



Development Management Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

8 March 2023

A hybrid meeting of the **Development Management Committee** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston** on **Wednesday 15 March 2023 at 10:00am**.

For Chief Executive

BUSINESS

Public Session

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

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

4. Confirm Draft Minutes of Meeting of Development Management Committee held on Wednesday 08 February 2023 (herewith).

Public Items for Decision

5. Application No.0524/P/09 - Condition 24 (f), (i), & (n) of planning permission 0524/P/09 relating to timescale for delivery of a park & ride facility at Kirknewton Railway Station, Kirknewton (herewith)
6. Application No.0768/MS/22 - Approval of Matters Specified in Conditions of Planning Permission 0875/P/19 for erection of 154 houses

and 12 flats with associated works, former abattoir, Whitburn Road, Bathgate (herewith)

7. Application No.0861/MS/22 - Application of Matters Specified in Conditions of Planning Permission 0845/P/15 for the erection of 6 houses with associated works, land at Raw Holdings, East Calder (herewith)
8. Application No.1133/H/22 - Extension to house and alterations, 3d Union Road, Linlithgow (herewith)
9. Application No.1151/FUL/22 - Erection of 18 houses with associated infrastructure, landscaping (amendment to 0927/FUL/18) for substitution of house types and changes to ground levels and boundary fences), land to south east of Tarbert Drive, Murieston, Livingston (herewith)

Public Items for Information

10. Consider list of delegated decisions on planning applications and enforcement actions for the period 3 February to 3 March 2023 (herewith).
11. Appeals :-
 - (a) Application No.0528/P/21: Planning permission in principle for residential development (approximately 300 Homes) with associated works at Brotherton Farm, Brucefield Livingston - Appeal allowed
 - (b) Application No.0240/FUL/22: Change of use of shop and upper flat with extensions and alterations to building to form 8 flats at 64-66 Charles Crescent, Bathgate - Appeal allowed
 - (c) Application No.0662/A/22: Display of 1 illuminated fascia sign (in retrospect) at 142 West Main Street, Whitburn, West Lothian - Appeal allowed
 - (d) Application No.0881/A/22: Display of 1 illuminated digital advertising display with static images that change no more than once every 10 seconds at land to east of 133 Glasgow Road, Bathgate, West Lothian - Appeal allowed
 - (e) Application No.0741/A/22: Display of 3 non-illuminated building mounted signs (in retrospect) at former Room at The Top, Menzies Road, Bathgate - Appeal submitted
 - (f) Application No.0883/P/22: Planning permission in principle for the erection of a house at land to north of 69 Athol Terrace, Bathgate - Appeal submitted
 - (g) Application No.1105/PO/22: Modification of planning obligation relating to planning permission 0801/FUL/20 to remove Clause 1.1 and alter wording of Clauses 2.3 And 2.4 to

remove the requirement for traffic improvements contribution
at land south of Deanburn Road, Linlithgow - Appeal
submitted

- (h) Enforcement Case ENF/007/22: Without planning permission,
the alleged erection of fence at front of property at 59
Spottiswoode Gardens, Mid Calder - Appeal submitted

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



CODE OF CONDUCT AND DECLARATIONS OF INTEREST (2021)

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

Interests must be declared at the meeting, in public.

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

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

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

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

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

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

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

More detailed information is on the next page.

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

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

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

A connection does not exist where:-

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

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

If the connection amounts to an interest then:-

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

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

The relevant documents are:-

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

If you require assistance, contact:-

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

January 2022

Welcome to the Development Management Committee

Councillor Stuart Borrowman, the Chair of the Committee, will chair the meeting. The committee will be conducted in accordance with the following procedure:

- Officers from the planning team will report on each application followed by officers from other services where appropriate, e.g. Education, Transportation etc;
- Objectors to a planning application will then be invited to speak for up to five minutes (or ten minutes in total if speaking on behalf of others);
- The Chair may also request that supporters or objectors with a common interest agree to appoint a Spokesperson to speak on their behalf. The Chair may also take steps to avoid undue repetition;
- Local councillors will be invited to speak at this stage if objecting to the application;
- Applicants or agents will be invited to speak for up to five minutes (or ten minutes in total if speaking on behalf of others);;
- Finally, local councillors who wish to support the application may speak.

Anything that objectors or applicants wish to say to the committee must be said to the whole committee and not to an individual member of it. No information should be passed to individual councillors.

Before making your presentation please press the red button on the microphone box in front of you to ensure you are heard clearly.

- Questions may be put by the committee to officers, objectors and applicants;
- Members of the committee will then debate the application;
- Some members will then ask for the application to be granted, refused or continued for further consideration, other members may ask for a different decision. The committee will then vote on these alternatives;
- The committee will take its decision and it will be announced by the convenor.

Councillor Stuart Borrowman
Chair of the Development Management Committee
May 2022

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 8 FEBRUARY 2023.

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

Apologies – Councillor Damian Doran-Timson

1. DECLARATIONS OF INTEREST

Agenda Item 5 (App No.0437/MS/22) – Councillor Lawrence Fitzpatrick stated a connection in that he was a council appointed member of West of Scotland Archaeology Service who were a statutory consultee on the application.

Agenda Item 6 (App No.0883/P/22) - Councillor Willie Boyle declared an interest in that he was known to the agent so would not participate in the item of business

2. ORDER OF BUSINESS

Committee intimated it wished to ask questions on Item 9a and 9b.

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

3. MINUTE

The committee approved the Minute of its meeting held on 18 January 2023. The Minute was thereafter signed by the Chair.

4. APPLICATION NO.0437/MS/22

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0437/MAC/22	Approval of matters specified in conditions of planning permission 0252/P/20 for the erection of 132 dwellings with associated infrastructure, site	Grant matters specified in conditions subject to conditions

north of Houston Road
and east of School
House Road, Eliburn

The committee then heard from Stephen Egan, who was speaking on behalf of Eliburn Community Council and Mr and Mrs Sommerville.

The committee also noted that Andrew Rule, the applicant, was in attendance and did not wish to address committee but was available to answer any questions from members.

Decision

To unanimously approve the recommendation of the report and grant matters specified in conditions subject to the draft conditions attached to the report.

5. APPLICATION NO.0883/P/22

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0883/P/22	Planning permission in principle for the erection of house, land to north of Athol Terrace, Bathgate	Grant planning permission in principle subject to conditions and a planning obligation

The committee then heard from William Devlin and Barry Stuart, local neighbours, both speak in support of their objections to the application.

The committee then heard from Kenny Saunders, the applicant, and Colin Hardie, the applicant's agent, speak in support of the application.

Decision

To refuse planning permission contrary to the report recommendation as committee agreed that it was not in accordance with policies DES1 and HOU3 of the West Lothian LDP 2018 in that the proposal would not be integrated with the local context and built form, was not compatible with nearby uses; and there was a lack of appropriate parking in the vicinity of the proposal.

6. APPLICATION NO.1174/FUL/22

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
1174/FUL/22	Change of use from public open space to private garden ground and erection of 1.8m high boundary fence (in retrospect), 23 Lady Place, Eliburn	Grant planning permission

The committee then heard from Stephen Egan, on behalf of Eliburn Community Council, speak in support of their objections to the application.

Decision

To approve the recommendation of the report and grant planning permission

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

7. LIST OF DELEGATED DECISIONS

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

A list (copies of which had been circulated) of delegated and enforcement action for the period 13 to 27 January 2023 was submitted for the information of committee.

Decision

To note the list of delegated decisions.

8. APPEALS

Committee noted that the following appeal had been allowed: -

<u>Application No.</u>	<u>Proposal</u>
1254/P/21	Planning permission in principle for a 17.8 Ha residential development (approximately 300 No. Units), with ancillary community uses and associated works at land south of Cannop Crescent, Stoneyburn

Committee then took the opportunity to ask questions of the Development Management Manager with respect to Application No.1254/P/21

Committee noted that the following appeal had been dismissed :-

<u>Application No.</u>	<u>Proposal</u>
0470/FUL/22	Change of use from open space to private garden ground and erection of decking across watercourse (in retrospect) at 15 Ballencrieff Mill, Bathgate
1209/FUL/21	Erection of 17 houses with associated works at land south of 9-13 West Mains Crofts, West Calder
0566/FUL/22	Demolition of an existing two storey outbuilding and erection of two one-bedroom studio flats at 14 Market Street, Mid Calder, Livingston

Committee then took the opportunity to ask questions of the Development Management Manager with respect to Application No.1209/FUL/21

Committee noted that the following appeals had been submitted :-

<u>Application No.</u>	<u>Proposal</u>
0068/FUL/22	Two storey extension to existing bed & breakfast (Class 7) at 3B Parkhead Holdings, Linlithgow



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development & Regeneration

1 DESCRIPTION AND LOCATION

Condition 24 (f), (i), & (n) of planning permission 0524/P/09 relating to timescale for delivery of a park & ride facility at Kirknewton Railway Station, Kirknewton

2 DETAILS

Reference no.	0524/P/09	Owner of site	Various
Applicant	Stirling Developments	Ward & local members	East Livingston & East Calder Cllr Damian Doran-Timson Cllr Carl John Cllr Danny Logue Cllr Veronica Smith
Case officer	Tony Irving	Contact details	01506 282410 tony.irving@westlothian.gov.uk

Reason for referral to Development Management Committee: This matter has been subject of previous decision by Development Management Committee

3 RECOMMENDATION

- 3.1 Agree not to enforce against the present breach of the condition up to a back stop of 1700 occupations, subject to the developer again entering into an agreement to provide a bus service between Calderwood and Kirknewton Station as a sustainable transport solution.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 Stirling Developments is the lead developer of the Calderwood development that forms part of the core development area at East Calder. Planning permission in principle (PPiP) was granted in 2013 for a mixed use development including 2300 homes. The development is progressing well on site with some 1200 homes occupied, substantial roads, drainage and open space infrastructure in place, a community shop/café (The Larder) is open and Calderwood Primary School opened in October 2021.
- 4.2 The PPiP has various conditions controlling different aspects of the development. Condition 24 requires the provision of transportation infrastructure.
- 4.3 Part (f) of condition 24 originally required a 50 space first phase of the park & ride facility at Kirknewton Railway Station to be provided by the developer by the 300th home

occupation. That was subsequently varied to the 378th occupation and in May 2019 Development Management Committee agreed a further increase to the 575th occupation.

- 4.4 Part (i) of condition 24 originally required a 50 space second phase of the park & ride facility by the 500th occupation. In May 2019 Development Management Committee agreed an increase to the 650th occupation.
- 4.5 Part (n) of condition 24 requires a 50 space third phase of the park & ride facility by the 1000th occupation.
- 4.6 Members will recall this matter was last reported to Development Management Committee on [18 August 2021](#). At that time, Stirling Developments had made a formal request to vary condition 24(f) and 24(i) to allow 900 occupations at Calderwood without provision of a park & ride facility at Kirknewton Station.
- 4.7 At the time of the last report to Development Management Committee, Stirling Developments had submitted three applications for the detailed design of the park & ride facility.
- 4.8 The first application (0634/MS/15) was withdrawn to allow further discussion on the design of the facility with stakeholders.
- 4.9 The second application (0666/MS/18) was refused contrary to officer recommendation by Development Management Committee on 20 February 2019 for the following reason:

The proposal does not accord with policies DES1 and TRAN1 of the West Lothian Local Development Plan 2018 as it would cause severe loss of amenity to 6 Milrig Holdings in terms of access, noise, light pollution and air quality and as the proposal would have adverse impacts on road and pedestrian safety due to the proximity of the access road to the existing station car park access and to the level crossing
- 4.10 Stirling Developments appealed to the Scottish Government against this refusal. The appeal was dismissed in October 2019. The Reporter found that the access to the park & ride would have a significant adverse impact on the amenity of 6 Milrig Holdings, but found the general traffic implications on the road network, including on the level crossing, to comply with the transport policies of the local development plan.
- 4.11 The third application (0369/FUL/21) was withdrawn in September 2021 to address concerns raised by stakeholders.
- 4.12 A fourth application (1154/FUL/21) was submitted in November 2021 and was refused contrary to officer recommendation by Development Management Committee on 16 March 2022 for the following reasons:

The proposal is contrary to criteria C of Policy DES1 Design Principles of the West Lothian Development Plan 2018 as there would be an adverse impact on public safety in respect of pedestrian movements.

The proposal is contrary to Policy 8 Transportation of the Strategic Development Plan for Edinburgh and South East Scotland 2013 as the proposal would have an adverse impact on the width of the existing Station Road footway and would likely lead to an increase in commuter traffic.

- 4.13 Stirling Developments appealed to Scottish Government against this refusal. The appeal was dismissed in August 2022. The Reporter found the overall amount of traffic generated by the proposal would be reasonably low and acceptable in terms of road capacity, but that there would be an increased risk to pedestrian safety from additional vehicles turning left from Station Road onto the B7031 and the narrow width of the footway near to the proposed pedestrian access and the slightly reduced driver visibility looking west at the junction of the B7031 and Station Road would have adverse effects on pedestrian safety.
- 4.14 Development Management Committee at its meeting on 18 August 2021 agreed not to enforce the requirement for the park & ride facility up to a backstop of 1000 occupations subject to an agreement that required Stirling Developments to provide a bus service from Calderwood to Kirknewton Station on the below terms:
- A free to use bus service operating between Calderwood and Kirknewton Station.
 - Service to operate Mondays to Fridays excluding bank holidays.
 - Each day service operates the provision of a minimum of two return trips to cover the am peak and two return trips to cover the pm peak.
 - Service is to begin operating once the existing station car park reaches 75% capacity (equating to 25 vehicles). Measurement of this trigger to be to the satisfaction of Roads & Transportation.
 - Service to cease once the first phase of the park & ride or other sustainable transport solution as agreed with the council is available.
- 4.15 Stirling Developments entered into an agreement to provide the bus service but it was never required as the car park occupancy level was not triggered.
- 4.16 As the number of occupations is now over 1000 homes, the decision not to enforce has expired.

5 REPRESENTATIONS

- 5.1 Enforcement of the condition for the park & ride facility relates to the existing planning permission in principle. There is no requirement for any publicity and there are no representations.

6 CONSULTATIONS

- 6.1 The consultations are summarised below. The full consultations are contained in the application file.

Consultee	Objection	Comments	Planning Response
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WLC Roads & Transportation	No	No objection to the occupation trigger for the park & ride being increased to 1700 homes subject to provision of bus service on same terms as the previous agreement.	Noted.
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7 ASSESSMENT

- 7.1 Calderwood is a successful development, is a valuable contributor to the housing land supply in West Lothian and continues to generate substantial economic benefits for the local economy. Calderwood is an important element of the council's development strategy and its continued build out is in principle supported. That said, it is important the council retains effective planning control over the development and suitable sustainable options are part of the overall development.
- 7.2 Although occupations have exceeded the previous enforcement backstop of 1000 homes, parking demand at Kirknewton Station remains suppressed and demand for additional station parking has not increased as quickly as anticipated. This position could change and it remains important that the council retains the ability to ensure that sustainable travel options are available if and when demand increases.
- 7.3 Stirling Developments acknowledges the need for Calderwood to be a sustainable community and has actively introduced several sustainable travel options to Calderwood, including bus services, a mobility hub, e-bike scheme and a community electric car. These form part of an evolving sustainable travel strategy that Stirling Developments is progressing.
- 7.4 Stirling Developments has confirmed that it is agreeable to renewing the previous agreement to provide a bus service from Calderwood to Kirknewton Station.
- 7.5 Given the present suppressed demand for station parking, the provision of an agreement to provide a bus service to the station and other sustainable travel options that are available to residents of Calderwood, there will be no detrimental impacts to agreeing not to enforce the provision of a park & ride facility up to a backstop of 1700 occupations. This would allow the continued build out of the present phase of Calderwood, while still retaining effective planning control.

8 SUMMARY AND CONCLUSIONS

- 8.1 Occupations at Calderwood have breached the previously agreed enforcement backstop of 1000 homes in relation to provision of a park & ride facility at Kirknewton Station.
- 8.2 Parking demand at Kirknewton Station remains suppressed. Stirling Developments is promoting alternative sustainable travel options and will provide a bus service to the station on the same basis as previously agreed as a sustainable travel solution. In the present circumstances, this is considered to be acceptable.
- 8.3 Subject to the conclusion of an agreement to provide the bus service it is acceptable for

occupations at Calderwood to continue up to a back stop of 1700 units. Agreeing not to enforce the terms of conditions 24(f), (i) & (n) subject to the bus service being provided will allow the council to retain planning control over occupations should the developer default on the agreement.

- 8.4 It is thus recommended that committee agrees not to enforce the terms of condition 24(f), (i) & (n) subject to the conclusion of an agreement to secure implementation of a bus service between Calderwood and Kirknewton Station and on-going adherence to that agreement by the developer. It is recommended that committee grant delegated authority to the Head of Planning, Economic Development & Regeneration to conclude the agreement in accordance with the heads of terms set out at paragraph 4.14 of this report.

9 ATTACHMENTS

- Location plans

Craig McCorriston

Head of Planning, Economic Development & Regeneration

Date: 15 May 2023

Development Management Committee

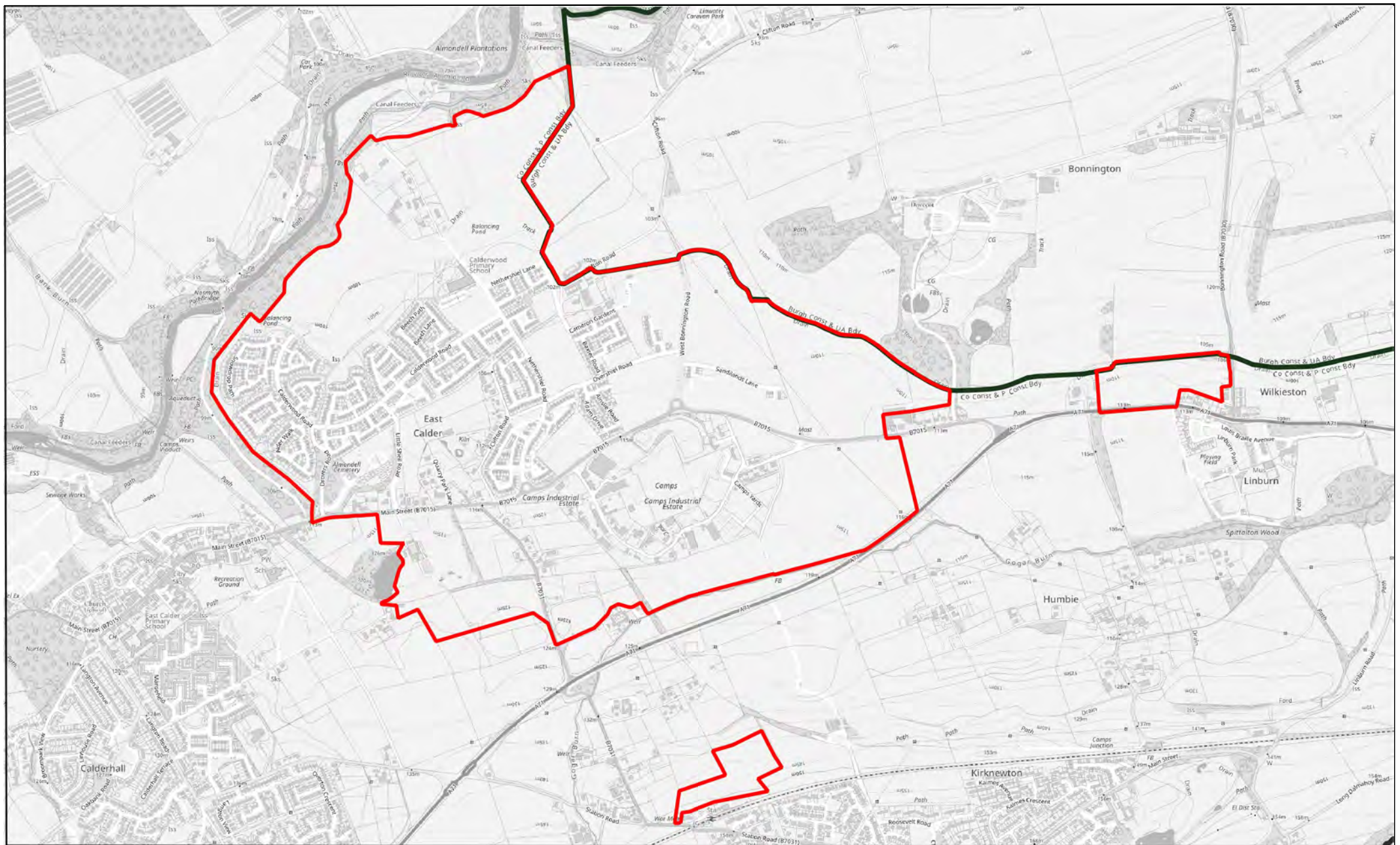
15 March 2023

0524/P/09

Condition 24 (f), (i), & (n) of planning permission 0524/P/09 relating to timescale for delivery of a park & ride facility at Kirknewton Railway Station, Kirknewton

Calderwood / East Calder





0524/P/09 - Park and Ride Facility - Kirknewton Railway Station

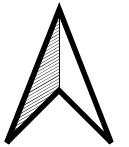
Development Management - West Lothian Civic Centre - EH54 6FF

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DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Approval of matters specified in conditions of planning permission 0875/P/19 for erection of 154 houses and 12 flats with associated works (as amended) at Former Abattoir, Whitburn Road, Bathgate, West Lothian

2 DETAILS

Reference no.	0768/MSC/22	Owner of site	Kalvec Ltd
Applicant	Urban Life (Manchester) Ltd	Ward & local members	Bathgate Councillor Pauline Stafford Councillor Harry Cartmill Councillor Tony Pearson Councillor Willie Boyle
Case officer	Matthew Watson	Contact details	01506 283536 matthew.watson@westlothian.gov.uk

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

3 RECOMMENDATION

3.1 Grant matters specified in conditions, subject to conditions.

4. DETAILS OF THE PROPOSAL AND BACKGROUND

4.1 The application proposes the erection of 154 houses and 12 flats at the former abattoir on Whitburn Road, Bathgate.

4.2 The site is located on the north side of Whitburn Road and is part brownfield, part greenfield. An area of hard standing, where the now demolished abattoir buildings were situated, is located in the centre of the site. Screen planting in the form of conifers are situated on the site frontage with Whitburn Road. An area of woodland is located at the west of the site, with a smaller tree belt located at the east of the site. The Standhill Industrial Estate is located to the south of the site with housing at Birniehill Crescent to the east of the site. To the north of the site is the Bathgate to Airdrie Railway line.

- 4.3 The application site is allocated for residential development in the West Lothian Local Development Plan (ref: H-BA 27) and benefits from planning permission in principle for residential development for up to 180 units. This application assesses the detailed design and layout.
- 4.4 The application proposes a mix of detached, semi-detached, terraced and cottage flat properties across the site. The affordable housing for the development is proposed at the east of the site. The materials for the proposed house types are a mix of fully facing brick and facing brick and render.
- 4.5 Trees situated at the west of the site are covered by the Ancient Woodland Inventory and none of these trees are proposed for removal. The conifer planting at the site frontage and tree belt at the east of the site are proposed to be removed. 151 trees are proposed to be planted as compensatory planting.

History

- 4.6 The relevant planning history is noted below:
 - 0074/MS/22: Approval of matters specified in conditions of planning permission 0875/P/19 for erection of 156 houses and 12 flats with associated works, Refused, 25/04/2022
 - 0875/P/19: Planning permission in principle for the demolition of former abattoir and residential development with associated works, Granted, 27/01/2022
 - 0690/EIA/22: EIA screening opinion for residential development, EIA Not Required, 24/07/2019
 - 0461/PAC/19: Proposal of application notice for the demolition of abattoir building and redevelopment for residential use, Consultation approved, 06/06/2019

EIA Development

- 4.7 The scale and nature of the development is such that it falls within the description of development set out in Class 10 (b) of Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2017 (EIA Regulations).
- 4.8 The proposed development was assessed for EIA under screening opinion 0690/EIA/22 and does not constitute EIA development.

Equalities Impact

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

5. REPRESENTATIONS

- 5.1 Five objections have been received in relation to the proposed development, including one from Bathgate Community Council. The representations are attached to this report.

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

Comments	Response
<ul style="list-style-type: none"> Impact on privacy through houses backing on to gardens and loss of trees 	<ul style="list-style-type: none"> The proposal meets minimum distances for garden lengths in the Residential Development Guide (RDG). Rear to rear distances between houses on Birniehill Crescent and the proposed houses are well in excess of the 18m distance in the RDG.
<ul style="list-style-type: none"> Loss of sunlight to gardens 	<ul style="list-style-type: none"> The majority of shadowing from the proposed houses at the east of the site will impact their own gardens during afternoon and evening hours.
<ul style="list-style-type: none"> Impact on wildlife 	<ul style="list-style-type: none"> The applicant has submitted a Preliminary Ecological Appraisal. This report has not identified any protected species that will be negatively impacted by the development.
<ul style="list-style-type: none"> Impact on flooding 	<ul style="list-style-type: none"> The impact on flooding is acceptable, subject to a condition for remedial works to a culvert.
<ul style="list-style-type: none"> Impact on local schools 	<ul style="list-style-type: none"> Developer contributions towards local education infrastructure have been secured through a legal agreement with the developer under application 0875/P/19.
<ul style="list-style-type: none"> The path from the development over the railway footbridge to Falside needs to be upgraded with surfacing and lighting to provide a 'safe route' to school. 	<ul style="list-style-type: none"> The upgrading of this link was not required by Education Planning as part of the planning permission in principle application.
<ul style="list-style-type: none"> Observation that the capacity of this site is 100 houses in the LDP and this application is for 156 houses and 12 flats. 	<ul style="list-style-type: none"> The design and layout for the number of houses proposed is acceptable and is under the 180 unit cap in the planning permission in principle decision. <p>Infrastructure impacts are addressed through the Section 75 legal agreement on the planning permission in principle application.</p>
<ul style="list-style-type: none"> The handrail for the bridge over the railway has sections missing. 	<ul style="list-style-type: none"> This issue is non-material and is a maintenance issue for Network Rail.

6. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
WLC Environmental Health	No	Recommends a condition for details of alternative ventilation to be submitted for	Noted. It is proposed to attach these conditions.

		<p>all bedrooms of properties at the southern boundary, facing Whitburn Road.</p> <p>Also recommends standard construction condition is attached to any permission.</p>	
WLC Flood Risk Management	No	<p>Planning permission needs to be conditional on the applicant conducting the necessary remedial works for the culvert in the site.</p> <p>An update to the drainage assessment is required to provide a completed Simple Index Approach.</p> <p>A 6m buffer zone from the watercourse to the MUGA pitch is recommended.</p>	<p>Noted. Planning conditions are proposed to deal with these matters.</p> <p>The MUGA pitch is within 3m of the watercourse but outside the fluvial flood plain. Its position is acceptable in relation to the watercourse.</p>
WLC Waste Services	No	This application is acceptable as proposed.	Noted.
WLC Transportation	No	No objection to the application. The developer is required to construct the link to the NCR 75	Noted. A planning condition is proposed to cover the construction of the link to the NCR.
WLC Arboricultural Officer	No	<p>There is a dashed line around the trees and the applicant should confirm that this is the root protection area. No level changes or services installation should take place in RPAs.</p> <p>A tree protection plan, per BS 5837 is required to be submitted.</p>	<p>Noted. The root protection areas are shown on the proposed site layout.</p> <p>A condition requiring an arboricultural method statement is proposed, which will include a tree protection plan.</p>
WLC Housing Strategy & Development	No	No further comment on the application given the letter of support from Places for People as the housing association for the site.	Noted.
WLC Open Space Officer	No	The proposed design for the MUGA pitch is acceptable.	Noted. Implementation of the MUGA is proposed to be covered by a planning condition.
WLC Ecology & Biodiversity		<p>No objection, as long as there is a long-term management plan for woodland in the site.</p> <p>Provision for bats and fencing to include hedgehog holes should be conditioned.</p>	Noted. These matters can all be covered by planning conditions.

		Recommends the developer should prepare a construction environmental management plan.	
WLC Contaminated Land Advisor	No	The submitted site investigation is acceptable. A remediation statement and verification report are required to be conditioned.	Noted. It is proposed to attach these conditions.
Network Rail	No	No objection to the application.	Noted.
SEPA	No	No objection to the application.	Noted.
West of Scotland Archaeology Service	No	On-site work did not identify any significant archaeological deposits. No further fieldwork is required	Noted.

7. PLANNING POLICY

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 7.2 The development plan comprises the Strategic Development Plan for South East Scotland (SESplan) and the West Lothian Local Development Plan, 2018.
- 7.3 The relevant development plan policies are listed below:

Policy	Policy Summary	Assessment	Conform ?
National Planning Framework (NPF) 4 Policy 1 Tackling climate change and the nature crisis	This policy states significant weight is to be given to the global climate and nature crises in assessing proposals.	The application provides for a sustainable re-use of a brownfield site within an urban area. The proposal makes best use of urban land in the context of the climate crisis.	Yes
NPF 4 Policy 3 Biodiversity	This policy requires development proposals to conserve, restore and enhance biodiversity	The provision of a SUDS pond will help enhance biodiversity. A planning condition is proposed to ensure provision for wildlife habitats in the development.	Yes
NPF 4 Policy 6 Forestry, woodland and trees	This policy states there is a presumption against development that adversely affects trees and woodland, unless there is a proven locational need and it achieves	The impact on trees is acceptable and removals are justified. Significant compensatory planting is proposed.	Yes

	significant public benefits.		
NPF 4 Policy 9 Brownfield, vacant and derelict land	This policy states that proposals that bring about the sustainable re-use of brownfield land will be supported.	The application provides for a sustainable re-use of brownfield land.	Yes
NPF 4 Policy 14 Design, quality and place	This policy requires development to improve the quality of an area and meet the six qualities of successful places.	The application is acceptable in design terms and improves the quality of the area through redevelopment of a partly brownfield site.	Yes
West Lothian LDP DES 1 Design principles	This policy states that development needs to integrate with its context and the surrounding built form and have an acceptable impact on amenity.	The application is acceptable in design terms and integrates with its local context. Impact on residential amenity is acceptable. See section 8 below for more detail.	Yes
West Lothian LDP HOU 4 Affordable Housing	This policy requires housing sites of over 5 units in Bathgate to contribute to affordable housing.	The application provides the required on-site affordable housing at 25 units with this being 15% of the total houses.	Yes
West Lothian LDP ENV 9 Woodlands, Forestry, Trees and Hedgerows	This policy states there is a presumption against development that adversely affects trees and woodland, unless there is a proven locational need and it achieves significant public benefits.	The impact on trees is acceptable and removals are justified. Significant compensatory planting is proposed.	Yes
West Lothian LDP ENV 20 Species Protection and Enhancement	Development that would affect a species protected by European or UK law will not be permitted unless it meets the four criteria.	The applicant's preliminary ecological appraisal finds that protected species are unlikely to be affected by the proposal.	Yes
West Lothian LDP ENV 32 Archaeology	This policy requires the council to safeguard archaeological heritage.	The West of Scotland Archaeology Service has confirmed no archaeological works are required for this application.	Yes
West Lothian LDP EMG 2 Flooding	This policy states there is a presumption against development that is at risk of flooding.	A condition is required for remedial works for the outfall culvert.	Yes

West Lothian LDP EMG 3 Sustainable drainage	This policy states drainage proposals need to ensure surface water can be attenuated.	The submitted drainage and flood risk assessment is largely acceptable. A condition is required for a minor update to this report.	Yes
West Lothian LDP EMG 5 Noise	This policy states there is a presumption against development being close to noisy land uses, unless mitigation can be achieved.	The application site is affected by road noise from Whitburn Road. A condition is required for ventilation details for houses facing Whitburn Road.	Yes
West Lothian LDP EMG 6 Vacant, Derelict and Contaminated Land	Where it is suspected by the council that a development site may be contaminated, the developer will be required to undertake a site investigation, to the satisfaction of the council.	The submitted site investigation report is satisfactory. A remediation statement and verification report are to be conditioned.	Yes
Supplementary Guidance (SG) Residential Development Guide (RDG)	This document sets out detailed standards for housing development layouts.	The application is acceptable in design terms and integrates with its local context. Impact on residential amenity is acceptable. See section 8 below for more detail.	Yes
SG Planning and Noise	This document sets out detailed requirements for noise and proposed developments.	The application site is affected by road noise from Whitburn Road. A condition is required for ventilation details for houses facing Whitburn Road.	Yes
SG Flooding and Drainage	The SG requires development to be acceptable in terms of flood risk and drainage. All applications of 5 houses or more require to be accompanied by a drainage assessment.	The submitted drainage and flood risk assessment is largely acceptable. A condition is required for a minor update to this report.	Yes
Planning Guidance Planning for Nature: Development Management & Wildlife	This document sets out detailed requirements for ecological surveys, appraisals and audits.	The applicant's preliminary ecological appraisal finds that protected species are unlikely to be affected by the proposal.	Yes

8. ASSESSMENT

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

Layout and Design

- 8.2 Policy DES 1 of the LDP states that 'All development proposals will require to take account of and be integrated with the local context and built form'. Policy 14 of NPF 4 requires development to improve the quality of the area.
- 8.3 The site in question is a part brownfield, part greenfield site at the south west of Bathgate. The nearest residential properties at Birniehill Crescent and Birniehill Terrace are predominately a mixture of semi-detached and terraced properties finished with pebbledash render.
- 8.4 A mix of detached, semi-detached and terraced properties are proposed under this application. The layout has been substantially revised since the application was submitted and from the previously refused detailed application. The layout takes account of its context and built form by achieving a frontage to Whitburn Road that carries on from houses at the end of Birniehill Terrace. This necessitates the removal of predominately Scots pine trees along the site frontage that acted as screening for the abattoir. These trees are of lesser value due to their species. Their loss, in order to achieve frontage development onto Whitburn Road is justified. The layout takes cognisance of the woodland at the west of the site being within the Ancient Woodland Inventory and the proposed built development does not conflict with the root protection areas of these trees.
- 8.5 The standards for garden sizes and plot ratios in the Residential Development Guide have been complied with across the development. The proposal is not overdevelopment of the site and makes the best use of urban land through the redevelopment of a partly brownfield site. It is of an acceptable density for its location and the layout accords with the principles of Designing Streets. The proposal is a well-designed development that will improve the quality of the area.
- 8.6 Overall, the proposal will integrate with its local context and built form and complies with Policy DES 1 of the LDP, the Residential Development Guide SG and Policy 14 of NPF 4.

Residential Amenity

- 8.7 Policy DES 1 (a) states developers are 'required to ensure that...there is no significant adverse impact on adjacent buildings...in terms of...amenity'.
- 8.8 Representations have raised the issue of impact on privacy of houses on Birniehill Crescent with proposed houses which back onto gardens at the east of the site. Loss of sunlight and daylight has also been raised in representations.
- 8.9 The houses on Birniehill Crescent have very long back gardens, which vary between 16.26m and 20.42m at the locations where proposed houses will back onto existing gardens. Rear to rear distance between houses on Birniehill Crescent and the proposed houses vary between 26.58m and 30.73m. These distances are well in excess the 18m rear to rear distance specified in the Residential Development Guide. Although the proposed houses sit at a slightly higher level than existing houses on Birniehill Crescent, the distances between buildings are such that the proposed development will not result in adverse impact on privacy through overlooking.

- 8.10 In terms of impact on sunlight and daylight, the applicant has submitted a 25 degree test for daylight, which demonstrates the proposal will not affect daylight reaching houses on Birniehill Crescent. Any shadowing from the proposed development will predominately affect the gardens of the proposed houses at evening hours.
- 8.11 It is noted that an indicative layout submitted with application 0875/P/19 did not show houses backing on to gardens of houses on Birniehill Crescent. The indicative layout was not approved as part of that application and all layout details were reserved to a detailed application. The current applicant is therefore not bound to follow the previous layout, as that layout was not approved.
- 8.12 Overall, the proposal does not have an adverse impact on residential amenity and complies with Policy 14 of NPF4, Policy DES 1 of the LDP, the Residential Development Guide SG.

9. CONCLUSION AND RECOMMENDATION

- 9.1 In summary, the proposed layout and design of the development is acceptable and the development will not have an adverse impact on residential amenity. The proposal is compliant with the terms of the development plan.
- 9.2 Consequently, and in view of the above, it is recommended that this application is granted, subject to conditions.

10. BACKGROUND REFERENCES & ATTACHMENTS

- Draft Conditions
- Location Plan
- Proposed Site Layout
- Representations

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

Craig McCorriston

Head of Planning, Economic Development and Regeneration Date: 15 March 2023

Draft Conditions – 0768/MSC/22

1. Prior to the commencement of development, full details and samples of the materials to be used as external finishes on all buildings and for all parking and hardstanding areas shall be submitted to and approved by the planning authority, and the development shall be carried out strictly using those approved materials.

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

2. Prior to the commencement of development, details of the height and finishes of all walls, fences and other means of enclosure shall be submitted of the written approval of the planning authority. Once approved, these details shall be implemented prior to occupation of the houses.

Reason: To enable consideration of these details which have yet to be submitted and in the interests of privacy and amenity.

3. Prior to the commencement of development, an updated phasing plan shall be submitted to and approved in writing by the planning authority. Thereafter, the phasing of the development shall be implemented in accordance with approved phasing drawing.

Reason: To ensure the development is phased in an acceptable manner.

4. No residential unit in each phase of the development shall be occupied until:

(a) Within that phase, all new access roads, footways/footpaths, visitor parking, and all parking on shown on the approved plans have been constructed and lit to the adoptable standard of the council as roads authority.

(b) Within that phase, all private shared / individual driveways shown on the approved plans have been constructed.

Reason: In the interests of road safety and visual and environmental amenity.

5. Prior to the first house occupation, the developer shall construct the footpath link to the National Cycle Route 75, as shown on the approved plans. The footpath link shall be constructed and lit to an adoptable standard.

Reason: To ensure the footpath link is implemented.

6. Prior to the commencement of development, an arboricultural method statement shall be submitted to and approved in writing by the planning authority. The method statement shall include a tree protection plan that outlines the position of protective tree fencing that accords with section 6 (barriers and ground protection) of BS 5837 Trees in relation to design, demolition and construction – recommendations. The measures in the approved arboricultural method statement shall be implemented during the construction of the development, including tree protection fencing being erected for the inspection of the planning authority prior to development commencing.

Reason: To ensure trees to be retained are adequately protected during construction, in the interests of visual and environmental amenity.

7. Prior to the commencement of development, a plan showing all common areas and details of the body who will own and maintain the common areas together with a schedule of

maintenance works has been submitted to and approved in writing by the planning authority. Thereafter the common areas shall be maintained in accordance with the details as approved.

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

8. Prior to the commencement of development, a woodland management plan that sets out maintenance arrangements for the woodland at the west of the site for a minimum of 25 years and who is responsible for maintenance shall be submitted to and approved in writing by the planning authority. Thereafter, the management plan shall be implemented in accordance with its approved details.

Reason: To ensure there is a long term management plan in place for the maintenance of the woodland.

9. The proposed landscaping shall be implemented in accordance with approved drawings 614-01-01d, 613-01-02d, 613-01-03d, 613-01-04d and 613-01-05d.

The new planting shall be maintained for a minimum period of five years until it becomes established. Any trees which within a five year period following completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.

Reason: To ensure proper implementation of the planting proposals in the interest of the amenity of the site and the area as a whole.

10. The proposed Multi-Use Games Areas shall be implemented in the relevant phase of development in accordance with approved drawing 614-01-06.

Reason: To ensure the active open space for the development is delivered.

11. Prior to the commencement of development, measures to encourage provision for wildlife and habitat enhancement shall be submitted to and approved in writing by the planning authority. Thereafter, the agreed measures shall be implemented in accordance with the approved details prior to the completion of the development.

Reason: To ensure the development provides opportunity for wildlife enhancement.

12. Prior to the commencement of development, a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the planning authority. Thereafter all the measures described in the approved CEMP shall be implemented during the construction of the development.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on the environment.

13. Prior to the commencement of development, details of alternative means of ventilation for all bedrooms of properties at the southern boundary facing Whitburn Road shall be submitted to and approved in writing by the planning authority. Thereafter, the approved details shall be implemented prior to the occupation of the relevant houses.

Reason: In the interest of residential amenity of future occupiers.

14. Prior to the commencement of development, details to meet the following requirements for electric vehicle charging shall be submitted to and approved in writing by the planning authority:

(a) Where off-street parking is provided, one in every six residential units shall have an active ready to use electric vehicle charging point (7kw) located either in a garage or in close proximity to a dedicated car parking place within the driveway of the property and connected to the domestic electricity supply via a dedicated circuit. For all other residential units with off-street parking, passive provision (cabling and individual fuse boxes provided) shall be provided to enable easy conversion to an active charging point should demand manifest itself.

(b) For on-street parking, one in every six spaces shall have a fully connected, active and ready to use electric vehicle charging point (7kw). Electric vehicle parking spaces should be counted as part of the overall car parking provision and not in addition to it.

(c) Details of who will be responsible for managing and maintaining charging infrastructure, including details of managing access to charging spaces and arrangements for paying for the electricity used during charging.

Thereafter the development shall be carried out in accordance with the details as approved.

Reason: To enable full consideration to be given to those details which have yet to be submitted, in the interests of ensuring the provision of electric vehicle charging.

15. Prior to the commencement of development, details of remedial works to the culvert within the site shall be submitted to and approved in writing by the planning authority. Thereafter, the approved details shall be implemented prior to the first house occupation.

Reason: To minimise the cumulative effects of surface water and diffuse pollution on the water environment.

16. Surface water from the development shall be treated and attenuated by a sustainable drainage system (SUDS) in accordance with the Water Assessment & Drainage Assessment Guide (published by SUDS Working Party) and The SUDS Manual C753 (published by CIRIA).

Prior to the commencement of development, an updated drainage assessment with completed Simple Index Approach tool shall be submitted to and approved in writing by the planning authority. Thereafter, the drainage layout shall be implemented in accordance with the approved details.

Reason: To minimise the cumulative effects of surface water and diffuse pollution on the water environment.

17. Part 1

Prior to the commencement of development, a detailed Remediation Statement to bring the site to a condition suitable for the intended use by removing unacceptable risks to all relevant and statutory receptors, must be submitted to and approved in writing by the planning authority. The Remediation Statement must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The Remediation Statement must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development.

Part 2

The approved Remediation Statement must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the agreed remediation. The planning authority must be given two weeks written notification of the commencement of the remediation works. Following completion of the measures identified in the approved Remediation Statement, a Verification Report that demonstrates the effectiveness of the remediation carried out must be prepared. The Verification Report must be submitted to and approved in writing by the planning authority prior to commencement of the new use of the land.

Reason: To ensure there is no contamination on the site that could pose a risk to the health of future occupiers, in the interests of amenity

18. The following restrictions shall apply to the construction of the development:

Noise (Construction)

- Any work required to implement this planning permission that is audible within any adjacent noise sensitive receptor or its curtilage shall be carried out only between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on a Saturday and at no time on a Sunday. This includes deliveries and operation of on site vehicles and equipment.
- No generators shall be audible within any residential properties between the hours of 2100 and 0800.

Noise (Vehicles/Plant)

- All site vehicles (other than delivery vehicles) where practicable shall be fitted with non-tonal broadband reversing alarms.
- Heavy goods vehicles shall not arrive or leave the site except between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on a Saturday. No heavy goods vehicles shall arrive or leave the site on a Sunday.

Vibration (Construction)

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

Site Compound

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

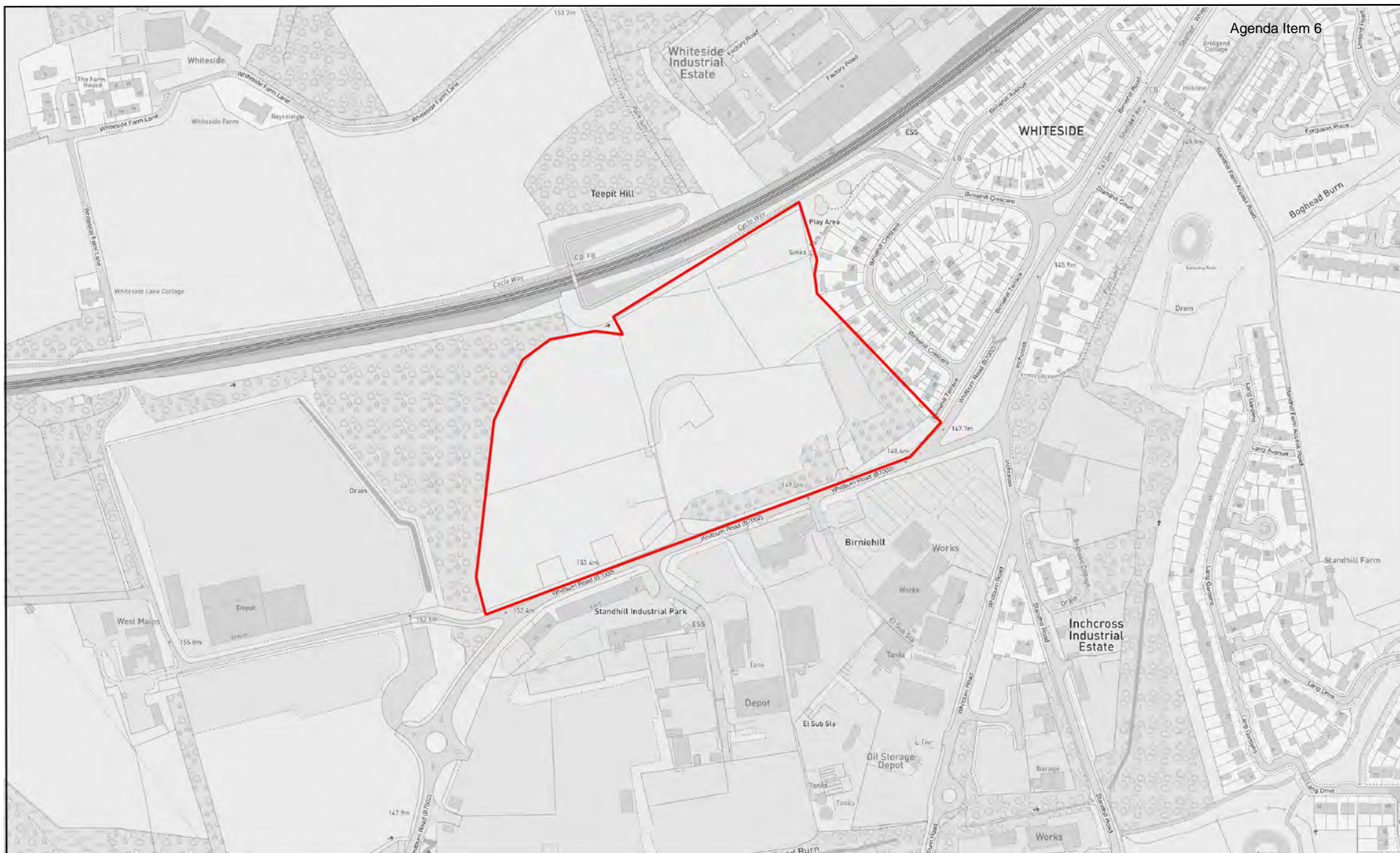
Waste

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

Wheel Cleaning

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

Reason: In the interests of visual and environmental amenity.



Objection raised by Bathgate Community Council with regard to 0074/MSC/22 Former abattoir

Regarding the above, the community council, as previously stated during the consultation period, have no entrenched objection to this site being developed. In fact we welcome the development, which replaces the (ruined) abattoir site.

However, we would wish to raise two specific points which we feel needs examined and forms the basis of our objection –

- 1) The path leading from the proposed development over the railway bridge to Falside and then onwards to Windyknowe Primary. However the path in question is muddy during winter and wet weather and needs to be developed in such a way that it can be used all the year round. Also as it approaches Falside it needs repaired to a better standard. (A walking route to and from school as an alternative to using cars/buses). The path needs to be upgraded with a proper surface and lighting in order that it can be described as a 'safe route'. May we suggest that this be a condition should this proposal proceed.**
- 2) The railway bridge allowing access to the above-mentioned path and walking/cycle route is an important structure. Unfortunately the hand-railings have not been built in. I don't know the full background as to why this should be the case but put simply the bridge is unfinished and looks dreadful. Since the handrails are not there it poses a potential danger to walkers/cyclists of all ages. I would suggest that if this proposal proceeds that the opportunity is taken to sort the bridge. The decision notice Grant Planning Permission in Principal dated 27/1/22 relating to 0875/P/19 – relating to conditions no4 as follows – ‘Prior to the occupation of the first house, an adopted cycleway connection to the north of the site shall be provided, this route will connect to the NCR 75 route. It would seem appropriate to sort the railings on the bridge and to make the route safe for the NCR route 75 both into Bathgate via Birniehill and outwith Bathgate over the rail bridge and towards Armadale. Photos are attached. We note the comments by Network Rail in their letter relating to the development and would suggest that in order to comply with their points, that arrangements be made to sort (and make safe) the railway bridge and approaches. Is it Network rail who are responsible? We would ask that work to sort the handrails be a condition of the development proceeding.**

Finally an observation, we note that the capacity for this site is 100 according to the Local Development Plan; whilst according to the application there is a figure of 156 houses and 12 flats. We would like to express a concern that the quality of the proposed development is not diluted as a result too many units & overcrowding. In addition we have

observed on a number of occasions that the number of units being estimated on local plans are an underestimate of the numbers actually built. As a result this will have the effect of stretching the ability for schooling, care etc. Not sufficient or accurate planning is therefore being made for the numbers being introduced into communities.

Regards

John Macdonald (Planning Officer Bathgate Community Council).

Watson, Matthew

Subject: RE: Planning Objection - 0078/MSC/22 - Former Abbatoir, Whitburn Road, BATHGATE - [OFFICIAL]

From: Iain Shanks [REDACTED]
Sent: 25 November 2022 13:06
To: Planning <Planning@westlothian.gov.uk>
Cc: Cartmill, Harry (Councillor) <Harry.Cartmill@westlothian.gov.uk>
Subject: Planning Objection - 0078/MSC/22 - Former Abbatoir, Whitburn Road, BATHGATE

To whom it may concern,

Following receipt of your correspondence of 14th November 2022 in relation to Planning Application 0078/MSC/22 – Former Abbatoir, Whitburn Road, Bathgate, I would like to submit yet another objection on behalf of my father in law, Colin Adie, who resides at 46 Birniehill Crescent, Bathgate, EH48 2RS.

At the initial planning phase of the development, we attended the group meeting held by the Developer in the English Church in Bathgate, where we raised a number of concerns regarding the new development. These included the removal of Trees and green space to the rear of our property and also the situation of the Affordable Housing element proposed for the site. At this time we were assured that no removal of trees from the rear of our property would take place and assurances were also given that the Affordable Housing element would be located to the West of the proposed site. I'm sure you can appreciate my disappointment and anger at the latest proposed site layout which clearly identifies the removal of Trees and location of Affordable Housing to the East of the proposed site. This is in direct contravention to the information supplied by the developer initially.

I have supplied two drawings from the planning application below, Drawing No. 3 identifies the area to the rear of our property as green space, with sufficient area between the existing housing and new development as promised by the developer during initial discussions. Drawing No. 4 identifies that the green space area is to be removed with the Affordable Housing element of the development being situated right up against the rear of our property, resulting in a total loss of Trees, green space and most importantly.....PRIVACY! All this before we even raise a point about the environmental impact, given today's issues around climate and environment, the fact that any application which includes the removal of natural green space and trees to allow for residential development should be instantaneously rejected. Are West Lothian Council really saying that they approve of areas of natural green space with large trees that house varying numbers of different species of birds etc being removed to allow for "affordable housing" to be built?

I would like to reiterate that I have no objection to the initial proposed layout plan, which protected the trees and green space and provided a natural sound/privacy barrier between the existing dwellings at Birniehill Crescent and the new proposed site, but I will not stand for the removal of this area and having the affordable housing element situated directly to the rear of our properties, as stated before, this is in direct contravention to the information we were initially supplied with. Had the developer been open and honest to begin with, then this situation would not need to occur as the residents would have rejected the application at the very initial phase. To change their stance behind the backs of the existing owners at Birniehill Crescent is an extremely underhand tactic and raises serious questions around their suitability to be granted any application to develop any site.

Drawing No.

3
ng No. 4

Drawi





I am aware that several neighbours have already submitted an objection on the same basis and I'm currently in the process of forming a larger complaint/objection from all affected properties within Birniehill Crescent. The latest proposed site layout is not what was promised by the developer, in fact I would go as far as to say that every promise given at the initial meeting with the developer, has subsequently been broken. The residents are willing to fight this matter as far as is required to seek an acceptable resolution, this will include contacting local/national press and environmental groups, should the current application not be rejected by the Planning Department. At the end of the day, the existing housing development should in no way be impacted to allow for new housing to be developed, a return to the original layout plan which secured the natural green space and tree area which would provide a natural sound/privacy barrier between the two sites should remain in place.

I would appreciate if receipt of this objection can be confirmed and look forward to discussing the matters raised in my objection as a matter of urgency.

Kind Regards

Colin Adie
46 Birniehill Crescent
Bathgate
EH48 2RS
C/O Iain Shanks [REDACTED]

Comments for Planning Application 0768/MSC/22

Application Summary

Application Number: 0768/MSC/22

Address: Former Abattoir Whitburn Road Bathgate West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0875/P/19 for erection of 156 houses and 12 flats with associated works

Case Officer: Matthew Watson

Customer Details

Name: Lawrence McManus

Address: 34 Birniehill Crescent Bathgate EH482RS

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is proposed to be built on an area of open space that will impact on wildlife and the local community. There is an area frequently inhabited by deer and other creatures and would be a loss. I also have reservations over the potential for flooding given the burn that runs immediately behind my garden.

I believe I will also suffer from a loss of light and privacy given the proximity.

There is also the strain that will be placed on local amenities and schooling

Comments for Planning Application 0768/MSC/22

Application Summary

Application Number: 0768/MSC/22

Address: Former Abattoir Whitburn Road Bathgate West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0875/P/19 for erection of 156 houses and 12 flats with associated works (as amended)

Case Officer: Matthew Watson

Customer Details

Name: Mr Ian McGregor

Address: 48 BIRNIEHILL CRESCENT, Bathgate EH482RS

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We have received an updated application for the site and notice that the design layout at our back has once again changed.

At the initial inspection (at the English Church) we were assured that a buffer zone would remain (which includes the trees) which will act as privacy for our houses. This has now been removed and 2 storey affordable housing plots are being placed against our back fence.

Removing the buffer zones will not only affect many of the wildlife currently inhabiting the area, but will restrict our access to the open spaces currently being enjoyed from our back gate.

You will also note that these houses will be built on land which is elevated South facing position above our properties. Not only will this compromise our privacy but will restrict any sunlight coming onto our property during the winter months.

Comments for Planning Application 0768/MSC/22

Application Summary

Application Number: 0768/MSC/22

Address: Former Abattoir Whitburn Road Bathgate West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0875/P/19 for erection of 156 houses and 12 flats with associated works (as amended)

Case Officer: Matthew Watson

Customer Details

Name: Mr Dave Wilson

Address: 44 Birniehill crescent Bathgate West Lothian Eh48 2rs

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Good morning. I have not long received the "new" plans for the building site and it looks like you plan to build the flats right outside my back garden tearing up all the trees outside my back. Not only would the building of these flats block out any sunlight into my back garden but also the privacy aspect of flats looking right into my own and neighbours back gardens from a few meters away is a breach of privacy. Firstly the meeting we went to we were assured multiple times that the trees and greenery outside our back gardens would be untouched. Not only are there owls and bats living in those trees there's also deer who visit occasionally. I'm objecting on the grounds of privacy and blocking sunlight into my back garden.

Development Management Committee

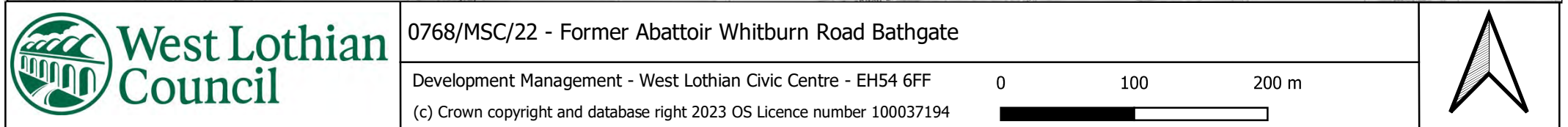
15 March 2023

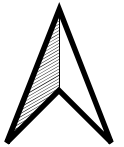
0768/MSC/22

Approval of matters specified in conditions of planning permission 0875/P/19 for erection of 154 houses and 12 flats with associated works (as amended)

Former Abattoir / Whitburn Road / Bathgate







Proposed Residential Development, Whitburn Road, Bathgate for Urban Life Schedule of Accommodation, 21133(PL)001		
	DESCRIPTION	NOS
PRIVATE		
TYPE A	3 BED MID TERRACE	34
TYPE B	3 BED SEMI	50
TYPE C	3 BED DETACHED	15
TYPE E	4 BED DETACHED	14
TYPE F	4 BED DETACHED	15
TYPE G	4 BED DETACHED	13
TOTAL		141
AFFORDABLE 15%		
TYPE H GF	2 BED COTTAGE FLAT	6
TYPE H FF	2 BED COTTAGE FLAT	6
TYPE J	2 BED TERRACE	13
TOTAL		25
DEVELOPMENT TOTAL		166



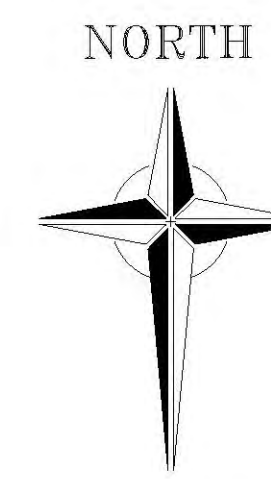
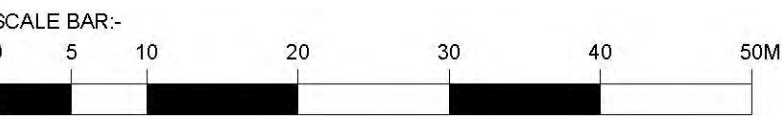
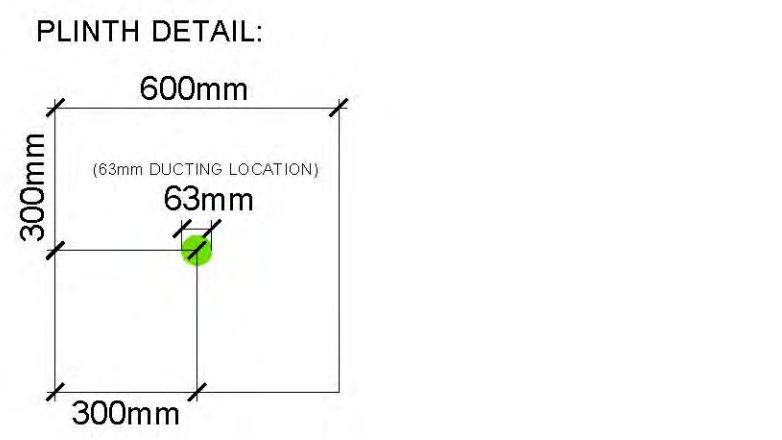
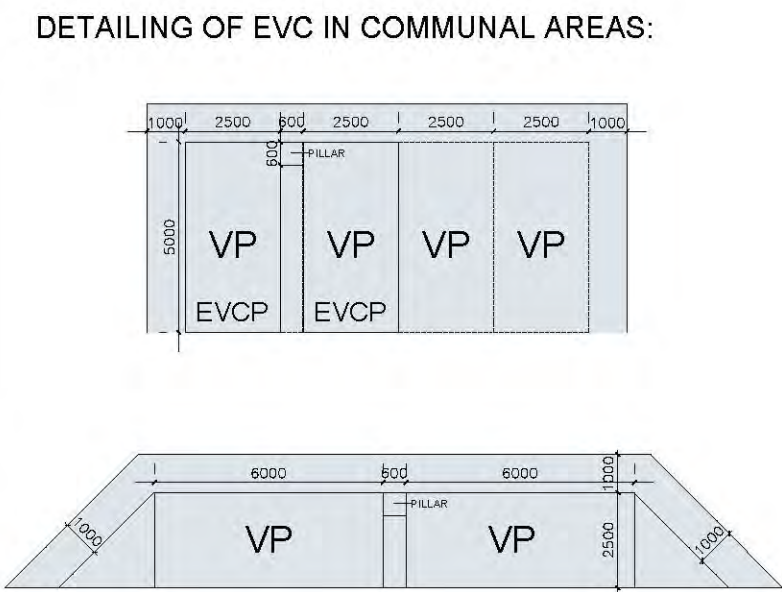
REVISIONS				
REV	DESCRIPTION	DATE	BY	CHK
1	AMENDMENTS FOLLOWING ENGINEERS' LAYOUT	20.10.21	ICBM	ICBM

- APPLICATION BOUNDARY
- AFFORDABLE AREA (15%)
- SALES AREA
- ENHANCED / ACTIVE GABLE
- 1.8m HIGH TIMBER FENCE
- 1.8m HIGH BRICK WALL
- 1 IN 200 YEAR FLOOD PLAIN
- 1 IN 200 YEAR FLOOD PLAIN + 40% CLIMATE CHANGE
- FULL BRICK FRONT ELEVATION
- FULL BRICK FRONT + GABLE ELEVATIONS
- EVC POINT FOR OFF-STREET PARKING FOR HOUSES
- EVC POINT FOR ON-STREET PARKING FOR HOUSES + VISITOR

NB. ELECTRIC VEHICLE CHARGING WILL BE PROVIDED IN ACCORDANCE WITH WEST LOTHIAN COUNCIL POLICY.

- 1 IN 6 EVC POINTS FOR ON-STREET SPACES AND 1 IN 6 OFF-STREET FOR HOUSES.
- FOR HOUSES THAT DO NOT FALL WITHIN THE 1 IN 6 REQUIREMENT, PASSIVE PROVISION WILL BE ENABLED (CABLING AND FUSE BOXES).
- ALL CHARGING POINTS TO BE 7KW TRICKLE CHARGE ON AND OFF-STREET.

REFER TO LANDSCAPE PROPOSALS FOR FURTHER DETAIL.



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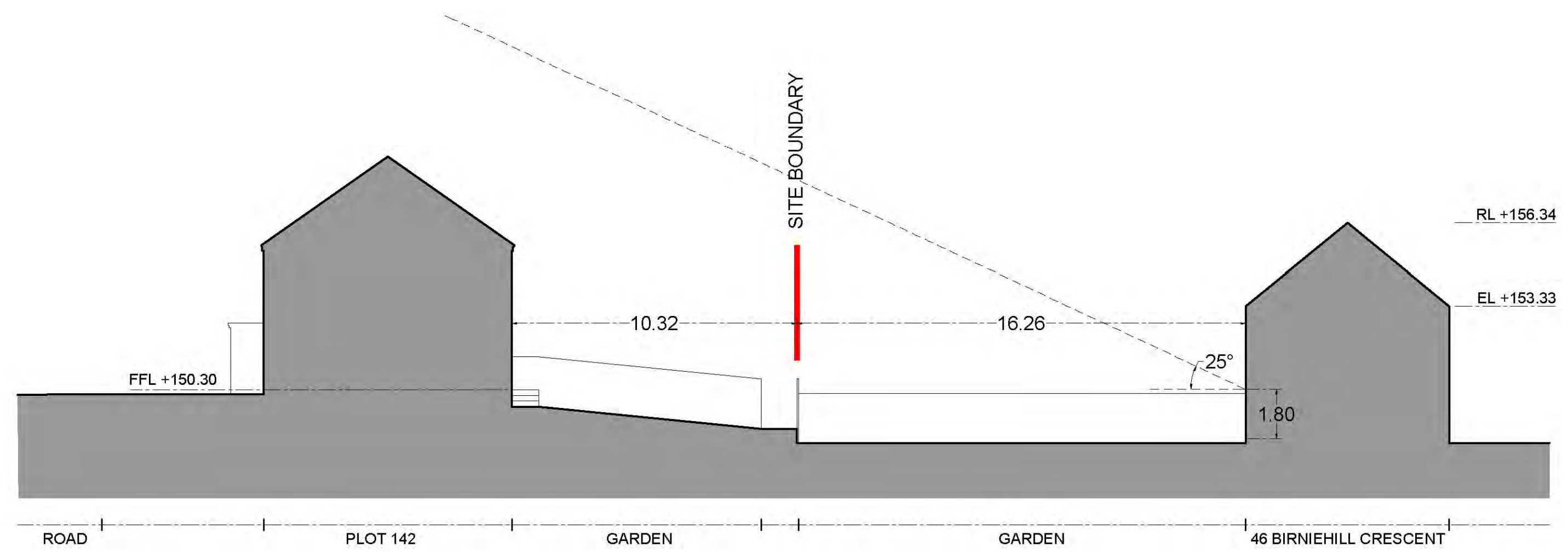
URBAN LIFE
RESIDENTIAL DEVELOPMENT
WHITBURN ROAD
BATHGATE

SITE LAYOUT
AS PROPOSED

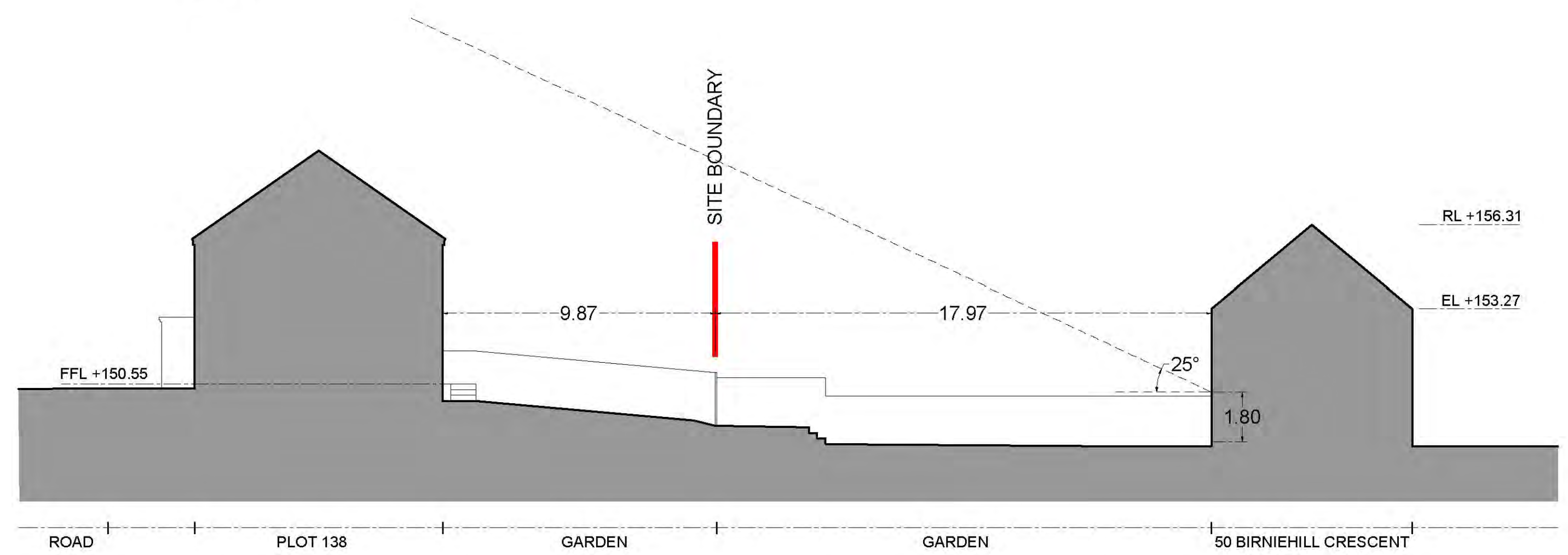
PROJECT NO.	21133(PL)001-N
DATE	20.10.21
BY	ICBM
CHK	ICBM
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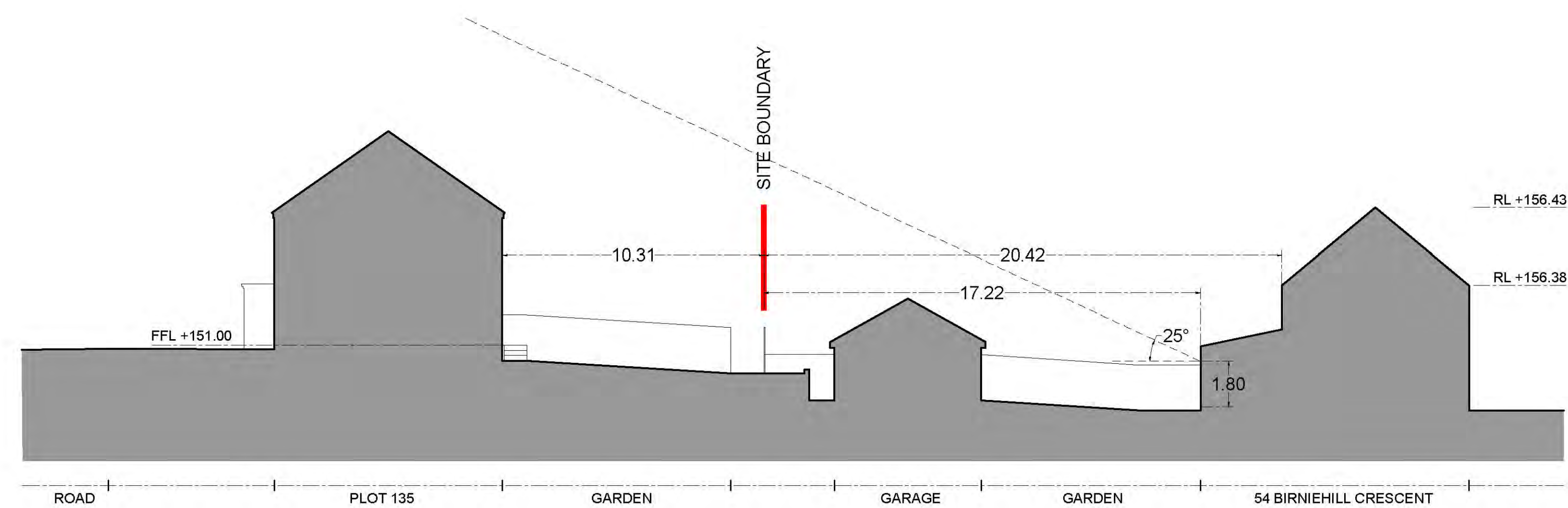
KEY PLAN
1:2000



SECTION A-A
1:150



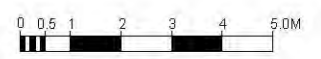
SECTION B-B
1:150



SECTION C-C
1:150

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REV	DESCRIPTION	DRAWN	CHKD.	DATE
A	ADDITIONAL DIMENSIONS ADDED.	EG	EMcl	10.02.23



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URBAN LIFE
RESIDENTIAL DEVELOPMENT
WHITBURN ROAD
BATHGATE

EASTERN BOUNDARY SECTIONS

SCALE / SIZE 1:150 / A1	DATE / DRAWN 02.02.23 / SB	PROJ. TYPE RESIDENTIAL	SHEET NO. / NO. SHEETS 1 / 1
DRAWING REFERENCE 21133(PL)051-A		WORK STAGE PLANNING	
FILE CLASSIFICATION (PL)SERIES		FILE REFERENCE 21133(PL)051	















DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Approval of matters specified in conditions of planning permission 0845/P/15 for the erection of 6 houses with associated works at Land at Raw Holdings, East Calder

2 DETAILS

Reference no.	0861/MSC/22	Owner of site	Mr Bryan Ferrir
Applicant	JB Developments Ltd	Ward & local members	East Livingston and East Calder Councillor Danny Logue Councillor Carl John Councillor Damian Doran-Timson Councillor Veronica Smith
Case officer	Matthew Watson	Contact details	01506 283536 matthew.watson@westlothian.gov.uk

Reason for referral to Development Management Committee: Referral from Councillor John and more than 15 objections

3 RECOMMENDATION

3.1 Grant matters specified in conditions, subject to conditions.

4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 This application proposes the erection of six houses on land at the north east of Raw Holdings.
- 4.2 The site is irregularly shaped and is predominately an area of hardstanding. To the south of the site are the smallholdings at 10 to 12 Raw Holdings. To the north and west is the Persimmon development that is currently under construction.
- 4.3 The application proposes six detached houses with three of the houses to have a freestanding garage. The houses are to be finished with white render and reconstituted stone, as well as natural slate roofs. Vehicular access is proposed to be taken off the existing private road.

- 4.4 The site benefits from planning permission in principle for six houses. The detailed design and associated technical matters form the basis of this application.
- 4.5 The application site is located within the settlement boundary of East Calder as identified in the adopted West Lothian Local Development Plan (LDP), 2018.

History

- 4.6 The relevant planning history is noted below:
- 1119/MS/21: Approval of matters specified in conditions of planning permission 0845/P/15 for the erection of 6 houses with associated works, Refused, 23/06/2022
 - 0428/MS/19: Approval of matters specified in conditions of planning permission 0845/P/15 for the erection of 6 houses with associated works, Withdrawn, 28/08/2019
 - 0845/P/15: Planning permission in principle for the erection of 6 houses, Refused, 18/04/2016, Review upheld by LRB and permission granted, 07/11/2018
 - 0812/P/14: Planning permission in principle for the erection of 6 houses, Withdrawn, 26/01/2015

EIA Development

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

Equalities Impact

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

5. REPRESENTATIONS

- 5.1 43 objections have been received in relation to the proposed development. A sample of representations are attached to this report.
- 5.2 A summary of representations is located in the table below.

Comments	Response
<ul style="list-style-type: none"> The applicant has no right of access to the private road at Raw Holdings. 	<ul style="list-style-type: none"> This is not a material planning consideration and a civil matter between the applicant and the owners of the road.
<ul style="list-style-type: none"> Heavy good vehicles using the private road during construction of the development. The 	<ul style="list-style-type: none"> The principle of residential development has been accepted without the need to

road is unsuitable for construction traffic and its surface will deteriorate.	upgrade the road to an adoptable standard. Any deterioration in condition of the road due to construction vehicle usage is a matter between the applicant and the owners of the road.
<ul style="list-style-type: none"> The site is contaminated land. 	<ul style="list-style-type: none"> The applicant's site investigation report and remediation statement have been assessed and are acceptable.
<ul style="list-style-type: none"> Noise impact during construction. 	<ul style="list-style-type: none"> This impact can be mitigated through a planning condition restricting working hours.
<ul style="list-style-type: none"> Disruption of local wildlife habitat. 	<ul style="list-style-type: none"> The site has already been cleared of vegetation. A condition requiring provision for wildlife habitat enhancement is proposed to be attached to any permission.
<ul style="list-style-type: none"> Impact on local infrastructure from further housebuilding. 	<ul style="list-style-type: none"> A Section 75 agreement as part of the 2018 permission has already secured developer contributions towards education, cemeteries and affordable housing.

6. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
WLC Transportation	No	No objection to the application.	Noted.
WLC Waste Services	Yes	Objects on the basis that the proposal is more than 1 km away from the nearest collection point on the adopted road at Mansefield.	Noted. The principle of residential development for six houses on the site has been accepted. See Section 8 below for more detail.
WLC Contaminated Land Advisor	No	A verification report is required on completion of the remedial measures.	Noted. It is proposed to attach a condition to cover this matter if permission is granted.
WLC Environmental Health	No	Recommends standard construction hours condition is attached to any permission.	Noted. An appropriate condition will be attached.
WLC Flood Risk Management	No	The proposed surface water management plan is acceptable.	Noted. A condition is proposed to cover implementation of the drainage layout.
Edinburgh Airport	No	The proposal does not conflict with aerodrome safeguarding criteria.	Noted.

7. PLANNING POLICY

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

7.2 The development plan comprises National Planning Framework 4 (NPF4) and the West Lothian Local Development Plan (LDP), 2018.

7.3 The relevant development plan policies are listed below:

Policy	Policy Summary	Assessment	Conform ?
National Planning Framework (NPF) 4 Policy 1 Tackling climate change and the nature crisis	This policy states significant weight is to be given to the global climate and nature crises in assessing proposals.	The application provides for a sustainable re-use of a brownfield site within an urban. The proposal makes best use of urban land in the context of the climate crisis.	Yes
NPF 4 Policy 3 Biodiversity	This policy requires development proposals to conserve, restore and enhance biodiversity	The site has already been cleared of vegetation and trees. A condition is proposed to include provision for wildlife in the development. With this condition in place, the proposal is compliant with this policy.	Yes
NPF 4 Policy 9 Brownfield, vacant and derelict land	This policy states that proposals that bring about the sustainable re-use of brownfield land will be supported.	The application provides for a sustainable re-use of brownfield land.	Yes
NPF 4 Policy 14 Design, quality and place	This policy requires development to improve the quality of an area and meet the six qualities of successful places.	The application is acceptable in design terms and improves the quality of the area through redevelopment of a brownfield site.	Yes
West Lothian LDP DES 1 Design principles	This policy states that development needs to integrate with its context and the surrounding built form and have an acceptable impact on amenity.	The application is acceptable in design terms and integrates with its local context. See below in Section 8 for more detail.	Yes
West Lothian LDP TRAN 1 Transport Infrastructure	This policy requires the transport impacts of development to be acceptable.	The transport impacts of development are acceptable. See below in Section 8 for more detail.	Yes
West Lothian LDP EMG 3 Sustainable drainage	This policy states drainage proposals need to ensure surface water can be attenuated.	The submitted drainage assessment is acceptable. A condition is required for the drainage layout to be implemented.	Yes
West Lothian LDP EMG 6 Vacant, Derelict and Contaminated Land	Where it is suspected by the council that a development site may be contaminated, the	The submitted site investigation report and remediation statement are acceptable. A condition is	Yes

	developer will be required to undertake a site investigation, to the satisfaction of the council.	required to implement the identified remedial measures and subsequent verification report.	
Supplementary Guidance (SG) Residential Development Guide (RDG)	This document sets out detailed standards for housing development layouts.	The application is acceptable in design terms and integrates with its local context.	Yes
SG Flooding and Drainage	The SG requires development to be acceptable in terms of flood risk and drainage. All applications of 5 houses or more require to be accompanied by a drainage assessment.	The submitted drainage assessment is acceptable. A condition is required for the drainage layout to be implemented.	Yes

8. ASSESSMENT

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

Layout and Design

- 8.2 Policy DES 1 of the LDP states that 'All development proposals will require to take account of and be integrated with the local context and built form'. Policy 14 of NPF 4 requires development to improve the quality of the area.
- 8.3 The site in question is a brownfield site. The nearest residential properties at Raw Holdings are predominately single storey houses finished with render and slate roofs, which sit within large plots. Houses to the north, which are under construction, are predominately two storey detached and semi-detached properties.
- 8.4 The application proposes houses that are of a larger form and footprint compared to the surrounding area. They are two storey houses and sit within large plots at a low density. The lower density of housing on the site is not out of place with the surrounding housing at Raw Holdings to the south of the site, which sit within large plots. The development predominately uses materials in the form of render and slate roofs that are also used on houses within Raw Holdings. The houses being two storeys integrates with the houses being built by Persimmon to the north of the application. The scale, form and design of the proposed development is therefore acceptable, for these reasons.
- 8.5 The standards for garden sizes and plot ratios in the Residential Development Guide are complied with across the development. The proposal will improve the quality of the area by remediating and bringing a brownfield site back into use.

- 8.6 Overall, the proposal is consistent with the planning permission in principle decision. The proposal will integrate with its local context and built form and complies with Policy DES 1 of the LDP, the Residential Development Guide SG and Policy 14 of NPF 4.

Access and Transport

- 8.7 LDP Policy TRAN 1 requires the transport impacts of development to be acceptable.
- 8.8 Several representations have raised the matter of the development being accessed off a private road and the impact that construction vehicles will have on the private road, which has been recently resurfaced.
- 8.9 The planning permission in principle (0845/P/15) was granted by the council's Local Review Body in the knowledge that there was an objection from Roads and Transportation, which set out a need for the private road to be upgraded to an adoptable standard for the development to be acceptable. The planning permission in principle decision does not require the road to be upgraded to an adoptable standard.
- 8.10 Given the planning permission in principle application was granted, the principle of six houses being accessed off the private road cannot be revisited. Only the layout and design, and associated technical matters, are therefore assessed as part of this application.
- 8.11 Any repairs required to the recently resurfaced private road, due to use by construction vehicles, is a civil matter between the developer and residents who own and maintain the road.
- 8.12 It is noted that the council's Waste Services has objected to the application based on the distance between the application site and the nearest adopted road at Mansefield being nearly 1 km. The principle of residential development on this site has been accepted without the need to upgrade the private road to an adoptable standard. For this reason, it would not be competent for officers to recommend refusal of this application, on the basis of Waste Services' comments, given the applicant has planning permission in principle for six houses with the principle of an access off the private road. The detailed design and layout of the development has been assessed and the internal layout of the development is compliant for a refuse vehicle being able to turn within the site. The council's Roads and Transportation team has not objected to the application. It is also noted that bin lorries currently service all current residential properties off the private road at Raw Holdings.
- 8.13 Overall, the transport impacts of development are acceptable and the proposal complies with Policy TRAN 1 of the LDP.

9. CONCLUSION AND RECOMMENDATION

- 9.1 In summary, the application is acceptable in design terms and in terms of its transport impact. Technical matters relating to contaminated land are acceptable. The proposal complies with the relevant provisions of the development plan.
- 9.2 Consequently, and in view of the above, it is recommended that this application is granted, subject to conditions.

10. BACKGROUND REFERENCES & ATTACHMENTS
--

- Draft Conditions
- Location Plan
- Sample of Representations
- Member Referral Form

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

Craig McCorriston

Head of Planning, Economic Development and Regeneration Date: 15 March 2023

Draft Conditions – 0861/MSC/22

1. Prior to the commencement of development, full details and samples of the materials to be used as external finishes on all buildings and for all parking and hardstanding areas shall be submitted to and approved by the planning authority, and the development shall be carried out strictly using those approved materials.

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

2. Prior to the commencement of development, details of the height and finishes of all walls, fences and other means of enclosure shall be submitted of the written approval of the planning authority. Once approved, these details shall be implemented prior to occupation of the houses.

Reason: To enable consideration of these details which have yet to be submitted and in the interests of privacy and amenity.

3. Prior to the commencement of development, a plan showing all common areas and details of the body who will own and maintain the common areas together with a schedule of maintenance works has been submitted to and approved in writing by the planning authority. Thereafter the common areas shall be maintained in accordance with the details as approved.

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

4. The proposed landscaping shall be implemented in accordance with approved drawing NOPL-S-05 in the first planting season following any residential unit being occupied, or completion of the development, whichever is sooner

The new planting shall be maintained for a minimum period of five years until it becomes established. Any trees which within a five year period following completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.

Reason: To ensure proper implementation of the planting proposals in the interest of the amenity of the site and the area as a whole.

5. Prior to the commencement of development, measures to encourage provision for wildlife and habitat enhancement shall be submitted to and approved in writing by the planning authority. Thereafter, the agreed measures shall be implemented in accordance with the approved details prior to the completion of the development.

Reason: To ensure the development provides opportunity for wildlife enhancement.

6. Surface water from the development shall be treated and attenuated by a sustainable drainage system (SUDS) in accordance with the Water Assessment & Drainage Assessment Guide (published by SUDS Working Party) and The SUDS Manual C753 (published by CIRIA).

The approved drainage layout shall be implemented in accordance with the report titled 'RAD Raw Holdings, East Calder, Drainage Strategy and Surface Water Management Plan', dated August 2022, by Harley Haddow.

Reason: To minimise the cumulative effects of surface water and diffuse pollution on the water environment.

7. The approved Remediation Statement must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the agreed remediation. The planning authority must be given two weeks written notification of the commencement of the remediation works. Following completion of the measures identified in the approved Remediation Statement, a Verification Report that demonstrates the effectiveness of the remediation carried out must be prepared. The Verification Report must be submitted to and approved in writing by the planning authority prior to commencement of the new use of the land.

Reason: To ensure implementation of the proposed remedial measures, in the interests of amenity.

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

Noise (Construction)

- Any work required to implement this planning permission that is audible within any adjacent noise sensitive receptor or its curtilage shall be carried out only between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on a Saturday and at no time on a Sunday. This includes deliveries and operation of on site vehicles and equipment.
- No generators shall be audible within any residential properties between the hours of 2100 and 0800.

Noise (Vehicles/Plant)

- All site vehicles (other than delivery vehicles) where practicable shall be fitted with non-tonal broadband reversing alarms.
- Heavy goods vehicles shall not arrive or leave the site except between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on a Saturday. No heavy goods vehicles shall arrive or leave the site on a Sunday.

Vibration (Construction)

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

Site Compound

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

Waste

- Effective facilities for the storage of refuse, building debris and packaging shall be provided on site. The facilities shall be specifically designed to prevent refuse, building debris and packaging from being blown off site. Any debris blown or spilled from the site onto surrounding land shall be cleared on a weekly basis. For the purposes of this condition, it

shall be assumed that refuse, debris and packaging on surrounding land has originated from the site if it is of the same or similar character to items used or present on the site.

Wheel Cleaning

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

Reason: In the interests of visual and environmental amenity.



Comments for Planning Application 0861/MSC/22

Application Summary

Application Number: 0861/MSC/22

Address: Land At Raw Holdings East Calder

Proposal: Approval of matters specified in conditions of planning permission 0845/P/15 for the erection of 6 houses with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mr John McGill

Address: 27 Raw Holdings, East Calder East Calder LIVINGSTON EH53 0JA

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Most concerning we have had no notification that this was being processed, all vehicles will have to pass on the Private Road leading to my property. Would have expected at a minimum to have been asked permission to use our road. The easier and best solution is for applicant to request Persimmon Homes permission to access road network to come out on Main Street and have no effect on homes at Raw Holdings and homes at Mansefield, East Calder. I firmly object to this application being granted.

John McGill

7 October 2022

Comments for Planning Application 0861/MSC/22

Application Summary

Application Number: 0861/MSC/22

Address: Land At Raw Holdings East Calder

Proposal: Approval of matters specified in conditions of planning permission 0845/P/15 for the erection of 6 houses with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mrs Tanya Sloan

Address: 7 Mansefield place East calder EH53 0PP

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Hardly any room to drive a car round this part of mansefield let alone a HGV. The air pollution levels are disgusting at present always a stench in the air. The noise currently is scaring local animals lots of dogs can't pass the current sites and lots of dog walkers use the rawholdings road to walk.

Comments for Planning Application 0861/MSC/22

Application Summary

Application Number: 0861/MSC/22

Address: Land At Raw Holdings East Calder

Proposal: Approval of matters specified in conditions of planning permission 0845/P/15 for the erection of 6 houses with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mr David Jenkins

Address: 13 Mansfield place East Calder West lothian EH53 0PP

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I totally object to this there's already to many people from other villages using our doctors or chemist our shops, aswell as all the noise pollution and disruption to our villages THIS NEEDS TO STOP AND WE WILL TRY OUR VERY BEESTNOT LET USE OUR STREET ROAD TO MESS UP RAW HOLDINGS AND OUR ROAD

Comments for Planning Application 0861/MSC/22

Application Summary

Application Number: 0861/MSC/22

Address: Land At Raw Holdings East Calder

Proposal: Approval of matters specified in conditions of planning permission 0845/P/15 for the erection of 6 houses with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mrs Jayne Murphy

Address: 52 Langton grove East Calder Eh530bf

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Object

Comments for Planning Application 0861/MSC/22

Application Summary

Application Number: 0861/MSC/22

Address: Land At Raw Holdings East Calder

Proposal: Approval of matters specified in conditions of planning permission 0845/P/15 for the erection of 6 houses with associated works

Case Officer: Matthew Watson

Customer Details

Name: Yvonne McDermott

Address: 211 Mansefield East Calder West Lothian EH53 0JJ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I live at the last entry/exit point which is a cul-de-sac, adjacent to the Raw where these new houses are to be constructed. This will cause untold noise, vehicular congestion, current road deterioration as there is only one road in or out. Disturbance to the contaminated land will cause many others issues which will affect health of residents and surrounding wildlife. Seven Wells, Mansefield Lea and the new Mansefield council houses all constructed in the last year have caused enough noise, parking issues and has limited driving access as it is. I strongly object to this application

Comments for Planning Application 0861/MSC/22

Application Summary

Application Number: 0861/MSC/22

Address: Land At Raw Holdings East Calder

Proposal: Approval of matters specified in conditions of planning permission 0845/P/15 for the erection of 6 houses with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mrs Jennifer Macdonald

Address: 19 Langton Grove East Calder EH53 0bf

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Concerned at suitability of access road for construction traffic and land contamination.

Comments for Planning Application 0861/MSC/22

Application Summary

Application Number: 0861/MSC/22

Address: Land At Raw Holdings East Calder

Proposal: Approval of matters specified in conditions of planning permission 0845/P/15 for the erection of 6 houses with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mrs Marlynn Nisbet

Address: 12 raw holdings East calder Livingston Eh530hz

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to strongly object to the above planning application for the following reasons;

Our field drains and septic tank soak away run into this old quarry site.

We own the private single track road which has recently been resurfaced and is not suitable for heavy commercial vehicles during construction, never mind the extra volume of traffic 6 dwelling would create.

I have also serious concerns after reading the ground investigation report. The report states that the ground is contaminated and is a high risk to humans, especially the disturbance of asbestos.

I'm concerned regarding my house foundations being disturbed due to vibrations, as this site will require boring and piling works. We live adjacent to this site.

I expect the council to give this matter their full consideration and await to hear from you in due course.

Regards M Nisbet

Watson, Matthew

Subject: RE: PLANNING APPLICATION 0861/MSC/22 - [OFFICIAL]

From: [REDACTED]
Sent: 10 October 2022 17:56
To: Planning <Planning@westlothian.gov.uk>
Cc: John, Carl - Councillor <Carl.John@westlothian.gov.uk>; 'Peter Williamson' [REDACTED]
Subject: PLANNING APPLICATION 0861/MSC/22

Dear Mr Watson

As representatives of residents of Raw Holdings we wish to inform you that this proposed application has no right of access to Private Road at Raw Holdings. This being the case no planning application should be granted.

Please confirm receipt of this email.

Regards

John McGill
27 Raw Holdings
East Calder
EH53 0JA

Carl John
25 Raw Holdings
East Calder
EH53 0JA

Peter Williamson
15 Raw Holdings
East Calder
EH53 0JA

Mr & Mrs James Nisbet
12 Raw Holdings
East Calder
EH53 0HZ

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

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Comments for Planning Application 0861/MSC/22

Application Summary

Application Number: 0861/MSC/22

Address: Land At Raw Holdings East Calder

Proposal: Approval of matters specified in conditions of planning permission 0845/P/15 for the erection of 6 houses with associated works

Case Officer: Matthew Watson

Customer Details

Name: Mr kenny ireland

Address: 11 raw holdings east calder Livingston EH53 0HZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Kenny & Janet Ireland

11 Raw Holdings

East Calder

EH53 0HZ

Dear sirs.

We were somewhat surprised to receive a neighbour notification for 0845/P/15 as we had a letter from Wendy McCorriston of WLDC in June 2022

Informing us that planning permission had been refused with the options of applying to the LRB or the Scottish government.

Possibly some clarity on this would be helpful for any future applications

Our position on this application has not changed in that we carry the same objections as before with the added problem with the remediation work required

Having read the SI report on this site it would need substantial remediation work to allow building to progress , has anyone accurate information as to the volume of material needing to be removed and replaced , this is a very simple calculation (possibly

With WLDC closing both the alternative access routes (travelling north & south on old road that was designated as route 75 (without any discussion or prior notification to any land owners or residents of Raw Holdings) It leaves only one option , moving East on the private road ,which has

recently at considerable cost been resurfaced

This road has never been adopted by the council as it doesn't meet the conditions required , no footpath/no streetlights/no road markings

The council are fully aware of access issues to this site with Mansfield being the only available route .

We have been using Mansfield to leave and return to our home and business premises in Raw Holdings for several months now.

It's regularly a nightmare especially when driving the tractor with or without a trailer due to the cars, vans and a caravan parked inconsiderately on the road

How are trucks that can weigh up to 28tons going to cope with this , and how can the council expect the residents in Mansfield to accept this disturbance to their lifestyle , plus worrying about the local children playing along with all the surrounding kids who access the 2 primary schools in the village walking through Mansfield ??

Why can't , (as suggested in the previous application) use be made of the road between plot 82 & 83 on the Persimmon site

Regards

Kenny Ireland

Watson, Matthew

Subject: RE: Planning Application 0861/MSC/22, Raw Holdings, East Calder - [OFFICIAL]

From: Stephen Hunter [REDACTED]
Sent: 13 October 2022 22:05
To: Planning <Planning@westlothian.gov.uk>
Subject: Planning Application 0861/MSC/22, Raw Holdings, East Calder

Dear Sir/Madam,

We wish to object to the above planning application for a number of reasons:

Firstly, the possibility of contaminated soil, with a 'high risk' to human health, finding its way into residential areas. Even if no material is being removed from the site, it is almost inevitable that soil from the site will be deposited from HGV tyres and will then be blown into gardens and public areas.

Secondly, I have seen no evidence that the developers have a legal right to use the narrow private road at Raw Holdings, which we are responsible for maintaining along with other residents. The assumption that six houses would collectively have the same liabilities as the single smallholding previously on the site sounds extremely dubious.

HGVs travelling through a quiet residential area would be highly disruptive, not to mention dangerous to children and other pedestrians.

(I attempted to send this objection online, but was unsuccessful. I'm unsure if the deadline has passed.)

Yours faithfully,
 Stephen and Linda Hunter
 24 Raw Holdings
 East Calder
 EH53 0JA

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OFFICIAL: Contains information for council staff only
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Development Management

WEEKLY LIST OF APPLICATIONS RECEIVED

☒ LOCAL MEMBER REQUEST FORM ☒

Weekly List for the week commencing

12 th September 2022

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

3 rd October 2022

PLEASE NOTE:

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

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

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

<p>Action Required (please tick ✓)</p> <p><input type="checkbox"/> Contact me to discuss these proposals</p> <p><input type="checkbox"/> Refer this application to the Development Management Committee</p> <p><input type="checkbox"/> Other (please specify)</p>	<p>Application Number</p> <p>0861/MSC/22</p> <p>.....</p> <p>Member Cllr Carl John</p> <p>.....</p> <p>Signed Jackie Conquer</p> <p>.....</p> <p>Dated 23/9/22</p> <p>.....</p>
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My reasons for this action are:

Approval of matters specified in conditions of planning permission 0845/P/15 for the erection of 6 houses with associated works

Development Management Committee

15 March 2023

0768/MS/22

Approval of matters specified in conditions of planning permission 0845/P/15 for the erection of 6 houses with associated works

Land at Raw Holdings / East Calder







**West Lothian
Council**

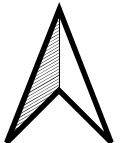
0861/MSC/22 - Land at Raw Holdings - East Calder

Development Management - West Lothian Civic Centre - EH54 6FF

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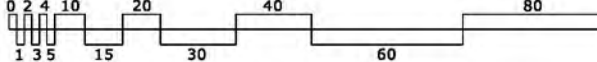
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ADJACENT DEVELOPMENT TO
BE UNDERTAKEN BY
PERSIMMON HOMES

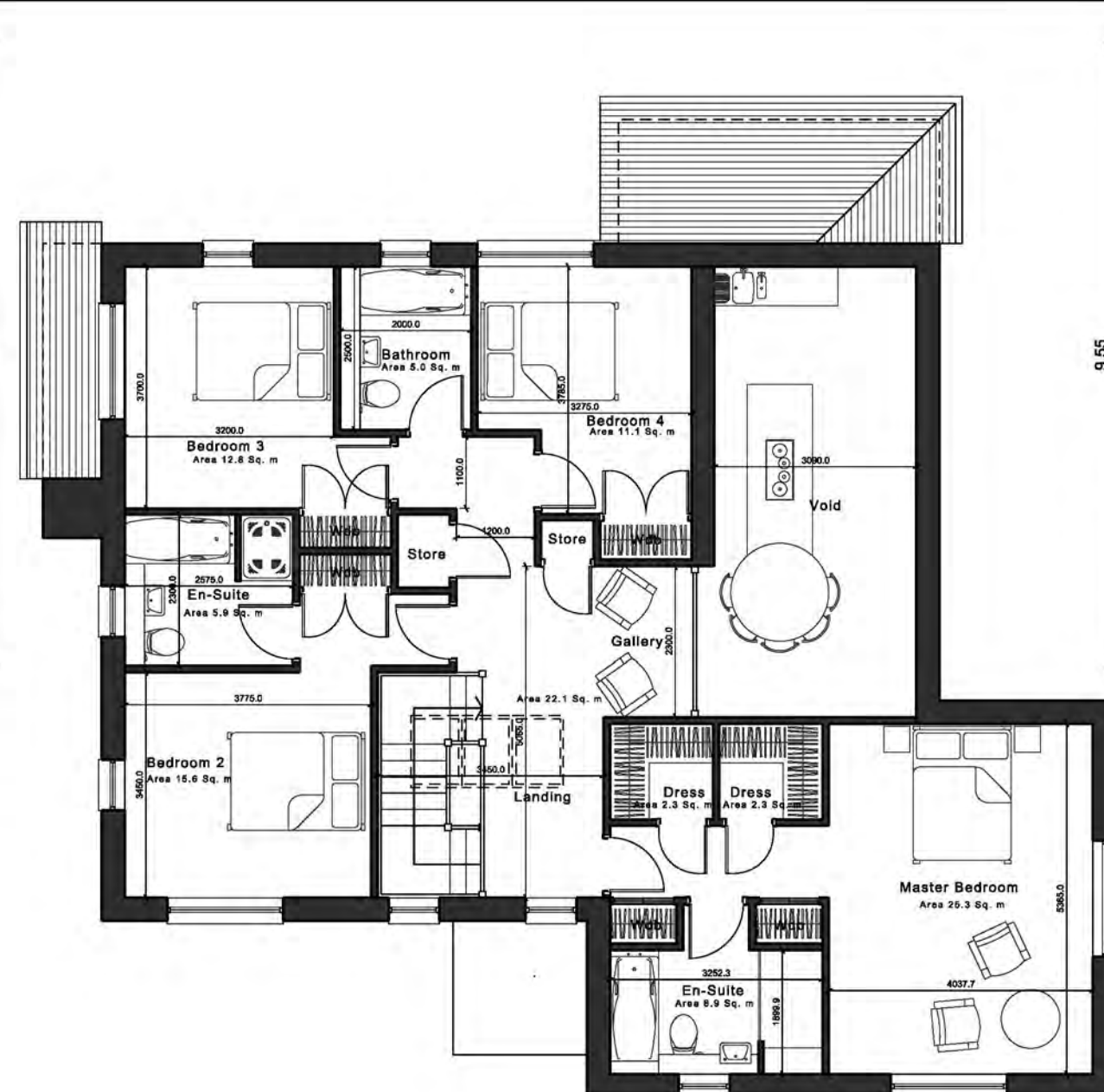
REVA	Aug 22	ER	General update
REV.	DATE	DRAWN	DESCRIPTION
REVISIONS			
			
CLIENT: JB Developments			
JOB: Proposed housing development			
Raw Holdings, East Calder			
DRAWING: Site Plan			
DRAWN	JOB NO 0016	DR NO PL-5-04	
DATE Nov 21	REVA	SCALE 1:250	



ROBERTSON ARCHITECTURE & DESIGN



4 House Type A
1:100 Side 2 Elevation



5 House Type A
1:100 First Floor Plan



6 House Type A
1:100 Side 1 Elevation



3 House Type A
1:100 Ground Floor Plan

ROBERTSON ARCHITECTURE & DESIGN

Project: 6 No. New dwellings to Raw holdings, East Calder

Client: JB Developments

HOUSE TYPE A - GIFA

GROUND -	154	SQM
FIRST-	120	SQM
TOTAL	274	SQM



ACCOMODATION SCHEDULE

GROUND FLOOR:	Sqm	Sqft	FIRST FLOOR	Sqm	Sqft
Drawing room	29.5	317.5	Master Bedroom	25.3	272.3
Kitchen	32.3	347.7	Dress	2.3	24.8
Utility	8.4	90.4	Dress	2.3	24.8
Family / Dining	23.6	254.0	En-suite	6.9	74.3
Study	7.5	80.7	Bedroom 2	15.6	167.9
Play	5.4	58.1	En-suite	5.9	63.5
Guest Bedroom	11.3	121.6	Bedroom 3	12.8	137.8
Bathroom	5.7	61.4	Bathroom	5.0	53.8
			Bedroom 4	11.1	119.5
Total	123.7	1331.5	Total	87.2	938.6

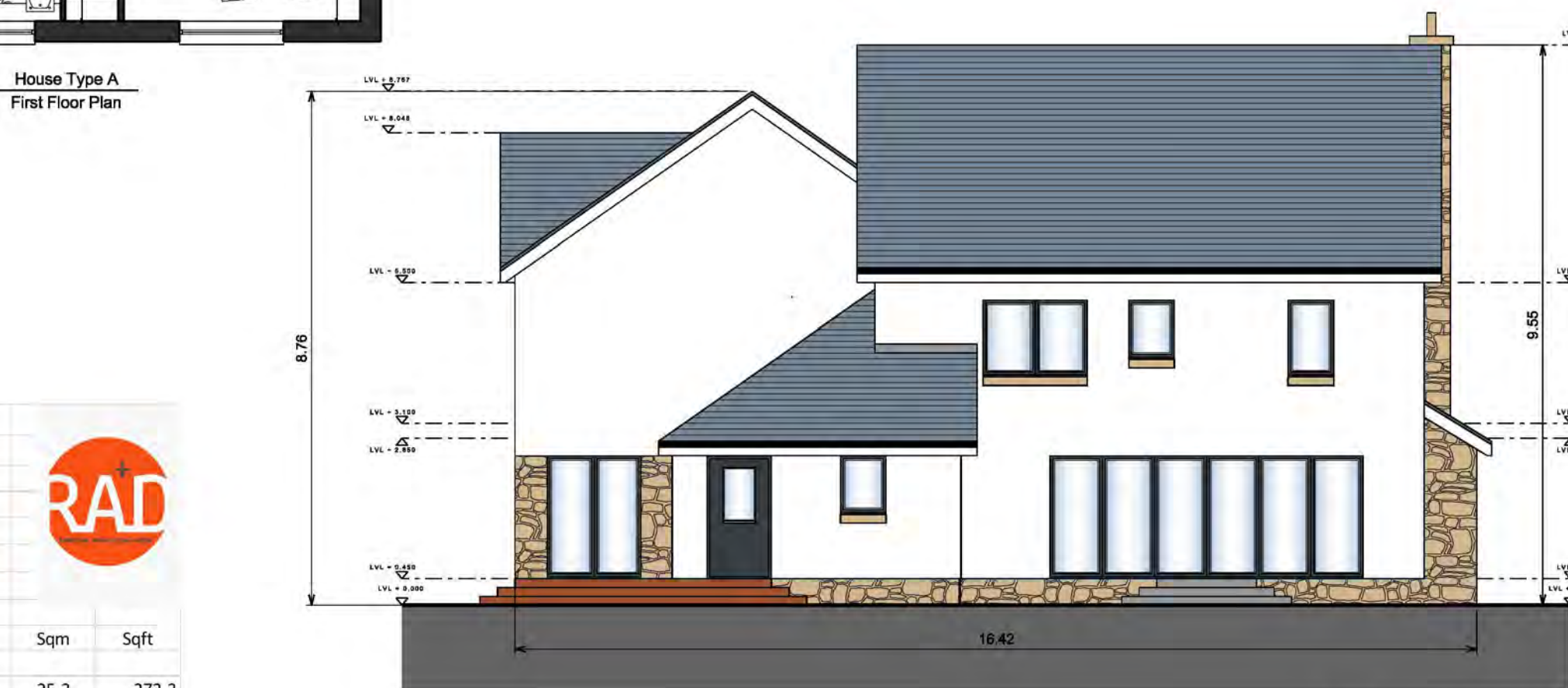
TOTAL	SQM	SQFT
	210.9	2270.1

MATERIAL SPECIFICATION

- 'Eternit Cedral wood lap' composite cladding boards colour as per elevations
- 'K Rend' Wet Dash render colour white
- Aluclad timber windows colour RAL 7016
- 'Cupa Heavy 3' natural slate
- Scottish coursed sandstone
- 'Rhein zinc' zinc cladding system
- RW goods to be black
- Eaves, fascias and bargeboards treated sw timber



2 House Type A
1:100 Front Elevation



7 House Type A
1:100 Rear Elevation

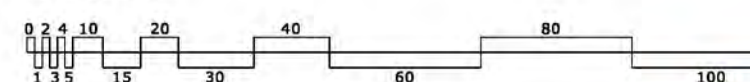


1 Site Plan
1:1000 Showing house type locations

REV A Dec 22 ER Elevations simplified

REV. DATE DRAWN DESCRIPTION

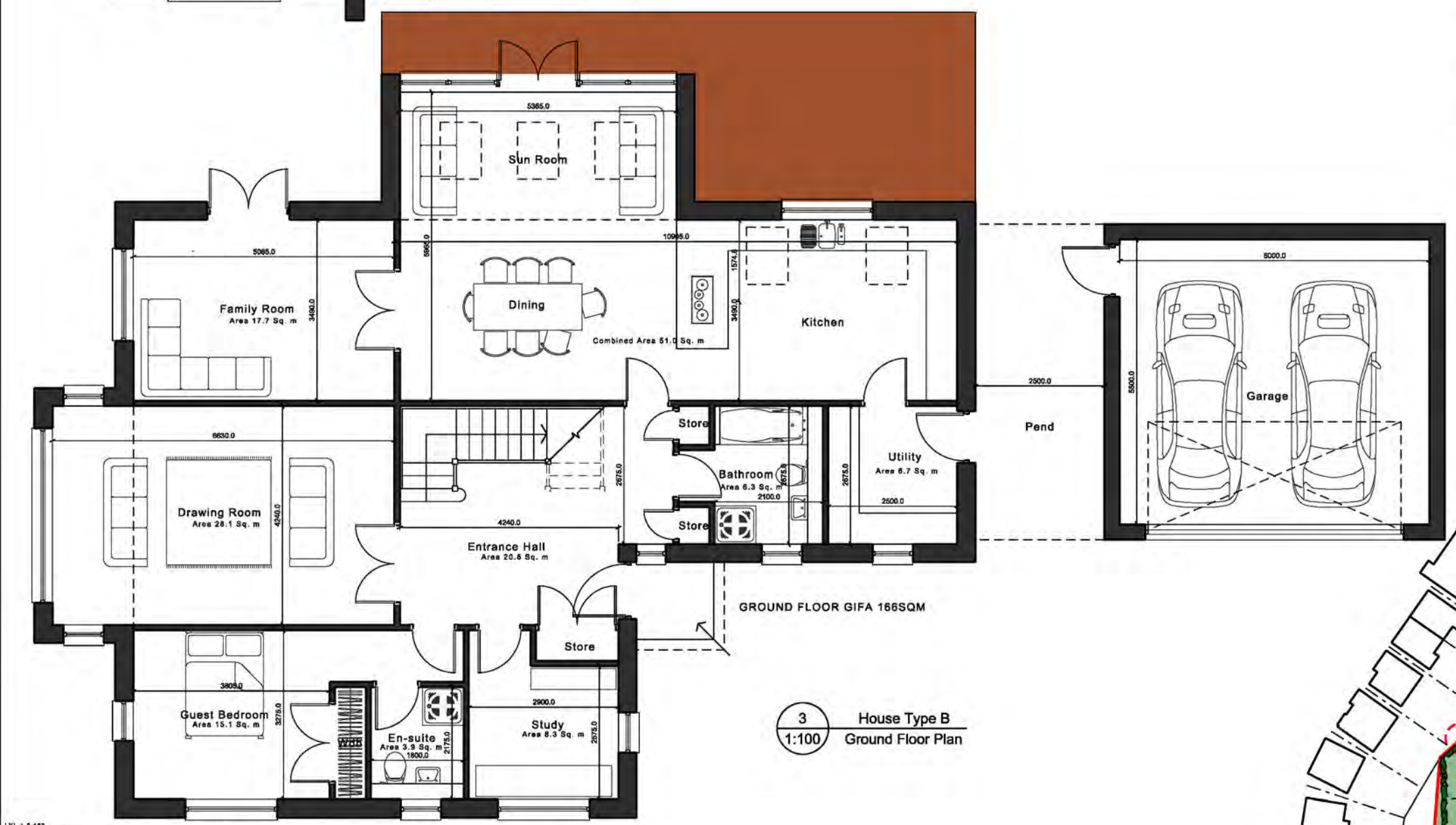
REVISIONS



CLIENT: JB Developments
JOB: Proposed housing development
Raw Holdings, East Calder
DRAWING: Proposed House type A
DRAWN: JOB NO 0016 DR NO PL-A-01
DATE Nov 21 REV A SCALE 1:100



ROBERTSON ARCHITECTURE
& DESIGN



ROBERTSON ARCHITECTURE & DESIGN

Project: 6 No. New dwellings to Raw holdings, East Calder
Client: JB Developments

HOUSE TYPE B - GIFA

	GROUND -	166	SQM
	FIRST-	137	SQM
	TOTAL	303	SQM

ACCOMODATION SCHEDULE

	Sqm	Sqft	FIRST FLOOR	Sqm	Sqft
Drawing room	28.1	302.5	Master Bedroom	22.9	246.5
Kitchen/dining/Sun	51.0	549.0	Dress	7.2	77.5
Utility	6.7	72.1	En-suite	6.4	68.9
Family	17.7	190.5	Play	9.5	102.3
Study	8.3	89.3	Bedroom 2	15.5	166.8
En-suite	3.9	42.0	Jack & Jill	7.4	79.7
Guest Bedroom	15.1	162.5	Bedroom 3	13.6	146.4
Bathroom	6.3	67.8	Bedroom 4	14.9	160.4
			En-suite	4.2	45.2
			Dress	4.2	45.2
Total	137.1	1475.7	Total	105.8	1138.8
TOTAL		SQM		SQFT	
		242.9		2614.5	



MATERIAL SPECIFICATION

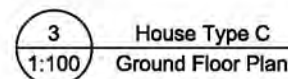
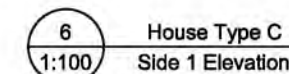
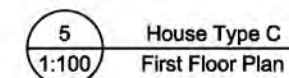
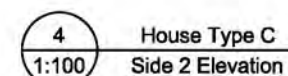
- 1- 'Eternit Cedral wood lap' composite cladding boards colour as per elevations
- 2- 'K Rend' Wet Dash render colour white
- 3- Aluclad timber windows colour RAL 7016
- 4- 'Cupa Heavy 3' natural slate
- 5- Scottish coursed sandstone
- 6- 'Rhein zinc' zinc cladding system
- 7- RW goods to be black
- 8- Eaves, fascias and bargeboards treated sw timber

CLIENT: JB Developments
JOB: Proposed housing development
Raw Holdings, East Calder
DRAWING: Proposed House type B
DRAWNER: JOB NO 0016 DR NO PL-B-01
DATE Nov 21 REV A SCALE 1:100

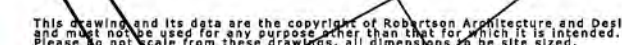
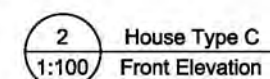
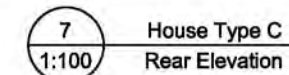


ROBERTSON ARCHITECTURE & DESIGN

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	Total	124.3	1337.8		Total	112.1	1206.6
				SQM	SQFT		
				236.4	2544.5		
		TOTAL					

ROBERTSON ARCHITECTURE
& DESIGN











DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Alteration and extension to house, erection of a garden studio, the installation of low carbon equipment and landscaping at 3D Union Road, Linlithgow, West Lothian, EH49 7DY

2 DETAILS

Reference no.	1133/H/22	Owner of site	Mrs. Catherine Kelly
Applicant	Mrs. Catherine Kelly	Ward & local members	Livingston South Councillor Tom Conn Councillor Pauline Orr Councillor Sally Pattle
Case officer	Lucy Hoad	Contact details	01506 282560 lucy.hoad@westlothian.gov.uk

Reason for referral to Development Management Committee: Objection by community council

3 RECOMMENDATION

3.1 Grant planning permission, subject to conditions

4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 This revised application seeks consent to alter and extend the property at 3D Union Road at the rear elevation in order to provide additional and expanded living accommodation. The rear extension is to be split level to take account of the sloping nature of the site. The flat roof additions will be single storey and project out below the upper floor window sill level. This is a revised design following withdrawal of an earlier application 0591/H/22.
- 4.2 The external finishes are to be vertical timber cladding and single ply roof membrane. At the lower level (north end) of the garden an outbuilding with low pitch roof is also to be erected for use as a home office. The garden ground will be re landscaped to provide terraces and improve access to the garden which is uneven and steeply sloping.
- 4.3 The application site is a modern detached dwelling constructed of render and tile erected as an infill development within a narrow strip of land forming part of the medieval rigg system of the town. Together with adjacent properties of a traditional design (stone/slate,) the house is situated along a narrow road that runs parallel to the main railway line, and south of the main High Street, within the Conservation Area of the settlement boundary of Linlithgow, as defined in the West Lothian Local Development Plan, 2018. The site falls within the buffer zone of the Palace and Peel (Scheduled Ancient Monument).

- 4.4 The front area of the dwelling is short/enclosed in nature whilst the rear garden is a long narrow strip of land bounded by a mixture of wall, timber fencing and shrubbery. The land slopes down steeply from the dwelling (south) to the rear/north.

History

- 4.5 LIVE/0196/FUL/03 - Consent granted for a dwelling house at 3-4 Union Road, Linlithgow, 22.05.2003

EIA Development

- 4.6 The proposal is not EIA development.

Equalities Impact

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

5. REPRESENTATIONS

- 5.1 Five objections have been received including from Linlithgow and Linlithgow Bridge Community Council, Linlithgow Civic Trust and surrounding residents.

Objection Comments	Response
<ul style="list-style-type: none"> Impact on historic town rigg layout 	The principle of development of the site was accepted at the time of the consent of the dwelling house. The works are contained within the narrow strip of the application site. The proposed development will require earthworks, but some of the land has been previously disturbed. An archaeological condition is recommended.
<ul style="list-style-type: none"> Town Cramming/Overdevelopment of the plot 	In respect of the layout, the combined footprint of the development within the site will not result in overdevelopment of the plot. There is ample amenity space remaining.
<ul style="list-style-type: none"> Design/impact on Conservation Area and outlook, character and setting of historic Palace and Peel 	The style of development is contemporary in nature with use of sustainable materials and technologies in construction. The development is split level to take account of the ground slope. The mass and scale of the proposed development does not overload the existing building nor adversely impact the character and appearance of the Conservation Area. The small-scale nature of the development does not impact on the outlook, character or setting of the SAM Palace and Peel.
<ul style="list-style-type: none"> Loss of privacy/overlooking 	There is an existing degree of mutual overlooking between existing properties and the proposals do not exacerbate the current situation. There is boundary screening between properties which includes walls and mature vegetation. A condition can be applied to ensure that the extensions are not used as a roof terrace.
<ul style="list-style-type: none"> Overshadowing 	Considering the context of the site and orientation of the sun there are no significant overshadowing issues.

<ul style="list-style-type: none"> Archaeological deposits 	The archaeologist has reviewed the proposals and has no objection to the development. A condition can be applied to ensure a watching brief is undertaken in respect of the proposed groundworks.
<ul style="list-style-type: none"> Disruption. Access and parking for construction traffic and delivery of materials 	The Roads Officer has reviewed the proposals and has no objection or comments on the development.

6. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
WLC Roads & Transportation	No	None	Noted.
WLC Environmental Health	No	Conditions in respect of noise, construction traffic and working hours	Noted. Relevant conditions can be imposed.
West of Scotland Archaeology	No	Archaeological mitigation in the form of a watching brief given the location of the site within the historic core of the town/medieval rigg system	Noted. A condition can be imposed.

6.2 The community council considered HES should be consulted on the development as it lies within the rigg system of the Conservation Area and within the SAM Palace and Peel buffer zone. However, due to the small-scale nature of the proposal relating to an unlisted building this was not necessary in this instance.

7. PLANNING POLICIES

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

7.2 The development plan comprises National Planning Framework 4 (NPF4) and the West Lothian Local Development Plan.

7.3 The relevant development plan policies are listed below:

Policy	Policy Summary	Assessment	Conform ?
National Planning Framework 4 Policy 7 (Historic Assets and Places)	Development proposals will be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Consideration is to be given to architectural, historic character of the	The house is a modern development within an infill plot. The use of timber and glazing as external finishes can be supported in the Conservation Area in a contemporary design provided the material is of high quality. The quality of material can be controlled via condition to ensure the timber is from a sustainable source and appropriately treated.	Yes

	<p>area, existing density, built form and layout as well as context and siting, quality of design and suitability of materials. When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.</p>	<p>The ground was subject to previous disturbance in the construction of the dwelling house where archaeological works were undertaken. As further earthworks are proposed a condition in the form of a watching brief is necessary given the potential for further finds.</p>	
<p>National Planning Framework 4 Policy 16 (Quality Homes)</p>	<p>Householder development proposals will be supported where they do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.</p> <p>Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.</p>	<p>In respect of design, the mass and scale of the proposed development are visually acceptable.</p> <p>The assessment of any potential impact on properties is set out in Section 8 below.</p> <p>In line with climate change adaption measures, the development utilizes sustainable technologies in design such as ASHP for the main dwelling and solar panels on the outbuilding.</p>	Yes
<p>West Lothian Local Development Plan (LDP) (2018) Policy DES1 (Design Principles)</p>	<p>This policy states that development needs to integrate with its context and the surrounding built form and have an acceptable impact on amenity.</p>	<p>In respect of design, the mass and scale of the proposed development are visually acceptable.</p> <p>The assessment of any potential impacts on neighbouring properties is set out in Section 8 below</p>	Yes

West Lothian Local Development Plan (LDP) (2018) Policy ENV25 (Linlithgow Palace and Peel High Street Riggs)	For development within 800m of the Palace and Peel, the policy requires an assessment of potential impacts on the amenity, outlook, character or setting of the Palace and Peel at Linlithgow. The policy allows for developments which are small scale and are ordinarily incidental to the enjoyment or use of the principal property.	<p>The proposals are small scale in nature being incidental to the use of the principal property.</p> <p>The development is contained within the boundary of the application site/strip of land.</p> <p>Given the topography of the wider area, and the context of the site within the street scape, there are no adverse impacts on the outlook, character or setting of the Palace and Peel due to intervening screening.</p>	Yes
West Lothian Local Development Plan (LDP) (2018) Policy ENV32 Archaeology	This policy requires that the development shall afford the opportunity to assess the potential for encountering archaeological deposits and record them in situ.	The site forms part of medieval rigg system and a watching brief is recommended to provide the opportunity to review and record any sub soil finds during excavation works.	Yes

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

8. ASSESSMENT

8.1 The determining issues in respect of this application are whether there are impacts from the development on the visual or residential amenities of area, and historic or cultural heritage assets.

Scale and Design

8.2 In respect of plot layout, the footprint of the existing house is 85sqm. The footprint of the extension is an additional 58sqm. The footprint of the outbuilding is 28sqm. Combined this adds to 171sqm. The size of the plot is 803.4sqm. It is not considered that the proposals would lead to overdevelopment of the plot.

8.3 This is a revised design following withdrawal of an earlier application 0591/H/22. The applicant has scaled back the overall size of the development with a reduction in the width and depth of additions. In respect of design, the house is of a modern style (infill development) and the style of the extensions (split level) are contemporary in nature, with use of sustainable materials (timber) in construction. The external finishes compliment the main building. Whilst the neighbouring buildings are traditional in design (stone/slate) displaying later rear additions, the applicant has sought to keep the proposed extensions to No3b at a subservient mass and scale using a cascading technique to take advantage of the topography, in order to avoid/minimize any potential issues arising with regard to neighboring amenity. The works will provide additional accommodation for the property to include a home office in the outbuilding. There is ample garden ground remaining within the site.

- 8.4 Several public comments have been received to the proposals including the community council and civic trust. Whilst the development will be partially visible to neighbouring properties, it is tucked to the rear of the dwelling and will be screened from the public road to the front of the dwelling. There will be no adverse impact to the character and appearance of the wider area including the High Street due to intervening buildings providing screening.
- 8.5 Overall, the proposals are visually acceptable, without having a detrimental impact on the wider street scene or Conservation Area.
- 8.6 The views into the application site from the Palace and Peel are restricted due to vegetation and the topography of the townscape with rows of buildings rising from the loch (north) to the application site (south). Consequently, there will be no adverse impact from this small-scale development on the outlook, character or setting of the scheduled ancient monument.

Neighbouring amenity

- 8.7 The existence of boundary screening between the neighbouring properties is sufficient to prevent an adverse impact to neighbours in terms of privacy. There is an existing degree of mutual overlooking of neighbouring properties in the street and the proposals do not exacerbate the current situation to a degree that would warrant refusal of the application. A condition is advised to ensure that the roof terraces are not used as a balcony or roof garden.
- 8.8 The main building is of a similar height and width as the existing neighbouring properties. Considering the context of the site and the orientation of the sun there will be no significant impact in terms of additional overshadowing to neighboring properties. The cascade design proposed to include use of single storey and basement extensions will result in the overall height of the development being lower than that of the immediate neighbours' rear projections.
- 8.9 The development incorporates the use of sustainable technologies such as the installation of an air source heat pump to be sited at ground level adjacent to the gable of the main house and solar panels to the south facing roof plane of the outbuilding. The council supports the use of renewable technologies in development providing that visual amenity within the Conservation Area and residential amenities are protected. The works will not have an adverse impact on the character and appearance of the Conservation Area. The Environmental Health Officer has no objections to the development. Conditions are advised in respect of the operation of the ASHP to ensure any sound emissions from the equipment are reduced/minimized.
- 8.10 Concerns were raised in respect of traffic, parking and noise during the construction period. The Roads & Transportation Officer has reviewed the proposals and has no objection to the development nor requires any traffic management plan during works. The Environmental Health Officer has no objection to the works. Conditions can be applied to any consent to ensure hours of operation during the construction phase are restricted to appropriate times for the duration of works.

9. CONCLUSION AND RECOMMENDATION

- 9.1 To conclude, the scale, massing and materials of the proposed development are visually acceptable in relation to the main dwelling house. The proposal will not have an adverse impact on the visual amenity of the street scene nor the wider Conservation Area. Subject to appropriately worded conditions the development will not have an adverse impact on residential amenities.

- 9.2 Due to the topography of the townscape and intervening screening from mature vegetation the proposal will not have an adverse impact on the outlook, character or setting of the Palace and Peel (SAM).
- 9.3 It is recommended that planning permission be granted, subject to conditions in respect of visual, environmental and residential amenities and the use of the outbuilding.

10. BACKGROUND REFERENCES & ATTACHMENTS
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- Draft Conditions
- Location Plan
- Site Plan
- Elevations
- Floor Plans
- 5 Representations

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

Craig McCorriston

Head of Planning, Economic Development and Regeneration Date: 15/03/2023

Draft Conditions

Condition 1

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

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

Condition 2

No development shall commence before details of the proposed finished floor levels; ridge and eaves heights of the extension and outbuilding hereby approved have been submitted to and approved in writing by the Planning Authority. The submitted levels details shall be measured against a fixed datum point. The development shall be carried out as per the approved details.

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

Condition 3

The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Planning Authority.

Reason: To protect the residential amenity of neighbouring properties.

Condition 4

Samples of the exterior materials to be used for the extensions and outbuilding hereby approved shall be made available on site for the prior approval of the planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual and environmental amenity.

Condition 5

No development shall commence before a scheme of landscaping, phased in relation to any phasing of the development, which shall include details of both hard and soft landscape works and earthworks, has been submitted to, and approved in writing by, the Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Planning Authority gives prior written permission for any variation.

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

Condition 6

The ASHP (Grant's Aeron 13R32 13kW) shall be installed as per the approved specification and shall be isolated from the ground and placed on anti-vibration mounts. No other model of ASHP shall be installed without the prior consent of the Planning Authority.

Reason: To protect residential amenity of neighbouring properties

Condition 7

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

Reason: To protect residential amenity of neighbouring properties

Condition 8

Any goods vehicles shall not arrive or leave the site except between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on a Saturday. No heavy goods vehicles shall arrive or leave the site on a Sunday.

Reason: To protect residential amenity of neighbouring properties

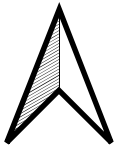
Condition 9

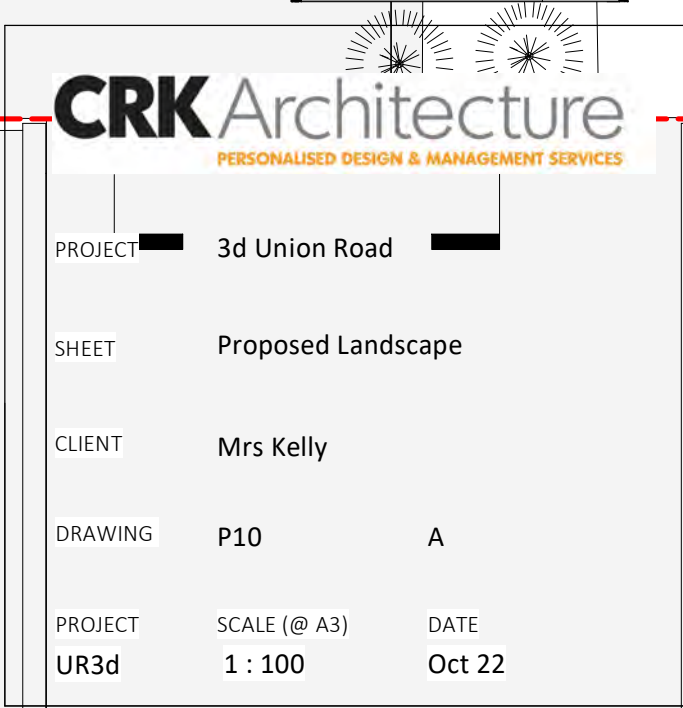
The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences. Reason: In the interest of preservation of cultural assets.

Condition 10

The accommodation hereby approved shall be ancillary to the main house and used solely for purposes incidental to the enjoyment of the main house. The accommodation shall not be used for commercial purposes and shall not be sold, rented or otherwise disposed of separately from the main house.

Reason: To ensure that the property is not sold or let separately, in the interest of residential amenity.







South
1 : 100



West
1 : 100

Windows + doors - triple glazed Aura Plus by
Rational or eq colour matt black

Walls -Timber cladding Scottish Larch or eq

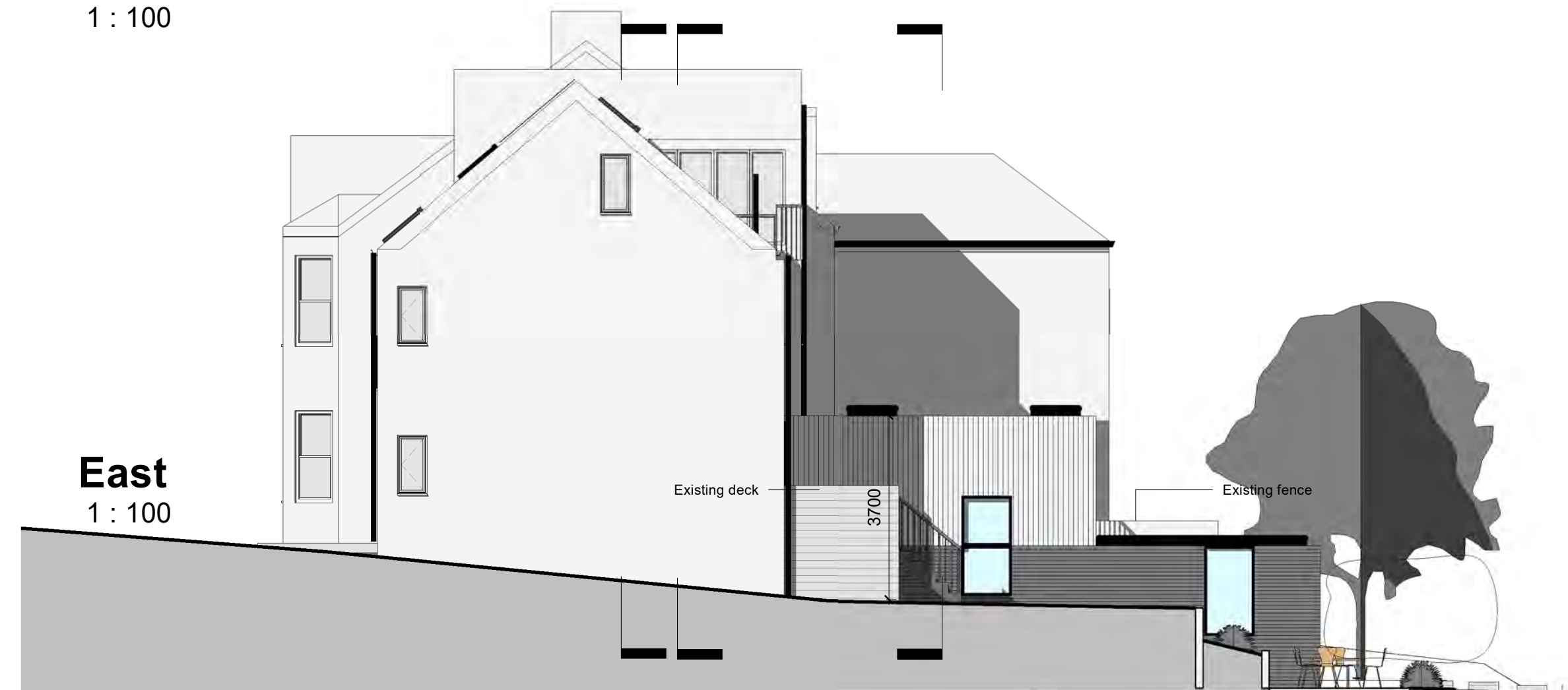
CRKArchitecture
PERSONALISED DESIGN & MANAGEMENT SERVICES

PROJECT	3d Union Road	
SHEET	Proposed Elevations	
CLIENT	Mrs Kelly	
DRAWING	P04	C
PROJECT	SCALE (@ A3)	DATE
UR3d	1 : 100	Nov 22



North
1 : 100

Walls -Timber cladding Scottish Larch or eq
Windows + doors - triple glazed Aura Plus by
Rational or eq colour matt black

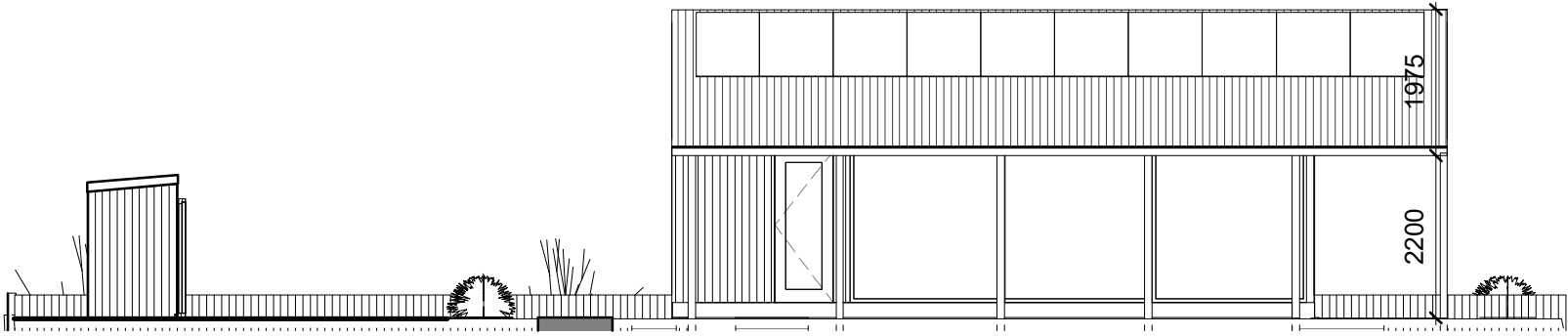
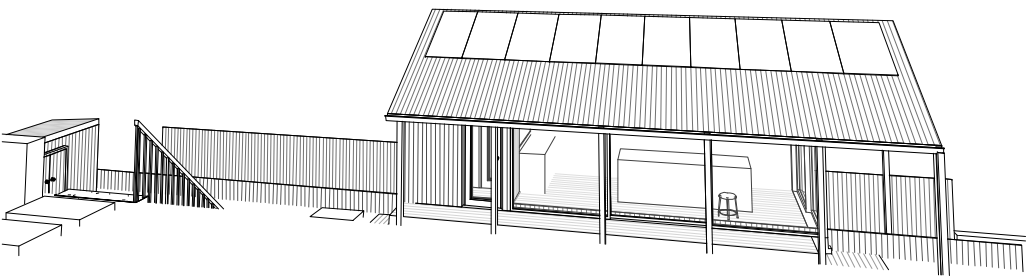
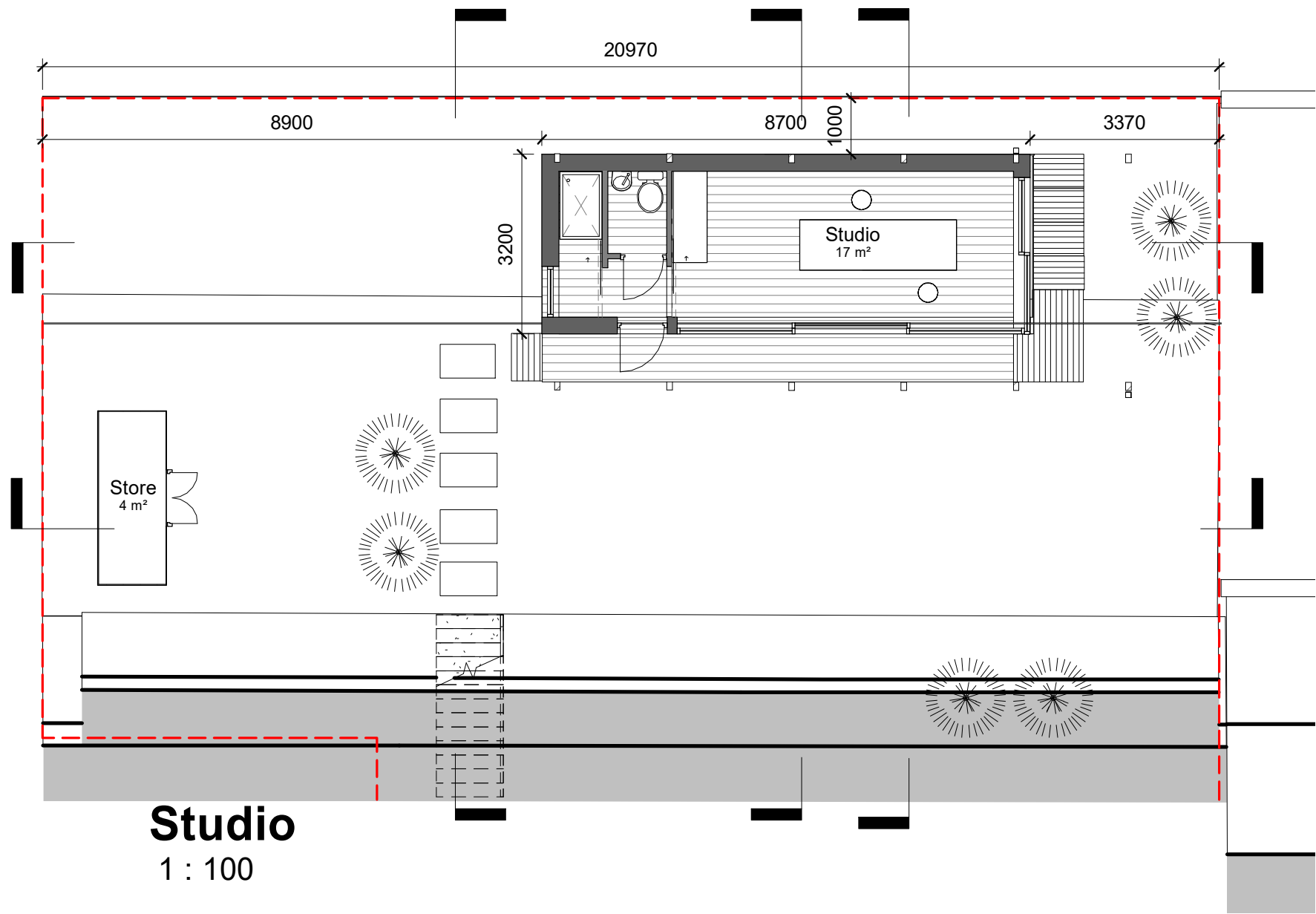


East
1 : 100

CRKArchitecture

PERSONALISED DESIGN & MANAGEMENT SERVICES

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SHEET	Proposed Elevations	
CLIENT	Mrs Kelly	
DRAWING	P05	C
PROJECT	SCALE (@ A3)	DATE
UR3d	1 : 100	Nov 22



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PERSONALISED DESIGN & MANAGEMENT SERVICES

PROJECT 3d Union Road

SHEET Proposed Terrace

CLIENT Mrs Kelly

DRAWING P08

A

PROJECT

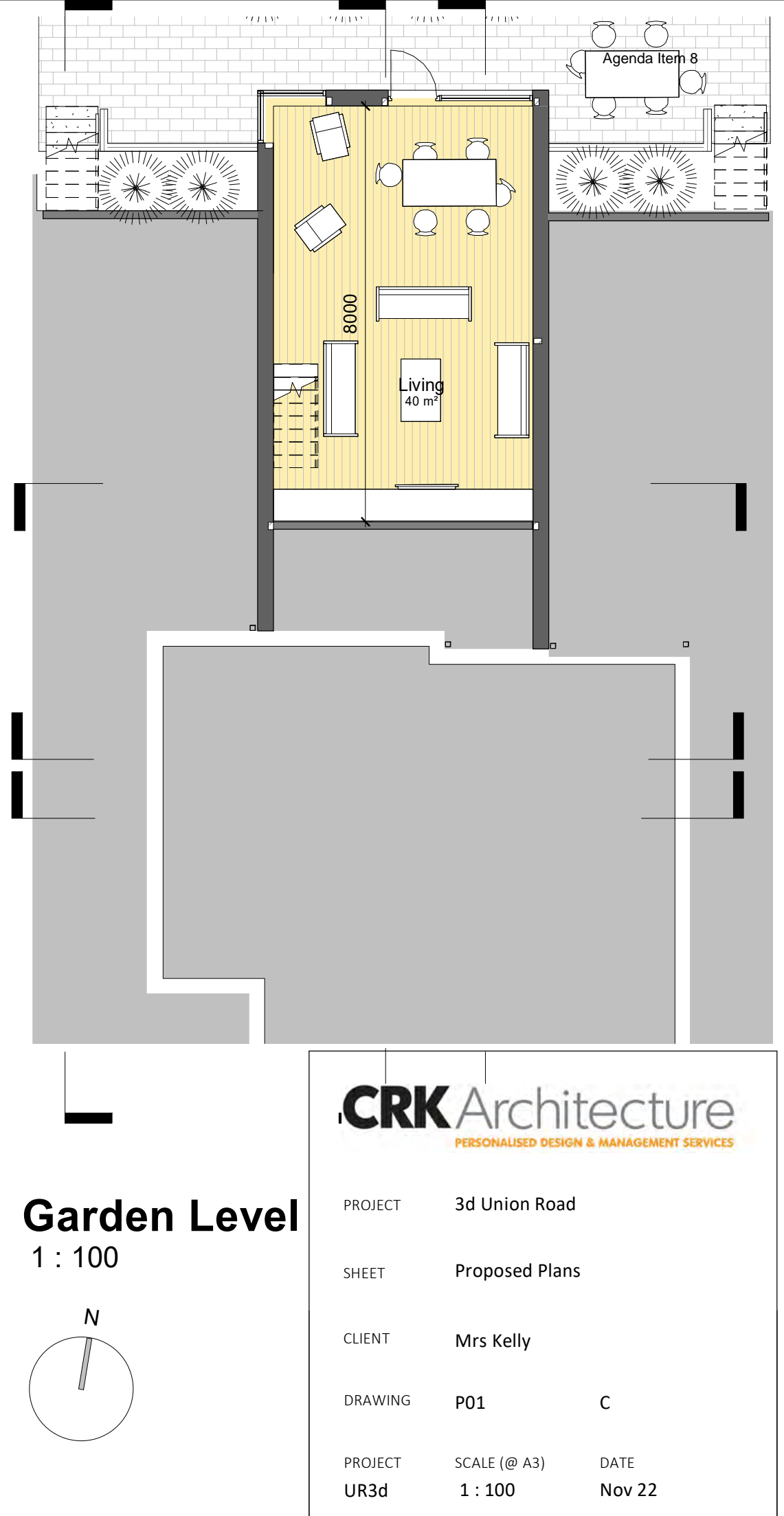
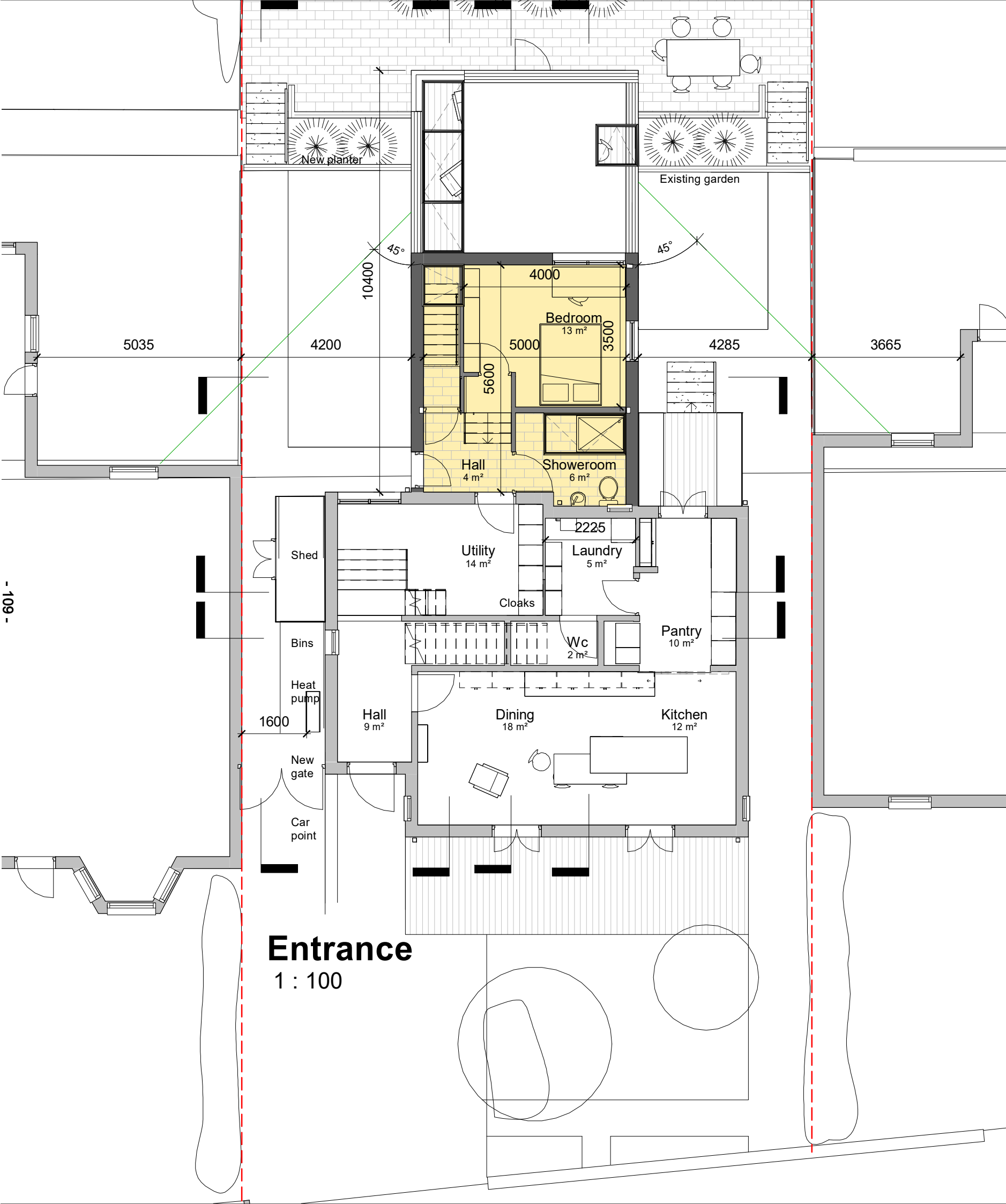
SCALE (@ A3)

DATE

UR3d

1 : 100

Oct 22



CRK Architecture
PERSONALISED DESIGN & MANAGEMENT SERVICES

PROJECT 3d Union Road

SHEET Proposed Plans

CLIENT Mrs Kelly

DRAWING P01 C

PROJECT UR3d
SCALE (@ A3) 1 : 100
DATE Nov 22

Comments for Planning Application 1133/H/22

Application Summary

Application Number: 1133/H/22

Address: 3D Union Road Linlithgow West Lothian EH49 7DY

Proposal: Extension and alterations to house

Case Officer: Lucy Hoad

Customer Details

Name: Mrs Amanda Brown

Address: 3A Union Road Linlithgow EH49 7DY

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: 23/12/22

I refer to the above planning application which is presently before your committee for consideration. I reside at 3a Union Road and have concerns.

The main issue is that we are within a Conservation Area. I still have concerns that the application is not compatible with the terms of the Conservation Area. Should the application be granted without seeking recourse to the terms of the Conservation Area, this would create a dangerous precedent for future applications.

A contentious issue for me is with regards to access. As I stated in my previous objection (ref: 0591/H/22), Union Road is not conducive to building work. It is an extremely narrow road and during the original build, we were subjected to substantial dirt and grime from plant, machinery and vehicles. We were denied access to and from our property on several occasions because of tradesman and their vans. This had a significant impact on both our personal and professional lives.

Mr Kelly has advised my husband that access for the build will not be from Union Road. He plans to rely on the car park of Stuart House, Linlithgow High Street, to access to the rear of his property. It concerns me that access to the car park at Stuart House is extremely limited, through a small underpass. Vehicular access to the car park is limited. I would challenge the relevant plant, machinery, vehicles and materials would be capable of accessing this car park.

Mr Kelly will be aware that on 9 November 2022, the residents of 3a,b & c were horribly impacted when a transit van crashed into our perimeter wall whilst attempting to navigate the road in its current state. The incident denied us access to our properties and created thousands of pounds worth of damage. We were fortunate that no one was injured and that a stone mason was able to attend quickly.

Officers from Police Scotland were required to attend to prevent access to the area on public safety grounds, to ensure no member of the public was hurt with falling masonry. The perimeter

wall itself is within the Conservation Area and must be rebuilt like for like which is incurring substantial expense.

Should such damage be caused by an individual vehicle on the road, the potential consequences should significant plant, machinery and building vehicles be using this road should be obvious to the committee.

For this reason, if this is the case, I wish to seek assurances from Mr Kelly that access to his build will not be and cannot be from Union Road but instead from the High Street, at Stuart House as he has implied. Confirmation that this will indeed be the case, is requested.

The access point Mr Kelly is referring to would not be accessible to commercial vehicles or those looking to drop off materials. The access point comes via Linlithgow High Street which would surely have a detrimental effect on congestion and pedestrian traffic?? Has the committee considered the ramifications to this already congested area of the High Street?

Comments for Planning Application 1133/H/22

Application Summary

Application Number: 1133/H/22

Address: 3D Union Road Linlithgow West Lothian EH49 7DY

Proposal: Extension and alterations to house

Case Officer: Lucy Hoad

Customer Details

Name: Mr Martin Brown

Address: 3A Union Road Linlithgow EH49 7DY

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection 23/12/22

Martin Brown, 3A Union Road, Linlithgow, EH49 7DY

I refer to the above planning application which is presently before your committee for consideration. As my wife and I reside in 3a Union Road, we have a number of concerns about this application.

The main issue is that we are within a Conservation Area. We still have concerns that the application is not compatible with the terms of the Conservation Area. Should the application be granted without seeking recourse to the terms of the Conservation Area, this would create a dangerous precedent for future applications.

The access to the proposed site is also a contentious issue.

Mr Kelly has stated verbally that he intends to access the site through Stuart House on Linlithgow High Street. Whilst this would be preferable for those who live on Union Road I would suggest that the committee carries out some investigations into the impact this would have on Linlithgow High Street. The entrance to the car park at the rear of Stuart House is barely wide enough to fit a car through. This will inevitably mean that any materials being dropped off or debris being taken away will need to be loaded and offloaded on the High Street. This would have a major impact on traffic as well as pedestrians.

Whilst there is a verbal assurance in place that Union Road will not be used to access the site, reassurance of this would be appreciated.

The reason for this assurance is that during initial building works there was no consideration paid to the residents of Union Road. This resulted in the road often being blocked by vehicles or plant and machinery. The residents car park was often blocked by trades people and Union Road itself was blocked throughout this process.

Union Road is not conducive to commercial vehicles of any sort, as the Council will be well aware.

More so after the latest incident to our property which has caused damage running into tens of thousands of pounds, because we are in a Conservation Area and the wall must be reinstated accordingly. The fallen wall could have caused death or serious injury. Access to our property was unavailable until the debris was cleared up. It also resulted in a visit by the Police and a safety officer from West Lothian Council.

All of this caused by a Transit van which is not a large commercial vehicle. Photos of the aftermath can be provided if required.

We are still awaiting the Council to address the outstanding issue of how best to stop commercial vehicles from coming along Union Road and are hoping a meeting with WLC and the police can be held early in the New Year.

From: [Planning](#)
To: [Hoad, Lucy](#)
Subject: FW: Planning Application 1133/H/22 - [OFFICIAL]
Date: 04 January 2023 09:42:08

DATA LABEL: OFFICIAL

From: Jill Pattle
Sent: 29 December 2022 15:02
To: Planning <Planning@westlothian.gov.uk>
Subject: Fw: Planning Application 1133/H/22

Hello, as the Planning Officer is on leave, I'm sending this to the 'general' planning address as well.

Regards, Mrs G Pattle.

From: Jill Pattle
Sent: 28 December 2022 15:46
To: Hoad, Lucy <lucy.Hoad@westlothian.gov.uk>
Subject: Planning Application 1133/H/22

I am writing to you regarding the Planning Application 1133/H/22, for 3D, Union Road, Linlithgow. EH49 7DY.

My name is Gillian Pattle, 2, Union Road, Linlithgow. EH49 7DY, a property we have owned for almost forty years.

I would like to point out that the proposed plans are within the Linlithgow Palace and High Street Conservation Area, which is increasingly seen as an important and integral part of our history, here in the town, and as part of the nation's history. The proposed extension and studio are within the rigg system, and these Burgage Plots are fast disappearing in the few remaining areas of our environment where they still exist.

I believe in a previous Local Place Plan, several years ago, it was stated that no further development of gap sites in Union Road would be permitted?

I am also deeply disturbed by the access to the site, especially during what could be a lengthy construction period. Union Road is a very narrow lane, and residents here are used to living within the restrictions that brings, but a recent incident has alarmed us. A white van reversed into a sturdy stone gateway, while attempting to manoeuvre out of the space. The corner stone and cast

iron gate were demolished, please see attached images.

This blocked the residents at No3 [four families in total], from safely entering or leaving their property, until the remaining rubble had been made safe - it was unstable - and then removed, ready for ultimate re-construction. The police were informed and attended to ensure it wasn't a public safety issue.

The applicant from 3D explained to me at the time, that there would be no problem during construction, as he had secured right of access to his site, via the archway of what was Stuart House, at 181, High Street, Linlithgow. EH49 7EN. This has quite a narrow entrance, which would involve plant, equipment and building materials being brought in from the High Street. The parking for residents and businesses at this point is already limited, and safe pedestrian access along the pavement is needed at all times.

I am extremely worried that the impact of this proposed application could be detrimental to the integrity of the Conservation Area, and also cause unnecessary obstruction and difficulty in a part of the town which is already prone to congestion and disruption.

If the attached images are unsuitable, please contact me, and I will re-send.

Yours Sincerely, Mrs G Pattle.

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.**





Linlithgow & Linlithgow Bridge Community Council

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

29^h December 2022

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

Dear Lucy Hoad,

1133/H/22 | Extension and alterations to house | 3D Union Road Linlithgow West Lothian EH49 7DY.

The following objection is given in the context of the Community Council's role as statutory consultee and arises from the conclusions of a discussion of the Linlithgow and Linlithgow Bridge Community Council.

The Planning Guidance (PG) – The Historic Environment adopted in April 2021 by the West Lothian Council (WLC) states the WLC will consult Historic Environment Scotland (HES) on any planning applications within 800m of the Palace and Peel. Has HES been consulted on this or the previous application 0591/H/22? If so, could their comments please be made public or reason be given why they have not been consulted?

Sections 12.6, 12.7 and 12.8 of the PG indicate that a development potential study carried out in the early 90's has led to a planning policy preventing development in the area. The site is part of the High Street Rigg area, one of the few remaining medieval riggs any further development of the site would have a detrimental effect on the character and amenity of the area.

We are also concerned with the scale of the development in relation the size of the site, while we appreciate size of the extension and studio appear to be smaller than the previous application, it does appear to be an over development and an example of town cramming.

We have received comments from neighbours regarding potential loss of privacy, the extension will overlook into their gardens and properties.

Should development be permitted, we endorse the request by the West of Scotland Archaeological Society that an archaeological watching brief should be a condition to the consent.

In light of a recent incident, we also have concerns regarding vehicular access to the site. A temporary traffic management solution should be part of any consent, to minimise disruption to neighbours and the High Street.

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

Yours sincerely,

Hans Edgington
Planning Secretary
Linlithgow and Linlithgow Bridge Community Council



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

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

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

30 December 2022

For the attention of Lucy Hoad, Case Officer

Dear Sirs

1133/H/22: Extension and alterations to house
3D Union Road, Linlithgow, West Lothian, EH49 7DY

The following comments are submitted in the context of Linlithgow Civic Trust's aim to encourage and advance high standards of architecture and town planning in the local area; to protect the appearance and future of existing buildings and to conserve sites of historic significance within the Linlithgow Conservation Areas.

1. Historical & Archaeological Considerations.

The executive committee of the Trust seriously questions whether any further development on Linlithgow's remaining medieval rigs should be permitted at all. However, if permission is given we endorse the request by the West of Scotland Archaeological Society that Development Management considers attaching an archaeological watching brief condition to the consent. As Mr O'Hare states, such a condition would be based on current best practice and experience, and reflect the principles outlined in Planning Advice Note 2/2011.

2. Vehicular Access

We note (as stated in the objection lodged by Mrs Amanda Brown) that the Applicant plans to use the car park of Stuart House at 181-201 High Street for access to the property during construction. We cannot see how this is even a remote possibility. The car park is accessed through a pend only 2.4m wide by 3m high which would not be usable by typical building material delivery vehicles. Such vehicles would have to park in the High Street thereby impeding traffic. However, this is not the major issue. There is a steep embankment between the car park and the property making transportation of materials to the site totally impractical.

This suggests that Union Road will have to be used for access and delivery to site in which case some sort of traffic management, perhaps by traffic light control and/or one-way travel, will be essential to ensure road safety and minimise disruption to residents. In addition, contractors' vehicles must park on site and not on the roadway. We would like to suggest that, if planning permission is granted, it is conditional upon implementation of a temporary traffic management solution as recommended by the Council's Roads and Transportation section.

3. Scale of Development

While the revised proposal appears to be smaller in area than the previous application, we question if the scale of the extension – relative to the size of the existing building – and the addition of a completely separate studio structure is appropriate development of this site, especially in the context of both the historical significance of land that was originally a burgage plot and the architectural sensitivity of the surrounding Conservation Area.

4. Adverse Effect on Amenity

The drawings submitted show a number of east and west facing windows that appear to overlook the gardens of the adjoining properties – particularly those windows at the higher level. Both neighbours are therefore highly likely to suffer a substantial loss of privacy and we have to object to the proposed location of the fenestration on that basis.

The executive committee of the Trust hopes that our comments and objections are taken into account when making a decision whether or not to grant Planning Consent for this Application.

Yours faithfully

Michael Dunning
Planning Spokesperson
Linlithgow Civic Trust

Development Management Committee

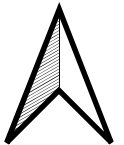
15 March 2023

1133/H/22

Alteration and extension to the house, erection of a garden studio, the installation of low carbon equipment, and landscaping

3D Union Road Linlithgow West Lothian







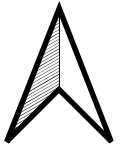
1133/H/22 - 3D Union Road - Linlithgow EH49 7DY

Development Management - West Lothian Civic Centre - EH54 6FF

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100 m





South
1 : 100



West
1 : 100

Windows + doors - triple glazed Aura Plus by
Rational or eq colour matt black

Walls -Timber cladding Scottish Larch or eq

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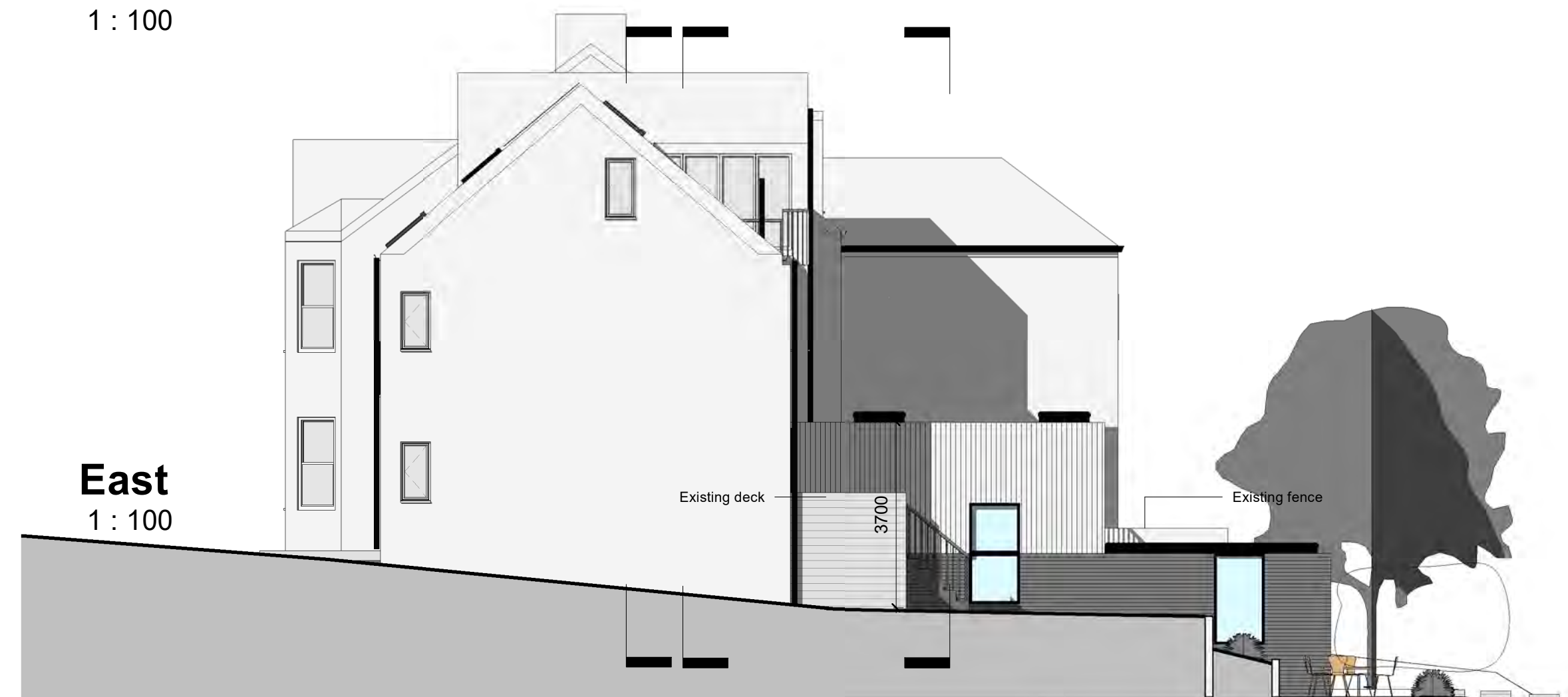
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SHEET	Proposed Elevations	
CLIENT	Mrs Kelly	
DRAWING	P04	C
PROJECT	SCALE (@ A3)	DATE
UR3d	1 : 100	Nov 22



North
1 : 100

Walls - Timber cladding Scottish Larch or eq

Windows + doors - triple glazed Aura Plus by
Rational or eq colour matt black



East
1 : 100

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PERSONALISED DESIGN & MANAGEMENT SERVICES

PROJECT 3d Union Road

SHEET Proposed Elevations

CLIENT Mrs Kelly

DRAWING P05

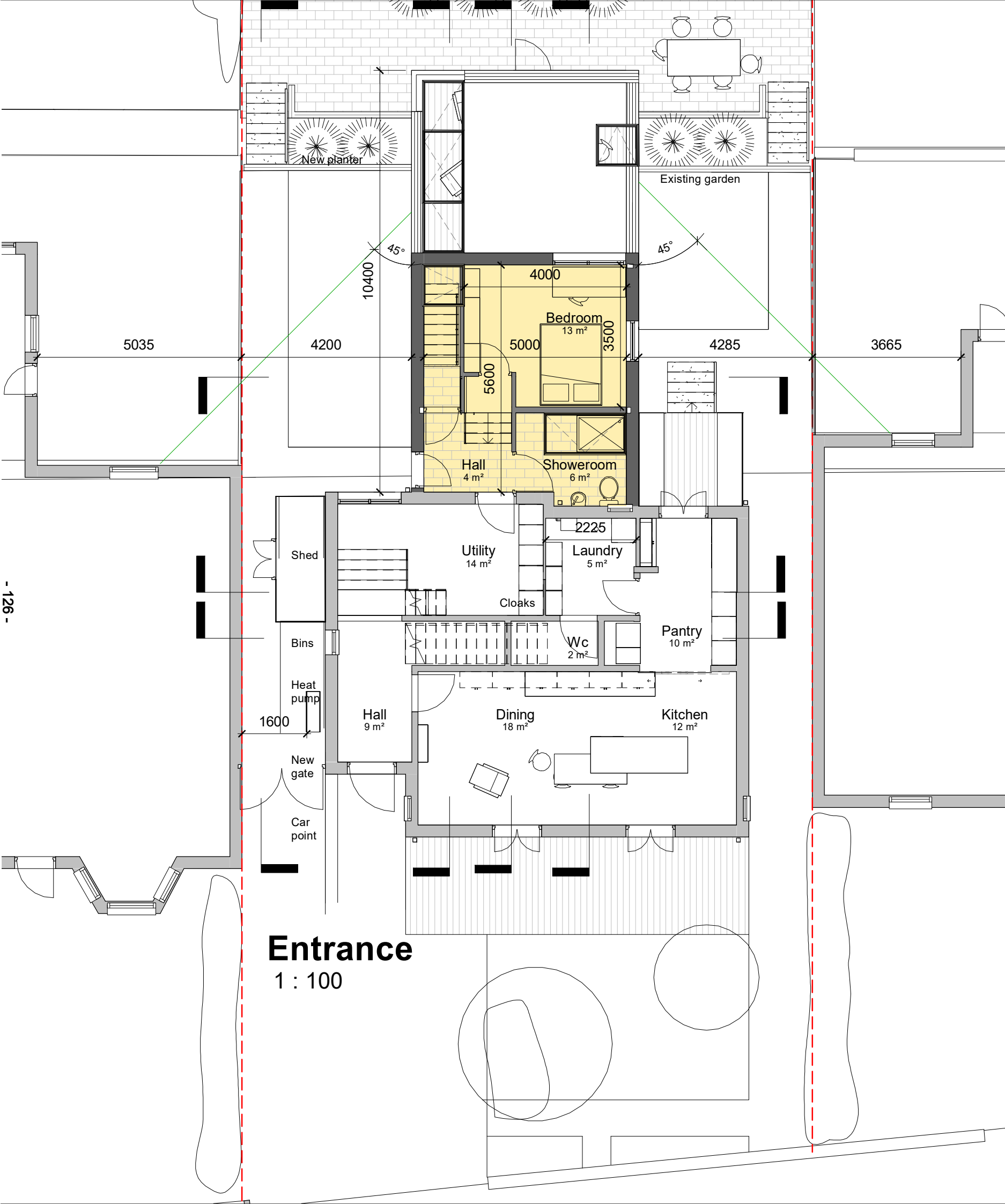
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PROJECT SCALE (@ A3)

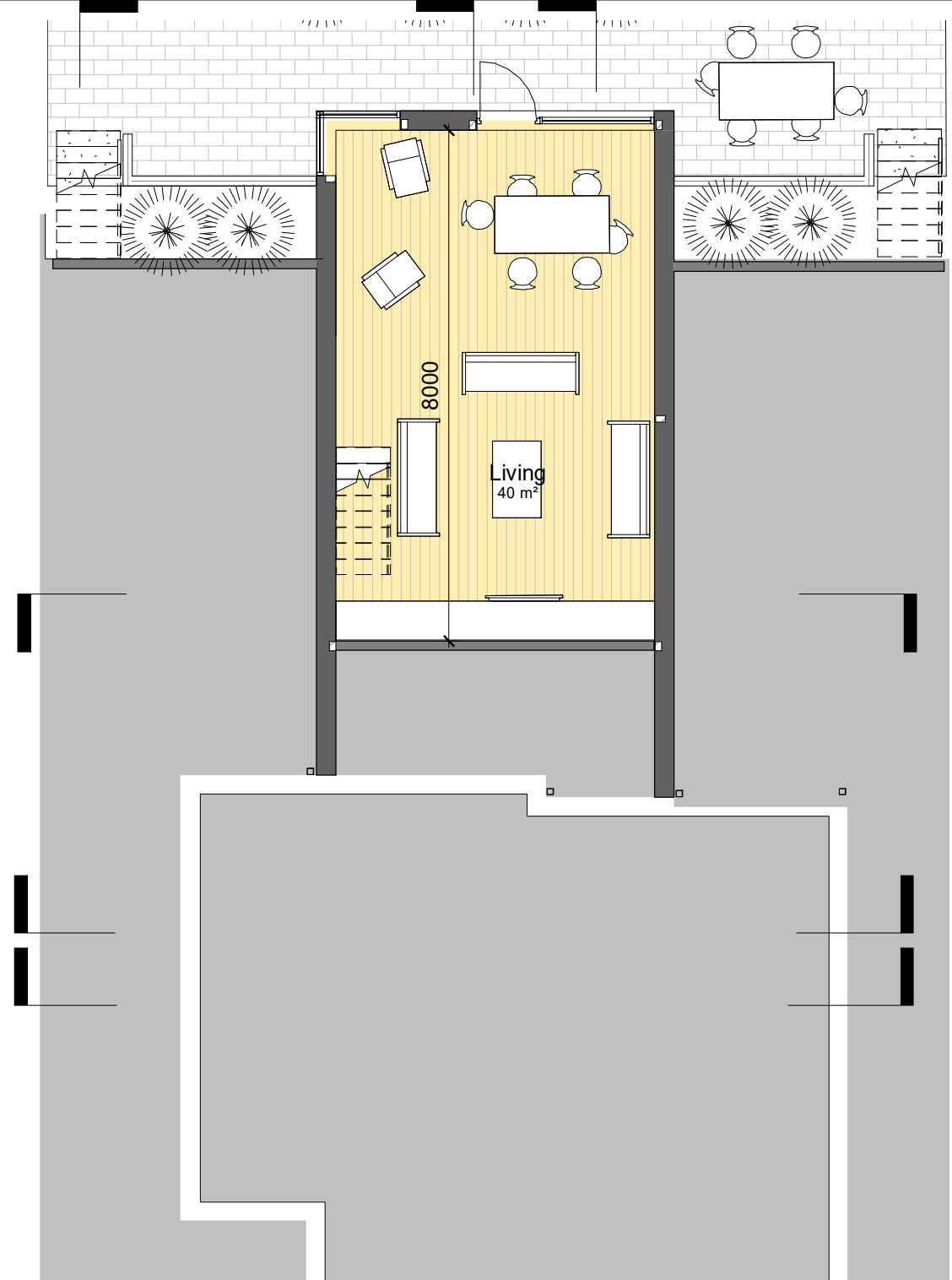
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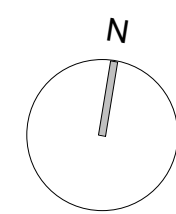
Nov 22



Entrance
1 : 100

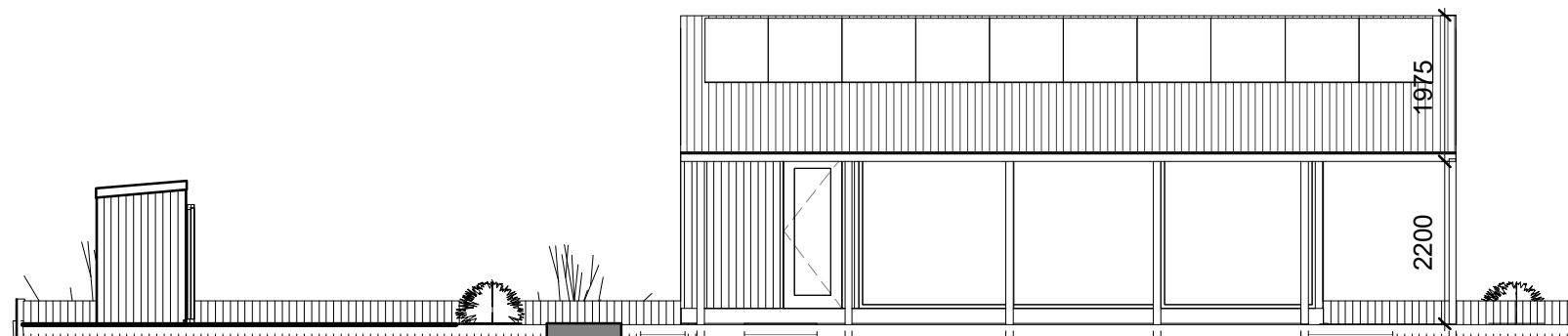
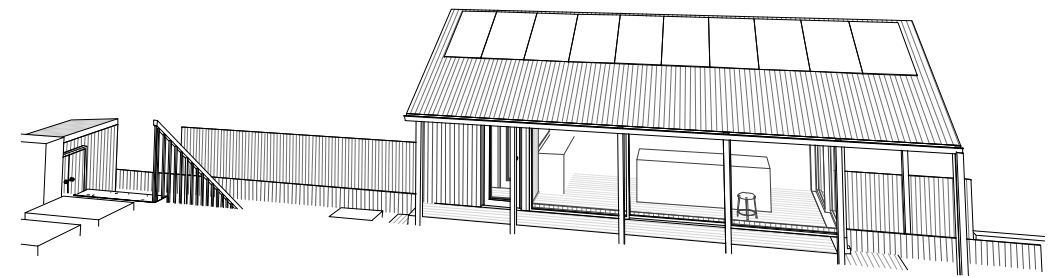
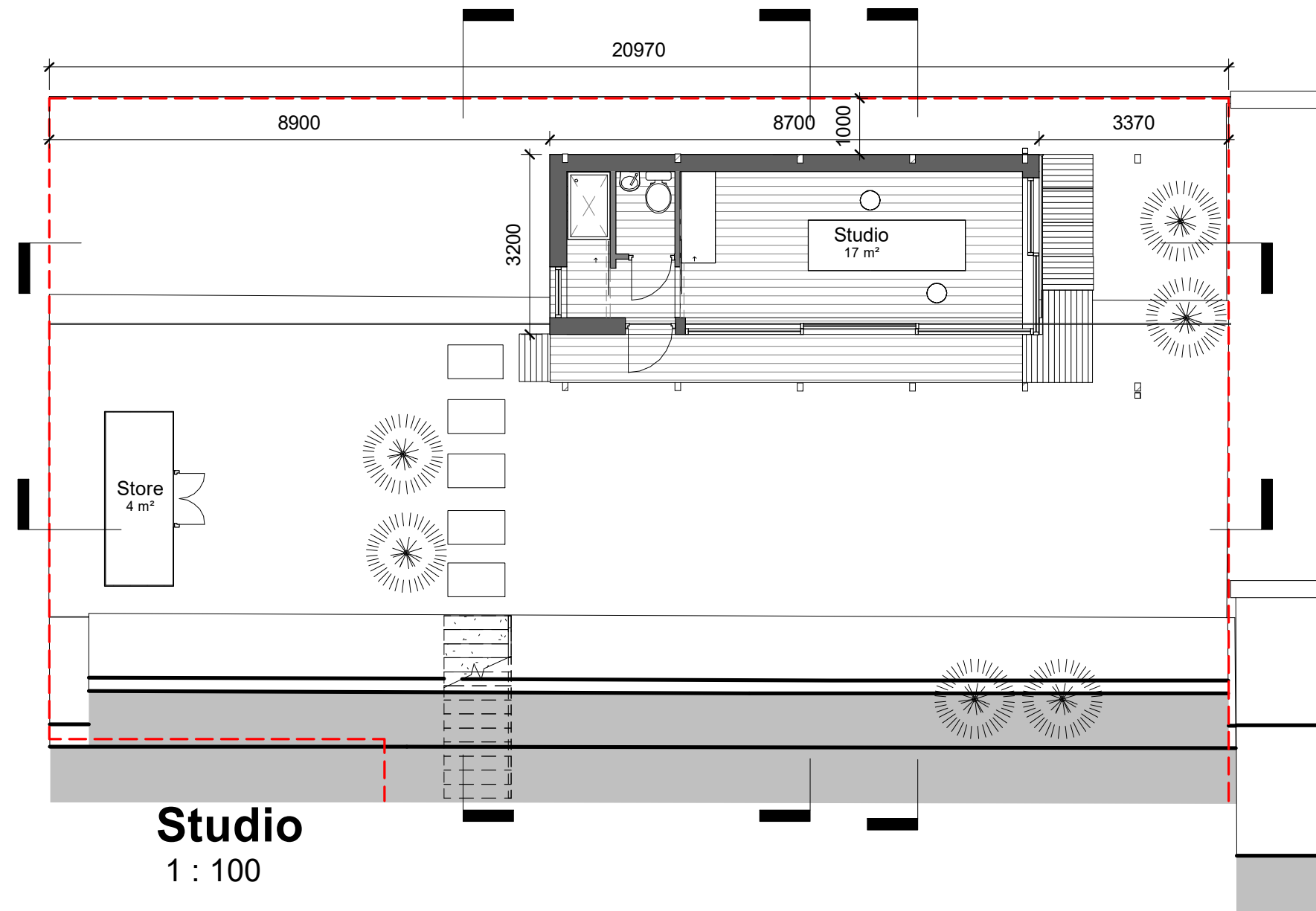


Garden Level
1 : 100



CRK Architecture
PERSONALISED DESIGN & MANAGEMENT SERVICES

PROJECT	3d Union Road	
SHEET	Proposed Plans	
CLIENT	Mrs Kelly	
DRAWING	P01	C
PROJECT	SCALE (@ A3)	DATE
UR3d	1 : 100	Nov 22



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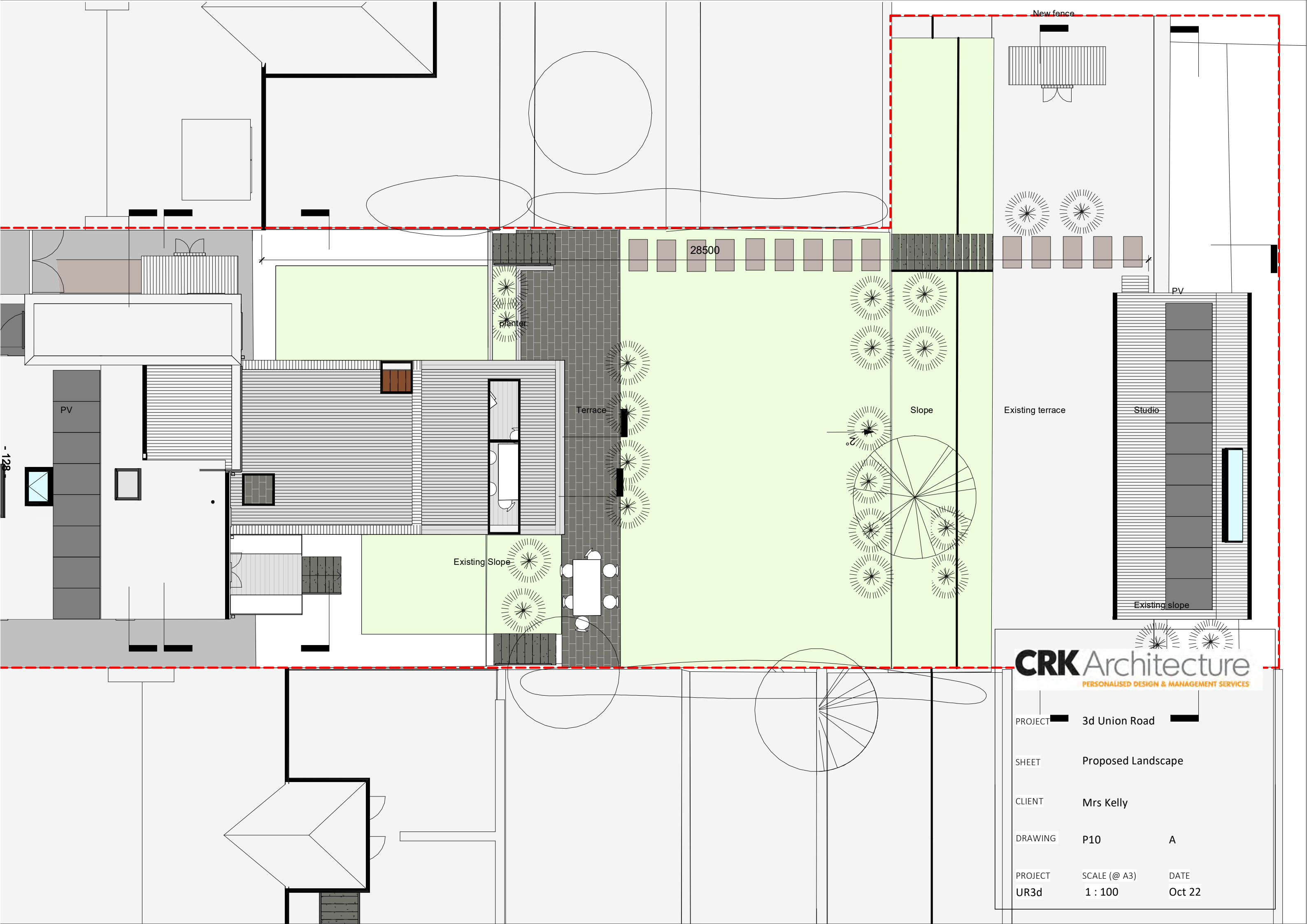
PROJECT 3d Union Road

SHEET Proposed Terrace

CLIENT Mrs Kelly

DRAWING P08 A

PROJECT SCALE (@ A3) DATE
UR3d 1 : 100 Oct 22



CRK Architecture
PERSONALISED DESIGN & MANAGEMENT SERVICES

PROJECT	3d Union Road	
SHEET	Proposed Landscape	
CLIENT	Mrs Kelly	
DRAWING	P10	A
PROJECT	SCALE (@ A3)	DATE
UR3d	1 : 100	Oct 22

















DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Erection of 18 no. houses with associated infrastructure and landscaping (Amendment to 0927/FUL/18 for substitution of house types and changes to ground levels and boundary fences) at Land to South East of Tarbert Drive, Murieston, Livingston.

2 DETAILS

Reference no.	1151/FUL/22	Owner of site	Mr Neil Lind
Applicant	Perella Homes	Ward & local members	Livingston South Councillor Lawrence Fitzpatrick Councillor Peter Heggie Councillor Maria MacAulay Councillor Moira McKee Shemilt
Case officer	Mahlon Fautua	Contact details	01506 282 426 mahlon.fautua@westlothian.gov.uk

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

3 RECOMMENDATION

3.1 Grant planning permission subject to conditions.

4 DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning permission is sought for the erection of 18 no. houses with associated infrastructure and landscaping. This application is specifically for amendments to an existing permission, reference 0927/FUL/18. The amendments include the substitution of house types and minor changes to ground levels and boundary fence positions. An updated site remediation strategy has been submitted which takes account of the amended proposals.
- 4.2 It is noted that works have commenced on the application site in accordance with the current planning permission, reference 0927/FUL/18, which was granted on appeal on 17th December 2020.
- 4.3 The amended proposal now includes two new house types and slight changes to the overall layout. The proposed finished ground levels are to be lowered slightly across the site from the consented finished levels. It is noted that the fences have been built in the amended position.

- 4.4 The site is rectangular in shape and the red line of the planning application covers an area of 1.37 hectares. Residential properties in Tarbert Drive and Murieston Valley bound the site to the north and residential properties in Teviot Drive bound the site to the east. The Murieston Trail is situated to the south of the site.
- 4.5 The application site is located within the settlement boundary of Livingston.

History

- 4.6 The relevant site history is set out below:
- 0314/FUL/22: Erection of 18 houses with associated infrastructure and landscaping (Amendment to 0927/FUL/18 to substitute house types), Withdrawn 01/12/2022
 - 0927/FUL/18: Erection of 18 houses with associated works, Refused, 18/11/2019 and appeal allowed subject to legal agreement and conditions (ref: PPA/400/2107), 17/12/2020
 - 0769/TPO/14: Removal of 6 trees, Granted, 04/12/2014
 - 1269/FUL/06: Erection of 16 houses with associated works, Refused, 06/02/2008 and appeal dismissed (ref: PPA/400/284), 03/04/2009.

EIA Development

- 4.7 The scale and nature of the development is such that it falls within the description of development set out in Class 10 (b) of Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2017 (EIA Regulations).
- 4.8 The Reporter for the appeal of the previous planning application issued a screening opinion on 1 May 2020 and stated the development proposed would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size or location and is not EIA development. The proposed amendments do not have a material impact on this opinion and therefore this proposal is not EIA development.

Equalities Impact

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

5. REPRESENTATIONS

- 5.1 Four letters of representations have been received. Two are objections and two are neutral comments.
- 5.2 A summary of representations is located in the table below.

Comments	Response
Developer is not adhering to planning regulations and conditions	Noted. This is a separate enforcement matter relating to permission ref: 0927/FUL/18 which has since been resolved and is, therefore, not relevant to the assessment of this application.
The developer should consider bungalows, lesser units and careful placement of trees	Noted. The planning authority is obliged to consider the application as submitted.
Impact on residential amenity, privacy, daylight	Noted. See further assessment at Section 8 below.
Design and materials not in-keeping with the area.	Noted. See further assessment at Section 8 below.
Loss of trees	The proposed amendments do not have any further impact on the trees than that of the previously consented tree works.

6. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
Contaminated Land Advisor	No	The updated remediation strategy is considered to be sufficient to progress development. Post works validation reporting should be provided once works are completed.	Noted. A condition for verification reports will be attached.

7. PLANNING POLICY

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 7.2 The development plan comprises the National Planning Framework 4 (NPF 4) and the West Lothian Local Development Plan (LDP).
- 7.3 The relevant development plan policies are listed below:

Policy	Policy Summary	Assessment	Conform?
NPF 4 Policy 1 Tackling climate change and the nature crisis	This policy states significant weight is to be given to the global climate and nature crises in assessing proposals.	The application provides for a sustainable re-use of a brownfield site within an urban settlement. The proposal makes best use of urban land in the context of the climate crisis.	Yes
NPF 4	This policy requires development	The amendments are minor in relation to the consented	Yes, subject to condition

Policy	Policy Summary	Assessment	Conform?
Policy 3 Biodiversity	proposals to conserve, restore and enhance biodiversity	development, which includes compensatory tree planting. While this application amends the consented development, an opportunity to enhance the biodiversity can be sought through an updated landscaping plan.	
NPF 4 Policy 6 Forestry, woodland and trees	This policy states there is a presumption against development that adversely affects trees and woodland, unless there is a proven locational need and it achieves significant public benefits.	The proposed amendments do not have any further impact over that of the previously consented tree works.	Yes
NPF 4 Policy 9 Brownfield, vacant and derelict land	This policy states that proposals that bring about the sustainable re-use of brownfield land will be supported.	The application provides for a sustainable re-use of brownfield land.	Yes
NPF 4 Policy 14 Design, quality and place	This policy requires development to improve the quality of an area and meet the six qualities of successful places.	The application is acceptable in design terms and improves the quality of the area through redevelopment of a partly brownfield site.	Yes
NPF 4 Policy 16	Development proposals for new homes on land allocated for housing in LDPs will be supported	The site is an allocated housing site in the LDP and the proposed amendments are acceptable.	Yes
LDP DES 1 Design principles	This policy states that development needs to integrate with its context and the surrounding built form and have an acceptable impact on amenity.	The proposed changes to the house types comply with the council's standards in terms of privacy and overlooking. The house designs remain compatible with the scale and appearance of the surrounding residential properties.	Yes

8. ASSESSMENT

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

Principle of development - 0927/FUL/18

- 8.2 The principle of housing development at this site has been established by the housing allocation (Ref H-LV 3) in the LDP and more importantly the granting of planning permission ref: 0927/FUL/18 on 17th December 2020. It is noted that site clearance and engineering works have commenced on site in accordance with this planning permission. This application seeks to amend certain detailed aspects of the consented development and does not change the works already undertaken, so no further assessment of the principle of housing development is necessary in the determination of this application.
- 8.3 The current planning permission has a number of conditions attached to it, and should this application be granted, it is recommended that those conditions remain in place in any permission unless they are deemed unnecessary or should be revised due to the proposed amendments.

Remediation of the Site

- 8.4 The applicant has submitted an updated Remediation Strategy to take into account the amended ground levels and this report has been reviewed by the council's Contaminated Land Advisor. The advisor is satisfied that the updated strategy is acceptable. If permission is granted then a condition is recommended for a verification report be submitted upon completion. The verification report is necessary to report that works have been undertaken in accordance with the accepted remediation strategy.

Impact on Tress

- 8.5 The proposed amendments do not have any further impact on trees on, or surrounding, the site than that of the previously consented tree works. It is also noted that the majority of tree works have already taken place under the existing permission. Notwithstanding this, it is necessary to attach the same conditions that require tree protection fencing to remain in place.

Impact on Residential Amenity

- 8.6 The proposed change to house types comply with the council's standards in terms of privacy and overlooking. The proposal complies with Policy DES 1 in this respect.

Design and Layout

- 8.7 Policy DES 1 (Design Principles) requires that all development proposals take account of and be integrated with the local context and built form.

- 8.8 The proposed amendments to the house types, ground levels and fence line do not have a significant change to the development as permitted and overall are minor in relation to the context to the site and surrounding development.
- 8.9 The proposal simplifies the development into two house types, both two-storey with four bedrooms. The consented development has six house types with all also being two-storey with four bedrooms.
- 8.10 The houses are proposed to be finished with white render and buff anstone cladding. Red tiles are proposed as the roof finish for both house types. The garages are to be white render and red tiles to match main houses. The main materials are similar to the consented development apart from the proposed houses would now have stone rather than the consented aluminium panelling. The surrounding area has a variation of materials such as brick and render. Overall the changes are minor and are acceptable and retain a high quality of design. A planning condition is proposed to be attached to any permission, which requires the developer to submit samples of the proposed materials to ensure the eventual material finishes are of a high quality.
- 8.11 The proposed fence line along northern and western boundaries is to move inwards to the site by up to 1 metre. The proposal involves the slight reduction of private garden ground for proposed plots 1 – 9, but will provide an offset from the garden fences of existing properties along these boundaries. This is not a significant change to the development as consented and it is noted that the fenceline as proposed has already been erected. This small area of land will remain private ground.

9. CONCLUSION AND RECOMMENDATION

- 9.1 In summary, the proposed amendments to the current planning permission 0927/FUL18 are minor and are acceptable. The proposal will not cause harm to residential amenity and is still of a high quality design. The updated remediation strategy is accepted. The proposals accord with the policies and provisions of the development plan.
- 9.2 Consequently, and in view of the above, it is recommended that planning permission is granted, subject to conditions.

10. BACKGROUND REFERENCES & ATTACHMENTS

- Draft conditions
- OS Map/Aerial Plan
- Site Plan, Elevations and Floor Plans
- Representations
- Local Member Referral Form

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

Craig McCorriston

Head of Planning, Economic Development and Regeneration

Date: 15 March 2023

Draft Conditions

- (1) The remedial measures shall be undertaken in accordance with the details in the report titled 'Perella Homes. Tarbert Drive, Murieston Development. Remediation Options and Strategy. 19529-REP-003. February 2023' prior to the occupation of any of the houses.

Following completion of the measures identified in the approved Remediation Strategy, a Verification Report that demonstrates the effectiveness of the remediation carried out must be prepared. The Verification Report must be submitted to and approved in writing by the Planning Authority prior to commencement of the new use of the land.

Reason: To ensure that remedial measures are installed to an acceptable standard, in the interest of protecting future occupiers of the houses.

- (2) Within one month from the date of the decision, an updated landscaping plan shall be submitted and approved in writing by the planning authority. The landscaping as approved shall be implemented in the first planting season following any residential unit being occupied, or completion of the development, whichever is sooner.

The new planting shall be maintained for a minimum period of five years until it becomes established. Any trees which within a five year period following completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.

Reason: To ensure proper implementation of the planting proposals in the interest of the amenity of the site and the area as a whole.

- (3) All trees, hedges and shrubs within or adjacent to the site, except those whose removal or trimming has been approved by the planning authority, shall be protected from damage during construction work in accordance with section 6 (barriers and ground protection) of BS 5837 Trees in relation to design, demolition and construction - recommendations. Prior to the commencement of development, measures in accordance with section 6 (barriers and ground protection) of BS 5837 Trees in relation to design, demolition and construction - recommendations shall be erected for the inspection and agreement of the planning authority.

Reason: To ensure trees to be retained are adequately protected during construction, in the interests of visual and environmental amenity.

- (4) Development shall be undertaken in accordance with report titled ' Arboricultural Method Statement For Proposed Development Site, On Land East of Tarbert Drive, Livingston, West Lothian, EH54 9JW July 2022'

Reason: In the interests of the preservation of trees proposed for retention that are protected by a tree preservation order

- (5) Common areas shall be maintained in accordance with the details in report titled ' Taylor & Martin Bespoke Property Management Tarbert Drive Common Area Maintenance Plan'.

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

- (6) Within one month from the date of the decision, full details and samples of the materials to be used as external finishes on all buildings and for all parking and hardstanding areas shall be submitted to and approved by the planning authority, and the development shall be carried out strictly using those approved materials.

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

- (7) Within one month from the date of decision, details of the height and finishes of all walls, fences and other means of enclosure shall be submitted for the written approval of the planning authority. Once approved, these details shall be implemented prior to occupation of the houses.

Reason: To enable consideration of these details which have yet to be submitted and in the interests of privacy and amenity

- (8) The developer shall comply with the agreed measures in the construction management plan and the updated dust management plans titled 'Perella Homes Tarbert Drive, Murieston Construction Environmental Management Plan 19529-REP-002 November 2022' and Tarbert Drive, Murieston Pre-works Dust Monitoring Interim Report ERS Ref: 1232-001'.

Reason: To minimise disruption from vehicle movements during construction and to ensure dust does not disrupt the living conditions of neighbouring residential properties, in the interests of residential amenity.

- (9) the position of the wheel washing area shall be installed in accordance with plan L(0-03 Rev C and measures to deal with mud on roads shall be in accordance with report titled 'Tarbert Drive, Murieston Wheel wash procedure 19529-REP-004' dated 29th September 2022.

Reason: To prevent construction vehicles spreading mud on the road, in the interests of road safety and residential amenity.

- (10) Surface water from the development shall be treated and attenuated by a sustainable drainage system (SUDS) in accordance with the Water Assessment & Drainage Assessment Guide (published by SUDS Working Party) and The SUDS Manual C753 (published by CIRIA). The proposed drainage layout shall be implemented in accordance with the report titled 'Proposed Housing Development Murieston Livingston, West Lothian Drainage Assessment and Stage 1 Flood Risk Assessment' and dated September 2018.

Reason: To minimise the cumulative effects of surface water and diffuse pollution on the water environment.

- (11) Within one month from the date of the decision, updated details of electric charging points for one in six of the houses shall be submitted to and approved in writing by the planning authority.

Thereafter, the approved details shall be installed prior to the occupation of the relevant houses.

Reason: To comply with the requirements of the Air Quality Planning Guidance, in the interest of sustainability.

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

Noise (Construction)

- Any work required to implement this planning permission that is audible within any adjacent noise sensitive receptor or its curtilage shall be carried out only between the hours of 0900 and 1800 Monday to Friday and 0900 and 1300 on a Saturday and at no time on a Sunday. This includes deliveries and operation of on-site vehicles and equipment.
- No generators shall be audible within any residential properties between the hours of 2000 and 0800.

Noise (Vehicles/Plant)

- All site vehicles (other than delivery vehicles) must be fitted with non-tonal broadband reversing alarms.
- Heavy goods vehicles shall not arrive or leave the site except between the hours of 0900 and 1700 Monday to Friday and 0900 and 1300 on a Saturday. No heavy goods vehicles shall arrive or leave the site on a Sunday.

Vibration (Construction)

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

Site Compound

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

Waste

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

Reason: In the interests of visual and environmental amenity.

- (13) Within one month from the date of the decision, the developer shall update and circulate the approved risk communication strategy titled 'Tarbert Drive Murieston Perella Homes Risk Communication Strategy November 2022' to local residents in Tarbert Drive, Murieston Valley, Teviot Drive and Rothes Drive at least one week in advance of the start of any work on site to remove contaminated materials. The developer shall comply with the approved risk communication strategy at all times during the course of removal of contaminated materials from the site.

Reasons: In the interests of public health and safety and residential amenity.





NOTES

1. Do NOT scale from this drawing.
2. All dimensions to be confirmed by the Contractor by site measure prior to work commencing, or fabrication or ordering of any components.
3. In the case of any discrepancy, always refer to the Architect.

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Warrant / Planning Application

Dated

Signed

DTA



C	08.08.22	GM
Common area removed		

B	26.07.22	GR
Revised to reflect planner comments		

A	26.07.22	GR
Revised to reflect planner comments		

Client	Perella Homes
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Project
Proposed Development
Tarbert Drive Murieston
Livingston

Title
Proposed Site Plan With Conditions added

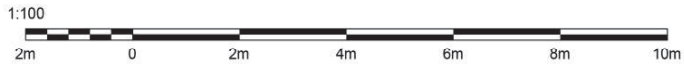
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Drawing No L(0-)-02		Rev D
Date Mar 22	By GM	Scale 1:500

Autocad Reference



9 MONTGOMERY STREET
THE VILLAGE
EAST KILBRIDE
GLASGOW
G74 4JS
TEL : 01355 260909

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NOTE: ALL MATERIAL SPECIFICATION TO BE APPROVED BY PLANNING

ELEMENT

MATERIAL

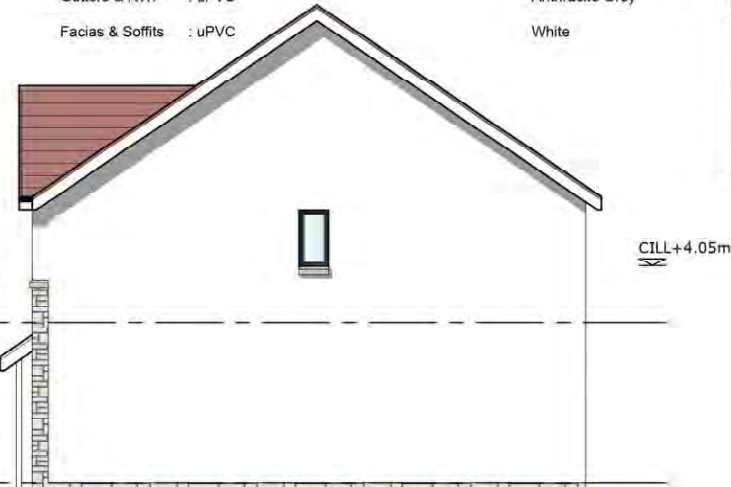
COLOUR

Roof : Marley Modern Concrete Tile
External walls : Wet Dash Render
: Anstone Scottish Standard Weathered Stone
Windows / Doors : uPVC
Gutters & RWP : uPVC
Fascias & Soffits : uPVC

Old English Dark Red
White
Buff with Med Grey Mortar
Anthracite Grey
Anthracite Grey
White



Front Elevation



Side Elevation



Rear Elevation



Side Elevation

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B 03.03.23 GR
Added material specification
A 22.04.22 GR
Dimensions included

Client
Perella Homes

Project
Proposed Development
Tarbert Drive, Murieston
Livingston

Title
Proposed Elevations
Type One

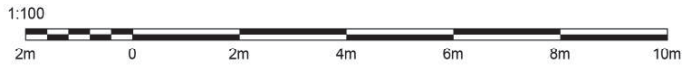
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L(2-) 02	B	
Date	By	Scale
Mar '22	LB	1:100

Autocad Reference:



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NOTE: ALL MATERIAL SPECIFICATION TO BE APPROVED BY PLANNING

ELEMENT	MATERIAL	COLOUR
Roof	: Marley Modern Concrete Tile	Old English Dark Red
External walls	: Wet Dash Render	White
	: Anstone Scottish Standard Weathered Stone	Buff with Med Grey Mortar
Windows / Doors	: uPVC	Anthracite Grey
Gutters & RWP	: uPVC	Anthracite Grey
Facias & Soffits	: uPVC	White

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Dated
Signed
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- NOTES
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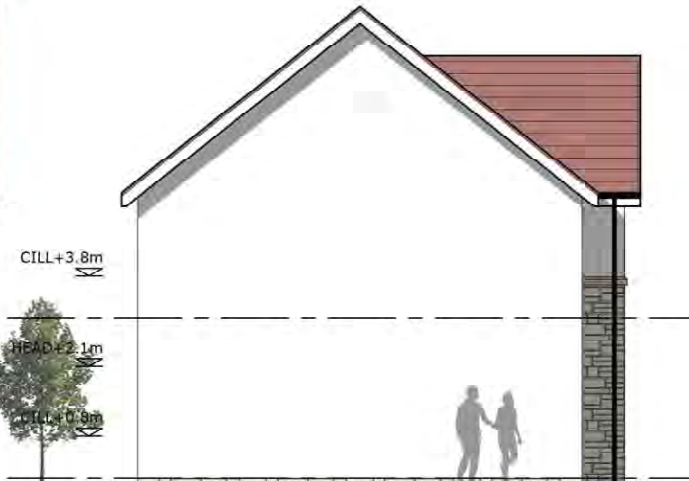
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

B 03.03.23 GR
Added material specification
A 22.04.22 GR
Dimensions added

Client
Perella Homes

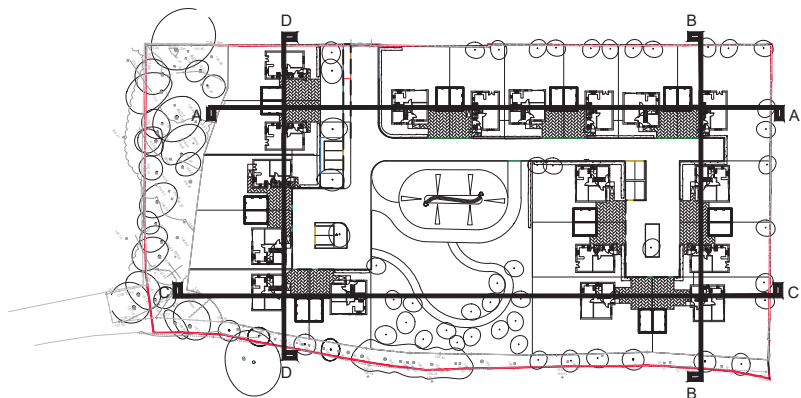
Project
Proposed Development
Tarbert Drive, Murieston
Livingston

Title
Proposed Elevations
Type Two

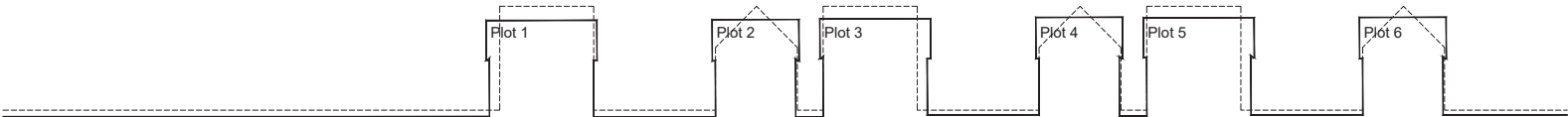
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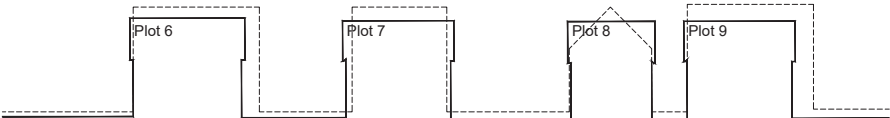
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Site Plan



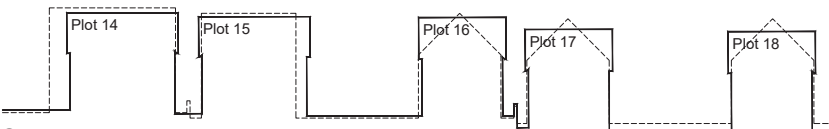
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North East Boundary Elevation [B-B]



South East Boundary Elevation [C-C]



South West Boundary Elevation [D-D]

----- PREVIOUS PROPOSAL
 ——— CURRENT PROPOSAL

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 Dated
 Signed
 DTA

Client
 Perella Homes

Project
 Proposed Development
 Tarbert Drive Murieston
 Livingston

Title
 Existing and Proposed
 Site Section Levels

Job No		Size
P55.05		A2
Drawing No		Rev
L(0-)10		-
Date	By	Scale
Mar '23	GR	NTS

Autocad Reference

Agenda Item 9

9 MONTGOMERY STREET
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 TEL : 01355 260909
 HELLO@DTA.SCO.T

Comments for Planning Application 1151/FUL/22

Application Summary

Application Number: 1151/FUL/22

Address: Land To South East Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 no. houses with associated infrastructure, and landscaping (Amendment to 0927/FUL/18 for substitution of house types and changes to ground levels and boundary fences)

Case Officer: Mahlon Fautua

Customer Details

Name: Mrs Irene Whitelaw

Address: 58 murieston valley Livingston Eh54 9hb

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I want to bring to your attention that to date the developer has not adhered to some of the planning regulations that were issued by the reporter - In fact - The developer started working on the site before some of the conditions of the approval were even put in place and only after intervention by residents contacting planning enforcement did they adhere to the conditions. This developer's disrespectful behaviour has been very evident since work began and I doubt it will change.

Therefore on that basis I have no trust in this developer following this new plan or any plan.

I will as a matter of principle object to this amendment however giving the stage we are at with this development it is sadly unlikely to make any difference.

Irene Whitelaw

Comments for Planning Application 1151/FUL/22

Application Summary

Application Number: 1151/FUL/22

Address: Land To South East Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 no. houses with associated infrastructure, and landscaping (Amendment to 0927/FUL/18 for substitution of house types and changes to ground levels and boundary fences)

Case Officer: Mahlon Fautua

Customer Details

Name: Ms Clare O'Lone

Address: 64 Murieston Valley MURIESTON WAY Livingston EH54 9HB

Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment: Whilst I have objected to the development of this land numerous times my main concern has always been regarding the hazard to health from the removal of contamination. I would be extremely grateful for clarification that the contamination has been successfully removed and absolutely none remains.

The development still causes me concern with regards to an invasion of:

(1) Privacy. The privacy on the open space of my property and also on the intrusion into my home is going to be massively impacted. The houses are going to be constructed 150cm above the ground level of my home and this imposes greatly on my privacy. Is it entirely necessary for the properties to be located as they are or is there any potential to amend their position to make efforts to maintain privacy to existing homeowners?

(2) House style. If consideration could be given to amending the house styles to ground level living and perhaps attic accommodation this would not only provide the same usable space within the new home but also cater to a very desperate need for single floor living in Murieston which has not been catered for within the development at Wellhead and for which there is a massive shortfall in the area of Murieston. Additionally, if a house style of this nature could be constructed it would greatly increase the sunlight my property will lose with the construction of the presently proposed dwellings.

(3) Trees. The trees proposed for planting on the boundary are potentially going to cause damage in time to the retaining wall in my garden due to the root size and I would welcome further discussion with WLC to confirm these trees can be planted elsewhere if their planting is necessary.

In summary, I would greatly welcome any opportunity there is to discuss any attempts that can be made by WLC and Perella Homes to complete this development considerately to those that live

here and enjoy maximum privacy by constructing homes which afford the existing and new homeowners the privacy both parties deserve.

Comments for Planning Application 1151/FUL/22

Application Summary

Application Number: 1151/FUL/22

Address: Land To South East Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 no. houses with associated infrastructure, and landscaping (Amendment to 0927/FUL/18 for substitution of house types and changes to ground levels and boundary fences)

Case Officer: Mahlon Fautua

Customer Details

Name: Mrs Gillian de Felice

Address: 3 Teviot Drive Livingston Eh54 9jw

Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment: I realise that planning is likely to be granted, but would the developer consider bungalows? This would minimise the impact on adjacent houses that are already there. Perhaps even fewer houses? I'd also like the placement of trees to be considered as these will eventually grow and potentially block sunlight into the adjacent houses.

Comments for Planning Application 1151/FUL/22

Application Summary

Application Number: 1151/FUL/22

Address: Land To South East Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 no. houses with associated infrastructure, and landscaping (Amendment to 0927/FUL/18 for substitution of house types and changes to ground levels and boundary fences)

Case Officer: Mahlon Fautua

Customer Details

Name: Ms Carol Hallesy

Address: 4 Teviot Drive Murieston LIVINGSTON eh54 9jw

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This development is currently not in keeping with the style of the surrounding houses and will have a negative impact on sunlight, loss of wildlife habitat and loss of privacy.

Furthermore, the original plans for the development stipulated 9 houses, and not the 18 which were granted by the Scottish Govt Reporter. To minimise the negative impact of the development on the existing houses I would ask that West Lothian Council put the following planning conditions in place:

1. The new houses should be angled to that they don't directly overlook the existing windows and gardens.
2. The houses backing directly onto Murieston Trail should be brick clad. This was one of the planning conditions required of Bett by WLC when they were building the surrounding estate of Tarbert and Teviot Drives in order to minimise the visual impact of the houses from the Trail.
3. The new houses adjacent to the existing properties should be bungalows or 1.5 storey houses to maximise privacy and minimise the impact on sunlight.
4. The development should move more houses to the Trail side, again to maximise privacy and minimise the impact on sunlight.
5. The window styles of the new houses should match those of the existing properties to help blend this development into the existing one.



Development Management

WEEKLY LIST OF APPLICATIONS RECEIVED

☒ LOCAL MEMBER REQUEST FORM ☒

Weekly List for the week commencing

5th December 2022

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

26th December 2022

PLEASE NOTE:

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

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

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

Action Required (please tick ✓)	Application Number
<input type="checkbox"/> Contact me to discuss these proposals	1151/FUL/22
<input checked="" type="checkbox"/> Refer this application to the Development Management Committee	Member Councillor Lawrence Fitzpatrick
<input type="checkbox"/> Other (please specify)	Signed <i>Lawrence Fitzpatrick</i> Dated 15 th December 2022

My reasons for this action are:

Constituent request – Tarbert Drive, Livingston

Development Management Committee

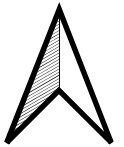
15 March 2023

1151/FUL/22

Erection of 18 no. houses with associated infrastructure and landscaping (Amendment to 0927/FUL/18 for substitution of house types and changes to ground levels and boundary fences)

Land to South East of Tarbert Drive / Murieston / Livingston







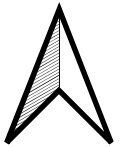
1151/FUL/22 - Land to the South East of Tarbert Drive, Murieston, Livingston

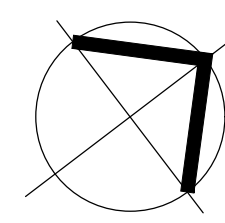
Development Management - West Lothian Civic Centre - EH54 6FF

0

100 m

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NOTES

1. Do NOT scale from this drawing.
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Dated
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E	03.03.23	GR
Revised to include additional fence		
D	15.02.23	GR
Revised to reflect warrant point		
C	06.02.23	GR
Revised to reflect warrant points		
B	03.11.22	GR
Revised to reflect warrant points		
A	22.04.22	GR
Dimensions added		

Client
Perella Homes

Project
**Proposed Development
Tarbert Drive Murieston
Livingston**

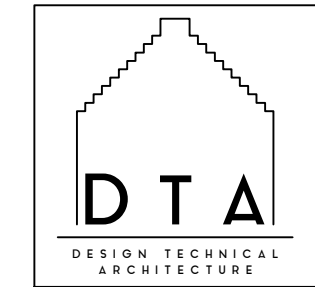
Title
Proposed Site Plan

Job No	Size
P55.05	A2

Drawing No	Rev
L(0-)01	E

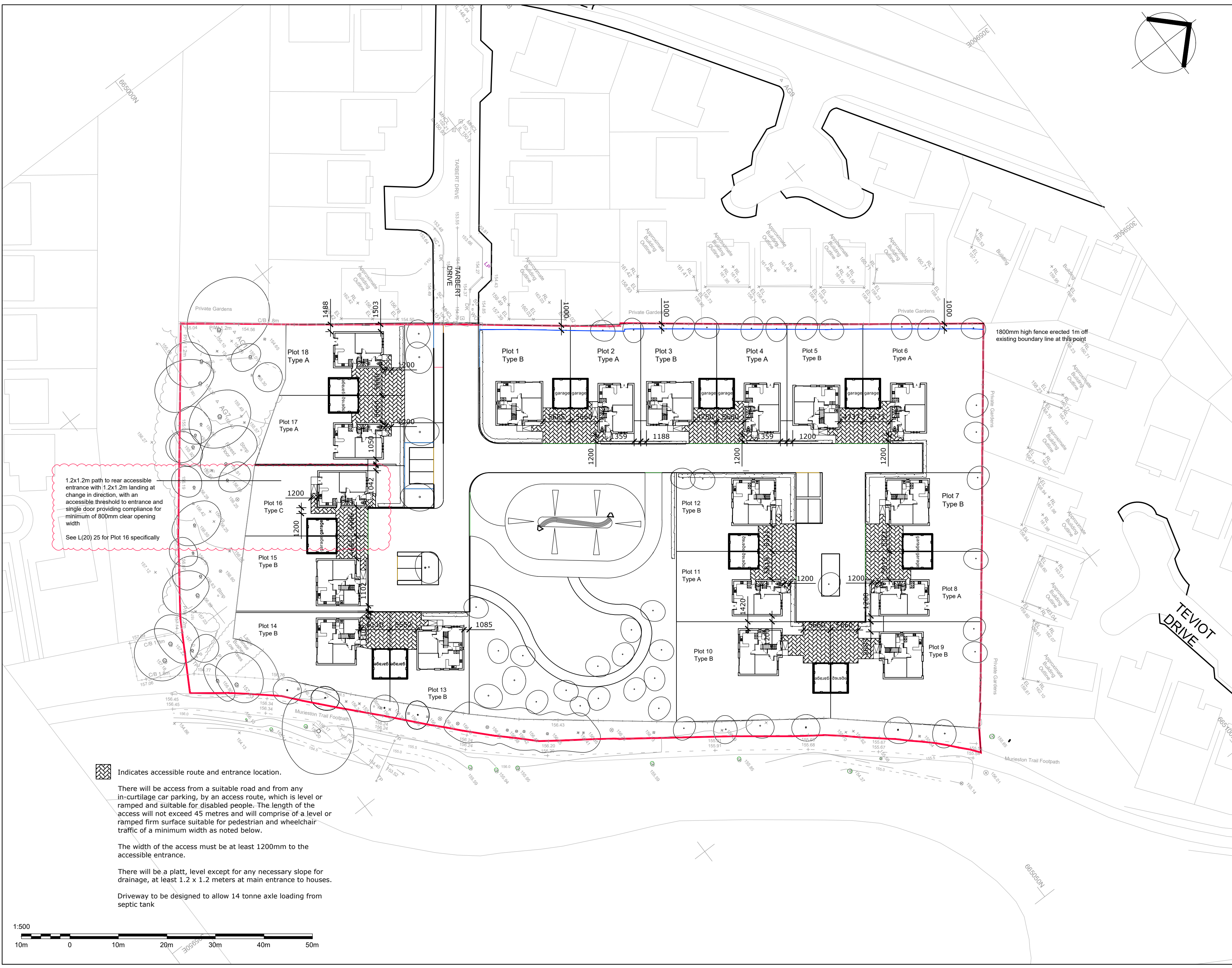
Date	By	Scale
Mar 22	GM	1:500

Autocad Reference



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GLASGOW
G74 4JS
TEL : 01355 260909
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Indicates accessible route and entrance location.

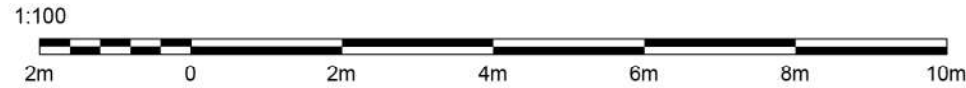
There will be access from a suitable road and from any in-curtilage car parking, by an access route, which is level or ramped and suitable for disabled people. The length of the access will not exceed 45 metres and will comprise of a level or ramped firm surface suitable for pedestrian and wheelchair traffic of a minimum width as noted below.

The width of the access must be at least 1200mm to the accessible entrance.

There will be a platt, level except for any necessary slope for drainage, at least 1.2 x 1.2 meters at main entrance to houses.

Driveway to be designed to allow 14 tonne axle loading from septic tank





NOTE: ALL MATERIAL SPECIFICATION TO BE APPROVED BY PLANNING

ELEMENT	MATERIAL	COLOUR
Roof	: Marley Modern Concrete Tile	Old English Dark Red
External walls	: Wet Dash Render	White
	: Anstone Scottish Standard Weathered Stone	Buff with Med Grey Mortar
Windows / Doors	: uPVC	Anthracite Grey
Gutters & RWP	: uPVC	Anthracite Grey
Facias & Soffits	: uPVC	White

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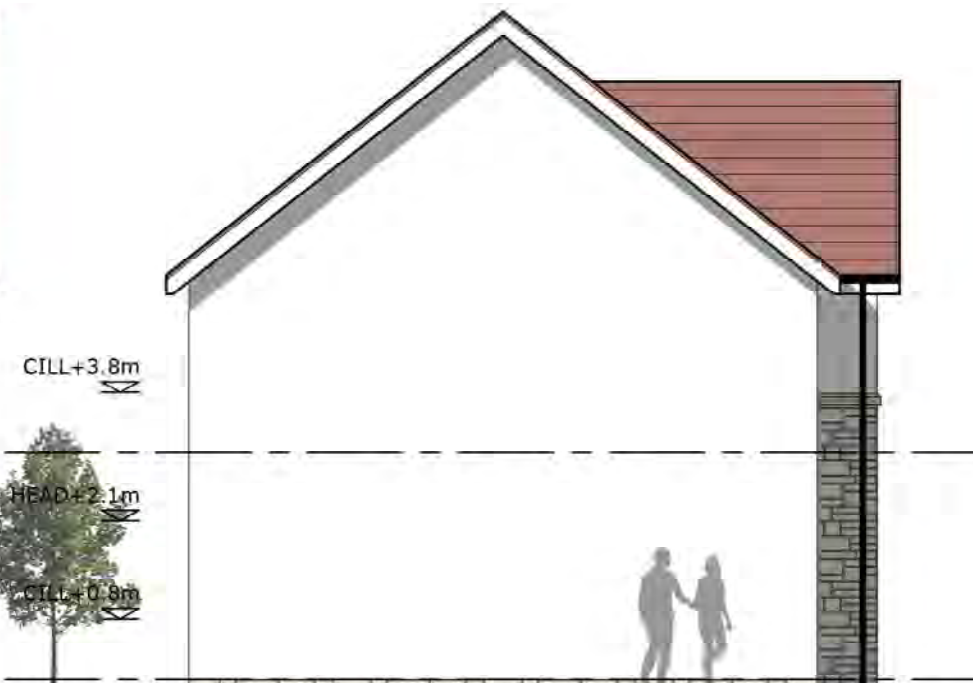
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

B	03.03.23	GR
Added material specification		
A	22.04.22	GR
Dimensions added		

Client
Perella Homes

Project
Proposed Development
Tarbert Drive, Murieston
Livingston

Title
Proposed Elevations
Type Two

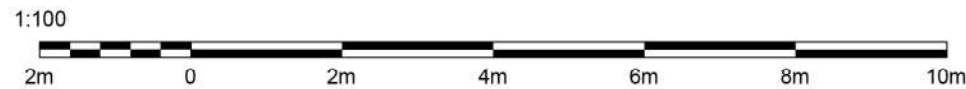
Job No		Size
P55.05		A3
Drawing No		Rev
L(2-) 04		B
Date	By	Scale
Mar '22	LB	1:100

Autocad Reference



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NOTE: ALL MATERIAL SPECIFICATION TO BE APPROVED BY PLANNING

ELEMENT	MATERIAL	COLOUR
Roof	: Marley Modern Concrete Tile	Old English Dark Red
External walls	: Wet Dash Render	White
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Gutters & RWP	: uPVC	Anthracite Grey
Facias & Soffits	: uPVC	White

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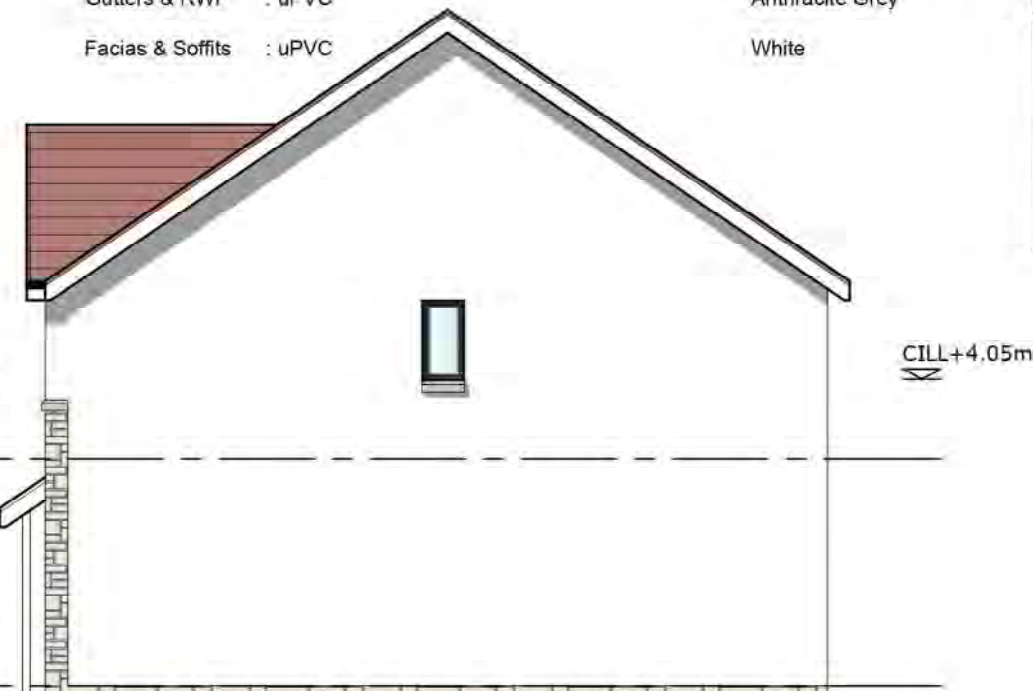
Dated
Signed
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NOTES

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3. In the case of any discrepancy, always refer to the Architect.



Front Elevation



Side Elevation



Rear Elevation



Side Elevation

B	03.03.23	GR
Added material specification		
A	22.04.22	GR
Dimensions included		

Client

Perella Homes

Project

Proposed Development
Tarbert Drive, Murieston
Livingston

Title

Proposed Elevations
Type One

Job No		Size
P55.05		A3
Drawing No		Rev
L(2-) 02		B
Date	By	Scale
Mar '22	LB	1:100

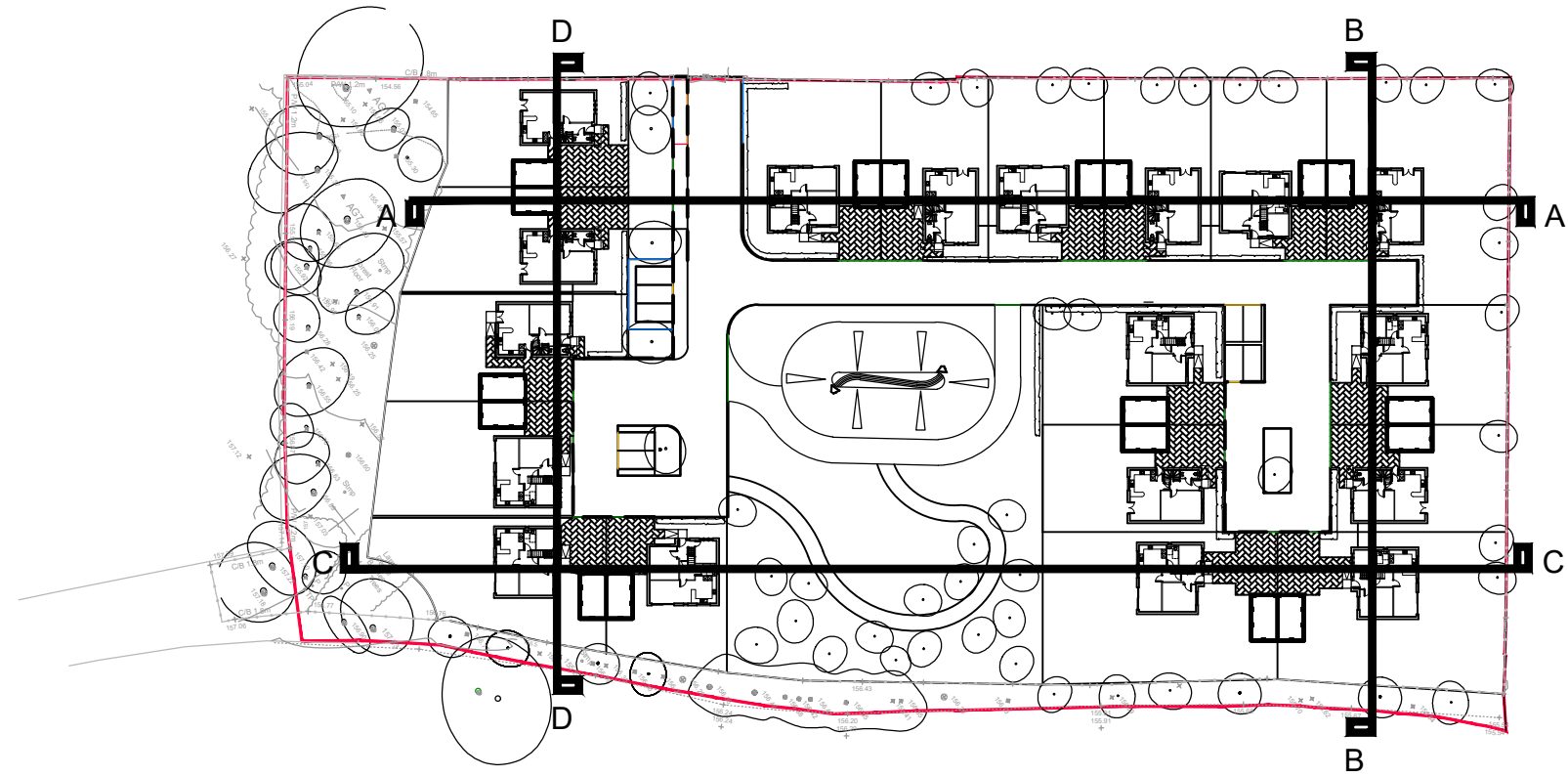
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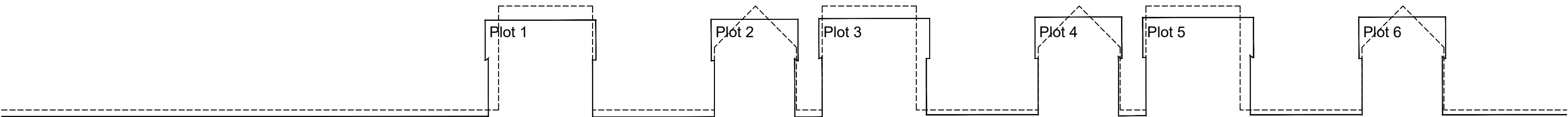
9 MONTGOMERY STREET
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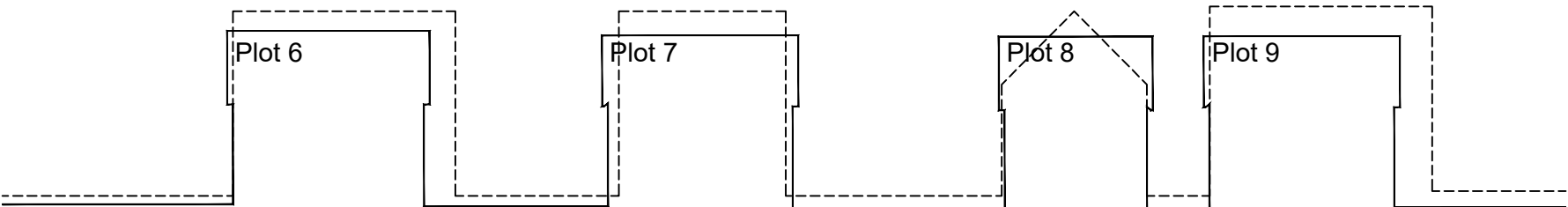
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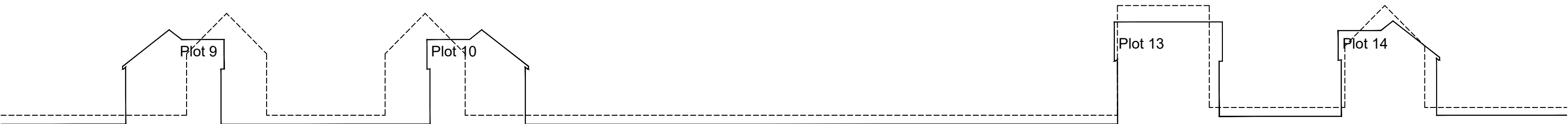
Site Plan



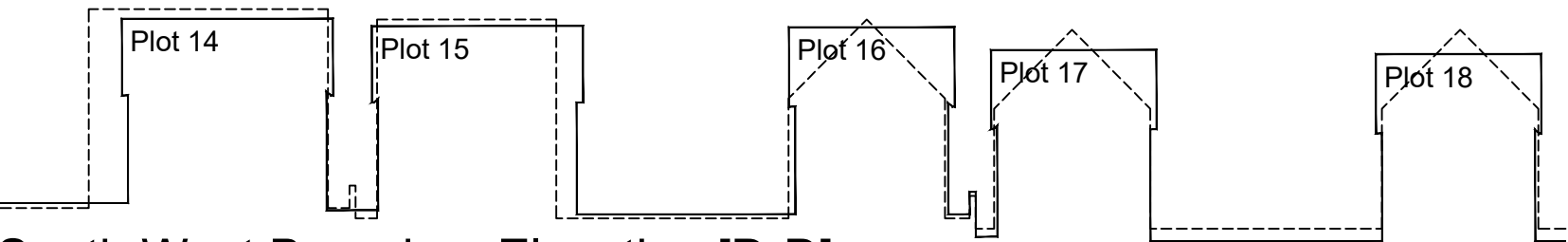
North West Boundary Elevation [A-A]



North East Boundary Elevation [B-B]



South East Boundary Elevation [C-C]



South West Boundary Elevation [D-D]

----- PREVIOUS PROPOSAL
————— CURRENT PROPOSAL

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Client
Perella Homes

Project
Proposed Development
Tarbert Drive Murieston
Livingston

Title
Existing and Proposed
Site Section Levels

Job No	Size	
P55.05	A2	
Drawing No	Rev	
L(0-)10	-	
Date	By	Scale
Mar '23	GR	NTS

Autocad Reference



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DESIGN TECHNICAL
ARCHITECTURE

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Development Management

List of Delegated Decisions - 3rd February 2023

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

Ref. No.:	0922/FUL/22	Recommendation:	Grant Planning Permission
Proposal:	Change of use from offices to hotel annex (class 7)		
Address:	89-91 High Street, Linlithgow, West Lothian, EH49 7ED, (Grid Ref: 300211,677137)		
Applicant:	Mr J Hay	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Alexander Calderwood
<u>Summary of Representations</u> 1 letter of objection was received from the Architectural Heritage Society of Scotland. The objection raised the following concerns: <ul style="list-style-type: none"> - Concern over the subdivision of the ground floor within the main building. - Concern over subdivision at first and second floor level through the introduction of pod ensembles. - No detail on ventilation and drainage. - The composite half-glazed doors proposed for the east elevation are unsuitable. Timber would be more appropriate and preferred. 			
<u>Officers report</u> This application seeks planning permission for the change of use and alterations to a category B listed building within the Linlithgow Palace and High Street Conservation Area. The proposal is to turn the building into hotel rooms, as an annexe to the existing nearby hotel at the Court House. The building was originally a bank, but was most recently used as council offices and the internal fabric of the building has been altered previously. Following discussions with Historic Environment Scotland it has been agreed that the works, including the subdivisions of rooms to form separate suites, will not have a negative impact on the character or special features of the building. Some traditional features which were previously removed will be replaced. The proposal also allows the re-use, and secures the future of, this prominent listed building. The application therefore complies with policies DES 1 (Design Principles), ENV 24 (Conservation Areas (Demolitions), ENV 28 (Listed Buildings) and ENV 29 (Unoccupied Listed Buildings).			

Ref. No.:	0923/LBC/22	Recommendation:	Grant Listed Building Consent
Proposal:	Listed building consent for alterations to form hotel annex (Class 7)		
Address:	89-91 High Street, Linlithgow, West Lothian, EH49 7ED, (Grid Ref: 300211,677137)		
Applicant:	Mr J Hay	Type:	Other
Ward:	Linlithgow	Case Officer:	Alexander Calderwood
<p><u>Summary of Representations</u></p> <p>1 letter of objection was received from the Architectural Heritage Society of Scotland. The objection raised the following concerns:</p> <ul style="list-style-type: none"> - Concern over the subdivision of the ground floor within the main building. - Concern over subdivision at first and second floor level through the introduction of pod ensembles. - No detail on ventilation and drainage. - The composite half-glazed doors proposed for the east elevation are unsuitable. Timber would be more appropriate and preferred. 			
<p><u>Officers report</u></p> <p>This application seeks listed building consent for alterations to a category B listed building within the Linlithgow Palace and High Street Conservation Area. The proposal is to turn the building into hotel rooms, as an annexe to the existing nearby hotel at the Court House. The building was originally a bank, but was most recently used as council offices and the internal fabric of the building has been altered previously. Following discussions with Historic Environment Scotland it has been agreed that the works, including the subdivisions of rooms to form separate suites, will not have a negative impact on the character or special features of the building. Some traditional features which were previously removed will be replaced. The proposal also allows the re-use, and secures the future of, this prominent listed building. The application therefore complies with policies DES 1 (Design Principles), ENV 24 (Conservation Areas (Demolitions), ENV 28 (Listed Buildings) and ENV 29 (Unoccupied Listed Buildings).</p>			

Ref. No.:	1086/H/22	Recommendation:	Refuse Permission Agenda Item 10
Proposal:	Replacement of 5 windows with double glazed UPVC windows		
Address:	Lochend, 58 St Ninian's Road, Linlithgow, West Lothian, EH49 7BN (Grid Ref: 299628,677174)		
Applicant:	Ms Wendy Acciaroli	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Lucy Hoad

Summary of Representations

AHSS and Linlithgow Civic Trust object to the design and materials of proposed windows.

Officers report

Lochend is a detached building (unlisted) of traditional design (stone/slate) located within the Conservation Area of Linlithgow.

The property has been subdivided horizontally to form 2 flats. Records indicate consent has recently been granted for replacement windows to the lower flat.

Concerns have been raised by the AHSS and Linlithgow Civic Trust with regard to design and materials.

The application seeks consent for the replacement of existing timber windows to prime elevation of the building (upper floor). The windows are timber single glazed and display a curved design to upper bar. The application proposes use of upvc replacements but does not stipulate curved design.

The building is of local importance both architecturally and historically. In this particular instance, taking into account the character and appearance of the main facade which should display consistency in terms of design and materials, the introduction of upvc to the upper floor level will impact the integrity of the building.

This proposal is contrary to West Lothian Council's Local Development Plan's Policies DES 1 (Design Principles) and ENV23 (Conservation Areas) in that there will be an adverse impact on the character and appearance of the building to the detriment of the street scene and wider Conservation Area.

It is recommended that this application is refused.

Ref. No.:	1166/H/22	Recommendation:	Refuse Permission Agenda Item 10
Proposal:	Formation of two box dormer roof extensions, formation of roof terrace, alterations to windows and entrance door locations, formation of 3 rooflights		
Address:	67 Baron's Hill Avenue, Linlithgow, West Lothian, EH49 7JQ, (Grid Ref: 300930,677476)		
Applicant:	Ms Naiomi Smith-Skapi	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Lucy Hoad

Summary of Representations

One representation was received raising concerns over light and privacy.

Officers report

The property is a detached dwelling (unlisted) lying outwith the Conservation Area of Linlithgow. The row comprised bungalows of a similar style and design.

The application seeks planning consent for installation of two dormers, new rooflights and formation of roof terrace as well as alterations in respect of door and window openings.

The proposed development in particular dormers and roof terrace would be visible from the public realm. One representation was received from the neighbouring property raising concerns over design and size of windows.

The street comprises a row of bungalows that are considered to be modest in scale and simple in plan form. Taking into account the character and appearance of these dwellings, the introduction of the large dormers to this end bungalow would have a negative visual impact on both the building itself and wider street scene, contrary to Policy DES1 (Design Principles).

It is recommended that the application be refused.

Ref. No.:	0015/H/23	Recommendation:	Grant Planning Permission <small>Agenda Item 10</small>
Proposal:	Two-storey extension to house		
Address:	12 Starlaw Gardens, Bathgate, West Lothian, EH48 1NL, (Grid Ref: 299508,668023)		
Applicant:	Mr & Mrs M & K Philips	Type:	Local Application
Ward:	Bathgate	Case Officer:	Anna McCabe

Summary of Representations

1 Objection

- Loss of light in hall
- Loss of light in bathroom

Officers report

12 Starlaw Gardens is a semi-detached three-bedroom house that is located in Bathgate which is constructed of off-white render, red brick, and brown concrete roof tiles.

The applicant seeks consent refurbish the existing garage and introduce a first story extension.

The proposed refurbished garage is to be used as a playroom which will follow the same footprint as the original structure and host a new window on the north elevation to overlook the occupant's curtilage. The proposed first floor extension is to host a new master suite and en suite which is to run the length of the first floor (8.3m) and protrude 2.7m from the side to match the width of the existing garage. The eave height is to follow the existing and the ridge height it to follow suit (8m). The extension is to host two new windows, one to the front (north) of the master suite, and one to the rear (south), neither cause concern for overlooking as both overlook the occupant's curtilage and is over 30m away from the parallel house to the front.

As the proposed first story extension brings the overall height up to 8m, overshadowing would occur at the side of the neighbouring property's drive, and east facing windows. However, both windows lead to the neighbours hallway and bathroom which are non-habitable rooms therefore cause no issues. Additionally, from the position and orientation of these windows, it would appear that the new proposal would not cast any further shadowing than currently exists given the southern aspect .

The new extension adds an extra bedroom to the property which could result in more cars being held at the property however there is ample parking available both in the drive and on the street.

The materials proposed for this development to match that of the existing, with brown concrete roof tiles, off-white wet dashed render and a smooth base course render. The proposed extension is of a scale that does not dominate the existing or neighbouring properties. It is subsidiary in appearance to the main house and should not detract from the appearance of the dwelling or surroundings as the extension is to the rear. The proposed windows are of similar style, appearance, material and proportion to those in the existing house.

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

It is recommended that this application is approved.

1 Objection

- Loss of light in hall
- Loss of light in bathroom

House Extension & Alteration Design Guide
West Lothian Local Development Plan 2018
Town and Country Planning (Scotland) Act 1997

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



Development Management

List of Delegated Decisions - 10th February 2023

DATA LABEL: OFFICIAL

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

Ref. No.:	1168/FUL/22	Recommendation:	Grant Planning Permission
Proposal:	Change of use from open space to vehicle sales (sui generis), erection of boundary fencing and siting of portable office building (part retrospective)		
Address:	8F Murraysgate Industrial Estate, Whitburn, West Lothian, EH47 0LE (Grid Ref: 293901,664958)		
Applicant:	Mr M Afsal	Type:	Local Application
Ward:	Whitburn & Blackburn	Case Officer:	Kirsty Hope
<u>Summary of Representations</u> One letter of representation, summarised as follows: - Will the buffer strip be maintained? - There should be no lighting on the building projecting towards houses. - No issues with lights on fence, as long as out by 5pm.			
<u>Officers report</u> This application is for the change of use from vacant open land to vehicle sales (sui generis use class), as well as the erection of a 1.8m high boundary fence to secure the site along with lighting secured to the fence to shine towards the existing industrial unit/yard. The proposal also includes the siting of a portable office building (in retrospect). The application site is located within an existing employment area boundary and the proposed use of the land is appropriate. The site has been surfaced in type 1, however, revised plans were submitted to retain a buffer area 4.2m wide along the east boundary to allow a corridor for wildlife and a buffer between the industrial area and residential properties. A condition will be used to ensure this buffer area is returned back to a grassed			

surface as shown on the plan L (--) 001 Revision B. The portacabin on site will be used as a sales office and is acceptable in terms of scale and form. The lighting as proposed will shine away from neighbouring residents and conditions will control the operational hours.

WLC Flood Risk Management and WLC Roads & Transportation raise no concerns.

The proposal complies with LDP policies DES 1 (Design Principles), EMP 2 (Employment Development within Settlement Boundaries), ENV 21 (Protection of Formal and Informal Open Space) and EMG 3 (Sustainable Drainage).

It is therefore recommended that planning permission be granted.



Development Management

List of Delegated Decisions - 17th February 2023

DATA LABEL: OFFICIAL

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

Ref. No.:	1088/H/22	Recommendation:	Grant Planning Permission
Proposal:	Erection of a 1.8m high boundary fence (in retrospect)		
Address:	33 The Glebe, West Calder, West Lothian, EH55 8BL (Grid Ref: 301997,662966)		
Applicant:	Mrs Leigh Watson	Type:	Local Application
Ward:	Fauldhouse & The Breich Valley	Case Officer:	Anna McCabe

Summary of Representations

3 Objections have been received:

- No place for pedestrians to walk
- No place for visitors to park
- Dangerous to exit drive for neighbouring property at No 31
- Unsafe for children due to lack of garden to walk on

Officers report

33 The Glebe is a detached house that is located within West Calder. The applicant seeks retrospective consent to erect a 1.8m timber fence to the rear and side of the property, which sits adjacent to a road.

The fence is located on the north east of the property and starts in line with the front facing wall, it then runs the length of the property and wraps around the back of the property to join with the neighbouring fence. Towards the rear of the property there is a long driveway owned by the occupant of 31 The Glebe, which is located within the adjoining cul-de-sac, which has no pavements.

WLC Roads & Transportation was consulted and raised no objections but recommended that the fence corner adjacent to the drive for No. 31 be moved/lowered to allow visibility at the corner. The applicant has agreed to do this and it can be covered by a condition.

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

The proposal adheres to West Lothian Local Development Plan, Policy DES 1 (Design Principles), National Planning Framework 4, Policies 16g and 16h (Householder Development Proposals) and follows the appropriate guidance given in the council's House Extension and Alteration Design Guide, 2020.

It is recommended that this application is granted with conditions.



Development Management

List of Delegated Decisions - 24th February 2023

DATA LABEL: OFFICIAL

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

Ref. No.:	0035/FUL/23	Recommendation:	Refuse Permission
Proposal:	Erection of a workshop/storage shed		
Address:	Land to South Of Five Sisters Zoo, Polbeth, West Lothian, EH55 8PT (Grid Ref: 302375,664354)		
Applicant:	Five Sisters Zoo	Type:	Local Application
Ward:	Fauldhouse & The Breich Valley	Case Officer:	Kirsty Hope
<u>Summary of Representations</u>			
No letters of representation were received.			
<u>Officers report</u>			
<p>The site is opposite the Five Sisters Zoo, at a rural location and forms part of the Livingston Countryside Belt. This application is for the erection of a workshop/storage shed constructed in steel sheet cladding measuring 46m x 18m at a height of 8.6m to ridge level and 6m to eaves height from ground level. The application site is in use as a storage yard for a landscaping business.</p> <p>No justification has been provided by the applicant in relation to the need for a storage/workshop building of this scale. The design and overall massing are very dominant and would be out of keeping with the surrounding area and would adversely impact on the amenity of the neighbouring dwelling.</p> <p>No details of existing /proposed levels nor drainage details have been provided. No tree report or ecological report has been submitted. No phase 2 site investigation report has been provided.</p>			

The proposal is contrary to LDP policies DES1 (Design principles), EMP3 (Employment development outwith settlement boundaries), ENV3 (Development in the countryside), ENV7 (Countryside Belts), ENV9 (Woodland, trees and hedgerow), EMG3 (Sustainable Drainage), EMG5 (Noise), EMG6 (Vacant and contaminated land).

The proposal is contrary to LDP supplementary guidance: Development in the Countryside; Planning and Noise, Flooding and Drainage and LDP planning guidance: Planning for Nature.

The proposal is contrary to NPF4 policies Policy 3 (Biodiversity); Policy 6 (Forestry, woodland and trees); Policy 14 (Design, quality and place); Policy 22 (Flood risk and water management); Policy 26 (Business and industry); Policy 29 (Rural development).

It is therefore recommended that planning permission is refused.



Development Management

List of Delegated Decisions - 3rd March 2023

DATA LABEL: OFFICIAL

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

Ref. No.:	0073/H/23	Recommendation:	Grant Planning Permission
Proposal:	Extension to outbuilding (in retrospect)		
Address:	Three Lairds, 17 Manse Road, Linlithgow, West Lothian, EH49 6AU (Grid Ref: 300389,676473)		
Applicant:	Mr Alasdair Bulloch	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Anna McCabe
<u>Summary of Representations</u> 1 Objection received - closeness to boundary - possibility of becoming "plant" for a hot tub			
<u>Officers report</u> Three Lairds, 17 Manse Road is a detached house in Linlithgow constructed of render and brown concrete roof tiles. The development is located within a conservation area. The applicant seeks retrospective permission to extend an existing outbuilding. The extension measures 1.4m x 2.4m with an eaves height of 2.2m and a ridge height of 3.2m. The cladding is larch with a reclaimed red rosemary tiled roof. There are no windows and only a single door in the north elevation. The south of the property, where the outhouse is located, is shielded from the main road by large shrubs. The extension is close to the boundary to the rear of the property, however, as there are no glazed elements, there is no concern of overlooking. The orientation of the build also minimises any overshadowing on neighbouring properties.			

The proposed extension is of a scale that does not dominate the existing or neighbouring properties. It is subsidiary in appearance to the main house/outhouse and does not detract from the appearance of the dwelling or surroundings.

There is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity as the extension is to the rear.

The development adheres to West Lothian Local Development Plan, Policy DES 1 (Design Principles), National Planning Framework 4, Policies 16g and 16h (Quality Homes) and follows the appropriate guidance given in the House Extension and Alteration Design Guide 2020. It is recommended that this application is granted planning permission.

Proposed Enforcement Actions – 03/03/2023

Ref. No.	Owner/ Developer	Location & Alleged Breach of Planning Control	Ward	Proposed action	Reasons for decision and summary steps to comply if applicable
ENF/0047/23	Stavros Archondakis	50 Kirk Road Bathgate West Lothian EH48 1BP Erection of fence and installation of CCTV cameras	Bathgate	TNA	<p>The fence at the front of property is a replacement for an original fence and the owner has removed a hedge that was in front of that original fence. These works are permitted development.</p> <p>The CCTV cameras comply with the householder permitted development rights set out in planning legislation.</p> <p>A planning application is not required for the front fence or CCTV cameras.</p> <p>The 1.8m high fence at the side of property is a short 1.6m length which replaces old railings and sits behind high shrubbery. It is not readily visible from the main street. It is a minor breach of planning control; however, it is not in the public interest to take formal enforcement action.</p> <p>No further action will be taken in this instance.</p>