



Development Management Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

7 July 2021

A meeting of the **Development Management Committee** of West Lothian Council will be held within the **Webex Virtual Meeting** on **Wednesday 14 July 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 09 June 2021 (herewith)

Public Items for Decision

5. Application No.0277/H/21 - Increase in height of existing fence and installation of a CCTV camera (in retrospect), Winnock, Burnside, Bathgate (herewith)
6. Application No.0633/FUL/20 - Erection of a single domestic garage and

reposition front boundary line in connection with planning permission 0622/FUL/18 at land at 8 East Main Street, Uphall (herewith)

7. Application No.1200/FUL/20 - Erection of a house and garage on land to the north east of 4 South Couston Crofts, Armadale (herewith)
8. Application No.0172/EXC/21 - Consultation on application under Section 36 of the Electricity Act 1989 for consent to construct and operate a wind farm with a generating capacity in excess of 50mw, comprising of up to 14 wind turbines and associated infrastructure at heathland approximately 1.5km east of Forth, West Lothian & South Lanarkshire (herewith)
9. Application No.0384/FUL/21 - Erection of house at land at Ballencrieff, Bathgate (herewith)
10. Application No.0501/FUL/21 - Application under Section 42 without complying with condition 10 of planning permission 0848/FUL/19 for the erection of 48 houses to allow change to construction working and delivery hours to 0800-1800 Mondays to Fridays and 0800-1300 Saturdays and at land west of Hartwood Road, West Calder (herewith)

Public Items for Information

11. Consider list of delegated decisions on planning applications and enforcement actions for the period 4 June to 2 July 2021 (herewith)
12. Appeals :-
 - (a) Application No.0370/LBC/20: Listed Building Consent for demolition of former nursery building at former nursery, Academy Street, Armadale, EH48 3JD - Appeal dismissed
 - (b) Application No.1188/PO/20: Modification of planning obligation relating to planning permission 1044/P/08 to remove town centre improvements contribution at land at Armadale Station (Southdale), Station Way, Armadale, West Lothian, EH48 3LP - Appeal allowed
 - (c) Application No.0219/FUL/20: Erection of 104 houses, formation of access roads, open space and associated engineering operations at site at Hens Nest Road, East Whitburn, EH47 8RX - Appeal submitted
 - (d) Application No.1182/P/20: Planning Permission in principle for a mixed-use development including residential, commercial, park and ride site, solar voltaic array and associated works at site at Uphall, Broxburn, West Lothian, EH52 5NT - Appeal submitted
 - (e) Application No.0161/FUL/21: Erection of a garage with upper floor hobby accommodation at Turner House, Gowanbank,

DATA LABEL: Public

Westfield, Falkirk, FK1 2JY - Appeal submitted

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

CODE OF CONDUCT AND DECLARATIONS OF INTEREST

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

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

NAME	MEETING	DATE

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

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

Other key terminology appears on the reverse.

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

SUMMARY OF KEY TERMINOLOGY FROM REVISED CODE

The objective test

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

The General Exclusions

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

Particular Dispensations

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

The Specific Exclusions

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

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

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

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE held within WEBEX VIRTUAL MEETING, on 9 JUNE 2021.

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

1. DECLARATIONS OF INTEREST

Agenda Item 7 (App No.0237/FUL/21) - Councillor Willie Boyle declared an interest in that he currently had separate business dealings with the architects firm involved in the planning application so would not participate in the item of business; and

Agenda Item 5 (App No.0095/FUL/21) - Councillor Stuart Borrowman declared an interest in that he had recently visited the school premises and been provided with a tour of the new facilities but would participate in the item of business.

2. ORDER OF BUSINESS

Committee agreed that in accordance with Standing Order 8(3) that agenda items 8 (Delegated Decisions) and 9 (Appeals) were to be taken as read and their recommendations noted without any further consideration.

3. MINUTE

The committee approved the minute of its meeting held on 12 May 2021 as a correct record.

4. APPLICATION NO.0095/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>
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	Grant subject to conditions

The committee first heard from Mr Paul McCormack speak in support of his objections to the application.

The committee then heard from Mr James Cameron, Head of Education (Learning, Policy and Resources) West Lothian Council, speak in support of the application.

Decision

To approve the Section 42 application subject to conditions and to agree that it be delegated to the Development Management Manger to agree any minor adjustments that required to be made regarding the removal and replanting of the trees.

5. APPLICATION NO.0161/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>
0161/FUL/21	Erection of garage with upper floor hobby accommodation, Turner House, Gowanbank, Westfield	Refuse planning permission

The committee first heard from Mrs Louise Guy speak in support of her objections to the application.

The committee then heard from Mr Tommy Cochrane, the applicant's agent and Mr Andrew Provan, the applicant, who both spoke in support of the application.

Committee noted that that whilst Mr and Mrs Smyth were in attendance at the meeting they were only there to answer questions and not to present to committee.

Decision

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

6. APPLICATION NO.0237/FUL/21

Councillor Willie Boyle took no further part in the remaining items of business having previously declared an interest that required him to leave the meeting.

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>
0237/FUL/21	Erection of a replacement house, demolition of outbuildings and erection of an additional house, 11 Holmes holdings, Holmes Road, Broxburn	Refuse planning permission

The committee first heard from Councillor Chris Horne, a local ward member, who spoke in support of the application.

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

Decision

To approve the terms of the report and refuse planning permission with an additional reason for refusal that the proposal was contrary to Policy ENV7 of the LDP

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 7 to 28 May 2021 was submitted for the information of committee.

Decision

To note the list of delegated decisions.

8. APPEALS

The committee noted that the following appeals, which had been submitted to the Scottish Government following refusal of planning permission had been dismissed :-

<u>Application No.</u>	<u>Proposal</u>
0340/P/19	Residential Development with Access, Servicing, Open Space, Landscaping, Suds and Infrastructure Works at land at Wilcoxholm Farm, Linlithgow

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

The committee noted that the following appeal, which had been submitted to the Scottish Government following refusal of planning permission had been allowed in part :-

Application No.

Proposal

0375/P/20

Application Under Section 42 To Develop Land Without Complying with Condition 2B (Requires Approval of Details of Means of Access to All 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



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1. DESCRIPTION

Increase in height of existing fence (in retrospect) (as amended) at Winnock, Burnside Road.

2. DETAILS

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

Reason for referral to Development Management Committee: Continuation from Development Management Committee meeting of 12 May 2021.

3. RECOMMENDATION

3.1 Refuse the submitted plans and seek approval for an amended proposal.

4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 This application was continued for two cycles from the Development Management meeting held on the 12th May to allow officers to visit the application site so they could better assess the proposal and the impacts from neighbouring lights and it was advised that the visit should include evening hours. The report from that committee is attached for information.
- 4.2 This planning application initially sought retrospective permission for the increase in height of the existing fence and the installation of a CCTV camera. However, the CCTV has been removed from the site and the applicant has confirmed that it will not be re-instated. The CCTV has been removed from the application.
- 4.3 The application now seeks retrospective planning permission for the increase in height to a section of the existing fence. The submitted application includes an increase in the height of all the existing 1.8m high panels to 2.5m high. The applicant has since verbally

requested that this be amended to an increase of 2.3m and only from the house southwards to the end of the existing imitation foliage trellis on the east side of the existing parking bay.

- 4.4 This section of the trellis is considered to be required by the applicant in order to block out light pollution caused by a floodlight located on the neighbouring property at Burnside Cottage.
- 4.5 The applicant has since also constructed some high-level planters on the applicant's side of the 1.8m high fence panels and has planted rows of evergreen plants within these planters. These planters do not exceed the height of the 1.8m high fence panels and therefore do not require separate permission and the natural planting itself is not development, so does not require permission.
- 4.6 Visits have been carried out as requested by committee. Environmental Health officers visited the site at 10pm on 19 May 2021 and Planning and Enforcement officers visited during the day on 24 June 2021.
- 4.7 The site history and representations are set out in the previous report.

5. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
Roads and Transport	No. Acceptable without conditions.	The gate and first 2 panels are the same as the approved application 0716/H/19 and are low enough for drivers to be able to see pedestrians on the footway.	Noted.
Environmental Health	No.	The light above the door at Burnside was on when officers arrived, but switched off before photos were taken. The light was angled straight rather than down towards the path and drive. It did shine straight toward Winnock Cottage (bedroom). It was not a statutory nuisance at the time of the visit as screening was used to	Noted. See Assessment and Recommendation below.

		prevent the light beam shining in the front bedroom.	
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6. ASSESSMENT

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

Plan and Policy	Policy Summary	Assessment	Conform?
West Lothian Local Development Plan (LDP) (2018) Design Principles (DES1) Policy	This policy states that development proposals are required to integrate with the local context. Development proposals should have no significant adverse impact on adjacent buildings. Where appropriate proposals should include measures to enhance the environment and be of high quality in their design.	The proposal as submitted will impact upon the visual amenity of the street scene and surrounding area. However, should only a section of the trellis be approved nearest the applicant's property and at a maximum height of 2.3m, this will allow for light pollution to be blocked out. There is sufficient justification for the works in this location and these works will no longer be significantly visible from the main street and therefore will not be as detrimental to the visual amenity in comparison to what was previously proposed.	Yes, if amended

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

Residential and Visual Amenity

- 6.6 This application previously proposed the installation of a CCTV camera on the existing fence which had a detrimental impact upon the residential amenity in terms of privacy. However, this installed camera has now been removed, therefore, the residential amenity and the privacy of the neighbouring property and the public is no longer impacted.
- 6.7 The previous proposal presented to the Development Management Committee in May, proposed to increase the height of the existing fence for the full length up to 2.5m high with the addition of a fake foliage trellis. This would have had a significant impact upon the visual amenity of the street scene, surrounding area and neighbouring property.
- 6.8 Environmental Health has advised that screening is required to prevent the light shining into the applicant's bedroom. However, at the time of the Planning visit some sections of the fence had natural planting added in planters. The applicant was therefore asked to amend the application to raise the height above the gates and short sections closest to

the house only, where there is no natural screening, to the as existing height of 2.3m, which was the height measured on site.

- 6.9 The applicant has verbally agreed to this and has requested that this stretches from the house to the existing point of the trellis at the east side of the parking bay. This will result in the majority of the trellis and additional height being removed from the remainder of the fence and as a result, will reduce the impact caused on the visual amenity of the neighbouring property and area. The section of trellis that can remain is less visible from the main street and therefore will not significantly impact upon the street scene.
- 6.10 The applicant initially asked for 2 years to remove the remainder of the trellis, including that opposite the existing neighbouring windows, to allow the natural planting to grow, but has since amended that request to 9 months.

7. CONCLUSION AND RECOMMENDATION

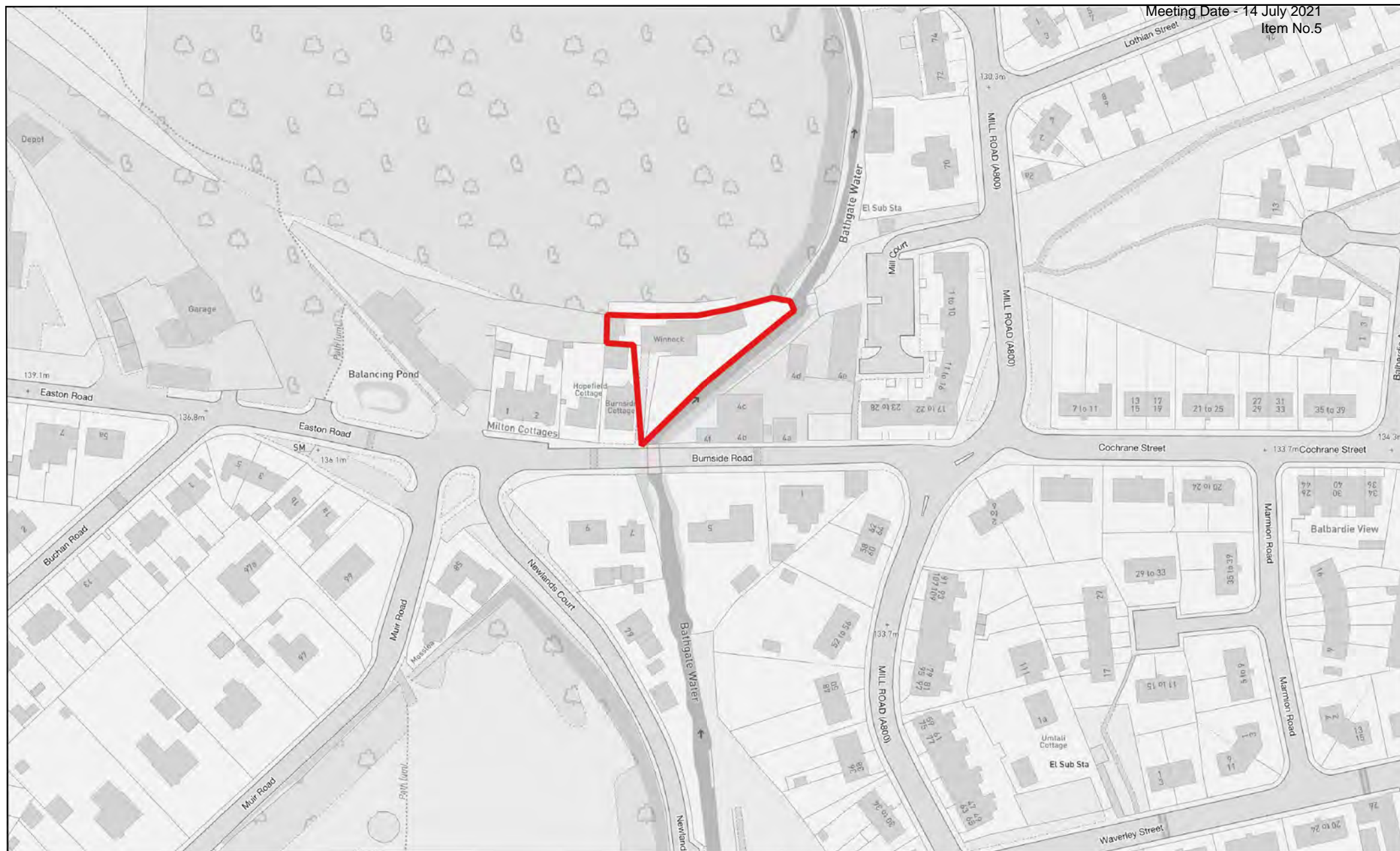
- 7.1 A section of the foliage located nearest the house is required in order to obstruct light pollution caused by a floodlight on the neighbouring property. Therefore, the additional height that has been added to the existing fence by installing the trellis foliage in this area is justifiable. As it is mainly set back beyond the existing parking bay, away from the neighbouring property and the road, it is no longer considered detrimental to residential and visual amenity, so long as the foliage installed along the remaining length of the fence is removed.
- 7.2 It is recommended that the details within the submitted application are refused but that members agree to approval of a trellis to a maximum height of 2.3m along that section of fence adjacent to the house and that plans showing this are submitted by the applicant for approval.
- 7.3 It is further recommended that enforcement action be commenced on or shortly after 31 March 2022, unless the remaining trellis has been removed by that time.

8. BACKGROUND REFERENCES & ATTACHMENTS

- Location Plan
- Previous Development Management Committee Report

Craig McCorriston
Head of Planning, Economic Development and Regeneration

Date: 14th July 2021





DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1. DESCRIPTION

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

2. DETAILS

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

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

3. RECOMMENDATION

3.1 Refuse Planning Permission

4. DETAILS OF THE PROPOSAL AND BACKGROUND

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

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

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

History

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

5. REPRESENTATIONS

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

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

6. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
Roads and Transport	No. Acceptable without conditions.	"The gate and first 2 panels are the same as the approved application 0716/H/19 and are low enough for drivers to be able to see pedestrians on the footway."	Noted.

7. ASSESSMENT

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

Plan and Policy	Policy Summary	Assessment	Conform?
West Lothian Local Development Plan (LDP) (2018) Design Principles (DES1) Policy	This policy states that development proposals are required to integrate with the local context and that no development proposals should have no significant adverse impact on adjacent buildings. In addition, this policy states developments should be accessible for all, provide suitable access and parking and have no adverse implications for public safety.	The fence increasing in height along its length will result in a development that no longer integrates with the local context and surrounding visual amenity. Additionally, the installation and location of the CCTV will have a detrimental effect on the privacy of neighbours and members of the public passing by the site.	No

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

Residential Amenity

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

Visual Amenity

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

8. CONCLUSION AND RECOMMENDATION

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

9. BACKGROUND REFERENCES & ATTACHMENTS

- Draft Reasons for Refusal
- Location Plan
- Representations

Craig McCorriston
Head of Planning, Economic Development and Regeneration

Date: 12th May 2021

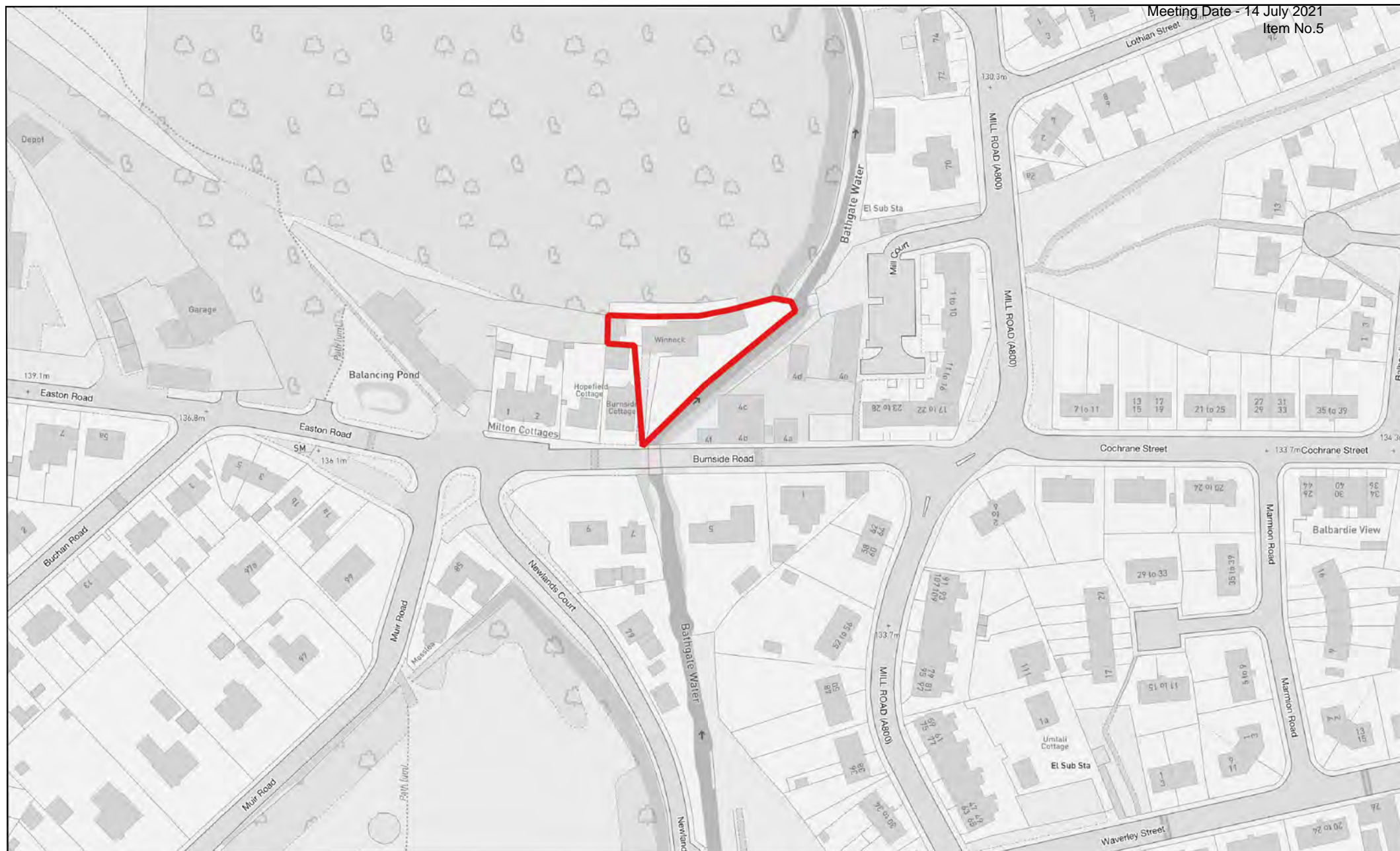
Development Management
West Lothian Civic Centre
Howden South Road
Howden
Livingston
EH54 6FF

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

Draft Reasons for Refusal:

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

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



Comments for Planning Application 0277/H/21

Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

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

Case Officer: Rachael Lyall

Customer Details

Name: Mr Robert Flockhart

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

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

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

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

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

We hope that the council do have a bit of compassion

Comments for Planning Application 0277/H/21

Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

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

Case Officer: Rachael Lyall

Customer Details

Name: Miss Jeannette Flockhart

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

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

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

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

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

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

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

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

Kind regards
Jeannette

Comments for Planning Application 0277/H/21

Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

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

Case Officer: Rachael Lyall

Customer Details

Name: Lewis Flockhart

Address: Burnside cottage Bathgate Eh48 4PX

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Lewis Flockhart

Burnside cottage

Burnside road Bathgate

Eh48 4PX

(Object)

Reasons / Safety / privacy/ human rights/ detrimental impact

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

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

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

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

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

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

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

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

Lewis Flockhart

Comments for Planning Application 0277/H/21

Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

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

Case Officer: Rachael Lyall

Customer Details

Name: Ms Lauren Mitchell

Address: 29 Traprain crescent Bathgate Eh48 2BE

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

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

That Now has the Cctv cameras overlooking the public .

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

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

They can't do that now .

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

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

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

The camera must be taken away .

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

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

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

Comments for Planning Application 0277/H/21

Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

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

Case Officer: Rachael Lyall

Customer Details

Name: Mr Dylan Hunter

Address: 51 Hill crescent Bathgate EH48 4Jw

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection to this application .

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

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

Once in the morning and in the Evening .

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

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

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

In order to use the units for motor trade

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

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

Please take public safety first

Comments for Planning Application 0277/H/21

Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

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

Case Officer: Rachael Lyall

Customer Details

Name: Mr Dylan Hunter

Address: 51 Hill crescent Bathgate Eh48 4JW

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Object

For reasons as follows

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

This application should not even be considered

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

It is out of place that big fence .

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

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

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

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

It covers the public .

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

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

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

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

Hiding away behind large dangerous unsightly fences.

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

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

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

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

Thank
Mr D Hunter

Comments for Planning Application 0277/H/21

Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

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

Case Officer: Rachael Lyall

Customer Details

Name: Ms Lauren Mitchell

Address: 29 Traprain crescent Bathgate EH48 2BE

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would appreciate if you can consider my Objection

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

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

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

This is a breach of our privacy .

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thanks

Lauren

Comments for Planning Application 0277/H/21

Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

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

Case Officer: Rachael Lyall

Customer Details

Name: Mr D Jursevie

Address: 86b North bridge street Bathgate EH48 1PN

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: D .Jursevic

86b North Bridge

Street Bathgate

Eh48 1PN

(object)

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

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

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

Why would someone want to record the public ?

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

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

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

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

I thank you

Mr .D.Jurservic

Comments for Planning Application 0277/H/21

Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

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

Case Officer: Rachael Lyall

Customer Details

Name: Mrs Elizabeth Flockhart

Address: Burnside Cottage Burnside Road Bathgate Eh484px

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

Comments for Planning Application 0277/H/21

Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

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

Case Officer: Rachael Lyall

Customer Details

Name: Miss Fiona Roy

Address: 197 Philip Avenue Bathgate EH48 1NE

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Definitely object

I wish to object for the reasons .

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

So what gives this applicant the right to record my kids

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

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

Fiona Roy

Comments for Planning Application 0277/H/21

Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

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

Case Officer: Rachael Lyall

Customer Details

Name: Mr Mark Flockhart

Address: Burnside cottage Burnside road Bathgate Eh48 4PX

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

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

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

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

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

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

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

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

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

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

Comments for Planning Application 0277/H/21

Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

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

Case Officer: Rachael Lyall

Customer Details

Name: Mr Kevin Gallagher

Address: 20 Chapman's Brae Bathgate Eh484LH

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

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

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

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

Comments for Planning Application 0277/H/21

Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

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

Case Officer: Rachael Lyall

Customer Details

Name: Mr A. Barbour

Address: 42 mill road Bathgate Eh48 4jH

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Totally objecting

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

History in the area.

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

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

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

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

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

I see that a objection noted the little Bats

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

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

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

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

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

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

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

And is dangerous .

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

For the reason above

Mr A Barbour

Comments for Planning Application 0277/H/21

Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

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

Case Officer: Rachael Lyall

Customer Details

Name: Mr Ryan flockhart

Address: Burnside cottage Burnside road Bathgate Eh48 4px

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

Safety .Privacy.detrimental impact.vision.

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

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

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

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

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

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

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

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

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

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

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

Comments for Planning Application 0277/H/21

Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

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

Case Officer: Rachael Lyall

Customer Details

Name: Mr Graham Weir

Address: 62 mill Road Bathgate Eh48 4jH

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

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

Application and yet again had no notice regarding this fence .

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

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

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

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

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

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

It has sat back in the settings for many years .

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

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

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

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

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

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

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

I would thank you for your
Time

Mr G Weir

Comments for Planning Application 0277/H/21

Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

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

Case Officer: Rachael Lyall

Customer Details

Name: Miss Terri Muir

Address: 40 Mill road Bathgate EH48 4JH

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

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

This is definitely against the planning conditions

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

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

This is on your own website.

The road should not have any obstacle that put

The public in danger.

There is a school crossing patrol only yards away

They are there for a reason .

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

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

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

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

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

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

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

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

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

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

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

I have nothing further to say

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

If not failed at least reduced in hight

Regards
Miss T Muir

Comments for Planning Application 0277/H/21

Application Summary

Application Number: 0277/H/21

Address: Winnock Burnside Road Bathgate West Lothian EH48 4PX

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

Case Officer: Rachael Lyall

Customer Details

Name: Mrs Linda Wilson

Address: 58 mill road Bathgate Eh48 4JH

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Mrs L Wilson

58 mill road

Bathgate

West Lothian

EH48 4JH

Please allow me to object as a neighbour

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

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

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

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

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

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

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

next door is a Motor trade garage .

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

.

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

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

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

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

Why change it now

Mrs L Wilson

Development Management Committee

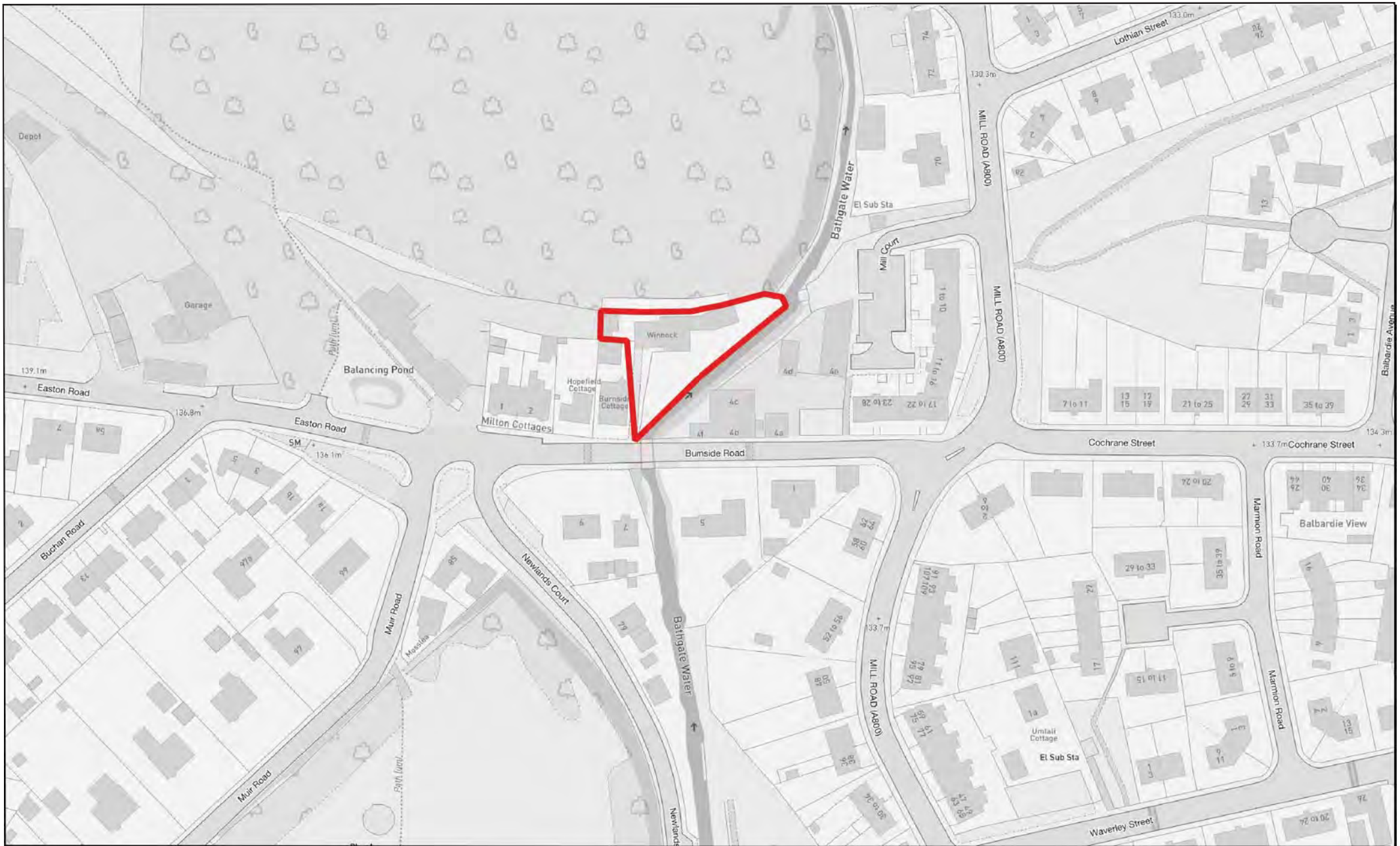
14 July 2021

Item 05 - Application : 0277/H/21

Increase in height of existing fence (in retrospect)

Winnock / Burnside Road / Bathgate / EH48 4PX









Winnock, Burnside Road, Bathgate, EH48 4PX



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



View from burnside cottage
Living room



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



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



































DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

DESCRIPTION

Erection of a single domestic garage and repositioning of front boundary line in connection with planning permission 0622/FUL/18, at 8 East Main Street, Uphall.

DETAILS

Reference no.	0633/FUL/20	Owners of site	Mr A Marcantonio
Applicant	Mr A Marcantonio	Ward & local Members	Broxburn, Uphall & Winburgh Councillor Calder Councillor Campbell Councillor Doran-Timson Councillor Horne
Case officer	Steven McLaren	Contact details	01506 282404 steve.mclaren@westlothian.gov.uk

Reason for referral to Development Management Committee: Councillor Fairbairn is the agent for the application.

RECOMMENDATION

Grant conditional planning permission.

4 DETAILS OF THE PROPOSALS AND BACKGROUND

- 4.1 Planning permission was granted for the construction of 2 semi-detached houses on land at the rear of 8 East Main Street, Uphall on 11 July 2019. The current proposal is to construct a single domestic garage on the east side of the development area, between the proposed houses and the rear of 2a Alexander Street and to make a minor modification to the front boundary of the development site.
- 4.2 The proposed garage will be 3m wide by 5.5m long and 2.95m high. It will be located 1m off the neighbouring boundary to the east and 7.6m from the rear boundary and no further back in the plot than the rear building line of the proposed houses.
- 4.3 The revised front boundary line for the development is pulled 2.4m closer to the approved houses to provide improved circulation space for visitors at the rear of 8 East Main Street but the approved position of the houses does not change.

4.4 A list of previous planning applications at the site is tabled below.

Reference	Description	Decision	Date
0267/FUL/14	Erection of 5 flats with associated car parking	Refused	26 June 2014
0874/FUL/14	Erection of 3 houses	Refused	11 March 2015
0732/LBC/15	Conservation Area Consent for the demolition of scout hall	Withdrawn	27 November 2015
0741/FUL/15	Demolition of an existing scout hall and erection of a house	Withdrawn	27 November 2015
0254/LBC/16	Conservation area consent for the demolition of a hut	Granted	11 July 2019
0255/FUL/16	Demolition of existing scout hall and erection of a house	withdrawn	18 October 2018
0622/FUL/18	Erection of 2 semi-detached houses	Granted	11 July 2019

5 REPRESENTATIONS

5.1 There have been no representations received on this application.

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.
West of Scotland Archaeology Service	No	Written scheme of investigation required	Noted. This can be covered by 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 (SESPlan) and the West Lothian Local Development Plan,

7.3 The relevant Development Plan policies are listed below:

Policy	Policy Summary	Assessment	Conform
West Lothian Local Development Plan, 2018 DES1 (design principles)	All 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	The scale and design of the proposed garage is acceptable for a domestic setting and does not impact adversely on the adjacent residential properties. Subject to appropriate materials	Yes

Policy	Policy Summary	Assessment	Conform
	proposals must also accord with other relevant policies in the development plan	the proposed garage is acceptable. The alteration to the front boundary line has no impact on the nature of the previous approval for the site.	
West Lothian Local Development Plan, 2018 ENV24 (conservation areas)	Within Conservation Areas, new development will not be permitted which would have any adverse effect on their character and appearance. Proposals must have regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area and will require appropriate high standards of design, materials, siting and implementation.	The scale and design of the proposed garage is acceptable within this conservation area. Subject to appropriate materials the proposed garage is acceptable. The alteration to the front boundary line has no impact on the nature of the conservation area.	Yes

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

Scale and design

7.5 The proposed garage will lie 1m from the closest boundary and approximately 3.5m from the rear of 2a Alexander Street. 2a Alexander Street has one window on the rear elevation at first floor level which looks out over the application site. The height and location of the proposed garage will not therefore impact on the residential amenity of this property or result in a loss of daylight to any habitable rooms. The size and location of the garage would be classed as permitted development under other circumstances but due to the proposals being in the conservation area and the houses having not yet been constructed, planning permission is required

7.6 The submitted drawings indicate the garage will be rendered to match the approved houses and will have a felt shingles roof and painted timber fascia and soffits. A render to match the approved houses is acceptable as is the use of painted timber fascia and soffits. The approved houses will be finished in slate and should the use of slate or slate substitute not be possible due to the shallow pitch of the roof, the proposed mineral felt would be a suitable alternative. The finishes can however be controlled through condition.

Boundary line amendments

7.7 A movement of the plot boundary line close to the front of the approved houses will allow for improved circulation space to the rear of 8 East Main Street. The movement of the boundary for these houses does result in a small reduction in the overall size of the plots, however, the plot ratios for the eastern and western plots are 80:20 and 75:25 respectively, with the minimum requirement for detached and semi-detached houses being 70:30 as set out in the approved Supplementary Guidance: Residential Development Guide, 2018. The ratio of garden ground to house footprint therefore remains at an acceptable level.

8 CONCLUSIONS AND RECOMMENDATIONS

8.1 The proposed single garage and plot boundary alterations are acceptable and do not raise any concerns with regards to the impact on the adjacent neighbour or result in a sub-standard house to garden ratio for the approved houses.

- 8.2 Recommendation is therefore to grant planning permission subject to the attached condition on the use of materials.

9 BACKGROUND REFERENCES AND ATTACHMENTS
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- Draft conditions
- Location plan
- Site plan
- Garage details

Craig McCorriston
Head of Planning, Economic Development & Regeneration

Date: 14 July 2021

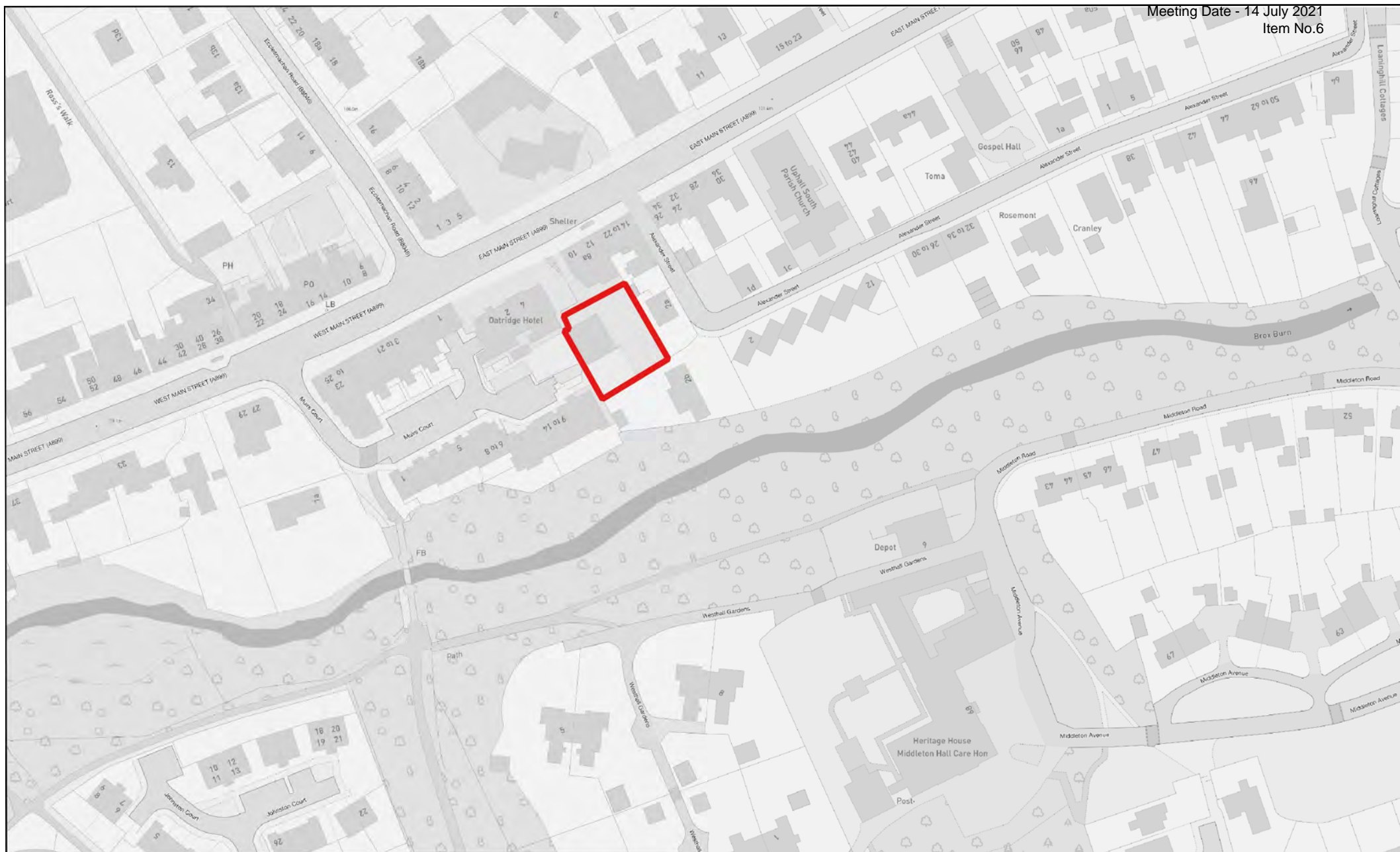
Draft conditions: 0622/FUL/20

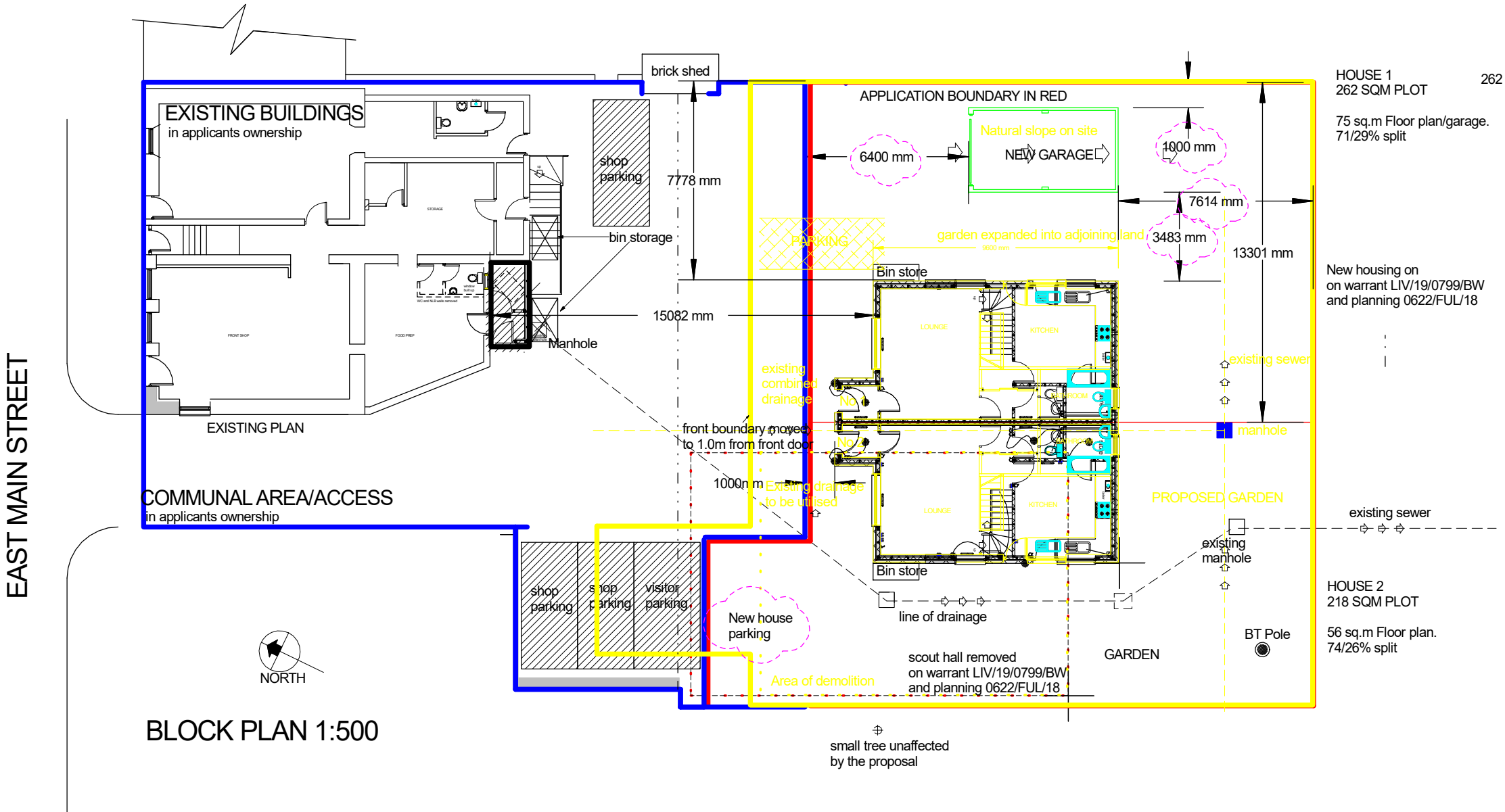
- (1) Unless otherwise agreed in writing with the planning authority, the roof of the garage hereby approved shall be finished in natural slate, the fascia, soffits and door to the side of the garage shall be painted timber to match the approved houses and the render shall also match that approved for the houses.

Reason In the interest of visual amenity and character of the conservation area

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

Reason To ensure any archaeology within the site is appropriately assessed and recorded in line with current best practice and guidance.





Amendments:
a) layout redesigned and front boundary repositioned.
b) approved site layout superimposed in yellow

PLANNING NOTES:
Description of works:
It is proposed that a domestic garages is erected on a site to be developed with two semi detached houses. see planning ref; 0622/FUL/18
The front boundary is also to be moved as shown to accomodate the vehicle requirements of the complete site.

- Finishes:
1. Felt shingles to pitched roof.
 2. Roughcast walls, colour to match new houses.
 3. up and over garage doors.
 4. painted timber Facias and soffits.

STATUS: PLANNING

Drawing Number
14/1175-20b

proposed alterations to . . .

8 East Main Street,
Uphall. EH52 5DA

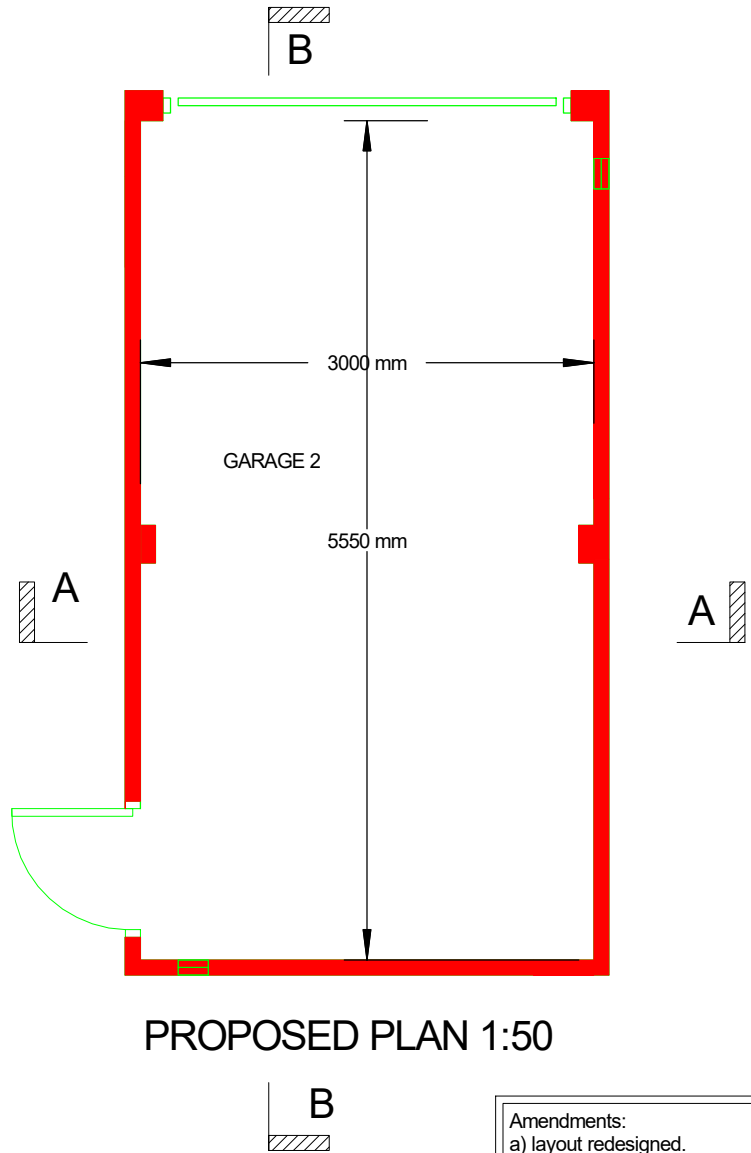
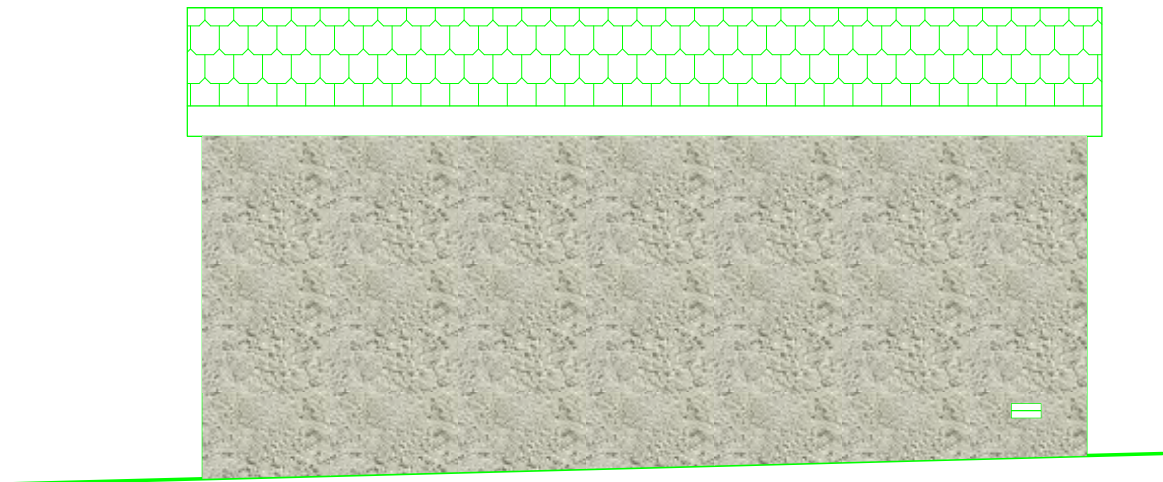
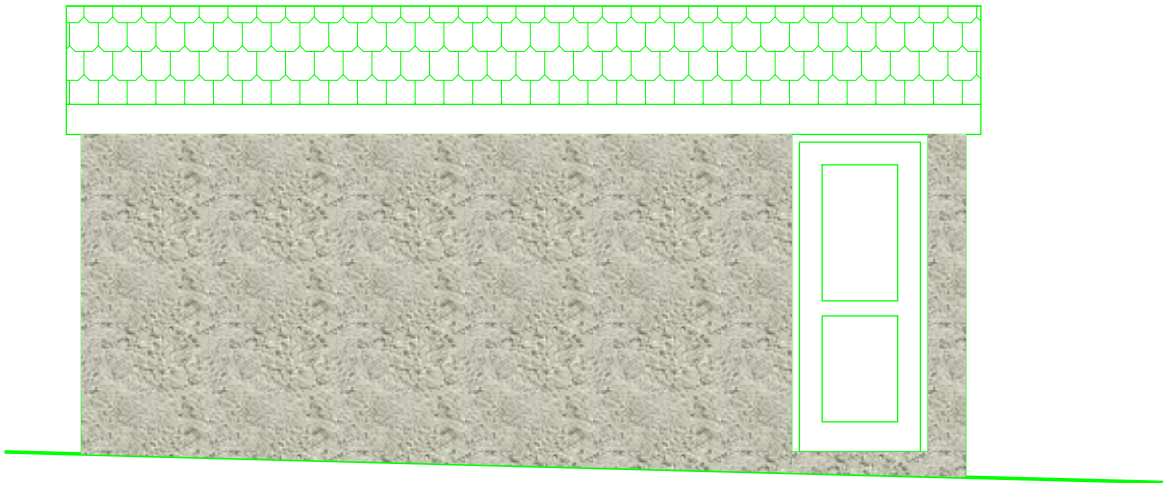
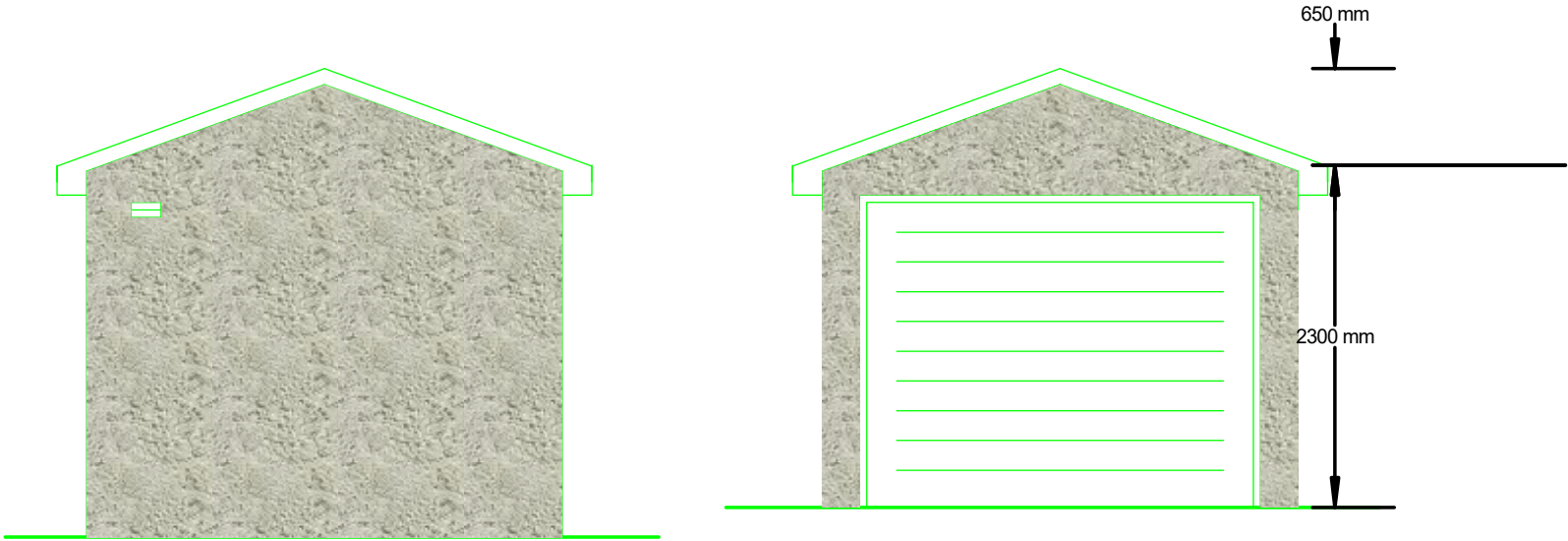
for . . .

Mr. A. Marcantonio

May 2020

Plan-It
Chartered Building Surveyors

1 Broombank Birches tel/fax:
Mid Calder. EH530EA 01506 884216



STATUS: PLANNING

PLANNING NOTES:
Description of works:
It is proposed that a domestic garages
is erected on a site to be developed
with two semi detached houses.
see planning ref; 0622/FUL/18

Finishes:
1. Felt shingles to roof pitch
2. Roughcast walls, colour to
match houses.
3. up and over garage doors.
4. Painted timber Facias and soffits.

Drawing Number
14/1175-21a

proposed Garages . . .
6 East Main Street,
Uphall
for . . .
Mr.A. Marcantonio
April 2020

Plan-It
Chartered Building Surveyors
1a Broombank Birches tel
Mid Calder. EH53 0EA 01506 884216

Amendments:
a) layout redesigned.

Development Management Committee

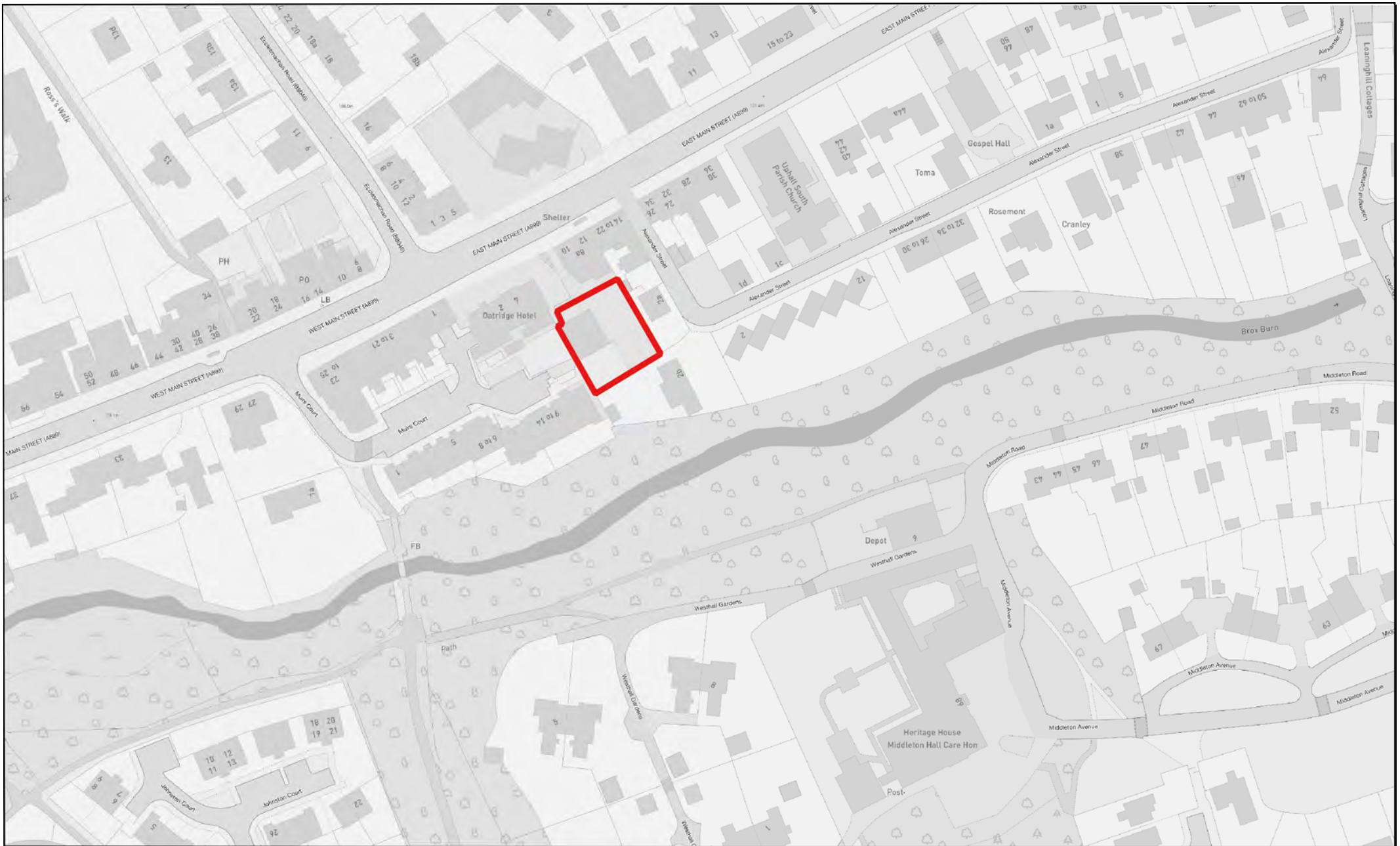
14 July 2021

Item 06 - Application : 0633/FUL/20

Erection of a single domestic garage and reposition front boundary
line in connection with planning permission 0622/FUL/18

8 East Main Street / Uphall / EH52 5DA



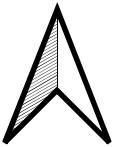


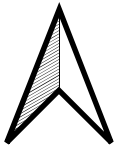
0633/FUL/20 - 8 East Main Street - Uphall - EH52 5DA

Development Management - West Lothian Civic Centre - EH54 6FF

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0 50 100m







NORTH

56 sq.m Floor plan.
74/26% split

Plan-It
Chartered Building Surveyors

1 Broombank Birches tel/fax:
Mid Calder. EH530EA 01506 884216







DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Erection of a house and garage at Land To The North East Of 4 South Couston Crofts, Armadale, EH48 4LG

2 DETAILS

Reference no.	1200/FUL/20	Owner of site	Mr J Higgins
Applicant	Mr J Higgins	Ward & local members	Armadale & Blackridge Councillor Andrew McGuire Councillor Stuart Borrowman Councillor Sarah King
Case officer	Matthew Watson	Contact details	01506 283536 matthew.watson@westlothian.gov.uk

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

3 RECOMMENDATION

Refuse planning permission.

4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 The application proposes the erection of a house and garage at land to the north east of 4 South Couston Crofts.
- 4.2 The proposed design of the house is a modern take on a Georgian style mansion with an 'L shaped' extension and garage with a pitched roof and wall head dormers. The house is proposed to be finished with stone and the extension and garage finished with render. The house is 8.6m in height at its highest point.
- 4.3 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.
- 4.4 The site is within a designated lowland crofting area in the West Lothian Local Development Plan (LDP). The approved site plan and design brief for the South Couston Crofts are available to view in the online case file.

History

- 4.5 0838/P/99: Outline planning permission for the formation of 6 lowland crofts and additional house to serve equestrian centre and additional planting and bridleway, Granted, 23/07/2002

5. REPRESENTATIONS

- 5.1 No representations have been received.

6. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
Education Planning	No	No objections subject to developer contributions being secured.	Noted. Contributions are not required for this application given there is an existing outline consent for the lowland croft area. This original consent pre-dates the policy requirements for developer contributions in West Lothian.
Transportation	No	No objections to the application.	Noted.
Coal Authority	No	No objections subject to a condition covering an intrusive investigation.	Noted. If members are minded to grant the application then a condition covering this matter would need to be applied.

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) (2013) and the adopted West Lothian Local Development Plan (2018).
- 7.3 The relevant development plan policies are listed below:

Policy	Policy Summary	Assessment	Conform ?
West Lothian Local Development Plan (LDP) ENV 2 Housing in the countryside	This policy sets out the exceptions to the presumption against new housing development in the countryside.	Although the site is within a designated lowland crofting area, the design of the house is not supported by lowland crofting policy and the design brief for the area. See assessment below.	No

West Lothian LDP DES 1 Design Principles	This policy states that development proposals must integrate with their local context and built form and not have an adverse impact on amenity.	The proposed house fails to integrate with its context and built form by not being of a traditional rural design. See assessment below.	No
West Lothian LDP INF 1 Infrastructure Provision and Developer Obligations	This policy states the council requires developer contributions to mitigate the impacts of development.	Developer contributions are not required for this application given there is an existing outline/permission in principle consent for the lowland croft area. This original consent pre-dates the requirement for developer contributions in West Lothian.	Yes
West Lothian LDP ENV 9 Woodland, Forestry, Trees and Hedgerows	This policy sets out the criteria for loss of trees of amenity value and that are subject to a TPO. Loss of ancient woodland is not supported under this policy.	The proposed house is set away from the area of ancient woodland and will not result in any tree loss. If members are minded to grant the application then a condition covering tree protection fencing during construction will be required.	Yes
Supplementary Guidance Development in the Countryside	The SG sets out detailed stipulations for the criteria in Policy ENV 2 of the LDP.	The proposed development does not meet the detailed criteria for lowland crofting. This is due to the design of the house not being in keeping with its surroundings. See assessment below.	No
Lowland Crofting Handbook	The lowland crofting handbook sets out detailed stipulations for lowland crofting developments. It is a material consideration in determining applications for lowland crofts.	The proposal does not comply with the terms of the guidance as the design of the house is not based on a traditional rural design. See assessment below.	No

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

Principle of Development & Design

7.5 Policy ENV 2 of the LDP states housing development in the countryside can be permitted where proposals are supported by the council's lowland crofting policy.

7.6 The statutory Supplementary Guidance (SG) on Development in the Countryside provides further guidance on the interpretation of this policy criteria. The SG 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".

- 7.7 The Lowland Crofting Handbook states houses should be based on traditional rural cottage and that "Very bulky houses, larger than the original farmhouses will not be acceptable".
- 7.8 Policy DES 1 states "All development proposals will require to take account of and be integrated with the local context and built form".
- 7.9 The original design brief for South Couston Crofts (available to view on the online case file) makes clear that the design of houses within the development should be of a traditional rural design.
- 7.10 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 more reflective of traditional farm buildings. These crofts are predominately 1 ½ storeys in height with additional accommodation in the roof space through rooflights and wall head dormers. There are no houses in the area that, in both scale and design, are modern interpretations of a Georgian style mansion.
- 7.11 In terms of the scale and form 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.
- 7.12 Given the above, the proposed house does not take account of nor integrate with the local context and built form of the surrounding area. The design of the house is not based on a traditional rural design and is a significant departure from, the design brief for the site. 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.

8. CONCLUSION AND RECOMMENDATION

- 8.1 For the reasons set out above, the proposed house is contrary to policies ENV 2 and DES 1 of the West Lothian Local Development Plan and the statutory Supplementary Guidance on Development in the Countryside, as well as the Lowland Crofting Handbook and the design brief for South Couston Crofts.
- 8.2 Consequently, and in view of the above, it is recommended that planning permission is refused.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Draft Reason for Refusal
- Location Plan
- Member Referral Form

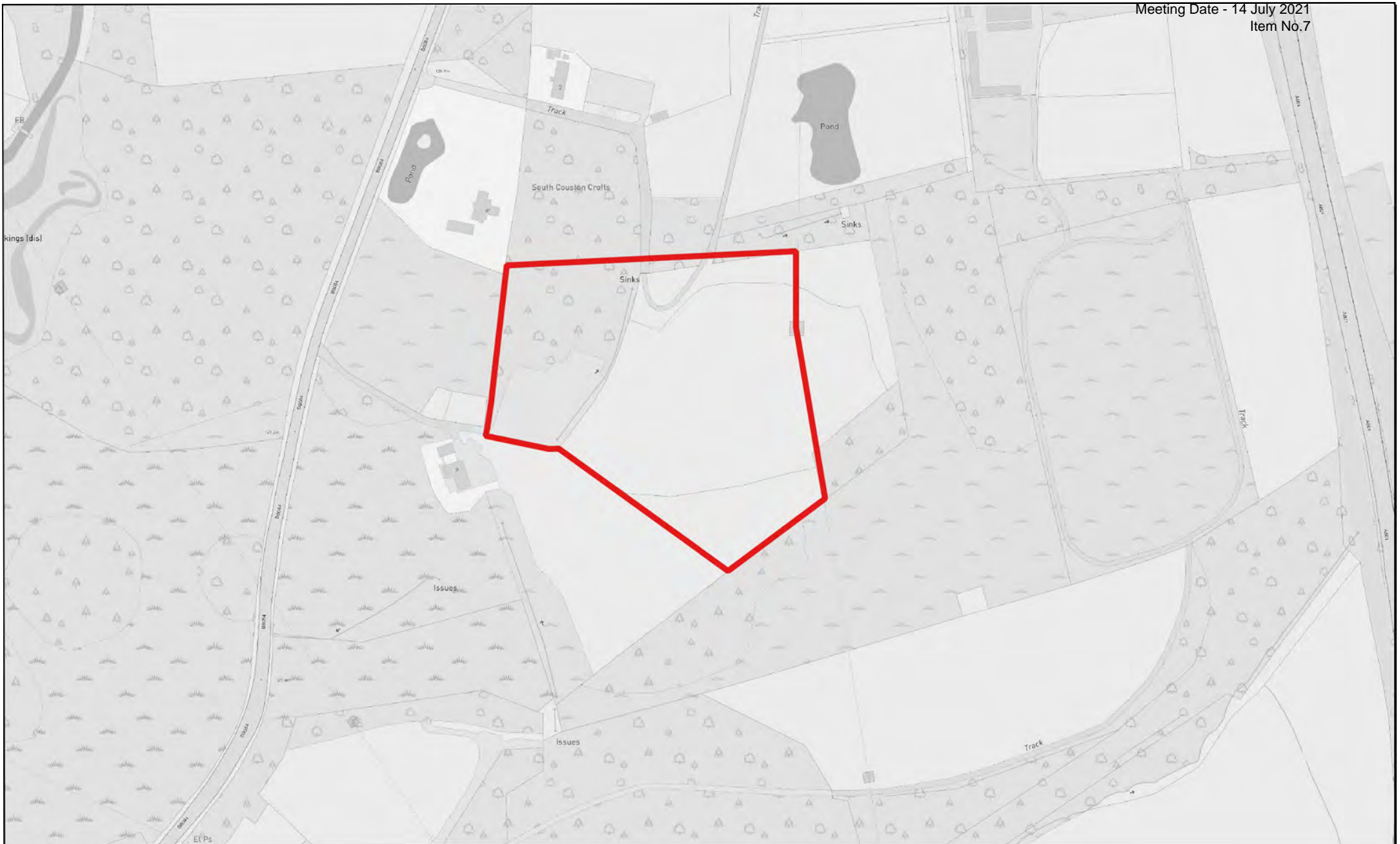
The aerial plan, plans, elevations and photographs are available in the accompanying presentation pack.

Craig McCorriston
Head of Planning, Economic Development and Regeneration Date: 14 July 2021

Reason for Refusal – 1200/FUL/20

1. The scale and design of the proposed house is not of a traditional rural design and in consequence the proposed house will fail to integrate with its rural surroundings. Georgian style houses are not part of the character of South Couston Crofts and the surrounding houses are instead modern interpretations of traditional rural design. The scale, form and overall design of the proposed house is a significant departure from the design brief for the South Couston Crofts.

The proposed house is, therefore, contrary to policies ENV 2 (Housing development in the countryside) and DES 1 (Design principles) of the West Lothian Local Development Plan, 2018, the Supplementary Guidance on Development in the Countryside, 2019, the Lowland Crofting Handbook, 2008 and the Design Brief for South Couston Crofts, 2001.

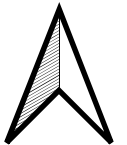


1200/FUL/20 - Land to the North East of 4 South Couston Crofts- EH48 4LG

Development Management - West Lothian Civic Centre - EH54 6FF

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0 50 100 m



☒ LOCAL MEMBER REFERRAL REQUEST ☒

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

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

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
<p>Application Reference Number 1200/FUL/20</p> <p>Site Address South Couston</p> <p>Title of Application</p> <p>Member's Name Cllr Stuart Borrowman</p> <p>Date 03.06.2021</p>	<p>Applicant Request..... <input type="checkbox"/></p> <p>Constituent Request..... <input checked="" type="checkbox"/></p> <p>Other (please specify)..... <input type="checkbox"/></p>

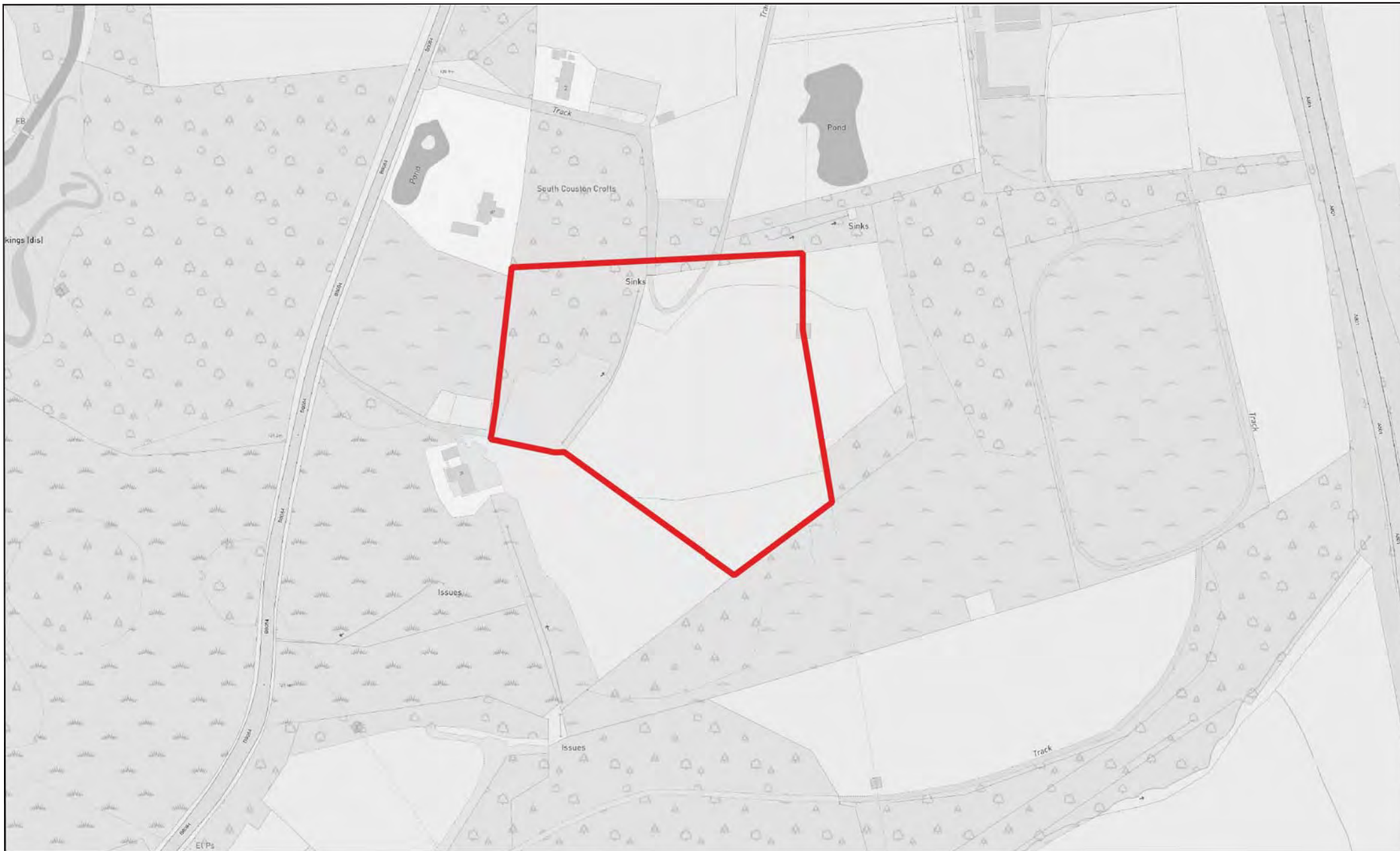
Development Management Committee

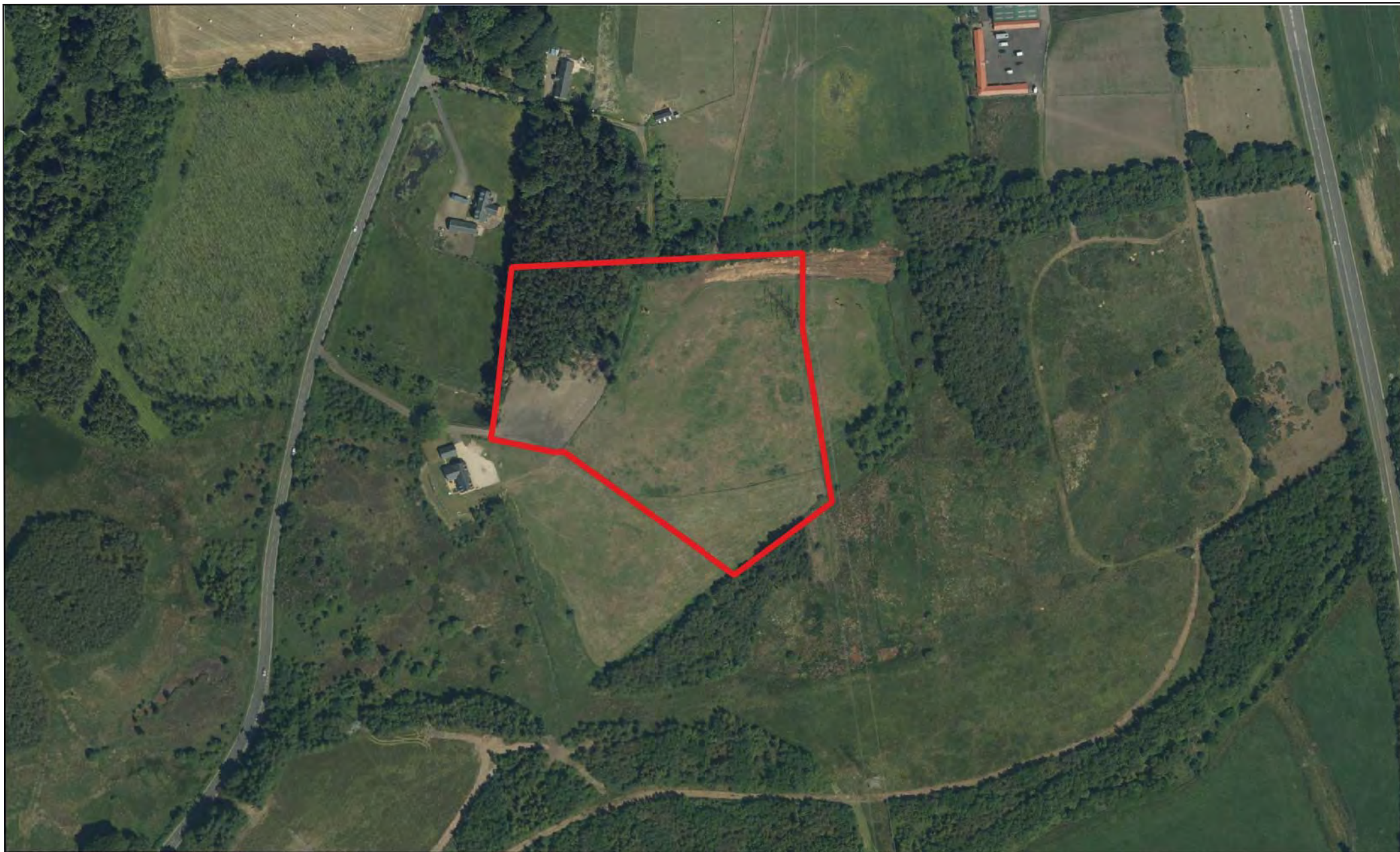
14 July 2021

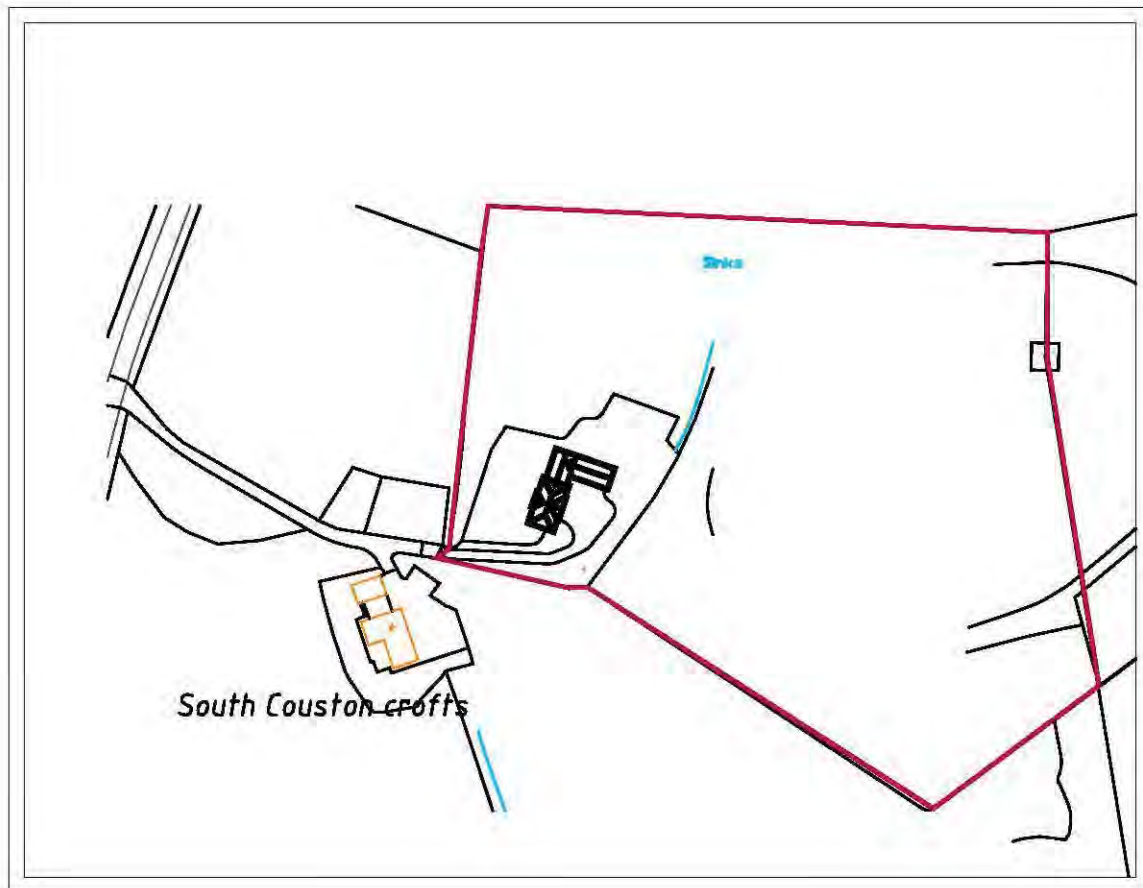
Item 07 - Application : 1200/FUL/20

Erection of a house and garage at South Couston Crofts Armadale EH48 4LG









Location Plan (1:1250)

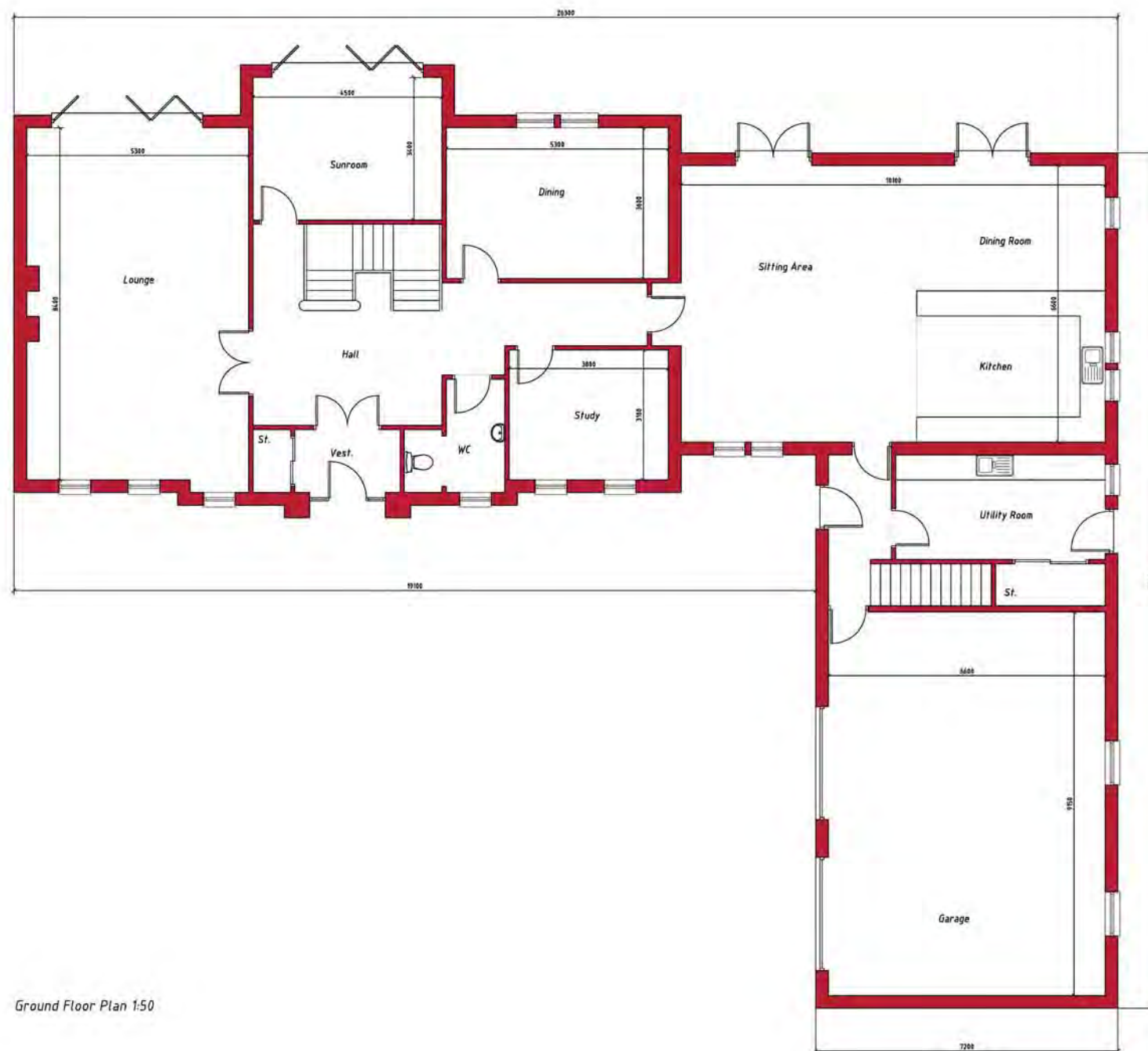


title:	Location Plan	scale:	1:1250 @ A4	HARDIE ASSOCIATES Ltd. <hr/> 78 HOPETOUN STREET BATHGATE WEST LOTHIAN EH48 4PD tel: 01506 633979 email : chardie@hardie-associates.co.uk copyright : Hardie Associates Ltd.
client:	Mr J Higgins	date:	Nov 20	
project:	Proposed House South Couston Armadae	drawing number:	20/084/LOC 01	



Block Plan (1:200)

Title: Block Plan	
Client: Mr J Higgins	
Project: Proposed House South Couston Armadale	
Scale: 1:200 @ A1	Date: Nov 20
Drawing number: 20/084/PL01	
HARDIE ASSOCIATES Ltd.	
78 HOPETOUN STREET BATHGATE WEST LOTHIAN EH48 4PD	
Tel: 01324 633779 Email: chris@hardie-associates.co.uk Copyright © Hardie Associates Ltd.	



Ground Floor Plan 1:50

Title: Ground Floor Plan	
Client: Mr J Higgins	
Project: Proposed House South Couston Armadale	
Date: 150 @ A1	Date: Nov 20
Drawing number: 20/084/PL02	
HARDIE ASSOCIATES Ltd.	
75 HOPETOUN STREET BATHGATE WEST LOTHIAN EH48 4PD Tel: 01506 633771 Email: chondell@hardie-associates.co.uk Copyright © Hardie Associates Ltd.	

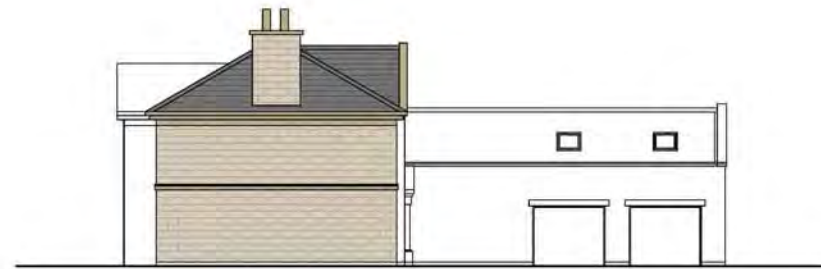


First Floor Plan 1:50

Title: First Floor Plan	
Client: Mr J Higgins	
Project: Proposed House South Couston Armadale	
Scale: 1:50 @ A1	Date: Nov 20
Drawing number: 20/084/PL03	
HARDIE ASSOCIATES Ltd.	
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Front Elevation (1:100)



Side Elevation (1:100)



Rear Elevation (1:100)



Side Elevation (1:100)

Title: Elevations	
Client: Mr J Higgins	
Project: Proposed House South Couston Armadale	
Scale: 1:100 @ A1	Date: Nov 20
Drawing number: 20/084/PL04	
HARDIE ASSOCIATES Ltd.	
78 HOPELOUN STREET BATHGATE WEST LOTHIAN EH48 4PD Tel: 01506 632979 Email: chardie@tristram-associates.co.uk Copyright © Hardie Associates Ltd.	



Title: 3D Images	
Client: Mr J Higgins	
Project: Proposed House South Couston Armadale	
Scale: 1:50 @ A1	Date: Nov 20
Drawing number: 20/084/PL05	
HARDIE ASSOCIATES Ltd.	
78 HOPECOUN STREET BATHGATE WEST LOTHIAN EH48 4PD	
Tel: 01506 639779 email: chardie@hardie-associates.co.uk copyright: Hardie Associates Ltd.	





















DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development & Regeneration

1 DESCRIPTION AND LOCATION

- 1.1 Consultation on application under Section 36 of the Electricity Act 1989 for consent to construct and operate a wind farm with a generating capacity in excess of 50 MW, comprising up to 14 wind turbines and associated infrastructure with a ground to blade tip height of up to 180 metres (11 turbines at 180m and 3 turbines at 150m) at Heathland, Approximately 1.5km North East of Forth, West Lothian & South Lanarkshire

2 DETAILS

Reference no.	0172/EXC/21	Owner of site	Forestry and Land Scotland
Applicant	EDF Renewables	Ward & local members	Fauldhouse and the Breich Valley Cllr Pauline Clark Cllr David Dodds Cllr Cathy Muldoon
Case officer	Tony Irving	Contact details	01506 282410 tony.irving@westlothian.gov.uk

Reason for referral to committee: This type of consultation requires to be reported to committee.

3 RECOMMENDATION

- 3.1 Raise no objection subject to appropriate conditions to regulate the development.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 The proposal is for a wind farm on the southern fringe of West Lothian and northern fringe of South Lanarkshire. As the electricity generating capacity is more than 50MW, the applicant is seeking consent from Scottish Government under Section 36 of the Electricity Act 1989 (as amended) and also for a direction under Section 57(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) that planning permission for the development is deemed to be granted.
- 4.2 The council is a statutory consultee on the application made to Scottish Government.
- 4.3 The application site is some 2km to the south of Breich, 3km to south east of Fauldhouse and 2km to west of Woolfords. The site area extends to approximately 831 hectares and lies mostly within the administrative area of South Lanarkshire Council with only the

northern portion being within West Lothian., The application site comprises a commercial forestry plantation known as Heathland Forest which is managed on behalf of Scottish Ministers by Forestry Commission Scotland (FCS).

- 4.4 Tormywheel wind farm (operational) lies to the immediate north-west of the site with Black Law wind farm (operational) being 1.5km further west. Longhill Burn wind farm (under construction) lies to the immediate north east of the site. Pates Hill wind farm (operational) lies 1.5km to the north-east of the site. A further 1.5km to the east of Pates Hill lies Pearie Law wind farm (operational) and Harburnhead Wind farm (operational) with Camilty wind farm (consented but not built) a further 1km to the east.
- 4.5 The topography of the site and the immediate vicinity is generally gently sloping with relatively low lying, but exposed hills. The elevation ranges from approximately 290m Above Ordnance Datum (AOD) in the south-west part of the site to approximately 362m AOD at the north-east part of the site.
- 4.6 The proposal is for 14 turbines with four of these within West Lothian, the others are all within South Lanarkshire.
- 4.7 The proposed development includes:
- 14 turbines. Three of the turbines (T1, T2, T3) will have a maximum height from base to tip of 150m. The other 11 turbines will have a maximum height of 180m, these include the turbines within West Lothian (T7, T8, T9, T10). Two candidate turbines are included in the application: Nordex N133 with rotor diameter of 133m, height to tip of 150m and foundations measuring 21m in diameter; General Electric GE 158 with a rotor diameter of 158m, height to tip of 180m and foundations measuring 24m in diameter.
 - Transformers and cabling.
 - Crane hardstandings adjacent to each turbine, approximately 45m x 35m for T1-T3 and 50m by 25m for T4-T14. There will also be smaller hardstanding areas required for assembly of the main crane and for storage of turbine components.
 - Site access off the A706 within South Lanarkshire with bellmouth junction.
 - On-site access track totaling 10.4km consisting of localised upgrades to 4.1km of existing forestry track and 6.3km of new track (approximately 5m wide).
 - Watercourse crossings. There will be seven of which two are existing and will be upgraded.
 - Substation compound including energy storage. The compound will measure approximately 60m by 40m. The substation building will be single storey measuring approximately 10m by 25m.
 - Temporary construction compound measuring approximately 100m by 50m.
 - Borrow pits. It is proposed to source aggregate for the construction of access tracks, structural fill beneath turbine foundations, construction compounds and turbine hardstandings from on-site borrow pits as far as possible. Sourcing aggregate from within the site, rather than an off-site quarry, has the advantage of reducing the number of heavy goods vehicles (HGV) on roads. It is estimated that approximately 168,000m³ of stone (excluding aggregate for concrete) will be required as part of the construction of the wind farm. It is estimated that 74,000m³ may be required to construct the hardstandings and tracks to a suitable standard. Two potential borrow pits have been identified with an estimated 550,299m³ of

available aggregate. This is additional capacity to that required for construction materials which allows some flexibility in the use of borrow pits, and it is therefore likely that the final borrow pit dimensions will be smaller than those presented. One of the borrow pits is within West Lothian, between T8 and T9. The other is within South Lanarkshire, south of T12.

- Anemometry mast. It will be positioned within South Lanarkshire, south of T2 and T4. It will be a maximum of 90m high and be of galvanised steel lattice construction.

- 4.8 Ground conditions at the site are based on desk top studies and preliminary site investigations that would be verified post-consent by intrusive pre-construction ground investigations. This may result in minor adjustments to turbine and ancillary infrastructure locations due to environmental or technical constraints. For that reason, and the fact of previous mine workings in the area, a 100m micro-siting allowance is proposed around the turbines and ancillary infrastructure. They would not be micro-sited into deeper peat or closer to watercourses except with prior agreement from SEPA.
- 4.9 As the wind farm is largely located within commercial forestry plantation, felling is required to accommodate infrastructure, including tracks, turbine infrastructure, borrow pits, substation and construction compound. This includes a 100m lay-down radius of tree clearance around each turbine and 15m wide corridor buffers along the access tracks. In total 58.45 hectares of forestry would be removed for infrastructure construction. Post-construction, the areas required for borrow pits lying between turbines T7 and T8 and to the south of T12, from which 8.55 hectares of trees will be removed, will be replanted on the site. Consequently the total area removed for infrastructure construction will be 49.9 hectares, which represents 7.09% of the stocked forest area within the site. This will be compensated for by an off-site replacement planting scheme.
- 4.10 The wind farm would take approximately 18 months to construct and the site would operate for a further 30 years. Thereafter decommissioning & restoration would take place, unless further consent is granted. Decommissioning & restoration would take approximately eight months.
- 4.11 The wind farm will require a connection into the local electricity distribution network. The consent for the grid connection will be sought by the owner/operator of the local distribution network, Scottish Power Energy Networks (SPEN). It is proposed that the wind farm will connect into the grid at Wishaw station, located approximately 16km to the west of the site.
- 4.12 Wind turbine components will be transported as abnormal loads from the King George V Dock in Glasgow and the assessed route to the site is: from King George V Dock, loads will merge onto the M8; loads will exit the M8 and take the A899 into Livingston, continue along the A899 southbound, and exit onto Bankton Road/A71 to head southwest, continue on the A71 through Polbeth and West Calder and turn left onto the A704, continue on the A704 and turn left onto the A706 to head southbound, turn left into site entrance junction.
- 4.13 The application is supported by an Environmental Impact Assessment (EIA) report, design and access statement, planning statement, pre-application consultation report.
- 4.14 The applicant proposes that the wind farm will contribute £5,000 per megawatt installed capacity to a community fund. This will result in an annual value of up to £400,000 per

year. With a 30 year consent, this would provide some £12 million in community benefit payments.

- 4.15 In line with Scottish Government targets for community ownership in onshore wind, the applicant is proposing to offer the community to take a stake of up to 25% in the project. This means that if the wind farm is built, shared ownership would give local community groups an opportunity to invest in the wind farm and share any profit generated.
- 4.16 There is an extant consent on the site for 17 turbines (132m to tip) and associated infrastructure. The Section 36 consent and deemed planning permission was granted by Scottish Government on 26 October 2018. That previous proposal was reported to Development Management Committee on 18 January 2017 which decided to raise no objection in accordance with officer recommendation.

5 REPRESENTATIONS

- 5.1 There is no neighbour notification or other publicity as this is not a planning application but a consultation from Scottish Government. However, one support comment was received from Fauldhouse Community Development Trust.
- 5.2 The representation is summarised below. The full representation is available to view in the online application file and is attached to this report.

Comments	Response
Support the wind farm.	Noted.

6 CONSULTATIONS

- 6.1 The consultations are summarised below. The full consultations are contained in the application file.

Consultee	Objection	Comments	Planning Response
WLC Roads & Transportation	No	-	Noted.
WLC Environmental Health	No	The noise assessment for operational turbine noise has been reviewed and a table of apportioned noise limits have been proposed. The proposed limits are based on possible mitigation of some turbines at certain wind speeds. The noise assessment is based on a candidate turbine which may not be the final turbine choice for the development. Therefore it is important that the assessment of turbine noise immissions is revisited should there be changes to the final	Noted.

Consultee	Objection	Comments	Planning Response
		choice of turbine. This should include a detailed scheme of mitigation should it be required. Planning conditions and guidance notes for wind farms should be applied and populated with the noise limits as detailed at table 13.15 of the noise chapter of the EIA report.	
WLC Parks & Woodland (Ranger Service)	No	<p>Access: acknowledge that access may need to be temporarily closed to allow construction work, however this should be kept to an absolute minimum. Access to the core path and LW66 at Law Hill should be maintained throughout.</p> <p>Biodiversity: Due to the woodland being mainly conifer plantation for timber production, with generally low biodiversity value, agree that the proposals will have minimal impact on existing species, habitats and overall biodiversity on site. The cutting of 'keyholes' within the woodland will result in a minimal loss of woodland habitat overall. Construction on peat and associated disturbance is never ideal, however the vast majority of the site is already planted and therefore not working effectively as a peatland habitat</p>	Noted.
West of Scotland Archaeology Service	No	Agree with the methodology and conclusions set out in the cultural heritage chapter of the EIA report and consider the proposal raises no significant issues.	Noted.

- 6.2 The Scottish Government has directly consulted other bodies and these are summarised below. The full consultations are available on Scottish Government's website:
[Scottish Government - Energy Consents Unit - Application Details](#)

Consultee	Objection	Comments	Planning Response
NatureScot	No	Landscape & visual: All turbines in the application are greater than 150m with the associated requirement for visible aviation lighting. In combination with the	Noted.

Consultee	Objection	Comments	Planning Response
		<p>nearby Longhill Burn wind farm which has turbines taller than 150m, a number of which will also be lit, there will be a significant adverse effect on the night time views and visual amenity of local residents and communities.</p> <p>Ornithology: Content with the bird survey work undertaken to date and the embedded mitigation described, for pre-construction surveys of goshawk and crossbills etc. Also confirm there is no connection with Westwater SPA in terms of pink footed geese.</p> <p>Bats: Content with the bat survey work undertaken and its results. Bat surveys revealed generally low levels of activity and were assessed as low risk.</p>	
Scottish Water	No	No objection.	Noted.
Ministry of Defence	No	Require the development be fitted with MOD accredited aviation safety lighting in accordance with the Air Navigation Order 2016.	Noted.
NATS	Yes	The proposal conflicts with safeguarding criteria.	Noted.
Edinburgh Airport	No	A mitigation solution has been identified, involving the operation of an infill radar system to mitigate the adverse effect of the wind turbines on air traffic control operations. Planning conditions required to secure this.	Noted.
Glasgow Airport	No	The proposal does not conflict with safeguarding criteria.	Noted.
Coal Authority	No	Parts of the application site fall within the defined development high risk area. No objection subject to intrusive site investigations and remedial works which can be controlled by a planning condition.	Noted.
Transport Scotland	No	No objection to the development in terms of environmental impacts on the trunk road network. Require planning conditions to secure	Noted.

Consultee	Objection	Comments	Planning Response
		approval of abnormal loads route on the trunk road network.	
Scottish Forestry	No	Content to support the development on the understanding that compensatory planting amounting to 55.44ha comprised of 49.9ha of planting and 10% open space is carried out as is stated in the EIA report.	Noted.
Historic Environment Scotland	No	Content that enough information has been provided and do not object to the proposed development.	Noted.
Scottish Water	No	There will be no impacts on Scottish Water infrastructure.	Noted.
Mountaineering Scotland	No	No objection.	Noted.
RSPB	No	Do not have significant concerns regarding the potential impact to birds but provide comment relating to the proposed mitigation measures and post-construction monitoring for pink-footed geese and breeding goshawk.	Noted.
Scotways	Yes	Object as the applicant has not considered how the rights of way across the site will be affected by the wind farm.	Noted.
Joint Radio Company	No	This proposal cleared with respect to radio link infrastructure operated by Scottish Power and Scotia Gas Networks.	Noted.
BT	No	Proposal will not cause interference to BT's current and presently planned radio network.	Noted.

7 PLANNING POLICY 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 of the Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the West Lothian Local Development Plan 2018 (LDP).
- 7.3 Relevant development plan policies are listed below.

West Lothian Local Development Plan 2018

Policy	Assessment	Conform
<p>DES1 Design Principles</p> <p>All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design.</p> <p>Development proposals need to meet eight criteria and must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.</p>	<p>The proposed layout and design meet requirements.</p>	<p>Yes</p>
<p>NRG1 Climate Change and Sustainability</p> <p>The reduction of greenhouse gas emissions through a wide range of measures designed to mitigate and adapt to climate change is a strategic overarching set of principles which will be promoted by having the statutory requirements of The Climate Change (Scotland) Act 2009 enforced in relation to:</p> <ul style="list-style-type: none"> - assisting in achieving the Scottish Government's renewable energy targets set out in the Act; - assisting in achieving the Scottish Government's Climate Change Adaptation Programme (May 2014) to address identified impacts and build resilience for a climate ready natural environment, society, buildings and infrastructure networks; - protecting and enhancing land uses that act as 'carbon sinks' (for example extending woodland cover and protecting valued peat lands); - protecting the amenity of new and existing development including environmental quality; - assisting the move to zero waste; and - influencing reduction in environmental impacts of production and consumption, particularly energy efficiency and waste reduction. 	<p>By virtue of its design and low carbon technology, the wind farm assists to mitigate and adapt to climate change, which is in adherence to the principles of NRG1.</p>	<p>Yes</p>

Policy	Assessment	Conform
<p>Sustainable land use will be promoted through:</p> <ul style="list-style-type: none"> - assisting in achieving compliance with the long-term objectives of the Scottish Government's Land Use Strategy (2011): delivery of multiple benefits from land based businesses; responsible stewardship of natural resources and partnerships with nature; and better linkages of communities to the land; - integrating land use with sustainable transport approaches through safeguarding and enhancing the network of sustainable forms of transport: walking and cycling, public transport, rail, park and ride and water-borne traffic; - directing new developments to locations accessible by a choice of modes of transport and which specifically encourage walking, cycling, and public transport in preference to the private car; and - encouraging more sustainable forms of transport and active travel. 		
<p>NRG3 Wind Energy Development</p> <p>The council supports the development of wind energy schemes in principle.</p> <p>Wind energy proposals will be assessed against the detailed spatial framework and the criteria set out in Supplementary Guidance Wind Energy Development. Development will be supported where it can be satisfactorily demonstrated that proposals will not individually or cumulatively have a significantly adverse impact on local communities, the natural and historic environment, public safety and the economy of the local area.</p> <p>The council will have regard to the precautionary principle when assessing wind energy proposals where nationally or internationally important landscape and natural heritage resources are potentially being impacted upon.</p>	<p>The proposal is on the south western fringe of West Lothian where supplementary guidance identifies as generally suitable for wind farms.</p> <p>There is already consent for a wind farm on the site and so the principle of the proposal is established. The increase in height of turbines results in them being similar to the adjacent Longhill Burn wind farm that is under construction.</p> <p>The height and layout of turbines now proposed can be accommodated without unacceptable environmental impacts.</p>	Yes
ENV1 Character and Special Landscape Areas	The EIA predicts significant (major) effects on landscape character for the Plateau Moorlands and Upland	Yes

Policy	Assessment	Conform
<p>Development will not be permitted where it may significantly and adversely affect local landscape character. Where development is acceptable it should respect this landscape character and be compatible in terms of scale, siting and design. New rural development will be required to incorporate design elements to maintain the diversity and distinctiveness of local landscapes and to enhance landscape characteristics where they have been weakened.</p> <p>Within the Special Landscape Areas (SLAs) shown on the proposals map there is a presumption against development which would undermine the landscape and visual qualities for which the areas were designated. Development proposals outwith these areas which would affect its setting from strategic viewpoints will be subject to detailed visual appraisal and will not be supported if it adversely affects the designated area.</p> <p>Development proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual impact assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit can be achieved.</p> <p>The council will seek to protect and enhance landscape character and local landscape designations in accordance with Supplementary Guidance Landscape character and local landscape designations and Green Networks.</p>	<p>Fringes (Lothian) Landscape Character Types (LCTs).</p> <p>The wind farm is located on the transition between these LCTs, in an undulating plateau of coniferous forest.</p> <p>Existing wind farm development including Tormywheel (to the west) and Pates Hill (to the east) has already altered the character of these LCTs as has other human activity such as coniferous forest, roads, electricity infrastructure, settlements.</p> <p>The proposal will further will increase the influence of wind farms on these LCTs with the EIA report finding effects of moderate significance within 5km mainly around the site and to the north and south.</p> <p>Overall the wind farm isn't anticipated to affect the integrity of any landscape designations by impacting on the qualities for which they have been designated.</p>	
<p>ENV17 Protection of International Nature Conservation Sites</p> <p>Development proposals within or affecting areas classified as existing or candidate sites of international importance, under European Directives (Special Areas of Conservation (SAC) and Special Protection Areas (SPA)), or affecting the habitats and species listed in the Habitat Directives Annexes I and II and Birds Directive Annex 1, will not be permitted unless it can be ascertained that it will not</p>	<p>Two statutory designated sites of international ornithological importance were identified within 20km of the site: Westwater Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest (SSSI), which is designated for non-breeding pink-footed goose and its non-breeding waterfowl assemblage; and Slamannan Plateau SPA, which is designated for non-breeding taiga bean goose.</p>	Yes

Policy	Assessment	Conform
<p>adversely affect the integrity of a European site, or:</p> <ul style="list-style-type: none"> a. there are no alternative solutions; b. there are imperative reasons, of overriding national public interest, including those of a social or economic nature, to allow development; and c. compensatory measures are provided to ensure that the overall coherence of the Natura European site is provided. <p>Proposals likely to have a significant effect on a European site will only be approved if it can be ascertained by the council, by means of an Appropriate Assessment, that the integrity of the European site will not be adversely affected.</p>	<p>The applicant agreed with NatureScot that there is no connectivity between either of these statutory sites and the application site and potential effects on these statutory sites were thus scoped out of the EIA.</p>	
<p>ENV20 Species Protection and Enhancement</p> <p>Development that would affect a species protected by European or UK law will not be permitted unless:</p> <ul style="list-style-type: none"> a. there is an overriding public need and there is no satisfactory alternative; b. a species protection plan has been submitted, which is based on survey result, and which includes detail of the status of the protected species on site and the possible adverse impact of development; c. suitable mitigation is proposed and agreed; and d. if it is established that European protected species are present, the development is not detrimental to the maintenance of European protected species at a favourable conservation status. 	<p>Habitat within the site is largely dominated by conifer plantation woodland. Small areas of marshy grassland, broadleaved woodland plantation and recently felled conifer plantation mainly comprised the remainder of the habitat cover.</p> <p>The EIA finds that the effects of the wind farm on ecology will be of low to negligible magnitude. Similarly, there are considered to be no significant effects on nearby statutory sites.</p> <p>With regard to ornithology, three bird species were identified as having the potential to be affected by the development: non-breeding pink-footed goose, breeding goshawk and breeding crossbill. A breeding bird protection plan is to be produced to ensure that all breeding birds are protected. With this mitigation, impacts on bird species are assessed in the EIA report as being of low to negligible magnitude.</p>	Yes
<p>ENV 32 Archaeology</p> <p>Development will not be permitted where it would have a significant adverse effect on an identified regionally or locally important archaeological or historic site or its setting. Archaeological remains should be</p>	<p>The potential for any unknown archaeological remains to survive within the site ranges from moderate to low, this due to the commercial forestry operations that lower the potential for archaeology to survive subsurface.</p>	Yes

Policy	Assessment	Conform
preserved in situ wherever possible. Where this is not possible, archaeological investigation and recording will be required.	WoSAS confirm no further archaeological works are required.	
<p>TRAN1 Transport Infrastructure</p> <p>The council will co-operate with other agencies in preparing investment programmes to enhance the environment by active travel infrastructure, public transport facilities, traffic and parking management in its towns and villages. Development will only be permitted where transport impacts are acceptable.</p>	The proposal will have no adverse impacts on the road network.	Yes
<p>EMG5 Noise</p> <p>There is a presumption against developments that are:</p> <p>a. likely to generate significant amounts of noise being located close to noise sensitive developments such as existing or proposed housing; or</p> <p>b. residential or other noise sensitive developments being close to noisy land use.</p> <p>The only exceptions will be where it can be demonstrated that:</p> <p>a. through design or mitigation, satisfactory internal and external noise levels can be achieved at the noise sensitive development; and</p> <p>b. through design or mitigation, there will be no adverse impact on the continued operation of any existing or proposed business or activity.</p> <p>The terms of the council's Supplementary Guidance on Noise will apply.</p>	<p>The noise assessment in the EIA report has been undertaken in accordance with the recommendations of ETSU-R-97, the method of assessing wind turbine noise recommended by government guidance. The assessment shows that noise arising from the wind farm, in conjunction with the surrounding cumulative developments, would comply with the requirements of ETSU R-97 at all receptor locations.</p> <p>WLC Environmental Health accepts the findings of the noise assessment and planning conditions would be used to secure compliance with the table of noise limits contained in the assessment.</p>	Yes

7.4 The council's following statutory supplementary guidance (SG) that forms part of the Local Development Plan and non-statutory planning guidance (PG) is relevant:

- SG Planning & Noise
- SG Wind Energy Development
- PG Planning for Nature: Development Management & Wildlife

7.5 Other WLC planning policy documents of relevance are:

- Landscape Capacity Study for Wind Energy Development in West Lothian (2011)

- West Lothian Landscape Character Classification (2014)

7.6 Other policy documents of relevance are

- National Planning Framework 3
- Scottish Planning Policy 2014 (revised December 2020)
- Scottish Onshore Wind Policy Statement December 2017
- Scottish Energy Strategy December 2017

8	ASSESSMENT
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8.1 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.

8.2 Although this is a consultation to the council and not a planning application, the considerations in determining a planning application are still relevant.

Development Plan

8.3 The local development plan (LDP) through policy NRG3 gives general support to the proposal and references need to conform with the supplementary guidance (SG) Wind Energy Development.

8.4 The SG sets out a spatial framework for wind energy in West Lothian. All turbines within West Lothian will be located within Group 3: Areas with potential for wind farm development. The landscape character unit that the site is within is assessed in the SG as having medium landscape sensitivity to wind energy development where the objective is to accommodate wind energy development. This is the lowest sensitivity ascribed to landscape character types in the SG.

8.5 The SG includes a checklist with criteria against which wind energy development will be assessed. The criteria are all addressed in the EIA report and it is concluded that the proposal is in general compliance.

8.6 The site is located in an area where wind farm development is firmly established with Tormywheel wind farm to the immediate north-west, Longhill Burn wind farm (under construction) to the immediate north-east and Pates Hill wind farm east of Longhill Burn. In addition, further wind farms are to the east (Pearie Law and Harburnhead) and to the west (Black Law). The turbines under construction at Longhill Burn will have visible aviation lighting due to being over 150m high and the proposed turbines at Heathland will have similar lighting.

8.7 The EIA report has evaluated effects on landscape and visual resource – both direct effects and effects on how the landscape is perceived – and the effect on visual amenity (views) within the study area. Cumulative effects arising from the addition of the development to other wind farms has also been considered. The EIA report concludes that no significant additional cumulative landscape or visual effects are predicted to arise as a result of the development. The EIA report also includes a residential visual amenity assessment of

properties within 2 km of the development, which concludes none of the properties would be subject to effects which breach the residential visual amenity threshold.

- 8.8 The finding of the EIA report with regard to landscape & visual impacts and impacts on residential amenity are accepted. It is considered the proposed wind farm will have acceptable landscape & visual impacts in the context of other surrounding existing and consented wind farms.
- 8.9 Impacts on habitats and species are fully assessed in the EIA report and no significant ecological effects are identified. Mitigation has been proposed to further reduce the low magnitude effects during the construction phase.
- 8.10 Other environmental impacts are assessed in the EIA report and raise no matters of significance for West Lothian.
- 8.11 It is concluded that the proposal is acceptable in terms of LDP policy NRG3. It gains support from the spatial strategy set out in the SG Wind Energy Development as the site is located in an area that is identified as having scope for turbines. Further, the proposal meets the assessment criteria in the SG. As NRG3 is the headline policy for the consideration of wind farm proposals, it is considered compliance with this policy is the main consideration when assessing overall compliance with the development plan. The proposal can be said to comply overall with the development plan.

Other Material Considerations

- 8.12 National Planning Framework 3 and Scottish Planning Policy support the expansion of renewable energy generation capacity. Paragraph 169 of Scottish Planning Policy sets out a number of criteria to consider in relation to energy infrastructure, including net economic impact (including local and community socio-economic benefits), the contribution towards renewable energy targets, the effect on greenhouse gas emissions, cumulative impacts, landscape and visual impacts, impacts on the historic environment and impacts on tourism and recreation. It is clear that national policy expects possible impacts on the landscape and visual receptors to be balanced against possible environmental and economic benefits
- 8.13 Scottish Planning Policy also introduces a presumption in favour of sustainable development. Paragraph 29 states that this includes giving due weight to net economic benefit and supporting the delivery of energy infrastructure, but also protecting the landscape. The thrust of national policy is therefore to give due weight to the range of factors contributing to sustainable development. In this case it is considered the development would constitute sustainable development because it would support the delivery of energy infrastructure and climate change mitigation, while having an acceptable impact on the landscape.

9 SUMMARY AND CONCLUSIONS

- 9.1 It is accepted that a development of this scale will have environmental impacts. In this instance these are principally landscape and visual impacts. It is considered that the proposed wind farm is located within a landscape character type that can accommodate further wind farm development and the proposal maximises the capacity of the landscape.

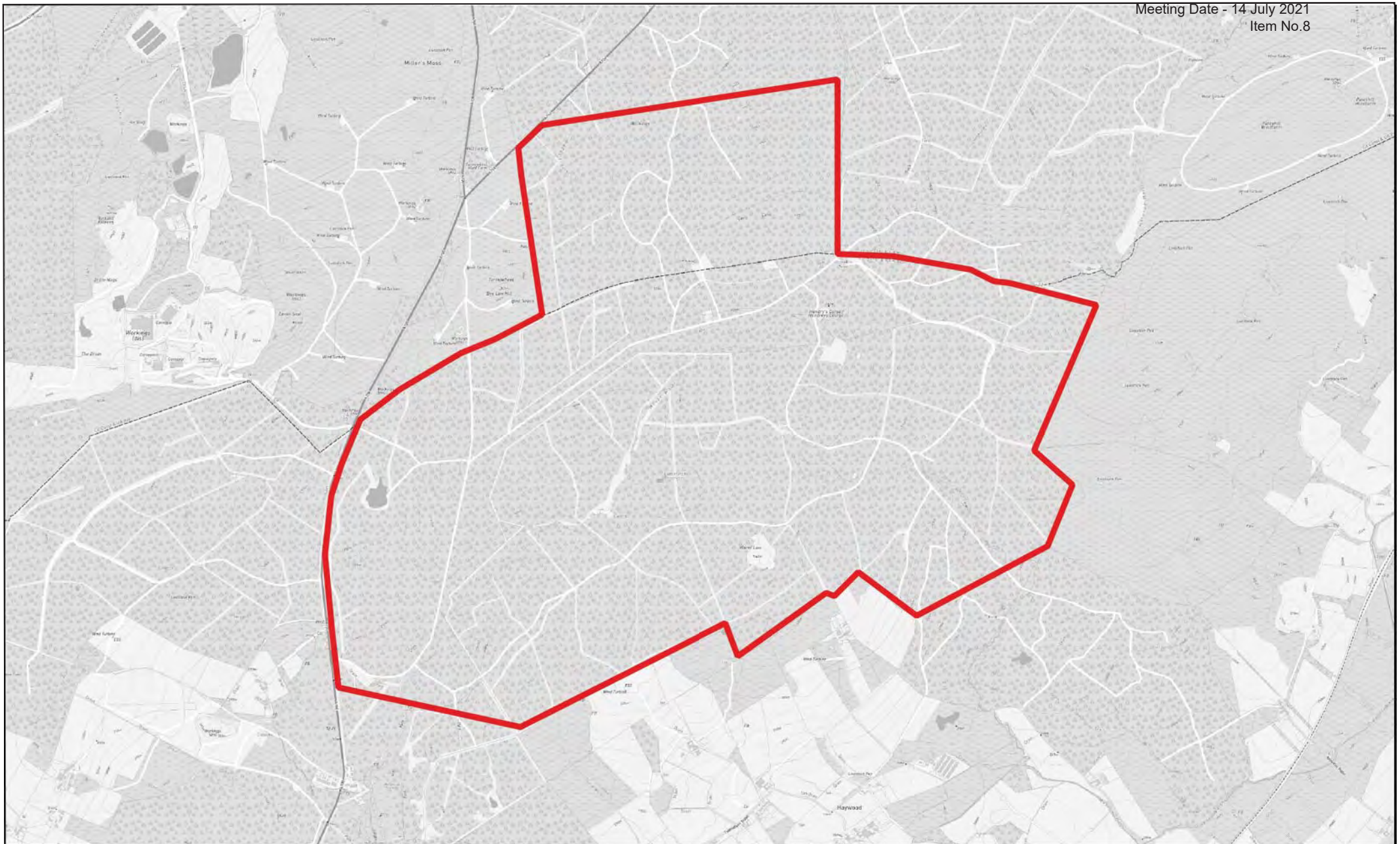
- 9.2 The proposal would make a significant contribution to national renewable energy generation targets. It is consistent with the development plan and Scottish Government planning policies that support wind energy development as part of the route map to net zero carbon emissions by 2045.
- 9.3 It is recommended that the committee raise no objection to the proposal subject to appropriate conditions to regulate the development, such conditions to be delegated to the Head of Planning, Economic Development & Regeneration.

10 ATTACHMENTS




- Location plan
- Layout and turbine plans
- Representations

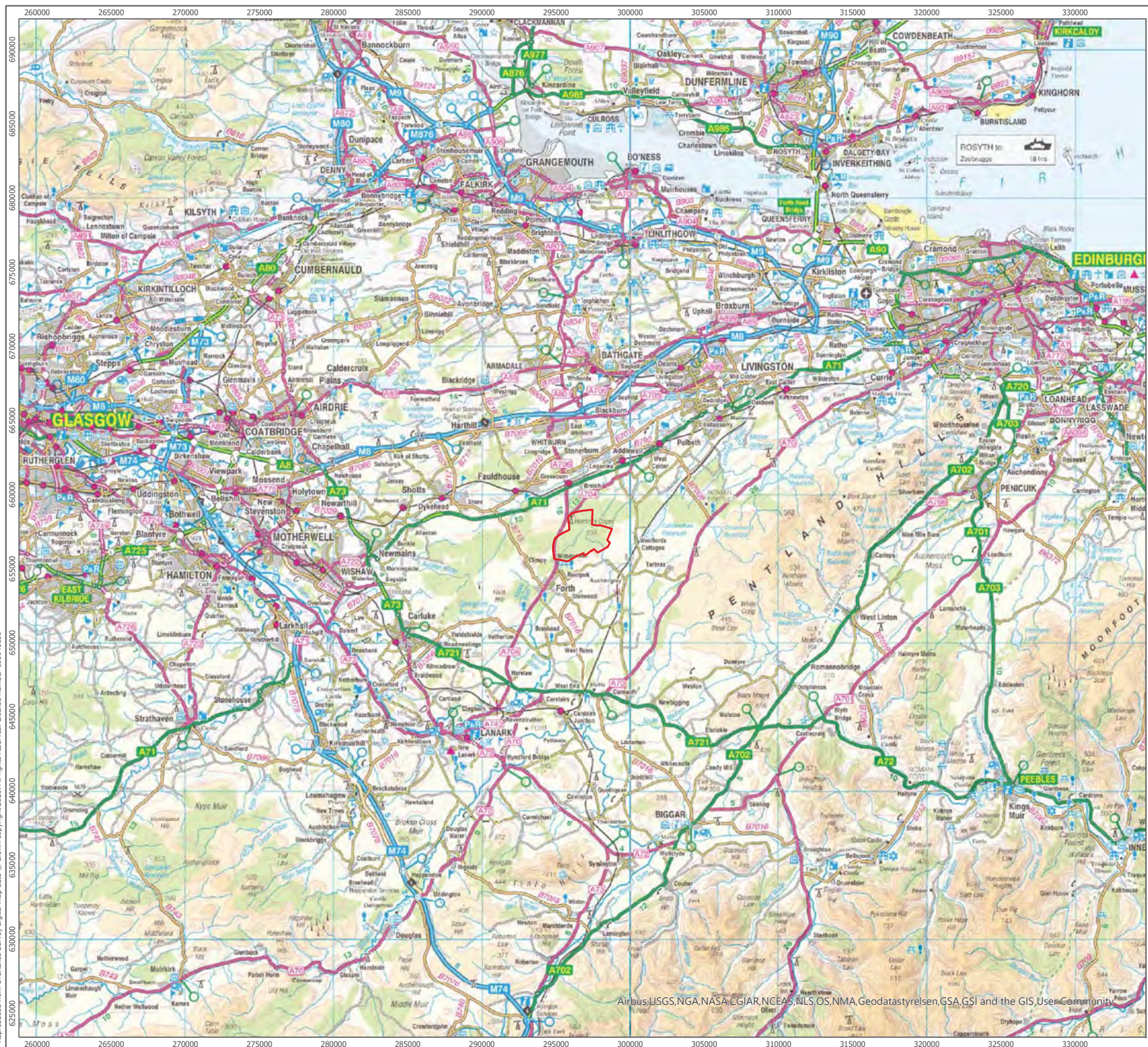
Craig McCorriston
Head of Planning, Economic Development & Regeneration

Date: 14 July 2021






 West Lothian Council	0172/EXC/21 - Heathland Approximately 1.5km North East Of Forth West Lothian & South Lanarkshire		
	Development Management - West Lothian Civic Centre - EH54 6FF (c) Crown copyright and database right 2021 OS Licence number 100037194	0 500 1000 m 	

 Site Boundary

1:250,000 Scale @ A3



A scale bar showing distances from 0 to 10 km, with a midpoint at 5 km. To the right of the scale bar is a north arrow pointing upwards, labeled 'NORTH'.

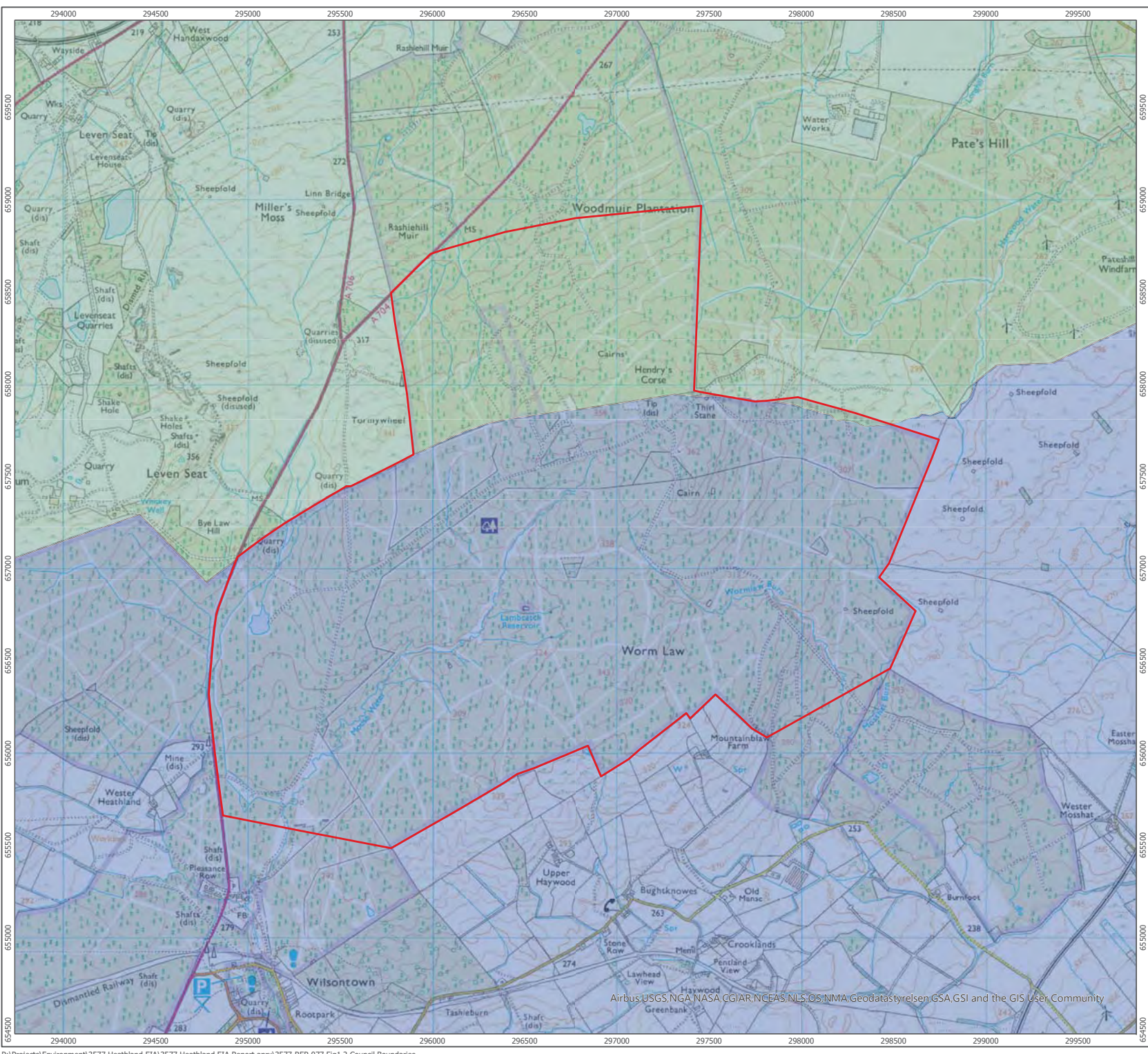
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Checked By: SC	Date: 09/11/2020




Site Location

Figure 1.1

Heathland Wind Farm EIA Report

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-  Site Boundary
- Local Planning Authority
 -  South Lanarkshire Council
 -  West Lothian Council

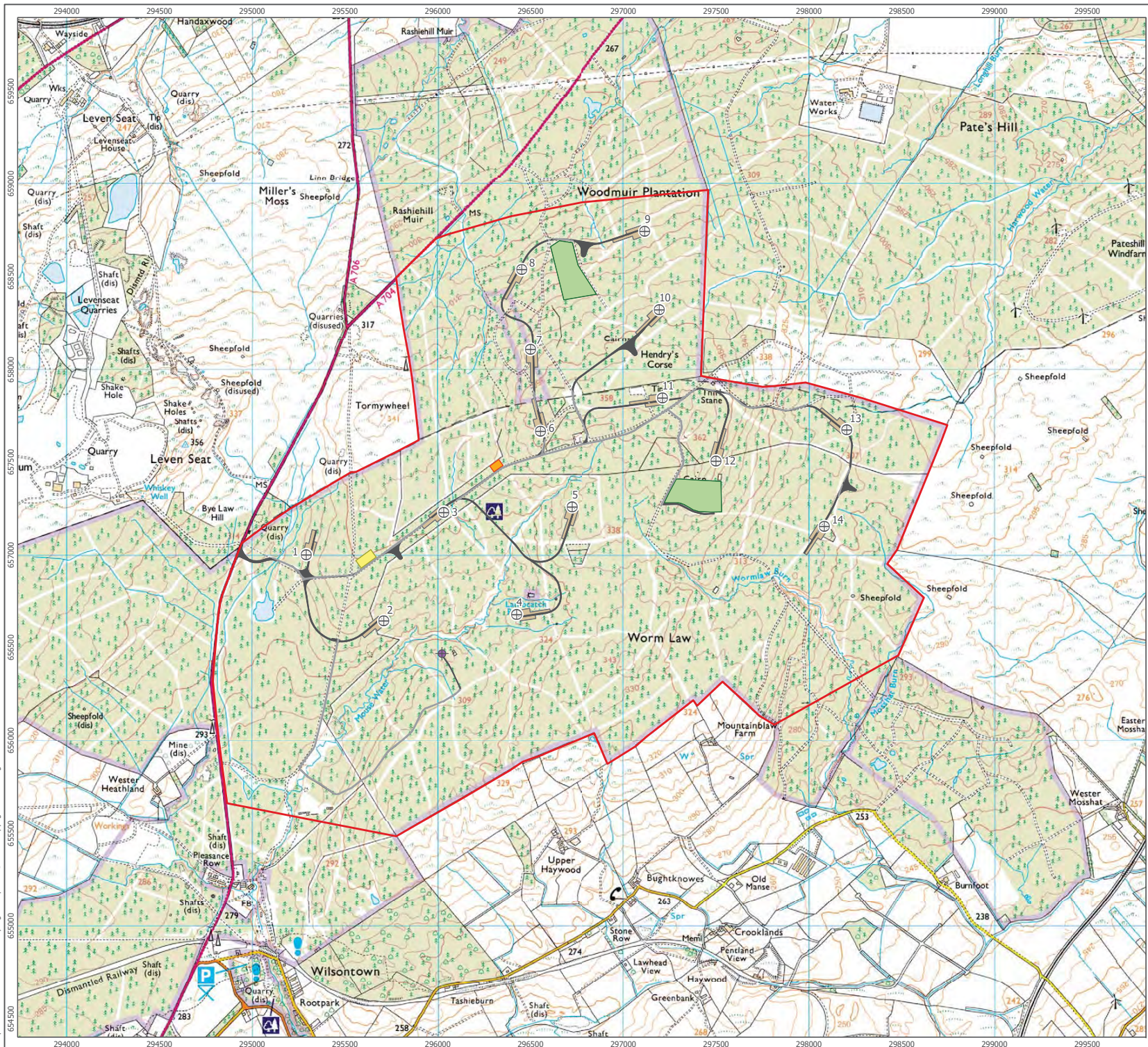


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Checked By: DL	Date: 26/01/2021

Council Boundaries
Figure 1.2

**Heathland Wind Farm
EIA Report**

Airbus USGS, NGA, NASA, CGIAR, NCEAS, NLS, OS, NMA, Geodatastyrelsen, GSA, GSI and the GIS User Community



- Site Boundary
- Proposed Turbine Location
- Site Infrastructure**
- New Access Tracks
- Existing Access Tracks
- Borrow Pit
- Construction Compound
- Crane Hardstanding
- Substation
- Meteorological Mast



1:20,000 Scale @ A3

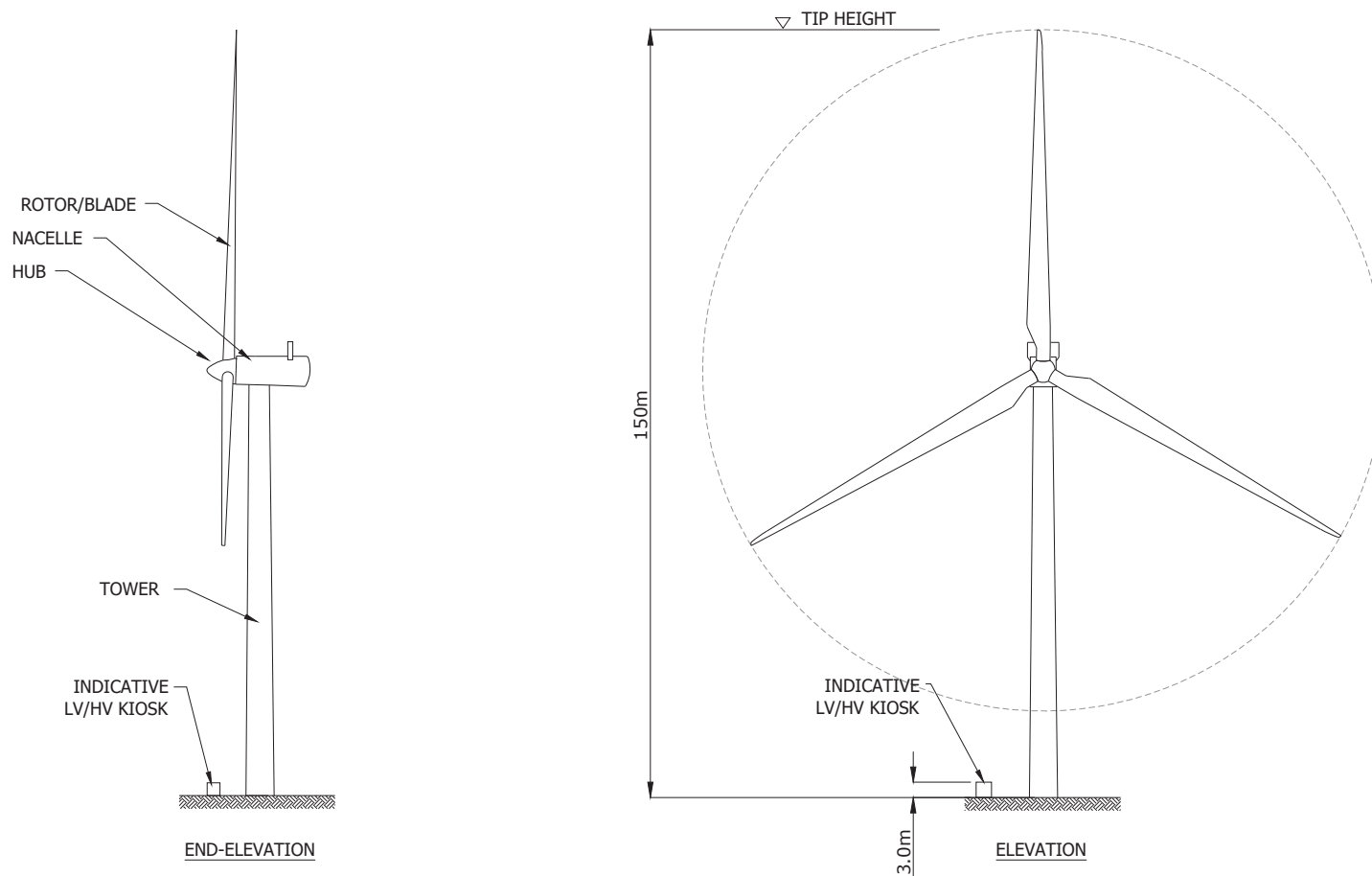
0 0.5 1 km

NORTH

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Checked By: SC	Date: 26/01/2021

Site Layout Plan Figure 1.3

Heathland Wind Farm EIA Report

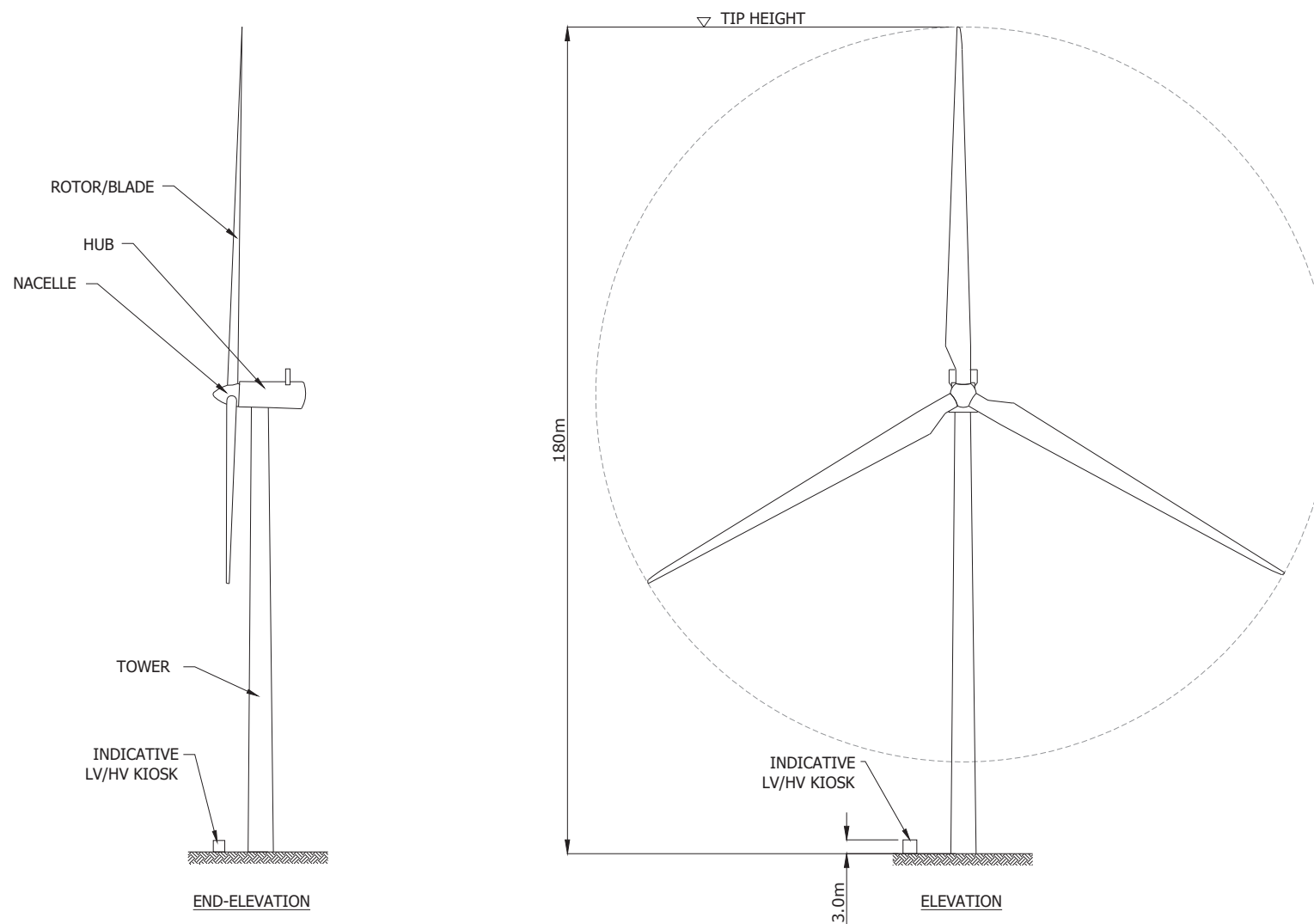


1:1000 Scale @ A3

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Reviewed: DB	Date: 13/10/20
Approved: AG	

N133
Indicative Turbine Elevations
Figure 3.2a

Heathland Wind Farm
EIA Report



1:1000 Scale @ A3

Produced: KB	Ref: 3577-DR-P-0010
Reviewed: DB	Date: 13/10/20
Approved: AG	

GE158
Indicative Turbine Elevations
Figure 3.2b

Heathland Wind Farm
EIA Report

Comments for Planning Application 0172/EXC/21

Application Summary

Application Number: 0172/EXC/21

Address: Heathland Approximately 1.5km North East Of Forth West Lothian & South Lanarkshire

Proposal: Consultation on application under Section 36 of the Electricity Act 1989 for consent to construct and operate a wind farm with a generating capacity in excess of 50 MW, comprising up to 14 wind turbines and associated infrastructure with a ground to blade tip height of up to 180 metres (11 turbines at 180m and 3 turbines at 150m)

Case Officer: Tony Irving

Customer Details

Name: Mr Graham Broughton

Address: 17 Badallan Place Fauldhouse Bathgate EH47 9BA

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support the Proposed Heathland Wind Farm

Director

Fauldhouse and Breich Valley Community Development Trust

Development Management Committee

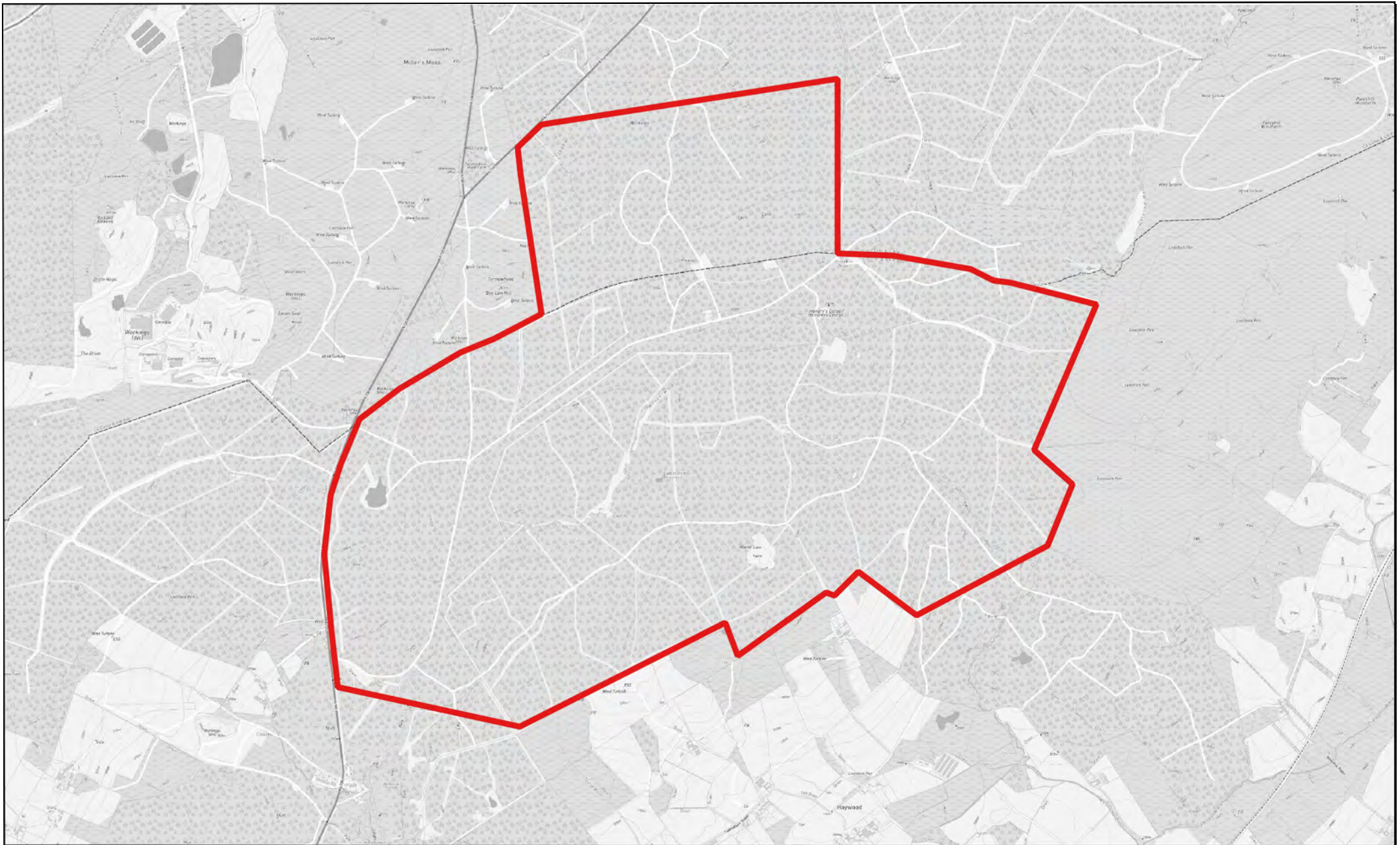
14 July 2021

Item 08 - Application 0172/EXC/21

Consultation on application under Section 36 of the Electricity Act 1989 for consent to construct and operate a wind farm with a generating capacity in excess of 50 MW, comprising up to 14 wind turbines and associated infrastructure with a ground to blade tip height of up to 180 metres (11 turbines at 180m and 3 turbines at 150m)

Heathland - West Lothian/South Lanarkshire



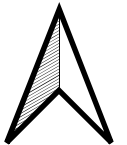


0172/EXC/21 - Heathland Approximately 1.5km North East Of Forth West Lothian & South Lanarkshire

Development Management - West Lothian Civic Centre - EH54 6FF

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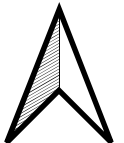


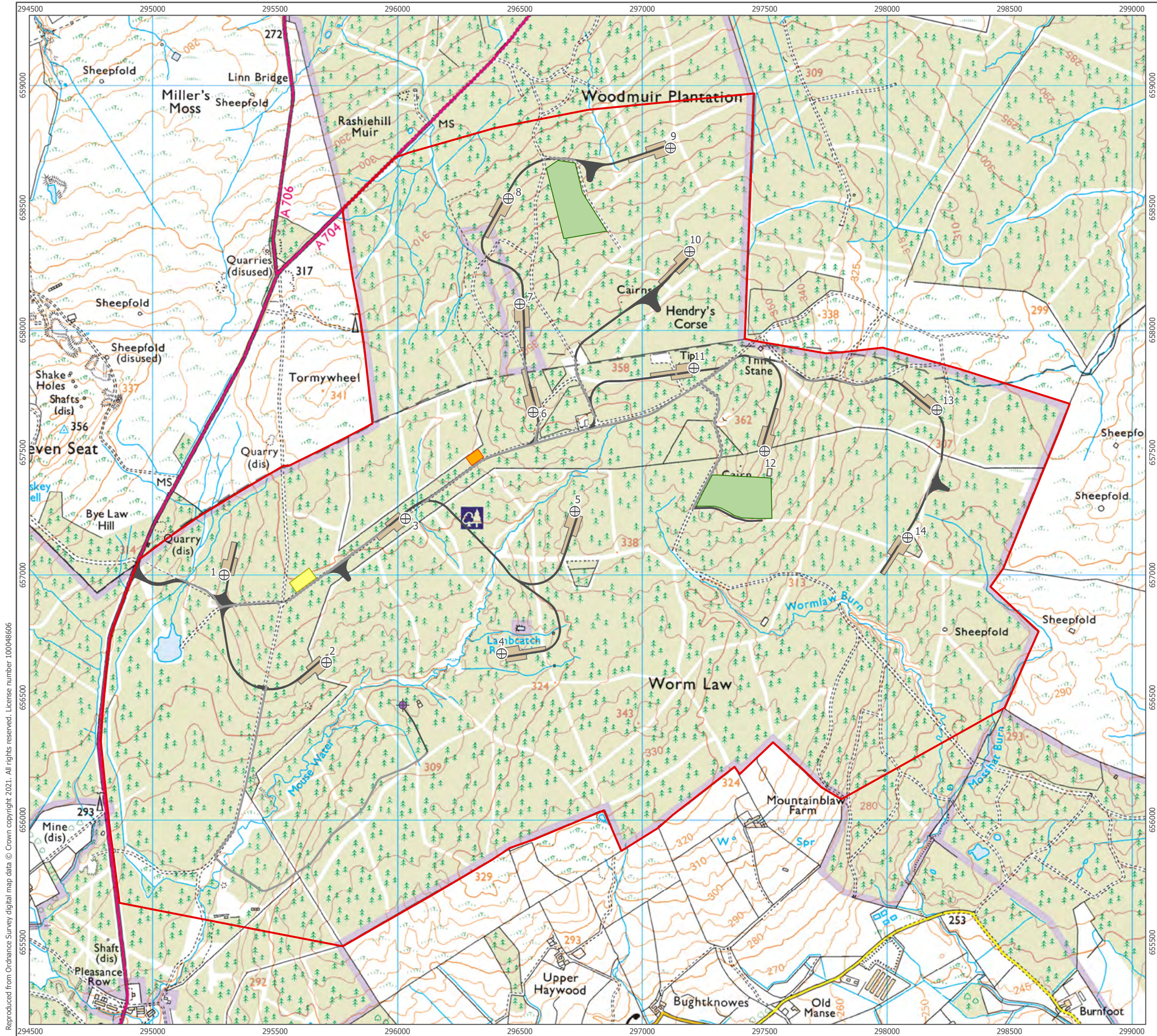
0172/EXC/21 - Heathland Approximately 1.5km North East Of Forth West Lothian & South Lanarkshire

Development Management - West Lothian Civic Centre - EH54 6FF

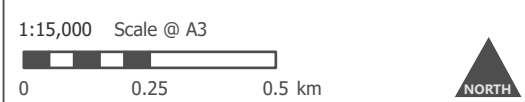
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0 500 1000 m





- ⊕ Proposed Turbine Location
- ▭ Site Boundary
- Site Infrastructure
 - ▬ New Access Tracks
 - ▬ Existing Access Tracks
 - ▭ Borrow Pit
 - ▭ Construction Compound
 - ▭ Crane Hardstanding
 - ▭ Substation
- ⊕ Meteorological Mast

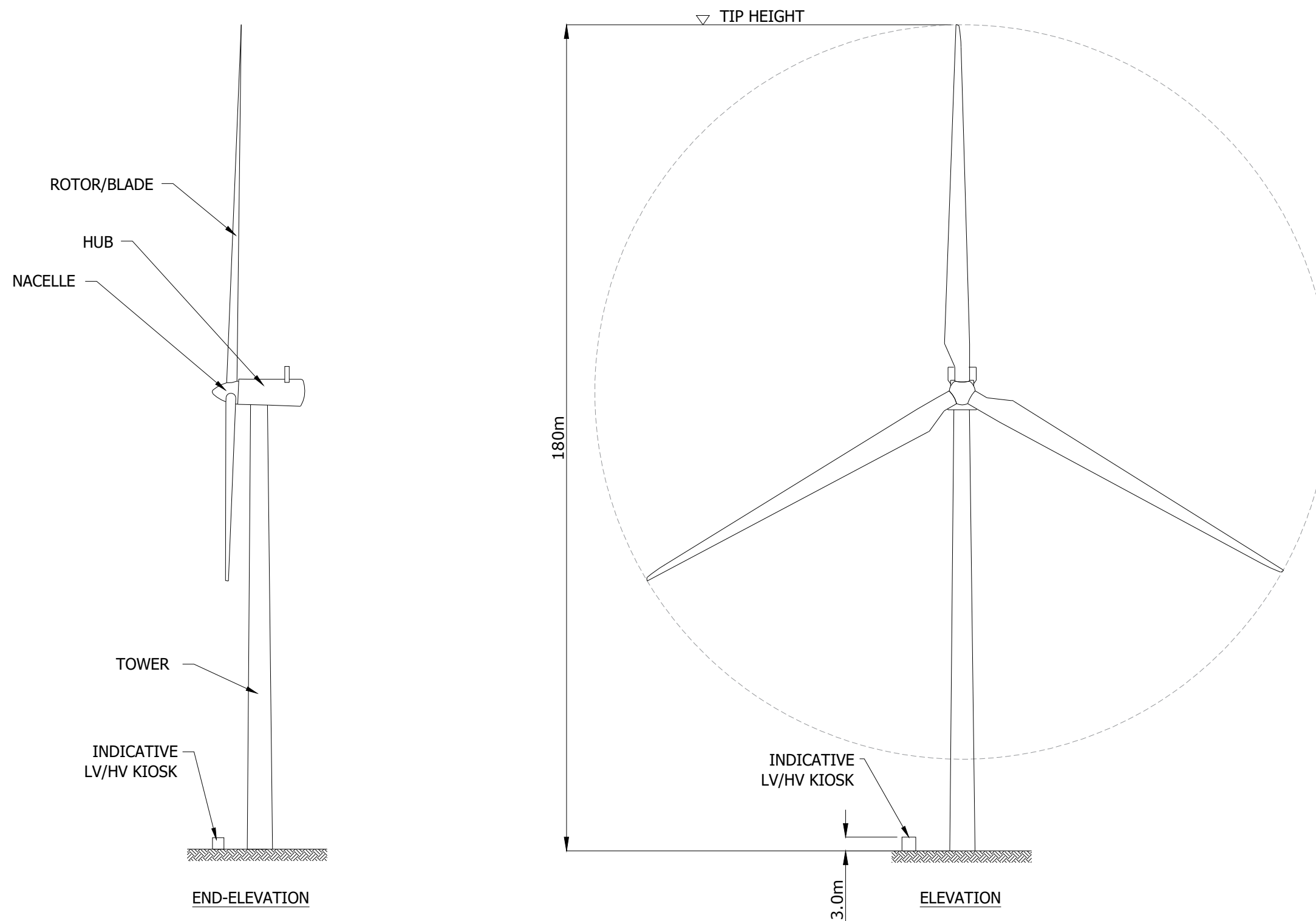


Produced By: JO	Ref: 3577-REP-078
Checked By: DL	Date: 26/01/2021

Site Layout Plan
Figure 3.1

Heathland Wind Farm
EIA Report

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1:1000 Scale @ A3

Produced: KB	Ref: 3577-DR-P-0010
Reviewed: DB	Date: 13/10/20
Approved: AG	

GE158
Indicative Turbine Elevations
 Figure 3.2b

Heathland Wind Farm
EIA Report



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

- 1.1 Erection of house at land at Ballencrieff Mill, Bathgate.

2 DETAILS

Reference no.	0384/FUL/21	Owner of site	Mr & Mrs C Hardie
Applicant	Mr & Mrs C Hardie	Ward & local members	Ward Councillor Charles Kennedy Councillor Willie Boyle Councillor Harry Cartmill Councillor John McGinty
Case officer	Kirsty Hope	Contact details	01506 282413 kirsty.hope@westlothian.gov.uk

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

3 RECOMMENDATION

- 3.1 Refuse Planning Permission

4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning permission is sought for the erection of one house on land at the entrance of Ballencrieff Mill. The proposed house is single storey in height with accommodation in the attic, 3 bedrooms are proposed in total. Access to the site would be from Ballencrieff Mill.

5. REPRESENTATIONS

- 5.1 One objection has been received.
- 5.2 A summary of the representation is in the table below.

Comments	Response
<ul style="list-style-type: none"> Concerns on visibility and road safety 	<ul style="list-style-type: none"> Noted. See WLC Roads & Transportation response below.
<ul style="list-style-type: none"> Access would be across an existing passing place which was advised against in previous application 0560/FUL/12. 	<ul style="list-style-type: none"> Noted. Each application is considered on its own merit.

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
Coal Authority	No	Site is not within a high-risk area. Attach standing advise on public health & safety	Noted. If consented, advisory note shall be attached.
WLC Roads & Transportation	No	Condition that the boundary fence is located behind the street lighting. Visibility splay is acceptable.	Noted. If consented, this condition shall be attached.
WLC Environmental Health	No	Attach construction noise condition.	Noted. If consented, this condition shall be attached.
WLC Education	No	Contributions required towards primary and secondary education.	Noted. Should planning permission be granted, then the relevant developer contributions will need to be secured.
WLC Flood Risk Management	Yes	High level Flood Risk Assessment is required.	Noted.

7. ASSESSMENT

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

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

7.3 The relevant development plan policies are listed below:

Plan	Policy Summary	Assessment	Conform?
West Lothian Local Development Plan (LDP) (2018) DES1 - Design Principles	All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment	The proposed dwelling will not integrate well with the surroundings given the narrow width of the site and that this site performs an important de-facto open space function at the junction of Ballencrieff Mill/ Balmuir Road. The property would only benefit from a side garden rather than a rear garden area. The proposal provides a cramped	No

Plan	Policy Summary	Assessment	Conform?
	and be high quality in their design. Development proposals which are poorly designed will not be supported.	appearance detrimental to the character and appearance of the surrounding area.	
West Lothian LDP HOU3 - Infill and Windfall Housing Development	In addition to sites already identified in Policy HOU 1 of the LDP, new housing development will also be supported on sites within settlement boundaries provided it meets criteria (a-i).	The proposal is not in keeping with the character of the settlement and local area. Whilst this land is not designated as open space it provides a natural buffer between the existing housing area and roadside. Flood Risk information has not been provided.	No
West Lothian LDP ENV 21 - Protection of Formal and Informal Open Space	Proposals which will result in the loss of open space will not be supported unless it can be demonstrated that it meets criteria (a-e).	There is no locational need for the proposed house, which will result in the loss of this informal open space.	No
West Lothian LDP INF1 - Infrastructure Provision and developer obligations	The council will seek developer obligations in accordance with Scottish Government Circular 3/2012.	The proposal does not raise any infrastructural or education capacity concerns. The LDP and statutory guidance, sets out the required developer obligations and these are listed below: <ul style="list-style-type: none"> • Education (Non-Denominational Primary & Non-Denominational Secondary) • Cemeteries 	Yes – Subject to the relevant planning obligations being secured.
West Lothian LDP EMG2 - Flooding	Developers will be required to submit a full Flood Risk Assessment (FRA) for all developments deemed to be at risk of flooding from any source in medium to high risk areas and developments in low to medium risk areas	Given the site levels and the areas of flood risk a high-level flood risk assessment is required to assess the flood risk. The applicant has not provided a flood risk assessment.	No

Plan	Policy Summary	Assessment	Conform?
	identified in the risk framework (i.e. developments located in an area at the upper end of the probability scale, essential infrastructure and the most vulnerable land uses).		
West Lothian LDP EMG3 - Sustainable Drainage	Developers may be required to submit a Drainage Impact Assessment (DIA) to ensure that surface water flows are properly taken into account in the design of a development.	The applicant has not satisfactorily demonstrated the proposed surface water drainage arrangements.	No
West Lothian LDP NGR1a - Low and Zero Carbon Generating Technology	Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emission reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies.	A statement has not been provided by the applicant.	No - could be achieved by condition.
West Lothian LDP EMG6 - Vacant, Derelict and Contaminated Land	This policy advises that where it is suspected by the council that a development site may be contaminated, the developer will be required to undertake a site investigation, to the satisfaction of the council.	The applicant has not submitted a site investigation phase 1 report.	No

7.4 Also relevant is the following:

- Supplementary Guidance Residential Development Guide, 2019
- Supplementary Guidance Flooding and Drainage, 2019
- Supplementary Guidance Planning & Education, 2021
- Supplementary Planning Guidance Development of land potentially affected by contamination, 2009
- Planning Advice Note PAN 65 – Planning and Open Space

- 7.5 The site is located within an area of undeveloped land that is located within the Bathgate settlement boundary. The proposed development is for one single storey dwelling. Access would be provided onto Ballencrieff Mill and parking for two vehicles would be provided within the site.
- 7.6 The proposed site is relatively narrow in width and effectively performs an important de-facto open space function at the junction of Balmuir Road / Ballencrieff Mill / Chapmans Brae. The property would have a private garden space to the side of the dwelling, rather than to the rear as the other surrounding properties have.
- 7.7 The house is located with its rear elevation facing onto Balmuir Road and it is proposed to erect a 1.8m high fence within close proximity to the street lighting columns. This will result in a high timber screen boundary fence fronting onto Balmuir Road.
- 7.8 The proposed dwelling will result in a cramped appearance within a site that provides amenity value to the properties to the north that overlook the site and front towards Balmuir Road. The development of the site for a house would be detrimental to the character and appearance of the entrance to Ballencrieff Mill, which in turn would adversely affect the environmental quality of the locality and not create a satisfactory residential environment. The application site is undeveloped land that has the de-facto appearance and function as amenity greenspace. The proposal is contrary to DES1 (Design Principles), HOU3 (Infill and Windfall Housing Development within Settlements) and ENV21 (Protection of Formal and Informal Open Space).
- 7.9 No flood risk assessment has been provided by the applicant. The proposal is therefore contrary to policy EMG 2 (Flooding) within the development plan.
- 7.10 No site investigation report has been provided by the applicant, the proposal is contrary to policy EMG6 (Vacant, Derelict and Contaminated Land) within the development plan.

8. CONCLUSION AND RECOMMENDATION

- 8.1 The proposal will be detrimental to the character and appearance of the entrance to Ballencrieff Mill, by infilling an area of undeveloped land that functions as open space. The proposal will adversely affect the environmental quality of the locality and will not create a satisfactory residential environment.
- 8.2 The applicant has not satisfactorily demonstrated that the site is not at risk of flooding, as a high-level flood risk assessment has not been submitted. Insufficient information has been provided by the applicant with regard to contaminated land. A carbon emission reduction statement has not been provided.
- 8.3 The proposal is therefore contrary to the policies of the development plan and it is therefore recommended that planning permission is refused, as set out in the attached draft reasons.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Draft reasons for refusal
- Location and Site Plan
- Local Member Referral Form

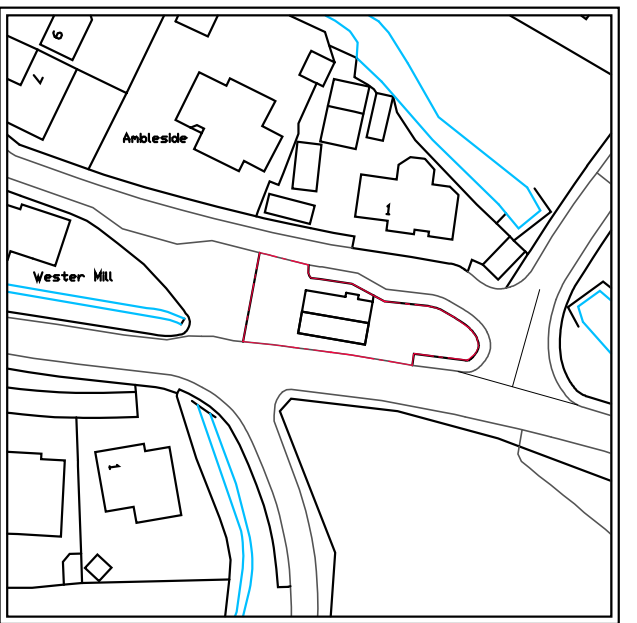
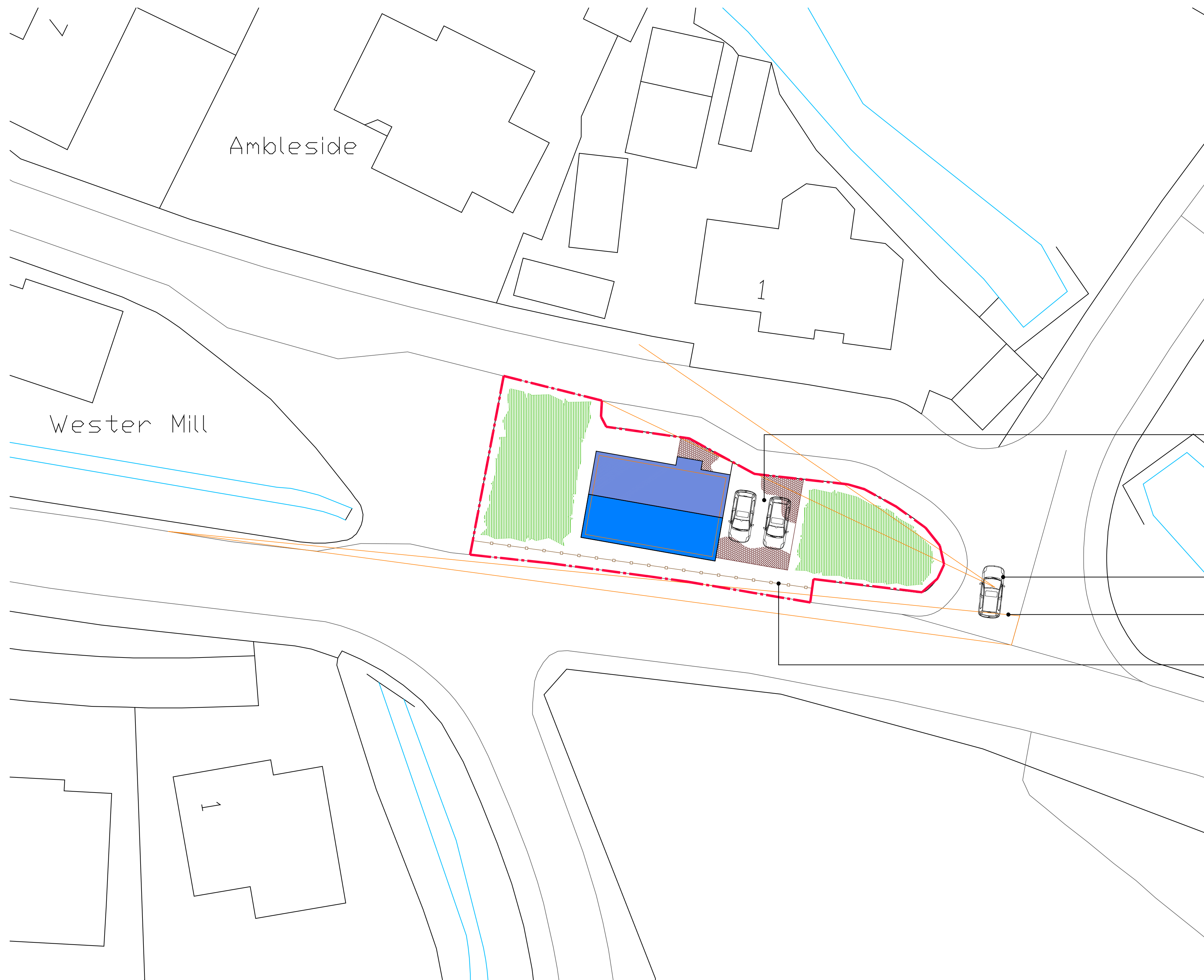
Plans, elevations, 3D views and photos are available in the accompanying presentation pack.

Craig McCorriston

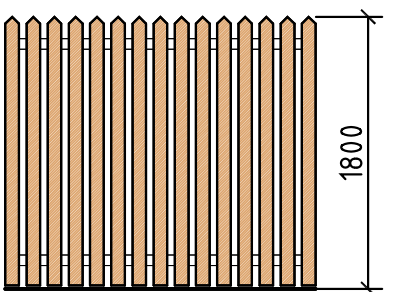
Head of Planning, Economic Development and Regeneration Date: 14 July 2021

Reasons for refusal:

1. The proposed site performs an important open space function at the junction of Balmuir Road / Ballencrieff Mill / Chapmans Brae. The proposed dwelling will result in a cramped appearance, which will have a detrimental impact upon the character and appearance of the surrounding area. The proposal will not create a satisfactory residential environment. The proposal is contrary to both DES1 (Design Principles) and HOU3 (Infill and Windfall Housing Development within Settlements) as well as the Supplementary Guidance: Residential Development Guide, 2019 within the West Lothian Local Development Plan.
2. There is no justification for the development that outweighs the need to retain this area of undeveloped land. The proposal is therefore contrary to Policy ENV21 (Protection of Formal and Informal Open Space) within the West Lothian Local Development Plan.
3. The applicant has not satisfactorily demonstrated that the site is not at risk of flooding by failing to provide a high-level flood risk assessment., The proposal is therefore contrary to Policy EMG2 (Flooding) and the Supplementary Guidance on Flooding and Drainage, 2019 of the West Lothian Local Development Plan.
4. The applicant has not submitted a (phase 1) site investigation report. The proposal is therefore contrary to Policy EMG6 (Vacant, Derelict and Contaminated Land) and the Supplementary Planning Guidance on Development of land potentially affected by contamination, 2009, of the West Lothian Local Development Plan.
5. The applicant has not submitted a statement to demonstrate that at least 10% of the current carbon emission reduction will be met. The proposal is therefore contrary to policy NRG1a (Low and Zero Carbon Generating Technology) of the West Lothian Local Development Plan.



Location Plan 1:1250



Fence Elevation 1:50

Total site area = 400m²
House footprint = 70m² representing 17.5% of site
Private West facing garden area as = 120m²

2 No. 2500x6000mm car parking spaces, with dropped kerb access

Parking to the East side of the house permits full visibility of vehicle movement for traffic entering Ballencrieff Mill

2.5x70m Visibility splay with no obstruction above 500mm high.

18m timber vertical slatted fence erected on West boundary and 1m in from kerbline on South boundary, with shrub planting on roadside.
10m high timber vertical slatted fence around private garden area to East and West of application site.

Block Plan 1:200



title: Block & Location Plans	
client: Mr & Mrs C Hardie	
project: Proposed new house Ballencrieff Mill Bathgate	
scale: as noted @ A1	date: Apr 21
drawing number: 21/023/PL02A	
HARDIE ASSOCIATES Ltd.	
78 HOPETOUN STREET BATHGATE WEST LOTHIAN EH48 4PD tel: 01506 63979 email: mhardie@hardie-associates.co.uk copyright: Hardie Associates Ltd.	

PROPOSED DELEGATED PLANNING DECISIONS

☒ LOCAL MEMBER REFERRAL REQUEST ☒

In accordance with standing orders members wishing a planning application to be heard at the Development Management Committee have to either represent the ward in which the application site is located or be chair of Development Management Committee and complete and return this form to Development Management within 7 days and by 12 Noon.

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

<https://planning.westlothian.gov.uk/publicaccess/>

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
<p>Application Reference Number 0384/ful/21</p> <p>Site Address Land at Ballencrieff Mill</p> <p>Title of Application Erection of a house</p> <p>Member's Name Wm. H. Boyle</p>	<p>Applicant Request.....X..... <input type="checkbox"/></p> <p>Constituent Request.....X..... <input type="checkbox"/></p> <p>Other (please specify)..... <input type="checkbox"/></p>

Development Management Committee

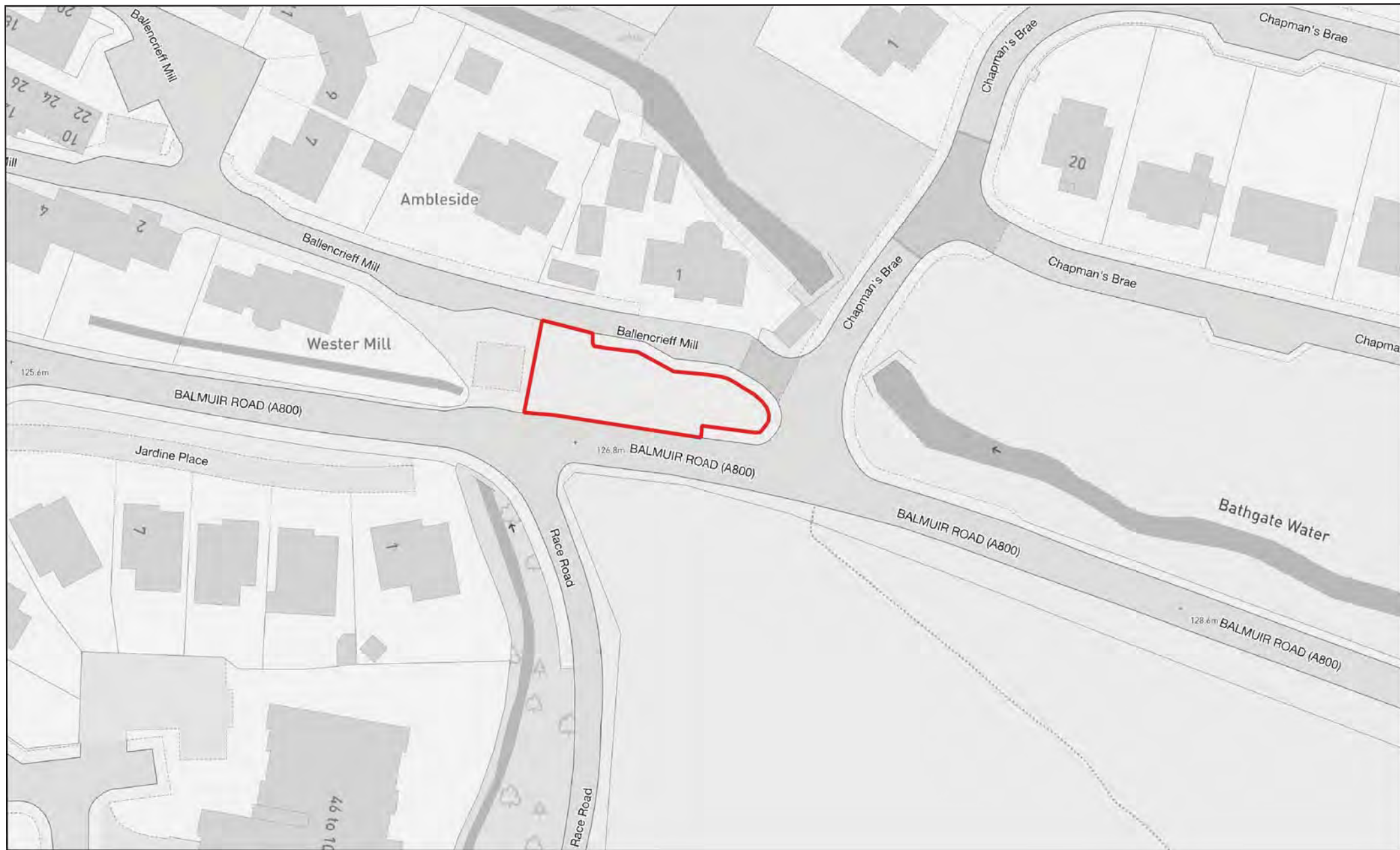
14 July 2021

Item 09 - Application : 0384/FUL/21

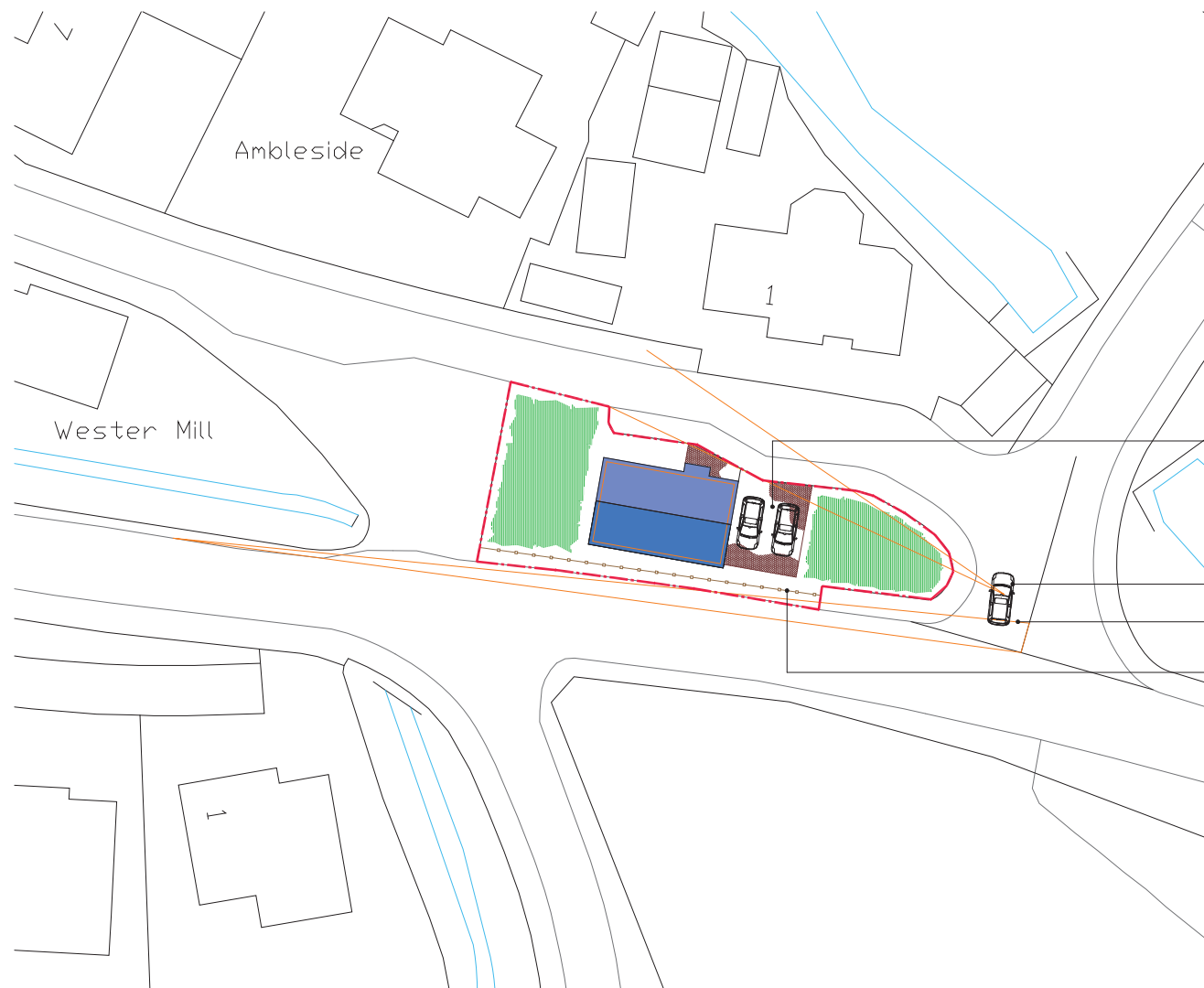
Erection of a house

Land at Ballencrieff Mill - Bathgate









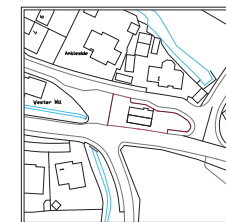
Block Plan 1:200

2 No. 2500x6000mm car parking spaces, with dropped kerb access

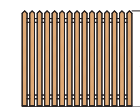
Parking to the East side of the house permits full visibility of vehicle movement for traffic entering Balencreeff Mill

25x70m Visibility splay with no obstruction above 500mm high

1.8m timber vertical slatted fence erected on West boundary and 1m in from kerbline on South boundary, with shrub planting on roadside. 1.6m high timber vertical slatted fence around private garden area to East and West of application site.



Location Plan 1:1250

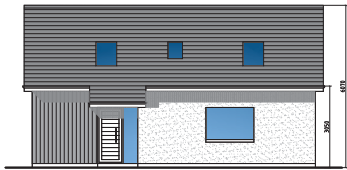


Fence Elevation 1:50

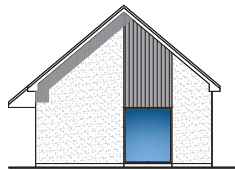
Total site area = 440m²
House footprint = 70m² representing 17.5% of site
Private West facing garden area as = 120m²



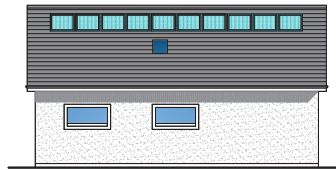
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Client: Mr & Mrs C Hardie	
Project: Proposed new house Balencreeff Mill Bathgate	
Scale: as noted @ A1	Date: Apr 21
Drawing number: 21/023/PL02A	
HARDIE ASSOCIATES Ltd.	
78 HOPETOUN STREET BATHGATE WEST LOTHIAN EH48 4PD tel: 01506 638777 email: mh@hardie-associates.co.uk copyright: Hardie Associates Ltd.	



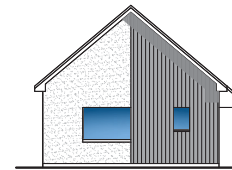
Front Elevation 1:100



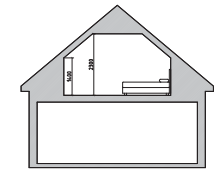
Side Elevation 1:100



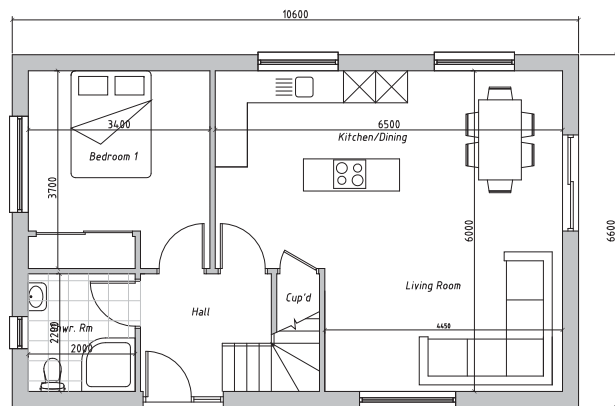
Rear Elevation 1:100



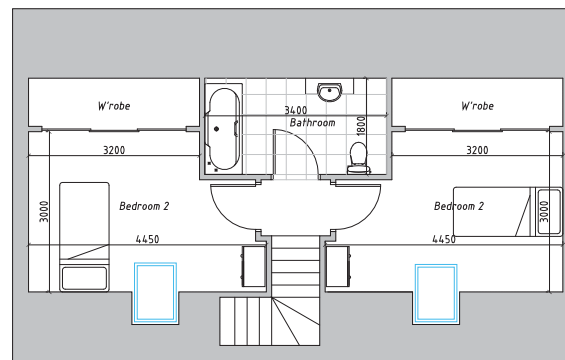
Side Elevation 1:100



Cross Section 1:100



Ground Floor Plan 1:50



First Floor Plan 1:50

Title: Floor Plans & Elevations	
Client: Mr & Mrs C Hardie	
Project: Proposed new house Ballencrieff Mill Bathgate	
Scale: as noted @ A1	Date: Apr 21
Drawing number: 21/023/PL01	
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Tel: 01506 635979 Email: r.hardie@hardie-associates.co.uk Copyright: Hardie Associates Ltd.	



title: 3D Images	
client: Mr & Mrs C Hardie	
project: Proposed new house Ballencrieff Mill Bathgate	
scale: as noted @ A1	date: April 21
drawing number: 21/023/PL03	
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DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Application under Section 42 without complying with condition 10 of planning permission 0848/FUL/19 for erection of 48 houses to allow change to construction working & deliveries hours to 0800-1800 Mondays to Fridays and 0800-1300 Saturdays at Hartwood Road, West Calder.

2 DETAILS

Reference no.	0501/FUL/21	Owner of site	Persimmon Homes East Scotland
Applicant	Persimmon Homes East Scotland	Ward & local members	Fauldhouse and the Breich Valley Councillor Pauline Clark Councillor David Dodds Councillor Cathy Muldoon
Case officer	Mahlon Fautua	Contact details	01506 282426 mahlon.fautua@westlothian.gov.uk

Reason for referral to Development Management Committee: Objection received from West Calder & Harburn Community Council

3 RECOMMENDATION

Grant planning permission, subject to conditions.

4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning permission is sought to vary condition 10 of planning permission 0848/FUL/19 to allow change to construction working & deliveries hours to 0800 -1800 Mondays to Fridays and 0800 -1300 Saturdays at Hartwood Road.
- 4.2 The development of 48 houses at the site was supported by Development Management Committee on 19th February 2020 and planning permission was issued on 10th March 2021 following the conclusion of a legal agreement to secure developer contributions.

4.2 Condition 10 of permission 0848/FUL/19 currently reads;

10 *The following restrictions shall apply to the construction of the development:*

Noise (Construction)

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

No generators shall be audible within any residential properties between the hours of 2000 and 0900.

Noise (Vehicles/Plant)

All site vehicles (other than delivery vehicles) must be fitted with non-tonal broadband reversing alarms.

Heavy goods vehicles shall not arrive or leave the site except between the hours of 0900 and 1700 Monday to Friday and 0900 and 1300 on a Saturday. No heavy goods vehicles shall arrive or leave the site on a Sunday.

Vibration (Construction)

Where piling or other significant vibration works are likely during construction which may be perceptible in other premises, measures must be in place (including hours of operation) to monitor the degree of vibration created and to demonstrate best practice.

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

Site Compound

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

Waste

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

Wheel Cleaning

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

Reason: In the interests of visual and environmental amenity.

Application History

- 4.4 0848/FUL/19 - Erection of 48 houses with access road, SUDS, landscaping and associated works. Granted 10th March 2021
- 4.4 0554/91 - Erection of 3 houses with associated works. Withdrawn
- 4.5 0161/94 - Erection of a house. Refused 19/4/94 (Part of site)

5. REPRESENTATIONS

- 5.1 The application was subject of statutory publicity and four representations were received. One neutral comment and three objections were received including an objection from West Calder & Harburn Community Council. The full representations are attached to the report.
- 5.2 This is a brief summary of the representations received.

Objecting Comments	Response
Traffic impact <ul style="list-style-type: none">• Road safety (children walking to school)• Disruption of construction vehicles on road• Pollution• Disregard of speed limit• The amount of objections on the original application raised transport and road safety.	Noted.
Why was the hours not followed when work began. Work has been starting at 7am	Noted.

6. CONSULTATIONS

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

Consultee	Objection	Comments	Planning Response
WLC Roads & Transportation	No		Noted
WLC Environmental Health	No		Noted

7. ASSESSMENT

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 7.2 The development plan comprises the Strategic Development Plan for South East Scotland (SESplan) and the West Lothian Local Development Plan, 2018.
- 7.3 Notwithstanding this, for an application under section 42 of the Town and Country Planning (Scotland) Act 1997, the planning authority is able to consider only the question of the conditions subject to which planning permission should be granted, and
- a) if they decide that planning permission should be granted subject to conditions differing from those subjects to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly;
 - b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

The applicant seeks to vary Condition 10 of the 0848/FUL/19 which specifically relates to construction working & deliveries hours

- 7.3 The relevant development plan policies in relation to assessing this application are listed below:

Policy	Policy Summary	Assessment	Conform
West Lothian Local Development Plan, 2018 (LDP) Policy DES 1 – Design principles	Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design.	The associated construction phase will create disruption and potential to have some adverse traffic impacts. Nonetheless these impacts are temporary in nature. There were no specific reasons or requirements for the inclusion of a 9am start time in the original	Yes

Policy	Policy Summary	Assessment	Conform
		<p>assessment of the proposed development. Further, there are no material circumstances to depart from the standard construction starting time on this site.</p> <p>The proposed change in working hours would not significantly increase any of these impacts from the original permitted construction hours.</p>	

8. CONCLUSION AND RECOMMENDATION

- 8.1 In summary, the proposed amendment to the starting time of the permitted construction working hours from 9am to 8am is acceptable and the impacts are temporary in nature and would not significantly increase any of these impacts from the original permitted construction hours.
- 8.2 Consequently, and in view of the above, it is recommended that planning permission is granted, subject to conditions.

9. ATTACHMENTS

- Draft Conditions of Consent
- Location Plan
- Aerial Photo
- Representations

Craig McCorriston
Head of Planning, Economic Development and Regeneration **Date: 14 July 2021**

Draft Conditions of Consent - APPLICATION 0848/FUL/19

1. Prior to the commencement of development, the following detail has been submitted to and approved in writing by the planning authority.
 - (i) Extending the double yellow lines on Kirkgate near A71 junction. The costs for promoting a traffic regulation order for shall be paid by the developer.
 - (ii) Speed limit signs to be relocated to south side of the development and shall relate to extension of street lighting.
 - (iii) Street lighting locations within the site shall be adopted on 2 metre by 1 metre plinths.
 - (iv) Traffic calming in the form of road narrow points with appropriate signs and road markings to be provided at the following points:-
 - East side of Hartwood Road opposite plot 48.
 - West side of Hartwood Road in front of plot 8.
 - East side of Hartwood Road between No. 32 & 34 existing

Thereafter the works shall be carried out in accordance with the details as approved, prior to the first house being occupied.

Reason: To ensure that suitable traffic measures are put in place on Hartwood Road to mitigate any traffic impact from the approved development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. The development shall not begin until an updated engineering layout including details of proposed ground and floor levels has been submitted to and approved in writing by the planning authority.
Thereafter the development shall be implemented in accordance with the details as approved.

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

9. All walls, fences and other means of enclosure as approved shall be implemented prior to occupation of the houses.

Reason: In the interests of privacy and amenity.

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

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

Noise (Construction)

- Any work required to implement this planning permission that is audible within any adjacent noise sensitive receptor or its curtilage shall be carried out only between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on a Saturday and at no time on a Sunday. This includes deliveries and operation of on-site vehicles and equipment.
- No generators shall be audible within any residential properties between the hours of 2000 and 0800.

Noise (Vehicles/Plant)

- All site vehicles (other than delivery vehicles) must be fitted with non-tonal broadband reversing alarms.
- Heavy goods vehicles shall not arrive or leave the site except between the hours of 0800 and 1700 Monday to Friday and 0800 and 1300 on a Saturday. No heavy goods vehicles shall arrive or leave the site on a Sunday.

Vibration (Construction)

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

Site Compound

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

Waste

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

Wheel Cleaning

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

Reason: In the interests of visual and environmental amenity.





From: [Joan O'Donnell](#)
To: [Fautua Mahlon](#)
Subject: RE: Planning application 0501/FUL/21 - [OFFICIAL]
Date: 07 June 2021 15:00:02

Hi Mahlon:

Thanks.

I've just loaded the objection onto the portal but a copy is shown below, for your reference.

West Calder & Harburn Community Council wish to lodge an objection to this planning application. Condition 10 was put in place to specifically address the safety of all schoolchildren who cross Hartwood Road at the junction with the A71 and who cross the road, at the no limit sign, at the eastern point of the development site, before 9am, Mondays to Fridays. The junction with A71 is a particular concern as there is no School Crossing Attendant in place until 8.30am. Residents have also complained to the community council that construction vehicles are not adhering to the 20mph speed limit, which further endangers the safety of schoolchildren, nursery children and other residents (some of whom are elderly/wheelchair users). Given that West Lothian Council Planning Department stipulated the need for condition 10, to be incorporated in the final document "Decision to grant planning permission", on 10 March 2021, we would respectfully urge that this application be rejected, in the interests of public Health & Safety.

Best regards,

Joan

Joan O'Donnell
Chairperson,
West Calder & Harburn Community Council,
West Calder Community Centre, Dickson Street, West Calder. EH55 8DZ
Email: [REDACTED]
Mobile: [REDACTED]

Sent from [Mail](#) for Windows 10

Comments for Planning Application 0501/FUL/21

Application Summary

Application Number: 0501/FUL/21

Address: Land West Of Hartwood Road West Calder West Lothian

Proposal: Application under Section 42 without complying with condition 10 of planning permission 0848/FUL/19 for erection of 48 houses to allow change to construction working & deliveries hours to 0800 -1800 Mondays to Fridays and 0800 -1300 Saturdays

Case Officer: Mahlon Fautua

Customer Details

Name: Mr Dennis O'Donnell

[REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I would strongly urge the D.M.C. to reject this application. The assertion in the Covering Letter that "the standard starting time at construction sites in West Lothian and across Scotland is 0800" should have no material effect upon the specific situation obtaining at this site. The primary consideration must be safety of life and limb.

Many objectors to the original application made the committee aware of the unique nature of the dangers of this development. The 120-odd objectors have seen many of their greatest fears regarding transport and road safety come to pass. Most of the heavy goods vehicles and other delivery traffic do not observe the speed limit, either arriving at the site, or departing from it. Furthermore, they park on Hartwood Road (a narrow C- road) whenever it suits them to do so, and pay scant regard to driveways, or any other consideration. Last week, for example, on Wednesday June 2nd, HGVs were arriving in numbers to be loaded with soil and transport it elsewhere. At one point, FIVE large, eight-wheeled lorries were parked, one behind the other, along Hartwood Road, all with their engines idling. An elderly neighbour, who had been in his garden enjoying the good weather, had to go indoors because he experienced difficulty breathing, the air had so rapidly become polluted.

The footpath which runs along the site's eastern boundary runs from Dickson Street, past the playing field, to Hartwood Road. There is a crossing at the speed limit signs which connects the far side of Hartwood Road with Westmuir and the Glebe. This is frequented at all times of day by people including disabled people, people going to and returning from the shops, people walking dogs, parents with children (including mothers with prams), children going to the playing field and, perhaps most significantly for the specific time-change consideration in this application, by schoolchildren walking to West Calder High, between 8 o'clock and school starting.

Children from the western part of the village, rather than walk the entire length of Main Street,

having to cross several roads at peak time and onwards to West Calder High, come up by the footpath, cross towards Westmuir and proceed to the school via the quieter, and (hitherto) safer, roads of the housing estates.

The site traffic, with its disregard of the speed limit, presents a very real and very grave threat to all pedestrians at this point. The retention of the 9 o'clock starting time would immediately remove this danger of injury or even death at the narrow crossing point, from a significant number of young residents. On this point alone, I urge rejection of the application.

Comments for Planning Application 0501/FUL/21

Application Summary

Application Number: 0501/FUL/21

Address: Land West Of Hartwood Road West Calder West Lothian

Proposal: Application under Section 42 without complying with condition 10 of planning permission 0848/FUL/19 for erection of 48 houses to allow change to construction working & deliveries hours to 0800 -1800 Mondays to Fridays and 0800 -1300 Saturdays

Case Officer: Mahlon Fautua

Customer Details

Name: Mr Craig Deerness



Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment: Dear Sir/Madam,

I have no objection to the West Lothian times or amendments suggested.

However I would like to know why this wasn't followed when work began? I have two young children, our house is adjacent to the site, and work had been starting at 7am. Will the plan be adhered too? This is my only concern.

Regards

Craig Deerness

Comments for Planning Application 0501/FUL/21

Application Summary

Application Number: 0501/FUL/21

Address: Land West Of Hartwood Road West Calder West Lothian

Proposal: Application under Section 42 without complying with condition 10 of planning permission 0848/FUL/19 for erection of 48 houses to allow change to construction working & deliveries hours to 0800 -1800 Mondays to Fridays and 0800 -1300 Saturdays

Case Officer: Mahlon Fautua

Customer Details

Name: Mr Ian Simmonds

[REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The original application for this development (0848/FUL/19) attracted a huge number of objections (over 140), and was only passed by the Chairman's casting vote. To even be considering an easing or the restrictions at such an early stage is, to say the least, shocking. I live around 30 metres from the edge of the site, and have already experienced disruption from it. We've had a low loader break the pavement outside number 46, and a steady flow of eight wheeler tipper trucks who seem to have no sense of what a 20mph. limit means. I have grandchildren that live two doors away, and STRONGLY object to you allowing the site to be functioning when young kids are either walking, or being taken to school. PLEASE let the original restrictions remain in place. The traffic mayhem predicted by many objectors, and local councillors is already a reality for us residents.

Development Management Committee

14 July 2021

Item 10 - Application : 0501/FUL/21

Application under Section 42 without complying with condition 10 of planning permission 0848/FUL/19 for erection of 48 houses to allow change to construction working & deliveries hours to 0800 -1800 Mondays to Fridays and 0800 -1300 Saturdays

Land West of Harwood Road West Calder





**West Lothian
Council**

0384/FUL/21 - Land at Ballencrieff Mill - Bathgate

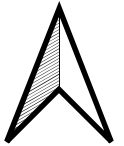
Development Management - West Lothian Civic Centre - EH54 6FF

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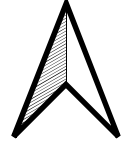
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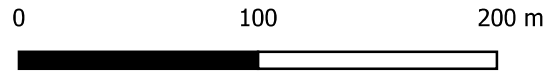
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 West Lothian Council	0384/FUL/21 - Land at Ballencrieff Mill - Bathgate		
	Development Management - West Lothian Civic Centre - EH54 6FF (c) Crown copyright and database right 2021 OS Licence number 100037194		





Development Management

List of Delegated Decisions - 4th June 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 no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	0066/H/21	Recommendation:	Refuse Permission
Proposal:	First floor extension over garage, rear extension and garage conversion		
Address:	37 Dunvegan Gardens, Murieston, Livingston, West Lothian, EH54 9ER (Grid Ref: 305341,664930)		
Applicant:	Mr Stuart Ramsay	Type:	Local Application
Ward:	Livingston South	Case Officer:	Rachael Lyall

Summary of Representations

One neutral comment -
- Regarding proposed length of extension as one plan demonstrates 4.3m in length and another demonstrates 8.6m.

The applicant has confirmed that the extension will measure 4.3m in length and the contributor has also been notified confirming the length.

Officers report

This planning application proposes a first-floor extension over an existing garage, rear extension and garage conversion at 37 Dunvegan Gardens, Murieston.

The existing garage currently protrudes from the principal elevation in which the proposed extension is to be erected above and is to measure 7.042m in overall height from ground level to the ridgeline of the proposed hipped roof. The existing garage is to also be converted into an entrance hall and additional bedroom.

The single storey rear extension is to measure 4.300m x 6.700m and is to be 4.339m in overall height to the ridgeline of the proposed gable pitch roof. The rear extension is to be predominately glazed on the rear elevation with windows and patio doors which will overlook the applicants rear

garden.

The materials proposed for both the front and rear extension are to match those of the existing property.

Although the rear extension is of an acceptable scale and design, the proposed front extension will not appear subservient to the existing property will appear prominent, impacting upon the visual amenity of the street scene. In addition, the proposed changes for the front elevation will result in a development which no longer integrates with the surrounding properties which all feature a garage entrance on the principal elevations. It is to be noted that the neighbouring property to the east consists of a first-floor extension however this is only a storey and half and has been achieved by installing a dormer extension which appears more subservient to the property and is more considerate to the street scene.

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

Ref. No.:	0354/H/21	Recommendation:	Refuse Permission
Proposal:	Two storey extension to house		
Address:	Svenskbo,20 Friars Brae, Linlithgow, West Lothian, EH49 6BQ (Grid Ref: 300137,676744)		
Applicant:	Mrs Clair Howison	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Rachael Lyall

Summary of Representations

N/A

Officers report

This planning application proposes a two-storey extension onto the property located at Svenskbo, 20 Friars Brae.

The proposed rear extension is to measure 8.300m x 10.400m and is to be 6.936m in overall height from the lowest ground level to the ridgeline of the proposed gable pitch roof. The extension proposes windows, including floor to ceiling windows on the upper floor, and patio doors on the east (rear) elevation and windows within north (side) elevation.

The proposed ridgeline for the extension is to sit higher than the ridgeline of the existing property which is contrary to the guidance given in West Lothian Council Planning Guidance on House Extension and Alteration Design which advises that the ridge line of an extension should normally be lower than the ridge of the roof of the main house. As a result, the works will not appear subsidiary to the existing property and the scale of the works will significantly impact upon the character and appearance of the existing property, specifically to the rear. In addition, the materials proposed for the works will not integrate with the materials of the existing property.

The upper floor of the rear extension is to be predominately glazed with floor to ceiling windows on the rear and side elevations. The windows proposed for the north elevation will result in overlooking to the north. This impact is heightened due to the property being located on a higher ground level in comparison to the neighbouring property to the north.

The proposed works are of a dominating scale which will not appear subservient to or integrate with the main house and will significantly impact upon the visual amenity of the existing property, street scene and conservation area. This proposal is therefore contrary to West Lothian Local Development Plan's DES1 (Design Principles) and ENV24 (Conservation Areas) Policies and the planning guidance given in the House Extension and Alteration Design Guidelines, 2020. It is recommended that the application is refused planning permission.

Ref. No.:	0360/H/21	Recommendation:	Grant Planning Permission
Proposal:	Two storey extension to house		
Address:	58 Kettill'stoun Mains, Linlithgow, West Lothian, EH49 6SL, (Grid Ref: 298854,676336)		
Applicant:	Mr and Mrs Mark and Frances Ross	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Rachael Lyall

Summary of Representations

One objection comment -

- Concerns that works will not appear subservient to existing property,
- Dominating/overbearing effect caused by side extension,
- Impact on natural lighting/overshadowing,

Planning response -

- See officers report,
- The proposed works are set back from the boundary and set back above the existing garage and therefore will not appear as dominant or overbearing. In addition, the neighbouring boundary consists of soft landscaping which will provide some screening for the proposed works,
- The proposed works will not significantly overshadow any neighbouring garden or habitable room to a detrimental extent.

Officers report

This planning application proposes a two-storey side extension onto the property located at 58 Ketill'stoun Mains, Linlithgow.

The proposed extension is to be erected on the eastern elevation and is to measure 3.115m x 6.890m and the proposed ridgeline is to sit level with the ridgeline of the existing property. The rear elevation will feature a window on both the ground and first floor and the front elevation will feature a window on the first floor. The rear windows will overlook the applicant's rear garden and the front proposed window will overlook the main street.

The works also look to form a Juliette balcony on the rear elevation of the existing house however the neighbouring property to the rear will be located approximately 33m away from the proposed Juliette balcony. As a result, the proposed balcony will not directly overlook any neighbouring property to a detrimental extent.

The proposed works will not be located any closer to the neighbouring boundary compared to the existing house.

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

A previously application (0027/H/21) was submitted for a two-storey extension to the house and including first floor accommodation above the existing garage and a two-storey front porch. The application was refused planning permission due to the scale of the works impacting upon the visual amenity and street scene. The proposal has since been revised and is now more considerate with regards to scale and design.

Although the proposal is contrary to the guidance given which states that ridgelines should sit below the existing to appear subservient, the street currently consists of similar developments where ridgelines are not set down and therefore the proposed works will not appear out of context within the street scene.

The proposed works are now of an acceptable scale which will no longer significantly impact upon the visual or residential amenity and the proposed works will integrate with the existing property and surrounding developments. This proposal adheres to West Lothian Local Development Plan's DES 1 (Design Principles) Policy and follows the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted planning permission.

Ref. No.:	0371/H/21	Recommendation:	Grant Planning Permission
Proposal:	Extension to house		
Address:	St Olaves,64 Edinburgh Road, Bathgate, West Lothian, EH48 1EP (Grid Ref: 298683,668149)		
Applicant:	Mr Andrew Walker	Type:	Local Application
Ward:	Bathgate	Case Officer:	Rachael Lyall

Summary of Representations

One objection comment -

- Overall height of the extension,
- Promixity of works to boundary wall,
- Impact on natural lighting/overshadowing,
- Impact on privacy from side window,
- Impact on trees and wildlife.

Planning response -

- The proposed height of the extension will not result in any significant overshadowing and due to the difference in levels on site, the overall height will not result in a development that will appear overbearing,
- The proposed works are to be set back form the boundary by 1.928m. There is no legal prohibition to extending right up to your boundary and the works adhere to guidance which advised that works should be set back from boundaries by at least 1m,
- The proposed works will not result in any additional overshadowing which is considered detrimental and will not impact upon any habitable room or garden to a significant extent,
- The proposed side window will be opaque glazed and will therefore not overlook,
- A condition will be attached to the decision notice stating that the trees on site will be protected from damage during construction works.

Officers report

This planning application proposes the erection of a side extension onto the property located at St Olaves, 64 Edinburgh Road.

The proposed works are to measure 4.000m x 6.750m and is to be 5.583m in overall height to the ridgeline of the proposed gable pitch roof. The extension is to feature a bay window on the front elevation, which will match with the existing bay window and will overlook the main street, a small window within the side elevation and a glazed door on the rear elevation. The proposed side window will be a bathroom window and will be opaque glazing, therefore the proposed side window will not directly overlook any neighbouring property. The proposed rear door will open out into and

overlook the applicants rear garden area.

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

The proposed works are to be set back from the neighbouring boundary by 1.928m which adheres to guidance which advises that development should be set back by boundaries by 1m. This set back will reduce any overbearing or dominating factors and will also reduce any potential for overshadowing.

A condition will be attached to the decision notice stating that the trees on site will be retained and protected from any damage during construction works in order to preserve the boundary screening and protect and wildlife and habitats.

The proposed works are of an acceptable scale which will appear subservient to and integrate with the existing property, 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 Local Development Plan's DES 1 (Design Principles) Policy and follows the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted planning permission.

Ref. No.:	0384/FUL/21	Recommendation:	Refuse Permission
Proposal:	Erection of house		
Address:	Land At Ballencrieff Mill, Bathgate, West Lothian (Grid Ref: 296542,669551)		
Applicant:	Mr & Mrs C Hardie Hardie Associates Ltd	Type:	Local Application
Ward:	Bathgate	Case Officer:	Kirsty Hope
<u>Summary of Representations</u> One letter of objection - Concerns on visibility and road safety Access would be across an existing passing place which was advised against in previous application 0560/FUL/12.			
<u>Officers report</u> The application seeks planning permission for the erection of a house on land at the entrance of Ballencrieff Mill. The proposed site is relatively narrow in width and provides an important open space function at the junction of Balmuir Road / Ballencrieff Mill / Chapmans Brae. The property would have private garden space to the side of the dwelling rather than to the rear as surrounding properties have. The house is located with its rear elevation facing onto Balmuir Road and it is proposed to erect a 1.8m high fence within close proximity to the street lighting columns. The proposed dwelling gives a cramped appearance within a site that provides amenity value to the properties to the north that overlook the site and front toward Balmuir Road. The development of the site for a house would be detrimental to the character and appearance of the entrance to Ballencrieff Mill, would adversely affect the environmental quality of the locality and not create a satisfactory residential environment. No flooding information has been provided as indicated it would be within the supporting information from the applicant. The proposal is overall considered to be contrary to the policies and provisions of the development plan and it is recommended that planning permission is refused.			

Ref. No.:	0461/FUL/21	Recommendation:	Refuse Permission
Proposal:	Change of use from amenity open space to private garden ground and erection of a 0.9m high fence (in retrospect)		
Address:	66 Kilne Place, Eliburn, Livingston, West Lothian, EH54 6SH (Grid Ref: 303326,667549)		
Applicant:	Mr Stephen Bogan	Type:	Local Application
Ward:	Livingston North	Case Officer:	Alexander Calderwood

Summary of Representations

10 representations were received for this application. 7 were in support and 3 were in objection. 1 of the objections was from the Eliburn Community Council. The issues raised by those who supported the application are as follows:

- Will reduce instances of littering and dog fouling in the area as residents of the associated house will maintain the land.
- The fence is not obtrusive and integrates well with the local area.
- The fence and change of use will act as a theft deterrent.

The issues raised by those who objected to the application are as follows:

- Eliburn's open spaces are decreasing at an unacceptable rate and need to be preserved.
- Policy ENV21 of the local development plan says that open spaces should be kept untouched.
- The proposal is detrimental to the aesthetic appearance of the estate.
- The fence will restrict vision driving in both directions and will be a safety issue for children playing in the street.

Officers report

This application seeks full planning permission for the change of use of open space to private garden ground and the erection of a 0.9m high fence (in retrospect)

West Lothian Local Development Plan 2018 (Relevant Policy)

Policy DES 1 (Design Principles) states that all development proposals must have no significant adverse impact on adjacent buildings in terms of amenity. Policy ENV 21 (Protection of Formal and Informal Open Space) seeks retention of open space unless its loss is justified.

This application relates to an area of land of approximately 120m² (on top of existing garden ground provision) to the west of a residential property and its associated garden ground. Its conversion to private garden ground would be out of context with the surrounding residential area where areas of garden ground are notably smaller. In turn the loss of amenity open space would be detrimental to the character and amenity of the area. The proposal does not comply with Policy DES 1 and Policy ENV 21 and is recommended for refusal.



Development Management

List of Delegated Decisions - 11th June 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 no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	1119/FUL/20	Recommendation:	Grant Planning Permission
Proposal:	Erection of 7 maturation warehouses, SUDS, roads, parking, pedestrian bridge across the A779 and landscaping		
Address:	Land To West Of Starlaw Park, Livingston, West Lothian, EH54 8SF,(Grid Ref: 301023,667300)		
Applicant:	Mr Ian McLaren Glen Turner Ltd	Type:	Major Application
Ward:	Whitburn & Blackburn	Case Officer:	Matthew Watson

Summary of Representations

One objection from a member of the public:

- Potential impact of 'Baudonia Compniacensis' (angels share fungus) on Tailend Moss.

Officers report

The application seeks planning permission for the erection of seven maturation warehouses, SuDS, roads, parking, a pedestrian bridge across the A779 and landscaping. The site is located to the north of the existing Glen Turner distillery at the north side of the A779 and is adjacent the Tailend Moss SSSI. The site is allocated for employment development in the West Lothian Local Development Plan (LDP) (ref: E-LV 41).

The proposed maturation warehouses are compatible with surrounding industrial land uses; will not have a detrimental impact on the amenity of the area; will not result in unacceptable transport impacts; and no infrastructure deficiencies will need to be remedied due to the proposal. The proposal is acceptable in principle and complies with Policy EMP 1 (Safeguarding and Developing Existing Employment Land) of the LDP.

The applicant has submitted a great crest newt survey, a preliminary ecological appraisal and a landscape maintenance and management plan. Nature Scot has been consulted on the proposal and has raised no objections stating that the natural heritage interests of national importance (SSSI)

will not be affected by the proposal. A construction environmental management plan will need to be submitted via a planning condition prior to works starting on site. This will cover a fingertip search for newts recommended in the great crested newt survey and the requirement to fence off Tailend Moss SSSI at the north of the application site. The landscape management plan will become the long-term management plan for the application site in terms of biodiversity. With these conditions in place, the proposal complies with policies ENV 18 (Protection of National Nature Conservation Sites) and ENV 20 (Species Protection and Enhancement) of the LDP.

The issue of angels share fungus (black mould) has been raised in one representation. It is proposed that any planning permission be granted subject to Glen Turner entering into a legal agreement. This will be to ensure the same provisions that are in the existing legal agreement, for cleaning of surrounding buildings, apply to the proposed development.

Matters relating to tree replanting, archaeology, drainage and electric charging points will be covered by planning conditions.

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

Ref. No.:	0257/H/21	Recommendation:	Grant Planning Permission
Proposal:	Extension to house		
Address:	20 Player Green, Carmondean, Livingston, West Lothian, EH54 8RZ (Grid Ref: 303794,669815)		
Applicant:	Mr D Moffat	Type:	Local Application
Ward:	Livingston North	Case Officer:	Rachael Lyall

Summary of Representations

One objection -

- Impact on overshadowing,
- Impact on privacy.

Planning response -

- See officers report regarding overshadowing,
- The previous proposal resulted in overlooking to the west. However, the previously proposed side windows have now been removed from the proposal. The proposed works will now not directly overlook any neighbouring property to a significant extent.

Officers report

This planning application proposes the erection of a rear extension onto the property at 20 Player Green, Carmondean.

The proposal has been revised since the initial submission, in which the previously proposed side windows have been removed to avoid overlooking and the previously proposed hipped roof has been revised to a flat roof in order to reduce overshadowing impacts.

The proposed extension is to measure 3.3m x 4.5m and is to measure 4.834m in overall height from the lowest ground level. The rear extension is to feature windows on the rear elevation and a door on a side elevation which will open out onto an existing decking. The proposed site significantly slopes to the rear and the levels vary significantly between neighbouring properties.

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

The proposed works will not result in any overshadowing which will significantly impact upon any habitable rooms. Some overshadowing will be caused on the neighbouring property to the west in the morning, however it will not be significant and the proposed works still adhere to BRE guidance relating to overshadowing and right to light.

The proposed works, as amended, are of an acceptable scale which will appear subsidiary to the existing property, will still allow for sufficient usable garden ground and will not directly overlook any neighbouring property to a detrimental extent. The works will also integrate with the existing property and will not significantly impact upon the visual amenity of either the existing property or street scene. This proposal therefore adheres to West Lothian Local Development Plan's DES 1 (Design Principles) Policy and follows the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted planning permission.

Ref. No.:	0397/LBC/21	Recommendation:	Grant Listed Building Consent
Proposal:	Listed building consent for internal and external alterations including installation of a ramp		
Address:	Duddingston Farmhouse, Newton, West Lothian, (Grid Ref: 310065,677921)		
Applicant:	Mr Donald Noble Hopetoun Discretionary Trust	Type:	Other
Ward:	Linlithgow	Case Officer:	Alexander Calderwood

Summary of Representations

1 objection was received from the Architectural Heritage Society of Scotland, regarding the loss of the fireplace and associated wall between the present Bedrooms 3 and 4.

Officers report

This application seeks listed building consent for internal and external alterations including the installation of ramp relating to Duddingston Farmhouse which is a category B listed building. The building is located approximately 850 metres east of the village of Newton. Application 0398/FUL/21 has been submitted alongside the current application for the change of use of the property from residential use to business use (class 4) with alterations, including a ramp, pv panels and air source heat pump.

LDP 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 adverse impact on landscape character or built heritage.

LDP Policy ENV 28 (Listed Buildings) states that the council will protect listed buildings and will have particular regard for their special architectural, historic features and, where appropriate, archaeological interest in considering proposals for their alteration, extension or change of use.

Historic Environment Scotland (HES) was consulted on the application and made the following comment,
"The proposals relate to the change of use from residential to office/commercial use. We note that the biggest alteration proposed is the removal of a stone wall on the first floor in between two rooms. This appears to involve the removal of a chimneypiece. If this is original, or of interest, we would suggest the opening is reduced in width."

The Architectural Heritage Society of Scotland (AHSS) objected to the proposals on the grounds that the loss of the wall and subsequent change of floor plan would have an unacceptable impact on the historic interest of the property.

The applicant has since confirmed that they will address the concerns raised by HES and the AHSS and retain the existing opening between the two rooms and submit revised plans detailing this. With these amendments, the plans will be acceptable and compliant with Policy DES 1 and Policy ENV 28. The proposal is therefore recommended for approval.

Ref. No.:	0403/H/21	Recommendation:	Grant Planning Permission
Proposal:	Extension to house		
Address:	26 Kirkfield East, Livingston Village, Livingston, West Lothian, EH54 7BA (Grid Ref: 303892,667162)		
Applicant:	Ms L Grier	Type:	Local Application
Ward:	Livingston North	Case Officer:	Rachael Lyall

Summary of Representations

One objection comment & one comment in support.

Objection comment -

- Overlooking from proposed side windows.

Planning response -

- The new window proposed for the eastern elevation will be high level and above head height, therefore, it will not directly overlook any neighbouring property. The window proposed for the western side elevation will be a bathroom window which will be opaque glazed and therefore neither will directly overlook any neighbouring property.

Officers report

This planning application proposes a single storey extension onto the property located at 26 Kirkfield East, Livingston Village.

The proposed extension is to be erected on the side (western) and rear elevations. The works will measure 10.226m in length on the western elevation, 9.250m in width on the rear elevation and is to be 4.950m in overall height to the ridgeline of the proposed gable pitch roof which is to sit level with the ridgeline of the existing property.

The extension will feature a bathroom window in the west elevation, which will be opaque glazed, and windows and patio doors on the rear elevation which will overlook and open out into the applicant's rear garden. The works also look to install a high-level horizontal window within the east elevation of the existing property, however it is to be noted that the installation of this single window is permitted development and does not require planning permission.

The materials proposed for the works are to match those of the existing property in order for the works to integrate with the existing property.

The neighbouring property to the west, who have submitted a representation comment in support of the proposal, is of a larger scale and height in comparison to the applicant's property at no.26, as a result, the proposed works will not appear as overbearing or dominant from the neighbouring site. In addition, the proposed works are to be set back from each neighbouring boundary and the neighbouring boundaries are sufficiently screened with fencing.

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 therefore adheres to West Lothian Local Development Plan's DES 1 (Design Principles) Policy and follows the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted planning permission.



Development Management

List of Delegated Decisions - 18th June 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 no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	0408/H/21	Recommendation:	Refuse Permission
Proposal:	First floor extension to house, formation of a gable window and internal works		
Address:	11 Limebank Park, East Calder, West Lothian, EH53 0QU (Grid Ref: 308520,666801)		
Applicant:	Mrs Angela Finlayson	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Rachael Lyall

Summary of Representations

Three objection comments -
- Impact on overshadowing,
- Impact on privacy.

Officers report

This planning application proposes the erection of a two-storey rear extension onto the property located at 11 Limebank Park, East Calder.

The proposed extension is to measure 3.840m x 3.920m and is to be 6.464m in overall height from ground level to the ridgeline of the proposed gable pitch roof, which is to sit below the ridgeline of the existing property. The extension will feature windows on both floors of the rear elevation which will overlook the applicant's rear garden and a large open field to the rear of the site. The proposed works also look to install two upper floor windows within the side elevation of the existing property which will overlook the rear gardens of the neighbouring properties to the west of the site.

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

The proposed works will result in additional overshadowing to the east between 4pm and 6pm which will significantly impact upon the adjoining

neighbouring property.

In addition, the proposed works will not integrate with the existing property and will appear as dominating from the neighbouring properties to the east and northwest and will appear out of context in comparison to the neighbouring properties. This proposal is therefore contrary to West Lothian Local Development Plan Policy DES1 (Design Principles) and the guidance given in the House Extension and Alteration Design Guidelines, 2020. It is recommended that the application is refused planning permission.

Ref. No.:	0409/H/21	Recommendation:	Grant Planning Permission
Proposal:	Extension to house		
Address:	42 Burnside Road, Uphall, West Lothian, EH52 5DE (Grid Ref: 306446,671934)		
Applicant:	Ms E Rae	Type:	Local Application
Ward:	Broxburn, Uphall & Winchburgh	Case Officer:	Rachael Lyall

Summary of Representations

One objection -

- Proposal will impact on visual amenity of existing porch and will compromise the character of the roof pitch at the eaves,
- Proposed horizontal windows impacting upon principal elevation.

Planning response -

- The existing porch will not be significantly altered and the original door within the porch is to be retained in order to keep the character of the porch as much as possible,
- The horizontal window is located within a side elevation and is located away from the street scene and therefore will not impact significantly upon the visual amenity of the principal elevation.

Officers report

This planning application proposes the erection of a side extension onto the property located at 42 Burnside Road, Uphall. The property is located in Uphall Conservation Area.

The proposed extension is to measure 2.505m x 3.595m and is to be 2.413m in height from ground level to the proposed eaves. The extension will feature a horizontal window on the side elevation which will overlook the applicant's own garden area. The property is located to the end of the terrace; therefore, the proposed window will not directly overlook any neighbouring property.

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

The proposed roof pitch is to match the pitch and design of the existing roof at the eaves in order for the proposed works to integrate with the existing property and retain the character as much as possible. The proposed works are of an acceptable scale which will appear subsidiary to the existing property, will be located on a side elevation and are set back from the street scene, therefore the proposed works will not significantly impact upon visual amenity of either the principal elevation, street scene or conservation area. In addition, the proposed works will not impact upon any residential

amenities.

This proposal adheres to West Lothian Local Development Plan's DES 1 (Design Principles) and ENV 24 (Conservation Areas) Policies and follows the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted planning permission.

Ref. No.:	0442/FUL/21	Recommendation:	Refuse Permission
Proposal:	Erection of 2 log cabins for accommodation for staff and users of stables		
Address:	Champfleurie Stables, Torphichen, West Lothian, EH48 4NE (Grid Ref: 296009,673244)		
Applicant:	Ms Lisa Ogilvie Champfleurie Stables Ltd	Type:	Local Application
Ward:	Armada & Blackridge	Case Officer:	Kirsty Hope
<u>Summary of Representations</u>			
No representations were received.			
<u>Officers report</u>			
<p>The site is located south east of Hayfield House and is located within the countryside. This proposed development is for the erection of 2 log cabins (for accommodation for staff and users of stables). The proposed cabins measure 15m by 6.5m by 4.5m in height and would consist of 2 bedrooms (one with en-suite) with living area, kitchen and shower room.</p> <p>No justification for the proposed development was submitted by the applicant, the proposal is contrary to Policy ENV 2 (Housing Development in the Countryside) as it does not meet the criteria (a-e) within this policy.</p> <p>No site levels were submitted. No information on the trees that bound the site and how this proposal would impact on these was submitted contrary to ENV 9 (Woodland, Forestry, Trees and Hedgerows).</p> <p>No site investigation report was received, contrary to Policy EMG6 (Vacant, Derelict and Contaminated Land)</p> <p>Further, there are also no details of treatment and attenuation of surface water, contrary to Policy EMG 3 (Sustainable Drainage)</p> <p>It is therefore recommended that planning permission be refused.</p>			

Ref. No.:	0449/H/21	Recommendation:	Refuse Permission
Proposal:	Two storey extension to house and formation of a balcony		
Address:	26 Braekirk Gardens, Kirknewton, West Lothian, EH27 8BW (Grid Ref: 310770,667139)		
Applicant:	Mr & Mrs J Gillespie	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Rachael Lyall

Summary of Representations

Four objection comments -

- Impact on privacy,
- Not in keeping with surrounding developments,
- Impact on overshadowing.

Officers report

This planning application proposes a two-storey extension onto the property located at 26 Braekirk Gardens, Kirknewton.

The proposed side extension is to 2.685m x 7.275m and is to be 5.7m in overall height. The proposed side extension will feature a window and door on the front elevation and the rear elevation of the works will feature patio doors on the ground floor and a dormer window, balcony and patio doors on the upper floor. The proposed rear dormer will feature a flat roof and the patio doors within the dormer window will open out onto a balcony measuring 2.685m in width. The rear balcony will feature a glass balustrade measuring 1.8m high.

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

West Lothian Council's House Extension and Alteration Design Guidelines advises that 'a two-storey extension to a single storey house will rarely be acceptable.' In this case, the proposed two-storey works do not appear subservient to the existing single storey property and the proposed rear dormer will dominate the roof space to the rear and will not integrate with the existing property. In addition, the proposed balcony will directly overlook the neighbouring properties and will impact upon their residential amenity.

This proposal is therefore contrary to West Lothian Council 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.

Ref. No.:	0507/H/21	Recommendation:	Grant Planning Permission
Proposal:	1.5 storey extension to house and erection of a garage		
Address:	6 Back Station Road, Linlithgow, West Lothian, EH49 6AD, (Grid Ref: 300624,677061)		
Applicant:	Mr and Mrs Stan and Carole Hughes and Racionzer	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Rachael Lyall

Summary of Representations

One objection comment -

- Demolition of garage impacting upon the steel wall and the canal bank,
- Demolition of garage impacting upon neighbouring conservatory,
- Request for structural engineer report,
- Position of proposed flue.

Planning response -

- Not a planning consideration. This would be considered by building standards upon the submission of a building warrant,
- Not a planning consideration. This would be considered by building standards upon the submission of a building warrant,
- Not a planning consideration,
- EH has previously been consulted on the flue and raised no objections.

Officers report

This planning application proposes the erection of a rear and side extension, replacement garage and formation of dormer window at 6 Back Station Road, Linlithgow.

A previous application (0227/H/20) was submitted for a similar proposal, however, was refused planning permission due to the overall scale and the impact on the conservation area caused by the proposed side dormer window. The proposal has since been revised for this submission.

The rear extension will now measure 7.508m x 3.585m on the rear elevation and will be 7.040m in overall height to the proposed ridgeline of the gable pitch roof to the rear. The side extension is to measure 7.695m in length on the side elevation and 2.360m in width. The side extension will also measure 7.040m to the ridgeline of the mono-pitch roof which is to also feature a gable pitch dormer extension which has since been reduced in scale since the previous submission. The proposed dormer extension will not overlook any neighbouring property due to the opening being opaque glazing.

The new garage will be of a smaller scale in comparison to the existing garage and will not result in any additional impact in terms of residential or visual amenity.

The proposed works are now of an acceptable scale which will appear subsidiary to the existing property and will no longer significantly impact upon the visual amenity of the existing property or conservation area. This proposal adheres to West Lothian Local Development Plan's DES 1 (Design Principles) and ENV 24 (Conservation Areas) Policies and follows the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted planning permission.

Ref. No.:	1161/FUL/20	Recommendation:	Grant Planning Permission
Proposal:	Erection of 18 houses with access road, landscaping including acoustic bund and associated works (as amended)		
Address:	Land to The West Of Limefield Mains, Polbeth, West Lothian, EH55 8QL (Grid Ref: 303449,664335)		
Applicant:	Mr Willie Brown WB Properties Scotland Ltd	Type:	Local Application
Ward:	Fauldhouse & The Breich Valley	Case Officer:	Matthew Watson

Summary of Representations

Two objections:

- Surface water drainage and flood risk

Officers report

The application proposes the erection of 18 houses with access road, landscaping including acoustic bund and associated works.

In terms of the principle of development, the site is located in the countryside. The proposal does not meet any of the exceptions to the presumption against new housing in the countryside that are set out in Policy ENV 2. However, planning permission was granted in May 2020 for 18 houses and this establishes the principle of residential development on the site.

The proposed layout and design of the proposal is acceptable and is compliant with Policy DES 1 (Design Principles) and the Residential Development Guide.

Technical matters relating to additional site investigation, remediation, landscaping and the detail of acoustic fencing will be covered through planning conditions. A legal agreement will be required to secure developer contributions.

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



Development Management

List of Delegated Decisions - 25th June 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 no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	0421/H/21	Recommendation:	Grant Planning Permission
Proposal:	Extension to house and garage conversion (as amended)		
Address:	29 Happy Valley Road, Blackburn, West Lothian, EH47 7RB (Grid Ref: 299434,665403)		
Applicant:	Mr Mohammad Haroon Arshad	Type:	Local Application
Ward:	Whitburn & Blackburn	Case Officer:	Rachael Lyall

Summary of Representations

7 objection comments -

- Overlook and loss of privacy from proposed balcony,
- Impact on overshadowing,
- Proposed bay window impacting upon appearance/character of street scene,
- Impact on visual amenity,
- Distance of works from boundary,
- Impact on parking/traffic safety,
- Overall height of the development.

Planning response -

- The balcony has since been removed from the proposal,
- The proposal has since been significantly revised to be a single storey conservatory which will not result in any additional overshadowing which could be considered detrimental,
- No changes are proposed to the existing bay window and the proposal does not include any new bay windows,
- It is to be noted that there is no legal prohibition to extending right up to your boundary,
- The proposed works will not extend beyond the principal elevation and therefore will not result in any additional impacts in regards to traffic

safety/visibility. The proposal also still demonstrates sufficient off-street parking,
- The proposal has since been revised and is now only proposed to be single storey and is now of an acceptable scale. It is also to be noted that the proposed eaves height could be approved under permitted development rights.

Officers report

This planning application proposes the erection of a rear extension and garage conversion at 21 Happy Valley Road, Blackburn.
The proposal has been revised since the initial submission which was a two-storey rear extension, garage conversion and formation of balcony. The revised proposal no longer includes a two-storey extension or balcony.

The revised proposal is now for a single storey rear extension is to measure 3.615m x 5.000m and is to be 2.698m in overall height from the ground level to the proposed eaves. The ridgeline of the gable pitch roof is to sit slightly above the cills of the upper floor windows of the existing property. The proposed rear extension is to provide a conservatory which will be predominately glazed and will also feature a doorway on the east elevation which will open out into the applicant's rear garden.

The proposed works also look to convert the existing garage within the front elevation of the property and replace the existing garage doors with a new window which will overlook the main street. The proposed conversion will not result in any of the works extending beyond the principal elevation or main building line of the existing property.

No changes are proposed to the existing bay window within the principal elevation. The materials proposed for the works are to match those of the existing property.

The applicant's garden is sufficiently screen on each boundary with fencing and there is also a detached neighbouring garage located on the western boundary which will provide additional screening.

The proposed works will not result in any additional overshadowing which will impact upon any habitable rooms of the neighbouring property or is considered significant. The existing boundary fence and outbuilding will result in overshadowing currently. In addition, the proposed works will not directly overlook any neighbouring property to a significant extent and the neighbouring property to the east features a similar conservatory to the rear. As a result, the proposed works will also not appear out of context.

The revised proposal is now of an acceptable scale which will appear subservient to the existing property, will allow for sufficient usable garden ground and will not significantly impact upon the visual or residential amenity. This proposal now adheres to West Lothian Local Development Plan's DES 1 (Design Principles) Policy and follows the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted planning permission.

Ref. No.:	0466/H/21	Recommendation:	Grant Planning Permission
Proposal:	Extension to house		
Address:	38 Burngrange Park, West Calder, West Lothian, EH55 8HF (Grid Ref: 301353,662680)		
Applicant:	Mr Steven Grey	Type:	Local Application
Ward:	Fauldhouse & The Breich Valley	Case Officer:	Rachael Lyall

Summary of Representations

One neutral comment -

- Enquires about other existing structures on site,
- Garage conversion reflected in only some of the plans,
- Enquires about whether or not the existing conservatory is to remain in place,

Planning response -

- The site consists of two existing sheds. One has been in place for more than 4 years and is therefore exempt from enforcement action/planning permission due to this time period and the other existing shed has been added into the current plans however it is permitted development.
- The plans have been updated to reflect the existing garage conversion however it is to be noted that the garage conversion does not require planning permission,
- The plans have been revised and now demonstrate that the existing conservatory is to remain in place.

Officers report

This planning application proposes a single storey rear extension onto the property located at 38 Burngrange Park, West Calder.

The proposed rear extension is to measure 4.000m x 4.553m and is to be 4.075m in overall height from ground level to the ridgeline of the proposed hipped roof. It should be noted that the extension would be permitted development if reduced in overall height by 0.075m. The rear extension is to feature a window on the rear elevation and a window and door on the side (east) elevation. The proposed openings will overlook the applicants rear garden, existing outbuildings and existing conservatory and will not directly overlook any neighbouring property to a significant extent.

Due to the location of the works, the proposed extension will not overshadow any neighbouring property to a significant extent.

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

The neutral comment submitted discusses existing structures on site which are two sheds located to the rear of the property. One of these sheds has been in place for more than 4 years and therefore the 4-year rule applies to this development. The submitted plans have been revised to include the other remaining shed which is permitted development and does not require planning permission.

The proposed works are of an acceptable scale which will appear subservient to the existing property, will still allow for sufficient usable garden ground and will not detrimentally impact upon either the visual or residential amenity to a significant extent. This proposal therefore adheres to West Lothian Local Development Plan's DES 1 (Design Principles) Policy and follows the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted planning permission.



Development Management

List of Delegated Decisions - 2nd July 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 no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	0599/FUL/20	Recommendation:	Grant Planning Permission
Proposal:	Change of use from shop (class 1) to nail salon (class 2) (in retrospect)		
Address:	7 Hopetoun Street, Bathgate, West Lothian, EH48 4PA (Grid Ref: 297477,668924)		
Applicant:	Mr Martin Harris	Type:	Local Application
Ward:	Bathgate	Case Officer:	Kirsty Hope

Summary of Representations

Objections have been received from 6 residents; 3 of which are local to the site and 3 from wider West Lothian. The grounds of objection are:

- o Concerns raised about the impact on health of residents/visitors/contractors by fumes from the premises.
- o No odour membrane between premises installed.
- o Concerns raised regarding the existing extraction system and the use of chemicals and associated odours.
- o Nail bar has been operating since 2018 without planning permission
- o Plans do not include the installation of chemical/fireproof barrier/or sealant
- o Noise/vibration concerns from the compressor.
- o No sound proofing details on the plans submitted.
- o There should be an investigation of the ceiling void to ascertain the reason why fumes are escaping and air sampling undertaken.
- o No permission for the signage of the proposed site.
- o Concerns on time taken to decide on the application.
- o More investigation and survey work should be carried out

Officers report

The applicant seeks planning permission for the change of use from a shop (Class 1) to a nail salon (Class 2) use in retrospect.

Revised plans were sought from the applicant, as well as additional details of ventilation and extraction. Revised plans and details for the extraction system were received. Environmental Health is satisfied with the revised plans, subject to appropriate conditions.

The proposed class 2 use for a nail salon is an appropriate use for a town centre. With the proposed extraction in place it is considered that any potential impacts can be controlled via the implementation of planning conditions given the Environmental Health are satisfied.

Subject to conditions, the application accords with policies DES1 (Design Principles), TCR 1(Town Centres) and TCR 2 (Town Centres First Sequential Approach) of the West Lothian Local Plan 2018.

It is recommended that conditional planning permission is granted.

Ref. No.:	0368/H/21	Recommendation:	Grant Planning Permission
Proposal:	Extension to house		
Address:	26 Lawson Glade, Adambrae, Livingston, West Lothian, EH54 9JT (Grid Ref: 304323,665372)		
Applicant:	Mr Lindsay Cole	Type:	Local Application
Ward:	Livingston South	Case Officer:	Rachael Lyall

Summary of Representations

One objection -

- Impact on privacy,
- Impact on sunlight,
- Increase in noise levels,

Planning response -

- Due to the orientation of the site, the proposed rear windows will directly overlook to the rear of the site and the proposed patio doors will overlook a front driveway and will be screened by fencing located on the western boundary. In addition, there is sufficient distance between any proposed and neighbouring windows.
- The proposed works will not result in any additional overshadowing which is considered significant or detrimental,
- Not a material planning consideration.

Officers report

This planning application proposes the erection of a single storey rear extension onto the property located at 26 Lawson Glade, Adambrae.

The proposed rear extension is to measure 4.000m x 6.800m and is to be 4.200m in overall height from ground level to the ridgeline of the proposed gable pitched roof. The extension will be predominately glazed on the rear elevation and will feature patio doors on the side elevation which will open out onto a raised patio decking.

The proposed patio doors will overlook to the west of the site where a neighbouring driveway is located, therefore the proposed patio doors will not directly over look any neighbouring habitable room or garden to a significant extent. In addition, the western boundary is screened with fencing which will provide some screening from the proposed side patio doors. The rear windows will overlook the applicant's own garden area which sits significantly forward of the neighbouring property to the west and due to the orientation of the site, will therefore neither directly overlook any neighbouring property to a significant extent. In addition, the proposed works will be set back from the western boundary by approximately 13m which

is a sufficient distance for the set back.

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

The proposed works will not significantly overshadow any neighbouring property to a detrimental extent. The existing property and proposed works will also be set back from the neighbouring boundary and will sit forward of the neighbouring property to the east, therefore the proposed works will not appear as significantly overbearing from this neighbouring property.

The proposed works are of an acceptable scale which will appear subservient to the existing property and will still allow for sufficient usable garden ground. The proposed works will not be detrimental to either the visual or residential amenity to a significant extent.

This proposal therefore adheres to West Lothian Local Development Plan's DES 1 (Design Principles) Policy and follows the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted planning permission.

Ref. No.:	0489/H/21	Recommendation:	Grant Planning Permission
Proposal:	Extension to house		
Address:	22 Buchanan Crescent, Eliburn, West Lothian, EH54 7EE, (Grid Ref: 303098,668380)		
Applicant:	Ms Chloe Walker	Type:	Local Application
Ward:	Livingston North	Case Officer:	Rachael Lyall

Summary of Representations

One objection -

- Impact on natural light/overshadowing,
- Works not in keeping with surrounding context,
- Works will appear as overbearing due to mass and height,
- Impact on drainage and flooding,
- Overall footprint,
- Light pollution caused by roof lantern.

Planning response -

- The proposed works will not result in any additional overshadowing which is considered significant or detrimental,
- The proposed works will not be significantly visible from the main street and the proposed materials will match those of the existing property, therefore the works are considered to integrate with the existing property,
- The proposed works will be partly screened by boundary fencing and are set back from the neighbouring boundary and are therefore not considered to be significantly overbearing,
- Drainage is not a planning consideration and the site is not considered to be a flood risk,
- The footprint does not exceed the footprint of the existing house and will still allow for sufficient usable garden ground therefore is considered acceptable,
- Not a material planning consideration.

Officers report

This planning application proposes the erection of a rear extension onto the property located at 22 Buchanan Crescent, Eliburn.

The proposed works are to measure 6.450m x 4.325m and is to be 3.595m in overall height from ground level to the eaves of the proposed flat roof. The proposed works will feature a roof lantern within the roof space and patio doors on the rear elevation which will open out into and overlook the

applicant's rear garden area. The proposed patio doors will not directly overlook any neighbouring property.

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

The proposed works will not result in any additional overshadowing which is considered significant or detrimental. The existing boundary fence currently overshadows the neighbouring property to the east between 16:00 and 18:00 and the proposed works will not increase the overshadowing caused on the neighbouring property or during this time.

The existing boundary fence will provide some screening from the proposed works and the proposed works will be set back from the neighbouring boundary by the advised distance, therefore the proposed works will not appear as significantly overbearing.

The proposed works will not be visible from the main street and will appear subservient to the existing property. In addition, the proposed works will still allow for sufficient usable garden ground and will not significantly impact upon either the visual or residential amenity.

This proposal therefore adheres to West Lothian Local Development Plan's DES 1 (Design Principles) Policy and follows the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted planning permission.

Ref. No.:	0526/FUL/21	Recommendation:	Refuse Permission
Proposal:	Demolition of outbuilding and erection of 2 studio flats		
Address:	14 Market Street, Mid Calder, West Lothian, EH53 0AA, (Grid Ref: 307459,667609)		
Applicant:	Mr Antonino Carpico	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Alexander Calderwood

Summary of Representations

Three representations were received for this application. 2 members of the public, and 1 from the Architectural Heritage Society of Scotland (AHSS). All 3 objected to the proposal. The grounds of the objections are as follows:

- Parking provision is already strained in the area, and the proposal would exacerbate the problem.
- The site is directly adjacent to pubs/licensed premises. Occupants of the proposed residential development would likely complain on an environmental basis.
- The proposal will have an adverse impact on residential amenity in terms of natural light/sunlight.
- The proposal is not suitable within the context of the surrounding area and because of its proximity to licensed premises.
- The suggested street facing doors are inappropriate for use in a prominent shopfront in a conservation area. Their design and materiality do not relate to the historic qualities of the streetscape, which demands the use of timber and a traditional pend door form.

Officers report

This application seeks full planning permission for the demolition of an outbuilding and erection of 2 studio flats. The proposed site sits to the rear of the existing hot food take way on Market Street within the Mid Calder Conservation Area.

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 scale, massing, design or amenity.

'Policy HOU 3 Infill/Windfall Housing Development within Settlements' states that new housing development will be supported on sites within settlement boundaries provided the development will be in keeping with the character of the settlement and local area. It also states that the proposed

housing use must be compatible with nearby uses, have no adverse effect on the character of the local area and achieve a satisfactory residential environment.

'Policy ENV 24 Conservation Areas (Demolitions)' states that within conservation areas new development will not be permitted which would have any adverse effect on their character and appearance.

West Lothian Council's Residential Development Guide also states that delivering high density development must not be at the expense of amenity and the quality of the environment, resulting in a reduction of space in and around dwellings and giving rise to town cramming.

In the context of this application the proposed 2 studio flats are to be sited to the rear of a takeaway within Mid Calder town centre. It will sit in close proximity to a fast food takeaway and a public house. It also provides minimal garden ground and no additional parking spaces for residents, with a poor outlook and no relationship to the street. It is therefore unsuitable in terms of residential amenity, and conflicts with Policy DES 1 and HOU 3. Additionally, Environmental Health was consulted on the application and stated that they object due to the potential noise nuisance from the neighbouring beer garden and the function room of the public house impacting on the proposed development. The proposal is therefore also contrary to Policy EMG5(Noise) which resists locating sensitive uses adjacent to existing noise generating uses.

This further reinforces the unsuitability of the proposal and the fact that the application is contrary to the development plan and cannot be supported. Refusal is therefore recommended.

Ref. No.:	0542/FUL/21	Recommendation:	Grant Planning Permission
Proposal:	Change of use of barn to dog breeding establishment consisting of 10 kennels and associated storage		
Address:	Crofthead House, Cannop Crescent, Stoneyburn, West Lothian, EH47 8EQ (Grid Ref: 297071,662036)		
Applicant:	Mr Brian Cockburn	Type:	Local Application
Ward:	Fauldhouse & The Breich Valley	Case Officer:	Kirsty Hope

Summary of Representations

Two objections were received -

- Concerns regarding noise nuisance
- How will the applicant control noise and how will the council monitor noise?
- Concerns regarding residential amenity and proximity to other dwellings?

Officers report

This application proposes the change of use of an existing barn to a dog breeding establishment consisting of 10 kennels and associated storage. The site is located within the countryside and at Crofthead House, Stoneyburn.

The supporting statement advises that there will be 3 employees at the site. There will be no structural changes to the existing barn, and only internal layout changes to include the stalls and general storage area. No details of the exercise areas have been provided, however, this can be conditioned to ensure we have this detail.

Environmental Health has raised no concerns with regards to noise nuisance. The use is appropriate in a countryside setting in line with the provisions of the Local Development Plan. The barn is located more than 100m away from the nearest residential property.

The proposal complies with DES 1 (Design Principles) and ENV 3 (Other Development in the Countryside) and the SG on Development in the Countryside within the development plan. It is therefore recommended to grant planning permission.