



Development Management Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

10 August 2022

A meeting of the **Development Management Committee** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston** on **Wednesday 17 August 2022 at 10:00am**.

For Chief Executive

BUSINESS

Public Session

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

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

4. Confirm Draft Minutes of Meeting of Development Management Committee held on Wednesday 06 July 2022 (herewith)

Public Items for Decision

5. Application No.0898/FUL/21 - Erection of a 60 bed care home with associated access, parking and landscaping works, GM Flooring, Falkirk Road, Linlithgow (herewith)

6. Application No.0151/P/22 - Planning permission in principle for a mixed use development for business (class 4), industrial (class 5), and storage & distribution (class 6) with associated engineering, landscaping and drainage, land to north and south of A705, Cousland Farm, Livingston (herewith)
7. Application No.0295/FUL/22 - Change of use from nursery (class 10) to house (class 9), 53 Whitburn Road, Bathgate (herewith)
8. Application No.0470/FUL/22 - Change of use from open space to private garden ground and erection of decking across watercourse (in retrospect), 15 Ballencrieff Mil, Bathgate (herewith)
9. Application No.0552/FUL/22 - Change of use from open space to private garden ground and erection of decking across watercourse (in retrospect), 13 Ballencrieff Mil, Bathgate (herewith)
10. Application No.0566/FUL/22 - Demolition of an existing two-storey outbuilding and erection of two one-bedroom studio flats, 14 Market Street, Midcalder (herewith)

Public Items for Information

11. Consider list of delegated decisions on planning applications and enforcement actions for the period 1 July to 5 August (herewith)
12. Appeals:
 - (a) Reference No. ENF/0355/21: Change Of Use From Open Space To Private Garden Ground And Erection Of Decking (Retrospective Planning Application Refused, Ref: 0801/Ful/21) at 13 Ballencrieff Mill, Bathgate, West Lothian, EH48 4LL - Appeal dismissed
 - (b) Reference No. ENF/0355/21: The Alleged Of 1. Extension Of Garden Ground By Encroachment Into The Open Space To The Rear; And 2. Erection Of Decking On Land To The Rear Over The Existing Watercourse at Land To Rear Of 13 Ballencrieff Mill, Bathgate, West Lothian, EH48 4LL - Appeal dismissed
 - (c) Reference No. ENF/0246/21: Unauthorised Change Of Use From Agriculture To Bus/Hgv Repairs, Salvage, Breaking, Reclamation And Storage Of Vehicles at Northfield Farm, Fauldhouse, Bathgate, EH47 9AA - Appeal submitted
 - (d) Application No. 0138/P/22: Residential Development With Associated Infrastructure, Landscaping And Engineering Works at Land North Of B792, Mossend, West Calder, EH55 8PU - Appeal submitted

- (e) Application No. 0216/A/22: The Display Of 2 Illuminated Fascia Signs And 1 Illuminated Free Standing Pylon Sign at 21 Inchmuir Road, Blackburn, Bathgate, EH48 2EP - Appeal submitted
 - (f) Application No. 0244/FUL/22: Erection Of A House With Associated Works at Dechmont House, Woodlands Park, Deans, Livingston, EH54 8AT - Appeal submitted
 - (g) Application No. 0320/FUL/22: Erection Of A 20Sqm Extension To Rear Of Public House at Green Tree Tavern, 45 East Main Street, Broxburn, EH52 5AB - Appeal submitted
13. Action Taken in terms of Standing Order 31 (Urgent Business) - To note the action taken in terms of Standing Order 31 (Urgent Business) to provide approval for the submission of a response to the DPEA in relation to Planning Appeal PPA-400-2144: Formation of 50 space Park and Ride Facility with Associated Works, Land to North of Station Road, Kirknewton - report by Chief Solicitor (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 (2021)

This form is a reminder and an aid. It is not a substitute for understanding the Code of Conduct and guidance.

Interests must be declared at the meeting, in public.

Look at every item of business and consider if there is a connection.

If you see a connection, decide if it amounts to an interest by applying the objective test.

The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.

If the connection does not amount to an interest then you have nothing to declare and no reason to withdraw.

If the connection amounts to an interest, declare it as soon as possible and leave the meeting when the agenda item comes up.

When you declare an interest, identify the agenda item and give enough information so that the public understands what it is and why you are declaring it.

Even if the connection does not amount to an interest you can make a statement about it for the purposes of transparency.

More detailed information is on the next page.

Look at each item on the agenda, consider if there is a “connection”, take advice if necessary from appropriate officers in plenty of time. A connection is any link between the item of business and:-

- you
- a person you are associated with (e.g., employer, business partner, domestic partner, family member)
- a body or organisation you are associated with (e.g., outside body, community group, charity)

Anything in your Register of Interests is a connection unless one of the following exceptions applies.

A connection does not exist where:-

- you are a council tax payer, a rate payer, or a council house tenant, including at budget-setting meetings
- services delivered to the public are being considered, including at budget-setting meetings
- councillors’ remuneration, expenses, support services or pensions are being considered
- you are on an outside body through a council appointment or nomination unless it is for regulatory business or you have a personal conflict due to your connections, actions or legal obligations
- you hold a view in advance on a policy issue, have discussed that view, have expressed that view in public, or have asked for support for it

If you see a connection then you have to decide if it is an “interest” by applying the objective test. The objective test is whether or not a member of the public with knowledge of the relevant facts would reasonably regard your connection to a particular matter as being so significant that it would be considered as being likely to influence your discussion or decision-making.

If the connection amounts to an interest then:-

- declare the interest in enough detail that members of the public will understand what it is
- leave the meeting room (physical or online) when that item is being considered
- do not contact colleagues participating in the item of business

Even if decide your connection is not an interest you can voluntarily make a statement about it for the record and for the purposes of transparency.

The relevant documents are:-

- [Councillors’ Code of Conduct, part 5](#)
- [Standards Commission Guidance, paragraphs 129-166](#)
- [Advice note for councillors on how to declare interests](#)

If you require assistance, contact:-

- James Millar, Interim Monitoring Officer and Governance Manager, 01506 281613, james.millar@westlothian.gov.uk
- Carol Johnston, Chief Solicitor and Depute Monitoring Officer, 01506 281626, carol.johnston@westlothian.gov.uk
- Committee Services Team, 01506 281604, 01506 281621
committee.services@westlothian.gov.uk

January 2022

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE held within MS TEAMS VIRTUAL MEETING, on 6 JULY 2022.

Present – Councillors Stuart Borrowman (Chair), William Boyle, Tom Conn, Lawrence Fitzpatrick and Pauline Stafford

Apologies – Councillors George Paul, Pauline Clark and Damian Doran-Timson

1. DECLARATIONS OF INTEREST

Agenda Item 7 (App No.0226/A/22 & 0227/LBC/22) - Councillor Stafford stated that she had received an email from the Managing Director of Pub Partners (Greene King) but had not responded to the email.

Agenda Item 5 (App No.1034/P/21) - Councillor Fitzpatrick stated that he was the council appointed member to the West of Scotland Archaeology Service who were a statutory consultee to the application.

Agenda Item 6 (App No.1245/P/21) - Councillor Fitzpatrick declared an interest in that the applicant was personally known to him so he would not take part in the item of business.

Agenda Item 7 (App No.0226/A/22 & 0227/LBC/22) - Councillor Fitzpatrick stated that he had received an email from the Managing Director of Pub Partners (Greene King) but had not responded to the email.

Agenda Item 7 (App No.0226/A/22 & 0227/LBC/22) - Councillor Conn declared an interest in that he had attended a number of meetings and exchanged a number of emails on the subject matter and had also put a Motion to a meeting of West Lothian Council last year on the matter. He would therefore not take part in the item of business.

Agenda item 6 (App No.1245/P/21) - Councillor Conn stated that he knew the applicant.

Agenda Item 6 (App No.1245/P/21) - Councillor Boyle stated that he knew the applicant.

Agenda Item 8 (App No.0240/FUL/22) - Councillor Boyle declared an interest in that the agent was well-known to him so he would not participate in the item of business.

Agenda item 6 (App No.1245/P/21) - Councillor Borrowman stated that he knew the applicant.

Agenda Item 7 (App No.0226/A/22 & 0227/LBC/22) - Councillor Borrowman stated that he had received an email from the Managing Director of Pub Partners (Greene King) but had not responded to them.

2. ORDER OF BUSINESS

Committee intimated it wished to ask questions on agenda items 11b, 11d, 11e and 11f; and

Committee agreed, in accordance with Standing Order 8(3), that agenda items 10, 11a, 11c, 11g, 11h and 12 were to taken as read and their recommendations noted without further consideration

3. MINUTES

The committee approved the Minute of its meeting held on 8 June 2022.

4. APPLICATION NO.1034/P/21

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

| <u>Application No.</u> | <u>Proposal</u> | <u>Recommendation</u> |
|------------------------|---|--|
| 1034/P/21 | Planning permission in principle for the erection of 11,148sqm of business (class 4), general industry (class 5) and storage and distribution (class 6) buildings for use as film studio/stage development, including access, car parking, landscaping and associated works (amended description) at The Pyramids Business Park, Bathgate | Grant planning permission in principle subject to conditions |

The committee then heard from Isabel Davis of Screen Scotland speak in support of the application.

The committee then heard from Ms Maria Frankce, the applicant's agent, speak in support of the application. Committee also noted that Alistair Weir and David Hodgkinson were also in attendance and available to answer questions from members.

Decision

To approve the terms of the report and grant planning permission in

principle subject to conditions subject to conditions

5. APPLICATION NO.1245/P/2

Councillor Fitzpatrick having previously declared an interest took no part in the following item of business.

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

| <u>Application No.</u> | <u>Proposal</u> | <u>Recommendation</u> |
|------------------------|--|---|
| P1245/P/21 | Planning permission in principle for the erection of 2 houses at land between 27 and 29 Wellview Lane, Murieston, Livingston | Grant planning permission in principle subject to conditions and planning obligations |

The committee then heard from Mark Wilson speak in support of his objections to the proposal.

The committee then from Mrs Hazel Wilson speak in support of her objections to the proposal. Mrs Wilson also read a statement out of behalf of Mr and Mrs McDonald who were also objecting to the proposal.

The committee then heard from Steve Wootton, the applicant's agent, who spoke in support of the proposal.

Decision

To approve the terms of the report and grant planning permission in principle subject to conditions and planning obligations towards education and cemetery provision

6. APPLICATION NOS.0226/A/22 AND 0227/LBC/22

Councillor Conn having previously declared an interest took no part in the following item of business.

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

| <u>Application No.</u> | <u>Proposal</u> | <u>Recommendation</u> |
|--------------------------|--|---|
| 0226/A/22 0227/LBC/22 | & Advertisement consent and listed building consent for the display of replacement facia | Grant advertisement consent and listed building consent |

sign, installation of
replacement
illuminated and non-
illuminated signs at the
Black Bitch Tavern, 12
West Port, Linlithgow

The committee then heard from Alastair Old speak in support of his objection to the proposal.

The committee then heard a local ward member, Councillor Orr, speak in support of her objections to the proposal.

The committee noted that whilst Sean Frost has requested to speak he was not in attendance at the meeting.

Decision

To continue the application for a minimum of two cycles to allow for further discussion between officer's and Historic Environment Scotland with regards to whether or not the proposed name change was incorporated into the Listed Building Consent.

7. APPLICATION NO.0240/FUL/22

Councillor Boyle having previously declared an interest took no part in the following item of business.

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

| <u>Application No.</u> | <u>Proposal</u> | <u>Recommendation</u> |
|------------------------|--|----------------------------|
| 0240/FUL/22 | Change of use of shop and upper flat with extensions and alterations to building to form 8 flats at 64/66 Charles Crescent, Bathgate | Refuse planning permission |

The committee then heard from Nadeem Badar speak in support of proposal.

Decision

To approve the terms of the report and refuse planning permission

8. APPLICATION NO.0320/FUL/22

The committee considered a report (copies of which had been circulated)

by the Head of Planning, Economic Development and Regeneration concerning an application as follows: -

| <u>Application No.</u> | <u>Proposal</u> | <u>Recommendation</u> |
|------------------------|---|----------------------------|
| 0320/FUL/22 | Erection of a single storey extension at Green Tree Tavern, 45 East Main Street, Broxburn | Refuse planning permission |

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

Motion

To approve the terms of the report and refuse planning permission

- Moved by the Chair and seconded by Councillor Fitzpatrick

Amendment

To grant planning permission, contrary to the officer's recommendation, as the proposal did conform to policies DES1, TCR3 and EMG5 of the Local Development Plan 2018 as there had been no evidence presented to suggest that there would be adverse impact on residential amenity.

- Moved by Councillor Boyle and seconded by Councillor Stafford

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

| <u>Motion</u> | <u>Amendment</u> |
|----------------------|------------------|
| Stuart Borrowman | William Boyle |
| Tom Conn | Pauline Stafford |
| Lawrence Fitzpatrick | |

Decision

Following a vote the motion was successful by 3 votes to 2 and it was agreed accordingly.

9. LIST OF DELEGATED DECISIONS

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

A list (copies of which had been circulated) of delegated and enforcement action for the period 3 to 24 June 2022 was submitted for the information of committee.

Decision

To note the list of delegated decisions.

10. APPEALS

The committee noted that the following appeals had been allowed, following refusal of planning permission :-

| <u>Application No.</u> | <u>Proposal</u> |
|------------------------|--|
| 1026/FUL/18 | Erection of 65 Houses (as varied from 67 Houses) with associated access, suds, open space and landscaping at Site K, Mossend, West Calder |
| 1027/P/18 | Planning Permission in principle for residential development for 22 units at Site Y4, Mossend, West Calder |
| 0193/FUL/21 | Erection Of 21 Maturation Warehouses Totalling 41,175Sqm, Ancillary Buildings, Drainage, Roads, Landscaping, Bridge Across Ncr75 And Gates to Control Vehicular Access Across Ncr75 at Land to South of Glen Turner Distillery, Starlaw Road, Bathgate |
| 0838/PO/21 | Modification of planning obligation relating to planning permission 0349/FUL/11 and 0337/P/13 to remove town centre improvements contribution at Site J & Y1, Mossend, West Calder |
| 0839/PO/21 | Modification of planning obligation relating to planning permission 0349/FUL/11 and 0337/P/13 to remove town centre improvements contribution at Site Y2a, Y2b & Y3, Mossend, West Calder |
| 1061/PO/21 | Modification of planning obligation relating to planning permission 1044/P/08 to remove cemetery contribution at Land at Armadale Station, Southdale |

The Head of Planning, Economic Development and Regeneration then proceeded to respond to questions from members in respect of agenda items 11b, d, e and f and in doing so it was agreed that he would provide

committee members with a briefing note on the approach taken by the DPEA in respect of appeals submitted to them following refusal of planning permissions by West Lothian Council

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

| <u>Application No.</u> | <u>Proposal</u> |
|------------------------|--|
| 1154/FUL/21 | Formation of a 50 Space Park and Ride Facility with associated works at land north of Station Road, Kirknewton |
| ENF/0310/21 | The alleged extension of garden ground, and erection of decking over watercourse at 15 Ballencrieff Mill, Bathgate |

Decision

1. To note the list of appeals; and
2. To agree that the Head of Planning, Economic Development and Regeneration provide committee members with a briefing note on the approach taken by the DPEA in respect of appeals submitted to them following refusal of planning permissions by West Lothian Council

11. ACTION TAKEN IN TERMS OF STANDING ORDER 31 (URGENT BUSINESS)

The committee noted the action taken in terms of Standing Order 31 (Urgent Business) to provide approval for the submission of a response to the DPEA in relation to planning appeal PPA-400-2140 for an application at land south of Sibbalds Brae and west of Falside Crescent, Bathgate.



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Erection of a 60 bed care home with associated access, parking and landscaping works at GM Flooring site, Falkirk Road, Linlithgow.

2 DETAILS

| | | | |
|----------------------|-----------------------------|---------------------------------|---|
| Reference no. | 0898/FUL/21 | Owner of site | Mr James Ritchie Sibbald Brownwright Mrs Maureen Gray Brownwright GM Flooring Contracts Limited Mr Billy Gemmell Owners of properties at 1 to 42 Broomyhill Place, in respect of replacement car parking spaces. |
| Applicant | Inuos Developments. | Ward & local members | Linlithgow Councillor Tom Conn Councillor Pauline Orr Councillor Sally Pattle |
| Case officer | Steven McLaren | Contact details | 01506 282404 steve.mclaren@westlothian.gov.uk |

Reason for referral to Development Management Committee: More than 15 objections including Linlithgow and Linlithgow Bridge Community Council

3 RECOMMENDATION

3.1 Grant planning permission subject to the attached conditions.

4 DETAILS OF THE PROPOSAL AND BACKGROUND

4.1 The application site is within the settlement boundary in the West Lothian Local Development Plan, 2018 and lies within an area of Linlithgow Bridge which has a mix of residential and commercial uses. The site is approximately 0.4ha in size and is operated by GM Flooring as a carpet/flooring retail warehouse. There are currently two buildings on site, one to the front at Falkirk Road and one which sits at a lower level to the rear of the site.

- 4.2 The proposals involve the demolition of these buildings and the construction of a 60 bed nursing home over 3 floors and a basement level to the north end of the building. The site is orientated north/south in length and as a result a short elevation is presented towards Falkirk Road and the long elevations face east and west, towards the Sainsburys store and adjacent flats. A site plan and elevation details area appended to this report.
- 4.3 The site levels drop down towards the north and Main Burn and in doing so there is a basement level to the northern end of the building and this presents a 4-storey building at the north elevation. The closest houses to the north across Mains Burn are approximately 32m away and the closest point to the adjacent flats to the east is approximately 26m.
- 4.4 The building has been designed with two wings and central common areas with the laundry and other services set at the basement level. The design has been amended to reduce its overall massing and the use of materials has been simplified and amended in line with discussions and comments received. This is discussed further in the report.
- 4.5 Access to the site is currently via a signalised junction with the traffic lights at the corner of the Sainsbury's store and retail park. The exit signals within the site will be removed and a new entrance formed into the site off Falkirk Road. This access will be used for incoming traffic only with the exit being through Broomyhill Place. The proposed exit is through two existing parking bays which will be relocated within the Broomyhill Place flatted development.
- 4.6 The internal road through the site will be for staff, visitors and service vehicles only with the provision of a cycle path within the site, linking Falkirk Road and Broomyhill Place for both cyclists and pedestrians. Parking and landscaping will also be provided within the site.

History

- 4.7 The relevant site history is set out below:
- 0957/FUL/96 – Erection of 2 industrial units, granted 15/1/97
 - 0036/FUL/06 - Sub-division and change of use from car/van hire premises to retail showroom and store, granted 16/3/06.
 - 0102/FUL/13 - Change of use to Class 1 Retail and alterations to building, granted 17/4/13.
 - 0502/P/14 - Planning Permission in Principle for 0.31Ha residential Development, granted 5/10/15.
 - 0791/MS/16 - Approval of matters specified in conditions of planning permission 0502/P/14 for the erection of six houses and associated road, cyclepath and landscaping, withdrawn 16/10/17.
 - 0799/FUL/16 - Change of use of warehouse to class 1 retail and alterations to building, granted 7/2/17.
 - 0801/FUL/16 - Erection of new workshop and extension to existing workshop, withdrawn 3/2/17.

EIA Development

- 4.8 The scale and nature of the development is such that does not fall within the description of development set out in Class 10 of Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2017 (EIA Regulations).
- 4.9 A screening assessment has been carried out in accordance with the EIA Regulations and due to the scale and nature of the proposed development it does not constitute EIA development.

Equalities Impact

- 4.10 The application has been assessed and has no impact in terms of equalities or human rights.

5. REPRESENTATIONS

- 5.1 There are 28 objections to this application including objections from Linlithgow & Linlithgow Bridge Community Council and Linlithgow Civic Trust.
- 5.2 A summary of the representations is located in the table below.

| Comments | Response |
|---|---|
| <ul style="list-style-type: none"> Scale of the building. Design. Use of materials. Insufficient on-site parking. | <ul style="list-style-type: none"> These matters are discussed within Section 8 of the report. |
| <ul style="list-style-type: none"> Impact on education provision. Impact on health care provision. | <ul style="list-style-type: none"> These matters are discussed within Section 8 of the report. |
| <ul style="list-style-type: none"> Pedestrian and cyclist's safety. Road network incapable of taking additional traffic. Significant congestion at school times. | <ul style="list-style-type: none"> The limited vehicle movements through the site and the speed of traffic will have no adverse impact on road, cyclist or pedestrian safety. It is acknowledged that East Mill Road can become congested during school times. The operator can however control visitor and delivery times. These matters are discussed further in the report. There has been no objection from Transportation. |
| <ul style="list-style-type: none"> Impact on residential amenity. Noise from traffic. Noise from development vehicles. | <ul style="list-style-type: none"> It is acknowledged that this will result in additional vehicle movements within Broomyhill Place. The movements will be exit only which will reduce vehicle numbers. This is discussed further in Section 8 of the report. |
| <ul style="list-style-type: none"> Impact on property values. | <ul style="list-style-type: none"> This is not a material planning matter. |
| <ul style="list-style-type: none"> Possible asbestos to be removed during demolition and impact on resident's | <ul style="list-style-type: none"> Planning permission is not required for the removal of the existing buildings. The |

| Comments | Response |
|--|--|
| health. | method of demolition and control of asbestos is managed under the Building Standards and other legislation. |
| <ul style="list-style-type: none"> Lack of formal notification to neighbours. | <ul style="list-style-type: none"> Neighbour notification was carried out in accordance with the requirements of the Development Management Regulations. As a result of the land ownership in respect of the two replacement parking spaces for the flats, the applicant served further land ownership notification to the owners of all the flats within Broomyhill Place. |

6. CONSULTATIONS

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

| Consultee | Objection? | Comments | Planning Response |
|------------------------|------------|--|---|
| Transportation | No | Acceptable subject to a road opening permit and the removal of the on-site traffic lights. | Noted. |
| Linlithgow Civic Trust | Yes | No objection to the principle. Change in design welcomed but scale, positioning on site and access remain issues. Impact on existing landscaping. Impact on Linlithgow medical practice. | Noted, the use of materials and other matters are discussed in Section 8 of this report. |
| Environmental Health | No | Standard construction conditions will be required. | Noted. |
| Flood Risk Management | No | The site is not at particular risk of flooding and drainage is suitable, subject to treatment levels being confirmed. | Noted. A condition can be used to ensure further information on treatment levels is submitted for consideration and approval. |
| Contaminated Land | No | Suitable to be granted with condition in respect of remediation strategy and verification reports. | Noted, a condition can be used to ensure a remediation statement is prepared and submitted for approval. |
| NHS | | | No response received. |

| |
|---------------------------|
| 7. PLANNING POLICY |
|---------------------------|

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

| Plan and Policy | Policy Summary | Assessment | Conform? |
|--|---|--|-------------------------------------|
| West Lothian Local Development Plan (LDP) (2018) DES1 - Design Principles | All development proposals will require to take account of and be integrated with the local context and built form. | The proposed scale and design of the nursing home is not out of character with the 3 and 4 storey blocks of flats to the east of the site or the massing of the adjacent supermarket and retail warehouses. | Yes |
| LDP HOU6 – Residential Care and Supported Accommodation | New residential care facilities will be permitted where the location provides a good residential environment, the site is close to other facilities and travel infrastructure, the site is compatible with adjacent uses, suitable parking is available and it will not lead to an excessive concentration of non-mainstream residential uses to the detriment of the area. | The site is close to existing facilities including bus stops for a variety of services. It can provide a good environment for residents with landscaping within the site and is compatible with adjacent uses. Transportation has raised no objections to the development on the basis of its central location and that there is extensive free parking at Sainsbury's and the retail park opposite. | In Part. See discussion on parking. |
| LDP NRG2 – Solar Roof Capacity Requirements | All new residential, commercial and industrial buildings must have a minimum installed solar roof capacity requirement | A condition can be used to ensure solar panels form an integral part of the development. | Yes |
| EMG2 – Flooding | Development will not be supported where the development will be at risk of flooding or where it will lead to an increase in the probability of flooding elsewhere. | An assessment has been carried out with regards to the potential impact of flooding from Mains Burn. The assessment finds that there is no risk to the development from flooding. | Yes |

| Plan and Policy | Policy Summary | Assessment | Conform? |
|---|---|--|-----------------|
| EMG3 – Sustainable Drainage | Developments are required to take into consideration surface water flows and to ensure suitable filtration and attenuation to meet the requirements of the council's supplementary guidance on flooding and to take into consideration the effects of climate change. | A drainage strategy has been prepared which is acceptable to the council's Flood Risk Manager. | Yes |
| EMG6 – Vacant, Derelict and Contaminated Land | Developers are required to ensure that development sites are not classified contaminated land and that where required, suitable remediation is carried out in accordance with the council's supplementary guidance on contaminated land | A site investigation has been carried out. A remediation strategy is required and can be subject to condition. | Yes |

7.4 Other relevant policy guidance and documents are listed below:

- SG: Flooding and Drainage, 2018
- SPG: Development on Contaminated Land, 2009

8. ASSESSMENT

8.1 The determining issues in respect of this application are listed below:

Scale and design of the building

- 8.2 Concern has been raised regarding overall scale of the building within the site and the design proposed. The applicant has intimated that from a costing and operational point of view, a 60-bed home is required. The financial and operational requirements of the applicant are not a material planning consideration therefore the assessment is made solely on the physical nature of the development.
- 8.3 The physical constraints of the site mean that it can only be constructed with long elevations facing east and west and gable views facing Falkirk Road and to the north. The result is that the building is a long and thin design. The architects have, however, introduced a curve to the building footprint to enhance the design and to utilise the constraints of the site.

- 8.4 The initial design has been amended to make a small reduction in the overall footprint and alter the roof design and materials mix. The roof design was reduced in scale, covering only the two wings and the central section is treated with a flat roof. Splitting the roof into two parts breaks up the extent of roof originally proposed and the overall massing of the building, particularly when seen from the east or west. The overall height has been reduced and now sits 0.29m below the height of the flats and 0.95m below the ridge line of the Sainsbury's store. This results in an overall reduction in height of 1.13m and ensures that the scale of the nursing home fits with the overall scale of the buildings adjacent.
- 8.5 Both Linlithgow Civic Trust and the community council agree that the revisions are more acceptable than the initial design, although the scale remains a concern. Further revisions have been made to incorporate the use of split-faced cast stone on the lower ground floor, in line with comments received. There is an overall simpler palette of materials proposed for the development with cast stone and render. A small section of cladding is to be used to accent the central section of the building and thus help break up the overall massing. The roof will be grey tiles and overall, the materials proposed fit well with the adjacent flats. The revised building details are acceptable and accord with policy DES1 (design principles) of the adopted LDP.

Parking

- 8.6 Objections have been raised that the scale of the building on the site results in limited parking which cannot cater for the numbers of staff or visitors to the site and the impact of traffic on the residents of Broomyhill Place. The initial submission showed 13 spaces, including 3 disabled and 2 for electric vehicle (EV) charging. This provision has been revised to 14 spaces with 2 disabled and 2 EV charging. Whilst EV charging spaces are being provided, these can also be utilised as standard parking bays as managed by the operator.
- 8.7 Parking standards are based on 2 main criteria, whether the site lies within a town centre or elsewhere. Within a town centre there should be 1 space per 6 residents/couples plus 1 per 10 staff. Elsewhere that ratio changes to 1 space per 3 residents/couples and 1 space per 5 staff. For a 60 bed care home with a maximum of 20 staff on site at any one time that will equate to a requirement of 12 spaces within a town centre and 25 elsewhere. The site meets the requirements for a town centre location.
- 8.8 Whilst the site does not lie within a town centre location as identified in the adopted LDP, it is immediately adjacent to the designated 'Commercial Centre' which acts as a town centre with a combination of residential and shop uses, including a supermarket. There is extensive free parking at both the retail park and Sainsbury's and the site also lies on Falkirk Road with access to bus routes running within and through the town.
- 8.9 Transportation was consulted and raised no objections to the level of parking provision on site. There may be scope for additional parking within the site but this would impact on the extent of landscaping and open space to the north of the building which will benefit residents, staff and the public in general as seen from the north.

Access and exit from the site

- 8.10 The proposal is to remove the signalised junction and close the access via the petrol filling station. A new access is proposed for the site approximately 8m to the west of the petrol filling station access. The exit from the site is proposed through the flatted development at Broomyhill Place.
- 8.11 Residents have raised concern that this one-way access will be used as a cut through for parents taking children to school and avoiding the traffic lights at East Mill Road/Falkirk Road. To prevent this happening, the access has been redesigned from that of a road junction and dropped pedestrian kerbs to a driveway access design which crosses the footpath. Barriers have also been included at the access and exit from the site to prevent the nursing home site being used as a cut through and to prevent unauthorised access from Broomyhill Place.
- 8.12 Concern has also been raised regarding the safety of this route for pedestrians and cyclists given that vehicles will travel in one direction and pedestrians can travel in both. This is a short stretch of private road which will have limited traffic and there will be a dedicated cycle path, marked out to differentiate it from the carriageway. The use of shared vehicle and pedestrian surfaces is common practice in housing estates and there are no concerns. Support for the cycle connection has also been received.
- 8.13 The exit from the site to Broomyhill Place will be through two existing parking bays which are to be relocated within the Broomyhill Place development. The new parking bays will require the removal of some existing landscaping and the building up of the burn's embankment. Replacement landscaping will be carried out following these works.
- 8.14 Transportation was consulted on the proposals for the removal of the existing traffic lights, the design of the junction into the site and the use of Broomyhill Place as the exit from the site. No objections were made on road safety grounds.

Residential amenity, pedestrian and road safety

- 8.15 In terms of the construction phase, it can be conditioned that the exit through Broomyhill Place is not formed until the building works are substantially complete and before the nursing home is opened to residents. This will prevent any construction traffic utilising Broomyhill Place. Standard construction conditions will also be used to limit working times and to ensure residents are not disturbed unnecessarily. It is acknowledged though that any building project comes with a degree of disruption.
- 8.16 Residents within block 31-42 Broomyhill Place which face onto the site currently look onto the side of industrial style sheds with no amenity value. The proposed building sits approximately 13m further back from the boundary with Broomyhill Place and 26m from the flats. The design of the building is acceptable and there will be landscaping incorporated within the site. There are no concerns over visual amenity from the development.

- 8.17 It is accepted that the development will result in additional vehicle movements through the site, although it will only be used as an exit and therefore the impact will be limited. It should also be noted that planning permission has previously been granted for 6 houses on this site with the access coming from Broomyhill Place and so the principle of an access at this point has been established.
- 8.18 The applicant has provided a statement on traffic movements which concludes that for a care home of this size, around 15 visitor trips would be expected per day of these on average there would be 0.82 car visits per hour, or 9 per day.
- 8.19 The applicant has advised that at peak times, between 7am and 5pm, there would be 20 staff trips generated. Some staff may arrive by bus, cycle or walk and the applicant concludes that there would be around 0.6 car trips per hour for staff.
- 8.20 Servicing vehicles have been identified as daily food deliveries between 8am and 10am with a typical 7.5 tonne box lorry or similar, so no larger than a standard bin lorry which would normally access Broomyknow Place. Nursing supplies are delivered twice a week between 10am and 2pm using a long wheel base Transit or similar. General refuse collection will be in line with surrounding areas and specialist collection twice a week between 9am and 4pm.
- 8.21 Concern has been raised about congestion on East Mill Road leading to Linlithgow Bridge Primary School during morning and afternoon school drop off/pick up times. Photographs have been provided showing the extent of this problem. To prevent issues with larger vehicles exiting the site at these times and adding to the congestion, the care home operator can schedule deliveries and pick ups out with these times and control vehicle movements. In this regard, the existing situation on East Mill Road should not be exacerbated.
- 8.22 Concern was also raised about the nature of the road from Broomyhill Place and the bridge over Mains Burn and that this was not suitable for larger vehicles. This is a traditional design of standard width road with footpaths either side rather than a shared surface. It is appropriate for larger vehicles, such as a bin lorry and delivery vehicles, and Transportation raised no concerns about the road being able to cater for these vehicles.
- 8.23 Staff and visitors will make up around 1.5 vehicle trips per hour, generally between 9am and 8pm. That is not to say that every hour there will be between 1 and 2 vehicles leaving the site but that is an expected average figure. There will therefore be periods where a number of vehicles will leave, such as at the end of a shift, and there will be extended periods of inactivity. Even with the servicing vehicles, and travelling at very slow speed, they will only take a handful of seconds to pass the ground floor flats in block 31-42 in particular. The level of disruption or impact on residential amenity from vehicle movements exiting the care home will therefore not be significant.
- 8.24 It has been stated that children play in the street and that this development will result in a danger to these children. The safety of children and pedestrians in general is clearly extremely important. Children playing in the street will be aware that cars and other vehicles come and go and the design of the street is not a shared surface where vehicles and pedestrians are expected to occupy the same space. Only a small section of road is affected by additional vehicle movements and there are footpaths either side.

The exit from the site will also be controlled by a barrier therefore drivers will need to stop before leaving the site. This will afford an opportunity for both drivers and any children playing in the street to act accordingly.

- 8.25 The developer will be required to bring forward signage details for approval leading into Broomyhill Place that states access to the nursing home is via Falkirk Road and that staff/visitors to the nursing home are not permitted to park within Broomyhill Place. Taking into consideration all the points above, the impact on residents will be limited and the proposals accord with policy DES1 (design principles).

Impact on education

- 8.26 Concern has been raised that if this care home is likely to accommodate people from Linlithgow, this will free up 60 houses onto the open housing market and as a result will have a detrimental impact on education infrastructure in the town. The assumption is that each resident within the care home, or a substantial number, will vacate a family size home which will in return be occupied by a family with school age children and thus result in a demand for additional school spaces.
- 8.27 However, this is highly unlikely. The reality is that residents to the care home will come from a variety of circumstances. Some will be living with family or a partner, some may be in sheltered accommodation or homes designed for the elderly and some may be transferred from hospital.
- 8.28 There will inevitably be some residents who are sole occupiers of family size homes however, if that individual required care in any case, space would need to be found for them within another care home in Linlithgow, West Lothian or a wider area. The result is that regardless of where care is to be provided, a house may be vacated and placed on the open housing market. There is no concern therefore that the proposed care home will result in an influx of family size homes on the housing market in Linlithgow and consequently affect the availability of school place provision.

Health care provision

- 8.29 Concern has been raised that the introduction of a 60 bed nursing home will impact significantly on the health care services of Linlithgow Group Practice (LGP). The applicant has intimated that there is a demand for additional nursing home space within Linlithgow for the residents of the Linlithgow area. Currently there is only one care home, Linlithgow Care Home, in the town which provides 80 beds.
- 8.30 A Demand and Demographic Report submitted shows that within a 10 minute drive of the site, the demand for bed spaces was given as 336 in 2018, projected to 373 for 2023 and 424 by 2028. The supply available for each of these 3 periods is given as 206, 219 and 219 bed spaces. The result being that there is a shortfall of care home bed spaces of 130 and growing to an estimated 154 and 205 by 2028.

- 8.31 If, as the applicant states, the majority of residents will be from the Linlithgow catchment area for health care services, these residents will already form part of the case work for the GPs, nurses and other health care professionals within the LGP. The care for these individuals will have been carried out at the health centre, if possible, or in the community either at home or other setting such as sheltered housing.
- 8.32 Where a GP or ambulance service is required for these individuals, rather than attending at home for example, the visit will be carried out within the care home setting. There would be no additional impact on the health care service, simply the service being carried out in a different location.
- 8.33 Policy HOU6 (residential care and support accommodation) states that proposals for health care facilities and support accommodation will generally be permitted where the location provides suitable amenities for residents including garden ground; where the facilities are in close proximity to services and public transport; the proposals are compatible with adjacent uses and scale and character does not impact on the local area; there is sufficient parking to meet the requirements of residents, staff and visitors; the proposals will not result in a concentration of non-mainstream residential uses detrimental to the area and the proposal complies with other local plan policies.
- 8.34 As set out above the proposal is acceptable in terms of its design, layout and compatibility with other uses and is an appropriate use for this location.
- 8.35 A point has been raised regarding Policy HOU6 (residential care and supported accommodation) where care homes and other supported accommodation will be supported where it meets an identified local need as defined by agreed joint strategies and commissioning plans by the council and NHS Lothian.
- 8.36 Unfortunately NHS has not provided a comment on whether the proposed use meets an identified local need as defined by agreed joint strategies and commissioning plans by the council and NHS Lothian in order to satisfy Policy HOU 6. In the absence of this confirmation, judgement is required to ascertain if there is a need for the proposed use. There is no confirmation from NHS that the proposed use would be surplus to requirements and the fact an application has been submitted is evident of need in this locality for the proposed use. Paragraph 88 of the LDP notes the ageing population in West Lothian and the recent Housing Needs and Demand Assessment 3 also projects population increases in the older age groups. It is therefore considered that the need and demand for the proposed use is justified.
- 8.37 Population growth has generally been concentrated in the older age groups with people aged 65 to 79 increasing by 8.5% and those aged over 80 increasing by 20% across the South East Scotland (SESplan) area. However, in West Lothian, the increase has been more substantial. 32.5% of the population is aged 65 to 79, and an almost 31% increase in the population aged 80+. An aging population will have implications for health and social care provision. There may also be significant challenges for the housing sector as demand for types of houses change and lead to increased demand for supported living and sheltered housing.

- 8.38 It was raised that there is a need for an assessment of health care provision and supplementary guidance linked to developer contributions to aid the provision of health care. Policy HOU7 (healthcare and community facilities in new housing development) is not engaged as it relates to health care and community facilities in new housing developments. This is not a new housing development therefore policy HOU6, as discussed above, is the primary policy in respect of the provision of residential care. Developer contributions are therefore not required.

Impact on existing landscaping

- 8.39 It is accepted that some landscaping on the west side of the site where it adjoins the Sainsbury's access road and footpath connection may be affected by the development. There is a landscape strip between the Sainsbury's footpath and the application site boundary which contains a beech hedge and tree planting. Given this lies out with the application site boundary, the developer will be required to erect protective fencing during the construction phase.
- 8.40 Should this landscaping be affected then a condition will be used to ensure it is reinstated along with the new landscaping associated with the development.

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| 9. CONCLUSION AND RECOMMENDATION |
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- 9.1 The application site is not specifically allocated in the LDP for any specific purpose therefore the proposed development must be assessed on its own merits.
- 9.2 Locating a nursing home within a mixed-use area of residential and shop uses, and with easy access to bus routes and additional off-site parking makes for an appropriate and sustainable location for a use of this type.
- 9.3 Whilst this is a large building, the context of the site adjacent to 3 and 4-storey flats, a supermarket and retail park means that the scale is not out of character. The design has been amended to reduce the overall massing by altering the roof design and simplifying the materials pallet. The scale and design of the building within this context is therefore acceptable.
- 9.4 The parking, access and exit arrangements have been considered by Transportation and found to be acceptable. It is acknowledged that the care home use will introduce additional traffic through Broomyhill Place, however, this can be managed by the operator to prevent conflict with school traffic and the number of vehicle movements exiting through Broomyhill Place is not considered sufficient to be of significant detriment to the residents of the flats.
- 9.5 There is a shortfall of care home bed spaces in the area and this development will help to address that in part. It is therefore recommended that planning permission is granted, subject to conditions.

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| 10. BACKGROUND REFERENCES & ATTACHMENTS |
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- Draft conditions
- Location Plan
- Site Plan
- Elevation Details
- Representations

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

Craig McCorriston

Head of Planning, Economic Development and Regeneration Date: 17 August 2022

Draft Conditions:

(1) Prior to the start of works on site, a Remediation Strategy shall be submitted for the consideration and written approval of the planning authority. The Remediation Strategy shall take into account the findings of the Stage 2 Investigation report by MM-EC geoenvironmental, dated January 2022. Once approved, the development shall be carried out in accordance with that strategy and to the satisfaction of the planning authority.

Thereafter, a Verification Report shall be submitted to demonstrate the remediation has been carried out in accordance with the approved strategy. The care home hereby approved, shall not be occupied until the Verification Report has been approved to the satisfaction of the planning authority.

Reason To ensure the site is remediated in accordance with current standards and in the interest of human health.

(2) The drainage for the development hereby approved shall be carried out in accordance with the Drainage & Water Management Strategy by Dewar Associates Ltd, Revision B, dated 24 August 2021 and the Flood Risk Assessment Report by Terrenus Land & Water, dated 24 April 2020, to the satisfaction of the planning authority, unless otherwise agreed in writing with the planning authority.

Reason To ensure the drainage from the site is handled in an appropriate manner to the satisfaction of the council and taking into account the effects of climate change.

(3) Prior to the start of work on site, details of the materials to be used on the roof, walls and road surfaces shall be submitted for the consideration and written approval of the planning authority. Once approved, the development shall be constructed in accordance with those details.

Reason In the interest of visual amenity and pedestrian safety.

(4) Prior to the start of works on site, a detailed landscaping plan shall be submitted for the development. The plan shall show the numbers and species of plants to be used within the site and include a planting schedule and maintenance programme for approval. Once approved the landscaping shall be carried out in the first planting season following the completion of the construction works to the satisfaction of the planning authority. The plan shall also identify existing landscaping out with the application site boundary and any trees adjacent to the site shall be protected in accordance with BS 5837(2012), Trees in relation to design, demolition and construction, to the satisfaction of the planning authority.

Reason In the interest of visual and environmental amenity.

(5) For the avoidance of doubt, the exit from the site through Broomyhill Place and the formation of the replacement parking spaces shall not be formed until the care home hereby approved is substantially complete, and to the satisfaction of the planning authority.

Reason To ensure construction and contractor's vehicles do not use Broomyhill Place or park within the flatted development and in the interest of residential amenity.

(6) Prior to the opening of the care home hereby approved, barriers at the entrance and exit of the site shall be installed to the satisfaction of the planning authority. Once installed, the barriers shall be maintained in good order and to the satisfaction of the planning authority.

Reason In order to prevent unauthorised vehicle movements and in the interest of residential amenity.

(7) Prior to the start of construction works, the developer shall bring forward details of signage for the entrance to Broomyhill Place which shall state there is no vehicular access to or parking for the care home. Once approved, the signage shall be installed to the satisfaction of the planning authority.

Reason In the interest of residential 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.

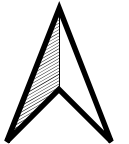
Waste











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.



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|---|--|---|
| ① | GRASS / GREENERY |  |
| ② | TREE/SHRUBS/HEDGE |  |
| ③ | PAVING SLABS |  |
| ④ | BLOCK PAVING - TYPE 1 |  |
| ⑤ | BLOCK PAVING - TYPE 2 |  |
| ⑥ | TARMAC - ROAD |  |
| ⑦ | TARMAC - FOOTPATH |  |
| ⑧ | RESIN BONDED FOOTPATH |  |
| ⑨ | GRAVEL STRIP |  |
| ⑩ | CYCLE PATH - TARMAC WITH SUPPLEMENTARY COLOURED FINISH |  |

APPLICATION SITE

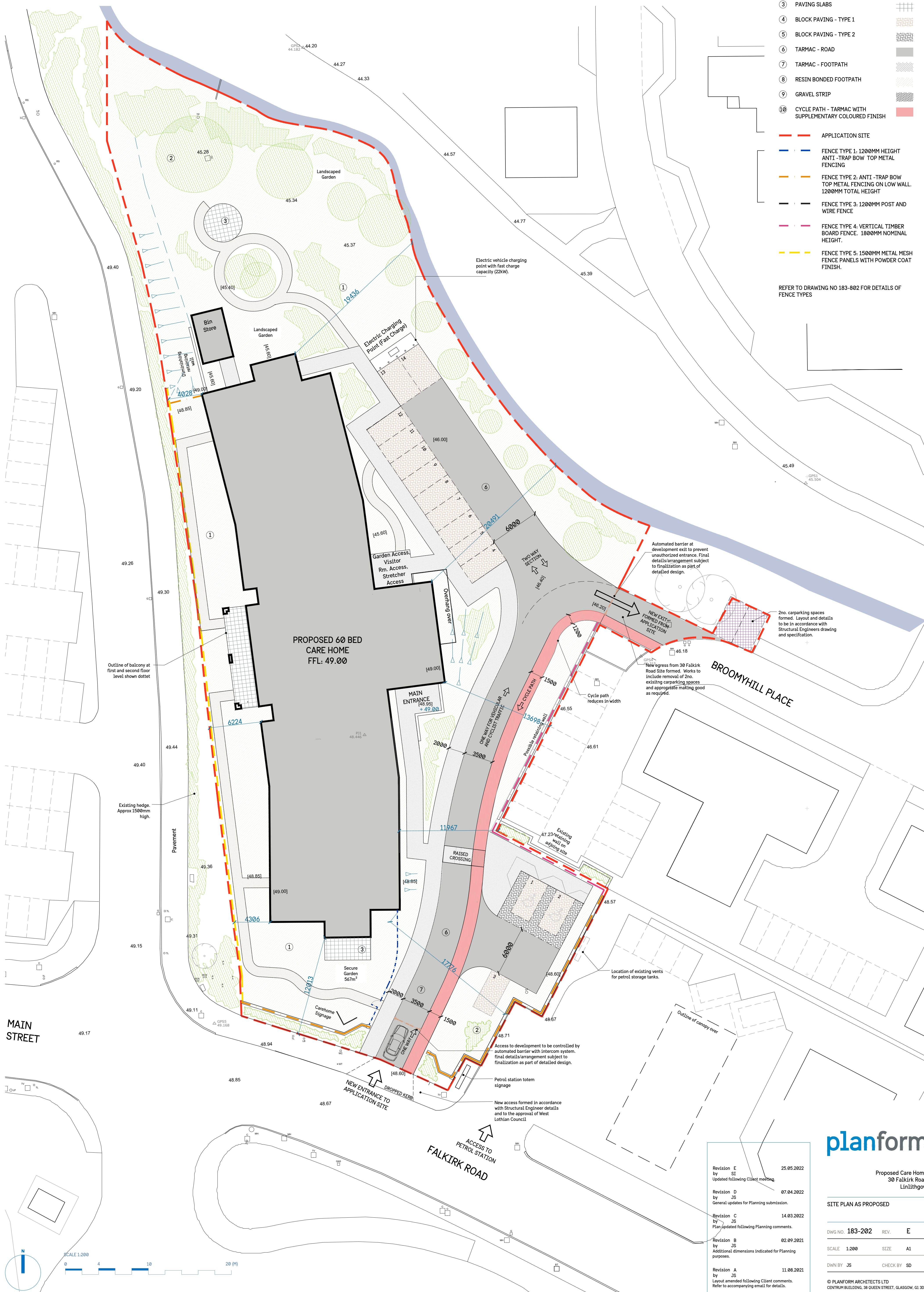
FENCE TYPE 1: 1200MM HEIGHT
ANTI -TRAP BOW TOP METAL
FENCING

FENCE TYPE 2: ANTI -TRAP BOW
TOP METAL FENCING ON LOW WALL.
1200MM TOTAL HEIGHT

FENCE TYPE 3: 1200MM POST AND WIRE FENCE

FENCE TYPE 4: VERTICAL TIMBER BOARD FENCE. 1800MM NOMINAL HEIGHT.

REFER TO DRAWING NO 183-802 FOR DETAILS OF
FENCE TYPES



Proposed Care Home
30 Falkirk Road
Linlithgow

SITE PLAN AS PROPOSED

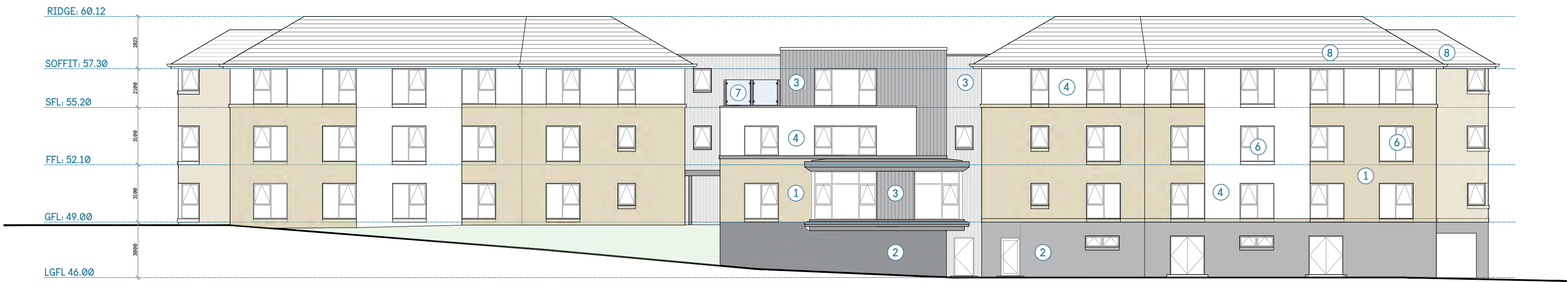
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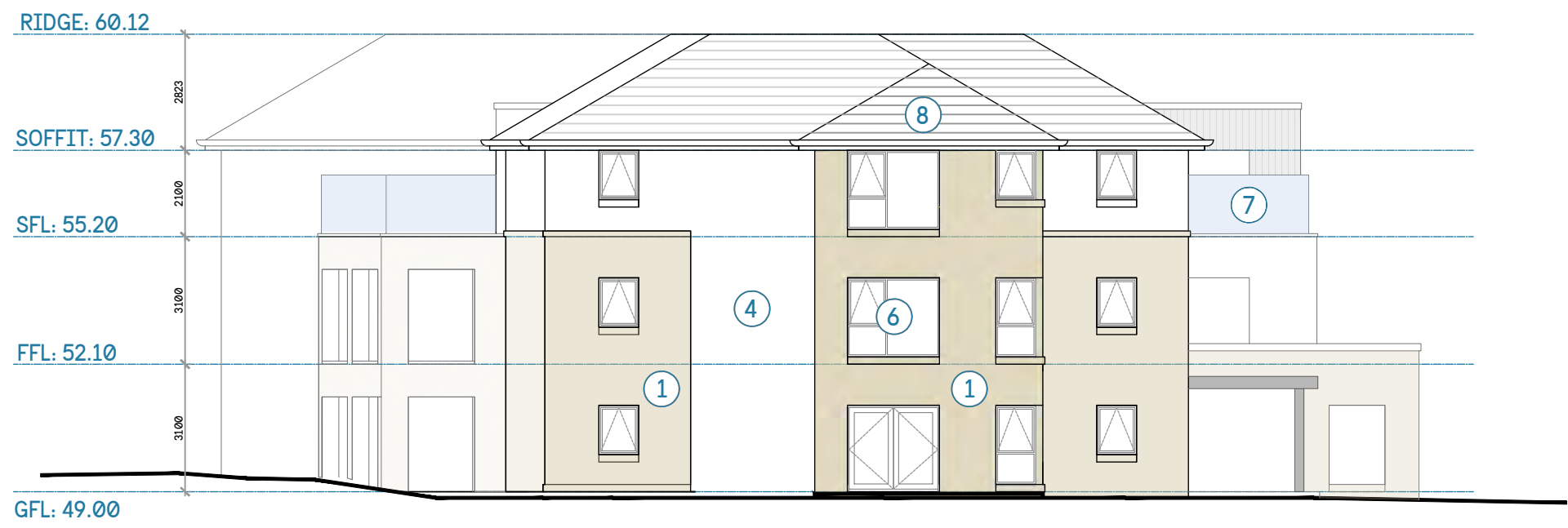
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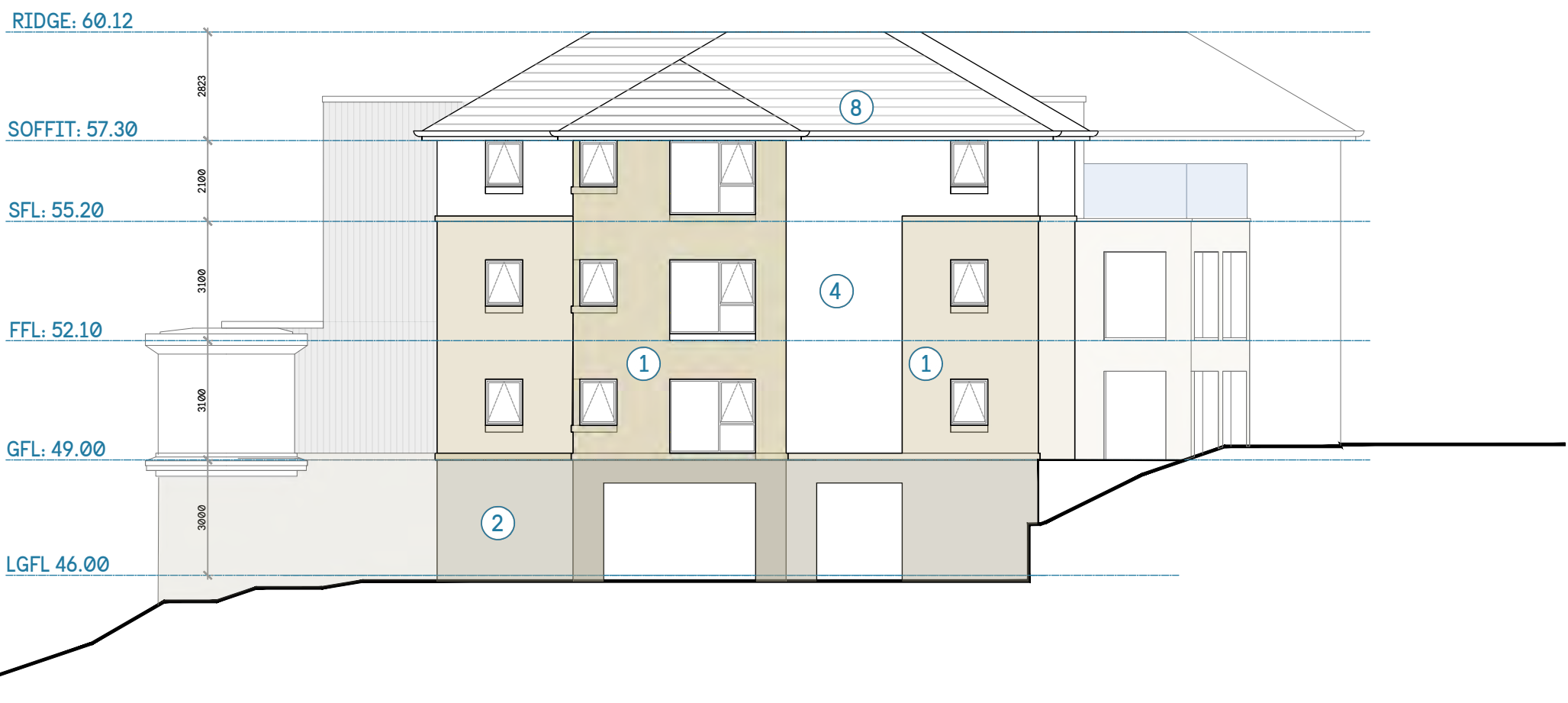
01: East Elevation as Proposed



02: West Elevation as Proposed



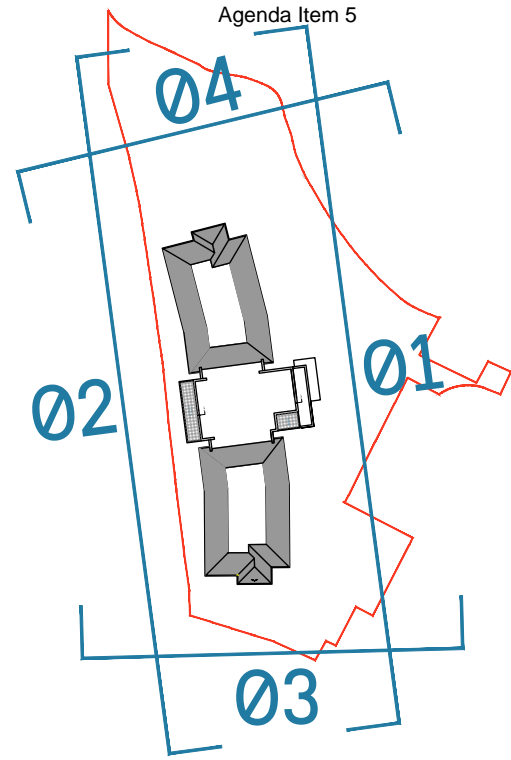
03: South Elevation as Proposed



04: North Elevation as Proposed

Material Legend

- 1 Cast Stone (Type A)
- 2 Cast Stone (Type B)
- 3 Metal cladding
- 4 Light coloured render
- 5 Curtain walling
- 6 Windows dark gray frame
- 7 Glass balustrade
- 8 Concrete interlocking rooftiles



Elevation Key Plan

| | |
|--|------------|
| Revision C | 08.04.2022 |
| by JS | |
| Annotation amended. | |
| Revision B | 07.04.2022 |
| by JS | |
| Elevations updated following Planning comments. | |
| Revision A | 02.09.2021 |
| by JS | |
| Additional dimensions indicated for Planning purposes. | |

planform

PROPOSED CARE HOME
30 FALKIRK ROAD
LINLITHGOW

Elevations as Proposed

DWG NO. 183-503 REV. C

SCALE 1:150 SIZE A1

DWN BY JS CHECK BY SD

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SCALE 1:150



From: [Alastair Morrison](#)
To: [McLaren, Steve](#)
Subject: Thanks from Cyclists: 0898/FUL/21 Care Home Development
Date: 29 May 2022 22:34:35

Mr McLaren,

This is in response to your letter, dated 26 April 2022, sent by Email, letting me know that changes had been made to the plans for the Care Home on the site of GM Flooring.

At that time, I did try to download the revised plan and other new documents, but did not succeed. This was unusual: usually I manage to download planning documents, and I have succeeded today. I noted that you asked for a reply by 17 May 2022, but felt that it was unlikely that I could add anything to my already lengthy submission, and I allowed other commitments to take priority.

Today, I did find time to try again, and was extremely pleased to find that the 'REVISED SITE PLAN-6163630.pdf' contains everything which I had suggested in relation to the cycling route, specifically in my option 3. On the plan, the northbound carriageway is labelled "One-way for vehicular and cyclist traffic", and the plan also shows a southbound cycle path, labelled as such, and which will be distinctively coloured on the ground.

Moreover the TRAFFIC STATEMENT-3175819.pdf mentions that "...the roadway through the site should act as a cycle route ... with appropriate signage provided" – something which I had stressed in my submission.

The purpose of this Email is to thank you for ensuring that the cycling aspects of the development have not been ignored - or should I thank the developer for this?

Thanks again,

Alastair Morrison



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COMMENTS ON PLANNING APPLICATION 0898/FUL/21
CARE HOME ON SITE OF GM FLOORING, FALKIRK ROAD, LINLITHGOW

From: Dr Alastair Morrison, 20 Sheriffs Park, Linlithgow, EH49 7SS
Submitted on Thursday 14th October, 2021.

During the period from 2008 to 2017, Linlithgow Cycling Action Group, a pressure group organised by Dave du Feu, was pressing for various improvements to the network of cycle paths within the built-up area of Linlithgow. I was a member of that Group. Thanks to the work of the cycling officers, and others in the Council, most of the missing links in the cycle path network within the built-up area have now been provided, but two links are still missing. One of these is in the NW part of Linlithgow and would run through the land which is the subject of the present application.

To see how the planning application fits into the cyclist's view of Linlithgow, consult the map "Love Linlithgow- Smarter Travel Choices" which was published by West Lothian Council about 2016 or 2017. Note that since its publication Sellars Road/Path (also called Cellar Road) has been given a tarmac surface all the way to Mains Road, making it very suitable for utility cycling.

The purpose of completing the NW part of the circumferential cycle route is to allow utility journeys to and from the Stockbridge Retail Park, Sainsbury's, and via Sellars Path to the Leisure Centre and the tow path, by people living in streets such as Avalon Gdns and Clark Ave, or by staff and visitors to the existing Linlithgow Care Home; and by people living in Springfield, e.g. in Grange View or Sheriffs Park, who are afraid to cycle on the High St or other main roads in the town. (The other missing link would provide cyclable access to the canal tow path from Springfield).

I previously made comments on planning application 0791/MS/16, which was for 6 houses on the north part of the present site. The need for a cycle path was evidently understood at that time, because the application proposed a shared-use path descending directly east from the Sainsburys car park. I was able to show that this would be too steep for cycling. I suggested that the ideal route for a cycle path would start at the 'Safeway crossroads' and go due north, as described below. I asked if it was permissible to postpone the decision on the houses until an application in relation to the future of the existing buildings in the southern part of the site had been made, so that the cycle path could be incorporated in its optimum location. In fact, GM Flooring withdrew their planning application in Oct 2017, and we now have a proposal for the whole site which I was hoping could include the optimum route for the cycle path.

I regret that in the present application I have not found any mention of a cycle path, or a route to be followed by cyclists, except for one mention of cycle parking. This is surprising in view of the urgent need to avoid global warming. I realise that the present application was probably preceded by an application for planning permission in principle, which has escaped my notice, when it might have been easier to influence the outcome. Nevertheless, I will discuss below the possibility of adapting the proposal slightly at this stage, to provide the missing link.

It might be claimed that the 'missing link' is already provided by one of two existing routes.

(A) A cyclist coming round the north side of Linlithgow Loch would most likely choose to use Parkhead Road so as to avoid causing undue nuisance to round-the-loch walkers, would use the existing traffic island to cross A706, and continue straight ahead (west) to the end of Clark Ave. From here, a path crosses the Mill Burn, goes straight across Avalon Gardens, SW along the edge of the playing field, then joins the recently-improved path which ascends gradually SE along the east side of the Mains Burn. It joins Broomyhill Place, and the cyclist has no alternative to following this SE to join East Mill Road, which emerges onto A803 at the 'East Mill Road crossroads'.

(B) If the cyclist is already familiar with the details of the roads and paths in this area, she could choose to follow either of 2 branches of Clark Ave, then choose the correct path to cross the Mill Burn into Avalon Gardens. She then has to choose the correct branch of Avalon Gardens which

leads, steeply uphill, to a path which passes Linlithgow Bridge Primary School. She then has no choice but to descend steeply down East Mill Road to the A803.

Cyclists will find route B unsatisfactory in either direction, because (a) it requires the expenditure of energy to climb the hill, which is immediately wasted by the steep descent following, and also (b) it does not lead directly to the intended destination, so that cyclists may get lost unless detailed signs are posted (not the policy in Linlithgow apparently). Route A is preferable because it has more gradual slopes, and leads more directly to its destination.

Neither of the existing routes can be regarded as providing the 'missing link', because both of them start/end at the East Mill Road crossroads. This is 200m along the A803 main road from the north end of the cycle route along Sellars Path, at the 'Sainsbury crossroads'. The Council provides the network of off-road cycle paths mainly to help cyclists who are not confident on main roads, so it is clearly not acceptable to include 200m of main road in the network. Moreover, a cyclist heading from East Mill Road to Sellars Path or vice-versa has to cross the Falkirk Road (A803) by way of two signalised crossroads, both of which have a confusing layout. A cyclist arriving at Falkirk Road by East Mill Road may be uncertain whether the traffic lights will sense the presence of his cycle automatically, or does he need to press a button to make a right turn when mounted on his cycle? Also, he sees two pedestrian crossings which cross Falkirk Road, to his east and west, but both are a little way from the actual crossroads. He will wonder if they are part of the crossroads traffic lights, or are they separately timed so that he has to dismount and go and press a button to cross Falkirk Road on foot. At the Sainsbury crossroads the north and west lights are Toucan. On the south side there is a pedestrian crossing but it is not Toucan, and on the east side there is no pedestrian crossing at all.

It is not clear how the cyclist is intended to travel between these two junctions: on the carriageway; by on-road cycle lanes which are marked on the carriageway, though the one on the north side of the road is not complete; on the footway which is unusually wide on the north side of the road, as if intended for shared use; through the forecourt of a petrol station; or through the car park of the Retail Park, which is accessible to pedestrians by a small ramp. Moreover, in the absence of signs, cyclists may be unaware of the existence of the onward route.

For the above reasons I feel that a cyclable link still needs to be provided running north from the north end of Sellars Path. The ideal route would be a shared-use path along the western edge of the grounds now being relinquished by GM Flooring, beginning close to the Sainsburys crossroads, sloping gently down below the bluff which forms the east side of the Sainsburys car park, and ultimately crossing the Mains Burn on a level shared-use bridge to join the newly-improved path on its east bank. There is a location here where the two sides of the Mains Burn both happen to be quite high and of the same height. The bridge might serve to disguise any sewers or other utilities which have to cross the Burn near here.

I will now consider several alternative possibilities for providing an adequate cycling link, assuming that the present proposal for a Care Home is, broadly-speaking, accepted.

1. Insert the cycle path in its optimum location, as described above. The path would have the fence of the care home to its east and the steep bluff below Sainsburys car park on its west side. Some cycle paths e.g. much of the tow path, have as little as 1 m of tarmac, but this path would have to be 1.5 or 2 metres wide to allow for the lack of 'elbowroom' to the east and the possible accumulation of soil and leaves from the wooded bluff to the west. Therefore, on the plan, the care home would have to be moved about 1.5 or 2m to the east. It also appears that, because the north half of the care home would have a basement floor but the south half would not, construction of the care home would create a sudden change of level, which might be awkward to avoid on the path. This would remove one of the reasons that this is the optimum route for the path i.e. that it would have a gradual slope. Probably the proposers would not be willing to accept this alteration at this stage.

2. Accept the plan as currently proposed, with traffic one-way northbound on the access road to the care home. This would be quite acceptable for cycles heading NE from Sellars Road. After crossing A803 by the Toucan crossing, a cyclist would be only 20m from the entrance to the access road, and could quickly reach it, either by wheeling her cycle along the footway or cycling along the cycle lane on the carriageway. The footway is unusually wide here so this short section might be marked as a shared path. She could then TL past the care home, and onto Broomyhill Place. After crossing the bridge over the Mains Burn, she would probably choose to TL and follow the recently-improved path downstream beside the Mains Burn, then along the edge of the playing field, straight across Avalon Gardens, and over the Mill Burn, to join Clark Avenue and thence to A706.

On the other hand, this option would NOT be OK for cyclists heading SW. They would still have to emerge at East Mill Road crossroads and struggle westwards along A803.

3. Make the access road to the care home 2-way for cyclists but one-way northbound for vehicles. Northbound cycles would use the carriageway. For most of the length of the access road, there is a footway about 1m wide on the east side. There is space for this to be widened in most places. Near the entrance from A803, there is space to add a wide footway on the east side. These widened footways could be designated as shared-use paths, with southbound cycling permitted on them. If this facility is to be used, it will be necessary to erect signs to divert southbound cycles on Broomyhill Place and East Mill Road over the bridge and into the access road from the care home. They should emerge onto A803 only 20m from the Sainsburys crossroads, instead of 200m, and would probably just wheel their cycles to the Toucan crossing.

4. Close vehicle access to the care home from and to A803. This would mean all vehicle access would be from Broomyhill Place and most of the access road would be 2-way for vehicles. This was suggested in the submission by Linlithgow and Linlithgow Bridge Community Council. If we then made entry to the access road from and to A803 for pedestrians and cyclists only, this would be ideal. Cyclists could use the carriageway of the access road with relative safety, and no widened footways would be needed (though widened carriageways might be!) Again, signage would be needed to divert southbound cyclists over the bridge in Broomyhill Place.

-----END OF SUBMISSION-----

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Mr Alan Herd

Address: Lady Park St.Ninian's Road Linlithgow EH49 7BN

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed location of the care home is totally unsuitable due to a number of factors.

- a) access to and exit from the care home: the access road is very poorly located as it will create even more of a bottleneck at an already congested junction (4 way junction at traffic lights plus petrol station access). The exit road is not suitable for the increased traffic as it cuts through the access road and parking at the rear of the Broomyhill flats. This road unsuitable as it is very narrow and has a number of tight corners. The exit road has a junction with the road to and from Linlithgow Bridge Primary; at the start and end of the school day this is also a bottleneck. There is also a danger to young children travelling to and from school on foot.
- b) increased traffic in Broomyhill Place: the houses and flats here were constructed in a residential cul-de-sac. This cul-de-sac will become much more heavily trafficked due to ambulances, delivery vehicles, visitor cars.
- c) the plans only have 10 parking spaces. This is clearly not sufficient. As a result, vehicles are likely to park in visitor spaces and in-shops for the flats and houses in Broomhill place.

In summary, the proposed site is not large enough to cope with the requirements of the care home. The location is totally unsuitable given the surrounding buildings, houses, flats and roads.

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Mr Allan Haining

Address: No 6 Broomyhill Place West Lothian Linlithgow EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We object to the traffic management for this development, specifically;

- The impact on Broomyhill Place traffic associated with the one way system, which may be used by traffic from the West as a shortcut to the Primary School, avoiding the East Mill Road traffic lights.
- The road corner radius at the bridge over the stream in to Broomyhill Place flats is tight leading to vehicles swinging in to the middle of the road bridge - a current risk issue, where an increase in traffic will increase the likelihood of a vehicle collision.
- The 12 parking spaces in the development seem inadequate for the numbers of staff and visitors associated with operation of the care home, which will likely impact the private Visitor parking for the Broomyhill Place flats. (And possibly Sainsburys or the Retail park).
- The roads within the Broomyhill Place flats other than the "hammerhead area" at the bridge have not been taken over by the council and the residents are liable for repairs.
- The pedestrian and cycle paths within the development will become a thoroughfare for the Primary School children. It is not clear that the access footpath, cycle path and road are segregated.

There is a perfectly good set of traffic lights controlling vehicle access/egress to the current GM Flooring premises. The development should plan and provide a completely self contained access/egress route and parking for all traffic, without impacting Broomyhill Place residents.

Generally, it is not clear how bin collection Lorries will access or navigate the development to the

bin storage in the lower area.

A & CH Haining

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Mr Andrew Gillespie

Address: 45 Broomyhill Place Linlithgow EH49 7BZ

Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment: I recommend 'on demand' traffic light system for traffic exiting the flats and care home onto Broomyhill Place cul de sac.

It is a blind exit and vehicles come out onto Broomyhill Place without warning.

From: Ann McNair
Sent: 10 October 2021 17:05
To: Planning <Planning@westlothian.gov.uk>
Subject: Comments on application for planning permission

Application number 0898/FUL/21
G M Flooring, Falkirk Road, Linlithgow, EH49 7PJ

I totally object to this planning permission due to the loud noise and disruption this will cause and the fact that my bedroom is practically right next to the building site. The builders will probably start work early in the mornings and finish in the evening.

Also, half of my neighbours are at home more including myself due to ill health or are retired. Some of them are elderly. This building work would really affect us. We shouldn't have to put up with constant noise and disruption day after day for maybe a year or more or however long it takes. It just doesn't seem right.

I have nothing against care homes but I think this is all wrong building it so close to a block of flats. I have been to a couple of care homes and have noticed they are placed so far apart from people's homes.

So please give this some consideration and build it somewhere else.

Ann McNair
31 Broomyhill Place
Linlithgow
EH49 7BZ

-

From: calum.cawley
Sent: 08 May 2022 16:14
To: Planning <Planning@westlothian.gov.uk>
Subject: Rejection of care homes proposal

Dear Sirs,

It has just come to my attention that a 60 bed care home is being proposed at Falkirk road Linlithgow. I wish to object to this proposal based on the following points.

1. This will have a major impact on the quality of life of the current residents at broomyhill place. The road which is being proposed will become a major thoroughfare with no alternative route. At present young children play in this quiet corner, traffic volumes would be intolerable and consequently dangerous.
 2. The desirability of the existing development will become less so being the only entrance and exit point to a large care home.
 3. Traffic though our grounds will include staff, visitors, commercial deliveries (including HGVs), emergency ambulances and doctors. The volume will be unacceptable and again potential accident site.
 4. The volume of traffic will be dangerous not only to ourselves, children and pets but to the traffic exiting and trying to gain entry into the care home through only one solitary route.
 5. There are only about 10 parking spaces in the development, clearly not enough for visitors, staff and deliveries. The overspill will park on our estate, by the detached houses and on East Mill Road this will cause chaos and no doubt disputes with potential damage to the residents cars.
 6. Our road is very narrow with sharp corners and totally unsuitable for the potential traffic.
 7. We do not know if the bridge to our estate is strong enough for the potential traffic.
 8. Around the corner of Broomyhill Place and East Mill Road is already mayhem and dangerous at school leaving time as children leave Linlithgow Bridge Primary School. There are dozens of children crossing the road and it is jammed with parked cars. Additional traffic through this would be adding to already a dangerous site.
 9. The corner of East Mill Road and Falkirk Road is narrow and dangerous even with traffic lights. I have already had a car run the lights and crash into my car at great cost and injury to myself.
 10. The proposed cycle path will be to the right-hand side of the proposed exit road as it enters our estate. Danger will be increased by cars and cycles crossing position on the road.
 11. The proposed cycle path will become a pedestrian rat run through our estate to Falkirk Road. This increases impact on quality of life and danger.
 12. The proposed 2 replacement car parking places for our flats are on a steep bank with a huge drop to the stream. How can these be safe?
 13. The existing building on the site is believed to contain asbestos. There is no plan to check this, nor proposal for how it is to be safely removed.
 14. The impact on flat owners' quality of life and safety during construction will be intolerable, with the noise created during construction and potential damage to the development at broomyhill.
- I do hope you take all these points into consideration and reject this proposed construction of a care home at broomyhill Linlithgow.

Yours sincerely

Calum Cawley

Resident of 27 Broomyhill place Linlithgow

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Mr Christopher Haining

Address: 30 BroomyHill Place Linlithgow EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am objecting to the development of this care home as layed out in the plans due to the following points

- Impact on the traffic. The mains burn bridge where the corners are tight and blind and traffic swings in to the middle of the road I personally have had 2 near misses in my 3 years here and the additional tarffic creates further risk.
- Impact on parking. The WLC planning regulations I believe require 1 parking space per 3 rooms and 1 space per 5 staff. The current parking seems inadequate which will likely lead to overspill into broomyhill visitors parking and possibly even resident parking.
- It remains to be seen if the additional parking over the mains burn is feasible.
- It is not clear that the road system is adequate for bin lorries, food deliveries and care home support traffic for example amulances/doctors etc.
- I would also note that the secure garden for residents is right next to the busiest road junction in linlithgow.
- I have no ojections to a care home development however, as planned the development maximises the size and number of beds to the detriment of broomyhill residents and the local amenity.

The development should be reduced in size to accomodate traffic, parking and access as a completely self contained facility.

Christopher Haining

Sent: 13 May 2022 16:34

To: Planning <Planning@westlothian.gov.uk>

Subject: OBJECTION TO PLANNING APPLICATION 0898/FUL/21, CARE HOME at FALKIRK ROAD, LINLITHGOW EH497PJ

We object to the care home planning application Ref 0898/FUL/21 on Falkirk Road, Linlithgow. The objection is primarily based on the proposed unacceptable exit route through Broomyhill Place and replaces all previous comments.

The exit route will be an unacceptable blight on, and impact on the quality of life of, the residents of Broomyhill Place flats. This is particularly the mainly elderly pensioners who occupy most of the ground floor flats.

The desirability and value of all flats on the site would fall.

The exit road into the flats is only 5 meters wide with 1.2 meters for cyclists and pedestrians (no path) and only 3.8 meters for all other traffic from the home. This joins the 2 way flat grounds at a turning and parking point with no road markings. This is the quietest and greenest area of the flats grounds used by children and pet owners. This would be unacceptably dangerous.

The 24 hour volume and nature of the traffic from the care home would be unacceptable. This will include visitors, staff, doctors, emergency ambulances, and both light and heavy commercial vehicles.

The route of the exit is unsuitable for increased traffic volumes due to the nature of the roads. Unmarked, narrow, sharp turns and a bridge that will require a weight test for the increased traffic. Today it can only be used with care and even when it is clear cars passing in opposite directions must drive slowly and carefully. At various points traffic is automatically over the centre of the road.

The most serious objection relates to the unacceptable danger the proposed exit route would have to children attending Linlithgow Bridge Primary School. At school opening and closing times it is mayhem, children from the age of 4 milling around

with parked cars (many on pavements) and East Mill Road regularly blocked in both directions (photos attached). To add further traffic, particularly emergency and commercial vehicles, would be criminally irresponsible.

After 2 disabled car parking spots and 2 electric car charging points there are only 10 car parking spaces for visitors and care home staff. There appears to be no spaces for delivery drivers under the revised plans. The location of the care home is on the border of Linlithgow Bridge and Linlithgow. It is in a town but not the town centre. West Lothian Council's own rules require a new care home away from a town centre to have a minimum of 1 space per 3 residents/couples plus 1 space per 5 staff. The proposed spaces are clearly not enough. Drivers unable to park have to drive into Broomyhill Place and then East Mill Road. They will naturally park here, causing further disturbance to residents and most importantly add to the mayhem and danger to primary school children as described above.

The existing buildings on the proposed site contain asbestos. A detailed plan for its safe removal is required. Without this the danger to residents and children is unacceptable.

The proposed cycle path is unnecessary and increases danger as it is joined and left at both ends. There are no natural routes for cyclists through the grounds of the care home or the flats, it is effectively "the cycle path to nowhere". It will be used as a rat run by cyclists and pedestrians in both directions with the particular danger described above in the grounds of the flats.

The road through the care home will also be used as a rat run to access the primary school and Broomyhill Place by traffic arriving at the entrance to the care home from the west. Drivers will do this to avoid the difficult traffic light junction on Falkirk Road into East Mill Road that is so tight most traffic crosses the centre of the road when turning.

The exit route requires the replacement and repositioning of 2 existing visitor car parking place at the Broomyhill Place flats. The proposed position of these is not big enough to accommodate 5 meter car parking spaces. (photo attached). From the edge of the road to the hedges surrounding our estate is only 3.6 meters and it is 3.8 meters to trees. The hedge and trees will both have to be removed and the hedging replaced. Also at under 4 meters the ground falls away at an angle of over 45 degrees to the stream below. To accommodate the replacement car parking spaces and hedging extensive hardcore and support will have to be built and landscaped. The stream floods annually about 50 meters below this point, an expert survey will be required to check the support works would not add to this problem.

The local GPs surgery in Linlithgow is reported to be stretched beyond normal capacity already. Their opinion must be sought as to whether they could meet the demands of 60 additional patients, with higher than average needs, within their current capacity.

The site for the proposed care home is not designated for such use in the current local authority plan.

The disruption during construction would be completely intolerable for the residents of Broomyhill Place.

West Lothian Council have not advised all residents of the Broomyhill Place flats, located on the land we own immediately adjacent to the development site, of the planning application in line with regulation 18 of the current planning application regulations. The legal procedures around the application have therefore not been correctly followed. This is currently subject to a formal complaint which appears to be heading to the council's external regulator.

Duncan and Julia Galley
24 Broomyhill Place
Linlithgow
EH49 7BZ
13th May 2022







Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Miss Fionnuala Glover

Address: 22 Broomyhill Place Linlithgow EH497BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am very concerned about the road to the care home through Broomyhill Place. This is because it exits on to a road that links with a primary school and as such the safety of the children will be affected. It will also affect the traffic especially during pick up and drop off. Furthermore it will have an adverse affect on residents of Broomyhill place during construction and greenery will be destroyed. The site itself had asbestos which is also very dangerous. Finally erecting this care home will put additional pressure on the Linlithgow Medical Centre which is already vastly oversubscribed.

32 Broomyhill Place
LINLITHGOW
EH49 7BZ

16 May 2022

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

To Whom It May Concern,

Reference Application 0898/FUL/21
G M Flooring, Falkirk Road, Linlithgow. Eh49 7PJ

Present Application: 0898/FUL/21

The present application is for the demolition of showroom and warehouse facility and erection of a 60 bed care home with associated access, parking and landscaping works. Exit of the development is by extending Broomyhill Place through the two parking bays bordering the burn.

In principal, I have no objection to the erection of a care home of a reasonable size. 30 or 40 beds for a site that size would be more realistic, with the entrance and exit remaining at the existing traffic controlled junction.

The increase in traffic via the proposed exit route through Broomyhill Place is not welcome and is seen as a reason to object. There are also several other objections to the proposal.

OBJECTIONS:

1. The application should not be allowed to proceed until it includes a plan for the removal of the old premises.
2. The access road for the site clearance and building phases should not be from Broomyhill Place.
3. The proposed exit route through Broomyhill Place and additional 2 way cycle track will lead to serious road safety issues and access issues for the existing residents at Broomyhill and pupils, staff and parents/guardians at Linlithgow Bridge Primary School. Having a cycle track looping through care home grounds would also be hazardous to Care Home residents, staff and visitors.

4. The effect of the proposal on our amenity, specifically in regard to noise, loss of privacy, increased vehicle exhaust pollution, and in hours of darkness; light pollution.
5. Landscaping proposal in regard to the removal of two existing parking spaces and proposed new location of two parking spaces.
6. The capability of local infrastructure to support the proposed development.

Objection 1: The existing building will have to be removed and a layer of top soil removed then replaced. Previous reports of the site confirms that the building roof is contaminated by Asbestos. The use of the site over many years would suggest that the soil throughout may be contaminated, in any case it will be unsuitable for gardens. None of the reports mention large tanks at the south end of the building which contain liquid. Removal of these materials will have a health and safety risk to the residents of the surrounding homes and even as far as Linlithgow Bridge Primary School (the prevailing wind blows from the site over these areas). A plan is required confirming the clearance quickly after approval to avoid vandalism and possibly fire raising, infestation and, considering the state of the building, bits falling off and into our property. Clearance should be through the Falkirk Road entrance, avoiding further risk to the residents.

Objection 2:

East Mill Road and Broomyhill Place are unsuitable for the heavy vehicles, and should not be used for site access and for delivery to and from the site.

A. The roads are narrow and entering via Falkirk Road and leaving via Broomyhill Place onto Falkirk Road will involve three 90 degree turns, these vehicles occupy up to 70% of the road width, effectively blocking the road and at times the pavements.

B. The school, existing housing to the north of the burn and the pedestrian path to the playing fields and estates to the west, along with the 42 households of Broomyhill Place, means that the route is now well used by pedestrians and vehicles. Vehicles can only enter and exit by using East Mill Road.

C. Use of the roads around the apartments is governed by “burdens” applicable to all residents and users and are legally enforceable. They prohibit parking other than in the provided parking bays and no commercial vehicles are allowed, other than deliveries. These restrictions are for Health and Safety and the comfort/convenience of the residents, ensuring access for emergency vehicles if required. The gardens remain private property and should not be damaged

Note: experience with the site on the north of the burn, showed that the site was allowed to extend out onto Broomyhill Place and East Mill Road with vehicles being parked for loading and unloading. They also crossed the bridge into the apartment complex and attempted to turn using the entrances to the parking areas, confirming the unsuitability of the road. Reversing signals were a major source of noise pollution. Surrounding the proposed site all homes and apartments are all occupied

and any spread of the building site would have serious health, safety risks, comfort implications for residents, pedestrians and vehicles.

Objection 3: The additional traffic as a result of the proposed exit route via Broomyhill Place and East Mill Road will lead to road safety risks and access issues for residents.

A. Use of the roads around the apartments is governed by “burdens” applicable to all residents and users and are legally enforceable. They prohibit parking other than in the provided parking bays and no commercial vehicles are allowed, other than deliveries. These restrictions are for Health and Safety and the comfort/convenience of the residents, ensuring access for emergency vehicles. The gardens remain private property and should not be damaged. Additionally, the green space surrounding the apartment buildings, including the site of the proposed two new parking spaces, is frequently used by residents with children and pets as a communal garden and much-loved green space / seating area. The increase in traffic and addition of the exit route through Broomyhill Place will result in a material change to our amenity and the way of life for the residents. Similarly, the residents of the houses to the north of the burn and their children frequently use their front gardens, which poses an obvious road safety risk due to an increase in traffic caused by the site.

B. Linlithgow Bridge Primary School is situated to the north of East Mill Road. During peak times, East Mill Road is lined with school traffic, which subsequently encroaches on Broomyhill Place. The addition of more traffic from the proposed site will prove hazardous when taking into account pedestrians and school children especially during peak times.

Objection 4: The effect of the proposed exit route through Broomyhill Place will have a significant impact on our amenity, predominantly due to excessive noise, increased exhaust pollution, and during hours of darkness; increased light pollution from traffic. Being located on the ground floor I would anticipate a marked effect on my amenity.

A. This is relevant both during construction - reversing signals and constant presence of large machinery have previously been a major source of noise pollution during the construction of the houses to the north of the burn - and after completion due to an increase in traffic directly past the front the apartment building (where all bedrooms and living spaces are located).

B. A working 60 bed care home operates 24 hours a day, 7 days a week, requiring care home staff to work shift patterns (normally 3 shifts with a handover period). There would also be a constant flow of residents’ visitors, and many different service providers eg: Doctors, Nurse Practitioner, Psychiatric Nurses, Dieticians, Chiropodists, Paramedics, Funeral Directors, Dental Services, Hairdressers, Activity Coordinators, etc.

There would also be a large number of delivery drivers (large and small vehicles) using the exit throughout the day.

All of these vehicles would have to exit the residence directly through Broomyhill Place, resulting in a constant increase in noise levels and exhaust pollution. This drastically alters our amenity at Broomyhill Place, which is currently a quiet residential complex.

As a ground floor occupier, retired and situated right at the proposed exit, I would be especially detrimentally effected by the exit proposal.

These entrance/exit plans will create a ratrun for vehicles and bikes from Falkirk Road through to East Mill Lane, endangering Care Home residents, staff and visitors, Broomyhill residents and visitors and Linlithgow Bridge Primary School pupils, staff and parents/guardians.

Also, If this proposal goes ahead, will the Council start to grit and clear 1-42 Broomyhill Place roads? Presently residents pay for the grit and clear the roads.

C. The proposal states that there will be; two electric fast charge points (these are not parking spaces), 8 parking bays, and 2 disabled parking spaces. This is clearly not sufficient for staff, service providers and visitors of a 60 bed care home. As previously mentioned, A working 60 bed care home operates 24 hours a day, 7 days a week, requiring care home staff to work shift patterns (normally 3 shifts with a handover period). There would also be a constant flow of residents' visitors, and many different service providers eg: Doctors, Nurse Practitioner, Psychiatric Nurses, Dieticians, Chiropodists, Paramedics, Funeral Directors, Dental Services, Hairdressers, Activity Coordinators, etc.

I object to the current proposed parking plan, as I believe that those accessing the care home will have no option other than to find parking elsewhere. This poses a risk to our amenity as people are likely to park at Broomyhill Place. Use of the roads around the apartments is governed by "burdens" applicable to all residents and users and are legally enforceable. They prohibit parking other than in the provided parking bays and no commercial vehicles are allowed, other than deliveries. These restrictions are for Health and Safety and the comfort / convenience of the residents and ensuring access for emergency vehicles. Parking spaces at Broomyhill Place are privately owned.

Objection 5: The proposed site for the exit route through Broomyhill Place will require the removal of two parking bays. The proposal suggests the addition of two new spaces. However, the proposed site for these is not suitable or safe, there is not enough depth to park a car there, and there is a steep bank with a huge drop down to a stream.

A. I object to the location of the 2 proposed parking bays in what is now being referred to as a 'retained' area. Also, Why have Broomyhill Residents been paying for the garden maintenance of this 'retained' area since the development was built?

B. The proposal for the two new parking bays has not taken into consideration the levels of the site. The proposed area includes an embankment and roughly 3m level change to the burn as well as existing and established trees and hedgerow.

C. Any attempt to remove 2 well established trees and bushes, and an established hedge;; which support a wide variety of wild life, would have a detrimental impact on the environment, wildlife and residents wellbeing.

Objection 6: The capability of local infrastructure to support the proposed development.

A. Linlithgow Bridge Primary School is situated to the north of East Mill Road. During peak times, East Mill Road is lined with school traffic, which subsequently encroaches onto Broomyhill Place. This is evidence that the current road system is not adequate and therefore could not cope with additional traffic.

B. The current junction from Falkirk Road onto East Mill Road is already regularly congested and is already unsuitable for the current traffic it receives. This will only become more of an issue with the addition of exiting traffic from the proposed site.

C. We do not know if the bridge access to Broomyhill Place is strong enough for the proposed traffic (construction and post construction).

D. On Falkirk Road, within 300 metres, there are already two major supermarkets, one retail park, a petrol station and a primary school. The addition of extra traffic running to and from the proposed site within this 300 metre area will put extra pressure on the current infrastructure. This will create additional problems as road traffic in Linlithgow (especially in these areas) is already a major issue.

E. The road from the proposed Care Home as it enters our grounds will be 3.8 meters wide alongside the 1.2 meters cycle path. 3.8 meters for ambulances and commercial vehicles etc cannot be safe.

F. The designation of the site under the Local Authority local plan does not allow a care home.

Finally; I have given considerable information on the issues considered important. I ask that you consider the objections and comments.

Yours Faithfully,

Hamilton Ross Woodburn

32 Broomyhill Place
LINLITHGOW
EH49 7BZ

[Tel:](#) [REDACTED]

11/10/21

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

To Whom It May Concern,

Reference Application 0898/FUL/21
G M Flooring, Falkirk Road, Linlithgow. Eh49 7PJ

Present Application: 0898/FUL/21

The present application is for the demolition of showroom and warehouse facility and erection of a 60 bed care home with associated access, parking and landscaping works. Exit of the development is by extending Broomyhill Place through the two parking bays bordering the burn.

Acceptance: this development is seen as improving the area and is supported.

The increase in traffic via the proposed exit route through Broomyhill Place is not welcome and is seen as a reason to object. There are also several other objections to the proposal.

OBJECTIONS:

1. The application should not be allowed to proceed until it includes a plan for the removal of the old premises.
2. The access road for the site clearance and building phases should not be from Broomyhill Place.
3. The proposed exit route through Broomyhill Place will lead to road safety and access issues for the residents.
4. The effect of the proposal on our amenity, specifically in regard to noise, loss of privacy, increased vehicle exhaust pollution, and in hours of darkness; light pollution.
5. Landscaping proposal in regard to the removal of two existing parking spaces and proposed new location of two parking spaces.

6. The capability of local infrastructure to support the proposed development.

Objection 1: The existing building will have to be removed and a layer of top soil removed then replaced. Previous reports of the site confirms that the building roof is contaminated by Asbestos. The use of the site over many years would suggest that the soil throughout may be contaminated, in any case it will be unsuitable for gardens. None of the reports mention large tanks at the south end of the building which contain liquid. Removal of these materials will have a health and safety risk to the residents of the surrounding homes and even as far as Linlithgow Bridge Primary School (the prevailing wind blows from the site over these areas). A plan is required confirming the clearance quickly after approval to avoid vandalism and possibly fire raising, infestation and, considering the state of the building, bits falling off and into our property. Clearance should be through the Falkirk Road entrance, avoiding further risk to the residents.

Objection 2:

East Mill Road and Broomyhill Place are unsuitable for the heavy vehicles, and should not be used for site access and for delivery to and from the site.

A. The roads are narrow and entering via Falkirk Road and leaving via Broomyhill Place onto Falkirk Road will involve three 90 degree turns, these vehicles occupy up to 70% of the road width, effectively blocking the road and at times the pavements.

B. The school, existing housing to the north of the burn and the pedestrian path to the playing fields and estates to the west, along with the 42 households of Broomyhill Place, means that the route is now well used by pedestrians and vehicles. Vehicles can only enter and exit by using East Mill Road.

C. Use of the roads around the apartments is governed by “burdens” applicable to all residents and users and are legally enforceable. They prohibit parking other than in the provided parking bays and no commercial vehicles are allowed, other than deliveries. These restrictions are for Health and Safety and the comfort/convenience of the residents, ensuring access for emergency vehicles if required. The gardens remain private property and should not be damaged

Note: experience with the site on the north of the burn, showed that the site was allowed to extend out onto Broomyhill Place and East Mill Road with vehicles being parked for loading and unloading. They also crossed the bridge into the apartment complex and attempted to turn using the entrances to the parking areas, confirming the unsuitability of the road. Reversing signals were a major source of noise pollution. Surrounding the proposed site all homes and apartments are all occupied and any spread of the building site would have serious health, safety risks, comfort implications for residents, pedestrians and vehicles.

Objection 3: The additional traffic as a result of the proposed exit route via Broomyhill Place and East Mill Road will lead to road safety risks and access issues

for residents.

A. Use of the roads around the apartments is governed by “burdens” applicable to all residents and users and are legally enforceable. They prohibit parking other than in the provided parking bays and no commercial vehicles are allowed, other than deliveries. These restrictions are for Health and Safety and the comfort/convenience of the residents, ensuring access for emergency vehicles. The gardens remain private property and should not be damaged. Additionally, the green space surrounding the apartment buildings, including the site of the proposed two new parking spaces, is frequently used by residents with children and pets as a communal garden and much-loved green space / seating area. The increase in traffic and addition of the exit route through Broomyhill Place will result in a material change to our amenity and the way of life for the residents. Similarly, the residents of the houses to the north of the burn and their children frequently use their front gardens, which poses an obvious road safety risk due to an increase in traffic caused by the site.

B. Linlithgow Bridge Primary School is situated to the north of East Mill Road. During peak times, East Mill Road is lined with school traffic, which subsequently encroaches on Broomyhill Place. The addition of more traffic from the proposed site will prove hazardous when taking into account pedestrians and school children especially during peak times.

Objection 4: The effect of the proposed exit route through Broomyhill Place will have a significant impact on our amenity, predominantly due to excessive noise, increased exhaust pollution, and during hours of darkness; increased light pollution from traffic. Being located on the ground floor I would anticipate a marked effect on my amenity.

A. This is relevant both during construction - reversing signals and constant presence of large machinery have previously been a major source of noise pollution during the construction of the houses to the north of the burn - and after completion due to an increase in traffic directly past the front the apartment building (where all bedrooms and living spaces are located).

B. A working 60 bed care home operates 24 hours a day, 7 days a week, requiring care home staff to work shift patterns (normally 3 shifts with a handover period). There would also be a constant flow of residents’ visitors, and many different service providers eg: Doctors, Nurse Practitioner, Psychiatric Nurses, Dieticians, Chiropodists, Paramedics, Funeral Directors, Dental Services, Hairdressers, Activity Coordinators, etc.

There would also be a large number of delivery drivers (large and small vehicles) using the exit throughout the day.

All of these vehicles will have to exit the residence directly through Broomyhill Place, resulting in a constant increase in noise levels and exhaust pollution. This drastically alters our amenity at Broomyhill Place, which is currently a quiet residential complex.

As a ground floor occupier, retired and situated right at the proposed exit, I would be especially detrimentally effected by the exit proposal.

C. The proposal states that there will be; two electric car parking spaces, six parking bays, one drop off/pick up bay and three disabled parking spaces. This is clearly not sufficient for staff, service providers and visitors of a 60 bed care home.

As previously mentioned, A working 60 bed care home operates 24 hours a day, 7 days a week, requiring care home staff to work shift patterns (normally 3 shifts with a handover period). There would also be a constant flow of residents' visitors, and many different service providers eg: Doctors, Nurse Practitioner, Psychiatric Nurses, Dieticians, Chiropodists, Paramedics, Funeral Directors, Dental Services, Hairdressers, Activity Coordinators, etc.

We object to the current proposed parking plan, as we believe that those accessing the care home will have no option other than to find parking elsewhere. This poses a risk to our amenity as people are likely to park at Broomyhill Place. Use of the roads around the apartments is governed by "burdens" applicable to all residents and users and are legally enforceable. They prohibit parking other than in the provided parking bays and no commercial vehicles are allowed, other than deliveries. These restrictions are for Health and Safety and the comfort / convenience of the residents and ensuring access for emergency vehicles. Parking spaces at Broomyhill Place are privately owned.

Objection 5: The proposed site for the exit route through Broomyhill Place will require the removal of two parking bays. The proposal suggests the addition of two new spaces. However, the proposed site for these is private property and belongs to the residents of Broomyhill Place. The gardens remain private property and should not be damaged.

A. I object to our private property being used in this manner and consider it damage to the private gardens.

B. The proposal for the two new parking bays has not taken into consideration the levels of the site. The proposed area includes an embankment and roughly 3m level change to the burn as well as existing and established trees and hedgerow.

C. Any attempt to remove well established trees and bushes; which support a wide variety of wild life, would have a detrimental impact on the environment.

Objection 6: The capability of local infrastructure to support the proposed development.

A. Linlithgow Bridge Primary School is situated to the north of East Mill Road. During peak times, East Mill Road is lined with school traffic, which subsequently

encroaches on Broomyhill Place. This is evidence that the current road system is not adequate and therefore could not cope with additional traffic.

B. The current junction from Falkirk Road onto East Mill Road is already regularly congested and is already unsuitable for the current traffic it receives. This will only become more of an issue with the addition of exiting traffic from the proposed site.

C. On Falkirk Road, within 300 metres, there are already two major supermarkets, one retail park, a petrol station and a primary school. The addition of extra traffic running to and from the proposed site within this 300 metre area will put extra pressure on the current infrastructure. This will create additional problems as road traffic in Linlithgow (especially in these areas) is already a major issue.

Finally; I have given considerable information on the issues considered important. I ask that you consider the objections and comments.

Yours Faithfully,

Hamilton Ross Woodburn

35 Broomyhill Place
LINLITHGOW
EH49 7BZ

13 October 2021

West Lothian Council
Development Management
West Lothian Civic Centre
Howden South Road,
Howden,
LIVINGSTON

EH54 6FF

Attention - Steve McLaren

Reference Application 0898/FUL/21
G M Flooring, Falkirk Road, Linlithgow.
EH49 7PJ

There are several objections to the application.

OBJECTIONS:

- 1. The application does not include a plan for the removal of the old premises.**
- 2. The access road for the site clearance and building phases should not be through Broomyhill Place.**
- 3. The application lacks detail of the provision of parking facilities against potential volume.**
- 4. The question of through traffic has not been addressed.**
- 5. Traffic management is required on Falkirk Road.**
- 6. Broomyhill Parking**

Comments on Objections: The building in the plans looks like any residential building. Details of the day to day operation of the facility can only be guessed at using similar premises as a guide, however the points can be understood.

Objection 1: The existing buildings will have to be removed. Your report on the site confirm (previous application) that the building roof is contaminated by Asbestos. None of the reports mention the large tanks at the south end of the lower building, which contain liquid and are many years from inspection. Removal of these materials will have a health and safety risk to the residents of the surrounding homes and even as far as the school (the prevailing wind blows from the site over these areas). The cars of block 31/43 park next to site boundary and could be at risk. A plan is required confirming the clearance quickly after approval to avoid vandalism and possibly fire raising, infestation and, considering the state of the building,

bits falling off (into our property). Clearance should be through the Falkirk Road entrance, avoiding further risk to the residents.

Objection 2: East Mill Road and Broomyhill Place are unsuitable for the heavy vehicles which could be used on site and for delivery to the site, there is a lack of data on this aspect.

- a. the roads are narrow and coming from Falkirk road will involve three 90 degree turns, these vehicles occupy up to 70% of the road width, effectively blocking the road or at times the pavements.
- b. the school and established residences plus the pedestrian path to the playing fields and estates to the west, mean that the route is now well used by pedestrians and vehicles. Vehicles can only enter and exit by using East Mill Road.
- c. use of the roads around the apartments is governed by “burdens” applicable to all residents and users and are legally enforceable. They prohibit parking other than in the provided parking bays and no commercial vehicles are allowed, other than deliveries. These restrictions are for Health and Safety and the comfort/convenience of the residents, ensuring access for emergency vehicles if required. The gardens remain private property and should not be damaged.

Notes: experience with the site on the north of burn, showed that the site was allowed to extend out onto Broomyhill Place and East Mill Road with vehicles being parked and loading or unloading. They also crossed the bridge into the apartment roads and attempted to turn using the entrances to the parking areas, confirming the unsuitability of the road. Reversing signals were a major source of noise pollution. Surrounding the proposed site all the homes and apartments are now occupied and any spread of the building site would have serious health, safety risks and comfort implications, for residents, pedestrians and vehicles.

Objection 3: Parking is an issue in all developments today yet this application appears to make no (or inadequate) provision; the plan shows 13 spaces, let us deduct 3 disabled, 2 drop off and 2 electric, so 6 working spaces. It is suggested that these will be inadequate for the staff, certainly during day shifts. The plan is for 60 beds; assuming two visiting periods each day and, being generous, 15 to 30 visitors per period, with a higher ratio at weekends and holidays. Parking provision seems to have been overlooked? The overflow will affect Sainsbury, the Retail Park and Broomyhill (see 2c above.)

Objection 4: A previous application was for 6 houses on the lower site, using Broomyhill for in and out. The likely traffic volume from this development was regarded as an inconvenience. Using the figures above and adding some commercial traffic during the day including early and late shift changes, will result in a considerable increase in the daily flow. As a residential area, there will be an increase in noise, pollution and danger to the families. As this daily flow, including the visiting exodus twice a day will use East Mill Road, the schools children parents coming and going on the school run will be in danger. It is doubtful that the twists and turns through Broomyhill would cope and East Mill Road, particularly at the junction with Falkirk Road would fail regularly at peak times. The conclusion is that there is a failure to recognise the inadequacy of the roads and try to gain approval for the obvious disaster being proposed.

Objection 5: There is already a junction, beside the garage IN entrance used by the vans and customers of the carpet business. What will change is the likely volume as described elsewhere. A central right turn lane covering the garage and Residential Home might be the answer? There are already delays at the Sainsbury turn and the Aldi turn, this proposal will simply add to the congestion.

Objection 6: The move of the Broomyhill parking places onto the verge is not acceptable. It is likely that the bays would be too long and require damage to the hedge and trees. Nurtured, at the expense of the residents and owners. A suggested solution would be to place a lay-by from the present boundary fence extending into the property by two car lengths.

Finally; I have given considerable information on issues considered important. My conclusion is that the building is too large and ambitious for the site. The building cannot be serviced adequately and the surrounding area suffers a loss of facilities. The committee is asked to consider the objections and comments.

Yours faithfully,

Homer Fairley

35 Broomyhill Place
LINLITHGOW
EH49 7BZ

13 October 2021

West Lothian Council
Development Management
West Lothian Civic Centre
Howden South Road,
Howden,
LIVINGSTON

EH54 6FF

Attention - Steve McLaren

Reference Application 0898/FUL/21
G M Flooring, Falkirk Road, Linlithgow.
EH49 7PJ

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Notes: experience with the site on the north of burn, showed that the site was allowed to extend out onto Broomyhill Place and East Mill Road with vehicles being parked and loading or unloading. They also crossed the bridge into the apartment roads and attempted to turn using the entrances to the parking areas, confirming the unsuitability of the road. Reversing signals were a major source of noise pollution. Surrounding the proposed site all the homes and apartments are now occupied and any spread of the building site would have serious health, safety risks and comfort implications, for residents, pedestrians and vehicles.

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Finally; I have given considerable information on issues considered important. My conclusion is that the building is too large and ambitious for the site. The building cannot be serviced adequately and the surrounding area suffers a loss of facilities. The committee is asked to consider the objections and comments.

Yours faithfully,

Homer Fairley

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Mr Iain Lackie

Address: 1 Broomyhill Place Linlithgow West Lothian EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Having studied the reviewed application and although changing the access to a one way system with entry from the Falkirk Road and exit via Broomyhill Place is more favourable it does not compensate for other issues previously raised.

In Support of all the objections and comments made from other residents in October 2021, especially insufficient parking spaces for the care home staff and visitors. The heavy volume of traffic over the narrow bridge in Broomyhill Place leading to East Mill Road where traffic already builds up with parents collecting their children from the Primary School, this will surely have an implication on Road Safety!!.....

To sum up this application, if approved, will no doubt disrupt the equilibrium of a nice peaceful, respected, residential estate!!

Your faithfully

Iain Lackie

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Mrs Jacqueline Sihota

Address: 10 Broomyhill Place Linlithgow EH49

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The planning application for the proposed 60 bed care home next to Broomyhill Place has been reopened for public comment, the planning reference number is 0898/FUL/21. This is open until 17th May.

The issue with the application is that the proposed care home has a one-way system with the only exit through the grounds of our flats. The only change in recent months is that there is also now a cycle route as well as the exit route through our grounds.

There are many reasons to object;

1. This will have a major impact on the quality of life of the flat residents, a very quiet corner will become a major thoroughfare. Children and pets play in this quiet corner, traffic volumes would be intolerable.
2. The desirability and value of flats would fall.
3. Traffic through our grounds will include staff, visitors, commercial deliveries (including HGVs), emergency ambulances and doctors. The volume will be unacceptable.
4. The volume of traffic will be dangerous to ourselves, children, pets and our cars and other property.
5. There are only about 10 parking spaces in the development, clearly not enough for visitors, staff and deliveries. The overspill will park on our estate, by the detached houses and on East Mill Road.
6. Our road is very narrow with sharp corners and totally unsuitable for the potential traffic.
7. Not known if the bridge to our estate is strong enough for the potential traffic.
8. Around the corner of Broomyhill Place and East Mill Road is already mayhem and dangerous at school leaving time as children leave Linlithgow Bridge Primary School. There are dozens of children crossing the road and it is jammed with parked cars. Additional traffic through this would be criminal.

9. The corner of East Mill Road and Falkirk Road is narrow and dangerous even with traffic lights. Even cars can only get round by crossing over the centre of the road.
10. The proposed cycle path will be to the right-hand side of the proposed exit road as it enters our estate. Danger will be increased by cars and cycles crossing position on the road.
11. The proposed cycle path will become a pedestrian rat run through our estate to Falkirk Road. This increases impact on quality of life and danger.
12. The proposed 2 replacement car parking places for our flats are on a steep bank with a huge drop to the stream. How can these be safe?
13. The existing building on the site is believed to contain asbestos. There is no plan to check this, nor proposal for how it is to be safely removed.
14. The impact on flat owners' quality of life and safety during construction will be intolerable.

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Dr Jillian Allatt

Address: East Troughstanes Kingscavil Linlithgow EH49 6NA

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I write on behalf of my daughter, a flat owner at Broomyhill Place. [REDACTED]

My main objection to the proposed development is the access/egress arrangements.

During the build phase, the quality of life of the residents will be adversely impacted by heavy vehicles travelling through what is a quiet road. The road was not designed for such traffic and I believe the plan to route traffic through Broomyhill Place is fundamentally unsafe for residents.

The turning onto East Mill Road is narrow, as is that onto Falkirk Road, and completely unsuitable for large, heavy vehicles. As this also forms access to the primary school the potential for accidents must be high.

On completion, the volume of traffic would remain high, with staff shift changes, deliveries, visitors and, potentially, ambulances. This would continue to pose risks to residents as well as noise nuisance.

My further concern relates to the paucity of parking spaces on the care home site. There is an inadequate number for the staff, not to mention visiting professionals and residents' visitors.

Inevitably, many of these vehicles would use parking spaces designated for residents of Broomyhill Place, reducing amenity for the home owners. Further, the two proposed replacement parking spaces in Broomyhill Place are poorly situated and potentially unsafe.

From: Karen Beattie <
Sent: 16 May 2022 14:07
To: Planning <Planning@westlothian.gov.uk>
Subject: 0898/FUL/21

Please see attached pictures to support my objection for the application 0898/FUL/21, 60 bed Care Home in Linlithgow, Case Officer Steven McLaren.

I look forward to hearing from you

Kindest wishes

Karen





















Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Mrs Karen Beattie

Address: 56 Broomyhill place Linlithgow EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am very disappointed with the new design plan. The points raised for the safety of children and vulnerable adults at the road has not been discussed nor addressed.

There is a safety concern here - and an already very busy area with traffic.

I object strongly to the idea of the exit for all the traffic from a very narrow, highly populated and built up area. It is unacceptable and the implications proposed ignored and clearly not thoroughly thought. I will upload pictures from 3 separate days of school pick ups and drop off to show some of the regular traffic.

There will be dr and nurse vehicles along with visitors and staff on shifts, this will bring a great amount of noise too which we currently do not experience.

I am unsure why the exit can not be the entry? The traffic kept within the land of the care home.

I look forward to a response please.

Kind wishes - Karen Beattie

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Mrs Karen Beattie

Address: 56 Broomyhill place Linlithgow EH49 7BZ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My house is one of those opposite to the proposed exit site for the car park.

I am fully supportive of the Residential Care Home at this previous carpet warehouse site.

However, I am fully opposed to the exit road plans. The narrow bridge should not be considered as an exit road for extra traffic.

My main concerns around this idea is safety. This is a small road, taking cars to a quiet residential area or onto a road which if turning left leads up to turning circle at a primary school - more traffic on the already over used area is a safety concern. Not only for the children whom walk to and from school but the vulnerable adults within the residential care home.

Not only is there very little passing place for the current traffic volume, this small area has absolutely no capacity for additional traffic.

I also have concerns about noise throughout the various working shift patterns and visitations which would impact the current residents but also the traffic on this small access bridge.

This road plan really makes no sense at all as there is currently ample space in the proposed site for a car park which has traffic lights in situ and can be used in and out as is currently.

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Mrs Kathryn Bell

Address: 41 Broomyhill Place Linlithgow EH497BZ

Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment: 41 Broomyhill Place

LINLITHGOW

EH49 7BZ

Mob: [REDACTED]

01/10/21

West Lothian Council

Development Management

West Lothian Civic Centre

Howden South Road,

Howden,

LIVINGSTON

EH54 6FF

To Whom It May Concern,

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60 bed care home with associated access, parking and landscaping works.

Exit of the development is by extending Broomyhill Place through the two parking bays bordering the burn.

Acceptance: this development is seen as improving the area and is supported. The increase in traffic via the proposed exit route through Broomyhill Place is not welcome and is seen as a reason to object. There are also several other objections to the proposal.

OBJECTIONS:

1. The application should not be allowed to proceed until it includes a plan for the removal of the old premises.
2. The access road for the site clearance and building phases should not be from Broomyhill Place.
3. The proposed exit route through Broomyhill Place will lead to road safety and access issues for the residents.
4. The effect of the proposal on our amenity, specifically in regard to noise.
5. Landscaping proposal in regard to the removal of two existing parking spaces and proposed new location of two parking spaces.
6. The capability of local infrastructure to support the proposed development.

Objection 1: The existing building will have to be removed and a layer of top soil removed then replaced. Previous reports of the site confirms that the building roof is contaminated by Asbestos. The use of the site over many years would suggest that the soil throughout may be contaminated, in any case it will be unsuitable for gardens. None of the reports mention large tanks at the south end of the building which contain liquid. Removal of these materials will have a health and safety risk to the residents of the surrounding homes and even as far as Linlithgow Bridge Primary School (the prevailing wind blows from the site over these areas). A plan is required confirming the clearance quickly after approval to avoid vandalism and possibly fire raising, infestation and, considering the state of the building, bits falling off (into out property). Clearance should be through the Falkirk Road entrance, avoiding further risk to the residents.

Objection 2: East Mill Road and Broomyhill Place are unsuitable for the heavy vehicles, and should not be used for site access and for delivery to and from the site.

- A. The roads are narrow and entering via Falkirk Road and leaving via Broomyhill Place onto Falkirk Road will involve three 90 degree turns, these vehicles occupy up to 70% of the road width, effectively blocking the road and at times the pavements.
- B. The school, completed housing to the north of the burn and the pedestrian path to the playing fields and estates to the west means that the route is now well used by pedestrians and vehicles. Vehicles can only enter and exit by using East Mill Road.
- C. Use of the roads around the apartments is governed by "burdens" applicable to all residents and users and are legally enforceable. They prohibit parking other than in the provided parking bays and no commercial vehicles are allowed, other than deliveries. These restrictions are for Healthy and Safety and the comfort/convenience of the residents, ensuring access for emergency vehicles if required. The gardens remain private property and should not be damaged.

Note: experience with the site on the north of the burn, showed that the site was allowed to extend out onto Broomyhill Place and East Mill Road with vehicles being parked for loading and unloading. They also crossed the bridge into the apartment complex and attempted to turn using the entrances to the parking areas, confirming the unsuitability of the road. Reversing signals were a major source of noise pollution. Surrounding the proposed site all homes and apartments are all occupied and any spread of the building site would have serious health, safety risks, comfort implications for residents, pedestrians and vehicles.

Objection 3: The additional traffic as a result of the proposed exit route via Broomyhill Place and East Mill Road will lead to road safety risks and access issues for residents.

A. Use of the roads around the apartments is governed by "burdens" applicable to all residents and users and are legally enforceable. They prohibit parking other than in the provided parking bays and no commercial vehicles are allowed, other than deliveries. These restrictions are for Healthy and Safety and the comfort/convenience of the residents, ensuring access for emergency vehicles if required. The gardens remain private property and should not be damaged.

Additionally, the green space surrounding the apartment buildings, including the site of the proposed two new parking spaces, is frequently used by residents with children and animals as a communal garden and much-loved green space/ seating area. The increase in traffic and addition of the exit route through Broomyhill Place will result in a material change to our amenity and the way of life for the residents. Similarly, the residents of the houses to the north of the burn and their children frequently use their front gardens, which poses an obvious road safety risk due to an increase in traffic caused by the site.

B. Linlithgow Bridge Primary School is situated to the north of East Mill Road. During peak times, East Mill Road is lined with school traffic, which subsequently encroaches on Broomyhill Place. The addition of more traffic from the proposed site will prove hazardous when taking into account pedestrians and school children during these peak times.

Objection 4: The effect of the proposed exit route through Broomyhill Place will have a significant

impact on our amenity, predominantly due to excessive noise.

A. This is relevant both during construction - reversing signals and constant presence of large machinery have previously been a major source of noise pollution during the construction of the houses to the north of the burn - and after completion due to an increase in traffic directly past the front the apartment build (where all bedrooms and living spaces are located).

B. A working 60 bed care home will require staff working shift patterns, starting and finishing at all hours. Ambulances going to and from the residence and a constant flow of visitors. All of these vehicles will have to exit the residence directly through Broomyhill Place, resulting in a constant increase in noise levels. This drastically alters our amenity at Broomyhill Place, which is currently a quiet residential complex.

C. The proposal states that there will be; two electric car parking spaces, six parking bays, one drop off/pick up bay and three disabled parking spaces. This is clearly not sufficient for staff and visitors of a 60 bed care home. We object to the current proposed parking plan, as we believe that those accessing the care home will have no option other than to find parking elsewhere. This poses a risk to our amenity as people may have to park at Broomyhill Place. Use of the roads around the apartments is governed by "burdens" applicable to all residents and users and are legally enforceable. They prohibit parking other than in the provided parking bays and no commercial vehicles are allowed, other than deliveries. These restrictions are for Healthy and Safety and the comfort/convenience of the residents, ensuring access for emergency vehicles if required. Parking spaces at Broomyhill Place are privately owned.

Objection 5: The proposed site for the exit route through Broomyhill Place will require the removal of two parking bays. The proposal suggests the addition of two new spaces. However, the proposed site for these is private property and belongs to the residents of Broomyhill Place. The gardens remain private property and should not be damaged.

A. We object to our private property being used in this manner and consider it damage to the private gardens.

B. The proposal for the two new parking bays has not taken into consideration the levels of the site. The proposed area includes an embankment and roughly 3m level change to the burn as well as existing and established trees and hedgerow.

Objection 6: The capability of local infrastructure to support the proposed development.

A. Linlithgow Bridge Primary School is situated to the north of East Mill Road. During peak times, East Mill Road is lined with school traffic, which subsequently encroaches on Broomyhill Place. This is evidence that the current road system is not adequate and therefore could not cope with additional traffic.

B. The current junction from Falkirk Road onto East Mill Road is already regularly congested and is unsuitable for the current traffic it receives. This will only become more of an issue with the addition of exiting traffic from the proposed site.

C. On Falkirk Road, within 300 metres, there is already two major supermarkets, one retail park, a petrol station and a primary school. The addition of extra traffic running to and from the proposed site within this 300 metre area will put extra pressure on the current infrastructure. This will create additional problems as road traffic in Linlithgow (especially in these areas) is already a major issue.

Finally; I have given considerable information on the issues considered important. I ask that you consider the objections and comments.

Yours Faithfully,

Kathryn Bell and Claire Smith



Linlithgow & Linlithgow Bridge Community Council

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

5th October 2021

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

Dear Sirs,

Care Home Falkirk Road 0898/FUL/21 Erection of a 60-bed care home with associated access, parking and landscaping works at G M Flooring Falkirk Road. Objection by Linlithgow and Linlithgow Bridge Community Council

The following objection is given in the context of the Community Council's role as statutory consultee and arises from the conclusions of a discussion at Linlithgow and Linlithgow Bridge Community Council sub-committee meeting on 28th September 2021.

The site is not included in the schedule of housing sites in the current 2018 adopted Local Development Plan and therefore is a windfall development within a settlement boundary. Whilst it might be argued that the development itself will not stress existing educational provision within Linlithgow, if the development frees up 60 family homes, then there will be an educational impact. If the argument is that most residents of the care home come from outside Linlithgow, then there will be additional strain on health services. Either way there should be a statement on how this problem can be resolved.

The design statement does not answer how the proposed development answers the requirement of HOU 6 that the care home should meet an identified local need as defined by agreed joint strategies and commissioning plans by West Lothian Council and NHS Lothian; although there is perhaps sufficient colloquial evidence to support local need.

The Community Council are concerned that the design of the road entrance will cause confusion at the junction of the Falkirk Road being adjacent to the entrance of the petrol station and would prefer to see one entrance at the rear of the care home.

On the north side of the Falkirk Road the surrounding buildings are finished in reconstituted stone and render. This would be preferred to facing brickwork and fibre cement and metal cladding.

Our objection to the development is based solely on the issues outlined. If these issues can be resolved, then we would withdraw our objection.

Yours sincerely,

John R Kelly
Planning Secretary
Linlithgow and Linlithgow Bridge Community Council



Linlithgow & Linlithgow Bridge Community Council

Please reply to:
Hans Edgington
Planning Secretary
96A High Street
Linlithgow
EH49 7AQ

16th May 2022

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

Dear Sirs,

Care Home Falkirk Road 0898/FUL/21 Erection of a 60-bed care home with associated access, parking and landscaping works at G M Flooring Falkirk Road. Objection by Linlithgow and Linlithgow Bridge Community Council

The following objection is given in the context of the Community Council's role as statutory consultee and arises from the conclusions of a discussion at Linlithgow and Linlithgow Bridge Community Council sub-committee meeting on 26th April 2022.

The Community Council recognises the revised plans are an improvement and pleased that they include a cycle path and Electric Charging points. While we are not averse to a Care Home being built on the site, we do have the following comments and objections:

Visual Impact and Materials

The Community Council supports the comments on this subject made by the Linlithgow Civic Trust in their objection, we share their concerns regarding the scale of the development, the size and position on the proposed site. We support their proposals for recommended materials to be used.

Vehicular Access and Traffic

The Community Council remains of the opinion that the proposed access to the site will cause confusion and danger to pedestrians, cyclists and other road users. Therefore, alternative access should be investigated such as a five-way roundabout on Falkirk Road or access from the Sainsbury's site.

We support the views of Broomyhill Place residents that what was designed as a quiet residential cul-de-sac, shall change into a thoroughfare for vehicles leaving the Care Home. As stated in their objections the one-way road will provide a shortcut to Linlithgow Bridge Primary School, allowing people to avoid the traffic lights at East Mill Road and Falkirk Road.

The applicant should make an assessment of traffic to the site and how this will impact the surrounding roads. The current assessment does not seem to take into account visitors, delivery vehicles, ambulances or traffic to the Primary School. We question whether the current road layout is suitable to accommodate two-way traffic as a thoroughfare at peak times.

Parking

The number of parking spaces proposed falls short of those required by the West Lothian Council Land Use Parking Requirements for Care Homes. This would require 1 parking space per 3 dwelling units plus 1 per 3 members of staff and a minimum of 3 disabled parking spaces. This would require a minimum of 20 spaces for just the dwelling units. It can therefore be expected the overflow will put an undue burden on the surrounding area.

Linlithgow Group Medical Practice

It has been brought to the attention of the Community Council that the Medical Practice is operating at maximum capacity and they would be unable to provide the required services for the care home without reducing other services. The local development plan recognises this and in paragraph 104, calls for a feasibility study to identify a location and funding programme for a new health centre in Linlithgow. So far no action has been taken.

As per policy HOU 7 of the Local development plan; where the health services provision are identified as being inadequate to meet the needs arising from a proposed development, an appropriate developer contribution may be sought and where facilities cannot be improved the development shall not be supported.

Policy HOU 6 requires an identified local need for a Care Home by the Council and NHS Lothian, have they been consulted and if so could their advice be shared with the Community Council.

Environmental Impact

The West Lothian Council declared a climate emergency in 2019, while we commend the cycle lane and electric car charging facilities on-site, what other measures will be taken to reduce the building's carbon footprint?

The increased flat roof space in the revised plans could be an ideal location for solar PV panels.

The revised plans indicate mature vegetation between the site and Sainsbury's shall be removed, we object against the removal as it improves the visual amenity of the area and provides a habitat for wildlife. Removal will also have a negative impact on the air quality within the Linlithgow Air Quality Management Area.

The Community Councils hopes that the comments and objections will be given due consideration during the Council's decision-making process of the application.

Yours sincerely,

Hans Edgington
Planning Secretary
Linlithgow and Linlithgow Bridge Community Council



Linlithgow Civic Trust is a part of Linlithgow Burgh Trust, which is a Scottish Charitable Incorporated Organisation (SCIO). Scottish Charity No. 047211.

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

16 May 2022

For the attention of Steven McLaren, Case Officer

Dear Sirs

Care Home Falkirk Road: 0898/FUL/21

Erection of a 60-bed care home with associated access, parking and landscaping works at G M Flooring Falkirk Road.

Comments and Objections by Linlithgow Civic Trust

This letter is submitted in the context of Linlithgow Civic Trust's aim to encourage and advance high standards of architecture and town planning in the local area and arises from the conclusions of a discussion during the Trust's executive committee meeting held on 4 May 2022. While the Trust is not still averse in principle to the building of a Care Home on this site (subject to certain conditions being met), we comment on and raise objections to the amended proposals on a number of grounds as follows:

Visual Impact

The Trust welcomes the overall reduction in roof height as well as the re-modelling of the elevations to punctuate the long east and west facades. However, our serious concerns about the scale of the proposed development in relation to the area of the site remain, and we would still question whether the building is in the best possible position on the site – particularly in view of providing adequate vehicular access and preservation of the existing trees and planting along the western boundary.

Materials

In general, the Trust finds the revised Materials Palette much more acceptable than the original proposals. However, we would prefer to see a change of texture, eg split-faced or rusticated, of the masonry used for the lower ground floor walls, rather than a change of colour. This being fairly typical of natural stone buildings. Additionally, in our opinion, the proposed Standing Seam steel cladding is too 'industrial' in appearance. If timber cladding is impractical due to ongoing maintenance costs then flush

cladding strips or panels should be substituted. In any event, we would expect the Applicant to submit actual material samples of all external materials for final approval prior to construction.

Environmental Impact

The Applicant's drawing number 183-201 - Site Plan As Existing shows five trees at the west edge of the site. However, this is inaccurate. Behind the existing hedge there is a dense, continuous strip of planting comprising more than ten trees of varying spread and height plus numerous bushes. Drawing number 183-202 Rev D - Site Plan As Proposed shows only the hedge and one small tree retained at the south eastern corner of the site. The trust objects most strongly to the proposed removal of this mature planting which not only contributes greatly to the visual amenity of the immediate environment but also provides important natural habitat for birds and other wildlife.

Vehicular Access and Parking

The Trust still finds the proposed site entrance totally unacceptable with no traffic light control and in such close proximity to the Filling Station access that it is likely to cause confusion and danger for both pedestrians and drivers.

The Trust previously suggested that using East Mill Road and Broomyhill Place for access both to and from the site should be considered. However, on reflection, we now support the views of many of the residents of Broomyhill Place and find it unacceptable to turn a residential cul-de-sac into a thoroughfare for vehicles leaving the Care Home.

We are of the opinion that the Applicant should provide an accurate estimate of the anticipated volume of all traffic accessing the site. This to include cars of staff and visitors; contractors vehicles; doctors cars; ambulances; and delivery and collection vehicles. In the light of this figure, alternative vehicular access/egress solutions should be investigated, including:

- re-constructing the Falkirk Road/Main Street/Sainsbury's/ Stockbridge Retail Park junction – possibly as a five way roundabout - to incorporate safe and efficient two-way site access.
- sharing Sainsbury's access road to provide an entrance/exit towards the northern end of the site.

The number of parking spaces shown in the proposals still appears to be inadequate. However, we trust that the Council will insist on adherence to the appropriate standards to ensure that the provision is at least sufficient.

Linlithgow Group Medical Practice (LGMP) Capacity

It has been brought to the attention of the Trust that LGMP is currently running at maximum capacity and would be unable to provide the necessary medical services to a new Care Home of this size without a reduction in other services. Therefore, if the proposal goes ahead, an appropriate contribution from the Applicant must be sought in order to ensure satisfactory quantity and quality of health service provision for the both the Care Home and the community.

The Trust hopes that the foregoing objections, comments and suggestions will be given due consideration by the case officer and his colleagues in Development Management during the Council's planning application decision making process and look forward to the opportunity of reviewing further revised proposals.

Yours faithfully

Planning Team
Linlithgow Civic Trust



Linlithgow Civic Trust is a part of Linlithgow Burgh Trust, which is a Scottish Charitable Incorporated Organisation (SCIO). Scottish Charity No. 047211.

Agenda Item 5

Michael Dunning
Planning Team
Linlithgow Civic Trust
35 The Maltings
Linlithgow
West Lothian
EH49 6DS

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

19 October 2021

For the attention of Steven McLaren, Case Officer

Dear Sirs

Care Home Falkirk Road: 0898/FUL/21

Erection of a 60-bed care home with associated access, parking and landscaping works at G M Flooring Falkirk Road.

Objection by Linlithgow Civic Trust

The following objection is submitted in the context of Linlithgow Civic Trust's aim to encourage and advance high standards of architecture and town planning in the local area and arises from the conclusions of a discussion during the Trust's executive committee meeting held on 6 October 2021. While the Trust is not averse in principle to the building of a Care Home on this site, we object to the current proposals on a number of grounds as follows:

Visual Impact

The Trust is of the opinion that the monolithic massing of such a big building with its large expanse of pitched roof is overbearing and inappropriate in this setting. Simply changing walling materials to create visual interruptions is insufficient. We would suggest that, as a minimum, the east and west elevations are redesigned in a more three dimensional form to create recesses and projections in these two flat, long facades. Similarly, we consider that the architectural form of the southern end of the building is too bland to reflect its prominent location at a road junction and would benefit from appropriate remodelling and detailing.

We also have serious concerns about the scale of the proposed development - both in terms of the proportion of the site taken up by the building's footprint and the height and bulk of the structure in

relation to the surrounding buildings. Repositioning the building to occupy more of the lower level of the site would help in this respect.

Materials

The Trust considers that most of the materials proposed for the development are inappropriate at this prominent location in an historic town. Consequently, we suggest that more traditional Scottish building materials, or their modern equivalents of similar appearance, should be used:

- Ideally natural stone or, if too expensive, high quality reconstituted stone in place of facing brick
- Timber cladding or render/wet harl in place of fibre cement cladding
- Timber cladding in place of coloured metal panels
- Natural slates – possibly Spanish – or, if cost prohibitive, fibre cement slates in place of black concrete interlocking tiles

The Trust is pleased to note that Aluminium, not uPVC, windows and doors are proposed. However, we have reservations about the grey colour selection and suggest that consideration could be given to varying the window frame colour depending upon the material of the wall in which the window is positioned. We would expect the Applicant to submit actual material samples of all external materials for final approval prior to construction.

Environmental Impact

The Applicant's drawing number 183-201 - Site Plan As Existing shows five trees at the west edge of the site. However, this is inaccurate. Behind the existing hedge there is a dense, continuous strip of planting comprising more than ten trees of varying spread and height plus numerous bushes. Drawing number 183-202 Rev B - Site Plan As Proposed shows only the hedge and one small tree retained at the south eastern corner of the site. The trust objects most strongly to the proposed removal of this mature planting which not only contributes greatly to the visual amenity of the immediate environment but also provides important natural habitat for birds and other wildlife.

Vehicular Access and Parking

The Trust finds the proposed site entrance totally unacceptable with no traffic light control and in such close proximity to the Filling Station access that it is likely to cause confusion and danger for both pedestrians and drivers. We therefore request that the Council requires the Applicant to conduct or commission a traffic impact study in order to assess the viability of all possible means of site access including:

- using East Mill Road and Broomyhill Place for access both to and from the site and
- re-constructing the Falkirk Road/Main Street/Sainsbury's/ Stockbridge Retail Park junction to incorporate safe and efficient two-way site access.

The number of parking spaces shown in the proposals appears inadequate. However, we trust that the Council will insist on adherence to the appropriate standards to ensure that the provision is adequate.

The Trust hopes that the foregoing objections, comments and suggestions will be given due consideration by the case officer and his colleagues in Development Management during the Council's planning application decision making process and look forward to the opportunity of reviewing revised proposals.

Yours faithfully

A black rectangular redaction box covers the signature of Michael Dunning. A thin, faint line extends from the right side of the box.

Michael Dunning
Linlithgow Civic Trust

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Miss Leanne Ramsay

Address: 40 Broomyhill Place Linlithgow EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This will have a major impact on the quality of life of the flat residents, traffic volumes would be intolerable and our very quiet area will become a major thoroughfare. The volume of traffic would be unacceptable and dangerous for children, pets, our cars and our property.

The desirability and value of our flats would fall.

The overspill of cars will park in our spaces, which would have a massive impact on all of us and the visitors to our flats.

Our road is very narrow and unsuitable for the potential traffic, also the bridge to our estate may not be strong enough.

The road leading up to the school is already mayhem and dangerous at school leaving time, there are lots of children crossing the road and it is very busy with cars. Additional traffic through this would be criminal!

The corner of East Mill Road and Falkirk Road is narrow and dangerous even with traffic lights, cars can only get round by crossing over the centre of the road.

The proposed cycle path will affect our quality of life and be very dangerous.

The proposed two replacement car parking spaces for our flats are on a steep bank with a huge drop to the stream, how can these be safe?

The existing building on the site is believed to contain asbestos, there is no plan to check this or how it is to be safely removed.

The impact on flat owners quality of life and safety during construction will be intolerable.

It is not acceptable that you wish to put the exit through the grounds of our flats and I completely object to this going ahead.

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Mr Mark Shepherd

Address: 22 Broomyhill Place Linlithgow EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am the owner of a flatted property at 22 Broomyhill Place, Linlithgow EH49 7BZ. The flat is near to the entrance to the Estate and near to the north west corner.

I understand that G M Flooring have applied for Planning Permission to build a 60 bedroom Care Home on their current site which adjoins Broomyhill Place. They presently take access from the main road - Falkirk Road.

I have strong objections to the access to the Care Home being taken through my Estate, on the following grounds:-

1. The access road leading in to the Broomyhill Place Estate from East Mill Road is totally unsuitable for the traffic which would be required for a Care Home. Such traffic would include numerous Heavy Goods Vehicles for Construction purposes, and thereafter a constant stream of traffic for staff and visitors and delivery drivers.
2. In particular the road in to the Broomyhill Place Estate over the burn is too narrow for such traffic and there would be a sharp right hand turn to get to the new access.
3. Broomyhill Place is a quiet residential Estate with pedestrians out walking, children playing, and dog walkers. Frequent and heavy traffic to and from the proposed Care Home would pose a significant danger for residents of Broomyhill Place Estate and in particular their children and their pets.
4. Not only is there danger of injury to residents, their children and their pets, but also, damage to their property (in respect of parked cars etc) is a real threat. Visitors and delivery drivers to the

Broomyhill Place Estate could also be endangered.

5. The parking at the proposed Care Home would inevitably be inadequate for all the staff and visitors etc, with the result that visitors unable to park at the Care Home would try to park in Broomyhill Estate or in the roads immediately leading to it, all of which would cause resentment and congestion.

6. East Mill Road leads up to Linlithgow Bridge Primary School. Primary School children (and their parents) are walking up and down that road on a twice daily basis. Cars are frequently plying up and down the road. It is simply too busy and too dangerous to add in all the additional traffic that a Care Home would cause - unless of course the Care Home took access from Falkirk Road only. Thus the proposed access through my Estate would pose a danger to the health, safety and welfare of school children going to and from the Primary School.

7. The proposed Care Home Development would cause considerable noise and disturbance to Broomyhill Place residents and result in an adverse effect on amenity and property value.

8. In a nutshell, the proposed access through the Broomyhill Estate is an absolute hazard! It is dangerous, unsafe, and an accident waiting to happen. The Planning Department must consider the very serious dangers posed to the community, and therefore the Planning Application should be Rejected.

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Mrs Maureen Robb

Address: 19 Broomyhill Road Linlithgow EH49 7 BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to this planning application for the reasons set below.

I own flat No 19 Broomyhill Place.

1 This will have a major impact on the quality of life of the flat residents, a very quiet corner will become a major thoroughfare. Children who live in the flats will no longer have a quiet corner, traffic volumes will be intolerable.

2 The desirability and value of our flats would fall.

3 Our Road is very narrow with sharp corners and totally unsuitable for the potential traffic.

4 This site is not designated to be a care home in the local plan.

5 The care home road and cycle path will become a rat run for cars, pedestrians and bikes.

6 The existing building on the site is believed to contain asbestos. There is no plan to check this, nor proposal for how it is to be safely removed.

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Mr Robert Grierson

Address: 21 Broomyhill Place Linlithgow EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: That is my main objection, that the exit is via a small residential area, onto a Primary school road

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Mr Robert Grierson

Address: 21 Broomyhill Place Linlithgow EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: In principal I have no objections to erection of a carehome of a reasonable size, 60 beds, is far to much for a small site like that. The entrance and exit should be one onto Falkirk Road, not via a small residential estate, onto a cul de sac, which is access to a Primary school. The entrance to the site has been controlled by traffic lights for the past 30 years, as far as I am aware without incident. The exit from East Mill Rd onto Falkirk Road at present is a nightmare, with extra traffic who knows what will happen. The bottom line, this site is not suitable for a carehome of this size..

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Dr RONALD MCGILL

Address: 12 BROOMYHILL PLACE LINLITHGOW EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My objections are based on design matters. The land-use proposal itself is acceptable.

Design objection 1: It is far too dense a development for the site. It needs to be cut down by at least one-third, to 40 units rather than 60.

Design objection 2: The foot path access to the main entrance. Surely for the old and infirm, direct access by vehicle to the front door is more user-friendly. A gentle vehicular loop back to the main access road would suffice.

Design objection 3: The most fundamental objection is the access-egress arrangements. While a one-way system of traffic egress will be through the Broomyhill apartments complex, that complex was designed as a cul-de-sac, thus no external through traffic was intended. Access and egress can be from Falkirk Road. Turning arrangements within the site can be designed within the extended open space (where the circular paths are). proposed).

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Mr Sandy Thomson

Address: 4 Waterside Linlithgow EH49 7AR

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: After having a look at the plans and a bit of a think about it. I think my main objection is around safety.. that area is a bit crazy around school drop-off/ pickup at the moment.

Changing the access like this will mean car driving parents approaching from the west skipping the upcoming lights at Aldi and heading through the care home grounds instead and dropping their kids off somewhere in a loop. I say this as someone who approaches from the west (and I would totally do this, although I don't agree with it).

Personally I think we should be reducing vehicular access around schools rather than encouraging it in this way.

Perhaps if vehicle access to the care home was out and back (passing places presumably required due to space constraints) but pedestrians and cycles were allowed through that would be much better? There are only 12 parking spaces so clearly shouldn't cause a problem as due to volume it's fairly unlikely you'd meet someone going the other way, and less unintended consequences of changing access patterns to the area around the school.

The addition of disabled parking and vehicle charging points is positive, and the provision of a cycle path here is excellent.

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Sarah Dunn

Address: 26 Broomyhill Place Linlithgow eh497bz

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This will have a major impact on the quality of life of the flat residents, traffic volumes would be intolerable and our very quiet area will become a major thoroughfare. The volume of traffic would be unacceptable and dangerous for children, pets, our cars and our property.

The desirability and value of our flats would fall.

The overspill of cars will park in our spaces, which would have a massive impact on all of us and the visitors to our flats.

Our road is very narrow and unsuitable for the potential traffic, also the bridge to our estate may not be strong enough.

The road leading up to the school is already mayhem and dangerous at school leaving time, there are lots of children crossing the road and it is very busy with cars. Additional traffic through this would be criminal!

The corner of East Mill Road and Falkirk Road is narrow and dangerous even with traffic lights, cars can only get round by crossing over the centre of the road.

The proposed cycle path will affect our quality of life and be very dangerous.

The proposed two replacement car parking spaces for our flats are on a steep bank with a huge drop to the stream, how can these be safe?

The existing building on the site is believed to contain asbestos, there is no plan to check this or how it is to be safely removed.

The impact on flat owners quality of life and safety during construction will be intolerable.

It is not acceptable that you wish to put the exit through the grounds of our flats and I completely object to this going ahead.

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Miss Solange Rencoret Lioi

Address: 38 Broomyhill Place Linlithgow EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I own a flat in Broomyhill Place and object to this application, because of the following reasons:

1. This will have a major impact on the quality of life of flat residents in Broomyhill Place, a very quiet corner will become a major thoroughfare. Children and pets play in this quiet corner, traffic volumes would be intolerable.
2. The desirability and value of our flats would fall.
3. Traffic through our grounds will include staff, visitors, commercial deliveries (including HGVs), emergency ambulances and doctors. The volume will be unacceptable.
4. The volume of traffic will be dangerous to residents, children, pets, our cars and other property.
5. There are only about 10 parking spaces in the development, clearly not enough for visitors, staff and deliveries. The overspill will park on our estate, by the detached houses and on East Mill Road.
6. Our road is very narrow with sharp corners and totally unsuitable for the potential traffic.
7. We do not know if the bridge to our estate is strong enough for the potential traffic.
8. Around the corner of Broomyhill Place and East Mill Road is already mayhem and dangerous at school leaving time as children leave Linlithgow Bridge Primary School. There are dozens of children crossing the road and it is jammed with parked cars. Additional traffic through this would

make it more dangerous to children.

9. The corner of East Mill Road and Falkirk Road is narrow and dangerous even with traffic lights. Even cars can only get round by crossing over the centre of the road.

10. The proposed cycle path will be to the right-hand side of the proposed exit road as it enters our estate. Danger will be increased by cars and cycles crossing position on the road.

11. The proposed 2 replacement car parking places for our flats are on a steep bank with a huge drop to the stream. This is not safe and therefore not a suitable replacement.

12. The existing building on the site is believed to contain asbestos. There is no plan to check this, nor proposal for how it is to be safely removed.

13. The impact on flat owners' quality of life and safety during construction will be intolerable.

It is disappointing that the revised site plan does not address what had already been raised by flat owners of this estate and I hope our concerns are taken seriously since this will have a significant impact on our quality of life and the value of our flats.

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

Address: G M Flooring Falkirk Road Linlithgow West Lothian EH49 7PJ

Proposal: Erection of a 60 bed care home with associated access, parking and landscaping works

Case Officer: Steven McLaren

Customer Details

Name: Mr Steven McDade

Address: 33 Broomyhill Place Linlithgow EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to this planning application for the reasons set out below:

1. This new care home will have a major impact on the quality of life I currently have in the current Broomyhill Development. I own Flat No.33 Broomyhill Place.
2. I'm very concerned about the future desirability and value of my flat.
3. The highly increased volume of traffic will be totally unacceptable.
4. The highly increased volume of traffic will be dangerous to myself, my very elderly parents, children, pets and all cars nearby.
5. There are clearly insufficient parking spaces proposed in this latest version of the planning application.
6. The current road into the Broomyhill Development is very narrow with sharp corners and totally unsuitable for the much higher volumes of traffic.
7. The bridge providing access to the Broomyhill Development is definitely not strong enough for the higher volumes of traffic.
8. The proposed cycle path will be to the detriment of all the current home and apartment proprietors in the Broomyhill Development from a privacy perspective.
9. The existing building on the proposed new care home site contains asbestos which is highly dangerous if disturbed/broken up.
10. The impact on all flat owners' quality of life and safety during any new construction will be intolerable.

Development Management Committee

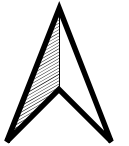
17 August 2022

Item 05 - Application : 0898/FUL/21

Erection of a 60 bed care home with associated access, parking and landscaping works

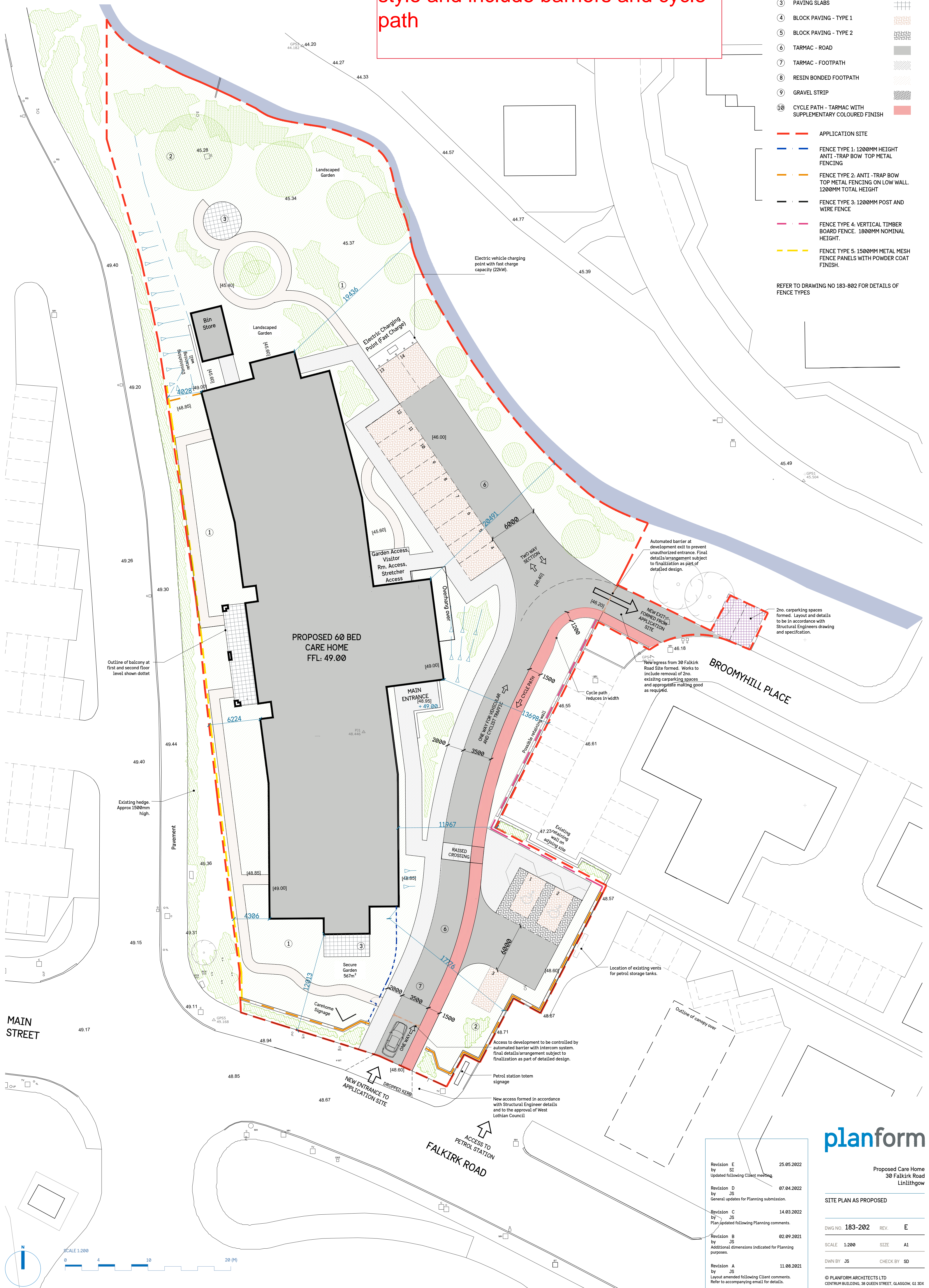
Falkirk Road / Linlithgow / EH49 7PJ












Layout as amended to alter junction style and include barriers and cycle path



- | DRAWING LEGEND | |
|---|---|
| ① | GRASS / GREENERY |
| ② | TREE/SHRUBS/HEDGE |
| ③ | PAVING SLABS |
| ④ | BLOCK PAVING - TYPE 1 |
| ⑤ | BLOCK PAVING - TYPE 2 |
| ⑥ | TARMAC - ROAD |
| ⑦ | TARMAC - FOOTPATH |
| ⑧ | RESIN BONDED FOOTPATH |
| ⑨ | GRAVEL STRIP |
| ⑩ | CYCLE PATH - TARMAC WITH SUPPLEMENTARY COLOURED FINISH |
| APPLICATION SITE | |
|  | FENCE TYPE 1: 1200MM HEIGHT ANTI -TRAP BOW TOP METAL FENCING |
|  | FENCE TYPE 2: ANTI -TRAP BOW TOP METAL FENCING ON LOW WALL. 1200MM TOTAL HEIGHT |
|  | FENCE TYPE 3: 1200MM POST AND WIRE FENCE |
|  | FENCE TYPE 4: VERTICAL TIMBER BOARD FENCE. 1800MM NOMINAL HEIGHT. |
|  | FENCE TYPE 5: 1500MM METAL MESH FENCE PANELS WITH POWDER COAT FINISH. |

REFER TO DRAWING NO 183-802 FOR DETAILS OF
FENCE TYPES

planform

Proposed Care Home
30 Falkirk Road
Linlithgow

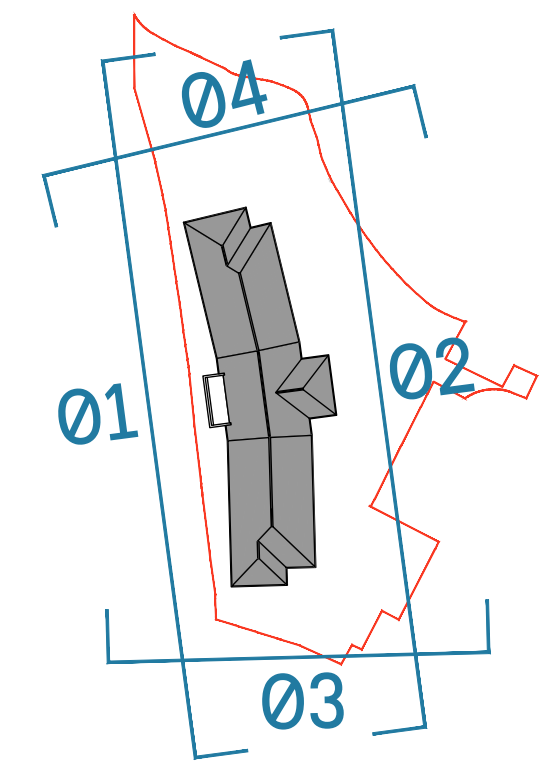
SITE PLAN AS PROPOSED

183 202 F

SCALE 1:200 SIZE A1

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CENTRUM BUILDING, 38 QUEEN STREET, GLASGOW, G1 3DX

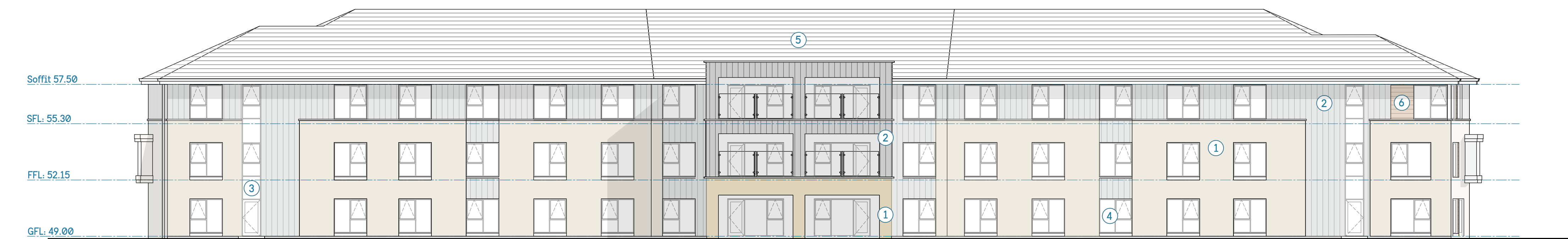
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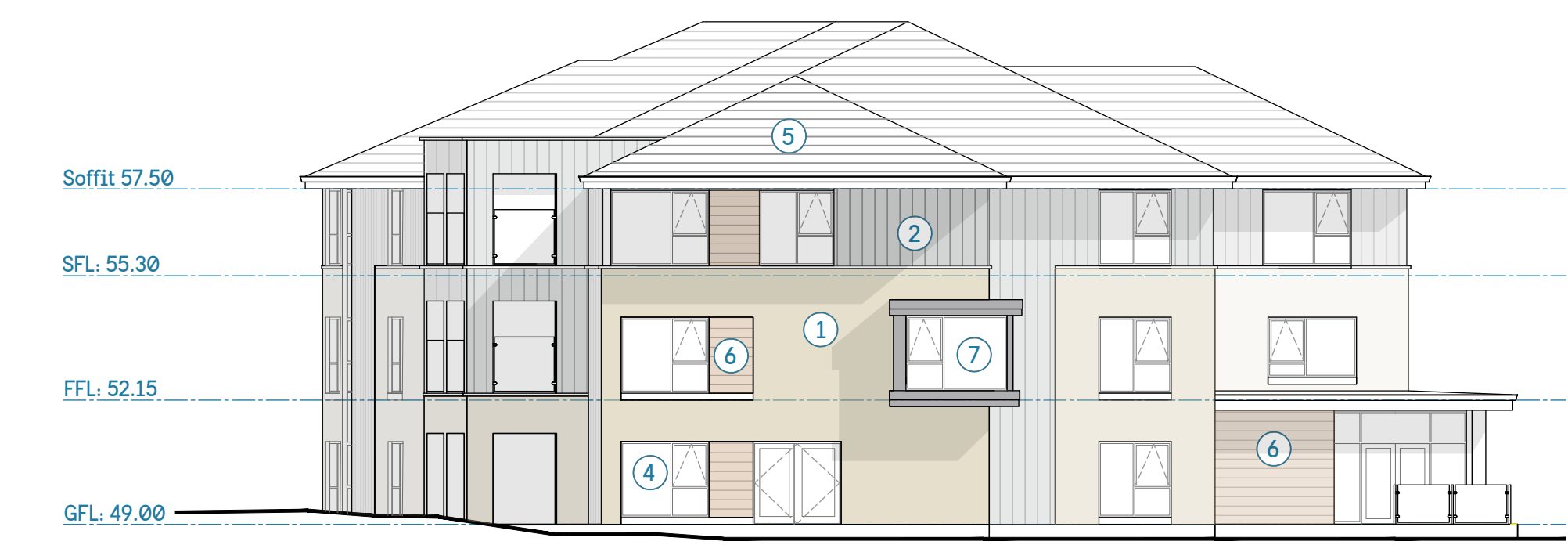
Elevation Key Plan



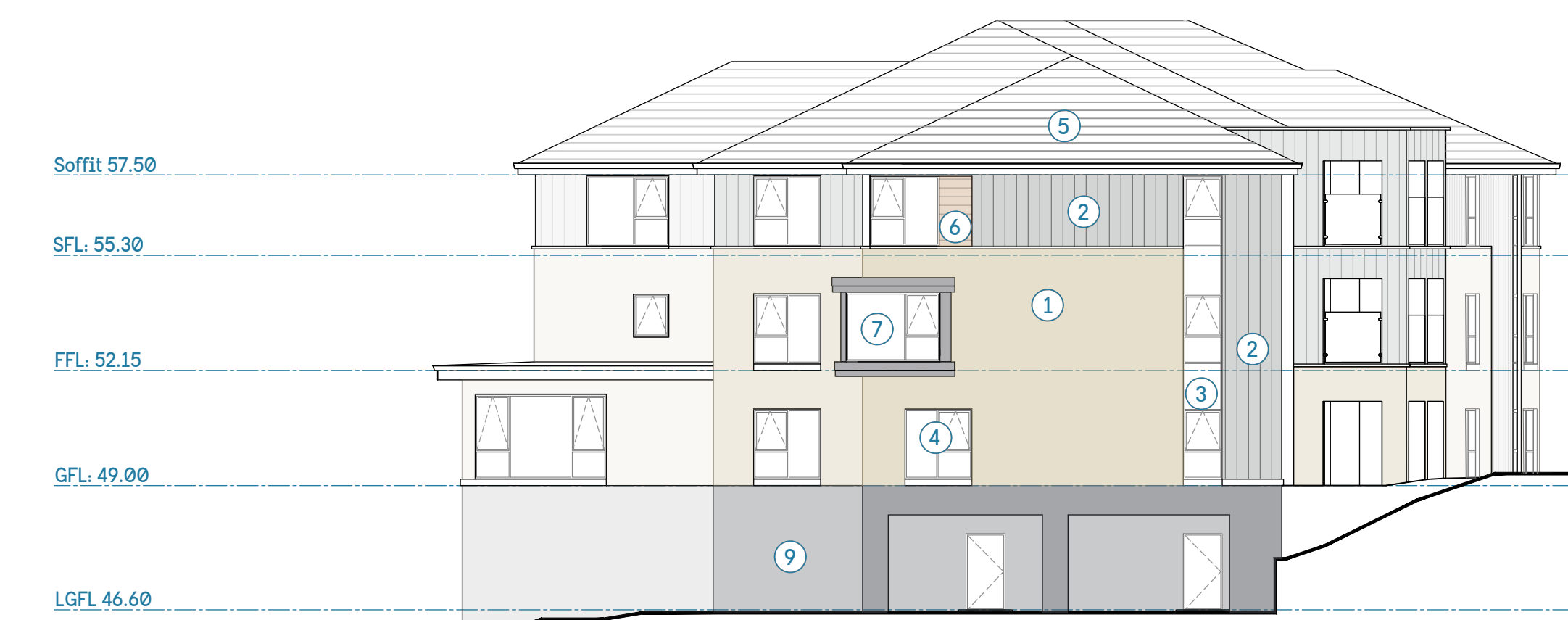
Ø1: West Elevation as Proposed



Ø2: East Elevation as Proposed



Ø3: South Elevation as Proposed



Ø4: North Elevation as Proposed

Material Legend

- ① Buff facing brick
- ② Vertical cladding
- ③ Curtain walling
- ④ Windows with dark grey frame
- ⑤ Concrete interlocking roof tiles
- ⑥ Coloured metal panel
- ⑦ Projecting feature window bay
- ⑧ Full height window with dark grey frame
- ⑨ Dark facing brick

Elevations
as originally
submitted

SCALE 1:150



PLANNING ISSUE

planform

PROPOSED CARE HOME
30 FALKIRK ROAD
LINLITHGOW

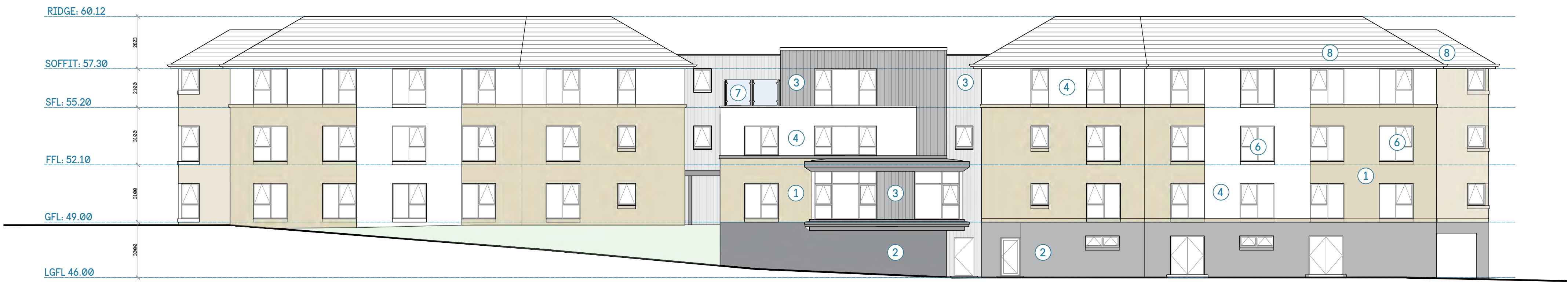
Sectional Elevations as Existing

DWG NO. 183-503 REV. -

SCALE 1:150 SIZE A1

DWN BY JS CHECK BY SD

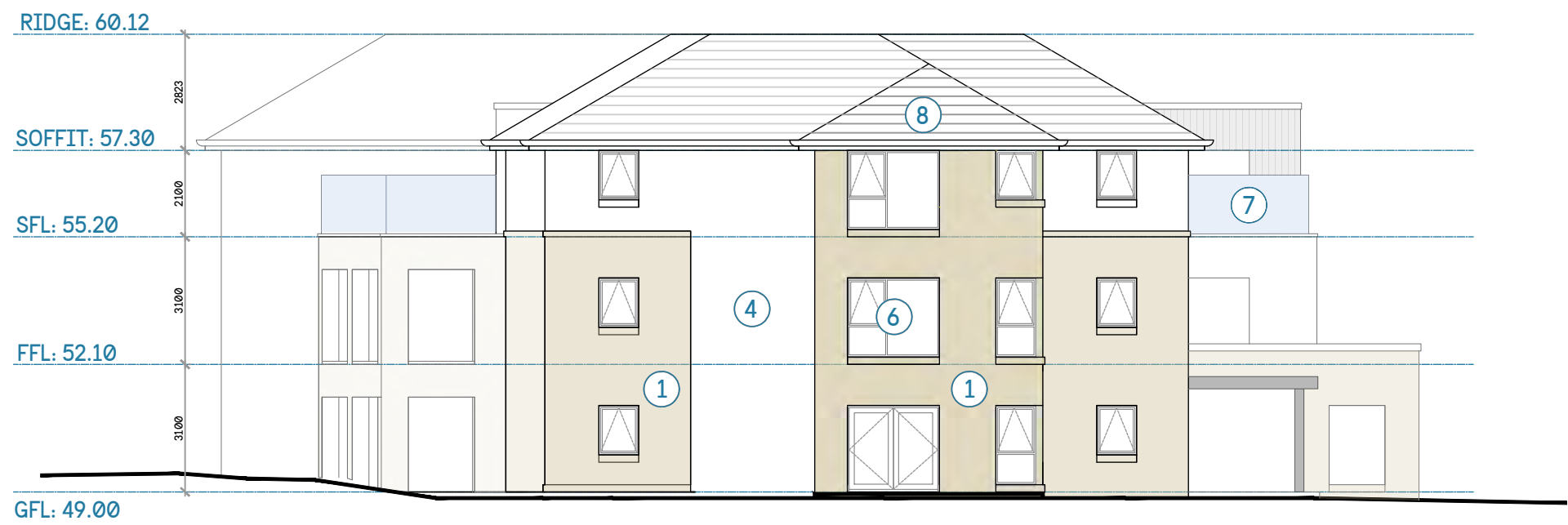
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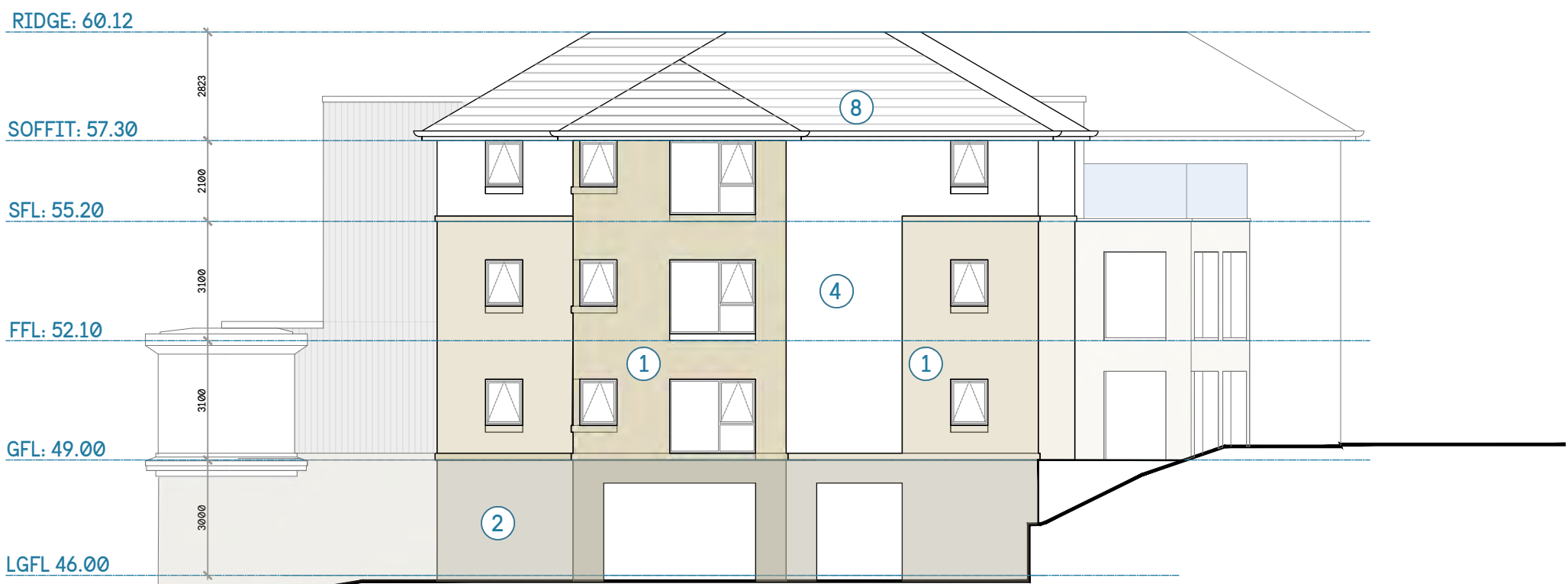
01: East Elevation as Proposed



02: West Elevation as Proposed



03: South Elevation as Proposed

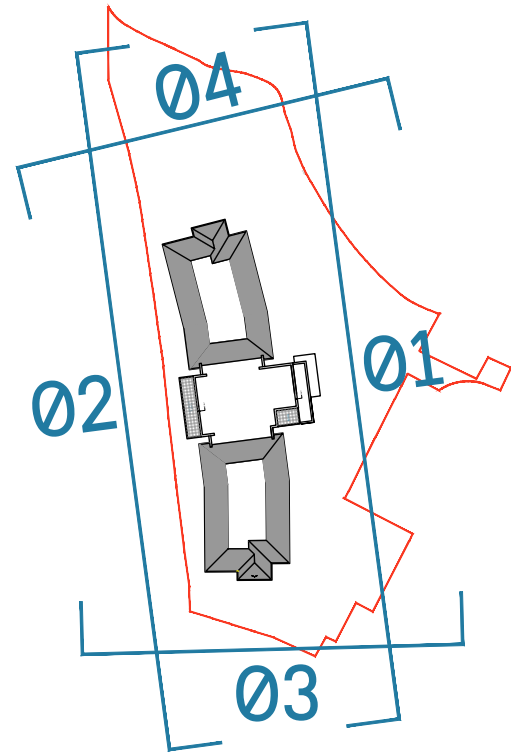


04: North Elevation as Proposed

Elevations
as amended

Material Legend

- 1 Cast Stone (Type A)
- 2 Cast Stone (Type B)
- 3 Metal cladding
- 4 Light coloured render
- 5 Curtain walling
- 6 Windows dark gray frame
- 7 Glass balustrade
- 8 Concrete interlocking roofline



Elevation Key Plan

| | | |
|--|----|------------|
| Revision | C | 08.04.2022 |
| by | JS | |
| Annotation amended. | | |
| Revision | B | 07.04.2022 |
| by | JS | |
| Elevations updated following Planning comments. | | |
| Revision | A | 02.09.2021 |
| by | JS | |
| Additional dimensions indicated for Planning purposes. | | |

planform

PROPOSED CARE HOME
30 FALKIRK ROAD
LINLITHGOW

Elevations as Proposed

DWG NO. 183-503 REV. C

SCALE 1:150 SIZE A1

DWN BY JS CHECK BY SD

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SCALE 1:150





View from Falkirk Road.
New access to be formed
in approximate location of
silver car.



View looking south
from within site to
Falkirk Road.



View within site.
White render and
metal profile
storage sheds.



View towards exit from site through existing parking bays. 2 new bays to be formed on right.



View looking south
across Mains Burn
from Broomyhill Place



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Planning permission in principle for a mixed-use development for business (Class 4), industrial (Class 5) and storage & distribution (Class 6) with associated engineering, landscaping and drainage at Land To North And South Of A705, Cousland Farm, Livingston, EH47 7BN

2 DETAILS

| | | | |
|----------------------|---|---------------------------------|--|
| Reference no. | 0151/P/21 | Owner of site | Rosebery Estates |
| Applicant | Hallam Land Management Ltd & Rosebery Estates | Ward & local members | Whitburn & Blackburn Councillor George Paul Councillor Jim Dickson Councillor Kirsteen Sullivan Councillor Mary Dickson |
| Case officer | Matthew Watson | Contact details | 01506 283 506 matthew.watson@westlothian.gov.uk |

Reason for referral to Development Management Committee: More than 15 objections

3 RECOMMENDATION

3.1 Grant planning permission in principle, subject to the attached conditions

4 DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning permission in principle is sought for a mixed-use development for business (Class 4), industrial (Class 5) and storage and distribution (Class 6) with associated engineering, landscaping and drainage.
- 4.2 The application site extends to 24.65 ha and is situated north and south of the A705. The northern part of the site is bound by Cousland Wood to the north, east and west. The south of the northern part of the site is bound by the A705. The southern part of the site is bound to the north by the A705, open agricultural land to the south with the River Almond beyond, a tree belt to the west with open agricultural land beyond and a broken tree belt to the east with open agricultural land beyond.
- 4.3 The site comprises primarily of agricultural fields with occasional trees and hedgerows. The site is a mixture of Class 3.1 prime agricultural land and 3.2 non-prime agricultural land. There are two existing cottages (1 and 2 West Long Cottages) situated along the

northern side of the A705, adjacent the north east of the site. The northern part of the site slopes gently from west to east and the southern part slopes from north to south, with the gradient increasing towards the south.

- 4.4 The site is situated within the settlement boundary of Livingston, as designated in the adopted West Lothian Local Development Plan (LDP), 2018. The site is allocated for employment uses in the LDP as E-LV 49: Cousland Wood (Use Classes 4 and 6); and E-LV 47 Almond North, Gavieside (Use Class 4 and 5).
- 4.5 An indicative layout shows it is proposed that the site will be accessed via two new roundabouts on the A705, which will provide access to the northern and southern parts of the site. The northern and southern parts of the site would be served by a primary loop road, with secondary roads serving units and parking areas. The existing Core Path 1 will be retained within the proposals
- 4.6 The location of the proposed uses is restricted to Class 4 and 6 in the northern part of the site (LDP Ref: E-LV 49) and Class 4 and 5 in the southern part of the site (LDP Ref: E-LV 47) in accordance with the LDP.
- 4.7 A total of five trees (2 category B1 and 3 category U) are required to be removed to facilitate the proposed accesses into the southern part of the site. Additional structure planning will be incorporated into the proposals, providing stronger boundaries to the west, south and east. Planting around the existing West Long Cottages will also protect existing residential amenity. Planting will be used to soften areas of car parking and primary routes within the development. Cousland Wood, adjacent the northern part of the site, and trees at the western boundary of the southern part of the site are within the Ancient Woodland Inventory.
- 4.8 The application is accompanied by the following documents, which are available in the online case file via the hyperlinked reference number at the top of the report:
 - Air Quality Impact Assessment
 - Design Statement
 - Flood Risk Assessment
 - Historic Environment Desk Study
 - Noise Letter
 - Phase 1 Desk Study Report
 - Planning Statement
 - Pre-application Consultation Report
 - Preliminary Ecological Appraisal
 - Protected Species Baseline Report
 - SUDS and Drainage Strategy Report
 - Transport Assessment
 - Tree Survey

History

- 4.9 The relevant site history is set out below:

- 0473/EIA/21: EIA screening opinion for a 24.65 Ha mixed use development including business (class 4), general industrial (class 5) and storage and distribution (class 6) with associated engineering, infrastructure and landscaping, EIA Not Required, 10/05/2021
- 0472/PAC/21: Proposal of application notice for a 24.65 Ha mixed use development including business (class 4), general industrial (class 5) and storage and distribution (class 6) with associated engineering, infrastructure and landscaping, Consultation approved, 13/05/2021

EIA Development

- 4.10 The scale and nature of the development is such that it falls within the description of development set out in Class 10 (b) of Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2017 (EIA Regulations).
- 4.11 A screening assessment has been carried out in accordance with the EIA Regulations and, due to its location and characteristics of potential impact, the development does not constitute EIA development.

Equalities Impact

- 4.12 The application has been assessed and has no impact in terms of equalities or human rights.

5. REPRESENTATIONS

- 5.1 A total of 38 objections have been received, including one from Eliburn Community Council as a neighbouring community council, whose boundary adjoins the red line boundary of this application. A sample of representations is attached to the report.
- 5.2 A summary of representations is located in the table below.

| Comments | Response |
|--|---|
| <ul style="list-style-type: none"> • Brownfield sites should be prioritised over greenfield sites and there are plenty of empty units on industrial estates in Livingston | <ul style="list-style-type: none"> • The application site is allocated for employment development in the West Lothian LDP |
| <ul style="list-style-type: none"> • Loss of visual amenity | <ul style="list-style-type: none"> • The application site is allocated for employment development in the West Lothian LDP. Therefore, it is expected the site will undergo visual change from rural to urban. <p>The detailed design of buildings will come forward as part of any approval matters specified in conditions application.</p> |
| <ul style="list-style-type: none"> • Loss of wildlife corridors | <ul style="list-style-type: none"> • The council's Ecology & Biodiversity |

| Comments | Response |
|---|---|
| | team has assessed the ecological studies submitted with the application and found them to be competent. |
| <ul style="list-style-type: none"> Traffic impact from increased vehicular movements | <ul style="list-style-type: none"> The Transport Assessment submitted with the application has been assessed as competent by the council's Roads and Transportation service. |
| <ul style="list-style-type: none"> Impact on flooding | <ul style="list-style-type: none"> The applicant's flood risk assessment has been assessed as competent by the council's Flood Risk Management team. |

6. CONSULTATIONS

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

| Consultee | Objection? | Comments | Planning Response |
|----------------------------|------------|---|---|
| WLC Roads & Transportation | No | <p>No objection to the application.</p> <p>A stage 2 road safety audit should be conditioned to accompany the detailed roundabout design.</p> | Noted. It is proposed to attach this condition. |
| WLC Ecology & Biodiversity | No | <p>No objection. The protected species baseline report is comprehensive.</p> <p>A species protection plan and construction and environmental management plan are required, in line with the report recommendations.</p> <p>Notes that Core Path 1 requires to be kept open during construction.</p> | Noted. It is proposed to attach planning conditions that require submission of these documents at the detailed/MSD stage. |
| WLC Environmental Health | No | No objection subject to conditions regarding electric vehicle charging points and construction hours. | Noted. It is proposed to attach these conditions. |

| Consultee | Objection? | Comments | Planning Response |
|--------------------------------------|------------|--|---|
| WLC Flood Risk Management | No | It is recommended that the recommendations in the Flood Risk Assessment and Drainage Strategy should be conditioned. | Noted. It is proposed to attach conditions in respect of these matters. |
| WLC Contaminated Land Advisor | No | An updated Phase 1 report is required. A Phase 2 intrusive site investigation is required to be conditioned. | Noted. It is proposed to attach a condition to deal with this matter. |
| West of Scotland Archaeology Service | No | No objection subject to a condition for a programme of archaeological works being attached to the permission. | Noted and it is proposed to attach this condition. |
| SEPA | No | No objection to the application. | Noted. |
| Coal Authority | No | No objection subject to a condition requiring intrusive investigations and remediation, if needed. | Noted. It is proposed to attach this condition. |
| Edinburgh Airport | No | No objection subject to conditions limiting building heights to 15m above ground level. | Noted. It is proposed to attach this condition. |
| INEOS | No | No objection to the application. | Noted. |
| Seafeld Community Council | N/A | No response received. | N/A |

7. PLANNING POLICY

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

| Plan and Policy | Policy Summary | Assessment | Conform? |
|-------------------------------------|-----------------------------|---|----------|
| West Lothian Local Development Plan | Development of premises for | The proposal meets the criteria of EMP 1 and is acceptable in | Yes |

| Plan and Policy | Policy Summary | Assessment | Conform? |
|--|--|---|-----------------|
| (LDP) (2018) EMP 1 Safeguarding and Developing Existing Employment Land | Class 4, 5 and 6 uses on designated employment sites is supported, subject to four criteria being met. | principle. See the assessment in Section 8 for more detail. | |
| LDP ENV 1 Character and Special Landscape Areas | Development will not be permitted where it may significantly and adversely affect local landscape character. | The allocation of the site for employment development means the site will change in nature from rural to urban. The detailed design of the proposed development, and how this will impact on local landscape character, will come through an approval of matters specified in condition application. | Yes |
| LDP ENV 4 Loss of Prime Agricultural Land | Development will not be permitted where it results in the loss of prime agricultural land classes 1, 2, and 3.1 unless the development forms a key component of the spatial strategy set out in the LDP. | Given the site is allocated for employment development in the West Lothian Local Development Plan, the loss of class 3.1 prime agricultural land is justified, in this instance. | Yes |
| LDP ENV 9 Woodland, Forestry, Trees and Hedgerows | There is a presumption against development that adversely affects groups of trees that are of amenity value. | Five trees are required to be removed to facilitate road access into the southern part of the site. These removals are acceptable given significant landscape planting is proposed. A planning condition will secure a detailed landscape plan to be submitted as part of a detailed application. | Yes |
| LDP ENV 20 Species Protection and Enhancement | Development that would affect a species protected by European or UK law will not be | The proposal will not adversely affect protected species. See Section 8 below for more detail. | Yes |

| Plan and Policy | Policy Summary | Assessment | Conform? |
|-----------------------------------|--|--|----------|
| | permitted unless it meets the four criteria. | | |
| LDP ENV 32 Archaeology | Development will not be permitted where it would have a significant adverse effect on an identified regionally or locally important archaeological site. | With a condition in place, which secures a programme of archaeological work, the proposal complies with this policy. | Yes |
| LDP DES 1 Design Principles | All development proposals will require to take account of and be integrated with the local context and built form. | The allocation of the site for employment development means the site will change in nature from agricultural to urban. The detailed design of the proposed development will come through an approval of matters specified in condition application. | Yes |
| LDP TRAN 1 Transport Impacts | This policy requires the transport impacts of development to be acceptable. | The submitted Transport Assessment has been assessed by the council's Roads and Transportation team as acceptable. The transport impact of development is there acceptable. | Yes |
| LDP EMG 2 Flooding | Development is required to be acceptable in terms of limiting potential flood risk. | The submitted Flood Risk Assessment has been assessed by the council's Flood Risk Management team as acceptable. | Yes |
| LDP EMG 3 Sustainable Drainage | Developers may be required to submit a Drainage Impact Assessment (DIA) to ensure that surface water flows are properly taken into account in the | The submitted SUDS & Drainage Strategy has been assessed by the council's Flood Risk Management team as acceptable. | Yes |

| Plan and Policy | Policy Summary | Assessment | Conform? |
|--------------------------|--|---|----------|
| | design of a development. | | |
| LDP EMG 4 Air Quality | Development will not be supported where it is not possible to mitigate the adverse effects of that development on air quality effectively. | The submitted Air Quality Impact Assessment is acceptable. Details of electric charging point provision is proposed to be conditioned. | Yes |
| LDP EMG 5 Noise | There is presumption against development that generates significant amounts of noise unless mitigation is possible. | The council's Environmental Health team has raised no objection based on the submitted noise report. | Yes |

7.4 Other relevant policy guidance and documents are listed below:

- Scottish Planning Policy 2014 (SPP)
- Supplementary Guidance
 - Flooding and Drainage
 - Noise
- Non-Statutory Planning Guidance (PG)
 - Air Quality
 - Planning for Nature

8. ASSESSMENT

8.1 The determining issues in respect of this application are listed below:

Principle of Development

8.2 Policy EMP 1 states that development for Class 4, 5 and 6 uses in designated employment areas is acceptable, subject to the following criteria being met:

- (a) the proposal would be compatible with neighbouring land uses;
- (b) the proposal would not have a detrimental impact on the amenity of the area;

- (c) the transport implications of the proposal are capable of being effectively managed; and
(d) any infrastructure deficiencies or requirements are capable of being satisfactorily remedied.
- 8.3 In terms of EMP 1 (a), the application proposes Class 4, 5 and 6 uses for the development. The indicative layout shows Class 4 and 5 uses the south of the A705 and Class 4 and 6 uses are proposed to the north of the A705. The split of uses between the north and south of the site is in line with the LDP allocations. Therefore, the proposal complies with EMP 1 (a).
- 8.4 With regards to EMP 1 (b), the allocation of the application for employment development will result in a visual change from a rural to an urban environment. Subject to a condition for the detailed layout and design of the development to come forward as part of an approval of matters specified in conditions application, the application complies with EMP 1 (b).
- 8.5 The submitted transport assessment finds the proposal requires two roundabout accesses for vehicles to access the site. The detailed design of the roundabouts is required to come through a Stage 2 road safety audit, which is to be conditioned. The transport implications of the proposed development are therefore acceptable. No infrastructure deficiencies need to be remedied as a result of the proposal. The proposal complies with EMP 1 (c) and (d).
- 8.6 Overall, the proposed development complies with Policy EMP 1 and the principle of development is acceptable, subject to meeting other development plan policy.

Ecological Impact

- 8.7 Policy ENV 20 states that development that adversely impacts protected species will not be supported unless four criteria are met. The PG on Planning for Nature expands on these criteria.
- 8.8 The Conservation (Natural Habitats, &c.) Regulations 1994 places a duty on planning authorities to have regard to the requirements of the Habitats Directive. The planning authority is required to be satisfied that a proposed development will either not impact adversely on any European Protected Species on site, or, where a European Protected Species may be harmed, all three tests necessary for the eventual grant of a licence have been met. The three tests are
- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
 - there must be no satisfactory alternative; and
 - favourable conservation status of the species must be maintained.
- 8.9 The applicant has submitted a preliminary ecological appraisal (PEA) and a protected species baseline report in support of their application.
- 8.10 As part of the PEA, a Phase 1 habitat survey and preliminary roost assessment were undertaken. The Preliminary Bat Roost Assessment identified no incidental evidence of roosting bats, e.g. bat corpses, droppings, feeding remains, scratch marks, or urine and

grease staining, although 27 trees were noted as having 'low' potential for roosting and 10 trees had 'moderate' potential. No potential roost features were classified as 'high' potential and it is therefore unlikely that any bat roosts of conservation significance are present.

- 8.11 Any tree or building with bat roost potential that is located within 30m of potential works areas will be further surveyed in line with Bat Conservation Trust (BCT) guidelines to inform the final design of development. This matter is proposed to be covered by a planning condition and any necessary mitigation will need to be outlined at this stage.
- 8.12 With regards to otters and badgers, the protected species baseline report recommends the production of species protection plans that will form part of a construction and environmental management plan (CEMP). It should be noted that badgers are not a European Protected Species. The CEMP, and the protection plans that will be part of it, is proposed to be covered by a planning condition. Any potential licensing requirements will need to be set out in the CEMP. Given the site is allocated for employment development, there isn't a satisfactory alternative for development and the development will not detrimentally affect the favourable status of protected species with a CEMP, outlining mitigation, in place.
- 8.13 In respect of great crested newts (GCN), eDNA surveys were carried out on the nearest ponds at the West Lothian Crematorium. No evidence of GCN presence was identified in these three ponds with negative eDNA tests on each pond. No further surveys or mitigation measures are considered to be required for GCN.
- 8.14 No presence of water vole was found through surveys and no mitigation is required.
- 8.15 Overall, the applicant has submitted appropriate surveys in respect of protected species on these allocated employment sites in the LDP. These surveys have identified a need for mitigation, through species protection plans for otters and badgers. Bats may require a protection plan, depending on the future, detailed layout of development. It is appropriate that a planning condition for a CEMP will cover the species protection plans.
- 8.16 The application is therefore compliant with Policy ENV 20 of the LDP and the Planning Guidance on Planning for Nature. With the condition in place, the three derogation tests for the grant of a licence under the Conservation (Natural Habitats, &c.) Regulations 1994 are also likely to be met.

9. CONCLUSION AND RECOMMENDATION

- 9.1 In summary, the principle of development for employment uses on the application site is acceptable. Ecological and transport impacts are acceptable, subject to proposed planning conditions. The application complies with the relevant policies of the West Lothian Local Development Plan, 2018.
- 9.2 It is therefore recommended that planning permission in principle is granted, subject to conditions.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Draft Conditions

- Location Plan
- Sample of Representations

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

Craig McCorriston

Head of Planning, Economic Development and Regeneration Date: 17 August 2022

Draft Conditions – 0151/P/22

1. The development hereby approved relates to the principle of class 4, 5 and 6 use on the site in the areas shown on the indicative development framework drawing no. 1812-MPDF-P002 B. The location of class 4, 5 and 6 floorspace shall accord with the approved indicative development framework. For the avoidance of doubt, the areas marked in blue on the approved indicative development framework shall be Class 4 only and no Class 5 uses shall be located on the north side of the A705.

Reason: To define the permission and ensure appropriate uses are sited adjacent residential properties, in the interest of residential amenity.

2. Development shall not commence until the written approval of the planning authority has been given for the undernoted matters, and the development shall be carried out in accordance with that approval. The submissions shall be in the form of a detailed layout (including landscaping and car parking) and shall include detailed plans, sections and elevations of the buildings and all other structures.

Approval of Matters:

- a) Siting, design and external appearance of all buildings proposed to be erected on the site;
- b) Means of access to all buildings;
- c) Existing and proposed ground levels
- d) Proposed finished floor levels, which accord with the recommendations of the Flood Risk Assessment submitted with application 0151/P/22;
- e) Detailed hard and soft landscaping including boundary treatments;
- f) Design and configuration of public and open spaces;
- g) Details and position of electric vehicle charging points;
- h) A phasing plan for the development;
- i) A Stage 2 road safety audit, to include detailed design of the proposed roundabouts;
- j) A construction and environmental management plan, to include species protection plans;
- k) A programme of archaeological works;
- l) An updated drainage assessment;
- m) Intrusive site investigations to deal with coal mining legacy, including any necessary remediation; and
- n) A Phase 2 site investigation report;
- o) Further bat surveys of any trees within 30m of any works within the site.

Reason: To enable the planning authority to assess those details which have yet to be submitted and to accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

3. The details submitted under conditions 2 a) and c) shall include the following:

No building or structure of the development hereby approved shall exceed 15m in height above ground level.

Reason: To avoid the building/structure on the application site endangering the safe movement of aircraft and the operation of Edinburgh Airport through interference with communication, navigational aids and surveillance equipment.

4. The details submitted under condition 2 g) shall include the following:

Details of the positioning and appearance of active ready to use 50kW electric vehicle charging points with a CCS or CHAdeMO connector, with the level of provision determined by the standards in the Air Quality Planning Guidance, or other agreed provision, as well as who will

be responsible for managing and maintaining charging infrastructure shall be submitted to and approved in writing by the planning authority. Thereafter, the approved details shall be implemented prior to the occupation of any of the relevant buildings.

Reason: In the interest of sustainability.

5. The details submitted under condition 2 k) shall include the following:

No development shall commence until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the planning authority under condition 1 of this permission. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the planning authority in agreement with its archaeologist (West of Scotland Archaeology Service).

Reason: To safeguard the archaeological interest of the site.

6. The details submitted under condition 2 j) shall include the following:

Prior to the commencement of development, a construction and environmental management plan (CEMP), to include species protection covering, but not limited to, otters and badgers, as well as how Core Path 1 will be kept open during construction, shall be submitted to and approved in writing by the planning authority. Thereafter, any mitigation measures shall be carried out in accordance with the approved CEMP.

Reason: To ensure any protected species are not harmed during the construction of the development.

7. The details submitted under condition 2 l) shall include the following:

Prior to the commencement of development, an updated drainage assessment with a scheme for sustainable drainage (SUDS) surface water treatment that shall be developed in accordance with the Water Assessment & Drainage Assessment Guide (published by SUDS Working Party) and The SUDS Manual C753 (published by CIRIA) shall be submitted for the written approval of the planning authority. Thereafter the development shall be implemented in accordance with the details as approved.

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

8. The details submitted under condition 2 m) shall include the following:

Prior to the commencement of development, a report on a scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity shall be submitted to and approved in writing by the planning authority, in consultation with the Coal Authority.

The report shall include any remedial and / or measures necessary, including the submission of the proposed layout plan which identifies the location of any on-site mine entries (if found present) including appropriate zones of influence for all mine entries, and the definition of suitable 'no-build' zones'.

Thereafter, any remedial works shall be implemented in accordance with the approved report.

Reason: To ensure the development is not affected by coal mining legacy.

9. The details submitted under condition 2 n) shall include the following:

Part 1

An updated Phase 1 desk study and a Phase 2 intrusive site investigation incorporating a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site shall be submitted to and approved in writing by the planning authority. If no remediation is required Parts 2 and 3 of this condition can be disregarded.

Part 2

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

Part 3

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

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

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

Noise (Construction)

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

Noise (Vehicles/Plant)

- Heavy goods vehicles shall not arrive or leave the site except between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on a Saturday. No heavy goods vehicles shall arrive or leave the site on a Sunday.

Vibration (Construction)

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

Site Compound

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

Waste

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

Wheel Cleaning

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

Reason: In the interests of visual and environmental amenity.



Comments for Planning Application 0151/P/22

Application Summary

Application Number: 0151/P/22

Address: Land To North And South Of A705 Cousland Farm Livingston West Lothian EH47 7BN

Proposal: Planning permission in principle for a mixed use development for business (Class 4), industrial (Class 5) and storage & distribution (Class 6) with associated engineering, landscaping and drainage

Case Officer: Matthew Watson

Customer Details

Name: Mrs Marie Dolan

Address: 78 Almond View Seafield Bathgate EH47 7BD

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to make an objection against Planning Application 0151/P/22 - Land To North And South Of A705 Cousland Farm Livingston West Lothian EH47 7BN

My details are as follows:

Name: Marie Dolan

Address: 78 Almond View Seafield eh477bd

Date: 29/3/22

I wish to object to this application on the grounds that the Local Development Plan states that brownfield sites should be prioritised over greenfield sites. According to the "Scottish Vacant and Derelict Land Survey (SVDLS) - Site Register 2020" there were 353 hectares of vacant brownfield sites in West Lothian at the time of the register compilation. These range from small sites up to 54 hectares. I am informed that this does not list all available sites so this should be considered a minimum. Also in the West Lothian Employment Land Allocations - Buildings Survey: 2018 there was a high number of empty premises in Livingston. See below:

Area Empty Units

Brucefield 25

Alba Campus 2

Kirkton Campus 13

Starlaw 2

Eliburn Business Park 1

Kirkton Business Park 4
 Deans Industrial Estate 28
 Alderton Business Park 5
 Houston Industrial Estate 28
 Shairps Business Park 2
 Carmondean Business Units 3
 Deans Service Units 5
 Knightsridge Industrial Estate 8
 Fairways Business Park 3

This level is an indication that Livingston has ample capacity as it stands for new business without the need for this site. I do not think it is reasonable to create a speculative new site on greenfield while so many remain empty. Building this out of town could also lock these sites into neglect and decline and affect other parts of the estates they occupy. Livingston would become bigger in space but with an empty core. What then happens to the areas left behind?

If the new site is built and cannot be filled it will attract the anti social behaviours that are common on empty industrial sites. Burnt out cars, vandalism, illegal settlement etc. The figures above would suggest there is a good chance of these being empty for some time.

I also have concerns about the loss of community view. The current drive on the A705 has views of the Pentlands which will be lost for all and with it the sense of rural sitting the village of Seafield currently enjoys. This will affect the mental health of villagers as they feel Livingston closing in on our home.

On top of the Glen Turner development this is a further loss of transit corridors for wildlife, particularly Deer. It represents a significant loss of open space. This, in an area with low amenity. (23 out of 33 in WLC Open Spaces Policy)

The area of road on A705 at the Eastern edge of Seafield floods consistently in heavy rain. I feel that this may drain into the same system as the new development and make matters worse.

The noise report states that there would be an expected 25% increase in traffic on the A705. Seafield is already hampered by heavy traffic and this increase would be an unwelcome addition. There is also a dangerous bend at Cousland Farm in certain road conditions and adding unfamiliar users and large vehicles could increase accidents at this point. Westbound traffic turning right at this point creates a potential risk. Increased traffic would increase this risk.

Best regards,

Marie Dolan

Comments for Planning Application 0151/P/22

Application Summary

Application Number: 0151/P/22

Address: Land To North And South Of A705 Cousland Farm Livingston West Lothian EH47 7BN

Proposal: Planning permission in principle for a mixed use development for business (Class 4), industrial (Class 5) and storage & distribution (Class 6) with associated engineering, landscaping and drainage

Case Officer: Matthew Watson

Customer Details

Name: Mrs Angela Ritchie

Address: 10 Deanburn gardens Seafield Livingston Eh477gb

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

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Comments for Planning Application 0151/P/22

Application Summary

Application Number: 0151/P/22

Address: Land To North And South Of A705 Cousland Farm Livingston West Lothian EH47 7BN

Proposal: Planning permission in principle for a mixed use development for business (Class 4), industrial (Class 5) and storage & distribution (Class 6) with associated engineering, landscaping and drainage

Case Officer: Matthew Watson

Customer Details

Name: Mr Gavin Henderson

Address: 44a Hawthorn Bank Seafield EH47 7EB

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to make an objection against Planning Application 0151/P/22 - Land To North And South Of A705 Cousland Farm Livingston West Lothian EH47 7BN

I object to this application on the grounds that it is against the Local Development Plan which states that brownfield sites should be prioritised over greenfield sites. There are many brownfield sites all across West Lothian, and in particular Livingston. These should be developed first.

Already there are many empty buildings of the type proposed in this application so why are more needed?

Another reason I object is that the proposed development eats into the separation of Seafield from Livingston. It is a planning principal to try to keep villages such as Seafield separate and individual, and avoid coalescence.

I have further concerns about the loss of visual amenity for the community. The current drive on the A705 has views of the Pentlands which will be lost for all and with it the sense of rural siting the village of Seafield currently enjoys. This will affect the mental health of villagers as they feel Livingston closing in on our home.

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Comments for Planning Application 0151/P/22

Application Summary

Application Number: 0151/P/22

Address: Land To North And South Of A705 Cousland Farm Livingston West Lothian EH47 7BN

Proposal: Planning permission in principle for a mixed use development for business (Class 4), industrial (Class 5) and storage & distribution (Class 6) with associated engineering, landscaping and drainage

Case Officer: Matthew Watson

Customer Details

Name: Miss Michelle Hanlon

Address: 63 Almond View Seafield EH47 7BD

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sir/Madam

I would like to make an objection against Planning Application 0151/P/22 - Land To North And South Of A705 Cousland Farm Livingston West Lothian EH47 7BN

My details are as follows:

Name: Michelle Hanlon

Address: 63 Almond View Seafield EH47 7BD

Date: 05.04.2022

I wish to object to this application on the grounds that the Local Development Plan states that brownfield sites should be prioritised over greenfield sites. According to the "Scottish Vacant and Derelict Land Survey (SVDLS) - Site Register 2020" there were 353 hectares of vacant brownfield sites in West Lothian at the time of the register compilation. These range from small sites up to 54 hectares. I am informed that this does not list all available sites so this should be considered a minimum. Also in the West Lothian Employment Land Allocations - Buildings Survey: 2018 there was a high number of empty premises in Livingston. See below:

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If the new site is built and cannot be filled it will attract the anti social behaviours that are common on empty industrial sites. Burnt out cars, vandalism, illegal settlement etc. The figures above would suggest there is a good chance of these being empty for some time.

I also have concerns about the loss of visual amenity for the community. The current drive on the A705 has views of the Pentlands which will be lost for all and with it the sense of rural siting the village of Seafield currently enjoys. This will affect the mental health of villagers as they feel Livingston closing in on our home.

On top of the Glen Turner development this is a further loss of transit corridors for wildlife, particularly Deer. it represents a significant loss of open space. (23 out of 33 in WLC Open space policy).

Kind regards
 Michelle Hanlon

Comments for Planning Application 0151/P/22

Application Summary

Application Number: 0151/P/22

Address: Land To North And South Of A705 Cousland Farm Livingston West Lothian EH47 7BN

Proposal: Planning permission in principle for a mixed use development for business (Class 4), industrial (Class 5) and storage & distribution (Class 6) with associated engineering, landscaping and drainage

Case Officer: Matthew Watson

Customer Details

Name: Mrs Christine Henderson

Address: 44a Hawthorn Bank Seafield EH477EB

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to make an objection against Planning Application 0151/P/22 - Land To North And South Of A705 Cousland Farm Livingston West Lothian EH47 7BN

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Watson, Matthew

Subject: RE: Planning Objection 0151/P/22 - [OFFICIAL]

From: [REDACTED]
Sent: 29 March 2022 14:24
To: Planning <Planning@westlothian.gov.uk>
Subject: Planning Objection 0151/P/22

I would like to make an objection against Planning Application 0151/P/22 - Land To North And South Of A705 Cousland Farm Livingston West Lothian EH47 7BN

My details are as follows:

Name: Damian Byrne
 Address: 8 Meadowpark, Seafield, West Lothian. EH47 7GA
 Date: 29 March 2022

I wish to object to this application on the grounds that the Local Development Plan states that brownfield sites should be prioritised over greenfield sites. According to the "Scottish Vacant and Derelict Land Survey (SVDLS) - Site Register 2020" there were 353 hectares of vacant brownfield sites in West Lothian at the time of the register compilation. These range from small sites up to 54 hectares. I am informed that this does not list all available sites so this should be considered a minimum. Also in the West Lothian Employment Land Allocations - Buildings Survey: 2018 there was a high number of empty premises in Livingston. See below:

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Best regards,
db

West Lothian Council - Data Labels:

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

OFFICIAL: Contains information for council staff only

PUBLIC: All information has been approved for public disclosure

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

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

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

Watson, Matthew

Subject: RE: Objection letter -A705 - [OFFICIAL]

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

From: Lauren McGregor [REDACTED]

Sent: 29 March 2022 14:36

To: Planning <Planning@westlothian.gov.uk>

Subject: Objection letter -A705

Good afternoon.

I would like to make an objection against Planning Application 0151/P/22 - Land To North And South Of A705
Cousland Farm Livingston West Lothian EH47 7BN

My details are as follows:

Name: Lauren McGregor

Address: 70 almond view seafield Eh477bd

Date: 29/03/2022

I wish to object to this application on the grounds that the Local Development Plan states that brownfield sites should be prioritised over greenfield sites. According to the "Scottish Vacant and Derelict Land Survey (SVDLS) - Site Register 2020" there were 353 hectares of vacant brownfield sites in West Lothian at the time of the register compilation. These range from small sites up to 54 hectares. I am informed that this does not list all available sites so this should be considered a minimum. Also in the West Lothian Employment Land Allocations - Buildings Survey: 2018 there was a high number of empty premises in Livingston. See below:

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This level is an indication that Livingston has ample capacity as it stands for new business without the need for this site. I do not think it is reasonable to create a speculative new site on greenfield while so many remain empty. Building this out of town could also lock these sites into neglect and decline and affect other parts of the estates they occupy. Livingston would become bigger in space but with an empty core. What then happens to the areas left behind?

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I also have concerns about the loss of community view. The current drive on the A705 has views of the Pentlands which will be lost for all and with it the sense of rural siting the village of Seafield currently enjoys. This will affect the mental health of villagers as they feel Livingston closing in on our home.

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The area of road on A705 at the Eastern edge of Seafield floods consistently in heavy rain. I feel that this may drain into the same system as the new development and make matters worse.

The noise report states that there would be an expected 25% increase in traffic on the A705. Seafield is already hampered by heavy traffic and this increase would be an unwelcome addition. There is also a dangerous bend at Cousland Farm in certain road conditions and adding unfamiliar users and large vehicles could increase accidents at this point. Westbound traffic turning right at this point creates a potential risk. Increased traffic would increase this risk.

Best regards,

Lauren McGregor
Sent from my iPhone

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Watson, Matthew

To: Planning
Subject: RE: Objection - [OFFICIAL]

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

From: Alana Buksh [REDACTED]
 Sent: 29 March 2022 15:34
 To: Planning <Planning@westlothian.gov.uk>
 Subject: Objection

I would like to make an objection against Planning Application 0151/P/22 - Land To North And South Of A705 Cousland Farm Livingston West Lothian EH47 7BN

My details are as follows:

Name: Alana Buksh
 Address: 36 Cousland Crescent, Seafield, EH477AX
 Date: 29/3/2022

I wish to object to this application on the grounds that the Local Development Plan states that brownfield sites should be prioritised over greenfield sites. According to the "Scottish Vacant and Derelict Land Survey (SVDLS) - Site Register 2020" there were 353 hectares of vacant brownfield sites in West Lothian at the time of the register compilation. These range from small sites up to 54 hectares. I am informed that this does not list all available sites so this should be considered a minimum. Also in the West Lothian Employment Land Allocations - Buildings Survey: 2018 there was a high number of empty premises in Livingston. See below:

Area Empty Units

| | |
|--------------------------------|----|
| Brucefield | 25 |
| Alba Campus | 2 |
| Kirkton Campus | 13 |
| Starlaw | 2 |
| Eliburn Business Park | 1 |
| Kirkton Business Park | 4 |
| Deans Industrial Estate | 28 |
| Aldertone Business Park | 5 |
| Houston Industrial Estate | 28 |
| Shairps Business Park | 2 |
| Carmondean Business Units | 3 |
| Deans Service Units | 5 |
| Knightsridge Industrial Estate | 8 |
| Fairways Business Park | 3 |

This level is an indication that Livingston has ample capacity as it stands for new business without the need for this site. I do not think it is reasonable to create a speculative new site on greenfield while so many remain empty. Building this out of town could also lock these sites into neglect and decline and affect other parts of the estates they occupy. Livingston would become bigger in space but with an empty core. What then happens to the areas left behind?

If the new site is built and cannot be filled it will attract the anti social behaviours that are common on empty industrial sites. Burnt out cars, vandalism, illegal settlement etc. The figures above would suggest there is a good chance of these being empty for some time.

I also have concerns about the loss of community view. The current drive on the A705 has views of the Pentlands which will be lost for all and with it the sense of rural siting the village of Seafield currently enjoys. This will affect the mental health of villagers as they feel Livingston closing in on our home.

On top of the Glen Turner development this is a further loss of transit corridors for wildlife, particularly Deer. It represents a significant loss of open space. This, in an area with low amenity. (23 out of 33 in WLC Open Spaces Policy)

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Best regards, Alana

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From: [Watson, Matthew](#)
To: [Newall, Kayleigh](#)
Subject: FW: Objection 0151/P/22 - [OFFICIAL]
Date: 17 May 2022 13:34:06

DATA LABEL: OFFICIAL

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

From: Planning <Planning@westlothian.gov.uk>
 Sent: 30 March 2022 08:38
 To: Watson, Matthew <Matthew.Watson@westlothian.gov.uk>
 Subject: FW: Objection 0151/P/22 - [OFFICIAL]

DATA LABEL: OFFICIAL

Shannon Fairley
 Planning Technician
 Development Management

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

From: Deborah Bell [REDACTED]
 Sent: 29 March 2022 18:12
 To: Planning <Planning@westlothian.gov.uk>
 Subject: Objection 0151/P/22

Dear sir or Madam

I would like to make an objection against Planning Application 0151/P/22 - Land To North And South Of A705 Cousland Farm Livingston West Lothian EH47 7BN

My details are as follows:

Name: Deborah Bell
 Address: 11 Deanburn Gardens
 Seafield, Eh47 7 GB
 Date: 29th March 2021

I wish to object to this application on the grounds that the Local Development Plan states that brownfield sites should be prioritised over greenfield sites. According to the "Scottish Vacant and Derelict Land Survey (SVDLS) - Site Register 2020" there were 353 hectares of vacant brownfield sites in West Lothian at the time of the register compilation. These range from small sites up to 54 hectares. I am informed that this does not list all available sites so this should be considered a minimum. Also in the West Lothian Employment Land Allocations - Buildings Survey: 2018 there was a high number of empty premises in Livingston. See below:

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Best regards,

Deborah A Bell

Sent from my iPhone

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From: [Watson, Matthew](#)
To: [Newall, Kayleigh](#)
Subject: FW: Objection against Planning Application 0151/P/22 - [OFFICIAL]
Date: 17 May 2022 13:34:18

DATA LABEL: OFFICIAL

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

From: Planning <Planning@westlothian.gov.uk>
 Sent: 01 April 2022 08:31
 To: Watson, Matthew <Matthew.Watson@westlothian.gov.uk>
 Subject: FW: Objection against Planning Application 0151/P/22 - [OFFICIAL]

DATA LABEL: OFFICIAL

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

From: Elaine Rennie [REDACTED]
 Sent: 31 March 2022 17:08
 To: Planning <Planning@westlothian.gov.uk>
 Subject: Objection against Planning Application 0151/P/22

I would like to make an objection against Planning Application 0151/P/22 - Land To North And South Of A705 Cousland Farm Livingston West Lothian EH47 7BN

My details are as follows:

Name: Neil Rennie
 Address: 12 Meadowpark, Seafield
 Date: 31/03/2022

I wish to object to this application on the grounds that the Local Development Plan states that brownfield sites should be prioritised over greenfield sites. According to the "Scottish Vacant and Derelict Land Survey (SVDLS) - Site Register 2020" there were 353 hectares of vacant brownfield sites in West Lothian at the time of the register compilation. These range from small sites up to 54 hectares. I am informed that this does not list all available sites so this should be considered a minimum. Also in the West Lothian Employment Land Allocations - Buildings Survey: 2018 there was a high number of empty premises in Livingston. See below:

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I also have concerns about the loss of visual amenity for the community. The current drive on the A705 has views of the Pentlands which will be lost for all and with it the sense of rural sitting the village of Seafeld currently enjoys. This will affect the mental health of villagers as they feel Livingston closing in on our home.

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Best regards,
Neil Rennie

Sent from my iPad

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Development Management Committee

17 August 2022

Item 06 - Application : 0151/P/22

Planning permission in principle for a mixed use development of business (Class 4),
industrial (Class 5) and storage and distribution (Class 6)

Land to the North and South of A705 at Cousland Farm Livingston





0151/P/22 - Land to North and South of A705 Cousland Farm

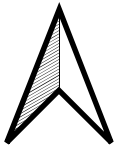
Development Management - West Lothian Civic Centre - EH54 6FF

(c) Crown copyright and database right 2022 OS Licence number 100037194

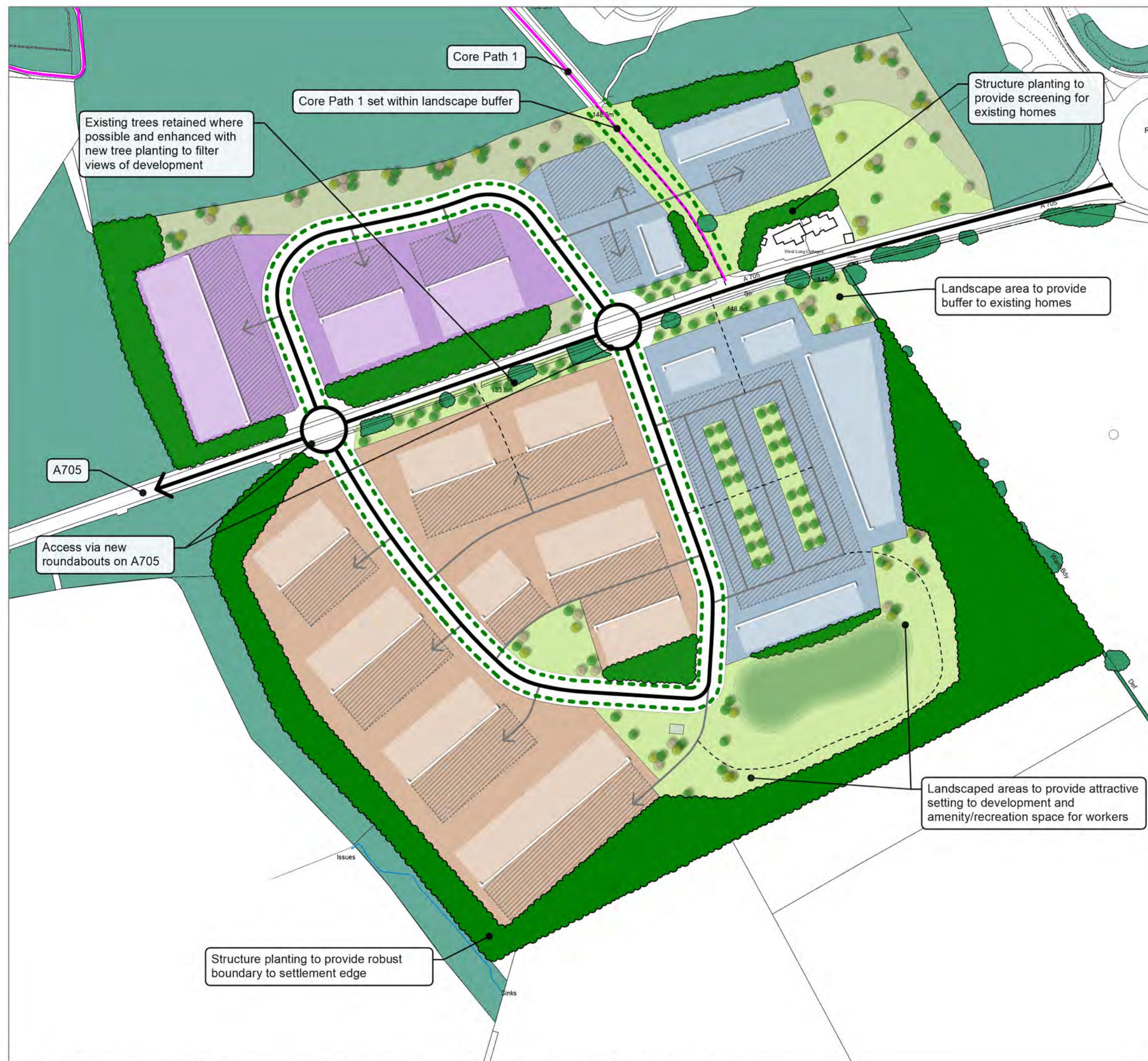
200

0

200 m







Cousland Farm, Livingston



Drawing No. 18012-MPDF-P002-B Indicative Development Framework

- Class 4 - Office (3.5 ha)
around 14,000 m² GFA
- Class 5 - Industrial (5.9 ha)
around 17,000 m² GFA
- Class 6 - Storage and distribution (2.2 ha)
around 8,500 m² GFA
- Primary route
- Secondary route
- Parking area
- Pedestrian route
- Existing trees and hedgerows
- Structure planting
- Tree line
- Tree planting
- Amenity grass
- Meadow
- SuDS basin
- Foul pumping station

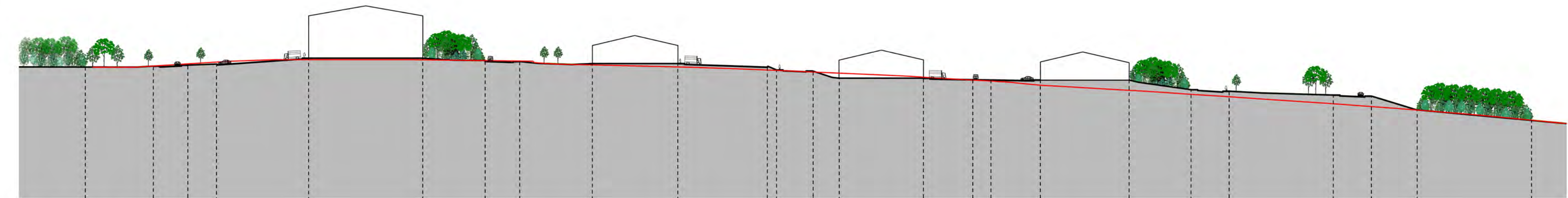
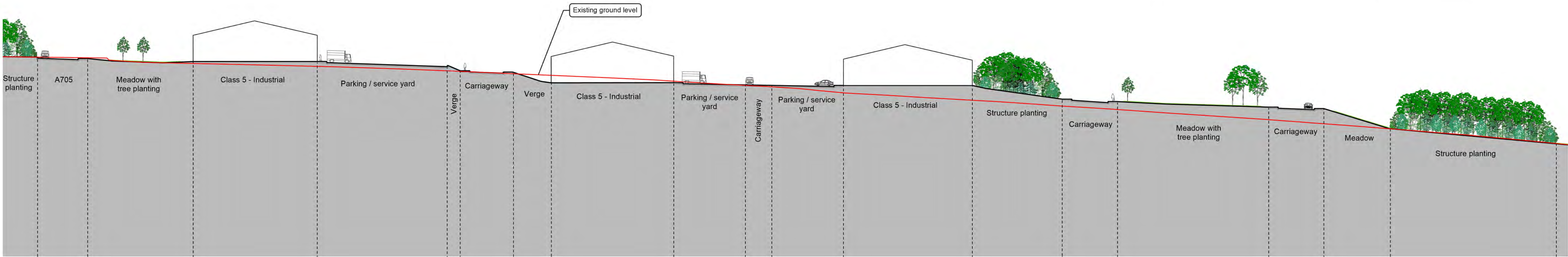
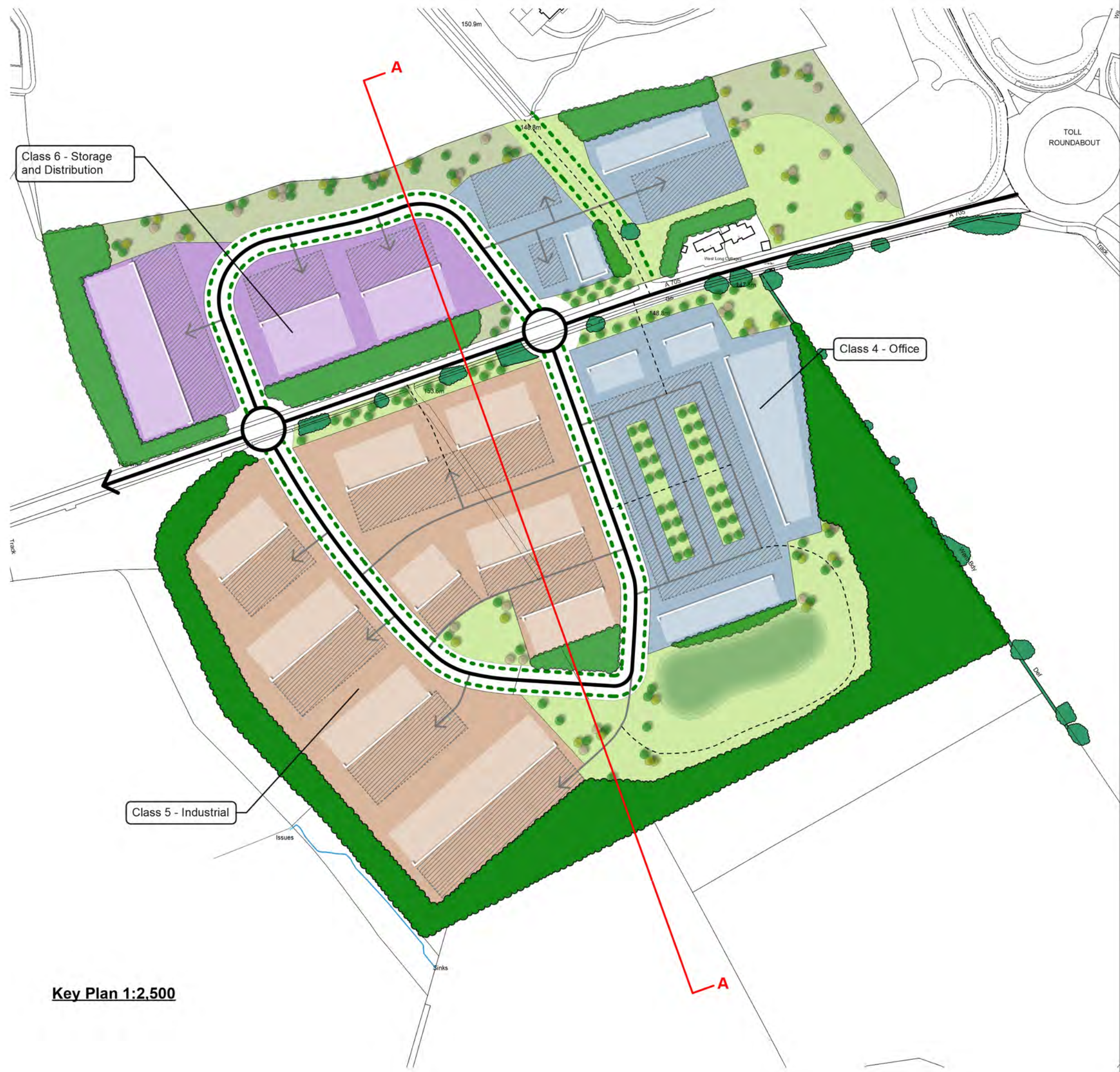
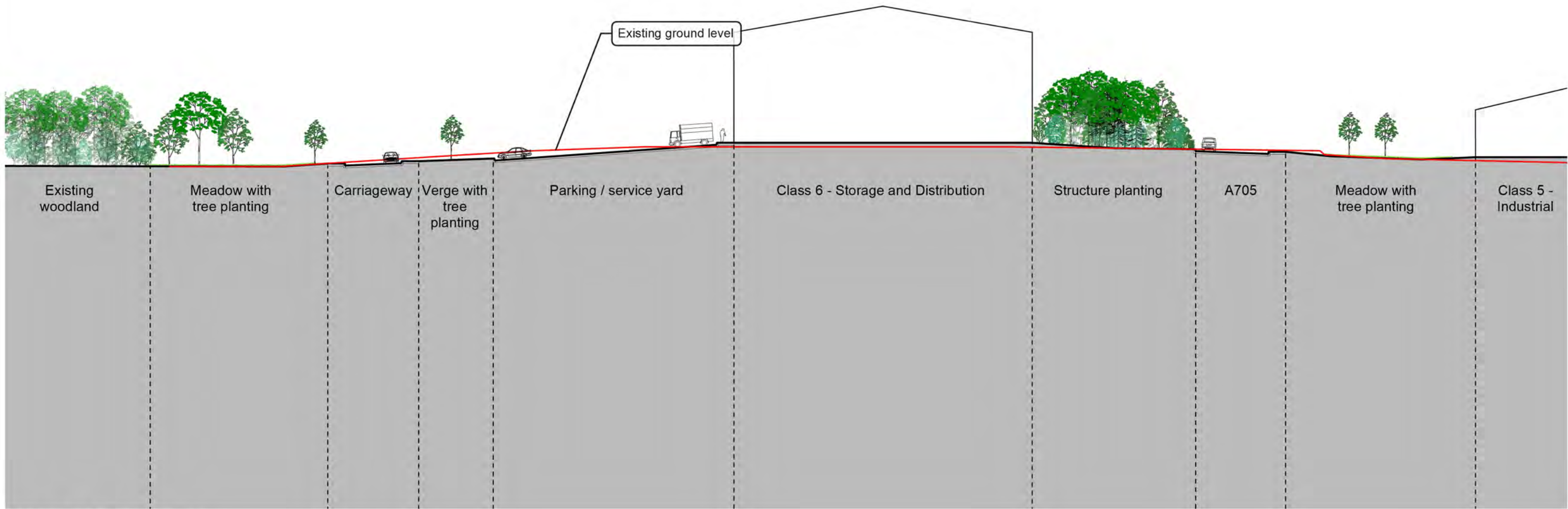
Rev B (17.12.21) Drawn: SB Checked: RM Approved: AM
Note: Drainage updated
Rev A (13.10.21) Drawn: SB Checked: RM Approved: SS
Note: Layout updated
Rev - (09.06.21) Drawn: SB Checked: RM Approved: SS

Status: Planning

scale 1:2,500 @ A3
0 25m 50m 100m



geddesconsulting
The Quadrant, 17 Bernard St., Edinburgh, EH6 6PW | Tel: 0131 5533639 | info@geddesconsulting.com



Northern part of site – looking north east along A705



Northern part of site – looking east from Core Path 1



Looking west from West Long Cottages



North and south of site – looking west along A705



South of site – looking south into site





DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Planning permission for the change of use from nursery (class 10) to a house (class 9) at 53 Whitburn Road, Bathgate.

2 DETAILS

| | | | |
|----------------------|-----------------------------|---------------------------------|--|
| Reference no. | 0295/FUL/22 | Owner of site | Mr Muhammad Sohail Ashraf |
| Applicant | Mr Muhammad Sohail Ashraf | Ward & local members | Armadale & Blackridge Councillor Willie Boyle Councillor Harry Cartmill Councillor Tony Pearson Councillor Pauline Stafford |
| Case officer | Kirsty Hope | Contact details | 01506 282 413 Kirsty.hope@westlothian.gov.uk |

Reason for referral to Development Management Committee: Referred by Councillor Willie Boyle

3 RECOMMENDATION

3.1 Refuse planning permission

4 DETAILS OF THE PROPOSAL AND BACKGROUND

4.1 Planning permission is sought for the change of use from a nursery (class 10) to a residential house (class 9). The application site is located within Bathgate town centre, adjacent to the Lidl retail store.

4.2 The submitted plans indicate that the existing ground floor has a reception, an office, a baby room and an under 3s room, as well as a dinning/crafts room, kitchen and a laundry room, with an upstairs quiet room. The proposed layout shows a four-bedroom property with living accommodation. There are no changes proposed to the external appearance of the property.

History

4.3 The relevant site history is set out below:

- LIVE/0294/FUL/10 - Change of use from house to children's' nursery (class 10) was granted planning permission on 01 June 2010.

EIA Development

- 4.6 The proposal is not EIA development as it does not fall within Schedule 1 or Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2017 (EIA Regulations).

Equalities Impact

- 4.7 The application has been assessed and has no impact in terms of equalities or human rights.

5. REPRESENTATIONS

- 5.1 No letters of representation were received.

6. CONSULTATIONS

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

| Consultee | Objection? | Comments | Planning Response |
|----------------------------|------------|---|--|
| WLC Education Planning | No | Contributions are required for both primary and secondary education facilities within West Lothian. | Noted. Developer contributions will need to be secured via a legal agreement/planning obligation. The agent has not agreed to the payment of the necessary contributions. |
| WLC Roads & Transportation | No | Parking to rear of property is already provided – no other comments. | Noted. |
| WLC Environmental Health | No | Attach a condition in relation to noise during construction. | Noted. Should permission be granted, this should be attached as a condition. |

7. PLANNING POLICY

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

7.3 The relevant development plan policies are listed below:

| Plan and Policy | Policy Summary | Assessment | Conform? |
|--|---|---|--|
| West Lothian Local Development Plan (LDP) (2018) DES1 - Design Principles | All development proposals will require to take account of and be integrated with the local context and built form. | Whilst the principle of a residential use in the location is accepted, the proposal does not accord with other relevant policies and proposals in the development plan nor with appropriate supplementary guidance. | No |
| LDP INF1 - Infrastructure Provision and development obligations | The council will seek developer obligations in accordance with Scottish Government Circular 3/2012. | The proposal does not raise any infrastructural or education capacity concerns. The LDP and statutory guidance sets out the required developer obligations and these are listed below in relation to this site: • Education (Denominational Primary and both Non-Denominational and Denominational Secondary) • Cemeteries Provision | No - The agent has confirmed that the applicant does not agree to the payment of the contributions, therefore, the proposal does not conform to this policy. |
| LDP TCR 1 – Town Centers | Residential uses will be supported in identified town centres where it can be demonstrated that the proposal is of the scale and type commensurate to the centre's role as set out in the network of centres. | The principle of a residential use in the location is accepted. | Yes |
| LDP HOU3 – Infill/ Windfall Housing Development within Settlements | Development will also be supported on sites within settlement boundaries whereby it meets criteria (a-i). | The proposal fails to comply with policy INF 1. | No |

7.4 Other relevant policy guidance and documents are listed below:

- Statutory Supplementary Guidance (SG):
 - Planning & Education
 - Developer contributions towards cemetery provision

8. ASSESSMENT

8.1 The determining issues in respect of this application are listed below:

Principle of development

- 8.2 Permission is sought for the change of use from a nursery (class 10) to form a residential dwelling. The application site is located within Bathgate town centre and is detached with front and rear garden areas. The application site has previously been in residential use prior to being a nursery.
- 8.3 Residential uses within town centres are generally supported where they don't prejudice the operation of existing businesses, where a satisfactory level of residential amenity can be achieved for the prospective occupants, where adequate car parking provision can be provided and where sufficient school capacity is available to support the development.
- 8.4 The proposal would not cause any detrimental impact to surrounding neighbouring properties; the use is considered appropriate for a town centre location without impacting upon the surrounding uses. Parking provision is adequate and there is close proximity to public transport links given its town centre location. Refuse facilities will be stored as existing. Adequate garden ground can be achieved.

Contributions

- 8.5 Developer contributions for cemetery provision as well as education provision are required under the terms of council policies. The applicant has refused to enter into a legal agreement to pay the required contributions. The proposal is therefore contrary to policy DES1 (Design Principles), INF 1 (Infrastructure Provision and development obligations) as well as HOU3 (Infill/Windfall Housing Development within Settlements) within the adopted local development plan and associated supplementary guidance.

9. CONCLUSION AND RECOMMENDATION

- 9.1 The applicant has refused to agree to pay the required cemetery and education contributions. The proposal therefore does not comply with Policy DES1 (Design Principles), INF 1 (Infrastructure Provision and development obligations) as well as HOU3 (Infill/Windfall Housing Development within Settlements) of the West Lothian Local Development Plan 2018.

9.2 The proposal also is contrary to Supplementary Guidance: Developer Contributions Towards Cemetery Provision and the Supplementary Guidance Planning & Education.

9.2 It is therefore recommended that planning permission be refused.

| |
|---|
| 9. BACKGROUND REFERENCES & ATTACHMENTS |
|---|

- Draft reason(s) for refusal
- Location and Block Plan
- Existing Ground Floor Plan
- Proposed Ground Floor Plan
- Local Member Referral Form

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

Craig McCorriston

Head of Planning, Economic Development and Regeneration Date: 17 August 2022

DRAFT REASONS FOR REFUSAL – APPLICATION 0295/FUL/22

Reasons for refusal

1. The applicant has refused to enter into a legal agreement to pay the required Education and Cemetery contributions, the proposal, therefore, does not comply with Policy DES1 (Design Principles), INF 1 (Infrastructure Provision and development obligations), HOU3 (Infill/Windfall Housing Development within Settlements) the Supplementary Guidance Planning & Education 2021 and Supplementary Guidance on Developer Contributions Towards Cemetery Provision, 2021 of the West Lothian Local Development Plan 2018.

boundary fence

retaining wall

boundary line

1066

Step

3005

Step

Ramp

2400

boundary line

low wall with iron railings

boundary line

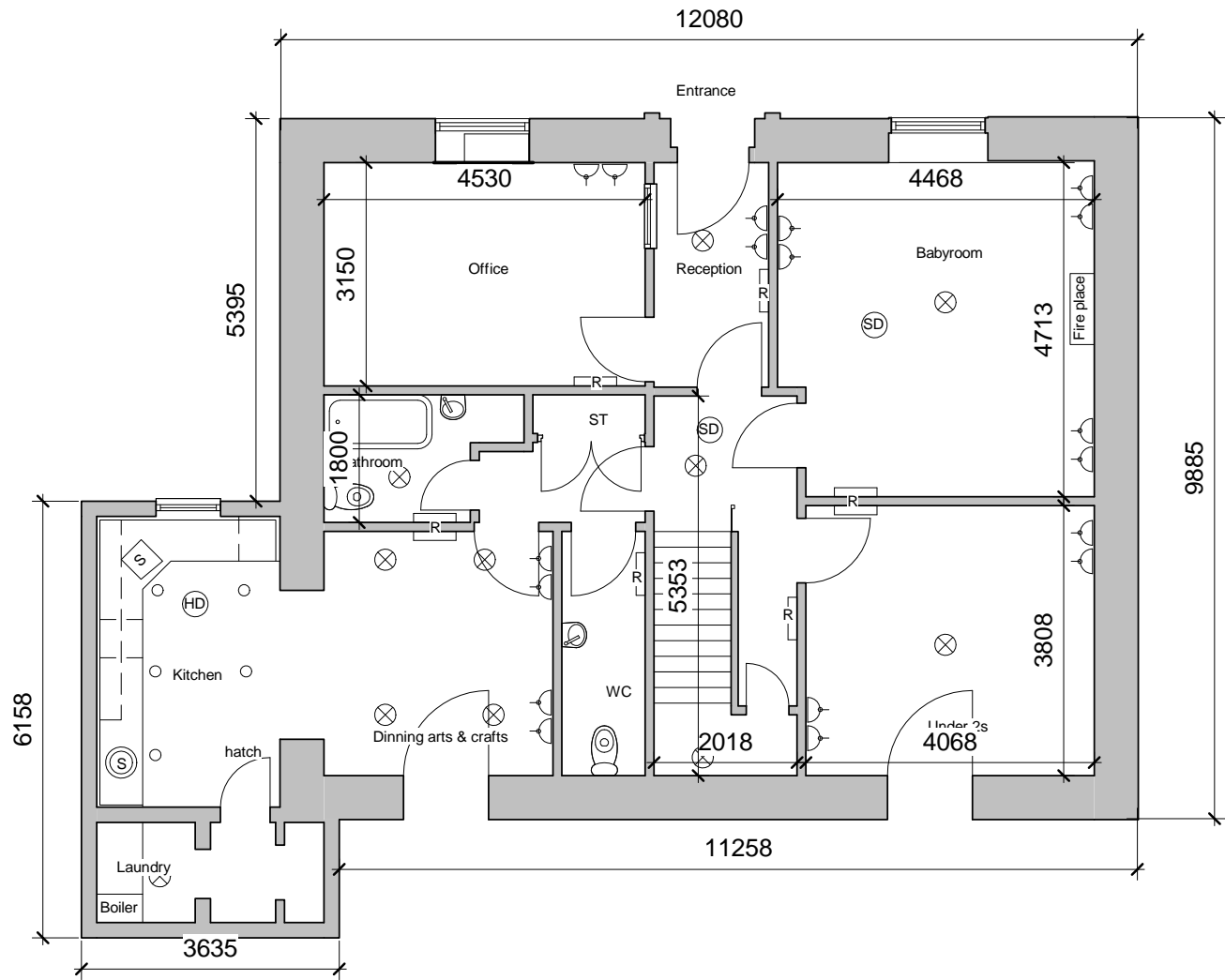
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Site Plan

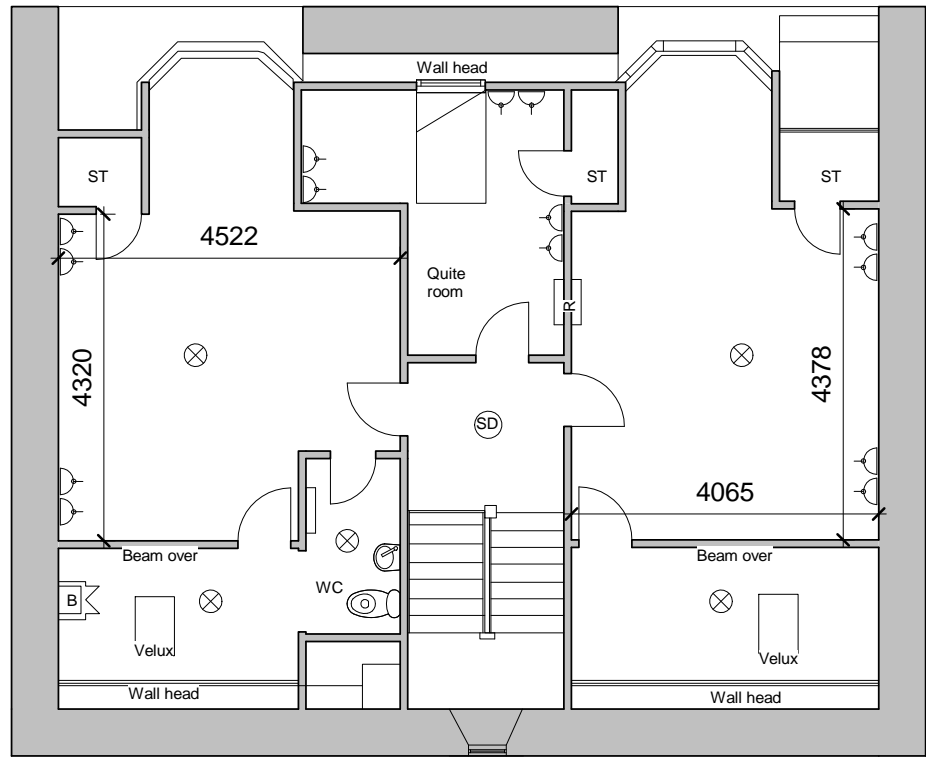
53 Whitburn Road

Bathgate EH48 1HE

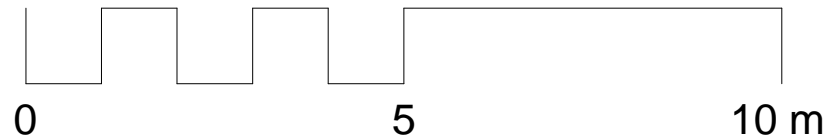
| | | | | | | | | | | | | |
|--|-----|-------------|------|--|--------|-------------------------|------------------|--------------------------|--|-------------------------------------|----------------------------------|------------------------------|
| SD Architectural 1 Glenmore Whitburn EH47 8NP | No. | Description | Date | Change of use from Class 10 Nursery to Class 9 residential | | | | PROJECT CHANGE OF USE | | CLIENT Mr Muhammad Sohail Ashraf | | |
| | | | | | | | | SHEET Site Plan | | Date 19-04-2022 | Project number Project Number | Scale (@ A3) As indicated |
| | | | | | | | | | | Drawn by Author | DRWAING NUMBER | |
| | | | | Checked by Checker | A103 | | | | | | | |
| | | | | CODE | STATUS | SUITABILITY DESCRIPTION | PURPOSE OF ISSUE | | | | | |
| | | | | | | | | | | | | |
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| | | | | | | | | | | | | |



1 Existing Ground Floor
1 : 100



2 Existing First Floor
1 : 100



Existing Floor Plan
53 Whitburn Road
Bathgate

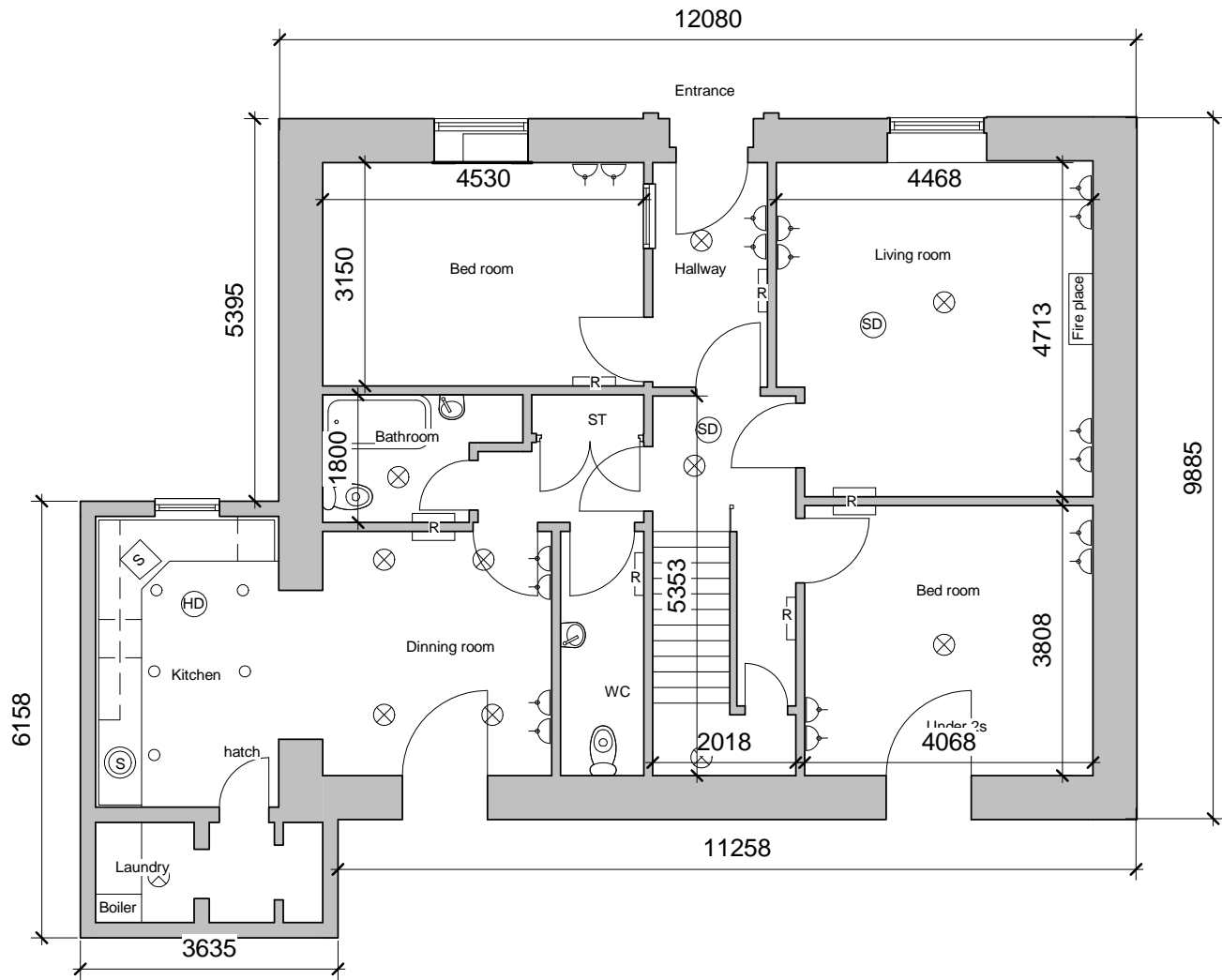
SD Architectural
1 Glenmore
Whitburn
EH47 8NP

| No. | Description | Date |
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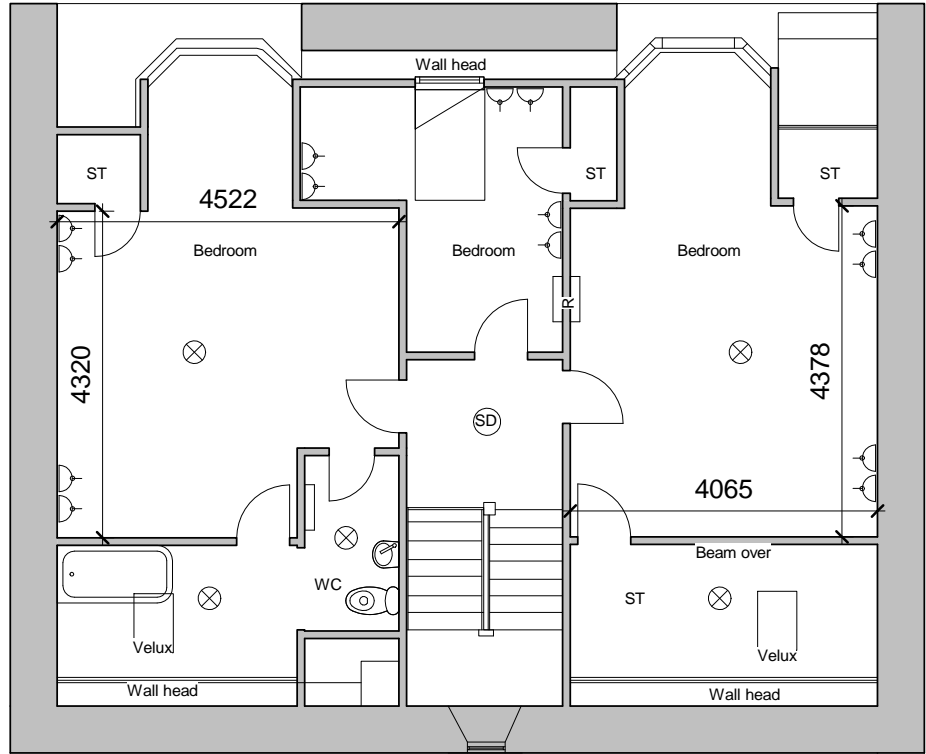
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|--|--------|-------------------------|------------------|
| Change of use from Class 10 Nursery to Class 9 residential | | | |
| CODE | STATUS | SUITABILITY DESCRIPTION | PURPOSE OF ISSUE |
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| | |
|---------|---------------------|
| PROJECT | CHANGE OF USE |
| SHEET | Existing Floor Plan |

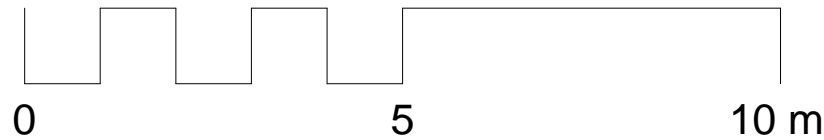
| | | |
|-------------------------------------|----------------------------------|-------------------------|
| CLIENT Mr Muhammad Sohail Ashraf | | |
| Date 19-04-2022 | Project number Project Number | Scale (@ A3) 1 : 100 |
| Drawn by Salahul | DRWAING NUMBER A101 | |
| Checked by Checker | | REV |



1 Proposed Ground Floor
1 : 100



2 Proposed First Floor
1 : 100



Existing Floor Plan
53 Whitburn Road
Bathgate

SD Architectural
1 Glenmore
Whitburn
EH47 8NP

| No. | Description | Date |
|-----|-------------|------|
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| | | | |
|--|--------|-------------------------|------------------|
| Change of use from Class 10 Nursery to Class 9 residential | | | |
| CODE | STATUS | SUITABILITY DESCRIPTION | PURPOSE OF ISSUE |
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| | |
|---------|---------------------|
| PROJECT | CHANGE OF USE |
| SHEET | Proposed Floor Plan |

| | | |
|-------------------------------------|----------------------------------|-------------------------|
| CLIENT Mr Muhammad Sohail Ashraf | | |
| Date 19-04-2022 | Project number Project Number | Scale (@ A3) 1 : 100 |
| Drawn by Salahul | DRWAING NUMBER A121 | |
| Checked by Checker | | REV |

PROPOSED DELEGATED PLANNING DECISIONS

☒ LOCAL MEMBER REFERRAL REQUEST ☒

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

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

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

| <u>Application Details</u> | <u>Reason For Referral Request</u> (please tick ✓) |
|---|--|
| <p>Application Reference Number</p> <p>0295/FUL/22</p> <p>.....</p> <p>Site Address</p> <p>53 Whitburn Road, Bathgate, West Lothian</p> <p>.....</p> <p>Title of Application</p> <p>Change of use from nursery (class 10) to a house (class 9)</p> <p>.....</p> <p>.....</p> <p>Member's Name</p> <p>Cllr ...Willie Boyle</p> <p>.....</p> <p>Date</p> <p>...1/7/22.....</p> | <p>Applicant</p> <p>Request..... <input checked="" type="checkbox"/></p> <p>Constituent Request..... <input type="checkbox"/></p> <p>Other (please specify)..... <input type="checkbox"/></p> |

Development Management Committee

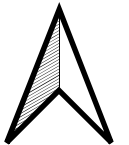
17 August 2022

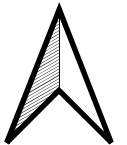
Item 07 - Application : 0295/FUL/22

Change of use from nursery (class 10) to a house (class 9)

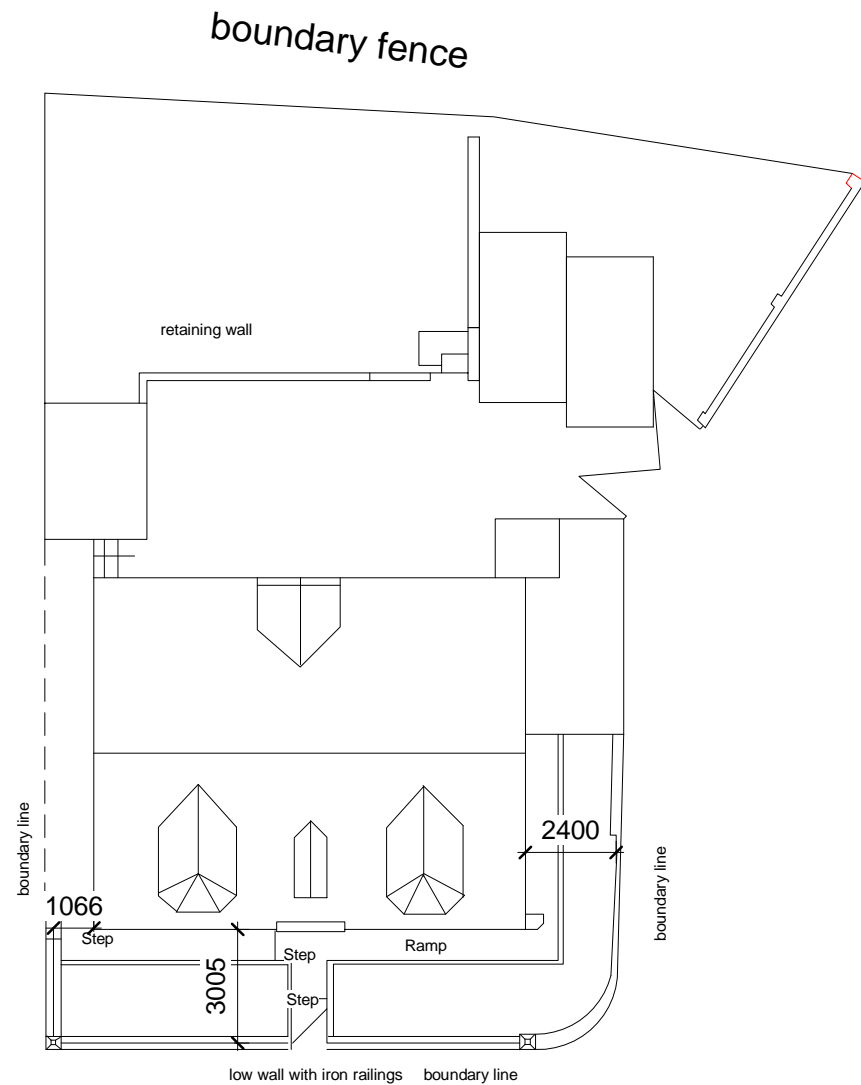
53 Whitburn Road / Bathgate







53 Whitburn Road, Bathgate, EH48 1HE



Scale 1:200

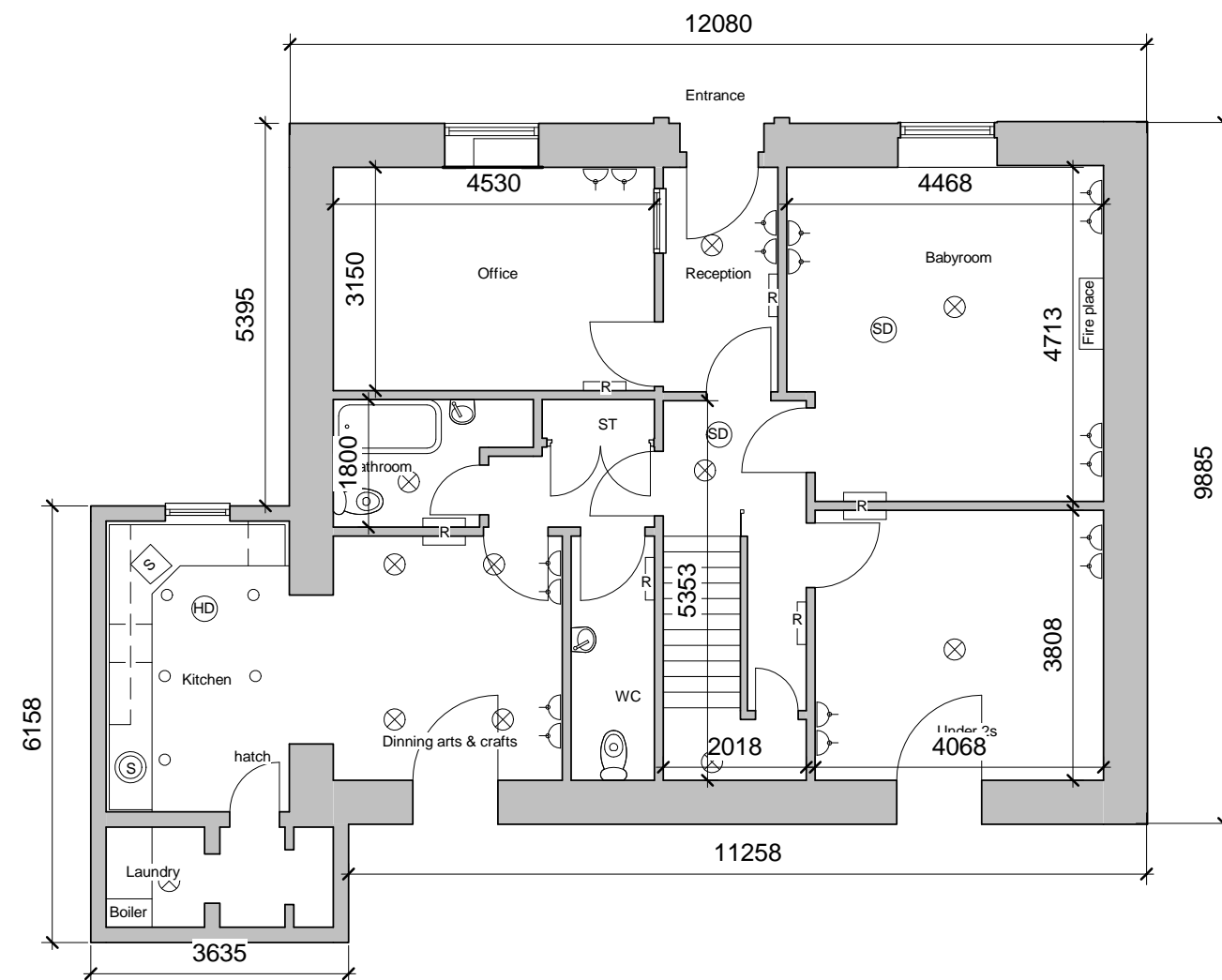


Map area bounded by: 297222,668521 297422,668721. Produced on 19 April 2022 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2022. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p4b/uk/785019/1061622

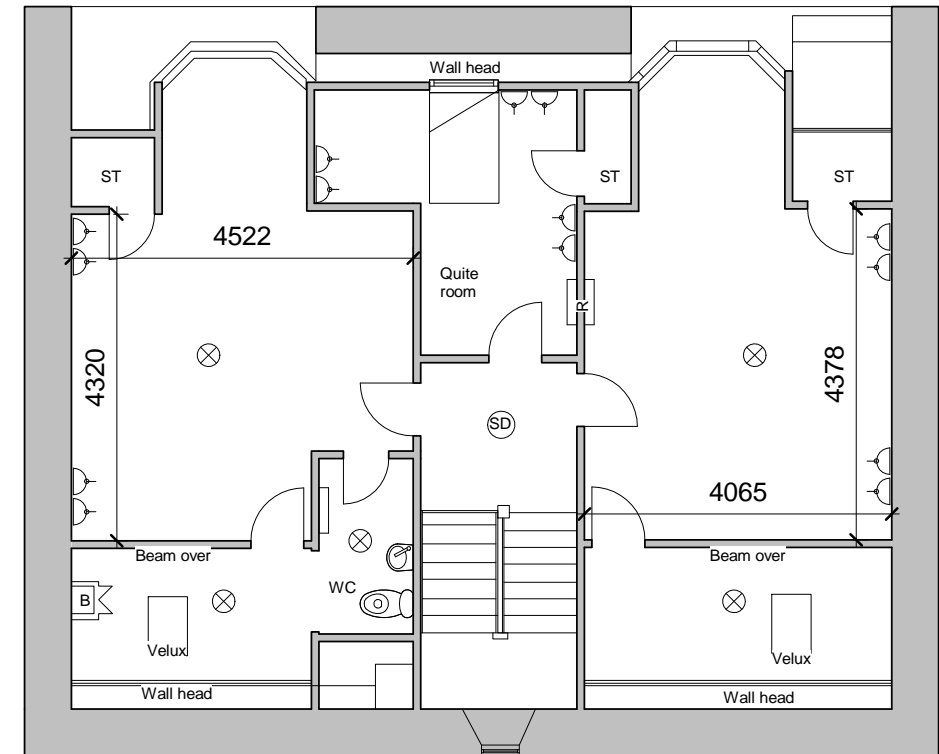
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Site Plan
53 Whitburn Road
Bathgate EH48 1HE

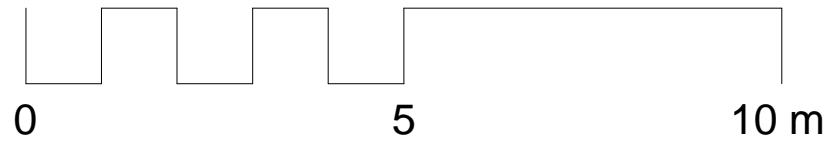
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|--|-----|-------------|------|--|--------|-------------------------|------------------|--------------------------|--|-------------------------------------|----------------------------------|------------------------------|
| SD Architectural 1 Glenmore Whitburn EH47 8NP | No. | Description | Date | Change of use from Class 10 Nursery to Class 9 residential | | | | PROJECT CHANGE OF USE | | CLIENT Mr Muhammad Sohail Ashraf | | |
| | | | | | | | | SHEET Site Plan | | Date 19-04-2022 | Project number Project Number | Scale (@ A3) As indicated |
| | | | | CODE | STATUS | SUITABILITY DESCRIPTION | PURPOSE OF ISSUE | | | Drawn by Author | DRWAING NUMBER A103 | |
| | | | | | | | | | | Checked by Checker | | REV |
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1 Existing Ground Floor
1 : 100

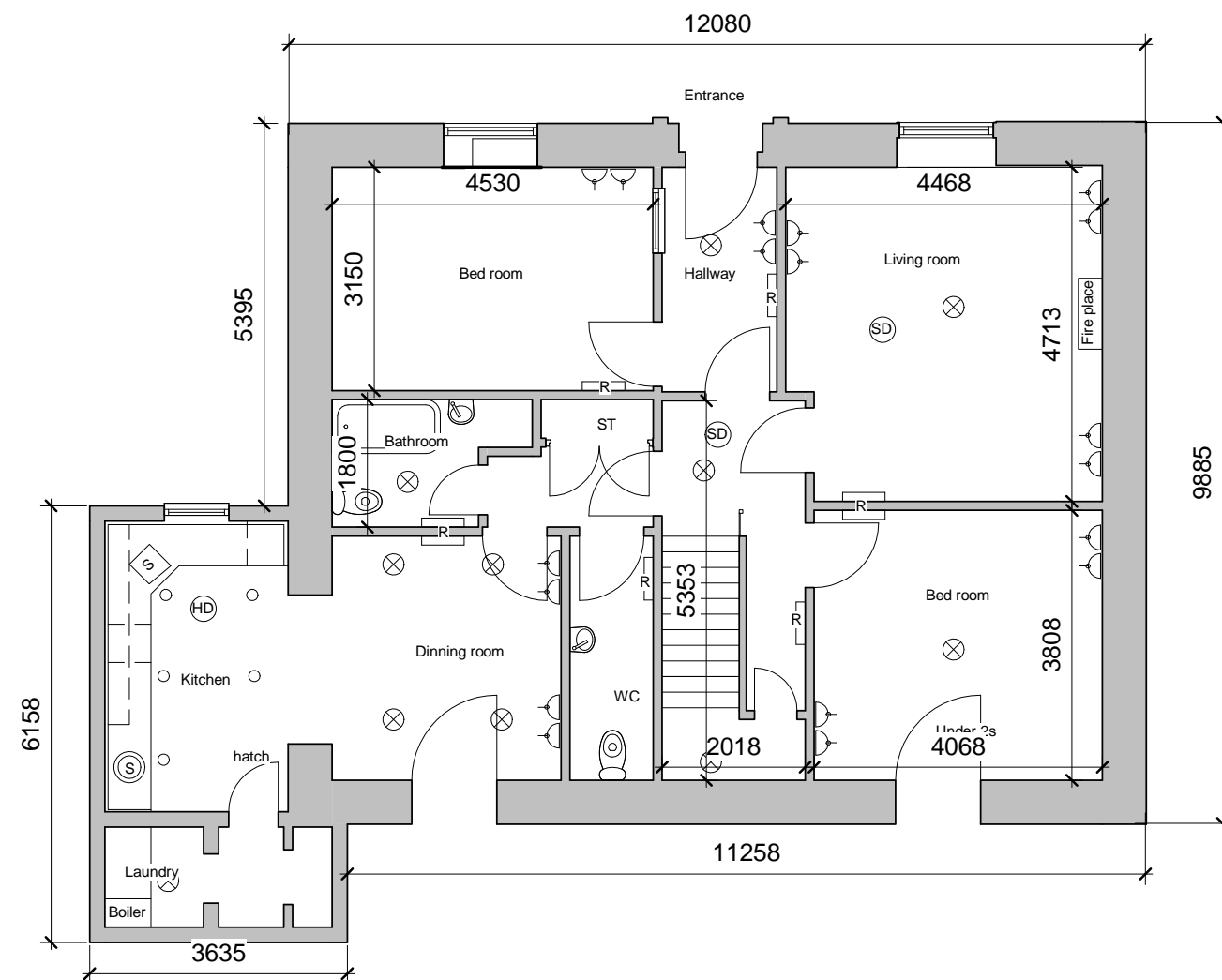


2 Existing First Floor
1 : 100

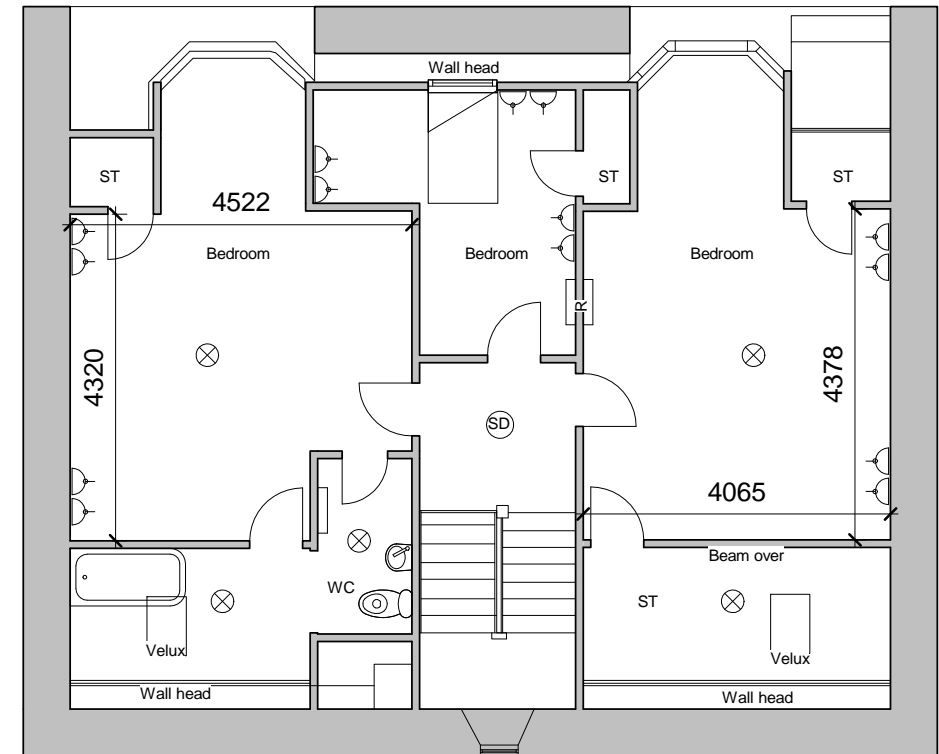


Existing Floor Plan
53 Whitburn Road
Bathgate

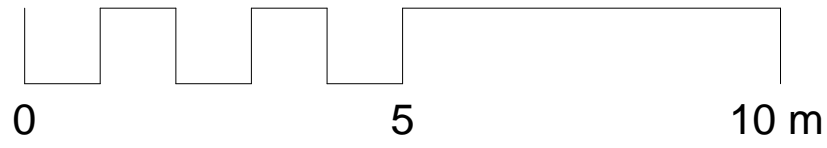
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|--|-----|-------------|------|--|--------|-------------------------|------------------|------------------------------|--|-------------------------------------|----------------------------------|-------------------------|
| SD Architectural 1 Glenmore Whitburn EH47 8NP | No. | Description | Date | Change of use from Class 10 Nursery to Class 9 residential | | | | PROJECT CHANGE OF USE | | CLIENT Mr Muhammad Sohail Ashraf | | |
| | | | | | | | | SHEET Existing Floor Plan | | Date 19-04-2022 | Project number Project Number | Scale (@ A3) 1 : 100 |
| | | | | CODE | STATUS | SUITABILITY DESCRIPTION | PURPOSE OF ISSUE | | | Drawn by Salahul | DRWAING NUMBER A101 | |
| | | | | | | | | | | Checked by Checker | | REV |
| | | | | | | | | | | | | |



1 Proposed Ground Floor
1 : 100



2 Proposed First Floor
1 : 100



Existing Floor Plan
53 Whitburn Road
Bathgate

| | | | | | | | | | | | | |
|--|-----|-------------|------|--|--------|-------------------------|------------------|------------------------------|--|-------------------------------------|----------------------------------|-------------------------|
| SD Architectural 1 Glenmore Whitburn EH47 8NP | No. | Description | Date | Change of use from Class 10 Nursery to Class 9 residential | | | | PROJECT CHANGE OF USE | | CLIENT Mr Muhammad Sohail Ashraf | | |
| | | | | | | | | SHEET Proposed Floor Plan | | Date 19-04-2022 | Project number Project Number | Scale (@ A3) 1 : 100 |
| | | | | CODE | STATUS | SUITABILITY DESCRIPTION | PURPOSE OF ISSUE | | | Drawn by Salahul | DRWAING NUMBER A121 | |
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DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Change of use from open space to private garden ground and erection of decking across watercourse (in retrospect) at 15 Ballencrieff Mill, Bathgate, West Lothian, EH48 4LL.

2 DETAILS

| | | | |
|----------------------|-----------------------------|---------------------------------|--|
| Reference no. | 0470/FUL/22 | Owner of site | Mr Slawomir Marzec Mrs Edyta Marsec Mr Robert Walker |
| Applicant | Mr Slawomir Marzec | Ward & local members | Armadale & Blackridge Councillor Willie Boyle Councillor Harry Cartmill Councillor Tony Pearson Councillor Pauline Stafford |
| Case officer | Kirsty Hope | Contact details | 01506 282413 kirsty.hope@westlothian.gov.uk |

Reason for referral to Development Management Committee: Referred by Councillor Willie Boyle.

3 RECOMMENDATION

3.1 Refuse planning permission

4 DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning permission is sought (retrospectively) for the change of use from open space to private garden ground and erection of decking across the adjacent watercourse. The decking is enclosed by a balustrade and there is a gate with steps to access the neighbouring land (agricultural ground) across the watercourse from the rear garden of number 15 Ballencreif Mill only.
- 4.2 The application is accompanied by a supporting statement which can be viewed in the application file.
- 4.3 Whilst the property is within the settlement boundary of Bathgate, the decking extends over the watercourse and into the countryside (on the edge of agricultural ground).

History

4.4 The relevant site history (at number 15) is set out below:

- ENA-400-2049 - Appeal against Enforcement Notice for the alleged breach of planning control by the unauthorised change of use from open space to private garden ground and erection of decking is currently pending consideration by the DPEA.
- ENA-400-2050 - Appeal against Enforcement Notice for the alleged extension of garden ground, and erection of decking over watercourse is pending consideration by the DPEA.
- ENF/0310/21 - Erection of decking (application refused 0584/FUL/21) Enforcement Notice(s) to land owner(s) for the removal of the decking and to reinstate the land was issued on 10 May 2022.
- 0584/FUL/21 - Change of use from open space to private garden ground and erection of decking across watercourse (in retrospect) was refused planning permission on 17 August 2021.
- ENF/0096/21 - Erection of decking, case was closed as application above was submitted.

4.5 There is also relevant planning history at number 13 Ballencrieff Mill set out below:

- 0552/FUL/22 - Change of use from open space to private garden ground and erection of decking over watercourse (in retrospect) is pending decision.
- ENA-400-2048 - Appeal against Enforcement Notice for change of use from open space to private garden ground and erection of decking (Retrospective Planning Application Refused, Ref: 0801/FUL/21) – appeal was dismissed by DPEA on 13 July 2022 and the decking must be removed by 13 October 2022.
- ENA-400-2047 - Appeal against Enforcement Notice for Change of use from open space to private garden ground and erection of decking (Retrospective Planning Application Refused, Ref: 0801/FUL/21) – appeal was dismissed by DPEA on 13 July 2022 and the decking must be removed by 13 October 2022.
- ENF/0355/21 - Erection of decking and structure (application refused 0801/FUL/21) Enforcement Notice(s) to the relevant landowners was issued on 29 March 2022 for the removal of the decking and to reinstate the land.
- 0801/FUL/21 - Change of use from open space to private garden ground and erection of fence and decking over watercourse (in retrospect) was refused planning permission on 13 September 2021.
- ENF/0093/21 - Erection of decking and structure case was closed as application above was submitted.

EIA Development

4.6 The proposal is not EIA development as it does not fall within Schedule 1 or Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2017 (EIA Regulations).

Equalities Impact

4.7 The application has been assessed and has no impact in terms of equalities or human rights.

5. REPRESENTATIONS

5.1 No letters of representation have been received.

6. CONSULTATIONS

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

| Consultee | Objection? | Comments | Planning Response |
|---------------------------|-------------------|---|--|
| SEPA | Holding Objection | <p>Site is located within the functional floodplain whereby there is a medium to high risk of flooding from the Bathgate Water. No Flood Risk Assessment (FRA) has been submitted.</p> <p>A simple manning's capacity calculation should be carried out by a qualified Flood Risk Consultant.</p> <p>The structure would have required authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR), prior to construction however the works that have been carried out are not authorised.</p> | Noted. Given the holding objection, if granting permission contrary to this advice then the application would need to be referred to Scottish Ministers. |
| WLC Environmental Health | No | None | Noted. |
| WLC Flood Risk Management | Holding Objection | <p>Request a flood risk assessment with all compliance checks and certificates.</p> <p>Request a structural inspection from a</p> | Noted. The relevant details were sought and it was confirmed by the agent that these details will not be submitted. |

| Consultee | Objection? | Comments | Planning Response |
|-------------|------------|---|--|
| | | chartered Structural engineer to determine the strength of the decking in flooding conditions, as well as the foundations to determine if they are sufficient. | |
| WLC Ecology | Yes | <p>Concerns of the Riparian areas impacts on the local wildlife (in particular water voles). A survey should be submitted in relation to water voles up to 200m.</p> <p>Concerns in regards to potential water quality being compromised as well as concerns raised regarding flooding and no structural report.</p> <p>A Preliminary Ecological Appraisal (PEA) report should have been submitted prior to construction.</p> | Noted. No surveys were submitted by the applicant. |

7. PLANNING POLICY

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

| Plan and Policy | Policy Summary | Assessment | Conform? |
|--|--|--|----------|
| West Lothian Local Development Plan (LDP) (2018) DES1 - Design Principles | All development proposals will require to take account of and be integrated with the local context and built form. | The scale and location of the decking impacts on the visual amenity of the surrounding areas. No ecological survey was submitted to assess the impact on habitats or wildlife. The proposal is for use by a residential household. | No |

| Plan and Policy | Policy Summary | Assessment | Conform? |
|--|---|---|-----------------|
| LDP ENV 11 - Protection of the Water Environment / Coastline and Riparian Corridors | Sets out the importance of the water environment in terms of landscape, ecological, recreational and land drainage functions. | There is no justification for the development. | No |
| LDP EMG2 - Flooding | Seeks to prevent development which would have a significant probability of being affected by flooding or would increase the probability of giving rise to flooding. | The application fails to demonstrate how the development would comply with this as an FRA has not been submitted. | No |
| LDP ENV 20 - Species Protection and Enhancement | Development that may affect protected species should only be permitted where there is an overriding public need or no alternative solution can be met. | A Preliminary Ecological Report has not been submitted. | No |

7.4 Other relevant policy guidance and documents are listed below:

- Statutory Supplementary Guidance (SG):
 - Flooding and Drainage
- Non-Statutory Planning Guidance (PG)
 - Planning for Nature: Development Management and Wildlife

| |
|----------------------|
| 8. ASSESSMENT |
|----------------------|

8.1 The determining issues in respect of this application are listed below:

Principle of development

- 8.2 The application involves the change of use from informal open space (on the edge of agricultural ground) to private garden ground and the erection of decking across the watercourse (in retrospect). It's worth noting that this application is identical to application 0584/FUL/21 which was previously refused through delegated powers. WLC Planning Enforcement issued Enforcement Notices to the owners to remove the decking which has since by appealed to DPEA and is currently pending consideration.
- 8.3 The overall design, scale and location of the decking has a detrimental impact on the visual amenity of the surrounding area, and sets a precedent for other residents to follow suit. (Note number 13 has extended in a similar way, see history section noted above). No ecological survey has been submitted. It has not been demonstrated that the development will not have a detrimental impact on the water environment. The application therefore fails to comply with policy DES 1 (Design Principles).
- 8.4 Policy ENV 11 (Protection of the Water Environment / Coastline and Riparian Corridors) advises that development proposals adjacent to a waterbody should comply with the Scottish Environment Protection Agency (SEPA) guidance on buffer strips adjacent to water bodies. The development is contrary to this guidance that recommends a minimum distance of 6m of undeveloped buffer strip is provided to all watercourses and this decking is erected on the embankment of the watercourse.
- 8.5 Policy ENV 11 (Protection of the Water Environment / Coastline and Riparian Corridors) also states that there will be a general presumption against any unnecessary engineering works in the water environment including bridges and bank modifications. This decking is for the enjoyment of the residents' address and whilst it is noted that the development may well be desirable from the residents' perspective, it is not necessary works on an existing riparian corridor. Development within riparian corridors which impacts on the ecological and landscape integrity will not be permitted unless a specific need for the development can be demonstrated, no justification has been given to satisfy this policy.
- 8.6 The applicant has not provided a specific locational justification for the development which outweighs the need to retain the informal open space and the existing watercourse. The site has ecological value as a riparian corridor. The proposal is therefore contrary to policy ENV 11 (Protection of the Water Environment / Coastline and Riparian Corridors).
- 8.7 The applicant has not satisfactorily demonstrated that the site is not at risk of flooding by failing to provide a flood risk assessment or a structural report as requested. Both SEPA and WLC Flood Risk colleagues have raised concerns in regards to flooding. The proposal is therefore contrary to Policy EMG2 (Flooding) and the Supplementary Guidance on Flooding and Drainage, 2019 of the West Lothian Local Development Plan 2018.

- 8.8 The WLC Ecologist has raised concerns in relation to the possible compromise of water quality due to the structural reinforcements or other substances that may hold the decking in place. They also have concerns that a flood risk assessment (FRA) was not submitted nor has the applicant submitted a structural engineering survey. It was noted that there are water voles (and other wildlife) in this area and that a survey should have been carried out dedicated to water voles. Additionally, the applicant has not submitted an Ecological Report (PEA) contrary to policy ENV 20 (Species Protection and Enhancement) and PG on Planning for Nature: Development Management.

9. CONCLUSION AND RECOMMENDATION

- 9.1 In conclusion, the development does not comply with policies DES1 (Design Principles), ENV 11 (Protection of the Water Environment / Coastline and Riparian Corridors), EMG2 (Flooding) and ENV 20 (Species Protection and Enhancement) within the local development plan, nor does it comply with the Supplementary Guidance on Flooding and Drainage or planning guidance on Planning for Nature: Development Management.
- 9.2 It is therefore recommended that planning permission be refused.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Draft reasons for refusal
- Location Plan
- Block Plan
- Local Member Referral Form

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

Craig McCorriston

Head of Planning, Economic Development and Regeneration Date: 17 August 2022

DRAFT REASONS FOR REFUSAL – APPLICATION 0470/FUL/22

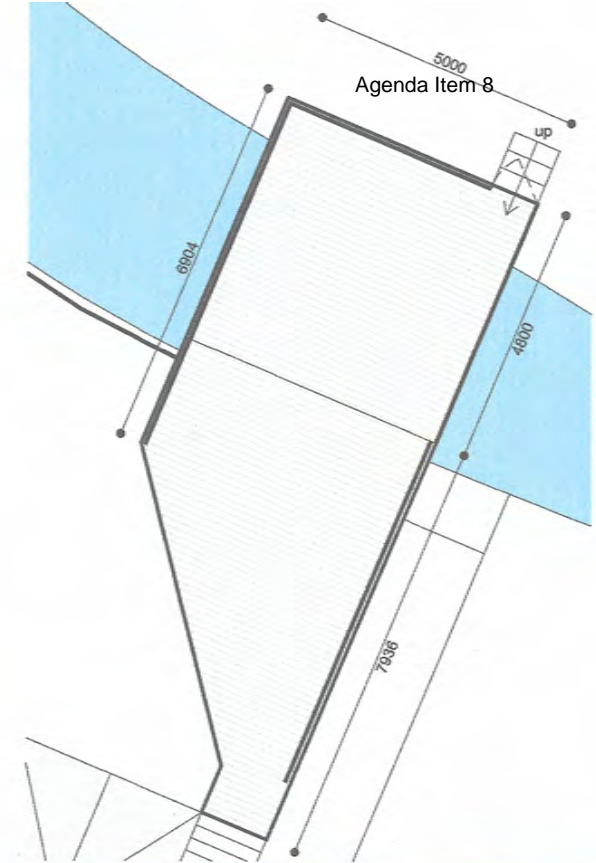
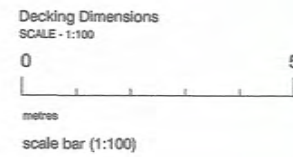
Reasons for refusal

1. The development, by virtue of its overall scale, design and location, results in a detrimental impact on the visual amenity of the area and no specific locational justification for the development has been provided by the applicant. This would set an unnecessary precedent for other neighbouring properties to follow suit. The development is contrary to both Policy DES1 (Design Principles) and Policy (ENV 21 (Protection of Formal and Informal Open Space) of the West Lothian Local Development Plan, 2018.
2. The applicant has not satisfactorily demonstrated that the development will not have a detrimental effect on the integrity and water quality of aquatic and riparian ecosystems, the recreational amenity of the water environment, which would lead to deterioration of the ecological status of any element of the water environment. The development is directly bridging over an existing watercourse which fails to comply with the Scottish Environment Protection Agency (SEPA) Guidance on buffer strips adjacent to water bodies. The application is contrary to Policy ENV 11 (Protection of the Water Environment / Coastline and Riparian Corridors) of the West Lothian Local Development Plan, 2018
3. The applicant has not satisfactorily demonstrated that the development will not have a detrimental effect on habitats or species on or nearby the site, contrary to policy ENV 20 (Species Protection and Enhancement) and PG on Planning for Nature: Development Management of the West Lothian Local Development Plan, 2018
4. The applicant has not demonstrated that the site is not at risk of flooding by failing to provide a flood risk assessment or a structural engineers report. The application is therefore contrary to Policy EMG2 (Flooding) and the Supplementary Guidance on Flooding and Drainage, 2019 of the West Lothian Local Development Plan 2018.

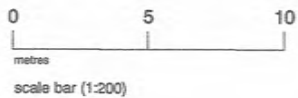
15 Ballencrieff Mill, Balmuir Road, Bathgate, EH48 4LL



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Existing Site Layout
SCALE - 1:200



01
Image 01



| | | | | | |
|---|---|------------------------|-------------------------|---|---|
| CLIENT | PROJECT TITLE | DATE | SCALE | NOTES | <div>KS ARCHITECTURAL SERVICES SUITE 18, FLEMING HOUSE 50 FLEMING ROAD KIRKTON CAMPUS LIVINGSTON, WEST LOTHIAN EH54 7BN t: 07900 238 615 e: info@ksarchitectural.co.uk w: www.ksarchitectural.co.uk</div> <div>KS architectural</div> |
| SLAWOMIR MARZEC 15 Ballencrieff Mill Bathgate EH48 4LL | PLANNING APPLICATION IN RETROSPECT ERECTION OF DECKING | 25th May 2021 | AS INDICATED ON PLAN | Plan submitted in response to Enforcement Order - ENF/0096/21 Rev. A - red line boundary amended to encompass entire decked area (17.06) | |
| | DRAWING STATUS | RETROSPECTIVE PLANNING | | | |
| | DRAWING TITLE | DRAWING No. | REVISION | | |
| | SITE PLAN | L(--)-001 | A | | |

PROPOSED DELEGATED PLANNING DECISIONS

☒ LOCAL MEMBER REFERRAL REQUEST ☒

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

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

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

| <u>Application Details</u> | <u>Reason For Referral Request</u> (please tick ✓) |
|--|--|
| Application Reference Number ON70 / FUL / 22 | Applicant Request <input checked="" type="checkbox"/> |
| Site Address 15 Ballinacoff M.U. Ballinacoff EH18 4LL | Constituent Request <input type="checkbox"/> |
| Title of Application Change of use from open space to Private Garden. | Other (please specify) <input type="checkbox"/> |
| Member's Name Cllr Willie Boyle | |
| Date 28/6/22 | |

Development Management Committee

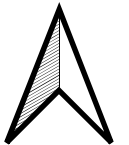
17 August 2022

Item 08 - Application : 0470/FUL/22

Change of use from open space to private garden ground and erection of decking across
watercourse (in retrospect)

15 Ballencrieff Mill / Bathgate / EH48 4LL







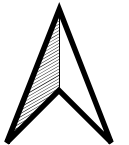
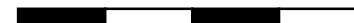
**West Lothian
Council**

0470/FUL/22 - 15 Ballencrieff Mill / Bathgate - EH48 4LL

Development Management - West Lothian Civic Centre - EH54 6FF

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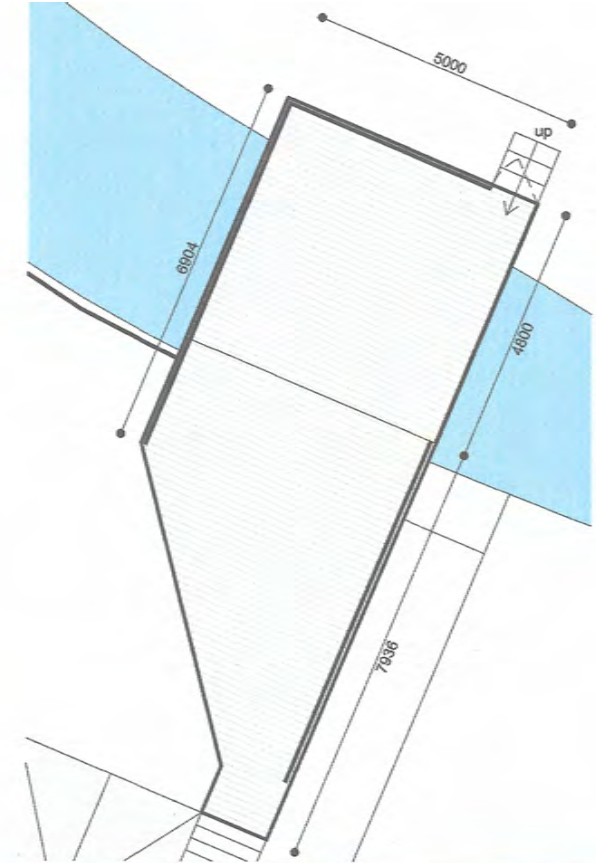
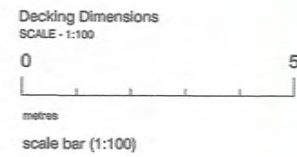




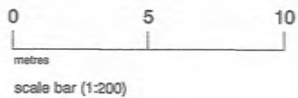
15 Ballencrieff Mill, Balmuir Road, Bathgate, EH48 4LL



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Existing Site Layout
SCALE - 1:200



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Image 01



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|---|---|----------------|-------------------------|---|--|---|
| CLIENT | PROJECT TITLE | DATE | SCALE | NOTES | KS ARCHITECTURAL SERVICES SUITE 18, FLEMING HOUSE 50 FLEMING ROAD KIRKTON CAMPUS LIVINGSTON, WEST LOTHIAN EH54 7BN t: 07900 238 615 e: info@ksarchitectural.co.uk w: www.ksarchitectural.co.uk |  |
| SLAWOMIR MARZEC 15 Ballencrieff Mill Bathgate EH48 4LL | PLANNING APPLICATION IN RETROSPECT ERECTION OF DECKING | 25th May 2021 | AS INDICATED ON PLAN | Plan submitted in response to Enforcement Order - ENF/0096/21 Rev. A - red line boundary amended to encompass entire decked area (17.06) | | |
| | | DRAWING STATUS | | | | |
| | | DRAWING TITLE | RETROSPECTIVE PLANNING | | | |
| | SITE PLAN | L(--)-001 | A | | | |













DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Change of use from open space to private garden ground and erection of decking over watercourse (in retrospect) at 13 Ballencrieff Mill, Bathgate, West Lothian, EH48 4LL.

2 DETAILS

| | | | |
|----------------------|-----------------------------|---------------------------------|--|
| Reference no. | 0552/FUL/22 | Owner of site | Mr Robert Walker Mr Michael Alexander |
| Applicant | Mr Michael Alexander | Ward & local members | Armadale & Blackridge Councillor Willie Boyle Councillor Harry Cartmill Councillor Tony Pearson Councillor Pauline Stafford |
| Case officer | Kirsty Hope | Contact details | 01506 282413 kirsty.hope@westlothian.gov.uk |

Reason for referral to Development Management Committee: Referred by Councillor Willie Boyle.

3 RECOMMENDATION

3.1 Refuse planning permission

4 DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning permission is sought (retrospectively) for the change of use from open space to private garden ground and erection of decking across the adjacent watercourse. The decking is enclosed with access from the rear garden of number 13 Ballencrieff Mill only.
- 4.3 Whilst the property is within the settlement boundary of Bathgate, the decking extends over the watercourse and into the countryside (on the edge of agricultural ground).

History

4.5 The relevant planning history (at number 13) set out below:

- ENA-400-2048 - Appeal against Enforcement Notice for change of use from open space to private garden ground and erection of decking (Retrospective Planning Application Refused, Ref: 0801/FUL/21) – appeal was dismissed by DPEA on 13 July 2022 and the decking must be removed by 13 October 2022.

- ENA-400-2047 - Appeal against Enforcement Notice for Change of use from open space to private garden ground and erection of decking (Retrospective Planning Application Refused, Ref: 0801/FUL/21) – appeal was dismissed by DPEA on 13 July 2022 and the decking must be removed by 13 October 2022.
- ENF/0355/21 - Erection of decking and structure (application refused 0801/FUL/21) - Enforcement Notice(s) to the relevant landowners for the removal of the decking and to reinstate the land issued on 29 March 2022.
- 0801/FUL/21 - Change of use from open space to private garden ground and erection of fence and decking over watercourse (in retrospect) was refused planning permission on 13 September 2021.
- ENF/0093/21 - Erection of decking and structure - Enforcement case was closed as application above was submitted.

4.6 There is also relevant site history at number 15 Ballencrieff Mill, as set out below:

- 0470/FUL/22 - Change of use from open space to private garden ground and erection of decking across watercourse (in retrospect) is pending decision.
- ENA-400-2049 - Appeal against Enforcement Notice for the alleged breach of planning control by the unauthorised change of use from open space to private garden ground and erection of decking is pending consideration by the DPEA.
- ENA-400-2050 - Appeal against Enforcement Notice for the alleged extension of garden ground, and erection of decking over watercourse is pending consideration by the DPEA.
- ENF/0310/21 - Erection of decking (application refused 0584/FUL/21) - Enforcement Notice(s) to land owner(s) for the removal of the decking and to reinstate the land issued on 10 May 2022.
- 0584/FUL/21 - Change of use from open space to private garden ground and erection of decking across watercourse (in retrospect) was refused planning permission on 17 August 2021.
- ENF/0096/21 - Erection of decking – Enforcement case was closed as application above was submitted.

EIA Development

4.7 The proposal is not EIA development as it does not fall within Schedule 1 or Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2017 (EIA Regulations).

Equalities Impact

4.8 The application has been assessed and has no impact in terms of equalities or human rights.

5. REPRESENTATIONS

5.1 No letters of representation have been received.

6. CONSULTATIONS

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

| Consultee | Objection? | Comments | Planning Response |
|---------------------------|-------------------|---|--|
| SEPA | Holding Objection | <p>Site is located within the functional floodplain whereby there is a medium to high risk of flooding from the Bathgate Water. No Flood Risk Assessment (FRA) has been submitted.</p> <p>A simple manning's capacity calculation should be carried out by a qualified Flood Risk Consultant.</p> <p>The structure would have required authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR), prior to construction however the works that have been carried out are not authorised.</p> | <p>Noted. Given the holding objection by SEPA, if granting permission contrary to this advice then the application would need to be referred to Scottish Ministers.</p> <p>No FRA or manning capacity calculation was submitted.</p> |
| WLC Flood Risk Management | Holding Objection | <p>Request a flood risk assessment with all compliance checks and certificates.</p> <p>Request a structural inspection from a chartered Structural engineer to determine the strength of the decking in flooding conditions, as well as the foundations to determine if they are sufficient.</p> | <p>Noted. The relevant details were sought and it was confirmed by the agent that these details will not be submitted.</p> |

| Consultee | Objection? | Comments | Planning Response |
|-------------|------------|--|--|
| WLC Ecology | Yes | <p>Concerns of the Riparian areas impacts on the local wildlife.</p> <p>Concerns raised regarding flooding and no structural report.</p> <p>Verbally - A Preliminary Ecological Appraisal (PEA) report should have been submitted prior to construction.</p> | Noted. No surveys were submitted by the applicant. |

7. PLANNING POLICY

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

| Plan and Policy | Policy Summary | Assessment | Conform? |
|--|---|--|----------|
| West Lothian Local Development Plan (LDP) (2018) DES1 - Design Principles | All development proposals will require to take account of and be integrated with the local context and built form. | The scale and location of the decking impacts on the visual amenity of the surrounding area. No ecological survey was submitted to assess the impact on habitats or wildlife. The proposal is used by a residential household. | No |
| LDP ENV 11 - Protection of the Water Environment / Coastline and Riparian Corridors | Sets out the importance of the water environment in terms of landscape, ecological, recreational and land drainage functions. | There is no justification for the development. | No |

| Plan and Policy | Policy Summary | Assessment | Conform? |
|--|---|--|-----------------|
| LDP EMG2 - Flooding | Seeks to prevent development which would have a significant probability of being affected by flooding or would increase the probability of giving rise to flooding. | The application fails to demonstrate how the development would comply with this policy as an FRA has not been submitted. | No |
| LDP ENV 20 - Species Protection and Enhancement | Development that may affect protected species should only be permitted where there is an overriding public need or no alternative solution can be met. | A Preliminary Ecological Report has not been submitted. | No |

7.4 Other relevant policy guidance and documents are listed below:

- Statutory Supplementary Guidance (SG):
 - Flooding and Drainage
- Non-Statutory Planning Guidance (PG)
 - Planning for Nature: Development Management and Wildlife

8. ASSESSMENT

8.1 The determining issues in respect of this application are listed below:

8.2 Its worth noting that this application is identical to application 0801/FUL/21 which was previously refused through delegated powers. WLC Planning Enforcement then issued two Enforcement Notices to remove the decking, which both of the owners appealed to the DPEA. However, the DPEA dismissed both of the appeals and agreed with the council's decision to refuse planning permission and enforce against the decking. The Enforcement Notices were updated by the DPEA Reporter and require the decking to be removed by 13 October 2022.

Principle of development

- 8.3 The application involves the change of use from informal open space (on the edge of agricultural ground) to private garden ground and the erection of decking across the watercourse (in retrospect).
- 8.4 The overall design, scale and location of the decking has a detrimental impact on the visual amenity of the surrounding area and sets a precedent for other residents to follow suit. (Note that number 15 Ballencrieff Mill has extended in a similar way, see history section noted above). No ecological survey has been submitted. It has not been demonstrated that the development would not have a detrimental impact on the water environment. The application therefore fails to comply with policy DES 1 (Design Principles).
- 8.5 Policy ENV 11 (Protection of the Water Environment / Coastline and Riparian Corridors) advises that development proposals adjacent to a waterbody should comply with the Scottish Environment Protection Agency (SEPA) Guidance on buffer strips adjacent to water bodies. The development is contrary to this guidance that recommends a minimum distance of 6m of undeveloped buffer strip is provided to all watercourses and this decking is erected on the embankment of the watercourse.
- 8.6 Policy ENV 11 (Protection of the Water Environment / Coastline and Riparian Corridors) also states that there will be a general presumption against any unnecessary engineering works in the water environment including bridges and bank modifications. This decking is for the enjoyment of the residents' address and whilst it is noted that the development may well be desirable from the resident's perspective, it is not necessary works on an existing riparian corridor. Development within riparian corridors which impacts on the ecological and landscape integrity will not be permitted unless a specific need for the development can be demonstrated, no justification has been given to satisfy this policy.
- 8.7 The applicant has not provided a specific locational justification for the development which outweighs the need to retain the informal open space and the existing watercourse. The site has ecological value as a riparian corridor. The proposal is therefore contrary to policy ENV 11 (Protection of the Water Environment / Coastline and Riparian Corridors)
- 8.8 The applicant has not satisfactorily demonstrated that the site is not at risk of flooding by failing to provide a flood risk assessment or a structural report as requested. Both SEPA and WLC Flood Risk colleagues have raised concerns in regards to flooding. The proposal is therefore contrary to Policy EMG2 (Flooding) and the Supplementary Guidance on Flooding and Drainage, 2019 of the West Lothian Local Development Plan 2018.
- 8.9 The WLC Ecologist has raised concerns regarding the impact on the riparian corridor. Concerns were also raised regarding the impacts on otters, water voles and other creatures that either dwell in the area or use it as a source of feeding. They also have concerns regarding flooding given that no flood risk assessment (FRA) has been submitted nor has the applicant submitted a structural engineering survey. Additionally, the applicant has not submitted an Ecological Report (PEA) contrary to policy ENV 20

(Species Protection and Enhancement) and PG on Planning for Nature: Development Management.

| |
|---|
| 9. CONCLUSION AND RECOMMENDATION |
|---|

9.1 In conclusion, the development does not comply with policies DES1 (Design Principles), ENV 11 (Protection of the Water Environment / Coastline and Riparian Corridors), EMG2 (Flooding) and ENV 20 (Species Protection and Enhancement) within the local development plan, nor does it comply with the supplementary guidance on Flooding and Drainage or planning guidance on Planning for Nature: Development Management.

9.2 It is therefore recommended that planning permission be refused

| |
|---|
| 9. BACKGROUND REFERENCES & ATTACHMENTS |
|---|

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

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

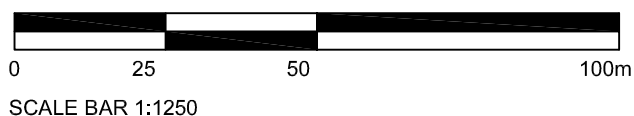
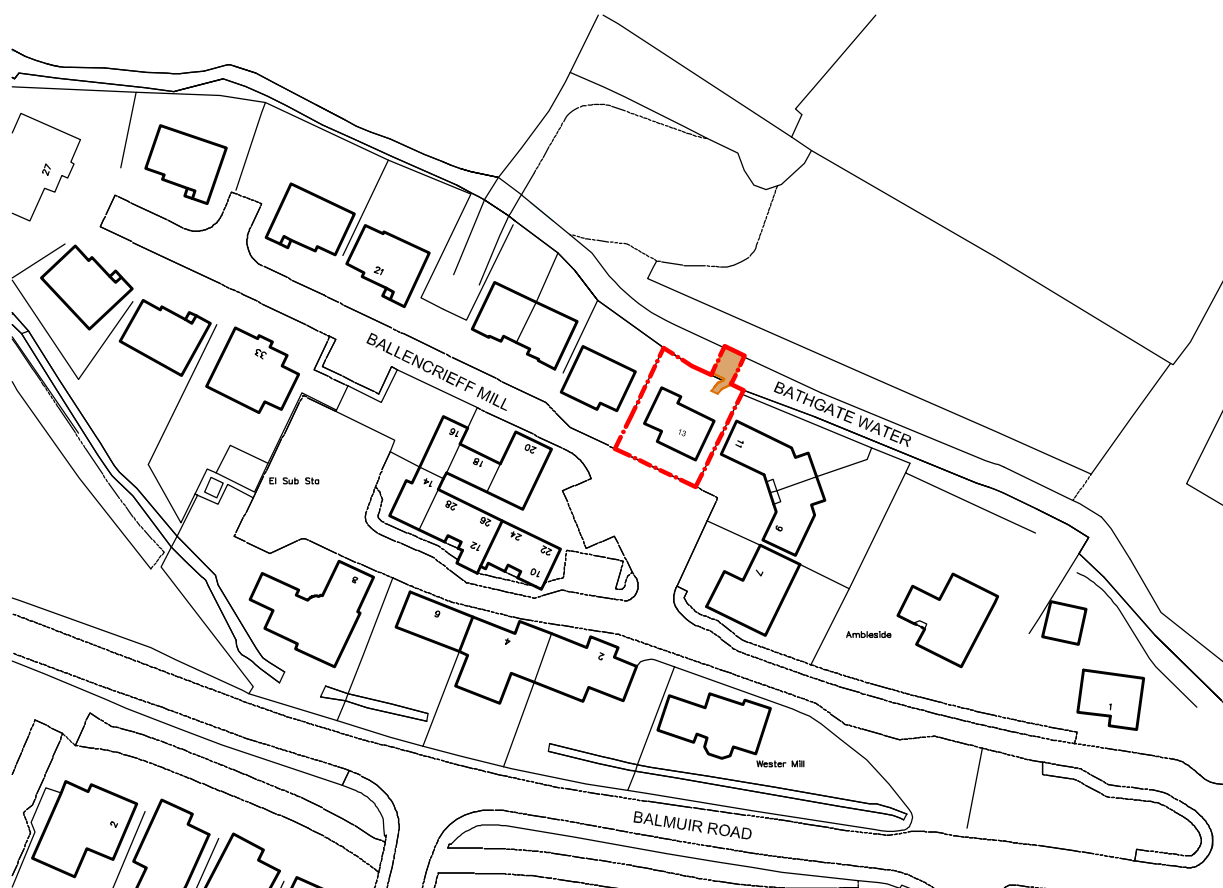
Craig McCorriston

Head of Planning, Economic Development and Regeneration Date: 17 August 2022

DRAFT REASONS FOR REFUSAL – APPLICATION 0552/FUL/22

Reasons for refusal

1. The development, by virtue of its overall scale, design and location, results in a detrimental impact on the visual amenity of the area and no specific locational justification for the development has been provided by the applicant. This would set an unnecessary precedent for other neighbouring properties to follow suit. The development is contrary to both Policy DES1 (Design Principles) and Policy (ENV 21 (Protection of Formal and Informal Open Space) of the West Lothian Local Development Plan, 2018.
2. The applicant has not satisfactorily demonstrated that the development will not have a detrimental effect on the integrity and water quality of aquatic and riparian ecosystems, the recreational amenity of the water environment, which would lead to deterioration of the ecological status of any element of the water environment. The development is directly bridging over an existing watercourse which fails to comply with the Scottish Environment Protection Agency (SEPA) Guidance on buffer strips adjacent to water bodies. The application is contrary to Policy ENV 11 (Protection of the Water Environment / Coastline and Riparian Corridors) of the West Lothian Local Development Plan, 2018
3. The applicant has not satisfactorily demonstrated that the development will not have a detrimental effect on habitats or species on or nearby the site, contrary to policy ENV 20 (Species Protection and Enhancement) and PG on Planning for Nature: Development Management of the West Lothian Local Development Plan, 2018
4. The applicant has not demonstrated that the site is not at risk of flooding by failing to provide a flood risk assessment or a structural engineers report. The application is therefore contrary to Policy EMG2 (Flooding) and the Supplementary Guidance on Flooding and Drainage, 2019 of the West Lothian Local Development Plan 2018.



Location Plan. 1:1250.



Proposed Decking,
13 Ballencrieff Mill,
Bathgate.

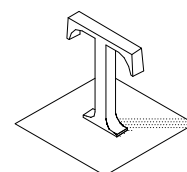
Mr M. Alexander.

Location Plan.

Scale: 1:1250 @ A4. Date: Jul '21.

Drawing No: LP

Rev:



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land owned by R W Walker, Eastoun Farm



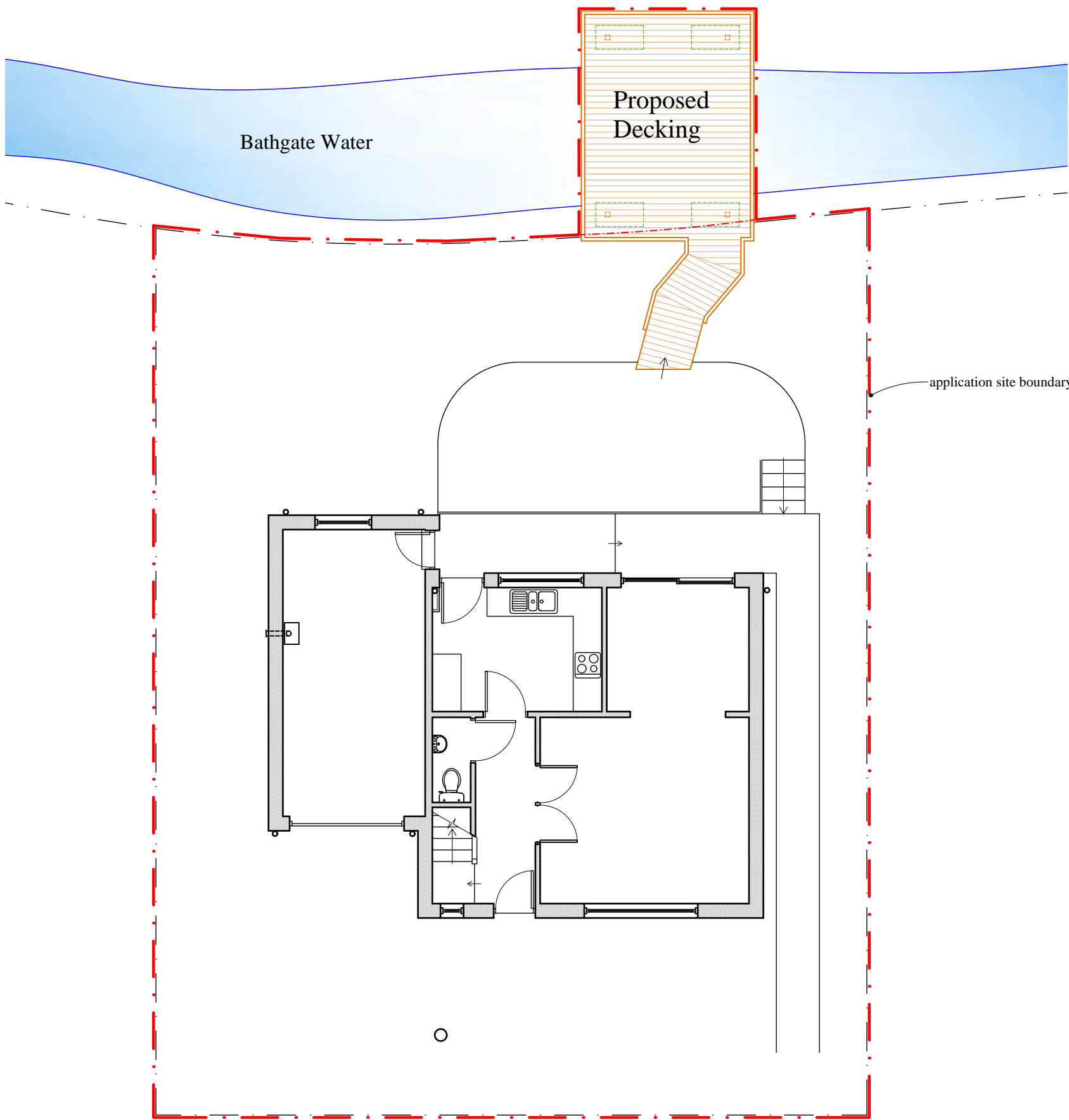
Proposed Decking, viewed from upstairs bedroom.



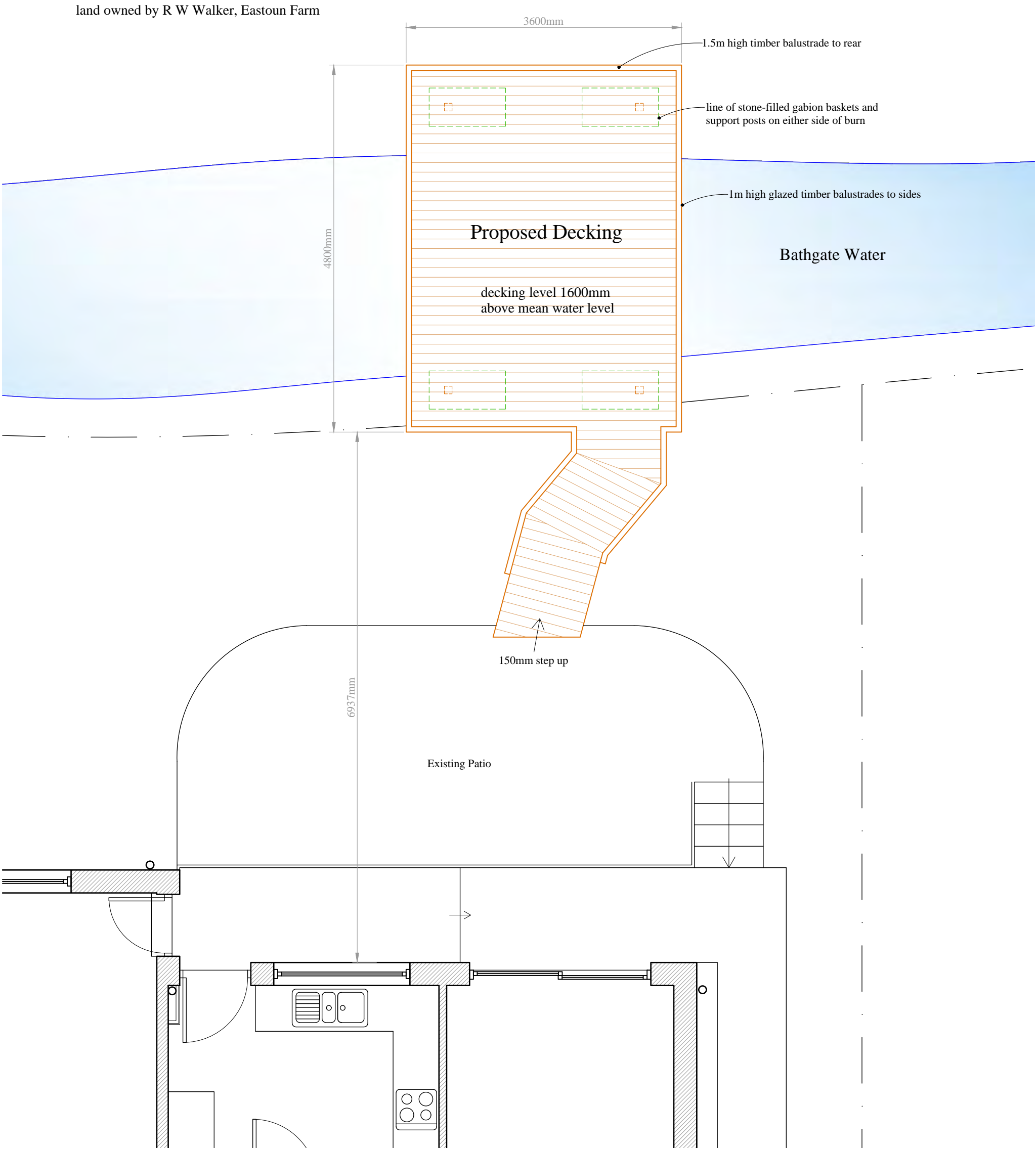
Proposed Decking, viewed from back garden.



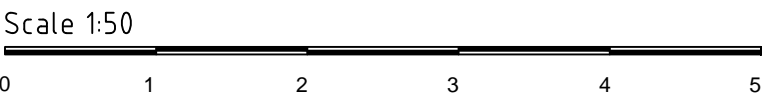
Proposed Decking construction.



Proposed Site Plan. 1:100.



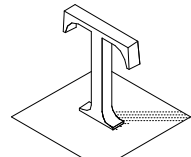
Proposed Decking Plan. 1:50.



Proposed Decking,
13 Ballencreeff Mill,
Bathgate.
Mr M. Alexander.

Proposed Plans.

Scale: 1:50 @ A1. | Date: Jul '21.
Drawing No: 01 | Rev:



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PROPOSED DELEGATED PLANNING DECISIONS

☒ LOCAL MEMBER REFERRAL REQUEST ☒

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

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

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

| <u>Application Details</u> | <u>Reason For Referral Request</u> (please tick ✓) |
|--|--|
| Application Reference Number 0552/FUL/22 | Applicant Request <input type="checkbox"/> |
| Site Address 13 Ballencrieff Mill Bathgate West Lothian EH48 4LL | Constituent Request ✓ |
| Title of Application Change of use from open space to private garden ground and erection of decking over watercourse | Other (please specify) <input type="checkbox"/> |
| Member's Name Cllr Willie Boyle Date 15/7/22 | |

Development Management Committee

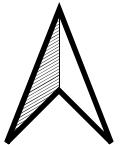
17 August 2022

Item 09 - Application : 0552/FUL/22

Change of use from open space to private garden ground and erection of decking
over watercourse (in retrospect)

13 Ballencrieff Mill / Bathgate / EH48 4LL







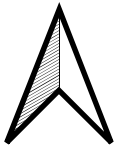
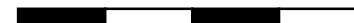
**West Lothian
Council**

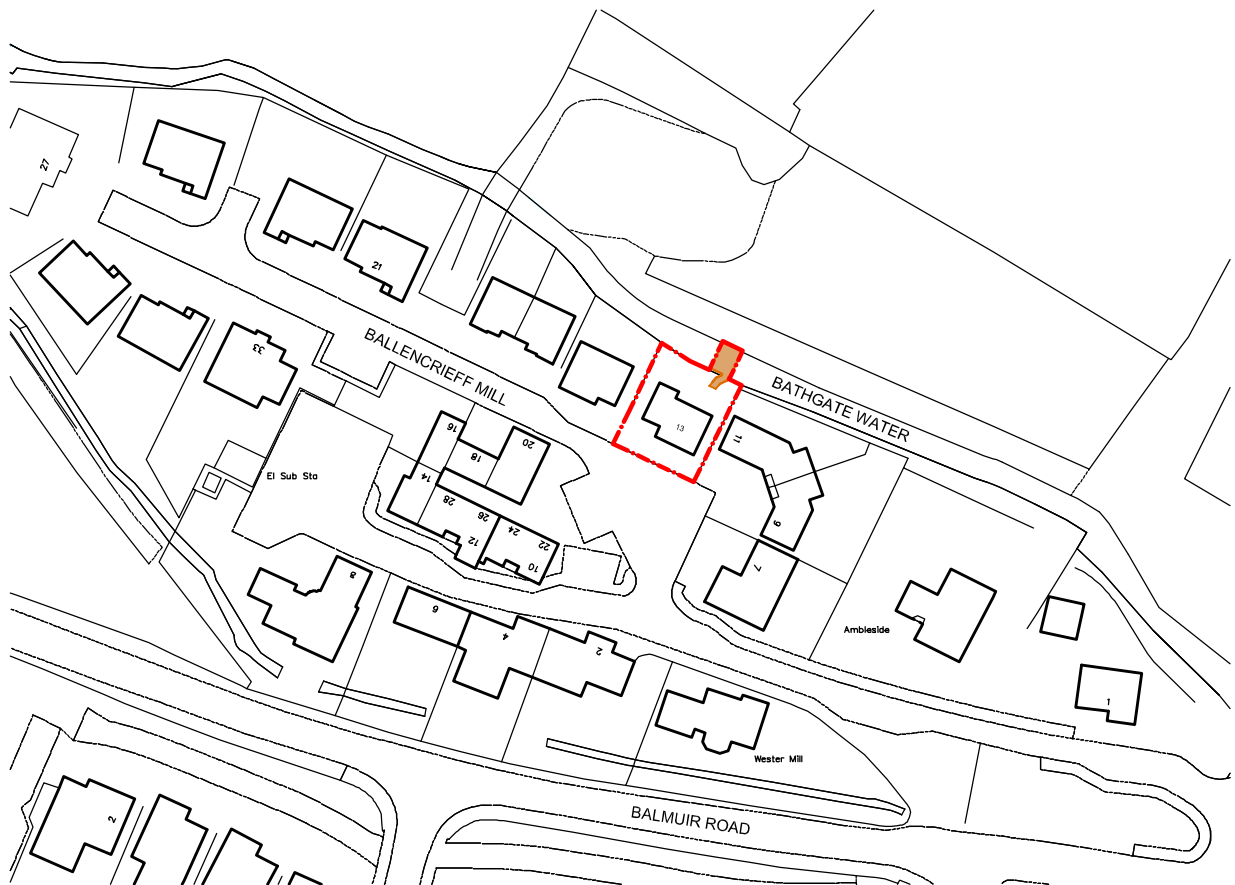
0552/FUL/22 - 13 Ballencrieff Mill / Bathgate - EH48 4LL

Development Management - West Lothian Civic Centre - EH54 6FF

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Location Plan. 1:1250.



Proposed Decking,
13 Ballencrieff Mill,
Bathgate.

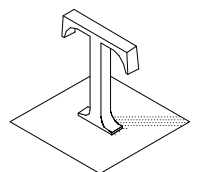
Mr M. Alexander.

Location Plan.

Scale: 1:1250 @ A4. Date: Jul '21.

Drawing No: LP

Rev:



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West Lothian.
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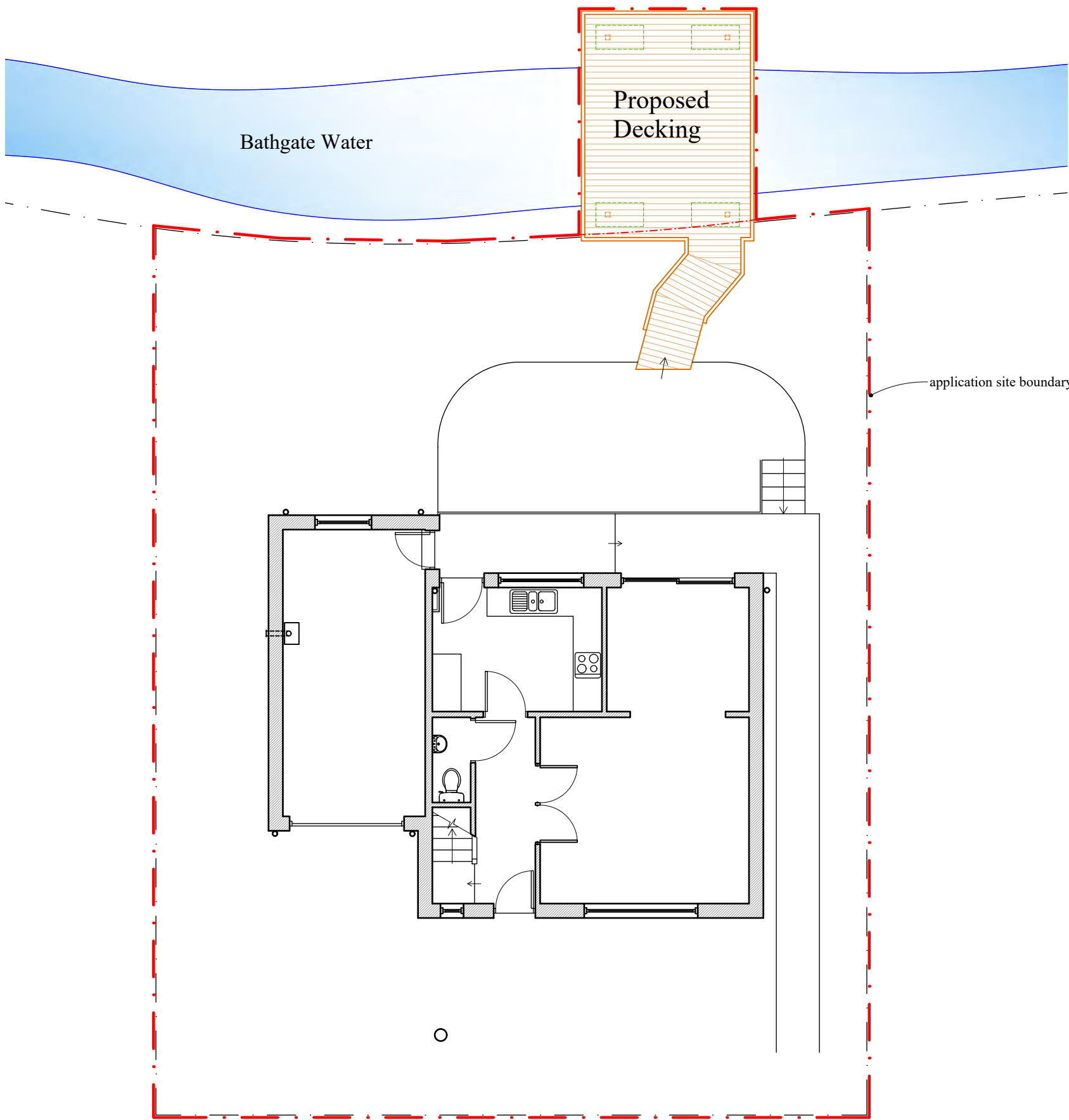
Proposed Decking, viewed from upstairs bedroom.



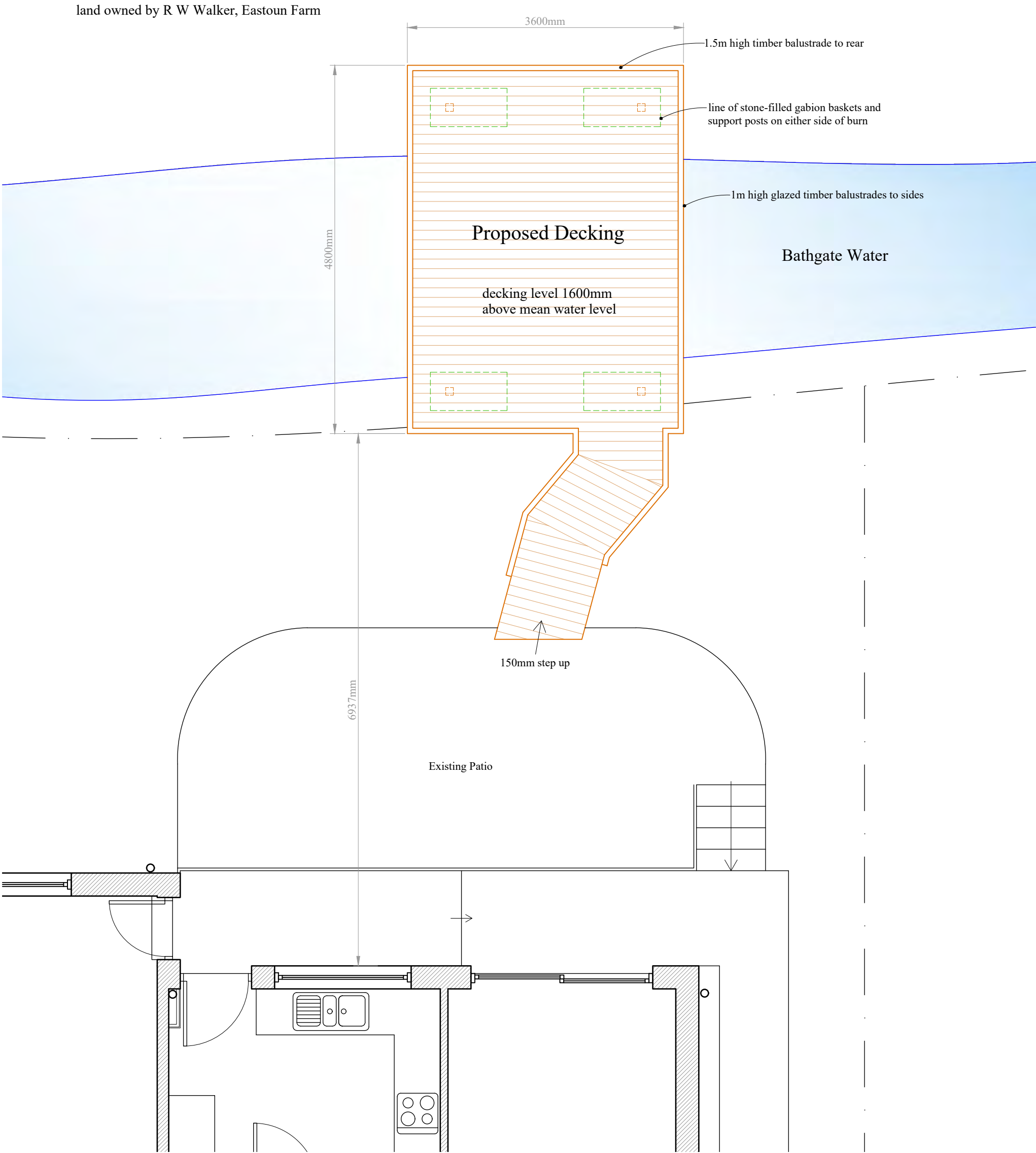
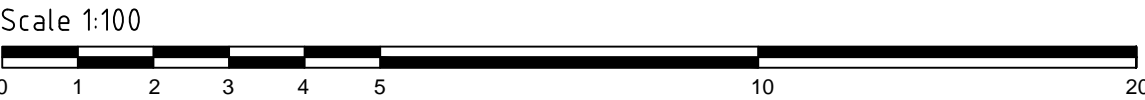
Proposed Decking, viewed from back garden.



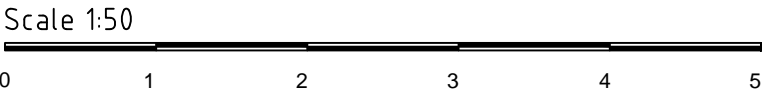
Proposed Decking construction.



Proposed Site Plan. 1:100.



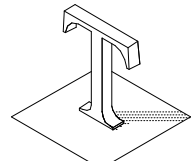
Proposed Decking Plan. 1:50.



Proposed Decking,
13 Ballencreeff Mill,
Bathgate.
Mr M. Alexander.

Proposed Plans.

Scale: 1:50 @ A1. | Date: Jul '21.
Drawing No: 01 | Rev:



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West Lothian,
EH49 7LB.
tel 01506 844744







DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Demolition of an existing two storey outbuilding and erection of two one-bedroom studio flats at 14 Market Street, Mid Calder, Livingston, EH53 0AA

2 DETAILS

| | | | |
|----------------------|-----------------------------|---------------------------------|---|
| Reference no. | 0566/FUL/22 | Owner of site | Mr Antonino Carpico |
| Applicant | Mr Antonino Carpico | Ward & local members | East Livingston and East Calder Councillor Danny Logue Councillor Carl John Councillor Veronica Smith Councillor Damian Doran-Timson |
| Case officer | Alexander Calderwood | Contact details | 01506 280000 alexander.calderwood@westlothian.gov.uk |

Reason for referral to Development Management Committee: Referred by Councillor Veronica Smith and Councillor Carl John

3 RECOMMENDATION

3.1 Refuse full planning permission.

4 DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning Permission is sought for the demolition of an existing two storey outbuilding and erection of two one-bedroom studio flats at 14 Market Street, Mid Calder, Livingston. The proposed site sits to the rear of the existing Tonino's takeaway and to the north west of the Black Bull Inn (public house) on Market Street, within the Mid Calder Conservation Area. Alterations to the doors on the front of the takeaway are also proposed, these will provide access to the rear of the site where the 2 flats are to be located.
- 4.2 The application form states that the site is approximately 370m² in area. The submitted plans indicate that access to the site would be via a footpath from the south of the site.
- 4.3 The application is accompanied by a supporting statement which can be viewed in the application file.

History

4.5 The relevant site history is set out below:

- **0037/FUL/18** – Erection of two studio flats and associated works at 14 Market Street, Mid Calder, Livingston– **Refused 19.09.2018 – Review dismissed by Local Review Body 12.12.2018.**
- **0513/FUL/19** – Demolition of building and erection of two studio flats and associated works at 14 Market Street, Mid Calder, Livingston, West Lothian, EH53 0AA – **Decline to Determine: 03.06.2019** as application was submitted within two years of receipt of application 0037/FUL/18 which was dismissed at LRB and was not materially different from that application.
- **0526/FUL/21** – Demolition of outbuilding and erection of 2 studio flats (Grid Ref: 307459, 667609) at 14 Market Street, Mid Calder, West Lothian, EH53 0AA – **Refused: 21/07/2021**

4.6 It should be noted that the current application (0566/FUL/22) is not materially different from the 2018, 2019 and 2021 applications. There is no significant change to the development plan so far as is material to the application.

EIA Development

4.7 The development is not EIA development as the scale and nature is such that it does not fall within the description of development set out in Schedules 1 or 2 of the Environmental Impact Assessment (Scotland) Regulations 2017 (EIA Regulations)

Equalities Impact

4.8 The application has been assessed and has no impact in terms of equalities or human rights.

5. REPRESENTATIONS

5.1 Six objections have been received for this application. Five from members of the public, and one from the River Almond Action Group.

5.2 A summary of representations is located in the table below and full copies of the representations are attached to the report.

| Comments | Response |
|--|---|
| <ul style="list-style-type: none"> • Parking is already strained in the area, and the proposal would exacerbate the problem. | See comments from Transportation in Section 6 of this report. |
| <ul style="list-style-type: none"> • The site is directly adjacent to pubs/licensed premises. Occupants of the proposed residential development would likely complain on an environmental basis. This would in turn be detrimental to the reputation of the business. | See comments from Environmental Health in Section 6 of this report. |

| | |
|---|---|
| <ul style="list-style-type: none"> The proposal will have an adverse impact on neighbouring residential amenity in terms of natural light/sunlight. | The building will reach an approximate height of 7 metres. The boundary fences will be approximately 1.8 metres in height. There is only 1 metre between the building and the fence. Residential properties border the proposed development site immediately to the north west, and the approximate width of their rear garden area is 11 metres. Therefore, the building will have a particularly overbearing impact on these properties, and significantly reduce the natural light and sunlight that they receive. |
| <ul style="list-style-type: none"> The proposal is not suitable within the context of the surrounding area, and because of its proximity to licensed premises. | The proposal does not reflect the character of the conservation area and is recommended for refusal on this basis. |
| <ul style="list-style-type: none"> Adverse impact on the character of the conservation area. | The proposal does not reflect the character of the conservation area and is recommended for refusal on this basis. See planning policy and discussion section of this report for further analysis. |
| <ul style="list-style-type: none"> Drainage detail is inadequate | Should planning permission be granted a condition will be attached to the decision notice requiring full drainage detail to be submitted. |

6. CONSULTATIONS

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

| Consultee | Objection? | Comments | Planning Response |
|----------------------------|------------|---|-------------------|
| WLC Roads & Transportation | No | One bed flats are seen as having a limited demand for parking as users tend not to have access to a vehicle. Site is well served by bus services. | Noted |

| Consultee | Objection? | Comments | Planning Response |
|---------------------------|------------|---|--|
| WLC Environmental Health | Yes | Environmental Health object to the application due to the potential noise nuisance from the neighbouring beer garden and the function room of the public house impacting on the proposed development. | Noted. |
| WLC Flood Risk Management | No | No comment. | Noted. Should planning permission be granted a condition will be required to be attached to the decision notice requiring full drainage details to be submitted and approved by the planning authority prior to the commencement of development. |

7. PLANNING POLICY

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

| Plan and Policy | Policy Summary | Assessment | Conform? |
|--|--|---|----------|
| West Lothian Local Development Plan (LDP) (2018) DES1 - Design Principles | All development proposals will require to take account of and be integrated with the local context and built form. Developments which are poorly designed will not be supported. | The proposed two studio flats are to be sited to the rear of a takeaway and close to a public house within Mid Calder town centre. The site provides a poor outlook and no relationship to the street. It is therefore unsuitable in terms of residential amenity. No comparable development is found within the surrounding area and so it does not integrate with the local context and built form. | No |

| | | | |
|--|--|---|-----------|
| <p>LDP</p> <p>HOU3 –Infill/Windfall Housing Development within Settlements</p> | <p>Housing development will be supported on sites within settlement boundaries provided it meets criteria including compatibility with surrounding uses and achieving a satisfactory residential environment</p> | <p>The proposal would have an adverse impact on the surrounding area and would not achieve a satisfactory residential environment. The development will likely prejudice the operation of the hot food takeaway and public house by being in such close proximity. The residential amenity of the occupants of the new units would be adversely impacted by these businesses. The proposed development is evidently not compatible with the surrounding uses.</p> | <p>No</p> |
| <p>LDP</p> <p>ENV24 – Conservation Area (Demolitions)</p> | <p>Within Conservation Areas, new development will not be permitted which would have any adverse effect on their character and appearance.</p> | <p>The proposed development does not reflect the traditional character of the Mid Calder Conservation Area. It is modern in character and is positioned behind commercial units that make up part of the high street and centre of Mid Calder. No comparable development is found within the surrounding area.</p> <p>Additionally, whilst the building will not be visible from the street it will be clearly visible by all occupants of the first-floor flats along Market street from rear windows and also likely by users of the pub and beer garden. The negative impact on the conservation area will be apparent to all those who live nearby and user nearby services.</p> <p>Additionally, the design and proposed materials for the street facing doors are inappropriate for use in a prominent shopfront in a conservation area. The use of timber and a traditional pend door form would be expected. The proposed development does not comply with Policy ENV 24.</p> | <p>No</p> |

| | | | |
|--|--|--|----|
| LDP EMG5 - Noise | There is a presumption against residential or other noise sensitive developments being close to noisy land use. | Environmental Health was consulted on the application and provided their grounds for objection on the basis of the relationship with the public house. | No |
| LDP Policy ENV9 – Woodland, Forestry, Trees and Hedgerows | There will be a presumption against development proposals which involve the loss of, or damage to, woodland and groups of trees (including trees covered by Tree Preservation Order (TPO). | <p>The proposal is not supported under the other policies of the local development plan and so there is no valid justification for the removal of the trees from the site, which would be required to facilitate the development.</p> <p>The submitted plans detail that one tree will be removed. The tree is not protected by a TPO but does contribute to the quality of the natural environment.</p> | No |

7.4 Other relevant policy guidance and documents are listed below:

- Scottish Planning Policy 2014 (SPP)
- Designing Streets
- Non-Statutory Planning Guidance (PG)
 - PG – Planning Guidance: The Historic Environment, 2021
- Statutory Supplementary Guidance
 - Residential Development Guide, 2019
 - Planning and Noise, 2017

8. ASSESSMENT

8.1 The determining issues in respect of this application are listed below:

Residential amenity

- 8.2 West Lothian Council's Residential Development Guide (RDG) states that delivering high density development must not be at the expense of amenity and the quality of the environment, resulting in a reduction of space in and around dwellings and giving rise to town cramming.
- 8.3 The proposed two studio flats are to be sited to the rear of a takeaway within Mid Calder town centre. It will sit in close proximity to this fast food takeaway and a public house. It also provides a poor outlook and no relationship to the street.
- 8.4 The development is also an example of tandem development. The RDG defines tandem development as a particular form of infill development where a new house is located immediately behind an existing house and shares the same vehicular access. In the case of this development it will sit behind a takeaway at ground floor level and residential property at first floor level. As the RDG states, the adverse implications for all users of locating in such close proximity will include problems of overlooking, noise disturbance,

loss of amenity, cramming and an adverse impact on the general character of the area.

- 8.5 The RDG also notes that only in exceptional circumstances, and on large, individual plots (in excess of 0.4ha) might it be possible to achieve sufficient separation between houses to overcome the negative implications as previously listed. It is very unlikely that a satisfactory development can be achieved on a site of a lesser size. As detailed in the applicant's application form the total site area is 370sqm, which is approximately 0.04ha. Evidently the site is far too small to accommodate tandem development. In turn the proposals also constitute over development of a site.
- 8.6 The development will create a poor residential environment for its occupants and will also diminish the residential amenity of neighbouring properties. Occupants will likely hear and smell the activity associated with the neighbouring public house/beer garden and takeaway.
- 8.7 The proposal is therefore unsuitable in terms of residential amenity, and conflicts with 'Policy DES 1 Design Principles', 'Policy HOU 3 Infill/Windfall Housing Developments within Settlements' and the RDG. The principle of the development is not acceptable and as such the proposed removal of the trees which are on site is unjustified under 'Policy ENV 9 Woodland, Forestry, Trees and Hedgerows'.

Noise

- 8.8 Environmental Health was consulted on the application and stated that they object due to the potential noise nuisance from the neighbouring beer garden and the function room of the public house impacting on the proposed development. There is significant potential for noise from patrons in the beer garden and amplified music noise from the function room to have a significant adverse impact amounting to potential noise nuisance complaints at the proposed residential dwellings. The proximity of the beer garden and pub is such that there are no opportunities to mitigate the adverse impact. The proposals do not comply with Policy EMG5 which resists locating sensitive uses adjacent to existing noise generating uses.
- 8.9 It is recognised that the unsuitability of the developments siting will have adverse implications for the businesses immediately adjacent. It would be wrong to place residential development in such close proximity because ultimately there will be conflict between the two uses which naturally generate different levels of noise.

Impact on conservation area

- 8.10 Market Street, Mid Calder is characterised by traditional buildings, most of which have businesses operating at ground floor level, and some of which have residential properties above at first floor level. The applicant proposes to build new residential units within the rear curtilage of 14 Market Street. This is out of keeping with the character of surrounding development and that of the Mid Calder Conservation Area. The negative impact on the conservation area will be apparent to all those who live nearby and user nearby services. It does not represent a development that would preserve or enhance the character of the conservation area.
- 8.11 The design and proposed materials for the street facing doors are inappropriate for use in a prominent shopfront in a conservation area. The use of timber and a traditional pend door form would be expected.
- 8.12 Ultimately, the proposals do not comply with Policy ENV 24 Conservation Areas.

9. CONCLUSION AND RECOMMENDATION

- 9.1 The proposal is unsuitable in terms of residential amenity, its integration within the surrounding area and also its integration within the conservation area. It is therefore contrary to Policy DES 1 (Design Principles), Policy HOU 3 (Infill /Windfall Housing Development within Settlements), Policy ENV 24 (Conservation Area (Demolitions)), Policy EMG 5 (Noise), Policy ENV 9 (Woodland, Forestry, Trees and Hedgerows) and the council's Supplementary Guidance – Residential Development Guide (2019).
- 9.2 It is therefore recommended that planning permission be refused.

9. BACKGROUND REFERENCES & ATTACHMENTS

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

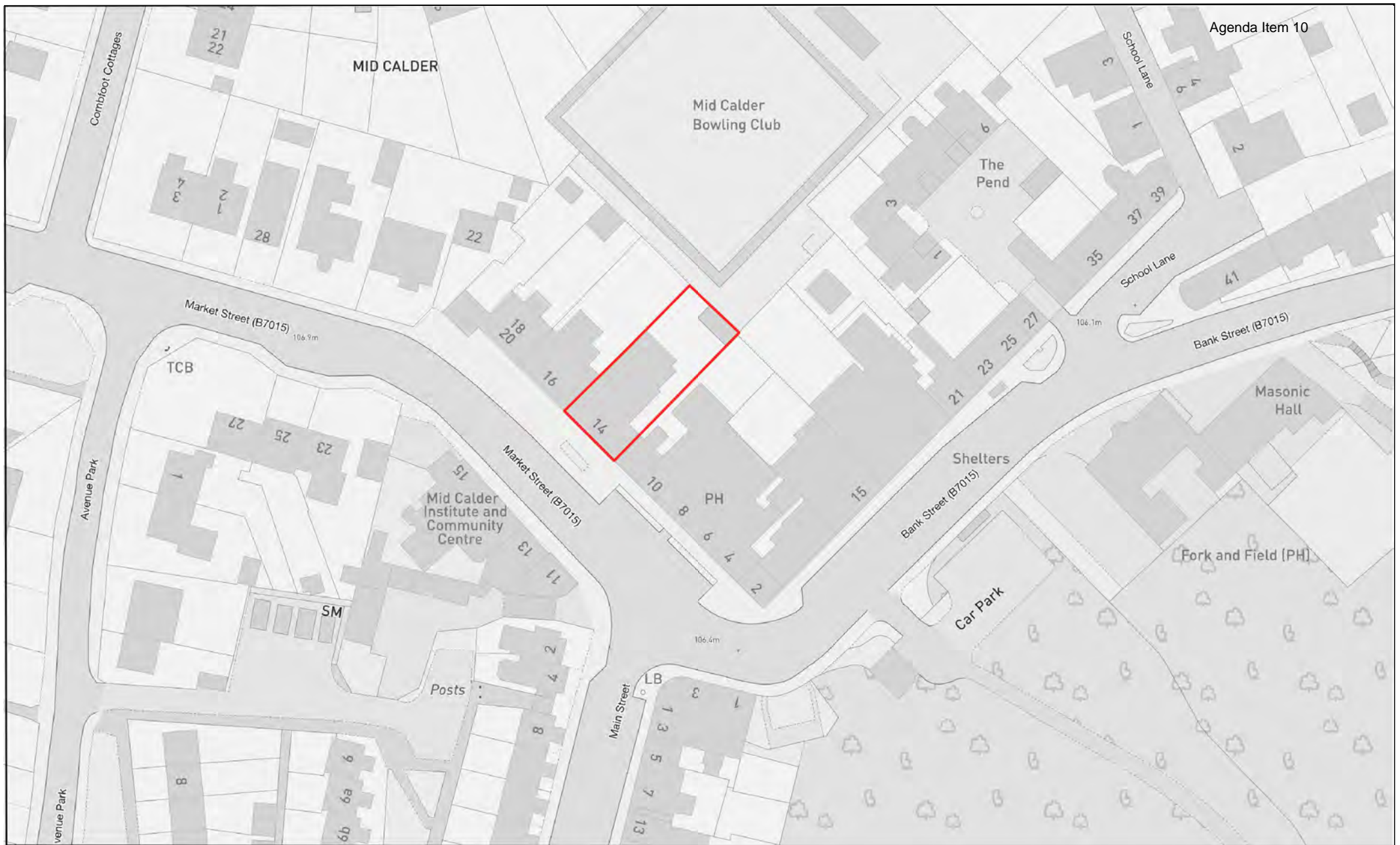
Plans and site photos are available in the accompanying slide presentation pack.


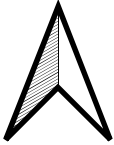
Craig McCorriston
Head of Planning, Economic Development and Regeneration

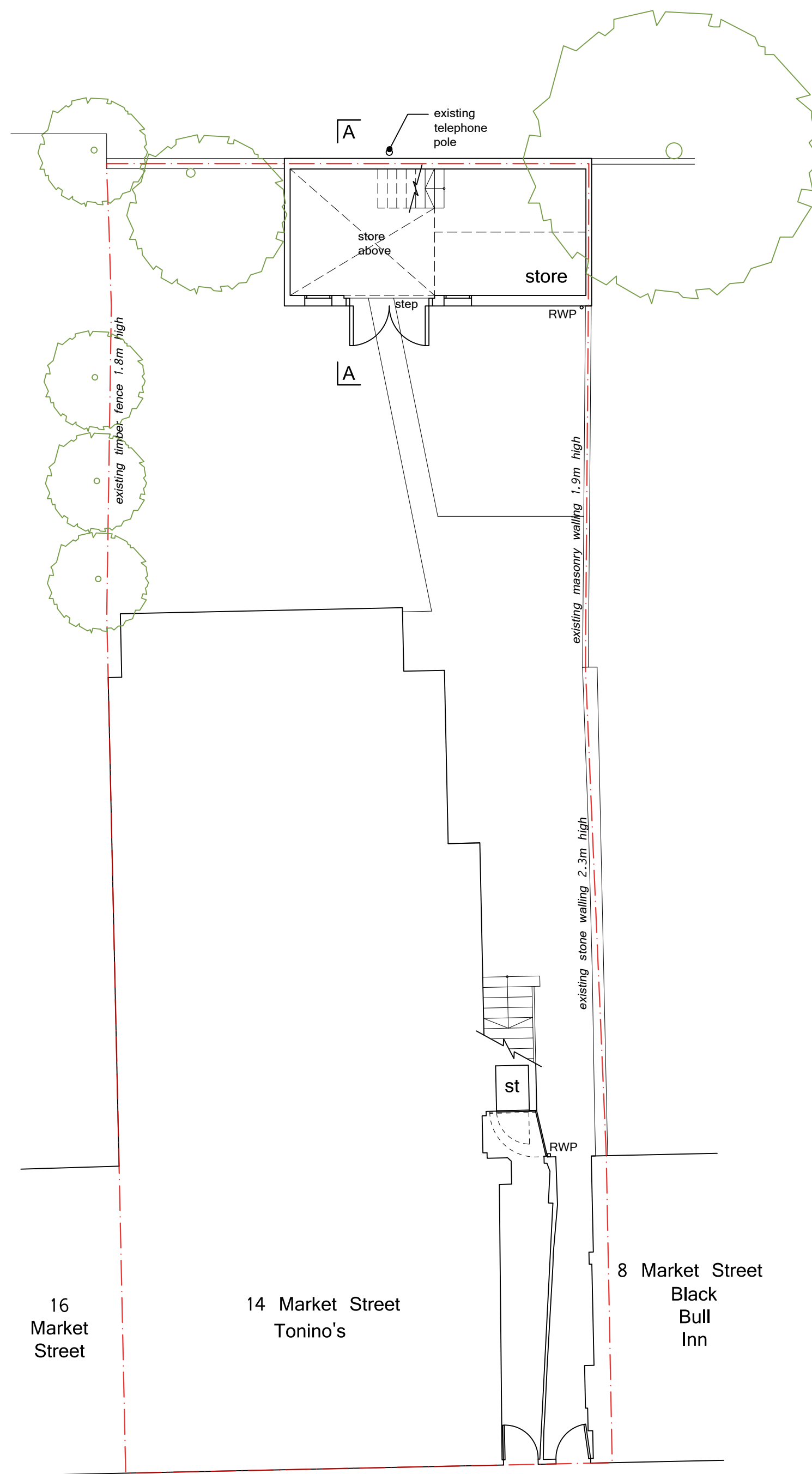
Date: 17.08.2022

Draft Reason for Refusal

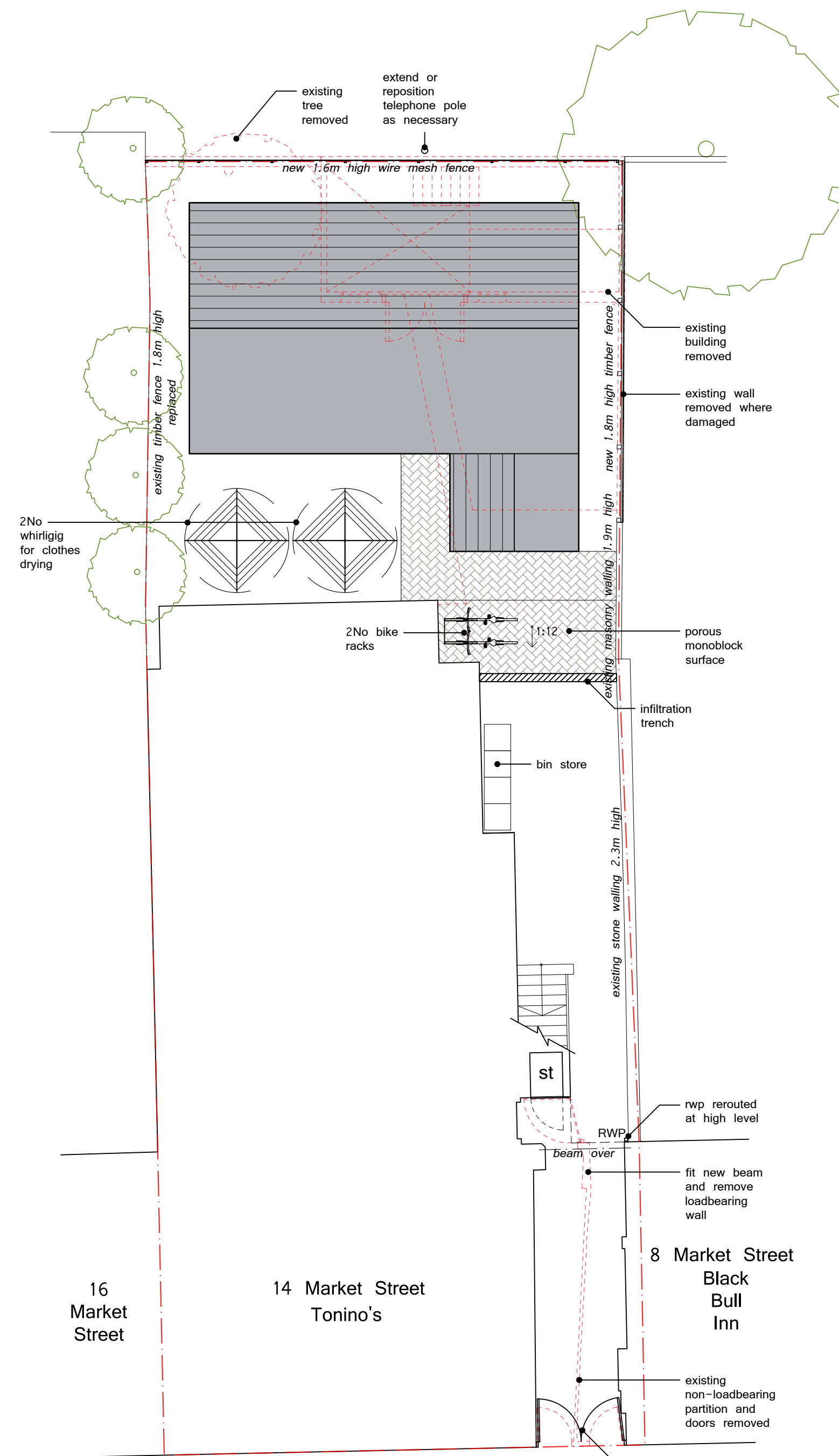
1. The proposed development is unacceptable in that it would result in town cramming and overdevelopment of the application site, to the detriment of residential amenity, and contrary to Policies DES 1 (design principles), HOU 3 (infill/windfall housing development within settlements) and Policy ENV 9 (Woodland, Forestry, Trees and Hedgerows) of the West Lothian Local Development Plan and the council's Supplementary Guidance – Residential Development Guide (2019).
2. The proposal is unacceptable in view of the proximity of the application site to a fast food takeaway and a public house, which is likely to be detrimental to residential amenity for the future residents of the proposed dwellings because of noise and disturbance. The proposal is therefore contrary to Policy EMG 5 (Noise) and Policy HOU 3 (infill/windfall housing development within settlements) of the West Lothian Local Development Plan.
3. The proposed development is unacceptable in that it will constitute town cramming and will have a detrimental impact on the appearance and character of the conservation area, contrary to the requirements of Policy ENV 24 (conservation areas) of the West Lothian Local Development Plan.



| | | | |
|--|--|--|---|
|  West Lothian Council | 0566/FUL/22 - 14 Market Street - Mid Calder - EH53 0AA | |  |
| | Development Management - West Lothian Civic Centre - EH54 6FF (c) Crown copyright and database right 2022 OS Licence number 100037194 | | |



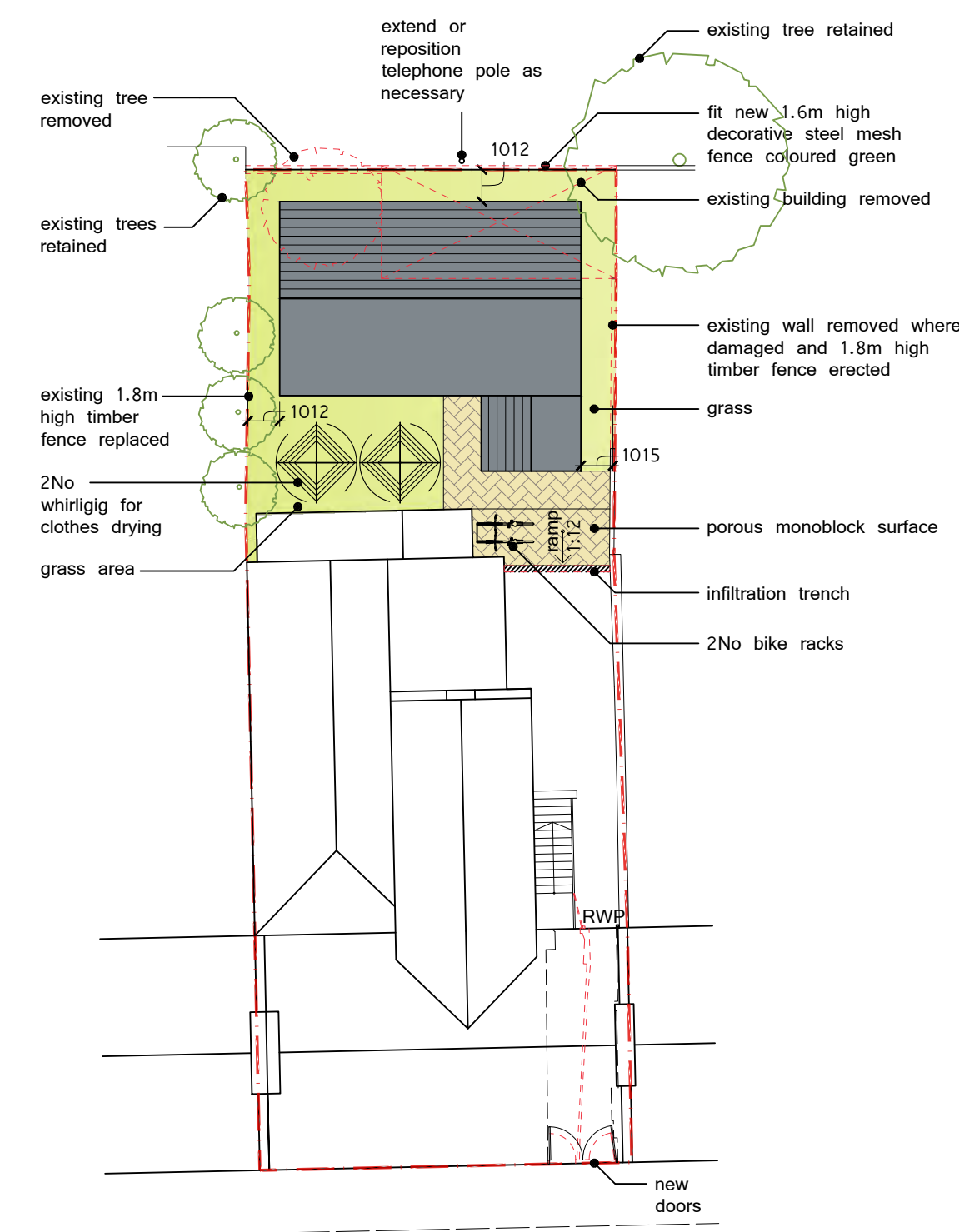
existing site layout



proposed site layout



site location



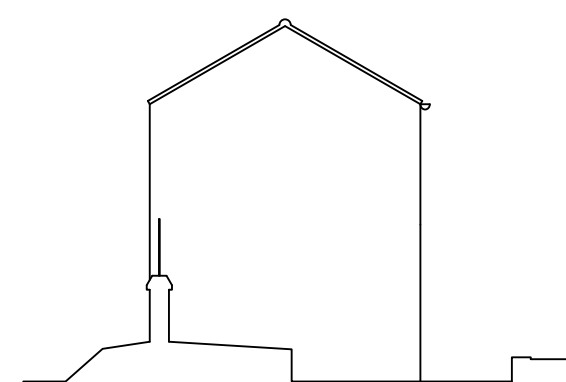
proposed site plan



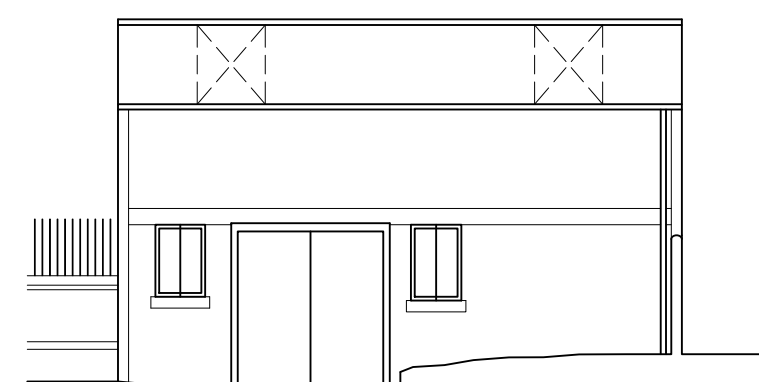
existing front elevation



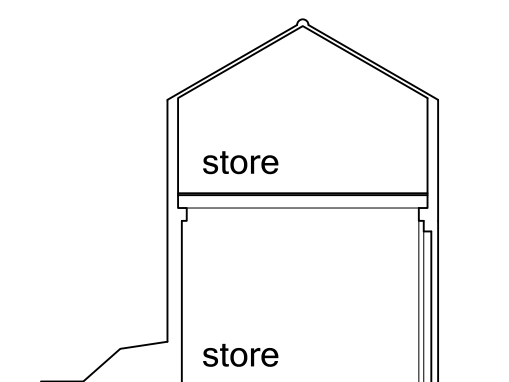
proposed front elevation



existing side elevation



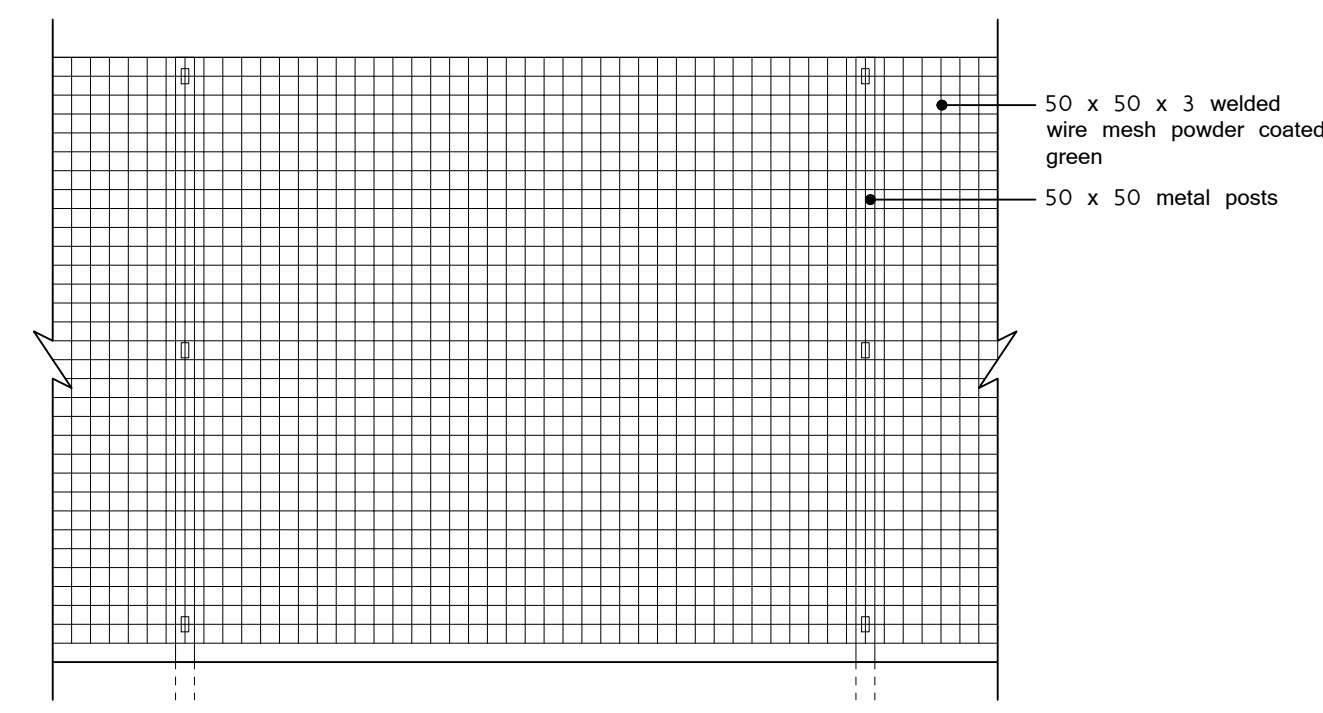
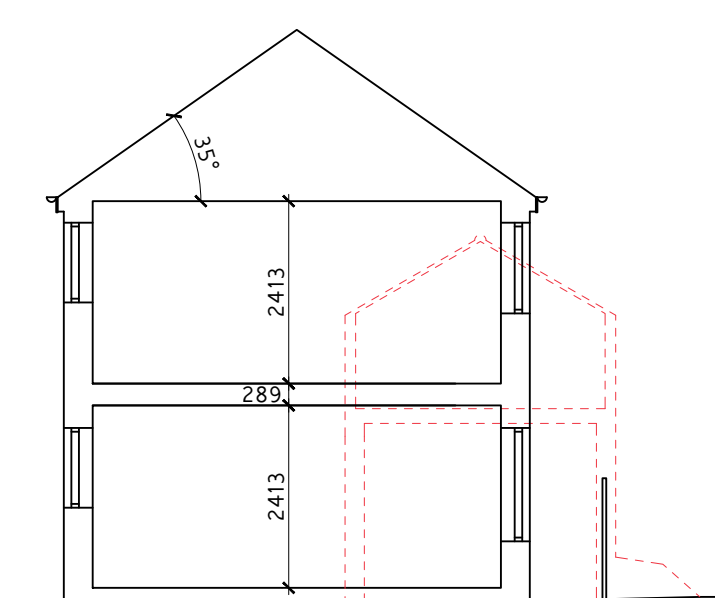
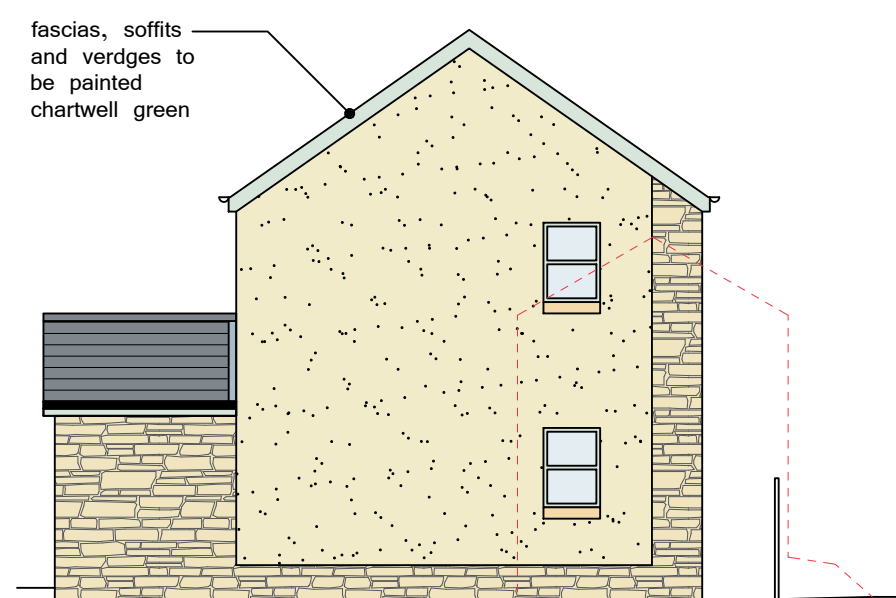
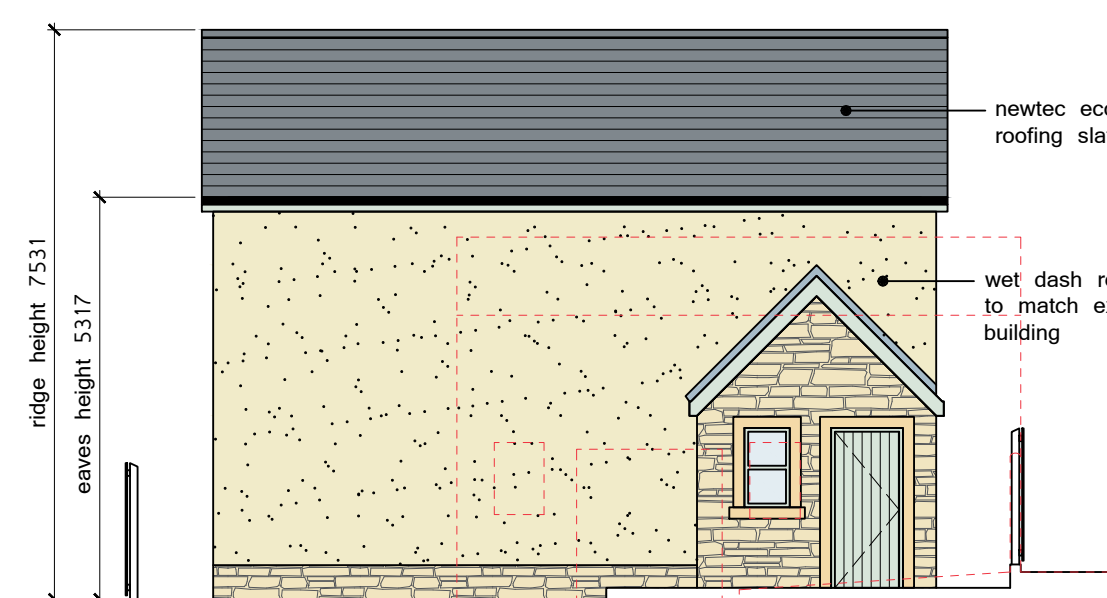
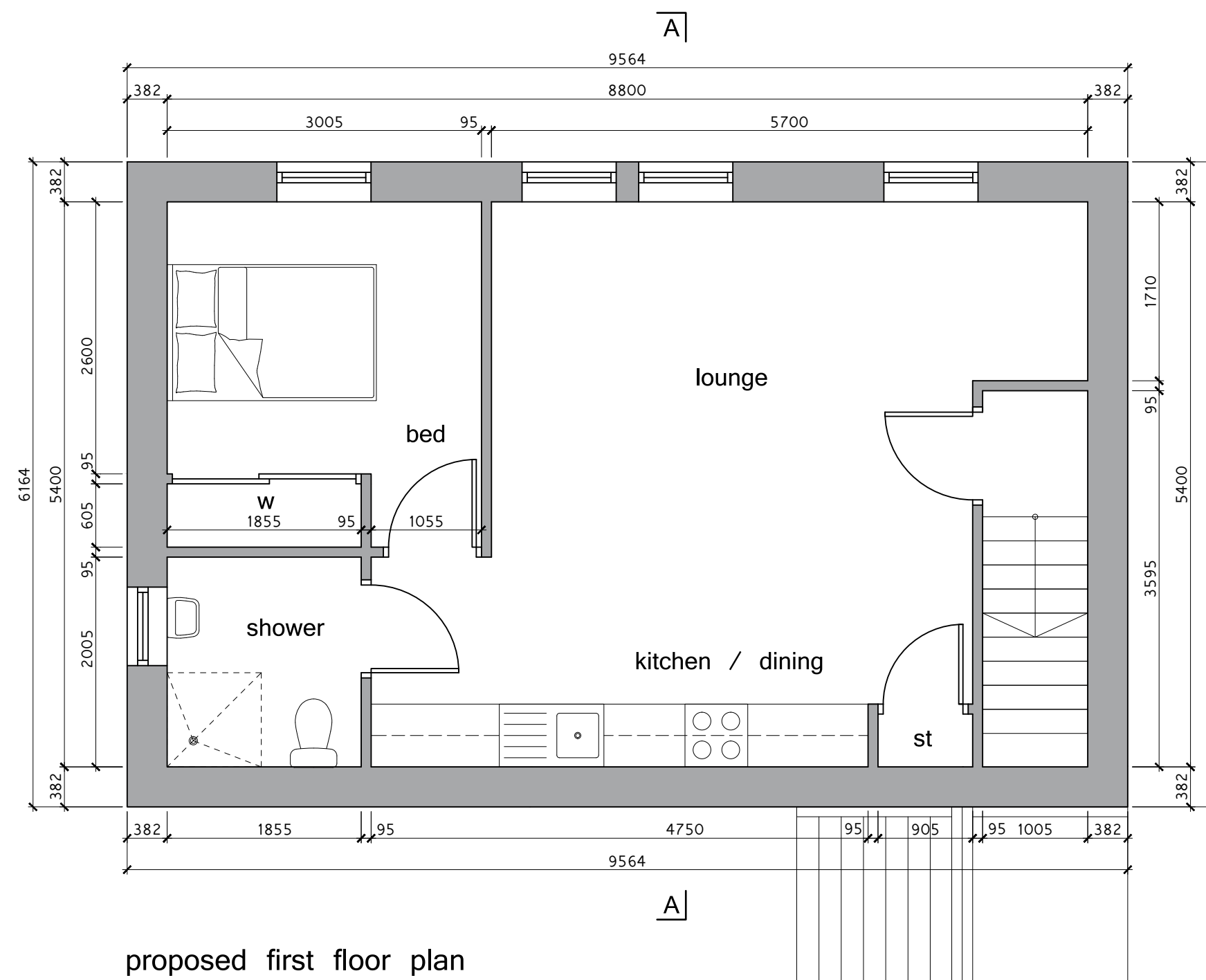
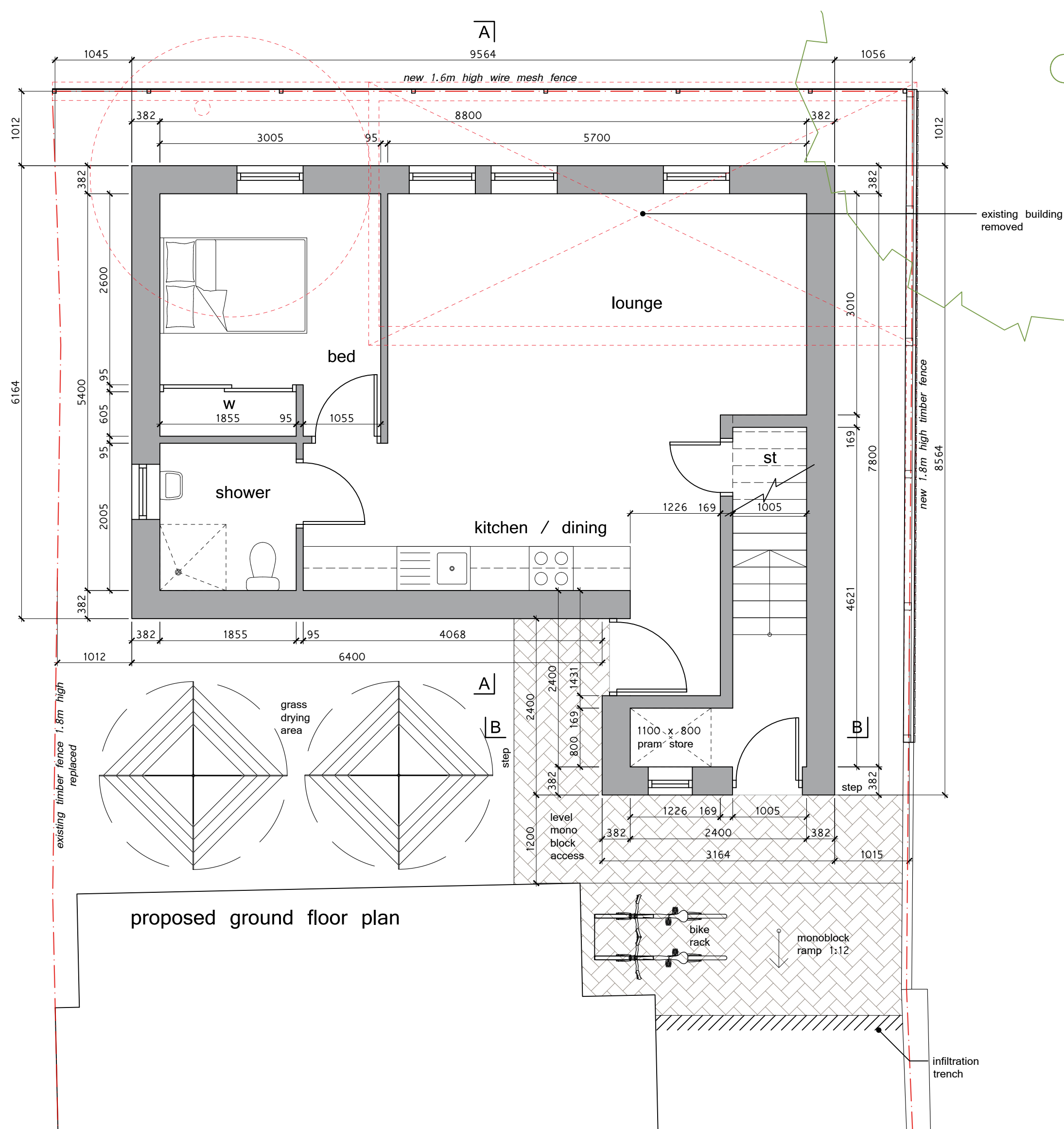
existing rear elevation



existing section AA

PLANNING

| | |
|--|--|
| REVISIONS | |
| A - 12.09.2018 - Add porous monoblock hardstandings | |
| B - 19.05.2019 - add minor notes and infiltration trench. | |
| C - 19.06.2022 - reinstate tree add bike rack and drying area amend access door | |
| JOB TITLE | |
| EXISTING FLOOR PLAN, ELEVATIONS, SECTION, PROPOSED FLOOR PLAN, ELEVATION, PROPOSED SITE PLAN AND LOCATION PLAN | |
| PROPOSED DEMOLITION OF AN EXISTING BUILDING AND THE ERECTION OF 2NO ONE BEDROOM STUDIO FLATS TO THE REAR OF | |
| 14 MARKET STREET MID CALDER LIVINGSTON | |
| 1:100, 1:200, 1:1250 12th September 2018 | |
| Drawing Number JWAC A1 PP 01/57/2017 C | |
| John Watson Architectural Consultant Ltd. | |
| 11 Market Street Midcalder West Lothian EH53 0AL | |
| Phone: 01506 885928 | |
| E-mail: info.jwactd@gmail.com | |

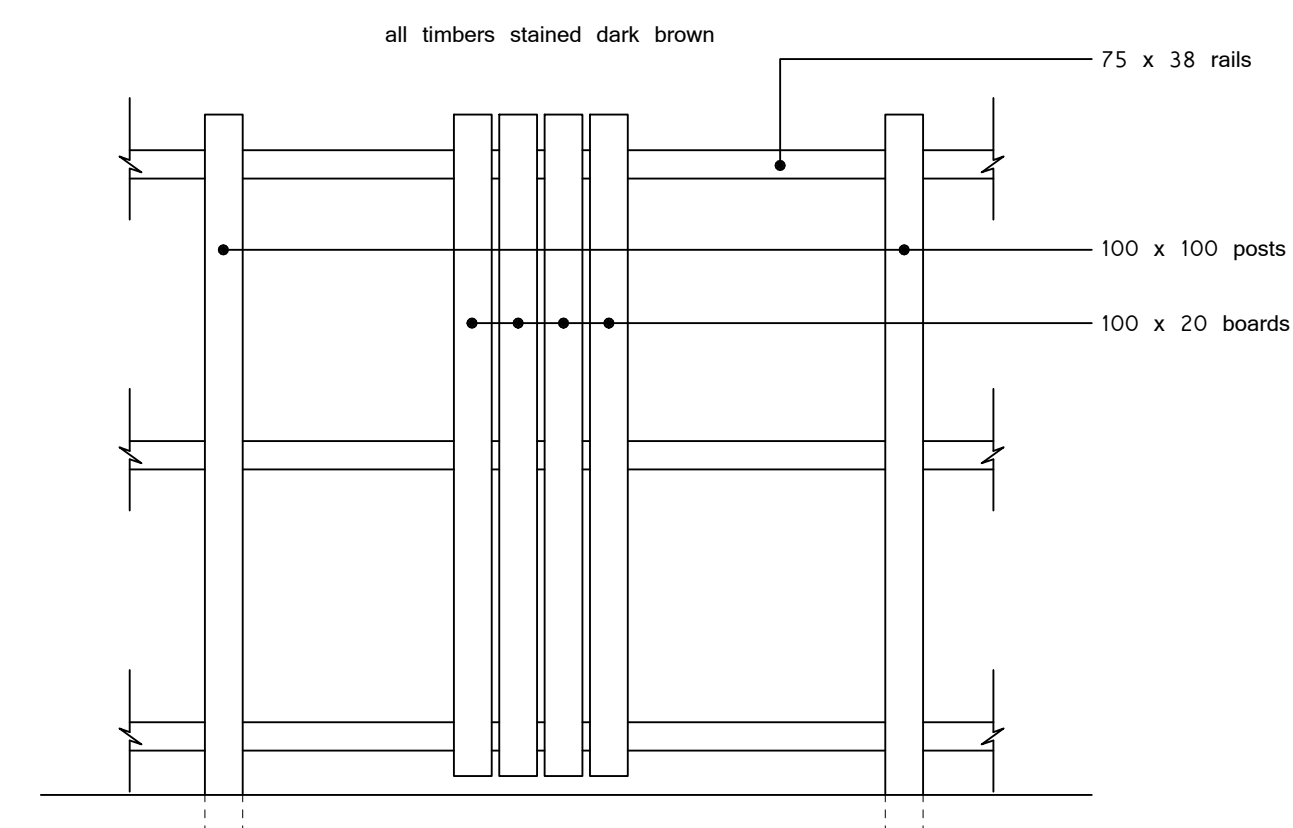
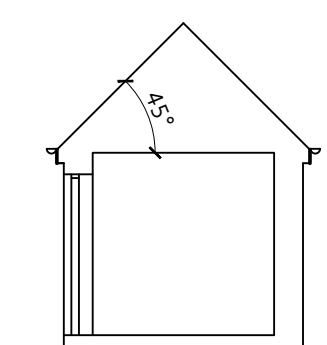
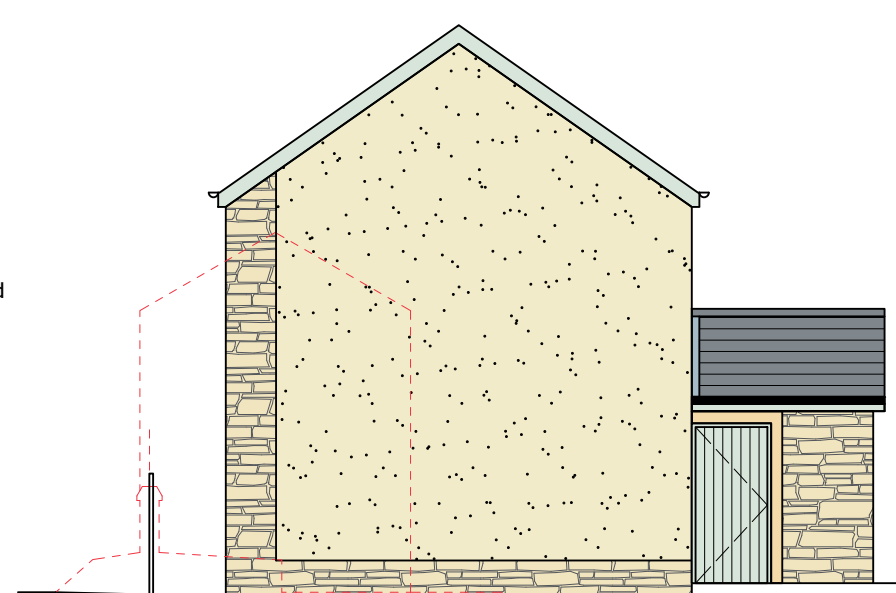


proposed front elevation

proposed side elevation

proposed section AA

1.6m high wire mesh fence



proposed rear elevation

proposed side elevation

proposed section BB

1.8m high timber fence

PLANNING

| REVISIONS |
|---|
| A - 12.09.2018 - Reduce building height and adjust external appearance |
| B - 20.05.2019 - Add minor notes. |
| C - 20.06.2022 - Reposition window to mitigate noise, reinstate tree |
| JOB TITLE |
| PROPOSED PLANS, ELEVATIONS, SECTION AND FENCE DETAILS |
| PROPOSED DEMOLITION OF AN EXISTING BUILDING AND THE ERECTION OF 2NO ONE BEDROOM STUDIO FLATS TO THE REAR OF |
| 14 MARKET STREET MID CALDER LIVINGSTON |
| Scales 1:20, 1:50, 1:100 12th September 2018 |
| Drawing Number JWAC A1 PP 02/57/2017 C |
| John Watson Architectural Consultant Ltd. 11 Market Street Midcalder West Lothian EH53 0AL Phone: 01506 885928 E-mail: info.jwactd@gmail.com |



Supporting Statement

Erection of 2 No Studio Flats and
Associated Works at 14 Market
Street, Mid Calder, Livingston
EH53 0AA

Development and Environmental Services Limited

DOCUMENT REF SS0521 EH53 0AA

25 MAY 2021

SUPPORTING STATEMENT
ERECTION OF 2 NO STUDIO FLATS AND ASSOCIATED WORKS AT 14 MARKET STREET, MID CALDER,
LIVINGSTON EH53 0AA

Background

The development proposal is for two studio/1-bedroom flats - at 14 Market Street, Mid Calder. The new flats will be keenly priced and will provide the most affordable new build private housing in the Mid Calder area. The flats will be suitable for a single person or for a couple - but not for families/children.

Site

The site is brownfield and currently accommodates an old two-storey outbuilding/store which will be replaced by the new flats.

General Housing Policies

In identifying new sites for housing the Local Development Plan (LDP) advises that some of the main objectives include - making best use of brownfield land in urban areas; identifying sites that are accessible by public transport; and identifying sites close to other compatible uses. The LDP identifies a fundamental need for thousands of new houses and demographic information shows the provision for 1-bedroom properties is essential given the steady growth in life expectancy and the steadily increasing number of houses occupied by only one person.

Policy HOU3 relates to Infill/Windfall Housing Development within Settlements. It states that; - a) new housing development will be supported on sites within settlement boundaries - providing the development is in keeping with, and has no adverse impact, on the local area; b) the site is not identified for an alternative use in the LDP; c) the site is not maintained amenity or open space; d) a satisfactory residential environment can be achieved; e) there is good access to public transport, shopping, education, recreational and community facilities; f) there is sufficient existing infrastructure capacity; g) the site is not at risk of flooding; and h) the proposal complies with other LDP policies. **The proposed development is fully in accordance with HOU3.**

The SPG entitled – Residential Development Guide – encourages (at paragraphs 61 and 90) development that will reduce reliance on cars. It also states that, as a general rule, – West Lothian Council will encourage high density housing development, especially within and adjacent to Town Centres, adjacent to public transport facilities and along key transportation routes – with the proviso that it should not result in Town Cramming. The definition within the SPG should be used in any determination as to Town Cramming.

Transport and Demographics

The LDP seeks to reduce the need to travel and promotes sustainable travel such as public transport including bus use. The Active Travel Plan for West Lothian 2016 – 2021 promotes walking, cycling and non-motorised modes of travel. The proposed development is within a town centre location with very easy access to bus stops/public transport and with a regular bus service in operation – namely services 40,N28,X22,X23,X27 and X28. The Scottish Household Survey (2014/15) reported that 31% of households have no access to a car – and where the household income is less than £20k/yr. the figure is 40%. 54% of households have no car where household income is less than £15k/yr. 57.3% of single pensioner households have no access to a car. The 2019 version of the Household Survey advises that 35% of Scottish households are in single occupancy. The LDP (para 85) states that population growth in West Lothian has been concentrated in the older age groups with a 32.5% increase in the population aged 65 to 79 and a 31% increase in the population aged 80 plus. The National Records of Scotland produce Demographic Fact Sheets for each Council area and

the projections for household types within West Lothian is that the number of lone adult households will increase to 26,595 by 2028. The total number of households in the WLC area will rise from 77,953 (2018) to 85,634 (2028) an increase of 7681 households - with the lone adult households figure rising from 23216 to 26595 an increase of 3379 and accounting for 44% of the increase in total household numbers. Whilst many lone adults will reside in larger houses these studio/one-bedroom flats are targeted towards (and will appeal to) non-car owners ; **and the site is in a Local Neighbourhood Centre where there is no requirement to provide parking.** The development is very small; the studios will likely be occupied by lone adult householders, and will have no significant effect on parking, or on road safety – and refusal on that basis is simply not justified. The flats are targeted towards those who are not car owners and no new parking spaces are proposed. There are two existing private spaces serving the existing property at 14 Market Street and considerable unrestricted off-street parking near to the site. Drawing Number A3 PP03-57-2017B, submitted as part of the application, shows 62 public parking spaces in close proximity; plus, private parking for clients of The Fork & Field/Torphichen Arms; plus, private parking at Mid Calder Bowling Club with proposals presently being constructed to increase parking spaces by 13; plus, the increase of an additional 3 public parking spaces at the existing WLC Bank Street car park. Further, the Residential development Guide SPG indicates one space for each flat with up to 3 bedrooms – with the proviso where there are alternative public transport options a reduced level may be allowed. In this case two existing private spaces already serve 14 Market Street and there is no need for additional parking as a result of the proposed development. **There is very easy access to alternative public transport options and the SPG specifically states reduced parking provision is acceptable in such circumstances.** If 2 spaces are required for up to 6 bedrooms (2 flats) a development of only 2 studios clearly does not require spaces in addition to what is already available - particularly when the flats are not suitable for families.

To reinforce our assertion that there is no requirement for parking provision as part of the development proposal we can state unequivocally that we consulted with the WLC Roads Service as part of the previous application and were advised in writing that “the existing building does not have dedicated off road parking and therefore as the site is in a town centre parking is not a requirement”. The reply also stated that “for the conversion to two flats there is no need for off road parking” and “if an application was to be submitted then I would not be objecting to it on roads grounds”.

The Residential Development Guide (page83) also advises that relaxation of the requirement for provision of a dedicated space per house is acceptable in limited circumstances and **the example provided in the SPG of such circumstances is where there is an abundance of unrestricted off-street parking available in close proximity to the development site - which applies in this case.**

Town Cramming

The Residential Development Guide SPG **states that there is a general presumption in favour of new development within settlement envelopes as this minimises development of greenfield sites** and our conclusions regarding the requirements of the SPG are as follows; -

- a. There is no garden to building footprint plot ratio standard relating to flats and there is no requirement for a minimum garden size (area) for flats. The SPG recognises that occupiers of flats generally do not seek or expect the same level of amenity space as house dwellers although, in an ideal situation, they should have access to amenity open space – as there are often families with young children living in flatted accommodation. In this case the one-bedroom flats are not suitable for families with young children and in any event, the site is in very close proximity to numerous and extensive amenity open space including for example Almondell and Calder Wood Country Park; on Market Street; at Gas Works Brae; a Bowling Club; extensive playing field to the north; and Open Space and Swing Park at Avenue Park West.

- b. The new building is of a scale, height and mass that is sympathetic to the surrounding properties. The design and construction materials complement the character of existing buildings in the area and reflect the local identity. Boundary features will generally be retained, and the building will also be screened from Market Street by the much larger existing buildings.
- c. Satisfactory pedestrian access from Market Street already exists and no vehicular access is proposed.
- d. The new development is to the north of existing properties and will not cause any unacceptable loss of privacy or daylight to habitable rooms or to neighbouring properties. Similarly, the position and layout of the proposed building is such that the proposal will not result in loss of sunlight or significant overshadowing. None of the windows of the habitable rooms of the flats face other habitable rooms or directly overlook private areas of neighbouring gardens with all the habitable rooms having a pleasant outlook over the bowling green. In summary, **the development is not contrary to any of the specific requirements relating to Town Cramming.**

Town Centres

Policy TCR1 relates to Town Centres and states that **proposals for high density residential use will be supported in identified town centres.** The site is shown in the LDP as being within the identified Mid Calder town centre. TCR1 states that residential use on the upper floor of commercial premises will be supported – where a) it does not prejudice the operation of existing businesses at ground floor level; b) a satisfactory level of residential amenity can be achieved for the prospective occupants of the new homes and c) adequate car parking provision can be provided.

It has previously been stated that, because of the proximity of the site to a fast-food takeaway and a public house, there is likely to be detriment to the residential amenity of the future residents of the proposed dwellings because of noise and disturbance (from the chip shop or the pub). No evidence has been presented to justify the mistaken assertion that the chip shop and the public house will result in detriment of the area because of noise and disturbance. The applicant has owned the chip shop for 19 years and over this time has held a late catering licence which would have been revoked in the event of incidents of noise or disturbance. There is no established history of noise/disturbance. In any event, if the chip shop or pub activities were to cause statutory nuisance; or activities were to be contrary to the law then such circumstances would require to be dealt with in the interest of the existing residents who already live above and around the pub and chip shop. The previous assertion that refusal of consent is justified because (the possibility of) noise or disturbance from the existing commercial premises may be detrimental to those living in the 2 new flats is lacking in logic and credibility and completely at odds with the TCR1 policy. There are circumstances throughout the West Lothian area, indeed throughout Scotland, where pubs and chip shops adjoin houses. **The proposed development is not contrary to Policy HOU3/TCR1** and should not be refused simply because it is near to a chip shop or a pub.

Ground Condition/Land Contamination

An examination of historic maps shows no previous on-site potentially contaminative activities. The site is not in a Coal Authority Development High Risk Area and a Mining Risk Assessment is therefore not necessary. If a Contaminated Land Assessment is required a Phase 1 Report complying with CLR 11 and WLC guidance/requirements will be provided.

Flood Risk

The WLC Flood Risk Team has previously advised they hold no records to suggest the site is at risk of flooding and information from SEPA confirms that the site is not at risk from pluvial or fluvial flooding.

Drainage

Drainage from the roof of the existing building (footprint 26.6m²) and from the impermeable existing hardstanding areas(19.34m²) is from a total area of 45.9m² and is to the Scottish Water combined sewer. The footprint of the proposed building is 66.5m². The Ciria C753 Simple Index Approach was used to determine appropriate SUDS measures and it has been concluded that the surface water from the roof will be attenuated prior to discharging into the combined sewer. The development will be subject to a limited surface water discharge of not greater than the pre-development run-off, and this will be achieved by the inclusion of a hydro brake flow control device – with all arrangements being approved by SEPA, Scottish Water and WLC. Permeable monobloc external access and permeable external “other” surfaces are proposed. The foul drainage will discharge to the public sewer.

Design and Conservation

Policy DES1 relates to **Design Principles** and require that development proposals should have no significant adverse impact on the local community and design should be high quality. Developers should also ensure there is no significant adverse impacts on habitats, biodiversity, protected species, amenity, the water environment, air, and soil quality; the development is accessible, and sustainable; and has been assessed in relation to historic mining. The development complies with policy DES1.

The site is in a “hidden” location within the Mid Calder Conservation Area and as a result the development has been sensitively designed to enhance the appearance and character of the area by removing a semi derelict building and replacing it with a building designed in sympathy with the characteristic form of the area. The scale, materials used, and detailing compliment the surrounding buildings. The proposal is not contrary to conservation area policy ENV24.

Economic Development

The LDP, and other WLC policies/strategies seek to provide employment; and to support the local economy. This project is small but will assist in delivering these objectives by providing employment for construction workers and ensuring an old vacant building in Mid Calder Town Centre is replaced with 2 flats, with the residents contributing to the local economy. The Scottish Government’s key Scottish Planning Policy is referred to in the SPP document as **THE PURPOSE-** and it is to deliver ECONOMIC GROWTH. All major political parties seek to grow the economy and create jobs - and the aggregated activities of dozens/hundreds of small construction projects, like this one, can combine to boost the construction industry and deliver work and economic benefits. The economic benefits of “approving planning applications” are a material consideration and should be considered by planning officers in respect of every application.

Letter of 3 April 2020 from Chief Planner re Covid 19

A letter regarding Covid 19 was sent to all local authorities on 03/04/2020 by John McNairney Chief Planner and Kevin Stewart Minister for Local Government, Housing and Planning. It acknowledged that Covid 19 has “turned life upside down for everyone and forced an urgent rethink” - by both the Chief Planner and the Scottish Government.

The letter stated - Planning has a crucial part to play within and beyond the immediate emergency. A high performing planning system will have a critical role in supporting our future economic and societal recovery and our future health and wellbeing. Those of us involved in planning, across sectors, must do what we can to keep plans and proposals moving through the system, throughout this period of uncertainty and in the months and years ahead. That might mean being prepared to adopt some new approaches; measuring risk and taking a pragmatic view of how we can best continue to plan and make decisions vital to the recovery of our communities and businesses.

The Chief Planner and the Planning Minister both recognise the critical role of planning in supporting our future **“economic and societal recovery and our future health and well-being”**; and both **advocate “taking a pragmatic view” when making decisions vital to the recovery of our communities and businesses**”. The letter is a Material Consideration.

Economic Policies and Issues

The Scottish Government has identified its “Purpose” is – “To focus government and public services on creating a more successful country, with opportunities for all to flourish, through increasing sustainable economic growth”. The Council Vision Statement states that development will be used to help regenerate communities and improve the quality of life for all living in West Lothian.

National and local government faces an unprecedented challenge during and after Covid 19 and, as previously stated, approving small projects that make economic sense for everyone concerned can contribute to moving forward.

Conclusions

It is considered that this small development is in accordance with West Lothian Council policies and Scottish Government policies and will contribute to the considerable need for 1-bedroom housing. The development will improve the area by removing a semi derelict outbuilding and replacing it with 2 attractive and appropriately designed studio flats that will provide low-cost accommodation, for example, for an older person wishing to downsize to a well located, easy to heat small retirement home with shops, a bowling green and services near at hand. The development will have no adverse impact.

We respectfully request that the application is granted.

Development and Environmental Services Limited
25 May 2021

Comments for Planning Application 0566/FUL/22

Application Summary

Application Number: 0566/FUL/22

Address: 14 Market Street Mid Calder Livingston West Lothian EH53 0AA

Proposal: Demolition of an existing two storey outbuilding and erection of two one bedroom studio flats

Case Officer: Alexander Calderwood

Customer Details

Name: River Almond Action Group

Address: Spott 1 Mid Calder EH53 0JU

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Drainage and Flood Risk Statement not prepared by a Chartered Professional of ICE or CIWEM

Lacks details

No innovative SuDS such as a green roof, water butt or rain garden

Comments for Planning Application 0566/FUL/22

Application Summary

Application Number: 0566/FUL/22

Address: 14 Market Street Mid Calder Livingston West Lothian EH53 0AA

Proposal: Demolition of an existing two storey outbuilding and erection of two one bedroom studio flats

Case Officer: Alexander Calderwood

Customer Details

Name: Mr Alexander Millar

Address: 16c Market Street Mid Calder EH53 0AA

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Car parking issues also construction access issues in what is an already busy and congested street /area

From: [Planning](#)
To: [Calderwood, Alexander](#)
Subject: FW: Application ref 0566/FUL/22 - [OFFICIAL]
Date: 18 July 2022 08:56:54

DATA LABEL: OFFICIAL

From: Graham Davidson [REDACTED]
Sent: 16 July 2022 12:43
To: Planning <Planning@westlothian.gov.uk>
Subject: Application ref 0566/FUL/22

Graham Davidson
 16a Market Street
 Mid Calder
 EH530AA.

I am writing with regards to the planning application above.

Our property to the rear borders the area proposed for development, running along the perimeter between the property's is a wooden fence and lined along our side are mature plum trees which have been established in the garden for many decades stemming around the time the property was built in originally. My concern is they will be severely damaged with the removal of the original fence and the foundation ground works that will take place if this proposal goes ahead.

My second point of concern is the parking issue in front, potentially having another two flats will add to the number of vehicles already associated to 14 Market Street which is anywhere up to 12 cars associated with Mr Caprios business and tenants. This can make parking outside our property difficult at times.

I have sent a view of our garden showing the trees and boundary fence.

I hope you will consider my issues regarding this application.

Graham Davidson..

West Lothian Council - Data Labels:

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

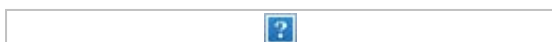
OFFICIAL: Contains information for council staff only

PUBLIC: All information has been approved for public disclosure

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

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

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









From: [Planning](#)
To: [Calderwood, Alexander](#)
Subject: FW: objection to planning ref: 0566/FUL/22 at 14 Market Street, Mid Calder - [OFFICIAL]
Date: 19 July 2022 08:51:16

DATA LABEL: OFFICIAL

From: Christy McLauchlan [REDACTED]
Sent: 18 July 2022 15:59
To: Planning <Planning@westlothian.gov.uk>
Subject: objection to planning ref: 0566/FUL/22 at 14 Market Street, Mid Calder

To whom it may concern,

I would like to place my objection on record to the planned demolition of an outbuilding and the erection of 2 studio flats adjacent to my property on Market Street in Mid Calder.

The impact of potentially 4 more cars to find parking places in an already congested area is unthinkable. Parking is almost impossible at the weekend and I say that as a resident of 4 Market Street.

The demolition and construction of said building will definitely impact the conservational area here, due to the restricted access to the rear of this property. As mentioned previously there is no space for extra parking or large equipment whilst this is undertaken not to mention the noise disruption.

This would appear to be, in my opinion, a totally unnecessary construction given all the new housing estates that are being built locally.

I look forward to hearing from you.

Kind regards,

Christy McLauchlan.

4 Market Street, Mid Calder, EH53 0AA

West Lothian Council - Data Labels:

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

OFFICIAL: Contains information for council staff only

PUBLIC: All information has been approved for public disclosure

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

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

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



From: [Planning](#)
To: [Calderwood, Alexander](#)
Subject: FW: Planning application Market Street Mid Calder - [OFFICIAL]
Date: 19 July 2022 08:47:27

DATA LABEL: OFFICIAL

From: Lynda McLauchlan [REDACTED]
Sent: 18 July 2022 15:47
To: Planning <Planning@westlothian.gov.uk>
Subject: Planning application Market Street Mid Calder

Good afternoon,

I would like to place my objection on record again, to the planned demolition of an outbuilding and the erection of 2 studio flats next to my property on Market Street in Mid Calder.

The impact of potentially 4 more cars to find parking places in an already congested area is unthinkable. Parking is almost impossible at the weekend and I say that not only as a business owner with my customers in mind but also as a resident of 8 Market Street.

Our garden has recently been refurbished after the Covid restrictions so that we can maximise and utilise our space better. A building of this nature would not sit well with me due to fact that it would sit along the entirety of the boundary wall and block natural light into our garden.

Our garden forms part of our licensed area which leads into a function area and as the previously mentioned Covid restrictions have now passed, we will have functions almost every weekend as people restart their social lives. The prospect of complaints being made on an environmental basis would be detrimental to my business.

The demolition and construction of said building will definitely impact my business due to the restricted access to the rear of this property. As mentioned previously there is no space for extra parking or large equipment whilst this is undertaken not to mention the noise disruption.

I have been neighbours with Mr Carpico for many years now and have always had a good relationship with him and his family but I feel I must object again to this proposal on the grounds that it could have a detrimental effect on my business while we are still rebuilding after all the closures and restrictions that Covid brought.

Regards
 Lynda McLauchlan
 Sent from my iPhone

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

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



From: [Planning](#)
To: [Calderwood, Alexander](#)
Subject: FW: Objection to planning ref: 0566/FUL/22 at 14 Market Street, Mid Calder - [OFFICIAL]
Date: 19 July 2022 08:45:46

DATA LABEL: OFFICIAL

From: [REDACTED]
Sent: 18 July 2022 15:31
To: Planning <Planning@westlothian.gov.uk>
Subject: Re: Objection to planning ref: 0566/FUL/22 at 14 Market Street, Mid Calder

Good afternoon,

I would like to place my objection on record again, to the planned demolition of an outbuilding and the erection of 2 studio flats next to my property on Market Street in Mid Calder.

The impact of potentially 4 more cars to find parking places in an already congested area is unthinkable. Parking is almost impossible at the weekend and I say that not only as a business owner with my customers in mind but also as a resident of 8 Market Street.

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I have been neighbours with Mr Carpico for many years now and have always had a good relationship with him and his family but I feel I must object again to this proposal on the grounds that it could have a detrimental effect on my business while we are still rebuilding after all the closures and restrictions that Covid brought.

I look forward to hearing from you.

Kind regards,

Donald.



Donald McLauchlan CBII

Proprietor | Black Bull Inn

phone:

mobile:

site: blackbullmidcalder.co.uk

email:

address: 8 Market Street, Mid Calder, EH53 0AA



West Lothian Council - Data Labels:

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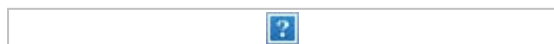
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Link to **Information Handling Procedure:** <http://www.westlothian.gov.uk/media/1597/Information-Handling-Procedure/pdf/infohandling1.pdf>

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PROPOSED DELEGATED PLANNING DECISIONS

☒ LOCAL MEMBER REFERRAL REQUEST ☒

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

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

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

| <u>Application Details</u> | <u>Reason For Referral Request</u> (please tick ✓) |
|---|---|
| <p>Application Reference Number</p> <p>0566/FUL/22</p> <p>.....</p> <p>Site Address</p> <p>14 Market Street, Mid Calder, Livingston, West Lothian, EH53 0AA (Grid Ref: 307459,667609)</p> <p>Title of Application</p> <p>Demolition of an existing two storey outbuilding and erection of two one- bedroom studio flats</p> <p>Member's Name</p> <p>Councillor Carl John</p> <p>Date: 1/8/22</p> | <p>Applicant Request..... <input type="checkbox"/></p> <p>Constituent Request..... <input checked="" type="checkbox"/></p> <p>Other (please specify)..... <input type="checkbox"/></p> |

PROPOSED DELEGATED PLANNING DECISIONS

☒ LOCAL MEMBER REFERRAL REQUEST ☒

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

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

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

| <u>Application Details</u> | <u>Reason For Referral Request</u> (please tick ✓) |
|--|---|
| <p>Application Reference Number</p> <p>0566/FUL/22</p> <p>.....</p> <p>Site Address</p> <p>14 Market Street, Mid Calder, Livingston, West Lothian, EH53 0AA (Grid Ref: 307459,667609)</p> <p>Title of Application</p> <p>Demolition of an existing two storey outbuilding and erection of two one- bedroom studio flats</p> <p>Member's Name</p> <p>Cllr Veronica Smith</p> <p>Date: 1/8/22</p> | <p>Applicant Request..... <input type="checkbox"/></p> <p>Constituent Request..... <input checked="" type="checkbox"/></p> <p>Other (please specify)..... <input type="checkbox"/></p> |

Development Management Committee

17 August 2022

Item 10 - Application : 0566/FUL/22

Demolition of an existing two storey outbuilding and erection of two one bedroom studio flats

14 Market Street / Mid Calder / EH53 0AA



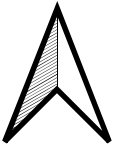


0566/FUL/22 - 14 Market Street - Mid Calder - EH53 0AA

Development Management - West Lothian Civic Centre - EH54 6FF

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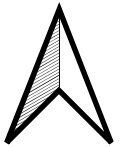
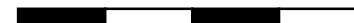
**West Lothian
Council**

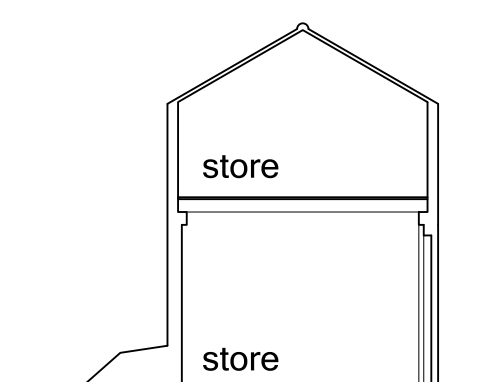
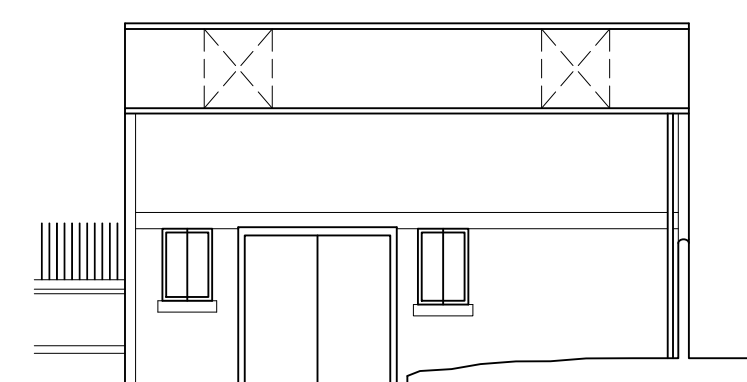
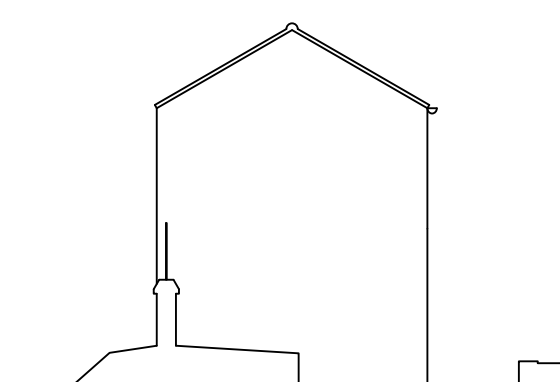
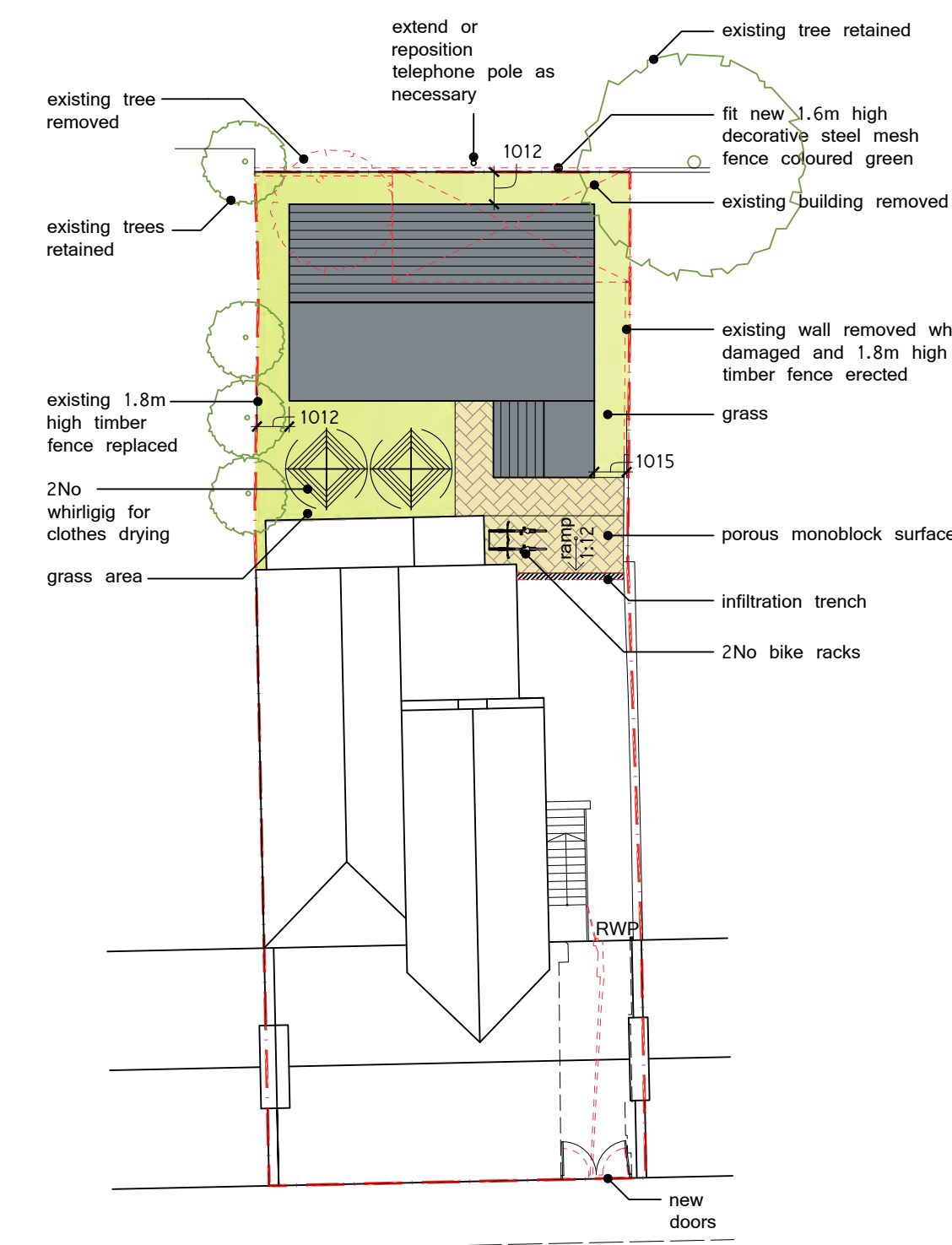
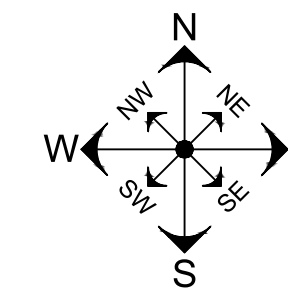
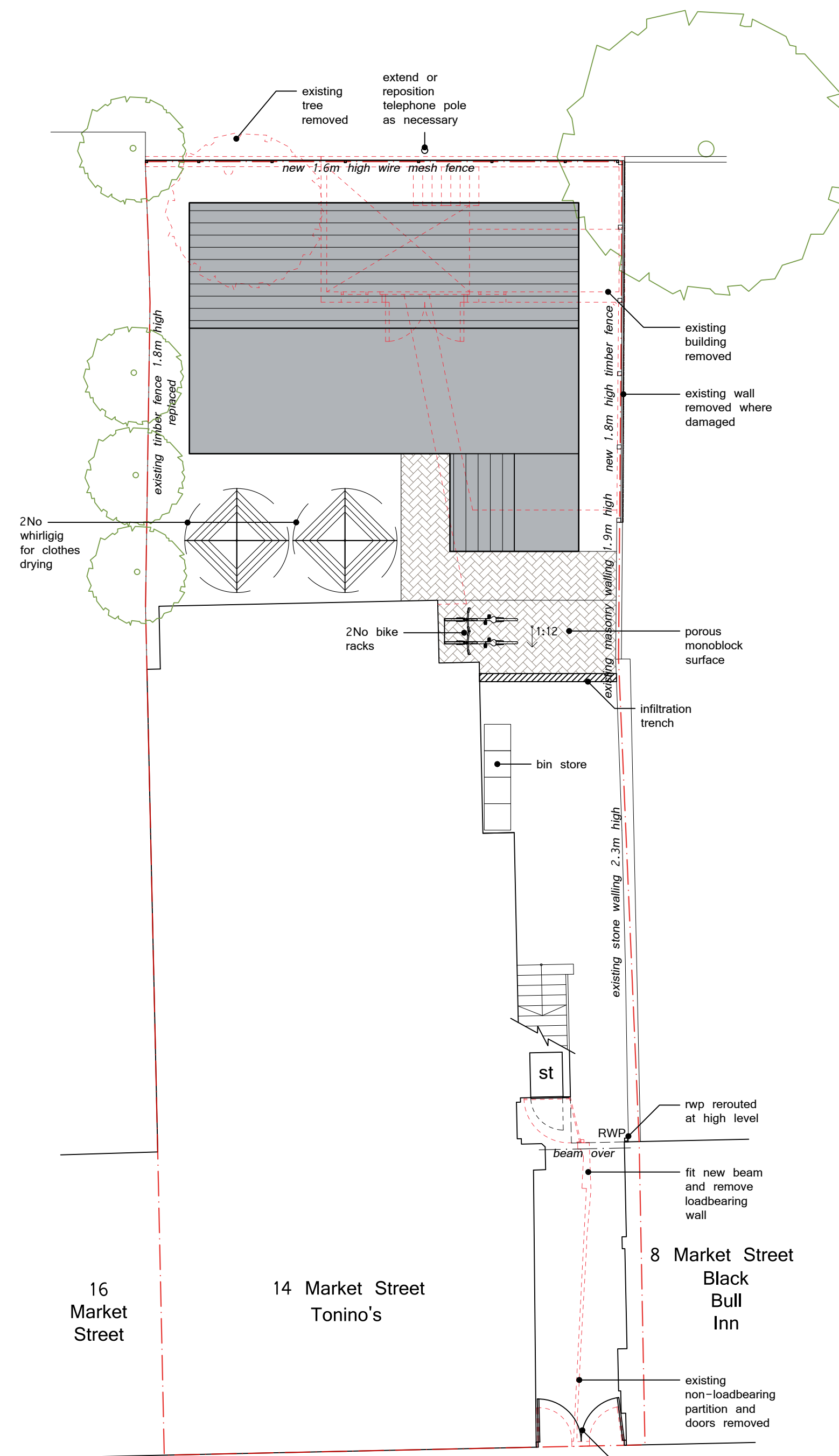
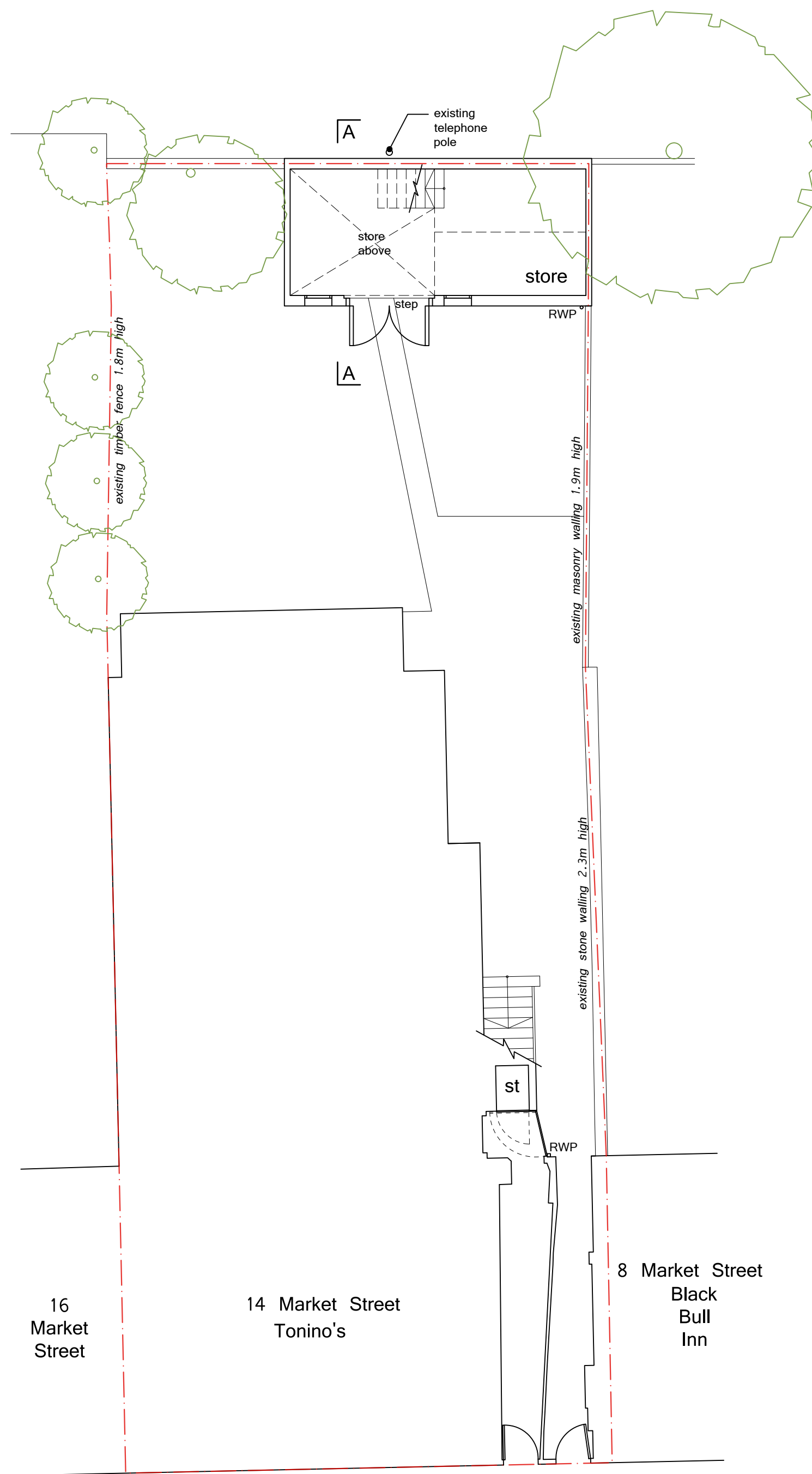
0566/FUL/22 - 14 Market Street - Mid Calder - EH53 0AA

Development Management - West Lothian Civic Centre - EH54 6FF

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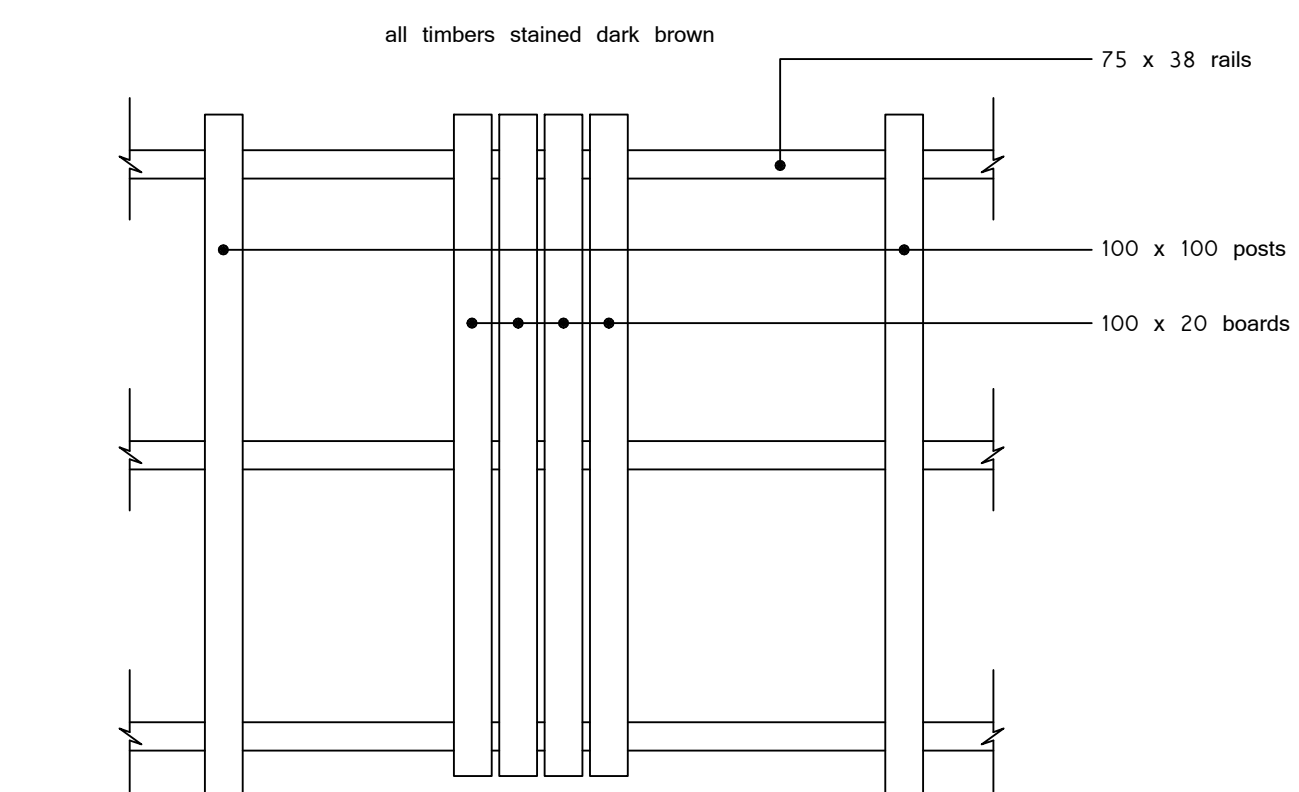
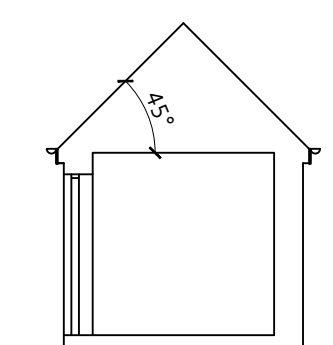
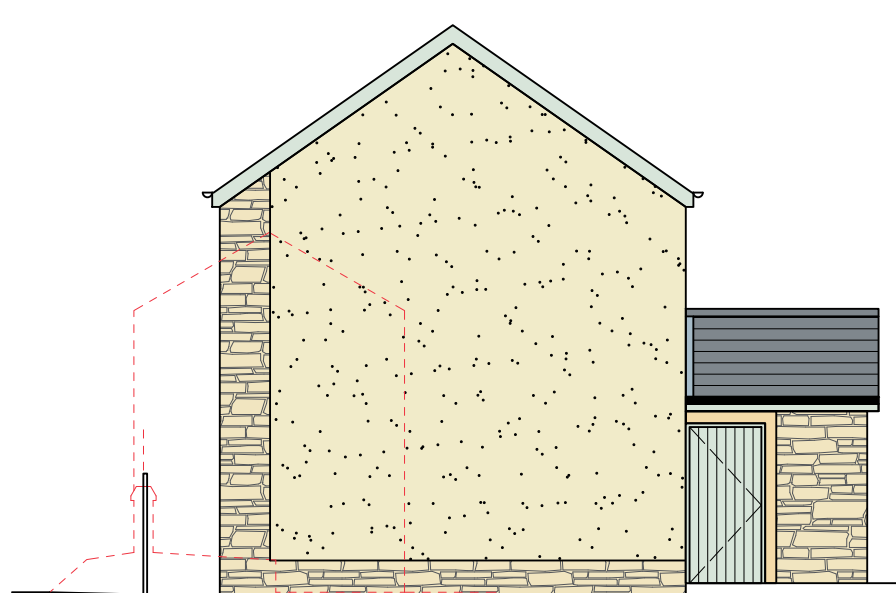
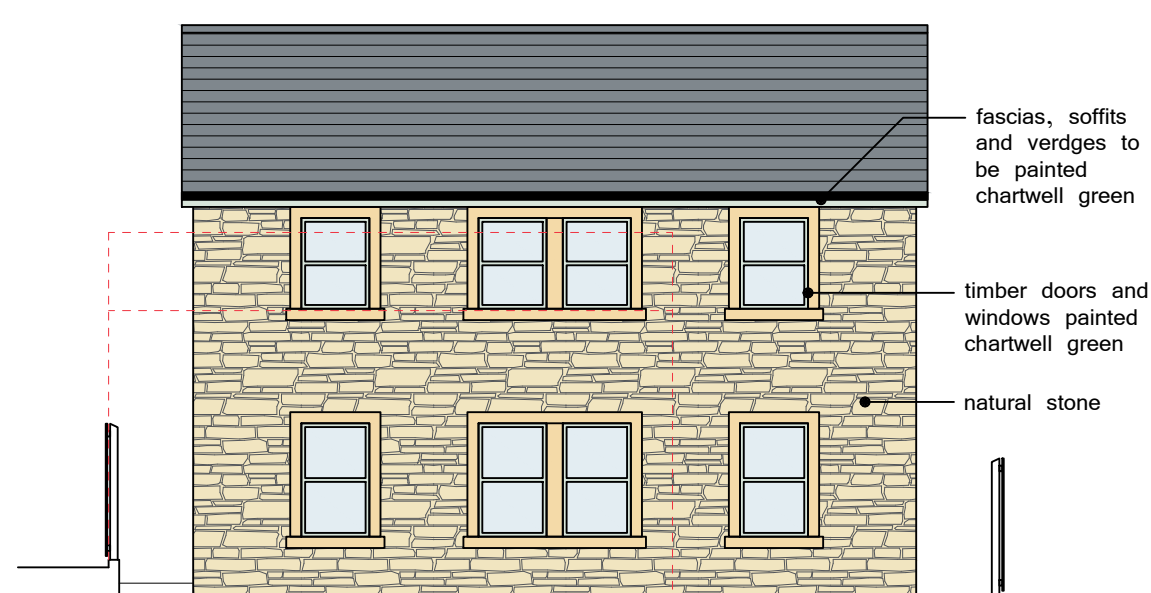
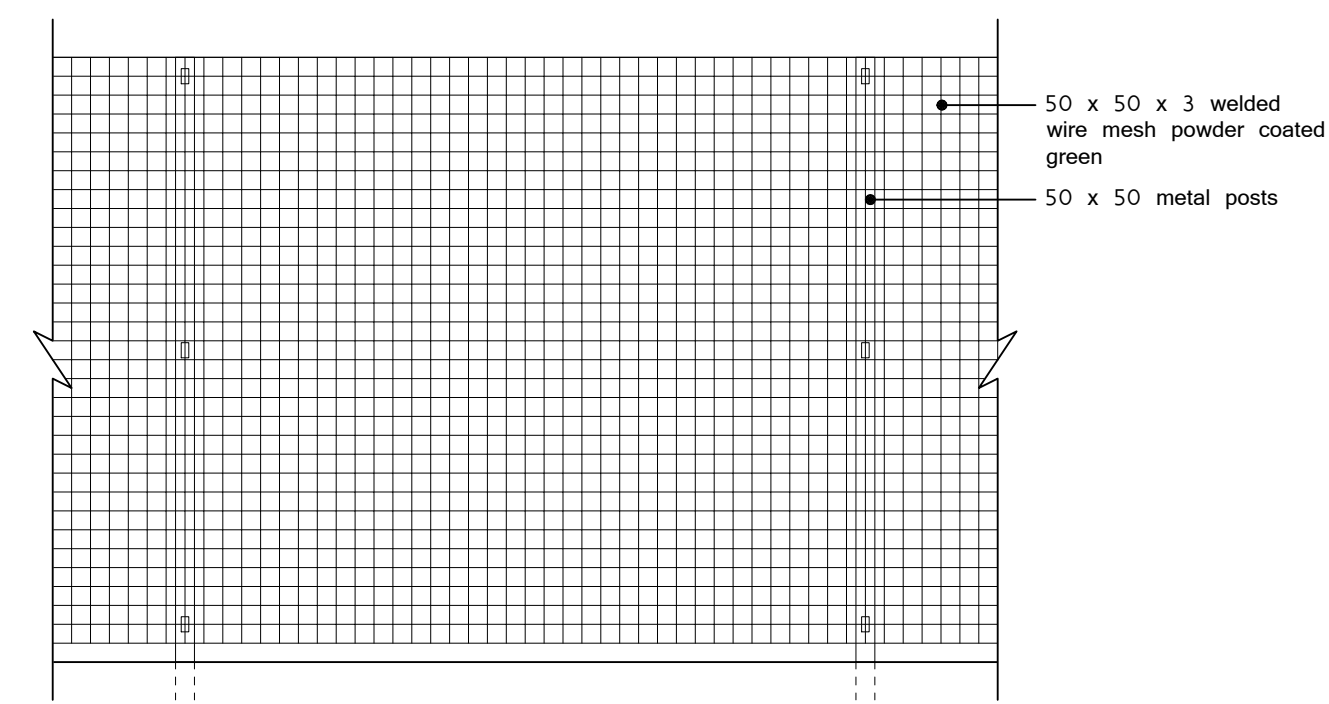
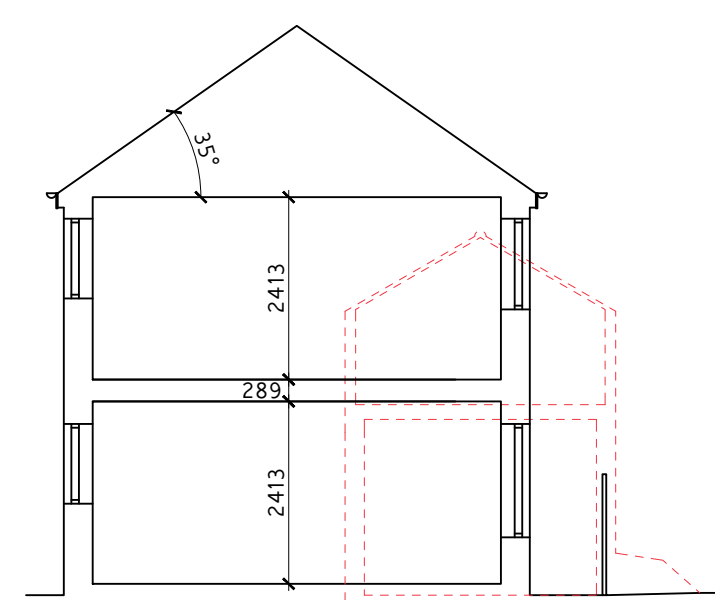
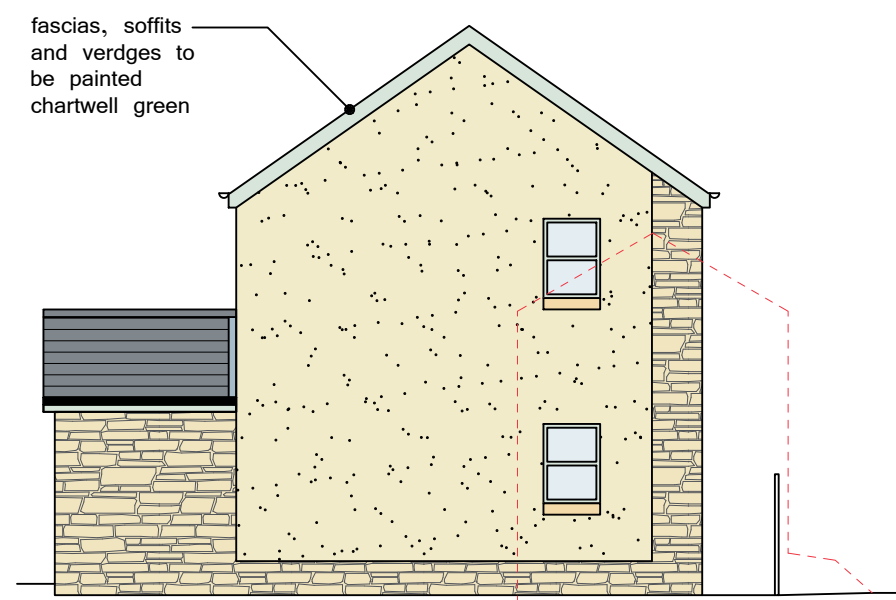
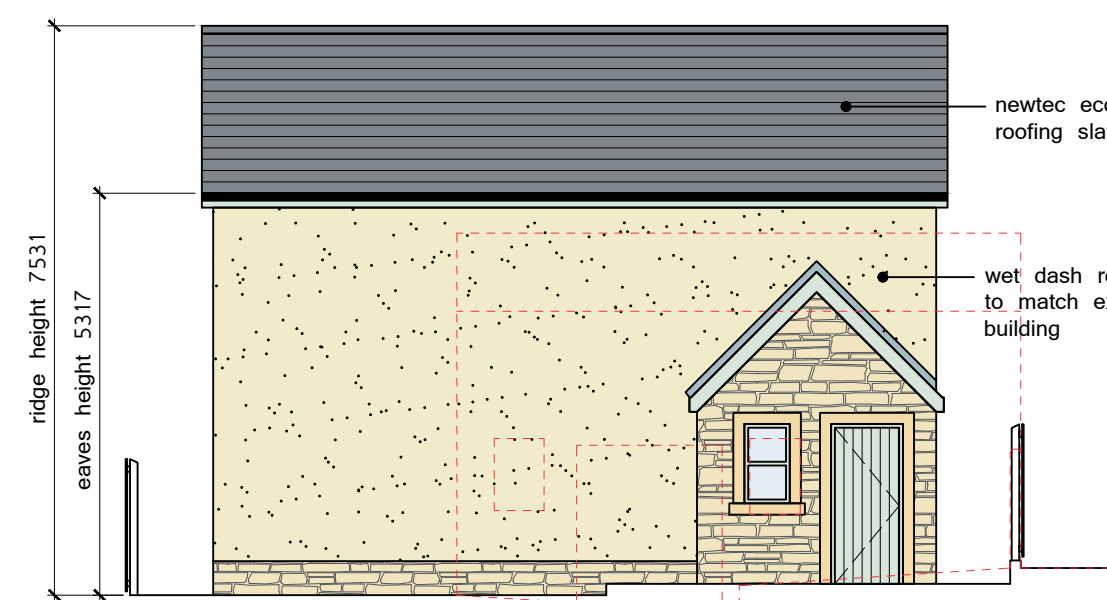
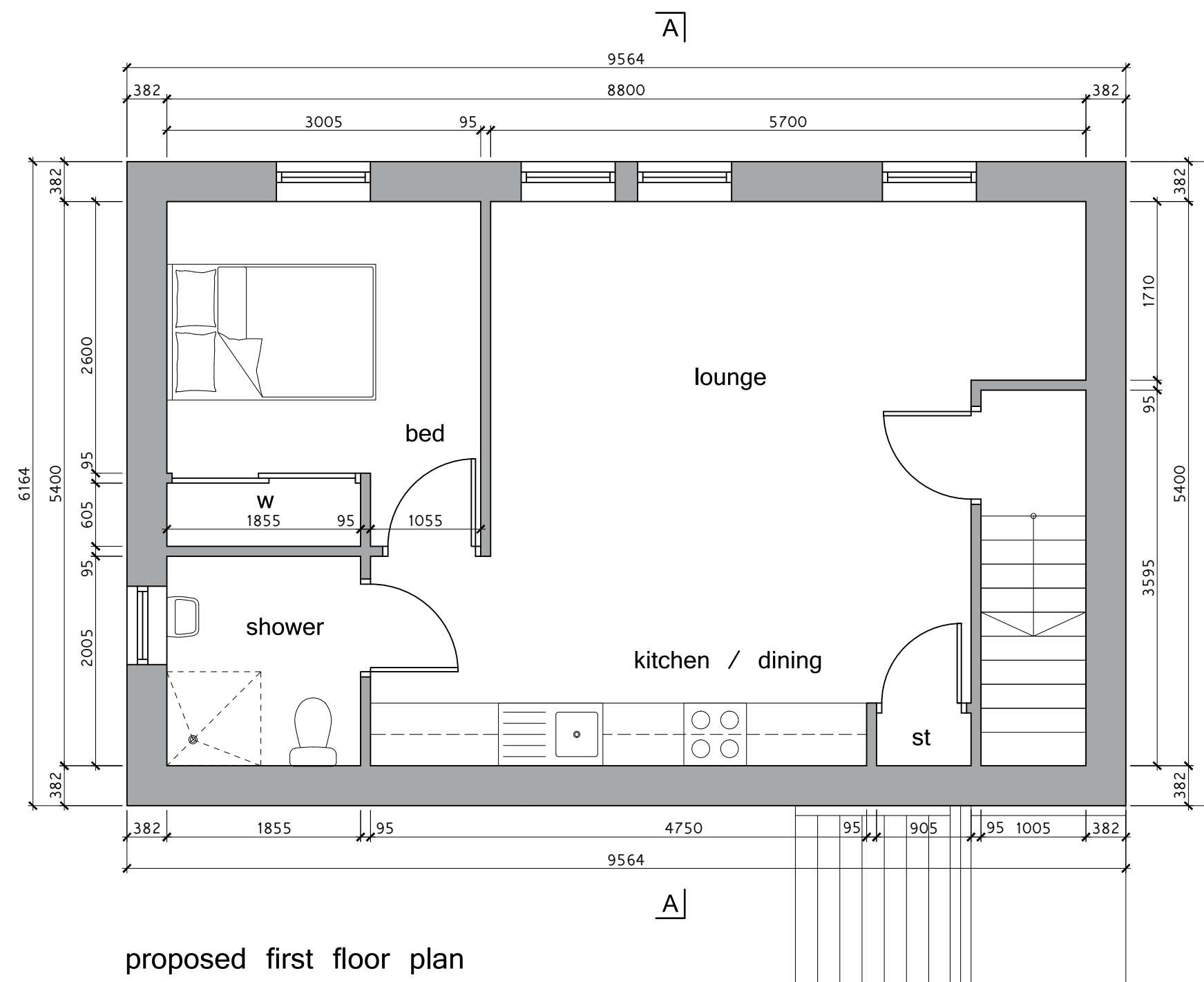
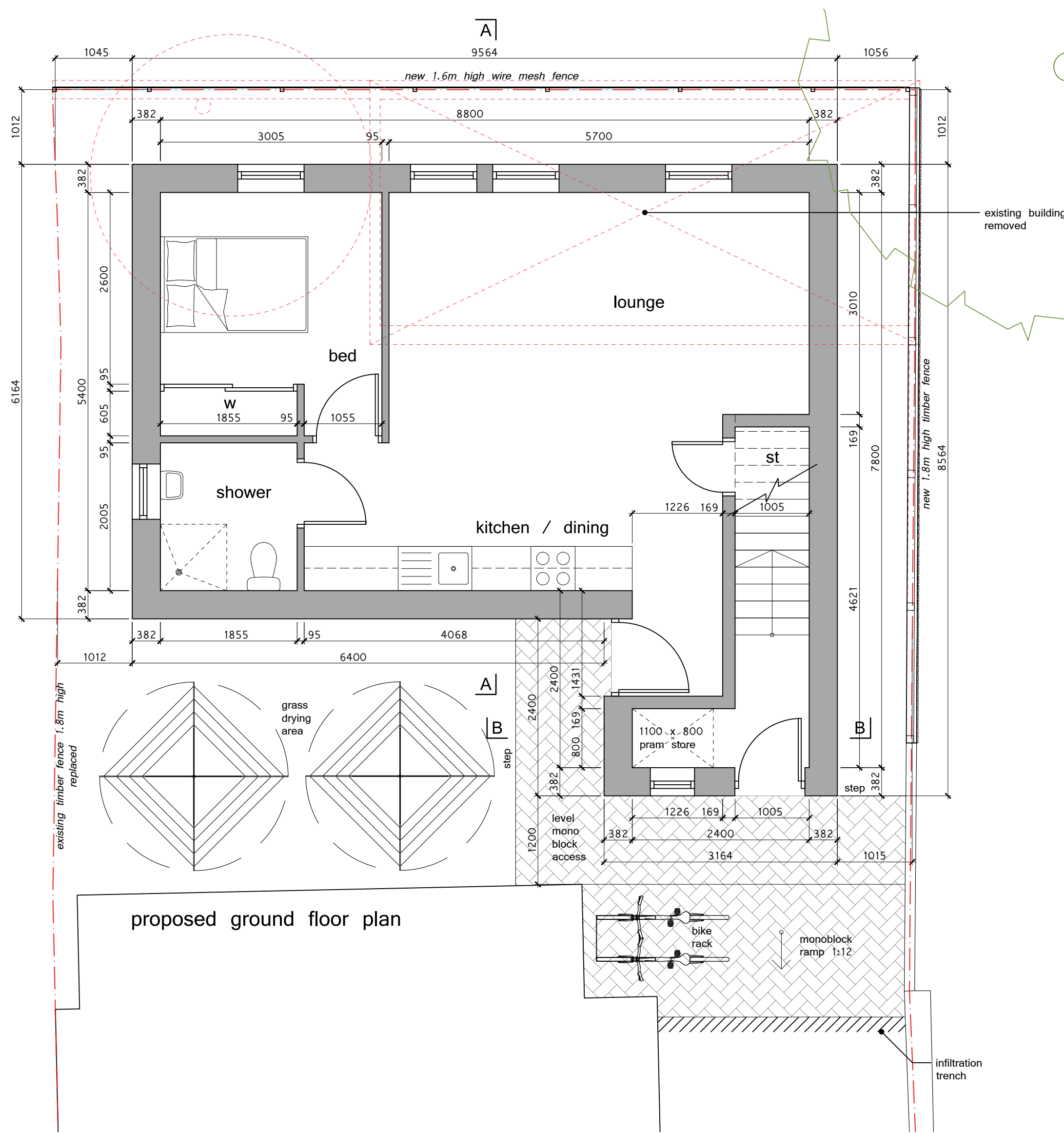
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PLANNING

| |
|--|
| REVISIONS |
| A - 12.09.2018 - Add porous monoblock hardstandings |
| B - 19.05.2019 - add minor notes and infiltration trench. |
| C - 19.06.2022 - reinstate tree add bike rack and drying area amend access door |
| JOB TITLE |
| EXISTING FLOOR PLAN, ELEVATIONS, SECTION, PROPOSED FLOOR PLAN, ELEVATION, PROPOSED SITE PLAN AND LOCATION PLAN |
| PROPOSED DEMOLITION OF AN EXISTING BUILDING AND THE ERECTION OF 2NO ONE BEDROOM STUDIO FLATS TO THE REAR OF |
| 14 MARKET STREET MID CALDER LIVINGSTON |
| 1:100, 1:200, 1:1250 12th September 2018 |
| Drawing Number JWAC A1 PP 01/57/2017 C |
| John Watson Architectural Consultant Ltd. |
| 11 Market Street Midcalder West Lothian EH53 0AL |
| Phone: 01506 885928 E-mail: info.jwactd@gmail.com |



PLANNING

| REVISIONS |
|---|
| A - 12.09.2018 - Reduce building height and adjust external appearance |
| B - 20.05.2019 - Add minor notes. |
| C - 20.06.2022 - Reposition window to mitigate noise, reinstate tree |
| JOB TITLE |
| PROPOSED PLANS, ELEVATIONS, SECTION AND FENCE DETAILS |
| PROPOSED DEMOLITION OF AN EXISTING BUILDING AND THE ERECTION OF 2NO ONE BEDROOM STUDIO FLATS TO THE REAR OF |
| 14 MARKET STREET MID CALDER LIVINGSTON |
| Scales 1:20, 1:50, 1:100 12th September 2018 |
| Drawing Number JWAC A1 PP 02/57/2017 C |

John Watson Architectural Consultant Ltd.
 11 Market Street
 Midcalder
 West Lothian
 EH53 0AL
 Phone: 01506 885928
 E-mail: info.jwactd@gmail.com



Development Management

List of Delegated Decisions - 1st July 2022

DATA LABEL: OFFICIAL

The following decisions will be issued under delegated powers unless any Member representing the ward in which the application is located requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

| | | | |
|-------------------|---|------------------------|---|
| Ref. No.: | LIVE/0485/P/10 | Recommendation: | Refuse Planning Permission in Principle |
| Proposal: | Planning permission in principle for a 38.5ha mixed use development comprising housing, community facilities and open space provision with associated infrastructure and landscaping (amended plans - updated May 2014) | | |
| Address: | Land to The North and East of East Mains Industrial Estate, Broxburn EH52 5LT | | |
| Applicant: | Overton Farm Developments Ltd | Type: | Major Application |
| Ward: | Broxburn, Uphall & Winchburgh | Case Officer: | Wendy McCorriston |

Summary of Representations

11 objections were received at the time of the submission, including one from Broxburn Community Council. The grounds of objection are:

- There should be a master plan, as required by the Local Plan
- Road safety and traffic congestion
- Loss of open land and impact on trees and wildlife
- Impacts on residential amenity
- Housing inappropriate adjacent to industrial uses and railway line
- Contamination and undermining
- Impacts on archaeology
- Drainage impacts
- Issues from black mould

Officers report

This application was submitted over 12 years ago and was one of 3 applications that covered the East Broxburn Core Development Area (CDA), as designated in the West Lothian Local Plan, 2009, which was the local plan in force at the time. The other 2 applications, to the west side of this site, have since been withdrawn. This application covers only the eastern part of the allocated CDA, comprising allocation Ref: H-BU-10 in the current adopted West Lothian Local Development Plan, 2018 (LDP).

The site is mainly greenfield and is situated to the east of East Mains Industrial Estate and south of the Union Canal and Greendykes Bing. The CDA allocation is for residential and mixed-use development and requires the submission of a masterplan for the full CDA which should take into account surrounding land uses and provide for several infrastructure interventions. These include school provision, a road linking the A89 to Greendykes Road and remediation of the areas of the CDA which formed part of the Broxburn Oil Works.

This proposal is mainly residential and the applicant has failed to address the impacts that noise from the industrial estate would have on the proposed housing. The impact from black mould from the bonded warehousing has not been fully addressed.

The result of the withdrawal of the 2 other CDA applications is that the school and road infrastructure for the full CDA cannot be delivered and the requirement for remediation of the degraded parts of the wider site cannot be achieved.

Approval of this single application would prejudice the delivery of the full CDA, contrary to the provisions of policy CDA 1 (Development in CDAs) that requires a comprehensive masterplan approach and the delivery of associated infrastructure and/or developer contributions.

The applicant is now exploring business use of the site but rather than withdrawing this application has requested that it is determined.

The application is contrary to the terms of the development plan, in particular policies CDA1(CDAs), INF1 (Infrastructure Provision), TRAN1 (Transport Infrastructure), EMG4 (Air Quality), EMG5 (Noise), EMG6 (Contaminated Land), DES1 (Design Principles) and HOU4 (Affordable Housing).

It is recommended that Planning Permission in Principle be refused.

| | | | |
|--|--|------------------------|-------------------|
| Ref. No.: | 0366/H/22 | Recommendation: | Refuse Permission |
| Proposal: | Extension to house | | |
| Address: | The Elms,84 Main Street, East Calder, West Lothian, EH53 0EX (Grid Ref: 308795,668057) | | |
| Applicant: | Mrs L McBean | Type: | Local Application |
| Ward: | East Livingston & East Calder | Case Officer: | Rachael Lyall |
| <u>Summary of Representations</u> | | | |
| N/A | | | |
| <u>Officers report</u> | | | |
| <p>This application proposes the erection of a side extension onto the property located at 84 Main Street, East Calder.</p> <p>The proposed works are to measure 6.000m x 8.254m and is to be 4.460m in overall height from the lowest ground level to the eaves of the proposed flat roof. The extension is to feature two bay windows within the side elevation, sliding patio doors on the front elevation and a small boiler room on the rear elevation.</p> <p>The extension is to be externally finished using stone and a single ply roofing membrane.</p> <p>The proposed works do not integrate with the existing property in terms of scale or design. The proposed works will also appear out keeping and prominent within the site and as a result, will detract from the overall street scene. In addition, the proposed patio doors to the front of the property will impact upon the character and appearance of both the existing property and street scene.</p> <p>The proposed works are to replace an existing conservatory which is of a modest scale and design and is considerate to the existing property in terms of roof style and overall design. It is advised that any proposed extensions to the property should consider this scale and design in comparison to the flat roof design which significantly adds to the overall scale and bulk of the proposed works and does not relate to or integrate with the roof style of the existing property.</p> <p>As a result, this proposal is contrary to West Lothian Local Development Plan's DES 1 (Design Principles) Policy and does not follow the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is refused planning permission.</p> | | | |

| | | | |
|--|--|------------------------|---------------------------|
| Ref. No.: | 0383/H/22 | Recommendation: | Grant Planning Permission |
| Proposal: | Installation of a driveway (DSE works) | | |
| Address: | 67 Moorelands, Loganlea, Addiewell, West Lothian, EH55 8HX (Grid Ref: 298269,662155) | | |
| Applicant: | Ms Marie Kay | Type: | Local Application |
| Ward: | Fauldhouse & The Breich Valley | Case Officer: | Rachael Lyall |
| <u>Summary of Representations</u> One objection comment and one neutral comment received - - Querying if existing hedge is to be removed or remain in place, - Schedule for works commencing on site, - Works being erected in neighbouring garden. Planning response - - The existing hedge is to remain in place, - It is for the applicant to decide when works will commence on site, - The works are proposed to the front of the applicant's property which is garden area for no. 67. The garden area to the side of the block of flats, which is garden area for no. 68, will not be impacted by the proposed works. | | | |
| <u>Officers report</u> This application proposes the formation of a driveway at the property located at 67 Moorelands, Addiewell. The proposed works open up the existing boundary fence, install a gate to the front of the property and form a driveway. It is to be noted that there is an existing dropped kerb to the front of the property. The proposed works will not encroach onto the garden area of no. 68, which is located to the side of the block of flats. The proposed works are of a minor scale which will not significantly impact upon either the visual amenity or the residential amenity in terms of overlooking or overshadowing. The works will not detract from the street scene and will not appear out of keeping with the surrounding area. The proposal complies with Policy DES 1 (Design Principles) of the West Lothian Local Development Plan and follows the appropriate guidance in the House Extension and Alteration Design Guide, 2020. It is recommended that this application is granted planning permission. | | | |



Development Management

List of Delegated Decisions - 8th July 2022

DATA LABEL: OFFICIAL

The following decisions will be issued under delegated powers unless any Member representing the ward in which the application is located requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

| | | | |
|-------------------|--|------------------------|---------------------------|
| Ref. No.: | 0201/FUL/21 | Recommendation: | Grant Planning Permission |
| Proposal: | Erection of 4 houses and extension to house | | |
| Address: | Acredale, West Main Street, Broxburn, West Lothian, EH52 5LJ (Grid Ref: 307088,672027) | | |
| Applicant: | Mr Kevin Coyle | Type: | Local Application |
| Ward: | Broxburn, Uphall & Winchburgh | Case Officer: | Steven McLaren |

Summary of Representations

There have been 3 representations received, one objection, and two neutral comments. The objection relates to:

- Road safety
- Loss of parking on the main street
- Loss of trees and impact on wildlife

Officers report

This is a large site of approximately 0.52ha and is the grounds for the former doctor's house at Acredale, West Main Street. Planning permission in principle was granted for the retention of the existing house and the construction of 4 houses in 2018 (Ref: 0097/P/16).

The detailed application submitted shows the site to be developed in the manner previously granted with the existing house being renovated and extended and 4 bespoke architecturally designed houses within the plot. The house designs are 'L' shaped, 1.5 storey with a mix of slate and pantile roofs and render finish. The houses benefit from well-proportioned plots and the distance and orientation of the houses does not impact on privacy or residential amenity for either adjacent houses or the care home. Parking is provided fully within the development, therefore, there is no impact on on-street parking and the existing access to the site will be utilised.

Whilst trees within the site will be removed, these are of low quality with a number wind-blown and are not protected. Their removal was previously considered under application 0097/P/16. The scale, design and orientation of the proposed houses is acceptable and is an appropriate use for this area of land within the Broxburn settlement.

The proposals accord with policy HOU3 (infill/windfall housing development with settlement), DES1 (design principles) and other associated adopted West Lothian Local Development Plan, 2018 policies. Recommendation is to grant planning permission subject to securing developer contributions.

| | | | |
|-------------------|---|------------------------|-------------------|
| Ref. No.: | 0380/H/22 | Recommendation: | Refuse Permission |
| Proposal: | Installation of rooflights | | |
| Address: | Douglas Cottage, 4B Friars Brae, Linlithgow, West Lothian, EH49 6BQ (Grid Ref: 300144,676868) | | |
| Applicant: | Mr Glyn Eggar | Type: | Local Application |
| Ward: | Linlithgow | Case Officer: | Lucy Hoad |

Summary of Representations

One representation has been received. Main points include:

- Loss of privacy to neighbouring property
- Overlooking

Officers report

Douglas Cottage (Douglas Cottage School) LB37375 is a category B Listed building in the Upper Linlithgow and Union Canal conservation area. It is an early C19 single storey 3 bay T Plan Tudor style schoolhouse now in residential use.

The applicant also applied for listed building consent (0381/LBC/22), which has been refused.

Internally, the works involve removing the A frame of the roof structure and replacement with steel hangers bolted into the external walls in order to lower the ceilings to create an upper floor level for bedrooms and bathroom accommodation. Externally, the works involve 5 rooflights to secondary elevations (side and rear of the property).

Linlithgow Civic Trust object to the application as the rooflights are not in keeping with the architectural style of the building and as they would adversely affect privacy of neighbouring Thrift Cottage.

The rooflights, by virtue of their elevated position visible from the street, design and materials, would harm the design qualities of the building and would neither preserve nor enhance the character or appearance of the conservation area.

Taking into account site context and proximity to neighbouring properties, the rooflights would also adversely impact on the amenity and enjoyment of the neighbouring Thrift Cottage due to a loss of privacy and overlooking.

The proposal is contrary to West Lothian Local Development Plan 2018 policies DES 1 (Design Principles), ENV24 (Conservation Areas) and ENV28 (Listed Buildings) and the council's planning guidance House Extension & Alteration Design Guide.

It is recommended that planning permission is refused.



Development Management

List of Delegated Decisions - 15th July 2022

The following decisions will be issued under delegated powers unless any Member representing the ward in which the application is located requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

| | | | |
|-------------------|---|------------------------|---------------------------|
| Ref. No.: | 0296/FUL/22 | Recommendation: | Grant Planning Permission |
| Proposal: | Erection of air pollution control residues (APCR) plant, buildings, storage tanks and associated plant and infrastructure (EIA development) | | |
| Address: | Levenseat Waste Management, By Forth, Lanark, ML11 8TS, (Grid Ref: 305280,667171) | | |
| Applicant: | Levenseat Limited | Type: | Local Application |
| Ward: | Fauldhouse & The Breich Valley | Case Officer: | Matthew Watson |

Summary of Representations

One objection:

- Lack of community consultation
- Inadequate landscape visual impact assessment
- Cumulative impact of developments around Fauldhouse

Officers report

The application proposes the erection of air pollution control residues (APCR) plant, buildings, storage tanks and associated plant and infrastructure.

APCR is a waste material arising from the treatment of flue gasses from an Energy from Waste plant. It is a fine-grained dry powder and is classified as hazardous primarily due to its high alkalinity. All APCR currently produced in Scotland is exported to England for treatment and disposal. On site treatment of APCR will avoid the need for expensive transportation for treatment and disposal to landfill.

The proposal is located on an existing waste management site and is therefore acceptable in principle.

The visual impact of the development is largely contained within the existing Levenseat Waste Management site. The Landscape and Visual Impact Assessment submitted as part of the Environmental Impact Assessment finds the proposal will not result in any significant adverse impacts on local landscape character and visual amenity. Officers agree with this assessment and the proposed plant buildings and storage tanks are largely screened by the topography of the site.

It is proposed to attach conditions covering material finishes, the implementation of the surface water drainage system and construction hours to any permission. The proposal complies with policies ENV1 (Landscape Character), MRW8 (Waste Management) and DES1 (Design Principles) of the West Lothian Local Development Plan.

It is therefore recommended that planning permission is granted, subject to conditions.

| | | | |
|-------------------|--|------------------------|-------------------------------------|
| Ref. No.: | 0456/FUL/22 | Recommendation: | Refuse Permission Agenda Item 11 |
| Proposal: | Formation of hardstanding for trailer storage with associated landscaping | | |
| Address: | Land South Of Nethermuir, Bathgate, West Lothian, EH48 4LF (Grid Ref: 295981,670213) | | |
| Applicant: | Mr Stuart Black J & S Black (A Firm) | Type: | Local Application |
| Ward: | Bathgate | Case Officer: | Kirsty Hope |

Summary of Representations

No representations were received.

Officers report

The proposal is for the formation of a trailer storage area within the countryside as defined in the adopted West Lothian Local Development Plan, 2018 (WLLDP).

Policy EMP 3 (Employment Development out with Settlement Boundaries) of the WLLDP provides criteria whereby new small-scale business outwith settlement boundaries will be supported. It has not been demonstrated that there is no suitable alternative sites available for the proposal within the settlement boundary or within employment areas. No other sites were provided as alternatives. A site-specific business case/locational need justification has not been made. Although it is noted there is an existing use, this proposal would be across the access track and on a greenfield site within the countryside. The proposal does not constitute a legitimate farm diversification enterprise. It has not been satisfactorily demonstrated that the proposals would help sustain the rural economy or create significant social benefits

Policy ENV 3 (Other Development in the Countryside) provides criteria whereby non-housing development outwith settlement boundaries will be supported. Whilst it is noted that the development is for the expansion of an existing business, no evidence has been submitted to demonstrate that a countryside location is essential for the expansion of the business and no suitable alternative site is available within the nearby settlements. No site selection report was submitted explaining and illustrating why the proposed site has been chosen. No business justification was submitted. No detailed landscape character and visual impact assessment was submitted to evidence that the proposals would either have benign consequences or that they could be satisfactorily mitigated through landscaping, shelter belt planting or positioning within the landscape. The bund would protect views from the track access but not from the roadside approaching from the south.

No drainage assessment has been provided or drainage layout/levels.

The proposal is therefore contrary to the above development plan policies and it is recommended that planning permission be refused.

| | | | |
|-------------------|---|------------------------|-------------------------------------|
| Ref. No.: | 0513/FUL/22 | Recommendation: | Refuse Permission Agenda Item 11 |
| Proposal: | Change of use from open space (service strip) to private garden ground to form extended parking (in retrospect) | | |
| Address: | 46 Glenisla Court, Whitburn, West Lothian, EH47 8NT (Grid Ref: 295703,664474) | | |
| Applicant: | Miss Pamela McKee | Type: | Local Application |
| Ward: | Whitburn & Blackburn | Case Officer: | Rachael Lyall |

Summary of Representations

Two objections received -
- Impact on street access/parking and public footpath,
- Overlooking.

Officers report

This application seeks retrospective planning permission for a change of use, from open space to private garden ground, in order to form a driveway with additional parking at 46 Glenisla Court, Whitburn.

The land, which was previously open space, was used a service strip in which the grass over the service strip has been removed and replaced with monoblock paving. A 900 mm high timber fence has also been erected which sits abruptly with the public footpath.

Roads and Transportation has advised that the works are not acceptable and should be refused. The consultation comment also advised that the change of use impacts on an area which is adopted public road and is available for statutory undertakers to place their apparatus in without the need for private approval. As a result, this area of land cannot become private garden ground.

In addition, the erected fence, which extends right up to the public footpath, is not in keeping with the surroundings and impacts upon the visual amenity of the streetscene.

This proposal is contrary to West Lothian Local Development Plan's DES 1 (Design Principles) Policy and the proposal does not follow the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is refused planning permission.

| | | | |
|-------------------|---|------------------------|-------------------------------------|
| Ref. No.: | 0552/FUL/22 | Recommendation: | Refuse Permission Agenda Item 11 |
| Proposal: | Change of use from open space to private garden ground and erection of decking over watercourse (in retrospect) | | |
| Address: | 13 Ballencrieff Mill, Bathgate, West Lothian, EH48 4LL (Grid Ref: 296447,669615) | | |
| Applicant: | Mr Michael Alexander | Type: | Local |
| Ward: | Bathgate | Case Officer: | Kirsty Hope |

Summary of Representations

None

Officers report

The proposal involves the change of use from open space to private garden ground and the erection of decking across a watercourse (in retrospect).

The proposal fails to meet the criteria requirements set out in policy ENV 3 (Other Development in the Countryside) of the WLLDP.

The scale and location of the proposed decking would impact on the visual amenity of the surrounding areas, which in turn would set a precedent for other residents to follow suit. The proposal fails to comply with policy DES 1 (Design Principles).

Policy ENV 11 (Protection of the Water Environment / Coastline and Riparian Corridors) advises that development proposals adjacent to a waterbody should comply with the Scottish Environment Protection Agency (SEPA) Guidance on buffer strips adjacent to water bodies. The proposal is contrary to this guidance that recommends a minimum distance of 6m of undeveloped buffer strip is provided to all watercourses and this proposal is erected on the embankment of the watercourse.

Policy ENV 11 (Protection of the Water Environment / Coastline and Riparian Corridors) also states that there will be a general presumption against any unnecessary engineering works in the water environment including bridges, bank modifications. This proposal is for the enjoyment of the resident however is not necessary works, however it is noted that it may well be desirable from the resident. Development within riparian corridors which impacts on the ecological and landscape integrity will not be permitted unless a specific need for the development can be demonstrated, no justification has been provided. The applicant has not provided a specific locational justification for the development which outweighs the need to retain the open space.

The applicant has not provided a specific locational justification for the development which outweighs the need to retain the open space and the site has ecological value as a riparian corridor, contrary to ENV 21 (Protection of Formal and Informal Open Space).

The applicant has not satisfactorily demonstrated that the site is not at risk of flooding by failing to provide a flood risk assessment. SEPA and WLC Flood Risk Management have submitted objections to the development. The proposal is therefore contrary to policy EMG2 (Flooding) and the Supplementary Guidance on Flooding and Drainage.

The development is contrary to the provisions of the development plan and it is therefore recommended that planning permission is refused.

| | | | |
|---|---|------------------------|-------------------------------------|
| Ref. No.: | 0494/H/22 | Recommendation: | Refuse Permission Agenda Item 11 |
| Proposal: | First floor extension to house | | |
| Address: | 6 Rosebery Crescent, Bathgate, West Lothian, EH48 1EA (Grid Ref: 297977,668304) | | |
| Applicant: | Mr Matthew Stevenson | Type: | Local Application |
| Ward: | Bathgate | Case Officer: | Rachael Lyall |
| <u>Summary of Representations</u> | | | |
| N/A | | | |
| <u>Officers report</u> | | | |
| <p>This planning application proposes a first-floor extension onto the property located at 6 Rosebery Crescent, Bathgate.</p> <p>The extension is proposed to be erected above the kitchen located on the ground floor and is to measure 3.100m x 3.100m and is to be 6.100m in overall height from ground level to the ridgeline of the proposed mono pitch roof. The first-floor extension will feature a window within the rear elevation and the side elevation. The windows are to be of a bathroom and therefore will be fitted with opaque glazing.</p> <p>The works are to be externally finished using concrete tiles and timber cladding.</p> <p>Although the works will not significantly impact upon the residential amenity in terms of overlooking, the works will result in additional overshadowing which could be detrimental and will appear as overbearing from the adjoined neighbouring property. In addition, the proposed works will be visible from the main street and will appear out of keeping with the streetscene.</p> <p>This proposal is therefore contrary to West Lothian Local Development Plan's DES 1 (Design Principles) Policy and the proposal does not follow the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is refused planning permission.</p> | | | |



Development Management

List of Delegated Decisions - 22nd July 2022

The following decisions will be issued under delegated powers unless any Member representing the ward in which the application is located requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

| | | | |
|-------------------|--|------------------------|---------------------------------------|
| Ref. No.: | 1167/MS/21 | Recommendation: | Grant Matters Specified in Conditions |
| Proposal: | Approval of matters specified in conditions of planning permission 1012/P/05 for the erection of 40 flats and 141 houses, access roads, footpaths, parking, landscaping and associated works | | |
| Address: | Land East Of Millcraig Road, Block Q3/2E, Winchburgh, West Lothian (Grid Ref: 308049,675247) | | |
| Applicant: | The Technical Department, Bellway Homes Scotland East Bellway Homes Ltd (Scotland East) | Type: | Other - MSC for Major App |
| Ward: | Broxburn, Uphall & Winchburgh | Case Officer: | Steven McLaren |

Summary of Representations

There has been one objection to this application:

- Too many houses in the town centre
- Additional facilities such as supermarket, retail and hospitality are required

Officers report

Planning permission is sought for the construction of 44 flats and 140 houses on development blocks Q2W, Q3 and Q2E of the Winchburgh Core Development area. These blocks are set within the town centre as identified in the approved Winchburgh Master Plan and the adopted West Lothian Local Development Plan, 2018 (LDP), where higher density is acceptable. The housing mix is formed from two 4-storey blocks of flat roofed flats, one 3-storey block of flats and a mix of semi-detached and terraced houses and town houses. There are no detached properties within this development.

Details for the proposals, and in particular the design of the flats and public thoroughfare, have been revised and amended, including a change from 40 flats and 141 houses, and the proposals are now acceptable. One objection has been received in relation to there being too many houses/flats in the town centre and no supermarket, shops or hospitality. Consent has been granted for a retail unit including a cafe off Main Street, the last of the commercial units in the existing local centre is under construction, a supermarket application will be forthcoming and additional commercial units will form part of the town centre market square development.

The proposals, as amended, accord with policies CDA1 (Core Development Areas) and DES 1 (Design Principles) of the adopted LDP and are therefore acceptable and the recommendation is to grant permission.

| | | | |
|-------------------|--|------------------------|-------------------|
| Ref. No.: | 0242/H/22 | Recommendation: | Refuse Permission |
| Proposal: | Extension to house and erection of a detached double garage | | |
| Address: | Old Clapperton Hall, East Calder, West Lothian, EH52 5PE (Grid Ref: 308694,668874) | | |
| Applicant: | Mr Craig Young | Type: | Local Application |
| Ward: | East Livingston & East Calder | Case Officer: | Lucy Hoad |

Summary of Representations

None

Officers report

The property is a traditional detached stone cottage which sits in a large site within a small building group located in a rural estate. The property has been extended in the past to include small additions to north west elevation and box dormer to south east roof plane.

The application seeks to extend on the property on the south east elevation. The applicant was requested to reduce the footprint, mass and scale of the addition but no acceptable plans have been received to date.

This is a modest building with a simple form and layout. The addition is proposed to the south east elevation of the property extending out on the line of the existing gable. The expanse of the wall leading from the gable overwhelms the scale of the building and the applicant was asked to pull the development off the gable and align with the dormer. This would allow the existing gable to be read as such, with exposure of skews. Other suggestions made in order to break up the blank wall included provision of an opening and use of glazing or railings around the entire balcony rather than stone at the gable.

Whilst it could be argued that the large box dormer has an impact on the character and appearance of the property to a degree, the current proposals are out of keeping with the property in terms of mass and scale and are not visually acceptable. The overall effect of the development is one of dominance in relation to the appearance of the main dwelling.

Policy DES 1 (Design Principles) of the West Lothian Local Development Plan, 2018 states that all development proposals will require to take account of and be integrated with the local context and built form. It also states there should be no significant adverse impact on adjacent buildings or streetscape in terms of scale, massing, design or amenity.

This proposal is contrary to policy DES1 (Design Principles) and the council's planning guidance House Extension and Alteration Design Guidelines 2020.

It is recommended that planning permission is refused.

| | | | |
|-------------------|--|------------------------|-------------------|
| Ref. No.: | 0488/FUL/22 | Recommendation: | Refuse Permission |
| Proposal: | Conversion and extensions to former pumping building to form a house | | |
| Address: | Land To North Of Breich Pit Studio, Mid Breich Farm, West Calder, West Lothian, EH55 8PL (Grid Ref: 300497,664487) | | |
| Applicant: | Mr James Ritchie | Type: | Local Application |
| Ward: | Whitburn & Blackburn | Case Officer: | Kirsty Hope |

Summary of Representations

None

Officers report

The application is for a conversion and extensions to a former pumping building to form a house, which is located within the countryside, as identified in the West Lothian Local Development Plan, 2018 (LDP).

SEPA has objected to the application given that the site is entirely within the functional floodplain, based on SEPA's Flood Maps. This indicates that there is a medium to high risk of flooding from the River Almond and the Foulshiels Burn. WLC Flood Risk Management has also raised concerns and requested a flood risk assessment be submitted.

The proposal is contrary to policy EMG 2 (Flooding) of the LDP and the council's supplementary guidance on Flooding & Drainage.

With regard to policy ENV 2 (Housing Development in the Countryside) of the LDP, the proposal does not meet any of the criteria whereby development will be permitted.

The proposal is therefore contrary to the terms of the development plan and it is therefore recommended that planning permission be refused.



Development Management

List of Delegated Decisions - 29th July 2022

The following decisions will be issued under delegated powers unless any Member representing the ward in which the application is located requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

| | | | |
|-------------------|---|------------------------|---------------------------|
| Ref. No.: | 1260/FUL/21 | Recommendation: | Grant Planning Permission |
| Proposal: | Erection of 21 flats, access, parking, landscaping and associated works | | |
| Address: | The Firs, Langside Gardens, Polbeth, West Lothian, EH55 8QX (Grid Ref: 303348,664439) | | |
| Applicant: | Mr Franco Cortellessa F & M Cortellessa | Type: | Local Application |
| Ward: | Fauldhouse & The Breich Valley | Case Officer: | Matthew Watson |

Summary of Representations

Six objections received:

- Community facilities are needed in Polbeth
- More housing is not required in Polbeth
- Roads in Langside Gardens are in a poor state of repair

Officers report

This application proposes the erection of 21 flats, access, parking, landscaping and associated works at The Firs, Polbeth. The proposed flats are three storeys in height with hipped roofs. Material finishes are proposed to be reconstituted, buff stone and off-white, roughcast render.

The site lies within the settlement boundary of Polbeth and is a windfall site. Therefore, the principle of residential development on this site is acceptable, in line with Policy HOU 3 (Windfall Housing Development within Settlements) of the West Lothian Local Development Plan, 2018 (LDP).

Although the flats are of a larger scale than surrounding housing on Langside Gardens and Calderburn Road, the proposal makes best use of urban land on a brownfield site that is accessible by public transport. The proposal will not result in town cramming and is of an acceptable scale and mass for the site. The proposal complies with Policy DES 1 (Design Principles) of the LDP.

Matters relating to a detailed landscape plan, the detailed design of ground gas protection measures and the implementation of the surface water drainage layout are proposed to be conditioned.

A Section 75 legal agreement is required to secure developer contributions towards education, cemeteries, open space, public art and affordable housing contributions. Agenda Item 11

Overall, and in view of the above, it is recommended that planning permission is granted, subject to conditions and securing developer contributions.

| | | | |
|-------------------|---|------------------------|---|
| Ref. No.: | 0218/P/22 | Recommendation: | Refuse Planning Permission in Principle |
| Proposal: | Planning permission in principle for the erection of a house | | |
| Address: | Land to North Of 69 Athol Terrace, Bathgate, West Lothian, EH48 4DN (Grid Ref: 297897,669633) | | |
| Applicant: | Mr K Saunders | Type: | Local Application |
| Ward: | Bathgate | Case Officer: | Kirsty Hope |

Summary of Representations

Eleven objections received. The material planning objections are:

- Loss of sunlight
- Design and layout
- Road safety concerns
- Parking and Increased traffic
- Privacy
- Concerns regarding wildlife on site and trees
- Not notified about the proposals

Officers report

This application is for planning permission in principle for the erection of a house at land north of 69 Athol Terrace. The site is currently overgrown and is positioned in an existing established residential area.

The site has a substantial fall in ground levels and no information showing how a house would relate to the levels has been provided. It has not been demonstrated that a house could be satisfactorily accommodated on the site without undue detrimental impact on neighbouring properties with regard to privacy/overlooking. The proposal does not accord with Policy DES1 (Design Principles) and Policy HOU 3 (Infill/Windfall Housing Development within Settlements) of the West Lothian Local Development Plan, 2018 (LDP), which both have criteria to be satisfied to allow housing to be supported.

The applicant has also failed to submit a phase 1 site investigation report, contrary to policy EMG 6 (Vacant, Derelict and Contaminated Land).

The proposal is therefore contrary to the provisions of the development plan and it is recommended that planning permission in principle be refused.

| | | | |
|-------------------|--|------------------------|-------------------------------------|
| Ref. No.: | 0520/FUL/22 | Recommendation: | Refuse Permission Agenda Item 11 |
| Proposal: | Change of use from general industry (class 5) to gymnastics club (class 11) | | |
| Address: | 14F Blackburn Road, Bathgate, West Lothian, EH48 2EY (Grid Ref: 298521,666772) | | |
| Applicant: | Gymnastic Broxburn Ltd | Type: | Local Application |
| Ward: | Whitburn & Blackburn | Case Officer: | Kirsty Hope |

Summary of Representations

94 letters of support can be summarised below: (16 of which had no comments)

- Promote, encourage and improve mental and physical health/fitness
- Opportunity for learning
- Much needed facility and good opportunity for the local area
- Welcomed by the local community and businesses
- Great use for industrial unit
- Existing club (350members) needs a permanent location as other venue is closing
- Children support the facility
- In recent covid pandemic this facility is even more important to the community than before
- Proposal wouldn't impact on wider environment
- Good security for the wider area in the evenings
- Very few clubs offer gymnastic with the use of this equipment
- Already a nearby sports facility setting a precedent
- Adequate parking facilities and central location
- Opportunities with collaboration with local schools
- Parking problems at the existing site.

Officers report

The proposed application is for the change of use of a general industrial unit (class 5) to a gymnastic club (class 11) at 14F Blackburn Road.

Policy EMP 1 (Safeguarding and Developing Existing Employment Land) within the West Lothian Local Development Plan, 2018 (LDP) advises that proposals for non-business/non-industrial uses on employment land will only be supported in certain circumstances, the proposal does not meet these criteria. The submitted information does not satisfactorily demonstrate that there is no reasonable or realistic demand for the retention of the existing premises or sites for use classes 4, 5 and 6. The unit was last leased in March 2022 on a short-term basis.

There would be a detrimental impact on the uses adjacent, which are commercial uses with MOT station and motorcycle provision and a 24 hour recovery business, and there are concerns about pedestrian safety to and from the parking area given that this site would be attended by children.

TCR 2 (Town Centres First Sequential Approach) of the LDP also applies. It has not been satisfactorily demonstrated that the proposal has been considered against the sequential approach. Whilst it is noted several other properties were mentioned in the supporting statement, this information is insufficient to demonstrate consideration of all other sequentially preferable properties/sites.

The proposal is therefore contrary to the provisions of the development plan and it is recommended that planning permission be refused.

Agenda Item 11

| | | | |
|-------------------|---|------------------------|-------------------------------------|
| Ref. No.: | 0566/FUL/22 | Recommendation: | Refuse Permission Agenda Item 11 |
| Proposal: | Demolition of an existing two storey outbuilding and erection of two one-bedroom studio flats | | |
| Address: | 14 Market Street, Mid Calder, Livingston, West Lothian, EH53 0AA (Grid Ref: 307459,667609) | | |
| Applicant: | Mr Antonino Carpico | Type: | Local Application |
| Ward: | East Livingston & East Calder | Case Officer: | Alexander Calderwood |

Summary of Representations

6 objections received from 5 members of the public and 1 from the River Almond Action Group. The grounds of the objections are:

- Parking provision is already strained in the area, and the proposal would exacerbate the problem.
- The site is directly adjacent to pubs/licensed premises. Occupants of the development could complain on an environmental basis. This would in turn be detrimental to the reputation of the business.
- The proposal will have an adverse impact on neighbouring residential amenity in terms of natural light/sunlight.
- The proposal is not suitable within the context of the surrounding area, and because of its proximity to licensed premises.
- Adverse impact on the character of the conservation area.
- Drainage detail is inadequate.

Officers report

This application seeks full planning permission for the demolition of an outbuilding and erection of 2 studio flats. The proposed site sits to the rear of the existing Tonino's takeaway on Market Street within the Mid Calder Conservation Area. Alterations to the doors on the front of the takeaway are also proposed, these will provide access to the rear of the site where the 2 flats are to be located.

The relevant policies of the West Lothian Local Development Plan, 2018 (LDP) are:

- Policy DES 1 (Design Principles)
- Policy HOU 3 (Infill/Windfall Housing Development within Settlements)
- Policy ENV 9 (Woodland, Forestry, Trees and Hedgerows)
- Policy ENV 24 (Conservation Areas)
- Policy EMG 5 (Noise)
- Supplementary Guidance: Residential Development Guide (April 2019)

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

In the context of this application the proposed 2 studio flats are to be sited to the rear of a takeaway within Mid Calder town centre. It will sit in close

proximity to a fast food takeaway and a public house. It also provides minimal garden ground and no additional parking spaces for residents, with a poor outlook and no relationship to the street. It is therefore unsuitable in terms of residential amenity, results in town cramming and conflicts with Policy DES 1 and Policy HOU 3 of the LDP.

The principle of the development is not acceptable and as such the proposed removal of the trees which are on site is unjustified under Policy ENV 9.

Additionally, Environmental Health was consulted on the application and stated that they object due to the potential noise nuisance from the neighbouring beer garden and the function room of the public house impacting on the proposed development. The proposal is therefore contrary to Policy EMG 5 which resists locating sensitive uses adjacent to existing noise generating uses.

The design of the proposed street facing doors are inappropriate for use in a prominent shopfront in a conservation area. The use of timber and a traditional pend door form would be expected. Therefore, the proposal does not comply with Policy ENV 24.

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



Development Management

List of Delegated Decisions - 5th August 2022

DATA LABEL: OFFICIAL

The following decisions will be issued under delegated powers unless any Member representing the ward in which the application is located requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

| | | | |
|-------------------|--|------------------------|-------------------|
| Ref. No.: | 0568/FUL/22 | Recommendation: | Refuse Permission |
| Proposal: | Change of use of land from public open space to private garden ground | | |
| Address: | 12 Ogilvie Way, Knightsridge, Livingston, West Lothian, EH54 8HL (Grid Ref: 304614,669173) | | |
| Applicant: | Mr Lukasz Darabasz | Type: | Local Application |
| Ward: | Livingston North | Case Officer: | Rachael Lyall |

Summary of Representations

2 objection comments received -
 - Loss of open space/play area,
 - Increase in noise levels,
 - Impact on wildlife.

Officers report

This planning application proposes a change of use, from public open space to private garden ground, at the property 12 Ogilvie Way, Knightsridge.

The proposal looks to extend the existing garden ground to the rear and side of the property and include more than 150sqm of land which is used as public open space and currently provides a visual relief for users of the public footpath located to the rear of the site. The proposal looks to enclose the area with a 1.8m high fence to match the existing fence.

The proposal will result in a loss of amenity open space, in a housing area where the open area was planned to enhance the visual amenity of the surrounding area and the footpath located to the rear of the site. It is understood that neighbouring properties have extended their garden ground to

the rear previously, however, on a much smaller scale. The loss of open space will have a significant adverse effect on the overall recreational and visual amenity of the area and the open space in this area should be retained as a valuable asset.

This proposal is therefore contrary to West Lothian Local Development Plan's DES 1 (Design Principles) and ENV 21 (Protection of Formal and Informal Open Space) Policies and the proposal does not follow the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is refused planning permission.

tDATA LABEL: PUBLIC



DEVELOPMENT MANAGEMENT COMMITTEE

PLANNING APPEAL PPA-400-2144: FORMATION OF 50 SPACE PARK AND RIDE FACILITY WITH ASSOCIATED WORKS, LAND TO NORTH OF STATION ROAD, KIRKNEWTON

REPORT BY CHIEF SOLICITOR

A. PURPOSE OF REPORT

To advise the Development Management Committee that a response has been submitted to the appeal made to The Scottish Government's Planning and Environmental Appeals Division (the DPEA) (Planning Appeal PPA-400-2144) for formation of 50 space park and ride facility with associated works, land to north of Station Road, Kirknewton.

B. RECOMMENDATION

To note the approval provided using SO31 (Urgent Business) procedures to approve the submission of a response to the DPEA in relation to Planning Appeal PPA-400-2144

C. SUMMARY OF IMPLICATIONS

| | |
|---|--|
| I Council Values | Focusing on our customers' needs; being honest, open and accountable; |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | The proposed response will ensure that the council's position with regard to the original planning application is taken into consideration by the DPEA in deciding the appeal. |
| III Implications for Scheme of Delegations to Officers | None |
| IV Impact on performance and performance Indicators | None |
| V Relevance to Single Outcome Agreement | None |

| | |
|--|--|
| VI Resources - (Financial, Staffing and Property) | None |
| VII Consideration at PDSP | N/A |
| VII Other consultations | Legal Services; Planning Services; Chair of Development Management Committee; and Local Ward Members: Councillors Stuart Borrowman, Sarah King and Andrew McGuire |

D. TERMS OF REPORT

Planning Application reference number 1154/FUL/21, formation of 50 space park and ride facility with associated works, land to north of Station Road, Kirknewton was considered by the Development Management Committee at its meeting on 16 March 2022.

The Planning Officer's recommendation was to grant planning permission subject to conditions. The committee determined that the proposal was contrary to Criteria C of policy DES1, West Lothian Development Plan 2018 as there would be an adverse impact on public safety in respect of pedestrian movements; and was also contrary to Policy 8 Transportation, Strategic Development Plan 2013 as the proposal would have an impact on the width of the existing footpath and would likely lead to an increase in commuter traffic.

The applicant appealed the refusal to The Scottish Government's Planning and Environmental Appeals Division (the DPEA). Legal Services prepared a statement in response to the appeal, a copy of which is attached to this report at Appendix 1.

In accordance with agreed procedures, the Chair of the Development Management Committee and relevant ward members were consulted on the response before it was finalised for approval and lodging with the DPEA on 1 July 2022.

E. CONCLUSION

The attached response sets out the council's position in respect of an appeal submitted to the DPEA in respect of Application No.1154/FUL/21, formation of 50 space park and ride facility with associated works, land to north of Station Road, Kirknewton

F. BACKGROUND REFERENCES

Report to Development Management Committee dated 16 March 2022

Planning Appeal Statement DPEA reference PPA-400-2144

Appendices/Attachments:

Appendix 1: Response of West Lothian Council to procedure notice in relation to
Planning Appeal DPEA reference PPA-400-2144

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Date of Meeting: 17 August 2022

DPEA REF. PPA-400-2144

APPEAL STATEMENT

on behalf of

WEST LoTHIAN COUNCIL

PLANNING APPLICATION REF. 1154/FUL/21

**FORMATION OF A 50 SPACE PARK AND RIDE FACILITY WITH ASSOCIATED WORKS
LAND NORTH OF
STATION ROAD KIRKNEWTON WEST LoTHIAN EH27 8DE**

1 Introduction / Executive Summary

- 1.1 This is the appeal statement on behalf of West Lothian Council (the Council) in response to the appeal (the Appeal) submitted on behalf of Stirling Developments Limited (the Appellant) against the Council's refusal of its application for Planning Permission, reference PPA-400-2144. The application proposes the provision of a 50 space park and ride facility with associated works at land north of Station Road, Kirknewton (the Development).
- 1.2 The Appeal should be refused on the following basis –
 - 1.2.1 The Development is contrary to key development plan policies relevant to the Appeal, and is contrary to the development plan.
 - 1.2.2 There are no material considerations of sufficient weight to displace the presumption of refusal arising therefrom.

2 Refusal of the Application

- 2.1 A decision was made by West Lothian Council Development Management Committee to refuse the Application on the grounds that–
 - 2.1.1 The proposal is contrary to criteria C of Policy DES1 Design Principles of the West Lothian Development Plan 2018 as there would be an adverse impact on public safety in respect of pedestrian movements.
 - 2.1.2 The proposal is contrary to Policy 8 Transportation of the Strategic Development Plan for Edinburgh and South East Scotland 2013 as the proposal would have an adverse impact on the width of the existing Station Road footway and would likely lead to an increase in commuter traffic.
- 2.2 The Appellant has drawn attention to the fact that the Application was refused contrary to the planning officer's recommendation. This is irrelevant to the determination of the Appeal. The Members are charged with the decision-making responsibility in this case and are clearly entitled to form their own view based on the detailed information submitted as part of the Application and local knowledge of the Appeal site.

3 Basis for Determination

- 3.1 The Appeal falls to be determined in line with section 25 of the Town and Country Planning (Scotland) Act 1997.
- 3.2 The Development Plan in this instance comprises the West Lothian Local Development Plan 2018 (2018 LDP) and the Strategic Development Plan for South East Scotland (SESplan) 2013.

- 3.3 The relevant planning policies are as set out at paragraph 7.3 of the planning officer's report to West Lothian Council Development Management Committee (Document 4.2). There is a difference of opinion between the parties to the Appeal in relation to the application of the policies and the weight to be accorded to the relevant material considerations.

4 The Appeal Site

- 4.1 Full details of the Appeal site and its history are set out in paragraphs 4.1 to 4.18 of the planning officer's report to West Lothian Development Management Committee.
- 4.2 The Appeal site extends to 0.38 hectares, is within the countryside and forms part of the countryside belt. The proposal is for a 50 space park and ride facility on an agricultural field to the north-west of Kirknewton Station. The Appeal site is bounded to the south by Station Road and to the north and east by agricultural land. To the west the Appeal site is bounded by the B7031 with residential properties on the opposite side of the road. The war memorial along Station Road is positioned immediately to the south-east of the Appeal site.
- 4.3 The Appeal site does not adjoin the existing Kirknewton station and is not the site that already benefits from Planning Permission in Principle for a park and ride facility. The design of the proposal allows for future expansion. Vehicular access is at the north of the site off the B7031. A pedestrian connection to Station Road is provided at the south of the site, on the west side of the war memorial.
- 4.4 Ninety three objections, including an objection from Kirknewton Community Council, were received in respect of the proposal. Objections were made by third parties on the grounds that, amongst other things, the proposal would have adverse impacts of road and pedestrian safety. Concerns were particularly raised by third parties about the safety record of the B7031/Station Road junction and the impacts the Development would have on that junction.
- 4.5 The Council's Roads and Transportation Department have reported that there has been one serious accident at the junction in the last five years.
- 4.6 The footway width along Station Road is currently less than 2 metres wide, which is the safety standard width for a new footway in the countryside belt.
- 4.7 On 16 February 2022 the West Lothian Council Development Management Committee considered the application for planning permission for the Development and decided to continue the application for one cycle to allow for further dialogue between Council officers and the Appellant in respect of: (1) the widening of the footway along Station Road and installation of barriers for pedestrian safety for the stretch of footway between the pedestrian access point to the park and ride facility and the vehicle access point to the railway station; and (2) for consideration to be given to an alternative footpath.

- 4.8 The Appellant, after surveying Station Road from the park and ride pedestrian access to the station car park entrance, determined that there is insufficient road width for the first 45 metre length of the footpath from the pedestrian access point into the park and ride to be widened to the 2 metre standard width of a new footway. At points along the said 45 metre length the adjoining road narrows to under 5.5 metres. The maximum width of the footpath along the 45 metre length is 1.7 metres. The footpath narrows to a width of 1.4 metres at the point immediately west of the lighting column of the war memorial.
- 4.9 The Council's Roads and Transportation Department do not consider pedestrian barriers along the edge of Station Road to be an appropriate means of addressing concerns regarding the adverse impacts on road and pedestrian safety as they are not intended to be used in circumstances such as this, and would have the effect of narrowing the width of the usable footpath by 300 millimetres.
- 4.10 The Appellant has discounted an alternative footpath route which would go eastward from the park and ride along the rear of 6 Millrig holdings and join at the northern edge of the park and ride, thereby avoiding Station Road as it was considered that this would not be attractive for users in that it was more remote, not overlooked and a longer route. That being the case the provision of an alternative route would be unlikely to divert pedestrian traffic generated by the Development from the Station Road footway route.
- 4.11 The Appellant has advised that the remaining 60 metres length of Station Road providing access to the Station Carpark can be widened to 2 metres in accordance with the safety standards required of new roads in the countryside belt.
- 4.12 The Appellant has splayed the access point where it meets Station Road to increase the width to 6 metres.
- 4.13 The Appellant has proposed staggered barriers where the Development meets Station Road.

5. LDP allocation of the Appeal Site

- 5.1 The Appeal site is located in the countryside and forms part of the countryside belt. A park and ride facility at Kirknewton station is a proposal in the 2018 LDP and is an infrastructure requirement to support the build out of the core development areas at Calderwood and Raw Holdings. Delivery of a park and ride facility is a requirement of the planning permission in principle (PPiP) for Calderwood granted to the Appellant.
- 5.2 Whilst the 2018 LDP offers support in principle for a park and ride facility at Kirknewton Station the Appeal site is not the site that already has PPiP for a park and ride facility. The suitability of the Appeal site as a park and ride facility falls to be assessed against the relevant policies of the Development Plan and material considerations.

6. Material Considerations

- 6.1 The key determining issues in the Appeal are:-
- 6.1.1 The adverse impact on public safety in respect of pedestrian movements.
 - 6.1.2 The adverse impact of the Development on the width of the existing Station Road footway and the likely increase in commuter traffic resulting from the Development, if approved.

7. The Adverse Impact of the Development on Public safety and pedestrian movements

7.1 The first reason for refusal relates to the failure of the Development to conform with policy DES 1 of 2018 LDP as the proposed development will have adverse implications for public safety

7.2 Policy DES 1 Design Principles of 2018 LDP states that:

” 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...:

c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety;’

7.3 The council expects the design and layout of new developments to create buildings and places which respect their surroundings, establish a sense of place and identity, contribute positively towards the existing character of an area, are easy to get to and move around in, particularly for pedestrians, and incorporate the principles of sustainable development.

7.4. The maximum width of the footpath along the said 45 metre length of Station Road is 1.7 metres. This does not meet the 2 metres width safety standard required of a new road.

7.5 The footpath narrows to a width of 1.4 metres at the point immediately west of the lighting column of the war memorial. Local residents have particularly identified this pinch point as an area where vehicular traffic may come into conflict with pedestrian traffic. The Appellant has not identified a suitable means of widening this part of the footpath following enquiry.

7.6 The adjoining made up carriageway narrows at points along the 45 metre length to under 5.5 metres in width. Heavy vehicles, to include coaches with European mirrors, and HGV's passing each other at those pinch points have occasion to overrun the road verge and pass very close to the kerb of the Station Road footpath. The overrunning of the verge is evident from images available on google maps. Although an existing situation there is a significant potential for the wingmirrors of heavy vehicles to come into conflict with pedestrians at those pinch points going forward, as this issue will be exacerbated by an increase in pedestrian traffic resulting from the Development, which will push pedestrian traffic closer to the kerb line.

7.7 To avoid conflict pedestrians would require to exercise significant caution when meeting and overtaking on the footpath, exercising judgement when meeting and overtaking. In practice pedestrians would require, when people were passing in the opposite direction, to wait until the road was clear and ensure that they did not pass when heavy vehicles were present on the adjoining road.

- 7.8 The Council's Roads and Transportation Department do not consider pedestrian barriers along the edge of Station Road to be an appropriate means of addressing concerns regarding the adverse impacts of road and pedestrian safety. Guard rails are used to direct pedestrian traffic to a particular point, they will not stop people going on to a road. In this particular circumstance they would reduce the width of the existing footpath by 300mm and create a 'hemming in' feeling and make it more difficult for pedestrian traffic to pass in opposite directions.
- 7.9 The proposed development does not provide a suitable access and will, over the said 45 metre length of Station Road, have adverse implications for public safety. The Development is contrary to Policy DES 1 C Design Principles of 2018 LDP
- 8. The Proposal Would Have an Adverse Impact on the Width of the Existing Station Road Footway and Would Likely Lead to an Increase in Commuter Traffic.**
- 8.1 Policy 8 Transportation of SESplan provides that planning authorities will support sustainable travel and that the LDP will ensure, amongst other objectives, that development likely to generate significant travel demand is directed to locations that support travel by public transport, foot and cycle; ensure that new development minimises the generation of additional car traffic, relate density and type of development to public transport accessibility; ensure that the design and layout of new development demonstrably promotes non-car modes of travel; and consider the merits of protecting existing and potential traffic-free cycle and walking routes.
- 8.2 Whilst the 2018 LDP offers support in principle for a park and ride facility at Kirknewton Station the Appeal site is not the site that already has PPIp for a park and ride facility. The park and ride is a strategic infrastructure requirement to support the build out of the core development areas at Calderwood and Raw Holdings. The suitability of the Appeal site as a park and ride facility falls to be assessed against the relevant policies of the Development Plan and material considerations.
- 8.3 The 50 spaces proposed are to serve the first stages of the Calderwood development. The design of the proposal allows for future expansion, as the Calderwood development progresses and the need for the provision of further spaces in accordance with the PPIP arises. Whilst it is accepted that any future applications for expansion will require to be considered on its own merits, the proposal is likely to generate significant future travel demand. The development to deliver the park and ride will require to be directed to a location that can support travel by public transport, foot and cycle and ensure that new development promotes non-car modes of travel.
- 8.4 The Development, if approved, will generate an increase in commuter traffic that cannot, for the reasons provided above, be safely accommodated within Station Road. The Appellant has failed to identify an appropriate proposal to address the identified safety issues. The Development will negatively impact upon pedestrian traffic on Station Road and does not therefore promote pedestrian travel, or protect an existing traffic-free walking route.

8.5 The Development is contrary to Policy 8 Transportation of SESplan.

9. Statutory Consultees and Third Party Representations

9.1 Copies of representations from statutory consultees and third parties are included as documents WLC 3 and WLC 4.

10. Conditions

10.1 In the event that the Reporter is minded to allow the Appeal, a set of proposed planning conditions, subject to any further restrictions that the reporter might consider to be necessary, is submitted with this appeal statement WLC 5. For ease of reference, these conditions are in the same terms as those included in the planning officers Report of Handling for determination of the Application.

11. Further Procedure

11.1 The Council considers that an unaccompanied site visit should be undertaken and relevant details have been included on the PARF Form.

12. Conclusions

11.1 For the reasons set out in this appeal statement, the Appeal should be refused.