



Local Review Body

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

25 April 2018

A meeting of the **Local Review Body** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Wednesday 2 May 2018** at **11:00am**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
3. Order of Business, including notice of urgent business and declarations of interest in any urgent business
4. Confirm Draft Minutes of Meeting of Local Review Body held on Wednesday 04 April 2018 (herewith).

Public Items for Decision

5. Notice of Review Application No.1069/FUL/17 - Erection of house and detached garage at Four Winds, East Calder, Broxburn (herewith)

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

MINUTE of MEETING of the LOCAL REVIEW BODY of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 4 APRIL 2018.

Present – Councillors Lawrence Fitzpatrick (Chair), Stuart Borrowman, Pauline Clark, Charles Kennedy, Tom Kerr, Dom McGuire and David Tait

Apologies – Councillors George Paul and William Boyle

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The committee confirmed the Minute of the meeting held on 7 March 2018. The Minute was thereafter signed by the Chair.

3. NOTICE OF REVIEW APPLICATION NO.0814/H/17 - ERECTION OF REPLACEMENT SHED AND INSTALLATION OF BBQ HUT (IN RETROSPECT) AT 60 MARTIN BRAE, LIVINGSTON

The committee considered a report (copies of which had been circulated) by the Clerk and Legal Adviser to the Local Review Body which related to a Notice of Review for the refusal of planning permission for a replacement shed and installation of BBQ Hut (in retrospect) at 60 Martin Brae, Livingston.

Attached to the report were the Notice of Review and other relevant documents. The report identified the policies in the development plan and the relevant planning guidance that had been referred to in the review documents. One representation was received in relation to the planning application and a further representation received relating to the Notice of Review application.

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

The committee considered the review application in terms of the statutory test, to have regards to the development plan and to make its decision in accordance with the development plan unless material considerations indicated otherwise.

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

Decision

To uphold the decision of the Appointed Person and refuse the review

application and therefore planning permission.



LOCAL REVIEW BODY

APPLICATION NO. 1069/FUL/17 – ERECTION OF HOUSE AND DETACHED GARAGE AT FOUR WINDS, EAST CALDER, BROXBURN

REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY

A PURPOSE OF REPORT

This covering report describes the documents and other matters relevant to the consideration by the Local Review Body of this application for review of a decision by the council's Appointed Person. The application is to review the non-determination of the application for the erection of house and detached garage at Four Winds, East Calder, Broxburn

B REVIEW DOCUMENTS

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

1. The Handling Report, not dated;
2. The Notice of Review, submitted by the applicant, dated 23 March 2018. No other documents were submitted by the applicant
3. For the benefit of members also enclosed (from the online planning application are the following :-
 - A site plan
 - Elevations

One representation was received in relation to the planning application; this was from the Woodland Trust and a copy is attached to the report. The Woodland Trust were contacted to advise that the Notice of Review application had been received and if they wished to make further comment they were to do so within 14 days. However no further comments have been received from them.

The applicant has stated in the review application that they consider that the Local Review Body could decide the review case by conducting a site visit only.

C DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

The planning application was not determined by the Appointed Person within the timeframe of two months. This was due to waiting on further information from the council's Contaminated Land Officer. A number of policies from the WLLDP are referenced by the Case Officer in the Handling Report which forms part of the

online papers. These include ENV31 (Development in the Countryside), ENV11 (Development Affecting Woodland), HOU9 (Residential and Visual Amenity), IMP2 (Education Contribution Denominational), IMP3 (Education Constraint), IMP14 (Supplementary Planning Guidance), ENV2 (Housing Development in the countryside), ENV9 (Woodland, Forestry, Trees & Hedges) and DES1 (Design Principles)

D PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS

Without prejudice to the outcome of this review, to assist the Local Review Body in its deliberations and to assist the applicant and interested persons in securing a prompt resolution of the review, the Planning Adviser has drafted planning conditions which the Local Review Body may wish to consider imposing should it be minded to grant planning permission. A copy is circulated with this report.

Wendy Richardson, Solicitor, West Lothian Civic Centre
Tel No. 01506 283524, heather.cox@westlothian.gov.uk

Date: 2 May 2018



West Lothian
Council

LEGAL SERVICES
RECEIVED

- 3 APR 2018

FOR OFFICIAL USE ONLY

Reference No :
Date of Receipt :

NOTICE OF REVIEW

(LOCAL DEVELOPMENT – DECISION BY APPOINTED PERSON)

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

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

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

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

PART A	APPLICANT'S DETAILS	Name <u>MR CHRIS COGAN</u>
		Address <u>FOUR WINDS</u> <u>EAST CALABE, GEORGBURGH</u> Postcode <u>EH52 5PE</u> Telephone No. (1) _____ Telephone No. (2) _____ Fax : _____ E-mail : _____
	REPRESENTATIVE (if any)	Name <u>MARGARET SAGGE</u> Address <u>4 DONSDOWN WALK</u> <u>ST HILLANS</u> Postcode <u>PH6 2NA</u> Telephone No. (1) <u>[REDACTED]</u> Telephone No. (2) _____ Fax : _____ E-mail : <u>[REDACTED]</u>
Please tick this box if you wish all contact to be through your representative.		<input checked="" type="checkbox"/>

Do you agree to correspondence regarding your review being sent by e-mail? *
YES/NO

PART B	APPLICANT REF. NO.	1069 / FUL / 17
	SITE ADDRESS	8 FOUR WINDS PAST CALATE EH52 5PE
	DESCRIPTION OF PROPOSED DEVELOPMENT	ERUPTION OF HOUSE AND DETACHED GARAGE
	DATE OF APPLICATION	25.12.17 + 15.1.18 (VALIDATED)
	DATE OF DECISION NOTICE (IF ANY)	NO DECISION

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

Type of Application (please tick the appropriate box)

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

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



Statement of reasons and matters to be raised

You must state, in full, the reasons for requiring a review of your case. You must also set out and include with your application all the matters you consider require to be taken into account and which you intend to raise in the review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

State here the reasons for requiring the review and all the matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form of which ten copies must be provided.

REVIEW OF THIS CASE IS SOUGHT AS
IT WAS NOT DETERMINED WITHIN THE
PRESCRIBED PERIOD

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

* YES/NO

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

List of documents and evidence

Please provide a list of all documents, materials and evidence which you wish to submit and rely on in your review. Ten (10) copies of these documents, materials and evidence must be lodged with this notice. If necessary, this can be continued or provided in full in a separate document.

1.	
2.	
3.	
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5.	
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11.	
12.	



PART D

REVIEW PROCEDURE

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process ask for further information or representations. The procedure adopted will be one or a combination of meetings; adjourned meetings; written submissions; hearing sessions and inspecting the land which is the subject of the review.

Please indicate what procedure (or combination of procedures) you think is most appropriate. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

Hearing sessions(s)

Site inspection

Assessment of review documents only, with no further procedure

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

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

SITE INSPECTION

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

Can the site be viewed entirely from public land?

☒ YES ☐ NO

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

☒ YES ☐ NO

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

IT IS NOT PUBLIC LAND

PART E CHECKLIST

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review. Failure to supply all the relevant information or to lodge the form on time could invalidate your notice of review.

Full completion of all parts of this form

✓

Statement of your reasons for requiring a review and matters to be raised

✓

Statement of your preferred procedure

✓

All documents, materials and evidence which you intend to rely on. Copies must accompany this notice.

N/A

Where your case relates to another application (e.g. it is a renewal of planning permission or a modification, variation or removal of a planning condition, or an application for approval of matters specified in conditions), it is advisable to provide that other application reference number, approved plans and decision notice from that earlier consent.

*****DECLARATION*****

I, the ~~applicant~~ agent*, hereby require West Lothian Council to review the case as set out in this form and in the supporting documents, materials and evidence lodged with it.

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

I understand that the Council will make a copy of the notice of review (including my name, address and other personal information), the review documents and any notice of the procedure of the review available for inspection at an office of the Council until such time as the review is determined, and that all of that information may also be available on the Council website.

Signed

[Redacted Signature]

Date

23.3.18

* Delete as appropriate

Please return this completed form to :-

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

HANDLING REPORT

Ref. No.:	1069/FUL/17	Email:	matthew.watson@westlothian.gov.uk
Case Officer:	Matthew Watson	Tel No.:	01506 283536
Ward:	Livingston South	Member:	Peter Heggie Moir Shemilt Lawrence Fitzpatrick Peter Johnston

Title	Erection of house and detached garage(Grid Ref: 305280,667171) at Four Winds,East Calder,Broxburn,EH52 5PE,West Lothian,EH52 5PE
Application Type	Local Application
Decision Level	Delegated List
Site Visit	07.02.2018
Recommendation	Refuse Permission
Decision	
Neighbour Notification	Neighbour notification procedures have been have been carried out correctly - case officer verification. YES/NO
Advertisement	01.03.2018

Description of Proposals

Erection of house and detached garage

Site History

Representations

0 Representations were received for this application.
This is a summary of the representations received. The full documents are contained in the application file.

No representations were received.

Consultations

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

Consultee	Objection?	Comments	Planning Response
Development Plans			
Transportation			
Flood Risk Management			
Scottish Environment Protection Agency			
Education Planning (Andrew Cotton)			
Mr Dominic Young (Contaminated Land Officer)			

Policies Considered

Policy Title	Policy Text
ENV31 - Development in the Countryside	Proposals for new build development in the countryside will not normally be approved. Exceptions to this policy are:(i) a house for a full-time worker in agriculture or other rural business;(ii) a house for a retired farmer who wishes to remain on the farm but vacate the existing farmhouse to accommodate his successor;(iii) development of a visually intrusive brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition;(iv) replacement of an existing house in the countryside which is of a poor design or in a poor structural condition;(v) infill development within the curtilage of an existing building group or infilling of gaps between existing houses of a single plot width;(vi) a very small number of proposals for a house which by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside; and(vii) small scale farm diversification projects or other business proposals appropriate to a rural area which would help sustain the rural economy or create significant social benefits.In the case of the first and second policy exceptions above, approval of any new house must be linked to the business by a Section 75Agreement.
ENV11 - Development	There will be a presumption against development affecting woodlands and trees unless there is a proven locational need

Affecting Woodland	and where a sustainable environmental gain through replacement and additional tree planting appropriate to the area is provided.
HOU9 - Residential and Visual Amenity	Development proposals will be assessed against the need to protect the residential and visual amenity of existing residents and other occupiers. Developments shown to adversely impact on amenity to a significant degree will not be supported.
IMP2 - Education Contribution Denominati	All developers of housing sites will be required to contribute to the cost of providing additional education infrastructure in West Lothian for the denominational secondary sector. Contributions will be used to fund a new denominational secondary school. Contributions may potentially be used to extend St Margaret's Academy. Where appropriate, phasing conditions will be imposed to control the annual rate of house completions on housing sites. Housing developments which will exacerbate capacity problems at existing denominational secondary schools will be resisted.
IMP3 - Education Constraint	Where appropriate in considering proposals for housing development, planning conditions and/or legal agreements will be required to:a) secure the provision of new schools or extensions, and associated community, facilities, from developers where this is directly attributable to serving their proposed housing development; and/orb) phase development , to manage demand on school places.Where education constraints cannot be overcome there will be a presumption against housing development
IMP14 - Supplementary Planning Guidance	Developers must have regard to the planning policies guidance referred to in this local plan. In submitting a planning application, listed building consent or conservation area consent or advertisement consent application, a developer shall conform to supplementary guidance
ENV2 - Housing	Housing development in the countryside will only be permitted where:a. the house is required for a full-time worker in

Development in the Countr	<p>agriculture, horticulture, forestry, countryside recreation or tourism or other rural business; orb. the house is required for a retired farmer who wishes to remain on the farm but vacate the existing farmhouse to accommodate his successor; orc. the proposal provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition; ord. the proposal is for the replacement of an existing house in the countryside which is of a poor design or in a poor structural condition; ore. the proposal is for infill development within the curtilage of an existing building group or infilling of gaps between existing houses of a single plot width; orf. the proposal involves the conversion or rehabilitation of existing rural buildings which the council deems worthy of retention because of their architectural or historic merit; org. the proposal is supported by the council's lowland crofting policy. Where a proposal by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside an exception to policy may be justified. Proposals should make the best use of resources, integrate with services and facilities and demonstrate the highest standards in design and environmental quality to protect and enhance the established landscape character. The detailed of Supplementary Guidance on "Development in the Countryside" and "Lowland Crofting" will apply.</p>
ENV9 - Woodland, Forestry, Trees and Hed	<p>There will be a presumption against development adversely affecting woodlands unless there is a proven locational need and where a sustainable environmental gain through replacement and additional tree planting appropriate to the area is provided and accords with the Scottish Government "Control of Woodland Removal" policy (2009) and the Forestry Commission Scotland's policy "The right tree in the right place" (2010). Where the removal of woodlands or forestry is sanctioned, the practical implications of timber removal from the site will require to be considered and thereafter managed in order to minimise damage to the road network. Details must be provided to and agreed with the council prior to the commencement of the works. The council recognises that woodlands, hedgerows and individual trees can have significant ecological and biodiversity value and make a substantial contribution to landscape character and quality and that they can also be of economic and recreational value. Scottish Planning Policy (SPP2014) encourages Local Development Plan policies to protect and enhance areas of woodland which are of high nature conservation and/or landscape character value. Accordingly: a. there will be a presumption against development proposals which involve the</p>

	<p>loss of, or damage to, woodland, groups of trees (including trees covered by Tree Preservation Order, areas defined as ancient or seminatural woodland, veteran trees or areas forming part of designated and designed landscapes) and hedgerows, which have particular amenity, nature conservation, biodiversity, recreation, landscape, shelter belt, cultural, historical value or are of other importance;b. proposals that involve the removal of woodland will only be supported where it would achieve significant and clearly defined public benefits and the criteria for determining the acceptability or otherwise of any proposed woodland removal is set out in the Scotland's Control of Woodland Removal Policy document;c. approval for woodland removal will be conditional on the undertaking of actions to ensure full delivery of the defined additional public benefits;d. planning conditions and agreements will be used to mitigate the environmental impacts arising from development and developers will generally be expected to provide compensatory planting;e. where felling is permitted but woodland removal is not supported, conditions conducive to woodland regeneration will require to be maintained through adherence to good forestry practice as defined in the UK Forestry Standard;f. as an irreplaceable resource, it is unlikely that benefits can be demonstrated for removal of ancient woodland. Exceptions for ancient woodland will therefore not be considered;g. development which is likely to affect individual trees and groups of trees considered important for amenity or their cultural or historic interest should comply with Supplementary Guidance "Protection and promotion of woodland, trees and hedges" including the undertaking of a Tree Survey, indicating constraints and tree protection requirements including BS 5837:2012;h. the enhancement and management of existing woodland, trees and hedgerow will be encouraged and supported. Where retention of a woodland area is integral to a development proposal, developers will be required to prepare and implement an appropriate Management Plan; and there will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to local and/or historic landscape character.</p>
DES1 - Design Principles	<p>All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals, the developer will be required to ensure that:a. there is no significant adverse impact on adjacent buildings or</p>

	<p>streetscape in terms of layout, scale, massing, design, external materials or amenity;b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates;c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety;d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscape provision;e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices;f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided;g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; andh. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary, mitigated prior to development.Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.</p>
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Policy Assessment

Officer Assessment

Principle The application seeks planning permission for a house and detached garage within the rear garden ground of Four Winds. The house and garage are proposed close to the north-east boundary of the site, which slopes steeply from north-east to south-east. The application site is within the countryside and parts of it fall within the Ancient Woodland Inventory and River Almond Special Landscape Area. Policy ENV 31 of the West Lothian Local Plan (WLLP) and policy ENV 2 of the Proposed West Lothian Local Development Plan (Proposed LDP) set out the exceptions to the presumption against new build development in the countryside. The SPG on New development in the countryside expands upon these policy criteria. The exceptions set out in policy ENV 31 are: "(i) a house for a full-time worker in agriculture or other rural business; (ii) a house for a retired farmer who wishes to remain on the farm but vacate the existing farmhouse to accommodate his successor; (iii) development of a visually intrusive brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its

current condition;(iv) replacement of an existing house in the countryside which is of a poor design or in a poor structural condition;(v) infill development within the curtilage of an existing building group or infilling of gaps between existing houses of a single plot width;(vi) a very small number of proposals for a house which by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside; and(vii) small scale farm diversification projects or other business proposals appropriate to a rural area which would help sustain the rural economy or create significant social benefits."The exceptions in policy ENV 2 are:"a. the house is required for a full-time worker in agriculture, horticulture, forestry, countryside recreation or tourism or other rural business; orb. the house is required for a retired farmer who wishes to remain on the farm but vacate the existing farmhouse to accommodate his successor; orc. the proposal provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition; ord. the proposal is for the replacement of an existing house in the countryside which is of a poor design or in a poor structural condition; ore. the proposal is for infill development within the curtilage of an existing building group or infilling of gaps between existing houses of a single plot width; orf. the proposal involves the conversion or rehabilitation of existing rural buildings which the council deems worthy of retention because of their architectural or historic merit; org. the proposal is supported by the council's lowland crofting policy."The proposed development is located within the garden of an existing residential property. The house is not required by a full time agricultural worker or for a retired farmer. The site is not brownfield land and there are no existing buildings to be replaced. With regards to the criteria of infill development, the SPG on New development in the countryside states that **all** of the following criteria must be satisfied for proposals to be considered infill development: *The building group must consist primarily of houses forming a clearly identifiable nucleus with strong visual cohesion and sense of place; There is not a definitive size for a gap. This will be considered in relation to the character of the surrounding houses, in particular the size of both the house and garden curtilage and frontage; An extension to a building group will not normally be acceptable except in those rare circumstances where the actual layout of the existing group of houses allows the infill of a small area up to a natural boundary for example, one which does not result in significant enlargement of the area covered by the group of houses; Infill housing should be well related in scale and siting to existing development. It should respect the principles of good design, such as responding to local distinctiveness (including building traditions or materials) without ruling out equivalent materials that are not local; If the existing character of the area is one with wide frontages containing side gardens as opposed to rear gardens, then infill housing will not be considered appropriate if it means the loss of gardens as it would result in a material change in the character of the area.* Although the site is defined by a natural boundary in the form of the bank to the stream, which feeds into the River Almond, Four Winds is set away to the north east from a small building group around Old Clapperton Hall. It is not part of this building group. As such, the proposal is not located within a building group that consist of a group of houses with an identifiable nucleus. Paragraph 5.7 of the SPG shows examples of what can constitute infill development in the countryside. The proposed development would be akin to those in examples B and C that are marked with an X as being unacceptable. The proposal would result in sporadic rural development and is not infill development, as defined in the SPG and policy ENV 31 of the WLLP and policy ENV 2 of the Proposed LDPOverall, the proposed development is unacceptable in principle as it would result in sporadic development; the expansion of an existing cluster where there is no identified locational need; it is not a visually intrusive brownfield site and it is not a house for a full time worker in a rural business. The proposal therefore fails to meet any of the exceptions to the presumption against new build development in the countryside set out in policy ENV 31 of the WLLP and policy ENV 2 of the Proposed LDP, as well as the SPG on New build development in the countryside. Trees and WoodlandPart of the site is located within the Ancient Woodland Inventory. The proposed development does not provide any information regarding the potential impact of constructing a house and garage on the mature trees within the inventory. No root protection area are denoted and no tree survey has been

carried out by the applicant. In the absence of such information, the proposed development is contrary to policy ENV 11 of the West Lothian Local Plan and policy EN V9 of the Proposed West Lothian Local Development Plan.DesignThe proposed design of the house is acceptable in terms of its scale and form and does not cover an excessive amount of the plot and is not overly bulky in form. The materials proposed are acceptable.Overall, the proposal complies with policy HOU9 of the WLLP and policy DES1 of the Proposed LDP in this regard.AmenityThe proposal will not result in a loss of privacy, daylight or sunlight to the existing property at Four Winds.Overall, the proposal complies with policy HOU9 of the WLLP and policy DES1 of the Proposed LDP in this regard.

Other Considerations

Conclusions and Reasons for Decision

In summary, the proposal is contrary to policies ENV 31 and ENV 11 of the West Lothian Local Plan, policies ENV 2 and ENV 9 of the Proposed West Lothian Local Development Plan and the SPG on New build development countryside. No material considerations outweigh this conclusion so it is proposed to refuse planning permission.

List of Review Documents

Drawings schedule:

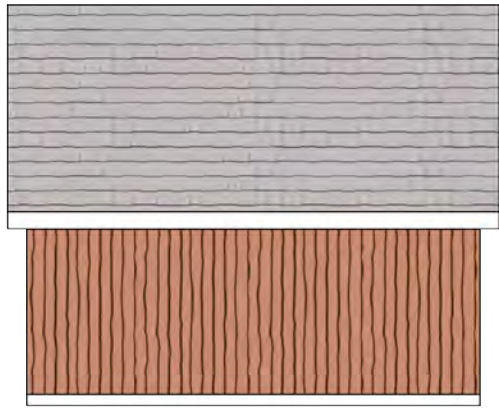
Docquetted Number	Drawing Description	Drawing Number
1		
2		

Other relevant documents:

West Lothian Local Plan and West Lothian Local Development (proposed plan)

Case Officer

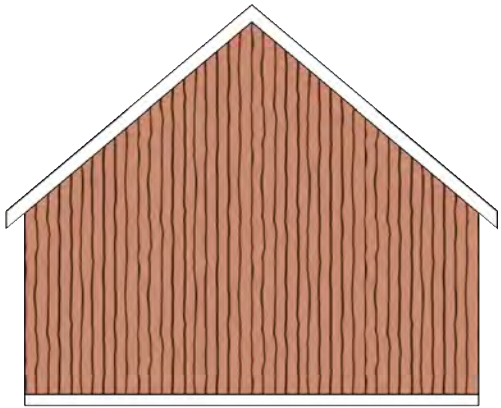
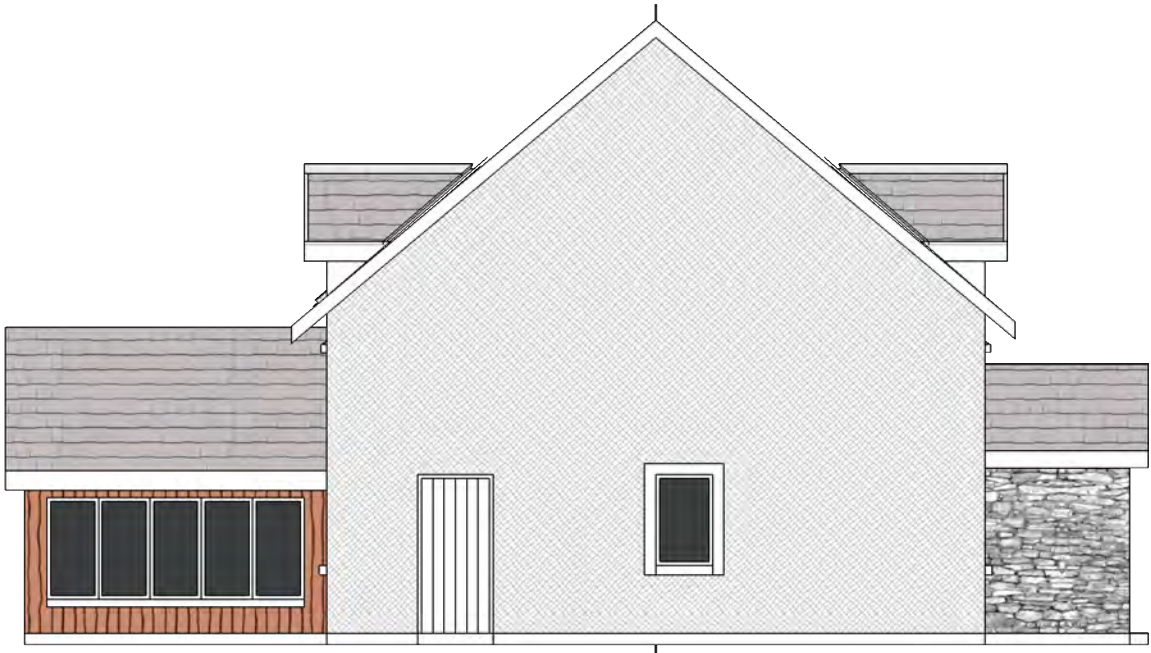
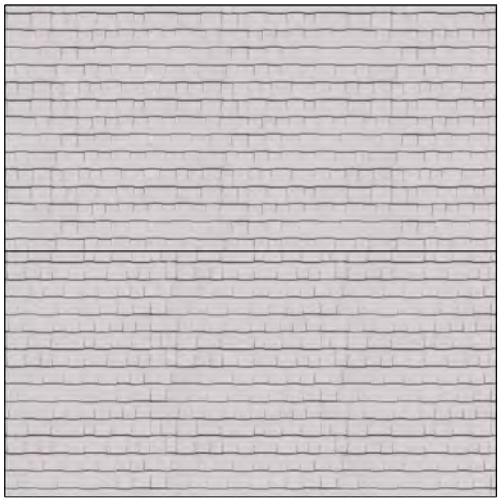
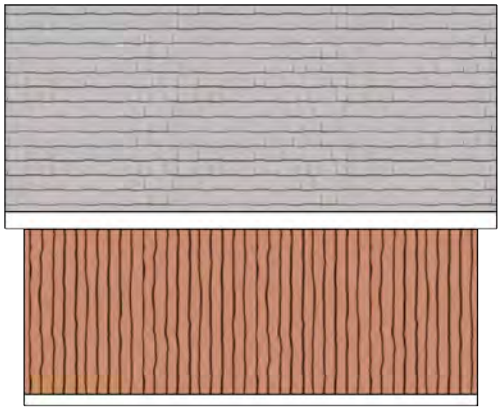
Date.....



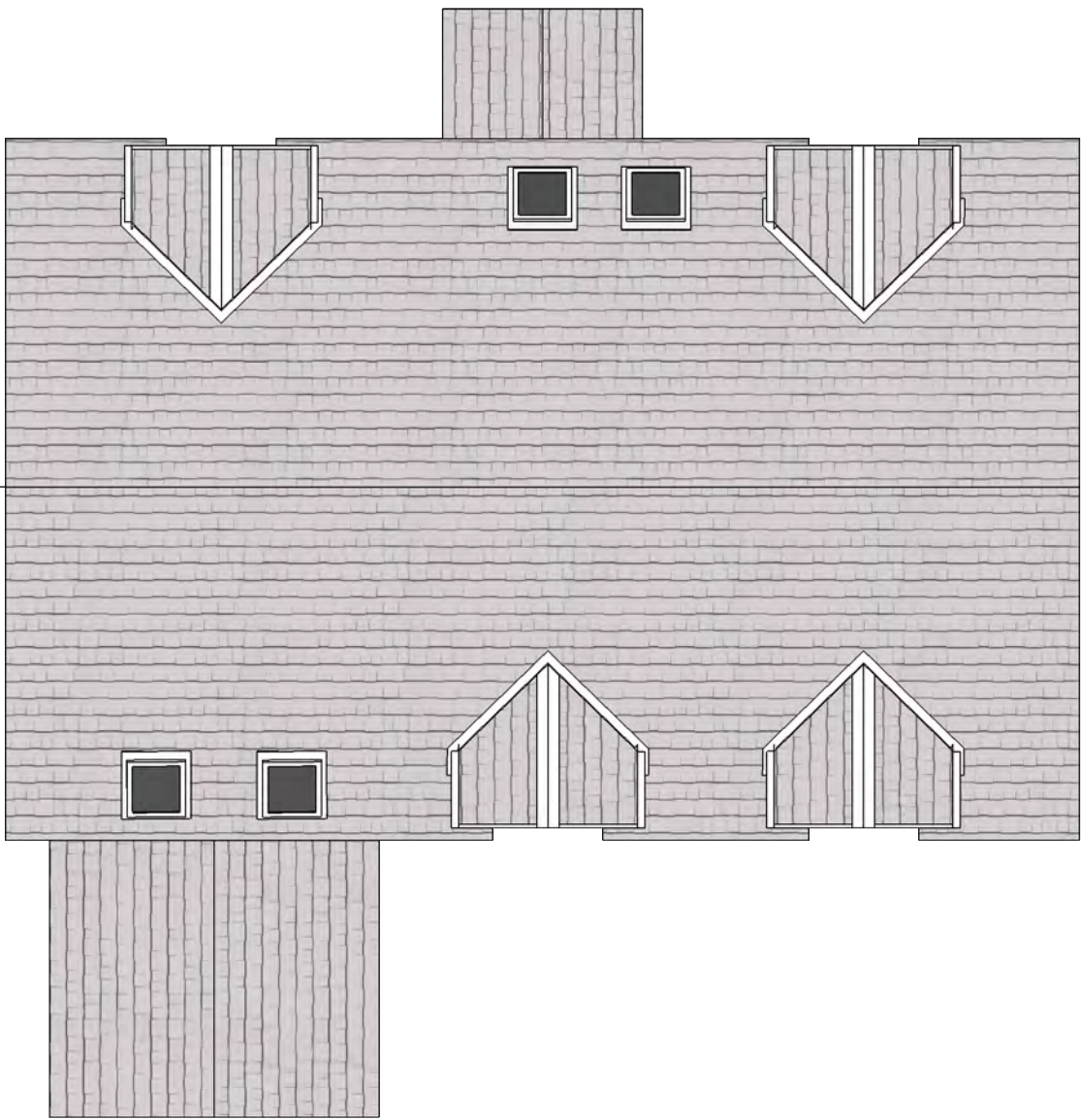
Front Elevation - 1:100



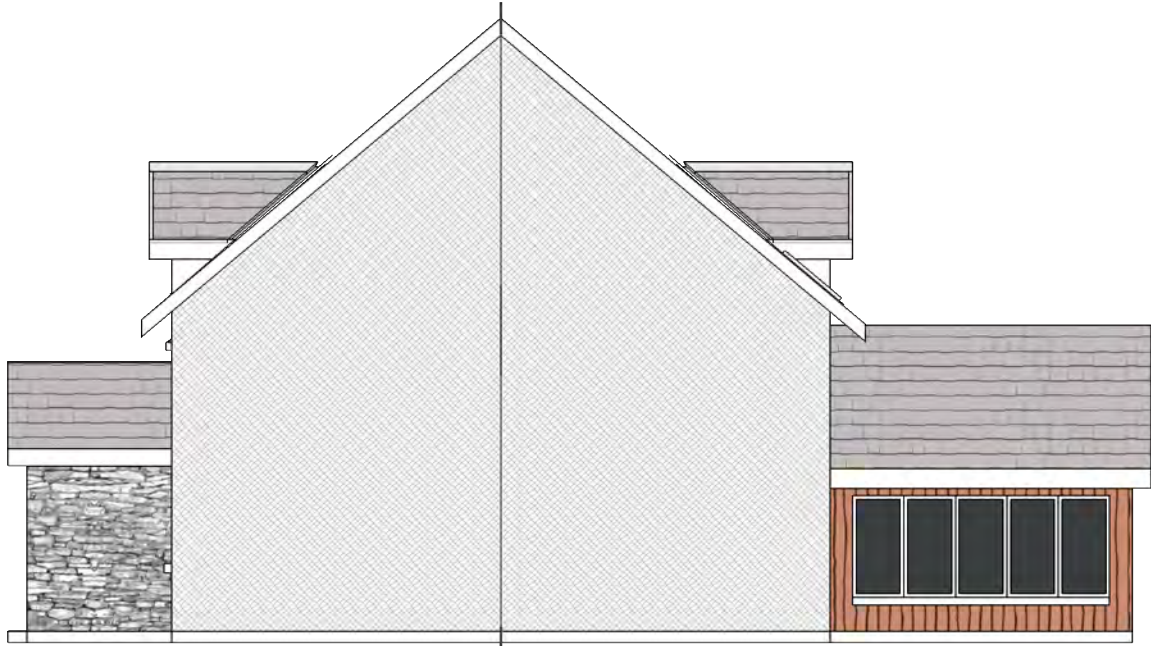
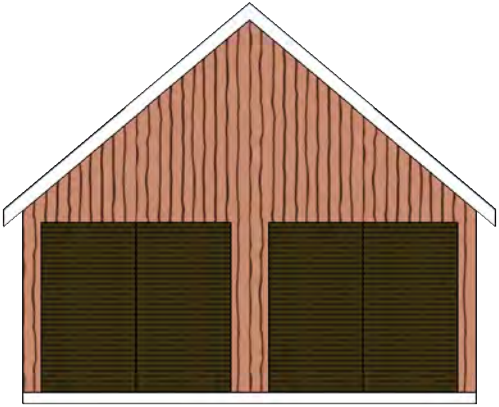
Rear Elevation - 1:100



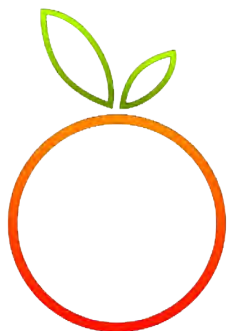
Side Elevation - 1:100



Roof Plan - 1:100

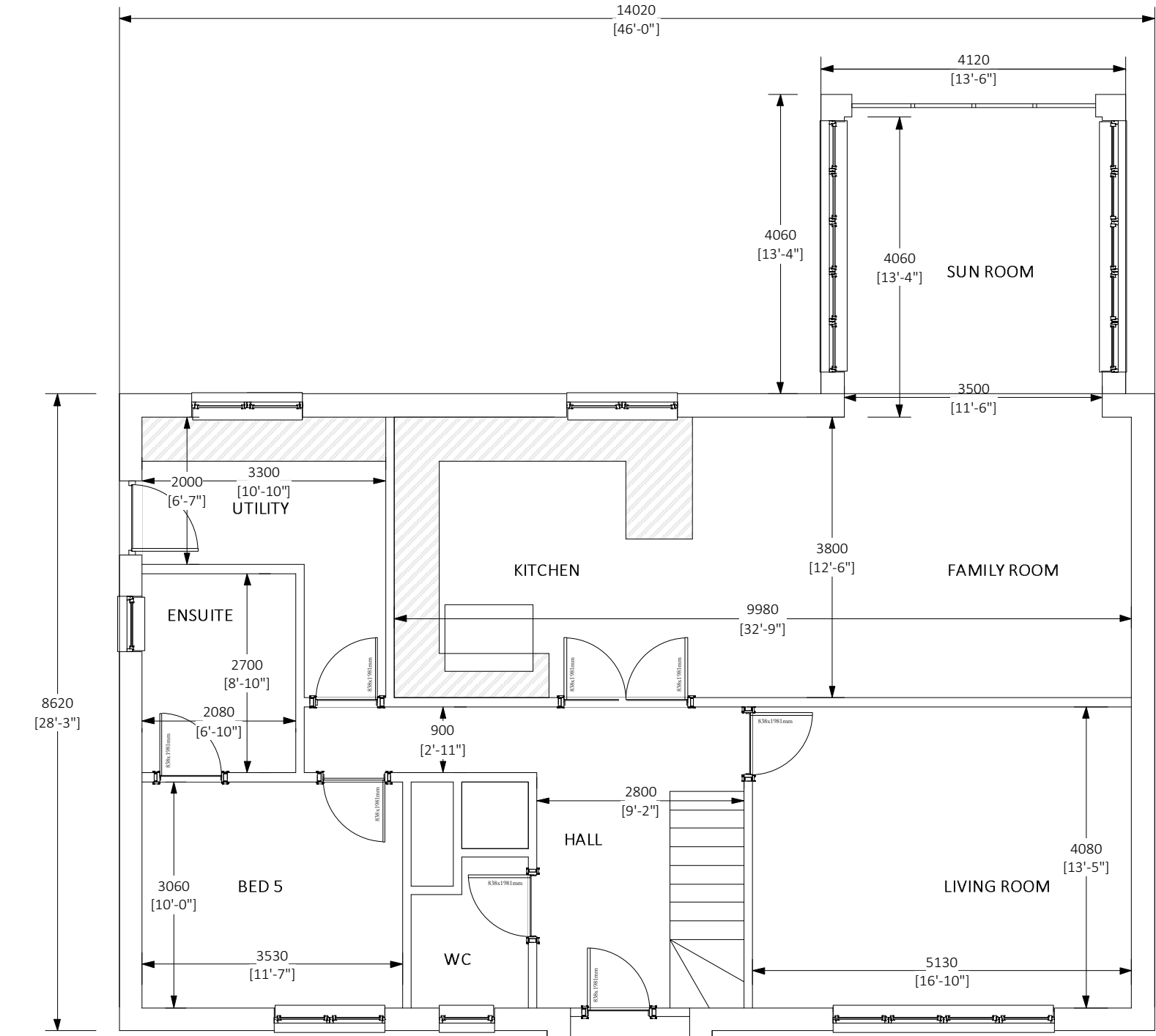


Side Elevation - 1:100

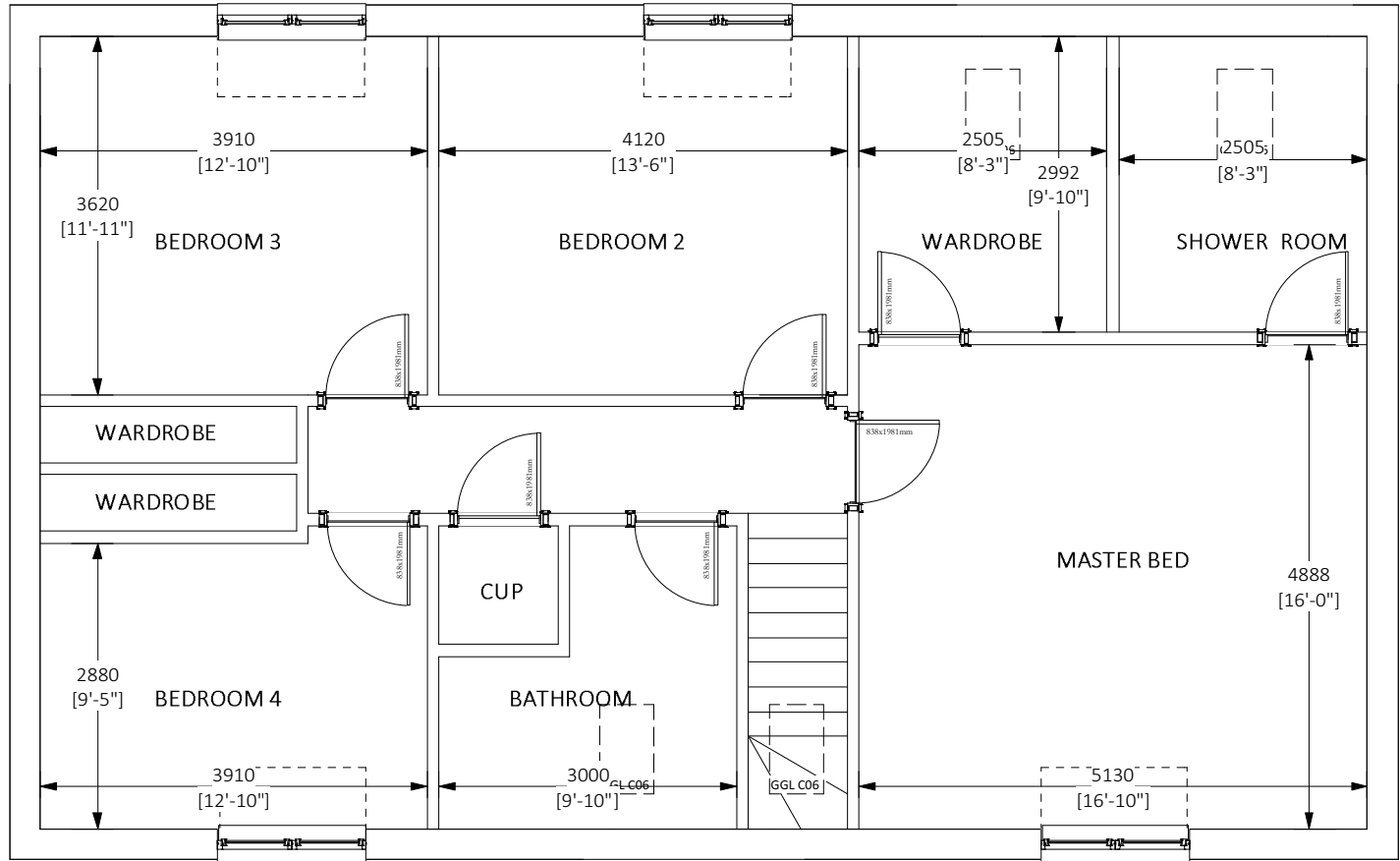


Scale Shown @ A2

<p>Drawing 2: Scaled Elevations of proposed House Type next to Four Winds</p>		<p>Client: Chris Logan, Four Winds, Almondell, Broxburn EH52 5PE</p>	
<p>Marcus Salter, 4 Dundurn Walk, St Fillans, PH6 2NA 07906 491 912 . marcussalter@hotmail.com</p>		<p>Drawn by Marcus Salter</p>	<p>DEC 2017</p>

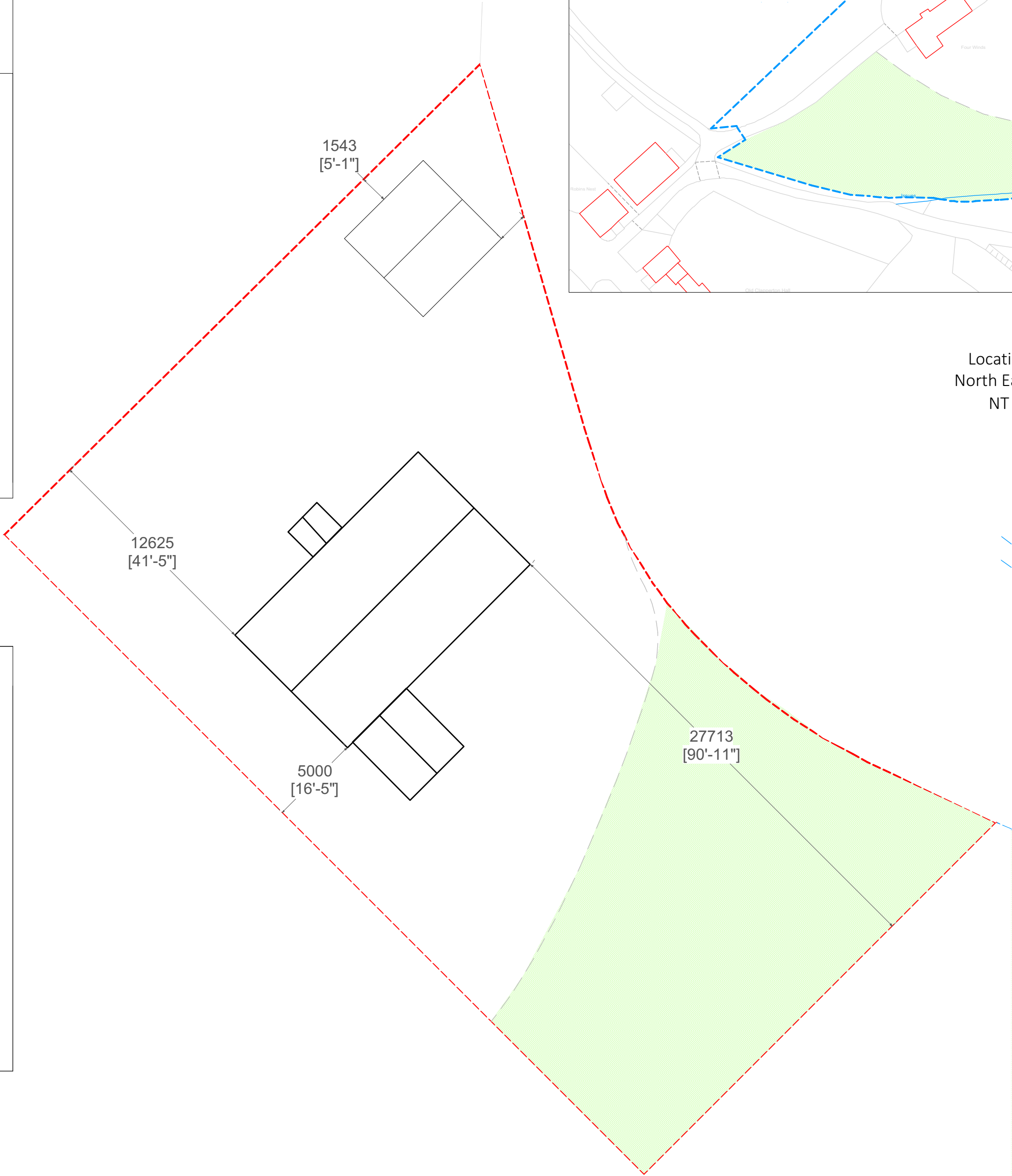


Ground Floor Plan - 1:50

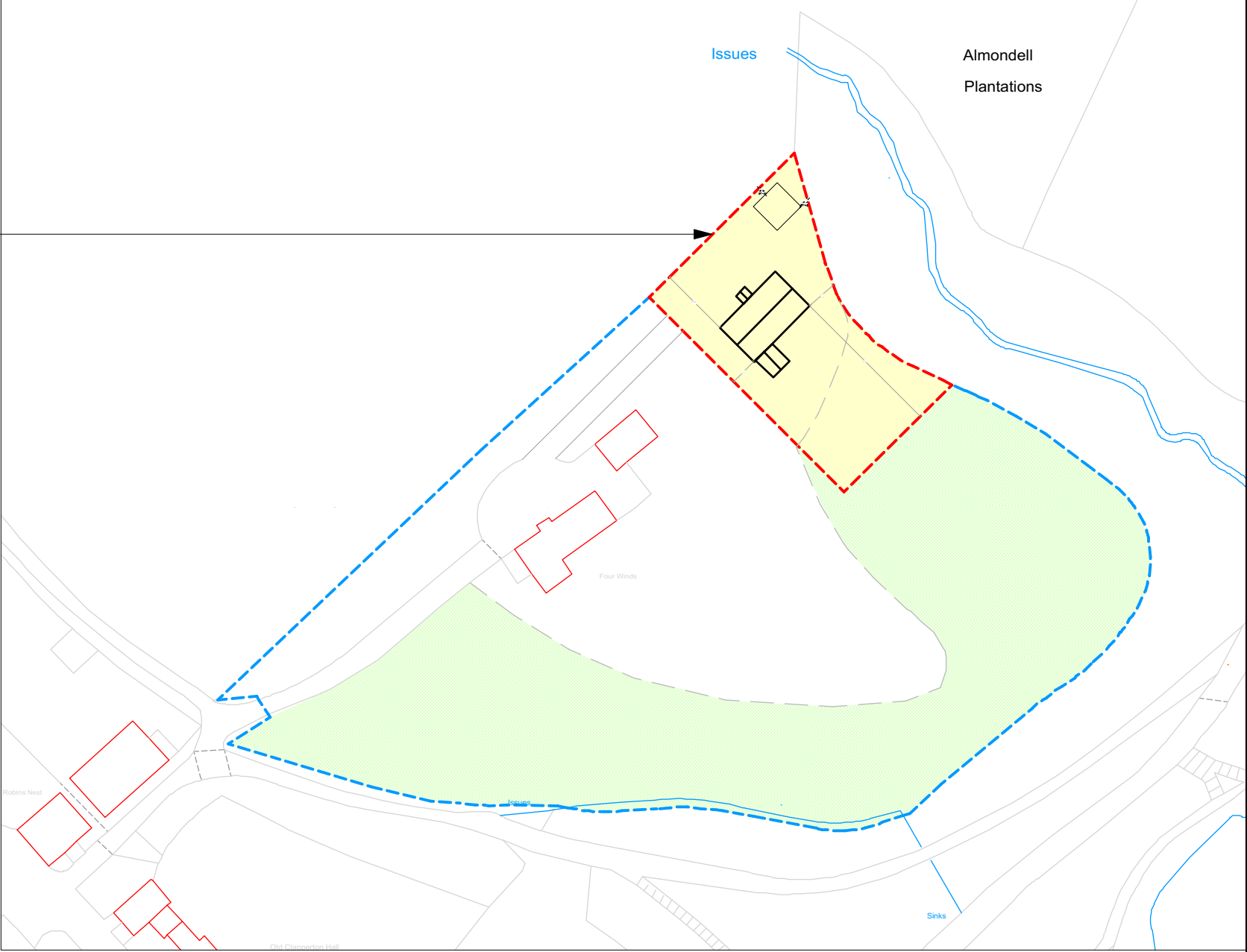


First Floor Plan - 1:50

Area with yellow fill and red outline forms area applied for in Planning Permission. Extends to 1310 square metres or thereby. Area outlined in blue and red dashed line in ownership of applicant.



Block Plan - 1:200



Location Plan 1:1000

Location of Site identified in Yellow Fill & Red Boundary North East of Four Winds, Almondell, Broxburn EH52 5PE NT 08794 69001 - Easting 308794 . Northing 669001

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

19th February 2018

Dear Mr Watson,

Planning application: 1069/FUL/17

Proposal: Erection of house and detached garage | Four Winds, East Calder, Broxburn, EH52 5PE

As the UK's leading woodland conservation charity, the Trust aims to protect native woods, trees and their wildlife for the future. We own over 1,000 sites across the UK, covering around 24,000 hectares (57,000 acres) and we have 500,000 members and supporters.

The Woodland Trust considers that any woodland included in Scottish Natural Heritage's Ancient Woodland Inventory, which is present on historical maps or which exhibits a significant numbers of ancient woodland indicators can be considered as ancient and is therefore worthy of further study and is likely to pose a constraint on development. We believe that ancient woodland is amongst the most precious and biodiverse habitats in the UK and is a finite resource which should be protected.

The Trust is concerned about the proximity of the proposed development to a section of Strathbrock & Kirkhill Woods (grid ref: NT088690), a woodland designated as 2a Ancient (of semi-natural origin) on Scottish Natural Heritage's Ancient Woodland Inventory. For this reason, The Woodland Trust **objects** to the planning application in question.

Policy

Scottish Planning Policy (SPP) states in paragraph 216: "Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development."

In addition, the West Lothian Local Plan states that its strategic objectives are to protect and improve the built and natural environment by, amongst others, promoting the principles of biodiversity and protecting habitats, landscapes, archaeological features and the built

heritage from damaging development. Further to this, for the countryside of West Lothian, the plan specifically states that it seeks to protect, improve and replenish good quality woodlands and, in particular, native woodlands. Policy ENV 33 strengthens this statement detailing that new developments should avoid disturbance or damage to trees, woodland and wildlife habitats.

Impact on ancient woodland

The proposed development would involve the construction of a single dwelling and a garage right up against the edge of the ancient woodland. Trees are susceptible to change caused by construction/development activity. As outlined in “Trees in relation to design, demolition and construction, BS 5837:2012”, the British Standard for ensuring development works in harmony with trees, construction work often exerts pressures on existing trees, as do changes in their immediate environment following the construction of a building.

The Woodland Trust is concerned about the following potential impacts on the adjacent ancient woodland:

- Intensification of the recreational activity of humans and their pets can result in disturbance to breeding birds, vegetation damage, trampling, litter, and fire damage.
- Development provides a source of non-native plants and aids their colonisation.
- Noise and light pollution occurring from adjacent development, during both construction and operational phases.
- Where the wood edge overhangs housing and garden areas, trees can become safety issues and be indiscriminately lopped/felled, resulting in a reduction of the woodland canopy and threatening the long-term retention of such trees.
- Where gardens abut woodland or the site is readily accessible to nearby housing, there is an unfortunate tendency for garden waste to be dumped in woodland and for adjacent landowners to extend garden areas into the woodland.
- Adverse hydrological impacts can occur where the introduction of hard-standing areas and water run-offs affect the quality and quantity of surface and ground water. This can result in the introduction of harmful pollutants/contaminants into the woodland.

The creation of a buffer zone between ancient woodland and development will help to reduce and ameliorate the impact of damaging edge effects. As such we recommend that a **buffer of at least 15 meters** is maintained between the development and the ancient woodland.

Conclusion

Ancient woodland is irreplaceable; once lost it cannot be recreated. Any development resulting in damage or loss to ancient woodland is unacceptable and must be avoided.

In summary, the Woodland Trust **objects** to this development on the basis of damage to ancient woodland from increased disturbance, pollution and encroachment into the root

protection areas (RPAs) of trees on the woodland edge. As such, we believe this application contravenes local and national planning policy designed to protect ancient woodland.

We hope you find our comments to be of use to you. If you are concerned about any of the comments raised by the Trust then please do not hesitate to get in contact with us.

Yours sincerely,

Jillian Hoy

Campaigning Team
(Woods Under Threat Detector Volunteer*)

*Woods Under Threat Detectors are a volunteer network which is managed by the Woodland Trust; please contact the Trust's campaigning team if you wish to discuss the contents of this letter or Woods Under Threat Detectors.

Draft conditions – Four Winds: 1069/FUL/17

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 tree survey and tree protection measures shall be submitted to and approved in writing by the planning authority. The tree survey shall set out the likely impact on the adjacent trees from the proposed house and any proposed boundary treatments. The tree protection measures shall accord with section 6 (barriers and ground protection) of BS 5837 Trees in relation to design, demolition and construction – recommendations and be implemented during the construction of the house in accordance with the approved details.

Reason: To ensure that there is no damage to the adjacent ancient woodland, in the interests of visual and environmental amenity.

4. 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, a drainage assessment (also to include proposals for disposal of waste water) 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.

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

5. Prior to the commencement of development, a contaminated land Phase 1 desktop assessment must be completed and a written report submitted to and approved in writing by the planning authority. The assessment must be undertaken by suitably qualified, experienced and competent persons. The written report of the findings must include an initial conceptual model of the site.

If the Phase 1 report identifies a risk of contamination a Phase 2 intrusive site investigation shall be submitted to and approved in writing by the planning authority prior to works starting on site. The Phase 2 report must incorporate a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site, as well as the following:

An assessment of the potential risks to:

- human health;
- property (existing and proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;

- adjoining land;
- the water environment;
- ecological systems;
- archaeological sites and ancient monuments;
- flora and fauna associated with the new development.

An appraisal of remedial options, and proposal of the preferred options(s).

This must be conducted in accordance with the Environment Agency's Contaminated Land Report 11, Model Procedures for the Management of Land Contamination, CLR11. If it is concluded by the written report that remediation of the site is not required, and this is approved in writing by the planning authority, then the below part of this Condition can be disregarded.

If contamination is discovered through the Phase 2 site investigation 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 prior to works starting on site. 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.

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.

6. 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) must 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.

Note: if members are minded to allow the review then the application will need to be delegated back to officers to conclude either a Section 69 or 75 agreement to secure appropriate developer contributions towards education infrastructure and cemeteries, as set out below:

RC Primary in Broxburn

West Lothian Council approved an SPG for developer contributions in June 2006 towards the provision of additional primary school capacity for the denominational sectors in Broxburn, East Calder and Winchburgh. This supports the development strategy of the West Lothian Local Planning Policy Hou 2 and emerging Local Development Plan. Developers gaining consent within St Nicholas RC Primary catchment are being asked to contribute £3,516 per residential unit indexed to the RICS Building Cost Information Service Tender Price Index 1st quarter of 2009.

Non-Denominational Secondary Education in Linlithgow, Winchburgh and Broxburn

To support the development strategy of the West Lothian Local Planning Policy Hou 2 and emerging Local Development Plan West Lothian Council is looking to build several Educational establishments in the Winchburgh area to service proposed new development. As part of this, discussions on application 0035/FUL/13 established a cost per unit of £5,156 with indexing to the RICS Building Cost Information Service Tender Price Index of the 1st quarter of 2013.

RC Secondary

£1,983 per residential unit. This is in line with para 12.17 policy IMP2 of the WLLP and the issuance of the SPG "Developer contributions to the provision of a new denominational secondary" PP&R Committee May 2005 which was subsequently updated on 29th of June 2010 by Council Executive. This payment is to be indexed to the RICS Building Cost Information Service Tender Price Index with the 1st quarter of 2010 forming the base date.

Cemeteries

At £35 per residential unit. This payment is to be indexed to the RICS Building Cost Information Service Tender Price Index with the 1st quarter of 2006 forming the base date.

WEST LOTHIAN COUNCIL LOCAL REVIEW BODY

MEMBERS' CHECKLIST

PART 1 – DOCUMENTS, POLICIES AND OTHER CONSIDERATIONS

1	Type of review, review documents, procedural problems, new matters raised, draft conditions and developer agreements
2	Development plan policies and national and local planning guidance
3	Relevant material considerations drawn from the review documents
4	Factual disputes to be resolved

PART 2 – FIRST MEETING

1	National guidance on review cases and applicant's preferences for procedures
2	Additional Information needed and why
3	How to get it – site visit, written submissions, Hearing Session
4	Sufficient information to determine the application?

PART 3 – ADJOURNED FIRST MEETING

1	Completion of procedures decided on at first meeting
2	Additional information needed and why
3	How to get it
4	Sufficient information to determine the application?

PART 4 – DETERMINATION

1	Assess against each development plan policy - conform or breach?
2	Decide as per development plan unless justified by material considerations
3	In applying the statutory test, what is the decision?
4	Provide planning reasons for decision letter and minute