



## ***Development Management Committee***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

9 November 2022

A hybrid meeting of the **Development Management Committee** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston** on **Wednesday 16 November 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 19 October 2022 (herewith)

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

5. Application No.0583/P/22 - Planning permission in principle for the erection of 6 houses, 16 Raw Holdings East, East Calder (herewith)
6. Application No.0657/FUL/22 - Erection of 56sqm, two storey extension to industrial unit at Scotlens, Mill Road Industrial Estate, Linlithgow Bridge, Linlithgow (herewith)

7. Application No.0596/FUL/ 22 - Continued operation of children's nursery, 9 Riverside Lea, Seafield Road, Blackburn (herewith)
8. Application No.0792/P/22 - Planning permission in principle for the erection of a mixed-use building with 2 shops and 1 flat on ground floor, 4 flats on upper floor and conversion of public house to flat, 1 Main Street, West Calder (herewith)
9. Application No.0872/A/22 & 0873/LBC/22 - Listed Building Consent & Planning Permission for the display of 1 free standing backlit sign and 1 wall mounted backlit sign, 4 Court Square, Linlithgow (herewith)

**Public Items for Information**

10. Consider list of delegated decisions on planning applications and enforcement actions for the period 14 October to 4 November 2022 (herewith).
11. Appeals :-
  - (a) Enforcement Case ENF/0146/19: 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 at 120 Spottiswoode Gardens, Mid Calder, Livingston - Appeal against enforcement notice allowed in part to vary terms of notice
  - (b) Enforcement Case ENF/0246/21: Unauthorised change of use from agriculture to bus/HGV repairs, salvage, breaking, reclamation and storage of vehicles at Northfield Farm, Fauldhouse, Bathgate - Appeal against enforcement notice allowed to vary terms of notice
  - (c) Application 0497/P/21: Application under Section 42 to develop land to modify Condition 4 of planning permission in principle 0020/P/16 for a 19-hectare residential development with associated works to allow a maximum of 375 residential units to be constructed on the north side of the A89 (increase from 300 To 375) at Standhill North/South West Main Street, Armadale, West Lothian - Appeal allowed
  - (d) Application 0558/TPO/22: Felling of 1 no. sycamore tree at 4 St Ninian's Way, Linlithgow - Appeal dismissed
  - (e) Application 0206/P/21: Planning permission in principle for a 108Ha mixed use development including residential development (dwellings and flatted - up to 1800 homes), local centre (including Class 1, Class 2 And Class 3 Uses), community facilities (including a primary school), ancillary development, public open space, and associated works and infrastructure at Drumshoreland Garden community land North



of Old Clapperton Hall Cottages , East Calder - Appeal to be re-determined following appeal decision being quashed by the Court of Session

- (f) Application 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 land North of Old Clapperton Hall Cottages , East Calder - Appeal to be re-determined following appeal decision being quashed by the Court of Session
- (g) Application 0584/FUL/21: Change of use from open space to private garden ground and erection of decking across watercourse (in retrospect) at 15 Ballencrieff Mill, Bathgate - Appeal submitted
- (h) Application 0240/FUL/22: Change of use of shop and upper flat with extensions and alterations to building to form 8 flats at 64-66 Charles Crescent, Bathgate - Appeal submitted
- (i) Application 0566/FUL/22: Demolition of an existing two storey outbuilding and erection of two one-bedroom studio flats at 14 Market Street, Mid Calder, Livingston - Appeal submitted
- (j) Application 0854/A/22: Display of 6 illuminated and non-illuminated signs and floodlights (in retrospect) at The Old Market Inn, 28 West Main Street, Whitburn - Appeal submitted
- (k) Enforcement Case ENF/0253/22: Change of use from public open space to private garden ground and erection of a 1.8M high fence - Appeal against enforcement notice submitted

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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 19 OCTOBER 2022.

Present – Councillors Stuart Borrowman (Chair), George Paul, Tom Conn, Damian Doran-Timson, Lawrence Fitzpatrick and Pauline Stafford

Apologies – Councillors William Boyle and Pauline Clark

1. DECLARATIONS OF INTEREST

Agenda Item 5 (App No.0068/FUL/22) - Councillor Stuart Borrowman stated a connection in that the applicant's agent was known to him.

Agenda Item 6 (App No.0604/FUL/22) - Councillor Stuart Borrowman stated a connection in that as a member of the council's Local Review Body he had considered a similar application in November 2021 but since that time it had change sufficiently to allow him to take part in the item of business.

Agenda Item 6 (App No.0604/FUL/22) - Councillor George Paul stated a connection in that as a member of the council's Local Review Body he had considered a similar application in November 2021 but since that time it had change sufficiently to allow him to take part in the item of business.

Agenda Item 5 (App No.0068/FUL/22) - Councillor Lawrence Fitzpatrick stated a connection in that he was a council's appointed member to the West of Scotland Archaeology Service who were a statutory consultee to the application.

Agenda Item 6 (App No.0604/FUL/22) - Councillor Lawrence Fitzpatrick stated a connection in that as a member of the council's Local Review Body he had considered a similar application in November 2021 but since that time it had change sufficiently to allow him to take part in the item of business.

2. ORDER OF BUSINESS

The Development Management Manager advised committee that application 0898/FUL/21 had been due to return to this meeting but had been delayed at the request of the applicant to allow for more time to discuss those changes requested by committee.

3. MINUTE

The committee approved the Minute of its meeting held on 14 September 2022. There Minute was thereafter signed by the Chair.

4. APPLICATION 0068/FUL/22

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0068/FUL/22	Two Storey Extension to Existing Bed & Breakfast (Class 7) at 38 Parkhead Holdings, Linlithgow	Refuse planning permission

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

The committee then heard from Councillor Pauline Orr, a local ward member, speak in support of the application.

#### Decision

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

#### 5. APPLICATION 0604/FUL/22

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
	Erection of a 298sqm Restaurant/Bar and Cafe/Hot Food Takeaway with Balcony, Stair and Car Park, site at Bankton Centre, Murieston, Livingston	Refuse planning permission

The committee then heard from Nigel Moore, the applicant' agent, speak in support of the application.

The committee then heard from Asghar Ali, the applicant, speak in support of the application.,

#### Decision

To continue the application for one cycle to allow for clarification to be provided in respect of existing parking and any proposed parking provision to ensure that it was adequate for the proposal.

## 6. 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 2 September to 7 October 2022 was submitted for the information of committee.

### Decision

To note the list of delegated decisions.

## 7. APPEALS

The committee noted that an appeal had been submitted against an Enforcement Notice for the following :-

### Reference No.

### Proposal

ENF/0146/19

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

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

### Reference No.

### Proposal

0636/P/18

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

PPA-400-2146

Erection of a 20Sqm extension to rear of public house at Green Tree Tavern, 45 East Main Street, Broxburn







## DEVELOPMENT MANAGEMENT COMMITTEE

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

#### 1 DESCRIPTION

Planning permission in principle for the erection of 6 houses at 16 Raw Holdings, East Calder, West Lothian, EH53 0JN

#### 2 DETAILS

<b>Reference no.</b>	<a href="#">0583/P/22</a>	<b>Owner of site</b>	Mr David Dickson
<b>Applicant</b>	Mr David Dickson	<b>Ward &amp; local members</b>	<b>East Livingston and East Calder</b> Councillor Damian Doran-Timson Councillor Danny Logue Councillor Carl John Councillor Veronica Smith
<b>Case officer</b>	Alexander Calderwood	<b>Contact details</b>	01506 282209 Alexander.calderwood@westlothian.gov.uk

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

#### 3 RECOMMENDATION

3.1 Refuse planning permission in principle

#### 4 DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning permission in principle is sought for the erection of 6 houses. The application site is located at the southern end of the Core Development Area (CDA) at East Calder and forms part of an allocated housing site. It is bound by Langton Road immediately to the south and to the east by agricultural fields. To the north and west the land is being developed for housing by Cala (0198/FUL/15).
- 4.2 The site consists of agricultural land and part of a small holding yard. A section of cycle route NCR75 is included within the site and runs along the east boundary.
- 4.3 The site is approximately 3,720 square metres in area. The submitted plans indicate that vehicular access to the site would be from Langton Road and a pedestrian access would also be provided onto NCR75.
- 4.4 The application site is located within the settlement boundary of East Calder as identified in the adopted West Lothian Local Development Plan, 2018 (LDP).

## History

4.5 The relevant site history is set out below:

- 0297/P/22 - Planning permission in principle for the erection of 6 houses – 16 Raw Holdings, East Calder, West Lothian, EH53 0JN - Withdrawn: 09.06.2022
- LIVE/0198/FUL/15 - Erection of 276 houses and 24 flats with associated works (grid ref. 309171 667526) | Land at Raw Holdings East Calder – Approved: 28.04.2021

## EIA Development

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

## Equalities Impact

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

## 5. REPRESENTATIONS

5.1 One objection has been received for this application from the River Almond Action Group and is attached to this report.

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

Comments	Response
No Surface Water Management Plan or Flood Risk Assessment has been prepared or is available to view on the planning portal.	A flood risk assessment has not been submitted.
No drainage details have been provided and this is important because the area is at high risk of surface water flooding.	Neither a drainage assessment nor a drainage layout/design have been submitted.
SUDS should be incorporated into the development and include SUDS basins, rain gardens and/or water butts.	A drainage layout has not been submitted.

## 6. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
WLC Education Planning	No	Education contributions for the development would be required.	Noted. These would need to be secured if permission was to be granted.

Consultee	Objection?	Comments	Planning Response
WLC Roads & Transportation	No	A road opening permit is required, the access should be constructed of bituminous material and developer obligations are required for the upgrade of road infrastructure.	Noted. The contributions relate to transportation infrastructure for the CDA and would need to be secured if permission was to be granted.
WLC Environmental Health	No	Conditions required relating to the control of dust associated with construction, noise associated with construction, the site compound, waste and sewerage.	Noted.
WLC Flood Risk Management	No	A flood risk assessment and drainage assessment are required to be submitted.	This information was requested but not submitted.

## 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?
Development Plan (LDP) (2018)  DES1 - Design Principles	Proposals will require to take account of and be integrated with the local context and built form.  Proposals must also include appropriate integrated and accessible infrastructure, provide suitable access and encourage active travel.	The application is for planning permission in principle so full design details have not yet been provided. It is accepted that in principle the site is capable of accommodating residential units.  NCR75 is being upgraded where it runs through the Cala and Persimmon sites as part of the development of the CDA at East Calder. The existing track	No

Plan and Policy	Policy Summary	Assessment	Conform?
		<p>will be upgraded to a 3m wide cycle track that is constructed and lit to adoptable standard.</p> <p>The applicant is required to upgrade the section of NCR75 which falls within the application site to same standard to create a continuous dedicated cycle track from Main Street to Langton Road. The applicant has not agreed to do so, therefore, the application is contrary to the provisions of this policy.</p>	
<p>LDP</p> <p>HOU1 – Allocated Housing Sites</p>	<p>The sites listed in Appendix 2 of the Plan and shown on the Proposals Map are allocated as housing sites which contribute to meeting the LDP housing land requirements for the plan period to 2024, as required by the Strategic Development Plan (SDP1), and are compliant with the spatial strategy set out in this plan.</p> <p>Development of housing on these sites will be supported in principle and proposals shall have regard to and be in accordance with the 'Residential Development Guide'. Where applicable, proposals must also accord with the specific development requirements identified in Appendix 2.</p>	<p>The application site is located within the East Calder CDA and is within an allocated housing site. The principle of residential development on the site is therefore acceptable.</p>	<p>Yes</p>
<p>LDP</p> <p>HOU4 – Affordable Housing</p>	<p>New market housing developments must provide affordable housing levels in compliance with the terms of Supplementary Guidance on Affordable Housing. The threshold for providing affordable housing contributions is when development proposals are</p>	<p>A commuted sum would need to be secured if permission was to be granted.</p>	<p>Yes</p>

Plan and Policy	Policy Summary	Assessment	Conform?
	for five or more units.		
LDP  CDA1 – Development in the Previously Identified Core Development Areas	The council will continue to support housing and mixed used development within those parts of West Lothian previously designated Core Development Area (CDAs) in Armadale, East Broxburn/Winchburgh and Livingston & Almond Valley subject to the preparation of master plans to be approved by the council. A diversity of house types, tenures and densities must be provided within these areas.	Persimmon and Cala produced a development framework for the Raw Holdings CDA allocation as part of their planning applications. The development of the application site is generally consistent with the framework.  The application is for planning permission in principle so full design details have not yet been provided. It is expected that when a detailed application is submitted, it will include a mix of housing types as part of the proposal.  The failure of the proposal to include appropriate upgrade of NCR75 is not consistent with the requirements of this policy.	In part
LDP  TRAN 1 – Transport Infrastructure	The council will co-operate with other agencies in preparing investment programmes to enhance the environment by active travel infrastructure, public transport facilities, traffic and parking management in its towns and villages.  Development will only be permitted where transport impacts are acceptable.	The failure of the proposal to include appropriate upgrade of NCR75 is not consistent with the requirements of this policy.  .	No
LDP  NGR1a - Low and Zero Carbon Generating Technology	Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emission reduction set by Scottish Building Standards	A design statement has not been submitted at this stage. The application is for planning permission in principle so full design details have not yet been provided. It is expected that when a detailed application is submitted, the	Yes

Plan and Policy	Policy Summary	Assessment	Conform?
	will be met through the installation and operation of low and zero-carbon generating technologies.	required information will be submitted.	
LDP EMG 2 - Flooding	Developers will be required to submit a full flood risk assessment (FRA) for all developments deemed to be at risk of flooding from any source in medium to high risk areas and developments in low to medium risk areas identified in the risk framework (i.e. developments located in an area at the upper end of the probability scale, essential infrastructure and the most vulnerable land uses). The Flood Risk Assessment should be undertaken in accordance with the relevant and prevailing the Scottish Environment Protection Agency (SEPA) technical guidance.	The applicant was asked to submit a flood risk assessment. This has not been submitted.	No
LDP EMG 3 – Sustainable Drainage	Developers may be required to submit a drainage impact assessment (DIA) to ensure that surface water flows are properly taken into account in the design of a development.	The applicant was asked to submit a drainage assessment. This has not been submitted.	No
LDP EMG 6 – Vacant, Derelict and Contaminated Land	Where it is suspected by the council that a development site may be contaminated, the developer will be required to undertake a site investigation, to the satisfaction of the council.	The applicant was asked to submit a phase 1 site investigation report. This has not been submitted.	No
LDP INF1 - Infrastructure Provision and	The council will seek developer obligations in accordance with Scottish Government	Relevant contributions would need to be secured if permission was to be granted.	Yes – subject to securing contributio

<b>Plan and Policy</b>	<b>Policy Summary</b>	<b>Assessment</b>	<b>Conform?</b>
development obligations	Circular 3/2012.		ns. .

7.4 Other relevant policy guidance and documents are listed below:

- Scottish Planning Policy 2014 (SPP)
- Designing Streets
- Statutory Supplementary Guidance (SG):
  - Planning and Noise, 2019
  - Residential Development Guide, 2019
  - Flooding and Drainage, 2019
  - Affordable Housing, 2019
  - Developer Obligations for General Infrastructure Site Delivery, 2020
  - Planning and Education, 2021
  - Developer Contributions towards Cemetery Provision, 2021
- Non-Statutory Planning Guidance (PG)
  - Planning for Nature: Development Management and Wildlife, 2020
  - Development on Contaminated Land, 2009

## **8. ASSESSMENT**

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

### **Principle of development**

8.2 The application site is located within the East Calder CDA and is within an allocated housing site. The application is for planning permission in principle so full design details have not yet been provided. The principle of housing on the site is acceptable.

### **Technical Assessments**

8.3 The applicant has failed to provide a flood risk assessment and drainage assessment. Further, the applicant has failed to provide a phase 1 site investigation report which is required as a first step to ensure the site is or can be made suitable for the proposed use with regard to contaminated land. Therefore, the proposal cannot be fully assessed and is contrary to Policy EMG 2 (Flooding), Policy EMG 3 (Sustainable Drainage) and Policy EMG 6 (Vacant, Derelict and Contaminated Land).

### **Infrastructure Upgrades**

8.4 NCR75 is being upgraded where it passes through the adjacent Persimmon and Cala sites within the Raw Holdings CDA allocation, in order to form a cycle track that is 3m wide and constructed and lit to adoptable standard. The section of NCR75 within the application site needs to be similarly upgraded to ensure the present proposal integrates well with the surrounding area and meets the infrastructure requirements for the wider CDA.

- 8.5 The applicant has not agreed to upgrade the section of NCR75 to be a cycle track that is 3m wide and constructed and lit to adoptable standard. Therefore, the proposal does not comply with Policy DES 1 (Design Principles), Policy CDA1 (Development in the Previously Identified Core Development Areas) and Policy TRAN 1 (Transport Infrastructure).

## **9. CONCLUSION AND RECOMMENDATION**

- 9.1 Failure to submit essential technical reports means the proposal cannot be fully assessed.
- 9.2 Failure to provide for an upgrade of NCR75 to create a cycle track that is 3m wide and constructed and lit to adoptable standard means the proposal fails to integrate with the wider CDA or provide the necessary transportation infrastructure upgrade.
- 9.3 It is therefore recommended that planning permission in principle be refused.

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

- Draft reasons for refusal
- Location Plan
- Existing Site Plan
- Proposed Block and Site Plan
- Representation
- Local Member Referral Form

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

Craig McCorriston

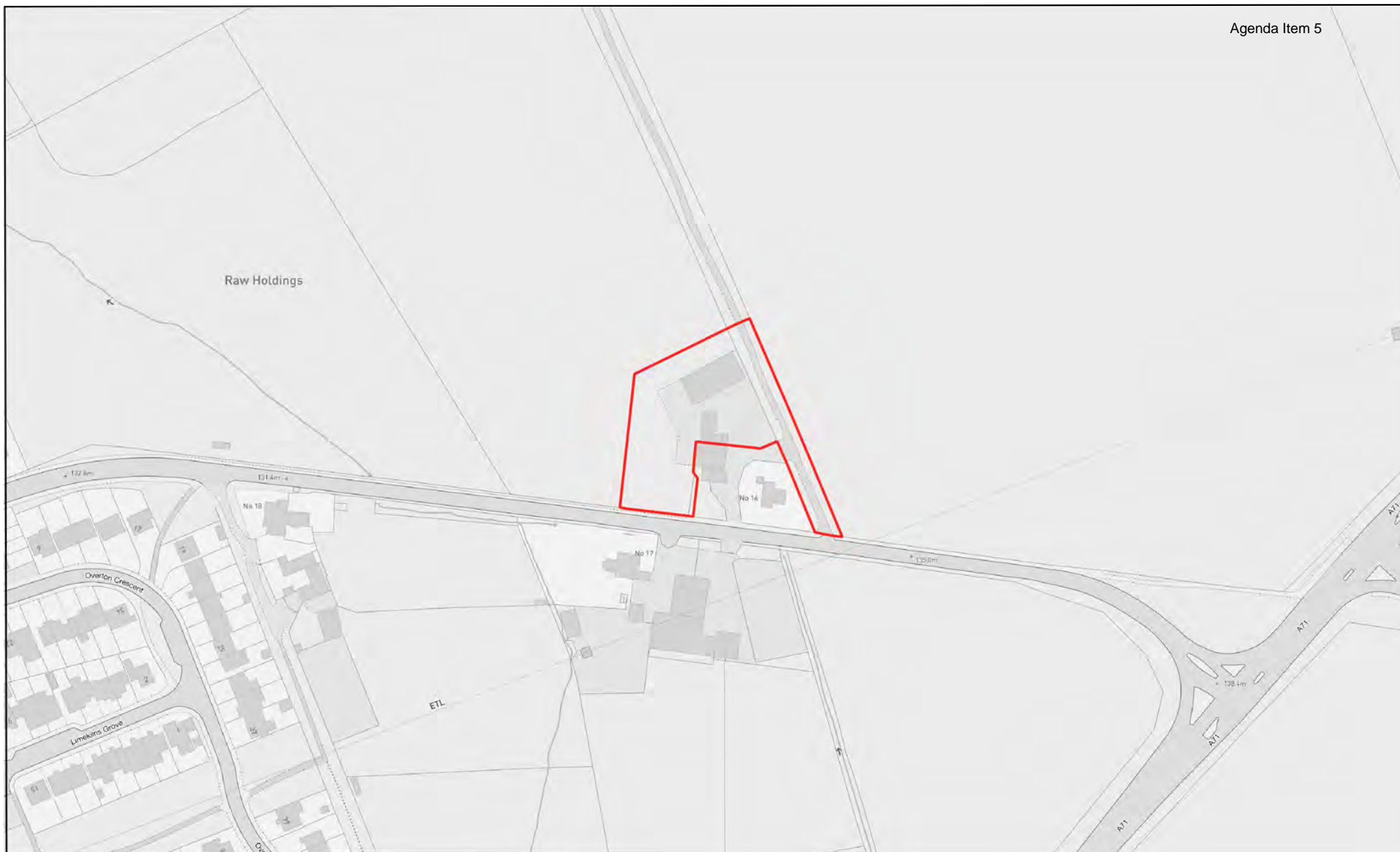
**Head of Planning, Economic Development and Regeneration      Date: 16.11.22**



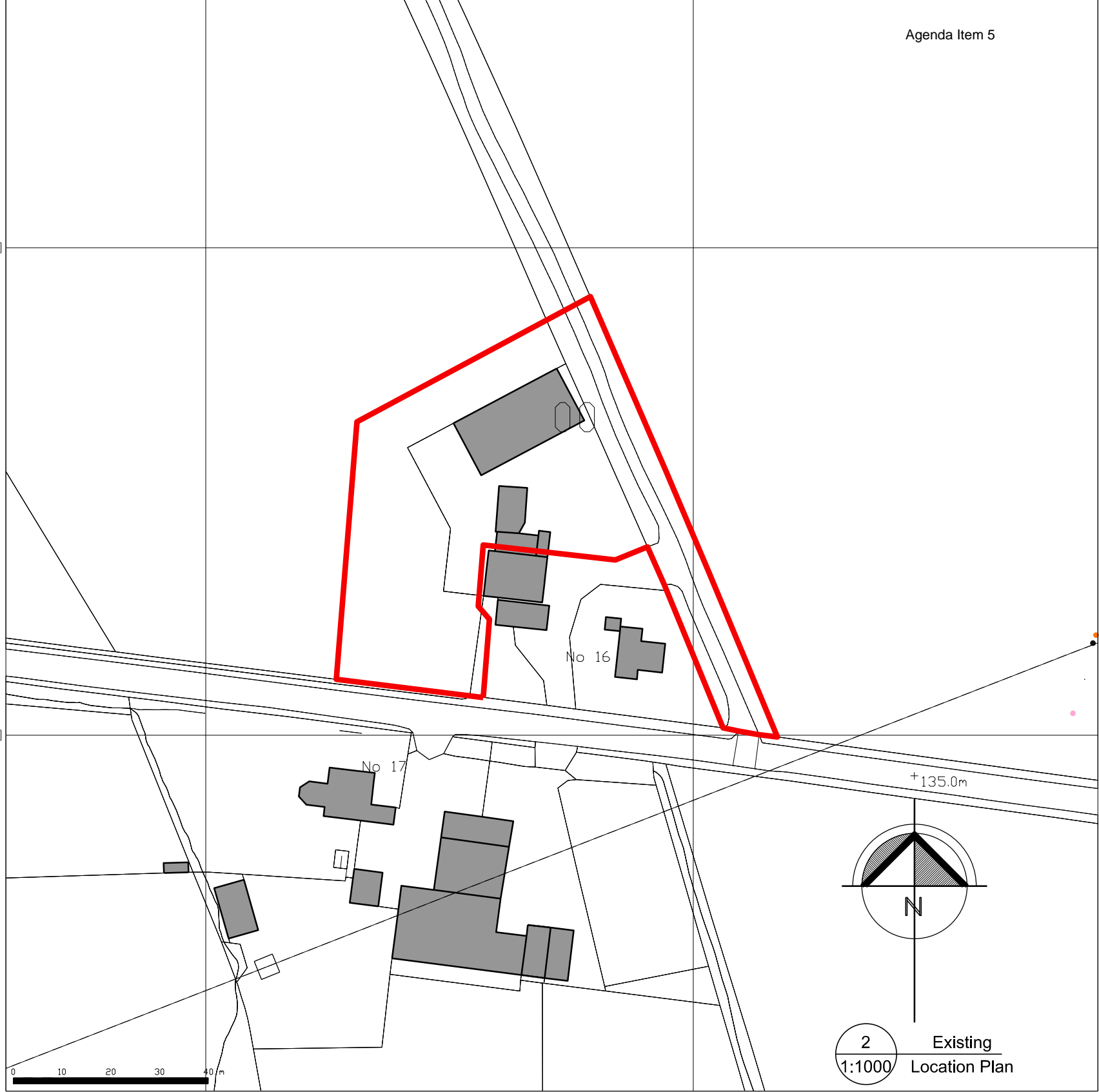
## **DRAFT REASONS FOR REFUSAL – APPLICATION 0583/P/22**

### **Reasons for refusal**

1. A flood risk assessment requires to be submitted. The applicant has not submitted this technical assessment and so there is insufficient information available to properly assess the proposal. Therefore, the proposal is not supported and is contrary to Policy EMG 2 (Flooding) of the West Lothian Local Development Plan 2018.
2. A drainage assessment requires to be submitted. The applicant has not submitted this technical assessment and so there is insufficient information available to properly assess the proposal. Therefore, the proposal is not supported and is contrary to Policy EMG 3 (Sustainable Drainage) of the West Lothian Local Development Plan 2018.
3. A phase 1 site investigation report requires to be submitted to assess the risk associated with contaminated land. The applicant has not submitted this technical assessment and so there is insufficient information available to properly assess the proposal. Therefore, the proposal cannot be supported and is contrary to Policy EMG 6 (Vacant, Derelict and Contaminated Land) of the West Lothian Local Development Plan 2018.
4. National Cycle Route 75 within the site requires to be upgraded to be a cycle track that is 3m wide and constructed and lit to adoptable standard to reflect the upgrade that is being implemented within the adjacent Persimmon and Cala sites as part of the development of the CDA allocation at Raw Holdings. The applicant has not agreed to the upgrade. Therefore, the proposal cannot be supported and is contrary to Policy DES 1 (Design Principles), Policy CDA 1 (Development in the Previously Identified Core Development Areas) and Policy TRAN 1 (Transport Infrastructure) of the West Lothian Local Development Plan 2018.



C A L A H O M E S



2 Existing  
1:1000 Location Plan



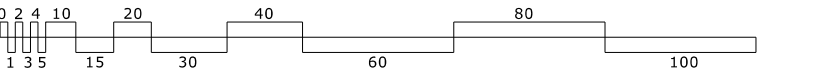
Denotes Land being developed by Cala Homes

Denotes boundary of application site


SITE AREAS  
Site Area - 3720.8 Sq. mor 0.372Ha

REV A	Apr 22	ER	Boundary amended to show application area only
REV.	DATE	DRAWN	DESCRIPTION

REVISIONS



CLIENT:	Mr David Dickson	
JOB:	New housing development	
	16 Raw Holdings, East Calder	
DRAWING:	New housing development	
DRAWNER	JOB NO 0021	DR NO Loc
DATE Mar 22	REV A	SCALE 1:500

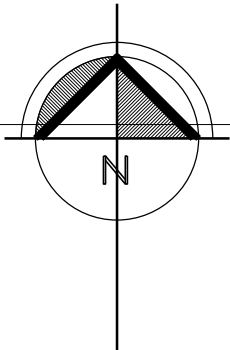







ROBERTSON ARCHITECTURE & DESIGN

1 Existing  
1:500 Block Plan

POTENTIAL FUTURE DEVELOPMENT



CALA HOMES

-  Denotes Land being developed by Cala Homes
-  Denotes Land under ownership of applicant
-  Denotes boundary of application site

SITE AREAS  
Site Area total - 5064.6 Sq. m or 0.506Ha  
Application Area - 3720.8 Sq. m or 0.372Ha  
Residual Area (blue)- 1344.8 Sq. m or 0.134Ha

REV.	DATE	DRAWN	DESCRIPTION
REVISIONS			
0	2	4	10
1	3	5	15
2	6	8	20
3	9	11	30
4	12	13	40
5	14	16	60
6	17	18	80
7	19	20	100
CLIENT: Mr David Dickson			
JOB: New housing development			
16 Raw Holdings, East Calder			
DRAWING: Existing Site plan			
DRAWNER	JOB NO 0021	DR NO PL01	
DATE Mar 22	REV.	SCALE 1:500	



ROBERTSON ARCHITECTURE & DESIGN

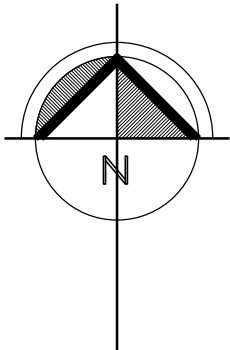
No 16

No 17

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+135.0m

POTENTIAL FUTURE DEVELOPMENT

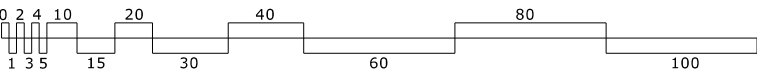


- Denotes buildings being removed
- Denotes Land being developed by Cala Homes
- Denotes Land under ownership of applicant
- Denotes boundary of application site

SITE AREAS  
Site Area total - 5064.6 Sq. m or 0.506Ha  
Application Area - 3720.8 Sq. m or 0.372Ha  
Residual Area (blue)- 1344.8 Sq. m or 0.134Ha

REV A	Jun 22	ER	Site layout amended further to disuccssions with planning dept.
REV.	DATE	DRAWN	DESCRIPTION

REVISIONS



CLIENT: Mr David Dickson		
JOB: New housing development		
16 Raw Holdings, East Calder		
DRAWING: Proposed block plan		
DRAWNER	JOB NO.0021	DR NOPL02
DATE Mar 22	REV A	SCALE 1:500



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PLOT AREAS			
PLOT 1	- 264.0 Sq. m	Type B	- 84.2 Sq. m
PLOT 2	- 264.0 Sq. m	Type C	- 84.0 Sq. m
PLOT 3	- 326.8 Sq. m	Type C	- 84.0 Sq. m
PLOT 4	- 361.8 Sq. m	Type C	- 84.0 Sq. m
PLOT 5	- 305.0 Sq. m	Type A	- 87.1 Sq. m
PLOT 6	- 327.1 Sq. m	Type A	- 87.1 Sq. m
Open Landscaped communal areas - 391.3 Sq. m			
Current house types shown have footprints circa 84-87 Sqm or 900/930 Sqft taken over two storey's turns out at 168 Sqm or 1808 Sqft, typically a 4/5 bedroom house			



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- Denotes Land being developed by Cala Homes
- Denotes Land under ownership of applicant
- Denotes boundary of application site

SITE AREAS	
Site Area total -	5064.6 Sq. m or 0.506Ha
Application Area -	3720.8 Sq. m or 0.374Ha
Residual Area (blue)-	1344.8 Sq. m or 0.132Ha

REV. A	Jun 22	ER	Layout altered to facilitate new access point from Langton Road
REV.	DATE	DRAWN	DESCRIPTION
REVISIONS			
0.24.10	20	40	80
0.24.10	30	60	100
CLIENT: Mr David Dickson			
JOB: New housing development			
16 Raw Holdings, East Calder			
DRAWING: Indicative Site Plan - 6 dwellings			
DRAWN	JOB NO 0021	DR NO 003	
DATE May 22	REV A	SCALE 1:200	



## **Comments for Planning Application 0583/P/22**

### **Application Summary**

Application Number: 0583/P/22

Address: 16 Raw Holdings East Calder West Lothian EH53 0JN

Proposal: Planning permission in principle for the erection of 6 houses

Case Officer: Alexander Calderwood

### **Customer Details**

Name: River Almond Action Group

Address: 1 East Calder EH53 0RQ

### **Comment Details**

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:- Area is at high risk of surface water flooding

- No SWMP or FRA has been prepared / is available to review on the planning portal
- No drainage details have been provided
- Would expect to see SuDS features notwithstanding SuDS basins, rain gardens and/or water butts

## 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>  .....0583/P/22.....	<b>Applicant Request</b> ..... <input type="checkbox"/>
<b>Site Address</b>  .....16 Raw Holdings East Calder .....  .....	<b>Constituent Request</b> ..... ✓ <input checked="" type="checkbox"/>
<b>Title of Application</b>  .... Planning permission in principle for the erection of 6 houses	<b>Other (please specify)</b> ..... <input type="checkbox"/>
<b>Member's Name</b>  Cllr ...Carl John .....	
<b>Date</b>  .....19 <sup>th</sup> Oct 2022.....	



# Development Management Committee

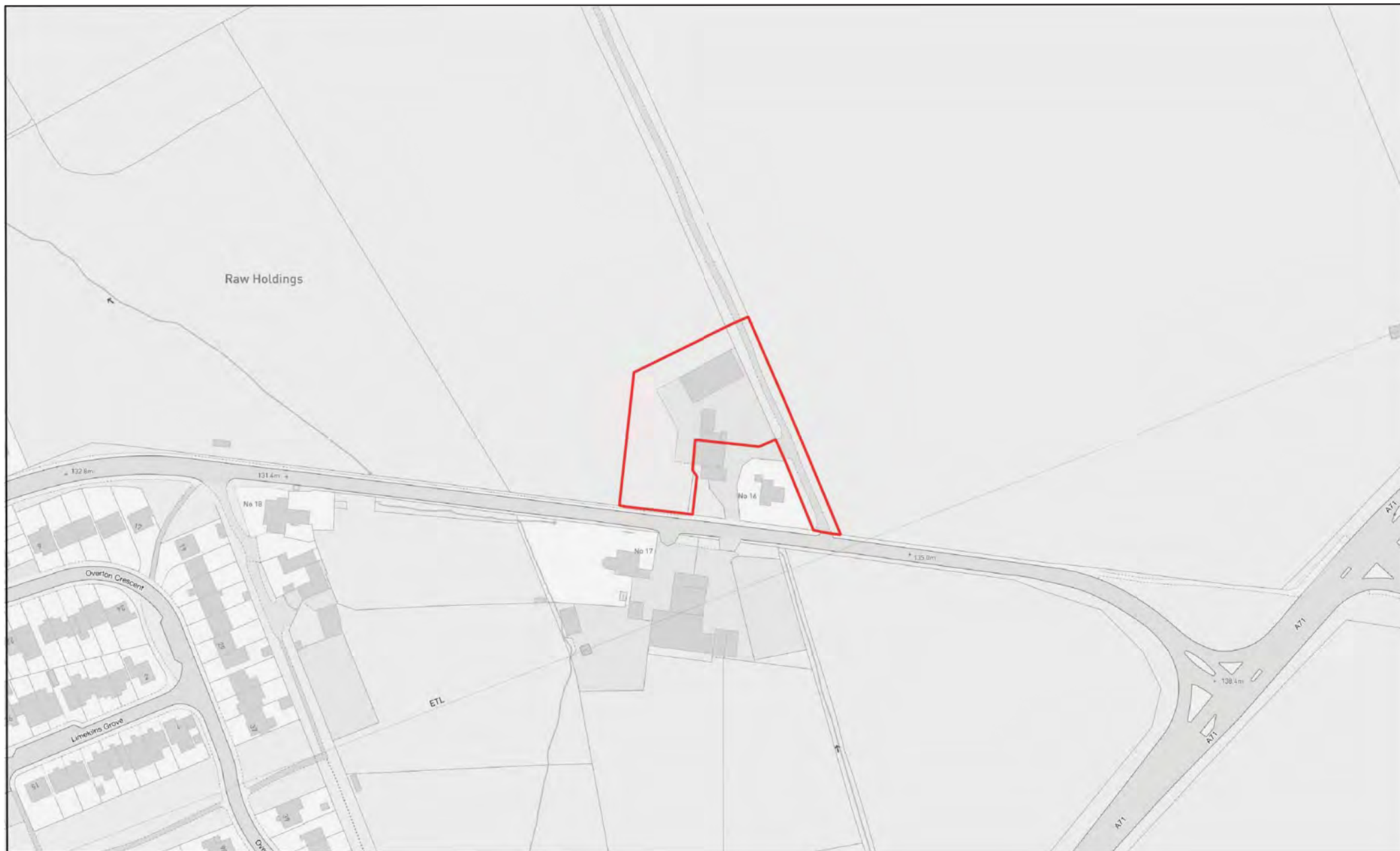
16 November 2022

Item 05 - Application : 0583/P/22

Planning permission in principle for the erection of 6 houses

16 Raw Holdings / East Calder / EH53 0JN





0583/P/22 - 16 Raw Holdings - East Calder EH53 0JN

Development Management - West Lothian Civic Centre - EH54 6FF

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C A L A H O M E S

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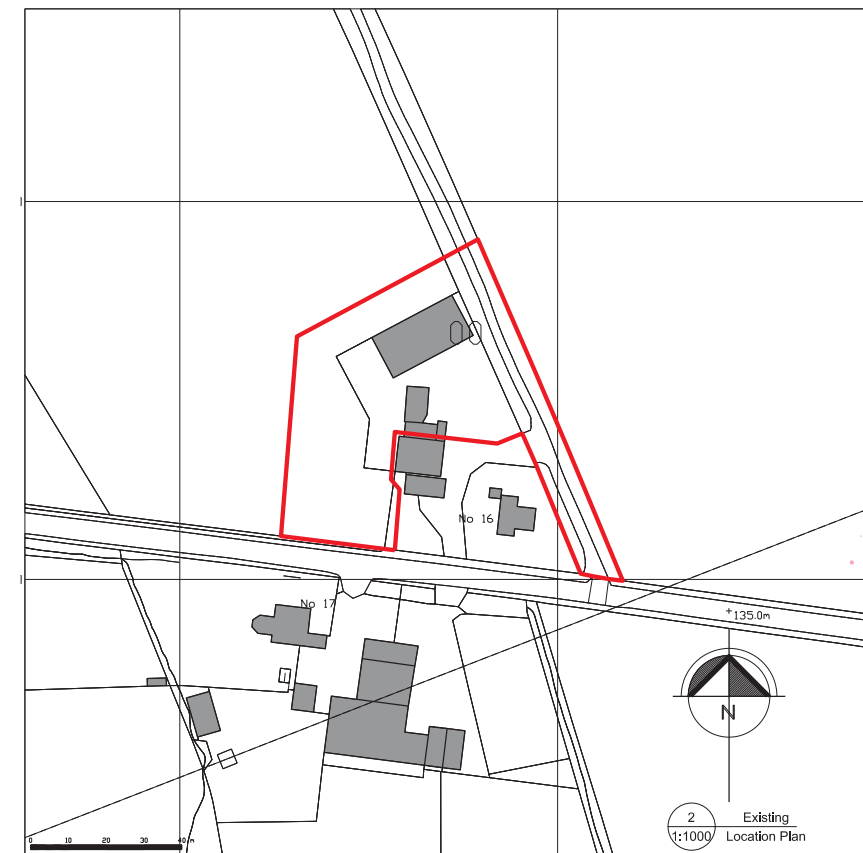
No 16

No 17

+135.0m

667300

1  
1:500  
Existing  
Block Plan



Denotes Land being developed by Cala Homes

Denotes boundary of application site

SITE AREAS  
Site Area - 3720.8 Sq. m or 0.372Ha

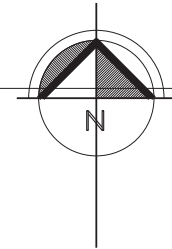
REV. A	Apr 22	ER	Boundary amended to show application area only
REV.	DATE	DRAWN	DESCRIPTION
REVISIONS			
0 2 10 20 40 80 100			
1:500 15 30 60			
CLIENT: Mr David Dickson			
JOB: New housing development			
16 Raw Holdings, East Calder			
DRAWING: New housing development			
DRAWN: JOB NO 0021 DR NO Loc			
DATE May 22 REV A SCALE: 1:500			






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POTENTIAL FUTURE DEVELOPMENT



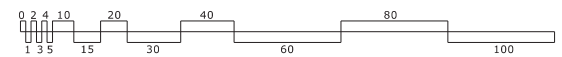
CALA HOMES

-  Denotes Land being developed by Cala Homes
-  Denotes Land under ownership of applicant
-  Denotes boundary of application site

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REV.	DATE	DRAWN	DESCRIPTION
REVISIONS			
0	2	4	10
1	3	5	15
2	6	8	20
3	9	11	30
4	12	14	40
5	13	15	60
6	16	18	80
7	19	21	100



CLIENT: Mr David Dickson  
JOB: New housing development  
16 Raw Holdings, East Calder  
DRAWING: Existing Site plan  
DRAWNER: JOB NO 0021 DR NO PL01  
DATE Mar 22 REV SCALE 1:500

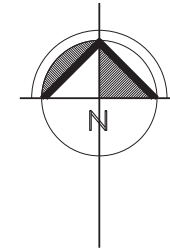


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& DESIGN

+135.0m

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# POTENTIAL FUTURE DEVELOPMENT



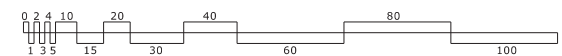
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## REVISIONS



CLIENT: Mr David Dickson  
 JOB: New housing development  
 16 Raw Holdings, East Calder  
 DRAWING: Proposed block plan  
 DRAWNER: JOB NO0021 DR NOPL02  
 DATE Mar 22 REV A SCALE 1:500



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## DEVELOPMENT MANAGEMENT COMMITTEE

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

#### 1 DESCRIPTION

Erection of a 56sqm, two storey extension to industrial unit at Scotlens, Mill Road Industrial Estate, Linlithgow Bridge, Linlithgow, West Lothian, EH49 7SF

#### 2 DETAILS

<b>Reference no.</b>	<a href="#">0657/FUL/22</a>	<b>Owner of site</b>	Mr Scott Brown
<b>Applicant</b>	Mr Scott Brown	<b>Ward &amp; local members</b>	<b>Linlithgow</b>  Councillor Tom Conn Councillor Pauline Orr Councillor Sally Pattle
<b>Case officer</b>	Alexander Calderwood	<b>Contact details</b>	01506 282209 Alexander.calderwood@westlothian.gov.uk

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

#### 3 RECOMMENDATION

- 3.1 Grant planning permission, subject to the attached conditions

#### 4 DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning permission is sought for the erection of a 56sqm, two storey extension at Scotlens, Mill Road Industrial Estate, Linlithgow Bridge, Linlithgow. The site is located on the western side of Mill Road Industrial Estate and backs on to a landscape strip and residential properties in Lovell's Glen.
- 4.2 The submitted plans indicate that the application site is approximately 1,000 square metres in area. The plans show that the extension is to be located to the west, and rear, of the existing building on an area which is currently an industrial yard. Access to the site would be taken from the front of the building and from the main road within Mill Road Industrial Estate.

#### History

- 4.3 The original submission proposed three windows at first floor level of the extension on the principal elevation, and one further window on the gable at first floor level. These windows overlooked the garden grounds, rear elevations and first floor bedrooms of the



residential properties at Lovells Glen. The original submission was recommended for refusal because of the privacy and amenity implications. However, the plans were subsequently revised, detailing the removal of the 3 principal elevation windows and installation of roof lights instead.

### EIA Development

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

### Equalities Impact

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

## 5. REPRESENTATIONS

- 5.1 Five letters of objection were received in relation to the original submission. Once the proposals were revised, two of those original objectors made further comments.
- 5.2 A summary of representations is located in the table below.

Comments	Response
<ul style="list-style-type: none"> <li>The first -floor windows will overlook the residential properties along Lovells Glen and have adverse implications for privacy and amenity.</li> </ul>	<ul style="list-style-type: none"> <li>The applicant was asked to revise the proposals. The proposals were subsequently revised, and the windows removed from the southern elevation of the extension. Instead, 3 rooflights are now proposed to allow in light at first floor level.</li> </ul>
<ul style="list-style-type: none"> <li>Adverse implications for noise, nuisance and smell. There is concern over the compressor room and dust extractors that are included in the proposal.</li> </ul>	<ul style="list-style-type: none"> <li>Environmental Health (EH) was consulted on the proposals. EH requested that the applicant provide information on the likely emissions to air, if any, via the dust extraction system. The applicant confirmed that there will be no or minimal dust to air. Environmental Health subsequently confirmed that they do not object to the proposals and only require a condition to be attached to the decision notice that would put a restriction on construction noise.</li> <li>With conditions, the proposals will have no adverse implications for noise, nuisance or smell.</li> </ul>

Comments	Response
<ul style="list-style-type: none"> <li>Concern that CCTV and Security Lighting within the site will have adverse implications for residential amenity.</li> </ul>	<ul style="list-style-type: none"> <li>A condition will be attached to the decision notice requiring the submission of full details and specifications of any cctv technology and security lighting to be installed so that the impact can be properly assessed.</li> </ul>
<ul style="list-style-type: none"> <li>Concern over the implications that the proposals will have for water supply and drainage.</li> </ul>	<ul style="list-style-type: none"> <li>Flood Prevention was consulted on the application and confirmed that the Drainage Plan that has been submitted by the applicant is acceptable and that they recommend that the planning authority accept what is proposed.</li> <li>It can be concluded that the proposed drainage infrastructure is adequate.</li> </ul>
<ul style="list-style-type: none"> <li>Adverse implications for privacy of residents along Lovells Glen due to lack of vegetation barrier between garden grounds of residential properties and the proposals in Mill Road Industrial Estate.</li> </ul>	<ul style="list-style-type: none"> <li>A condition will be attached to the decision notice requiring the applicant to submit a landscaping plan and to have it approved by the planning authority prior to any works commencing on site.</li> <li>This will mitigate the impact on residential amenity.</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	No comments.	Noted.
WLC Environmental Health (EH)	No	<p>EH requested that the applicant provide information on the likely emissions to air, if any, via the dust extraction system. The applicant confirmed that there will be no or minimal dust to air.</p> <p>EH subsequently confirmed that they do not object to the proposals and that they would only require a condition to be attached to</p>	Condition to be attached.

Consultee	Objection?	Comments	Planning Response
		the decision notice that would put a restriction on construction noise.	
WLC Flood Risk Management	No	Surface water drainage: The details that the applicant has submitted are acceptable.	Noted.

## 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 existing building is finished in a dry dash render. The walls and roof of the proposed extension will be finished in grey insulated profiled metal cladding. Whilst there is a notable contrast between the two, the application site is within an industrial estate where the design, scale and material finish of buildings vary greatly. Therefore, the proposal is acceptable and will not have an adverse impact on the local context and built form.  See paragraph 8.4 - 8.7 for discussion relating to amenity.	Yes.
LDP  EMP 1 – Safeguarding and developing existing employment land	The expansion of land and premises that come under Class 4, 5 and 6 use within employment areas will be supported as long as proposals are compatible with	The proposal is for the extension (expansion) of a building that falls within the necessary use classes.  As discussed in relation to Policy DES 1 the proposal is acceptable in terms of	Yes



<b>Plan and Policy</b>	<b>Policy Summary</b>	<b>Assessment</b>	<b>Conform?</b>
	neighbouring land uses and would not have a detrimental impact on the amenity of the area.	design and will not have an adverse impact on the local context and built form. The proposal will not have a detrimental impact on the amenity of the area.	
LDP EMG 3 – Sustainable Drainage	Developers may be required to submit a Drainage Impact Assessment (DIA) to ensure that surface water flows are properly taken into account in the design of a development.	Flood Prevention confirmed that the Drainage Plan that has been submitted by the applicant is acceptable.	Yes
LDP EMG 5 – Noise	<p>There is a presumption against developments that are likely to generate significant amounts of noise being located close to noise sensitive developments such as existing or proposed housing</p> <p>There is also a presumption against residential or other noise sensitive developments being close to noisy land use.</p>	Environmental Health confirmed that they do not object to the proposals and that they would only require a condition to be attached to the decision notice that would put a restriction on construction noise.	Yes

#### 7.4 Other relevant policy guidance and documents are listed below:

- Scottish Planning Policy 2014 (SPP)
- Designing Streets
- Statutory Supplementary Guidance (SG):
  - Planning and Noise, 2019
  - Flooding and Drainage, 2019

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

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

### **Principle**

8.2 The site is located within Mill Road Industrial Estate and within an employment area identified by the local development plan. Policy EMP 1 (Safeguarding and Developing Existing Employment Land) states that the expansion of premises within these areas for Class 4, 5 and 6 use will be supported subject to certain criteria. The proposal is to extend an existing contact lens manufacturing facility and provide new research and development space at ground floor level and office space at first floor level. The principle of the development and the proposed use is acceptable.

### **Design**

8.3 The existing building is finished in a dry dash render. The walls and roof of the proposed extension will be finished in grey insulated profiled metal cladding. Whilst there is a notable contrast between the two, the application site is within an industrial estate where the design, scale and material finish of buildings vary greatly, and the proposed material is appropriate for this location. Therefore, the proposal is acceptable and will not have an adverse impact on the local context and built form.

### **Impact on amenity**

8.4 The principal elevation of the extension will face west. The residential street, Lovells Glen, lies to the west and is at the bottom of a steep gradient, which the development site lies at the top of. Several of the rear elevations and associated garden grounds of the residential properties on this street look on to this slope and the development site. The distances between the rear elevations of these residential properties and the principal elevation of the extension range between 30 metres and 41 metres.

8.5 The original submission proposed three windows at first floor level of the extension on the principal elevation, and one further window on the gable at first floor level. Although there was well over the standard 18m distance between windows, the height difference meant that there was a degree of overlooking of the garden grounds, rear elevations and first floor bedrooms of the residential properties at Lovells Glen from the three windows on the principal elevation.

8.6 Revisions to the proposals have since been made and the applicant has removed all three windows at first floor on the west elevation and instead proposes to install three roof lights. The window on the gable (southern) elevation is to remain. The alterations to the proposals greatly reduce the impact on the residential properties on Lovells Glen in terms of privacy and overlooking. Additionally, the neighbouring industrial units to the south and north of the site extend out to approximately the same position as that of the development that is proposed. The relationship between the proposed extension and the houses would therefore be similar.

8.7 In order to further mitigate the impact of the extension on residential amenity a condition will be attached requiring the applicant to submit a landscaping plan for the area of land that slopes down from the industrial estate to the rear of the residential garden grounds.

The applicant confirmed in the application form that they own the entirety of the application site. This will ensure the implementation of an adequate level of screening. Additionally, a second condition will be attached requiring the applicant to provide full details and specifications of any cctv technology and security lighting to be installed so that its impact can be fully assessed.

- 8.8 The proposed extension does bring the building approximately 4.7 metres closer to the residential properties on Lovells Glen, and it is recognised that the extension will be visible from the houses and rear gardens. However, the extension will still be a significant distance from the boundary, in keeping with the situation elsewhere along the rear of Lovells Glen. Taking in to account the changes to the windows and the landscaping to be required by condition, the development will not have a significant detrimental impact and there are no reasons to refuse to grant planning permission.

## **9. CONCLUSION AND RECOMMENDATION**

- 9.1 The proposals comply with Policy DES 1 (Design Principles), Policy EMP 1 (Safeguarding and developing existing employment land), Policy EMG 3 (Sustainable Drainage) and Policy EMG (Noise) of the West Lothian Local Development Plan 2018. The proposals also comply with the supplementary planning guidance; Planning and Noise, 2019 and Flooding and Drainage, 2019.

- 9.2 It is therefore recommended that planning permission be granted, subject to conditions.

## **9. BACKGROUND REFERENCES & ATTACHMENTS**

- Draft Conditions
- 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: 16.11.22**

**DRAFT CONDITIONS – APPLICATION 0657/FUL/22**

1. Full details and specifications of any cctv technology and security lighting to be installed shall be submitted to and approved by the planning authority prior to any development commencing on site.

Reason: In order to assess the impact of these installations when information on them becomes available.

2. The development shall not begin until details of landscaping within the area outlined in green in the approved plans, has been submitted to and approved in writing by the planning authority. It shall include details of plant species, sizes, planting distances, methods of protection and the body that will maintain the landscaping together with a schedule of maintenance works. It shall comply with BS 3936-1 Nursery stock - Part 1: Specification for trees and shrubs and BS 4428 - Code of practice for general landscape operations (excluding hard surfaces). Thereafter the landscaping as approved shall be implemented in the first planting season following the development being occupied, or completion of the development, whichever is sooner. The landscaping as approved shall thereafter be maintained to the entire satisfaction of the planning authority. Maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the landscaping.

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



0657/FUL/22 - Scotlens-Linlithgow Bridge

Development Management - West Lothian Civic Centre - EH54 6FF

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Dawn Rafferty  
10 Lovells Glen  
Linlithgow Bridge  
West Lothian  
EH49 7TD

10<sup>th</sup> August 2022

Planning Department, West Lothian Council

**Planning Application 0657/FUL/22 – Scotlens, Mill Road Industrial Estate, Linlithgow**  
Two storey rear extension to industrial unit

I wish to submit my objections to the above planning application as an immediate neighbour as I feel that this will impact on my quality of life and result in my property being overlooked from the industrial estate.

Firstly, in the very simplest terms, the planning application should immediately be refused on the basis that it is inaccurate. Secondly, any proposed extension should be refused on the basis that it would directly overlook my property and have a huge impact on my security and privacy.

**AS Existing Site Plan and Section 3199060**

This drawing is inaccurate showing the incorrect house numbers for Lovells Glen. I am in no.10 which is numbered in this drawing as no.12. With such basic errors made in this drawing (despite it being drawn by and checked by architects), I feel that I cannot trust the accuracy of **any** of the drawings included in this application.

This shows the existing distance is 40.742m between our 2 buildings, and 30m to the edge of my property.

Points of note on this drawing:

- Inaccurate numbering of house numbers
- The only windows are the rear of the property are very small ones in the toilets (screened) – therefore there are no windows in the existing building which are directly overlooking my property.
- You will see that the security light no.5 directly points towards my property which is currently a nuisance and requires me to have blackout curtains in my bedroom. This is unacceptable and planning for this must be revoked. There is no security requirement for this and it is obtrusive.
- The photograph 5 shows a ‘through the fence view’ however from a very low base. This is an old picture as the trees have since been cut back. Furthermore, it suggests that my building cannot be seen from the site which is totally inaccurate.
- The foliage between our properties is only a partial screen and only during the summer months (there will be no screen during autumn, winter and spring)
- The property where the foliage is shown is owned by the proposer and therefore they are able to cut this back further to exacerbate the privacy issues – what protections are in place for this part of the site to ensure foliage is maintained? What are the responsibilities of the proposer to ensure that this foliage does not grow out of control?
- The existing perimeter fence is unsightly with barbed wire across the top with a gap to the next property which is filled with barbed wire to ground level which I believe is not permitted under 2.4 metres high. Again, this is now visible due to the removal of the boundary trees by the Council in 2020.



- This removal of the trees has made the impact from the industrial estate overbearing creating both a visual eyesore and also making my property less secure and now subject to privacy issues.
- The proposer's perimeter fence is not secure, yet they install obtrusive security lights and presumably cameras and plan to increase these with the new extension.
- The boundary fence is not maintained and is the original fence from when the houses were built – as the owner of one side of the boundary, the proposer should be at the very least paying towards the erection of a new fence fit for purpose and its ongoing maintenance.

### **AS Proposed Site Plan and Section 3199057**

As the most significant document with measurements from the proposed extension to my property – this drawing is inaccurate with the house numbers in Lovells Glen wrong. I am in no.10 which is numbered in this drawing as no.12. With such basic errors made in this drawing (despite it being drawn by and checked by architects), I feel that I cannot trust the accuracy of **any** of the drawings included in this application.

This drawing shows the distance from the proposed extension to my house, as being 36.409m, and the distance to my property, ie to the edge of my garden which is much closer at 25.3m.

Points of note on this drawing:

- Inaccurate numbering of house numbers
- It shows the elevation from the ground floor of the extension to my ground floor as 6.5m. However, it does not show the elevation from the upper storey and lower levels windows which will directly overlook my property.

### **AS Proposed Site Plan and Section 3199058**

- Ground floor windows
  - The size of the windows is not shown on this drawing, however appear to be substantial and directly overlooking my property.
  - There are 3 diatop units in the drawing where members of staff working at these will have a direct view of my property every working hour
- Ground floor – dust extractors room and compressor room:
  - What will the noise impact be from these areas?
  - Will these run 24/7?
  - What will be released into the air?
  - These sit directly behind my property and will have a noise and smell pollution.
- First floor windows
  - The size of the windows is not shown on this drawing, however its appears to be three very substantial windows, each directly overlooking my property.
  - The drawings suggest that 4 desks will be occupied with direct vision to my property – again I'd like to highlight the elevation to my property and this looks directly into my bedroom, bathroom, kitchen and dining room and of course my garden
  - A further two desks will have access to view my property.
  - There is also a seating area with direct sight to my property.
- Security lighting – this is currently obtrusive, shining directly into my property. The plans are for substantially more lighting which will create more light pollution and nuisance to my quality of life.
- I do not see CCTV on the existing plan but I am led to believe that there is existing CCTV around the building. I would like full assurance and evidence that my property, both the building and the garden will not be visible on any CCTV – for the current or planned systems.

### **AS Proposed Elevations 3199059**

- This does not provide the elevation from the window levels to my property.
- The proposed extension looks like it will be made of corrugated iron and will look ugly – visually unpleasant and will lead to a drop in the property prices of our street!

### **Planning Application Form – 320165**

- Flood risk assessment & draining impact assessment – both marked as n/a. Considering the elevation of the site to the edge of my property, I would like to see a land impact assessment conducted to consider any impacts such as landslide/subsidence/drainage directly into my property due to the building works and new building. I would consider this to be a potential bigger issue than previously, considering the Council's removal of the boundary trees in 2020.
- The other houses at nos. 2-8 Lovells Glen have protection from landslide with concrete reinforcement due to the steepness of the slope from the industrial estate to their gardens. My property does not have this, presumably due to the distance between the edge of my property and this building directly behind me. Should this building be extended, then my property will require the same level of protection as my neighbours currently have to protect from landslide/subsidence/drainage issues.
- Why are there no additional car parking spaces, yet there are an additional 6 desks in the staff office on the first floor?

When I bought my property in 2016, the house was not overlooked, had no privacy issues and the industrial estate was not visible from my windows or garden. The Council has created a huge impact removing the boundary trees in 2020 which now leaves me with issues over privacy, security (with access directly from gaps in the perimeter fences behind our properties) and a very unsightly outlook. The Council should focus on correcting this with immediate effect and returning my property to a position which provides privacy, security and visually appealing outlook.

The proposed extension in summary will worsen this situation:

- by allowing staff in Scotlens to see directly into my home and garden, 24/7 (as well as contractors who would be involved in the build)
- by dominating the landscape with a visually tin box, set at the top of the steep slope with no protection/buffer during autumn, winter and spring months due to lack of foliage
- by increasing the number of security lights (and presumably CCTV) to directly and indirectly shine into my home
- by potentially recording activity in my home and garden on Scotlens CCTV without permission
- creating land management issues on the steep slope behind my property causing risks of flood, landslide and subsidence, both during the build and subsequently.

I feel very strongly that the privacy and security of my property is my right as under Article 8 of the Human Rights Act and that this application should be rejected by the Council.

Yours,

*D. Rafferty*

Dawn Rafferty





Dawn Rafferty  
10 Lovells Glen  
Linlithgow Bridge  
West Lothian  
EH49 7TD

12<sup>th</sup> October 2022

FAO Planning Department, West Lothian Council

**Revised Planning Application 0657/FUL/22 – Scotlens, Mill Road Industrial Estate, Linlithgow**

Two storey rear extension to industrial unit

I wish to resubmit my objections to the above planning application as an immediate neighbour as I feel that this will impact on my quality of life and result in my property being overlooked from the industrial estate.

Firstly, in the very simplest terms, the planning application should immediately be refused on the basis that it is inaccurate. Secondly, any proposed extension should be refused on the basis that it would directly overlook my property and have a huge impact on my security and privacy.

**Existing Site Plan (L-01)**

Despite highlighting this drawing as inaccurate in my previous objection, I see that there is not a revised drawing of the existing site plan. Therefore this plan is inaccurate with incorrect house numbers for Lovells Glen. I am in no.10 which is numbered in this drawing as no.12. With such basic errors made in this drawing (despite it being drawn by and checked by architects), I feel that I cannot trust the accuracy of **any** of the drawings included in this application.

This shows the existing distance is 40.742m between our 2 buildings, and 30m to the edge of my property.

Points of note on this drawing:

- Inaccurate numbering of house numbers
- The only windows are the rear of the property are very small ones in the toilets (screened) – therefore there are no windows in the existing building which are directly overlooking my property.
- You will see that the security light no.5 directly points towards my property which is currently a nuisance and requires me to have blackout curtains in my bedroom. This is unacceptable and planning for this must be revoked. There is no security requirement for this and it is obtrusive.
- The photograph 5 shows a ‘through the fence view’ however from a very low base. This is an old picture as the trees have since been cut back. Furthermore, it suggests that my building cannot be seen from the site which is totally inaccurate (as shown in the Environmental Health photographs taken).
- The foliage between our properties is only a partial screen and only during the summer months (there will be no screen during autumn, winter and spring).
- The property where the foliage is shown is owned by the proposer and therefore they are able to cut this back further to exacerbate the privacy issues – what protections are in place for this part of the site to ensure foliage is maintained? What are the responsibilities of the proposer to ensure that this foliage does not grow out of control?

- The existing perimeter fence is unsightly with barbed wire across the top with a gap to the next property which is filled with barbed wire to ground level which I believe is not permitted under 2.4 metres high.
- This is now visible due to the removal of the boundary trees by the Council in 2020.
- This removal of the trees has made the impact from the industrial estate overbearing creating both a visual eyesore and also making my property less secure and now subject to privacy issues.
- The proposer's perimeter fence is not secure, yet they install obtrusive security lights and presumably cameras and plan to increase these with the new extension.
- I do not see CCTV on the existing plan but I am led to believe that there is existing CCTV around the building. I would like full assurance and evidence that my property, both the building and the garden will not be visible on any CCTV – for the current or planned systems.
- The boundary fence (shown as West Boundary) is not maintained and is the original fence from when the houses were built – as the owner of one side of the boundary, the proposer should be at the very least paying towards the erection of a new fence fit for purpose and its ongoing maintenance.

### **Proposed Site Plan (2-01)**

In response to my previous comments regarding the inaccuracies over the house numbers in Lovells Glen, I see that for the most part, the revised plans have simply removed all the numbers except one. It therefore is astonishing that the one house number that they include is still wrong!

My house is the one shown on the top elevation drawing as 36409mm distance from my building to the proposed building, and 25300mm from the proposed building to the edge of my garden. My house is no.10 but this is shown as number 12 in this drawing. With such basic errors made in this drawing (despite it being drawn by and checked by architects), I feel that I cannot trust the accuracy of **any** of the drawings included in this application.

Again on the issue of Security lighting, it seems that the response to my concerns on the previous version has been to remove the position of security lighting from this drawing. Is it to be assumed therefore that the currently obtrusive security lighting which shines directly into my property will be removed? I would think not, and that this is another attempt to minimise the information provided in order to minimise any objections. I believe that the plans are for substantially more lighting which will create more light pollution and nuisance to my quality of life.

### **Proposed Plans (2-02)**

- Ground floor windows
  - The windows are a substantial size and directly overlook my property.
  - There are 3 diatop units in the drawing where members of staff working at these will have a direct view of my property every working hour.
- Ground floor – dust extractors room and compressor room:
  - What will the noise impact be from these areas?
  - Will these run 24/7?
  - What will be released into the air?
  - These sit directly behind my property and will have a noise and smell pollution.

### **AS Proposed Elevations (Revised) – (2-03)**

- This does not show the imposing elevation from the building and window levels to my property.
- The proposed extension looks like it will be made of corrugated iron and will look ugly – visually unpleasant and will lead to a drop in the property prices of our street!

- The added privacy screening will be particularly visible and ugly and not suitable for borders in residential areas with housing – this is suitable for leisure centre border for sports courts (as shown).
- This proposed mesh will be fixed to existing post and wire fencing. The current fencing is old with thin posts – and includes barbed wire across the top as well as down the gap to the next property all the way to the ground. I don't believe that this is fit for purpose either as a border with residential property.
- This property and the next one on the right as shown in the photos from the report from Environmental Health (EH), taken from my garden, both require immediate attention with a sufficient, visually appropriate and permanent solution which is then maintained ongoing.
- This has only recently been an eyesore since the Council cut down the large trees which provided substantial screening between my garden and the industrial estate buildings. This should be rectified (regardless of outcome of this planning application) as a matter of urgency with a fence that is continued from the one shown in the 2<sup>nd</sup> EH photograph.

### **Planning Application Form**

This form has not been revised despite the addition of the drainage plan and therefore this planning application is inaccurate.

- Flood risk assessment & draining impact assessment – both marked as n/a. Considering the elevation of the site to the edge of my property, I would like to see a land impact assessment conducted to consider any impacts such as landslide/subsidence/drainage directly into my property due to the building works and new building. I would consider this to be a potential bigger issue than previously, considering the Council's removal of the boundary trees in 2020.
- The other houses at nos. 2-8 Lovells Glen have protection from landslide with concrete reinforcement due to the steepness of the slope from the industrial estate to their gardens. My property does not have this, presumably due to the distance between the edge of my property and this building directly behind me. Should this building be extended, then my property will require the same level of protection as my neighbours currently have to protect from landslide/subsidence/drainage issues.

### **Drainage Plan**

The addition of a drainage plan with addition of guttering does not address my concerns regarding the impact of the building works and further stress on the site in relation to the steep slope and the lack of retainer wall protection for my property.

Inaccuracies in plan

- project location as Dunfermline.
- Rainfall intensity 0.011
- Additional roof areas 0.0m<sup>2</sup>

Indeed, this document is actually a Gutter System Rainwater Calculator and is not a Drainage Impact Assessment and therefore has no impact measurements for during the build or after construction in relation to the amount of water flowing into my garden and those of my neighbours (some of whom have existing issues which are not addressed).

According to West Lothian Government's **Flood and Drainage Report 2018** SG Flooding and Drainage1.pdf ([westlothian.gov.uk](http://westlothian.gov.uk)), the risk for the Linlithgow area is substantial:

- p.26 - *Linlithgow has also been identified as one of fifteen high-risk areas in Scotland and one of four so called priority areas within West Lothian in terms of the risk of flooding from surface water.... Forecasts suggest that the extent and severity of flood risk will be exacerbated in future as a result of urban creep, climate change...*
- p.13 - *Flooding can seriously impact on people, businesses and the environment and the council will, as a first principle, seek to prevent development which would have a significant probability of being affected by flooding or would increase the probability of giving rise to flooding..... Development will specifically not be supported in: a. locations identified as being at medium to high flood risk, unless it accords with the flood risk framework set out in SPP 2014; or b. where it would lead to an increase in the probability of flooding elsewhere.*
- p.24 – *management of surface water during construction* – this is not addressed in the plans
- p.33–42 – *appendices regarding flood risk assessment* – this has not been suitably addressed.

### **Overall**

When I bought my property in 2016, the house was not overlooked, had no privacy issues and the industrial estate was not visible from my windows or garden. The Council has created a huge impact removing the boundary trees in 2020 which now leaves me with issues over privacy, security (with access directly from gaps in the perimeter fences behind our properties) and a very unsightly outlook. The Council should focus on correcting this with immediate effect and returning my property to a position which provides privacy, security and visually appealing outlook.

The proposed extension in summary will worsen this situation:

- by creating land management issues on the steep slope behind my property causing risks of flood, landslide and subsidence, both during the build and subsequently.
- by allowing staff in Scotlens to see directly into my home and garden, 24/7 (as well as contractors who would be involved in the build)
- by dominating the landscape with a visually tin box, set at the top of the steep slope with no protection/buffer during autumn, winter and spring months due to lack of foliage
- by increasing the number of security lights (and presumably CCTV) to directly and indirectly shine into my home
- by potentially recording activity in my home and garden on Scotlens CCTV without permission

I feel very strongly that the privacy and security of my property is my right as under Article 8 of the Human Rights Act and that this application should be rejected by the Council.

Yours,

*D. Rafferty*

Dawn Rafferty

## **Planning Application 0657/FUL/22 – Scotlens, Mill Road Industrial Estate, Linlithgow**

We wish to make you aware of the strong objections the we have with regard to the proposed two storey extension of the application referenced above.

As an immediate neighbour to the extension, we are of the view that the proposed plans will have a serious impact on our privacy and standard of living.

Our specific objections are:

### **Loss of privacy and overlooking**

The proposed extension is at such an angle that the windows on the second floor will look directly into our bedroom and kitchen window causing a concern to a lack of privacy in key areas of our home. The current measurements advise that the property is 31 metres away from our house, the new extension will move this to a distance of 25 metres with a downward view. The proposed extension would also impact on our primary amenity area, our garden, which would be severely overlooked from the office windows of the new extension resulting in a further invasion of our privacy. The extension would leave us little opportunity to use the rooms at the back of our property or our garden without being overlooked during a working week.

The design of the proposed extension does not afford adequate privacy for the right of ourselves or the occupants of the adjacent residential properties. In particular with regard to the direct view into our bedroom or the quiet enjoyment of our garden amenities. We would urge you to consider the responsibilities of the Council under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to a peaceful enjoyment of all their possessions which includes home and other land. We believe that the proposed extension would have a dominating impact on us and our right to the life within our home at all times with privacy due to being overlooked. Article 8 of the Human Right Act states that a person has the substantive right to respect for their private and family life

### **Noise Nuisance and Smell**

The proposed plan also details a compressor room and dust extractors. The current compressor is situated away from residential houses to the other side of the existing building. There is a greater distance between the current compressor location and houses, with the added noise buffer from trees. We are concerned that the relocation will subject our house to the noise of a compressor which may be switched on 24/7 or at least the working hours of the facility and would be a constant and incessant noise continually in the back ground. We also have concerns where the extractor ducts would vent and would there be any additional noise when these were in use.

The rear of the building currently has security lighting and CCTV cameras on it and after the removal of the trees by the Council in 2020 resulted in this light shining directly into our bedroom. We complained about this at the time and slight modification was made but the light remained an issue resulting in the requirement for us to purchase two blackout blinds for the bedroom and ensuite windows that were affected. We were assured the CCTV was angled not to impact on our house or garden. We imagine security lighting and CCTV will be installed at the new extension bringing this closer to our house and affecting us further.



The office windows on the proposed extension would also flood light during the autumn/winter months, as they would be a requirement for them to be illuminated to allow people to work within the offices. This again gives us concern as a privacy issue as individuals working at desks and work stations would be looking out of the windows during office hours affecting the privacy in our home.

There are no sizes detailed on the plans for any windows but using the scale advised these are likely to be larger than a metre with a height of half a metre. This is a substantial amount of window aperture looking into and onto our property from both floors of the proposed extension.

The metal cladding and roofing sheets for the proposed new extension is different to what we currently look at. The current building is not attractive to view but the proposed extension material would be less aesthetically pleasing to what we currently have.

Although no direct complaint can be made to the disturbance while the work is being carried out to build the extension, consideration has to be given to the points previously raised in regard to privacy and being overlooked.

The site will be occupied by a number of trades people and vehicles who will have a direct view into our bedroom, kitchen and garden. Once again encroaching on our privacy and overlooking our home.

It is the position of the current Scotlens building and the fact it sits at the top of a 3.2 metres retaining wall and further sloping banking that it has such a commanding view into, and onto the surrounding residential buildings. This is due in the main to the removal of the trees by the Council in 2020 which removed the privacy screen between the houses and the industrial estate units. There was no consideration given to the impact of the properties at this time and the repercussions for applications such as this.

We also wish to detail the inaccuracies of the site plans and that the photographs are taken in such a way to make the application submitted more favourable for the applicant.

We have detailed the inaccuracies for your information and attention as I am concerned that if the proposed drawings are not correct what further inaccuracies will be progressed during the planning and building process. Clarification is also sought that the measurements relate to the actual houses and not those numbered on the plans and until this is corrected the application should not be moved forward

### Drawing - AS PROPOSED SITE PLAN

House numbering on drawings is incorrect

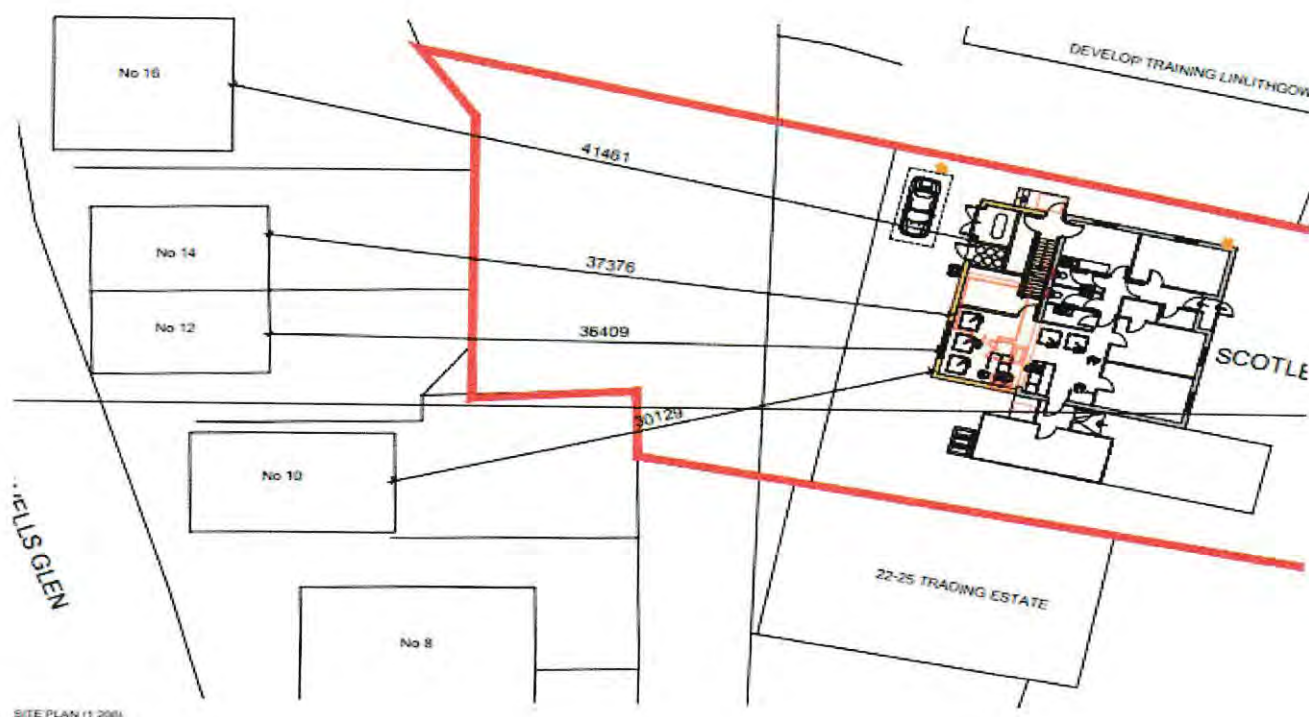
House detailed as No 8 in the drawing is actually House No 6

House detailed as No 10 in the drawing is actually House No 8

House detailed as No 12 in the drawing is actually House No 10

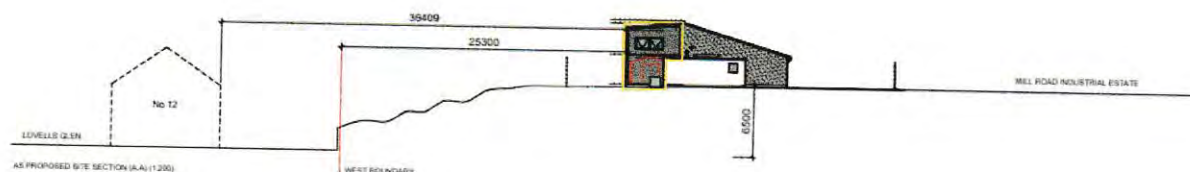
House detailed as No 14 in the drawing is actually House No 12

House detailed as No 16 in the drawing is actually House No 14



The Site Section diagram provides measurements to property No 12 on the drawing when in fact property No 10 is a lesser distance. Why was No 12 used for this graphic as it is not the closest residential property to the current building. *Please note for ease we are using the drawing house numbers which we have previously advised are in correct*





## Drawings - AS PROPOSED ELEVATIONS

There are no window sizes on drawings why is this not detailed

## Drawings - AS EXISTING SITE PLAN AND SECTION



House numbers detailed incorrectly as previously advised in As Proposed Site Plan.

Photograph 5 is inaccurate and does not depict house No 14 as detailed in the drawing as the photograph is capturing House No 10. This is in fact House No 8 as the drawing numberings are in correct.

The photograph also looks as if it has been taken from a lower angle a not from head height giving an inaccurate prospective that the vegetation offers some screening of the current building. The photograph is flawed it should also be noted that the vegetation is seasonal and does not offer any screening during the spring, autumn and winter months.

I would urge the Council not to take forward this planning application based on the points raised in our objection and the obvious loss of privacy and being overlooked should the proposed extension be built.

Julie Roy & Malcolm Sneddon Resident at 8 Lovells Glen, Linlithgow

**From:** [Calderwood, Alexander](#)  
**To:** [Calderwood, Alexander](#)  
**Subject:** FW: 0657/FUL/22 - Scotlens, Mill Road Industrial Estate - [OFFICIAL]  
**Date:** 20 October 2022 14:44:00

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## DATA LABEL: OFFICIAL

**From:** Julie Roy [REDACTED]  
**Sent:** 10 October 2022 22:11  
**To:** Calderwood, Alexander <Alexander.Calderwood@westlothian.gov.uk>  
**Subject:** Re: 0657/FUL/22 - Scotlens, Mill Road Industrial Estate - [OFFICIAL]

Good Evening Alex

Thank you for contacting us in relation to the revised plans for the two storey extension as Scotlens, Mill Road, Industrial Estate, Linlithgow.

Please find undernoted our comments and ongoing objection to the proposed revised plans. Can you confirm receipt of this email and advise if our comments require to be uploaded on the portal.

Yours

Julie Roy

### **Planning Application 0657/FUL/22 – Scotlens Mill Road Industrial Estate, Linlithgow – Amended Plans – 26/9/2022**

We refer to the above and amended plans submitted on 26 September, 2022, we still wish to submit our strong objections to these amendments. The changes submitted only take into consideration one section of our previous objection and the serious impact it would have on our privacy and standard of living should it be approved

#### **Loss of privacy and overlooking.**

The amended plans have removed the front facing first floor windows which are now being replaced by Velux roof lights. However, there are no amendments in the plans to address the issue of being overlooked from the first-floor window on the side of the extension onto our property and garden. (As Proposed South Elevation)

If the extension was built this would result in the side window being closer to our property and the angle would mean that the view from the window would continue to look in to our property and garden resulting in an invasion of our privacy.

The amended plans refer to green mesh privacy screening to be fixed to existing post and wire fencing. There is no detail given on the thickness of the screening and level of transparency that it will give. The image on the Proposed Site Plan Project Specific Notes Section offers no level of privacy even as an example for reference.

We however do not accept any solution relating to the planning application to be a temporary measure and anything forming part of the approval process requires to be a permanent fixture.

The screening is a key factor in obscuring the view for the ground floor windows on the front and side of the amended plans but the current suggestion of mesh screening is a non-permanent solution.

The screening would not be a permanent solution to the loss of privacy or being overlooked as it is not designed for long term use, could easily be removed, and not maintained.

There would be no recourse from ourselves if in the future the screening was removed or not maintained and we would be left with our garden and property being overlooked by these ground floor windows.

Any form of screening forming part of the planning application would require it to be permanent such as the planting of trees or maintained beech or laurel hedge.

The plans whether the original or amended would still always have a dominating impact on us and our right to the life within our home with privacy and not being overlooked

### **Noise, Nuisance and Smell**

As per my original objection there is no reference on the amended plans to take cognisance of the issues that we raised. These remain as objections regarding noise, nuisance, and smell.

In our original objection we referred to the inaccuracies on the site plans and these have been partially addressed, but the plans still hold inaccurate information. The As Proposed Site Section Revised now has the house numbers removed on the Proposed Site Plan, nevertheless the site section diagram still has the wrong house number detailed on the amended plans.

It is disappointing that even after the inaccuracies have been previously highlighted that the revised plans still have errors.

We once again urge the Council not to take forward this planning application based on the points raised in our original objection and our comments on the revised plans. Any set of plans would still result in the loss of privacy and being overlooked should the proposed extension be built.

Julie Roy and Malcolm Sneddon, residents at 8 Lovells Glen, Linlithgow

### **West Lothian Council - Data Labels:**

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

**OFFICIAL:** Contains information for council staff only

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

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## Comments for Planning Application 0657/FUL/22

### Application Summary

Application Number: 0657/FUL/22

Address: Scotlens Mill Road Industrial Estate Linlithgow Bridge Linlithgow West Lothian EH49 7SF

Proposal: Erection of a 56sqm two storey extension to industrial unit

Case Officer: Alexander Calderwood

### Customer Details

Name: Mrs Lindsay Robertson

Address: 14 Lovells Glen, Linlithgow Bridge, Linlithgow, West Lothian EH49 7TD

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Hi, we would like to object to this application on the basis of:

- 1) Environmental impact - concerned about water supply and drainage as we are already experiencing issues with standing water and flooding into our garden from land just above our property. We previously contacted the Council about this on 4th May 2021 (Jim Armstrong) but they were unable to advise at the time who owned the land and said it was not their responsibility. This planning application has enabled us to identify land owner and would like to address the issue as our garden is saturated. We would require a Drainage Impact Assessment and SUDS arrangement to be completed as part of this application to rectify current issue and prevent further damage.
- 2) Loss of privacy and impact on sunlight - due to height of two storey extension this will be directly overlooking our garden and into children's bedrooms at the rear of our property. There are a number of large trees adjacent to the planning site and above our garden which have not been included in the planning application or noted on plans.

We are happy to provide further details for clarification as required

Thank you



**From:** [Planning](#)  
**To:** [Calderwood, Alexander](#)  
**Subject:** FW: Objection to planning application 0657/FUL/22 - [OFFICIAL]  
**Date:** 15 August 2022 07:10:42

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**DATA LABEL: OFFICIAL**

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**From:** Mario Giardini [REDACTED]  
**Sent:** 12 August 2022 21:33  
**To:** Planning <Planning@westlothian.gov.uk>  
**Subject:** Objection to planning application 0657/FUL/22

Dear Sir or Madam at West Lothian Council,

I am writing to object to planning application 0657/FUL/22 (Two storey rear extension to industrial unit – Grid Ref: 298477, 677649) for the following reason:

**As a consequence of the removal by West Lothian Council of the vegetation barrier separating the application site from the properties in Lovells Glen, which has not been replaced by a suitable new vegetation barrier, the extension that has been applied for in 0657/FUL/22 would be in direct line-of-sight to the rear windows of our property on 6 Lovells Glen. This causes a severe loss of privacy.**

My details are:

Name: Mario Ettore Giardini

Address:

6 Lovells Glen  
Linlithgow Bridge  
Linlithgow  
West Lothian  
EH49 7TD

Date: 12 August 2022

Application number: 0657/FUL/22

Address of the site:

Scotlens  
Mill Road Industrial Estate  
Linlithgow Bridge  
Linlithgow  
West Lothian  
EH49 7EF

Yours faithfully,

Mario Ettore Giardini  
[REDACTED]

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

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



**From:** [Planning](#)  
**To:** [Calderwood, Alexander](#)  
**Subject:** FW: Objection to planning application 0657/FUL/22 - loss of privacy - [OFFICIAL]  
**Date:** 15 August 2022 07:10:31  
**Attachments:** [image002.png](#)

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## DATA LABEL: OFFICIAL

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**From:** Wendy Saigle [REDACTED]  
**Sent:** 12 August 2022 21:45  
**To:** Planning <Planning@westlothian.gov.uk>  
**Subject:** Objection to planning application 0657/FUL/22 - loss of privacy

Dear Sir or Madam at West Lothian Council,

I am writing to object to planning application 0657/FUL/22 (Two storey rear extension to industrial unit – Grid Ref: 298477, 677649) for the following reason:

**A severe loss of privacy would be caused by the proposed extension in planning application 0657/FUL/22. There would be a direct line of sight from the proposed extension into the rear windows of my home at 6 Lovells Glen.**

**There used to be a tall hedgerow at the back of the industrial estate that provided visual screening between the buildings at the top of the hill and the homes down below in Lovells Glen. However, that tall hedgerow was removed by the council, so the visual screening is now gone.**

My details are:

Name: Wendelin Saigle

Address:

6 Lovells Glen  
Linlithgow Bridge  
Linlithgow  
West Lothian  
EH49 7TD

Date: 12 August 2022

Application number: 0657/FUL/22

Address of the site:

Scotlens  
Mill Road Industrial Estate  
Linlithgow Bridge  
Linlithgow  
West Lothian  
EH49 7EF

Regards,  
Wendelin Saigle

[REDACTED]

**Wendelin Saigle**

**UK Mobile:** [REDACTED]

**Email:** [REDACTED]

**West Lothian Council - Data Labels:**

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## PROPOSED DELEGATED PLANNING DECISIONS

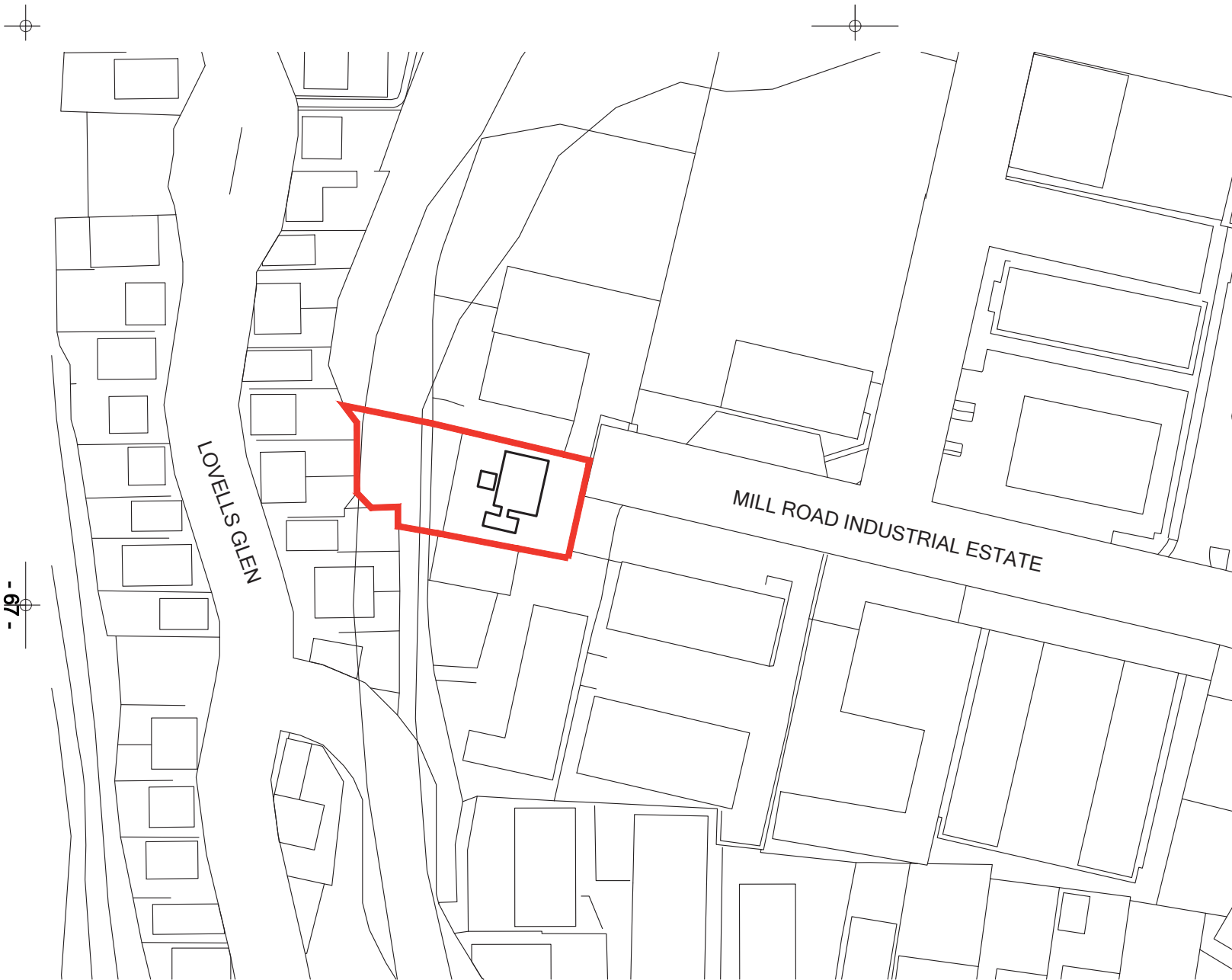
### ☒ LOCAL MEMBER REFERRAL REQUEST ☒

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

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

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

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
<p><b>Application Reference Number</b></p> <p><b>0657/FUL/22</b></p> <p>.....</p> <p><b>Site Address</b></p> <p><b>Scotlens, Mill Road Industrial Estate, Linlithgow Bridge, Linlithgow, West Lothian (Grid Ref: 298477,677649)</b></p> <p><b>Title of Application</b></p> <p><b>Member's Name</b></p> <p><b>Cllr    Pauline Orr</b></p> <p><b>Date    31/10/22</b></p>	<p><b>Applicant Request</b>..... <input type="checkbox"/></p> <p><b>Constituent Request</b>..... <input checked="" type="checkbox"/></p> <p><b>Other (please specify)</b>..... <input type="checkbox"/></p>



GENERAL DRAWING NOTES    **Agenda Item 6**

1. All dimensions are in millimeters unless otherwise stated.

2. This drawing is to be read in conjunction with all relevant Architectural, Interior, Civil, Structural and Service Engineer's drawings and specifications.

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Revision/Date	Description	By
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Client  
Scott Brown

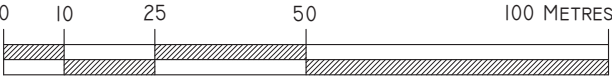
Project  
Scotlens Ltd Extension  
Mill Road Industrial Estate  
Linlithgow Bridge, EH49 7SG

Drawing Title  
Location Plan

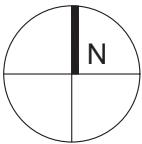
Scale 1:1250 @ A4	Date June '22	Drawn by RW	Checked by MDK
Job No. 2210 LIN	Drawing No. (L-)00	Revision -	Issued for -

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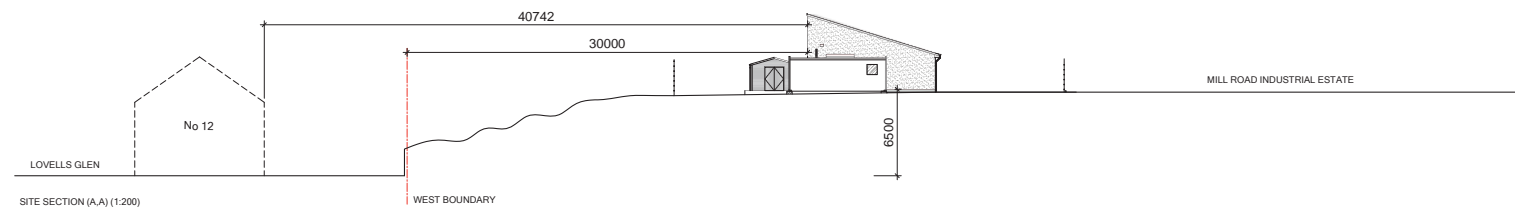


SCALE  
LOCATION PLAN (1:1250)



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PROJECT SPECIFIC NOTES



PHOTOGRAPH 01



PHOTOGRAPH 02



PHOTOGRAPH 03



PHOTOGRAPH 04



PHOTOGRAPH 05



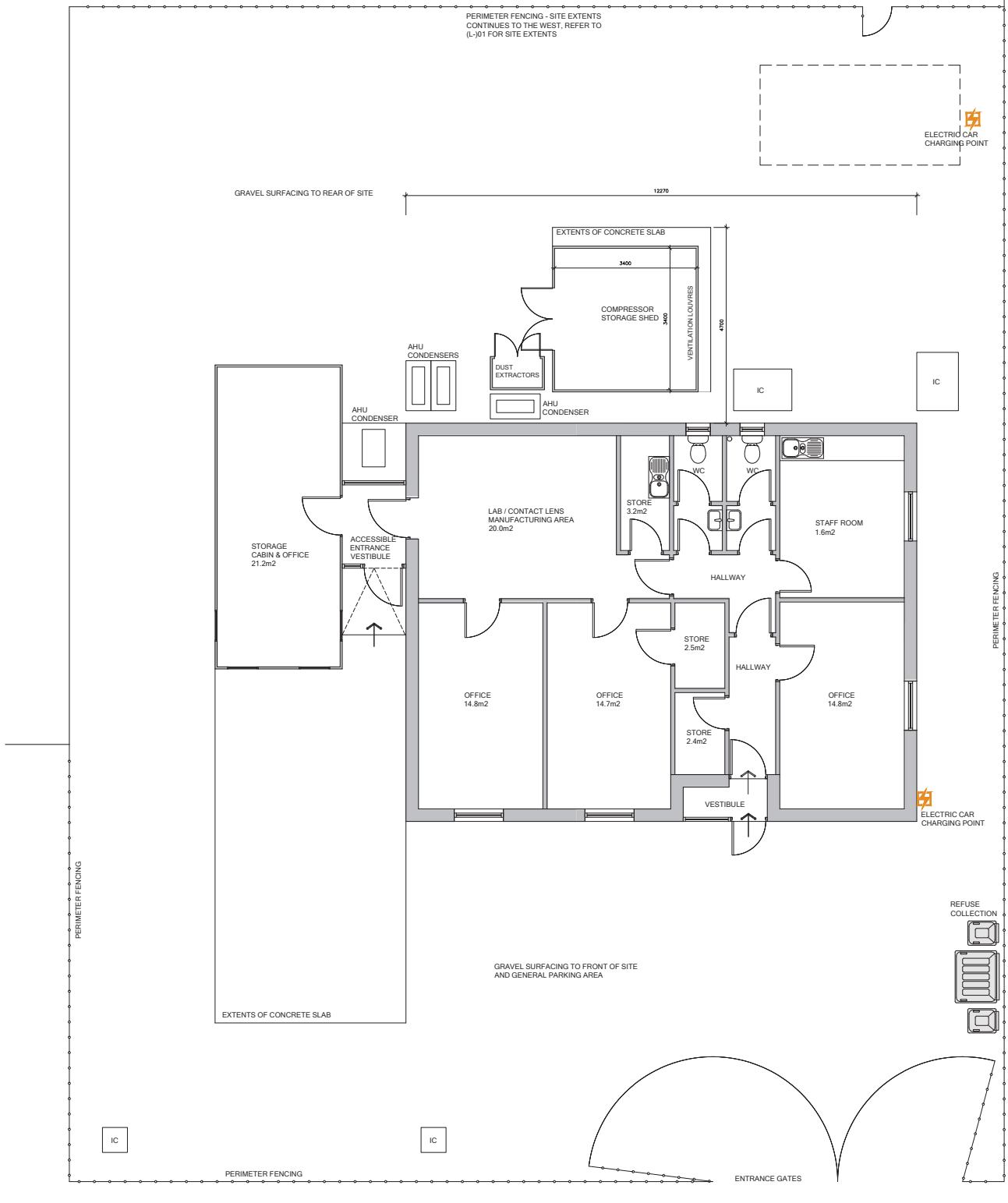
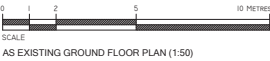
AS EXISTING SITE PLAN & SITE SECTION (A,A) (1:200)

Revision/Date	Description	By
-	-	-

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Client Scott Brown			
Project Scotlens Ltd Extension Mill Road Industrial Estate Linlithgow Bridge, EH49 7SG			
Drawing Title As Existing Site Plan & Site Section (A,A)			
Scale 1:200 @A1	Date June '22	Drawn by RW	Checked by MDK
Job No. 2210 LIN	Drawing No. (L-J01	Revision -	Issued for -
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Agenda Item 6

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-	-	-

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T: 0131 6775000 W: www.leaskarchitects.co.uk E: admin@leaskarchitects.co.uk

Client  
Scott Brown

Project  
Scotfems Ltd Extension  
M81 Road Industrial Estate  
Linnithgow Bridge, EH49 7SG

Drawing Title  
As Existing Ground Floor Plan

Scale	Date	Drawn by	Checked by
1:50 @A1	June '22	RW	MDK

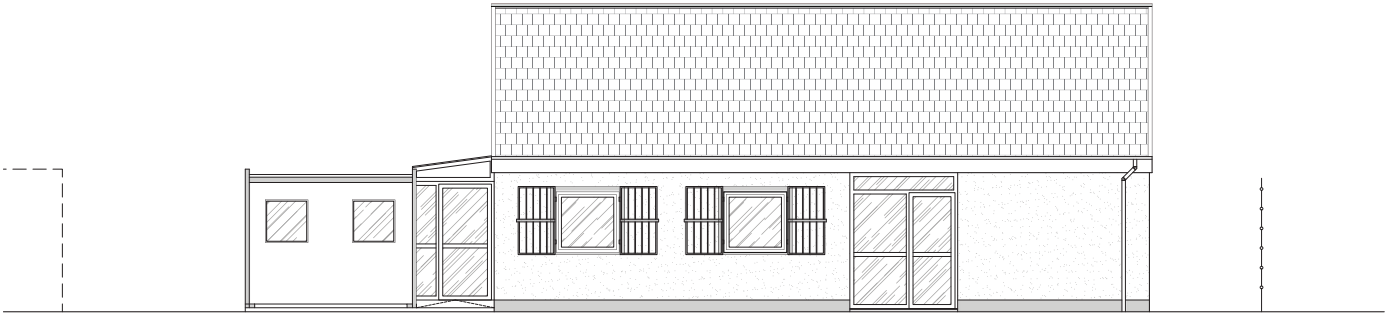
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2210 LIN	(L-J02	-	-

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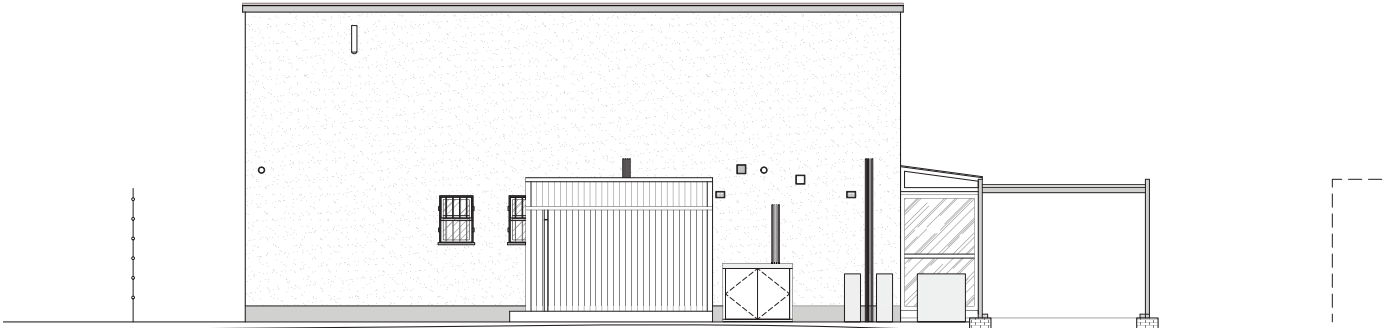




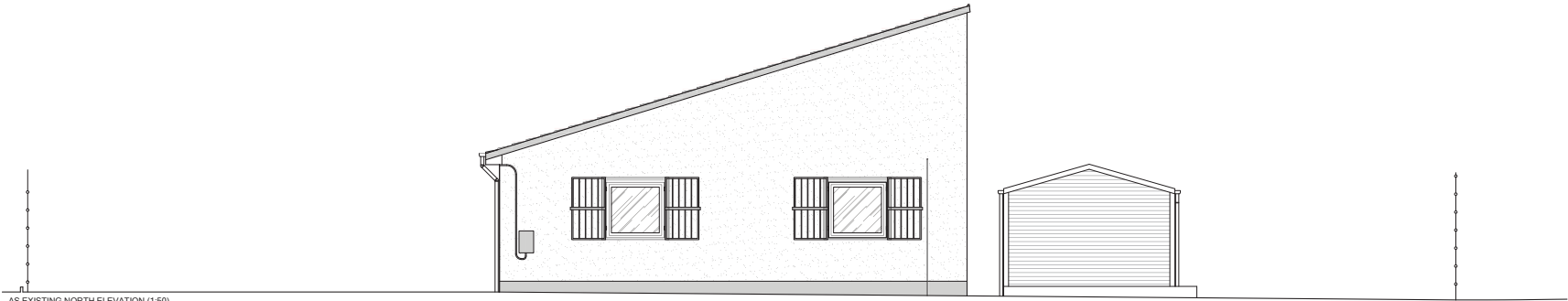
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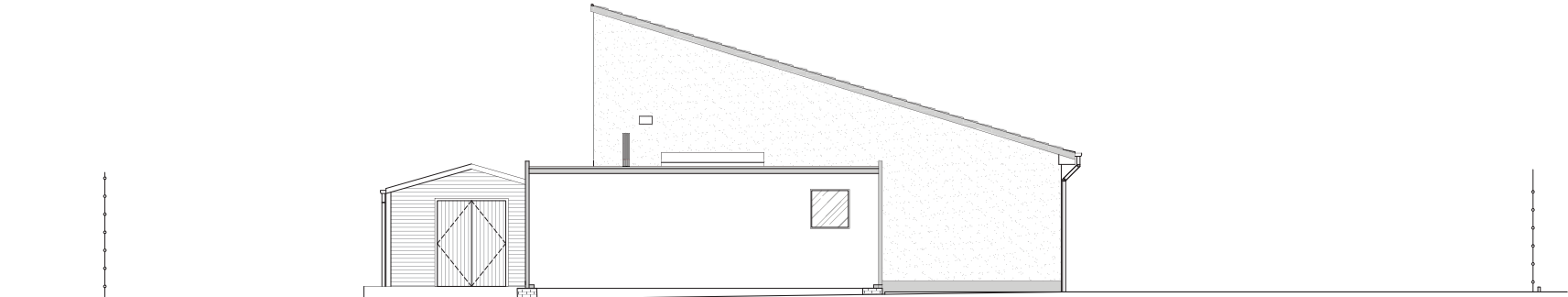
AS EXISTING EAST ELEVATION (1:50)



AS EXISTING WEST ELEVATION (1:50)



AS EXISTING NORTH ELEVATION (1:50)



AS EXISTING SOUTH ELEVATION (1:50)

## Agenda Item 6

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### PROJECT SPECIFIC NOTES

#### EXISTING MATERIALS:

- External Walls - Gray Roughcast Render with Black Painted concrete plinth
- Roof - Concrete tiles in grey
- Windows & Doors - White uPVC with black painted surrounds & black security bar shutters
- Fascias - White painted
- Rain Water Goods - Black Plastic

Revision/Date	Description	By
-	-	-

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T: 0131 6775000 W: www.leaskarchitects.co.uk E: admin@leaskarchitects.co.uk

Client Scott Brown			
Project Scotlens Ltd Extension M11 Road Industrial Estate Linnithgow Bridge, EH49 7SG			
Drawing Title As Existing Elevations			
Scale 1:50 @A1	Date June '22	Drawn by RW	Checked by MDK
Job No. 2210 LIN	Drawing No. (L)-03	Revision -	Issued for -
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Agenda Item 6

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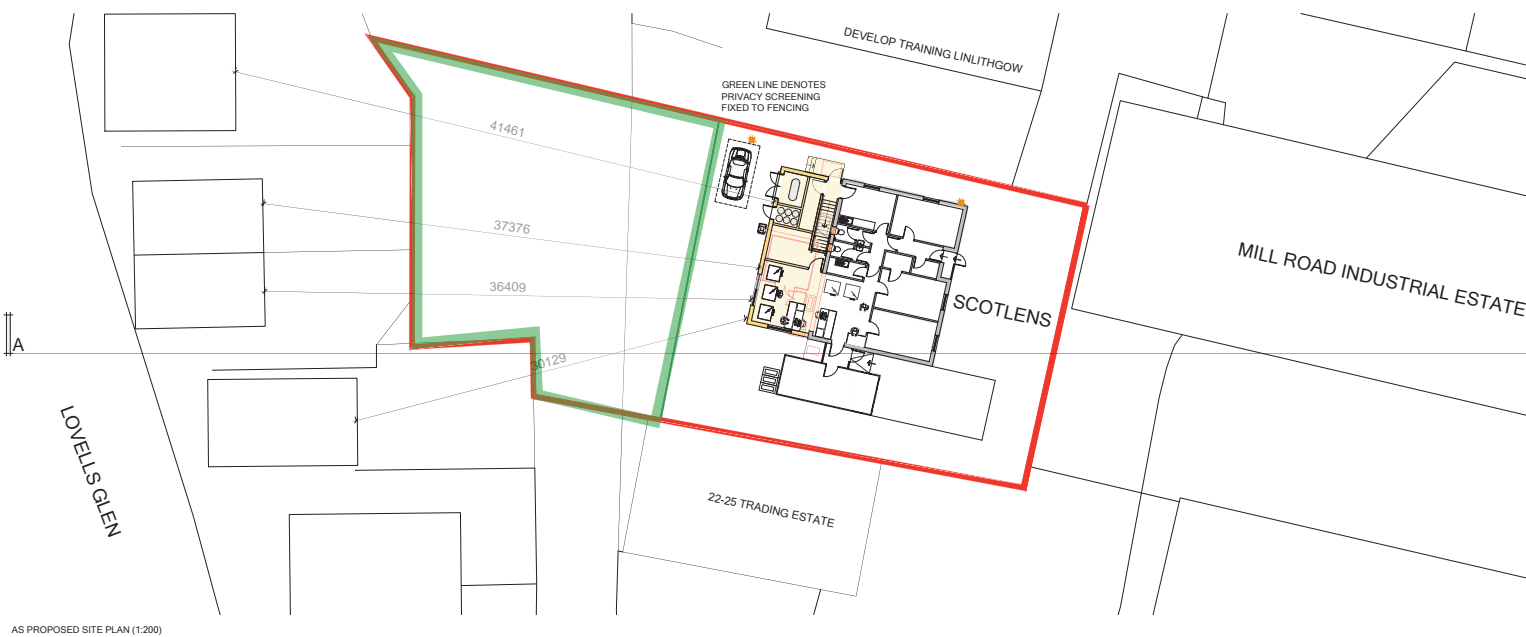
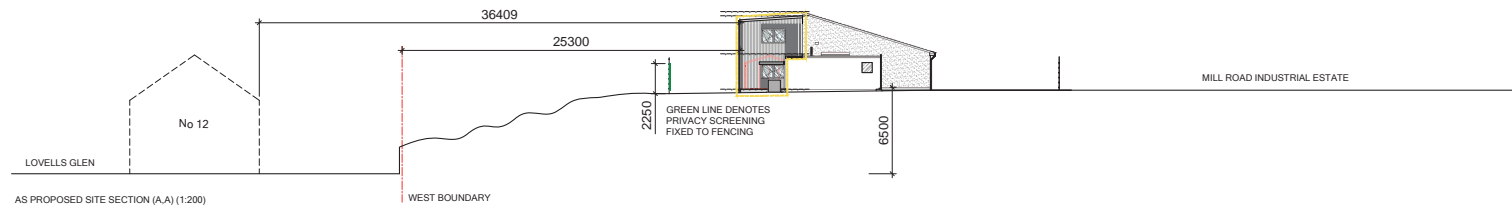
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PROJECT SPECIFIC NOTES



GREEN MESH PRIVACY SCREENING TO BE FIXED TO EXISTING POST & WIRE FENCING



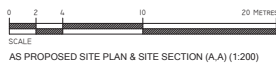
Revision/Date	Description	By
A 19.09.2022	General revisions to WLC comments First Floor Windows removed Value Rooflights added	RW

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Client Scott Brown			
Project Scotlens Ltd Extension Mill Road Industrial Estate Linlithgow Bridge, EH49 7SG			
Drawing Title As Proposed Site Plan			
Scale 1:200 @A1	Date June '22	Drawn by RW	Checked by MDK
Job No. 2210 LIN	Drawing No. (2-301	Revision A	Issued for Planning
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### PROJECT SPECIFIC NOTES



CURRENT LAB / MANUFACTURING ROOM



GREEN MESH PRIVACY SCREENING TO BE FIXED TO EXISTING POST & WIRE FENCING

Revision/Date	Description	By
A 19.09.2022	General revisions to WLC comments First Floor Windows removed Velux Rooflights added	RW

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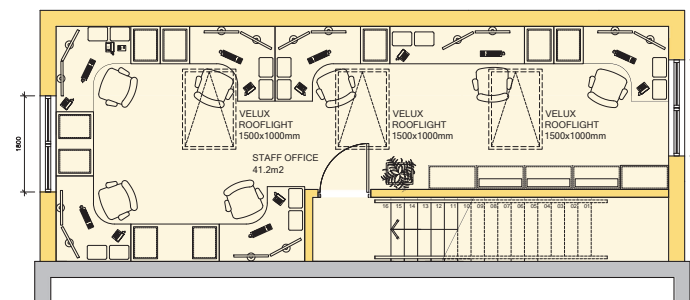
Client  
Scott Brown

Project  
Scotlens Ltd Extension  
M8 Road Industrial Estate  
Linnithgow Bridge, EH49 7SG

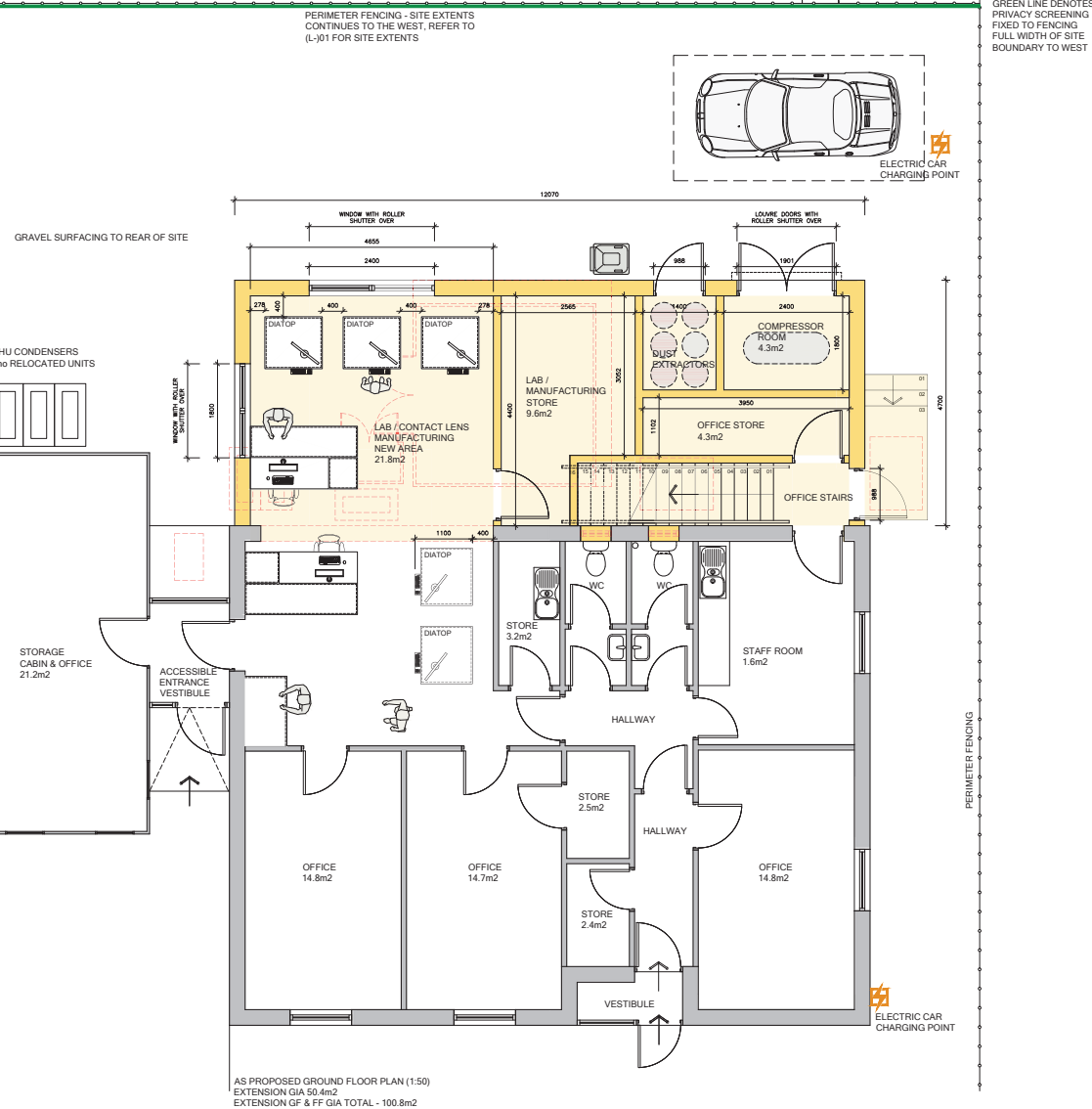
Drawing Title  
As Proposed Ground & First Floor Plans

Scale	Date	Drawn by	Checked by
1:50 @A1	June '22	RW	MDK
Job No.	Drawing No.	Revision	Issued for
2210 LIN	(2)-J02	A	Planning

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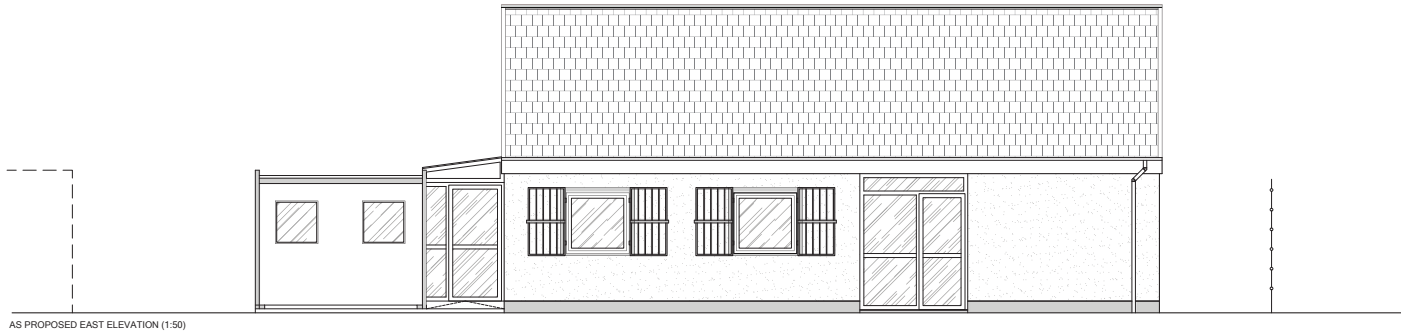
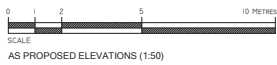


AS PROPOSED FIRST FLOOR PLAN (1:50)  
EXTENSION GIA - 50.4m2

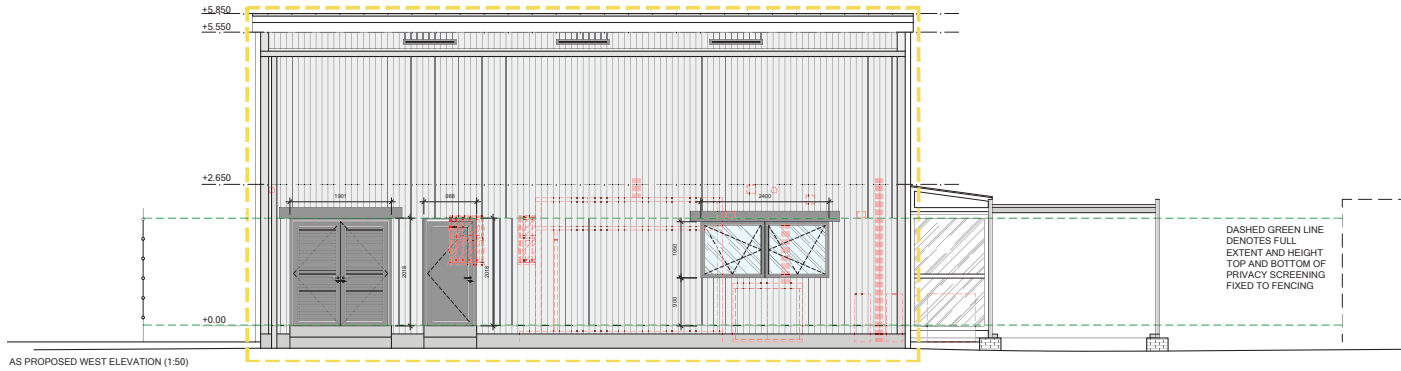


AS PROPOSED GROUND & FIRST FLOOR PLANS (1:50)  
EXTENSION GIA 50.4m2  
EXTENSION GF & FF GIA TOTAL - 100.8m2

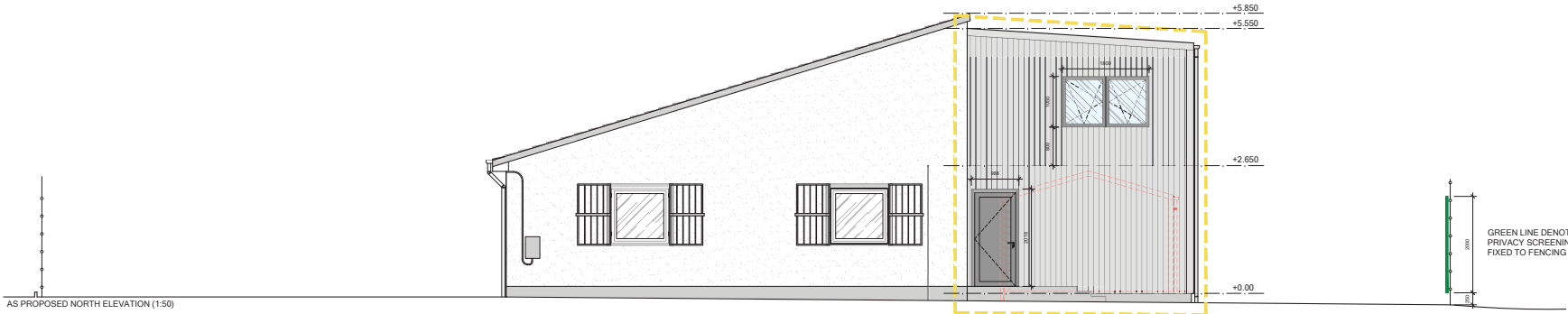
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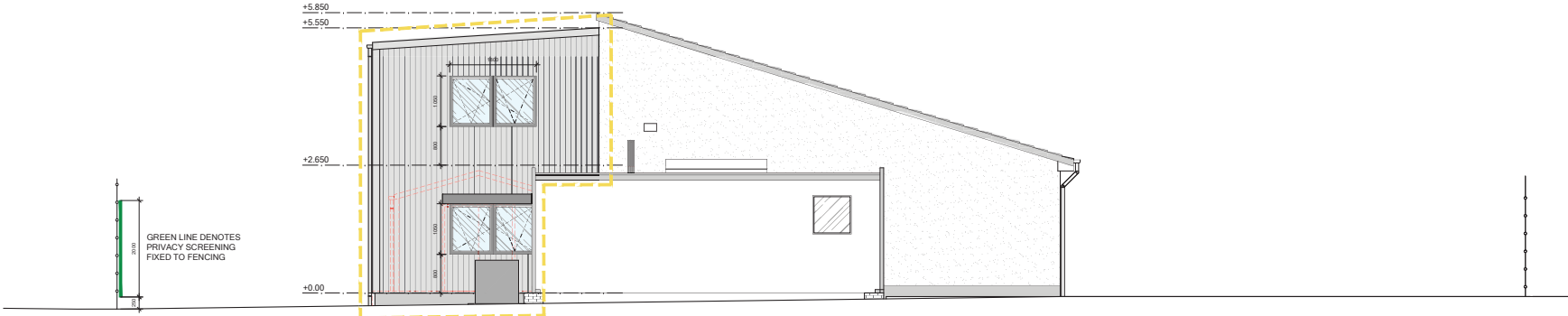
AS PROPOSED EAST ELEVATION (1:50)



AS PROPOSED WEST ELEVATION (1:50)



AS PROPOSED NORTH ELEVATION (1:50)



AS PROPOSED SOUTH ELEVATION (1:50)

Agenda Item 6

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PROJECT SPECIFIC NOTES  
PROPOSED MATERIALS:  
External Walls - Grey Insulated Profiled Metal Cladding  
Roof - Grey Insulated Profiled Metal Roofing Sheets  
Windows - Anthracite Grey uPVC with security roller shutter over at GF or Anthracite Grey  
Roof Windows - Velux electrically operated windows in Anthracite Grey  
Doors - Anthracite Grey Painted Timber  
Flashings and Drips - Grey Powder Coated Aluminium  
Rain Water Goods - Grey Powder Coated Aluminium  
Compressor Room Doors - Anthracite Grey Powder Coated Aluminium with roller shutter door over in Anthracite Grey



GREEN MESH PRIVACY SCREENING TO BE FIXED TO EXISTING POST & WIRE FENCING

Revision/Date	Description	By
A 19.09.2022	General revisions to WLC comments First Floor Windows removed Velux Rooflights added	RW

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Client Scott Brown			
Project Scotlens Ltd Extension M1 Road Industrial Estate Linnithgow Bridge, EH49 7SG			
Drawing Title As Proposed Elevations			
Scale 1:50 @A1	Date June '22	Drawn by RW	Checked by MDK
Job No. 2210 LIN	Drawing No. (2-303)	Revision A	Issued for Planning
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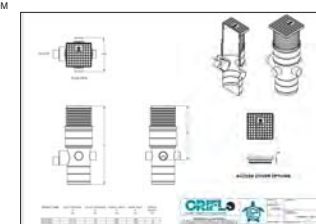
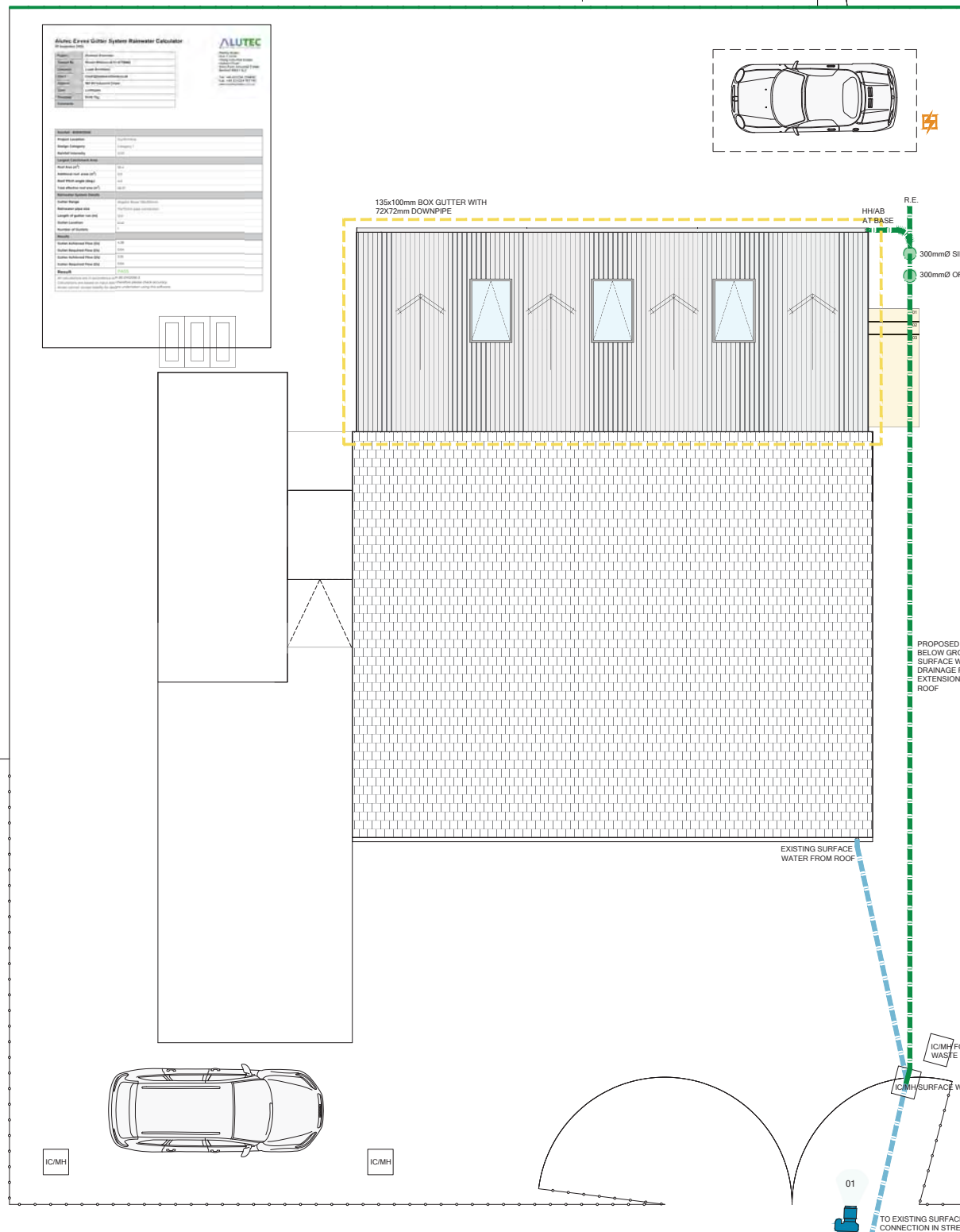
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PROJECT SPECIFIC NOTES	
LEGEND	
RWP	Rain water pipe
SVP	Soil vent pipe
SWVP	Soil and waste vent pipe
RE	Rodding eye
IC/MH	Inspection chamber/Manhole
AAV	Air admittance valve, BBA approved type
HHAB	Handhole/Access Bend
TE	Testing eye
FC	File collar
TD	Tundish connection



Revision/Date	Description	By
-	-	-

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The Tech Shed, Hambro, EE36 5PJ			
T: 011 437 07000 W: <a href="http://www.leaskearchitects.co.uk">www.leaskearchitects.co.uk</a> E: <a href="mailto:admin@leaskearchitects.co.uk">admin@leaskearchitects.co.uk</a>			
Client Scott Brown			
Project Scoffens Ltd Extension Mill Road Industrial Estate Linthgow Bridge, EH49 7SG			
Drawing Title As Proposed Surface Water Management Plan			
Scale 1:50 @A1	Date Sept '22	Drawn by RW	Checked by MDK
Job No. 2210 LIN	Drawing No. SD2(01)	Revision	Issued for -
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# Development Management Committee

16 November 2022

Item 06 - Application : 0657/FUL/22

Erection of a 56sqm two storey extension to industrial unit

Scotlens / Mill Road Industrial Estate / Linlithgow / EH49 7SF









West Lothian  
Council

0657/FUL/22 - Scotlens-Linlithgow Bridge

Development Management - West Lothian Civic Centre - EH54 6FF

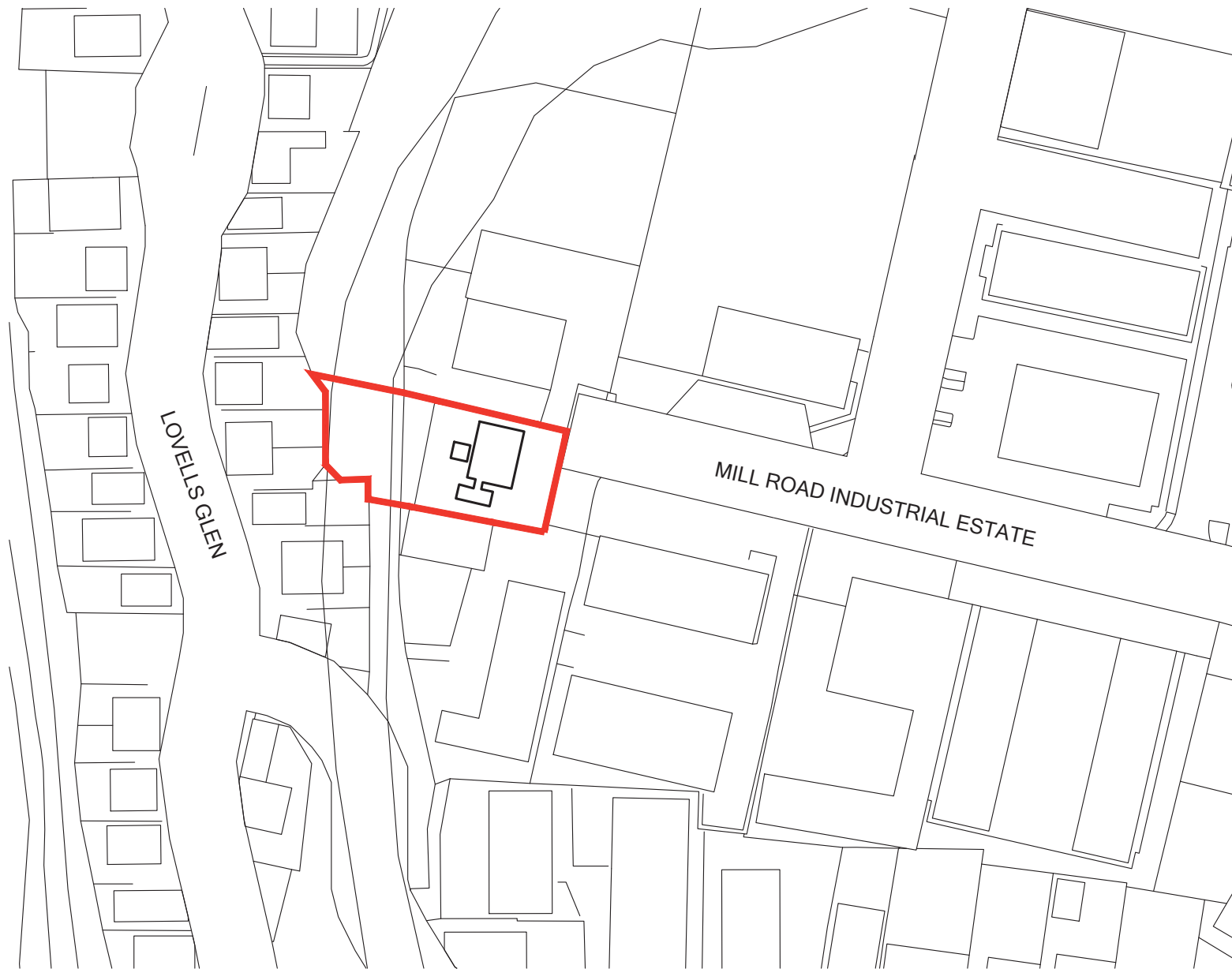
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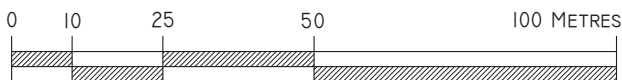
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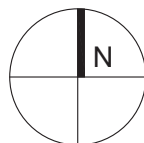


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SCALE

LOCATION PLAN (1:1250)



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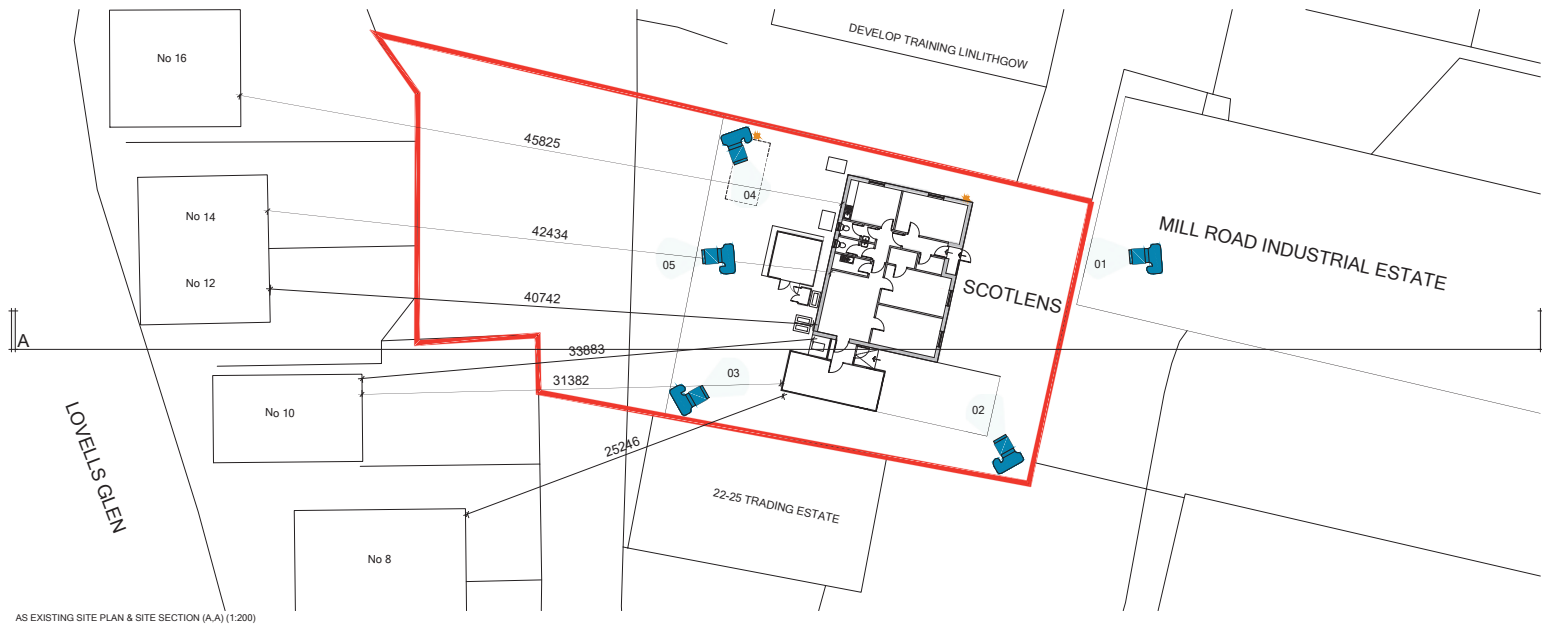
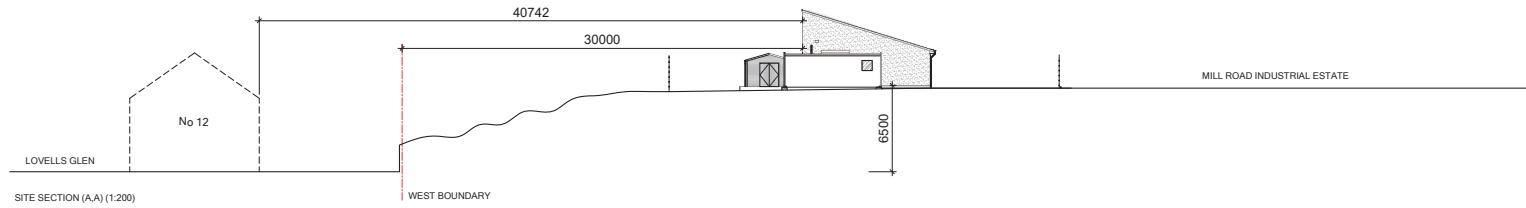
Revision/Date	Description	By
-	-	-



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Client Scott Brown			
Project Scotlens Ltd Extension Mill Road Industrial Estate Linlithgow Bridge, EH49 7SG			
Drawing Title Location Plan			
Scale 1:1250 @ A4	Date June '22	Drawn by RW	Checked by MDK
Job No. 2210 LIN	Drawing No. (L-)00	Revision -	Issued for -
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PHOTOGRAPH 01



PHOTOGRAPH 02



PHOTOGRAPH 03



PHOTOGRAPH 04



PHOTOGRAPH 05

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PROJECT SPECIFIC NOTES

Revision/Date	Description	By
-	-	-

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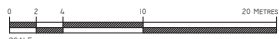
Client  
Scott Brown

Project  
Scotlens Ltd Extension  
Mill Road Industrial Estate  
Linthgow Bridge, EH49 7SG

Drawing Title  
As Existing Site Plan & Site Section (A,A)

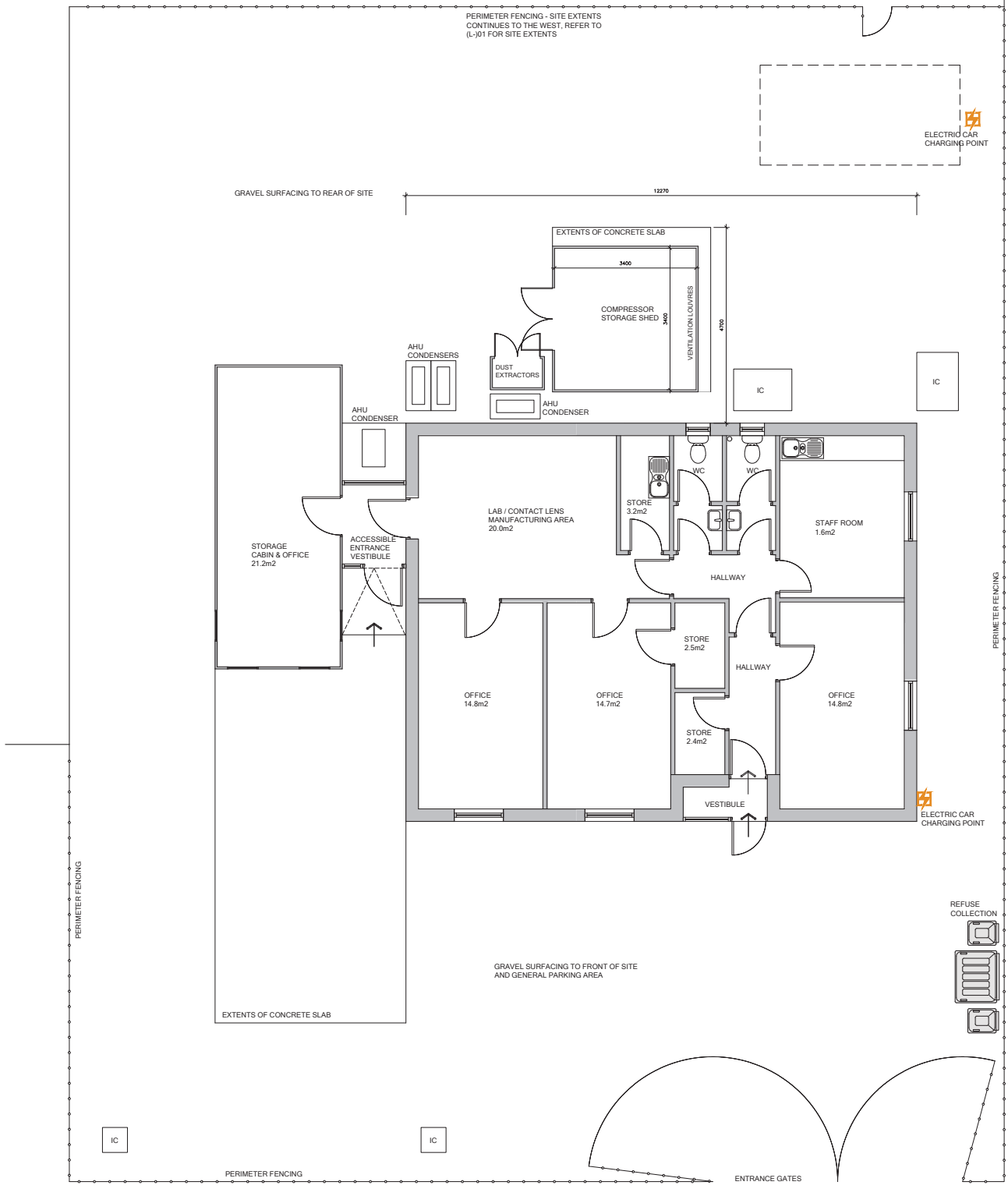
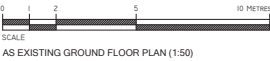
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1:200 @A1	June '22	RW	MDK
Job No.	Drawing No.	Revision	Issued for
2210 LIN	(L)-01	-	-

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AS EXISTING SITE PLAN & SITE SECTION (A,A) (1:200)





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PROJECT SPECIFIC NOTES

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-	-	-

Revision/Date	Description	By
-	-	-

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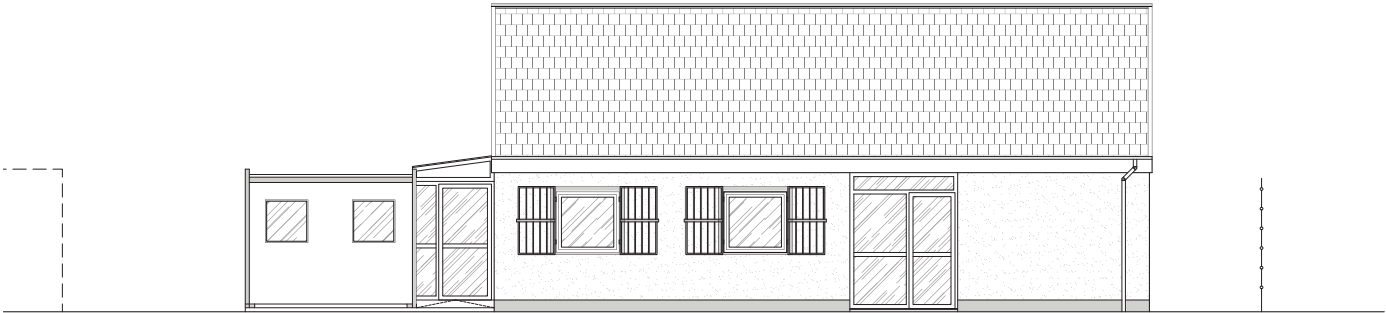
The Tech Shed, Hambro, EH16 5PJ

T: 0131 6775900 W: www.leaskarchitects.co.uk E: admin@leaskarchitects.co.uk

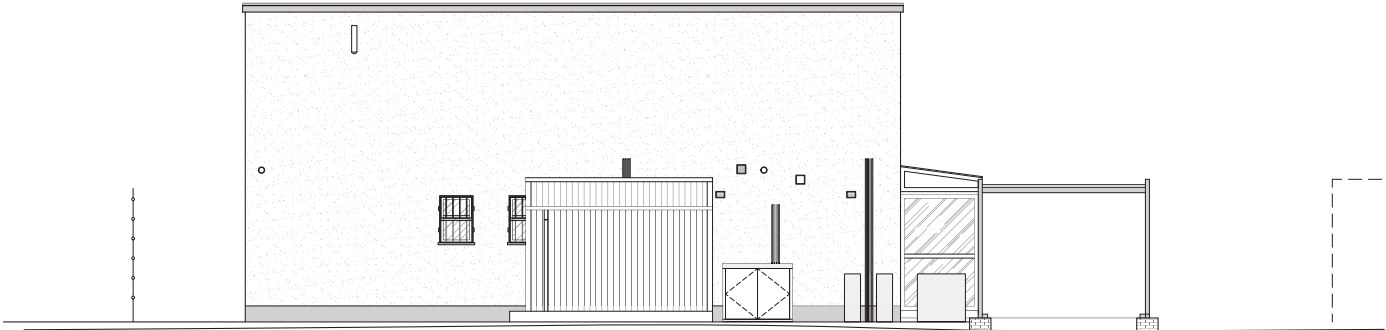
Client Scott Brown			
Project Scotfems Ltd Extension M81 Road Industrial Estate Linnithgow Bridge, EH49 7SG			
Drawing Title As Existing Ground Floor Plan			
Scale 1:50 @A1	Date June '22	Drawn by RW	Checked by MDK
Job No. 2210 LIN	Drawing No. (L-J02)	Revision -	Issued for -
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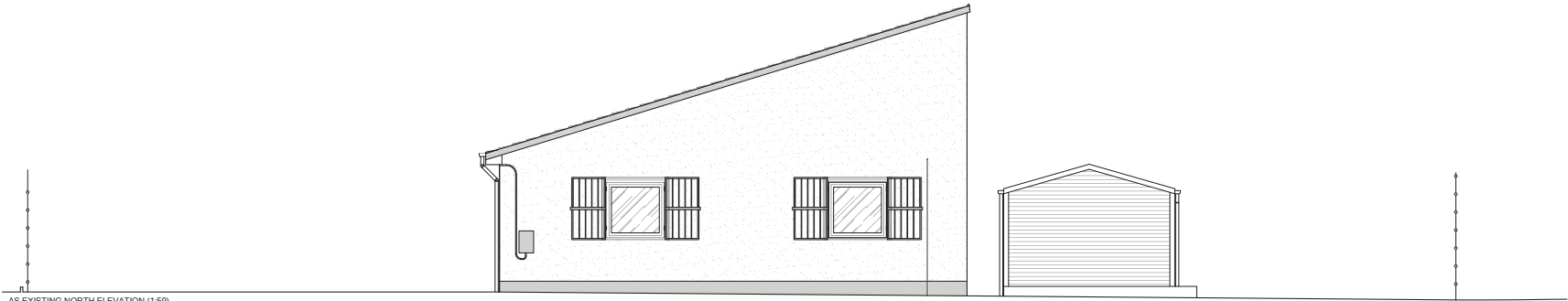
SCALE  
AS EXISTING ELEVATIONS (1:50)



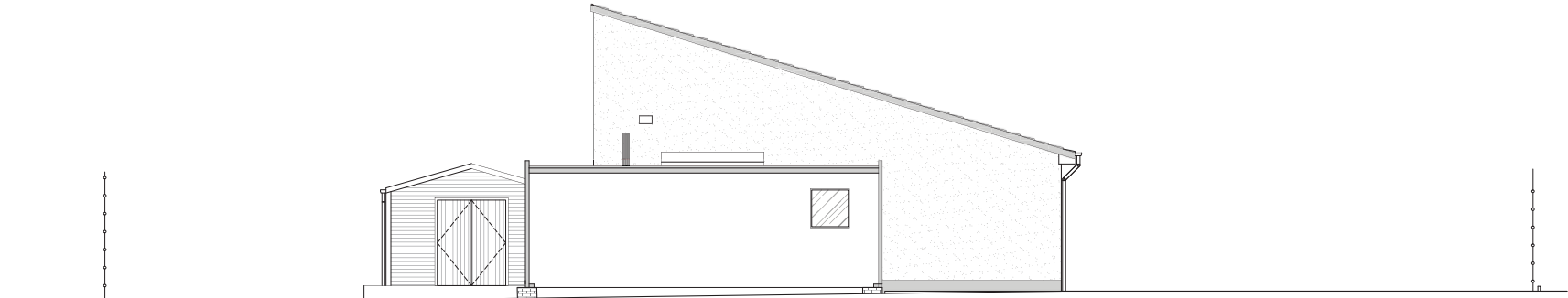
AS EXISTING EAST ELEVATION (1:50)



AS EXISTING WEST ELEVATION (1:50)



AS EXISTING NORTH ELEVATION (1:50)



AS EXISTING SOUTH ELEVATION (1:50)

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PROJECT SPECIFIC NOTES

EXISTING MATERIALS:

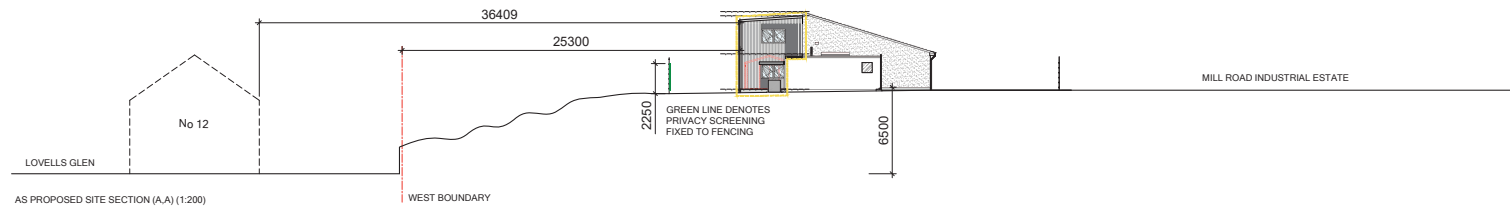
External Walls - Gray Roughcast Render with Black Painted concrete plinth  
Roof - Concrete Tiles in grey  
Windows & Doors - White uPVC with black painted surrounds & black security bar shutters  
Fascias - White painted  
Rain Water Goods - Black Plastic

Revision/Date	Description	By
-	-	-

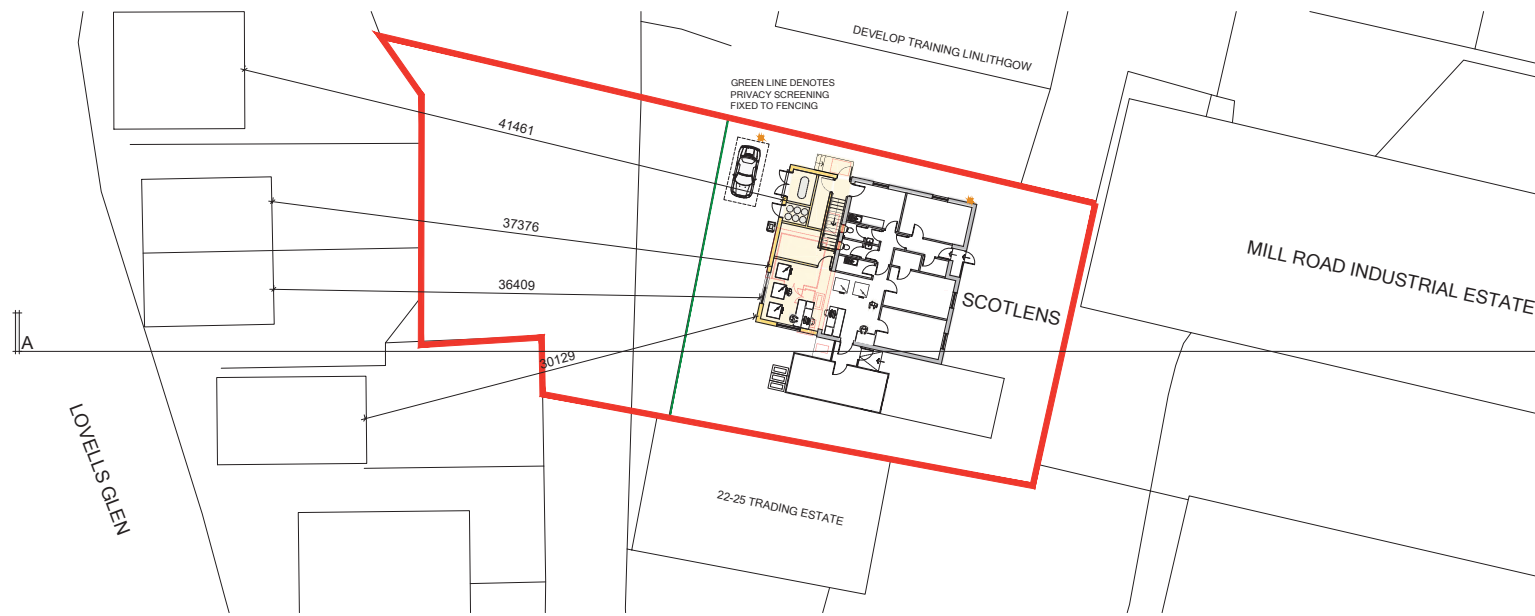
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T: 0131 6775900 W: www.leaskarchitects.co.uk E: admin@leaskarchitects.co.uk

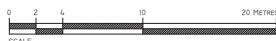
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Project Scotfens Ltd Extension M11 Road Industrial Estate Linnithgow Bridge, EH49 7SG			
Drawing Title As Existing Elevations			
Scale 1:50 @A1	Date June '22	Drawn by RW	Checked by MDK
Job No. 2210 LIN	Drawing No. (L)-03	Revision -	Issued for -
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AS PROPOSED SITE SECTION (A,A) (1:200)



AS PROPOSED SITE PLAN (1:200)



AS PROPOSED SITE PLAN & SITE SECTION (A,A) (1:200)

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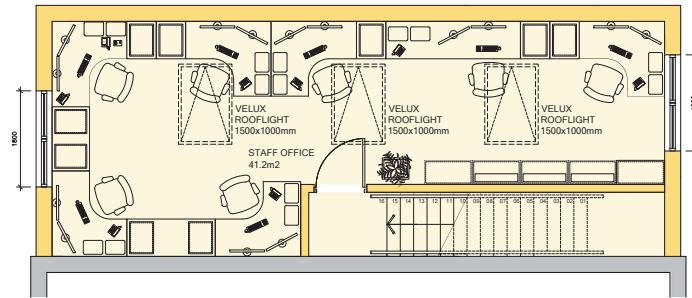


Revision/Date	Description	By
A 19.09.2022	General revisions to WLC comments First Floor Windows removed Value Rooflights added	RW

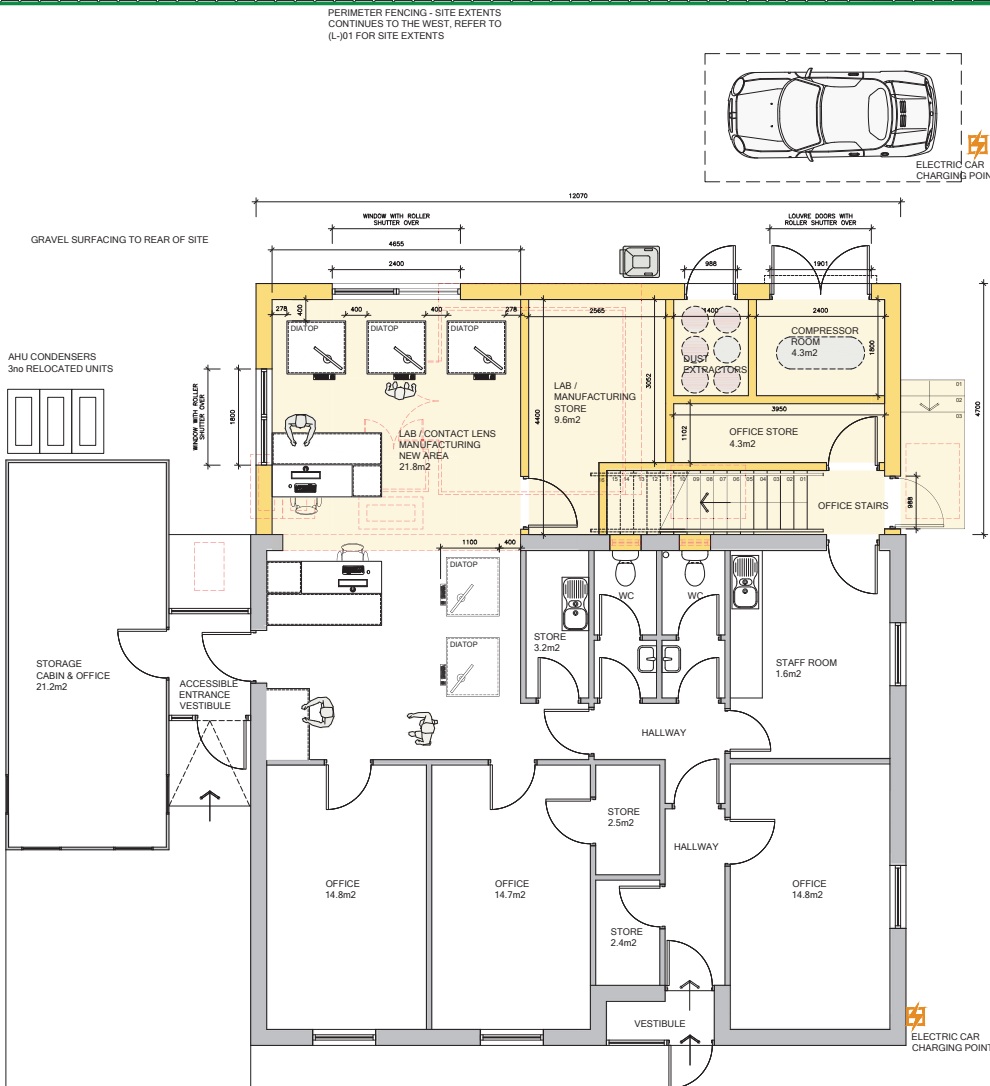
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T: 0131 6775900 W: www.leaskarchitects.co.uk E: admin@leaskarchitects.co.uk

Client Scott Brown			
Project Scotlens Ltd Extension Mill Road Industrial Estate Linnithgow Bridge, EH49 7SG			
Drawing Title As Proposed Site Plan			
Scale 1:200 @A1	Date June '22	Drawn by RW	Checked by MDK
Job No. 2210 LIN	Drawing No. (2-301	Revision A	Issued for Planning
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AS PROPOSED FIRST FLOOR PLAN (1:50)  
EXTENSION GIA - 50.4m2



AS PROPOSED GROUND & FIRST FLOOR PLANS (1:50)  
EXTENSION GIA 50.4m2  
EXTENSION GF & FF GIA TOTAL - 100.8m2

GREEN LINE DENOTES  
PRIVACY SCREENING  
FIXED TO FENCING  
FULL WIDTH OF SITE  
BOUNDARY TO WEST

GENERAL DRAWING NOTES

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PROJECT SPECIFIC NOTES



CURRENT LAB / MANUFACTURING ROOM



GREEN MESH PRIVACY SCREENING TO BE  
FIXED TO EXISTING POST & WIRE FENCING

Revision/Date	Description	By
A 19.09.2022	General revisions to WLC comments First Floor Windows removed Velux Rooflights added	RW

**LEASK**  
Architects

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Client  
Scott Brown

Project  
Scotlens Ltd Extension  
M8 Road Industrial Estate  
Linnithgow Bridge, EH49 7SG

Drawing Title  
As Proposed Ground & First Floor Plans

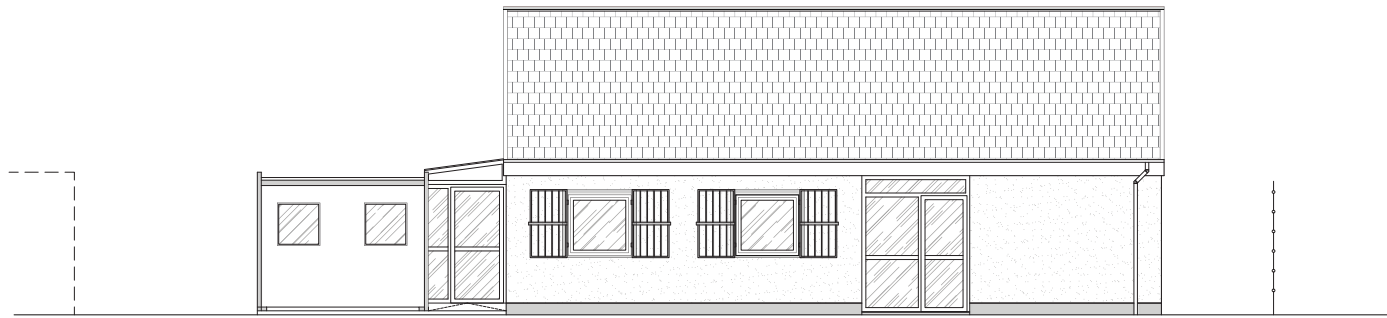
Scale	Date	Drawn by	Checked by
1:50 @A1	June '22	RW	MDK
Job No.	Drawing No.	Revision	Issued for
2210 LIN	(2-102)	A	Planning

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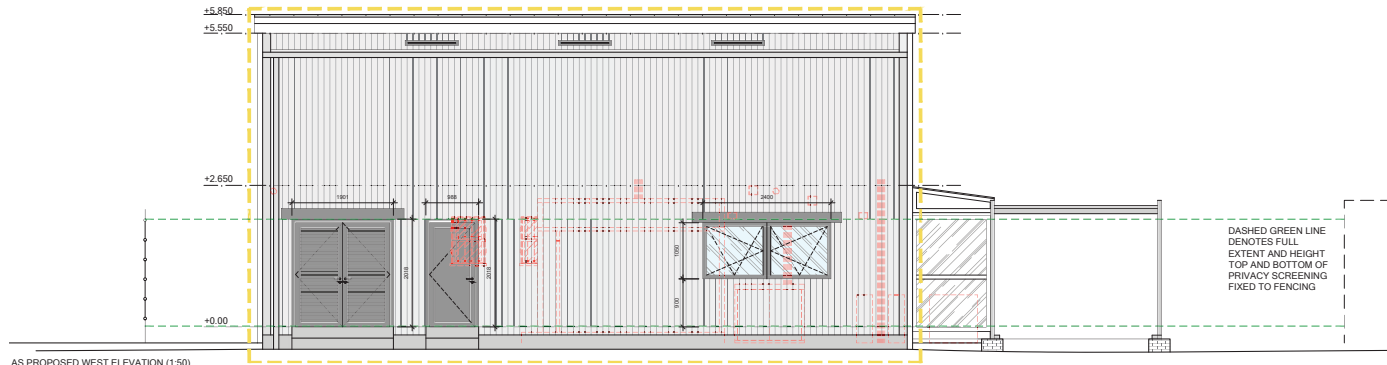
SCALE  
0 1 2 5 10 METRES



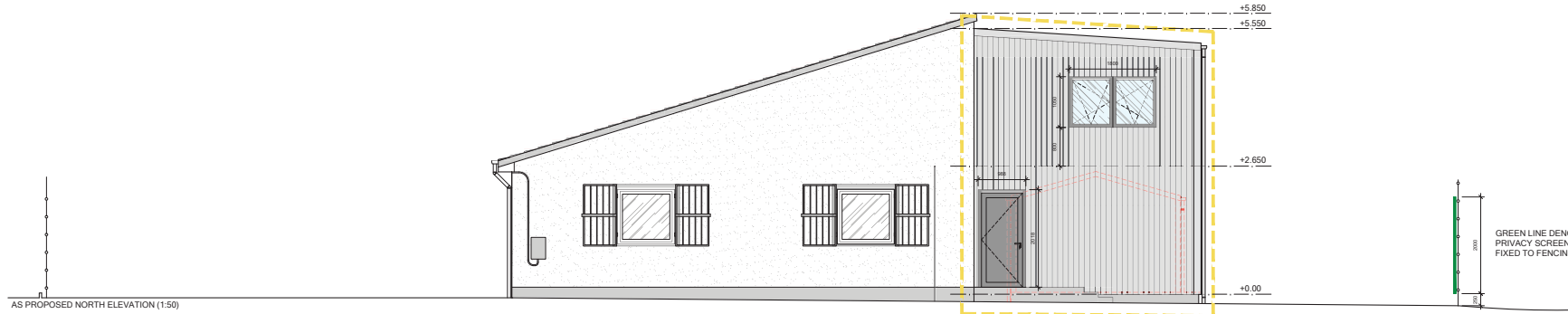
AS PROPOSED ELEVATIONS (1:50)



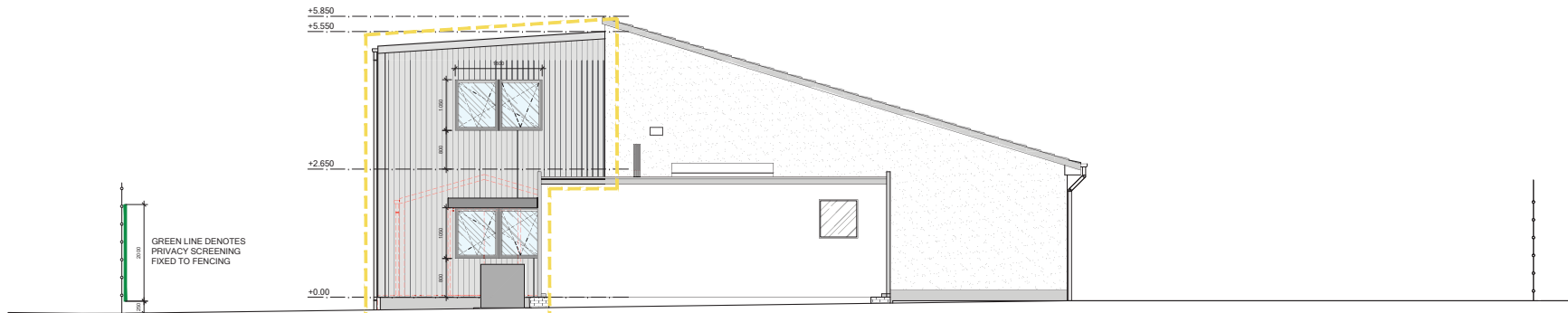
AS PROPOSED EAST ELEVATION (1:50)



AS PROPOSED WEST ELEVATION (1:50)



AS PROPOSED NORTH ELEVATION (1:50)



AS PROPOSED SOUTH ELEVATION (1:50)

- GENERAL DRAWING NOTES
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- PROJECT SPECIFIC NOTES
- PROPOSED MATERIALS:
- External Walls - Grey Insulated Profiled Metal Cladding
  - Roof - Grey Insulated Profiled Metal Roofing Sheets
  - Windows - Anthracite Grey uPVC with security roller shutter over at GF or Anthracite Grey
  - Roof Windows - Velux electrically operated windows in Anthracite Grey
  - Doors - Anthracite Grey Painted Timber
  - Flashings and Drips - Grey Powder Coated Aluminium
  - Rain Water Goods - Grey Powder Coated Aluminium
  - Compressor Room Doors - Anthracite Grey Powder Coated Aluminium with roller shutter door over in Anthracite Grey



GREEN MESH PRIVACY SCREENING TO BE FIXED TO EXISTING POST & WIRE FENCING

Revision/Date	Description	By
A 19.09.2022	General revisions to WLC comments First Floor Windows removed Velux Rooflights added	RW

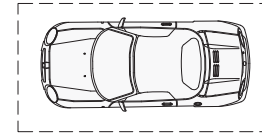
**LEASK Architects**

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Client Scott Brown			
Project Scotlens Ltd Extension M8 Road Industrial Estate Linnithgow Bridge, EH49 7SG			
Drawing Title As Proposed Elevations			
Scale 1:50 @A1	Date June '22	Drawn by RW	Checked by MDK
Job No. 2210 LIN	Drawing No. (2-303)	Revision A	Issued for Planning
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HH/AB  
AT BASE

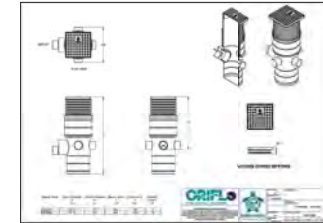
R.E.

300mmØ SILT SENTINEL SILT TRAP

300mmØ ORIFLO FLOW CONTROL CHAMBER

PROPOSED  
BELOW GROUND  
SURFACE WATER  
DRAINAGE FROM  
EXTENSION  
ROOF

EXISTING SURFACE  
WATER FROM ROOF



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#### PROJECT SPECIFIC NOTES

### LEGEND

RWP	Rain water pipe
SVP	Soil vent pipe
SWVP	Soil and waste vent pipe
RE	Rodding eye
ICIMH	Inspection chamber/Manhole
AAV	Air admittance valve, BBA approved type
HHAB	Handhole/Access Bend
TE	Testing eye
FC	Fire collar
TD	Tundish connection

 Denotes an existing surface water drain pipe below ground level

Revision/Date	Description	By
-	-	-

**LEASK**  
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Client	
Scott Brown	

Project	Scotlens Ltd Extension
	Mill Road Industrial Estate
	Linlithgow Bridge, EH49 7SG

Drawing Title	As Proposed Surface Water Management Plan
---------------	---

Scale 1:50 @A1	Date Sept '22	Drawn by RW	Checked by MDK
Job No. 2210 LJN	Drawing No. (52)01	Revision -	Issued for -

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SITE PHOTOGRAPH (01)

01

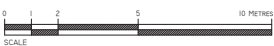
TO EXISTING SURFACE WATER  
CONNECTION IN STREET

IC/MH

IC/MH

IC/MH FOUL  
WASTE

ICE/MH SURFACE WATER



AS PROPOSED SURFACE WATER MANAGEMENT PLAN (1:50)









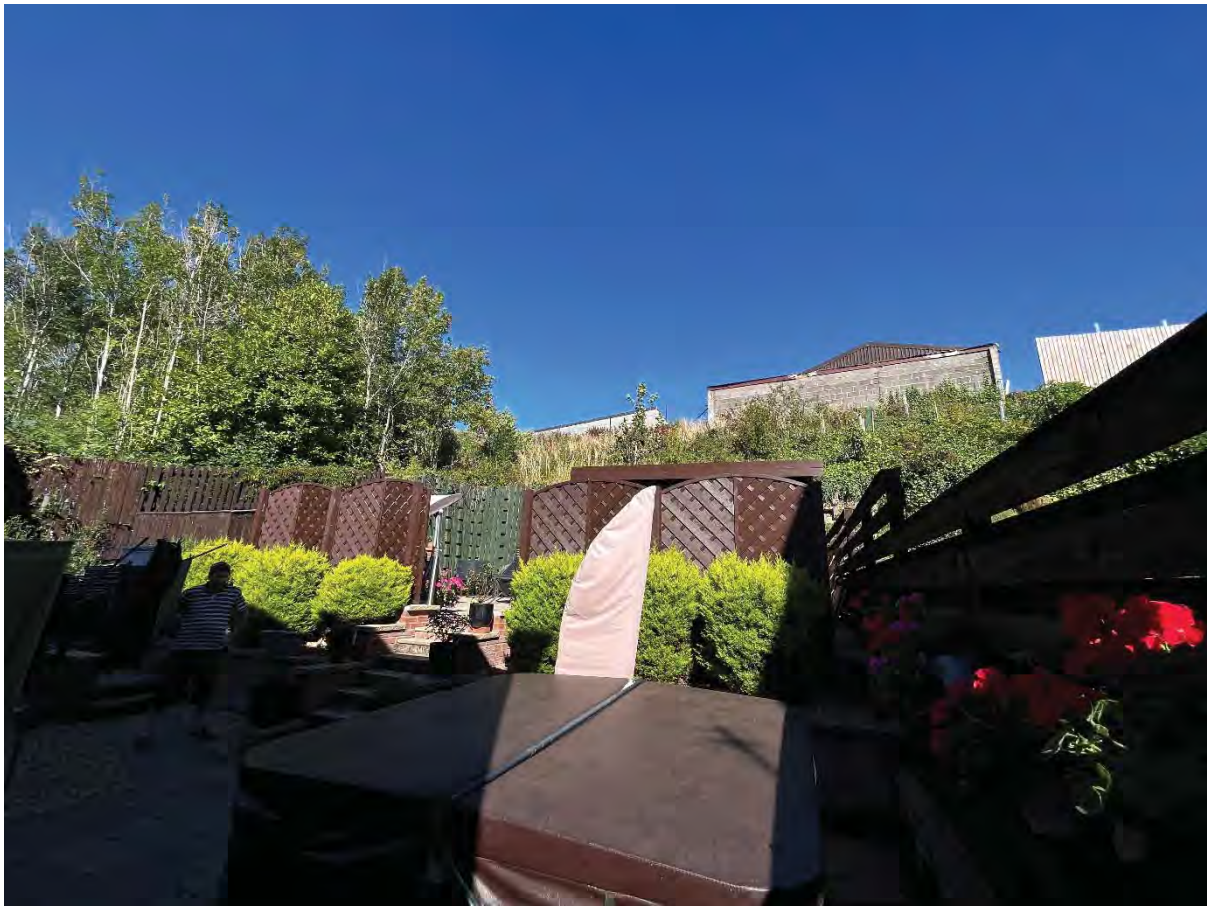




























# Development Management Committee

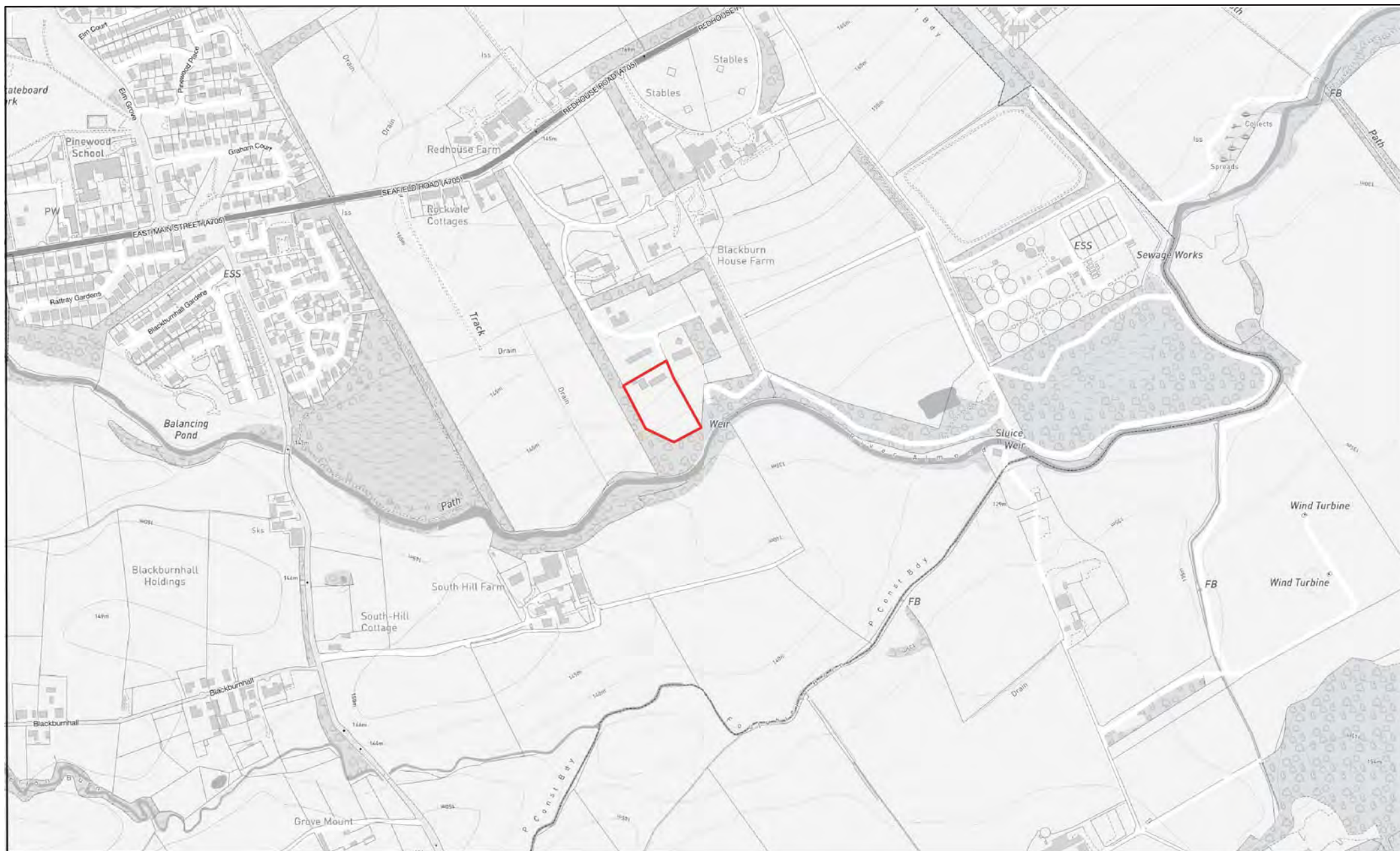
16 November 2022

Item 06 - Application : 0596/FUL/22

Continued operation of childrens nursery

9 Riverside Lea / Seafield Road / Blackburn / EH47 7EL

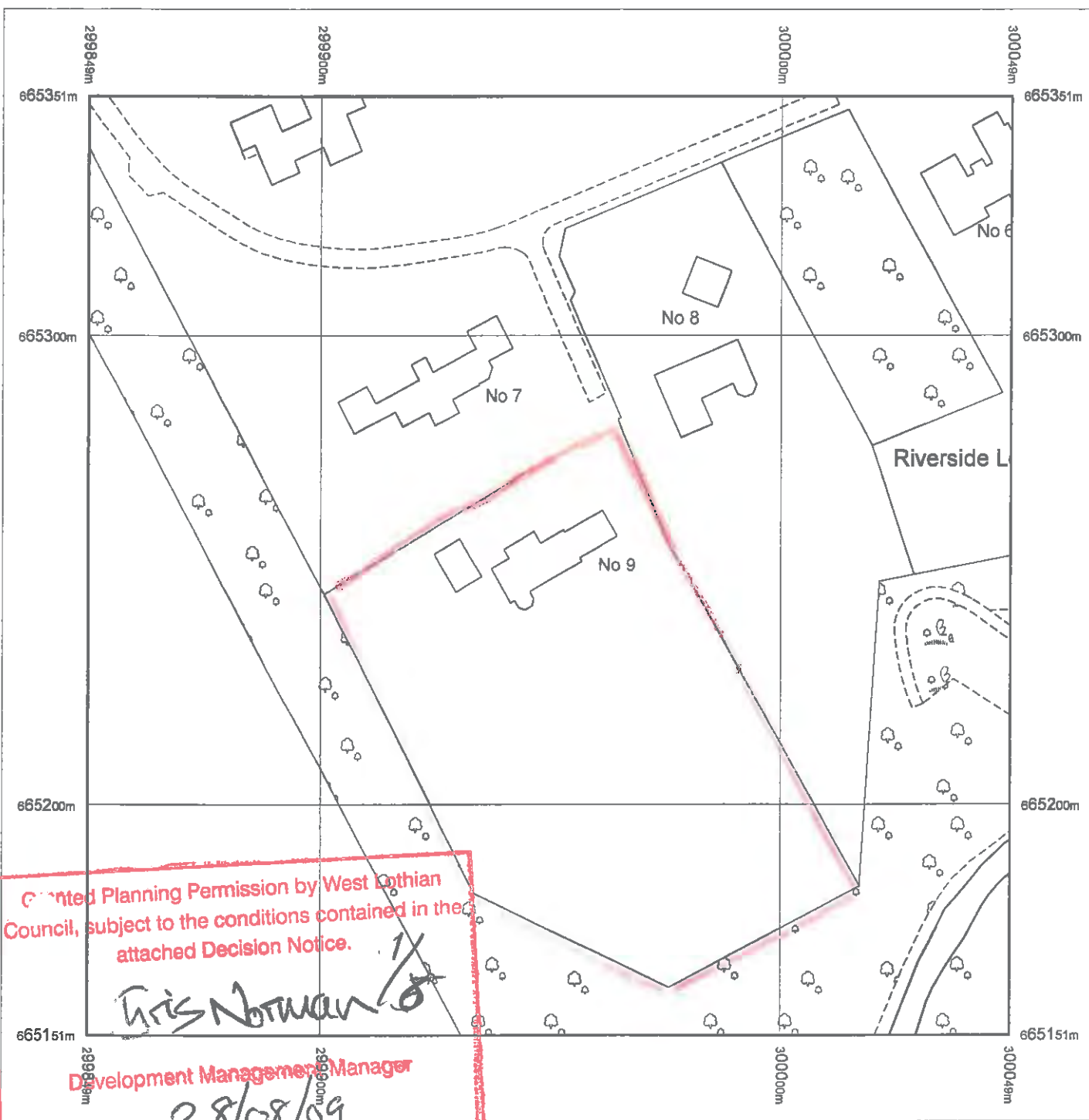












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0405/04/09

































## DEVELOPMENT MANAGEMENT COMMITTEE

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

#### 1 DESCRIPTION

Continued operation of children's nursery at 9 Riverside Lea, Seafield Road, Blackburn.

#### 2 DETAILS

<b>Reference no.</b>	<a href="#">0596/FUL/22</a>	<b>Owner of site</b>	Riverside Cottage Nursery
<b>Applicant</b>	Mr David Addison	<b>Ward &amp; local members</b>	<b>Whitburn &amp; Blackburn</b> Councillor Kirsteen Sullivan Councillor Jim Dickson Councillor George Paul
<b>Case officer</b>	Kirsty Hope	<b>Contact details</b>	01506 282413 <a href="mailto:kirsty.hope@westlothian.gov.uk">kirsty.hope@westlothian.gov.uk</a>

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

#### 3 RECOMMENDATION

3.1 Grant planning permission subject to the attached conditions.

#### 4 DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Members will recall this application was previously reported to committee on 14 September 2022. Committee decided to continue the application for two cycles to allow officers to facilitate a meeting with the applicant and local residents with regard to seeking a solution to the traffic management issues at the site. The previous committee report is attached.
- 4.2 In advance of a meeting, the applicant provided an initial traffic management plan that was circulated to those local residents who had commented on the application. A meeting was then held for both the applicant/agent and local residents (attended by four residents) to discuss this plan.
- 4.3 Following the meeting, the applicant has submitted an updated Traffic Management Plan. The key points within the traffic management plan include the following actions for the nursery:
- (i) To educate and influence behaviours by providing a 'welcome pack' document for parents/carers of nursery children.
  - (ii) Email reminders of the traffic management policy to be sent quarterly to parents/carers.



- (iii) Set up a quarterly meeting with residents to discuss any grievances or what could work better.
- (iv) Provision of a detailed plan of the access to parents/carers – with suggestions and “what if” scenarios for use of the single lane access road.
- (v) 1-minute leaving policy – to separate the distance between vehicles leaving the site, in order to reduce potential blockages along the access road.
- (vi) Families to be encouraged to use public transport
- (vii) Nursery staff to continue to salt the access road in wintery conditions
- (viii) Nursery to explore the possibilities of bin uplifts at alternative times to nursery drop off times with the council.
- (ix) Surface repairs to road outside number 7 and / or add an additional passing place.
- (x) More signage to be provided requiring users to reduce their speed and pointing to safe passing places

4.4 At the meeting residents discussed the above points. Whilst most of the points were generally supported by the residents, there were still concerns regarding the effectiveness and the volume of cars accessing the nursery on a daily basis. The residents wished to be copied into any flyers/correspondence to parents for transparency. There was also discussion on the possibility of reducing the number of children attending the nursery, to reduce the number of car movements. The applicant has now confirmed that they will accept a condition restricting the number of children attending the nursery to a maximum of 30.

4.5 There was also discussion on the possibility of the formation of a car park drop-off facility at the top of the access road, so that children could walk down the access road to the nursery or be shuttled back and forth. However, this would require a separate planning application and there may be ownership issues to overcome. There may also be staffing issues and the feasibility of this was to be considered by the applicant. Drainage issues were also discussed.

4.6 Other options that were discussed at the meeting were:

- Reduction in the number of children to reduce traffic
- Restriction of the hours of operation
- Use of the existing bridle path for children to be walked to nursery
- Children to help design signage for roadside passing places
- More time to be allowed to explore all the options.

## **5. CONCLUSION AND RECOMMENDATION**

5.1 Whilst the traffic management plan was generally supported by residents, there were still concerns from residents regarding its effectiveness and whether it would satisfactorily address impacts on residential amenity.

5.2 It is recommended that planning permission be granted subject to conditions, as set out in the previous committee report dated 14 September 2022, but with amended conditions for (1) a reduction from 35 children to 30 in Condition 1; (2) the requirement for the applicant to circulate the traffic management policy annually to parents/carers and to submit an update traffic management plan within 6 months of the date of any planning permission.

<b>6. BACKGROUND REFERENCES &amp; ATTACHMENTS</b>
---

- Draft conditions
- Previous committee report dated 14 September 2022.
- Traffic Management Plan
- Traffic Management Policy

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

Craig McCorriston

**Head of Planning, Economic Development and Regeneration     Date: 16 November 2022**

**DRAFT CONDITIONS – APPLICATION 0596/FUL/22**

1. No more than 30 children shall attend the nursery on any day.

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

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

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

3. The Traffic Management Policy submitted as part of the planning application shall be circulated to parents/carers annually and an updated Traffic Management Plan that includes progress on the proposed mitigation measures within the Traffic Management Plan shall be submitted to the planning authority within six months of the date of this consent and thereafter shall be implemented as approved.

Reason: To mitigate the transportation impacts of the proposal.





## DEVELOPMENT MANAGEMENT COMMITTEE

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

#### 1 DESCRIPTION

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

#### 2 DETAILS

<b>Reference no.</b>	<a href="#">0596/FUL/22</a>	<b>Owner of site</b>	Riverside Cottage Nursery
<b>Applicant</b>	Mr David Addison	<b>Ward &amp; local members</b>	<b>Whitburn &amp; Blackburn</b> Councillor Kirsteen Sullivan Councillor Jim Dickson Councillor George Paul
<b>Case officer</b>	Kirsty Hope	<b>Contact details</b>	01506 282 413 <a href="mailto:kirsty.hope@westlothian.gov.uk">kirsty.hope@westlothian.gov.uk</a>

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

#### 3 RECOMMENDATION

3.1 Grant planning permission subject to conditions.

#### 4 DETAILS OF THE PROPOSAL AND BACKGROUND

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

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

#### History

1.3 The relevant site history is set out below:

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

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

### EIA Development

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

### Equalities Impact

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

## 5. REPRESENTATIONS

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

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

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

Objection Comments	Response
	need to be paid for by the landowners involved and maintained.
<ul style="list-style-type: none"> <li>Significant congestion</li> </ul>	<ul style="list-style-type: none"> <li>Roads &amp; Transportation has raised no concerns regarding road safety as a result of the development.</li> </ul>
<ul style="list-style-type: none"> <li>Noise and nuisance</li> </ul>	<ul style="list-style-type: none"> <li>Noted. However, this is an established use that does not wish to increase the number of children attending. Environmental Health would investigate any noise nuisance separately.</li> </ul>
<ul style="list-style-type: none"> <li>Damage to private property and Road repairs</li> </ul>	<ul style="list-style-type: none"> <li>Noted. This is a private legal matter between the properties/drivers of vehicles and / or owners involved. This is not a material planning consideration.</li> </ul>
<ul style="list-style-type: none"> <li>Unsocial behaviours/Police involved</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Whilst it is noted, this is a separate matter and any unsocial behaviours should be reported to the police separately.</li> </ul>
<ul style="list-style-type: none"> <li>Operational hours from around 7am and after 6pm and weekend events</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Times of the operation hours were previously restricted by condition.</li> </ul>
<ul style="list-style-type: none"> <li>More staff than permitted on consent</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Staff numbers were previously restricted by condition.</li> </ul>
<ul style="list-style-type: none"> <li>Inaccurate plans</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The plans provided are adequate to determine the application and use.</li> </ul>
<ul style="list-style-type: none"> <li>Adverts not on the plans</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Advertisements may require separate advert consent which would be applied for separately to this application and in retrospect.</li> </ul>
<ul style="list-style-type: none"> <li>Breaches of previous temporary consent.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. It is noted that a Enforcement Notice was served then this application was submitted.</li> </ul>
Supporting Comments	Response
<ul style="list-style-type: none"> <li>Personal reference of applicant</li> </ul>	<ul style="list-style-type: none"> <li>Noted</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	Acceptable without conditions.	Noted.
WLC Environmental Health	No	Attach condition in relation to operational hours, if consented.	Noted. Condition shall be attached, if consented

## 7. PLANNING POLICY

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

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

7.3 The relevant development plan policies are listed below:

Plan and Policy	Policy Summary	Assessment	Conform?
West Lothian Local Development Plan (LDP) (2018)  DES1 - Design Principles	All development proposals will require to take account of and be integrated with the local context and built form.	The proposed use as a nursery is an established use that has benefitted from two previous temporary permissions. The principle of this form of development has therefore been established. There is not an increase in numbers of visitors attending.	Yes
LDP  ENV 3 – Other Development in the Countryside	Development in the countryside will only be permitted where it meets criteria a-e.	The application is for the continued use of an existing nursery business and complies with criteria a.	Yes
LDP  ENV7 - Countryside Belts and Settlement Setting	Development will only be permitted where it can be demonstrated that the proposal satisfies criteria a-e.	The proposal will not give rise to any coalescence between settlements, the premises is an established use as a nursery for some time.	Yes

7.4 Other relevant policy guidance and documents are listed below:

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

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

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

**Principle of development**

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

**Countryside**

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

**Parking/Access**

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

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

<b>9. CONCLUSION AND RECOMMENDATION</b>
---

- 9.1 The proposal complies with policy DES1 (Design Principles), ENV 3 (Other Development in the Countryside) and ENV 7 (Countryside Belts and Settlement Setting), as well as Supplementary Guidance on New Development in the Countryside, 2019.

- 9.2 It is therefore recommended that planning permission be granted subject to conditions.

<b>9. BACKGROUND REFERENCES &amp; ATTACHMENTS</b>
---

- Draft conditions
- Location Plan
- Representations
- Local Member Referral Form

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

Craig McCorriston

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



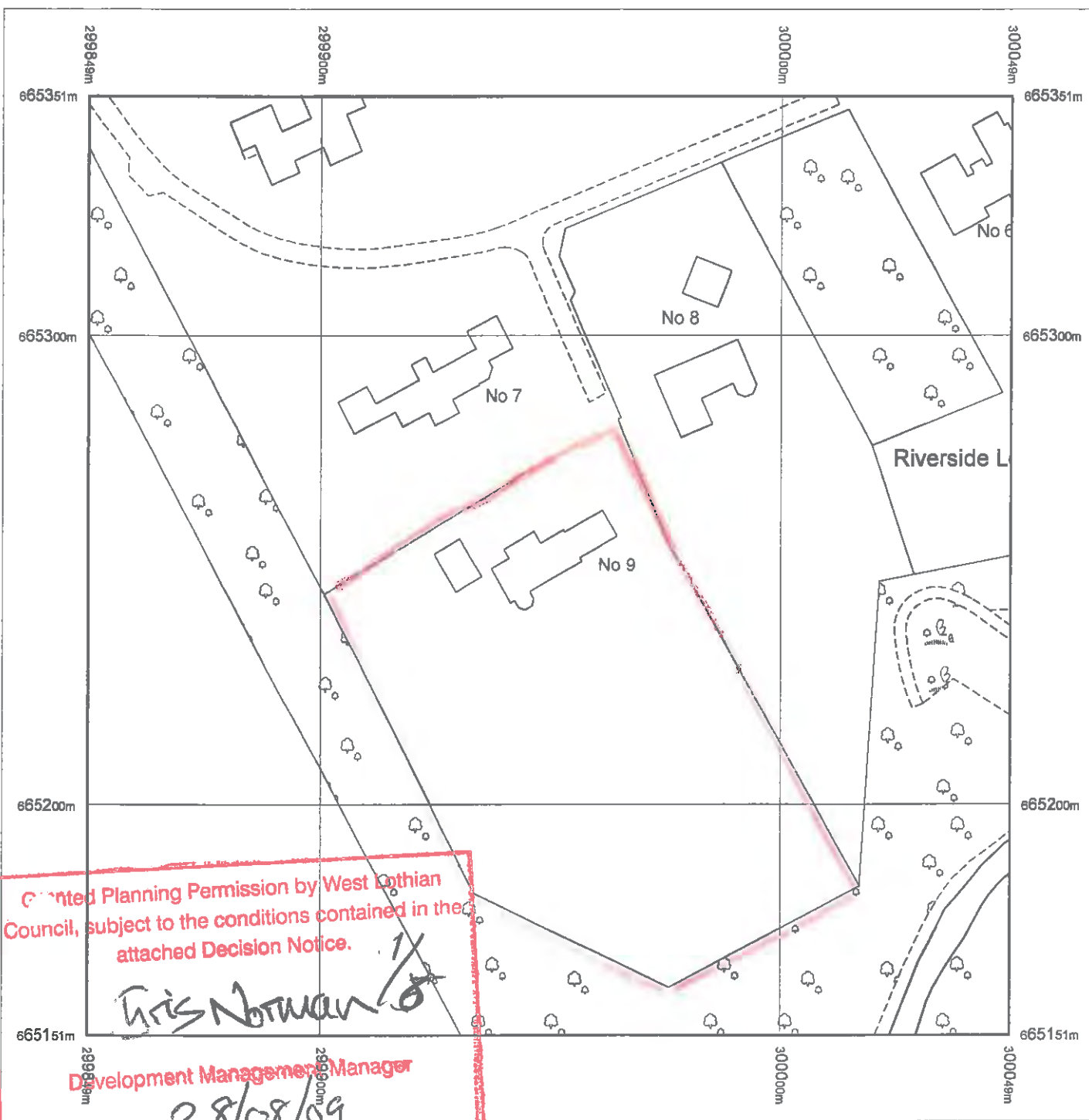
**DRAFT CONDITIONS – APPLICATION 0596/FUL/22**

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

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

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

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



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0405/04/09

## Hope, Kirsty

---

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

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Kirsty,

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

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

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

Many Thanks,

Dennis Uttridge

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

Telephone: [REDACTED]

email: [REDACTED]



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

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

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

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

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

**Hope, Kirsty**

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

Dear Kirsty

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

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

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

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

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

**POLICY**

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

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

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

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

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

**LOSS OF AMENITY**

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

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

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

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



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

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

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

### **ROAD TRAFFIC/HEALTH & SAFETY CONCERNS**

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

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

Speeding drivers impose a health & safety risk.

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

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

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

### **FURTHER NOISE AND NUISANCE**

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

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

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

### **ENVIRONMENTAL IMPACT**

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

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

### **INFRASTRUCTURE**

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

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

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

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

### **SUSTAINABILITY**

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

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

### **NEIGHBOURHOOD CHARACTER**

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

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

### **INACCURACIES ON SUBMITTED PLANS**

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

The large covered storage structure (about 40m<sup>2</sup>) is not shown.

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

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

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

### **BREACHES TO PREVIOUS TEMPORARY CONSENT**

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

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

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

The original temporary consent granted in 2010 (0405/FUL/09) allowed up to 15 children. There were conditions attached. It expired on 28th August 2011 and the nursery continued to operate without permission. The temporary consent granted on 2014 (0384/FUL\_14) increased that number to 35 children again with conditions attached. This increase was to capture a physical extension and increase in children

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

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

### **FURTHER COMMENT**

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

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

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

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

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

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

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

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

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

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

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



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

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

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

Kind Regards

Barry Simpson

7 Riverside Lea



## Hope, Kirsty

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

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**30th July 2022**

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

#### **General**

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

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

#### **Loss of Amenity**

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

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

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

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

#### **Health&Safety**

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

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

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

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

#### **Noise&Nuisance**

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

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

Residents are prevented from freely leaving and entering properties

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

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

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

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

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

### **Breaches to Previous Consents**

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

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

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

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

Operating times are very disruptive to residents.

### **Community**

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Planning Application Errors**

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

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

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

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



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

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

Catherine Muir  
7 Riverside Lea  
Blackburn  
EH47 7EL

## Hope, Kirsty

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

Dear Kirsty Hope and Planning

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

Health & Safety concerns:

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

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

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

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

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

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

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

Thanks and regards

Haleh Nather

2 Kaims Place  
Livingston EH54 7DX

## Hope, Kirsty

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

Please confirm receipt

31/07/2022

Sent on behalf of

Muhammad Afzal

5 Riverside Lea

Blackburn

EH47 7EL

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

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

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

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

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

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



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

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

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

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

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



## Cowgate Under 5s Centre

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

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



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

1 August 2022

To whom it may concern,

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

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

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

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

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

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

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

Kind regards



## PROPOSED DELEGATED PLANNING DECISIONS

### ☒ LOCAL MEMBER REFERRAL REQUEST ☒

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

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

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

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





Riverside Cottage Nursery  
9 Riverside Lea  
Blackburn  
Bathgate  
West Lothian  
EH47 7EL

*Date: 07/11/2022*

## Traffic Management Plan

**Continued operation of children's nursery, (Grid Ref: 299951,665254) at 9 Riverside Lea, Seafield Road, Blackburn, West Lothian, EH47 7EL**

In response to the Development Management Committee (DMC) meeting on 14 September 2022, the following outlines Riverside Cottage Nursery's traffic management solutions to address the concerns raised in the objections. This was initially informed by a consultation with the families using Riverside Cottage Nursery and then updated after discussions and suggestions from neighbours.

After discussion with neighbours, there was agreement that the vast majority of drivers visiting Riverside Cottage Nursery were doing so in a thoughtful and respectful way, not proving to be any problem. This is supported by our consultation with parents (see responses in appendix A). To minimise or prevent the issues brought forward by neighbours, Riverside Cottage Nursery is taking a multi-pronged approach:

- Educating drivers
- Managing traffic through direct guidance, signage and rules
- Structural changes to reduce overall traffic and traffic peak flow
- Feedback, discussion, review and communication systems with neighbours and families
- Other suggestions

### Educating Drivers

- Implement a new traffic management policy which includes general guidance and specific instructions on driving at Riverside Lea (attached as separate document: Traffic Management Policy)
  - This will be included in the welcome pack for new families and a staff member will talk through this with them before starting



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- This policy will be sent to all families quarterly by email and annually as a physical copy
- Individual drivers who do not adhere to any of the policy will be spoken with directly and given instructions on how to use the road in a more appropriate way
- Driving etiquette as well as community awareness reminders in the monthly newsletter (attached as a separate document for example of newsletter and children's posters they have been making)
- Families will be made aware through this management plan and regularly through discussion that the nursery is situated as part of a community with residential neighbours
- Influencing behaviour through topics with children including road safety, specifically walking and driving on Riverside Lea and wider topics around neighbourliness.

### Managing Traffic

- A 1-minute leaving policy will be put in place, meaning a 1-minute gap must be left between cars leaving the car park. This means that while there may be occasions when 2 cars are arriving at the same time, the passing places will always be useable by the car moving uphill.
- A speed limit of 15mph will be introduced on the street. Signage and parents information will be introduced.
- Clear rules on how to use passing places (and to not use driveway entrances as such) will be introduced
- Clear rules on parking will be shared with families through signage as well as in the traffic management policy
- We have introduced a 'late pickup' fee to ensure parents arrive on time

### Structural Changes

While we believe establishing new rules and guidance, as well as educating parents, should reduce any negative impact. On top of this, we are exploring potential structural changes will reduce traffic to the setting and further ensure any potential issues for the 3 objecting households is minimised or eliminated. At present are committed to the first of these subject to agreement



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from neighbours and we will continue to explore other options noted below which depend on agreement with third parties, staffing requirements, registration requirements, agreement with parents and costs involved:

- We are committing to resurfacing the damaged/potholed section as in front of house number 7 as a gesture of goodwill to reflect agreement of all concerned to this repair and the overall traffic management plan moving forward. A resurfaced section where the pot-holes are most serious will offer an alternative to adding speed bumps / traffic cones, and will enhance the flow of the traffic. Challenges on this section of the road have remained an historical issue, with various solutions offered by relevant parties. We have had two companies out to view the section of road and we are awaiting quotes. It is important to note however, that this problem will reoccur unless drainage solutions are put in place (please see appendix B for images showing the extent of the water which damages the road surface)
- *Important to note: Riverside Cottage Nursery does not accept liability for the current condition of the road but are willing to offer this gesture as an extension of good will. Collaboration and awareness between what have previously existed as singular processes (e.g., filling in potholes) should be addressed collectively by the community of Riverside Lea.*
- Drop off station and walking train down the hill. There were two suggestions from neighbours that we are looking into.
  - 1. Adding a drop-off zone at the top of Riverside Lea which would require construction of further hardstanding space for vehicles. This would require planning permission as well as agreement with the current landowner (our neighbour, Karen).
  - 2. Using the farm yard across the Seafield road which would not require much construction work but would require a use agreement with our neighbour John who owns the farm.
- Utilising a pickup service from Blackburn. We are in very initial talks with the council to provide a pickup service to families in Blackburn from the family centre. The family centre has lost its funding and often parents using that service often don't drive. This would be a maximum of 5 children (we are limited by our nursery vehicle)



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### Feedback, discussion, review and communication systems with neighbours and families

- Neighbours are invited to contact the nursery email account, rather than speaking directly with the practitioners, if there are any road issues. We commit to investigate a resolution including speaking directly to drivers involved.
- The nursery will organise and host a quarterly 'open house' for neighbours and families to discuss any issues with the road. This will inform future actions such as updating signage, developing the traffic management policy, etc. We would suggest that the first couple of meetings might go more smoothly if supported by a councillor or the planning department until more open, relaxed, honest, and productive discussion becomes easier and less tense for all parties.

### Other suggestions

- We will contact the council to find out if it is possible to change bin uplift away from peak times regarding the fortnightly collection which currently coincides with nursery drop-off.
- Following feedback from drivers visiting Riverside Lea, we would invite collaborative actions by our neighbours in order to facilitate the suggested traffic management plan:
  - Removing the rocks placed both on the road and on the road verge as these make drivers reluctant to reverse any distance for fear of damaging their cars. This would also allow use of the road verge for pedestrians who otherwise might hold up traffic.
  - Cutting back trees and hedging to at least one meter from the edge of the road would improve visibility and ensure drivers can make best use of the passing places.
  - Improving field drainage as currently every time it rains, the road floods (see appendix B for recent photos). This destroys the road surface and turns to thick ice in the winter which makes the road more difficult to manage for anyone without a 4x4. We are happy for any drainage to meet the north-west corner of our property at which point we can take responsibility for drainage down to the almond River.





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## Appendix A

### Responses to email consultation conducted September 2022

Dear Riversiders,

We need your help!

As you may be aware we are going through a planning application, and have a deadline to craft a traffic management plan. If you have a spare moment, it would help us a lot if you can please respond by return email with your answers to the following questions by **Thursday 22nd September**:

- Do you/have you ever had any issues or difficulties when using the private road down to the nursery?
- If so, what causes or adds to these problems?
- If you have ever had any issues, do you have any solutions for improving access to the nursery?

Many thanks,

The Riverside Team

**From:**

**Subject: RE: Urgent Parent and Guardian Help Needed**

**Date:** 22 Sep 2022 at 7:07

**To:** Riverside Cottage Nursery <[riversidecottage@icloud.com](mailto:riversidecottage@icloud.com)>

Hi

Please see our response below. Hope it helps!

- Do you/have you ever had any issues or difficulties when using the private road down to the nursery? – **No we have never had an issue using the road, the passing places are ample to allow vehicles to pass one another.**
- If so, what causes or adds to these problems? – **N/A**
- If you have ever had any issues, do you have any solutions for improving access to the nursery? – **Access to**

[RiversideCottage@icloud.com](mailto:RiversideCottage@icloud.com)

[www.RiversideCottageNursery.co.uk](http://www.RiversideCottageNursery.co.uk)



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the nursery is sufficient in our opinion.

Regards

Surveyor/Technician

T:

W:

**From:**

**Subject: Re: Urgent Parent and Guardian Help Needed**

**Date:** 21 Sep 2022 at 12:06

**To:** Riverside Cottage Nursery <[riversidecottage@icloud.com](mailto:riversidecottage@icloud.com)>

Hi,

The only issue we've ever had was AAA being stopped by a neighbour who told him he'd driven on his grass (Alan denied this and the neighbour said he would prove it and AAA was subsequently shown cctv which proved that he had indeed not driven on the neighbour's grass). We have had no issues whatsoever with access or any difficulties on the road.

I have no solutions as there have been no issues (except for the neighbour who seems intent on causing problems). Only occasionally do I meet another car on the road and when I do one of us stops in an allocated passing place.

Thanks,  
Sent from my iPhone

**From:**

**Subject: Re: Urgent Parent and Guardian Help Needed**

**Date:** 20 Sep 2022 at 14:53

**To:** Riverside Cottage Nursery <[riversidecottage@icloud.com](mailto:riversidecottage@icloud.com)>

Dear Riversiders,



Riverside Cottage Nursery  
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We need your help!

As you may be aware we are going through a planning application, and have a deadline to craft a traffic management plan. If you have a spare moment, it would help us a lot if you can please respond by return email with your answers to the following questions by **Thursday 22nd September**:

- Do you/have you ever had any issues or difficulties when using the private road down to the nursery?

**No issues whatsoever- traffic is light on the access road so only occasionally meet oncoming vehicles but there are ample passing places on the road. Users are respectful of residents and can avoid turning onto private driveways and everyone appears to drive slowly/with caution given there's a possibility of meeting cars or pedestrians**

- If so, what causes or adds to these problems?

- If you have ever had any issues, do you have any solutions for improving access to the nursery?

Many thanks,

**From:**

**Subject: Re: Urgent Parent and Guardian Help Needed**

**Date:** 16 Sep 2022 at 20:43

**To:** Riverside Cottage Nursery <[riversidecottage@icloud.com](mailto:riversidecottage@icloud.com)>

Hi,

We've only been riversiders for a few weeks but these are our experiences so far -

- Do you/have you ever had any issues or difficulties when using the private road down to the nursery?

**Occasionally we've met other cars on the private road but there are enough passing places and all road users have been driving slowly enough that it has not an issue. The road is rough and potholed but again, we drive slowly enough that this is not an issue.**

- If so, what causes or adds to these problems?

- If you have ever had any issues, do you have any solutions for improving access to the nursery?

**It is clear, judging by the cones and speed bumps, that local residents are not happy with the traffic to and**



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from the nursery. We do feel uncomfortable knowing this and try to be extremely respectful (driving very slowly) when we drop off/collect.

Presumably improving the road would be very costly and widening the road isn't an option? This isn't an ideal solution for the staff, children or parents but could you collect children from the top of the road at set times and minibuses them down? We would be on board with whatever it takes to keep the nursery open. Albie is absolutely loving his time at Riverside and we are loving hearing all about the experiences and opportunities he has. It's a magical place.

Kind Regards,

From:

Subject: Re: Urgent Parent and Guardian Help Needed

Date: 16 Sep 2022 at 16:24

To: Riverside Cottage Nursery <[riversidecottage@icloud.com](mailto:riversidecottage@icloud.com)>

- Do you/have you ever had any issues or difficulties when using the private road down to the nursery?

Only very mild ones, sometimes having to reverse to get to a passing place. I honestly thought it would be worse than it is, sometimes I think I just keep timing it just right as there never seems to be that many cars.

- If so, what causes or adds to these problems?

It's really only an issue when it's the bin lorry. However the road is in pretty bad shape in certain places. Repairing the pot holes would make access a bit smoother. Sometimes I feel like I'm having to move onto the grass verge at the bottom of the hill to avoid the pot holes which I know is not ideal. The road could use some more passing places.

- If you have ever had any issues, do you have any solutions for improving access to the nursery?

Improve the state of the road and add some more passing places if possible.

Many thanks,





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The Riverside Team

**From:**

**Subject: Re: Urgent Parent and Guardian Help Needed**

**Date:** 16 Sep 2022 at 15:30

**To:** Riverside Cottage Nursery <[riversidecottage@icloud.com](mailto:riversidecottage@icloud.com)>

Hi,

We have encountered aggressive behaviour from one of your neighbours. I was distressed about it for days.

Obviously the pot holes and really aggressive speed bumps are also tricky to navigate.

Other than repairing the pot holes I don't think much of this is within your control.

**From:**

**Subject: Re: Urgent Parent and Guardian Help Needed**

**Date:** 16 Sep 2022 at 14:01

**To:** Riverside Cottage Nursery <[riversidecottage@icloud.com](mailto:riversidecottage@icloud.com)>

Hi,

Only issue I think is we've had was in the snow/ice so walked down instead.

Obviously can meet cars coming the other way but have always been near enough a passing place to pass safely

Kind regards,

**From:**

**Subject: Re: Urgent Parent and Guardian Help Needed**

**Date:** 21 Sep 2022 at 14:21

**To:** Riverside Cottage Nursery <[riversidecottage@icloud.com](mailto:riversidecottage@icloud.com)>

Hi

[RiversideCottage@icloud.com](mailto:RiversideCottage@icloud.com)

[www.RiversideCottageNursery.co.uk](http://www.RiversideCottageNursery.co.uk)



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As attachment, I've already shared my comments with Chair of WLC Planning committee directly - Cllr Stuart Borrowman and Kirsty Hope.

Happy for my comments to be shared with other parents if you felt it useful. The public comments section on WLC planning website appear rather one sided -so I hope you don't mind my efforts to support the nursery!

Do you/have you ever had any issues or difficulties when using the private road down to the nursery? **Yes**

- If so, what causes or adds to these problems? - **installation of speed bumps causes damage to the underside of my vehicle and I'm considering exchanging for a larger and less fuel efficient one. The speed bumps also cause unnecessary accel/deceleration and add to car emissions and noise pollution for neighbours. This fact is evidenced by Traffic Laboratory research. Poor drainage of run-off rain water from fields causing damage to road surface.**

- If you have ever had any issues, do you have any solutions for improving access to the nursery? **Removal of speed bumps and adoption of public highway by WLC.**

Consultant Obstetrics & Gynaecology

Hon. Senior Clinical Lecturer.

GP Clinical Supervisor

NHS Lothian

University of Glasgow

Lothian Unscheduled Care Service

**From:**

**Subject: Re: Urgent Parent and Guardian Help Needed**

**Date:** 21 Sep 2022 at 19:49

**To:** Riverside Cottage Nursery <[riversidecottage@icloud.com](mailto:riversidecottage@icloud.com)>

Answers below...

Sent from my iPhone

On 16 Sep 2022, at 13:06, Riverside Cottage Nursery <[riversidecottage@icloud.com](mailto:riversidecottage@icloud.com)> wrote:

Dear Riversiders,

We need your help!

As you may be aware we are going through a planning application, and have a deadline to craft a traffic

[RiversideCottage@icloud.com](mailto:RiversideCottage@icloud.com)

[www.RiversideCottageNursery.co.uk](http://www.RiversideCottageNursery.co.uk)



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management plan. If you have a spare moment, it would help us a lot if you can please respond by return email with your answers to the following questions by **Thursday 22nd September**:

- Do you/have you ever had any issues or difficulties when using the private road down to the nursery? **No**
- If so, what causes or adds to these problems?
- If you have ever had any issues, do you have any solutions for improving access to the nursery?

**Perhaps some more passing places.**

Many thanks,

The Riverside Team



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## Appendix B

### Road flooding / drainage issues images

The extensive flooding each time it rains continually destroys the road. In the winter, this can form ice sheets many inches thick. These outcomes lead to hold-ups on the road but could be easily addressed as a community to the benefit of all.



[www.riversidecottage.co.uk](http://www.riversidecottage.co.uk)



## Traffic Management Policy

This policy is for the guidance of families, staff, and visitors to Riverside Cottage Nursery in their travel to and from the setting. This document should be read carefully, and all drivers must act in accordance with the guidance herein. This is a working document and will be developed as needed throughout the year, with input from our families and neighbours in our quarterly discussions. Any updates will be shared with all families and neighbours.

### Contents:

- Residential awareness statement
- Driver responsibilities
- Road section example scenarios
- Nursery responsibilities
- Other important information

### Residential awareness statement

Please be mindful that Riverside Lea, the road down to Riverside Cottage Nursery, is a private road shared with residential houses. It is important that anyone visiting the nursery is mindful and respectful of our neighbours in their coming and going from nursery. In addition to the guidance below, please use common sense, kindness, patience and empathy when using the road. Looking far ahead and anticipating other drivers will help to ensure everyone is aware, prepared and can drive in safe, respectful ways.

It is so important that children are seen, respected and celebrated in and as part of the community. This must start by ensuring the community is respected by those dropping and picking up children from Riverside.

### Driver responsibilities

Following these basic rules will help to ensure peace and harmony on the road and will ensure the most efficient road use.

- Observe the 15-mph speed limit
- Follow guidance on all signs in the car park
- **Leave a 1-minute gap between you and the car in front when leaving the car park**
- Do not use driveways as passing places
- Do not use grass verge to pass other cars

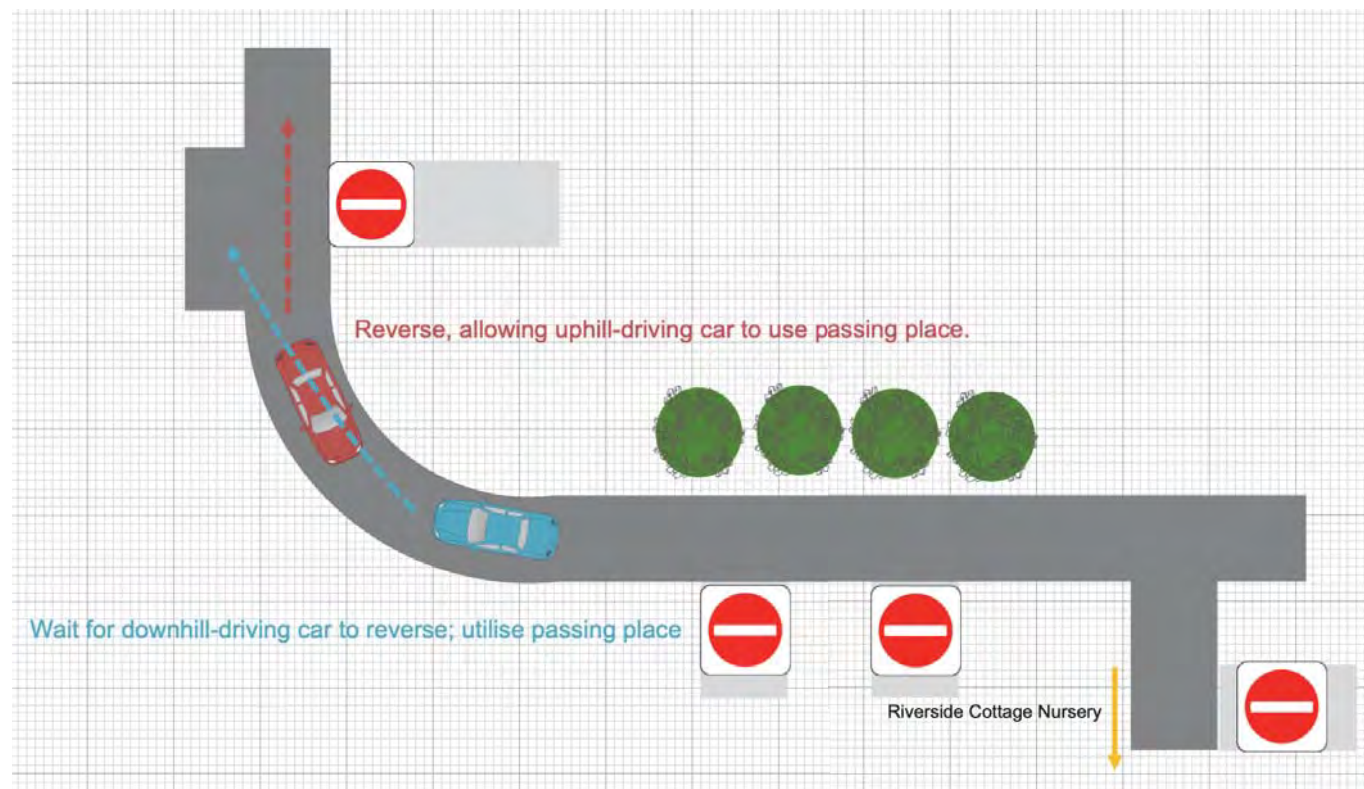
- Do not park anywhere outside of the nursery car park
- When possible, please use public transport
- **Respect if/when approached by a staff member and asked to change their driving behaviour on the road**

### Road section example scenarios

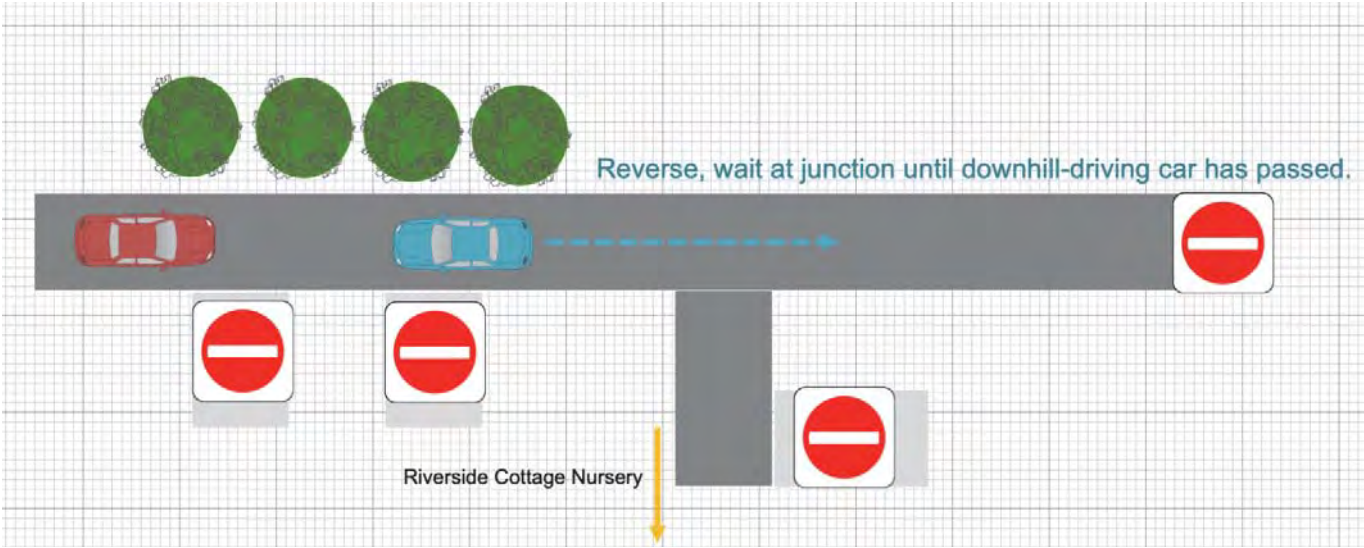
The following graphics share scenarios and provide guidance on what to do in these situations. In general, the car coming downhill has priority as it will likely be more difficult to reverse uphill and there may on occasions be more than one car coming downhill while there should only be one car going uphill at any given time.

\*Please note, these are example graphics for now. We have asked a local artist to work with us on making these more user-friendly.

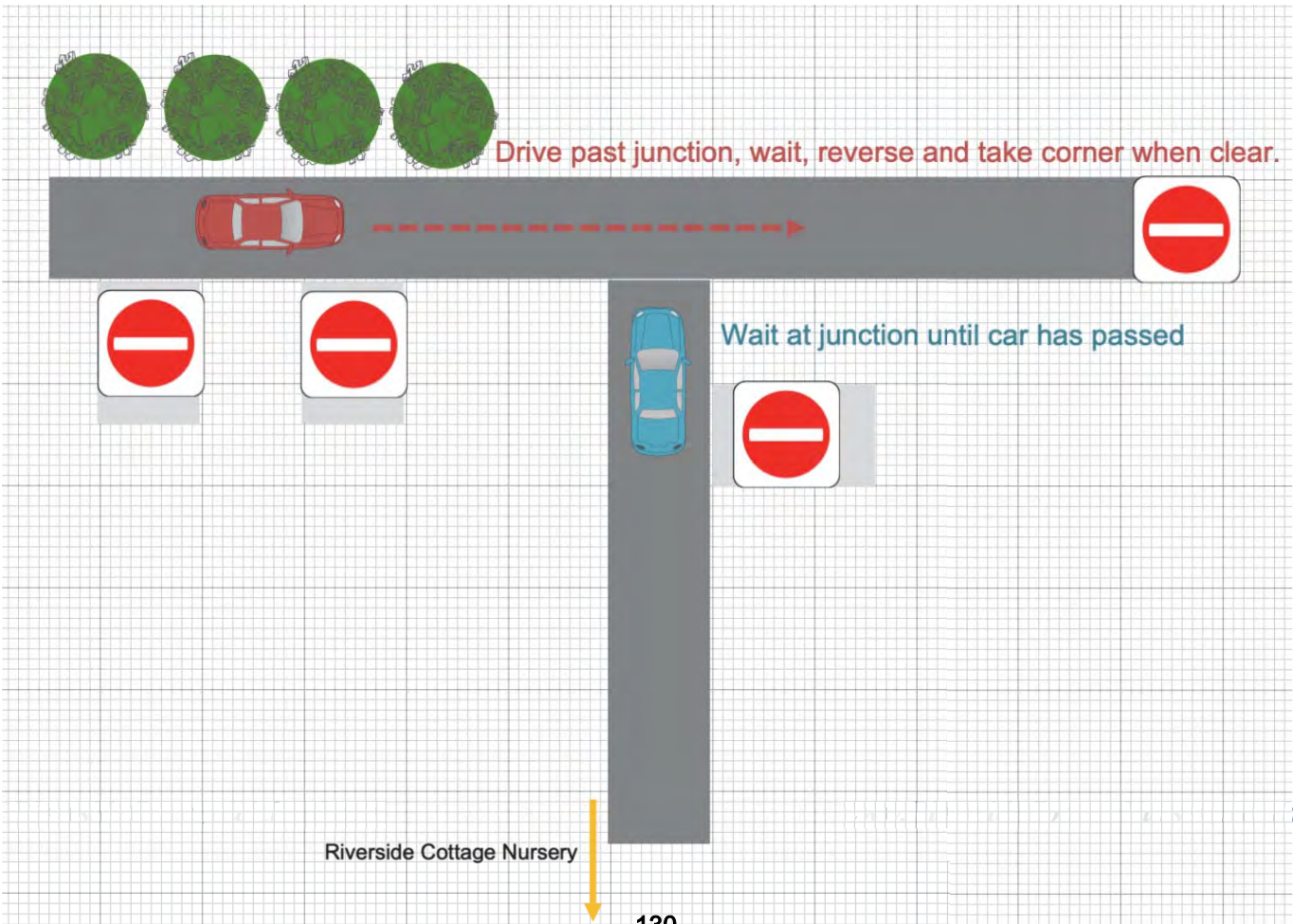
When meeting on the corner at the bottom of the hill:



When meeting before the final turn down to the nursery:



When meeting at the T-junction outside of the nursery car park:





### Nursery responsibilities

- Ensure signage is installed and maintained in the car park regarding the responsibilities set out above in this policy including speed limits, parking and traffic movement. The nursery will also make these available for neighbours to use as needed on their property.
- Ensure driving etiquette reminders in monthly newsletters.
- Quarterly email to families with this policy (highlighting any updates). To also be shared with neighbours.
- Annual physical copy to be shared directly with families and neighbours
- Organise and host quarterly 'open house' with neighbours and families as an opportunity to discuss the previous 3 months and take action (such as developing this policy) if needed on any misuse of the road. Suggested 2023 dates:
  - 02/03/2023 @ 6pm
  - 01/06/2023 @ 6pm
  - 07/09/2023 @ 6pm
  - 07/12/2023 @ 6pm
- Speak directly with drivers of specific vehicles if neighbours believe they are not driving respectfully or in accordance with this policy
- Work through activities with children which might influence parent behaviours and ensure the children are involved in the safe & friendly driving approach (similar to the highly successful stop smoking campaign in Scotland)
- Carry out regular reviews of how families are exiting the car park. If needed, occasionally place member of staff as car park attendant for short time-period (e.g. for 1 week 4.30pm-5.30pm) to guide driver behaviour directly
- Purchase and spray salt in wintery conditions to the benefit and safety of all relevant parties

### Other important information

**Drivers failing to follow this guidance and continually drive in unsuitable or unsafe ways may be asked to leave Riverside Cottage nursery and lose their child's space.**





# Development Management Committee

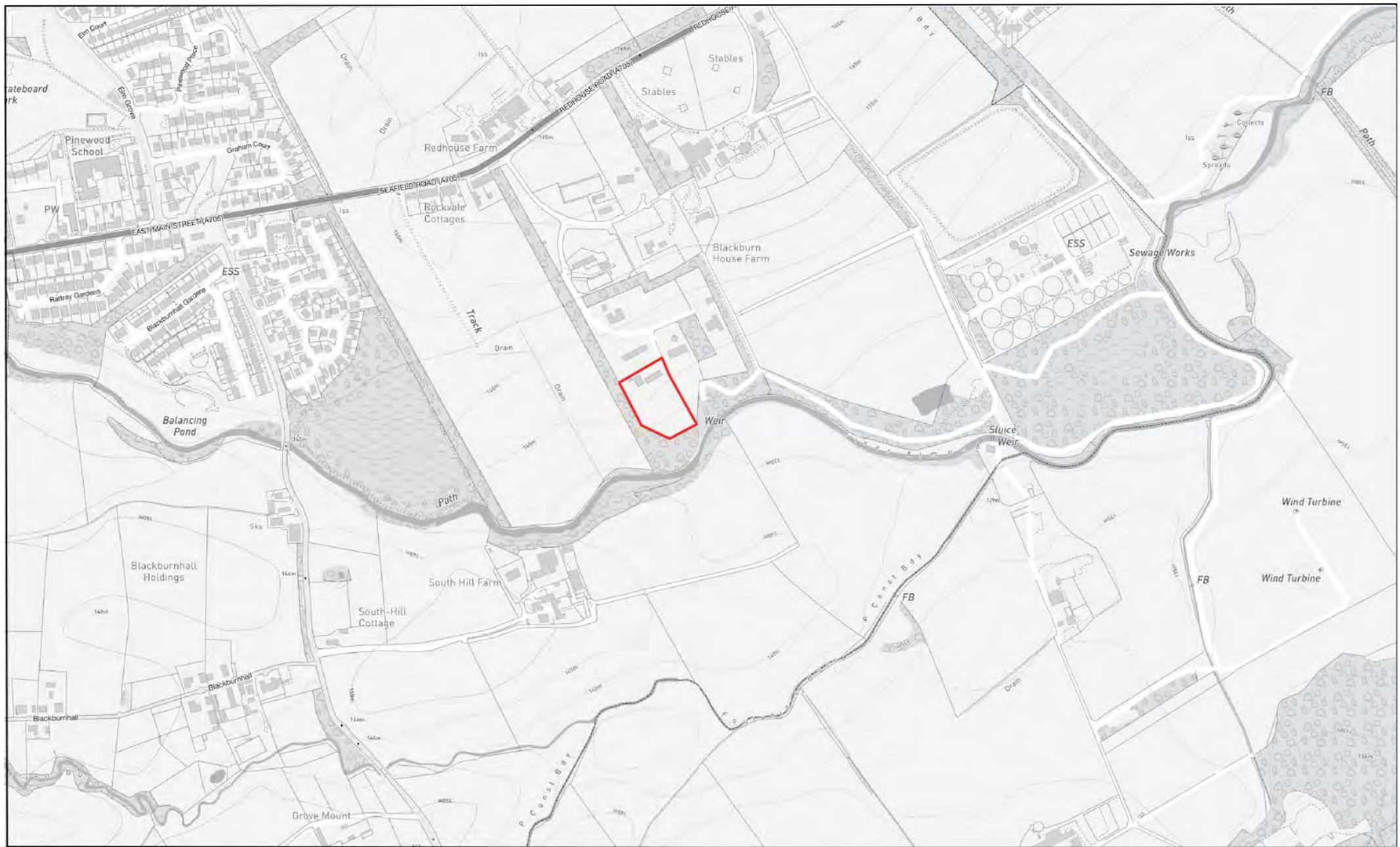
16 November 2022

Item 07 - Application : 0596/FUL/ 22

Continued operation of childrens nursery

9 Riverside Lea / Seafield Road / Blackburn / EH47 7EL

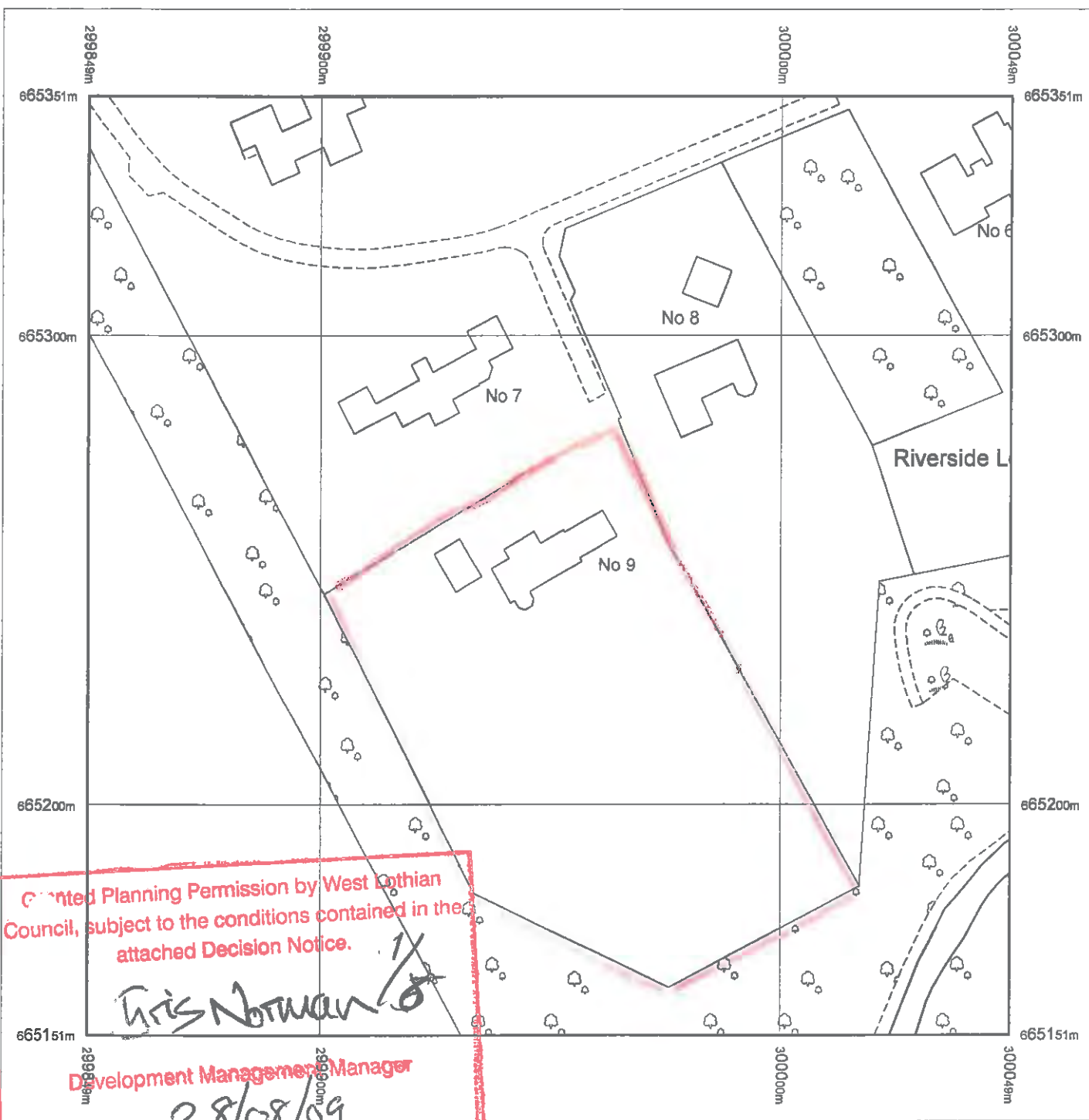












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# Development Management Committee

16 November 2022

Item 07 - Application : 0657/FUL/22

Erection of a 56sqm two storey extension to industrial unit

Scotlens / Mill Road Industrial Estate / Linlithgow / EH49 7SF

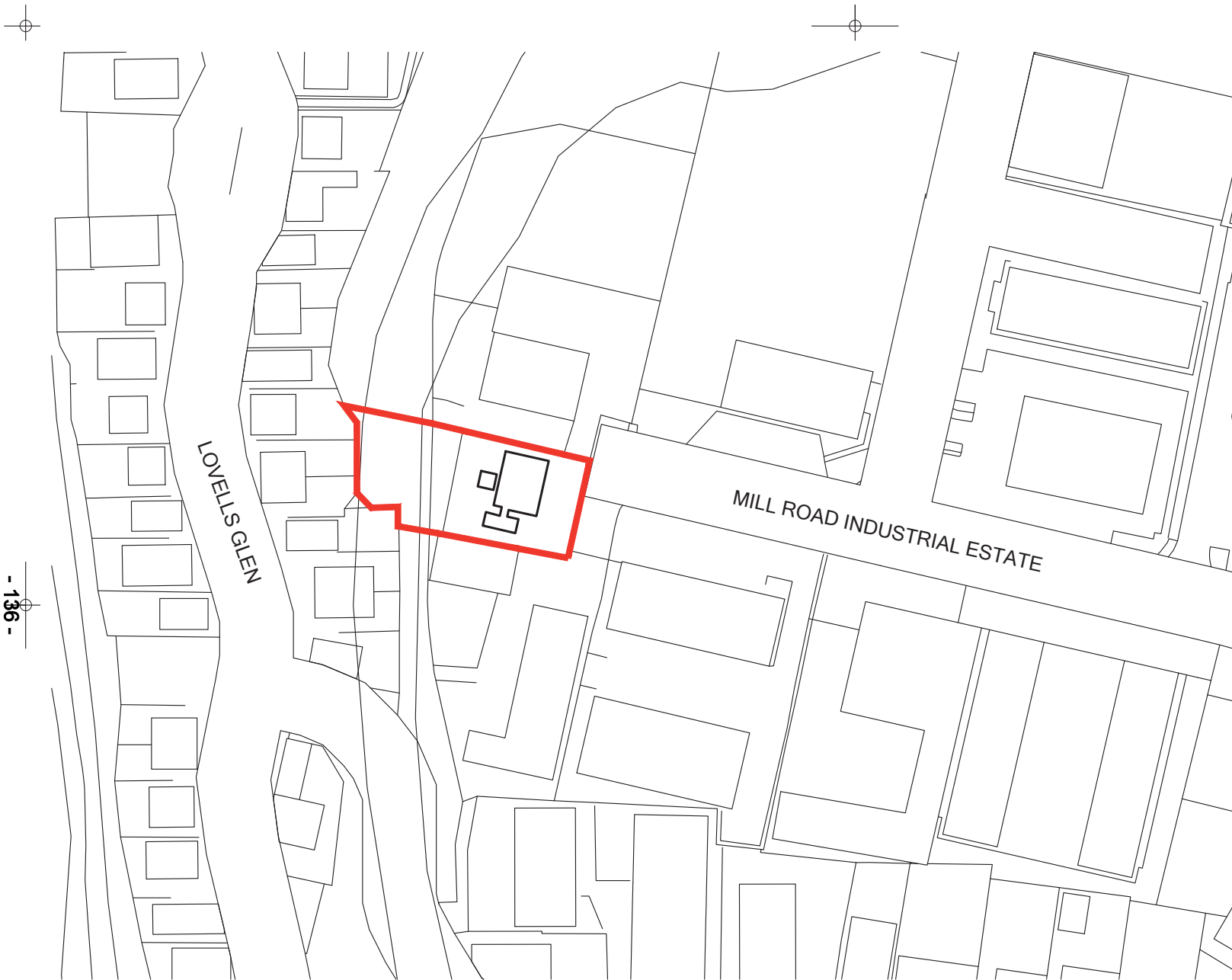












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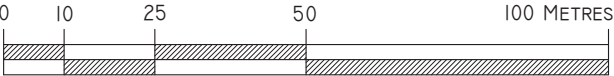


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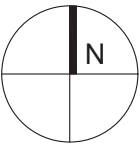
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Project Scotlens Ltd Extension Mill Road Industrial Estate Linlithgow Bridge, EH49 7SG			
Drawing Title Location Plan			
Scale 1:1250 @ A4	Date June '22	Drawn by RW	Checked by MDK
Job No. 2210 LIN	Drawing No. (L-)00	Revision -	Issued for -
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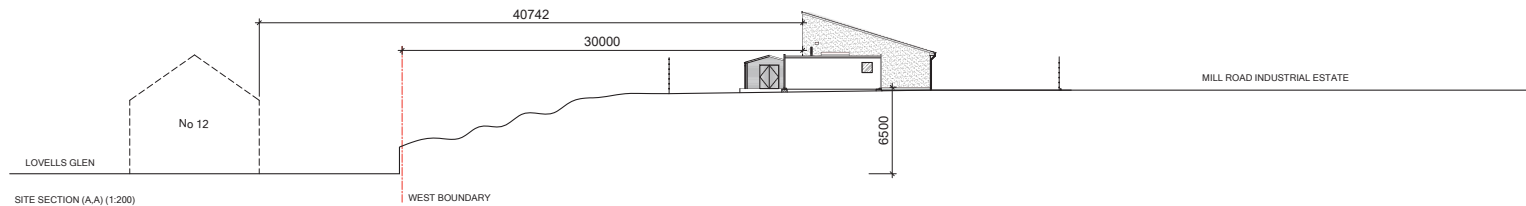


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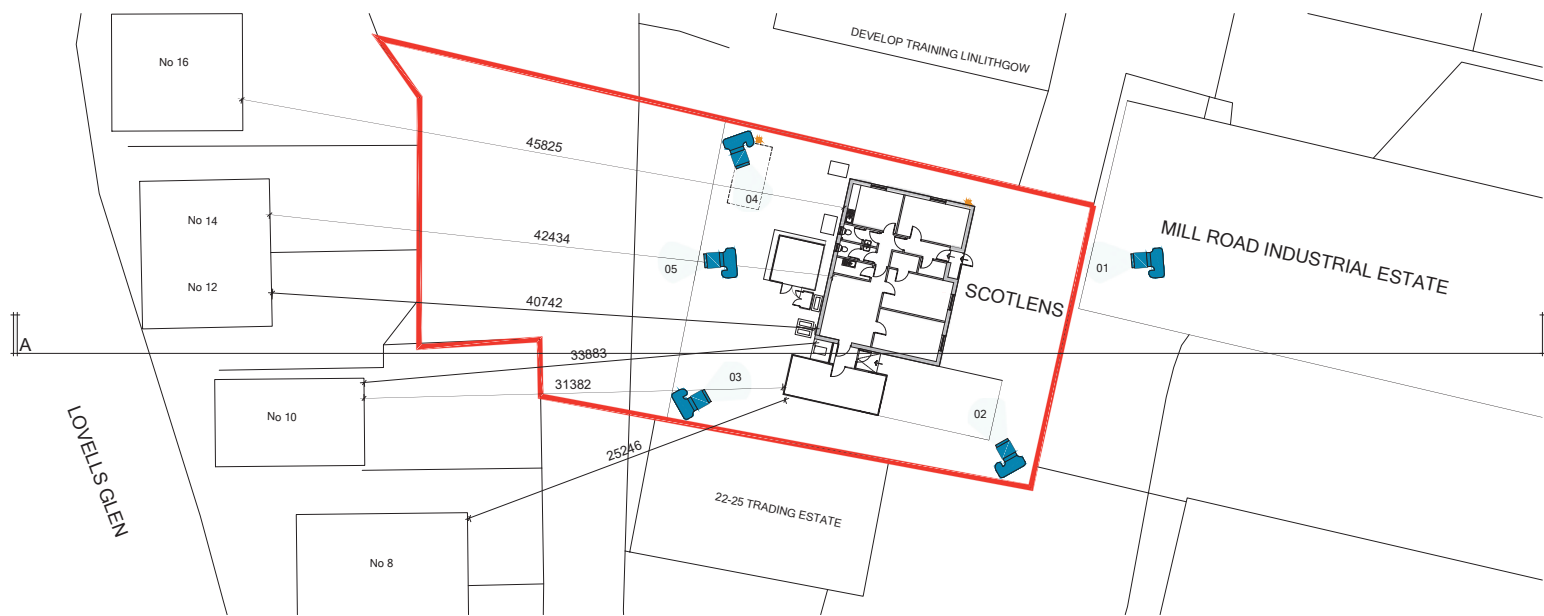
LOCATION PLAN (1:1250)







SITE SECTION (A,A) (1:200)



AS EXISTING SITE PLAN & SITE SECTION (A,A) (1:200)



PHOTOGRAPH 01



PHOTOGRAPH 02



PHOTOGRAPH 03



PHOTOGRAPH 04



PHOTOGRAPH 05

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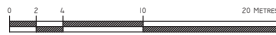
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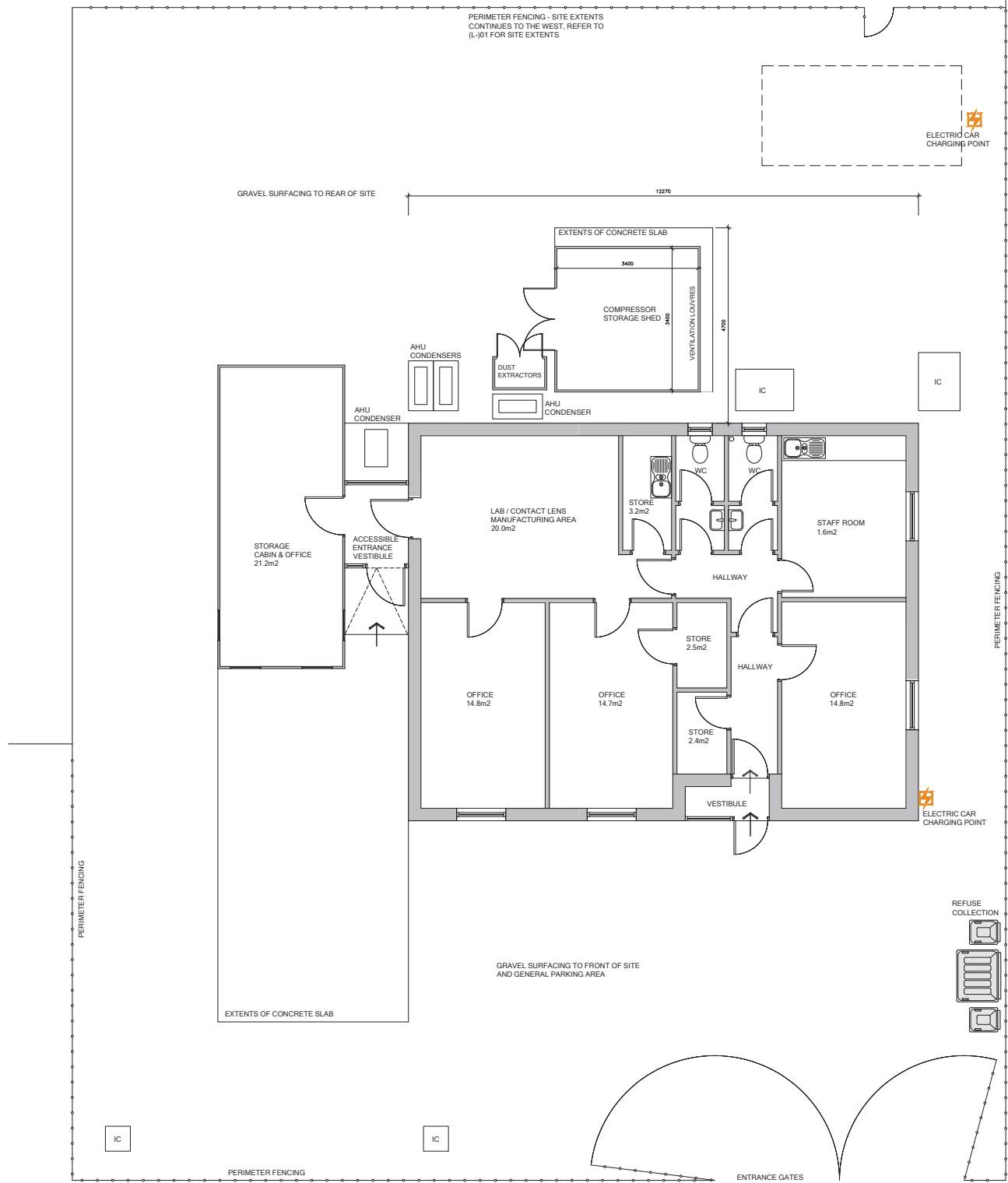
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Client Scott Brown			
Project Scotlens Ltd Extension Mill Road Industrial Estate Linlithgow Bridge, EH49 7SG			
Drawing Title As Existing Site Plan & Site Section (A,A)			
Scale 1:200 @A1	Date June '22	Drawn by RW	Checked by MDK
Job No. 2210 LIN	Drawing No. (L-J01	Revision -	Issued for -
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AS EXISTING SITE PLAN & SITE SECTION (A,A) (1:200)



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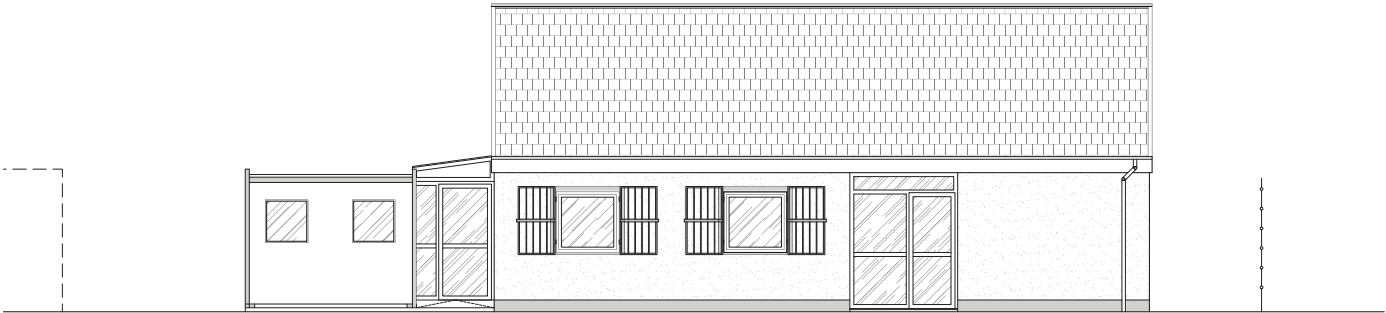
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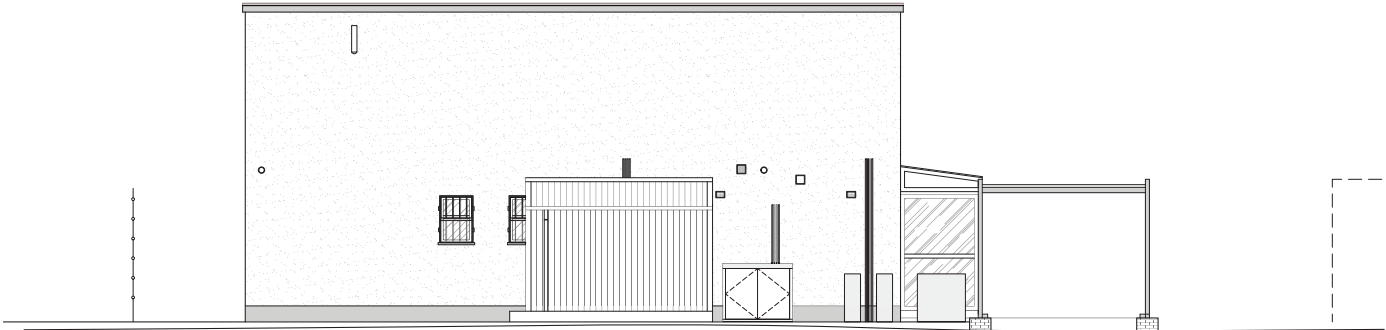
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Project Scotfems Ltd Extension M81 Road Industrial Estate Linnithgow Bridge, EH49 7SG			
Drawing Title As Existing Ground Floor Plan			
Scale 1:50 @A1	Date June '22	Drawn by RW	Checked by MDK
Job No. 2210 LIN	Drawing No. (L-J02)	Revision -	Issued for -
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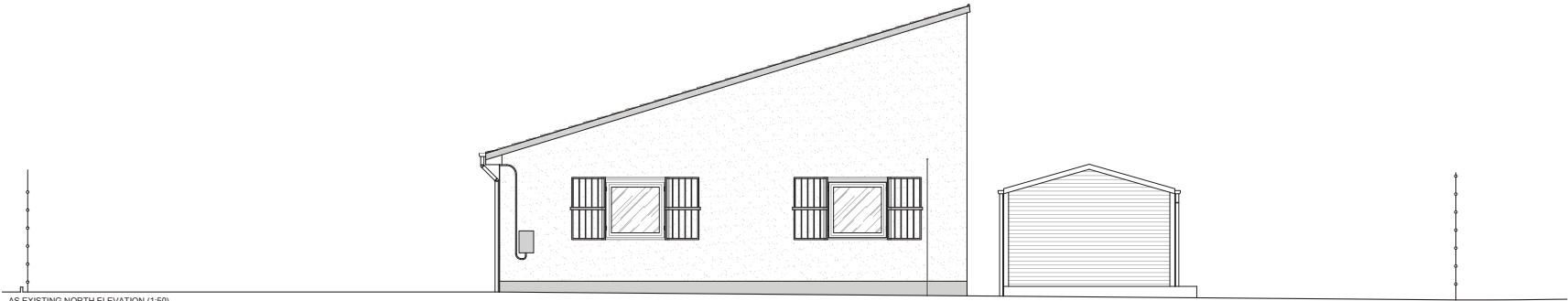
SCALE  
AS EXISTING ELEVATIONS (1:50)



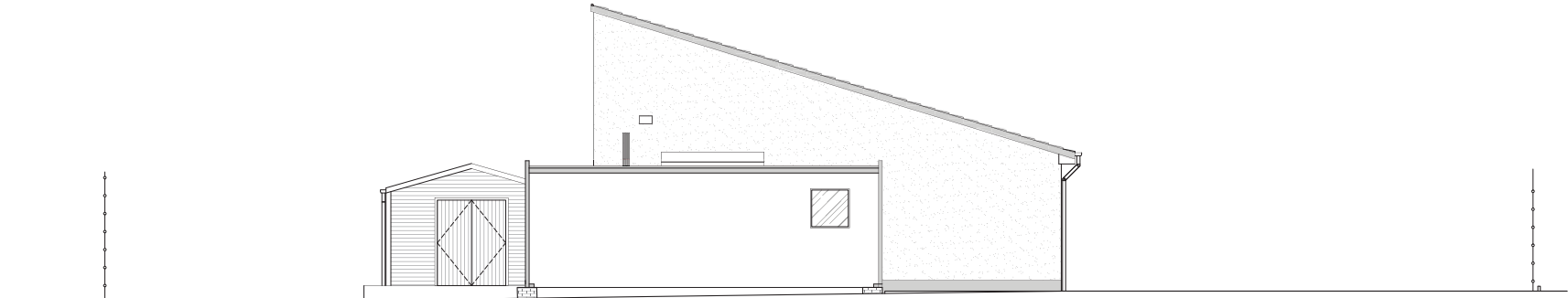
AS EXISTING EAST ELEVATION (1:50)



AS EXISTING WEST ELEVATION (1:50)



AS EXISTING NORTH ELEVATION (1:50)



AS EXISTING SOUTH ELEVATION (1:50)

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PROJECT SPECIFIC NOTES

EXISTING MATERIALS:

External Walls - Gray Roughcast Render with Black Painted concrete plinth  
Roof - Concrete Tiles in grey  
Windows & Doors - White uPVC with black painted surrounds & black security bar shutters  
Fascias - White painted  
Rain Water Goods - Black Plastic

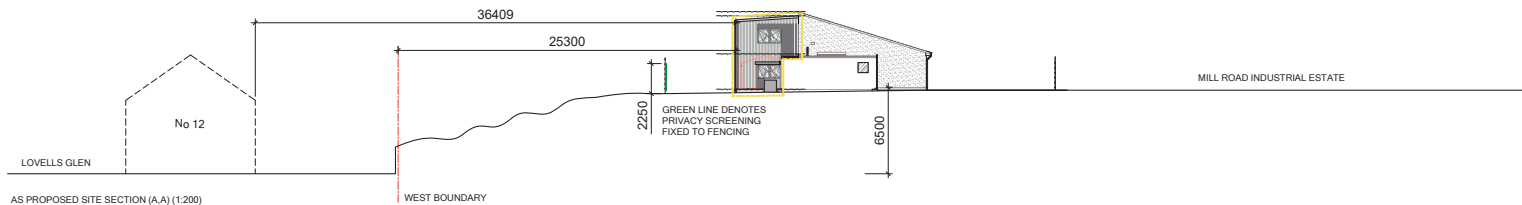
Revision/Date	Description	By
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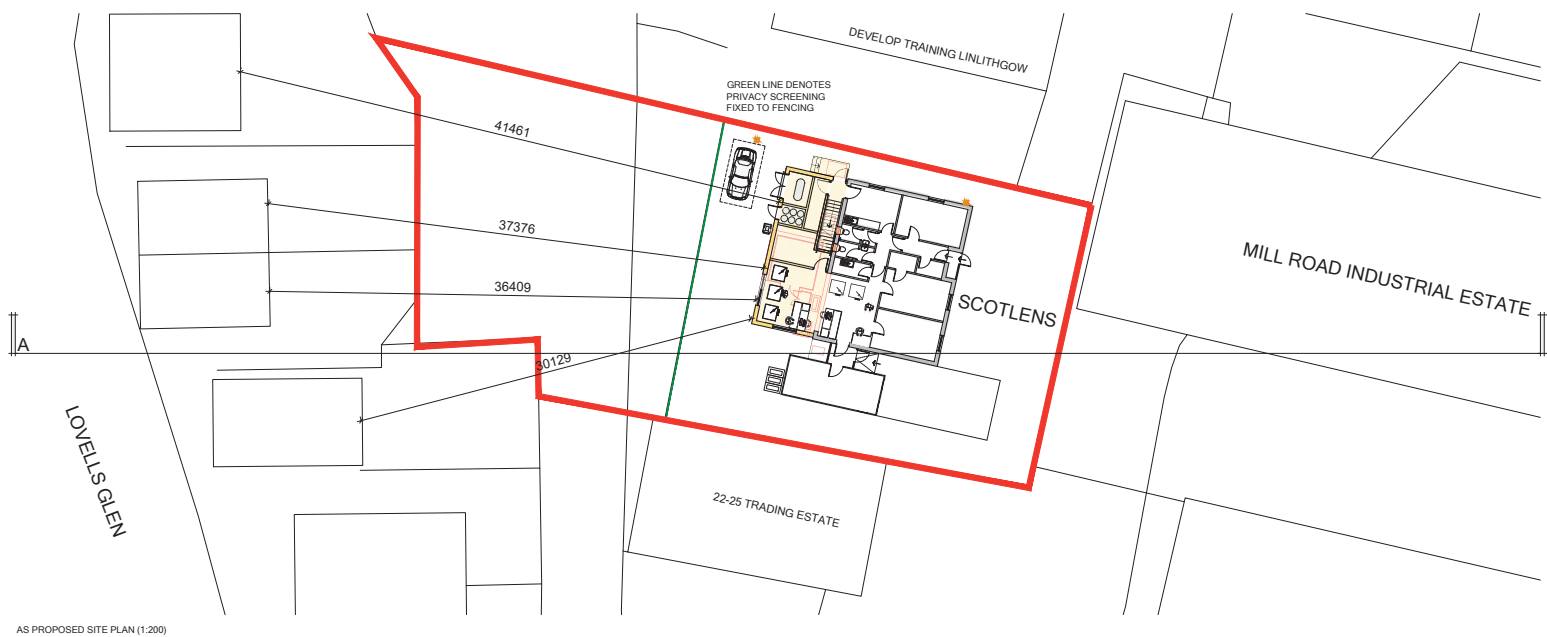
The Tech Shed, Hambro, EH16 5PJ  
T: 0131 6775900 W: www.leaskarchitects.co.uk E: admin@leaskarchitects.co.uk

Client Scott Brown			
Project Scotfens Ltd Extension M1 Road Industrial Estate Linnithgow Bridge, EH49 7SG			
Drawing Title As Existing Elevations			
Scale 1:50 @A1	Date June '22	Drawn by RW	Checked by MDK
Job No. 2210 LIN	Drawing No. (L)-03	Revision -	Issued for -
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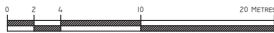




AS PROPOSED SITE SECTION (A,A) (1:200)



AS PROPOSED SITE PLAN (1:200)



AS PROPOSED SITE PLAN & SITE SECTION (A,A) (1:200)

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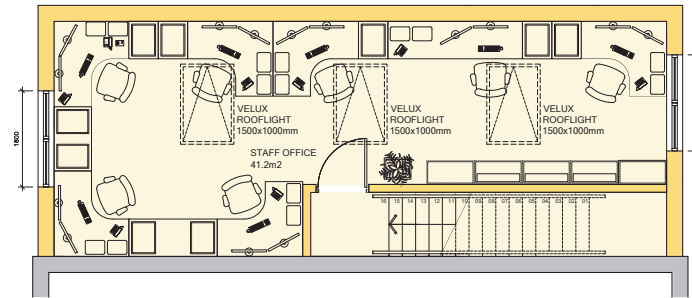
GREEN MESH PRIVACY SCREENING TO BE FIXED TO EXISTING POST & WIRE FENCING

Revision/Date	Description	By
A 19.09.2022	General revisions to WLC comments First Floor Windows removed Value Rooflights added	RW

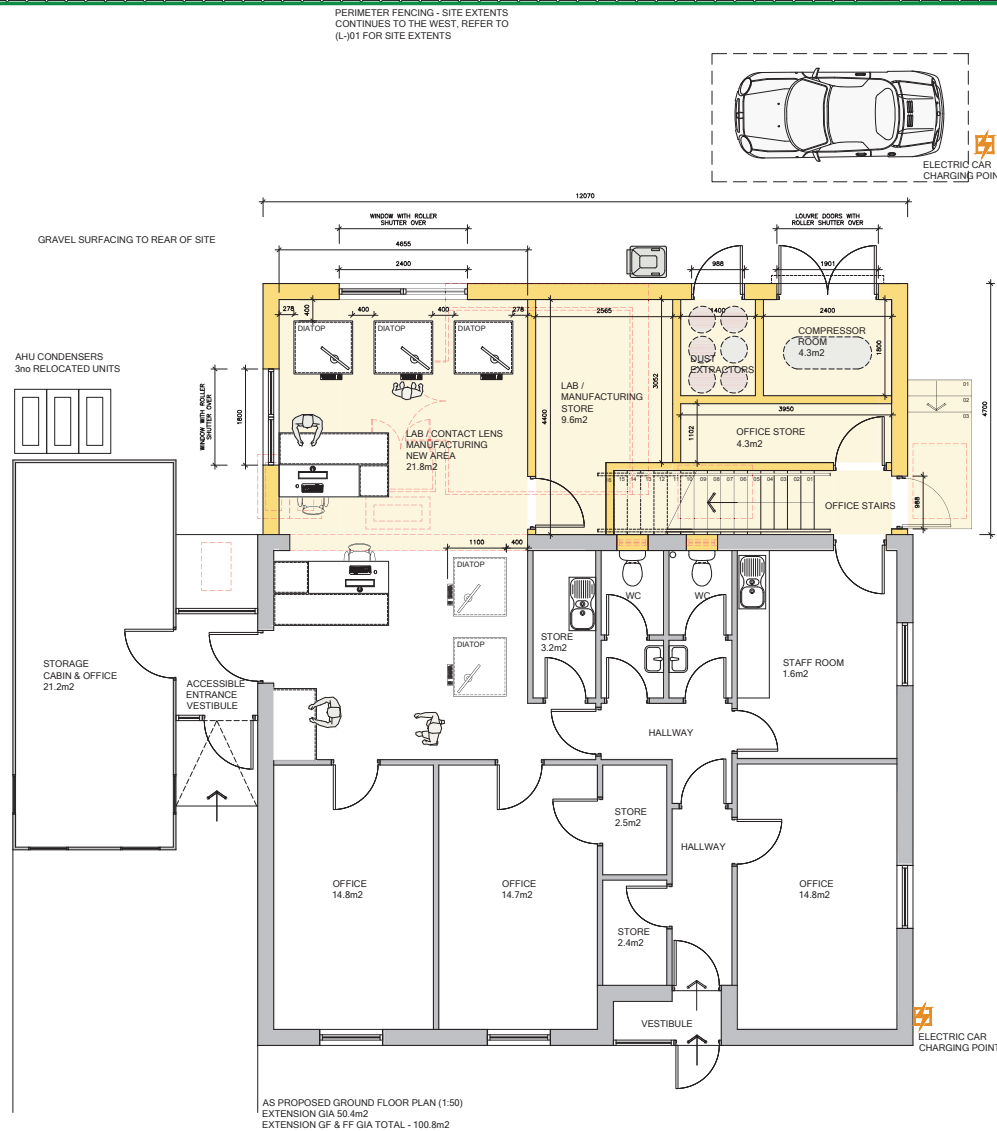
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T: 0131 6775900 W: www.leaskarchitects.co.uk E: admin@leaskarchitects.co.uk

Client Scott Brown			
Project Scotlens Ltd Extension Mill Road Industrial Estate Linlithgow Bridge, EH49 7SG			
Drawing Title As Proposed Site Plan			
Scale 1:200 @A1	Date June '22	Drawn by RW	Checked by MDK
Job No. 2210 LIN	Drawing No. (2-301	Revision A	Issued for Planning
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AS PROPOSED FIRST FLOOR PLAN (1:50)  
EXTENSION GIA - 50.4m2



GREEN LINE DENOTES  
PRIVACY SCREENING  
FIXED TO FENCING  
FULL WIDTH OF SITE  
BOUNDARY TO WEST

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PROJECT SPECIFIC NOTES



CURRENT LAB / MANUFACTURING ROOM



GREEN MESH PRIVACY SCREENING TO BE  
FIXED TO EXISTING POST & WIRE FENCING

Revision/Date	Description	By
A 19.09.2022	General revisions to WLC comments First Floor Windows removed Velux Rooflights added	RW

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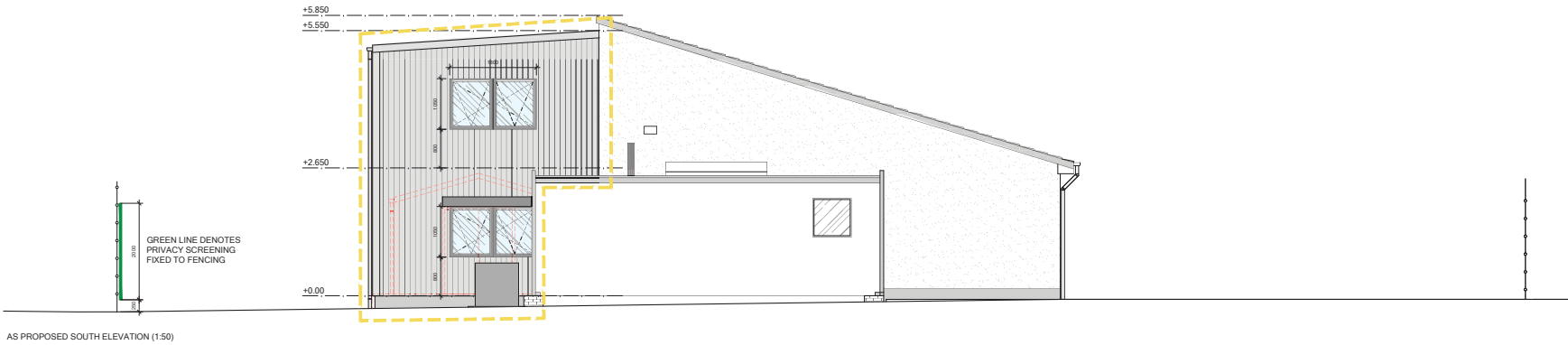
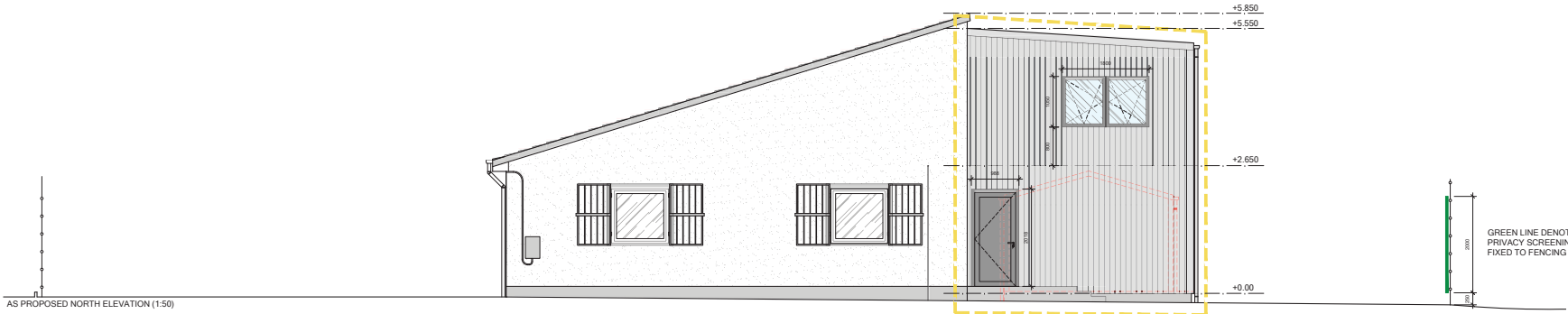
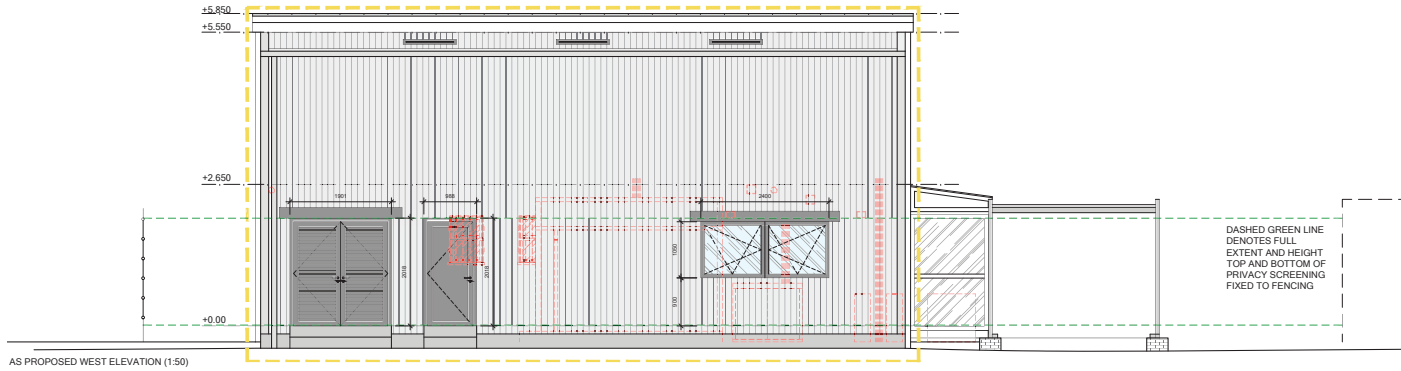
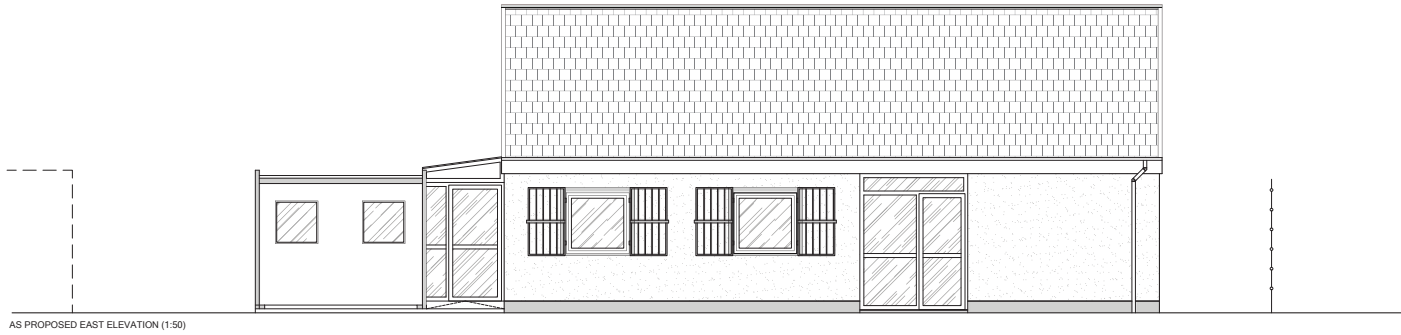
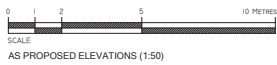
Client  
Scott Brown

Project  
Scotlens Ltd Extension  
Mill Road Industrial Estate  
Linnithgow Bridge, EH49 7SG

Drawing Title  
As Proposed Ground & First Floor Plans

Scale	Date	Drawn by	Checked by
1:50 @A1	June '22	RW	MDK
Job No.	Drawing No.	Revision	Issued for
2210 LIN	(2-102)	A	Planning

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- PROJECT SPECIFIC NOTES
- PROPOSED MATERIALS:
- External Walls - Grey Insulated Profiled Metal Cladding
  - Roof - Grey Insulated Profiled Metal Roofing Sheets
  - Windows - Anthracite Grey uPVC with security roller shutter over at GF or Anthracite Grey
  - Roof Windows - Velux electrically operated windows in Anthracite Grey
  - Doors - Anthracite Grey Painted Timber
  - Flashings and Drips - Grey Powder Coated Aluminium
  - Rain Water Goods - Grey Powder Coated Aluminium
  - Compressor Room Doors - Anthracite Grey Powder Coated Aluminium with roller shutter door over in Anthracite Grey



GREEN MESH PRIVACY SCREENING TO BE FIXED TO EXISTING POST & WIRE FENCING

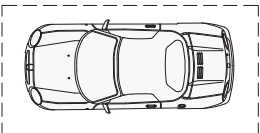
Revision/Date	Description	By
A 19.09.2022	General revisions to WLC comments First Floor Windows removed Velux Rooflights added	RW

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Client Scott Brown			
Project Scotlens Ltd Extension M81 Road Industrial Estate Linnithgow Bridge, EH49 7SG			
Drawing Title As Proposed Elevations			
Scale 1:50 @A1	Date June '22	Drawn by RW	Checked by MDK
Job No. 2210 LIN	Drawing No. (2-303)	Revision A	Issued for Planning
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PROPOSED  
BELOW GROUND  
SURFACE WATER  
DRAINAGE FROM  
EXTENSION,  
ROOF

EXISTING SURFACE  
WATER FROM ROOF



IC/MH FOUL  
WASTE

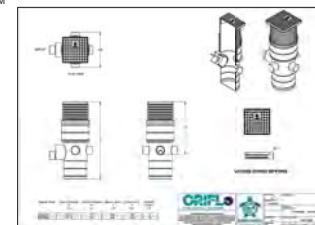
SURFACE WATER

TO EXISTING SURFACE WATER  
CONNECTION IN STREET

**GENERAL DRAWING NOTES**

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PROJECT SPECIFIC NOTES	
LEGEND	
RWP	Rain water pipe
SVP	Soil vent pipe
SWVP	Soil and waste vent pipe
RE	Rodding eye
ICMH	Inspection chamber/Manhole
AAV	Air admittance valve, BBA approved type
HA-IB	Handhole/Access Band
TE	Testing eye
FC	Fire collar
TD	Tundish connection
	Denotes an existing surface water drain pipe below ground level
	Denotes a new surface water drain pipe below ground level



Revision/Date	Description	By
-	-	-



SITE PHOTOGRAPH (01)

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Client  
Scott Brown

Project	Scotlens Ltd Extension
	Mill Road Industrial Estate
	Linlithgow Bridge, EH49 7SG

Drawing Title	As Proposed Surface Water Management Plan
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Scale 1:50 @A1	Date Sept '22	Drawn by RW	Checked by MDK
Job No. 2210 LIN	Drawing No. (52)01	Revision -	Issued for -

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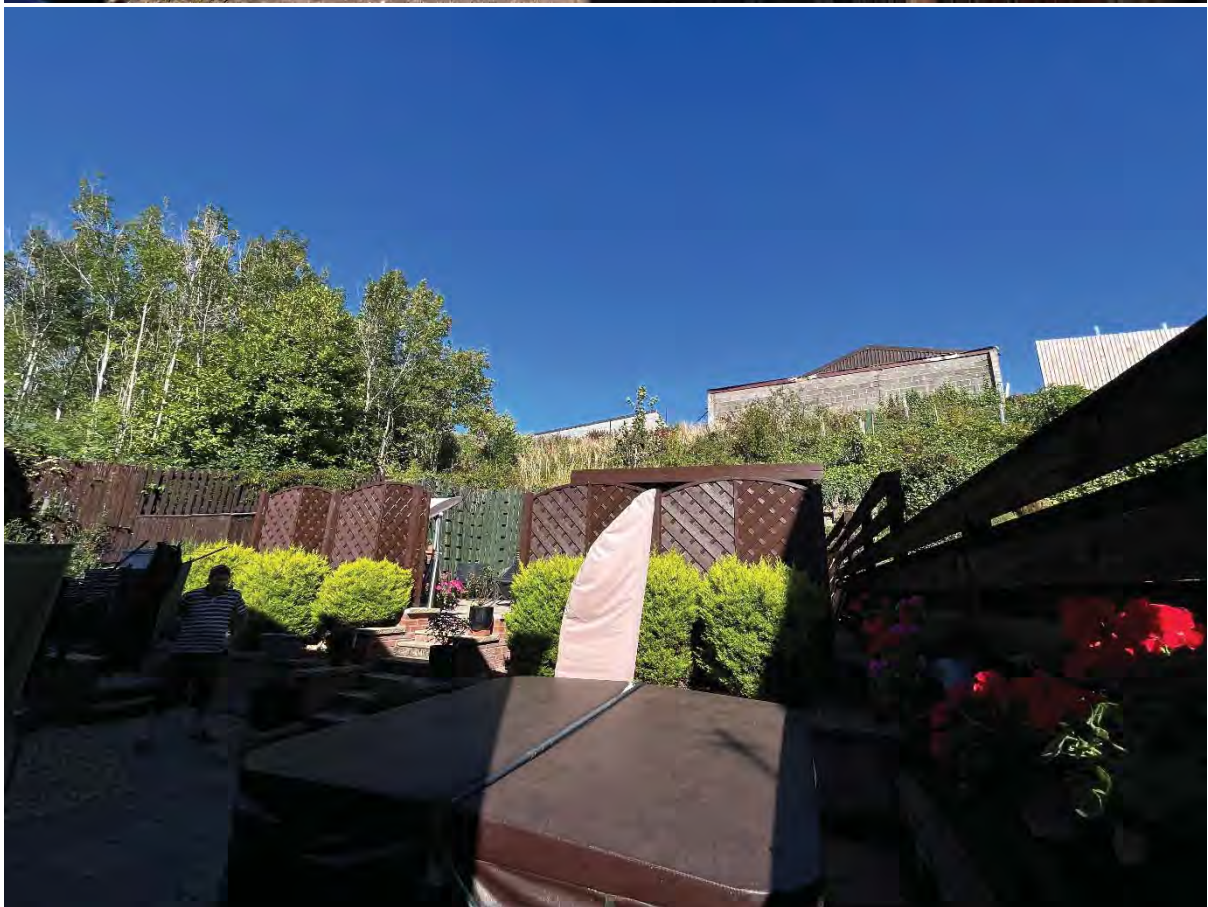


































## DEVELOPMENT MANAGEMENT COMMITTEE

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

#### 1 DESCRIPTION

Planning permission in principle for the erection of a mixed-use building with 2 shops and 1 flat on ground floor and 4 flats on upper floors and conversion of public house to a flat at 1 Main Street, West Calder.

#### 2 DETAILS

<b>Reference no.</b>	<a href="#">0792/P/22</a>	<b>Owner of site</b>	Mr Hassan Mohammed
<b>Applicant</b>	Mr Hassan Mohammed	<b>Ward &amp; local members</b>	<b>Fauldhouse &amp; The Breich Valley</b> Councillor Pauline Clark Councillor Cathy Muldoon Councillor Craig Meek
<b>Case officer</b>	Kirsty Hope	<b>Contact details</b>	01506 282413 <a href="mailto:kirsty.hope@westlothian.gov.uk">kirsty.hope@westlothian.gov.uk</a>

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

#### 3 RECOMMENDATION

3.1 Refuse planning permission in principle.

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

4.1 Planning permission in principle is sought for the erection of a mixed-use building with 2 shops and 1 flat on ground floor and 4 flats on upper floors and conversion of a former public house to a flat at number 1 Main Street, West Calder. The application site is located within the town centre and settlement boundary of West Calder as identified in the adopted West Lothian Local Development Plan 2018 (LDP).

4.2 The site consists of a two storey traditional stone built building and adjacent parking / yard area at the junction of Main Street and Cleuch Brae. The ground floor of the building comprises the now closed Mason Arms public house and a hairdresser. It also has an access stair leading to the first floor. On the first-floor level is the Masonic Lodge, which is used for lodge meetings and as a function suite.

#### History

4.3 The relevant site history is set out below:

- LIVE/1201/FUL/06 - Part change of use from public house to form a hairdresser (class 1) was granted planning permission on 29 November 2006.
- LIVE/1347/FUL/05 - Part change of use to form hot food take-away was granted planning permission on 22 March 2006.
- LIVE/1305/FUL/05 - Formation of rear access stair and landing to first floor was granted planning permission on 22 March 2006.

### EIA Development

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

### Equalities Impact

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

## 5. REPRESENTATIONS

- 5.1 One letter of objection has been received.

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

Comments	Response
<ul style="list-style-type: none"> <li>• Works have already commenced internally in retrospect</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. No planning permission would be required for internal alterations, although a building warrant may be required from Building Standards.</li> </ul>
<ul style="list-style-type: none"> <li>• No detail to fully assess the impact of works already under way particularly with regard to materials being used, insulation both sound and fire.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted, as above. The details provided for the planning application are sufficient.</li> </ul>
<ul style="list-style-type: none"> <li>• The impact on the occupant above the existing public house, including being a regular local venue for gatherings/funerals.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. Environmental Health has also raised concerns in regards to amenity.</li> </ul>
<ul style="list-style-type: none"> <li>• Concerns regarding the mutual water supply and surface water drainage routing and impact.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. Access to mutual utilities is not a material planning consideration, this is a private legal matter.</li> </ul>
<ul style="list-style-type: none"> <li>• Request that enforcement should suspend these works until all permissions are obtained.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. This is not considered necessary at this stage, however should permission not be granted enforcement action may be taken.</li> </ul>
<ul style="list-style-type: none"> <li>• Impact in regards to the noise, odour from cooking facilities, as well as fire risk.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted. Whilst fire risk is possible this is not a reason to justify refusal of a planning application. See</li> </ul>

Comments	Response
	further notes from Environmental Health on amenity.
<ul style="list-style-type: none"> <li>Privacy concerns from bathroom and bedroom facilities.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Bathroom windows are usually opaque. Any overlooking of the existing footpath/access is not unacceptable.</li> </ul>
<ul style="list-style-type: none"> <li>Concerns of the proposed extension severely restricts access to/from fire escape.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. No changes to the existing fire escape are proposed – this would be accessed via a pend.</li> </ul>
<ul style="list-style-type: none"> <li>Concerns regarding design and layout of the ground floor conversion to be inappropriate due to privacy concerns.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. See further assessment below.</li> </ul>
<ul style="list-style-type: none"> <li>Concerns regarding the scale, design and layout of the extension which is overbearing and inappropriate.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. See further assessment below.</li> </ul>
<ul style="list-style-type: none"> <li>Materials are not sympathetic to the historic building.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. See further assessment below.</li> </ul>
<ul style="list-style-type: none"> <li>Parking and access concerns.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. See Roads &amp; Transportation comments below.</li> </ul>
<ul style="list-style-type: none"> <li>Existing historic building should be respected.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. See further assessment below.</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	Yes	There is no parking provision, 1 space per flat is required.	Noted.
WLC Environmental Health	Yes	Incompatibility of building uses with existing masonic hall.	Noted.
WLC Education	No	Contributions required.	Noted. Should planning permission be granted, then contributions would need to be secured.



WLC Waste Services	Yes	No waste or recycling is noted on the submitted plans. Commercial bins must be separate inside a bin store.	Noted.
WLC Housing	No	Requires a commuted sum to be paid in respect of affordable housing.	Noted. Should planning permission be granted, then contributions would need to be secured.
West of Scotland Archaeology Service	No	Attach a condition in relation to carrying out an archaeological watching brief during construction works.	Noted. A condition shall be attached, if granted.

## 7. PLANNING POLICIES

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

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 new building does not respect the character and appearance of the existing building nor the street on a prominent location within West Calder town centre.	No
West Lothian LDP Local Development Plan (LDP) (2018)  HOU 3 - Infill/Windfall Housing Development within Settlements	Housing development will only be permitted where it meets criteria a-i.	The proposed housing use is not compatible with existing nearby uses and there would be a potential for adverse impact on the residential amenity of the proposed flats.	No

<b>Plan and Policy</b>	<b>Policy Summary</b>	<b>Assessment</b>	<b>Conform?</b>
West Lothian LDP Local Development Plan (LDP) (2018)  HOU 4 – Affordable Housing	New housing developments shall require contributions in accordance with the SG on Affordable Housing	The council shall seek contributions in accordance with the SG on Affordable Housing.	Yes – Subject to the relevant contributions being secured.
West Lothian LDP Local Development Plan (LDP) (2018)  INF1 - Infrastructure Provision and development obligations	The council will seek developer obligations in accordance with Scottish Government Circular 3/2012.	The proposal does not raise any education capacity concerns. The required developer obligations and these are listed below: <ul style="list-style-type: none"> <li>• Education (Both Denominational Primary and Secondary as well as Non- Denominational Primary)</li> <li>• Cemeteries Provision</li> <li>• Affordable Housing</li> </ul>	Yes – Subject to the relevant planning obligations being secured.
West Lothian LDP Local Development Plan (LDP) (2018)  TCR 1 - Town Centres	Proposals will be supported where it can be demonstrated that the proposal is of appropriate scale. Residential uses on upper floors will only be supported where this does not prejudice the operation of existing businesses.	Retail use is accepted within the town centre location  The residential accommodation cannot achieve a satisfactory level of residential amenity for the prospective occupants of the new flats and no car parking provision is provided.	In part
West Lothian LDP Local Development Plan (LDP) (2018)  TCR 2 Town Centres First Sequential Approach	Developments appropriate to town centres should be located in accordance with the following sequential approach.	Retail use is accepted within the town centre location.	Yes

<b>Plan and Policy</b>	<b>Policy Summary</b>	<b>Assessment</b>	<b>Conform?</b>
West Lothian LDP Local Development Plan (LDP) (2018)  EMG 6 – Vacant, Derelict and Contaminated Land	Where it is suspected by the council that a development site may be contaminated, the developer will be required to undertake a site investigation, to the satisfaction of the council.	A site investigation (phase 1) report has not been submitted.	No
West Lothian LDP Local Development Plan (LDP) (2018)  TRAN 1 - Transport Infrastructure	Development will only be permitted where transport impacts are acceptable.	No parking provision has been provided.	No
West Lothian LDP Local Development Plan (LDP) (2018)  ENV 27 - Areas of Built Heritage and Townscape Value	Maintaining the architectural character and historic significance of built heritage and townscape value of West Calder village	Proposed building does not respect the local building context.	No
West Lothian LDP Local Development Plan (LDP) (2018)  ENV 32 - Archaeology	Development will not be permitted where it would have a significant adverse effect on an identified regionally or locally important archaeological or historic site.	A condition in relation to carrying out an archaeological watching brief during construction works is required.	Yes - by condition
West Lothian LDP Local Development Plan (LDP) (2018)  EMG 2- Flooding	Developers will be required to submit a full Flood Risk Assessment (FRA) for all developments	A flood risk assessment has not been submitted.	No



Plan and Policy	Policy Summary	Assessment	Conform?
	deemed to be at risk of flooding from any source in medium to high risk areas and developments.		
West Lothian LDP Local Development Plan (LDP) (2018)  EMG 3 - Sustainable Drainage	Developers may be required to submit a Drainage Impact Assessment (DIA) to ensure that surface water flows are properly taken into account in the design of a development.	No surface water drainage information has been submitted.	No
West Lothian LDP Local Development Plan (LDP) (2018)  EMG 5 – Noise	There is a presumption against developments that are: a. likely to generate significant amounts of noise or b. residential sensitive developments being close to noisy land use.	Noise from the adjacent Masonic Lodge premises that has regular functions would have an adverse impact on future residents.	No
West Lothian LDP Local Development Plan (LDP) (2018)  EMG 6 - Vacant, Derelict and Contaminated Land	The developer will be required to undertake a site investigation to the satisfaction of the council.	A site investigation phase 1 report has not been submitted.	No

#### 7.4 Other relevant policy guidance and documents are listed below:

##### Statutory Supplementary Guidance (SG):

- Planning and Noise
- Residential Development Guide
- Flooding and Drainage
- Developer contributions towards cemetery provision
- Planning & Education
- Affordable Housing

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

- 8.1 The determining issues in respect of this application are listed below:
- 8.2 This application is for planning permission in principle for the erection of a three-storey mixed-use building with 2 shops and a 1 bedroom flat on ground floor, 2 flats on the first floor and 2 flats on the 2nd floor, plus the conversion of the existing public house to a flat. The application site is located within West Calder town centre.

### **Proposed extension**

- 8.3 Whilst it is noted that this application is for planning permission in principle, the submitted plans do show details of a new three-storey building that would tower above the existing two storey building ridge and eaves height. The proposed design does not respect the character and appearance of the existing building nor the street on a prominent location within West Calder, contrary to policies DES 1 (Design Principles), ENV 27 (Areas of Built Heritage and Townscape Value) and HOU 3 (Infill/Windfall Housing Development within Settlements) of the local development plan (LDP).
- 8.4 The proposed new building would constitute overdevelopment of the site, as it covers all of the existing parking / yard area, leaving no land for private amenity space, parking, bin store and cycle store, contrary to LDP policies DES 1 (Design Principles), TRAN 1 (Transport Infrastructure) and the SG, Residential Development Guide.
- 8.5 WLC Environmental Health has raised concerns given the potential impact of noise from the existing Masonic Lodge premises above the public house in relation to impacts on residential amenity, contrary to LDP policies TCR 1 (Town Centres), EMG 5 (Noise) and the Supplementary Guidance on Planning and Noise.
- 8.6 WLC Waste Services has raised concerns as no bin provision is noted on the plans.
- 8.7 A phase 1 site investigation report has not been submitted by the applicant, contrary to LDP policy EMG 6 (Vacant, Derelict and Contaminated Land).
- 8.8 No flood risk assessment nor surface water drainage information was submitted by the applicant contrary to policy EMG 2 (Flooding) and EMG 3 (Sustainable Drainage), as well as the SG on Flooding and Drainage.
- 8.9 The use of retail shops given this is a town centre location is accepted in principle however the design of the extension is not considered appropriate.

### **Conversion to flat**

- 8.10 The proposed conversion of the existing public house to a flatted property within the existing building is not acceptable given the existing function use on the first floor of the building. There would also be no parking, bin or cycle provision. Furthermore, the conversion would have an unacceptably poor level of amenity given its position within the ground floor with extremely limited outlook and daylighting to rooms. The proposal would be contrary to LDP policies EMG 5 (Noise), DES 1 (Design Principles), TRAN 1 (Transport Infrastructure) and TRC1 (Town Centres) and the Supplementary Guidance, Residential Development Guide and the Supplementary Guidance, Planning and Noise.

## **9. CONCLUSION AND RECOMMENDATION**

- 9.1 The proposed new building would result in potential adverse noise impacts from the adjacent Masonic Lodge. It would be over development of the site. The design is not appropriate. There is no external amenity space, parking, bin store and or cycle storage.
- 9.2 In relation to the conversion, there would be potential adverse noise impacts from the adjacent use – the Masonic Lodge. A poor level of amenity in terms of outlook / daylighting. No external amenity space, parking, bin store and / or cycle storage.
- 9.3 Furthermore, there was no site investigation (phase 1) submitted, nor was there a flood risk assessment or surface water drainage details submitted, contrary to policies EMG 6 (Vacant, Derelict and Contaminated Land), EMG 2 (Flooding) and EMG 3 (Sustainable Drainage), as well as the Supplementary Guidance on Flooding and Drainage within the West Lothian Local Development Plan, 2018.
- 9.4 The proposal does not comply with LDP policies DES1 (Design Principles), ENV 27 (Areas of Built Heritage and Townscape Value) and HOU 3 (Infill/Windfall Housing Development within Settlements), TCR 1 (Town Centres), EMG 5 (Noise), TRAN 1 (Transport Infrastructure) nor does it comply with the Supplementary Guidance on Planning and Noise or the Residential Development Guide within the West Lothian Local Development Plan, 2018.
- 9.5 It is therefore recommended that planning permission be refused.

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

- Draft reasons for refusal
- Location Plan
- Proposed Block Plan
- Elevations
- Representation
- 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: 16 November 2022**



## DRAFT REASONS FOR REFUSAL – APPLICATION 0792/P/22

### Reasons for refusal

1. The proposed new build development is unacceptable in that it is overdevelopment of the site and fails to provide external amenity space, parking, bicycle provision or bin provision. The three-storey design and massing does not respect the adjoining existing traditional building or local character and context. Further, noise from the adjacent Masonic Lodge premises would have an adverse impact on future residents and it has not been shown how such noise impacts would be mitigated. The proposal is thus contrary to policies DES1 (Design Principles), HOU 3 (Infill/Windfall Housing Development within Settlements), TCR 1 (Town Centres), TRAN 1 (Transportation Infrastructure), ENV 27 (Areas of Built Heritage and Townscape Value) and EMG 5 (Noise) of the West Lothian Local Development Plan 2018 and the Supplementary Guidance Residential Development Guide and Supplementary Guidance Planning and Noise within the West Lothian Local Development Plan, 2018.
2. The proposed public house to flat conversion is unacceptable in that fails to provide external amenity space, parking, bicycle provision or bin provision. The position of the proposed flat within the building is such that there would be a poor level of residential amenity in terms of outlook / daylighting. Further, noise from the adjacent Masonic Lodge premises would have an adverse impact on future residents and it has not been shown how such noise impacts would be mitigated. The proposal is thus contrary to policies DES 1 (Design Principles), HOU 3 (Infill/Windfall Housing Development within Settlements), TCR 1 (Town Centres), TRAN 1 (Transportation Infrastructure) and EMG 5 (Noise) and the Supplementary Guidance Residential Development Guide and Supplementary Guidance Planning and Noise of the West Lothian Local Development Plan, 2018.
3. The applicant has not submitted sufficient information with regards to contaminated land. The proposal is therefore contrary to policy EMG6 (Vacant, Derelict and Contaminated Land) of the West Lothian Local Development Plan 2018.
4. The applicant has not submitted a flood risk assessment nor have they submitted surface water drainage details. The proposal is therefore contrary to policy EMG 2 (Flooding) and EMG 3 (Sustainable Drainage), as well as the Supplementary Guidance on Flooding and Drainage of the West Lothian Local Development Plan 2018.

## Notes

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Status		
Rev	Date	Description
Rev by	Chkd	

## Stage 2 - Concept Design



Suite 2005 Mile End Building  
Abbeymill Business Centre  
12 Seedhill Road  
Paisley  
PA1 1JS

## Agenda Item 8

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Fax: 0121 842 1098  
e-mail: [info@abbeyarchitectural.com](mailto:info@abbeyarchitectural.com)

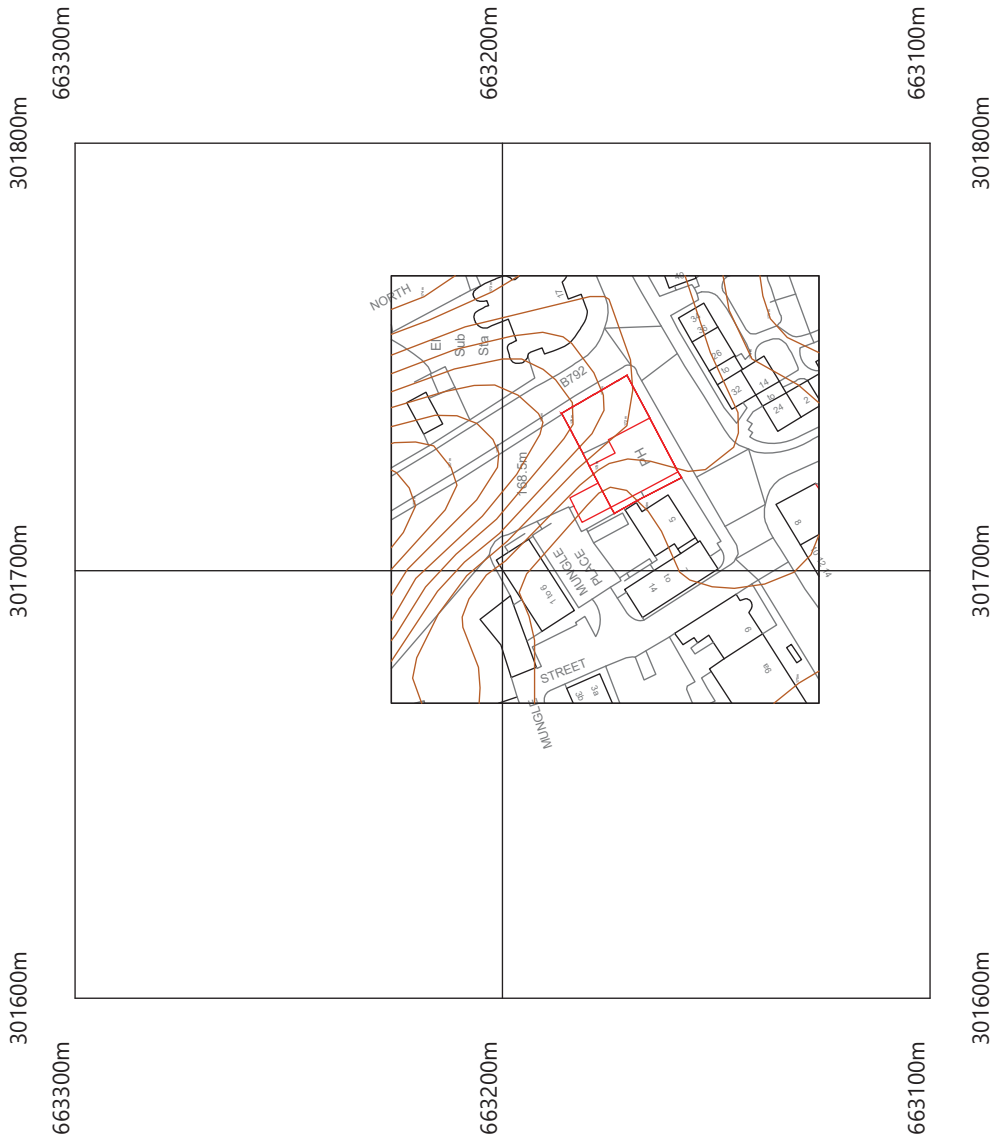
Job / Client

Proposed Flat at 1 Main Street, West Calder, EH55 8BU  
For Mr Hassan Mohammed

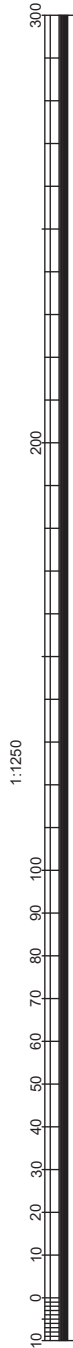
Drawing Title
Existing Location Plan

Proj. Architect	JGW	Drawn by	JGW	Checked by	ICB
Scale 4A3	1:1250	Job Number	Drawing Number		
Date	050722	A 1156	AL_0_001		

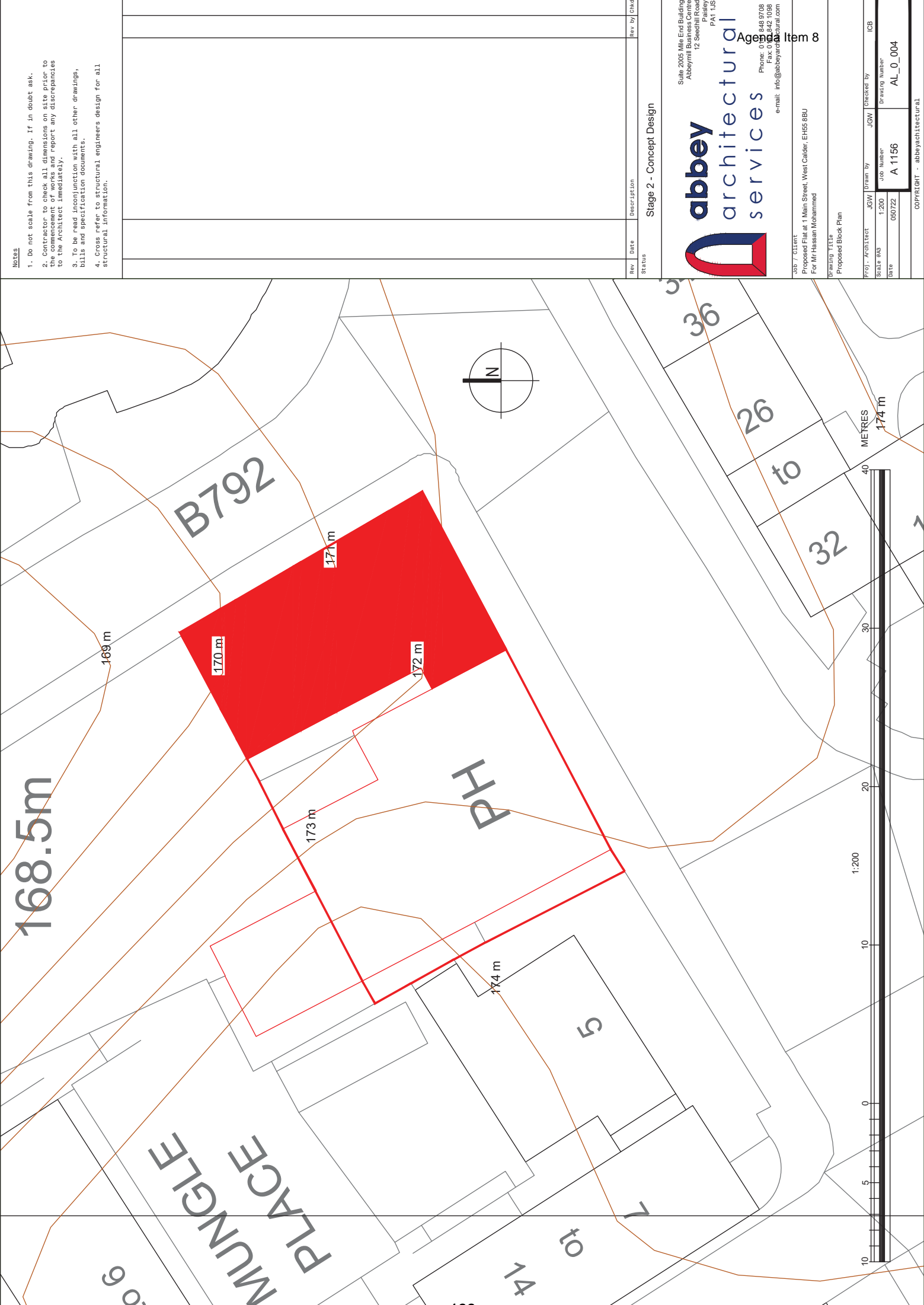
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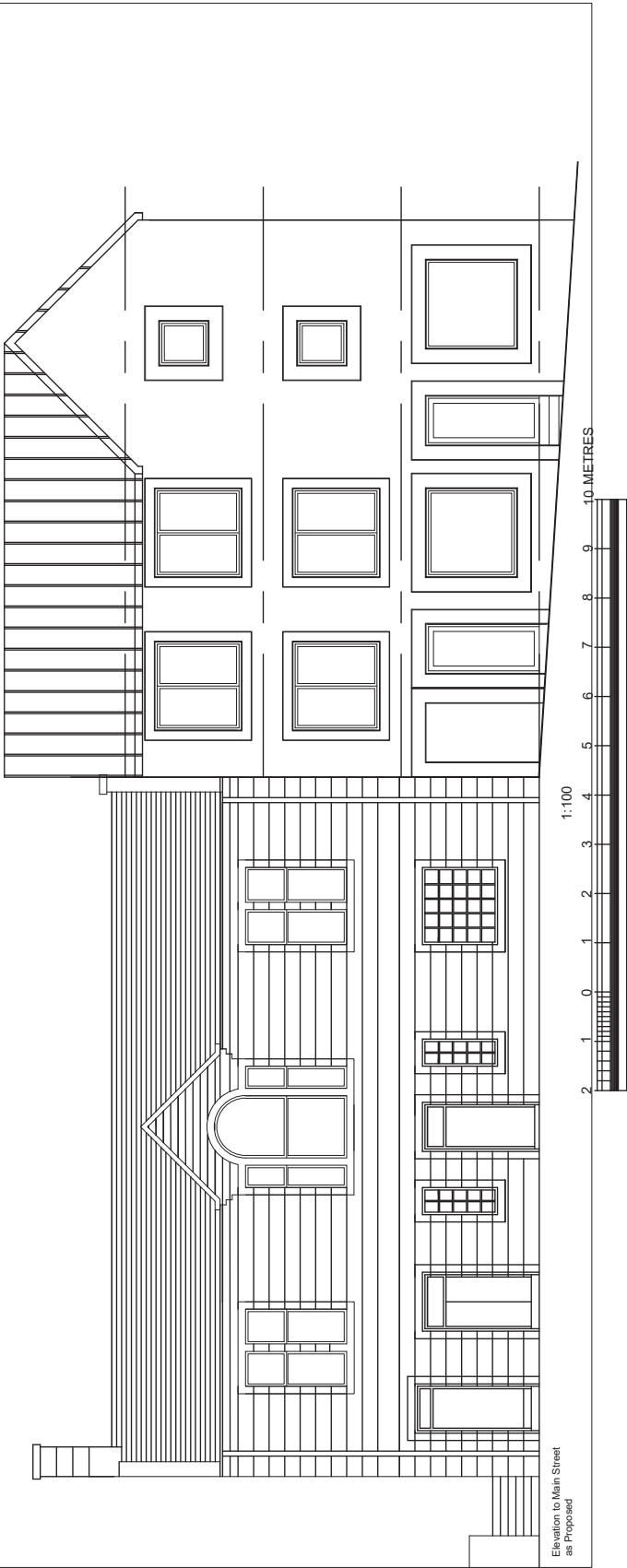
Phone: 01846 9708  
Fax: 01846 842 1098  
e-mail: info@abbeyarchitectural.com

Job / Client	Proposed Flat at 1 Main Street, West Calder, EH55 8BU For Mr Hassan Mohammed		
Drawing Title	Proposed Block Plan		
Proj. Architect	JGW	Drawn By	JGW
Scale (AS)	1:200	Job Number	A 1156
Date	05/07/22	Drawing Number	AL_0_004
		Checked by	ICB

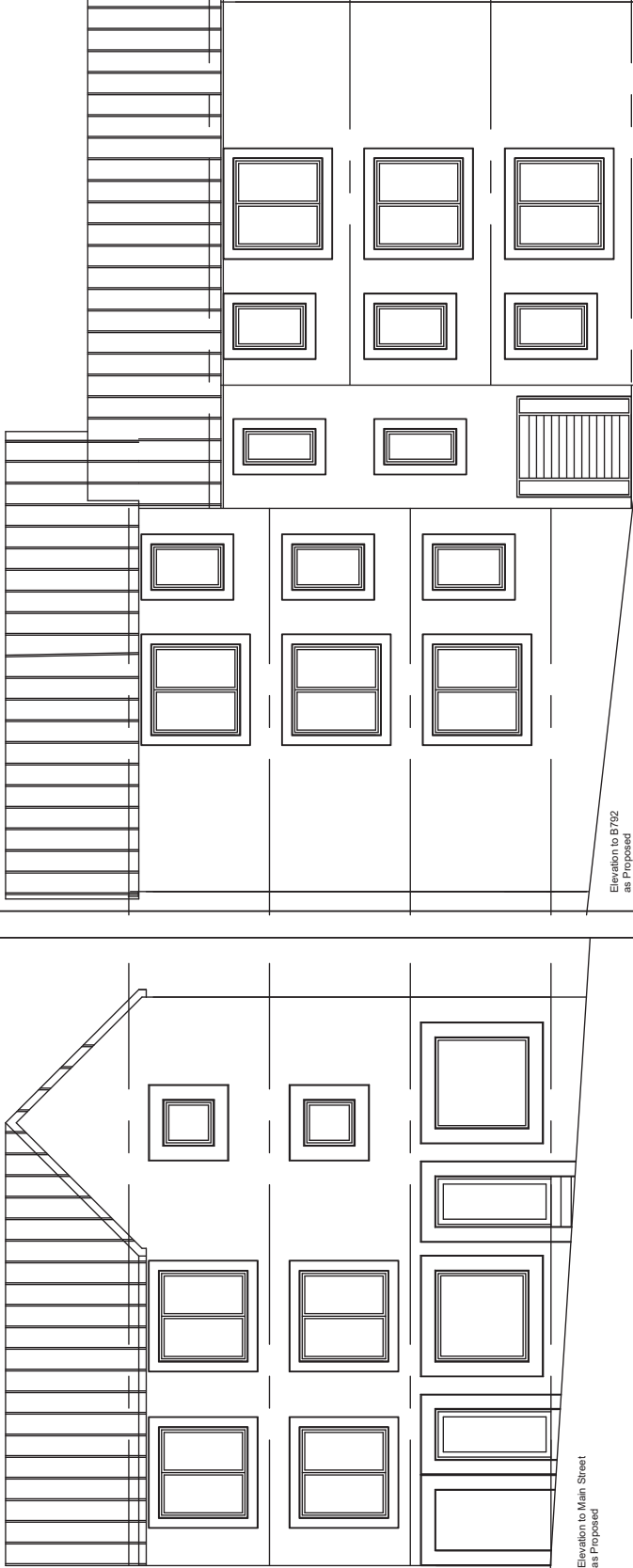


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Elevation to Main Street  
as Proposed



Elevation to Main Street  
as Proposed

Elevation to B702  
as Proposed

Rev	Date	Description	Rev by	Chkd
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Stage 2 - Concept Design

Suite 2005 Mile End Building  
Aberystwyth Business Centre  
12 Second Street  
Paisley  
PA1 1JS



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Job / Client

Proposed Flat at 1 Main Street, West Calder, EH55 8BU  
For Mr Hassan Mohammed

Drawing Title  
Main Elevations

Proj. Architect	JGW	Drawn By	JGW	Checked By	ICB
Scale (AS)	1:100	Job Number	A 1156	Drawing Number	AL_0_030
Date	16/08/22				

# Comments for Planning Application 0792/P/22

## Application Summary

Application Number: 0792/P/22

Address: 1 Main Street West Calder West Lothian EH55 8BU

Proposal: Planning permission in principle for the erection of a mixed-use building with 2 shops and 1 flat on ground floor and 4 flats on upper floors and conversion of public house to a flat

Case Officer: Kirsty Hope

## Customer Details

Name: Mr Robert Smith

Address: 3 Main Street West Calder EH54 8PU

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We wish to object to planning application number 0792/P/22 relating to 1 Main Street, West Calder and I as The Secretary of Thistle Lodge have been instructed to raise this objection on behalf of the Thistle Lodge West Calder who have occupied the upstairs and ground floor entrance to the building since 1818.

We have noted that work has already commenced and has had a detrimental impact on the established usage of the section of premises owned by the Lodge. We consider that this is not a new application as described but an application in retrospect. It is our view the application does not provide enough detail to fully assess the impact of works already under way particularly with regard to materials being used, insulation both sound and fire, impact on the long-established use of the Masonic Lodge, including being a regular local venue for funerals, mutual water supply and surface water drainage routing and impact.

We would therefore ask that enforcement should be put in place to suspend these works until not only is this planning in principle considered but detailed planning and building standards are presented, considered and decided upon.

With specific regard to the application presented we would raise the following objections;

- There is little detail in the current plans to understand the installation materials being used in the works currently being carried out and how that will impact on our part of the building the change of use and the provision of living, dining and cooking facilities indicate an enhanced noise and fire risk to our existing premises as well as smell given that no provision for extract of cooking facilities are indicated.

- The provision of bathroom and bedroom facilities in the existing ground floor with windows opening directly onto our Ground Floor rear access path affect not only our privacy but seem inappropriate for those residing in the converted premises.

- The construction of an extension severely restricts access from our fire escape and since no dimensions are provided this may impact on the safety provisions from our building with the possible consequences of our facilities being required to restructure which should not be the case as they are long established.

- In the planning submission the applicant appears to indicate that altered water or drainage arrangements will be required however, given the fact that these alterations have already resulted in our water being cut off on two occasions while an unapproved development is underway, it appears that those alterations will result in no water being available in future to our section of the building. Indeed, the applicant has already indicated that he will be cutting off our supply which should not be allowed and detailed alterations, which he acknowledges are required, should be agreed as part of this development which as application currently stands is not the case.

- We consider the design and layout of the ground floor conversion to be inappropriate due to window locations to bedrooms and toilet impacting on our access but also consider that the design and layout of the extension is wholly inappropriate and should be refused as it is overbearing in size, changes the whole roofline and historic design concept of the existing roof, changes completely and inappropriately the height and streetscape with eaves and roofline being at variance with and considerably higher than the existing roof and at upper level changes a detached property into a semi-detached which has never been the historical intent of the existing design.

- We further consider that the implied materials and design in roofing, wall construction and window style are at total variance to the historic design of the existing building.

We would further advise that regarding road safety and access the difficulties in traffic management and parking in this location are well established from previous debates on planning applications. There is no safe parking in the vicinity and the applicant has not indicated any intent to provide any within the site. The junction at the Cleuch Brae, Kirkgate and A71 is well known as a point of regular congestion and any additional traffic can only lead to further danger. Equally since access to the extension and conversion is indicated to be directly off the A71 and Cleuch Brae any short term parking to drop off residents would lead to increased potential for traffic accident.

The only nearby parking is used for access to local shops and residents of this new development using these limited spaces, since no additional provision has been allowed for could only have detrimental impact on local business.

Finally, while the existing building may not be listed, it has been mentioned as being of historical interest and indeed this area of West Calder is all that remains of the heritage of the village. Many historical features around this corner were removed in the last century including on the land proposed for the extension.

We would therefore maintain that the built heritage of the village, or that which remains, should be maintained despite the destruction carried out under previous planning regimes and approval of



this development would remove one of the last few remaining buildings that are testimony to the villages past and should not be approved.

Yours Sincerely,

Robert C Smith  
Secretary  
Thistle lodge 270  
3 Main Street  
West Calder  
EH55 8BU

## PROPOSED DELEGATED PLANNING DECISIONS

### ☒ LOCAL MEMBER REFERRAL REQUEST ☒

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

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

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

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
<p><b>Application Reference Number</b></p> <p>.....0792/P/22</p> <p><b>Site Address</b></p> <p>.....1 Main St. West Calder EH55 8BU</p> <p>.....</p> <p><b>Title of Application</b></p> <p>Planning permission in principle for the erection of a mixed-use building with 2 shops and 1 flat on ground floor and 4 flats on upper floors and conversion of public house to a flat</p> <p><b>Member's Name</b></p> <p>Cllr Pauline Clark</p> <p><b>Date</b></p> <p>28/10/2022</p> <p>.....</p>	<p><b>Applicant Request</b>..... <input type="checkbox"/></p> <p><b>Constituent Request</b>..... <input checked="" type="checkbox"/></p> <p><b>Other (please specify)</b>..... <input type="checkbox"/></p>





# Development Management Committee

16 November 2022

Item 08 - Application : 0792/P/22

Planning permission in principle for the erection of a mixed-use building with 2 shops and 1 flat on ground floor and 4 flats on upper floors and conversion of public house to a flat

1 Main Street / West Calder / EH55 8BU



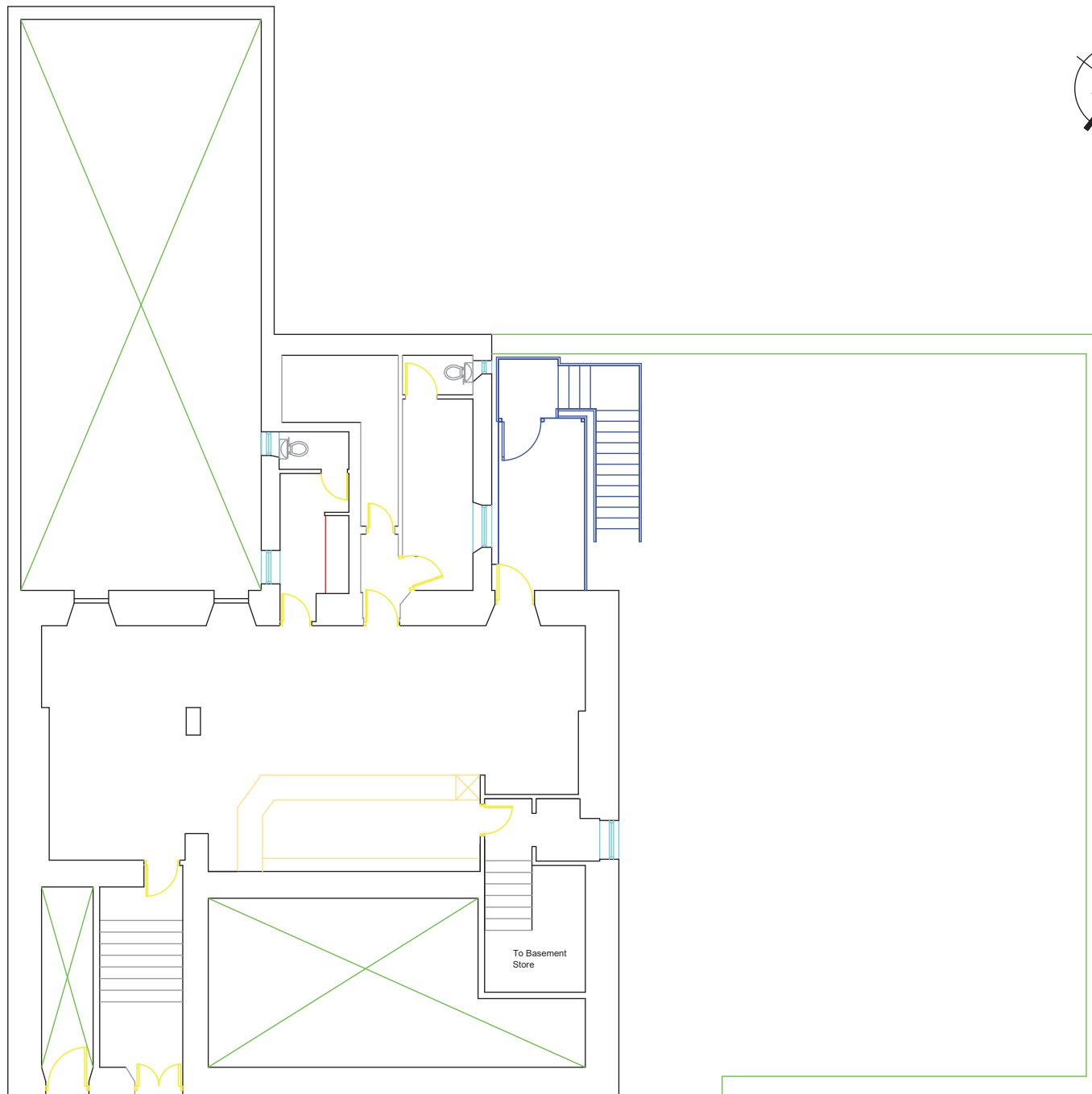
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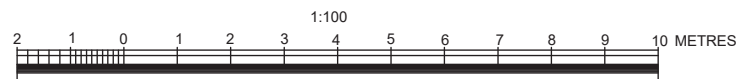








Ground Floor Plan  
as Existing



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4. Cross refer to structural engineers design for all structural information.

Rev	Date	Description	Rev by	Chkd
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Status	Stage 2 - Concept Design			
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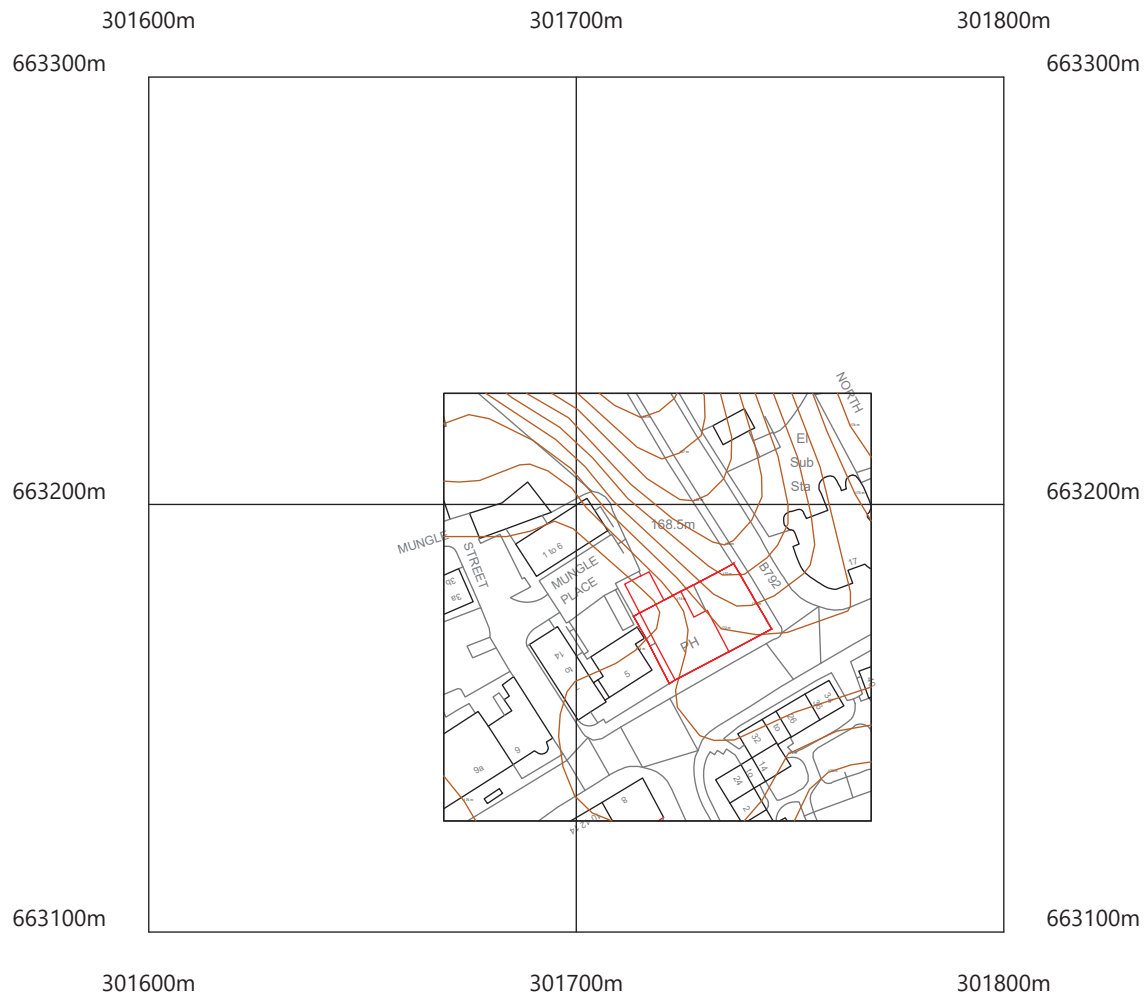
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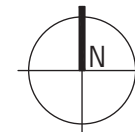
Job / Client  
Proposed Flat at 1 Main Street, West Calder, EH55 8BU  
For Mr Hassan Mohammed

Drawing Title  
Existing Ground Floor Plan of Pub Conversion

Proj. Architect	JGW	Drawn by	JGW	Checked by	ICB
Scale @A3	1:100	Job Number	A 1156		
Date	050722		AL_0_05		

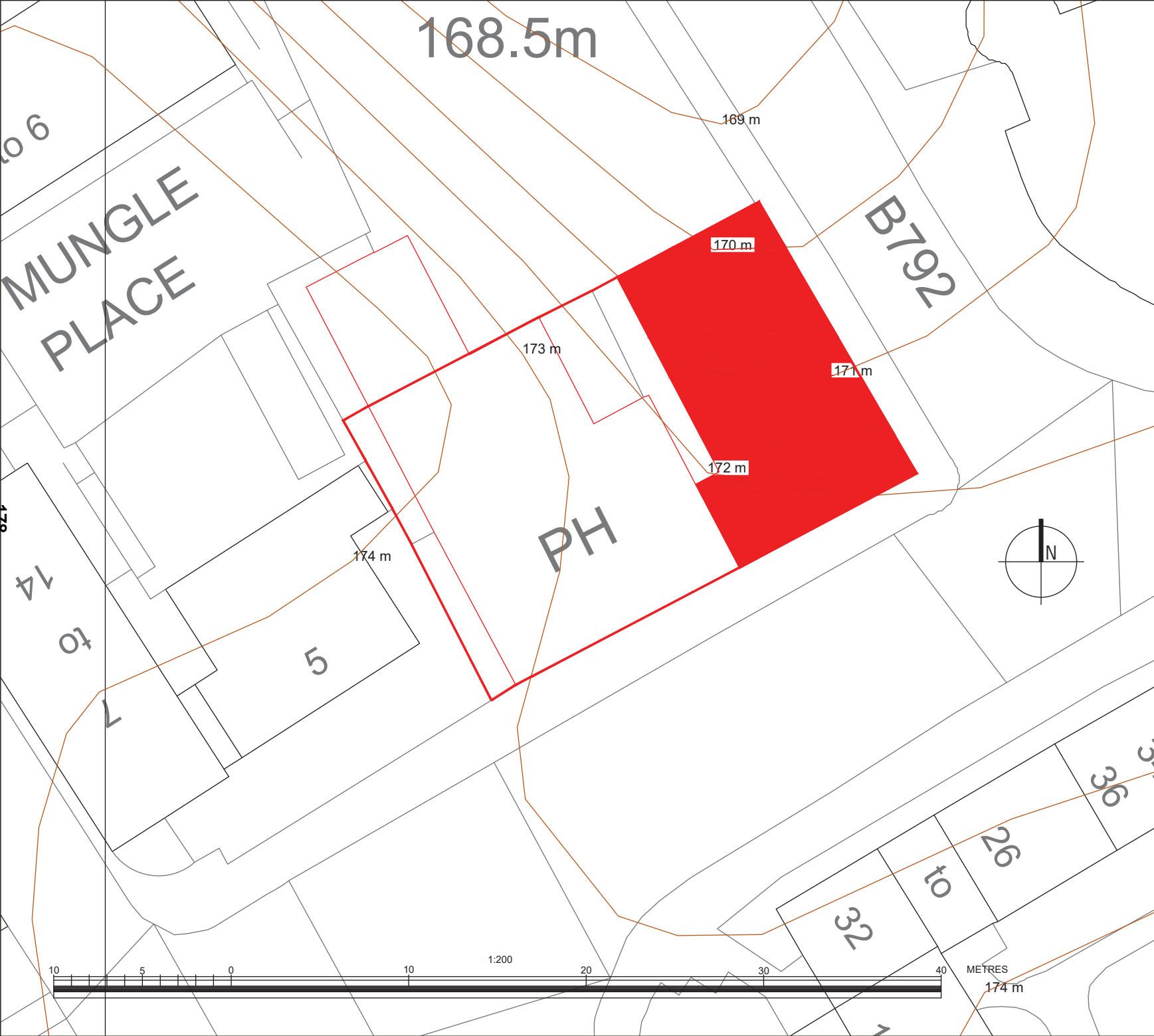


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Job / Client				
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Drawing Title				
Existing Location Plan				
Proj. Architect		JGW	Drawn by	
Scale @A3		1:1250	JGW	
Date		050722	ICB	
		A 1156	Drawing Number	
			AL_0_001	
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Job / Client				
Proposed Flat at 1 Main Street, West Calder, EH55 8BU For Mr Hassan Mohammed				
Drawing Title				
Proposed Block Plan				
Proj. Architect		JGW	Drawn by	JGW
Scale @A3		1:200	Job Number	Checked by
Date		050722	A 1156	ICB
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Job / Client					
Proposed Flat at 1 Main Street, West Calder, EH55 8BU For Mr Hassan Mohammed					
Drawing Title					
Main Elevations					
Proj. Architect		JGW	Drawn by		JGW
Scale @A3		1:100	Job Number		Drawing Number
Date		160822	A 1156		AL_0_030



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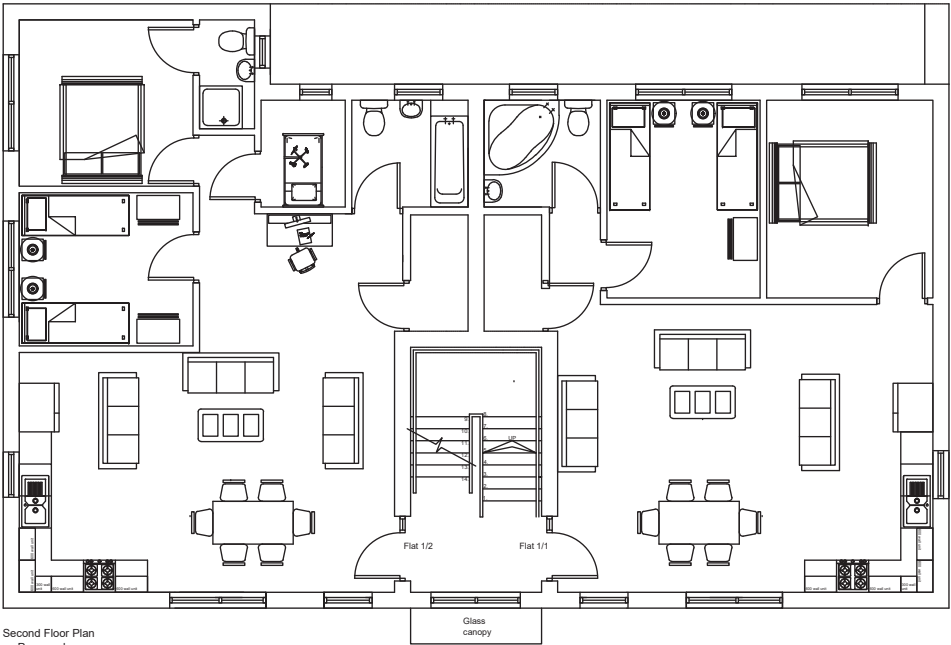
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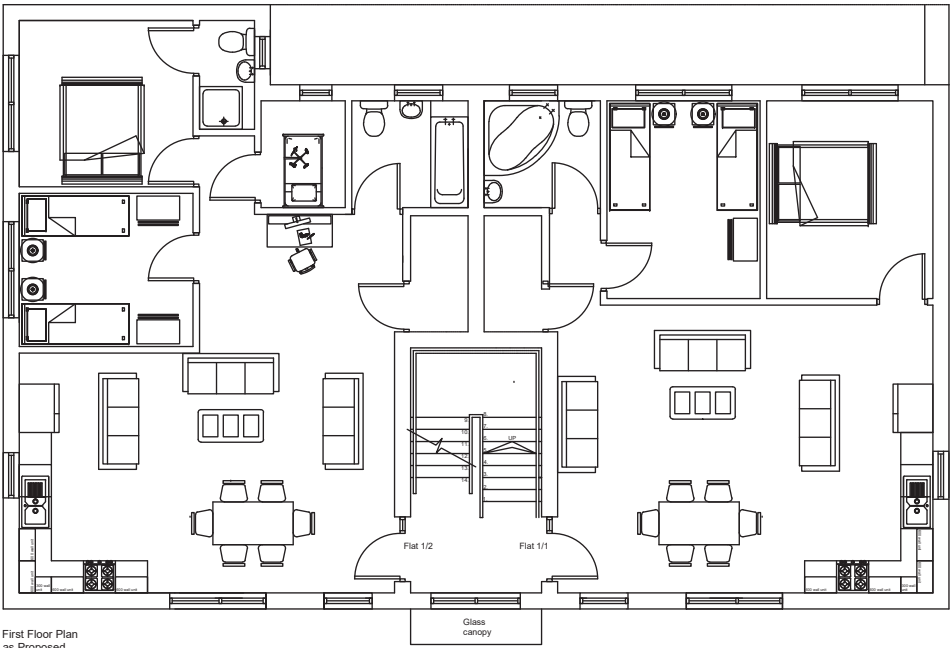
Job / Client  
Proposed Flat at 1 Main Street, West Calder, EH55 8BU  
For Mr Hassan Mohammed

Drawing Title  
New Shops & Flats Ground floor Plan

Proj. Architect	JGW	Drawn by	JGW	Checked by	ICB
Scale @A3	1:100	Job Number	A 1156		
Date	160822	Drawing Number	AL_0_010		



Second Floor Plan  
as Proposed



First Floor Plan  
as Proposed

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Job / Client				
Proposed Flat at 1 Main Street, West Calder, EH55 8BU For Mr Hassan Mohammed				
Drawing Title				
New Flats First & Second floor Plan				
Proj. Architect	JGW	Drawn by	JGW	Checked by ICB
Scale @A3	1:100	Job Number	Drawing Number	
Date	160822	A 1156	AL_0_011	









































## DEVELOPMENT MANAGEMENT COMMITTEE

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

#### 1 DESCRIPTION

Listed Building Consent and Advertisement Consent for the display of 1 free standing backlit sign and 1 wall mounted backlit sign at 4 Court Square, Linlithgow.

#### 2 DETAILS

<b>Reference no.</b>	<a href="#">0873/LBC/22</a> and <a href="#">0872/A/22</a>	<b>Owner of site</b>	Mr Andrew Taylor
<b>Applicant</b>	:thatstudio chartered architects  4 Court Square, Linlithgow, West Lothian, EH49 7EQ	<b>Ward &amp; local members</b>	<b>Linlithgow</b>  Councillor Tom Conn  Councillor Pauline Orr  Councillor Sally Pattle
<b>Case officer</b>	Rachael Lyall	<b>Contact details</b>	01506 281110 Rachael.lyall@westlothian.gov.uk

**Reason for referral to Development Management Committee:** Community Council objection

#### 3 RECOMMENDATION

- 3.1 Approve listed building consent and advertisement consent, subject to the attached conditions.

#### 4 DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Listed building consent and advertisement consent is sought for the display of two signs at the above site. The premises are an architect's studio, for the applicant above, and the building is located to the rear of the council partnership building. The building is a category B listed building.
- 4.2 The submitted plans indicate that a freestanding sign is to be installed at the entrance of the driveway, located to the east of the address, and a fixed sign is to be installed on the south elevation.
- 4.3 The proposed freestanding sign is to measure 1.250m x 1.000m x 0.300m and is to be of stainless steel which is proposed to be black (RAL 9005) in colour. The sign will feature LED backlit lettering in which the centred text is to be 600pt Metro Sans Regular.

- 4.4 The fixed signage which is to be fitted on the south elevation is to measure 0.207m x 1.360m and will be a backlit stainless-steel sign, in which the text is to be 850pt Metro Sans Regular. The text is to be centred on the dressed stone quoins and no text is to encroach on the face stone. All fixings for the signs are to be into the mortar joints.

## History

- 4.5 The relevant site history is set out below:

**0575/LBC/20** - Listed building consent for repainting of windows, render and rainwater goods and minor stone cleaning/repair and repointing – Granted on 31.08.2020

**0574/FUL/20** - Repainting of windows, render and rainwater goods and minor stone cleaning – Granted on 31.08.2020

**0229/LBC/20** - Listed building consent for formation of paved area and access path and installation of gate post – Granted on 01.05.2020

**0228/FUL/20** - Formation of paved area and access path and installation of gate post – Granted on 01.05.2020

## EIA Development

- 4.6 The scale and nature of the development is such that it does not fall within the description of development set out in 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 One letter of objection has been received from Linlithgow Community Council.

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

Comments	Response
<ul style="list-style-type: none"> <li>Impact of illuminated signage on listed building and conservation area.</li> </ul>	See section 8. (Assessment)
<ul style="list-style-type: none"> <li>Location of proposed signage.</li> </ul>	The location of the proposed signage relates well to the premises and is located away from the main street, thereby preserving the amenity of the surrounding conservation area as a result. It is not considered to be advanced signage as it is attached to the building where the business operates from.

Comments	Response
<ul style="list-style-type: none"> <li>Proposed materials.</li> </ul>	The proposed materials will integrate with the surrounding area and existing building.

## 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
Historic Environment Scotland	No.	No comment.	N/A.
West Lothian History and Amenity Society	No.	Suggest that the wall-mounted sign be reduced in size. All electrical cables to the wall-mounted sign should be as unobtrusive as possible and coloured to match adjoining surfaces.	Both signs are of an acceptable and considerate scale and do not significantly impact upon the visual amenity of either the listed building or conservation area, however WLC agrees that all electrical cables should be unobtrusive and coloured to match the adjoining surfaces.

## 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 proposal will not impact upon the surrounding context or the character and amenity of the area and will not have an adverse impact upon the surrounding area.	Yes.
West Lothian Local Development Plan (LDP) (2018) ENV 24 – Conservation Areas	New development will not be permitted which would have any adverse effect on their character and	The proposed works will not impact on the character or appearance of the conservation area.	Yes.



Plan and Policy	Policy Summary	Assessment	Conform?
	appearance.		
West Lothian Local Development Plan (LDP) (2018)  ENV 28 – Listed Buildings	Any proposed alterations or adaptations to help sustain or enhance a building's beneficial use should not adversely affect its special interest.	The proposed works will not directly impact upon the special interest of the listed building and the proposed signage will not be detrimental to the visual amenity of the listed building.	Yes.

7.4 Other relevant policy guidance and documents are listed below:

- Planning Guidance: Shopfronts and Advertisements in Conservation Areas (Adopted May, 2020)

## 8. ASSESSMENT

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

### Visual Impact on Conservation Area and Listed Building

- 8.2 It is recognised that the Non-Statutory Planning Guidance regarding Shopfronts and Advertisements in Conservation Areas states that applications for internally illuminated signs in the conservation areas or on listed buildings will not be supported. In particular illuminated fascia signs on traditional shop fronts would not be appropriate. However, the proposed signs are well designed, set back from the main street and will not appear out of place or inappropriate.
- 8.3 The business to which the signs relate is remote from the main street and it is understandable that the applicant wishes clients to be able to locate the premises. The works will not detrimentally impact upon the visual amenity of the surrounding conservation area.
- 8.4 The scale, materials and illumination of the advertisements will not have a significant detrimental impact on the conservation area nor the listed building and therefore the application complies with the relevant policies in the development plan as set out above.

## 9. CONCLUSION AND RECOMMENDATION

- 9.1 This proposal complies with policies DES1 (Design Principles), ENV 24 (Conservation Areas), ENV 28 (Listed Buildings) of West Lothian Local Development Plan, 2018 there are no material considerations which outweigh the development plan presumption.
- 9.2 It is therefore recommended that listed building consent and advertisement consent is granted, subject to conditions.

<b>10. BACKGROUND REFERENCES &amp; ATTACHMENTS</b>
--

- Draft conditions
- Location Plan
- Site Plan
- Proposed Elevations
- Representation

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

Craig McCorriston

**Head of Planning, Economic Development and Regeneration     Date: 16<sup>th</sup> November 2022**

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

Our Ref: 0872/A/22  
Direct Dial No: 01506 281110  
Email: rachael.lyall@westlothian.gov.uk  
9 November 2022  
Tel: 01506 280000

## Draft Justification and Conditions:

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

The proposed advertisement is acceptable in terms of amenity and public safety.

**This permission is granted subject to the following conditions: -**

(1) (a) All advertisements displayed and any land used for the display of advertisement, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the planning authority.

(b) Any hoarding or similar structure or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the planning authority.

(c) Where any advertisement is required under the Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the planning authority.

(d) Before an advertisement is displayed on land, the permission of the owner of that land or other person entitled to grant permission shall be obtained.

Reason: In the interest of visual amenity

(2) This planning permission will lapse on the expiration of 3 years from the date of this decision notice, unless the development has been commenced before that date.

Reason: This is the standard three-year period stipulated by the Town and Country Planning (Scotland) Act 1997 (as amended).

**Standard Notes: -**

**Duration of consent:**

This consent lapses on the expiry of a period of 5 year (beginning with the date on which the consent is granted) unless the development to which the permission relates is begun before that expiry.

**Additional consents:**

It is the developer's responsibility to obtain all necessary consents prior to commencing works.

**How to challenge the council's decision:**



If you are not satisfied with the condition(s) that have been imposed you may appeal to the Scottish Ministers within three months of the date of this notice. A notice of appeal must be lodged in writing on a form supplied by the Scottish Government and the grounds of appeal must be clearly stated. You can find information on these processes and how to appeal here: <https://www.westlothian.gov.uk/article/33128/Decisions-Reviews-and-Appeals>

**Enforcement:**

Failure to carry out development in accordance with the approved details or to comply with any conditions on this decision notice may result in enforcement action being taken.

**Development Management**

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

Our Ref: 0873/LBC/22  
Direct Dial No: 01506 281110  
Email: rachael.lyall@westlothian.gov.uk  
9 November 2022  
Tel: 01506 280000

## Draft Justification and Conditions:

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

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

**This permission is granted subject to the following conditions: -**

(1) This planning permission will lapse on the expiration of 3 years from the date of this decision notice, unless the development has been commenced before that date.

Reason: This is the standard three-year period stipulated by the Town and Country Planning (Scotland) Act 1997 (as amended).

**Standard Notes: -**

**Notification of the start and completion of development:**

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site and again once the development is completed. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the listed building consent and the date it was approved. If someone is to oversee the work, the name and contact details of that person must be supplied. Failure to provide the above information may lead to enforcement action being taken. Forms which can be used for this purpose can be found using the following link:

<http://www.westlothian.gov.uk/media/2572/Form-Notice-of-initiation-to-development/pdf/FormNotificationInitiationofDevelopment-Feb2015.pdf>

<http://www.westlothian.gov.uk/media/2579/Form-Notice-of-completion-of-development/pdf/FormNotificationcompletionDevelopment-Feb2015.pdf>

**Duration of consent:**

This listed building consent lapses on the expiry of a period of 3 years (beginning with the date on which listed building consent is approved) unless the development to which the permission relates is begun before that expiry.

**How to challenge the council's decision:**

If you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can appeal that decision to the Scottish

Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to appeal here:

<https://www.westlothian.gov.uk/article/33128/Decisions-Reviews-and-Appeals>

#### **Additional consents:**

It is the developer's responsibility to obtain all necessary consents prior to commencing

#### **Advisory note to developer - SGN**

**There are a number of risks created by built over gas mains and services; these are:**

- o Pipework loading - pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.
- o Gas entry into buildings - pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.
- o Occupier safety - lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.

**Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:**

1. Check your proposals against the information held at <https://www.linesearchbeforeudig.co.uk/> to assess any risk associated with your development and;
  2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details: Phone 0800 912 1722 / Email [plantlocation@sgn.co.uk](mailto:plantlocation@sgn.co.uk)
- In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

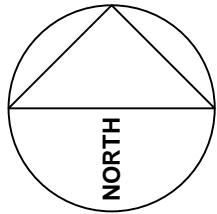
Further information on safe digging practices can be found here:

- o Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work
- <https://www.sgn.co.uk/damage-prevention>

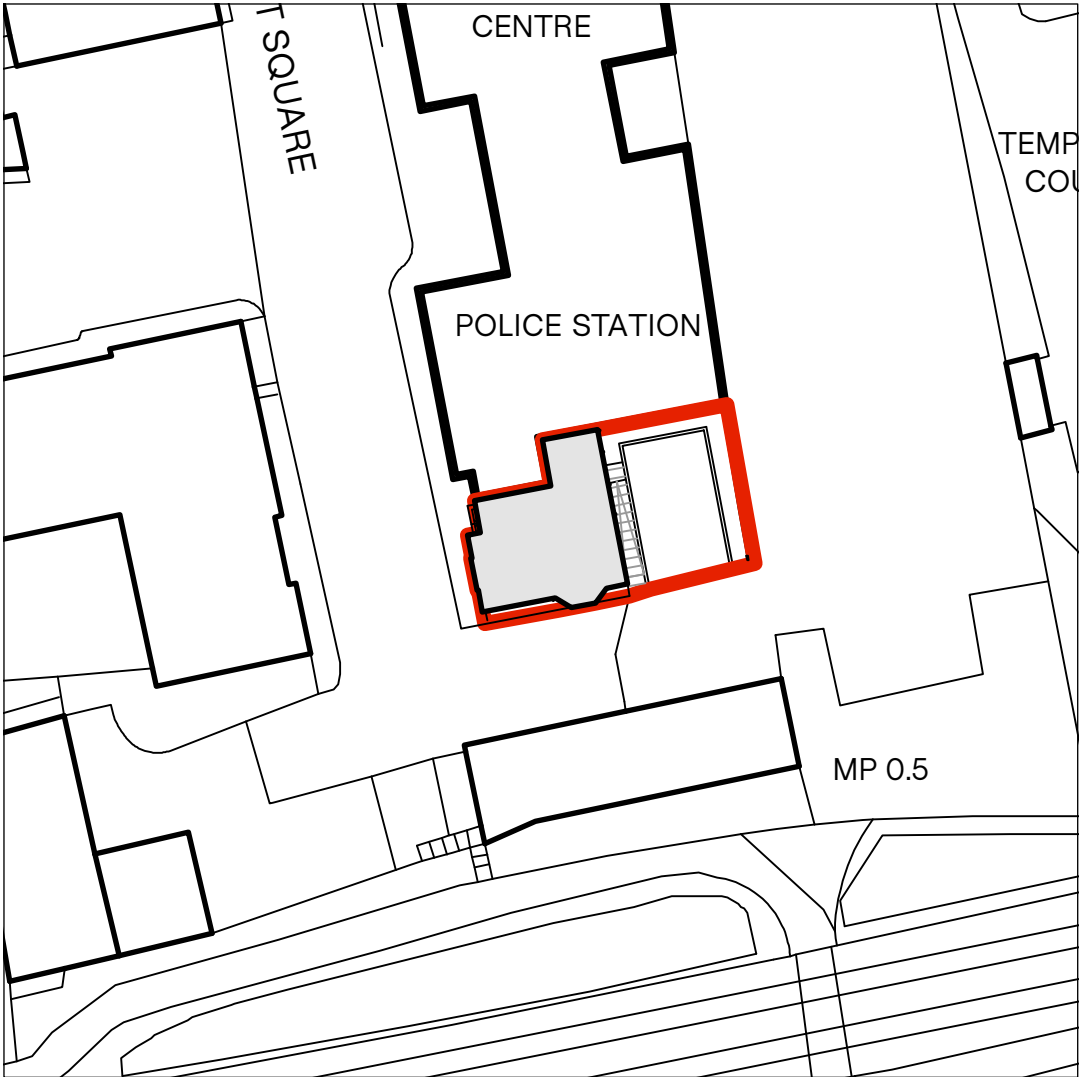
- o Further information can also be found here <https://www.sgn.co.uk/help-andadvice/digging-safely>.

SGN personnel will contact you accordingly.





LOCATION PLAN  
1:1000 @ A3



BLOCK PLAN  
1:500 @ A3

Check all levels and dimensions on site prior to construction or fabrication; report discrepancies immediately. Do not scale.  
This drawing is copyright protected. This drawing is to be used for the purposes defined by the status notation only.

Project:

Title:

Client:

4 Court Square

Location Plans

SeeSaw Properties

Number:

Scale:

Date:

2001 L(--)00

As Noted

September 2022

:thatstudio chartered architects ltd

4 Court Square, High Street,

Linlithgow, EH49 7EQ

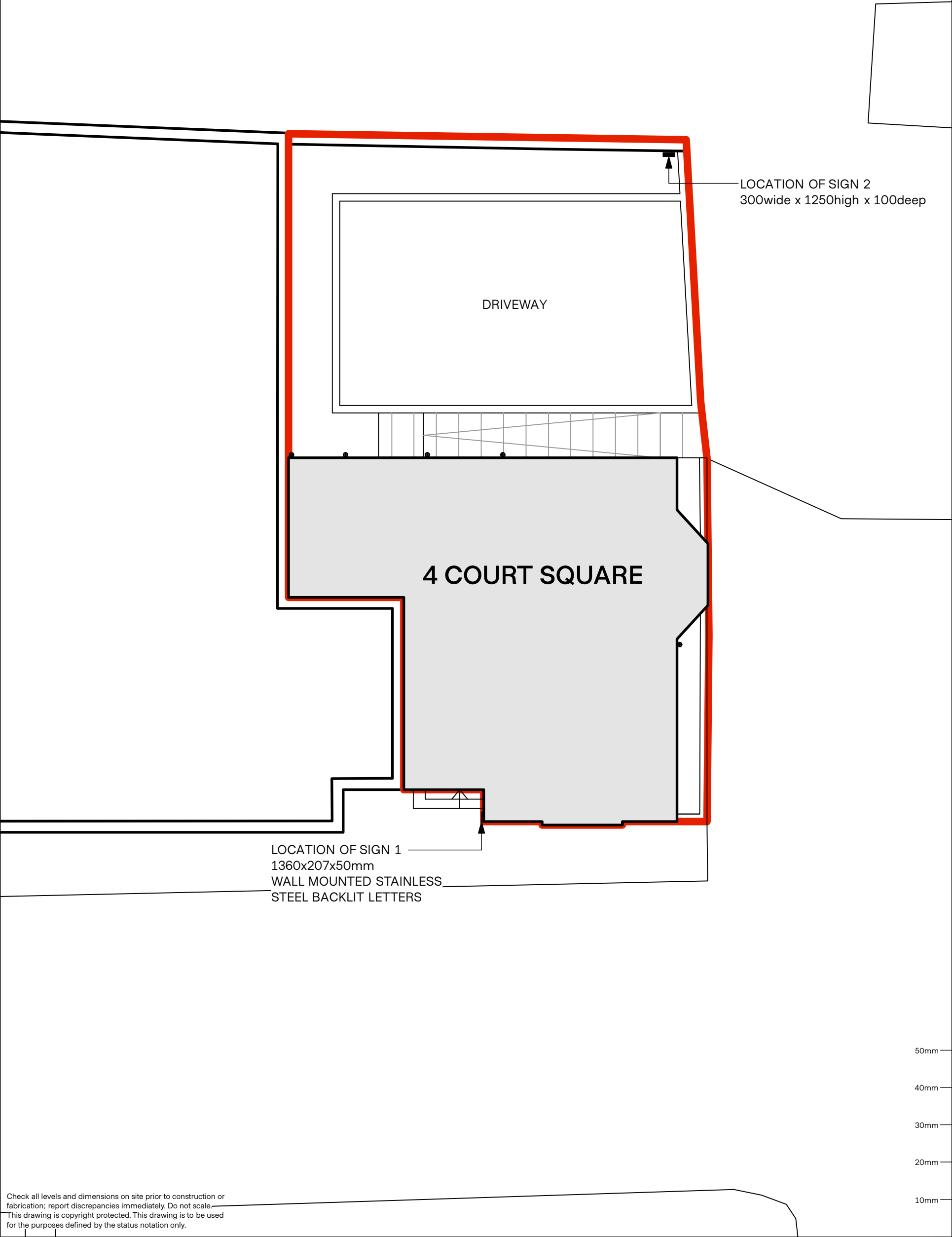
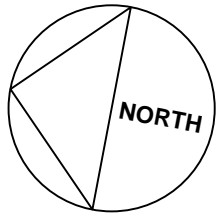
www.thatstudio.scot

mail@thatstudio.scot

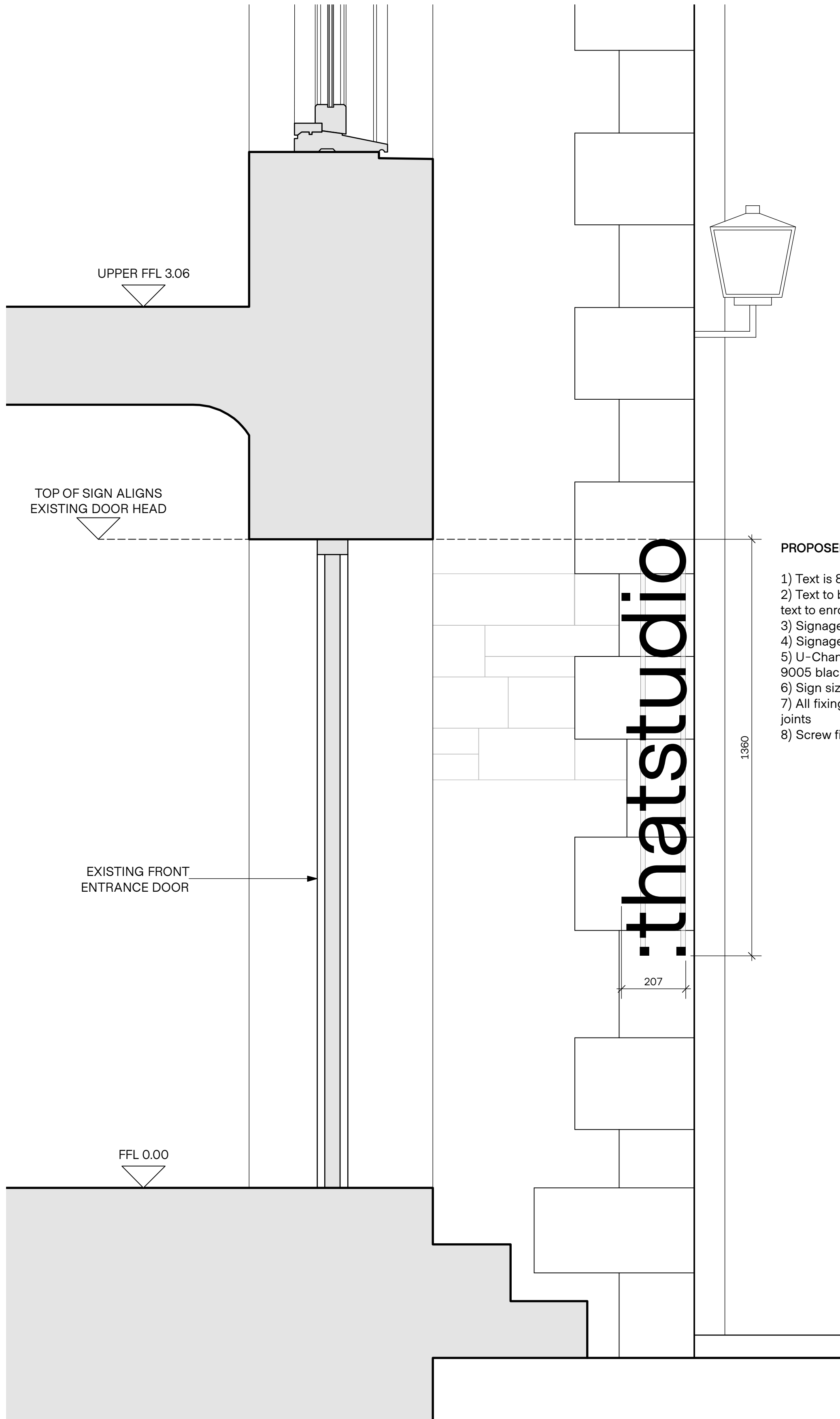
+44 (0)1506 844357

:thatstudio

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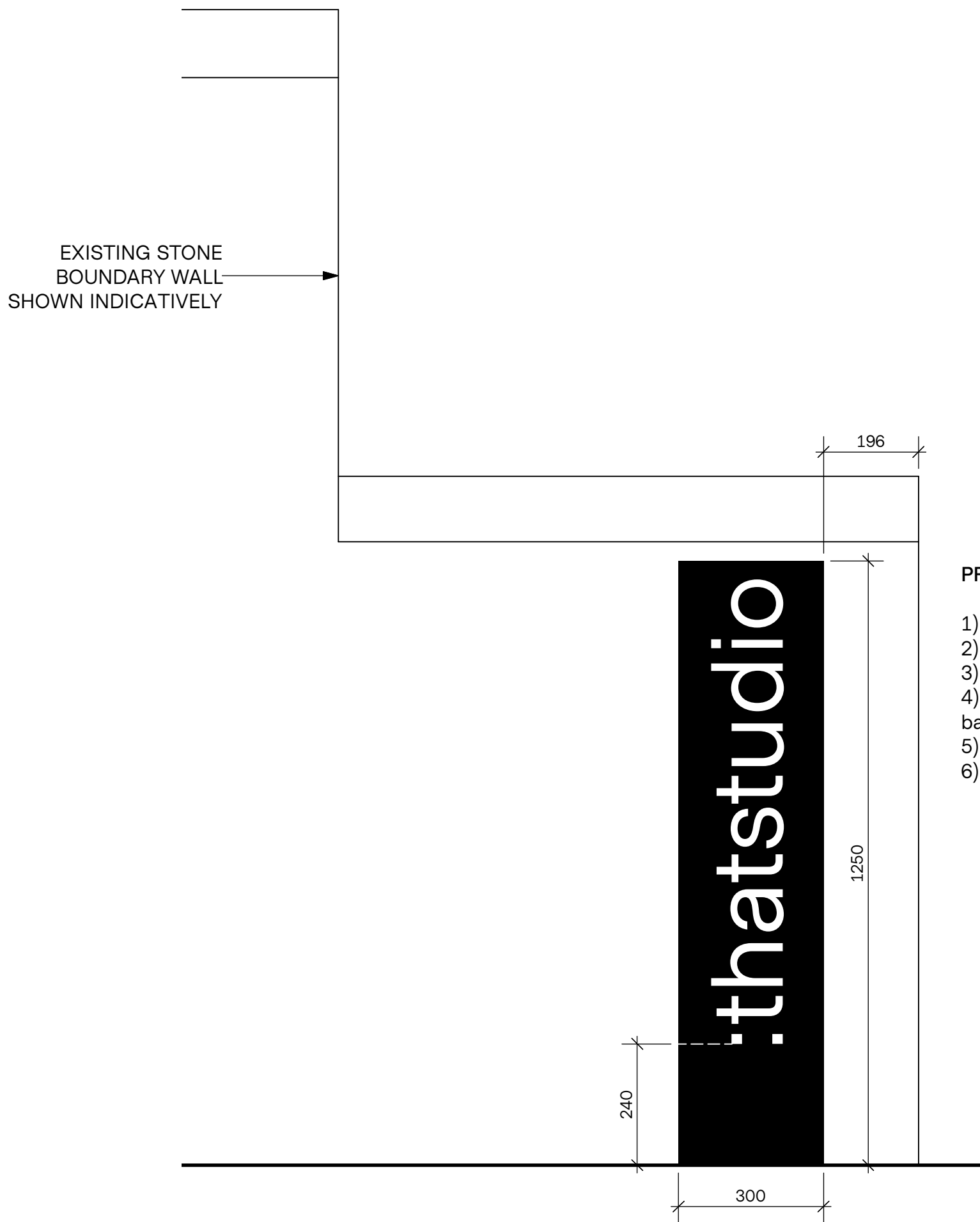


Project:	4 Court Square	Number:	2001 L(2-)01	:thatstudio chartered architects ltd	www.thatstudio.scot
Title:	Proposed Site Plan	Scale:	1:100	4 Court Square, High Street,	mail@thatstudio.scot
Client:	SeeSaw Properties	Date:	September 2022	Linlithgow, EH49 7EQ	+44 (0)1506 844357



PROPOSED SIGN 1 NOTES:

- 1) Text is 850pt, Metro Sans Regular
- 2) Text to be centred on dressed stone quoins, no text to enroach on snecked face stone
- 3) Signage in stainless steel
- 4) Signage to be backlit
- 5) U-Channel support / fixing behind lettering, RAL 9005 black
- 6) Sign size 1360x207x50mm (HxWxD)
- 7) All fixings for lettering channel to be into mortar joints
- 8) Screw fixings to be stainless steel



PROPOSED SIGN 2 NOTES:

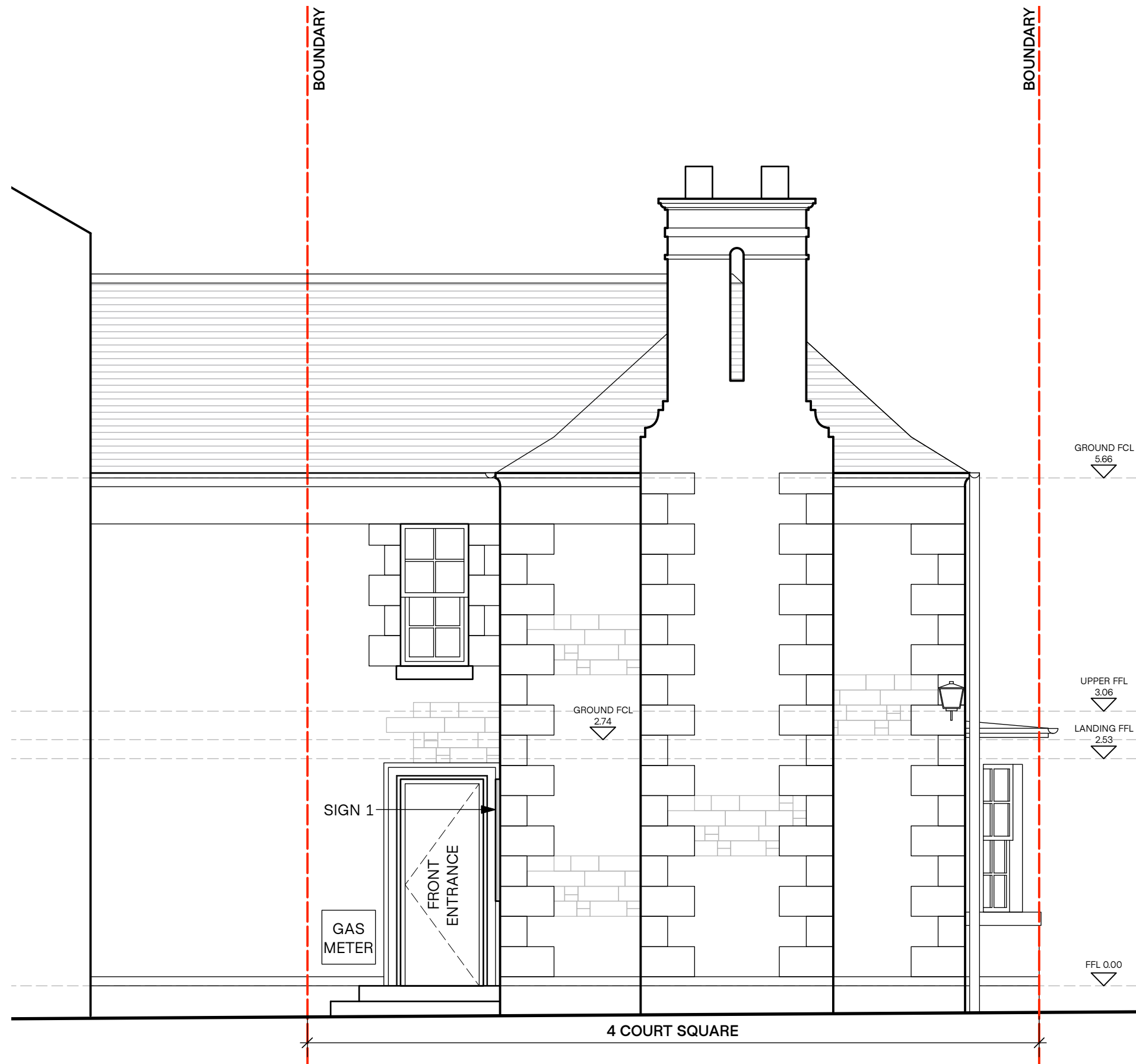
- 1) Text is 600pt, Metro Sans Regular
- 2) Text to be centred on front face of freestanding unit
- 3) Signage in stainless steel, painted RAL 9005 black
- 4) Front face to have fret cut lettering with opal acrylic backing
- 5) Signage lettering to be backlit with white LED's
- 6) Freestanding unit size 1250x300x100mm (HxWxD)

PROPOSED ELEVATION SHOWING SIGN 2  
1:10@A1 OR 1:20@A3

PROPOSED SOUTH ELEVATION / SECTION THROUGH ENTRANCE SHOWING SIGN 1  
1:10@A1 OR 1:20@A3



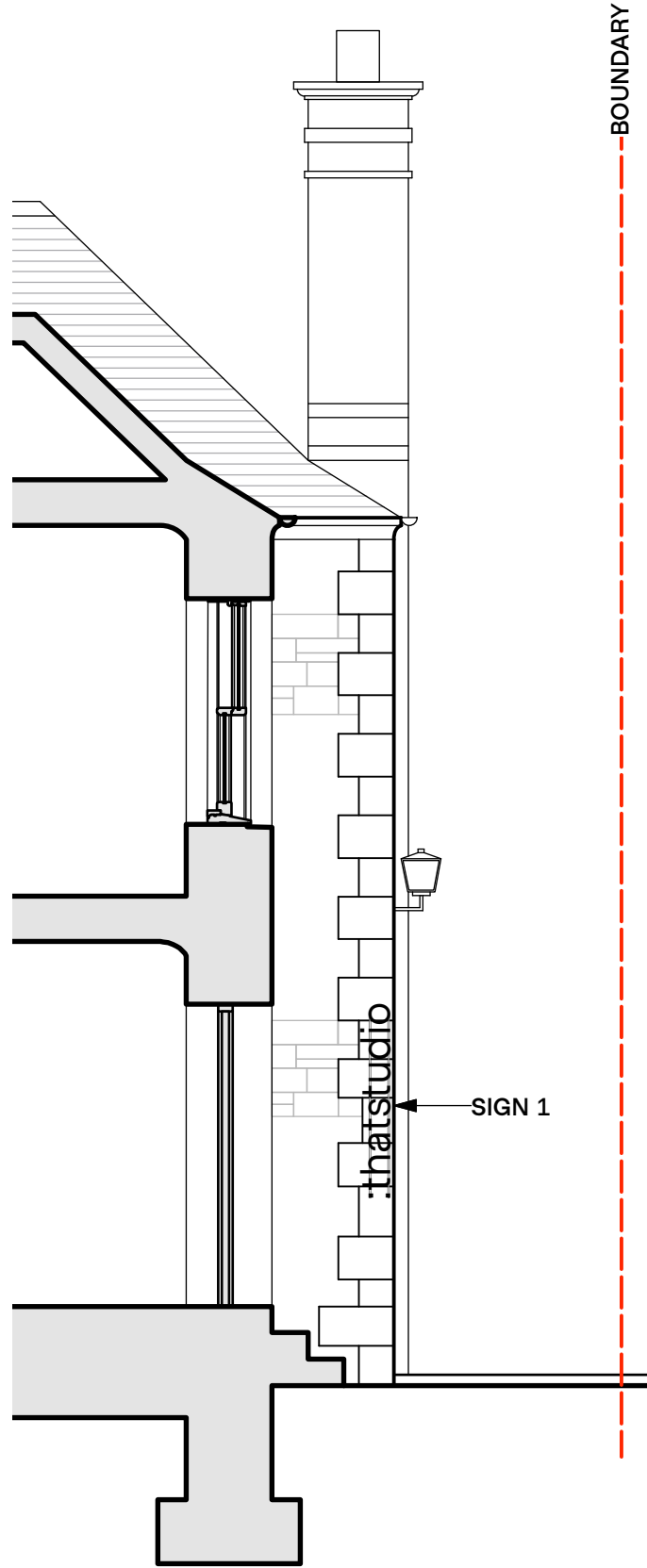
50mm  
40mm  
30mm  
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PROPOSED WEST ELEVATION  
FACING STREET  
1:50@A1 OR 1:100@A3



PROPOSED EAST ELEVATION  
FACING GARDEN / DRIVEWAY  
1:50@A1 OR 1:100@A3



PROPOSED SOUTH ELEVATION  
/ SECTION THROUGH ENTRANCE SHOWING SIGN 1  
1:50@A1 OR 1:100@A3



PROPOSED SOUTH ELEVATION  
FACING STREET / GARAGES  
1:50@A1 OR 1:100@A3



## Linlithgow & Linlithgow Bridge Community Council

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

24<sup>th</sup> October 2022

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

Proposal for 1 free standing backlit sign and 1 wall mounted backlit sign at 4 Court Square 0872/A/22 and 0873/LBC/22. Objection by Linlithgow & Linlithgow Bridge Community Council.

The following objection arises from consultation with members of the Community Council and Planning Forum. We wish to object to the application for the following reasons:

- We refer to the West Lothian Council Supplementary Planning Guidance for shopfronts and advertisements in Linlithgow states on page 14 “Applications for internally illuminated signs in the conservation areas or on listed buildings will not be supported”
- Page 15 refers to Advance Signs: “Advance signs are those which are located at a distance from the business property. Any type of advance sign, other than an official brown tourist sign, is unlikely to gain support”
- The material to be used is Stainless Steel, page 8 states: “Shiny, highly reflective and fluorescent colours and materials are not acceptable”
- As per page 5 of the guidance the material does not relate to the building on which it is fitted.

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

Yours sincerely,

Hans Edgington  
Planning Secretary  
Linlithgow and Linlithgow Bridge Community Council

# Development Management Committee

16 November 2022

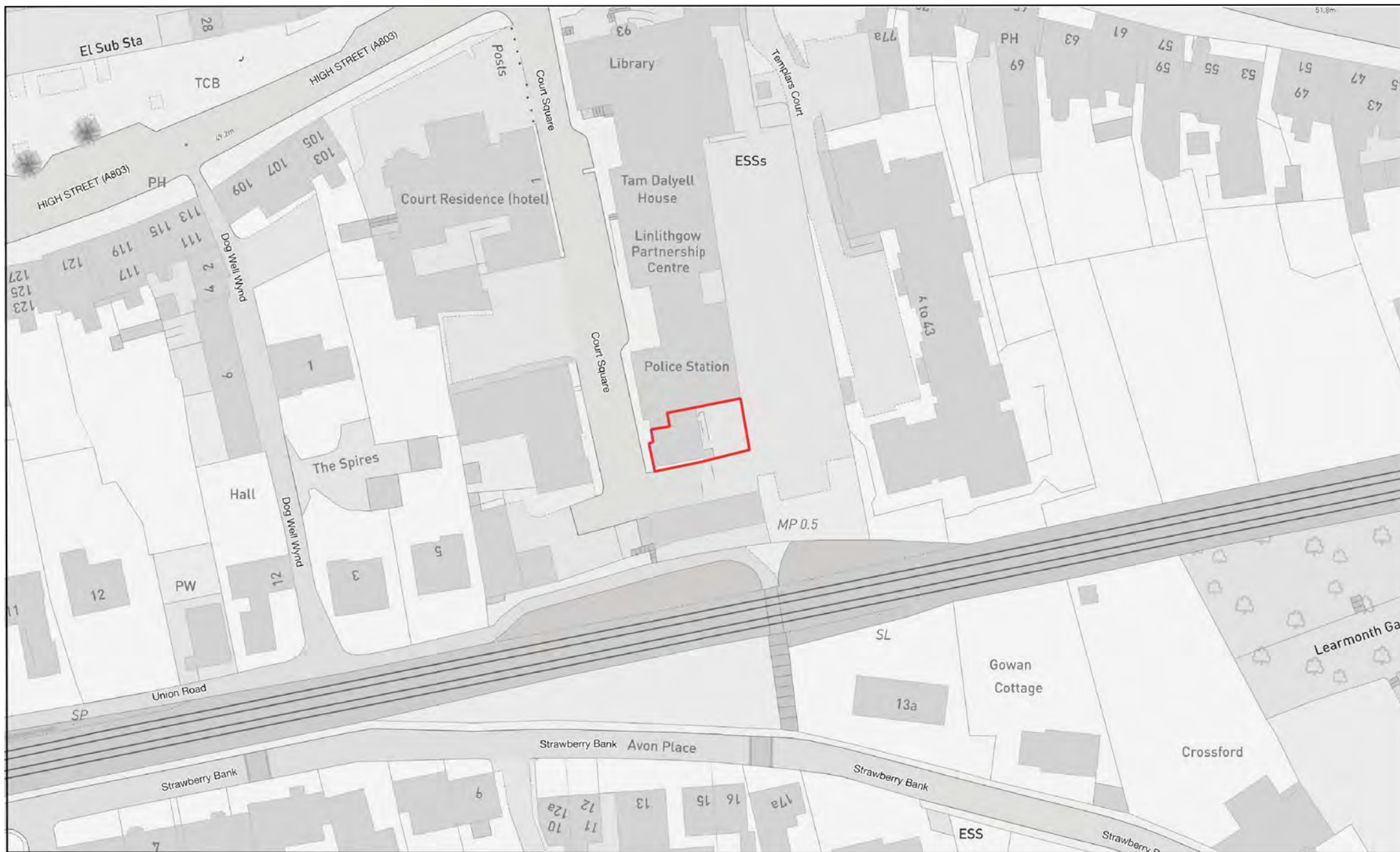
Item 09 - Application : 0872/A/22 and 0873/LBC/22

Display of 1 free standing backlit sign and 1 wall mounted backlit sign /  
Listed building consent for the display of same

4 Court Square / Linlithgow / EH49 7EQ

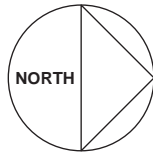




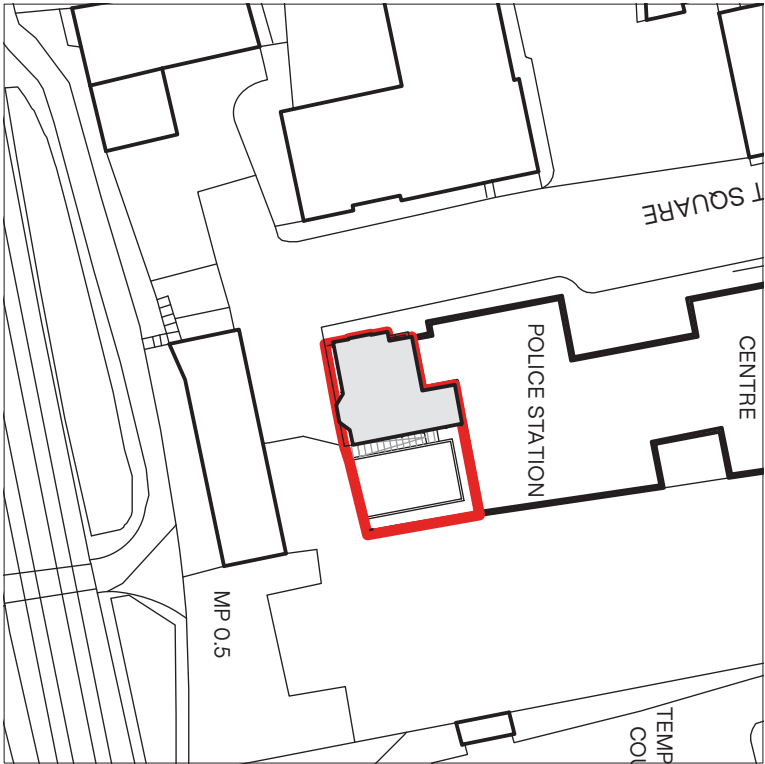








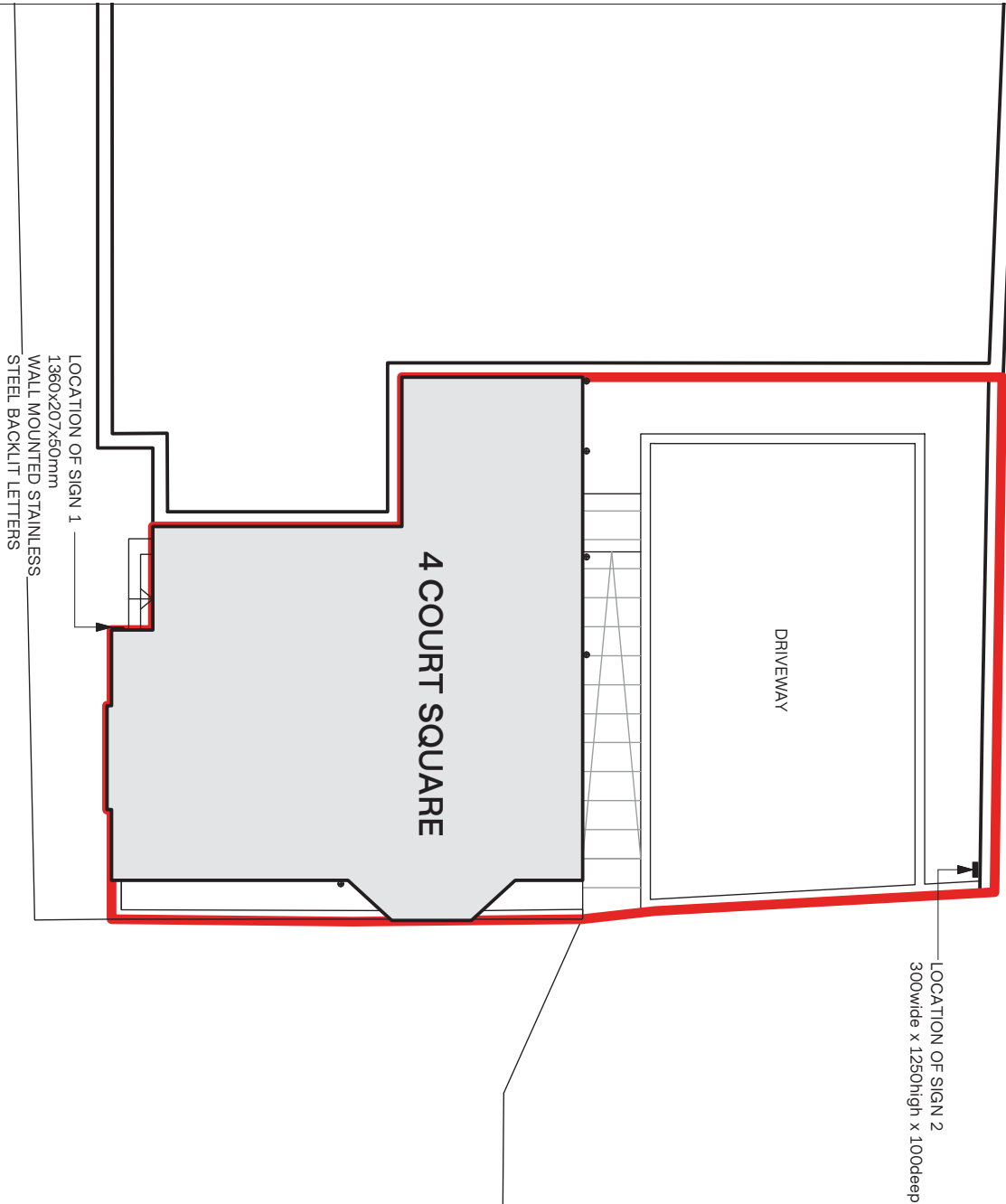
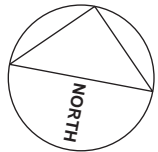
LOCATION PLAN  
1:1000 @ A3



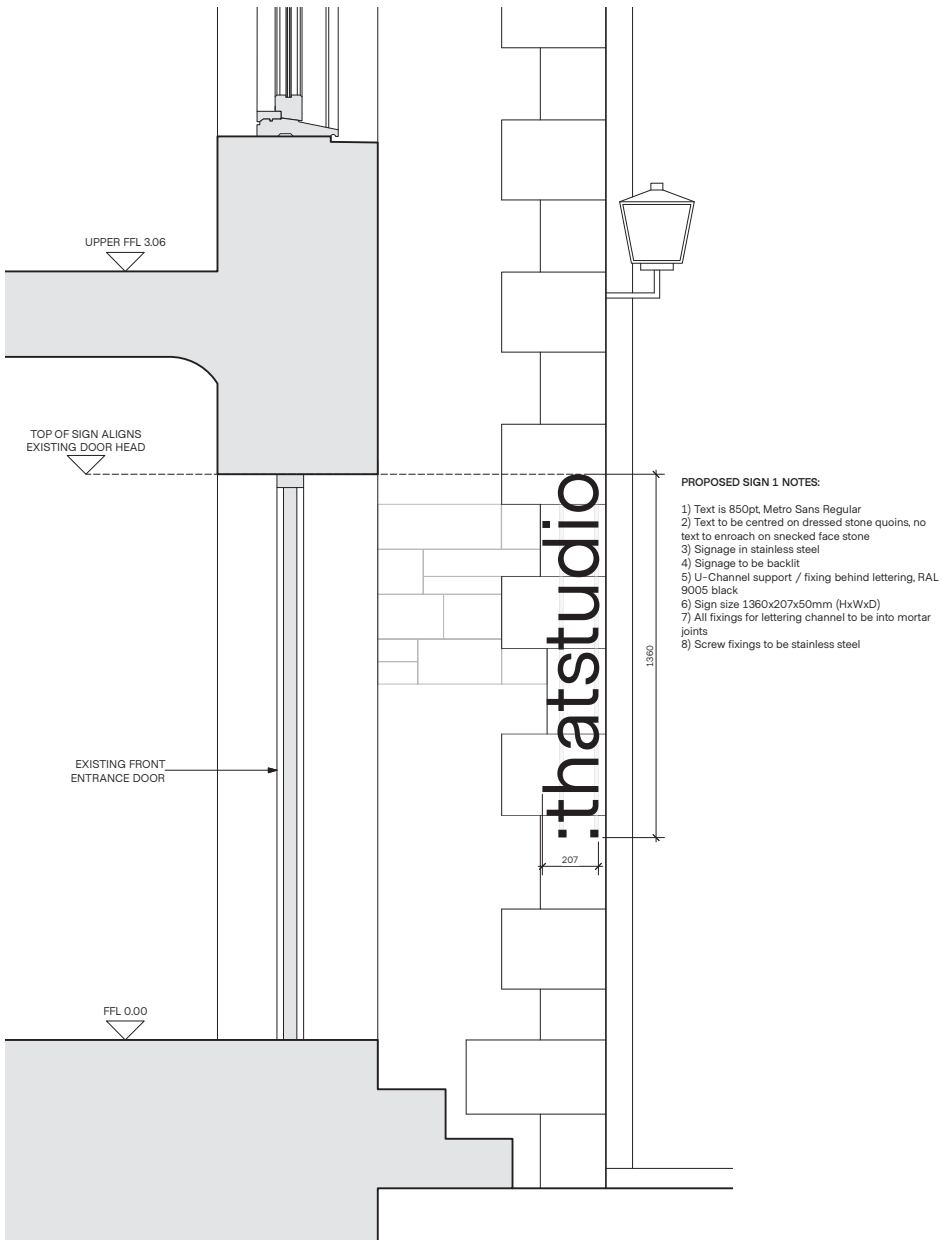
BLOCK PLAN  
1:500 @ A3

Check all levels and dimensions on site prior to construction or fabrication; report discrepancies immediately. Do not scale. This drawing is copyright protected. This drawing is to be used for the purposes defined by the status notation only.





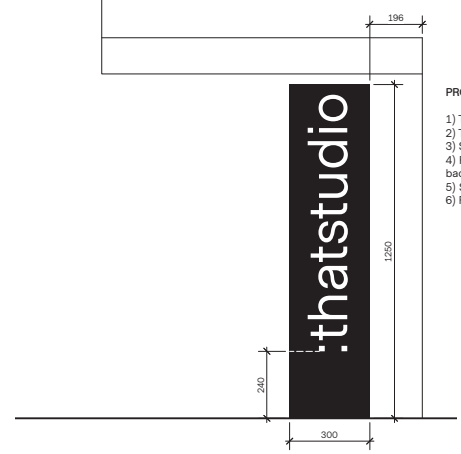
Check all levels and dimensions on site prior to construction or fabrication; report discrepancies immediately. Do not scale-  
This drawing is copyright protected. This drawing is to be used  
for the purposes defined by the status notation only.



PROPOSED SOUTH ELEVATION / SECTION THROUGH ENTRANCE SHOWING SIGN 1  
1:10@A1 OR 1:20@A3

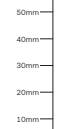
- PROPOSED SIGN 1 NOTES:
- 1) Text is 850pt, Metro Sans Regular
  - 2) Text to be centred on dressed stone quoins, no text to enroach on snecked face stone
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  - 6) Sign size 1360x207x50mm (HxWxD)
  - 7) All fixings for lettering channel to be into mortar joints
  - 8) Screw fixings to be stainless steel

EXISTING STONE  
BOUNDARY WALL  
SHOWN INDICATIVELY



PROPOSED ELEVATION SHOWING SIGN 2  
1:10@A1 OR 1:20@A3

- PROPOSED SIGN 2 NOTES:
- 1) Text is 600pt, Metro Sans Regular
  - 2) Text to be centred on front face of freestanding unit
  - 3) Signage in stainless steel, painted RAL 9005 black
  - 4) Front face to have fret cut lettering with opal acrylic backing
  - 5) Signage lettering to be backlit with white LED's
  - 6) Freestanding unit size 1250x300x100mm (HxWxD)

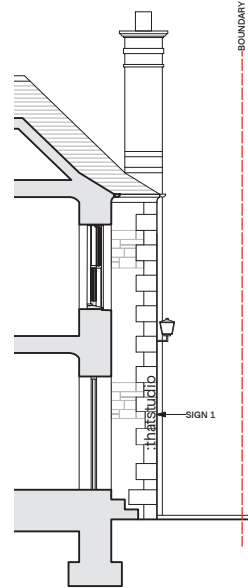




PROPOSED WEST ELEVATION  
FACING STREET  
1:50@A1 OR 1:100@A3



PROPOSED EAST ELEVATION  
FACING GARDEN / DRIVEWAY  
1:50@A1 OR 1:100@A3



PROPOSED SOUTH ELEVATION  
/ SECTION THROUGH ENTRANCE SHOWING SIGN 1  
1:50@A1 OR 1:100@A3



PROPOSED SOUTH ELEVATION  
FACING STREET / GARAGES  
1:50@A1 OR 1:100@A3

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40mm  
30mm  
20mm  
10mm

















## Development Management

### List of Delegated Decisions - 14th October 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>	0096/FUL/22	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Erection of a house		
<b>Address:</b>	Middlerigg Farm, Bathgate, West Lothian, EH48 2HH (Grid Ref: 295555,668960)		
<b>Applicant:</b>	Hardie Associates Ltd	<b>Type:</b>	Local Application
<b>Ward:</b>	Bathgate	<b>Case Officer:</b>	Kirsty Hope
<b><u>Summary of Representations</u></b>  One letter of objection received: - - Impact on residential amenity, overshadowing and privacy - Noise - Materials are not traditional - Proposal fails to accord with policies DES 1 and EMG6 - Chicken production ceased 15 years ago and has been in use as agricultural land --Concerns regarding refuse collections and store - Traffic and access issues and lack of footpath - Outbuilding is very large may have commercial purpose - Water supply and drainage issues - Impact on electricity cabling underground and over. - Solar roof would not be fit for purpose - Inaccurate landownership title on plans submitted			

**Officers report**

The proposal involves the demolition of former poultry shed and erection of a new house with a double garage. The proposal also includes the erection of an outbuilding located on the most south west corner of the site. The house is two storeys and single storey in parts with a modern design.

The application site is located out with the Bathgate settlement boundary and is within the countryside as identified in the LDP.

The existing poultry shed is single storey and is constructed mainly from timber that has fallen into disrepair. The plans show there were previously two large outbuildings for poultry farming on the site and this remaining shed is the extent of the remaining buildings. The buildings were constructed on a raised bed of red blaes and it is proposed to remove this so the site reverts back to its original level. It is also proposed to return some of the site to back to agricultural land.

The principle of development is accepted given it is a visually intrusive brownfield site, which meets the terms of policy ENV2 (Housing Development in the Countryside). The proposed house ridge height is 8.4m with a 40-degree roof pitch. The proposed windows have a vertical emphasis. The scale and design of the proposed dwelling is modern. The main roofline runs parallel to the main road. The finishing materials are not noted on the plans; however, this can be controlled by a condition.

There is adequate garden ground provided. The house and outbuilding sit comfortably within the plot and will not have a detrimental impact on the surrounding area or cause traffic issues. The proposed site plan shows trees along the south and eastern boundaries which would shield the house from the main road with regard to visibility and provide a woodland edge.

The proposals comply with policies ENV2 and DES1 (Design Principles) of the LDP. Technical matters can be conditioned to ensure compliance with policy requirements.

It is recommended that permission be granted, subject to conditions and securing developer contributions.

<b>Ref. No.:</b>	0559/H/22	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Alteration and extension to house		
<b>Address:</b>	6 Royal Terrace, Linlithgow, West Lothian, EH49 6HQ (Grid Ref: 300019,676938)		
<b>Applicant:</b>	Mr S Forsyth	<b>Type:</b>	Local Application
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Rachael Lyall
<b><u>Summary of Representations</u></b>  One objection received - - Overall scale of rear extension, - Removal/blockage of interior doors and kitchen press.  Planning response - - See officers report. The rear extension has been revised since the initial submission in order to integrate more with and appear subservient to the existing listed buildings, - The property listing does not detail the doors or kitchen press, which are to be removed, to be historic therefore these removals are not considered to detrimentally impact upon listed building to a significant extent.			
<b><u>Officers report</u></b>  This planning application proposes a single storey rear extension onto the property located at 6 Royal Terrace, Linlithgow.  The property is a category B listed building and is located within a conservation area.  The rear extension has been revised since the initial submission in order to integrate more with and appear subservient to the existing listed buildings.  The revised proposal is to measure 7.576m x 6.000m, which includes a covered canopy to the rear of the extension, and the works are to be 4.051m in overall height from ground level to the ridgeline of the proposed hipped roof. The rear extension is to feature roof lights and a single doorway within the roof space on the east elevation and fixed windows and sliding patio doors on the rear elevation which will open out into and overlook the applicants rear garden area. The proposed openings will not directly overlook any neighbouring property or garden to a significant extent.  The works are to be externally finished with zinc roofing and a cream sandstone which is to match with the existing property.			



The works also look to carry out internal alterations and remove and block up several door passageways.

The revised works are of a more acceptable scale which are considerate to the existing listed building. The proposed works will appear subservient to the main property and will still allow for sufficient usable garden ground. The proposed works are located fully to the rear of the property and will therefore not significantly impact upon the appearance of the streetscene or conservation area.

This proposal adheres to West Lothian Local Development Plan's DES 1 (Design Principles), ENV24 (Conservation Areas), ENV28 (Listed Buildings) Policies and follows the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted planning permission.

<b>Ref. No.:</b>	0560/LBC/22	<b>Recommendation:</b>	Grant Listed Building Consent
<b>Proposal:</b>	Listed building consent for alteration and extension to house		
<b>Address:</b>	6 Royal Terrace, Linlithgow, West Lothian, EH49 6HQ, (Grid Ref: 300019,676938)		
<b>Applicant:</b>	Mr S Forsyth	<b>Type:</b>	Other
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Rachael Lyall
<b><u>Summary of Representations</u></b>  One objection received - - Overall scale of rear extension, - Removal/blockage of interior doors and kitchen press.  Planning response - - See officers report. The rear extension has been revised since the initial submission in order to integrate more with and appear subservient to the existing listed buildings, - The property listing does not detail the doors or kitchen press, which are to be removed, to be historic therefore these removals are not considered to detrimentally impact upon listed building to a significant extent.			
<b><u>Officers report</u></b>  This planning application proposes a single storey rear extension onto the property located at 6 Royal Terrace, Linlithgow.  The property is a category B listed building and is located within a conservation area.  The rear extension has been revised since the initial submission in order to integrate more with and appear subservient to the existing listed buildings.  The revised proposal is to measure 7.576m x 6.000m, which includes a covered canopy to the rear of the extension, and the works are to be 4.051m in overall height from ground level to the ridgeline of the proposed hipped roof. The rear extension is to feature roof lights and a single doorway within the roof space on the east elevation and fixed windows and sliding patio doors on the rear elevation which will open out into and overlook the applicants rear garden area. The proposed openings will not directly overlook any neighbouring property or garden to a significant extent.  The works are to be externally finished with zinc roofing and a cream sandstone which is to match with the existing property.			

The works also look to carry out internal alterations and remove and block up several door passageways.

The revised works are of a more acceptable scale which are considerate to the existing listed building. The proposed works will appear subservient to the main property and will still allow for sufficient usable garden ground. The proposed works are located fully to the rear of the property and will therefore not significantly impact upon the appearance of the streetscene or conservation area.

This proposal adheres to West Lothian Council's Local Development Plan's DES 1 (Design Principles), ENV24 (Conservation Areas), ENV28 (Listed Buildings) Policies and follows the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted listed building consent.



<b>Ref. No.:</b>	0583/P/22	<b>Recommendation:</b>	Refuse 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 on the following grounds: <ul style="list-style-type: none"> <li>- No Surface Water Management Plan 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 application was previously on the Delegated List with a recommendation for approval. Following a review of the case, the recommendation is to refuse.  The relevant West Lothian Local Development Plan policies are: <ul style="list-style-type: none"> <li>- Policy DES 1 (Design Principles)</li> <li>- Policy HOU 1 (Allocated Housing Sites)</li> <li>- Policy HOU 4 (Affordable Housing)</li> <li>- Policy TRAN 1 (Transport Infrastructure)</li> <li>- Policy NGR 1a (Low and Sero Carbon Generating Technology)</li> <li>- Policy EMG 2 (Flooding)</li> <li>- Policy EMG 3 (Sustainable Drainage)</li> <li>- Policy EMG 6 (Vacant, Derelict and Contaminated Land)</li> <li>- Policy INF 1 (Infrastructure Provision and Developer Obligations)</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 Core Development Area (CDA) and forms part of an allocated housing site. It is bound by Langton Road to the south and agricultural land to the east. To the west and north is Cala's housing site which is under construction (0198/FUL/15). NCR75 runs along the east of the site. NCR75 forms an integral part of the Raw Holdings CDA allocation and is included in the masterplan that was submitted as part of the Cala and Persimmon housing applications.

Cala and Persimmon are upgrading NCR75 through their sites to be a 3m wide foot/cycle path that will be constructed and lit to adoptable standard. The section of NCR75 within the present application site, approximately 90m in length, runs from the boundary with the Cala site to Langton Road. Similar upgrading of this section is desirable to create an uninterrupted stretch of foot/cycle path from Main Street to Langton Road. The applicant is not willing to accept a requirement for similar upgrading.

The council's Flood Risk management (FRM) advise records suggest the site is at risk of flooding from the accumulation of surface water and request a flood risk assessment. FRM also request a drainage strategy. These have been requested but the applicant has not provided this information.

The applicant has also been requested to submit a phase 1 site investigation report with regard to contaminated land but this has not been provided.

While the principle of residential development is acceptable, the application cannot be supported due to lack of requested information and also as the applicant has not agreed to upgrade that part of NCR75 within the site to a 3m wide foot/cycle path that is constructed and lit to adoptable standard.

The proposal is thus contrary to requirements of the West Lothian Local Development Plan 2018 and it is recommended permission be refused.

<b>Ref. No.:</b>	0697/LBC/22	<b>Recommendation:</b>	Grant Listed Building Consent
<b>Proposal:</b>	Listed building consent for the installation of conservation double glazed sash windows with new sills		
<b>Address:</b>	3 Cathlaw House, Bathgate EH48 4NW (Grid Ref: 305280,667171)		
<b>Applicant:</b>	Dr Sofie Aspeslagh	<b>Type:</b>	No Classification
<b>Ward:</b>	Bathgate	<b>Case Officer:</b>	Rachael Lyall
<b><u>Summary of Representations</u></b>  1 objection - - Lack of information.  Planning response - - Further information was requested and submitted by the applicant.			
<b><u>Officers report</u></b>  This application proposes replacement windows and doors at 3 Cathlaw House, Bathgate.  The property is a category B listed building.  The existing windows are timber sash-and-case windows, in which the proposal looks to replace these with conservation style double glazed windows which are to be of the same design, finish and material.  The works also propose to replace the existing traditional timber door with a black timber door which will feature a glazed top panel.  The replacement openings are considerate to the existing listed building, are similar in appearance to the existing openings and will not detrimentally impact upon the visual appearance of the listed building.  This proposal therefore adheres to West Lothian Local Development Plan's DES 1 (Design Principles) and ENV28 (Listed Buildings) Policies and follows the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted listed building consent.			



<b>Ref. No.:</b>	0752/LBC/22	<b>Recommendation:</b>	Refuse Listed Building Consent
<b>Proposal:</b>	Listed building consent for the installation of a wood burner (internal) and flue (in retrospect)		
<b>Address:</b>	The Bath House, Gowanbank, Westfield, West Lothian, FK1 2JY (Grid Ref: 291650,671166)		
<b>Applicant:</b>	Miss Debbie Neal	<b>Type:</b>	Other
<b>Ward:</b>	Armada & Blackridge	<b>Case Officer:</b>	Lucy Hoad
<p><b><u>Summary of Representations</u></b></p> <p>The AHSS object to the development on the following grounds:</p> <p>The flue detracts from the historic character of the building</p> <p>Scale and prominent location</p> <p>Effect on symmetry of roofscape/hierarchy of details within context of Gowanbank House/steading</p>			
<p><b><u>Officers report</u></b></p> <p>The Bath House is a category A Listed building of stone and slate. The converted building is situated within a wider building group historically related to Gowanbank House.</p> <p>The application seeks retrospective consent for the installation of a wood burning stove and related flue.</p> <p>Historic Environmental Scotland were consulted on the application but made no comment referring to guidance policy. The AHSS object to the scale and prominence of the flue, the effect on the symmetry of the roof plane, and character and distinctiveness of the listed building within the wider historic group to include Gowanbank House (all A Listed).</p> <p>The properties display masonry and slate roofing which contributes to the distinct architectural quality, character and cohesiveness of the steading. Approaching the property along the access drive to the house the external flue is not visible until you almost reach the property. However, the flue is visible from some of the other properties within the group but less so from Gowanbank House.</p> <p>Policy ENV28 Listed Buildings of the West Lothian Local Plan 2018 states: There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use, and any proposed alterations or adaptations to help sustain or enhance a building's beneficial use should not adversely affect its special interest.</p>			

Albeit modest in size with a simple layout/design, the A- Listed property has the distinct character and appearance of a farm building of a particular time period which has been little altered following conversion to housing. The flue (black in colour) introduces a projection that appears visually prominent on the elevation. The design incorporates a box to tip which accentuates its appearance. Internally the property has been converted and is of a modern design. There are no historic internal features comprised by the installation of the wood burner itself, which is situated on the lower ground floor level.

#### Conclusion

Whilst the internal stove results in minimum intervention in the fabric of the listed building, given the modern interior, externally, the flue detracts from the traditional character and appearance of the listed building and wider group by virtue of its siting, design, and prominence on the roof plane. Taking into account the simple form of the roofscape, the flue appears visually prominent on the building, unbalancing the symmetry of the roof planes.

It is recommended that the application for listed building consent be refused.

<b>Ref. No.:</b>	0816/FUL/22	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Application under S42 to vary condition 1 of planning permission 1044/FUL/21 (delivery arrangements)		
<b>Address:</b>	Unit 5 And 6, Stockbridge Retail Park, Falkirk Road, Linlithgow, West Lothian (Grid Ref: 298799,677029)		
<b>Applicant:</b>	Marks & Spencer plc	<b>Type:</b>	Local Application
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Kirsty Hope
<b><u>Summary of Representations</u></b>  One letter of objection was received: - Concerns that the wording of the proposed condition is too opened ended and should be more specific.			
<b><u>Officers report</u></b>  This application is to vary condition 1 of planning permission 1044/FUL/21 (for delivery arrangements) at Unit 5 and 6 Stockbridge Retail Park.  There are external changes to the building proposed in application 0645/FUL/22 that would mean that restricted delivery of goods to the former Argos unit customer entrance cannot be used and the proposal is to change from the former Argos entrance to the adjacent former Peacocks customer entrance. A change to the wording of condition 1 to accommodate this is acceptable. Condition 1 also allows for one delivery from the front customer entrance during the one-hour period before store opening on a Saturday and Sunday. It is considered acceptable to alter condition 1 to allow for any number of deliveries during this one-hour period.  The applicant also wishes for more delivery flexibility using the rear service yard during busy periods of the year. However, it is not considered appropriate in this instance to alter the existing restrictions given the sensitive location of the rear service yard in relation to residential properties.  It is recommended permission be granted and condition 1 be altered as noted above.			



<b>Ref. No.:</b>	0834/H/22	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Erection of a garden room (in retrospect)		
<b>Address:</b>	Thornton House, 1 Falkirk Road, Linlithgow, West Lothian, EH49 7BA (Grid Ref: 299396,677013)		
<b>Applicant:</b>	Mr And Mrs Hunter	<b>Type:</b>	Local Application
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Lucy Hoad
<p><b><u>Summary of Representations</u></b></p> <p>2No letters of objection have been received and 1No letter of support.</p> <p>The main points raised include:  Mass, scale, appearance and prominence of building within the area  Difference in ground levels  Loss of privacy/overlooking  Imposing/overbearing impact</p>			
<p><b><u>Officers report</u></b></p> <p>Thornton House is a detached property (unlisted) of stone and slate situated within the Conservation Area of Linlithgow.</p> <p>The application seeks retrospective consent for the erection of an outbuilding within the garden grounds of the property.</p> <p>The garden room (6.0 x 3.4m) is situated in the south east corner of the garden. The structure is finished in timber (vertical cladding) with mono pitch roof (2.7m) and partially open seating area. The garden ground level and thus outbuilding sit at a higher ground level than the neighbouring properties immediately to the south and east.</p> <p>Objections have been received to the proposals with regard to mass, scale and design of the outbuilding being oppressive as well as overlooking of neighbouring properties, drainage and use of gas heater.</p> <p>The structure is not visible from the main road to the north of the property but is partially visible from the properties lying to the south and east. In relation to the main house, in terms of design, the proposal is considered to be visually acceptable, being modest in scale and subordinate in size to the main house. However, the structure appears prominent and stark in appearance as viewed from the property to the south. In order to soften the appearance of the structure it is recommended that the applicant install a trellis fence along the length of the structure inside the boundary line together with screen plant of honeysuckle and roses in order to reduce the visual impact of the</p>			

outbuilding. It is noted that the outbuilding is partially screened in views in from the east by a mature tree.

Considering the context of the site and orientation of the sun there are no significant concerns in terms of light or overshadow stemming from the development.

There is a degree of overlooking of the neighbouring property to the immediate south. Whilst it is accepted that there was an existing degree of overlooking of garden ground prior to the development, this has been exacerbated with the creation of a seating area within the structure to include a window fronting south. Therefore, it is recommended that the glazing of the window fronting south will require to be of obscure glazing. It is noted that the glazing of the window fronting east is obscure.

Drainage matters and fire safety would require to be assessed under any building warrant legislation/requirements.

Overall, the development will have a neutral impact on the character and appearance of the Conservation Area.

This proposal therefore adheres to West Lothian Local Development Plan's DES 1 (Design Principles) and ENV24 (Conservation Areas) Policies and follows the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020.

It is recommended that the application be approved, subject to a condition to insert screen planting/trellis to southern boundary and use of obscuring glazing for the window fronting south.



# Development Management

List of Delegated Decisions - 21st October 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>	0792/P/22	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	Planning permission in principle for the erection of a mixed-use building with 2 shops and 1 flat on ground floor and 4 flats on upper floors and conversion of public house to a flat		
<b>Address:</b>	1 Main Street, West Calder, West Lothian, EH55 8BU, (Grid Ref: 301702,663157)		
<b>Applicant:</b>	Mr Hassan Mohammed	<b>Type:</b>	Local Application
<b>Ward:</b>	Fauldhouse & The Breich Valley	<b>Case Officer:</b>	Kirsty Hope

## Summary of Representations

One letter of objection was received:

- Works have already commenced internally in retrospect.
- No detail to fully assess the impact of works already under way particularly with regard to materials being used, insulation both sound and fire.
- The impact on the occupant above the existing public house, including being a regular local venue for gatherings/funerals.
- Concerns regarding the mutual water supply and surface water drainage routing and impact.
- Request that enforcement should suspend these works until all permissions are obtained.
- Impact in regards to the noise, odours as well as fire risk.
- Privacy concerns
- Concerns of the proposed extension severely restricts access to/from fire escape.
- Alterations to water supply of above occupant.
- Concerns regarding design and layout of the ground floor conversion to be inappropriate due to privacy concerns.
- Concerns regarding the scale, design and layout of the extension which is overbearing and inappropriate.
- Materials are not sympathetic to the historic building.
- Parking and access concerns.
- Existing historic building should be respected.



This application is for planning permission in principle for the erection of a three-storey mixed-use building with 2 shops and a 1 bedroom flat on ground floor, 2 flats on the first floor and 2 flats on the 2nd floor, plus the conversion of the existing public house to a flat. The application site is located within West Calder town centre.

The scale of the three-storey extension above the existing two storey building ridge and eaves height does not respect the character and appearance of the existing building nor the street on a prominent location within West Calder, contrary to policy DES 1 (Design Principles). The proposed extension would be overdevelopment of the existing plot, where it would result in no private amenity space, no parking, no bin or cycle provision.

WLC Environmental Health have raised concerns given the potential impact on noise from the existing hall above the public house in relation to residential amenity, contrary to policy (EMG 5 Noise) within the local plan. WLC Waste Services have raised concerns as no bin provision is noted on the plans.

No SI phase 1 report was submitted by the applicant contrary to policy EMG 6 (Vacant, Derelict and Contaminated Land) within the local plan.

The proposal is therefore recommended for refusal.

<b>Ref. No.:</b>	0794/H/22	<b>Recommendation:</b>	Grant Planning Permission <small>Agenda Item 10</small>
<b>Proposal:</b>	Erection of a two-storey extension to house		
<b>Address:</b>	3 Sunnyside Avenue, Bathgate, West Lothian, EH48 4DR, (Grid Ref: 298176,669360)		
<b>Applicant:</b>	Mr & Mrs Jason Earl-Summers	<b>Type:</b>	Local Application
<b>Ward:</b>	Bathgate	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

Two objections received -

- Proximity of works to boundaries,
- Impact on privacy,
- Impact on existing retaining wall,
- Impact on overshadowing,
- Proposed materials not in keeping with surroundings.

Planning response -

- The works will be set back from the neighbouring boundary to the west by 1.58m, which is in line with the appropriate guidance that advised that works should be set back by neighbouring boundaries by at least 1m,
- See below
- Not a material planning consideration however the agent has advised that a structural engineer will be appointed,
- See officers reports and submitted overshadowing diagram,
- It is considered that the cladding will give the works a contemporary look and it is to be noted that materials within the street scene vary between properties and developments, such as dormer extensions, so will not appear significantly out of keeping.

### **Officers report**

This planning application proposes the erection of a two-storey side extension onto the property located at 3 Sunnyside Avenue, Bathgate.

The proposed extension is to measure 3.000m x 8.240m and is to be 7.400m in overall height from ground level to the ridgeline of the proposed hipped roof, which is to sit level with the ridgeline of the existing property. The proposed works have not been set down from the main ridgeline of the existing property in line with the appropriate guidance, however the works have been set back from the principal elevation in order to appear subservient. The works will feature windows on both levels on the front elevation, which will overlook the main street, two windows on each level of the side elevation which are to be en-suite windows and will be fitted with opaque glazing and therefore will not significantly impact upon the privacy of neighbours, and windows on both levels of the rear elevation. There is sufficient distance (approx. 19-20m) between the proposed rear windows and the windows of the closest neighbouring properties to the rear.

The materials proposed for the works are to mainly match those of the existing property, however the proposed works will feature some composite cladding on the upper floor.

The proposed works are set back from the boundary and it is to be noted that there is a detached garage located between the proposed works and the neighbouring property to the west, as a result the works will not result in any additional overshadowing which would be considered detrimental or significant. The overshadowing will mainly be cast on the detached garage.

It is to also be noted that there is a two-storey extension been erected to the east of the applicant's property, which is much larger in scale and footprint. As a result, it is considered that the proposed works will not appear out of keeping within the street scene. In addition, the proposed works look to replace the existing garage however there will still be sufficient space for parking to the front of the property and the works will still allow for usable garden ground. The works are considered to appear subservient and integrate with the existing property. The works are neither considered to significantly impact upon either the visual or residential amenity to a detrimental extent.

This proposal adheres to West Lothian Council's 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>	0796/H/22	<b>Recommendation:</b>	Refuse Permission Agenda Item 10
<b>Proposal:</b>	Proposed extension to house to form carport		
<b>Address:</b>	10 Manse Park, Uphall, West Lothian, EH52 6NX, (Grid Ref: 305970,672277)		
<b>Applicant:</b>	Mr James Watson	<b>Type:</b>	Local Application
<b>Ward:</b>	Broxburn, Uphall & Winchburgh	<b>Case Officer:</b>	Lucy Hoad

### **Summary of Representations**

AHSS: Object on the grounds of design, position and materials.

### **Officers report**

10 Manse House is a converted steading with C Listed status formally associated with the Uphall Old Manse House. It is a traditional elongated dwelling of stone and slate (2 storey) situated within Uphall Conservation Area. The historic building sits within a walled courtyard. Planning consent was granted for an extension to the north west elevation of the dwelling in 2021 (0339/H/21).

The application seeks consent for the erection of an extension to form a car port on the south east elevation of the property. The pillars of the car port are to be constructed of stone and a slate roof is to be formed over the structure. The internal parking space will measure 3355 x 5890mm.

The AHSS has objected to the proposals in terms of design, position of front build line and use of stone in construction seeking alternative materials to demonstrate the evolution of the building over time. No other public comment has been received on the application.

Whilst the property is a modest sized dwelling simple in form and layout it has an attractive character and setting. In respect of extending historic buildings within the Conservation Area we welcome proposals that demonstrate a clear evolution of the building over time. The applicant was requested to consider an alternative design for the car port given the historic quality and visual appearance of the building. Suggestions by planners included consideration of a lighter approach such as provision of a timber oak frame car port with attention given to adjacent tree roots. However no further plans or communications have been received.

In respect of the current proposal in front of us, the siting and design of the car port is considered to be visually inappropriate leading to an adverse impact on the character and appearance of the listed building. The gable displays attractive crowsteps at roof plane (noted in listing) and provides a suitable end stop to the building. With use of stone in construction and extending out on the line of the existing building the proposed works will result in a more dominant elongated effect to the building with less understanding of the evolution of the building thus further eroding the architectural quality of the former steading. In addition, foundations for the heavy structure may impact on adjacent tree roots.

Given the potential for a more appropriate solution with minimum intervention in the fabric of the building available in this instance, it is recommended that the current design be refused on the basis that the proposed works would have an adverse impact on the fabric and historic significance of the

listed building to the detriment of its character and appearance and that of the wider conservation area. The application is therefore contrary to policies ENV24 (Conservation Areas) and ENV28 (Listed Buildings) in the LDP.

Agenda Item 10

<b>Ref. No.:</b>	0799/H/22	<b>Recommendation:</b>	Refuse Permission Agenda Item 10
<b>Proposal:</b>	Two storey extension to house		
<b>Address:</b>	141 Foxknowe Place, Eliburn, Livingston, West Lothian, EH54 6TZ (Grid Ref: 303720,667986)		
<b>Applicant:</b>	Mr Sant Tomer	<b>Type:</b>	Local Application
<b>Ward:</b>	Livingston North	<b>Case Officer:</b>	Rachael Lyall

### **Summary of Representations**

Two objections received -  
 - Impact on privacy,  
 - Impact on overshadowing,  
 - Proximity of works to neighbouring properties resulting in overbearing impact.

### **Officers report**

This proposal seeks planning permission for the erection of a two-storey rear extension at 141 Foxknowe Place, Eliburn.

The proposed extension is to measure 4.000m x 7.080m and is to be 7.411m in overall height from ground level to the ridgeline of the proposed gable pitch, which is to sit level with the ridgeline of the existing property. The extension is to feature roof lights within the roof space, windows within each side elevation on the ground floor, and patio doors and windows on the rear elevation. The materials proposed for the works are to match those of the existing property.

It is considered that the size and scale of the proposed works, do not appear subservient to the existing property. In addition, it is considered that the works proposed will appear as overbearing from the neighbouring properties, specifically no. 142 Foxeknowe Place. The House Extension and Alteration Design Guide 2020 states that extensions "should be of a scale that does not dominate the existing property or your neighbours' houses. It should be subsidiary in appearance to the main house and should not detract from the appearance of the dwelling or surroundings."

This proposal is therefore does not follow the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020 and is to contrary to West Lothian Council's Local Development Plan's DES 1 (Design Principles) Policy. It is recommended that this application is refused planning permission.



<b>Ref. No.:</b>	0854/A/22	<b>Recommendation:</b>	Refuse Advertisement Consent
<b>Proposal:</b>	Display of 6 illuminated and non-illuminated signs and floodlights (in retrospect)		
<b>Address:</b>	The Old Market Inn, 28 West Main Street, Whitburn, West Lothian, EH47 0QZ (Grid Ref: 294579,665011)		
<b>Applicant:</b>	Admiral Taverns	<b>Type:</b>	Other
<b>Ward:</b>	Whitburn & Blackburn	<b>Case Officer:</b>	Lucy Hoad
<b><u>Summary of Representations</u></b>			
None			
<b><u>Officers report</u></b>			
<p>The application seeks advertisement consent for the display of illuminated and non-illuminated fascia signs at 28 West Main Street Whitburn. The business is a public House - The Olde Market Inn. The works have been undertaken and the application is retrospective.</p> <p>Consent for the advert signage on the building was refused under application 0131/A/22 in May 2022 as contrary to policy DES1 (Design Principles) of the West Lothian Local Development Plan 2018. The extent of the signage and lighting installed is deemed to be excessive for what is required to advertise the business and has an adverse impact on the visual amenity of the building and wider area contributing to visual clutter of the streetscape.</p> <p>The style and arrangement of signage broadly reflects that of the earlier application, although it is acknowledged that one sign has been removed. The proposed signage is still considered to be unacceptable and there has been no change in local planning policy since the earlier refusal that would warrant support of the application.</p> <p>The Town Centre Manager has raised an objection to part of the signage (to gable) and additional lighting.</p> <p>It is recommended that the application be refused.</p>			



## Development Management

### List of Delegated Decisions - 28th 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>	0657/FUL/22	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Erection of a 56sqm two storey extension to industrial unit		
<b>Address:</b>	Scotlens, Mill Road Industrial Estate, Linlithgow Bridge, Linlithgow, West Lothian (Grid Ref: 298477,677649)		
<b>Applicant:</b>	Mr Scott Brown Scotlens	<b>Type:</b>	Local Application
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Alexander Calderwood

#### **Summary of Representations**

5 objections were received for this proposal following its initial submission. The nature of the objections are as follows:

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

The proposal was revised and previous objectors were re-notified. 2 of the previous objectors commented again. The nature of the objections are as follows:

- Privacy and overlooking.
- Noise nuisance and smell.
- Drainage detail that has been submitted is inadequate.
- Security lighting will have an adverse impact on amenity.

**Officers report**

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

The relevant West Lothian Local Development Plan 2018 policies are : Policy DES 1 (Design Principles) and Policy EMP 1 (Safeguarding and developing existing employment land)

The extension is set over two stories and will provide accommodation for research and development at ground floor level, and office space at first floor level. The principal elevation of the extension will face west. The residential street, Lovells Glen, lies to the west and is at the bottom of a steep gradient, which the development site lies at the top of. Several of the rear elevations and associated garden grounds of the residential properties on this street look onto this gradient and the development site. The distances between the rear elevations of these residential properties and the principal elevation of the extension range from between 30 m to 41 m.

The original submission proposed three windows at first floor level of the extension on the principal elevation, and also one window on the southern elevation at first floor level. These windows overlooked the garden grounds, rear elevations and first floor bedrooms of the residential properties at Lovells Glen.

Revisions to the proposals have since been made and all three windows at first floor have been removed and instead it is proposed to install 3 roof lights. The window on the southern elevation is to remain. The alterations to the proposals greatly reduce the impact on the residential properties on Lovells Glen in terms of privacy and overlooking. Additionally, the neighbouring industrial units to the south and north of the site extend out to approximately the same position as that of the development that is proposed. The relationship between the proposed extension and the houses would therefore be similar.

A drainage plan was submitted by the applicant and Flood Prevention has confirmed that they are satisfied with its content and that they do not object to the proposals. Transportation has confirmed that they neither object or require conditions to be attached to the decision notice.

Conditions will be attached to the decision notice requiring the applicant to submit details on landscaping and details of any CCTV and lighting specifications. The landscaping will assist in screening the development from the residential properties to the west.

The proposals comply with Policy DES 1 and Policy EMP 1 of the West Lothian Local Development Plan 2018 and approval is recommended.



<b>Ref. No.:</b>	0756/H/22	<b>Recommendation:</b>	Grant Planning Permission
<b>Proposal:</b>	Two storey extension of house		
<b>Address:</b>	12 Waldie Avenue, Linlithgow, West Lothian, EH49 6BA (Grid Ref: 300193,676459)		
<b>Applicant:</b>	Miss B Hart	<b>Type:</b>	Local Application
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Lucy Hoad

### **Summary of Representations**

One objection and one neutral comment have been received. Main points raised include

Loss of privacy/overlooking  
 Size of extension  
 Lack of detail regarding window to gable  
 Builders encroaching on land  
 Boundary treatment

The application seeks consent for the erection of a 2-storey extension to the south elevation of the property on the site of the existing garage and conservatory to be removed. The application site is located within a conservation area.

The extension with pitched roof is similar in design as the existing dwelling with use of matching materials complimenting the main building. The addition will provide additional living accommodation to include a kitchen/dining room at ground floor level and 2no bedrooms at upper level.

The works will be visible from public view but will have no adverse impacts in terms of the visual amenity of the streetscape as required by Policy DES1 (Design Principles). In terms of design, the mass and scale of the proposed extension is visually acceptable in relation to the main building with use of appropriate materials. The works will not overload the building. There is ample garden ground remaining. The parking is deemed adequate in this particular instance with no objections from Roads. It is noted that there are extensions of a similar scale within the street.

There are no significant implications in terms of access to light or privacy stemming from the proposals. The applicant has reduced the size of the velux to northern gable elevation of the property and advised it is to be of obscure glazing. Whilst new windows are proposed to front and rear, it is noted that there is an existing element of overlooking of garden areas from existing upper storey windows and the proposals will not exacerbate the current situation. The boundary treatment to southern line of the garden is to be timber fencing.

The proposed development is of an acceptable design and will not have a detrimental impact on the character and appearance of the conservation area. It therefore complies with Policy ENV24 (Conservation Areas) and Policy DES1 (Design Principles) of the West Lothian Local Development Plan, 2018 and the guidance given in the House Extension and Alteration Design Guide, 2020. It is recommended that the application be approved.

<b>Ref. No.:</b>	0807/H/22	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	First floor extension to house (Re-submission of 0494/H/22)		
<b>Address:</b>	6 Rosebery Crescent, Bathgate, West Lothian, EH48 1EA, (Grid Ref: 297977,668304)		
<b>Applicant:</b>	Mr Matthew Stevenson	<b>Type:</b>	Local Application
<b>Ward:</b>	Bathgate	<b>Case Officer:</b>	Rachael Lyall
<b><u>Summary of Representations</u></b>			
N/A			
<b><u>Officers report</u></b>			
<p>This application proposes a first-floor rear extension onto the property located at 6 Rosebery Crescent, Bathgate.</p> <p>A previous application (0494/H/22) for a first floor extension was refused planning permission as it was considered the proposal would result in additional overshadowing which would be detrimental to residential amenity and that the works would have appeared as overbearing from the adjoining neighbouring property.</p> <p>The proposal has since been revised in which the two storey extension is now to feature a gable pitch roof with a slight hip.</p> <p>It is still considered that the proposed works will appear as overbearing from the adjoining neighbouring property and will still result in additional overshadowing which would be detrimental to residential amenity.</p> <p>As a result, this revised proposal is still contrary to West Lothian Local Development Plan's DES 1 (Design Principles) Policy and does not follow the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is refused planning permission.</p>			



<b>Ref. No.:</b>	0821/H/22	<b>Recommendation:</b>	Refuse Permission
<b>Proposal:</b>	First floor extension to house		
<b>Address:</b>	36 Jardine Place, Bathgate, West Lothian, EH48 4GU (Grid Ref: 296351,669472)		
<b>Applicant:</b>	Mr Andrew Dunnigan	<b>Type:</b>	Local Application
<b>Ward:</b>	Bathgate	<b>Case Officer:</b>	Rachael Lyall
<b><u>Summary of Representations</u></b>			
N/A			
<b><u>Officers report</u></b>			
<p>This application proposes a first floor rear extension onto the property located at 36 Jardine Place, Bathgate.</p> <p>The proposed first floor extension is to be erected above the existing family and dining room. The first floor extension is to measure 7.549m x 5.069m and is to be 6.275m in overall height from ground level to the ridgeline of the proposed hipped roof. The extension will feature high level windows on a side elevation and two julliette balconies on the rear elevation.</p> <p>The materials proposed for the works are to match those of the existing property.</p> <p>The proposed openings will significantly overlook the rear gardens of the neighbouring properties to each side of the applicant's property. In addition, the first floor extension will appear as overbearing from the neighbouring property, specifically to the east of the site.</p> <p>The House Extension and Alteration Design Guidelines state that extensions "should be of a scale that does not dominate the existing property or your neighbours' houses" and that "two storey rear extensions can cause overlooking problems". As a result, particular attention should be paid to issues of privacy and overlooking.</p> <p>This proposal is therefore contrary to West Lothian Local Development Plan's DES 1 (Design Principles) Policy and does not follow the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is refused planning permission.</p>			

<b>Ref. No.:</b>	0822/LBC/22	<b>Recommendation:</b>	Grant Listed Building Consent
<b>Proposal:</b>	Listed building consent for stone cleaning of listed building		
<b>Address:</b>	Williamsraig House, Linlithgow, West Lothian, EH49 6QF(Grid Ref: 298598,675375)		
<b>Applicant:</b>	Mr David Barnes	<b>Type:</b>	Other
<b>Ward:</b>	Linlithgow	<b>Case Officer:</b>	Lucy Hoad
<b><u>Summary of Representations</u></b>  One representation has been received. The AHSS object on grounds of potential damage to stonework			
<b><u>Officers report</u></b>  Williamsraig House is a category B Listed Building, set in a rural location within a Special Landscape Area (Bathgate Hills).  The application seeks consent for the cleaning of the exterior stonework of the building.  An objection has been received from the AHSS who seek for the patina of the stonework to be preserved. Their concerns include the use of the doff method of cleaning with steam temperature/pressure potentially damaging the stonework.  HES were consulted but did not comment on the application advising that consideration be given to national and local policy in respect of listed buildings. Policy advises that cleaning of stonework may harm the building and that care be taken in any cleaning of a building. Only not cleaning would avoid any risk.  The applicant was advised of HES advice and requested to confirm the steps proposed to mitigate/reduce any risk of damage in respect of cleaning of the exterior. The agent has set out the steps to be taken to ensure that a sensitive and proportion approach be taken to include use of specialist advice from conservation architects and stone masons with a full survey of the building to be undertaken and patch testing.  The exterior comprises sandstone which displays the effects of green algae which may keep the building moist.  Given that the applicant seeks to pursue the option for cleaning the building with the intention of taking due care and diligence during works to mitigate risks arising as works progress, it would be reasonable to recommended that the application for stone cleaning of the exterior be approved			

in this particular instance. A survey report by the stone specialist shall require to be submitted for the review of the Planning Authority prior to any works.

Provided the works are carried out with care the development should not have an adverse impact on the special architectural quality or historical significance of the building and will therefore comply with Policy ENV28 (Listed Buildings) of the West Lothian Local Development Plan. Approval of LB Consent is recommended.



**Proposed Enforcement Actions – 14/10/2022**

<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/0305/20	Mr Gary Corbett	11 Main Street Livingston Village Livingston West Lothian EH54 7AF  Breach of condition 3 & 4 of 0670/FUL/19 and unauthorised painting of front door	Livingston Village	TNA	It is not in the public interest to take formal enforcement action in respect of the breach of condition 3 (fence colour and hedging), as the fence has now weathered and surrounding landscaping partly screens the fence.  It is not in the public interest to take formal enforcement action in respect of the repainting of the front door (as a breach of condition 4, requiring the submission of any changes) as it is acceptable and in keeping with the character of other properties in the residential area.  No further action will be taken on this case.

## Proposed Enforcement Actions – 14/10/2022

Ref. No.	Owner/ Developer	Location & Alleged Breach of Planning Control	Ward	Proposed action	Reasons for decision and summary steps to comply if applicable
ENF/0080/21	Donald And Laura Whitelaw	21 Heatherwood Seafield Bathgate West Lothian EH47 7BX  Increased height on fence	Whitburn & Blackburn	TNA	<p>1 We have written to the owner on several occasions requesting them to reduce the fence panels to a maximum of 2m high to comply with the householder permitted development rights set out in planning legislation. We have received no response from the owners to the request to reduce the fence panels.</p> <p>The fence panels are a minor breach of planning control and it would not be in the public interest to take formal enforcement action.</p> <p>No further action will be taken on this case.</p>
ENF/0400/21	Mr Laurence Robertson	17 Beechbank Crescent East Calder Livingston West Lothian EH53 0DX	East Livingston & East Calder	TNA	<p>1. We have written to the owner requesting the wooden panels to be removed.</p> <p>There is an ongoing issue with Environmental Health with regards to light pollution.</p> <p>The fence panels would not be in the public interest to take formal enforcement action.</p> <p>No further action will be taken on this case.</p>