



Development Management Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

11 January 2023

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 18 January 2023 at 10:00am**.

For Chief Executive

BUSINESS

Public Session

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

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

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

Public Items for Decision

5. Application No.0898/FUL/21 - Erection of a 60 bed care home with associated access, parking and landscaping works, GM Flooring, Falkirk Road, Linlithgow (herewith)
6. Application No.0903/H/22 - Two storey extension to rear and single storey extension to side of house, 1 Woodrush Glade, Adambrae, Livingston (herewith)

7. Application No.0982/FUL/22 - Erection of 6 houses with associated works (as amended), land to south of Inchcross Park, Inchcross, Bathgate (herewith)

Public Items for Information

8. Consider list of delegated decisions on planning applications and enforcement actions for the period 9 December 2022 to 6 January 2023 (herewith).
9. Appeals :-
- (a) Application No.0176/P/21: Planning permission in principle for a 8Ha residential development including access, open space, landscaping, suds and associated infrastructure (90 Units) at land at Oakbank Road, East Calder - Appeal allowed
 - (b) ENF/0253/22: Change of use from public open space to private garden ground and erection of 1.8M high Fence at 45 Longpark Place, Eliburn, Livingston - Appeal dismissed
 - (c) Application No.0662/A/22: Display Of 1 Illuminated fascia sign (in retrospect) at 142 West Main Street, Whitburn - Appeal submitted
 - (d) Application No.0881/A/22: Display of 1 illuminated digital advertising display with static images that change no more than once every 10 seconds at land to east of 133 Glasgow Road, Bathgate - Appeal submitted
10. Action Taken in terms of Standing Order 31 (Urgent Business) - To note the action taken in terms of Standing Order 31 (Urgent Business) to provide approval for the submission of a response to the DPEA in relation to Planning Appeal PPA-400-2152: for a proposed mixed-use development at Cousland Farm, Livingston - report by Chief Solicitor (herewith).

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



CODE OF CONDUCT AND DECLARATIONS OF INTEREST (2021)

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

Interests must be declared at the meeting, in public.

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

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

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

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

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

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

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

More detailed information is on the next page.

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

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

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

A connection does not exist where:-

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

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

If the connection amounts to an interest then:-

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

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

The relevant documents are:-

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

If you require assistance, contact:-

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

January 2022

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

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

Apologies – Councillor Tom Conn

1. DECLARATIONS OF INTEREST

Agenda Item 6 (App No.0972/A/22) - Councillor Stuart Borrowman stated a connection in that he was known to the business as a customer and knew the applicant indirectly as a result of being a customer.

Agenda Item 7 (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 7 (App No.0604/FUL/22) - Councillor Pauline Clark declared that as she had not attended the meeting of the committee when it first considered the merits of the application she would not participate in the item of business.

Agenda Item 7 (App No.0604/FUL/22) - Councillor Willie Boyle declared that as he had not attended the meeting of the committee when it first considered the merits of the application she would not participate in the item of business

Agenda Item 7 (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 changed sufficiently to allow him to take part in the item of business.

Agenda Item 7 (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 changed sufficiently to allow him to take part in the item of business.

2. ORDER OF BUSINESS

Committee noted that application 0898/FUL/21 was 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.

Committee requested that with respect to agenda items 9(a) through to 9(h) that the Development Management Manager provides details of the

status of each of the appeals detailed and to provide answers to any questions members may have.

Committee agreed, in accordance with Standing Order 8(3), that agenda 8 was to taken as read without any further consideration.

3. MINUTE

The committee approved the Minute of its meeting held on 16 November 2022. The Minute was thereafter signed by the Chair.

4. APPLICATION NO.0934/H/22

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0934/H/22	Erection of front boundary railings with vehicular and pedestrian access, Williamsraig House, Linlithgow	Refuse planning permission

The committee heard from David Johnson, the applicant's architect, speak in support of the application.

The committee then heard from local ward member, Councillor Pattle, speak in support of the application

Decision

To grant planning permission contrary to the report recommendations subject to the standard conditions only, as committee determined that the proposal did accord with policies DES1, ENV28 and ENV1 of the WL Local Development Plan in that the style and height of the wall and railing was of a suitable design for the character of the building and would not detract from the setting of the B listed building. Additionally, in terms of policy DES1 of the WLDLDP the proposal was justified on the grounds of privacy and road safety.

5. APPLICATION NO.0972/A/22

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
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0972/A/22	Display of 1 illuminated and 2 non-illuminated wall mounted signed (in retrospect), 67A Whitburn Road, Bathgate	Refuse consent	advertising
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Decision

To grant planning permission contrary to the report recommendations subject to the standard conditions for advertisement consents, as committee felt that proposal did accord with policy DES1 of the WL Local Development Plan in that it would have no impact on the visual amenity of the building and wider area.

9. APPLICATION NO.0604/FUL/22

Councillors Willie Boyle and Pauline Clark having declared at the beginning of the meeting that they had not heard all the merits of the case took no part in the following item of business.

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0604/FUL/22	Erection of a 298sqm restaurant/bar & café/hot food takeaway (class 3 and sui generis) with balcony terrace, staircase and extension to car park, land at Bankton Centre, Murieston, Livingston	Refuse planning permission

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

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

Decision

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

7. LIST OF DELEGATED DECISIONS

The Head of Planning, Economic Development and Regeneration had

delegated powers to issue decisions on planning applications and enforcement action.

A list (copies of which had been circulated) of delegated and enforcement action for the period 11 November to 2 December 2022 was submitted for the information of committee.

Decision

To note the list of delegated decisions.

8. APPEALS

The Development Management Manager provided the committee with a summary of the status of each of the appeals listed on the agenda as follows :-

Committee noted that the following appeals had been dismissed: -

<u>Application No.</u>	<u>Proposal</u>
0202/LBC/22	Listed Building Consent for the installation of roof mounted solar panels at 5 Bridge Castle House, Westfield
0244/FUL/22	Erection of a house with associated works at Dechmont House, Woodlands Park, Deans, Livingston

Committee noted that the appeals had been allowed :-

<u>Application No.</u>	<u>Proposal</u>
0216/A/22	The display of 2 illuminated fascia signs and 1 illuminated free standing pylon sign at 21 Inchmuir Road, Blackburn, Bathgate
0226/A/22	Advertisement consent for the display of replacement fascia sign, installation of replacement illuminated and non-illuminated signs at Black Bitch Tavern, 14 West Port, Linlithgow
0227/LBC/22	Listed Building Consent for the display of replacement fascia sign, installation of replacement illuminated and non-illuminated Signs at Black Bitch Tavern, 14 West Port, Linlithgow

Committee noted that the following appeals had been submitted :-

Application No.

Proposal

0151/P/22

Planning permission in principle for a mixed-use development for business (Class 4), industrial (Class 5) and storage & distribution (Class 6) with associated engineering, landscaping and drainage works at land to north and south Of A705, Cousland Farm, Livingston

0470/FUL/22

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

0845/A/22

Display Of 6 illuminated and non-illuminated signs and floodlights (in retrospect) at The Old Market Inn, 28 West Main Street, Whitburn

The Development Management Manager then responded to a number of questions from committee noting that with respect to all appeals both to the DPEA and the council's Local Review Body officers were always looking to review their decisions and subsequent outcomes.

Decision

To note the list of appeals



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

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

2 DETAILS

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

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

3 RECOMMENDATION

- 3.1 Grant planning permission subject to conditions.

4 DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Members will recall that the above planning application was heard on 17 August 2022 and continued by committee for two cycles to allow the applicant to review five matters raised by committee. Due to work being carried out by the applicant, continuations were requested to allow the revised vehicular access design works to be fully assessed. Details of these revisions are set out below. The previous report, with attachments, is appended for ease of reference.

- 4.2 The points raised by committee for discussion and resolution between officers and the applicant related to:
- (i) the repositioning of the two replacement parking spaces in Broomyhill Place (as amended by the minute of DMC on 14/9/22); (ii) the provision of signage to regulate the use of parking spaces; (iii) an increase in the overall number of proposed parking spaces within the site; (iv) an assessment of the safety of the public relative to the ingress/egress of the site and the location of barriers within the site and (v) to ensure that the proposed cycleway did not cause conflict with local residents.
- 4.3 The applicant has carried out a substantial review of the development layout (revised layout attached) and has increased the number of parking spaces from 14 to 21 and included an ambulance parking bay. This is a 50% increase in the parking provision within the site. Whilst the revised internal road and parking extends into the open space at the rear of the site, there is still sufficient open space available to create an attractive landscape area for staff and residents. There is also a secure garden area to the south of the building adjacent to Falkirk Road. The increase in parking provision as proposed is acceptable and meets the requirements of committee.
- 4.4 The original proposal for the parking bay relocation within Broomyhill Place was as a direct result of the vehicular exit from the site being proposed through Broomyhill Place. It should be noted that the land owner has a legal right to form a road link with Broomyhill Place through these bays. Nevertheless, the applicant has redesigned the development to allow for both the vehicular access and the exit to be onto Falkirk Road. Vehicular access is therefore no longer proposed through Broomyhill Place.
- 4.5 The new junction arrangement includes a single entrance and exit point from Falkirk Road, with the exit designed to allow a left turn only, incorporating a directional exit lane and traffic island. The revised junction arrangement has been assessed by Transportation and the exit onto Falkirk Road is acceptable. An independent Road Safety Audit has been carried out and has found no issue with the proposed junction arrangements. Details such as tactile paving will be incorporated into the overall design.
- 4.6 The revised access and exit arrangements removes the need for barrier-controlled traffic movements. There is still a requirement for a cycle/pedestrian route through the site and as such, signage can still be erected within Broomyhill Place advising that parking is for residents only and not for visitors or staff at the nursing home. A condition can be imposed which requires that the exact location of the signage is to be agreed with the planning authority.
- 4.7 With regards to the final action point on the use of the cycleway, it is clear that in order to provide a link through the site, it must connect with Broomyhill Place. There is support for the creation of this cycle route as it completes a 'missing link' for cyclists and therefore it is important to provide a solution.

- 4.8 The revised plan shows one of the parking bays at the previously proposed vehicular exit to Broomyhill Place being utilised as the pedestrian/cycle route through the site. The adjacent parking bay is some 9.3m in length and whilst this is not a full double length bay, it is sufficiently long that it could accommodate two vehicles from the same flat, in a similar way to a double length driveway for a housing development. Transportation has confirmed that the loss of a single parking space without a full replacement being provided does not raise concerns and that the double bay solution is acceptable.

5. CONCLUSION AND RECOMMENDATION

- 5.1 The revised parking and junction arrangements and the proposed cycle/footpath link with Broomyhill Place are acceptable. These changes take into consideration the matters raised previously by committee and also take into consideration the wider issues raised by residents in respect of vehicular traffic exiting the site through Broomyhill Place.
- 5.2 The draft conditions have been amended in light of the proposed revisions and it is therefore recommended that planning permission is granted for the revised layout, subject to the amended conditions attached to this report.

10. BACKGROUND REFERENCES & ATTACHMENTS

- Draft conditions
- Revised site plan
- Road and footpath adoption plan
- Transportation's response
- Committee Minute (as amended)
- Committee report and attachments from 17 August 2022

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

Craig McCorriston

Head of Planning, Economic Development and Regeneration **Date: 18 January 2023**

Draft Conditions:

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

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

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

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

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

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

Reason In the interest of visual amenity and pedestrian safety.

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

Reason In the interest of visual and environmental amenity.

(5) Prior to the occupation of the care home hereby approved, the cycle path/footpath to Broomyhill Place shall be available for use by the public, to the satisfaction of the planning authority.

Reason To ensure the cycle path/footpath connection which has been supported as part of this application can be fully implemented for the benefit of the public.

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

Reason In the interest of residential amenity.

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

Noise (Construction)

- o Any work required to implement this planning permission that is audible within any adjacent noise sensitive receptor or its curtilage shall be carried out only between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 on a Saturday and at no time on a Sunday. This includes deliveries and operation of on site vehicles and equipment.

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

Noise (Vehicles/Plant)

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

Vibration (Construction)

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

Site Compound

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

Waste

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

Wheel Cleaning

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

Reason: In the interests of visual and environmental amenity.





Agenda Item 5

55

Broomyhill Place

Broomyhill Place

31 to 42

19 to 30



OPERATIONAL SERVICES
ROADS & TRANSPORTATION
DEVELOPMENT MANAGEMENT & TRANSPORTATION PLANNING

ROADS & TRANSPORTATION CONSULTATION RESPONSE TO PLANNING APPLICATION

This proposal is (tick as appropriate)	
Acceptable without conditions	<input type="checkbox"/>
Acceptable with conditions noted below	<input checked="" type="checkbox"/>
Not acceptable & should be refused	<input type="checkbox"/>
HOLDING OBJECTION – The application is not acceptable in current format and applicant requires to submit additional information to enable the proposals to be fully assessed.	<input type="checkbox"/>

Signing Off	
DM & TP Officer Roads & Transportation	Chris Nicol
DM & TP Manager Roads & Transportation	
Date Issued to Development Management Officer	30 December 2021

Recommendation & Proposed Conditions	
	<p>From a Roads & Transportation view, this application is approved subject to the following conditions</p> <p>A road opening permit will be required to allow construction of the new access on the adopted road. Please apply at:- https://www.westlothian.gov.uk/article/32505/Road-Opening-Application-Section-56.</p> <p>A plan showing details of the proposed works will be required to be submitted with the application.</p> <p>The existing access at the traffic lights shall be closed off and footway reinstated with new kerbs and level. The Section 56 application shall include in this work.</p> <p>The traffic light shall be removed and wiring sorted to the satisfaction of the Road and Transportation manager.</p> <p>Details of the new access shall be agreed prior to work stating on site. The general layout drawing 183-202 rev K has the approved concept.</p> <p>Implementation of Road Safety Audit stage 2 plan to be approved prior to work stating on site.</p>

DM Case Officer	Steve McLaren	Applicant	Inuos Developments
Application Ref	0898/FUL/21	Date Issued	27 September 2021
Proposal	Demolition of existing showroom and warehouse facility and erection of new 60 bed care home with associated roadway, parking and landscaping works. This application shall include the implementation of a new vehicle egress point to Broomyhill Place and associated enabling works. Current application site is class 1 (Retail), proposed use Class 8 (Residential Institutions)		
Location	G M Flooring, Falkirk Road, Linlithgow		

DATA LABEL: PUBLIC

Legislation & Guidance Applicable (tick as appropriate)	Constraints (tick as appropriate)
Roads (Scotland) Act 1984 <input checked="" type="checkbox"/>	Public Footpath / Rights of Way <input type="checkbox"/>
Designing Streets <input type="checkbox"/>	Core Path Plan <input type="checkbox"/>
SCOTS National Roads Development Guide <input checked="" type="checkbox"/>	<input type="checkbox"/>
SUDS for Roads <input type="checkbox"/>	Control of Advertisements (Scotland) 1984 <input type="checkbox"/>
Sewers for Scotland <input type="checkbox"/>	Residential Development Guide 2018 <input type="checkbox"/>
	Other (please specify) <input type="text"/>

Site Description	Industrial units existing site
Quality Plan	N/A
Road Safety Audit	N/A
Transport Assessment or Statement	N/A
Does the red line boundary reach the adopted public road	Yes
Is there a footway or footpath connecting the site to the existing adopted road network	Yes
Drawings & documents assessed	Location Plan Proposed site plan 183-202 rev K
Does Road Layout comply with WLC Standards	Yes
Does Parking comply with WLC Standards (including disabled provision)	Parking is 1 space per 3 bedrooms plus 1 space per 5 staff.
Sightline Requirements	N/A

Do the proposals affect any existing TRO's (e.g) waiting restrictions, speed limits) or bus stop locations	No
Do the proposals affect any Core Paths, NCR's or Rights of Way	No
SUDS Details	
Site History including any previous planning applications	

ROADS & TRANSPORTATION MANAGER
Operational Services
Whitehill Service Centre
4 Inchmuir Road
Whitehill Industrial Estate
Bathgate
West Lothian
EH48 2EP

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

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

Apologies – Councillors George Paul and Damian Doran-Timson

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

1. DECLARATIONS OF INTEREST

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

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

2. ORDER OF BUSINESS

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

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

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

3. MINUTE

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

4. APPLICATION NO. 0385/H/22

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

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

2 DETAILS

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

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

3 RECOMMENDATION

- 3.1 Grant planning permission subject to the attached conditions.

4 DETAILS OF THE PROPOSAL AND BACKGROUND

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

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

History

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

EIA Development

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

Equalities Impact

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

5. REPRESENTATIONS

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

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

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

6. CONSULTATIONS

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

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

7. PLANNING POLICY

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

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

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

7.4 Other relevant policy guidance and documents are listed below:

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

8. ASSESSMENT

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

Scale and design of the building

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

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

Parking

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

Access and exit from the site

- 8.10 The proposal is to remove the signalised junction and close the access via the petrol filling station. A new access is proposed for the site approximately 8m to the west of the petrol filling station access. The exit from the site is proposed through the flatted development at Broomyhill Place.

- 8.11 Residents have raised concern that this one-way access will be used as a cut through for parents taking children to school and avoiding the traffic lights at East Mill Road/Falkirk Road. To prevent this happening, the access has been redesigned from that of a road junction and dropped pedestrian kerbs to a driveway access design which crosses the footpath. Barriers have also been included at the access and exit from the site to prevent the nursing home site being used as a cut through and to prevent unauthorised access from Broomyhill Place.

- 8.12 Concern has also been raised regarding the safety of this route for pedestrians and cyclists given that vehicles will travel in one direction and pedestrians can travel in both. This is a short stretch of private road which will have limited traffic and there will be a dedicated cycle path, marked out to differentiate it from the carriageway. The use of shared vehicle and pedestrian surfaces is common practice in housing estates and there are no concerns. Support for the cycle connection has also been received.

- 8.13 The exit from the site to Broomyhill Place will be through two existing parking bays which are to be relocated within the Broomyhill Place development. The new parking bays will require the removal of some existing landscaping and the building up of the burn's embankment. Replacement landscaping will be carried out following these works.

- 8.14 Transportation was consulted on the proposals for the removal of the existing traffic lights, the design of the junction into the site and the use of Broomyhill Place as the exit from the site. No objections were made on road safety grounds.

Residential amenity, pedestrian and road safety

- 8.15 In terms of the construction phase, it can be conditioned that the exit through Broomyhill Place is not formed until the building works are substantially complete and before the nursing home is opened to residents. This will prevent any construction traffic utilising Broomyhill Place. Standard construction conditions will also be used to limit working times and to ensure residents are not disturbed unnecessarily. It is acknowledged though that any building project comes with a degree of disruption.

- 8.16 Residents within block 31-42 Broomyhill Place which face onto the site currently look onto the side of industrial style sheds with no amenity value. The proposed building sits approximately 13m further back from the boundary with Broomyhill Place and 26m from the flats. The design of the building is acceptable and there will be landscaping incorporated within the site. There are no concerns over visual amenity from the development.

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

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

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

Impact on education

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

Health care provision

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

- 8.31 If, as the applicant states, the majority of residents will be from the Linlithgow catchment area for health care services, these residents will already form part of the case work for the GPs, nurses and other health care professionals within the LGP. The care for these individuals will have been carried out at the health centre, if possible, or in the community either at home or other setting such as sheltered housing.

- 8.32 Where a GP or ambulance service is required for these individuals, rather than attending at home for example, the visit will be carried out within the care home setting. There would be no additional impact on the health care service, simply the service being carried out in a different location.

- 8.33 Policy HOU6 (residential care and support accommodation) states that proposals for health care facilities and support accommodation will generally be permitted where the location provides suitable amenities for residents including garden ground; where the facilities are in close proximity to services and public transport; the proposals are compatible with adjacent uses and scale and character does not impact on the local area; there is sufficient parking to meet the requirements of residents, staff and visitors; the proposals will not result in a concentration of non-mainstream residential uses detrimental to the area and the proposal complies with other local plan policies.

- 8.34 As set out above the proposal is acceptable in terms of its design, layout and compatibility with other uses and is an appropriate use for this location.

- 8.35 A point has been raised regarding Policy HOU6 (residential care and supported accommodation) where care homes and other supported accommodation will be supported where it meets an identified local need as defined by agreed joint strategies and commissioning plans by the council and NHS Lothian.

- 8.36 Unfortunately NHS has not provided a comment on whether the proposed use meets an identified local need as defined by agreed joint strategies and commissioning plans by the council and NHS Lothian in order to satisfy Policy HOU 6. In the absence of this confirmation, judgement is required to ascertain if there is a need for the proposed use. There is no confirmation from NHS that the proposed use would be surplus to requirements and the fact an application has been submitted is evident of need in this locality for the proposed use. Paragraph 88 of the LDP notes the ageing population in West Lothian and the recent Housing Needs and Demand Assessment 3 also projects population increases in the older age groups. It is therefore considered that the need and demand for the proposed use is justified.

- 8.37 Population growth has generally been concentrated in the older age groups with people aged 65 to 79 increasing by 8.5% and those aged over 80 increasing by 20% across the South East Scotland (SESplan) area. However, in West Lothian, the increase has been more substantial. 32.5% of the population is aged 65 to 79, and an almost 31% increase in the population aged 80+. An aging population will have implications for health and social care provision. There may also be significant challenges for the housing sector as demand for types of houses change and lead to increased demand for supported living and sheltered housing.

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

Impact on existing landscaping

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

9. CONCLUSION AND RECOMMENDATION

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

10. BACKGROUND REFERENCES & ATTACHMENTS

- Draft conditions
- Location Plan
- Site Plan
- Elevation Details
- Representations

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

Craig McCorriston

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

Draft Conditions:

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

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

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

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

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

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

Reason In the interest of visual amenity and pedestrian safety.

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

Reason In the interest of visual and environmental amenity.

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

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

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

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

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

Reason In the interest of residential amenity.

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

Noise (Construction)

o Any work required to implement this planning permission that is audible within any adjacent noise sensitive receptor or its curtilage shall be carried out only between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 on a Saturday and at no time on a Sunday. This includes deliveries and operation of on site vehicles and equipment.

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

Noise (Vehicles/Plant)

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

Vibration (Construction)

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

Site Compound

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

Waste

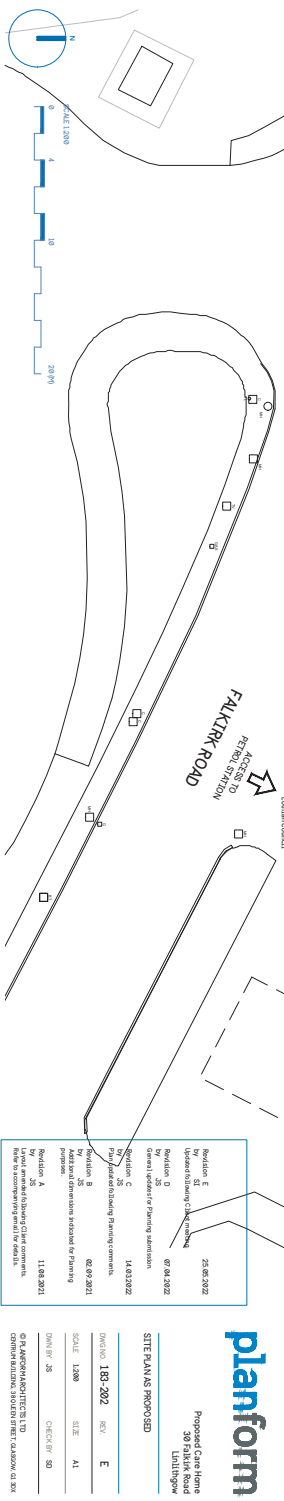
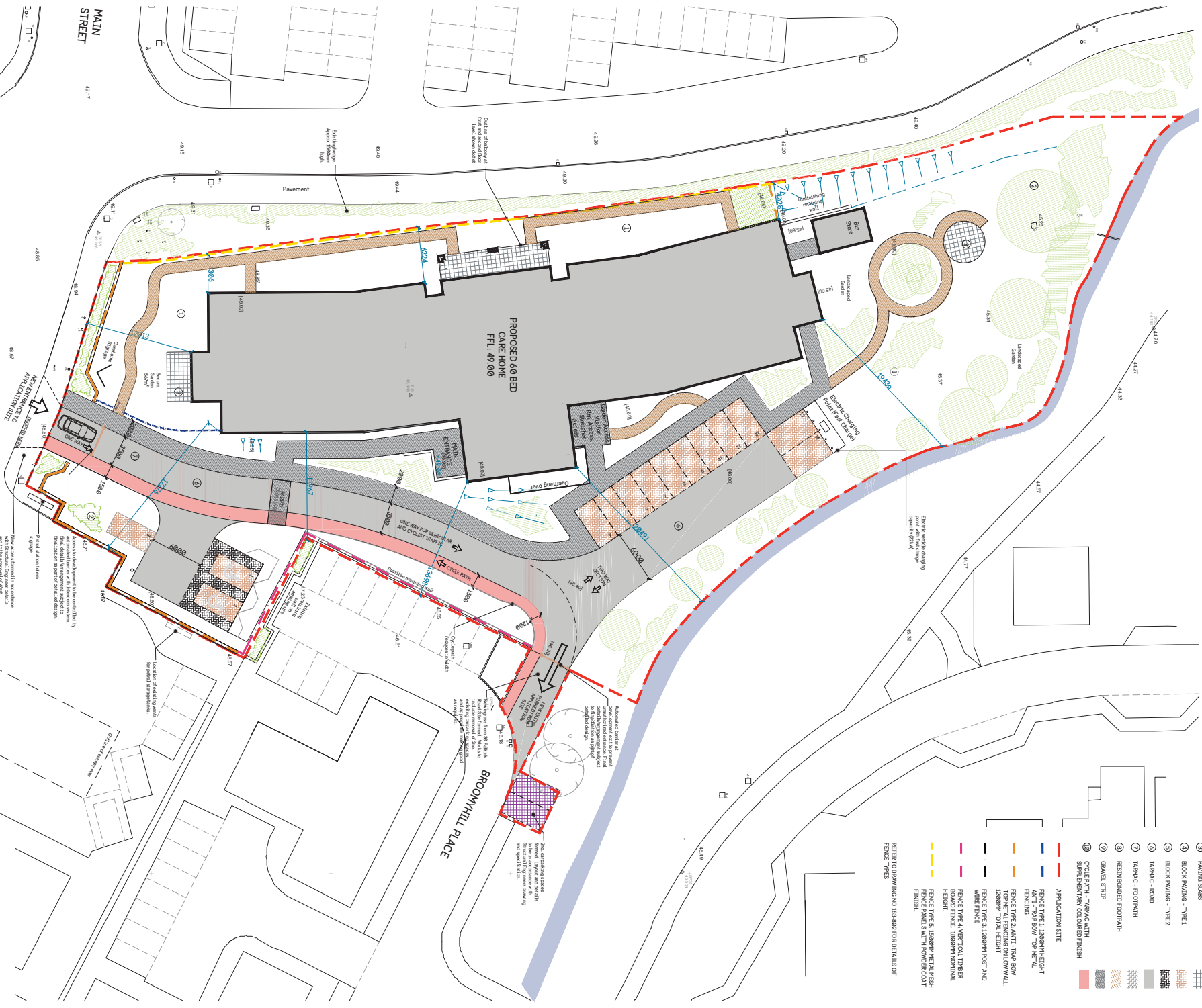
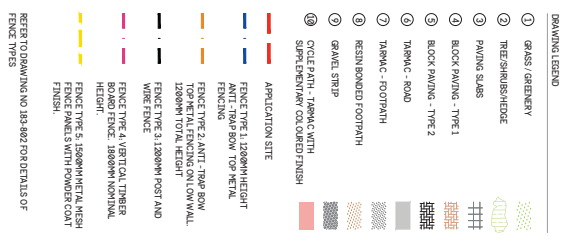
o Effective facilities for the storage of refuse, building debris and packaging shall be provided on site. The facilities shall be specifically designed to prevent refuse, building debris and packaging from being blown off site. Any debris blown or spilled from the site onto surrounding land shall be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

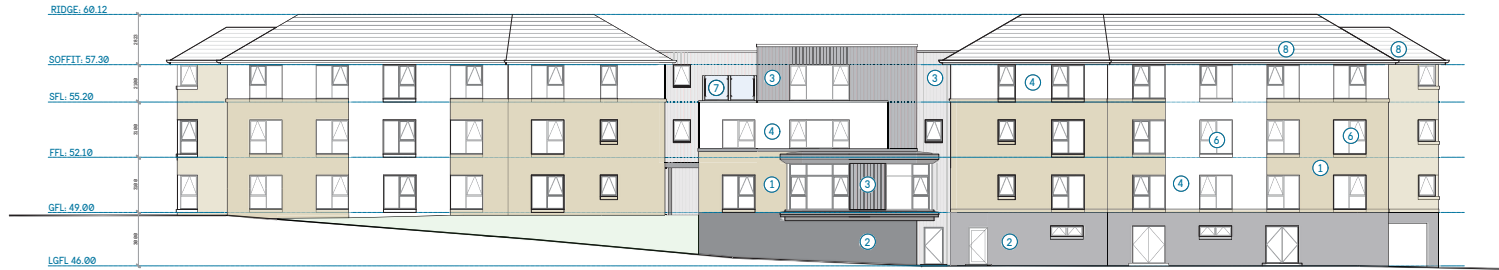
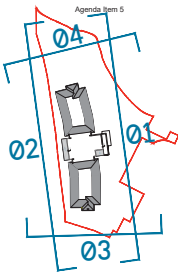
Wheel Cleaning

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

Reason: In the interests of visual and environmental amenity.







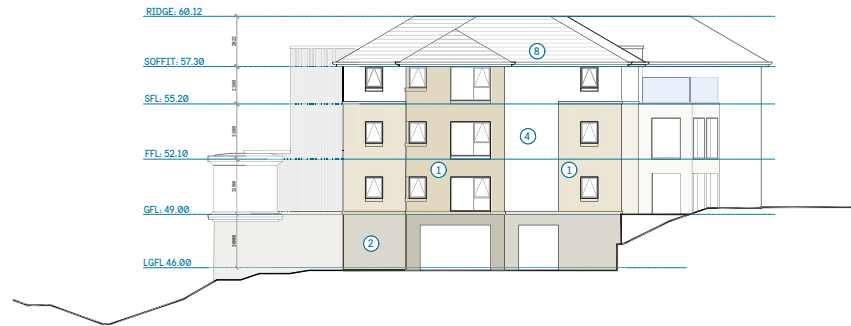
01: East Elevation as Proposed



02: West Elevation as Proposed



03: South Elevation as Proposed



04: North Elevation as Proposed

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

planform

PROPOSED CARE HOME
30 FALKIRK ROAD
LINLITHGOW

Elevations as Proposed

DWG NO. 183-503 REV. C

SCALE 1:150 SIZE A1

DRAWN BY JS CHECK BY SD

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Material Legend

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

SCALE 1:150



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

Mr McLaren,

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

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

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

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

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

Thanks again,

Alastair Morrison



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Mr Alan Herd

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

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

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

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Mr Allan Haining

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

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

- The impact on Broomyhill Place traffic associated with the one way system, which may be used by traffic from the West as a shortcut to the Primary School, avoiding the East Mill Road traffic lights.

- The road corner radius at the bridge over the stream in to Broomyhill Place flats is tight leading to vehicles swinging in to the middle of the road bridge - a current risk issue, where an increase in traffic will increase the likelihood of a vehicle collision.

- The 12 parking spaces in the development seem inadequate for the numbers of staff and visitors associated with operation of the care home, which will likely impact the private Visitor parking for the Broomyhill Place flats. (And possibly Sainsburys or the Retail park).

- The roads within the Broomyhill Place flats other than the "hammerhead area" at the bridge have not been taken over by the council and the residents are liable for repairs.

- The pedestrian and cycle paths within the development will become a thoroughfare for the Primary School children. It is not clear that the access footpath, cycle path and road are segregated.

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

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

bin storage in the lower area.

A & CH Haining

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Mr Andrew Gillespie

Address: 45 Broomyhill Place Linlithgow EH49 7BZ

Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

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

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

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

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

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

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

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

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

Ann McNair
31 Broomyhill Place
Linlithgow
EH49 7BZ

-

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

Dear Sirs,

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

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

Yours sincerely

Calum Cawley

Resident of 27 Broomyhill place Linlithgow

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Mr Christopher Haining

Address: 30 BroomyHill Place Linlithgow EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

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

Christopher Haining

Sent: 13 May 2022 16:34

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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







Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Miss Fionnuala Glover

Address: 22 Broomyhill Place Linlithgow EH497BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

32 Broomyhill Place
LINLITHGOW
EH49 7BZ

16 May 2022

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

To Whom It May Concern,

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

Present Application: 0898/FUL/21

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

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

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

OBJECTIONS:

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

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

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

Objection 2:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours Faithfully,

Hamilton Ross Woodburn

32 Broomyhill Place
LINLITHGOW
EH49 7BZ

Tel: [REDACTED]

11/10/21

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

To Whom It May Concern,

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

Present Application: 0898/FUL/21

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

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

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

OBJECTIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours Faithfully,

Hamilton Ross Woodburn

35 Broomyhill Place
LINLITHGOW
EH49 7BZ

13 October 2021

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

EH54 6FF

Attention - Steve McLaren

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

There are several objections to the application.

OBJECTIONS:

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

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

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

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

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

- a. the roads are narrow and coming from Falkirk road will involve three 90 degree turns, these vehicles occupy up to 70% off the road width, effectively blocking the road or at times the pavements.
- b. the school and established residences plus the pedestrian path to the playing fields and estates to the west, mean that the route is now well used by pedestrians and vehicles. Vehicles can only enter and exit by using East Mill Road.
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Objection 4: A previous application was for 6 houses on the lower site, using Broomyhill for in and out. The likely traffic volume from this development was regarded as an inconvenience. Using the figures above and adding some commercial traffic during the day including early and late shift changes, will result in a considerable increase in the daily flow. As a residential area, there will be an increase in noise, pollution and danger to the families. As this daily flow, including the visiting exodus twice a day will use East Mill Road, the schools children parents coming and going on the school run will be in danger. It is doubtful that the twists and turns through Broomyhill would cope and East Mill Road, particularly at the junction with Falkirk Road would fail regularly at peak times. The conclusion is that there is a failure to recognise the inadequacy of the roads and try to gain approval for the obvious disaster being proposed.

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

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

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

Yours faithfully,

Homer Fairley

35 Broomyhill Place
LINLITHGOW
EH49 7BZ

13 October 2021

West Lothian Council
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West Lothian Civic Centre
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Yours faithfully,

Homer Fairley

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Mr Iain Lackie

Address: 1 Broomyhill Place Linlithgow West Lothian EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

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

Your faithfully

Iain Lackie

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Mrs Jacqueline Sihota

Address: 10 Broomyhill Place Linlithgow EH49

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

There are many reasons to object;

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

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

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Dr Jillian Allatt

Address: East Troughstanes Kingscavil Linlithgow EH49 6NA

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

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

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

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

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

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

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

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

I look forward to hearing from you

Kindest wishes

Karen



Agenda Item 5





Agenda Item 5









Agenda Item 5







Agenda Item 5









Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Mrs Karen Beattie

Address: 56 Broomyhill place Linlithgow EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

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

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

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

I look forward to a response please.

Kind wishes - Karen Beattie

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Mrs Karen Beattie

Address: 56 Broomyhill place Linlithgow EH49 7BZ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

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

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

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

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

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

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Mrs Kathryn Bell

Address: 41 Broomyhill Place Linlithgow EH497BZ

Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment: 41 Broomyhill Place

LINLITHGOW

EH49 7BZ

Mob: [REDACTED]

01/10/21

West Lothian Council

Development Management

West Lothian Civic Centre

Howden South Road,

Howden,

LIVINGSTON

EH54 6FF

To Whom It May Concern,

Reference Application 0898/FUL/21

G M Flooring, Falkirk Road, Linlithgow.

Eh49 7PJ

Present Application: 0898/FUL/21

The present application is for the demolition of showroom and warehouse facility and erection of a

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

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

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

OBJECTIONS:

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

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

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

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

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

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

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

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

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

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

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

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

impact on our amenity, predominantly due to excessive noise.

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

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

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

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

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

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

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

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

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

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

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

Yours Faithfully,

Kathryn Bell and Claire Smith



Linlithgow & Linlithgow Bridge Community Council

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

5th October 2021

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

Dear Sirs,

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

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

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

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

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

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

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

Yours sincerely,

John R Kelly
Planning Secretary
Linlithgow and Linlithgow Bridge Community Council



Linlithgow & Linlithgow Bridge Community Council

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

16th May 2022

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

Dear Sirs,

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

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

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

Visual Impact and Materials

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

Vehicular Access and Traffic

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

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

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

Parking

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

Linlithgow Group Medical Practice

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

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

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

Environmental Impact

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

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

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

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

Yours sincerely,

Hans Edgington
Planning Secretary
Linlithgow and Linlithgow Bridge Community Council



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

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

16 May 2022

For the attention of Steven McLaren, Case Officer

Dear Sirs

Care Home Falkirk Road: 0898/FUL/21

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

Comments and Objections by Linlithgow Civic Trust

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

Visual Impact

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

Materials

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

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

Environmental Impact

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

Vehicular Access and Parking

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

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

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

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

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

Linlithgow Group Medical Practice (LGMP) Capacity

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

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

Yours faithfully

Planning Team
Linlithgow Civic Trust



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

Agenda Item 5

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

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

19 October 2021

For the attention of Steven McLaren, Case Officer

Dear Sirs

Care Home Falkirk Road: 0898/FUL/21

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

Objection by Linlithgow Civic Trust

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

Visual Impact

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

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

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

Materials

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

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

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

Environmental Impact

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

Vehicular Access and Parking

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

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

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

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

Yours faithfully

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

Michael Dunning
Linlithgow Civic Trust

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Miss Leanne Ramsay

Address: 40 Broomyhill Place Linlithgow EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

The desirability and value of our flats would fall.

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

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

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

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

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

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

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

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

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

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Mr Mark Shepherd

Address: 22 Broomyhill Place Linlithgow EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

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

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

Broomyhill Place Estate could also be endangered.

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

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

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

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

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Mrs Maureen Robb

Address: 19 Broomyhill Road Linlithgow EH49 7 BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

I own flat No 19 Broomyhill Place.

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

2 The desirability and value of our flats would fall.

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

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

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

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

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Mr Robert Grierson

Address: 21 Broomyhill Place Linlithgow EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Mr Robert Grierson

Address: 21 Broomyhill Place Linlithgow EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Dr RONALD MCGILL

Address: 12 BROOMYHILL PLACE LINLITHGOW EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

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

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

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Mr Sandy Thomson

Address: 4 Waterside Linlithgow EH49 7AR

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

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

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

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

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Sarah Dunn

Address: 26 Broomyhill Place Linlithgow eh497bz

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

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

The desirability and value of our flats would fall.

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

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

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

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

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

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

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

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

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

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Miss Solange Rencoret Lioi

Address: 38 Broomyhill Place Linlithgow EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

make it more dangerous to children.

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

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

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

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

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

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

Comments for Planning Application 0898/FUL/21

Application Summary

Application Number: 0898/FUL/21

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

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

Case Officer: Steven McLaren

Customer Details

Name: Mr Steven McDade

Address: 33 Broomyhill Place Linlithgow EH49 7BZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

Development Management Committee

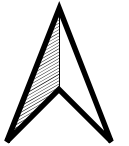
18 January 2023

Agenda Item 5 - Application : 0898/FUL/21

Erection of a 60 Bed Care home with associated
parking and landscaping works

GM Flooring - Falkirk Road - EH49 7PJ







**West Lothian
Council**

0898/FUL/21 - Falkirk Road - Linlithgow - EH49 7PJ

Development Management - West Lothian Civic Centre - EH54 6FF

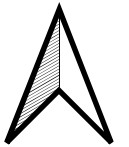
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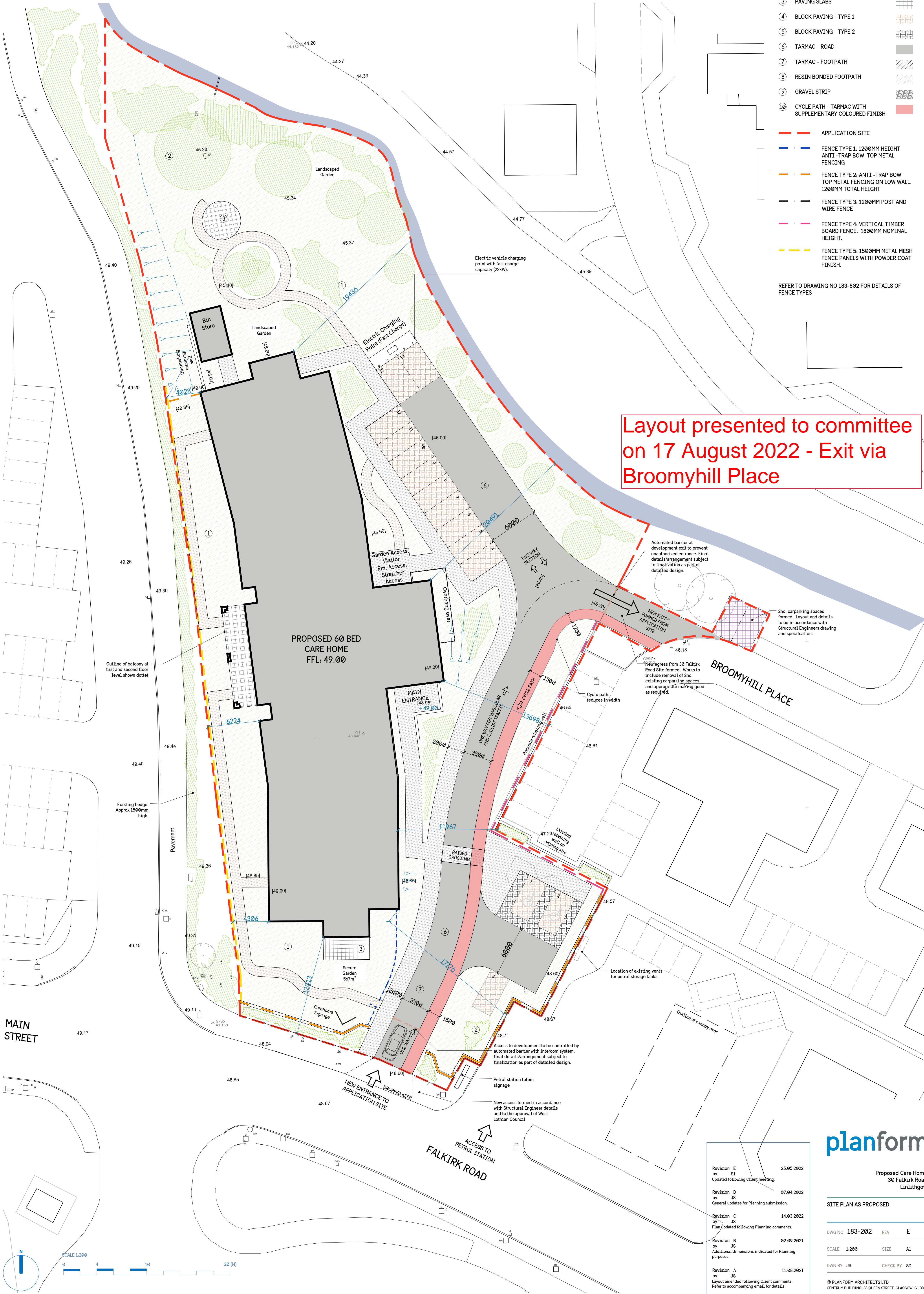
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- DRAWING LEGEND**
- 1 GRASS / GREENERY
 - 2 TREE/SHRUBS/HEDGE
 - 3 PAVING SLABS
 - 4 BLOCK PAVING - TYPE 1
 - 5 BLOCK PAVING - TYPE 2
 - 6 TARMAC - ROAD
 - 7 TARMAC - FOOTPATH
 - 8 RESIN BONDED FOOTPATH
 - 9 GRAVEL STRIP
 - 10 CYCLE PATH - TARMAC WITH SUPPLEMENTARY COLOURED FINISH
- APPLICATION SITE
- FENCE TYPE 1: 1200MM HEIGHT ANTI-TRAP BOW TOP METAL FENCING
- FENCE TYPE 2: ANTI-TRAP BOW TOP METAL FENCING ON LOW WALL. 1200MM TOTAL HEIGHT
- FENCE TYPE 3: 1200MM POST AND WIRE FENCE
- FENCE TYPE 4: VERTICAL TIMBER BOARD FENCE. 1800MM NOMINAL HEIGHT.
- FENCE TYPE 5: 1500MM METAL MESH FENCE PANELS WITH POWDER COAT FINISH.
- REFER TO DRAWING NO 183-802 FOR DETAILS OF FENCE TYPES

Layout presented to committee on 17 August 2022 - Exit via Broomyhill Place

planform

Proposed Care Home
30 Falkirk Road
Linlithgow

SITE PLAN AS PROPOSED

DWG NO. 183-202 REV. E

SCALE 1:200 SIZE A1

DWN BY JS CHECK BY SD

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Revision E	25.05.2022
by ST	
Updated following Client meeting.	
Revision D	07.04.2022
by JS	
General updates for Planning submission.	
Revision C	14.03.2022
by JS	
Plan updated following Planning comments.	
Revision B	02.09.2021
by JS	
Additional dimensions indicated for Planning purposes.	
Revision A	11.08.2021
by JS	
Layout amended following Client comments. Refer to accompanying email for details.	

DRAWING LEGEND

- 1 GRASS / GREENERY
- 2 TREE/SHRUBS/HEDGE
- 3 PAVING SLABS
- 4 BLOCK PAVING - TYPE 1
- 5 BLOCK PAVING - TYPE 2
- 6 TARMAC - ROAD
- 7 TARMAC - FOOTPATH
- 8 RESIN BONDED FOOTPATH
- 9 GRAVEL STRIP
- 10 DECORATIVE PLANTING

- APPLICATION SITE
- FENCE TYPE 1: 1200MM HEIGHT ANTI -TRAP BOW TOP METAL FENCING
- FENCE TYPE 2: ANTI -TRAP BOW TOP METAL FENCING ON LOW WALL. 1200MM TOTAL HEIGHT
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- FENCE TYPE 5: 1500MM METAL MESH FENCE PANELS WITH POWDER COAT FINISH.

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

Revised layout - Vehicular entrance and exit via Falkirk Road and additional parking provided

Revision K	15.12.2022
by JS	Site layout revised to reflect advice contained within Stage 2 Road Safety Audit.
Revision J	11.11.2022
by JS	Site layout revised following further comment from WLC.
Revision H	31.10.2022
by JS	Access arr. revised following input from WLC. Additional parking spaces indicated.
Revision G	14.10.2022
by JS	Site plan revised following discussion with WLC.
Revision F	13.09.2022
by JS	Layouts updated to remove egress point to Boomyhill Place. Additional parking spaces indicated.
Revision E	25.05.2022
by ST	Updated following Client meeting.
Revision D	07.04.2022
by JS	General updates for Planning submission.
Revision C	14.03.2022
by JS	Plan updated following Planning comments.
Revision B	02.09.2021
by JS	Additional dimensions indicated for Planning purposes.
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planform

Proposed Care Home
30 Falkirk Road
Linlithgow

SITE PLAN AS PROPOSED

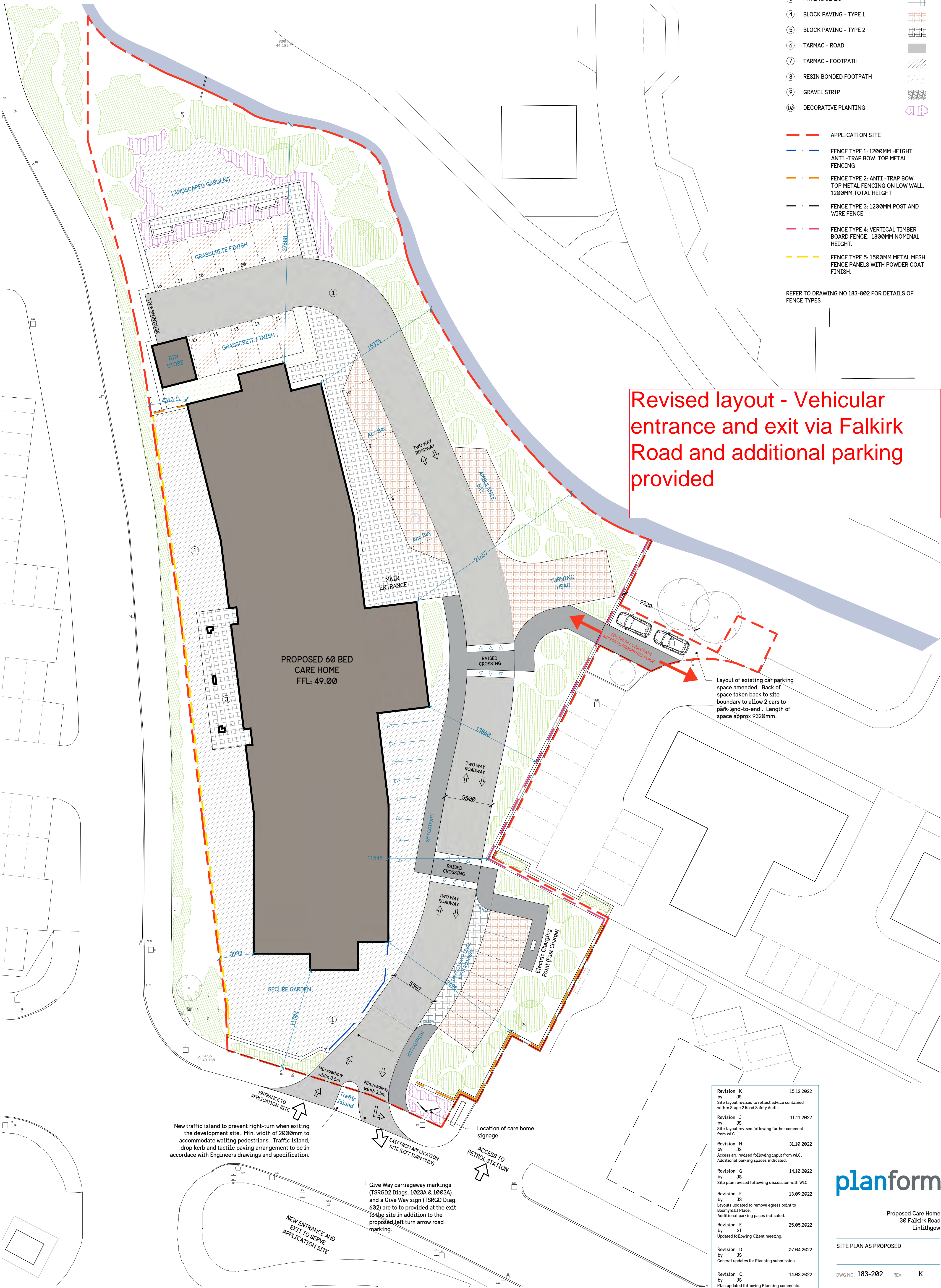
DWG NO. 183-202 REV. K

SCALE 1:200 SIZE A1

DWN BY JS CHECK BY SD

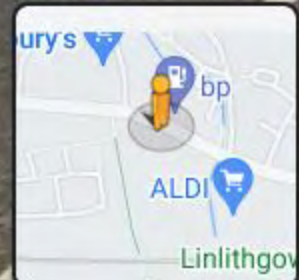
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View from Falkirk Road.
New access to be formed
in approximate location of
silver car.





DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Two storey extension to rear and single storey extension to side of house at
1 Woodrush Glade, Adambrae, Livingston, West Lothian, EH54 9JY

2 DETAILS

Reference no.	0903/H/22	Owner of site	Mr Mohammad Arif
Applicant	Mr Mohammad Arif	Ward & local members	Livingston South Councillor Peter Heggie Councillor Moira Shemilt Councillor Lawrence Fitzpatrick Councillor Maria MacAulay
Case officer	Lucy Hoad	Contact details	01506 282560 lucy.hoad@westlothian.gov.uk

Reason for referral to Development Management Committee: Referred by all four local members

3 RECOMMENDATION

3.1 Grant planning permission, subject to conditions

4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 The application seeks consent to extend the property at 1 Woodrush Glad to the side and rear elevations in order to provide additional and expanded living accommodation. It is intended to provide a 2-storey addition centred on the rear façade (south) to provide a ground floor kitchen and family room with a master bedroom at first floor level. The external finishes are to be render and tile to match the existing house. To the east side of the dwelling, a single storey addition for provision of a utility room will extend out to adjoin the existing garage.
- 4.2 The application site is a modern detached dwelling constructed of render with a tiled roof. The house is situated in a small residential estate of properties of a similar type and construction, within the settlement boundary of Livingston, as defined in the West Lothian Local Development Plan, 2018.
- 4.3 The house plot sits in a prominent position as you enter the street (cul-de sac). The front area of the dwelling is short/open in nature whilst the rear garden is bounded by timber fencing. The land slopes down from the rear garden to the public road at the front.

History

4.4 No history of relevance to the planning proposal.

EIA Development

4.5 The proposal is not EIA development.

Equalities Impact

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

5. REPRESENTATIONS

5.1 Eleven objections have been received from surrounding residents.

Objection Comments	Response
<ul style="list-style-type: none"> Overdevelopment of the plot 	Noted. Taking into account the footprint of the proposed development there is ample garden ground remaining to serve the property.
<ul style="list-style-type: none"> Design 	Noted. The mass and scale of the proposed extensions shall not overload the existing building.
<ul style="list-style-type: none"> Accuracy of plans 	Noted. The plans provided are adequate to determine the application and use.
<ul style="list-style-type: none"> Loss of privacy/amenity 	Noted. Whilst the distance to houses directly opposite is just under the 18m recommendation, the guidance allows flexibility in assessing window to window distances whilst considering the site context.
<ul style="list-style-type: none"> Overshadow 	Noted. Considering the orientation of the sun any overshadowing would be minimal and at the start of the day. No new shadowing above existing.
<ul style="list-style-type: none"> Overlooking 	Noted. There is an existing degree of mutual overlooking and the proposals do not exacerbate the current situation

6. CONSULTATIONS

6.1 No consultations were required to be undertaken.

7. PLANNING POLICIES

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

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

7.3 The relevant development plan policies are listed below:

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

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

8. ASSESSMENT

- 8.1 The determining issues in respect of this application are whether there are impacts from the development on visual amenity and on the residential amenity of neighbouring properties.

Scale and Design

- 8.2 In terms of the scale and design, the two storey element extends 3m beyond an existing two storey central projection on the house, though extends to the east gable and to the ridge. Nevertheless, the development remains in keeping with the scale and character of the existing house and surrounding properties and is visually acceptable, with the use of appropriate materials to match the existing house. The works will provide additional accommodation for the property. There is ample garden ground remaining, covering 263 square metres.
- 8.3 Several public comments have been received to the proposals. Whilst the development will be visible from the public realm, the works will not appear visually prominent within the street scene.
- 8.4 The rear extension will be partially visible at an angle from the public road that passes the front of the dwelling and from residential properties situated on higher ground to the rear (south) of the house. The existing garage provides an element of screening of the rear addition. Overall, the proposals are visually acceptable, without having a detrimental impact on the wider street scene.

Privacy and Overshadowing

- 8.5 The applicant has provided an amended site plan detailing distances to neighbouring properties to the rear, which shows there is just over the 18m distance between the first-floor windows of facing properties, falling just short of 18m guidelines in terms of one ground floor window only. The works do not raise any issues of privacy. No windows are now proposed to the gables of the 2-storey addition. There is an existing degree of mutual overlooking of neighbouring properties in the vicinity because of the existing level differences and the proposals do not exacerbate the current situation to a degree that would warrant refusal of the application.
- 8.6 Due to the siting of the property, which sits to the north and at a lower level than those properties to the rear; the orientation of the sun and the distance to neighbouring properties there will be minimum impact in terms of overshadowing to any neighbours.

9. CONCLUSION AND RECOMMENDATION

- 9.1 To conclude, the scale, massing and materials of the proposed development are visually acceptable in relation to the main dwelling house and the proposal will not have an adverse impact on the visual amenity of the area or the residential amenity of the neighbouring properties.
- 9.2 It is recommended that planning permission be granted, subject to a condition to ensure materials are to match the main dwelling house.

10. BACKGROUND REFERENCES & ATTACHMENTS

- Draft Conditions
- Location Plan
- Site Plan
- 11 Representations
- Member Referral Forms

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

Craig McCorriston
Head of Planning, Economic Development and Regeneration **Date: 18/01/2023**

Draft Conditions

Condition 1

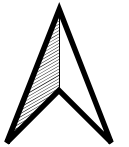
This planning permission will lapse on the expiration of 3 years from the date of this decision notice, unless the development has been commenced before that date.

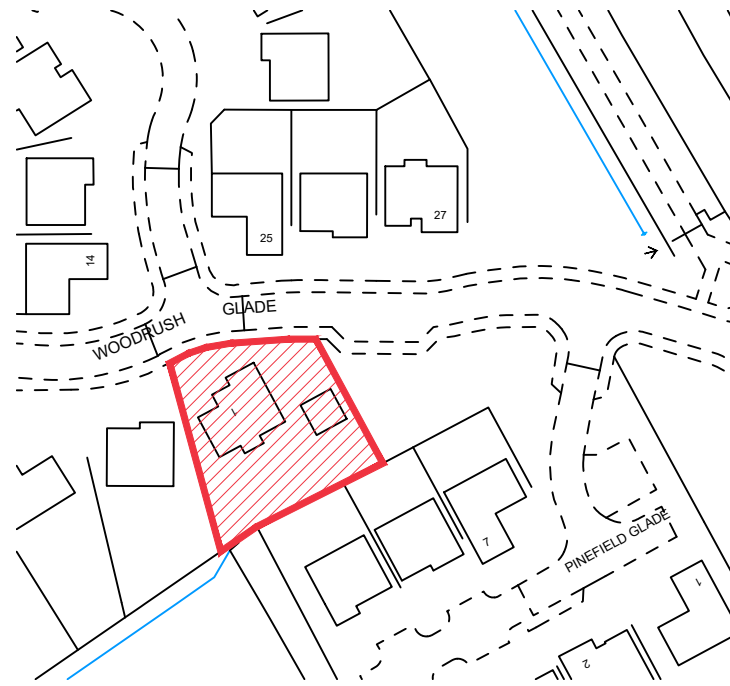
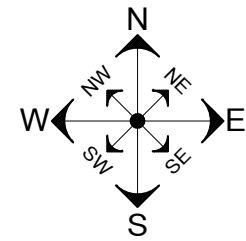
Reason: This is the standard three year period stipulated by the Town and Country Planning (Scotland) Act 1997 (as amended).

Condition 2

The materials to be used on the roofs and walls of the extensions hereby approved shall match those on the existing house unless otherwise agreed in writing with the planning authority.

Reason To integrate the development with the surrounding area, in the interests of visual amenity.

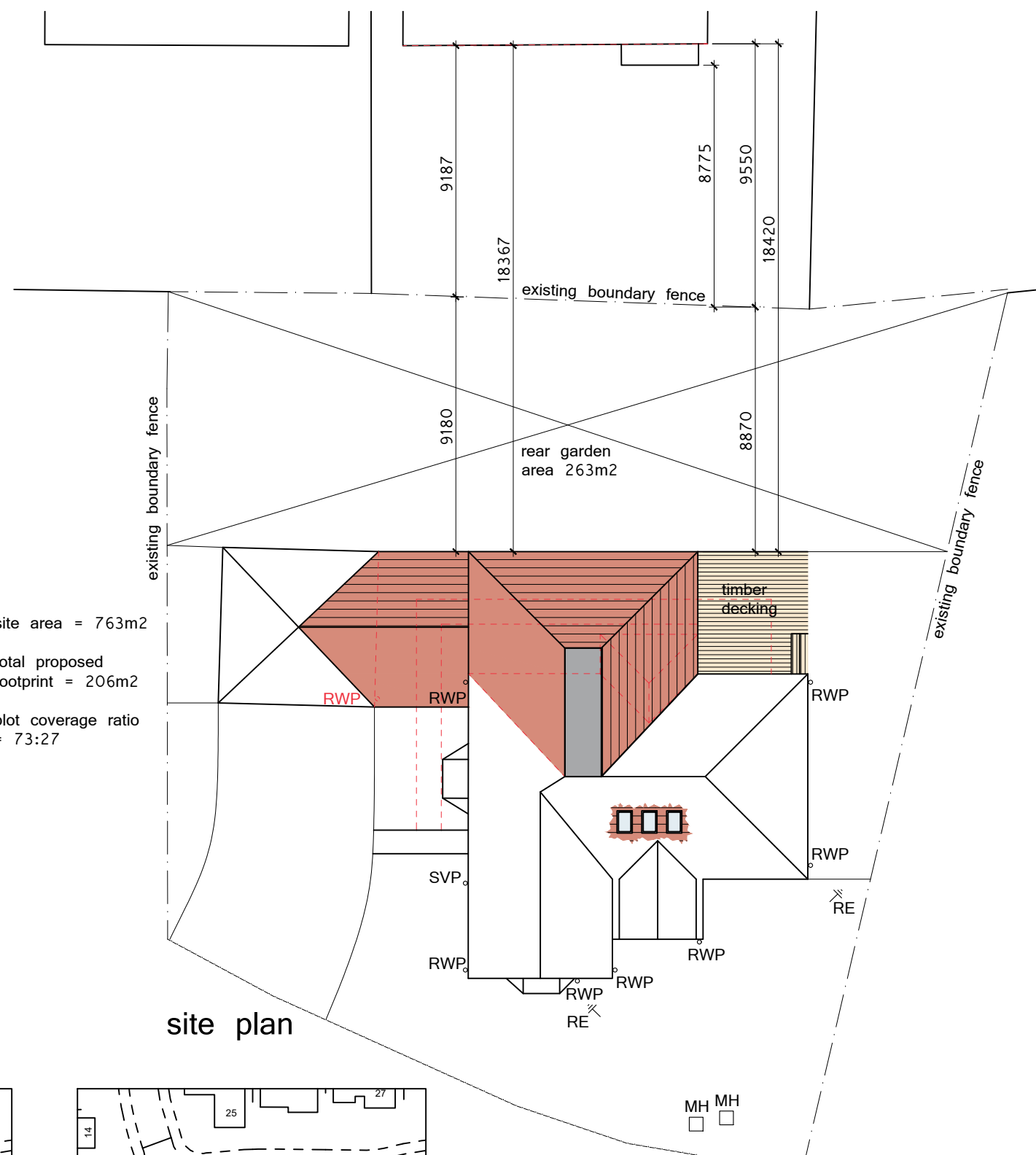




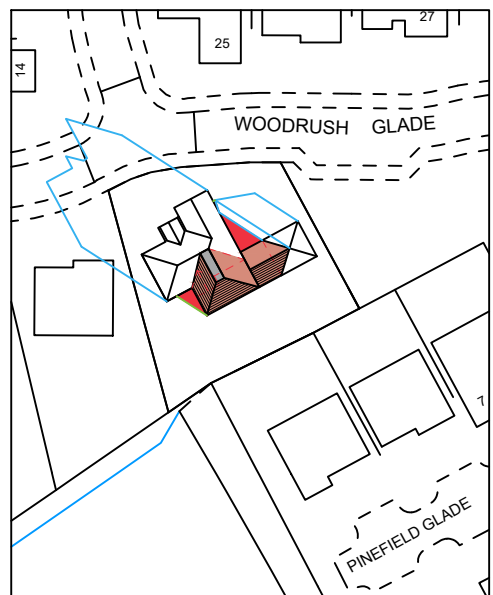
Mapping contents (c) Crown copyright and database rights 2015. Ordnance Survey 100035207.

site location

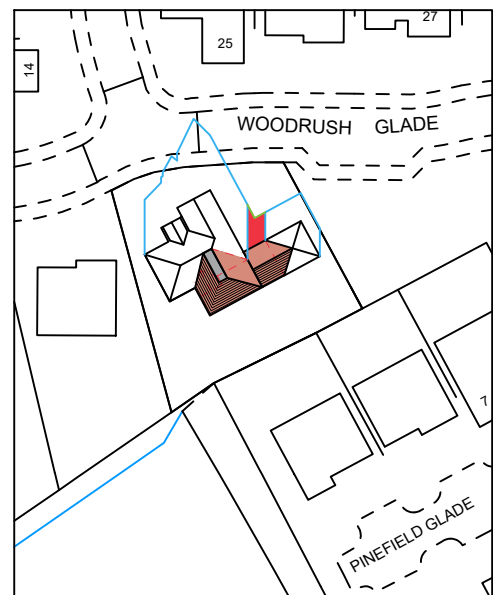
site area = 763m²
total proposed footprint = 206m²
plot coverage ratio = 73:27



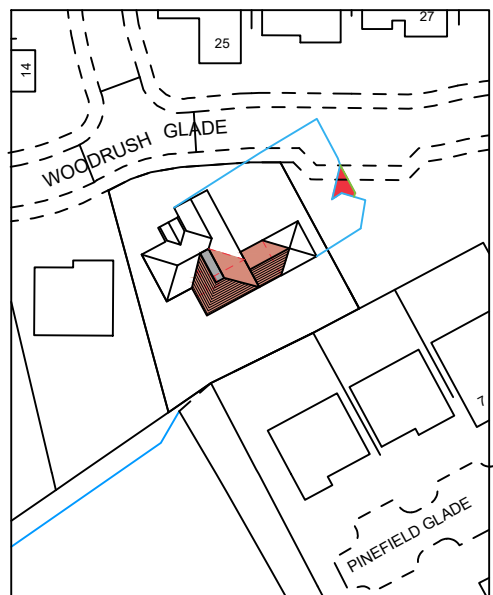
site plan



overshadowing at 8am



overshadowing at 12pm



overshadowing at 4pm

- shows existing overshadowing
- shows proposed overshadowing
- shows extent of new overshadowing

REVISIONS
A - 20.10.200 - Adjust roof height and add overshadowing calculations
B - 11.11.2022 - Adjust roof pitch
C - 25.11.2022 - Add site measured sizes

JOB TITLE
SITE PLAN AND SITE LOCATION PLAN

PROPOSED ALTERATIONS TO
1 WOODRUSH GLADE
LIVINGSTON
WEST LOTHIAN

Scale 1:200, 1:1250 14th September 2022
Drawing Number JWAC A3 PP 01/31/2022 C

John Watson Architectural Consultant Ltd.

11 Market Street
Midcalder
Livingston
West Lothian
EH53 0AL
Phone: 01506 885928
E-mail: info.jwactld@gmail.com

Comments for Planning Application 0903/H/22

Application Summary

Application Number: 0903/H/22

Address: 1 Woodrush Glade Adambrae Livingston West Lothian EH54 9JY

Proposal: Two storey extension to rear and single storey extension to side of house

Case Officer: Lucy Hoad

Customer Details

Name: Miss Audrey Johnston

Address: 2 Woodrush Glade Livingston EH54 9JY

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Planning Application 0903/H/22

Loss of Privacy and overlooking - 2 Woodrush Glade is adjacent to property and proposed plans indicate an additional 2 bedroom windows which will overlook our property. Currently there are no windows looking on.

Proposed alterations:

1. Drains - currently there is a culvert at the top of fence which runs through 1 Woodrush Glades garden and connects via under the road to another culvert adjacent to no. 27. Looking at proposed drawings this would mean the extension being built over this drain. This is a flood concern. In past experience whereby illegal dumping of garden waste coincided with heavy rain, the drain diverts as cannot cope between my property and no. 1. Obviously concerned that alterations could divert straight to our property.

2. Alteration to the look of the property viewing from street - by adding proposed 2 velux windows you are changing the dynamic of the whole street. No other property has like windows. Extension height higher than current roof. Again, this is not keeping with any other property in the street.

3. Oversized windows to back - concern that this is not in keeping with other properties as well as concerning for neighbours in no.5 & 6 Pinefield Glade. Total loss of privacy given the closeness to boundary of plot.

4. impact on sunlight - adding such a large extension will impact a number of properties duration of sunlight.

5. Proposed size of Property after extension - this extension would make this property the biggest

in the street, as well as taking up a disproportionate amount of their plot.

Overall to conclude, I cannot support an extension of such height and size in proportion to plot and impact on the surrounding properties.

Committee Services have removed pages 135 & 136 from this online document at the request of a member of the public identified there – this action was taken on 2 February 2023

Committee Services have removed pages 135 & 136 from this online document at the request of a member of the public identified there – this action was taken on 2 February 2023

Comments for Planning Application 0903/H/22

Application Summary

Application Number: 0903/H/22

Address: 1 Woodrush Glade Adambrae Livingston West Lothian EH54 9JY

Proposal: Two storey extension to rear and single storey extension to side of house

Case Officer: Lucy Hoad

Customer Details

Name: David Graham

Address: 22 Woodrush Glade Livingston EH54 9JY

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a resident of Woodrush Glade, I fully endorse the objections of Mr Bob Potter (No. 5 Pinefield Glade) to the proposed development at 1 Woodrush Glade and would express my support for WLC Planning Policies which seem to have been overlooked in the application for the extension at 1 Woodrush Glade.

Further concerns regarding the extension to this property are as follows:

1. Impact of flooding on houses located downhill from No.1 Woodrush Glade.
2. Parking provision. In the event of increased occupancy at No.1, further parking will be undoubtedly be required.

Visitor parking for surrounding homes is extremely limited and an increase in motor vehicles could impinge on visitor parking bays set aside for adjacent homes.

3. Visually, the impact on the approach to Woodrush Glade would be affected by the excessive scale of the double storey extension. No1 Woodrush Glade is the first house to be seen on entry to the development and the height of the two storey extension would be out of keeping with the other homes on the development.

4. The disposal and storage of household waste at the front of the building is another concern which needs to be addressed.

Comments for Planning Application 0903/H/22

Application Summary

Application Number: 0903/H/22

Address: 1 Woodrush Glade Adambrae Livingston West Lothian EH54 9JY

Proposal: Two storey extension to rear and single storey extension to side of house

Case Officer: Lucy Hoad

Customer Details

Name: Mrs Heather Altimime

Address: 7 Pinefield Glade Livingston EH54 9JX

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to raise my concerns regarding this proposed extension. My concern is due to privacy, noise and the extension being so large it is not in keeping with other properties in the area. It will not be pleasant to look at from our upstairs windows. It is hard to tell as yet if our back garden will also be deprived of sunlight. One other concern is if the house being extended so much are other people moving in then parking will be an issue.

Comments for Planning Application 0903/H/22

Application Summary

Application Number: 0903/H/22

Address: 1 Woodrush Glade Adambrae Livingston West Lothian EH54 9JY

Proposal: Two storey extension to rear and single storey extension to side of house

Case Officer: Lucy Hoad

Customer Details

Name: Lynn Nevin

Address: 55 Adam Drive East Calder Livingston EH53 0PX

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to planning application 0903/H/22, 1 Woodrush Glade, EH54 9JY on the following material grounds:

The proposed extension is very large and feel it will result in a significant loss of privacy to the properties immediately behind.

The extension will also be extremely close to surrounding properties and the large proposed windows will overlook into surrounding gardens and properties. Which is a major privacy concern especially to property immediately behind which my family frequent on a daily basis. Also, due to the height of the proposal it will also restrict sunlight.

I'd also be concerned with drainage issues in connection to the surrounding woodland areas. I'm aware that large drains were created to avoid this and concerned that the proposed extension would intrude on these and cause issues to surrounding properties.

The extension design and layout also doesn't look to keep in with the surrounding properties in the area.

Comments for Planning Application 0903/H/22

Application Summary

Application Number: 0903/H/22

Address: 1 Woodrush Glade Adambrae Livingston West Lothian EH54 9JY

Proposal: Two storey extension to rear and single storey extension to side of house

Case Officer: Lucy Hoad

Customer Details

Name: Mrs Margaret Ann Potter

Address: 5 Pinefield Glade Adambrae Livingston EH54 9JX

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to register the following objections to the planning application 0903/H/22, 1 Woodrush Glade EH54 9JY

Loss of our privacy in our house and garden as well as to our neighbours' properties. The proposed extension has full height windows which are enormous in comparison to the windows currently in place. Additionally, the property currently has solar panels which I assume will be relocated on the new roof making our outlook even worse. They also have security lighting which if are placed even closer to our property will become even more obtrusive.

Why do they need such a large bedroom with windows like that-do they plan to use it for another use-not a bedroom as in their plan?

1 Woodrush Glade's appearance would no longer be in keeping with the rest of the estate.

We already feel overlooked on occasion if somebody is looking out of one of their current upstairs windows. Visitors have noticed this and have commented they felt uncomfortable and have moved seat.

We love our garden and location, one of the reasons we purchased our property. Our light is going to be severely impacted by the proposed extension therefore we would be greatly disadvantaged. I am also certain that the reduction in the distance between our building and their proposed extension does not comply with planning design regulations.

Are they aware that there is a buried culvert under that property. If the drain is not kept clear, the water from the Wilderness Woods floods into all the gardens. Where is the water going to escape

to if an extension is built over it? The extension could potentially cause great environmental damage to this estate.

Comments for Planning Application 0903/H/22

Application Summary

Application Number: 0903/H/22

Address: 1 Woodrush Glade Adambrae Livingston West Lothian EH54 9JY

Proposal: Two storey extension to rear and single storey extension to side of house

Case Officer: Lucy Hoad

Customer Details

Name: Mr mark nevin

Address: 55 Adam Drive East Calder EH53 0PX

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Public response

I object to planning application 0903/H/22, 1 Woodrush Glade, EH54 9JY on the following material grounds, and should not be granted. The proposed extension is obscenely large and will create a significant loss of privacy to adjacent properties to the south which back onto this property.

Notwithstanding this the 2-storey extension will be much closer to and will overlook more directly into the rooms of the properties and gardens of Pinefield Glade. As the extension is higher than the apex of the existing roof, this will also restrict sunlight into the gardens and properties in Pinefield Glade, particularly during the beautiful sunsets that our family currently enjoy.

The extension design and layout are not in keeping with the surrounding properties, especially the proposed south facing large window sizes. The new master bedroom is excessive and uncharacteristically large not to mention obtrusive to us by looking directly into our familys private space where my children play on a daily basis.

Comments for Planning Application 0903/H/22

Application Summary

Application Number: 0903/H/22

Address: 1 Woodrush Glade Adambrae Livingston West Lothian EH54 9JY

Proposal: Two storey extension to rear and single storey extension to side of house

Case Officer: Lucy Hoad

Customer Details

Name: Mr Peter Wilson

Address: 7 Woodrush Glade Livingston EH54 9JY

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: These comments are based on the WLC Planning Guidance document for House extension and alteration design.

Paragraph 2.5 Alterations to dwellings should generally be designed as an integral part of the property and reflect its character. By changing both the style and size of windows in the proposed extension, it will not appear as an integral part.

Paragraph 2.6 states that the extension should not dominate the existing property or neighbours' houses. This is already the largest house type in the street, and by proposing to increase both the floor area and the height of the house, this will have other consequences to the surrounding properties which includes detracting from the appearance and the surroundings.

Paragraph 2.8 has not been considered, as windows and doors are not of a similar style and proportion.

Paragraph 2.10 refers to householders enjoying a reasonable level of privacy in their homes. The drawings provided do not demonstrate that the minimum distance of 18m between homes facing each other has been achieved.

Paragraphs 2.12 and 2.13 refer to sunlight/daylight and overshadowing. From the information provided, it appears adjacent properties in Pinefield Glade will be compromised in what are termed habitable rooms.

Paragraph 2.18 refers to parking. Although the number of bedrooms is not being increased, there is already an issue with the parking in Woodrush Glade at this end of the street. Parking spaces

designated for 'visitors' are currently used by homeowners, resulting in the parking of cars on footpaths. It should be a consideration of this proposed planning application to incorporate additional parking within the grounds of the property to help alleviate the existing parking issues.

Paragraph 2.22 refers to solar panels, which are already fitted to the property, and exceed 30% of the visible roof plane. I have not found a mention of them in this, or a separate application for their fitment.

Paragraphs 2.24 and 2.25. Properties in both Woodrush and Pinefield Glades are built on the edge of Wilderness Wood. There is a field drain which runs along the boundaries of numbers 1 through 9, and also 5 Pinefield Glade. The drain enters a culvert on the boundary of number 1, and this culvert passes through the rear garden. Has adequate consideration been given to the positioning of foundations for the proposed extension, and any protection both during and after (proposed) construction to this culvert? Homes in the area have been affected by flooding of this drain/culvert in the past.

Final comment relates to the proposed location of storing refuse bins. By proposing to link the house to the detached garage, footpath access to the rear of the property will be removed. As the bins are presently stored at the rear of the property, does this mean that bins will be relocated and remain in view at the front of the property?

It does not appear that requirements detailed in sections 2 and 3 of the guide have been followed/considered.

Comments for Planning Application 0903/H/22

Application Summary

Application Number: 0903/H/22

Address: 1 Woodrush Glade Adambrae Livingston West Lothian EH54 9JY

Proposal: Two storey extension to rear and single storey extension to side of house

Case Officer: Lucy Hoad

Customer Details

Name: Mr Robert Potter

Address: 220 Oldwood Place Livingston EH54 6xb

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I fully object to the proposed planning application of extension on the following grounds:

1) The extension is building on to the rear of the property is excessive in design that impedes on the neighbouring houses privacy available to them their gardens and inside their own homes. The floor to ceiling windows proposed on the ground and 1st floor, and only on the rear of the property, are unnecessary and will provide a vantage point to look onto top of the gardens and into the properties in Pinefield Glade.

2) The application does not provide any documentation or security that there is no environmental impact into the proposed 75m² area to be removed from the back garden. The property is connected to the Wilderness Woods and into communal green areas and therefore the proposed extension will block any natural water drainage currently in place. I have concern that this would then have implications of bad drainage in the neighbouring properties and green areas.

3) Overall, the planned building is disproportionate in size and style of the neighbouring buildings. The proposed master bedroom including dressing room and ensuite is more than half the size of the building. In addition, the extension is advancing the rear of the property towards the neighbouring fences leaving less than 9m between the wall and fence. This distance is far too short to offer any privacy.

Comments for Planning Application 0903/H/22

Application Summary

Application Number: 0903/H/22

Address: 1 Woodrush Glade Adambrae Livingston West Lothian EH54 9JY

Proposal: Two storey extension to rear and single storey extension to side of house

Case Officer: Lucy Hoad

Customer Details

Name: Mrs Tammy Seneque

Address: 6 Pinefield Glade Livingston EH54 9JX

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Regarding planning application 0903/H/22, for 1 Woodrush Glade, it does not comply with the existing WLC Planning Policies.

Highlighted below are the infractions in relation to the House Extension & Alteration Design Guide 2022.

2.6: Infraction: 1 Woodrush Glade is already the largest structure in the estate. The proposed extension increases its size significantly making it abnormally large in comparison to the surrounding houses, dominating all the neighbouring houses. The size of the proposed new master bedroom of 39 sqm, which is excluding the 13.7 sqm dressing room, is disproportionately large to any of the surrounding houses in the estate; creating concern over will the space be used as a bedroom.

2.8 Infraction: Floor to ceiling windows proposed for the 1st floor bedroom of proposed extension are not consistent with any of the surrounding houses. It creates an uncomfortable feeling of being watched all the time as those windows will be 4m closer to the two houses at the rear (incl 6 Pinefield Glade) and much larger. The size and position will feel visibly oppressive to surrounding neighbours.

2.10 Infraction: As mentioned above the windows would absolutely be overlooking two neighbouring houses and gardens, including 6 Pinefield Glade at the rear of their house, which is much used family garden space as well as looking into our own back of the house which includes family area and dining space. Due to the two floor extension pushing out a further 4 meters into the back garden, this encroaches even further into the already minimal space between the backs of the gardens.

2.12 & 2.13 Infraction: Increasing the existing roof height a further 31cm above the existing height and extending out a further 4m will significantly reduce the amount of sunlight into the much used family garden space and natural light into the dinning & family rooms of 6 Pinefield Glade, which is already limited based on the existing structure & location of 1 Woodrush Glade and the trajectory of the sun. This would therefore directly impact the mental health and well-being of our family.

2.35 Infraction: This has clearly not been considered in the plans for 1 Woodrush Glade as per above comments.

Due to all the infractions listed above, I must object to this extension proposal.

Comments for Planning Application 0903/H/22

Application Summary

Application Number: 0903/H/22

Address: 1 Woodrush Glade Adambrae Livingston West Lothian EH54 9JY

Proposal: Two storey extension to rear and single storey extension to side of house

Case Officer: Lucy Hoad

Customer Details

Name: Mr Xavier Seneque

Address: 6 Pinefield Glade Livingston EH54 9JX

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Based on the published "PLANNING GUIDANCE (PG): House Extension & Alteration Design Guide" I do not think planning application 0903/H/22 adheres to it and I object to the application in its current state:

2.6: The extension should be of a scale that does not dominate the existing property or your neighbours' houses.

1 Woodrush Glade is already the largest model of house in its surroundings; the two storey extension and connection to the garage would result in a building dominating all the others by its size.

2.7 External walling and roofing materials should normally match those of the existing building. Where other materials are proposed, they should complement the existing dwelling.

2.8 The windows and doors should be of a similar style, appearance, material and proportion to those in the existing house.

The floor to ceiling windows and their width is of a style that does not exist in the neighbourhood and would be very different to the other windows on the house.

2.10 The windows of an extension should not directly overlook the private areas of a neighbouring garden.

the windows on the first floor of the extension would directly overlook the gardens of N5 and N6 Pinefield Glade, which is only aggravated by their size leading to a significant loss of privacy.

2.12 New extensions must respect the amenity of neighbours and particular care must be exercised to safeguard the natural light presently enjoyed by the occupants of adjoining residential properties.

2.13 Permission is likely to be refused if your proposed extension would lead to your neighbours suffering a significant loss of daylight to any 'habitable' room ... and also where an extension might cast a shadow over those parts of a neighbouring garden which are more intensely used, for example patios....

by bringing the property closer and raising the roof height, I believe our property at N6 Pinefield Glade would be adversely impacted by the extension in terms of reduced sunlight. Due to our exposure we already get a limited amount of sunlight in our back-garden's patio/deck, family room, kitchen and dining areas (mid-afternoon to sunset) and this is likely to be significantly impacted by the proposed plans.

2.35 ... two storey rear extensions can cause overlooking problems and loss of daylight to neighbouring properties. Particular attention should be paid to issues of privacy, overlooking, and sunlight/daylight and overshadowing.

I do not think these have been taken into account as per above items

Overall, all the concerns I have could be resolved by limiting the plans to single storey extension(s).

PROPOSED DELEGATED PLANNING DECISIONS

☒ LOCAL MEMBER REFERRAL REQUEST ☒

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

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

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

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
Application Reference Number 0903/H/22	Applicant Request <input type="checkbox"/>
Site Address 1 Woodrush Glade Adambrae Livingston	Constituent Request <input checked="" type="checkbox"/>
Title of Application 2 Storey House Extension	Other (please specify) <input type="checkbox"/>
Member's Name Cllr Lawrence Fitzpatrick	
Date 29/11/22	

PROPOSED DELEGATED PLANNING DECISIONS

☒ LOCAL MEMBER REFERRAL REQUEST ☒

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<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
<p>Application Reference Number</p> <p>0903/H/22</p> <p>Site Address</p> <p>1 Woodrush Glade, Adambrae, Livingston, West Lothian, EH54 9JY (Grid Ref: 304074,665531)</p> <p>Title of Application</p> <p>Two storey extension to rear and single storey extension to side of house</p> <p>Member's Name</p> <p>Cllr Maria MacAulay</p> <p>Date 28/11/2022</p>	<p>Applicant Request..... <input type="checkbox"/></p> <p>Constituent Request..... <input checked="" type="checkbox"/></p> <p>Other (please specify)..... <input type="checkbox"/></p>

PROPOSED DELEGATED PLANNING DECISIONS

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<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
Application Reference Number 0903/H/22	Applicant Request <input type="checkbox"/>
Site Address 1 Woodrush Glade, Adambrae, Livingston, West Lothian, EH54 9JY (Grid Ref: 304074,665531)	Constituent RequestYES <input type="checkbox"/>
Title of Application Two storey extension to rear and single storey extension to side of house	Other (please specify) <input type="checkbox"/>
Member's Name CllrMoira McKee Shemilt	
Date 28/11/2022	

PROPOSED DELEGATED PLANNING DECISIONS

☒ LOCAL MEMBER REFERRAL REQUEST ☒

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Application Reference Number 0903/H/22.....	Applicant Request <input type="checkbox"/>
Site Address 1 Woodrush Glade, Adambrae, Livingston, West Lothian, EH54 9JY	Constituent Request <input checked="" type="checkbox"/>
Title of Application Two storey extension to rear and single storey extension to side of house	Other (please specify) <input type="checkbox"/>
Member's Name Cllr Peter Heggie	
Date 28 November 2022.....	

Development Management Committee

18 January 2023

Agenda Item 6 - Application : 0903/H/22

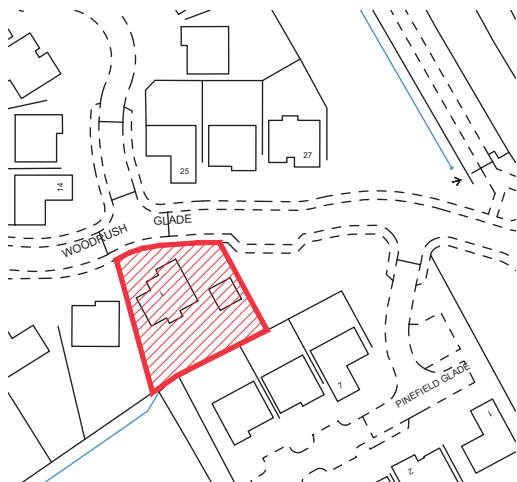
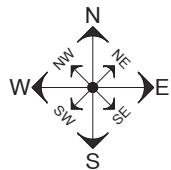
Two storey extension to rear and single storey extension to side of house

1 Woodrush Glade / Adambrae / Livingston / EH54 9JY



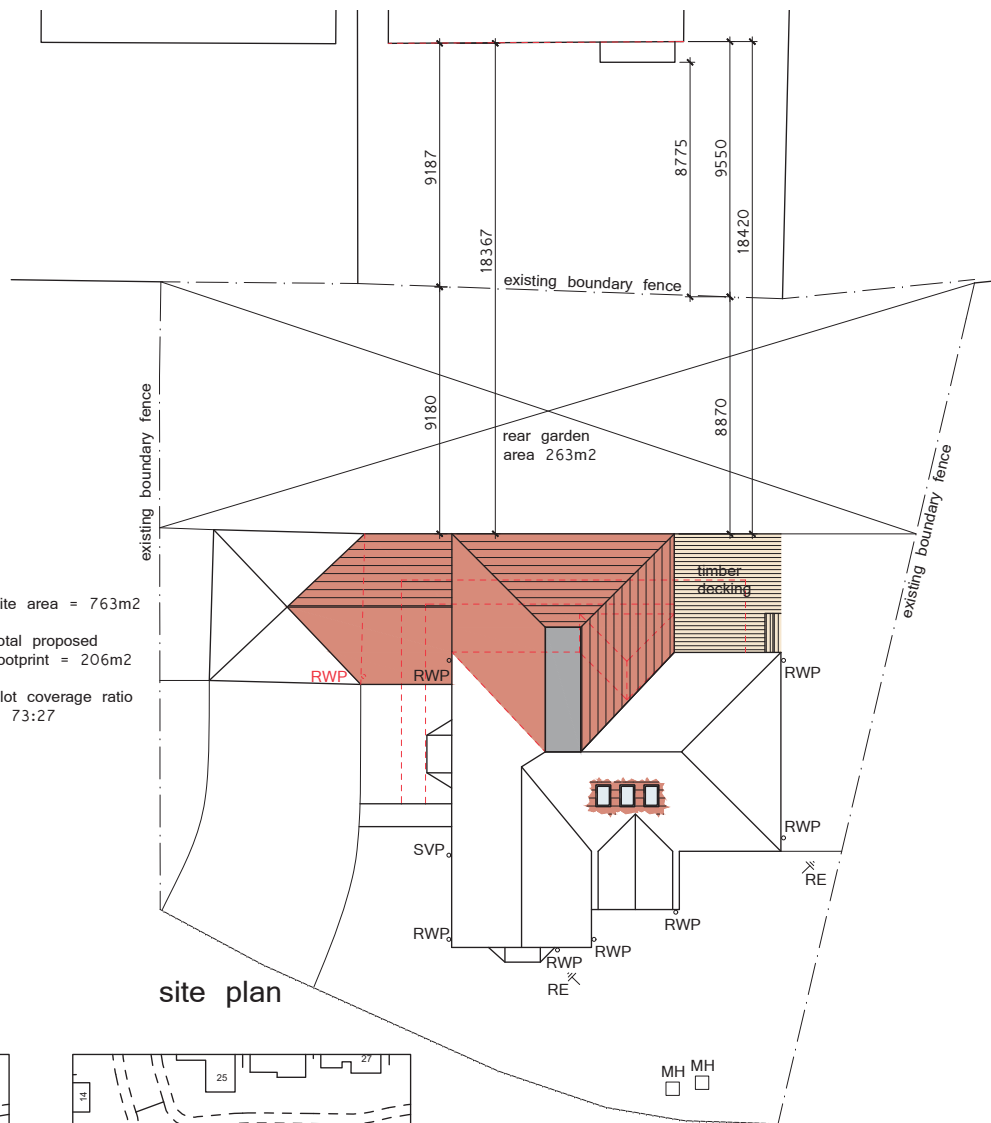






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site location

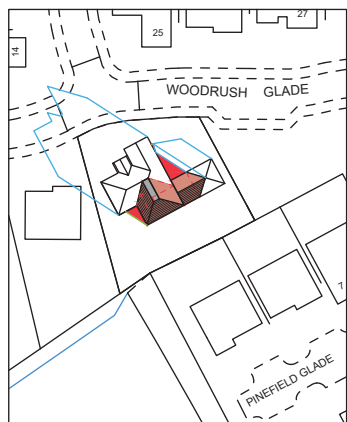


site area = 763m²

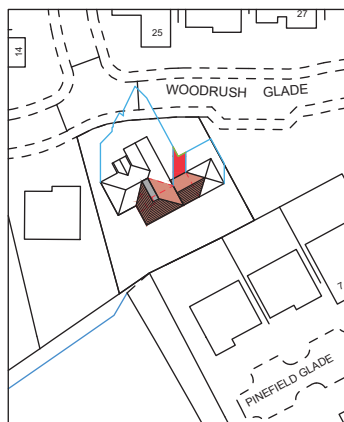
total proposed footprint = 206m²

plot coverage ratio = 73:27

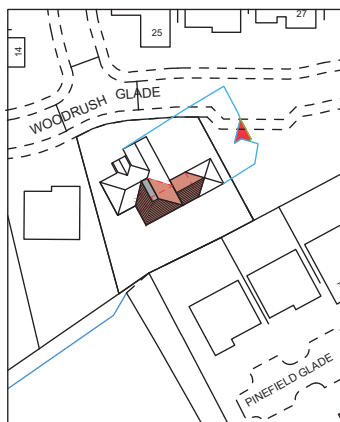
site plan



overshadowing at 8am



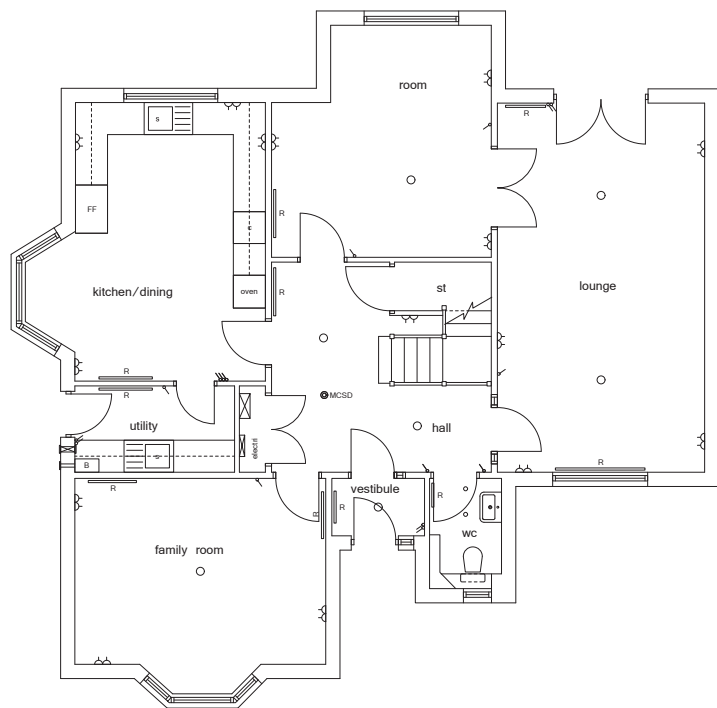
overshadowing at 12pm



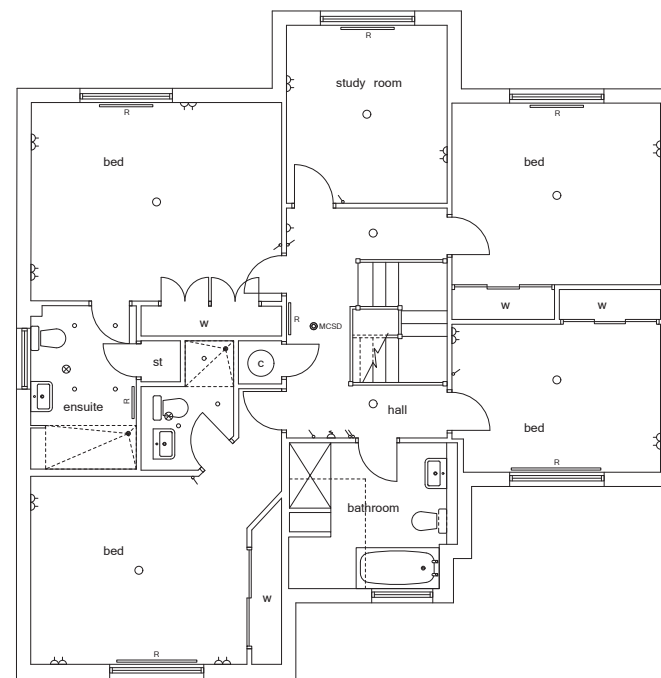
overshadowing at 4pm

- shows existing overshadowing
- shows proposed overshadowing
- shows extent of new overshadowing

REVISIONS
A - 20.10.200 - Adjust roof height and add overshadowing calculations
B - 11.11.2022 - Adjust roof pitch
C - 25.11.2022 - Add site measured sizes
JOB TITLE
SITE PLAN AND SITE LOCATION PLAN
PROPOSED ALTERATIONS TO 1 WOODRUSH GLADE LIVINGSTON WEST LOTHIAN
Scale 1:200, 1:1250 14th September 2022 Drawing Number JWAC A3 PP 01/31/2022 C
John Watson Architectural Consultant Ltd. 11 Market Street Midcalder Livingston West Lothian EH53 0AL Phone: 01506 885928 E-mail: info.jwacld@gmail.com



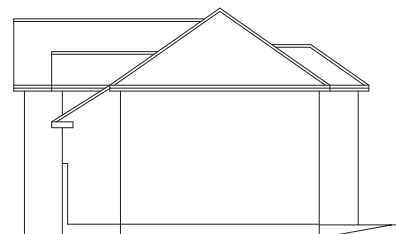
existing ground floor plan



existing first floor plan



existing back elevation



existing side elevation

REVISIONS

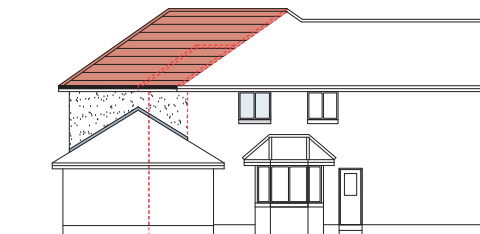
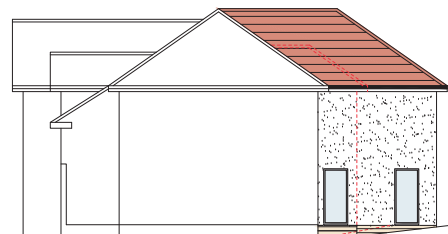
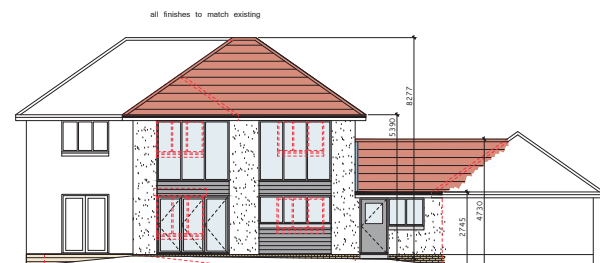
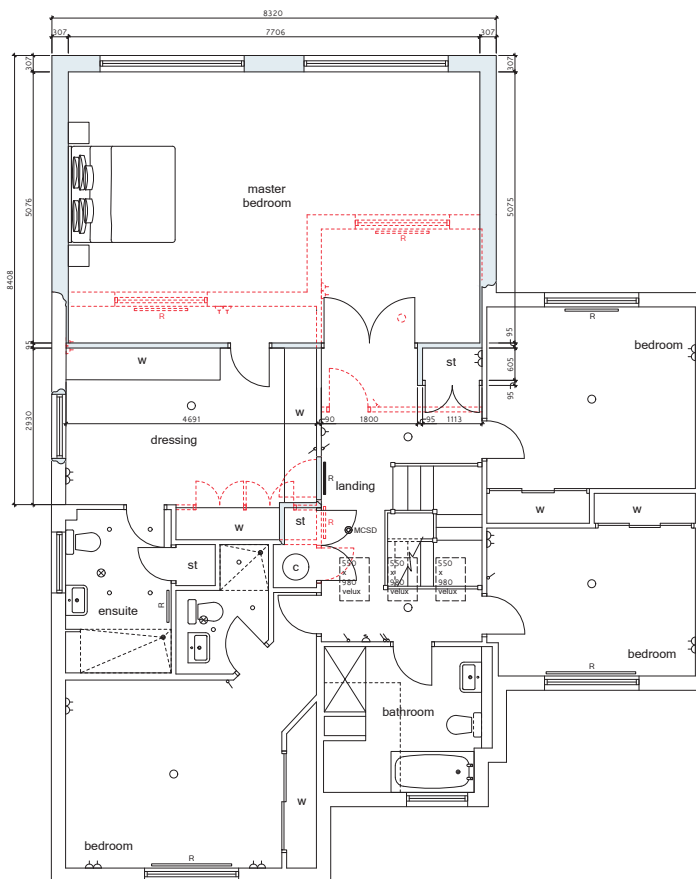
JOB TITLE

EXISTING PLANS AND ELEVATIONS

PROPOSED ALTERATIONS TO
1 WOODRUSH GLADE
LIVINGSTON
WEST LoTHIAN

Scale 1:50, 1:100 14th September 2022
Drawing Number JWAC A1 PP 02/31/2022

John Watson Architectural Consultant Ltd.
11 Market Street
Mid Calder
West Lothian
EH53 0AL
Phone: 01506 885928
E-mail: info@jwactd.com



REVISIONS A - 20.10.2022 - reduce proposed roof height B - 11.11.2022 - remove windows to the side adjust roof pitch
JOB TITLE PROPOSED PLANS AND ELEVATIONS
PROPOSED ALTERATIONS TO 1 WOODRUSH GLADE LIVINGSTON WEST LOTHIAN
Scale 1:50, 1:100 14th September 2022
Drawing Number JWAC A1 PP 01/31/2022 B
John Watson Architectural Consultant Ltd. 11 Market Street Midcalder West Lothian EH53 0AL Phone: 01506 885928 E-mail: info@jwacdt.com













DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Erection of 6 houses with associated works at Land to the South of Inchcross Park, Inchcross, Bathgate

2 DETAILS

Reference no.	0982/FUL/22	Owner of site	Mr David Cowan
Applicant	Inchcross Developments Ltd	Ward & local members	Bathgate Councillor Pauline Stafford Councillor Harry Cartmill Councillor Tony Pearson Councillor Willie Boyle
Case officer	Matthew Watson	Contact details	01506 283536 matthew.watson@westlothian.gov.uk

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

3 RECOMMENDATION

31. Refuse planning permission.

4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 The application proposes the erection of six houses and associated works. Access is proposed to be taken via Standhill Road.
- 4.2 The site is irregularly shaped and is bound to the south west by the A7066 and to the north by housing at Inchcross Park.
- 4.3 The application site is zoned as open space in the adopted West Lothian Local Development Plan and is covered by a tree preservation order (TPO) (TPO No. 1 1996 – Inchcross House).
- 4.4 The application proposes six detached properties that are two storeys in height with pitched roofs and a gable projection on the front elevation. Two house types are proposed

and both include garages integral to the houses. Proposed material finishes for the walls are roughcast render and stone quoins and grey interlocking tiles for the roofs.

- 4.5 Planning permission has previously been granted for eight houses on this site (ref: 0591/FUL/08) and this permission has until 31 March 2023 to be lawfully implemented. One of the eight houses (Plot 1) has been built under separate permissions (0830/FUL/17 and 1008/FUL/19, as noted below under para 4.7). A further house (plot 2 on the submitted site plan) is proposed to remain unchanged from application 0591/FUL/08, and is not included in the six houses being applied for in this application.
- 4.6 Members should note that the applicant disputes officers revising the description of the application to *“Erection of 6 houses with associated works”*. The application form submitted with the application described the application as *“Vary House types on plots 3,4,5,6,7 and 8 on previously approved planning LIVE_0591_FUL/08”*. It is common practice for planning authorities to revise development descriptions so that they accurately reflect what is proposed. In this instance, the applicant seeks consent from the council to build 6 houses. The fact there is already a consent for houses on the site does not change this. What is proposed is a different scheme to that already consented. It is considered the development description as revised by officers is accurate.

History

- 4.7 The relevant planning history is noted below:
- 0760/FUL/22: Erection of 7 houses with associated works, Withdrawn, 27/09/2022
 - 1008/FUL/19: Erection of house and detached garage with ancillary living accommodation on upper floor (variation to planning permission 0830/FUL/17), Granted, 13/03/2020
 - 0830/FUL/17: Erection of a house and detached garage, Granted, 16/11/2018
 - 0728/FUL/16: Erection of a house and detached garage/workshop, Withdrawn, 27/02/2017
 - 0591/FUL/08: Erection of 8 houses with garages and associated landscaping, Granted, 21/09/2018

EIA Development

- 4.17 The scale and nature of the development is such that it falls within the description of development set out in Class 10 (b) of Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2017 (EIA Regulations).
- 4.18 The proposed development due to its location and characteristics of potential impact, the development does not constitute EIA development.

Equalities Impact

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

5. REPRESENTATIONS

5.1 Two objections have been received in relation to the proposed development. The representations are attached to this report.

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

Comments	Response
<ul style="list-style-type: none"> Impact on privacy 	<ul style="list-style-type: none"> The proposal meets minimum distances for garden lengths in the Residential Development Guide (RDG). Rear to side minimum distances of 12m are largely and any infringements of this distance are minor. The application is acceptable in terms of privacy impact.
<ul style="list-style-type: none"> Impact on wildlife 	<ul style="list-style-type: none"> The applicant has not submitted any ecology information with this application
<ul style="list-style-type: none"> Unclear if existing tree belt is being removed or supplemented If trees are removed there will be a detrimental impact on residential amenity 	<ul style="list-style-type: none"> No tree survey, tree removal and retention plan or tree protection has been submitted. The impact on trees protected by a TPO cannot be determined.

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 Arboricultural Officer	Yes	It is essential that a tree survey, a BS5837 assessment in regards to construction and protection of trees and/or any felling or removal plans are required to fully assess this application.	Noted.
WLC Environmental Health	Yes	An updated noise impact assessment is required to be submitted with the application.	Noted.
WLC Flood Risk Management	Yes	No drainage details have been submitted in support of the application. The site is not at risk of flooding.	Noted.
WLC Ecology & Biodiversity	Yes	The developer is required to carry out a preliminary ecological appraisal.	Noted.
WLC Waste Services	Yes	A swept path analysis is required to show bin lorries can safely access, turn and egress the site.	Noted.

		The two visitor parking spaces in the turning area need to be moved as these will cause problems for bin lorries turning.	
WLC Transportation	No	No objection to the application. The access road is required to be 5.5m wide with a 2m footway. A turning area length of 12.5m is required from the channel edge of the access road. A separate road opening permit is required.	Noted.
WLC Education Planning	No	No objection subject to receiving developer contributions towards education infrastructure.	Noted. The relevant education contributions have been secured under the previous permission.
WLC Housing Strategy & Development	No	No objection subject to a commuted sum towards affordable housing being secured.	Noted. A commuted sum towards affordable housing is has been secured under the previous permission.
Coal Authority	Yes	Part of the site falls within the Development High Risk Area. Objects to the proposal as no coal mining risk assessment has been submitted.	Noted.
West of Scotland Archaeology Service	No	Satisfied that no archaeological works are required for this application.	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, 2018.
- 7.3 The relevant development plan policies are listed below:

Policy	Policy Summary	Assessment	Conform ?
West Lothian Local Development Plan (LDP), 2018	This policy states new housing development within settlement boundaries will be	The proposal is compatible with nearby uses but is designated for open space and does not conform to	In part

HOU 3 Infill/Windfall Housing Developments in Settlements	supported, subject to nine criteria.	other development plan policy and guidance.	
West Lothian LDP HOU 4 Affordable Housing	This policy requires housing sites of over 5 units in Bathgate to contribute to affordable housing.	A commuted sum towards affordable housing is has been secured under the previous permission.	Yes
West Lothian LDP DES 1 Design principles	This policy states that development needs to integrate with its context and the surrounding built form and have an acceptable impact on amenity.	The proposed layout is not acceptable as it has not been demonstrated that bin lorries can safely access, egress and turn within the site.	No
West Lothian LDP ENV 9 Woodlands, Forestry, Trees and Hedgerows	This policy states there is a presumption against development that adversely affects trees, including those covered by a TPO, unless there is a proven locational need and it achieves significant public benefits.	No tree survey has been submitted with the application to determine the impact on trees at the north/north west boundary of the site. The proposal is contrary to ENV 9.	No
West Lothian LDP ENV 20 Species Protection and Enhancement	Development that would affect a species protected by European or UK law will not be permitted unless it meets the four criteria.	No ecology information has been submitted to confirm whether UK or EU protected species will be affected by the development. In the absence of this information, the proposal is contrary to ENV 20.	No
West Lothian LDP ENV 21 Protection of Formal and Informal Open Space	This policy states that proposals which result in a loss of open space will not be supported unless five criteria are met.	The extant permission on the site means a locational justification for the loss of open space has been made. The site is of limited recreational value and the proposal will not undermine connectivity to the wider green network. The proposal complies with ENV 21 (a), (b) and (e). However, no tree or ecology information has been submitted with the application. The proposal is contrary to ENV 21 (c).	In part
West Lothian LDP ENV 32 Archaeology	This policy requires the council to safeguard	The West of Scotland Archaeology Service has confirmed no archaeological	Yes

	archaeological heritage.	works are required for this application.	
West Lothian LDP EMG 3 Sustainable drainage	This policy states drainage proposals need to ensure surface water can be attenuated.	No drainage information has been submitted with the application. In the absence of this information, the proposal is contrary to policy EMG 3.	No
West Lothian LDP EMG 5 Noise	This policy states there is a presumption against development being close to noisy land uses, unless mitigation can be achieved.	The application site is affected by road noise from the A7066. The applicant has not submitted a noise impact assessment with the application. In the absence of this information, it is not possible to determine any required noise mitigation for the development, as well as the details of any mitigation. The proposal is therefore contrary to EMG 5.	No
West Lothian 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 has not submitted any site investigation reports. The site is within a Development High Risk Area for coal mining risk and the applicant has not submitted a Coal Mining Risk Assessment. In the absence of this information, the proposal is contrary to EMG 6.	No
West Lothian LDP INF 1 Infrastructure Provision and Developer Obligations	This policy requires developers to enter into a legal agreement to secure developer contributions towards local infrastructure.	The proposal will result in a need for contributions towards affordable housing, education and cemeteries. These have been secured under the previous permission.	Yes
Supplementary Guidance (SG) Residential Development Guide (RDG)	This document requires residential development of under 10 units to accord with the guidance in the RDG relating to small-scale infill residential development in urban areas. The RDG sets stipulations for design	The proposed layout is not acceptable as it has not been demonstrated that bin lorries can safely access, egress and turn within the site. Other matters relating to trees, drainage, noise impact and coal mining risk have not been addressed. The application is contrary to	No

	and layout, trees, drainage, noise impact and coal mining risk	the RDG with regards to these matters.	
SG Planning and Noise	This document sets out detailed requirements for noise and proposed developments.	The application site is affected by road noise from the A7066. The applicant has not submitted a noise impact assessment with the application. In the absence of this information, it is not possible to determine any required noise mitigation for the development, as well as the details of any mitigation. The proposal is therefore contrary to the SG.	No
SG Flooding and Drainage	The SG requires development to be acceptable in terms of flood risk and drainage. All applications of 5 houses or more require to be accompanied by a drainage assessment.	No drainage information has been submitted with the application. In the absence of this information, the proposal is contrary to the SG.	No
SG Affordable Housing	This document requires proposals to accord with the text of the SG.	A commuted sum towards affordable housing is has been secured under the previous permission.	Yes
SG Planning and Education	This document sets out the rates for contributions towards education infrastructure.	The relevant education contributions have been secured under the previous permission.	Yes
SG Cemetery Provision	This document sets out the rate for contributions towards cemetery provision.	Cemetery contributions have been secured under the previous permission.	Yes
Planning Guidance Planning for Nature: Development Management & Wildlife	This document sets out detailed requirements for ecological surveys, appraisals and audits.	No ecology information has been submitted to confirm whether UK or EU protected species will be affected by the development.	No

8. ASSESSMENT

8.1 The determining issues in relation to this application are set out below:

Principle of Development

- 8.2 Policy HOU 3 states residential development is acceptable in principle within settlement boundaries, subject to meeting nine criteria, including the site being compatible with surrounding uses and the character of the area, the physical infrastructure of an area can accommodate the development, the site being accessible by public transport and compliance with LDP policies and planning guidance.
- 8.3 Policy ENV 21 states that proposals which result in a loss of open space will not be supported unless five criteria are met:
- (a) Locational justification
 - (b) The site is of limited recreational value
 - (c) The site is of limited ecological value and loss of trees and wildlife is minimised
 - (d) Comparable open space can be provided at an alternative location
 - (e) Not undermining connectivity and public access to the wider green network
- 8.4 In terms of the principle of development, the proposal is compatible with surrounding uses, which are largely residential properties. The site is not designated for employment uses and is not at significant risk of flooding. Existing physical infrastructure can accommodate the development and contributions can be secured for additional infrastructure needs. The site is not easily accessible by public transport with the nearest bus stop being on Whitburn Road, opposite Birniehill Terrace, 595m the north of the site from its eastern boundary. However, there is an extant planning permission (0591/FUL/08) on the site that can be lawfully implemented until 31 March 2023. As noted above in the table under para 7.3, the proposal does not comply with all other LDP policies and supplementary guidance.
- 8.5 The extant permission (0591/FUL/08) has limited weight given its age but it currently provides a locational justification for the loss of open space under ENV 21 (a) given that it can still be implemented. The site is of little recreational value and connectivity of the wider green network will not be undermined. The proposal complies with ENV 21 (b) and (e). However, the applicant has not submitted any information relating to trees and ecology for officers to assess whether the proposal is compliant with ENV 21 (c). ENV 21 (d) does not apply to this application.
- 8.6 Overall, the proposal is not fully compliant with policies HOU 3 and ENV 21. The previous permission has established that the principle of residential development on this site is currently acceptable but the applicant has not provided sufficient technical information in relation to trees and ecology. This is discussed further below.

Layout and Trees

- 8.7 Policy DES 1 states that development is required to be of a high quality and that poorly designed developments will not be supported. Para 564 of the Residential Development Guide SG states that “Satisfactory vehicular and pedestrian access to the site must be achieved without having an adverse effect on the amenity of existing and proposed residents and road safety”.
- 8.8 Policy ENV 9 states at criterion (a) that “there will be a presumption against development proposals which involve the loss of or damage to...trees (including trees covered by a tree preservation order (TPO))”. Para 246 of the Residential Development Guide SG states

that “Where trees are present on a development site, and/or on an adjacent site, and have the potential to be affected by the proposed development, developers will be required to survey these trees and to provide a detailed arboricultural report and risk assessment”.

- 8.9 Section 159 of the Town and Country Planning (Scotland) Act 1997, as amended, places a duty on planning authorities where in granting planning permission that adequate provision is made for the preservation of trees.
- 8.10 The council’s Waste Services team has assessed the application and requires a swept path analysis to demonstrate that bin lorries can safely access, egress and turn within the site. This information has not been provided by the applicant. Waste Services has also raised concern over the positioning of two visitor parking spaces within the turning area which means it is not possible for bin lorries to turn in this area. Waste Services has requested that these parking spaces be moved elsewhere within the proposed layout.
- 8.11 In the absence of a swept path analysis and the visitor parking spaces within the turning area not being acceptable, the proposal is not a well designed development and satisfactory vehicular access for bin lorries cannot be achieved. The proposal is therefore contrary to LDP Policy DES 1 and the Residential Development Guide SG.
- 8.12 No tree survey and BS5837 assessment of protection of trees during construction have been submitted with the application to determine the impact on trees at the north/north west boundary of the site. It is therefore not possible to determine the impact of the development layout on the root protection areas of these trees that are protected by a TPO, and whether any mitigation is required. The council’s Arboricultural Officer has objected to the application due to this lack of information. In addition, a lack of engineering/ground levels information means an assessment cannot be made as to how ground level changes could affect trees covered by a TPO on the site.
- 8.13 For the reasons above, the proposal is contrary to LDP Policy ENV 9 and the Residential Development Guide SG. The planning authority is not able to meet its duty under the Act as to whether provision can be made for the preservation of trees.
- 8.14 Overall, the proposal does not provide an acceptable layout for bin lorries and no information in relation to ground levels and impact on trees protected by a TPO have been provided. The application is therefore contrary to LDP policies DES 1 and ENV 9, as well as the Residential Development Guide SG.

Technical Studies

- 8.15 It is noted in the table above under para 7.3 that the proposal is contrary to LDP policies ENV 9, ENV 20, EMG 3, EMG 5 and EMG 6, as well as the Flooding and Drainage SG and Planning and Noise SG.
- 8.16 The applicant has not provided the following studies required to assess the application:
 - Tree Survey and BS 5837:2012 Assessment
 - Ecology Survey
 - Drainage Assessment
 - Noise Impact Assessment

- Coal Mining Risk Assessment
- Phase 1 & 2 Site Investigation Reports

- 8.17 Application 0591/FUL/08 was assessed under a previous planning policy regime in the former West Lothian Local Plan, 2009. It was reported to committee in February 2009 and the decision was to grant subject to securing developer contributions. The application was finally granted in September 2018, following the conclusion of a planning obligation that secured the developer contributions.
- 8.18 A significant period of time (14 years) has elapsed since the original assessment of application 0591/FUL/08 and there was little technical information submitted with that application. That permission is still a material consideration but limited weight can be attributed to it given it was granted prior to the current adopted West Lothian LDP.
- 8.19 The applicant disputes this point given its view is that only the house types are changing and this application is a variation. To be clear, the proposal before members is a new planning application and a 'variation' to a previous planning permission that is a material change is a new planning application.
- 8.20 The applicant has included all of the site within the red line boundary, not just the houses, and this includes the road access. Although the applicant argues that the application is to vary house types only, this is a matter of semantics as the applicant is looking to erect six houses on the site and associated works that include the access road.
- 8.21 The effect of granting this planning application would be to grant a new planning permission for the site that could be implemented in isolation or alongside the extant permission.
- 8.22 The applicant wishes to re-design the houses on the site, as the market has changed significantly since 2008. Similarly, planning policy has changed significantly and the requirements for technical information accompanying planning applications has changed, in order for the council as a planning authority to assess applications against development plan policies. The previous permission due to its age is of limited weight and does not outweigh the requirements of current development plan policy.
- 8.23 Given this is a new planning application, and policy requirements have changed significantly since the previous application was assessed, it is justified to request the technical information above.
- 8.24 In the absence of the relevant technical studies, the application is contrary to policies ENV 9, ENV 20, EMG 3, EMG 5 and EMG 6 and the Residential Development Guide, Flooding and Drainage and Planning and Noise SGs, as well as the Planning for Nature Planning Guidance.

9. CONCLUSION AND RECOMMENDATION

- 9.1 In summary, whilst there is an extant planning permission on the site, the proposed development is not acceptable as the layout is unsatisfactory for bin lorries, as well as there being a lack of information relating to impact on trees protected by a TPO, ecology, drainage, noise, coal mining and contaminated land.

- 9.2 Consequently, and in view of the above, it is recommended that planning permission is refused.

10. BACKGROUND REFERENCES & ATTACHMENTS

- Draft Reasons for Refusal
- Location Plan
- Representations
- 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: 18 January 2023

Draft Reasons for Refusal – 0982/FUL/22

1. The applicant has not demonstrated that council refuse collection vehicles can safely access, egress and turn within the application site. In addition, the provision of two visitor parking spaces at the end of a turning head is not acceptable as refuse collection vehicles will not be able to navigate this turn. The proposed development layout is therefore not acceptable.

The proposal is contrary to Policy DES 1 (Design Principles) of the West Lothian Local Development Plan, 2018 and the Residential Development Guide Supplementary Guidance, 2019.

2. The applicant has failed to submit a tree survey, a BS5837:2012 (Trees in Relation to Design, Demolition and Construction) assessment in regards to the protection of trees during construction and tree removal and retention plans for trees on a site that are protected by a tree preservation order.

The council is therefore unable to assess the impact of the proposed development on trees covered by a tree preservation order.

In the absence of this information, the proposal is contrary to Policy ENV 9 (Woodland, Forestry, Trees and Hedgerows) of the West Lothian Local Development Plan, 2018 and the Residential Development Guide Supplementary Guidance, 2019.

3. The applicant has failed to submit an ecological survey/appraisal that demonstrates UK or EU protected species will not be harmed by the proposed development.

In the absence of this information, the proposal is contrary to Policy ENV 20 (Species Protection and Enhancement) of the West Lothian Local Development Plan, 2018, the Residential Development Guide Supplementary Guidance, 2019 and the Planning for Nature: Development Management & Wildlife Planning Guidance, 2020.

4. The applicant has failed to submit a drainage assessment which demonstrates that surface water can be satisfactorily treated and attenuated within the site.

In the absence of this information, the proposal is contrary to Policy EMG 3 (Sustainable Drainage) of the West Lothian Local Development Plan, 2018 and the Flooding and Drainage Supplementary Guidance, 2019 and the Residential Development Guide Supplementary Guidance, 2019.

5. The applicant has failed to submit a noise impact assessment that sets out the impact of road noise on development from the A7066 to the south of the site and whether any measures are needed to mitigate the impact of road noise, as well as the details of any necessary mitigation.

In the absence of this information, the proposal is contrary to Policy EMG 5 (Noise) of the West Lothian Local Development Plan, 2018, the Planning and Noise Supplementary Guidance, 2019 and the Residential Development Guide Supplementary Guidance, 2019.

6. The application site is within a Development High Risk Area for coal mining. The applicant has failed to submit a Coal Mining Risk Assessment that sets out any potential risks from

surface instability and mine gas issues, as well as whether any mitigation measures are required to ensure the site is safe and stable.

The applicant has also not submitted any site investigation reports relating to contaminated land to assess whether any remediation of the site is required.

In the absence of this information, the proposal is contrary to Policy EMG 6 (Vacant, Derelict and Contaminated Land) of the West Lothian Local Development Plan, 2018 and the Residential Development Guide Supplementary Guidance, 2019.



Comments for Planning Application 0982/FUL/22

Application Summary

Application Number: 0982/FUL/22

Address: Land To The South Of Inchcross Park Inchcross Bathgate

Proposal: Erection of 6 houses with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mr Kenny MacDonald

Address: 17 Inchcross Park Bathgate EH48 2HF

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Site plan requires republishing to show the 6 house plan. Current version still shows previous 7 house plan.

We have considered the proposed plans and have concerns as to the impact on our privacy as a direct result of the erection of these homes.

From the plans the proposed houses would be immediately adjacent to our property and it is not clear whether the existing tree belt will be maintained and indeed supplemented - we would require further clarity on this point. The existing tree belt consists of tall well established trees which would give some privacy between existing houses and the proposed development. These trees also sustain local wildlife , along with providing additional environmental benefits.

There would be a considerable detrimental impact if these trees were removed. It is of paramount importance to us that any proposed new houses do not impinged on the quality of life we experience.

Notwithstanding the point above in relation to the tree belt, the garden areas of the proposed new houses will back on to our own property. This causes concern given the likely relative proximity to our own outside area, with the potential for a significant loss of privacy.

Comments for Planning Application 0982/FUL/22

Application Summary

Application Number: 0982/FUL/22

Address: Land To The South Of Inchcross Park Inchcross Bathgate

Proposal: Erection of 6 houses with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mr Anthony Boyle

Address: 22 Inchcross Parl Bathgate EH48 2HF

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Please update and publish this amended site plan. This is still showing a proposed seven house development and not the published six.

PROPOSED DELEGATED PLANNING DECISIONS

☒ LOCAL MEMBER REFERRAL REQUEST ☒

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

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

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

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
<p>Application Reference Number</p> <p>0982/FUL/22</p> <p>.....</p> <p>Site Address</p> <p>Land To The South Of Inchcross Park, Inchcross, Bathgate, , (Grid Ref: 305280,667171)</p> <p>Title of Application</p> <p>Erection of 6 houses with associated works</p> <p>Member's Name</p> <p>Cllr Willie Boyle</p> <p>Date : 23/12/22</p>	<p>Applicant Request..... ✓</p> <p>Constituent Request..... <input type="checkbox"/></p> <p>Other (please specify)..... <input type="checkbox"/></p>

Development Management Committee

18 January 2023

Agenda Item 7 Application : 0982/FUL/22

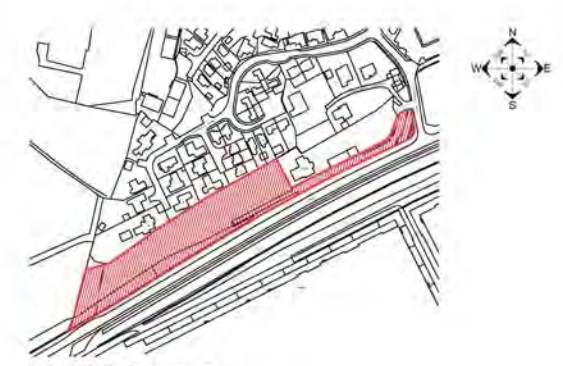
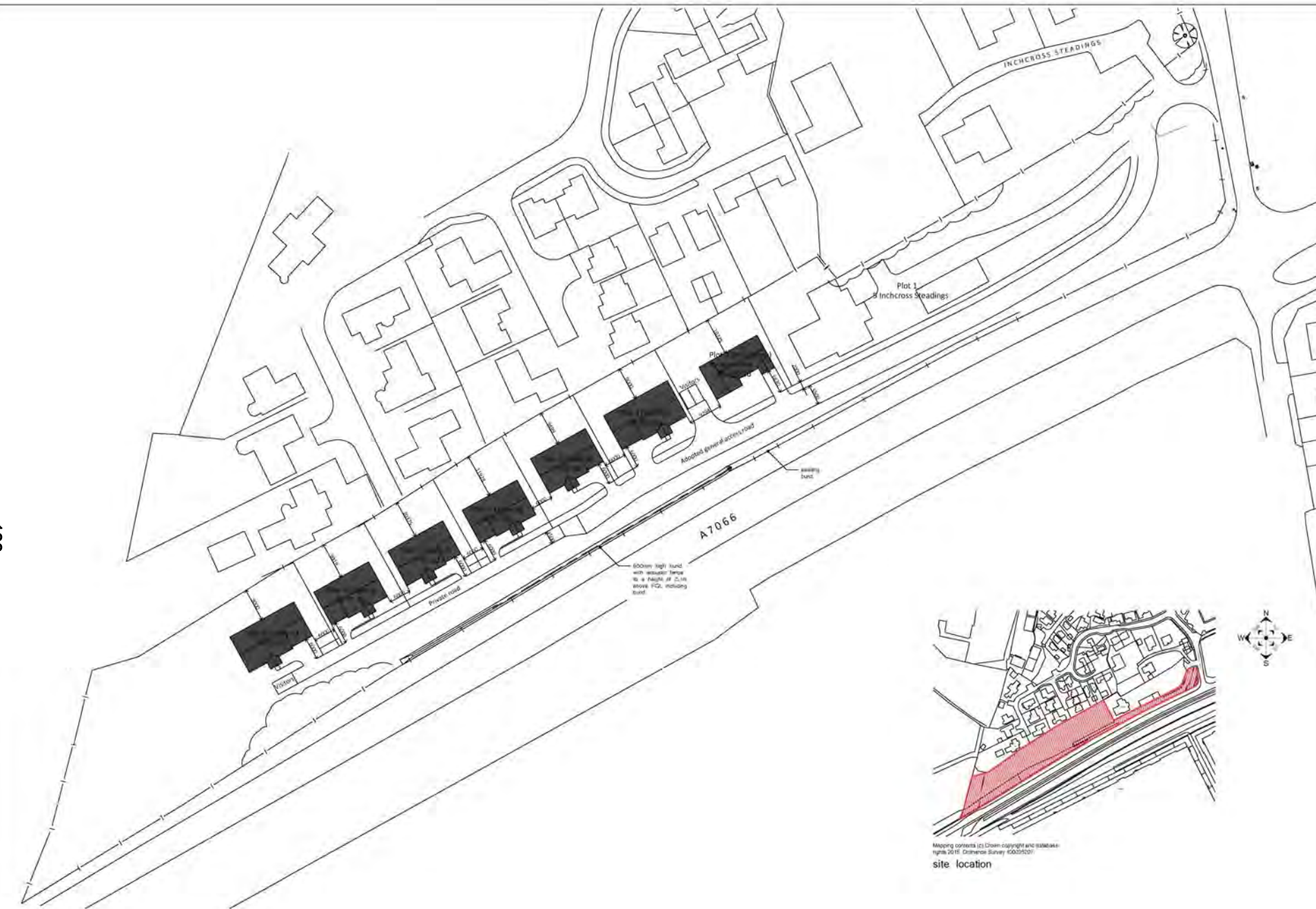
Erection of 6 houses with associated works

Land to the South of Inchcross Park - Bathgate









Mapping contents (c) Crown copyright and database rights 2018. Ordnance Survey 60035021
site location



street elevation 1:500

REVISIONS	
A 10 15/02/22	Add house footprint to plan (as well, representing site location plan)
JOB TITLE	
LOCATION PLAN, SITE PLAN AND SITE SECTION	
VARIATION OF HOUSE TYPES TO PLOTS 3 - 8 TO RESIDENTIAL DEVELOPMENT AT INCHCROSS BATHGATE WEST LOTHIAN	
Scale: 1:500, 1:2500 11th October 2022	
Drawing Number: JWAC - A1 - 01/02/2022 A	
John Watson Architectural Consultant Ltd. 11 Market Street Midlothian West Lothian EH20 0NL Phone 01506 885628 E-mail: info@jwacld.com	

The proposed first floor plan shows a rectangular layout. On the left side, there are three bedrooms: Bedroom 1 (top left), Bedroom 3 (bottom left), and an En Suite (middle left). In the center, there is a Gallery with a staircase, a Cupboard, and another En Suite. On the right side, there is a Master Bedroom with a Dressing area and a Master En suite, and Bedroom 5 (bottom right). The plan includes various furniture symbols like beds, wardrobes, and a bathtub, as well as dimensions for each room.



A diagram of a gabled roof structure. The roof is covered in a dense, grey, pebbled texture, representing gravel or a similar roofing material. The roofline is a simple triangle with a dark brown ridge. The walls on either side of the gable are made of yellow bricks with dark brown mortar. The base of the walls is a solid yellow horizontal band.

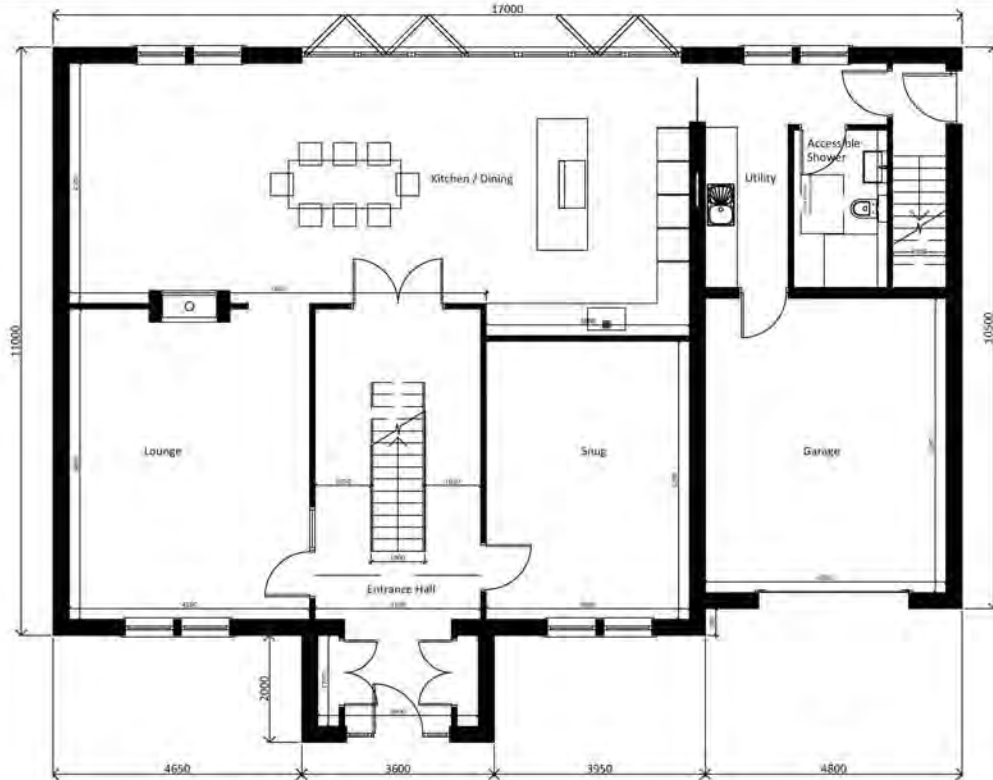
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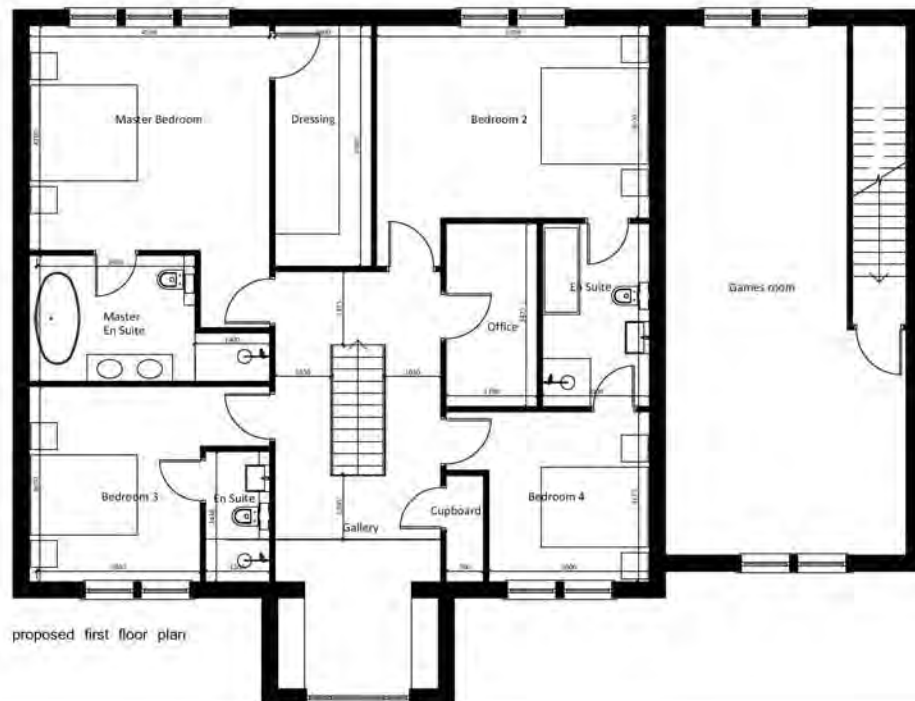
VARIATION OF HOUSE TYPES TO PLOTS 3 - 8
TO RESIDENTIAL DEVELOPMENT AT
INCHCROSS
BATHGATE
WEST LoTHIAN

John Watson Architectural Consultant Ltd

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11 Market Street
Middlesbrough
West Lothian
EH3 0AL
Phone: 01506 885628
E-mail: info@jwacld.com



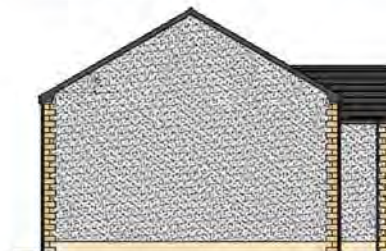
proposed ground floor plan - house type B
internal floor area - 146.8m² (exc. garage 24.7m²)



proposed first floor plan



proposed front elevation



proposed side elevation



proposed rear elevation



proposed side elevation

REVISIONS

30th JULY 2022

HOUSE TYPE B
PROPOSED PLANS AND ELEVATIONS
VARIATION OF HOUSE TYPES TO PLOTS 3 - 8
TO RESIDENTIAL DEVELOPMENT AT
INCHCROSS
BATHGATE
WEST LoTHIAN

Scales 1:50, 1:100 11th October 2022
Drawing Number JWAC - A1 - 03/42/2022

John Watson Architectural Consultant Ltd.
11 Market Street
Musselburgh
West Lothian
EH20 0AL
Phone: 01506 805928
E-mail: info@jwac.co.uk













Development Management

List of Delegated Decisions - 9th December 2022

DATA LABEL: OFFICIAL

The following decisions will be issued under delegated powers unless any Member representing the ward in which the application is located requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	0136/FUL/22	Recommendation:	Grant Planning Permission
Proposal:	Erection of 15 houses with associated works		
Address:	Plots 3-7 And 37-46, Land East of Woodmuir Road, Breich, West Lothian (Grid Ref: 296371,660670)		
Applicant:	Mr Iain Tod Henderson Developments Ltd	Type:	Local Application
Ward:	Fauldhouse & The Breich Valley	Case Officer:	Kirsty Hope
<u>Summary of Representations</u> One letter and a petition in objection was received: - Not complied with previous conditions in place. - Object to further houses ahead of what applicant has permission to build currently. - Site currently is a muddy, strewn with materials and poorly secured. - Road safety concerns - Have plans been submitted to upgrade junction in PPP? - Concerns regarding privacy of number 30 Blinkbonny Gardens and 9 Woodmuir Road. - Concerns regarding housing density nearby small bungalows and twice the density of any other part of the village. - Applicant advised that there would be a shop and nurse built as facilities to enhance the village. - Planning states that a 4 bedroomed home should have a 65sqm garden & 2 car parking spaces. The plans do not suggest this. - Loss of wildlife species and no assessment carried out. - Drainage. - Have the previous archaeological works and detailed road layout been approved? - Should delay the development until all previous conditions are met, the road is built so a single developer can build houses and the Woodmuir road junction is improved.			

Officers report

This application is for detailed planning permission for 15 new houses with associated works. The site is located within the LDP as an allocated housing site (reference H-BR-3) and is located within a development site that already has permission for residential development for 58 houses (application LIVE/0203/FUL/15).

The proposed houses would be accessed via Woodmuir Road (five of which would face directly onto Woodmuir Road) with two parking spaces provided within the curtilage. The proposed dwellings are two storey in height, five styles with various designs, detached with 3-4 bedrooms and an integral domestic garage (with the exception of Type F). The proposed finishing materials are not shown on the submitted plans, however, this can be conditioned to ensure that they are appropriate and are similar to surrounding plots in terms of visual amenity.

The design and scale of the proposed houses are in-keeping with the surrounding character and local area. There is a mix of housing within the surrounding area (from single storey to large detached dwellings, as well as flatted properties). These proposed dwellings whilst modern in design are satisfactory in terms of scale and design in accordance with Policy DES 1 (Design Principles) in the LDP.

Due to the position, height and massing of the proposed houses, there would be no significant overbearing impact on the neighbouring properties. There are no significant privacy or overshadowing concerns. There is sufficient distance to adjacent neighbouring habitable windows. Garden ground is adequate for all 15 properties and the proposals meets the terms set out in DES 1 (Design Principles) and Supplementary Guidance, Residential Development Guide.

Revisions were made to the plans to ensure parking is sufficient for each property and to ensure the boundary of Plot 46 is stepped back from the kerbside. Conditions shall be attached in relation to a footway to be provided along Woodmuir Road. The site is within walking distance to Breich Primary School and public transport links can be reached from the A71.

Contaminated land matters are satisfied with the reports and remediation information received previously (within application 0601/FUL/20) and therefore the proposal complies with policy EMG 6 (Vacant, Derelict and Contaminated Land).

There are no flooding concerns from WLC Flood Risk Management and surface water drainage is considered competent. Conditions to ensure these are carried out in accordance with the plans shall be attached.

A condition will be applied to ensure the dwellings accord with LDP policy NGR1a (Low and Zero Carbon Generating Technology).

Taking into account the above assessment, the 15 proposed houses are acceptable as they satisfactorily meet the relevant policies in the development plan and supplementary guidance. It is therefore recommended that planning permission is granted.

Ref. No.:	0669/MS/22	Recommendation:	Grant Matters Specified in Conditions
Proposal:	Formation of town park and water sports facility including changing and cafe buildings, hard and soft landscaping, walls, fencing, access, parking and footpaths and associated engineering works		
Address:	Land At Daisy Park, North Of B9080, East Of Rail Line And West Of Union Canal, Winchburgh (Grid Ref: 305280,667171)		
Applicant:	Winchburgh Developments Limited	Type:	Other - MSC for Major App
Ward:	Broxburn, Uphall & Winchburgh	Case Officer:	Wendy McCorriston

Summary of Representations

Two objections have been received, one from a local resident and one from the wider public.

The resident has raised concerns about the impact on privacy and amenity from the proposed car park and the access from the Tally Ho pub car park.

The other objection concerns the impacts on cyclists, in particular by taking the access off the B9080, rather than from the north off the new distributor road, as the B9080 is well used by cyclists.

Officers report

This application is for the formation of a Town Park as part of the overall Winchburgh Master Plan proposals for the settlement expansion of Winchburgh, which is a previously allocated Core Development Area (CDA). The requirement for the park forms part of the open space provision for the settlement and its development is triggered by conditions within the Planning Permission in Principle, ref: 1012/P/05.

The park is proposed around the former 'clay pit pond' and former brickworks site adjacent to the Union Canal. Following demolition of the brickworks in the 1970's much of the site had regenerated and was covered with scrub and some woodland trees, particularly around the edges of the pond itself. The public have been accessing the pond for swimming and fishing on an informal basis for a number of years. This access is currently restricted due to the works taking place around the site for construction access to form bridges across the canal and railway line. Some scrub vegetation clearance has also been carried out. These works were covered by a separate MSC permission.

The proposal includes use of the pond as a formal water sports venue, but will also allow for informal open water access in certain areas of the pond. Cafe and changing facilities are proposed using containers and timber enclosures in an innovative and modern design.

All consultees have responded supporting the development, subject to conditions in some cases, including further gas monitoring, archaeology requirements and changes to the landscape/biodiversity proposals. The council's Biodiversity officers have been involved in the assessment of the submitted Ecological Appraisal and as a result have made recommendations that further native trees and grasses are used, which the developer has agreed to incorporate. Wildlife surveys have been conducted and the developer is aware of the necessary licencing requirements.

Transportation is satisfied with the access and parking proposals and confirms that it is appropriate for this local town park to be accessed from the local road network, rather than the distributor road. Transportation is satisfied that there are the necessary off-road cycle routes through Winchburgh (primarily along the canal) and there will not be road/cycle or pedestrian safety issues as a result of these proposals.

With regards to privacy and amenity, the proposed carpark is over 35m from any housing and at a lower level, with existing and proposed planting between it and the houses. The access through the Tally Ho car park is agreed with the public house and is pedestrian steps only, so will have no more impact on residential amenity than the use of the existing car park.

The development accords with the terms of the permission in principle and West Lothian Local Development Plan policies DES1 (Design Principles); CDA1 (Core Development Areas); ENV9 (Woodlands, trees and hedgerows); ENV12 (Union Canal); ENV20 (Species Protection) and ENV32 (Archaeology). It is therefore recommended that this MSC application is granted.

Ref. No.:	0825/FUL/22	Recommendation:	Grant Planning Permission
Proposal:	Erection of a house and garage (including temporary siting of a caravan until construction of house is completed)		
Address:	Plot 12 Longford Crofts, Addiewell, West Lothian (Grid Ref: 298045,660630)		
Applicant:	Mr & Mrs S Daisley	Type:	Local Application
Ward:	Fauldhouse & The Breich Valley	Case Officer:	Kirsty Hope
<u>Summary of Representations</u> One letter of representation was received: - <ul style="list-style-type: none"> - Applications to be checked by project architect. - Caravan is retrospective. - Foul drainage from caravan is linked to treatment plant, despite not being signed off by Building Standards. - Concerns there is not sufficient stand off from the main drain through the site. - Trees planted may conflict with foul drainage and SUDS should be 10m distance. 			
<u>Officers report</u> This application is for the erection of a two-storey detached house and a detached domestic garage, this application also includes the temporary siting of a caravan until construction of house is completed. The caravan is already onsite. The site has been separated off as a plot with a shared access road, services and drainage connections in accordance with the site layout submitted as part of the planning permission in principle LIVE/0462/P/17. The proposed house ridge height is 7.3m with a garage ridge of 6.3m. The proposed windows on the dwelling have a vertical emphasis. The footprint of the dwelling is more than 250sqm as the design brief notes however this plot is generous and is acceptable in this instance. The proposed scale and design of all proposed buildings are modern and are acceptable, the main roof line has an east/west axis emphasis as advised in the design brief. The exterior finishing materials proposed are not noted on the plans, however this shall be attached as a condition. The proposed static caravan on site is temporary until the new dwelling is occupied, this shall be conditioned. There is adequate garden ground provided given the generous plot size. The landscape layout indicates that trees will be planted in the front garden area as well as a tree belt planted to the south of the site which would shield the house from the main road as well as keep the woodland edge, as other plots have in this surrounding area. More details can be conditioned to ensure adequate spacing and			

detailing the species etc. A boundary hedge should be planted along the western boundary to ensure privacy of rear garden areas which shall be conditioned.

Ground levels are relatively flat onsite, as shown on the existing and proposed levels drawings, which is satisfactory.

WLC Flood Risk Management and WLC Transportation have raised no objections or concerns.

In relation to developer contributions for education and cemeteries provision (Policy INF1), these were subject to a legal agreement with a previous planning permission LIVE/0462/P/17. No contributions are therefore required for this application.

The proposed house as submitted largely meets the design guide as approved under the original outline planning permission (LIVE/0188/P/05) for the Longford Farm 'lowland crofting' scheme.

It is therefore recommended that planning permission is granted.

Ref. No.:	0961/A/22	Recommendation:	Refuse Advertisement Consent
Proposal:	Display of 1 illuminated fascia sign (in retrospect)		
Address:	13 Hopetoun Street, Bathgate, West Lothian, EH48 4PA (Grid Ref: 297488,668929)		
Applicant:	Mr Muhammad Afzal	Type:	Local Application
Ward:	Bathgate	Case Officer:	Lucy Hoad
<u>Summary of Representations</u>			
None			
<u>Officers report</u>			
<p>The application seeks advertisement consent for the display of 1 illuminated fascia sign. The works have been undertaken and the application is retrospective.</p> <p>Under the Town and Country (Control of Advertisements) (Scotland) Regulations 1984 applications for advertisement consent are required to be assessed in terms of the impacts on visual amenity and public safety. Policy DES 1 (Design Principles) requires proposals to be integrated with the local context and built form and not to have an adverse impact on amenity.</p> <p>The signage measures 6800x1410mm with projection depth of 70mm. It is constructed of Aluminium ACM Matt Black sheeting. The signage states Burger Ben with lettering 500mm in height and 50mm depth, LED Illuminated. Burger logo 3D built up white acrylic to face, LED illuminated.</p> <p>The council's Town Centre Manager is supportive in principle of signage for this prominent location, however, considers the signage to be disproportionate and out of scale with the visual character of the building. The sign does not give rise to any discernible safety risk for road users and is therefore acceptable in terms of their impact on public safety.</p> <p>Due to the scale and design of the signage it will not integrate with its context and will have an adverse impact on the building and wider area. In order to address these concerns, the applicant was requested to revise the design including reducing the height of the sign, given the dominant effect against the modest scale of the building. The applicant has not revised the sign to address these concerns.</p> <p>The sign is of an unacceptably large size that does not comply with LDP policy DES1 and guidance nor the terms of the Advertisement Regulations and will not integrate with surrounding signs for this reason. It is recommended that advertisement consent is refused.</p>			

Ref. No.:	0978/H/22	Recommendation:	Refuse Permission
Proposal:	Erection of a 1.8m fence and gates (in retrospect)		
Address:	8 Ballencrieff Mill, Bathgate, West Lothian, EH48 4LL (Grid Ref: 296383,669582)		
Applicant:	Mrs Elaine Marshall	Type:	Local Application
Ward:	Bathgate	Case Officer:	Lucy Hoad
<u>Summary of Representations</u>			
None			
<u>Officers report</u>			
<p>The property is a detached L shaped- dwelling-house of render and tile situated within a small cul-de sac accessed of Balmuir Road. The dwellings comprise a small group of houses of mixed design (historic and modern) located on the northern outskirts of Bathgate.</p> <p>The application seeks consent for the erection of a 1.8m perimeter fence and access gates. The works have been carried out and the application is thus retrospective. The fence is constructed of timber (hit and miss design).</p> <p>The properties in the vicinity mainly display an open aspect or low fencing to front areas and lawns with enclosed rear gardens. The applicant was requested to step down/reduce the height of the section of fence to the front of the property and driveway area – however, no amendments were made and the application is assessed as submitted.</p> <p>The council's House Extension and Alteration Design Guide states that in front gardens, walls and fences should not generally exceed on metre in height. Therefore, these proposed works are contrary to this guidance. Additionally, the location of the fence will result in adverse impacts on the visual amenity of the street scene, does not enhance the appearance of the existing house and does not reflect the wider character of the neighbourhood.</p> <p>The development has a detrimental impact on the appearance of the house and visual amenity of the wider area and therefore does not comply with policy DES1 (Design Principles) of the LDP or the House Extension and Alteration Design Guide. It is recommended that planning permission is refused.</p>			

Ref. No.:	0989/FUL/22	Recommendation:	Refuse Permission
Proposal:	Erection of 3 office/light industrial units (Class 4)		
Address:	Land To The West Of 1 Beveridge Square, Livingston, EH54 6QF (Grid Ref: 305280,667171)		
Applicant:	Mr David Cowan	Type:	Local Application
Ward:	Livingston South	Case Officer:	Alexander Calderwood
<u>Summary of Representations</u>			
1 objection has been received in relation to a lack of parking.			
<u>Officers report</u>			
<p>This application seeks full planning permission for the erection of 3 office/light industrial units (Class 4), totalling an area of 340sqm. The site falls within Livingston Town Centre as defined in the West Lothian LDP. The surrounding area is characterised by largely brick, commercial, office development. The proposed building is industrial in character, and clad in green panelling. The proposal is uncharacteristic of the area and more suitable to that of an industrial estate.</p> <p>Transportation object to the proposals on the basis that there is no business parking for service vehicles and that there is a requirement for between 5 and 10 parking spaces. Transportation also noted that access to each of the shutter doors through the car park cannot be approved due to the loss of town centre parking. The required parking has not been provided and would be difficult to achieve given the nature of the site.</p> <p>The proposals do not comply with Policy DES 1 (Design Principles) and Policy TRAN1 (Transport Infrastructure) of the West Lothian Local Development Plan 2018.</p> <p>The application is recommended for refusal.</p>			

Ref. No.:	1036/FUL/22	Recommendation:	Refuse Permission
Proposal:	Erection of new dwelling with associated detached garage and garden		
Address:	Land Between 23A And 25 Pumpherston Road, Uphall Station, EH54 5PL (Grid Ref: 305280,667171)		
Applicant:	Miss Rebecca McGregor	Type:	Local Application
Ward:	Broxburn, Uphall & Winchburgh	Case Officer:	Alexander Calderwood
<u>Summary of Representations</u> 2 objections have been received for this application: - The proposed house is to be two storeys, and will be out of context with the surrounding area which is characterised by bungalows and single storey cottages. - The scale of the proposed house does not respect the character of neighbouring residential development.			
<u>Officers report</u> This application seeks full planning permission for the erection of a new dwelling with an associated detached garage and garden on land between 23A and 25 Pumpherston Road. A formal preapplication enquiry was submitted under 0787/PRE/22. The applicant was advised that residential development was acceptable in principle, but that a two-storey development would not be supported because it would not be suitable within the context of the surrounding area. The proposal submitted is for a two-storey development and is distinctly larger than surrounding development. The surrounding area is characterised by residential development of a smaller scale, with single storey bungalows lying immediately to the north, east and south of the site, as well as across Pumpherston Road to the west. The proposal would have an adverse impact on the character of the area and on neighbouring residential amenity The Residential Development Guide (RDG) states that the massing of development on a site should not overwhelm any adjacent buildings or spaces. The proposals do not comply with Policy DES 1 (Design Principles) and Policy HOU 3 (Infill/Windfall Housing Development within Settlements) of the West Lothian Local Development Plan 2018 nor the Residential Development Guide, 2019. The application is recommended for refusal.			



Development Management

List of Delegated Decisions - 6th January 2023

DATA LABEL: OFFICIAL

The following decisions will be issued under delegated powers unless any Member representing the ward in which the application is located requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	1030/FUL/22	Recommendation:	Refuse Permission
Proposal:	Erection of 2.4m high metal palisade fence and gates		
Address:	Land at Kirkton Campus, Livingston, East of 4a, 4B & 6 Fleming Road (Grid Ref: 305280,667171)		
Applicant:	Mr M Hussain Muir Developments Ltd	Type:	Local Application
Ward:	Livingston South	Case Officer:	Alexander Calderwood
<u>Summary of Representations</u> 1 objection raised the following concerns: - The industrial style fence would be inappropriate within the context of the surrounding area. - Being right next to the road the fence will significantly alter the character of the campus, especially as it is on the main route to the town centre. - It is not clear what the purpose of the fence is.			
<u>Officers report</u> The applicant is seeking to erect a 2.4 metre high palisade fence along the boundary of a site which is to the west of 8 Fleming Road, Kirkton Campus. The fence is industrial in character and is inappropriate within the context of the surrounding open business park and is more suited to that of an industrial estate. It will detract from the amenity of the area which is characterised by swathes of woodland surrounding business units. The applicant has stated that they wish to erect the fence to secure the site that they own. However, the fence is only to be erected along one side of the site and the site is approximately 15,000sqm. The site is vacant of any structures or development, and is an area of woodland. There is no clear justification for the fence and woodland planting is likely to require to be removed as a result of the proposals. Any proposed development should be coordinated with adjacent development, and this is not the case with this proposal.			

The proposals do not comply with Policy DES 1 (Design Principles), Policy ENV 9 (Woodlands, forestry, trees and hedgerows) and Policy ENV 21 (Protection of Formal and Informal Open Space) of the West Lothian Local Development Plan 2018.

Refusal is therefore recommended.



Development Management

List of Delegated Decisions - 16th December 2022

DATA LABEL: OFFICIAL

The following decisions will be issued under delegated powers unless any Member representing the ward in which the application is located requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	0881/FUL/20	Recommendation:	Refuse Permission
Proposal:	Change of use and alterations from commercial garage/bus depot (sui generis) to a house (class 9) and associated private garden ground		
Address:	180A Uphall Station Road, Pumpherston, West Lothian, EH53 0PD (Grid Ref: 306613,669665)		
Applicant:	E & M Horsburgh	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Steven McLaren

Summary of Representations

There have been no representations received on this application.

Officers report

Planning permission is sought to convert a former commercial bus garage and depot building to form a house and associated private garden ground. The site lies within the settlement boundary for Pumpherston and has not been used as a bus depot for a number of years. Housing has been constructed to the north and east of the site, with special needs housing being constructed immediately to the north of the site. The proposed access also acts as an access for 2 existing houses. Given that the nature of the area, the conversion of the depot to a house is acceptable.

The conversion to a house attracts developer contributions towards RC primary, RC secondary and cemeteries provision. An invoice for the contributions was issued on 7/9/22 and has not been paid. A letter was received by Finance from the applicant on 1/11/22 stating that 'no payment will be made against the invoice as it has not been decided if the change of use is going forward'. Given this letter and the invoice being raised 3 months previously, the council cannot hold onto undetermined planning applications indefinitely. Whilst the proposals are acceptable, the non-payment of developer contributions is contrary to policy INF1 (Infrastructure provision and developer obligations) of the adopted West Lothian Local development Plan, 2018.

The recommendation is therefore to refuse planning permission.

Ref. No.:	0235/P/22	Recommendation:	Grant Planning Permission in Principle
Proposal:	Planning permission in principle for the erection of 11 houses with associated works (as amended)		
Address:	Land To East Of 11 Raw Holdings, Mansefield, East Calder, West Lothian, EH53 0HZ (Grid Ref: 309340,667763)		
Applicant:	Mr Kenny Ireland	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Matthew Watson
<u>Summary of Representations</u> One objection: <ul style="list-style-type: none"> - Flooding and drainage impact - Loss of privacy - High density of housing will not fit in with the character of surrounding smallholdings - Impact on wildlife - The site is not allocated for development land in the LDP 			
<u>Officers report</u> This application seeks planning permission in principle for the erection of 11 houses with associated works. An indicative layout shows access being taken from the CALA development to the south of 10 and 11 Raw Holdings. The application site falls within the Calderwood Core Development Area and is allocated for housing under site H-EC 5 in the LDP. The principle of housing on this site is therefore acceptable. Technical matters relating to drainage, ecology and contaminated land are acceptable. Conditions will be required to secure further, relevant technical information. Developer contributions towards education, open space, cemeteries, public art, affordable housing and other relevant CDA contributions will require to be secured prior to the grant of any consent in line with policy INF1 (Infrastructure provision and developer obligations) of the adopted West Lothian Local development Plan, 2018. Consequently, it is recommended planning permission in principle is granted, subject to conditions and securing developer contributions.			

Ref. No.:	0640/FUL/22	Recommendation:	Grant Planning Permission
Proposal:	Erection of a 66 bed care home with ancillary accommodation, associated car parking and landscaping		
Address:	Club Earth, Almondside, Almondvale, Livingston, West Lothian (Grid Ref: 305622,667031)		
Applicant:	Morrison Community Care (CCG2) Holdco Limited	Type:	Local Application
Ward:	Livingston South	Case Officer:	Steven McLaren
<u>Summary of Representations</u> <p>There have been 2 objections received on this application:</p> <ul style="list-style-type: none"> - Detrimental impact on potential for live music and entertainment. - Potential impact on use of the skate park. - Sufficient care homes in Livingston. - Impact of road on residents. - Resident's safety. 			
<u>Officers report</u> <p>Planning permission is sought for the construction of a 3-storey, 66 bed care home on the site of the Club Earth nightclub at Almondvale in Livingston. The premises had ceased use as a night club and was being used as a church but, as a result of the Covid pandemic, the use of the premises as a whole had ceased and not re-opened. The building is proposed for demolition.</p> <p>WLC Social Policy has confirmed that there is an under provision of care homes in West Lothian and that care homes are a vital link in the overall care infrastructure.</p> <p>The proposed building is an 'L' shaped design with a courtyard area to the front facing the car park at Howden South Road. To the north lies the Livingston Skate Park and to the west, a 2-storey commercial building containing a variety of uses including hot food take-aways. The proposed building, whilst 3-storeys in height, sits at a lower level than the commercial building and as such, the roof line lies at the same height. The design of the building and proposed use of materials is acceptable and would result in a gateway building to the town centre.</p> <p>The site is located within the identified sub-regional town centre which is suitable for higher density residential and a range of uses. The use of the site for a care home is therefore acceptable. The site is ideally placed with a range of parking options for staff and visitors</p>			

within the town centre, it lies on a bus route and there is easy access for staff, visitors and residents to the Almondvale Park area and walks by the river.

Concern has been raised regarding the safety of residents adjacent to the road and the potential impact on the skate park if noise complaints are raised. A Noise Impact Assessment has been carried out and Environmental Health consulted. Suitable mitigation can be applied to the window and ventilation specification to meet the noise standards required. Suitable fencing/railings will be erected to protect residents and it will be the responsibility of staff to ensure their safety. The location of a care home adjacent to a busy road is not uncommon.

Concern has also been raised about the loss of an entertainment venue. This is a commercial matter and should an application be submitted for a replacement entertainment venue, then that would be given due consideration.

The proposals are therefore acceptable and accord with the following policies of the adopted West Lothian Local Development Plan, 2018:

DES1 (design principles)

HOU6 (residential care and supported accommodation)

TCR1 (town centres)

EMG2 (flooding)

EMG3 (sustainable drainage)

EMG5 (noise)

EMG6 (vacant, derelict and contaminated land)

It is therefore recommended that planning permission is granted.



Development Management

List of Delegated Decisions - 22nd December 2022

The following decisions will be issued under delegated powers unless any Member representing the ward in which the application is located requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	0809/H/22	Recommendation:	Grant Planning Permission
Proposal:	Two storey extension to side of house		
Address:	36 Kaimes Avenue, Kirknewton, West Lothian, EH27 8AU, (Grid Ref: 311342,667266)		
Applicant:	Mr Michael Reilly	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Mahlon Fautua
<u>Summary of Representations</u> One Objection - Land that was taken by applicant should be returned to community ground This is a separate matter to the current application and is being pursued by Planning Enforcement			
<u>Officers report</u> 36 Kaimes Avenue is a two-bedroom end-terraced house that sits in Kirknewton and is constructed of render and grey concrete roof tiles. The applicant seeks consent to erect a two-story extension to the side (northeast) of the dwelling The proposed extension is to host a bedroom on the ground floor and another bedroom with en-suite the first floor. The extension is to run the full depth of the house (7312mm) and extend from the side (existing gable) by 4300mm leaving a 5.5m distance between the house and the boundary. The extension is to reach a maximum height of 6191mm and an eave height 4667mm to match the existing datum lines of the house. All external finishes are to match that of the existing structure. A one-metre high fence is proposed on the front boundary Due to the positioning and orientation of the proposed two-story extension there is no issues of overshadowing the neighbouring properties as the shadow falls onto the occupant's property and falls on an already shaded part of the neighbour's front curtilage in the evening.			

The scale of the development compliments the existing structure by following the existing levels of the terraced block. The scale of the development is subsidiary to the existing property but does not dominate neighbouring houses.

Due to separation distances, there are no overlooking or privacy issues.

It is recommended that this application is approved.

Ref. No.:	0982/FUL/22	Recommendation:	Refuse Permission Agenda Item 8
Proposal:	Erection of 6 houses with associated works		
Address:	Land To The South Of Inchcross Park, Inchcross, Bathgate, , (Grid Ref: 305280,667171)		
Applicant:	Inchcross Developments Ltd	Type:	Local Application
Ward:	Bathgate	Case Officer:	Matthew Watson
<u>Summary of Representations</u> Two objections: - Impact on privacy - Impact on wildlife - Unclear if existing tree belt is being removed or supplemented - If trees are removed there will be a detrimental impact on residential amenity			
<u>Officers report</u> This application seeks planning permission for the erection of 6 houses with associated works. Access is proposed to be taken off Standhill Road. The site is covered by a Tree Preservation Order (TPO) and is designated as open space in the West Lothian LDP. Planning permission has previously been granted on the site for 8 houses (0591/FUL/08) and the first of the eight houses was granted under a separate application (1008/FUL/19). This house has been built. The applicant has failed to provide relevant and up-to-date technical information relating to drainage, noise, contaminated land, trees, ecology and coal mining risk. In addition, no engineering/levels information has been submitted with the application. Waste Services has requested a swept path analysis and an updated layout to move two visitor parking spaces to ensure bin lorries can safely access, turn and egress the site. This information has also not been provided. In the absence of these technical studies and information, the proposal is contrary to policies DES 1, ENV 9, ENV 20, EMG 3, EMG 5 and EMG 6 of the LDP. Overall, and in view of the above, it is recommended that planning permission is refused.			

Proposed Enforcement Actions – 16/12/2022

Ref. No.	Owner/ Developer	Location & Alleged Breach of Planning Control	Ward	Proposed action	Reasons for decision and summary steps to comply if applicable
ENF/0304/22	David Gilmour	19 Wyndford Avenue Uphall Broxburn West Lothian EH52 6DW Erection of greenhouse	Broxburn, Uphall & Winchburgh	Take No Action/ Monitor	<p>This relates to a small greenhouse, but as it is in a four-in-a-block property it requires a planning application because of the ridge height.</p> <p>However, the height is only 2m, which is 50cm over the PD limit at the central ridge, and sits adjacent to another shed at the rear of the garden. It does not impact on the residential amenity of surrounding properties and it is not in the public interest to require the removal of the greenhouse.</p> <p>The owner is to be given 6 months to amend the ridge line to reduce by 50cm, so progress on these works will be monitored.</p>

Proposed Enforcement Actions – 06/01/2023

Ref. No.	Owner/ Developer	Location & Alleged Breach of Planning Control	Ward	Proposed action	Reasons for decision and summary steps to comply if applicable
ENF/0329/19	Fraser Muirhead	5 Waverley Crescent Livingston West Lothian EH54 8JH Not in compliance with approved plans (LIVE/0394/H/17)	Livingston North	Take No Further Action	Planning Enforcement has requested a Non-Material Variation (NMV) for the changes to the house extension on several occasions but the council has not received one. It is not in the public interest to take formal enforcement action in this case in respect to the changes made to the consented house extension. No further action will be taken on this case.

DATA LABEL: PUBLIC



DEVELOPMENT MANAGEMENT COMMITTEE

PLANNING APPEAL PPA-400-2152: PLANNING PERMISSION IN PRINCIPLE FOR PROPOSED MIXED-USE DEVELOPMENT FOR BUSINESS (CLASS 4), INDUSTRIAL (CLASS 5) AND STORAGE AND DISTRIBUTION (CLASS 6), WITH ASSOCIATED ENGINEERING, LANDSCAPING AND DRAINAGE AT LAND TO NORTH AND SOUTH OF A705, COUSLAND FARM, LIVINGSTON

REPORT BY CHIEF SOLICITOR

A. PURPOSE OF REPORT

To advise the Development Management Committee that a response has been submitted to the appeal made to The Scottish Government's Planning and Environmental Appeals Division (the DPEA) (Planning Appeal PPA-400-2152) for planning permission in principle for a mixed-use development for business (Class 4), industrial (Class 5) and storage and distribution (class 6) with associated engineering, landscaping and drainage at Land to North and South of A705, Cousland Farm, Livingston

B. RECOMMENDATION

To note the approval provided using SO31 (Urgent Business) procedures to approve the submission of a response to the DPEA in relation to Planning Appeal PPA-400-2152

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable;
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The proposed response will ensure that the council's position with regard to the original planning application is taken into consideration by the DPEA in deciding the appeal.
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	None

V	Relevance to Single Outcome Agreement	None
VI	Resources - (Financial, Staffing and Property)	None
VII	Consideration at PDSP	N/A
VII I	Other consultations	Legal Services; Planning Services; Chair of Development Management Committee; and Local Ward Members: Councillors Jim Dickson, Mary Dickson, George Paul and Kirsteen Sullivan

D. TERMS OF REPORT

Planning Application reference number 0151/P/22, planning permission in principle for a mixed-use development for business (Class 4), industrial (Class 5) and storage and distribution (class 6) with associated engineering, landscaping and drainage at Land to North and South of A705, Cousland Farm, Livingston was considered by the Development Management Committee at its meeting on 17 August 2022.

The Planning Officer's recommendation was to grant planning permission in principle subject to conditions. The committee refused the application as they considered that the proposal did not conform with the following policies of the West Lothian Local Development Plan :-

- ENV1 - Character and Special Landscape Areas –the proposal does not comply with this policy simply by virtue of the allocation of the site for employment development within the LDP. The principle function of the LDP is to create coherence of development across the wider plan area. It is no longer appropriate to consider the proposal as a standalone development due to its relationship with the allocated Gavieside Development. Coherence would not be achieved between the proposal and the allocated Gavieside development. The proposal does not conform with ENV1 as the allocation of the site for employment development no longer conforms to the original intention of LDP. The proposal will affect the special character of the surrounding local landscape.
- ENV4 – Loss of Prime Agricultural Land - as the proposal will result in the loss of prime agricultural land which is not justified as the proposal no longer conforms with the intended spatial strategy set out in the LDP, and as such the proposal does not form a key component of the spatial strategy set out in the LDP.
- ENV9- Woodland, Forestry, Trees and Hedgerows – as the proposal will adversely affect trees for which there is no justification when the proposal is considered against the provision of the wider LDP strategy in respect of the risk to trees

- ENV20- Species Protection and Enhancement – as the species protection report does not consider all species that may be affected by the proposal, or provide any information regarding species enhancement.
- EMG5 – Noise – as until it is known what will occupy the buildings it cannot be known what noise will be generated.
- DES 1 – as the development will appear as a standalone industrial area visually separated from Livingston and Seafield and will have significant adverse effects on the amenity of the residents of Eliburn and Seafield.

The applicant appealed the refusal to The Scottish Government's Planning and Environmental Appeals Division (the DPEA). Legal Services prepared a statement in response to the appeal, a copy of which is attached to this report at Appendix 1.

In accordance with agreed procedures, the Chair of the Development Management Committee and relevant ward members were consulted on the response before it was finalised for approval and lodging with the DPEA on 22 December 2022.

E. CONCLUSION

The attached response sets out the council's position in respect of an appeal submitted to the DPEA in respect of Application No.0151/P/22, planning permission in principle for a mixed-use development for business (Class 4), industrial (Class 5) and storage and distribution (class 6) with associated engineering, landscaping and drainage at Land to North and South of A705, Cousland Farm, Livingston

F. BACKGROUND REFERENCES

Report to Development Management Committee dated 17 August 2022

Planning Appeal Statement DPEA reference PPA-400-2152

Appendices/Attachments:

Appendix 1: Response of West Lothian Council to procedure notice in relation to Planning Appeal DPEA reference PPA-400-2152

Contact Person: Lesley Montague, Managing Solicitor,
lesley.montague@westlothian.gov.uk

Date of Meeting: 18 January 2023

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
WRITTEN SUBMISSION ON BEHALF OF WEST LOTHIAN COUNCIL
("the Council")

IN THE APPEAL BY

HALLAM LAND MANAGEMENT & ROSEBERY ESTATES

("the Appellants")

AGAINST

**DECISION TO REFUSE PLANNING PERMISSION IN PRINCIPLE FOR PROPOSED MIXED-USE
DEVELOPMENT FOR BUSINESS (CLASS 4), INDUSTRIAL (CLASS 5) AND STORAGE AND
DISTRIBUTION (CLASS 6), WITH ASSOCIATED ENGINEERING, LANDSCAPING AND
DRAINAGE**

DPEA REFERENCE – PPA-400-2152

WEST LOTHIAN COUNCIL REFERENCE – 0151/P/22

1 Introduction

- 1.1 The Appeal is in respect of an application for planning permission in principle for a mixed-use development for business (Class 4), industrial (Class 5) and storage and distribution (class 6) with associated engineering, landscaping and drainage at Land to North and South of A705, Cousland Farm, Livingston ("the Application").
- 1.2 Details of the site and the locality are set out in the plans and paragraph 4 of the Report to the Development Management Committee of the Council ("the Committee") of 17 August 2022 (Appellants' Document PA 2.01).
- 1.3 At the Committee meeting on the 17 August 2022, the Committee received a detailed presentation from the Planning Officer on the proposal.
- 1.4 After discussion, deliberation and hearing from the Planning Officer, the Committee decided to refuse the application for planning permission in principle. The Application was refused for the reasons outlined at paragraph 3 below. It is this decision which is currently under appeal.
- 1.5 The public recordings of the Committee meeting can be accessed using the following link to the Council's Youtube page - <https://www.youtube.com/watch?v=JybQD63-rD8>

2 Consultations & Representations

- 2.1 Internal & External Consultees - are noted at paragraph 6 of the Committee Report (Appellants Document PA 2.01)
- 2.2 Letters of Representation - a total of 38 objections were received, and both Eliburn Community Council and Seafeld Community Council addressed the Committee and objected to the Application. The representations received included the following objections to the Application
 - 2.2.1 Brownfield sites should be prioritised over greenfield sites and there are plenty of empty units on industrial estates in Livingston
 - 2.2.2 Loss of visual amenity
 - 2.2.3 Loss of wildlife corridors
 - 2.2.4 Traffic impact from increased vehicular movements; and
 - 2.2.5 Impact on flooding

3 Decision Subject to Appeal

- 3.1 The Application came before the Committee for determination on 17 August 2022. The Committee agreed to refuse the Application on the following grounds (as noted on the Decision Notice (Appellant Document PA 2.02)):-
 - 3.1.1 The proposal does not comply with Policy ENV 1 (Character and Special Landscape Areas) of the West Lothian Local Development Plan, 2018 by virtue of the allocation of the site for employment development within the LDP. The principle function of the LDP is to create coherence of development across the wider plan area. It is no longer appropriate to consider the proposal as a standalone development due to its relationship with the allocated Gavieside Development. Coherence would not be achieved between the proposal and the allocated Gavieside development.

The proposal does not conform with ENV 1 as the allocation of the site for employment development no longer conforms to the original intention of LDP. The proposal will affect the special character of the surrounding local landscape.
 - 3.1.2 The proposal will result in the loss of prime agricultural land which is not justified as the proposal no longer conforms with the intended spatial strategy set out in the LDP, and as such the proposal does not form a key component of the spatial strategy set out in the LDP.

The proposal is therefore contrary to Policy ENV 4 (Loss of Prime Agricultural Land) of the West Lothian Local Development Plan, 2018.
 - 3.1.3 The proposal will adversely affect trees for which there is no justification when the proposal is considered against the provision of the wider LDP strategy in respect of the risk to trees

The proposal is therefore contrary to Policy ENV 9 (Woodland, Forestry, Trees and Hedgerows) of the West Lothian Local Development Plan, 2018.

- 3.1.4 The protected species baseline report does not consider all species that may be affected by the proposal, or provide any information regarding species enhancement.

The proposal is therefore contrary to Policy ENV 20 (Species Protection and Enhancement) of the West Lothian Local Development Plan, 2018.

- 3.1.5 The proposal is contrary to Policy EMG 5 (Noise) of the West Lothian Local Development Plan, 2018 as until it is known what uses will occupy the buildings it cannot be known what noise will be generated.

- 3.1.6 The development will appear as a standalone industrial area visually separated from Livingston and Seafield and will have significant adverse effects on the amenity of the residents of Eliburn and Seafield.

The proposal is therefore contrary to Policy DES 1 (Design Principles) of the West Lothian Local Development Plan, 2018.

4 Comments

- 4.1 The main aim of the planning system is to ensure that development and changes in land use occur on suitable occasions and are sustainable. The planning system must provide protection from inappropriate development. Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2 The House of Lords, in their judgement in the case of *City of Edinburgh Council v Secretary of State for Scotland & Others*¹, determined that the weight to be attached to any relevant material consideration is a matter for the judgement of the decision maker, having taken account of all relevant information. The range of material considerations is acknowledged to be wide ranging and includes for example Government guidance and policies, draft local plans and environmental impact of proposed development and planning history of the site, views of Statutory and other consultees and a legitimate public concern/support expressed in relation to the relevant planning issues.
- 4.3 It is accepted that the recommendation of Council Officials to the Committee was to grant planning permission in principle subject to a number of conditions. In reaching its decision on an application, the Committee does not have to follow the recommendation of Officials. The Committee must determine each application on its own merits, having given consideration to the Policies of the Development Plan, and all the material information available to it. The acceptability of a proposal is a matter for the judgement of the Committee, and the compliance of a proposal with the Development Plan is a matter for their judgement.
- 4.4 The Council respectfully submits that the Appeal should be dismissed on the basis of the reasons set out in the Decision Notice (Appellant Document PA 2.02).

¹ 1997 SCLR 1112

5 **Conditions**

- 5.1 In the event that the Reporter is minded to uphold the Appeal and grant planning permission in principle it is submitted that any permission granted should be subject to the proposed conditions, which are included in Part 1 of the Schedule annexed to this submission. The conditions mirror those draft conditions before Committee when they determined the Application other than condition 10 which relates to noise.

6 **Procedure**

- 6.1 The Council respectfully submits that it should be possible to determine this appeal without the need for further procedure other than a site visit.

7 **Documents**

- 7.1 The documents before the planning authority which were taken into account in reaching the authority's decision on the application subject to this appeal have been by in large lodged by the Appellant in their "Planning Application (PA) Document Reference List". However, we have included a list of plans in Part 2 of the Schedule annexed to this submission. Copies of those documents have been submitted by the Council.
- 7.2 A list, and copies, of representations and consultee comments that were before the Committee have been submitted to the DPEA under separate cover.

SCHEDULE

PART 1

PROPOSED DRAFT CONDITIONS

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

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

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

Approval of Matters:

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

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

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

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

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

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

Details of the positioning and appearance of active ready to use 50kW electric vehicle charging points with a CCS or CHAdeMO connector, with the level of provision determined by the standards in the Air Quality Planning Guidance, or other agreed provision, as well as who will be responsible for managing and maintaining charging infrastructure shall be submitted to and approved in writing by the planning

authority. Thereafter, the approved details shall be implemented prior to the occupation of any of the relevant buildings.

Reason: In the interest of sustainability.

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

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

Reason: To safeguard the archaeological interest of the site.

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

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

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

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

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

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

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

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

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

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

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

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

Part 1

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

Part 2

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

Part 3

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

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

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

Prior to the commencement of development, a noise impact assessment shall be submitted to and approved in writing by the planning authority. Thereafter, any mitigations measures required shall be implemented in accordance with the approved details and prior to the occupation of buildings that the mitigation relates to.

Reason: To ensure adverse noise impact is suitably mitigated, in the interest of amenity.

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

Noise (Construction)

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

Noise (Vehicles/Plant)

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

Vibration (Construction)

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

Site Compound

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

Waste

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

Wheel Cleaning

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

Reason: In the interests of visual and environmental amenity.

PART 2
DOCUMENT LIST

Refused Plans referred to in Decision Notice

- 1 Location Plan 18012-Cousland Farm-PLBD-P003
- 2 Masterplan 18012-MPDF-P002-B
- 3 Tree works/protection 18012-LAGA-P00