



## ***Development Management Committee***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

2 June 2021

A meeting of the **Development Management Committee** of West Lothian Council will be held within the **Webex Virtual Meeting** on **Wednesday 9 June 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 12 May 2021 (herewith)

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

5. Application No.0095/FUL/21 - Application under Section 42 for deletion/variation of conditions 4 and 5 (tree protection and retention) of planning permission 0639/FUL/19, Blackridge Primary School, 56 Main Street, Blackridge (herewith)
6. Application No.0161/FUL/21 - Erection of garage with upper floor hobby

accommodation, Turner House, Gowanbank, Westfield (herewith)

7. Application No.0237/FUL/21 - Erection of a replacement house, demolition of outbuildings and erection of an additional house, 11 Holmes holdings, Holmes Road, Broxburn (herewith)

**Public Items for Information**

8. Consider list of delegated decisions on planning applications and enforcement actions for the period 7 to 28 May 2021 (herewith)
9. Appeals :-
- (a) Application 0340/P/19: Residential Development with Access, Servicing, Open Space, Landscaping, Suds and Infrastructure Works at land at Wilcoxholm Farm, Linlithgow, EH49 - Appeal dismissed
  - (b) Application 0765/P/20: Planning Permission in Principle for Residential for a 4.2Ha Residential Development Comprising of 9 Housing Plots, Access, Landscaping and associated works at Land to South West of Craigrigg Cottages, Bridgehouse, Westfield, EH48 3DJ - Appeal dismissed
  - (c) Application 0375/P/20: Application Under Section 42 To Develop Land Without Complying with Condition 2B (Requires Approval of Details of Means of Access to All Buildings) and condition 2H (Requires Approval of a Design Statement) of Planning Permission 0689/P/17 for Class 4 Business Use, Class 5 General Industrial Use and Class 6 Storage/Distribution Use at Five Sisters Business Park, Westwood, West Calder, EH55 8PN - Appeal allowed in part

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NOTE      **For further information please contact Val 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 12 MAY 2021.

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

Apologies – Councillor William Boyle

1. OPENING REMARKS

The Chair opened the meeting by paying tribute to Councillor Dave King who had recently passed away. The committee wished to record a note of condolence to Councillor King's family.

2. DECLARATIONS OF INTEREST

Application No. 0278/FUL/21 - Councillor Lawrence Fitzpatrick declared an interest in that he knew the objector personally. He would not participate in the item of business.

3. ORDER OF BUSINESS

The committee agreed, in accordance with Standing Order 8(3), that agenda items 7 (Delegated Decisions) and 8 (Appeals) were to be taken as read and noted without further consideration.

4. MINUTE

The committee approved the minute of its meeting held on 28 April 2021 as a correct record.

5. APPLICATION NO.0277/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>
0277/H/21	Retrospective planning permission for the increase in height of an existing fence and for the installation of a CCTV camera.	Refuse planning permission.

The committee then heard from the applicants, Mr Stephen Anderson followed by Mrs Jana Anderson, speak in support of their application.

Motion

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

- Moved by the Chair and seconded by Councillor Tom Kerr

Amendment

To continue for two cycles to allow officers to visit the application site so they could better assess the proposal and the impacts from neighbouring lights and that the visit should include evening hours.

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

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

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Tom Conn Charles Kennedy Tom Kerr	Pauline Clark Lawrence Fitzpatrick George Paul David Tait	Stuart Borrowman

Decision

Following a vote the amendment was successful by 4 votes to 3, with one member having abstained and one member absent.

6. APPLICATION NO.0278/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>
0278/FUL/21	To change use of an area of land from public open space to private garden ground and the installation of a ramp.	Grant Planning Permission subject to conditions.

The committee heard from the applicants, Ms Sharon-Marie Yates followed by Mr Tony Yates, speak in support of their application.

Decision

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

7. LIST OF DELEGATED DECISIONS

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

A list (copies of which had been circulated) of delegated and enforcement action for the period 23 to 30 April 2021 was submitted for the information of committee.

Decision

To note the list of delegated decisions.

8. APPEALS

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

Application No.

Proposal

ENF/0396/19

Enforcement notice at siting of 1  
Mobile Home at Tarrareoch, Station  
Way, Armadale, EH48 3BJ





## DEVELOPMENT MANAGEMENT COMMITTEE

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

#### DESCRIPTION

Application under section 42 for deletion/variation of conditions 4 and 5 (tree protection and retention) of planning permission 0639/FUL/19 at Blackridge Primary School, Main Street, Blackridge

#### DETAILS

<b>Reference no.</b>	<a href="#">0095/FUL/21</a>	<b>Owners of site</b>	West Lothian Council
<b>Applicant</b>	West Lothian Council	<b>Ward &amp; local Members</b>	Armada and Blackridge  Cllr S Borrowman Cllr S King Cllr A McGuire
<b>Case officer</b>	Gillian Cyphus	<b>Contact details</b>	01506 282408 gillian.cyphus@westlothian.gov.uk

**Reason for referral to Development Management Committee: Head of Service discretion**

#### RECOMMENDATION

Grant planning permission, subject to conditions.

#### 4 DETAILS OF THE PROPOSALS AND BACKGROUND

- 4.1 This is an application under s42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to allow development that was previously granted to be carried out without complying with conditions 4 and 6.
- 4.2 Planning permission was granted for a new nursery school at Blackridge Primary School in October 2019. When the application for the nursery was first submitted, it included the removal of 5 trees. A tree survey submitted with that application described two of the trees as being poor and the remainder as fair. It was established that three of the trees were of a low quality. The proposal to remove the trees was considered acceptable by officers and recommended for approval.
- 4.3 However, members of committee continued the application and asked the applicant to look at ways of redesigning the proposed nursery development to retain all the trees. The applicant was unable to make changes to the layout but revised the proposal to retain the trees within the outdoor play space. Conditions regarding the protection and retention of the trees were attached to the consent. Condition 4 states that all trees in or adjacent to the site shall be retained and protected from damage during construction and that the mature beech trees within the site shall not be felled or trimmed without the written consent of the planning authority. Condition 5 requires detailed plans for the nursery play areas to be submitted and

approved by the planning authority in consultation with the council's arborist, without compromising the beech trees.

- 4.4 Since then, the applicant has been in discussion with the council's arborist to try to agree a safe and practical way forward. Copies of the correspondence between the applicant and the arborist are attached to the report. During the construction works care was taken to protect the trees. However, it has now become apparent that the trees cannot safely be accommodated within the play area. The council's arborist has concluded that the trees are approaching the end of their Safe Useful Life Expectancy (SULE) and that the best option is to remove the trees and replace them with semi-mature transplants. The applicant now seeks to delete the conditions to allow for the trees to be removed.

## 5 REPRESENTATIONS

- 5.1 There have been two objections to the application.
- 5.2 A summary of representations is provided in the table below and copies of the objections are attached for members information.

Comments	Response
No justification for the removal of the trees	The council's arborist recommends the removal of the trees on safety grounds.
No proper assessment of the impact on environment or drainage	The removal of the trees, whilst regrettable, would not have a significant impact on the environment, particularly as semi-mature replacements will be provided. Drainage of the site is being addressed under the previous planning permission.
Loss of amenity	The removal of the trees, whilst regrettable, would not have a significant impact on the environment, particularly as semi-mature replacements will be provided.
Play area can and should have been designed to accommodate the trees	It has not been possible for the trees to be safely accommodated within the necessary play area.

## CONSULTATIONS

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

Consultee	Objection	Comments	Planning Response
Arborist	No	The trees should be removed and replaced with semi-mature transplants	Noted. See discussion below and correspondence attached.

## 7 ASSESSMENT

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

7.2 The Development Plan comprises the Strategic Development Plan for South East Scotland (SESPlan) and the West Lothian Local Development Plan.

7.3 The relevant Development Plan policies are listed below:

<b>Policy</b>	<b>Policy Summary</b>	<b>Assessment</b>	<b>Conform</b>
West Lothian Local Development Plan, 2018  DES1 (design principles)	All development proposals are required to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design. Development proposals which are poorly designed will not be supported.	With suitable replacement trees the impact on the amenity of the surrounding area will not be significant.	Yes
West Lothian Local Development Plan, 2018  ENV9 (Woodland Forestry, Trees and Hedgerows)	There is a presumption against development which results in the loss of trees which are considered to be of value.	Although the trees do make a positive contribution to the area, on balance their removal on safety grounds, along with replacement planting, is acceptable.	Yes

7.4 The determining issue in relation to this application, is whether the loss of the 5 mature trees is acceptable in these circumstances.

7.5 The applicant advises that it has not been possible to achieve a safe and suitable outdoor play arrangement for the children at the nursery that includes the retention of the trees. This is because the trees are reaching the end of their safe useable life expectancy and may pose a safety risk to children playing in the vicinity. In addition, the arborist advises that beech trees of this age can suffer from summer branch drop, where significant limbs can fall from the tree without warning. This cannot be foreseen or picked up during inspections and would pose a significant risk to the users of the nursery. The safest way to proceed is to remove these trees and replace them with semi-mature transplants which will make a positive and longer lasting contribution to the amenity of the area. The applicant has agreed to undertake appropriate replanting. Although they are mature trees, they are of questionable value and are not subject to any additional protection, such as a tree preservation order. The removal of the trees, albeit noticeable, will not have a significant detrimental impact on the visual amenity of the area. Subject to a condition about replanting within the nursery outdoor play area, the application is compliant with policies DES1 (Design) and ENV9 (Woodland, Forestry, Trees and Hedgerows) in the development plan.

## **8 CONCLUSIONS AND RECOMMENDATIONS**

8.1 Whilst the loss of mature landscaping is regrettable, the retention of the trees conflicts with the safety of the users of the outdoor play space. Removal of the trees and replacement planting will ensure that the amenity impact is not significant. Taking these factors into consideration the application is acceptable and complies with the terms of the development plan.

<b>9 BACKGROUND REFERENCES AND ATTACHMENTS</b>
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- Draft conditions
- Location plan
- Site plan
- Letters of representation
- Correspondence from arborist

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

**Date: 9 June 2021**



## **0095/FUL/21 Draft Conditions**

- 1) The development shall be carried out in accordance with the approved plans and conditions 1, 2, 3 and 6 of planning application 0639/FUL/19

Reason: To clarify the terms of this permission.

- 2) Prior to the occupation of the nursery building, detailed proposals for replacement planting shall be submitted to and approved in writing by the planning authority. For the avoidance of doubt the replacement trees shall be semi-mature and at least 3m in height. The approved replacement planting shall be carried out in the first planting season following the occupation of the building.

Reason: To allow full consideration of these details yet to be submitted and in the interests of visual and environmental amenity.









# Comments for Planning Application 0095/FUL/21

## Application Summary

Application Number: 0095/FUL/21

Address: Blackridge Primary School 56 Main Street Blackridge West Lothian EH48 3RJ

Proposal: Application under section 42 for deletion/variation of conditions 4 and 5 (tree protection and retention) of planning permission 0639/FUL/19

Case Officer: Gillian Cyphus

## Customer Details

Name: Mr Richard Henson

Address: 6 Matthews Crofts Backridge EH48 3TJ

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have a number of concerns regarding the application to amend the planning conditions 4 and 5 for 0639/FUL/39, which protect the mature beech trees to the North of the newly built Nursery at Blackridge Primary School.

I believe that the reason for this application is that the council wish to remove the mature trees in question, without presenting any justification or reason for this. The application seems to suggest that the Care Inspectorate will not deem that there is 'safe free flow' access to an outdoor area, but without any justification for that hypothetical decision. The observations from the WLC Arborist have not been made available to the public, so this calls into question the transparency of this application.

In application 0639/FUL/39 all the documentation (including the tree survey from an independent arborist) assumed the trees would be removed without justification, as if it was a fait accompli. An objection by Paul McCormack pointed out that there are a number of reasons to retain the trees, of which I will not repeat here but I believe the points are all still valid. The council took this into account when placing conditions 4 and 5 on 0639/FUL/39.

In the original tree survey from Alan Motion, it was stated that none of the trees in question (i.e. those within the nursery play area) are in an unsafe condition, and are in fact within the expected acceptable condition for their age (approximately 150-200 years old). Any proposed demolition of these large mature trees is environmentally destructive of the natural habitat of a large quantity of fauna, insect and micro-organic life, not in line with WLC policy. In addition, these trees provide a substantial rate of water attenuation and the removal of the trees would negatively affect the drainage for the play area, which I suggest would be a far greater barrier to safe free flow than the existing trees. To date, no study has been produced by the applicant to quantify any effects of the environment damage or drainage issues that removal of the trees would cause.

Being large mature beech trees, spaced naturally far apart, they present little to no obstruction to

the rest of the outdoor space and in addition provide interesting play and learning opportunities for the nursery children. As this presents a beneficial learning environment (as evidenced by forest school nurseries in West Lothian), I see no justification for the removal of these trees.

As the nursery building has now been completed and is being used, any attempt to remove the trees will mean that the play area would be unusable until any necessary remedial ground works could be completed. If there was any concern about the retention of the trees, the time for any remedial work was while the nursery and play area were being constructed, not retrospectively once the building is occupied.

██████████ the nursery in August, and I hope ██████████ will benefit from these trees as many others have for over a century.

**From:** Paul McCormack  
**To:** [REDACTED]  
**Subject:** LETTER OF FORMAL OBJECTION - 0095/FUL/21 New application to demolish 5no. existing mature trees at Blackridge Primary/Nursery  
**Date:** 03 March 2021 11:13:36  
**Attachments:** [new path position and tree crowns](#) [REDACTED]

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Paul McCormack & Manna Dobo  
Christchurch Hall  
60 Main Street  
Blackridge  
EH48 3RJ

03/03/21

Dear Ms. Cyphus,

LETTER OF FORMAL OBJECTION TO PLANNING APPLICATION 0095/FUL/21

We confirm having received again, notice by mail of the above planning application dated 15th February 2021, with a closing date of 8th of March for objections/ comments.

Our objections are as follows:

In the above planning application, reference is made by the applicant to a 'deem' by a Mr. Craig Sinclair, an arborist for WLC. However, having checked with the planning case officer no further tree survey has been submitted as part of the application by WLC. This 'deem' has not been substantiated.

For the record, on the planning application, there are numerous **false** statements about the new access route to the play area being 'through' the 'wooded area' of the row of 5 trees and about the new access route being 'surrounded' by the 'wooded area'. These statements are simply and verifiably untrue. We presume that the somewhat misleading relative pejorative terminology of a 'wooded area' refers to the row of 5 trees.

**In fact**, the newly constructed access route to the play area passes by the right-hand side of the row of 5 trees by some eight metres and is well outwith the crown of the 5th and 6th tree. Please refer to attached sketch, 'New Path Position' over original tree survey drawing. Or, in other words, the new access route is located in the middle of a 16 metre gap between the fifth (2803) tree and the sixth tree (2804). The sixth tree is not part of the wooded area referred to. Even on the enclosed photograph by the applicant, we note that the access route to the play area and MUGA is clearly shown contradictorily to be well to the side of the 5th tree of the row of trees and not 'through' them.

We note the absence of a formal drawing to accompany this planning application showing the above-described spatial relationships and the new configuration of the play area and access to it. The description on the planning application by the applicant is false. It should also be noted that the location plan included with the application is actually 'wrong' regarding the path position and would be confusing to anyone reading the application in conjunction with this plan.

Finally, in the covering letter dated 28th January from WLC to the application notification, received with the original neighbour notification, the applicant stated that, in relation to '...trees which 'surround' the access to the nursery outdoor space 'it should be noted that 'safe free flow' access for nursery children to an outdoor area is a key Care Inspectorate requirement and without this the Care Inspectorate will rate the nursery environment as inadequate.'

From this, we assume that this is NOW the sole justification proffered by the applicant for the demolition of the trees as nothing else has materially changed regarding the previous planning decision and conditions 4 and 5 to retain the five mature trees.

It really is NOT a justification to demolish mature trees because of a bureaucratic oversight on behalf of the applicant who should have involved this stakeholder at a far earlier stage in the proceedings and for their opinion, albeit based on a false assumption, to have been taken into account. For the applicant not to have 'lined up all their ducks' can hardly be placed at the door of the planning committee's previous decision and conditions 4 and 5.

From where we are, it appears to us that the applicant is now trying to amend 'the facts' to suit their bureaucratic requirements, just in the same way the contractor-bought tree survey was used to try and 'technically' and retrospectively justify the proposed demolition of trees 1-5.

We would respectfully request that the planners and planning committee refuse this application.

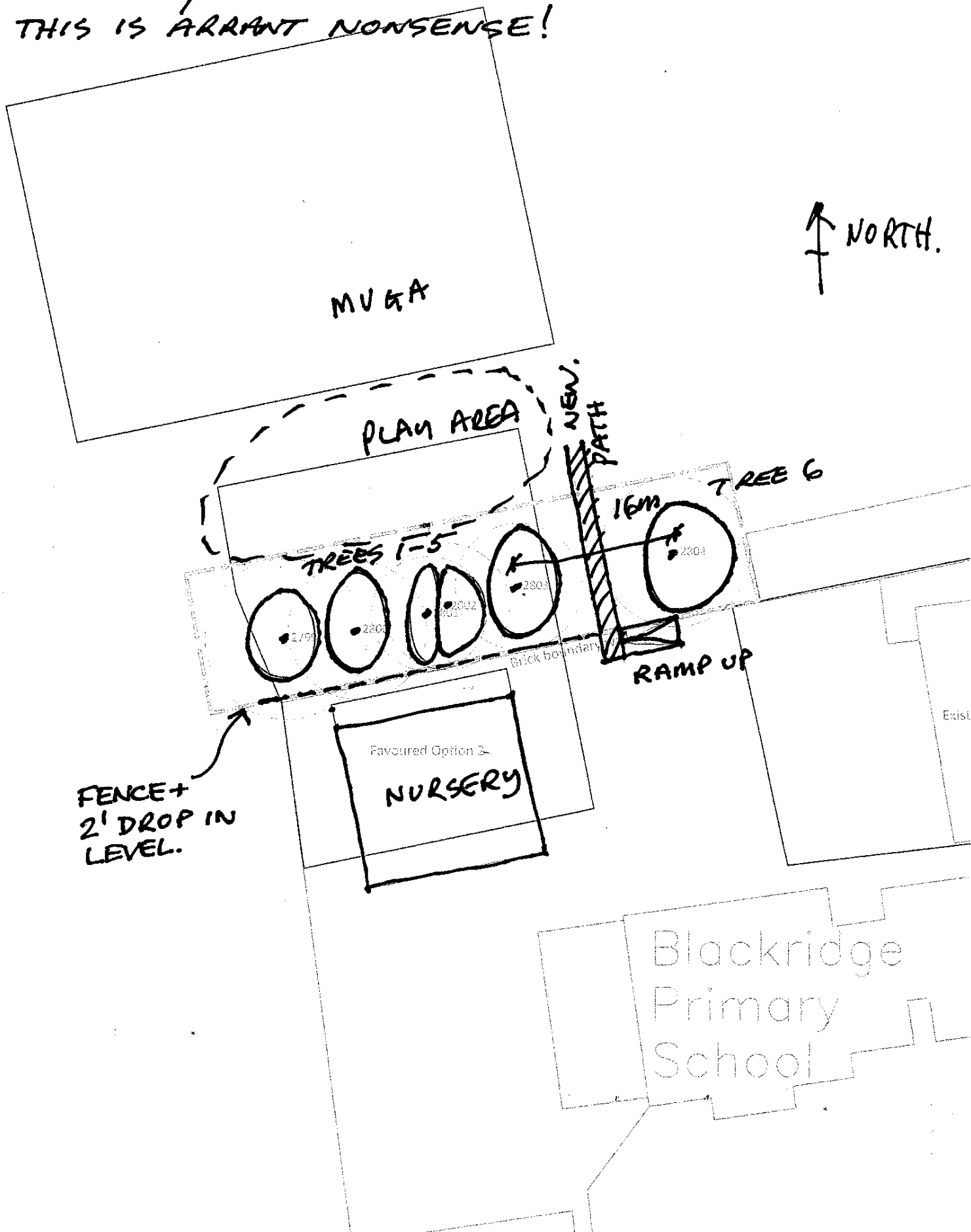
We would be grateful if you could acknowledge receipt of this letter. Many thanks.

Yours faithfully,

Paul McCormack & Manna Dobo.

FROM THE TREE 'SURVEY'  
ORIGINALLY THE APPLICANT WANTED TO DEMOLISH  
TREES 1-5, BUT SOMEHOW TREE 6 WAS JUST FINE!  
THIS IS ARRANT NONSENSE!

Meeting Date - 9 June 2021  
Item No. 5





**From:** Sinclair, Craig  
**Sent:** 08 January 2021 10:56  
**To:** Adam, Donna <[Donna.Adam@westlothian.gov.uk](mailto:Donna.Adam@westlothian.gov.uk)>  
**Subject:** RE: New Nursery accommodation, Blackridge PS - [OFFICIAL]

**DATA LABEL: OFFICIAL**

Hi Donna

I totally understand where we are now.

The original plan that was approved had the access round and away from the trees not under them. This plan would have 'steered' the users of the outdoor area away from any potential risk. With this plan now being changed and the route now designed to pass between the trees, thus changing the hazard and risk from low to high. In short there is now a target where one did not exist before.

I would strongly recommend, as was one of the original ideas, that these trees be removed and replaced with large transplants. Trees within the landscape are very important to the design of the project.

The Beech present are now heading towards the end of their Safe Useful Life Expectancy (SULE) and this can be seen as an opportunity to replace them with very significant specimen transplants – I would suggest London Plane trees, semi-mature transplants with a height of anywhere between 3-7metres in height, size very much depends on funds available.

This solution would solve any issues and insure tree cover at this location for the next 200+ years, the trees at present are likely to be in decline within the decade. New tree planting would carry a low risk to the users

Further it is worth bearing in mind that Beech is not native to this part of the UK and do suffer from 'summer branch drop', where Beech of this age class can drop significant limbs with no warning or indications that would be picked up by regular inspection

I trust this clarifies my position, however should you need anything further please just let me know

Kind regards

*Craig*

**Craig Sinclair**  
Trees and Woodland Team Leader (Arboriculture)  
**NETs, Land and Countryside Service**

**From:** Adam, Donna  
**Sent:** 07 January 2021 12:41  
**To:** Sinclair, Craig <[craig.sinclair@westlothian.gov.uk](mailto:craig.sinclair@westlothian.gov.uk)>  
**Subject:** New Nursery accommodation, Blackridge PS - [OFFICIAL]

**DATA LABEL: OFFICIAL**

Hi Craig

It was good to catch up with morning, please find below some background information in relation to the new nursery accommodation at Blackridge PS:

The original Strategic Outline Business Case (SOBC) that was approved to secure the capital funding - £1.6M for the project to build a new nursery at the school, highlighted the fact that the current nursery outdoor area is very small and does not support the key requirements of 'Space to Grow' thus putting the children attending this setting at a disadvantage. The Care Inspectorate require children to have access throughout the day to what is termed as 'free flow' access to the nursery outdoor area. I.e the children can decide for themselves to go outside without being accompanied by an adult at any time. As you will appreciate this option for children under 5 Years this has to be safe.

However, given the current situation in relation to the route through the trees to the new outdoor area, the Care Inspectorate are unlikely to approve the registration application for the new nursery without adding condition in relation to safe access for free flow play to the outdoors.

Can you please advise of the options available to provide safe access for nursery children to the designated outdoor area.

Many thanks Donna

**West Lothian Council - Data Labels:**

**OFFICIAL - Sensitive:** Contains Personal or Business Sensitive Information for authorised personnel only

**OFFICIAL:** Contains information for council staff only

**PUBLIC:** All information has been approved for public disclosure

**NON-COUNCIL BUSINESS:** Contains no business related or sensitive information

Link to Information Handling Procedure: <http://www.westlothian.gov.uk/media/1597/Information-Handling-Procedure/pdf/infhandling1.pdf>

🔄 **SAVE PAPER - Please do not print this e-mail unless absolutely necessary.**

# Development Management Committee

09 June 2021

## Item No 5 : Application 0095/FUL/21

Application under section 42 for deletion/variation of conditions 4 and 5  
(tree protection and retention) of planning permission 0639/FUL/19

Blackridge Primary School, Main Street, Blackridge

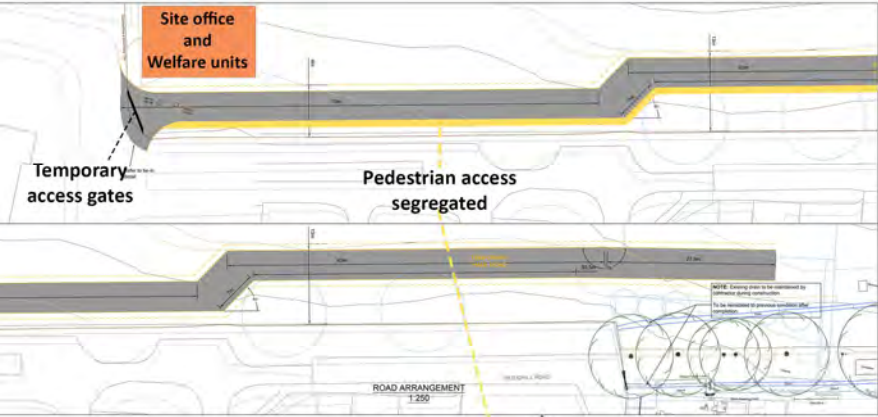




















## DEVELOPMENT MANAGEMENT COMMITTEE

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

#### 1 DESCRIPTION

- 1.1 Erection of garage with upper floor hobby accommodation at land to the South of Turner House, Gowanbank, Westfield.

#### 2 DETAILS

<b>Reference no.</b>	<a href="#">0161/FUL/21</a>	<b>Owner of site</b>	Mr Andrew Provan
<b>Applicant</b>	Mr Andrew Provan	<b>Ward &amp; local members</b>	<b>Ward</b> Councillor Stuart Borrowman Councillor Sarah King Councillor Andrew McGuire
<b>Case officer</b>	Kirsty Hope	<b>Contact details</b>	01324 282413 <a href="mailto:kirsty.hope@westlothian.gov.uk">kirsty.hope@westlothian.gov.uk</a>

**Reason for referral to Development Management Committee:** Request by Councillor Stuart Borrowman and Councillor Sarah King

#### 3 RECOMMENDATION

- 3.1 Refuse Planning Permission.

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

- 4.1 The site is located south of Gowanbank, which consists of a cluster of category A listed buildings and is within the countryside. Planning permission is sought for the erection of a one and half storey building to be used as a domestic garage on the ground floor with hobby accommodation on the upper floor.
- 4.2 The applicant has advised the garage is required for storage of machinery to maintain the 0.41 hectares of woodland located west of the property. The application site would be accessed via a track road that is the main access route to Gowanbank.

##### History

- 4.3 Planning application 1130/FUL/20 - Erection of garage with upper floor hobby accommodation was refused planning permission on 29 January 2021.
- 4.4 Planning application LIVE/1043/FUL/00 - Change of use from former coach house to workshop was granted temporary consented on 6 February 2001.
- 4.5 Planning application LIVE/0505/FUL/97 - Installation of a temporary portacabin was granted planning permission on 30 July 1997.

## 5. REPRESENTATIONS

5.1 Two letters of objection were received.

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

Comments	Response
<ul style="list-style-type: none"> <li>Previous objections for 1130/FUL/20 apply for this application. (even if this is a smaller development)</li> </ul>	<ul style="list-style-type: none"> <li>Each application is considered in its own merits. The material considerations raised in the representations for this application will be considered.</li> </ul>
<ul style="list-style-type: none"> <li>Consult Historic Environment Scotland</li> </ul>	<ul style="list-style-type: none"> <li>HES were consulted during the course of this application.</li> </ul>
<ul style="list-style-type: none"> <li>Concerns raised with flooding immediately in front of the entrance</li> </ul>	<ul style="list-style-type: none"> <li>See comments from WLC Flooding with regard to flood risk at the site.</li> </ul>
<ul style="list-style-type: none"> <li>Gowanbank is supplied with mains water and not aware of a private water supply in the area</li> </ul>	<ul style="list-style-type: none"> <li>It is noted the application form advises of a private water supply.</li> </ul>
<ul style="list-style-type: none"> <li>Noted errors within the planning statement - application postcode, the application site not being located within the listing, the Byre is 400m from the development.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The postcode is incorrect in the planning statement.</li> </ul>
<ul style="list-style-type: none"> <li>To access neighbouring property - this modern proposal is visible within the grounds of A listed properties.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. See further assessment below.</li> </ul>
<ul style="list-style-type: none"> <li>No connection to sewage system and question the need for a toilet facility within a garage.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. It is assumed private sewage connect would be required however this is not a material planning consideration. The application is assessed on the details provided.</li> </ul>
<ul style="list-style-type: none"> <li>Does the proposal require 2 chimneys?</li> </ul>	<ul style="list-style-type: none"> <li>Noted. This is a design feature of the proposal.</li> </ul>
<ul style="list-style-type: none"> <li>0618/FUL/16 - is hidden from view and listed buildings – this application has no reference to this proposal</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<ul style="list-style-type: none"> <li>Dominating scale and obscure views of listed buildings.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. See further assessment below.</li> </ul>
<ul style="list-style-type: none"> <li>Excessive footprint for use</li> </ul>	<ul style="list-style-type: none"> <li>Noted. See further assessment below.</li> </ul>
<ul style="list-style-type: none"> <li>Land is not 3m lower than surrounding land.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<ul style="list-style-type: none"> <li>No details of internal construction materials</li> </ul>	<ul style="list-style-type: none"> <li>Noted. There is no requirement for this, building standards will</li> </ul>

Comments	Response
	require more details at the warrant stage.
<ul style="list-style-type: none"> <li>Unclear how the applicant intends to access land with forestry machinery.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Access over private land is not a material planning consideration.</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
WLC Roads & Transportation	No	None	Noted
WLC Flood Risk Management	No	The council has no records to suggest site is at risk of flooding. Request drainage layout and measures to treat, store and control flow from surface water run-off.	Noted
Historic Environment Scotland	No	The proposal has the potential to affect Gowanbank Farmhouse, Steading and Cottage. No comments to make on the proposal but this should not be taken as support for the proposals.	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:

<b>Plan</b>	<b>Policy Summary</b>	<b>Assessment</b>	<b>Conform ?</b>
West Lothian Local Development Plan (LDP) (2018)  DES1 - Design Principles	All development proposals will require to take account of and be integrated with the local context and built form.	The proposal would be highly visible on route to a grouping of grade 'A' listed buildings. The proposal in terms of design and scale is out of character with the surrounding area and in turn would be detrimental to the character of the area.	No
West Lothian LDP  ENV3 - Other Development in the Countryside	Development will only be permitted subject to meeting one of the 5 criteria (a-e).	The proposal does not meet the terms of the criteria – see further assessment below.	No
West Lothian LDP  ENV9 (Woodlands and trees)	There will be a presumption against development adversely affecting woodlands unless there is a proven locational need and where a sustainable environmental gain through replacement and additional tree planting appropriate to the area is provided.	No tree survey was submitted to ensure the nearby trees will be retained/unaffected by the proposal.	No
West Lothian LDP  ENV28 (Listed Buildings)	In considering proposals for development within the vicinity of listed buildings, the council will have particular regard to the setting of listed buildings. The layout, design, materials, scale, siting and use of any	The proposal is located within close proximity to the category 'A' listed properties and by virtue of its scale and location it would be determinantal to the setting of the surrounding area.	No

Plan	Policy Summary	Assessment	Conform ?
	development which will affect a listed building or its setting should be appropriate to the buildings character, appearance and setting.		
West Lothian LDP  EMG3 (Sustainable Drainage)	This policy states that developers may be required to submit a Drainage Impact Assessment (DIA) to ensure that surface water flows are properly taken into account in the design of a development.	No drainage details have been provided by the applicant.	No

7.4 The determining issues of the application are listed below:

- 7.5 The site is located south of Gowanbank, which consists of a cluster of category A listed buildings and is within the countryside. This application is for a revised proposal to application 1130/FUL/20 which was refused earlier this year. Application 1130/FUL/20 proposed a one and a half storey outbuilding measuring 17m length by 8m wide and 7.25m in height.
- 7.6 This proposed development is for a one and half storey outbuilding measuring 12m in length, 7.8m width and 6m in height. It is to be used as a domestic garage on the ground floor with hobby accommodation on the upper level. The exterior of the building is proposed as timber cladding on the walls with a slate roof and two chimney flues.
- 7.7 The applicant has advised that the ground floor will also be used to store machinery for nearby forestry operations adjacent to the dwelling. It is not clear where the machinery is stored at present, by the photos within the supporting statement these may be stored outside. All the examples of outbuildings within the supporting statement are single storey outbuildings and are not located off the main access to Gowanbank.
- 7.8 The proposed building would be accessed by a private track that leads to Gowanbank. The site historically had temporary permission for a cabin and historic photographs provided by the applicant show part of a wall in this location. No building has occupied this site for many years. The site has been cleared. It is not considered that the existing

site detracts from the visual amenity of the surrounding area. As noted within the council's supplementary guidance 'Development in the Countryside', it is important to be aware that not every rural brownfield site will be appropriate for redevelopment.

- 7.9 The proposed garage has the appearance of a dominant modern styled building of which the footprint is similar to the existing houses at Gowanbank. The garage would be highly visible on the approach route to these category A listed buildings. There is no justification for the scale and design of the proposed building in this rural location. The proposed building, by virtue of its position, overall footprint and design would harm the setting of the category A listed buildings at Gowanbank.
- 7.10 There are trees adjacent to the site and no assessment of impact on these trees has been submitted by the applicant.
- 7.11 There are also no surface water drainage details showing the temporary storage, treatment and controlled flow of surface water.

## **8. CONCLUSION AND RECOMMENDATION**

- 8.1 The proposed garage with hobby accommodation on the upper floor is contrary to policies DES1 (Design Principles), ENV3 (Other Development in the Countryside), ENV9 (Woodlands and trees), ENV28 (Listed Buildings), EMG3 (Sustainable Drainage) and Supplementary Guidance on Development in the Countryside of the West Lothian Local Development Plan 2018.
- 8.2 It is therefore recommended that planning permission be refused.

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

- Draft reasons for refusal
- Location Plan
- Elevations
- Floor Plan
- Representations
- Local Member Referral Form

Craig McCorriston  
Head of Planning, Economic Development and Regeneration      Date: 9 June 2021

**DRAFT REASONS FOR REFUSAL – APPLICATION 0161/FUL/21**

## Reason for refusal

1. The scale and footprint of the proposal is similar to the existing houses at Gowanbank and the garage would be highly visible on the approach to these category A listed buildings which would harm their setting. The proposal represents unjustified development in the countryside and is contrary to policies DES 1 (Design Principles), ENV 3 (Other Development in the Countryside), ENV 28 (Listed Buildings) and the Supplementary Guidance Development in the Countryside of the West Lothian Local Development Plan, 2018.
2. The applicant has not satisfactorily demonstrated that the adjacent trees will not be detrimentally affected by the proposal and as such, the proposal is contrary to Policy DES 1 (Design Principles) and ENV 9 (Woodland, Forestry, Trees and Hedgerows) of the West Lothian Local Development Plan, 2018.
3. The applicant has not satisfactorily demonstrated that the surface drainage water can be treated, stored and controlled and as such, the proposal is contrary to Policy EMG 3 (Sustainable Drainage) of the West Lothian Local Development Plan, 2018.

This drawing has been prepared with the sole purpose of obtaining statutory Planning Consent and Building Warrant and should not be used for any other purpose without the prior written consent of the author.

It should not be assumed that the drawing is the sole description of works, and it should be read in conjunction with all other relevant contractual documentation.

No reliance should be placed on this drawing. Refer to contractors' schedules, specifications, and drawings for full details of the proposed works and any other relevant information.

Contractor to check all dimensions on-site prior to commencement of works.

Contractor to adjust any discrepancies on-site to Andy Bell during construction.

This drawing is the property of Andy Bell. Should further copies be required please contact:

Rev	REVISION	DATE	BY
A	Building footprint reduced	10/02/20	AB

Meeting Date - 16 June 2023

Item No. 6

**WARRANT**

CLIENT  
Andrew Provan  
The Turner House, Gowanbank, Falkirk FK11 2JY

PROJECT  
Proposed garage with  
recreational area

TITLE  
Proposed site / location plan

DRAWN BY  
AB

SCALE  
As shown on A1

Job No.  
2020

DWG No.  
AL/00/001

REV.  
A

**ANDY BELL**

Architectural Service

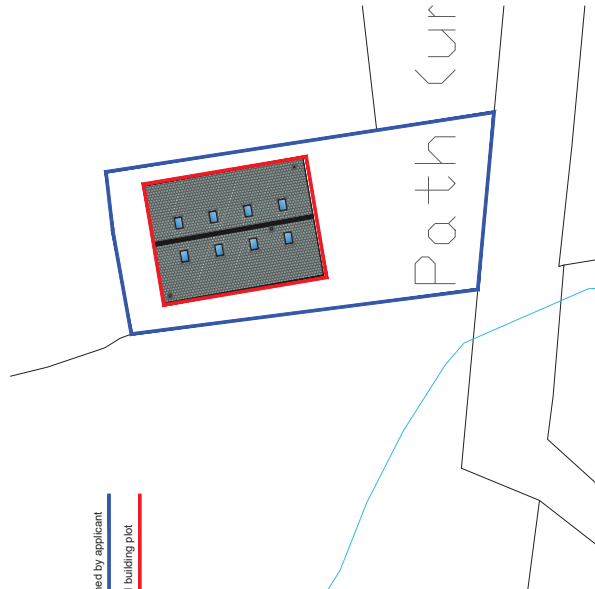
12 NURSEY LANE  
MUSKELSHIE  
KA7 1EN

Tel : 07913987692  
Email: andy.bell@hotmail.co.uk



Aerial view on site showing location of proposed building

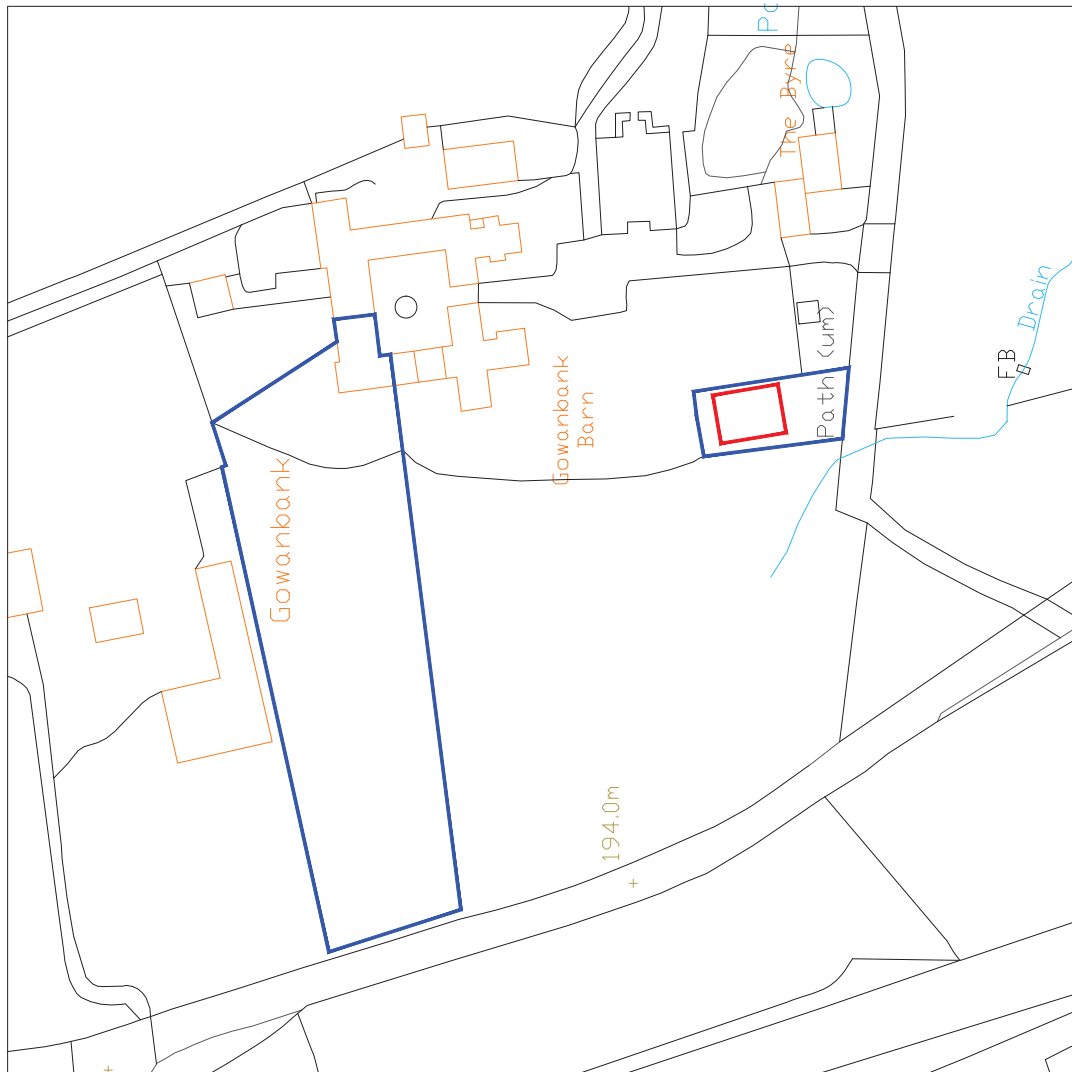
**Key:**  
Land owned by applicant  
Proposed building plot



**Site Plan**  
1:200 @ A1



View on site from access road



**Location Plan**  
1:500 @ A1



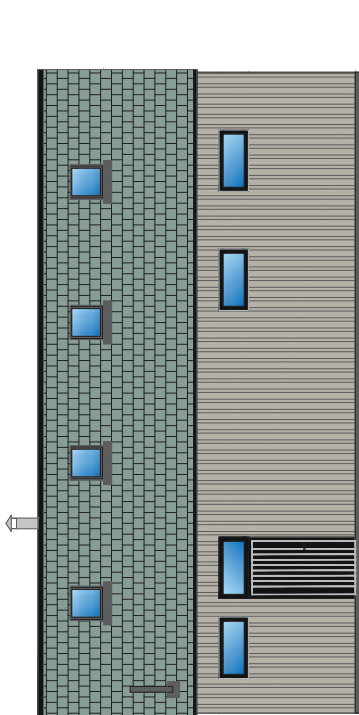
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Any work shown in this drawing is to be completed in accordance with the Building Regulations and Building Warrant. The contractor is to check all dimensions on site prior to commencement of works.

Contractor to report any discrepancies on site to Andy Bell during construction.

This drawing is the property of Andy Bell. Should further copies be required please contact.

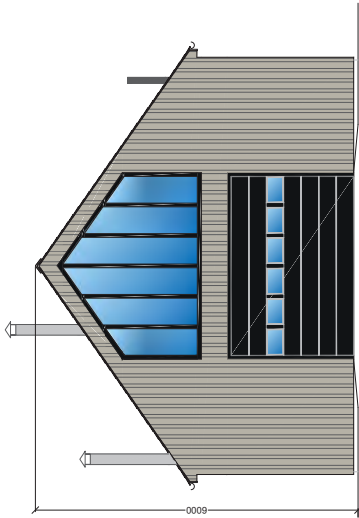
Rev	Description	Date	By
A	Dimensions added	01.12.20	AB
B	Building related to size & materials changed	05.02.21	AB



Side Elevation



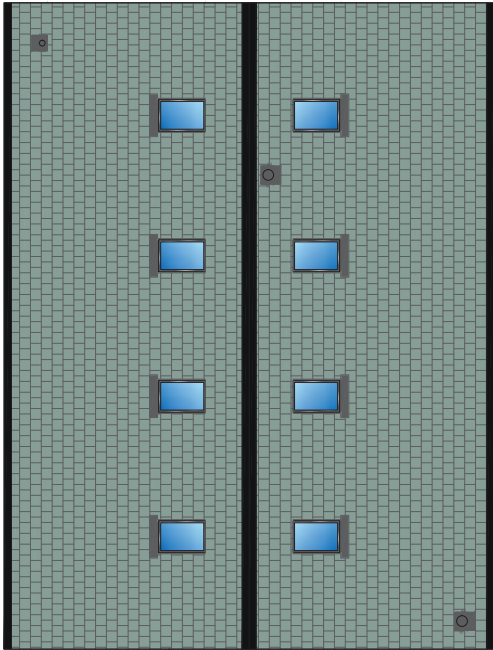
Natural timber cladding



Front Elevation

Note:

- Walls - natural timber cladding (Western Red Cedar or Siberian Larch) left to fade naturally and blend with the surrounding woodland
- Roof - Natural random slate with black clay interlocking ridge section. Velux roof lights recessed flush with slate to match existing.
- Gutters - Black PVC over open timber soffit.
- Windows and walk door - Powder coated aluminium RAL7016 Anthracite
- Garage door - Insulated up and over door RAL7016 Anthracite with vision at eye level



Roof Plan



View on slate roof showing flush roof windows

Meeting Date - 19 June 2021

Item No. 6

WARRANT	
CLIENT	Andrew Prown
PROJECT	The Turner House, Cowbank, Fallowfield, 221Y
Proposed garage and recreational area	
TITLE	
Proposed Elevations & Roof Plan	
DRAWN BY	AB
SCALE	1:50
Job No.	AL000001
REV.	B
DWG No.	AL000001
Job No.	2020

ANDY BELL	
Architectural Service	
12 NURSEY LANE	
MOSLEY, MANCHESTER	
M20 9TE	
KA7 1EN	
Tel : 07913987692	
Email: andy.bell@hotmail.co.uk	

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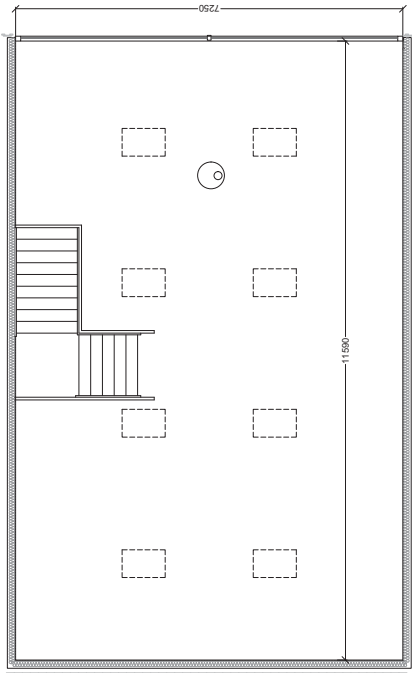
Any work shown on this drawing shall be completed in accordance with the Building Regulations and the Building Act 2004. The contractor shall be responsible for obtaining all necessary permissions and approvals from the relevant authorities.

Contractor to check all dimensions on-site prior to commencement of works.

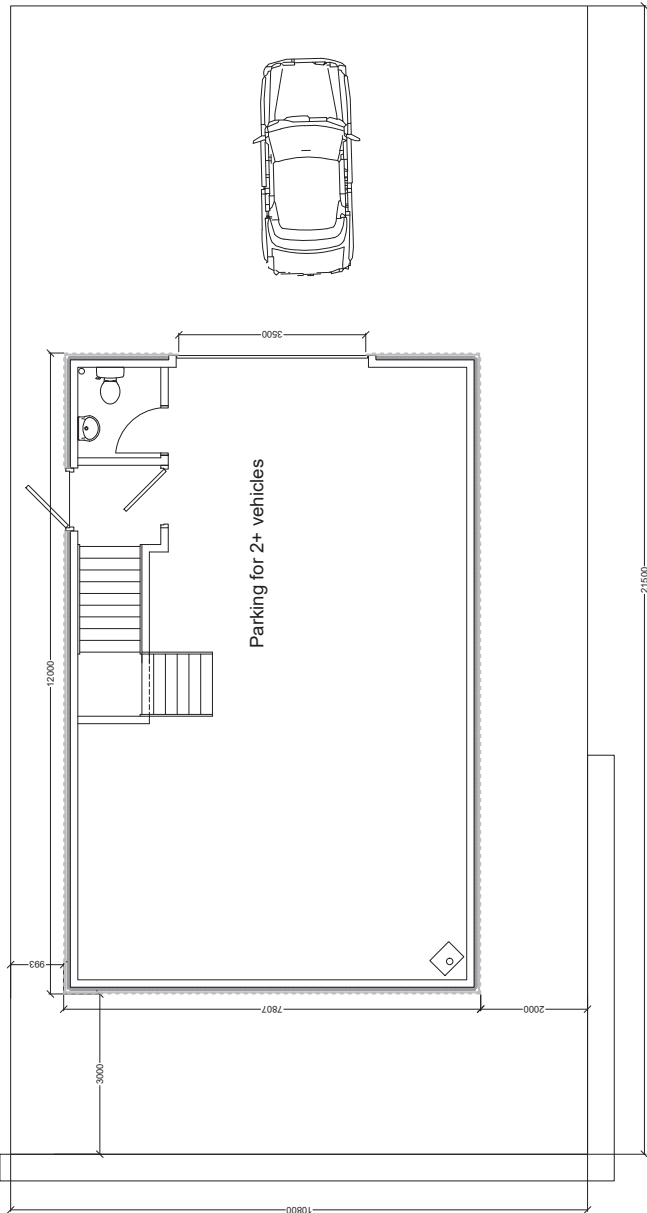
Contractor to report any discrepancies on-site to Andy Bell during construction.

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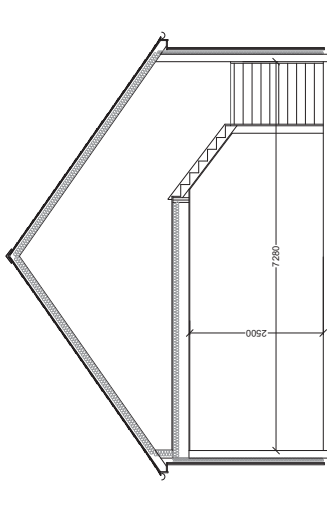
Rev	Description	Date	By
A	Building raised in size	10/02/20	AB



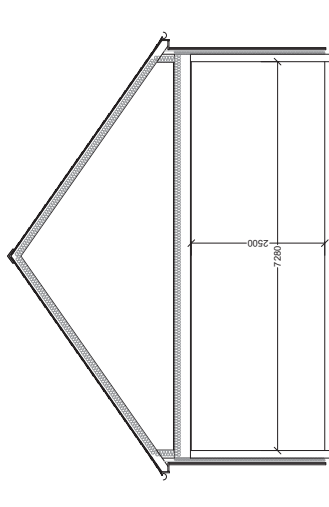
First Floor Plan (Hobby and educational area)



Ground Floor Plan (Fitness / recreational area and vehicle storage)



Section Through Stair



Typical Section

**Note:**

Drainage - Surface water will be collected via the gutters and diverted into a water attenuation system adjacent to the building before entering the adjacent ditch.

Foul drainage - Foul drain to be connected to the existing septic tank.

Meeting Date - 10 June 2020

Item No. 6

WARRANT	
CLIENT	Andrew Provan
PROJECT	The Turner House, Cowbank, Falkirk, G11 2JY
PROPOSED	Proposed garage and recreational area
TITLE	Proposed Plans & Sections
DRAWN BY	AB
SCALE	1:50
JOB No.	2020
DWG No.	AL/00/002
REV.	A

ANDY BELL	
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12 NURSEY LANE	
MUSKELSHIE	
KA7 1EN	
Tel :	07913987692
Email :	andy.bell@hotmail.co.uk

# Comments for Planning Application 0161/FUL/21

## Application Summary

Application Number: 0161/FUL/21

Address: Turner House Gowanbank Westfield West Lothian FK1 2JY

Proposal: Erection of garage with upper floor hobby accommodation

Case Officer: Kirsty Hope

## Customer Details

Name: Mr Allister Guy

Address: The Byre Gowanbank Avonbridge FK12JY

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We are objecting to this application on the grounds detailed below.

1. The objections we raised on application 1130/FUL/20 apply equally to application 0161/FUL/21 and we think that West Lothian Planning Department might consider taking advice from Historic Environment Scotland before deciding on this application as it pertains to a List A property.

2. We note the reasons that application 1130/FUL/20 was refused and would like to further comment on the fourth reason for refusal. The entrance to Gowanbank estate is off the public road between the A89 and the B8028 (Mill Road). Immediately in front of the entrance, the road floods on a regular basis into the estate.

3. We note that the application 0161/FUL/21 indicates that the proposal is to use a private water supply. Gowanbank is supplied with mains water and we are not aware of a private water supply within the area.

Application 0161/FUL/21 is supported by a Planning Statement. The following comments and objections are based on this statement.

1. We note that the postcode is incorrect on the title page.

2. The statement that "this development is proposed outside the curtilage of the Grade A listed building, as shown below" (p.2) and that there is "no mention of the grounds in the HES description" (p.2) is clearly contradicted by the quoted passage on "the detached cattle byre" (p.3). The rather distinctive and unusual boundary wall is described in some detail as having "regularly raised coping; wall stepped" (p3). The wall on this List A property that matches that description is

the wall along the side of the public road between the A89 and the B8028 (Mill Road). Thus, application 0161/FUL/21 lies well within this boundary.

3. The statement addressing forestry operations concerns the entitlement "to erect an agricultural shed if it could be located more than 400m from housing" (p.13). However, The Byre is approximately 40m from the proposed development.

Our principal objection is that, to access our property, The Byre, we will need to drive past a very visible, modern workshop within the grounds of list A properties.

# Comments for Planning Application 0161/FUL/21

## Application Summary

Application Number: 0161/FUL/21

Address: Turner House Gowanbank Westfield West Lothian FK1 2JY

Proposal: Erection of garage with upper floor hobby accommodation

Case Officer: Kirsty Hope

## Customer Details

Name: Mr mark smyth

Address: Gowanbank Barn gowanbank FALKIRK FK1 2JY

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: REF 0161-FUL-21

This is a repeat request for planning permission that was refused under planning REF 1130/FUL/20. We note that the new proposal is of a slightly smaller footprint but original reasons given by council for refusal still stand, which are stated in Council Handling report dated 21st Jan 2021 - point 1, 2,3 and 4. As such our original reasons for objections under REF 1130/FUL/20 are still valid. To date no one has requested connection to sewage system and we still question the need for a toilet in a domestic garage for storage of forestry equipment. Additional connection to current sewage system will change agreement from a domestic to commercial installation due to amount of properties utilizing same. With ref this does a storage space for forestry equipment also require two chimneys?

There is mention in planning application of 0618/FUL/16, but this planning application is out with the visual aspects of listed buildings and is within trees so hidden from view from both houses and access road. Therefore believe that this has no reference to proposal REF 0161/FUL/21.

While I have no issue with a domestic garage being built on Turner House property as per REF 0161/FUL/21, we do have concern with height of roof pitch which will dominate and obscure the access road views of listed buildings, plus a 90+ sq metre footprint seems excessive for a domestic garage for storage for forestry equipment. There is mention on planning that site is 3 metres lower than surrounding land but that is not the case. I have attached (emailed) a photo showing current wall recently erected which stands 2.7 meters tall, the adjacent land can be seen which is approx. 2mtrs. As can be seen from photo a 6 metres tall building on site will obscure outlook and dominate.

Please note also that the planning application states Gowanbank Barn in photo given. The Turner house (which planning is for) is behind Gowanbank Barn and as such the Turner House won't be the house with outlook to front of a 6 metres tall building, it will be Gowanbank Barn will.

While proposal states will be clad in wood, there is no mention of what integral structure of building

is made from?

Finally it was not mentioned on planning application how proposer intends to access land with said forestry machinery as both access points are not within his boundaries.



Development Management

## WEEKLY LIST OF APPLICATIONS RECEIVED

### ☒ LOCAL MEMBER REQUEST FORM ☒

Weekly List for the week commencing

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

**PLEASE NOTE:**

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

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

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

<b>Action Required</b> (please tick ✓)	<b>Application Number</b>
<input type="checkbox"/> Contact me to discuss these proposals	...0161/FUL/21.....
<input checked="" type="checkbox"/> Refer this application to the Development Management Committee	<b>Member</b>
<input type="checkbox"/> Other (please specify)	.....BORROWMAN.....
	<b>Signed</b>
	.....
	<b>Dated</b>
	.....7 APRIL 2021.....

My reasons for this action are:  
Written request by applicant



West Lothian  
Council

Planning Services  
Development Management Committee

## ☒ LOCAL MEMBER REFERRAL REQUEST ☒

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

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

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
<b>Application Reference Number</b> 0161/FUL/21 .....	<b>Applicant Request</b> ..... <input type="checkbox"/>
<b>Site Address</b> Turner House ..... .....	<b>Constituent Request</b> ..... ✓
<b>Title of Application</b> Ancillary building to Turner House ..... .....	<b>Other (please specify)</b> ..... <input type="checkbox"/>
<b>Member's Name</b>  Cllr Sarah King .....	
<b>Date</b> 08/04/2021 .....	



# Development Management Committee

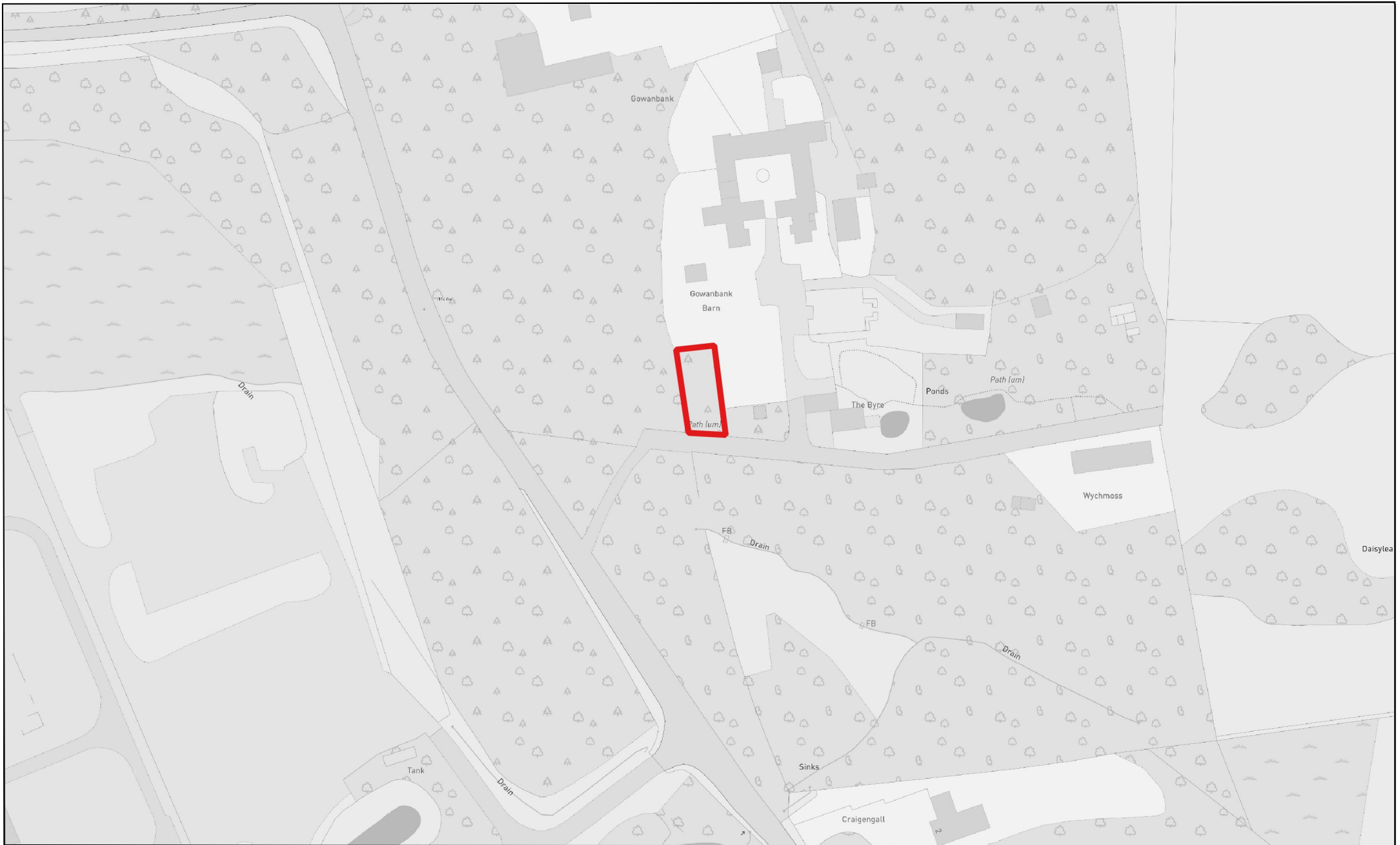
09 June 2021


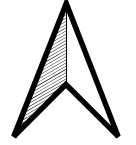
Item No 6 : Application 0161/FUL/21

Erection of garage with upper floor hobby accommodation

Turner House / Westfield / FK1 2JY

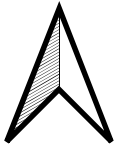




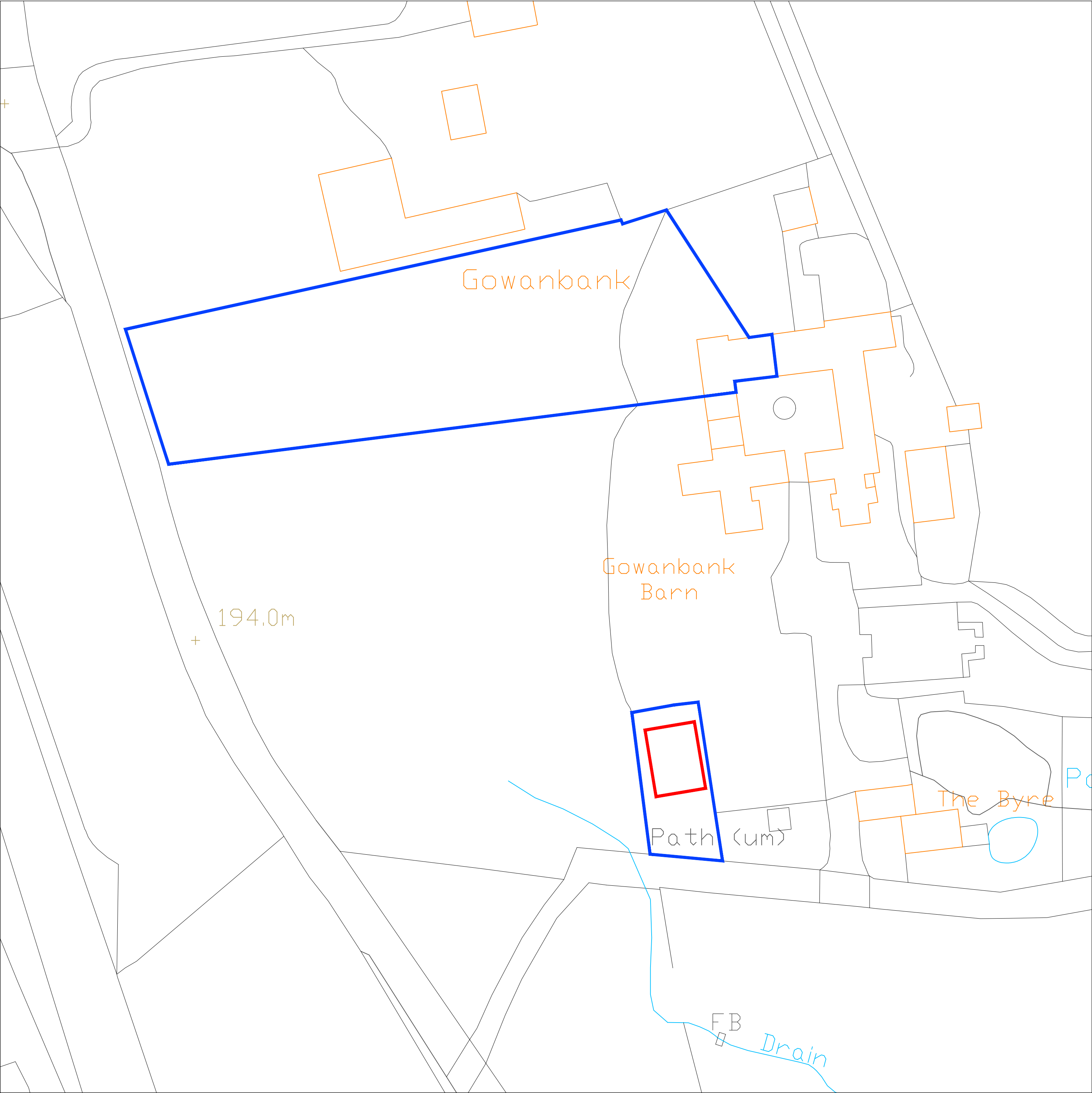
 <b>West Lothian Council</b>	0161/FUL/21 - Turner House Westfield - FK1 2JY		
	Development Management - West Lothian Civic Centre - EH54 6FF (c) Crown copyright and database right 2021 OS Licence number 100037194		



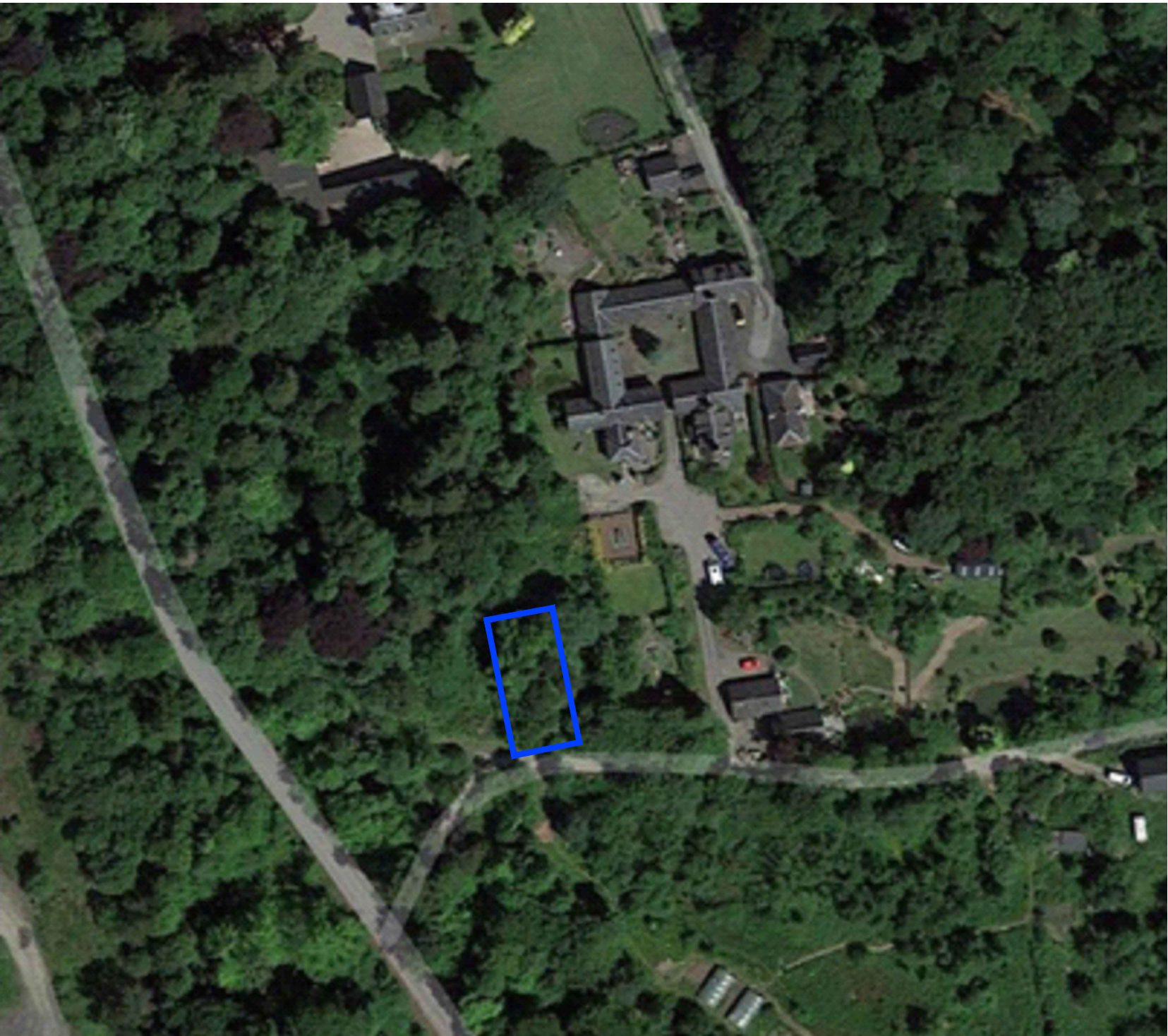






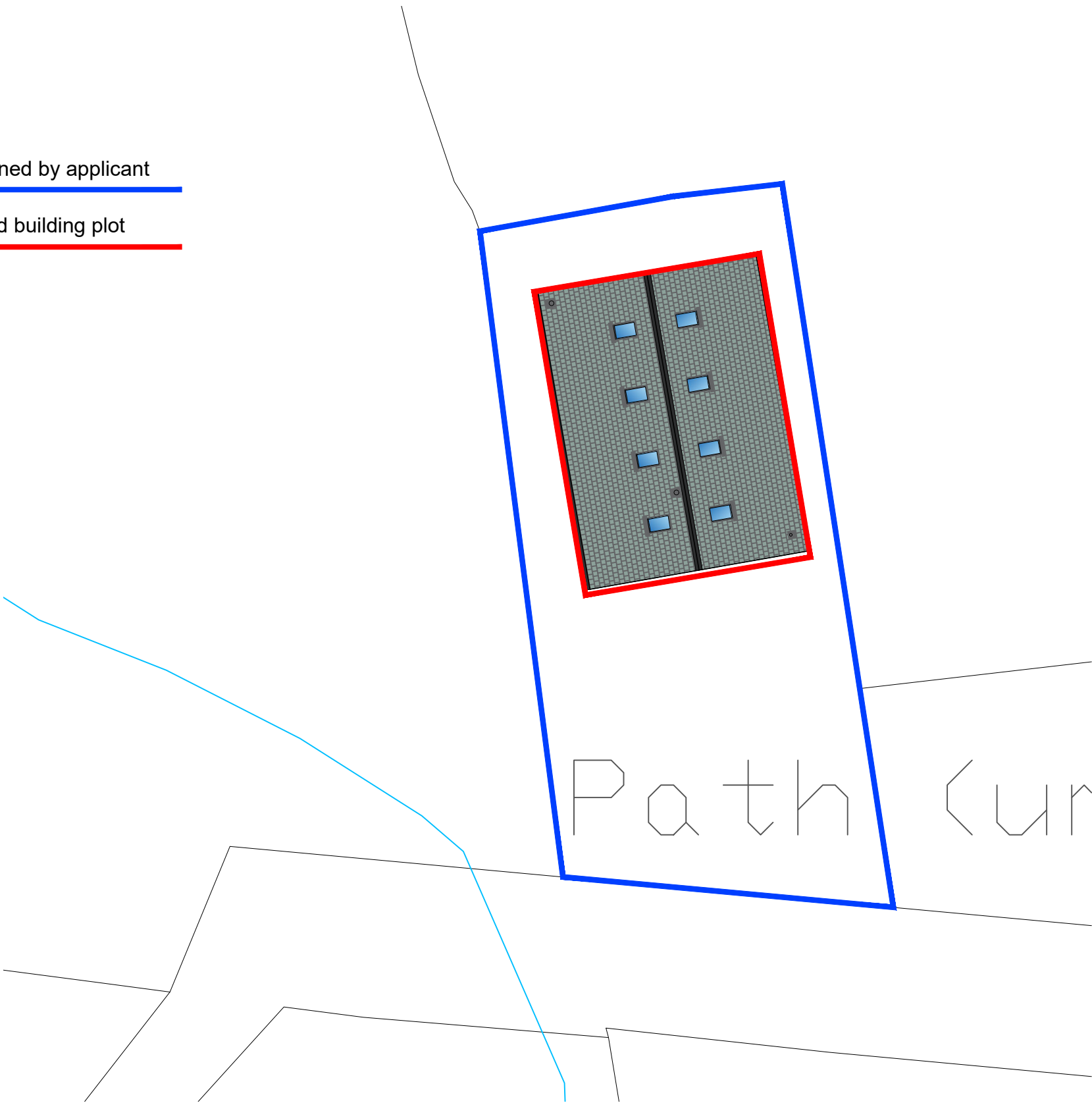


Location Plan  
1:500 @ A1



Arial view on site showing location of proposed building

Key:  
Land owned by applicant  
Proposed building plot



Site Plan  
1:200 @ A1



View on site from access road

This drawing has been prepared with the sole purpose of obtaining statutory Planning Consent and Building Warrant Approval from the local authority and is for information purposes only.

It should not be assumed that this drawing is the sole description of works, and it should be read in conjunction with all other relevant consultants' documentation.

Do not scale from this drawing. Refer to dimensions provided. Should additional dimensions be required contact Andy Bell.

Contractor to check all dimensions on-site prior to commencement of works

Contractor to report any discrepancies on-site to Andy Bell during construction.

This drawing is the property of Andy Bell. Should further copies be required please contact.

Rev	REVISION	DATE	BY
A	Building footprint reduced	05.02.20	AB

WARRANT

CLIENT  
Andrew Provan  
The Turner House, Gowanbank, Falkirk, FK1 2JY

PROJECT  
Proposed garage with recreational area

TITLE  
Proposed site / location plan

DRAWN BY AB

SCALE Noted @ A1

Job No.  
2020

DWG No.  
AL(90)001

REV.  
A

ANDY BELL

Architectural Service

12 NURSEY LANE  
MAUCHLINE  
KA7 1EN

Tel : 07913987692  
Email: andy.bx@hotmail.co.uk



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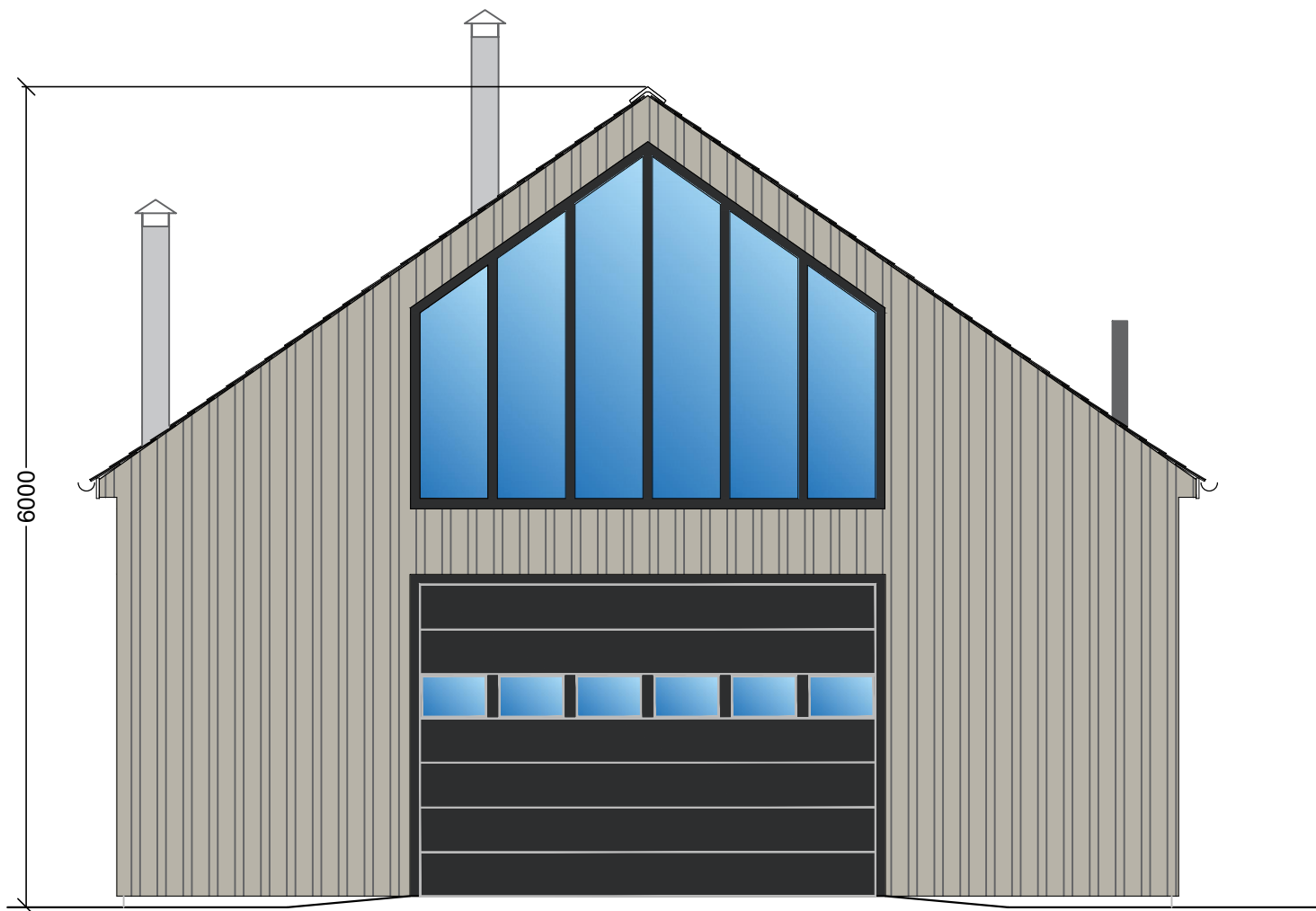
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Rev	REVISION	DATE	BY
A	Dimensions added	01.12.20	AB
B	Building reduced in size & materials changed	05.02.21	AB

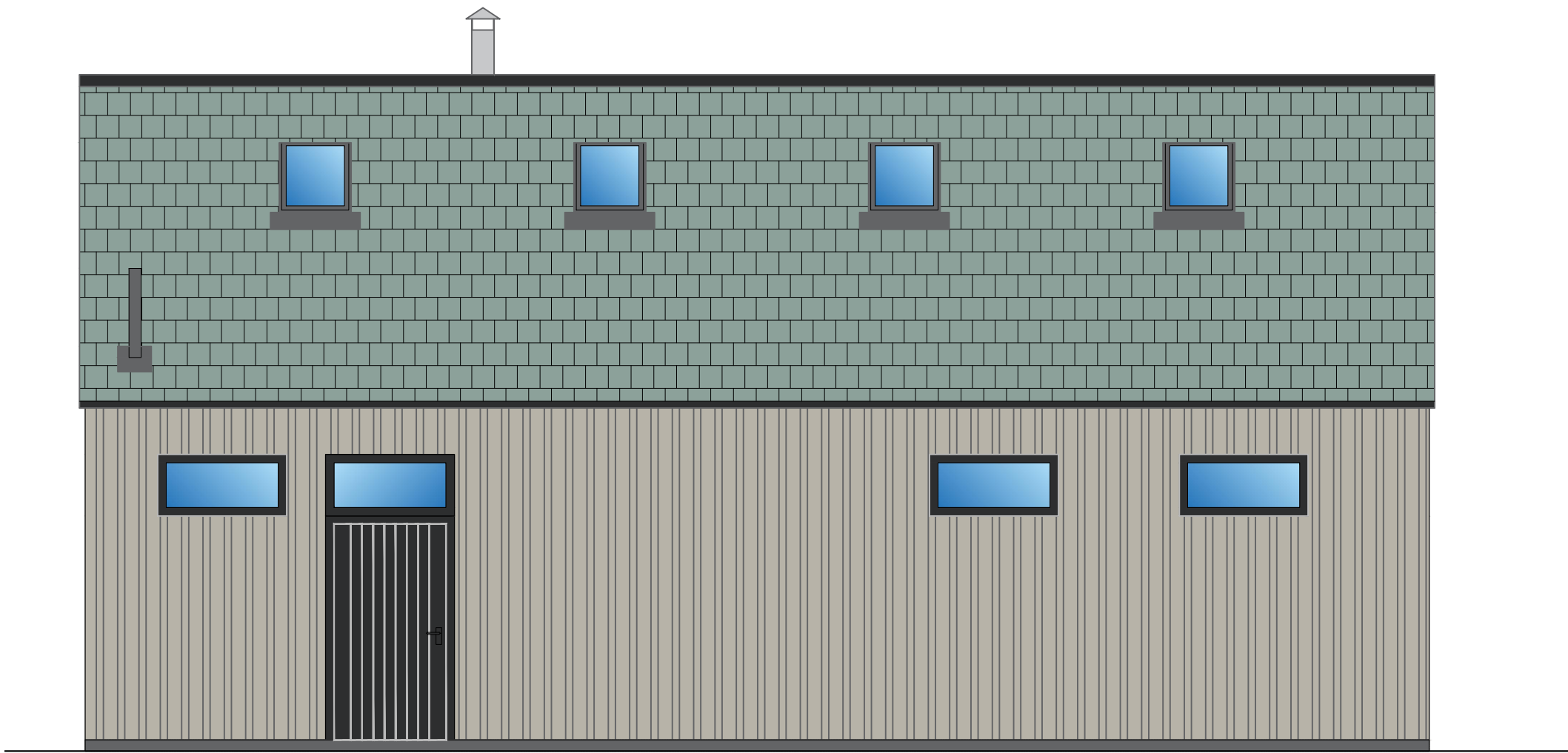


Front Elevation

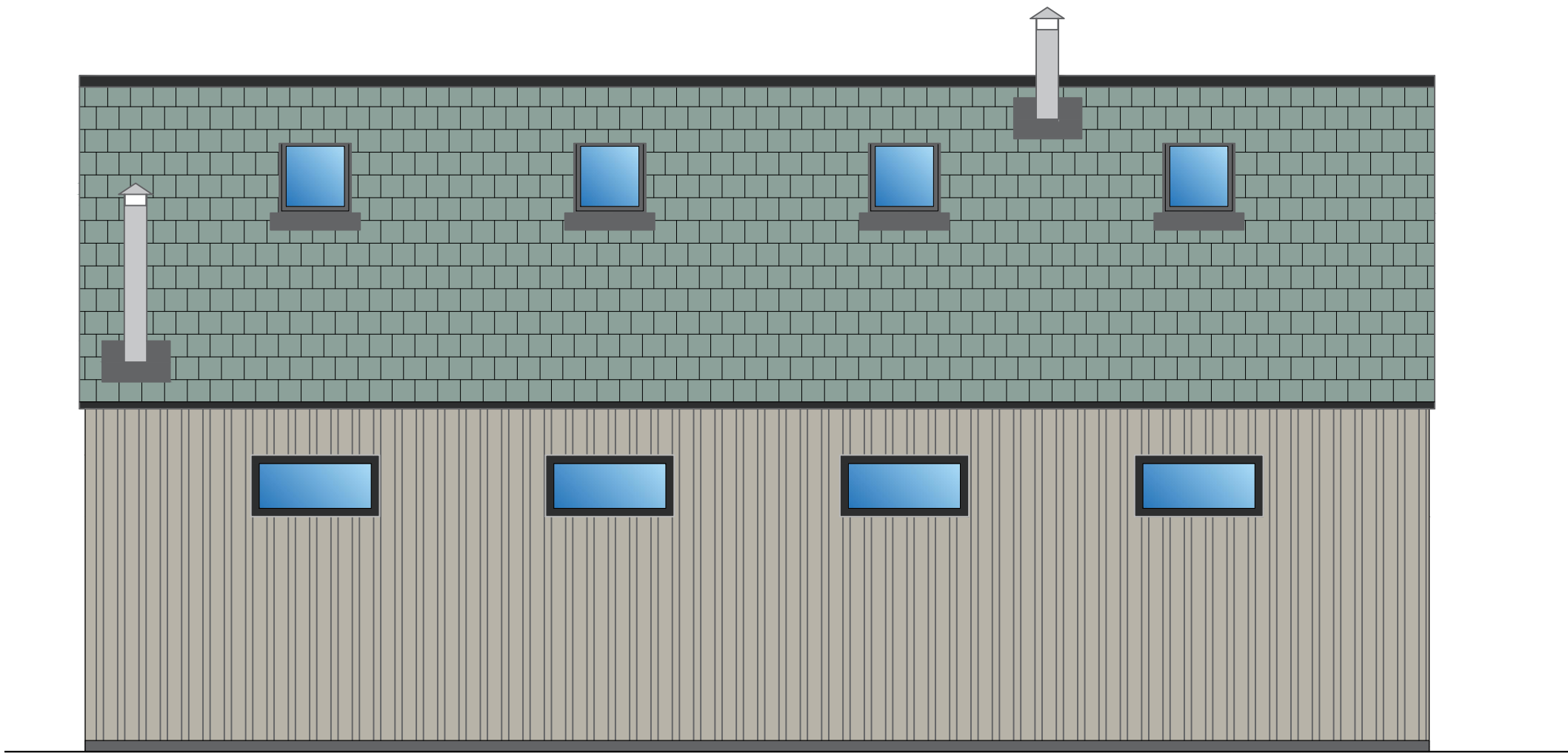
**Note:**  
Walls - natural timber cladding (Western Red Cedar or Siberian Larch) left to fade naturally and blend with the surrounding woodland  
Roof - Natural random slate with black clay interlocking ridge section. Velux roof lights recessed flush with slate to match existing.  
Gutters - Black PVC over open timber soffit.  
Windows and walk door - Powder coated aluminium RAL7016 Anthracite  
Garage door - Insulated up and over door RAL7016 Anthracite with vision at eye level



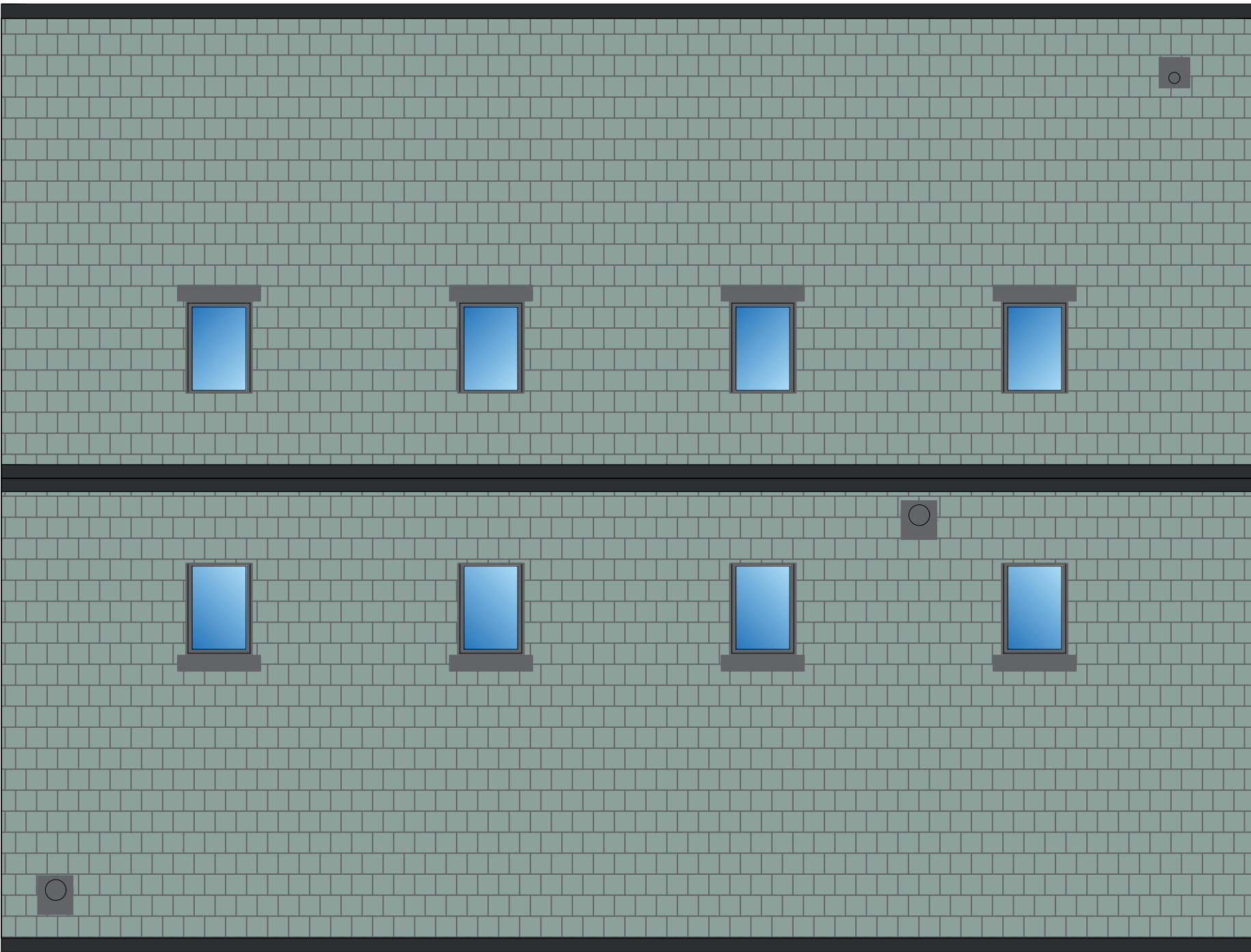
Natural timber cladding



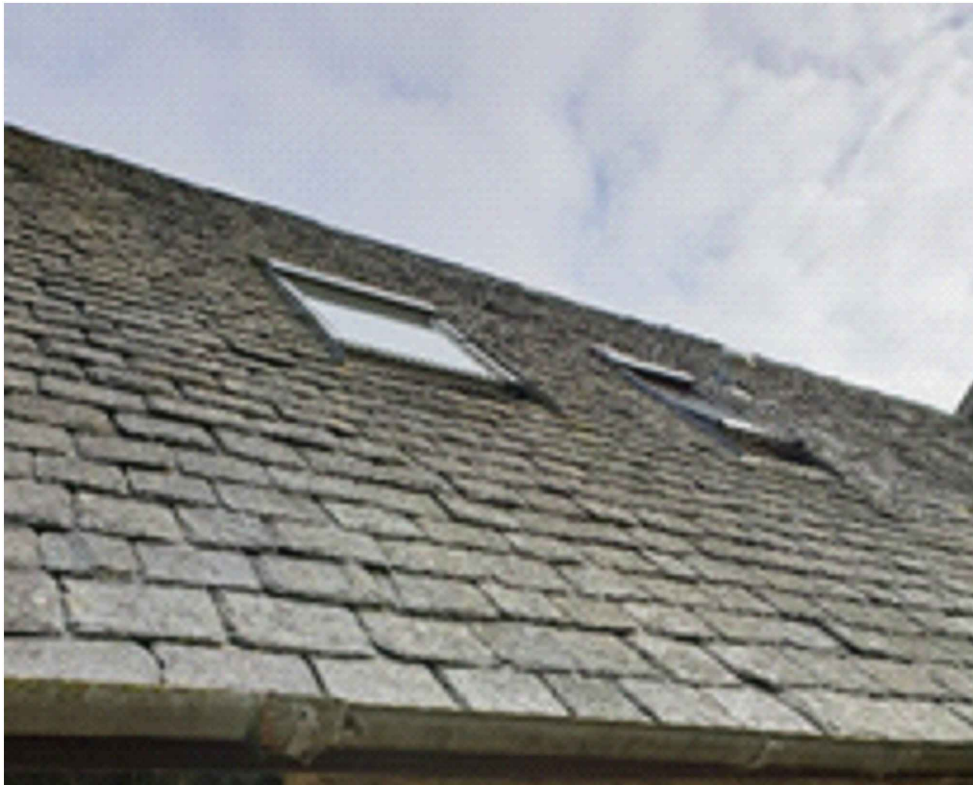
Side Elevation



Side Elevation



Roof Plan



View on slate roof showing flush roof windows

WARRANT

CLIENT  
Andrew Provan  
The Turner House, Gowanbank, Falkirk, FK1 2JY

PROJECT  
Proposed garage and recreational area

TITLE  
Proposed Elevations & Roof Plan

DRAWN BY AB

SCALE 1:50 @ A1

Job No.  
2020

DWG No.  
AL(00)001

REV.  
B

ANDY BELL

Architectural Service

12 NURSEY LANE  
MAUCHLINE  
KA7 1EN

Tel :  
07913987692

Email:  
andy.bx@hotmail.co.uk

This drawing has been prepared with the sole purpose of obtaining statutory Planning Consent and Building Warrant Approval from the local authority and is for information purposes only.

It should not be assumed that this drawing is the sole description of works, and it should be read in conjunction with all other relevant consultants' documentation.

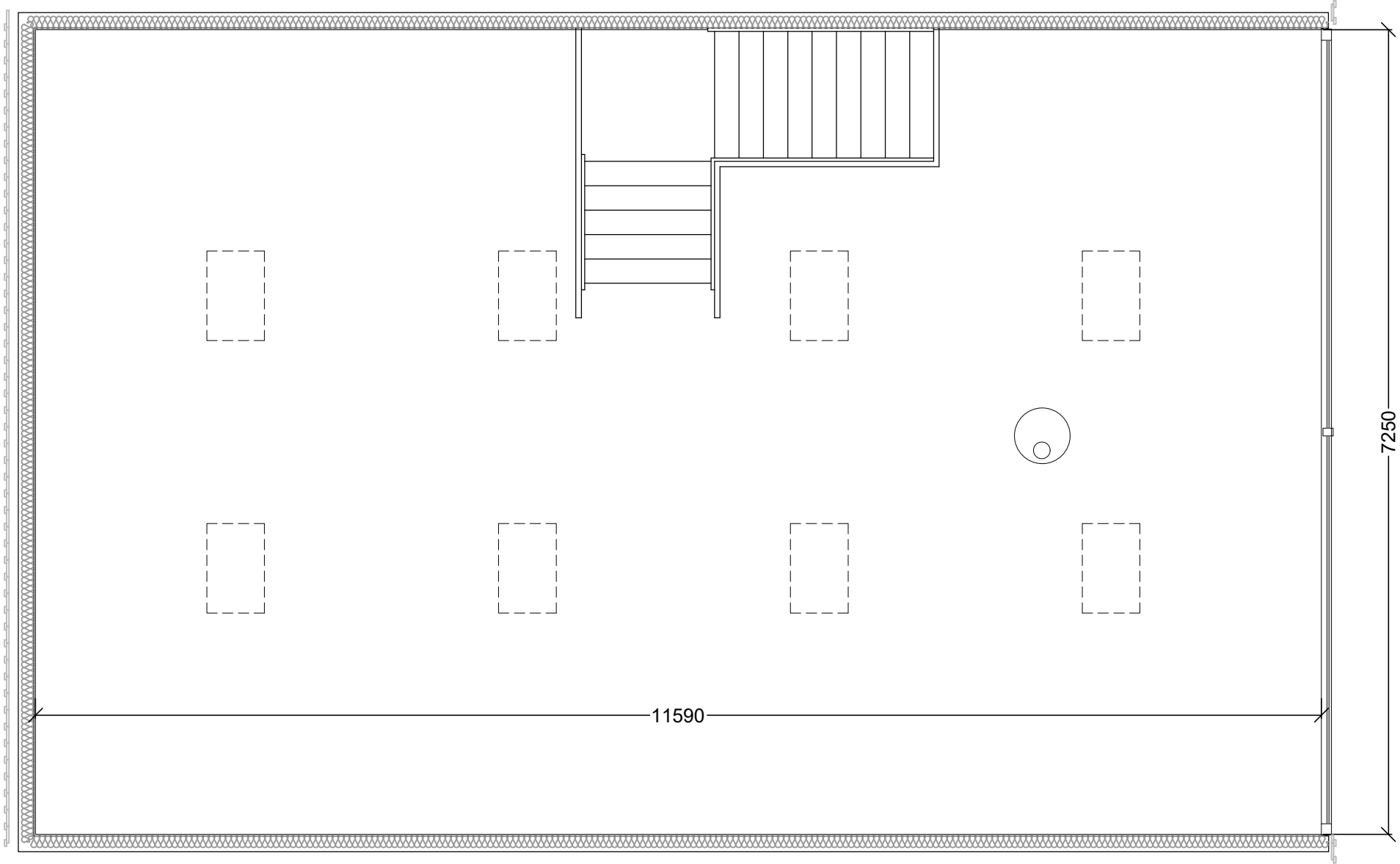
Do not scale from this drawing. Refer to dimensions provided. Should additional dimensions be required contact Andy Bell.

Contractor to check all dimensions on-site prior to commencement of works

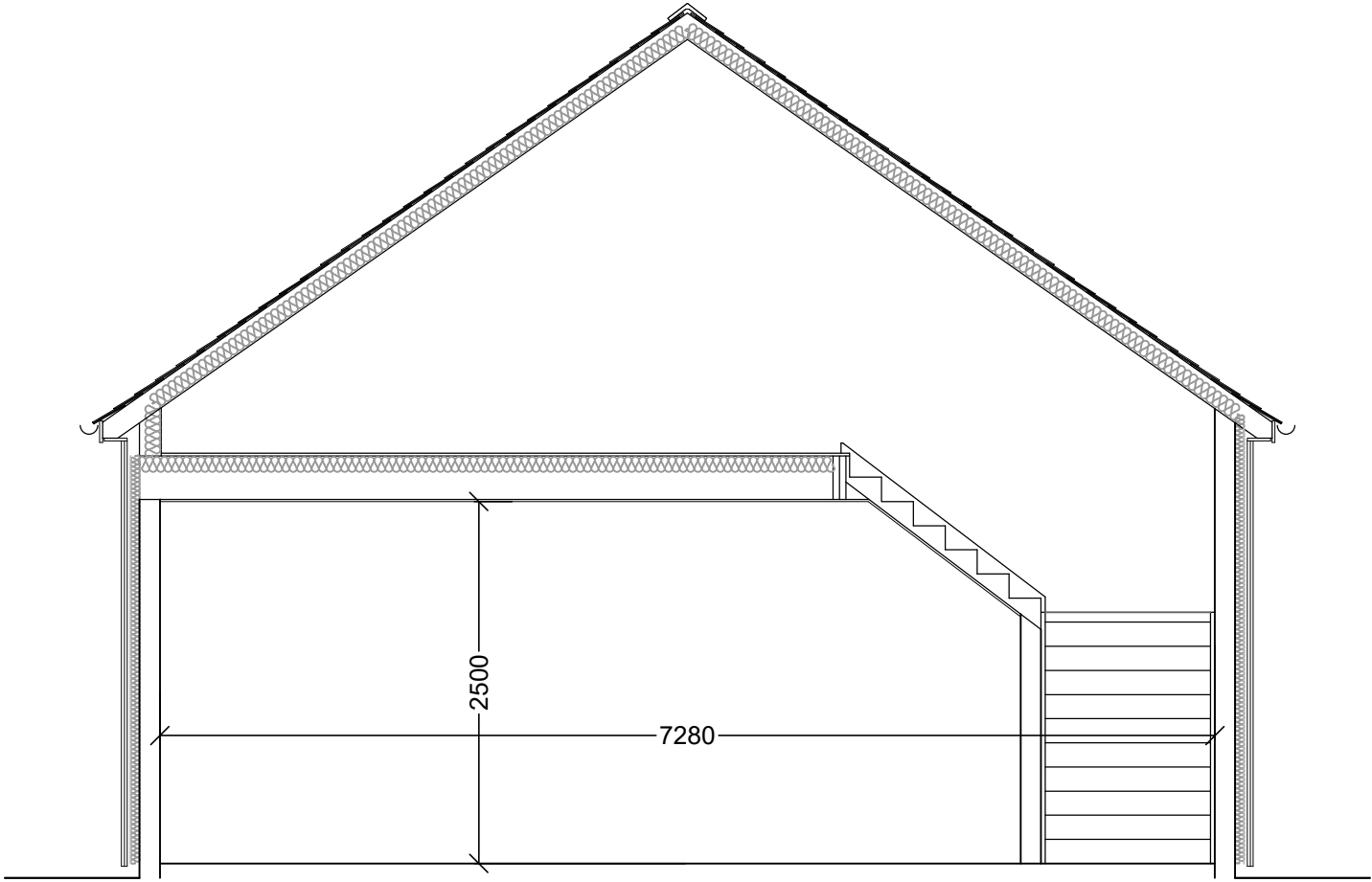
Contractor to report any discrepancies on-site to Andy Bell during construction.

This drawing is the property of Andy Bell. Should further copies be required please contact.

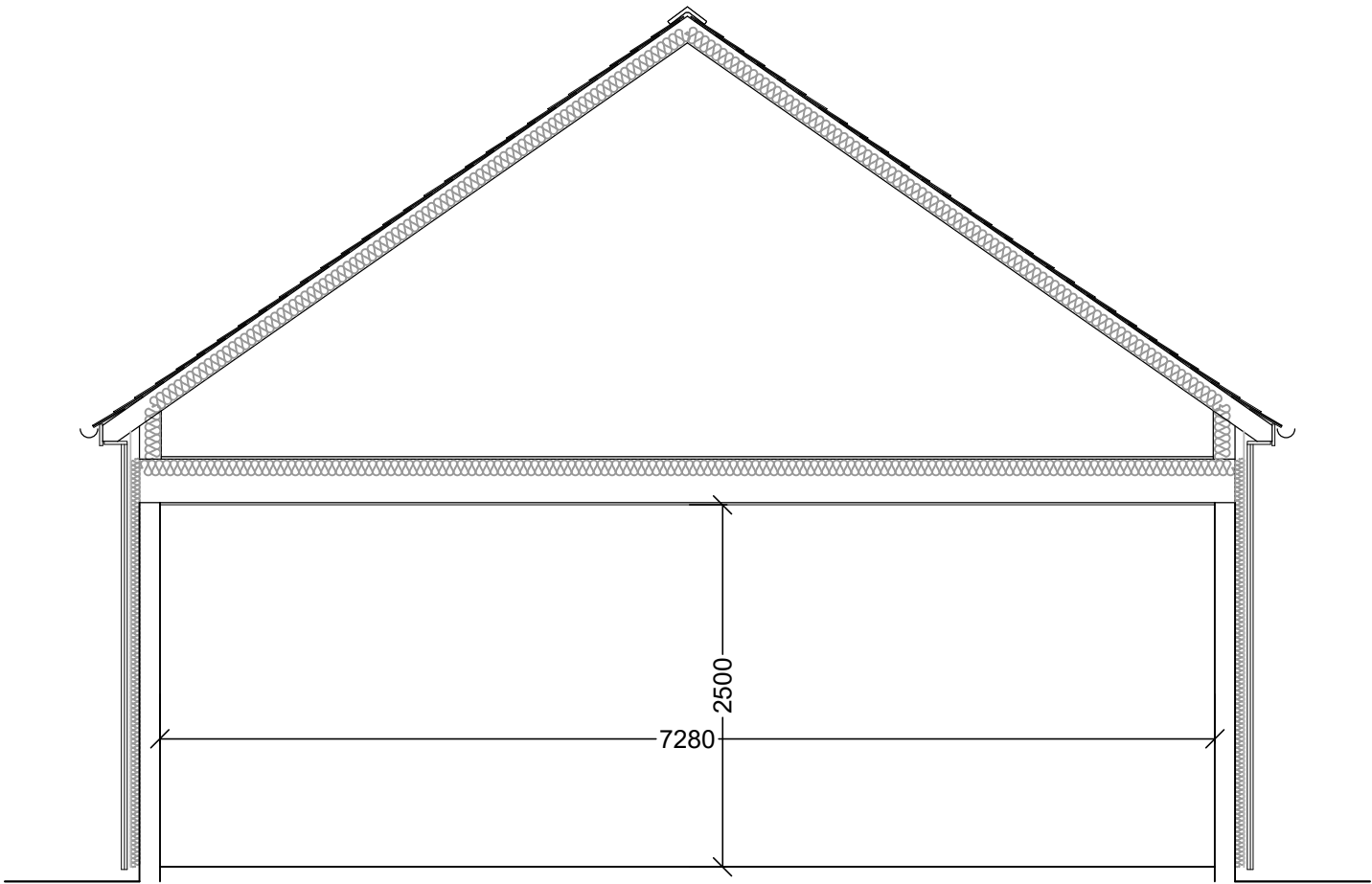
Rev	REVISION	DATE	BY
A	Building reduced in sizes	05.02.20	AB



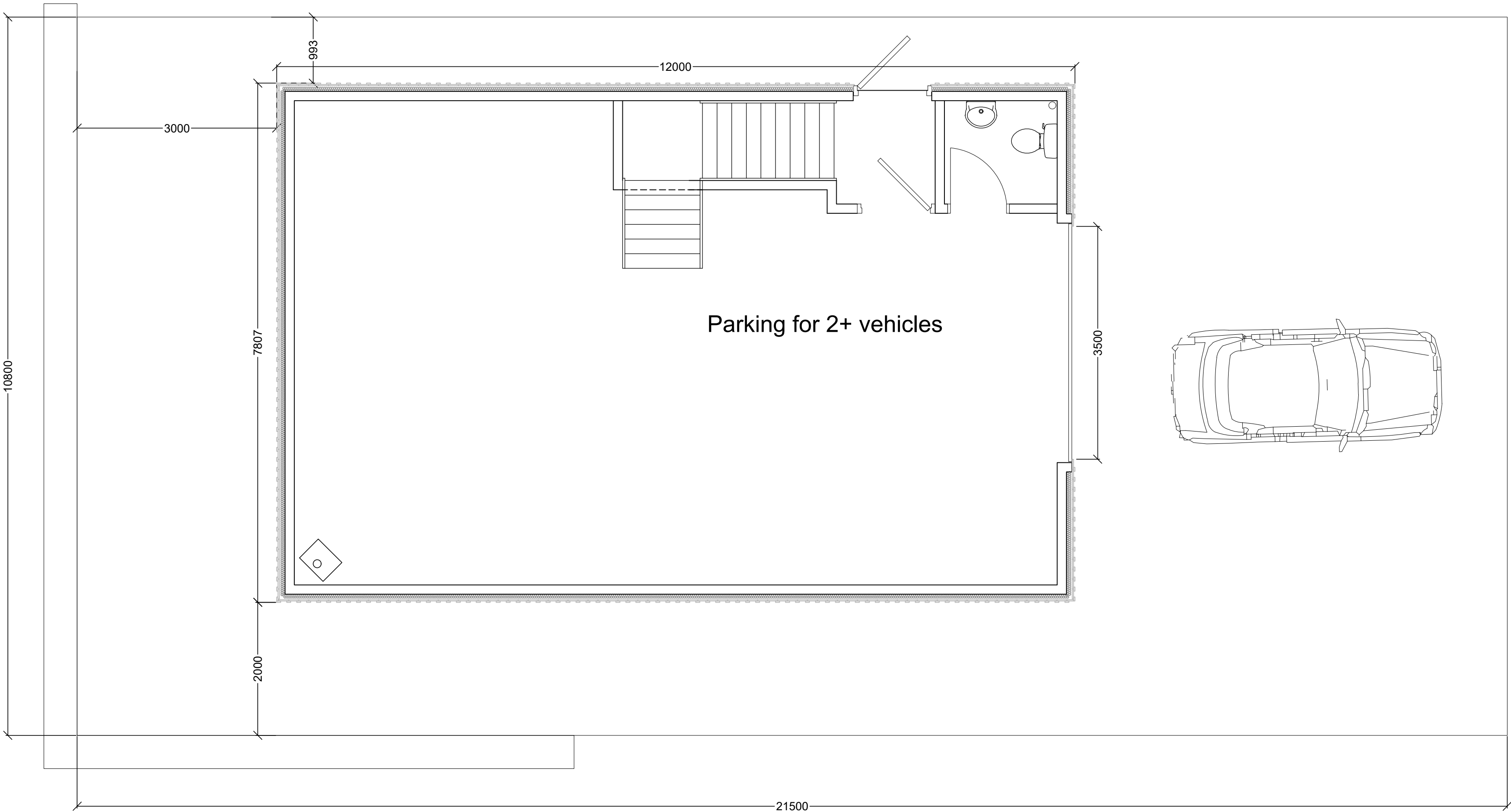
First Floor Plan (Hobby and educational area)



Section Through Stair



Typical Section



Ground Floor Plan (Fitness / recreational area and vehicle storage)

**Note:**  
Drainage - Surface water will be collected via the gutters and diverted into a water attenuation system adjacent to the building before entering the adjacent ditch.  
Foul drainage - Foul drain to be connected to the existing sceptic tank.

WARRANT		
CLIENT Andrew Provan The Turner House, Gowanbank, Falkirk, FK1 2JY		
PROJECT Proposed garage and recreational area		
TITLE Proposed Plans & Sections		
DRAWN BY AB		SCALE 1:50 @ A1
Job No. 2020	DWG No. AL(00)002	REV. A

**ANDY BELL**  
Architectural Service  
12 NURSEY LANE  
MAUCHLINE  
KA7 1EN  
Tel : 07913987692  
Email: andy.bx@hotmail.co.uk





Application Site



Existing boundary wall and view west





Access to Gowanbank – site on the left-hand-side



Application site eastern Boundary



## DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

### DESCRIPTION

Erection of a replacement house, demolition of outbuildings and erection of an additional house at 11 Holmes Holdings, Broxburn

### DETAILS

Reference no.	<a href="#">0237/FUL/21</a>	Owners of site	Mr G Bow
Applicant	Mr G Bow	Ward & local Members	<b>Broxburn, Uphall &amp; Winburgh</b> Councillor Calder Councillor Campbell Councillor Doran-Timson Councillor Horne
Case officer	Steven McLaren	Contact details	01506 282404 <a href="mailto:steve.mclaren@westlothian.gov.uk">steve.mclaren@westlothian.gov.uk</a>

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

### RECOMMENDATION

Refuse planning permission

### 4 DETAILS OF THE PROPOSALS AND BACKGROUND

- 4.1 Planning permission is sought for the demolition of a post-war holdings bungalow and associated out buildings and to re-develop the site with two bungalows of a style similar to the existing house.
- 4.2 The application site lies on the south side of the A89, opposite the Badger Park and Joseph Cumming Gardens developments in Broxburn. The site shares an access with 12 Holmes Holdings and lies approximately 77m from the edge of the A89. The site is generally square and approximately 0.3ha in size, surrounded by farm land to the north, west and south. 12 Holmes Holdings lies to the east of the site.
- 4.3 The site contains the original house with defined garden ground and 4 outbuildings, 3 of a smaller more traditional scale and design and a larger profiled metal barn of around 240sqm in size. The remainder of the site is a combination of hard standing and a grassed area.



- 4.4 A previous planning application (Ref: 0925/P/20) was submitted for permission in principle to develop the site for 4 houses. That application was subsequently withdrawn.

## 5 REPRESENTATIONS

- 5.1 There has been 1 representation with general comments on the application.

- 5.2 A summary of representations is provided in the table below:

Comments	Response
<b>Comments submitted during first round of consultation</b>	
<ul style="list-style-type: none"> <li>One replacement and one additional dwelling of a similar scale to the existing properties would be appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. This is the subject of the proposed development</li> </ul>
<ul style="list-style-type: none"> <li>Entrance design should allow for easy access to the site.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The proposed access can be modified if required to provide a wider entrance to the site should permission be granted.</li> </ul>
<ul style="list-style-type: none"> <li>Drainage for the site requires improvement.</li> </ul>	<ul style="list-style-type: none"> <li>Drainage details have been submitted and assessed by the council's Flood Risk Manager.</li> </ul>
<ul style="list-style-type: none"> <li>Approach to demolition and construction.</li> </ul>	<ul style="list-style-type: none"> <li>Demolition is a matter for building standards but if approved, a standard planning condition can be used in respect construction times.</li> </ul>

## CONSULTATIONS

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

Consultee	Objection	Comments	Planning Response
Transportation	No	Acceptable without conditions.	Noted.
Environmental Health	No	Construction restrictions to be applied.	Noted, if approved, this can be a requirement through a planning condition.
Flood Risk Management	No	The developer will be required to demonstrate how existing water accumulation on site will be handled and to bring forward drainage details for assessment.	Noted, if approved, this can be a requirement through a planning condition.
Education Planning	No	Developer contributions required for the additional house.	Noted, if approved these can be secured through S69 or S75 agreements.

Edinburgh Airport	No	No objections.	Noted.
Contaminated Land			The site investigation report submitted is yet to be assessed. Any requirements for further investigation and remediation can be controlled through a planning condition.

## 7 ASSESSMENT

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

Policy	Policy Summary	Assessment	Conform
West Lothian Local Development Plan, 2018  DES1 (design principles)	All development proposals will require to take account of and be integrated within the local context and built form. Amongst other criteria there should be no significant adverse impact on landscape character and development proposals must also accord with other relevant policies in the development plan.	The design of the proposed houses is similar to the existing post-war holding property, albeit in a modern design. The housing proposed would not appear out of place in this setting. The development however does not accord with other relevant policies and guidance.	No
West Lothian Local Development Plan, 2018  ENV1 (landscape character and special landscape areas)	This policy seeks to protect the landscape from development which would significantly and adversely affect the character of the landscape through the scale, siting and design of buildings and other structures.	The proposed houses are single storey and of a design comparable to the existing and adjacent property.	Yes
West Lothian Local Development Plan, 2018  ENV2 (housing development in the countryside)	Policy ENV2 sets out criteria whereby new housing in the countryside is considered acceptable and where the development must accord with the council's Supplementary Guidance: Development in the countryside. The SG requires that to allow a brownfield site to be redeveloped it must be significantly and/or environmentally intrusive, significantly degraded by a former activity and there would be visual and/or community benefits to the redevelopment of the site.	The buildings on the site are not significantly intrusive and there would be no substantial public benefit to the redevelopment of the site. The existing buildings are set distant from the public road and simply form part and parcel of the countryside landscape.	No

Policy	Policy Summary	Assessment	Conform
West Lothian Local Development Plan, 2018  ENV7 (countryside belts and settlement setting)	This policy seeks to protect and enhance the landscape of countryside belts, ensures there is no coalescence between settlements and sets a 20% limit on the increase in house numbers within a settlement group.	The site is constrained with an adjacent property and surrounding farm land. There will be no adverse impact on the character of the countryside and taking the grouping of Holmes Holdings to the south of the A89, the 20% limit is not exceeded.	Yes

The councils statutory Supplementary Guidance (SG): Development in the Countryside, 2018 and the criteria it sets out regarding the proposed development is a material planning consideration.

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

### Scale and design

7.5 The existing house is approximately 180sqm in size with the remaining buildings on the site taking the total footprint of structures to 704sqm. The proposed houses are bungalows with a roof design providing sections of roof at 5.95m and a maximum height of 6.8m. The proposed houses will have a footprint of approximately 352sqm and 345sqm giving a total build area of around 697sqm. The new houses are to be located in the general positions of those buildings removed.

7.6 Whilst the building coverage of the site is close to that at present, the space standards for the houses are acceptable and the development cannot be considered as cramming. Although the overall height of the proposed houses is greater than that of the 1950's house and outbuildings, the overall design is generally acceptable and would not appear as significantly out of place in the context of the setting. The council's SG on development in the countryside state that the physical footprint of new buildings must be no greater than that of the existing buildings and will in most instances require to be significantly less. In this instance, the plot coverage does not exceed that of the existing buildings.

### Policy interpretation

7.7 Policy ENV2 sets out that housing development in the countryside will only be permitted where the proposal provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and has no significant natural heritage value in its current condition. The policy allows for a replacement house where the existing property is of a poor design or structural condition and consideration should be given to the development within an existing building group.

7.8 The policy also sets out the requirement to considered development in conjunction with the adopted SG: Development in the countryside. The SG goes into greater detail and sets out nine criteria for consideration. These relate to whether the site is no longer required for its original purpose; the site is significantly visually and/or environmentally intrusive; the site is significantly degraded by a former activity; the buildings are beyond economic repair and retention; there is no realistic prospect of the land being returned to agriculture or forestry; the site has negligible ecological or biodiversity value; there will be significant environmental, visual and or community benefit to be had by redeveloping the site as opposed to retaining it in its current state; the proposals take account of the LDP's sustainable strategy and the development must meet the requirements of other relevant policies set out in the LDP.



- 7.9 Taking these requirements in no particular order, it is clear that the site is unlikely to be returned to an agricultural use and is no longer required for its original purpose. Whilst no structural details have been provided, the applicant has intimated that the house is beyond economic repair. With that being the case, a replacement house on the site would be reasonable.
- 7.10 The site has no biodiversity value and the Phase 1 site investigation report has not flagged any serious concerns over previous uses of the site which would result in it being significantly degraded by a former activity.
- 7.11 The SG also sets out eight specific local plan policies which require the application to be assessed against and these are policies ENV1,2,3,4 & 7, EMP3 & 7 and DES1. Of these, the 4 policies set out in the table above are pertinent to this application.
- 7.12 The SG criteria refers to the condition of the site being significantly visually and/or environmentally intrusive and that the redevelopment of the site will result in there being significant environmental, visual and/or community benefit to be had by the redevelopment of the site.
- 7.13 The applicant argues that 'the site is significantly visually intrusive due to the dilapidated conditions of the buildings' and that the scale and massing is inappropriate for the setting where buildings are predominately single storey. However, the site is some 70m from the public highway and whilst the outbuildings on the northern edge of the site are visible along with the larger barn, they form part of the fabric of agricultural and countryside setting. The traditional outbuildings appear from a distance to be in reasonable condition with the larger having whitewashed walls and each of the buildings have intact roofs. There is therefore no outward indication that the buildings are dilapidated.
- 7.14 The barn, whilst more imposing, again simply appears as a structure expected within an agricultural land setting and from a distance, does not give the impression of a dilapidated structure. It should also be noted that the A89 is a busy road and any views of the site will be glancing from passing traffic. The applicant can also demolish the outbuildings without the benefit of planning permission if their structural condition is such that they become dangerous.
- 7.15 The site is not significantly visually intrusive and there is no need to redevelop the site to achieve an environmental or visual benefit. Whilst one replacement house maybe acceptable, two houses are unjustified development in the countryside. The application does not fully accord with the policies and criteria set out in the adopted West Lothian Local Development Plan, 2018 or the SG: Development in the countryside.

## **8 CONCLUSIONS AND RECOMMENDATIONS**

- 8.1 Whilst a replacement house for the applicant would be reasonable and the scale and design of the houses as proposed is appropriate for this location, the principle of an additional house on the site cannot be supported.
- 8.2 The requirement of the development plan is that site must be significantly visually and/or environmentally intrusive and that redeveloping the site would bring significant environmental, visual and/or community benefits.

- 8.3 The defining word in the above statement is 'significant'. The site is not significantly visual intrusive and there would be no significant environmental, visual or community benefit to the redevelopment of the site as proposed.
- 8.4 Recommendation is therefore to refuse planning permission.
- 8.5 If Members are minded to grant planning permission, developer contributions towards education and cemeteries will require to be secured through either a Section 69 or Section 75 agreement for the additional house only.

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

- Draft reasons for refusal
- Location plan
- Site plan
- House type detail
- Local Member referral form
- Letter of representation

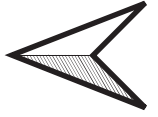
Craig McCorriston  
**Head of Planning, Economic Development & Regeneration**

**Date: 9 June 2021**

**Draft reason for refusal: 0237/FUL/21**

- (1) The existing buildings on the site are not considered to be significantly visually and/or environmentally intrusive and there would be no significant environmental, visual and/or community benefits to be had by redevelopment as opposed to retaining the site in its current state. The proposed development is therefore contrary to the following policies of the adopted West Lothian local Development Plan, 2018 and Supplementary Guidance:

DES1 (design principles);  
ENV2 (housing development in the countryside)  
SG: Development in the Countryside, 2018.



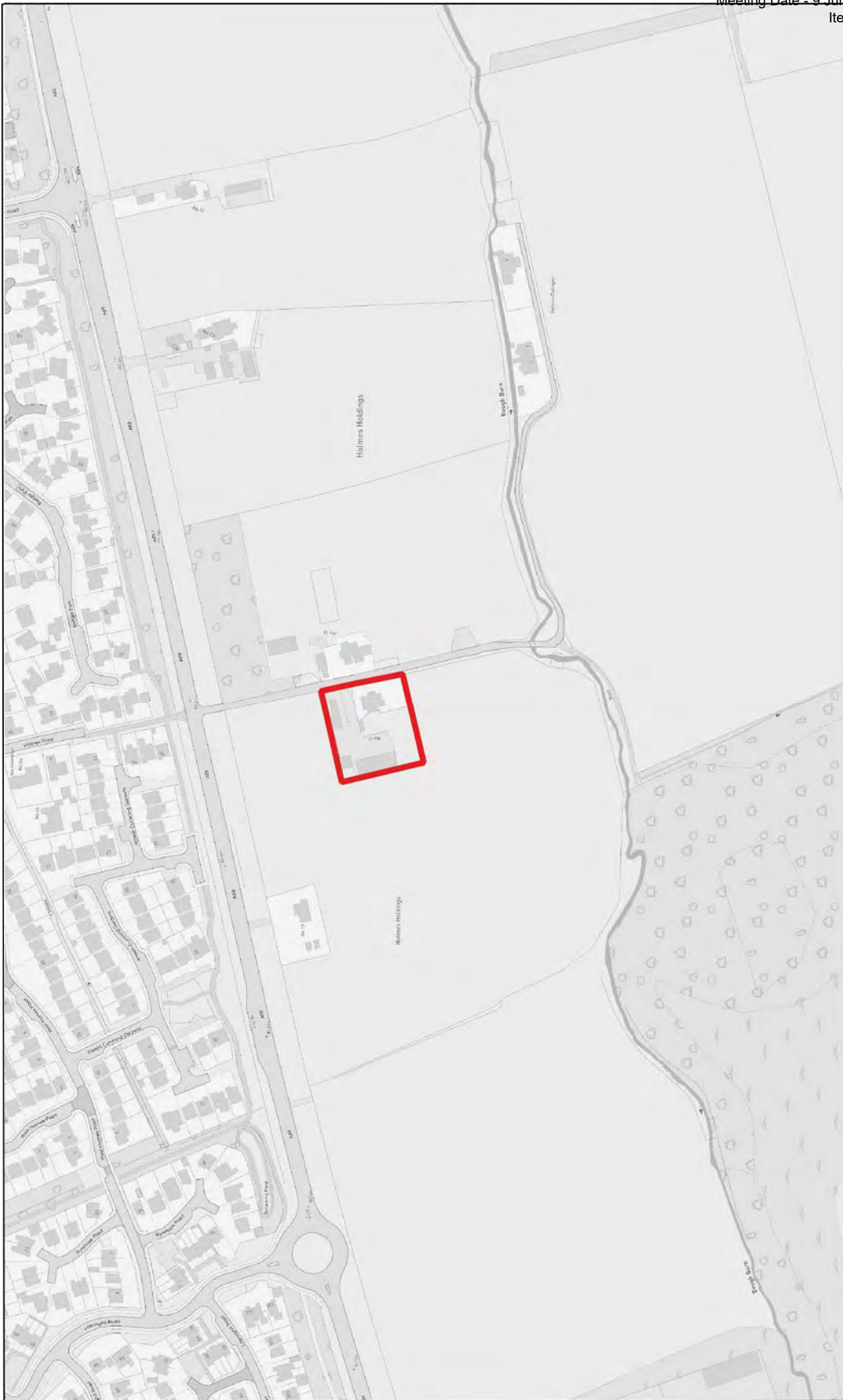
0237/FUL/21 - 11 Holmes Holdings Broxburn - EH52 5NS

Development Management - West Lothian Civic Centre - EH54 6FF

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West Lothian  
Council







0237/FUL/21 - 11 Holmes Holdings Broxburn - EH52 5NS

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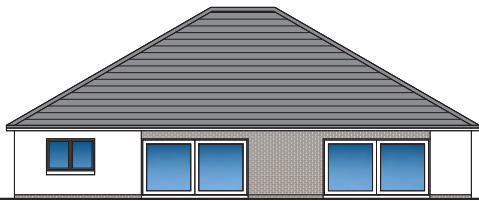
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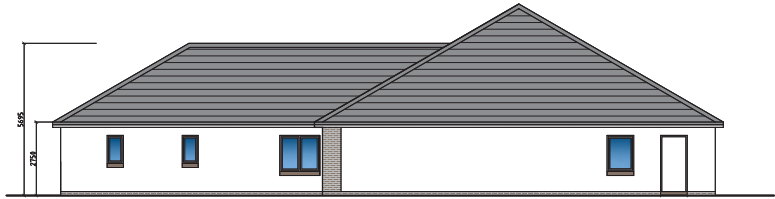
Rear Elevation (1:100)



Side Elevation (1:100)



Front Elevation (1:100)



Side Elevation (1:100)



Floor Plan (1:50)

Title: Plan & Elevations Plot 1	
Client: Mr G Bow	
Project: Proposed houses 11 Holmes Holdings Broxburn	
Scale: 1:50@ A1	Date: Feb 21
Drawing number: 21/010/PL03	
<b>HARDIE ASSOCIATES Ltd.</b>	
78 HOPELOUN STREET BATHGATE WEST LOTHIAN EH48 4PD	
Tel: 01806 639779 Email: chardie@hardie-associates.co.uk Copyright © Hardie Associates Ltd.	

## ☒ LOCAL MEMBER REFERRAL REQUEST ☒

*Members wishing a planning application to be heard at the Development Management Committee must complete and return this form to Development Management within 7 days and by 12 noon at the latest.*

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

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
<p><b>Application Reference Number</b></p> <p>0237/FUL/21</p> <p>.....</p>	<p><b>Applicant</b></p> <p>Request..... <input checked="" type="checkbox"/> ✓</p>
<p><b>Site Address</b></p> <p>11 Holmes Holdings</p> <p>.....</p>	<p><b>Constituent Request</b>..... <input type="checkbox"/></p>
<p><b>Broxburn</b></p> <p>.....</p>	<p><b>Other (please specify)</b>..... <input type="checkbox"/></p>
<p><b>Title of Application</b></p> <p>.....</p> <p>.....</p>	
<p><b>Member's Name</b></p> <p>Cllr Calder.....</p>	
<p><b>Date</b></p> <p>17 May 2021</p> <p>.....</p>	

12 Holmes Holdings  
Broxburn  
West Lothian  
EH52 5NS

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

25 March 2021

### **Representation to Planning Application 0237/FUL/21 at 11 Holmes Holdings, Broxburn.**

As the owners of the immediately neighbouring property, we are grateful to have the opportunity to comment on the above case. The following makes representation under three headings, (i) the development in principle, (ii) the details of the intended build and (iii) the approach to the demolition and construction phases.

#### **THE DEVELOPMENT IN PRINCIPLE**

We recently commented on a proposal by the previous owner to develop the same site (0925/P/20) which included the addition of four extra dwellings. We commented especially on the massing effect that the intensive expansion by four dwellings would have upon the current five-dwelling community. We cited elements of the Local Development Plan around design principles and development in countryside in support of our representation.

We note that the current application is far less intensive, comprising a replacement dwelling and one additional dwelling, thus expanding the community by only around 20%. We can thus support the principle of the development, subject to it being conditional on the fundamentals of the submitted plans, which, for the avoidance of doubt, we would suggest are

1. One replacement dwelling and one additional dwelling only; and
2. Both of one storey only, to match the character of the rest of the community.

#### **THE DETAILS OF THE INTENDED BUILD**

The precise plans for the dwelling give us few areas for concern. However, we note that much can change between the planning approval and the final arrangements decided at the building control phase, and we will not have a further formal opportunity to provide representation relating to any potential revision. Our residual concerns can again be removed through conditionality, namely:

3. Final design of size and curvature of the entrance layout should provide for easy reversing of domestic-scale delivery lorries back onto the shared road without the temptation to use our driveway; and
4. Final design should take the opportunity to mitigate significantly against the current issue of surface drainage from No 11 flowing across our property. It would seem straightforward to improve the situation through permeable hard-landscaping and/or proactive surface drainage design and capacity.

We are uncertain as to whether such conditionality is applicable to the planning permission stage but we hope that raising these concerns here will allow them to flow through the case notes as the development proceeds.

## **THE APPROACH TO THE DEMOLITION AND CONSTRUCTION PHASES**

We are aware that demolition and construction cannot occur without noise, dust, waste and increased traffic movements. We understand that the building control phase will require method statements to be provided on all of these, but we again note that we are not party to that phase and have no further opportunity for making representation. We do not expect to be given any kind of veto over the details, but we would hope that the spirit of any approval (whether now or at building control stage) makes condition for consulting with us over disruptive elements in general and especially on

5. Consultation with us on the start time for any weekend working; and

6. Adapting the current constrained entrance to accommodate works traffic before demolition or construction starts.

We know that the new owner is keen to receive approval quickly and to carry out demolition and construction as soon as possible. He has been very courteous in keeping us informed and has listened to our concerns. We consider our approach above to represent a reasonable compromise between the needs of the owner (for speed) and our own needs (for continued amenity). All six of the points above have been discussed with the proposer and have been seemingly received as reasonable and constructive. We have no wish to stand in the way or delay unnecessarily.

Ian & Jo Blewett

# Development Management Committee

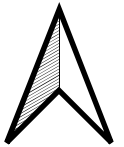
09 June 2021

## Item No 7 : Application 0237/FUL/21

Erection of a replacement house, demolition of outbuildings and erection of an additional house

11 Holmes Holdings Broxburn









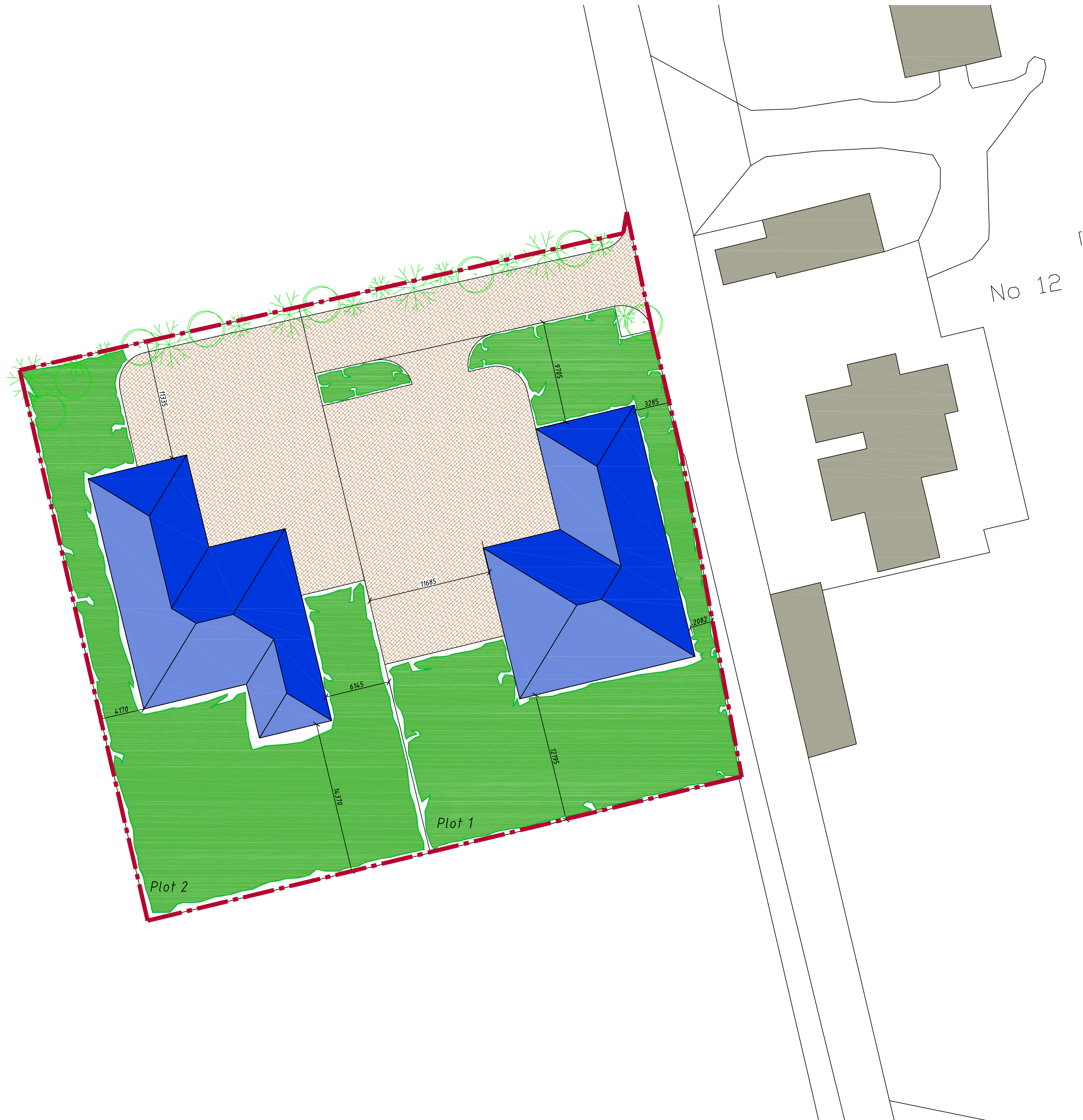








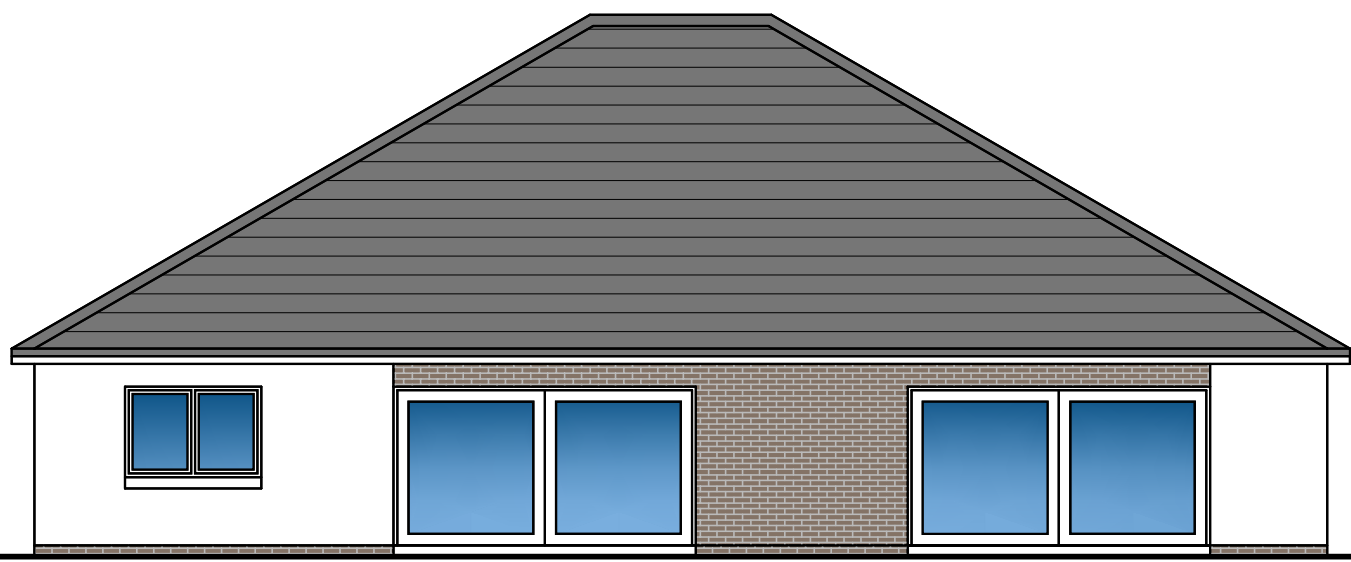




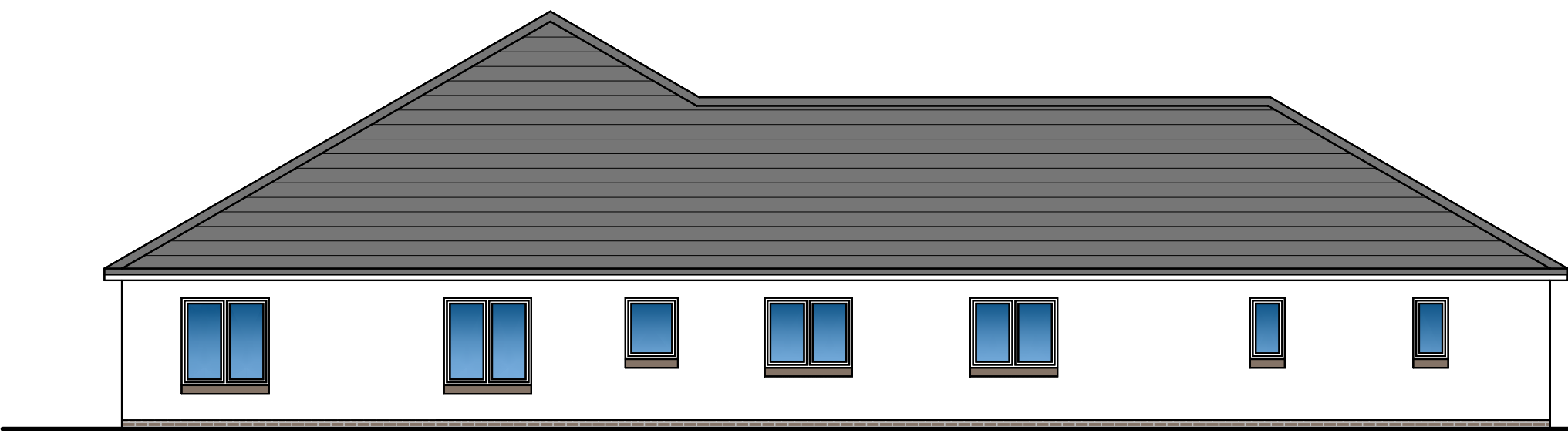
Block Plan (1:200)

title: <i>Proposed Block Plan</i>	
client: <i>Mr G Bow</i>	
project: <i>Proposed houses 11 Holmes Holdings Broxburn</i>	
scale: <i>1:200 @ A1</i>	date: <i>Feb 21</i>
drawing number: <i>21/010/PL02</i>	
HARDIE ASSOCIATES Ltd.	
78 HOPETOUN STREET BATHGATE WEST LOTHIAN EH48 4PD tel: 01506 633979 email: <a href="mailto:charlie@hardie-associates.co.uk">charlie@hardie-associates.co.uk</a> copyright: Hardie Associates Ltd.	





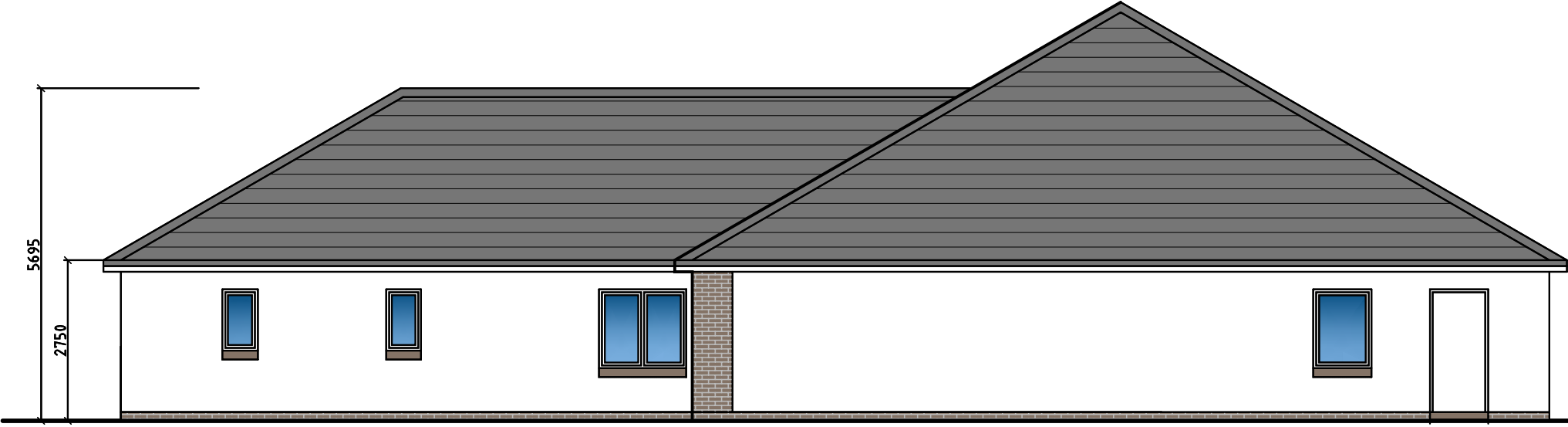
Rear Elevation (1:100)



Side Elevation (1:100)



Front Elevation (1:100)



Side Elevation (1:100)



Floor Plan (1:50)

title: Plan & Elevations Plot 1	
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scale: 1:50@ A1	date: Feb 21
drawing number: 21/010/PL03	
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78 HOPETOUN STREET BATHGATE WEST LOTHIAN EH48 4PD tel: 01506 633979 email: chardie@hardie-associates.co.uk copyright : Hardie Associates Ltd.	



# Development Management

List of Delegated Decisions - 7th May 2021

DATA LABEL: OFFICIAL

The following decisions will be issued under delegated powers unless any Member representing the ward in which the application is located 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>	0182/FUL/21	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Siting of two 2.5m x 6m storage containers		
<b>Address:</b>	15 Crofthead Centre, Templar Rise, Dedridge, West Lothian, EH54 6DG (Grid Ref: 304700,665708)		
<b>Applicant:</b>	Mr David Rennie	<b>Type:</b>	Local Application
<b>Ward:</b>	Livingston South	<b>Case Officer:</b>	Alexander Calderwood

## Summary of Representations

One representation was received from one member of the public. They objected on the grounds that:

- The containers will attract rats, leading to food hygiene and safety problems.
- The containers will have adverse implications for the security of the adjacent businesses, providing access via the roof.
- The containers will reduce the level of parking provision for the business units to an unacceptable level.

## Officers report

This application seeks full planning permission for the siting of two 2.5 metres by 6 metres storage containers on an area of hardstanding adjacent to 15 Crofthead Centre. The storage containers will be 2.6 metres in height and used to store donated bikes for refurbishment in association with the West Lothian Bike Library community enterprise. The site falls within a local neighbourhood centre.

Policy DES 1 (Design Principles) of the West Lothian LDP 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. It also highlights that it should have no implications for the adequate provision of parking.

Whilst the containers will contrast with the units that they will sit adjacent to, they are not of a scale which would be considered overbearing or

detrimental to the character of the area. A condition will be attached to the decision notice requiring the containers to be kept in good order and painted in green or black. The toned down colour scheme will ensure that the containers integrate better with the area. The containers will lead to a reduction in the number of car parking spaces in the local neighbourhood centre. However, Transportation were consulted on the application and confirmed that they neither object or require the attachment of conditions, confirming parking provision in the area will remain acceptable.

A further condition will be attached restricting the consent to a period of two years, in order to monitor the condition of and need for such temporary installations and in the interest of visual amenity. The applicant has also confirmed that they only require the container for a period of two years. The scale of the containers and nature of the proposed conditions is such that the proposal complies with Policy DES 1.

The objection received raised issues relating to hygiene, security and parking provision. The applicant seeks permission for the siting of two storage containers for the storage of bikes. There is no reason to suggest that such activity will generate any hygiene related issues. In terms of security, the prevention of crime is not a material planning consideration. However, it not anticipated that the siting of storage containers will have any adverse implications for public amenity. Additionally, as previously discussed, Transportation were consulted on the application and confirmed that they neither object or require the attachment of conditions. It is therefore concluded that parking provision will remain adequate.

In conclusion, the proposal is acceptable in terms of use, design and scale and the application complies with policy. It is recommended that the proposal is granted planning permission.

<b>Ref. No.:</b>	0247/H/21	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Two storey extension to house		
<b>Address:</b>	Ashgrove, Faucheldean, Winchburgh, West Lothian, EH52 6PS (Grid Ref: 308040,674122)		
<b>Applicant:</b>	Mr & Mrs G. McAuley	<b>Type:</b>	Local Application
<b>Ward:</b>	Broxburn, Uphall & Winchburgh	<b>Case Officer:</b>	Rachael Lyall

#### **Summary of Representations**

One anonymous objection -

- Height of proposed ridgeline,
- Overshadowing and impact on natural lighting,
- Proposed materials not in keeping with surroundings.

#### **Officers report**

This planning application proposes a two storey extension onto the property located at Ashgrove, Faucheldean.

The proposed rear extension is to measure 8.162m x 6.195m and is to be 5.900m in overall height from ground level to the proposed ridgeline. The proposed works will feature windows in the side elevation and sliding patio doors on the ground and first floor on the rear elevation. The ground floor patio doors will open out into the rear garden area and the upper floor patio doors are proposed to open out onto a small Juliette balcony.

The proposed works are to sit above the ridgeline of the existing property which will result in a development that does not appear subservient the existing house. In addition, the proposed works are also considered to be of a scale which will not integrate with and will dominate the existing property. The guidance given in West Lothian Council's House Extension and Alteration Design Guidelines, 2020, advise that developments should be subsidiary in appearance to the main house and should not detract from the appearance of the dwelling or surroundings.

This proposal is therefore contrary to West Lothian Local Development Plan's DES1 (Design Principles) Policy and the guidance given in the House Extension and Alteration Design Guidelines, 2020. It is recommended that the application is refused planning permission.

<b>Ref. No.:</b>	0258/H/21	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Erection of shed and replacement lean-to wood store		
<b>Address:</b>	Burghmills House, 10 Burgh Mills Lane, Linlithgow Bridge, Linlithgow, West Lothian (Grid Ref: 298304,676943)		
<b>Applicant:</b>	Mr David Mason	<b>Type:</b>	Local Application
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

Two comments, one in support and one objection -

- Building not in keeping with property,
- Distance to boundary,
- Use of shed as additional living accommodation.

Planning response -

- See officers reports,
- Although it is advised to set back works from a boundary by 1m, there is no legal prohibition to extending right up to your boundary.
- Should the shed ever be used as additional living accommodation, this would require planning permission.

### **Officers report**

This planning application proposes the erection of a shed and a replacement roof at Burghmills House, 10 Burgh Mills Lane. The property is a category C listed building.

The timber shed is to measure 3.6m x 2.3m and is to be 2.6m in overall height to the ridgeline of the mono-pitch roof. The shed is to be located to the rear of the property. The roof of the timber shed is to be a slate grey colour and a condition is proposed to be attached to the decision notice stating that the finishing colour for the wall of the timber shed shall be submitted to the planning authority for approval, to ensure it is considerate to the existing property.

The works also look to replace the external materials for an existing lean-to-store which is open on each side. The roof of the lean-to store is to be replaced with a grey metal sheeting roof.

The proposed works are of an acceptable scale and will not be significantly visible from the main street, therefore the proposed works will not be detrimental to the listed building or visual amenity of the surrounding area. In addition, the proposed works will not impact upon the appearance of the



existing property and will not be detrimental to the residential amenity. This proposal adheres to West Lothian Local Development Plan's DES 1 (Design Principles) and ENV 28 (Listed Buildings) 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>	0262/H/21	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Erection of dormer window		
<b>Address:</b>	29 Mill Road, Armadale, West Lothian, EH48 3NB, (Grid Ref: 293354,668589)		
<b>Applicant:</b>	Mr Iain Hislop	<b>Type:</b>	Local Application
<b>Ward:</b>	Armadale & Blackridge	<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 the formation of a dormer on the front elevation of the property located at 29 Mill Road, Armadale.</p> <p>The proposed box dormer is to measure 4.619m in overall length and will feature three windows on the front elevation which will overlook the main street. The external materials proposed for the dormer are to be vertical concrete tiles.</p> <p>West Lothian Council's Supplementary Guidance on House Extension and Alteration Design advises that individual dormers are more appropriate than large box dormers for the front elevation of a property, due to their impact on the appearance of the property and the street scene. Policy DES1 (Design Principles) of the West Lothian Local Development Plan also states that there should be no significant adverse impact on adjacent buildings or streetscape.</p> <p>The proposed dormer is contrary to this guidance and is of a scale which will dominate the roof of the existing property on the front elevation, will not integrate with the local context and will have a detrimental impact upon the visual amenity of the street scene.</p> <p>This proposal is therefore contrary to both West Lothian Local Development Plan's 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.</p>			

<b>Ref. No.:</b>	0315/H/21	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Attic conversion and formation of a dormer		
<b>Address:</b>	45 King Street, Bathgate, West Lothian, EH48 1AZ (Grid Ref: 297576,668557)		
<b>Applicant:</b>	Mr Ian Innes	<b>Type:</b>	Local Application
<b>Ward:</b>	Bathgate	<b>Case Officer:</b>	Rachael Lyall

#### **Summary of Representations**

One objection  
-agree with previous decision  
-still essentially a balcony

#### **Officers report**

This planning application proposes an attic conversion with the installation of a dormer window at 45 King Street, Bathgate.

The dormer is to measure 4.684m in length and will be 2.345m in overall. The dormer will feature sliding patio doors which will be finished using a Siberian larch timber cladding and a composite cladding on the external walls and a single ply membrane is to be used for the flat roof. A previous application for a dormer feature which included a balcony was refused due to privacy and overlooking issues.

Although the works are not of a dominating scale, there is potential to directly overlook the neighbouring properties and gardens to the rear, specifically the property located a no. 47 King Street. However, in response to the previous refusal, the applicant confirmed that the area that will be overlooked is mainly shared garden area. In addition, by changing the balcony to internal floor space, the ability to stand and look out from the window has reduced as opposed to having a balcony.

Therefore, on balance and taking into account the change, the proposed dormer window will not have a significant impact on privacy and residential amenity.

This proposal will not significantly adversely affect the neighbouring properties and satisfies Policy DES 1 (Design Principles) in the adopted West Lothian Local Development Plan and the Council's House Extension and Alteration Design Guide 2020. Therefore, it is recommended that this application is granted.



DATA LABEL: OFFICIAL

# Development Management

List of Delegated Decisions - 14th May 2021

The following decisions will be issued under delegated powers unless any Member representing the ward in which the application is located 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>	0466/FUL/20	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Continued operation of recycling yard for screening & crushing of concrete and associated materials for additional 18 months (previously 0159/FUL/17)		
<b>Address:</b>	Lawheads, Kirknewton, West Lothian, EH27 8DQ (Grid Ref: 309295,666224)		
<b>Applicant:</b>	Mr David Blain Blain Farming	<b>Type:</b>	Local Application
<b>Ward:</b>	East Livingston & East Calder	<b>Case Officer:</b>	Steven McLaren

## Summary of Representations

There have been 3 objections including one from Kirknewton Community Council:

- Large number of lorry movements.
- Impact on children's residential care facility.
- Impact on residential amenity.
- Non-compliance with previous conditions.
- Impact on neighbouring tourist business.
- Road condition a hazard to emergency and other vehicles.
- Non-compliance with council policies on waste management facilities.

### **Officers report**

Retrospective planning permission was granted for the operation of a concrete recycling plant on 27/4/17 with an expiry of that consent on 14/4/20. The operation had at that time been on site for around 18 months without consent. A breach of condition notice was serviced on the land owner as the use of the site continued after 14/4/20. Permission was originally granted for a 3 year period to allow for some of the aggregate to be used to infill slurry pits at former higher buildings at the farm. The slurry pit infill was granted under a separate consent. The 2017 permission was seen as reasonable in order to address the requirements of a Dangerous Buildings Notice and to return three former piggery units to levelled working agricultural ground.

The site has continued to operate for over a year beyond the 14/4/20 period and consideration has been given to the appropriateness of the development, the location, compliance with previous conditions and the impact of lorry movements on the road infrastructure. The exit from the site is via a shared private access to Leyden Road to the east. This road is shared with 4 other properties including the Care & Visions residential facility for vulnerable children. The reasonable period for the conclusion of the works to reinstate the piggery sites has expired and the volume of heavy vehicles has resulted in the destruction of the private access to such a degree that there are concerns over the ability of emergency and other vehicles to safely access the area without the risk of damage. The period of regular heavy vehicle movements is also detrimental to the residential amenity of those properties on the circuitous route in and out of the site.

There has also been failure to fully comply with conditions set out in planning permission 0159/FUL/17. There are therefore no reasonable grounds to allow the continuation of this operation and recommendation is to refuse planning permission as contrary to policies DES1 (design principles), ENV3 (other development in the countryside), EMP3 (employment developments outwith settlement boundaries) and MWR8 (waste management facilities) of the adopted West Lothian Local Development Plan, 2018.

A mandate for enforcement action is also requested should there be an unsuccessful appeal of the decision and where the business operation continues beyond the appeal period.



<b>Ref. No.:</b>	0955/FUL/20	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Erection of 4 flats with associated works.		
<b>Address:</b>	54 Torbane Drive, East Whitburn, West Lothian, EH47 0JQ (Grid Ref: 296117,665446)		
<b>Applicant:</b>	Mr Donald Fraser	<b>Type:</b>	Local Application
<b>Ward:</b>	Whitburn & Blackburn	<b>Case Officer:</b>	Kirsty Hope

### **Summary of Representations**

2 letters of objection were received -

- No permission from neighbouring property to access their land for construction or any other reason.
- Possible asbestos in the existing garage on site.
- New developer may build 6 flats and increase the height as the neighbouring site did.
- Insufficient parking and limited off street parking.
- Construction should only be between 8am and 5pm and not at weekends.

### **Officers report**

The site is located within the settlement boundary of East Whitburn. On the site is a vacant outbuilding/garage. The site is mostly overgrown and is not an area of maintained amenity or open space. The proposal is for four flats that would be accessed directly from Torbane Drive with six parking spaces provided within the rear of the curtilage. The proposed flats are two storeys in height, with 3 having one bedroom and 1 having two bedrooms. The proposed access to the properties would be via a communal door on the front and rear elevations.

The proposed finishing materials are concrete roof tile, dry dash roughcast walls with aluminium windows and secure main access doors. A condition to ensure the details of the colour and details are submitted shall be attached to ensure they are appropriate for the surroundings plots in terms of visual amenity.

The design and scale of the proposed flats are considered to be in-keeping with the surrounding character and local area. There is a mix of housing densities within surrounding area (from single storey to 3 storey flatted properties). Due to the position, height and massing of the proposed flats, there would be no overbearing impact on the neighbouring properties. There are no windows positioned on the gable elevations There are no privacy or overshadowing concerns.

Garden ground is limited due to the plot restrictions with parking provision and existing overhead cables. The proposed site is located within walking

distance to nearby open space and the proposal meets the terms set out in DES 1 (Design Principles) and Supplementary Guidance, Residential Design Guide 2019.

Parking is sufficient for 4 flats on site. Roads & Transportation has raised no objection, subject to conditions in relation to a footway to be provided adjacent to Torbane Drive. Revised plans were submitted to indicate this could be achieved. The site is within walking distance to A705 Main Street where public transport links are provided, the site is also nearby local primary and secondary schools.

The phase 1 site investigation report is satisfactory and a phase 2 report can be provided once the existing garage is removed from site. The proposal accords with EMG 6 (Vacant, Derelict and Contaminated Land) and the Supplementary Guidance on Development of Land Potentially Affected by Contamination.

There are no flooding concerns, drainage shall be conditioned to ensure it is carried out in accordance to the details submitted and the proposal complies with EMG 2 (Flooding) and EMG 3 (Sustainable Drainage) of the adopted local plan as well as the Supplementary Planning Guidance on Flooding and Drainage - Adopted April 2019.

A condition shall be applied to ensure the dwellings accord with policy NGR1a - Low and Zero Carbon Generating Technology within the local plan. Contributions shall be required for Education and Cemetery provision via legal agreement.

It is therefore recommended that planning permission be granted.

<b>Ref. No.:</b>	0083/FUL/21	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Demolition of agricultural shed and erection of a house with garage		
<b>Address:</b>	The Granary,3A Parkhead Holdings, Linlithgow, West Lothian, EH49 7RF (Grid Ref: 299763,677901)		
<b>Applicant:</b>	Mr Alan Anderson	<b>Type:</b>	Local Application
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Alexander Calderwood

### **Summary of Representations**

No representations were received from members of the public for this application. However, the Linlithgow and Linlithgow Bridge Community Council has lodged an objection. The issues raised in the objection are as follows:

- The proposal is not compliant with Policy ENV 2 and the Supplementary Guidance - Development in the Countryside, because it is to be situated in an elevated and exposed location where it can also be viewed from well frequented public vantage points. The prominence of the location is such that it is unacceptable.
- The chosen finishes to be applied are inappropriate.
- Approval would set a negative precedent for housing development in the countryside.

### **Officers report**

This application seeks full planning permission for the demolition of an agricultural shed and the erection of a house and associated garage. The proposed site lies approximately 300 metres north of the settlement boundary of Linlithgow and within a Special Landscape Area (Airngath Hill).

Policy ENV2 (Housing Development in the Countryside) sets out 5 instances in which housing development in the countryside will be permitted. The first one listed is the only one applicable to this proposal. It states that housing will be permitted if it provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition.

West Lothian Council's supplementary guidance (SG) entitled 'Development in the Countryside' establishes the principles and main design issues to be considered when determining a proposal for rural housing development. The guidance states that when a site falls into disuse, is abandoned or becomes derelict, it has the potential to seriously detract from the visual and environmental amenity of the area and for this reason the council can support the sensitive redevelopment or reuse of sites which can significantly enhance landscape quality through the removal of said dilapidated or intrusive buildings or their replacement by new development of an appropriate scale, mass and design. The guidance emphasises that the redevelopment of a rural brownfield site is one of the few instances where new build residential development will be permitted in the countryside, and

that housing in the countryside is restricted. This means that any decision to make an exception and grant permission should not be taken lightly and that the underlying justification for making an exception to policy would be to improve visual and environmental amenity of the countryside.

In the context of this application this is not the case. The agricultural building which currently occupies the site is characteristic of its rural location and is in good condition. It does not detract from the landscape quality of the area. Additionally, the scale of the proposed new house is such that it will dominate the site and the neighbouring buildings. It can be concluded that the proposal does not comply with Policy ENV 2.

The SG also goes into detail on design considerations in relation to new houses in the countryside. It notes that the form, bulk and general design of the building should always be in keeping with its surroundings. It also notes that dormers are not often found on traditional agricultural buildings and their incorporation in a new build property is best avoided; and that as a general rule, the treatment of windows and doors should be simple. It also notes that a rural house will very rarely be permitted in an elevated or exposed location or where it can be viewed from well frequented public vantage points

The proposed site is within a rural, countryside location and sits west of a number of well preserved, traditional buildings. The scale, massing, proportions, dormers and window proportions of the proposed dwelling are not respective of the traditional buildings or the surrounding rural area. In turn it would detract from the landscape character and special landscape area in which it is located. The site is in an elevated and exposed location and is highly visible from Linlithgow Palace and its associated grounds, and so the design issues would have an adverse effect on the outlook, character and setting of the Palace and Peel at Linlithgow. The proposal also does not comply with Policy DES 1 (Design Principles), Policy ENV 1 (Special Landscape Areas), Policy ENV 25 (Linlithgow Palace and Peel) or the associated SG.

The proposed house is unjustified inappropriate development in the countryside which is contrary to the development plan and refusal is recommended.

<b>Ref. No.:</b>	0139/A/21	<b>Recommendation:</b>	Refuse Advertisement Consent
<b>Proposal:</b>	Display of 1 illuminated fascia sign and window vinyl signs		
<b>Address:</b>	52 Hopetoun Street, Bathgate, West Lothian, EH48 4EU (Grid Ref: 297560,668999)		
<b>Applicant:</b>	Mr Benedetto Romito F&B Takeaway Limited	<b>Type:</b>	Other
<b>Ward:</b>	Bathgate	<b>Case Officer:</b>	Kirsty Hope
<b><u>Summary of Representations</u></b>			
None			
<b><u>Officers report</u></b>			
<p>This application seeks advertisement consent for the display of an illuminated fascia sign and vinyl signs within the windows of number 52 Hopetoun Street, Bathgate.</p> <p>The applicant has failed to provide sufficient details of the dimensions of the proposed signage. The proposed sign does not respect the existing building and appears dominant in scale. The proposed vinyl signs are more than 90% of the window coverage and therefore would result in there being no active frontage to the street, thus harming visual amenity.</p> <p>The proposal is contrary to Policy DES 1 (Design Principles) of West Lothian Local Development Plan 2018 and refusal is recommended.</p>			

<b>Ref. No.:</b>	0237/FUL/21	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Erection of a replacement house, demolition of outbuildings and erection of an additional house		
<b>Address:</b>	11 Holmes Holdings, Holmes Road, Broxburn, West Lothian, EH52 5NS (Grid Ref: 307079,671429)		
<b>Applicant:</b>	Mr G Bow	<b>Type:</b>	Local Application
<b>Ward:</b>	Broxburn, Uphall & Winchburgh	<b>Case Officer:</b>	Steven McLaren

#### **Summary of Representations**

There has been one representation received providing general comments on the design of the access, surface water drainage, methods of demolition and construction times to protect amenity.

#### **Officers report**

Planning permission is sought for the demolition of a house and outbuildings and for the construction of 2 houses at 11 Holmes Holdings. The site is constrained with farmed land to the north, west and south of the site and with 12 Holmes Holdings and the shared access to the east. The site lies to the south of the A89 and within an identified countryside belt in the adopted West Lothian Local Development Plan, 2018. The house to be demolished is a post-war small holding bungalow along with traditional outbuildings and a larger more modern shed.

The proposals are required to be considered under policies ENV2 (housing development in the countryside), ENV7 (countryside belts and settlement settings), DES1 (design principles) and the council's adopted Supplementary Guidance (SG): Development in the Countryside, 2018. In terms of design, the proposed houses are bungalows of a similar character to that which is to be demolished and as such would not look out of place in this setting. The principle of the development must also be considered in terms of policies ENV2, ENV7 and the council's adopted SG. These state that a site can be considered for re-development where a proposal provides for the restoration of a brownfield if there is no realistic prospect of it being returned to agriculture and the site has no significant natural heritage. It is unlikely that the site will be returned to agriculture however, the SG sets out that the site must be significantly visually and/or environmentally intrusive; it has been significantly degraded by a former activity which would require substantial investment and remediation; existing buildings are beyond economic repair and retention and there will be significant environmental, visual and/or community benefits to be had by the re-development of the site.

The applicant argues that the house is beyond economic repair and that the site is significantly visually intrusive. A replacement house of the design proposed is likely to be acceptable but the remainder of the site is not seen as significantly visually intrusive or degraded to an extent where the redevelopment of the site would remediate the land. There are also no significant environmental, visual and/or community benefits to be had by the re-development of the site. Taking all of the above in to account, the level of development proposed is unjustified development in the countryside and the application does not comply with the council's policies or supplementary guidance on housing development in the countryside. Refusal is therefore recommended.



<b>Ref. No.:</b>	0264/H/21	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Extension to house		
<b>Address:</b>	Lilliesleaf, 5 Badger Wood, Dechmont, West Lothian, EH52 6NZ (Grid Ref: 304245,670941)		
<b>Applicant:</b>	Miss Elaine Hall	<b>Type:</b>	Local Application
<b>Ward:</b>	Broxburn, Uphall & Winchburgh	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

One objection -

- Height of eaves/overall development breaching guidelines (comment is referring to PD rights rather than guidance),
- Impact on visual amenity,
- Impact on overshadowing,
- Overdevelopment,
- Work and materials not in keeping with surroundings.

Planning response -

- The objection comment states that proposal breaches two guidelines referring to overall heights of developments. The objection comment is referring to permitted development rights and not guidance. It is understood that the works exceed 3m at the eaves, and 4m at the ridgeline, however this is what is permitted without planning permission.
- The proposed works will appear subsidiary and will match with the existing property and is not considered to significantly impact upon the visual amenity,
- The proposed works will not overshadow any neighbouring garden or habitable room to any significant extent,
- It is considered that the works will still allow for sufficient usable garden ground and is not considered overdevelopment,
- The materials proposed are to match with those of the existing house and are therefore considered in keeping with the surroundings. In addition, a condition will be attached to the decision notice stating that materials will match the existing to ensure works will integrate.

### **Officers report**

This planning application proposes the erection of a rear extension onto the property located at Lilliesleaf, 5 Badger Wood.

The proposed extension is to measure 7.012m x 3.434m and is to be 4.310m in overall height, including the height of the proposed roof lantern. The proposed extension is to feature a window on each side elevation. The proposed window openings will be screened by boundary fencing on each side and will not directly overlook any neighbouring property to a significant or detrimental extent.

It is to be noted that the existing boundary fence will result in some overshadowing currently and the proposed works are set back enough from any neighbouring property and therefore will not significantly overshadow any neighbouring property, garden or habitable room to a significant extent.

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

The proposed works are of an acceptable scale which will appear subsidiary to the existing property, will still allow for sufficient usable garden ground and will not be detrimental to either the residential or visual amenity. This proposal adheres to West Lothian Local Development Plan's 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>	0266/LBC/21	<b>Recommendation:</b>	Refuse Listed Building Consent
<b>Proposal:</b>	Listed building consent for the display of a fascia sign and two window signs		
<b>Address:</b>	34 High Street, Linlithgow, West Lothian, EH49 7AE (Grid Ref: 300410,677134)		
<b>Applicant:</b>	Mrs Leanne McCauley Bonnie Weddings and Events	<b>Type:</b>	Other
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Alexander Calderwood
<b><u>Summary of Representations</u></b>			
No representations were received for this application.			
<b><u>Officers report</u></b>			
Overview			
This application seeks listed building consent for the display of a fascia sign and two window signs at 34 High Street, Linlithgow. The site falls within the Linlithgow Palace and High Street Conservation Area and is a Category B listed building.			
West Lothian Local Development Plan 2018 (Relevant Policy)			
'Policy DES 1 Design Principles' states that all development proposals will require to take account of and be integrated with the local context and built form. It also states that it should have no significant adverse impact on adjacent buildings or streetscape in terms of external materials, and on built heritage.			
'Policy ENV 24 Conservation Areas ' states that proposals must have regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area and will require appropriate high standards of design, materials, siting and implementation.			
'Policy ENV 28 Listed Buildings' states that the council will protect listed buildings and will have particular regard for their special architectural and historic features in considering proposals for their alteration.			
'PLANNING GUIDANCE (PG) Shopfronts and Advertisements in Conservation Areas' provides guidance on the display of advertisements within Linlithgow Palace and High Street Conservation area. Section 8 advises many shops in conservation areas do not have fascia boards and where fascias are not present on shops, the introduction of a new one will not be supported. Also, Section 10 advises that fascias made of acrylic or vinyl sheeting, perspex, aluminium or plastic will not be supported.			

The proposal which is being considered under this application (0266/LBC/21) seeks to implement a fascia sign where one is not currently present and which is to be constructed of vinyl. It is evident that the proposal is not compliant with the supplementary guidance, demonstrating that it is not considerate of the character of the conservation area, the associated listed building or the built heritage character of the area. When walking along the High Street it is evident that vinyl is not a common material used on the historic shop fronts that are present. The proposals are not compliant with Policy DES 1, Policy ENV 24 and Policy ENV 28.

<b>Ref. No.:</b>	0267/A/21	<b>Recommendation:</b>	Refuse Advertisement Consent
<b>Proposal:</b>	Display of a fascia sign and two window signs		
<b>Address:</b>	34 High Street, Linlithgow, West Lothian, EH49 7AE,(Grid Ref: 300410,677134)		
<b>Applicant:</b>	Mrs Leanne McCauley Bonnie Weddings and Events	<b>Type:</b>	Other
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Alexander Calderwood
<b><u>Summary of Representations</u></b>			
No representations were received for this application.			
<b><u>Officers report</u></b>			
Overview			
This application seeks advertisement consent for the display of a fascia sign and two window signs at 34 High Street, Linlithgow. The site falls within the Linlithgow Palace and High Street Conservation Area and is a Category B listed building.			
West Lothian Local Development Plan 2018 (Relevant Policy)			
'Policy DES 1 Design Principles' states that all development proposals will require to take account of and be integrated with the local context and built form. It also states that it should have no significant adverse impact on adjacent buildings or streetscape in terms of external materials, and on built heritage.			
'Policy ENV 24 Conservation Areas ' states that proposals must have regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area and will require appropriate high standards of design, materials, siting and implementation.			
'Policy ENV 28 Listed Buildings' states that the council will protect listed buildings and will have particular regard for their special architectural and historic features in considering proposals for their alteration.			
'PLANNING GUIDANCE (PG) Shopfronts and Advertisements in Conservation Areas' provides guidance on the display of advertisements within Linlithgow Palace and High Street Conservation area. Section 8 advises many shops in conservation areas do not have fascia boards and where fascias are not present on shops, the introduction of a new one will not be supported. Also, Section 10 advises that fascias made of acrylic or vinyl sheeting, perspex, aluminium or plastic will not be supported.			

The proposal which is being considered under this application (0267/A/21) seeks to implement a fascia sign where one is not currently present and which is to be constructed of vinyl. It is evident that the proposal is not compliant with the supplementary guidance, demonstrating that it is not considerate of the character of the conservation area, the associated listed building or the built heritage character of the area. When walking along the High Street it is evident that vinyl is not a common material used on the historic shop fronts that are present. The proposals are not compliant with Policy DES 1, Policy ENV 24 and Policy ENV 28.



<b>Ref. No.:</b>	0283/H/21	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Erection of a storage hut/extension		
<b>Address:</b>	43 Meadowbank Road, Kirknewton, West Lothian, EH27 8BH (Grid Ref: 311765,667097)		
<b>Applicant:</b>	Dr. Jeannie Z. Tan	<b>Type:</b>	Local Application
<b>Ward:</b>	East Livingston & East Calder	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

One objection -

- Loss of sunlight/overshadowing,
- Potential for overdevelopment,
- Unauthorised structures within garden,
- Concerns over a business being run from the property,
- Impact on residential amenity.

### **Officers report**

This planning application proposes a single storey side extension onto the property located at 43 Meadowbank Place, Kirknewton.

The proposed works are to measure 9m in overall length and is to measure 0.8m in width on the front elevation and 1.6m in width on the rear elevation. The extension is to be 2.470m in overall height from ground level to the eaves of the flat roof. The extension is to feature a doorway on the front elevation and a doorway on the rear side elevation.

The side extension is proposed to adjoin onto a rear extension which was previously granted a certificate of lawfulness (1201/CLU/20). It is to also be noted that there is an existing shed to the rear of the property which has been subject to an enforcement case.

It is considered that the proposed extension, will result in overdevelopment of the site and will not allow for sufficient usable garden ground to the rear or side of the property. In addition, the proposed works will appear as overbearing from the neighbouring property to the north due to the overall length of the extension. This proposal is therefore contrary to West Lothian 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.



# Development Management

List of Delegated Decisions - 21st May 2021

DATA LABEL: OFFICIAL

The following decisions will be issued under delegated powers unless any Member representing the ward in which the application is located 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>	1226/FUL/20	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Change of use of former agricultural building to workshop and storage units with new cladding and alterations to building		
<b>Address:</b>	Land To South Of Baads Mill Farm, West Calder, West Lothian, EH55 8LG, (Grid Ref: 300099,659791)		
<b>Applicant:</b>	Mr Iain Noon Alternate Energy UK Ltd	<b>Type:</b>	Local Application
<b>Ward:</b>	Fauldhouse & The Breich Valley	<b>Case Officer:</b>	Kirsty Hope

## Summary of Representations

One representation received -

- Concerns raised about site address
- Some work has already been undertaken
- Road access is narrow and manoeuvring may be difficult
- Parking concerns
- Unsociable behaviour of youths congregating

## Officers report

The applicant seeks planning permission for the change of use of a former agricultural building to a workshop/storage units with external cladding and alterations to the premises including the installation of a wind turbine.

It has not been demonstrated that there is no suitable alternative site available for the proposal within the settlement boundary. Whilst it is understood that business would demonstrate renewable technology it has not been demonstrated that the business justifies a countryside location. The proposed development does not constitute as a farm diversification enterprise as this building is not part of an existing farm. Whilst it is noted that this proposal may assist with a potential of 4 additional employees, it has not been demonstrated that the proposals would help sustain the rural economy or create significant social benefits.

The application is therefore contrary to EMP 3 (Employment Development out with Settlement Boundaries) within the West Lothian local development plan, 2018. It is therefore recommended that this application is refused planning permission.



<b>Ref. No.:</b>	0268/H/21	<b>Recommendation:</b>	Grant Planning Permission Item No.8
<b>Proposal:</b>	Erection of shed in retrospect		
<b>Address:</b>	35 Poynter's Road, Broxburn, West Lothian, EH52 5ED, (Grid Ref: 309012,672103)		
<b>Applicant:</b>	Mr Mauricio Leone	<b>Type:</b>	Local Application
<b>Ward:</b>	Broxburn, Uphall & Winchburgh	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

One objection comment -

- Overall height of workshop,
- Impact on overshadowing/natural lighting,
- Use of garage as workshop,
- Impact on noise from workshop,
- Impact on visual amenity.

Planning response -

- The overall height of the workshop is not considered to result in any detrimental impacts and is only 0.304m over the permitted height for developments which don't require planning permission,
- The proposed works will result in some additional overshadowing however this will not be detrimental and it is to be noted that the boundary fence already result in overshadowing,
- A condition will be added to the decision notice stating that the works will not be used for any commercial activity,
- A condition will be added to the decision notice stating that the works will not be used for any commercial activity which will reduce any potential increase in noise,
- The proposed works will not be visible from the main street, are of an acceptable scale and are not considered to significantly impact upon visual amenity.

### **Officers report**

This planning application seeks retrospective permission for the erection of a shed at 35 Poynter's Road, Broxburn.

The proposed shed is to measure 3.070m x 4.10m and is to be 2.804m in overall height to the eaves of the mono-pitch roof. The shed is to be externally finished with metal cladding and horizontal timber boards and is to feature a door and window on the front elevation which will overlook the applicants rear garden. The rear garden is sufficiently screened with boundary fencing on each side, therefore the proposed shed will therefore not directly overlook any neighbouring property to a significant extent.

It is to also be noted that the existing boundary fence results in overshadowing currently. The proposed shed will not result in any additional overshadowing which is considered to be significantly detrimental.

A new timber decking is to also be formed within the rear garden which is to measure 0.15m from ground level and is therefore considered permitted development and does not require planning permission.

The proposed works are of an acceptable scale which are suitably located, will not be visible from the main street, will still allow for sufficient usable garden ground and will not significantly impact upon either the visual or residential amenity. This proposal adheres to West Lothian Council's Local Development Plan's 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>	0293/H/21	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Erection of garage		
<b>Address:</b>	31 Fitzallan Place, Bathgate, West Lothian, EH48 2UN, (Grid Ref: 297909,667361)		
<b>Applicant:</b>	Mr Dale Brown	<b>Type:</b>	Local Application
<b>Ward:</b>	Bathgate	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

6 objection comments recieved -

- Impact on visibility splay and sightlines,
- Concerns over works appearing prominent within the street,
- Work will detract from overall streetscene,
- Traffic/pedestrian safety,
- Potential use of workshop,
- Restricted access to garage,
- Increase in noise,
- Impact on off/on-street parking.

### **Officers report**

This planning application proposes the erection of a garage and storage at the property 31 Fitzallan Place, Bathgate.

The proposed garage is to measure 3.625m x 5.300m and is to measure no more than 4.0m in overall height from ground level to the ridgeline of the proposed gable pitched roof. The storage, which is to be located to the rear of the garage, is to measure 1.8m in width. The proposed garage will feature a garage door on the front elevation which will open out into the front garden area which sits abrupt with a public footpath. The materials proposed for the works are to match those of the existing property.

The proposed garage is to be erected beyond the building line of the existing property and is located within a corner plot and will therefore appear prominent within the site, significantly impacting upon the visual amenity of the street scene.

The consultation comment provided by Roads and Transport, recommends that the application is refused planning permission as the residential development guide states that there shall be a minimum of 6m driveway in front of a garage, in which this proposal does not provide an effective driveway length in front of the garage, and that a forward sight distance around corner of 22m must be achieved, which is not achieved with this proposal.

In addition, the works look to convert the existing garage into an additional bedroom. This would then require the property to have 2 off-road spaces measuring 6m long by 5m wide. This again is not achieved with this proposal.

The proposed works will have a significant impact upon pedestrian safety and the visibility splay. The proposed works will also have a detrimental effect

on the visual amenity off the area and the proposed garage is not suitably located. 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. It is recommended that the application is refused planning permission.

<b>Ref. No.:</b>	0306/H/21	<b>Recommendation:</b>	Grant Planning Permission Item No.8
<b>Proposal:</b>	Removal of conservatory and formation of single storey extension		
<b>Address:</b>	47 Forrest Place, Armadale, West Lothian, EH48 2GZ, (Grid Ref: 294215,667532)		
<b>Applicant:</b>	Ms C Doughty	<b>Type:</b>	Local Application
<b>Ward:</b>	Armadale & Blackridge	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

One objection comment -

- Exceed maximum height of 2.5m within 1 of boundary,
- Impact on overshadowing,
- Impact on potential buyers in future,

Planning response -

- This maximum height refers to permitted development rights,
- The proposed works will not result in any additional overshadowing which is considered significant in comparison to what is caused by the existing conservatory,
- Not a material planning consideration.

### **Officers report**

This planning application proposes the erection of a rear extension onto the property located at 47 Forest Place, Armadale.

The proposed extension is to measure 3.870m x 5.175m and is to be 3.250m in overall height. The proposed works are to replace an existing conservatory which currently measures 3.700m in overall height. The rear extension is to feature windows on the rear elevation, which will overlook the applicants rear garden, and glazed patio doors on the side elevation which will open out onto a patio decking. The site is sufficiently screened with fencing on each boundary, therefore the proposed works will not directly overlook any neighbouring property to a significant extent.

The proposed works are to be externally finished using a white render and a composite cladding.

The proposed works will not overshadow any more than what is caused by the existing conservatory and the proposed works will be smaller in scale and will therefore not appear any more dominant or overbearing from the neighbouring properties.

The proposed works are of an acceptable scale which will appear subservient to the existing property, will still allow for sufficient garden ground and will not result in any additional or significant impact upon the visual or residential amenity. This proposal adheres to West Lothian Council's Local Development Plan's 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.







Ref. No.	Owner/ Developer	Location & Alleged Breach of Planning Control	Ward	Proposed action	Reasons for decision and summary steps to comply if applicable
ENF/0123/21	Mr Scott Birrell	Corrie Bar 17a North Street Armadale Bathgate West Lothian EH48 3QD	Armadale & Blackridge	Take No Action (Review after Covid19 restrictions are lifted)	<p>Corrie Bar erected fence at the driveway access in order to convert shared garden grounds to a beer garden. We were advised this is a temporary change to accommodate customer's demand and meet current Covid19 restrictions.</p> <p>Following Government's Chief Planner advice this provisional change is permitted for the time Covid19 restrictions are in place. This shall be reviewed once restrictions are eased.</p>
ENF/0270/19	Kenny & Lisa Chan	20 Main Street Deans Livingston West Lothian EH54 8BE	Livingston North	Enforcement Notice	<p>An air conditioning unit has been installed at the above property which was not shown on the approved plans of planning consent 1178/FUL/18.</p> <p>The air conditioning unit has been causing noise nuisance to neighbouring residents. The team have contacted the owner of the property on numerous occasions however they have failed to respond or resolve the breach in planning control.</p> <p><b><u>Steps to comply</u></b></p> <ol style="list-style-type: none"> <li>1. Remove the air conditioning unit.</li> </ol>



# Development Management

List of Delegated Decisions - 28th May 2021

DATA LABEL: OFFICIAL

The following decisions will be issued under delegated powers unless any Member representing the ward in which the application is located 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>	1200/FUL/20	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Erection of a house and garage		
<b>Address:</b>	Land To The North East Of ,4 South Couston Crofts, Armadale, West Lothian, EH48 4LG (Grid Ref: 294791,670064)		
<b>Applicant:</b>	Mr J Higgins	<b>Type:</b>	Local Application
<b>Ward:</b>	Armadale & Blackridge	<b>Case Officer:</b>	Matthew Watson

## Summary of Representations

No representations received.

## Officers report

The application proposes the erection of a house and garage at land to the north east of 4 South Couston Crofts. The proposed design of the house is a modern take on a Georgian style mansion. An area of ancient woodland lies to the west and north west of the proposed site of the house. Access is taken from a track off the B8084. The site is within a designated lowland crofting area.

The original design brief for South Couston Crofts makes clear that the design of houses within the development should be of a traditional rural design. The proposed design of the house in the form of a modern take on a Georgian style mansion does not fit with the requirements of the brief, nor does it fit with the crofts that have been built in the area, which are of a more take on traditional farm buildings. These crofts are predominately 1 ½ storeys in height with additional accommodation in the roofspace through rooflights and wallhead dormers.

In terms of the scale of the proposed house, the brief states on p.4 that the height of houses is not to exceed 7m in height and that outbuildings are not to exceed 4m in height. The proposed house is 8.6m in height and its associated double garage that is attached to the house is 5.8m in height. Therefore, the proposal is contrary to these requirements of the brief.

In terms of the LDP, policy ENV 2 states proposals supported by the council's lowland crofting policy can be acceptable. Policy DES 1 states "All development proposals will require to take account of and be integrated with the local context and built form". The SG on Development in the Countryside states "the layout and design of buildings must conform to a design statement" and "The form, bulk and general design of the building should always be in keeping with its surroundings". The Lowland Crofting Handbook states houses should be based on traditional rural cottages and that

"Very bulky houses, larger than the original farmhouses will not be acceptable".

Given the above, the proposed house does not take account of and does not integrate with the local context and built form of the surrounding area. The design of the house does not conform to the design brief for the site and is not based on a traditional rural cottage. The proposal is contrary to policies ENV 2 and DES 1 of the LDP, the SG on Development in the Countryside and the Lowland Crofting Handbook SPG.

Overall, and in view of the above, it is recommended that planning permission is refused.

<b>Ref. No.:</b>	0274/FUL/21	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Erection of 3 houses with associated works		
<b>Address:</b>	Land To The East Of South Park House, 28 Station Road, Bathville, Armadale, West Lothian (Grid Ref: 293754,667428)		
<b>Applicant:</b>	Mr Kumar Hans Investments Ltd	<b>Type:</b>	Local Application
<b>Ward:</b>	Armadale & Blackridge	<b>Case Officer:</b>	Kirsty Hope

### **Summary of Representations**

14 comments were received and are summarised as follows:-

- Properties are too close to boundary and neighbouring dwellings
- Overdevelopment of the site
- Restriction on daylight, privacy and residential amenity of neighbouring dwellings
- Loss of trees and wildlife habitat
- No tree survey submitted
- Noise and access disruption to neighbouring properties and wildlife
- Concerns regarding flooding and retaining wall stability
- Parking concerns and manoeuvring onsite
- Road safety concerns and increased traffic
- Medical practise and local schools are already at capacity
- Access to new plot should be separate from house to the rear
- Construction of houses should be within plot and no permission for access onto neighbouring land
- Unclear distances from proposed dwellings to boundary
- Levelling and excavation of site may cause neighbouring land slippage/unstabilisation
- No details of site compound/storage of materials etc
- Concerns regarding construction noise
- Out of character and would have a detrimental impact on area
- Works may cause neighbouring properties financial hardship
- Contrary to Policy 6 and 9 of the Strategic Development Plan for Edinburgh and South East Scotland
- Has the Forestry and Land Scotland management organisation given permission or granted a licence for felling these trees
- Not aware the land was for sale

### **Officers report**

The applicant seeks planning permission for 3 houses and associated works on land to the east of South Park House, adjacent to Station Road.

Policy HOU 3 (Infill/Windfall Housing Development within Settlements) criterion (a) of the West Lothian Local Development Plan (LDP) states development should be in keeping with the character of the settlement and local area. Policy DES 1 (Design principles) of the LDP states "All

development proposals will require to take account of and be integrated with the local context and built form".

The site is located within the settlement boundary of Armadale. The existing site has trees and is currently overgrown. South Park House currently accesses the site via Station Road, however this proposal would close this access off with a new access created onto the side road that would join onto Station Road. The proposed layout indicates that all three properties would be located along the boundary edges of the site. The proposed dwellings are two storeys in height and are detached.

The three proposed properties would have limited garden areas that are smaller than the surrounding area. The proposed access and parking would be restricted for manoeuvring when cars are parked at the front of the proposed properties, which could impact on the access to the neighbouring property at South Park House or mean that cars reverse out onto the side road South Park, Armadale.

The proposed layout of the site is overdevelopment of the plot and an unacceptable break from the spatial character of the surrounding area. The layout shows that only one of the three houses would have a 9m depth garden to the rear. Whilst the plans note that each property would have 80sqm of garden this includes small triangular pieces of land that are not usable.

The proposal is contrary to policies HOU 3 (Infill/Windfall Housing Development within Settlements) and DES 1 (Design Principles) of the LDP. Overall, and in view of the above, the proposal is contrary to the policies and provisions of the development plan and it is recommended that planning permission is refused.



<b>Ref. No.:</b>	0310/P/21	<b>Recommendation:</b>	Refuse Planning Permission in Principle
<b>Proposal:</b>	Planning permission in principle for erection of 2 houses		
<b>Address:</b>	Rosebank, 84 East Main Street, Whitburn, West Lothian, EH47 0PT (Grid Ref: 294935,665032)		
<b>Applicant:</b>	Mr Robertson Blake	<b>Type:</b>	Local Application
<b>Ward:</b>	Whitburn & Blackburn	<b>Case Officer:</b>	Kirsty Hope
<b><u>Summary of Representations</u></b>			
No representations were received.			
<b><u>Officers report</u></b>			
<p>The applicant seeks planning permission in principle for 2 houses on land that forms part of the garden of Rosebank, 84 East Main Street,. The applicant has provided an indicative plan indicating that the existing driveway would be used to serve the proposed houses.</p> <p>The indicative layout shows that one property would sit alongside the existing house with a narrow frontage compared to the neighbouring properties. The other proposed house would be positioned in a backland location to the rear of the existing house with no street frontage. The proposal would result in a break from the existing spatial character as backland development does not form part of the character of the area, nor is the division of plots with a shared access. The split of this large plot to accommodate 2 additional houses would be overdevelopment of the plot and an unacceptable break from the spatial character of the area. The indicative layout of the house at the rear of the plot would not have a 9m depth garden area and the garden plots areas are much smaller than neighbouring plots.</p> <p>The proposal is contrary to policies HOU 3 (Infill/Windfall Housing Development within Settlements) and DES 1 (Design Principles) of the LDP.</p> <p>The proposal is contrary to the policies and provisions of the development plan and it is recommended that planning permission in principle be refused.</p>			

<b>Ref. No.:</b>	0327/FUL/21	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Change of use of land to allow for the continued parking/storage of light commercial vehicles and erection of boundary fence (in retrospect)		
<b>Address:</b>	35-37 Main Street, Winchburgh, West Lothian, EH52 6RT, (Grid Ref: 308991,675017)		
<b>Applicant:</b>	Mr Andrew Nisbett AS Scottish Commercials	<b>Type:</b>	Local Application
<b>Ward:</b>	Broxburn, Uphall & Winchburgh	<b>Case Officer:</b>	Steven McLaren

### **Summary of Representations**

There have been 2 objection received:

- Impact on residential and visitor parking.
- Visual and residential amenity.
- Adverse impact on adjacent land uses.
- Inappropriate use for the location.
- Type of vehicles commensurate with an industrial area.
- Contrary to policies DES1, TCR1 and EMP2

### **Officers report**

Temporary retrospective planning permission was granted for the use of the site as a small second hand car lot in connection with Winchburgh Garage Services on the opposite side of Main Street in December 2015. That permission lapsed in December 2018 with outstanding planning conditions not complied with. During that period, the nature of the business changed to the sale of large commercial vans and the site at points contained around 30 vehicles. A planning application was submitted in 2019 to continue this operation but was refused at committee and subsequently refused on appeal in January 2020. A timber fence of approximately 1m in height has been constructed around the site and the applicant, AS Scottish Commercials, has continued to use the site unlawfully for the storage of vehicles in relation the commercial vehicle sale operation.

The applicant utilises the garage across Main Street for the servicing and maintenance of the vans in support of the sales site at Drovers Road, East Mains Industrial Estate, Broxburn. The application site is to be used as an overflow storage/parking area for vehicles that cannot be accommodated at the main site. It has also been confirmed that the Broxburn sales area accommodates on average 80 vehicles.

Photographs and a site visit showed around 10 vehicles on the application site, with one in a state dismantlement and appears to have been on site for some time. Whilst considerably less vehicles were on site than during the previous planning application, there is scope for an increase back to the levels seen previously. With the sales area in Broxburn accommodating 80 vehicles and the application site being used as overspill, there would be no control over the number of vehicles which could be brought to the site.

This type of use should be located within an industrial area and it is clear that the business has an appropriate site within an industrial area from which to operate. The application site on Winchburgh Main Street is highly visible and the parking and rotation of commercial vehicles gives the area an

unnecessary industrial feel to the detriment of visual and residential amenity of the area. Whilst the site may be suitable for a small second hand car sales area, as would be expected within a town or village, the commercial nature of the business results in an incongruous feature within the street scene.

Whilst the council wishes to support small local businesses, these must be located in appropriate areas. Recommendation is therefore to refuse planning permission.

<b>Ref. No.:</b>	0341/H/21	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Extension and alterations to house		
<b>Address:</b>	31 Clarendon Crescent, Linlithgow, West Lothian, EH49 6AW, (Grid Ref: 300571,676902)		
<b>Applicant:</b>	Mr & Mrs Paul Smith	<b>Type:</b>	Local Application
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

One objection -

- Impact on overshadowing/loss of light,
- Overall height of works due to varying levels on site.

### **Officers report**

This planning application proposes the erection of a rear extension onto the property located at 32 Clarendon Crescent, Linlithgow.

The proposed rear extension is to measure 5.904m in width on the rear elevation, 10.110m in overall length on the side elevation and boundary and is to be 4.502m in overall height from the lowest ground level to the proposed eaves of the flat roof. The extension is to feature a window on the front elevation, which will overlook the main street, windows on the rear elevation and a door way on the side elevation which will open out onto a decking area.

It is to be noted that there the levels on site vary significantly between the neighbouring properties and as a result, the proposed works will appear as overbearing from the neighbouring property located to the north of the site and will also result in additional overshadowing to the north of the site. It is also considered that the proposed works will not integrate with the existing property in terms of scale and design and instead will significantly impact upon the visual amenity of both the existing property and streetscene.

The proposed works, will have a detrimental impact upon the neighbouring properties and will appear as dominating from the rear and north of the site. 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. It is recommended that the application is refused planning permission.

<b>Ref. No.:</b>	0352/H/21	<b>Recommendation:</b>	Grant Planning Permission Item No.8
<b>Proposal:</b>	Extension to house		
<b>Address:</b>	103 Easter Bankton, Murieston, Livingston, West Lothian, EH54 9BG (Grid Ref: 306452,665842)		
<b>Applicant:</b>	Mr David Miller	<b>Type:</b>	Local Application
<b>Ward:</b>	Livingston South	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

Two comments (both as neutral however raise material planning considerations) -

- Impact on overshadowing,
- Suggestions regarding proposed materials,
- Impact on drainage,
- Suggestions regarding the erection of a boundary fence,
- Previous works impacting upon existing boundary fencing.

Planning Response -

- The proposed works will not significantly overshadow any habitable room or garden to a detrimental extent. Due to the notable length of the rear gardens, they will still receive adequate sunlight and daylight,
- A condition will be attached to the decision notice stating that materials will match with the existing property,
- Not a material planning consideration,
- The proposed works are not considered to directly overlook to an extent where additional boundary screening is required. In addition, a 6-foot fence would result in significant overshadowing,
- Not a material planning consideration.

### **Officers report**

This planning application proposes the erection of a rear extension onto the property located at 103 Easter Bankton, Murieston.

The proposed rear extension is to measure 5.351m x 3.000m and is to be 3.581m in overall height to the ridgeline of the proposed gable pitch roof. The proposed rear extension is to feature roof lights within the roof space and patio doors on the rear elevation which will open out into and overlook the applicants rear garden area. No openings will directly overlook any neighbouring property to a significant extent.

The external materials proposed for the rear extension are to match those of the existing property.

The proposed works will not result in any overshadowing which will be detrimental to any habitable rooms of the neighbouring properties and will not significantly overshadow any neighbouring gardens which are of a notable length. Overshadowing is already currently caused by the row of houses themselves and by the existing boundary fence on each side of the site.

The proposed works are of an acceptable scale which will appear subsidiary to the existing property, will still allow for sufficient usable garden ground and will not significantly impact upon either the residential or visual amenity. This proposal adheres to West Lothian Council's Local Development Plan's 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>	0401/FUL/21	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Change of use from public open space to private driveway access and formation of hardstanding (in retrospect)		
<b>Address:</b>	69 Westwood Park, Deans, Livingston, West Lothian, EH54 8QW (Grid Ref: 302512,669078)		
<b>Applicant:</b>	Mr Piotr Drazkiewicz	<b>Type:</b>	Local Application
<b>Ward:</b>	Livingston North	<b>Case Officer:</b>	Alexander Calderwood

### **Summary of Representations**

No representations were received for this application.

### **Officers report**

#### Overview

This application seeks full planning permission for the change of use from public open space to form a private driveway access. The proposed driveway is associated with a residential property at 69 Westwood Park, Livingston and will function as a second vehicle access point from the side of the property. The area has been laid with slabs. The planning application was submitted following an enforcement enquiry.

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

'Policy DES 1 Design Principles' states that all development proposals will require to take account of and be integrated with the local context and built form. It also states that it should have no significant adverse impact on adjacent buildings or streetscape in terms of layout or amenity, be suitable in terms of access and have no implications for public safety.

Transportation were consulted on the application and confirmed that they object, and require it to be refused. They objected on the grounds of public safety because the proposal has the potential to hold up traffic as vehicles using the access either pull out onto the road or enter the property at a location near to two road junctions. They also noted that they generally do not support a second vehicle access point to a property because of the implications it can have for traffic.

It can therefore be concluded that the proposal is unacceptable in terms of the suitability of the access and the implications it could have for public safety. Additionally, to have a second vehicle access point would be out of context within the local area. The proposal does not comply with Policy DES 1 (Design). The proposal also results in the loss of an area of amenity open space and has a detrimental visual impact. The application is therefore also contrary to policy ENV21 (Protection of Open Space). The case will be referred back to enforcement for further action.

