



Development Management Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

7 September 2022

A hybrid meeting of the **Development Management Committee** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston** on **Wednesday 14 September 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 Minute of Meeting of the Committee held on 17 August 2022 (herewith).

Public Items for Decision

5. Application No. 0385/H/22 - Two Storey and Single Storey Extensions to House at 109 South Middleton, Uphall, West Lothian, EH52 5GA (herewith).
6. Application No. 0520/FUL/22 - Change of Use from General Industry (Class 5) to Gymnastics Club (Class 11) at Unit 14F Blackburn Road,

Bathgate, West Lothian, EH48 2EY (herewith).

7. Application No. 0596/FUL/22 - Planning Permission for Continued Operation of a Children's Nursery at 9 Riverside Lea, Seafield Road, Blackburn, West Lothian, EH47 7EL (herewith).

Public Items for Information

8. Consider list of delegated decisions on planning applications and enforcement actions for the period 12-26 August 2022 (herewith).
9. Appeals -
- (a) ENF/0310/21 (Appeal ENA-400-2049): The Alleged Breach Of Planning Control By The Unauthorised Change Of Use From Open Space To Private Garden Ground And Erection Of Decking at 15 Ballencrieff Mill, Bathgate, West Lothian, EH48 4LL - Appeal dismissed.
 - (b) ENF/0310/21 (Appeal ENA-400-2050): The Alleged Extension Of Garden Ground, And Erection Of Decking Over Watercourse at 15 Ballencrieff Mill, Bathgate, West Lothian, EH48 4LL - Appeal allowed.
 - (c) Application 0206/P/21: Planning Permission In Principle For A 108Ha Mixed Use Development Including Residential Development (Dwellings And Flatted - Up to 1800 Homes), Local Centre (Including Class 1, Class 2 And Class 3 Uses), Community Facilities (Including A Primary School), Ancillary Development, Public Open Space, And Associated Works And Infrastructure at Drumshoreland Garden Community, Land North Of Old Clapperton Hall Cottages, East Calder, West Lothian, EH52 5PE - Appeal dismissed.
 - (d) Application 0210/P/21: Planning Permission In Principle For A 58Ha Mixed Use Development Including Residential Development (Dwellings And Flatted - Upto 400 Units), Local Centre (Including Class 1, Class 2 And Class 3 Uses), Community Facilities, Public Open Space, And Associated Works And Infrastructure (EIA Development) at Drumshoreland Garden Community, Land North Of Old Clapperton Hall Cottages, East Calder, West Lothian, EH52 5PE - Appeal dismissed.
 - (e) Application 0813/P/21: Planning Permission In Principle For A 15.76Ha Residential Development With Associated Infrastructure, Landscaping And Engineering Works. Capacity For 280+ Homes at Upper Bathville, Armadale, West Lothian, EH48 3JZ - Appeal dismissed.
 - (f) Application 1154/FUL/21: Formation Of A 50 Space Park And Ride Facility With Associated Works at Land North Of Station

Road, Kirknewton, West Lothian, EH27 8DE - Appeal dismissed.

- (g) Application 0202/LBC/22: Listed Building Consent For The Installation Of Roof Mounted Solar Panels at 5 Bridge Castle House, Westfield, West Lothian, EH48 3DN - Appeal submitted.
- (h) Application 0226/A/22: Advertisement Consent For The Display Of Replacement Fascia Sign, Installation Of Replacement Illuminated And Non-Illuminated Signs at Black Bitch Tavern, 14 West Port, Linlithgow, EH49 7AZ - Appeal submitted.
- (i) Application 0227/LBC/22: Listed Building Consent For The Display Of Replacement Fascia Sign, Installation Of Replacement Illuminated And Non-Illuminated Signs at Black Bitch Tavern, 14 West Port, Linlithgow, EH49 7AZ - Appeal submitted.
- (j) Application 0241/P/22: Planning Permission In Principle For A 12.3 Ha (Around 160 Homes) Residential Development With Associated Infrastructure, Landscaping And Engineering Works at Land At Burnhouse Farm, Burnhouse, Dechmont, West Lothian, EH52 6NB - Appeal submitted.
- (k) Application 0259/CLU/22: Certificate Of Lawfulness For The Continued Use Of An Existing Caravan As Living Accommodation at Site To The North Of Westfield House, Main Road, Westfield, Bathgate, EH48 3DF - Appeal dismissed.
- (l) Application 0558/TPO/22: Felling Of 1 No. Sycamore Tree at 4 St Ninian's Way, Linlithgow, EH49 7BU - Appeal submitted.

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



CODE OF CONDUCT AND DECLARATIONS OF INTEREST (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 COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 17 AUGUST 2022.

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

Apologies – Councillor Damian Doran-Timson

1. DECLARATIONS OF INTEREST

Agenda Item 6 (Application No.0151/P/21) – Councillor Lawrence Fitzpatrick stated a connection in that he was a council appointed member of West of Scotland Archaeology Service who were a statutory consultee to the application.

Agenda Item 5 (App No.0898/FUL/21) – all members of the committee stated a connection in that they had received correspondence from one of the objectors to the application

2. ORDER OF BUSINESS

The Chair ruled in terms of Standing Order 11 that he would consider agenda item 9 and then agenda item 8; and

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

3. MINUTE

The committee approved the Minute of its meeting held on 8 July 2022. The Minute was thereafter signed by the Chair.

4. APPLICATION NO.0898/FUL/21

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0898/FUL/21	Erection of a 60 bed care home with associated access, parking and landscaping works , GM Flooring, Falkirk Road, Linlithgow	Grant planning permission subject to conditions

The committee then heard from Mike Dunning (speaking on behalf of Linlithgow Civic Trust and Linlithgow & Linlithgow Bridge Community Council), Duncan Galley, Jean MacLeod, Allan Haining (speaking on behalf of Christopher Haining) and Duncan Wright all speak in support of their objections to the proposal

The committee then heard from Colin Rhodes, the applicant, and Stuart Dallas, the applicant's agent, speak in support of the application.

Decision

To continue the application for two cycles for further discussion between the Planning Authority and the applicant in respect of the following :-

- The re-positioning of two car parking spaces (marked 13 and 14 on the submitted plans) to protect residential amenity;
- The provision of signage to regulate the use of car parking spaces
- A change in the site layout to increase the overall number of parking spaces being proposed for the site
- Safety of the public regarding the ingress/egress of the site and the location of barriers as they relate thereto; and
- Ensure that the proposed use of the cycleway to be provided did not cause any conflict with local residents

5. APPLICATION NO.0151/P/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>
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	To grant planning permission in principle subject to conditions

The committee then heard from Damian Byrne and Stephen Egan (Eilburn Community Council) both speak in support of their objections to the proposal

The committee then heard from Gillian Smith, the applicant, and Michael Westwater, the applicant's agent, both speak in support of the application.

Motion

To approve the recommendation of the report and grant planning permission in principle subject to conditions

- Moved by the Chair and seconded by Councillor Conn

Amendment

To refuse planning permission in principle as the proposal did not conform with policies ENV1, ENV4, ENV9, ENV20, DES1 and EMG5 of the West Lothian Local Development Plan for the following reasons :-

- 1) ENV1 - Character and Special Landscape Areas – the proposal does not comply with this policy simply by virtue of the allocation of the site for employment development within the LDP. The principle function of the LDP is to create coherence of development across the wider plan area. It is no longer appropriate to consider the proposal as a standalone development due to its relationship with the allocated Gavieside Development. Coherence would not be achieved between the proposal and the allocated Gavieside development. The proposal does not conform with ENV1 as the allocation of the site for employment development no longer conforms to the original intention of LDP. The proposal will affect the special character of the surrounding local landscape.
- 2) ENV4 – Loss of Prime Agricultural Land - as the proposal will result in the loss of prime agricultural land which is not justified as the proposal no longer conforms to the intended spatial strategy set out in the LDP, and as such the proposal does not form a key component of the spatial strategy set out in the LDP.
- 3) ENV9 - Woodland, Forestry, Trees and Hedgerows – as the proposal will adversely affect trees for which there is no justification when the proposal is considered against the provision of the wider LDP strategy in respect of the risk to trees
- 4) ENV20 - Species Protection and Enhancement – as the species protection report does not consider all species that may be affected by the proposal, or provide any information regarding species enhancement.
- 5) EMG5 – Noise – as until it is known what will occupy the buildings it cannot be known what noise will be generated
- 6) DES 1 – as the development will appear as a standalone industrial area visually separated from Livingston and Seafield and will have significant adverse effects on the amenity of the residents of Eliburn and Seafield

- Moved by Councillor Boyle and seconded by Councillor Clark

An electronic vote was conducted. The result was as follows :-

Motion

Stuart Borrowman
Tom Conn

Amendment

William Boyle
Pauline Clark
Lawrence Fitzpatrick
George Paul
Pauline Stafford

Decision

Following a vote, the amendment was successful by 5 votes to 2 and it was agreed accordingly.

6. APPLICATION NO.0295/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>
0295/FUL/22	Change of use from nursery (class 10) to house (class 9, 53 Whitburn Road, Bathgate	Refuse planning permission

The committee then heard from Gohar Khan, the applicant's agent, speak in support of the application.

Decision

To continue the application for one cycle to afford the applicant the opportunity to consider whether they wish to withdraw the planning application before committee and instead submit an application to the Planning Authority for a certificate of lawful use of development on the grounds that the development has never been used as a nursery and the use has therefore remained as a residential dwelling.

7. APPLICATION NO.0552/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>
0552/FUL/22	Change of use from open space to private garden ground and erection of decking	Refuse planning permission

across watercourse (in
retrospect), 13
Ballencrieff Mill,
Bathgate

The committee noted that the applicant' agent, Euan Pearson, had requested to address committee but was not in attendance at the meeting. The committee clerk confirm that Mr Pearson had been contacted during the course of the meeting and had suggested the item of business proceed in his absence.

Decision

To approve the recommendation of the report and refuse planning permission

8. APPLICATION NO.0470/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>
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	Refuse planning permission

The committee noted that the applicant' agent, Euan Pearson, had requested to address committee but was not in attendance at the meeting. The committee clerk confirm that Mr Pearson had been contacted during the course of the meeting and had suggested the item of business proceed in his absence.

Decision

To approve the recommendation of the report and refuse planning permission

9. APPLICATION NO.0566/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>
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0566/FUL/22

Demolition of an existing two-storey outbuilding and erection of two one-bedroom studio flats, 14 Market Street, Midcalder

Refuse planning permission

The committee then heard from the Antoni Carpico, the applicant, and David Boyle, the applicant's agent, both speak in support of the application.

Decision

To approve the recommendations of the report and refuse planning permission

10. 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 1 July to 5 August 2022 was submitted for the information of committee.

Decision

To note the list of delegated decisions.

11. APPEALS:

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

Application No.

Proposal

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,

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

0138/P/22	Residential development with associated infrastructure, landscaping and engineering works at land north Of B792, Mossend, West Calder
0216/A/22	The Display of 2 illuminated fascia signs and 1 illuminated free standing pylon sign at 21 Inchmuir Road, Blackburn, Bathgate
0244/FUL/22	Erection of a house with Associated works at Dechmont House, Woodlands Park, Deans, Livingston
0320/FUL/22	Erection of a 20Sqm extension to rear of public house at Green Tree Tavern, 45 East Main Street, Broxburn,

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

<u>Application No.</u>	<u>Proposal</u>
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, Bath

12. 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 Department of Environmental Appeals (DPEA) in relation to planning appeal PPA-400-2144, formation of a 50 space park and ride facility with associated works, land to north of Station Road, Kirknewton.



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Two storey and single storey extensions to house at 109 South Middleton, Uphall, West Lothian EH52 5GA

2 DETAILS

Reference no.	0385/H/22	Owner of site	Miss Robyn Pace
Applicant	Miss Robyn Pace	Ward & local members	Broxburn, Uphall and Winchburgh Councillor Diane Calder Councillor Janet Campbell Councillor Ann Davidson Councillor Angela Doran-Timson
Case officer	Lucy Hoad	Contact details	01506 280000 lucy.hoad@westlothian.gov.uk

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

3 RECOMMENDATION

3.1 Grant planning permission, subject to conditions

4. DETAILS OF THE PROPOSAL AND BACKGROUND

4.1 This application seeks consent to extend the property in order to provide additional living accommodation. A 2-storey pitched roof extension is proposed on the left hand side (north) of the existing rear elevation adjoining a proposed single storey flat roof extension on the right hand side (south) of the facade. A 1.5 storey pitched roof extension is proposed to the north side elevation, which will have a single storey pitched roof projection out to the rear. The external materials of the additions are to be render and tile, all to match the existing property. The flat roof will be covered in single ply membrane cover.

- 4.2 The applicant has made revisions to the plans to include removal of an upper floor balcony atop part of the flat roof extension, removal of upper floor patio doors to access the balcony and a reduction in the single storey rear projection coming off the side extension.

History

- 4.3 None relevant to this application

EIA Development

- 4.4 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

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

5. REPRESENTATIONS

- 5.1 Six letters of objection have been received, including one from Uphall Community Council. Following the submission of revised plans, the application was re-notified on 17th August 2022. One objector confirmed their objection and none of the objections were withdrawn.
- 5.2 Copies of the objections have been attached to this report. A summary of representations is in the table below.

Comments	Response
Size and scale of extension is not in keeping with the surrounding area	Noted. See further assessment at Section 8 below.
Proximity and direct views onto the adjacent bowling green	Noted. See further assessment at Section 8 below.
Increase noise and overlooking from the balcony	The balcony has been removed from the proposals
Overshadowing	Noted. See further assessment at Section 8 below.
Impact on amenity and mental wellbeing.	Noted. See further assessment at Section 8 below.

6. CONSULTATIONS

- 6.1 No consultations were undertaken.

7. PLANNING POLICIES

- 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:

Policy	Policy Summary	Assessment	Conform ?
West Lothian Local Development Plan (LDP) (2018) DES1 Design Principles	This policy states that development needs to integrate with its context and the surrounding built form and have an acceptable impact on amenity.	The scale and design of the proposed development, as amended, are acceptable. The assessment of any potential impacts on neighbouring properties is set out in Section 8 below.	Yes

- 7.4 The Planning Guidance *House Extension and Alteration Design Guide, 2020* is also of relevance.

8. ASSESSMENT

- 8.1 The main considerations in the assessment of the proposals include the design, layout and potential impacts to residential amenity.
- 8.2 Several concerns over design and amenity have been raised by neighbouring properties, including residents, the Community Council and local bowling club adjacent to the site.

Layout

- 8.3 Whilst the extensions increase the footprint of the dwelling, there is ample garden space remaining for amenity to serve the dwelling and there is no impact to current parking spaces which are located to the front of the property. The plot size can accommodate the works without leading to overdevelopment of the plot.

Design

- 8.4 Concerns over the mass and scale of the proposals have been raised by the community. Whilst the applicant has applied for several extensions under the one application, each addition sits comfortably in relation to the main dwelling and to one another in terms of mass and scale. The main 2-storey extension sits subordinate to the main dwelling, and throughout each element careful consideration has been given to the pitch of the roof planes to reflect the main dwelling details. The style of windows is appropriate with glazing patterns suitably proportionate. The arrangement of the extensions is visually acceptable in relation to the main building, with use of appropriate materials.

Residential Amenity

- 8.5 Concerns over a loss of privacy and sunlight have been raised in objections. In terms of adjacent residential properties, it is only a single storey extension that lies adjacent to these properties and sits over 1.46m off the boundary. Given the distance and location of the proposed extensions, the development will not result in any significant negative impact from overshadowing for residents given that it sits to the north of the sensitive residential properties to the south.

With respect to the bowling club to the north, the side extension sits lower than the existing ridge of the house and is unlikely to significantly exacerbate any overshadowing that exists currently.

In terms of privacy, there are no windows that would directly look onto the residential properties. The applicant has revised the plans to remove a balcony and side facing windows on the south elevation.

9. CONCLUSION AND RECOMMENDATION

- 9.1 To conclude, the scale, massing and materials of the proposed development are visually acceptable in relation to the main dwelling house and the proposal will not have an adverse impact on the visual amenity of the area nor the residential amenity of the neighbouring properties. The proposal accords with the terms of Policy DES1 of the LDP and the House Extension and Alteration Design Guide.
- 9.2 It is recommended that planning permission be granted, subject to a condition to protect the existing adjacent tree during construction works.

10. BACKGROUND REFERENCES & ATTACHMENTS

- Draft Conditions and Reasons
- Location Plan
- Representations

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

Craig McCorriston
Head of Planning, Economic Development and Regeneration

Date: 14/9/2022

Draft Conditions and Reasons

- 1 The development shall not begin until details of the materials to be used as external finishes 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.

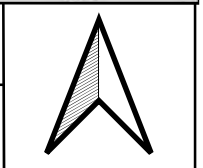
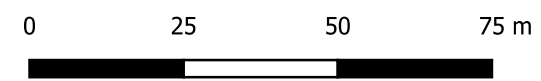
Reason: In the interests of visual and environmental amenity.



0385/H/22 - 109 South Middleton / Uphall - EH52 5GA

Development Management - West Lothian Civic Centre - EH54 6FF

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From: [Hoad, Lucy](#)
To:
Subject: FW: Uphall Community Council - [OFFICIAL]
Date: 23 May 2022 09:54:00

DATA LABEL: OFFICIAL

Hello

Thank you for your comments – I can assure you that all relevant material planning considerations will be taken into account in the consideration of the planning application.

Kind regards

Lucy

Lucy Hoad

Planning

West Lothian

From: Planning <Planning@westlothian.gov.uk>
Sent: 23 May 2022 08:19
To: Hoad, Lucy <Lucy.Hoad@westlothian.gov.uk>
Subject: FW: Uphall Community Council - [OFFICIAL]

DATA LABEL: OFFICIAL

From: >
Sent: 21 May 2022 20:29
To: Planning <Planning@westlothian.gov.uk>
Subject: Fwd: Uphall Community Council

Sent from my iPad

Begin forwarded message:

From:
Date: 20 May 2022 at 17:21:43 BST
To: planning@westlothiam.gov.uk
Subject: Uphall Community Council

With regard to Planning Application reference number 0385/H 22. 109 South Middleton Uphall.

Uphall Community Council would like to express its concern with regard to the planned extension. This is on account of the size proposed and not in keeping with the nearby houses. There is also concern at the proximity to the Bowling Green

and direct views on to the Bowling Green

Regards

Secretary Uphall Community Council.

Sent from my iPad

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>

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Comments for Planning Application 0385/H/22

Application Summary

Application Number: 0385/H/22

Address: 109 South Middleton Uphall West Lothian EH52 5GA

Proposal: Two storey and single storey extensions to house (as varied with omission of balcony)

Case Officer: Lucy Hoad

Customer Details

Name: Mrs Mary Veitch

Address: 79 South Middleton Uphall Broxburn EH52 5GA

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We object to planning application 0385/H/22. We acknowledge that the owners of Property 109 have altered their original plans in an effort to reduce the impact on resident's privacy their original submission had on neighbouring properties.

However we still have great concerns regarding the following:

1. Natural Light: The amended plans for the 2 storey extension which has an overall length of 19.2 m and a height of 7.1m is increasing the footprint of Property 109 by over 100%. As Property 109 is less than 1.25 m away from our boundary fence this will substantially reduce the amount of 'natural light' our house and garden will receive.

2. Quality of Life: We note that West Lothian Council do not recognise 'the view' as a primary element as an objection to planning applications. None the less the reduction of skyline we will be able to observe as a result of this extension will impact severely on our quality of life and mental wellbeing. The feel good factor we derive from working and relaxing in our garden will completely diminished by this 2 storey extension

3. Setting a Precedent: Research has shown that NO 2 storey extensions have been erected in the South Middleton Estate. Approval of this application would set a precedent for future similar applications. Such extensions are not in keeping with the literature and criteria Persimmion Homes set out for the original development of the South Middleton Estate.

We extend an open invitation to all interested parties to come and visit our Property at 79 to see at first hand the impact the proposed plans for Property 109 would have on our home and garden.

yours sincerely

Mary and Paul Veitch
79 South Middleton
EH52 5GA

Comments for Planning Application 0385/H/22

Application Summary

Application Number: 0385/H/22

Address: 109 South Middleton Uphall West Lothian EH52 5GA

Proposal: Two storey and single storey extensions to house and formation of balcony

Case Officer: Lucy Hoad

Customer Details

Name: Mrs Ann Simpson

Address: 2 Stankards Road Uphall EH52 5DH

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We, the management Committee, of the bowling club, object to the planning application proposed for the property at 109 South Middleton, Uphall.

The proposed building will extensively overlook the bowling club and bowling green. The planned balconies will overlook both the green and the beer garden. The resident of the house of 109 South Middleton put an objection in to our proposal for the beer garden as he did not wish his children to be disturbed by the noise from the club and did not wish his house to be overlooked. He also requested a higher fence be installed to prevent this, which we complied with. The proposed extension brings his building to within 1 foot of our boundary fence and as it covers 2 floors will mean the second storey of the building will be visible from the green and the beer garden. We feel due to the height of the proposed extension and suggested proximity to the boundary fence would have a negative impact on the amount of sunlight to our premises and there would be an increased impact on the privacy for our members and customers who choose to use the beer garden or the area around the green.

Comments for Planning Application 0385/H/22

Application Summary

Application Number: 0385/H/22

Address: 109 South Middleton Uphall West Lothian EH52 5GA

Proposal: Two storey and single storey extensions to house and formation of balcony

Case Officer: Lucy Hoad

Customer Details

Name: Mr Jonathan Courtney

Address: 77 South Middleton Uphall EH52 5GA

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to planning application 0385/H/22 which is proposed for 109 South Middleton, Uphall.

This proposed extension will cause me significant loss of privacy as it will be directly facing my kitchen, living room and 3 of my bedrooms. It also has the potential to cause increased noise due to the proposed balcony which will adversely affect the peace and tranquility of my home and rear garden. Everyone should have the basic right of privacy in their home and garden.

The proposed extension would be overbearing as it is totally out of proportion and out of character for the neighbourhood and surrounding properties.

I invite you to visit my home to verify these objections are valid.

Therefore, I would ask that West Lothian Council refuse this planning application.

Should you require any further information or clarification of any of the points raised in this objection, please do not hesitate to contact me.

Yours faithfully

Jonathan Courtney

Comments for Planning Application 0385/H/22

Application Summary

Application Number: 0385/H/22

Address: 109 South Middleton Uphall West Lothian EH52 5GA

Proposal: Two storey and single storey extensions to house and formation of balcony

Case Officer: Lucy Hoad

Customer Details

Name: Mrs Julie Courtney

Address: 77 South Middleton Uphall EH52 5GA

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to planning application 0385/H/22 for the extension that is proposed for 109 South Middleton, Uphall, West Lothian.

This proposal for two storey and single storey extensions to house and formation of balcony will result in a serious lack of privacy to my property as not only will the extension and balcony be overlooking my rear garden, it will also be directly facing my kitchen, lounge and 3 bedrooms - the rooms that are used the most in my home. There is also an increased risk of noise whilst the balcony is being used. Noise tends to carry further from an elevated position and this will affect the peacefulness and serenity of both my home and garden.

The proposed extension will be overbearing due to its size and therefore could potentially be a dominating feature in the surrounding area and will be out of keeping with other neighbourhood properties.

You are welcome to visit my home should you require to view the potential negative impact of this proposed extension.

Yours faithfully

Julie Courtney

77 South Middleton

Uphall

West Lothian

EH52 5GA

Comments for Planning Application 0385/H/22

Application Summary

Application Number: 0385/H/22

Address: 109 South Middleton Uphall West Lothian EH52 5GA

Proposal: Two storey and single storey extensions to house and formation of balcony

Case Officer: Lucy Hoad

Customer Details

Name: Mrs Mary Veitch

Address: 79 South Middleton Uphall Broxburn EH525GA

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We object to this planning proposal on the fundamental principal that if approved it will have an enormous negative impact on our quality of life. This negative impact will greatly effect the following elements: Privacy, Natural Light, Leisure, and Mental Wellbeing

Privacy:

The main reason we purchased the property at 79 was the secure and secluded garden that it offered.

The proposed 2 storey extension of property 109 which is adjacent to our boundary includes a south facing elevated balcony. This elevated balcony will be situated directly above our garden giving unrestricted viewing access to this area. Not only that when occupants of 109 access this balcony they will have direct eyeline vision to our bedrooms and lounge. To maintain our privacy we would have to consider keeping our bedroom and lounge windows and doors covered almost permanently throughout the day. If this application is approved it will completely erode our privacy.

Natural Light:

When considering the scale of the proposed 2 storey extension and how close it is to our boundary the resulting conclusion is that it will significantly effect the amount of natural light that filters into our garden and lounge. This natural light is already reduced by the large trees to the west of our property.

Research of previous planning applications that these were for single storey extensions or garage conversions. No approval has been recorded for proposals with 2 storey high extensions.

Leisure:

At present we derive great pleasure from the relaxing atmosphere our garden provides this satisfaction will be severely reduced. No home owner could fully relax in their garden designed to

enhance their quality of life when neighbours have the potential to people watch without restriction.

Mental Wellbeing:

The events of the last few years have shown the benefits of being able to access garden areas in relation to maintaining good mental health. This feel good factor will be non existent and have a detrimental effect on our lives, should this application be approved.

Final Comment:

To fully understand our concerns we invite Lucy Hoad (Planning Officer) and the Uphall Ward Councillors Diane Calder, Janet Campbell, Angela Doran-Timson and Ann Davidson or any other interested party regarding this application to our home.

This would give them the opportunity to see at first hand the effect the proposed extension of 109 would have on the quality of our lives.

May & Paul Veitch

Development Management Committee

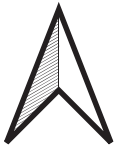
14 September 2022

Item 5 - Application : 0385/H/22

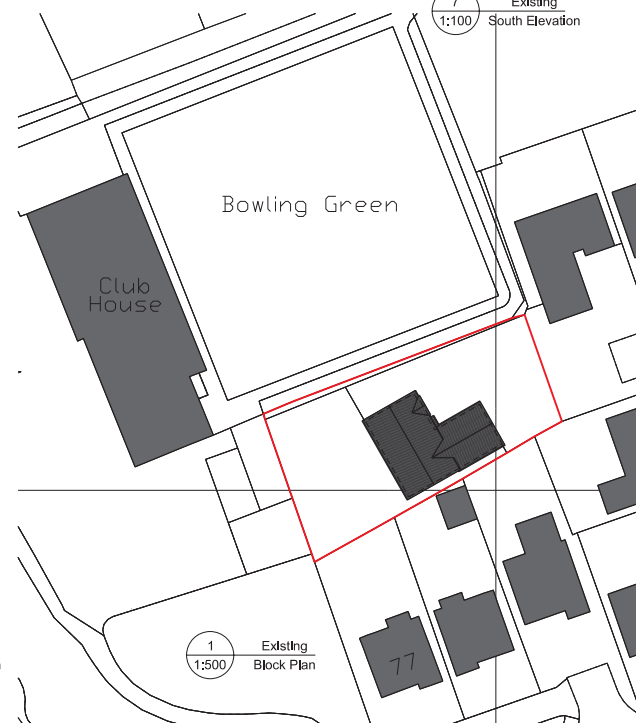
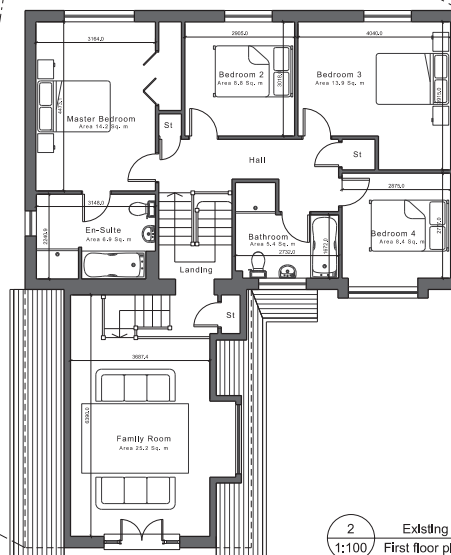
Two storey and single storey extensions to house (as varied with omission of balcony)



109 South Middleton / Uphall / EH52 5GA









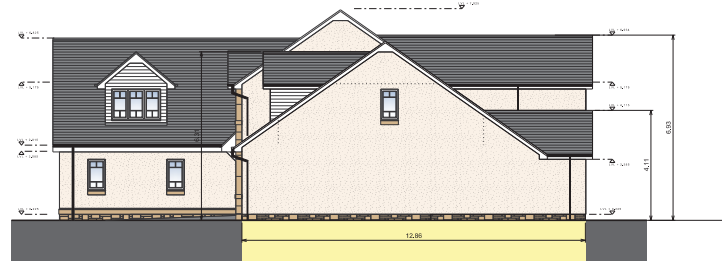
-  Denotes Dwelling for which statutory approval is sought
-  Denotes boundary of application site
- SITE AREAS**
- | | |
|-----------------|----------------------|
| -EXISTING- | |
| Site Area - | 6555sqm or 0.0655Ha |
| Building Area - | 125 Sqm (inc garage) |
| Garden Area - | 530 Sqm |
| % green space - | 81% |

REV.	DATE	DRAWN	DESCRIPTION
REVISIONS			
0.24	10	20	40
1.35	15	30	60
			80
			100
CLIENT: Mr Arfan Khaliq			
JOB: Two Storey Extension			
109 South Middleton			
DRAWING: Existing plans & elevations			
DRAWER		JOB NO: 1109	
DATE Feb 22		REV	
		DR NCPLO1	
		DATE 1:180	



ROBERTSON ARCHITECTURE
& DESIGN

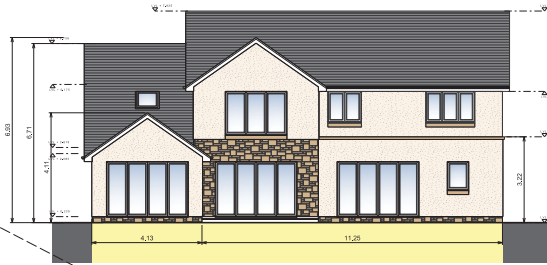
This drawing and its data are the copyright of Robertson Architecture and Design and must not be used for any purpose other than that for which it is intended. Please do not scale from these drawings, all dimensions to be size sized.



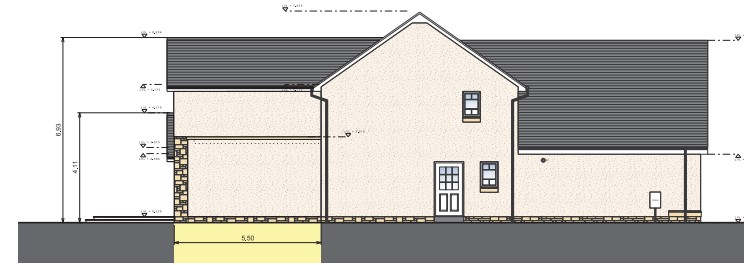
4 Proposed North Elevation



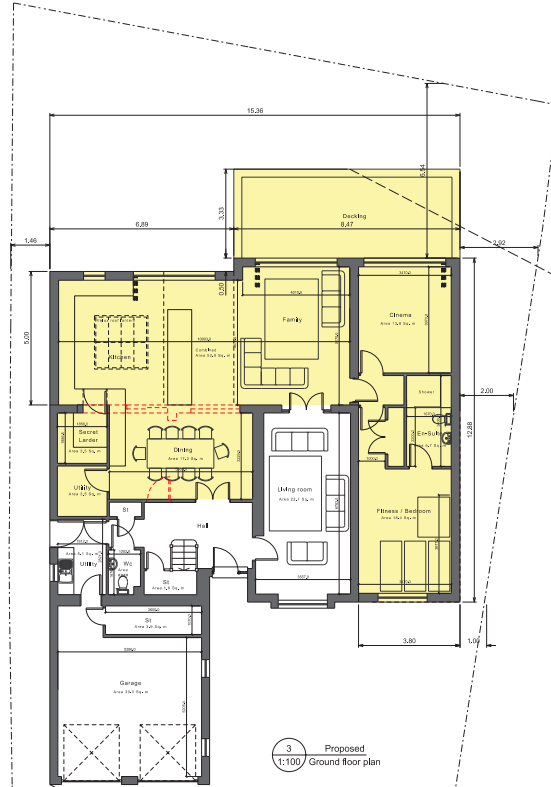
5 Proposed Front Elevation



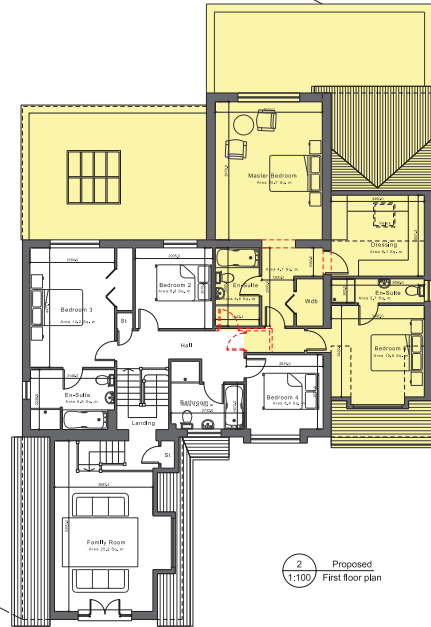
6 Proposed Rear Elevation



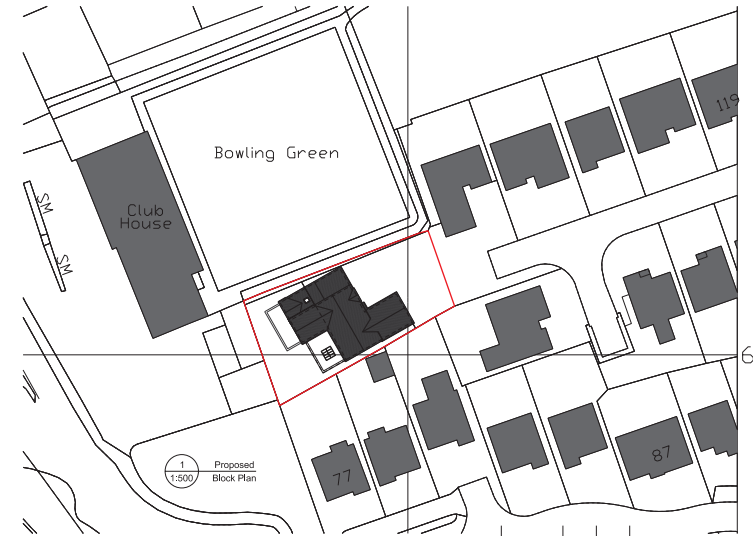
7 Proposed South Elevation



3 Proposed Ground floor plan



2 Proposed First floor plan



1 Proposed Block Plan

MATERIALS KEY

- precast stone to match existing
- Concrete roman roof tile colour to site
- White UPVC windows / Bi-Fold doors
- White UPVC soffits / barge boards
- Rainwater goods to be black UPVC
- Dry river wall white merley cedar lap cladding
- Wall to be stone dash oatmeal colour
- Spot lights to be yellow and grey in 'foot'
- Decking composite boards hyperion charcoal

Denotes Areas affected by proposed works

Denotes Existing walls

Denotes down takings associated with proposed works

Denotes Dwelling for which statutory approval is sought

Denotes boundary of application site



SITE AREAS

- PROPOSED -
- Site Area - 655 Sqm or 0.065Ha
- Building Area - 125 Sqm (inc garage)
- Extension Area - 109 Sqm
- Garden Area - 421 Sqm
- % green space - 65%

REV C	Jul 22	ER	South facing UPVC windows removed in request of Planning Officer
REV B	Jun 22	ER	Plan updated as per Discussions with Planning Dept.
REV A	Apr 22	ER	Plan updated as per clients requirements
REV.	DATE	DRAWN	DESCRIPTION
REVISIONS			
CLIENT: Mr. Arfan Khattak			
JOB: Two Storey Extension			
109 South Middleton			
DRAWING/Proposed plans & elevations			
DRAWN: MR MR KHATTAK			
DATE: Jan 22			
REV. C			
SCALE: 1:100			









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DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Change of use from general industry (class 5) to gymnastics club (class 11) at unit 14F Blackburn Road, Bathgate, West Lothian, EH48 2EY.

2 DETAILS

Reference no.	0520/FUL/22	Owner of site	Spring Distribution
Applicant	Gymtastic Broxburn Limited	Ward & local members	Whitburn and Blackburn Councillor Jim Dickson Councillor Mary Dickson Councillor George Paul Councillor Kirsteen Sullivan
Case officer	Kirsty Hope	Contact details	01506 282 413 kirsty.hope@westlothian.gov.uk

Reason for referral to Development Management Committee: Referred by Councillor Mary Dickson

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 general industry unit (class 5) to a gymnastics club (class 11). The application site is located within part of a large allocated employment area on south side of Bathgate which also covers the wider Whitehill and Easter Inch industrial estates, as defined in the adopted local development plan and is within the Bathgate settlement boundary.
- 4.2 The submitted plans indicate that the existing unit has a large workshop floor, with two offices and a utility room with toilet facilities. Whilst the proposed floor plans show a large gymnasium, a single office and a utility room with toilet facilities. No changes are proposed to the exterior of the building.

History

4.5 None in relation to unit number 14F.

- 4.6 Unit number 14C application reference LIVE/0166/FUL/17 - Change of use from warehouse to play centre (class 11) and cafe (class 3) obtained planning permission on 17 May 2017. This unit faces directly onto Blackburn Road and is separated by barriers from the industrial units and also has a separate parking area.

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 Seventy-eight letters with material comments in support have been received (16 more in support have no comments).
- 5.2 A summary of representations is located in the table below.

Comments	Response
• Promote, encourage and improve mental and physical health/fitness.	• Noted.
• Opportunity for learning	• Noted.
• Much needed facility and good opportunity for the local area	• Noted.
• Welcomed by the local community and businesses	• Noted.
• Great use for industrial unit	• Noted. See further assessment below
• Existing club (350 members) needs a permanent location as other venue is closing	• Noted.
• Children support the facility	• Noted.
• In recent covid pandemic this facility is even more important to the community than before	• Noted.
• Proposal wouldn't impact on wider environment	• Noted. See further assessment below.
• Good security for the wider area in the evenings	• Noted.
• Very few clubs offer gymnastic with the use of this equipment	• Noted.
• Already a nearby sports facility nearby setting a precedent	• Noted. Site history notes above.

Comments	Response
<ul style="list-style-type: none"> Adequate parking facilities and central location 	<ul style="list-style-type: none"> Noted. Roads & Transportation have raised concerns.
<ul style="list-style-type: none"> Opportunities with collaboration with local schools 	<ul style="list-style-type: none"> Noted. This is not a material planning consideration.
<ul style="list-style-type: none"> Parking problems at the existing site. 	<ul style="list-style-type: none"> Noted. This is not a material planning consideration.

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 Town Centre Manager	No	<p>Attach condition in relation to waste storage and collection.</p> <p>Parking spaces should be clearly painted for the sole use of this premises if Roads accept this.</p> <p>Advert consent may be required separately.</p> <p>Applicants statutory responsibility to ensure that all relevant consents and certificates are in place prior to starting any site work or future occupation.</p>	<p>Noted. Conditions and advisories shall be attached, if consented.</p> <p>See Roads comments below.</p>
WLC Roads & Transportation	Yes	<p>Concerns raised on pedestrian safety as no marked route from Blackburn Road and inadequate parking. The use requires 23 spaces and only 10 are provided.</p>	Noted.
WLC Environmental Health	No	<p>Attach condition in relation to hours of construction.</p>	Noted. A condition shall be attached, if consented.

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 use of a leisure facility (class 11) predominately for children next to the industrial uses on either side of this unit is not appropriate. The development therefore does not integrate well with the surrounding context.	No
LDP Policy EMP 1 - Safeguarding and Developing Existing Employment Land	Development not Use Class 4,5 or 6 will need to meet (e-j) criteria exemptions.	The proposal does not meet all the criteria exemptions. See further assessment in Section 8 below.	No
LDP TCR 2 - Town Centre First Sequential Approach	Sequential approach to where retail uses should be considered before out of Town Centre locations.	Insufficient information from the application to demonstrate consideration of all other sequentially preferable properties/sites.	No

Guidance

Planning Guidance - *Non-employment Uses Within Employment Areas*

8. ASSESSMENT

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

Principle of development

8.2 Planning permission is sought for the change of use from a general industry unit (class 5) to a gymnastics club (class 11). The application site is located within a large industrial building that has been split into various units internally and is within an established industrial area.

8.3 Policy EMP 1 (Safeguarding and Developing Existing Employment Land) with the LDP advises that proposals for non-business/non-industrial uses on employment land will

only be supported in circumstances where several criteria can be satisfied. The relevant criteria are listed below.

- 8.4 Policy EMP 1 criteria (e) states that there should be no shortfall in the overall supply of employment land. There is an adequate supply of employment land in this area that would remain and this proposal would not adversely affect this.
- 8.5 Policy EMP1, criteria (f) states that it must be satisfactorily demonstrated that there is no reasonable or realistic demand for the retention of the existing premises or sites for use classes 4, 5 and 6. Prospective developers will be required to evidence their attempts to secure a continued employment-generating use and in particular that they have actively marketed the premises or site over a sustained period. This has not been sufficiently evidenced by the applicant. It is noted by the applicant that the unit was used on a temporary basis earlier this year.
- 8.6 Policy EMP1, criteria (g) advises that the proposal should not restrict the range of uses which can lawfully be carried out by businesses and industry on nearby sites. There would be a detrimental impact on the existing uses adjacent which are currently commercial uses such as a vehicular MOT station, motorcycle testing and proficiency unit as well as a 24hour recovery (HGV) business that operates from the rear of the site. The proposal could adversely affect the operations of adjoining commercial uses by attendees crossing to/from the parking area and being in conflict with the industrial traffic using the same access. Transportation has raised concerns regarding pedestrian safety. The lack of parking could also result in use of other business' parking by customers, giving rise to parking congestion and conflict.
- 8.7 Criteria (h) advised that the development of the site would not serve to fragment a larger industrial area or disrupt links between industrial users in that area; The proposal would fragment the commercial use within the whole building by proposing a different use class from 4,5 and 6.
- 8.8 Criteria (i) states that the proposal would have no unacceptable traffic, amenity or environmental impact and the site is accessible, or can be made accessible by public transport and footway connections to the surrounding area. The proposal would have inadequate parking provision and there is concerns in regards to pedestrian safety to and from the parking area as well as from Blackburn Road, particularly given that this site would be attended by young children.
- 8.9 Criteria (j) notes that the proposal would need to comply with the other policies in the development plan, in particular, for residential development, Policy HOU 3 Infill/Windfall Housing Development within Settlements, and for retail, leisure and other developments appropriate to town centres, with Policy TCR 2 (Town Centres First Sequential Approach). The proposal would not meet Policy TCR 2 (Town Centres First Sequential Approach) as the applicant has not satisfactorily demonstrated that has all appropriate alternative locations have been considered within the district. The submitted information also 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.
- 8.10 Policy 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.

- 8.11 Policy DES 1 (Design Principles) requires that all development proposals take account of and be integrated with the local context and built form. The proposed use is not appropriate at this side entrance location within the industrial unit. The uses either side of the unit are high traffic generating with motorcycles and large transport vehicles. Concerns have been raised on the grounds of insufficient parking from WLC Roads & Transportation. The development at this location would adversely impact on the existing industrial uses and the surrounding area.

9. CONCLUSION AND RECOMMENDATION

- 9.1 The proposal does not comply with policy DES1 (Design Principles), Policy EMP 1 (Safeguarding and Developing Existing Employment Land) and TCR 2 (Town Centres First Sequential Approach) within the West Lothian Local Development Plan 2018 nor the planning guidance: Non-employment Uses Within Employment Areas.

- 9.2 It is therefore recommended that planning permission be refused.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Draft reasons for refusal
- Location Plan
- Existing and Proposed Floor Plans
- Sample of Support Letters
- Local Member Referral Form

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

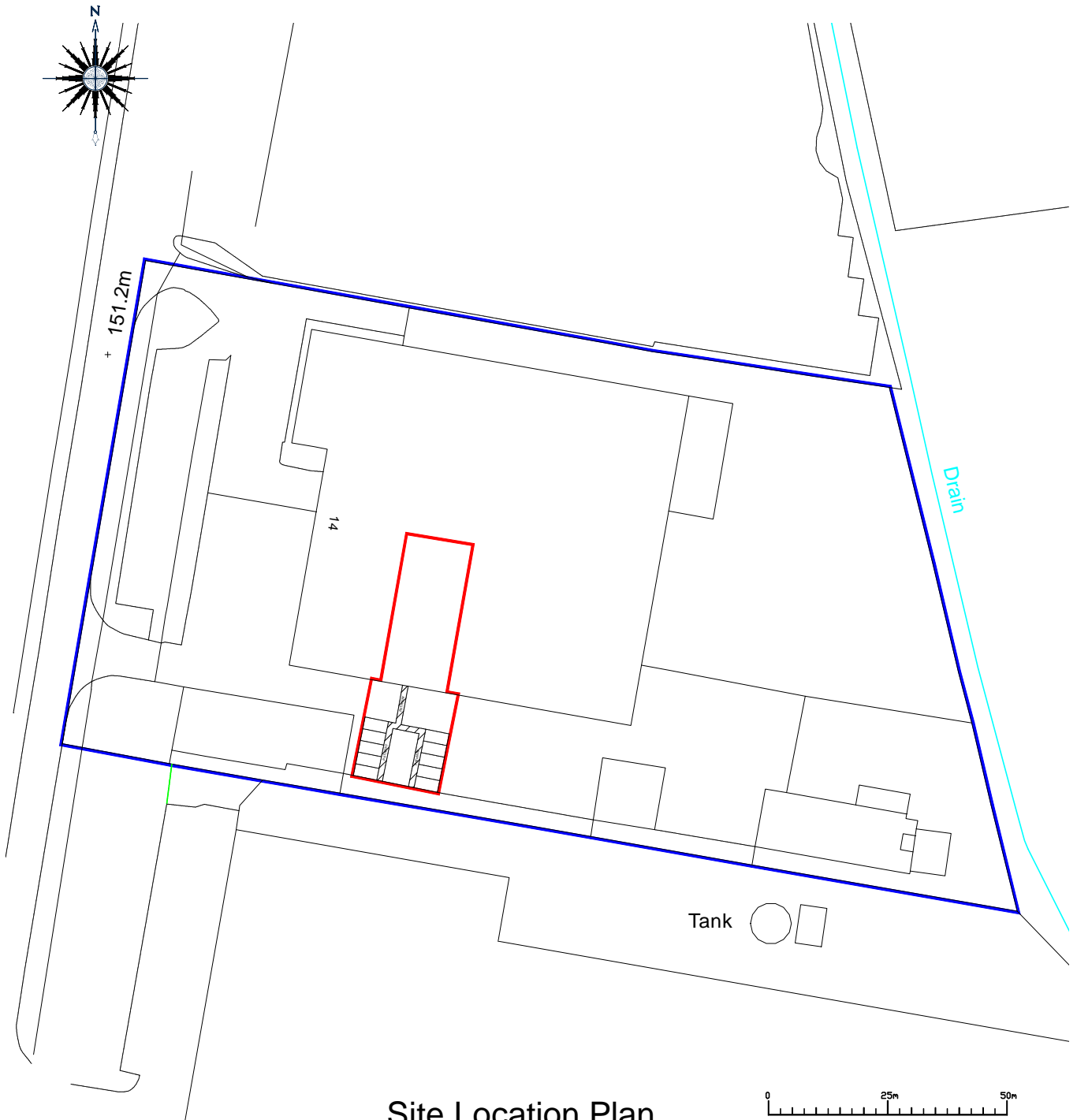
Craig McCorriston

Head of Planning, Economic Development and Regeneration Date: 14 September 2022

DRAFT REASONS FOR REFUSAL – APPLICATION 0520/FUL/22

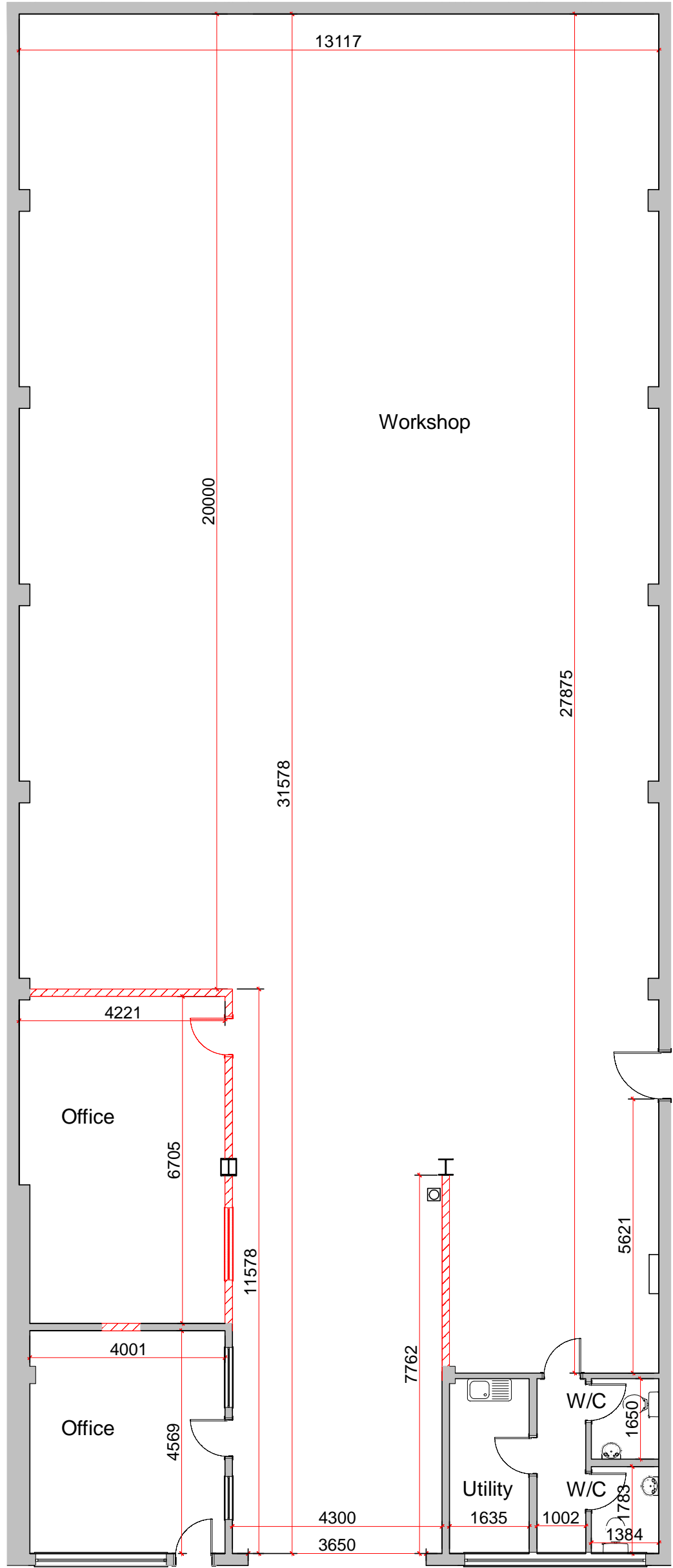
Reasons for refusal

1. The site is within an employment area where the use of land and premises for classes 4, 5 and 6 use are supported. It has not been demonstrated there is no demand for the retention of the premises for class 4, 5 and 6 use. Further, the nature of the proposed class 11 use is such it could adversely affect the operations of adjoining commercial uses and it would fragment commercial uses within the whole building. In addition, the proposed class 11 use would adversely impact upon road safety given its position within the whole building and lack of footway provision and insufficient parking. It has also not been demonstrated there is no sequentially preferable location for the proposed class 11 use. The proposal is therefore contrary to policies EMP 1 - (Safeguarding and Developing Existing Employment Land) and TCR2 (Town Centres First Sequential Approach) of the West Lothian Local Development Plan 2018 and the council's planning guidance *Non-employment Uses Within Employment Areas*
2. The proposed use would not integrate well with the surrounding industrial uses and there is insufficient parking provision and lack of marked routes for pedestrians from Blackburn Road which would lead to unacceptable impacts on road and pedestrian safety. The proposal is therefore contrary to policy DES 1 (Design Principles) of the West Lothian Local Development Plan 2018.

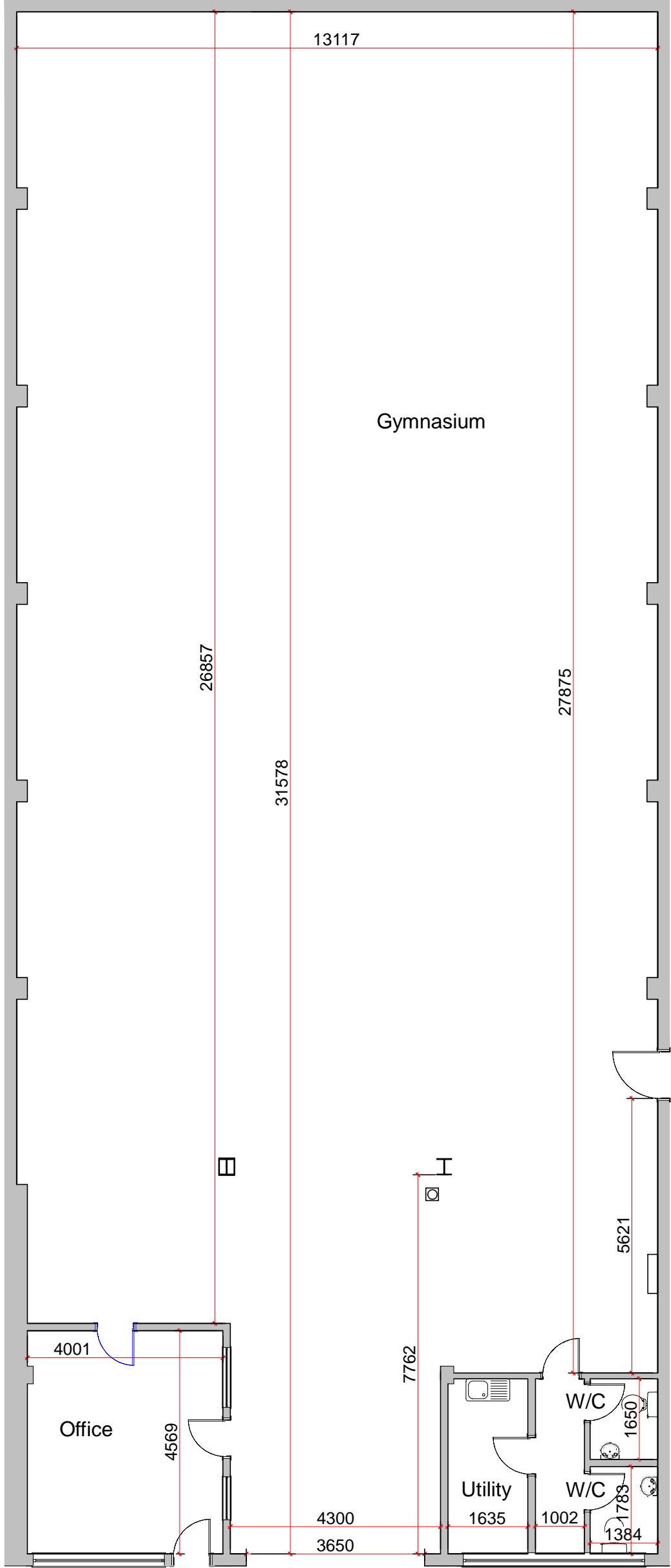
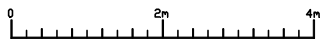


Site Location Plan
Scale 1:1250

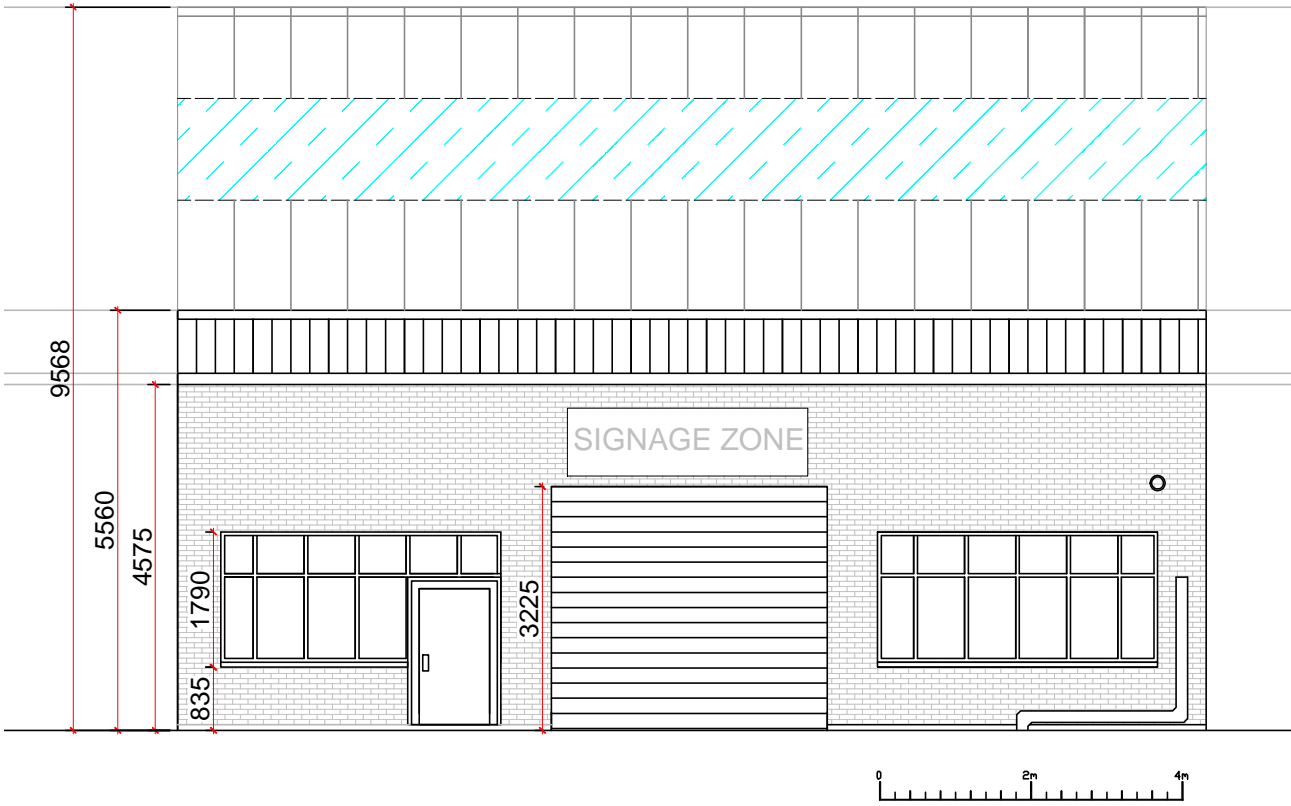
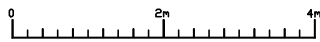
REV:	DESC:	BY:	DATE:
ISSUE:			
PLANNING PERMISSION			
DM HALL <small>CHARTERED SURVEYORS</small> 27 Canmore Street, Dunfermline 01383 621 262 architecture@dmhall.co.uk			
PROJECT ADDRESS:			
14F Blackburn Road Bathgate EH28 2EY			
DRAWING TITLE:			
SITE LOCATION PLAN			
We hereby certify that this is the plan referred to in the foregoing application for Local Authority consent LA REF - N/A Drawing remains property of DM Hall LLP			
FILE No:	PP-22-00322		PAGE SIZE: A4
DATE:	DRAWN:	SCALE:	DRAWING NO: REV:
02/06/22	CA	As Shown	0 /



Existing Plan at Scale 1:100



Proposed Plan at Scale 1:100



Existing Elevation at Scale 1:100



Site Layout at Scale 1:500

CHANGE OF USE

Change of use from Class 5 to Class 11 (gymnasium).

Minor internal alterations to office space to increase gym area.

Signage to be as shown.

Site to include 10 dedicated parking spaces immediately opposite unit door. Metal finish fencing at a height of no more than 1100mm to be erected around south, east and west of parking area. Pathways around parking area and to main door to be marking on site where shown.

REV:	DESC:	BY:	DATE:
ISSUE: PLANNING PERMISSION			
DM HALL CHARTERED SURVEYORS 27 Canmore Street, Dunfermline 01383 621262 architecture@dmhall.co.uk			
PROJECT ADDRESS: 14F Blackburn Road Bathgate EH48 2EY			
DRAWING TITLE: Existing Plans Existing Elevation			
We hereby certify that this is the plan referred to in the foregoing application for Local Authority consent LA REF - N/A Drawing remains property of DM Hall LLP			
FILE No:	PP-22-00322	PAGE SIZE:	A2
DATE:	DRAWN:	SCALE:	DRAWING NO:
02/06/22	GD/CA	As Shown	1

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Mr Stewart McIntosh

Address: 184/1 Main Street Newmills KY128SY

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support this change of use greatly as I feel that it is vital to widely promote fun, health, and well-being for children and young people. These gymnastics classes have a place for everyone and would offer a new way for local children and young people to get into a sport and recreation.

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Miss Heather McIntosh

Address: Flat 8 7B Loaning Road Craigentinny EH7 6FL

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: A gymnastics centre would be a great addition to the area and the families living there. Promotes healthy exercise and a chance for children to learn another sport out with school classes.

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Dr Gwenne McIntosh

Address: 49B New Street Musselburgh EH21 6BX

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Being a parent of three children, all of whom joined a out of school gymnastic club, I would fully support this application.

Gymnastics is an inclusive sport, instilling core values of health wellbeing, physical activity and achievement. This sport has grown these values in all three of my children who made new connections and developed new skills from their time in the sport.

A club like this also encourages inclusion, making gymnastics accessible to children from a young age in a safe supportive environment. A club like this will help young people and families expand their social networks and sense of community.

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Mrs Emily Sinclair

Address: 31 Badger Walk Badger Walk Broxburn EH52 5TW

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am in full support of this proposal. Gymnastics is a very valuable club for the young people of West Lothian. It provides a safe space for the gymnasts to develop skills, confidence and fitness. It provided a superb service to the local community and clubs like these should be fully supported and valued for the opportunities and enrichment they provide for the young people in our communities.

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Jocelyn Dunn

Address: 98 Pumpherston Road Uphall Station Eh54 5pj

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: A much need club for children of all ages. My daughter has been a member of the club for years and it has been an excellent source of fitness and discipline and she absolutely loves the classes.

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Mr alex robertson

Address: 14 Strathesk Road Penicuik Eh268eg

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I have been involved in gymnastics for 25 years as a parent, coach , judge .I have seen the development of children through their love of gymnastics both for co-ordination and confidence.

This facility would be a great asset to the area

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Mrs Sandra Middleton

Address: 78 Ellens Glen Loan Edinburgh EH17 7QN

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I fully support the development of this space into a gymnastics club. Gymtastic.

Young people from the community will benefit both physically and socially from being involved in a club that offers an inclusive sport promoting health and personal development. As a grandma of a young person who has been involved in gymnastics since a young child, I've seen firsthand how this sport can help a young person develop both physically and socially.

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Mr Ronnie Middleton

Address: 78 Ellens Glen Loan Edinburgh EH17 7QN

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I fully support the application by Gymtastic gymnastics club for a change of use.

My grandson has been involved in gymnastics since he was a young child and I have watched how this sport has helped him and others to keep fit and develop socially. Hopefully this club will benefit young people in the area in the same way.

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Gordon McIntosh

Address: 49b New Street Musselburgh EH21 6BX

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I wholly support the application for a gymnastics club. Apart from being a father of three children who have all benefited from taking part in gymnastics, I work in Early Years Education and have had so many parents whose children are members of gymnastics clubs, which is a great and fun way for children to benefit from healthy activity and improve on their social skills. This new gymnasium can only bring benefit to the local area.

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Mrs Clare Murray

Address: 50 Newmains Road Kirkliston Edinburgh EH29 9AW

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This change of use will be great for the community, promote childhood exercise, encourage children to participate in gymnastics and support Scottish Gymnastics. Purpose built gymnastics facilities are lacking and this will be a great addition to the community. A great application that has nothing other than positive benefits to it.

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Mrs Joanne Young

Address: 2 Church Grove Winchburgh Broxburn EH52 6FL

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This is a much needed facility for a huge number of children. Activities such as this have been disrupted so much during Covid and our children desperately need exercise and activity for their physical and mental health.

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Mrs Orla Murray

Address: 17 Miller Street Winchburgh Broxburn EH52 6WP

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I fully support the change of use of this venue to accommodate the Gymtastics company. My daughter attends this group weekly and I can't speak highly enough about how much her confidence has grown over her time spent here. Since covid impacted her little life she struggled to socialise once things opened up again and this group has given her the confidence and self-belief that she was lacking.

Neil has such a kind and caring nature and is an asset to the lives of the children he works with. He will also be an asset to the children of Bathgate who wish to take part in a gymnastics class.

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Dr Malcolm Murray

Address: 17 Miller Street Winchburgh EH52 6WP

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I very much support this. Our daughter has very much enjoyed gymnastics in Broxburn which has now sadly had to close. There do seem to be a shortage of suitable venues and this would be a fantastic addition to Bathgate and West Lothian as a whole. It is also very important for the physical and mental well-being of our children to have such options available and so this can only be a positive change. Very much hoping the change of use goes ahead and if so we will be sending our children here for gymnastics.

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Mrs Vicki Murphy

Address: 81 Pikes Pool Drive Kirkliston EH29 9GH

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:Gymtastics is a fantastic gymnastics club for children and would be a most welcome addition to any community.

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Miss Karen Black

Address: 109 Fergusson road Broxburn Eh52 5bj

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

I Fully support the change of use of the facilities.

This would be a great use for the area to have a local gymnastics group, children of all ages in the community will benefit from a club to attend that promotes exercise and achievement.

Neil and all the team at Gymtastics have given my daughter great support attending their classes in the last 4 years and I can't recommend them highly enough. They would be an absolute asset to have as part of the local community.

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Mr Danny Burns

Address: 18 Shore Road South Queensferry Edinburgh EH30 9SG

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I Fully support the change of use of the facilities.

This would be a great use for the area to have a local gymnastics group, children of all ages in the community will benefit from a club to attend that promotes exercise and achievement.

They would be a welcome addition to any local community.

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Mrs Jenny Nicolson

Address: 28 Millcraig Place Winchburgh Eh52 6wh

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This would be a fantastic, and well used, facility! I feel it would be a really valuable change of use!

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Mrs Clair Howison

Address: Svenskbo Linlithgow EH49 6BQ

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This planning application should be whole heartedly supported to allow this business to continue to offer such positive engagement with the youth of West Lothian. Fitness, flexibility, discipline, structure, community are wonderful values for a business to provide our young people with.

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Mrs Emma Pattison

Address: 22 Scotstoun Park South Queensferry EH30 9PQ

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I fully support this application. Due to unforeseen circumstances the gymnastics club were forced to leave their venue in Broxburn, potentially leaving hundreds of children without the opportunity to continue their coaching.

The ability for children and young people to have the opportunity to exercise and follow a passion cannot be monetised and, at a time when the Scottish Government promotes health and well-being through their national outcomes it is so important that groups such as Gymtastic have a permanent venue.

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Janine Mulcahy

Address: 120 Wyndford avenue Uphall EH526DP

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Fully support this venture it will be brilliant for the kids who have a love for gymnastics , my kids would be devastated if they could not continue with their classes as they really love the classes provided by the Gymtastic team

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Mrs Lynsey Petrie

Address: 36 Lang Drive Bathgate EH48 2JZ

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:Gymtastic is a fantastic place for children to keep fit and learn new skills. This is a perfect central location for the West Lothian community.

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Miss Louise Kennedy

Address: 42 west holmes place Broxburn Eh52 5nj

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I write in support of the planning application 0520/FUL/22 to change the building use from class 5 to class 11. The gymnastics classes that will be provided in the building will be a huge benefit to the community. It is my opinion that the importance and benefit of the classes to local children far outweigh any adverse effect that the building use class may have on the surrounding area.

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Mrs Stephanie Cunneen

Address: 9 Glendevon Farm Place Winchburgh West Lothian EH52 6WS

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This facility will be a massive asset to the community. Offering excellent gymnastics facilities encouraging children to exercise. I fully support the application

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Mrs Sheena Dunn

Address: 9a Rosebery Crescent Edinburgh EH125JP

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Anything that encourages children to exercise is a good thing, helping both their health and well-being.

Comments for Planning Application 0520/FUL/22

Application Summary

Application Number: 0520/FUL/22

Address: 14F Blackburn Road Bathgate West Lothian EH48 2EY

Proposal: Change of use from general industry (class 5) to gymnastics club (class 11)

Case Officer: Kirsty Hope

Customer Details

Name: Mrs Jocelyn Hunter

Address: 80 Loaninghill Road Uphall EH525SU

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This would be a fantastic opportunity to have a local gymnastics club.

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 0520/FUL/22.....	Applicant Request <input type="checkbox"/>
Site Address 14F Blackburn Road, Bathgate, West Lothian, EH48 2EY (Grid Ref: 298521,666772)	✓ Constituent Request✓... <input type="checkbox"/>
Title of Application Change of use from general industry (class 5) to gymnastics club (class 11) 	Other (please specify) <input type="checkbox"/>
Member's Name Cllr ...Mary Dickson	
Date 01/08/22.....	

Development Management Committee

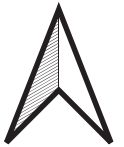
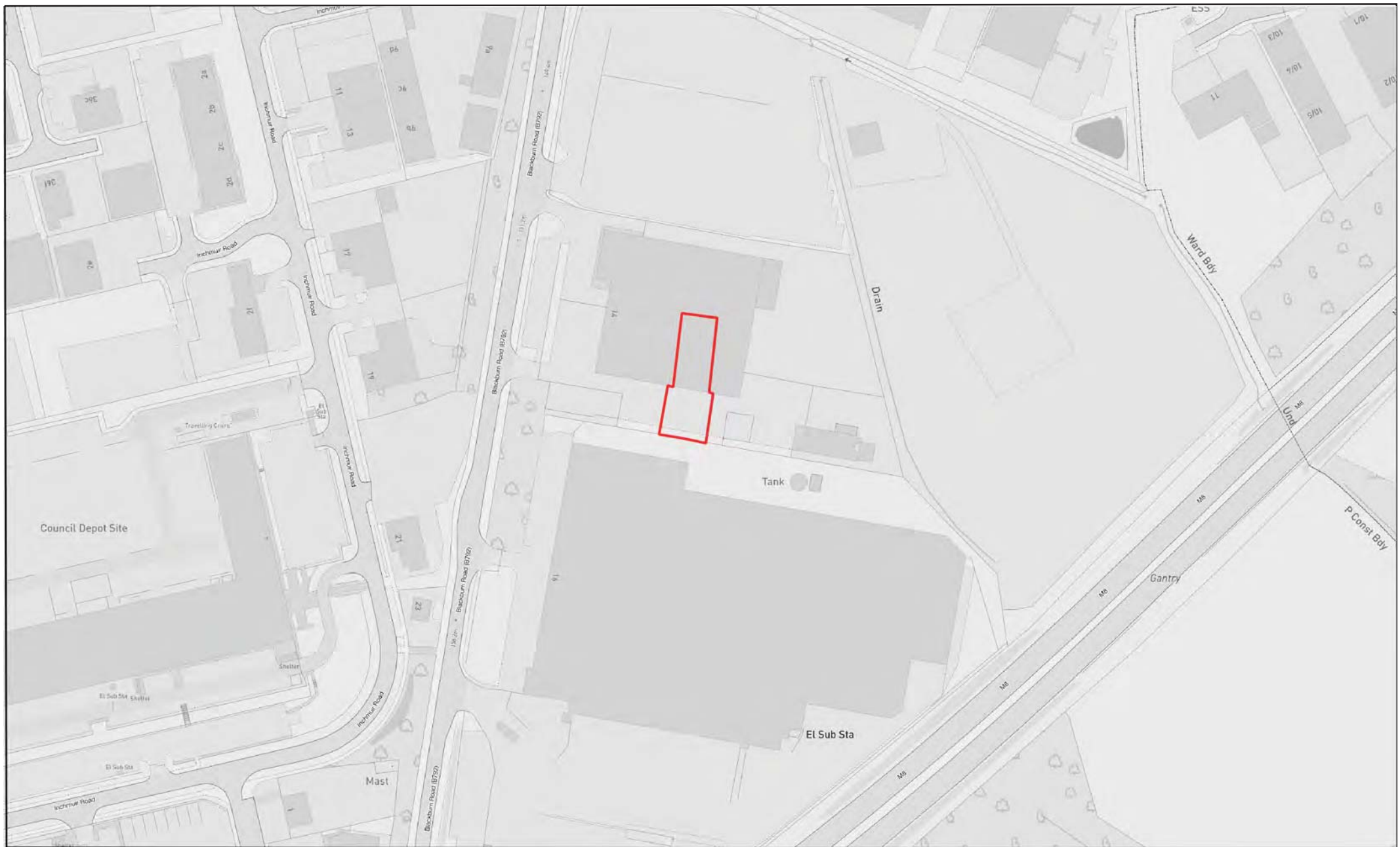
14 September 2022

Item 6 - Application : 0520/FUL/22

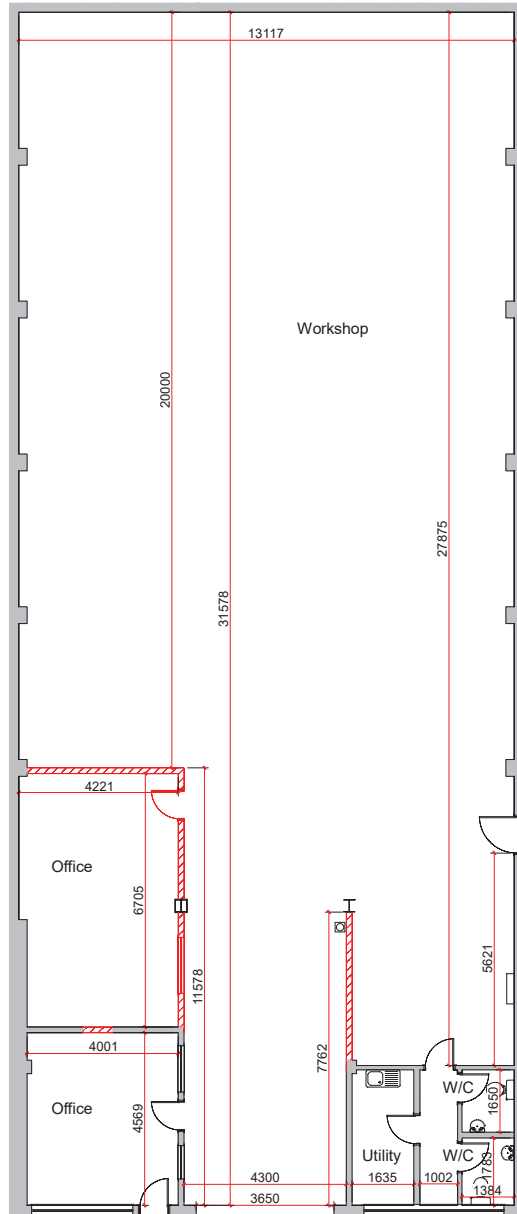
Change of use from general industry (class 5) to gymnastics club (class 11)

14F Blackburn Road / Bathgate / EH48 2EY

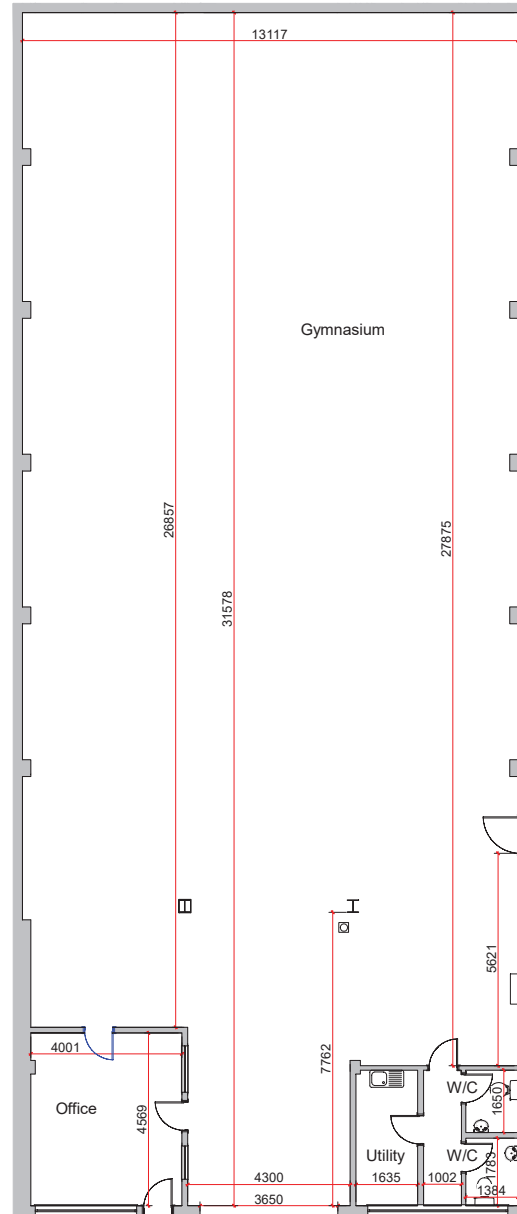




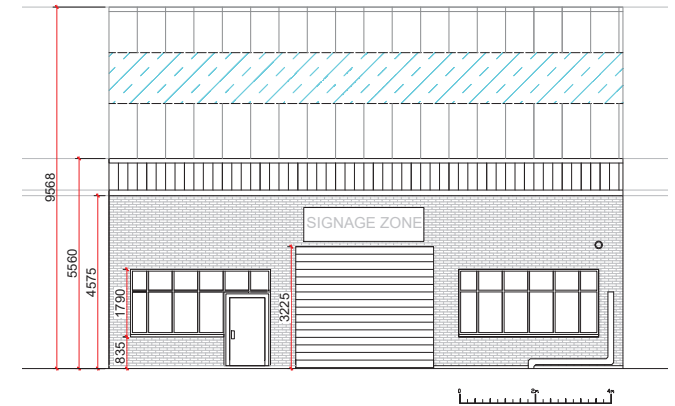




Existing Plan at Scale 1:100



Proposed Plan at Scale 1:100



Existing Elevation at Scale 1:100



Site Layout at Scale 1:500

CHANGE OF USE

Change of use from Class 5 to Class 11 (gymnasium).

Minor internal alterations to office space to increase gym area.

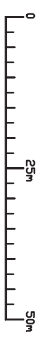
Signage to be as shown.

Site to include 10 dedicated parking spaces immediately opposite unit door. Metal finish fencing at a height of no more than 1100mm to be erected around south, east and west of parking area. Pathways around parking area and to main door to be marking on site where shown.

REV.	DESC.	BY	DATE
PLANNING PERMISSION			
DM HALL CHARTERED SURVEYORS 27 Carron Street, Dunfermline DY11 1JG 01383 621 282 www.dmhall.co.uk			
PROJECT ADDRESS: 14F Blackburn Road Bathgate EH48 2EY			
DRAWING TITLE: Existing Plans Existing Elevation			
We hereby certify that this is the plan referred to in the foregoing application for Local Authority consent LA REF - N/A Drawing remains property of DM Hall LLP			
PP-22-00322	SCALE: As Shown	DRAWING NO: 1	PAGE SIZE: A2



Site Location Plan
Scale 1:1250



REV	DESC	BY	DATE
ISSUE	PLANNING PERMISSION		
FILE NO	PP-22-00322	PAGE SIZE	A4
DATE	02/06/22	SCALE	As Shown
DRAWN	CA	DRAWING NO	0
		REV	/
We hereby certify that this is the plan referred to in the foregoing application for Local Authority consent LA REF - N/A Drawing remains property of DMHill LLP			
PROJECT ADDRESS: 14F Blackburn Road Bathgate EH28 2EY			
DRAWING TITLE: SITE LOCATION PLAN			
<div><div><div>CHARTERED SURVEYORS</div></div><div><div>27 Cannon Street, Dunfermline 01383 621262 architecture@dmhill.co.uk</div></div></div>			













DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Planning permission for the continued operation of children's nursery at 9 Riverside Lea, Seafield Road, Blackburn

2 DETAILS

Reference no.	0520/FUL/22	Owner of site	Riverside Cottage Nursery
Applicant	Mr David Addison	Ward & local members	Whitburn & Blackburn Councillor Kirsteen Sullivan Councillor Jim Dickson Councillor George Paul
Case officer	Kirsty Hope	Contact details	01506 282 413 kirsty.hope@westlothian.gov.uk

Reason for referral to Development Management Committee: Referred by Councillor Kirsteen Sullivan

3 RECOMMENDATION

3.1 Grant planning permission subject to conditions.

4 DETAILS OF THE PROPOSAL AND BACKGROUND

4.1 Planning permission is sought for the continued operation of a children's nursery (class 10) at 9 Riverside Lea, Seafield Road, Blackburn. The application site is located outwith the settlement of Blackburn, is within the Blackburn house crofts lowland crofting area and is located with the Livingston Countryside Belt, as identified in the adopted West Lothian Local Development Plan, 2018 (LDP).

4.2 The submitted plans indicate that the nursery floor area is within the previous detached outbuilding/garage as well as the rear garden area that is enclosed. Parking provision is provided along side and in front of 9 Riverside Lea.

History

1.3 The relevant site history is set out below:

- LIVE/0770/FUL/98 - Erection of a house, garage & clinic was granted permission on 3 November 1998.

- Temporary planning permission (LIVE/0405/FUL/09) was granted in 28 August 2009 for the erection of a 32.4 sqm extension to garage and change of use to form children's nursery (class 10). Conditions of the permission included the use of the children's nursery shall lapse on 28 August 2011, unless further permission is granted. Other conditions included no more than 15 children attending on any day, with no more than 1 member of staff and to operate between the hours of 0800 until 1830 Monday to Friday only.
- Temporary planning permission (LIVE/0384/FUL/14) was granted on 5 August 2014 for the continued operation of children's nursery including alterations to driveway to form parking and hardstanding. Conditions of the permission included, the use of the children's nursery shall lapse on 5 August 2017, unless further permission is granted. Other conditions included no more than 35 children attending on any day, with no more than 5 members of staff and to operate between the hours of 0800 until 1830 Monday to Friday only.

EIA Development

- 4.4 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

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

5. REPRESENTATIONS

- 5.1 Five letters of objection and one letter of support has been received.

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

Objection Comments	Response
<ul style="list-style-type: none"> • Inappropriate location 	<ul style="list-style-type: none"> • Noted. See further assessment below.
<ul style="list-style-type: none"> • Impact on residential amenity 	Noted. Whilst it is noted that there would be some impact on neighbouring properties, Environmental Health is satisfied that, with restrictions on the hours of operation, any impacts would be of an acceptable scale.
<ul style="list-style-type: none"> • Poses a health and safety risk with traffic and speeding vehicles 	<ul style="list-style-type: none"> • Noted. However, the speed of vehicles on a private road is not a material planning consideration. It is the driver's responsibility to drive to the road conditions. Any speed reduction on this private road would

Objection Comments	Response
	need to be paid for by the landowners involved and maintained.
<ul style="list-style-type: none"> Significant congestion 	<ul style="list-style-type: none"> Roads & Transportation has raised no concerns regarding road safety as a result of the development.
<ul style="list-style-type: none"> Noise and nuisance 	<ul style="list-style-type: none"> Noted. However, this is an established use that does not wish to increase the number of children attending. Environmental Health would investigate any noise nuisance separately.
<ul style="list-style-type: none"> Damage to private property and Road repairs 	<ul style="list-style-type: none"> Noted. This is a private legal matter between the properties/drivers of vehicles and / or owners involved. This is not a material planning consideration.
<ul style="list-style-type: none"> Unsocial behaviours/Police involved 	<ul style="list-style-type: none"> Noted. Whilst it is noted, this is a separate matter and any unsocial behaviours should be reported to the police separately.
<ul style="list-style-type: none"> Operational hours from around 7am and after 6pm and weekend events 	<ul style="list-style-type: none"> Noted. Times of the operation hours were previously restricted by condition.
<ul style="list-style-type: none"> More staff than permitted on consent 	<ul style="list-style-type: none"> Noted. Staff numbers were previously restricted by condition.
<ul style="list-style-type: none"> Inaccurate plans 	<ul style="list-style-type: none"> Noted. The plans provided are adequate to determine the application and use.
<ul style="list-style-type: none"> Adverts not on the plans 	<ul style="list-style-type: none"> Noted. Advertisements may require separate advert consent which would be applied for separately to this application and in retrospect.
<ul style="list-style-type: none"> Breaches of previous temporary consent. 	<ul style="list-style-type: none"> Noted. It is noted that a Enforcement Notice was served then this application was submitted.
Supporting Comments	Response
<ul style="list-style-type: none"> Personal reference of applicant 	<ul style="list-style-type: none"> Noted

6. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
WLC Roads & Transportation	No	Acceptable without conditions.	Noted.
WLC Environmental Health	No	Attach condition in relation to operational hours, if consented.	Noted. Condition shall be attached, if consented

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 use as a nursery is an established use that has benefitted from two previous temporary permissions. The principle of this form of development has therefore been established. There is not an increase in numbers of visitors attending.	Yes
LDP ENV 3 – Other Development in the Countryside	Development in the countryside will only be permitted where it meets criteria a-e.	The application is for the continued use of an existing nursery business and complies with criteria a.	Yes
LDP ENV7 - Countryside Belts and Settlement Setting	Development will only be permitted where it can be demonstrated that the proposal satisfies criteria a-e.	The proposal will not give rise to any coalescence between settlements, the premises is an established use as a nursery for some time.	Yes

7.4 Other relevant policy guidance and documents are listed below:

- Statutory Supplementary Guidance (SG):
 - Development in the Countryside
 - Planning and Noise

8. ASSESSMENT

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

Principle of development

- 8.2 The application is for the continued operation of a children's nursery. The nursery first operated on a temporary basis (LIVE/0405/FUL/09) for up to 15 children and one member of staff. This was renewed by another temporary permission (LIVE/0384/FUL/14) which increased the number of children up to 35 and 5 members of full-time staff which was given temporary consent until 2017. The use of the premises as a children's nursery has been well established.
- 8.3 This application proposes to renew the previous consent of 35 children, however the applicant has advised that they only currently operate at 26 children per day so that they can support the children and provide a better experience. The site currently operates with 8 part time members and generally no more than 5 members of staff on site at any one time. The hours they are currently operating are from 07.30hrs until 17:30hrs however this was due to covid and the applicant would be willing to revert back to 0800hrs until 1830hrs Monday to Friday (which could be conditioned).
- 8.4 The nursery premises include an outbuilding that was converted to a nursery use (which was subsequently extended) and also utilises a generous plot of garden ground. WLC Environmental Health has raised no concerns in relation to noise from the site and has not noted any previous complaints. The proposal complies with Policy DES 1 (Design Principles).
- 8.5 The lowland crofting handbook allows business use in crofting sites and this nursery has been on site for over 10 years.

Countryside

- 8.6 The application site is located within the countryside and designated Livingston Countryside Belt. Policy ENV 7 (Countryside Belts and Settlement Setting) sets out the 4 criteria that must be met. Firstly, the proposal must meet the policy criteria set out in the policies ENV 1 – ENV 6 of the Local Development Plan can be met. In this instance, policy ENV 3 (Other Development in the Countryside) applies.
- 8.7 The proposed use as a children's nursery is well established and the use is appropriate in scale and size and would not have a significant detrimental impact on the neighbouring properties. The proposal therefore complies with both policy ENV 3 (Other Development in the Countryside) and Policy ENV 7 of the Local Development Plan.

Parking/Access

- 8.8 Parking and turning is provided along the front and to the side of the premises and provides ample area for dropping off and picking up children all within the application site. Access the site is via a single-track road with passing places. WLC Roads & Transportation have raised no concerns in relation to the on-site parking. Whilst there are some concerns raised by neighbouring properties regarding access and parking arrangements, this is not sufficient to justify refusal in this instance.

- 8.9 Conditions restricting the hours of operation, numbers of staff/children attending the site would all assist control the impact on neighbouring properties.

9. CONCLUSION AND RECOMMENDATION

- 9.1 The proposal complies with policy DES1 (Design Principles), ENV 3 (Other Development in the Countryside) and ENV 7 (Countryside Belts and Settlement Setting), as well as Supplementary Guidance on New Development in the Countryside, 2019.
- 9.2 It is therefore recommended that planning permission be granted subject to conditions.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Draft conditions
- Location Plan
- 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: 14 September 2022

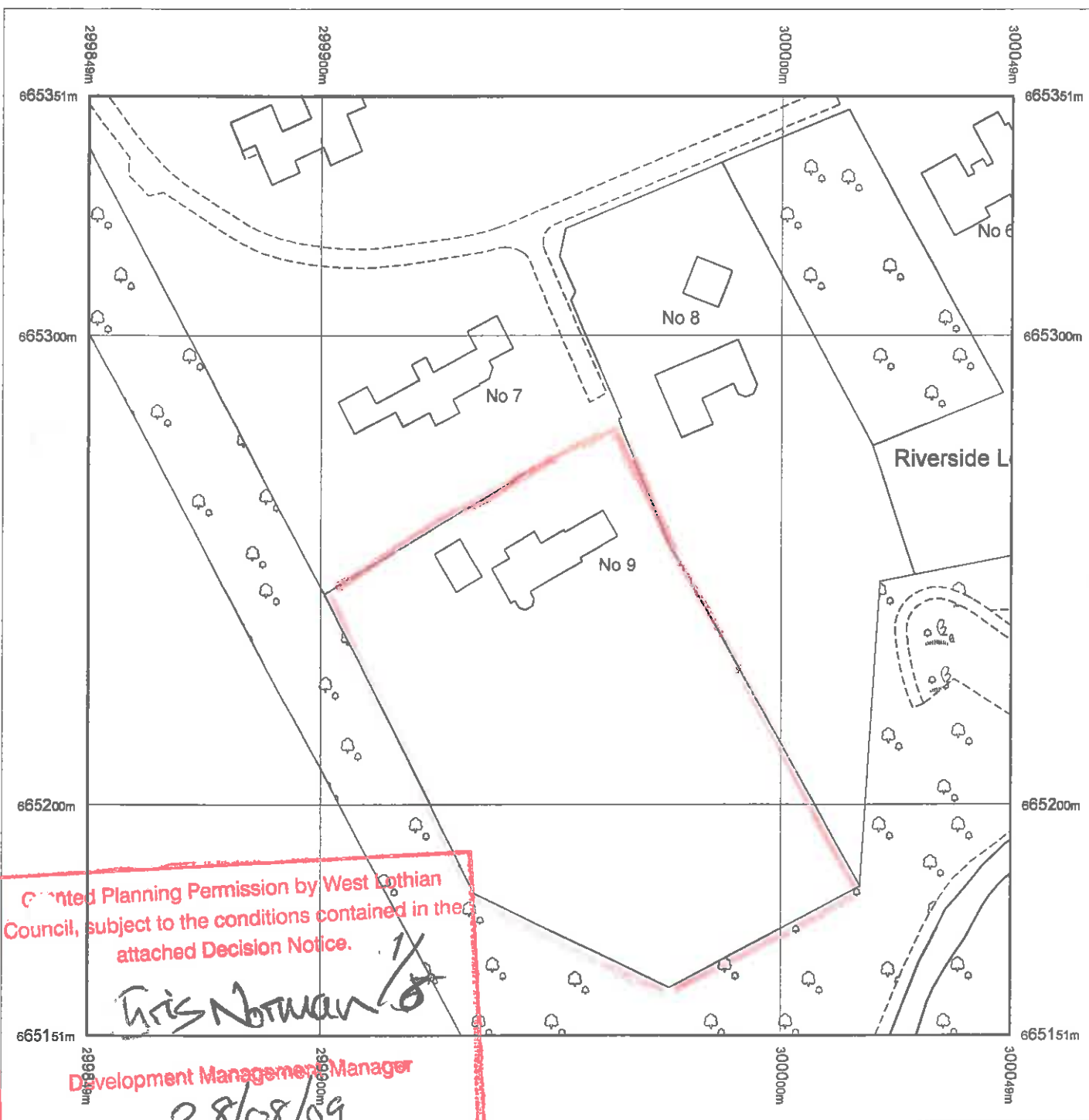
DRAFT CONDITIONS – APPLICATION 0596/FUL/22

1. Notwithstanding the approved plans, no more than 35 children shall attend the nursery on any day.

Reason: To control the size of the nursery to protect the residential amenity of neighbouring properties and the character of the area.

2. The hours of operation of the nursery hereby approved shall be restricted to 0800 hours until 1830 hours Monday to Friday and at no time on a Saturday or Sunday.

Reason: To control the opening times of the nursery to protect the residential amenity of neighbouring properties and the character of the area.



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0405/004/09

Hope, Kirsty

From: dennis uttridge [REDACTED]
Sent: 25 July 2022 14:22
To: Planning; Hope, Kirsty
Cc: tracy thomson
Subject: 0596/FUL/22: Continued operation of childrens nursery | 9 Riverside Lea
Attachments: Council objection - Nursery.v01.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Kirsty,

I am writing to object to application **0596/FUL/22: Continued operation of childrens nursery | 9 Riverside Lea, Seafield Road, Blackburn.**

I have attached the material considerations which outline why the application has considerable safety issues, is not sustainable, has lack of consideration for the upkeep and maintenance of the surrounding area and contravenes many of the council's development plans and council guidelines.

Would you mind confirming receipt of this objection and let me know if you require any further information.

Many Thanks,

Dennis Uttridge

Address: 6 Riverside Lea, Blackburn, West Lothian. EH47 7EL

Telephone: [REDACTED]

email: [REDACTED]

0596/FUL/22: Continued operation of childrens nursery | 9 Riverside Lea Seafield Road Blackburn West Lothian EH47 7EL

The original temporary planning permission (Reference: 0405/FUL/09), was granted on the explicit condition no more than 15 children would attend the nursery on any day *“to control the size of the Nursery to **protect the residential amenity of neighbouring properties and the character of the area**”*. Further condition was added to the temporary permission and granted in 2014 (LIVE/0384/FUL/14) explicitly removing permission in August 2017 *“to monitor the use of the site to ensure that it is operated in a manner to **reduce any potential adverse effects on the surrounding area**”*. Both conditions have been flaunted with the operation of the Nursery and there is demonstrable impact to the neighbouring properties and adverse effect on the area. These include;

- The only access to the Nursery is via a **private road** which is not suitable for the volume of traffic for a high-intensity business. The volume of traffic for the nursery exceeds 100 cars most days. There is no alternate public access to the Nursery.
- The integrity of the road and surrounding infrastructure has been severely compromised with multiple deep potholes and continues to deteriorate at an alarming rate. This represents a **material danger** and has become **extremely unsightly**.
- With the degradation of the road, any access by Emergency services will be severely compromised and **presents a material risk** to the public, the residents and the children at the Nursery.
- The width of the road at places is 3.4 meters with minimal passing places causing significant congestion at key times of the day. Which has resulted in multiple **escalations to the police** (where residents have been threatened and abused by the Nursery customers)
- The congestion and inability for the traffic to pass constitutes a **major safety concern**. Emergency services would be unable to access the properties during key times of the day. The risk is heightened with the elderly residents in the area.
- The Nursery has made no effort or consideration for the on-going maintenance and sustainability to the infrastructure or **safety to the public** going to and from the Nursery. The neglect, lack of consideration and **deterioration to the road** and amenities **is not in the public interest** and has a **material impact on the infrastructure**.
- The road and infrastructure are privately owned by the residents, as such the responsibility and cost of repairs is shared between the residents. There is continual damage to resident's private property where the Nursery customers recklessly drive over private property in an attempt to pass.
- As the application is on a Low Croft initiative, there is a material consideration the application **contravenes many of the council's development plan and council guidance**, in respect to the safety, maintenance, access and aesthetics of the area.
- The proposal has a **material impact with the loss of privacy** as a result of the additional traffic going to/from the Nursery. This is compounded with the large signs which have been erected at the entrance of the private road.

Temporary permission was extended until August 2017 (Reference: LIVE/0384/FUL/14) with the intention of reviewing the impact to the infrastructure and surrounding area;

- The above points clearly evidence there is significant detrimental impact to the road and surrounding infrastructure
- Constitutes a safety concern to the public with the continual deterioration and congestion of the road
- Results in considerable impact to the neighbourhood and residents of the area
- The original application was for no more than 15 children in any one day, this has now more than doubled with no planning consent
- Multiple incidents have involved the police, demonstrating the severity of the impact
- The concerns and objections have senior level visibility with escalations being made to the local authorities, local councillors and MPs
- Riverside Lea is part of a Low Croft initiative with council directive of providing a very low-density rural housing and woodland development, the title deeds explicitly restrict Business, especially the high intensity of the Nursery

Hope, Kirsty

From: Barry Simpson [REDACTED]
Sent: 28 July 2022 09:17
To: Hope, Kirsty; [REDACTED]
Subject: 0596/FUL/22: Continued operation of childrens' nursery - OBJECTION

Dear Kirsty

0596/FUL/22: Continued operation of childrens' nursery
9 Riverside Lea Seafield Road Blackburn West Lothian EH477EL

I wish to strongly object to the operation of the nursery referred to in the above application.

My statement also refers to Planning Ref. LIVE/0384/FUL/14, this temporary consent expired 5th August 2017, however the business continued to operate. The owner had been suggesting over the last few years to me that they are anticipating that the nursery will close down but I see no signs of anything slowing down, in fact the opposite.

The behaviour and nuisance that my neighbours and I are having to endure is entirely inappropriate for the area in which we reside.

Previous objections are documented in earlier correspondence, my current objections can be summarised as follows;

POLICY

The nursery is continuing to operate despite not having relevant permissions to do so. Previous TEMPORARY consent expired 5th August 2017. (LIVE/0384/FUL/14) With no permission the business should not be operating in this location.

The number of staff employed there well exceeds that maximum number stated in the temporary consent from years ago - evidence it is expanding. The nursery website at time of writing lists 12 staff members, well in excess of the limit (5) defined in the previous conditions under temporary consent (LIVE/0384/FUL/14)

<https://www.riversidecottage nursery.co.uk/team>

The nursery is not managed by residents of Riverside Lea - a clear breach of Lowland Crofting Scheme intent.

The nature of the nursery business contravenes the guidance associated with business operation in a Lowland Crofting Scheme on several accounts, including but not limited to access, density and loss of amenity.

LOSS OF AMENITY

My neighbours and I have complained to the nursery staff on many occasions not only about the excessive traffic, but the damage and abusive nature of many of the nursery Clients but we are simply dismissed by the nursery staff and owner. The nursery have confirmed in writing that they can not assist with our ongoing concerns despite the fact my neighbours and I have repeatedly complained to them and regardless of the fact the traffic is associated with their business, stating that I should address any concerns with the police.

I would expect a good neighbour, particularly a business owner, to at least make some effort to alleviate legitimate concerns being repeatedly raised by neighbours when clear evidence is there to be seen, but we are being ignored.

Our property is regularly damaged due to inconsiderate drivers going to and exiting from the nursery (as can be seen in the photos).

Time stamped video and photographic evidence, as demonstrated to the police, evidenced malicious vandalism by specific individuals that have been identified and

often takes place immediately after an interaction when they have been approached and respectfully requested to be respectful of neighbouring properties.

We have been forced to pay for road repairs several times so far in an attempt to avoid damage to our own vehicles, it is not appropriate that my neighbours and I should be paying for avoidable repairs when it is the excessive traffic to the nursery that is causing the problem.

We (and our neighbours) are regularly subject to abuse from drivers attending the nursery, evidenced by several formal police incidents, video/photographic evidence and ongoing complaints.

ROAD TRAFFIC/HEALTH & SAFETY CONCERNS

There is an exceptionally high volume of vehicular traffic going into and exiting from the nursery causing ongoing damage to our garden, neighbouring properties and the private road.

There is a high volume of traffic regularly speeding along the road despite us paying to have a speed bump fitted to deter speeding drivers.

Speeding drivers impose a health & safety risk.

Young children can not safely go outside because of the speeding traffic – unbelievably the nursery children regularly walk the children up and down this road, despite there not being a separate footpath.

We are not able to freely and safely cycle along our private road due to speeding traffic accessing the nursery as a result of the high volume of traffic it attracts.

The volume of traffic associated with the nursery imposes a health & safety risk to residents and indeed anyone currently attending the nursery, associated risks include but are not limited to, pedestrian impact, vehicle impact and **emergency vehicle access being prevented.**

FURTHER NOISE AND NUISANCE

Traffic commences from shortly after 7.00am and continues after 6.00pm - previous temporary consent that expired in 2017 did not allow any business movements prior to 8.00am.

Nursery Clients do not consider this as a residential area during drop-off/collection times as we are subject to regular shouting, car radios at inappropriate volumes and banging car doors from shortly after 7.00am

As an immediate neighbour, whilst screaming children might be considered a normal part of life with any neighbour, the numbers of children and the fact that the nursery promotes external play regularly causes noise levels which would not normally be expected causing difficulty when working from home particularly during online meetings.

ENVIRONMENTAL IMPACT

The road is often blocked and significant congestion (as evidenced in photos) prevents free flow of traffic. This does not permit my neighbours and I to freely access our own driveways (a pre-requisite of the lowland crofting scheme being that any business can not impede residents' access) and this congestion would **prevent emergency vehicle access** should it be required as there is no other vehicular or pedestrian access to our properties.

Although less frequent now, there are weekend events at the nursery, previous consent that expired in 2017 did not allow weekend events. Attendees park on verges causing damage, blocking access (as evidenced in photos) and are often abusive when asked to move vehicles. There are live services under the soft verges and heavy vehicular traffic is likely to cause damage. I have placed cones to prevent nursery attendees from parking above live services, but they simply move the cones and park in any case.

INFRASTRUCTURE

The serious damage being caused to the road by excessive traffic is significant and entirely disproportionate to what should be reasonably expected in this locale. The

evidence of the damages caused by inappropriate levels of traffic including specific damage and excessive wear/pot-holing (in contrast to the upper area of road which is not used for nursery traffic) is there to be seen at any time. This is evidenced in photos, and additional photos have been sent under separate cover.

The private access road being used for nursery access is not designed for and is certainly not capable of sustaining the level of traffic that the nursery currently attracts and as it gets busier, this problem is exacerbated.

Specifically at nursery start and stop times the congestion and excessive traffic movement would be an eye-opener to anyone that has not witnessed this first hand, as it is to those that have. The road is often blocked, verges are used to pass in lieu of allocated passing places and residents are prevented from leaving their homes to get to work as evidenced in photos due to nursery vehicles being stuck or broken down.

SUSTAINABILITY

There is no footpath to access the nursery. Only the private single track road. Considering the traffic levels and current condition of the road, there is no safe pedestrian or cycle access to the nursery, only the dilapidated private single track road.

The nursery owner has made no significant attempt to repair the damaged road and infrastructure.

NEIGHBOURHOOD CHARACTER

Because the nursery staff will not engage with us to resolve our concerns, it has been necessary to call the police regularly with regard to ongoing incidents where we are subject to abuse, roads being intentionally blocked, vandalism and threatening behaviour including one in incident which I was threatened in my own garden. There are several formal police incidents recorded.

A lowland crofting scheme is absolutely not an appropriate location for a business that results in a situation where vehicles pass residents driveways well in excess of 100 times a day every week day as is clearly evidenced by video evidence, which can be presented if required.

INACCURACIES ON SUBMITTED PLANS

The plans submitted are not accurate having simply been copied for the 2014 Planning Application.

The large covered storage structure (about 40m²) is not shown.

The road width is incorrectly noted as being 4m wide when it is in fact significantly narrower than this (closer to 3.4m wide at the point where it is annotated as 4m wide). The road width varies.

The parking arrangement notes a tarmac hammerhead and parking arrangement which is not in place.

The application does not cover the large advertising signs that are placed at the entrance to Riverside Lea.

BREACHES TO PREVIOUS TEMPORARY CONSENT

Numbers of employees significantly exceed limits set by previous Planning Conditions associated with previous Temporary Consent, evidence that it is expanding.

Operating times are outwith the limits set by previous Planning Conditions associated with previous Temporary Consent (expired).

Weekend activities are undertaken in contrast to previous Planning Conditions associated with previous Temporary Consent which prohibited weekend events.

The original temporary consent granted in 2010 (0405/FUL/09) allowed up to 15 children. There were conditions attached. It expired on 28th August 2011 and the nursery continued to operate without permission. The temporary consent granted on 2014 (0384/FUL_14) increased that number to 35 children again with conditions attached. This increase was to capture a physical extension and increase in children

and staff numbers that had been undertaken whilst consent was not in place. This is noted in the associated case notes. This expired 5th August 2017 and the nursery again continued to operate.

This blatant flouting of conditions evidences the cavalier attitude being taken by the nursery operators.

FURTHER COMMENT

As you are aware, the nursery has until recently repeatedly failed to respond to many attempts by your own department to resolve this ongoing and awful situation. This is typical of the responses we get as concerned neighbours.

There is plenty of tangible evidence to demonstrate that the previous conditions set, **with the intention of determining if the nursery operation would have an adverse effect on the community**, were being breached. The nursery owner's lack of empathy for their neighbours and flouting of previous conditions and attempts from West Lothian Planning to resolve this ongoing situation is typical and **I can't see how this will change in the future if the nursery continues to operate in this location.**

Having engaged with local councillors in the lead up to the Planning Enforcement Actions being taken, they were able to witness first hand activities resulting in the frustration we all share when visiting and meeting the surrounding neighbours, all of whom expressed concerns over the situation with complaints dating back to when the nursery was first established.

I have included a small sample of photos with this message but **under separate cover** I have sent some further examples showing the ongoing difficulties that my family and my neighbours are subjected to as a result of the inordinate amount of traffic that the nursery attracts.

Vehicles attending the nursery pass by my property well in excess of 100 times a day most days, more often than not, driving at inappropriate speeds. I have a significant video archive detailing evidence of this.

It is entirely inappropriate for this locale and in total contrast to Lowland Crofting ethos.

The health & safety and wellbeing of my own family has been an ongoing concern of mine for some time.

Aside from the ongoing damage, I have a huge volume of video clips providing evidence of the ongoing speeding posing a health and safety concern which I can forward should it be required. I have already installed a speed bump at my own expense and I will need to install another one as this is an ongoing problem immediately outside my property. I have also had to install at my expense, hedging, ornaments, signage and even rocks to deter the nursery clients from driving on to my property and causing damage.

This vain effort to legitimately maintain my property seems to prompt malicious actions in retaliation, as you'll see from the sample of photos I have included.

I can't see how the nursery can remain open at this location in the interim. With no valid permission to operate, their insurance must be invalid and that imposes a whole different risk, particularly as West Lothian Council is partnering with this nursery as noted in the WLC website.

My neighbours and I remain of the opinion that the nursery should not be operating in this location as this goes entirely against the ethos of a Lowland Crofting Scheme. There are complaints and objections dating back years. Damage and vandalism to my own and my neighbours' properties continues. There is a general lack of care from Clients attending the nursery, it is not uncommon for us to be blocked from accessing our own property and we are frequently subject to abuse. The owner has been telling me for the duration of my residence here that the nursery will be closing but instead it is clearly getting busier.

The previous temporary consent that was in place a few years ago was to allow the effect of the business on the surrounding area to be monitored. It has long since expired and it is clear to see that this business is having a significant adverse effect on the surrounding community.

It is entirely inappropriate for the nursery to be operating in Lowland Crofting Scheme due to the ongoing difficulties as identified above with supporting evidence to substantiate. I hope this will be recognised and the nursery will not be permitted to continue operating in this location.

I would be grateful if you would acknowledge receipt of this communication.

Kind Regards

Barry Simpson

7 Riverside Lea

[REDACTED]

Hope, Kirsty

From: Cat Muir [REDACTED]
Sent: 30 July 2022 19:44
To: Planning; Hope, Kirsty
Subject: Objection to 0596 / FUL / 22 - Continued Operation of Children's Nursery

Follow Up Flag: Follow up
Flag Status: Flagged

30th July 2022

I want to object to the Planning Application reference 0596 / FUL / 22 - Continued Operation of Children's Nursery

General

It is entirely inappropriate for the nursery to operate in a lowland crofting scheme as it goes against the whole intent of the scheme.

The business needs to relocate to a more suitable location as its operation is adversely impacting on the amenity, community, poses health & safety risks, significant congestion, noise & nuisance and is affecting the wellbeing of surrounding neighbours.

Loss of Amenity

There is a huge volume of vehicular traffic going into and exiting from the nursery causing ongoing damage to residents' gardens and the private road

Vehicles attending the nursery pass our driveway well over 100 times a day as shown in videos

Residents do not have free access to their properties due to congestion

Residents regularly face abuse, particularly when nursery attendees are approached and asked to be careful when driving as children are present, or to use the passing places provided on the single track private road. Drivers going to the nursery are regularly abusive, speed, intentionally block the road and driveways purposely drive on our gardens which is all evidenced in video and photos.

Health&Safety

Nursery traffic regularly speeds along the single track private road as videos show, so it is not safe to walk or cycle on the road.

Young children cannot safely go outside because of the speeding traffic - the nursery children walk up and down this road and without hi-vis safety wear.

Not only residents but emergency vehicles would not be able to quickly access in the case of an emergency due to congestion and regular blockages which means I worry and am very panicked when I have my elderly mother here .

The excessive road damage does not provide a safe passage for emergency vehicles or any visitors due to excessive potholing caused by nursery traffic. The road is in very good condition on the east sides where the nursery traffic does not go.

Noise&Nuisance

Nursery traffic starts just after 7am and continues after 6pm as video evidence can demonstrate.

Heavy traffic at business start stop times and lunch periods causes congestion on the single track private road with frequent jams and road blockages (as photos)

Residents are prevented from freely leaving and entering properties

Nursery Clients do not consider this as a residential area during drop off and collection, regular shouting, car horns, car radios at inappropriate volumes and banging car doors from shortly after 7.00am

Although less frequent now, there are weekend and evening events at the nursery including open days and parties - previous consent (exp2017) did not allow weekend events. People attending these events park on our verges, causing damage, blocking private accesses, have parked in our

driveways and are often rude and threatening when asked to move which causes significant anxiety to myself and my children who have been present in the car while clients of the nursery have been threatening and abusive towards us.

Having so many loud and often screaming children on a daily basis is not would be expected from an average, or even a very busy household.

The noise is not in keeping with the nature of this environment and has an adverse effect on our mental health as we cannot sit out in our garden during nursery hours and are very anxious if we need to leave the house during peak nursery traffic hours for fear of blockage or abuse .

Breaches to Previous Consents

The number of staff living outside Riverside lea and employed there is much more than the maximum number stated in the expired temporary consent- evidence it is expanding.

Weekend and evening events take place (as evidenced) causing congestion, noise and nuisance and residents are exposed to further abuse from many of those attending

Business related traffic starts shortly after 7.00am causing disruption, noise & nuisance

The nursery Manager does not reside in Riverside lea, - this does not align with Lowland Crofting Scheme rules

Operating times are very disruptive to residents.

Community

Along with our neighbours, we regularly face abuse from drivers attending the nursery as videos & photos show. This is the cause of great anxiety in a place which should be tranquil.

There have been several formal police incidents to date and ongoing complaints including a section 38 incident where my husband was threatened in our garden.

My son was almost hit by a speeding car and because of that cannot go outside to play in our front garden as cars have driven through our front garden when they cannot get past us or other nursery cars.

The nursery have confirmed in writing that they can not assist with the traffic problems and abuse despite the fact we have repeatedly approached them to help stop these incidents

Our property is regularly damaged due to inconsiderate drivers going to and exiting from the nursery as evidenced in photos, often intentionally as videos and photos show

We have incurred costs for road repairs several times so far - why should we have to do this when it is the excessive traffic to the nursery that is causing the problem and the owner does not contribute ?

The nursery currently lists 12 staff members, significantly more than the numbers allowed in earlier temporary consent

The owner and staff will not engage with neighbours to discuss the ongoing problems

Blatant disregard for conditions in previous temporary consents (expired five years ago)

Traffic movement times as noted above, from just after 7am breach the conditions of previous consents

Staff numbers well exceed previous conditions and numbers are increasing, so vehicles also increase etc.

Children numbers well exceeding the original consent for years and numbers are increasing

The owner has continually ignored many attempts by Planning to resolve the fact they have no permission only reacting when Enforcement notice to close is served. With so many previous breaches this is a clear indication that things will only get worse as they do not seem to care about rules and regulations until forced into it. Who will make them contribute to what are now, very costly road repairs?

Planning Application Errors

The plans submitted are not correct because a huge covered storage area is not shown

The road width is listed as being 4m wide but it is only 3.4m wide at the point where it is shown as 4m wide

The parking arrangement is not what is shown either as there is no tarmac hammerhead

There are two large advertising signs at the entrance to Riverside Lea, again not shown

Owner has persistently ignored attempts by Planning to resolve over many months right up until the Enforcement notice to cease operations was issued. This blatant disregard for compliance with procedures is a sign of likely ongoing issues unless the business is relocated.

I would be grateful if you would please confirm receipt of this objection and that it will be taken into consideration.

Catherine Muir
7 Riverside Lea
Blackburn
EH47 7EL

Hope, Kirsty

From: Haleh Shaygan-Nather [REDACTED]
Sent: 31 July 2022 19:28
To: Hope, Kirsty; Planning
Subject: Re: Objection to 0596 / FUL / 22 - Continued Operation of Children's Nursery

Dear Kirsty Hope and Planning

-I want to object to the Planning Application reference 0596 / FUL / 22 - Continued Operation of Children's Nursery.-

Health & Safety concerns:

I'm a visitor to one of the properties near the above nursery and have broken my shock absorbers and parts a couple of times because of the potholes on the private road. I didn't complain or request compensation from the residents.

However, I don't believe they are due to be rectified soon, because of the high traffic of the nursery that caused them and the bulk maintenance costs that should be covered but won't be paid by them.

So, I don't see the other residents deem it fair to share the costs equally, therefore no repairs.

Also I've experienced the hurrying, speeding, sometimes aggressive parents tend to expect other people to make way for them by going high onto the grass and other verges, that will also cause damage to the/my car. I believe my friends have spoken to the owners about this to no avail.

This is a road to avoid. Personally, I do feel uneasy there. I'm not visiting my friends anymore.

It's important that the present situation, the behaviour of the nursery clientele, and owners, on the delapidated single track road access to the nursery violate a couple of highway codes and laws such as 133 and rule 243, also Rospa legislation 17 and 21 for school site road safety.

The single line road is suitable only for a very few number of cars, not the sort of traffic that is present. A possible growing number of clients and the associating higher traffic will be quite concerning and is not advisable.

Thanks and regards

Haleh Nather

2 Kaims Place
Livingston EH54 7DX

Hope, Kirsty

From: Assad Afzal [REDACTED]
Sent: 31 July 2022 21:19
To: Planning; Hope, Kirsty
Subject: 0596/FUL/22 – continued operation of a children’s nursery at 9 Riverside Lea, Blackburn, West Lothian, EH47 7EL.

Please confirm receipt

31/07/2022

Sent on behalf of

Muhammad Afzal

5 Riverside Lea

Blackburn

EH47 7EL

I am writing with regards to application 0596/FUL/22 – continued operation of a children’s nursery at 9 Riverside Lea, Blackburn, West Lothian, EH47 7EL.

Having been consulted on the original application over ten years ago, it gives me no satisfaction to have to say that all of the objections I raised at the time have come to fruition.

The crofting scheme at Riverside Lea was designed to allow residents to open businesses with a low daily client turnover. With over a 100 client journeys to the nursery on a daily basis – yes, I counted – this type of business has not and is not in keeping with the ethos of the scheme upon which we purchased our plot, back in 1998.

As an example, if the nursery has places for 30 children then that means 4 journeys on the road per child in a single day. If that number includes half sessions then the number jumps to $30 \times 4 + 30 \times 4$, which amounts to 240 journeys per day.

The traffic spread is also not evenly distributed throughout the day, as most if not all parents will drop their children off before going to work in the mornings and collecting them in the evenings, again at the same time.

The nursery is situated at the very end of a single track road that has a many turns and blind spots. It’s impossible to see cars – which frequently travel at high speed – coming up or down, This makes it difficult for traffic in the opposing direction to get to a passing place in time. One has to note that parents dropping off their children are

frequently in a rush and consequently speed on this road at a velocity that simply isn't safe for pedestrians or other users that might be on the road at the time.

The contention on the road means that parents end up going off-road on my garden, causing wilful and deliberate destruction.

At times I have to justify entering my own property because a nursery user has parked at the entrance of my driveway. This is wholly inappropriate and quite intimidating. Is it acceptable that I should be subjected to this abuse?

These items have been repeatedly raised with the nursery and have not yielded anything beyond a shrug.

Given the serious issues I have highlighted above, I objected to the nursery operating from it's current location. A business as successful and client intensive as this clearly should be situated at a location where there is the necessary infrastructure to support it.



Cowgate Under 5s Centre

172, High Street
7, Old Assembly Close
Edinburgh
EH1 1QX



Head of Centre – Dr.Lynn J McNair O.B.E.



Letter of Support: Managing Director Luke Addison, Riverside Cottage Nursery.

1 August 2022

To whom it may concern,

In the years that I have worked alongside Luke Addison, I have witnessed his profound commitment to the children, their families and the staff team; his boundless energy and his willingness to build an educational community. Luke's eagerness to participate in all aspects of community life has been nothing short of impressive. He goes out of his way to enhance community life, I have often gone out walking with Luke in his local community, with his dog, Huntley, a beautiful animal, and it is clear to me what a valued member of the community Luke is, as he is warmly greeted by many.

His love of humanity, his love of children is clear from his practice. Luke is a practitioner who practices with dignity, creativity, peace, co-operation, love and justice for all. His commitment to practice is evident through big and small gestures, for example, he is always fully present and prepared in the early years environment; he carries this practice to his work outside, in his neighbourly gestures. His genuine respect for children is apparent. Children (and adults) adore him.

Luke has a humane and revolutionary soul. He is a liberal humanist. Luke has excellent inter / intrapersonal skills; further he is a reflect / reflexive individual. Quite recently we embarked on an exploration of diversity and inclusion. These reflective exchanges provided an opportunity to pursue respect and mutual interests for intellectual rigour and transformation. In our discussions, as always Luke responds with detailed thoughtfulness. With Luke you are given a real sense of the conversion of knowledge into transformative action, i.e., he learning is never wasted.

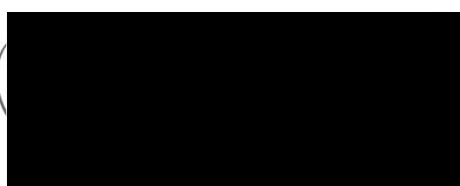
Luke is a trained Froebelian. A Froebelian approach subverts the common pedagogical order of control, instead it is an approach of 'Freedom with Guidance'. A Froebelian understands the early learning and childcare centre / school is the place where learning and the appropriation of the accumulated knowledge of

a society or culture takes places, enabling a flourishing in that moment. Resulting in Luke being an intuitive practitioner with immense practical knowledge.

While it can be acknowledged that as human beings we are many things, I know Luke as prolific, generous, a humble activist whose authenticity and humanity are tangible.

Please do get in touch should you need any further information.

Kind regards



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 0596/FUL/22.....	Applicant Request <input type="checkbox"/>
Site Address 9 Riverside Lea, Seafield Road, Blackburn, West Lothian, EH47 7EL (Grid Ref: 299951,665254)..... 	Constituent Request <input checked="" type="checkbox"/>
Title of Application Continued operation of children's nursery.....	Other (please specify) <input type="checkbox"/>
Member's Name Cllr Kirsteen Sullivan.....	
Date 29/08/22.....	

Development Management Committee

14 September 2022

Item 7 - Application : 0596/FUL/22

Continued operation of childrens nursery

9 Riverside Lea / Blackburn / EH47 7EL





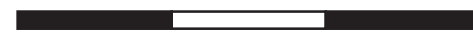
0596/FUL/22 - 9 Riverside Lea / Seafeld Road / Blackburn / EH47 7EL

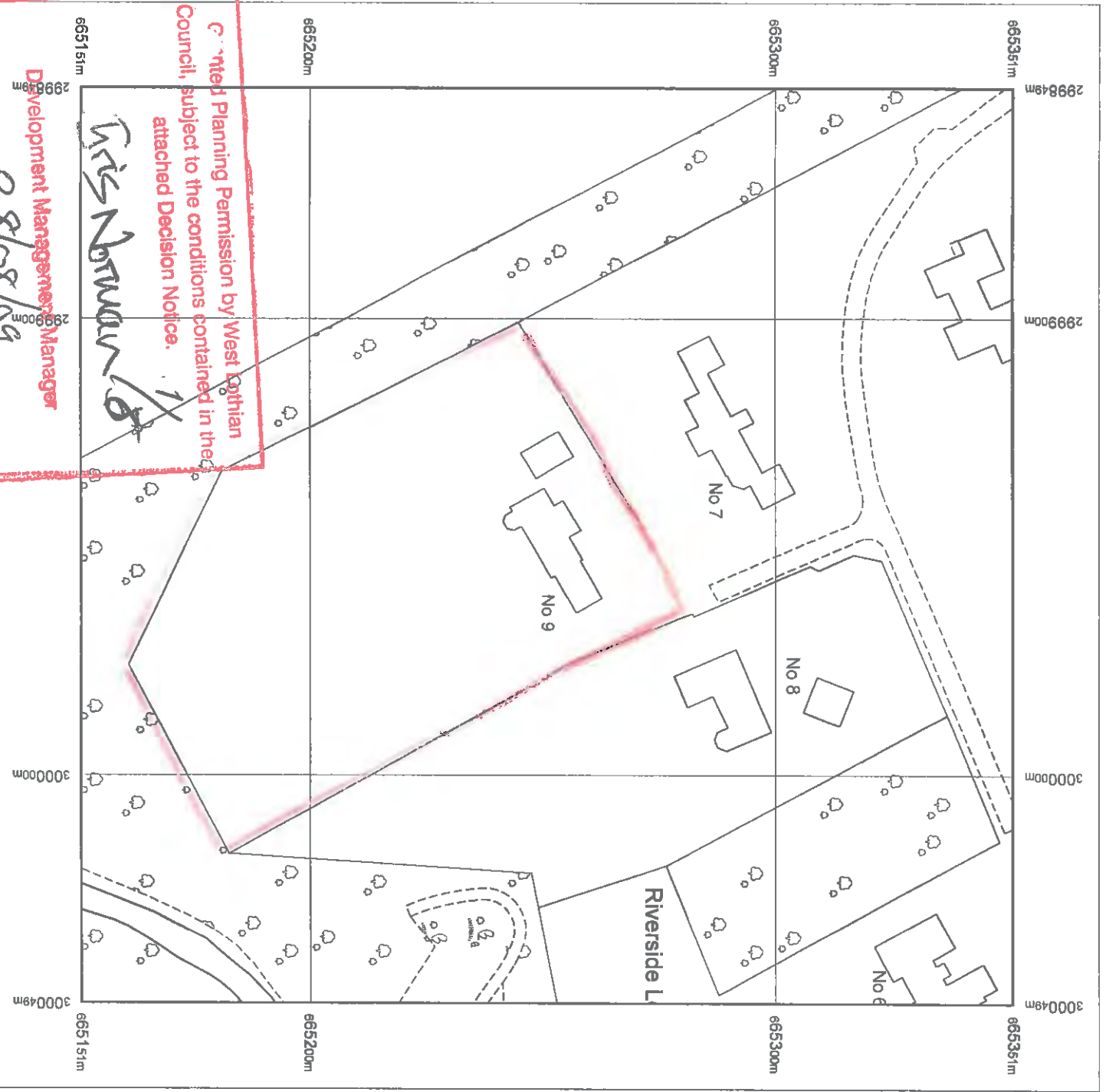
Development Management - West Lothian Civic Centre - EH54 6FF

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Development Management

List of Delegated Decisions - 12th 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.:	0526/H/22	Recommendation:	Refuse Permission
Proposal:	Extension and alterations to house		
Address:	1 Pardovan Holdings, Main Street, Philipstoun, West Lothian, EH49 6RA (Grid Ref: 304622,677014)		
Applicant:	Mr Alexander Reid	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Lucy Hoad

Summary of Representations

On letter of objection received, Main points raised:

- Siting
- Design
- Amenity

Officers report

The property forms part of a terraced row of stone cottages situated within the western edge of the settlement boundary of Philipstoun, a small rural village.

This application relates to No1 Pardovan Holdings - the west end cottage- and seeks planning consent for the erection of an extension on the front/north elevation of the building.

The terraced row fronts the main road running through the village. The properties are set back behind their front gardens. The cottages are traditional in style (slate roof) and simple in form and layout. The proposed extension (6.0x2.6m) will adjoin the existing projection to form a new entrance area. The roof design is a mixture of flat roof as it extends from the wall and part pitched roof. The external walls are to be brickwork (buff) and the pitched

part of the roof slate.

In terms of siting and design, the proposed works would obscure and engulf the remains of the original facade of this particular cottage exacerbating the detrimental effect on the terrace. The part flat roof structure does not tie in well with the existing roof and the materials do not compliment the main building. The works would lead to an overbearing impact on the adjoining property taking into account immediate proximity.

The adjoining neighbour is concerned with regard to impact on amenity/light for the lounge window adjacent to the development.

Considering the site context and existing form of the dwelling, the proposed addition will overload the building, have a negative impact on its character and appearance, leading to a dominant effect within the terrace to the detriment of the street scene, all contrary to West Lothian Local Development Plan's DES 1 (Design Principles) Policy and guidance given in the House Extension and Alteration Design Guide 2020.

The siting and design of the development will have a negative visual impact on the character and appearance of the building, and the wider street scene. It is recommended that this application is refused planning permission.

Ref. No.:	0546/LBC/22	Recommendation:	Refuse Listed Building Consent
Proposal:	Listed building consent for the removal of existing conservatory and canopy and erection of a single storey side extension with patio		
Address:	6 Champfleurie Cottages, Philpstoun, West Lothian, EH49 6NA (Grid Ref: 303041,676476)		
Applicant:	Mr and Mrs Martin and Lily Batty	Type:	Other
Ward:	Linlithgow	Case Officer:	Rachael Lyall

Summary of Representations

- 1 objection comment received from the Architectural Heritage Society of Scotland (AHSS) -
- Proposed extension will appear dominate and impact upon the symmetry of the existing and attached listed properties,
 - The massing, scale and external finish will significantly impact upon visual amenity,
 - The proposed works fail to preserve or enhance the special architectural character of the listed building.

Officers report

This application seeks listed building consent to replace an existing conservatory with a side extension at the category A listed property, 6 Champfleurie Cottages, Philpstoun.

The existing glazed conservatory, located on the eastern side of the listed building, is to be removed and replaced with a side extension measuring 3.200m x 9.545m and is to be 3.825m in overall height from ground level to the ridgeline of the proposed gable pitch roof. The extension is to feature a link between the proposed works and the existing property, a dark grey alu-clad timber frame window on the rear elevation, a small a dark grey alu-clad timber frame window and two Velux roof windows on the side elevation and dark grey alu-clad timber frame glazed French doors on the front elevation.

The proposed works are to be externally finished using a dark grey cladding, metal verge trimming and natural slate roof tiles. The flat roof link between the extension and the existing property will feature a dark grey single ply membrane and a glazed window on the front elevation.

It is considered that the proposed works do not enhance or preserve the appearance and character of the listed building and the proposed works will significantly impact upon the visual amenity of the existing property, specifically to the front where the works will appear prominent within the streetscene. In addition, the proposed works do not appear subservient to the main property and will impact upon the symmetrical design of the remaining properties within the row. It is accepted that the existing conservatory currently impacts upon the symmetrical design, however the existing conservatory is of a smaller scale and sits further back from the principal elevation which reduces this impact upon both the symmetrical design and

visual amenity. The proposed materials do not integrate with the existing listed building and the proposed works will appear as dominant from the neighbouring property to the east.

Historic Environment Scotland has raised concerns regarding the proposal and advised that it should be resisted in its current form.

As a result, proposal is contrary to West Lothian Local Development Plan's DES 1 (Design Principles) and ENV28 (Listed Buildings) Policies 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 listed building consent.

Ref. No.:	0547/H/22	Recommendation:	Refuse Permission
Proposal:	Removal of existing conservatory and canopy and erection of a single storey side extension with patio		
Address:	6 Champfleurie Cottages, Philpstoun, West Lothian, EH49 6NA (Grid Ref: 303041,676476)		
Applicant:	Mr and Mrs Martin and Lily Batty	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Rachael Lyall

Summary of Representations

- 1 objection comment received from the Architectural Heritage Society of Scotland (AHSS) -
- Proposed extension will appear dominate and impact upon the symmetry of the existing and attached listed properties,
 - The massing, scale and external finish will significantly impact upon visual amenity,
 - The proposed works fail to preserve or enhance the special architectural character of the listed building.

Officers report

This planning application proposes to replace an existing conservatory with a side extension at the category A listed property, 6 Champfleurie Cottages, Philpstoun.

The existing glazed conservatory, located on the eastern side of the listed building, is to be removed and replaced with a side extension measuring 3.200m x 9.545m and is to be 3.825m in overall height from ground level to the ridgeline of the proposed gable pitch roof. The extension is to feature a link between the proposed works and the existing property, a dark grey alu-clad timber frame window on the rear elevation, a small a dark grey alu-clad timber frame window and two Velux roof windows on the side elevation and dark grey alu-clad timber frame glazed French doors on the front elevation.

The proposed works are to be externally finished using a dark grey cladding, metal verge trimming and natural slate roof tiles. The flat roof link between the extension and the existing property will feature a dark grey single ply membrane and a glazed window on the front elevation.

It is considered that the proposed works do not enhance or preserve the appearance and character of the listed building and the proposed works will significantly impact upon the visual amenity of the existing property, specifically to the front where the works will appear prominent within the streetscene. In addition, the proposed works do not appear subservient to the main property and will impact upon the symmetrical design of the remaining properties within the row. It is accepted that the existing conservatory currently impacts upon the symmetrical design, however the existing conservatory is of a smaller scale and sits further back from the principal elevation which reduces this impact upon both the symmetrical design and visual amenity. The proposed materials do not integrate with the existing listed building and the proposed works will appear as dominant from the

neighbouring property to the east.

As a result, this proposal is contrary to West Lothian Local Development Plan's DES 1 (Design Principles) and ENV28 (Listed Buildings) Policies 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.



Development Management

List of Delegated Decisions - 19th August 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.:	0311/FUL/22	Recommendation:	Refuse Permission
Proposal:	Conversion and extension of former pumphouse to form a house with kennels, storage sheds and garden ground		
Address:	Former Waste Water Treatment Works, Land South Of Almond View, Seafield, EH47 7BD, (Grid Ref: 305280,667171)		
Applicant:	Miss Helen Wardrop Gilmour	Type:	Local Application
Ward:	Whitburn & Blackburn	Case Officer:	Kirsty Hope

Summary of Representations

33 letters of objection were received:-

- Noise and disturbance to neighbouring properties
- Road access not suitable for construction traffic and would be a road safety risk
- Loss of greenbelt/countryside
- No demand for more housing in Seafield
- Works have started on site with no permission
- No contaminated land reports have been submitted - health concerns
- No design or drawings submitted
- Are the relevant licenses in place for animals on site
- May start commercial business on site
- Concerns regarding safety of local residents
- Vermin has been seen in the area with foul smell
- Impact on local wildlife and vegetation
- Not allocated in LDP for housing
- No details of rubbish collection
- No details submitted of utilities
- What is the public drainage network of this site?
- No change of use application
- No flood risk assessment

Officers report

The application is for the conversion and extension of a former pumphouse to form a house with kennels, storage sheds and garden ground. The site is located outwith the settlement boundary of Seafield and is located within the countryside belt.

The former pumphouse is in a poor state of repair and the site has become overgrown over the years since it became non-operational. Despite the condition of the site, it is a non-contentious element of the established local landscape and doesn't raise any adverse amenity issues. The site is not significantly visually intrusive or environmentally intrusive, and it is considered the redevelopment of the site as proposed would have a damaging urbanising effect upon the amenity of the countryside at this location.

The applicant has failed to demonstrate that the existing pumphouse is structurally capable of being converted as no structural report was submitted.

The proposal fails to meet LDP policy for housing in the countryside and in the countryside belt.

While the kennels have already been built on the site, no elevation drawings or sizes were provided in the submitted plans. It is also evident there are other enclosures and structures on the site which are not shown on the plans submitted.

No site investigation report has been submitted, contrary to LDP policy EMG6.

It is therefore recommended the application be refused.

Ref. No.:	0594/H/22	Recommendation:	Grant Planning Permission Agenda Item 8
Proposal:	Erection of garden hut (in retrospect)		
Address:	1 Hatfield Place, Bathgate, West Lothian, EH48 4HQ, (Grid Ref: 297802,669011)		
Applicant:	Mr Richard Drummond	Type:	Local Application
Ward:	Bathgate	Case Officer:	Rachael Lyall
<p><u>Summary of Representations</u></p> <p>3 objection comments received -</p> <ul style="list-style-type: none"> - Works within 1m of boundary, - Impact on overshadowing/natural daylight, - Impact on visual amenity, - Applicants vehicle restricting bin access. 			
<p><u>Officers report</u></p> <p>This planning application seeks retrospective planning permission for the erection of a garden hut at 1 Hatfield Place, Bathgate.</p> <p>The garden hut measure 2.7m x 2.46m and is 2.4m in overall height. The hut has been erected using concrete block and has replaced a shed which was of a larger size. The proposed works sit 0.4m forward of the principal elevation of the applicants property, however both the front and rear elevations of the property are open to the streetscene.</p> <p>The works are considered to be of an acceptable scale which still allow for a sufficient driveway length, suitable usable garden ground and do not significantly impact upon the visual amenity as the works appear subservient to the main property and are set back from the front boundary line. The works are of a similar height to the previous shed and therefore any additional overshadowing will not be considered detrimental in comparison to the overshadowing caused by the previous works.</p> <p>This proposal adheres to policy DES1 (Design Principles) of the West Lothian Local Development Plan 2018 and follows the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020.</p> <p>It is recommended that this application is granted planning permission.</p>			

Ref. No.:	0613/P/22	Recommendation:	Refuse Permission Agenda Item 8
Proposal:	Planning permission in principle for the erection of 2 shops with 1 flat above		
Address:	6-8 Victoria Road,Fauldhouse, West Lothian, EH47 9LF, (Grid Ref: 293469,660994)		
Applicant:	Mr Hassan Mohammed	Type:	Local Application
Ward:	Fauldhouse & The Breich Valley	Case Officer:	Kirsty Hope
<u>Summary of Representations</u>			
None received			
<u>Officers report</u>			
<p>This application is for planning permission in principle for the erection of 2 shops with 1 flat above. The site is located within a predominately residential area.</p> <p>The applicant has failed to demonstrate the shop unit would meet the sequential test for a retail unit to be located out with the town centre location.</p> <p>The flatted dwellings would have no residential amenity space and no provision for cycle storage is noted on the plans. No bin details have been submitted.</p> <p>The premises footprint shown on the submitted plans is overdevelopment of the site.</p> <p>No Coal Mining Risk Assessment has been submitted and thus the Coal Authority has objected.</p> <p>No phase 1 site investigation report has been submitted, contrary to policy EMG 6.</p> <p>It is therefore recommended that the application is refused.</p>			



Development Management

List of Delegated Decisions - 26th August 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.:	0222/H/22	Recommendation:	Grant Planning Permission
Proposal:	Erection of a replacement fence (in retrospect)		
Address:	13 Avon Place, Strawberry Bank, Linlithgow, West Lothian, EH49 6BL (Grid Ref: 300198,676981)		
Applicant:	Mr Nick Watt	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Lucy Hoad
<u>Summary of Representations</u> There are 5No representations on the application to include the Civic Trust raising the following objections: Impact on the canal bank setting Impact on the Conservation Area Height and position of fence Loss of greenery/hedging Overshadowing of neighbouring property			
<u>Officers report</u> The application seeks retrospective consent for the erection of a replacement fence to the rear boundary of 13 Avon Place. At the rear of the dwelling, the property bounds onto the canal bank (SAM) and the applicant has taken down the former fence (metal railings) and hedging and erected a new timber fence. The applicant states he has pulled the fence line into his property by approximately 300mm and owns all the land. At the time of the initial site visit the fence was untreated and supported by struts. The applicant advised he intends to concrete in the fence and remove the struts. Since the initial site visit the applicant has painted the fence. Concerns have been raised by the community in respect of the height and appearance of the structure, loss of hedging, position of struts on the canal bank outwith the landownership of the applicant, and overshadowing of neighbouring garden. The key considerations are the impact on character and visual appearance of the setting of the scheduled canal bank within the Upper Linlithgow and Union Canal Conservation Area and the potential impact to neighbouring properties.			

Relevant policies and guidance against which the application is assessed include:

West Lothian Local Development Plan, Policy DES1 (Design Principles),
 West Lothian Local Development Plan, Policy ENV25 (Linlithgow Conservation Area),
 West Lothian Local Development Plan, Policy ENV33 (Scheduled Ancient Monument),
 West Lothian Supplementary Guidance on House Extension and Alteration Design.

Assessment

The site lies within the Upper Linlithgow and Union Canal Conservation Area and residents and the Civic Trust have raised concerns over the appearance and height of the fence to include supporting struts on the canal bank, loss of hedgerow and the potential for overshadow of neighbouring gardens.

Having undertaken site visits, and reviewed photographs of the previous structure and vegetation, the fence was considered to have a stark appearance in the environment, and whilst the painting of the fence has gone some way to ameliorating the visual impact, it is considered that further mitigation could be achieved to the benefit of the development and wider scene through additional screen planting.

The applicant was requested to resurvey the fence height and position and has provided updated plans. Whilst revisions to design were sought by the department to include a slight drop in fence height in line with gate height, painting and planting, the applicant seeks to retain the height of the fence with no additional planting. He considers the natural vegetation along the canal back to be suffice to grow up and over the fence through time.

Taking into account the scenic appearance of the canal bank. and to compensate for the loss of vegetation and soften the appearance of the structure within the riverside setting, the department seeks planting of a hedge on the applicant's land outside of and along the fence line fronting the canal in order to ensure the development successfully blends in with the surroundings. Relying on the natural vegetation from the canal bank to grow up through time is not deemed suffice to soften the impact at present and it is noted that this natural vegetation may be cut back at some point by those who maintain the canal pathways.

In terms of potential overshadowing effect to neighbouring properties, the fence is not considered to exacerbate the effect stemming from the previous boundary treatment to a degree that the application be refused. It is appreciated that the gardens and properties lie at a lower level than the canal banking and footway. The neighbour pointed to the previous fence having gaps which allowed light through, however on viewing photographs of the previous structure it would appear that there was thick vegetation/hedgerow in place at that time reducing any effect of light penetration.

Taking into account site context and surroundings, it is recommended that the application be approved subject to the following conditions in order to protect and enhance the character and appearance of the setting of the scheduled monument and conservation area.

Submission and approval of a landscaping plan detailing hedgerow species and size within one month of the date of the consent

Removal of the supportive struts from the banking within one month of the date of the consent

Planting of the agreed hedgerow within three months of the date of the consent or the next available planting season

Ref. No.:	0408/FUL/22	Recommendation:	Refuse Permission Agenda Item 8
Proposal:	Change of use from agricultural field to dog exercise field and erection of a 1.2m high fence and gate		
Address:	Park Bistro, Linlithgow, West Lothian, EH49 6QY, (Grid Ref: 302908,677024)		
Applicant:	Mrs Lorraine Forsyth The DAWG House	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Alexander Calderwood

Summary of Representations

1 neutral comment was received from 1 member of the public. Whilst neutral they raised concerns that the development will result in an increase of traffic which will be detrimental to the surrounding area. It was also requested that the speed limit be reduced to 40mph (from 60mph) on the access road adjacent.

Officers report

Overview

This application seeks full planning permission for the change of use of an area of land from an agricultural field to a dog exercise field and for the erection of a 1.2m high fence and gate.

West Lothian Local Development Plan 2018 (Relevant Policy)

- Policy DES 1 (Design Principles)
- Policy EMP 3 (Employment development outwith settlement boundaries)
- Policy ENV 3 (Other development in the countryside)
- Policy EMG 5 (Noise)

The application site sits within an agricultural field that is still actively used. The application site is triangular and is wedged between Park Bistro Restaurant and a grouping of agricultural buildings, the Union Canal and Narrowboat Farm. An access and parking area is to be provided to the north west of the application site.

Two residential properties (at Park Farm Cottages) are located approximately 19 metres to the east of the application site, and on the other side of the Union Canal. Environmental Health were consulted on the application and confirmed that they object on the basis that a noise impact assessment has not been submitted and that they are concerned that the development will have an adverse noise impact on the nearby residential receptors. The applicant has not shown any intention to submit a noise impact assessment or address the concerns raised by Environmental Health. The proposals do not comply with Policy DES 1, Policy EMP 3, Policy ENV 3 and Policy EMG 5 of the West Lothian Local Development Plan 2018. It is therefore recommended for refusal.

Ref. No.:	0548/H/22	Recommendation:	Refuse Permission Agenda Item 8
Proposal:	Formation of a driveway (in retrospect)		
Address:	30 Hunter Grove, Whitburn, West Lothian, EH47 0NN, (Grid Ref: 293656,664475)		
Applicant:	Mr Matthew Mackay	Type:	Local Application
Ward:	Whitburn & Blackburn	Case Officer:	Lucy Hoad
<u>Summary of Representations</u>			
None			
<u>Officers report</u>			
<p>The property is a semi-detached dwelling of render and tile.</p> <p>The application seeks retrospective consent for the formation of a driveway to serve the property.</p> <p>The front gardens in the street slope from the road down to the dwelling-houses. A raised driveway has been formed finished in chips and slabbing.</p> <p>In order to access and egress the driveway a vehicle would require to cross a pedestrian access point on the pavement. The siting of the pedestrian access point takes access to the children playpark and has tactile slabs to aid visually impaired at the crossing point. The Roads officer has been consulted on the application and does not support the development recommending refusal of the application as there is no suitable access from the driveway to the public road.</p> <p>The relevant policy to consider in assessment of the development is West Lothian Local Development Plan, Policy DES1 (Design Principles) which requires that all development provides suitable access and parking.</p> <p>In terms of layout and design, whilst the materials used in the formation of the driveway are not out of keeping with the street scene, the position of the driveway at a public access crossing point leads to a direct conflict of users in terms of pedestrian and vehicular traffic. As there is no suitable access from the driveway of this property onto the public road, it is recommended that the application be refused on road safety grounds.</p>			

Ref. No.:	0596/FUL/22	Recommendation:	Grant Planning Permission Agenda Item 8
Proposal:	Continued operation of childrens nursery		
Address:	9 Riverside Lea, Seafield Road, Blackburn, West Lothian, EH47 7EL (Grid Ref: 299951,665254)		
Applicant:	David Addison Riverside Cottage Nursery	Type:	Local Application
Ward:	Whitburn & Blackburn	Case Officer:	Kirsty Hope

Summary of Representations

Five letters of objection:

- Inappropriate location
- Impact of residential amenity
- Poses health and safety
- Concerns for emergency vehicles accessing the site
- Significant congestion
- Noise and nuisance
- Loss of amenity
- Damage to private property
- Unsocial behaviours/Police involved
- Operational hours from around 7am and after 6pm
- Weekend events
- More staff than permitted on consent
- Road repairs
- Inaccurate plans
- Adverts not on the plans
- Enforcement Notice served and disregard for compliance with procedures

One letter of support:

- Personal reference of applicant

Officers report

The application is for the continued operation of a children's nursery. The nursery first operated on a temporary basis (LIVE/0405/FUL/09) for up to 15 children and one member of staff. This was renewed by another temporary permission (LIVE/0384/FUL/14) which increased the number of children to 35 and 5 members of full-time staff.

This application proposes to renew the previous consent of 35 children, however the applicant has advised that they currently operate at 26 children per

day so that they can support the children and provide a better experience. The site currently operates with 8 part time members and never more than 5 members of staff on site. The hours they are currently operating are from 07.30hrs until 17:30hrs however this was due to covid and they would be willing to revert back to 0800hrs until 1800hrs Monday to Friday (which could be conditioned).

The nursery premises is located within an outbuilding that was converted to nursery use and it also utilises the generous plot of ground. WLC Environmental Health has raised no concerns in relation to noise from the children on site. Parking is provided on the site.

The lowland crofting policy allows business use and this nursery has been established for over 10 years. Whilst there is some concerns raised by neighbouring properties regarding access and parking, this is not sufficient to justify refusal in this instance.

It is therefore recommended to grant planning permission subject to conditions.

Ref. No.:	0610/FUL/22	Recommendation:	Refuse Permission Agenda Item 8
Proposal:	Change of use from house (class 9) to form 8 letting bedrooms		
Address:	Willowbank,1 Burnside Road, Bathgate, West Lothian, EH48 4PT (Grid Ref: 297030,669186)		
Applicant:	Mr Andy Dyet	Type:	Local Application
Ward:	Bathgate	Case Officer:	Kirsty Hope
<u>Summary of Representations</u>			
No comments were recieved.			
<u>Officers report</u>			
<p>The application is for a change of use from house (class 9) to form 8 letting bedrooms. This existing property is a detached dwelling located within an established residential area and within the settlement boundary of Bathgate.</p> <p>It has not been demonstrated by the applicant that there would be no significant adverse impact on adjacent residents in terms of parking as well as the potential disruption caused by the comings and goings of individuals.</p> <p>While, no site layout plan was provided highlighting parking provision, it is not clear how parking for each of the 8 letting bedrooms could be accommodated on the site without blocking each other or cause access issues.</p> <p>It is therefore recommended planning permission be refused.</p>			

Ref. No.:	0651/H/22	Recommendation:	Grant Planning Permission <small>Agenda Item 8</small>
Proposal:	Erection of timber shed and summerhouse and installation of decking to provide for disabled access (in retrospect)		
Address:	48 Braekirk Avenue, Kirknewton, West Lothian, EH27 8BL, (Grid Ref: 310922,667215)		
Applicant:	Miss Katherine Glancy	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Lucy Hoad

Summary of Representations

One representation has been received to the application objecting to the scale, dimensions and appearance of the outbuilding, impact on the street scene and proximity of the structure to neighbouring boundaries.

Officers report

The property is a detached dwelling of render, brick and tile, situated within a small residential scheme of similar properties. The rear garden is enclosed by high timber fencing.

The application seeks retrospective consent for the erection of a timber shed and low decking area to the rear of the property. The timber building has been erected along the rear boundary line parallel to the fenceline. A raised deck area has been constructed to provide direct access to the rear garden from the patio doors. The applicant confirmed on site that this was required due to mobility issues.

One representation has been received to the application objecting to the scale and appearance of the outbuilding, impact on the street scene and proximity of the structure to neighbouring boundaries. A site visit was undertaken by the planner to allow full consideration of matters.

In terms of layout, the outbuilding is situated to the rear of the property, set back from the rear building line. The addition will be mostly screened from public view by the property itself. In terms of design, the proposal is visually acceptable, being modest in scale, and subordinate to the main building. The applicant has used timber in construction of the building and there are examples of this in the wider locality.

The works raise no planning concerns in terms of appearance. The question of proximity to neighbouring properties in terms of fire risk falls under building warrant legislation and an Informative Note can be added to a planning decision to cover this matter.

In terms of the siting of the shed there are no issues of privacy or light stemming from the development. In terms of the raised deck, there is no impact to the adjoining neighbour from overlooking, given the low nature of the decking and height of the existing timber fence separating properties.

The proposal accords with West Lothian Local Development Plan, Policy DES1 (Design Principles) and West Lothian Council's House Extension and Alteration Design Guide. It is recommended that the application be approved.

Ref. No.:	0657/FUL/22	Recommendation:	Refuse Permission Agenda Item 8
Proposal:	Erection of a 56sqm two storey extension to industrial unit		
Address:	Scotlens, Mill Road Industrial Estate, Linlithgow Bridge, Linlithgow, West Lothian (Grid Ref: 298477,677649)		
Applicant:	Mr Scott Brown Scotlens	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Alexander Calderwood

Summary of Representations

5 objections have been received for this application. The nature of the objections is as follows:

- The proposals will have adverse implications for privacy and overlooking.
- The proposals will have adverse implications for noise nuisance and smell.
- The proposals are unsuitable from a design perspective.
- The submitted plans are factually inaccurate.
- Additional lighting of the site will have an adverse impact on residential amenity.
- Drainage detail has been omitted from the submission.

Officers report

Overview

This application seeks full planning permission for the erection of a 56sqm two storey extension to an industrial unit. The site falls within Mill Road Industrial Estate, Linlithgow and within an employment area identified by the local development plan.

West Lothian Local Development Plan 2018 (Relevant Policy)

- Policy DES 1 (Design Principles)
- Policy EMP 1 (Safeguarding and developing existing employment land)

The extension is set over two stories and will provide accommodation for research and development at ground floor level, and office space at first floor level. The principal elevation of the extension will face west. The residential street, Lovells Glen, lies to the west and is at the bottom of a steep gradient, which the development site lies at the top of. Several of the rear elevations and associated garden grounds of the residential properties on this street front this gradient and the development site. The distances between the rear elevations of these residential properties and the principal elevation of the extension range between 30 metres and 41 metres. There are to be three windows at first floor level of the extension on the principal elevation, and also one window on the southern elevation at first floor level. These windows will overlook the garden grounds, rear elevations and first floor bedrooms of the residential properties at Lovells Glen. The positioning of the industrial unit at the top of the gradient is already overbearing for the residents of Lovells Green, and its presence will be exacerbated by the extension and its outlook. Ultimately, the proposals will have an adverse impact on residential amenity in terms of privacy, layout and scale. The proposals do not comply with Policy DES 1 and Policy EMP 1 of the West Lothian Local Development Plan 2018.

Proposed Enforcement Actions – 12/08/2022

Ref. No.	Owner/ Developer	Location & Alleged Breach of Planning Control	Ward	Proposed action	Reasons for decision and summary steps to comply if applicable
ENF/0148/22	Mr William Nanor	16 Colliery Lane Whitburn West Lothian EH47 0SU Erection of large structure	Whitburn & Blackburn	Take no Action	One corner of the shed is a minor breach of planning control, as it exceeds permitted development by approx. 10cm in height. It is not in the public interest to take any formal enforcement action. No further action will be taken on this case.

Proposed Enforcement Actions – 26/08/2022

Ref. No.	Owner/ Developer	Location & Alleged Breach of Planning Control	Ward	Proposed action	Reasons for decision and summary steps to comply if applicable
ENF/0208/22	Rhona Smith	68 Napier Avenue Bathgate West Lothian EH48 1DF Erection of shed	Bathgate	Take no Action	The shed is a minor breach of planning control as it exceeds permitted development by approx. 5cm. This is not in the public interest to take any formal enforcement action. No further action will be taken on this case.
ENF/0099/22	Mr Barrie Stark	14 Curling Pond Lane Longridge Bathgate West Lothian EH47 8FD Change of use from open space to private garden ground and erection of a boundary fence and playhouse (in retrospect)	Fauldhouse & The Breich Valley	Enforcement Notice	The owner applied for change of use from open space to private garden ground and erection of a boundary fence and playhouse (in retrospect)- this was refused 20 th April 2022. The owner did not appeal this decision and has not resolved the breach. Reasons for the refusal; <ol style="list-style-type: none"> 1. The proposed development is unacceptable as it would be visible from the main road (B7010) and adversely affects the established woodland edge along the Curling Pond Lane development and also has a detrimental impact on the visual appearance of the surrounding area. The playhouse appears out of scale and character with the surrounding outbuildings in the street given it is positioned at an elevated level. The proposal is thus contrary to policy DES 1 (Design Principles) of the West Lothian Local Development Plan 2018. 2. The proposed development is unacceptable in that it erodes an area of open space and it has not been demonstrated there is a locational justification. The proposal is thus contrary to Policy ENV 21 (Protection of Formal and Informal Open Space) of the West Lothian Local Development Plan 2018. 3. The proposed development is unacceptable in that it results in the unnecessary incursion into an existing woodland shelter belt with no justification and which

Proposed Enforcement Actions – 26/08/2022

					<p>negatively impacts on the setting of the wider surrounding area. The proposal is thus contrary to Policy ENV 9 (Woodland, Forestry, Trees and Hedgerows) and Policy ENV 10 (Protection of Urban Woodland) of the West Lothian Local Development Plan 2018.</p> <p>The steps to comply are;</p> <ol style="list-style-type: none"> 1. Cease use of the land and return to open space. 2. Reinstate the fence to its original boundary. 3. Remove the treehouse/
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