



West Lothian  
Council

## ***Local Review Body***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

10 August 2016

A meeting of the **Local Review Body** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Wednesday 17 August 2016** at **11:00am**.

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 Local Review Body held on Wednesday 22 June 2016 (herewith)

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

5. Notice of Review - Application No.0176/FUL/16 Change of use from open space to private garden ground at Woodlands Cottage, 2 Stable Lane, Polbeth.
6. Notice of Review - Application No.0845/P/15 Planning Permission in principle for the erection of 6 houses at Raw Holdings, East Calder (herewith)

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DATA LABEL: Public

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 LOCAL REVIEW BODY of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 22 JUNE 2016.

Present – Councillors George Paul (Chair), Lawrence Fitzpatrick, Tony Boyle, Harry Cartmill, Tom Conn, Tom Kerr, Greg McCarra and David Tait

Apologies – Councillor William Boyle

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTES

The committee confirmed the Minute of its meeting held on 25 May 2016 subject to noting that Councillor Conn had submitted his apologies to the meeting.

3. NOTICE OF REVIEW APPLICATION NO.0638/FUL/15

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 a review of two conditions attached to a grant of planning permission for the change of use from Class 1 to Class 2 at the property at 21 Main Street, Winchburgh.

Attached to the report were the Notice of Review and other relevant documents and the report identified the policies in the development plan and relevant planning guidance that had been referred to in the review documents. The committee decided that the review documents in conjunction with the site visit conducted before the meeting provided sufficient information to enable a review to be determined without any further procedure.

The committee considered the review application in terms of the statutory test, to have regard 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 and comments received from representatives.

Decision

To uphold the review application and agreed to remove conditions 3 and 5 from the grant of planning permission.





**LOCAL REVIEW BODY**

**APPLICATION NO. 0176/FUL/16 – CHANGE OF USE FROM OPEN SPACE TO PRIVATE GARDEN GROUND AT WOODLANDS COTTAGE, 2 STABLE LANE, POLBETH**

**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 Condition 1 of the planning permission for the area of land to the north of no.2 Stable Lane, Polbeth (see attached plan)

**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 Decision Notice, dated 27 April 2016;
2. The Handling Report, not dated;
3. The Notice of Review, submitted by the applicant, dated 1 July 2016;
4. The following documents were also lodged with the Notice of Review:-
  - Supporting statement; and
  - A series of location plans and photographs.

No objections have been received in relation to the planning application.

The applicant has stated in the review application that they consider that the Local Review Body could decide the review case by an assessment of the review documents only.

**C DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE**

Planning permission was sought for two areas of ground; one to the north of 2 Stable Lane and one to the east of 2 Stable Lane. Planning permission was granted subject to conditions. However Condition 1 stated that permission was only given for the area of ground to the east of 2 Stable Lane.

**D PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR**

## **AGREEMENTS**

It members are minded to support the review application then Condition 1 should be deleted from the permission.

Wendy Richardson, Solicitor, West Lothian Civic Centre

Tel No. 01506 283524, [Wendy.Richarson@westlothian.gov.uk](mailto:Wendy.Richarson@westlothian.gov.uk)

Date: 17 August 2016



**West Lothian  
Council**

**DECISION NOTICE  
GRANT PLANNING PERMISSION**

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

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **grants planning permission for the development described below**, and in the planning application and docquetted plan(s). This decision must be read in conjunction with any conditions set out on the following pages, the accompanying advisory notes, and any guidance from the Coal Authority on ground stability

**APPLICATION REFERENCE: 0176/FUL/16**

**PROPOSAL AND LOCATION:** Change of use from open space to private garden ground (grid ref. 303407 664266) at Woodlands Cottage, 2 Stable Lane, Polbeth

**APPLICANT:** Mr Daly  
Woodlands Cottage  
2 Stable Lane  
Polbeth  
West Calder  
EH55 8QQ

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

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

**Dated: 27/04/2016**

**Chris Norman  
Development Management Manager  
West Lothian Council  
West Lothian Civic Centre  
Howden South Road  
Livingston  
EH54 6FF**

**Signature**

**The reason(s) why the council made this decision is (are) as follows:**

The proposal accords with the terms of the development plan and there are no material reasons to indicate that the application should not be granted.

**This permission is granted subject to the following conditions:-**

- 1 No permission is hereby granted for the change of use of the area crossed off in red on the approved plans.

Reason *In the interest of amenity and woodland protection.*

- 2 No trees within or adjacent to the site shall be removed without prior permission by the Planning Authority.

Reason *In order to ensure the protection of existing trees on and around the site, in the interests of the visual amenity of the area.*

- 3 There shall be no direct vehicular access from this garden ground to the public road for use for the property.

Reason *In the interests of road safety.*

**ADVISORY NOTES TO DEVELOPER**

***Please read the following notes carefully as they contain additional information which is of relevance to your development.***

***Statutory time period for the commencement of development***

*This planning permission lapses on the expiration of a period of 3 years (beginning with the date on which the permission is granted) unless the development to which the permission relates is begun before that expiration.*

***Notification of the start of development***

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

***Notification of completion of development***

*The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. A form is enclosed with the planning permission which can be used for this purpose.*

***Contaminated land procedures***

*In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease and the issue shall be reported in writing to the planning authority immediately. The developer is required to follow the councils Supplementary Planning Guidance Development of land potentially affected by contamination. This document provides developers and their consultants with information on dealing with the planning process in West Lothian when development is proposed on land which is suspected of being affected by contamination. This document and further*

guidance is provided via the Councils web pages at <http://www.westlothian.gov.uk/article/2220/Contaminated-Land>

### **Liaison with the Coal Authority**

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

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

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

### **Advisory note to developer - General**

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

*Furthermore, please ensure that access requirements for servicing and maintenance of the existing culvert is maintained.*

### **How to challenge the council's Decision**

*If your application was determined under delegated powers as a local application by an officer appointed by the council and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. If the application was heard at a committee and in any other case you can seek an appeal of that decision to the Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review, or to appeal, here: <http://www.westlothian.gov.uk/article/2078/Decisions-Reviews-and-Appeals>*

## **Annex 1 - Schedule of plans**

	<b>Description</b>	<b>Drawing Number</b>	<b>Docquetted Number</b>
1	Location plan	-	1 of 1





West Lothian  
Council

## HANDLING REPORT

**Ref. No.:** 0176000L16 **Email:** Kirsty.nicholls@westlothian.gov.uk  
**Case Officer:** Kirsty Nicholls **Tel No.:** 01506 283536  
**Ward:** Gauldhouse and the **Member:** David Dodds  
 reich alley  
 reg McCarra  
 Cathy Muldoon

**Title** Change of use from open space to private garden ground (grid ref. 303407 664266) at Woodlands Cottage, 2 Stable Lane, Polbeth  
**Application Type** Local Application  
**Decision Level** Del  
**Site Visit** [31/03/2016](#)  
**Recommendation**  
**Decision** GRANT PLANNING PERMISSION  
**Neighbour Notification** Neighbour notification procedures have been carried out correctly - case officer verification 000000N00000

## Description of Proposals

Planning permission is sought for the change of use of two areas of land to private garden ground. The areas of land are adjacent to 2 Stable Lane, Polbeth, one being to the north west the other to the east of the property.

## Site History

No relevant history.

## Representations

No representations received.

## Consultations

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

Consultee	Objection	Comments	Planning Response
Transportation	No.	Recommend the	Noted - condition can be

		following condition to be attached - There shall be no direct access from this garden ground to the public road for use for the property.	attached.
Flood Prevention	No.	None	Noted.
NETS, Land and Countryside Services	No.	Recommend that Forestry Commission be consulted.	Noted - consultation requested.
Forestry Commission Scotland	No.	Recommend that a S15837 Trees in Relation to Construction survey is carried out.	Noted - a condition can be attached in order to ensure that no trees are removed without the prior approval of the planning authority.

## Policy

Plan	Policy	Assessment	Conform
West Lothian Local Plan	H19 - Residential and Visual Amenity	There will be no issues in terms of residential and visual amenity.	Yes.
West Lothian Local Plan	C12 - Protection of Open Space	The area to the north-west is not acceptable as there will be an adverse impact on the setting of this area of woodland.  The area to the east is acceptable due to its proximity to the property.	Yes.

## Assessment

See above.

## Other Considerations

No other considerations.

## Conclusions and Reason for Decision

The area of land to the north west of the property is not acceptable due to its location within a wider woodland belt. Approving a change of use of this section of land would adversely affect the character of the area and would lead to the further erosion of this landscape feature.

The area to the east is acceptable due to its proximity to the property at 2 Stable Lane and complies with policy C12 and H19 of the West Lothian Local Plan.

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**List of Review Documents**

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**Annex 1 - Schedule of plans**

	<b>Description</b>	<b>Drawing Number</b>	<b>Docquetted Number</b>
1	Location plan	-	1 of 1

**Other relevant documents:** None



## 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.

<b>PART A</b>	<b>APPLICANT'S DETAILS</b>	Name <u>Terry Daly Danny McGuigan</u>
	Address <u>2 Stable lane</u> <u>Polbeth, west calder</u>	
	Postcode <u>EH55 8QQ</u>	
	Telephone <u>0 [REDACTED] [REDACTED]</u>	
	Telephone No. (1) <u>[REDACTED]</u>	
	Fax : <u>[REDACTED]</u>	
	E-mail : <u>[REDACTED]</u>	
<b>REPRESENTATIVE (if any)</b>	Name <u>n/a</u>	
	Address <u>[REDACTED]</u>	
	Postcode <u>[REDACTED]</u>	
	Telephone No. (1) <u>[REDACTED]</u>	
	Telephone No. (2) <u>[REDACTED]</u>	
	Fax : <u>[REDACTED]</u>	
	E-mail : <u>[REDACTED]</u>	
Please tick this box if you wish all contact to be through your representative.		<input type="checkbox"/>

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

<b>PART B</b>	<b>APPLICANT REF. NO.</b>	RE 0176/FUL/16
	<b>SITE ADDRESS</b>	2 Stable lane, Polbeth, West Calder EH 55 8QQ
	<b>DESCRIPTION OF PROPOSED DEVELOPMENT</b>	purchase of waste land to create vegetable garden and storage of compost and leaf mould bins
	<b>DATE OF APPLICATION</b>	
	<b>DATE OF DECISION NOTICE (IF ANY)</b>	

**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"/>

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



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.

	<p>which is the focus of this review and also for not highlighting that the land has no trees,</p> <p>that our plans are to use the land to create raised beds for growing vegetables and</p> <p>storing garden tools / implements. We should also have highlighted that this is a very</p> <p>small area of land that drops steeply to a ravine into the Harwood Water.</p> <p>We fully understand and respect the need to protect and preserve any shrubs, bushes</p> <p>or trees in proximity.</p> <p>We also understand the need for West Lothian Council to have access to any drainage</p> <p>covers.</p>
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#### 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	Photograph of packet of land.
2	
3	
4	
5	
6	
7	
8	
9	
10	
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

X

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.

The location of the land and the vegetable growing purpose  
proposed as well as the absence of trees that West Lothian Council might have been  
concerned  
about.

### 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

\* 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.

site can be viewed from public land and can be viewed without barriers

**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

YES

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

YES

Statement of your preferred procedure

YES

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

YES

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

Date 10 July 2016

\* 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





**GRANTED**

*Chris Norman*

**Development Management Manager**

App No	0176-ful-16 - 1 of 1
Date	27 Apr 2016

 **West Lothian**  
Council

Date **27 Apr 2016**

West Lothian  
Council

**No permission is  
hereby granted for this  
area - see condition 1**

## Issues

Path

West Calder Hi

**Disclaimer Notice:** The accuracy of information within this plan is not guaranteed and should be used as guidance purposes only.



West Lothian  
Council

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**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





**LOCAL REVIEW BODY**

**APPLICATION NO. 0845/P/15 – PLANNING PERMISSION IN PRINCIPLE FOR THE  
ERECTION OF 6 HOUSES AT RAW HOLDINGS, EAST CALDER**

**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 refusal of planning permission for planning permission in principle for the erection of 6 houses at Raw Holdings, East Calder

**B REVIEW DOCUMENTS**

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

1. The Decision Notice, dated 18 April 2016;
2. The Handling Report, not dated;
3. The Notice of Review, submitted by the applicant, dated 1 July 2016;
4. The following documents were also lodged with the Notice of Review:-
  - Supporting statement; and
  - A series of location plans and photographs.

Four objections were received to the original planning application from local residents; these being Anne Williamson, Ken Ireland, Nick Crawshaw and W Nisbet.

All four objectors were contacted to advise that the Notice of Review had been received and that they had fourteen days in which to submit any further comments. No further comments were received from any of representatives. All documentation referred to is attached to the report.

There was also an objection from the council's Education Services which concerned capacity issues at local schools, further details of which can be found in the attached letter. Likewise there was a holding objection from the council's Transportation Services which concerned the access road to the proposed development site. Further details were contained in the attached letter.

The applicant has stated in the review application that they consider that the Local Review Body could decide the review case by either further written submissions, a hearing session and site inspection.

**C DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE**

Planning permission in principle was refused by the Appointed Person because they considered that the development was piecemeal development and would exacerbate infrastructure constraints and undermine pedestrian and cycle linkages and any grant of permission would set an undesirable precedent for other similar developments. Therefore the proposal was contrary to CDA1, CDA5 and CDA9 of the West Lothian Local Plan.

**D PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS**

Without prejudice to the outcome of this review, if members are minded to grant planning permission then the drafting of conditions should be delegated to the Planning Advisor. The conditions will cover matters of layout and design and address the technical issues raised by the consultees. A legal agreement will also be required to secure developer contributions towards education and cemeteries provision.

Wendy Richardson, Solicitor, West Lothian Civic Centre

Tel No. 01506 283524, [Wendy.Richarson@westlothian.gov.uk](mailto:Wendy.Richarson@westlothian.gov.uk)

Date: 17 August 2016



**West Lothian  
Council**

**DECISION NOTICE**  
**REFUSAL OF FULL PLANNING PERMISSION**  
Town and Country Planning (Scotland) Act 1997, as amended

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

**APPLICATION REFERENCE:** 045/P/15

**PROPOSAL AND LOCATION:** Planning permission in principle for the erection of 6 houses (grid ref. 309295 667800) at Raw Holdings, East Calder, EH53

**APPLICANT:** Mr Clifford  
Ross Contractors  
Camps Industrial Estate  
East Calder  
Livingston  
EH27 8D

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

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

**Dated:** 14/04/2016

**Chris Norman**  
**Development Management Manager**  
**West Lothian Council**  
**West Lothian Civic Centre**  
**Howden South Road**  
**Livingston**  
**EH54 6FF**

**Signature**

**The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1967 (as amended) refuses planning permission for planning application 045/P/15 for the reason(s) set out as follows:**

- 1 The proposal is considered to be piecemeal, and would exacerbate infrastructure constraints and undermine pedestrian and cycle linkages. The applicant has not advanced satisfactory justification for houses on this site. Granting permission would set an undesirable precedent for other similar developments outwith the masterplan for the overall Calderwood CDA.

The proposal is contrary to

CDA1 (Infrastructure) of the West Lothian Local Plan

CDA5 (Implementation Programmes) of the West Lothian Local Plan

CDA9 (West Livingston, Mossend and Calderwood) of the West Lothian Local Plan

## **ADVISORY NOTE**

### ***How to challenge the council's Decision***

*If your application was determined under delegated powers as a local application by an officer appointed by the council and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. If the application was heard at a committee and in any other case you can seek an appeal of that decision to the Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review, or to appeal, here:*  
<http://www.westlothian.gov.uk/article/2078/Decisions-Reviews-and-Appeals>

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

### ***Notification of the start of development***

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

### ***Notification of completion of development***

*The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. A form is enclosed with the planning permission which can be used for this purpose.*

### ***Contaminated land procedures***

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

### **Liaison with the Coal Authority**

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

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

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

### **Advisory note to developer - General**

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

### **Annex 1 - Schedule of Plans**

	<b>Description</b>	<b>Drawing Number</b>	<b>Docquetted Number</b>
1	Location Plan	PL01	1 of 9
2	Site Plan	PL03	2 of 9
3	Streetscape montage	PL04	3 of 9
4	Plot 1 Layout	PL05	4 of 9
5	Plot 2 Layout	PL06	5 of 9
6	Plot 3 Layout	PL07	6 of 9
7	Plot 4 Layout	PL08	7 of 9
8	Plot 5 Layout	PL09	8 of 9
9	Plot 6 Layout	PL10	9 of 9





## HANDLING REPORT

**Ref. No.:** 0845/P/15 **Email:** [irsty.nicholls@westlothian.gov.uk](mailto:irsty.nicholls@westlothian.gov.uk)  
**Case Officer:** Kirsty Nicholls **Tel No.:** 01506 283536  
**Ward:** East Livingston and East Calder **Member:** Ian Anderson  
 Carl John  
 Dave King  
 Ian Toner

**Title** Planning permission in principle for the erection of 6 houses (grid ref. 309295 667800) at Raw Holdings, East Calder, EH53  
**Application Type**  
**Decision Level** LIST 19/02/2016  
**Site Visit** [05/11/2015](#)  
**Recommendation** refuse permission  
**Decision** Refuse permission  
**Neighbour Notification** Neighbour notification procedures have been carried out correctly - case officer verification [ ] N [ ]

## Description of Proposals

Planning permission in principle is sought for the erection of 6 houses at Raw Holdings, East Calder. The site is an area of vacant land which is fenced off and houses mature vegetation. There is a small enclave of residential properties to the south of the site. The access to the site is by a single track private road.

## Site History

0812/P/14 - Planning permission in principle for the erection of 6 houses - Withdrawn

## Representations

The application was advertised in the local press and the period for receipt of representations has expired. 4 letters of objection have been received which are summarised below. This is a summary of the representations received. The full documents are contained in the application file.

Comments	Response
Access/current condition of road	It is agreed that the proposed road layout does not alleviate the issue of access and the road condition.

Contamination issues	The council's Contaminated Land Officer has been consulted and requested that a site investigation be carried out in the event of permission being granted.
Drainage issues	Any issues in relation to drainage could be dealt with via condition to be forthcoming at the Matters Specified in Conditions stage.
Privacy	As the application is for permission in principle these details would be provided and assessed at the Matters Specified in Conditions stage.

## Consultations

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

Consultee	Objection	Comments	Planning Response
West Lothian Council - Education Planning	Yes	Any space available in catchment schools is being reserved for larger sites which are already committed.  Subject to indexation the total required for the six units would be - £70,080.	Noted.
Transportation	Holding objection.	The private access road between the public road and the site access is not suitable for the number of properties it will serve. The private road needs to be upgraded.	Noted.
Scottish Water	No response.	-	Noted.
Scotland Gas Networks	No.	In the mains record you can see our low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. A colour copy of these	Noted.

		<p>plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.</p> <p>Safe digging practices, in accordance with HSE publication HS 47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.</p>	
Development Plan	Yes.	It is recommended that the application is continued to allow for the submission and consideration of further details. However in the event that matters which have been highlighted are not satisfactorily reconciled, permission should be refused.	Noted.
Contaminated Land Officer	No.	<p>In consideration application matters the applicant is required to prove the site is suitable for proposed use and is required to submit a Phase 1 Site Investigation Report to the council for approval prior to the application being determined. Due to the nature of the sites previous use and the sensitivity of the proposed use it is likely that further phases of investigation shall be required, which would be attached as a condition to any granted planning consent.</p>	Noted.
Flood Prevention	No.	Flood Risk	Noted.

		<p>The site is adjacent to areas which appear to be at risk of surface water flooding. A Level 1 Flood Risk Assessment will require to be submitted to confirm or rule out the need for a full Level 2 Flood Risk Assessment. Refer to CIRA Manual C624 and SEPA Technical Flood Risk Guidance which provides details on the requirements for an assessment.</p> <p>Drainage No drainage information has been submitted with the application. A Drainage Assessment will require to be submitted which will detail the full foul and surface water drainage strategy for the development.</p>	
West Lothian Council - Housing	No response.	-	Noted.

## Policy

Plan	Policy	Assessment	Conform
West Lothian Local Plan	CDA9 - West Livingston Mossend and Calderwood	The proposal would adversely affect the objectives of the masterplan approach and would lead to a piecemeal development contrary to this policy.	No.
West Lothian Local Plan	CDA5 - Implementation Programmes	The lack of a physical link between this site and the rest of the Raw Holdings development would result in a piecemeal pattern of development that contradicts the masterplanned approach envisaged for all CDA sites.	No.
West Lothian Local Plan	CDA1 - Infrastructure	The wider infrastructure commitments have not been agreed and as such any application for housing would exacerbate existing	No.

issues.

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### Assessment

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See above.

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### Other Considerations

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Consideration has been given to the wider Calderwood Core Development Area development and the impact that the proposal would have on the wider objectives.

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### Conclusions and Reason for Decision

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Planning permission in principle is sought for the erection of 6 houses at Raw Holdings, East Calder. The site is part of the Calderwood CDA, though the applicant proposes to take access from the existing private road network that serves the holdings, and there would be no road link with the wider CDA development. It is considered that the lack of a physical link between this site and the rest of the Raw Holdings development would result in a piecemeal pattern of development that contradicts the masterplanned approach envisaged for all CDA sites, and Policy CDA5 of the West Lothian Local Plan 2009. This development will also exacerbate education infrastructure constraints at St Paul's Primary School.

The proposal would, furthermore, result in additional traffic on the private road network. Part of this road network is designated as a core path linking West Calder to Airnewton Railway Station. It has also been identified as part of the National Cycle Network. Adding additional traffic on to these routes would undermine the objective of developing a network of pedestrian and cycle links through the CDA, and has resulted in objections from both Transportation and East Calder and Airnewton Community Council.

Whilst it is acknowledged that residential development on CDA sites is generally supported, this development is considered to be piecemeal, and would exacerbate infrastructure constraints and undermine pedestrian and cycle linkages. The application is therefore contrary to Policy CDA5, Policy CDA1 and Policy CDA9 the West Lothian Local Plan 2009. It is therefore recommended that the application is refused.

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### List of Review Documents

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#### Schedule of Approved Plans

	Description	Drawing Number	Docquetted Number
1	Location Plan	PL01	1 of 9
2	Site Plan	PL03	2 of 9
3	Streetscape montage	PL04	3 of 9
4	Plot 1 Layout	PL05	4 of 9
5	Plot 2 Layout	PL06	5 of 9
6	Plot 3 Layout	PL07	6 of 9
7	Plot 4 Layout	PL08	7 of 9
8	Plot 5 Layout	PL09	8 of 9
9	Plot 6 Layout	PL10	9 of 9

**Other relevant documents:** None





## Key

- Application Boundary  
0.657 hectares
- Other land under applicants control  
0.6368 hectares
- Tarmac Entrance Apron

## Notes:


Revision:	Description:	Dm:	Chd:	Date:
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Scale:



Source Information:

Drawn: CRM	Orig: DG	Checked: DG	App: 24.02.12
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**Planning Application February 2012**  
**Drawing PA03**

Project: **Quarry Park**

Title: **Indicative Site Layout**

Scale: 1:1000@A3	Ref: HJB / SC668 / 24	Sheet: 1/1
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**BANKS**Property  
development with care

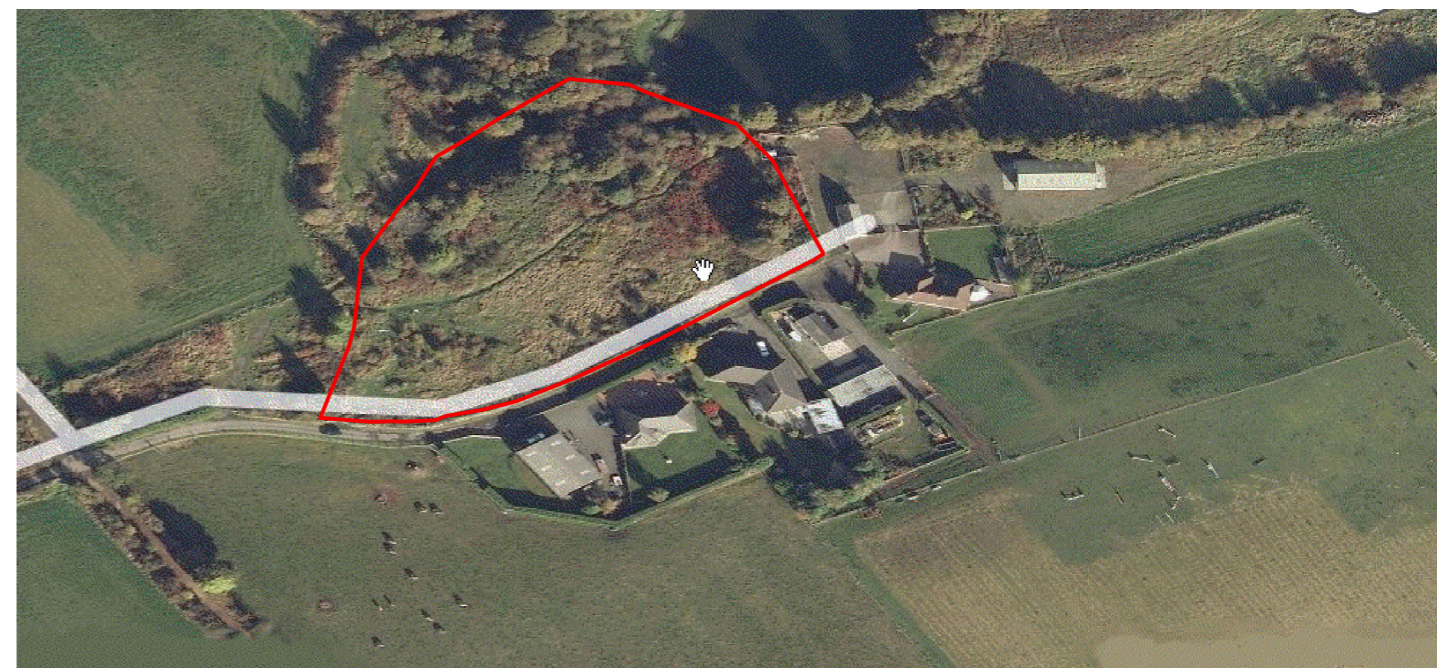
2nd Floor, Block C, Brandon Gate, Leechlee Road, Hamilton, Lanarkshire, ML3 8AU  
T: 01898 477410 F: 01898 477439 W: www.banksproperty.co.uk



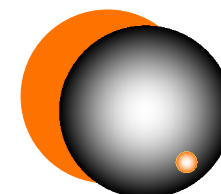


**SITE AREAS**  
**-EXISTING-**  
 Site Area - 7001Sqm or 0.700Ha  
 Building Area - N/A  
 Garden Area - N/A  
 % green space - 100%

 Denotes boundary of application site

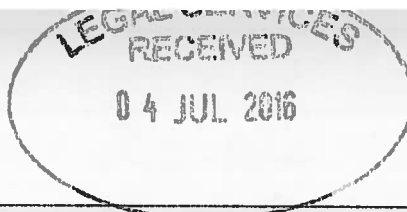


REV.	DATE	DRAWN	DESCRIPTION
REVISIONS			
0	2	4	10
1	3	5	15
2	6	8	20
3	9	11	30
4	12	13	40
5	14	15	60
6	16	17	80
7	18	19	100
CLIENT: Mr Clifford			
JOB: Proposed housing development			
Raw Holdings, East Calder			
DRAWING: Location Plan			
DRAWN	er	JOB NO.0016	DR NOPL01
DATE	Sep 14	REV.	SCALE 1:1000



**ROBERTSON ARCHITECTURE & DESIGN**





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.

<b>PART A</b>	<b>APPLICANT'S DETAILS</b>	Name	Mr Billy Clifford
		Address	ROSS CONTRACTORS, CAMPS INDUSTRIAL EST. EAST CALDER, LIVINGSTON, WEST Lothian
		Postcode	EH27 8DX
		Telephone No. (1)	[REDACTED]
		Telephone No. (2)	
		Fax :	
		E-mail :	
	<b>REPRESENTATIVE (if any)</b>	Name	EUAN ROBERTSON
		Address	ROBERTSON ARCHITECTURE & DESIGN FIELD HOUSE, 17 CLIFTON ROAD, EAST CALDER
		Postcode	EH53 0HJ
		Telephone No. (1)	[REDACTED]
		Telephone No. (2)	
		Fax :	[REDACTED]
		E-mail :	[REDACTED]
Please tick this box if you wish all contact to be through your representative.			



Do you agree to correspondence regarding your review being sent by e-mail? \*  
**YES**

<b>PART B</b>	<b>APPLICANT REF. NO.</b>	<u>LIVE/0845/P/15</u>
	<b>SITE ADDRESS</b>	<u>RAW HOLDINGS, EAST CALDER, EH53</u>
	<b>DESCRIPTION OF PROPOSED DEVELOPMENT</b>	<u>PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF 6 HOUSES</u>
	<b>DATE OF APPLICATION</b>	<u>11<sup>TH</sup> Nov 2015</u>
	<b>DATE OF DECISION NOTICE (IF ANY)</b>	<u>18<sup>TH</sup> April 2016</u>

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

**Type of Application** (please tick the appropriate box)

Application for planning permission (including householder application)	<input type="checkbox"/>
Application for planning permission in principle	<input checked="" 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"/>

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

**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.**

PLEASE REFER TO ATTACHED SUPPORTING STATEMENT

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

\* ☒ YES ☐ NO

If yes, you should 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.	PLO1 - LOCATION PLAN DRAWING
2.	PLO2 - EXISTING SITE PHOTOGRAPHS
3.	PLO3 - PROPOSED SITE LAYOUT DRAWING
4.	PLO4 - PROPOSED SITE MASSING DIAGRAM DRAWING
5.	HSB/SC668/24 - BANK PROPERTY SITE PLAN, QUARRY PARK
6.	14053(SK)021B - EMA - INDICATIVE MASTERPLAN DRAWING
7.	A0202 - PERSIMMON HOMES - SITE LAYOUT DRAWING
8.	
9.	
10.	
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 checked="" 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.

WE BELIEVE THAT THROUGH FURTHER WRITTEN SUBMISSION AND HEARING SESSIONS WE CAN MORE ADEQUATELY EXPLAIN THE REASONS AS TO WHY WE ARE SEEKING A REVIEW OF THE DECISION + TO BETTER EXPLAIN THE SITE HISTORY + CURRENT PROPOSALS

### 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/ ☒

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

\* YES/ ☒

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

LAND OWNER / APPLICANT WOULD NEED TO OPEN ACCESS GATE

**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.**



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.

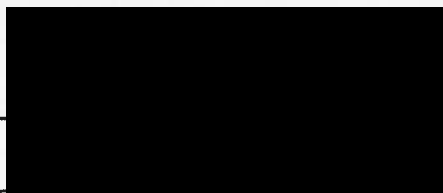
**\*\*\*DECLARATION\*\*\***

**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



Date

01/07/2016

\* 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

## Page | 1

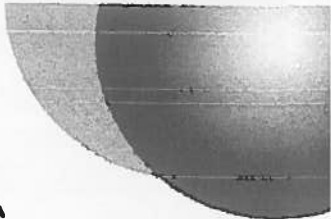
<b>Applicant:</b>	<b>Mr Billy Clifford Ross Contractors Camps Industrial Estate East Calder Livingston EH27 8DF</b>
<b>Decision type:</b>	<b>Refuse permission</b>

**We hereby ask for a review of the decision made by the planning department, as we believe that contrary to the decision notice, the main point for refusal of the application due to it being piecemeal development not sufficient enough grounds for refusal. As this is the second application for permission in principle made as we withdrew the original application at the planning departments request to consult with other developers within the vicinity.**

- 49 -

In addition to this we would also consider the failure to accommodate any additional information in pursuit of a more favourable outcome being justifiable grounds for review. We were not offered any framework for determination, instead we had discussions with the case officer who was happy to accept new information to then decide to determine the application without any further notification whilst discussions were ongoing between our client and other parties leaving us in a difficult situation.

[illegible]



We feel that the application has not been viewed within its actual context and assessed under its own merits, instead it has been prejudiced due to the large developments proposed by CALA and Persimmon Homes to the South and North of our client's site. There was no offer to discuss the site density for the possible concessions for the reduction in the number of units from six to four.

The Site was previously a quarry and is currently derelict without purpose it sits opposite existing small holdings, the land owners currently have a prescribed right of access over the existing cycle path network and access roads. We are seeking to re-inforce that area of individual housing where we feel that through strong design principals an interesting small development could be achieved which would offer some much needed relief from large scale house builder's standard house types.

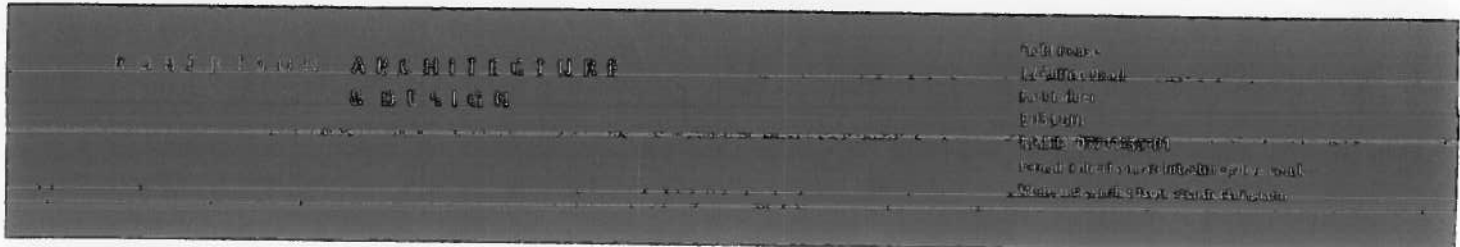
Rather than the progression of our development being considered piecemeal should it be allowed to progress, we would in fact consider its refusal to actually contribute to a disjointed overall development where directly behind some of the proposed Persimmon homes there would be our site lying undeveloped and vacant.

As this is an application for planning permission in principle we find it extremely strange that our site which is within the East Calder CDA which is itself zoned for housing that our client is being told that he cannot get permission in principle to build any houses on this land.

The application is well considered and designed in its current composition to comply with the WLLP and supplementary planning guidance for houses. The scheme would of course be progressed in greater detail for any subsequent detailed planning application / approval of reserved matters application should the outcome of this review be positive, we would expect planning permission in principle to come with a raft of conditions.

SPP 3 identifies their key aims detailed below which we falls within the context of our site:  
*high quality residential environments which make a positive contribution to the built and rural environments by promoting good design, specifying the requirements for landscaping and open space, and indicating where higher densities will be suitable;*  
*Guide new housing developments to the right places. New housing areas should be easily accessible by public transport and well integrated into walking and cycling networks. Extensions to towns and villages or new settlements should be developed in a sustainable way; Deliver housing land. Planning authorities should meet the housing land requirement for each housing market area in full and provide greater certainty and be more responsive by: - ensuring that local plans provide a supply of effective land to meet requirements for at least 5 years and monitor completions, land availability and future requirements through a housing land audit; - carrying out regular reviews of plans, making alterations when necessary, and taking steps to ensure that land is made available if there are delays in plan preparation.*

- 50 -



Page | 3

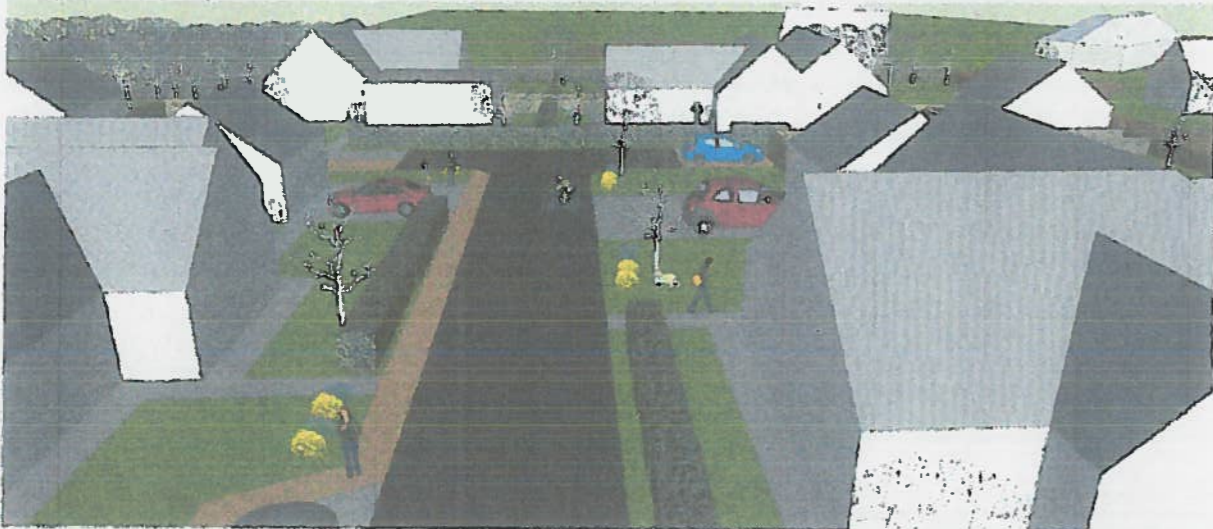
All of the points raised within the case officers handling report could have been adequately dealt with by the imposition of planning conditions for a subsequent MSC application, our client would consider the upgrading of the existing road as a possible part of the enabling works, however as stated previously we were not given the opportunity to respond to any of the consultee responses.

- 53 -

[illegible]



4 Streetscape  
NTS View from rear of Plots 3 & 4



3 Streetscape  
NTS View from Plots 2 & 5



2 Streetscape  
NTS View from Plots 1 & 6



1 Streetscape  
NTS View from entrance



8 Proposed  
1:1000 Site Plan



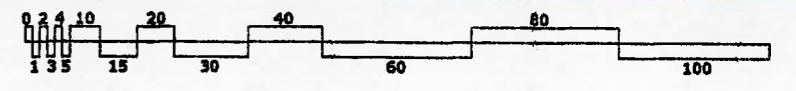
5 Site overview  
NTS View from South West



6 Site overview  
NTS View from South West



7 Site overview  
NTS View looking North

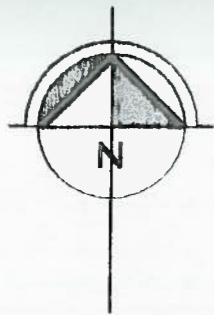


CLIENT: Mr Clifford  
JOB: Proposed housing development  
Raw Holdings, East Calder  
DRAWING: Proposed Site massing diagram  
DRAWN BY: JOB NO 0016 DR NO PL04  
DATE Sep 14 REV. SCALE NTS



ROBERTSON ARCHITECTURE  
& DESIGN

This drawing and its data are the copyright of Robertson Architecture and Design and must not be used for any purpose other than that for which it is intended. Please do not scale from these drawings. All dimensions in this drawing.



**SITE AREAS**  
-Proposed-  
Site Area - 7001Sqm or 0.700Ha  
Building Area - 1306sqm  
Garden Area - 5695sqm  
% green space - 81%

Houses generally to be 1&1/2 storey



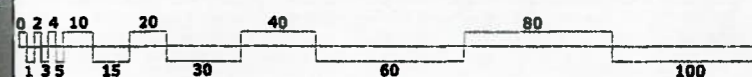
Denotes boundary of application site

REV.	DATE	DRAWN	DESCRIPTION
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4	12/11/11	4	4
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81	12/11/11	81	81
82	12/11/11	82	82
83	12/11/11	83	83
84	12/11/11	84	84
85	12/11/11	85	85
86	12/11/11	86	86
87	12/11/11	87	87
88	12/11/11	88	88
89	12/11/11	89	89
90	12/11/11	90	90
91	12/11/11	91	91
92	12/11/11	92	92
93	12/11/11	93	93
94	12/11/11	94	94
95	12/11/11	95	95
96	12/11/11	96	96
97	12/11/11	97	97
98	12/11/11	98	98
99	12/11/11	99	99
100	12/11/11	100	100



REV.	DATE	DRAWN	DESCRIPTION
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REVISIONS



CLIENT: Mr Clifford

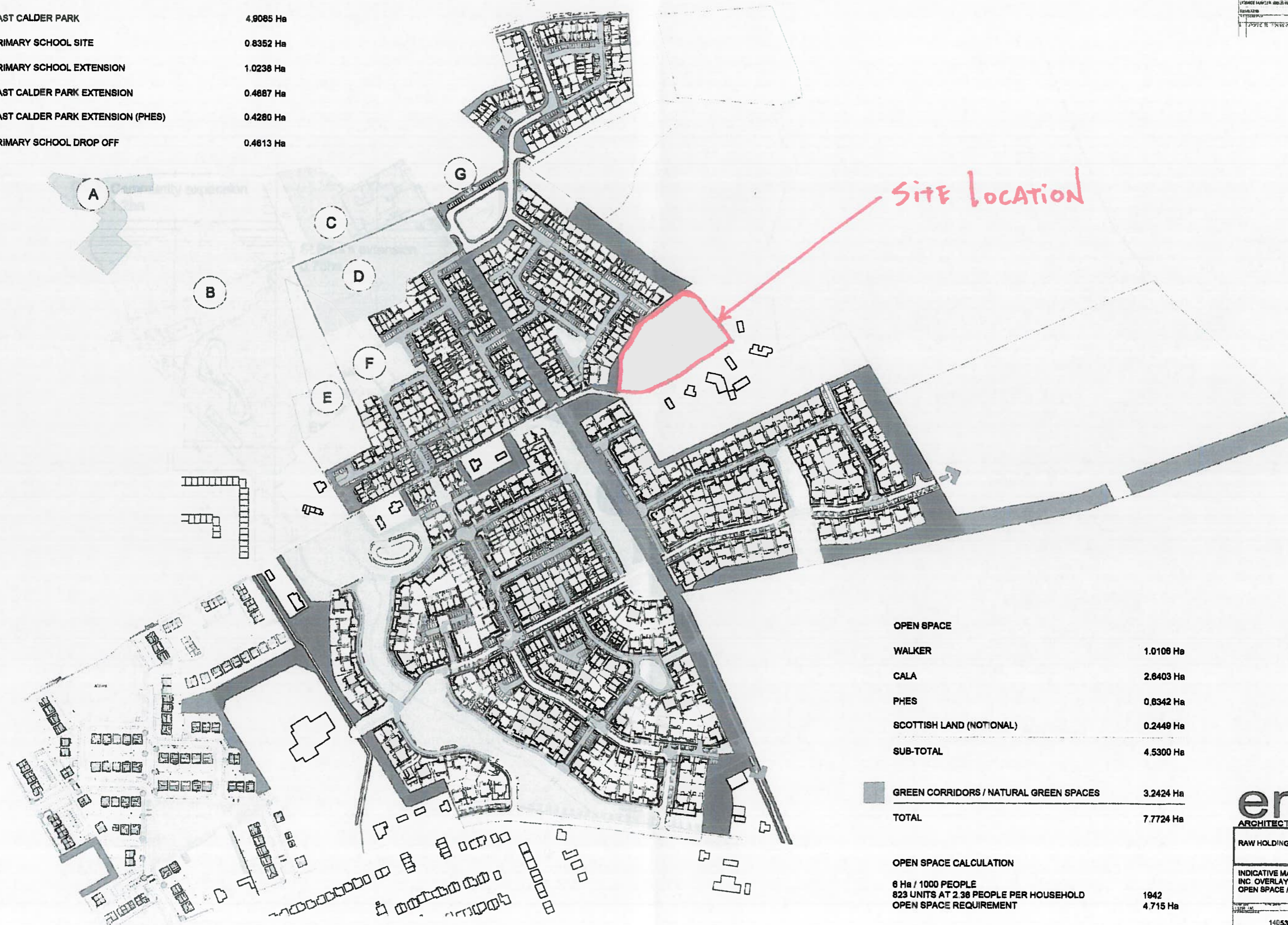
JOB: Proposed housing development  
Raw Holdings, East Calder

DRAWING: Existing site photos

DRAWN BY	JOB NO	DR NO
DR	NO0016	NOPL02
DATE	REV	SCALE
SEP 14		DRAWN

ROBERTSON ARCHITECTURE  
& DESIGN

- A PARTNERSHIP CENTRE / MEDICAL CENTRE / PARKING 0.4483 Ha
- B EAST CALDER PARK 4.9085 Ha
- C PRIMARY SCHOOL SITE 0.8352 Ha
- D PRIMARY SCHOOL EXTENSION 1.0238 Ha
- E EAST CALDER PARK EXTENSION 0.4687 Ha
- F EAST CALDER PARK EXTENSION (PHES) 0.4280 Ha
- G PRIMARY SCHOOL DROP OFF 0.4613 Ha



OPEN SPACE	
WALKER	1.0108 Ha
CALA	2.6403 Ha
PHES	0.8342 Ha
SCOTTISH LAND (NOTIONAL)	0.2449 Ha
SUB-TOTAL	4.5300 Ha

GREEN CORRIDORS / NATURAL GREEN SPACES	3.2424 Ha
TOTAL	7.7724 Ha

#### OPEN SPACE CALCULATION

6 Ha / 1000 PEOPLE	
823 UNITS AT 2.38 PEOPLE PER HOUSEHOLD	1942
OPEN SPACE REQUIREMENT	4.715 Ha

(WHERE POSSIBLE AREAS MEASURE ARE FROM DIGITAL OS DATA AND DEVELOPER LAYOUTS. SOME AREAS MEASURED FROM PD-2 DATA OR PROVIDED BY OTHERS)

**ema**  
ARCHITECTURE + DESIGN

RAW HOLDINGS, EAST CALDER

INDICATIVE MASTERPLAN  
INC OVERLAYS  
OPEN SPACE / GREEN SPACES

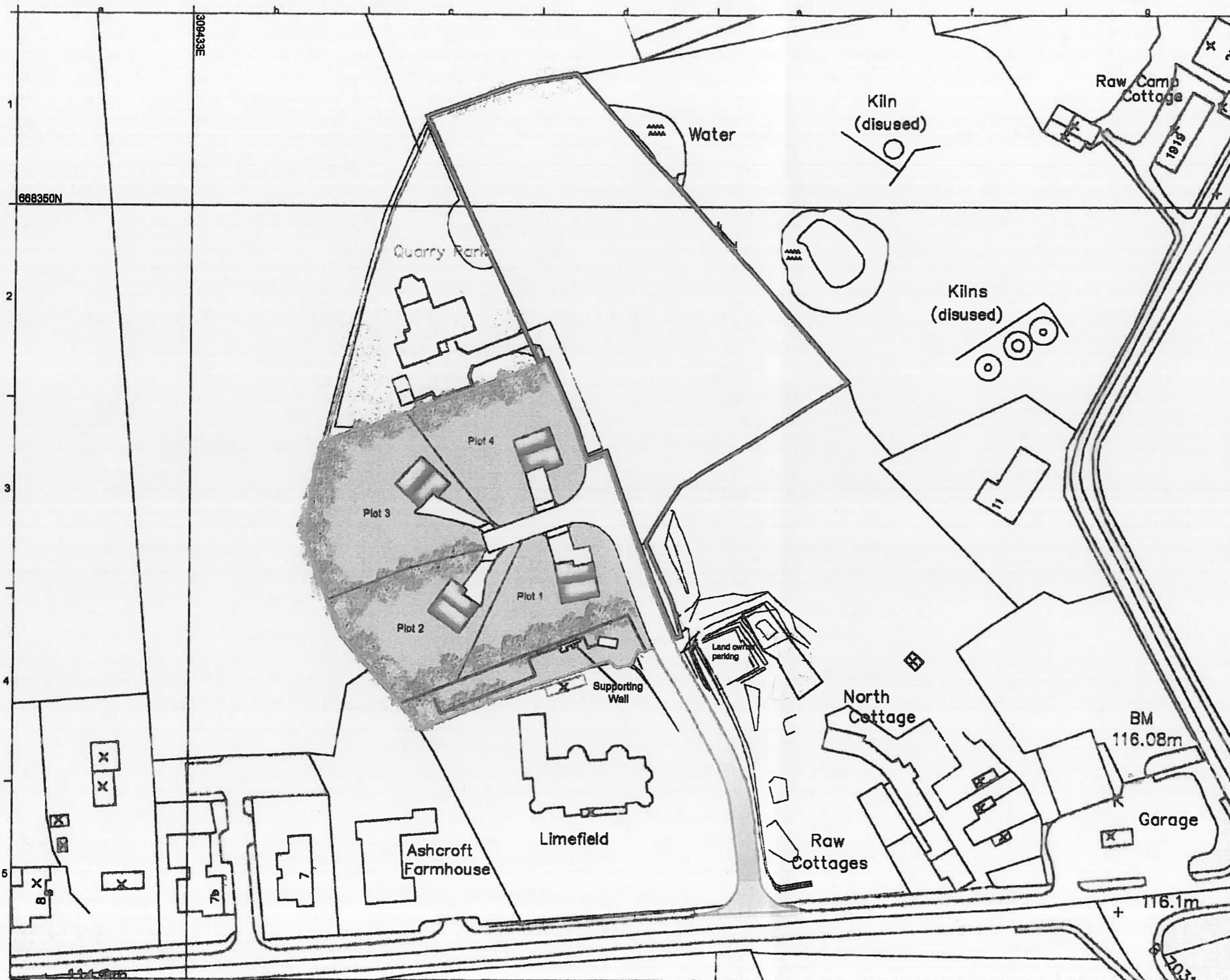
14053(9K)021 B

ON 14/05/2014

BY 14/05/2014

14/05/2014





## Key

- Application Boundary  
0.657 hectares
- Other land under applicants control  
0.6368 hectares
- Tarmac Entrance Apron

## Notes:


Revision:	Description:	Dm:	Chld:	Date:
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Scale:



Source Information:

Drawn: CRM	Orig: DG	Checked: DG	App: 24.02.12
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Mapping data reproduced from an OS product by permission of Ordnance Survey © on behalf of the controller of Her Majesty's Stationary Office, © Crown Copyright (2012). All rights reserved AL 100017630

**Planning Application February 2012**  
**Drawing PA03**

Project:	Quarry Park
----------	-------------

Title:	Indicative Site Layout
--------	------------------------

Scale: 1:1000@A3	Ref: HJB / SC668 / 24	Sheet: 1/1
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**BANKSProperty**  
development with care

2nd Floor, Block C, Brandon Gate, Leechlee Road, Hamilton, Lanarkshire, ML3 8AU  
T: 01898 477410 F: 01898 477439 W: www.banksproperty.co.uk



Ack. 04/12/15  
usu.

COM(1)

**Nicholls, Kirsty**

**From:** Christie, Linda on behalf of Planning  
**Sent:** 03 December 2015 08:19  
**To:** Nicholls, Kirsty  
**Subject:** FW: OBJECTION TO PLANNING APPLICATION - LIVE/0845/P/15 - [OFFICIAL]

**DATA LABEL: OFFICIAL**

**From:** Anne Williamson [REDACTED]  
**Sent:** 02 December 2015 16:02  
**To:** Planning  
**Subject:** OBJECTION TO PLANNING APPLICATION - LIVE/0845/P/15

Dear Sir/Madam,

**OBJECTION TO PLANNING APPLICATION - LIVE/0845/P/15.**

Access to the application site is via a single track farm road which is wholly unsuitable as a building site entrance.

The road is already in an extremely poor state of repair and has neither passing places nor pavements.

Even though the application is for a relatively small development of 6 properties and 6 double garages it surely doesn't need to be pointed out that since the farm road is almost 100 years old it quite clearly was not designed to accommodate the type/volume of traffic generated by a modern building site.

The road is part of an increasingly popular route with the local community; numerous walkers, dog walkers, cyclists and parents walking their children to, and from, St. Paul's Nursery/Primary use the road on a daily basis not to mention the slightly less frequent use by a number horse riders and at least 1 mobility scooter user.

Seven existing Raw Holdings property owners and their families, plus those mentioned above, already share use of the road along with the bin lorry, Royal Mail van, delivery lorries and emergency services; however, from a health and safety point of view expecting current road users to further share use of the road with construction site traffic when there are absolutely no passing places or footpaths is totally unacceptable and highly irresponsible.

Anne & Peter Williamson,  
15 Raw Holdings,  
East Calder.  
EH53 0JA.

**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

Link to Information Handling Procedure: <http://intranet.westlothian.gov.uk/CHttpHandler.ashx?id=1597&p=0>

# Comments for Planning Application LIVE/0845/P/15

## Application Summary

Application Number: LIVE/0845/P/15

Address: Raw Holdings, East Calder, EH53

Proposal: Planning permission in principle for the erection of 6 houses (grid ref. 309295 667800)

Case Officer: Kirsty Nicholls

## Customer Details

Name: Mr KENY IRELAND

Address: 11 RAW HOLDINGS EAST CALDER LIVINGSTON

## Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment: We have the same concerns as per the previous application for this site.

Whilst in principle we are not against development on this site, we would need a lot more information regarding same

Our main concerns are (1) access route ( local members have intimated that the route to Mansfield will be closed in the near future), (2) services required, water, electricity, drainage, etc, (3) privacy ( the plans seem to be vague regards to windows and location of same)

When we have more info on the above matters we will be in a better position to comment fully on this application

Yours

Kenny Ireland

# Comments for Planning Application LIVE/0845/P/15

## Application Summary

Application Number: LIVE/0845/P/15

Address: Raw Holdings, East Calder, EH53

Proposal: Planning permission in principle for the erection of 6 houses (grid ref. 309295 667800)

Case Officer: Kirsty Nicholls

## Customer Details

Name: Mr Nick Crawshaw

Address: 10 Raw Holdings East Calder

## Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment: As per the previous with drawn application there doesn't appear to be any information about services, particularly drainage and also a contamination assessment as the land is an old refuse tip. We're not opposed outright to the idea but as we live close to downhill of the proposed development we do have strong concerns about environmental pollution and our own surface and waste water drainage systems.

West Lothian Council  
Development Management

Tel. No. [REDACTED]

24 NOV 2015

Date.....K.N.....

Ref No. 0845/P/15

Ref To.....

Ack'd.....

Replied.....

12. Raw Holdings  
East Calder  
West Lothian  
EH53 0HZ  
23.11.15

I am writing to express  
my concerns for a planning application  
to build 6 houses on old quarry  
Raw Holdings East Calder. Application No  
0845/P/15. (grid ref. 309295 667800)

Mr Clifford has applied for planning permission  
before and I objected then as I do now.

My main concerns are out field drains  
and out septic tank soakaway run into  
the quarry, also access is an issue.

Look forward to hearing from you  
on this matter. Yours sincerely  
[REDACTED]

West Lothian Council  
Development Management  
West Lothian Civic Centre  
Livingston  
EH54 6FF

West Lothian Council  
**Education Planning**  
West Lothian Civic Centre  
Howden South Road  
Livingston  
EH54 6FF  
21 April 2016

Planning Officer:  
Kirsty Nicholls

**Education consultation on application 0845/P/15 at Raw Holdings East Calder for planning permission in principle for the erection of 6 houses.**

**Catchment Areas, School Capacities and School Rolls**

	School Name	School Capacity	15 Start of Session Roll
ND primary	East Calder Primary	415	256
RC Primary	St Pauls RC Primary	198	120
ND Secondary	West Calder High	1100	916
RC Secondary	St Margarets Academy	1100	1116

**Schools over capacity at the time of consultation**

St Margarets Academy

**Council approved Base 2012 forecasts for the period 2014 to 2023 approved Education Executive 18th March 2014**

East Calder Primary

Cap	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
415	250	283	329	364	389	429	476	524	577	627

Assumptions

Stage migration: 0.9976

Child per house: 0.3160

Houses predicted for construction between 2014-2023 = 1351

Houses predicted for construction post 2023 = 1605

St Pauls RC Primary

Cap	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
198	122	121	131	145	161	166	180	198	217	238

Assumptions

Stage migration: 0.9706

Child per house: 0.0930

Houses predicted for construction between 2014-2023 = 114

Houses predicted for construction post 2023 = 115

#### West Calder High

Cap	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
1100	879	888	904	926	946	954	998	1039	1075	1104

#### Assumptions

Transfer Rate: 0.96

Stage migration: 1.0034

Child per house: 0.1710

Houses predicted for construction between 2014-2023 = 2310

Houses predicted for construction post 2023 = 3290

#### St Margarets Academy

Cap	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
1100	1091	1128	1160	1154	1167	1205	1218	1244	1270	1305

#### Assumptions

Transfer Rate: 0.92

Stage migration: 0.9887

Child per house: 0.0597

Houses predicted for construction between 2014-2023 = 4885

Houses predicted for construction post 2023 = 6297

#### Conclusion

The proposed development is a windfall site as defined by the Edinburgh and Lothians Structure Plan (ie it is a site which is not identified through the forward planning process). Education Planning take the view that windfall sites can only be supported if there is reasonable expected capacity within schools to accommodate the windfall development plus development which is already committed and development sites which are allocated in adopted or emerging development plans.

Normally Education would be not objecting to small sites coming forward. Because this site is for 5 or more units it is ranked with other Local Development plan sites and as any space available in the school is being reserved for those large sites Education must treat all sites in accordance with the preferences set out in the Local Development plan for that reason Education Planning object to this site coming forward.

Should the site be given or be granted planning permission at appeal Education would request the following contributions be required from the developer. These contributions are in line with those being made by other developers and are aimed at contributing to the school estate to meet the requirements for provision resulting from the large amounts of housing coming forward in the area.

#### **Education Contribution**

Education Planning advise that this site will require to contribute to the following should it gain consent. As of 21<sup>st</sup> of August 2012 Council agreed at Council Executive Committee that starting immediately residential developments consisting of units of less than three habitable rooms would be exempt from all developer contributions for Education Infrastructure. All contributions listed below are calculated appropriately.

#### ND Primary in East Calder

To support the development strategy of the West Lothian Local Planning Policy Hou 2 and emerging Local Development Plan new capacity is required for non-denominational primary school provision in East Calder area (as part of the CDA). It is estimated that this work will equate to costs of £1,421 per residential unit indexed to the 3<sup>rd</sup> quarter of 2009. Given the indicative application description this would give a ND Primary contribution prior to indexation of £8,526. (754200-94212) NPEC

#### RC Primary in East Calder

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 Paul's RC Primary catchment are being asked to contribute £1,643 per residential unit indexed to the RICS Building Cost Information Service Tender Price Index 1<sup>st</sup> quarter of 2009. Given the indicative application description this would give a RC primary contribution prior to indexation of £9,858. (754200-94112) RPEC

(WCHS) ND Secondary School infrastructure for Livingston and Almond Valley CDA

To support the development strategy of the West Lothian Local Planning Policy Hou 2 and emerging Local Development Plan, the Council Executive has approved in principle the collection of moneys towards the provision of a new Non Denominational Secondary school. Contributions of £6,633 per residential unit are being requested from all developers with applications within the West Calder High School catchment (contributions are to be indexed linked to the RICS Building Cost Information Service Tender Price Index using 1<sup>st</sup> quarter 2012 as the base date). Given the indicative application description this would give a contribution of £39,798. (754200-94220) WCHS

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 29<sup>th</sup> of June 2010 by Council Executive. Given the indicative application description this would give a contribution prior to indexation of £11,898. This payment to be index to the RICS Building Cost Information Service Tender Price Index with the 1<sup>st</sup> quarter of 2010 forming the base date. (754200-94136) EDWB

Interested parties are advised that contribution payments are normally formalised via section 69 or section 75 agreements agreed in conjunction with the planning application process. Parties wishing to discuss legal arrangements should contact our senior solicitor Tom Duncan on 01506 281596 (thomas.duncan@westlothian.gov.uk). For further information on Education issues please contact Mark Brooks on 01506 281855 mark.brooks@westlothian.gov.uk).

Yours sincerely

Mark Brooks  
Education Planning Officer  
West Lothian Council  
Education Planning



**OPERATIONAL SERVICES**

**MEMORANDUM**

**To: Mr C Norman  
Development Management  
Manager**

**Your Ref: 0845/P/15**

**From: Operational Services  
Roads & Transportation  
Development Planning**

**Our Ref: DP/PLA/0845/P/15/CN**

**Refer to: Chris Nicol**

**Date: 22 December 2015**

**Direct Dial No.: 282326**

**For the attention of Kirsty Nicholls**

PLANNING APPLICATION NO: 0845/P/15

FOR Planning permission in principle for the erection of 6 houses

AT Raw Holdings, East Calder

**HOLDING OBJECTION**

The following information requires to be submitted and assessed before I can give my recommendation:-

**The private access road between the public road and the site access is not suitable for the number of properties it will serve. The private road needs to be upgraded by widening it to 5.5 metres and built to adoptable standards. The road would then be able to be adopted by the council.**

**A revised site plan showing the access road improvements requires to be submitted.**

CN

**ppJIM STEWART  
DEVELOPMENT MANAGEMENT & TRANSPORTATION PLANNING MANAGER  
ROADS & TRANSPORTATION**

DATA LABEL : PUBLIC



**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