



West Lothian
Council

West Lothian Council (Planning)

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

27 April 2016

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 4 May 2016** at **11:00am** or at the conclusion of the West Lothian Council Planning Committee.

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 03 February 2016 (herewith).

Public Items for Decision

5. Application No.0918/P/15 - Planning permission in principle for a 16.6ha residential development with associated landscaping, engineering and infrastructure works including new vehicular accesses at land at Wellhead Farm, Muireston Road, Livingston (herewith)

NOTE **For further information please contact Val Johnston, Tel No.01506**

DATA LABEL: Public

281604 or email 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 3 February 2016.

Present – Councillors Tom Kerr (Chair), Alexander Davidson, Stuart Borrowman, Tony Boyle, Diane Calder, Janet Campbell, Harry Cartmill, Tom Conn, Robert De Bold, Jim Dixon, Lawrence Fitzpatrick, Dave King, Sarah King, Greg McCarra, John McGinty, Anne McMillan, Angela Moohan, George Paul, Barry Robertson, David Tait and Jim Walker

Apologies – Councillors William Boyle, David Dodds, Peter Johnston and Cathy Muldoon

Absent – Councillors Frank Anderson, Jim Dickson, Mary Dickson, Carl John, Danny Logue, Andrew Miller, John Muir and Frank Toner

1. DECLARATIONS OF INTEREST

- 1) Councillor Tony Boyle declared a non-financial interest in that he was a council appointed member of SESPlan but would participate in the items of business; and
- 2) Councillor Lawrence Fitzpatrick declared a non-financial interest in that he was the council's appointed member of West of Scotland Archaeology Service but would participate in the items of business.

2. MINUTE

West Lothian Council (Planning) confirmed the Minute of its meeting held on 25 March 2015. The Minute was thereafter signed by the Chair.

3. APPLICATION NO.0355/P/15

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0355/P/15	Planning permission in principle for a 14.5ha residential development with associated landscaping, roads and footpaths at land at Murieston Road, Murieston, Livingston	To refuse planning permission in principle

The application had immediately beforehand been the subject to a pre-

determination hearing by West Lothian Planning Committee and had been referred to the meeting for determination.

Decision

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

4. APPLICATION NO.0607/P/15

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0607/P/15	Planning permission in principle for a residential mixed use development at land at Bangour Village Hospital, Dechmont	To grant planning permission in principle subject to conditions and a planning obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997.

The application had immediately beforehand been the subject of a pre-determination hearing by West Lothian Planning Committee and had been referred to the meeting for determination.

Motion

To approve planning permission in principle subject to conditions and a Section 75 agreement noting that a detailed planning application would come forward to a future meeting.

- Moved by the Chair and seconded by Councillor Fitzpatrick

Amendment

To continue the application for three cycles (to May 2016) to allow for further discussions to be undertaken with the applicant, council officers and community representatives with regards to primary and secondary school provision, Transportation concerns and density concerns and to await the conclusion of the Edinburgh Airport flight path trials.

- Moved by Councillor Davidson and seconded by Councillor Campbell

It was agreed that a Roll Call Vote would be taken which resulted as follows :-

Motion

Amendment

Robert De Bold	Stuart Borrowman
Lawrence Fitzpatrick	Tony Boyle
Tom Kerr	Diane Calder
David Tait	Janet Campbell
	Sarah King
	Harry Cartmill
	Tom Conn
	Alexander Davidson
	Jim Dixon
	Greg McCarra
	John McGinty
	Anne McMillan
	Barry Robertson
	Jim Walker

Decision

Following a vote the amendment was successful by 14 votes to 4 and it was agreed accordingly.

5. APPLICATION NO.0608/LBC/15

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0608/LBC/15	Conservation Area Consent for the demolition of unlisted buildings in Bangour Village Hospital, Dechmont.	To approve conservation area consent with conditions delegated to the Development Management Manager

Decision

To unanimously agree to continue the application for three cycles (to May 2016) as it was a companion report to Application No.0607/P/15 which had previously been continued by West Lothian Council.

6. APPLICATION NO.0754/LBC/15

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0754/LBC/15	Listed Building Consent for the demolition of Villa 8 (listed, Category C) at Bangour Village Hospital, Dechmont.	To approve listed building consent for the demolition of Villa 8

Decision

To unanimously agree to continue the application for three cycles (to May 2016) as it was a companion report to Application No.0607/P/15 which had previously been continued by West Lothian Council.

7. APPLICATION NO.0757/LBC/15

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0757/LBC/15	Listed Building Consent for the demolition of Villa 7 (listed, Category C) at Bangour Village Hospital, Dechmont.	To approve listed building consent for the demolition of Villa 7 subject to conditions

Decision

To unanimously agree to continue the application for three cycles (to May 2016) as it was a companion report to Application No.0607/P/15 which had previously been continued by West Lothian Council.

8. APPLICATION NO.0755/LBC/15

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

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0755/LBC/15	Listed Building Consent for the demolition of Villa 9 (listed, Category C) at Bangour Village Hospital, Dechmont.	To approve listed building consent for the demolition of Villa 9.

Decision

To unanimously agree to continue the application for three cycles (to May 2016) as it was a companion report to Application No.0607/P/15 which had previously been continued by West Lothian Council.

9. APPLICATION NO.0756/LBC/15

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

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0756/LBC/15	Listed Building Consent for the demolition of Villa 21 (listed, Category C) at Bangour Village Hospital, Dechmont.	To approve Listed Building Consent for the demolition of Villa 21.

Decision

To unanimously agree to continue the application for three cycles (to May 2016) as it was a companion report to Application No.0607/P/15 which had previously been continued by West Lothian Council.



WEST LOTHIAN COUNCIL

Report by Development Management Manager

1 DESCRIPTION OF THE PROPOSAL

Planning permission in principle for a 16.6 Ha residential development with associated landscaping, engineering and infrastructure works including new vehicular accesses (grid ref: 306208 664469) at land at Wellhead Farm, Murieston Road, Livingston.

2 DETAILS

Reference no.	0918/P/15	Owner of site	The Trustees of the Firm of T & J Clark & Sons
Applicant	Wallace Land Investment & Management	Ward & local members	Livingston South Cllr L. Fitzpatrick Cllr P. Johnston Cllr D. Logue Cllr J. Muir
Case officer	Wendy McCorriston	Contact details	Email: wendy mccorriston@westlothian.gov.uk

3 PLANNING APPLICATION REF: 0918/P/15

- 3.1 West Lothian Council Planning Committee has heard a report prepared by the Development Management Manager relating to a planning application for permission in principle for residential development at Wellhead Farm, Murieston Road, Livingston. The decision on a major application such as this, which is significantly contrary to the development plan, can only be discharged by the full council and not by a committee of the council.

4 SUMMARY AND CONCLUSIONS

- 4.1 The application site comprises arable land to the south of Murieston Road. The site is located outwith the settlement envelope of Livingston, as defined in the adopted West Lothian Local Plan and is shown as lying within the Livingston Countryside Belt.
- 4.2 The application site is not allocated for residential development in either the adopted local plan or the emerging West Lothian Local Development Plan (LDP) and would extend urban development into a part of the countryside which is subject to special protection by its designation as the Livingston Countryside Belt. The proposed scale and extent of development to the south of Murieston Road will have a detrimental impact on the rural setting of Murieston and the surrounding area.
- 4.3 There are emerging education capacity issues within the wider Livingston area, particularly at secondary level and the denominational primary school in East Calder. It is important to ensure that the education capacity that does exist is available for proposals that are development plan

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compliant. This is a windfall development which cannot be accommodated within the existing school estate and there are no proposals at this time to increase that capacity to facilitate the development of such sites.

- 4.4 A grant of planning permission at this time would not only be contrary to the objectives, proposals and policies of the adopted West Lothian Local Plan 2009 on housing development within and outwith the settlements of West Lothian, it could also prejudice the continued development of other strategic housing development sites and the emerging LDP. It is therefore important to support the current development plan strategy, to safeguard the investment in these sites and to avoid prejudice to the emerging LDP. Proposals which have the potential to undermine the integrity of this strategy should not be supported.
- 4.5 It could be suggested that a significant number of houses on the site would contribute to any alleged shortfall in the effective housing land supply in West Lothian. However, there is no justification to allow a development plan departure of this scale in an area designated for countryside protection and which is subject to education constraints. The SESplan criteria in Policy 7, against which any shortfall should be assessed, cannot be met as the development proposal does not meet the terms of 7a or 7c. In any event the application site is unlikely to be able to contribute to any housing completion figures by March 2019 and would therefore not meet the tests for effectiveness set out in PAN 2/2010 (Affordable Housing and Housing Land Audits).
- 4.6 In summary, the planning application conflicts with a number of development plan policies and there are no material considerations that outweigh the presumption against development in this location.

5 RECOMMENDATION

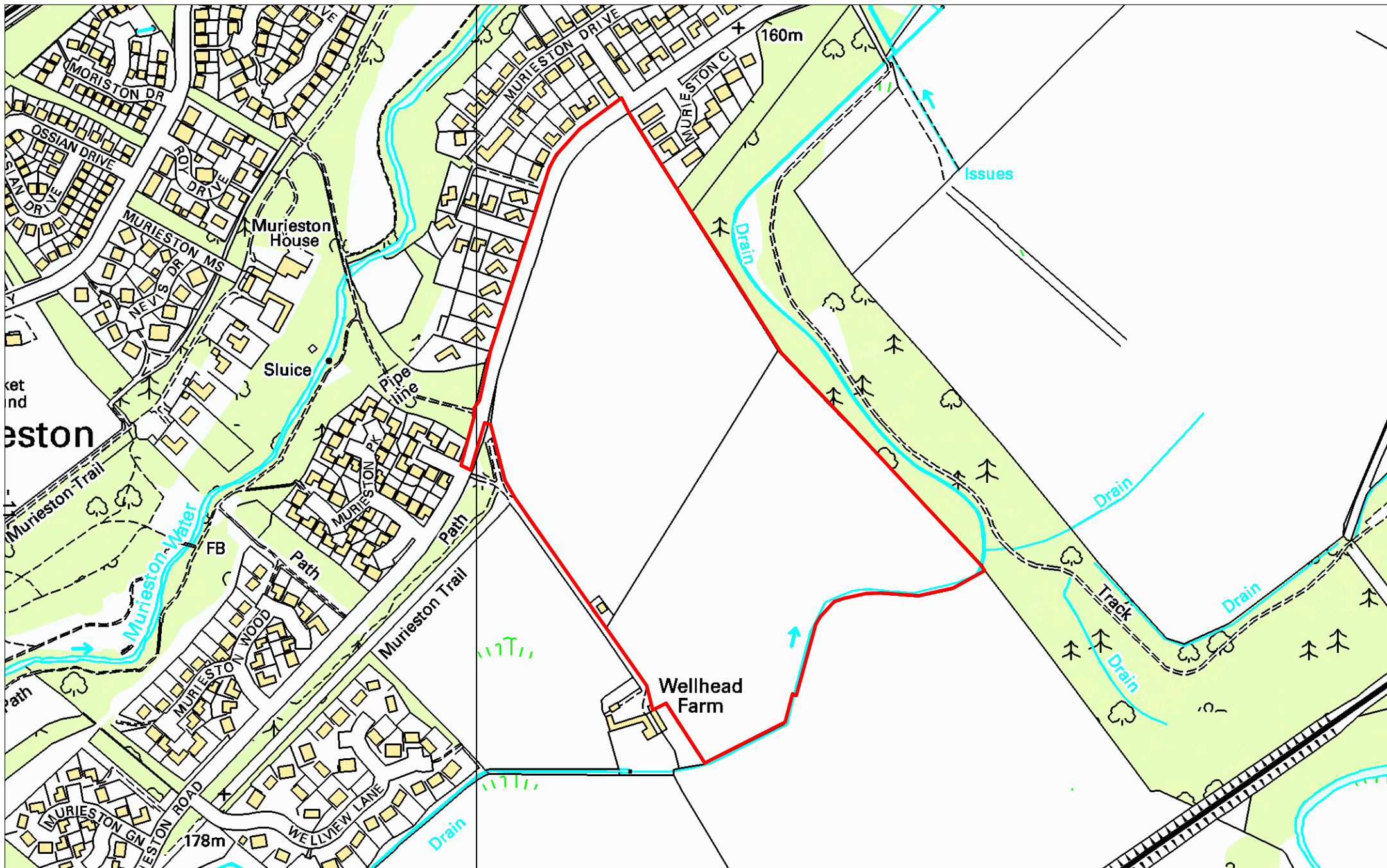
- 5.1 It is recommended that the Full Council refuses the application for Planning Permission in Principle for the residential development, for the reasons set out in the accompanying attachment.

6 ATTACHMENTS

- **Location Plan**
- **Draft Reasons for Refusal**

CHRIS NORMAN
Development Management Manager

Date: 4 May 2016



0918/P/15

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DRAFT REASONS FOR REFUSAL - APPLICATION 0918/P/15

- 1 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 on land designated in the adopted local plan as the Livingston Countryside Belt. Development of this site would have a significant adverse impact on the integrity and character of a local landscape designation and would be detrimental to the natural environmental qualities of the area.
- 2 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 or which have gained planning permission since the local plan was adopted.
- 3 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. In any event, it is unlikely that this site could contribute to any perceived short term deficit in housing land supply in the period to 2019.
- 4 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 proposal does not comply with criterion (c).
- 5 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 a large proportion of the site is remote from local facilities, schools and public transport connections. Granting permission to the development is likely to result in an increased travel demand and potentially lead to a resource commitment by the council in terms of transporting children to catchment schools.
- 6 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.
- 7 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.

- 8 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. Development of the site will have a significant adverse impact on the integrity and character of this local landscape designation and would be detrimental to the natural environmental qualities of the area.
- 9 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.
- 10 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.
- 11 The proposal is contrary to the policies and provisions of the emerging West Lothian Local Development Plan. In particular, it is contrary to the following proposed policies : (i) ENV2, Housing development in the countryside, (ii) ENV7, Countryside Belts and settlement setting, (iii) HOU1 & 2, Housing sites and Maintaining an effective land supply and (iv) INF 1, Infrastructure.
- 12 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.