



## ***Development Management Committee***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

12 October 2022

A meeting of the **Development Management Committee** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston** on **Wednesday 19 October 2022 at 10:00am**.

For Chief Executive

### **BUSINESS**

#### **Public Session**

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

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

4. Confirm Draft Minutes of Meeting of Development Management Committee held on Wednesday 14 September 2022 (herewith)

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

5. Application 0068/FUL/22 - Two Storey Extension to Existing Bed & Breakfast (Class 7) at 38 Parkhead Holdings, Linlithgow, West Lothian, EH49 7PJ (herewith).
6. Application 0604/FUL/22 - Erection of a 298sqm Restaurant/Bar and Cafe/Hot Food Takeaway with Balcony, Stair and Car Park (herewith).

**Public Items for Information**

7. Consider list of delegated decisions on planning applications and enforcement actions for the period 2 September to 7 October 2022 (herewith).
8. Appeals -
  - (a) ENF/0146/19 (Appeal ENA-400-2053): Change Of Use From Open Space To Private Garden Ground To The West Of Property And The Erection Of A New Boundary Fence And Outbuilding, 120 Spottiswoode Gardens, Mid Calder, Livingston, EH53 0JY - Appeal Against Enforcement Notice Submitted.
  - (b) PPA-400-2140 - Approval Of Matters Specified In Conditions Of Planning Permission 0636/P/18 (Appeal Ref: Ppa-400-2097) For The Erection Of 189 Houses With Associated Works (As Amended) Land South Of Sibbalds Brae And West Of Falside Crescent, Bathgate - Appeal Allowed.
  - (c) PPA-400-2146 Erection Of A 20Sqm Extension To Rear Of Public House at Green Tree Tavern, 45 East Main Street, Broxburn, EH52 5AB - Appeal Allowed.

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NOTE      **For further information please contact Val Johnston, Tel No.01506 281604 or email [val.johnston@westlothian.gov.uk](mailto:val.johnston@westlothian.gov.uk)**



## **CODE OF CONDUCT AND DECLARATIONS OF INTEREST (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](mailto:james.millar@westlothian.gov.uk)
- Carol Johnston, Chief Solicitor and Depute Monitoring Officer, 01506 281626, [carol.johnston@westlothian.gov.uk](mailto:carol.johnston@westlothian.gov.uk)
- Committee Services Team, 01506 281604, 01506 281621  
[committee.services@westlothian.gov.uk](mailto:committee.services@westlothian.gov.uk)

January 2022

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 14 SEPTEMBER 2022.

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

Apologies – Councillors George Paul and Damian Doran-Timson

Prior to the start of the meeting the Panel observed a two-minute silence in honour of the passing of HM Elizabeth II.

1. DECLARATIONS OF INTEREST

Agenda Item 6 (App No.0520/FUL/22) - Councillor Pauline Clark declared an interest in that the applicant was known to her and she had discussed the application with them. Therefore, she would withdraw from consideration of the application; and

Agenda Item 7 (App No.0596/FUL/22) - Councillor Pauline Stafford declared an interest in that she had a personal connection to the applicant. Therefore, she would withdraw from consideration of the application.

2. ORDER OF BUSINESS

The Committee was advised that in respect of three applications that were expected to return to committee, one application (Ref 0295/FUL/22) had been withdrawn by the applicant and the other applications (Ref 0227/LBC/22 and 0226/A/22) had been appealed to the DPEA for non-determination.

Committee intimated it wished to ask questions on Items 9c, 9d & 9e; and

Committee agreed, in accordance with Standing Order 8(3), that agenda items 8, 9a, 9b, and 9f to 9l were to taken as read and their recommendations noted without further consideration

3. MINUTE

The committee approved the Minute of its meeting held on 17 August subject to the correction in respect of Minute 4 (page 16) in that the decision should reflect that the re-positioning of two car parking spaces related to those in Broomyhill Place and not spaces 13 and 14.

4. APPLICATION NO. 0385/H/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>
0385/H/22	Two storey and single extension to house at 109 South Middleton, Uphall	Grant planning permission subject to conditions

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

#### Decision

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

#### 5. APPLICATION NO. 0520/FUL/22

Councillor Clark having previously declared an interest did not participate in the following item of business.

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0529/FUL/22	Change of use from general industrial (class 5) to gymnastics club (class 11) at Unit 14f, Blackburn Road, Bathgate	Refuse planning permission

The committee then heard from Neil Robertson, the applicant, speak in support of the application.

#### Decision

To refuse planning permission

Councillor Boyle having moved an alternative position which not receive a seconder had his dissent to the decision recorded.

#### 6. APPLICATION NO. 0596/FUL/22

Councillor Stafford having previously declared an interest did not participate in the following item of business.

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

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0596/FUL/22	Planning permission for continued operation of a children's nursery at 9 Riverside Lea, Seafield Road, Blackburn	Grant planning permission subject to conditions

The committee then heard from Barry Simpson, Dennis Uttridge, Catherine Muir, Qudsia Afzal (speaking on behalf of Muhammad Afzal) and Tracy Uttridge (speaking on behalf of Haleh Nather) all speak in support of their objections to the proposal.

The committee then heard Luke Addison (the applicant's son), Dr Lynn McNair and Jim Sorrell all speak in support of the application.

#### Decision

To continue the application for two cycles for the Planning Authority to take the lead on further discussions between the applicant and local residents with regards to seeking a solution to the traffic management issues at the site.

### 7. LIST OF DELEGATED DECISIONS

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

A list (copies of which had been circulated) of delegated and enforcement action for the period 12 to 26 August 2022 was submitted for the information of committee.

#### Decision

To note the list of delegated decisions.

### 8. APPEALS

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

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

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

0210/P/21

Planning permission in principle for a 58Ha mixed use development including residential development (dwellings and flatted - up to 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

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

1154/FUL/21

Formation of A 50 space park and ride facility with associated works at land north of Station Road, Kirknewton

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

The committee noted that the following appeals had been submitted to the Scottish Government :-

Application No.

Proposal

0202/LBC/22

Listed Building Consent for the

	Installation of roof mounted solar panels at 5 Bridge Castle House, Westfield
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
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
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
0558/TPO/22	Felling of 1 no. sycamore tree at 4 St Ninian's Way, Linlithgow

The committee noted that the following appeal submitted to the Scottish Government had been allowed :-

Application No.

Proposal

ENF/0310/21 (Appeal ENA-400-2050):

The alleged extension of garden ground, and erection of decking over Watercourse at 15 Ballencrieff Mill, Bathgate





## DEVELOPMENT MANAGEMENT COMMITTEE

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

#### 1 DESCRIPTION

Erection of two storey extension to existing Bed & Breakfast (class 7) at 3B Parkhead Holdings, Linlithgow

#### 2 DETAILS

<b>Reference no.</b>	<a href="#">0068/FUL/22</a>	<b>Owner of site</b>	Mr & Mrs Cairns
<b>Applicant</b>	Mr & Mrs Cairns 3B Parkhead Holdings Linlithgow EH49 7RF	<b>Ward &amp; local members</b>	<b>Linlithgow</b>  Councillor Tom Conn Councillor Pauline Orr Councillor Sally Pattle
<b>Case officer</b>	Lucy Hoad	<b>Contact details</b>	01506 282 558 <a href="mailto:lucy.hoad@westlothian.gov.uk">lucy.hoad@westlothian.gov.uk</a>

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

#### 3 RECOMMENDATION

3.1 Refuse planning permission

#### 4 DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning permission is sought for the erection of a two-storey extension to an existing Bed & Breakfast facility (The Queens View) at 3B Parkhead Holdings, Linlithgow. The site lies outwith the settlement boundary of the town in an elevated position within a designated Special Landscape Area north of Linlithgow Peel and Loch (Scheduled Ancient Monument) and the M9 motorway.
- 4.2 The submitted application indicates that the site is approximately 816 square metres in area. The submitted plans detail an extension of residential accommodation to the north east elevation of the Bed and Breakfast facility.
- 4.3 The application is accompanied by detailed plans and a design statement which can be viewed in the application file. No details of current business operation are supplied.
- 4.4 The application site is located out with the settlement boundary of Linlithgow and within a Special Landscape Area (SLA), as identified in the adopted West Lothian Local Development Plan, 2018 (LDP).

## History

4.5 The relevant site history is set out below:

- LIVE/0610/P/11- Planning permission in principle for the erection of a house to be used as a bed and breakfast facility (Class 7) was granted by Development Management Committee in June 2012. This was subject to a number of conditions. Condition No1 stated

*The property hereby approved shall be used as a bed and breakfast facility for tourist/visitor accommodation only. The maximum period of consecutive occupation shall be four weeks at any one time. The applicant/operator shall keep a register of all occupants of the premises, and the length of stay of each booking, and shall make this register available for inspection by the planning authority upon request. The bed and breakfast operation shall not be used to form an extension to the residential accommodation forming part of the development.*

*Reason The development is only acceptable in this location, in terms of countryside policies of the West Lothian Local Plan, provided it is used as tourist/visitor accommodation only.*

- LIVE/0606/MS/12 – Approval of matters relating to planning permission in principle 0610/P/11 for the erection of a house to be used as a bed and breakfast facility (class 7) was granted in November 2012. This was subject to a number of conditions. Condition No1 stated

*The development hereby approved shall be used as a bed and breakfast facility for tourist/visitor accommodation only with the residential component at all times being ancillary to the principle use. The maximum period of consecutive occupation shall be four weeks at any one time. The operator shall keep a register of all occupants of the premises, and the length of stay of each booking, and shall make this register available for inspection by the planning authority upon request. The bed and breakfast operation shall not form an extension to the residential (Class 9) accommodation forming part of the development.*

*Reason The development is only acceptable in this location, in terms of countryside policies of the West Lothian Local Plan, provided it is used as tourist/visitor accommodation only.*

## EIA Development

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

## Equalities Impact

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

## 5. REPRESENTATIONS

5.1 Two representations received, one being an objection, one a neutral comment.

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

Comments	Response
<ul style="list-style-type: none"> <li>The site is an exposed and elevation position</li> </ul>	<ul style="list-style-type: none"> <li>Noted. See further assessment at Section 8 below.</li> </ul>
<ul style="list-style-type: none"> <li>Impact on local amenity and vista</li> </ul>	<ul style="list-style-type: none"> <li>Noted. See further assessment at Section 8 below.</li> </ul>
<ul style="list-style-type: none"> <li>Concerns over scale, design, and proportions of building in rural environment</li> </ul>	<ul style="list-style-type: none"> <li>Noted. See further assessment at Section 8 below.</li> </ul>
<ul style="list-style-type: none"> <li>Lack of landscaping as per original approval. Fence to be restored and temporary access should not become permanent</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Landscaping, fence works and access works are covered by earlier approval.</li> </ul>

## 6. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
WLC Roads & Transportation	No	Access is taken from existing private road. There is ample parking within the site for both the house and B&B	Noted. Should planning permission be granted, parking is sufficient to serve the property.
West of Scotland Archaeology Service	No	The extension would be constructed within an area that was subject to monitoring in 2013. No further archaeological work is required in relation to the application.	Noted. Should planning permission be granted no archaeological mitigation is necessary.

## 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:

<b>Plan and Policy</b>	<b>Policy Summary</b>	<b>Assessment</b>	<b>Conform?</b>
West Lothian Local Development Plan (LDP) (2018)  DES1 - Design Principles	All development proposals will require to take account of and be integrated with the local context and built form.	The scale of the proposed addition is unjustified and would be to the detriment of the rural character and visual amenity of the surrounding area.	No
LDP  EMP7 - Tourism	New and expanded development must not adversely impact on the natural, built environment or local and residential amenity. It must be of a character and scale in keeping with the setting of the area.	The scale and design of the expansion is not in keeping with the quality of the landscape setting of the area.	No
LDP  ENV1 – Character and Special Landscape Areas	Development should respect the landscape character and be compatible in terms of scale, siting and design.	The proposed extension exacerbates the skyline effect of the existing building to the detriment of the quality of the landscape setting.	No
LDP  ENV3 – Other Development in the Countryside	Development is supported where it can be justified for agriculture, horticulture, forestry, recreation or tourism	The scale of the development at 5No bedrooms solely for manager use is not supported as being ancillary to the main B&B use.	No
LDP  EN33 - Archaeology	Development should not be permitted unless appropriate archaeological investigation and recording is secured where appropriate.	The proposed extension lies in an area of ground where archaeological investigation has been carried out on 2013 to the satisfaction of the council.	Yes

<b>8. ASSESSMENT</b>
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- 8.1 The main considerations in the assessment of the proposals include the design, layout and potential impact on the character and appearance of the building and the wider setting.
- 8.2 As set out in the history this building was granted consent in 2012 with a specific restriction imposed by DMC at the time that *The property hereby approved shall be used as a bed and breakfast facility for tourist/visitor accommodation only*. This was added to by the detailed consent which specifies that *the residential component at all times being ancillary to the principle use*. These condition also require to be taken into account in assessing the current proposal.
- 8.3 Several concerns have been raised by neighbouring properties that include the elevated location and prominence of the site, scale, mass and design of the building, impact on the rural setting, impact on amenity and vistas.

#### Layout

- 8.4 The proposed 2-storey addition is located to the north east elevation of the building. It is also intended to infill the existing courtyard to the north of the building. The accompanying statement advises that the extension is required to provide additional living accommodation for the use of the family of the manager. The applicant has confirmed that the works are not intended to be used as guest accommodation.
- 8.5 The main use of the planning unit is Class 7 Bed and Breakfast with supporting accommodation for the use of the manager in his role as tourist accommodation provider. In terms of layout there is current provision for 3No bedrooms for guest accommodation and 2No bedrooms for manager use. This accords with the restriction imposed through condition 01.
- 8.6 The proposed layout for the current application includes a remodelling of the interior of the building to provide 5No bedrooms for the manager's use whilst retaining the existing 3No bedrooms for the use of guests. In addition to the bedrooms, the manager accommodation is to have an enlarged living space, kitchen and gymnasium. The application proposes that the proportion of accommodation provided within the establishment being available for guest use becomes subsidiary to the use of the building as residential accommodation for the use of the manager.

#### Design

- 8.7 To accommodate the increase in living space for the manager, the applicant seeks to extend the building by provision of a 2-storey extension. Currently, the facility has a main central raised section with lower additions of a subsidiary nature to each gable which provide an element of symmetry to the building. On the north east elevation there is a further existing single storey addition. As the topography of the land falls away to the north east, the roof lines of the building correspondingly decrease in height. This design approach ensures that the visual appearance of the building is broken up with

each element of the facility reducing in height as more of the structure becomes visible - apparent in long views into the site from the loch and peel.

- 8.8 The proposal to increase the height of the single storey element (north east) to two storey will 1) unbalance the existing symmetry of the building 2) provide a more dominant elongated effect to the building 3) increase the visibility of the facility as the land falls away, thus exacerbating any skyline effect experienced from the loch/peel, to the detriment of the quality of the landscape setting.
- 8.9 The applicant was requested to review the layout and design of the proposals to see whether an alternative proposal could be achieved, a revision that could provide an element of additional bedroom accommodation for the family use whilst retaining the existing guest bedroom accommodation at 3No rooms. The suggestion from officers was that 4No bedrooms may be supported, with a rethink of the size of living space and gym accommodation being provided for manager use.
- 8.10 A revision to layout could negate the need for a 2-storey extension but retain potential for courtyard infill and perhaps a smaller addition to the facility. However, the applicant did not seek to review or amend the plans and now seeks a decision on the plans as originally submitted.
- 8.11 Policies DES 1 (Design Principles), EMP7 (Tourism) and ENV1 (Landscape Character and Special Landscape Areas) require that all development proposals take account of and be integrated with the local context and built form. The main purpose of the use of his land is as a Bed and Breakfast facility Class 7. The proposal raises the question of whether the proportional increase in the size of the accommodation for manager use is a material change in the use of the planning unit. The authority is supportive of a limited increase in the number of bedrooms as being ancillary to the main approved use. However, at this location, in terms of design, the mass and scale of the expansion of the B&B would have an adverse impact on the quality of the landscape setting by increasing the building's visual prominence in views into the site, especially from the loch side and peel .

## **9. CONCLUSION AND RECOMMENDATION**

- 9.1 The proposal does not comply with policy DES1 (Design Principles), EMP7 (Tourism) or ENV1 (Character and Special Landscape Areas).
- 9.2 It is therefore recommended that planning permission be refused.

## **10. BACKGROUND REFERENCES & ATTACHMENTS**

- Draft reasons for refusal
- Location Plan
- Elevations and Floor 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: 19/10/2022**

**DRAFT REASONS FOR REFUSAL – APPLICATION 0004/P/22**

Reasons for refusal

1. By virtue of an increase in size of the element of manager accommodation, the scale and expansion of the development would lead to a material change in the use of the building and land, contrary to the restrictions placed on the planning permission for the site.
2. By virtue of its siting and design, the scale and expansion of the development would have an adverse impact on the visual amenity and quality of the landscape setting.

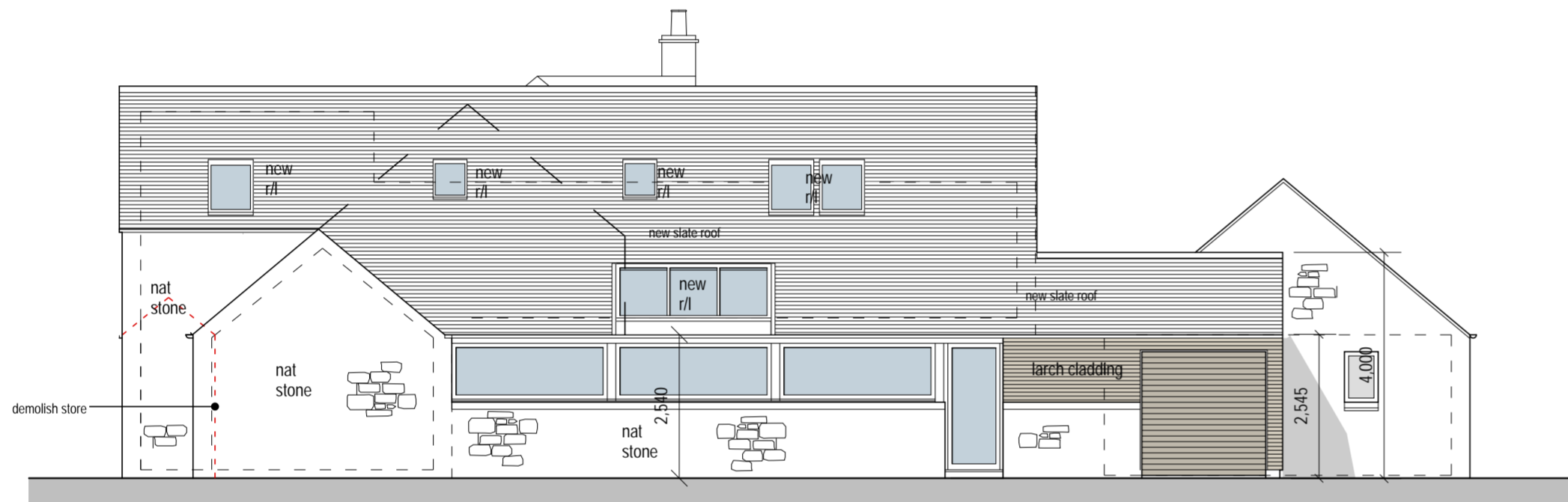
The proposal is therefore contrary to policies DES1 (Design Principles), ENV1 (Landscape Character and Special Landscape Areas), ENV3 (Other Development in the Countryside) EMP7(Tourism) of the adopted West Lothian Local Development Plan, 2018.



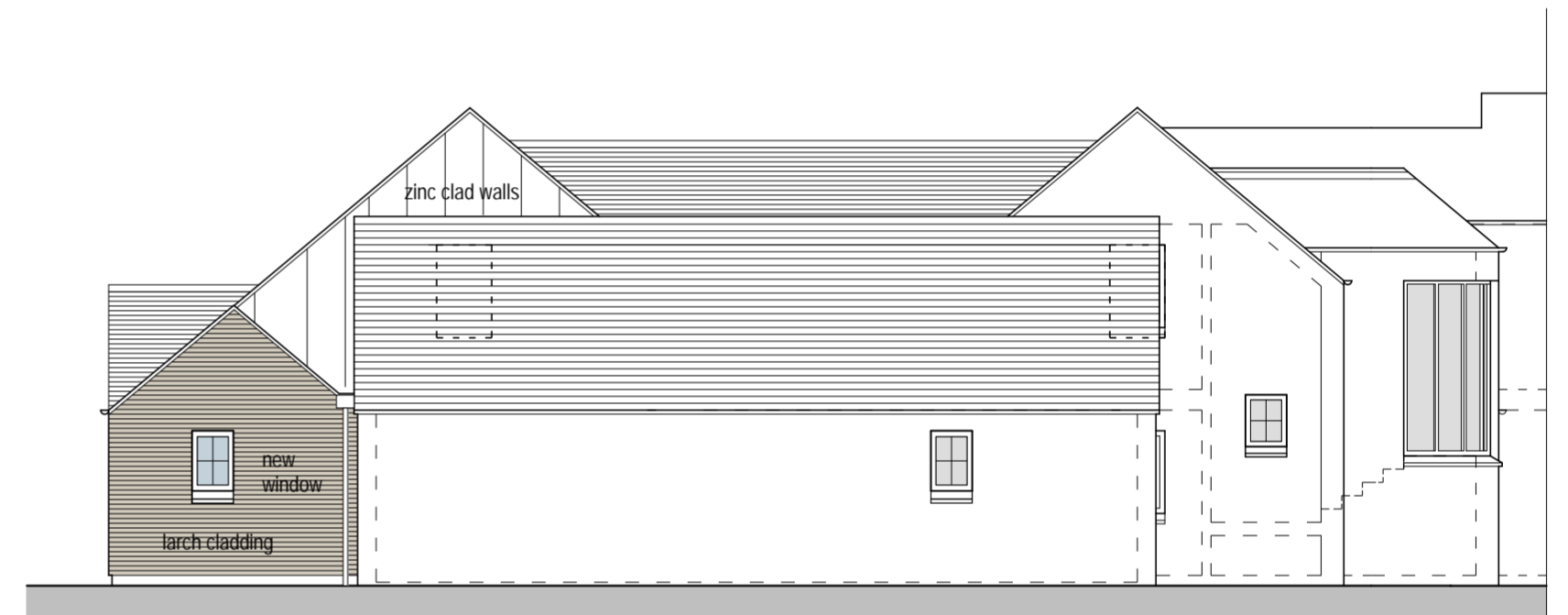


Finishes  
Zinc ridge to match existing  
Grey slate sized and coursed to match existing  
Velux roof windows to match existing  
Cast iron half round rainwater goods to match existing on brackets with ci downpipes  
buff natural stone to match existing  
natural stone weathered sills and lintols  
hardwood window sections painted white to match existing  
hw timber doors colour white to match existing

SOUTH ELEVATION



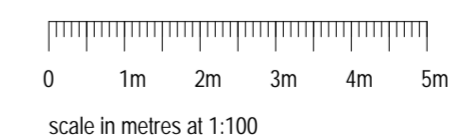
EAST ELEVATION



PART NORTH ELEVATION

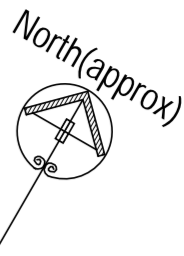


NORTH ELEVATION/ SECTION



by	date	revision	letter
number	C91 D10	/	revision
client	Mr & Mrs Cairns		
job	Alterations and Extension to House 3b Parkhead Holdings Linlithgow West Lothian EH49 7RF		
drawing	Design Elevations		
scale	1:100 @ A2	drawn pc	checked
		date 01/22	date
<b>POLLOCK HAMMOND LTD</b> <b>ARCHITECT AND CONSERVATION CONSULTANTS</b> GRANGE WEST, LINLITHGOW, WEST LOTHIAN, EH49 7RH tel. 01506 847829 email - mail@pollockhammondarchitects.co.uk www.pollockhammondarchitects.com			
number	C91 D10	/	revision

notes



- Finishes
- Zinc ridge to match existing
  - Grey slate sized and coursed to match existing
  - Velux roof windows to match existing
  - Cast iron half round rainwater goods to match existing on brackets with ci downpipes
  - buff natural stone to match existing
  - natural stone weathered sills and lintols
  - hardwood window sections painted white to match existing
  - hw timber doors colour white to match existing

by date revision letter

number C91 D08 / revision

client Mr & Mrs Cairns

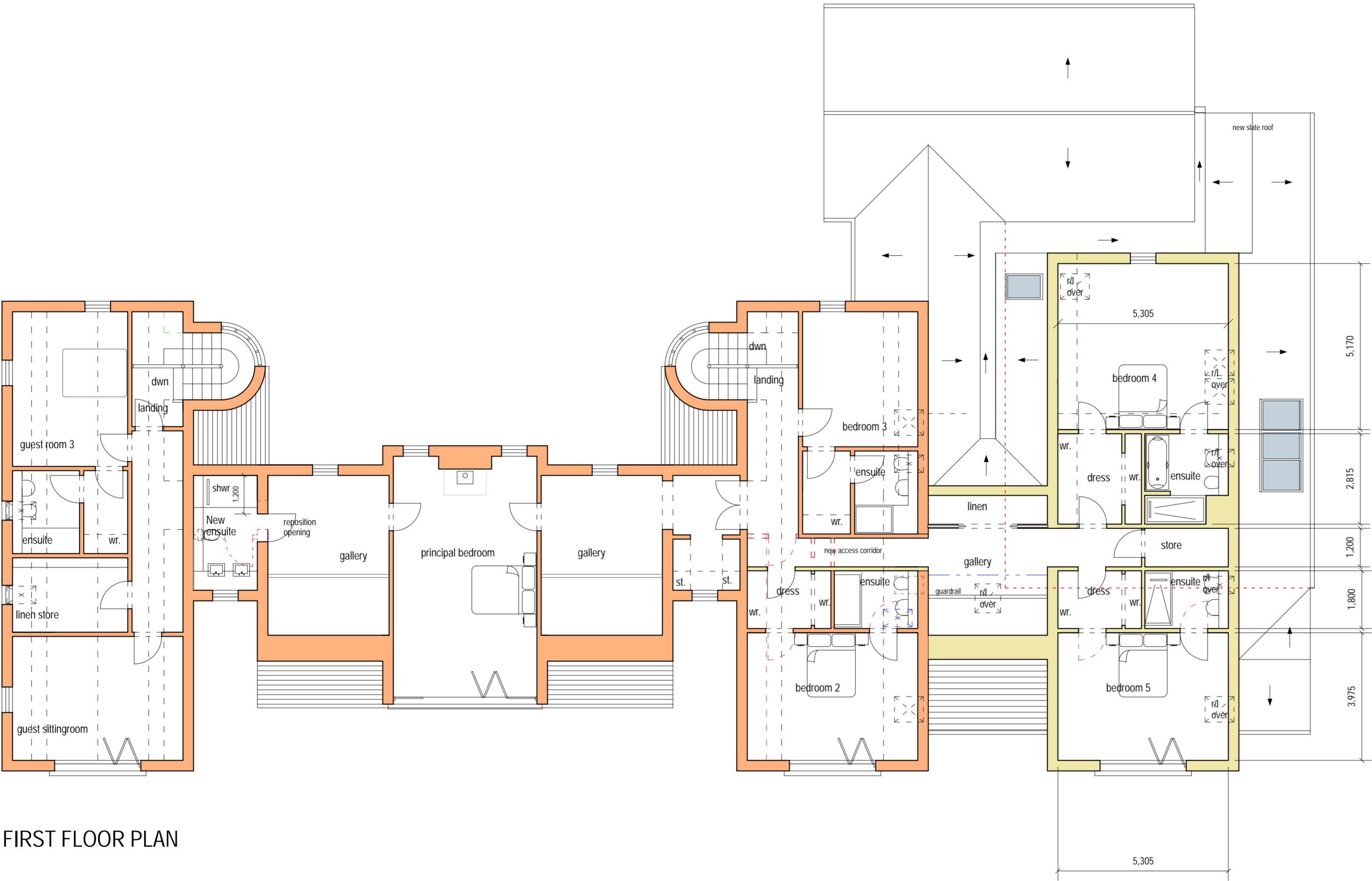
job Alterations and Extension to House  
3b Parkhead Holdings  
Linlithgow  
West Lothian  
EH49 7RF

drawing Design First Floor Plan

scale 1:100 @ A2  
drawn pc checked  
date 01/22 date

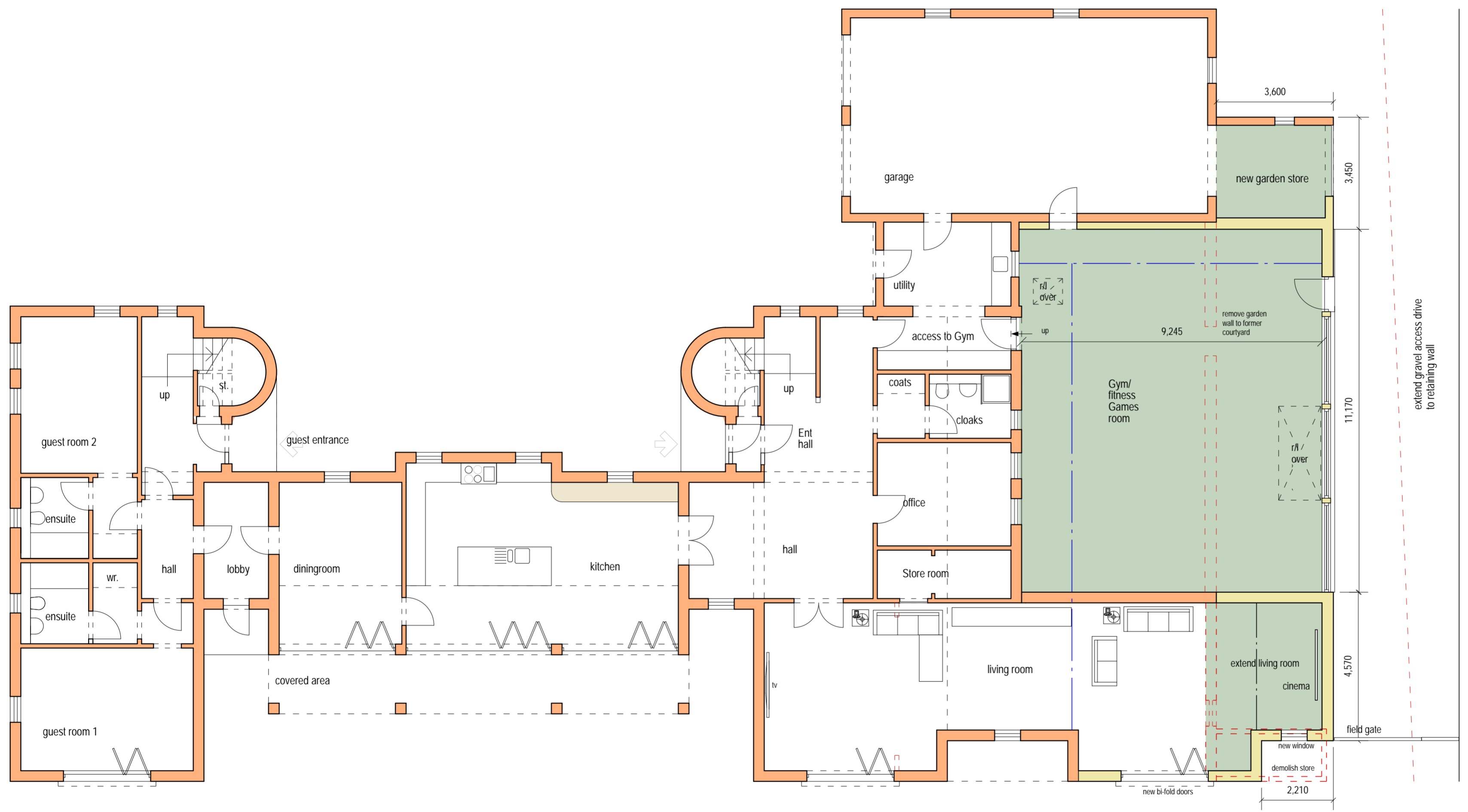
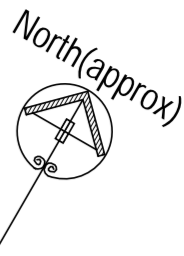
**POLLOCK HAMMOND LTD**  
**ARCHITECT AND CONSERVATION CONSULTANTS**  
GRANGE WEST, LINLITHGOW, WEST LOTHIAN, EH49 7RH  
tel. 01506 847829  
email - mail@pollockhammondarchitects.co.uk  
www.pollockhammondarchitects.com

number C91 D08 / revision



FIRST FLOOR PLAN

notes



GROUND FLOOR PLAN

- Finishes
- Zinc ridge to match existing
  - Grey slate sized and coursed to match existing
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  - natural stone weathered sills and lintols
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by date revision letter

number C91 D07 revision

client Mr & Mrs Cairns

job Alterations and Extension to House  
3b Parkhead Holdings  
Linlithgow  
West Lothian  
EH49 7RF

drawing Design Ground Floor Plan

scale 1:100 @ A2

drawn pc checked

date 01/22 date

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number C91 D07 revision

## Comments for Planning Application 0068/FUL/22

### Application Summary

Application Number: 0068/FUL/22

Address: 3B Parkhead Holdings Linlithgow West Lothian EH49 7RF

Proposal: Two storey extension to house

Case Officer: Lucy Hoad

### Customer Details

Name: Not Available

Address: Not Available

### Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment: Dear Sir / Ms

I would appreciate planning taking into consideration the restoration and completion of landscaping/screening that was not completed from the original planning application of said bed and breakfast property.

Original landscaping/screening has been removed and requires to be restored to original approval from the council.

Consideration is to be given that the temporary access on the north boundary does not become permanent new access. This would be an obstruction/ hazard to other users of the said lane and without their approval.

The fence should be restored as per the original planning application that was originally approved by the council.

The Granary  
3A Parkhead Holdings  
LINLITHGOW  
West Lothian  
EH49 7RF

7 March 2022

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

Dear Sir/Madam

PLANNING APPLICATION: 0068/H/22  
TWO STOREY EXTENSION TO HOUSE – QUEENSVIEW B & B, 3B PARKHEAD  
HOLDINGS, LINLITHGOW

I refer to the above application for the erection of a two storey extension to the house at 3B Parkhead Holdings, Linlithgow. The building that is proposed for extension falls within the boundary of the former royal hunting park associated with Linlithgow Palace and therefore careful consideration should be given to the impact on the local amenity and vista afforded.

The proposed site is within a rural, countryside location and sits east of several well preserved, traditional buildings. The scale, massing, proportions, and window proportions of the proposed extension do not correlate to or respect the character of the traditional buildings or the surrounding rural area. Additionally, the site is in an elevated and exposed location and is highly visible.

I would therefore suggest that the combination of all of these issues means that the proposal is unacceptable in terms of design and the planning application is therefore contrary to the adopted West Lothian Local Development Plan policies DES 1 (Design Principles), ENV 1 (Character and Special Landscape Areas) and ENV2 (Housing Development in the Countryside). The application is also contrary to West Lothian Council's statutory supplementary guidance 'Development in the Countryside.

Yours faithfully

ALEX ANDERSON



## Development Management

# WEEKLY LIST OF APPLICATIONS RECEIVED

## ☒ LOCAL MEMBER REQUEST FORM ☒

Weekly List for the week commencing

14 <sup>th</sup> February 2022
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*Members wishing further information on any of the applications in the attached Weekly List of Planning Applications or wishing any application to be referred for determination to the Development Management Committee are asked to complete and return this form to Wendy McCorriston, Development Management Manager, as soon as possible and no later than:*

7 <sup>th</sup> March 2022
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**PLEASE NOTE:**

In accordance with standing orders any request for an application to be referred to Development Management Committee has to be from a member of the ward in which the application site is located or Chair of the Development Management Committee.

*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/>

<b>Action Required</b> (please tick ✓)  <input type="checkbox"/> Contact me to discuss these proposals  <input type="checkbox"/> Refer this application to the Development Management Committee  <input type="checkbox"/> Other (please specify)	<b>Application Number</b> .....0068/H/22.....  <b>Member</b> .....Cllr David Tait .....  <b>Signed</b> .....  <b>Dated</b> .....7/3/2022.....
--	---

My reasons for this action are: Constituent Request

# Development Management Committee

19 October 2022

Item 5 - Application : 0068/FUL/22

Two storey extension to existing Bed & Breakfast (class 7)

3B Parkhead Holdings / Linlithgow / EH49 7RF





0068/FUL/22 - 3B Parkhead Holdings - Linlithgow EH49 7RF

Development Management - West Lothian Civic Centre - EH54 6FF

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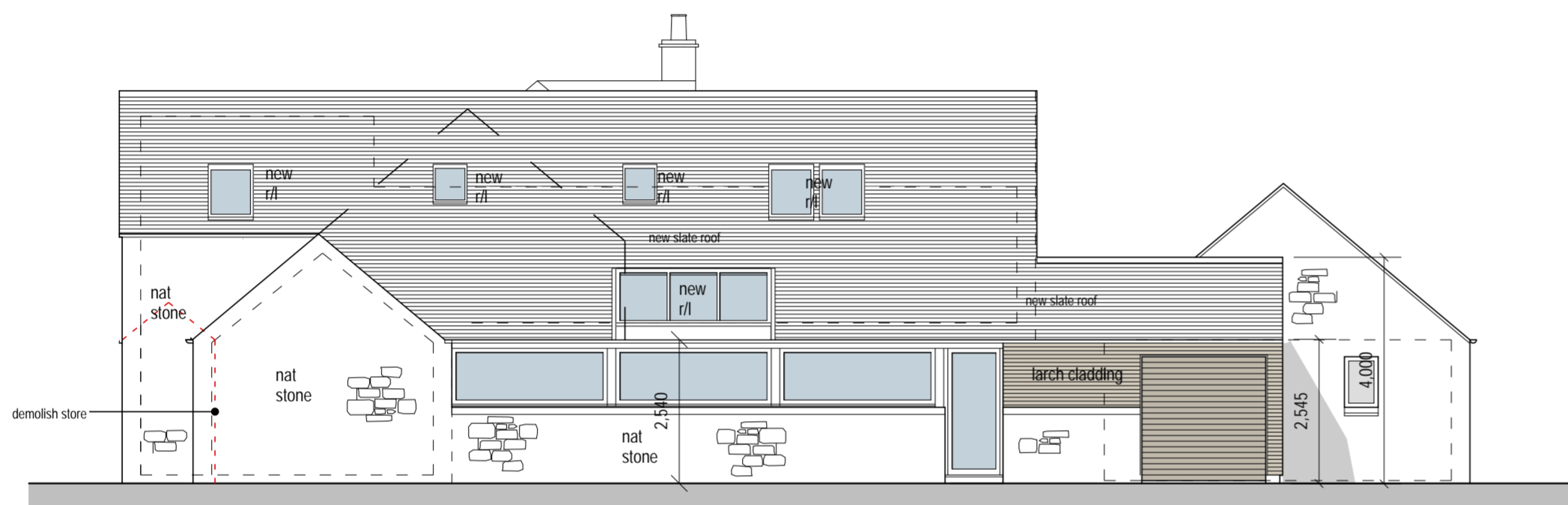




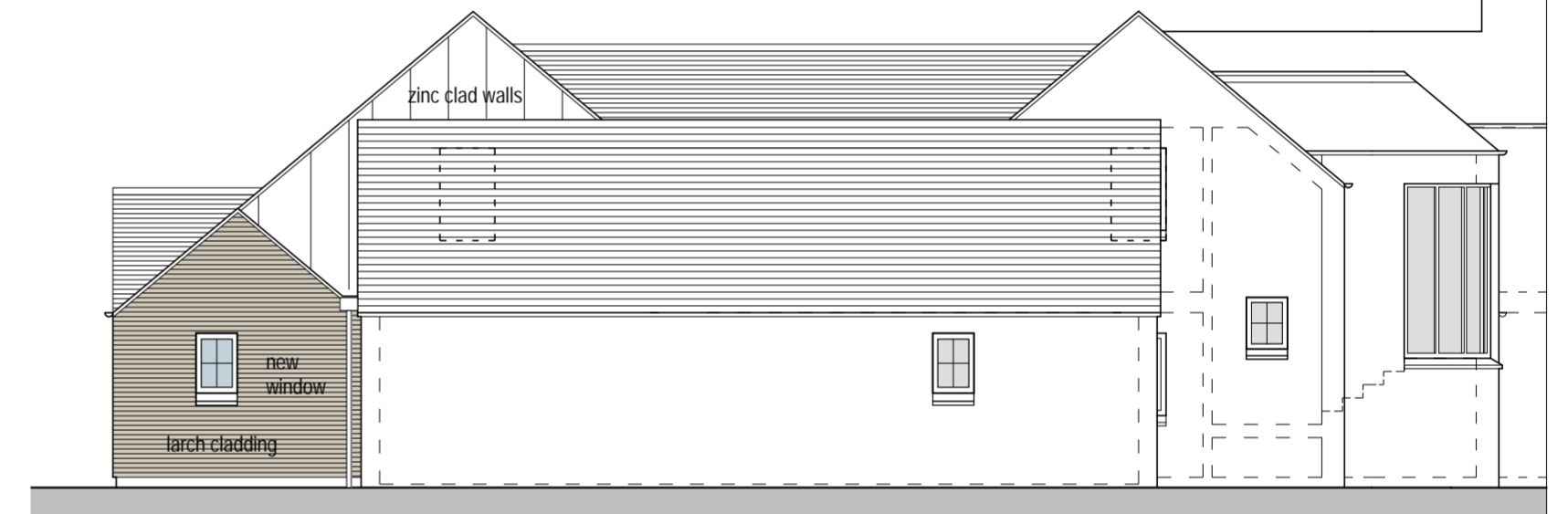


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SOUTH ELEVATION



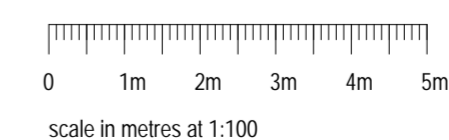
EAST ELEVATION



PART NORTH ELEVATION



NORTH ELEVATION/ SECTION



by	date	revision	letter
number	C91 D10	/	revision

client	Mr & Mrs Cairns
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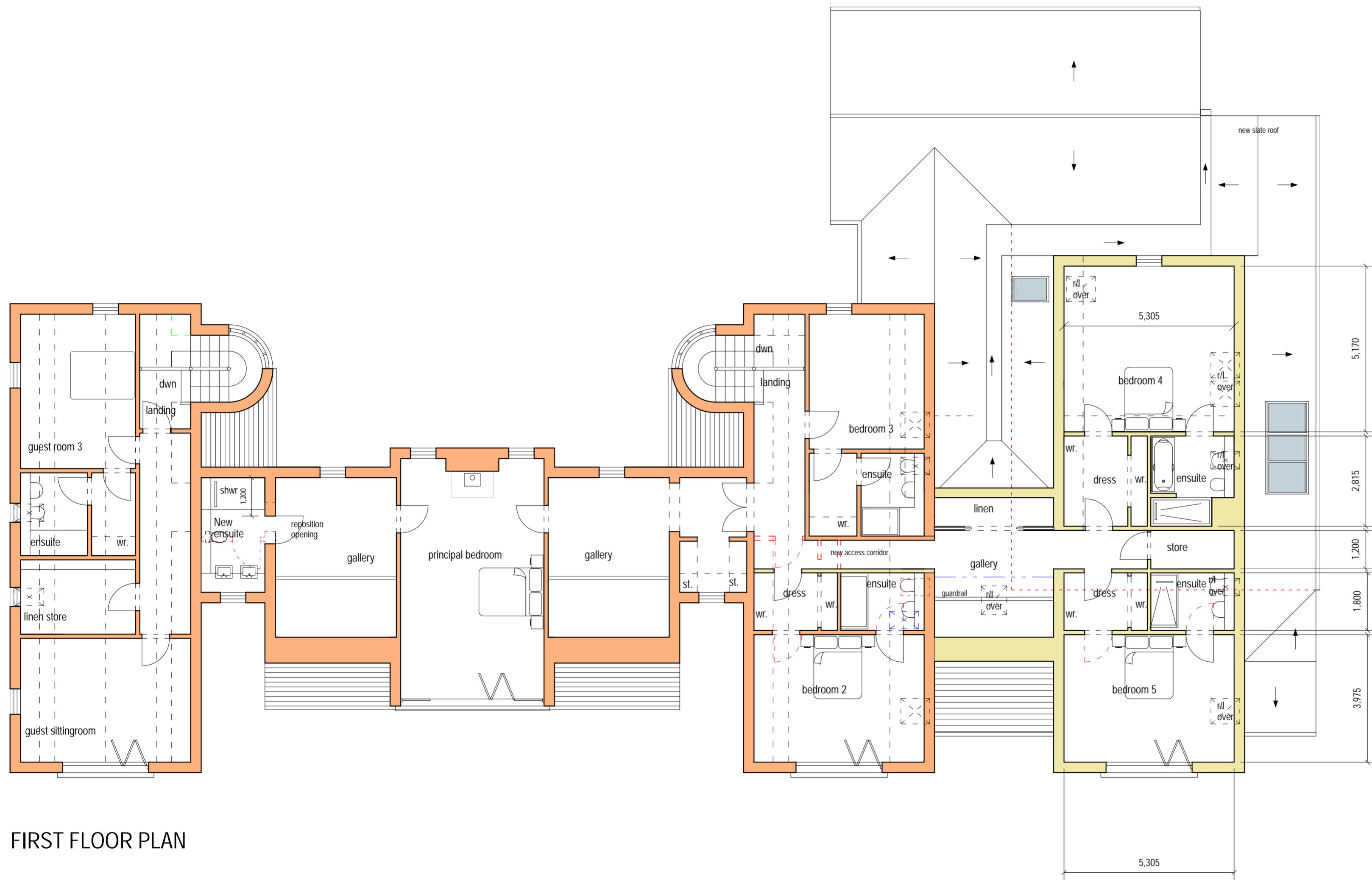
job	Alterations and Extension to House 3b Parkhead Holdings Linlithgow West Lothian EH49 7RF
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drawing	Design Elevations
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scale	1:100 @ A2	drawn	pc	checked
		date	01/22	date

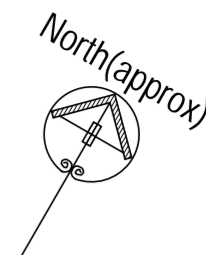
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number	C91 D10	/	revision
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FIRST FLOOR PLAN

notes



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by date revision letter

number C91 D08 revision

client Mr & Mrs Cairns

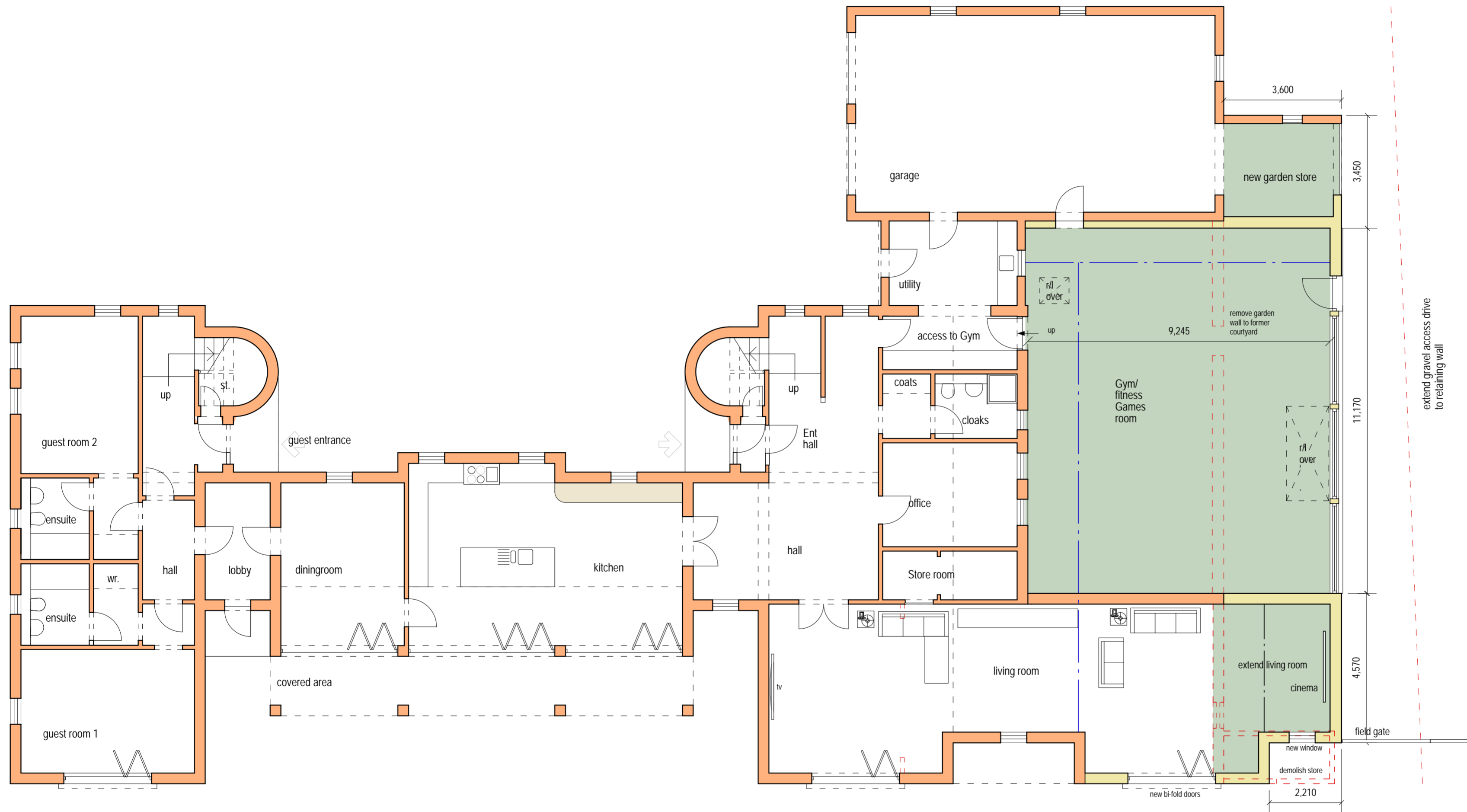
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drawing Design First Floor Plan

scale 1:100 @ A2 drawn pc checked  
date 01/22 date

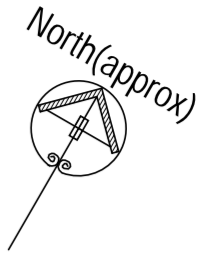
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number C91 D08 revision



GROUND FLOOR PLAN

notes



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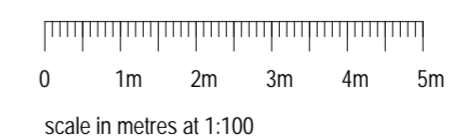
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## **DEVELOPMENT MANAGEMENT COMMITTEE**

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

#### **1 DESCRIPTION**

Erection of a 298 sqm restaurant/ bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park, site at Bankton Centre, Murieston, Livingston

#### **2 DETAILS**

<b>Reference no.</b>	<a href="#">0604/FUL/22</a>	<b>Owner of site</b>	Z1 Properties Ltd.
<b>Applicant</b>	Z1 Properties Ltd	<b>Ward &amp; local members</b>	<b>Livingston South</b> Councillor Lawrence Fitzpatrick Councillor Peter Heggie Councillor Maria MacAulay Councillor Moira Shemilt
<b>Case officer</b>	Steven McLaren	<b>Contact details</b>	01506 282404 <a href="mailto:steve.mclaren@westlothian.gov.uk">steve.mclaren@westlothian.gov.uk</a>

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

#### **3 RECOMMENDATION**

3.1 Refuse planning permission.

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

- 4.1 The application is for a proposed split-level building containing a 298sqm restaurant/bar and café/ hot food takeaway with balcony terrace, staircase and to extend the Bankton Centre car park to accommodate the proposed uses.
- 4.2 The site lies to the east of the established built local centre area which contains a mix of shops, hot food takeaways and restaurant. The proposed building will be located on a tree covered embankment on the edge of the built area and will extend to the Murieston Water path approximately 3.8m below the Bankton Centre car park.
- 4.3 The applicant seeks to create an establishment which can cater for around 105 seated customers on the lower ground floor, 60 seated customers inside the building on the first floor and a further 62 seated outside on the roof terrace. The applicant therefore envisages 227 covers for the development, plus a take away facility.

- 4.4 A timber staircase is to be provided on the embankment to provide connectivity between the existing built Bankton Centre area and the Murieston Water footpath and access to the building will be available on both levels.
- 4.5 The application site lies within two local development plan allocations, these being Local Neighbourhood Centre and Land Safeguarded for Open Space. Matters relating to this dual allocation and the location of the application site within the identified tree preservation order (TPO No.2 1965 Mid Lothian) are discussed in section 8.

## History

- 4.6 The relevant site history is set out below:
- 0573/FUL/09 – Erection of a 172sqm retail unit, granted 28/9/09.
  - 0833/FUL/12 – Erection of a 150sqm commercial unit to form a restaurant (Class 3), refused 4/3/13.
  - 0201/FUL/14 – Erection of a 112sqm commercial unit to form a Class 2 (financial, professional and other services), granted 12/5/14.
  - 0564/FUL/17 – Erection of a 112sqm hot food take-away building and associated works, granted 1/12/17.
  - 0723/FUL/20 - Application for use of substantially complete hot food take-away unit (sui generis) as a coffee shop/cafe (Class 3) with ancillary take-away and minor building alterations, granted 30/9/20
  - 0240/FUL/21 - Erection of a 284sqm restaurant/bar and cafe/hot food takeaway with balcony and terrace, external timber stair and extension to car park – refused 21/4/21 and refused by the council's Local Review Body on 10/11/21.

## EIA Development

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

## Equalities Impact

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

<b>5. REPRESENTATIONS</b>
---------------------------

- 5.1 There have been 30 valid representations submitted on this application, 22 in support of the application and 8 objections, including a representation from Murieston Community Council.
- 5.2 A summary of the objections is located in the table below.

Comments	Response
<ul style="list-style-type: none"> <li>No Landscape Ecological Management Plan provided.</li> <li>Loss of trees.</li> <li>Impact on character of public path.</li> <li>Impact on overall character of area.</li> <li>Impact on wildlife.</li> </ul>	<ul style="list-style-type: none"> <li>Should planning permission be granted, an ecology report would be required prior to a site start.</li> <li>It is agreed that the loss of the trees will result in a change to the character of the area and impact adversely on the character of the area.</li> </ul>
<ul style="list-style-type: none"> <li>Lack of available parking.</li> <li>Building is over development.</li> <li>Restaurant not necessary.</li> <li>Additional hot food take-away not necessary.</li> <li>No substantial changes from previous refusal.</li> </ul>	<ul style="list-style-type: none"> <li>Transportation has assessed the proposals and confirmed that parking standards are met.</li> <li>It is agreed that the scale of the building within this context of the area is excessive in scale and over development, to the detriment of the character of the area.</li> <li>The applicant has submitted a business statement (copy attached) but this does not include a business plan identifying the need for an additional restaurant and hot food take-away in the area.</li> <li>Agreed, there is no fundamental change from the previous refusal.</li> </ul>
<ul style="list-style-type: none"> <li>Potential target for vandalism, break-ins and anti-social behavior.</li> <li>Empty units available at Hamilton Square.</li> </ul>	<ul style="list-style-type: none"> <li>This is not a material planning consideration.</li> <li>These units are not under the control of the applicant and are not a material planning consideration.</li> </ul>

5.3 22 representations were supportive of the business proposal. A further 9 were submitted without comments so are not valid representations.

5.4 Of the valid letters of support, only 4 were from the Murieston area with the majority share of 14 from areas further north in Livingston at Eliburn, Ladywell and Knightsridge. On balance therefore, the level of local support remains low.

## 6. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
Transportation	No	No objections.	Noted.
Environmental Health	No	Standard construction conditions will be required.	Noted.
Flood Risk Management	No	There have been no drainage details submitted. These will be	Noted. A condition can be used to ensure drainage details are submitted should

Consultee	Objection?	Comments	Planning Response
		required in advance of development.	planning permission be granted.

## 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 development impacts on the character and landscape of the area to its detriment. This matter is discussed in section 8.	No.
LDP  TCR2 – Town Centre First Sequential Approach	New retail, commercial leisure, visitor attractions, offices, community and cultural facilities and other developments appropriate to town centres should be located in accordance with the sequential approach.	The proposed development lies within an area allocated both as a local neighbourhood centre and protected open space. Consideration is required on the validity of this dual allocation. This matter is discussed in section 8.	No.
LDP  ENV9 – Woodland, Forestry, Trees and Hedgerows	There will be a presumption against development adversely affecting woodlands unless there is a proven locational need	Details of previous investment by the applicant has been provided but no details supporting a proven locational justification. This matter is discussed in section 8.	No.
LDP  ENV10 – Protection of Urban Woodland	Urban woodlands within settlements that contribute to townscape, landscape, amenity, biodiversity, cultural or historic value, particularly where their loss would jeopardise ongoing contribution to place-making and/or green network objectives, will be	The proposed development impacts adversely on the character of the designated protected open space. This matter is discussed in section 8.	No.

<b>Plan and Policy</b>	<b>Policy Summary</b>	<b>Assessment</b>	<b>Conform?</b>
	protected from development.		
LDP ENV 20 – Protected Species and Enhancement	Development that would affect a species protected by European or UK law will not be permitted unless specific criteria has been met such as there is an overriding public need and there is no satisfactory alternative.	There has been no preliminary ecological assessment or other habitat assessment report submitted with this application. Should planning permission be granted, an assessment of potential habitat impacts will be required.	No
LDP ENV21 – Protection of Formal and Informal Open Space	Proposals which will result in the loss of open space will not be supported unless it can be demonstrated specific criteria are met	The proposed development impacts adversely on the character of the designated protected open space. This matter is discussed in section 8.	No.
EMG6 – Vacant, Derelict and Contaminated Land	Developers are required to ensure that development sites are not classified contaminated land and that where required, suitable remediation is carried out in accordance with the council's supplementary guidance on contaminated land	A site investigation has not been carried out. A Phase 2 site investigation report will be required prior to any works stating on site, should planning permission be granted.	No
LDP NRG2 – Solar Roof Capacity Requirements	All new residential, commercial and industrial buildings must have a minimum installed solar roof capacity requirement.	No details have been provided of solar roof installation. If approved, details will need to be brought forward.	No
LDP EMG3 – Sustainable Drainage	Developers are required to bring forward drainage proposals to demonstrate the drainage from the site meets council requirements and takes into account the climate change emergency.	No drainage details have been submitted. If approved, the developer will be required to submit drainage details prior to works on site.	No

7.4 Other relevant policy guidance and documents are listed below:

- SPP: Scottish Planning Policy

<b>8. ASSESSMENT</b>
----------------------

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

**Local Development Plan allocation**

- 8.2 The Livingston area proposals map for the adopted West Lothian Local Development Plan, 2018 (LDP) shows the proposed development site lying within two plan allocations. These allocations relate to local neighbourhood centres and land safeguarded for open space.
- 8.3 This is an unusual situation as, although it would not be out of the question to have open space within a neighbourhood centre, in this case it is unlikely that the land could both be considered suitable for development and lie within an area identified as protected open space. It is, therefore, likely to be a drafting error which has been carried over from the previous West Lothian Local Plan and was failed to be rectified at the LDP stage. Weight must be given to one or other of the allocations as the two are mutually exclusive in this instance.
- 8.4 The applicant has pointed out that within the handling report for the previously refused planning application (0240/FUL/21) that policy TCR2 was not considered and argued that this was an error. His position is that TCR2 is relevant to this application and that significant weight should be given to this policy, thus supporting the proposed development.
- 8.5 The officer position is that consideration must be given to the character and nature of the site within the local context. It is agreed that the local neighbourhood centre allocation covers this area in the adopted LDP, however, the application site is also identified as being safeguarded for open space and contains a number of trees. In this regard ENV9, ENV10 and ENV21 are engaged.
- 8.6 Importantly, members will note from visiting the site and from the photographs in the presentation pack that there are two distinct area characteristics. The established Bankton Centre commercial area is formed from three buildings containing a variety of uses, vehicle access from Murieston East Road and lies adjacent to the Livingston South railway station and car park. This is the clear and well-established built area of the Bankton Centre.
- 8.7 The application site, however, lies on the eastern periphery of this established built area and extends into land characterised by woodland and the Murieston Water watercourse. The public path which follows the line of Murieston Water from the south of Easter Bankton to the southern edge of Livingston is flanked by woodland, open space and Murieston Water. This area at the eastern edge of Bankton Centre lies some 3.8m below the level of the Bankton Centre car park.
- 8.8 It is therefore difficult to reconcile the application site as a natural extension to the local neighbourhood centre. Taking into consideration the clear differences in the character and nature of the established built local neighbourhood centre, a judgement must be made on the weight which can be given to each of the local plan allocations.

- 8.9 Moreover, the triangular building granted under planning application 0201/FUL/14, with subsequent amendments to the use of the building under applications 0564/FUL/17 and 0723/FUL/20, was designed specifically to recognise the difference between the built area of Bankton Centre at the upper level and the protected open space from the top of the embankment and beyond. The red line boundary for the approved triangular building included part of the current application site adjacent to the car park and this area was to have benefited from tree planting, as a requirement of that consent.
- 8.10 Considering all of the above, little weight can be given to policy TCR2 and greater weight given to policies ENV9, ENV10 and ENV21 which seek to protect formal and informal open space, urban trees and the natural environment.

### **Policies ENV9, 10 and 21 assessment**

- 8.11 Policy ENV21 sets out five criteria on which a development can be assessed. The first is specific locational justification which outweighs the need to retain the open space. A supporting statement has been submitted setting out the applicant's long-term investment within Livingston and the local area.
- 8.12 Whilst it is acknowledged that the applicant has carried out investment, there is no detailed business case which sets out the need for a development of this type. The current Co-op building, formerly the Purple Sage restaurant and hot food take-away, lay vacant from pre-2009 until around 2012 when the Co-op moved from its fire damaged unit in the adjacent retail block.
- 8.13 Other units have also lain vacant both within the existing Bankton Centre and the extended local neighbourhood centre at Hamilton Square and there has been no demand for a restaurant of this scale. Given the history of the area and the applicant's opportunity to operate a Class 3 unit which had approval, the 'specific locational justification' cannot be met within policy ENV21.
- 8.14 The four remaining parts of ENV21 relate to there being no significant adverse effect on the overall recreational amenity of the area, taking into account the council's Open Space Strategy; the ecological value of the site; the provision of enhanced or replacement open space and connectivity with the wider green network.
- 8.15 The council's Open Space Strategy relates to ensuring open space within the council boundary is managed to deliver meaningful benefits to local communities. The impact of the development on the recreational amenity ie. the nature and character of the area as a green corridor within the local environment and landscape enjoyed by locals, must be considered.
- 8.16 The applicant has argued that it is unreasonable to maintain an objection to the development based on character without professional landscape or arboricultural support. He states that there has been no methodology or proper application of policy in this regard and that the assessment of significant adverse impact has not been properly established. This, however, is a local development which has a localised impact on the nature of the area.

- 8.17 It is without doubt that the removal of trees from the development site and the construction of a two-storey building, as seen from the Murieston Water path, will result in a significant change to the character of that area. Taking into consideration the clear distinction between the existing built local centre area and the Murieston Water footpath network, the development will not only result in a significant change to this area but also adversely affect the character of the area to its detriment.
- 8.18 With regards to the remaining points of policy ENV21; there has been no ecology report submitted for the site. It would be possible for the applicant to agree to carry out some replacement tree planting but the ground area would be lost to the provision of suitable undergrowth close to the watercourse. The applicant is also seeking to provide a staircase connecting Bankton Centre and the Murieston Water footpath. Whilst the staircase connection would be welcomed, on balance the proposals do not accord with policy ENV21.
- 8.19 Policies ENV9 and ENV10 seek to protect woodland, forestry, trees and hedgerows and urban woodland. The application site forms part of a wider wooded area and a tree report submitted by the applicant sets out that around 18 trees of low value will require to be removed in order to allow the development to proceed. Whilst the removal of these trees represents a small percentage of tree cover in the Murieston area, the local impact of the tree removal and the construction of the proposed restaurant will have a substantial impact.
- 8.20 The site lies within an area-based Tree Preservation Order area (TPO No2. 1965 Mid Lothian) and Policy ENV9a sets a presumption against development within a TPO where it involves the loss of, or damage to, woodland or groups of trees. The proposals will clearly result in the loss of trees.
- 8.21 The applicant sets out that when read as a whole, there is not a material conflict with policy ENV9 and the development is acceptable given the 'significant and clearly defined public benefits derived from the proposed environmental and recreational enhancement measures' as set out in the tree survey. This view is not accepted. The development of the site for the restaurant would simply remove land which could be further enhanced.
- 8.22 Policy ENV10 states that proposals that involve the removal of urban woodland in part or in its entirety will only be supported where it would achieve significant and clearly defined public benefits. The applicant contests this area cannot be classed as urban woodland therefore policy ENV10 is not engaged.
- 8.23 The adopted LDP states that 'Woodland within settlements contributes to placemaking, can support setting and amenity, supports urban greenways and tree cover to provide habitat and improve micro-climate. The loss of such woodland can have a detrimental effect on communities particularly those living in close proximity to the area of tree cover.' The application site contains a grouping of trees within a settlement and which contribute to place making and supports an urban greenway. Given this definition in the LDP, ENV10 is relevant.
- 8.24 The development would not deliver public benefit which outweighs the loss of the wooded area and the significant impact on the character of the area. The proposals therefore do not accord with policy ENV10.

## **Building design**

- 8.25 In order to fit the building on the site it is designed as a split-level building with access from the built level of Bankton Centre containing indoor seating and servery and access to a balcony area overlooking Murieston Water and the wooded areas. There is also access from the lower level and an external public staircase will be provided to link the two areas.
- 8.26 As stated previously, a staircase connection between the two areas in its own right would provide good connectivity and could be designed to ensure no trees were lost and this would be welcomed.
- 8.27 Whilst the concept, the principle and the overall impact of the development has remained unchanged from previous application 0240/FUL/21, the design has generally improved. The building has a slightly larger floor area, the elevational design has been improved with a saw tooth lower ground floor elevation to provide greater interest and add some additional interest to the roof terrace.
- 8.28 The proposed materials are also improved with the use finishes to match the recently completed triangular building adjacent to the Co-op. This will incorporate timber cladding or similar on the east facing elevation and adjacent to the existing wooded areas. Overall the design and finish are improved.
- 8.29 Policy DES1 states that 'All development proposals will require to take account of and be integrated with the local context and built form and that, amongst other factors, there is no significant adverse impact on landscape character. Policy DES1 also states that development proposals must also accord with other relevant policies and proposals in the development plan.
- 8.30 Although the design has improved, given that the development will have a significant adverse impact on the local landscape character and that it does not accord with additional policies set out in the adopted local development plan, the proposals still do not accord with policy DES1 of the adopted LDP.

## **Sustainable development**

- 8.31 The applicant concludes in their 'Bankton Planning Statement' which is available online in planning case file [0604/FUL/21](#) , that this is a sustainable development in principle and design consistent with the West Lothian Local Development Plan, 2018. The applicant quotes Scottish Planning Policy (SPP) which states there is a presumption in favour of development that contributes to sustainable development.
- 8.32 SPP however goes on to say that 'The aim is to achieve the right development in the right place; it is not to allow development at any cost' and that policies and decisions should be guided by a number of principles. Of these principles one requires consideration of 'protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.'
- 8.33 Given the discussions above, the assessment is that the development does impact adversely on landscape and green infrastructure. The proposals therefore do not accord with SPP.

## **Footpath designation**

- 8.34 The applicant sets out in their supporting statement that Murieston Water path is not within a landscape designated for its national or regional importance or within a Special Landscape Area (SLA). It also does not affect the setting of an LDP designated strategic view point. The applicant also points out that this is not a designated core path as recognised by WLC's 'Core Paths and Active Travel - Draft Core Paths Plan' or recognised as an 'other path'. 'It is a path of local-level importance and views across the site are not considered to be high value'.
- 8.35 As set out previously, this is a local development with impacts on the local surroundings. One of these impacts will be on users of the Murieston Water path. Whilst not a designated path, it lies around 3.8m below the developed Bankton Centre area and around 15m distant. The characteristics of the area is therefore a green environment either side the length of this well used path. Bringing development down to this level and immediately adjacent to the footpath, regardless of its designation, significantly alters the nature of the area for walkers and cyclists.

## **Ecological Impact**

- 8.36 Policy ENV 20 states that development that adversely impacts protected species will not be supported unless four criteria are met. The PG on Planning for Nature expands on these criteria.
- 8.37 The Conservation (Natural Habitats, &c.) Regulations 1994 places a duty on planning authorities to have regard to the requirements of the Habitats Directive.

The planning authority is required to be satisfied that a proposed development will either:

- not impact adversely on any European Protected Species on site, or,
- where a European Protected Species may be harmed, all three tests necessary for the eventual grant of a licence by NatureScot have been met.

The three tests are

1. the activity to be licensed must be for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.
2. there is no satisfactory alternative; and
3. the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

- 8.38 The applicant has not submitted any ecological appraisals in support of their application nor a protected species baseline report.
- 8.39 The application is therefore not compliant with Policy ENV 20 of the LDP.

## **9. CONCLUSION AND RECOMMENDATION**

- 9.1 The proposals result in the removal of a number of trees and introduce a building into the very area which people currently enjoy as part of the local landscape environment and which segregates Murieston Water from the commercial development.
- 9.2 Whilst the overall design of the building and the use of materials is an improvement on that which was refused under planning application 0240/FUL/21, the principle of the development and the adverse impact on the nature and character of the area is unacceptable.
- 9.3 The proposals are therefore contrary to the policies set out in section 7 of this report and recommendation is to refuse planning permission.

## **10. BACKGROUND REFERENCES & ATTACHMENTS**

- Draft reasons for refusal.
- Location Plan
- Site Plan
- Elevation Details
- Local Member Referral Form
- Financial Statement
- Representations

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

Craig McCorriston

**Head of Planning, Economic Development and Regeneration**      **Date: 19 October 2022**

## **Draft reasons for refusal – 0604/FUL/22**

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

(2) The scale of the development and its location on a tree covered embankment, within an area identified as protected open space in the adopted West Lothian Local development Plan, 2018, and out with the clearly defined built area of the Bankton Centre local neighbourhood centre, would result in an unacceptable intrusion on the character and nature of the area, to the detriment of the visual amenity of the natural environment and local area.

The proposal is therefore contrary to policy DES1 (design principles) of the adopted West Lothian Local Development Plan, 2018.

(3) The proposals would result in the construction of a split-level building within an area identified as protected open space in the adopted West Lothian Local Development Plan, 2018 and within the tree preservation order area TPO No.2 1965 Mid Lothian. The proposed development will result in the loss of trees and result in a significant and detrimental impact on the overall character and nature of the area of land adjacent to the Murieston Water footpath, which is protected against development by way of the local development plan designation.

There is a green corridor which separates the public footpath along Murieston Water from the commercial centre of Bankton Centre and the construction of a building on the land adjoining this area of ground will have a significant impact on the natural environment within this area to the detriment of users of this footpath connection.

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

ENV9 (woodland, forestry, trees and hedgerows);  
ENV10 (protection of urban woodland) and  
ENV21 (protection of formal and informal open space).

(4) The proposals will result in the loss of a number of trees within an area identified within the adopted West Lothian Local Development Plan, 2018 as protected open space. The proposals have the potential to impact on wildlife in this area. No preliminary ecological assessment or other assessment into the potential impact on wildlife as a result of this development has been submitted.

The proposals are therefore contrary to policy ENV20 (protected species and enhancement) of the adopted West Lothian Local Development Plan, 2018.



0604/FUL/22 - 38 Westcroft Court - Livingston - EH54 7EW

Development Management - West Lothian Civic Centre - EH54 6FF

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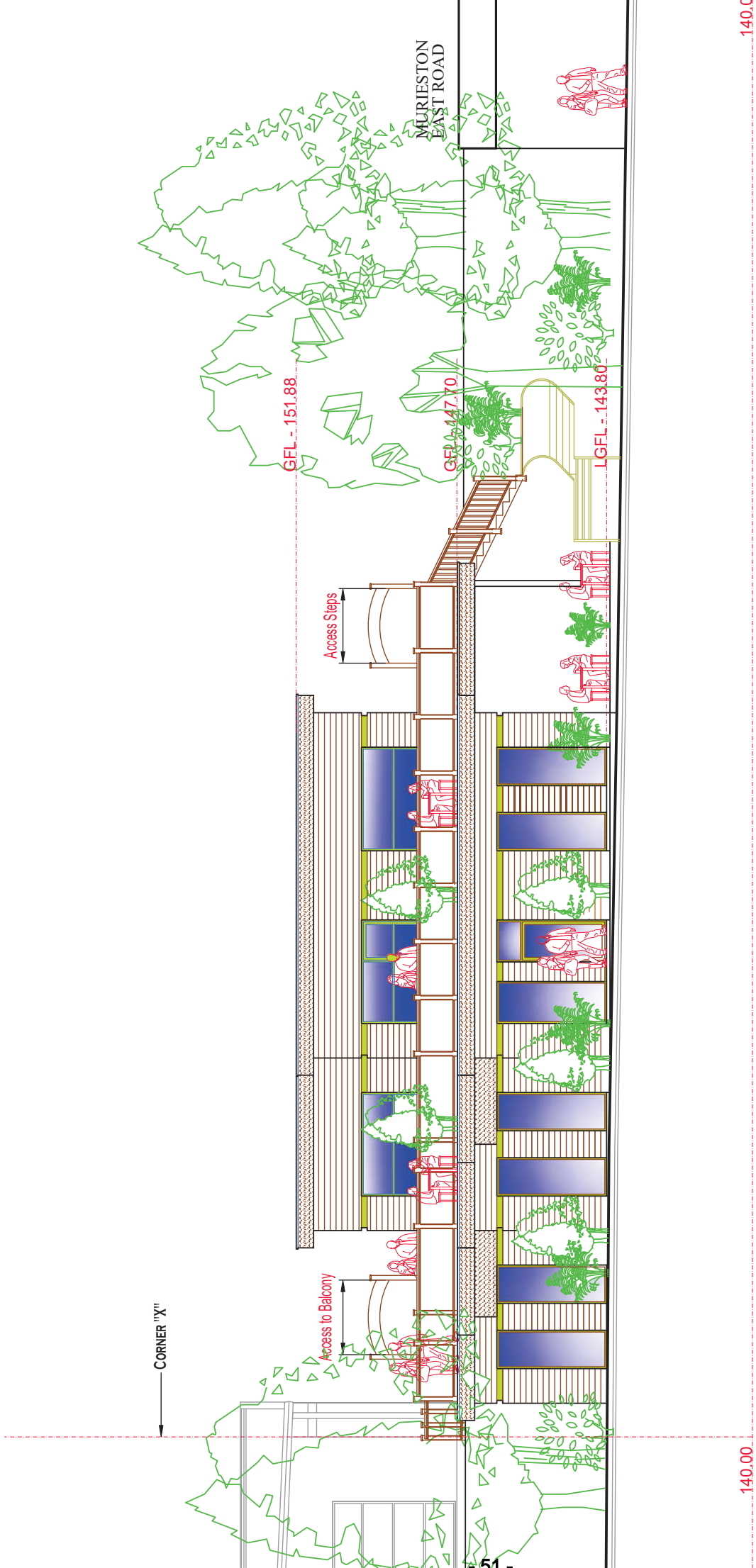
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Rev	Description	Date	By



BANKTON CENTRE, LIVINGSTON. EH54 9DA

Proposed Erection of New Cafe/Restaurant Unit

East Elevation D-D

DATE

21 June 2022

SCALE

1:100

DESIGNED BY

K. Duncan

DRAWN BY

K. Duncan

CHECKED BY

A.S.

REV

727-16

LOCAL AUTHORITY

Local Authority

KEN DUNCAN

BUILDING DESIGN

MC/CIAT

ARCHITECTURAL TECHNOLOGY

INTERIOR DESIGN

File# 3/1

8 Mains Terrace

Livingston

West Lothian EH54 7EX

Mobile: 07159 225573

e-mail: kerduncan10@gmail.com

0m

1m

2m

3m

4m

5m

6m

7m

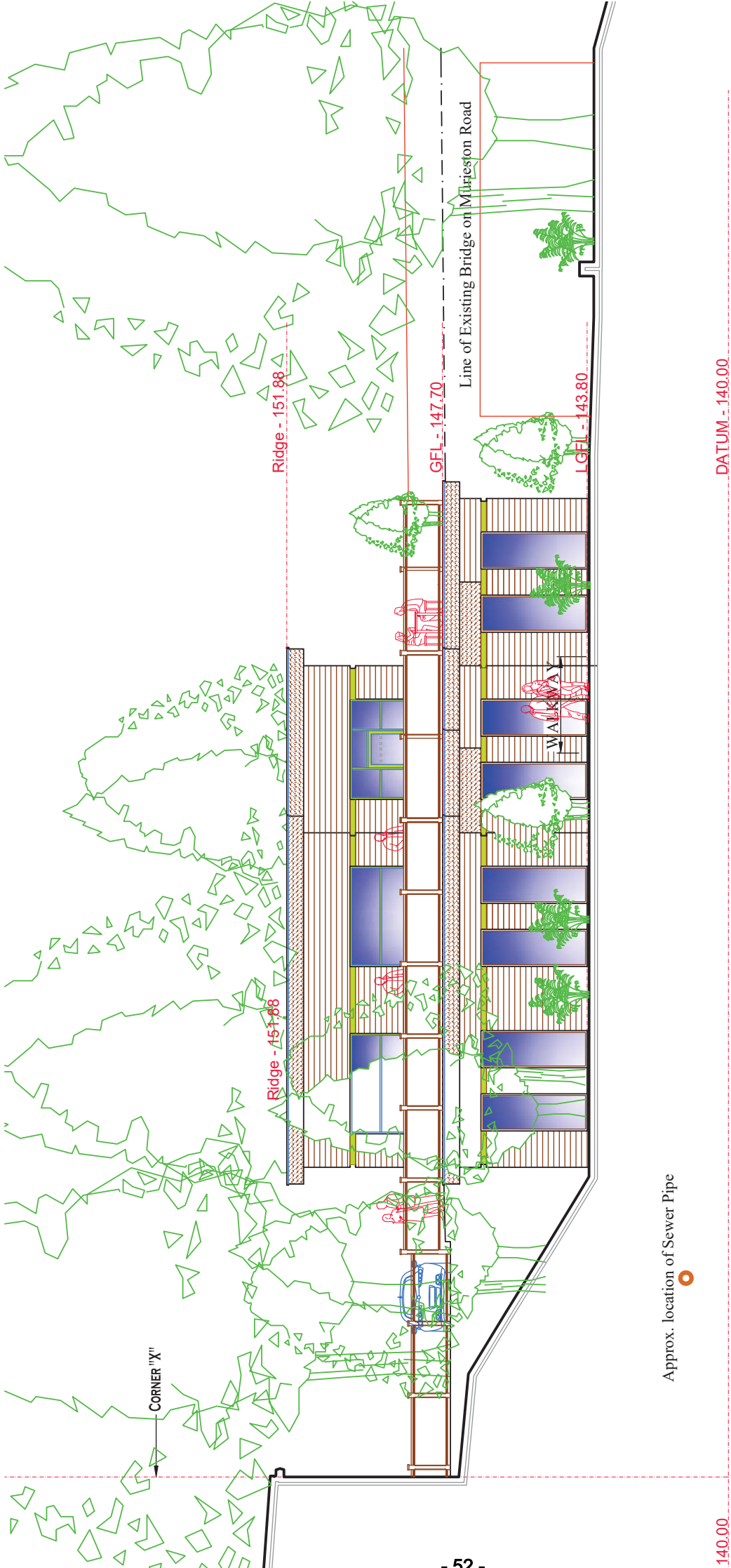
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SCALE: 1:100

1:100 EAST ELEVATION D-D

- 51 -

Rev	Description	Date	By



BANKTON CENTRE LIVINGSTON, EH54 9DA  
Proposed Erection of New Cafe/Restaurant Unit

South Elevation

Z1 Properties Limited		727-19	
DATE	SCALE	DRAWN	STATUS
May 2022	1:100	K. Duncan	AS
		Local Authority	

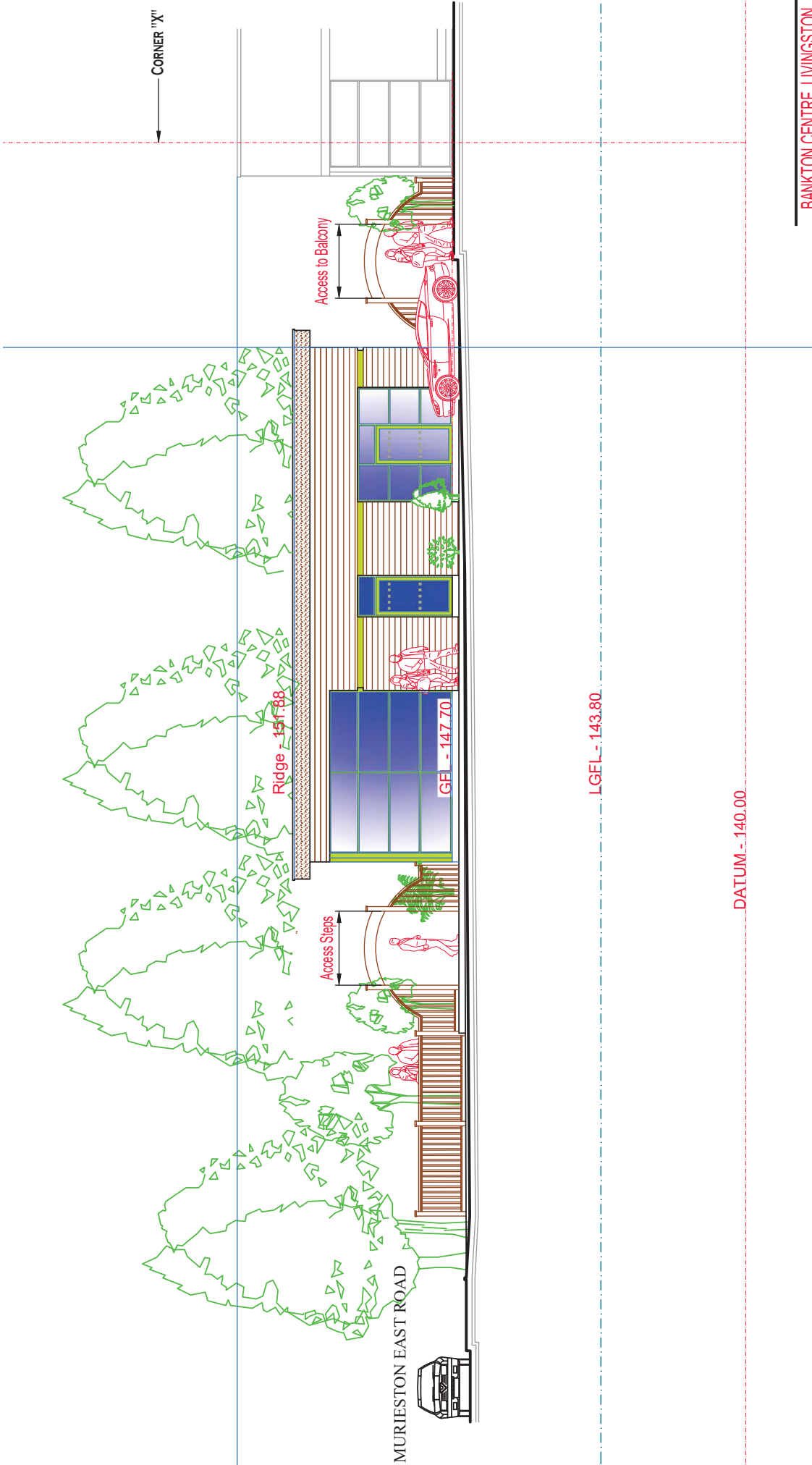
**KEN DUNCAN** MCIAI  
BUILDING DESIGN | ARCHITECTURAL TECHNOLOGY | INTERIOR DESIGN

Fig. 3/1  
6 Xams Terrace  
Livingston  
West Lothian EH54 7EX  
Mobile: 07393 225373  
e-mail: kerduncanltd@gmail.com



# 1:100 SOUTH ELEVATION F-F

Rev	Description	Date	By



BANKTON CENTRE, LIVINGSTON, EH54 9DA

Proposed Erection of New Cafe/Restaurant Unit

West Elevation

Z1 Properties Limited

727:13

Local Authority

DATE

21 June 2022

SCALE

1:100

DRAWN

K. Duncan

SHEET

A3

STATUS

Local Authority

KEN DUNCAN

MCIAI

BUILDING DESIGN

ARCHITECTURAL TECHNOLOGY

INTERIOR DESIGN

Plot 311

6 Kaims Terrace

Livingston

West Lothian EH54 7EX

Mobile: 07159 225573

e-mail: kenduncanltd@gmail.com

1:100 WEST ELEVATION

- 53 -

## 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 ✓)
<b>Application Reference Number</b>  .....0604/FUL/22.....	<b>Applicant Request</b> .....✓
<b>Site Address</b>  Land East of Murieston East Road, Murieston, Livingston, West Lothian	<b>Constituent Request</b> ..... <input type="checkbox"/>
<b>Title of Application</b>  Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park	<b>Other (please specify)</b> ..... <input type="checkbox"/>
<b>Member's Name</b>  Cllr .....Peter Heggie.....	
<b>Date</b>  .....22 Sep 2022.....	

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

**Zetland Ref No:** 502  
**Date:** 28<sup>th</sup> September 2022

Dear Mr McLaren,

**WEST LOTHIAN COUNCIL (WLC) PLANNING APPLICATION 0604/FUL/22**

<b>PROPOSAL</b>	ERECTION OF A 298 SQM RESTAURANT / BAR AND CAFE /HOT FOOD TAKEAWAY (CLASS 3 AND SUI GENERIS) WITH BALCONY TERRACE, STAIRCASE AND EXTENSION TO CAR PARK
<b>LOCATION</b>	LAND EAST OF MURIESTON EAST ROAD MURIESTON LIVINGSTON WEST LOTHIAN

I refer to the above-named application and I understand it will be determined by the Council at the Development Management Committee of the 19<sup>th</sup> October 2022.

Further to our e-mail exchange 21<sup>st</sup> September 2022 (18:24hrs) and I write to establish that the investment and expenditure impacts of the proposed development are a material consideration when performing the final planning balance. For the avoidance of doubt, I have extracted the relevant e-mail text:

- The Applicant is a local businessman who has brought forward retail and office space in Livingston over the past 20 years and has owned the Bankton Centre for the past 15 years.*
- In 2020/21 he built the adjacent unit using local tradesmen thereby keeping the investment and expenditure within the Livingston economy. The unit is now occupied by a beauty salon employing 16 full-time staff.*
- A further £400k was invested re-surfacing the carpark and upgrading the street-lighting to make the Centre a safe and accessible place within which to investment. This unlocked a further £950k of investment from the Co-op who, in November 2021, chose to upgrade their retail store.*
- If the current application were to be approved it would unlock a further £800k of capital investment creating 20-30 jobs construction jobs and a further 12-20 jobs once operational.*

The proposed development would benefit the local economy which is a consideration that weighs in favour of approval. If you contest this assessment then I would respectfully request that you share the evidence upon which this counter case relies in advance of the Committee meeting.

Please do not hesitate to come back to me if you have any concerns or queries.

Yours sincerely,



Nigel Moore (Hons), B.Pl, MRTPI  
Planning Manager

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Ms Kirstin McMillan

Address: 1 Kaims Walk Livingston EH54 7ED

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I have read through this planning application and strongly believe that it should be rejected in full due to many reasons that I will outline here. First of all, and most importantly, the building is far too large for the space on top of the hill and will therefore significantly impact on the Murieston path that runs adjacent to the river. The building will be erected all the way down the hill directly next to the path and is being sold as a positive addition to the greenspace . This area is not akin to a city lifestyle , such as Leith in Edinburgh whereby a glass terrace overlooking a river might be seen as attractive . Instead, this is small town living and therefore the green spaces are very much appreciated and valued by local residents. It's also highly unlikely that the business will pick up "passing trade" along that path. This building will result in the removal of trees and greenspace which will be detrimental to the area. I am not convinced that this revised application has given enough credence to the removal of trees, nor the impact on wildlife and the tranquil, highly valued pathway . Secondly, the commercial space is already heavily saturated with businesses- there is currently a hairdresser, two supermarkets and a florist, as well as a Chinese takeaway and a fish and chip shop. In addition, there is an Italian restaurant further up the road. There is no need for more food outlets in this area . Thirdly, there has been a lot of discussion in the community about the need for a local cafe, which is why residents may support this, however this is not a cafe , but a restaurant and takeaway on a large scale . I feel it is disingenuous to sell this as a cafe that sells soup and scones, which is actually what the locals would like. Fourthly, there are existing buildings that could be utilised, such as the Murieston unit with the Italian restaurant- are there not still spaces in there? Fifthly, the car park is already at capacity and at peak times impossible to park there. It's a really busy area and the application does not give enough attention to the car parking extension. Finally, this area has recently been targeted with vandalism with the hairdressers being broken into and the Co-op has also been robbed in recent times. How has the issue of potential vandalism been taken into consideration ?

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mr Scott McMillan

Address: 1 Kaims Walk Livingston EH54 7ED

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I would like to object to this planning application for two main reasons. One, there are already sufficient food outlets in this area and two, the building would remove trees and greenspace which would be detrimental to the Murieston path walkway.

## MURIELSTON COMMUNITY COUNCIL

Chair: Chris Dryden E-mail: [REDACTED]

Secretary: Davidson McQuarrie E-mail: [REDACTED]

Planning Secretary: Ian Brown Email [REDACTED]

Web: <http://murieston.communitycouncil.org.uk>

---

10<sup>th</sup> August 2022

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

Your Ref. 0604/FUL/22

Dear Mr McLaren

**Planning Application: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park | Land East of Murieston East Road Murieston Livingston.**

Murieston Community Council wish to lodge an objection to the above planning application for the following reason.

- The Planning Statement refers to a 'Landscape Ecological Management Plan (LEMP). However, it appears that the developer proposes only to present such a plan should the planning application be approved. The Community Council considers this plan as forming a crucial part of the information required to make a valid judgement of the planning application and as such the application is seen as incomplete.

Yours sincerely

[REDACTED]  
Ian Brown  
Planning Secretary  
Murieston Community Council

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mr Ian Shemilt

Address: 25 Murieston Drive Livingston West Lothian EH54 9AU

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: PARKING

Car parking in this area is already at a premium and the area adjacent to the development is frequently congested. This development will result in higher traffic flow in and out a narrow entrance and exit. There have been recent accidents in this area, which can be attested by Police Reports. Vehicle access for deliveries and customers for 2 supermarkets, a hairdressers, a florist and four hot food outlets would not cope with increased traffic as a result of this development.

The application includes the provision of yet another hot food takeaway, which will increase traffic congestion even further.

Williamston primary school recently decided to restrict parental vehicular access. It provided alternative dropping off advice to parents which included parking at the retail park and walking children to school. This will possibly add an additional burden to an already stretched facility.

## TREES

The developer's application referred to "dead or moribund" woodland. This is not the case. There are at least 30 mature trees of at least 10 inches radius which would be destroyed if this application goes ahead. This woodland is part of the extensive woodland along the riverside adjacent to Murieston Trail which is frequently used by dog walkers and pedestrians. The removal of these trees is contrary to the climate change agenda, supported by West Lothian Council.

## AMENITY VALUE

The application claims to add to the location, citing amenity value. The area already supports 3 other restaurants and no evidence that yet another would add value. On the other hand, the

development will encroach on what is currently a peaceful, leafy, quiet walkway by Murieston Water, which is used and enjoyed by many in the locality. It will abut this walkway and change its character for ever.

It should also be noted that there exists facilities next to the Murieston Medical Practice. This building has mostly been lying empty for some years. It would make more sense, in terms of minimising carbon footprints, if this building were maximised, rather than chopping down more trees and ruining quiet, green areas for the sake of yet another food emporium.

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Ms Fiona Donaldson

Address: 16 Bankton Drive Livingston EH54 9EH

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I wish to object to this proposal on the following grounds:

- there have been no substantial changes made since this application was originally submitted and refused. I do not see any information that satisfactorily refutes or mitigates the original reasons for refusal.
- encroachment onto the walkway along the river with no screening (the whole point of the development is to look onto the river)
- removal of existing trees contrary to existing local plans with losses of biodiversity and amenity
- there are already existing commercial units sitting empty in the vicinity that could easily be used for the proposed purpose. To me this does not demonstrate a need for another building and the carbon emissions this will generate.
- development of another fast food outlet right beside two existing units would increase antisocial behaviour in the area

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Ms Gail Wallace

Address: 63 East Bankton Place Murieston Livingston EH54 9BZ

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The surrounding wildlife and countryside has had to endure the installation of a replacement railway station, Millar and Belway housing schemes and more recently the erection and installation of a hairdressing salon. It is only just beginning to show signs of recovery and now this! This restaurant is not necessary to this area and will incur vandalism and break ins taking up already stretched all blue light services. What's wrong with using the empty units beside Murieston Medical Practice? They have lain empty for a long time now so why destroy what little we have left in our nature, environment and wildlife just for what? What about the badger setts, the roe deer and the foxes who live there? All for the sake of Something that is not needed. We need to protect our countryside not allow it to be demolished. It's not only the surrounding trees but the habitat and wildlife that goes hand in hand with them.

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mrs Anne Seenan

Address: 38 East Bankton Place Mureiston Livingston EH54 9DB

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Having read the plans for this development I have been struck that "extension to car park" gives no indication as to how many more spaces will be made available. The existing car park barely copes with the capacity generated by the current businesses . The adjacent car park for the florist, takeaway and new mini market is marked as Private, Customers only and I believe a 2 hour wait time. Given the size of the build for the proposed development use of that car park will not be possible. The building of this over large development will have a detrimental effect on the existing amenity No one will go for a meal /drink and spend 30 minutes.

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mr John Sharp

Address: 4 Murieston Road Murieston South LIVINGSTON EH54 9BB

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Building would intrude on the character of the walkway alongside the Murieston Water (to the east of the proposed location). There would be inevitable removal of existing trees, and unlikely to be sufficient space for any effective screening.

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Miss Sophie Rodger

Address: 124 Huron Avenue Howden Livingston EH54 6LQ

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mr Aryaan Ali

Address: 20 Beech Place Livingston Eh546rb

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mrs Taslim Bashir

Address: 20 Beech place Livingston Eh546rb

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mrs Kirsty Peters

Address: 56 Martin Brae Livingston Eh546ut

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I fully support this development bringing together our community for much needed socialising on our doorstep and helping to beat loneliness and mental health especially for those who can't travel to the restaurants within Livingston centre or further a field. This will also bring jobs and financial support to the local community/ area.

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Miss Jessica Forde

Address: 29 Lochbank Ladywell Livingston EH546EQ

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I support this planning application as i believe it would be a great addition to the area.

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mr ross stevens

Address: 116 netherwood park deans livingston eh548rw

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I use the local train station and the area would benefit from somewhere for users to meet and have a hot drink while waiting on the train as there is nothing else in the area that supplies this .

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mr dennis moran

Address: 48 bankton brae murieston Livingston EH549LA

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:Murieston is in need of more good quality restaurants. We all ready have a couple but turning this area into a small hub of high quality venues would be a boost to all local residents and would also see a welcome injection of income from non-local patrons. This addition in my option would boost income of the existing bars and restaurants too.

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mr Jagir Dhe

Address: 20 Westkip walk Livingston eh549fa

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:A nice Coffee shop/Cafe will be a great addition to this area as a local I would like to see this happen

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mr Sean Callaghan

Address: 30 Wester Bankton Murieston Livingston EH549DY

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I stay in the area and a cafe would be good for the community.

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mr barry peters

Address: 56 martin brae ladywell west livingston eh54 6ut

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:Be a great boost to the Murieston economy and handy for the train station as nothing else of this type in the area

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mr David Svraka

Address: 80 Queens crescent Livingston Eh54 8eg

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mr william miller

Address: 15 alderstone place kirkton livingston village eh54 7fe

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:it would be nice to have a coffee shop/bar in muriston it would bring a new fresh vibe that I feel is well needed and also would create jobs in the local area.

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Miss Saima Ali

Address: 4 Eliburn South Livingston Eh54 6sw

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This would make a great addition to Murrieston.

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mr nikhil reddy kayathi

Address: 197 waverley crescent livingston eh54 8jt

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I support this application as it would nice to have a cafe whilst waiting for the train.

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mr Salman Ali

Address: 4 Eliburn south Livingston EH546SW

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I would like to see this happen and I hope the right decision is mad this time

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mrs Laura Ross

Address: 25 Whitedalehead Road Whitburn Bathgate EH47 8JS

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:It would be great for the local community and would allow new jobs in the area.

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Miss Holly Smart

Address: 20 Heatherbank Ladywell Livingston EH54 6EE

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I support this application, as I think it would be a great addition to the area due to this type of establishment is needed.

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Miss Courtney Hudson

Address: 33 riddochhill road Blackburn EH477et

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mr Ali Haider

Address: 22 Westkip Walk Livingston EH549FA

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I believe a nice coffee shop/cafe/restaurant will be a great addition to the area specially with a balcony which will be great for the dog walkers in the area.

I Support this application which will be great for this area which is needed.

Haider

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mr John Caldwell

Address: Sutherland Way 88 Livingston EH548HX

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This proposal looks like it would bring in a venue that would compete with the better eating establishments in the surrounding area. Please do not let this opportunity pass by.

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mrs Linda Caldwell

Address: 88 Sutherland Way Knightsridge West Livingston EH54 8HX

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This is a wonderful opportunity for Livingston and indeed Muiriston in particular. Apart from the obvious benefits of a financial injection to the retail owners that this would bring into the community, who could wholeheartedly enjoy an evening meal in a place with an ambience quite unique to Livingston. Instead of the hustle and bustle of typical restaurants, this one would present a much more pleasant atmosphere in a beautiful woodland and river setting, that would be quite unique for the town and, an opportunity that the town really shouldn't let pass by.

The artists impression really excites me and at long last an opportunity to dine in a quality establishment you don't have in this area.

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mr James Murray

Address: 51 Ochiltree Drive Mid Calder Livingston EH53 ONX

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I support this application due to the area needing this type of establishment, giving somewhere for us locals to go and enjoy ourselves.

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Ms Nasreen Akhtar

Address: 4 Eliburn South Livingston Eh54 6sw

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:Great to have a restaurant local.

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Ms Nasreen Akhtar

Address: 4 Eliburn South Livingston Eh54 6sw

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:Great to have a restaurant local.

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mr paul leggat

Address: 159 dixon road whitburn eh470py

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I support this application any development that brings business and jobs has my blessing and full support

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mr James Bryce

Address: 126 beech place Livingston Eh546re

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mrs Rabeena Ali

Address: 39 Sutherland Way Livingston Eh54 8ht

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Miss Zoe Arthur

Address: 28 The willows Fife KY12 8FG

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I support the build

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mrs Rabeena Ali

Address: 39 Sutherland Way Livingston Eh54 8ht

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:A nice Coffee shop/Cafe will be a great addition to this area as a local I would like to see this and will bring more jobs in the community.

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Miss Tracy Sutherland

Address: 126 beech place Eliburn Livingston Eh546re

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I would like to support this development in the community.

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Abbie Ingram

Address: 18 Eden drive Livingston EH54 5LB

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mr Brendan Cantwell

Address: 24 bankton Gardens Livingston Eh549dz

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

# Comments for Planning Application 0604/FUL/22

## Application Summary

Application Number: 0604/FUL/22

Address: Land East Of Murieston East Road Murieston Livingston West Lothian

Proposal: Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Case Officer: Steven McLaren

## Customer Details

Name: Mr Thomas Mcconnell

Address: 123 Beech place Livingston eh546re

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: this would be great for Livingston as we need more nice places in the area



# Development Management Committee

19 October 2022

Item 6 - Application : 0604/FUL/22

Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park

Land at Bankton Centre - Livingston



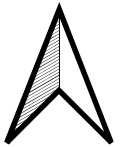


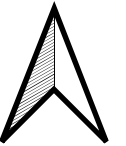
0604/FUL/22 - 38 Westcroft Court - Livingston - EH54 7EW

Development Management - West Lothian Civic Centre - EH54 6FF

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

0 50 100 m





EXTERNAL MATERIALS:-

**Walls** - Dark brown horizontal cladding with recessed 'lime green shadow gap' string courses

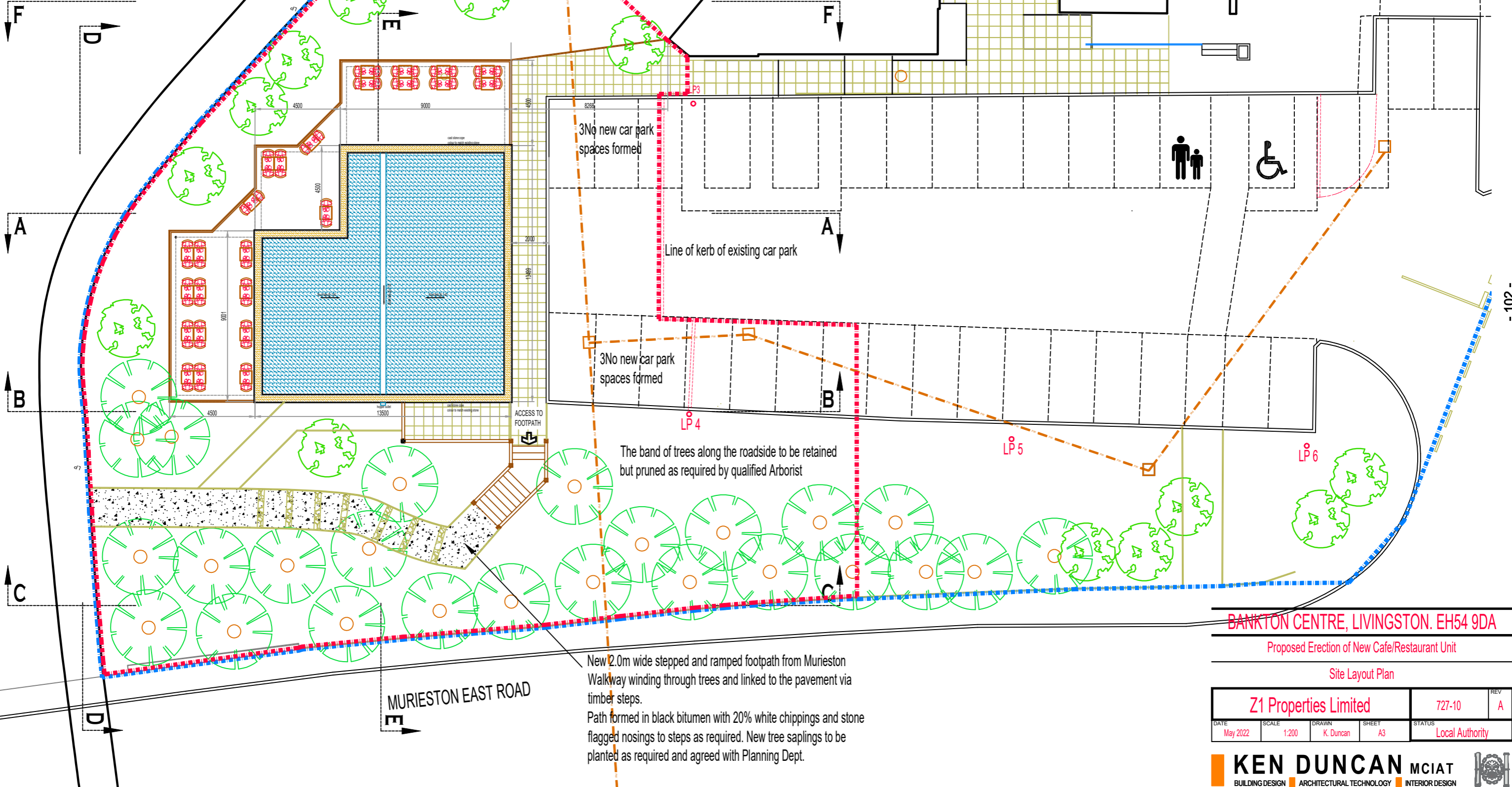
**Roof** - Anthracite Grey coloured single ply roofing membrane

**Doors/Windows** - Aluminium framed D/G system powder coated colour - lime green

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

**Balustrade** - Moulded RW handrails, newel posts and bottom rail stained light brown with 10mm toughened and dark tinted glass panels.

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



1:200 SITE LAYOUT PLAN

BANKTON CENTRE, LIVINGSTON. EH54 9DA  
Proposed Erection of New Cafe/Restaurant Unit

Site Layout Plan

Z1 Properties Limited

727-10

REV  
A

DATE  
May 2022

SCALE  
1:200

DRAWN  
K. Duncan

SHEET  
A3

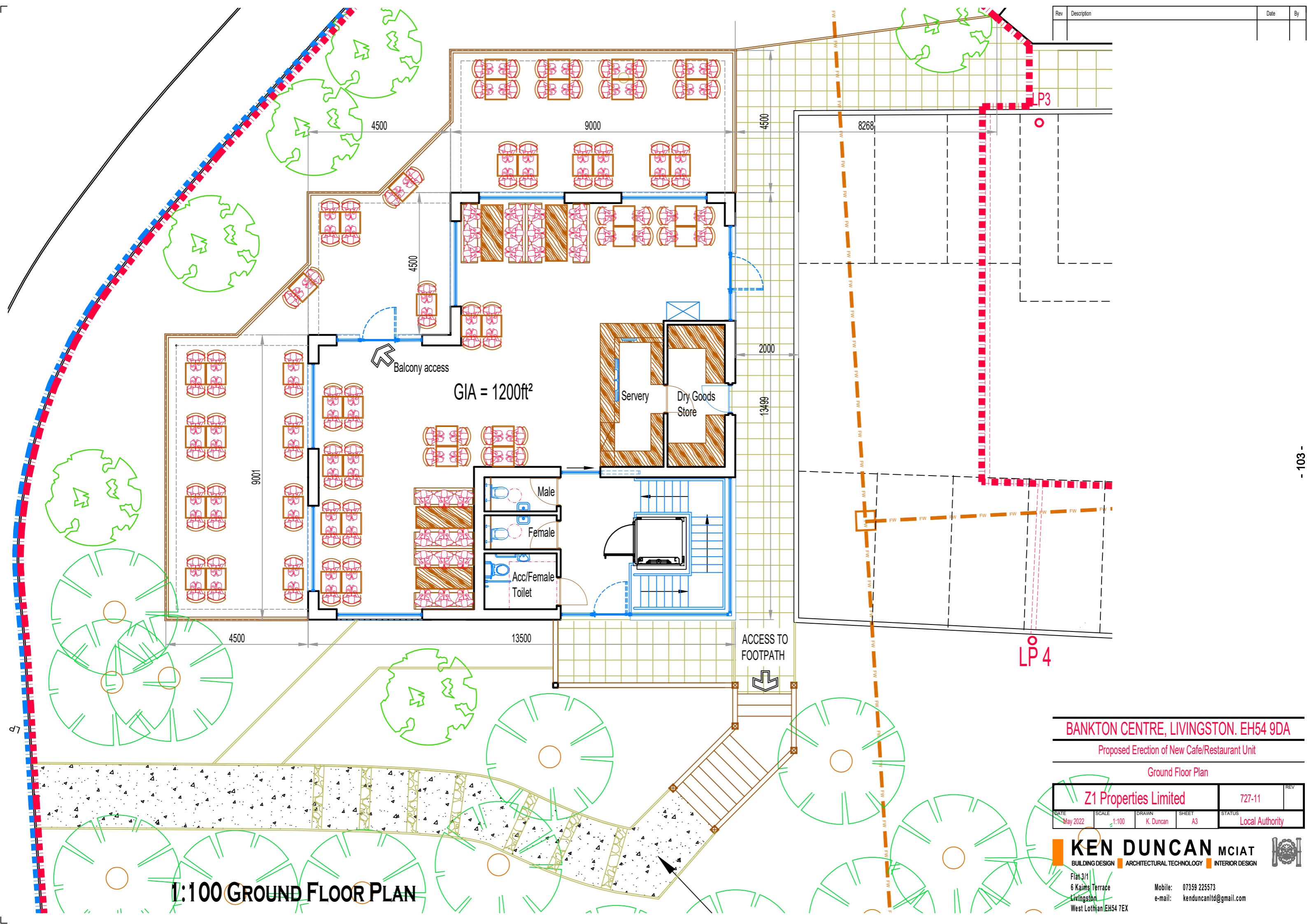
STATUS  
Local Authority

**KEN DUNCAN** MCIAT  
BUILDING DESIGN ARCHITECTURAL TECHNOLOGY INTERIOR DESIGN

Flat 3/1  
6 Kaims Terrace  
Livingston  
West Lothian EH54 7EX

Mobile: 07359 225573  
e-mail: kenduncan1td@gmail.com





1:100 GROUND FLOOR PLAN

BANKTON CENTRE, LIVINGSTON. EH54 9DA

Proposed Erection of New Cafe/Restaurant Unit

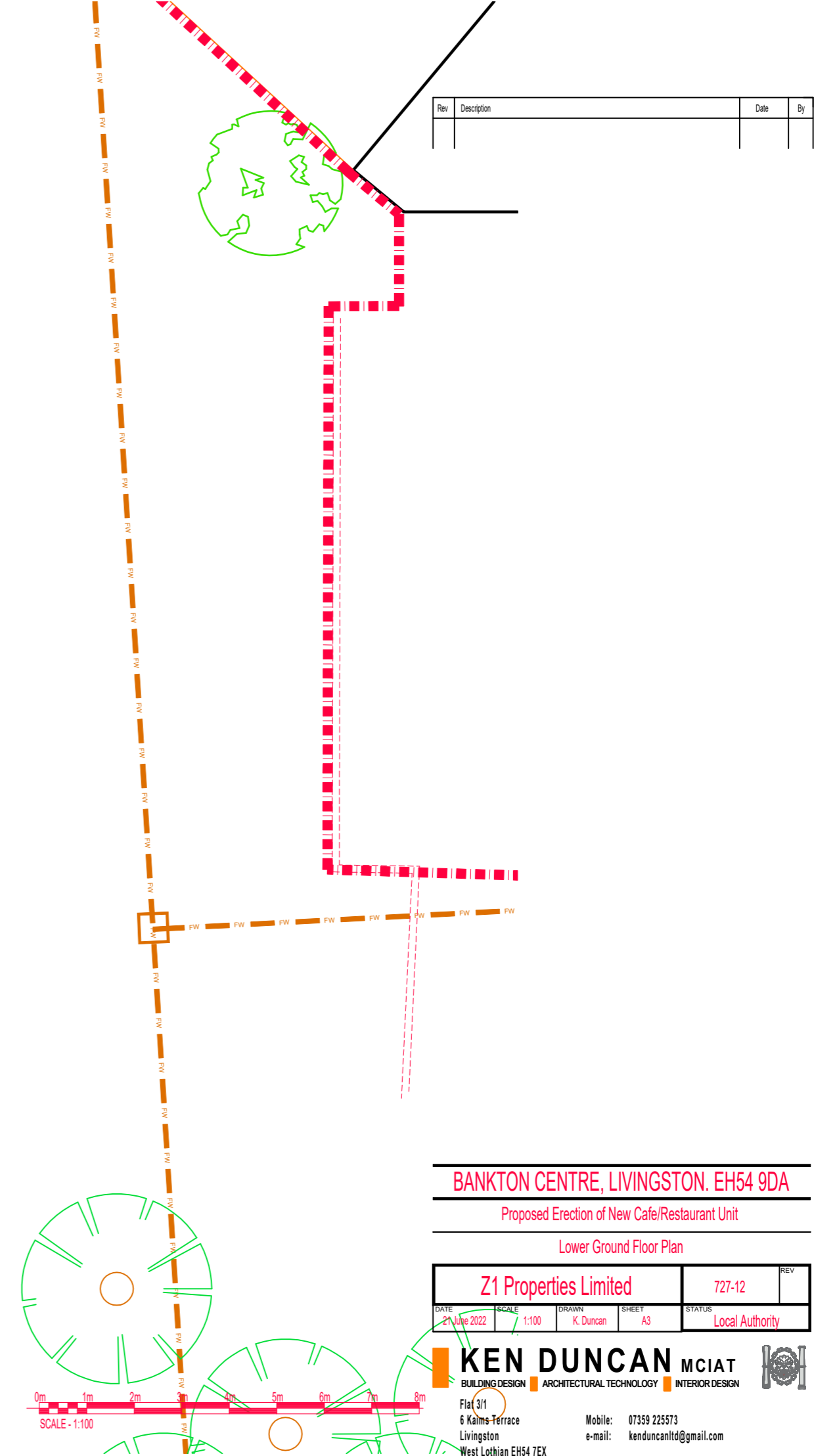
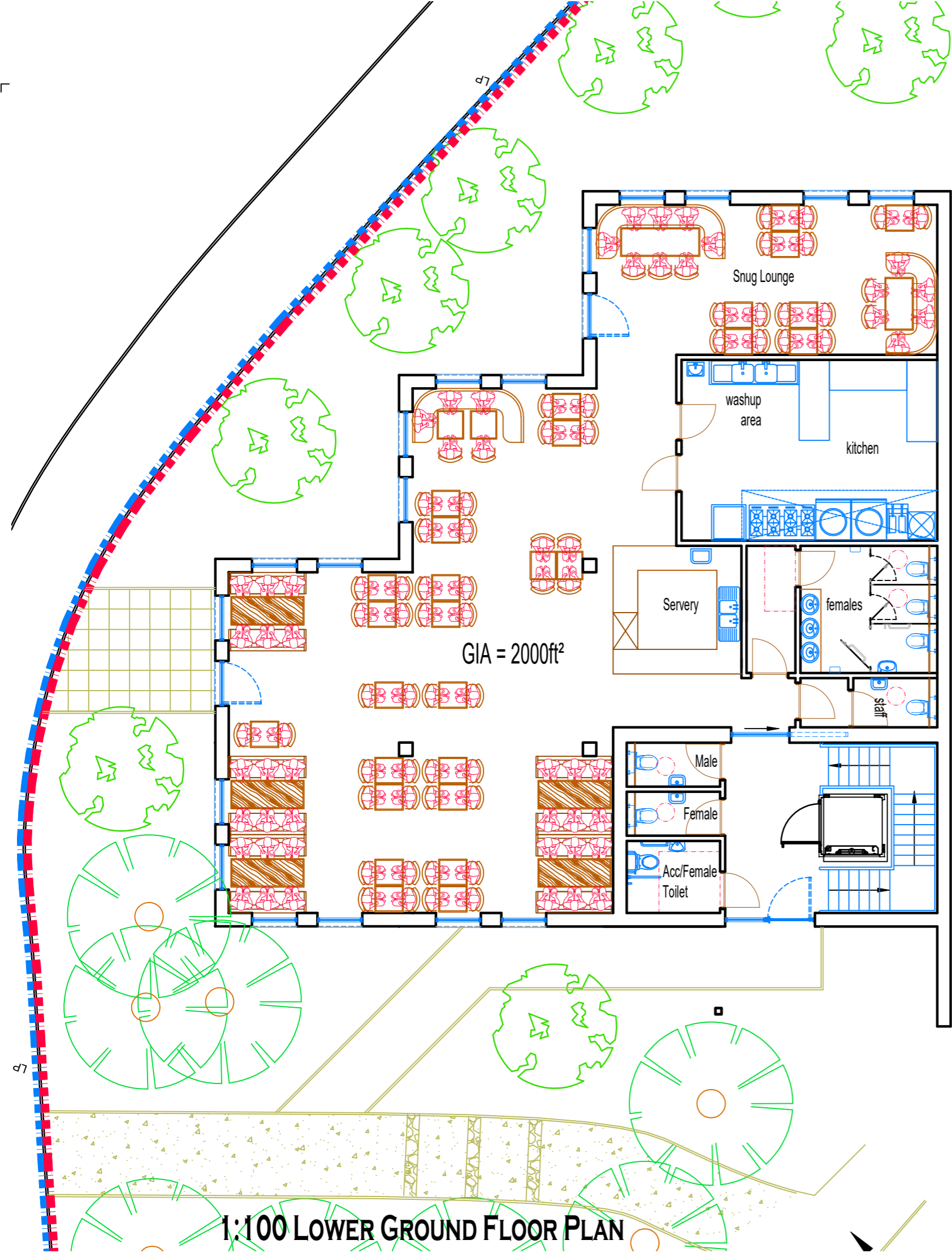
Ground Floor Plan

Z1 Properties Limited		727-11		REV
DATE May 2022	SCALE 1:100	DRAWN K. Duncan	SHEET A3	STATUS Local Authority

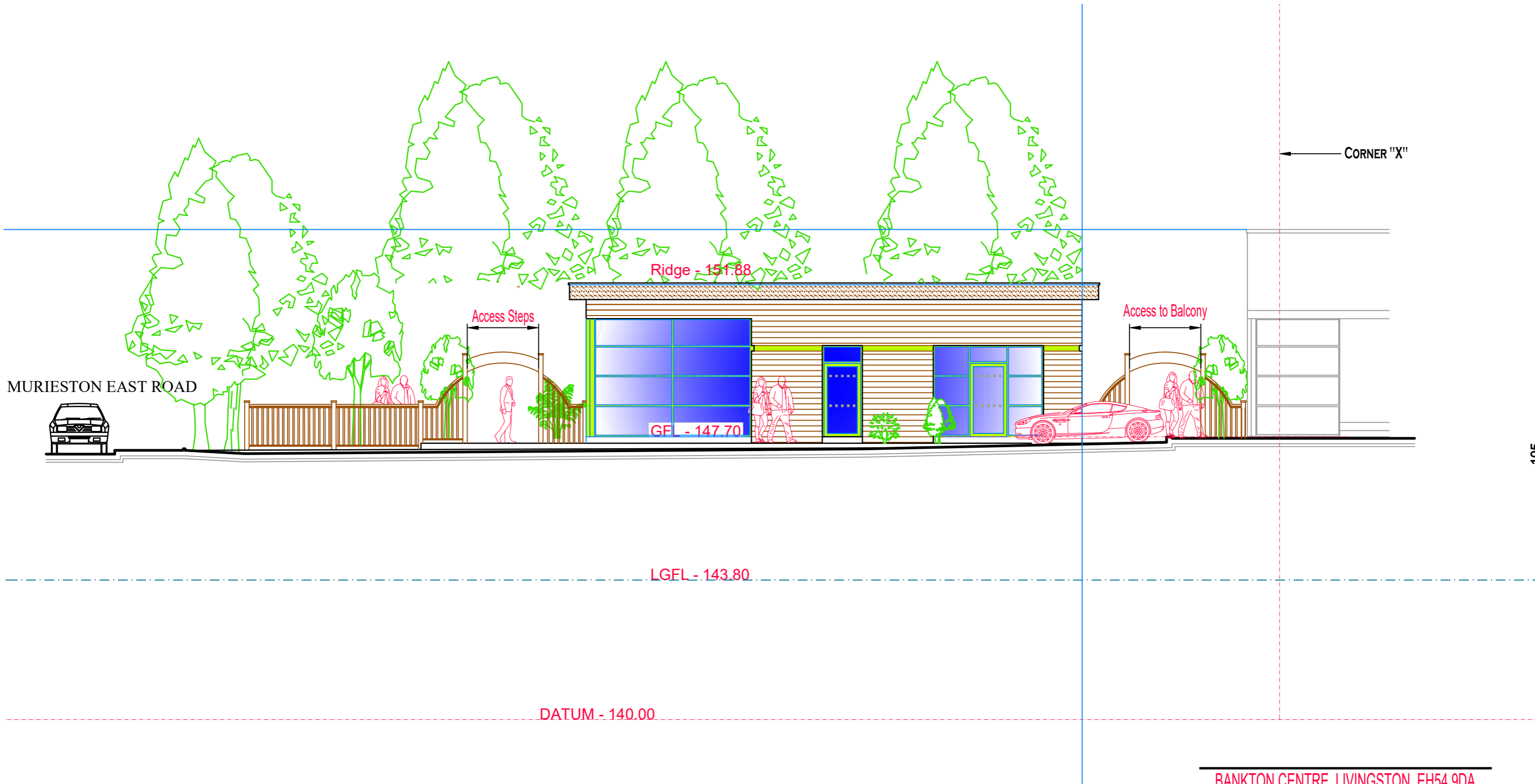
**KEN DUNCAN** MCIAT  
BUILDING DESIGN ARCHITECTURAL TECHNOLOGY INTERIOR DESIGN

Flat 3/1  
6 Kaime Terrace  
Livingston  
West Lothian EH54 7EX

Mobile: 07359 225573  
e-mail: kenduncan1td@gmail.com



Rev	Description	Date	By



BANKTON CENTRE, LIVINGSTON. EH54 9DA

Proposed Erection of New Cafe/Restaurant Unit

West Elevation

Z1 Properties Limited				727-13	REV
DATE 21 June 2022	SCALE 1:100	DRAWN K. Duncan	SHEET A3	STATUS Local Authority	

KEN DUNCAN

MCIAT

BUILDING DESIGN

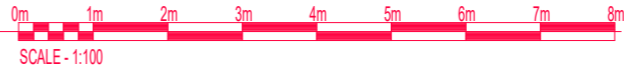
ARCHITECTURAL TECHNOLOGY

INTERIOR DESIGN

Flat 3/1  
6 Kaims Terrace  
Livingston  
West Lothian EH54 7EX

Mobile: 07359 225573  
e-mail: kenduncanltd@gmail.com

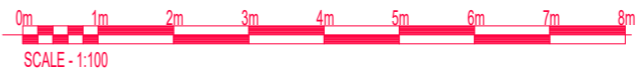
1:100 WEST ELEVATION



Rev	Description	Date	By



1:100 NORTH ELEVATION B-B



BANKTON CENTRE, LIVINGSTON. EH54 9DA

Proposed Erection of New Cafe/Restaurant Unit

Sectional Elevation B-B

Z1 Properties Limited				727-14	REV
DATE 21 June 2022	SCALE 1:100	DRAWN K. Duncan	SHEET A3	STATUS Local Authority	

KEN DUNCAN

BUILDING DESIGN

MCIAT

ARCHITECTURAL TECHNOLOGY

INTERIOR DESIGN

Flat 3/1

6 Kaims Terrace

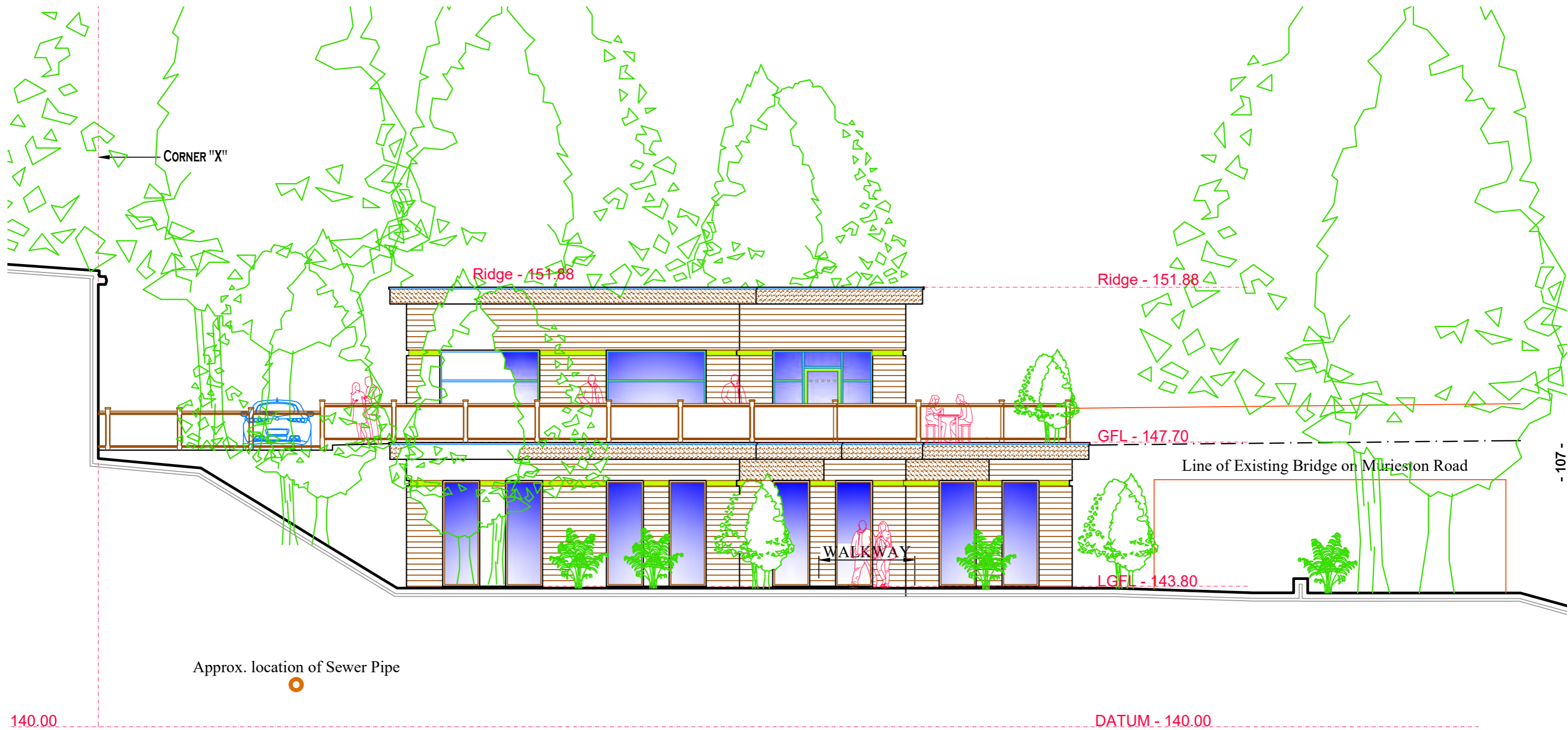
Livingston

West Lothian EH54 7EX

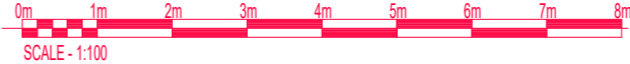
Mobile: 07359 225573

e-mail: kenduncanltd@gmail.com

Rev	Description	Date	By



1:100 SOUTH ELEVATION F-F



BANKTON CENTRE, LIVINGSTON. EH54 9DA				
Proposed Erection of New Cafe/Restaurant Unit				
South Elevation				
Z1 Properties Limited			727-19	REV
DATE May2022	SCALE 1:100	DRAWN K. Duncan	SHEET A3	STATUS Local Authority

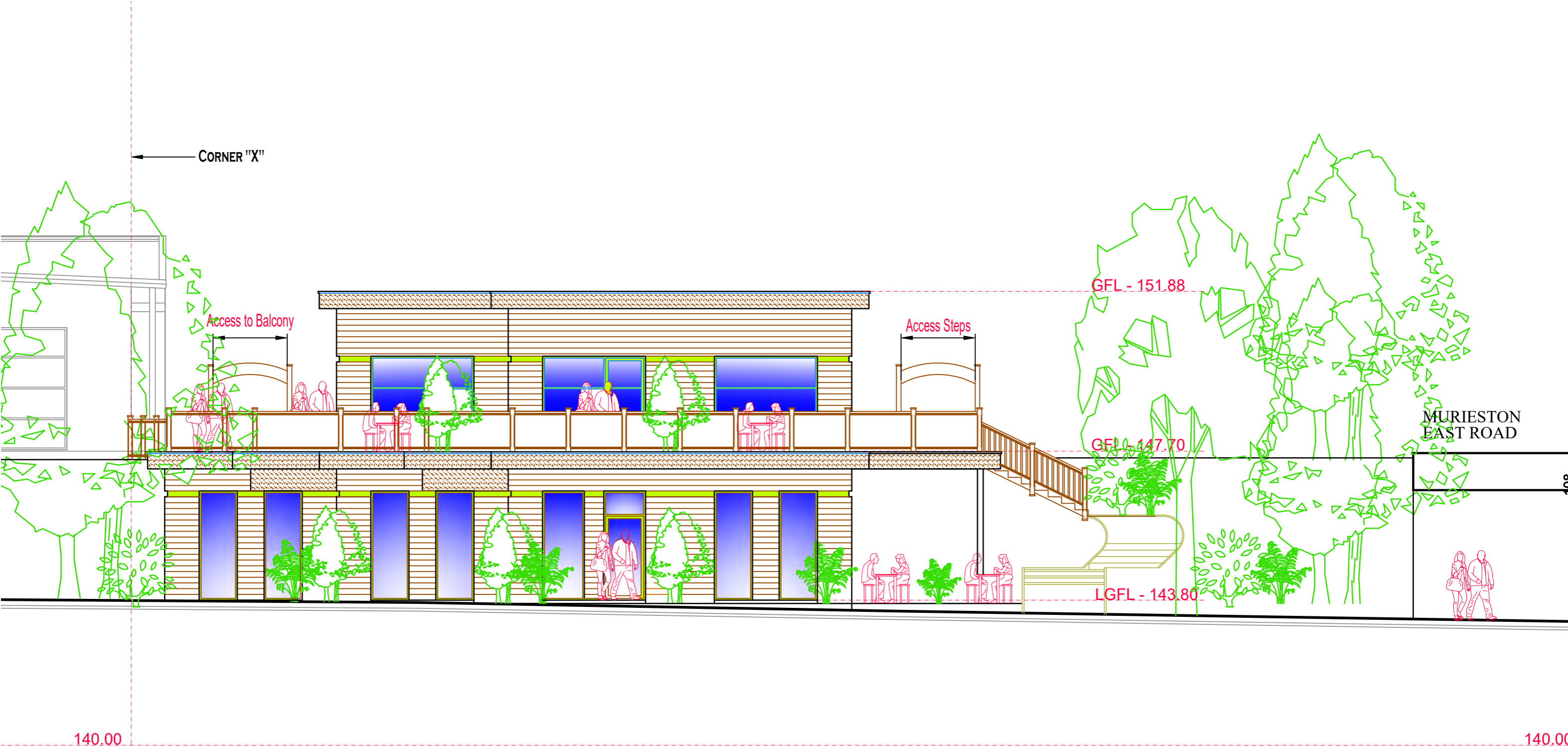
**KEN DUNCAN** MCIAT

BUILDING DESIGN ARCHITECTURAL TECHNOLOGY INTERIOR DESIGN

Flat 3/1  
6 Kaims Terrace  
Livingston  
West Lothian EH54 7EX

Mobile: 07359 225573  
e-mail: kenduncantd@gmail.com

Rev	Description	Date	By



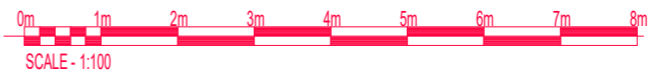
**BANKTON CENTRE, LIVINGSTON. EH54 9DA**  
Proposed Erection of New Cafe/Restaurant Unit  
East Elevation D-D

Z1 Properties Limited				727-16	REV
DATE 21 June 2022	SCALE 1:100	DRAWN K. Duncan	SHEET A3	STATUS Local Authority	

**KEN DUNCAN** MCIAT  
BUILDING DESIGN | ARCHITECTURAL TECHNOLOGY | INTERIOR DESIGN



1:100 EAST ELEVATION D-D



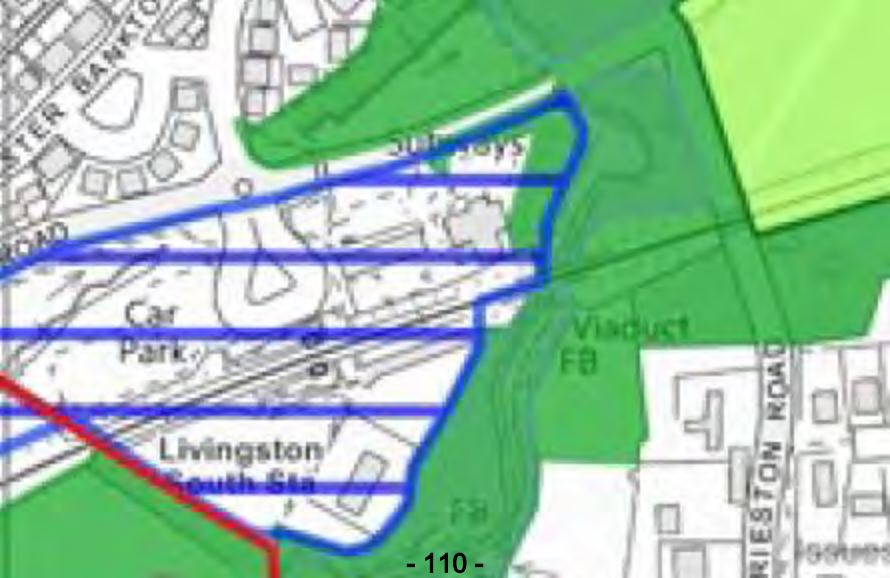
Flat 3/1  
6 Kaims Terrace  
Livingston  
West Lothian EH54 7EX

Mobile: 07359 225573  
e-mail: kenduncanltd@gmail.com



Atmospheric Concept by Violette Chumbe

**Proposed**  
**New Cafe and Restaurant**  
Bankton Centre, Livingston







Approximate area  
of development



View down to  
Murieston Water  
path



View into site from  
Bankton Centre  
car park



View looking north  
along Murieston  
Water path. Site  
lies on left of path



View looking south  
along Murieston  
Water path. Site  
lies on right of path



General view across  
development area



# Development Management

List of Delegated Decisions - 2nd September 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](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	0583/P/22	<b>Recommendation:</b>	Grant Planning Permission in Principle
<b>Proposal:</b>	Planning permission in principle for the erection of 6 houses		
<b>Address:</b>	16 Raw Holdings, East Calder, West Lothian, EH53 0JN (Grid Ref: 309388,667317)		
<b>Applicant:</b>	Mr David Dickson	<b>Type:</b>	Local Application
<b>Ward:</b>	East Livingston & East Calder	<b>Case Officer:</b>	Alexander Calderwood
<b><u>Summary of Representations</u></b>  An objection was received from the River Almond Action Group. They objected for the following reasons: <ul style="list-style-type: none"> <li>- No SWMP or Flood Risk Assessment has been prepared / is available to review on the planning portal</li> <li>- No drainage details have been provided</li> <li>- Would expect to see SuDS features notwithstanding SuDS basins, rain gardens and/or water butts.</li> <li>- The above points are important because the area is at high risk of surface water flooding</li> </ul>			
<b><u>Officers report</u></b>  This application seeks planning permission in principle for the erection of 6 houses.  The relevant policies of the West Lothian Local Development Plan 2018 are: <ul style="list-style-type: none"> <li>- Policy DES 1 (Design Principles)</li> <li>- Policy HOU 1 (Allocated Housing Sites)</li> <li>- Policy CDA 1 (Development in the Previously Identified Core Development Areas)</li> </ul> The application site is located at the southern end of the East Calder Core Development Area (CDA) and is within an allocated housing site. It is bound by Langton Road to the south, the NCR75 to the east and fields to the north and west. However, the latter are currently			

being developed out as part of the CDA. This particular section was approved as part of a master plan for 276 houses and 24 flats under application LIVE/0198/FUL/15. The principle of residential development on the site is acceptable.

The application site is located in a corner of the CDA and covers an area of approximately 3,700 sqm. The NCR75 forms an integral part of the CDA and the approved masterplan for the wider area in East Calder. As part of the wider scheme the NCR75 is being upgraded and brought up to an adoptable standard, with a 3 metre wide cycle path and footpath. This will allow for an uninterrupted stretch of cycle and footpath throughout the entirety of the masterplan area and the village of East Calder; and provide a green access route to the areas beyond.

The applicant is required to upgrade the section of the NCR75 that immediately joins their site as part of any approval. The requirement to do this will be attached as a condition to the decision notice. The length of the segment which they require to upgrade is approximately 90 metres, and is the final segment which will connect Langton Road to the wider masterplan area.

The council's Flood Management team has confirmed that there is not a flood risk issue in relation to this site and that the final drainage and SUDs proposals can be conditioned at this stage and dealt with as part of the detailed proposals.

With the attachment of the aforementioned conditions, the proposal is acceptable under Policy DES 1, Policy CDA 1 and Policy HOU 1 of the West Lothian Local Development Plan 2018 and it is recommended that Permission in Principle is granted.

<b>Ref. No.:</b>	0629/FUL/22	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Erection of replacement 3,550 sqm primary school, car park and servicing areas, compounds, installation of MUGA and alteration and extension of play spaces, landscaping and associated works		
<b>Address:</b>	Land To The East Of East Calder Primary School, Main Street, East Calder, Livingston, West Lothian (Grid Ref: 308518,667740)		
<b>Applicant:</b>	Mr Andrew Mackie West Lothian Council	<b>Type:</b>	Local Application
<b>Ward:</b>	East Livingston & East Calder	<b>Case Officer:</b>	Gillian Cyphus
<b><u>Summary of Representations</u></b>  One objection has been received raising the following concerns - design of the building is inappropriate and it would be better to refurbish the existing school - visual impact on nearby residents - noise and disturbance to nearby residents - loss of sunlight and increase in wind			
<b><u>Officers report</u></b>  The application is for a new primary school in East Calder to replace the existing primary school on this site. The new school will be two storey with a mono pitched roof with a maximum height of approximately 10.7m. It will be constructed on the existing playing field to the east of the current school building. The existing building will be demolished to make way for a new playing field and MUGA. The vehicle access points to the site will remain, although a tree will be removed in the existing car park to alter the internal road layout. The current nursery building will remain in situ. The site is surrounding by residential properties, with a public footpath and landscaping running along the southern boundary between the site and the houses.  The use of the site as a primary school is already established and is appropriate for this location. The new building is of a modern and high-quality design and will have a positive visual impact on the area.  Whilst it acknowledged that the redevelopment of the site will bring the school building and the play facilities closer to some of the existing houses, it will not have a significant detrimental impact on privacy or amenity. Appropriate conditions can be used to limit noise and disturbance during the construction phase of the development.  The application complies with policy DES 1 (Design) of the adopted West Lothian Local Development Plan and it is recommended that planning permission is granted.			

# Development Management

List of Delegated Decisions - 9th September 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](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	0221/FUL/21	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Erection of 12 houses with associated works (variation to 0466/FUL/11)		
<b>Address:</b>	Land At Meadow Crescent, Fauldhouse, West Lothian, , (Grid Ref: 305280,667171)		
<b>Applicant:</b>	M&M Executive	<b>Type:</b>	Local Application
<b>Ward:</b>	Fauldhouse & The Breich Valley	<b>Case Officer:</b>	Matthew Watson

## Summary of Representations

Three objections:

- Objects as the site has not been remediated yet
- Impact on road safety
- Impact on wildlife
- Impact of construction noise on surrounding residents

## Officers report

The application proposes the erection of 12 houses with associated works as a variation to the 8 houses granted under application 0466/FUL/11.

The principle of development has been accepted under the granting of application 0466/FUL/11 in February 2021. The design and layout is acceptable and will result in a marked improvement on the current state of the site.

The remediation strategy for the site has been found to be competent by the council's Contaminated Land Advisor and SEPA.

Technical matters relating to remediation, tree protection and drainage will be covered by planning condition. A condition on construction hours and noise will also be attached.

Overall, and in view of the above, it is recommended that planning permission, subject to conditions and a Section 75 legal agreement to secure developer contributions.



<b>Ref. No.:</b>	0550/H/22	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Erection of a garden room		
<b>Address:</b>	155 Spottiswoode Gardens, Mid Calder, Livingston, West Lothian, EH53 0JY (Grid Ref: 307217,666860)		
<b>Applicant:</b>	Mr Ross Iwaniec Urban Pods	<b>Type:</b>	Local Application
<b>Ward:</b>	East Livingston & East Calder	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

1 objection and 1 neutral comment received.

- Location of garden room.

Planning response -

- Location and site plan provided.

### **Officers report**

This application proposes the erection of a garden room at 155 Spottiswoode Gardens, Mid Calder.

The garden room is to replace an existing detached garage.

The proposed garden room measures 3.570m x 5.000m and is to be 2.800m in overall height from ground level to the eaves of the proposed flat roof. The garden room will feature roof lanterns, 2 x full height windows within the side elevation which will overlook the applicants own property, and sliding patio doors which will open out onto a small covered decking and will overlook into the applicants own garden area. The proposed works will not directly overlook any neighbouring property or garden to a significant extent and will be sufficiently screened with boundary fencing.

The external finishing materials proposed for the works are to be aluminium and timber cladding.

The works have also been revised since the initial submission in order to allow for a driveway measuring 6m in length, in line with the guidance given in the House Extension and Alteration Design Guide 2020.

The proposed works are of a similar size and scale to the existing garage and as a result the proposed works will not result in any additional impacts which could be considered significant or detrimental. The proposed works are also of a scale which appear subservient to the existing property and are considerate to the surrounding streetscene. As a result, the works will neither adversely impact upon the visual or residential amenity.

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



<b>Ref. No.:</b>	0662/A/22	<b>Recommendation:</b>	Refuse Advertisement Consent
<b>Proposal:</b>	Display of 1 illuminated fascia sign (in retrospect)		
<b>Address:</b>	142 West Main Street, Whitburn, West Lothian, EH47 0QR, (Grid Ref: 294229,664920)		
<b>Applicant:</b>	Mr Hung Tran	<b>Type:</b>	Other
<b>Ward:</b>	Whitburn & Blackburn	<b>Case Officer:</b>	Rachael Lyall
<b><u>Summary of Representations</u></b>			
N/A			
<b><u>Officers report</u></b>			
<p>This application seeks retrospective advertisement consent for the display of 1 illuminated fascia sign at 142 West Main Street, Whitburn.</p> <p>The fascia signage measures 7.900m x 0.950m and projects from the front elevation by 0.950m. The di-bond signage is internally illuminated and is wrapped with brown maroon vinyl. The sign features logo and lettering in a white and orange colour which has been printed on the vinyl backing.</p> <p>Roads &amp; Transportation has raised no objections to the proposal.</p> <p>The sign is larger than the one it replaced and is considered to be out of scale with the building and will detrimentally impact upon the visual amenity of the streetscene.</p> <p>This proposal is therefore contrary to policy DES1 (Design Principles) of the West Lothian Local Development Plan 2018.</p> <p>It is recommended that advertisement consent be refused.</p>			



# **Proposed Enforcement Actions – 09/09/2022**

<b>Ref. No.</b>	<b>Owner/ Developer</b>	<b>Location &amp; Alleged Breach of Planning Control</b>	<b>Ward</b>	<b>Proposed action</b>	<b>Reasons for decision and summary steps to comply if applicable</b>
ENF/0219/22	Karen & Keith Kelly	19 Bankton Park West Murieston Livingston West Lothian EH54 9BP  Erection of shed	Livingston South	TNA	The shed is a minor breach of planning control. This is not in the public interest to take any formal enforcement action.  No further action will be taken on this case.
ENF/0270/19	Kenny & Lisa Chan	20 Main Street Deans Livingston West Lothian EH54 8BE  Not in accordance with approved plans (1178/FUL/18) Air conditioning unit	Livingston North	TNA	A site visit was carried out June 2022 and was noted the air conditioning unit has been relocated. Environmental Health have confirmed the relocated air condoning unit will help the original complaint as it is now located at the back of the property and facing away from the residential properties.  No further action will be taken on this case.

# Development Management

List of Delegated Decisions - 16th September 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](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	0301/FUL/22	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Erection of extension and alterations to provide a new main entrance, 64 place nursery and extended gym hall, car park, grass pitch, MUGA and associated fencing and landscaping		
<b>Address:</b>	St Paul's Primary School, Main Street, East Calder, West Lothian, EH53 0ES (Grid Ref: 309005,667945)		
<b>Applicant:</b>	West Lothian Council	<b>Type:</b>	Local Application
<b>Ward:</b>	East Livingston & East Calder	<b>Case Officer:</b>	Gillian Cyphus

## **Summary of Representations**

One representation has been received, concerned about the loss of public open space. However, the principle of extending the school onto this site has already been established.

## **Officers report**

This application relates to an extension to the existing primary school to provide additional capacity and improved facilities. The proposals also include new sports facilities, car parking and an improved vehicle access. The new playing field and car park are to be constructed on land which is currently public open space. However, the principle of extending the school onto this site has already been established by planning application 0609/FUL/15 which was granted in May 2021.

The current application therefore relates only to the detail of the proposal and not to the principle of developing this site. The design and layout are acceptable and the application complies with policy DES1 (Design principles) in the adopted West Lothian Local Development Plan. It is therefore recommended that planning permission be granted.

<b>Ref. No.:</b>	0482/H/22	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Extension to house and formation of a raised decking		
<b>Address:</b>	29 Bedlormie Drive, Blackridge, West Lothian, EH48 3RT (Grid Ref: 289003,666842)		
<b>Applicant:</b>	Ms Lauren Jones	<b>Type:</b>	Local Application
<b>Ward:</b>	Armadale & Blackridge	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

One objection comment received -

- Distance from neighbouring property,
- Height and length of proposed works and decking,
- Impact on overshadowing/natural light,
- Impact on privacy,
- Noise from potential extractor fan for en-suite,
- Overbearing impact caused by side elevation of extension.

Planning response -

- Although it is advised that works should sit at least 1m from the neighbouring boundary, it is to be noted that there is no legal prohibition to extending right up to your boundary,
- See officers report,
- See officers report,
- See officers report,
- Not a material planning consideration,
- See officers report.

### **Officers report**

This application proposes the erection of a single storey rear extension onto the property located at 29 Bedlormie Drive, Blackridge.

The proposal has been revised since the initial submission in which the previously proposed decking has been removed, in order to reduce the overlooking impact, and the proposed height and roof style of the works has also been revised to slightly reduce overshadowing and dominance. The proposal previously proposed a flat roof style, which sat 4.040m high above ground level, however, the works now propose a slight pitched roof which now sits 4.000m in height overall.

The proposed works are to measure 4.300m x 7.800m and feature a window and patio doors on the rear elevation, which will directly overlook and open out into the applicant's rear garden area. The finishing materials proposed for the external walls of the works are to match those of the existing property and the pitched roof is to be finished using a dark grey single ply membrane.

The works will result in some additional overshadowing to the west between 8am and 10am. However, the works will overshadow the applicant's own property and garden the remainder of the day. The proposed works adhere to BRE guidelines regarding right to light which recommends that at least half of a neighbouring garden or open space should receive at least two hours sunlight on March 21.

It is to be noted that the extension sits at a height which could be erected under permitted development rights. Permitted development rights would also allow for an extension which would measure 3m in length, the proposed works measure 4.300m in length which is 1.3m more than could be allowed without planning permission. It is considered that this additional 1.3m, does not result in any significant or adverse impacts.

In addition, it is considered that the existing neighbouring gardens are already overlooked due to minimal screening on the neighbouring boundaries, therefore, the proposed works will not result in any additional overlooking which would detrimentally impact upon the residential properties or existing rear gardens any more than is caused currently by the existing raised steps and patios doors on the rear elevation of the main house.

The proposed works are of an acceptable scale which will appear subservient to the existing property and will still allow for sufficient usable garden ground. The works will not be visible from the main street and will therefore not significantly impact upon the visual amenity of the street scene.

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

<b>Ref. No.:</b>	0604/FUL/22	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Erection of a 298 sqm restaurant / bar and cafe /hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park		
<b>Address:</b>	Land East of Murieston East Road, Murieston, Livingston, West Lothian (Grid Ref: 306073,665941)		
<b>Applicant:</b>	Mr Asghar Ali Z1 Properties Ltd	<b>Type:</b>	Local Application
<b>Ward:</b>	Livingston South	<b>Case Officer:</b>	Steven McLaren

### **Summary of Representations**

There have been 41 comments made on this application, 33 in support and 8 objections, including one from Murieston Community Council. Objections relate to:

- Loss of trees and impact on wildlife
- impact on environmental amenity
- Impact on character and landscape of Murieston Water path
- Insufficient parking
- Scale of building
- Over development
- Vacant units available elsewhere
- Proposed facility not needed
- No substantial change since previous refusal

### **Officers report**

The applicant seeks to build a split-level building containing a restaurant/bar and cafe with hot food take-away with balcony terrace on a tree covered embankment on the eastern edge of the Bankton Centre local centre. A timber staircase is proposed on the embankment to link Bankton Centre with Murieston Water footpath and the existing car parking is to be extended into an area intended for tree planting for an adjacent development.

This application is a revised scheme for proposals previously refused and then refused at the Local Review Body. Whilst the local centre is identified in the adopted local development plan for a variety of uses, including restaurants etc. the proposals extend from the car park at the local centre down the embankment to the Murieston Water footpath. The design of the building has improved since the previous submission and would be finished in dark brown cladding, however, the overall concept and impact on the area remains unchanged.

The trees in this area are covered by TPO No.2 1965 Mid Lothian and the site lies within an area identified as protected open space in the adopted LDP. The proposed extension to the car park will also result in the loss of a grassed area intended for tree planting following the completion of an adjacent triangular building, to the detriment of the visual and environmental amenity of the area.

The proposal therefore results in an over development of the area with a building of a scale inappropriate for the setting and resulting in tree loss within a TPO and area of protected as open space. The proposals are therefore contrary to the following policies of the adopted West Lothian Local Development Plan, 2018 and the recommendation is to refuse planning permission.

DES1 (design principles)

ENV1 (landscape character and special landscape areas)

ENV9 (woodland, forestry, trees and hedgerows)

ENV10 (protection of urban woodland)

ENV21 (protection of formal and informal open space)

<b>Ref. No.:</b>	0670/FUL/22	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Change of use of former day centre with alterations and extension to form hot food takeaway and ice cream parlour with seating facility and installation of flue		
<b>Address:</b>	The Pavillon, Whitburn Road, Bathgate EH48 2RF, (Grid Ref: 296771,668115)		
<b>Applicant:</b>	Mr Muhamnmad Arshad	<b>Type:</b>	Local Application
<b>Ward:</b>	Bathgate	<b>Case Officer:</b>	Kirsty Hope

### **Summary of Representations**

17 objections have been received on the following grounds:

- Increase noise and amenity concerns with late openings
- Increase traffic, road safety and parking concerns
- Site needs renovation or demolition, however, not as a hot food takeaway use.
- Litter
- Odours
- Increase anti-social behaviour and crime
- Impact on privacy
- Not in keeping with the character of the surrounding area

### **Officers report**

This proposed application involves the change of use of former day centre with alterations and extension to form hot food takeaway and ice cream parlour with seating facility as well as the installation of a flue. The application site fronts Whitburn Road and is within a residential area.

The existing building is a single storey building approximately 35sqm (with a 10sqm covered area) and pitched roof. The building is currently in disrepair, enclosed, with no vehicular access. The proposed changes include a flat roof extension to increase the floor area to 108sqm, which would extend the building to adjoin the footway at Whitburn Road.

The applicant has failed to demonstrate it has considered other premises within the town centre, therefore the proposal is contrary to policy TCR 2 (Town Centres First Sequential Approach) of the LDP.

In relation to policy TCR 3 (Commercial Entertainment and Hot Food Premises) the proposal is contrary as it has not been demonstrated that there will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance to the residential properties nearby, litter or odours and there is no parking provision within the site.

The proposed flue is out of proportion with the building and has a detrimental impact on the visual amenity of the surrounding residential area contrary to Policy DES1 (Design Principles)

WLC Roads and Transportation has concerns in relation to lack of parking, pedestrian safety, as well as visibility restrictions with on-street parking, given the nearby junctions.

The proposal is therefore recommended for refusal.

<b>Ref. No.:</b>	0736/H/22	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Extension to house		
<b>Address:</b>	43 Glen Crescent, Deans, Livingston, West Lothian, EH54 8BT (Grid Ref: 302405,668751)		
<b>Applicant:</b>	Mr G Stewart & Ms J MacCallum	<b>Type:</b>	Local Application
<b>Ward:</b>	Livingston North	<b>Case Officer:</b>	Lucy Hoad

### **Summary of Representations**

1 representation of support for the development

1No representation objecting to the development. Main points raised:

Use as air B&B

Maintenance of hedging/road safety

### **Officers report**

The property is a 2-storey semi-detached dwellinghouse of render and tile.

The application seeks planning consent for the erection of a single storey extension to the gable (north west) elevation of the property. The works will provide an additional en-suite bedroom at ground floor level.

The extension (3320 x 7740mm) with pitched roof design is to be set back slightly from the front building line. The angle of roof pitch will reflect that of the main roof. No details of external materials are provided at this stage in the process.

Policy DES1 (Design Principles) states that all development proposals will require to take account of and be integrated with the local context and built form.

In terms of layout and design, the proposed addition is visually acceptable in terms of mass and scale, being subordinate in appearance to the main building, and will not overload the property. The works do not impact the existing parking provision situated to the front of the dwelling. There is ample garden ground remaining to serve the property.

In terms of amenity, there are no issues of significant concern to warrant refusal of the application. It is noted that windows are proposed to the gable/side of the extension fronting the neighbour, however these belong to a bathroom and bedroom so a condition could be applied to ensure use of obscure glazing for this elevation, as the bedroom would receive light from the rear glazed door.

Overall, the proposed development is suitable within the context of the surrounding area and does not raise any issues of design, amenity or road safety.

This proposal adheres to West Lothian Council's Local Development Plan's DES1 (Design Principles) Policy.

It is recommended that the application be approved subject to agreement to external materials and use of obscure glazing.

# **Proposed Enforcement Actions – 16/09/2022**

<b>Ref. No.</b>	<b>Owner/ Developer</b>	<b>Location &amp; Alleged Breach of Planning Control</b>	<b>Ward</b>	<b>Proposed action</b>	<b>Reasons for decision and summary steps to comply if applicable</b>
ENF/0330/20	Not Known	Land to the rear of 17 East End West Calder West Lothian EH55 8AB  Siting of containers	Fauldhouse & The Breich Valley	Take No Action	The containers do not cause demonstrable harm and it is not in the public interest to take formal enforcement action.  No further action will be taken on this case.

## Development Management

List of Delegated Decisions - 23rd September 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](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	0646/FUL/22	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Installation of external plant to the rear of retail unit		
<b>Address:</b>	Units 5 & 6, Stockbridge Retail Park, Falkirk Road, Linlithgow, EH49 7AS (Grid Ref: 305280,667171)		
<b>Applicant:</b>	Marks & Spencer plc	<b>Type:</b>	Local Application
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Alexander Calderwood

### Summary of Representations

1 objection was received from a resident of Belsyde Court, immediately west of the application site, concerned that the external plant will have an adverse impact on their residential amenity in terms of noise. They noted that there is already an issue with noise generated by the other adjacent retail units and that this will be exacerbated by the current proposal.

### Officers report

This application seeks full planning permission for the installation of an external plant to the rear of a retail unit at Units 5 & 6, Stockbridge Retail Park, Falkirk Road, Linlithgow.

The relevant policies of the West Lothian Local Development Plan 2018 are:

Policy DES 1 (Design Principles); Policy TCR 2 (Town Centres First Sequential Approach); Policy EMG 5 (Noise).

The external plant is to be located to the rear of the retail unit and is located within the service area associated with the retail units. Residential development is situated approximately 22 metres to the west at Belsyde Crescent. The service area is screened from the residential area by a fence of approximately 3 metres in height and also vegetation. The proposed plant area is not readily visible from the wider area and is functional in character and design. It will not have any adverse implications for the character of the surrounding area. The site falls within a commercial centre.

Transportation raised no objection to the application. Environmental Health advised that whilst they do not object to the proposals, they do require conditions to be attached to the decision notice relating to the control of noise. These conditions will ensure that there is no adverse impact on the neighbouring properties in terms of noise.

The proposals therefore comply with Policy DES 1, Policy TCR 2 and Policy EMG 5 of the West Lothian Local Development Plan, 2018 and approval is recommended.

# Development Management

List of Delegated Decisions - 30th September 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](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	0570/H/22	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Erection of a garage		
<b>Address:</b>	2 Thomson Road, Armadale, Bathgate, West Lothian, EH48 3GJ (Grid Ref: 293651,667067)		
<b>Applicant:</b>	Mr Martin Graham	<b>Type:</b>	Local Application
<b>Ward:</b>	Armadale & Blackridge	<b>Case Officer:</b>	Rachael Lyall
<b><u>Summary of Representations</u></b>  Three objection comments received - <ul style="list-style-type: none"> <li>- Overall height of garage,</li> <li>- External finish of garage integrating with surroundings,</li> <li>- Impact on overshadowing and daylight,</li> <li>- Intended use of garage,</li> <li>- Distance of works from neighbouring boundary,</li> <li>- Impact on boundary fence,</li> <li>- Impact on visual amenity.</li> </ul> Planning response - <ul style="list-style-type: none"> <li>- The height of the garage has been revised since the initial submission and has been reduced in height by 1.95m. It is to be noted that a garage measuring 2.5m in overall height without planning permission. It is noted that the proposed garage only sits 0.930m above permitted development height,</li> <li>- It is not considered that the proposed external finishes significantly impact upon the visual amenity of the surrounding area,</li> <li>- See officers report,</li> <li>- A condition has been attached to the decision notice stating the the garage will be used for domestic purpose only,</li> <li>- It is typically advised that developments should sit at least 1m away from any neighbouring boundary, however it is to be noted that there is no legal prohibition to extending or developing right up to your boundary,</li> <li>- The plans state that works will be erected and externally finished form within the applicants boundary and shows that the existing boundary fence in to remain in place,</li> <li>- See officers report.</li> </ul>			

### **Officers report**

This planning application proposes the erection of a detached garage at the property located at 2 Thomson Road, Armadale.

The proposal has been revised since the initial submission in which the roof style, overall height and length has been revised and reduced in order to reduce the visual impact, overall scale and to allow for a driveway in front of the garage measuring 6m in length, in line with guidance given in the House Extension and Alteration Design Guidelines, 2020.

The proposed garage is to now measure 5.624m x 2.578m and is to be 3.430m in overall height from ground level to the ridgeline of the proposed hipped roof. The garage is to feature two velux roof lights within the roof space, a single door within the side elevation and a garage door on the front elevation which will open out into the proposed extended driveway and main streetscene. The proposed garage will not feature any openings which will impact upon the privacy of an neighbouring property and will not directly overlook any rear garden or habitable room. The proposed garage is to be externally finished with a harling finishing on the front elevation and a buff facing brick on the remaining elevations which is to be similar to the external bricks used for various details on the existing properties nearby.

The works also look to extend the existing driveway in width and erect a new fence to the side of the proposed driveway which is to match with the existing boundary fence in height finish and materials.

The garage will sit slightly above the existing boundary fence, in which it is to be noted that the existing boundary fence will currently result in overshadowing onto the neighbouring properties. It is considered that the additional overshadowing caused by the propose garages is not detrimental and will not significantly impact upon any usable neighbouring rear garden or habitable room. The works adhere to BRE guidance which recommends that at least half of the garden or open space can receive at least two hours sunlight on March 21.

It is considered that the works are of an acceptable scale which appear subservient to the existing property and the surrounding garages, specifically the double garage located at no.10. The proposed materials are considered to integrate with the existing property and streetscene and the proposed works will still allow for sufficient garden ground and parking spaces to the rear of the property. The works are not considered to adversely impact upon either the visual or residential amenity.



# Development Management

## List of Delegated Decisions - 7th October 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](mailto:planning@westlothian.gov.uk) no later than 12 Noon, 7 days from the date of this list.

<b>Ref. No.:</b>	0704/H/22	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Erection of summer house (in retrospect)		
<b>Address:</b>	102 Hare Moss View, Whitburn, West Lothian, EH47 0BF (Grid Ref: 292965,664033)		
<b>Applicant:</b>	Mr Kevin Kerr	<b>Type:</b>	Local Application
<b>Ward:</b>	Whitburn & Blackburn	<b>Case Officer:</b>	Rachael Lyall
<b><u>Summary of Representations</u></b>  2 anonymous objection comments received - - Proximity to neighbouring boundaries, - Removal of boundary fence, - Impact on overshadowing, - Impact on visual amenity.  Planning response - - Although it is advised that developments should sit at least 1m from any neighbouring boundary as good practice, it is to be noted that this can vary depending on site and that there is no legal prohibition to extending right up to your boundary, - There will be a condition attached to the decision notice stating that the neighbouring boundary fence shall be reinstated, - See below re amenity issues.			

**Officers report**

This application seeks retrospective planning permission for the erection of a summer house within the rear garden of 102 Hare Moss View, Whitburn.

The erected summerhouse measures 4.96m x 3.99m and is 2.69m in overall height from ground level to the flat roof. The summerhouse features double doors on the front elevation, which opens out into the applicant's garden.

It is to be noted that permitted development rights would allow for a structure measuring 2.5m in height to be erected without planning permission. The erected structure measures 0.19m above what is permitted without planning approval.

The site sits at a higher ground level in comparison to the neighbouring properties to the rear of the site and the works sit slightly above the existing boundary fence, which currently results in overshadowing. The additional height of the summerhouse above the boundary fence, does not result in any additional overshadowing which is considered significant or detrimental.

It is also noted that a section of the rear boundary fence has been removed. A condition will be attached to the decision notice stating that this section of fence shall be reinstated.

The works are not significantly visible from the main street and do not adversely impact upon the visual amenity of the streetscape. In addition, the works do not significantly impact upon the residential amenity to a detrimental extent in terms of overshadowing or privacy.

This proposal adheres to West Lothian Local Development Plan's DES 1 (Design Principles) Policy and follows the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020.

It is recommended that this application is granted planning permission.

<b>Ref. No.:</b>	0720/FUL/22	<b>Recommendation:</b>	Grant Planning Permission in Principle
<b>Proposal:</b>	Application under section 42 to amend Condition 3 of planning permission 0586/P/14 (drainage proposals)		
<b>Address:</b>	Land South of Main Street and West of The A899, Dechmont (Grid Ref: 305280,667171)		
<b>Applicant:</b>	Stewart Milne Homes Ltd.	<b>Type:</b>	Other
<b>Ward:</b>	Broxburn, Uphall & Winchburgh	<b>Case Officer:</b>	Gillian Cyphus
<p><b><u>Summary of Representations</u></b></p> <p>Two representations have been received concerning:</p> <ul style="list-style-type: none"> <li>- the principle of development on this site,</li> <li>- the loss of countryside and the impact on infrastructure such as roads and services.</li> </ul> <p>The principle of development on this site has already been established through the grant of application 0586/P/14. The current application is only to consider changes to the conditions.</p>			
<p><b><u>Officers report</u></b></p> <p>This application relates to changing a drainage condition on an existing planning permission in principle (0586/P/14).</p> <p>The applicant has proposed a rewording of the condition to update the requirements in line with current guidance, which is acceptable and complies with the terms of policies EMG2 (Flooding) and EMG3 (Sustainable Drainage) in the adopted West Lothian Local Development Plan.</p> <p>The revised condition will also ensure compliance with the council's SG 'Flooding and Drainage'.</p> <p>It is therefore recommended that the application is granted.</p> <p>The effect of granting this application is that a fresh planning permission in principle will be issued. This will mean that the developer has 5 years to implement the development.</p>			