



West Lothian  
Council

## ***West Lothian Council (Planning)***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

19 March 2015

A meeting of the **West Lothian Council (Planning)** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Wednesday 25 March 2015** at **10:15am** or at the conclusion of the West Lothian Planning Committee, whichever is the latest.

For Chief Executive

### **BUSINESS**

#### **Public Session**

1. Apologies for Absence
2. Order of Business, including notice of urgent business
3. 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.
4. Confirm Draft Minutes of Meeting of West Lothian Council (Planning) held on Wednesday 25 February 2015 (herewith).

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

5. Application No.0648/P/14 - Planning permission in principle for a 12.4ha residential development with associated roads, landscaping and other works on land at Brotherton Farm, Livingston (herewith)

-----

NOTE      **For further information please contact Val Johnston, Tel No.01506 281604 or email [val.johnston@westlothian.gov.uk](mailto:val.johnston@westlothian.gov.uk)**

MINUTE of MEETING of the WEST Lothian Council (Planning) of West Lothian Council held within Council Chambers, West Lothian Civic Centre, on 25 February 2015.

Present – Councillors Tom Kerr (Chair), Alexander Davidson, Stuart Borrowman, Tony Boyle, Harry Cartmill, Tom Conn, Jim Dixon, David Dodds, Lawrence Fitzpatrick, Dave King, Greg McCarra, John McGinty, Anne McMillan, Angela Moohan, John Muir, George Paul, Barry Robertson and Frank Toner

Apologies – Councillors Danny Logue, Cathy Muldoon and Jim Walker

Absent – Councillors Frank Anderson, William Boyle, Diane Calder, Janet Campbell, Martyn Day, Robert De Bold, Jim Dickson, Mary Dickson, Carl John, Peter Johnston and Andrew Miller

1. DECLARATIONS OF INTEREST

Agenda Items 6 & 7 – Councillor Fitzpatrick declared a non-financial interest in that he was a council appointed member of West of Scotland Archaeology Society but would participate in the item of business.

2. MINUTE

West Lothian Council (Planning) confirmed the Minute of its meeting held on 5 March 2014. The Minute was thereafter signed by the Chair.

3. APPLICATION NO.0757/FUL/14

West Lothian Council (Planning) considered a report (copies of which had already been circulated) by the Development Management Manager concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0757/FUL/14	Application for the erection of 47 houses/flats (as amended to 45) with associated roads, landscaping and infrastructure at land adjacent to Carledubs Crescent, Kirkhill, West Lothian.	To grant planning permission subject to conditions and developer contributions and refer the matter to Scottish Ministers.

Motion

Approve the terms of the report and be minded to grant planning permission subject to conditions and the payment of developer contributions and for the application to be referred to Scottish Ministers.

- Moved by the Provost and seconded by Councillor Davidson.

#### Amendment

To continue the application for one cycle to allow for further information to be included in the report with regards to nursery provision in the area.

- Moved by Councillor McCarra and seconded by Councillor Muir.

It was agreed that a roll call vote be taken the result of which was as follows :-

#### Motion

S Borrowman

T Boyle

H Cartmill

T Conn

A Davidson

J Dixon

D Dodds

L Fitzpatrick

T Kerr

D King

J McGinty

A McMillan

A Moohan

G Paul

B Robertson

F Toner

#### Amendment

G McCarra

J Muir

#### Decision

The motion was successful by 16 votes to 2 and it was agreed accordingly.

#### 4. APPLICATION NO.0758/P/14

West Lothian Council (Planning) considered a report (copies of which had

already been circulated) by the Development Management Manager concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0757/FUL/14	Application for the erection of 47 houses/flats (as amended to 45) with associated roads, landscaping and infrastructure at land adjacent to Carledubs Crescent, Kirkhill, West Lothian.	To grant planning permission subject to conditions and developer contributions and refer the matter to Scottish Ministers.

### Motion

Approve the terms of the report and be minded to grant planning permission subject to conditions and the payment of developer contributions and for the application to be referred to Scottish Ministers.

- Moved by the Provost and seconded by Councillor Davidson.

### Amendment

To continue the application for one cycle to allow for further information to be included in the report with regards to nursery provision in the area.

- Moved by Councillor McCarra and seconded by Councillor Muir.

It was agreed that a roll call vote be taken the result of which was as follows :-

<u>Motion</u>	<u>Amendment</u>
S Borrowman	G McCarra
T Boyle	J Muir
H Cartmill	
T Conn	
A Davidson	
J Dixon	
D Dodds	
L Fitzpatrick	
T Kerr	
D King	

J McGinty

A McMillan

A Moohan

G Paul

B Robertson

F Toner

Decision

The motion was successful by 16 votes to 2 and it was agreed accordingly.

## WEST LoTHIAN COUNCIL

### Report by Development Management Manager

#### 1 DESCRIPTION OF THE PROPOSAL

- 1.1 Planning permission in principle for a 12.4 ha. residential development with associated roads, landscaping and other works, on land at Brotherton Farm, Livingston

#### 2 DETAILS

<b>Reference no.</b>	0648/P/14	<b>Owner of site</b>	Gladman Developments Ltd & Mrs Anne Dow
<b>Applicant</b>	Gladman Developments Ltd & Mrs Anne Dow	<b>Ward &amp; local members</b>	<i>Livingston South</i> Lawrence Fitzpatrick Peter Johnston Danny Logue John Muir
<b>Case officer</b>	Ranald Dods	<b>Contact details</b>	Tel: 01506 282 413 Email: ranald.dods@westlothian.gov.uk

#### 3 PLANNING APPLICATION 0648/P/14

- 3.1 West Lothian Council Planning Committee has heard a report prepared by the Development Management Manager into the planning application for a residential development at Brotherton Farm, Livingston.
- 3.2 An indicative layout submitted in support of the application shows a housing development in the order of 150 houses with associated infrastructure. The site is in the countryside, in land allocated as countryside belt, to the west of Adambrae, Livingston.

#### 4 SUMMARY AND CONCLUSIONS

- 4.1 The proposal is significantly contrary to the development plan. It conflicts with the council's policies on development in the countryside, housing land, countryside belts, coalescence of settlements and educational infrastructure.
- 4.2 There are positive attributes to the proposal. Indeed, the housing could, based on the indicative masterplan, could be designed in accordance with best practice and a satisfactory residential environment with its associated access and open space could be achieved at the detailed planning stage.
- 4.3 There are no objections from the key external agencies consulted on the application and, other than Education Services, internal consultations do not oppose the development. The site is close to the A71 which is served by public transport. The proposed development would assist with the provision of affordable housing since it includes a proposal for 15% of the housing units to be allocated as affordable.

- 4.4 The council's key housing land strategy contained in the approved South East Scotland Strategic Development Plan (SESP) and the West Lothian Local Plan (WLLP) comprises the provision of the core development areas in Broxburn / Winchburgh, Armadale and East Calder / West Livingston. The emerging development at Heartlands, Whitburn and the live planning permission at Westfield are also areas allocated for residential growth. Further development plan compliant permissions also contribute to the supply of residential development in West Lothian. All in all, there is planning consent for almost 10,000 units in West Lothian. The current economic difficulties have proved an obstacle to construction but development has commenced at a number of sites and rates of completion are expected to increase in the near future. It is critically important to support this strategy and safeguard the current investment in these development plan compliant sites. Development proposals which would undermine the integrity of this strategy require to be carefully assessed.
- 4.5 There is a responsibility on the council, as set out in a letter from the Scottish Government's Chief Planner, to maintain a supply of housing land, in the right places, which is free from constraints and can be developed. The slowdown in housing completions across the country has meant that there remains large quantity of housing sites in West Lothian with planning permission. It is not the lack of availability of allocated land but the current economic climate that is playing a significant part in the slowdown in the delivery of new homes. In any event, the site at Brotherton Farm cannot be regarded as being able to fulfil the development plan requirements due to the need for more education capacity, a problem which is expected to be most pressing towards the end of the decade. As a result, this would require additional infrastructure spending which is not currently committed.
- 4.6 The site is within the countryside, in an area of land designated as the Livingston Countryside Belt. To the east of the site is the Wilderness Plantation, which is designated as an Area of Special Landscape Control (ASLC) and is safeguarded as open space. The combination of Countryside Belt and ASLC provides a pleasant landscape setting to the western edge of Livingston, which is of high amenity value. As pleasant as this landscape is, the essential function of the Countryside Belt is to prevent the coalescence of settlements. In the case of Brotherton Farm, the proposed development would reduce the separation between residential sites in Polbeth and Livingston from some 500m to under 100m.
- 4.7 It is a matter of fact that the development plan process is under review and the replacement local development plan will require to examine, through a plan-led system, the future direction of growth in Livingston. Whilst some weight can be attached to the status of the emerging development plan, it is a matter for the local development plan to identify sites which are appropriate for development. A grant of planning permission in principle for residential development at Brotherton Farm would be premature at this point in the development plan process.
- 4.8 In summary and as set out in the report to the West Lothian Planning Committee, the planning application conflicts with a number of development plan policies. There are other material considerations that must be taken into account in the determination process. Members are, however, asked to note the conflict with the development plan when the application is determined by the Full Council.

<b>5</b>	<b>RECOMENDATION</b>
----------	----------------------

- 5.1 The application, which is made for planning permission in principle for a residential development at Brotherton Farm, is significantly contrary to the development plan. An assessment of the planning application and all of the supporting statements has been made against the

development plan and other material considerations, including the emerging local development plan, Scottish Planning Policy, received representations and responses made by consultees.

- 5.2 It is concluded that the material considerations relative to the consideration of the planning application, including the indicative layout and the absence of objections from key consultees, do not outweigh the development plan presumption against the development. Consequently, it is recommended that the application for planning permission in principle is refused for the reasons set out in annex 1 of this report.
- 5.3 If members are minded to overturn this recommendation, a schedule of planning conditions and heads of terms of a planning obligation will require to be agreed. These would have to be drawn up after consultation with local members.

CHRIS NORMAN  
**Development Management Manager**

**Date:** 25 March 2015

Attachment

- 1) Draft reasons for refusal

## DRAFT DECISION - APPLICATION 0648/P/14

- 1 The proposal is contrary to Policy 1A of the Strategic Development Plan for Edinburgh and South East Scotland, as West Lothian Council has not yet decided, through the local development plan, whether the application site remains within an area of restraint for environmental or infrastructure reasons.
- 2 The proposal is contrary to Policy 1B of the Strategic Development Plan for Edinburgh and South East Scotland since the application site is a greenfield site located outwith the settlement envelope of Livingston in land designated in the adopted local plan as the Livingston Countryside Belt. Granting permission would affect adversely this local designation.
- 3 The proposal is contrary to Policy 5 of the Strategic Development Plan for Edinburgh and South East Scotland. The site is unallocated and the majority of the SESplan requirement for additional housing in West Lothian will be met through sites allocated in the current local plan which have gained planning permission since the local plan was adopted.
- 4 The proposal is contrary to Policy 6 of the Strategic Development Plan for Edinburgh and South East Scotland. The council adopts the position that there is a generous supply of housing land in West Lothian and granting permission to this unallocated site would be outwith the terms of this policy.
- 5 The proposal is contrary to policy 7 of the Strategic Development Plan for Edinburgh and South East Scotland insofar as the site is not allocated for housing in the adopted local plan. The proposal would not be in keeping with the countryside setting of the site and the proposal does not comply with criterion (a). There are known education infrastructure issues which mean that the proposals do not comply with criterion (c).
- 6 The proposal is contrary to Policy 8 of the Strategic Development Plan for Edinburgh and South East Scotland. The development site is outwith the settlement envelope of Livingston and is remote from local facilities such as shops and schools. Granting permission to the development is likely to result in an increased travel demand and lead to a resource commitment by the council in terms of transporting children to catchment schools.
- 7 The proposal is contrary to Policy 9 of the Strategic Development Plan for Edinburgh and South East Scotland. There are known educational infrastructure constraints with catchment schools. Granting permission would exacerbate this situation.
- 8 The proposal is contrary to Policy ENV12 of the adopted West Lothian Local Plan as the site, which is currently open farmland, is located immediately to the west of the Livingston Area of Special Landscape Control which contributes significantly to the landscape setting of Livingston. Development of the site is likely to have an adverse effect on the woodland and its ecology.
- 9 The proposal is contrary to Policy ENV21 of the adopted West Lothian Local Plan. The site is immediately adjacent to the Livingston Area of Special Landscape

Control which contributes significantly to the setting of this part of Livingston. The proposed development would detract from this designation which forms an effective landscape buffer between Polbeth and Livingston as well as a green corridor to the Almond Valley around East Calder. If developed, the woodland would lose that rural setting and the wildlife connectivity of the green corridor would be compromised.

- 10 The proposal is contrary to Policy ENV22 of the adopted West Lothian Local Plan. The Livingston Countryside Belt forms an area of high amenity on this edge of the town. The proposed development within the Countryside Belt is unjustified and would neither protect nor enhance that designation.
- 11 The proposal is contrary to Policy ENV23 of the adopted West Lothian Local Plan. The application site is outwith the Livingston settlement envelope in an area designated as the Livingston Countryside Belt. That designation was made specifically to prevent the coalescence of Livingston and Polbeth. If development proceeded it would reduce the distance between residential development in Livingston and local plan allocated housing sites in Polbeth, from over 500m to under 100m. This would result in the coalescence of Livingston and Polbeth.
- 12 The proposal is contrary to Policy ENV31 of the adopted West Lothian Local Plan 2009 as the site is located outside the settlement boundary of Livingston, where there is a presumption against development except in limited circumstances where development is compatible with a rural area. The proposed development can be characterised as an unjustified development of a greenfield site and, therefore, does not meet the criteria contained in policy ENV31 of the local plan for allowing development in the countryside.
- 13 The proposal is contrary to Policy HOU1 of the adopted West Lothian Local Plan. The application site is not allocated as a housing site in the adopted local plan. As such, the proposal is contrary to Policy HOU1.
- 14 The proposal is contrary to Policy HOU2 of the adopted West Lothian Local Plan. The application site lies wholly outwith the settlement boundary of both Livingston and Polbeth, as defined in the adopted local plan. As such, there is a presumption against development.
- 15 The proposal is contrary to Policy COM2 of the adopted West Lothian Local Plan. There is no locational justification for the proposed development next to the Wilderness Plantation, which is safeguarded as open space. That woodland plays an important function in the setting of Livingston and is the western end of a green corridor linking the countryside to the west of Livingston with the Almond Valley around East Calder. The proposed development is likely to have an adverse impact on that woodland.
- 16 The proposal is premature, pending the consideration of spatial strategy options in the emerging West Lothian Local Development Plan.
- 17 By granting planning permission in principle, the council would set an undesirable precedent for other similar developments in the countryside. The cumulative effect of which would be the gradual erosion of rural areas of West Lothian and the coalescence of settlements and these factors would be to the detriment of the area's visual amenity and rural character.



**0648/P/14**