeological sites and ancient monuments
- flora and fauna associated with the new development;

(iii) An appraisal of remedial options, and proposal of the preferred options(s).

This must be conducted in accordance with the Environment Agency's Contaminated Land Report 11, Model Procedures for the Management of Land Contamination, CLR11. If it is concluded by the written report that remediation of the site is not required, and this is approved in writing by the planning authority, then Parts 2 and 3 of this Condition can be disregarded.

## Part 2

Prior to any work beginning on site, a detailed Remediation Statement to bring the site to a condition suitable for the intended use by removing unacceptable risks to all relevant and statutory receptors, must be submitted to and approved in writing by the planning authority. The Remediation Statement must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The Remediation Statement must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development.

## Part 3

The approved Remediation Statement must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the agreed remediation. The planning authority must be given two weeks written notification of the commencement of the remediation works. Following completion of the measures identified in the approved Remediation Statement, a Verification Report that demonstrates the effectiveness of the remediation carried out must be prepared. The Verification Report must be submitted to and approved in writing by the planning authority prior to commencement of the new use of the land.  
Reason To minimise the risk from a historically potentially contaminative land use.

4. No development shall commence on site until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority.  
The submitted plan shall include details of:
  - i. monitoring of any standing water within the site temporary or permanent sustainable urban drainage schemes (SUDS) – Such schemes shall comply with Advice Note 6 ‘Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS) (available at <http://www.aoa.org.uk/policysafeguarding.htm>).
  - ii. management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 8 ‘Potential Bird Hazards from Building Design’
  - iii. reinstatement of grass areas
  - iv. maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow
  - v. which waste materials can be brought on to the site/what if any exceptions e.g. green waste
  - vi. monitoring of waste imports (although this may be covered by the site licence) physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste
  - vii. signs deterring people from feeding the birds.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building.

No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.



*Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.*

*Advisory Note:*

*The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.*

*The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from **Scottish Natural Heritage** before the removal of nests and eggs.*

5. Surface Water Management and Drainage within the site shall be undertaken in accordance with the report entitled "Levenseat Waste Management Site – Surface Water Management Plan (V7)2 prepared by AECOM Limited dated 24/11/16 unless otherwise agreed in writing by the planning authority.

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

6. No development shall commence on site until the updated details of landscaping including soft and hard surfaces has been submitted to and approved in writing by the planning authority. It shall include details of plant species, sizes, planting distances, methods of protection and, notwithstanding the details on the approved drawings, details of all paving/hard surfacing and means of enclosure. It shall comply with BS 3936-1 Nursery stock - Part 1: Specification for trees and shrubs and BS 4428 - Code of practice for general landscape operations (excluding hard surfaces).

The landscaping shall be implemented in the first planting season following any building being occupied, or completion of the development, whichever is sooner.

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

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

7. No development shall commence on site until full details and samples of the materials to be used as external finishes on all buildings and for all roads, parking and hardstanding areas has been submitted to and approved by the planning authority, and the development shall be carried out strictly using those approved materials.

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

8. No development shall commence on site until details of the proposed woodland planting and extension to the existing screening bund have been submitted to and approved by the planning authority. The approved planting shall be completed prior to the construction of the extension to the MRF and Phase 2 EFW.

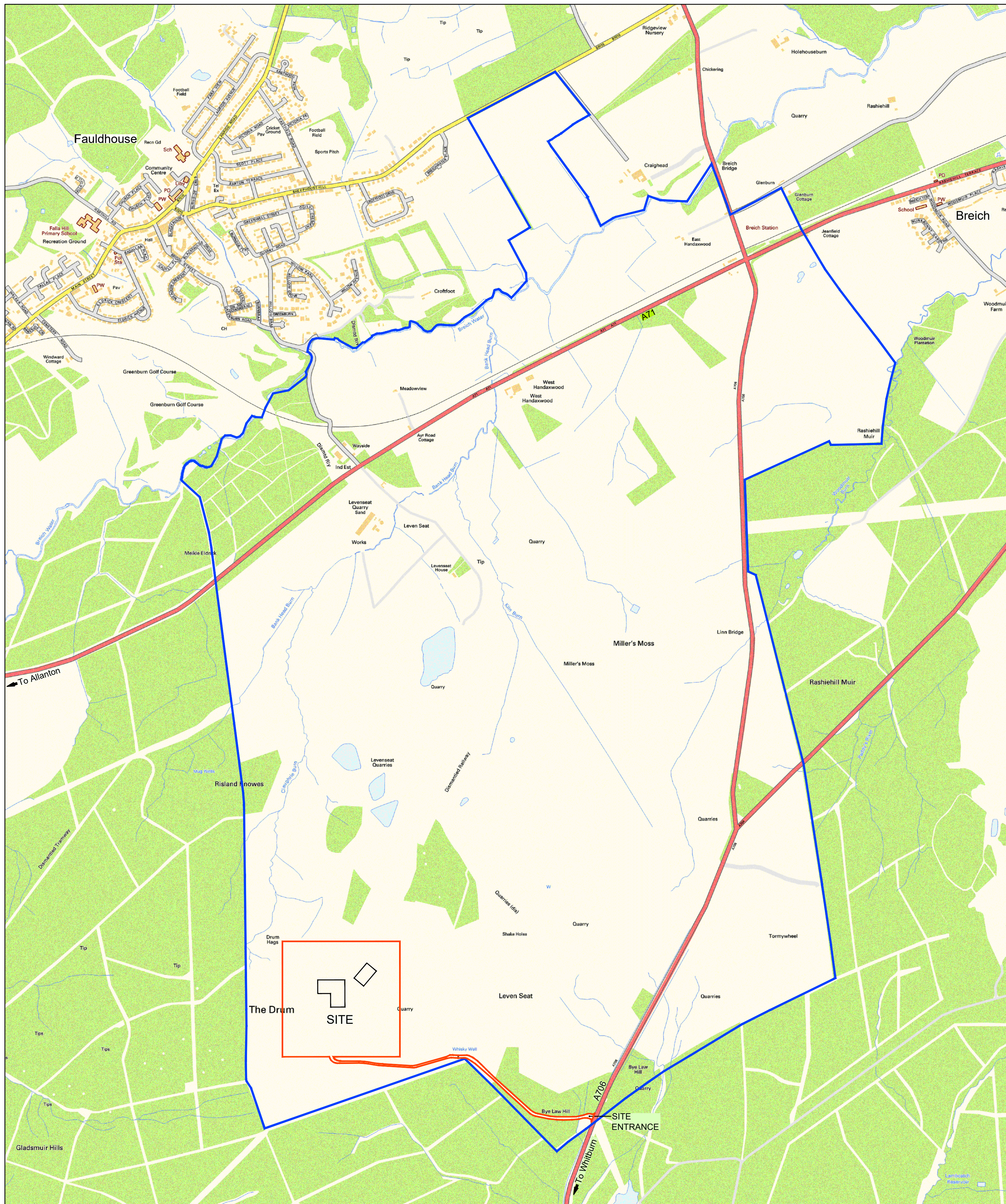
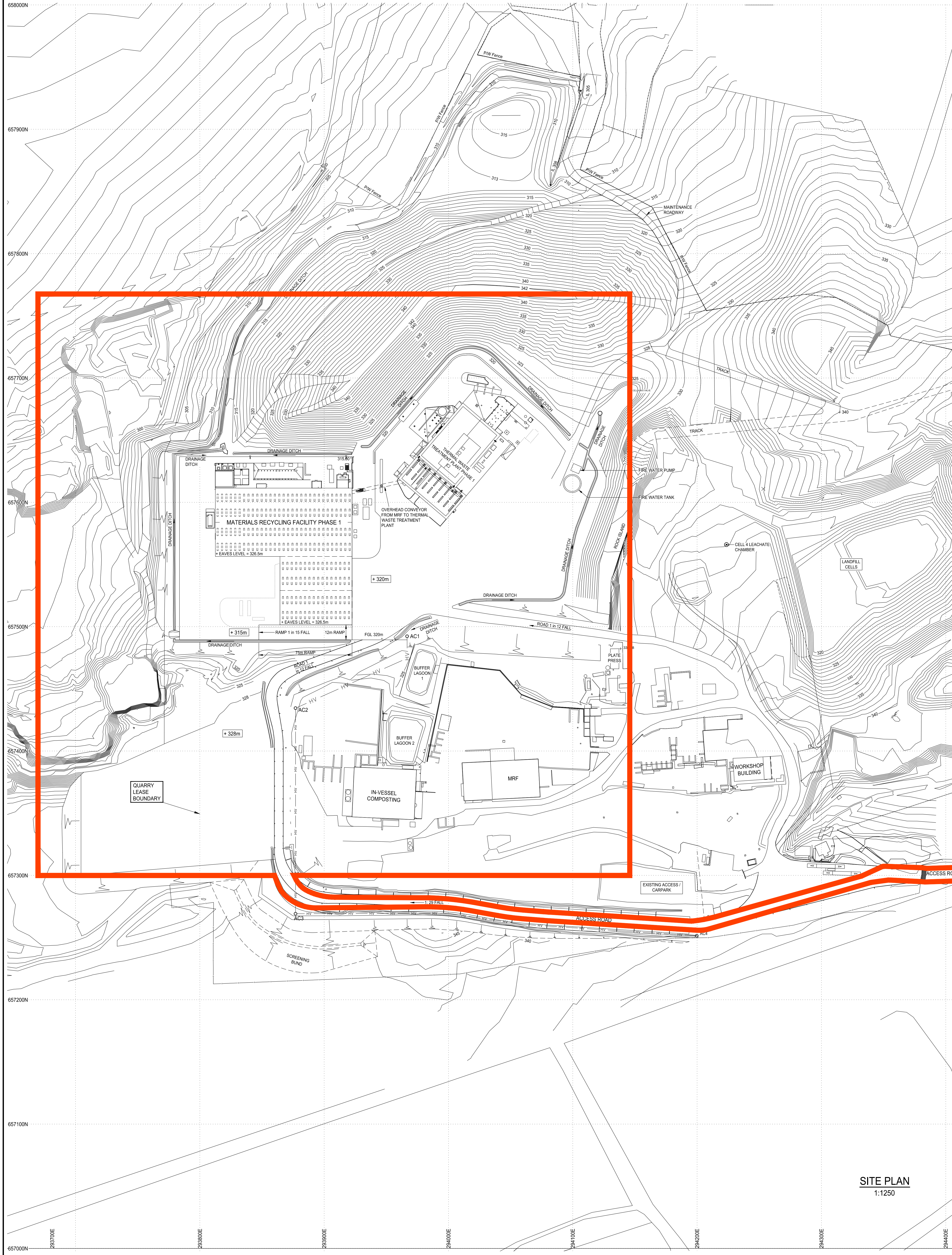
*Reason: To enable consideration of these details in the interests of visual amenity.*

9. No development shall commence on site until details and techniques to harvest roof water and surface waters for re-use at Phase 2 EFW and the extended MRF has been submitted to and approved by the planning authority.

Thereafter, development on the site shall be carried out in accordance with the details as approved.

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





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ORDNANCE SURVEY NATIONAL GRID REFERENCE  
NS6657SE NS7037SW NS6657NE NS7037NW MAPS

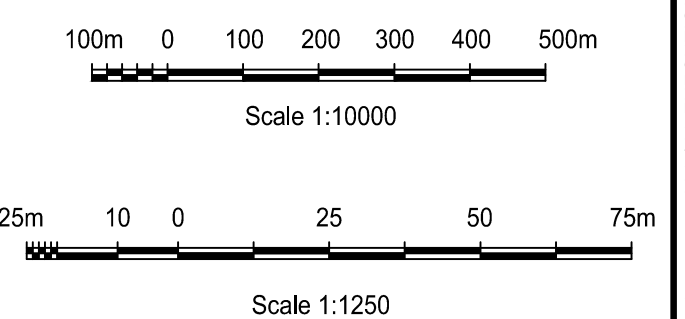
SITE LOCATION PLAN  
1:10000

NOTES

1. ALL DIMENSIONS ARE IN METRES. ALL LEVELS ARE IN METRES A.O.D. ALL COORDINATES ARE IN METRES TO OS GRID.

LEGEND

- EXTENT OF LAND OWNERSHIP
- EXTENT OF SITE BOUNDARY



1	18/02/2020	PLANNING APPLICATION	MD	1000	1000
Rev	Date	Drawn	Marked	Checked	App'd
Client:					
Project:					
Title:					
THERMAL WASTE TREATMENT PLANT PHASE 2					
EXISTING SITE PLAN					
Design:	L.J.M.M	CAD:	MG		
Chkd:	L.J.M.M	App'd:	L.J.M.M		
Date:	DEC. 2019	Scale:	1: 10000 & 1: 1250 @ A0		
<div></div>					
Tanfield, 1 Tanfield, EDINBURGH, EH3 5DA		Tel: +44 (0) 131 301 8800 Fax: +44 (0) 131 301 8899 <a href="http://www.aecom.com">www.aecom.com</a>			
No. 60520351/ PLANNING 100					
Rev:					1



**To whom it may concern**

**Planning application 0322/FUL/20**

**Levenseat Waste Management Facility By Forth Lanark ML11 8EP**

**Erection of phase 2 thermal treatment plant and extension to materials sorting building (EIA Development)**

I write to object to the above planning application lodged by Levenseat Waste Management to expand operations at their site near Fauldhouse.

My objections are :-

1. Visual amenity – the proposal will see yet more invasive industrial development on this rugged moorland area. The Breich Valley was previously designated an area of ‘Special Landscape control’ yet this was repeatedly ignored with major industrial developments including decades of quarrying for sand, several wind farms, a landfill site, a recycling site and a thermal treatment plant. These are alien to this wild moorland area yet have been granted permission. This latest application will see the natural skyline changed, the contours of the land impacted, a higher building erected and a stack built that is much taller than the current one. All of this will have a negative visual impact when viewed from the A71 and from numerous points around Fauldhouse, Breich and Longridge . I absolutely reject the applicants claim that there will be no adverse effect on the landscape. This development combined with all the rest in this area makes it appear like this is an area where there is a planning ‘free for all’ and anything goes.
2. The addition of a new stack will see more pollutants released into the atmosphere; this will again impact visually but it could also have a negative effect on public health. Any failure of the treatment process could release all sorts of gases into the atmosphere and with a wind that comes predominantly from the west there is a danger to residents living in the path of these airborne pollutants.  
The people who live in the villages to the west of West Lothian already suffer from major health inequalities – we should be doing all we can to



improve air quality and respiratory health, this development will cause a further deterioration of it.

3. Road traffic – the road to and from the plant are already very busy with heavy goods traffic passing through settlements such as Whitburn, Longridge, Breich, Polbeth and West Calder. This is causing major environmental degradation, pollution, noise and danger to pedestrians. The expansion of tonnage coming into the site will make these matters worse.
4. Water courses – the water quality of Breich water and its feeder burns is very poor, run off from the site will have a further negative impact on water quality, aquatic life and biodiversity.
5. Cumulative impact – the cumulative impact of development in and around Fauldhouse must be taken into consideration. Over the last 20 years or so, the area has been subjected to landfill development, multiple windfarms, quarrying, opencast and the legacy of mining. All of this combined has had a major impact on the people and their health and well-being.
6. Litter, birds and odour – the site has for a long time been blighted by these three irritants. The moorland sees episodes of litter pollution blown from the site, more imported waste travelling to and from or stored on the site will increase this. More waste lying stored or around waiting to be processed will increase the presence of gulls which are a major issue for Edinburgh airport due to bird strike concerns and there is episodic odour pollution from poor management of waste which causes upset and distress to residents and their ability to enjoy their time outdoors. All of this will increase with more tonnage being brought to the site.
7. Once again, the consultation process has been very poor. This is a feature of Levenseat applications. The company know that there are many organisations in the community that can get information out to people in various formats, so why did they not use these avenues to advertise this application and make people aware of it? This has been a regular complaint over the years about Levenseat applications, it appears some things never change.

I hope that these issues taken into account when determining this application and that you reject Planning application 0322/FUL/20.

Yours,

Neil Findlay MSP for the Lothian region



**From:** [Stewart Blair](#)  
**To:** [Fautua, Mahlon](#)  
**Cc:** [neil.findlay.msp@parliament.scot](mailto:neil.findlay.msp@parliament.scot); [Dodds, David \(Councillor\)](#); [Muldoon, Cathy \(Councillor\)](#); [Clark, Pauline \(Councillor\)](#)  
**Subject:** Levenseat Phase 2 changes - 0322/FUL/20  
**Date:** 05 July 2020 01:15:57

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Dear Mr Fautua,

Below are the comments I attempted to enter via the West Lothian Planning website, but there were too many characters.

I hope that given the sufficient time before the closing date for comments that this email qualifies as official input to the planning process - please let me know if this is not the case.

Many Thanks,

Stewart Blair,  
13 Willow View  
Fauldhouse

Regarding this planning application (0322/FUL/20 | Erection of phase 2 thermal treatment plant and extension to materials sorting building (EIA Development) | Levenseat Waste Management Facility By Forth Lanark ML11 8EP) I would like to make the following comments:

1. As a layman, my general understanding is that Levenseat was previously granted permission for a further power plant (i.e. phase 2) that was:
  - The same height as the current plant
  - Behind the current plant

This application is for:

- A plant that has a building 20m (66ft) taller than the previously approved building, the tallest part of which is 43.9m wide (144ft)
  - A chimney stack that is 15m (49ft) taller than the existing stack
2. The assertion from the Environmental Impact Assessment (EIA) report, section 1.27:

“1.27 The only significant external impacts of the proposal will relate to potential visual impact from the new stack and air quality from emissions from the process”

I would suggest that this is untrue, as the montages included in the EIS show that, in addition to the new larger chimney stack, an enormous new industrial building will protrude from the landscape south of Fauldhouse.

I would also suggest that by using the word “only” that this shows less regard than there should be for air quality that is to be experienced by the surrounding villages.

3. From the Environmental Impact Assessment, I have the following comments:
  - a. The viewpoints considered do not reflect the everyday experience of most people living in Fauldhouse and the selection of view points is very puzzling. For example, compared to the selected viewing points, the following locations are much more impacted and relate to more people, but have not been considered:
    - i. Fauldhouse Partnership Centre and related recreational areas (Football pitch, play park and open area)
    - ii. St. Johns Primary School
    - iii. Falla Hill Primary School
    - iv. Church Place (residential)
    - v. Fallas Place (residential)
    - vi. Greenburn (The EIA report states that the development generally cannot be seen from Greenburn, this is not the case. I live in Greenburn. The golf club car park is not representative)
    - vii. The moors to the north of Fauldhouse that are a popular recreational area
  - b. Only two montages are included in the report, one of which is from Breichwater Place and uses a picture taken on 12th July 2019. Significant progress has been made in the construction of this development since then and the picture included is no longer representative, this should be updated for the purposes of this application.

Given the above, the people of Fauldhouse should be provided with a more thorough analysis of the visual impact on the village and this should be subject to consultation. The report fails to capture the reality that Levensat is already a substantial feature in the landscape to the South for much of Fauldhouse.

I would hope that regardless of what happens, the existing bund should be extended to the west to obscure the MRF building that was constructed circa. 2015.

4. Consultation with the community has been scant. One drop in session was held in February, pre-COVID-19 and there have been no opportunities for the community to engage since then. I believe the February session was only advertised on physical posters in the Fauldhouse Partnership Centre, which was not very effective. I have previously advised Levensat to use the, ‘Fauldhouse Today,’ Facebook group page but this has not happened. Regarding publication of this application, a very small advert in the, ‘Lothian Courier,’ is also ineffective.
5. I would like contemporary research into community health to be considered before a decision is made on the project. Seresinhe et al.(2015) commented:



“We find that inhabitants of more scenic environments report better health, across urban, suburban and rural areas. This result holds even when taking core socioeconomic indicators of deprivation, such as income and data on air pollution into account. Importantly, we find that differences in reports of health can be better explained by the scenicness of the local environment than by measurements of greenspace.”

Even though it has less than 5000 inhabitants, Fauldhouse has multiple areas that are already affected by multiple dimensions of deprivation. I would hope that given the well characterised effects of the visual environment on health (including mental health) that the visual impact caused by this very large industrial project would be rightly considered.

The EIA assessment classes the existing landscape as “Lowland plateaux”. I would ask for consideration of the fact that the reality from Fauldhouse is:

Natural landscape = Lowland plateaux

Current detractors:

1. Levenseat Quarry
2. Tormywheel + others windfarms
3. Levenseat landfill
4. Levenseat phase 1 power plant
5. Levenseat phase 2 (embodiment already approved but not yet built)

My questions, that I hope could be answered to the people of Fauldhouse are: When will enough be enough? Given the compound effect of the items listed above and considering current research on environment and health, is the current approved embodiment of phase 2 not a reasonable balance between industrial / policy progress and local community health rather than the new, much larger version?

In addition, I would ask that the following are checked:

- a. Policy MRW 8 section b: Are all distances such as that from the phase 2 development to all other waste processing sites, such as landfill, in compliance?
- b. Policy MRW 8 section h: Are landscape features protected when given the list above?

Reference:

Seresinhe, C., Preis, T. & Moat, H. Quantifying the Impact of Scenic Environments on Health. *Sci Rep* 5, 16899 (2015)

6. Building Style. The application refers to the building style as being, ‘industrial,’ which essentially looks like a large box. As it does not seem possible to hide the

proposed development, I would ask that there is at least some attempt to improve it's architectural merit. At a community liaison meeting Levensheat presented several more ambitious concepts that have been built elsewhere. If the village must exist across the Breich valley from such a large edifice, there should at least be *some* effort to provide a more appealing range of designs that can be discussed with the community.

7. The EIA report states that there have been significant technology advances in incineration technology since the original phase 2 submission. I have conducted a brief patent search and have not uncovered any "significant" advances within this time frame. As a patent holder in the field of fluidised bed technology, although not in the waste burning sector, I am aware that this is a mature area of technology and therefore unlikely to experience the "significant advances" claimed in the report within 5 years. I would like the claimed significant advances to be outlined for consultation with the community of Fauldhouse.
8. I would like to highlight that there are various technology options that fit within the previously granted application for phase 2. These would have essentially no additional visual impact to the community of Fauldhouse and the air quality assessments have already been approved.
9. The EIA has a very generous interpretation of how the heat from the process will be exploited. For example, to quote from the EIA report:

*2.51 Given the uncertainties concerning the economic viability of a number of options for exploiting secondary heat, the strategy at present is to develop plans for a range of uses of heat. As the likely viability of each option becomes clearer the plan will become firmer.*

This reads like consultant speak for there being no plan and therefore no benefit from secondary heat should be considered in this application.

10. The air quality assessment is 155 pages long and is very technical in nature. I would ask that this is translated into a form that is suitable for consultation with the communities of Fauldhouse, Breich, Addiewell and West Calder. I would ask that the need to exclude the building effect from the assessment is explained in a fashion that the lay person can understand.



**From:** [Planning](#)  
**To:** [Fautua, Mahlon](#)  
**Subject:** FW: 0322/FUL/20 - [OFFICIAL]  
**Date:** 01 July 2020 09:10:54  
**Attachments:** [ATT00001.txt](#)

---

DATA LABEL: OFFICIAL

Comment on one of your applications

Mark Brooks  
Contribution and Information Officer  
Development Management  
Mark.Brooks@westlothian.gov.uk

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

-----Original Message-----

From: Melanie Allan [REDACTED]  
Sent: 30 June 2020 13:15  
To: Planning <Planning@westlothian.gov.uk>  
Subject: 0322/FUL/20

Regarding the above application, it is disappointing as a local resident to be notified of this informally. Previous applications would have been posted to residents. It seems that this application has been made during a period of turbulent times so that it does not attract any attention.

The current site already causes residents of the Fauldhouse area issues. The waste from the facility blows into Fauldhouse, covering properties and cars with a residual sand film. I attach a photo as evidence. This is not acceptable and I understand from my neighbours that this issue has been highlighted often. As these issues still exist, planning permission for an extension to the facility should not be granted.

I look forward to hearing your comments  
Melanie Allan

West Lothian Council - Data Labels:

OFFICIAL - Sensitive: Contains Personal or Business Sensitive Information for authorised personnel only  
OFFICIAL: Contains information for council staff only  
PUBLIC: All information has been approved for public disclosure NON-COUNCIL BUSINESS: Contains no business related or sensitive information

Link to Information Handling Procedure: <http://www.westlothian.gov.uk/media/1597/Information-Handling-Procedure/pdf/infohandling1.pdf>

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[Please remember to wash your hands. 20200316]<<https://www.nhsinform.scot/coronavirus>>













## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

Address: Levenseat Waste Management Facility By Forth Lanark ML11 8EP

Proposal: Erection of phase 2 thermal treatment plant and extension to materials sorting building (EIA Development)|cr|

Case Officer: Mahlon Fautua

### Customer Details

Name: Miss H Allan

Address: Greenburn Road Fauldhouse

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Research indicates the new structure will be much taller than previously reported but additionally there are reports to indicate the air quality will be affected in surrounding villages which is a key influence in my decision to object

## Comments for Planning Application 0322/FUL/20

### Application Summary

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Address: Levenseat Waste Management Facility By Forth Lanark ML11 8EP

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Case Officer: Mahlon Fautua

### Customer Details

Name: Miss Lindsey McGarty

Address: 38 blackfaulds Drive Fauldhouse

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The development of this site is far greater than previously agreed.

It has already obstructing the natural views and will be even more so apparent if extended. It is very industrial looking; the architecture does not consider its surrounds. Fauldhouse already homes this along with wind turbines; will there be no other areas considered when it comes to these provisions in West Lothian and the surrounds.

Also what effect is this already having on the health of locals; will this bigger plant have an even greater effect and will this be advised in simplistic terms to locals to consider and discuss before moving forward.



## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

Address: Levenseat Waste Management Facility By Forth Lanark ML11 8EP

Proposal: Erection of phase 2 thermal treatment plant and extension to materials sorting building (EIA Development)|cr|

Case Officer: Mahlon Fautua

### Customer Details

Name: Miss Susan Carruthers

Address: 29 Fallas place Fauldhouse

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As a resident of Fauldhouse, I would like this request to build a larger power plant to be brought to the people. Of Fauldhouse for consultation. As mentioned in the report, if it negatively affects the air quality in the area then we need to seriously consider the impact this will have on our community.

Is there a way for counsellors to organise a community meeting to discuss this further because after just hearing vaguely the Levenseats plans, I strongly disagree with what they are planning to do.

## Comments for Planning Application 0322/FUL/20

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Address: Levenseat Waste Management Facility By Forth Lanark ML11 8EP

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Case Officer: Mahlon Fautua

### Customer Details

Name: Ms Audrey Leitch

Address: 95 Lanrigg Road Fauldhouse

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Concerned about health implications, impact on view, more consideration be given to people in village to choose a more suitable building and facts provided to prove that people of Fauldhouse are benefiting financially in their bills by these monstrosities that are taking over our beautiful green space.



## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

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Proposal: Erection of phase 2 thermal treatment plant and extension to materials sorting building (EIA Development)|cr|

Case Officer: Mahlon Fautua

### Customer Details

Name: Miss Amanda Bryce

Address: 9 Portland Place Fauldhouse

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: When is enough enough for this village the health and well-being of villagers is never considered. There were clear issues raised when the first plant was approved and we as villagers were all ignored now you are considering a very large expansion! Our village cancer rates are very worrying and I feel plants like this have a very contributing factor. Something needs done to Stop this. Leave our village alone!!!

## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

Address: Levenseat Waste Management Facility By Forth Lanark ML11 8EP

Proposal: Erection of phase 2 thermal treatment plant and extension to materials sorting building (EIA Development)|cr|

Case Officer: Mahlon Fautua

### Customer Details

Name: Mr Robert Nimmo

Address: 36 Meadow Crescent Fauldhouse

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:What,s happens to Fatal suppose to look after the public of Fauldhouse.



## Comments for Planning Application 0322/FUL/20

### Application Summary

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Case Officer: Mahlon Fautua

### Customer Details

Name: Mr gerry gallacher

Address: 8 willow view fauldhouse bathgate

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I wish to defeat this application on the basis of its impact health wise to the community of fauldhouse.

## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

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Case Officer: Mahlon Fautua

### Customer Details

Name: Miss Jodie Fullerton

Address: 5 earls place Fauldhouse

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This will completely destroy the view of our beautiful hills. A complete eye sore. I object to this happening. We stay at earls place and the reason we purchased the house was the view from our sky light. We walk up there frequently exercising with young kids who enjoy the Fresh air.



## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

Address: Levenseat Waste Management Facility By Forth Lanark ML11 8EP

Proposal: Erection of phase 2 thermal treatment plant and extension to materials sorting building  
(EIA Development)|cr|

Case Officer: Mahlon Fautua

### Customer Details

Name: Mrs Arlene Tomaszewska

Address: 4 Wallace Walk Stoneyburn

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Concerned about the impact on the environment and public health.

## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

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Proposal: Erection of phase 2 thermal treatment plant and extension to materials sorting building (EIA Development)|cr|

Case Officer: Mahlon Fautua

### Customer Details

Name: Mr John Buchanan

Address: 13 Eldrick Avenue Fauldhouse

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I feel this proposed expansion will be detrimental to the air quality and the general health of the people of Fauldhouse and surrounding towns and villages.

I would like my objection to be taken into account by the planning department.



## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

Address: Levenseat Waste Management Facility By Forth Lanark ML11 8EP

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Case Officer: Mahlon Fautua

### Customer Details

Name: Miss Keighley Fowler

Address: 36 Eldrick Crescent Fauldhouse

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The smell is bad enough without expansion it's a complete eye sore and not only do I believe it is affecting air quality but the water also is not what it was especially on the walk near with the burn

## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

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Case Officer: Mahlon Fautua

### Customer Details

Name: Mr Graham Broughton

Address: 17 Badallan Place Fauldhouse Bathgate

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As Fauldhouse is the 3rd Healthiest place to live in the UK - I feel that the pollution to the air so close to our village is an unwanted thing -



## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

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(EIA Development)|cr|

Case Officer: Mahlon Fautua

### Customer Details

Name: Miss Fiona Roberts

Address: 39 Portland place fauldhouse Bathgate

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:The air pollution to the area

## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

Address: Levenseat Waste Management Facility By Forth Lanark ML11 8EP

Proposal: Erection of phase 2 thermal treatment plant and extension to materials sorting building (EIA Development)|cr|

Case Officer: Mahlon Fautua

### Customer Details

Name: Mrs Kirsty Farrell

Address: 3 Briechwater Place Fauldhouse

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I absolutely object to this. Not only will this ruin the landscape but has potential risks to everyone's health for generations.



## Comments for Planning Application 0322/FUL/20

### Application Summary

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Proposal: Erection of phase 2 thermal treatment plant and extension to materials sorting building (EIA Development)|cr|

Case Officer: Mahlon Fautua

### Customer Details

Name: Miss Chloe Brannan

Address: 9 Willow Avenue Fauldhouse Bathgate

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I live in Avenue and we look straight up to Levensat and can already see the chimney from the house. I also very frequently walk up here with family and friends. This would be detrimental to the health of the villagers of fauldhouse who already have a high rate of deaths in the village due to cancer! I would also like to add my family has been person affected by this. How can we be branded one of the healthiest places to live and you are now going to erect this monstrosity to ruin a beautiful area.

## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

Address: Levenseat Waste Management Facility By Forth Lanark ML11 8EP

Proposal: Erection of phase 2 thermal treatment plant and extension to materials sorting building (EIA Development)|cr|

Case Officer: Mahlon Fautua

### Customer Details

Name: Miss Erin Brannan

Address: 9 Willow Avenue Fauldhouse

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I live in Willow Avenue and this is all you can see. It ruins the views over the hills and causes concerns to the neighbourhood. It's also positioned next to a well known walk in the area that people are going to start avoiding due to the negative atmosphere this is creating in the village.



## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

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Case Officer: Mahlon Fautua

### Customer Details

Name: Miss Linda McKee

Address: 42 Lanrigg Avenue Fauldhouse Bathgate

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I have just found out about the phase 2 of this plant, either I have not received communication about this or living on another planet!!! I feel that as I was born and lived in this village for all of my 52 years, in this day and age I am entitled to my say as to what kind of environment I live in, unlike the 70's and 80's the top of Lanrigg Avenue was used as a "GENERAL WASTE DUMP". I find it most strange that a lot of residents from Lanrigg Avenue, Park View and nearby streets have either fought cancer related illnesses or died from a cancer. So in this respect and Fauldhouse seemingly being the dumping ground for West Lothian, I wholeheartedly object to the second phase of this plant, even if it means the loss of jobs!!

## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

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Case Officer: Mahlon Fautua

### Customer Details

Name: Mrs Ann Marie Halpin

Address: 8 willow grove Fauldhouse West lothian

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I strongly object to this proposal and would urge the powers at be to decline this proposition forthwith.



## Comments for Planning Application 0322/FUL/20

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Case Officer: Mahlon Fautua

### Customer Details

Name: Mr Robert Mildren

Address: 52 Bridge Street Fauldhouse

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The timing of this application stinks. It is deliberately timed for lockdown so that the local community has less time and opportunity to analyse and assess yet another potential blot on the landscape and undermining of air quality.

At the very least this proposal should be delayed until the company has taken the time to properly consult with local community groups in Fauldhouse and show that every effort has been made to minimise impact on a community that is ALWAYS treated as someone else's backyard.

## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

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Case Officer: Mahlon Fautua

### Customer Details

Name: Mr Greig Muir

Address: 9 East forth road Forth

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The Levenseat site is already polluting our air and leaves a smell every morning after the overnight burning.

I am completely against the site expanding!

This site already has a negative impact on the nearby wildlife and scenery. This has become more visible over the years.



## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

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Proposal: Erection of phase 2 thermal treatment plant and extension to materials sorting building (EIA Development)|cr|

Case Officer: Mahlon Fautua

### Customer Details

Name: Dr Bede Williams

Address: 11 Willow Ave Fauldhouse

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:A number of years ago planning consent for these Waste Management Facilities were rejected in Newton Mearns and Hamilton. The public outrage in those communities was a lesson, and guerrilla tactics were deployed in order to dupe the communities of Fauldhouse in phase one, and again now in phase two. The size and scale of the facility proposed in phase two has exceeded anything which the scant consultation process warned communities of in phase one.

As an academic, I am deeply concerned that there are no peer-reviewed studies in which the locally situated wind turbines are taken into calculations for ground-fall of combusted materials. The public has had no access to the specific peer-reviewed longitudinal reports which take into consideration ground-fall of combustible materials. Studies exist about ground-fall, but none of these are longitudinal, and more importantly, none of them take into consideration the effect of the wind turbines in the dispersal of combusted materials.

There is also no publicly available information about the elevated cadmium and chromium levels in the area: the cadmium and chromium levels already exceed for the amount advised for children (cf papers associated with phase one application). Elevated levels of cadmium and chromium are not a direct consequence of Levenseat at this time, though the studies associated with phase one of the incinerator discovered these high levels of these toxins.

I am also deeply concerned about the future financial control of the site. If current or future investors sweat the asset, they will do so by burning more profitable waste. Will West Lothian Council keep major fiscal reserves to protect the capital investment against such pressures? The incinerator is least efficient in the start up and shut down phases. Who governs what waste product goes in at these points? There is also no publicly available information about the shut-

down process of the incinerator if it was found to be in breach of its permit.

As was the case in the first phase of the Levenseat construction, there has again been a systemic failure in the public consultation process. With the appropriate resource, Levenseat could held to account (along with planning authorities and SEPA) to be complicit in a cover-up in situating the incinerators at the site close to Fauldhouse. At least, Levenseat, West Lothian Council and SEPA have been complicit in unethical practices: and you Mahlon Fautua are aware of this - will you sit on your hands, or will you do what is right?

What we expect and the only thing that we as a community will accept is no change to our landscape; improvements to our natural surroundings, waterways and air quality, and a full account of how such an obscenely hideous industrial site has entertained civil servants such as yourself, Mahlon, and those who you work for.



## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

Address: Levenseat Waste Management Facility By Forth Lanark ML11 8EP

Proposal: Erection of phase 2 thermal treatment plant and extension to materials sorting building (EIA Development)|cr|

Case Officer: Mahlon Fautua

### Customer Details

Name: Mr John Walker

Address: 19a quarry road Fauldhouse

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As a resident of Fauldhouse I STRONGLY object to the expansion of Levenseat Waste Facility due to air pollution , increased noise and the view from my house being compromised

## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

Address: Levenseat Waste Management Facility By Forth Lanark ML11 8EP

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Case Officer: Mahlon Fautua

### Customer Details

Name: Ms Caroline King

Address: 70 Quarry Road Fauldhouse

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: When is enough enough. Fauldhouse is being used as a large rubbish bin and for councillors to give planning permission is unacceptable. Apparently the health and welfare of the residents of Fauldhouse is of no importance.

It's all about making money with no consideration for anyone who lives in the area.



## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

Address: Levenseat Waste Management Facility By Forth Lanark ML11 8EP

Proposal: Erection of phase 2 thermal treatment plant and extension to materials sorting building (EIA Development)|cr|

Case Officer: Mahlon Fautua

### Customer Details

Name: Mrs Kirsty Burns

Address: 52 Dyfrig Street Shotts

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As a resident in Shotts, a west Lothian council matter doesn't directly affect my family. However, we are neighbours to both fauldhouse & forth & the implications of the expansion will spill over the boundaries. My mums family are all from Fauldhouse & cancer has been the cause of far too many family members deaths & there are many living with it & fighting it. It doesn't seem acceptable to have something that can be implicated in this disease expanded. There are far too many risks to this operation & one that should definitely not be made larger. Furthermore, it is on land that my family & many others use for recreational purposes - this would reduce the amount of green space available to thousands of people.

## Comments for Planning Application 0322/FUL/20

### Application Summary

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Address: Levenseat Waste Management Facility By Forth Lanark ML11 8EP

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Case Officer: Mahlon Fautua

### Customer Details

Name: Mrs June Flynn

Address: 57 Parkview Fauldhouse

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I would like to have more information on how the air quality will be affected. The public footpath to levenseat from Fauldhouse is at times unpassable due to the stench. As a resident of Fauldhouse I feel that we are not given enough consideration. The first phase was bad enough but this is unacceptable. The health of the local community should be paramount. We are placed in an area of high pollution with the M8 close by. The health records for the area leave a lot to be desired too.



## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

Address: Levenseat Waste Management Facility By Forth Lanark ML11 8EP

Proposal: Erection of phase 2 thermal treatment plant and extension to materials sorting building (EIA Development)|cr|

Case Officer: Mahlon Fautua

### Customer Details

Name: Mrs Elsie Allan

Address: 5 Greenhill court Fauldhouse Bathgate

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This should not be allowed we do not need this so close to our village

## Comments for Planning Application 0322/FUL/20

### Application Summary

Application Number: 0322/FUL/20

Address: Levenseat Waste Management Facility By Forth Lanark ML11 8EP

Proposal: Erection of phase 2 thermal treatment plant and extension to materials sorting building (EIA Development)|cr|

Case Officer: Mahlon Fautua

### Customer Details

Name: Mr WD Blair

Address: 6 Gowanbrae Greenburn Fauldhouse

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear sirs I wish to object and make comment to the application referred to on the following grounds

1. The method of communicating with the local community for such a radical proposal is totally inadequate and unacceptable. True community consultation cannot adequately be fulfilled by performing what may be regarded as the statutory minimum but by actually contacting the community.

Notices In a newspaper that few now read and in public buildings with severe restrictions due to a pandemic are not consultations to the people of Fauldhouse, Breich, Addiewell, Stoneyburn and West Calder - all of whom will be affected by the emissions from this proposal as the wind blows. A leaflet drop in this case is very cheap and efficient and would certainly be more effective than what has been done. It is my view that much more thought and time requires to be made on this.

2. The Environmental Impact Assessment with regard to the aspirations for the potential use of "secondary heat" informs us that there is no plan at all. It states that "the strategy is to develop plans." Surely in such a massive project of this nature with far ranging implications for so many communities there should be an "actual plan" well thought out and developed before even beginning to create the "secondary heat" referred to. This surely should be a given. The request therefore is that a detailed plan for the secondary heat be presented as part of this application and not as an aspiration for the future.

3. The landscape to the south of Fauldhouse is now dominated by wind farms, and the stark outline of Levenseat. Add to this that there are several tips in close proximity to the village it surely must be the case that Fauldhouse has made way more than its fair share of its contribution to the welfare of the people of West Lothian and surrounding area without the addition of this proposal.

4. If the applicants were to return with some firm, detailed and realistic proposals for the otherwise very vague areas within this application then this should also include detailed design proposals



with tight time scales as to how the buildings suggested could be screened visually. In my view this should have been part of this proposal.

5. I am particularly concerned about the almost dismissive nature within the Environmental Impact Assessment, as if it was a non event, of the reference to the loss and diminution of the air quality to the local residents.

Whilst the existing visual impact of the Levenseat operation is a major consideration, the offhand reference to the loss of air quality and contamination from emissions, as if it were of no consequence, borders on complete contempt for those in the communities most affected. I would very much like to think that the Councils own Environmental Health Department and Contaminations team have clocked this. I will as a matter of course be requesting to see their detailed response to the applicants Environmental Impact Assessment where on behalf of the residents I would like to think they will be asking very probing questions to areas where it is deemed to be vague or incoherent.

6. I have many other concerns regarding the nature and scale of this operation, the sources of the waste materials , the distances that will be travelled bringing it to site and other related matters. Too many to mention in this communication.

As a resident of Fauldhouse for some 40 years with the best interests of Fauldhouse at heart, I have grave reservations about the nature, scale and long term consequences of the proposal and feel I must therefore on behalf of many others who share my concerns object.

# Development Management Committee

25 November 2020

Item No 07: Application No. 0332/FUL/20

Erection of Phase 2 Thermal Treatment Plant and  
Extension to Materials Sorting Building (EIA  
Development)

Levensat Waste Management Facility by Forth,  
Lanark ML11 8EP



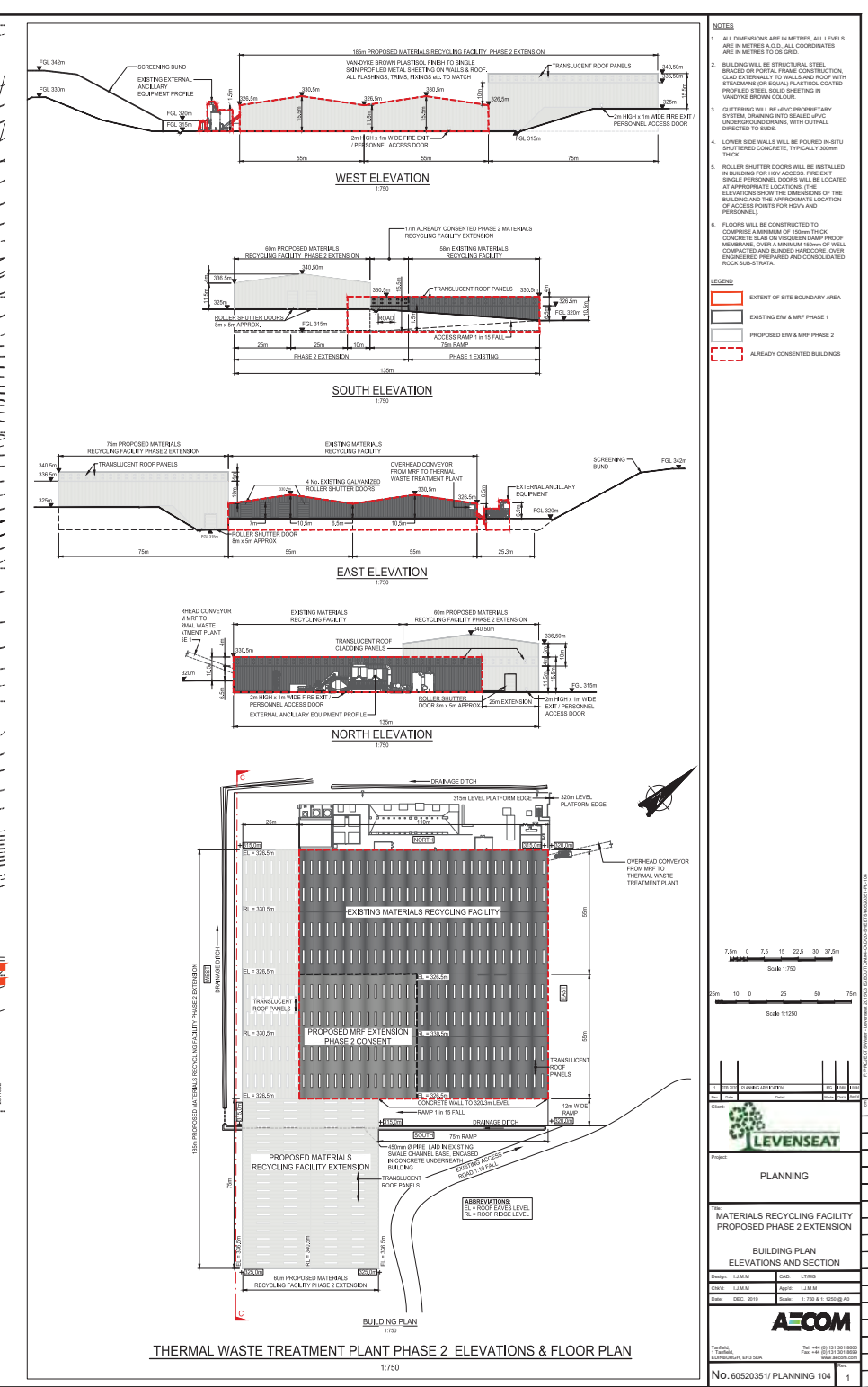
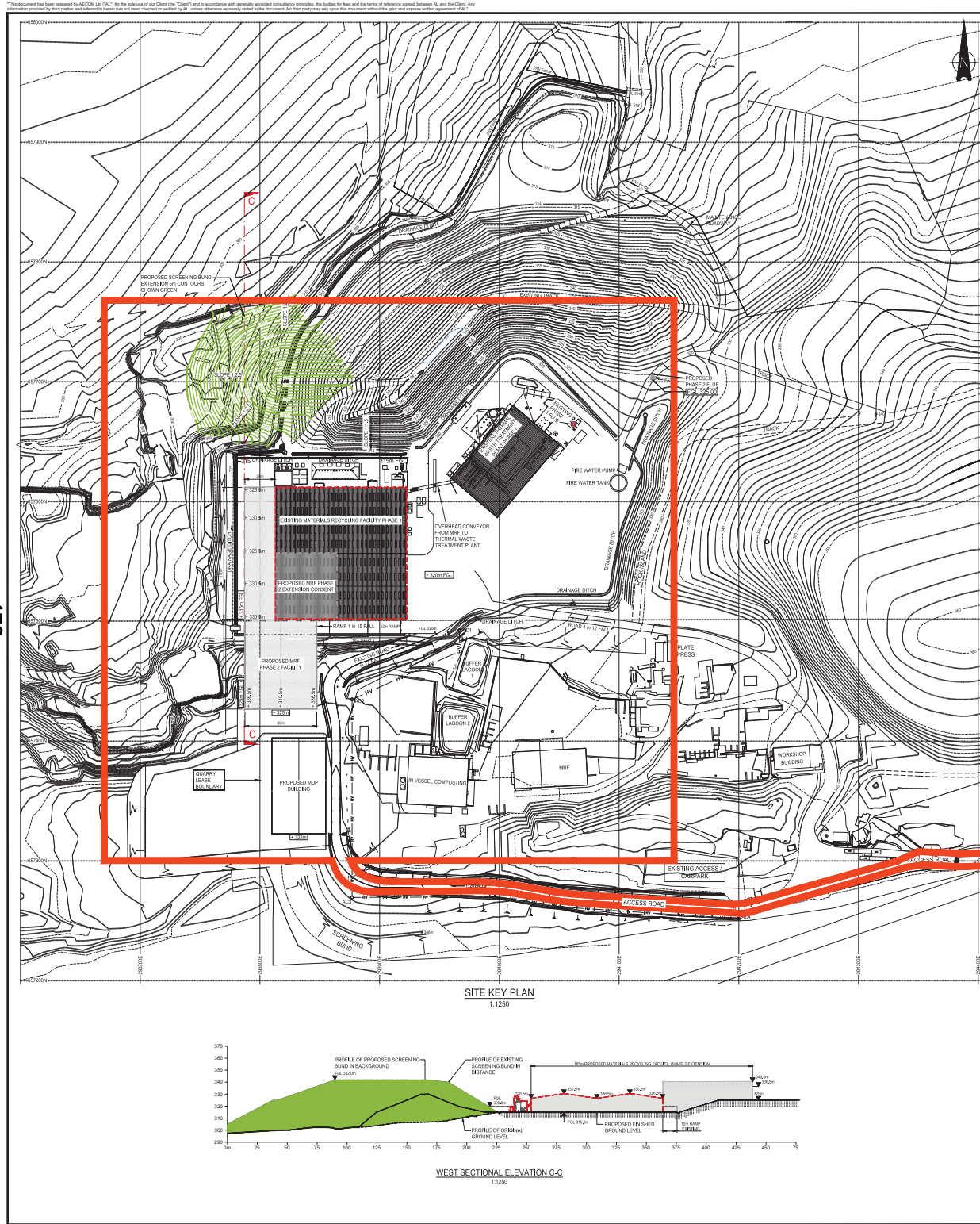






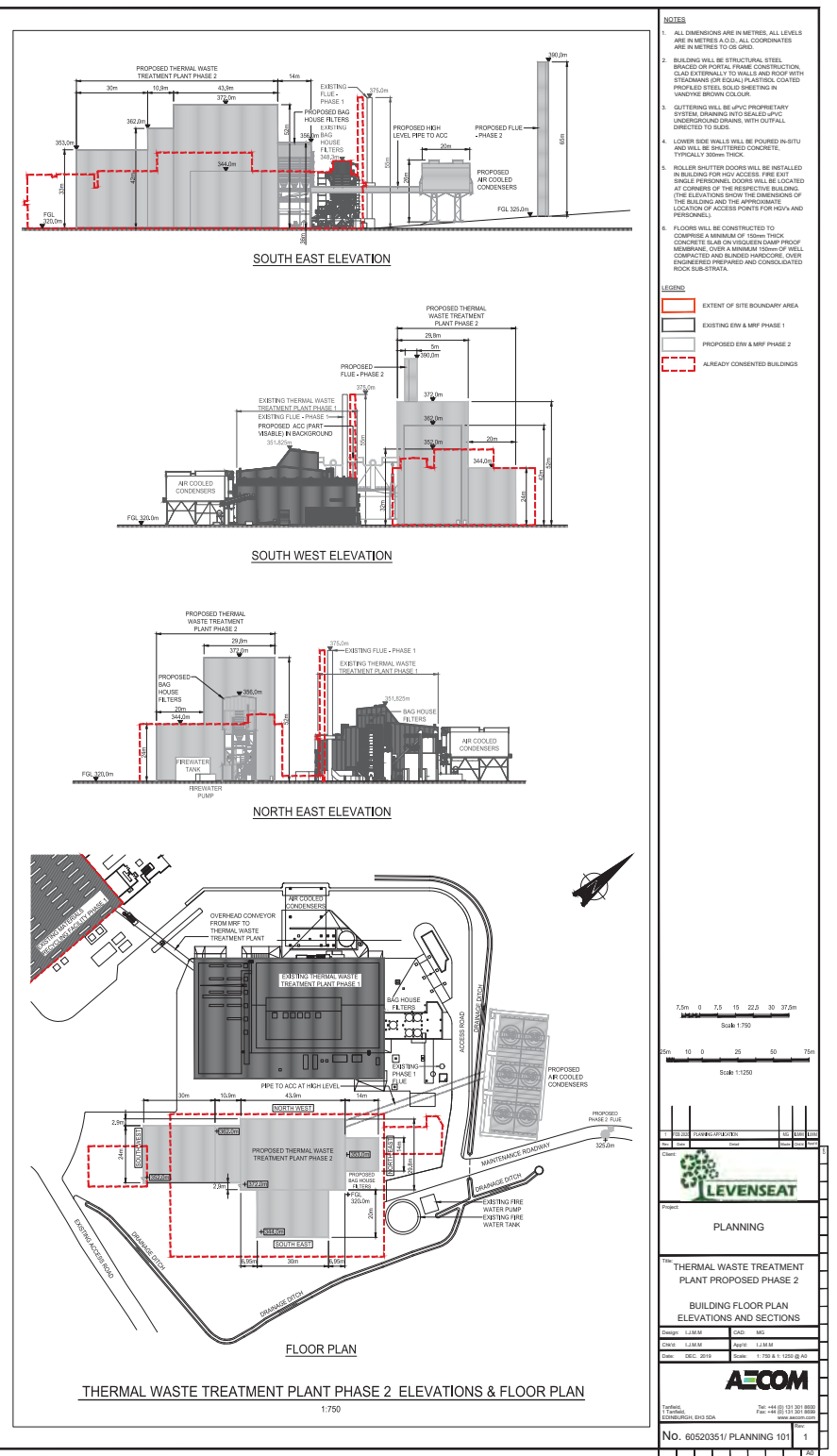
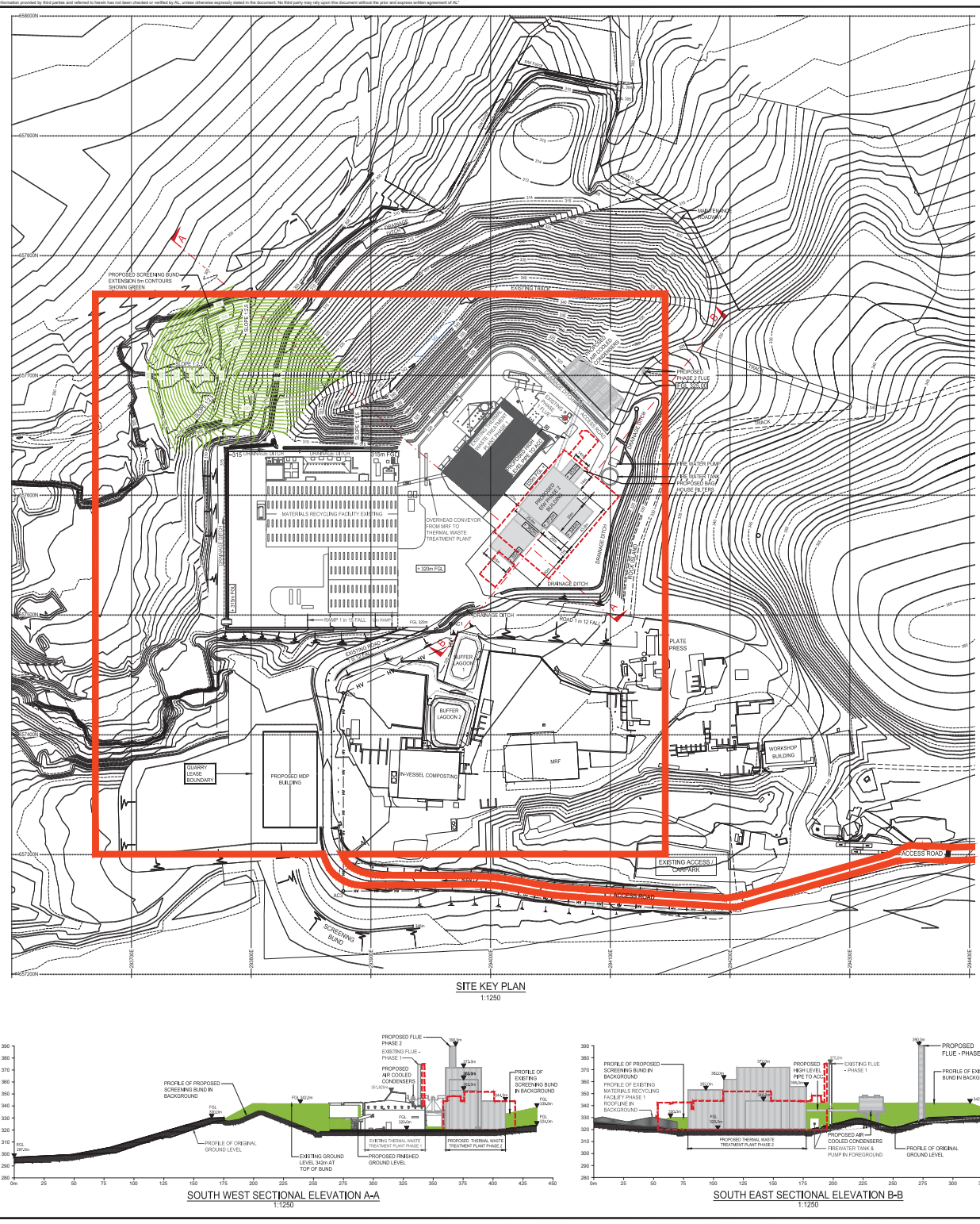








-177-







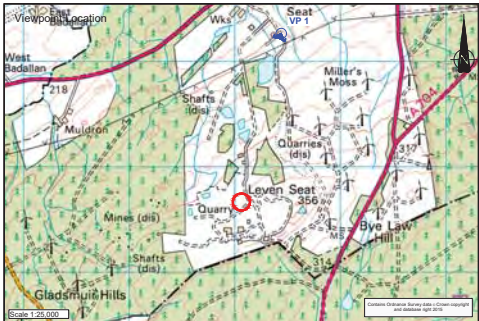
**Baseline Photograph Parameters**

Grid Ref: 294445mE 659270mN  
Elevation: 256m AOD  
Viewing Direction: SSW  
Distance to Development: 1.6 km  
Camera Details: Nikon D800 With Sigma Fixed 50mm Lens  
Camera Height: 1.5m  
Time and Date of Image Capture: 09:50 12/07/2019  
Weather and Lighting Conditions: Some cloud, light breeze

Horizontal Scale: 6.1 mm per °  
Horizontal Field of View: 130°  
Vertical Field of View: 24.7°  
Viewing Distance: 348mm @ A1

Photograph used is a composite panoramic image using portrait images with a 15° interval stitched to create a cylindrical projection  
This image provides a landscape and visual context only

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**VIEWPOINT 1, PATH EAST OF LEVENSEAT AND SOUTH OF LEVENSEAT HOUSE**

**Visual Receptors represented:** Users of the path (right of way), occupiers of Levenseat House

**Existing View:** The view looks uphill across rough grassland towards the Levenseat site, where the existing Phase 1 stack is visible above the screen mounding enclosing the northern edge of the site. Two sides of the top of the baghouse 'penthouse' structure are also visible above the screen mound. The high voltage pylons run through the view from west to east and some of the turbines within the Tormywheel wind farm are seen against the skyline in the left of the view. One of these turbines sits directly to the left of the landform screening the landfill site. The two large water tanks sit just below and close to the skyline in this view. There are no views of the existing MRF building from this location.

**Value of the view from this location:** Low - limited scenic value with wind turbines dominating this view (there is greater scenic value looking north from this location)

**Susceptibility of receptors to the proposed change:** Low-medium [users of the right of way experiencing transient views] and medium [occupiers of Levenseat House, from where the view towards the site is partially screened by garden boundary trees]

**Sensitivity of receptors:**  
Residential: Medium  
Road users: N/A  
Recreational: Low-medium  
Landscape designation: None  
Landscape Character Type: Upland Fringes (low sensitivity)

**View during Construction:** Limited visibility of construction operations, up until the more elevated parts of the Phase 2 TTP and stacks are installed, when cranes and these elements of the works would be seen against the skyline. There would be no views of construction of the proposed MRF extension. Views for users of the right of way would be transient.

**Magnitude of Change:** The magnitude of change to this view during construction is assessed as low-medium.

**Construction Impacts:**  
Residential: Not significant  
Road users: N/A  
Recreational: Not significant  
Landscape designation: None  
Landscape Character Type: Not significant

**View of Completed Development and during Operation:** The proposed TTP would be seen located behind (to either side of), and at almost the same height as the existing stack (which would be removed once the replacement stacks were operational). The replacement stacks would be seen as a single structure, located beyond and close to the eastern end of the existing screen mound, viewed from this location as approaching twice the visible height of the new TTP building. There would be no views of the extended MRF building from this location. Views for users of the right of way would be transient.


**Magnitude of Change:** The magnitude of change to this view during operation is assessed as medium-high.

**Operational Impacts (pre-mitigation):**  
Residential: Significant  
Road users: N/A  
Recreational: Not significant  
Landscape designation: None  
Landscape Character Type: Not significant

**Cumulative Impacts:** See Appendix 4.2

**Mitigation Measures:** See Appendix 4.2

**Residual Impacts (longer term):** Not significant

REVISED	SCALE	DATE	PROJECT
			Levenseat Ltd
			Proposed Revised Phase 2 Thermal Treatment Plant LVIA
			Figure 4.6A Viewpoint 1
DRG No: ED 12062/2 Fig 4.6A	SCALE: NTS	DATE: Dec 2019	
DRAWN BY: AB	CHECKED BY: GB	APPROVED BY: HK	
			

Existing view



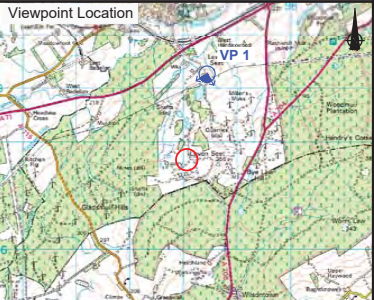
Proposed view



DO NOT SCALE FROM THIS DRAWING



Wireline illustrating the outline of the visible elements of the revised Phase 2 Thermal Treatment Plant scheme (stacks/building)



Scale 1:100,000

REVISION	DETAILS	DATE	DRN	CHKD	APPD

CLIENT	Levenseat Ltd
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PROJECT	Proposed Revised Phase 2 Thermal Treatment Plant LVIA
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DRAWING TITLE	Figure 4.6B Viewpoint 1, Track/path at Leven Seat, south of the A71 - Wireline overlay
---------------	--

DRG No.	ED12062/Fig 4.6B	REV	A
DRG SIZE	A3	SCALE	NTS
DRAWN BY	AB	DATE	Dec 2019
CHECKED BY	GB	APPROVED BY	HK



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<input type="checkbox"/> CARLISLE	<input type="checkbox"/> SHEFFIELD
<input type="checkbox"/> EDINBURGH	<input type="checkbox"/> STOKE ON TRENT





Baseline Photograph Parameters	
Grid Ref	291242mE 658638mN
Elevation	235m AOD
Viewing Direction	ESE
Distance to Development	3km
Camera Details	Nikon D800 With Sigma Fixed 50mm Lens
Camera Height	1.5m
Time and Date of Image Capture	16:00 11/07/2019
Weather and Lighting Conditions:	Overcast, breezy
Horizontal Scale	6.1 mm per °
Horizontal Field of View	130°
Vertical Field of View	24.7°
Viewing Distance	348mm @ A1
Photograph used is a composite panoramic image using portrait images with a 15° interval stitched to create a cylindrical projection. This image provides a landscape and visual context only.	
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**VIEWPOINT 4, A71 EAST OF THE JUNCTION WITH THE B715**

**Visual Receptors represented:** Road users

**Existing View:** View across rough grassland and forestry on the rising ground of the Gladsmuir Hills; the cleared forestry and turbine construction of the Black Law extension is also visible further to the west. A line of electricity transmission pylons crosses the lower slopes. The existing Levenseat Phase 1 stack (upper and central sections) and the very top of the TTP baghouse 'penhouse' building are visible against the skyline, above the forestry. There are no views of the existing MRF building due to the screening provided by the intervening forestry. Turbines within the Torrywheel wind farm are visible against the sky to the north of the stack, beyond the forestry, seen as a mix of hubs and blades, and blades only.

**Value of the view from this location:** Medium - albeit having limited scenic interest, this view from the road is experienced by large numbers of road users on the A71.

**Susceptibility of receptors to the proposed change:** Low-medium - road users travelling at speed, transient views.

**Sensitivity of receptors:**  
Residential: N/A  
Road users: Medium  
Recreational: N/A  
Landscape designation: None  
Landscape Character Type: Plateau Moorland, low sensitivity

**View during Construction:** Forestry on the horizon will screen the majority of construction operations from view. Cranes on site would be visible, as would the installation of the upper parts of the replacement stacks, located to the north of the existing stack, and the upper part of the proposed Phase 2 TTP building (which would be at a slightly lower height than and to the south of the existing stack). Construction of the proposed extension to the MRF building would be screened by the existing forestry. Views of construction operations would be transient.

**Magnitude of Change:** The magnitude of change to this view during construction is assessed as low.

**Construction Impacts:**  
Residential: N/A  
Road users: Not significant  
Recreational: N/A  
Landscape designation: None  
Landscape Character Type: Not significant

**View of Completed Development and during Operation:** The proposed stacks would be seen against the skyline as separate structures, located to the north of the existing stack (which would be removed once the replacement stacks are operational) and separate to the proposed Phase 2 TTP building, seen above the intervening forestry. There would be no views of the proposed MRF extension; this would be screened by the intervening forestry.


**Magnitude of Change:** The magnitude of change to this view during operation is assessed as low-medium.

**Operational Impacts (pre-mitigation):**  
Residential: N/A  
Road users: Not significant  
Recreational: N/A  
Landscape designation: None  
Landscape Character Type: Not significant

**Cumulative Assessment:** See Appendix 4.2

**Mitigation Measures:** See Appendix 4.2

**Residual Impacts (longer term):** Not significant

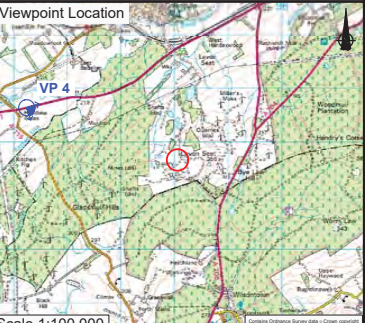
REVISED	SCALE	DATE	PROJECT
CLIENT			Levenseat Ltd
PROJECT			Proposed Revised Phase 2 Thermal Treatment Plant LVIA
DRAWING TITLE			Figure 4.9A Viewpoint 4
DRG No.	SCALE	DATE	
ED 12862/Fig 4.9A	NTS	Dec 2019	
DRAWN BY	CHECKED BY	APPROVED BY	
AB	GB	HK	
			

Existing view



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Wireline illustrating the outline of the visible elements of the revised Phase 2 Thermal Treatment Plant scheme (stacks/buildings)



Proposed view



REVISION	DETAILS	DATE	DRN	CHKD	APPD

CLIENT	Levensseat Ltd
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PROJECT	Proposed Revised Phase 2 Thermal Treatment Plant LVIA
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DRAWING TITLE	Figure 4.9B Viewpoint 4, A71 east of B715 junction - Wireline overlay
---------------	---

DRG No.	ED12062/Fig 4.9B	REV	A
DRG SIZE	A3	SCALE	NTS
DRAWN BY	AB	CHECKED BY	GB
		APPROVED BY	HK



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N:\ED\ED12062 - LEVENSEAT EFW PHASE 2 LVIA\03 - DESIGN\AUTOCAD\PHASE 2 LVIA FIGURES DEC 2019\ED12062 LVIA FIGURE 4.9B VP4 WIRELINE.DWG



\\ED\ED12062 - LENSEXT EFW PHASE 2 LVA\03 - DESIGN\AUTOCAD\PHASE 2 LVA FIGURES DEC 2019\ED12062 LVA FIGURE 4.10A VPS PANORAMAL.DWG



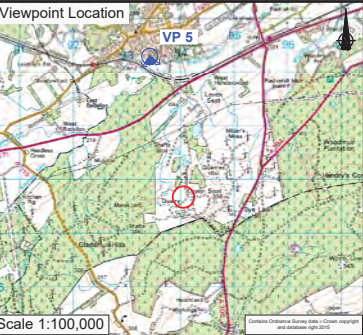


Existing view



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Wireline illustrating the outline of the visible elements of the revised Phase 2 Thermal Treatment Plant scheme (stacks/buildings)



Proposed view



REVISION	DETAILS	DATE	DRN	CHKD	APPD

CLIENT	Levensseat Ltd
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PROJECT	Proposed Revised Phase 2 Thermal Treatment Plant LVIA
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DRAWING TITLE	Figure 4.10B Viewpoint 5, Greenburn Golf Club (upper car park) - Wireline overlay
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DRG No.	ED12062/Fig 4.10B	REV	A
DRG SIZE	A3	SCALE	NTS
DRAWN BY	AB	CHECKED BY	GB
		APPROVED BY	HK



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N:\ED\ED12062 - LEVENSEAT EFW PHASE 2 LVIA\03 - DESIGN\AUTOCAD\PHASE 2 LVIA FIGURES DEC 2019\ED12062 LVIA FIGURE 4.10B VP5 WIRELINE.DWG






Baseline Photograph Parameters	
Grid Ref	293184N 661017mN
Elevation	247m AOD
Viewing Direction	SSE
Distance to Development	3.9km
Camera Details	Nikon D800 With Sigma Fixed 50mm Lens
Camera Height	1.5m
Time and Date of Image Capture	11:40 10/07/2019
Weather and Lighting Conditions:	Occasional sunny spells, overcast
Horizontal Scale	6.1 mm per °
Horizontal Field of View	130°
Vertical Field of View	24.7°
Viewing Distance	348mm @ A1
Photograph used is a composite panoramic image using portrait images with a 15° interval stitched to create a cylindrical projection. This image provides a landscape and visual context only.	
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N:\ED12062 - Levensat EPW Phase 2 LVN100 - DESIGN/AVTOR/PHASE 2 LVN FRAMES 002: 2510/ED12062 LVN FRAME 4.14A VP PANORAMIC



<b>VIEWPOINT 9, NORTHERN EDGE OF FAULDHUSE</b>	
<b>Visual Receptors represented:</b> Residential, road users and users of open space / recreation areas	
<b>Existing View:</b> This is an open view south extending across the top of the settlement of Fauldhouse towards the southern horizon, where the Levensat site is framed between the Tommywheel wind turbines to the east and those at Black Law to the west. In the immediate foreground are the sports pitch and play area forming part of the Fauldhouse Partnership Centre, which is the building immediately to the south. Beyond this, tree planting and roofs of houses are visible in the near to middle distance. In the distance, the landfill site, water tanks and perimeter planting sit to the left of the Levensat screen mound, above which the existing Phase 1 stack, pop up roof and baghouse 'penhouse' are visible on the horizon. The paler colour of the north-western elevation of the penhouse reduces its visibility against the sky. Further to the west the MRF building, roof and western extents sit just below the horizon.	
<b>Value of the view from this location:</b> Medium-high as it forms the main view for much of the population of Fauldhouse, notwithstanding the presence of numerous wind turbines in the view.	
<b>Susceptibility of receptors to the proposed change:</b> Medium-high (residential and recreational receptors) and medium (road users).	
<b>Sensitivity of receptors:</b> Residential: Medium-high Road users: Medium Recreational: Medium-high Landscape designation: None Landscape Character Type: Lowland Plateaux (medium sensitivity)	
<b>View during Construction:</b> During construction, cranes and the upper parts of the revised Phase 2 building and stacks would be seen on the horizon, above the screen mound. Construction of the proposed further extension to the MRF building would also be visible in the distance, though less perceptible due to the backdrop of landform and forestry.	
<b>Magnitude of Change:</b> The magnitude of change to this view during construction is assessed as medium.	
<b>Construction Impacts:</b> Residential: Not significant Road users: Not significant Recreational: Not significant Landscape designation: None Landscape Character Type: Not significant	
<b>View of Completed Development and during Operation:</b> The two stacks would be seen as a single structure in this view, and noticeably taller than the existing stack, located towards the eastern end of the screen bund. The new Phase 2 TTP building would be sited between the existing stack (which would be removed once the replacement stacks are operational) and the existing 'penhouse', at a similar height to the existing stack. The new structures would be noticeable features on the horizon. The further extension of the MRF building would be seen against and merge with the backdrop of the quarry landform and forestry.	
<b>Magnitude of Change:</b> The magnitude of change to this view during operation is assessed as medium-high.	
<b>Operational Impacts (pre-mitigation):</b> Residential: Significant Road users: Not significant Recreational: Significant Landscape designation: None Landscape Character Type: Not significant <b>Cumulative Assessment:</b> See Appendix 4.2	
<b>Mitigation Measures:</b> See Appendix 4.2	
<b>Residual Impacts (longer term):</b> Not significant	

REVISED	REVISED	DATE	PROJECT
CLIENT	Levensat Ltd		
PROJECT	Proposed Revised Phase 2 Thermal Treatment Plant LVIA		
DRAWING TITLE	Figure 4.14A Viewpoint 9		
DRG No.	SCALE	NTS	DATE
ED12062/Fig 4.14A			Dec 2019
DRAWN BY	CHECKED BY	APPROVED BY	
AB	GB	HK	
			
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Existing view



Proposed view



DO NOT SCALE FROM THIS DRAWING

Wireline illustrating the outline of the visible elements of the revised Phase 2 Thermal Treatment Plant scheme (stacks/buildings)



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REVISION	DETAILS	DATE	DRN	CHKD	APPD
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CLIENT	Levenseat Ltd
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PROJECT	Proposed Revised Phase 2 Thermal Treatment Plant LVIA
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DRAWING TITLE	Figure 4.14B Viewpoint 9, Northern edge of Fauldhouse - Wireline overlay
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DRG No.	ED12062/Fig 4.14B	REV	A
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DRG SIZE	A3	SCALE	NTS	DATE	Dec 2019
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Baseline Photograph Parameters	
Grid Ref	294322NE 660846mN
Elevation	232mAO
Viewing Direction	SSW
Distance to Development	3.2km
Camera Details	Nikon D800 With Sigma Fixed 50mm Lens
Camera Height	1.5m
Time and Date of Image Capture	11:40 12/07/2019
Weather and Lighting Conditions	Some cloud, occasional sunshine, light breeze
Horizontal Scale	6.1 mm per °
Horizontal Field of View	135°
Vertical Field of View	24.7°
Viewing Distance	348mm @ A1
Photograph used is a composite panoramic image using portrait images with a 15° interval stitched to create a cylindrical projection This image provides a landscape and visual context only	
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VIEWPOINT 11, BREICHWATER PLACE, FAULDHOUSE	
<b>Visual Receptors represented:</b> Residential	
<b>Existing View:</b> The existing view from this recently constructed / under construction housing development extends south towards the Gladnour Hills and the Levenseat site, with the full extent of the Tormywheel wind farm visible. The Levenseat site, including the landfill area and water tanks (backdropped against the landfill), is to the west of the wind farm in this view, with the existing Phase 1 stack and pop up roof and baghouse 'penthouse' seen above the screen mound. A small part of the MRF building can be seen beyond the screen mound, backdropped against more distant landform. Further west, the more extensive forestry and the turbines at Black Law can be seen in the distance. The existing high voltage electricity line crosses through the lower ground at the base of the hills, where blocks of conifers are also evident.	
<b>Value of the view from this location:</b> Medium to high as it forms the outlook for much of the settlement of Fauldhouse, notwithstanding the presence of wind turbines.	
<b>Susceptibility of receptors to the proposed change:</b> Medium to high (residential receptors).	
<b>Sensitivity of receptors:</b>	
Residential: Medium-high	
Road users: N/A	
Recreational: N/A	
Landscape designation: None	
Landscape Character Type: Lowland Plateaux (medium sensitivity)	
<b>View during Construction:</b> There would be views during construction of the installation of the revised Phase 2 TTP (upper sections) and the upper part of the new stacks, together with any cranes present on site. There would also be views of construction of the further MRF extension though this would be backdropped by the quarry landform.	
<b>Magnitude of Change:</b> The magnitude of change to this view during construction is assessed as medium.	

<b>Construction Impacts:</b>	
Residential: Not significant	
Road users: N/A	
Recreational: N/A	
Landscape designation: None	
Landscape Character Type: Not significant.	
<b>View of Completed Development and during Operation:</b> The replacement stacks would be seen as a single structure in this view, located towards the eastern end of the screen mound (where it drops down in level), increasing the visible extent of the stack in this view. The proposed Phase 2 TTP building would be positioned behind the existing stack (which would be removed once the replacement stacks are operational) and at a slightly lower height than this. Both the north-western and north-eastern elevations would be visible; the building would extend across to the existing 'penthouse' structure. The extended MRF building would be seen located adjacent to the existing MRF building. The roof of the upper part of the extension would break the horizon, though the remainder would be backdropped by the quarry landform and forestry.	
<b>Magnitude of Change:</b> The magnitude of change to this view during operation is assessed as medium-high.	
<b>Operational Impacts (pre-mitigation):</b>	
Residential: Significant	
Road users: N/A	
Recreational: N/A	
Landscape designation: None	
Landscape Character Type: Not significant	
<b>Cumulative Assessment:</b> See Appendix 4.2	
<b>Mitigation Measures:</b> See Appendix 4.2	
<b>Residual Impacts (longer term):</b> Not significant	

REVISED	SCALE	DATE	PROJECT
CLIENT			Levenseat Ltd
PROJECT			
Proposed Revised Phase 2 Thermal Treatment Plant LVIA			
DRAWING TITLE			
Figure 4.16A Viewpoint 11			
DRG No.	SCALE	NTS	DATE
ED12062/Fig 4 16A			Dec 2019
DRAWN BY	CHECKED BY	APPROVED BY	
AB	GB	HK	
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AWLEY



Existing view

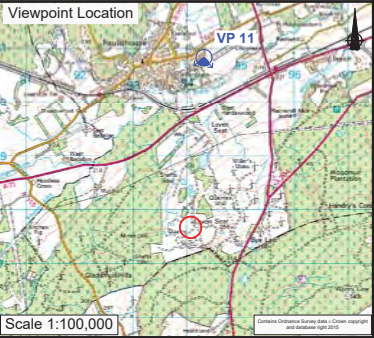


Proposed view



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Wireline illustrating the outline of the visible elements of the revised Phase 2 Thermal Treatment Plant scheme (stacks/buildings)



REVISION	DETAILS	DATE	DRN	CHKD	APP'D

CLIENT	Levensat Ltd
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PROJECT	Proposed Revised Phase 2 Thermal Treatment Plant LVIA
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DRAWING TITLE	Figure 4.16B Viewpoint 11, Breichwater Place, Fauldhouse - Wireline overlay
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DRG No. ED12062/Fig 4.16B		REV A
DRG SIZE A3	SCALE NTS	DATE Dec 2019
DRAWN BY AB	CHECKED BY GB	APPROVED BY HK



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<input type="checkbox"/> CARLISLE	<input type="checkbox"/> SHEFFIELD
<input type="checkbox"/> EDINBURGH	<input type="checkbox"/> STOKE ON TRENT







## WEST LOTHIAN PLANNING COMMITTEE

### Report by Head of Planning, Economic Development and Regeneration

#### 1 DESCRIPTION

**Change of use from public open space to private garden ground and the erection of a boundary fence at 53 Meadowbank, Ladywell, Livingston**

#### 2 DETAILS

<b>Reference no.</b>	<a href="#">0761/FUL/20</a>	<b>Owners of site</b>	West Lothian Council
<b>Applicant</b>	Sharon Radbourne	<b>Ward &amp; local members</b>	<b>Livingston South</b> Councillor Lawrence Fitzpatrick Councillor Peter Heggie Councillor Moira Shemilt
<b>Case officer</b>	Steven McLaren	<b>Contact details</b>	01506 282404 <a href="mailto:steve.mclaren@westlothian.gov.uk">steve.mclaren@westlothian.gov.uk</a>

**Reason for referral to West Lothian Planning Committee:** Called to committee by Councillor Moira Shemilt

#### 3 RECOMMENDATION

Refuse planning permission.

#### 4 DETAILS OF THE PROPOSALS AND BACKGROUND

- 4.1 Planning permission is sought for the change of use of an area of open space within the Meadowbank estate to private garden ground and for this area to be enclosed by a new perimeter fence.
- 4.2 The area of ground is 44sqm in size and lies to the gable of 53 Meadowbank and adjacent to a public footpath. The street layout for this area of Livingston is one of terraced rows of houses running north/south with the roads and main footpaths running east/west to the gables of the houses.
- 4.3 The result of this layout is that parking is remote from the houses, there are main footpaths through the estate with peripheral footpaths leading to the houses and open space or shrub planting to the end of the terraced rows. The section of footpath adjacent to proposed garden extension has an open feel with either grassed areas or shrub planting either side.



## History

- 4.4 There have been no previous planning applications to extend the garden ground at this property and there have no garden extensions carried out along this stretch of public footpath. The applicant's property however benefits from a conservatory on the east elevation and a further house extension on the west elevation, granted under planning permission 0511/H/18 on 15/8/2018.

## 5 REPRESENTATIONS

- 5.1 There has been one objection received on the grounds that the loss of this open space impacts on the availability of safe places for children to play. The full representation is attached to this report.

## 6 CONSULTATIONS

- 6.1 There was no requirement to carry out consultations on this application.

## 7 ASSESSMENT

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

Policy	Policy Summary	Assessment	Conform
West Lothian Local Development Plan, 2018  DES1 (design principles)	All proposals will be required to take account of and be integrated within the local context and built form. Development will require to comply with criteria within the policy.	Criteria (a) states that there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity	No
West Lothian Local Development Plan, 2018  ENV21 (protection of formal and informal open space)	Proposals which will result in the loss of open space will not be supported unless it can be demonstrated that the proposals meet the criteria set out within the policy.	Criteria (a) and (b) state: there is a specific locational justification for the development which outweighs the need to retain the open space; and, there is no significant adverse effect on the overall recreational amenity of the local area, taking account of the council's <i>Open Space Strategy</i> ;	No

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

### Open Space and Public Amenity

- 7.5 Policy DES1 requires that there is no adverse impact on streetscape while policy ENV21 seeks to ensure there is a locational justification for the development and there is no significant adverse effect on the recreational amenity of the local area.

- 7.6 The street pattern as developed in the 1970s is one where vehicles and pedestrians are generally separated. The result in this case is that between Meadowbank and Mossbank there runs a public footpath which benefits from open space and landscaping either side.
- 7.7 This design of footpath provides an open feel between the gables of rows of terraced houses and ensures a higher level of amenity for residents and people using the footpath. Constructing a fence to the edge of the footpath and incorporating part of a grassed area within the curtilage of number 54 Meadowbank will limit the line of sight along the footpath and result in a more enclosed feel in this area. The loss of the open space and the erection of a fence would have a significant detrimental visual impact.
- 7.8 Permitting this change of use would make resisting other applications for changes of use in similar circumstances more difficult and would result in the erosion of the general amenity of the area.
- 7.9 The applicant already has garden ground as part of the curtilage of the house and for personal reasons has chosen to build on part of the garden, thus reducing the amount of private garden ground available. There is therefore no local justification for the proposed garden extension.
- 7.10 The council's open space strategy states that it is important to protect public open space and to prevent their piecemeal loss to development. The proposed garden extension would therefore result in piecemeal loss of open space, contrary to the open space strategy.

## **8 CONCLUSIONS AND RECOMMENDATIONS**

- 8.1 In summary, the build pattern and landscape character within this area of Livingston is such that areas of open space forming the development have an important role to inject areas of openness and visual amenity within the housing estate. The applicant has chosen to build on part of her garden ground and as a result limited the amount of private useable garden ground within the curtilage of the house.
- 8.2 The loss of this area of open space may set an undesirable precedent to the detriment of the visual and residential amenity of this and other similar areas.
- 8.3 The recommendation is therefore to refuse planning permission for the proposed garden extension.

## **9 BACKGROUND REFERENCES AND ATTACHMENTS**

- Draft reason(s) for refusal
- Location plan
- Aerial
- Local Member referral form
- Letter of objection

Craig McCorriston  
Head of Planning, Economic Development & Regeneration

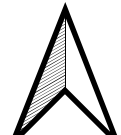
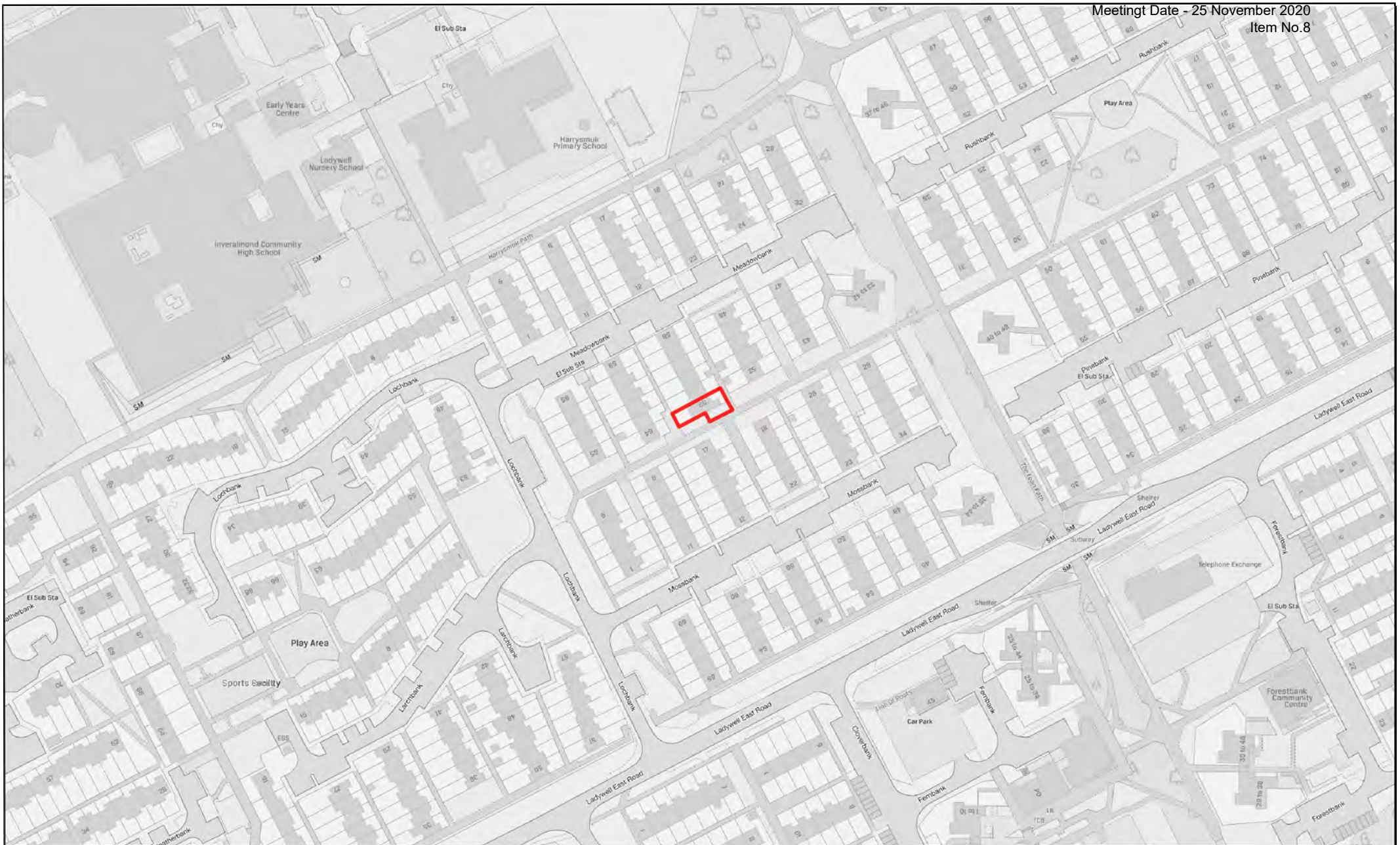
Date: 25 November 2020



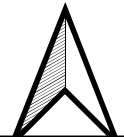
### **0761/FUL/20 - Draft Reason for refusal**

The change of use of this area of open space to private garden ground and the erection of a boundary fence would have a significant detrimental visual impact on the amenity of the area. It would also set an undesirable precedent which could result in the erosion of these and other areas of landscaping in the vicinity, to the detriment of the visual amenity of the wider area.

The proposal is therefore contrary to policy DES1 (design principles) and ENV21 (protection of formal and informal open space) of the adopted West Lothian Local Development Plan, 2018.









West Lothian  
Council

Planning Services  
Development Management Committee

## ☒ LOCAL MEMBER REFERRAL REQUEST ☒

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

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

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
<b>Application Reference Number</b> 0761/FUL/20 .....	<b>Applicant Request</b> .....X
<b>Site Address</b> 53 Meadowbank, Ladywell .....	<b>Constituent Request</b> .....
<b>LIVINGSTON, EH54 6EL</b> .....	<b>Other (please specify)</b> ..... <input type="checkbox"/>
<b>Title of Application</b>  Change of use from public open space to private garden ground and erection of a boundary fence	
<b>Member's Name</b>  Councillor Moira Shemilt .....	
<b>Date</b> 19 / 10 / 2020 .....	



## Comments for Planning Application 0761/FUL/20

### Application Summary

Application Number: 0761/FUL/20

Address: 53 Meadowbank Ladywell Livingston West Lothian EH54 6EL

Proposal: Change of use from public open space to private garden ground and erection of a boundary fence

Case Officer: Steven McLaren

### Customer Details

Name: Mr richard thomson

Address: 51 meadowbank livingston

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: i strongly object to this piece of public ground being turned into private area as it is one of the only safe areas for children in the area to play where parents can be able to watch them with the current climate of harm to children

# Development Management Committee

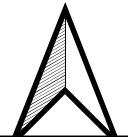
25 November 2020

Item No 08: Application No. 0761/FUL/20

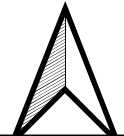
Change of use from public open space to private garden ground and erection of a boundary fence.  
53 Meadowbank, Ladywell, Livingston. EH54 6EL

























## WEST LOTHIAN PLANNING COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

### DESCRIPTION

Planning permission in principle for a 0.6ha residential development of 6 houses on land at Clark Avenue, Linlithgow

### DETAILS

<b>Reference no.</b>	<a href="#">0821/P/20</a>	<b>Owners of site</b>	Colt Hill Property Limited
<b>Applicant</b>	Colt Hill Property Limited	<b>Ward &amp; local Members</b>	<b>Linlithgow</b> Councillor Tom Conn Councillor Tom Kerr Councillor David Tait
<b>Case officer</b>	Steven McLaren	<b>Contact details</b>	01506 282404 <a href="mailto:steve.mclaren@westlothian.gov.uk">steve.mclaren@westlothian.gov.uk</a>

**Reason for referral to West Lothian Planning Committee:** Called to committee by Councillors Tom Kerr and David Tait

### RECOMMENDATION

Refuse planning permission in principle

### 4 DETAILS OF THE PROPOSALS AND BACKGROUND

- 4.1 Planning permission in principle is sought for the construction of 6 houses on land at Clark Avenue, Linlithgow. The site lies approximately 80m from the junction of Clark Avenue and St. Ninian's Road and is located on the south side of the road leading into Clark Avenue.
- 4.2 The site is located within the Linlithgow settlement boundary and is identified as 'Land Safeguarded for Open Space' in the adopted West Lothian Local Development Plan, 2018 (LDP).
- 4.3 The area of ground is described as being 0.6ha in size on the application form and 0.85ha in the planning statement. The true size of the application site is closer to 0.75ha when scaled on a GIS mapping system. The site forms part of the landscaping carried out in connection with the approved Clark Avenue development in 1997. The site lies between a care home to the east, a cul-de-sac of 16 houses to the west, with and mature tree belts to the north, adjacent to the M9, and to the south where it meets Longcroft Gardens and Jock's Hill Crescent.



- 4.4 The site itself has substantial tree coverage and has been maturing well over the past 20 years or so, becoming an integral part of the character of the area and the other landscaping carried out at that time.
- 4.5 The site slopes from the care home on the east to the existing housing on the west side and at some points this change in level appears substantial. There are no levels details submitted with this application, however, the likelihood is that substantial earth works would be required to develop the site.
- 4.6 The applicant indicates that a footpath connection can be made at the south of the site to provide improved connectivity to the woodland and existing footpath from Clark Avenue. The main feature of the southern part of the site is the substantial change in levels with a steeply wooded embankment. It is unlikely that a footpath designed to provide access for all could be accommodated within the confines of the application site and would likely result in substantial engineering works and the loss of much of the woodland in this location.
- 4.7 The development as proposed would ultimately result in the loss of a significant amount of this area of landscaping.

### History

- 4.8 The Clark Avenue development (Ref: 0262/FUL/97) was consented for 30 houses in 1997 and as part of that scheme, substantial tree planting was carried out along the boundary with the M9, on land to the west and within the development site, which includes the current planning application.
- 4.9 The number of houses within the development was also restricted within a Section 75 agreement covering the Clark Avenue development.
- 4.10 There have been no previous applications to develop this area of ground but there was an application (Ref: 0237/P/17) for planning permission in principle for the construction of 4 houses on another area of land within Clark Avenue, this application was withdrawn. An application for a garden extension at 25 Clark Avenue (Ref: 0437/FUL/03) was refused.

## 5 REPRESENTATIONS

- 5.1 There has been 26 objections received, including ones from Linlithgow & Linlithgow Bridge Community Council and Linlithgow Civic Trust.
- 5.2 A summary of representations is provided in the table below:

Comments	Response
<ul style="list-style-type: none"> <li>Loss of open space.</li> <li>Impact on visual amenity.</li> <li>Loss of trees and damage to the environment.</li> </ul>	<ul style="list-style-type: none"> <li>It is acknowledged that the development of this site would result in a significant change to the character of the area through the loss of a large number of trees and result in the loss of informal green space, impacting on the visual amenity and environmental benefits of the area.</li> </ul>

<ul style="list-style-type: none"> <li>• Risk of flooding.</li> <li>• Impact on existing drainage.</li> </ul>	<ul style="list-style-type: none"> <li>• Any detailed application will require to provide drainage information to demonstrate that the development will not impact adversely on the existing drainage infrastructure within the site or at existing properties.</li> </ul>
<ul style="list-style-type: none"> <li>• Safeguarded as open space in the adopted LDP.</li> <li>• Contrary to policy ENV21 of the LDP.</li> <li>• Contrary to policy HOU3 of the LDP.</li> <li>• Scottish Planning Policy (SPP) supports sustainable development but this position is under review.</li> </ul>	<ul style="list-style-type: none"> <li>• It is agreed that the land is identified in the adopted West Lothian Local Development Plan, 2018 (LDP) as land safeguarded as open space and the development is contrary to policies ENV21 and HOU3. Whilst SPP supports sustainable development, it must also take into consideration local context and policy.</li> </ul>
<ul style="list-style-type: none"> <li>• Loss of privacy.</li> <li>• Elevated position of houses relative to existing houses.</li> <li>• Impact on residential amenity.</li> <li>• Difficult to visualise 6 houses on this sloping site without platforming works.</li> <li>• Impact on the outlook and amenity for the care home residents.</li> </ul>	<ul style="list-style-type: none"> <li>• Without detailed drawings showing house types, topography, building distances and any screening it is difficult to say whether the development of the site will impact on privacy to a significant degree. Housing set at a substantially higher level, however, will potentially result in a general loss of privacy.</li> <li>• Site levels will be required at a detailed stage to demonstrate how the site may be developed. It is expected that some cut and fill and potentially retaining structures could be required.</li> <li>• The proposed development is likely to alter the outlook for the residents and staff of the care home.</li> </ul>
<ul style="list-style-type: none"> <li>• Impact on road safety through the inclusion of an additional access on a steep narrow section of road.</li> </ul>	<ul style="list-style-type: none"> <li>• Transportation has been consulted and technical comments made. Transportation has not raised an objection to the development.</li> </ul>
<ul style="list-style-type: none"> <li>• Current owners failing to carry out their existing obligations in relation to maintenance so no guarantee that future maintenance will be carried out.</li> <li>• Lack of general landscape maintenance or maintenance of footpath.</li> </ul>	<ul style="list-style-type: none"> <li>• The maintenance of the land is a legal matter and not under the control of the planning process. The points are noted.</li> </ul>
<ul style="list-style-type: none"> <li>• Impact on wildlife.</li> <li>• Loss of habitat.</li> <li>• Loss of interlinked series of green spaces.</li> <li>• Informal green areas no less valuable than formal open space.</li> </ul>	<ul style="list-style-type: none"> <li>• It is agreed that the removal of the majority of the trees within this site is likely to have an impact on wildlife and some habitat.</li> <li>• It is agreed that this area of woodland links with others, providing a wildlife corridor, interlinking with other green spaces.</li> </ul>



	<ul style="list-style-type: none"> <li>It is agreed that areas of woodland and other informal landscaping are no less important than formal open space and provide valuable visual and environmental amenity for residents.</li> </ul>
<ul style="list-style-type: none"> <li>Unlikely that houses proposed for the site would be within the financial reach of younger people or first time buyers.</li> </ul>	<ul style="list-style-type: none"> <li>This is not a planning matter.</li> </ul>
<ul style="list-style-type: none"> <li>Topography of the site is unlikely to be able to accommodate a path which is accessible to all.</li> </ul>	<ul style="list-style-type: none"> <li>It is agreed that the steep gradient of the southern end of the site would be unlikely to be able to accommodate anything other than a flight of steps.</li> </ul>
<ul style="list-style-type: none"> <li>Impact on utilities such as power supply.</li> <li>Clark Avenue already suffers power outages.</li> <li>Impact on local schools.</li> </ul>	<ul style="list-style-type: none"> <li>The developer would be required to liaise with Scottish Power and other utilities to ensure connections were possible.</li> <li>Education Planning has been consulted and confirmed that contributions and phasing of the development will be required.</li> </ul>
<ul style="list-style-type: none"> <li>Precedent for other future applications.</li> </ul>	<ul style="list-style-type: none"> <li>There has already been an application to develop another area within Clark Avenue. That application was withdrawn, however, should permission be granted for this site then it makes resisting further development more difficult.</li> </ul>
<ul style="list-style-type: none"> <li>Breach of existing Section 75 capping the number of houses at 30.</li> </ul>	<ul style="list-style-type: none"> <li>Should planning permission be granted to develop this site, the developer would be required to submit a Section 75A application to seek to modify the terms of the legal agreement covering Clark Avenue.</li> </ul>

## CONSULTATIONS

6.1 A summary of consultations received is provided in the table below. The full documents are contained in the application file:

Consultee	Objection	Comments	Planning Response
Transportation	No	Technical comments made on the design and layout requirements of the road infrastructure.	Noted. Should permission be granted and a detailed application be submitted, the development will be required to meet these requirements.
Education Planning	No	Developer contributions and a phasing	Noted. A section 75 agreement will be required

		restriction would be required of no more than 2 units prior to August 2022	to secure developer contributions and a condition can be used to limit occupancy
Environmental Health	Yes	No information has been provided on the potential impact of the M9	Noted. Should planning permission be granted, a noise assessment will be required at the detailed application stage.
Flood Risk Management	No	Should a detailed planning application be submitted then a Drainage Assessment will be required at that time.	Noted

## 7 ASSESSMENT

- 7.1 Section 25 of The Town and Country Planning (Scotland) Act 1997 (as amended) 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 (SESPan) and the West Lothian Local Development Plan,
- 7.3 The relevant Development Plan policies are listed below:

Policy	Policy Summary	Assessment	Conform
West Lothian Local Development Plan, 2018  DES1 (design principles)	All development proposals will require to take account of and be integrated within the local context and built form. Amongst other criteria there should be no significant adverse impact on landscape character and development proposals must also accord with other relevant policies in the development plan	There will be a significant impact on the landscape character as a result of this development and it does not accord with other relevant policies in the adopted LDP as set out below.	No
West Lothian Local Development Plan, 2018  HOU3 (infill/ windfall housing development within settlements)	New housing development will be supported on sites within settlement boundaries subject to meeting criteria such as complying with the character of the area, that the site is not identified for an alternative use and it complies with the requirement of policy ENV21.	This is a windfall site within the Linlithgow settlement and on land identified as safeguarded as open space in the LDP. The development does not comply with the requirements set out in policy ENV21. The determining issues are discussed below.	No
West Lothian Local Development Plan, 2018  ENV9 (woodland, forestry, trees and hedgerows)	There will be a presumption against development adversely affecting woodlands unless there is a proven locational need and where a sustainable environmental gain through replacement and additional tree planting appropriate to the area is provided.	The proposed development would have an adverse effect on this area of maturing woodland which was designed into the Clark Avenue development in 1997. There is no scheme for replacement or additional tree planting which would satisfy the	No



Policy	Policy Summary	Assessment	Conform
		requirements of this policy. Proposals that involve the removal of woodland will only be supported where it would achieve significant and clearly defined public benefits. There is no defined public benefit to this speculative development of 6 houses.	
West Lothian Local Development Plan, 2018  ENV10 (Protection of urban woodland)	Urban woodlands within settlements that contribute to townscape, landscape, amenity, biodiversity, cultural or historic value, particularly where their loss would jeopardise ongoing contribution to place-making and/or green network objectives, will be protected from development. Proposals that involve the removal of urban woodland in part or in its entirety will only be supported where it would achieve significant and clearly defined public benefits.	There are no clearly defined significant public benefits to the removal of the trees on this site. This is a speculative commercial development.	No
West Lothian Local Development Plan, 2018  ENV21 (protection of formal and informal open space)	Proposals which will result in the loss of open space will not be supported unless it can be demonstrated that certain criteria can be met including that there is a specific locational justification for the development which outweighs the need to retain the open space.	This is speculative windfall development for which there is no specific locational justification. The determining issues are discussed below.	No

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

#### **Infill/Windfall Housing Development within Settlements**

7.5 Policy HOU3 provides that new housing development within settlements will be supported providing that development meet certain criteria. Criteria 'c' states that the site should not form an area of maintained amenity or open space unless the proposal conforms with the terms of policy ENV 21 (Protection of formal and informal Open Space) and is acceptable in landscape and townscape terms.

7.6 The term 'Open Space' is used to define areas of landscape amenity value and need not necessarily be 'open' in the true sense of the word. Woodland and other landscape areas fall within this designation therefore the development must be assessed against policy ENV21.

#### **Open Space and Public Amenity**

7.7 Policy ENV21 seeks to protect formal and informal open space and sets out specific criteria to ensure appropriate justification. Criteria a. requires there to be a specific locational justification for the development which outweighs the need to retain the open space. This area of landscaping was designed into the original development of 30 houses and a cap was placed

on the number of units through a Section 75 agreement. The applicant has argued the need for additional housing in Linlithgow and public benefits through improved footpath connections with the site.

- 7.8 Housing land requirements are discussed below and the topographical nature of the site has been touched on previously, making the footpath link potentially very difficult within the constraints of the red line boundary and would likely result in the loss of more trees. The applicant has therefore not demonstrated a locational justification in terms of criteria a. of policy ENV21.
- 7.9 Whilst the site is not available to the public for recreational purposes such as maintained open space or park, the landscaping forms a strong and distinctive element of the Clark Avenue area, providing a high level of visual amenity for residents and visitors.
- 7.10 A Phase 1 Habitat Survey walkover of the site was carried out by JDC Ecology Limited and whilst no protected species were identified, the survey identified that the site is likely to provide habitats for a range of nesting birds, small mammals and invertebrates. The site therefore has some ecological value and the loss of a substantial number of trees within the site would impact on this habitat.
- 7.11 There is no scope to provide comparable replacement landscaping at an appropriate alternative location as a replacement for the loss of the open space. The proposals therefore do not comply with criteria d. of policy ENV21.
- 7.12 Criteria e. considers the connectivity with the wider green network. The extract from the local plan shows the extent of the open space allocation in this area and the connectivity of the green network around Clark Avenue. Developing the site as proposed would fragment this to the detriment of the area as a whole. The development does not therefore accord with criteria e. of policy ENV21.

### **Housing Land Allocation**

- 7.13 The applicant has put forward an argument that the council has failed to maintain a five-year housing supply as the population of Linlithgow equates to 7.2% of the population of West Lothian therefore 7.2% of the housing land supply should be located in Linlithgow.
- 7.14 The council's position is that a 5 year housing land supply is being maintained and that there is no requirement for equal growth for all settlements. The role of the LDP is to ensure sufficient land supply across the district as a whole.
- 7.15 The LDP currently has a housing capacity of 624 units across 9 allocated sites in Linlithgow and Linlithgow Bridge and a 48 flat development is consented on Edinburgh Road, Linlithgow. An additional 6 houses would add little to the overall housing capacity for the area.

<b>8 CONCLUSIONS AND RECOMMENDATIONS</b>
--

- 8.1 The Clark Avenue development when consented in 1997 for 30 houses set out areas to be landscaped. Since that time trees within the application site, along the northern edge of the development adjacent to the M9 and in other areas, have been maturing.
- 8.2 The result is that Clark Avenue benefits from a very green and leafy setting both for residents within the housing estate and residents of the care home. Whilst no protected species were identified as using this land, this does not detract from the visual and environmental benefits of



the area and should it be allowed to mature further then this may attract bats and other species in the future, increasing the ecological benefits to the area.

- 8.3 No topographical information has been provided but it is clear that this is far from a flat site. Substantial works may be required to develop the area and this could have the potential to impact significantly on the housing the west which lies at a lower level, to the detriment of these neighbours.
- 8.4 The development does not accord with the adopted LDP and therefore the recommendation is to refuse planning permission in principle. Should committee choose to grant planning permission then developer contributions will be required through a Section 75 and a separate Section 75A application will be required to modify the terms of the original consent which restricted the development to 30 units.

<b>9 BACKGROUND REFERENCES AND ATTACHMENTS</b>
--

- Draft reason for refusal
- Location plan
- Indicative layout
- LDP Extract
- Local Member referral forms
- Letters of objection

Craig McCorriston  
Head of Planning, Economic Development & Regeneration

Date: 25 November 2020

## **Draft Reasons for refusal – 0821/P/20**

1. The proposal constitutes unjustified development of a site which is designated as “Land Safeguarded for Open Space” in the adopted West Lothian Local Development Plan, 2018.

The proposed development would result in the loss of a substantial number of trees and adversely impact significantly on the visual and environmental amenity of the area to the detriment of the overall character of the Clark Avenue development and result in the loss of habitat for a variety of nesting birds, small mammals and invertebrates.

The proposal is therefore contrary to the following policies of the adopted West Lothian Local Development Plan, 2018 and statutory Supplementary Guidance (SG):

DES1 (design principles);

HOU3 (infill/windfall housing development within settlements); ENV21 (protection of formal and informal open space);

SG: Residential Development Guide; Single plot and small scale infill residential development in urban areas, 2019

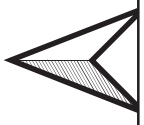
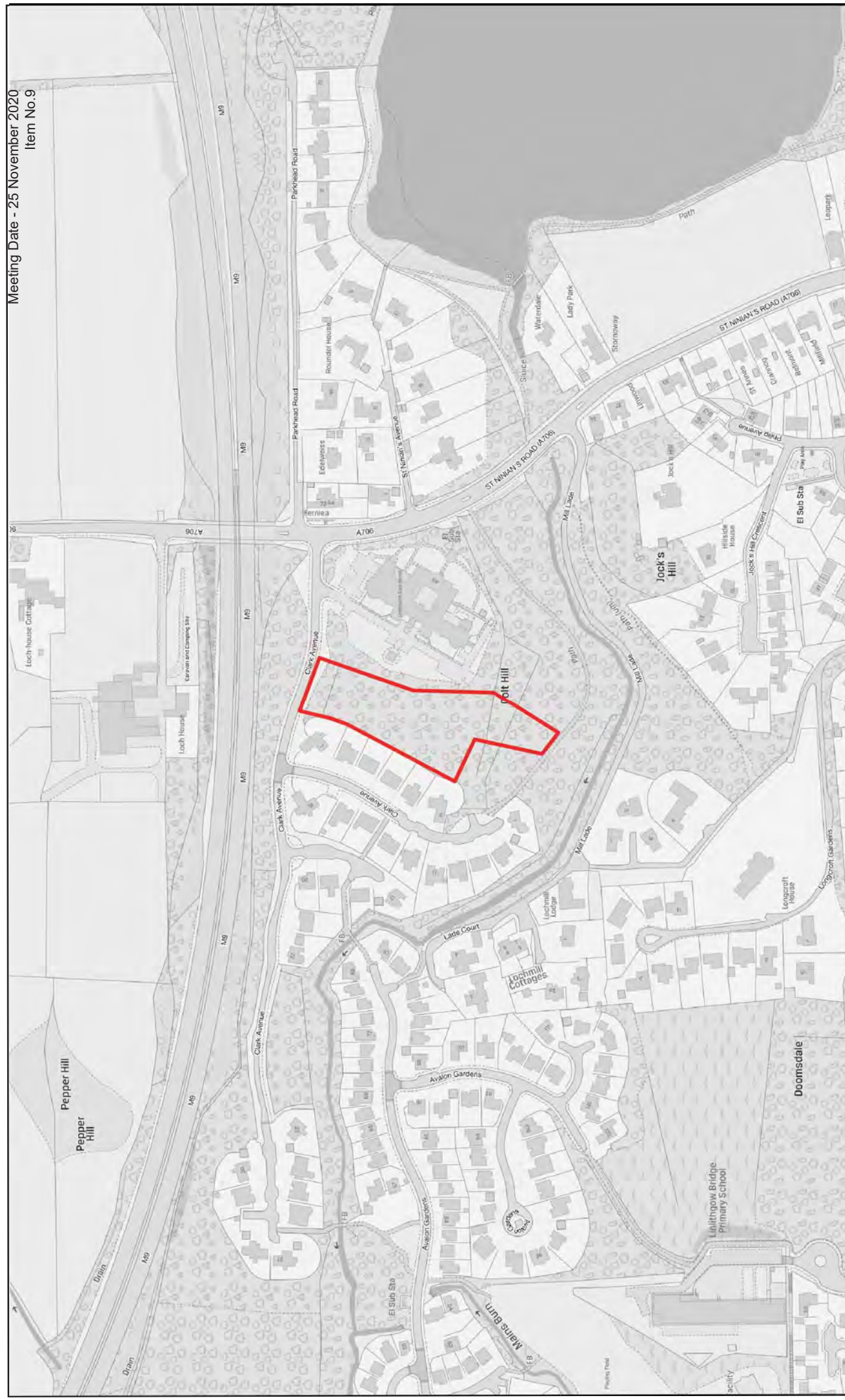
2. The proposed development would result in the loss of a substantial number of trees within a maturing area of woodland planted as part of the Clark Avenue development. The applicant has not demonstrated a locational justification for the development or that the removal of the woodland would achieve significant and clearly defined public benefits.

The proposal is therefore contrary to the following policies of the adopted West Lothian Local Development Plan, 2018:

ENV9 (woodland, forestry, trees and hedgerows);

ENV10 (protection of urban woodland).





0821/P/20 - Land at Clark Avenue - Linlithgow



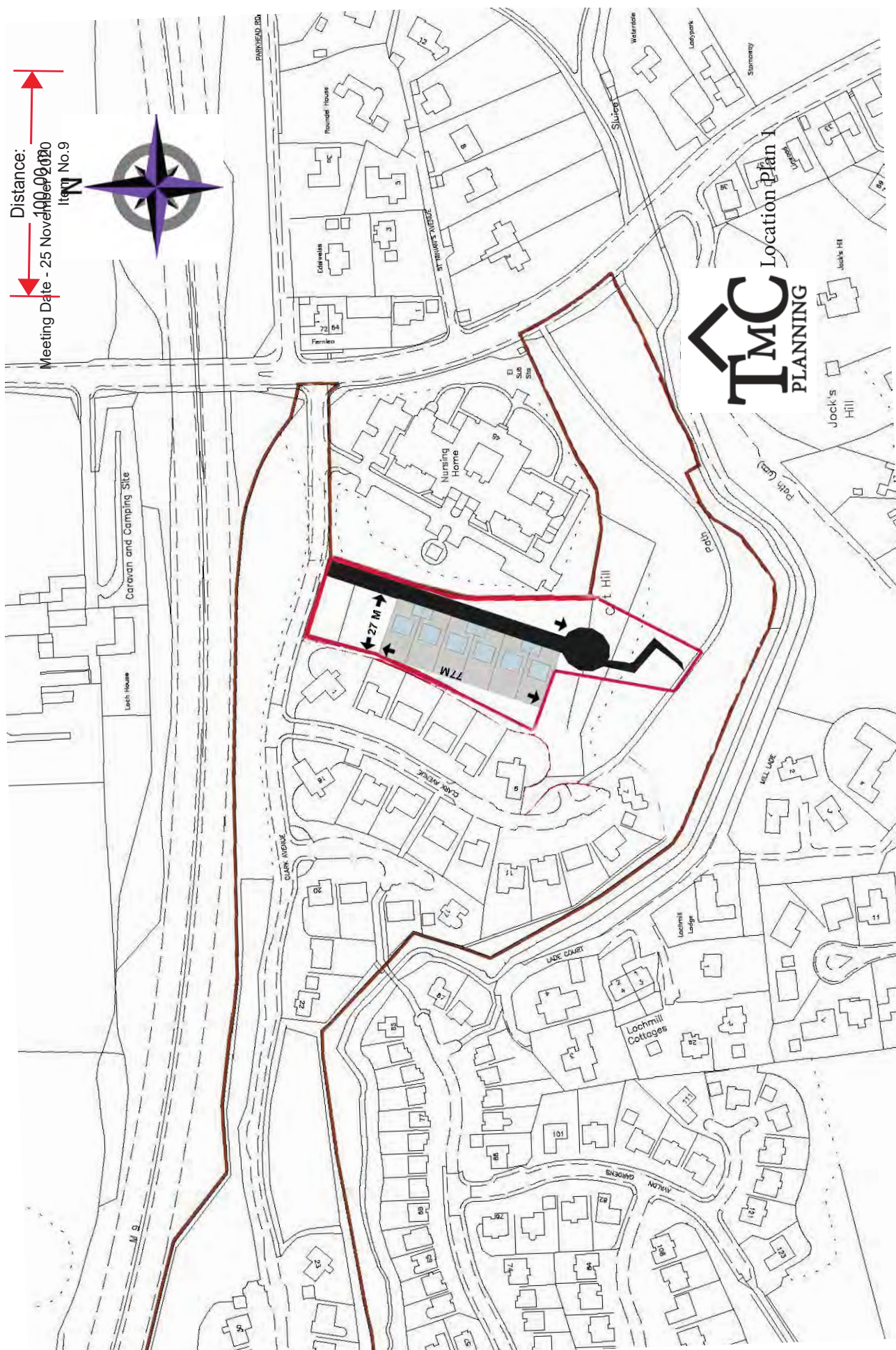
Development Management - West Lothian Civic Centre - EH54 6FF

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LDP Extract, Application site 0821/P/20,

Clark Avenue open space in context with wider area



## ☒ LOCAL MEMBER REFERRAL REQUEST ☒

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*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>*

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
<b>Application Reference Number</b>  .....0821/P/20.....	<b>Applicant Request</b> ..... <input type="checkbox"/>
<b>Site Address</b>  Land East of Clark Avenue, Linlithgow West Lothian.....	<b>Constituent Request</b> ..... ✓
<b>Title of Application</b>  Planning in principle for a 0.6ha..... residential development of 6 houses..... .....	<b>Other (please specify)</b> ..... <input type="checkbox"/>
<b>Member's Name</b>  Cllr .....Tom Kerr.....	
<b>Date</b>  .....20 Oct 2020.....	



## ☒ LOCAL MEMBER REFERRAL REQUEST ☒

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<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
<p><b>Application Reference Number</b></p> <p>0821/p/20 .....</p> <p><b>Site Address</b></p> <p>Clark Ave .....</p> <p>...Linlithgow .....</p> <p><b>Title of Application</b></p> <p>.... Planning permission in principle for a 0.6ha residential development of 6 houses .....</p> <p><b>Member's Name</b></p> <p>Cllr ...Cllr David Tait ...</p> <p><b>Date</b> 21/10/2020 .....</p>	<p><b>Applicant</b></p> <p>Request.....✓ <input type="checkbox"/></p> <p><b>Constituent Request</b>..... <input type="checkbox"/></p> <p><b>Other (please specify)</b>..... <input type="checkbox"/></p>



## Linlithgow & Linlithgow Bridge Community Council

Please reply to:  
Dr John Kelly  
Planning Secretary  
8 Pilgrims Hill  
Linlithgow  
EH49 7LN

7<sup>th</sup> October 2020

For the attention of:  
Steven McLaren,  
Development Management,  
West Lothian Council,  
Livingston, EH54 6FF.

Dear Steven,

**0821/P/20 | Planning permission in principle for the erection of 6 houses Land East of Clark Avenue Linlithgow West Lothian. Objection by Linlithgow and Linlithgow Bridge Community Council**

The following objection is given in the context of the Community Council's role as statutory consultee and arises from the conclusions of a discussion at Linlithgow and Linlithgow Bridge Community Council sub-committee meeting on 30<sup>th</sup> September 2020. We note the mismatch between the title page of the planning statement and the number of dwellings indicated on the plan on page 3. Regardless of the actual number of dwellings which are the subject of this application for planning permission in principle we wish to object to the application as follows:

1. The proposed development is contrary to the provisions of the West Lothian Local Development Plan 2018 (LDP Map 2) which designates the site as 'land safeguarded for open space'. It is therefore contrary to Policy ENV21 of the LDP which refers to the 'Protection of Formal and Informal Open Space'.
2. The site in question is part of an interlinked series of greenspaces (a green corridor) which run through this wider housing development and beyond. Many of these greenspaces, provide valued informal woodland which is essential to the residential amenity of the area as well as providing valuable habitat for wildlife. The fact that such areas of informal woodland do not perform the same function as formal open space for recreational use, is no reason to assume that they are less valued and may become available for development. Such an approach could set a dangerous precedent for the development of areas of informal open space elsewhere.
3. The proposal is also contrary to the provisions of LDP Policy HOU 3 'Infill/Windfall Housing Development within Settlements'. Although the site is located within the settlement boundary of Linlithgow, the proposed development would be out of character with the local area, does not conform with Policy ENV21, is not acceptable



in landscape and townscape terms, would have an adverse effect on the character of the area and would most certainly have a very significant impact on the amenity of those properties in Clark Avenue, located immediately to the west of the site and at the bottom of a steep hill.

4. Whilst it is appreciated that the plans and diagrams accompanying the application are indicative only, it is hard to visualise how the proposed six houses and accompanying infrastructure can be accommodated on such a steep and heavily wooded site as Colt Hill, without significant excavation to provide a suitable 'platform' for development and without destruction of much of this heavily wooded area. As well as its impact on adjacent housing, it is likely that the felling of woodland would also impact on the amenity of the adjacent Linlithgow Care Home. It is also understood that the woodland was planted as part of measures to reduce flood risk to properties on Clark Avenue at the bottom of the steep hill.
5. The Planning Statement makes reference to a decreasing and ageing population in Linlithgow and 'older people living in family homes...stopping the younger people from obtaining homes in the town...'. LLBCC acknowledge a growing number of older people and a shortage of housing in Linlithgow for first time buyers, younger people and those on modest incomes. However, it should be noted that there are a number of consented/allocated and housing sites under construction which total over 600 units. Two of these allocated sites, at Wilcoxholm Farm and Kettilstoun Quarry, have a combined capacity of over 400 units which will undoubtedly result in a greater range of houses sizes and prices. If the proposed six units at Colthill were to be approved, it is unlikely that the resulting housing would be within the reach of most younger people or first time buyers.
6. The Planning Statement also makes a number of references to Scottish Planning Policy (SPP) and the presumption in favour of sustainable development. The policy is the subject of a current Scottish Government consultation on changes to SPP which seeks its removal. Whilst it is acknowledged that the policy is still in force, there is widespread support for its removal. Removal is supported by LLBCC and also by West Lothian Council in its proposed response to the consultation. (Report to Council Executive Committee, 6 October 2020, Agenda Item 31).
7. The Planning Statement refers to the public benefits that will accrue from the inclusion of a public path through the development which it states will improve connectivity in this part of Linlithgow, with significant benefits for walkers and cyclists. There is already an extensive network of paths in the area including an existing informal and well used path to the south of the site, linking Clark Avenue with the A706 St Ninian's Road. Beyond that to the south of the nearby Mill Lade, is a surfaced path forming part of an extensive protected right of way/core path system which links the centre of town with areas to the west. There is no need therefore for an additional path through the proposed development, and again, for reasons of topography, it is difficult to visualise how such a feature could be physically accommodated. From the indicative plan, it appears that the path would have to be accommodated for most of its length, along the access road to the houses, before it descends down a steep slope to join the existing path to the south.

For the reasons outlined above, LLBCC considers the proposal to be unacceptable. In summary, it is contrary to the provisions of the LDP, it would destroy a valued area of

amenity woodland and is unsuitable due to the steep topography of the site. It contributes nothing to sustainable development and will not result in any of the community benefits as described in the Planning Statement.

Finally, as stated in our letter of 26<sup>th</sup> April 2017 for a similar application which was withdrawn, and following an email exchange (Kelly/Watson) I understand that you are unable to confirm the terms of the conditional planning permission for the construction of 30 houses forming the estate at Clark Avenue (0262/FUL/97). We understand that 0821/P/20 breaches an existing burden on this land.

Yours sincerely,

John R Kelly  
Planning Secretary  
Linlithgow and Linlithgow Bridge Community Council





9 October 2020

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

Dear Sir/Madam

**Clark Avenue, 6 Houses - Planning Application reference 0821/P/20**

Linlithgow Civic Trust (LCT) **OBJECTS** to this proposal for the following reasons:

The proposed development is contrary to the provisions of the West Lothian Local Development Plan 2018 (LDP) which designates the site as 'safeguarded open space'. It is therefore contrary to Policy ENV21 of the LDP which refers to the 'Protection of Formal and Informal Open Space'.

The site in question is part of an interlinked series of greenspaces (a green corridor) which run through this wider housing development and beyond. Many of these greenspaces, provide valued informal woodland which is essential to the residential amenity of the area as well as providing valuable habitat for wildlife. The fact that such areas of informal woodland do not perform the same function as formal open space for recreational use, is no reason to assume that they are less valued and may become available for development. Such an approach could set a dangerous precedent for the development of areas of informal open space elsewhere.

The proposal is also contrary to the provisions of LDP Policy HOU 3 'Infill/Windfall Housing Development within Settlements'. Although the site is located within the settlement boundary of Linlithgow, the proposed development would be out of character with the local area, does not conform with Policy ENV21, is not acceptable in landscape and townscape terms, would have an adverse effect on the character of the area and would most certainly have a very significant impact on the amenity of those properties in Clark Avenue, located immediately to the west of the site and at the bottom of a steep hill.

Whilst it is appreciated that the plans and diagrams accompanying the application are indicative only, it is hard to visualise how the proposed six houses and accompanying infrastructure can be accommodated on such a steep and heavily wooded site as Colt Hill, without significant excavation to provide a suitable 'platform' for development and without destruction of much of this heavily wooded area. As well as its impact on adjacent housing, it is likely that the felling of woodland would also impact on the amenity of the adjacent Linlithgow Care Home.

It is also understood that the woodland was planted as part of measures to reduce flood risk to properties on Clark Avenue at the bottom of the steep hill.

The Planning Statement makes reference to a decreasing and ageing population in Linlithgow and 'older people living in family homes...stopping the younger people from obtaining homes in the town...'. LCT acknowledges a growing number of older people and a shortage of housing in Linlithgow for first time buyers, younger people and those on modest incomes. However, it should be noted that there are a number of consented/allocated and housing sites under construction which total over 600 units. Two of these allocated sites, at Wilcoxholm Farm and Kettilstoun Quarry, have a combined capacity of over 400 units which will undoubtedly result in a greater range of houses sizes, types and prices. If the proposed six units at Colthill were to be approved, it is unlikely that the resulting housing would be within the reach of most younger people or first time buyers.

The Planning Statement also makes a number of references to Scottish Planning Policy (SPP) and the presumption in favour of sustainable development. The policy is the subject of a current Scottish Government consultation on changes to SPP which seeks its removal. Whilst it is acknowledged that the policy is still in force, there is widespread support for its removal. Removal is supported by LCT and also by West Lothian Council in its proposed response to the consultation. (Report to Council Executive Committee, 6 October 2020, Agenda Item 31).

The Planning Statement refers to the public benefits that will accrue from the inclusion of a public path through the development which it states will improve connectivity in this part of Linlithgow, with significant benefits for walkers and cyclists. There is already an extensive network of paths in the area including an existing informal and well used path to the south of the site, linking Clark Avenue with the A706 St Ninian's Road.

Beyond that to the south of the burn adjacent to Mill Lade, is a well-used, surfaced path which is part of a single-track road leading to a group of houses, with a short footpath link to Avalon Gardens. This forms part of an extensive protected right of way/core path system which links the centre of town with areas to the west. (Linlithgow Link). There is no need therefore for an additional path through the proposed development, and again, for reasons of topography, it is difficult to visualise how such a feature could be physically accommodated. From the indicative plan, it appears that the path would have to be accommodated for most of its length, along the access road to the houses, before it descends down a steep slope to join the existing path to the south.

For the reasons outlined above, LCT considers the proposal to be unacceptable. In summary, it is contrary to the provisions of the LDP, it would destroy a valued area of amenity woodland and is unsuitable due to the steep topography of the site. It contributes nothing to sustainable development and will not result in any public benefits as described in the Planning Statement.

Yours faithfully

Joyce Hartley

Planning Spokesperson  
**Linlithgow Civic Trust**



## **OBJECTION TO PLANNING APPLICATION 0821/P/20**

Application Number: 0821/P/20

Address: Land East of Clark Avenue, Linlithgow, EH49 7AP

Name & Address of objectors: Alan Birse, 23 Clark Avenue, Linlithgow EH49 7AP

Date of Objection: 7<sup>th</sup> October 2020

I wish to make you aware of a number of strong objections that I have with regard to the proposed development of four or six additional properties on woodland to the east of Clark Avenue, Linlithgow, application number referenced above. I note that the Planning Statement is for four detached dwellings, but the drawings in the statement are for six houses.

As a close neighbour of the proposed development, I am of the view that it is in contravention of the West Lothian Local Development Plan and the terms of the title deeds for all properties and land within Clark Avenue. My specific objections are as follows:

1) Scottish Planning Series Planning Circular 3/2013: Development Management Procedures Annex A states that *'Legislation requires decisions on planning applications to be made in accordance with the development plan....unless material considerations indicate otherwise.'* Further, it notes that the proposed Local Development Plan is material in making this decision. Sections 2 and 3 below highlight areas where this application is contrary to the Local Plan and Local Development Plan.

2) The proposed development is in direct contravention of various policies within the West Lothian Local Development Plan. These include:

- a. The woodland area which the application relates to is identified as *'Land safeguarded for Open Space'*.
- b. HOU3 notes that a site will only be considered for infill development if it is not identified for an alternative use and does not form an area of maintained amenity – see above.
- c. HOU4 states that Linlithgow and Linlithgow Bridge are particularly sensitive to the impact of new infill housing development by virtue of unique historic character, environmental constraints (landscape setting, air quality and drainage), traffic congestion and the availability of education capacity. 4 new family houses will impact all of these aspects.
- d. ENV 9 states that *'there will be a presumption against development adversely affecting woodlands'*

3) The deeds for our house refer to a Section 75 agreement, registered 2nd Feb 1998, which stipulates that *'Not more than thirty dwellinghouses shall be constructed on the Planning Unit'*. Clark Avenue currently has 30 houses; therefore this application is contrary to this Burden.

4) The Planning Statement for the development makes various statements which I strongly dispute. These include:

- a. Section 5 refers to Public Realm Gain. The proposed path is unnecessary as there is already a path from the end of the first Clark Avenue to St Ninian's Rd. I note, with a wry smile, that even the author recognises there is no public realm gain, given their badly hidden comment "Other than the path, is there anything else that we can offer that will make the development more attractive"
- b. In Section 6.1, there is recognition that the land is designated as *'land safeguarded for open space'*. The reference to the site being overgrown is notable, as ownership of the land carries an

obligation to maintain it. This obligation has not been fulfilled by the current owner, and I would suggest that this should be enforced by the planning department.

c. Section 9 again refers to the path, which, as already stated, brings little or no additional benefit to the existing pathways.

d. Section 10 refers to the aging population and the need to provide housing for younger people in the town. A development of 4 or 6 large, expensive houses which younger people cannot afford will not address this issue.

e. Section 12.1 National Planning Framework refers to population figures being shown in Section 15 Sustainability. I cannot find this part of the report; this is also highlighted by the author's comment in this section.

f. Section 15 refers to land supply in West Lothian and implies that additional residential units should be spread according to current population of each town. Clearly this is a facile argument given the development at Winchburgh which will add over 3,800 homes to West Lothian. West Lothian as a whole has an allocation of 24,597 new units according to the WLLDP.

g. Notwithstanding f above, the WLLDP lists an allocation of 624 housing units for Linlithgow & Linlithgow Bridge, not 274 as stated in section 15.2 of the Planning Statement.

h. Section 17, The Tilted Balance is clearly not applicable as there is adequate land supply in both Linlithgow and West Lothian.

5) Flooding and drainage will be adversely affected by the additional houses as the already high water table will be worsened by removal of trees, addition of buildings on the land which is higher than the surrounding housing area and compaction of the land resulting from building.

6) Ecological effect on wildlife, which is acknowledged to include local otters as well as birds and other local wildlife. The number and variety of birds in the area has significantly increased as the development and associated woodland has matured. Removing the woodland will have a detrimental effect on them.

7) Access and road safety will be compromised by the addition of another access road off a steep road. This road suffers from poor access in the winter when there is snow and ice, and this would be exacerbated by the proposed development.

I ask that you consider my objections as part of your evaluation of this application and hope that you will see fit to reject the application.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Alan Birse



## Comments for Planning Application 0821/P/20

### Application Summary

Application Number: 0821/P/20

Address: Land East Of Clark Avenue Linlithgow West Lothian

Proposal: Planning permission in principle for the erection of 6 houses

Case Officer: Steven McLaren

### Customer Details

Name: Mr Laurie Boles

Address: 9 Clark Avenue Linlithgow

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sir or Madam,

Letter of Objection for Application 0821/P/20

We write to submit our strong objection in respect of the above planning application and outline our legitimate reasons below, for consideration:

1. Section 75 Agreement - this proposed development would breach the existing agreement, agreed by West Lothian Council in February 1998, that the Clark Avenue housing development would be capped at a maximum of 30 houses. This is recorded on the Land Register of Scotland and is listed as a burden on the land within our title deeds. Consequently, this burden transfers whenever title of ownership of the amenity is sold on or gifted to another third party, therefore the applicant has to fulfil this obligation. Please note that the land was originally owned by Greenbelt Energy Plc but sold at auction several years ago and has had several different owners hence.

2. Loss of Amenity and Wildlife - within the West Lothian Local Development Plan this land has consistently been categorised as amenity space and not earmarked for housing development. In 1998, when Clark Avenue development was constructed, the surrounding land was expertly and sympathetically planned to deliver the best mix of housing to compliment the existing landscape and marshland. This area formed part of the original land ring-fenced for extensive planting of woodland incorporating an array of native species. Over the years, this woodland area has matured and now attracts a wide range of wildlife, such as deer, bats, foxes, squirrels and varied species of birds which the neighbourhood benefits from. We believe that the loss of this woodland area and additional impact of further housing would severely compromise this habitat.

3. Precedent for Future Planning Applications - if this application was approved it may set a precedent for allowing the submission of further planning requests for small housing developments on other areas of amenity within Clark Avenue, where previously rejected.
4. Use of Footpaths - there is no requirement to have additional footpaths through this woodland area as the existing one is popular and widely used by walkers and ramblers.
5. Pressure on Utilities - Clark Avenue's electricity is supplied via sub station situated at the top of St Ninian's Road. Another six large dwellings would add compromise the quality of this power supply. The application fails to mention any planned upgrade.
6. Access - the introduction of another access road at the top of Clark Avenue would cause additional traffic to an already steep and narrow road and will exacerbate a continuing problem. During the winter, Clark Avenue residents experience difficulty in driving up and down the hill when the road is covered in snow or icy conditions. It is common for vehicles to become stranded and block access along the entrance road.

We acknowledge your time taken to carefully consider our objection and look forward to hearing from you in due course.

Regards.



9 Clark Avenue  
Linlithgow  
West Lothian  
EH49 7AP

Email address: [REDACTED]

2 October 2020

**Application No. 0821/P/20**

**Land East of Clark Avenue, Linlithgow, West Lothian**

**Proposal: Planning Permission in Principle For The Erection of 6 Houses**

Dear Sir or Madam,

**Letter of Objection for Application 0821/P/20**

We write to submit our strong objection in respect of the above planning application and outline our legitimate reasons below, for consideration:

1. **Section 75 Agreement** - this proposed development would breach the existing agreement, adopted by West Lothian Council in February 1998, that the Clark Avenue housing development would be capped at a maximum of 30 houses. This is recorded on the Land Register of Scotland and is listed as a burden on the land within our title deeds. Consequently, this burden transfers whenever title of ownership of the amenity is sold on or gifted to another third party, therefore the applicant has to fulfil this obligation. Please note that the land was originally owned by Greenbelt Energy Plc but sold at auction several years ago and has had several different owners hence.
2. **Loss of Amenity and Wildlife** – within the West Lothian Local Development Plan this land has consistently been categorised as amenity space and not earmarked for housing development. In 1998, when Clark Avenue development was constructed, the surrounding land was expertly and sympathetically planned to deliver the best mix of housing to compliment the existing landscape and marshland. This area formed part of the original land ring-fenced for extensive planting of woodland incorporating an array of native species. Over the years, this woodland area has matured and now attracts a wide range of wildlife, such as deer, bats, foxes, squirrels and varied species of birds which the neighbourhood benefits from. We believe that the loss of this woodland area and additional impact of further housing would severely compromise this habitat.
3. **Precedent for Future Planning Applications** – if this application was approved it may set a precedent for allowing the re-submission of further planning requests for small housing developments on other areas of amenity within Clark Avenue, where previously rejected.
4. **Pressure of Utilities** – Colthill and Clark Avenue residents have their electricity supply supported through a sub-station located at the top of St Ninians Road which is subject to regular failure and power cuts. The introduction of another 6 large dwellings to the area

will place additional demand on this important service however there is no mention of any upgrade to this amenity within the planning application.

5. **Use of Footpaths** – there is no requirement to have additional footpaths through this woodland area as the existing one is popular and widely used by walkers and ramblers. It forms part of established circular walking routes around Linlithgow and Linlithgow Bridge areas.
6. **Access** – the introduction of another access road at the top end of Clark Avenue would cause additional traffic to an already steep and narrow road and will exacerbate a continuing problem. During the winter months, the Clark Avenue residents experience difficulty in driving up and down the hill when the road is covered in snow or icy conditions. It is common for vehicles to become stranded and block access along the entrance road.

We acknowledge your time taken to carefully consider our objection and look forward to hearing from in due course.

Yours sincerely,



Laurie and Sandra Boles



06/10/2020

Craig & Norma Cameron  
7 Clark Avenue  
Linlithgow

**Application No: 0821/P/20**

Address: Land East of Clark Avenue, Linlithgow, West Lothian.

Proposal: Planning Permission in Principle for the Erection of 6 Houses

Dear Sir/Madam

We the undersigned, would like to object to the Planning application in Principle for the erection of 6 houses at Land East of Clark Avenue, Linlithgow, West Lothian. **Application No: 0821/P/20** for the following reasons.

**1. West Lothian Local Development Plan (WLLDP)**

Our objection is based on the West Lothian Local Development Plan (WLLDP)

This land is shown on the WLLDP as being "Land Safeguarded for Open Space" which would assume should mean free from any future housing development.

**2 Section 75 Agreement, Town & Country Planning Act Scotland (1987)**

Should this application be granted it will go against an existing Section 75 agreement. This was applied by West Lothian Council on February 2<sup>nd</sup>, 1998 and capped the development of Clark Avenue to a maximum of 30 homes.

**3 Existing Path**

The land around about Clark Avenue and the path leading up to St Ninians Rd. should be maintained by the landowner on a regular basis, grass cutting and maintenance of the path etc.

The applicant has spectacularly failed to carry out the most basic requirement which is their responsibility.

The application mentions public benefits quite a lot in the Planning Statement.

**Section 3, Proposal 3.1**

*"This proposal is to bring into use and to provide public benefits that improve sustainability on a piece of land approximately 0.85ha acres in size. The inclusion is of a public path that will improve connectivity in this part of Linlithgow will bring significant public benefits for walkers and cyclists who wish to use this area of Linlithgow"*

**Section 5.1**

*"This would open the woods in this part of Colthill by way of creating a public path, for the enjoyment of the wider public"*

The existing path which belongs to the applicant has been neglected and the width of the path has reduced because of this neglect. In the past you could walk up the path 2 or 3 abreast now there are sections where you must go in single file due to the lack of maintenance by the applicant.

I do believe the applicant has proved that they are behaving uprightly to gain planning approval, however, their past record proves otherwise. As to the potential benefits to the Linlithgow walkers, cyclists, or the town in general, I cannot see any benefit whatsoever in this development to anyone apart from the developers themselves.

### Historical Exchanges

I have been in communication with the person behind this application, albeit via her lawyer and my lawyer. I tried contacting her just over 2 years ago to ask her to consider the lack of light coming into my back garden due to the height of the trees on her land behind my house.

I received a copy of an email on the **6<sup>th</sup> of June 2019** via my solicitor to say that her lawyer had spoken to her about my request to do something about the lack of light, she replied as follows.

*Hi,*

***"We were waiting for the nesting season to finish which is the end of June. Tree felling can only therefore begin early July and we have diarised for Tuesday 2nd"***

***Many thanks.***

Now over a year later, I have still not heard from her.

Back to my earlier point, it appears she does talk/act convincingly about undertaking things and this development is just another potential non-success on her part, i.e. not to consider the concerns of the existing 6 householders who will be affected by the obvious lack of privacy should this planning application be approved. The same way she has been completely ineffective to act on my lack of sunshine and potential damage to my property from the trees on her land, not to mention the existing path situation.


I therefore would like to oppose this application for Planning in Principal.

Yours sincerely

Craig Cameron



Norma Cameron





## Comments for Planning Application 0821/P/20

### Application Summary

Application Number: 0821/P/20

Address: Land East Of Clark Avenue Linlithgow West Lothian

Proposal: Planning permission in principle for the erection of 6 houses

Case Officer: Steven McLaren

### Customer Details

Name: Mr Charles Webster

Address: 13 Clark Avenue LINLITHGOW

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application for the following reasons.

1. Loss of open space. The land these houses would be built on is designated open space as per the West Lothian plan. On the basis that this plan is only a few years old it would be perverse, to say the least, to change its use now.

2. Risk of flooding. As someone who has lived in Clark Avenue from the beginning I can report, from personal experience, the problems with significant flooding from the steep bank to the west of the plot. It was only with the planting of the trees that the problem was brought under control

3. Visual amenity. The existing trees also provide a significant visual amenity and mask an area that would be an eyesore if they were removed.

Finally I am concerned that the planning conditions outlined in the application will not be adhered to. Currently the applicants and current owners of the land are failing to carry out any of their existing obligations to maintain the area. This suggests that a similar cavalier attitude would be likely to be applied to any planning conditions attached to the application.

7 October 2020

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

2 Clark Avenue  
LINLITHGOW  
West Lothian  
EH49 7AP

Dear Sirs

**Subject: Objection to planning application 0821/P/20**

**Proposal: Planning permission in principle for the erection of 6 houses on land east of Clark Avenue, Linlithgow**

We submit this objection to the above planning application on the following grounds:

1. West Lothian Local Development Plan (WLLDP)

The planning application disregards the current WLLDP which clearly states that the land in question is safeguarded for open space. The area was specifically planted as amenity woodland in 1998 and this status prohibits any housing development.

2. Section 75 Agreement, Town & Country Planning Act Scotland (1987)

The development is in breach of an existing section 75 agreement which capped the Clark Avenue estate to 30 houses.

3. Privacy & Amenity

We will suffer from a loss of privacy and security as the proposal suggests the development will be clearly overlooking our property. The elevated position of any new houses will result in severely restricted privacy to the rear of our property. The woodland area to our rear has now developed into a secure and protected area behind our house and provides a valuable habitat for many wildlife species.

4. Environmental Impact

The proposals do not make any reference to the sustainable drainage of surface water. The original planting of the hillside was completed with flood water risk in mind. Additional drainage was installed and in conjunction with the tree planting scheme, this has contributed to the stability of the hill and has prevented flood damage. Any plans to construct housing on the hill would undoubtedly result in significant destabilisation of the hill, especially if the existing woodland is disturbed. This would likely have dire consequences in relation to flooding.



The loss of existing woodland as a result of any house building is not justified especially as the application has replacement tree planting included. The original tree planting was carefully done but none of the previous owners of the land have maintained the woodland adequately despite a burden on them to do so. Unfortunately the current owner is no different.

5. Access

The application requires a new access road and this will be problematic as it will add another access road to the existing severely sloping road leading into Clark Avenue. This is a particular issue in winter conditions when many existing residents are unable to drive up the hill to the main road. Any additional traffic will only add to the problem particularly if the accessing traffic has to join half way up an already difficult slope.

In terms of pedestrian and cycle access, there are already 2 routes into and through Clark Avenue from the Bo'ness Road and another would seem overkill and as such unnecessary.

The current WLLDP has a number of sites already zoned for housing development including some where a substantial number of houses could be constructed. We fail to see why a severely sloping wooded hillside with very limited space would be either suitable for or approved as land on which houses should be built.

We look forward to your careful consideration of the objections raised.

Yours sincerely



Annis Frame

David Mitchell

cc by email: [planning@westlothian.gov.uk](mailto:planning@westlothian.gov.uk)

## Comments for Planning Application 0821/P/20

### Application Summary

Application Number: 0821/P/20

Address: Land East Of Clark Avenue Linlithgow West Lothian

Proposal: Planning permission in principle for the erection of 6 houses

Case Officer: Steven McLaren

### Customer Details

Name: Ms Susan Irving

Address: 8 Clark Avenue Linlithgow

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I would like to object to this proposed development as it is contrary to the local development plan- the site is on land safeguarded for open space in the West Lothian Local Development Plan and would involve the loss of a large number of mature trees.

In addition, the proposed footpath down a steep, wooded hill as part of the development would also entail destruction of a considerable number of mature trees in the woodland and significant earthworks and loss of wildlife habitat ( While it is correct that the proposal is for a path which should be wheelchair accessible, the steepness of Colthill means any path would require additional destruction of woodland in order to be of a 1:12 gradient and to provide sufficiently frequent level resting platforms).

Should the footpath be removed from the proposal, the potential road safety and access issues from the development will be considerably worse and, together with it being contrary to the Local Development Plan, are grounds for objection.



4 Clark Avenue  
Linlithgow  
West Lothian  
EH49 7AP

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

2 October 2020

Dear Sir/Madam,

**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF 6 HOUSES AT CLARK AVENUE, LINLITHGOW (0821/P/20)**

1. We are writing to formally object to the above planning application on the grounds that it (a) is contrary to a range of Council planning policies relating to housing and open space, as set out in the West Lothian Local Development Plan (WLLDP), and (b) establishes a precedent that, if approved, would undermine and call into question the Council's wider commitments to the environment.

**POLICY HOU 3 Infill/Windfall Housing Development within Settlements**

2. It is very evident that the proposal does not accord with Policy HOU 3, which supports housing developments of this type only where the site does not form an area of maintained amenity or open space. The application site is clearly identified as 'Land Safeguarded for Open Space' within the WLLDP. We also note that the application site is not identified as a housing development proposal for Linlithgow within the WLLDP.

**POLICY HOU 4 Affordable Housing**

3. Notwithstanding that the exact specification for the proposed new-build houses has yet to be determined, given (a) that these will be detached houses in a high-amenity location, and (b) Linlithgow's LHS Priority 1 status, it seems highly unlikely that any future detailed application can comply with Policy HOU 4 by providing housing that will be affordable to people on modest incomes. Nor will it further the Council's stated objective of meeting increased demand for rented accommodation.

**POLICY ENV 7 Countryside Belts and Settlement Settings**

4. By virtue of a proposed change of use from safeguarded open space to housing (involving the loss of semi-natural woodland), the proposal conflicts with a number of the key strategic purposes of POLICY ENV 7, viz. the protection and enhancement of the landscape of a designated Countryside Belt, the protection of the landscape setting of settlements, and enhancement of landscape and wildlife habitat.

5. Crucially, the application does not satisfy the requirement to demonstrate (a) that the application meets a specific locational need that cannot be met elsewhere, and (b) that an incursion into the Countryside Belt is justified. As such, it is, therefore, in contravention of the Policy.

#### **POLICY ENV 9 Woodland, Forestry, Trees and Hedgerows**

6. In order to satisfy the requirements of this Policy the applicant needs to demonstrate that the proposed housing development will not result in the loss of trees and woodland that have particular amenity and biodiversity value, and that such destruction of woodland would “achieve significant and clearly-defined public benefits”.
7. The Ecological Assessment concludes (Para. 6.1, Fig. 3) that the area proposed for the location of the houses is coniferous plantation. Being concerned about the negative public perceptions of amenity and wildlife value often associated with planted conifers, we challenged this conclusion. Following a joint site visit on 2 October, the consultants agreed that the woodland area that will be lost to houses is more diverse in character, with a higher proportion of native broadleaved species than indicated in the report, and that it could more appropriately be described as mixed plantation woodland. Photos 4 and 5 are not, therefore, representative of the area.
8. Quite apart from enjoying protected status under the Local Development Plan as ‘Land Safeguarded for Open Space’, this threatened area of mixed deciduous woodland is important as a strong visual component of the landscape setting of Clark Avenue. It also provided valuable nesting and foraging habitat for a wide range of mammals and bird species such as roe deer, sparrowhawk, tawny owl, treecreeper, great spotted woodpecker and buzzard. Unusual winter visitors such as woodcock have also been recorded.
9. We estimate that substantially more than half the woodland within the overall application site will be lost to housing. We do not consider that the poorly-specified management that the applicant proposes for the remaining woodland and scrub within the development (estimated to be between 0.10 ha and 0.24 ha), or in the applicant’s wider landholding elsewhere within Colt Hill (currently not part of any planning application), will constitute adequate compensation for the loss of this important amenity/wildlife resource and safeguarded open space. Nor will it represent an overall significant net public benefit. Under the provisions of Policy Env 9 there must, therefore, be a presumption against the development proposal.

#### **POLICY ENV 10 Protection of Urban Woodland**

10. The proposal is in conflict with Policy ENV 10 which protects woodland areas within settlements where their loss to development would jeopardise landscape, amenity, biodiversity or green network objectives.
11. Reference is made elsewhere in this submission to the contribution that the proposed development site makes to biodiversity, the amenity and landscape setting of the Clark Avenue area, and its connectivity role as a semi-natural area of Land Safeguarded for Open Space within the green network of the town.



## **POLICY ENV 21 Protection of formal and informal open space**

12. The application site is clearly identified as 'Land Safeguarded for Open Space' within the WLLDP. The inclusion of such areas within local authorities' development plans reflects greater awareness amongst public bodies generally in recent years of the value of even small areas of greenspace within settlements (whether or not used for recreation) as key components of green corridors and networks linking towns to their rural hinterlands.
13. It is important also to note that by far the greatest extent of Land Safeguarded for Open Space within the Linlithgow town boundary is in the form of amenity grassland, such as playing fields, sports/recreation grounds, and urban parks. The woodland and scrub that dominates the Colt Hill/Jock's Hill area represents one of the town's largest area of protected open space that retains any degree of semi-natural character. It should, therefore, assume relatively greater importance within the Council's thinking on protected open space and its contribution to Green Network ambitions. As such, it should be protected.
14. The application does not comply with this Policy and should be refused specifically because:
  - a) it conflicts directly with the principal aim of the Policy, which is to *"give protection to a wide range of defined types of open space within settlements and to prevent their piecemeal loss to development."*;
  - b) it fails to demonstrate that there is a specific locational justification for the development that outweighs the need to retain the open space;
  - c) the loss of this area of mixed woodland would represent a significant adverse effect on the overall amenity of the area, especially since the applicant offers no compensation for its destruction in the form of a comparable replacement elsewhere;
  - d) the applicant's offer of enhanced woodland management on the significantly smaller area of remaining woodland within the application site represents no overall net benefit in wildlife or amenity terms;
  - e) although only of modest importance in strict nature conservation terms, the public value of semi-natural woodlands, such as that which will be destroyed, lies as much in the extent to which they provide a contribution to, and a wider functional connectivity within, a more extensive green corridor - in this case one that directly links Linlithgow Loch Site of Special Scientific Interest with the town's rural hinterland to the west. In this context, the threatened wooded open space can be seen as an important component, the loss of which will weaken the network and undermine the Council's commitment to Green Network objectives.

## **OTHER MATERIAL CONSIDERATIONS**

### **Presumption in favour of development**

15. We understand that Scottish Government is currently consulting on proposed interim changes to certain parts of Scottish Planning Policy (SPP). These include removing in its entirety the policy presumption in favour of development that contributes to sustainable development from the SPP. Other proposed amendments will ensure that the 'tilted balance' concept is no

longer relevant to local authorities' determination of planning applications involving proposed housing development.

16. Leaving aside the validity of the applicant's claim that there is a shortfall in the 5-year housing supply proposed by the Council (or, indeed, their claims regarding sustainability), given the clear policy direction now being signalled by Scottish Government, we assume that the applicants can no longer rely on the 'tilted balance' concept in support of their argument that a presumption in favour of development should apply in this particular case.

### **Section 75 Agreement**

17. As far as we can establish, the proposed development site is subject to an extant Section 75 Agreement (Town & Country Planning (Scotland) Act 1997) entered into in good faith by the Council and (initially) Persimmon Homes in February 1998. This agreement, which is understood to be both permanent and binding upon successors in title, strictly limits the number of houses that can be built at Clark Avenue to the current maximum of 30. Further, building of houses on this site will require the Council to resile from its commitments under this legal agreement.

### **Overlooking/loss of privacy**

18. The illustrative graphics on pages 22-24 of the Planning Statement present an entirely misleading impression. In reality, the proposed new houses will sit at a significantly elevated position on the hillside overlooking the rear bedrooms and private gardens of house numbers 2 to 6 in Clark Avenue. Residents are concerned at the loss of their privacy, not least since we had assumed when buying our houses that the Council's S.75 legal protected the proposed development site from future house building and that, as a corollary of this, it would continue to be enjoyed as an amenity land for all Clark Avenue residents.

### **Road safety**

19. The proposed new access road will join Clark Avenue at the steepest point of a hill noted for being only very rarely gritted in winter. Additional traffic at this particular point on the hill will raise the risk of increased blockage and vehicle collisions during spells of icy or snowy weather.

### **Precedent**

20. Many Clark Avenue residents are concerned that the loss of this amenity woodland to housing development would represent the 'thin end of the wedge', establishing a precedent that would facilitate, and perhaps encourage, further development of those remaining parts of the protected amenity/open space throughout the estate. Such a precedent might even encourage other similar infill developments elsewhere in the town which could, in the longer term, significantly undermine the Council's ambitions of sustaining and enhancing a key element of the town's green infrastructure and contributing to the development of the Central Scotland Green Network.
21. A precedent already exists that is directly relevant to this application. It was created in 2003 when the Council refused planning permission to the occupants of 25 Clark Avenue for their proposal to extend their rear garden towards the Mill Burn and into what is now the very same



designated Open Space as that threatened by the current application. Despite the size of the plot being less than 2% of the area of the current application site, planning permission was refused as it was contrary to Policies HOU 24 and COM 13 of the then Local Plan, as well as NPPG 11 and PAN 65. The Reasons for Refusal were that the *“change of use from public open space to private garden ground would result in the loss of public open space which contributes to the amenity of this part of Linlithgow”* and that *“by granting consent, the Council would set an undesirable precedent ... the cumulative effect of this would result in a loss of valuable open space which contributes to the amenity of the area.”*

22. Given the very close proximity of both sites within, and affecting, the same safeguarded Open Space, and particularly since the loss of open space/amenity associated with the current proposal is so very much larger, it would be illogical for the Council not to conclude similarly with regard to the current application.

## **OTHER CONSIDERATIONS**

### **Woodland management**

23. The applicant proposes tree thinning, the planting of native broadleaves and the removal of non-native tree species. However, the overall net value of these proposed undertakings, taking account of the significant area of woodland which is to be destroyed, is difficult to assess in the absence of an outline management plan. Also, the indications are that most of these measures will apply to woodland outside the current application site, and beyond the ability of the Council to influence or control.
24. The applicant is incorrect in stating that the area they propose for house building is largely scrubland (Planning Statement para. 18.6). The Ecological Assessment describes this area as woodland. Further, the applicant is being disingenuous in claiming that the site of the houses was chosen specifically to minimise the destruction to the tree population. In reality, within the application site as a whole, the area chosen for the houses is, realistically, not only the ‘best’, but also the only ‘suitable’ location.

### **Proposed footpath/cycle route**

24. The applicant claims (para.9.1) that they intend to improve accessibility on the remainder of their (unspecified) landholding in the area by creating a path through the woods that will link Clark Avenue to St. Ninian’s Road. However, a well-used footpath that does just exactly that already exists. The applicant’s proposed route, rather than opening up the wider woodland area as may be inferred, is much less ambitious and will do no more than zig-zag down a steep wooded slope for perhaps 50 metres from the proposed housing development to join the existing afore-mentioned public footpath.
25. Also, the mature woodland both within and beyond the application site is already open and accessible, though the steep slopes and difficult terrain, often with dense undergrowth, will discourage those but the most determined. The application offers no clear demonstration of how the addition of a short length of new footpath will add in any significant way to visitors’ enjoyment of these woods.

26. According to the submission (para. 12.5), the proposed path *“will meet up with the core path to the south”*. The text and its accompanying graphic (para 8.4.1) describes the application site as being *“adjacent to core path 35”*. Apart from being incorrect, both statements imply a degree of wider connectivity than is actually the case. According to the application plan, the new path will not extend south beyond the current footpath or cross the Mill Burn.
27. In terms of access for walkers and cyclists in general, the St. Ninian’s Road/Clark Avenue area is already extremely well-served with public roads and footpaths. Claims that this new section of path *“would help to tackle health problems by encouraging locals to walk, which would be a sustainable legacy for future generations”* (para. 13.4) seem somewhat overstated; as do assertions that the development *“puts the needs of people before motor vehicles”* (para. 13.8.10) and that *“by providing high-quality walking and cycling connections, recreation and leisure”* the development *“will lead to safe routes to school”* (para. 14.3). Insofar as it will have any public utility value, the proposed path will most likely serve as little more than a convenient shortcut for some of the residents of the proposed development to access St. Ninian’s Road.

### Conclusion

28. It is very evident that the application does not accord, either in whole or in part, with the West Lothian Local Development Plan policies HOU 3, HOU 4, ENV 7, ENV 9, ENV 10 and ENV 21 and, as such, should be refused. Other material considerations are entirely relevant and add further weight to the case against the granting of planning consent.
29. The Scottish Government’s PAN 65 (Planning and Open Space) warns that *“the credibility of the planning system can be significantly undermined when policies on the protection and provision of open space are set aside in development management decisions without sound and clear justification, particularly where planning authorities have an interest in the land.”*
30. Given the concerns raised above about lack of compliance with a number of key Development Plan policies, and particularly in light of the Council’s legal commitment to restrict new housing in Clark Avenue by means of the Section 75 planning agreement, we urge the Council to consider very carefully whether they believe the applicants have provided *‘sound and clear justification’* in this particular case.

Yours faithfully,

Dr Angus Laing  
Mrs Dorothy Laing



## Comments for Planning Application 0821/P/20

### Application Summary

Application Number: 0821/P/20

Address: Land East Of Clark Avenue Linlithgow West Lothian

Proposal: Planning permission in principle for the erection of 6 houses

Case Officer: Steven McLaren

### Customer Details

Name: Mr Derek Lawson

Address: 26 Clark Avenue Linlithgow

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

26 Clark Avenue

Linlithgow

WEST LOTHIAN

EH49 7AP

5th October 2020

Planning Application Number: 0821/P/20

Objection to Planning permission in principle for the erection of 6 houses

Land East of Clark Avenue Linlithgow West Lothian

Dear Sir/Madam

We wish to object to the Planning Application Number: 0821/P/20 currently being considered by West Lothian Council, on the following grounds.

Planning Policy - This application should be refused as the proposed development is contrary to the West Lothian Local Development Plan where the land in question is identified as Land Safeguarded for Open Space.

Planning Policy - A Section 75 Agreement was entered into by West Lothian Council and Persimmon Homes (Scotland) Ltd in February 1998 limiting the number of houses to be built in the Clark Avenue Planning Unit to thirty. There are currently thirty houses in Clark Avenue. The said Section 75 Agreement is referred to in the Titles of each of those thirty properties. This application should be refused as it is in breach of the existing Section 75 Agreement.

Planning Policy - The West Lothian Local Development Plan identifies a number of sites in the town, of varying sizes, and has allocated these for potential future housing development. This application should be refused as it is not one of the allocated housing sites within the West Lothian Local Development Plan.

Environmental Impact - The proposed development will see the loss of an important piece of Open Space, resulting in the loss of an area of woodland and animal habitat. This application should be refused because of its environmental impact.

Environmental Impact - The topography of the site in question and removal of trees and part of the embankment between the Nursing Home and houses at 1-6 Clark Avenue would lead to an increased threat of flooding for existing houses in Clark Avenue. This application should be refused because of its environmental impact.

Impact on Amenity - The topography of the site in question would see any new houses occupy an elevated position above, and directly overlooking the existing houses at 1-6 Clark Avenue leading to a loss of privacy for these residents. The application should be refused because of its impact on amenity.

I trust our comments will be taken into consideration by West Lothian Council in reviewing this application.

Yours faithfully

Mr D E Lawson & Mrs F Lawson



Mr I M McGregor  
14 Clark Avenue  
Linlithgow  
EH49 7AP

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

3 October 2020

Dear Sir/Madam,

**Objection to Planning Application No. 0821/P/20 for Land East of Clark Avenue, Linlithgow**

1. I write to register my formal objection to the above-headed planning application. The grounds for my objection are as follows:
  - a. Damage to the character and aspect of Linlithgow. Pockets of wooded land close to Linlithgow are comparatively scarce and contribute importantly to the pleasant aesthetic and environment of the town. They in addition collectively provide Linlithgow with its “lungs”, offsetting traffic pollution and enhancing air quality. Given the proposed development’s very close proximity to the M9 motorway and the heavy traffic using the A706 Bo’ness Road, onto which Clark Avenue directly adjoins, its proposals for tree removal would be detrimental to health and quality of life in Linlithgow, contrary to the assertion at para 14.1 of the application that “*there are no significant adverse effects on air quality*”. It would also set a precedent for other, similar pockets of wooded land, in this case safeguarded land (see below), gradually to be built over by developers, lastingly and detrimentally altering the character and ambience of Linlithgow.
  - b. Loss of Amenity Land. The development proposal states (at Para 6.1) that “*This site is designated in the current Local Development Plan as land safeguarded for open space.*”, thereby conceding that the development, if permitted, would constitute a change of use completely contrary to West Lothian Council Development Plan. It is incumbent on West Lothian Council to fulfil its duty to conserve land which is specified as safeguarded in its own development plan.
  - c. Density of the development. West Lothian Council on 2 February 1998 entered into a S.75 agreement under the Town and Country Planning Act (Scotland) 1987. This agreement limited the Clark Avenue (Colthill) development, which encompassed the area now proposed for development, to 30 houses. This was done for the express purpose of restricting density of development. The obligations entailed in this agreement have passed, through changes of ownership, to the present owner and applicant; accordingly, the development should not be approved. The statement at para 14.1 that “*there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity*” is moreover, demonstrably untrue. The proposal envisages 6 houses occupying a space comparable to that occupied by 4 properties immediately adjacent to the West, (with some minor overlap onto a fifth).

- d. Loss of Privacy. The topography of the site proposed for development means that it will be technically unfeasible for properties to be built as intended without their being in unreasonably close proximity to, and very directly overlooking, existing houses to the west of the proposed site. This would result in a wholly unacceptable loss of privacy for residents of these houses, and indeed for those of properties opposite them in Clark Avenue, who would be similarly affected.
  - e. Loss of Woodland and Risk of Flooding. The site proposed for development currently has a large number of trees on it. These trees absorb water which would otherwise flow down Colthill onto the current properties to the west of the proposed development. Their loss may very well cause major problems with flooding from run-off, especially since the development entails covering a significant area with non-absorbent surfaces in the form of a road, pavements and buildings.
  - f. Loss of Wildlife Habitat. Much of the site of the proposed development is currently mixed deciduous and conifer woodland. It provides a habitat for a variety of birds, mammals and insects which would be greatly reduced were the development to proceed.
  - g. Impact on Road Safety. The planning application proposes the construction of an access road close by, and parallel to, that serving the nursing home to the east of the proposed development site. This would increase the volume of traffic in the area in question, (both incoming residents' cars and service vehicles), diminishing road safety in the environs of the nursing home. Clark Avenue at that point is on steep hill, which can be difficult to negotiate in severe winter weather. The addition of the proposed additional access road would add further vehicle access and ingress close by the approach to the nursing home, which is in turn right beside the point at which Clark Avenue adjoins the A706.
2. Further elements of, and assertions in, the planning application also warrant challenge.
    - a. Woodland Improvements Proposal. The applicant's proposal to compensate for the felling of trees to make way for the development, namely to undertake some proactive woodland management on the remainder of the site, is nothing approaching an adequate offset for the trees' removal. One does not improve woodland by removing a large proportion of it altogether then undertaking a bit of thinning of what remains.
    - b. Path Network Augmentation. Para 6.1 of the application proposes "*...the formation of an extension to the public path network, helping to open up those parts of the site that are not to be developed for housing, for public access.....*". The proposed path would not constitute any sort of distinct enhancement of the public path network; it would simply provide a very steep short-cut to the proposed development, which in practice would be for the near-sole convenience of its residents. The further assertion at Para 14.1 of the application that "*the proposed development is accessible for all*", is at best a highly contentious way to describe a proposed de facto cul-de-sac mitigated in only tiny measure, as a sop to planning considerations, by the addition of a steep footpath to its south linking to an existing path which is already accessible from Clark Avenue.
  3. In the light of all of the foregoing, I submit that the application should be refused in its entirety.

Yours faithfully,

I M McGregor



**To:**

[Planning](#)

**Subject:**

Objection to 0821/P/20, Clark Avenue, EH49 7AP

**Date:**

06 October 2020 10:53:10

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## Robert Miles

15 Clark Avenue  
Linlithgow  
EH49 7AP

6th October 2020

Objection to proposed development of 6 additional houses at Clark Avenue, reference 0820/P/20

Dear Sirs,

I am writing to object to the proposed development of new houses on amenity land at Clark Avenue.

I object on the grounds that

- A) this is designated amenity land both in the title deeds to my property at 15 Clark Avenue and on the West Lothian Development plan
- B) such a development would adversely affect the current 30 houses by cutting down of trees, and
- C) the development would exceed the 30 house planning consent given to Persimmon homes for Clark Avenue
- D) the elevated location will cause loss of privacy to my house.
- E) Access to the development will be from my single existing access road that will be restricted during construction
- F) Noise during construction will impact my property and others in the street.

Yours sincerely,

Robert Miles

[Redacted Signature]

## Comments for Planning Application 0821/P/20

### Application Summary

Application Number: 0821/P/20

Address: Land East Of Clark Avenue Linlithgow West Lothian

Proposal: Planning permission in principle for the erection of 6 houses

Case Officer: Steven McLaren

### Customer Details

Name: Mr David Mitchell

Address: 2 Clark Avenue Linlithgow

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Detailed objection submitted by email and post on 7/10/20.



## Comments for Planning Application 0821/P/20

### Application Summary

Application Number: 0821/P/20

Address: Land East Of Clark Avenue Linlithgow West Lothian

Proposal: Planning permission in principle for the erection of 6 houses

Case Officer: Steven McLaren

### Customer Details

Name: Mr David Moran

Address: 19 Clark Avenue Linlithgow

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My principal objection is that this application breaks a Section 75 agreement between West Lothian Council and Persimmon Homes which restricts the development to no more than 30 houses.

I have also read and fully support the objections raised by others in the public comments section of this website.

## Comments for Planning Application 0821/P/20

### Application Summary

Application Number: 0821/P/20

Address: Land East Of Clark Avenue Linlithgow West Lothian

Proposal: Planning permission in principle for the erection of 6 houses

Case Officer: Steven McLaren

### Customer Details

Name: Mr Andrew Murphy

Address: 12 Clark Avenue Linlithgow

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am surprised and disappointed to discover - especially without prior notification from the developer or landowner - that this area of woodland is proposed to be developed.

The land in question - which directly overlooks, at close quarters, a substantial part of the established Clark Avenue estate - appears to me to be wholly unsuited for residential dwellings and, due to the inappropriate nature of the land proposed for this purpose, this development is in no way welcomed or supported by the families living in Clark Avenue.

Among other concerns I would note that the proposed development would destroy a substantial portion of the valuable amenity woodland which surrounds Clark Avenue and which provides the distinctive characteristic of the setting for 20 existing dwellings and the immediately adjacent HC1 Linlithgow Care Home.

Were the Planning Committee somehow minded to give consent to this development, I would have serious concerns about the precedent this could be taken to set for other opportunistic and exploitative proposals focussed on small parcels of green space across the historic town.

On a practical front, the proposed dwellings would directly overlook Numbers 1-6 Clark Avenue with resulting loss of privacy. This would be a particularly galling outcome given the fact that, at the time of original purchase, the land surrounding Clark Avenue was specifically attached to the warrant for the Persimmon Homes development and was sold out from under the 30 Clark Avenue property owners without our consent.

I note also the Section 75 agreement between WLDC and Persimmon Homes - which now passes to their successors in title - and hope very much that WLDC will honour this agreement's limitation



of 30 dwelling houses, recognising the assumption of such which the current occupiers of Clark Avenue have acted upon when purchasing their family homes here over the last 20 years.

Finally, I find it bizarre for the proposer to suggest that the provision of a short footpath (providing no worthwhile or incremental amenity I can fathom) can in some way compensate for the direct destruction of over an acre of woodland. This suggestion completely ignores the relative impacts of the two actions (destruction of woodland vs provision of path) and strikes me as a cynical and insincere assertion which is an insult to the intelligence of residents and the good judgement of the WLDC and its officers.

## Comments for Planning Application 0821/P/20

### Application Summary

Application Number: 0821/P/20

Address: Land East Of Clark Avenue Linlithgow West Lothian

Proposal: Planning permission in principle for the erection of 6 houses

Case Officer: Steven McLaren

### Customer Details

Name: Mr Keith Niven

Address: 18 Clark Avenue Linlithgow

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Objection to planning Application 0821/P/20 on the following grounds.

(a) We are concerned over destruction of valuable amenity woodland identified in the WLLDP as Land Safeguarded for open Space

(b) Approving this application will open the flood gates for similar land and safeguarded open space land to be lost

(c) The loss of privacy for a number of our neighbours.

(d) The Section 75 agreement between WLC and Persimmon Homes' successors in our title deeds. This agreement says only 30 houses will be built in Clark Avenue.

(e) The proposed footpath could severely increase foot traffic through the street.

(f) Parking in Clark Avenue is already inadequate. More houses equals more visitors which means more cars and even less parking.

(g) Clark Avenue already suffers from numerous power cuts. The additional strain may increase the frequency of these.

Yours sincerely,

Keith Niven and Jennifer Stewart



# Comments for Planning Application 0821/P/20

## Application Summary

Application Number: 0821/P/20

Address: Land East Of Clark Avenue Linlithgow West Lothian

Proposal: Planning permission in principle for the erection of 6 houses

Case Officer: Steven McLaren

## Customer Details

Name: Mr Michael Roberts

Address: 5 Clark Avenue LINLITHGOW

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We were extremely concerned at the application for planning permission at Colt Hill which is directly to the rear of our home at 5 Clark Avenue.

1. As identified by the local community council the proposed development is contrary to the provisions of the West Lothian Local Development Plan 2018 (LDP Map 2) which designates the site as 'land safeguarded for open space'. It is therefore contrary to Policy ENV21 of the LDP which refers to the 'Protection of Formal and Informal Open Space'.

2. The proposed development would breach the existing section 75 agreement, agreed by West Lothian Council in February 1998, that the Clark Avenue housing development would be capped at a maximum of 30 houses. This is recorded on the Land Register of Scotland and is listed as a burden on the land within our title deeds. Consequently, this burden transfers whenever title of ownership of the amenity is sold on or gifted to another third party, therefore the applicant has to fulfil this obligation.

Unfortunately, those in possession of the title of land have to date done very little in terms of upkeep of the area, with no grass cutting taking place on the hill leading down to Clark Avenue, no maintenance of the existing path between Clark Avenue and St. Ninians Road and no upkeep to the substantial forestry area which is currently located on Colt Hill or surrounding area. We therefore have absolutely no faith in the planning statement submitted by TmC Planning Ltd that states "the proposal is to bring into use and to provide public benefits that improve sustainability on a piece of land approximately 0.85ha acres in size".

3. From a personal perspective one of the greatest concerns we have is 'loss of privacy' with these proposed development. It would be built directly behind our house and on a substantial hill. Any such development would not only directly overlook our garden/rear living space but would by our

estimation also put the downstairs of such dwellings directly in line with the upstairs bedrooms of our home (based on the drawings submitted in the application) and severely impact on our personal privacy at all times of the day.

4. As noted above the proposed development would be located on a hill directly behind our house. The existing woodland currently provides sustainable drainage which protects the rear of our property. We are deeply concerned that any development on Colt Hill will impact on drainage and provide a flood risk to our own property.

5. We do not see any plans to improve the utility infrastructure as part of the planned development in an area which already experiences power supply outages and poor broadband speeds at peak times.

6. The introduction of another access road at the entrance to Clark Avenue would cause additional traffic to an already steep and narrow road and will exacerbate a continuing problem particularly during the winter months.



5 Clark Avenue  
Linlithgow  
EH49 7AP

Dear Steven

**RE: Planning Permission application 0821/P/20**

We were extremely concerned with the recent application for planning permission at Colt Hill which is directly to the rear of our home at 5 Clark Avenue and wish to express in the strongest terms our objection to this plan which would significantly affect our personal privacy and have a negative impact on a beautiful wooded area which provides a stunning backdrop not only to Clark Avenue but to the Linlithgow Bridge community.

**1. West Lothian Local Development Plan 2018 & Greenspace**

As identified by the local community council the proposed development is contrary to the provisions of the West Lothian Local Development Plan 2018 (LDP Map 2) which designates the site as 'land safeguarded for open space'. It is therefore contrary to Policy ENV21 of the LDP which refers to the 'Protection of Formal and Informal Open Space'.

Colt Hill provides a beautiful visual backdrop to the area with a wooded space which has matured significantly over the years and encompasses hundreds of trees. We regularly see a wide range of wildlife to the rear of our house such as deer, bats, foxes, squirrels, and varied species of birds which the neighbourhood benefits from. We believe that the loss of this area and additional impact of further housing would severely compromise this habitat which would be a loss for the community as a whole.

**2. Section 75 Agreement**

This proposed development would also breach the existing agreement, agreed by West Lothian Council in February 1998, that the Clark Avenue housing development would be capped at a maximum of 30 houses. This is recorded on the Land Register of Scotland and is listed as a burden on the land within our title deeds. Consequently, this burden transfers whenever title of ownership of the amenity is sold on or gifted to another third party, therefore the applicant has to fulfil this obligation.

Unfortunately, those in possession of the burden have to date done very little in terms of upkeep of the area, with no grass cutting taking place on the hill leading down to Clark Avenue, no maintenance of the existing path between Clark Avenue and St. Ninians Road and no upkeep to the substantial forestry area which is currently located on Colt Hill or surrounding area. We therefore have absolutely no faith in the planning statement submitted by TmC Planning Ltd that states "the proposal is to bring into use and to provide public benefits that improve sustainability on a piece of land approximately 0.85ha acres in size".

The applicant also notes that "inclusion of a public path that will improve connectivity in this part of Linlithgow will bring significant public benefits for walkers and cyclists". This is a red herring as a path already exists from the end of the cul-de-sac (between no. 6 & 7) which connects Linlithgow Bridge to St. Ninians Road and the loch and is used regularly by walkers, ramblers, and local residents. To date the applicant has failed to upkeep this area which suggests public benefit is not one of their priorities. The reality is that any additional path on Colt Hill would provide no more than an additional path for the proposed dwellings and looking at the gradient of the hill where the path is proposed it would require significant work if it was

to be accessible, particularly for those with disabilities. There is no mention of this within the application.

### **3. Privacy**

From a personal perspective one of the greatest concerns we have is 'loss of privacy' with these proposed developments. The development would be built directly behind our house and on a substantial hill. Any such development would not only directly overlook our garden/rear living space but would by our estimation also put the downstairs of such dwellings directly in line with the upstairs bedrooms of our home (based on the drawings submitted in the application) and severely impact on our personal privacy at all times of the day.

### **4. Environmental Issues**

As noted above the proposed development would be located on a hill directly behind our house. The existing woodland currently provides sustainable drainage which protects the rear of our property. We are deeply concerned that any development on Colt Hill will impact on drainage and provide a flood risk to our own property.

### **5. Pressure on Utilities**

We do not see any plans to improve the utility infrastructure as part of the planned development. Clark Avenue's electricity is supplied via sub-station situated at the top of St Ninian's Road. Another six large dwellings would add compromise the quality of this power supply when we already have regular outages. Additionally, the quality of our local broadband supply is variable and significantly drops at weekends/evenings (peak times). Any further developments would further impact on the quality of supply unless significant upgrade work is undertaken. I see no mention of this in the proposals.

### **6. Access**

The introduction of another access road at the entrance to Clark Avenue would cause additional traffic to an already steep and narrow road and will exacerbate a continuing problem particularly during the winter months.

In summary we consider the proposal to be wholly unacceptable. It is contrary to the provisions of the LDP, it would destroy a valued area of amenity woodland and is unsuitable due to the steep topography of the site, particularly to the rear of our own property. The application contributes nothing to sustainable development and will not result in any of the community benefits as described in the Planning Statement.

We would be grateful if you would consider all the points above within your deliberations.

Kind Regards

Mike & Rachel Roberts



## Comments for Planning Application 0821/P/20

### Application Summary

Application Number: 0821/P/20

Address: Land East Of Clark Avenue Linlithgow West Lothian

Proposal: Planning permission in principle for the erection of 6 houses

Case Officer: Steven McLaren

### Customer Details

Name: Mr Alistair Stewart

Address: 16 Clark Avenue Linlithgow

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We write to submit our strong objection in respect of the above planning application and outline our legitimate reason below, for consideration:

Loss of Amenity and Wildlife - within the West Lothian Local Development Plan this land has consistently been categorised as amenity space and not earmarked for housing development.

Approval of the development would result in the destruction of trees and damage to the environment.

Mr and Mrs Stuart

29 Clark Avenue

Linlithgow

EH49 7AP

2<sup>nd</sup> October 2020

**Reference: Application for Planning in Principle 0821/P/20**

**Land East of Clark Avenue, Linlithgow**

Dear Sir/Madam,

We must strongly object to the Application 0821/P/20 on the following legitimate grounds:

**1. Section 75, Town and Country Planning Act (Scotland) 1987**

We purchased our property with the understanding that the development at Colthill was capped at the existing number of 30 houses. This burden is listed in our title deeds and transfers with ownership.

**2. West Lothian Local Development Plan (WLLDP)**

The site in question is shown on the WLLDP (which according to the Council's own website was adopted as recently as 2018) as "Land Safeguarded for open space". Therefore we cannot see why anyone should be allowed to build on this land.

**3. Environmental Impact**

A significant number of mature trees and bushes would have to be removed should any development take place. Over the years we have spotted many badgers, foxes and wild birds in the woods.

**4. Flood & Landslip Risk**

Given the significant slope that exists on Colthill between the Nursing Home (at the top of the hill) and the first row of existing houses (at the bottom) a significant volume of material will have to be removed from the hillside. This brings with it a risk of land slip or flooding for existing properties in Clark Avenue.

**5. Local Infrastructure**

The proposal makes much of a footpath which they propose adding to allow pedestrians to walk or cycle between Clark Avenue and the A706. There is already a footpath which covers this route, allowing walkers to enjoy the wooded area and wildlife.



## **6. Access and Safety**

Clark Avenue has a single access road which descends a steep slope from the A706. This road is difficult to negotiate in the winter months and adding another entrance for this new proposed development will increase traffic flow and the possibility of blockages- both during any construction phase and thereafter. Furthermore there will be an additional side road for pedestrians to cross, with increased road traffic.

## **7. Inconsistency in Planning Application paperwork**

Finally, the application talks in places of Four dwelling houses, yet the drawings indicate six are planned. Similarly the size of the site switches from 0.85 hectares to 0.6 hectares in different documents. We are unsure what exactly the applicants really intend to do.

Yours Sincerely

Mr and Mrs W. Stuart

# Comments for Planning Application 0821/P/20

## Application Summary

Application Number: 0821/P/20

Address: Land East Of Clark Avenue Linlithgow West Lothian

Proposal: Planning permission in principle for the erection of 6 houses

Case Officer: Steven McLaren

## Customer Details

Name: Dr Karen Tait

Address: 1 Clark Avenue Linlithgow

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. The development site is situated on a hill overlooking Clark Avenue houses 1-6 and the soft ground including trees and foliage is vital to preventing flooding and drainage issues for the gardens and rear aspect of these properties. Removing this woodland and replacing with hardcore road, driveways and houses will substantially remove the ability of this land to absorb heavy rainfall. With the increased incidence of extreme weather over the past decade, rainfall forecast to increase by 9% and a higher water table, this drainage is essential to maintain the integrity of the properties and land situated directly below.

2. The WLLDP 2018 Adopted Plan already provides "a generous supply of housing land" for the period up to 2024 and further cannibalisation of currently unoccupied land is not needed to meet housing demand in this area. A favourable planning decision for this development creates precedence for further building throughout the desirable Linlithgow and Linlithgow Bridge locality on small land gaps.

3. Building on this land will dramatically affect the privacy of houses 1-6 with currently no overlooked gardens/rear aspect and creating additional noise in a quiet residential area. Houses 7-16 will also see their front aspect impacted by the elevated position of the requested development. The development is requesting building on a hill that will completely remove the privacy of these properties as the higher aspect of the proposed site will counteract the benefit of the current wall/fences. This woodland setting creates a vital green space landscape for the Clark Avenue area and building on this hill will create a substantially more built-up profile in the area.

4. Within the title deeds of the Clark Avenue properties clause 4.3 states "Not more than thirty dwellinghouses shall be constructed within the Planning Unit" with the planning unit clearly including the Colt Hill land section for which planning permission is currently being requested for additional development. This proposal breaches the terms agreed with each current owner as part of their property purchase.

5. The proposed additional footpath serves no local purpose except for the new houses requested.



Pathways in the local area already adequately serve the needs of Clark Avenue residents and Linlithgow Bridge, with two access points to St Ninian's road and two access points to Avalon Gardens. The proposed footway connecting to the area north of Mill Lade would be steep and impassable for wheelchair and pram users based on the current topography of the land.

6. The access road between Clark Avenue and St Ninian's road is frequently used by unsupervised children accessing Linlithgow Bridge Primary School and the Linlithgow Loch amenity area. Increasing traffic on this road on a hill with a difficult bend will impact road safety.

7. Loss of the woodland area would destroy a vital habitat for local flora fauna and wildlife such as foxes and badgers

## Comments for Planning Application 0821/P/20

### Application Summary

Application Number: 0821/P/20

Address: Land East Of Clark Avenue Linlithgow West Lothian

Proposal: Planning permission in principle for the erection of 6 houses

Case Officer: Steven McLaren

### Customer Details

Name: Mr Adam Tavern

Address: 20 Clark Avenue Linlithgow

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to the proposed planning application on the grounds that it will have an impact on the surrounding area of Clark avenue that has a section 75 agreement that no more than 30 houses to be built in it, the impact of felling several mature trees will result in loss of woodland that is currently looking on to the houses.

The change of use from land that is safeguarded for open space to building land would set a very dangerous precedent for any other areas like this in Linlithgow.

We have regular power failure within Clark Avenue and any other houses will just add to the problems.

The catchment school is over subscribed and cannot cope at present.

The road that will join in will pose a safety risk for both road users and pedestrians.

This development would not be in keeping with West Lothian Council development plan for Linlithgow.



## Comments for Planning Application 0821/P/20

### Application Summary

Application Number: 0821/P/20

Address: Land East Of Clark Avenue Linlithgow West Lothian

Proposal: Planning permission in principle for the erection of 6 houses

Case Officer: Steven McLaren

### Customer Details

Name: Mr Brian Whytock

Address: 21 Clark Avenue Linlithgow

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Comments for Planning Application 0821/P/20

Application Summary Application Number: 0821/P/20

Address: Land East Of Clark Avenue Linlithgow West Lothian

Proposal: Planning permission in principle for the erection of 6 houses

Case Officer: Steven McLaren

Mr & Mrs B Whytock

21 Clark Avenue

Linlithgow

EH49 7AP

Dear Sirs,

We strongly oppose this application for the following reasons:

The area of Clark Ave / Colthill is subject to a Section 75 order limiting development 30 dwellings as detailed in our Title Deeds.

The development site proposes to remove the existing woodland for construction however this could cause significant drainage / landslip issues and the consequential loss of wildlife habitat.

The development is not included in the West Lothian Development Plan, which states that the site is classed as safeguarded open space.

The school catchment area is already oversubscribed with some residents having to take their children to other Primary Schools within Linlithgow. Despite the applications projection of school places the family housing nature of Clark Ave, Avalon Gardens and surrounding area this is unlikely to change from current levels. There is always movement of people downsizing out and new families coming into the area hence the oversubscription to Primary Schooling.

The area is prone to many power outages. The additional strain placed both by construction and any new properties will increase pressure on an already fragile system.

The additional junction required to access the proposed properties is on a very steep slope. The potential for skidding / collisions especially during adverse weather are significantly increased due to additional stopping or emerging from the development.

Yours Sincerely,  
Brian and Amanda Whytock



Mr. M. S. & Mrs. N. C. Durrant  
6 Clark Avenue  
Linlithgow  
EH49 7AP

27<sup>th</sup> September 2020

Application No. 0821/P/20  
Address: Land East of Clark Avenue, Linlithgow, West Lothian  
Proposal: Planning Permission in Principle For The Erection of 6 Houses

Dear Sir/Madam,

**Letter of Objection to 0821/P/20**

We the undersigned, residing at the above address since 1998, wish to object strongly to the developed detailed above for the legitimate reasons listed below.

**1. Section 75 Agreement, Town & Country Planning Act Scotland (1987)**

We object to the planning application, as the development will be in breach of an existing Section 75 agreement. This was applied by West Lothian Council on February 2, 1998 and capped the development of Clark Avenue to its existing number of 30 houses. This is registered in the Land Register of Scotland and is listed as a burden on the land in our title deeds. This burden transfers with ownership. The applicant is bound to comply with this when they purchased this amenity land in 2018.

The land was originally owned by Greenbelt Energy plc and was sold to private ownership around six to seven years ago.

**2. West Lothian Local Development Plan (WLLDP)**

We object to the proposal as it is contrary to the WLLDP. This land on the slope of Colt Hill is amenity woodland, purposefully planted as diverse woodland by Greenbelt as part of a planning obligation in 1998. The woodland is for the benefit of all residents and as such should be maintained by the landowner for the duration of their ownership. The WLLDP clearly marks this land as "safeguarded open space" and this clearly prohibits any housing development.



Application No. 0821/P/20

27<sup>th</sup> September 2020

Page 2

**3. Privacy and Amenity**

We object to the proposals as we will suffer from loss of privacy and the visual amenity of the woodland. The proposal suggests the felling of many of the trees on the steep hillside location. The development will sit high above our house and gardens and the applicant intends to fell a large swathe of the woodland which in fact is mostly native species and not predominately all larch as mentioned many times in the application. Silver Birch, Mountain Ash, Cherry, and Sycamore to name those we can easily identify. Our privacy will be completely eroded, and if the plan is permitted, we will have very close houses situated high above us and this will completely compromise our privacy.

**4. Environmental Impact, Loss of Woodland**

There is no justification for the loss of mature woodland, and there is not an obvious benefit to the community in doing so. We already have a footpath running from Clark Avenue to St Ninians Road, which is similarly planted and is perfectly adequate for pedestrian and cycle link up.

We would also like to put on record that we have never complained about the woodland, as erroneously stated in the application. However, we do have an issue that the applicant has demonstrated a dereliction of duty regarding the management of this land and the associated footpath. This is not a justification for felling a significant woodland and the associated unnecessary release of carbon.

**5. Environmental Impact, Flood Risk**

The applicant claims the development will not increase the flood risk elsewhere, we dispute this claim. The proposals make no reference to the sustainable drainage of surface water.

When the hillside was originally planted it was with flood risk in mind. Our garden flooded several times after we first moved in and ahead of the tree planting. Only our swift action prevented flooding entering the house. Persimmon Homes, the builders, recognized the issue and rectified this by digging deep motorway style embankment drains right across the steepest parts of the hillside, mostly right behind our house. If we recall correctly, they dug around six to seven deep trenches and filled these with drainage aggregate, these stretched to almost the full height of the hill. This drainage along with the tree planting has prevented any repeat of the flooding over the past twenty years. We fear any felling and disturbance of the hillside will leave us, and our neighbours, more vulnerable to future flooding, especially as sudden heavily rainfall is forecast to become more frequent along with climate change.

**6. Loss of Wildlife Habitat**

The development will impact heavily on the varied wildlife living on and around this amenity land. We have fox dens and badger setts in the area, and we see them



Application No. 0821/P/20  
27<sup>th</sup> September 2020  
Page 3

occasionally. There is a very varied birdlife on the hillside. Bats are often seen in spring and summer. We fear a valuable wildlife corridor will be lost and we have recently seen deer using this corridor.

**7. Local Infrastructure**

We object to the proposal on the grounds that these will be large houses and not what is required at present. Forty similar houses are currently being built in the Springfield area of Linlithgow, on land designated as development land. This proposed site is on safeguarded open space and is unnecessary infill.

The applicant mentions many times that Linlithgow has an aging population – these larger/expensive homes are obviously unattainable to younger people, and this prevents younger families moving into the area.

**8. Access**

We object to the proposals on the grounds that another access road parallel to the nursing home entrance road and Clark Avenue will cause a bottleneck on an already steep narrow road. This road is difficult to navigate in the winter and does not get treated with grit. We often can only get 4-wheeled drive vehicles up the hill and less able vehicles can get stranded and block access. Obviously, increased traffic will exacerbate this problem.

We thank you for carefully considering the numerous concerns we have highlighted and look forward to learning of your decision.

Sincerely,

A large black rectangular box redacting the signature of Mark & Nancy Durrant.

Mark & Nancy Durrant

Mrs. F. Orr  
3 Clark Avenue  
Linlithgow  
EH49 7AP

27<sup>th</sup> September 2020

Application No. 0821/P/20

Address: Land East of Clark Avenue, Linlithgow, 1st Lothian

Proposal: Planning Permission in Principle for The Erection of 6 Houses

Dear Sir/Madam,

Objection to 0821/P/20

I the undersigned, residing at the above address since 1998, wish to object strongly to the developed detailed above for the reasons listed below.

1. West Lothian Local Development Plan (WLLDP)

I object to the proposal as it is contrary to the WLLDP. This land on the slope of Colt Hill is amenity woodland, purposefully planted as diverse woodland by Greenbelt as part of a planning obligation in 1998. The WLLDP clearly marks this land as "safeguarded open space" and this prohibits any development.

2. Section 75 Agreement, Town & Country Planning Act Scotland (1987)

I object to the planning application, as the development will be in breach of an existing Section 75 agreement. This was applied by West Lothian Council on February 2, 1998 and capped the development of Clark Avenue to its existing number of thirty houses.

3. Privacy and Amenity

I object to the proposals as I will suffer from loss of privacy and the amenity of the woodland. The proposal suggests the felling of many of the trees on the hillside location. The development will sit high above my house and garden and the applicant intends to fell much of the woodland which in fact is mostly native species. My privacy will be completely eroded, and if the plan is permitted, I will have



remarkably close houses situated high above me and this will completely compromise my privacy and security.

4. Environmental Impact, Flood Risk

The applicant claims the development will not increase the flood risk elsewhere, I dispute this claim. The proposals make no reference to the sustainable drainage of surface water. When the hillside was originally planted it was with flood risk in mind.

5. Environmental Impact, Loss of Woodland

There is no justification for the loss of mature woodland, and there is not an obvious benefit to the community in doing so. I already have a footpath running from Clark Avenue to St Ninians Road, which is similarly planted and is perfectly adequate for pedestrian and cycle link up.

6. Loss of Wildlife Habitat

The development will impact heavily on the loss of varied wildlife living on and around this amenity land. I have fox dens and badger setts in the area. I fear a valuable wildlife corridor will be lost.

7. Access

I object to the proposals on the grounds that another access road will cause a bottleneck on an already steep narrow road. This road is difficult to navigate in the winter and does not get treated by the Council. Vehicles sometimes get stranded and block access. Obviously, more traffic will increase this problem.

I thank you for carefully considering the numerous concerns I have highlighted and look forward to learning of your decision.

Sincerely,



Francine Orr

# Development Management Committee

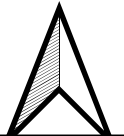
25 November 2020

Item No 09: Application No. 0821/P/20

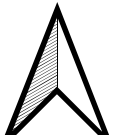
Planning Permission in Principle for a 0.6HA  
Residential Development of 6 houses.  
Land at Clark Avenue, Linlithgow, West Lothian













Distance:  
100.00 m



Jock's  
Hill

Jack's Hill





















DATA LABEL: OFFICIAL

## Development Management

List of Delegated Decisions - 23rd October 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](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	0716/H/19	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Erection of a retaining wall and fence (in retrospect)		
<b>Address:</b>	Winnock, Burnside Road, Bathgate, West Lothian, EH48 4PX (Grid Ref: 296983,669243)		
<b>Applicant:</b>	Dr Jana Anderson	<b>Type:</b>	Local Application
<b>Ward:</b>	Bathgate	<b>Case Officer:</b>	Rachael Lyall
<b><u>Summary of Representations</u></b>			
Four objections (two from the same objector) have been received. The concerns are summarised below :			
<ul style="list-style-type: none"><li>- Traffic safety,</li><li>- Breach of planning permission,</li><li>- Loss of parking,</li><li>- Retrospective works are not to standard,</li><li>- Poor drainage due to location of driveway,</li><li>- Detrimental impact on visual amenity.</li></ul>			
<b><u>Officers report</u></b>			
This application seeks retrospective planning permission for a fence and the erection of a retaining wall at Winnock.			
Planning permission was previously approved for a fence at this property (ref: 0256/H/19). In addition to erecting the fence, the applicant brought in material and formed a parking/turning area supported by a retaining wall. Whilst the use of the area for parking/turning does not require planning permission, the engineering works and the wall do. Furthermore, the fence has been erected on top of the retaining wall, which is further to the east than the approved position. The current application is to regularise the position of the fence and the retaining wall.			
Due to the distance to the public road, the retaining wall is not detrimental to the visual amenity of the area. In regards to fence, the fence in its 'as built' location is still of an acceptable scale and the new location will not have any more of an impact on visual amenity than that which was previously approved.			



The application details adhere to West Lothian Local Development Plan, Policy DES 1 (Design Principles) and follow the appropriate guidance given in the House Extension and Alteration Design Guide, 2020. It is therefore recommended that this application is granted planning permission.

<b>Ref. No.:</b>	0697/FUL/20	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Erection of a 422sqm building containing 2 retail units (class 1) and hot food takeaway with associated works		
<b>Address:</b>	Dixon Terrace, Whitburn, West Lothian, EH47 0HL, (Grid Ref: 294368,664346)		
<b>Applicant:</b>	Mr Ashraf Ali Ashwood Commercial investment LTD	<b>Type:</b>	Local Application
<b>Ward:</b>	Whitburn & Blackburn	<b>Case Officer:</b>	Kirsty Hope

### **Summary of Representations**

None

### **Officers report**

The proposal is for the erection of a building to contain 2 retail units and a hot food takeaway with parking provision to the front of the premises. The building would be single storey is height with a pitched roof. Vehicular access and exit would be taken from Dixon Terrace.

The site forms part of a larger site allocated for housing in the local development plan , site H-WH 6.

The applicant has failed to submit a site investigation report, drainage assessment or engineering/levels layout plan.

The proposal is considered to be contrary to LDP polices TCR 1 (Town centres) TCR 2 (Town Centres First Sequential Approach), HOU 1 (Allocated Housing Sites), EMG 3 (Sustainable Drainage) and EMG 6 (Vacant, derelict and contaminated land).

It is therefore recommended that planning permission be refused.





# Development Management

List of Delegated Decisions - 30th October 2020

DATA LABEL: OFFICIAL

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](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	0667/A/20	<b>Recommendation:</b>	Approve Advertisement Consent
<b>Proposal:</b>	Display of a non-illuminated fascia sign (as amended)		
<b>Address:</b>	37 High Street, Linlithgow, West Lothian, EH49 7ED, (Grid Ref: 300364,677105)		
<b>Applicant:</b>	Zahir Sedakat True Barber	<b>Type:</b>	Other
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Matthew Watson

## Summary of Representations

Two objections were received to the originally proposed sign. The objections were from the Linlithgow Civic Trust and the Architectural Heritage Society of Scotland. The Architectural Heritage Society of Scotland has dropped its objection following revisions to the proposal.

### Objections:

- The proposed fascia sign fits awkwardly to the front elevation of the existing building, and does not relate well in terms of size (height of 500 mm exceeds the maximum of 450 mm permitted in the PG, p. 6), style and materials (aluminum and vinyl).
- Current project also contravenes the prohibition of internal illumination (PG, p. 7). The features stated above present unsympathetic design with inappropriate color scheme (according to PG "colour schemes should be subtle and blend harmoniously with the surrounding built environment", p. 10) and material choices. Thereby, proposed design of fascia sign is detrimental to the character of the listed property, streetscape and surrounding area.
- The fascia sign should be no deeper than the fascia sign of the adjacent Kutchenhaus kitchen shop
- LCT object to the use of the proposed 'barbers' poles' on either side of the signage. Although originally a traditional feature of barbers' shops, the contemporary appearance of those proposed is not considered to be suitable on a listed building and in a conservation area.

## Officers report

The application seeks consent for the display of a non-illuminated fascia sign. The application has been revised so that it is now a wooden fascia and non-illuminated. A dark grey background with white lettering is proposed with a comb and scissors logo in red. The height of the lettering is 210mm and

the overall height of the fascia is 400mm.

Under the Town and Country (Control of Advertisements) (Scotland) Regulations 1984 applications for advertisement consent are required to be assessed in terms of the impacts on visual amenity and public safety.

The council's guidance on Shopfronts and Advertisements in Conservation Areas states that timber should normally be used as a material for signage in conservation areas and that signs should have a dark background with light coloured lettering. It is also stated fascia signs should not be greater than 450mm in height.

The signage has been revised to remove illumination and be of a timber board. The revised signage has been reduced in height to 400mm with a 9mm protrusion from the building wall and has white lettering on a dark background with a simple logo. For these reasons, the revised signage will not have a negative visual impact on the Linlithgow Palace and High Street Conservation Area and is acceptable in terms of its impact on visual amenity.

A planning condition will be required that stipulates the existing, unauthorised fascia sign at the property is removed within two months of any decision. There are no issues of public safety to consider as part of this application.

Overall, and in view of the above, it is recommended that advertisement consent is approved.



<b>Ref. No.:</b>	0690/LBC/20	<b>Recommendation:</b>	Grant Listed Building Consent Item No.10
<b>Proposal:</b>	Listed building consent for extension and alterations to house		
<b>Address:</b>	Seann Eaghlais, 8 Main Street, Philpstoun, West Lothian, EH49 6RA (Grid Ref: 304730,677019)		
<b>Applicant:</b>	Mr & Mrs Anoop Shah	<b>Type:</b>	Other
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

- 1 objection -
- Overall mass,
  - Relation to existing building,
  - Loss of original fabric.

### **Officers report**

This listed building consent proposes the erection of a rear extension onto the property known as Seann Eaghlais located on Main Street, Philpstoun. The property is a category B listed building, which was formerly a church.

The proposed extension is to be erected on the south/rear elevation of the property and is to provide a larger family room and dining area. The proposed extension is to measure 9.010m x 2.800m and is to be 2.825m to the eaves of the flat roof construction. As amended, the external materials are to match those of the existing property. The side and rear elevations are to feature several windows which will overlook the rear garden. A new double doorway entrance will be formed on the west elevation of the extension.

Internal alterations are also to be carried out in order to increase and utilise the amount of living space within the property.

A pre-application enquiry was submitted for the works in which it was advised that the proposal should be reduced in length and the materials should be considerate of the existing property.

The proposal has since been revised following a consultation comment from Historic Environment Scotland. The previously proposed cornice and moulding details have been removed from the proposal and brickwork is now proposed for the external material instead of a render, in order to compliment the existing materials of the listed building. In addition, the proposed rooflight has been reduced in size and simplified to reduce the impact on the visual amenity and character of the listed building. The associated planning application (ref : 0689/H/20) has similarly been amended.

A condition will be attached to the decision notice which requests samples and specifications of the materials to be used for the extension's doors and windows, to be in order to assess visual coherence.

This proposal adheres to West Lothian Local Development Plan DES 1 (Design Principles) and ENV28 (Listed Buildings) policies and follows the appropriate guidance given in the House Extension and Alteration Design Guide 2020. It is therefore recommended that this application is approved.

<b>Ref. No.:</b>	0759/H/20	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Two storey extension to house and installation of decking		
<b>Address:</b>	15 Balbardie Road, Bathgate, EH48 1AP, , (Grid Ref: 297875,668907)		
<b>Applicant:</b>	Mr R Murray	<b>Type:</b>	Local Application
<b>Ward:</b>	Bathgate	<b>Case Officer:</b>	Kirsty Hope

### **Summary of Representations**

There have been four objecting letters received, which are summarised as follows:

- Adverse impact on the appearance of the streetscene
- Concerns regarding scale and design
- Privacy and Overlooking
- Impact on private amenity of neighbouring residents
- Construction noise
- Does not comply with Guidance or WLP policies
- No access to neighbouring property during construction or permission to demolish mutual boundary wall
- Note sewage pipe location

### **Officers report**

The proposal involves two extensions and the formation of decking to the rear of number 15 Balbardie Road, Bathgate.

Firstly, the proposal involves remodelling and extending the existing single storey flat roofed extension to create a kitchen, living and dining area. The proposed decking and single storey extension have been stepped back from the side boundary by 0.6m. There is a 1.8m high screen to retain privacy from both the applicant and neighbouring property. The single storey extension and decking is acceptable in terms of scale and design.

Secondly, the proposal includes a first floor extension that projects significantly beyond the steeply sloping rear roof plane of the existing house. This first floor extension would accommodate an additional bedroom and en-suite. The orientation of the house would mean this first floor extension would be highly visible from Balbardie Road, where this house and adjacent houses form a row of distinctly designed villas of uniform appearance. The first floor extension would appear over dominant in scale and would detrimentally impact on the visual amenity of both the existing dwelling and the street scene.

Therefore, the application is contrary to Policy DES1 of the Local Development Plan and the guidelines set out in the House Alteration and Design Guide 202. It is therefore recommended that planning permission is refused.



<b>Ref. No.:</b>	0809/H/20	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Installation of a dormer and alterations to house		
<b>Address:</b>	16 Cannop Crescent, Stoneyburn, West Lothian, EH47 8EF, (Grid Ref: 296803,662238)		
<b>Applicant:</b>	Mr PawekL Majdan	<b>Type:</b>	Local Application
<b>Ward:</b>	Fauldhouse & The Breich Valley	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

N/A

### **Officers report**

This planning application proposes to raise the existing roof ridgeline and install a dormer extension on rear elevation of the property at 16 Cannop Crescent, Stoneyburn.

The proposed flat roof dormer will measure 8.5m in length and will level with the new raised ridgeline. The rear elevation of the dormer will feature three windows that overlook the applicant's rear garden and open space to the rear of the site.

West Lothian Council's Supplementary Guidance, House Extension and Alteration Design Guide 2020, states that dormers should not be so big that they dominate the roof and that dormers should be well below the ridgeline of the existing roof and should relate to windows and doors below in terms of character and proportion. This proposal does not adhere to this guidance.

In addition, the existing roof ridge is to be raised so that the proposed dormer is not visible from the streetscene however the proposed dormer will appear as if it sits higher than existing ridgeline of the property when onlooking from the rear. The proposed dormer significantly dominates the rear elevation of the property, impacting upon the character and visual amenity of the existing house.

This proposal is contrary to West Lothian Council's Local Development Plan's DES1 (Design Principles) and the guidance given in the House Extension and Alteration Design Guidelines 2020.

It is recommended that the application is refused planning permission.

<b>Ref. No.:</b>	0820/H/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Erection of stone pillars and gates		
<b>Address:</b>	Ormiston House, Kirknewton, West Lothian, EH27 8DQ, (Grid Ref: 309935,666587)		
<b>Applicant:</b>	Ms Juliet Bentley	<b>Type:</b>	Local Application
<b>Ward:</b>	East Livingston & East Calder	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

One objection -  
 - Concerns over design of pillars,  
 - Inappropriate stonework.

### **Officers report**

This planning application proposes the erection of new entrance gates and pillars at the eastern approach to Ormiston House which is a category C listed building.

The pillars and gate are traditional in nature in which the gates will consist of double gates made of iron and will feature a decorative design at the entrance of the property.

The pillars will be in dressed stone to match the stone of the bridge and the railings between the pillars and the bridge will also be made of iron. A condition will be attached to the decision notice requesting that samples of the stone to be used will be submitted to the planning authority for approval prior to construction commencing on site.

The submitted planning statement details that the erection of the gates and pillars will not require the removal of any trees.

To ensure Policy ENV9 (Woodland, Forestry, Trees and Hedges) is adhered to, a condition will be attached to the decision notice protecting the existing trees on site along with a condition requesting samples of the mortar and stone which is to be used in order to ensure the acceptability of the materials.

The proposed works will not be detrimental to the setting of the listed building. The works are of an acceptable scale in which the materials will be approved prior to work to ensure they enhance the character of the existing property and the remainder of the site.





# Development Management

List of Delegated Decisions - 6th November 2020

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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](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	0391/H/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Erection of a carport		
<b>Address:</b>	Clarendon Stables, 30A Manse Road, Linlithgow, West Lothian, EH49 6AR (Grid Ref: 300659,676745)		
<b>Applicant:</b>	Mr Craig Hitchcock	<b>Type:</b>	Local Application
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Rachael Lyall
<b><u>Summary of Representations</u></b>  One objection - - Visual impact, - Impact on character/setting of conservation area, - Right of way, - Loss of landscaping/trees.			
<b><u>Officers report</u></b>  This planning application proposes the erection of a carport at Clarendon Stables, 30A Manse Road, Linlithgow.  The property is a Grade B Listed Building and is located within the Upper Linlithgow Conservation Area. The proposed carport is to be located to the east of the existing property and proposes an angled side elevation. The proposed carport is to be 3.978m in height, in which the front elevation is to be 7.5m wide and the rear elevation will be 4.5m wide, with enough parking space for two vehicles.  The proposed carport is to be constructed using a steel frame which will be clad with larch timber. Revised plans show the materials proposed for the roof of the carport are a natural slate tile on each elevation which will match those of the existing house.  The proposed works will not significantly alter the character of the listed building nor conservation area. The works will not impact specifically on the listed building due to the works being detached from the property. The proposed works are also of an acceptable scale which will not have a detrimental effect on the neighbouring properties.			

A tree survey was submitted which identifies two trees on site, one a mature copper beech tree and the other an early-mature ash tree, and also recognises a hedgerow consisting of mature beech, hawthorn and holly. The survey shows that there will be a minor incursion between the proposal and the radial RPA of the copper beech tree. However, the project is likely to cause minimal impact as the area is already covered in a hard surface of paving and the construction only requires minor excavations. Excavation works must be done by hand to ensure protection of the trees. No trees are proposed to be removed from site. Tree protection fencing will be required around the trees and hedgerow before any works commence on site.

This proposal adheres to West Lothian Local Development Plan policies DES1 (Design Principles), ENV24 (Conservation Areas), ENV28 (Listed Buildings) and follows the appropriate guidance given in the House Extension and Alteration Design Guidelines 2020. It is recommended that this application receives approval.



<b>Ref. No.:</b>	0812/FUL/20	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Application under Section 42 to remove condition 7 of planning permission 0426/MS/18 regarding the retention of boundary planting		
<b>Address:</b>	Land At East Main Street, Broxburn, West Lothian, , (Grid Ref: 308173,672215)		
<b>Applicant:</b>	TJ Morris Ltd	<b>Type:</b>	Local Application
<b>Ward:</b>	Broxburn, Uphall & Winchburgh	<b>Case Officer:</b>	Steven McLaren

### **Summary of Representations**

There have been 2 objections:

- Impact on visual amenity
- Loss of trees
- Loss of screening to industrial estate
- Condition added by the council and should not be removed
- Impact on wildlife
- Loss of privacy

### **Officers report**

Planning permission in principle was granted for the development of retail units and a public house/restaurant on this site on 7/11/16 (Ref: 0080/P/16). Condition 7 of the Matters Specified in Conditions permission dated 29/11/18 (Ref: 0426/MS/18) requires that the existing trees/planting adjacent to the eastern boundary of the site shall be protected from damage during the construction works. The reason given is in the interest of visual and environmental amenity of the area. The landscaping on this boundary takes the form of a substantial Beech hedge which has been allowed to grow to an estimated 6m in height. The result is that this hedge is now a significant landscape feature within the street scape, particularly when seen from the west. The landscaping screens the industrial units and yard areas at East Mains Industrial Estate to the benefit of the town and its removal, either wholly or in part, would result in a detrimental impact on the amenity of the area.

The applicant carried out a detailed assessment of the location of the trunks for the hedge in relation to the approved parking and found that there was an overlap, the result of which is that the hedge could not be protected during construction works and a large section of the hedge would have to be removed. A scheme has been put forward for re-planting in the form of a 'Readyhedge' located behind the parking area which requires to be raised to clear underground services. The result being that the hedge would not appear 2m in height for between 5 and 7 years, which would be an excessive period before the replacement landscaping would make any noticeable visual benefit for the area. Transportation were consulted on the impacts of the loss of some parking at the site and did not raise any specific concerns. The bank of 21 parking bays could either be reconfigured or deleted in order to retain the existing hedging but would result in the level of parking being below Home Bargain's requirements. It is considered though that the loss of some parking bays would be acceptable to maintain the strong landscape buffer between the development site and East Mains Industrial Estate. The council's adopted non-statutory Planning Guidance (SG): Planning for Nature, Development Management & Wildlife sets out the council's position on the

impact developments have on biodiversity and the need to protect and enhance the wider biodiversity of West Lothian. The removal of this landscaping would therefore have a detrimental impact on both the visual amenity and biodiversity of the area.

The proposals are therefore contrary to policies DES1 (design principles), ENV9 (woodland, forestry, trees and hedgerows) and ENV10 (protection of urban woodland) of the adopted West Lothian Local Development Plan, 2018 and the adopted SG Planning for Nature.

Recommendation is therefore to refuse planning permission for the removal of condition 7.



<b>Ref. No.:</b>	0855/LBC/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Listed building consent for installation of 2 replacement windows		
<b>Address:</b>	169A High Street, Linlithgow, West Lothian, EH49 7EN, (Grid Ref: 299952,677056)		
<b>Applicant:</b>	Ms Moira Mackenzie	<b>Type:</b>	Other
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

One objection.

- Does not match windows on floor above
- No detail of replacement/repair method

### **Officers report**

This Listed Building application proposes replacement windows at 169A High Street, Linlithgow. The proposal looks to replace the current single 6x6 sash-and-case timber framed windows with double glazed timber windows which consist of glazed panels of a similar appearance in terms of design, materials and colour. The applicant has revised the application to match the windows on the floor above.

The existing windows are in poor condition and are beyond a state of repair which do not provide the energy performance required.

The replacement windows will be high performance, double glazed units which will be replaced like for like and will be indistinguishable from the original style. In addition, the proposed replacement windows will integrate and match the windows of the property above. Therefore, the proposed replacement windows will not have a detrimental effect upon the character or appearance of the listed building and conservation area.

This proposal adheres to West Lothian Local Development Plan policies DES1 (Design Principles), ENV24 (Conservation Areas), ENV28 (Listed Buildings) and follows the appropriate guidance given in the House Extension and Alteration Design Guidelines 2020. It is recommended that this application receives approval.



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# Development Management

List of Delegated Decisions - 13th November 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](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	0129/P/19	<b>Recommendation:</b>	Grant Planning Permission in Principle
<b>Proposal:</b>	Planning permission in principle for a 6.63 Ha residential development with associated open space, landscaping, access and infrastructure (as amended to include employment space)		
<b>Address:</b>	Land At Charlesfield Road,Livingston, West Lothian, , (Grid Ref: 304455,666061)		
<b>Applicant:</b>	Royal London Mutual Insurance Society Limited	<b>Type:</b>	Major Application
<b>Ward:</b>	Livingston South	<b>Case Officer:</b>	Steven McLaren

## Summary of Representations

There has been 1 objection raised, one neutral letter and support from the community council:

- Road/pedestrian safety
- Access to Schools
- Impact on Environment/Loss of trees
- Should be retained for employment uses

## Officers report

The proposal is for planning permission in principle for a residential development on a 6.63ha site to the west of Livingston Town Centre. One half of the site is identified for employment purposes in the adopted LDP,2018, while the other forms part of the extended Livingston Town Centre and is identified for mixed use development. The site contains industrial buildings which have lain vacant for a significant number of years and have been the subject of vandalism, resulting in them being boarded up.

During the LDP examination process the Reporter set out that West Lothian has an excess allocation of employment land and that some could be re-purposed for residential use. Policy EMP1 (Safeguarding and developing existing employment land) sets out criteria where employment sites could be re-purposed for non-employment uses and policy HOU3 (Infill/Windfall Housing Development within Settlements) sets out requirements for windfall housing developments. The applicant has demonstrated that there has been no commercial interest in retaining the industrial buildings or re-developing the land for employment or mixed use developments. The application site lies close to the town centre which makes it a sustainable location for



residential use and the requirements of policy EMP1 have been met, along with the requirements of the emerging Supplementary Guidance on Non-employment uses in employment areas.

Through negotiation with the applicant, a proportion of non residential floor space will be provided within any detailed application, the mature trees on the site will be protected and integrated into the development, a Section 75 legal agreement has already been concluded and secures affordable housing on the site, contributions towards education, cemeteries, public art and play areas and has secured funding for off site footpath improvements. The development accords with TRAN3 (Active Travel) and ENV10 (Protection of Urban Woodland).

A drainage assessment has been submitted but further details will be required at a matters specified in condition stage to demonstrate that the development design meets the council's requirements on flooding and drainage in respect of policies EMG2 (Flooding) and EMG3 (SUDS). Air quality, noise and land contamination have been assessed and comments provided by Environmental Health and Contaminated Land Officer. The matters specified in condition stage will be required to address any air quality, noise or remediation as a result of the initial reports and therefore meet the council's policies of EMG4, EMG5 and EMG6 which cover these matters. Affordable housing and other contributions required for a development of this scale will be secured through a Section 75 Agreement and linked to future matters specified in conditions applications. The development therefore accords with policies HOU4 (Affordable Housing), INF1 (Developer Obligations) and ENV34 (Art). The re-use of the site also has the support of the community council.

The site is suitable for re-purposing as identified by the Reporter at the LDP examination stage and the proposed development complies with relevant policies in the adopted West Lothian Local Development Plan, 2018. Approval is therefore recommended.

<b>Ref. No.:</b>	0826/H/20	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Two storey extension to house and formation of raised decking		
<b>Address:</b>	48 Listloaning Road, Linlithgow Bridge, Linlithgow, West Lothian, EH49 7QT (Grid Ref: 298739,677389)		
<b>Applicant:</b>	Mr Tommy Reape	<b>Type:</b>	Local Application
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

N/A

### **Officers report**

This planning application proposes the erection of a two storey side extension and formation of decking onto the property located at 48 Listloaning Road, Linlithgow Bridge.

The proposed two storey extension is to measure 7.174m in length and will measure 3.250m in width on the front elevation and 4.810m in width on the rear elevation. The eaves and ridgeline of the proposed extension are to sit level with those of the existing house. The extension is to feature windows on each floor of both the front and rear elevations. The windows in the front elevation will overlook the main street and the windows in the rear elevation will overlook the applicant's rear garden area.

The works also look to form raised decking to the rear of the property which is to sit significantly higher than ground level, with seven steps from the garden to the deck and will measure 2.000m in length on the shared boundary and 6.570m wide across the rear elevation.

Although the propose side extension would be deemed acceptable, the proposed decking is of a significantly large scale and will directly overlook neighbouring properties to the east of the site. The proposed decking will appear as dominating from the neighbouring properties and will be detrimental to their residential amenity.

West Lothian Council's House Extension and Alteration Design Guide 2020 states that decking should "be located as near to ground level as possible" and "should not be located on or close to the boundary of your property". This proposal is therefore contrary to West Lothian Local Development Plan's DES1 (Design Principles) Policy and the guidance given in the House Extension and Alteration Design Guide, 2020. It is recommended that the application is refused planning permission.



<b>Ref. No.:</b>	0856/H/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Installation of 2 replacement windows		
<b>Address:</b>	169A High Street, Linlithgow, West Lothian, EH49 7EN, (Grid Ref: 299952,677056)		
<b>Applicant:</b>	Ms Moira Mackenzie	<b>Type:</b>	Local Application
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Rachael Lyall
<p><b><u>Summary of Representations</u></b></p> <p>One objection.</p> <ul style="list-style-type: none"> <li>- Does not match windows on floor above</li> <li>-No detail of replacement/repair method</li> </ul>			
<p><b><u>Officers report</u></b></p> <p>The planning application proposes replacement windows at 169A High Street, Linlithgow.</p> <p>This proposal looks to replace the current single glazed 6x6 sash-and-case windows with timber framed windows of a similar visual amenity in terms of design, materials and colour.</p> <p>The existing windows are in poor condition and are beyond a state of repair.</p> <p>The replacement windows will be like for like and will not be of any detrimental effect upon the character or appearance of the listed building and conservation area.</p> <p>This proposal adheres to West Lothian Council's Local Development Plan's DES1 (Design Principles), ENV24 (Conservation Areas), ENV28 (Listed Buildings) policies and follows the appropriate guidance given in the House Extension and Alteration Design Guidelines 2020. It is recommended that this application receives approval.</p>			

<b>Ref. No.:</b>	0887/LBC/20	<b>Recommendation:</b>	Grant Listed Building Consent Item No.10
<b>Proposal:</b>	Listed building consent for creation of an en-suite within the attic level of the property and conversion of outbuilding to create additional habitable accommodation		
<b>Address:</b>	St Catherine's, 7 Royal Terrace, Linlithgow, West Lothian, EH49 6HQ (Grid Ref: 299996,676936)		
<b>Applicant:</b>	Mr and Mrs Andrew Mullin	<b>Type:</b>	Other
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

One objection -

- Removal of buildings original fabric,
- Style of rooflights,
- Proposed door opening on rear elevation.

### **Officers report**

This listed building consent proposes to form an ensuite within the attic space of the existing property and a conversion part of an outbuilding to allow for ancillary accommodation at 7 Royal Terrace, Linlithgow. The site is a listed property and is located within a conservation area.

The proposed works look to form a small en-suite within the attic space of the existing property. These works will be strictly internal and will not impact upon the exterior of the listed building.

The partial conversion of the outbuilding will result in an additional family room, bedroom and office. Patio doors and velux rooflights are to be installed within the south elevation of the outbuilding which will overlook the applicants large garden area to the south of the site. Once window on the north elevation will be replaced with another one similar and a new window opening is to also be installed within the north elevation which will overlook the driveway/parking area located within the site which sits behind the main property. The existing timber doors on the north elevation are to also be replaced which lead out onto a spiral staircase. The installations and openings will not directly overlook any neighbouring property to significant extent.

The works also propose to form a terrace to the rear of the outbuilding. The terrace will sit below ground level to the rear of the outbuilding, minimising any potential overlooking.

The outbuilding is not visible from the main street and will therefore not be of any detrimental impact upon the conservation area.

The proposed works will not indicated alter the exterior of either the main property or outbuilding, and will therefore not be of any detrimental effect on the visual amenity. The proposed works are of an acceptable scale however there will be a condition attached to the decision notice stating that the fitted velux rooflights will be of a conservation style fit in order to integrate more with the listed property.

This proposal adheres to West Lothian Council's Local Development Plan's DES1 (Design Principles), ENV24 (Conservation Areas), ENV28 (Listed



Buildings) policies and follows the appropriate guidance given in the House Extension and Alteration Design Guidelines 2020. It is recommended that this application is granted listed building consent.

<b>Ref. No.:</b>	0888/H/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Creation of an en-suite within the attic level of the property and conversion of outbuilding to create additional habitable accommodation.		
<b>Address:</b>	St Catherine's, 7 Royal Terrace, Linlithgow, West Lothian, EH49 6HQ (Grid Ref: 299996,676936)		
<b>Applicant:</b>	Mr and Mrs Andrew Mullin	<b>Type:</b>	Local Application
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

One objection -

- Removal of buildings original fabric,
- Style of rooflights,
- Proposed door opening on rear elevation.

### **Officers report**

This planning application proposes to form an ensuite within the attic space of the existing property and a conversion part of an outbuilding to allow for ancillary accommodation at 7 Royal Terrace, Linlithgow.

The site is a listed property and is located within a conservation area.

The proposed works look to form a small en-suite within the attic space of the existing property. These works will be strictly internal and will not impact upon the exterior of the listed building.

The partial conversion of the outbuilding will result in an additional family room, bedroom and office. Patio doors and velux rooflights are to be installed within the south elevation of the outbuilding which will overlook the applicants large garden area to the south of the site. Once window on the north elevation will be replaced with another one similar and a new window opening is to also be installed within the north elevation which will overlook the driveway/parking area located within the site which sits behind the main property. The existing timber doors on the north elevation are to also be replaced which lead out onto a spiral staircase. The installations and openings will not directly overlook any neighbouring property to significant extent.

The works also propose to form a terrace to the rear of the outbuilding. The terrace will sit below ground level to the rear of the outbuilding, minimising any potential overlooking.

The outbuilding is not visible from the main street and will therefore not be of any detrimental impact upon the conservation area.

The proposed works will not indicated alter the exterior of either the main property or outbuilding, and will therefore not be of any detrimental effect on the visual amenity. The proposed works are of an acceptable scale however there will be a condition attached to the decision notice stating that the fitted velux rooflights will be of a conservation style fit in order to integrate more with the listed property.



This proposal adheres to West Lothian Council's Local Development Plan's DES1 (Design Principles), ENV24 (Conservation Areas), ENV28 (Listed Buildings) policies and follows the appropriate guidance given in the House Extension and Alteration Design Guidelines 2020. It is recommended that this application receives approval.