



## ***Development Management Committee***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

5 May 2021

A meeting of the **Development Management Committee** of West Lothian Council will be held within the **Webex Virtual Meeting** on **Wednesday 12 May 2021** at **10:00am**.

For Chief Executive

### **BUSINESS**

#### **Public Session**

1. Apologies for Absence
2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest
3. Order of Business, including notice of urgent business, declarations of interest in any urgent business and consideration of reports for information.

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

4. Confirm Draft Minutes of Meeting of Development Management Committee held on Wednesday 28 April 2021 (herewith)

#### **Public Items for Decision**

5. Application No.0277/H/21 - Increase in height of existing fence and installation of a CCTV camera (in retrospect), Winnock, Burnside Road, Bathgate (herewith)
6. Application No.0278/FUL/21 - Change of use from public open space to garden ground, erection of fence and installation of a ramp and platforms,

DATA LABEL: Public

9 Lyefield Place, Eliburn, Livingston (herewith)

**Public Items for Information**

7. Consider list of delegated decisions on planning applications and enforcement actions for the period 23 to 30 April (herewith)
8. Appeals - ENF/0396/19: Siting of 1 Mobile Home at Tarrareoch, Station Way, Armadale, EH48 3BJ - Appeal submitted

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NOTE      **For further information please contact Vaki Johnston, 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, on 28 APRIL 2021.

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

Apologies – Councillor George Paul

1. ORDER OF BUSINESS

The Head of Planning, Economic Development and Regeneration provided committee with an update with regards to Application Number 0801/FUL/20. Deanburn Road, Linlithgow which was due to return to this committee. He advised committee that following a meeting with residents and a subsequent formal amendment to the application by the applicant, further process was required and it had not been possible to complete those processes in time to report the application back to committee as part of this agenda. In addition, there had been a material change in circumstances in that the Scottish Ministers had recently indicated that they required changes to the Council's draft Supplementary Guidance on Transport Infrastructure with respect to roads improvements, including at J3 on the M9, which in turn would have an impact on the application.

The Head of Planning, Economic Development and Regeneration confirmed he was in discussion about the implications of the changes to the guidance and as a result was unable to provide a timeline as to when the application would be ready to return to committee. He would however endeavour to keep DMC members up-to-date as those discussions progressed.

It was further noted that a dialogue would continue with the applicant with regards to the time in which the application required to be determined.

Committee also noted that Councillor Stuart Borrowman had questions in relation to agenda items 12b and 12d. Therefore it was agreed that agenda items 11, 12a and 12c were to be taken as read and their recommendations noted.

2. DECLARATIONS OF INTEREST

Application No.1195/FUL/20 & Application No.0205/H/21 - Councillor Lawrence Fitzpatrick declared an interest in that he was a council appointed representative to the West of Scotland Archaeology Service who were a statutory consultee on both applications but would take part in both items of business;

Application No 0091/FUL/21 - Councillor Stuart Borrowman declared an interest in that he knew some of those involved in the application but would take part in the item of business; and

Application No.0205/H/21 - Councillor Stuart Borrowman declared an interest in that he had attended a meeting of Torphichen Community Council where the application was discussed but as he had not commented on the merits of the application he would take part in the item of business.

3. MINUTE

The committee approved the minute of its meeting held on 17 March 2021.

4. APPLICATION NO.0191/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>
0191/FUL/10	Installation of decking, formation of a beer garden and erection of a 2.3 m high fence (partly in retrospect) (as amended), Middleton Hall Bowling Club Stankards Road Uphall	Grant subject to conditions

Committee heard from local neighbours Mr John Nicolson, Mr Paul Veitch and Mr Arfan Kahliq all speak in support of their objections to the proposal.

Committee then heard the applicant Ms Ann Simpson speak in support of the application. Committee also noted that whilst Ms Julie Devaney (also the applicant) had asked to address committee she was available to answer questions.

Committee then heard from Councillor Diane Calder, a local ward member, who spoke in support of the proposal

Motion

To approve the terms of the report and grant planning permission subject to conditions including the erection of an acoustic fence, the details of which shall be agreed in consultation with Environmental Health.

- Moved by the Chair and seconded by Councillor Stuart Borrowman

Amendment

To continue the application for one cycle to allow for a further dialogue with the applicant with regards to a suitable and affordable solution to resolve any noise issues and to include further details of land ownership of the site and any reasons for why the site had not been developed by the owner.

- Moved by Councillor David Tait and seconded by Councillor Pauline Clark.

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

<u>Motion</u>	<u>Amendment</u>
Stuart Borrowman	Pauline Clark
Willie Boyle	David Tait
Tom Conn	
Lawrence Fitzpatrick	
Charles Kennedy	
Tom Kerr	

#### Decision

Following a vote the motion was successful by 6 votes to 2, with 1 member absent and it was agreed accordingly.

#### .5. APPLICATION NO.1195/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>
1195/FUL/20	Change of use from car park to horticulture business for the supply of garden plants; erection of boundary fence and temporary shed, storage tent and polytunnel, Chalmers Hall, 25 Main Street, Linlithgow Bridge Linlithgow	Grant temporary planning permission subject to conditions

#### Motion

To approve the terms of the report and grant planning permission subject to conditions and was to include the additional condition that retail operations direct to members of the public were to be prohibited from the site.

- Moved by the Chair and seconded by Councillor Tom Kerr

#### Amendment

To refuse temporary planning permission due to a loss of amenity to those residing close by and along the main street.

- Moved by Councillor Willie Boyle and seconded by Councillor David Tait.

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

#### Motion

Stuart Borrowman  
Tom Conn  
Lawrence Fitzpatrick  
Charles Kennedy  
Tom Kerr

#### Amendment

Willie Boyle  
Pauline Clark  
David Tait

#### Decision

Following a vote the motion was successful by 5 votes to 3, with 1 member absent and it was agreed accordingly.

### 6. APPLICATION NO.0085/H/21

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>
0085/H/21	Extension to house and formation of juliette balcony at 2 Whiteside Farm Lane, Bathgate	Grant planning permission subject to conditions

The committee then heard the applicant, Mrs Jill Kernan, speak in support of the application.

#### Decision

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

### 7. APPLICATION NO.0091/FUL/21

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>
0091/FUL/21	Land Change of use of agricultural land to dog exercise area with erection of perimeter fencing and associated parking, land at Old Deans Road Bathgate	Grant planning permission subject to conditions

The committee then heard Mrs Catherine Magson speak in support of her objections to the application. Committee also noted that whilst Mrs Janet Hinton had asked to address committee she was not in attendance at the meeting.

The committee then heard from the applicant, Mrs Margaret Ritchie, who spoke in support of the application.

#### Motion

To refuse planning permission due to a loss of visual and residential amenity from dog barking and the erection of fencing and the potential for an increase in traffic movements in addition to the existing industrial estate.

- Moved by Councillor Willie Boyle and seconded by the Chair

#### Amendment

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

- Moved by Councillor David Tait and seconded by Councillor Stuart Borrowman

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

#### Motion

Willie Boyle  
Tom Conn  
Lawrence Fitzpatrick  
Charles Kennedy

#### Amendment

Stuart Borrowman  
Pauline Clark  
David Tait

#### Decision

Following a vote the motion was successful by 4 votes to 3, with 1 member absent and 1 member having not heard all the merits of the case so did take part in the vote and it was agreed accordingly.

#### 8. APPLICATION NO.0181/FUL/21

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>
0181/FUL/21	Change of use from open space to form community garden and the erection of a shed, gazebo and fencing at 189A, West Main Street, Broxburn	Grant planning permission subject to conditions

The committee then heard from Mrs Irene Bishop of Strathbrock Community Centre Management Group, speak in support of the group's objections to the proposal.

The committee then heard the applicant, Mr Keith Macleod, speak in support of the application.

#### Decision

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

### 9. APPLICATION NO.0205/H/21

It was noted that Councillor Willie Boyle did not take part in the following item of business as having lost his connection to the meeting he had been unable to reconnect following a short adjournment.

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>
0205/H/21	Erection of a 120sqm outbuilding at Glebe House, 6 The Square, Torphichen	Grant planning permission subject to conditions

The committee then heard from the applicant's agent, Mr Colin Hardie, speak in support of the application.

#### Decision

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

### 10. LIST OF DELEGATION 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 12 March to 16 April 2021 was submitted for the information of committee.

### Decision

To note the list of delegated decisions.

## 11. APPEALS :-

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

<u>Application No.</u>	<u>Proposal</u>
0370/LBC/20	Listed Building Consent for Demolition of Former Nursery Building at Former Nursery, Academy Street, Armadale
1188/PO/20	Modification of Planning Obligation Relating to Planning Permission 1044/P/08 to Remove Town Centre Improvements Contribution at Land at Armadale Station (Southdale) Station Way, Armadale

- 11.2 The committee noted that the following appeal, which had been submitted following refusal of planning permission had been allowed :-

<u>Application No.</u>	<u>Proposal</u>
1031/P/19	4.45 Ha Residential and mixed use development (Including Affordable Housing, 140 Units) and Ancillary Retail (Class 1) with Supporting Infrastructure, Landscaping, Access and Services at 1 Simpson Parkway, Kirkton Campus, Livingston

- 11.3 The committee noted that the following appeal had been withdrawn

<u>Application No.</u>	<u>Proposal</u>
ENF/0396/19	The alleged Siting of Mobile Home at Tarrareoch Guest House, Tarrareoch Farm, Station Way,

## Armadale

Committee noted the questions asked in relation to Application No.1188/PO/20 and Enforcement Notice ENF/0396/19 by Councillor Stuart Borrowman and the answers provided by the Head of Planning, Economic Development and Regeneration.





## DEVELOPMENT MANAGEMENT COMMITTEE

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

#### 1. DESCRIPTION

Increase in height of existing fence and installation of a CCTV camera (in retrospect) at Winnock, Burnside Road.

#### 2. DETAILS

<b>Reference no.</b>	<a href="#">0277/H/21</a>	<b>Owner of site</b>	Mr and Mrs Stephen and Jana Anderson
<b>Applicant</b>	Mr and Mrs Stephen and Jana Anderson  Winnock, Burnside Road, Bathgate, West Lothian, EH48 4PX	<b>Ward &amp; local members</b>	Bathgate  Councillor Charles Kennedy  Councillor Willie Boyle  Councillor Harry Cartmill  Councillor John McGinty
<b>Case officer</b>	Rachael Lyall	<b>Contact details</b>	01506 281110 <a href="mailto:Rachael.Lyall@westlothian.gov.uk">Rachael.Lyall@westlothian.gov.uk</a>

**Reason for referral to Development Management Committee:** 15 objections received.

#### 3. RECOMMENDATION

3.1 Refuse Planning Permission

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

- 4.1 This planning application seeks retrospective planning permission for the increase in height of an existing fence and for the installation of a CCTV camera.
- 4.2 The fence was previously granted planning permission; however, the applicant has since increased the height of approximately half of the fence using an imitation foliage trellis. The fence was previously approved at a height of 1.8m. This measurement was to the top of the fence panels.
- 4.3 Several of the fence posts sit approximately 0.2 or 0.3m above the fence panels, resulting in an overall height of 2m minimum. The trellis sits above the fence panels by 1m nearest the house then drops to 0.7m further south. Please note that the plans incorrectly show the measurements to be in 'mm' rather than 'cm' which appears to be the correct measurement. The proposal is also to extend the trellis along the remainder of the fence

top, other than the last two panels at the south end of the drive, which will remain at 1.2m high. The overall height of the proposed combined fence and trellis is therefore 2.8m at the house, dropping to 2.3m further south.

- 4.4 The application also seeks planning permission for a CCTV camera which has been installed on the southern end of the fence. The CCTV camera which has been installed provides a HD resolution picture, contains a 5x optical zoom lens which expands the coverage to 100° and motion sensors.

### History

- 4.5 **0902/H/20** - Formation of 3 dormers, installation of garage doors, external raised terrace and erection of 3m high boundary walls – Granted Planning Permission (17.02.2021)
- 4.6 **0716/H/19** - Erection of a retaining wall and fence (in retrospect) – Grant Planning Permission (03.12.2020). The condition attached to this permission stated: The fence shall not exceed the height shown on the plans which are hereby approved and set out in Annex 1 and shall be retained at this height in perpetuity unless otherwise agreed with the planning authority.
- 4.7 **0256/H/19** - Erection of a fence (in retrospect) – Grant Planning Permission (10.06.2019)
- 4.8 **LIVE/0654/H/98** - Demolition of conservatory and extension to house to form swimming pool – Grant Planning Permission (01.09.1998)
- 4.9 **LIVE/0936/H/96** - Install pitched roof on flat roofed house – Grant Planning Permission (19.11.1996)

## 5. REPRESENTATIONS

- 5.1 Fifteen representations have been received.
- 5.2 A summary of representations is located in the table below.

Comments	Response
<ul style="list-style-type: none"> <li>• Increase in overshadowing caused by fence,</li> <li>• Impact on privacy by proposed CCTV,</li> <li>• Impact on visual amenity,</li> <li>• Impact on traffic/pedestrian safety,</li> <li>• Public safety.</li> </ul>	<ul style="list-style-type: none"> <li>• See section 7.6 of the committee report,</li> <li>• See section 7.7 of the committee report,</li> <li>• See section 7.8 of the committee report,</li> <li>• See consultation response,</li> <li>• See consultation response.</li> </ul>

## 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
Roads and Transport	No. Acceptable without conditions.	"The gate and first 2 panels are the same as the approved application 0716/H/19 and are low enough for drivers to be able to see pedestrians on the footway."	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
- 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 and that no development proposals should have no significant adverse impact on adjacent buildings. In addition, this policy states developments should be accessible for all, provide suitable access and parking and have no adverse implications for public safety.	The fence increasing in height along its length will result in a development that no longer integrates with the local context and surrounding visual amenity. Additionally, the installation and location of the CCTV will have a detrimental effect on the privacy of neighbours and members of the public passing by the site.	No

- 7.4 This proposal also relates to the council's House Extension and Alteration Design Guidelines, 2020.
- 7.5 The determining issues of the application are listed below:

## **Residential Amenity**

- 7.6 The existing and proposed increase in fence height will not result in any additional overshadowing impact which would be considered significant, in addition the proposed fence will not impact upon the privacy of neighbours.
- 7.7 However, it is considered that the installation of a CCTV camera in the proposed location will impact upon the privacy of both the neighbouring property and members of the public passing by the site. The proposed CCTV will therefore be detrimental to residential amenity.

## **Visual Amenity**

- 7.8 The increase in height of the existing fence to between 2.3m to 2.8m high will impact upon the visual amenity of the area and will result in a development which will no longer integrate with the surrounding developments and streetscene.
- 7.9 In addition, the previous consent was granted on the condition that the fence was to remain at the current approved height which is 1.8m to the top of the panels.

<b>8. CONCLUSION AND RECOMMENDATION</b>
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- 8.1 The proposed works will have a detrimental impact upon both residential and visual amenity.
- 8.2 This proposal is therefore contrary to West Lothian Local Development Plan Policy DES 1 (Design Principles) and the guidance given in the House Extension and Alteration Design Guidelines, 2020.
- 8.3 It is recommended that the application is refused planning permission.

<b>9. BACKGROUND REFERENCES &amp; ATTACHMENTS</b>
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- Draft Reasons for Refusal
- Location Plan
- Representations

Craig McCorriston  
**Head of Planning, Economic Development and Regeneration**

**Date: 12<sup>th</sup> May 2021**

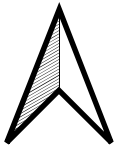
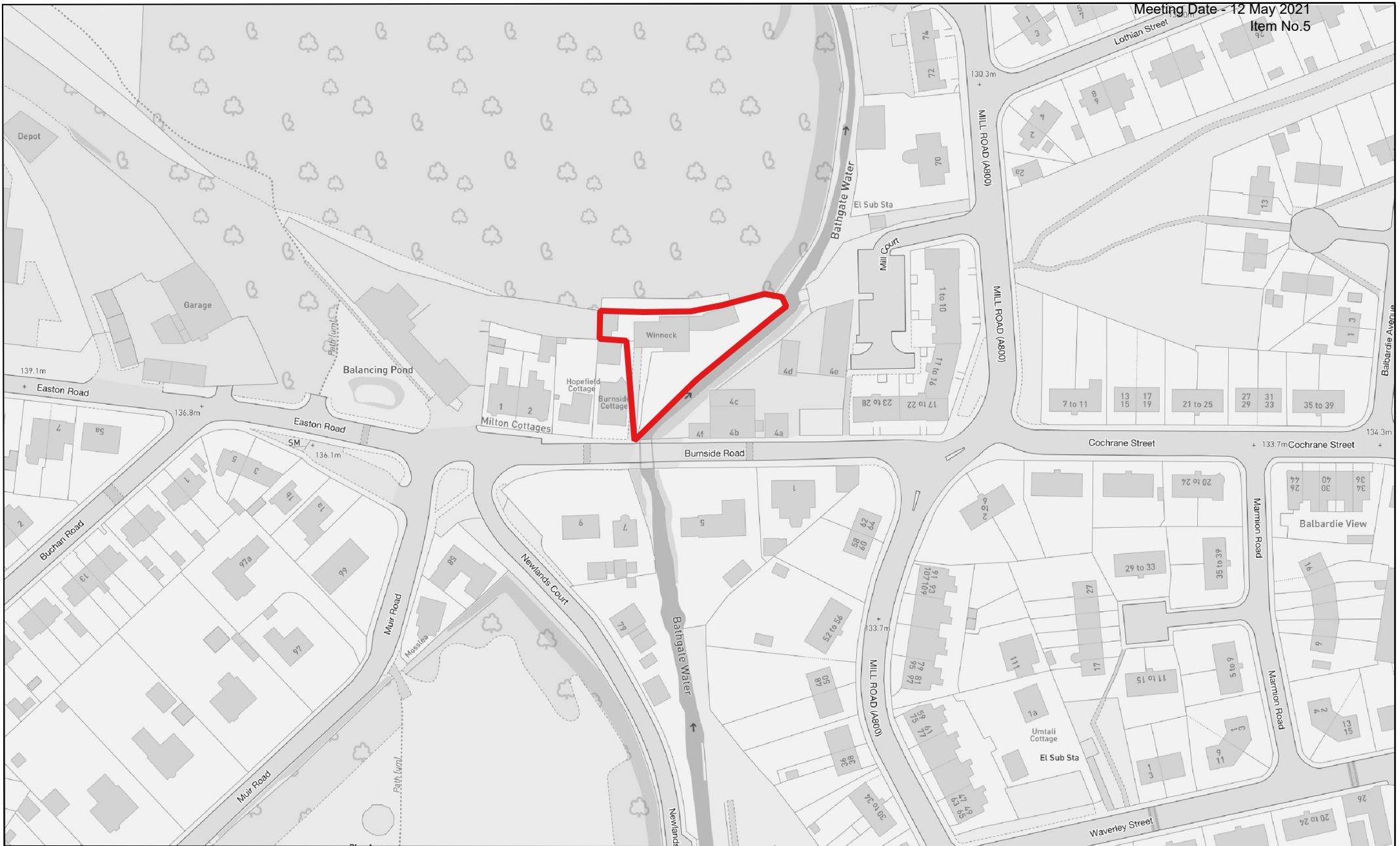
**Development Management**  
West Lothian Civic Centre  
Howden South Road  
Howden  
Livingston  
EH54 6FF

Our Ref: 0277/H/21  
Direct Dial No: 01506 281110  
Email: rachael.lyall@westlothian.gov.uk  
23 April 2021  
Tel: 01506 280000

## **Draft Reasons for Refusal:**

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

(1) The proposed increase in height of the existing fence will have a significant impact upon the visual amenity of the surrounding area and street scene. In addition, the proposed installation of the CCTV will have significant and detrimental impact upon the residential amenity in terms of privacy. This proposal is therefore contrary to West Lothian Council's Local Development Plan's Design Principles (DES1) Policy and the guidance given in the House Extension and Alteration Design Guidelines, 2020.



## Comments for Planning Application 0277/H/21

### Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Increase in height of existing fence and installation of a CCTV camera (in retrospect)

Case Officer: Rachael Lyall

### Customer Details

Name: Mr Robert Flockhart

Address: Burnside cottage Annex Whitelaw drive kirkton Bathgate Eh48 4PX

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I Robert Flockhart would wish to object to this for the following reasons the proposed location of the increased fence height is directly in front of our Annex proposed windows this was fence was 1.2 meters in height when our application for the Annex was passed now it has already been increased to 1.8 meters in height .

If the council decided to allow this then we would ask that the council are agreeing to our proposed windows been increased in size to allow the required natural daylight in .

The Annex is for myself and my bedridden wife who had hoped to be in the property by now however this applicant has done everything that they can think possible to stop us it should also be pointed out the the same property has since our application be passed had 2 elderly windows above our property less than a meter away from our boundary This will cause us detrimental impact on privacy issues and should be reinvested .

We are a elderly couple looking to live out our final days or years in peace and quite not over looked by cctv cameras we used to as kind swim in the now Burns when it was mill dam and have lots of memories this area has been without cctv cameras and oversized fence for over 80 years that we can remember even before Winnock was built we understand that this as well as a lot of our application has clearly caused so many different issues and problems for everyone and would hope that the council see that as a elderly lady our wife needs care and needs the help and assistance from our son and daughter-in-law and we will ask that the view are not deliberately hidden away from us by the means of a fence we have paid to have plans provided that do not cause any impact so why should my wife not be able to enjoy the view from her bed

all we want is to enjoy our final memories as we used to play and swim in the dam so it would be a nice place to finish off our life's without cctv cameras and the lovely view to the burn taken away

We hope that the council do have a bit of compassion



## Comments for Planning Application 0277/H/21

### Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Increase in height of existing fence and installation of a CCTV camera (in retrospect)

Case Officer: Rachael Lyall

### Customer Details

Name: Miss Jeannette Flockhart

Address: burnside cottage Annex whitelaw drive kirkton Bathgate Eh48 4px

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: For legal reasons my husband is writing what I am saying as I have no use of my hands  
I Jeannette Flokckhart wish to object on the ground of privacy /safety/detrimental impact

Please note that you can see we have the Annex address down that are due to move into in the next few months both my husband and I applied to have windows in our disabled Annex back in 2018 I can confirm that we have not moved in yet

our plans for the Annex had been passed for natural day light angle when the fence not in place the fence is in the incorrect position and is over high already we really on our son and daughter-in-law care this was the only reason for the Annex this applicant has tried so many times to stop our Annex in ever way both myself and my husband used to swim in what used to be the dam in our early days and have so many memories the windows the we had proposed so we could look down to the burn and think back so many memories this applicant has since taken that away from us already by taking away the lovely view of the burn and the birds ect we have memories way before there property was even there we do not want a further increase in hight as this would cause us more problem with natural daylight and we would ask that should this even be considered to be passed that West Lothian council would only consider that if our windows Are increased in size to allow natural daylight into the Annex as this would be my only natural contact with the outside that I would have we don't want to have cctv camera filling us inside the property as I make use of a comode and this would be detrimental as well as if the fence was highlighted I would not see anyone coming from behind it

Please can you consider my objection seriously as this would have a great impact on what life has have left and everyday all I ask is this application is not considered

Should it be considered we would need the council to definitely allow much larger windows in our

Annex to allow natural daylight as the bathroom does not have a window so needs all the natural daylight should this be considered  
Without a further planning application from us

We would hope that the council do see that this is for no other reason than to deliberately cause detrimental impact and stress on our family

I am sorry that I have had so much to say but i can't attend a meeting

Kind regards  
Jeannette

# Comments for Planning Application 0277/H/21

## Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Increase in height of existing fence and installation of a CCTV camera (in retrospect)

Case Officer: Rachael Lyall

## Customer Details

Name: Lewis Flockhart

Address: Burnside cottage Bathgate Eh48 4PX

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Lewis Flockhart

Burnside cottage

Burnside road Bathgate

Eh48 4PX

(Object)

Reasons / Safety / privacy/ human rights/ detrimental impact

I wish to object to this application for the reason provided .

I can confirm that the Cctv cameras are not used for a security purposes.

It did however provide us proof that the Cctv cameras are used for surveillance of me and my family especially my little sister who is a minor

The fence is to high and causing a privacy issue as you don't know if anyone is hiding behind it .

I work at 5.30am and it is dark in the morning and you don't know if anyone is behind .

My mum works shift and comes home late at night and the dark mornings

So any further increase in hight of the already over hight fence would cause a big security issue for our family especially my little sister

I thank you for your time to read this and hope that the council see the reasons why this application should be failed .

Lewis Flockhart

# Comments for Planning Application 0277/H/21

## Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Increase in height of existing fence and installation of a CCTV camera (in retrospect)

Case Officer: Rachael Lyall

## Customer Details

Name: Ms Lauren Mitchell

Address: 29 Traprain crescent Bathgate Eh48 2BE

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a member of the public I hope I can object to this Application to raise the height of the already oversized and ugly fence

That Now has the Cctv cameras overlooking the public .

As a single mother myself and some friends have had a problem with that since it was put up we thought it was the little house that done it .

Until we seen this that fence can't have any more height on it when we walk up from school our kids would run up ahead and look down into the burn

They can't do that now .

We have been walking up and cars have come out from behind that fence it's dangerous

We did not know to to contact about it and thought it was owned by the our house .

It is a dangerous place for that oversized fence and you can't see the cars coming out from behind it it would be silly to make it higher

The camera must be taken away .

why put a high fence up then put cameras up to watch the public if the fence was not so high they would not need Cctv cameras .

Our kids need to be lifted out the buggy to see the burn now

We as mothers hope this is definitely not considered to be passed we would have complained.  
Soon had we known who to contact .

## Comments for Planning Application 0277/H/21

### Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Increase in height of existing fence and installation of a CCTV camera (in retrospect)

Case Officer: Rachael Lyall

### Customer Details

Name: Mr Dylan Hunter

Address: 51 Hill crescent Bathgate EH48 4Jw

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection to this application .

I Mr D Hunter object as this cctv camera is recording the public and does not comply with the my rights of privacy .

I have had many a near miss when I have been out jogging as I jog that route twice daily

Once in the morning and in the Evening .

I now jog down the way because when I used to jog from the foot of the road up you can't see the cars and vans coming out from behind that fence.

I would should also say they don't come out there slowly .

I have seen a few cars need to hit there breaks hard and swerve it is dangerous in and now cars park on that side of the road

In order to use the units for motor trade

I would appreciate if you can think of the public and not the owner off the property's

That house has never had a large fence like this and I have stayed here n Bathgate all my life

Please take public safety first

## Comments for Planning Application 0277/H/21

### Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Increase in height of existing fence and installation of a CCTV camera (in retrospect)

Case Officer: Rachael Lyall

### Customer Details

Name: Mr Dylan Hunter

Address: 51 Hill crescent Bathgate Eh48 4JW

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Object

For reasons as follows

Road safety/ pedestrians safety/privacy to the general public.

This application should not even be considered

I have lived in Bathgate all my life and the houses there have never had a large fence stopping members of the public looking into the public burn.

It is out of place that big fence .

Cars and vans come and go from that property all the time vans park on the pavement out side of sometimes race out that driveway.

It have been nothing but a danger down on that road between that out of place fence and vehicle parking on the bridge to go to that property .

It has caused a problem on the main road and that is a bus route and I cycle twice a day now I am forced to go to the other side because of this fence and commercial van parking .

The Cctv camera should definitely not even be asking for permission this is a terrible location for a Cctv camera.

It covers the public .



They have installed a Cctv camera yet want to increase the hight of the fence .

One would ask why should this property be permitted to have that house all private .

When we the general public are viewed by there Cctv cameras every time you pass on the public highway or footpath.

I thank you for time and would appreciate the council planning understand this is a area of Bathgate history and should not be

Hiding away behind large dangerous unsightly fences.

This was the old Bathgate shovel works and I had family members work there .

If I did not suit the applicant the way it was why increase the size of the windows to the building on the right hand side of the applicants house .

It only had 4 small windows now there are large four full length doors yet they ask for privacy I don't understand

I just know that it is dangerous and I have seen many a problem I lived around the corner for years .

Thank  
Mr D Hunter

## Comments for Planning Application 0277/H/21

### Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Increase in height of existing fence and installation of a CCTV camera (in retrospect)

Case Officer: Rachael Lyall

### Customer Details

Name: Ms Lauren Mitchell

Address: 29 Traprain crescent Bathgate EH48 2BE

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would appreciate if you can consider my Objection

I put in a objection but it has not been put on and I don't know if it was a problem with my email

However I wish to object as a mother of 2 small kids who use this pathway several times a day to and from the school and nursery

This camera clearly at the end of the house has no need to be there and I would hope that it is removed as I don't like this recording my kids on the footpath.

This is a breach of our privacy .

The cars and vans come out that driveway quite fast my little boys buggy has nearly been hit with large vans coming out this property .

You can't get a clear vision of anything coming down that driveway like it used to be you could see cars coming down now you can't that fence is totally out not in keeping with the house around about .

My kids used to look down into the burn now they can't unless I hold them up on the bridge

I thought that the fence was put up by the little cottage not the house at the back

This has always only had a small fence and you could see the motors coming down .

The cars come right out over the public footpath it is detrimental impact on my kids safety and as a

school rout and nursery route should be removed and not increased in hight

I speak for a few other mothers that feel the same who do not wish to provide there details but would like to make it clear that this is a safety problem for our kids and a privacy issue

There for should be removed not increased in height and the camera should be taken of the Fence causing us a privacy issue.

We would have complained About this previous but did not know how to and told to contact

This is in my friends and my opinion dangerous for kids using the pathway because they are lower than the bridge wall even when cars come out they must not think that we have prams and buggy's that are about three or four foot in front of us and just keep coming out .

I would like the council to take us mother seriously and have it taken down so we can see cars coming down and remove all Cctv cameras from the front watching the public

If I go up that road in the winter I cross over now because of the dangerous footpath with vans coming out that driveway it is not safe

I hope this will be added to your site as my last email was not put on

Thanks

Lauren

## Comments for Planning Application 0277/H/21

### Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Increase in height of existing fence and installation of a CCTV camera (in retrospect)

Case Officer: Rachael Lyall

### Customer Details

Name: Mr D Jursevie

Address: 86b North bridge street Bathgate EH48 1PN

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: D .Jursevic

86b North Bridge

Street Bathgate

Eh48 1PN

(object)

I will object on the application for the following information privacy issues/ security issues /safety.

This Cctv camera that has been placed on the top of the fence is not right I do not feel that anyone I there house should be able to record  
People on the public footpath or in there car

This is a security problem and should not be allowed to stay there I do not appreciate  
When I pass in the car on my bicycle.

Why would someone want to record the public ?

The fence is dangerous at this hight and should not go any higher this would be crazy and dangerous  
To the pedestrians .

This is a busy road and cars now park just passed the fence on the road at the  
Same side all the time .

For the reasons I have said this should not be passed but removed .

That fence does not look right the burn is a nice view but this fence is blocking the view to the burn  
.

I thank you

Mr .D.Jurservic

## Comments for Planning Application 0277/H/21

### Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Increase in height of existing fence and installation of a CCTV camera (in retrospect)

Case Officer: Rachael Lyall

### Customer Details

Name: Mrs Elizabeth Flockhart

Address: Burnside Cottage Burnside Road Bathgate Eh484px

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I Mrs Elizabeth Flockhart wish to object to the increase in height of the fence as it will cause an impact on our property as this is our front east facing property and both our livingroom and kitchen windows and also our main front door are less than 2.6 meters away which would cause a loss of natural daylight as this fence at present is causing us a loss already. As for our property and lights etc causing a privacy issue for the Winnock property then why did the council recently pass 2 elevated former windows that are positioned above the windows that the Andersons are saying are causing them privacy issues. These dormers are even closer to our property and won't be covered by the fence this does not make sense to me. To increase this fence to 2.5 meters in height on our front facing property should not be permitted. As for the recently installed camera on the fence in question this should not be permitted as it is a directed invasion of privacy for both the general public as well as our property as if you look at one of the pictures submitted by the Anderson the blue area they mention directly covers the public footpath and main road .Also as it highlights it covers all of our front area both our livingroom window and kitchen window and also our main front door.It also covers our no block and parking area to the south elevation to our property. Thankyou. Elizabeth Flockhart

## Comments for Planning Application 0277/H/21

### Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Increase in height of existing fence and installation of a CCTV camera (in retrospect)

Case Officer: Rachael Lyall

### Customer Details

Name: Miss Fiona Roy

Address: 197 Philip Avenue Bathgate EH48 1NE

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Definitely object

I wish to object for the reasons .

Privacy./safety./infringement of our human rights ./ nature.

I would appreciate if you can please read my full objection.

As a member of the public sector I stayed in this area for many years I go running around the woods and this area every day .

This area is used by a lot of different people running clubs kindergartens school general public. Elderly ect

I can certainly say that local residents that I have spoken to all have the same opinion that this fence is totally out of place for the area

That area still has a lot of memories for a lot of the local people I  
Had a family member work in the old shovel works when it was as called wolfs .

We can remember that the old train track at the rear never even had large fences.

What right does the applicant have to private privacy . By installing a large fence blocking the rights to view the burn for kids .

It now means the only way for kids to see this burn is if they are lifted up over the bridge.

Kids love to see and hear the burn and watch the wild life down at it .

There used to be bats as I am sure that you are aware because they are not going about now since the trees have been removed for this fence

We would assume that there was a bat survey carried out ?

We would appreciate if you can do the correct thing and have this removed so kids can still enjoy the views down to the burn safely.

This fence should have had a notice up the first time as I know around 40 nearby residents that would have objected.

We know that this is not a conversation areas but try and keep Bathgate history not hidden behind fences .

The camera is a detrimental impact on privacy I do not like many give permission for anyone to record me or my kids without my permission.

I can't even record my kids in a school show and know all the other parents

So what gives this applicant the right to record my kids

This is not right I hope that the council have sense and have the camera removed without delay and reduce or remove that fence .

I have read the reasons it is as passed not to extend the hight from 1.8 m yet the applicant say on this application that they were not aware I think something is not correct .

Fiona Roy



## Comments for Planning Application 0277/H/21

### Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Increase in height of existing fence and installation of a CCTV camera (in retrospect)

Case Officer: Rachael Lyall

### Customer Details

Name: Mr Mark Flockhart

Address: Burnside cottage Burnside road Bathgate Eh48 4PX

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: It should be noted that this fence is on our front elevation of our property east facing and should not have been increased in height from the legal 1.2 meters in height.

The fence is in the incorrect location and against the title deeds burden as such should be removed not increased in height. Burnside cottage has sat in this location since 1879 and owned all the land until the late 1960s when Winnock was constructed.

During this time there has never been any privacy issues and therefore no requirement to increase the height in the first place.

The applicant has only just had a planning application passed for 2 elevated windows directly facing our property. Again, this is a breach in our privacy rights. There was no mention of a privacy issue when applying for that application.

Therefore, this should now be reassessed as the applicant stated there was no privacy issue and planning also misled the committee stating that there was no privacy issues.

We had made it clear that there were privacy issues for our property, not the property at Winnock.

This means that the applicant has misled the council planning in every planning application.

The fence has been increased yet again against the only reason it was passed that it would not be increased over 1.8 meters. This fence has breached this so should be fully removed against planning rules.

The property has now used the fence to erect cctv cameras looking in to our property directly and they have already increased the height this is causing detrimental impact on our privacy and as such our 13 year old daughter

Our property was purchased for its secluded location and it had  
nice calming view to the burn

Please can you think how you would like to have a 6 foot fence outside your front windows less than 2.6 m away from your windows this is causing detrimental impact and a loss on natural daylight and should not be passed

# Comments for Planning Application 0277/H/21

## Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Increase in height of existing fence and installation of a CCTV camera (in retrospect)

Case Officer: Rachael Lyall

## Customer Details

Name: Mr Kevin Gallagher

Address: 20 Chapman's Brae Bathgate Eh484LH

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to raise my objection to the application.

The fence, whilst looking utterly ridiculous and ghastly in such a beautiful area and setting, I also believe it to be dangerous, a few times cars have just come flying out that drive when myself and family have been on a local walk. There is no way these vans and cars can see what is coming down the street. In fact, it's impossible.

I'm also confused as to how the current fence attained permission? It's already unsightly and dangerous never mind increasing it's size.

The Cctv camera: Why was this allowed in the first place? You cannot just decide to start recording the general public without attaining permission, yet these people have? The owner should not be permitted to record myself and my family when out a walk or run. I stay a matter of minutes from this camera and walk/run past the driveway, at least 4 times a week. Another 4 or 5 for my partner.

Please reject this ridiculous application and make sure the current fence is reduced to a sensible size for what should be, a sensible society.

## Comments for Planning Application 0277/H/21

### Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Increase in height of existing fence and installation of a CCTV camera (in retrospect)

Case Officer: Rachael Lyall

### Customer Details

Name: Mr A. Barbour

Address: 42 mill road Bathgate Eh48 4jH

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Totally objecting

Reasons/ wildlife / road safety /public safety/ privacy to the us the general public.

History in the area.

After reading some of the other objections I feel that it would only be the correct action to also object on the application for the reasons I have provided.

The applicant have made many applications to carry out work on that property.

The council should be aware that this house was built as a single dwelling house and is now covering all the natural wildlife area with buildings and erections

The property was once a in keeping property nestled in the wood area as a single hight property the property is now taken over this natural wildlife area and should remove the unsightly fences that is totally out of character

For the Area and does nothing but look totally out of place. This land has always been open views and at not time does that property have a right to take Bathgate history away..

I see that a objection noted the little Bats

I can also say that we as a family used to like out walking our dogs and watching the wildlife.

The camera is definitely not in place and I cannot believe that the application has even been applied for

This is watching the public what about kids safety adults safety and privacy .

There is never been Cctv on that property ever prior to this applicant taking up residence .

I would have definitely disagreed to the fence been put at this hight in. The material that it is built in is in my opinion not safe and unsightly

I don't understand why anyone would want such a unsightly fences in front of there house.

The council do understand that this road is a road used by sibcass and buses .

And is dangerous .

This is my views and. Hope that the West Lothian council do have both removed .

For the reason above

Mr A Barbour

# Comments for Planning Application 0277/H/21

## Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Increase in height of existing fence and installation of a CCTV camera (in retrospect)

Case Officer: Rachael Lyall

## Customer Details

Name: Mr Ryan flockhart

Address: Burnside cottage Burnside road Bathgate Eh48 4px

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As a neighbour I feel like this is a bit out of character.

The only reason I definitely object to this is for the following reasons.

Safety .Privacy.detrimental impact.vision.

I I can please say I would like to object to any increase in the hight of this fence .

As a fairly new driver this fence takes away both my clear vision of public and there clear vision of my driving down to exit the access at the side of this fence

I have had a few close encounters due to this fence already it is on a road with traffic calming in place as well as speed Bumps it would be crazy to even think of increased hight.

The driveway goes out of a public footpath on to a narrow road used by HGV trucks as well as busses small kids walk to school and the near by nursery.

You can't see small kids behind the 1 meter high wall never mind. Large fence .

In my opinion the fence should be permitted at 6foot as long as it is made of railing type only so it does not cause any safety problem it should be 6 foot clear straight railing type and not a screen

If this is not acceptable then the applicant should reduce it as n hight to 1 meter in hight as The fence is in breach it was passed as 1.8 meters and not to exceed this height .

So if the applicant is not happy to agree to a six foot iron railing fence or a reduced height it should

be removed as it do not comply with the planning permission granted.

If it was a iron railing fence it would not cause any safety issue or require a Cctv camera as the applicant would see through the railing .

I now use the public car park up the road as it is unsafe to make use of this road delivery vans come to this property on a daily basis and park on the pavement or go up the right of Access and reverse all the way out onto the public highway this is illegal .

## Comments for Planning Application 0277/H/21

### Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Increase in height of existing fence and installation of a CCTV camera (in retrospect)

Case Officer: Rachael Lyall

### Customer Details

Name: Mr Graham Weir

Address: 62 mill Road Bathgate Eh48 4jH

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have put down a member of public it should be pointed out that I only stay yards away from this

Application and yet again had no notice regarding this fence .

The fence is out of place and should not have been allowed in the first place .

The house always was a one story house now it has emerged out of the settings .

The property over the years has been increased and increased and increased.

The roof was put on making the house look out of place then large solar panels now this screen fence.

All the other property around the burnside road are all of historic cottage style and sit in there setting very well I have lived only yards from this property and can say it has never had a large out of place screen fence .

This was the old Renton and fisher site and always had open views so why should it be covered up. Now this property is getting closer to the road .

It has sat back in the settings for many years .

It is not a suitable fence for the area and should be removed or reduced in height it does Not look right in this position .



I would ask why this property ask for this for privacy and want to record the general public and highways we do not know who the people area and have no rights to record anyone outside there property and that camera definitely covers most of the road and public footpath.

If it was a need for a fence then why this silly out of place hight.

The road is a dangerous road and used by small kids never mind this application for privacy the general public have more of a right to privacy.

I would say that the only thing this does is covers the cottage that has always been open .

You could stand on the bridge and look right over to the property so I think this screen fence is not for any purpose except to cause a problem for the cottage windows.

The Driveway has vans and cars come and go it is not suitable the road has traffic Control area and a school crossing only yards away from the applied for fence please remove it or reduced the hight it would cause dangers to the public and kids

I would thank you for your  
Time

Mr G Weir

## Comments for Planning Application 0277/H/21

### Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Increase in height of existing fence and installation of a CCTV camera (in retrospect)

Case Officer: Rachael Lyall

### Customer Details

Name: Miss Terri Muir

Address: 40 Mill road Bathgate EH48 4JH

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am not sure what I should be down as a neighbour or a member of the public

I only stay a short walk from this house that has made this application I do not agree to the increased height of the fence after reading everything it would appear that the application should not be allowed .

I have read the fence was passed at 1.8 meter in height .

This is definitely against the planning conditions

So should not even be considered or they should be made to reduce the height .

Not only does that fence look totally out of place and the design the council stay on their site that they Do Not welcome oversized fences

This is on your own website.

The road should not have any obstacle that put

The public in danger.

There is a school crossing patrol only yards away

They are there for a reason .

I have not come to this decision without reading everything I can also see that the house next door have said that it is a dangerous fence for existing the driveway .

I can confirm the road is totally dangerous and no right of safe vision should be removed from any

motor vehicle users especially when the other houses has said that it takes away a safe view.

After reading thorough the applications there seems to be other issues regarding the property's

I will not go into that but I am sure the council can see that putting public safety in danger is not the correct thing to do .

The property should have gates at the driveway so the cars and vans can't race out .

This would have definitely had a favoured decision for gate I would totally welcome that  
The hight of that screen is no purpose as there is no gates on the property and it is wide open from the front view

This is not favourable and should be removed or reduced in hight and a more of a blend into the neighbourhood.

On my way home I see that the Cctv camera has been removed and I hope that it is still failed

The wildlife use this burn and folk stand at the front to look into the burn but there is no fence there so why should this fence need to be there and as high when there is no gates .

The driveway should have gates to slow the cars and vans that race out there I have seen small kids run up that pathway every day and always feel it's not safe

I have nothing further to say

Except that I really hope that the council fail this for already been in breach of there original planning application .

If not failed at least reduced in hight

Regards

Miss T Muir

## Comments for Planning Application 0277/H/21

### Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

Proposal: Increase in height of existing fence and installation of a CCTV camera (in retrospect)

Case Officer: Rachael Lyall

### Customer Details

Name: Mrs Linda Wilson

Address: 58 mill road Bathgate Eh48 4JH

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Mrs L Wilson

58 mill road

Bathgate

West Lothian

EH48 4JH

Please allow me to object as a neighbour

Burnside road only has 6 house on it we are right next to burnside road .

Please may I object to this fence proposal had I know about this fence the first time I would have objected the property have no other fence screen you can walk right up that driveway so this is nothing to do with privacy .

If you wanted to you could look directly into that house from the bridge and the blinds are always wide open so there does not seem to be a privacy issue this fence is already dangerous and to high it is not in keeping with the area

The house all around have history and that house was only built in the late 60s .

It is as someone has already pointed out in a objection over development.

And is totally out of the area without large fences causing danger I should point out that the road is a fast road and no fence should be allowed even at the hight .

It is a dangerous driveway and the road now has more and more cars parking on it as the property

next door is a Motor trade garage .

The roundabout that is only yards from this is a school crossing with a patrol lady only

.

Cars fly up and down from four different road to this round about and this applicant want to put kids elderly and public in danger .

As for Cctv cameras I see that the applicant has already agreed that it should not be recording the public and removed it however the cable is still there so I ask that this is still failed and no cameras on the fence and the fence be reduced in hight to waist hight or removed for public safety .

The public have a right to safety and privacy as well so no person should be recording any members of the public

This is used by mothers fathers kids dog walkers  
And has never been a problem for all the years

Why change it now

Mrs L Wilson



# Development Management Committee

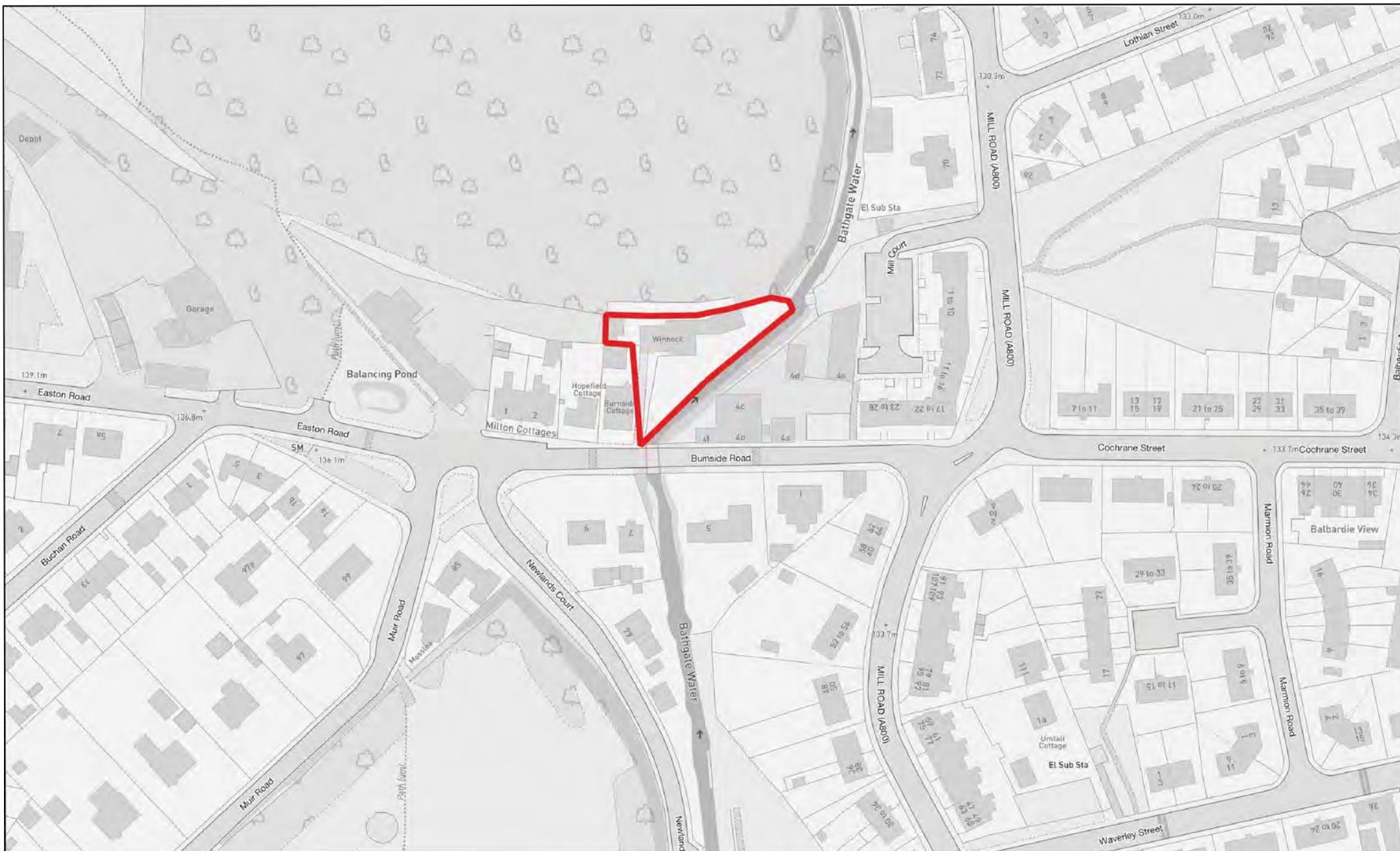
12 May 2021

Item No 05: Application No. 0277/H/21

Increase in height of existing fence and installation  
of CCTV camera ( in retrospect )

Winnock / Burnside Road / Bathgate / EH48 4PX

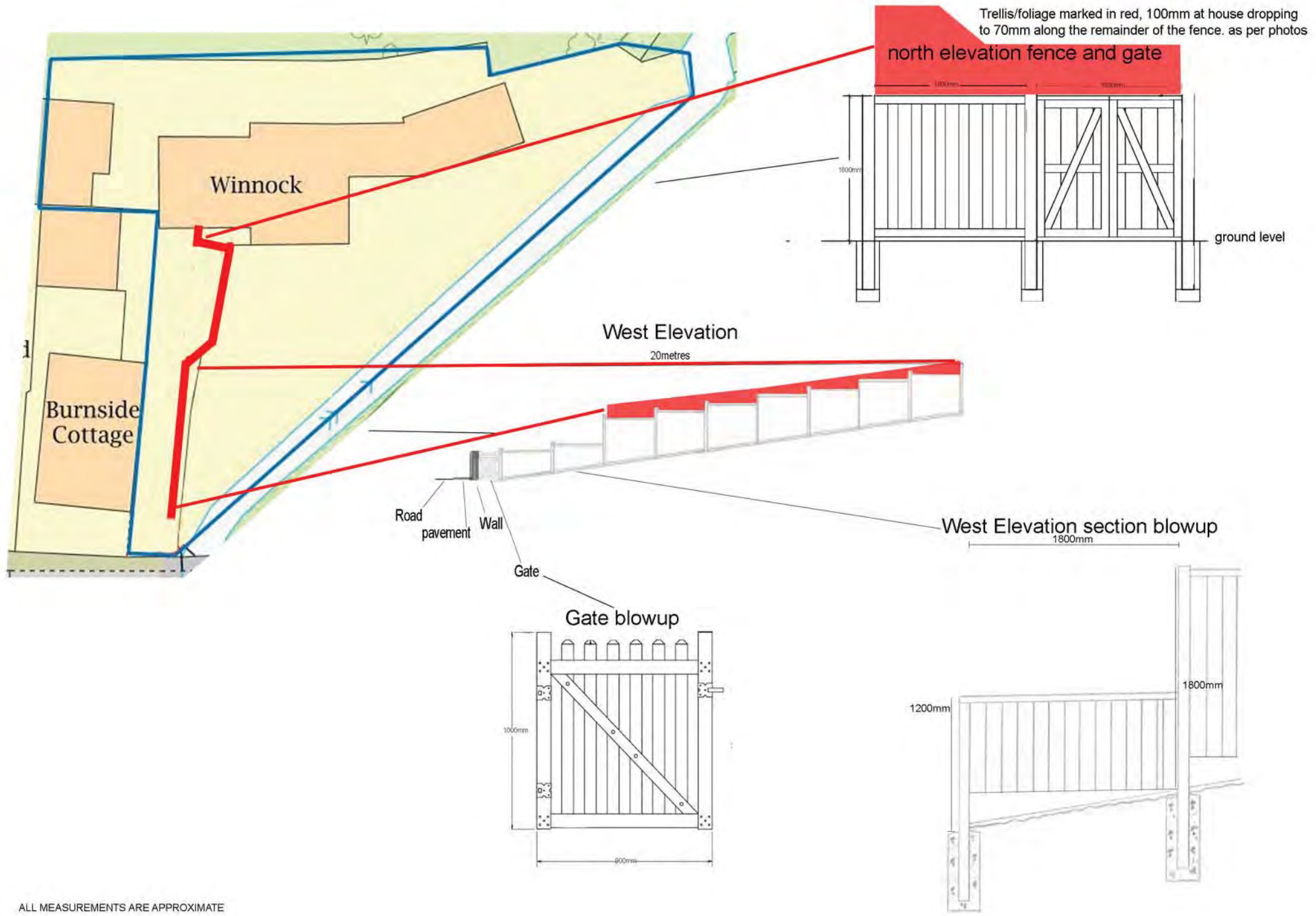




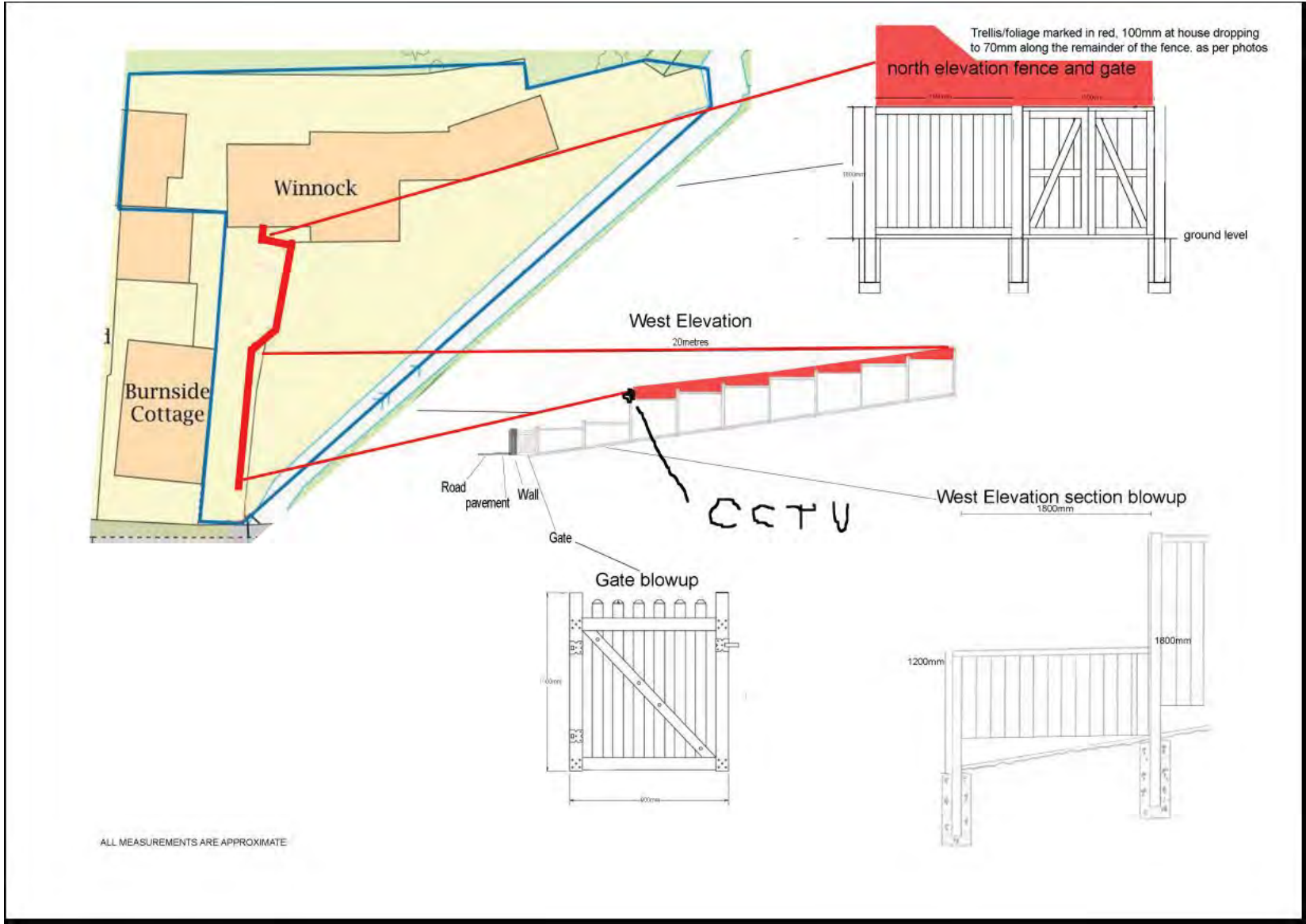








ALL MEASUREMENTS ARE APPROXIMATE







View from burnside cottage  
Living room



View from burnside cottage  
Kitchen (note that  
existing trees and bushes  
are higher than trellis)





Existing Hedges and trees higher than trestle/foliage. Only improvement to Winnock Privacy/ aesthetic appeal. No loss of light or amenity to neighbour. Foliage to continue along red line.

























## DEVELOPMENT MANAGEMENT COMMITTEE

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

#### 1. DESCRIPTION

Change of use from public open ground to private garden and installation of a ramp at 9 Lyefield Place, Eliburn, EH54 6TL

#### 2. DETAILS

<b>Reference no.</b>	<a href="#">0278/FUL/21</a>	<b>Owner of site</b>	Mr Anthony Yates
<b>Applicant</b>	Mr Anthony Yates	<b>Ward &amp; local members</b>	<b>Livingston North</b>  Councillor Alison Adamson  Councillor Dom McGuire  Councillor Robert De Bold  Councillor Andrew Miller
<b>Case officer</b>	Alexander Calderwood	<b>Contact details</b>	01506 280000  alexander.calderwood@westlothian.gov.uk

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

#### 3. RECOMMENDATION

3.1 Grant Planning Permission

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

- 4.1 This application seeks full planning permission for the change of use of an area of land from public open space to private garden ground and the installation of a ramp. The applicant requires wheelchair access to their home at 9 Lyefield Place, they cannot access the property unaided without the ramp.
- 4.2 The area of land is approximately 150m<sup>2</sup> and lies directly adjacent to the rear of 9 Lyefield Place, to the east. It is bound by neighbouring private garden to the south and west. It is bound by a public footpath immediately to the north, with further neighbouring private garden ground beyond this. The land is public open space and has no other use.

- 4.3 The ramp is to be constructed of galvanised steel and will protrude from the rear elevation of 9 Lyefield Place by approximately 4.8 metres. Slabs will be laid at the end of the ramp to give a landing area which is level with the existing public path, which it will lead into.

### **History**

- 4.4 The site is part of a once larger strip of landscaping which ran between two housing developments. Although the larger area was originally planted, all the landscaping appears to have been removed some time prior to 2015. The houses immediately to the north have extended their garden ground in to this area of landscaping, having been granted planning consent in December 2015 (0466/FUL/15). In addition, it appears that the house immediately to the south has extended their garden ground, although there is no record of a planning application for this site.
- 4.5 The area of ground in question was previously enclosed within the garden ground without planning consent and brought to the attention of the enforcement team in July 2019. The owner at the time was advised that planning permission was required for the change of use and the erection of the fence. The fence was removed and the land returned to open space. The property, including the area of open space, was subsequently sold to the applicant.

## **5. REPRESENTATIONS**

- 5.1 The application was advertised in the local press and the comment period has expired.
- 5.2 No representations were received from members of the public. However, Eliburn Community Council lodged a formal objection. The community council objected on the basis that the change of use would lead to the unacceptable erosion of public open space. The full document is in the application file. The objection has been noted, please see the comments from the Neighbourhood and Environment Team below.

## **6. CONSULTATIONS**

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

<b>Consultee</b>	<b>Objection</b>	<b>Comments</b>	<b>Planning Response</b>
Neighbourhood Environment Teams	No objection.	Confirmed that the area of land where the change of use is sought, is not considered a valuable piece of public space and would not require to be retained.	Noted.

Property Management	No objection	Confirmed that the area of land where the change of use is sought, is not council-owned.	Noted.
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## 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) Policy DES 1 Design Principles	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.	The change of use fits in with the context of the surrounding area which is characterised by residential development and generous areas of rear private garden ground. Additionally, the proposed ramp has no implications for the residential amenity of neighbouring properties.	Yes
Policy ENV21 Protection of informal and formal open space	This policy states that proposals which will result in the loss of open space will not be supported unless it can be demonstrated that: a. there is a specific locational justification for the development which outweighs the need to retain the open space; b. there is no significant adverse effect on the overall recreational amenity of the local area, taking	The area of land where the change of use is sought is unkempt and not actively used. The Neighbourhood Environment Team have confirmed that there is no need to retain to the open space. Its conversion into private garden ground provides an opportunity for it to be better maintained.  The change of use would not have a significant adverse effect, given that the land to the north has already	

	<p>account of the council's Open Space Strategy;</p> <p>c. the area is not of significant ecological value and disturbance and loss of trees, woodlands and wildlife habitats or green corridors is minimised;</p> <p>d. comparable open space or enhancement of existing open space can be provided and/or paid for by the developer at an appropriate alternative location where this will provide adequate and acceptable replacement for the open space lost as a result of the development; and</p> <p>e. connectivity within, and functionality of, the wider green network is not threatened and public access routes in or adjacent to the open space will be safeguarded.</p>	<p>been enclosed as private garden ground.</p> <p>The site is not of ecological value, and public access routes will not be compromised.</p>	
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7.4 The relevant determining issues for this application are set out below:

### **Loss of open space**

7.5 The Neighbourhood Environment Team have confirmed that the area of public open space in question is of little value and that it does not require to be retained. The area is unkempt and not actively used. It's conversion into private garden ground could in turn, improve the environment.

7.6 Whilst there is generally a presumption against the loss of open space and the change of use to garden ground, the applicant has demonstrated a specific locational need. The resident of the property requires a ramped access to the property, which cannot be accommodated in the existing garden ground. Taking this into account, along with the planning history of the adjacent properties set out above, the loss of open space can be supported in this case.

### **Impact on residential amenity**

7.6 The proposed ramp is not of a scale which would have any adverse impact on neighbouring residential amenity. The fence will be stained to match the existing fences in the area. Given the nature and scale of the development it will not have a significant impact on amenity.

## **8. CONCLUSION AND RECOMMENDATION**

- 8.1 In summary, the application proposes the change of use of public open space to private garden ground, and the installation of a ramp. Whilst garden extensions such as this are normally resisted, the specific circumstances of this case allow for the application to be supported. Neither aspect of the proposal will have any significant implications for the surrounding area in terms of the character of the area, or the residential amenity of neighbours. The proposal therefore complies with Policy DES 1 (Design Principles) and ENV21 (Protection of Open Space) of the West Lothian Local Development Plan 2018.
- 8.2 In view of the above, it is recommended that planning permission is granted

## **9. BACKGROUND REFERENCES & ATTACHMENTS**

- Draft Conditions
- Location Plan
- Aerial Plan
- Ramp Specifications
- Eliburn Community Council Objection

Craig McCorriston

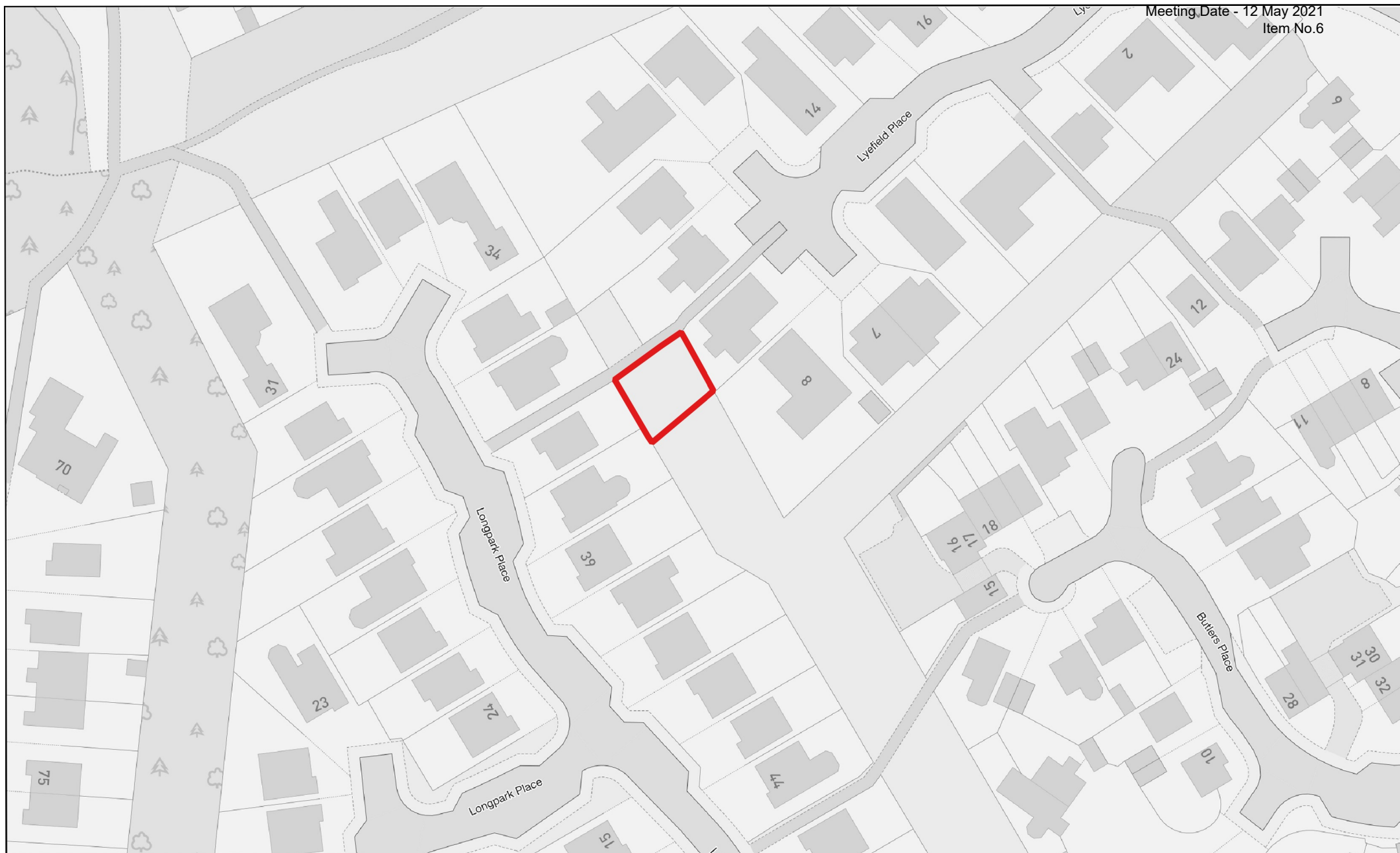
**Head of Planning, Economic Development and Regeneration      Date: 12th May 2021**

**Draft conditions for 0278/FUL/21**

- The fence to be erected around the boundary of the new private garden ground will be 1.8 metres in height and will be stained to match the existing fences in the area.

Reason: In the interests of visual amenity.









# Comments for Planning Application 0278/FUL/21

## Application Summary

Application Number: 0278/FUL/21

Address: 9 Lyefield Place Eliburn Livingston West Lothian EH54 6TL

Proposal: Change of use from public open space to garden ground, erection of fence and installation of a ramp and platforms

Case Officer: Alexander Calderwood

## Customer Details

Name: Mr Stephen Egan

Address: 69 Aller Place Eliburn Livingston EH54 6RG

## Comment Details

Commenter Type: Parish Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: On behalf of Eliburn Community Council I would like to object to this current application. The Community Council are against the erosion of our public open space. Nevertheless, we acknowledge that the need for accessibility can be of overriding importance. The documents currently associated with this application do not show the scale of the proposed ramp (i.e. 3.3m x 2.5m) against the area (currently unstated) of public open space proposed to be lost. In the 1st instance we would like to see plans showing the proposed ramp in scale to the area of public open space being subject to this application.



# Development Management Committee

12 May 2021

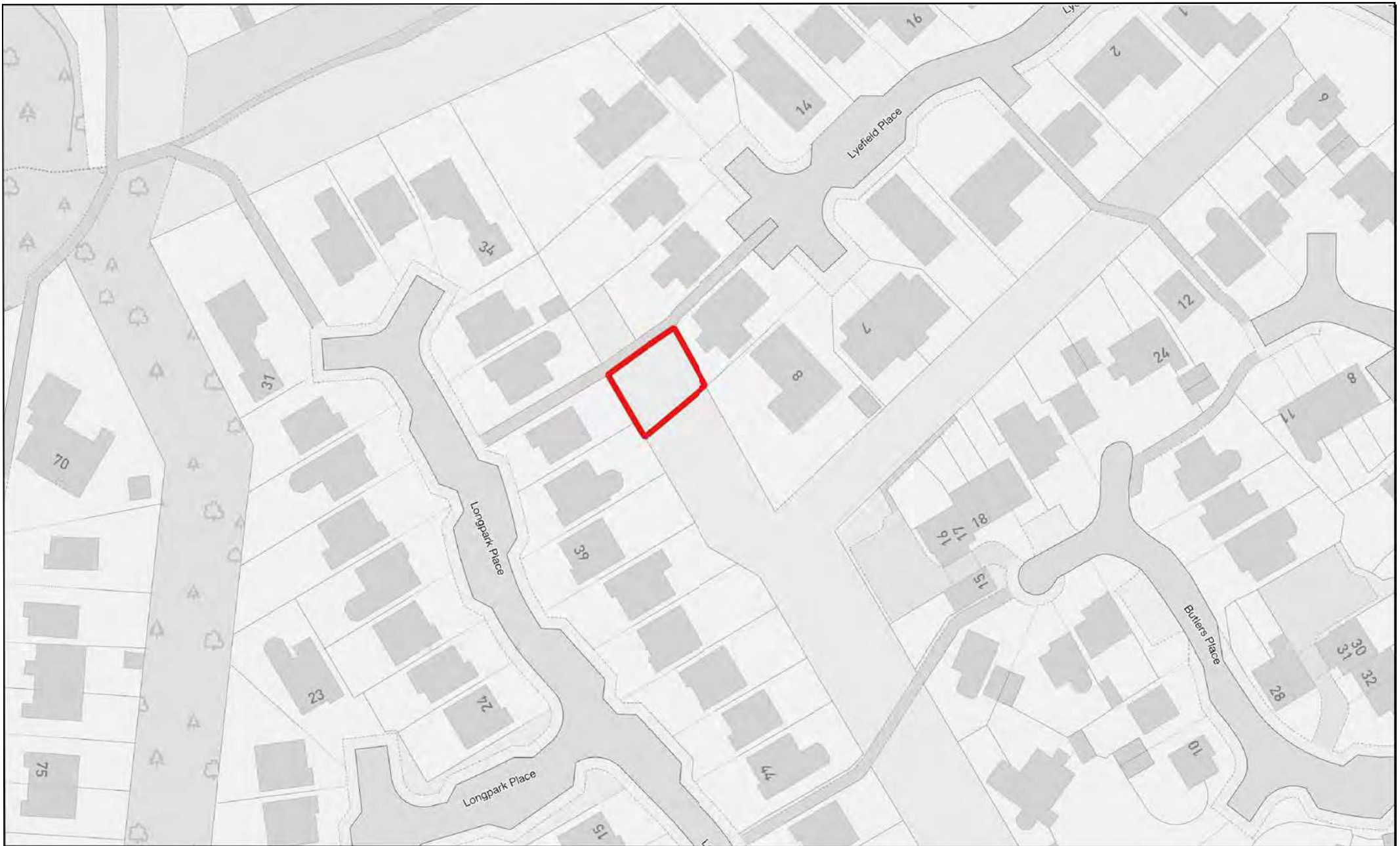
Item No 06 Application No. 0278/FUL/21

Change of use from public open space to garden ground  
erection of fence and installation of ramp

9 Lyefield Place / Eliburn / Livingston / EH54 6TL





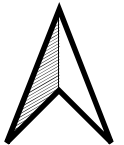


0278/FUL/21 - 9 Lyefield Place / Livingston - EH54 6TL

Development Management - West Lothian Civic Centre - EH54 6FF

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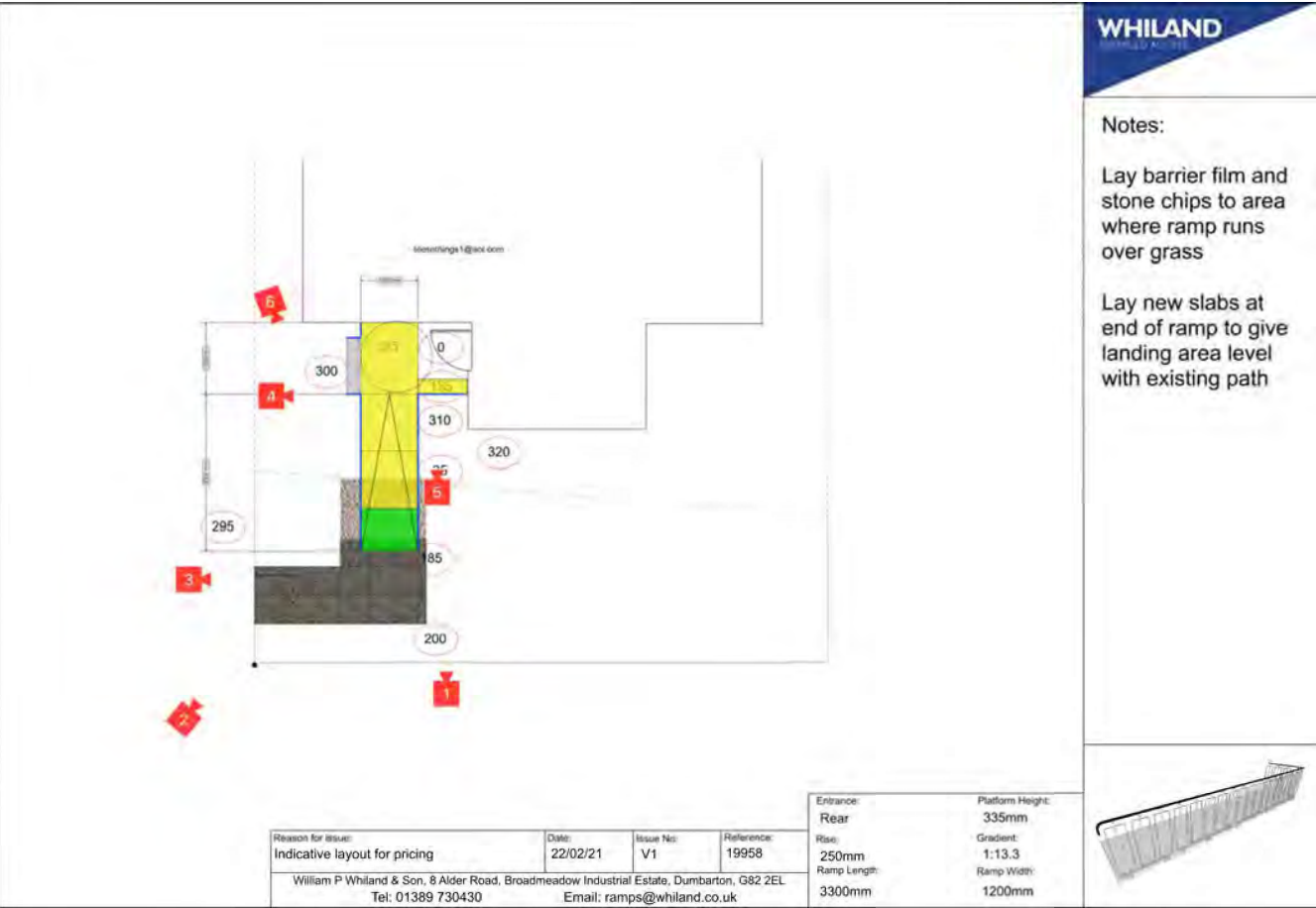
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Detail Plan







1 - 1



2 - 1



3 - 1



4 - 1



5 - 1



6 - 1



# Modular Access Ramp System



## **Whiland Modular Ramp System**

Manufactured in our production facility in Dumbarton, the **Whiland modular ramp system** is made from galvanised steel and is extremely strong - producing no bounce when used.

Tried and tested in the harsh climate of Norway, these ramps are ideally suited to cope with weather in the UK. Simple to install and built to last, they are guaranteed to provide many years of access and are fully relocatable and reusable.

### **Features:**

- Adaptable to suit most locations
- Complies with relevant building regulations
- Easily installed in hours
- No special building work required
- Ramps can be fully relocated and reused
- Totally maintenance-free





**Whiland** is a long-established family run Scottish company with over 35 years experience of providing the highest quality of service tailored to suit each individual client. Based in Dumbarton, central Scotland, we are ideally situated to serve clients in Scotland and the north of England.

**Whiland** manufacture and install disabled access systems, Stairclimbers and Evac chairs for home or business use.

**Whiland** will also carry out planning applications and associated landscaping work for our modular ramp systems. Working with carefully chosen partners we can provide low threshold doors and other associated works

### **Specification:**

- Manufactured from galvanised steel
- Long life span
- Maximum load of 350 Kg / m2
- Meets Building Regulations
- No permanent fixing to property
- Child-safe handrails as standard
- Black plastic coating to top of handrails
- Expanded metal or GRP surface
- Standard widths of 100cm, 120cm or 150cm
- Support pillars are height and level adjustable
- Steps and gates to compliment ramps

**Whiland** also supply a full range of portable ramps including the Roll a Ramp range of products and accessories. In addition we are agents for the AAT range of powered stairclimbers and offer full demonstration, training and servicing on all products.

For further information on our range of products or to arrange a free, no obligation survey of your premises contact our office on

**01389 730430**

or by email at **[ramps@whiland.co.uk](mailto:ramps@whiland.co.uk)**

***3 year guarantee on all  
ramp installations***



**William P Whiland & Son Limited**, 8 Alder Road, Broadmeadow Estate, Dumbarton, G82 2EL  
**Tel:** 01389 730430 **Fax:** 01389 743833 **Web:** [www.whiland.co.uk](http://www.whiland.co.uk) **Email:** [ramps@whiland.co.uk](mailto:ramps@whiland.co.uk)







































# Development Management

List of Delegated Decisions - 23rd April 2021

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>	0145/FUL/21	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Change of use from public open space to private garden ground and erection of a fence		
<b>Address:</b>	1 Butlers Place, Eliburn, Livingston, West Lothian, EH54 6TD (Grid Ref: 303586,667545)		
<b>Applicant:</b>	Mr Harry Dalgliesh	<b>Type:</b>	Local Application
<b>Ward:</b>	Livingston North	<b>Case Officer:</b>	Rachael Lyall
<b><u>Summary of Representations</u></b>  One objection - - Loss of open space,  - Impact on sight-lines for traffic.			
<b><u>Officers report</u></b>  This planning application seeks permission for a change of use from public open space to private garden ground and the erection of a fence.  Pre-application advice was sought for the works and the advice issued states: "It is common for areas of landscaping such as these to belong to the house owner, however they do not form part of the curtilage. Amenity landscaping such as this is purposefully included within residential areas to contribute positively to the visual amenity of an area, and prevent fences from being hard up against the pavement resulting in a more open and green appearance to housing areas. Therefore, it is unlikely that the council would support an application to erect a fence and change the use of the land to garden ground, because of the loss of open space and detrimental impact on amenity."  The current application proposes to extend the garden ground to the side of the property and extend the boundary fence to include this area. This			

change of use would result in a loss of open space which would be detrimental to the visual amenity of the area. In addition, the proposed fence is proposed to still sit hard against the edge of a public footpath. There is no justification for the development which outweighs the need to retain the open space within the verge.

This proposal is therefore contrary to West Lothian Local Development Plan policy DES1 (Design Principles) and policy ENV21 (Protection of Formal and Informal Open Space) and the policies 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>	0170/H/21	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Extension to house		
<b>Address:</b>	15 Balbardie Road, Bathgate, West Lothian, 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>	Rachael Lyall

### **Summary of Representations**

One objection -

- Set back of works from boundary and existing manhole,
- Overall size and footprint of the proposal,
- Limited off-street parking,
- Impact on visual amenity of existing house,
- Proximity of works to neighbouring properties.

### **Officers report**

This planning application proposes a rear extension onto the property located at 15 Balbardie Road, Bathgate.

The proposed ground floor extension is to 3.653m x 12.393m and is to measure 2.67m in overall height to the eaves of the flat roof. The rear extension is to sit on the same ground level at the existing property and will feature roof lights, fixed windows and sliding patio doors on the rear elevation which will overlook the rear of the site. The works also proposed to construct another extension on a lower ground level to the rear of the property which is to extend out from the rear elevation of the proposed ground floor extension by 2.665m and is to feature a sedum roof which sits at ground level. The lower ground floor extension will also feature fixed windows and sliding patio doors which will open out onto a patio decking.

The proposal also looks to replace the windows, cladding and roof finishes of an existing dormer extension on the rear elevation. The replacement materials for the dormer are to be a timber cladding, a grey zinc quartz cladding, fascias and soffit to match.

A previous application (0759/H/20) was refused for a two-storey extension to the house and installation of decking. The application was refused as the proposed first floor extension was not considered to be acceptable in terms of scale or design. The works would have projected significantly beyond the steeply sloping rear roof plane, which would appear over dominant in scale and would detrimentally impact on the visual amenity of both the existing dwelling and the street scene.

The current proposal has since been reduced in size and the scale and the layout of the proposed extension has been revised, so that the works fall with the ground levels rather than extend above the existing ground levels. Previously the ground level extension was acceptable, however the first-floor extension was not considered to be acceptable.

It is still the position that the proposed works are out of scale in comparison to the existing property and the significant proposed increase in footprint will result in a development which will dominate the existing property, specifically the rear extension, and will significantly impact upon the appearance and character of the existing property. It is to be noted that the existing property is located within a larger plot, however the proposed works will not appear subsidiary to the existing property.

This proposal is contrary to West Lothian Local Development Plan Policy 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>	0198/H/21	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Extension to house		
<b>Address:</b>	51 Glenmore, Whitburn, Bathgate, West Lothian, EH47 8NP (Grid Ref: 295427,664556)		
<b>Applicant:</b>	Mr Greig Inglis	<b>Type:</b>	Local Application
<b>Ward:</b>	Whitburn & Blackburn	<b>Case Officer:</b>	Rachael Lyall

#### **Summary of Representations**

One objection -  
 - Impact on daylight/overshadowing,  
 - Impact on privacy from decking.

#### **Officers report**

This planning application proposes the erection of a rear extension and formation of decking at 51 Glenmore, Whitburn.

The proposed rear extension is to measure 3.600m x 4.300m and is to be 3.278m in overall height from the lowest ground level to the ridgeline of the proposed hipped roof. The extension will feature windows and a door on the rear elevation which will lead out onto a raised decking.

The materials proposed for the works are to match those of the existing property.

The property currently consists of a rear decking which measures 0.900m from ground level. The proposed decking is to be the same height and will sit slightly further into the rear garden, however, the proposed decking will be of a smaller footprint in comparison to the existing decking. The proposed decking will not directly overlook any neighbouring property any more than that which is caused by the current decking.

The proposed works will also be set back from the boundary by 1m, therefore the proposed works will not overshadow any neighbouring garden or habitable room to a significant extent.

The proposed works are of an acceptable scale which will still allow for sufficient usable garden and will not significantly impact upon the visual or residential amenity any more than the current rear developments. This proposal adheres to West Lothian Local Development Plan DES 1 (Design Principles) Policy and follows the appropriate guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted planning permission.

<b>Ref. No.:</b>	0256/MSC/21	<b>Recommendation:</b>	Grant Matters Specified in Conditions
<b>Proposal:</b>	Approval of matters specified in conditions of planning permission 0555/FUL/14 for 2 retail/commercial buildings for use classes 1, 2, 3, 4 & Sui Generis hot food takeaway with access, landscaping and associated infrastructure (variation to 0206/MSC/20)		
<b>Address:</b>	Land North of Rigghouse View, Heartlands, Whitburn, West Lothian (Grid Ref: 305280,667171)		
<b>Applicant:</b>	Mr Nathan Ward O'Brien Properties Ltd	<b>Type:</b>	Local Application
<b>Ward:</b>	Whitburn & Blackburn	<b>Case Officer:</b>	Mahlon Fautua
<b><u>Summary of Representations</u></b>  2 Objections -Residential amenity (Noise, privacy, smells) -Traffic generation/Traffic safety - Visual impact - Hazardous materials - Loss of greenspace/Landscaping			
<b><u>Officers report</u></b>  The principle of the proposed development is supported by the Heartlands outline planning permission. The approved global schematic masterplan identifies the site as being a village hub. The proposed uses (Use classes 1, 2, 3, 4 & hot food takeaway) are appropriate.  This application is a revised layout from the previous planning permission recently granted (0206/MSC/20).  The applicant has satisfactorily demonstrated that the site can be safely developed in terms of traffic impact, ground contamination and drainage.  The site is adjacent to residential properties and any impacts on residential amenity can be mitigated through planning conditions, as imposed on permission 0206/MSC/20 covering noise, lighting and ventilation.  Therefore, it is recommended that the application be approved.			



# Development Management

List of Delegated Decisions - 30th April 2021

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>	0090/H/21	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Replacement of roof and alterations to driveway		
<b>Address:</b>	38 Manse Road, Linlithgow, West Lothian, EH49 6AR, (Grid Ref: 300441,676603)		
<b>Applicant:</b>	Mr Peter Kenny	<b>Type:</b>	Local Application
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Rachael Lyall
<b><u>Summary of Representations</u></b>			
N/A			
<b><u>Officers report</u></b>			
<p>This planning application proposes roof alterations and the formation of a driveway at 38 Manse Road, Linlithgow. It is to be noted that the front of the site is located within a conservation area, however the rear of the site is not.</p> <p>The proposed works look to form two dormer windows on the front elevation and one dormer on the rear elevation. The works also look to form a small single storey extension to the rear of the property.</p> <p>The proposed works also look to change the location of a driveway to the northern end of the plot and then look to close off the existing driveway. The property is a 4 bedroom house and therefore requires at least 2 off-street parking spaces.</p> <p>It is considered that the proposed front dormer extensions will dominate the roof space of the property. In addition, the existing property features a shallow roof pitch and the proposed dormers to the front are not set down from the ridgeline of the existing property or set back from the eaves and as a result, the proposed dormers will appear out of proportion and scale on the front elevation, significantly impact upon the visual amenity of the existing property, streetscene and conservation area.</p> <p>This proposal is therefore contrary to West Lothian Council's Local Development Plan's Design Principles (DES1) and ENV24 (Conservation Areas) Policies and the guidance given in the House Extension and Alteration Design Guidelines, 2020. It is recommended that the application is refused planning permission.</p>			





<b>Ref. No.:</b>	0117/H/21	<b>Recommendation:</b>	Grant Planning Permission Item No.7
<b>Proposal:</b>	Erection of garden room		
<b>Address:</b>	Glencairn, 5 Forkneuk Road, Uphall, West Lothian, EH52 6BL (Grid Ref: 305510,671648)		
<b>Applicant:</b>	Mr Ross Iwaniec Urban Pods	<b>Type:</b>	Local Application
<b>Ward:</b>	Broxburn, Uphall & Winchburgh	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

One objection -

- Existing boundary fence shown incorrectly on plans,
- Impact on natural light/overshadowing,
- Overall height of garden room will sit above existing boundary fence,
- Proximity of works to boundary,
- Foundation details not shown within plans,
- Location of works within garden,
- Design not in keeping with CA,

Planning response -

- Check,
- The proposed works will not result in any additional overshadowing which is significant or detrimental. It is to be noted that the existing boundary fence will already result in overshadowing.
- The proposed outbuilding will only sit slightly above the boundary fence however this will not result in any detrimental impact,
- There is no legal prohibition to developing right up to your boundary,
- Foundation details not required to be considered for planning permission. This may be considered within a building warrant application if one is required,
- 
- The proposed works will not be visible from the main street and will therefore not impact upon the CA.

### **Officers report**

This planning application proposes the erection of garden room at 5 Forkneuk Road, Uphall.

The proposed sun room is to measure 3.000m 2.320m and is to be 2.500m in overall height. The garden room will feature a fixed window on each side elevation and sliding doors on the front elevation which will open out into and overlook the applicants rear garden.

The materials proposed for the works are to be a grey aluminium cladding and vertical timber cladding.

The proposed works will not directly overlook into any neighbouring property and will not overshadow any neighbouring property or garden to a

significant extent.

The proposed works will not be visible from the main street and will therefore not impact upon the visual amenity or the character of the conservation area and streetscene. This proposal adheres to West Lothian Council's Local Development Plan's DES 1 (Design Principles) and ENV24 (Conservation Areas) Policies and follows the appropriate guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted planning permission.

<b>Ref. No.:</b>	0130/FUL/21	<b>Recommendation:</b>	Refuse Permission	Meeting Date - 12 May 2021 Item No.7
<b>Proposal:</b>	Siting of a container for use as a hot food takeaway			
<b>Address:</b>	Unit 1, The Gateway, Avonmill Industrial Estate, Linlithgow Bridge, Linlithgow (Grid Ref: 298579,677625)			
<b>Applicant:</b>	Mr Jordan Wright	<b>Type:</b>	Local Application	
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Alexander Calderwood	

### **Summary of Representations**

One letter of representation was received from a member of the public who objects to the proposal. The material planning issues raised are as follows:

- Approval would lead to the overprovision of snack vans in the industrial estate.
- Adverse implications associated with an increased level of traffic in the area as a result of the takeaway business.

### **Officers report**

#### Overview

This application seeks full planning permission for the siting of storage container to be used as a hot food takeaway on an area of land adjacent to Unit 1 of the Avonmill Industrial Estate. The site is in close proximity to a valeting business and the Screwfix store. The site is approximately 40 metres west of the main access onto Mill Road, which is the main roads passing through Linlithgow Bridge.

#### West Lothian Local Development Plan 2018 (Relevant Policy)

Policy DES 1 Design Principles states that all new development proposals should have no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity. The policy also states that it should have no significant adverse impact on landscape character and have no adverse implications for public safety.

Located adjacent to the access into the valeting business and Screwfix car park, and also 40 metres from the main access to Mill Road, the site is in a particularly prominent location. The container will be highly visible from the surrounding area and its nature is such that it will be visually intrusive.

The proposed location is such that, all users of the wider industrial estate will pass by it immediately after entering the industrial estate from Mill Road. This would in turn lead to an increased volume of traffic around the entry point into the industrial estate because customers would stop off to visit the takeaway.

Additionally, application 1008/FUL/17 was approved for the erection of a 1481sqm class 4 / class 5 / class 6 development and associated, parking and landscaping on 19.06.2018. 3 of the 4 approved units are now occupied by Greensteam valeting ltd, Screwfix and Toolstation. A detailed landscaping plan was required in the interest of the amenity of the site and surrounding area as a whole. In terms of this application the proposed site is in a prominent location on one of the approved landscaped areas. Therefore, the installation of a takeaway container would lead to the erosion of the

required landscaping.

Ultimately, the proposal does not comply with Policy DES 1 in terms of its visual impact, its implications for traffic and the erosion of a landscaped area.

<b>Ref. No.:</b>	0216/H/21	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Erection of a 1.8m high fence (in retrospect)		
<b>Address:</b>	3 Heatherbank, Ladywell, West Lothian, EH54 6EE, (Grid Ref: 304918,668101)		
<b>Applicant:</b>	Mr George Baptista	<b>Type:</b>	Local Application
<b>Ward:</b>	Livingston South	<b>Case Officer:</b>	Rachael Lyall
<p><b><u>Summary of Representations</u></b></p> <p>One neutral comment - - Fence too high and not in keeping with other front gardens.</p>			
<p><b><u>Officers report</u></b></p> <p>This planning application proposes the erection of a 1.8m fence (in retrospect) within the front garden of the property at 3 Heatherbank, Ladywell.</p> <p>The surrounding neighbouring properties consists of fences within the front garden measuring no more than 1m in height. In addition, West Lothian Council Supplementary Guidance on House Extension and Alteration Design advise that fence should be no more than 1m where located in a front garden. Only the rear gardens within thin street feature fences measuring a similar height to the retrospective 1.8m front garden fence.</p> <p>The proposed works will therefore not integrate with the neighbouring properties and will have a detrimental impact upon the visual amenity of the street scene. This proposal is contrary to West Lothian Council's Local Development Plan's Design Principles (DES1) Policy and the guidance given in the House Extension and Alteration Design Guidelines, 2020. It is recommended that the application is refused planning permission.</p>			





**Proposed Enforcement Actions - 23/04/2021**

<b>Ref. No.</b>	<b>Owner/ Developer</b>	<b>Location &amp; Alleged Breach of Planning Control</b>	<b>Ward</b>	<b>Proposed action</b>	<b>Reasons for decision and summary steps to comply if applicable</b>
ENF/0061/21	Mr R Allan	RCA Commercials Unit 3 Foulshiels Road Stoneyburn Bathgate West Lothian EH47 8BS	Fauldhouse & The Breich Valley	Take No Action	<p>RCA Garage Services &amp; MOT Centre erected two ramps within a building that was originally proposed for storage – Planning Permission LIVE/0812/FUL/16.</p> <p>When approached to discuss the alterations, the company advised that the two ramps are being used as temporary workstations to enable social distancing.</p> <p>Following Government's Chief Planner advice this temporary change is permitted for the time Covid19 restrictions are in place.</p>