



Local Review Body

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

16 January 2023

A meeting of the **Local Review Body** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston** on **Wednesday 25 January 2023** at 11:30am.

For Chief Executive

BUSINESS

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 and declarations of interest in any urgent business

Public Session

4. Confirm Draft Minutes of Meeting of Local Review Body held on Wednesday 23 November 2022 (herewith)

Public Items for Decision

5. Notice of Review Application No.0242/H/22 - Extension to house and erection of detached double garage, Old Clapperton Hall, East Calder (herewith)
6. Notice of Review Application No.0610/FUL/22 - Change of use from house (class 9) to form 8 letting bedrooms, Willowbank, 1 Burnside Road, Bathgate (herewith)
7. Notice of Review Application No.0714/FUL/22 - Erection of summer house, huts and small storage room (in retrospect) and operation of small

DATA LABEL: Public

pet business, 11 Stevenson Terrace, Bathgate (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 LOCAL REVIEW BODY held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 23 NOVEMBER 2022.

Present – Councillors Danny Logue (Chair), Tom Conn, Alison Adamson, Stuart Borrowman, William Boyle, Pauline Clark and Tony Pearson

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The committee confirmed the Minute of its meeting held on 26 October 2022. The Minute was thereafter signed by the Chair.

3. NOTICE OF REVIEW APPLICATION NO.0568/FUL/22 - CHANGE OF USE FROM PUBLIC OPEN SPACE TO PRIVATE GARDEN GROUND, 12 OGILVIE WAY, LIVINGSTON

The committee considered a report (copies of which had been circulated) by the Clerk and Legal Adviser to the Local Review Body regarding an application to review the decision by the Appointed Person to refuse planning permission for a change of use from public open space to private garden ground, 12 Ogilvie Way, Livingston

Attached to the report were the Notice of Review and other relevant documents. The documents identified the policies in the development plan and relevant guidance that had been referred to in the review documents.

The committee decided that the review documents in conjunction with the site visit conducted prior to the meeting provided sufficient information to enable the review to be determined without any further procedure.

The committee then determined the review application in terms of the statutory test and to have regards to the development plan unless material consideration indicated otherwise.

The Local Review Body also took account of the views expressed in the Notice of Review documents.

Prior to reaching a determination on the review application clarity was sought from the Legal Adviser whether the Local Review Body required to determine the application in respect of the development that was originally applied for, or whether the Local Review Body could grant permission for the reduced area.

The Legal Adviser explained that contained within the application for review there was information in regard to the reduced area which was new information and which had been before the planning officer at the time of determination of the planning application but had not been taken

into account. Members would therefore require to determine if the information regarding the reduced area was new information, or further information pertaining a matter that was already before the planning officer. If the former, members would require to determine the application on the basis of the original extent applied for. If the later it would be open to members to determine the application for review by granting permission for the reduced area should it be considered necessary to render the development acceptable, and that this could be achieved by the imposition of a planning condition, should members determine that it was not a derogation from the planning permission originally applied for.

Motion

To uphold the review application and grant planning permission subject to the draft conditions annexed to the Committee report and a further condition that the permission issued would be in respect of that area of ground with a maximum dimension of 5 metres by 16 metres, as shown on the reduced area plan annexed to the application for review, as committee agreed by a majority that the proposal would conform to policy DES1 of the WLLDP, in that no built form would be effected, and also conform to policy ENV21 of the WLLDP as there would be no significant adverse effect on the overall recreational amenity of the local area having taken into account the council's Open Space Strategy.

- Moved by Councillor Boyle and seconded by Councillor Clark

Amendment

To uphold the opinion of the Appointed Person and refuse the review application

- Moved by Councillor Adamson and seconded by Councillor Borrowman

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

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
William Boyle	Alison Adamson	Tom Conn
Pauline Clark	Stuart Borrowman	Danny Logue
Tony Pearson		

Decision

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



LOCAL REVIEW BODY

APPLICATION NO.0242/H/22 – EXTENSION TO HOUSE AND ERECTION OF DETACHED DOUBLE GARAGE, OLD CLAPPERTON HALL, EAST CALDER

REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY

A PURPOSE OF REPORT

This report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the Council's Appointed Person to refuse planning permission an extension to house and erection of detached double garage, Old Clapperton Hall, East Calder.

B REVIEW DOCUMENTS

The following documents form the review documents for consideration by the Local Review Body and are circulated to members with this report:

1. The Notice of Review, and supporting documentation, submitted by the applicant, dated 21 October 2022.
2. The Handling Report, prepared by the Planning Case Officer, dated 2 August 2022.
3. The Decision Notice, issued by the Appointed Person, dated 2 August 2022.

No representations to the application have been received. The council's Transportation Service, as a statutory consultee, have suggested that the proposal is acceptable without conditions; see attached for more information.

The applicant has stated in the review application that it is their opinion that the review would most appropriately be determined following a site inspection.

C SITE VISITS AND FURTHER PROCEDURE

A site inspection of the application site will be undertaken in advance of the Local Review Body's first consideration of the review application; this will be completed on 25 January 2023. However, the Local Review Body, upon consideration of the review application before it, can determine if further procedure is required before reaching a decision. This can include any, or any combination, of the following; an accompanied site inspection, further written submissions and hearing session/s.

D DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

The Appointed Person refused the application in that it was not in accordance with policy DES1 (Design Principles) of the West Lothian Local Development Plan and does not follow the appropriate planning guidance given in the House Extension and Alteration Design Guide 2020 as the proposed works do not integrate with the existing property in terms of scale and design and it was considered that the proposed works will appear dominant in relation to the dwelling to the detriment of the building's character and appearance

Further information can be obtained in the Decision Notice and Handling Report both of which are attached to this report.

E PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS

Without prejudice to the outcome of this review, to assist the LRB in its deliberations and to assist the applicant and interested persons in securing a prompt resolution of the review, attached to the report are a set of draft planning conditions which the LRB may wish to consider imposing should it be minded to grant planning permission. A copy is circulated with this report

Lesley Montague, Managing Solicitor, West Lothian Civic Centre

Email address:- lesley.montague@westlothian.gov.uk

Date: 25 January 2023



West Lothian Civic Centre Howden South Road Howden Livingston EH54 6FF Tel: 01506 280000 (for general enquiries) Email: planning@westlothian.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100544107-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation: hLp Architecture

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Robert Building Name:

Last Name: * Lukas Building Number: 35

Telephone Number: * Address 1 (Street): * Joppa Road

Extension Number: Address 2:

Mobile Number: Town/City: * Edinburgh

Fax Number: Country: * United Kingdom

Postcode: * EH15 2HB

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Old Clapperton Hall"/>
First Name: *	<input type="text" value="Craig"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Young"/>	Address 1 (Street): *	<input type="text" value="East Calder"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="West Lothian"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH52 5PE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:	<input type="text" value="West Lothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="OLD CLAPPERTON HALL"/>
Address 2:	<input type="text" value="EAST CALDER"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="BROXBURN"/>
Post Code:	<input type="text" value="EH52 5PE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="668874"/>	Easting	<input type="text" value="308694"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Extension to house and erection of a detached double garage

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See attached supporting statement.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Original application drawings - 001 to 014 inclusive. Architects supporting statement Planning dept. decision notice Planning dept. report of handling

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

0242/H/22

What date was the application submitted to the planning authority? *

30/03/2022

What date was the decision issued by the planning authority? *

02/08/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Site is unique in its secluded state and site context is relevant to make a valued assessment.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Colin Gibson

Declaration Date: 21/10/2022

DESIGN SUPPORT STATEMENT V2

DATE OF STATEMENT : 21.10.22

SITE ADDRESS : Old Clapperton Hall, Broxburn,
EH52 5PE West Lothian
Grid Reference: 308694,668874

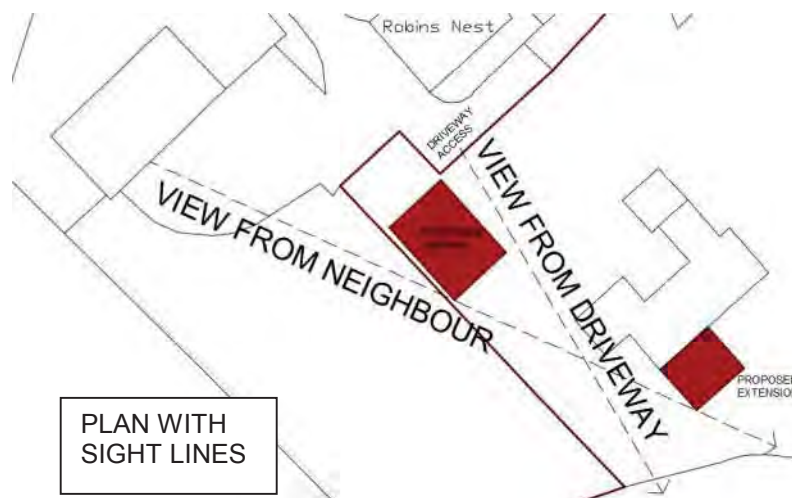
PLANNING APPLICATION REF : 0242/H/22

Brief Summary of works:

It is not our professional view that the proposed extension falls within the limiting guidelines set out in the following statement

Policy DES 1 (Design Principles) of the West Lothian Local Development Plan 2018 states that all development proposals will require to take account of and be integrated with the local context and built form. It also states there should be no significant adverse impact on adjacent buildings or streetscape in terms of scale, massing, design or amenity.

Primarily it is noted that no part of the proposed extension can be seen from any public road or footpath and is wholly within the site owned by our client. Any view from any direction into the site is restricted by heavily planted mature trees and shrubs and high natural stone walls of previous buildings which are retained on the boundary line. There is no public road or public footpath from where the rear of the property can be seen and there is no vantage point to view the proposed extension. Views of the proposed gable wall from the driveway access into the site is blocked by the existing house gable wall and existing single storey extension on the north west corner of the original house. There is no view from the adjacent neighbouring property.



The proposed materials are to be of a high standard with the use of natural stone to match the existing property of the existing house. The single storey extension is regarded as being subservient to the original house which has been extended several times with the most recent addition being a full width flat roof dormer. These have been approved by West Lothian Council and we see no reason why the addition of a further extension can not be approved. It is our opinion that the original house form is maintained and we do not agree that the proposed extension detracts or diminishes from the original house form. The SW proposed gable wall only is high to allow protection from weather/wind and it does rise higher than the existing eave line of the original house. Because of this it is additionally proposed that the original natural stone quoins will remain visible and the stone skew cope will remain in place to ensure that the original corner of the original house can be seen and unchanged. We are of the opinion that this will allow the original form of the gable wall to be seen clearly.



EXISTING SINGLE STOREY
EXTENSION RESTRICTS VIEWS OF
THE PROPOSED EXTENSION-1



EXISTING SINGLE STOREY
EXTENSION RESTRICTS VIEWS OF
THE PROPOSED EXTENSION-2



EXISTING VIEW OF REAR OF
PROPERTY WHERE PROPOSED
EXTENSION IS LOCATED



PROPOSED EXTENSION CAN NOT
BE SEEN FROM ANY PUBLIC ROAD
OR FOOTPATH DUE TO PROPOSAL
BEING LOCATED AT REAR OF
HOUSE



We do not agree that the proposal detracts from the original character of the original property nor do we agree that the works are visible and we request that this is taken into account and that the planning application refusal be overturned and the proposal approved in this instance.

For and on behalf of HLP ARCHITECTURE

SIGNATURE..... *hLp achitecture*



DATE.....**21 October 2022**.....



DECISION NOTICE REFUSAL OF PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997, as amended

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **refuses full planning permission for the development described below**, and in the planning application and docquetted plan(s).

APPLICATION REFERENCE 0242/H/22

PROPOSAL Extension to house and erection of a detached double garage

LOCATION Old Clapperton Hall, East Calder, West Lothian, EH52 5PE,
(GRID REF: 308694, 668874)

APPLICANT Mr Craig Young, Old Clapperton Hall, East Calder, West Lothian,
EH52 5PE

The above **local application was determined by an officer appointed by the council in accordance with its scheme of delegation**. Please see the advisory notes for further information, including how to request a review of any conditions.

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated:
02.08.2022

Wendy McCorriston
Development Management Manager

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

Signature:



DATA LABEL: PUBLIC

The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0242/H/22, for the reason(s) set out as follows:

- 1 The proposed works do not integrate with the existing property in terms of scale and design and it is considered that the proposed works will appear dominant in relation to the dwelling to the detriment of the building's character and appearance. This proposal is therefore contrary to West Lothian Local Development Plan, Policy DES1 (Design Principles) and the guidance given in the House Extension and Alteration Design Guidelines, 2020.

ADVISORY NOTES TO DEVELOPER

How to challenge the council's Decision

If your application was determined under delegated powers as a local application by an officer appointed by the council and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. If the application was heard at a committee and in any other case you can seek an appeal of that decision to the Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review, or to appeal, here: <https://www.westlothian.gov.uk/article/33128/Decisions-Reviews-and-Appeals>

If the decision of the council is overturned by the Local Review Body or the Directorate for Planning and Environmental Appeals, the developer of the land should be made aware of the following notes.

Notification of the start of development

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Notification of completion of development

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Contaminated land procedures

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease and the issue shall be reported in writing to the planning authority immediately. The developer is required to follow the councils Supplementary Planning Guidance Development of land potentially affected by contamination. This document provides developers and their consultants with information on dealing with the planning process in West Lothian when development is proposed on land which is suspected of being affected by contamination. This document and further guidance is provided via the Councils web pages at <https://www.westlothian.gov.uk/article/34731/Contaminated-Land>

Liaison with the Coal Authority

As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.

Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.

To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Advisory note to developer - General

Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.

Annex 1, Schedule of Plans - 0242/H/22

Docquetted Number	Description	Drawing Number
1	Location Plan	2201-001
2	Site Plan	2201-002REVA
3	Floor Plan (Existing)	2201-003
4	Floor Plan (Existing)	2201-004
5	Existing Elevations	2201-005REVA
6	Existing Elevations	2201-006REVA
7	Site Plan	2201-007REVC
8	Floor Plan (proposed)	2201-008REVE
9	Floor Plan (proposed)	2201-009REVE
10	Proposed Elevations	2201-010REVD
11	Proposed Elevations	2201-011REVD
12	Sections	2201-012REVC
13	Proposed Elevations	2201-013REVB
14	Floor Plan (proposed)	2201-014



DATA LABEL: PUBLIC

HANDLING REPORT

Ref. No.:	0242/H/22	Email:	lucy.hoad@westlothian.gov.uk
Case Officer:	Lucy Hoad	Tel No.:	
Ward:	East Livingston & East Calder	Member:	Cllr Damian Doran-Timson Cllr Carl John Cllr Danny Logue Cllr Veronica Smith

Title	Extension to house and erection of a detached double garage (Grid Ref: 308694,668874) at Old Clapperton Hall, East Calder, West Lothian, EH52 5PE
Application Type	Local Application
Decision Level	Delegated List
Site Visit	24.05.2022
Recommendation	Refuse Permission
Decision	Refuse Permission
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	
EIA Screening	Does the development require EIA screening - No

Description of Proposals

Extension to house and erection of a detached double garage

Representations

None

Consultations

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

Consultee	Objection?	Comments	Planning Response
Transportation	No objections		

Policies Considered

Policy Title	Policy Text
DES1 - Design Principles	All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design. Development proposals which are poorly designed will not be supported. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.

Officer Assessment

The property is a traditional detached stone cottage which sits in a large site within a small building group located in a rural estate. The property has been extended in the past to include small additions to north west elevation and box dormer to south east roof plane.

The application seeks to extend on the property on the south east elevation. The applicant was requested to reduce the footprint, mass and scale of the addition but no acceptable plans have been received to date.

This is a modest building with a simple form and layout. The addition is proposed to the south east elevation of the property extending out on the line of the existing gable. The expanse of the wall leading from the gable overwhelms the scale of the building and the applicant was asked to pull the development off the gable and align with the dormer. This would allow the existing gable to be read as such, with exposure of skews. Other suggestions made in order to break up the blank wall included provision of an opening and use of glazing or railings around the entire balcony rather than stone at the gable.

Whilst it could be argued that the large box dormer has an impact on the character and appearance of the property to a degree, the current proposals are out of keeping with the property in terms of mass and scale and are not visually acceptable. The overall effect of the development is one of dominance in relation to the appearance of the main dwelling.

Policy DES 1 (Design Principles) of the West Lothian Local Development Plan 2018 states that all development proposals will require to take account of and be integrated with the local context and built form. It also states there should be no significant adverse impact on adjacent buildings or streetscape in terms of scale, massing, design or amenity.

This proposal is contrary to policy DES1 (Design Principles) and the council's planning guidance House Extension and Alteration Design Guidelines 2020. It is recommended permission is refused.

Conclusions and Reasons for Decision

The proposed works do not integrate with the property in terms of scale and design and it is considered that the proposed works will appear dominant in relation to the dwelling to the detriment of the building's character and appearance. This proposal is therefore contrary to West Lothian Local Development Plan's DES 1 (Design Principles) Policy and does not follow the appropriate planning guidance given in the House Extension and Alteration Design Guide, 2020. It is recommended that this application is refused planning permission.

List of Review Documents

Drawings schedule:

Annex 1, Schedule of Plans - 0242/H/22

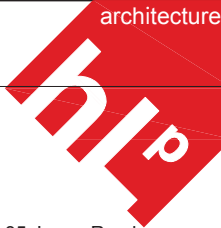
Docquetted Number	Description	Drawing Number
1	Location Plan	2201-001
2	Site Plan	2201-002REVA
3	Floor Plan (Existing)	2201-003
4	Floor Plan (Existing)	2201-004
5	Existing Elevations	2201-005REVA
6	Existing Elevations	2201-006REVA
7	Site Plan	2201-007REVC
8	Floor Plan (proposed)	2201-008REVE
9	Floor Plan (proposed)	2201-009REVE
10	Proposed Elevations	2201-010REVD
11	Proposed Elevations	2201-011REVD
12	Sections	2201-012REVC
13	Proposed Elevations	2201-013REVB
14	Floor Plan (proposed)	2201-014

Other relevant documents:

West Lothian Local Development Plan, 2018;

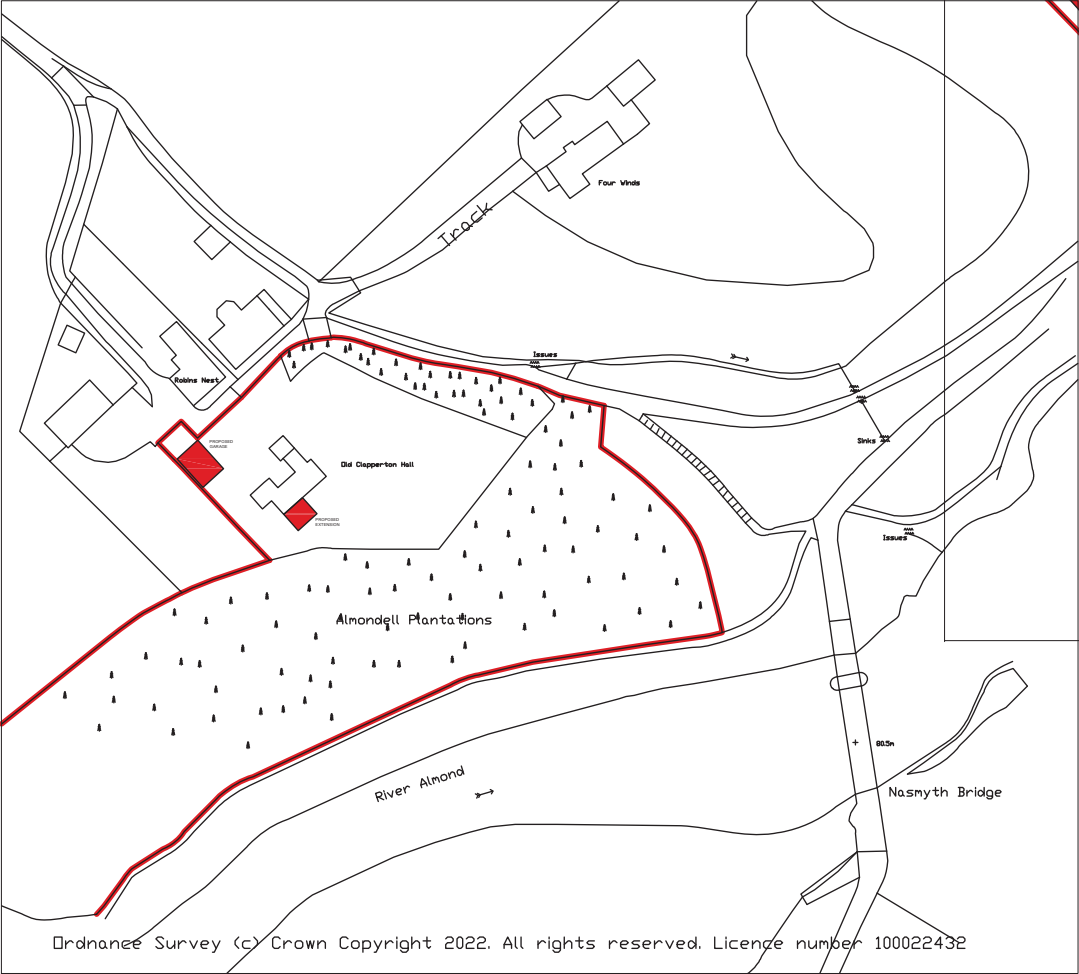
Case Officer: Lucy Hoad

Date: 02/08/2022



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T. 0131 66 99 300
E. office@hlpas.co.uk

LOCATION PLAN 1:1250@A3



PROPOSED GARAGE

PROPOSED EXTENSION



BLOCK PLAN 1:200@A3

- Notes
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Rev	Description	Date
CLIENT	1 OLD CLAPPERTON HALL BROXBURN EH52 5PE WEST LOTHIAN	
TITLE LOCATION PLAN BLOCK PLAN		
Date	MARCH 2022	
Drawn	RTL	Checked
Scale	AS NOTED @ A3	
Drwg No	2201-001	Rev
© hLp architecture 2022		

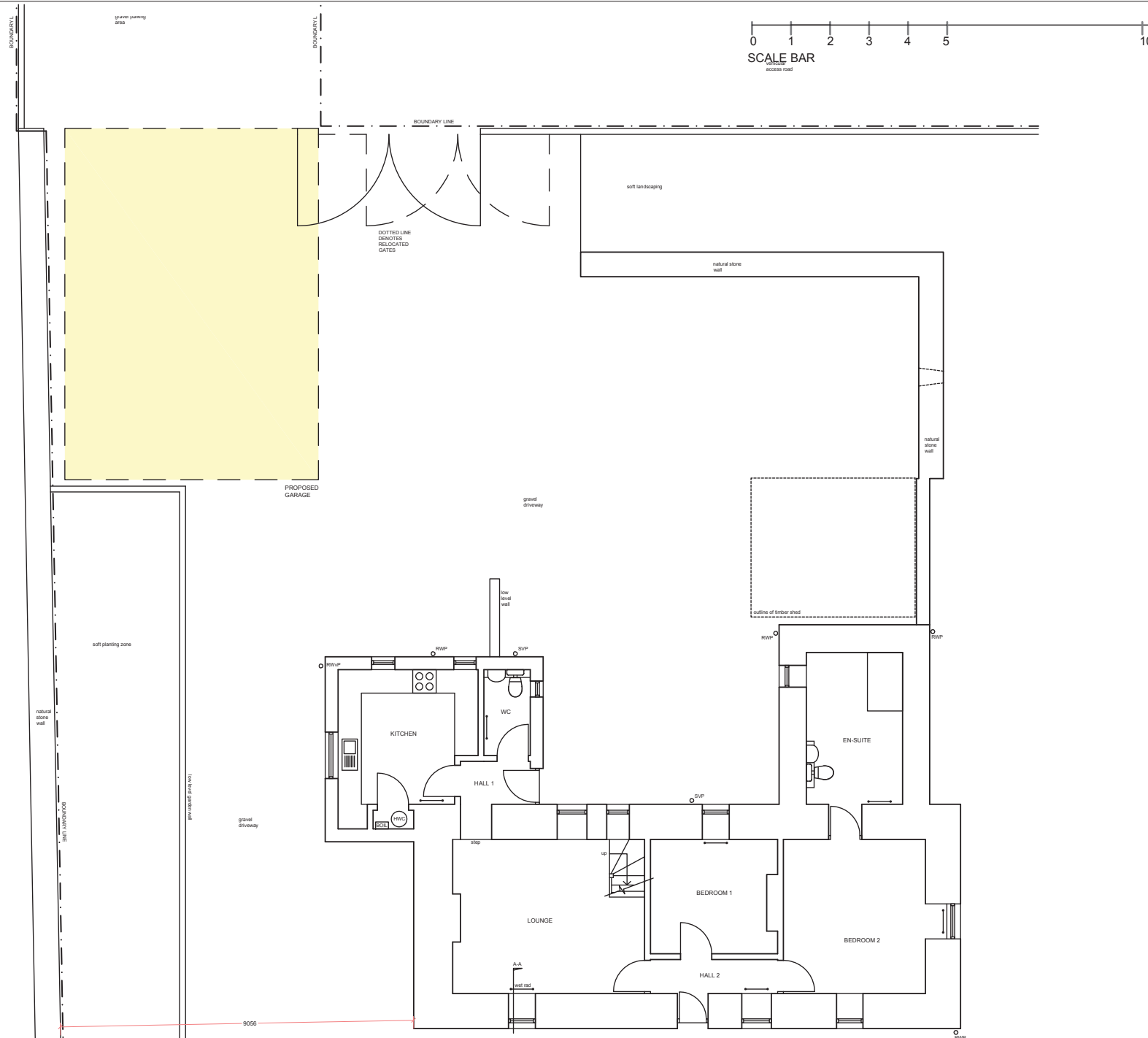


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Rev	Description	Date
CLIENT 1 OLD CLAPPERTON HALL BROXBURN EH52 5PE WEST LOTHIAN		
TITLE EXISTING PART SITE PLAN		
Date	JANUARY 2022	
Drawn	RTL	Checked
Scale	1:100 @ A3	
Drwg No	2201-002	Rev A
© hLp architecture 2022		

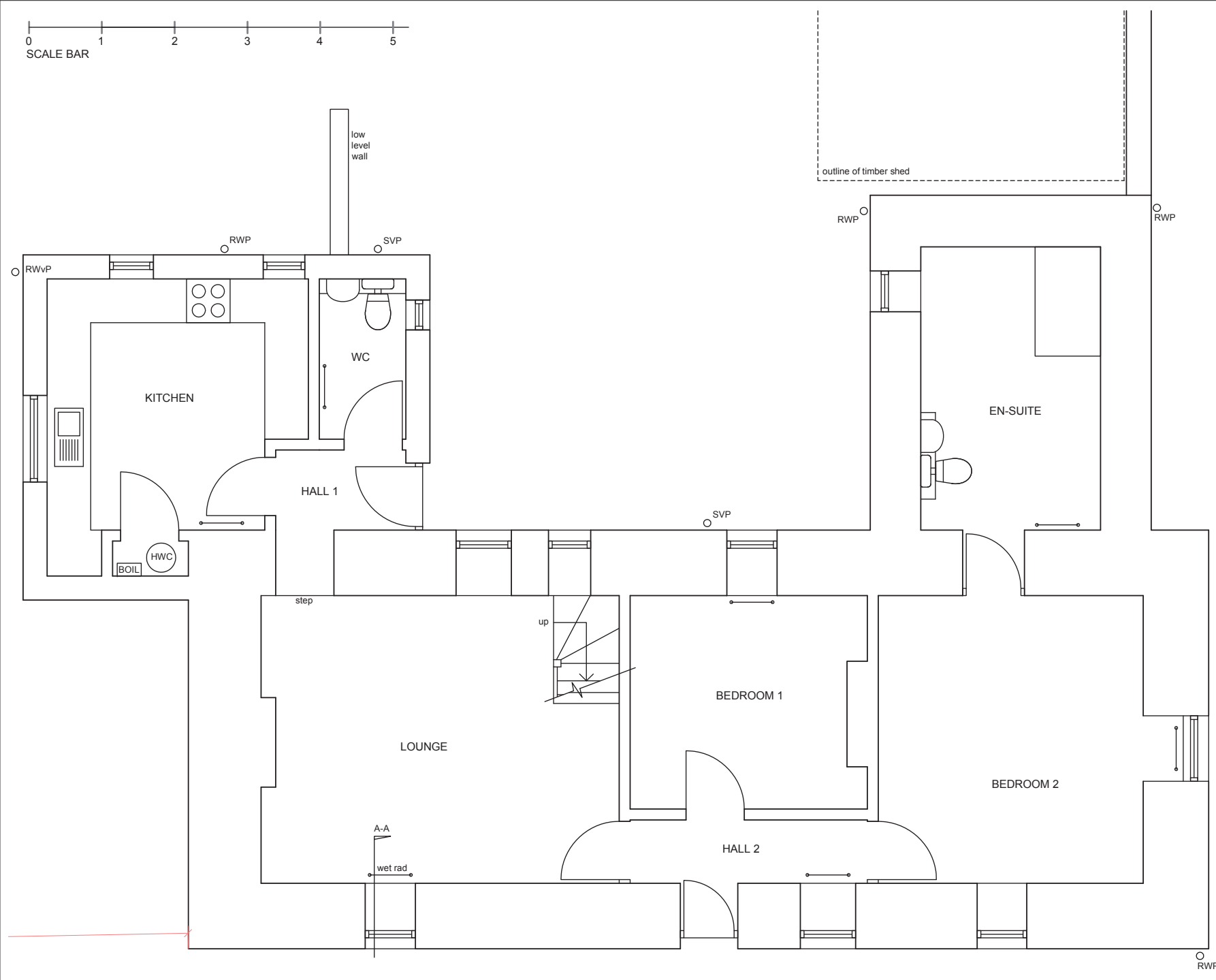




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Rev	Description	Date
CLIENT 1 OLD CLAPPERTON HALL BROXBURN EH52 5PE WEST LOTHIAN		
TITLE EXISTING GROUND FLOOR PLAN		
Date	JANUARY 2022	
Drawn	RTL	Checked
Scale	1:50 @ A3	
Drwg No	2201-003	Rev
© hLp architecture 2022		

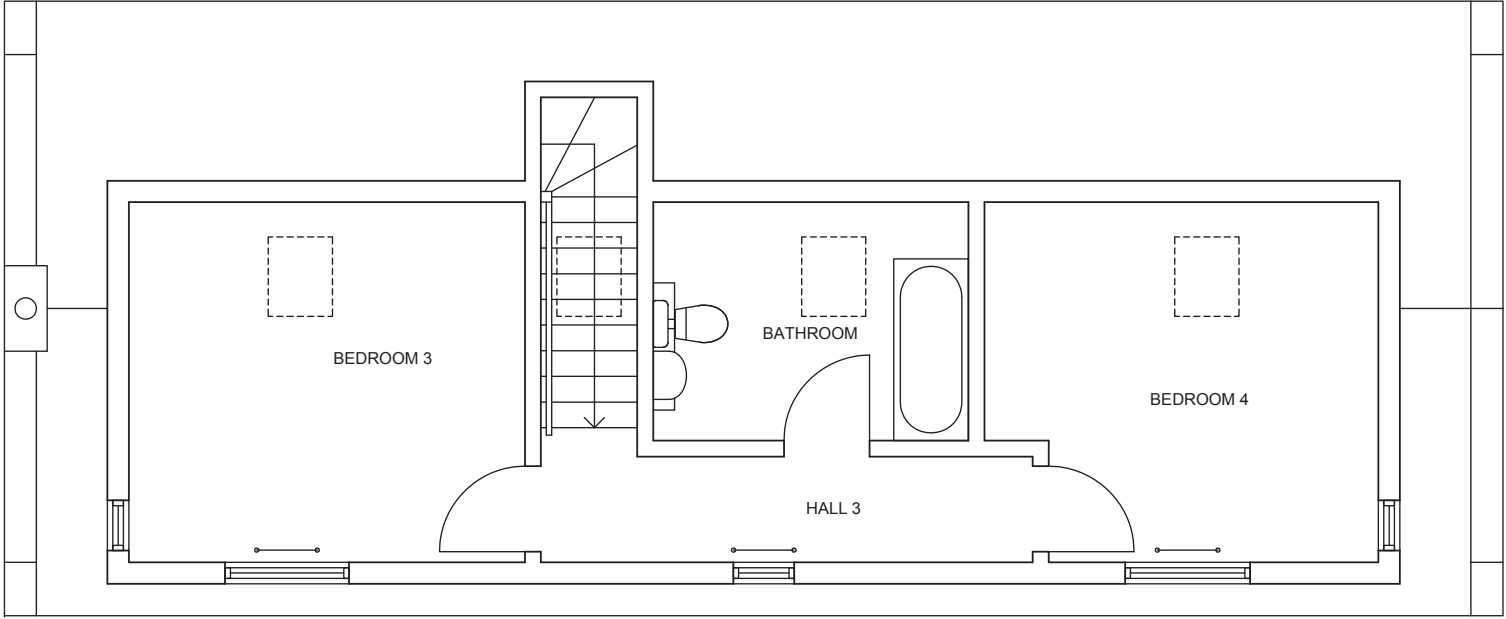


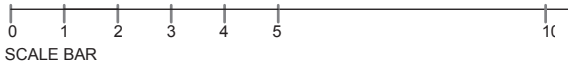


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Rev	Description	Date
CLIENT 1 OLD CLAPPERTON HALL BROXBURN EH52 5PE WEST LOTHIAN		
TITLE EXISTING FIRST FLOOR PLAN		
Date	JANUARY 2022	
Drawn	RTL	Checked
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© hLp architecture 2022		

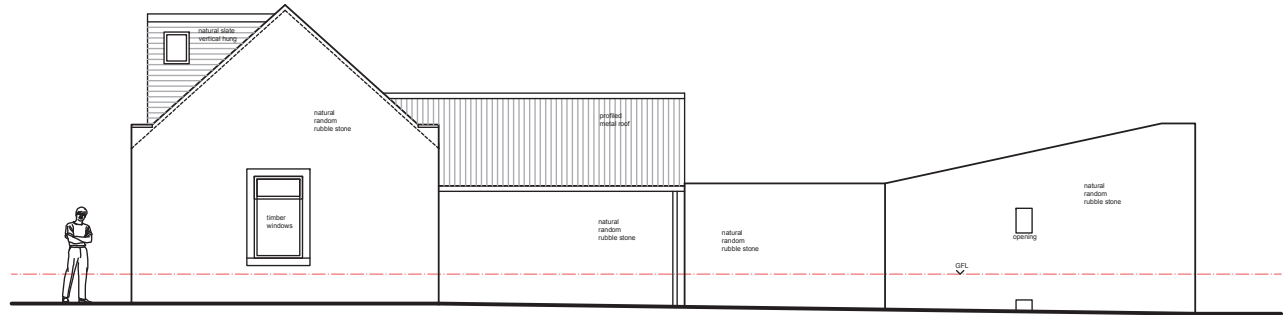




EXISTING NORTH ELEVATION



EXISTING SOUTH ELEVATION



EXISTING WEST ELEVATION



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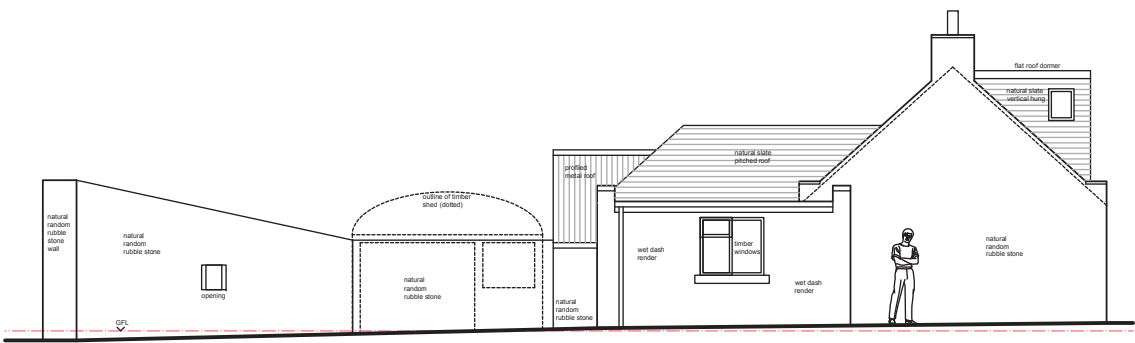
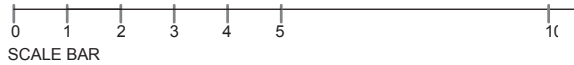
Rev	Description	Date
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TITLE EXISTING ELEVATIONS		
Date	JANUARY 2022	
Drawn	RTL	Checked
Scale	1:100 @ A3	
Drwg No	2201-005	Rev A
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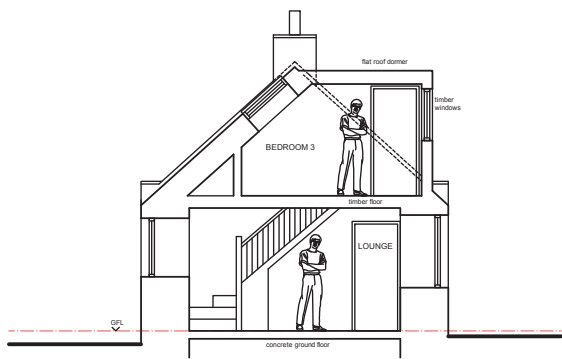
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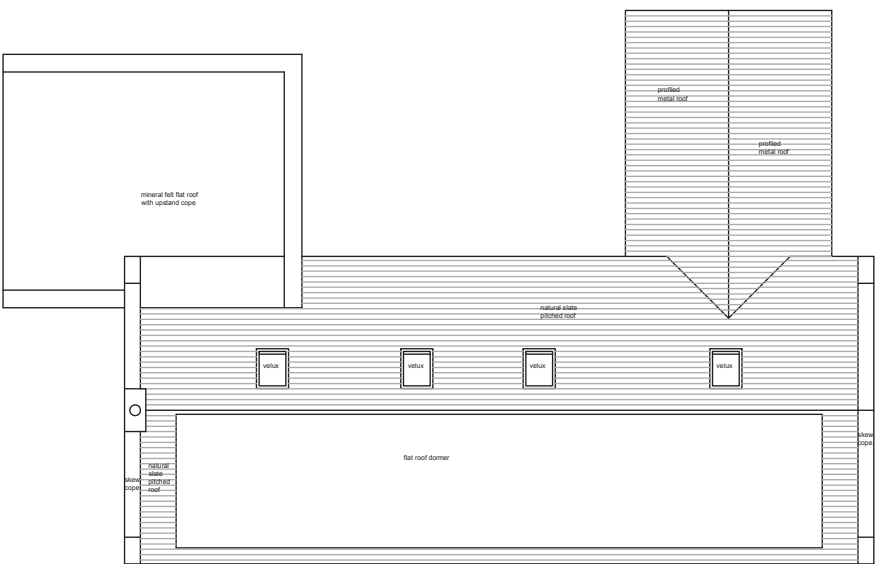
Rev	Description	Date
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TITLE EXISTING EAST ELEVATION EXISTING SECTION A-A EXISTING ROOF PLAN		
Date	JANUARY 2022	
Drawn	RTL	Checked
Scale	1:100 @ A3	
Drwg No	2201-006	Rev A
© hLp architecture 2022		



EXISTING EAST ELEVATION



EXISTING SECTION A-A



EXISTING ROOF PLAN

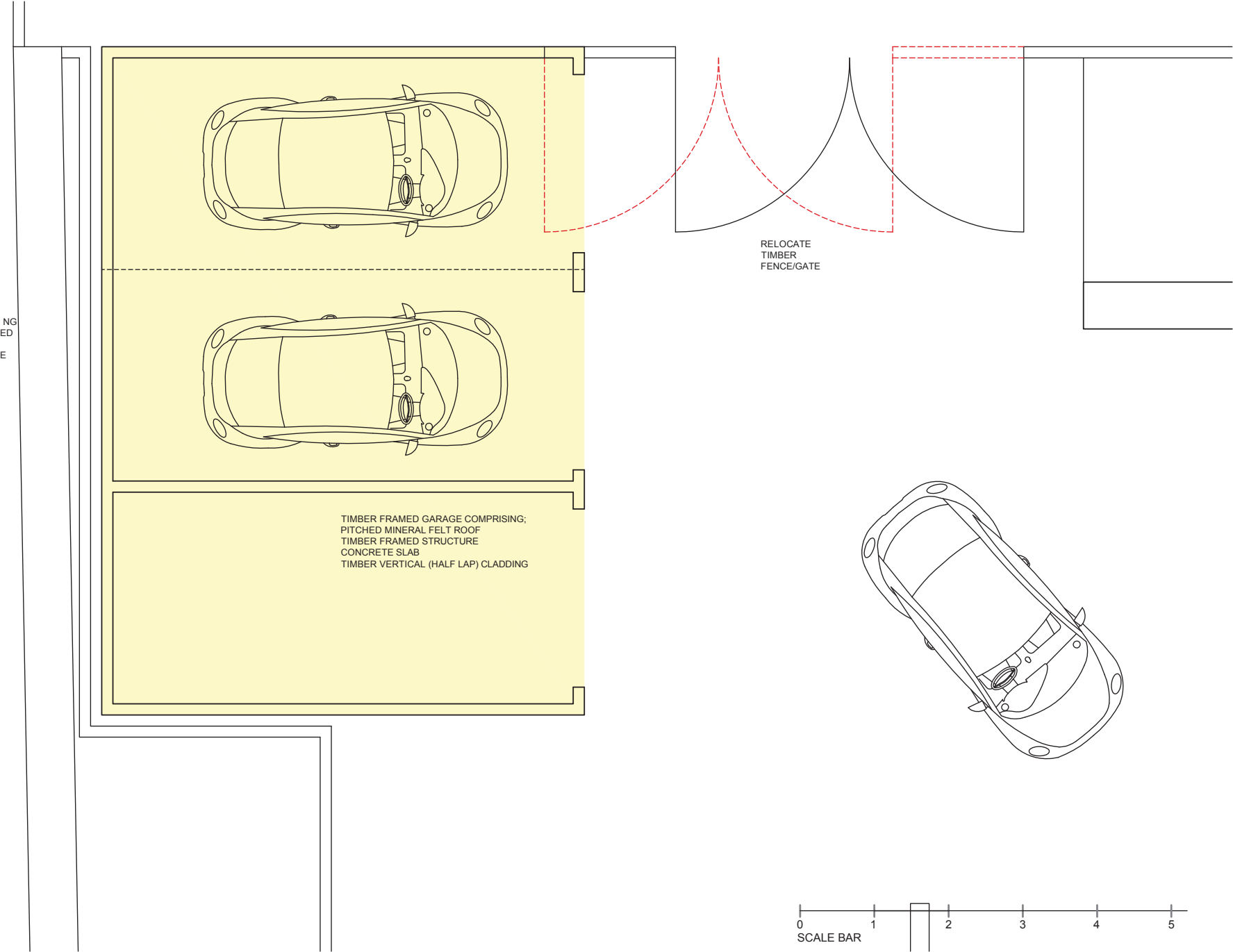


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Rev	Description	Date
CLIENT 1 OLD CLAPPERTON HALL BROXBURN EH52 5PE WEST LOTHIAN		
TITLE PROPOSED GARAGE		
Date	JANUARY 2022	
Drawn	RTL	Checked
Scale	1:50 @ A3	
Drwg No	2201-007	Rev C
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Rev	Description	Date
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CLIENT
1 OLD CLAPPERTON HALL
BROXBURN
EH52 5PE
WEST LOTHIAN

TITLE
PROPOSED PART GROUND FLOOR PLAN

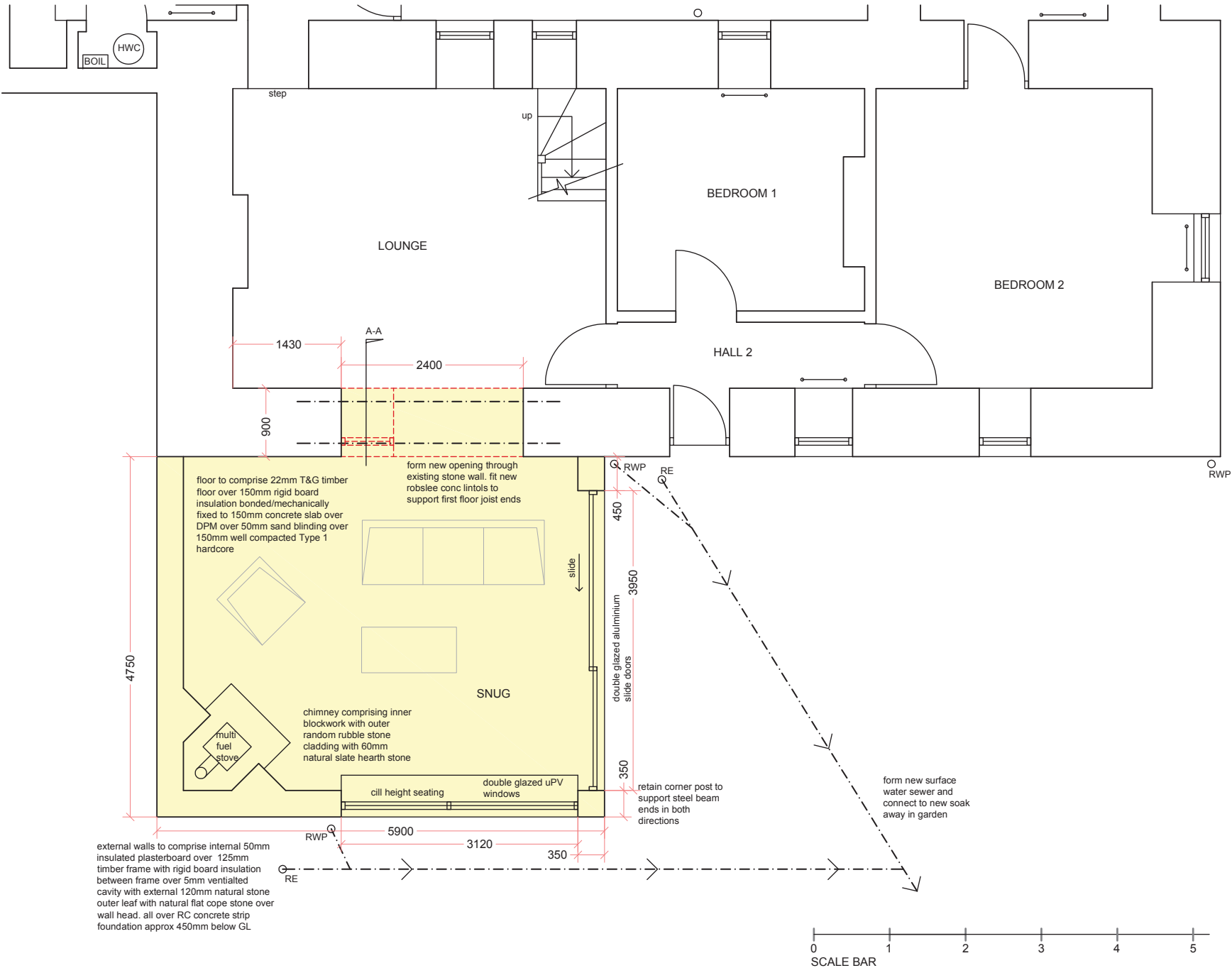
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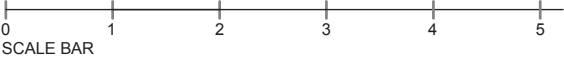
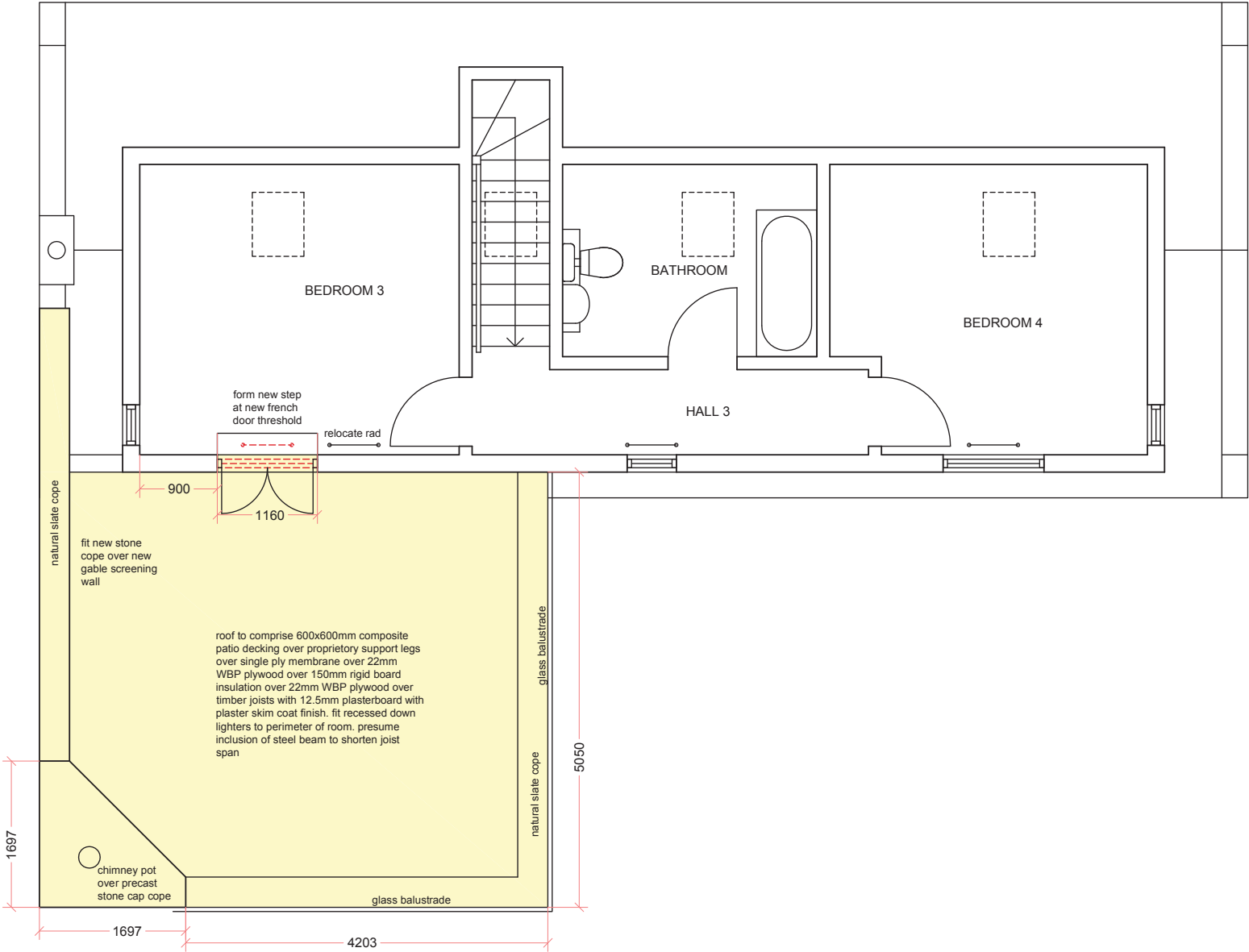


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TITLE PROPOSED FIRST FLOOR PLAN		
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Drawn	RTL	Checked
Scale	1:50 @ A3	
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© hLp architecture 2022		

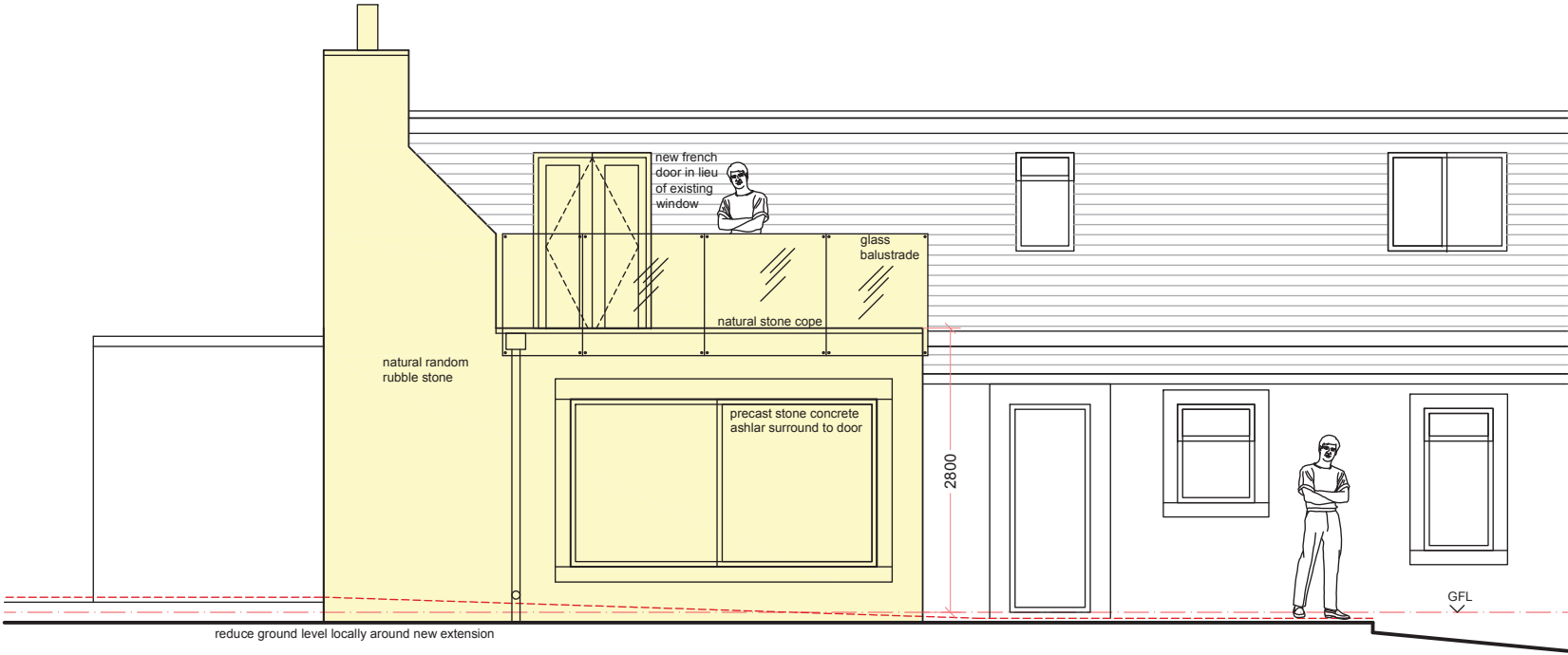




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PROPOSED SOUTH ELEVATION



Rev	Description	Date
CLIENT 1 OLD CLAPPERTON HALL BROXBURN EH52 5PE WEST LOTHIAN		
TITLE PROPOSED SOUTH ELEVATION		
Date	JANUARY 2022	
Drawn	RTL	Checked
Scale	1:50 @ A3	
Drwg No	2201-010	Rev D
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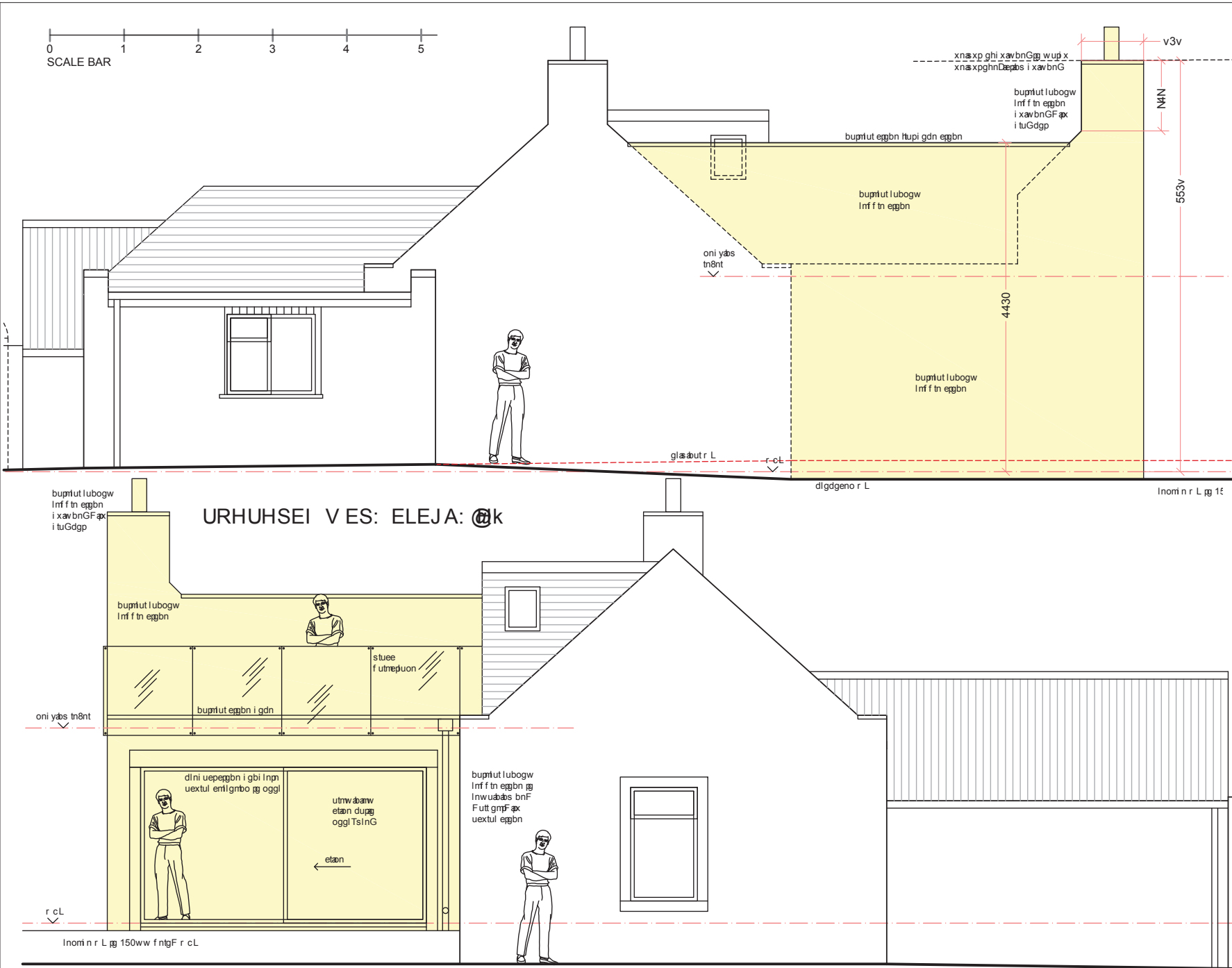
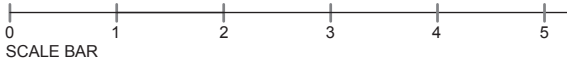
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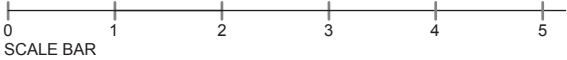
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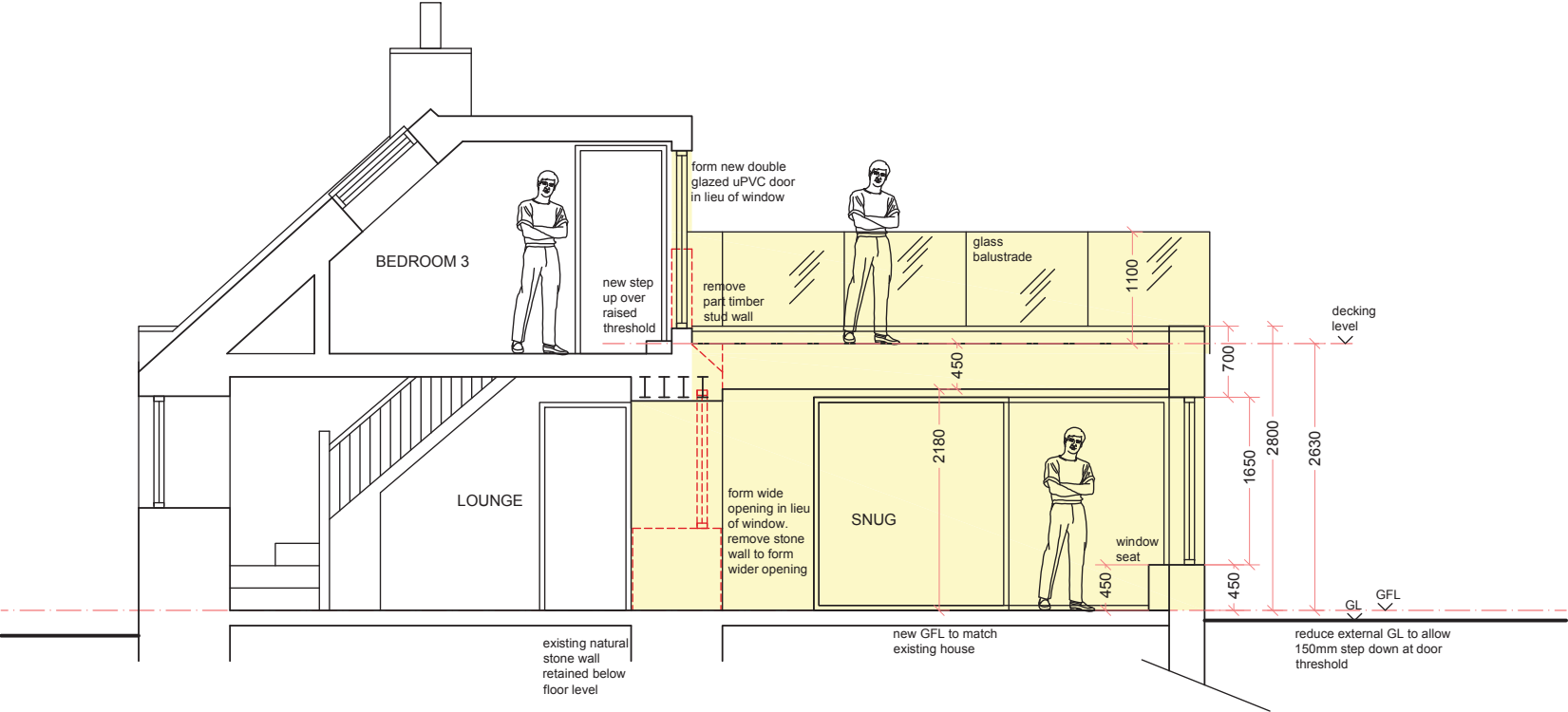


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Rev	Description	Date
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CLIENT
1 OLD CLAPPERTON HALL
BROXBURN
EH52 5PE
WEST LOTHIAN

TITLE
PROPOSED SECTION A-A

Date	JANUARY 2022
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Drawn	RTL	Checked
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Scale	1:50 @ A3
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Drwg No	2201-012	Rev	C
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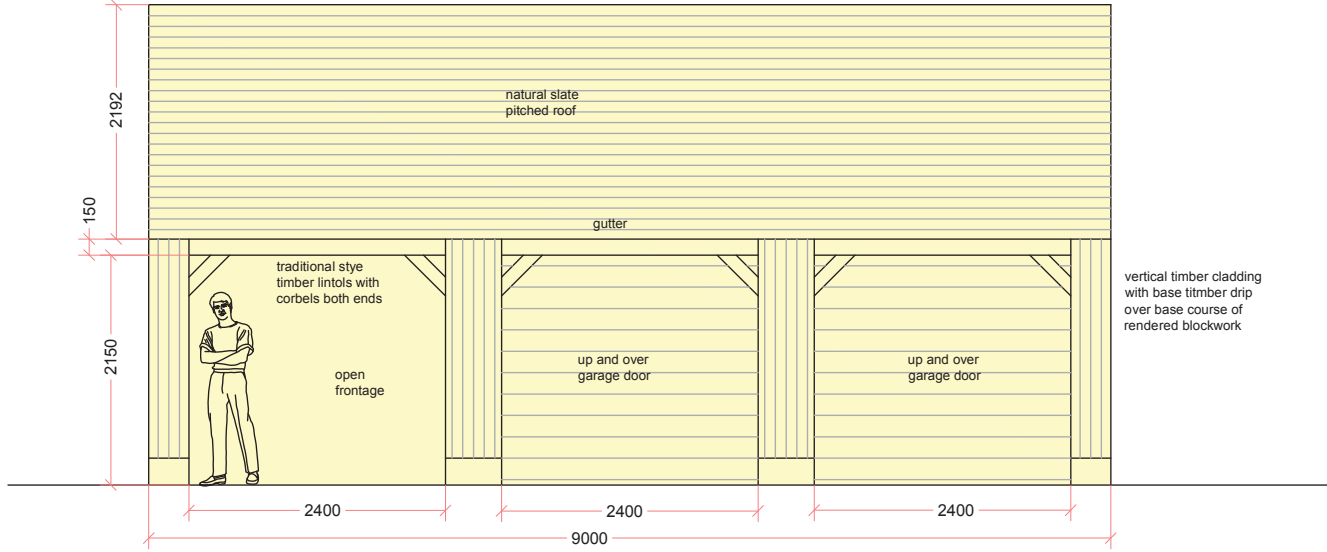
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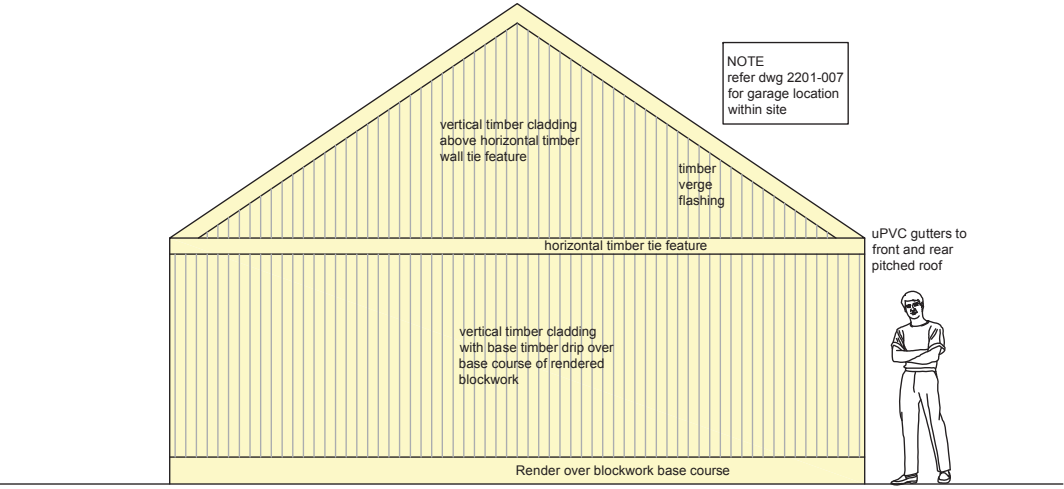
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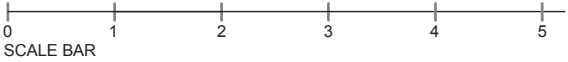
Rev	Description	Date
CLIENT 1 OLD CLAPPERTON HALL BROXBURN EH52 5PE WEST LOTHIAN		
TITLE PROPOSED GARAGE ELEVATIONS		
Date	FEBRUARY 2022	
Drawn	RTL	Checked
Scale	1:50 @ A3	
Drwg No	2201-013	Rev B
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PROPOSED FRONT ELEVATION



PROPOSED GABLE ELEVATIONS





DECISION NOTICE REFUSAL OF PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997, as amended

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **refuses full planning permission for the development described below**, and in the planning application and docquetted plan(s).

APPLICATION REFERENCE 0242/H/22

PROPOSAL Extension to house and erection of a detached double garage

LOCATION Old Clapperton Hall, East Calder, West Lothian, EH52 5PE,
(GRID REF: 308694, 668874)

APPLICANT Mr Craig Young, Old Clapperton Hall, East Calder, West Lothian,
EH52 5PE

The above **local application was determined by an officer appointed by the council in accordance with its scheme of delegation**. Please see the advisory notes for further information, including how to request a review of any conditions.

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated:
02.08.2022

Wendy McCorriston
Development Management Manager

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

Signature:



DATA LABEL: PUBLIC

The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0242/H/22, for the reason(s) set out as follows:

- 1 The proposed works do not integrate with the existing property in terms of scale and design and it is considered that the proposed works will appear dominant in relation to the dwelling to the detriment of the building's character and appearance. This proposal is therefore contrary to West Lothian Local Development Plan, Policy DES1 (Design Principles) and the guidance given in the House Extension and Alteration Design Guidelines, 2020.

ADVISORY NOTES TO DEVELOPER

How to challenge the council's Decision

If your application was determined under delegated powers as a local application by an officer appointed by the council and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. If the application was heard at a committee and in any other case you can seek an appeal of that decision to the Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review, or to appeal, here: <https://www.westlothian.gov.uk/article/33128/Decisions-Reviews-and-Appeals>

If the decision of the council is overturned by the Local Review Body or the Directorate for Planning and Environmental Appeals, the developer of the land should be made aware of the following notes.

Notification of the start of development

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Notification of completion of development

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Contaminated land procedures

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease and the issue shall be reported in writing to the planning authority immediately. The developer is required to follow the councils Supplementary Planning Guidance Development of land potentially affected by contamination. This document provides developers and their consultants with information on dealing with the planning process in West Lothian when development is proposed on land which is suspected of being affected by contamination. This document and further guidance is provided via the Councils web pages at <https://www.westlothian.gov.uk/article/34731/Contaminated-Land>

Liaison with the Coal Authority

As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.

Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.

To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Advisory note to developer - General

Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.

Annex 1, Schedule of Plans - 0242/H/22

Docquetted Number	Description	Drawing Number
1	Location Plan	2201-001
2	Site Plan	2201-002REVA
3	Floor Plan (Existing)	2201-003
4	Floor Plan (Existing)	2201-004
5	Existing Elevations	2201-005REVA
6	Existing Elevations	2201-006REVA
7	Site Plan	2201-007REVC
8	Floor Plan (proposed)	2201-008REVE
9	Floor Plan (proposed)	2201-009REVE
10	Proposed Elevations	2201-010REVD
11	Proposed Elevations	2201-011REVD
12	Sections	2201-012REVC
13	Proposed Elevations	2201-013REVB
14	Floor Plan (proposed)	2201-014



DATA LABEL: PUBLIC

HANDLING REPORT

Ref. No.:	0242/H/22	Email:	lucy.hoad@westlothian.gov.uk
Case Officer:	Lucy Hoad	Tel No.:	
Ward:	East Livingston & East Calder	Member:	Cllr Damian Doran-Timson Cllr Carl John Cllr Danny Logue Cllr Veronica Smith

Title	Extension to house and erection of a detached double garage (Grid Ref: 308694,668874) at Old Clapperton Hall, East Calder, West Lothian, EH52 5PE
Application Type	Local Application
Decision Level	Delegated List
Site Visit	24.05.2022
Recommendation	Refuse Permission
Decision	Refuse Permission
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	
EIA Screening	Does the development require EIA screening - No

Description of Proposals

Extension to house and erection of a detached double garage

Representations

None

Consultations

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

Consultee	Objection?	Comments	Planning Response
Transportation	No objections		

Policies Considered

Policy Title	Policy Text
DES1 - Design Principles	All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design. Development proposals which are poorly designed will not be supported. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.

Officer Assessment

The property is a traditional detached stone cottage which sits in a large site within a small building group located in a rural estate. The property has been extended in the past to include small additions to north west elevation and box dormer to south east roof plane.

The application seeks to extend on the property on the south east elevation. The applicant was requested to reduce the footprint, mass and scale of the addition but no acceptable plans have been received to date.

This is a modest building with a simple form and layout. The addition is proposed to the south east elevation of the property extending out on the line of the existing gable. The expanse of the wall leading from the gable overwhelms the scale of the building and the applicant was asked to pull the development off the gable and align with the dormer. This would allow the existing gable to be read as such, with exposure of skews. Other suggestions made in order to break up the blank wall included provision of an opening and use of glazing or railings around the entire balcony rather than stone at the gable.

Whilst it could be argued that the large box dormer has an impact on the character and appearance of the property to a degree, the current proposals are out of keeping with the property in terms of mass and scale and are not visually acceptable. The overall effect of the development is one of dominance in relation to the appearance of the main dwelling.

Policy DES 1 (Design Principles) of the West Lothian Local Development Plan 2018 states that all development proposals will require to take account of and be integrated with the local context and built form. It also states there should be no significant adverse impact on adjacent buildings or streetscape in terms of scale, massing, design or amenity.

This proposal is contrary to policy DES1 (Design Principles) and the council's planning guidance House Extension and Alteration Design Guidelines 2020. It is recommended permission is refused.

Conclusions and Reasons for Decision

The proposed works do not integrate with the property in terms of scale and design and it is considered that the proposed works will appear dominant in relation to the dwelling to the detriment of the building's character and appearance. This proposal is therefore contrary to West Lothian Local Development Plan's DES 1 (Design Principles) Policy and does not follow the appropriate planning guidance given in the House Extension and Alteration Design Guide, 2020. It is recommended that this application is refused planning permission.

List of Review Documents

Drawings schedule:

Annex 1, Schedule of Plans - 0242/H/22

Docquetted Number	Description	Drawing Number
1	Location Plan	2201-001
2	Site Plan	2201-002REVA
3	Floor Plan (Existing)	2201-003
4	Floor Plan (Existing)	2201-004
5	Existing Elevations	2201-005REVA
6	Existing Elevations	2201-006REVA
7	Site Plan	2201-007REVC
8	Floor Plan (proposed)	2201-008REVE
9	Floor Plan (proposed)	2201-009REVE
10	Proposed Elevations	2201-010REVD
11	Proposed Elevations	2201-011REVD
12	Sections	2201-012REVC
13	Proposed Elevations	2201-013REVB
14	Floor Plan (proposed)	2201-014

Other relevant documents:

West Lothian Local Development Plan, 2018;

Case Officer: Lucy Hoad

Date: 02/08/2022



OPERATIONAL SERVICES
ROADS & TRANSPORTATION
DEVELOPMENT MANAGEMENT & TRANSPORTATION PLANNING

ROADS & TRANSPORTATION CONSULTATION RESPONSE TO PLANNING APPLICATION

This proposal is (tick as appropriate)		Signing Off	
Acceptable without conditions	<input checked="" type="checkbox"/>	DM & TP Officer Roads & Transportation	Donald Ashwood
Acceptable with conditions noted below	<input type="checkbox"/>	DM & TP Manager Roads & Transportation	
Not acceptable & should be refused	<input type="checkbox"/>	Date Issued to Development Management Officer	12 May 2022
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"/>		

Recommendation & Proposed Conditions	From a Roads & Transportation view, this application is approved no conditions.
--------------------------------------	---

DM Case Officer	Lucy Hoad	Applicant	Mr Craig Young
Application Ref	0242/H/22	Date Issued	19 April 2022
Proposal	Extension to house and erection of a detached double garage		
Location	Old Clapperton Hall, East Calder, EH52 5PE		

Legislation & Guidance Applicable (tick as appropriate)	Constraints (tick as appropriate)
Roads (Scotland) Act 1984 <input 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 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	Existing property located within a rural setting. Access is by means of a private road. Proposals are unlikely to generate any additional traffic therefore will not affect the local public road network.
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	No. Site is located in a rural setting and is accessed by means of a private road.
Is there a footway or footpath connecting the site to the existing adopted road network	No
Drawings & documents assessed	2201-001 – Location & Block Plans 2201-003 – Existing Ground Floor Plan 2201-004 – Existing First Floor Plan 22021-007 Revision C – Proposed Garage 2201-008 Revision E – Proposed Part Ground Floor Plan 2201-009 Revision E – Proposed First Floor Plan 2201-002 Revision A – Existing Part Site Plan 2201-014 – Proposed Garage Floor Plans
Does Road Layout comply with WLC Standards	N/A
Does Parking comply with WLC Standards (including disabled provision)	Yes

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	N/A
Site History including any previous planning applications	N/A

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

Draft Conditions 0242/H/22

1. Part 1

No development shall commence until the precise external materials to be used on the roofs and walls of the extension and garage hereby approved are submitted to, and agreed in writing by, the planning authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

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).

Informatives

Notification of the start and completion of development:

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

<https://www.westlothian.gov.uk/article/33097/Initiation-of-Development>

<https://www.westlothian.gov.uk/article/33098/Completion-of-development>

Duration of consent:

This planning permission elapses on the expiry of a period of 3 year (beginning with the date on which the permission is granted) unless the development to which the permission relates is begun before that expiry.

How to challenge the council's decision

If your application was for a local development and was determined by an officer appointed by the council and you disagree with the decision or with conditions which have been attached, you can apply for a review of the decision/conditions by the council's Local Review Body. In all other cases, if you disagree with the decision you can seek an appeal of the decision/conditions to the Scottish Government Planning and Environmental Appeals Division. You can find information on these processes at

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

Additional consents:

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

Potentially Contaminated Land

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease and the issue shall be reported in writing to the planning authority immediately. The developer is required to follow the councils Supplementary Planning Guidance Development of land potentially affected by contamination. This document provides developers and their consultants with information on dealing with the planning process in West Lothian when development is proposed on land which is suspected of being affected by contamination. This document and further guidance is provided via the Councils web pages at <https://www.westlothian.gov.uk/article/34731/Contaminated-Land>

Advisory note to developer - SGN

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

Pipework loading - pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.

Gas entry into buildings - pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.

Occupier safety - lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.

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

1. Check your proposals against the information held at <https://www.linesearchbeforeudig.co.uk/> to assess any risk associated with your development and
2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details: Phone 0800 912 1722 / Email plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

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

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

SGN personnel will contact you accordingly.



LOCAL REVIEW BODY

APPLICATION NO.0610/FUL/22 – CHANGE OF USE FROM HOUSE (CLASS 9) TO FORM 8 LETTING BEDROOMS, WILLOWBANK, 1 BURNSIDE ROAD, BATHGATE

REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY

A PURPOSE OF REPORT

This report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the Council's Appointed Person to refuse planning permission for a change of use from house (class 9) to form 8 letting bedrooms, Willowbank, 1 Burnside Road, Bathgate

B REVIEW DOCUMENTS

The following documents form the review documents for consideration by the Local Review Body and are circulated to members with this report:

1. The Notice of Review, and supporting documentation, submitted by the applicant, dated 26 October 2022.
2. The Handling Report, prepared by the Planning Case Officer, dated 7 September 2022.
3. The Decision Notice, issued by the Appointed Person, dated 7 September 2022.

Two consultee responses to the application have been received. The council's Transportation Service, as a statutory consultee, recommended that the application be refused (see attached comments). Additionally, the council's Environmental Health, also a statutory consultee, made no objection to the proposal but have made some observations and recommended planning conditions, details of which are attached to this report.

The applicant has requested, in their supporting statement, that a site inspection be carried out prior to the determination of the application for review.

C SITE VISITS AND FURTHER PROCEDURE

A site inspection of the application site will be undertaken in advance of the Local Review Body's first consideration of the review application; this will be completed on 25 January 2023. However, the Local Review Body, upon

consideration of the review application before it, can determine if further procedure is required before reaching a decision. This can include any, or any combination, of the following; an accompanied site inspection, further written submissions and hearing session/s.

D DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

The Appointed Person refused the application in that it was not in accordance with policies DES1 (Design Principles) and EMP7 (Tourism) of the West Lothian Local Development Plan as it had not been demonstrated there would be no significant adverse impact on residential amenity due to the intensity of the proposed use and resultant level of daily comings and goings of individuals. Further, there is insufficient parking for 1 space for each of the 8 letting bedrooms and the proposed parking arrangement does not allow for vehicles to leave in a forward gear but would lead to vehicles blocking each other and causing access issues

Further information can be obtained in the Decision Notice and Handling Report both of which are attached to this report.

E PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS

Without prejudice to the outcome of this review, to assist the LRB in its deliberations and to assist the applicant and interested persons in securing a prompt resolution of the review, attached to the report are a set of draft planning conditions which the LRB may wish to consider imposing should it be minded to grant planning permission. A copy is circulated with this report

Lesley Montague, Managing Solicitor, West Lothian Civic Centre

Email address:- lesley.montague@westlothian.gov.uk

Date: 25 January 2023



West Lothian Civic Centre Howden South Road Howden Livingston EH54 6FF Tel: 01506 280000 (for general enquiries) Email: planning@westlothian.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100604622-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation: Andrew Bennie Planning Limited

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Andrew Building Name:

Last Name: * Bennie Building Number: 3

Telephone Number: * Address 1 (Street): * Abbots Court

Extension Number: Address 2:

Mobile Number: Town/City: * Dullatur

Fax Number: Country: * Scotland

Postcode: * G68 0AP

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Willowbank"/>
First Name: *	<input type="text" value="Andy"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Dyet"/>	Address 1 (Street): *	<input type="text" value="Burnside Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Bathgate"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="EH48 4PT"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:	<input type="text" value="West Lothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="WILLOWBANK"/>
Address 2:	<input type="text" value="1 BURNSIDE ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="BATHGATE"/>
Post Code:	<input type="text" value="EH48 4PT"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="669186"/>	Easting	<input type="text" value="297030"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use from house (class 9) to form 8 letting bedrooms

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to the matters set out within the Statement in Support of Review.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Document 1 Application Form Document 2 Location Plan Document 2 Refused Plans Document 4 Planning
Statement Document 5 Email exchange with Case Officer Document 6 Report of Handling Document 7
Decision Notice

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

0610/FUL/22

What date was the application submitted to the planning authority? *

08/07/2022

What date was the decision issued by the planning authority? *

07/09/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Andrew Bennie

Declaration Date: 26/10/2022



STATEMENT IN SUPPORT OF
REQUEST TO REVIEW THE REFUSAL
BY WEST LoTHIAN COUNCIL OF
PLANNING APPLICATION REFERENCE
0610/FUL/22

ANDREW BENNIE
PLANNING LIMITED

STATEMENT IN SUPPORT OF
REQUEST TO REVIEW THE REFUSAL
BY WEST LoTHIAN COUNCIL OF
PLANNING APPLICATION REFERENCE
0610/FUL/22

3 Abbots Court
Dullatur
G68 0AP

Tel: [REDACTED]

E-mail: [REDACTED]

October 2022

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- 1.0 Introduction
- 2.0 Proposals Subject to Review
- 3.0 Reasons for Requesting Review
- 4.0 Review Procedure
- 5.0 Grounds of Review
- 6.0 Summary

Appendix 1: Schedule of Review Documents

1.0 INTRODUCTION

- 1.1 This Statement has been prepared by Andrew Bennie Planning Limited on behalf of M A Dyet in support of his request that the Planning Authority, under the provisions of Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 review the decision of the Appointed Person to refuse planning permission in respect of planning application reference 0610/FUL/22.
- 1.2 This Statement should be read in conjunction with the matters set out within the completed Notice of Review Form.

2.0 PROPOSALS SUBJECT TO REVIEW

- 2.1 Under the terms of the application to which this Request to Review relates, planning permission was sought for the change of use of the dwelling house which forms the application site to allow for its use as a Guest House (Class 7), this proposed use providing for a total of eight lettable rooms).
- 2.2 Internally, the existing accommodation would be reconfigured to provide for a total of eight private bedrooms, each with its own kitchen area and dedicated bathroom facilities.
- 2.3 Externally, the only alteration to the property would involve the blocking up of a small window which is located towards the front of the east facing elevation of the property.

3.0 REASONS FOR REQUESTING THE REVIEW

- 3.1 On the basis of the Grounds of Review, which are set out within Section 5.0 of this Statement, it is submitted that the Appointed Person has failed to provide sufficient reasons to reasonably justify the refusal of this planning application when considered against the relevant provisions of the development plan.
- 3.2 It is submitted that the application proposals can be both fully and reasonably justified against the relevant provisions of the development plan and that the proposed development will have no demonstrably adverse impact upon the residential amenity of the surrounding area.
- 3.3 Consequently, this Review is put forward on the basis of the unreasonable and unjustifiable grounds for the refusal of the planning application in question.

4.0 REVIEW PROCEDURE

- 4.1 In addition to consideration of those matters, which are set out within the Notice of Review Form and this Statement, it is requested that the Local Review Body also carry out an inspection of the Site prior to their consideration and determination of this Review.
- 4.2 An inspection of the Site is considered to be necessary in this instance in order that the members of the Local Review Body can view the nature of the Site and its relationship to the adjacent residential properties

5.0 GROUNDS OF REVIEW

- 5.1 The application which forms the basis of this Request to Review was refused planning permission by Notice dated 25th April 2022, with the single stated reason for the refusal of the application reading as follows:

1: It has been demonstrated there would be no significant adverse impact on residential amenity due to the intensity of the proposed use and resultant level of daily comings and goings of individual. Further, there is insufficient parking for 1 space for each of the 8 letting bedrooms and the proposed parking arrangement doesn't allow for vehicles to leave in a forward gear but would lead to vehicles blocking each other and causing access issues. The proposal is therefore contrary to policies DES1 (Design Principles) and EMP7 (Tourism) of the West Lothian Local Development Plan 2018.

- 5.2 A full copy of the Decision Notice on this application is provided within the list of documents lodged in support of this Request to Review.
- 5.3 The various points raised within the stated reason for the refusal of the application are addressed in detail below.
- 5.4 The first sentence of the reason for the refusal of the application states that "*It has not been demonstrated there would be no significant adverse impact on residential amenity due to the intensity of the proposed use and resultant level of daily comings and goings of individuals.*"
- 5.5 Whilst it is accepted that the proposed change of use involves the creation of eight lettable room, it is not accepted that in and of itself, this will lead to a situation which would see each of these rooms occupied on a continuous basis and that as such, the Appointed Person appears simply to have made assumptions as regards the intensity of the proposed use of the premises based solely upon the stated number of lettable rooms and not upon any common sense assessment as to the occupancy levels that are likely to be achieved.
- 5.6 From a business perspective, it is self-evident that maximum occupation of the Guest House on 365 days of the year clearly represents the ideal situation on the part of the applicant. This said, the applicant is not naive enough to presume that full occupation at all times, or indeed at any time, is a realistic proposition. Rather, the applicant has based his business

assumptions on significantly lower occupation levels being achieved, it being assumed, in line with established industry research data, that the premises will achieve average occupancy levels of circa 54%.

- 5.7 Consequently, it is not accepted that the intensity of the use of the site for the purposes proposed under this application will be significantly different from the potential intensity of use associated with any domestic properties of this scale.
- 5.8 There is also no basis upon which the Council can support its contention that the proposed use of the property will lead to any significant increase in the "level of daily coming and goings of individuals".
- 5.9 The Council's position on this specific matter appears to be predicated on the simple premiss that those visitors using the proposed Guest House will enter and leave the property on numerous occasions and that when doing so they will produce levels of noise that would be out of keeping with the established noise levels in the surrounding area.
- 5.10 With respect, the Council's position on this matter cannot be supported and clearly indicates that the Appointed Person is of the view that potential users of the premises cannot be trusted to act in a responsible or respectful manner.
- 5.11 The Appointed Person's position on this matter also fails to take properly into account the actual nature of the area which immediately surrounds the application site.
- 5.12 Whilst identified as lying within the general urban area and lying adjacent to existing residential properties, the site lies immediately opposite several commercial/business premises, all of which to varying degrees produce an element of noise which is clearly audible at various times of the day. The site also lies adjacent to a reasonably well trafficked road, the use of which gives rise to road noise at all times of the day.
- 5.13 These various considerations point clearly to the fact that the site is not located within an area which is not capable of accommodating the proposed use of the property without giving rise to any noticeable increase in the established background noise levels and that as such the proposed use of the property will not have an adverse impact upon the established level of amenity of those residential properties which lie adjacent to the site.
- 5.14 **If it is accepted that potential users of premises such as that proposed under this application, can act in a responsible and respectful manner, as is clearly evidenced**

by the users of other similar premises and hotels across the Council area, it is respectfully submitted that this aspect of the sole reason for the refusal of this application cannot be reasonably or justifiably supported.

- 5.15 The second aspect of the stated reason for the refusal of the application which forms the basis of this Review relates to the level of on-site parking provision, with it being stated that there is insufficient parking for one space per lettable bedroom and that that proposed parking arrangements does not allow for vehicles to exit the site in a forward gear but would lead to vehicles blocking each other and hence causing access issues.
- 5.16 There are a number of issues arising from this aspect of the reason for the refusal of the application; first it is predicated on the assumption that all of the available rooms will be let at the same time; and second that the applicant has no means of controlling the number of vehicles that can park on the site at any given time.
- 5.17 Looking at these two points in turn, the following comments are made.
- 5.18 Readily available research analysis relating to the hospitality industry indicates that the yearly average occupancy rates for bed and breakfast/guest house establishments is just under 54%. If this figure is used as a base line, it can be expected that on average, 4 of the available rooms would be let at any one time, hence giving rise to a requirement for 4 off-street parking spaces.
- 5.19 The application site in its present configuration has the potential to easily accommodate 6 off-street parking spaces the arrangement of would allow for each vehicle to enter and leave the site without requiring any other vehicles to be moved.
- 5.20 This available level of on-site parking exceeds the number of spaces that would be required in connection with the expected average occupancy levels associated with the proposed use and that as such, for the majority of the time, there would be more parking spaces available that would actually be required.
- 5.21 It is therefore submitted first that the Appointed Person has failed to suitably demonstrate that an insufficient number of on-site parking spaces would be provided as part of the proposed change of use and second that based on the average expected occupancy levels associated with the proposed use, the proposed development will provide more on-site parking spaces than would actually be required for the vast majority of the time.

- 5.22 It is also of relevance to note that through the online booking system that of necessity will require to be put in place to allow the proposed Guest House to operate, the applicant/appellant has the ability to control the number of guests who would be able to make use of the on-site parking provided, this being achieved by requiring those parties making bookings to specify whether or not they require a parking space.
- 5.23 If six parking spaces are already allocated for any given evening/period of stay, the system will advise parties that on the dates in question on-site parking will not be available, thus allowing parties either not to proceed with their booking or to proceed in the knowledge that they will require to make alternative parking arrangements if they are travelling to the site by car.
- 5.24 In this simple way, the appellant can ensure that guests arriving by car will always be able to park on-site.
- 5.25 With regards to the issue of vehicles leaving the site in reverse gear, it is noted that vehicles doing so would not be contravening any laws or roads regulations and would be performing a manoeuvre that is carried out countless times in any given day when vehicles exit both domestic and commercial sites.
- 5.26 As has been clearly stated earlier within this Statement, sufficient space exists within the site ensure that each of the six on-site parking spaces that will be provided as part of this proposed development can be accessed independently of each other and as such vehicles will not be "blocked in" by other parked vehicles thus ensuring that no access issues will arise.
- 5.27 It is also of note that if it were deemed necessary, a further two of-site parking spaces could be created within the existing front garden area of the property, thus providing a parking space for each of the lettable bedrooms, with it being submitted that the provision of these additional two spaces could be covered by a suitably worded planning condition.
- 5.28 **In view of the foregoing, it is respectfully submitted that the Appointed Person has failed to demonstrate that the proposed development will give rise to any access issues with it being further submitted that the level of on-site parking that will be provided as part of the proposed development is sufficient to cater for the needs of the proposed use.**

6.0 SUMMARY

- 6.1 It is our respectful submission that the Council, via the Appointed Person has failed to provide sufficient information to support and justify the stated reasons for the refusal of this planning application.
- 6.2 It is submitted that in terms of the relevant provisions of the adopted Local Development Plan, the proposed development can be fully and reasonably justified against the various policies which have been referenced within the stated reason for the refusal of the application which forms the basis of this Request to Review.
- 6.3 **Taking into account all of those matters set out above, I would respectfully request that the Local Review Body uphold this Review and in so doing, grant planning permission pursuant to planning application reference 0610/FUL/22.**

APPENDIX 1 – SCHEDULE OF REVIEW DOCUMENTS

Document 1	Application Form
Document 2	Location Plan
Document 2	Refused Plans
Document 4	Planning Statement
Document 5	Email exchange with Case Officer
Document 6	Report of Handling
Document 7	Decision Notice



DECISION NOTICE

REFUSAL OF PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997, as amended

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **refuses full planning permission for the development described below**, and in the planning application and docquetted plan(s).

APPLICATION REFERENCE 0610/FUL/22

PROPOSAL Change of use from house (class 9) to form 8 letting bedrooms

LOCATION Willowbank, 1 Burnside Road, Bathgate, West Lothian, EH48 4PT,
(GRID REF: 297030, 669186)

APPLICANT Mr Andy Dyet, Willowbank, 1 Burnside Road, Bathgate, EH48 4PT

The above **local application was determined by an officer appointed by the council in accordance with its scheme of delegation**. Please see the advisory notes for further information, including how to request a review of any conditions.

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated:
07.09.2022

Wendy McCorriston
Development Management Manager

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

Signature:



The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0610/FUL/22, for the reason(s) set out as follows:

- 1 It has not been demonstrated there would be no significant adverse impact on residential amenity due to the intensity of the proposed use and resultant level of daily comings and goings of individuals. Further, there is insufficient parking for 1 space for each of the 8 letting bedrooms and the proposed parking arrangement doesn't allow for vehicles to leave in a forward gear but would lead to vehicles blocking each other and causing access issues. The proposal is therefore contrary to policies DES1 (Design Principles) and EMP7 (Tourism) of the West Lothian Local Development Plan 2018.

ADVISORY NOTES TO DEVELOPER

How to challenge the council's Decision

If your application was determined under delegated powers as a local application by an officer appointed by the council and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. You can find information on these processes and how to apply for a review, or to appeal, here:

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

If the decision of the council is overturned by the Local Review Body or the Directorate for Planning and Environmental Appeals, the developer of the land should be made aware of the following notes.

Notification of the start of development

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Notification of completion of development

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Contaminated land procedures

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease and the issue shall be reported in writing to the planning authority immediately. The developer is required to follow the councils Supplementary Planning Guidance Development of land potentially affected by contamination. This document provides developers and their consultants with information on dealing with the planning process in West Lothian when development is proposed on land which is suspected of being affected by contamination. This document and further guidance is provided via the Councils web pages at <https://www.westlothian.gov.uk/article/34731/Contaminated-Land>

Liaison with the Coal Authority

As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.

Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.

*To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at **www.groundstability.com**.*

Advisory note to developer - General

Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.

Annex 1, Schedule of Plans - 0610/FUL/22

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	02
2	Floor Plans & Elevations	03
3	Floor Plans & Elevations	04



DATA LABEL: PUBLIC

HANDLING REPORT

Ref. No.:	0610/FUL/22	Email:	kirsty.hope@westlothian.gov.uk
Case Officer:	Kirsty Hope	Tel No.:	01506 282413
Ward:	Bathgate	Member:	Willie Boyle Harry Cartmill Tony Pearson Pauline Stafford

Title	Change of use from house (class 9) to form 8 letting bedrooms (Grid Ref: 297030, 669186) at Willowbank, 1 Burnside Road, Bathgate, West Lothian, EH48 4PT
Application Type	Local Application
Decision Level	Delegated List
Site Visit	22.07.2022
Recommendation	Refuse Permission
Decision	
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	n/a
EIA Screening	Does the development require EIA screening - No If Yes, checklist completed and filed – n/a

Description of Proposals

Change of use from house (class 9) to form 8 letting bedrooms

Site History

- 0794/FUL/21 - Application under Section 42 to remove condition 3 (use as ancillary accommodation) from planning permission 0356/FUL/09 for change of use from workshop to ancillary residential accommodation was granted planning permission on 16.12.2021.
- LIVE/0356/FUL/09 - Change of use from workshop to ancillary residential accommodation was granted planning permission on 24.07.2009.

- LIVE/0664/FUL/01 - Erection of a joiners workshop was granted planning permission on 02.10.2001.
- LIVE/0095/FUL/92 - Erection of a conservatory was granted planning permission 04.03.1992.
- LIVE/0860/A/97 - Erection of a signboard was granted advertisement consent on 18.12.1997.

Representations

No representations were received for this application.

Consultations

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

Consultee	Objection?	Comments	Planning Response
WLC Roads & Transportation	Yes	1 space required per bedroom, insufficient space for turning.	Noted.
WLC Environmental Health	No	Attach conditions if consented.	Noted, conditions shall be attached, if consented.

Policies Considered

Policy Title	Policy Text
DES1 - Design Principles	All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals, the developer will be required to ensure that: a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity; b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates; c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety; d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping; e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices; f. the development does not result in any significant adverse impact on the water environment as required

	<p>by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided; g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development. Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.</p>
EMP7 - Tourism	<p>New, or expanded tourism-related development, will be supported where it is capable of strengthening the appeal and attraction of West Lothian to a wide range of visitors, thereby contributing to the greater West Lothian economy. The council will also require to be satisfied that the proposals: a. would not adversely impact on the natural and built environment including any special historic environment assets, natural heritage designations or landscape interests; and b. would not adversely impact on local or residential amenity; and c. would be compatible with neighbouring land uses; and d. would be of a character and scale in keeping with the setting of the area, can be located in an unobtrusive manner and includes high quality design; and e. the proposed development site is or can be well served by public transport and other sustainable modes; and f. accord with all other relevant policies in the Local Development Plan. Additionally, where tourist accommodation is proposed on sites outwith the settlement boundaries, a site specific business case/locational need justification will require to be submitted in support of any planning application for evaluation.</p>
EMG5 - Noise	<p>There is a presumption against developments that are:</p> <ul style="list-style-type: none"> a. likely to generate significant amounts of noise being located close to noise sensitive developments such as existing or proposed housing; or b. residential or other noise sensitive developments being close to noisy land use. The only exceptions will be where it can be demonstrated that: <ul style="list-style-type: none"> a. through design or mitigation, satisfactory internal and external noise levels can be achieved at the noise sensitive development; and b. through design or mitigation, there will be no adverse impact on the continued operation of any existing or proposed business or activity. <p>The terms of the council's Supplementary Guidance on Noise will apply.</p>

Guidance

Supplementary Guidance on Planning and Noise approved February 2019.

Officer Assessment

The application is for a change of use from house (class 9) to form 8 letting bedrooms. This existing property is a detached dwelling located within an established residential area and within the settlement boundary of Bathgate.

A revised layout plan was received during the course of the application to include kitchen and provision to each bedroom.

The applicant has advised that the guest rooms would be made available for varying lengths of stay to suit the individual needs requirements of those parties using the establishment throughout the entire 365 days of the year. It has not been demonstrated by the applicant that there would be no significant adverse impact on adjacent residents in terms of parking as well as the potential disruption caused by the comings and goings of individuals.

The applicant has also pointed to other planning permissions 0396/FUL/18 and 0926/FUL/18 that would operate in a similar manner. However, these applications are significantly different to what is being proposed as both of these premises are located on upper floors of public houses and are within town centre locations and not within residential estates.

There is no indoor communal space therefore guests may use the garden ground for recreational purposes which given there are 8 separate bedrooms this could have the potential to cause noise concerns to nearby residents.

The applicant has advised that one member of staff will visit the site on a daily basis for cleaning and room changes. This could potentially be another vehicle to park.

While, no site layout plan was provided highlighting parking provision, it is not clear how parking for each of the 8 letting bedrooms could be accommodated on the site without blocking each other or causing access issues. Whilst there is limited on-street parking nearby the proposed development would be overdevelopment of the plot. WLC Roads & Transportation have also raised concerns in relation to parking provision.

Whilst this proposal to some degree could be considered as a form of tourism development that would usually be encouraged provided there's no detrimental impact on neighbouring properties. The proposal would have potential to adversely impact on local or residential amenity, by the comings and goings of individuals as well as the use of the garden by 8 different guests on a daily basis.

It is not considered that this location is compatible with neighbouring land uses.

Given the entire premises is to be used for letting of x8 rooms, this would be overdevelopment of the plot and would impact on the residential amenity of neighbouring residents.

It is noted that there is a local town service that operates from Burnside Road on an hourly basis from 0930 until 1745, this does not operate over the weekend. And given it is hourly, therefore

cars would still be the preferred method of transport if travelling for work, or indeed if this bus is missed. The train station is a considerable distance for walking to.

It is therefore recommended planning permission be refused.

Conclusions and Reasons for Decision

The application is for a change of use from house (class 9) to form 8 letting bedrooms.

The proposal is contrary to policy DES 1 (Design Principles) and EMP 7 (Tourism) within the West Lothian Local Development Plan, 2018.

It is therefore recommended the application be refused planning permission.

List of Review Documents

Drawings schedule:

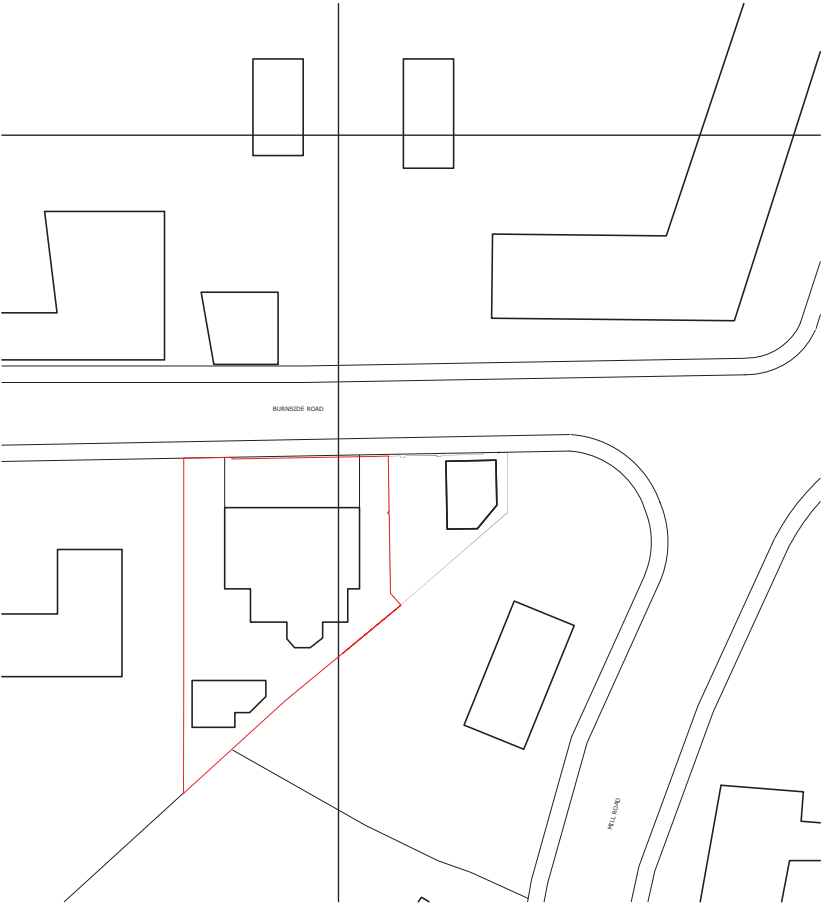
Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	02
2	Floor Plans & Elevations	03
3	Floor Plans & Elevations	04

Other relevant documents:

West Lothian Local Development Plan, 2018;

Case Officer: Kirsty Hope

Date: 7 September 2022

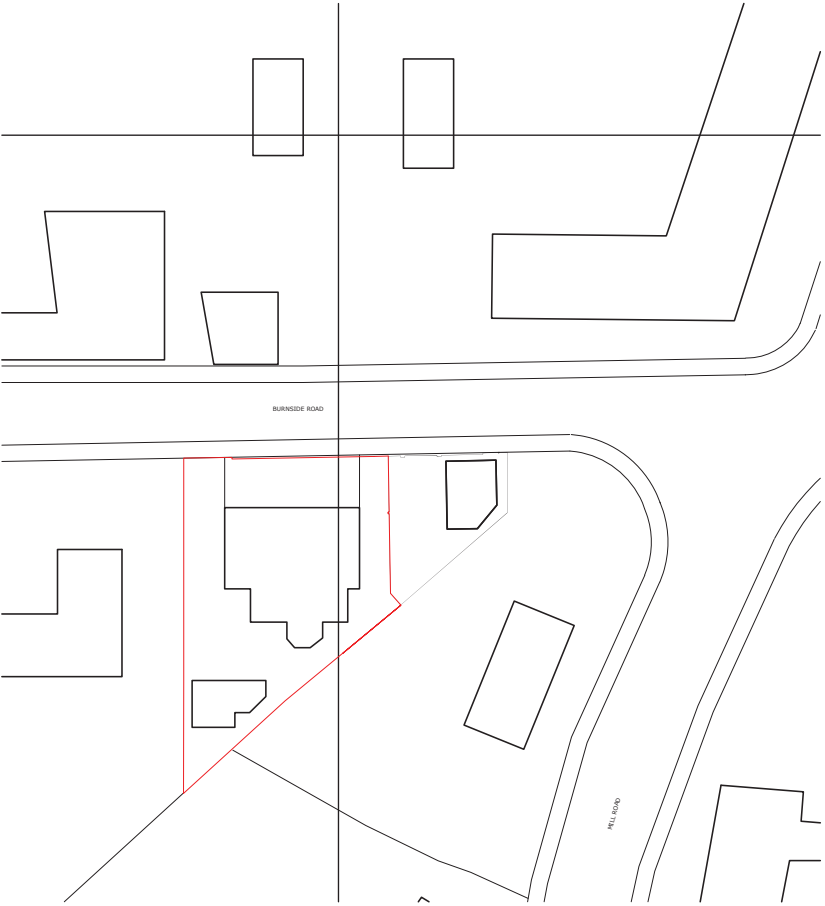


1 Site Location
1:500

— SITE BOUNDARY



Subdivision		
Project: Willowbank Cottage 1 Burnside Road, Bathgate		
5/15 Princes Gardens , Hyndland , G12 9HR		
Scale 1:500/@A3	Date June 22	By MC
Job No 0360	Drawing no 02	Rev —
© Satdraft 2022		



1 Site Location
1:500

— SITE BOUNDARY

REFUSED

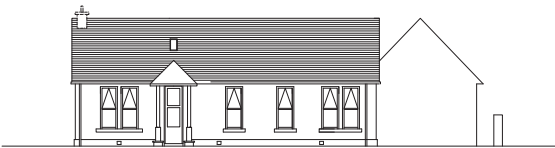
App No: 0610/FUL/22

Date: 07.09.2022

West Lothian Council



Subdivision			
Project: Willowbank Cottage 1 Burnside Road, Bathgate			
5/15 Princes Gardens , Hyndland , G12 9HR			
Scale 1:500/@A3	Date June 22	By MC	
Job No 0360	Drawing no 02	Rev —	
© Satdraft 2022			



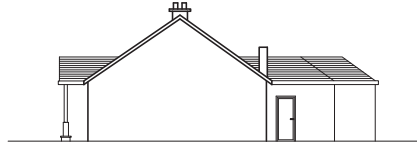
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1:250



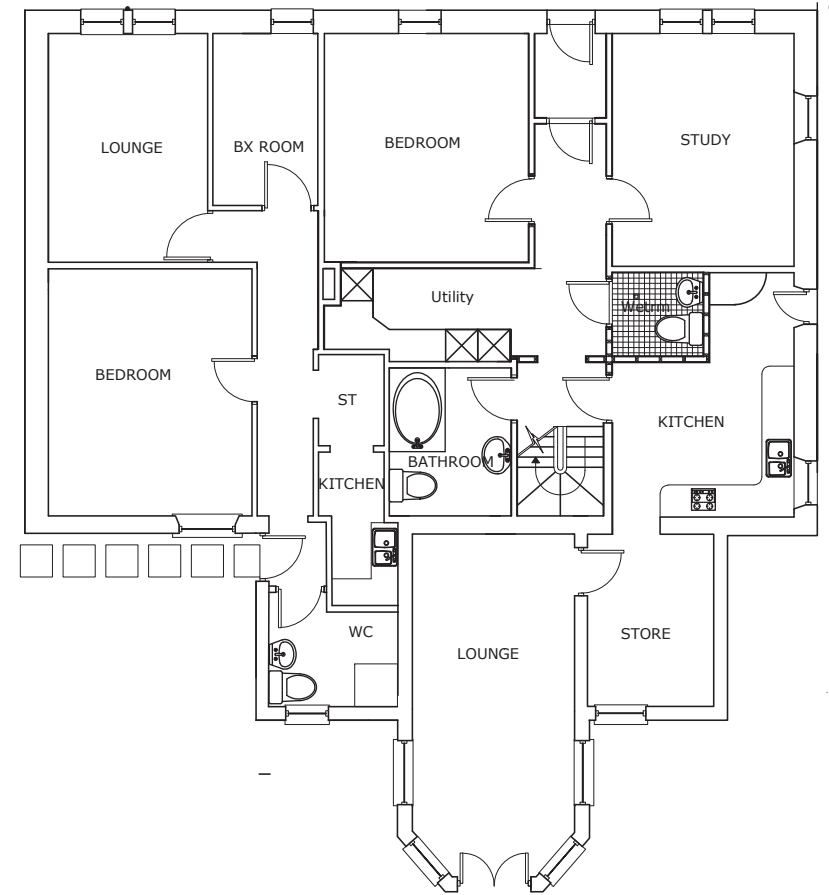
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1:250



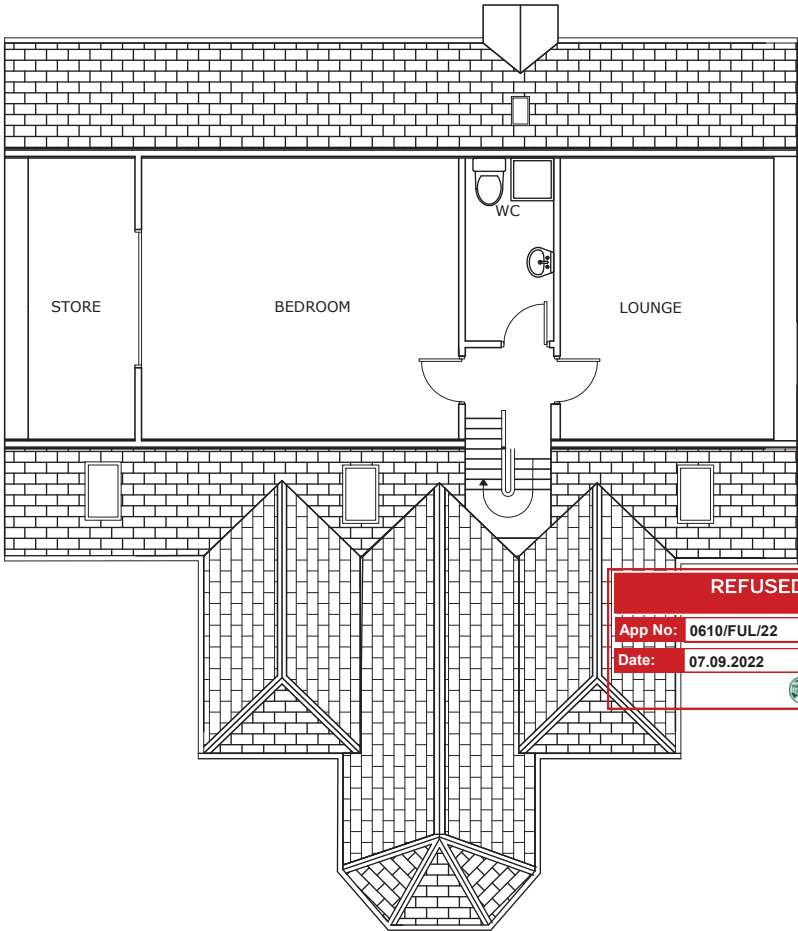
3 Side Elevation
1:250



4 Side Elevation
1:250



5 Ground Floor Plan Existing
1:100



6 First Floor Plan Proposed
1:100

REFUSED

App No: 0610/FUL/22

Date: 07.09.2022

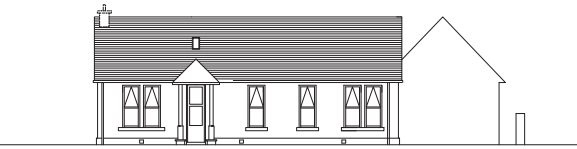
West Lothian Council

Key Plan

Project: Willowbank Cottage

1 Burnside Road, Bathgate

Existing Layout			
5/15 Pricess Gardens, Hyndland, Glasgow, G12 9HR			
Scale	1:100/250@A3	Date	July 22
Job No	0360	Drawing no	03
		By	MC
		Rev	—
© Satdraft Ltd 2022			



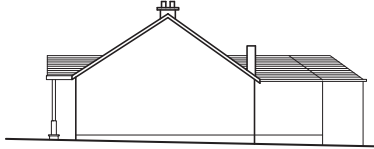
1 Front Elevation
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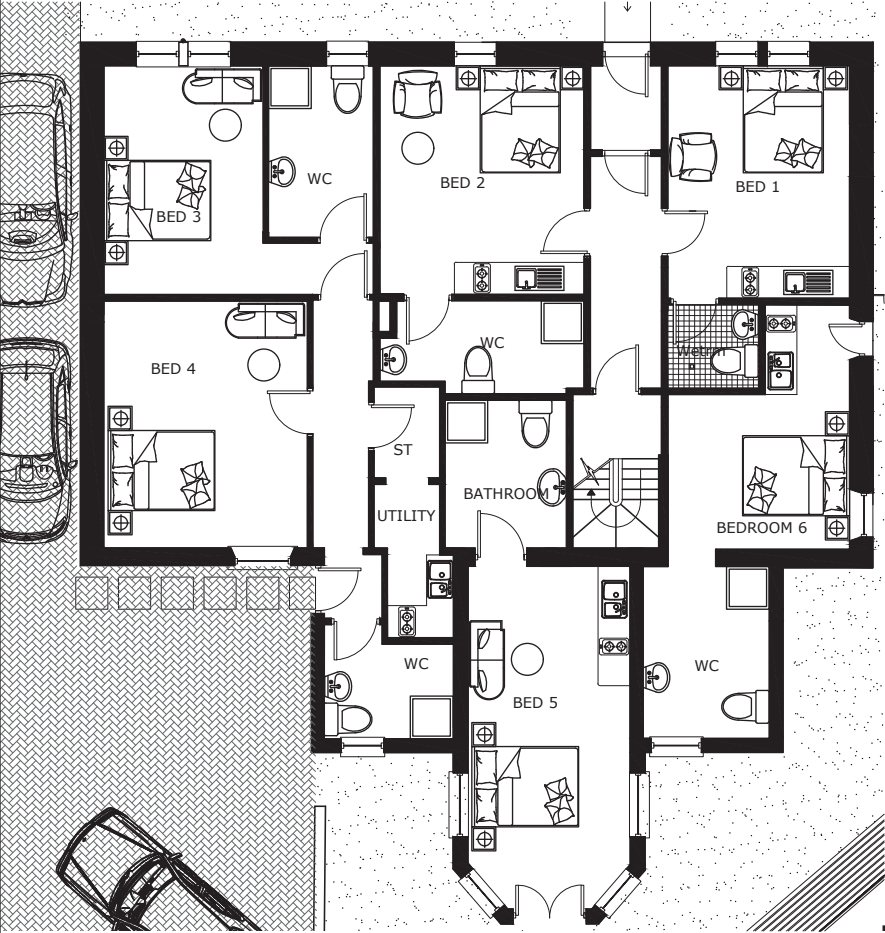
2 Rear Elevation
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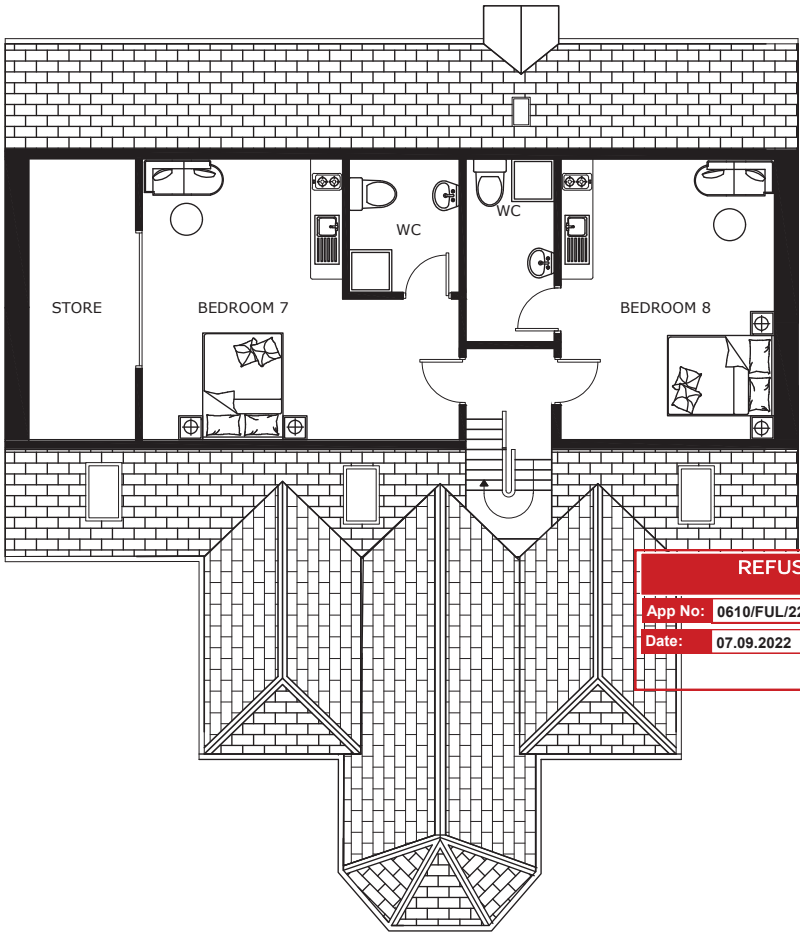
3 Side Elevation
1:250



4 Side Elevation
1:250



5 Ground Floor Plan
1:100



6 First Floor Plan
1:100

REFUSED

App No: 0610/FUL/22

Date: 07.09.2022

West Lothian Council

Key Plan

Project: Willowbank Cottage

1 Burnside Road, Bathgate

PROPOSED			
5/15 Princes Gardens , Hyndland , Glasgow , G12 9HR			
Scale	1:100/250@A3	Date	Aug 2022
Job No	0360	Drawing no	04
		By	MC
		Rev	-
© Satdraft Limited 2022			

Subject: RE: Planning Application Reference 0610/FUL/22 - Willowbank, Burnside Road, Bathgate [OFFICIAL]
Date: Friday, 26 August 2022 at 11:57:42 British Summer Time
From: Hope, Kirsty
To: Andrew Bennie
Attachments: image001.png

DATA LABEL: OFFICIAL

Hi Andrew

Thanks for your email.

Whilst I appreciate the response below, this application is not something that we would be able to support.

There are concerns in regards to the disruption to the residential amenity of nearby residents including the comings and goings of individuals. As well as insufficient parking to allow safe egress of the site. Parking requirements are different in a town centre which this application is not.

Please let me know if you wish to withdraw the application prior to Thursday 1st September 2022, otherwise we shall proceed to determine the application for refusal.

Kindest Regards
Kirsty Hope
Planning Officer
Development Management

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

From: Andrew Bennie <[REDACTED]>
Sent: 25 August 2022 13:00
To: Hope, Kirsty <Kirsty.Hope@westlothian.gov.uk>
Subject: Planning Application Reference 0610/FUL/22 - Willowbank, Burnside Road, Bathgate
Importance: High

Dear Kirsty

I trust that this e-mail finds you well.

With regards to the points raised within your e-mails of 27th and 28th July, I would comment/advise as follows:

What type of guest house is this likely to be?

It is intended that the premises will be operated as a Guest House, with the rooms being made available for varying lengths of stay to suit the individual needs requirements of those parties using the establishment.

To this end, the premises will operate in a manner which is very similar to the guest house establishments granted planning permission under the terms of planning permission reference numbers 0396/FUL/18 and 0926/FUL/18.

Will there be any one resident in the guest house - I am assuming not as the kitchen facilities appear to

be getting removed?

The proposed internal configuration of the proposed guest house has been amended to facilitate the provision of kitchen facilities within each of the proposed guest bedrooms – as per the details shown on the amended layout plan attached.

Will the rooms be let out individually or will the property be let out as a whole, or both?

It is anticipated that the rooms will be let on an individual basis although the possibility exists that bookings could involve more than one room or indeed cover all rooms in a single booking.

How this proposal would operate? For example how would this facility be booked, how would the rooms be accessed through the house?

The rooms would be booked via an online booking service, which would also cover the need to specify whether on-site parking would be required.

Access to the rooms would be taken as follows:

Rooms 1,2,7 and 8 via a shared access to the front of the premises.

Rooms 3 and 4 via a shared access to the side of the premises.

Room 5 via a dedicated access to the rear of the premises.

Room 6 via a dedicated access to the side of the premises.

These details are shown in the amended layout drawing attached.

Number of staff (if any)? Is there anyone onsite daily, or is this proposal completely separate to the single dwelling house number 1a?

No staff will be resident at the premises but a single staff member will visit the site on a daily basis for general cleaning and any room changes required.

Is it proposed to operate 365 days a year?

The premises will operate 365 days of the year but it is expected that occupancy levels will vary throughout the year, associated with recognised holiday periods.

Who is likely to use this facility - tourism/short stays?

It is anticipated that the premises will be used by both of these groups.

Would the garden ground be used for guests?

The garden ground would be available for the use of guests should they chose to do so.

It would appear from the plans that all kitchen facilities would be removed, can you confirm this to be the case?

The amended layout plan attached confirm that kitchen facilities have been introduced into each of the individual rooms.

Can you show where parking would be provided for all?

On-site parking would be provided within the existing driveway which currently serves the property.

On the general matter of parking, it is considered that not all potential guests will arrive by car, this being in light of the accessibility of the site both to the railway station and existing bus routes, with it being further noted that the availability of on-site parking will be controlled via the on-line booking service.

It is further noted that in the case of planning permission references 0396/FUL/18 and 0926/FUL/18, the Council did not require the provision of any off-street parking spaces.

In light of these factors, it is considered that the level of on-site parking that can be provided as part of this proposed development is sufficient to support the needs of the guest house.

I trust that you find this information to be of assistance and I look forward to discussing matters with you further in due course.

With best wishes.

Andrew Bennie, BA (Hons) MRTPI
Director

ANDREW BENNIE
PLANNING LIMITED

West Lothian Council - Data Labels:

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

OFFICIAL: Contains information for council staff only

PUBLIC: All information has been approved for public disclosure

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

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

This message, together with any attachments, is sent subject to the following statements:

1. It is sent in confidence for the addressee only. It may contain legally privileged information. The contents are not to be disclosed to anyone other than the addressee. Unauthorised recipients are requested to preserve this confidentiality and to advise the sender immediately.
2. It does not constitute a representation which is legally binding on the Council or which is capable of constituting a contract and may not be founded upon in any proceedings following hereon unless specifically indicated otherwise.

<http://www.westlothian.gov.uk>



West Lothian Civic Centre Howden South Road Howden Livingston EH54 6FF Tel: 01506 280000 (for general enquiries) Email: planning@westlothian.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100581200-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed change of use of dwelling house to guest house (Class 7)

Is this a temporary permission? * ☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place? ☐ Yes ☒ No
(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) ☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Andrew Bennie Planning Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	
Last Name: *	Bennie	Building Number:	3
Telephone Number: *		Address 1 (Street): *	Abbotts Court
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Dullatur
Fax Number:		Country: *	Scotland
		Postcode: *	G68 0AP
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="radio"/> Individual <input type="radio"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Willowbank
First Name: *	Andy	Building Number:	1
Last Name: *	Dyet	Address 1 (Street): *	Burnside Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Bathgate
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH48 4PT
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing
 Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ≤ Yes ☒ No

Site Area

Please state the site area:

Please state the measurement type used: ≤ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? * ≤ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ≤ Yes T No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px 10px;">6</div>
<p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *</p>	<div style="border: 1px solid black; padding: 2px 10px;">6</div>
<p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * ≤ Yes T No</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * ≤ Yes T No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p>T Yes</p> <p>≤ No, using a private water supply</p> <p>≤ No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * ≤ Yes T No ≤ Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * ≤ Yes T No ≤ Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * ≤ Yes T No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * T Yes ≤ No</p>	

If Yes or No, please provide further details: * (Max 500 characters)

Kerb side bin storage to the rear of the property - as per existing arrangements.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

≤ Yes **T** No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

T Yes ≤ No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 7 Hotels and Hostels

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

8

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

≤ Yes **T** No ≤ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

≤ Yes **T** No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☐ Yes ☒ No

Is any of the land part of an agricultural holding? *

☒ Yes ☐ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Andrew Bennie

On behalf of: Mr Andy Dyet

Date: 04/07/2022

☐ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☒ Yes ☐ No ☐ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☒ Yes ☐ No ☐ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☒ Yes ☐ No ☐ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

≤ Yes ≤ No **T** Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

≤ Yes ≤ No **T** Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

≤ Yes ≤ No **T** Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

≤ Site Layout Plan or Block plan.

T Elevations.

T Floor plans.

≤ Cross sections.

≤ Roof plan.

≤ Master Plan/Framework Plan.

≤ Landscape plan.

≤ Photographs and/or photomontages.

≤ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. * ≤ Yes **T** N/A

A Design Statement or Design and Access Statement. * ≤ Yes **T** N/A

A Flood Risk Assessment. * ≤ Yes **T** N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * ≤ Yes **T** N/A

Drainage/SUDS layout. * ≤ Yes **T** N/A

A Transport Assessment or Travel Plan ≤ Yes **T** N/A

Contaminated Land Assessment. * ≤ Yes **T** N/A

Habitat Survey. * ≤ Yes **T** N/A

A Processing Agreement. * ≤ Yes **T** N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Andrew Bennie

Declaration Date: 04/07/2022

Payment Details

Online payment: 335197

Payment date: 04/07/2022 13:24:00

Created: 04/07/2022 13:24



PLANNING STATEMENT IN SUPPORT OF
PLANNING APPLICATION FOR THE CHANGE OF USE
FROM RESIDENTIAL TO GUEST HOUSE OF THE PROPERTY
AT WILLOWBANK, 1 BURNSIDE ROAD, BATHGATE

ANDREW BENNIE
PLANNING LIMITED

PLANNING STATEMENT IN SUPPORT OF
PLANNING APPLICATION FOR THE CHANGE OF USE
FROM RESIDENTIAL TO GUEST HOUSE OF THE PROPERTY
AT WILLOWBANK, 1 BURNSIDE ROAD, BATHGATE

Prepared by:

Andrew Bennie Planning Limited
3 Abbots Court
Dullatur
G68 0AP



July 2022

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- 1.0 Introduction
- 2.0 The Application Site and its Surroundings
- 3.0 Planning Policy Background
- 4.0 The Application Proposals
- 5.0 Planning Assessment
- 6.0 Conclusions

1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared by Andrew Bennie Planning Limited, on behalf of Mr. A Dyet and is submitted in support of an application for planning permission for the change of use of the residential property at 1 Burnside Road, Bathgate to allow for the use of the property as a Guest House (Class 7).
- 1.2 This statement provides information on both the Application Site and its surroundings and sets out an assessment of the policy basis against which the application proposals require to be assessed. The statement also provides an outline of the form of development proposed under this application.
- 1.3 Should West Lothian Council require any further, relevant information in respect of this proposed development or clarification of any matters relating to these proposals, Andrew Bennie Planning Limited would be pleased to assist in its timeous provision.

2.0 THE APPLICATION SITE AND SURROUNDINGS

- 2.1 The application site, hereinafter referred to as the "Site" comprises a one and a half storey detached residential property which lies on the south side of Burnside Road, Bathgate.
- 2.2 The Site lies a short distance to the west of the roundabout junction formed by Burnside Road/Mill Road/Cochrane Street and is surrounded on all sides by existing residential properties.
- 2.3 The Site lies close to several bus stops located on both Burnside Road and Mill Road, which provide a range of frequent services to a range of locations and also lies within a short walking distance of the town centre.

3.0 PLANNING POLICY BACKGROUND

- 3.1 The current approved development plan covering the Site comprises the approved SESPlan Strategic Development Plan and the adopted West Lothian Local Development Plan.
- 3.2 Due to the nature and scale of the development to which this application relates, the provisions of the SESPlan are not considered to be of any material relevance to the assessment and determination of this application and as such its terms are not considered further within this Statement.

West Lothian Local Development Plan

- 3.3 The policies of the Local Development Plan which are of relevance to the assessment of this application are set out below.

Policy DES 1 – Design Principles

"All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design.

Development proposals which are poorly designed will not be supported.

When assessing development proposals, the developer will be required to ensure that:

- a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;*
- b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates;*
- c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety;*

- d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping;*
- e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices;*
- f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided;*
- g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and*
- h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development.*

Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals.

Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance."

Policy EMP 7 – Tourism

"New, or expanded tourism-related development, will be supported where it is capable of strengthening the appeal and attraction of West Lothian to a wide range of visitors, thereby contributing to the greater West Lothian economy. The council will also require to be satisfied that the proposals:

- 1. would not adversely impact on the natural and built environment including any special historic environment assets, natural heritage designations or landscape interests; and*
- 2. would not adversely impact on local or residential amenity; and*
- 3. would be compatible with neighbouring land uses; and*
- 4. would be of a character and scale in keeping with the setting of the area, can be located in an unobtrusive manner and includes high quality design; and*
- 5. the proposed development site is or can be well served by public transport and other sustainable modes; and*
- 6. accord with all other relevant policies in the Local Development Plan.*

Additionally, where tourist accommodation is proposed on sites outwith the settlement boundaries, a site specific business case/locational need justification will require to be submitted in support of any planning application for evaluation.”

4.0 THE APPLICATION PROPOSALS

- 4.1 Under the terms of this application, planning permission is sought for the change of use of the residential property which comprises the application site to allow for its use as a Guest House (Class 7).
- 4.2 Internally, the existing accommodation would be reconfigured to provide for a total of eight private bedrooms, each with its own dedicated bathroom facilities.
- 4.3 Externally, the only alteration to the property would involve the blocking up of a small window which is located towards the front of the east facing elevation of the property.

5.0 PLANNING ASSESSMENT

5.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that:

“Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise, to be made in accordance with that plan.”

5.2 Section 37(2) of the Act further provides that in dealing with applications for planning permission:

“... the Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.”

5.3 For the purposes of the determination of this application, the approved development plan comprises of the approved SESPlan Strategic Development Plan and the adopted West Lothian Local Development Plan.

5.4 As is detailed at paragraph 3.2 above, given the scale of the development, which is proposed under this application, it is not considered that the proposals raise any issues which are of a strategic nature and that as such, the provisions of the SESPlan are not deemed to be of material relevance to the consideration and determination of this application.

5.5 Policies DES 1 and EMP 7 are considered to comprise the relevant policies against which the proposed development requires to be assessed. When assessed against the provisions of these policies, the following comments are made.

Policy DES 1

a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity;

- 5.6 The proposed development involves only a minor alteration to the exterior appearance of the property, involving the removal of one small gable window and as such the proposals are not considered to give rise to any adverse impacts upon adjacent buildings or the street scape.

b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates;

- 5.7 This criterion is not considered to be of material relevance to the assessment of the proposed development.

c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety;

- 5.8 The Site lies close to a number of existing bus routes and is within a short walk from the town centre and as such will enable and encourage active travel. In terms of the available on site parking provision, the site is capable of accommodating circa six cars which is considered to be more than adequate to serve the needs of the proposed development.

- 5.9 As such, it is considered that the proposals can be reasonably justified against this criterion.

d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping;

- 5.10 This criterion is not considered to be of material relevance to the assessment of the proposed development.

e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices;

- 5.11 This criterion is not considered to be of material relevance to the assessment of the proposed development.

f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided;

- 5.12 This criterion is not considered to be of material relevance to the assessment of the proposed development.

g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided;

- 5.13 This criterion is not considered to be of material relevance to the assessment of the proposed development.

h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development.

- 5.14 This criterion is not considered to be of material relevance to the assessment of the proposed development.

- 5.15 On the basis of the considerations set out above, it is submitted that the proposed development can be fully and reasonably justified against the relevant provisions of Policy DES 1.

Policy EMP 7

1. would not adversely impact on the natural and built environment including any special historic environment assets, natural heritage designations or landscape interests;

- 5.16 The proposed development will have no adverse impact on any natural or built environment assets/interests and as such can be fully justified against this criterion.

2. would not adversely impact on local or residential amenity;

- 5.17 Given the nature of the proposed development and the existence of several nearby commercial premises on Burnside Road, it is not considered that the proposed

development will have any adverse impact upon the amenity of any nearby residential properties.

3. would be compatible with neighbouring land uses;

- 5.18 The use of the property as a Guest House is considered to be compatible with neighbouring land uses, which as noted previously within this Statement comprise mainly residential properties.

4. would be of a character and scale in keeping with the setting of the area, can be located in an unobtrusive manner and includes high quality design;

- 5.19 This criterion is not considered to be of material relevance to the consideration and assessment of the proposed development.

5. the proposed development site is or can be well served by public transport and other sustainable modes;

- 5.20 As has been noted previously within this Statement the Site is located adjacent to a number of existing bus routes, with it being further noted that the Site lies within a reasonable walking distance of Bathgate Railway Station. Accordingly, it is considered that the Site is well served by existing public transport services.

6. accord with all other relevant policies in the Local Development Plan.

- 5.21 Policy DES 1 is the primary policy against which the proposed development requires to be assessed and as is noted above at paragraph 5.15, it is submitted that the proposed development can be fully and reasonably justified against the relevant provisions of said policy.

6.0 CONCLUSIONS

- 6.1 In line with the provisions of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application proposals fall to be assessed against the terms of the approved development plan, so far as they are of material relevance to the determination of the application, and in the light of any other relevant material considerations.
- 6.2 For the purposes of this application, the approved development plan comprises the approved SESPlan Strategic Development Plan and the adopted West Lothian Local Development Plan. The nature of the proposed development is such that they raise no issues of strategic consequence, which would require to be assessed against the provisions of the SESPlan Strategic Development Plan.
- 6.3 The relevant provisions of the adopted Local Plan are identified as being Policies DES 1 and EMP 7.
- 6.4 These policies are assessed in detail within Section 5 above, with the overall conclusion being that the application proposals can be reasonably justified against the provisions of the adopted Local Development Plan.
- 6.5 **For the reasons set out within Section 5.0, it is submitted that the application proposals can be fully and reasonably justified against the provisions of the approved development plan.**
- 6.6 **No other material considerations have been identified which would outweigh the acceptability, in terms of the development plan, of the application proposals.**
- 6.7 **Accordingly, it is respectfully requested that West Lothian Council grant Planning Permission pursuant to this application.**

Town and Country Planning (Scotland) Act 1997, as amended

APPLICATION REFERENCE 0610/FUL/22

PROPOSAL Change of use from house (class 9) to form 8 letting bedrooms

LOCATION	Willowbank, 1 Burnside Road, Bathgate, West Lothian, EH48 4PT, (GRID REF: 297030, 669186)
-----------------	--

APPLICANT Mr Andy Dyet, Willowbank, 1 Burnside Road, Bathgate, EH48 4PT

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Wendy McCorriston
Development Management Manager

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

Signature:

The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0610/FUL/22, for the reason(s) set out as follows:

- 1 It has not been demonstrated there would be no significant adverse impact on residential amenity due to the intensity of the proposed use and resultant level of daily comings and goings of individuals. Further, there is insufficient parking for 1 space for each of the 8 letting bedrooms and the proposed parking arrangement doesn't allow for vehicles to leave in a forward gear but would lead to vehicles blocking each other and causing access issues. The proposal is therefore contrary to policies DES1 (Design Principles) and EMP7 (Tourism) of the West Lothian Local Development Plan 2018.

ADVISORY NOTES TO DEVELOPER

How to challenge the council's Decision

If your application was determined under delegated powers as a local application by an officer appointed by the council and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. You can find information on these processes and how to apply for a review, or to appeal, here:

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

If the decision of the council is overturned by the Local Review Body or the Directorate for Planning and Environmental Appeals, the developer of the land should be made aware of the following notes.

Notification of the start of development

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Notification of completion of development

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Contaminated land procedures

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease and the issue shall be reported in writing to the planning authority immediately. The developer is required to follow the councils Supplementary Planning Guidance Development of land potentially affected by contamination. This document provides developers and their consultants with information on dealing with the planning process in West Lothian when development is proposed on land which is suspected of being affected by contamination. This document and further guidance is provided via the Councils web pages at <https://www.westlothian.gov.uk/article/34731/Contaminated-Land>

Liaison with the Coal Authority

As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.

Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.

*To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at **www.groundstability.com**.*

Advisory note to developer - General

Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.

Annex 1, Schedule of Plans - 0610/FUL/22

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	02
2	Floor Plans & Elevations	03
3	Floor Plans & Elevations	04



DATA LABEL: PUBLIC

HANDLING REPORT

Ref. No.:	0610/FUL/22	Email:	kirsty.hope@westlothian.gov.uk
Case Officer:	Kirsty Hope	Tel No.:	01506 282413
Ward:	Bathgate	Member:	Willie Boyle Harry Cartmill Tony Pearson Pauline Stafford

Title	Change of use from house (class 9) to form 8 letting bedrooms (Grid Ref: 297030, 669186) at Willowbank, 1 Burnside Road, Bathgate, West Lothian, EH48 4PT
Application Type	Local Application
Decision Level	Delegated List
Site Visit	22.07.2022
Recommendation	Refuse Permission
Decision	
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	n/a
EIA Screening	Does the development require EIA screening - No If Yes, checklist completed and filed – n/a

Description of Proposals

Change of use from house (class 9) to form 8 letting bedrooms

Site History

- 0794/FUL/21 - Application under Section 42 to remove condition 3 (use as ancillary accommodation) from planning permission 0356/FUL/09 for change of use from workshop to ancillary residential accommodation was granted planning permission on 16.12.2021.
- LIVE/0356/FUL/09 - Change of use from workshop to ancillary residential accommodation was granted planning permission on 24.07.2009.

- LIVE/0664/FUL/01 - Erection of a joiners workshop was granted planning permission on 02.10.2001.
- LIVE/0095/FUL/92 - Erection of a conservatory was granted planning permission 04.03.1992.
- LIVE/0860/A/97 - Erection of a signboard was granted advertisement consent on 18.12.1997.

Representations

No representations were received for this application.

Consultations

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

Consultee	Objection?	Comments	Planning Response
WLC Roads & Transportation	Yes	1 space required per bedroom, insufficient space for turning.	Noted.
WLC Environmental Health	No	Attach conditions if consented.	Noted, conditions shall be attached, if consented.

Policies Considered

Policy Title	Policy Text
DES1 - Design Principles	All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals, the developer will be required to ensure that: a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity; b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates; c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety; d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping; e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices; f. the development does not result in any significant adverse impact on the water environment as required

	<p>by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided; g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development. Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.</p>
EMP7 - Tourism	<p>New, or expanded tourism-related development, will be supported where it is capable of strengthening the appeal and attraction of West Lothian to a wide range of visitors, thereby contributing to the greater West Lothian economy. The council will also require to be satisfied that the proposals: a. would not adversely impact on the natural and built environment including any special historic environment assets, natural heritage designations or landscape interests; and b. would not adversely impact on local or residential amenity; and c. would be compatible with neighbouring land uses; and d. would be of a character and scale in keeping with the setting of the area, can be located in an unobtrusive manner and includes high quality design; and e. the proposed development site is or can be well served by public transport and other sustainable modes; and f. accord with all other relevant policies in the Local Development Plan. Additionally, where tourist accommodation is proposed on sites outwith the settlement boundaries, a site specific business case/locational need justification will require to be submitted in support of any planning application for evaluation.</p>
EMG5 - Noise	<p>There is a presumption against developments that are:</p> <ul style="list-style-type: none"> a. likely to generate significant amounts of noise being located close to noise sensitive developments such as existing or proposed housing; or b. residential or other noise sensitive developments being close to noisy land use. The only exceptions will be where it can be demonstrated that: <ul style="list-style-type: none"> a. through design or mitigation, satisfactory internal and external noise levels can be achieved at the noise sensitive development; and b. through design or mitigation, there will be no adverse impact on the continued operation of any existing or proposed business or activity. <p>The terms of the council's Supplementary Guidance on Noise will apply.</p>

Guidance

Supplementary Guidance on Planning and Noise approved February 2019.

Officer Assessment

The application is for a change of use from house (class 9) to form 8 letting bedrooms. This existing property is a detached dwelling located within an established residential area and within the settlement boundary of Bathgate.

A revised layout plan was received during the course of the application to include kitchen and provision to each bedroom.

The applicant has advised that the guest rooms would be made available for varying lengths of stay to suit the individual needs requirements of those parties using the establishment throughout the entire 365 days of the year. It has not been demonstrated by the applicant that there would be no significant adverse impact on adjacent residents in terms of parking as well as the potential disruption caused by the comings and goings of individuals.

The applicant has also pointed to other planning permissions 0396/FUL/18 and 0926/FUL/18 that would operate in a similar manner. However, these applications are significantly different to what is being proposed as both of these premises are located on upper floors of public houses and are within town centre locations and not within residential estates.

There is no indoor communal space therefore guests may use the garden ground for recreational purposes which given there are 8 separate bedrooms this could have the potential to cause noise concerns to nearby residents.

The applicant has advised that one member of staff will visit the site on a daily basis for cleaning and room changes. This could potentially be another vehicle to park.

While, no site layout plan was provided highlighting parking provision, it is not clear how parking for each of the 8 letting bedrooms could be accommodated on the site without blocking each other or causing access issues. Whilst there is limited on-street parking nearby the proposed development would be overdevelopment of the plot. WLC Roads & Transportation have also raised concerns in relation to parking provision.

Whilst this proposal to some degree could be considered as a form of tourism development that would usually be encouraged provided there's no detrimental impact on neighbouring properties. The proposal would have potential to adversely impact on local or residential amenity, by the comings and goings of individuals as well as the use of the garden by 8 different guests on a daily basis.

It is not considered that this location is compatible with neighbouring land uses.

Given the entire premises is to be used for letting of x8 rooms, this would be overdevelopment of the plot and would impact on the residential amenity of neighbouring residents.

It is noted that there is a local town service that operates from Burnside Road on an hourly basis from 0930 until 1745, this does not operate over the weekend. And given it is hourly, therefore

cars would still be the preferred method of transport if travelling for work, or indeed if this bus is missed. The train station is a considerable distance for walking to.

It is therefore recommended planning permission be refused.

Conclusions and Reasons for Decision

The application is for a change of use from house (class 9) to form 8 letting bedrooms.

The proposal is contrary to policy DES 1 (Design Principles) and EMP 7 (Tourism) within the West Lothian Local Development Plan, 2018.

It is therefore recommended the application be refused planning permission.

List of Review Documents

Drawings schedule:

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	02
2	Floor Plans & Elevations	03
3	Floor Plans & Elevations	04

Other relevant documents:

West Lothian Local Development Plan, 2018;

Case Officer: Kirsty Hope

Date: 7 September 2022



OPERATIONAL SERVICES
ROADS & TRANSPORTATION
DEVELOPMENT MANAGEMENT & TRANSPORTATION PLANNING

ROADS & TRANSPORTATION CONSULTATION RESPONSE TO PLANNING APPLICATION

This proposal is (tick as appropriate)		Signing Off	
Acceptable without conditions	<input type="checkbox"/>	DM & TP Officer Roads & Transportation	Chris Nicol
Acceptable with conditions noted below	<input type="checkbox"/>	DM & TP Manager Roads & Transportation	
Not acceptable & should be refused	<input checked="" type="checkbox"/>	Date Issued to Development Management Officer	26 August 2022
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"/>		

Recommendation & Proposed Conditions	<p>From a Roads & Transportation view, this application is REFUSED for the following reasons:</p> <p>Parking standards are for 1 space per bedroom. No additional space to allow vehicles to turn.</p>
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DM Case Officer	Kirsty Hope	Applicant	Mr Andy Dyet
Application Ref	0610/FUL/22	Date Issued	11 July 2022
Proposal	Change of use from house (class 9) to form 8 letting bedrooms		
Location	Willowbank, 1 Burnside Road, Bathgate		

Legislation & Guidance Applicable (tick as appropriate)	Constraints (tick as appropriate)
Roads (Scotland) Act 1984 <input 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 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	Existing residential property
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 Supporting statement
Does Road Layout comply with WLC Standards	N/A
Does Parking comply with WLC Standards (including disabled provision)	6 spaces available for 8 units and no space for turning around.

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

Planning Consultation Response

Our reference: LP/178984
Direct Dial: 01506 282 373
Email: lynn.parsler@westlothian.gov.uk

7 September 2022

Environmental Health & Trading Standards
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Tel: 01506 280000

Environmentalhealth@westlothian.gov.uk
Tradingstandards@westlothian.gov.uk

For the attention of Ms Hope

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

**Environmental Health &
Trading Standards Manager**
Craig Smith

PREMISES: 1 Burnside Road, Bathgate Planning Consultation Response 0610/FUL/22

I refer your consultation of 11/07/2022 regarding this application.

Environmental Health has no objections to make on the application. However, I have reviewed the application and would make the following observations on behalf of Environmental Health.

Observations on Planning Application

1. Noise

- The development has the potential to create noise nuisance during construction, which can be effectively controlled by application of the standard construction site noise conditions;

2. Short Term lets legislation

- The new short term lets legislation will apply to a premises such as this and the applicant should be advised that a licence will be required from the Council once the licensing application scheme is in place later this year;

3. Potential House in Multiple Occupation (HMO)

- Depending on how the property is operated, an HMO licence may be required. The applicant should be aware that this would require a specific layout to be in place and the current layout would not meet those requirements. It may also need a separate planning permission to operate as an HMO. It is recommended that the applicant discusses this in further detail by contacting Environmental Health at environmentalhealth@westlothian.gov.uk Further information is available by visiting the following web page <https://www.westlothian.gov.uk/article/34802/Houses-in-Multiple-Occupation-HMO-Licence>

Recommendations on Planning Application

If the application is granted, I recommend the following conditions:

4. 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, unless otherwise agreed in writing with the planning authority. This includes deliveries and operation of on site vehicles and equipment.

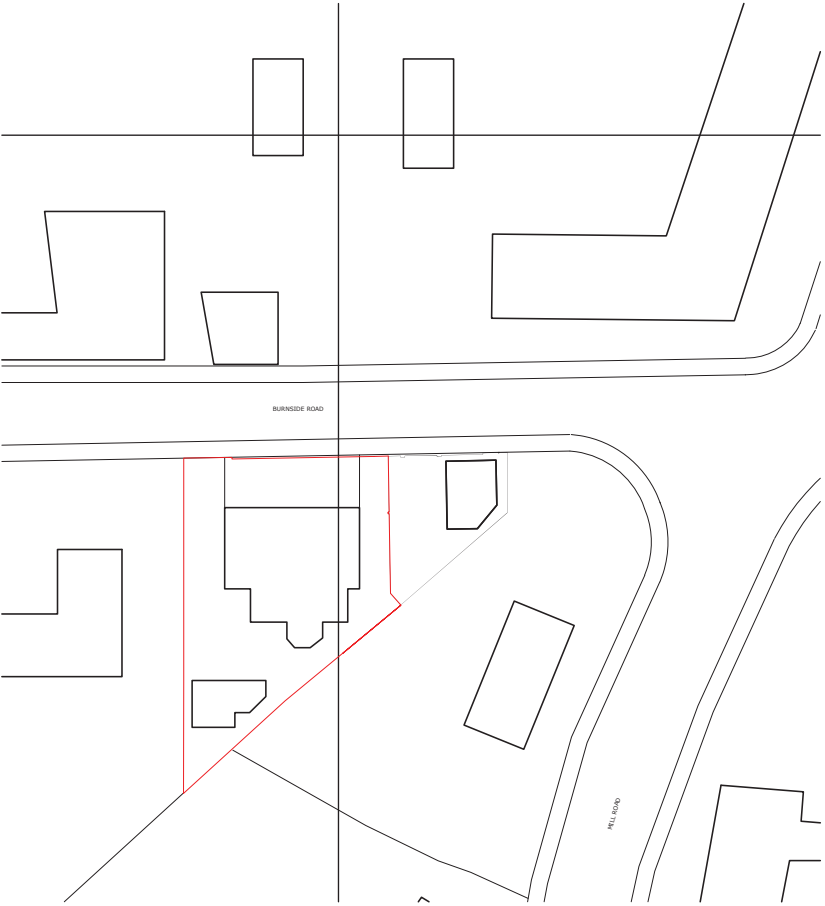
5. Waste

- Prior to works starting on site, details of refuse storage facilities shall be submitted for the written approval of the planning authority. This must take into account the foreseeable use and occupancy levels of the development.

Should you wish to discuss the matter further, please contact me.

Yours faithfully

Lynn Parsler
Environmental Health Officer



SITE BOUNDARY

1 Site Location
1:500



Subdivision		
Project: Willowbank Cottage 1 Burnside Road, Bathgate		
5/15 Princes Gardens , Hyndland , G12 9HR		
Scale 1:500/@A3	Date June 22	By MC
Job No 0360	Drawing no 02	Rev -
© Satdraft 2022		

0610/FUL/22 Conditions

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

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

2. Any construction 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, unless otherwise agreed in writing with the planning authority. This includes deliveries and operation of on-site vehicles and equipment.

Reason: In the interests of visual and environmental amenity.

3. Prior to works starting on site, details of refuse storage facilities shall be submitted for the written approval of the planning authority. This must take into account the foreseeable use and occupancy levels of the development.

Reason: In the interests of visual and environmental amenity.



LOCAL REVIEW BODY

APPLICATION NO.0714/FUL/22 – ERECTION OF SUMMER HOUSE, HUTS AND SMALL STORAGE ROOM (IN RETROSPECT) AND OPERATION OF SMALL PET BUSINESS, 11 STEVENSON TERRACE, BATHGATE

REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY

A PURPOSE OF REPORT

This report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the Council's Appointed Person to refuse planning permission for the erection of summer house, huts and small storage room (in retrospect) and operation of small pet business, 11 Stevenson Terrace, Bathgate

B REVIEW DOCUMENTS

The following documents form the review documents for consideration by the Local Review Body and are circulated to members with this report:

1. The Notice of Review, and supporting documentation, submitted by the applicant, dated 21 October 2022.
2. The Handling Report, prepared by the Planning Case Officer, dated 17 November 2022.
3. The Decision Notice, issued by the Appointed Person, dated 17 November 2022.

Two representations have been received from neighbouring properties; these being 12 Stevenson Terrace and 13 Stevenson Terrace. Both parties were contacted to advise that the review application had been received and were provided with the opportunity to submit further representations. One of the parties submitted a further representation which was subsequently shared with the applicant; the applicant has provided comment on this. All correspondence referred to is attached to the committee report.

The council's Transportation Service, as a statutory consultee, have suggested that the proposal is acceptable without conditions. Also, the council's Environmental Health Service, also a statutory consultee has suggested that if the application was to be granted planning permission then a number of conditions should be attached to the permission and include amongst others; restriction to days and hours of operation; approval of a Waste Management Plan, limit to numbers and types of animals, and a

temporary permission for a period of 1 year. Both representations are attached to the committee report.

The applicant has stated that the review application can be proceed on the basis of a site inspection.

The applicant has stated in the review application that they have raised matters which were not before the appointed officer at the time the determination of the application for planning permission was made.

C SITE VISITS AND FURTHER PROCEDURE

A site inspection of the application site will be undertaken in advance of the Local Review Body's first consideration of the review application; this will be completed on 25 January 2023. However, the Local Review Body, upon consideration of the review application before it, can determine if further procedure is required before reaching a decision. This can include any, or any combination, of the following; an accompanied site inspection, further written submissions and hearing session/s.

D DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

The Appointed Person refused the application in that it was not in accordance with policy DES1 (Design Principles) of the West Lothian Local Development Plan 2018 as they considered that, taking into account the context of the site and surroundings, a commercial business of this nature was incompatible with the current residential land use and would result in an adverse impact on the residential and environmental amenity of the area. There was also inadequate parking provision provided within the site or off-site provision within the street

Further information can be obtained in the Decision Notice and Handling Report both of which are attached to this report.

E PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS

Without prejudice to the outcome of this review, to assist the LRB in its deliberations and to assist the applicant and interested persons in securing a prompt resolution of the review, attached to the report are a set of draft planning conditions which the LRB may wish to consider imposing should it be minded to grant planning permission. A copy is circulated with this report

Lesley Montague, Managing Solicitor, West Lothian Civic Centre

Email address:- lesley.montague@westlothian.gov.uk

Date: 25 January 2023

NOTICE OF REVIEW

(LOCAL DEVELOPMENT – DECISION BY APPOINTED PERSON)

This Form is for a review by the West Lothian Council Local Review Body under Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 in respect of decisions by the appointed person on local development applications.

The review will be conducted under the Town and Country Planning (Schemes of Delegation and local Review Procedure) (Scotland) Regulations 2008.

Please read and follow the accompanying West Lothian Council Local Review Body Guidance Notes when completing this form. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.

Use BLOCK CAPITALS if you are completing the form by hand.

PART A	APPLICANT'S DETAILS	Name <u>Susan Turnbull</u> Address <u>11 Stevenson Terrace</u> <u>Bathgate</u> Postcode <u>EH48 1DJ</u> Telephone No. (1) <u> </u> Telephone No. (2) <u> </u> Fax : <u> </u> E-mail : <u> </u>
	REPRESENTATIVE (if any)	Name <u> </u> Address <u> </u> <u> </u> Postcode <u> </u> Telephone No. (1) <u> </u> Telephone No. (2) <u> </u> Fax : <u> </u> E-mail : <u> </u>
	Please tick this box if you wish all contact to be through your representative.	
	Do you agree to correspondence regarding your review being sent by e-mail? * YES/NO	

PART B	APPLICANT REF. NO.	<u>0714-FUL-22</u>
	SITE ADDRESS	<u>11 Stevenson Terrace</u> <u>Bathgate</u> <u>EH48 1DJ</u>
	DESCRIPTION OF PROPOSED DEVELOPMENT	<u>Permission for my summerhouse, huts and store room. To operate a small pet boarding business for small animals i.e. rabbits and guinea pigs.</u>
	DATE OF APPLICATION	<u>Active on the planning portal 9th August 2022</u>
	DATE OF DECISION NOTICE (IF ANY)	<u>Not sure Lucy Hoad stated she would refuse and I am awaiting a date</u>

Note:- This notice must be served on the planning authority within three months beginning with the date of the decision notice or, if no decision notice was issued, from the date of expiry of the period allowed for determining the application.

Type of Application (please tick the appropriate box)

Application for planning permission (including householder application)	<input checked="" type="checkbox"/>
Application for planning permission in principle	<input type="checkbox"/>
Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)	<input type="checkbox"/>
Application for approval of matters specified in conditions	<input type="checkbox"/>

PART C	TYPE OF REVIEW CASE	<input checked="" type="checkbox"/>
	Refusal of application by appointed officer	<input type="checkbox"/>
	Failure by appointed officer to determine the application within the period allowed	<input type="checkbox"/>
	Conditions imposed on consent by appointed officer	<input type="checkbox"/>

	<p>Statement of reasons and matters to be raised</p> <p>You must state, in full, the reasons for requiring a review of your case. You must also set out and include with your application all the matters you consider require to be taken into account and which you intend to raise in the review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.</p>	
	<p>State here the reasons for requiring the review and all the matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. <u>You may also submit additional documentation with this form.</u></p>	
	<p><u>I was not aware that comments against my business were in the documents section.</u></p> <p><u>I expected them to be in the comments section as that was where I was told they would be when I applied for my driveway planning permission. I could see the 2 consultant ones and I have been in touch with Lynn from Environmental health to address the points she raised. It was only when Lucy from Planning attended that I was aware there were other comments but I was still not informed that they were in the document section where my drawing of my site etc. Are. By this time, I was informed it was by the deadline for my neighbours, friends and clients to post comments in support of my business.</u></p> <p><u>Also, on the 7th November a document was added, mine from Environmental health when I was told this deadline had passed.</u></p> <p><u>I note what my neighbour at number 12 has said but for the past nearly 3 years I have had to take Gillian and Ramon to court for damage to my property which I won compensation and now we have an on-going case which I wish a non-harassment order against them. They have ignored solicitor's letters and the police even signed a signed statement (promise to court) which they have breached, which was provide to court and signed in my solicitor's office. I have collated emails, messages and questionnaire's in support of my business which was granted planning permission last year on ENF/0100/21 but due to the unfounded complaints made by my neighbours at number 12 Gillain and Ramon I again have to justify and submit more information.</u></p>	
	<p>Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?</p>	<p>* YES/NO</p>

If yes, you should now explain why you are raising new material, why it was not raised with the appointed officer before, and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all documents, materials and evidence which you wish to submit and rely on in your review. **All** of these documents, materials and evidence must be lodged with this notice. If necessary, this can be continued or provided in full in a separate document.

1.	Evidence for 0714-FUL-22 11 Stevenson Terrace
2.	Questionnaires collected from Scott Terrace for Planning ref 0714-FUL-22
3.	Questionnaires collected from Stevenson Terrace for Planning ref 0714-FUL-22
4.	Questionnaires from Barrie Terrace for Planning ref 0714-FUL-22
5.	A_LOCATION_PLAN-3207854
6.	EHO-3240677
7.	Enviromental Points for 11 Stevenson Terrace
8.	NN_MAP-3207993
9.	OUTBUILDING_STRUCTURES-3207855
10.	PLANNING_APPLICATION-3226065
11.	PLANNING_APPLICATION-3226065
12.	PLANNING_APPLICATION-3226065

PART D
REVIEW PROCEDURE

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties, without any further procedures?. For example, written submission, hearing session, site inspection *

*Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

With the information I have provided plus the site inspection which Lucy has seen that my garden and outbuildings are not as number 12 has described. Plus I will adhere to Enviromental health's recommendations.

If you have selected "further written submissions" or "hearing session(s)", please explain which of the matters you have included in your statement of reasons you believe ought to be subject of those procedures, and why.

SITE INSPECTION

The Local Review Body may decide to inspect the land which is subject to the review.

Can the site be viewed entirely from public land?

* **YES/NO**

Is it possible for the site to be accessed safely, and without barriers to entry?

* **YES/NO**

If you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain why that may be the case.

My back garden is securely locked, although you can see this from my neighbour's sides

PART E	<p>CHECKLIST</p> <p>Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.</p> <p>Full completion of all parts of this form</p> <p>Statement of your reasons for requiring a review and matters to be raised</p> <p>Statement of your preferred procedure</p> <p>All documents, materials and evidence INCLUDING LOCATION PLANS AND/OR DRAWINGS which you intend to rely on. Copies must accompany this notice.</p> <p>Where your case relates to another application (e.g. it is a renewal of planning permission or a modification, variation or removal of a planning condition, or an application for approval of matters specified in conditions), it is advisable to provide that other application reference number, approved plans and decision notice from that earlier consent.</p>	<div style="border: 1px solid black; height: 40px; width: 100%;"></div> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>
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*****DECLARATION*****

I, the applicant/agent*, hereby require West Lothian Council to review the case as set out in this form and in the supporting documents, materials and evidence lodged with it and which includes those plans/drawings that were used by the Appointed Person when determining the original planning application.

I have been provided with a copy of the West Lothian Council Local Review Body Guidance Notes before lodging this notice.

Signed Susan Turnbull Date 10/11/2022

* Delete as appropriate

Please email this completed form to :-

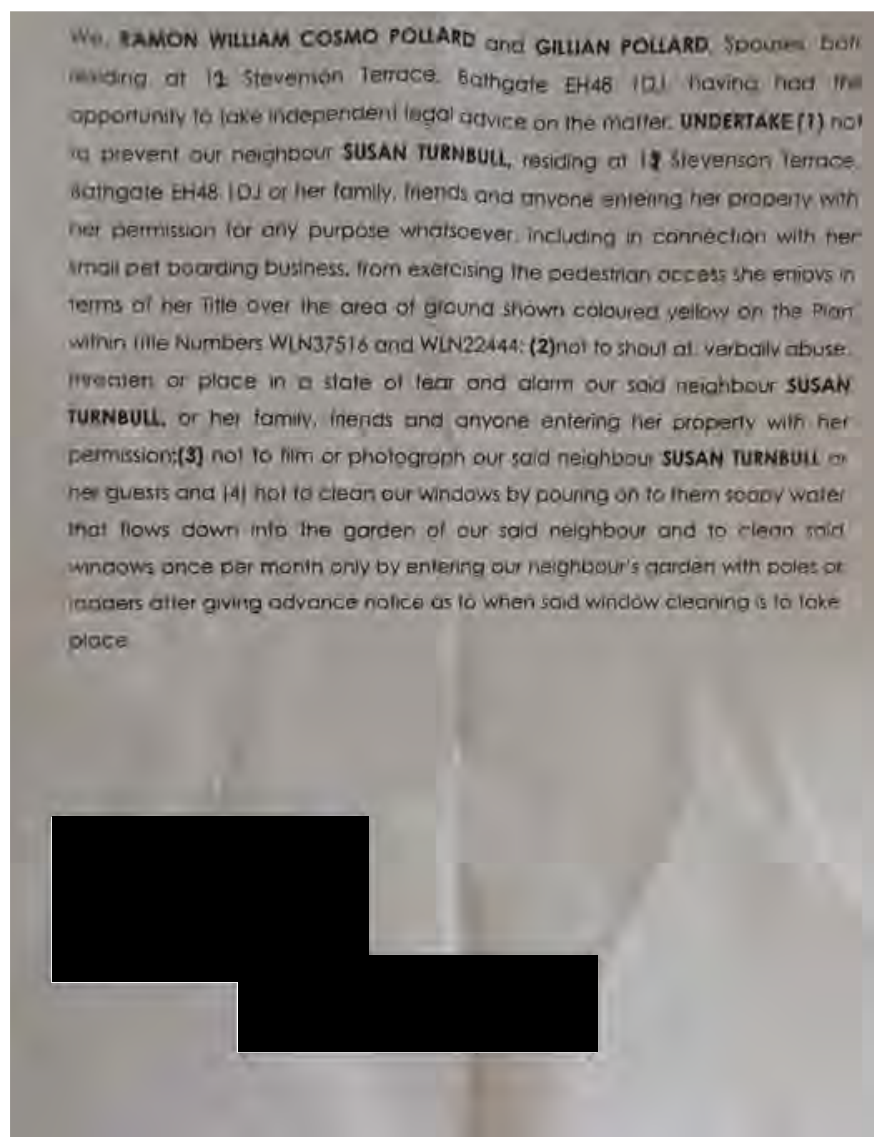
committeeservices@westlothian.gov.uk or alternatively post to :-

Committee Services
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Evidence for my Planning application.

I was not aware that comments against my business were in the documents section. I expected them to be in the comments section as that was where I was told they would be when I applied for my driveway planning permission. I could see the 2 consultant ones and I have been in touch with Lynn from Environmental health to address the points she raised. It was only when Lucy from Planning attended that I was aware there were other comments, but I still was not informed that they were in the document section. By this time, it was by the deadline for my neighbours, friends, and clients to my business to post comments in support of my business. Also, on the 7th November a document was added mine from Environmental health when I was told this deadline had passed

I note what my neighbour at number 12 has said and for the past nearly 3 years I have had to take Gillian and Ramon to court for damage to my property which I won compensation and now we have an on-going case which I wish a non-harassment order against them. They have ignore lawyers letters and the police even signed a signed statement (promise to court) which they have breached, which was provide to court and signed in my solicitors office see below: -



I did have planning permission for my business as my lawyer rightly said on ENF/0100/21, but Gillian is constantly ignoring my legal and court proven right of way. I am also a key worker on critical system for the hospitals, police, and other key services. I work full-time and cannot and have not had people coming and going at all hours. Gillian goes to work at 3am and goes for a sleep at about 1pm and that is why she is complaining. As for my dogs 1 is very old and cannot bark, the new neighbour at no 13 dog barks constantly. As for my dogs they are in a secure locked gate and do not bark if guests to my business use my legal and proven via solicitors right off access. Car do not come and go all day as again I work full time. I have my own driveway and guests park by my door or over that, I have planning permission for my driveway on 0216/H/19.

I have had myself; my family and guest being subjected to abuse by no 12 resulting in me having to hire a solicitor due to my ill health and stress with all this. My business is my stress relief and neither Gillian nor Ramon at no 12 had any issues for 2 years with my business since they moved in, in 2018. This has all came about as I have had to inform no 12 that they didn't own what they thought they did and refuse to pay for gutters that they ripped out without my consent. I can provide my solicitor's details and court case references for further confirmation of the harassment and stress I, my family, friends and business clients have been under from no 12 Gillian and Ramon. Most of the points raised are not as so, I am not going on to all the points, but my dogs are walked regularly, Gillian and Ramon have never slept in the back bedroom only the front. As for my garden outbuildings, they were rebuilt in 2017 old for new. My possessions and state of my lawn should be no concern to them. As for a strobe light, it is a path light that needs the battery replaced. Here is my back garden, no lights are near number 12's side or high enough to shine in.



I am not in my summerhouse at 11.30pm as I am usually in bed by 10pm to start work. Gillian has floodlights at her door that shine so bright and come on when anyone approached my front gate. As for our title deeds I do not keep but board, title deeds also say no communal repairs to be carried out without consent from all neighbours in the block and must fit with the rest of the street. Defective gutters do not. I am not mentioning anymore points.

Please find below from family and my friends

From: marion steel [REDACTED]
Sent: 08 November 2022 14:23
To: Planning <Planning@westlothian.gov.uk>
Subject: Susan has been a friend for many years and I can say that I have never seen or smelled any issues in her garden or her house and I find it disrespectful that someone would say that about her. Susan puts 110% in to small animals and she enjoys looking a...

From: corinna miller [REDACTED]
Sent: 07 November 2022 15:18
To: Planning <Planning@westlothian.gov.uk>
Subject: 0714/FUL/22 11

To whom this may concern

We have always enjoyed visiting Susan over the years which has not changed due to her business. Summer garden parties have not been made unpleasant with noise or smells from Susan's business. In fact we quite enjoy watching the rabbits play in the runs. Hope this helps with any concerns you may have regarding the business.

Regards

C miller

From: Gavin Hunter <Gavin.Hunter@westlothian.gov.uk>
Sent: 07 November 2022 13:44
To: Planning <Planning@westlothian.gov.uk>
Subject: Reference 0714/FUL/22 11

It was our idea that Susan start a small pet boarding business as she has often watched our rabbits or family guinea pigs when we go on holiday as we do her pets. There has never been any smell from this business and the hutches and runs are thoroughly cleaned after use. We have attended garden parties when there was boarders in the summer to no smell then either.

Kind regards
 Gavin

From: thomascrosby123 [REDACTED]

Sent: 07 November 2022 15:18
To: Planning <Planning@westlothian.gov.uk>
Subject: Ref 0714/ful/2211 susan business has always been kept clean and tidy and she also sanitized after each boarding her love for animals is her passion and not for money this is also her hobby there is no animal waste kept in her garden which is also kept...

From: James D Turnbull

Sent: 08 November 2022 14:08

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

Subject: Reference 0714/FUL/22 11

To Whom It May Concern,

This business does not have animal boarding all year round. Bookings are mostly during school holidays when people wish to go on holiday and as such there are months when no guests are staying at all. Parking is not an issue as there are never multiple visitors at one time. A car space has been freed due to number 11 having their own driveway planning approved, which is viewable online.

Regards

From: Dee Scott

Date: 9 November 2022 at 12:08:40 GMT

To:

planning_at_westlothian_gov_uk_pcg516hp2f2ez9_ha687141@icloud.com

Subject: Reference 0714/FUL/22 11

Hello

Regards the planning application for a small pet business at 11 Stevenson Terrace. I would just like to express that I have visited the property and have never noticed any adverse smell or noise from the business. The owner is very considerate and limits numbers of customers so the animals all get the best of care and ensures that it doesn't disrupt the neighbourhood.

I am aware the owner also works full time in another job but she maintains the garden and the area for the animals well, including growing her own produce for the business. When I visited last, she had two animal clients (rabbits) but had she not said, I would not have known as there was no noise or smell.

From: Priscilla Johnstone

Date: Wednesday, November 9, 2022

Subject: Ref: 0714/FUL/ 2211

To: "planning@westlothian.gov.uk" <planning@westlothian.gov.uk>

Dear Planning

I am emailing you in support of Susan Turnbull's Business.

Whenever I have visited Susan, her garden has always been clean, tidy and clear of any debris. There have been no smells or anything that would attract vermin into her garden.

You would not know that she was running a furry boarding business.

Her boarders are well looked after and she is always professional.

I am happy for you to contact me if I can provide anymore information.

Kind Regards

Priscilla Johnstone

I would like to suggest the planning application in granted as it causes no disruption and fills in a much needed and well run service for small animal owners looking to board pets for short periods.

Thank you

D Scott



Lisa (from Cool Cuts)

I am at Susan's every 4/6 weeks doing...

I am at Susan's every 4/6 weeks doing her hair ... I can see out the back garden whilst doing her hair, her garden is well kept, lovely flowers and I know she spends a lot of time and money on her garden too. In the summer I was out in her garden and it's lovely with no smell at all. I have also never had a issue with parking even tho the street is very tight I always park over Susan's drive or just up slightly.

On a few occasions when I have arrived at Susan's there has been a large black/brown dog running up and down the access path barking it was actually quite intimidating even tho I have a dog myself I was scared to go to gate incase it jumped over

From Clients

<[REDACTED]>
Sent: 07 November 2022 12:49
To: Planning <Planning@westlothian.gov.uk>
Subject: Reference 0714/FUL/22 11

Hi there I am emailing regarding the Thumper and Squeak planning permission. I have boarded my rabbit here twice and have never noticed and issue of smell, animal waste or parking issues.

Thumper and Squeak is a very clean and well managed business.

Kind regards
 Jenna Martin

From: chris carroll [REDACTED]
Sent: Monday, 7 November 2022, 21:29
To: planning@westlothian.gov.uk
 <planning@westlothian.gov.uk>
Subject: Ref: 0714/FUL/22 11

Good afternoon,

We have 2 rabbits and love that Susan at Thumper & Squeak has a passion to care for our pets, when we are on holiday. We have dropped off and collected them many times, and if there was any concern over their welfare or conditions/hygiene of the accommodation - we would not be returning! We are always happy with the conditions of our pet care. Hutches are clean, and the enclosed outdoor runs are secure.

We have never experienced any parking issues, as drop off and collection takes no more than 5 minutes. Any communication or chat can be had in advance by email - we do not stay for dinner.

Furthermore, I would also like to point out:

These small pets are kept securely in a shed/summerhouse.

I cannot imagine Thumper and Squeak is at full capacity 365 days a year- maybe more realistic over staggered holiday season?

Rabbits, guinea pigs, hamsters etc are very quiet pets- It is not like there are dogs barking all day and night.

Regarding any mess/animal waste, rabbits have an area in the hutch/garden they prefer to go - which is easily brushed up. What about all the dog mess people/kids have to dodge on the pavement?

Taking all recent news issues into context, I think this dispute is absurd!

With kind regards
 Chris

From: Ele Arbuckle [REDACTED]
Sent: 07 November 2022 18:39
To: Planning <Planning@westlothian.gov.uk>
Subject: Reference 0714/FUL/22 11

Dear Sir/Madame,

Reference 0714/FUL/22 11

I am a customer of Thumper and Squeak. I have been impressed each time I have been there with how hygienic and well kept the animal enclosures are. They are cleaned regularly and there were certainly no smells. Susan, the owner, has webcams set up for customers, so I can see that these levels of cleanliness are maintained throughout my rabbit's stay and not just when I drop off/pick up. She looks after my rabbits very well, even giving my elderly rabbit regular baths. There is never any evidence of debris or rubbish in the area. I usually park for approximately 10-15 minutes for drop off and then the same again a couple of weeks later for pick up. I don't feel that this is long enough to cause any parking issues for local residents. There was plenty of parking space along the road once I had turned my car around.

The only parking issue I have encountered was when her downstairs neighbour had someone visiting that had parked in the turning circle and so made it harder for me to turn around. I do feel that this complaint about her business more likely stems from a neighbour dispute than from any actual problems arising from her business. On one occasion her downstairs neighbour played recordings of dogs barking loudly through her open front door for the duration of my time there. Another time she played extremely loud music in the garden close to the fence which was probably quite upsetting for the small animals. I took my 10 year old son with me one time and the neighbour had her growling dogs loose in the communal path area so we had to enter through the front door instead for safety. I really value the small pet sitting service that Thumper and Squeak offers. Please do consider allowing the business to continue. Feel free to contact me if you have any further questions.

Yours sincerely,

Eleanor Arbuckle
 [REDACTED]

91 Carrick Knowe Drive eh12 7eg

Date: 7 November 2022 at 20:18:56 GMT

To: planning@westlothian.gov.uk

Subject: Ref 0714/FUL/2211

THUMPER AND SQUEAK

To whom it may concern

I have taken my two Guinea pigs to stay at Thumper and Squeak hotel a couple of times in the past year. I have always found the back garden lovely, the shed is clean with no smells or rubbish lying about. My Guinea pigs have always come back from their holidays content. I have no complaints.

I have always parked in the space that the owner Susan has asked me to park in and there has never been any issues when doing so.

Regards

Allison Whiteford.

From: [michelle oneill](#)

Sent: 09 November 2022 15:35

To: planning@westlothian.gov.uk

Subject: Reference: 0714/FUL/22 11

To whom this may concern,

I am writing to you in response to recent complaints against Thumper and Squeak. I have never experienced any of the issues raised.

Susan keeps her premises very tidy and I have personally witnessed her out first thing in the morning cleaning out the pet cages and never seen any debris or observed any odours.

All appointment times are confirmed in advance of pick up or drop off and parking has never been an issue. The allocated times have been out with busy periods i.e. first thing in the morning (0730) or later in the evening (not during school times or busy traffic times). There's never been any drop off or collection times where she has had multiple clients waiting or taking up residential spaces.

Pick up and drop off are prompt and there's no inconvenience caused to residents on her street.

I personally would be devastated to lose the wonderful services she provides. I'm a student nurse and sometimes require a little assistance and support looking after my pets. My pets have benefited from their visits to Susan. In fact they are so well looked after they don't want to come home.



Ferry-girl

I've emailed with the below. Hope it helps.

Good evening

I am writing to you following a complaint received for Thumper and Squeak Pet Boarding.

I believe you have received a complaint in regards to smell, debris and car parking challenges. Having used the facilities of Thumper and Squeak several times I'd like to highlight that never during our time dropping off or collecting our pet have we witnessed any debris (such a hay / animal food etc) in the vicinity of the property or surrounding areas. There has never been an issue or challenge with parking, indeed always plenty of room and a turning circle at the end of the street and never has there been an issue with cleanliness (had there been poor cleanliness or smells we would not have boarded our family pet here).

I hope the matter for Thumper and Squeak is resolved soon as Susan provides a much needed and loved service.

Questionnaires collected from Scott Terrace for Planning ref 0714-FUL-22 11 Stevenson Terrace

Number 1 is an elderly gent

Questionnaire re 0714/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back off no 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guinea pigs, rats and hamsters.

If so please say why here:- *NA*

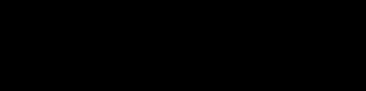
Are you concerned about excess cars on Stevenson Terrace due to this? *N/A*

Are you concerned about the noise that this business may bring *N/A*

Are you concerned about the smell that this business would bring? *N/A*

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? *N/A*

Have you any other issues regarding the operation of this boarding business? *N/A*

Signed 

Street and door number *2 Scott Terrace*

Dated *7/11/22*

Can your questionnaire be uploaded in the planning portal?

Please circle

☒ Yes / No

Numbers 3 and 4 have not been home

Questionnaire re 0714/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back off no 11 Stevenson Terrace. This business has been in operation for 4 years now. permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guineas pigs, rats and hamsters.

If so please say why here:-

N/A

Are you concerned about excess cars on Stevenson Terrace due to this?

N/A

Are you concerned about the noise that this business may bring

N/A

Are you concerned about the smell that this business would bring?

N/A

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept?

N/A

Have you any other issues regarding the operation of this boarding business?

N/A

Signed

[Redacted Signature]

Street and door number

5 SCOTT TERRACE
BATHCLATE

Dated

7/11/2022 EMILY IDY

Can your questionnaire be uploaded in the planning portal?

Please circle

☒ Yes / No

Questionnaire re 0714/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back of no. 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guinea pigs, rats and hamsters.

If so please say why here:-


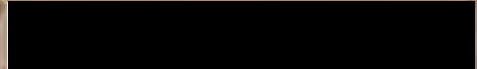
Are you concerned about excess cars on Stevenson Terrace due to this? *N/A*

Are you concerned about the noise that this business may bring *N/A*

Are you concerned about the smell that this business would bring? *N/A*

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? *N/A*

Have you any other issues regarding the operation of this boarding business? *N/A*

Signed  

Street and door number *11 Stevenson Terrace*

Dated

Can your questionnaire be uploaded in the planning portal?

Please circle

Yes / No

Numbers 7 and 8 have not been home

Questionnaire re D714/FU/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back off no 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guineas pigs, rats and hamsters.

If so please say why here:- *no*

Are you concerned about excess cars on Stevenson Terrace due to this? *no*

Are you concerned about the noise that this business may bring *no*

Are you concerned about the smell that this business would bring? *no*

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? *yes*

Have you any other issues regarding the operation of this boarding business? *no*

Signed

[Redacted Signature]

Street and door number *No 11 TLA 4*

Dated *7/11/22*

Can your questionnaire be uploaded in the planning portal?

Please circle

☒ Yes / ☐ No

Questionnaire re 071A/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back off no 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guineas pigs, rats and hamsters.

If so please say why here:-

Are you concerned about excess cars on Stevenson Terrace (due to this)? N/A

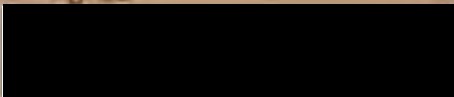
Are you concerned about the noise that this business may bring N/A

Are you concerned about the smell that this business would bring? N/A

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? N/A

Have you any other issues regarding the operation of this boarding business? N/A

Signed



Street and door number

11 SCOTT TERRACE
BATHFORD

Dated 7th Nov '22

Can your questionnaire be uploaded in the planning portal?

Please circle:

☒ Yes / No

Number 11 Margaret is now in her 90's and struggle to get out her chair so I did not disturb her.

Number 12 did not understand what I was saying or able to read the questionnaire

I have still to find numbers 13, 14, 15 and 16 at home but will try tonight again tonight after my full time employment.

Questionnaires collected from Stevenson Terrace for Planning ref 0714-FUL-22 11 Stevenson Terrace

Questionnaire re 0714/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back off no 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guineas pigs, rats and hamsters.

If so please say why here:- *NO*

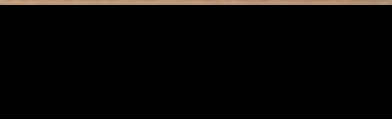
Are you concerned about excess cars on Stevenson Terrace due to this? *NO*

Are you concerned about the noise that this business may bring *NO*

Are you concerned about the smell that this business would bring? *NO*

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? *NO*

Have you any other issues regarding the operation of this boarding business?

Signed 

Street and door number *11 Stevenson Terrace*

Dated *12/05/2022*

Can your questionnaire be uploaded in the planning portal?

Please circle

Yes / No

Number 2 have not been home

Questionnaire re 0714/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back off no 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guineas pigs, rats and hamsters.

If so please say why here:- *no*

Are you concerned about excess cars on Stevenson Terrace due to this? *no*

Are you concerned about the noise that this business may bring *no*

Are you concerned about the smell that this business would bring? *no*

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? *no*

Have you any other issues regarding the operation of this boarding business? *no*

Signed

[Redacted Signature]

Street and door number

3 STEVENSON

Dated *9/11/2022*

Can your questionnaire be uploaded in the planning portal?

Please circle

Yes / No

Questionnaire re 0714/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back off no 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guineas pigs, rats and hamsters.

If so please say why here:

Are you concerned about excess cars on Stevenson Terrace due to this?

NO

Are you concerned about the noise that this business may bring

NO

Are you concerned about the smell that this business would bring?

NO

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? ✓

NO

Have you any other issues regarding the operation of this boarding business?

NO

Signature

[Redacted Signature]

Street and door number

4 Stevenson Terrace

Dated

7/10/22

Can your questionnaire be uploaded in the planning portal?

Please circle

Yes ☒ No

Questionnaire re D71A/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back of no 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018/ Again granted in 2021. This is boarding only for rabbits, guinea pigs, rats and hamsters.

If so please say why here:- No

Are you concerned about excess cars on Stevenson Terrace due to this? No

Are you concerned about the noise that this business may bring No

Are you concerned about the smell that this business would bring? No

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? No

Have you any other issues regarding the operation of this boarding business?

Signed

[Redacted Signature]

Street and door number

5 Stevenson Terrace

Dated

9/1/22

Can your questionnaire be uploaded to the planning portal?

Please circle

Yes / No

Number 6 have not been home

Questionnaire re 0714/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back of no 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guinea pigs, rats and hamsters.

If so please say why here:- p340

Are you concerned about excess cars on Stevenson Terrace due to this? p340

Are you concerned about the noise that this business may bring. p340

Are you concerned about the smell that this business would bring? p340

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? p340

Have you any other issues regarding the operation of this boarding business? p340

Signed



Street and door number

7 Stevenson Terrace

Dated

8-11-22

Can your questionnaire be uploaded in the planning portal?

Please circle

Yes / No

Questionnaire re 0718/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back of no 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018, Again granted in 2021. This is boarding only for rabbits, guinea pigs, rats and hamsters.

If so please say why here:- *no*

Are you concerned about excess cars on Stevenson Terrace due to this? *no*

Are you concerned about the noise that this business may bring? *no*

Are you concerned about the smell that this business would bring? *no*

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? *✓*

Have you any other issues regarding the operation of this boarding business? *no*

Signed

[Redacted Signature]

Street and door number

11 Stevenson Terrace

Dated

08-10-2022

Can your questionnaire be uploaded in the planning portal?

Please circle

(Yes) / No

Questionnaire re 0714/FIL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back off no 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guineas pigs, rats and hamsters.

If so please say why here:

Are you concerned about excess cars on Stevenson Terrace due to this? *NO*

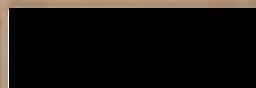
Are you concerned about the noise that this business may bring *NO*

Are you concerned about the smell that this business would bring? *NO*

Does No 11 back garden look unsightly due to this business or to your *well kept pet* knowledge is it well kept?

Have you any other issues regarding the operation of this boarding business? *NO*

Signed



Street and door number

1 Stevenson Terrace

Dated *27/1/2022*

Can your questionnaire be uploaded in the planning portal?

Please circle

Yes / NO

Questionnaire re 0714/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back off no 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guineas pigs, rats and hamsters. (10)

If so please say why here:-

Are you concerned about excess cars on Stevenson Terrace due to this? (10)

Are you concerned about the noise that this business may bring (10)

Are you concerned about the smell that this business would bring? (10)

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? (10)

Have you any other issues regarding the operation of this boarding business? (10)

Signed

[Redacted Signature]

Street and door number 10 Stevenson Terrace

Dated 7/11/22

Can your questionnaire be uploaded in the planning portal?

Please circle:

(Yes) / No

11 Stevenson Terrace is my house

12 Stevenson Terrace has made a complaint

13 Stevenson Terrace has made a complaint

Questionnaire re D714/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back off no 11 Stevenson Terrace. This business has been in operation for 4 years now. permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guineas pigs, rats and hamsters.

If so please say why here:


Are you concerned about excess cars on Stevenson Terrace due to this? *No*

Are you concerned about the noise that this business may bring? *No*

Are you concerned about the smell that this business would bring? *No*

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? *Yes*

Have you any other issues regarding the operation of this boarding business? *No*

Signed 

Street and door number *14 Stevenson Terrace Ballyclare*

Dated *1 11 22*

Can your questionnaire be uploaded in the planning portal?

Please circle

Yes / No

Questionnaire re 0714/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back off no 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guineas pigs, rats and hamsters.

If so please say why here: *No*


Are you concerned about excess cars on Stevenson Terrace due to this? *No*

Are you concerned about the noise that this business may bring *No*

Are you concerned about the smell that this business would bring? *No*

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? *Yes. From*

Have you any other issues regarding the operation of this boarding business? *No*

Signed 

Street and door number *15 Stevenson Terrace, Glasgow*

Dated *27/11/22*

Can your questionnaire be uploaded in the planning portal?

Please circle

☒ Yes / No

No 16 Davie Peden has not been home

Questionnaires collected from Barrie Terrace for Planning ref 0714-FUL-22 11 Stevenson Terrace

Questionnaire re 0714/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back off no 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guineas pigs, rats and hamsters.

If so please say why here: *no*

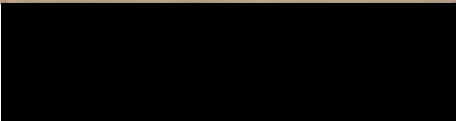
Are you concerned about excess cars on Stevenson Terrace due to this? *no*

Are you concerned about the noise that this business may bring *no*

Are you concerned about the smell that this business would bring? *no*

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? *no*

Have you any other issues regarding the operation of this boarding business? *no*

Signed 

Street and door number *1 BARRIE TERRACE*

Dated *8/11/22*

Can your questionnaire be uploaded in the planning portal?

Please circle:

(yes) / No

Number 2 is a mum of 2 and too busy

Questionnaire re 0714/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back off no 11 Stevenson Terrace? This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guinea pigs, rats and hamsters.

If so please say why here:-


Are you concerned about excess cars on Stevenson Terrace due to this? No

Are you concerned about the noise that this business may bring No

Are you concerned about the smell that this business would bring? No

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? No

Have you any other issues regarding the operation of this boarding business? No

Signed 

Street and door number 3 Stevenson Terrace

Dated 9/11/22

Can your questionnaire be uploaded in the planning portal?

Please circle

Yes / No

Questionnaire re 0714/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back off no 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guineas pigs, rats and hamsters.

If so please say why here: *N/A*

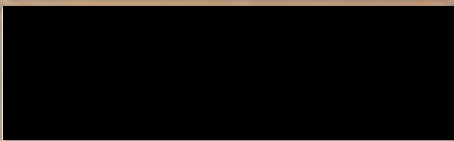
Are you concerned about excess cars on Stevenson Terrace due to this? *N/A*

Are you concerned about the noise that this business may bring *N/A*

Are you concerned about the smell that this business would bring? *N/A*

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? *N/A*

Have you any other issues regarding the operation of this boarding business? *N/A*

Signed 

Street and door number *4 E/11/11 Terrace*

Dated *8/10/22*

Can your questionnaire be uploaded in the planning portal?

Please circle

Yes / No

Number 5 has not been home

Questionnaire re 0714/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back off no 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guineas pigs, rats and hamsters.

If so please say why here:- No

Are you concerned about excess cars on Stevenson Terrace due to this? No


Are you concerned about the noise that this business may bring? No

Are you concerned about the smell that this business would bring? No

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? No

Have you any other issues regarding the operation of this boarding business? No

Signed



Street and door number

6 Stevenson Terrace

Dated

8/11/22

Can your questionnaire be uploaded in the planning portal?

Please circle

Yes / No

Questionnaire re 0714/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back off no 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guineas pigs, rats and hamsters.

If so please say why here: ☒ No

Are you concerned about excess cars on Stevenson Terrace due to this? ☒ No

Are you concerned about the noise that this business may bring ☒ No

Are you concerned about the smell that this business would bring? ☒ No

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? ☒ Yes

Have you any other issues regarding the operation of this boarding business? ☒ No

Signe



Street and door number 7 B.M. Villa

Dated 8/11/23

Can your questionnaire be uploaded in the planning portal?

Please circle

☒ Yes / ☐ No

Questionnaire re 0714/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back of No 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guinea pigs, rats and hamsters.

If so please say why here:- *no*

Are you concerned about excess cars on Stevenson Terrace due to this? *no*

Are you concerned about the noise that this business may bring? *no*

Are you concerned about the smell that this business would bring? *no*

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? *well kept*

Have you any other issues regarding the operation of this boarding business? *no*

Signed



Street and door number

11 Stevenson Terrace

Dated

11/11/22

Can your questionnaire be uploaded in the planning portal?

Please circle

Yes / No

Questionnaire re: 0714/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back of no 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guinea pigs, rats and hamsters.

If so please say why here: *NS*

Are you concerned about excess cars on Stevenson Terrace due to this? *NS*

Are you concerned about the noise that this business may bring *NS*

Are you concerned about the smell that this business would bring? *NS*

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? *NS*

Have you any other issues regarding the operation of this boarding business? *NS*

Signed

[Redacted Signature]

Street and door number

7 2022

Dated

7 11 22

Can your questionnaire be uploaded in the planning portal?

Please circle

Yes / No

Questionnaire re 0714/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back off No 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guinea pigs, rats and hamsters.

If so please say why here:-

No

Are you concerned about excess cars on Stevenson Terrace due to this?

No

Are you concerned about the noise that this business may bring

No

Are you concerned about the smell that this business would bring?

No

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept?

No

Have you any other issues regarding the operation of this boarding business?

Signed

[Redacted Signature]

Street and door number

11 BARBIE TERRACE

Dated

9/11/22

Can your questionnaire be uploaded in the planning portal?

Please circle

☒ Yes / No

Questionnaire re 0714/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back of no 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guinea pigs, rats and hamsters. **NO**

If so please say why here:-

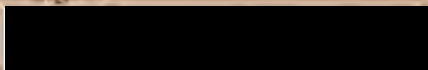
Are you concerned about excess cars on Stevenson Terrace due to this? **NO**

Are you concerned about the noise that this business may bring **NO**

Are you concerned about the smell that this business would bring? **NO**

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? **✓**

Have you any other issues regarding the operation of this boarding business? **NO**

Signed


Street and door number
 11 Baine Terrace

Dated **24/11/2022**

Can your questionnaire be uploaded in the planning portal?

Please circle

(Yes) / No

Number 12 have not been home

Questionnaire re 0714/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back off no 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guinea pigs, rats and hamsters.

If so please say why here: *N/A*

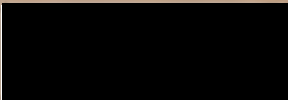
Are you concerned about excess cars on Stevenson Terrace due to this? *N/A*

Are you concerned about the noise that this business may bring *N/A*

Are you concerned about the smell that this business would bring? *N/A*

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? *yes*

Have you any other issues regarding the operation of this boarding business? *N/A*

Signed 

Street and door number *3 11 Stevenson Terrace*

Dated *21/12/22*

Can your questionnaire be uploaded in the planning portal?

Please circle

Yes ☒ No ☐

Number 14 have not been home

Questionnaire re 0214/FUL/22 for 11 Stevenson Terrace (2022)

Have you any objections to a small pet business being run at the back off no 11 Stevenson Terrace. This business has been in operation for 4 years now, permission checked in 2018. Again granted in 2021. This is boarding only for rabbits, guinea pigs, rats and hamsters.

If so please say why here:- *N/A*


Are you concerned about excess cars on Stevenson Terrace due to this? *N/A*

Are you concerned about the noise that this business may bring? *N/A*

Are you concerned about the smell that this business would bring? *N/A*

Does No 11 back garden look unsightly due to this business or to your knowledge is it well kept? *N/A*

Have you any other issues regarding the operation of this boarding business? *N/A*

Signed 

Street and door number
15 Berran Lane

Dated
8/11/22

Can your questionnaire be uploaded in the planning portal?

Please circle

Yes / ☒ No

Number 16 have not been home

Planning Consultation Response

Our reference: LP/180143
Direct Dial: 01506 282 373
Email: lynn.parsler@westlothian.gov.uk

6 October 2022

Environmental Health & Trading Standards
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Tel: 01506 280000

Environmentalhealth@westlothian.gov.uk
Tradingstandards@westlothian.gov.uk

For the attention of Ms Hoad

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

**Environmental Health &
Trading Standards Manager**
Craig Smith

PREMISES: 11 Stevenson Terrace, Bathgate **Planning Consultation Response 0714/FUL/22**

I refer your consultation of 23/09/2022 regarding this application.

Environmental Health has no objections to make on the application.

I have reviewed the application and would make the following observations on behalf of Environmental Health.

Observations on Planning Application

1. Noise

- The development has the potential to cause noise nuisance during its operation, which will require to be effectively controlled;

2. Lighting

- Lighting associated with the proposed development has the potential to cause a nuisance to surrounding properties.

3. Odour

- The development has the potential to create odour nuisance during operation, which will need to be effectively controlled.

4. Waste

- The development has the potential to create nuisance during construction from litter and windblown debris, which will need to be effectively controlled.

Recommendations on Planning Application

If the application is granted, I recommend the following conditions:

5. Only small animals shall be boarded at the premises i.e. rabbits, guinea pigs, rats and hamsters;

6. The maximum number of small animals to be boarded at any one time should be specified in a planning condition, once a site visit has taken place to establish the size of facilities etc.
7. Animal drop off and pick-ups should be restricted. For example they should only take place between the hours of 10am-12pm and 4-5pm Monday to Friday, 10am-12pm on a Saturday and at no time on a Sunday;
8. No waste produced by the business should be burned on the premises at any time, in the garden or in a log burner within the property. It is not a suitable means of disposing of business waste;
9. The applicant must provide details to the planning authority with regard to the storage and disposal of business waste from their activities. This shall be agreed in writing with the planning authority. The current waste disposal arrangements are not satisfactory;
10. At no time shall any waste from the business be disposed of in the garden of the premises, by means of composting, burning etc;
11. At no time shall any wash water from washing out enclosures or cages be disposed of in the garden of the premises – in order to prevent odour at neighbouring properties;
12. It is recommended that the permission granted shall be temporary for a period of one year. This is to establish whether the business can operate without causing an impact to nearby receptors in this residential area;

Should you wish to discuss the matter further, please contact me.

Yours faithfully

Lynn Parsler
Environmental Health Officer



OPERATIONAL SERVICES
ROADS & TRANSPORTATION
DEVELOPMENT MANAGEMENT & TRANSPORTATION PLANNING

ROADS & TRANSPORTATION CONSULTATION RESPONSE TO PLANNING APPLICATION

This proposal is (tick as appropriate)		Signing Off	
Acceptable without conditions	<input checked="" type="checkbox"/>	DM & TP Officer Roads & Transportation	Chris Nicol
Acceptable with conditions noted below	<input type="checkbox"/>	DM & TP Manager Roads & Transportation	
Not acceptable & should be refused	<input type="checkbox"/>	Date Issued to Development Management Officer	17 October 2022
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"/>		

Recommendation & Proposed Conditions	<p>From a Roads & Transportation view, this application is approved no conditions</p> <p>Note: To operate a business from a residential property usually requires sufficient parking spaces for customers, however this type of business appears to be restricted to limited amount of customers arriving and departing at any one time. It would appear that this is no different to visitors to a residential property. The difficulty for this location is that the street has limited on street parking for residents, no specific parking and at the property there is a turning area. To allow a business to operate could increase the amount of traffic in the street that normally parks. If the business is ancillary to a residential property then I don't have an issue but if the business is classified then there is no additional parking for customers and so could cause traffic parking issues.</p>
--------------------------------------	--

DM Case Officer	Lucy Hoad	Applicant	Ms Susan Turnbull
Application Ref	0714/FUL/22	Date Issued	26 September 2022
Proposal	Erection of summer house, huts and small storage room (in retrospect) and operation of a small pet business		
Location	11 Stevenson Terrace, Bathgate		

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 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"/>

Road and Transport

0714/FUL/22

From a Roads & Transportation view, this application is approved no conditions

Note: To operate a business from a residential property usually requires sufficient parking spaces for customers, however this type of business appears to be restricted to limited amount of customers arriving and departing at any one time. It would appear that this is no different to visitors to a residential property. The difficulty for this location is that the street has limited on street parking for residents, no specific parking and at the property there is a turning area. To allow a business to operate could increase the amount of traffic in the street that normally parks. If the business is ancillary to a residential property then I don't have an issue but if the business is classified then there is no additional parking for customers and so could cause traffic parking issues.

Solution – This business has had restricted drop off and pickup times already due to me working full-time and are by appointment only. My full address is not given out until 24 hours before a guest is due to arrive, no one can just turn up. There is now one less car on the street due to me building a driveway planning granted on reference 0216/H/19. There is only one car arriving or leaving at any given time and if there is no space in front of my house where my own car used to park, clients are asked to park over my driveway therefore not taken any extra space on the street.

Site Description	Existing residential property
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 Submitted Plans Outbuilding structures
Does Road Layout comply with WLC Standards	Yes
Does Parking comply with WLC Standards (including disabled provision)	No additional parking provided or able to provide
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

F.A .O Lynn Parsler

PREMISES: 11 Stevenson Terrace, Bathgate Planning Consultation Response 0714/FUL/22

I refer your consultation of 23/09/2022 regarding this application. Environmental Health has no objections to make on the application.

I have reviewed the application and would make the following observations on behalf of Environmental Health. Observations on Planning Application

1. Noise
 - The development has the potential to cause noise nuisance during its operation, which will require to be effectively controlled;
 - Solution-** This is controlled by guests restricted to drop off and pick up times times, no-one can arrive unannounced as I also work full-time. There is camera in place in case animals are noisy. Cleaning is done inside with minimum noise. Also clients are give strict instruction on where to come for drop off and pick up which is to my back garden over my legal and proven last year right off access. This way my dogs do not see any one approach the building and therefore do not bark.
2. Lighting
 - Lighting associated with the proposed development has the potential to cause a nuisance to surrounding properties.
 - Solution** – No additional lights have been fitted for the running of this business. The summerhouse has curtains in use to block out light in darker nights, this light only shines over my back garden.
3. Odour
 - The development has the potential to create odour nuisance during operation, which will need to be effectively controlled.
 - Solution** – No water waste will be disposed off in the garden, all runs, hutches waste will be taken to or collected by a registered waste disposal management service. All outside runs are cleared of any rabbit droppings daily and will be stored until collected.
4. Waste
 - The development has the potential to create nuisance during construction from litter and windblown debris, which will need to be effectively controlled.
 - Solution** – All hutches that have bedding in etc. Are housed within the summerhouse, waste is collected with those doors shut and secured into black bags. New lockable heavy-duty bins will be purchased to store this waste until taken to or collected by a registered waste management service.

Recommendations on Planning Application If the application is granted, I recommend the following conditions:

5. Only small animals shall be boarded at the premises i.e. rabbits, guinea pigs, rats and Hamsters;
 - Solution** – That is all we wish to board.
6. The maximum number of small animals to be boarded at any one time should be specified in a planning condition, once a site visit has taken place to establish the size of facilities etc.

Solution – We have provided Lucy Hoad from Planning the maximum number we can board which is 18 (we have only had 15 in July). As I work full time I will be only at capacity in summer months when I take time off my main full-time employment.

7. Animal drop off and pick-ups should be restricted. For example they should only take place between the hours of 10am-12pm and 4-5pm Monday to Friday, 10am-12pm on a Saturday and at no time on a Sunday;

Solution – I will amend my business hours to reflect the proposed time, I already had restricted pickup and drop off due to working full-time.

8. No waste produced by the business should be burned on the premises at any time, in the garden or in a log burner within the property. It is not a suitable means of disposing of business waste;

Solution – As in point 3 and 4 above this will be taken to or picked up by a registered waste management service.

9. The applicant must provide details to the planning authority with regard to the storage and disposal of business waste from their activities. This shall be agreed in writing with the planning authority. The current waste disposal arrangements are not satisfactory;

Solution – I have already discussed with Lynn my plans and also contacted Kimberley Innes at Scotwaste who may be a better option.

10. At no time shall any waste from the business be disposed of in the garden of the premises, by means of composting, burning etc;

Solution – As above points 3, 4 and 9 this will be from a registered waste management service.

11. At no time shall any wash water from washing out enclosures or cages be disposed of in the garden of the premises – in order to prevent odour at neighbouring properties;

Solution – This has no longer been happening since Lynn mentioned to me.

12. It is recommended that the permission granted shall be temporary for a period of one year. This is to establish whether the business can operate without causing an impact to nearby receptors in this residential area

Please - This would be appreciated to amend and continue to follow all the above.

From: planningenforcement <planningenforcement@westlothian.gov.uk>

Sent: 22 April 2021 11:57

To: 'Susan Turnbull' [REDACTED]

Cc: 'James Turnbull' <[REDACTED]>

Subject: RE: ENF/0100/21 - [OFFICIAL]

RE: ENF/0100/21 - [OFFICIAL]

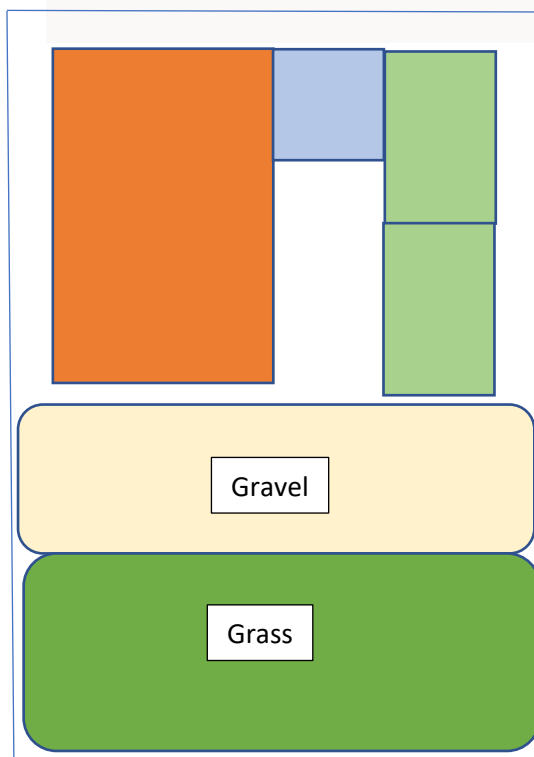
DATA LABEL: OFFICIAL

Planning enforcement has received a further complaint regarding structures/ hutches for the animals therefore, can you please provide the following information to ascertain whether planning permission is required;

1. Full dimensions of all structures including eaves height, overall and distance to boundary.
2. A map showing where they are located.
3. Photos of all structures/ hutches.

Please provide the following information no later than 30th April 2021.

Kind regards
Hannah Bennie



Legend on the following
page





Rebuilt from one in situ for 20

Summerhouse	Metres
Height including eaves	2.04
Width	2.32
Length	4.11
Eaves	0.52
Distance from back to fence	0.73
Distance from side to fence	0.60



Sun Room	
Height front no eaves slopped roof	1.71
Height back no eaves	1.68
Width	1.49
Length	0.91
Eaves none	
Distance from back to fence	0.61



Hut at the front rebuilt from one in situ for over 20 years

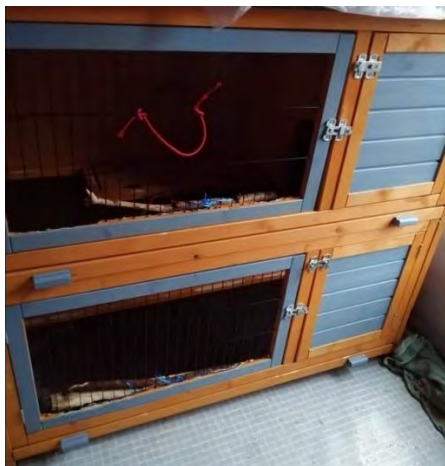
Height including eaves	1.71
Width	1.34
Length	1.95
Eaves	0.24
Distance from side to fence	0.51



Hut at the back

Height including eaves	1.65
Width	1.34
Length	0.91
Eaves	0.61
Distance from back to fence	0.61
Distance from side to fence	0.43

New Blue hutch	
Height	1.07
Width	1.25
Depth	0.55



New Purple hutch	
Height	1.07
Width	1.25
Depth	0.55



Old Blue hutch	
Height	0.94
Width	1.01
Depth	0.55



Old Purple hutch	
Height	1.01
Width	0.98
Depth	0.55



New Large hutch	
Height	0.94
Width	1.52
Depth	0.65





West Lothian Civic Centre Howden South Road Howden Livingston EH54 6FF Tel: 01506 280000 (for general enquiries) Email: planning@westlothian.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100591362-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Summerhouse Hut/s Small storage room

Has the work already been started and/ or completed? *

☐ No ☒ Yes - Started ☐ Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

19/08/1998

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

I had permission years ago when I was a council tenant to erect my summerhouse and huts yet I now have to submit an electronic form?

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="11"/>
First Name: *	<input type="text" value="Susan"/>	Building Number:	<input type="text" value="11"/>
Last Name: *	<input type="text" value="Turnbull"/>	Address 1 (Street): *	<input type="text" value="Stevenson Terrace"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="11"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Bathgate"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="eh481dj"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:	<input type="text" value="West Lothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="668438"/>	Easting	<input type="text" value="298344"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

I already provided planning enforcement details of all my structures with full measurements April last year to Hannah

Title:

Other

Other title:

N/A

First Name:

Hannah

Last Name:

Do not know

Correspondence Reference Number:

ENF/0100/21

Date (dd/mm/yyyy):

22/04/2021

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

☐ Yes ☒ No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Ms Susan Turnbull

On behalf of:

Date: 01/08/2022

☐ Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * ☐ Yes ☐ No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * ☐ Yes ☐ No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * ☐ Yes ☐ No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. ☐ Yes ☐ No
- e) Have you provided a certificate of ownership? * ☐ Yes ☐ No
- f) Have you provided the fee payable under the Fees Regulations? * ☐ Yes ☐ No
- g) Have you provided any other plans as necessary? * ☐ Yes ☐ No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

☐ Existing and Proposed elevations.

☐ Existing and proposed floor plans.

☐ Cross sections.

☐ Site layout plan/Block plans (including access).

☐ Roof plan.

☐ Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. ☐ Yes ☒ No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * ☐ Yes ☒ No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Ms Susan Turnbull

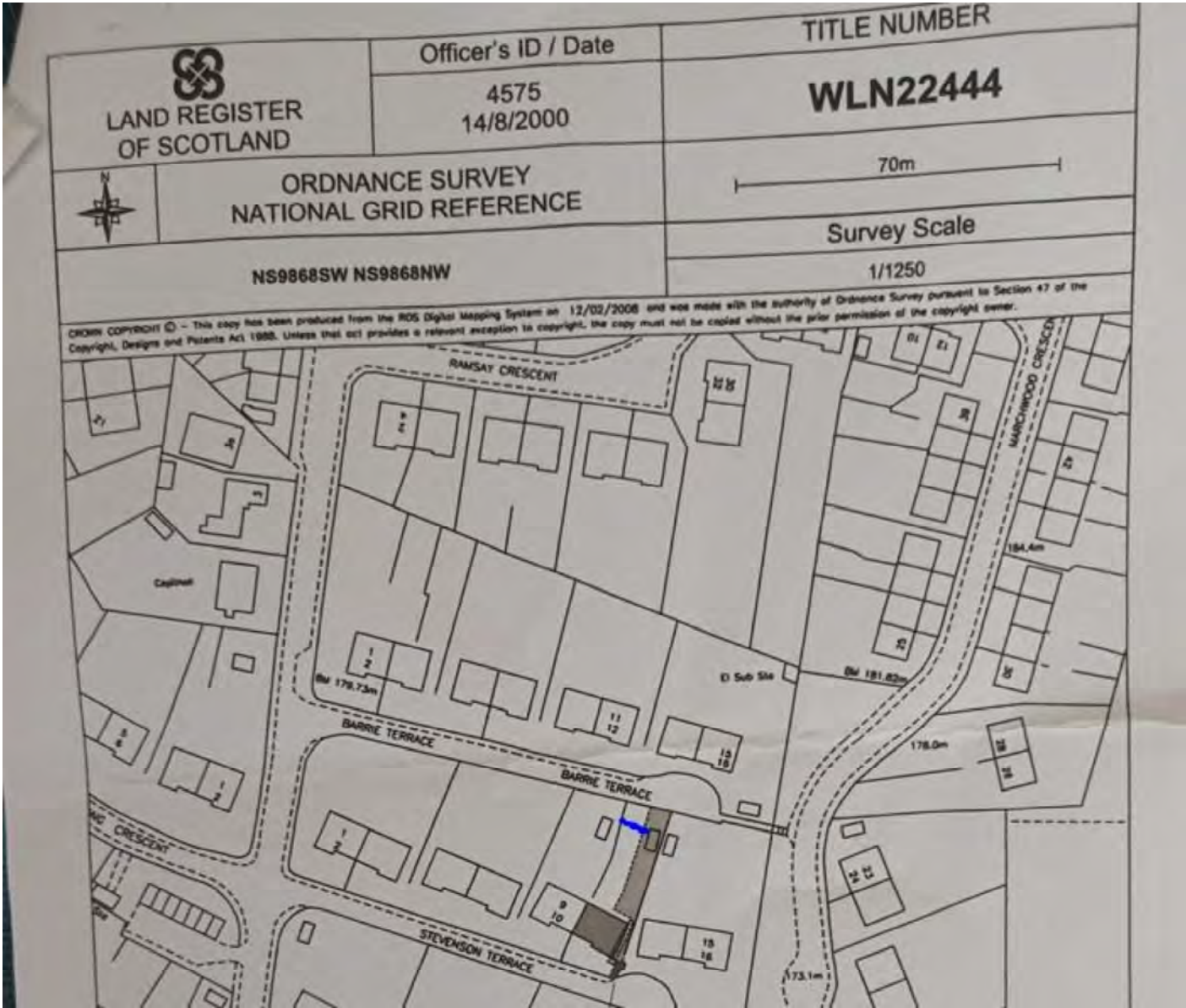
Declaration Date: 01/08/2022

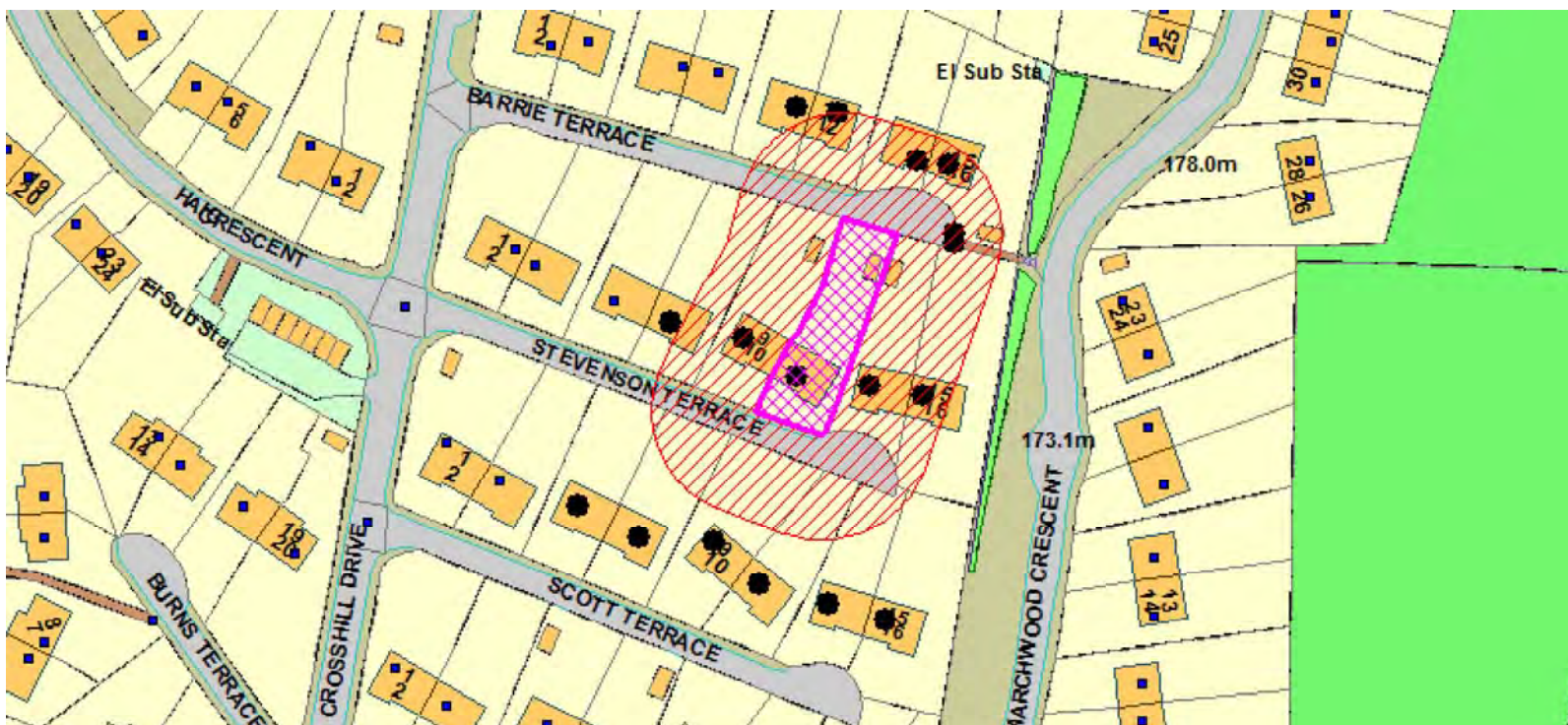
Payment Details

Online payment: 001190

Payment date: 08/08/2022 15:09:00

Created: 08/08/2022 15:10







DECISION NOTICE REFUSAL OF PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997, as amended

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **refuses full planning permission for the development described below**, and in the planning application and docquetted plan(s).

APPLICATION REFERENCE 0714/FUL/22

PROPOSAL	Erection of summer house, huts and small storage room (in retrospect) and operation of a small pet business
LOCATION	11 Stevenson Terrace, Bathgate, West Lothian, EH48 1DJ, (GRID REF: 298341, 668458)
APPLICANT	Ms Susan Turnbull, 11 Stevenson Terrace, Bathgate, West Lothian, EH48 1DJ

The above **local application was determined by an officer appointed by the council in accordance with its scheme of delegation**. Please see the advisory notes for further information, including how to request a review of any conditions.

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated:
17.11.2022

Wendy McCorriston
Development Management Manager

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

Signature:



DATA LABEL: PUBLIC

The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0714/FUL/22, for the reason(s) set out as follows:

- 1 Taking into account the context of the site and surroundings, a commercial business of this nature is incompatible with the current residential land use and results in an adverse impact on the residential and environmental amenity of the area. There is inadequate parking provision provided within the site or off-site provision within the street. The development is contrary to West Lothian Council's Local Development Plan's DES 1 (Design Principles) Policy.

ADVISORY NOTES TO DEVELOPER

How to challenge the council's Decision

If your application was determined under delegated powers as a local application by an officer appointed by the council and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. If the application was heard at a committee and in any other case you can seek an appeal of that decision to the Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review, or to appeal, here: <https://www.westlothian.gov.uk/article/33128/Decisions-Reviews-and-Appeals>

If the decision of the council is overturned by the Local Review Body or the Directorate for Planning and Environmental Appeals, the developer of the land should be made aware of the following notes.

Notification of the start of development

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Notification of completion of development

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Contaminated land procedures

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease and the issue shall be reported in writing to the planning authority immediately. The developer is required to follow the councils Supplementary Planning Guidance Development of land potentially affected by contamination. This document provides developers and their consultants with information on dealing with the planning process in West Lothian when development is proposed on land which is suspected of being affected by contamination. This document and further guidance is provided via the Councils web pages at <https://www.westlothian.gov.uk/article/34731/Contaminated-Land>

Liaison with the Coal Authority

As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.

Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.

*To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at **www.groundstability.com**.*

Advisory note to developer - General

Please note that it is the developer's responsibility to ensure that all relevant consents and certificates are in place prior to starting work on site and that it is the developer's responsibility to speak with service authorities to ensure safe connection is possible to allow the development to proceed.

Annex 1, Schedule of Plans - 0714/FUL/22

Docquetted Number	Drawing Description
1	Location Plan
2	Photos



DATA LABEL: PUBLIC

HANDLING REPORT

Ref. No.:	0714/FUL/22	Email:	lucy.hoad@westlothian.gov.uk
Case Officer:	Lucy Hoad	Tel No.:	
Ward:	Bathgate	Member:	Cllr Willie Boyle Cllr Harry Cartmill Cllr Tony Pearson Cllr Pauline Stafford

Title	Erection of summer house, huts and small storage room (in retrospect) and operation of a small pet business(Grid Ref: 298341,668458) at 11 Stevenson Terrace, Bathgate, West Lothian,EH48 1DJ
Application Type	Local Application
Decision Level	Delegated List
Site Visit	28.10.2022
Recommendation	Refuse Permission
Decision	Refuse Permission
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	
EIA Screening	Does the development require EIA screening - No

Description of Proposals

Erection of summer house, huts and small storage room (in retrospect) and operation of a small pet business

Representations

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

Objections have been received from neighbouring properties with regard to a loss of amenity. The main points raised include noise, odour, vermin, increase in traffic, lack of parking, and road safety.

Consultations

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

Consultee	Objection?	Comments	Planning Response
Environmental Health	No	Waste Management Plan required to be agreed. Limit to numbers and types of animals. Restriction to times and days of operation	Noted
Transportation	No	No parking provision May raise traffic issues	Noted

Policies Considered

Policy Title	Policy Text
DES1 - Design Principles	<p>All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals, the developer will be required to ensure that:</p> <ul style="list-style-type: none"> a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity; b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates; c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety; d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping; e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices; f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided; g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development. <p>Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.</p>

Officer Assessment

11 Stevenson Terrace is a part of a flatted development (4 in a block) situated within a residential housing scheme in Bathgate (outwith Conservation Area). The flat has a small front garden with single off road parking space and narrow back garden. The street is a cul-de sac with turning head.

The application seeks consent for the erection of outbuildings within the rear garden and operation of a small pet business. The application is retrospective. The outbuildings are located at the northern edge of the garden site, a long narrow strip of grass. In terms of design the buildings are modest in size, and do not raise concerns in terms of impact on visual amenity within the wider street scape.

The animals to be boarded on site include rabbits, guinea pigs, hamsters and rats. The applicant confirmed that the average number of animals she would keep is 15 (summertime) and that the total that could be boarded was 18. She stated that most weeks she has no guest pets.

Complaints were received as to disturbance from visitors locating the site and noise stemming from dog barking during drop off/picks. The applicant confirmed that the dogs were her own and not related to the business use of the site.

In the event of an approval the EHO advised that the type and maximum number of animals that could be boarded could be restricted by condition taking into account the size of the sheds. A one year consent could be applied to monitor the business and impacts on amenity. The EHO also advises that animal drop off and picks up be restricted to certain times of the day 1000-1200 and 1600-1700 Mon to Friday, 1000-1200 on a Saturday and none on a Sunday. However it should be noted that whilst setting drop off and pick up times might improve the noise situation it may make the traffic issue worse. A waste management plan would require to be agreed with the Planning Authority.

Transportation advises that the street has limited on-street parking for residents. To allow a business to operate could increase the amount of traffic on the street that normally parks. There is no additional parking provided for customers and this has the potential to lead to issues with parking.

On balance, taking into considerations the context of the site and surroundings, and the issues raised by neighbours, as well as consultee comments, a commercial business of this nature is incompatible with the current residential use and is likely to impact negatively on the residential amenity of the surrounding area.

The application is therefore contrary to Policy DES1 (Design Principles) and it is recommended that the application be refused.

Conclusions and Reasons for Decision

Taking into account the context of the site and surroundings, a commercial business of this nature is incompatible with the current residential land use and results in an adverse impact on the residential and environmental amenity of the area. There is inadequate parking provision provided within the site or off-site provision within the street. The development is contrary to West Lothian Council's Local Development Plan's DES 1 (Design Principles) Policy and it is recommended that this application be refused planning permission.

List of Review Documents

Drawings schedule:

Docquetted Number	Drawing Description
1	Location Plan
2	Photos

Other relevant documents:

West Lothian Local Development Plan, 2018;

Case Officer: Lucy Hoad Date: 17/11/2022

Planning Consultation Response

Our reference: LP/180143
Direct Dial: 01506 282 373
Email: lynn.parsler@westlothian.gov.uk

6 October 2022

Environmental Health & Trading Standards
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Tel: 01506 280000

Environmentalhealth@westlothian.gov.uk
Tradingstandards@westlothian.gov.uk

For the attention of Ms Hoad

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

**Environmental Health &
Trading Standards Manager**
Craig Smith

PREMISES: 11 Stevenson Terrace, Bathgate **Planning Consultation Response 0714/FUL/22**

I refer your consultation of 23/09/2022 regarding this application.

Environmental Health has no objections to make on the application.

I have reviewed the application and would make the following observations on behalf of Environmental Health.

Observations on Planning Application

1. Noise

- The development has the potential to cause noise nuisance during its operation, which will require to be effectively controlled;

2. Lighting

- Lighting associated with the proposed development has the potential to cause a nuisance to surrounding properties.

3. Odour

- The development has the potential to create odour nuisance during operation, which will need to be effectively controlled.

4. Waste

- The development has the potential to create nuisance during construction from litter and windblown debris, which will need to be effectively controlled.

Recommendations on Planning Application

If the application is granted, I recommend the following conditions:

5. Only small animals shall be boarded at the premises i.e. rabbits, guinea pigs, rats and hamsters;

6. The maximum number of small animals to be boarded at any one time should be specified in a planning condition, once a site visit has taken place to establish the size of facilities etc.
7. Animal drop off and pick-ups should be restricted. For example they should only take place between the hours of 10am-12pm and 4-5pm Monday to Friday, 10am-12pm on a Saturday and at no time on a Sunday;
8. No waste produced by the business should be burned on the premises at any time, in the garden or in a log burner within the property. It is not a suitable means of disposing of business waste;
9. The applicant must provide details to the planning authority with regard to the storage and disposal of business waste from their activities. This shall be agreed in writing with the planning authority. The current waste disposal arrangements are not satisfactory;
10. At no time shall any waste from the business be disposed of in the garden of the premises, by means of composting, burning etc;
11. At no time shall any wash water from washing out enclosures or cages be disposed of in the garden of the premises – in order to prevent odour at neighbouring properties;
12. It is recommended that the permission granted shall be temporary for a period of one year. This is to establish whether the business can operate without causing an impact to nearby receptors in this residential area;

Should you wish to discuss the matter further, please contact me.

Yours faithfully

Lynn Parsler
Environmental Health Officer



OPERATIONAL SERVICES
ROADS & TRANSPORTATION
DEVELOPMENT MANAGEMENT & TRANSPORTATION PLANNING

ROADS & TRANSPORTATION CONSULTATION RESPONSE TO PLANNING APPLICATION

This proposal is (tick as appropriate)		Signing Off	
Acceptable without conditions	<input checked="" type="checkbox"/>	DM & TP Officer Roads & Transportation	Chris Nicol
Acceptable with conditions noted below	<input type="checkbox"/>	DM & TP Manager Roads & Transportation	
Not acceptable & should be refused	<input type="checkbox"/>	Date Issued to Development Management Officer	17 October 2022
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"/>		

Recommendation & Proposed Conditions	<p>From a Roads & Transportation view, this application is approved no conditions</p> <p>Note: To operate a business from a residential property usually requires sufficient parking spaces for customers, however this type of business appears to be restricted to limited amount of customers arriving and departing at any one time. It would appear that this is no different to visitors to a residential property. The difficulty for this location is that the street has limited on street parking for residents, no specific parking and at the property there is a turning area. To allow a business to operate could increase the amount of traffic in the street that normally parks. If the business is ancillary to a residential property then I don't have an issue but if the business is classified then there is no additional parking for customers and so could cause traffic parking issues.</p>
--------------------------------------	--

DM Case Officer	Lucy Hoad	Applicant	Ms Susan Turnbull
Application Ref	0714/FUL/22	Date Issued	26 September 2022
Proposal	Erection of summer house, huts and small storage room (in retrospect) and operation of a small pet business		
Location	11 Stevenson Terrace, Bathgate		

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 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"/>

Site Description	Existing residential property
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 Submitted Plans Outbuilding structures
Does Road Layout comply with WLC Standards	Yes
Does Parking comply with WLC Standards (including disabled provision)	No additional parking provided or able to provide
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

Comments for Planning Application 0714/FUL/22

Application Summary

Application Number: 0714/FUL/22

Address: 11 Stevenson Terrace Bathgate West Lothian EH48 1DJ

Proposal: Erection of summer house, huts and small storage room (in retrospect) and operation of a small pet business

Case Officer: Lucy Hoad

Customer Details

Name: Mrs Gillian Pollard

Address: 12 Stevenson terrace Bathgate EH481DJ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Site address 11 Stevenson Terrace

Bathgate

West Lothian

EH481DJ

From Mr Mrs R Pollard

12 Stevenson terrace

Bathgate

West Lothian

EH481DJ

Note of objection to 0714/ful/22

29/09/2022

My husband Ramon Pollard and myself Gillian Pollard would like to object to this business planning application.

After nearly 4 years living with this very busy business which we were told by Susan Turnbull she had permission from West Lothian Council this claim was made to her lawyer who then made us aware of it. We were informed by Hannah Bennie from West Lothian Council that no permission was required for a small business we are unaware of what constitutes as a small business. Is there a difference of not requiring a small business to seek permission and a small business in result of having permission.

Concern is the parking, being in an old part of Bathgate in a street which is a cul-de-sac and is not wide enough to take 2 vehicles results in people park on the footpath. This is exacerbated by a continuous stream of vehicles dropping off and picking up small pets at the end of the cul-de-sac through out the day and evening.

She is operating the business from her back garden and despite the fact that the back garden comes out onto barrie terrace she continues come through my garden which she claims as right of access. This results in a continuous stream of customers. Customers that continuously knock on my door and occasionally have walked into my home looking for the business. This can happen late at night or early morning.

All over the very bad covid period when she could start her business back up she never put any covid measures in place to which when I asked her to do something about full families come through the access she did nothing and encouraging them. No hand sanitiser at my gates, nothing was ever sanitised, I asked her about this she did nothing. I asked her about drop off and a pick up system in her front garden, and use of her front door and her back door to enter her garden, she did nothing. I worked all through the pandemic as a key worker and stayed safe. I did not want to go home and catch it there, again she did nothing.

She has 2 dogs and a cat of her own and the noise from the dogs every time a customer drives up to the house the dogs bark is pearcing which causes noise disturbance. But this is not just customers the dogs bark at anyone entering through the access. Also when they are in the back garden everytime I walk passed they bark and gives me a fright. The dogs when the business is very busy they are never walked and they use the back garden for there toilet. Along with the small pets in the back gardening the urine oder comes over to our garden.

Along with the urine smell coming from all pets she then bring out and washes the cages that she keeps in a large delappadated summerhouse. There are also 3 other delappadated huts that are full of supplies or used for the business. We are extremely concerned about the vermin we have witnessed and the attraction of scattered food and old insecure buildings that are an attraction to rats.

The cages are washed in the garden then all dirty water is poured onto the ground in the garden and this also smells. In the winter months she will bring the animals indoors which is even more disturbing.

The view we have from our home is of the mess from this business. The garden is one large toilet the leaves the grass all stained from her dogs and customers small pets.

The constant banging of the back door over the last 4 years she has been running this business is a stressful grind on every day life. The business has been very busy with up to 30 pets in the garden at any one time, coming and going of customers the back door is banged shut in and out

all day. This is despite the title deeds stating that no Rabbits, chickens, bees or other small animals are allowed.

The garden light goes on everytime at night when she is out attending to the small pets, this can be as late as 11:30pm. Now she has a strobe flashing light that goes off all night from 9pm and it lights up my kitchen bathroom and back bedroom so I can not sleep in this bedroom. We then moved into the front bedroom and the noise from the customers and barking dogs cause sleep disturbance.

We felt very strongly that this business, whether it is defined as small or not, is having a serious depremental effect on the amenity of our home. This is regardless of whether we are trying to enjoy the use of our garden or looking to have a quite night in our own home. Where these small animals may in themselves be cute and cuddly the continuous assault on our senses is a continual drain.

This matter is of greater impact as a result of my husbands poor health conditions which sees him confinded to the house most of the week.

The continuous disturbance from the operation of the business in dealing with customers, personal disturbance and noise has become unbearable resulting in stress that is effecting our whole way of life.

We have sent evidence to Lynn Pasler from Environmental Health.

We object strongly on the loss of amenity to this planning application.

Signed Ramon Pollard Gillian Pollard
29/09/2022

From: [Planning](#)
To: [Hoad, Lucy](#)
Subject: FW: Reference 0714/FUL/22 - [OFFICIAL]
Date: 28 September 2022 09:33:42

DATA LABEL: OFFICIAL

From: Natasha Armstrong
Sent: 28 September 2022 09:11
To: Planning <Planning@westlothian.gov.uk>
Subject: Reference 0714/FUL/22

hi to whomever it may concern

Me and my partner have not long moved into the property of 13 stevenson terrace as a temp tenancy. We received a letter regarding notice of an application for planning permission for the property of 11 Stevenson terrace, Bathgate, West Lothian, EH48 1DJ. I'm not sure if mine and my partner's comments will be taken into consideration due to us only being temporary tenants but I am happy to still comment on this application.

For the application for planning permission for 11 Stevenson terrace the person of this property seems to already have what has stated on the application as follows (Erection of summer house, huts and small storage room (in retrospect) and to operate a small pet business. I'm able to see the summer house and the huts in the residents back garden from my temporary property to which have been there since myself and my partner moved in on the 15.08.2022. My main concern of this is the resident of the household of 11 Stevenson terrace is already operating a business as there is always dogs constantly barking and cars being parked outside of the property and people going in and out from the property. My worry is we have a 4 year old child and we are worried an accident could happen with the amount of cars that are coming to and from this property and being parked in places they shouldn't be. So we are therefore having to take extra precautions ensuring we go out with our son when he wishes to go out and play in case he gets out the gate and an accident occurs as there is no permitted car parks or car parking spaces on the street.

kind regards

West Lothian Council - Data Labels:

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

OFFICIAL: Contains information for council staff only

PUBLIC: All information has been approved for public disclosure

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

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

Good morning
Council

Just short of 5 years, Miss Turnbull opened a small pet business, which she ran from her back garden and her house. Never at any point did she come and inform us of this. These small pets on out titles deeds are prohibited, and I was upset to see up to 27 of these small animals in her garden and kept in her summer house overnight. This pet business is also run over Christmas where the pets were being dropped off at 7:30 a.m., disturbing when it was my day off and they were kept in her house. Before covid, the pet business was run on her return from work, which she did Monday to Friday. The business was run Monday to Sunday. We only asked her to keep the dogs under control and to stop banging doors.

She started working from home when covid came, and she still works from home now. This is when the business grew, and on her website, that is still running, and states business hours 8am to 8pm. As well as doing her full-time job. This gave customers all-day access, which she did all day long. She would put small pets out in the runs in the back garden, and she would also cut the grass when new customers were coming for a look at the business and also hang out of her washing, she even had time to have chats that would last more than 30 minutes at times. Also, the washing of all the cages she did this on a Sunday, and she would pour the dirty water onto the stones in her garden just next to the fence. This is what I smell in my garden.

3 years ago, my husband had an accident, and with her small business growing, it was affecting him.

When covid came, the business closed, and we appreciated the break from customers passing our door or coming up our stairs or chapping the door early in the morning or late nights.

I was a key worker all through covid, and with my husband classed as vulnerable, I had to stick to guidelines to keep my husband safe. I would strip at the inside of my front door and have a shower before I could go near my husband. I also kept all handles sanitised. This was also the garden gates and handrails coming from my car to my home as there is shared access. Miss Turnbull never put any covid measure in place. When asking her to do so, I would receive a letter from her lawyer stating that she had rights and I could not stop her right over the access.

Before covid was lifted, we had organised for a new bathroom to be fitted, so when we got the green light to go ahead, the fitters came, but unfortunately, there was an accident with water which affected Miss Turnbull house. The company informed her they would come and fix all the problems. She refused the work, and the last we know of this, she was taking them to a small claims court.

This is when all my problems started with her. She stopped my access to wash windows. She stopped me from painting the fence up the centre of my garden. She would constantly come to my door about water coming out of the roof. I painted the small wall at the side of my door after telling us it was all good she took me to a small claims court which she was awarded a small amount of money but no where near what she asked for. She has still not completed all the work.

Both parties agreed to replace gutters, but when it came to payment, she refused to pay the £500.

There is an ongoing court dispute that she has instigated. All in the hands of our lawyers.

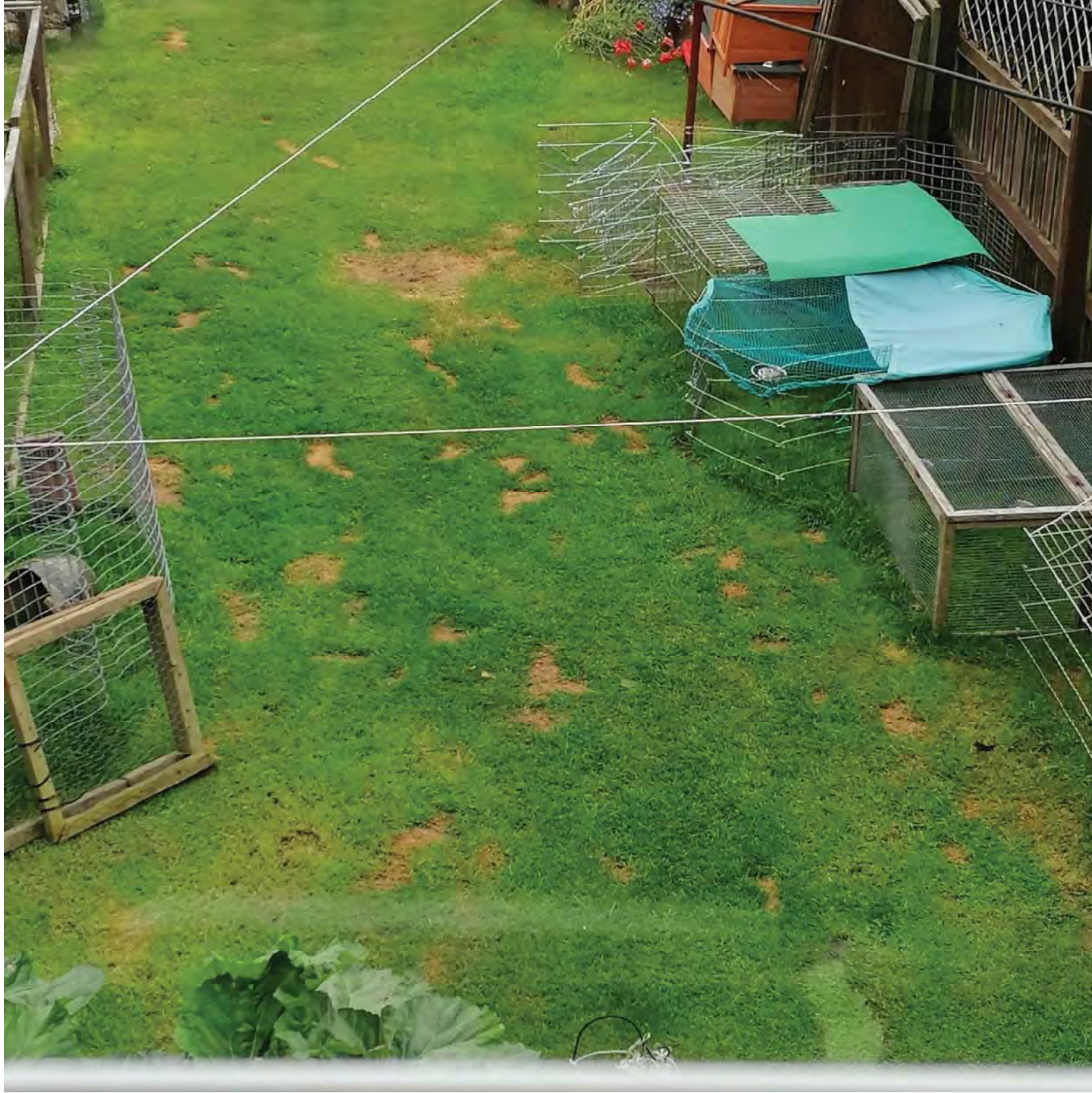
Since the West Lothian Council closed her business for being in breach of planning. My husband and I are enjoying the peace from the business, no more doors banging, and very few times. Do we hear the dog barking.

We do not want this business to return as it was affecting our daily use of our garden, which I enjoy as being a full-time care for my husband and working this is my sanctuary for me time as I enjoy my plants. There is a small problem with a small bit of land which when we moved into this house Miss Turnbull informed us that it was ours and when I checked my deeds it was not clear but she said it was and some council workers that were attending next door said it was mine also my councillors.

So I renewed the fence, and the post replaced the slab and put slate down. This was at a cost of around £100. This was done 4 years ago. Then, when the court case was being resolved, Miss Turnbull and her son instigated more problems, and the court case now continues.

This all has taken a toll on our daily living. Please don't let this business come back. I have attached some photos. A few of before and after shots of my garden and the ones with burnt grass is her garden and also her website. I do have film of her attending to the small pet after 10pm but it will not send and if her emptying the dirty water. It is too long to send can come and show it to you.

Received from Gillian Pollard via email on 1 December 2022 at 11.20am



10:42

 84%

5

Thumper and Squeak

Small Pet Boarding

5.0
★★★★★
(3)

Pet boarding service in Bathgate,
Scotland · Open

Overview

Reviews

Boarding

More

CALL

DIRECTIONS

SHARE

WEBSITE

Stevenson Terrace, Bathgate
EH48 1DJ

Thursday

8am–8pm

Friday

8am–8pm

Saturday

11am–6pm

Sunday

Closed

Monday

8am–8pm

Tuesday

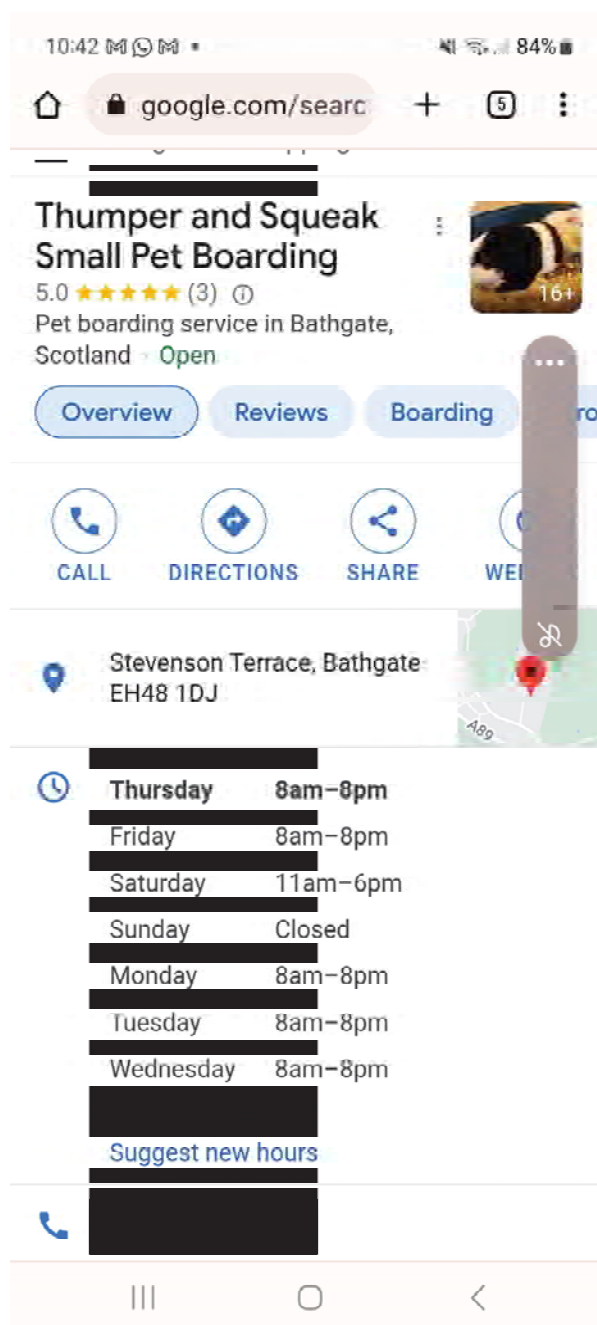
8am–8pm

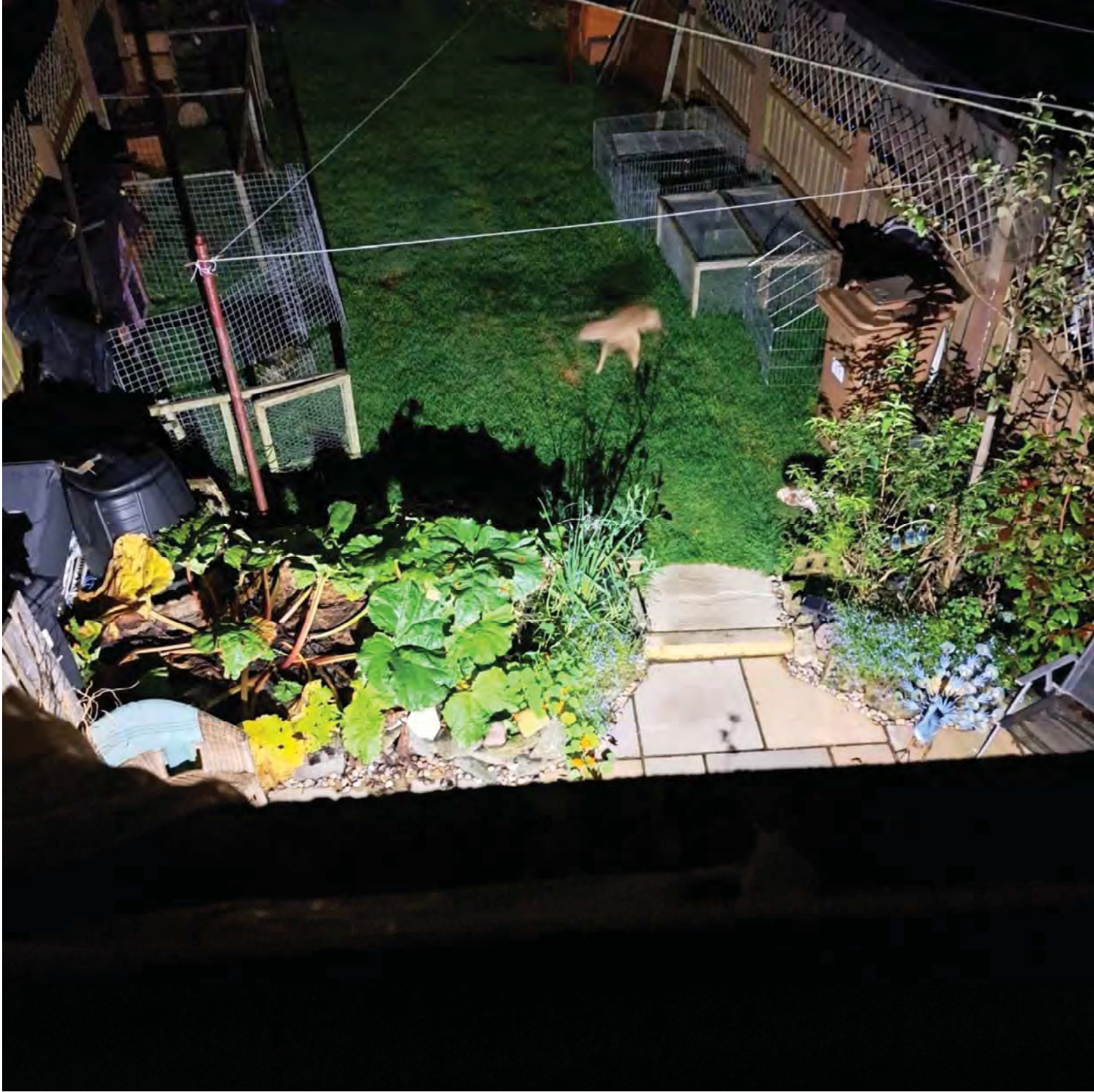
Wednesday

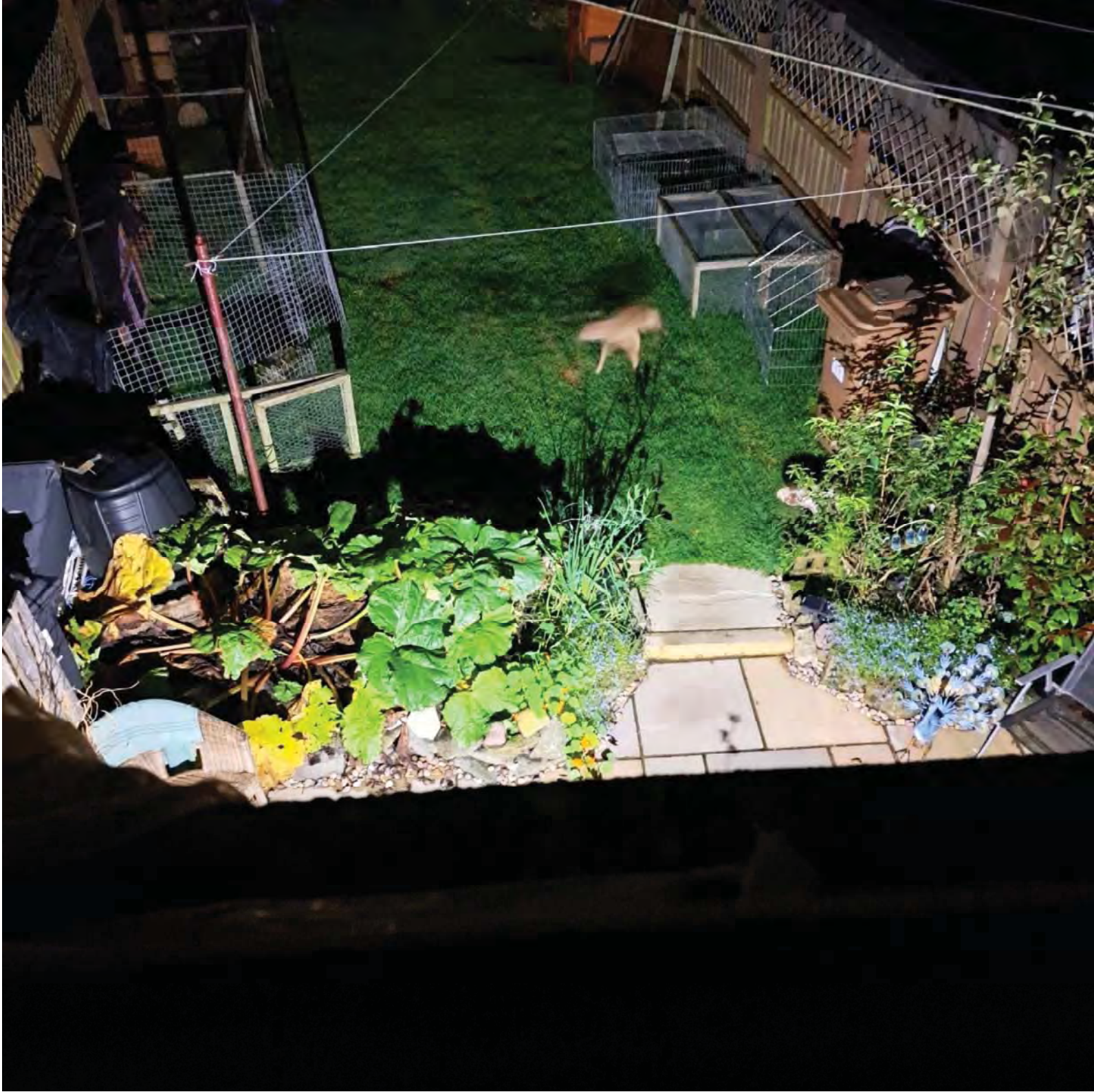
8am–8pm

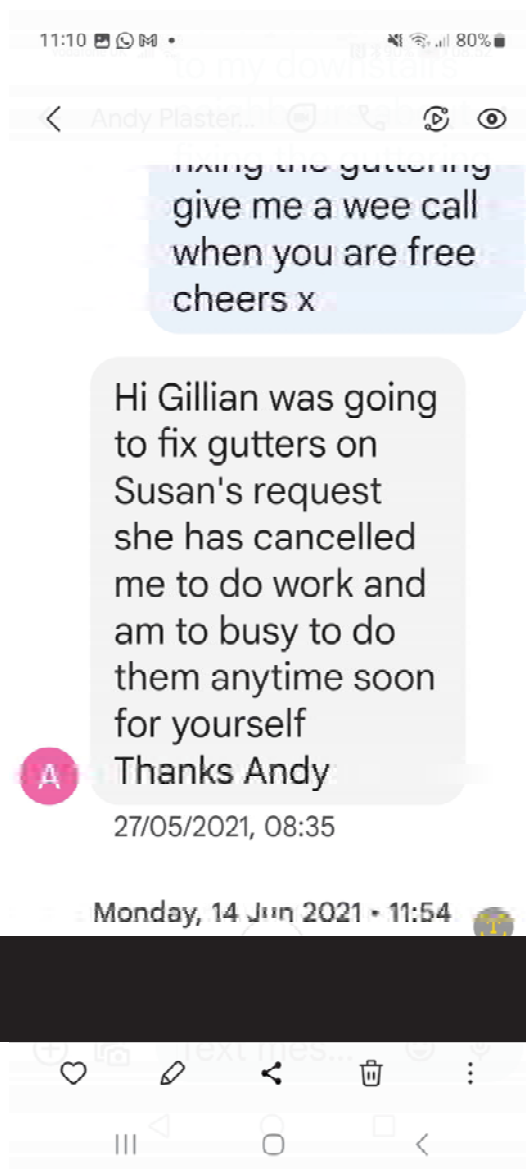
[Suggest new hours](#)

- 201 -



















Val (received via email on 1 Dec 2022 at 22:48)

Most of this is not true or greatly exaggerated. Gillian and Ramon have not lived in Stevenson Terrace for 5 years, they had no objections to my business for over 2 years and in fact Gillian shouted to my neighbour at no 9 when my friend's baby bunny got loose but was still in my garden for him to help. As for the title deeds, her defective gutters are not as our title deed state and I have asked Planning since I started my business, plus I do not keep but board. I have never had 27 guests at any time. I have once had someone drop off early but as I am complying with environmental health this won't be again. My dogs have never been out of control one is very elderly with sight and hearing issues. Gillian has "borrowed" her son or daughter's dogs and let them run loose on my right of access not in her large enclosed garden to deliberately intimidate.

Door banging, they were told my old wooden doors were hard to shut in wet weather and Ramon had no issues and I told them they would be replaced which was over 2 years ago, my doors have never had to be banged shut since. We live in a 4 in a block and I can hear the other 2 doors close as I do Gillian's at approx 4.45am when she leaves for her work. But no doubt all doors in this block are mine closing. I would understand if my children were still young and running in and out. My business has never grown by much and cannot due to me working full-time. Clients do not have all day access and have time slots to attend in when I am at break from my work. Yes I advertise hours until later at night but as I informed Planning I answer emails and messages in those time but again drop off etc. Are by appointment only. I on advice from Environmental health will be taken their advice on hours of operation i.e drop off and pickups. My business is / was my stress relief when I fell into a deep depression and aided my recovery after I have been fighting a tumor for over 7 years and a bad breakup.

Am I not allowed to hang my own washing out now? I cut grass after my main work and no clients have ever stayed 30 minutes chatting as they are usually rushing to catch their flight. This is disturbing that I am being observed and timed. As my hours of work for my main employment how does Gillian know when I am at my office or home? I walk to my office and she is at her work at that time. Again stalking behaviour? The Washing of cages was not solely on a Sunday and was with clean water with no smells. Again I have stopped this to comply with Lynn from Environmental health.

Ramon's accident was when he was left by Gillian when she went on holiday in which myself and my elderly neighbour had to assist Ramon as he fell out the door due to drink and badly administered medicine. Ramon had no issues with my business even shouting on me when my deliveries came when I was out my back garden. She has left him this year also so he cannot be as ill?

No one from my business has chapped their door and certainly no one would even go into their house. I meet new clients and they are given clear instructions what way to come, park and to be mindful to shut their gate. I have proven in court this is my rightful access which Gillian still after solicitors letters disputes, she even cable tied the gate to stop me putting my bucket out. The police have been involved many, many times.

Gillian has never approached me regarding Covid procedures and people do not go into her house but by her door when she lives upstairs. I had procedures in place with hand sanitiser for my guests to use and they wore face masks, Gillian did not and often approached me shouting angrily with no mask on, even when I had my grandchildren staying.

Since the school term dates in October I have had no guests booked in until later this month which I have had to cancel. As stated before I do not have guests boarding all days, weeks or

months. Mainly on school holidays. This has been so since I opened in 2018. My dogs never barked when any guest arrived using my legal right of access to my back garden as they never saw them arrive or leave. They did bark however when guests were forced to come to my front door due to abuse from Gillian or her having her son or daughters dog running lose on this access path. As I have had dogs for nearly 17 years I am sure my other neighbours in this block would have complained if they were barking excessively by now?

Gillian and Ramon when they signed a promise to court that they would stop being abusive to me, my family and guests told my then solicitor they have had a fence built surrounding their back garden where they can enjoy their garden without seeing me or any activities within my garden. Yet they now do not sit in said garden but on the small section of land which is my right of access.

The rest which is no relevance to my business and should not be mentioned as an excuse for business objections are as follows:-

Her bathroom was installed when still in a full lockdown, I have the dated Scottish Water report this was when no workmen were allowed in houses. Proving Gillian's Covid measures were when it suited her. When their plumber burst a pipe he tried to force his way into my house where my son stopped him as I had not long had a biopsy at hospital and was recovering. Gillian and her son also tried to come into my house. Her contractor has not paid for damages.

I never stopped access to Gillian for washing her windows but was not leaving my back gate unlocked all day as she wanted. I revoked permission for her painting my fence as she change the colour I had painted my fence to grey not brown then overloaded her brush resulting in my side of my fence having many grey marks and splashes etc. Even my grandchildrens toys were marked which were not that close to the fence. When I approached Gillian re my fence I was shouted at and told to get a life. I went to court and was awarded compensation for damaged to my front, and back fences and my walls. Gillian was quite rude and abrupt in court not wanting to pay for any damages. She even cut my washing line with my washing on from the communal pole claiming it was hers again after 2 year of me using it after they moved in. I have had to install cameras at the front and back of my house and one on my dogs due to constant damage to my property and lies re my dog barking etc.

As for the gutters, Gillian told me in front of my sons that she was having them ripped out and I had to inform her that they were communal and owned by me too. I also said I did not wish the gutters replaced but repaired. She then proceeded to later without consulting me, or providing a quote from contractors to have them replaced then afterwards posting a letter to say if I wish I could contribute. My solicitor now has this and other such letters. I was given no receipt and have been constantly shouted at even in front of my grandchildren by Gillian demanding money.

The section of land Gillian claims she replaced a fence and put new slabs down again she never seeked legal advice as the court and my solicitors have told her to do.

She is in breach of a court promise as she has again filmed me and taken photos. Her kitchen window overlooks my back garden which she obviously wants to see nothing but grass. In summer all dogs urine will mark grass unless I keep my garden unkempt. The photos Gillian has of my garden are from my dogs not my business's and therefore an irrelevant complaint. My summerhouse and sheds are not falling apart as Planning have saw. The felt on the roof requires some repair and obviously Gillian does not like to look down on a marked tarpaulin which now covers that.

The picture under my marked lawn is my older dog out for the toilet what relevance is this to my business. Gillian's husband Ramon gets up for toilet at night should I raise this or Gillian banging her front door on occasion when she leaves for work at 4.45am. Or indeed Gillian banging down at my granddaughter when she was being violently sick?

As for the gutters message I had contacted Andy as Gillian ignored my recorded letter re the defects in the gutters. I was going to pay to rectify a section which was flowing over my back gate but was advised not to do so as they were not being fitted by me. I was unaware that he was also communicating with Gillian.

The before and after of Gillian's garden is when all these issues with my business really started. Again for 2 years after they moved it and when they still had their dog there were no issues with anyone using my legal right of access to my back garden. They then had their dog put down and Gillian started her improvements.

Gillian attended a court hearing yesterday 30th November at 10am which she was not happy at being told she had to lodge proper Defences and today she complies with this letter again attacking my business. All this is harassment to get back at me for not letting Gillian do what she wants. She is not suited to life in flat. Her husband Ramon has had no issues with my business etc. He is a convenient excuse, which she has also used in court now twice.

I will be forwarding the attached from Gillian and my reply for evidence in court. None of my other neighbours have any issues and again neither did Gillian until I stood my ground re my property and my rights.

Gillian constantly filming me and timing me when I have friends visiting is borderline obsessive stalking.

The neighbours in the end block who live downstairs are also affected by Gillian's attitude as they now have their bins at their front door when they never use to. One neighbour has lived in the street for over 40 years and his bin was always at his back door.

The lack of parking, there is space for guests to park in front of my own driveway as there is never more than one arriving at any one time as they have said in their supporting emails along with there never being an issue with parking.

I feel that I should be allowed my appeal and adhere to Lyn from Environmental Health advice. Then to be reassessed in one year which should prove if this is just one neighbour's vendetta or not.

Regards

Susan

Draft Conditions 0714/FUL/22

1. Part 1

Planning permission is granted for a period of one year from the date of consent.

Reason: In order to monitor and assess the effect of the operation of the development on the area in relation to the residential amenity of neighbouring properties.

Only small animals are to be boarded at the premises (rabbits, guinea pigs, rats and hamsters). The number of cages permitted on site shall be no more than ten, the siting and dimensions of which shall be submitted to, and agreed in writing by the Planning Authority within one month of the date of the consent.

Reason: To protect the residential amenity of neighbouring properties.

Drop off and pick up of animals shall be between the following hours only and exclude Sundays.

Monday – Friday 1000 -1200 and 1600 – 1700 hours

Saturday 1000 -1200

Reason: To protect the residential amenity of neighbouring properties.

No waste from the operation of the business shall be burned on the premises at any time, in the garden or log burner within the property.

Reason: To protect the residential amenity of neighbouring properties.

No development shall commence until the details of a waste management plan (storage and disposal) has been submitted to, and agreed in writing by the Planning Authority. Thereafter the operation of the business shall be carried out in accordance with the approved details.

Reason: To protect the residential amenity of neighbouring properties.

No waste from the business shall be disposed of in the garden of the premises by means of composting or burning

Reason: To protect the residential amenity of neighbouring properties.

No waste water from the business (cleaning of cages or enclosures) shall be disposed of in the garden of the premises.

Reason: To protect the residential amenity of neighbouring properties.