



Local Review Body

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

17 September 2021

A meeting of the **Local Review Body** of West Lothian Council will be held within the **Virtual Meeting Room** on **Wednesday 29 September 2021 at 11:00am**.

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 Local Review Body held on Wednesday 25 August 2021 (herewith)

Public Items for Decision

New Items of Business

5. Notice of Review Application No.0145/FUL/21 - Change of use from public open space to private garden ground at 1 Butlers Place, Elburn (herewith)

6. Notice of Review Application No.0149/MSC/21 - Approval of matters specified in conditions of planning permission 0432/P/17 for the erection of a new dwelling house and garage block with associated access and landscaping at Craigbank, Craigbinning, Dechmont (herewith)
7. Notice of Review Application No.0249/FUL/21 - Erection of a 284sqm restaurant/bar and cafe/hot food takeaway with balcony and terrace, external timber stair and extension to car park at site at Bankton Centre, Mureston, Livingston (herewith)

Continued Items of Business

8. Notice of Review Application No.0083/FUL/21 - Demolition of agricultural shed and erection of house with garage at The Granary, 3a Parkhead Holdings, Linlithgow (herewith)
9. Notice of Review Application No. 0548/FUL/20 - Change of use and extension to holiday chalet to form house, erection of a free-standing annex building (class 9), alterations to ground levels and construction of timber walkways, stairs and railings (in retrospect) at Hillwood House, 3 Craigs Lodges, Linlithgow (herewith)

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 LOCAL REVIEW BODY held within VIRTUAL MEETING ROOM, on 25 AUGUST 2021.

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

Apologies – Councillors Pauline Clark and David Tait

1. DECLARATIONS OF INTEREST

Agenda Item 8 (App No.0548/FUL/20) - Councillor Stuart Borrowman declared an interest in that the applicant had been his GP approximately three years ago but would participate in the item of business.

2. ORDER OF BUSINESS

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

3. MINUTES

- 1) The committee approved the Minute of its meeting held on 2 June 2021; and
- 2) The committee approved the Minute of its special meeting held on 23 June 2021

4. NOTICE OF REVIEW APPLICATION NO.0083/FUL/21

The committee considered a report (copies of which had been circulated) by the Clerk and Legal Adviser to the Local Review Body regarding an application to review the decision by the Appointed Person to refuse planning permission for the demolition of agricultural shed and erection of house with garage at The Granary, 3a Parkhead Holdings, Linlithgow.

Motion

To continue the item of business to allow committee to participate in an unaccompanied site visit.

- Moved by Councillor Tom Kerr and seconded by Councillor Lawrence Fitzpatrick

Decision

To unanimously agree to continue the item of business for one cycle to allow the committee to participate in an unaccompanied site visit.

5. NOTICE OF REVIEW APPLICATION NO. 0548/FUL/20

The committee considered a report (copies of which had been circulated) by the Clerk and Legal Adviser to the Local Review Body regarding an application to review the decision by the Appointed Person to refuse planning permission for a change of use and extension to chalet to form house, erection of a free-standing annex building, alterations to ground levels and construction of timber walkways, stairs and railings (in retrospect) at Hillwood House, 3 Craigs Lodges, Linlithgow

Motion

To continue the item of business to allow committee to participate in an unaccompanied site visit.

- Moved by Councillor Tom Kerr and seconded by Councillor Charles Kennedy

Decision

To unanimously agree to continue the item of business for one cycle to allow the committee to participate in an unaccompanied site visit.

6. NOTICE OF REVIEW APPLICATION NO.0722/H/20

The committee considered a report (copies of which had been circulated) by the Clerk and Legal Adviser to the Local Review Body regarding an application to review the decision by the Appointed Person to refuse planning permission for the erection of garage (in retrospect) at 7 Craigengar Avenue, Uphall

It was noted that the review application had first been considered by the Local Review Body at its meeting on 3 March 2021 but had been continued to allow members to participate in a site visit; the site visit took place on 25 August 2021

Attached to the report were the Notice of Review and other relevant documents. The documents identified the policies in the development plan and relevant guidance that had been referred to in the review documents.

The committee decided that the review documents in conjunction with the site visit provided sufficient information to enable the review to be determined without any further procedure.

The committee then determined the review application in terms of the statutory test and to have regards to the development plan unless material consideration indicated otherwise.

The Local Review Body also took account of the views expressed in the Notice of Review documents.

Decision

To uphold the review application and grant planning permission as

committee determined that the application, due to its small size, did not significantly impact on visual amenity and accordingly conformed with policy DES1 of the Local Development Plan, fell within the guidance given within the House Extension and Alteration Design Guide, 2020 and that any intrusion on the street was deemed acceptable. Planning permission was granted subject to one condition that being that the applicant would replant the area around the garage to provide adequate screening of the development

7. NOTICE OF REVIEW APPLICATION NO.1136/H/20

The committee considered a report (copies of which had been circulated) by the Clerk and Legal Adviser to the Local Review Body regarding an application to review the decision by the Appointed Person to refuse planning permission for a first-floor extension to house with alterations to windows at Mallards, Glendevon Farm, Winchburgh.

It was noted that the review application had first been considered by the Local Review Body at its meeting on 3 March 2021 but had been continued to allow members to participate in a site visit; the site visit took place on 25 August 2021

Attached to the report were the Notice of Review and other relevant documents. The documents identified the policies in the development plan and relevant guidance that had been referred to in the review documents.

The committee decided that the review documents in conjunction with the site visit provided sufficient information to enable the review to be determined without any further procedure.

The committee then determined the review application in terms of the statutory test and to have regards to the development plan unless material consideration indicated otherwise.

The Local Review Body also took account of the views expressed in the Notice of Review documents.

Decision

To uphold the review application and grant planning permission subject to the conditions attached to the report as committee determined that the development was not a significant departure from DES1 of the Local Development Plan and there was no significant detriment to residential or visual amenity.



LOCAL REVIEW BODY

APPLICATION NO.0145/FUL/21 – CHANGE OF USE FROM PUBLIC OPEN SPACE TO PRIVATE GARDEN GROUND AND ERECTION OF FENCE AT 1 BUTLER PLACE, ELIBURN, LIVINGSTON

REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY

A PURPOSE OF REPORT

This report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the Council's Appointed Person to refuse planning permission a change of use from public open space to private garden ground and erection of fence at 1 Butler Place, Eliburn, Livingston

B REVIEW DOCUMENTS

The following documents form the review documents for consideration by the Local Review Body and are circulated to members with this report:

1. The Notice of Review submitted by the applicant, dated 14 July 2021. This also includes a copy of the Deed showing ownership
2. The Handling Report, prepared by the Planning Case Officer, dated 4 May 2021.
3. The Decision Notice, issued by the Appointed Person, dated 4 May 2021.

Two representations to the application were received; from Mr Steven Egan on behalf of Eliburn Community and Mr Kevin Hamilton a local resident. Copies of all documentation pertaining to their representations are attached to this report.

The applicant has stated in the review application that no new matters have been raised.

The applicant has not stated a preference for the manner in which the review application should proceed.

C SITE VISITS AND FURTHER PROCEDURE

The Local Review Body, upon consideration of the review application before it, can determine that further procedure is required before reaching a decision. This can include any, or any combination, of the following; site visits, further

written submissions and hearing session/s. With regards to site visits, the Clerk to the Local Review Body, in consultation with the Chair, has delegated authority to determine if a site visit should take place prior to the first hearing of the review application. The Clerk had decided not to exercise this delegated authority and it will be for the Local Review Body to determine if it wishes to conduct a site visit. If a site visit is to be conducted the application will require to be continued to a meeting of the Local Review Body scheduled for a later date.

D DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

The Appointed Person refused the application in that it was not in accordance with policies DES1 (Design Principles) and ENV21 (Protection of Formal and Informal Open Space) of the Local Development Plan.

The Appointed Person also considered that the proposal was contrary to the guidance given in House Extension and Alterations Design Guidelines 2020.

Further information can be obtained in the Decision Notice and Handling Report both of which are attached to this report.

E PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS

Without prejudice to the outcome of this review, to assist the Local Review Body in its deliberations and to assist the applicant and interested persons in securing a prompt resolution of the review, the Planning Adviser has recommended planning conditions which the Local Review Body may wish to consider imposing should it be minded to grant planning permission. A copy is circulated with this report.

Lesley Montague, Managing Solicitor, West Lothian Civic Centre

Email address:- lesley.montague@westlothian.gov.uk

Date: 29 September 2021

FOR OFFICIAL USE ONLY

Reference No :
Date of Receipt :**NOTICE OF REVIEW****(LOCAL DEVELOPMENT – DECISION BY APPOINTED PERSON)**

This Form is for a review by the West Lothian Council Local Review Body under Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 in respect of decisions by the appointed person on local development applications.

The review will be conducted under the Town and Country Planning (Schemes of Delegation and local Review Procedure) (Scotland) Regulations 2008.

Please read and follow the accompanying West Lothian Council Local Review Body Guidance Notes when completing this form. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.

Use **BLOCK CAPITALS** if you are completing the form by hand.

PART A**APPLICANT'S DETAILS**

Name Harry Dalglish

Address 1 Butlers Place

Livingston

Postcode EH546TD

Telephone No. (1)

Telephone No. (2)

Fax :

E-mail :



	REPRESENTATIVE (if any)	Name _____
		Address _____ _____
		Postcode _____
		Telephone No. (1) _____
		Telephone No. (2) _____
		Fax : _____
		E-mail : _____
Please tick this box if you wish all contact to be through your representative.		
Do you agree to correspondence regarding your review being sent by e-mail? * YES		

PART B	APPLICANT REF. NO.	0145/FUL/21
	SITE ADDRESS	1 Butlers Place, Livingston
	DESCRIPTION OF PROPOSED DEVELOPMENT	To enclose an area of garden by the erection of a fence.
	DATE OF APPLICATION	8 th March 2021
	DATE OF DECISION NOTICE (IF ANY)	4 th May 2021

Note:- This notice must be served on the planning authority within three months beginning with the date of the decision notice or, if no decision notice was issued, from the date of expiry of the period allowed for determining the application.

Type of Application (please tick the appropriate box)

Application for planning permission (including householder application)	X
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	Application for planning permission in principle	
	Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) Application for approval of matters specified in conditions	

PART C	TYPE OF REVIEW CASE	
	Refusal of application by appointed officer	X
	Failure by appointed officer to determine the application within the period allowed	
	Conditions imposed on consent by appointed officer	
	<p>Statement of reasons and matters to be raised</p> <p>You must state, in full, the reasons for requiring a review of your case. You must also set out and include with your application all the matters you consider require to be taken into account and which you intend to raise in the review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.</p>	
	<p>State here the reasons for requiring the review and all the matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. <u>You may also submit additional documentation with this form of which ten copies must be provided.</u></p> <p>In the letter advising me that my application had been rejected, I note that the title states CHANGE OF USE FROM PUBLIC OPEN SPACE TO PRIVATE GARDEN. The area in question forms part of, and is included in the deeds of the property. Copy enclosed.</p> <p>The property, 1 Butlers Place, Livingston, EH546TD, is situated adjacent to Eliburn Road and in total has a 41metre boundary with the road. 20 metres is comprised of a 1 metre high black iron fence which is backed by an area of lawn encompassing 4 trees and a recently added raised flower bed. A section of the fence is backed up by a conifer hedge which encloses a paved parking area.</p> <p>The next section is the 11 metres I would like to enclose with a fence, this falls between the garage and the public footpath.</p> <p>In the remaining 10 metres the garden fence is set back 3 metres from the public footpath and is backed by Laurel hedge. The area between the fence and the footpath contains a large sycamore tree, a silver birch tree and numerous other smaller trees and bushes, photograph enclosed</p> <p>This area extends along the back of 2 neighbouring gardens and onto the strip of former woodland (recently clear felled) which runs between Butlers Place and Longpark Place, photographs enclosed.</p>	

The reason to enclose the area is to allow us to incorporate it into our existing garden. In its current state it is used as a litter dump by passers by, including bags of dog faeces. It is also used as a short cut into Butlers Place. In the past I have attempted to keep this area in good condition with plants etc. But due to the above mentioned actions by the public I have in recent years been discouraged from doing so. The arrival of our first grandchild, has encouraged me to place the application so that I can make this unused area into a much more child friendly space.

I would appreciate your reconsideration of my application.

Kind regards

Scott Dalglish.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

* **NO**

If yes, you should now explain why you are raising new material, why it was not raised with the appointed officer before, and why you consider it should now be considered in your review.

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List of documents and evidence

Please provide a list of all documents, materials and evidence which you wish to submit and rely on in your review. **Ten (10)** copies of these documents, materials and evidence must be lodged with this notice. If necessary, this can be continued or provided in full in a separate document.

1.	Copy of deeds showing area in question is attached to this property
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	

PART D

REVIEW PROCEDURE

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties, without any further procedures?. For example, written submission, hearing session, site inspection *

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

If you have selected "further written submissions" or "hearing session(s)", please explain which of the matters you have included in your statement of reasons you believe ought to be subject of those procedures, and why.

SITE INSPECTION

The Local Review Body may decide to inspect the land which is subject to the review.

Can the site be viewed entirely from public land?

*** YES**

Is it possible for the site to be accessed safely, and without barriers to entry?

*** YES**

If you think the Local Review Body would be unable to undertake an unaccompanied please explain why that may be the case.

PART E

CHECKLIST

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.

Full completion of all parts of this form

X

Statement of your reasons for requiring a review and matters to be raised

X

Statement of your preferred procedure

All documents, materials and evidence INCLUDING LOCATION PLANS AND/OR DRAWINGS which you intend to rely on. Copies must accompany this notice.

Where your case relates to another application (e.g. it is a renewal of planning modification, variation or removal of a planning condition, or an application for appeal specified in conditions), it is advisable to provide that other application reference number, plans and decision notice from that earlier consent.

*****DECLARATION*****

I, the applicant/agent*, hereby require West Lothian Council to review the case as set out in this form and in the supporting documents, materials and evidence lodged with it and which includes those plans/drawings that were used by the Appointed Person when determining the original planning application.

I have been provided with a copy of the West Lothian Council Local Review Body Guidance Notes before lodging this notice.

Signed Harry Dalgliesh Date 14th July 2021

* Delete as appropriate

Please email this completed form to :-

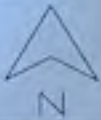
committeeservices@westlothian.gov.uk or alternatively post to :- Committee Services
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF



LAND REGISTER
OF SCOTLAND

TITLE NUMBER

WLN 28 29



ORDNANCE SURVEY
NATIONAL GRID REFERENCE

NT0367NE

Scale

1: 1250

Survey Scale

1: 1250

Produced from the RDS Digital Mapbase on 28/06/93

Crown Copyright Reserved

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Note



The boundaries shown by dotted lines have
been plotted from the deeds. Physical
boundaries will be indicated after their
delineation on the Ordnance Map.







DECISION NOTICE REFUSAL OF PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997, as amended

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **refuses full planning permission for the development described below**, and in the planning application and docquetted plan(s).

APPLICATION REFERENCE 0145/FUL/21

PROPOSAL Change of use from public open space to private garden ground and erection of a fence

LOCATION 1 Butlers Place, Eliburn, Livingston, West Lothian, EH54 6TD, (GRID REF: 303586, 667545)

APPLICANT Mr Harry Dalglish, 1 Butlers Place, Livingston, West Lothian, EH54 6TD

The above **local application was determined by an officer appointed by the council in accordance with its scheme of delegation**. Please see the advisory notes for further information, including how to request a review of any conditions.

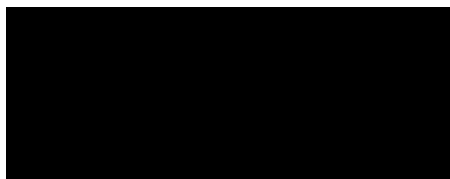
Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated:
04.05.2021

Craig McCorriston
Head of Planning, Economic Development and Regeneration

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

Signature:



DATA LABEL: PUBLIC

The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0145/FUL/21, for the reason(s) set out as follows:

- 1 The proposed change of use would result in a loss of open space which would be detrimental to visual amenity of the area. The proposed fence is to sit abruptly at the edge of a public footpath and there is no justification for the development which outweighs the need to retain the open space within the verge.

This proposal is therefore contrary to West Lothian Council's Local Development Plan's Design Principles (DES1) and Protection of Formal and Informal Open Space (ENV21) Policies and the guidance given in the House Extension and Alteration Design Guidelines, 2020.

ADVISORY NOTES TO DEVELOPER

How to challenge the council's Decision

If your application was determined under delegated powers as a local application by an officer appointed by the council and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. If the application was heard at a committee and in any other case you can seek an appeal of that decision to the Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review, or to appeal, here: <https://www.westlothian.gov.uk/article/33128/Decisions-Reviews-and-Appeals>

Annex 1, Schedule of Plans - 0145/FUL/21

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	
2	Site Plan	
3	Proposed Elevations	
4	Proposed Elevations	



DATA LABEL: PUBLIC

HANDLING REPORT

Ref. No.:	0145/FUL/21	Email:	rachael.lyall@westlothian.gov.uk
Case Officer:	Rachael Lyall	Tel No.:	01506 281110
Ward:	Livingston North	Member:	Cllr Alison Adamson Cllr Dom McGuire Cllr Robert De Bold Cllr Andrew Miller

Title	Change of use from public open space to private garden ground and erection of a fence (Grid Ref: 303586,667545) at 1 Butlers Place, Eliburn, Livingston, West Lothian, EH54 6TD
Application Type	Local Application
Decision Level	Delegated List
Site Visit	08.03.2021
Recommendation	Refuse Permission
Decision	
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	
EIA Screening	Does the development require EIA screening - No

Description of Proposals

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

Site History

0452/PRE/20 - Pre-application enquiry for the erection of a fence

Representations

Two objections were received for this application.
This is a summary of the representations received. The full documents are contained in the application file.

- Loss of open space
- Impact sight-lines for traffic.

Consultations

None required

Policies Considered

Policy Title	Policy Text
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 and be high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals, the developer will be required to ensure that: a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity; b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates; c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety; d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping; e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices; f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided; g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development. Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.

Officer Assessment

This planning application seeks permission for a change of use from public open space to private garden ground and the erection of a fence at 1 Butlers Place, Eliburn.

Pre-application advice was sought for the works and the advice issued stated that "It is common for areas of landscaping such as these to belong to the house owner, however they do not form part of the curtilage. Amenity landscaping such as this is purposefully included

within residential areas to contribute positively to the visual amenity of an area, and prevent fences from being hard up against the pavement resulting in a more open and green appearance to housing areas.

Therefore it is unlikely that the council would support an application to erect a fence and change the use of the land to garden ground, because of the loss of open space and detrimental impact on amenity. The current application proposes to extend the garden ground to the side of the property and extend the boundary fence to include this area. It is considered that this change of use would result in a loss of open space which would be detrimental to visual amenity of the area. In addition, the proposed fence is proposed to still sit abruptly at the edge of a public footpath and there is no justification for the development which outweighs the need to retain the open space within the verge.

This proposal is therefore contrary to West Lothian Council's Local Development Plan's Design Principles (DES1) and Protection of Formal and Informal Open Space (ENV21) Policies and the guidance given in the House Extension and Alteration Design Guidelines, 2020. It is recommended that the application is refused planning permission.

Conclusions and Reasons for Decision

This proposal is contrary to West Lothian Council's Local Development Plan's Design Principles (DES1) and Protection of Formal and Informal Open Space (ENV21) Policies and the guidance given in the House Extension and Alteration Design Guidelines, 2020. It is recommended that the application is refused planning permission.

List of Review Documents

Drawings schedule:

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	
2	Site Plan	
3	Proposed Elevations	
4	Proposed Elevations	

Other relevant documents:

West Lothian Local Development Plan, 2018
House Extension and Alteration Design Guidelines, 2020

Case Officer - RL Date – 4/5/21

Comments for Planning Application 0145/FUL/21

Application Summary

Application Number: 0145/FUL/21

Address: 1 Butlers Place Eliburn Livingston West Lothian EH54 6TD

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

Case Officer: Rachael Lyall

Customer Details

Name: Mr Stephen Egan

Address: 69 Aller Place Eliburn Livingston EH54 6RG

Comment Details

Commenter Type: Parish Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Whilst there is no documentation associated with this application and it is impossible to ascertain exactly what is being proposed. It is the policy of Eliburn Community Council to oppose the continuing erosion of out Open Space. Consequently, we would like to object to this proposal, which would remove Open Space.

Comments for Planning Application 0145/FUL/21

Application Summary

Application Number: 0145/FUL/21

Address: 1 Butlers Place Eliburn Livingston West Lothian EH54 6TD

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

Case Officer: Rachael Lyall

Customer Details

Name: Mr Kevin Hamilton

Address: 89 Ballantyne Place Livingston EH54 6TH

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Whilst it is difficult to ascertain the details from the submitted documents, it seems that the proposed fence at 1.9m high will replace existing vegetation. The fences on this section of Eliburn Road are generally set back and hidden from view behind vegetation which makes for a more pleasing environment whilst walking on the adjacent public footpath.

The loss of this open space, albeit small, further erodes the green area available for the enjoyment of the public adjacent to this busy footpath.

It is not clear from the submitted documentation whether the proposed fence will negatively affect the sight-lines for traffic emerging from Butlers Place. The junction is on the inside of a slight bend and I would be concerned that any fixed structure might inhibit sight lines and granting permission would reduce the ability of the council, as roads authority, to take action in the future in relation to maintaining the sight lines.

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

Our Ref: 0145/FUL/21
Direct Dial No: 01506 281110
Email: rachael.lyall@westlothian.gov.uk
13 August 2021
Tel: 01506 280000

Draft Justification and Conditions:

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

Please read the following notes carefully as they contain additional information which is of relevance to your development.

This permission is granted unconditionally.

Statutory time period for the commencement of development

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

Notification of the start of development

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

A form which can be used for this purpose can be found using the following link:

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

Notification of completion of development

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. A form which can be used for this purpose can be found using the following link:

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

Contaminated land procedures

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease and the issue shall be reported in writing to the planning authority immediately. The developer is required to follow the councils Supplementary Planning Guidance Development of land potentially affected by contamination. This document provides developers and their consultants with information on dealing with the planning process in West Lothian when development is proposed on land which is suspected of being affected by

contamination. This document and further guidance is provided via the Council's web pages at <https://www.westlothian.gov.uk/article/34731/Contaminated-Land>

Liaison with the Coal Authority

As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development. Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.

To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Advisory note to developer - General

Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.

How to challenge the council's Decision

If your application was for a local development and was determined by an officer appointed by the council and you disagree with the decision or with conditions which have been attached, you can apply for a review of the decision/conditions by the council's Local Review Body. In all other cases, if you disagree with the decision you can seek an appeal of the decision/conditions to the Scottish Government Planning and Environmental Appeals Division. You can find information on these processes at <https://www.westlothian.gov.uk/article/33128/Decisions-Reviews-and-Appeals>



LOCAL REVIEW BODY

APPLICATION NO.0149/MSC/21 – APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION 0432/P/17 FOR THE ERECTION OF A NEW DWELLING HOUSE AND GARAGE BLOCK WITH ASSOCIATED ACCESS AND LANDSCAPING, CRAIGBANK, CRAIGBINNING, DECHMONT

REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY

A PURPOSE OF REPORT

This report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the Council's Appointed Person to refuse matters specified in conditions of planning permission 0432/P/17 for the erection of a new dwelling house and garage block with associated access and landscaping, Craighbank, Craighbinning, Dechmont.

B REVIEW DOCUMENTS

The following documents form the review documents for consideration by the Local Review Body and are circulated to members with this report:

1. The Notice of Review submitted by the applicant, dated 12 July 2021. This also includes a supporting statement; exchanges of emails with Case Officers; a copy of the Handling Report; a copy of the Decision Notice; and a selection of plans. The agent has also submitted a short video which has been sent to members separately.
2. The Handling Report, prepared by the Planning Case Officer, dated 14 May 2021.
3. The Decision Notice, issued by the Appointed Person, dated 14 May 2021.

No representations to the proposal have been submitted to the council.

The applicant has stated in the review application that no new matters have been raised.

The applicant has stated that a site visit would be their preferred method of further procedure.

C SITE VISITS AND FURTHER PROCEDURE

The Local Review Body, upon consideration of the review application before it, can determine that further procedure is required before reaching a decision. This can include any, or any combination, of the following; site visits, further written submissions and hearing session/s. With regards to site visits, the Clerk to the Local Review Body, in consultation with the Chair, has delegated authority to determine if a site visit should take place prior to the first hearing of the review application. The Clerk has decided not to exercise this delegated authority and it will be for the Local Review Body to determine if it wishes to conduct a site visit. If a site visit is to be conducted the application will require to be continued to a meeting of the Local Review Body scheduled for a later date.

D DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

The Appointed Person refused the application in that it was not in accordance with policies DES1 (Design Principles) and ENV2 (Housing Development in the Countryside) of the adopted West Lothian Local Development Plan and the adopted Supplementary Guidance, Development in the Countryside 2018.

Further information can be obtained in the Decision Notice and Handling Report both of which are attached to this report.

E PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS

Without prejudice to the outcome of this review, to assist the Local Review Body in its deliberations and to assist the applicant and interested persons in securing a prompt resolution of the review, the Planning Adviser has drafted planning conditions which the Local Review Body may wish to consider imposing should it be minded to grant planning permission. A copy is circulated with this report.

Lesley Montague, Managing Solicitor, West Lothian Civic Centre

Email address:- lesley.montague@westlothian.gov.uk

Date: 29 September 2021

FOR OFFICIAL USE ONLY

Reference No :
Date of Receipt :

NOTICE OF REVIEW

(LOCAL DEVELOPMENT – DECISION BY APPOINTED PERSON)

This Form is for a review by the West Lothian Council Local Review Body under Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 in respect of decisions by the appointed person on local development applications.

The review will be conducted under the Town and Country Planning (Schemes of Delegation and local Review Procedure) (Scotland) Regulations 2008.

Please read and follow the accompanying West Lothian Council Local Review Body Guidance Notes when completing this form. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.

Use **BLOCK CAPITALS** if you are completing the form by hand.

PART A	APPLICANT'S DETAILS	Name	MR KENNY IRELAND
		Address	11 RAW HOLDINGS EAST CALDER
		Postcode	EH53 0HZ
		Telephone No. (1)	[REDACTED]
		Telephone No. (2)	
		Fax :	
		E-mail :	[REDACTED]
	REPRESENTATIVE (if any)	Name	EUAN ROBERTSON
		Address	ROBERTSON ARCHITECTURE + DESIGN 17 CLIFTON ROAD, EAST CALDER
		Postcode	EH53 0HJ
		Telephone No. (1)	[REDACTED]
		Telephone No. (2)	
		Fax :	
		E-mail :	[REDACTED]
Please tick this box if you wish all contact to be through your representative.			<input checked="" type="checkbox"/>
Do you agree to correspondence regarding your review being sent by e-mail? * YES			



PART B	APPLICANT REF. NO.	0149 / MSC / 21
	SITE ADDRESS	CRAIGBANK, CRAIG BINNING, DECHMONT, WEST LOTHIAN EH52 6NB
	DESCRIPTION OF PROPOSED DEVELOPMENT	APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION 0432/P/17 ERECTION OF NEW DWELLING + GARAGE WITH ACCESS + LANDSCAPING
	DATE OF APPLICATION	VALIDATED 18/02/21
	DATE OF DECISION NOTICE (IF ANY)	14/05/21

Note:- This notice must be served on the planning authority within three months beginning with the date of the decision notice or, if no decision notice was issued, from the date of expiry of the period allowed for determining the application.

Type of Application (please tick the appropriate box)

Application for planning permission (including householder application)	
Application for planning permission in principle	
Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)	
Application for approval of matters specified in conditions	✓

PART C	TYPE OF REVIEW CASE	
	Refusal of application by appointed officer	✓
	Failure by appointed officer to determine the application within the period allowed	
	Conditions imposed on consent by appointed officer	

Statement of reasons and matters to be raised

You must state, in full, the reasons for requiring a review of your case. You must also set out and include with your application all the matters you consider require to be taken into account and which you intend to raise in the review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

State here the reasons for requiring the review and all the matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. **You may also submit additional documentation with this form of which ten copies must be provided.**

PLEASE REFER TO ATTACHED LRB STATEMENT

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

* ☒ YES / ☐ NO



If yes, you should now explain why you are raising new material, why it was not raised with the appointed officer before, and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all documents, materials and evidence which you wish to submit and rely on in your review. **Ten (10)** copies of these documents, materials and evidence must be lodged with this notice. If necessary, this can be continued or provided in full in a separate document.

1.	LRB STATEMENT + ASSOCIATED DOCS 1-13
2.	PL01
3.	PL05
4.	PL06 B
5.	PL07 B
6.	PL08
7.	PL09
8.	PL10
9.	MODEL. MP4
10.	
11.	
12.	
13.	
14.	

PART D

REVIEW PROCEDURE

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process ask for further information or representations. The procedure adopted will be one or a combination of meetings; adjourned meetings; written submissions; hearing sessions and inspecting the land which is the subject of the review.

Please indicate what procedure (or combination of procedures) you think is most appropriate. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

Hearing sessions(s)

Site inspection

Assessment of review documents only, with no further procedure

<input checked="" type="checkbox"/>

If you have selected "further written submissions" or "hearing session(s)", please explain which of the matters you have included in your statement of reasons you believe ought to be subject of those procedures, and why.

SITE INSPECTION

The Local Review Body may decide to inspect the land which is subject to the review.

Can the site be viewed entirely from public land?

* ~~YES~~ NO

Is it possible for the site to be accessed safely, and without barriers to entry?

* YES ~~NO~~

If you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain why that may be the case.

OUR CLIENT WILL NEED TO OPEN THE
ACCESS GATE TO PERMIT ROUTE UP TO
SITE VIA VEHICLE



PART E CHECKLIST	
Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.	
Full completion of all parts of this form	<input checked="" type="checkbox"/>
Statement of your reasons for requiring a review and matters to be raised	<input checked="" type="checkbox"/>
Statement of your preferred procedure	<input checked="" type="checkbox"/>
All documents, materials and evidence INCLUDING LOCATION PLANS AND/OR DRAWINGS which you intend to rely on. Copies must accompany this notice.	<input checked="" type="checkbox"/>
Where your case relates to another application (e.g. it is a renewal of planning permission or a modification, variation or removal of a planning condition, or an application for approval of matters specified in conditions), it is advisable to provide that other application reference number, approved plans and decision notice from that earlier consent.	

*****DECLARATION*****

I, the applicant/agent*, hereby require West Lothian Council to review the case as set out in this form and in the supporting documents, materials and evidence lodged with it and which includes those plans/drawings that were used by the Appointed Person when determining the original planning application.

I have been provided with a copy of the West Lothian Council Local Review Body Guidance Notes before lodging this notice.

Signed

[Redacted Signature]

Date

12/07/21

* Delete as appropriate

Please return this completed form to :-

Val Johnston
Committee Services
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

LRB APPLICATION SUPPORTING STATEMENT

RESERVED MATTERS APPLICATION

0149/MSC/21

Approval of matters specified in conditions of planning permission 0432/P/17
for the erection of new dwelling house and garage block with associated access
and landscaping.

PREPARED BY:

ROBERTSON ARCHITECTURE & DESIGN

FIELD HOUSE

17 CLIFTON ROAD

EAST CALDER

WEST LOTHIAN

EH53 0HJ

MOB: [REDACTED]

E-MAIL: [REDACTED]



ON BEHALF OF MR & MRS IRELAND

Statement of reasons and matters to be raised.

Our clients Mr & Mrs Ireland hereby seek a review of the decision reached by the planning department under delegated powers to refuse planning permission for the application noted above. The planning process in itself was extremely poor and fell well below the service standards I have come to expect from WLC which has led directly to this submission. The reasons for refusal as noted refer to Local development plan policies Des 1 (design principles) and ENV2 (housing development in the countryside) we contend that these policies have been followed and that the reasons for refusal resident in these policies are untenable. Furthermore, we can demonstrate factual compliance with the policies and hereby set out the following statement as an expression of the same.

Planning permission in principle was obtained for the erection of a new dwelling house on 28th February 2018 appended to this statement as **Doc1**. It was established during the process of planning permission in principle where the dwelling would be located along with the relative minimum size where emails were exchanged with the head of planning Ross Burton, appended as **Doc2** and on 25th August 2017 a drawing was sent in hereby marked as **Doc3**.

Although planning permission in principle does not approve dwelling size or appearance as that is the remit of a reserved matters application there was, none the less, meaningful discussions had regarding the size and form of the proposed dwelling evidenced by the above. There were no limits detailed in the conditions attached to the planning permission in principle consent regarding size, scale, form or indeed any reference made to LDP policies and their ancillary guidance when there was an opportunity to do so. Unfortunately, Ross Burton no longer works with WLC so we can no longer consult with him regarding the current application. Furthermore, it has been uncovered that there is no handling report filed for the application which may have given current officers more background to the original approval and the work that had gone into it along with the conventions established.

Our clients Mr & Mrs Ireland opted to accede to a S69 agreement in order to secure planning permission in the payment of developer contributions in advance, the sum of £12,655 was paid to WLC in 2018.

The reserved matters application was submitted in February 2021 and the case officer assigned was Steve McLaren, unfortunately for reasons unexplained, the planning process did not go smoothly with little to no engagement from officers alongside procedural vagaries. We attempted to engage with the case officer early on to ascertain their position regarding the scheme, however, no response was forthcoming, and it took 3 emails and **17 days** to from our initial contact to receive a response, hereby attached as **Doc4**.

The response given was rather knee jerk and came across as being rushed as the case officer was subsequently on leave for a week giving us no opportunity to discuss their comments until their return which again proved challenging, ultimately no discussions were had regarding the scheme, leaving us unable to look at addressing the areas the case officer had concerns over.

I would point out a particular line in the case officer response where in paragraph 7 there appears to be a reference made to the size of the entrance hall in relation to case officers house. Pointed out by our clients, the comment appears rather clumsy and perhaps gives the wrong impression regarding the case officers feeling towards the proposals, it was unhelpful and of no relevance.

We then continued in our endeavours to get some dialogue going and tried to again engage with the case officer in some meaningful discussions between 30th March and 07th April eventually formalising our response without the opportunity to talk through some of the points made by the officer please see **Doc5**.

The sum total of engagement to this point had been an email and with nothing further forthcoming we made the decision that we may need to pursue a submission to the development management committee, disappointing considering the substantial investment our clients had made so far.

In addition to the above there had been an issue with the neighbour notification process where the application had not been advertised when neighbours were notified. This led to the application being retrospectively listed in the WL courier after the statutory neighbour notification period had ended raising concerns over procedural correctness and the question of who paid for the advert fee. Refer to officers' comments at the end of **Doc4**. The planning portal also reflects this peculiarity where the neighbour notification period seems to extend from 18th February to 12 April for 7 whole weeks, it must be noted that there were no representations received.

We had been speaking with local councillors and had made them aware of the difficulties being faced to see whether they would be able to assist. Councillor Damian Doran Timson offered his help along with councillor Angela Doran Timson and we notified the case officer that the application would be referred to the DMC when it was put on the delegated list.

Subsequently the application was listed and the call up to DMC submitted with a confirmation email sent to the case officer on Wednesday 21st April, please see **Doc6**.

The thread running through this all, is the distinct lack of communication from the planning dept, a thread that ultimately unravelled through no fault of ours or our clients when it transpired that there had been an issue with the referral paperwork.

We only found out that there had been an issue when we were asking the case officer for their handling report in advance of the DMC meeting when we emailed them again on the 05th May a full two weeks after my confirmatory email. The response stating that there had been an issue and the application was to be formally refused was received with disbelief, see **Doc7**.

We were completely shocked by the apparent lack of consideration given to our clients and councillor Damian Doran Timson where surely a notification of all parties in a timely manner would have been helpful and perhaps led to another referral being submitted.

As it stands the referral was rejected due to the councillor not being a ward member, however at the time of submission the scheme of delegation as published on the WLC web site allowed for referrals to be made by non-ward members if the planning application had a material planning effect on their ward which we believe was applicable in this instance **Doc8**.

Our clients were engaged at that point in a land deal with Cala, Persimmon and WLC regarding development land, access rights and the extension to St Pauls RC primary school. The outcome of this application had a determining effect on the outcome of that land deal and whether certain aspects / goals could be achieved. We queried the scheme with Craig McCorriston who stated that the scheme of delegation published on the web site was actually incorrect **Doc9**. Please note that the scheme of delegation as published on the web site must be the approved version.

I feel that it is important to detail our experience as unfortunately it would appear that a lack of resources / staff is significantly impacting upon the quality of service provided by WLC and this has been raised with Craig McCorriston.

The above is a chronology detailing the failures of the planning department which has given us no choice other than to submit our application for consideration by the LRB.

We now seek to address the reasons for refusal detailed in both the handling report and the formalised refusal paperwork.

The case officer has noted Des 1 as a reason for refusal, however, looking through the listed requirements of the policy we see no clear evidence as to how the dwelling does not comply, the assertion that because the dwelling does not look like others in the area has no real substance and no real detail is given on why the case officer believes there to be a significant adverse impact.

Policy Des 1 is described in the case officers handling report **Doc10**.

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

The proposals draw upon local context and built form, what there is of it, and crafts this into a more modern farmhouse responding to the needs of the 21st Century. The surrounding examples are properties built in a different era entirely some well over 100 years ago and we seek to move things forward, nobody ever made progress by standing still. Our proposals have no adverse impact on the local community, and there are no adjacent buildings or streetscapes to be considered. The design of the house is high quality, albeit, somehow deemed as suburban by the officer, I am not quite sure if this interpretation has any real significance, after all, isn't suburban defined as "an area on the edge of a town or city where people who work in the town or city often live."

There are significant landscaping works proposed which will not only improve the environment and setting but will also create a sense of place working in tandem with the new dwelling. The house sits on its own some **0.75 Km** away from any other dwellings and Burnhouse Road and should be considered as a destination in itself.

The above deals with points A&B in Des 1 and is in stark contrast with the case officer's assessment, compliance with the remainder of the points C to F can also be evidenced and is often the preserve of further detailed design elements for the purposes of building warrant.

Policy ENV 2 is largely redundant in this instance as the principle of a new dwelling house has already been established, therefore the main document consulted in the handling report is the supplementary guidance for development in the countryside.

This supplementary guidance advises sensitive re-development of the site, where we are removing an unsuitable haulage yard buildings and replacing with a new dwelling which engages with the views / countryside alongside a new designed landscaping plan. Furthermore, the buildings being removed are only those we feel necessary, what is not mentioned in the case officers report is that **some buildings will be retained** and in time restored, this certainly is not a scorched earth development.

The guidance calls for any '***new building to be minimised to what is absolutely necessary to secure the rehabilitation of the site and that this shall be no greater than the existing buildings but in most circumstances will require to be significantly less.***' Our clients currently enjoy a similar level of space and amenity from their current domestic situation; therefore I find it sensible and absolutely necessary to expect the same from a new dwelling. Furthermore, the buildings deemed for removal occupy circa 550Sqm of the site with the proposed building footprint sitting at 430Sqm which is 22% less, which I would consider to be significant. Not only this but at the outset our client could have pursued planning permission in principle for several dwellings on site which commercially would have been a better financial decision to offset costs. However, our clients want this to be their forever home and only want to build their own, in this context, the current scheme must be considered as what is absolutely necessary.

What must also be considered is the context of the overall site where our clients currently pursue their agricultural passions in the 40 acres under their ownership, having already undertaken significant works in the preservation of the area during their tenure. The site given over to the house and access road is circa 2.3 acres. The proposed house with a footprint of 430sqm will occupy 5% of the designated site area and less than **1% overall**.

In the officers handling report **Doc10**. We arrive at the essence of the reasons for refusal, these being scale, massing and design, something which in this context is very subjective. The proposals are of a suitable scale, certainly no bigger than some other dwelling in the county whether that be the overall size of the house or the overall height. The massing may not be to the case officer's personal preference however it has been arranged for interconnectivity of spaces to minimize sprawl. Otherwise, houses can often appear like an ad-hoc dwellings which can lead to a disjointed home where spaces and routes are segregated and do not make the most of the space occupied, many of the farm buildings referenced in the case officers report have been extended multiple times in a disjointed fashion.

Our resolution to the modern farmhouse in this instance is to package all areas together with form following function, thought out spaces that engage with access routes, views and the countryside.

The refusal document **Doc 11**. Formalises the reasons for refusal based on the handling report, some of which has been touched on above, one item mentioned in the refusal text is that the materials being proposed for the dwelling are ***not reflecting the character of the adjacent houses***. However, the materials proposed are the same, stone and render with a slate roof, and realistically there are no adjacent properties for direct comparison in this instance, furthermore the dwellings in the wider vicinity are all quite different **Doc 12**.

The house being deemed as suburban in the context of the planning refusal and somehow being discordant in the countryside is somewhat galling given the variety of dwellings currently being built in the countryside along with those under the guise of lowland crofts **Doc 13**.

The determination of this application is, I would argue, very subjective with no real substance. The planning permission in principle approval was given and the conditions detailed for a subsequent reserved matters application noted, and by the case officers own admission they do not contain any restrictions on scale, design, massing, or location.

In fact, we had submitted an indicative layout and design with the PPP application which Ross Burton had seen and did not consider to be controversial. The permission in principle approval for building the new house on the site which is based on the current legislation could have been easily conditioned to contain certain restrictions on the scale, mass, design, or area citing the SG on development in the countryside. Our proposals adhere to the terms set out in the PPP approval and fully comply with the policies contained within the SG on development in the countryside, I therefore cannot understand the reasons for refusal.

Yes, the house is large, however, in the overall context of the land it occupies, all 40 acres, the scale, massing and design of the house does not ***'significantly detract'*** from the landscape and is most certainly an improvement to a haulage yard. There is no limit placed upon the actual size of a dwelling within any of the guidance or indeed exact scale, massing, or design requirements, not only that, given the nature of the site and the inherent views we feel it would be discordant to occupy the land with a small imitation farmhouse.

Ultimately our clients have invested a lot of their time and care in improving the land where they hope to build, having implemented a raft of improvement works with new field drainage installed, ground treatments, the creation of wildlife areas alongside arboriculture improvement works. The costs currently borne by the client in relation to this alongside the pursuit of MSC approval are significant. This demonstrates their commitment to improving the area, as current custodians I would say that they are uniquely qualified to determine whether the new house would detract from the land in which they have committed so much love and affection.

The house is designed to fulfil the unique requirements of our clients, to deliver their dreams and aspirations, to furnish their life with all they require in a home. Our clients consider the introduction of an imitation farmhouse or an ultra-modern glass box as alternatives to the current scheme as significantly detrimental to the site.

Houses should be designed to be individual and responsive to the needs of their occupants, this design scheme fulfils the requirements set out by the client and is representative of them, this dwelling does not detract from the setting, it actively improves the landscape and embodies the creation of a new place.

There is a pedanticism present in the refusal regarding the different parts of the planning policies where the most tenuous of reasons have been given as justification for refusal. In simple terms the case officer does not like the current scheme, which is their opinion, however, it is a very unconvincing reason to refuse a planning permission for a house which has demonstrated compliance with the policies.

This application was for approval of **matters specified in the conditions** of original planning consent **0432/P/17 Doc 1**. We have satisfied the terms set out in the approval conditions, if there were to be more constraining conditions applicable, as appears to be the case now, then they should have been included in the original conditions. It is unacceptable to have the application refused on policies not written into the terms of the reserved matter application.



DECISION NOTICE GRANT PLANNING PERMISSION IN PRINCIPLE

subject to Section 69 agreement

Town and Country Planning (Scotland) Act 1997, as amended

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **grants planning permission in principle for the development described below**, and in the planning application and docquetted plan(s). This decision must be read in conjunction with any conditions set out on the following pages, the accompanying advisory notes, and any guidance from the Coal Authority on ground stability

APPLICATION REFERENCE LIVE/0432/P/17

PROPOSAL Planning permission in principle for the erection of a single dwelling house

LOCATION Craighbank, Craighbinning, C21 - Craighbank To U15, Broxburn, EH52 6BN (Grid Ref:303474, 671592)

APPLICANT K Ireland, 11 Raw Holdings, East Calder, EH53 0HZ

The above **local application was determined by an officer appointed by the council in accordance with its scheme of delegation**. Please see the advisory notes for further information, including how to request a review of any conditions.

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated: 14.02.2018

Craig McCorriston
Head of Planning, Economic Development and
Regeneration

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

DATA LABEL: PUBLIC

Signature:



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

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

This permission is granted subject to the following conditions:-

- 1 Development shall not begin until details of the following matters have been submitted to and approved in writing by the planning authority. Thereafter the development shall be carried out in accordance with that approval. Approval of Matters:
 - a) Plans, sections and elevations of all buildings & structures to be erected indicating the type and colour of all external materials.
 - b) Access and parking arrangements
 - c) Hard and soft landscaping details including the location of all existing and proposed trees, hedges and shrubs; a schedule of plants to comprise species, plant size and proposed number and density.
 - d) Existing and proposed ground levels and proposed finished floor levels.
 - e) Surface water and drainage arrangements including a SUDS strategy to treat and attenuate surface water.
 - f) A contaminated land site investigation report and remediation strategy to ensure the site is suitable for residential use.

Reason: To enable the council to assess those details which have yet to be submitted.

- 2 The landscaping plans submitted as required in condition 1 shall include a belt of extra heavy standard or semi-mature trees to be planted along the eastern boundary of the site, enhancing and adding to the existing tree belt. Full details of the species and types of trees, and their sizes, shall be provided as part of the submission of the application for approval of matters specified in conditions.

Reason: to screen the site, in the interest of visual amenity

- 3 The advertisement displayed on the access to the application site, and the trailer that the sign is displayed on, shall be removed from the application site within one month of the date of this decision notice.

Reason: as the advertisement is unauthorised and constitutes a discordant element in the landscape.

- 4 The dwelling house hereby approved shall be located within the former haulage yard.

Reason: in order to comply with council policy

- 5 The construction of the dwelling house hereby approved shall not begin until the redundant buildings on the application site have been removed.

Reason: in order to ensure that the site is suitable for residential use

ADVISORY NOTES TO DEVELOPER

Statutory time period for the commencement of development

An application for approval of the matter specified in conditions shall be made before:

- i. the expiration of 3 years from the date of the grant of planning permission in principle;
- ii. the expiration of 6 months from the date on which an earlier application for such approval was refused, or
- iii. the expiration of 6 months from the date on which an appeal against such refusal was dismissed, whichever is the latest.

This planning permission in principle shall lapse on the expiration of 2 years from the requisite approval being obtained (or in the case of approval referred to in condition 1 of different matters on different dates from the requisite approval for the last of such matters being obtained) unless the development to which the permission relates is begun before that expiration.

Notification of completion of development

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

Contaminated land procedures

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

<http://www.westlothian.gov.uk/article/2220/Contaminated-Land>

Liaison with the Coal Authority

As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.

Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.

To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Advisory note to developer - General

Please note that it is the developer's responsibility to ensure that all relevant consents and

certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.

How to challenge the council's Decision

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

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

Annex 1, Schedule of Plans - LIVE/0432/P/17

Docquetted Number	Drawing Description	Drawing Number
1 of 2	Location Plan	PL01
2 of 2	Existing Plan	PL02

RE: 0432/P/17, Craigbinning - [OFFICIAL]

Burton, Ross <Ross.Burton@westlothian.gov.uk>

Thu 26/10/2017 09:04

To: 'Euan Robertson' [REDACTED]

Euan

The letter doesn't normally include draft conditions, but I'm happy to include them. I've had no intimations from any members to call the application to committee, so all being well I'll be able to issue the letter on Monday.

Regards

Ross

R A Burton

Development Management Manager
Planning, Economic Development & Regeneration
West Lothian Civic Centre
Howden South Road
Livingston, EH54 6FF
01506 282405

www.westlothian.gov.uk



From: Euan Robertson [mailto:[REDACTED]]

Sent: 25 October 2017 12:04 [REDACTED]

To: Burton, Ross

Cc: Kenny Irleand

Subject: RE: 0432/P/17, Craigbinning - [OFFICIAL]

Good afternoon Ross,

Further to our last correspondence regarding the above and the minded to grant letter which we hope to receive this week, can you confirm whether the letter will also contain a draft set of planning conditions, for the subsequent ARM application?

We trust this is in order, should you need to discuss please do not hesitate to get in touch.

Kind regards.



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

B.Arch

FIELD HOUSE
17 Clifton Road
East Calder
Livingston
West Lothian
EH53 0HJ
Mob: [REDACTED]

From: Burton, Ross [<mailto:Ross.Burton@westlothian.gov.uk>]
Sent: 17 October 2017 15:17
To: 'Euan Robertson' <[REDACTED]>
Subject: RE: 0432/P/17, Craigbinning - [OFFICIAL]

Euan

The application is going to be placed on the delegated list for approval this Friday. Assuming it's not referred to committee by a local elected member by next Friday I will be able to issue the minded to grant letter to you then.

At that point I also notify our legal services, who your client's lawyer can notify as soon as you receive the minded to grant letter, to start the process of the legal agreement. Our lawyers have a S69 template which should make the process runs smoothly.

Regards

Ross

R A Burton
Development Management Manager
Planning, Economic Development & Regeneration
West Lothian Civic Centre
Howden South Road
Livingston, EH54 6FF
01506 282405

www.westlothian.gov.uk



From: Euan Robertson [REDACTED]
Sent: 17 October 2017 [REDACTED]
To: Burton, Ross
Subject: Re: 0432/P/17, Craigbinning - [OFFICIAL]

Good morning Ross,

Just a quick one here to see how things are progressing with the above and if you require any input from ourselves or our client.

Kind regards



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

B.Arch

FIELD HOUSE
17 Clifton Road

East Calder
Livingston
West Lothian
EH53 0HJ
Mob: [REDACTED]

[REDACTED]

From: Euan Robertson
Sent: 29 September 2017 14:06
To: Burton, Ross
Cc: Kenny Ireland
Subject: RE: 0432/P/17, Craigbinning - [OFFICIAL]

Good afternoon Ross,

Further to discussions with our clients Mr & Mrs Ireland, we can confirm that the applicants wish to pursue a section 69 agreement in securing planning consent.

As per previous correspondence regarding time frames we hope that those detailed can be adhered to and formalised planning approval issued as early as possible.

I trust this is in order, should you require anything further to advance the legal process please do not hesitate to get in touch.

Kind regards.



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

B.Arch

FIELD HOUSE

17 Clifton Road

East Calder

Livingston

West Lothian

EH53 0HJ

Mob: [REDACTED]

[REDACTED]

From: Burton, Ross [<mailto:Ross.Burton@westlothian.gov.uk>]

Sent: 19 September 2017 12:25

To: 'Euan Robertson' <[REDACTED]>
Subject: FW: 0432/P/17, Craigbinning - [OFFICIAL]

Euan

See Wendy's reply below. Once the S69 is signed, we send you an invoice, and as soon as the cheque clears I'm able to issue the decision notice.

Regards

Ross

R A Burton

Development Management Manager

Planning, Economic Development & Regeneration

West Lothian Civic Centre

Howden South Road

Livingston, EH54 6FF

01506 282405

www.westlothian.gov.uk

From: Richardson, Wendy
Sent: 19 September 2017 12:03
To: Burton, Ross
Subject: RE: 0432/P/17, Craigbinning - [OFFICIAL]

DATA LABEL: OFFICIAL

Ross,

I would have thought that we could do the legal part of a section 69 within a month. Not sure how that fits in with invoice issue, payment etc.

Wendy

From: Burton, Ross
Sent: 19 September 2017 11:56
To: Richardson, Wendy
Subject: FW: 0432/P/17, Craigbinning

Wendy

I have an application for a single house which I'm looking to grant, subject to education and cemetery contributions. The applicant is keen to use a S69 agreement and is asking about timescales. Can you advise on Legal Services' current timescales?

Thanks

Ross

From: Euan Robertson [REDACTED]
Sent: 18 September 2017 11:52
To: Burton, Ross
Cc: 'ken.ireland@btconnect.com'
Subject: Re: 0432/P/17, Craigbinning

Good morning Ross,

Further to your e-mail on Friday containing the detailed contributions required by education in relation to the above application, a sum of £10,655 in total, can you confirm whether there are any additional contributions attached to this application.

We have discussed the payment options with our Clients Mr & Mrs Ireland who are minded to consider the application of a section 69 agreement to hopefully expedite the planning process and progress to a point of commencement of on site works next year. If a section 69 were to be applied in this instance can you give an indication on time frame from preparation of service account, payment of same and finalisation of planning approval in principle. This information is key in the decision as previous section 75 agreements have taken approximately 6 months to deliver, our clients are keen to keep the process moving so as to facilitate the immediate application of a reserved matters application and a subsequent building warrant.

We trust the above is in order, if you could advise us of your comments at your earliest convenience, where, relative time scales being acceptable, we can in turn look to confirm the acceptance of a section 69 agreement.

Kind regards.



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

B.Arch

FIELD HOUSE

17 Clifton Road

East Calder

Livingston

West Lothian

EH53 0HJ

Mob: [REDACTED]

[REDACTED]

From: Burton, Ross <Ross.Burton@westlothian.gov.uk>

Sent: 15 September 2017 08:52

To: 'Euan Robertson'

Cc: 'K [REDACTED]'

Subject: RE: 0432/P/17, Craigbinning

Euan

The education response is in the case file; I attach a copy. It details the contributions which the council is seeking. I'd be grateful if you and Kenny could confirm that you're happy to proceed on that basis, and whether you'd want it to be on the basis of a Section 69 Agreement or a Section 75 Agreement, as set out in my email of 5 September.

Regards

Ross

From: Euan Robertson [REDACTED]
Sent: 14 September 2017 14:57
To: Burton, Ross
Cc: Kenny Irleand
Subject: Re: 0432/P/17, Craigbinning

Good afternoon Ross,

Just another quick e-mail here to see how you are getting on with the above further to your last correspondence and whether you had all the contributions pulled together to enable our client to consider the application of a section 69 or section 75?

I trust the above is in order, should you require anything further from ourselves please do not hesitate to get in touch.

Kind regards.



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

B.Arch

FIELD HOUSE

17 Clifton Road

East Calder
Livingston
West Lothian
EH53 0HJ
Mob: [REDACTED]

[REDACTED]

From: Burton, Ross <Ross.Burton@westlothian.gov.uk>
Sent: 05 September 2017 11:12
To: 'Euan Robertson'
Subject: RE: 0432/P/17, Craigbinning

Euan

Just as an addendum to your email to Kenny, the developer contributions which would be required for the development are as set out in the Education consultation response, plus a £35 charge for cemetery contribution.

This is normally managed by a legal agreement, under Section 75 of the Planning Act, which allows for phased payments, or under Section 69 of the Local Government Act, which allows for a single payment of the required contributions. The decision notice is issued following the signing and registration of the S75 or the payment of the funds set out in the S69 Agreement.

Regards

Ross

R A Burton

Development Management Manager

Planning, Economic Development & Regeneration

West Lothian Civic Centre

Howden South Road

Livingston, EH54 6FF

01506 282405

www.westlothian.gov.uk

From: Euan Robertson [REDACTED]
Sent: 05 September 2017 09:57
To: Kenny Ireland
Cc: Burton, Ross
Subject: 0432/P/17, Craigbinning

Good morning Kenny,

Just a quick update.

We have had discussions with Ross last week regarding the above further to our submission of revised plans, he has confirmed that he will be progressing with the preparation of formalised planning consent.

We enquired as to whether there were any extrenious or non standard planning conditions being considered at this time, there were none mentioned, other than the removal of your advertising hoarding at the site entrance.

We believe that draft conditions/approval will be available this week and hope to confirm our acceptance of these as soon as received to allow formalised consent to be given.

I trust the above is in order, should you need to discuss please do not hesitate to get in touch.

Kind regards



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

B.Arch

FIELD HOUSE
17 Clifton Road

East Calder
Livingston
West Lothian
EH53 0HJ
Mob: [REDACTED]

From: Euan Robertson
Sent: 25 August 2017 11:59
To: Burton, Ross
Cc: Kenny Irleand
Subject: RE: Application 0432/P/17, Craigbinning

Good morning Ross,

Further to our site meeting last week we have integrated our sketch overmarked proposals into the proposed site plan and have adjusted the photomontages along with the drawing showing the extent of the existing haulage yard and hereby enclose these drawings as per your request.

In addition to this and further to our favourable discussions regarding the new dwelling do you have any draft conditions in mind?

We trust the above and enclosed is in order, should you need to discuss please do not hesitate to get in touch.

Kind regards.



ROBERTSON ARCHITECTURE

& DESIGN

EUAN T J ROBERTSON

B.Arch

FIELD HOUSE

17 Clifton Road

East Calder

Livingston

West Lothian

EH53 0HJ

Mob: [REDACTED]

[REDACTED]

From: Burton, Ross [<mailto:Ross.Burton@westlothian.gov.uk>]

Sent: 24 July 2017 15:00

To: 'Euan Robertson' <[REDACTED]>
Subject: RE: Application 0432/P/17, Craigbinning

Euan

11am on Wednesday is fine, see you then.

Regards

Ross

R A Burton

Development Management Manager

Planning, Economic Development & Regeneration

West Lothian Civic Centre

Howden South Road

Livingston, EH54 6FF

01506 282405

www.westlothian.gov.uk

Development Management and Building Standards are about to install new software for dealing with planning applications and building warrants. Because of this we will have limited ability to process applications which are submitted between 28 June and 13 July. We will strive to minimise any disruption to our service during this time but some applications will inevitably be delayed.

From: Euan Robertson [REDACTED]
Sent: 24 July 2017 14:35
To: Burton, Ross

Cc: Kenny Irleand

Subject: RE: Application 0432/P/17, Craigbinning

Good afternoon Ross,

I hope you had a good holiday and are well rested.

We tried calling this morning, I appreciate that you will be very busy on you first day back from annual leave, however we were looking for a quick confirmation that our proposed meeting at 11am on Wednesday the 26th July is still available?

We trust the above is in order, if you could let me know that would be appreciated.

Kind regards.



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

B.Arch

FIELD HOUSE

17 Clifton Road

East Calder

Livingston

West Lothian

EH53 0HJ

Mob: [REDACTED]

[REDACTED]

From: Burton, Ross [<mailto:Ross.Burton@westlothian.gov.uk>]
Sent: 11 July 2017 09:36
To: Euan Robertson <[REDACTED]>
Subject: Automatic reply: Application 0432/P/17, Craigbinning

I will not be in the office until 24th July 2017. If your query is urgent please resend your email to planning@westlothian.gov.uk, or planningenforcement@westlothian.gov.uk if your query has to do with an enforcement matter.

Ross Burton | Development Management Manager | West Lothian Council

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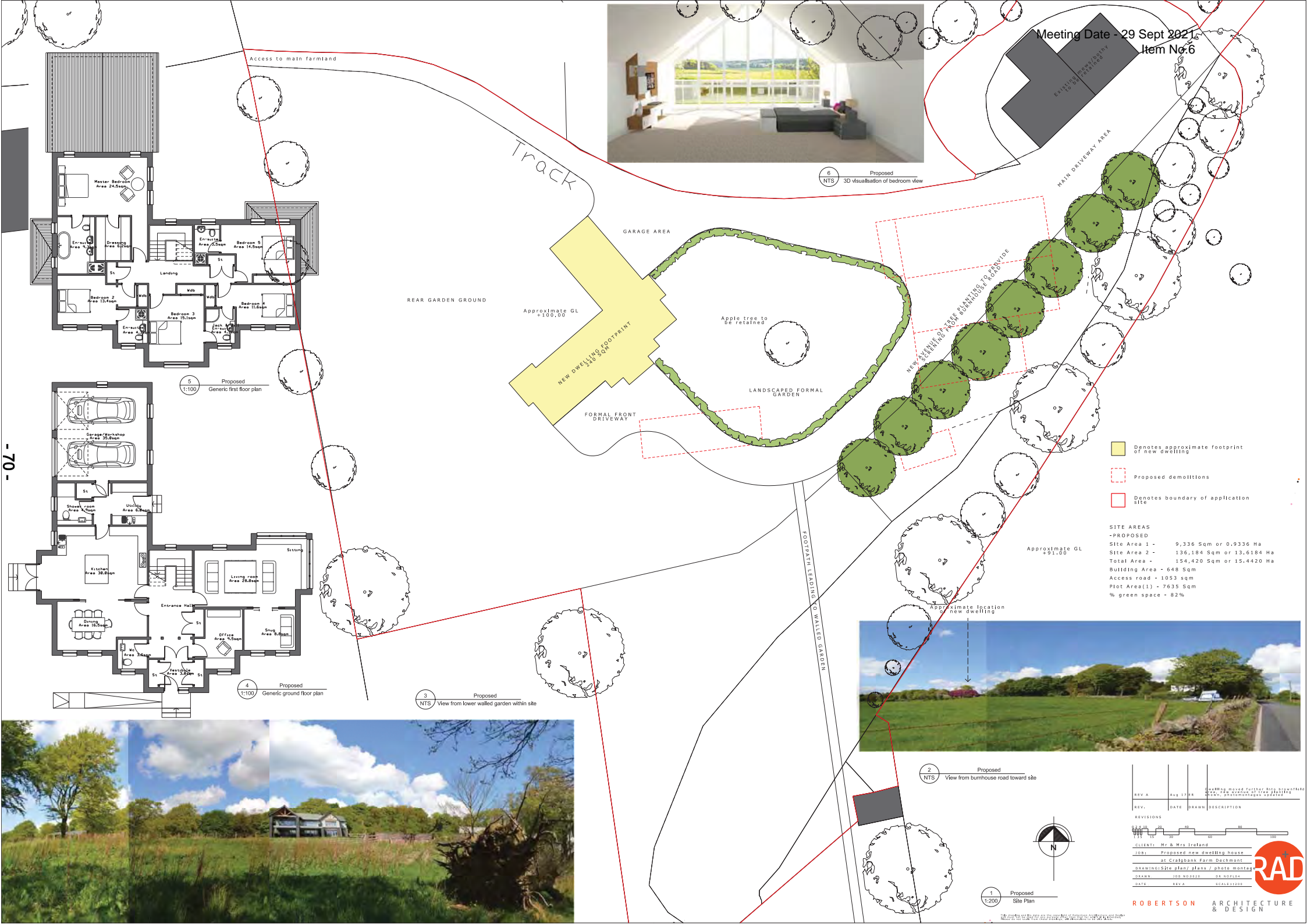
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<http://www.westlothian.gov.uk>

Meeting Date - 29 Sept 2021
Item No. 6



6
NTS
Proposed
3D visualisation of bedroom view



- Denotes approximate footprint of new dwelling
- Proposed demolitions
- Denotes boundary of application site

SITE AREAS
-PROPOSED
Site Area 1 - 9,336 Sqm or 0.9336 Ha
Site Area 2 - 136,184 Sqm or 13.6184 Ha
Total Area - 154,420 Sqm or 15.4420 Ha
Building Area - 648 Sqm
Access road - 1053 sqm
Plot Area(1) - 7635 Sqm
% green space - 82%

Approximate GL
+91.00



2
NTS
Proposed
View from burnhouse road toward site



1
1:200
Proposed
Site Plan

REV.	DATE	DRAWN	DESCRIPTION							
REV A	Aug 17/20		Dwelling moved further into boundary Note: The location of the dwelling shown. Photographs updated							
REV.	DATE	DRAWN	DESCRIPTION							
REVISIONS										
1	10	20	30	40	50	60	70	80	90	100
CLIENT: Mr & Mrs Ireland										
JOB: Proposed new dwelling house										
LOCATION: St Craigs Farm Dechnant										
DRAWING: site plan/ plans / 7 sheet series										
DRAWN: JOB NO.00122 DA NO.0124										
DATE: REV A SCALE 1:200										

ROBERTSON ARCHITECTURE & DESIGN

-70-

Re: Planning application 0149-MSC-21, House at Craigbank, Dechmont - [OFFICIAL]

Euan Robertson [REDACTED]

Fri 19/03/2021 12:53

To: McLaren, Steve <Steve.McLaren@westlothian.gov.uk>

Hi Steve,

Thanks for getting back to me, I understand things are quite busy the now so I fully appreciate where you are coming from.

I think it might be worthwhile to have a phone conversation or a zoom meeting to discuss the content of your email if possible, it is always a bit easier face to face or at the very least over the phone.

If you could let me know your availability we can get something organised.

Kind regards.



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

B.Arch

FIELD HOUSE
17 Clifton Road
East Calder
Livingston
West Lothian
EH53 0HJ
Mob: 07 [REDACTED]



From: McLaren, Steve <Steve.McLaren@westlothian.gov.uk>

Sent: 18 March 2021 15:34

DATA LABEL: OFFICIAL

Hi Euan,

My apologies for not being in touch, just been a bit snowed under and had a couple of fairly lengthy committee reports to prepare recently.

I have looked at the permission in principle and there are no specific restrictions or requirements in that consent relating to the scale, design or location of the house, other than it shall be located within the former haulage yard to comply with council policy.

I think it is fair to say that the house as proposed is no shrinking violet and is a pretty substantial building. Based on the lack of any guidance in the decision, the permission in principle will have been determined on the basis that this allows for the rehabilitation/restoration of a brownfield site. The SG on development in the countryside states that policies ENV2 and ENV3 support the sensitive redevelopment or reuse of sites which can significantly enhance landscape quality by the removal of dilapidated or intrusive buildings or by their replacement by new development of an 'appropriate scale, mass and design'.

The underlying justification is for the removal of inappropriate buildings and improve the environmental amenity of the countryside. The guidance goes on to say 'as a consequence, the council requires new development to be of the very highest standard in terms of design and appearance and must make a positive and significant contribution to the landscape setting of the site. Only proposals that clearly demonstrate this will be supported.'

The SG also states that the scale of new build development shall be minimised to what is absolutely necessary to secure the rehabilitation of the site. New buildings are required to occupy the same general position on a site as those it will replace and the physical footprint of new buildings must be no greater than that of the existing buildings and will in most circumstances require to be significantly less. The SG also requires that the design of new buildings must respect the character of existing development and proposals should respond to local distinctiveness, including building traditions or materials and new structural landscaping may be required.

So, the question is, does the proposed house meet the requirements set out in the SG? The main building group is approximately 400sqm in size and taking all the buildings together, including the shed granted in 2012, the total is approximately 960sqm in size but it is not clear exactly which buildings are being removed. The footprint of the house (including canopy areas) I measure as around 590sqm and you quote 431sqm for the build area (753sqm in total floor space).

Given the SG requires the absolute minimum building size to secure the remediation of the site. It could be argued that a building of this size is not required to remediate the site and it could be located closer to the footprint of the main buildings rather than being set further back in the site. The proposals show 3 large bedrooms and guest bedroom, a 53sqm entrance hall (which my house would fit into), a cinema, effectively 5 living areas etc over 2 floors. All the buildings on the site, except the 2012 shed, are fairly low level buildings therefore the massing of the house is significantly greater than that of the buildings in the immediate vicinity.

In terms of design, each person will have their own taste. In my view, what has been proposed for your client is a large suburban house which has no link with local character. Houses in the vicinity are more traditional in appearance with a vertical emphasis to the window arrangement and tend to be either natural stone or render,

with a longer thin emphasis and extensions off. The closest building in scale is Craig Binning, a traditional stone building with a main core to the house and wings off, providing a degree of symmetry.

There seems to be a lot going on in terms of roof design with the proposed house, a combination of hips and gables and the roof over the garage seems excessive in scale given there is no accommodation proposed in that roof space. As things stand, I am finding it difficult to square the circle in terms of the requirements of the SG and the scale, massing and design of the house as proposed. I note that tree planting is proposed which will enhance the screening of the site and the house may be barely visible however, the design still needs considered in line with the SG.

I can also advise that to date I have been unable to have a peer review of the site investigation report carried out. The tender for that role is due to conclude and until a geoenvironmental consultant is appointed to continue as the council's contaminated land officer no site investigations are being reviewed. I have also noticed that the application should have been advertised in the press and it has not so that will need to be placed next week.

I am on holiday next week and should be grateful if you can discuss this with your client and see if he is prepared to further consider the proposals or if he wishes it determined as it stands. Again, apologies for the delay.

Regards

Steven McLaren
Planning Officer
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston EH54 6FF

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<http://www.westlothian.gov.uk>

Re: Planning application 0149-MSC-21, House at Craighbank, Dechmont - [OFFICIAL]

Euan Robertson <[REDACTED]>

Wed 07/04/2021 14:19

To: Steve McLaren <steve.mclaren@westlothian.gov.uk>

Cc: [REDACTED]; Wendy Mccorriston <wendy.mccorriston@westlothian.gov.uk>

Good afternoon Steve,

Not sure if you are getting our emails as we haven't had any response back yet.

Please see below for our queries, this would of course be much easier if we could discuss.

The means of determining this application are I would argue open to interpretation where the approval was given and the conditions detailed for a subsequent reserved matters application noted, by your own admission they do not contain any restrictions on scale design or location. In fact, we had submitted an indicative layout and design with the PPP application which Ross Burton had seen and did not consider to be controversial. I would have thought that given the establishment of building a new house on the site based on the current legislation it would have been an easy task to condition certain restrictions on the scale, mass, design or area citing the SG on development in the countryside. Alas this did not happen, and we took the approval as it is written designing the house in accordance with the conditions in the PPP approval. On a separate side note, there was no opportunity for us to have prior engagement with WLC regarding the forthcoming reserved matters application as the pre application advice service has been stopped with no indication of when it will resume.

The house is being assessed utilising the SG on development in the countryside which we are in compliance with, yes, the house is large, however in the overall context of the land which it occupies, it is very much lost in the 50 acres. The building is sensitive to its surroundings engaging with the landscape and performing the role of a modern farmhouse given that the owners are already mindful custodians of the land which they use for agricultural purposes. Furthermore, the design includes new landscaping and screening which further emphasises the absolute improvement in the landscape character in the immediate vicinity.

The scale and massing of the building is not much different to the different dwellings encountered throughout the Dechmont hills and is fact a more efficient solution to that of a sprawling multiple bay farmhouse which would occupy more of a footprint.

So onto the SG, and the area, where it can be clearly demonstrated that the dwelling is located in the vicinity of the haulage yard, this can be evidenced by the previously submitted drawing delineating the extent of the yard, which was accepted and approved under the PPP. The house is located where it is due to on site discussion with Ross prior to approval and under his request that the dwelling be moved further back away from the existing buildings. This also make practical sense for construction as building on top of the demolished buildings is a much trickier concept having to deal with made up ground and detritus resulting in a more heavily engineered foundation solution possibly requiring piling rigs etc, this is why the house is located where it is.

The building size is absolutely necessary to facilitate the redevelopment of the site as our client currently owns two separate properties and has at least this area available to them at present for them and their family. Both properties will be sold to finance the construction of the new dwelling

therefore, it is reasonable to expect that the new house will provide the same level of space and amenity that is currently enjoyed by our clients.

You have stated that the SG *'requires the absolute minimum building size to secure the remediation of the site'* which I feel is inaccurate, the way the guidance is written is more nuanced than that, however, as stated above we can actively demonstrate that the proposals are the minimum required for our clients on the site.

The buildings being removed and those that have already been taken down equate to some 550Sqm in total, the footprint of the dwelling is 430Sqm. I notice that you had measured roof space which is technically not defined as part of the footprint legally, and is in fact expressly different, therefore the assertion of a 590Sqm building is incorrect. With this in mind it can demonstrated that the dwelling as proposed occupies less of an area than the buildings we are removing and can therefore be considered as significantly less, also coupled with the new landscape screening it provides a marked improvement to the landscape character meaning that we are compliant with the SG on development in the countryside.

The location of the house as stated previously was with agreement from Ross Burton and presents a more practical solution to the redevelopment of the site allowing for the introduction of new landscaping and screening which would otherwise be difficult to achieve. The height of the house surely can't be called into question here as there are plenty of two and even some three-storey dwelling prevalent in the Dechmont hills, not to mention the proposals for the new Bangour site immediately to the South West will be predominantly two storeys. This house is on its own by virtue of the location of the land and the rest of the residual space around, therefore, to limit the height to anything less than two storeys would seem ludicrous to me.

I do not consider the house design to be suburban, that really is a vague determination as it would seem that by simply going all stone or all render it would be considered otherwise. I would say it is a modern take on a farmhouse which engages with the surrounding landscape and views, however, it would appear that we are being asked to either produce an ultra-modern heavily glazed house or an imitation farmhouse, neither of which are palatable to our clients or indeed offer any great benefit over what is currently proposed.

The roof over the garage has been designed in such a way that should any additional space be required to the first floor then by virtue of attic trusses the attic could be converted into the future to offer additional accommodation.

The argument in its most simplified form is are the proposals a marked improvement over what is currently there and what has more of an impact on the setting, the current haulage yard or a new dwelling occupying less footprint with new landscaping and screening.

Can you please advise as to when the site investigation review has been completed and also what is going on with the neighbour notification / advertisement in the local press as the important dates section in the online file

is not making much sense and if we ultimately have to get this called to the DMC we need to know when the application will go on the delegated list.

This would have been easier to do over the phone/zoom and I would still welcome the opportunity to discuss in further detail to see if we can do anything to steer the application to a delegated decision. Now that we have clarified our position on the SG and hopefully you now agree, the only issue remaining is the subjective opinion over the design, however given the approaching time frame I do not know if there is much of an opportunity remaining to do this.

I trust the above is in order, should you need to discuss please do not hesitate to get in touch.

Kind regards.



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

B.Arch

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[h \[REDACTED\]](#)

From: Euan Robertson <[REDACTED]>
Sent: 01 April 2021 14:56
To: McLaren, Steve <Steve.McLaren@westlothian.gov.uk>
Cc: Wendy Mccorrison <wendy.mccorrison@westlothian.gov.uk> <[REDACTED]>;
[REDACTED]
Subject: Re: Planning application 0149-MSC-21, House at Craighbank, Dechmont - [OFFICIAL]

Good afternoon Steve,

Further to my last couple of email I again would ask if you can give me a call to discuss the above, or possibly arrange a zoom meeting.

I am conscious of the fact that time is ticking on here and I would like to clarify some items noted on your initial correspondence to make sure that we can properly advise our client on the next stage.

At present we are probably looking at referral to the DMC as some of the issues raised will, in all likelihood, not be fully resolved through amendments that both planning and our clients find mutually agreeable.

The assertion that the house be made significantly smaller is troubling as it is rather vague, and in our opinion, when considering the proposals against the SG they are less than existing buildings being removed anyway. Furthermore, there are no limiting conditions in the PPP approval stating maximum size, the PPP was considered using the current policies along with other supporting information illustrating the size and massing of the development.

I am only touching on some items above that would be better discussed over the phone/laptop. I appreciate that the department are busy, as are we all, however, this application represents a long-standing ambition of our clients to build their retirement home for them and all their family, and I would therefore hope that we can get the support and engagement such an endeavour requires.

I trust the above is in order, I can make myself available whenever suits best, if you can please get back to me it would be much appreciated.

Kind regards.



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Mob: 0779 [REDACTED]

[REDACTED]

From: Euan Robertson [REDACTED] >
Sent: 30 March 2021 07:13
To: McLaren, Steve <Steve.McLaren@westlothian.gov.uk>
Subject: Re: Planning application 0149-MSC-21, House at Craigbank, Dechmont - [OFFICIAL]

Good morning Steve,

Further to your last email and my follow up questions last week are you able to give me a call to discuss the application so that I can definitively determine a course of action with our client.

If you could please let me know and perhaps give me a date/time to expect your call it would be appreciated.

Kind regards.

 **1488208493907_NEW**

ROBERTSON ARCHITECTURE
& DESIGN

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[ht](#) [REDACTED]

From: McLaren, Steve <Steve.McLaren@westlothian.gov.uk>

Sent: 18 March 2021 15:34

To: Euan Robertson [REDACTED]
[REDACTED]

DATA LABEL: OFFICIAL

Hi Euan,

My apologies for not being in touch, just been a bit snowed under and had a couple of fairly lengthy committee reports to prepare recently.

I have looked at the permission in principle and there are no specific restrictions or requirements in that consent relating to the scale, design or location of the house, other than it shall be located within the former haulage yard to comply with council policy.

I think it is fair to say that the house as proposed is no shrinking violet and is a pretty substantial building. Based on the lack of any guidance in the decision, the permission in principle will have been determined on the basis that this allows for the rehabilitation/restoration of a brownfield site. The SG on development in the countryside states that policies ENV2 and ENV3 support the sensitive redevelopment or reuse of sites which can significantly enhance landscape quality by the removal of dilapidated or intrusive buildings or by their replacement by new development of an 'appropriate scale, mass and design'.

The underlying justification is for the removal of inappropriate buildings and improve the environmental amenity of the countryside. The guidance goes on to say 'as a consequence, the council requires new development to be of the very highest standard in terms of design and appearance and must make a positive and significant contribution to the landscape setting of the site. Only proposals that clearly demonstrate this will be supported.'

The SG also states that the scale of new build development shall be minimised to what is absolutely necessary to secure the rehabilitation of the site. New buildings are required to occupy the same general position on a site as those it will replace and the physical footprint of new buildings must be no greater than that of the existing buildings and will in most circumstances require to be significantly less. The SG also requires that the design of new buildings must respect the character of existing development and proposals should respond to local distinctiveness, including building traditions or materials and new structural landscaping may be required.

So, the question is, does the proposed house meet the requirements set out in the SG? The main building group is approximately 400sqm in size and taking all the buildings together, including the shed granted in 2012, the total is approximately 960sqm in size but it is not clear exactly which buildings are being removed. The footprint of the house (including canopy areas) I measure as around 590sqm and you quote 431sqm for the build area (753sqm in total floor space).

Given the SG requires the absolute minimum building size to secure the remediation of the site. It could be argued that a building of this size is not required to remediate the site and it could be located closer to the footprint of the main buildings rather than being set further back in the site. The proposals show 3 large bedrooms and guest bedroom, a 53sqm entrance hall (which my house would fit into), a cinema, effectively 5 living areas etc over 2 floors. All the buildings on the site, except the 2012 shed, are fairly low level buildings therefore the massing of the house is significantly greater than that of the buildings in the immediate vicinity.

In terms of design, each person will have their own taste. In my view, what has been proposed for your client is a large suburban house which has no link with local character. Houses in the vicinity are more traditional in appearance with a vertical emphasis to the window arrangement and tend to be either natural stone or render, with a longer thin emphasis and extensions off. The closest building in scale is Craig Binning, a traditional stone building with a main core to the house and wings off, providing a degree of symmetry.

There seems to be a lot going on in terms of roof design with the proposed house, a combination of hips and gables and the roof over the garage seems excessive in scale given there is no accommodation proposed in that roof space. As things stand, I am finding it difficult to square the circle in terms of the requirements of the SG and the scale, massing and design of the house as proposed. I note that tree planting is proposed which will enhance the screening of the site and the house may be barely visible however, the design still needs considered in line with the SG.

I can also advise that to date I have been unable to have a peer review of the site investigation report carried out. The tender for that role is due to conclude and until a geoenvironmental consultant is appointed to continue as the council's contaminated land officer no site investigations are being reviewed. I have also noticed that the application should have been advertised in the press and it has not so that will need to be placed next week.

I am on holiday next week and should be grateful if you can discuss this with your client and see if he is prepared to further consider the proposals or if he wishes it determined as it stands. Again, apologies for the delay.

Regards

Steven McLaren
Planning Officer
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston EH54 6FF

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Re: Planning application 0149-MSC-21, House at Craigbank, Dechmont - [OFFICIAL]

Euan Robertson <[REDACTED]>

Wed 21/04/2021 09:13

To: Steve McLaren <steve.mclaren@westlothian.gov.uk>

Cc: Kenny Ireland <[REDACTED]>

Good morning Steve,

I see that we have had the above called in to the DMC as per the delegated process available to us.

I know you will need to prepare a report for the DMC over the next couple of weeks and wonder if you could forward when available so that we have the maximum time available to frame our statement / presentation to the committee.

In addition to this, I have been going through some old emails between Ross and myself regarding the PPP application where he has clearly seen and did not object to a large two storey dwelling house on the site, furthermore, it was at Ross's request that the house be moved further back into the site. This request necessitated the amendment of plans and a new drawing to show the extent of the haulage yard which was agreed along with the relocation of the house away from the existing buildings, so rather than the house being built on the same area it was always intended to build away from them but in the recognised haulage yard.

This obviously led to the condition regarding the demolition of the existing buildings prior to commencement of works to the new house to ensure the removal of inappropriate buildings as the house was to be built further into the haulage yard, not that the house had to be located on the old building area.

I thought it best to make you aware of this prior to finalisation of any draft report, if you require copies of the emails / drawings please let me know and I will send on.

I trust this is in order, should you need to discuss please do not hesitate to get in touch.

Kind regards.



Re: Application 0149-MSC-21, House at Craigbinning

Euan Robertson [REDACTED]

Wed 05/05/2021 14:00

To: steve.mclaren@westlothian.gov.uk <steve.mclaren@westlothian.gov.uk>

Cc: Wendy Mccorriston <wendy.mccorriston@westlothian.gov.uk>; Damian.Timson@westlothian.gov.uk <Damian.Timson@westlothian.gov.uk>; Johnston, Val <Val.Johnston@westlothian.gov.uk>; Kenny Ireland <ken.ireland@btconnect.com>; janet.ireland@btconnect.com <janet.ireland@btconnect.com>

Steve,

This is absolutely ridiculous; when were we going to be notified of this, I'm sorry but the level of service from WLC in this instance has been nothing short of terrible, I want an urgent call to discuss this today.

We had already received confirmation from committee services and also from yourself that this was to go to the DMC at no point in the intervening period were we given notice that the form was incorrect. The referral went in well in advance of the weeklong deadline and we had plenty of time to amend the call up and ask another whom we had spoken with to do so, this is a failing of WLC not ours.

Had we been given any indication at any time that there was an issue we would have addressed it but, yet again, I have been the one chasing only to be told that that due to a fault at your end the application has been refused, this is simply not good enough.

We had spoken with local councillors in the area and were advised that Mr Irelands local councillor Timson could do this, otherwise we would have allowed councillor Angela Doran Timson to call it up, again nobody thought it might be prudent to notify me, nor indeed the councillor of the error.

I trust the above is in order and I await your imminent response along with a phone call to discuss.

Regards.



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

B.Arch

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Mo [REDACTED]
[REDACTED]
[REDACTED]

From: steve.mclaren@westlothian.gov.uk <steve.mclaren@westlothian.gov.uk>

Sent: 05 May 2021 13:43

To: [REDACTED]

Subject: Application 0149-MSC-21, House at Craigbinning

Good afternoon Euan,

There has been a problem with the call-in of this application. Cllr Damien Doran-Timson referred the application to committee however, he represents the East Livingston and East Calder Ward. He does not have the authority to refer applications in the Broxburn, Uphall & Winchburgh Ward. I will therefore be issuing the refusal notice in the next day or so and you can challenge the decision at the Local Review Body.

Regards

Steven

[Please remember to wash your hands. 20200807] <<https://emea01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nhsinform.scot%2Fcoronavirus&data=04%7C01%7C%7C82952a5b5f894b20e77108d90fc3448b%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C637558153597475600%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCI6Mn0%3D%7C1000&sdata=1N6583%2FCI9VlclUnejHeUffn3Gk4qNsHs1jRtPIC%2B%2B8%3D&reserved=0>>

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<https://www.westlothian.gov.uk/article/33130/Scheme-of-Delegation>

- **by the Appointed Person (the Head of Service) issuing a decision notice;**
- **by the council's Development Management Committee making a decision to grant or refuse planning permission; and**
- **by the council's Planning Committee.**

The Appointed Person can decide on the following planning applications:

1. the granting of all local applications with no material objections;
2. the granting of all local applications with only 'out of time' objections;
3. the granting of all local applications which are potentially contrary to the development plan with fifteen objections or fewer;
4. the granting of all local applications that are in accordance with the development plan, irrespective of the number of objections;
5. the granting of all local applications that are in accordance with an approved council policy or supplementary planning guidance, irrespective of the number of objections;
6. the determination of all local applications subject to an objection from a statutory consultee in accordance with the terms of Circular 3/2009;
7. the refusal of all local applications that are contrary to the development plan;
8. the refusal of all local applications, irrespective of the number of representations of support;
9. the refusal of all local applications that are contrary to an approved council policy or to supplementary planning guidance, irrespective of the number of representations of support; and
10. all applications for consent, agreement or approval required by a condition imposed on a grant of consent for a local development.

The following applications cannot be determined by the Appointed Person and can only be determined by the Development Management Committee:

1. all local applications made by a member of West Lothian Council;
2. all local applications that have attracted more than 15 objections that the development management manager is otherwise minded to grant ;
3. all local applications that have attracted an objection from a community council which the development management manager is otherwise minded to grant;
4. any local application at the discretion of the development management manager but in consultation with the chair of the development management committee and all local ward members;
5. any local application so requested by the chair of the development management committee or a local ward member when the application is for land within that local member's ward, or if a development could have an impact in planning terms on an adjacent or adjoining ward, any member of that adjacent or adjoining ward.

Some Major planning applications and other types of application or notices can be determined by the Appointed Person. These are:

1. the granting of all major applications which are in accordance with the development plan and which have otherwise attracted five or

Re: Application 0149-MSC-21, House at Craigbinning - [OFFICIAL]

Euan Robertson <[REDACTED]>

Thu 13/05/2021 09:09

To: McCorriston, Craig <Craig.McCorriston@westlothian.gov.uk>

Good morning Craig,

Just a quick question here which I had forgotten to ask in our last conversation.

Our client Mr Ireland is a member of the East Calder community council does this preclude him from decisions under delegated powers or is it solely for elected local councillors / council employees?

Just looking to clear up some ambiguity.

Kind regards.



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

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[REDACTED]

From: McCorriston, Craig <Craig.McCorriston@westlothian.gov.uk>

Sent: 10 May 2021 13:40

To: Euan Robertson <[REDACTED]>
[REDACTED] OFFICIAL]

DATA LABEL: OFFICIAL

Euan

Apologies for the short delay in getting back to you - it was busy at the end of last week with the election.

I have checked the link you have provided and you are correct it does have that wording. However, this is an old version of the scheme and I will ensure that it is updated on the website. There is a further confusion in that the council had agreed further changes to the Scheme of Delegation prior to your client's application being progressed. However, these have to be approved by the Scottish Ministers. So at the time your client's application was being considered the council had agreed a further change although had not implemented those changes. The Ministers approved the changes last week and it was implemented as of last Tuesday.

I will ensure that the website is updated with the new version and apologies for any confusion that it has caused. The 'new' scheme which is now in force can be viewed via the following link. [viewSelectedDocument.asp \(westlothian.gov.uk\)](http://viewSelectedDocument.asp(westlothian.gov.uk)). You will see as an appendix to the report a copy of the 'old' scheme i.e. the one which was in play at the time your client's application was processed. You will see that there is no provision for a call in by neighbouring ward members.

In terms of the call in by a member the reason I set out that you would have used any notification to speak to (canvas) other members was because that is what I understood by what you said in your earlier email i.e. "we had plenty of time to amend the call up and ask another whom we had spoken with to do so". As I set out the intention of the weekly list is for members to consider if the application should be reported to committee and not for applicants or agents to ask members to do that.

I note what you say about conversations with two elected members. It is clearly for elected members to consider what they think best in the circumstances. There is no limit on the number of members who can call an application to committee. Any such call in would be confidential between that elected member and officers and officers could not and would not divulge the terms of any call in until the committee papers were published on the council's web site. Likewise any conversation relating to any errors in the call in procedures would be confidential between officers and that local member so, in this respect, I can't divulge what conversations took place and when.

I hope this further response is helpful in setting out the circumstances but, as always, I would be happy to look at ways in which the service can be improved. Please feel free to give me a call on 07990 797837 if you want to discuss matters further.

Regards.

Craig.

Craig McCorriston
Head of Planning, Economic Development & Regeneration

West Lothian Council
Howden South Road
Livingston
EH54 6FF

Tel: 01506 282443
Email: craig.mccorriston@westlothian.gov.uk

From: Euan Robertson <[REDACTED]>
Sent: 05 May 2021 18:54
To: McCorriston, Craig <Craig.McCorriston@westlothian.gov.uk>

Subject: Re: Application 0149-MS-21, House at Craigbinning - [OFFICIAL]
Importance: High

Craig,

I'm sorry but I must disagree with some of the assumptions in your response, also I fail to see how the issue of communication or failure to communicate with councillors has been addressed.

There appears to be some conflicting information regarding who can call up planning applications to the DMC.

You have intimated that I have misinterpreted the scheme of delegation provisions and used those for major

applications, however, I have used those noted for local applications as per the guidance published on the WLC

web site:

[Scheme of Delegation - West Lothian Council](#)

Scheme of Delegation - West Lothian Council

The scheme of delegation sets out the circumstances under which planning applications can be determined by Planning Officers, and under which circumstances a decision on an application has to be taken by a Council Committee.

www.westlothian.gov.uk

I would therefore contend that councillor Timson was within the procedural bounds to call the application to committee, if otherwise all is as per your email, then the web page needs to be corrected.

I'm afraid that you have misinterpreted my comments regarding the delegated list, I fully understand that the purpose of the list is not to canvas councillors, I'm not sure as to why you would think that was our intent. We had contacted 2 councillors prior to the application being placed on the delegated list to see if there was an appetite to take the application to the DMC to challenge the reasons for refusal. Councillor Damian Timson is councillor for our client's ward and is also part of the East Calder community Council which our client Mr Ireland is a member of also. The application was discussed and based on the reasons for refusal councillor Timson was comfortable with calling the application into the DMC. There was also at the same time a similar conversation had with councillor Doran Timson who also concluded that she was also happy to call up the application and a decision was made between them as to whom would submit the paperwork.

You may well respond that procedure was followed, and that procedure was mis-interpreted however I still think there is a questions mark over this as per the above and I would welcome your thoughts.

The other aspect which you have not addressed is the lack of communication where there seems to have been an assumption

made that I would be canvassing councillors when the application was on the delegated list. We had already secured support from councillors prior to this and had there been any form of communication during the week that the application was listed detailing an issue with the paperwork, councillor Doran Timson would have provided an alternative. I have not had any explanation as to why the issue surrounding local councillor call up wasn't conveyed to me or indeed the councillor who had submitted the form. We had correspondence with Steve McLaren after the DMC referral was made where we were looking for the handling report at his earliest convenience in order to prepare for committee. Steve acknowledged this and stated that he would upload when complete, there was no mention of any possible problem, which begs the question did he know then, if not then when did he find out, who ultimately made the decision and why wasn't any of the interested parties notified?

I would have thought that regardless of procedure, common courtesy would have been extended to both the councillor whom had submitted the referral and to the applicant/agent well in advance of where we are currently. I can only presume that at some point there has been a failure to assess the referral form around the time of submission and that the issue has only been discovered recently which is why we haven't had a refusal notice before now. What is equally disappointing is that throughout the entire process I have had to continually pursue the planning department for answers having to, at one point, email the case officer 4 times or more over the course of a couple of weeks without reply.

As with many things' communication is key and I appreciate your response, however, this approach does not appear to be consistent throughout the different departments, had the issue concerning local ward members had been brought to our attention we would have made sure that it was sorted, rather than hanging the refusal on a questionable technicality.

I trust the above is in order and would welcome your response to the questions raised as I genuinely cannot fathom how we have come to be in this position, if you would prefer to discuss over the phone, please feel free to give me a call.

Regards.



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

B.Arch

FIELD HOUSE
17 Clifton Road
East Calder
Livingston
West Lothian
EH53 0HJ
Mob: [REDACTED]

[REDACTED]

From: McCorriston, Craig <Craig.McCorriston@westlothian.gov.uk>
Sent: 05 May 2021 17:31
To: Euan Robertson <[REDACTED]>
Subject: RE: Application 0149-MSC-21, House at Craigbinning - [OFFICIAL]

DATA LABEL: OFFICIAL

Euan

Thanks for your email. I was aware of the issue before you contacted me but given the terms of your email I have reviewed matters again and can comment as follows.

As far as I can understand it you have two principle concerns – that the scheme of delegation has been misinterpreted and that there was a failure to communicate properly with elected members.

Dealing firstly with the scheme of delegation, it appears that you have misinterpreted the provisions. While it does contain the wording you refer to in your email to the case officer on 5 May, the provisions you refer to relate only to Major applications. For Local applications the call in is restricted to ward members. The relevant wording is as follows:

Despite the above, the following applications for local developments, as defined in the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009, shall be determined by committee in accordance with the council's Scheme of Administration:-

.....

v. any local application so requested by the chair of the development management committee or a local member when the application is for land within that local member's ward and when bona fide planning reasons are given

So to confirm, there was no provision for Cllr Damian Doran-Timson to call the application to committee.

Turning to the terms of the call in, the Delegate List is there to allow elected members to call an application to committee. I note that you suggest that you had plenty of time to amend the call up. However, that seems to be a misinterpretation of the process. The intention of the weekly list is not to allow applicants or agents to canvas for an application to be called to committee and it is for that reason that it is only sent to elected members.

I note that you had been in contact with two elected members. It is for those elected members to decide if they wish to call an application to committee if the application is in their ward. It would have been open for Cllr Angela Doran-Timson to call the application to committee if she so wished. However, that did not happen and there was no competent request for the application to be called to committee. The application therefore falls to be determined in line with the scheme of delegation and the intention set out in the delegated list.

Given this I cannot agree with you that there has been a failing in any of the council's processes and I hope my explanation is helpful in explaining the provisions and circumstances. I understand that officers have set out the options available to your client in terms of progressing the applications.

Regards.

Craig

Craig McCorriston
Head of Planning, Economic Development & Regeneration

West Lothian Council
Howden South Road
Livingston
EH54 6FF

Tel: 01506 282443
Email: craig.mccorrison@westlothian.gov.uk

From: Euan Robertson <[REDACTED]>
Sent: 05 May 2021 14:31
To: McCorriston, Craig <Craig.McCorriston@westlothian.gov.uk>
Subject: Fw: Application 0149-MSC-21, House at Craighinning
Importance: High

Good afternoon Craig,

Apologies for contacting you but I feel that I have no other alternative

Please see below email trail, regarding the above planning application and the failure of the department / committee services to act in a proper manner.

If you could have a look over and get back to me at your earliest convenience it would be appreciated.

Kind regards.



DATA LABEL: PUBLIC

HANDLING REPORT

Ref. No.:	0149/MSC/21	Email:	steve.mclaren@westlothian.gov.uk
Case Officer:	Steven McLaren	Tel No.:	01506 282404
Ward:	Broxburn, Uphall & Winchburgh	Member:	Angela Doran-Timson Chris Horne Diane Calder Janet Campbell

Title	Approval of matters specified in conditions of planning permission 0432/P/17 for the erection of new dwelling house and garage block with associated access and landscaping (Grid Ref: 303599,671737) at Craighbank, Craigbinning, Dechmont, West Lothian, EH52 6NB
Application Type	Local Application
Decision Level	Delegated List
Site Visit	Photos provided
Recommendation	Refuse Matters Specified in Conditions
Decision	Refuse Matters Specified in Conditions
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	25.03.2021
EIA Screening	Does the development require EIA screening - No

Description of Proposals

Approval of matters specified in conditions of planning permission 0432/P/17 for the erection of new dwelling house and garage block with associated access and landscaping

Site History

0221/AGR/12 - Prior notification for the erection of a 338sqm agricultural building, granted 18/4/12

0432/P/17 - Planning permission in principle for the erection of a single dwelling house, granted 14/2/18

Representations

There have been no representations made on this application.

Consultations

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

Consultee	Objection?	Comments	Planning Response
Flood Risk Management			No comments received. If planning permission were to be granted, the drainage for the development would have to be approved through condition.
CL Phase 2 SI Consultation			No comments received. If planning permission were to be granted, the site investigation for the development will require to be concluded and remediation carried out where required.
Mr Craig Sinclair (Arborist)			No comments received. The development is unlikely to impact on any existing mature trees.

Policies Considered

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

	mitigated prior to development. Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.
ENV2 - Housing Development in the Countryside	Housing development in the countryside will only be permitted where: a. the proposal provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition; or b. the proposal is for the replacement of an existing house in the countryside which is of a poor design or in a poor structural condition; or c. the proposal is for infill development within the curtilage of an existing building group or infilling of gaps between existing houses of a single plot width; or d. the proposal involves the conversion or rehabilitation of existing rural buildings which the council deems worthy of retention because of their architectural or historic merit; or e. the proposal is supported by the council's lowland crofting policy. Where a proposal by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside an exception to policy may be justified. Proposals should make the best use of resources, integrate with services and facilities and demonstrate the highest standards in design and environmental quality to protect and enhance the established landscape character. The detailed requirements of Supplementary Guidance on New Development in the Countryside and Lowland Crofting will apply.

Supplementary Guidance, Development in the Countryside, 2018

Policy Assessment

The proposals do not accord with policies DES1 (design principles), ENV2 (housing development in the countryside) of the council's adopted SG Development in the Countryside, 2018.

Officer Assessment

Planning permission in principle was granted for the construction of a house on this site on 14/2/18 as a means to remediate a former haulage yard. The planning permission in principle did not set out the anticipated scale or design of the house therefore it is these matters which the current application is considering and not the principle of the development. The house scale, design and massing must therefore be considered under the relevant local plan policies and the adopted Supplementary Guidance (SG): Development in the Countryside, 2018. The SG states that policies ENV2 and ENV3 support the sensitive redevelopment or reuse of sites which can significantly enhance landscape quality by the removal of dilapidated or intrusive buildings or by their replacement by new development of an 'appropriate scale, mass and design'. The new building shall also be minimised to what is absolutely necessary to secure the rehabilitation of the site and that it shall be no greater than the existing building but in most circumstances will require to be significantly less. It can be argued that the size of the house is much greater than would be necessary to ensure the remediation of the site. The key issues here are the scale, massing and design of the proposed house and the interpretation of the policy guidance. The floor plans show the house to be some 753sqm in size over the two floors.. Whilst the size of the house in its own right is not necessarily an issue, it must be considered within the context of the

guidance and the setting. The design of the house is of a suburban appearance with predominant horizontal window design, a variety of roof design with both hips and gables and an excessively large roof over the garage area which the applicant has proposed to provide future attic accommodation. The nearby properties, including the Category C listed Craig Binning House, its lodge and adjacent properties off the Dechmont Road are of a more traditional style of stone or wet dash finish, vertical window fenestration and traditional dormer windows. Whilst it is not expected that the new house would mimic these properties, its scale and design within the countryside setting must be sympathetic. The proposed development is therefore contrary to policies DES1 (design principles); ENV2 (housing development in the countryside) and the council's adopted Supplementary Guidance: Development in the Countryside.

Other Considerations

There are no other factors which require consideration

Conclusions and Reasons for Decision

The scale, massing and design of the house within the countryside setting is inappropriate and recommendation is to refuse planning permission. The proposed development is therefore contrary to policies DES1 (design principles); ENV2 (housing development in the countryside) and the council's adopted Supplementary Guidance: Development in the Countryside, 2018

List of Review Documents

Drawings schedule:

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	PL01
2	Site Context	PL03
3	Block Plan	PL02
4	Block Plan Existing	PL05
5	Drainage	PL09
6	Site Plan	PL08
7	Floor Plan (proposed)	PL06
8	Proposed Elevations	PL07
9	Sections	PL10

Other relevant documents:

West Lothian Local Development Plan, 2018; Supplementary Guidance, Development in the Countryside, 2018

Case Officer: SM Date: 14 May 2021.



DECISION NOTICE REFUSAL OF MATTERS SPECIFIED IN CONDITIONS

Town and Country Planning (Scotland) Act 1997, as amended

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **refuses planning permission for the development described below**, and in the planning application and docquetted plan(s).

APPLICATION REFERENCE 0149/MS/21

PROPOSAL	Approval of matters specified in conditions of planning permission 0432/P/17 for the erection of new dwelling house and garage block with associated access and landscaping
LOCATION	Craigbank, Craigbinning, Dechmont, West Lothian, EH52 6NB, (GRID REF: 303599, 671737)
APPLICANT	Mr Kenny Ireland, 11 Raw Holdings, East Calder, Livingston, EH53 0HZ

The above **application was determined by an officer appointed by the council in accordance with its scheme of delegation**. Please see the advisory notes for further information, including how to request a review of any conditions.

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated:
14.05.2021

Craig McCorriston
Head of Planning, Economic Development and Regeneration

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

Signature:



DATA LABEL: PUBLIC

The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0149/MSC/21, for the reason(s) set out as follows:

- 1 The proposed house is of a scale, design and massing which is not acceptable for this rural location. Fenestration is horizontal in nature and there are a variety of roof types within the design of the building including both hipped & gables and with an excessively large section of roof over the garage area. This would result in a property which would be suburban in nature and would be a discordant feature within the landscape. The nearby properties, including a Category C listed building are of a predominately traditional design. The proposed house does not pick design cues from adjacent properties to help integrate the development within the countryside setting. The use of materials does also not reflect the character of the adjacent houses and again fails to integrate within the countryside setting.

The proposals are therefore contrary to the following policies of the adopted West Lothian Local Development Plan, 2018

DES1 (design principles)
ENV2 (housing development in the countryside)

- 2 The adopted Supplementary Guidance, Development in the Countryside, 2018 states that policy ENV2 supports the sensitive redevelopment or reuse of sites which can significantly enhance landscape quality by the removal of dilapidated or intrusive buildings or by their replacement by new development of an 'appropriate scale, mass and design'. The new building shall also be minimised to what is absolutely necessary to secure the rehabilitation of the site and that it shall be no greater than the existing building but in most circumstances will require to be significantly less. The proposed house is much larger than would be necessary to ensure the remediation of the site and is not of an appropriate scale and massing for the countryside setting.

The proposals are therefore contrary to the adopted Supplementary Guidance, Development in the Countryside, 2018.

- 3 The applicant has failed to convince the Council that there are justifiable reasons to depart from the provisions of the development plan which by virtue of Section 25 of the Town and Country Planning (Scotland) Act 1997 is to be afforded primacy in decision making.

ADVISORY NOTES TO DEVELOPER

How to challenge the council's Decision

If your application was determined under delegated powers as a local application by an officer appointed by the council and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. If the application was heard at a committee and in any other case you can seek an appeal of that decision to the Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review, or to appeal, here: <https://www.westlothian.gov.uk/article/33128/Decisions-Reviews-and-Appeals>

If the decision of the council is overturned by the Local Review Body or the Directorate for Planning and Environmental Appeals, the developer of the land should be made aware of the following notes.

Notification of the start of development

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Notification of completion of development

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Contaminated land procedures

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

Liaison with the Coal Authority

As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.

Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.

*To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at ***www.groundstability.com***.*

Advisory note to developer - General

Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.

Annex 1, Schedule of Plans - 0149/MSC/21

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	PL01
2	Site Context	PL03
3	Block Plan	PL02
4	Block Plan Existing	PL05
5	Drainage	PL09
6	Site Plan	PL08
7	Floor Plan (proposed)	PL06
8	Proposed Elevations	PL07
9	Sections	PL10

SITE AREAS
-EXISTING-
Site Area 1 - 9,336 Sqm or 0.9336 Ha
Site Area 2 - 136,184 Sqm or 13.6184 Ha
Total Area - 154,420 Sqm or 15.4420 Ha

Denotes extent of land under applicants ownership outwith application site
Denotes boundary of application site

Craig Binning

Craigbanning South Lodge

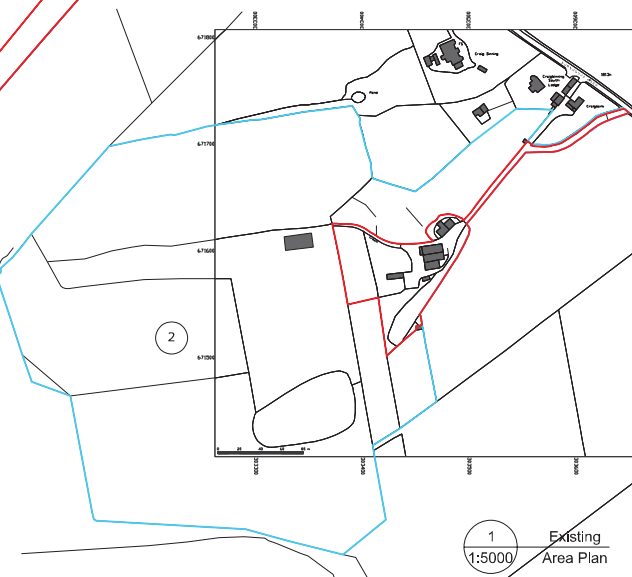
Craigbank

BURNHOUSE ROAD

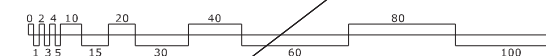
181.3m

Pond

Track



1
1:1000
Existing Location Plan

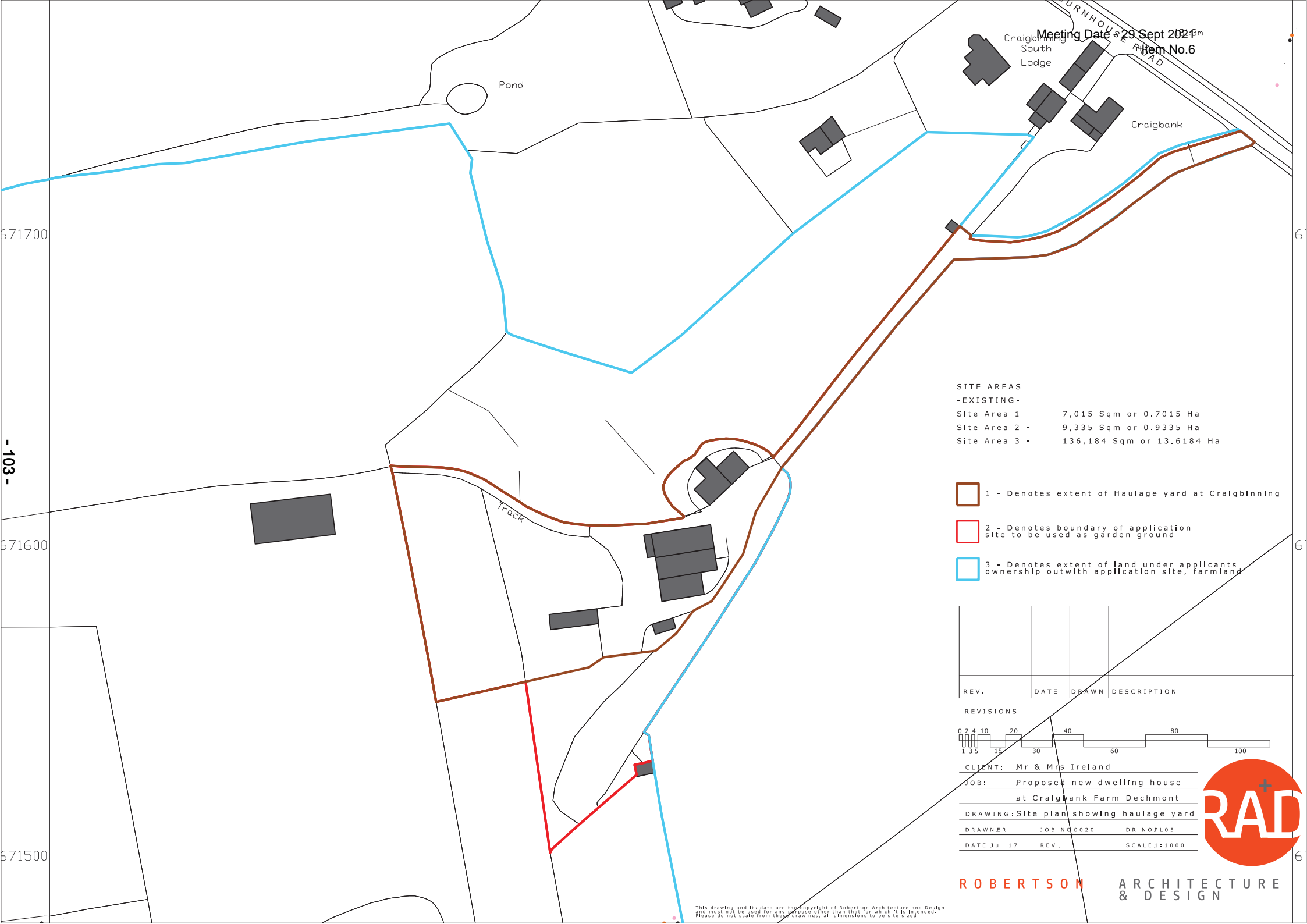


CLIENT: Mr & Mrs Ireland
JOB: Proposed new dwelling house
at Craigbank Farm Dechmont
DRAWING: Location plan
DRAWN: JOB NO: 020 DR: NOPL01
DATE: May 17 REV: SCALE: 1:1000



ROBERTSON

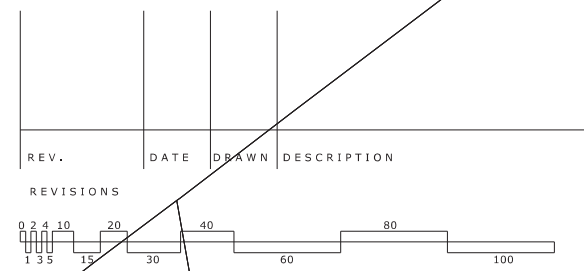
ARCHITECTURE
& DESIGN



Meeting Date: 29 Sept 2021
Item No.6

- SITE AREAS
-EXISTING-
- Site Area 1 - 7,015 Sqm or 0.7015 Ha
 - Site Area 2 - 9,335 Sqm or 0.9335 Ha
 - Site Area 3 - 136,184 Sqm or 13.6184 Ha

- 1 - Denotes extent of Haulage yard at Craigbinning
- 2 - Denotes boundary of application site to be used as garden ground
- 3 - Denotes extent of land under applicants ownership outwith application site, farmland



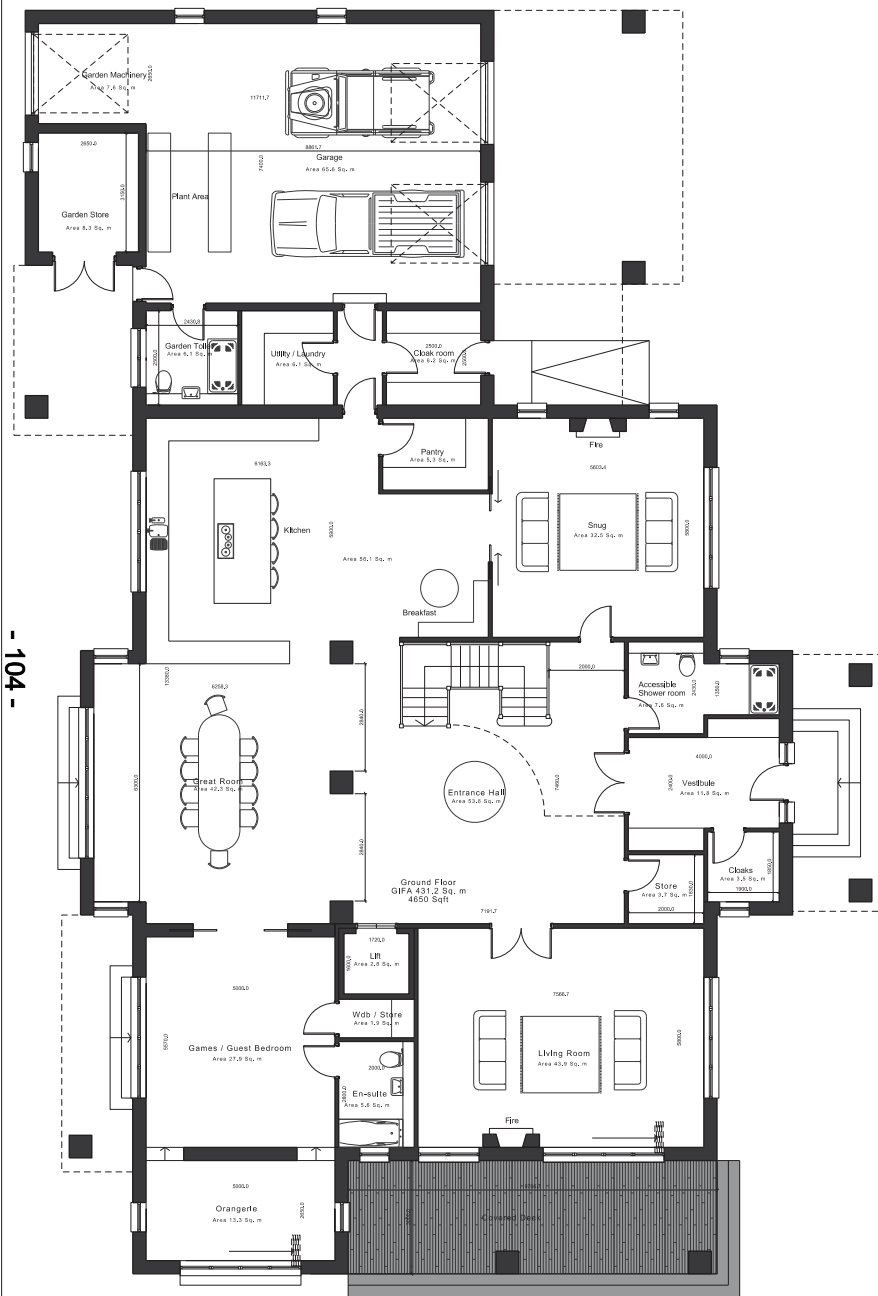
CLIENT: Mr & Mrs Ireland
JOB: Proposed new dwelling house
at Craigbank Farm Dechmont
DRAWING: Site plan showing haulage yard
DRAWNER: JOB NO 0020 DR NO PLO5
DATE: Jul 17 REV. SCALE 1:1000



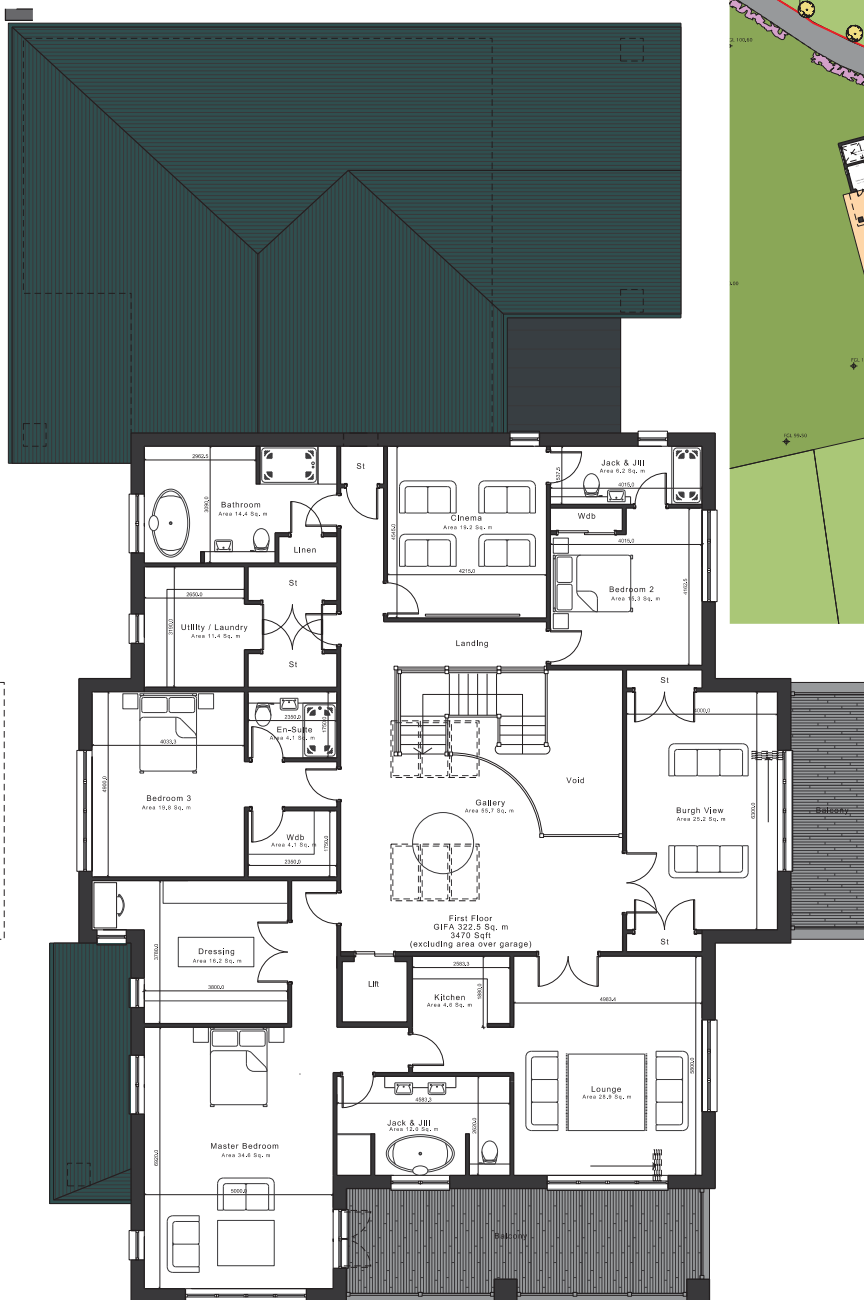
ROBERTSON ARCHITECTURE & DESIGN

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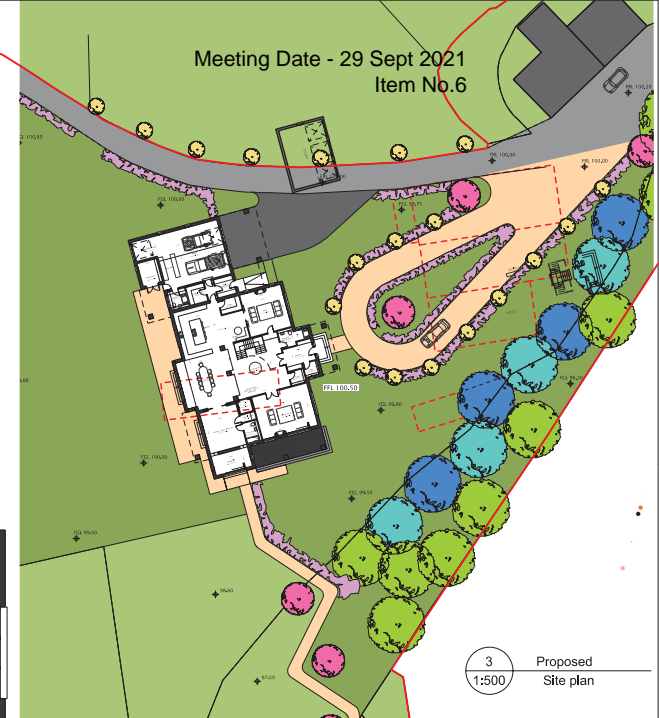
-104-



1 Proposed
1:100 Ground Floor Plan



2 Proposed
1:100 First Floor Plan



3 Proposed
1:500 Site plan

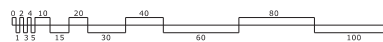
SITE AREAS -PROPOSED-

Site Area 1 RED - 9,336 Sqm or 0,9336 Ha
Building Area - 431 Sqm
Green Space - 8905 Sqm or 0,8905 Ha
% Green Space - 95%
Site Area 2 BLUE - 136,184 Sqm or 13,6184 Ha
Total Area - 154,420 Sqm or 15,4420 Ha

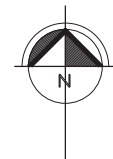
Denotes boundary of application site

REV.	DATE	DRAWN	DESCRIPTION
REV B	Jan 21	ER	Plans changed as per discussions with client
REV A	Jan 21	ER	Plans changed as per discussions with client

REVISIONS

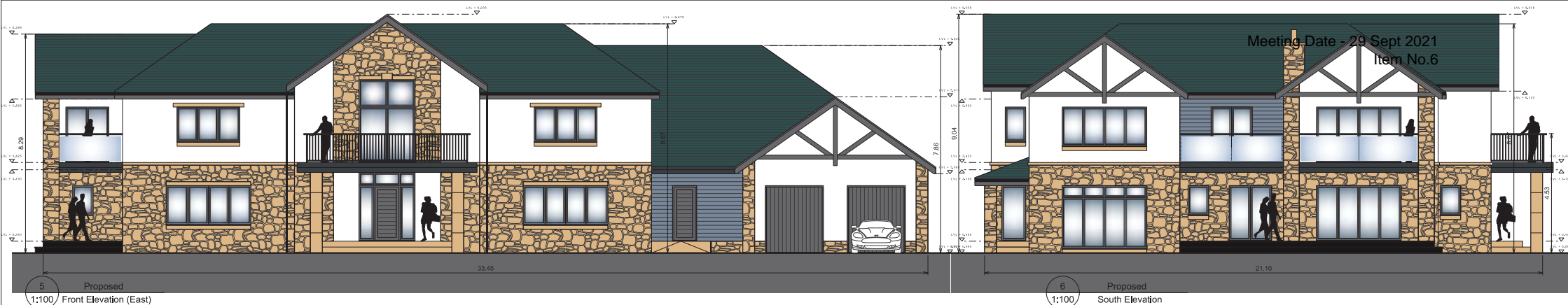


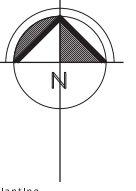
CLIENT: Mr & Mrs Ireland
JOB: Proposed new dwelling house
at Craighbank Farm Dechmont
DRAWING: Proposed Ground & First floor
DRAWN: JOB NO 0820 DR NO 106
DATE Nov 18 REV B SCALE: 1:100



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Proposed screen tree planting
along South East edge of site

- Screen Trees - Pyrus calleryana 'Chanticleer' (pear)
- Avenue Trees to Drive - Tilia Cordata 'Greenspire' (Lime)
- Driveway area Tree - Prunus serrulata (Cherry blossom)
- Specimen trees groups - Betula Pendula (Birch)
- Site enclosure Hedge - Carpinus (Hornbeam)

SITE AREAS

-PROPOSED-

Site Area 1 RED -	9,336 Sqm or 0.9336 Ha
Building Area -	431 Sqm
Green Space -	8905 Sqm or 0.8905 Ha
% Green Space -	95%
Site Area 2 BLUE -	136,184 Sqm or 13.6184 Ha
Total Area -	154,420 Sqm or 15.4420 Ha

Denotes boundary of application site

Establishment Maintenance

Specimen trees and others
8 visits to check and adjust ties and stakes; 1 fertiliser (450gm/tree); 1 prune to crown, weed and edge 1m diameter circle at base; watering to field capacity in periods of drought as required

Hedging
8 visits to weed and aerate trench; 1 fertiliser (35gm/m²); 1 trim to top and sides; 2 firm up; treat for aphid from leaf break; 1 visit to top up and regulate mulch; watering to field capacity in periods of drought as required.

Herbaceous planting
8 visits for hand weeding and forking; 1 fertiliser; 1 pruning; 1 top up bark mulch; watering to field capacity in periods of drought as required.

Amenity grass
16 cuts and trims to edges; 1 edge with half round iron; 2 fertiliser (35gm/m²); 2 spike aerations; 1 selective herbicide if required

Site Wide
12 visits to lift litter and debris from landscaped areas

REV.	DATE	DRAWN	DESCRIPTION				
REVISIONS							
0	2	10	20	40	60	80	100
1	3	15	30	45	60	75	90
CLIENT: Mr & Mrs Ireland							
JOB: Proposed new dwelling house at Craighbank Farm Dechmont							
DRAWING: Proposed Site Plan							
DRAWER		JOB NO 0020		DR NO FLOR			
DATE Feb 21		REV		SCALE: 1:200			





DRAINAGE STRATEGY
RW AND HARD STANDING RUN OFF
RW from new domestic building is dealt with via 100mm half round gutters at eaves 70mm dia. rain water down pipes as shown.
The RWP discharge into the land via the soakaways/ infiltration fields shown on th plan.

Percolation Test
Vp=1/150
Where Vp is the percolation rate in seconds per mm and t is the time in seconds. Test pits were excavated and 300 x 300 test holes were dug at the base which was approximately 1.2m below adjacent ground level, the general sub soil condition was sandy near the top bearing onto firm clay, three test pits in total were excavated over the proposed area for the Soakaway/infiltration field and the average outcome was used.

Vp=2600/150
Vp=175/mm

Soakaway Calculation
(Ax0.0145)-(axfx900)=S
Where A is the area to be served for which we have allowed 800m² between roofs and ground water run off, a is an assumed area initially to begin calculation so as to fine tune capacity however we are using the infiltration field area, f is the soil infiltration rate in m/s where we have to convert the existing s/mm using 1/Vp/1000.

1/Vp/1000
1/17/1000 = 0.0000588m/s
(Ax0.0145)-(axfx900)=S
(800x0.0145)/(20x0.0000588x900)=10.55m³ - which we will double up to 20.0m³

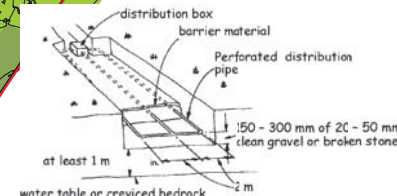
Soakaway has an area of 1005sqm and a depth of 0.5m giving a volumetric area of 50m³ in total.

Hard standing are predominantly porous paving and it is considered that this should reduce typical rw run off from grass land through coincidental infiltration

Denotes FW drainage lines
Denotes SW drainage lines

SITE AREAS
-PROPOSED-
Site Area 1 RED - 9,336 Sqm or 0.9336 Ha
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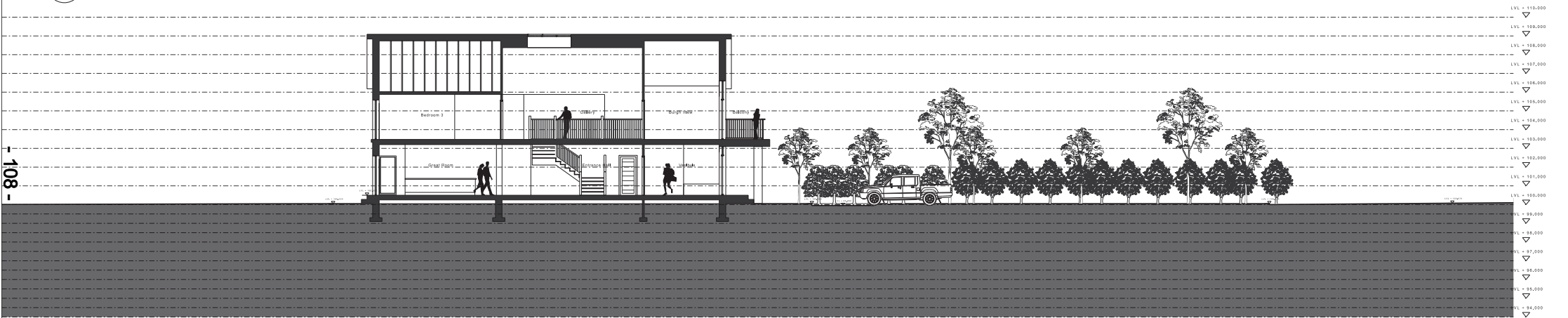


SEPTIC TANK
Klargester Alpha ST504610 GRP Tank - 4600 litres
Maximum persons served 17 installed as per BSEN 12566

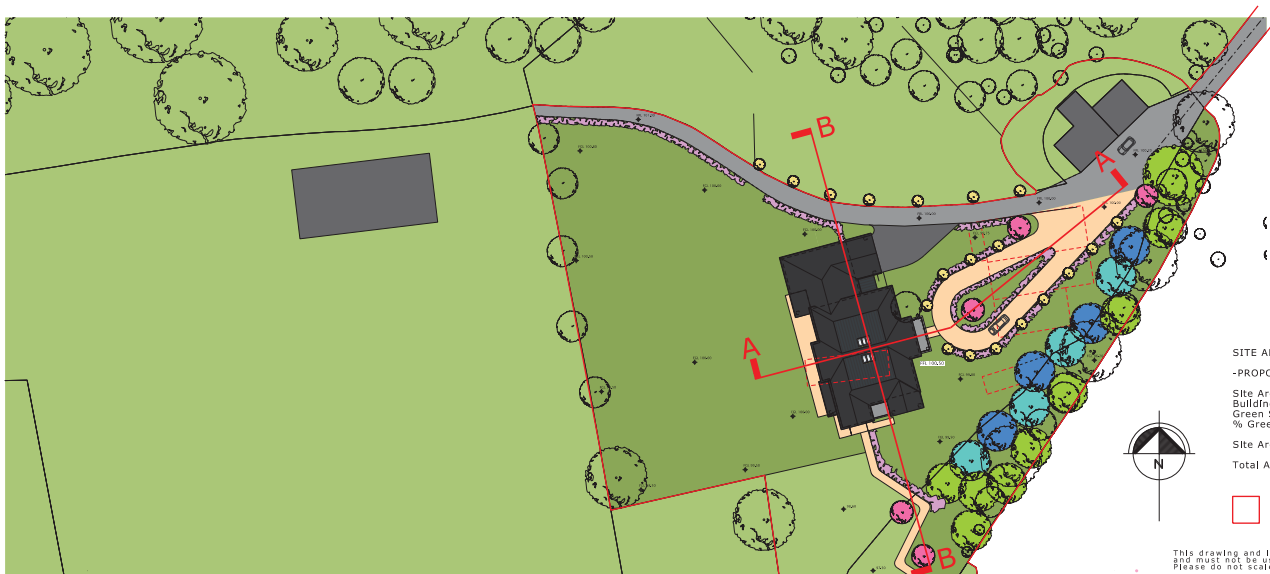
REV.	DATE	DRAWN	DESCRIPTION
REVISIONS			
0	10	20	40
10	15	30	60
100	15	30	60
CLIENT: Mr & Mrs Ireland			
JOB: Proposed new dwelling house			
at Craigbank Farm Dechmont			
DRAWING: Proposed Site Drainage			
DRAWN		DR NFPLOS	
DATE Feb 21		REV	
		SCALE: 1:200	



2
1:200
Proposed
Section B-B



1
1:200
Proposed
Section A-A



3
1:1000
Proposed
Site Plan

SITE AREAS
-PROPOSED-
Site Area 1 RED - 9,336 Sqm or 0.9336 Ha
Building Area - 431 Sqm
Green Space - 8905 Sqm or 0.8905 Ha
% Green Space - 95%
Site Area 2 BLUE - 136,184 Sqm or 13.6184 Ha
Total Area - 154,420 Sqm or 15.4420 Ha

Denotes boundary of application site

REV.	DATE	DRAWN	DESCRIPTION
REVISIONS			
0	2	4	10
1	3	5	15
2	6	8	20
3	9	11	30
4	12	14	40
5	15	17	60
6	18	20	80
7	21	23	100
CLIENT: Mr & Mrs Ireland			
JOB: Proposed new dwelling house at Craighbank Farm Dechmont			
DRAWING: Site Sections			
DRAWN		JOB NO 0020	
DATE Feb 21		REV	
		SCALE 1:100	



ROBERTSON ARCHITECTURE & DESIGN

This drawing and its data are the copyright of Robertson Architecture and Design and must not be used for any purpose other than that for which it is intended. Please do not scale from these drawings, all dimensions to be site sized.



DECISION NOTICE REFUSAL OF MATTERS SPECIFIED IN CONDITIONS

Town and Country Planning (Scotland) Act 1997, as amended

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **refuses planning permission for the development described below**, and in the planning application and docquetted plan(s).

APPLICATION REFERENCE 0149/MSC/21

PROPOSAL	Approval of matters specified in conditions of planning permission 0432/P/17 for the erection of new dwelling house and garage block with associated access and landscaping
LOCATION	Craigbank, Craigbinning, Dechmont, West Lothian, EH52 6NB, (GRID REF: 303599, 671737)
APPLICANT	Mr Kenny Ireland, 11 Raw Holdings, East Calder, Livingston, EH53 0HZ

The above **application was determined by an officer appointed by the council in accordance with its scheme of delegation**. Please see the advisory notes for further information, including how to request a review of any conditions.

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated:
14.05.2021

Craig McCorriston
Head of Planning, Economic Development and Regeneration

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

Signature:



DATA LABEL: PUBLIC

The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0149/MSC/21, for the reason(s) set out as follows:

- 1 The proposed house is of a scale, design and massing which is not acceptable for this rural location. Fenestration is horizontal in nature and there are a variety of roof types within the design of the building including both hipped & gables and with an excessively large section of roof over the garage area. This would result in a property which would be suburban in nature and would be a discordant feature within the landscape. The nearby properties, including a Category C listed building are of a predominately traditional design. The proposed house does not pick design cues from adjacent properties to help integrate the development within the countryside setting. The use of materials does also not reflect the character of the adjacent houses and again fails to integrate within the countryside setting.

The proposals are therefore contrary to the following policies of the adopted West Lothian Local Development Plan, 2018

DES1 (design principles)
ENV2 (housing development in the countryside)

- 2 The adopted Supplementary Guidance, Development in the Countryside, 2018 states that policy ENV2 supports the sensitive redevelopment or reuse of sites which can significantly enhance landscape quality by the removal of dilapidated or intrusive buildings or by their replacement by new development of an 'appropriate scale, mass and design'. The new building shall also be minimised to what is absolutely necessary to secure the rehabilitation of the site and that it shall be no greater than the existing building but in most circumstances will require to be significantly less. The proposed house is much larger than would be necessary to ensure the remediation of the site and is not of an appropriate scale and massing for the countryside setting.

The proposals are therefore contrary to the adopted Supplementary Guidance, Development in the Countryside, 2018.

- 3 The applicant has failed to convince the Council that there are justifiable reasons to depart from the provisions of the development plan which by virtue of Section 25 of the Town and Country Planning (Scotland) Act 1997 is to be afforded primacy in decision making.

ADVISORY NOTES TO DEVELOPER

How to challenge the council's Decision

If your application was determined under delegated powers as a local application by an officer appointed by the council and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. If the application was heard at a committee and in any other case you can seek an appeal of that decision to the Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review, or to appeal, here: <https://www.westlothian.gov.uk/article/33128/Decisions-Reviews-and-Appeals>

If the decision of the council is overturned by the Local Review Body or the Directorate for Planning and Environmental Appeals, the developer of the land should be made aware of the following notes.

Notification of the start of development

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Notification of completion of development

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Contaminated land procedures

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

Liaison with the Coal Authority

As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.

Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.

*To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at ***www.groundstability.com***.*

Advisory note to developer - General

Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.

Annex 1, Schedule of Plans - 0149/MSC/21

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	PL01
2	Site Context	PL03
3	Block Plan	PL02
4	Block Plan Existing	PL05
5	Drainage	PL09
6	Site Plan	PL08
7	Floor Plan (proposed)	PL06
8	Proposed Elevations	PL07
9	Sections	PL10



DATA LABEL: PUBLIC

HANDLING REPORT

Ref. No.:	0149/MS/21	Email:	steve.mclaren@westlothian.gov.uk
Case Officer:	Steven McLaren	Tel No.:	01506 282404
Ward:	Broxburn, Uphall & Winchburgh	Member:	Angela Doran-Timson Chris Horne Diane Calder Janet Campbell

Title	Approval of matters specified in conditions of planning permission 0432/P/17 for the erection of new dwelling house and garage block with associated access and landscaping (Grid Ref: 303599,671737) at Craighbank, Craigbinning, Dechmont, West Lothian, EH52 6NB
Application Type	Local Application
Decision Level	Delegated List
Site Visit	Photos provided
Recommendation	Refuse Matters Specified in Conditions
Decision	Refuse Matters Specified in Conditions
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	25.03.2021
EIA Screening	Does the development require EIA screening - No

Description of Proposals

Approval of matters specified in conditions of planning permission 0432/P/17 for the erection of new dwelling house and garage block with associated access and landscaping

Site History

0221/AGR/12 - Prior notification for the erection of a 338sqm agricultural building, granted 18/4/12

0432/P/17 - Planning permission in principle for the erection of a single dwelling house, granted 14/2/18

Representations

There have been no representations made on this application.

Consultations

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

Consultee	Objection?	Comments	Planning Response
Flood Risk Management			No comments received. If planning permission were to be granted, the drainage for the development would have to be approved through condition.
CL Phase 2 SI Consultation			No comments received. If planning permission were to be granted, the site investigation for the development will require to be concluded and remediation carried out where required.
Mr Craig Sinclair (Arborist)			No comments received. The development is unlikely to impact on any existing mature trees.

Policies Considered

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

	mitigated prior to development. Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.
ENV2 - Housing Development in the Countryside	Housing development in the countryside will only be permitted where: a. the proposal provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition; or b. the proposal is for the replacement of an existing house in the countryside which is of a poor design or in a poor structural condition; or c. the proposal is for infill development within the curtilage of an existing building group or infilling of gaps between existing houses of a single plot width; or d. the proposal involves the conversion or rehabilitation of existing rural buildings which the council deems worthy of retention because of their architectural or historic merit; or e. the proposal is supported by the council's lowland crofting policy. Where a proposal by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside an exception to policy may be justified. Proposals should make the best use of resources, integrate with services and facilities and demonstrate the highest standards in design and environmental quality to protect and enhance the established landscape character. The detailed requirements of Supplementary Guidance on New Development in the Countryside and Lowland Crofting will apply.

Supplementary Guidance, Development in the Countryside, 2018

Policy Assessment

The proposals do not accord with policies DES1 (design principles), ENV2 (housing development in the countryside) of the council's adopted SG Development in the Countryside, 2018.

Officer Assessment

Planning permission in principle was granted for the construction of a house on this site on 14/2/18 as a means to remediate a former haulage yard. The planning permission in principle did not set out the anticipated scale or design of the house therefore it is these matters which the current application is considering and not the principle of the development. The house scale, design and massing must therefore be considered under the relevant local plan policies and the adopted Supplementary Guidance (SG): Development in the Countryside, 2018. The SG states that policies ENV2 and ENV3 support the sensitive redevelopment or reuse of sites which can significantly enhance landscape quality by the removal of dilapidated or intrusive buildings or by their replacement by new development of an 'appropriate scale, mass and design'. The new building shall also be minimised to what is absolutely necessary to secure the rehabilitation of the site and that it shall be no greater than the existing building but in most circumstances will require to be significantly less. It can be argued that the size of the house is much greater than would be necessary to ensure the remediation of the site. The key issues here are the scale, massing and design of the proposed house and the interpretation of the policy guidance. The floor plans show the house to be some 753sqm in size over the two floors.. Whilst the size of the house in its own right is not necessarily an issue, it must be considered within the context of the

guidance and the setting. The design of the house is of a suburban appearance with predominant horizontal window design, a variety of roof design with both hips and gables and an excessively large roof over the garage area which the applicant has proposed to provide future attic accommodation. The nearby properties, including the Category C listed Craig Binning House, its lodge and adjacent properties off the Dechmont Road are of a more traditional style of stone or wet dash finish, vertical window fenestration and traditional dormer windows. Whilst it is not expected that the new house would mimic these properties, its scale and design within the countryside setting must be sympathetic. The proposed development is therefore contrary to policies DES1 (design principles); ENV2 (housing development in the countryside) and the council's adopted Supplementary Guidance: Development in the Countryside.

Other Considerations

There are no other factors which require consideration

Conclusions and Reasons for Decision

The scale, massing and design of the house within the countryside setting is inappropriate and recommendation is to refuse planning permission. The proposed development is therefore contrary to policies DES1 (design principles); ENV2 (housing development in the countryside) and the council's adopted Supplementary Guidance: Development in the Countryside, 2018

List of Review Documents

Drawings schedule:

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	PL01
2	Site Context	PL03
3	Block Plan	PL02
4	Block Plan Existing	PL05
5	Drainage	PL09
6	Site Plan	PL08
7	Floor Plan (proposed)	PL06
8	Proposed Elevations	PL07
9	Sections	PL10

Other relevant documents:

West Lothian Local Development Plan, 2018; Supplementary Guidance, Development in the Countryside, 2018

Case Officer: SM Date: 14 May 2021.

Draft conditions – 0149/MSC/21

(1) No works shall commence until the Site Investigation report by Green Cat Geotechnical and dated March 2019 has been assessed and approved by the planning authority. In the event that remediation works are required, a Remediation Method Statement shall be submitted for the consideration and written approval of the planning authority. Once approved, the remediation of the site shall be carried out in accordance with that statement, to the satisfaction of the planning authority.

Where remediation works have been carried out, a Verification Report shall be submitted for the consideration and written approval of the planning authority, demonstrating that the remediation is in accordance with the approved Remediation Method Statement. The house shall not be occupied until such times as the Verification Report has been approved by the planning authority.

Reason To ensure any contamination on site is remediated to current standards and best practice and in the interest of human health.

(2) No works shall start on site until the proposed drainage as set out on drawing number PL09 (propose site drainage) has been fully considered and approved by the planning authority. Once approved, the drainage shall be implemented in accordance with that scheme to the satisfaction of the planning authority.

Reason In order to ensure the impacts of surface water from the development are fully considered.

(3) Unless otherwise agreed in writing with the planning authority, the materials to be used on the roof and walls of the house and garage hereby approved shall accord with the Materials Key drawing number PL07 Rev B (proposed elevations).

Reason In the interest of visual amenity.

(4) Within 4 weeks of the date of this decision, a revised landscape plan showing numbers and types of existing trees shall be submitted for the consideration and written approval of the planning authority. The revised plan shall give further consideration to the augmentation of the tree belt on the south eastern boundary and shall avoid the use of ornamental species. The use of compatible native tree species shall be used on this exposed edge of the development. Once approved, the landscaping shall be carried out at the earliest opportunity and prior to the occupation of the house. The landscaping shall be maintained for a minimum of 5 years until the plants are established with any which die or are removed replaced at the first opportunity and to the satisfaction of the planning authority. The tree belt on the south eastern edge of the site in particular shall be retained and maintained at all times, unless otherwise agreed in writing with the planning authority.

Reason To ensure the landscaping and tree planting is appropriate for the location and in the interest of visual and environmental amenity.

(5) The following restrictions shall apply to the construction of the development:

Noise (Construction)

- o 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 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 on a Saturday and at no time on a Sunday. This includes deliveries and operation of on site vehicles and equipment.

- o No generators shall be audible within any residential properties between the hours of 20:00 and 08:00.

Noise (Vehicles/Plant)

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

Vibration (Construction)

- o 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

- o The development shall not begin until the location and dimensions of any site compound and means of access to same 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

- o 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

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

Reason: In the interests of visual and environmental amenity.



LOCAL REVIEW BODY

APPLICATION NO.0240/FUL/21 – ERECTION OF A 284SQM RESTAURANT/BAR AND CAFÉ/HOT FOOD TAKEAWAY WITH BALCONY AND TERRACE, EXTERNAL TIMBER STAIR AND EXTENSION TO CAR PARK AT SITE AT BANKTON CENTRE, MURIESTON, LIVINGSTON

REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY

A PURPOSE OF REPORT

This report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the Council's Appointed Person to refuse planning permission for the erection of a 284sqm restaurant/bar and café/hot food takeaway with balcony and terrace, external stair and extension to car park, at site at Bankton Centre, Murieston, Livingston.

B REVIEW DOCUMENTS

The following documents form the review documents for consideration by the Local Review Body and are circulated to members with this report:

1. The Notice of Review submitted by the applicant, dated 19 July 2021. This also includes a supporting statement; a statement of reasons for the appeal; a design and access statement, a selection of plans and side elevations; a location plan, a copy of the original planning application; a copy of the Handling Report; and a selection of colour photographs of the site.
2. The Handling Report, prepared by the Planning Case Officer, dated 21 April 2021
3. The Decision Notice, issued by the Appointed Person, dated 21 April 2021

No representations to the proposal have been submitted to the council.

The applicant has stated in the review application that whilst no new matters have been raised they have included colour photographs of the site which did not form part of the original planning application

The applicant has stated in the review application that they consider that the review can be determined by either written procedure or by conducting a site visit.

C SITE VISITS AND FURTHER PROCEDURE

This can include any, or any combination, of the following; site visits, further written submissions and hearing session/s. With regards to site visits, the Clerk to the Local Review Body, in consultation with the Chair, has delegated authority to determine if a site visit should take place prior to the first hearing of the review application. The Clerk has decided not to exercise this delegated authority and it will be for the Local Review Body to determine if it wishes to conduct a site visit. If a site visit is to be conducted the application will require to be continued to a meeting of the Local Review Body scheduled for a later date.

D DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

The Appointed Person refused the application in that it was contrary to policies DES1 (Design Principles); ENV1 (Landscape character and Special Landscape Areas); ENV9 (Woodland, Forestry, Trees and Hedgerows); ENV10 (Protection of Urban Woodland); ENV21 (Protection of Formal and Informal Open Space) of the adopted West Lothian Local Development Plan.

Further information can be obtained in the Decision Notice and Handling Report both of which are attached to this report.

E PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS

Without prejudice to the outcome of this review, to assist the Local Review Body in its deliberations and to assist the applicant and interested persons in securing a prompt resolution of the review, the Planning Adviser has drafted planning conditions which the Local Review Body may wish to consider imposing should it be minded to grant planning permission. A copy is circulated with this report.

Lesley Montague, Managing Solicitor, West Lothian Civic Centre

Email address:- lesley.montague@westlothian.gov.uk

Date: 29 September 2021

NOTICE OF REVIEW

(LOCAL DEVELOPMENT – DECISION BY APPOINTED PERSON)

This Form is for a review by the West Lothian Council Local Review Body under Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 in respect of decisions by the appointed person on local development applications.

The review will be conducted under the Town and Country Planning (Schemes of Delegation and local Review Procedure) (Scotland) Regulations 2008.

Please read and follow the accompanying West Lothian Council Local Review Body Guidance Notes when completing this form. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.

Use **BLOCK CAPITALS** if you are completing the form by hand.

PART A	APPLICANT'S DETAILS	Name <u>Z1 PROPERTIES LTD</u> Address <u>38 WESTCROFT COURT</u> <u>LIVINGSTON</u> Postcode <u>EH54 7EW</u> Telephone No. (1) [REDACTED] Telephone No. (2) _____ Fax : [REDACTED] E-mail : [REDACTED]
	REPRESENTATIVE (if any)	Name <u>KEN DUNCAN MCIAT</u> Address <u>3/1 GRAMS TERRACE</u> <u>LIVINGSTON</u> Postcode <u>EH54 7EX</u> Telephone No. (1) [REDACTED] Telephone No. (2) _____ Fax : [REDACTED] E-mail : [REDACTED]
		Please tick this box if you wish all contact to be through your representative. <input checked="" type="checkbox"/>
		Do you agree to correspondence regarding your review being sent by e-mail? * <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO

PART B	APPLICANT REF. NO.	<u>0240/FUL/21</u>
	SITE ADDRESS	<u>SITE AT BANKTON CENTRE, MURRESTON</u> <u>LIVINGSTON</u>
	DESCRIPTION OF PROPOSED DEVELOPMENT	<u>ERECTION OF A 284 SQ.M. RESTAURANT/BAR AND</u> <u>CAFE/HOT FOOD TAKEAWAY WITH BALCONY & TERRACE</u> <u>EXTERNAL STAIR & EXTENSION TO CAR PARK.</u>
	DATE OF APPLICATION	<u>15 MARCH 2021</u>
	DATE OF DECISION NOTICE (IF ANY)	<u>21 APRIL 2021</u>

Note:- This notice must be served on the planning authority within three months beginning with the date of the decision notice or, if no decision notice was issued, from the date of expiry of the period allowed for determining the application.

Type of Application (please tick the appropriate box)

Application for planning permission (including householder application)	<input checked="" type="checkbox"/>
Application for planning permission in principle	<input type="checkbox"/>
Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)	<input type="checkbox"/>
Application for approval of matters specified in conditions	<input type="checkbox"/>

PART C	TYPE OF REVIEW CASE	<input checked="" type="checkbox"/>
	Refusal of application by appointed officer	<input type="checkbox"/>
	Failure by appointed officer to determine the application within the period allowed	<input type="checkbox"/>
	Conditions imposed on consent by appointed officer	<input type="checkbox"/>

Statement of reasons and matters to be raised

You must state, in full, the reasons for requiring a review of your case. You must also set out and include with your application all the matters you consider require to be taken into account and which you intend to raise in the review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

State here the reasons for requiring the review and all the matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. **You may also submit additional documentation with this form of which ten copies must be provided.**

SEE ATTACHED "REASONS FOR REQUIRING REVIEW"

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

* YES/NO
YES/NO

If yes, you should now explain why you are raising new material, why it was not raised with the appointed officer before, and why you consider it should now be considered in your review.

	PHOTOS WERE NOT PART OF THE ORIGINAL APPLICATION
	BECAUSE IT WAS ASSUMED THE OFFICER WOULD VISIT SITE

List of documents and evidence

Please provide a list of all documents, materials and evidence which you wish to submit and rely on in your review. **Ten (10)** copies of these documents, materials and evidence must be lodged with this notice. If necessary, this can be continued or provided in full in a separate document.

1.	PLANNING APPLICATION
2.	SUBMITTED DRAWINGS
3.	DESIGN & ACCESS STATEMENT
4.	LOCATION PLAN
5.	ASSOCIATED PHOTOS
6.	
7.	
8.	
9.	
10.	
11.	
12.	

PART D

REVIEW PROCEDURE

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties, without any further procedures?. For example, written submission, hearing session, site inspection *

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

WRITTEN SUBMISSION & SITE VISIT
(ACCOMPANIED OR UNACCOMPANIED)

If you have selected "further written submissions" or "hearing session(s)", please explain which of the matters you have included in your statement of reasons you believe ought to be subject of those procedures, and why.

SITE INSPECTION

The Local Review Body may decide to inspect the land which is subject to the review.

Can the site be viewed entirely from public land?

☒ *** YES/NO**

Is it possible for the site to be accessed safely, and without barriers to entry?

☒ *** YES/NO**

If you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain why that may be the case.

PART E		CHECKLIST
Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.		
Full completion of all parts of this form		<input checked="" type="checkbox"/>
Statement of your reasons for requiring a review and matters to be raised		<input checked="" type="checkbox"/>
Statement of your preferred procedure		<input checked="" type="checkbox"/>
All documents, materials and evidence INCLUDING LOCATION PLANS AND/OR DRAWINGS which you intend to rely on. Copies must accompany this notice.		<input checked="" type="checkbox"/>
Where your case relates to another application (e.g. it is a renewal of planning permission or a modification, variation or removal of a planning condition, or an application for approval of matters specified in conditions), it is advisable to provide that other application reference number, approved plans and decision notice from that earlier consent.		

*****DECLARATION*****

I, the applicant/agent*, hereby require West Lothian Council to review the case as set out in this form and in the supporting documents, materials and evidence lodged with it and which includes those plans/drawings that were used by the Appointed Person when determining the original planning application.

I have been provided with a copy of the West Lothian Council Local Review Body Guidance Notes before lodging this notice.

Signed

[Redacted Signature]

Date 19/7/21

* Delete as appropriate

Please email this completed form to :-

committeeservices@westlothian.gov.uk or alternatively post to :-
Committee Services
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF



**ERECTION OF 284SQM RESTAURANT/BAR AND CAFE/HOT FOOD
TAKEAWAY**

WITH BALCONY AND TERRACE,

EXTERNAL TIMBER STAIR AND EXTENSION TO CAR PARK

(GRID REF: 306073,665941) AT SITE

BANKTON CENTRE, MURIESTON, LIVINGSTON, WEST LoTHIAN,

REASONS TO APPEAL DECISION OF LOCAL AUTHORITY

1. The applicant feels aggrieved by this decision, particularly in view of the lack of public objection to the proposal. Not a single objection had been lodged against the application and neither have any negative comments been submitted by any of the statutory consultative bodies.
2. The applicant was at first fearful of some negative local opinion and objection following some complaints about the mess created by the construction of the new building they are currently constructing adjacent to the application site.

However, as progress materialised, and having the advantage of hindsight, the applicant realises that there is large proportion of the local community who are desirous of a good quality restaurant in the area.

The mess from construction (a temporary necessity of construction work) is largely cleared up and will be completely cleaned up on final completion which is due around the end of August.

The applicant has recently renewed the retail park's car park surface which has also quelled much of the complaint.

3. The applicant anticipated some queries as to the parking levels, although realised during his own viability appraisal of the development that this matter could be satisfied.

Subsequently, however, no objections were raised by Transportation, which is significant to consider in the review.

4. In consideration as to whether it was worth requesting a Local Review Body investigation, the applicant concluded that the only source of objection was raised by the Appointed Person handling the application.

While his handling of the application is respected and understandable, my client feels that a review of the proposal is worthy of consideration by members of the Review Body who will hopefully take a more in-depth analysis of the facts of this case as presented below.

5. Taking the Appointed Person's specific objections into account the Review Body are asked to reconsider the following statements: -

Policy Assessment:

"Juxtaposition between the local centre area on the ground and character of the of the open space as the ground falls away"

It is difficult to understand why this is seen as an objection since it would affect the area in only an exceedingly small manner. Viewed from the carpark level (**West Elevation on drawing 727-13**) the 'open space' would be impinged by a small and modest frontage of the new building and have little effect on the surrounding buildings or surrounding area.

It is considered, with respect but contrary to the report, that the new building would have the positive effect of balancing the small 'centre area' as a quaint small 'retail square'.

Officer Assessment:

"The trees in this area are covered by TPO No.2 1965 Mid Lothian and the site lies within an area identified as protected open space in the adopted LDP."

Unless it has been misinterpreted, the Appointed Person's main objection is focussed almost solely and largely on the loss of trees and open space, it is considered that the following pertinent matters should be considered by the Review Body: -

The applicant has much respect for both aspects which is why his building has been designed and positioned to minimise the impact on both the 'open space' and the 'loss of trees' on the proposed development site.

Indeed, on close examination, it is revealed that almost the entire bank of trees alongside Murieston East Road (**See photo 1**) could be retained and protected with little loss quite contrary to the Officer Assessment.

Whilst it is accepted that a small number of mature and valuable trees exist on the site, these are mainly on the bank of Murieston East Road mentioned above and not within the area of the building.

The ones to be removed are limited in both number and value in terms of tree health. It is therefore proposed that these would be more than adequately compensated by new trees as part of the proposed development.

Similarly..... *"The proposed extension of the car park will also result in a loss of the existing trees adjacent to Murieston East Road."*

There is no proposal to lose any of the trees along the bank of Murieston East Road as part of the proposal.

As designed, (**See Site Plan drawing 727-10**) the preservation of the existing trees is an integral aspect of the design and layout and it is perfectly possible, given the distance from, and the level of the car park relative to these trees to protect both the stems and the root systems of this bank of trees during construction and thereafter.

The *"small triangular building has been constructed on the east side of the CO-OP building and as part of that consent, the area subject to this application would have seen additional tree planting carried out."*

The applicant is fully aware of the need to supplement the existing trees with additional ones and, as seen from the original Design and Access Statement of this application it is his intention, not only to plant these additional trees required of the existing consent but would intend to carry out... **a landscaping regeneration over the entire length of his boundary adjacent to the existing Murieston Water Walkway.**

This would add significantly to the amenity of the whole site.

"An over development of the area with a building of a scale and design inappropriate for the setting"

The proposed building, seen from the car park level does not in any way dominate or detract from its surroundings and is clearly a modest addition to the centre. The design matches what the applicant was asked of him in the 'triangular' building. It is therefore difficult to synchronise this with "overdevelopment and inappropriate design".

This then leads the applicant to reason that the Officer is mainly referring to the lower level.

However, at this level the design deliberately changes to dark brown cladding and timber arched screens which normally sits well in woodland areas.

It is therefore difficult to understand why the Officer takes the view that he has. If he is looking for a more transparent glass building, the applicant would be amenable to advice.

SUMMARY:

Having spoken to many people who love walking in the beautiful and extensive walkways in Livingston area there is a swell of opinion among walkers that a restaurant accessed directly from one of these walkways is a real improvement in amenity and far from being a detrimental one.

This location in particular, being in such close proximity to the South Station, would undoubtedly result in a more thriving retail community for the struggling retailers in the centre.

In summary, the applicant is asking for the decision to be reversed as the assessment by the reporting officer has failed to provide a balanced, fair and reasonable report of the evidence and the facts of the application.

The applicant would be amenable to a condition requiring him to identify the trees that could be retained and produce a report by a qualified arborist which could include a provision as to how these trees would be protected during the works and thereafter.

PROPOSED ERECTION OF RESTAURANT/BAR

AND

COFFEE SHOP/CAFÉ/FAST FOOD TAKEAWAY SHELL UNIT

AT

BANKTON CENTRE, MURIESTON,

LIVINGSTON EH54 9DA

DESIGN, ACCESS AND SUPPORTING STATEMENT

DATED - 04/03/2021

THE SITE

The application site is at the east end of a small retail estate and would occupy the space that is made up of largely upfill land from previous developments of the site.

While the site has an established tree planted area it is intended to retain as many of the existing trees as possible and where trees are uprooted these would be replaced with an assortment of new tree standards such as Rowan, Birch or Cherry.

The applicant intends to implement a landscaping regeneration over the entire length of his boundary adjacent to the existing Murieston Water Walkway.

ACCESS

The site is accessible from the public road (Murieston Road) and currently has 27 car parking spaces. This would be extended to 35 spaces as shown on the site plan.

There are also currently 3 accessible spaces on the site which are largely unused by ambulant users. It is thus considered that these 3 spaces will be adequate for the needs of the completed development should consent be granted.

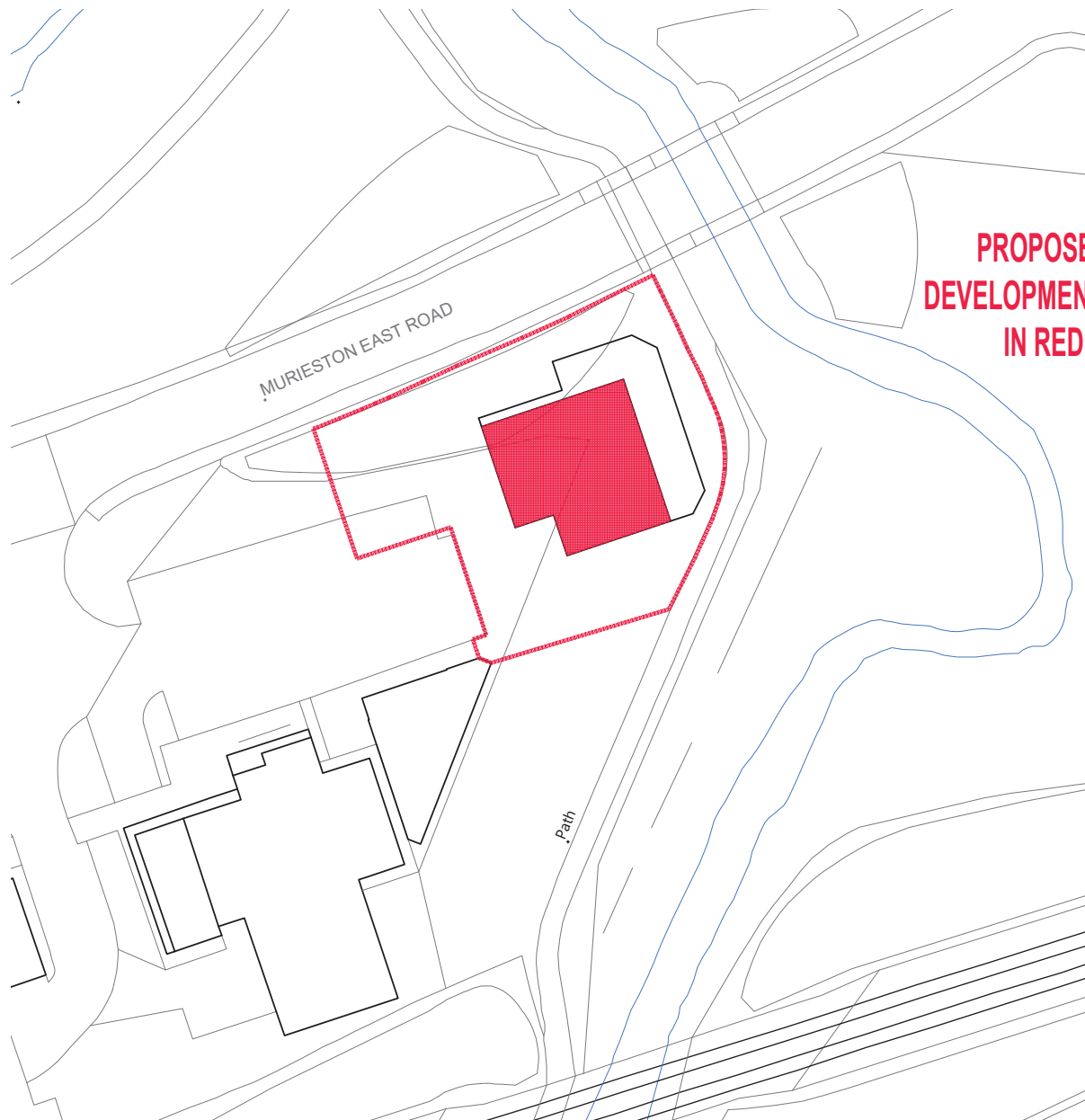
The two units proposed would be accessible to disabled users by way of the passenger hoist located in the foyer of the proposed building.

DESIGN

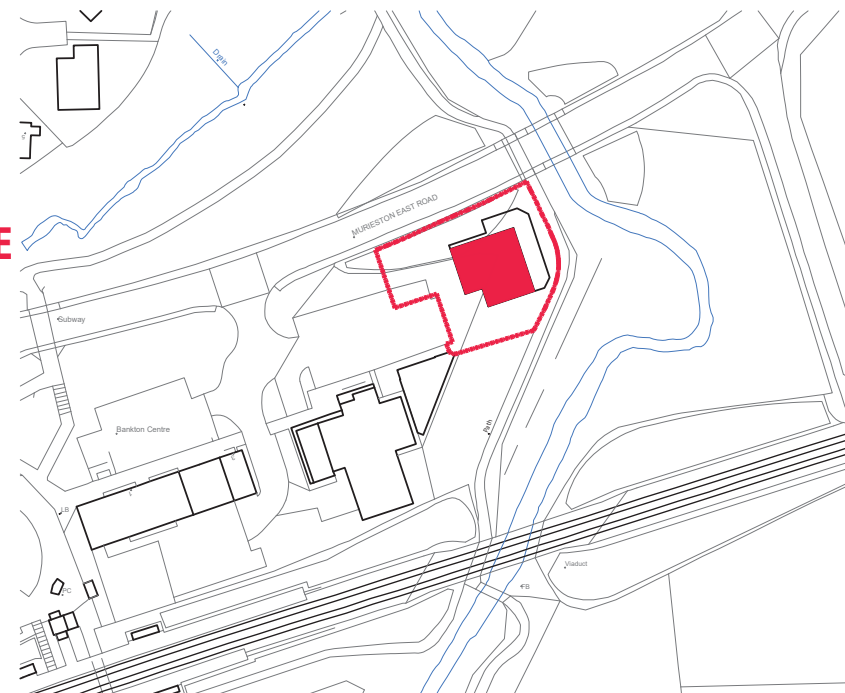
The design of the proposed building attempts to satisfy two aspects: -

(1) Matching the adjacent buildings at ground floor level using smooth buff coloured facing brick and aluminium framed doors and glazing. However, the main frontage of the west elevation is located to balance band of woodland along Murieston Road with the higher and more dominant façade of the new building on the SE corner which is nearing completion.

(2) The lower ground level seeks to be more sympathetic to the woodland and walkway area by the use of timber framed doors and screens and horizontal cladding. The balustrade of the balcony and new stair will also be in timber stained dark brown.



**PROPOSED
DEVELOPMENT SITE
IN RED**



BANKTON CENTRE, LIVINGSTON.

Proposed Erection of New Retail Unit

Topographic Survey Layout Plan

Z1 Properties Limited

727-02

DATE	SCALE	DRAWN	SHEET	STATUS	REV
25 January 2021	1:200	K. Duncan	A3	Planning	

KEN DUNCAN MCIAT
BUILDING DESIGN ARCHITECTURAL TECHNOLOGY INTERIOR DESIGN



BOUNDARY OF DEVELOPMENT SITE
SHOWN IN DOTTED RED LINE

CORNER "X"

EXMH3
Depth=3.000m approx
I.L.141.000
C.L.144.000

EXMH 2
Depth 6.500m
I.L. 141.140
C.L. 145.000app

EXMH1
Depth= 6.200m
I.L.141.144
C.L.147.344

EXMH4 (Depth)
Depth=1.303m
I.L. 143.325
C.L. 143.628

Approx location of
existing manhole

BANKTON CENTRE, LIVINGSTON.

Proposed Erection of New Retail Unit

Topographic Survey Layout Plan

Z1 Properties Limited

727-02

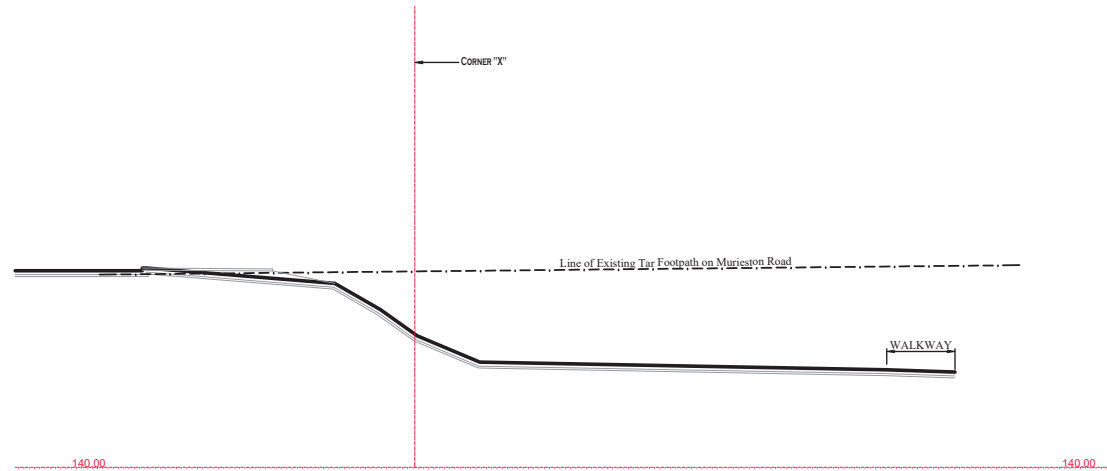
DATE	SCALE	DRAWN	SHEET	STATUS	REV
25 January 2021	1:200	K. Duncan	A3	Planning	

KEN DUNCAN MCIAT
BUILDING DESIGN ARCHITECTURAL TECHNOLOGY INTERIOR DESIGN

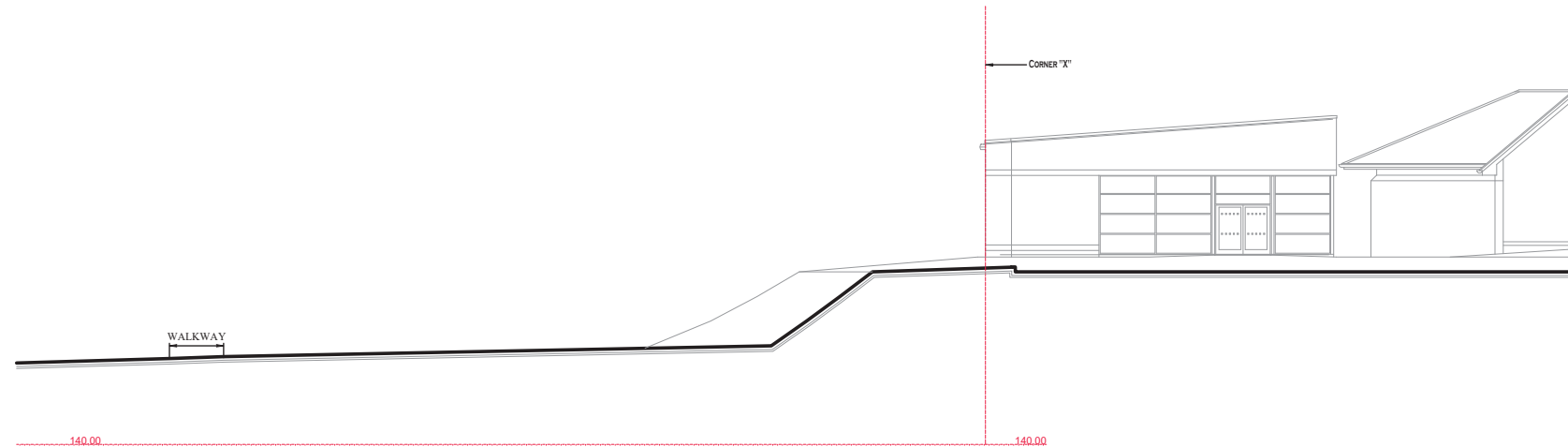
TOPOGRAPHIC SURVEY PLAN



- 133 -



SECTION A-A



SECTION B-B

BANKTON CENTRE, LIVINGSTON.

Proposed Erection of New Retail Unit

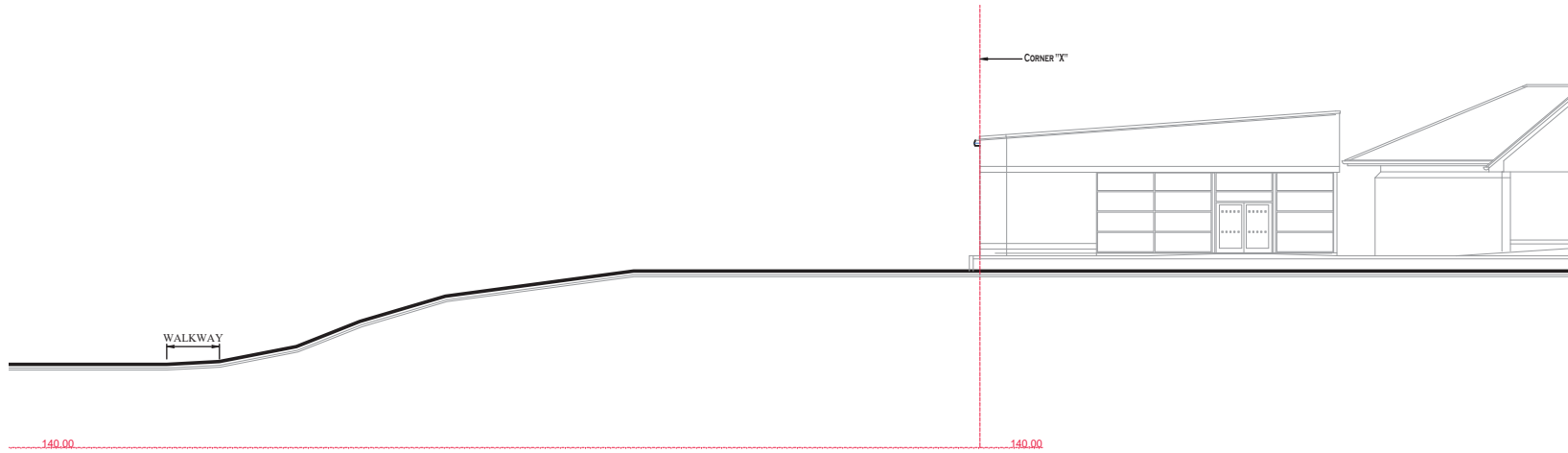
Site Sections AA & BB

Z1 Properties Limited

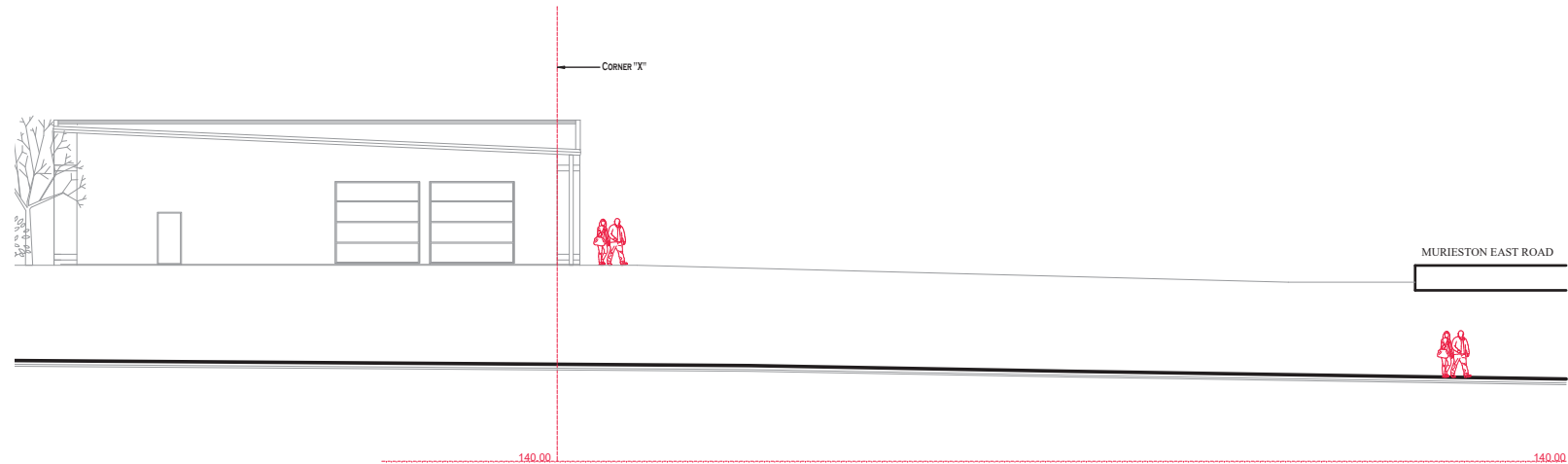
727-03

DATE	SCALE	DRAWN	SHEET	STATUS	REV
25 January 2021	1:200	K. Duncan	A3	Planning	





SECTION C-C



SECTION D-D

BANKTON CENTRE, LIVINGSTON.

Proposed Erection of New Retail Unit

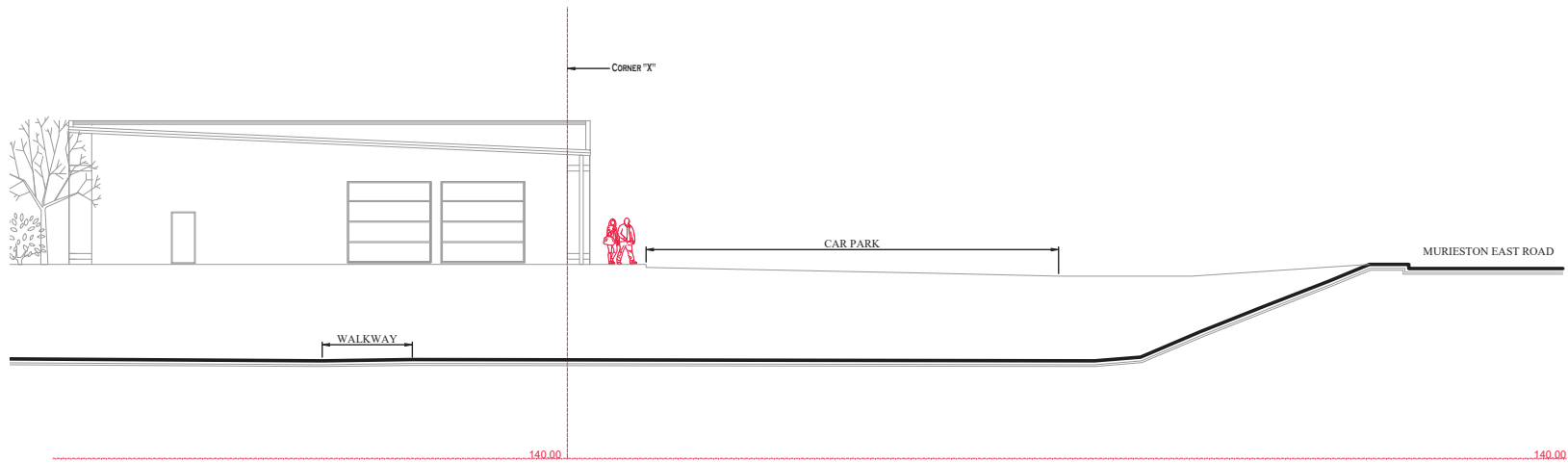
Site Sections CC & DD

Z1 Properties Limited				727-04	REV
DATE 25 January 2021	SCALE 1:200	DRAWN K. Duncan	SHEET A3	STATUS Planning	

KEN DUNCAN

BUILDING DESIGN ARCHITECTURAL TECHNOLOGY INTERIOR DESIGN

MCIAT



SECTION E-E



BANKTON CENTRE, LIVINGSTON.

Proposed Erection of New Retail Unit

Site Section EE

Z1 Properties Limited				727-05	REV
DATE 25 January 2021	SCALE 1:200	DRAWN K. Duncan	SHEET A3	STATUS Planning	

KEN DUNCAN

BUILDING DESIGN ARCHITECTURAL TECHNOLOGY INTERIOR DESIGN

MCIAT

EXTERNAL MATERIALS -

Walls - Ground floor level to be buff coloured facing brick to match adjacent new building
Lower Ground Level and rear elevation to be dark brown horizontal cladding

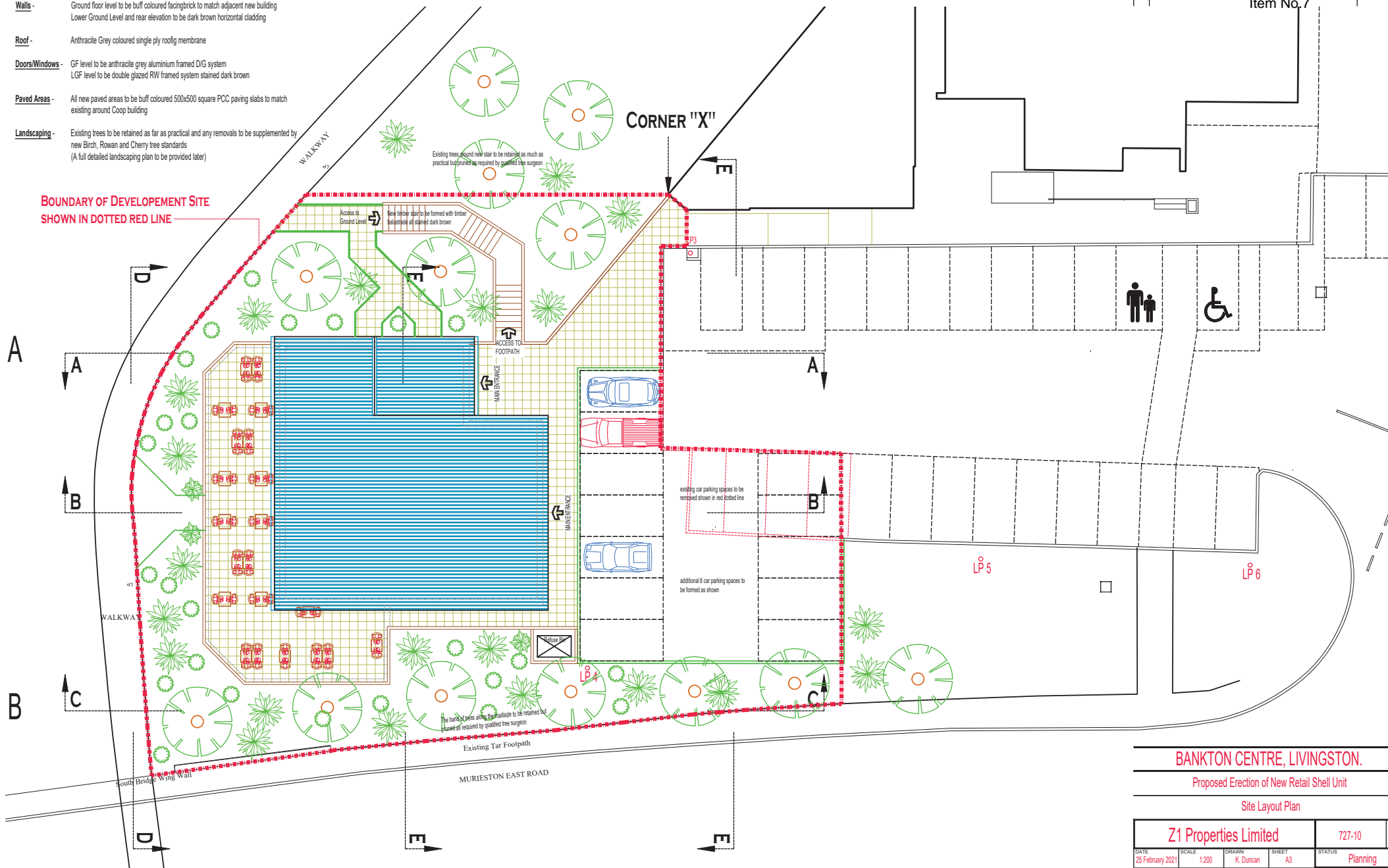
Roof - Anthracite Grey coloured single ply roofing membrane

Doors/Windows - GF level to be anthracite grey aluminium framed D/G system
LGF level to be double glazed RW framed system stained dark brown

Paved Areas - All new paved areas to be buff coloured 500x500 square PCC paving slabs to match existing around Coop building

Landscaping - Existing trees to be retained as far as practical and any removals to be supplemented by new Birch, Rowan and Cherry tree standards
(A full detailed landscaping plan to be provided later)

Rev	Description	Date	By
	Meeting Date - 29 Sept 2021		
	Item No.7		



SITE LAYOUT PLAN

BANKTON CENTRE, LIVINGSTON.

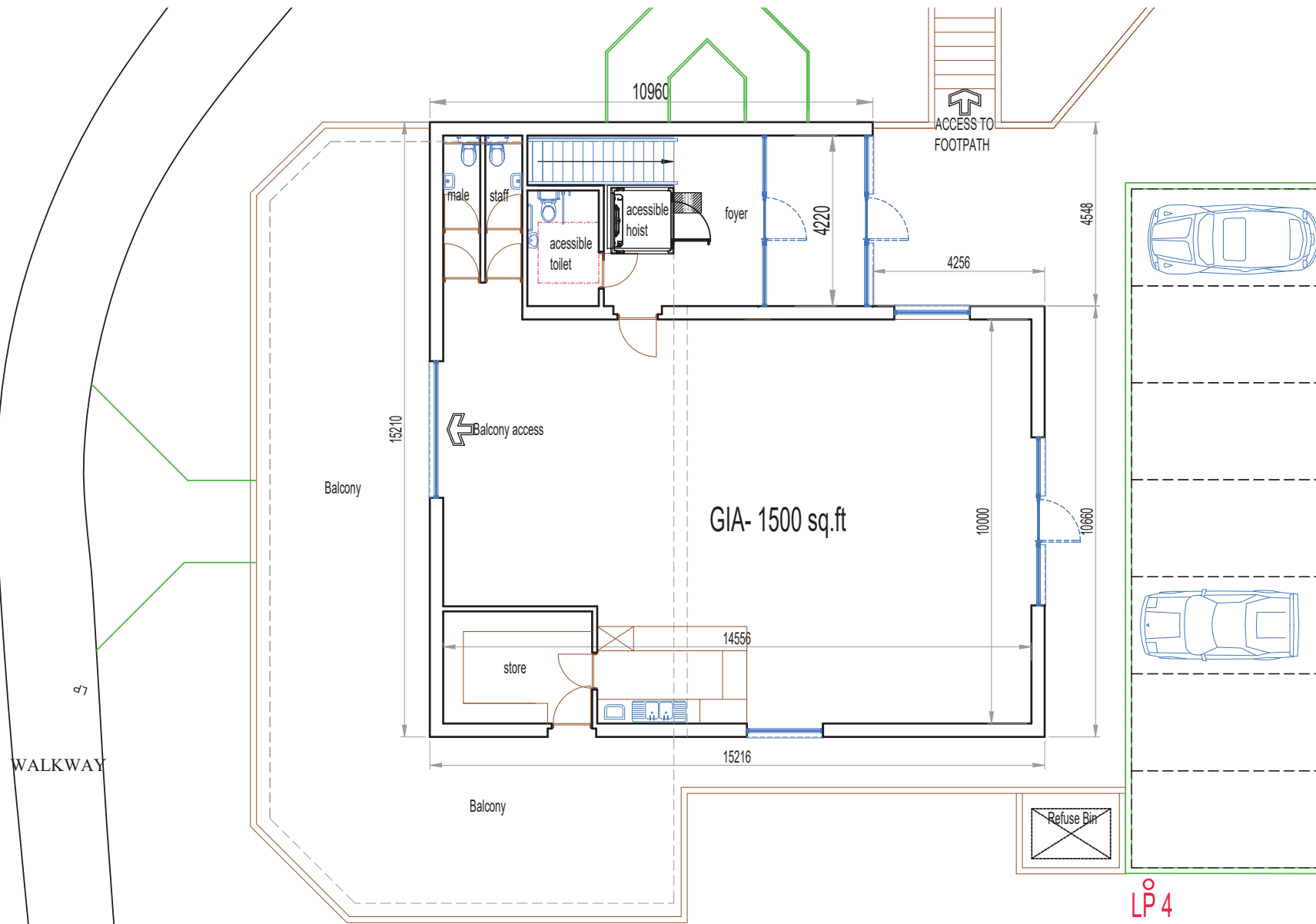
Proposed Erection of New Retail Shell Unit

Site Layout Plan

Z1 Properties Limited		727-10		REV
DATE 25 February 2021	SCALE 1:200	DRAWN K. Duncan	SHEET A3	STATUS Planning

KEN DUNCAN MCIAT
BUILDING DESIGN ARCHITECTURAL TECHNOLOGY INTERIOR DESIGN





GROUND FLOOR PLAN

The band of tress along the roadside to be retained but pruned as required by qualified tree surgeon

Existing Tar Footpath



Rev	Description	Date	By
1	Meeting Date - 29 Sept 2021		
2	Item No.7		

existing car parking spaces to be removed shown in red dotted line

additional 8 car parking spaces to be formed as shown

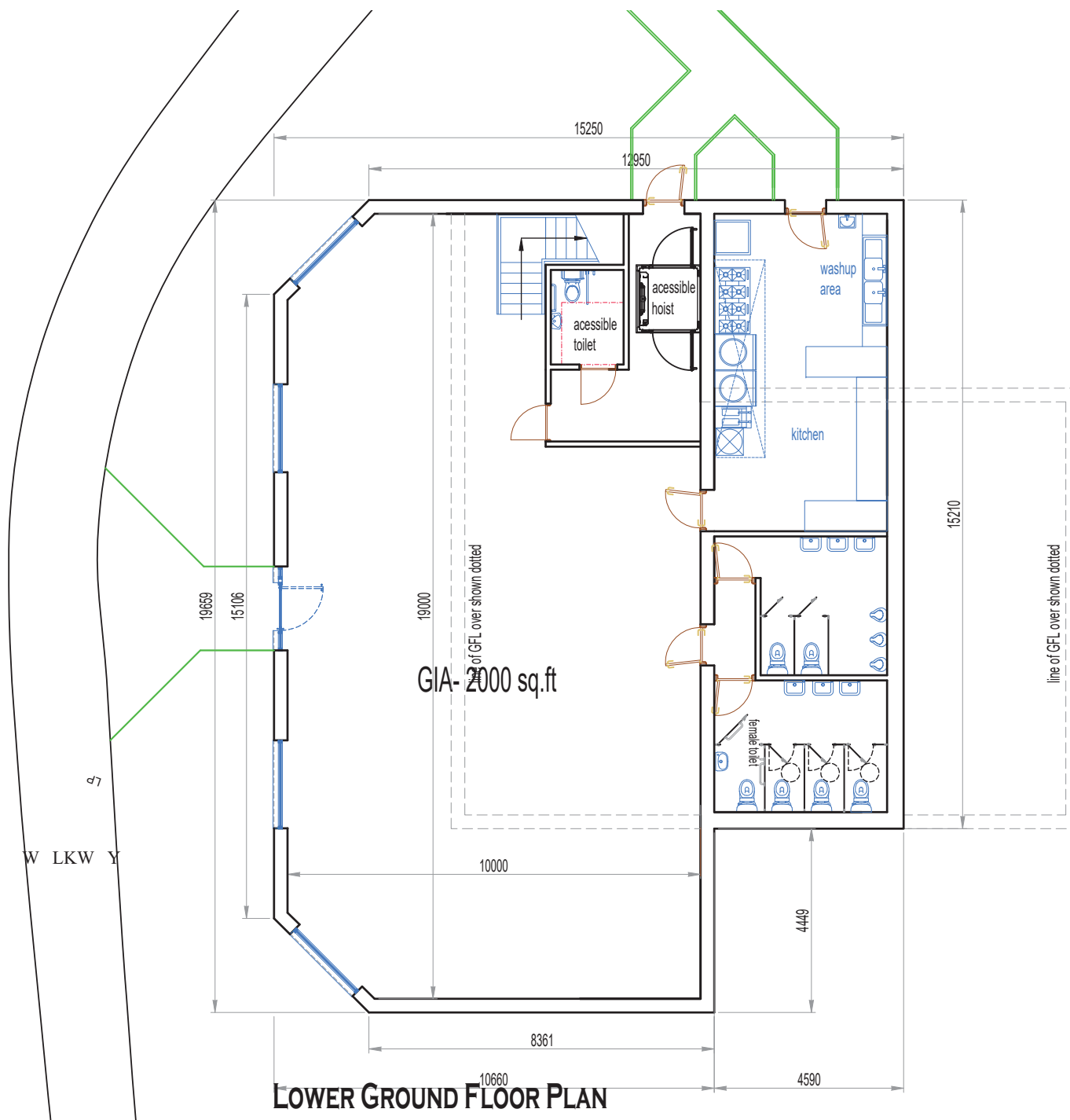
BANKTON CENTRE, LIVINGSTON.

Proposed Erection of New Retail Shell Unit

Ground Floor Plan

Z1 Properties Limited				727-11	
DATE 25 February 2021	SCALE 1:100	DRAWN K. Duncan	SHEET A3	STATUS Planning	REV

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BUILDING DESIGN ARCHITECTURAL TECHNOLOGY INTERIOR DESIGN



BANKTON CENTRE, LIVINGSTON.

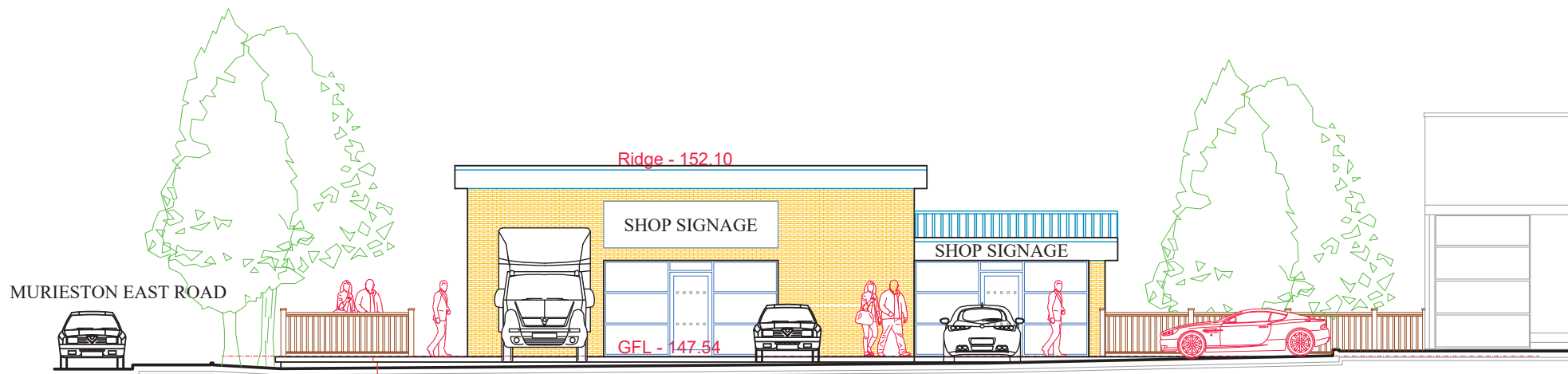
Proposed Erection of New Retail Shell Unit

Lower Ground Floor Plan

Z1 Properties Limited		727-12	
DATE 25 February 2021	SCALE 1:100	DRAWN K. Duncan	SHEET A3
STATUS Planning		REV	

KEN DUNCAN MCIAT
BUILDING DESIGN ARCHITECTURAL TECHNOLOGY INTERIOR DESIGN





WEST ELEVATION

BANKTON CENTRE, LIVINGSTON.

Proposed Erection of New Retail Shell Unit

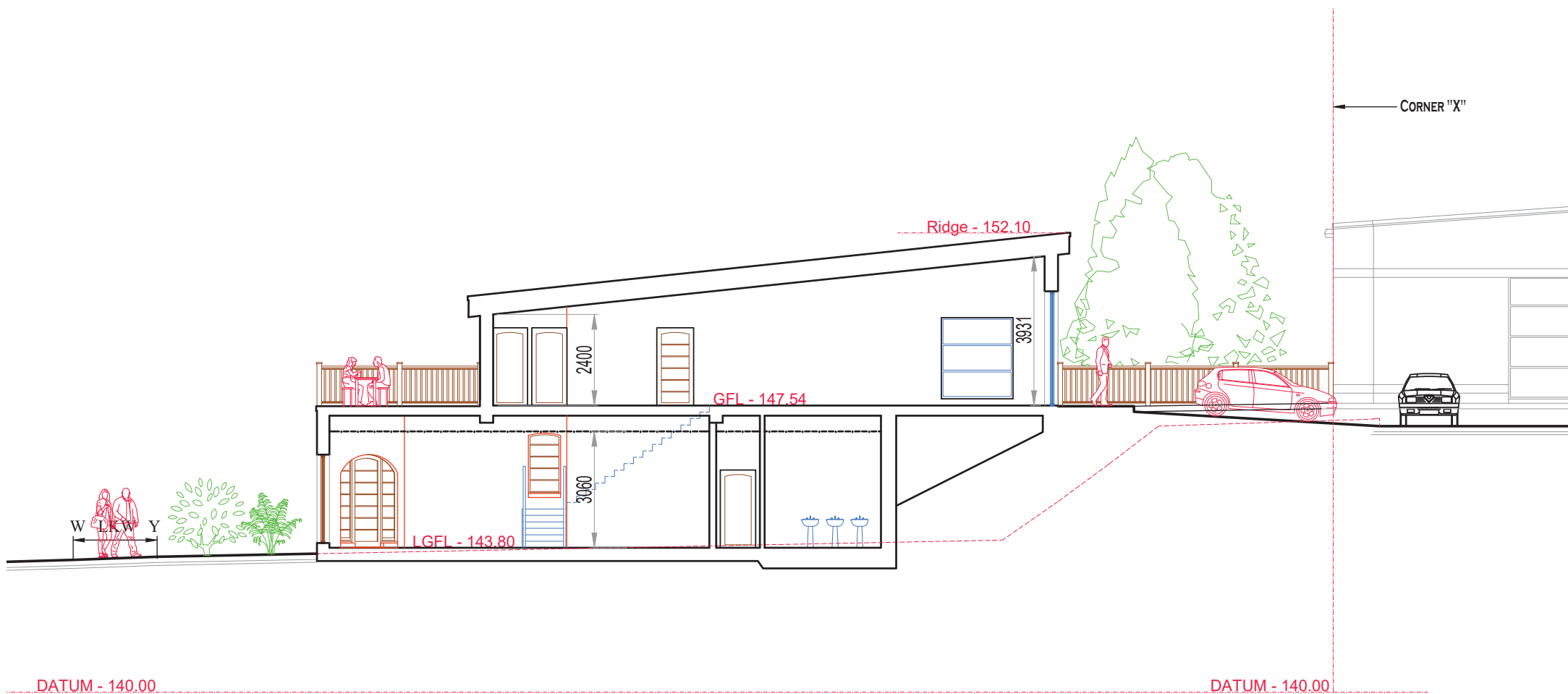
West Elevation

Z1 Properties Limited				727-13	REV
DATE 25 February 2021	SCALE 1:100	DRAWN K. Duncan	SHEET A3	STATUS Planning	

KEN DUNCAN MCIAT

BUILDING DESIGN ARCHITECTURAL TECHNOLOGY INTERIOR DESIGN





SECTION B-B

BANKTON CENTRE, LIVINGSTON.

Proposed Erection of New Retail Shell Unit

Site Section BB

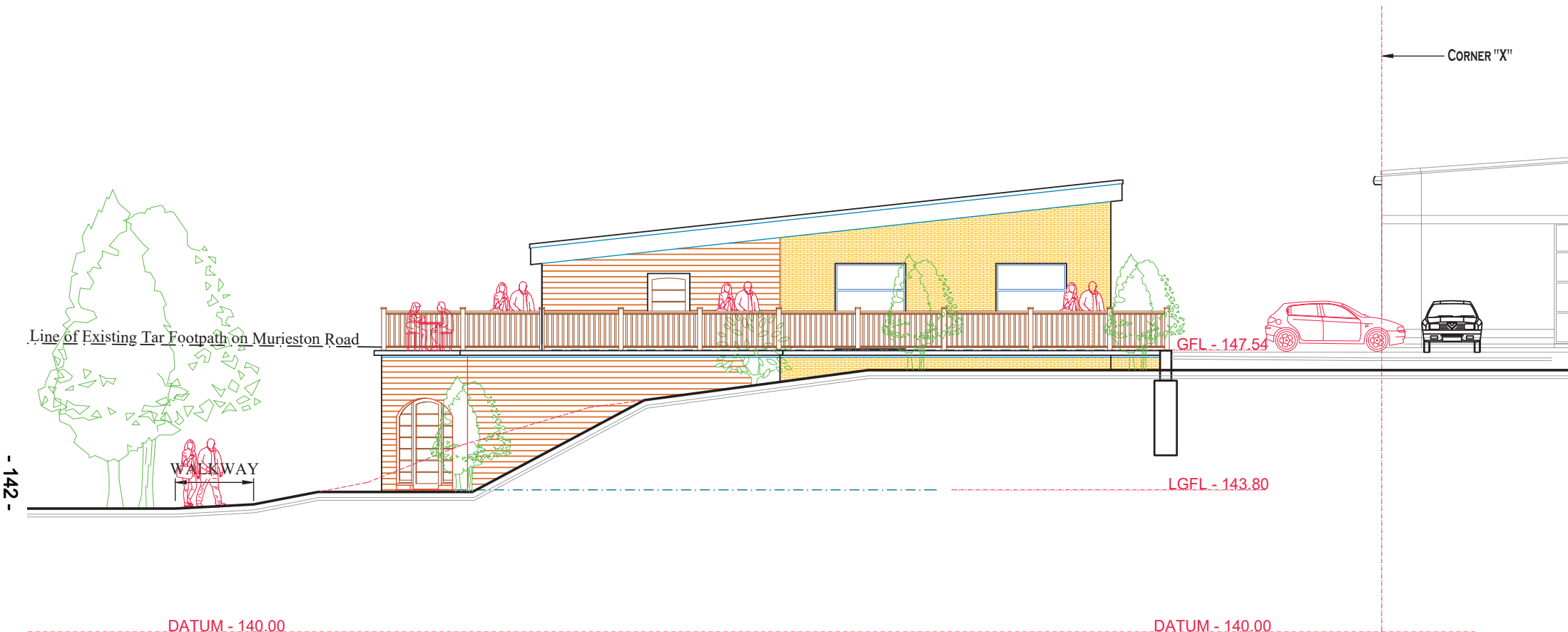
Z1 Properties Limited

727-14

DATE	SCALE	DRAWN	SHEET	STATUS	REV
25 February 2021	1:100	K. Duncan	A3	Planning	

KEN DUNCAN MCIAT
BUILDING DESIGN ARCHITECTURAL TECHNOLOGY INTERIOR DESIGN





SECTION C-C/NORTH ELEVATION

BANKTON CENTRE, LIVINGSTON.

Proposed Erection of New Retail Shell Unit

Site Section CC-North Elevation

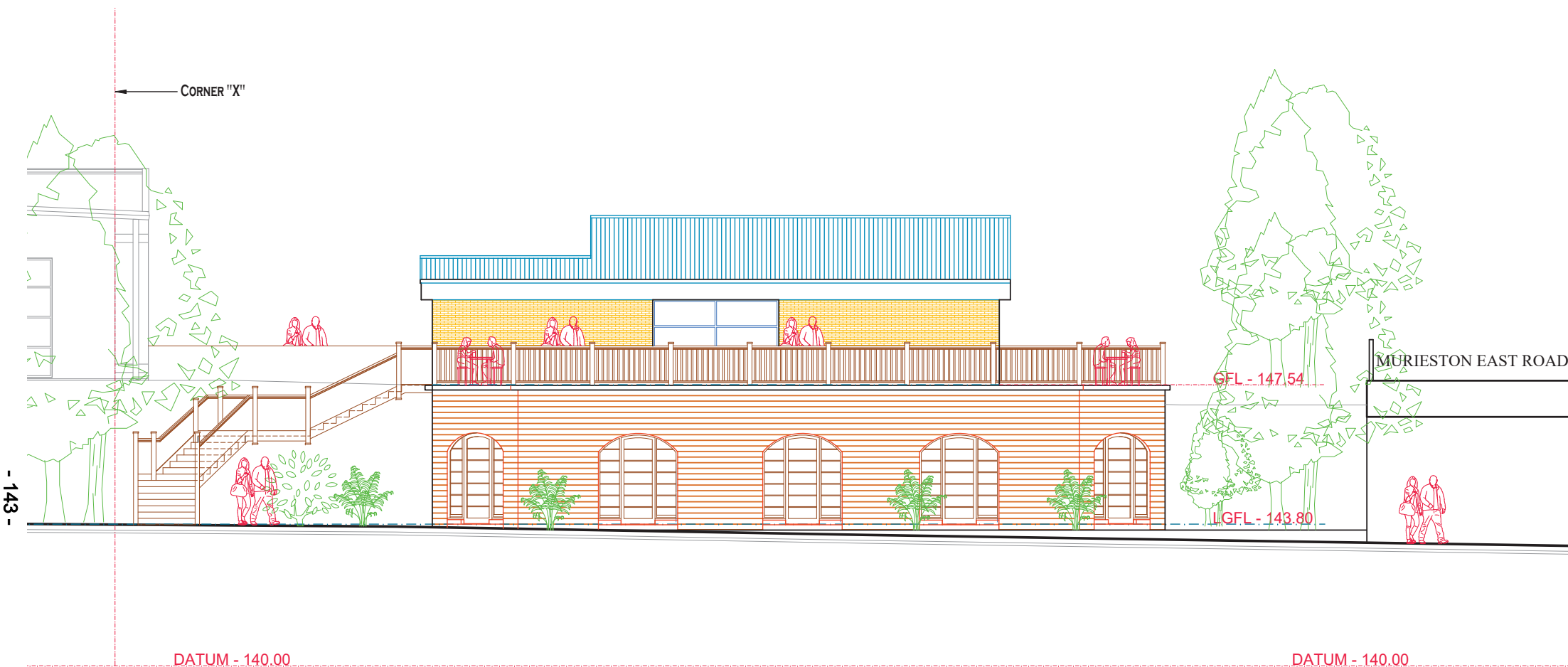
Z1 Properties Limited

727-15

DATE 25 February 2021	SCALE 1:100	DRAWN K. Duncan	SHEET A3	STATUS Planning	REV
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KEN DUNCAN MCIAT
BUILDING DESIGN | ARCHITECTURAL TECHNOLOGY | INTERIOR DESIGN





SECTION D-D/EAST ELEVATION

BANKTON CENTRE, LIVINGSTON.

Proposed Erection of New Retail Shell Unit

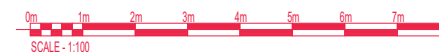
Site Section DD - East Elevation

Z1 Properties Limited

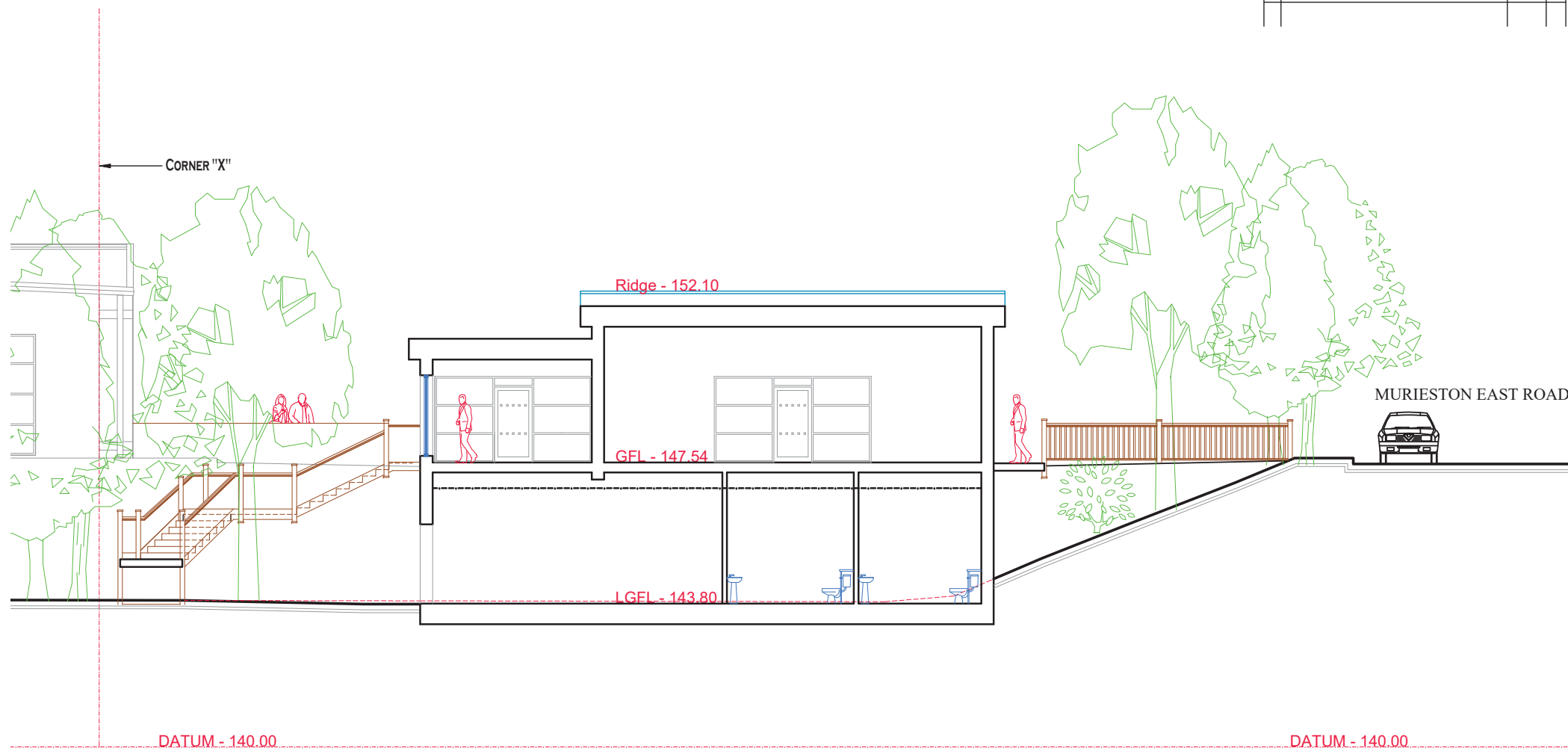
727-16

DATE	SCALE	DRAWN	SHEET	STATUS	REV
25 February 2021	1:100	K. Duncan	A3	Planning	

KEN DUNCAN MCIAT
BUILDING DESIGN | ARCHITECTURAL TECHNOLOGY | INTERIOR DESIGN



Rev	Description	Date	By



BANKTON CENTRE, LIVINGSTON.

Proposed Erection of New Retail Shell Unit

North & South Elevations

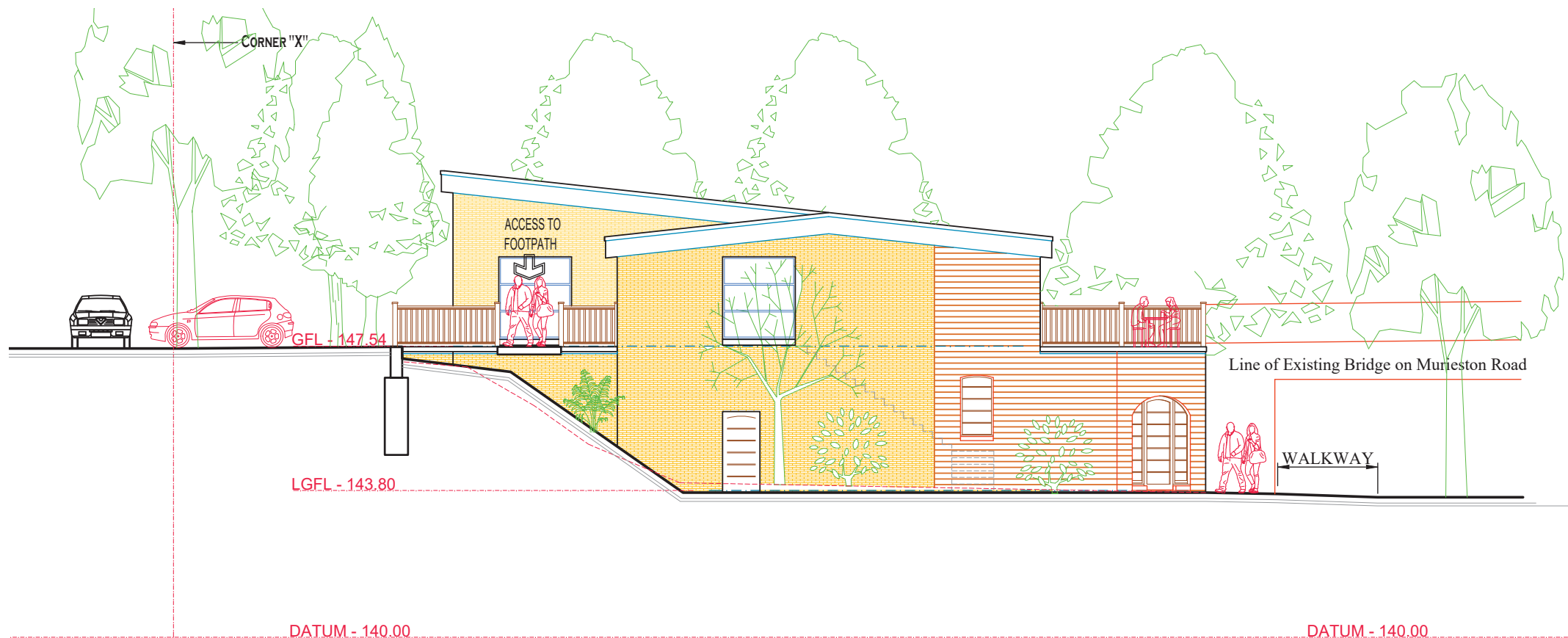
Z1 Properties Limited

727-17

DATE	SCALE	DRAWN	SHEET	STATUS	REV
25 January 2021	1:100	K. Duncan	A3	Planning	

KEN DUNCAN MCIAT
 BUILDING DESIGN ARCHITECTURAL TECHNOLOGY INTERIOR DESIGN





SECTION A-A/SOUTH ELEVATION

BANKTON CENTRE, LIVINGSTON.

Proposed Erection of New Retail Shell Unit

Site Sections AA - South Elevation

Z1 Properties Limited

727-18

DATE 25 February 2021	SCALE 1:100	DRAWN K. Duncan	SHEET A3	STATUS Planning	REV
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KEN DUNCAN MCIAT
BUILDING DESIGN ARCHITECTURAL TECHNOLOGY INTERIOR DESIGN





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100376402-001

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

Type of Application

What is this application for? Please select one of the following: *

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed erection of restaurant/bar at lower ground level and coffee shop/café/fast food takeaway shell unit and car park

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☐ Yes ☒ No

(Answer 'No' if there is no change of use.) *

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	KEN DUNCAN LTD		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	KEN	Building Name:	
Last Name: *	DUNCAN	Building Number:	3-1
Telephone Number: *		Address 1 (Street): *	6
Extension Number:		Address 2:	Kaims Terrace
Mobile Number:		Town/City: *	Livingston
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH54 7EX
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Asghar	Building Number:	38
Last Name: *	Ali	Address 1 (Street): *	Westcroft Court
Company/Organisation	Z1 Properties Ltd	Address 2:	
Telephone Number: *		Town/City: *	Livingston
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH54 7EW
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

West Lothian Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Landfill/woodland site

Northing

665398

Easting

306254

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

1063.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Landfill/woodland area

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

27

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

35

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * ☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- ☒ Yes – connecting to public drainage network
☐ No – proposing to make private drainage arrangements
☐ Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

☐ Yes ☒ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- ☒ Yes
☐ No, using a private water supply
☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * ☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * ☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? * ☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * ☒ Yes ☐ No

If Yes or No, please provide further details: * (Max 500 characters)

Waste will be stored in a large 'wheelie bin' behind dark brown stained slatted timber screens

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☒ Yes ☐ No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 3 Restaurant/cafe

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

443

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: KEN DUNCAN

On behalf of: Mr Asghar Ali

Date: 06/03/2021

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☐ Site Layout Plan or Block plan.
- ☐ Elevations.
- ☐ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr KEN DUNCAN

Declaration Date: 06/03/2021

Payment Details

Pay Direct

Created: 06/03/2021 14:27



DATA LABEL: PUBLIC

HANDLING REPORT

Ref. No.:	0240/FUL/21	Email:	steve.mclaren@westlothian.gov.uk
Case Officer:	Steven McLaren	Tel No.:	01506 282404
Ward:	Livingston South	Member:	Peter Heggie Moir Shemilt Lawrence Fitzpatrick Maria MacAulay

Title	Erection of a 284sqm restaurant/bar and cafe/hot food takeaway with balcony and terrace, external timber stair and extension to car park (Grid Ref: 306073,665941) at Site At Bankton Centre, Murieston, Livingston, West Lothian,
Application Type	Local Application
Decision Level	Delegated List
Site Visit	20.03.2021
Recommendation	Refuse Permission
Decision	Refuse Permission
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	25.03.2021
EIA Screening	Does the development require EIA screening - No

Description of Proposals

Erection of a 284sqm restaurant/bar and cafe/hot food takeaway with balcony and terrace, external timber stair and extension to car park

Site History

0573/FUL/09 – Erection of a 172sqm retail unit, granted 28/9/09.
0833/FUL/12 – Erection of a 150sqm commercial unit to form a restaurant (Class 3), refused 4/3/13.
0201/FUL/14 – Erection of a 112sqm commercial unit to form a Class 2 (financial, professional and other services), granted 12/5/14.

0564/FUL/17 – Erection of a 112sqm hot food take-away building and associated works, granted 1/12/17.

0723/FUL/20 - Application for use of substantially complete hot food take-away unit (sui generis) as a coffee shop/cafe (Class 3) with ancillary take-away and minor building alterations, granted 30/9/20

Representations

There have been no representations made on this application.

Consultations

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

Consultee	Objection?	Comments	Planning Response
Transportation	No	No objections	Noted
Environmental Health	No	Standard construction restrictions	Noted
Mr Craig Sinclair (Arborist)			No comments received. The development does however encroach into an area protected by a Tree Preservation Order

Policies Considered

Policy Title	Policy Text
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 and be high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals, the developer will be required to ensure that: a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity; b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates; c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety; d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping; e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices; f. the development does not result in any significant adverse impact on

	<p>the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided; g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development. Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.</p>
ENV1 - Landscape Character and Special Landscape Areas	<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. 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 'out with' 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. 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. 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>
ENV9 - Woodland, Forestry, Trees and Hedgerows	<p>There will be a presumption against development adversely affecting woodlands unless there is a proven locational need and where a sustainable environmental gain through replacement and additional tree planting appropriate to the area is provided and accords with the Scottish Government "Control of Woodland Removal" policy (2009) and the Forestry Commission Scotland's policy "The right tree in the right place" (2010). Where the removal of woodlands or forestry is sanctioned, the practical implications of timber removal from the site will require to be considered and thereafter managed in order to minimise damage to the road network. Details must be provided to and agreed with the council prior to the commencement of the works. The council recognises that woodlands, hedgerows and individual trees can have significant ecological and biodiversity value and make a substantial contribution to landscape character and quality and that they can also be of economic and recreational value. Scottish Planning Policy (SPP 2014) encourages Local Development Plan policies to protect and enhance areas of woodland which are of high nature conservation and/or landscape character value. Accordingly: a. there will be a presumption against development proposals which involve the loss of, or damage to, woodland, groups of trees (including trees covered by Tree Preservation Order (TPO), areas defined as ancient or seminatural woodland, veteran trees or areas forming part of designated and designed landscapes) and hedgerows, which have particular amenity, nature conservation, biodiversity, recreation, landscape, shelter belt, cultural, historical value or are of other importance; b. proposals that involve the removal of</p>

	<p>woodland will only be supported where it would achieve significant and clearly defined public benefits and the criteria for determining the acceptability or otherwise of any proposed woodland removal is set out in the Scotland's Control of Woodland Removal Policy document; c. approval for woodland removal will be conditional on the undertaking of actions to ensure full delivery of the defined additional public benefits; d. planning conditions and agreements will be used to mitigate the environmental impacts arising from development and developers will generally be expected to provide compensatory planting; e. where felling is permitted but woodland removal is not supported, conditions conducive to woodland regeneration will require to be maintained through adherence to good forestry practice as defined in the UK Forestry Standard; f. as an irreplaceable resource, it is unlikely that benefits can be demonstrated for removal of ancient woodland. Exceptions for ancient woodland will therefore not be considered; g. development which is likely to affect individual trees and groups of trees considered important for amenity or their cultural or historic interest should comply with Supplementary Guidance Protection and promotion of woodland, trees and hedges including the undertaking of a Tree Survey, indicating constraints and tree protection requirements including BS 5837:2012; h. the enhancement and management of existing woodland, trees and hedgerow will be encouraged and supported. Where retention of a woodland area is integral to a development proposal, developers will be required to prepare and implement an appropriate Management Plan; and i there will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to local and/or historic landscape character.</p>
ENV10 - Protection of Urban Woodland	<p>Urban woodlands within settlements that contribute to townscape, landscape, amenity, biodiversity, cultural or historic value, particularly where their loss would jeopardise ongoing contribution to place-making and/or green network objectives, will be protected from development. Proposals that involve the removal of urban woodland in part or in its entirety will only be supported where it would achieve significant and clearly defined public benefits and the criteria for determining the acceptability or otherwise of any proposed woodland removal as set out in Scotland's Control of Woodland Removal Policy document. Proposals to remove urban woodland must be accompanied by an independent aboricultural report.</p>
ENV21 - Protection of Formal and Informal Open Space	<p>Proposals which will result in the loss of open space will not be supported unless it can be demonstrated that: a. there is a specific locational justification for the development which outweighs the need to retain the open space; b. there is no significant adverse effect on the overall recreational amenity of the local area, taking account of the council's Open Space Strategy; c. the area is not of significant ecological value and disturbance and loss of trees, woodlands and wildlife habitats or green corridors is minimised; d. comparable open space or enhancement of existing open space can be provided and/or paid for by the developer at an appropriate alternative location where this will provide adequate and acceptable replacement for the open space lost as a result of the development; and e. connectivity within, and functionality of, the wider green network is not threatened and public access routes in or adjacent to the open space will be safeguarded.</p>

Policy Assessment

The proposals have been assessed against the above policies and whilst the development also lies within an identified local centre area as defined on the local plan maps, there is a juxtaposition between the clearly identified local centre area on the ground and the character of the open space as the ground falls away from the centre's parking area towards Murieston Water and the wooded area. The overlap in the identified local centre and the protected open space is likely to have been a drafting error therefore policies TCR1 (town centres) and TCR2 (town centre first sequential approach) are not considered relevant in this context.

Officer Assessment

The applicant seeks to build a split-level building containing a restaurant/bar and cafe with hot food take away and balcony on a tree covered embankment on the eastern edge of the Bankton Centre local centre. A timber staircase is proposed on the embankment and the existing car parking is to be extended into existing landscaping. Whilst the local centre is identified in the adopted local development plan for a variety of uses including restaurants etc. the proposals extend from the car park at the local centre down the embankment to the Murieston Water footpath. The intention is to provide access to the building from both the upper level local centre and the lower level footpath. Setting aside the design of the building in the first instance, which would potentially be finished in buff facing brick at the upper level and dark cladding at the lower level, the trees in this area are covered by TPO No.2 1965 Mid Lothian and the site lies within an area identified as protected open space in the adopted LDP. As a result, the structure impacts on both these designations. The proposed extension to the car park will also result in the loss of existing trees adjacent to Murieston East Road, to the detriment of the visual and environmental amenity of the area. Moreover, a small triangular building has been constructed on the east side of the CO-OP building and as part of that consent, the area subject to this application would have seen additional tree planting carried out. The proposals therefore results in an over development of the area with a building of a scale and design inappropriate for the setting and resulting in tree loss within a TPO and area protected as open space. The proposals are therefore contrary to the following policies of the adopted West Lothian Local Development Plan, 2018 and recommendation is to refuse planning permission. DES1 (design principles)ENV1 (character and special landscape areas)ENV9 (woodland, forestry, trees and hedgerows)ENV10 (protection of urban woodland)ENV21 (protection of formal and informal open space)

Other Considerations

Consideration has been given to previous applications to develop land at Bankton Centre and the fact that tree planting is required as part of planning permissions 0564/FUL/17 and 0723/FUL/20 to augment the transition between the developed are and the protected trees/open space to the east.

Conclusions and Reasons for Decision

Recommendation is to refuse planning permission.

List of Review Documents

Drawings schedule:

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	727-02
2	Site Plan	727-10
3	Floor Plan (proposed)	727-11 (ground)
4	Floor Plan (proposed)	727-12 (lower ground)
5	Proposed Elevations	727-15 (north)
6	Proposed Elevations	727-16 (east)
7	Proposed Elevations	727-18 (south)
8	Proposed Elevations	727-13 (west)
9	Sections	727-14 (BB)
10	Sections	727-17 (EE)
11	Sections	727-03 (AA & BB)
12	Sections	727-04 (CC & DD)
13	Sections	727-05 (EE2)

Other relevant documents:

West Lothian Local Development Plan, 2018;

Case Officer

SM

Date: 21 April 2021











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DECISION NOTICE REFUSAL OF PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997, as amended

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **refuses full planning permission for the development described below**, and in the planning application and docquetted plan(s).

APPLICATION REFERENCE 0240/FUL/21

PROPOSAL Erection of a 284sqm restaurant/bar and cafe/hot food takeaway with balcony and terrace, external timber stair and extension to car park

LOCATION Site At Bankton Centre, Murieston, Livingston, West Lothian, , (GRID REF: 306073, 665941)

APPLICANT Mr Asghar Ali, 38 Westcroft Court, Livingston, EH54 7EW

The above **local application was determined by an officer appointed by the council in accordance with its scheme of delegation**. Please see the advisory notes for further information, including how to request a review of any conditions.

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated:
21.04.2021

Craig McCorriston
Head of Planning, Economic Development and Regeneration

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

Signature:



DATA LABEL: PUBLIC

The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0240/FUL/21, for the reason(s) set out as follows:

- 1 The building would be two storeys in height as seen from the public footpath along Murieston Water, an area designated as land safeguarded for open space in the adopted West Lothian Local Development Plan, 2018. The scale and design of the proposed building is out of character with the setting given the wooded nature of the area and the building would be seen as sitting out with the context of the local centre. The proposals would therefore be detrimental the landscape character and visual amenity of this area of Livingston and would detract from the natural setting. The proposals are therefore contrary to the following policies of the adopted West Lothian Local Development Plan, 2018:

DES1 (design principles)

ENV1 (landscape character and special landscape areas)

- 2 A large proportion of the development extends to the east from the existing local centre development and would be built on an embankment and ground forming part of the protected Murieston Water corridor. The result of this development is that it would extend into an area designated as land safeguarded for open space and which is covered by Tree Preservation Order No.2 1965 Mid Lothian. The development would result in the loss of trees within the site to the detriment of the landscape and visual character of this area of Livingston. The extension to the car park would also result in the loss of trees, again to the detriment of the visual amenity of the area. The proposals are therefore contrary to the following policies of the adopted West Lothian Local Development Plan, 2018:

ENV1 (landscape character and special landscape areas);

ENV9 (woodland, forestry, trees and hedgerows);

ENV10 (protection of urban woodland);

ENV21 (protection of formal and informal open space).

- 3 The applicant has failed to convince the Council that there are justifiable reasons to depart from the provisions of the development plan which by virtue of Section 25 of the Town and Country Planning (Scotland) Act 1997 is to be afforded primacy in decision making.

ADVISORY NOTES TO DEVELOPER

How to challenge the council's Decision

If your application was determined under delegated powers as a local application by an officer appointed by the council and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. If the application was heard at a committee and in any other case you can seek an appeal of that decision to the Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review, or to appeal, here: <https://www.westlothian.gov.uk/article/33128/Decisions-Reviews-and-Appeals>

If the decision of the council is overturned by the Local Review Body or the Directorate for Planning and Environmental Appeals, the developer of the land should be made aware of the following notes.

Notification of the start of development

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Notification of completion of development

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Contaminated land procedures

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

Liaison with the Coal Authority

As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.

Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.

*To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at ***www.groundstability.com***.*

Advisory note to developer - General

Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.

Annex 1, Schedule of Plans - 0240/FUL/21

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DATA LABEL: PUBLIC

HANDLING REPORT

Ref. No.:	0240/FUL/21	Email:	steve.mclaren@westlothian.gov.uk
Case Officer:	Steven McLaren	Tel No.:	01506 282404
Ward:	Livingston South	Member:	Peter Heggie Moir Shemilt Lawrence Fitzpatrick Maria MacAulay

Title	Erection of a 284sqm restaurant/bar and cafe/hot food takeaway with balcony and terrace, external timber stair and extension to car park (Grid Ref: 306073,665941) at Site At Bankton Centre, Murieston, Livingston, West Lothian,
Application Type	Local Application
Decision Level	Delegated List
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Recommendation	Refuse Permission
Decision	Refuse Permission
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	25.03.2021
EIA Screening	Does the development require EIA screening - No

Description of Proposals

Erection of a 284sqm restaurant/bar and cafe/hot food takeaway with balcony and terrace, external timber stair and extension to car park

Site History

0573/FUL/09 – Erection of a 172sqm retail unit, granted 28/9/09.
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0723/FUL/20 - Application for use of substantially complete hot food take-away unit (sui generis) as a coffee shop/cafe (Class 3) with ancillary take-away and minor building alterations, granted 30/9/20

Representations

There have been no representations made on this application.

Consultations

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

Consultee	Objection?	Comments	Planning Response
Transportation	No	No objections	Noted
Environmental Health	No	Standard construction restrictions	Noted
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Policies Considered

Policy Title	Policy Text
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	<p>the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided; g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development. Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.</p>
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ENV9 - Woodland, Forestry, Trees and Hedgerows	<p>There will be a presumption against development adversely affecting woodlands unless there is a proven locational need and where a sustainable environmental gain through replacement and additional tree planting appropriate to the area is provided and accords with the Scottish Government "Control of Woodland Removal" policy (2009) and the Forestry Commission Scotland's policy "The right tree in the right place" (2010). Where the removal of woodlands or forestry is sanctioned, the practical implications of timber removal from the site will require to be considered and thereafter managed in order to minimise damage to the road network. Details must be provided to and agreed with the council prior to the commencement of the works. The council recognises that woodlands, hedgerows and individual trees can have significant ecological and biodiversity value and make a substantial contribution to landscape character and quality and that they can also be of economic and recreational value. Scottish Planning Policy (SPP 2014) encourages Local Development Plan policies to protect and enhance areas of woodland which are of high nature conservation and/or landscape character value. Accordingly: a. there will be a presumption against development proposals which involve the loss of, or damage to, woodland, groups of trees (including trees covered by Tree Preservation Order (TPO), areas defined as ancient or seminatural woodland, veteran trees or areas forming part of designated and designed landscapes) and hedgerows, which have particular amenity, nature conservation, biodiversity, recreation, landscape, shelter belt, cultural, historical value or are of other importance; b. proposals that involve the removal of</p>

	<p>woodland will only be supported where it would achieve significant and clearly defined public benefits and the criteria for determining the acceptability or otherwise of any proposed woodland removal is set out in the Scotland's Control of Woodland Removal Policy document; c. approval for woodland removal will be conditional on the undertaking of actions to ensure full delivery of the defined additional public benefits; d. planning conditions and agreements will be used to mitigate the environmental impacts arising from development and developers will generally be expected to provide compensatory planting; e. where felling is permitted but woodland removal is not supported, conditions conducive to woodland regeneration will require to be maintained through adherence to good forestry practice as defined in the UK Forestry Standard; f. as an irreplaceable resource, it is unlikely that benefits can be demonstrated for removal of ancient woodland. Exceptions for ancient woodland will therefore not be considered; g. development which is likely to affect individual trees and groups of trees considered important for amenity or their cultural or historic interest should comply with Supplementary Guidance Protection and promotion of woodland, trees and hedges including the undertaking of a Tree Survey, indicating constraints and tree protection requirements including BS 5837:2012; h. the enhancement and management of existing woodland, trees and hedgerow will be encouraged and supported. Where retention of a woodland area is integral to a development proposal, developers will be required to prepare and implement an appropriate Management Plan; and i there will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to local and/or historic landscape character.</p>
ENV10 - Protection of Urban Woodland	<p>Urban woodlands within settlements that contribute to townscape, landscape, amenity, biodiversity, cultural or historic value, particularly where their loss would jeopardise ongoing contribution to place-making and/or green network objectives, will be protected from development. Proposals that involve the removal of urban woodland in part or in its entirety will only be supported where it would achieve significant and clearly defined public benefits and the criteria for determining the acceptability or otherwise of any proposed woodland removal as set out in Scotland's Control of Woodland Removal Policy document. Proposals to remove urban woodland must be accompanied by an independent aboricultural report.</p>
ENV21 - Protection of Formal and Informal Open Space	<p>Proposals which will result in the loss of open space will not be supported unless it can be demonstrated that: a. there is a specific locational justification for the development which outweighs the need to retain the open space; b. there is no significant adverse effect on the overall recreational amenity of the local area, taking account of the council's Open Space Strategy; c. the area is not of significant ecological value and disturbance and loss of trees, woodlands and wildlife habitats or green corridors is minimised; d. comparable open space or enhancement of existing open space can be provided and/or paid for by the developer at an appropriate alternative location where this will provide adequate and acceptable replacement for the open space lost as a result of the development; and e. connectivity within, and functionality of, the wider green network is not threatened and public access routes in or adjacent to the open space will be safeguarded.</p>

Policy Assessment

The proposals have been assessed against the above policies and whilst the development also lies within an identified local centre area as defined on the local plan maps, there is a juxtaposition between the clearly identified local centre area on the ground and the character of the open space as the ground falls away from the centre's parking area towards Murieston Water and the wooded area. The overlap in the identified local centre and the protected open space is likely to have been a drafting error therefore policies TCR1 (town centres) and TCR2 (town centre first sequential approach) are not considered relevant in this context.

Officer Assessment

The applicant seeks to build a split-level building containing a restaurant/bar and cafe with hot food take away and balcony on a tree covered embankment on the eastern edge of the Bankton Centre local centre. A timber staircase is proposed on the embankment and the existing car parking is to be extended into existing landscaping. Whilst the local centre is identified in the adopted local development plan for a variety of uses including restaurants etc. the proposals extend from the car park at the local centre down the embankment to the Murieston Water footpath. The intention is to provide access to the building from both the upper level local centre and the lower level footpath. Setting aside the design of the building in the first instance, which would potentially be finished in buff facing brick at the upper level and dark cladding at the lower level, the trees in this area are covered by TPO No.2 1965 Mid Lothian and the site lies within an area identified as protected open space in the adopted LDP. As a result, the structure impacts on both these designations. The proposed extension to the car park will also result in the loss of existing trees adjacent to Murieston East Road, to the detriment of the visual and environmental amenity of the area. Moreover, a small triangular building has been constructed on the east side of the CO-OP building and as part of that consent, the area subject to this application would have seen additional tree planting carried out. The proposals therefore results in an over development of the area with a building of a scale and design inappropriate for the setting and resulting in tree loss within a TPO and area protected as open space. The proposals are therefore contrary to the following policies of the adopted West Lothian Local Development Plan, 2018 and recommendation is to refuse planning permission. DES1 (design principles)ENV1 (character and special landscape areas)ENV9 (woodland, forestry, trees and hedgerows)ENV10 (protection of urban woodland)ENV21 (protection of formal and informal open space)

Other Considerations

Consideration has been given to previous applications to develop land at Bankton Centre and the fact that tree planting is required as part of planning permissions 0564/FUL/17 and 0723/FUL/20 to augment the transition between the developed are and the protected trees/open space to the east.

Conclusions and Reasons for Decision

Recommendation is to refuse planning permission.

List of Review Documents

Drawings schedule:

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	727-02
2	Site Plan	727-10
3	Floor Plan (proposed)	727-11 (ground)
4	Floor Plan (proposed)	727-12 (lower ground)
5	Proposed Elevations	727-15 (north)
6	Proposed Elevations	727-16 (east)
7	Proposed Elevations	727-18 (south)
8	Proposed Elevations	727-13 (west)
9	Sections	727-14 (BB)
10	Sections	727-17 (EE)
11	Sections	727-03 (AA & BB)
12	Sections	727-04 (CC & DD)
13	Sections	727-05 (EE2)

Other relevant documents:

West Lothian Local Development Plan, 2018;

Case Officer

SM

Date: 21 April 2021

Planning Consultation Response

Our reference: /171377

Direct Dial:

Email:

22 March 2021

Environmental Health & Trading Standards
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Tel: 01506 280000

Environmentalhealth@westlothian.gov.uk
Tradingstandards@westlothian.gov.uk

For the attention of Mr McLaren

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

**Environmental Health &
Trading Standards Manager**
Craig Smith

PREMISES: Murieston East Road, Murieston Planning Consultation Response 0240/FUL/21

I refer your consultation of 17/03/2021 regarding this application.

Environmental Health has no objections to make on the application.

Observations on Planning Application

Recommendations on Planning Application

If the application is granted, I recommend the following conditions:

1. 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, unless otherwise agreed in writing with the planning authority. This includes deliveries and operation of on site vehicles and equipment.

Should you wish to discuss the matter further, please contact me.

Yours faithfully

DATA LABEL: PUBLIC



OPERATIONAL SERVICES
ROADS & TRANSPORTATION
DEVELOPMENT MANAGEMENT & TRANSPORTATION PLANNING

ROADS & TRANSPORTATION CONSULTATION RESPONSE TO PLANNING APPLICATION

This proposal is (tick as appropriate)		Signing Off	
Acceptable without conditions	<input checked="" type="checkbox"/>	DM & TP Officer Roads & Transportation	Chris Nicol
Acceptable with conditions noted below	<input type="checkbox"/>	DM & TP Manager Roads & Transportation	
Not acceptable & should be refused	<input type="checkbox"/>	Date Issued to Development Management Officer	06 April 2021
HOLDING OBJECTION – The application is not acceptable in current format and applicant requires to submit additional information to enable the proposals to be fully assessed.			
Recommendation & Proposed Conditions	From a Roads & Transportation view, this application is approved no conditions		

DM Case Officer	Steve McLaren	Applicant	Z1 Properties Ltd
Application Ref	0240/FUL/21	Date Issued	16 March 2021
Proposal	Erection of restaurant/bar and coffee shop/café/fast food takeaway with balcony and terrace		
Location	Site at Murieston East Road, Livingston		

Legislation & Guidance Applicable (tick as appropriate)	Constraints (tick as appropriate)
Roads (Scotland) Act 1984 <input type="checkbox"/>	Public Footpath / Rights of Way <input type="checkbox"/>
Designing Streets <input type="checkbox"/>	Core Path Plan <input type="checkbox"/>
SCOTS National Roads Development Guide <input checked="" type="checkbox"/>	<input type="checkbox"/>
SUDS for Roads <input type="checkbox"/>	Control of Advertisements (Scotland) 1984 <input type="checkbox"/>
Sewers for Scotland <input type="checkbox"/>	<input type="checkbox"/>
	Other (please specify) <input type="text"/>

DATA LABEL: PUBLIC

Site Description	Local centre this site has had many applications so not an issue.
Quality Plan	N/A
Road Safety Audit	N/A
Transport Assessment or Statement	N/A
Does the red line boundary reach the adopted public road	Yes
Is there a footway or footpath connecting the site to the existing adopted road network	Yes
Drawings & documents assessed	Design and access statement Site Layout
Does Road Layout comply with WLC Standards	Yes
Does Parking comply with WLC Standards (including disabled provision)	Yes extra parking provided

DATA LABEL: PUBLIC

Sightline Requirements	N/A
Do the proposals affect any existing TRO's (e.g) waiting restrictions, speed limits) or bus stop locations	No
Do the proposals affect any Core Paths, NCR's or Rights of Way	No
SUDS Details	
Site History including any previous planning applications	

ROADS & TRANSPORTATION MANAGER
Operational Services
Whitehill Service Centre
4 Inchmuir Road
Whitehill Industrial Estate
Bathgate
West Lothian
EH48 2EP

Draft Conditions for 0240/FUL/21 – Local Review Body

This permission is granted subject to the following conditions:-

1 Part 1

Prior to the start of development, a contaminated land site investigation and risk assessment has been completed and a written report submitted to and approved in writing by the planning authority. The site investigation and risk assessment must be undertaken by suitably qualified, experienced and competent persons. The written report of the findings must include:

- (a) A Phase 1 desk study report incorporating an initial conceptual model of the site.
- (b) A Phase 2 report incorporating a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site;
- (c) An assessment of the potential risks to:
 - o human health,
 - o property (existing and proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o the water environment,
 - o ecological systems,
 - o archaeological sites and ancient monuments
 - o flora and fauna associated with the new development;
- (d) An appraisal of remedial options, and proposal of the preferred options(s).

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

Part 2

The development shall not begin until a remediation statement to bring the site to a condition suitable for the intended use by removing unacceptable risks to all relevant and statutory receptors has been submitted to and approved in writing by the planning authority. The remediation statement shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The remediation statement shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development.

Part 3

Thereafter the remediation statement as approved shall be carried out in accordance with its terms. Following completion of the remediation measures, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared. The development shall not be occupied until the verification report has been submitted to and approved in writing by the planning authority.

Reason: To identify any contamination present on site and ensure appropriate remediation is carried out.

- 2** Prior to the start of works on site, full drainage details for the development shall be submitted for the consideration and written approval of the planning authority. These details shall also include any outfall to Murieston Water and provide details on filtration and treatment methods to ensure drainage from the development does not impact adversely on the ecology of the watercourse. Once approved, the drainage shall be implemented in accordance with those details.

Reason In the interest of watercourse ecology and to tackle climate change.

- 3 Prior to the start of work on site, a tree survey shall be carried out in accordance with BS 5837:2012 (trees in relation to design, demolition and construction) which shall identify all trees affected by the development works. The survey shall also provide details of a tree protection plan ensuring limiting the loss or damage to trees as a result of the development. Once approved, the development shall be carried out in accordance with these measures and to the satisfaction of the planning authority.

Reason To ensure loss or damage to trees within the designated Tree Preservation Order Area is minimised.

- 4 Prior to the start of work on site, a landscaping plan shall be submitted for the consideration and written approval of the planning authority. The plan shall provide details of replacement tree planting on a 3 for 1 basis and of appropriate native species. The ground cover shall also be enhanced within the land under the control of the applicant by use of native shrubs and low level planting. Once approved, the landscaping shall be maintained for a minimum of 5 years to allow the trees and shrubs to become established with any which die or are removed within that period being replaced with the same species and of a similar maturity. Thereafter, the landscaping shall be maintained indefinitely and to the satisfaction of the planning authority.

Reason In the interests of landscape and visual amenity and for the benefit of the ecology of the area.

- 5 The timber stairs to be formed between the local centre site and the Murieston Water footpath shall be installed and made available for public use prior to the opening of the units. The stairs shall be maintained by the applicant or the occupiers of the units hereby approved in perpetuity and to the satisfaction of the planning authority. Any damage resulting in the closure of the stairs for public use shall be rectified within 1 month of the issue being raised and the stairs again made available to the public.

Reason To ensure the safety and visual amenity of the stairs is maintained in the longer term and in the interest of providing a public benefit as a result of the development.

- 6 Prior to the completion of the building hereby approved, the extension to the car park as shown on drawing number 727-10 (site layout plan) shall be implemented and made available for public use, to the satisfaction of the planning authority.

Reason To ensure sufficient parking is available within the site for all customers to the Bankton Centre facility.

- 7 Prior to the start of works on site, a sample of materials to be used on the roof and walls of the building hereby approved shall be submitted for the consideration and written approval of the planning authority, this shall also include consideration of the use of the proposed cladding on the two-storey section of the south elevation. Details shall also be provided of the proposed balcony balustrade for consideration and approval. Once the materials have been agreed, they shall be used on the construction of the building to the satisfaction of the planning authority.

Reason In the interest of visual amenity.

- 8 The following restrictions shall apply to the construction of the development:

Noise (Construction)

o 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 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 on a Saturday and at no time on a Sunday. This includes deliveries and operation of on site vehicles and equipment.

o No generators shall be audible within any residential properties between the hours of 20:00 and 08:00.

Noise (Vehicles/Plant)

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

Vibration (Construction)

o 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

o The development shall not begin until the location and dimensions of any site compound and means of access to same 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

o 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

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

Reason: In the interests of visual and environmental amenity.



LOCAL REVIEW BODY

APPLICATION NO.0083/FUL/21 – DEMOLITION OF AGRICULTURAL SHED AND ERECTION OF HOUSE WITH GARAGE AT THE GRANARY, 3A PARKHEAD HOLDINGS, LINLITHGOW

REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY

A PURPOSE OF REPORT

This report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the Council's Appointed Person to refuse planning permission for the demolition of agricultural shed and erection of house with garage at The Granary, 3a Parkhead Holdings, Linlithgow

B REVIEW DOCUMENTS

The following documents form the review documents for consideration by the Local Review Body and are circulated to members with this report:

1. The Notice of Review submitted by the applicant, dated 25 June 2021. This includes, amongst other things; a covering letter, a supporting statement and a design statement.
2. The Handling Report, prepared by the Planning Case Officer, dated 1 June 2021.
3. The Decision Notice, issued by the Appointed Person, dated 1 June 2021

A representation has been received from Linlithgow and Linlithgow Bridge Community Council a copy of which is attached to this report. The Community Council were advised that the Notice of Review had been received and that they could make further comment on the application; they chose not to exercise this right.

The applicant has stated in the review application that no new matters have been raised.

The applicant has stated in the review application that they consider that the review can be determined without the need to conduct any further procedure such as a site visit.

C SITE VISITS

The Local Review Body agreed at its last meeting to undertake a site visit; this site visit will take place on the morning of 29 September 2021.

D DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

The Appointed Person refused the application in that it was not in accordance with policies DES1 (Design Principles), ENV1 (Character and Special Landscape Areas) and ENV2 (Housing Development in the Countryside) of the Local Development Plan.

The Appointed Person also considered that the proposal was contrary to the council's supplementary guidance "Development in the Countryside".

Further information can be obtained in the Decision Notice and Handling Report both of which are attached to this report.

E PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS

Without prejudice to the outcome of this review, to assist the Local Review Body in its deliberations and to assist the applicant and interested persons in securing a prompt resolution of the review, the Planning Adviser has drafted planning conditions which the Local Review Body may wish to consider imposing should it be minded to grant planning permission. A copy is circulated with this report.

Lesley Montague, Managing Solicitor, West Lothian Civic Centre

Tel No. 01506 284730, Lesley. montague@westlothian.gov.uk

Date: 29 September 2021

POLICY DES 1

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 and be high quality in their design.

Development proposals which are poorly designed will not be supported.

When assessing development proposals, the developer will be required to ensure that:

- a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;
- b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates;
- c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety;
- d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping;
- e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices;
- f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided;
- g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and
- h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development.

Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals.

Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100328508-004

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	BHC. Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	BHC	Building Name:	BHC. Ltd
Last Name: *	Ltd	Building Number:	
Telephone Number: *		Address 1 (Street): *	Medwyn Park
Extension Number:		Address 2:	Edinburgh Road
Mobile Number:		Town/City: *	Carnwath
Fax Number:		Country: *	South Lanarkshire
		Postcode: *	ML11 8HS
Email Address: *			

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="The Granary"/>
First Name: *	<input type="text" value="Alan"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Anderson"/>	Address 1 (Street): * <input type="text" value="3A Parkhead Holdings"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: * <input type="text" value="Linlithgow"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH49 7RF"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="admin@alexanderson.org.uk"/>	

Site Address Details

Planning Authority:	<input type="text" value="West Lothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="THE GRANARY"/>
Address 2:	<input type="text" value="3A PARKHEAD HOLDINGS"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="LINLITHGOW"/>
Post Code:	<input type="text" value="EH49 7RF"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="677901"/>	Easting	<input type="text" value="299763"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Demolition of agricultural shed and erection of a house with garage (Grid Ref: 299763,677901) at The Granary, 3A Parkhead Holdings, Linlithgow, West Lothian, EH49 7RF

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see 'Letter to Local Review Board' and other supporting drawings in the 'Supporting Documents' section.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

1) Letter to Local Review Board 2) Design Statement 3) AL-00-01F Location and Site Plan 4) PAE-00-01B Elevations 5) PAL-00-02C Floor Plans 6) PAV-00-03 - Existing Site Photos 7) PAV-00-04 Surrounding Buildings 8) 0083_FUL_21-REFUSED_PLANS-3048714

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

0083/FUL/21

What date was the application submitted to the planning authority? *

08/02/2021

What date was the decision issued by the planning authority? *

01/06/2021

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: . BHC Ltd

Declaration Date: 25/06/2021

28 June 2021

BHC Ref: 10051

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

Planning Ref: 0083/FUL/21
Applicant: Alan Anderson
Site: Easting: 299763 – Northing: 677901
The Granary, 3A Parkhead Holdings, Linlithgow, West Lothian, EH49 7RF

Dear Local Review Board,

Matters we consider require to be taken into account in determining review of the planning authority's decision include:

- 1) The interpretation of planning policies within the 'Report on Handling' document of above noted planning application, which we have reviewed and responded to in the following sections of this letter for review.
- 2) During the preapplication process the development discussions were very favourable, design proposals were adapted and communication was wholesome. We feel the work done, core principles that were established and the good communication held during the preapplication process did not transition over to the planning application process.
- 3) We would also like you to consider if the correct documents submitted to the planning authority have been assessed, as the 'refused plans' are listed as:
 - Location and Site Plan – Title: Location _ Block Plan / Drwg No: AL-00-01 / Rev: F
 - Photograph – Title: Existing Site / Drwg No: PAV-00-03
 - Floor Plan (proposed) – Title: Floor Plans / Drwg No: PAL-00-02 / Rev: C
 - Proposed Elevations – Title: Elevations / Drwg No: PAE-00-01 / Rev: A
 - 3D Visuals – Title: Perspectives / Drwg No: PAV-00-02 / Rev: B

This list does not include:

PAE-00-01B Elevations Planning – Revised elevations, uploaded as additional information.

Both the design statement document and revised elevation drawing illustrate the design development work done during preapplication discussions and the correct proposal to consider. On the Planning Portal the 'Submitted Plans (Revised)' include the superseded elevations.

Yours sincerely,

Craig Wilson
Principle Architect BSc (Hons), PG Dip Arch, ARB
BHC Ltd.

Email: CWilson@BHC.Ltd.UK | Tel: 01555 709880

Design Development, Preapplication Process and Communication

There was a fair amount of development on this project prior to the formal submission which appears to be overlooked or dismissed with no form of communication even though there were regular requests for feedback throughout the course of the detailed application.

In accordance with the planning process these early stages of development are recommended in the Supplementary Guidance; part of a policy introduced to the debate for refusal. Nevertheless, this guidance recommends instigating preapplication discussions as part of the process, noted in point 278, Page 71 which was duly followed and implemented.

Continuing the pre application assessment and discussing policy interpretation is essential for all stakeholders but importantly and more so for the public at initiation and during the process prior to any outcome or decision without client consultation. Therefore a fair interpretation of the scheme by the Planning Department is in doubt. Are all aspects of the scheme properly considered or met without having the requisite collated and ascertained dialogue through explanation; the process is perceived as guarded in terms of excluding the applicant and agent involvement, forcing an action to seek recourse on appeal. The views prepared by the report are subjective and arguably out of context with the policies on which we all rely (not just the Planning Department) for protection. If refusal was determined without a site visit the decision is further undermined and fundamentally flawed where an entirely different outlook would be apparent.

Normally as with other councils some form of collaboration included with a joint visit is expected when a project is intended to help improve the surrounding area which may have gained support with an aim to regenerate parts of this constituency.

A key priority embraced by West Lothian Council is to sustain and grow the local economy with proposals that create employment opportunities and contribute to economic growth. SG point 8 page 4 emphasises this trait threaded throughout the policies. This is an opportunity that brings economic advantages to the area particularly when other policies also require contributions for infrastructure to help with such regeneration. The decision appears blinkered without debate and is applied on subjective grounds when the role of the planning department with authorities is to promote improvement to a 'higher level'. With a little synergy this can be achieved to comply with the policies if discussed openly. Scottish Planning Policy is there to ***'encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality'*** and particularly in this case where land is unused and derelict.

Response to Representations

No representations were received from members of the public for this application and case officer verified neighbour notification procedures have been carried out correctly.

Objection lodged by The Linlithgow and Linlithgow Bridge Community Council relating to:

- 1) Compliance of Policy ENV 2 and the Supplementary Guidance – Development in the Countryside (SG).
 - Please see our response to Policy ENV 2 below 'Response to Policies Considered' and our interpretation of the Supplementary Guidance – Development in the Countryside (SG) throughout.

- 2) Chosen finishes to be applied are not inappropriate.
 - The chosen finishes applied are natural slate and stone, in keeping with the setting of the surrounding rural buildings on the property. Finishes would usually be discussed, considered and agreed during the planning application process. The development also proposes to reuse the existing natural stone on site from ruined buildings as part of the regeneration.
- 3) Approval would set a negative precedent for housing development in the countryside.
 - The proposal provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition. As noted above the natural slate and largely recycled stone materials proposed are in keeping with the setting of the surrounding rural buildings on the property. We were not aware of the site visit on March 10th, 2021, the site should have been viewed in its current condition, clearly in disrepair and in need of regeneration. We are intending to satisfy both applicant requirements and make an exceptional contribution to the appearance of the countryside, while demonstrating the highest standard on design and environmental quality to protect and enhance the established landscape character.

Response to Consultations

No objections from any consultees.

Response to Policies Considered

Policy ENV 2 – Housing Development in the Countryside

ENV2 states that ***'a. the proposal provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition; or'***. This replicates the scenario pertaining to these proposals and there is no justification otherwise why a building can't replace derelict forms on this site which happens to contain an unwanted barn, when the intention is to enhance aesthetic appeal guided by and noted in policy. SG emphasises ENV2 circumstances for new housing ***'to facilitate the rehabilitation/restoration of a brownfield site'***, however with no conversation this is cannot be facilitated and appears to contravene government policy.

In this context the use of ***'Intrusive'*** by the planning department in the second paragraph of Point 2 their reason for refusal is effectively what the existing barn building exacts or represents and what the authorities (not to mention client included with public) are effectively wanting rid of; the very opposite to which the department refers.

Even by lay person standards, this is not a judgement that can be avoided as it is obvious that a metal clad carcass bears no resemblance to the historic well-established surroundings when comparing recent modern cladding construction. This is particularly emphasised when the planning department have already indicated in their observations that ***'The guidance states that when a site falls into disuse, is abandoned or becomes derelict, it has the potential to seriously detract from the visual and environmental amenity of the area and for this reason the council can support the sensitive redevelopment or reuse of sites which can significantly enhance landscape quality through the removal of said dilapidated or 'intrusive' buildings or their replacement by new development of an appropriate***

scale, mass and design. The proposed project therefore with this policy and guidance complies alongside further discussion but assists with the authorities views as the barn is as noted; 'abandoned' and 'disused', however a site visit when making the decision should have gathered such information. The southern and primary part of the site is also unused incorporating ruins categorised and highlighted in the statement as 'derelict/dilapidated' included with the aforementioned 'disused/abandoned' classifications within the site application. Under this remit the council are obliged to **'support the sensitive redevelopment or reuse of sites'** as per the policy. Therefore in the context of the policy the planning department are wrong to say this is not the case. The barn building is not characteristic to the **historic** surroundings but does have an infinity with modern agricultural metal sheds which display disproportionate proportions when comparing the adjacent context in this case where replacement should be welcomed if a characteristic design can be agreed or reviewed.

If a sympathetic form was created to match its context within this curtilage it would not be in the shape of a disused metal clad barn which currently exists and certainly would not achieve planning permission unless it was an agricultural holding. To say ***'It does not detract from the landscape quality of the area'*** is misusing terms in adjacent context at the cost of improvement when comparing mass, the form and its proportions against the adjacent existing forms; particularly when a skewed gable would not be conceived in the traditional sense of this background. This is not a rational reason and at the very best entirely subjective in any form of analysis. Have the planning department viewed the outlook from the Palace when assessing this application and considered the adjacent property at 3B Parkhead Holdings (image below).



The scale of the proposal at ridge point was lowered to 700mm above existing through preapplication discussions and sympathetically reduced to a storey and a half. Without further discussion with the planning department during the detailed application there will be limited awareness that the scale could perhaps be further addressed if some form of review had taken place. Substitution of drawings to appease any concerns in this area is plausible. The proposals more than comply with ENV2 where any subjectivity

can be removed by agreement through discussion and design development to appease those who are adjudicating this matter. The proposal is flanked to the east by a greater adjacent mass and will not dominate the site if dropped as suggested; further assessment is warranted to ascertain these aspects as advocated in planning policies related to impact etc. The field of view evident from the southern aspect when viewing proposals incurs a fraction of the impact caused by the recent 3B Parkhead Holdings addition which is located centrally to field with little landscaping for comparison. The B&B in this case is exposed and dominates the area when applying the same aspects raised by the planning department.

The proposal by any standard fulfils the statement made further on in the planning departments email ***'The guidance emphasises that the redevelopment of a rural brownfield site is one of the few instances where new build residential development will be permitted in the countryside, and that housing in the countryside is restricted. This means that any decision to make an exception and grant permission should not be taken lightly and that the underlying justification for making an exception to policy would be to improve visual and environmental amenity of the countryside.'*** There is no justification in the council's response why this is not the case as the proposals fit the policy. This is not an exception to the rule noted, but even if it was the design can be catered for to appease any concerns through discussion which did not occur and the service provided does not match the importance placed on this site.

Policy ENV 2 also states that:

- 'b. the proposal is for the replacement of an existing house in the countryside which is of a poor design or in a poor structural condition; or**
- c. the proposal is for infill development within the curtilage of an existing building group or infilling of gaps between existing houses of a single plot width; or**
- d. the proposal involves the conversion or rehabilitation of existing rural buildings which the council deems worthy of retention because of their architectural or historic merit; or**
- e. the proposal is supported by the council's lowland crofting policy.'**

The replacement is not for an existing house nevertheless this is an infill exercise within the curtilage of an existing building group. The design detracts from a 'ribbon' effect favoured by SG policies which could be assessed with scale through discussion. The interpretation that rehabilitation could be forced on a barn worthy of retention when it obviously isn't counteracts the view that there is any architectural merit in retention or even going as far to say **'characteristic'** in the planning departments response.

Policy ENV 2 also establishes housing is acceptable if ***'the proposal is for the infill development within the curtilage of an existing building group or infilling of gaps between existing houses of a single plot width'*** which is evident and likely to be the case if the existing barn is not fit for purpose or surplus to requirements as the client has no need for it in terms of farming. The ruins with unused land to the south further emphasise that this policy is relevant. There is no significant architectural merit for the barn's retention or for conservation leverage as it is not plausible to consider re-use due to the form it's in as discussed in the design statement. The client is left with inadequate space and inappropriate levels or inadequate ergonomic space found within for any further use. SG states the ***'Local Development Plan supports the sensitive redevelopment or reuse of sites which can significantly enhance landscape quality through the removal of dilapidated or intrusive buildings or their replacement by new development of an appropriate scale, mass and design'***. It appears unreasonable that an opportunity to potentially improve the area can't be considered where this statement in the policy clearly states 'support' in association with an existing 'intrusive' barn which is ideal for 'replacement'. The site however must also focus on the main area outside the existing barn where considerations are more particularly poignant due to existing ruins straddling the site to the south where this existing footprint more so is evident and unsightly.

In terms of the SG the points made are subjective when more than half the site is effectively unsightly with part ruins and brick retaining walls to the north which are dilapidated and uncharacteristic

combinations. There are no grounds for retaining the metal roof and cladding when there is an opportunity to enhance the aesthetics with the natural slate and stone proposals. As per the SG the proposals wholeheartedly embrace the reuse of stone material on site from the 'disused, abandoned, derelict, and dilapidated' part of the site to resurrect and improve the destitute piece of land that exists. Do the authorities and planning department want this area to remain desolate – it must be raised, realised and answered. With a site visit which was not highlighted until the handling report this aspect should have been evident without being pushed aside and excluded in debate all as noted in the design statement.

Policy DES 1 – Design Principles

Comparing the proposed scheme with the existing metal barn which is without question less 'characteristic' to the surrounding adjacent building group aesthetics is misleading particularly when the form on display reveals a contrast in scale, mass and finish. Supplementary Guidance also states, ***'It is important that the underlying justification for making an exception to general planning policy is to secure the removal of inappropriate buildings and to improve the visual and environmental amenity of the countryside.'*** This curtilage or group of buildings is not related to any agricultural business or lot and misinterpretation is clouding reasons as to why an improved scheme is not embraced for the benefit of all. SG continues; ***'new housing in the countryside may be supported where development constitutes infill within an existing building group'***, which this proposal clearly is.

To say the proposal does not comply with Policy DES 1, Policy ENV 1, Policy ENV 25 or the associated SG in the concluding sentence reiterates generalisation without specifics as to why the authority consider non-compliance. There are 8 points to Policy DES 1, most of which are referred to in the application Design Statement but without specific council notes in the refusal is there an assumption that this is referring to the first two items, or concerning impact on adjacent buildings, streetscape, layout, scale, massing, design, materials, amenity, landscape character, built heritage, habitats, biodiversity, Protected Species, light, noise, odours, and dust. With no discussion in the detailed application there is difficulty to focus on a response, particularly after pre-consultation; the majority are resolved by technical means however the remaining items are subjective and can only be accomplished through some form of communication. For instance the first 8 items in the aforementioned list can all be altered/adjusted and agreed rather than adjudicated with outright dismissal.

Policy ENV 1 – Character and Special Landscape Areas

The client wishes to enhance the landscape character by removing a metal clad barn which obviously doesn't assist with this cause. There is a presumption that the scheme adversely effects the designated area however if this is the reason why the planners consider refusal the policy ENV 1 also states that the applicant has the opportunity to provide a landscape and visual impact assessment to mitigate any such assumption but the client has had no such opportunity due to lack of communication which was sought. This is true with any other impact assessment that could be requested by the authorities.

Policy ENV 25 – Linlithgow Palace and Peel and High Street Riggs

Linlithgow Palace, Peel and High Street Riggs are obviously sensitive to alterations affecting amenity, outlook, character and setting. With no discussion to highlight that this proposal actually eliminates the horizontal aspect of the existing brightly clad metal roof on the hillside and substantially ease outlook, improving such aspects without debate, how can the assumption be that historic landmarks are affected; introducing a plausible assessment is the way forward. The proposals are by far more sympathetic to what exists and will not be as obtrusive as the barn or as distinct as the Queens View B&B easily identifiable from Linlithgow. Much of the new scheme mimics this characteristic dwelling with various features but in

a less grand style revealed by many similarities proposed in terms of materials, proportions, including fenestrations. In conjunction the proposals also alleviate the metal clad roof very evident on the horizon oriented in a fashion opposing the traditional vernacular style found east of the site.

Response to Officer Assessment, Conclusions and Reasons for Decision

To match planning views in terms of 'sympathetic to the setting of traditional rural buildings', the form, bulk and general design of the proposed building through discussion and collaboration is a worthwhile cause. The schemes ridge could be dropped further to align with the existing ridge if required however without communication that opportunity is missed alongside how the proposal with natural materials is far superior to aesthetics that currently exist. The broad B&B elevation is more prominent on the hillside in comparison containing horizontal linear fenestrations which cannot be considered as characteristic to surroundings but in this context sets the precedence and there is no reason why a new scheme can't revert away from this style or in fact delve into a more traditional arrangement encountered at the existing 3A Parkhead holdings.

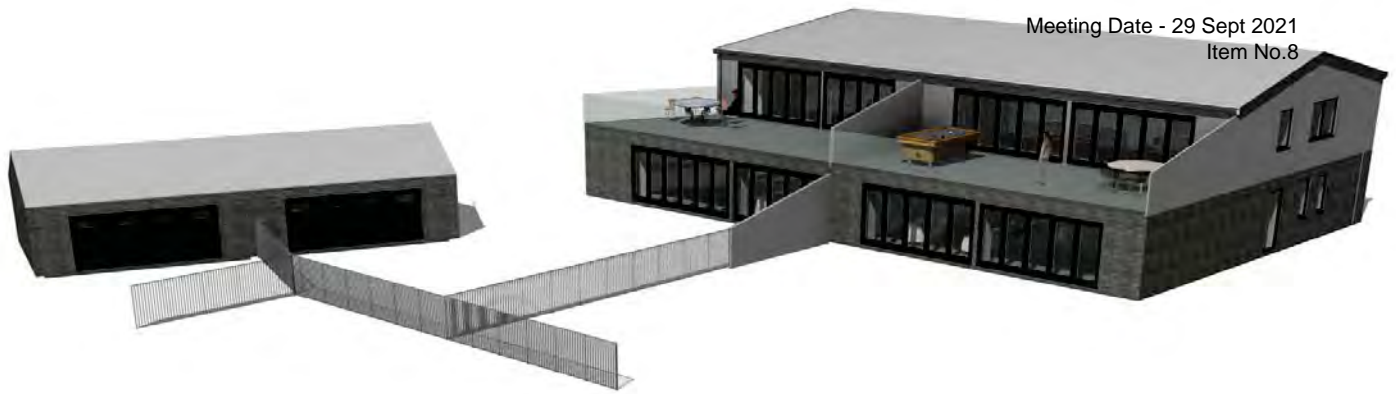
There are dormers on the original buildings at 3A (please see submitted drawing PAV-00-04 – Surrounding Buildings) and the new build 3B Parkhead Holdings which sets a precedence in terms of a characteristic features mimicked in the proposals. It is wrong to note that this cannot form part of the new proposal when there are complimentary aspects in the design maintaining continuity for surroundings. This is a traditional vernacular feature found across all of the country. To say dormers are not often found on traditional agricultural buildings is incorrect but again subjective as the buildings in context are not necessarily all agricultural and there are at least 6 dormers evident as part of the adjacent dwellings. The policy to which the Planning Department refer is understandable within the context of barn type conversions however in this context the scheme emulates what exists for a house where again any refinement can be discussed. SG also states **'However, where the roof space is proposed for accommodation consideration will be given to traditionally designed dormers in preference to 'box' dormers.'** It is understandable that altering an existing agricultural building may not suit dormers as it would in fact alter its characteristics however when existing dormers are evident in the next plot it is justifiable and unreasonable not to employ this form from rural vernacular aesthetics. These existing adjacent houses are not agricultural and are not used as such with no agricultural holding. When discussing character new proposals can quite easily adopt to that which exists particularly when representing the existing dormers that are already evident counteracting the general rule however with no discussion this again is lost in assumptions.

The treatment of windows and doors can be simple or simplified but at 3B Parkhead Holdings many of these features are mimicked in the new proposal setting precedent to the area, nevertheless with some communication a simplified version to avoid Queens View type features could have been addressed in discussion and could easily be integrated and is easily altered through review. There is a contradiction when a vast elevation is built in an open field which coincidentally replaced similar barns and which happen to be **'in good condition'** when it is exposed to the views of Linlithgow Palace and all around surrounding areas. SG is clear on this matter; **'proposals for new B&B's, guest houses, pubs/restaurants etc. will generally only be permitted when existing buildings can be satisfactorily utilised.'** SG also notes that a rural house will very rarely be permitted in an elevated or exposed location such as the Queens View B&B or where it can be viewed from well frequented public vantage points. The new scheme is far more less evident with a narrower frontage and can be adjusted as such to hug the underside of the adjacent ridge whilst eliminating metal cladding from view and importantly blend sympathetically into its adjacent surroundings with the use of natural materials traditional to our heritage but importantly matching adjacent characteristics.

There are over 70 pages in the SG however if there are other points pertaining to the refusal, we are more than happy to discuss this further.

Finally, we would also like to highlight our patience during this challenging time to receive determination on this application, which took significantly more than the statutory two-month period. We are committed to agreeing an exceptional contribution to the appearance of the countryside, while regenerating an existing brownfield site currently in disrepair.

Please don't hesitate to contact us should you need any further information.



Initial Concept with Existing

The Granary

3A Parkhead Holdings



Design Statement 1 of 7

Initial Pre Application discussions with the planning department in June 2020 reviewed the prospects of converting an existing barn into a dwelling, integral with an existing cluster of buildings and their adjoining curtilage. Positioned within the existing footprint & envelope two dwellings were conceived demonstrated by the imagery above. The aim alongside the provision of further accommodation was two fold in terms of enhancing the nearby properties including the derelict southern garden which also when upgraded could be reused to a standard that would add to the local regeneration. Some investigation and help from the planning department over similar pre-applications suggested this may be a worthwhile cause with a potential positive outcome for improvement.

Assessing planning policies and reviewing the authorities current guidance revealed that the criteria could be met allowing compliance for the proposals and for the development to take place.

This initial proposal and concept for conversion utilises the existing building shell taking advantage of notable and available views to the south. The building scale therefore in this scheme is retained and what is currently perceived from the south or any other viewpoint will primarily remain as indicated above.

Planning advice also indicated that any intention to develop land further south beyond the proposed site boundary could be hindered by the use of southern facing balconies which in some respect would be subjective in terms of how a user would want to occupy and inhabit the dwelling. The design and outcome therefore comes down to a matter of taste alongside lifestyle preferences within planning policies.

This therefore established there was an argument that this type of development could be undertaken within a building group where the design outcome ultimately reflects what the client is keen to do with their briefing for the building use while respecting surroundings.

The north of the building is well screened with almost a storey difference in ground level rising on the west. The gable of the barn building retains much of the field area on this chamfered west boundary. The planning department therefore suggested that as and when an application is submitted, ground levels and the existing surrounding buildings are included to provide a wider contextual understanding.



2nd Option with context

The Granary

3A Parkhead Holdings

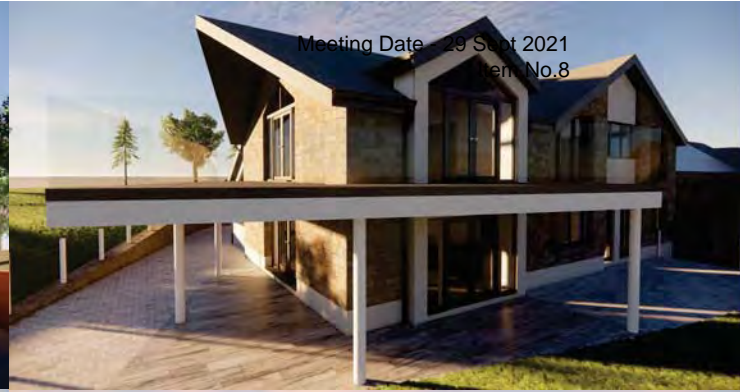


Design Statement 2 of 7

As noted opportunities for these types of developments exist within planning guidelines and allows an additional percentage of accommodation to exist within a building 'cluster'. When reviewed with the proposed conversion alongside other similar proposals as test cases in the area there are admittedly a number of subjective items as to how schemes can be interpreted however as there is an existing mass in the vicinity promoting an improvement for a generally dilapidated area must be welcomed by all parties concerned. In these terms the Planning department were extremely helpful when reviewing proposals during the Pre Application discussions and after expressing views confirmed further consultation would be required by other parties.

Following subsequent discussions and reviews with the client relevant to planning department feedback due to the rigidity of the existing envelope included with footprint position on site much of the initial design concept was considered to have limitations in versatility for maximising client use including potential opportunities to enhance the local area alongside adjacent properties. Introducing a new build could create a more sympathetic arrangement attuned with context rather than adopting a barn like form detached from domestic styled arrangements. Conceivably this could sit better on site and with the surroundings as above. With a concept of replacing the barn storage accommodation and refining the dwellings to a single family home, a new 4 bedroom footprint was conceived mimicking the adjacent courtyard buildings with the intention of reusing and adopting dilapidated stonework rubble nearby. Using the ruins on the site for continuity would help match aesthetics already found alongside the existing adjacent fabric of nearby buildings.

The above concept also revealed there was a reduced footprint when comparing the existing barn but also allowed the integration of a traditional pitched slate roof to match most of the nearby buildings for suitable integration. Contextual site sections for understanding the massing with relationships of new and existing were also requested by the planners. The uppermost point of the new build ridge at this stage was 3.25m higher than the existing adjacent storage building which incorporated a cementitious corrugated roof finish. The lower new build ridge to the rear roadside stepped down and stood 1.89m higher than the existing ridge. The new build is located generally on higher ground and achieves full storey heights. The main public access road on the north west to the rear revealed the new builds 1st floor level was actually lower than the road level itself which rises westwards from this corner of the site having the appearance of a single storey arrangement at this particular point when viewed eastward.



Meeting Date: 29 Sept 2021
Item No.8



Previous schemes under development

The Granary

3A Parkhead Holdings



Design Statement 3 of 7

The easterly aspect at this stage of discussions we believed highlighted that the new build relationship had negligible impact when viewed in perspective due to the existing building masses within the curtilage; masking much of the proposals when standing on this dropped level which was generally accepted from the east.

However the planning department nevertheless while agreeing aesthetics felt the building height should be lowered even though the ground level for the new build was on a higher juxtaposition when comparing adjacent level relationships. A scheme as above was therefore developed to reduce the originally proposed scale and mass.

With these planning comments on board most of the major adjustments focussed on the roof configuration which dropped a full storey as can be noted from the previous scheme i.e. a 2.5m reduction in height. While maintaining the rear levels for the garage after investigative survey work this introduced internal combed ceilings at the 1st floor level of the property. In order to allow functionality at this point the introduction of dormers at strategic points allowed rooms to be used adequately. With the topographical and existing building forms surveyed a more detailed assessment was undertaken allowing the preparation of a flyover video within context. This compared the immediate adjacent existing building which revealed the actual height relationships alongside prepared elevations. Some traditional render work was introduced to help with the concept of breaking elevations down into an organically evolved farmhouse arrangement. We hoped this was in keeping with the planning department thoughts before submitting a formal detailed application however further comments were forthcoming.

Planning noted that the existing shed is about 325sqm footprint and the proposed house is about 255sqm ground floor so in terms of ground coverage there is a reduction. The overall house is about 500sqm floor space (which client notes includes an integrated double garage) where they considered this as a large 4 bedroom dwelling however this did not account for differences in usable floor area due to the large circulation space desired alongside double height spaces which allows for improved living standards by introducing natural light throughout the house environment. Planning nevertheless after reviewing revised proposals in relation to the previous drawings confirmed the height had certainly reduced to something much closer to the existing buildings. Their preference would be for it to be no higher suggesting exposed 'wall head' gables as the Parkhead buildings or flush gables viewed on other adjacent properties.



North Entrance - Proposed

The Granary

3A Parkhead Holdings



Design Statement 4 of 7

Planners noted their views are informal and without prejudice. The officer wasn't sure of an overhanging roof above the balcony on the south west elevation from their own personal view. They considered the elevations looked a little busy in some respects but again this was personal and suggested this could be down to variations in window design. They accepted that this is a modern house however given the buildings adjacencies including the B&B, perhaps fenestrations required simplified or more unified. This may require narrowing of the eyebrow dormers to achieve a balance but again these were personal thoughts related to detail. The officer concluded external finishes must be constructed using stone including slate and there will also be a requirement for solar PVs integral with the roof design. They agreed the reduction in height was much improved and a detailed application should be submitted to review proposals as to whether a house on this site is acceptable in policy and in design terms.

Following these concluding discussions with the planning department the proposed design as adapted now forms the detailed application. With these last remaining comments assessed and taken on board many of the suggestions were adapted which were considered by the planning officer as above imagery.

The floor heights of the new build are determined or dictated by the rear garage threshold relationship which cant be changed at ground level to adequately control surface rainwater and eliminate potential flooding associated with the existing external yard levels without undergoing major groundworks or effects to existing buildings. The double garage closely developed with client aligns access at the most appropriate point with the existing yard and thereafter allows the dwelling relationships and surroundings to extend from this as a datum point.

The physical design from concept initiation to latter planning comments has changed fundamentally; evolving into a sympathetic solution supporting surrounding buildings and the local nearby rural area. The scheme replaces a similar scaled existing barn building but is also sympathetic in terms of massing which as discussed was initially considered for refurbishment. The new scheme however incorporates a reduced footprint with a superior aim to advance quality. The impact on surroundings is therefore reduced as the scheme now further developed is an enhancement or improvement to the surrounding environment alongside the drive for regeneration in the area.



South - Proposed

The Granary

3A Parkhead Holdings



Design Statement 5 of 7

Continuing with planning advice the initial new build scheme on the second page had its roofline dropped but more importantly afterwards incorporated breaks in the large roof span by introducing reduced traditional roof configurations aligned with the existing adjacent forms. These alterations from the upper level also considered the effects of land levels where the existing barn stood in association with the proposed ground floor/garage datum point leading to a carefully considered design for all stake holders involved for the dwelling to function adequately. The client latterly was keen to emulate the pend archway by introducing this also on the garage door head detailing. The proposed aesthetics now fully match the existing adjacent building finishes by the use of stone and slate but also replicate existing forms of the surrounding buildings. The proposed facades are well broken to establish synergy with the traditional and existing farms or rural building character accustomed in the rural setting.

Feature rendered panels are removed after planning comments that the 'facades appeared too busy' to simplify and mimic adjacent properties and again align with the context aesthetics blending new with old

Balconies are evident in the area and form part of the new scheme emulating this as a feature to extend outdoor space for the upper living accommodation. There are practical reasons in having a roof overhang in this area too not unlike the forms of a Dutch barn arrangement mimicked in a smaller scale to what is currently on site as it stands. The client is willing to forgo other future developments nearby to have living accommodation at this upper level which enhances the outlook but limits potential development on the land immediately south of the property.

The nature of the fenestration detailing is intended to match the traditional vertical emphasis and where openings exist horizontality is removed by the use of vertical mullion configurations maintaining the proportions wherever possible to mimic the nearby properties. The eaves and verge details are further reduced to a 200mm overhang. This is no different from detailing found in rural Scotland for hundreds of years. The slight overhang provides good weather detailing, enhancing the durability, lifespan and protection of the fabric and new house. We consider the proposed elevations are no more 'busy' than the nearby existing arrangements particularly as the pallet of materials has been simplified to match what is already there.



West - Proposed

The Granary

3A Parkhead Holdings



Design Statement 6 of 7

Under 'DES1 - Design Principles' the new scheme factors a huge amount of considerations into its surroundings and should be supported for regeneration purposes at the very least. The scheme accounts for and can be integrated within the local context including built form without having any significant adverse impacts on the local community but more so enhances the environment with the design quality proposed.

There is no significant adverse impact on adjacent buildings in terms of character including built heritage or streetscape considering what is currently there in terms of layout, scale, massing, design, external materials, amenity, and including the impact on landscape which in fact is vastly improved.

There are no effects on biodiverse habitats or protected species when assessing the current existing arrangements against the enhanced replacement. Careful consideration has been taken when eliminating the negative effects of losing natural light in a scheme that reduces noise, odours, and dust. In this context the should be promoted or supported where accessibility with suitable access and parking, catering for public safety is also factored in.

The proposals do not affect the water environment or soil quality but also include appropriate integrated and accessible infrastructure, open space/green infrastructure and suitable landscaping for the user where sustainability and energy efficient design is addressed with the use of PV panels, including the reuse of existing stone to reduce the carbon footprint, alongside layout, and site orientation.

In terms of 'INF1 - Infrastructure Provision and Developer Contributions' the planning department have advised of this potential consideration however locally the scheme has limited impact on infrastructure considering this is a single dwelling replacement for a barn which houses tractor & trailers alongside storage.



East - Proposed

The Granary

3A Parkhead Holdings



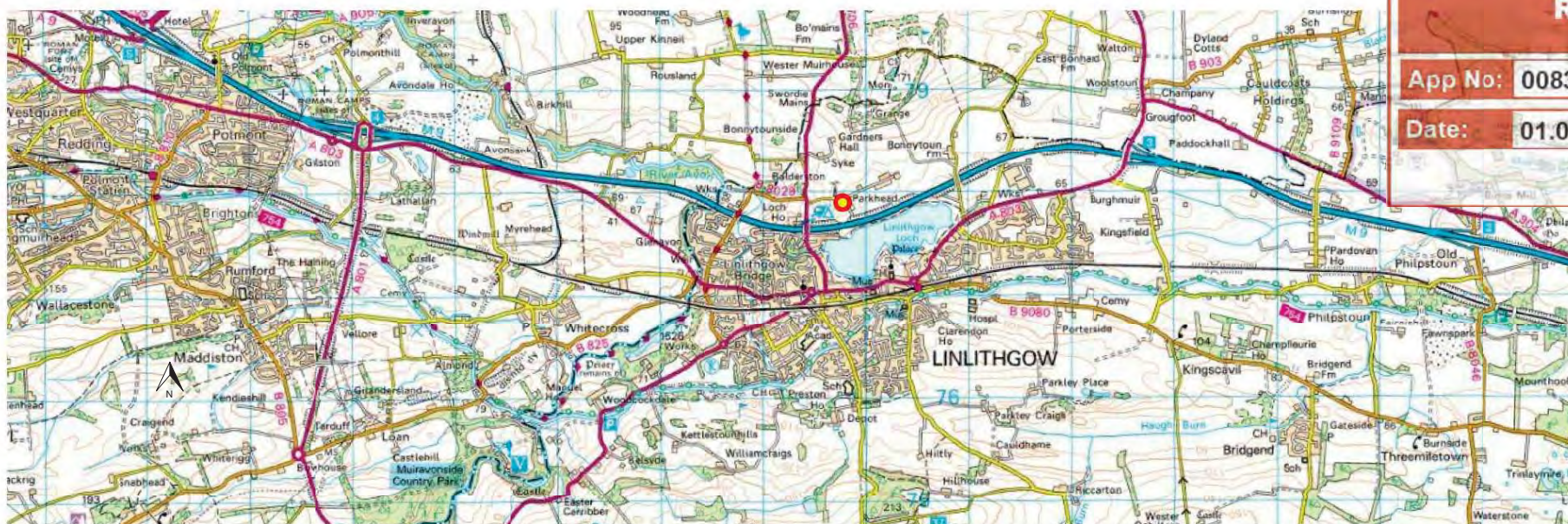
Design Statement 7 of 7

Other policies such as 'ENV2 - Housing Development in the Countryside', identify guidelines where proposals satisfy the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use, with no value in its current condition. The proposal is for a replacement infill within the curtilage of an existing building group as a single plot dwelling helping with the rehabilitation of existing rural surrounding buildings which the council should deem worthy due to the rural historic architecture.

Therefore policies 'NGR1a -Low and Zero Carbon Generating Technologies, NRG2 - Solar Roof Capacity Requirements, and EMG3 - Sustainable Drainage are all achievable and can be catered for where SEPA will advise on the single dwelling septic tank proposal.

In terms of the policy 'EMG5 - Noise' there certainly will be no more noise generated with the substitution compared with the barn that's being replaced in fact there is an argument that noise will be reduced without having farm equipment in the vicinity. Therefore there will be no adverse impact on the continued operation of any existing or proposed business or activity. With regard to 'EMG6 - Vacant, Derelict and Contaminated' the redevelopment will be supported in principle where the greening of vacant and derelict land is encouraged in terms of the site boundary particularly within the southern part of the proposal.

We hope that the proposals will be looked on favourably and supported through the planning process where we are more than happy to have further liaison ensuring all factors are catered for in the application alongside stakeholder involvement.



1 .Location Map
N.T.S



2 Location Plan
1 : 1250



3 Block Plan
1 : 500

[illegible]

Meeting Date - 29 Sept 2021
Item No.8

Key

H	High
M	Medium
L	Low
I	Insignificant

Risk Assessment Matrix

	Major (3)	Minor (1)
Consequence	High (H)	Medium (M)
Risk = Probability x Consequence	High (H)	Medium (M)
	Major (3)	Minor (1)
Rate (1)	High (H)	Medium (M)
	Major (3)	Minor (1)
Rate (1)	High (H)	Medium (M)

[illegible]

 Ownership Boundary Line
 Site Boundary Line

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- Verify dimensions on site before proceeding with any work. Notify Architect of any deficiencies.
- All drawings to be read in conjunction with other and associated specification notes.
- All work shall be constructed in accordance with all applicable codes and standards.
- Building designed to the 2019 Non-Compromised Technical Handbook.

CLIENT	Alan Anderson
PROJECT	New Build Dwelling
ADDRESS	The Granary 3A Parkhead Holdings Linnithgow EH49 7RF

		Brian Hewitt Construction Ltd, Morden Park, Edinburgh Road, Carmeth ML11 8PW Tel: 01551 540006 Fax: 01551 540036 www.bhc.ltd.uk enquiries@bhc.ltd.uk			
DATE	DRAWN	CHECKED	STATUS		
Issue Date	Author	Checker	Planning		
SCALE (e.g. 1:1)	JOB NO.	DRAWING NO.	REV.		
As indicated	10051	AL-00-01	F		



REFUSED

App No:

0083/FUL/21

Date:

01.06.2021

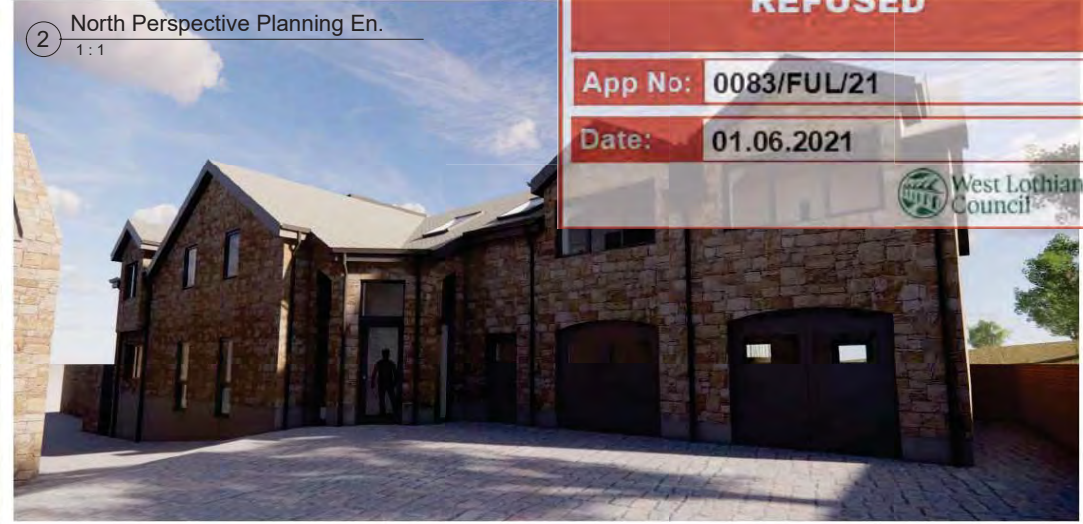
West Lothian Council

REV	DATE	BY	DESCRIPTION
1	20/09/20	SW	Architectural Plans submitted following planning department advice and drainage indicated.
2	20/09/20	SW	Revised plans submitted.
3	20/09/20	SW	Revised plans submitted.

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Meeting Date - 29 Sept 2021
Item No.8





REFUSED

App No: 0083/FUL/21

Date: 01.06.2021

West Lothian Council



Meeting Date - 29 Sept 2021
Item No.8

REV	DATE	DESCRIPTION	BY	CHECKED
1	18/11/20	Initial Design & 3D rendering	AW	AW
2	18/11/20	Final Design & 3D rendering	AW	AW
3	18/11/20	Final Design & 3D rendering	AW	AW
4	18/11/20	Final Design & 3D rendering	AW	AW
5	18/11/20	Final Design & 3D rendering	AW	AW
6	18/11/20	Final Design & 3D rendering	AW	AW
7	18/11/20	Final Design & 3D rendering	AW	AW
8	18/11/20	Final Design & 3D rendering	AW	AW
9	18/11/20	Final Design & 3D rendering	AW	AW
10	18/11/20	Final Design & 3D rendering	AW	AW

CLIENT	Alan Anderson	DATE	10/09/20	DRAWN	AW	CHECKED	STATUS	Planning
PROJECT	New Build Dwelling	ADDRESS	The Granary 3A Parkhead Holdings Linlithgow EH49 7RF	SCALE	1:1	JOB NO.	10051	PAV-00-02
TITLE	Perspectives	DATE	10/09/20	DRAWN	AW	CHECKED	STATUS	Planning
DATE	10/09/20	DRAWN	AW	CHECKED	STATUS	Planning	REV	B



1. Location Map
N.T.S



2. Location Plan
1:1250



3. Block Plan
1:500

Designer's Hazard Checklist: Residual Risk									
Potential Hazard	Consequence	Exposure	Initial Risk	Mitigation Measures	Residual Risk	Accepted	Not Accepted	Not Accepted	Not Accepted
1. Environment									
1.1. Air Quality	High	Low	High	Low	Low	✓	✓	✓	✓
1.2. Noise	High	Low	High	Low	Low	✓	✓	✓	✓
1.3. Vibration	High	Low	High	Low	Low	✓	✓	✓	✓
1.4. Light	High	Low	High	Low	Low	✓	✓	✓	✓
1.5. Visual	High	Low	High	Low	Low	✓	✓	✓	✓
2. Services									
2.1. Electricity	High	Low	High	Low	Low	✓	✓	✓	✓
2.2. Gas	High	Low	High	Low	Low	✓	✓	✓	✓
2.3. Water	High	Low	High	Low	Low	✓	✓	✓	✓
2.4. Sewerage	High	Low	High	Low	Low	✓	✓	✓	✓
3. Earthworks									
3.1. Earthworks	High	Low	High	Low	Low	✓	✓	✓	✓
4. Foundations									
4.1. Foundations	High	Low	High	Low	Low	✓	✓	✓	✓
5. Drainage									
5.1. Drainage	High	Low	High	Low	Low	✓	✓	✓	✓
6. Highways									
6.1. Highways	High	Low	High	Low	Low	✓	✓	✓	✓
7. Roadwork									
7.1. Roadwork	High	Low	High	Low	Low	✓	✓	✓	✓
8. Concrete									
8.1. Concrete	High	Low	High	Low	Low	✓	✓	✓	✓
9. Masonry									
9.1. Masonry	High	Low	High	Low	Low	✓	✓	✓	✓
10. Timber									
10.1. Timber	High	Low	High	Low	Low	✓	✓	✓	✓
11. Cladding									
11.1. Cladding	High	Low	High	Low	Low	✓	✓	✓	✓
12. Glazing									
12.1. Glazing	High	Low	High	Low	Low	✓	✓	✓	✓
13. W&E									
13.1. W&E	High	Low	High	Low	Low	✓	✓	✓	✓
14. Direction									
14.1. Direction	High	Low	High	Low	Low	✓	✓	✓	✓
15. Operation									
15.1. Operation	High	Low	High	Low	Low	✓	✓	✓	✓

Risk			
High	Medium	Low	Insignificant
High	Medium	Low	Insignificant
High	Medium	Low	Insignificant
High	Medium	Low	Insignificant

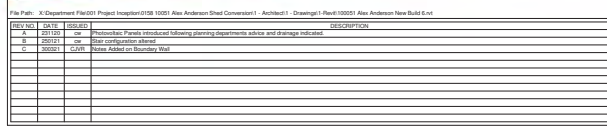
Meeting Date - 29 Sept 2021
Item No.8

REV	NO	DATE	DESCRIPTION
A	1	2020/11/10	Issued for Information
B	2	2020/11/10	Issued for Information
C	3	2020/11/10	Issued for Information
D	4	2020/11/10	Issued for Information
E	5	2020/11/10	Issued for Information
F	6	2020/11/10	Issued for Information

Ownership Boundary Line
Site Boundary Line

CLIENT Alan Anderson	PROJECT New Build Dwelling	ADDRESS The Granary 3A Parkhead Holdings Linlithgow EH49 7RF	TITLE Location & Block Plan	DATE 29/09/2021	DRAWN Author	CHECKED 10051	STATUS Planning	REV F
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1 Block Plan - Existing
1 : 500



2 Existing Site 2
N.T.S



3 Existing Site 3
N.T.S



4 Existing Site 4
N.T.S



5 Existing Site 5
N.T.S



6 Existing Site 6
N.T.S



7 Existing Site 7
N.T.S



8 Existing Site 8
N.T.S



9 Existing Site 9
N.T.S



10 Existing Site 10
N.T.S

[illegible]

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- Verify dimensions on site before proceeding with any work. Notify Architect of any deficiencies.
- All drawings to be read in conjunction with each other and associated specification notes.
- All work shall be constructed in accordance with all applicable codes and standards.
- Building designed to the 2017 Non-Domestic Technical Handbook

Please Note: Further risk assessments are required by the principal designer as residual risks

CLIENT	Alan Anderson
PROJECT	New Build Dwelling
ADDRESS	The Granary 3A Parkhead Holdings Linlithgow EH49 7RF
TITLE	Existing Site

 Brian Rees Construction Ltd. Madsen Park, Edinburgh Road, Carmeah ML11 9SL Tel: (01555) 840006 Fax: (01555) 840036 www.bhc.ltd.uk enquiry@bhc.ltd.uk			
DATE	DRAWN	CHECKED	STATUS
01/22/21	Author	Checker	Planning
SCALE @ A1	JOB NO.	DRAWING NO.	REV
As indicated	10051	PAV-00-03	

Meeting Date - 29 Sept 2021
Item No.8



DECISION NOTICE REFUSAL OF PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997, as amended

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **refuses full planning permission for the development described below**, and in the planning application and docquetted plan(s).

APPLICATION REFERENCE 0083/FUL/21

PROPOSAL Demolition of agricultural shed and erection of a house with garage

LOCATION The Granary, 3A Parkhead Holdings, Linlithgow, West Lothian, EH49 7RF, (GRID REF: 299763, 677901)

APPLICANT Mr Alan Anderson, The Granary, 3A Parkhead Holdings, Linlithgow, West Lothian, EH49 7RF

The above **local application was determined by an officer appointed by the council in accordance with its scheme of delegation**. Please see the advisory notes for further information, including how to request a review of any conditions.

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated: 01.06.2021

Craig McCorriston
Head of Planning, Economic Development and Regeneration

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

DATA LABEL: PUBLIC

Signature:



The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0083/FUL/21, for the reason(s) set out as follows:

- 1 The proposed site is within a rural, countryside location and sits west of a number of well preserved, traditional buildings. The scale, massing, proportions, dormers and window proportions of the proposed dwelling do not correlate to or respect the character of the traditional buildings or the surrounding rural area. Additionally, the site is in an elevated and exposed location and is highly visible. It is therefore concluded that the combination of all of these issues means that the proposal is unacceptable in terms of design and the planning application is therefore contrary to the adopted West Lothian Local Development Plan policies DES 1 (Design Principles), ENV 1 (Character and Special Landscape Areas) and ENV2 (Housing Development in the Countryside). The application is also contrary to West Lothian Council's statutory supplementary guidance 'Development in the Countryside'.
- 2 Policy ENV2 (Housing Development in the Countryside) sets out 5 instances in which housing development in the countryside will be permitted. The first one listed is the only one applicable to this proposal. It states that housing will be permitted if it provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition.

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

The agricultural building which currently occupies the site is characteristic of its rural location and is in good condition. It does not detract from the landscape quality of the area. Additionally, the scale of the proposed new house is such that it will dominate the site and the neighbouring buildings. It can be concluded that the proposal is contrary to policy ENV2 (Housing Development in the Countryside) in the adopted West Lothian Local Plan and West Lothian Council's statutory supplementary guidance 'Development in the Countryside'.

ADVISORY NOTES TO DEVELOPER

How to challenge the council's Decision

If your application was determined under delegated powers as a local application by an officer appointed by the council and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. If the application was heard at a committee and in any other case you can seek an appeal of that decision to the Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review, or to appeal, here: <https://www.westlothian.gov.uk/article/33128/Decisions-Reviews-and-Appeals>

If the decision of the council is overturned by the Local Review Body or the Directorate for Planning and Environmental Appeals, the developer of the land should be made aware of the following notes.

Notification of the start of development

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Notification of completion of development

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Contaminated land procedures

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

Liaison with the Coal Authority

As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.

Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.

*To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at **www.groundstability.com**.*

Advisory note to developer - General

Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.

Annex 1, Schedule of Plans - 0083/FUL/21

Docquetted Number	Drawing Description	Drawing Number
1	Location and Site Plan	Title: Location _ Block Plan / Drwg No: AL-00-01 / Rev: F
2	Photograph	Title: Existing Site / Drwg No: PAV-00-03
3	Floor Plan (proposed)	Title: Floor Plans / Drwg No: PAL-00-02 / Rev: C
4	Proposed Elevations	Title: Elevations / Drwg No: PAE-00-01 / Rev: A
5	3D Visuals	Title: Perspectives / Drwg No: PAV-00-02 / Rev: B



DATA LABEL: PUBLIC

HANDLING REPORT

Ref. No.:	0083/FUL/21	Email:	alexander.calderwood@westlothian.gov.uk
Case Officer:	Alexander Calderwood	Tel No.:	01506 280000
Ward:	Linlithgow	Member:	Tom Conn Tom Kerr David Tait

Title	Demolition of agricultural shed and erection of a house with garage (Grid Ref: 299763,677901) at The Granary,3A Parkhead Holdings, Linlithgow, West Lothian, EH49 7RF
Application Type	Local Application
Decision Level	Delegated List
Site Visit	10.03.2021
Recommendation	Refuse Permission
Decision	Refuse Permission
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	19.02.2021
EIA Screening	Does the development require EIA screening - No

Description of Proposals

Demolition of agricultural shed and erection of a house with garage

Site History

There is no relevant site history.

Representations

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

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

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 (Andrew Cotton)	No objection.	Level of contributions detailed in case file.	Noted.
Transportation	No objection.	No comment.	Noted.
Environmental Health	No objection.	Noted that should application be approved conditions relating to the control of noise and air quality issues generated through construction should be attached.	Noted.
Flood Risk Management	No objection	Requested submission of drainage layout.	Noted.
West Lothian History and Amenity Society	No objection.	No comment.	Noted.
West of Scotland Archaeology Service	No objection.	No comment.	Noted.

Policies Considered

Policy Title	Policy Text
ENV2 - Housing Development in the Countr	Housing development in the countryside will only be permitted where: a. the proposal provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition; or b. the proposal is for the replacement of an existing house in the countryside which is of a poor design or in a poor structural condition; or c. the proposal is for infill development within the curtilage of an existing building group or infilling of gaps between existing houses of a single plot width; or d. the proposal involves the conversion or rehabilitation of existing rural buildings which the council deems worthy of retention because of their architectural or historic merit; or e. the proposal is supported by the council's lowland crofting policy. Where a proposal by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside an exception to policy may be justified. Proposals should make the best use of resources, integrate with services and facilities and demonstrate the highest standards in design and environmental quality to protect and enhance the established landscape character. The detailed requirements of Supplementary Guidance on New Development in the Countryside and Lowland Crofting will apply.
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 and be high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals, the developer will be required to ensure that: a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity; b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates; c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety; d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping; e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices; f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided; g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development. Where

	appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.
ENV1 - Landscape Character and Special L	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. 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 'out with' 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. 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. 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.
ENV25 - Linlithgow Palace and Peel and H	There is a presumption against development which would have an adverse effect on the amenity, outlook, character or setting of the Palace and Peel at Linlithgow. Developments within 800m of the Palace and Peel will be assessed for their potential effects. Development will not be permitted in the riggs off Linlithgow High Street. Exceptions may be made for developments which are small scale and are ordinarily incidental to the enjoyment or use of the principal property. In all cases, these must respect the existing rigg pattern, boundary walls and character of the area.

Policy Assessment

Please see 'Officer Assessment' below.

Officer Assessment

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

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

West Lothian Council's supplementary guidance (SG) entitled 'Development in the Countryside' establishes the principles and main design issues to be considered when determining a proposal for rural housing development. The guidance states that when a site falls into disuse, is abandoned or becomes derelict, it has the potential to seriously detract from the visual and environmental amenity of the area and for this reason the council can support the sensitive redevelopment or reuse of sites which can significantly enhance landscape quality through the removal of said dilapidated or intrusive buildings or their replacement by new development of an appropriate scale, mass and design. The guidance emphasises that the redevelopment of a rural brownfield site is one of the few instances where new build residential development will be permitted in the countryside, and that housing in the countryside is restricted. This means that any decision to make an exception and grant permission should not be taken lightly and that the underlying justification for making an exception to policy would be to improve visual and environmental amenity of the countryside.

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

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

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

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

Other Considerations

There are no other material planning considerations.

Conclusions and Reasons for Decision

The principle of residential development in the countryside has not been established and is therefore unacceptable. Additionally, the proposed development occupies a prominent location, and is not suitable within the context of the countryside location and Special Landscape Area in which it is located in terms of design.

List of Review Documents

Drawings schedule:

Docquetted Number	Drawing Description	Drawing Number
1	Location and Site Plan	Title: Location _ Block Plan / Drwg No: AL-00-01 / Rev: F
2	Photograph	Title: Existing Site / Drwg No: PAV-00-03
3	Floor Plan (proposed)	Title: Floor Plans / Drwg No: PAL-00-02 / Rev: C
4	Proposed Elevations	Title: Elevations / Drwg No: PAE-00-01 / Rev: A
5	3D Visuals	Title: Perspectives / Drwg No: PAV-00-02 / Rev: B

Other relevant documents:

West Lothian Local Development Plan, 2018;

Case OfficerAlexander Calderwood.....

Date.....01/06/2021.....



Linlithgow & Linlithgow Bridge Community Council

Please reply to:
Dr John Kelly
Planning Secretary



5th March 2021

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

Dear Alexander,

Proposal for a house development at 3A Parkhead Holdings 0083/FUL/21. Objection by Linlithgow and Linlithgow Bridge Community Council

The following objection is given in the context of the Community Council's role as statutory consultee and arises from the conclusions of an email exchange with members of Linlithgow and Linlithgow Bridge Community Council. We wish to object to the application as follows:

1. The proposed development lies outside the settlement boundary of Linlithgow and is therefore a housing development in the countryside and should comply with LDP Policy ENV2 and the Supplementary Guidance - Development in the Countryside. Clause 200 on page 60 of the latter states "A rural house will very rarely be permitted in an elevated or exposed location or where it can be viewed from well frequented public vantage points."



3A Parkhead holdings and Queens View from the canal towpath.
(Linlithgow Loch in the foreground)

2. It could be argued that a precedent has been set by the Queens View house neighbouring the site. However, it should be remembered that the Queens View development was opposed and recommended for refusal by the planning officer. The Development Management committee meeting without the presence of, or advice from, a Linlithgow ward councillor permitted the development. The precedent is therefore unfortunate.
3. Linlithgow and Linlithgow Bridge Community Council willingly acknowledge successful farmstead conversion into attractive residential property. Examples at Kingsfield, Parkley Craigs and Clarendon Farm are useful benchmarks, but none occupy such a prominent position.
4. The chosen finishes do not blend in with existing properties (excepting the neighbour) which will make the building more prominent.
5. There is insufficient description of the servicing of the property which would otherwise allow an environmental assessment.
6. In permitting this development West Lothian Council would set a precedent culminating in the formation of a new hamlet occupying a dominant position with respect to views of Linlithgow Loch and Linlithgow Hill.

Yours sincerely,

John R Kelly
Planning Secretary
Linlithgow and Linlithgow Bridge Community Council

Draft Conditions for 0083/FUL/21

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

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

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

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

3. Prior to the commencement of development, full details of finished ground and floor levels shall be submitted to and approved by the planning authority.

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

4. Prior to the commencement of development, a contaminated land Phase 1 desktop assessment must be completed and a written report submitted to and approved in writing by the planning authority. The assessment must be undertaken by suitably qualified, experienced and competent persons. The written report of the findings must include an initial conceptual model of the site.

If the Phase 1 report identifies a risk of contamination a Phase 2 intrusive site investigation shall be submitted to and approved in writing by the planning authority prior to works starting on site. The Phase 2 report must incorporate a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site, as well as the following:

An assessment of the potential risks to:

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

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

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

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

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

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

Air Quality (Construction)

No burning should be permitted on the site during clearance and 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, unless otherwise agreed in writing with the planning authority. This includes deliveries and operation of on-site vehicles and equipment.

Note: if members are minded to allow the review then the application will need to be delegated back to officers to conclude either a Section 69 or 75 agreement to secure appropriate developer contributions towards education infrastructure and cemeteries, as set out below:

- Non-Denominational Secondary - £5,760 Unindexed
- Denominational Secondary - £2,510 Unindexed
- Cemetery Provision – A contribution of £35 per house/flat is required – indexation to RICS 1st Qtr 2006.



LOCAL REVIEW BODY

APPLICATION NO.0548/FUL/20 – CHANGE OF USE AND EXTENSION TO HOLIDAY CHALET TO FORM HOUSE, ERECTION OF FREESTANDING ANNEX BUILDING, ALTERATIONS TO GROUND LEVELS AND CONSTRUCTION OF TIMBER WALKWAYS, STAIRS AND RAILINGS AT HILLWOOD HOUSE, 3 CRAIGS LODGE, LINLITHGOW

REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY

A PURPOSE OF REPORT

This report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the Council's Appointed Person to refuse planning permission for a change of use and extension to holiday chalet to form house and erection of freestanding annex at Hillwood House, 3 Craigs Lodge, Linlithgow.

B REVIEW DOCUMENTS

The following documents form the review documents for consideration by the Local Review Body and are circulated to members with this report:

1. The Notice of Review submitted by the applicant, dated 13 June 2021. This includes, amongst other things, a supporting statement.
2. The Handling Report, prepared by the Planning Case Officer, dated 17 March 2021.
3. The Decision Notice, issued by the Appointed Person, dated 17 March 2021.

No representations to the application have been received.

The applicant has stated in the review application that no new matters have been raised.

The applicant has not stated a preference for any particular further procedure available to the Local Review Body such as a site visit.

C SITE VISITS

The Local Review Body agreed at its last meeting to undertake a site visit; this site visit will take place on the morning of 29 September 2021.

D DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

The Appointed Person refused the application on the grounds that it was contrary to policies DES1 (Design Principles) and ENV2 (Housing Development in the Countryside) of the adopted West Lothian Local Development Plan and Supplementary Guidance: Development in the Countryside, 2018

Further information can be obtained in the Decision Notice and Handling Report both of which are attached to this report.

E PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS

Without prejudice to the outcome of this review, to assist the Local Review Body in its deliberations and to assist the applicant and interested persons in securing a prompt resolution of the review, the Planning Adviser has drafted planning conditions which the Local Review Body may wish to consider imposing should it be minded to grant planning permission. A copy is circulated with this report.

Lesley Montague, Managing Solicitor, West Lothian Civic Centre

Tel No. 01506 284730, Lesley. montague@westlothian.gov.uk

Date: 29 September 2021

POLICY DES 1

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 and be high quality in their design.

Development proposals which are poorly designed will not be supported.

When assessing development proposals, the developer will be required to ensure that:

- a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;
- b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates;
- c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety;
- d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping;
- e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices;
- f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided;
- g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and
- h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development.

Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals.

Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.

NOTICE OF REVIEW

(LOCAL DEVELOPMENT – DECISION BY APPOINTED PERSON)

This Form is for a review by the West Lothian Council Local Review Body under Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 in respect of decisions by the appointed person on local development applications.

The review will be conducted under the Town and Country Planning (Schemes of Delegation and local Review Procedure) (Scotland) Regulations 2008.

Please read and follow the accompanying West Lothian Council Local Review Body Guidance Notes when completing this form. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.

Use BLOCK CAPITALS if you are completing the form by hand.

PART A	APPLICANT'S DETAILS	Name <u>Dr Andrew & Mrs Hilary McNutt</u> Address <u>3 Craigs Lodges, Linlithgow</u> _____ Postcode <u>EH49 6QF</u> Telephone No. (1) <u>[REDACTED]</u> Telephone No. (2) _____ Fax : _____ E-mail : <u>[REDACTED]</u>
	REPRESENTATIVE (if any)	Name _____ Address _____ _____ Postcode _____ Telephone No. (1) _____ Telephone No. (2) _____ Fax : _____ E-mail : _____
	Please tick this box if you wish all contact to be through your representative. <div style="float: right; border: 1px solid black; width: 40px; height: 20px; text-align: center; margin-top: 5px;"></div>	
	Do you agree to correspondence regarding your review being sent by e-mail? *YES/NO <div style="float: right; border: 1px solid black; border-radius: 50%; padding: 2px 5px; margin-top: 5px;">YES</div>	

PART B	APPLICANT REF. NO.	<u>• 0548/FUL/20</u>
	SITE ADDRESS	<u>HILLWOOD HOUSE, 3 CRAIGS LODGES, LINLITHGOW,</u> <u>WEST LOTHAIN, EH49 6QF</u>
	DESCRIPTION OF PROPOSED DEVELOPMENT	<u>Change of use and extension to holiday chalet to form house,</u> <u>erection of free standing annex building (class 9), alterations to ground</u> <u>and construction of timber walk ways, stairs and railings (in retrospect).</u>
	DATE OF APPLICATION	<u>14TH JULY 2020</u>
	DATE OF DECISION NOTICE (IF ANY)	<u>17TH MARCH 2021</u>

Note:- This notice must be served on the planning authority within three months beginning with the date of the decision notice or, if no decision notice was issued, from the date of expiry of the period allowed for determining the application.

Type of Application (please tick the appropriate box)

Application for planning permission (including householder application)	<input checked="" type="checkbox"/>
Application for planning permission in principle	<input type="checkbox"/>
Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)	<input type="checkbox"/>
Application for approval of matters specified in conditions	<input type="checkbox"/>

PART C	TYPE OF REVIEW CASE	<input checked="" type="checkbox"/>
	Refusal of application by appointed officer	<input type="checkbox"/>
	Failure by appointed officer to determine the application within the period allowed	<input type="checkbox"/>
	Conditions imposed on consent by appointed officer	<input type="checkbox"/>

Page 3

If yes, you should now explain why you are raising new material, why it was not raised with the appointed officer before, and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all documents, materials and evidence which you wish to submit and rely on in your review. **Ten (10)** copies of these documents, materials and evidence must be lodged with this notice. If necessary, this can be continued or provided in full in a separate document.

1.	Confirmation email from Paul Rolfe Estate Agency re sale
2.	Original Planning Consent for Chalets at Williamcraigs
3.	Building Warrant for new works to 3 Craigs Lodges
4.	Property Enquiry Cert 3 Craigs Lodges
5.	2017 Guidance On Householder Permitted Development
6.	Pre renovation EPC
7.	Post renovation EPC
8.	Certificate of lawfulness No. 9 Craigs Lodges
9.	
10.	
11.	
12.	

PART D

REVIEW PROCEDURE

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties, without any further procedures?. For example, written submission, hearing session, site inspection *

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

We trust the Review Body will choose the best course of action.

If you have selected "further written submissions" or "hearing session(s)", please explain which of the matters you have included in your statement of reasons you believe ought to be subject of those procedures, and why.

SITE INSPECTION

The Local Review Body may decide to inspect the land which is subject to the review.

Can the site be viewed entirely from public land?

* YES/NO

Is it possible for the site to be accessed safely, and without barriers to entry?

* YES/NO

If you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain why that may be the case.

PART E

CHECKLIST

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.

Full completion of all parts of this form



Statement of your reasons for requiring a review and matters to be raised



Statement of your preferred procedure



All documents, materials and evidence INCLUDING LOCATION PLANS AND/OR DRAWINGS which you intend to rely on. Copies must accompany this notice.

Where your case relates to another application (e.g. it is a renewal of planning permission or a modification, variation or removal of a planning condition, or an application for approval of matters specified in conditions), it is advisable to provide that other application reference number, approved plans and decision notice from that earlier consent.

*****DECLARATION*****

I, the applicant/agent*, hereby require West Lothian Council to review the case as set out in this form and in the supporting documents, materials and evidence lodged with it and which includes those plans/drawings that were used by the Appointed Person when determining the original planning application.

I have been provided with a copy of the West Lothian Council Local Review Body Guidance Notes before lodging this notice.



Date 13th June 2021

* Delete as appropriate

Please email this completed form to :-

committeeservices@westlothian.gov.uk or alternatively post to :-

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

Privacy Notice – Local Review Body

Information held about you

West Lothian Council will hold the personal information provided in the review application form and review documents.

Who is processing my data?

All personal information is held and processed by West Lothian Council in accordance with data protection law.

How will we use information we hold about you?

West Lothian Council will use the information provided by you to process your review application.

Who we will share your information with?

The information will be shared with members of the public in Council offices and on the Council's website until the review is determined as required by law.

How long do we keep your records?

We will keep your information for 6 years from the date of determination of your review.

Providing accurate information

It is important that we hold accurate and up to date information about you in order to contact you in connection with your review. If any of your details change in the future, please ensure that you tell us as soon as possible so that we can update your records.

Further information and your rights

You have a number of rights under data protection law, including the right to request your information and to request that the information be amended or, in some circumstances, erased if incorrect.

To request your records, you will need to put your request in writing to West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF

Email – committeeservices@westlothian.gov.uk

If you have any questions or concerns about how your information is used, please contact Committee Services. You can also contact the Data Protection Officer, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston, West



Lothian, EH54 6FF, email: dpo@westlothian.gov.uk. More information about data protection and how it applies to you, including how to make a complaint, is available from the [Information Commissioner's Office](#)

LOCAL REVIEW BODY

STATEMENT OF APPEAL

Change of use and extension to holiday chalet to form house, erection of free standing annex building at 3 Craigs Lodges, Linlithgow



June 2021

Local Authority:	West Lothian Council
Planning Application Ref:	0548/FUL/20
Application Proposal:	Change of use and extension to holiday chalet to form house, erection of free standing annex building (class 9), alterations to ground levels and construction of timber walk ways, stairs and railings (in retrospect)
Site Address:	Hillwood House, 3 Craigs Lodges, Linlithgow EH496QF
Appellants	Dr Andrew McNutt and Mrs Hilary McNutt
Date Application Validated:	14th July 2020
Council Decision Notice Date:	17th March 2021
Reason for Refusal:	<p><i>"Whilst this current chalet has been sold, its change of use to a house would set an undesirable precedent, eroding the available tourist stock and reducing the number of chalets being managed from the approved new manager's house. The wider implications being that any tourist accommodation granted under council policies to encourage and support tourism in the countryside could simply become housing in the countryside. There is no specific locational justification for the change of use of the site to residential.</i></p> <p><i>Policy ENV2 sets out 5 criteria where housing development in the countryside is acceptable and includes the restoration of a brownfield site, replacement of existing house, infill development, conversion or rehabilitation of buildings worthy of retention or part of the council's lowland crofting policy. The development does not meet this criterion and is therefore contrary to policy ENV2.</i></p> <p><i>Policy DES1 requires that development proposals must also accord with other relevant policies and appropriate supplementary guidance. The development does not accord with Supplementary Guidance: Development in the Countryside, 2018 and therefore is contrary to policy DES1."</i></p>

Supporting Documents:	<ol style="list-style-type: none"> 1. Confirmation email from Paul Rolfe Estate Agency re sale of 2 Craigs Lodges as permanent residences with no restrictions 2. Original Planning Consent for Chalets at Williamcraigs 3. Building Warrant for new works to 3 Craigs Lodges 4. Property Enquiry Cert 3 Craigs Lodges used during purchase confining understanding of domestic status 5. 2017 Guidance On Householder Permitted Development via www.gov.scot/ used as reference during further development of the property 6. Pre renovation EPC 7. Post renovation EPC to show the significant improvements in energy efficiency and environmental impact 8. Certificate of lawfulness No. 9 Craigs Lodges
Contents:	<ol style="list-style-type: none"> 1. Introduction – Page 3 2. Background – Page 4 3. Statement of Case – Page 6 4. Policy Compliance – Page 7 5. Conclusion – Page - 9

1. Introduction

1.1. The following Statement of Case has been prepared to support a **Local Review Body** submission relating to a;

Rural building that was advertised as a residential property, sold as a residential property and permitted to be further developed as a residential property.

1.2. It is critical to note from the outset that the current Planning Consent relating to the appellants property **allows residency without limit** and does not require the residents to use the property as a “holiday home”.

1.3. During the purchase and later development of 3 Craigs Lodges as the appellant’s family home, there was **no indication from the appellants purchasing solicitors or West Lothian Council** that the property was anything other than a residential house.

1.4. The property was purchased in May 2017 and extended using permitted development rights and a valid Building Warrant (Reference No. LIV/17/0275/BW) (**Supporting Document 3**).

1.5. In January 2020 a Planning Contravention Notice (Reference No. ENF/0126/19) was served on 3 Craigs Lodges. Following submission of requested documents, the appellants were instructed to apply for planning permission.

1.6. The appellant believes that a **departure from Policy** can be considered in this case which would allow matters to be regularised in relation to this particular property.

1.7. Significant **material considerations** exist in the context of this application and appeal, and can be summarised as follows;

- Current Planning Consents for the appellants property and several others **do not specify occupancy periods**; thus enabling them to be lived in all year round
- The property was **advertised and sold** to the appellants as residential (**Supporting Document 1**).
- The Handling Report for the retrospective Planning Application confirms the renovation of the principal building and the formation of the new annex building have been "**well executed and fit within their context**".
- Notwithstanding the fact that the appellants now know that the property was not considered to be a residential property when they purchased it, they do believe that - **after 4 years of undisputed use as such** - it would now be considered so under a **Certificate of Lawfulness**.

2. Background

2.1. The background to **this case is unique** and perhaps should not be considered under the terms of Planning Policy alone. There are mitigating circumstances and material considerations that are important to be aware of.

2.2. On the 16th January 1979 planning permission was granted (no.12/1979), for '20 chalets' with **no holiday or time period restriction mentioned** (**Supporting Document 2**).

2.3. In October 2016 No.2 Craigs Lodges was advertised for sale as a **residential property**, by the owner Mr Ian Georgeson through Paul Rolfe Estate Agency, who confirmed via email with the appellants that there were no restrictions regarding permanent residence (**Supporting Document 1**). As the appellants required a larger garden area, Mr Georgeson suggested they purchase No.3 instead.

2.4. The appellants questioned Mr Ian Georgeson regarding planning status, prior to the purchase of No.3, and were supplied the aforementioned planning permission (**Supporting Document 2**).

2.5. The appellant's solicitor instructed a Property Enquiry Certificate (**Supporting Document 4**) via DM Hall Chartered Surveyors, dated 26/4/17, which raised no planning matters directly affecting the address.

2.6. Lothian Valuation Joint Board, via West Lothian Council, assessed the property as residential for council tax purposes, after the renovation.

2.7. At no stage in the sale and purchase process did anyone from West Lothian Council raise any concern regarding the assumed residential status of the property.

2.8. Whilst this Statement of Case seeks to address the principal of residency, the issue of the extension and annexe may require to be applied for separately following the outcome of this appeal.

2.9. On the basis of residential status, the appellants proceeded with plans for an extension under Permitted Development (**Supporting Doc 5**), and applied for a building warrant for the extension of the property, which was granted by West Lothian Council on 17/7/2017 (**Supporting Doc 3**).

2.10. The new extension to the property was believed to meet with the Permitted Development criteria under Class 1B, as follows:

- The extension is located to the rear.
- The distance between the extension and any boundary is a minimum of 10 metres.
- The height of the extension is not higher than the existing roofline.
- The footprint of the extension is not larger than the original house or covering more than half the curtilage



4. MAKING CHANGES TO A DWELLINGHOUSE – GROUND FLOOR EXTENSION OF MORE THAN ONE STOREY

LEGISLATION

Class 1B.–

(1) Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey, including any alteration to the roof required for the purpose of the enlargement.

(2) Development is not permitted by this class if–

- (a) any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road;
- (b) any part of the development would be within 10 metres of the boundary of the curtilage of the dwellinghouse;
- (c) as a result of the development the height of the dwellinghouse would exceed the height of the existing dwellinghouse, when measured at the highest part of the roof and excluding any chimney;
- (d) as a result of the development the area of ground covered by the resulting dwellinghouse would be more than twice the area of ground covered by the original dwellinghouse;
- (e) as a result of the development the area of ground covered by development within the front or rear curtilage of the dwellinghouse (excluding the original dwellinghouse and any hard surface or deck) would exceed 50% of the area of the front or rear curtilage respectively (excluding the ground area of the original dwellinghouse and any hard surface or deck); or
- (f) it would be within a conservation area.

3. Statement of Case

3.1. The appellants find themselves in a very difficult situation, and not of their own making.

3.2. The appellants have **invested** in their property on the basis of the legal advice given during the purchase and the local authority guidance given during development.

3.3. The family have lived in the area for 24 years, and are actively involved in the community of Linlithgow. During this time Dr McNutt has served a neighbouring town as one of their GPs, as well as various voluntary roles.

3.4. The property was in poor structural condition. The energy efficiency and environmental status of the building were Band F. The renovation included improving the insulation and structure of the building including the entire roof, and all windows. Solar panels, thermal solar, and an air source heat pump were also fitted. The energy efficiency and environmental impact is now band B (**Supporting documents 6 & 7**)

3.5. The exterior renovation and extension were specifically designed to be in keeping with the environment, and as noted by the Planning Officer, this has been achieved to a high standard. Significant care has also been taken to enhance the landscape surrounding the property.

3.6. The Handling Report for the retrospective application confirms the renovation of the principal building and the formation of the new annex building have been **"well executed and fit within their context"**.

3.7. The property has been significantly invested in as a long term home for the appellant's family and, due to the lack of any restriction on periods of occupancy, this long term intention does not impact upon available tourist accommodation or does it attract any risk of eviction.

4. Policy Compliance

4.1. Whilst it is understood that the case officer can only decide upon the merits of a case in the light of current policy, this Appeal Statement seeks to draw attention to the **significant material considerations** that might allow a departure from the policies referred to in this case.

The response to each reason for refusal details several material considerations that allow for a departure from Policy in this case.

Refusal 1:

4.2. The *'change of use to a house would set an undesirable precedent'*

4.2.1. Response - Supporting this appeal would not set a precedent as the **circumstances of this case are completely unique** to this property and the appellants.

4.2.2. Response - Craigs Lodges holiday accommodation has a history of being used both a primary dwelling long term lets, and holiday accommodation.

4.2.3. Response - As there is **no occupancy period restrictions**, and as is the case for No.9, the chalets that have been lived in for over 4 years are eligible for residential status via a Certificate of Lawfulness.

4.3. Granting change of use would erode *'the available tourist stock and reduce the number of chalets being managed from the approved new manager's house.*

4.3.1. Response - The suggestion that supporting this appeal would erode available housing stock is somewhat academic when it is realised that the appellant can reside in the property in perpetuity under the current planning permission.

4.3.2. Response - Craigs Lodges has not been part of the tourist stock since it was sold in 2017, and regardless of the appeal decision, the family will not be offering the property for holiday let use.

4.3.3. Response - As the property is no longer owned by the manager of Craigs Lodges, it is not, nor will be, part of chalets managed by the new managers house. A change of use will therefore have no effect on this.

4.3.4. Response - The impact on tourism is offset by approved **planning permission to build four new holiday properties** at Craigs Lodges, funded partly by the sale of 3 Craigs Lodges.

4.3.5. Response - As the chalets have no restrictions on occupancy, they are already commonly used for long term let instead of tourism.

The current picture of the use of the chalets is as follows:



No.1: Long term let as primary residence.

No.2: Residential permission (specific personalised consent)

No. 3: Appellant's primary address for 4 years

No 4: Permanent residence of part-time caretaker.

No.5: Holiday let

No 6: Long term let as primary residence.

No 7: Long term let as primary residence.

No 8: Long term let as primary residence.

No 9: Residential home with permission (Certificate of Lawfulness Supporting Document 8))

No. 10: Residential home for 8 years

4.2.3. Response - Whilst the appellants clearly did not know that the property was considered to be a holiday chalet when bought in May 2017, it is known that after 4 years occupancy, it could legally become residential via a Certificate of Lawfulness.

4.2.4. Response - The impact to the holiday park of the No.3 becoming lived in residentially is minimal. It represents 10% of the original development, which are mainly being used as long term lets or residential homes.

Refusal 2:

4.4. Policy Compliance: this appeal seeks to invite the board to consider a departure from policy ENV2 and Policy DES1 in this case.

4.4.1. Response - The further suggestion of "wider implications" and the spectre other tourist accommodation becoming housing in the countryside is completely inappropriate in this case. Current Planning Policy and how restrictive conditions are used to limit the period of stay, absolutely prevent cases like this occurring again.

Refusal 3:

4.5. *'There is no specific locational justification for the change of use of the site to residential.'*

4.5.1. Response - West Lothian: Local Development Plan 2018 states their aspirations for new housing to meet the needs of our increasing population. The appellants' property enables the family to remain in the area in the long terms and releases housing elsewhere to meet the local authority need albeit in a small way.

5. Conclusion

5.1. This statement of case makes it very clear that the appellant was ill-advised and mis-sold the property and now faces dire circumstances in relation to their investment and long term residency in the area - particularly as a local GP.

5.2. It remains an important point to consider that the property can be lived in without restriction on stay under current planning consent, and need not be vacated for any portion of the year; therefore it **is not available as tourist** accommodation under current circumstances.

5.2. Perhaps only a **Local Review Body** can adequately consider the significant material considerations of this rare case and its impact upon a local family.

5.3. The property was advertised and sold as a residential house.

5.4. During the legal and Council processes no-one raised any issues concerning residential status.

5.5. There was no reason for the appellants to doubt residential status and lovingly and sympathetically developed the property and grounds, at considerable cost, as their long term family home.

5.6. Current Planning Permission for the chalets do not specify occupancy periods or type. The surrounding development has a history of long term lets resulting in being sold for residential use via Certificate of Lawfulness. Of the six remaining original chalets, five are currently being lived in as a primary residence, and some will shortly be eligible for a Certificate of Lawfulness.

5.7. The appellants will have been resident in No.3 for four years in November, when they would have also been eligible for a **Certificate of Lawfulness**.

5.8. The property's use has no impact on the tourist stock as it has enabled the manager to build further chalets. It's change if use has no impact of the properties he will manage as it no longer belongs to him.

5.9. The appellants respectfully request that the unique nature of this case be fully considered and the Appeal to approve this application be upheld.

From: Hilary McNutt [REDACTED]

Sent: Wednesday, November 30, 2016 9:48 AM

To: Paul Rolfe Sales & Letting [REDACTED]

Subject: Re: 18/1 Preston Road [REDACTED]

Meeting Date - 29 Sept 2021
Item No.9

Meant to ask if there is a home report?

Sent from my iPad

On 30 Nov 2016, at 10:30, Paul Rolfe Sales & Letting [REDACTED] wrote:

Dear Hilary

Thank you for your email, I have passed this on to Paul regarding your property, however I am able to assist you regarding the holiday cottages. There are no restrictions regarding permanent residence and there is land with each lodge however I am not entirely sure how much, I would recommend viewing them as you always get a better feel for things when you are actually there.

If you have any queries or would like to view these please get back to me.

Kind regards

Kat



No 12/1979

WEST LoTHIAN DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDERS

To

[REDACTED],
[REDACTED]rm,

With reference to your application dated 16th January, 1979, for planning permission under the above-mentioned Acts and Orders for the following development, viz:—

Phase one of the proposed development of 20 chalets and associated facilities

at

[REDACTED]

the Council in exercise of their powers under the above-mentioned Acts and Orders hereby grant planning permission for the said development in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application subject however to the following condition(s), viz:—

as per attached sheet

The foregoing condition(s) are imposed by the Council for the following reasons:—

as per attached sheet

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments.

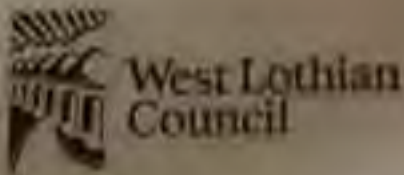
Dated this Nineteenth day of March, 19 79.

DEPUTE DIRECTOR OF ADMINISTRATION

[SEE OVER

Planning Application No. 12/1979.

1. The development to which this permission relates shall be begun not later than the expiration of 5 years beginning with the date of this permission.
2. This consent relates only to the first phase of the overall development at Williamcraigs comprising nine chalets and the lodge, and any further phases of the development shall be the subjects of further detailed applications to be submitted for approval by the District Council as Planning Authority.
3. Samples of the materials and their colours and finishes to be used on the external elevations and roofs of the proposed structures, shall be submitted for approval by the District Council as Planning Authority, and no work shall be submitted for approval by the District Council as Planning Authority, and no work shall be commenced on site, until such written approval has been issued.
4. In the execution of the site works required to construct the proposed development, the developer shall ensure that no trees, except those agreed in writing with the District Council as Planning Authority are removed, lopped, topped or felled.
5. Prior to any works commencing on site, the developer shall agree in writing with the District Council as Planning Authority, all necessary replacement tree and shrub planting, all of which will be completed as soon as practicable after the completion of this first phase of the proposals and in any event, no later than one year after the completion of the said phase, all to the satisfaction of the District Council as Planning Authority.
6. All trees, hedges and shrubs within or adjacent to the site, except those whose removal or trimming has been approved by the Local Planning Authority, shall be protected from damage in accordance with the enclosed Landscaping Specification 1.
7. Prior to any works commencing on site, the developer shall submit for approval by the District Council as Planning Authority, details of the construction and landscaping of:
 - i) the access road from the existing driveway to Williamcraigs Estate,
 - ii) the turning and car parking area in front of the lodge,
 - iii) the footpaths connecting the chalets and lodge,
 - iv) incidental shrub planting around the chalets and footpaths.All such works shall be agreed in writing prior to works commencing on site.
8. The developer shall ensure that the access road junction with the A.706 is designed and constructed to the satisfaction of the Highways Authority and District Council as Planning Authority i.e.:
 - i) 6m. x 120m. sight lines in an eastward direction,
 - ii) the maximum sight distance from 6m. is provided toward the west which should be cleared of all obstruction at drivers' eye level of 1.5m.
 - iii) An Armco crash-barrier is constructed at the junction of the A.706 as indicated on approved plan No. 14-05-A.
9. The loading and unloading of all vehicles which may be required in connection with the use of the building and site shall take place within the curtilage of the site and not the highway.



James McGinley
Building Standards Manager
Building Standards

Civic Centre
Howden South Road
Livingston
West Lothian
EH54 6FF

BUILDING WARRANT

Building (Scotland) Act 2003, Section 9

This warrant is granted by West Lothian Council in connection with the application by :

Mr & Mrs McNutt

dated 12/04/2017 for the

Alteration and extension to existing chalet at Lodge 3, Craigs Chalet Park, Williamsraig,
Linlithgow, EH49 6QF

The reference number of this warrant is LIV/17/0275/BW

Conditions: The conditions noted on the following page apply to this warrant.

Continuing requirements: The continuing requirements noted on the following page apply to this warrant.

Security matters: The security matters noted on the following page apply to this warrant.

A copy of the agreed plans is returned.

Dated : 17/07/2017

James McGinley
Building Standards Manager

IMPORTANT
PLEASE READ THE CONDITIONS, CONTINUING
REQUIREMENTS AND NOTES LISTED OVERLEAF

PROPERTY ENQUIRY CERTIFICATE

Meeting Date - 29 Sept 2021

Item No.9

DM Hall LLP
27 Canmore Street
DUNFERMLINE KY12 7NU
LP 15 DUNFERMLINE



Tel: 01383 621262 Fax: 01383 621282

3 Craigs Lodges, Williamsraig
Linlithgow
EH49 6QF

CLIENT REF: 87980

REF.NO: PQ/17/2172/C

DATE: 26 April 2017



PLANNING DETAILS:

ADOPTED LOCAL PLAN & ZONING:

West Lothian Local Plan
Residential Area on Local Plan

LOCAL PLAN POLICIES:

The subjects are situated within a) an Area of Great Landscape Value - Local Plan Policies ENV19-20 and b) a Rural Area where all General Rural Local Plan Policies apply.

PLANNING APPLICATIONS & OTHER MATTERS:

There are no Planning Applications or Other Matters found that adversely affect the subjects.

BUILDING CONTROL DETAILS:

BUILDING CONTROL APPLICATIONS:

REF: LIV/17/0275/BW - Alteration and extension to existing chalet
Warrant Application Deposited: 6 April 2017

OTHER BUILDING CONTROL MATTERS:

There are no other Building Control matters found that directly affect the subjects.

ENVIRONMENTAL HEALTH DETAILS:

The subjects are found to be unaffected by Environmental Health legislation including those matters surrounding contaminated land in relation to the Environmental Protection Act 1990 and subsequent Environmental Act 1995.

ROAD & FOOTPATH DETAILS:

The Carriageway ex adverso the Subjects is NOT Adopted.

The Nearest Adopted Road is the A706.

WATER & DRAINAGE DETAILS:

There is Mains Water present approximately 127.86m Northeast of the Subjects.

There is NO Mains Drainage present within close proximity of the Subjects.

PROPERTY ENQUIRY SEARCH

GENERAL:

The information disclosed in this Certificate is based upon the searching of available Local Authority public records in respect of Planning, Building Control and Environmental Health legislation and also the status of the Roads, Footpaths, Water and Drainage affecting the subjects.

A minimum period of 5 years preceding the date of instruction has been searched.

Best efforts have been made to provide reliable information in this report but insofar as it repeats information obtained from Local Authorities or others, DM Hall cannot give warranty of the accuracy of and do not accept liability for any such information that may be found to be incorrect or misleading.

PLANNING DETAILS:

Planning Applications, Local Plan Policies, Enforcement Notices and other Planning matters which directly affect the subjects have been disclosed.

BUILDING CONTROL AND ENVIRONMENTAL HEALTH DETAILS:

Information which may affect the subject of enquiry under the Building (Scotland) Acts, Housing (Scotland) Act, Civic Government (Scotland) Act and other Environmental & Public Health legislations will be disclosed in the Certificate.

ROAD AND FOOTPATH INFORMATION:

A search will be made of the Register of Public Roads to determine whether or not the road and Footpath ex adverso the subjects are adopted or affected by any other road proposals.

WATER AND DRAINAGE INFORMATION:

The status of the water and drainage affecting the subjects will be disclosed. If deemed necessary, a site inspection will be undertaken by one of our inspectors.

4. MAKING CHANGES TO A DWELLINGHOUSE – GROUND FLOOR EXTENSION OF MORE THAN A ONE STOREY

Ground floor extension of more than a one storey

SUMMARY

4.25

Permitted development rights allow the [enlargement](#) of a [dwellinghouse](#) by the way of a ground floor extension consisting of more than one storey. The permitted development rights also allow any alteration to the roof required for the purpose of the enlargement. In summary, the effect of the limitations is that:

- extensions are generally located to the rear
- the distance between the extension and any boundary is a minimum of 10 metres
- the height of the extension is not higher than the existing dwellinghouse
- the footprint of the extension is not larger than the [original dwellinghouse](#) or covering more than half the [curtilage](#)

4.26

Many 1½ storey and 2 storey extensions are more likely to have a greater impact than a single storey extension. It is recognised that the majority of 1½ storey and 2 storey extensions will require an application for planning permission.

4.27

There are no permitted development rights in [conservation areas](#) or for flats. Listed building consent will normally be required if your building is Listed.

4.28

A building warrant from the local authority will be required for this type of extension, as explained in [Section 2](#).



[FORWARD](#) | [BACK](#) | [CONTENTS](#) | [CLOSE](#)

4. MAKING CHANGES TO A DWELLINGHOUSE – GROUND FLOOR EXTENSION OF MORE THAN A ONE STOREY

TECHNICAL EXPLANATION

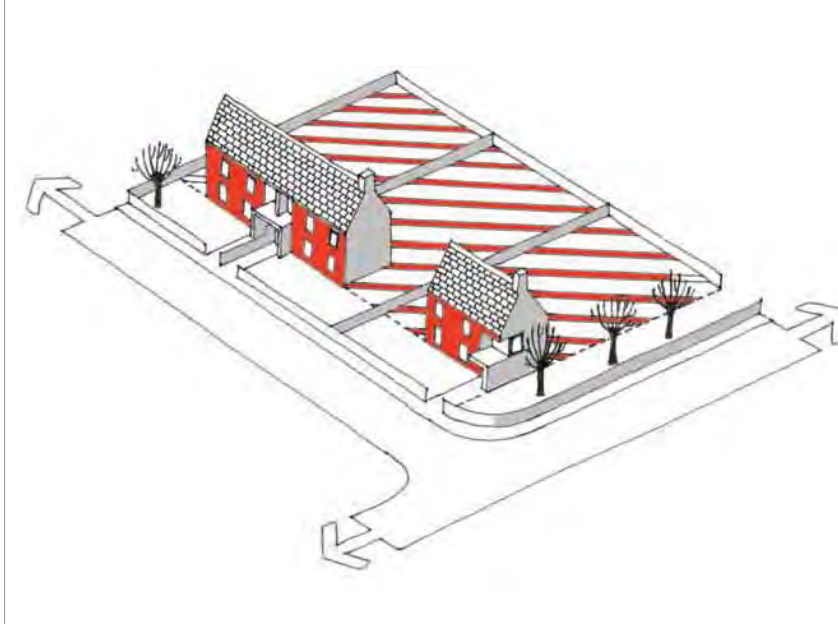
4.29

If the extension exceeds any of the following limits then an [application for planning permission](#) is required.

4.30

The extension **cannot** be forward of a wall forming part of the principal elevation or side elevation if that elevation is fronting a road. The identification of the principal elevation and side elevations are discussed in paragraphs 3.2 – 3.6, whilst [fronting a road](#) is discussed at 3.7 – 3.10. This is illustrated in figure 14.

Figure 14: The shaded areas of the curtilage indicate where an extension of more than a single storey is permitted as long as the other limitations are met.



4. MAKING CHANGES TO A DWELLINGHOUSE – GROUND FLOOR EXTENSION OF MORE THAN A ONE STOREY

4.31

1½ storey or 2 storey extensions are more likely to have a visual impact, potentially causing overshadowing or overlooking. No part of the extension can therefore be within 10 metres of any boundary of the [curtilage](#).

4.32

The overall height of the extension **cannot** be higher than the existing roof. This would be the ridge of the roof. Roof alterations relating to the extension are also permitted. Other roof alterations should be carried out using the other relevant classes.

4.33

The area covered by all extensions, including any existing and the proposed extension, cannot be greater than the footprint of the original dwellinghouse. This is to ensure that the extension (including previous extensions) is in proportion to the original dwellinghouse.

4.34

The proposed extension (including previous extensions) and existing developments cannot exceed half of the rear (or front if appropriate) curtilage of the [original dwellinghouse](#). This is explained further in paragraphs 3.11 – 3.13.

4.35

There are no Class 1B permitted development rights in a [conservation area](#) or for flats. A listed building consent is required if the proposed extension affects the character or setting of a listed building.

4.36

Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available from <http://www.historic-scotland.gov.uk/historicandlistedbuildings> or www.environment.scotland.gov.uk.



4. MAKING CHANGES TO A DWELLINGHOUSE – GROUND FLOOR EXTENSION OF MORE THAN A ONE STOREY



LEGISLATION

Class 1B.—

(1) Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey, including any alteration to the roof required for the purpose of the enlargement.

(2) Development is not permitted by this class if—

- (a) any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road;
- (b) any part of the development would be within 10 metres of the boundary of the curtilage of the dwellinghouse;
- (c) as a result of the development the height of the dwellinghouse would exceed the height of the existing dwellinghouse, when measured at the highest part of the roof and excluding any chimney;
- (d) as a result of the development the area of ground covered by the resulting dwellinghouse would be more than twice the area of ground covered by the original dwellinghouse;
- (e) as a result of the development the area of ground covered by development within the front or rear curtilage of the dwellinghouse (excluding the original dwellinghouse and any hard surface or deck) would exceed 50% of the area of the front or rear curtilage respectively (excluding the ground area of the original dwellinghouse and any hard surface or deck); or
- (f) it would be within a conservation area.

Energy Performance Certificate (EPC)

Dwellings

Scotland

Hillwood House, No.3 Craigs Lodges, Williamsbraigs, Linlithgow, EH49 6QF

Dwelling type: Detached house
Date of assessment: 23 May 2017
Date of certificate: 24 May 2017
Total floor area: 54 m²
Primary Energy Indicator: 651 kWh/m²/year

Reference number: 0002-7470-3829-8520-1533
Type of assessment: RdSAP, existing dwelling
Approved Organisation: Elmhurst
Main heating and fuel: No system present: electric heaters assumed

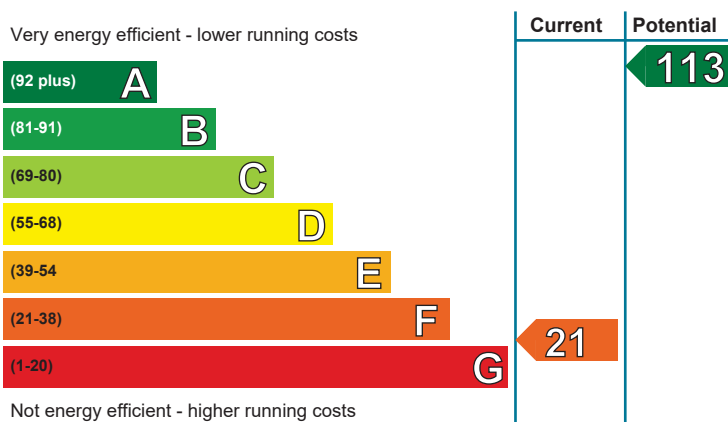
You can use this document to:

- Compare current ratings of properties to see which are more energy efficient and environmentally friendly
- Find out how to save energy and money and also reduce CO₂ emissions by improving your home

Estimated energy costs for your home for 3 years*	£5,343	See your recommendations report for more information
Over 3 years you could save*	£3,378	

* based upon the cost of energy for heating, hot water, lighting and ventilation, calculated using standard assumptions

Very energy efficient - lower running costs

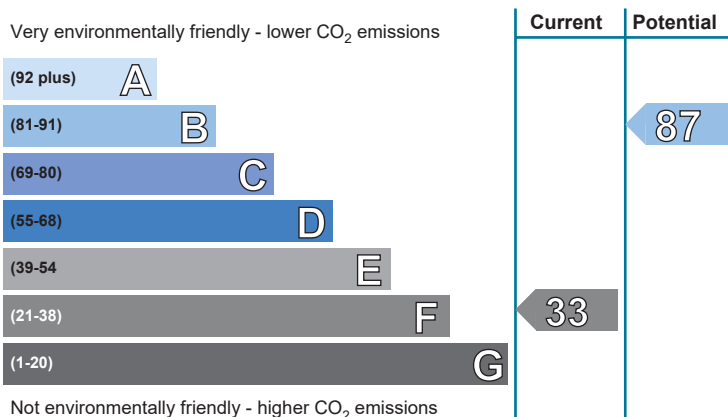


Energy Efficiency Rating

This graph shows the current efficiency of your home, taking into account both energy efficiency and fuel costs. The higher this rating, the lower your fuel bills are likely to be.

Your current rating is **band F (21)**. The average rating for EPCs in Scotland is **band D (61)**.

The potential rating shows the effect of undertaking all of the improvement measures listed within your recommendations report.

Very environmentally friendly - lower CO₂ emissions

Environmental Impact (CO₂) Rating

This graph shows the effect of your home on the environment in terms of carbon dioxide (CO₂) emissions. The higher the rating, the less impact it has on the environment.

Your current rating is **band F (33)**. The average rating for EPCs in Scotland is **band D (59)**.

The potential rating shows the effect of undertaking all of the improvement measures listed within your recommendations report.

Top actions you can take to save money and make your home more efficient

Recommended measures	Indicative cost	Typical savings over 3 years	Available with Green Deal
1 Flat roof insulation	£850 - £1,500	£789.00	✓
2 Floor insulation (suspended floor)	£800 - £1,200	£342.00	✓
3 High heat retention storage heaters	£400 - £600	£1938.00	✓

A full list of recommended improvement measures for your home, together with more information on potential cost and savings and advice to help you carry out improvements can be found in your recommendations report.



The Green Deal may allow you to make your home warmer and cheaper to run at no up-front capital cost. See your recommendations report for more details.

THIS PAGE IS THE ENERGY PERFORMANCE CERTIFICATE WHICH MUST BE AFFIXED TO THE DWELLING AND NOT BE REMOVED UNLESS IT IS REPLACED WITH AN UPDATED CERTIFICATE

Hillwood House, No.3 Craigs Lodges, Williamsbraigs, Linlithgow, EH49 6QF

24 May 2017 RRN: 0002-7470-3829-8520-1533

Recommendations Report**Summary of the energy performance related features of this home**

This table sets out the results of the survey which lists the current energy-related features of this home. Each element is assessed by the national calculation methodology; 1 star = very poor (least efficient), 2 stars = poor, 3 stars = average, 4 stars = good and 5 stars = very good (most efficient). The assessment does not take into consideration the condition of an element and how well it is working. 'Assumed' means that the insulation could not be inspected and an assumption has been made in the methodology, based on age and type of construction.

Element	Description	Energy Efficiency	Environmental
Walls	Timber frame, as built, insulated (assumed)	★★★★☆	★★★★☆
Roof	Pitched, limited insulation (assumed)	★★☆☆☆	★★☆☆☆
Floor	To external air, insulated To external air, no insulation (assumed)	— —	— —
Windows	Fully double glazed	★★★☆☆	★★★☆☆
Main heating	No system present: electric heaters assumed	★☆☆☆☆	★★☆☆☆
Main heating controls	None	★☆☆☆☆	★☆☆☆☆
Secondary heating	None	—	—
Hot water	Electric immersion, standard tariff	★★☆☆☆	★★☆☆☆
Lighting	Low energy lighting in 50% of fixed outlets	★★★★☆	★★★★☆

The energy efficiency rating of your home

Your Energy Efficiency Rating is calculated using the standard UK methodology, RdSAP. This calculates energy used for heating, hot water, lighting and ventilation and then applies fuel costs to that energy use to give an overall rating for your home. The rating is given on a scale of 1 to 100. Other than the cost of fuel for electrical appliances and for cooking, a building with a rating of 100 would cost almost nothing to run.

As we all use our homes in different ways, the energy rating is calculated using standard occupancy assumptions which may be different from the way you use it. The rating also uses national weather information to allow comparison between buildings in different parts of Scotland. However, to make information more relevant to your home, local weather data is used to calculate your energy use, CO₂ emissions, running costs and the savings possible from making improvements.


The impact of your home on the environment

One of the biggest contributors to global warming is carbon dioxide. The energy we use for heating, lighting and power in our homes produces over a quarter of the UK's carbon dioxide emissions. Different fuels produce different amounts of carbon dioxide for every kilowatt hour (kWh) of energy used. The Environmental Impact Rating of your home is calculated by applying these 'carbon factors' for the fuels you use to your overall energy use.

The calculated emissions for your home are 110 kg CO₂/m²/yr.

The average Scottish household produces about 6 tonnes of carbon dioxide every year. Based on this assessment, heating and lighting this home currently produces approximately 5.9 tonnes of carbon dioxide every year. Adopting recommendations in this report can reduce emissions and protect the environment. If you were to install all of these recommendations this could reduce emissions by 4.7 tonnes per year. You could reduce emissions even more by switching to renewable energy sources.

Hillwood House, No.3 Craigs Lodges, Williamsraigs, Linlithgow, EH49 6QF
24 May 2017 RRN: 0002-7470-3829-8520-1533**Recommendations Report****Estimated energy costs for this home**



	Current energy costs	Potential energy costs	Potential future savings
Heating	£4,353 over 3 years	£1,509 over 3 years	
Hot water	£804 over 3 years	£249 over 3 years	
Lighting	£186 over 3 years	£207 over 3 years	
Totals	£5,343	£1,965	

These figures show how much the average household would spend in this property for heating, lighting and hot water. This excludes energy use for running appliances such as TVs, computers and cookers, and the benefits of any electricity generated by this home (for example, from photovoltaic panels). The potential savings in energy costs show the effect of undertaking all of the recommended measures listed below.

Recommendations for improvement

The measures below will improve the energy and environmental performance of this dwelling. The performance ratings after improvements listed below are cumulative; that is, they assume the improvements have been installed in the order that they appear in the table. Further information about the recommended measures and other simple actions to take today to save money is available from the Home Energy Scotland hotline which can be contacted on 0808 808 2282. Before carrying out work, make sure that the appropriate permissions are obtained, where necessary. This may include permission from a landlord (if you are a tenant) or the need to get a Building Warrant for certain types of work.

Recommended measures	Indicative cost	Typical saving per year	Rating after improvement		Green Deal
			Energy	Environment	
1 Flat roof insulation	£850 - £1,500	£263	F 30	E 39	✓
2 Floor insulation (suspended floor)	£800 - £1,200	£114	F 34	E 43	✓
3 High heat retention storage heaters and dual immersion cylinder	£400 - £600	£646	D 64	E 43	✓
4 Solar water heating	£4,000 - £6,000	£46	D 67	E 47	✓
5 Replacement glazing units	£1,000 - £1,400	£32	D 68	E 49	✓
6 High performance external doors	£1,000	£26	C 69	E 51	✓
7 Solar photovoltaic panels, 2.5 kWp	£5,000 - £8,000	£269	B 83	D 62	✓
8 Wind turbine	£15,000 - £25,000	£597	A 113	B 87	✓

Measures which have a green deal tick  are likely to be eligible for Green Deal finance plans based on indicative costs. Subsidy also may be available for some measures, such as solid wall insulation. Additional support may also be available for certain households in receipt of means tested benefits. Measures which have an orange tick  may need additional finance. To find out how you could use Green Deal finance to improve your property, visit www.greenerscotland.org or contact the Home Energy Scotland hotline on 0808 808 2282.

Alternative measures

There are alternative improvement measures which you could also consider for your home. It would be advisable to seek further advice and illustration of the benefits and costs of such measures.

- Biomass boiler (Exempted Appliance if in Smoke Control Area)
- Air or ground source heat pump

Hillwood House, No.3 Craigs Lodges, Williamsbraigs, Linlithgow, EH49 6QF
24 May 2017 RRN: 0002-7470-3829-8520-1533

Recommendations Report

Choosing the right improvement package

For free and impartial advice on choosing suitable measures for your property, contact the Home Energy Scotland hotline on 0808 808 2282 or go to www.greenerscotland.org.



About the recommended measures to improve your home's performance rating

This section offers additional information and advice on the recommended improvement measures for your home

1 Flat roof insulation

Insulating a flat roof will significantly reduce heat loss through the roof; this will improve levels of comfort, reduce energy use and lower fuel bills. Insulation can be placed on top of the roof under the waterproof membrane and should particularly be considered when the waterproofing needs to be replaced. Further information about roof insulation and details of local contractors can be obtained from the National Insulation Association (www.nationalinsulationassociation.org.uk). Building regulations generally apply to this work so it is best to check this with your local authority building standards department.

2 Floor insulation (suspended floor)

Insulation of a floor will significantly reduce heat loss; this will improve levels of comfort, reduce energy use and lower fuel bills. Suspended floors can often be insulated from below but must have adequate ventilation to prevent dampness; seek advice about this if unsure. Further information about floor insulation is available from many sources including www.energysavingtrust.org.uk/scotland/Insulation/Floor-insulation. Building regulations generally apply to this work so it is best to check this with your local authority building standards department.

3 High heat retention storage heaters

Modern storage heaters are less expensive to run than the direct acting, on-peak heating system in the property. A dual-rate electricity supply is required to provide the off-peak electricity that these heaters use; this is easily obtained by contacting the energy supplier. Ask for a quotation for high heat retention heaters with automatic charge and output controls. A dual-immersion cylinder, which can be installed at the same time, will provide cheaper hot water than the system currently installed. Installations should be in accordance with the national wiring standards. Building regulations generally apply to this work and a building warrant may be required, so it is best to obtain advice from your local authority building standards department and from a qualified electrical heating engineer. Ask the heating engineer to explain the options, which might also include switching to other forms of electric heating.

4 Solar water heating

A solar water heating panel, usually fixed to the roof, uses the sun to pre-heat the hot water supply. This can significantly reduce the demand on the heating system to provide hot water and hence save fuel and money. Planning permission might be required, building regulations generally apply to this work and a building warrant may be required, so it is best to check these with your local authority. You could be eligible for Renewable Heat Incentive payments which could appreciably increase the savings beyond those shown on your EPC, provided that both the product and the installer are certified by the Microgeneration Certification Scheme (or equivalent). Details of local MCS installers are available at www.microgenerationcertification.org.

5 Replacement glazing units

Replacing existing double-glazed units with new high-performance units. Building regulations require that replacement glazing is to a standard no worse than previous and a building warrant is not required. Planning permission might be required for such work if a building is listed or within a conservation area so it is best to check with your local authority.

6 High performance external doors

High performance external doors contain insulation and lose heat at about half the rate of conventional external doors. Building regulations generally apply to this work, so it is best to check this with your local authority building standards department.

7 Solar photovoltaic (PV) panels

A solar PV system is one which converts light directly into electricity via panels placed on the roof with no waste and no emissions. This electricity is used throughout the home in the same way as the electricity purchased from an energy supplier. Planning permission might be required, building regulations generally apply to this work and a building warrant may be required, so it is best to check these with your local authority. The assessment does not include the effect of any Feed-in Tariff which could appreciably increase the savings that are shown on this EPC for solar photovoltaic panels, provided that both the product and the installer are certified by the Microgeneration Certification Scheme (or equivalent). Details of local MCS installers are available at www.microgenerationcertification.org.

8 Wind turbine

A wind turbine provides electricity from wind energy. This electricity is used throughout the home in the same way as the electricity purchased from an energy supplier. Wind turbines are not suitable for all properties. The system's effectiveness depends on local wind speeds and the presence of nearby obstructions, and a site survey should be undertaken by an accredited installer. Planning permission might be required and building regulations generally apply to this work and a building warrant may be required, so it is best to check these with your local authority. The assessment does not include the effect of any Feed-in Tariff which could appreciably increase the savings that are shown on this EPC for a wind turbine, provided that both the product and the installer are certified by the Microgeneration Certification Scheme (or equivalent). Details of local MCS installers are available at www.microgenerationcertification.org.

Low and zero carbon energy sources

Low and zero carbon (LZC) energy sources are sources of energy that release either very little or no carbon dioxide into the atmosphere when they are used. Installing these sources may help reduce energy bills as well as cutting carbon.

LZC energy sources present: There are none provided for this home

Your home's heat demand

You could receive Renewable Heat Incentive (RHI) payments and help reduce carbon emissions by replacing your existing heating system with one that generates renewable heat and, where appropriate, having your loft insulated and cavity walls filled. The estimated energy required for space and water heating will form the basis of the payments. For more information go to www.energysavingtrust.org.uk/scotland/rhi.

Heat demand	Existing dwelling	Impact of loft insulation	Impact of cavity wall insulation	Impact of solid wall insulation
Space heating (kWh per year)	9,336	N/A	N/A	N/A
Water heating (kWh per year)	1,727			

Hillwood House, No.3 Craigs Lodges, Williamsraigs, Linlithgow, EH49 6QF
24 May 2017 RRN: 0002-7470-3829-8520-1533**Recommendations Report****About this document**

This Recommendations Report and the accompanying Energy Performance Certificate are valid for a maximum of ten years. These documents cease to be valid where superseded by a more recent assessment of the same building carried out by a member of an Approved Organisation.

The Energy Performance Certificate and this Recommendations Report for this building were produced following an energy assessment undertaken by an assessor accredited by Elmhurst (www.elmhurstenergy.co.uk), an Approved Organisation Appointed by Scottish Ministers. The certificate has been produced under the Energy Performance of Buildings (Scotland) Regulations 2008 from data lodged to the Scottish EPC register. You can verify the validity of this document by visiting www.scottishepcregister.org.uk and entering the report reference number (RRN) printed at the top of this page.

Assessor's name:	Mrs. Shirley Paterson
Assessor membership number:	EES/012171
Company name/trading name:	Nextgenergy
Address:	3 Mactaggart Way Pitcairn Fife Glenrothes KY7 6FA
Phone number:	07800 801151 01592 622256
Email address:	shirley.paterson@blueyonder.co.uk
Related party disclosure:	No related party

If you have any concerns regarding the content of this report or the service provided by your assessor you should in the first instance raise these matters with your assessor and with the Approved Organisation to which they belong. All Approved Organisations are required to publish their complaints and disciplinary procedures and details can be found online at the web address given above.

Use of this energy performance information

Once lodged by your EPC assessor, this Energy Performance Certificate and Recommendations Report are available to view online at www.scottishepcregister.org.uk, with the facility to search for any single record by entering the property address. This gives everyone access to any current, valid EPC except where a property has a Green Deal Plan, in which case the report reference number (RRN) must first be provided. The energy performance data in these documents, together with other building information gathered during the assessment is held on the Scottish EPC Register and is available to authorised recipients, including organisations delivering energy efficiency and carbon reduction initiatives on behalf of the Scottish and UK governments. A range of data from all assessments undertaken in Scotland is also published periodically by the Scottish Government. Further information on these matters and on Energy Performance Certificates in general, can be found at www.gov.scot/epc.

Hillwood House, No.3 Craigs Lodges, Williamsbraigs, Linlithgow, EH49 6QF
24 May 2017 RRN: 0002-7470-3829-8520-1533

Recommendations Report

Opportunity to benefit from a Green Deal on this property

Under a Green Deal, the cost of the improvements is repaid over time via a credit agreement. Repayments are made through a charge added to the electricity bill for the property.

To see which improvements are recommended for this property, please turn to page 3. You can choose which improvements you want to install and ask for a quote from an authorised Green Deal provider. They will organise installation by an authorised Green Deal installer. If you move home, the responsibility for paying the Green Deal charge under the credit agreement passes to the new electricity bill payer.

For householders in receipt of income-related benefits, additional help may be available.

To find out more, visit www.greenerscotland.org or call 0808 808 2282.



Energy Performance Certificate (EPC)

Dwellings

Scotland

Hillwood House, No.3 Craigs Lodges, Williamsbraigs, Linlithgow, EH49 6QF

Dwelling type: Detached house
Date of assessment: 28 November 2017
Date of certificate: 08 January 2018
Total floor area: 118 m²
Primary Energy Indicator: 93 kWh/m²/year

Reference number: 0113-0429-0539-2868-0922
Type of assessment: RdSAP, existing dwelling
Approved Organisation: Elmhurst
Main heating and fuel: Air source heat pump, radiators, electric

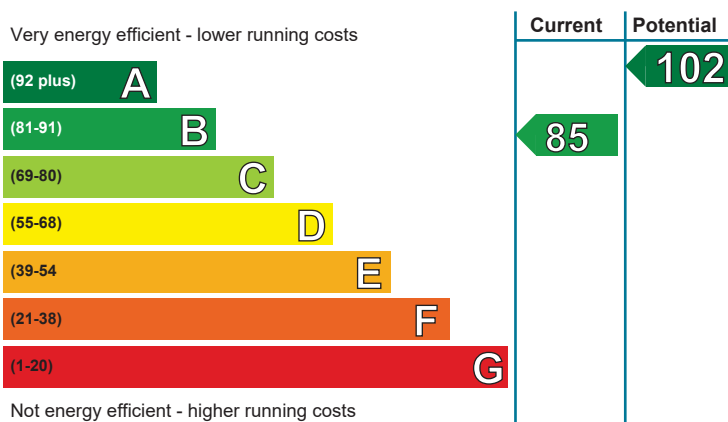
You can use this document to:

- Compare current ratings of properties to see which are more energy efficient and environmentally friendly
- Find out how to save energy and money and also reduce CO₂ emissions by improving your home

Estimated energy costs for your home for 3 years*	£2,946	See your recommendations report for more information
Over 3 years you could save*	£	

* based upon the cost of energy for heating, hot water, lighting and ventilation, calculated using standard assumptions

Very energy efficient - lower running costs

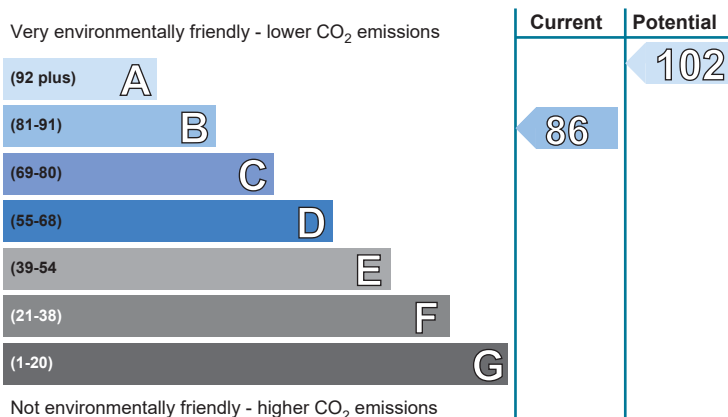


Energy Efficiency Rating

This graph shows the current efficiency of your home, taking into account both energy efficiency and fuel costs. The higher this rating, the lower your fuel bills are likely to be.

Your current rating is **band B (85)**. The average rating for EPCs in Scotland is **band D (61)**.

The potential rating shows the effect of undertaking all of the improvement measures listed within your recommendations report.

Very environmentally friendly - lower CO₂ emissions

Environmental Impact (CO₂) Rating

This graph shows the effect of your home on the environment in terms of carbon dioxide (CO₂) emissions. The higher the rating, the less impact it has on the environment.

Your current rating is **band B (86)**. The average rating for EPCs in Scotland is **band D (59)**.

The potential rating shows the effect of undertaking all of the improvement measures listed within your recommendations report.

Top actions you can take to save money and make your home more efficient

Recommended measures	Indicative cost	Typical savings over 3 years	Available with Green Deal
1 Wind turbine	£15,000 - £25,000	£1728.00	

A full list of recommended improvement measures for your home, together with more information on potential cost and savings and advice to help you carry out improvements can be found in your recommendations report.



The Green Deal may allow you to make your home warmer and cheaper to run at no up-front capital cost. See your recommendations report for more details.

THIS PAGE IS THE ENERGY PERFORMANCE CERTIFICATE WHICH MUST BE AFFIXED TO THE DWELLING AND NOT BE REMOVED UNLESS IT IS REPLACED WITH AN UPDATED CERTIFICATE

Hillwood House, No.3 Craigs Lodges, Williamsbraigs, Linlithgow, EH49 6QF
08 January 2018 RRN: 0113-0429-0539-2868-0922**Recommendations Report****Summary of the energy performance related features of this home**

This table sets out the results of the survey which lists the current energy-related features of this home. Each element is assessed by the national calculation methodology; 1 star = very poor (least efficient), 2 stars = poor, 3 stars = average, 4 stars = good and 5 stars = very good (most efficient). The assessment does not take into consideration the condition of an element and how well it is working. 'Assumed' means that the insulation could not be inspected and an assumption has been made in the methodology, based on age and type of construction. See the addendum section on the last page of this report for further information relating to items in the table.

Element	Description	Energy Efficiency	Environmental
Walls	Timber frame, with additional insulation	★★★★☆	★★★★☆
	Timber frame, as built, insulated (assumed)	★★★★★	★★★★★
Roof	Pitched, 270 mm loft insulation	★★★★☆	★★★★☆
	Pitched, 250 mm loft insulation	★★★★☆	★★★★☆
	Pitched, insulated (assumed)	★★★★☆	★★★★☆
Floor	To external air, insulated	—	—
	Solid, insulated (assumed)	—	—
Windows	Fully triple glazed	★★★★☆	★★★★☆
Main heating	Air source heat pump, radiators, electric	★★★★☆	★★★★★
Main heating controls	Time and temperature zone control	★★★★★	★★★★★
Secondary heating	None	—	—
Hot water	From main system, plus solar	★★☆☆☆	★★★★☆
Lighting	Low energy lighting in 93% of fixed outlets	★★★★★	★★★★★

The energy efficiency rating of your home

Your Energy Efficiency Rating is calculated using the standard UK methodology, RdSAP. This calculates energy used for heating, hot water, lighting and ventilation and then applies fuel costs to that energy use to give an overall rating for your home. The rating is given on a scale of 1 to 100. Other than the cost of fuel for electrical appliances and for cooking, a building with a rating of 100 would cost almost nothing to run.

As we all use our homes in different ways, the energy rating is calculated using standard occupancy assumptions which may be different from the way you use it. The rating also uses national weather information to allow comparison between buildings in different parts of Scotland. However, to make information more relevant to your home, local weather data is used to calculate your energy use, CO₂ emissions, running costs and the savings possible from making improvements.


The impact of your home on the environment

One of the biggest contributors to global warming is carbon dioxide. The energy we use for heating, lighting and power in our homes produces over a quarter of the UK's carbon dioxide emissions. Different fuels produce different amounts of carbon dioxide for every kilowatt hour (kWh) of energy used. The Environmental Impact Rating of your home is calculated by applying these 'carbon factors' for the fuels you use to your overall energy use.

The calculated emissions for your home are 16 kg CO₂/m²/yr.

The average Scottish household produces about 6 tonnes of carbon dioxide every year. Based on this assessment, heating and lighting this home currently produces approximately 1.9 tonnes of carbon dioxide every year. Adopting recommendations in this report can reduce emissions and protect the environment. If you were to install all of these recommendations this could reduce emissions by 1.9 tonnes per year. You could reduce emissions even more by switching to renewable energy sources.




Hillwood House, No.3 Craigs Lodges, Williamsraigs, Linlithgow, EH49 6QF
08 January 2018 RRN: 0113-0429-0539-2868-0922**Recommendations Report****Estimated energy costs for this home**



	Current energy costs	Potential energy costs	Potential future savings
Heating	£1,932 over 3 years	£1,932 over 3 years	
Hot water	£771 over 3 years	£771 over 3 years	
Lighting	£243 over 3 years	£243 over 3 years	
Totals	£2,946	£2,946	

These figures show how much the average household would spend in this property for heating, lighting and hot water. This excludes energy use for running appliances such as TVs, computers and cookers, and the benefits of any electricity generated by this home (for example, from photovoltaic panels). The potential savings in energy costs show the effect of undertaking all of the recommended measures listed below.

Recommendations for improvement

The measures below will improve the energy and environmental performance of this dwelling. The performance ratings after improvements listed below are cumulative; that is, they assume the improvements have been installed in the order that they appear in the table. Further information about the recommended measures and other simple actions to take today to save money is available from the Home Energy Scotland hotline which can be contacted on 0808 808 2282. Before carrying out work, make sure that the appropriate permissions are obtained, where necessary. This may include permission from a landlord (if you are a tenant) or the need to get a Building Warrant for certain types of work.

Recommended measures	Indicative cost	Typical saving per year	Rating after improvement		Green Deal
			Energy	Environment	
1 Wind turbine	£15,000 - £25,000	£576			

Measures which have a green deal tick  are likely to be eligible for Green Deal finance plans based on indicative costs. Subsidy also may be available for some measures, such as solid wall insulation. Additional support may also be available for certain households in receipt of means tested benefits. Measures which have an orange tick  may need additional finance. To find out how you could use Green Deal finance to improve your property, visit www.greenerscotland.org or contact the Home Energy Scotland hotline on 0808 808 2282.

Choosing the right improvement package

For free and impartial advice on choosing suitable measures for your property, contact the Home Energy Scotland hotline on 0808 808 2282 or go to www.greenerscotland.org.



About the recommended measures to improve your home's performance rating

This section offers additional information and advice on the recommended improvement measures for your home

1 Wind turbine

A wind turbine provides electricity from wind energy. This electricity is used throughout the home in the same way as the electricity purchased from an energy supplier. Wind turbines are not suitable for all properties. The system's effectiveness depends on local wind speeds and the presence of nearby obstructions, and a site survey should be undertaken by an accredited installer. Planning permission might be required and building regulations generally apply to this work and a building warrant may be required, so it is best to check these with your local authority. The assessment does not include the effect of any Feed-in Tariff which could appreciably increase the savings that are shown on this EPC for a wind turbine, provided that both the product and the installer are certified by the Microgeneration Certification Scheme (or equivalent). Details of local MCS installers are available at www.microgenerationcertification.org.

Low and zero carbon energy sources

Low and zero carbon (LZC) energy sources are sources of energy that release either very little or no carbon dioxide into the atmosphere when they are used. Installing these sources may help reduce energy bills as well as cutting carbon.

LZC energy sources present:

- Air source heat pump
- Solar water heating
- Solar photovoltaics

Your home's heat demand

You could receive Renewable Heat Incentive (RHI) payments and help reduce carbon emissions by replacing your existing heating system with one that generates renewable heat and, where appropriate, having your loft insulated and cavity walls filled. The estimated energy required for space and water heating will form the basis of the payments. For more information go to www.energysavingtrust.org.uk/scotland/rhi.

Heat demand	Existing dwelling	Impact of loft insulation	Impact of cavity wall insulation	Impact of solid wall insulation
Space heating (kWh per year)	13,644	N/A	N/A	N/A
Water heating (kWh per year)	2,946			

Addendum

The assessment does not include any feed-in tariffs that may be applicable to this property.

Hillwood House, No.3 Craigs Lodges, Williamsbraigs, Linlithgow, EH49 6QF
08 January 2018 RRN: 0113-0429-0539-2868-0922

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Assessor's name: Mrs. Shirley Paterson
Assessor membership number: EES/012171
Company name/trading name: Nextgenergy
Address: [REDACTED] Way

Phone number: KY7 6FA

Email address: [REDACTED]

Related party disclosure: No related party

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APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR AN EXISTING OR PROPOSED USE OR DEVELOPMENT

Town and Country Planning (Scotland) Act 1997, as amended
The Town and Country Planning (Development Management
Procedure) (Scotland) Regulations 2013

The West Lothian Council hereby certify that on 2nd April 2019, the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and shown edged on the plan attached to this certificate is **lawful** within the meaning of section 150 of the Town and Country Planning (Scotland) Act 1997, for the reason(s) set out below:

APPLICATION REFERENCE	0207/CLU/19
PROPOSAL	Certificate of lawfulness for the existing use of chalet as a house (class 9) (GRID REF: 305280, 667171)
LOCATION	Chalet 9, Craigs Park, Linlithgow, West Lothian, EH49 6QF
APPLICANT	Mr Ian Georgeson, 64 Main Street, Drymen, Glasgow, Stirlingshire, G63 0BG

The above **application was determined by an officer appointed by the council in accordance with its scheme of delegation.**

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated:
02.04.2019

Craig McCorriston
Head of Planning, Economic Development and Regeneration

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

Signature:



DATA LABEL: PUBLIC

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

The applicant has provided evidence to the planning authority that demonstrates the property has been occupied and used as a place of residence for a period exceeding 4 years prior to the date of the submission of the certificate of lawfulness application. The development described above is therefore lawful in terms of the Town and Country Planning (Scotland) Act 1997.

FIRST SCHEDULE

Certificate of lawfulness for the existing use of chalet as a house (class 9)

SECOND SCHEDULE

Chalet 9, Craigs Park, Linlithgow, West Lothian, EH49 6QF

- 1 This certificate is issued solely for the purpose of section 150 of the Town and Country Planning (Scotland) Act 1997.
- 2 It certifies that the development described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the specified date and, thus, is not liable to enforcement action under section 127 of the 1997 Act on that date.
- 3 This certificate applies only to the extent of the development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any development which is materially different from that described or which relate to other land may render the owner or occupier liable to enforcement action.
- 4 The effect of the certificate is also qualified by the proviso in section 151(4) of the 1997 Act, which states that the lawfulness of a described development is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

Annex 1, Schedule of Plans - 0207/CLU/19

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	CL-01
2	Site Plan	CL-02



DATA LABEL: PUBLIC

HANDLING REPORT

Ref. No.:	0548/FUL/20	Email:	steve.mclaren@westlothian.gov.uk
Case Officer:	Steven McLaren	Tel No.:	01506 282404
Ward:	Linlithgow	Member:	Tom Conn Tom Kerr David Tait

Title	Change of use and extension to holiday chalet to form house, erection of free standing annex building (class 9), alterations to ground levels and construction of timber walk ways, stairs and railings (in retrospect)(Grid Ref: 297927,675610) at Hillwood House, 3 Craigs Lodges, Linlithgow, West Lothian, EH49 6QF
Application Type	Local Application
Decision Level	Delegated List
Site Visit	31.07.2020
Recommendation	Refuse Permission
Decision	Refuse Permission
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	24.07.2020
EIA Screening	Does the development require EIA screening - No

Description of Proposals

Change of use and extension to holiday chalet to form house, erection of free standing annex building (class 9), alterations to ground levels and construction of timber walk ways, stairs and railings (in retrospect)

Site History

History of the chalet park in general.

Planning permission in principle for a 24 chalet holiday park granted in 1978.

0045/ARM/92 - Application for the approval of reserved matters for a chalet development, refused 18/8/92.

0831/FUL/92 - Proposed development of 10 chalets, granted 27/6/94.

0769/94 - Alterations to chalet, granted 14/11/94.

0879/FUL/03 - Erection of 3 holiday chalets, withdrawn 27/7/09.

0310/CLU/12 - Certificate of lawfulness for the erection of a timber holiday chalet and access road, granted 6/9/12.

0573/FUL/14 - Proposed managers house and 4 self-catering lodge units, granted 29/4/16.

0284/FUL/18 - Change of use from holiday let (class 7) to residential (class 9) and extension to building, specific personalised consent 3/7/18.

0712/CLU/18 - Certificate of lawfulness for the existing use of chalets as permanent residential accommodation, withdrawn 26/2/19.

0207/CLU/19 - Certificate of lawfulness for the existing use of chalet as a house (class 9), granted 2/4/19 (occupied continuously for more than 4 years).

Representations

There have been no objections to this application.

Consultations

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

Consultee	Objection?	Comments	Planning Response
Transportation	No	No objections	Noted
Education Planning (Andrew Cotton)	No	Contributions required	Noted. Should the applicant be successful on appealing the decision, developer contributions will be required.
Environmental Health	No	Specific requirements set out to meet statutory minimum tolerable standards	Noted. Should the applicant be successful on appealing the decision the matters set out by Environmental Health will need to be addressed.
Flood Risk Management	No	Septic tank requires registration with SEPA	Noted. This is a matter which the applicant will need to resolve with SEPA.

Policies Considered

Policy Title	Policy Text
ENV2 - Housing Development in the Countryside	Housing development in the countryside will only be permitted where: a. the proposal provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition; or b. the proposal is for the replacement of an existing house in the countryside which is of a poor design or in a poor structural condition; or c. the proposal is for infill development within the curtilage of an existing building group or infilling of gaps between existing houses of a single plot width; or d. the proposal involves the conversion or rehabilitation of existing rural buildings which the council deems worthy of retention because of their architectural or historic merit; or e. the proposal is supported by the council's lowland crofting policy. Where a proposal by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside an exception to policy may be justified. Proposals should make the best use of resources, integrate with services and facilities and demonstrate the highest standards in design and environmental quality to protect and enhance the established landscape character. The detailed requirements of Supplementary Guidance on New Development in the Countryside and Lowland Crofting will apply.
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 and be high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals, the developer will be required to ensure that: a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity; b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates; c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety; d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping; e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices; f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided; g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development. Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.

Policy Assessment

Policy ENV2 sets out 5 criteria where housing development in the countryside is acceptable and includes the restoration of a brownfield site, replacement of existing house, infill development, conversion or rehabilitation of buildings worthy of retention or part of the council's lowland crofting policy. The development does not meet this criterion and is therefore contrary to policy ENV2.

Policy DES1 requires that development proposals must also accord with other relevant policies and appropriate supplementary guidance. The development does not accord with Supplementary Guidance: Development in the Countryside, 2018 and therefore is contrary to policy DES1.

Officer Assessment

Retrospective planning permission is sought for the change of use and extension of a holiday chalet to form house and associated garden ground, the erection of free-standing annexe building (which is being used as additional living accommodation) and alterations to ground levels, construction of timber walk ways, stairs and railings.

The chalet was previously a modest 2-bedroom timber A-frame building forming part of a 10 unit holiday chalet park within a woodland setting to the west of Linlithgow. The chalet was constructed in an elevated position on the side of a hill with an overhanging balcony and the applicant has utilised this change in level to build out and down from the ridge of the original building, maintaining the existing height of the chalet.

The original building had a floor area of approximately 65sqm and this has been increased to approximately 155sqm over 2 floors with double height kitchen area. The annexe building is used as additional living accommodation and is some 51sqm in size. The physical alterations to the site are substantial and the new building when seen from the rear is an imposing structure. The extension and the annexe building have both been completed in timber and despite the scale of the extension, it has been well executed. Had the alterations to the building and the annexe been submitted as an augmentation of the holiday park to accommodate larger families and to improve the quality of the accommodation then the works may have been considered acceptable as they fit within the context of the wooded area, subject to ensuring the privacy of the resident in the former manager's house was maintained.

Whilst the physical development could be considered appropriate within the setting of the chalet park, it is the change of use to residential and the overarching implication this would have for the remainder of the holiday park and other tourist accommodation. Planning permission in principle was granted for a 24-chalet holiday park in 1978.

The concept of the development was for short term lets of up to 2 weeks during peak periods. 10 chalets were built under application 0831/FUL/92 and subsequent consents have been given to extend the chalet park, the most recent being 0573/FUL14 for 4 additional lodges, to be built adjacent to an earlier building, and a new manger's house. The current owner has intimated that the operation of the chalet business is a long-term commitment.

Whilst this current chalet has been sold, its change of use to a house would set an undesirable precedent, eroding the available tourist stock and reducing the number of chalets being managed from the approved new manager's house. The wider implications being that any tourist accommodation granted under council policies to encourage and support tourism in the countryside could simply become housing in the countryside.

There is no specific locational justification for the change of use of the site to residential. A separate planning application for the chalet extension and ancillary works should be submitted for consideration with the use remaining as short-term tourist accommodation. The annexe should be removed from site and the ground reinstated, unless an application for its retention as tourist accommodation is submitted and approved.

The proposals are therefore contrary to policy ENV2 (housing development in the countryside), DES1 (design principles) and Supplementary Guidance: Development in the Countryside, 2018.

Other Considerations

Consideration has been given to the history of the site and the various applications to seek a residential use either through full planning permission or a certificate of lawfulness. There has for some time been pressure to utilise the buildings for residential purposes and that pressure continues with some, if not all of the units, being utilised for longer term lets as the permission for the original development does not specify occupancy periods.

An unchallenged occupancy of more than 4 years can result in the use of the property becoming lawful as a house (Ref: 0207/CLU/19). The development was granted on the principle of short-term holiday accommodation and the council's position is that the development should remain as such.

Should the applicant be successful at appealing this decision through the council's Local Review Body, developer contributions towards education and cemeteries will require to be collected.

Conclusions and Reasons for Decision

Refuse planning permission and seek the removal of annexe building. Further planning applications will be required for the extension and the annexe building, should it be retained, for use as tourist accommodation

List of Review Documents

Drawings schedule:

Docquetted Number	Drawing Description	Drawing Number
1	Location and Site Plan	BW-01
2	Existing Elevations	BW-02
3	Existing Elevations	1702100761
4	Tree works	--
5	Waste Collection	--
6	Drainage	BW-06

Other relevant documents:

West Lothian Local Development Plan, 2018; Supplementary Guidance: Development in the Countryside, 2018

Case Officer

SM

Date: 17 March 2021

DECISION NOTICE

REFUSAL OF PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997, as amended

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **refuses full planning permission for the development described below**, and in the planning application and docquetted plan(s).

APPLICATION REFERENCE 0548/FUL/20

PROPOSAL Change of use and extension to holiday chalet to form house, erection of free-standing annex building (class 9), alterations to ground levels and construction of timber walk ways, stairs and railings (in retrospect)

LOCATION Hillwood House, 3 Craigs Lodges, Linlithgow, West Lothian, EH49 6QF, (GRID REF: 297927, 675610)

APPLICANT Mrs Hilary McNutt, 3 Craigs Lodges, Linlithgow, West Lothian, EH496QF

The above **local application was determined by an officer appointed by the council in accordance with its scheme of delegation**. Please see the advisory notes for further information, including how to request a review of any conditions.

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated:
17.03.2021

Craig McCorriston
Head of Planning, Economic Development and Regeneration

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

Signature:

DATA LABEL: PUBLIC

The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0548/FUL/20, for the reason(s) set out as follows:

- 1 The use of the property and the associated annexe building being used for residential purposes does not meet the tests for housing development in the countryside as set out in policy ENV2 (housing development in the countryside). There is no specific locational justification for the change of use of the site to residential and its change from tourist accommodation would set an undesirable precedent. It results in eroding available tourist stock and reducing the number of chalets being managed by the owner of the Craig Chalets development. The wider implications being that any tourist accommodation granted under council policies to encourage and support tourism in the countryside could simply become housing in the countryside.

The development is therefore contrary to policy ENV2 (housing development in the countryside) of the adopted West Lothian Local Development Plan, 2018.

- 2 The physical development may be appropriate if carried out as an extension to the tourist accommodation within the chalet development however, the change of use of the site to residential does not meet the criteria or comply with the council's Supplementary Guidance on development in the countryside. There is no specific locational justification for the change of use of the site to residential and its change from tourist accommodation would set an undesirable precedent for other similar development both within the existing chalet park and across the district as a whole.

The development is therefore contrary to policy DES1 (design principles) of the adopted West Lothian Local Development Plan, 2018 and Supplementary Guidance: Development in the Countryside, 2018

- 3 The applicant has failed to convince the Council that there are justifiable reasons to depart from the provisions of the development plan which by virtue of Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) is to be afforded primacy in decision making.

How to challenge the council's Decision

If your application was determined under **delegated powers** as a local application by an officer appointed by the council and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. If the application was heard at a committee and in any other case you can seek an appeal of that decision to the Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review, or to appeal, here: <https://www.westlothian.gov.uk/article/33128/Decisions-Reviews-and-Appeals>

If the decision of the council is overturned by the Local Review Body or the Directorate for Planning and Environmental Appeals, the developer of the land should be made aware of the following notes.

Contaminated land procedures

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

Liaison with the Coal Authority

As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.

Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.

To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Advisory note to developer - General

Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.

Annex 1, Schedule of Plans - 0548/FUL/20

Docquetted Number	Drawing Description	Drawing Number
1	Location and Site Plan	BW-01
2	Existing Elevations	BW-02
3	Existing Elevations	1702100761
4	Tree works/protection	--
5	Other	--
6	Drainage	BW-06

Draft conditions – 0548/FUL/20

(1) The outbuilding hereby approved shall be used as incidental and ancillary accommodation associated with the main house. The outbuilding shall not be sold, leased or otherwise operated as a stand-alone residential, business or other unit separate from the main house.

Reason In order to define the nature and use of the building.

(2) Householder permitted development rights are removed from the property in respect of the following Classes: 1A, 1B, 1D, 3A, 3B, 3C, 3D and 3E of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) and correct at 27 April 2021.

Reason Given the location of the development, the character of the area and the works previously carried out, it is prudent to be able to give full consideration to any future extensions, outbuildings or associated works.

(3) Within 4 weeks of the date of this decision notice, a landscaping plan shall be submitted for the consideration and written approval of the planning authority and shall show replacement tree and shrub planting within the site. The planting shall be focused primarily on the embankment at the south of the site adjacent to Craigs Point, but shall not be limited to this area. Once agreed, the landscaping shall be carried out in the first available planting season and to the satisfaction of the planning authority.

The landscaping shall thereafter be maintained for a minimum of 5 years to ensure the plants become established and any which die or are removed within this period shall be replaced to the satisfaction of the planning authority.

Reason In the interests of environmental and residential amenity.