



LOCAL REVIEW BODY

APPLICATION NO.0149/MSC/21 – APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION 0432/P/17 FOR THE ERECTION OF A NEW DWELLING HOUSE AND GARAGE BLOCK WITH ASSOCIATED ACCESS AND LANDSCAPING, CRAIGBANK, CRAIGBINNING, DECHMONT

REPORT BY CLERK AND LEGAL ADVISER TO THE LOCAL REVIEW BODY

A PURPOSE OF REPORT

This 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 to refuse matters specified in conditions of planning permission 0432/P/17 for the erection of a new dwelling house and garage block with associated access and landscaping, Craighbank, Craighbinning, Dechmont.

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 Notice of Review submitted by the applicant, dated 12 July 2021. This also includes a supporting statement; exchanges of emails with Case Officers; a copy of the Handling Report; a copy of the Decision Notice; and a selection of plans. The agent has also submitted a short video which has been sent to members separately.
2. The Handling Report, prepared by the Planning Case Officer, dated 14 May 2021.
3. The Decision Notice, issued by the Appointed Person, dated 14 May 2021.

No representations to the proposal have been submitted to the council.

The applicant has stated in the review application that no new matters have been raised.

The applicant has stated that a site visit would be their preferred method of further procedure.

C SITE VISITS AND FURTHER PROCEDURE

The Local Review Body first considered the review application at its meeting on 29 September 2021. At that meeting the Local Review Body agreed to continue consideration of the item of business to allow for a site visit to take place and for further written submissions from the applicant in respect of policy ENV1. This information was outlined in a Procedure Note a copy of which is attached to this report along with the information requested.

D DEVELOPMENT PLAN POLICIES AND PLANNING GUIDANCE

The Appointed Person refused the application in that it was not in accordance with policies DES1 (Design Principles) and ENV2 (Housing Development in the Countryside) of the adopted West Lothian Local Development Plan and the adopted Supplementary Guidance, Development in the Countryside 2018.

Further information can be obtained in the Decision Notice and Handling Report both of which are attached to this report.

E PLANNING CONDITIONS, LEGAL AGREEMENTS AND GOOD NEIGHBOUR AGREEMENTS

Without prejudice to the outcome of this review, to assist the Local Review Body in its deliberations and to assist the applicant and interested persons in securing a prompt resolution of the review, attached to the report are a set of draft planning conditions which the Local Review Body may wish to consider imposing should it be minded to grant planning permission.

Lesley Montague, Managing Solicitor, West Lothian Civic Centre

Email address:- lesley.montague@westlothian.gov.uk

Date: 10 November 2021

NOTICE OF REVIEW

(LOCAL DEVELOPMENT – DECISION BY APPOINTED PERSON)

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

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

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

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

PART A	APPLICANT'S DETAILS	Name	MR KENNY IRELAND
		Address	11 RAW HOLDINGS EAST CALDER
		Postcode	EH53 0HZ
		Telephone No. (1)	[REDACTED]
		Telephone No. (2)	
		Fax :	
	E-mail :	[REDACTED]	
	REPRESENTATIVE (if any)	Name	EUAN ROBERTSON
		Address	ROBERTSON ARCHITECTURE + DESIGN 17 CLIFTON ROAD, EAST CALDER
		Postcode	EH53 0HJ
		Telephone No. (1)	[REDACTED]
		Telephone No. (2)	
		Fax :	
	E-mail :	[REDACTED]	
Please tick this box if you wish all contact to be through your representative.			<input checked="" type="checkbox"/>
Do you agree to correspondence regarding your review being sent by e-mail? * YES			



PART B	APPLICANT REF. NO.	0149 / MSC / 21
	SITE ADDRESS	CRAIGBANK, CRAIG BINNING, DECHMONT, WEST LOTHIAN EH52 6NB
	DESCRIPTION OF PROPOSED DEVELOPMENT	APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION 0432/P/17 ERECTION OF NEW DWELLING + GARAGE WITH ACCESS + LANDSCAPING
	DATE OF APPLICATION	VALIDATED 18/02/21
	DATE OF DECISION NOTICE (IF ANY)	14/05/21

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)	
Application for planning permission in principle	
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)	
Application for approval of matters specified in conditions	✓

PART C	TYPE OF REVIEW CASE	
	Refusal of application by appointed officer	✓
	Failure by appointed officer to determine the application within the period allowed	
	Conditions imposed on consent by appointed officer	

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 LRB 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.	LRB STATEMENT + ASSOCIATED DOCS 1-13
2.	PL01
3.	PL05
4.	PL06 B
5.	PL07 B
6.	PL08
7.	PL09
8.	PL10
9.	MODEL. MP4
10.	
11.	
12.	
13.	
14.	

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"/>

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

SITE INSPECTION

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

Can the site be viewed entirely from public land?

* ~~YES~~ NO

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

* YES ~~NO~~

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

OUR CLIENT WILL NEED TO OPEN THE
ACCESS GATE TO PERMIT ROUTE UP TO
SITE VIA VEHICLE

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	<input checked="" type="checkbox"/>
Statement of your reasons for requiring a review and matters to be raised	<input checked="" type="checkbox"/>
Statement of your preferred procedure	<input checked="" type="checkbox"/>
All documents, materials and evidence INCLUDING LOCATION PLANS AND/OR DRAWINGS which you intend to rely on. Copies must accompany this notice.	<input checked="" type="checkbox"/>
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 and which includes those plans/drawings that were used by the Appointed Person when determining the original planning application.

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

Signed _____

Date 12/07/21

* 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

LRB APPLICATION SUPPORTING STATEMENT

RESERVED MATTERS APPLICATION

0149/MSC/21

Approval of matters specified in conditions of planning permission 0432/P/17 for the erection of new dwelling house and garage block with associated access and landscaping.

PREPARED BY:

ROBERTSON ARCHITECTURE & DESIGN

FIELD HOUSE

17 CLIFTON ROAD

EAST CALDER

WEST LOTHIAN

EH53 0HJ

MOB: [REDACTED]

E-MAIL: [REDACTED]



ON BEHALF OF MR & MRS IRELAND

Statement of reasons and matters to be raised.

Our clients Mr & Mrs Ireland hereby seek a review of the decision reached by the planning department under delegated powers to refuse planning permission for the application noted above. The planning process in itself was extremely poor and fell well below the service standards I have come to expect from WLC which has led directly to this submission. The reasons for refusal as noted refer to Local development plan policies Des 1 (design principles) and ENV2 (housing development in the countryside) we contend that these policies have been followed and that the reasons for refusal resident in these policies are untenable. Furthermore, we can demonstrate factual compliance with the policies and hereby set out the following statement as an expression of the same.

Planning permission in principle was obtained for the erection of a new dwelling house on 28th February 2018 appended to this statement as **Doc1**. It was established during the process of planning permission in principle where the dwelling would be located along with the relative minimum size where emails were exchanged with the head of planning Ross Burton, appended as **Doc2** and on 25th August 2017 a drawing was sent in hereby marked as **Doc3**.

Although planning permission in principle does not approve dwelling size or appearance as that is the remit of a reserved matters application there was, none the less, meaningful discussions had regarding the size and form of the proposed dwelling evidenced by the above. There were no limits detailed in the conditions attached to the planning permission in principle consent regarding size, scale, form or indeed any reference made to LDP policies and their ancillary guidance when there was an opportunity to do so. Unfortunately, Ross Burton no longer works with WLC so we can no longer consult with him regarding the current application. Furthermore, it has been uncovered that there is no handling report filed for the application which may have given current officers more background to the original approval and the work that had gone into it along with the conventions established.

Our clients Mr & Mrs Ireland opted to accede to a S69 agreement in order to secure planning permission in the payment of developer contributions in advance, the sum of £12,655 was paid to WLC in 2018.

The reserved matters application was submitted in February 2021 and the case officer assigned was Steve McLaren, unfortunately for reasons unexplained, the planning process did not go smoothly with little to no engagement from officers alongside procedural vagaries.

We attempted to engage with the case officer early on to ascertain their position regarding the scheme, however, no response was forthcoming, and it took 3 emails and **17 days** to from our initial contact to receive a response, hereby attached as **Doc4**.

The response given was rather knee jerk and came across as being rushed as the case officer was subsequently on leave for a week giving us no opportunity to discuss their comments until their return which again proved challenging, ultimately no discussions were had regarding the scheme, leaving us unable to look at addressing the areas the case officer had concerns over.

I would point out a particular line in the case officer response where in paragraph 7 there appears to be a reference made to the size of the entrance hall in relation to case officers house. Pointed out by our clients, the comment appears rather clumsy and perhaps gives the wrong impression regarding the case officers feeling towards the proposals, it was unhelpful and of no relevance.

We then continued in our endeavours to get some dialogue going and tried to again engage with the case officer in some meaningful discussions between 30th March and 07th April eventually formalising our response without the opportunity to talk through some of the points made by the officer please see **Doc5**.

The sum total of engagement to this point had been an email and with nothing further forthcoming we made the decision that we may need to pursue a submission to the development management committee, disappointing considering the substantial investment our clients had made so far.

In addition to the above there had been an issue with the neighbour notification process where the application had not been advertised when neighbours were notified. This led to the application being retrospectively listed in the WL courier after the statutory neighbour notification period had ended raising concerns over procedural correctness and the question of who paid for the advert fee. Refer to officers' comments at the end of **Doc4**. The planning portal also reflects this peculiarity where the neighbour notification period seems to extend from 18th February to 12 April for 7 whole weeks, it must be noted that there were no representations received.

We had been speaking with local councillors and had made them aware of the difficulties being faced to see whether they would be able to assist. Councillor Damian Doran Timson offered his help along with councillor Angela Doran Timson and we notified the case officer that the application would be referred to the DMC when it was put on the delegated list.

Subsequently the application was listed and the call up to DMC submitted with a confirmation email sent to the case officer on Wednesday 21st April, please see **Doc6**.

The thread running through this all, is the distinct lack of communication from the planning dept, a thread that ultimately unravelled through no fault of ours or our clients when it transpired that there had been an issue with the referral paperwork.

We only found out that there had been an issue when we were asking the case officer for their handling report in advance of the DMC meeting when we emailed them again on the 05th May a full two weeks after my confirmatory email. The response stating that there had been an issue and the application was to be formally refused was received with disbelief, see **Doc7**.

We were completely shocked by the apparent lack of consideration given to our clients and councillor Damian Doran Timson where surely a notification of all parties in a timely manner would have been helpful and perhaps led to another referral being submitted.

As it stands the referral was rejected due to the councillor not being a ward member, however at the time of submission the scheme of delegation as published on the WLC web site allowed for referrals to be made by non-ward members if the planning application had a material planning effect on their ward which we believe was applicable in this instance **Doc8**.

Our clients were engaged at that point in a land deal with Cala, Persimmon and WLC regarding development land, access rights and the extension to St Pauls RC primary school. The outcome of this application had a determining effect on the outcome of that land deal and whether certain aspects / goals could be achieved. We queried the scheme with Craig McCorriston who stated that the scheme of delegation published on the web site was actually incorrect **Doc9**. Please note that the scheme of delegation as published on the web site must be the approved version.

I feel that it is important to detail our experience as unfortunately it would appear that a lack of resources / staff is significantly impacting upon the quality of service provided by WLC and this has been raised with Craig McCorriston.

The above is a chronology detailing the failures of the planning department which has given us no choice other than to submit our application for consideration by the LRB.

We now seek to address the reasons for refusal detailed in both the handling report and the formalised refusal paperwork.

The case officer has noted Des 1 as a reason for refusal, however, looking through the listed requirements of the policy we see no clear evidence as to how the dwelling does not comply, the assertion that because the dwelling does not look like others in the area has no real substance and no real detail is given on why the case officer believes there to be a significant adverse impact.

Policy Des 1 is described in the case officers handling report **Doc10**.

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

The proposals draw upon local context and built form, what there is of it, and crafts this into a more modern farmhouse responding to the needs of the 21st Century. The surrounding examples are properties built in a different era entirely some well over 100 years ago and we seek to move things forward, nobody ever made progress by standing still. Our proposals have no adverse impact on the local community, and there are no adjacent buildings or streetscapes to be considered. The design of the house is high quality, albeit, somehow deemed as suburban by the officer, I am not quite sure if this interpretation has any real significance, after all, isn't suburban defined as "an area on the edge of a town or city where people who work in the town or city often live."

There are significant landscaping works proposed which will not only improve the environment and setting but will also create a sense of place working in tandem with the new dwelling. The house sits on its own some **0.75 Km** away from any other dwellings and Burnhouse Road and should be considered as a destination in itself.

The above deals with points A&B in Des 1 and is in stark contrast with the case officer's assessment, compliance with the remainder of the points C to F can also be evidenced and is often the preserve of further detailed design elements for the purposes of building warrant.

Policy ENV 2 is largely redundant in this instance as the principle of a new dwelling house has already been established, therefore the main document consulted in the handling report is the supplementary guidance for development in the countryside.

This supplementary guidance advises sensitive re-development of the site, where we are removing an unsuitable haulage yard buildings and replacing with a new dwelling which engages with the views / countryside alongside a new designed landscaping plan. Furthermore, the buildings being removed are only those we feel necessary, what is not mentioned in the case officers report is that **some buildings will be retained** and in time restored, this certainly is not a scorched earth development.

The guidance calls for any '***new building to be minimised to what is absolutely necessary to secure the rehabilitation of the site and that this shall be no greater than the existing buildings but in most circumstances will require to be significantly less.***' Our clients currently enjoy a similar level of space and amenity from their current domestic situation; therefore I find it sensible and absolutely necessary to expect the same from a new dwelling. Furthermore, the buildings deemed for removal occupy circa 550Sqm of the site with the proposed building footprint sitting at 430Sqm which is 22% less, which I would consider to be significant. Not only this but at the outset our client could have pursued planning permission in principle for several dwellings on site which commercially would have been a better financial decision to offset costs. However, our clients want this to be their forever home and only want to build their own, in this context, the current scheme must be considered as what is absolutely necessary.

What must also be considered is the context of the overall site where our clients currently pursue their agricultural passions in the 40 acres under their ownership, having already undertaken significant works in the preservation of the area during their tenure. The site given over to the house and access road is circa 2.3 acres. The proposed house with a footprint of 430sqm will occupy 5% of the designated site area and less than **1% overall**.

In the officers handling report **Doc10**. We arrive at the essence of the reasons for refusal, these being scale, massing and design, something which in this context is very subjective. The proposals are of a suitable scale, certainly no bigger than some other dwelling in the county whether that be the overall size of the house or the overall height. The massing may not be to the case officer's personal preference however it has been arranged for interconnectivity of spaces to minimize sprawl. Otherwise, houses can often appear like an ad-hoc dwellings which can lead to a disjointed home where spaces and routes are segregated and do not make the most of the space occupied, many of the farm buildings referenced in the case officers report have been extended multiple times in a disjointed fashion.

Our resolution to the modern farmhouse in this instance is to package all areas together with form following function, thought out spaces that engage with access routes, views and the countryside.

The refusal document **Doc 11**. Formalises the reasons for refusal based on the handling report, some of which has been touched on above, one item mentioned in the refusal text is that the materials being proposed for the dwelling are ***not reflecting the character of the adjacent houses***. However, the materials proposed are the same, stone and render with a slate roof, and realistically there are no adjacent properties for direct comparison in this instance, furthermore the dwellings in the wider vicinity are all quite different **Doc 12**.

The house being deemed as suburban in the context of the planning refusal and somehow being discordant in the countryside is somewhat galling given the variety of dwellings currently being built in the countryside along with those under the guise of lowland crofts **Doc 13**.

The determination of this application is, I would argue, very subjective with no real substance. The planning permission in principle approval was given and the conditions detailed for a subsequent reserved matters application noted, and by the case officers own admission they do not contain any restrictions on scale, design, massing, or location.

In fact, we had submitted an indicative layout and design with the PPP application which Ross Burton had seen and did not consider to be controversial. The permission in principle approval for building the new house on the site which is based on the current legislation could have been easily conditioned to contain certain restrictions on the scale, mass, design, or area citing the SG on development in the countryside. Our proposals adhere to the terms set out in the PPP approval and fully comply with the policies contained within the SG on development in the countryside, I therefore cannot understand the reasons for refusal.

Yes, the house is large, however, in the overall context of the land it occupies, all 40 acres, the scale, massing and design of the house does not ***‘significantly detract’*** from the landscape and is most certainly an improvement to a haulage yard. There is no limit placed upon the actual size of a dwelling within any of the guidance or indeed exact scale, massing, or design requirements, not only that, given the nature of the site and the inherent views we feel it would be discordant to occupy the land with a small imitation farmhouse.

Ultimately our clients have invested a lot of their time and care in improving the land where they hope to build, having implemented a raft of improvement works with new field drainage installed, ground treatments, the creation of wildlife areas alongside arboriculture improvement works. The costs currently borne by the client in relation to this alongside the pursuit of MSC approval are significant. This demonstrates their commitment to improving the area, as current custodians I would say that they are uniquely qualified to determine whether the new house would detract from the land in which they have committed so much love and affection.

The house is designed to fulfil the unique requirements of our clients, to deliver their dreams and aspirations, to furnish their life with all they require in a home. Our clients consider the introduction of an imitation farmhouse or an ultra-modern glass box as alternatives to the current scheme as significantly detrimental to the site.

Houses should be designed to be individual and responsive to the needs of their occupants, this design scheme fulfils the requirements set out by the client and is representative of them, this dwelling does not detract from the setting, it actively improves the landscape and embodies the creation of a new place.

There is a pedanticism present in the refusal regarding the different parts of the planning policies where the most tenuous of reasons have been given as justification for refusal. In simple terms the case officer does not like the current scheme, which is their opinion, however, it is a very unconvincing reason to refuse a planning permission for a house which has demonstrated compliance with the policies.

This application was for approval of **matters specified in the conditions** of original planning consent **0432/P/17 Doc 1**. We have satisfied the terms set out in the approval conditions, if there were to be more constraining conditions applicable, as appears to be the case now, then they should have been included in the original conditions. It is unacceptable to have the application refused on policies not written into the terms of the reserved matter application.



DECISION NOTICE GRANT PLANNING PERMISSION IN PRINCIPLE

subject to Section 69 agreement

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 in principle 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 LIVE/0432/P/17

PROPOSAL Planning permission in principle for the erection of a single dwelling house

LOCATION Craighbank, Craighbinning, C21 - Craighbank To U15, Broxburn, EH52 6BN (Grid Ref:303474, 671592)

APPLICANT K Ireland, 11 Raw Holdings, East Calder, EH53 0HZ

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: 14.02.2018

Craig McCorriston
Head of Planning, Economic Development and
Regeneration

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

DATA LABEL: PUBLIC

Signature:



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

The proposals accord with the terms of the development plan and there are no material considerations to indicate that the application should not be granted.

This permission is granted subject to the following conditions:-

- 1 Development shall not begin until details of the following matters have been submitted to and approved in writing by the planning authority. Thereafter the development shall be carried out in accordance with that approval. Approval of Matters:
 - a) Plans, sections and elevations of all buildings & structures to be erected indicating the type and colour of all external materials.
 - b) Access and parking arrangements
 - c) Hard and soft landscaping details including the location of all existing and proposed trees, hedges and shrubs; a schedule of plants to comprise species, plant size and proposed number and density.
 - d) Existing and proposed ground levels and proposed finished floor levels.
 - e) Surface water and drainage arrangements including a SUDS strategy to treat and attenuate surface water.
 - f) A contaminated land site investigation report and remediation strategy to ensure the site is suitable for residential use.

Reason: To enable the council to assess those details which have yet to be submitted.

- 2 The landscaping plans submitted as required in condition 1 shall include a belt of extra heavy standard or semi-mature trees to be planted along the eastern boundary of the site, enhancing and adding to the existing tree belt. Full details of the species and types of trees, and their sizes, shall be provided as part of the submission of the application for approval of matters specified in conditions.

Reason: to screen the site, in the interest of visual amenity

- 3 The advertisement displayed on the access to the application site, and the trailer that the sign is displayed on, shall be removed from the application site within one month of the date of this decision notice.

Reason: as the advertisement is unauthorised and constitutes a discordant element in the landscape.

- 4 The dwelling house hereby approved shall be located within the former haulage yard.

Reason: in order to comply with council policy

- 5 The construction of the dwelling house hereby approved shall not begin until the redundant buildings on the application site have been removed.

Reason: in order to ensure that the site is suitable for residential use

ADVISORY NOTES TO DEVELOPER

Statutory time period for the commencement of development

An application for approval of the matter specified in conditions shall be made before:

- i. the expiration of 3 years from the date of the grant of planning permission in principle;
- ii. the expiration of 6 months from the date on which an earlier application for such approval was refused, or
- iii. the expiration of 6 months from the date on which an appeal against such refusal was dismissed, whichever is the latest.

This planning permission in principle shall lapse on the expiration of 2 years from the requisite approval being obtained (or in the case of approval referred to in condition 1 of different matters on different dates from the requisite approval for the last of such matters being obtained) unless the development to which the permission relates is begun before that expiration.

Notification of completion 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.

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.

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.

How to challenge the council's Decision

If your application was determined under delegated powers 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, related to an advertisement consent or a listed building application, then 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 - LIVE/0432/P/17

Docquetted Number	Drawing Description	Drawing Number
1 of 2	Location Plan	PL01
2 of 2	Existing Plan	PL02

RE: 0432/P/17, Craigbinning - [OFFICIAL]

Burton, Ross <Ross.Burton@westlothian.gov.uk>

Thu 26/10/2017 09:04

To: 'Euan Robertson' [REDACTED]

Euan

The letter doesn't normally include draft conditions, but I'm happy to include them. I've had no intimations from any members to call the application to committee, so all being well I'll be able to issue the letter on Monday.

Regards

Ross

R A Burton

Development Management Manager
Planning, Economic Development & Regeneration
West Lothian Civic Centre
Howden South Road
Livingston, EH54 6FF
01506 282405

www.westlothian.gov.uk



From: Euan Robertson [mailto:[REDACTED]]

Sent: 25 October 2017 12:04 [REDACTED]

To: Burton, Ross

Cc: Kenny Irleand

Subject: RE: 0432/P/17, Craigbinning - [OFFICIAL]

Good afternoon Ross,

Further to our last correspondence regarding the above and the minded to grant letter which we hope to receive this week, can you confirm whether the letter will also contain a draft set of planning conditions, for the subsequent ARM application?

We trust this is in order, should you need to discuss please do not hesitate to get in touch.

Kind regards.



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

B.Arch

FIELD HOUSE
17 Clifton Road
East Calder
Livingston
West Lothian
EH53 0HJ
Mob: [REDACTED]

From: Burton, Ross [<mailto:Ross.Burton@westlothian.gov.uk>]

Sent: 17 October 2017 15:17

To: 'Euan Robertson' <[REDACTED]>

Subject: RE: 0432/P/17, Craigbinning - [OFFICIAL]

Euan

The application is going to be placed on the delegated list for approval this Friday. Assuming it's not referred to committee by a local elected member by next Friday I will be able to issue the minded to grant letter to you then.

At that point I also notify our legal services, who your client's lawyer can notify as soon as you receive the minded to grant letter, to start the process of the legal agreement. Our lawyers have a S69 template which should make the process runs smoothly.

Regards

Ross

R A Burton
Development Management Manager
Planning, Economic Development & Regeneration
West Lothian Civic Centre
Howden South Road
Livingston, EH54 6FF
01506 282405

www.westlothian.gov.uk



From: Euan Robertson [REDACTED]
Sent: 17 October 2017 [REDACTED]
To: Burton, Ross
Subject: Re: 0432/P/17, Craigbinning - [OFFICIAL]

Good morning Ross,

Just a quick one here to see how things are progressing with the above and if you require any input from ourselves or our client.

Kind regards



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EUAN T J ROBERTSON

B.Arch

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17 Clifton Road

East Calder
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West Lothian
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Mob: [REDACTED]
[REDACTED]

From: Euan Robertson
Sent: 29 September 2017 14:06
To: Burton, Ross
Cc: Kenny Ireland
Subject: RE: 0432/P/17, Craigbinning - [OFFICIAL]

Good afternoon Ross,

Further to discussions with our clients Mr & Mrs Ireland, we can confirm that the applicants wish to pursue a section 69 agreement in securing planning consent.

As per previous correspondence regarding time frames we hope that those detailed can be adhered to and formalised planning approval issued as early as possible.

I trust this is in order, should you require anything further to advance the legal process please do not hesitate to get in touch.

Kind regards.



ROBERTSON ARCHITECTURE
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EUAN T J ROBERTSON

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East Calder

Livingston

West Lothian

EH53 0HJ

Mob: [REDACTED]

[REDACTED]

From: Burton, Ross [<mailto:Ross.Burton@westlothian.gov.uk>]

Sent: 19 September 2017 12:25

To: 'Euan Robertson' <[REDACTED]>
Subject: FW: 0432/P/17, Craigbinning - [OFFICIAL]

Euan

See Wendy's reply below. Once the S69 is signed, we send you an invoice, and as soon as the cheque clears I'm able to issue the decision notice.

Regards

Ross

R A Burton

Development Management Manager

Planning, Economic Development & Regeneration

West Lothian Civic Centre

Howden South Road

Livingston, EH54 6FF

01506 282405

www.westlothian.gov.uk

From: Richardson, Wendy
Sent: 19 September 2017 12:03
To: Burton, Ross
Subject: RE: 0432/P/17, Craigbinning - [OFFICIAL]

DATA LABEL: OFFICIAL

Ross,

I would have thought that we could do the legal part of a section 69 within a month. Not sure how that fits in with invoice issue, payment etc.

Wendy

From: Burton, Ross
Sent: 19 September 2017 11:56
To: Richardson, Wendy
Subject: FW: 0432/P/17, Craigbinning

Wendy

I have an application for a single house which I'm looking to grant, subject to education and cemetery contributions. The applicant is keen to use a S69 agreement and is asking about timescales. Can you advise on Legal Services' current timescales?

Thanks

Ross

From: Euan Robertson [REDACTED]
Sent: 18 September 2017 11:52
To: Burton, Ross
Cc: 'ken.ireland@btconnect.com'
Subject: Re: 0432/P/17, Craigbinning

Good morning Ross,

Further to your e-mail on Friday containing the detailed contributions required by education in relation to the above application, a sum of £10,655 in total, can you confirm whether there are any additional contributions attached to this application.

We have discussed the payment options with our Clients Mr & Mrs Ireland who are minded to consider the application of a section 69 agreement to hopefully expedite the planning process and progress to a point of commencement of on site works next year. If a section 69 were to be applied in this instance can you give an indication on time frame from preparation of service account, payment of same and finalisation of planning approval in principle. This information is key in the decision as previous section 75 agreements have taken approximately 6 months to deliver, our clients are keen to keep the process moving so as to facilitate the immediate application of a reserved matters application and a subsequent building warrant.

We trust the above is in order, if you could advise us of your comments at your earliest convenience, where, relative time scales being acceptable, we can in turn look to confirm the acceptance of a section 69 agreement.

Kind regards.



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

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FIELD HOUSE

17 Clifton Road

East Calder

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West Lothian

EH53 0HJ

Mob: [REDACTED]

[REDACTED]

From: Burton, Ross <Ross.Burton@westlothian.gov.uk>

Sent: 15 September 2017 08:52

To: 'Euan Robertson'

Cc: 'K [REDACTED]'

Subject: RE: 0432/P/17, Craigbinning

Euan

The education response is in the case file; I attach a copy. It details the contributions which the council is seeking. I'd be grateful if you and Kenny could confirm that you're happy to proceed on that basis, and whether you'd want it to be on the basis of a Section 69 Agreement or a Section 75 Agreement, as set out in my email of 5 September.

Regards

Ross

From: Euan Robertson [REDACTED]
Sent: 14 September 2017 14:57
To: Burton, Ross
Cc: Kenny Irleand
Subject: Re: 0432/P/17, Craigbinning

Good afternoon Ross,

Just another quick e-mail here to see how you are getting on with the above further to your last correspondence and whether you had all the contributions pulled together to enable our client to consider the application of a section 69 or section 75?

I trust the above is in order, should you require anything further from ourselves please do not hesitate to get in touch.

Kind regards.



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

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FIELD HOUSE

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East Calder

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West Lothian

EH53 0HJ

Mob: [REDACTED]

[REDACTED]

From: Burton, Ross <Ross.Burton@westlothian.gov.uk>

Sent: 05 September 2017 11:12

To: 'Euan Robertson'

Subject: RE: 0432/P/17, Craigbinning

Euan

Just as an addendum to your email to Kenny, the developer contributions which would be required for the development are as set out in the Education consultation response, plus a £35 charge for cemetery contribution.

This is normally managed by a legal agreement, under Section 75 of the Planning Act, which allows for phased payments, or under Section 69 of the Local Government Act, which allows for a single payment of the required contributions. The decision notice is issued following the signing and registration of the S75 or the payment of the funds set out in the S69 Agreement.

Regards

Ross

R A Burton

Development Management Manager

Planning, Economic Development & Regeneration

West Lothian Civic Centre

Howden South Road

Livingston, EH54 6FF

01506 282405

www.westlothian.gov.uk

From: Euan Robertson [REDACTED]
Sent: 05 September 2017 09:57
To: Kenny Ireland
Cc: Burton, Ross
Subject: 0432/P/17, Craigbinning

Good morning Kenny,

Just a quick update.

We have had discussions with Ross last week regarding the above further to our submission of revised plans, he has confirmed that he will be progressing with the preparation of formalised planning consent.

We enquired as to whether there were any extrenious or non standard planning conditions being considered at this time, there were none mentioned, other than the removal of your advertising hoarding at the site entrance.

We believe that draft conditions/approval will be available this week and hope to confirm our acceptance of these as soon as received to allow formalised consent to be given.

I trust the above is in order, should you need to discuss please do not hesitate to get in touch.

Kind regards



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

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FIELD HOUSE

17 Clifton Road

East Calder
Livingston
West Lothian
EH53 0HJ
Mob: [REDACTED]

From: Euan Robertson
Sent: 25 August 2017 11:59
To: Burton, Ross
Cc: Kenny Irleand
Subject: RE: Application 0432/P/17, Craigbinning

Good morning Ross,

Further to our site meeting last week we have integrated our sketch overmarked proposals into the proposed site plan and have adjusted the photomontages along with the drawing showing the extent of the existing haulage yard and hereby enclose these drawings as per your request.

In addition to this and further to our favourable discussions regarding the new dwelling do you have any draft conditions in mind?

We trust the above and enclosed is in order, should you need to discuss please do not hesitate to get in touch.

Kind regards.



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

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FIELD HOUSE

17 Clifton Road

East Calder

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West Lothian

EH53 0HJ

Mob: [REDACTED]

[REDACTED]

From: Burton, Ross [<mailto:Ross.Burton@westlothian.gov.uk>]

Sent: 24 July 2017 15:00

To: 'Euan Robertson' <[REDACTED]>
Subject: RE: Application 0432/P/17, Craigbinning

Euan

11am on Wednesday is fine, see you then.

Regards

Ross

R A Burton

Development Management Manager

Planning, Economic Development & Regeneration

West Lothian Civic Centre

Howden South Road

Livingston, EH54 6FF

01506 282405

www.westlothian.gov.uk

Development Management and Building Standards are about to install new software for dealing with planning applications and building warrants. Because of this we will have limited ability to process applications which are submitted between 28 June and 13 July. We will strive to minimise any disruption to our service during this time but some applications will inevitably be delayed.

From: Euan Robertson [REDACTED]
Sent: 24 July 2017 14:35
To: Burton, Ross

Cc: Kenny Irleand

Subject: RE: Application 0432/P/17, Craigbinning

Good afternoon Ross,

I hope you had a good holiday and are well rested.

We tried calling this morning, I appreciate that you will be very busy on your first day back from annual leave, however we were looking for a quick confirmation that our proposed meeting at 11am on Wednesday the 26th July is still available?

We trust the above is in order, if you could let me know that would be appreciated.

Kind regards.



ROBERTSON ARCHITECTURE

& DESIGN

EUAN T J ROBERTSON

B.Arch

FIELD HOUSE

17 Clifton Road

East Calder

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West Lothian

EH53 0HJ

Mob: [REDACTED]

[REDACTED]

From: Burton, Ross [<mailto:Ross.Burton@westlothian.gov.uk>]

Sent: 11 July 2017 09:36

To: Euan Robertson <[REDACTED]>

Subject: Automatic reply: Application 0432/P/17, Craigbinning

I will not be in the office until 24th July 2017. If your query is urgent please resend your email to planning@westlothian.gov.uk, or planningenforcement@westlothian.gov.uk if your query has to do with an enforcement matter.

Ross Burton | Development Management Manager | West Lothian Council

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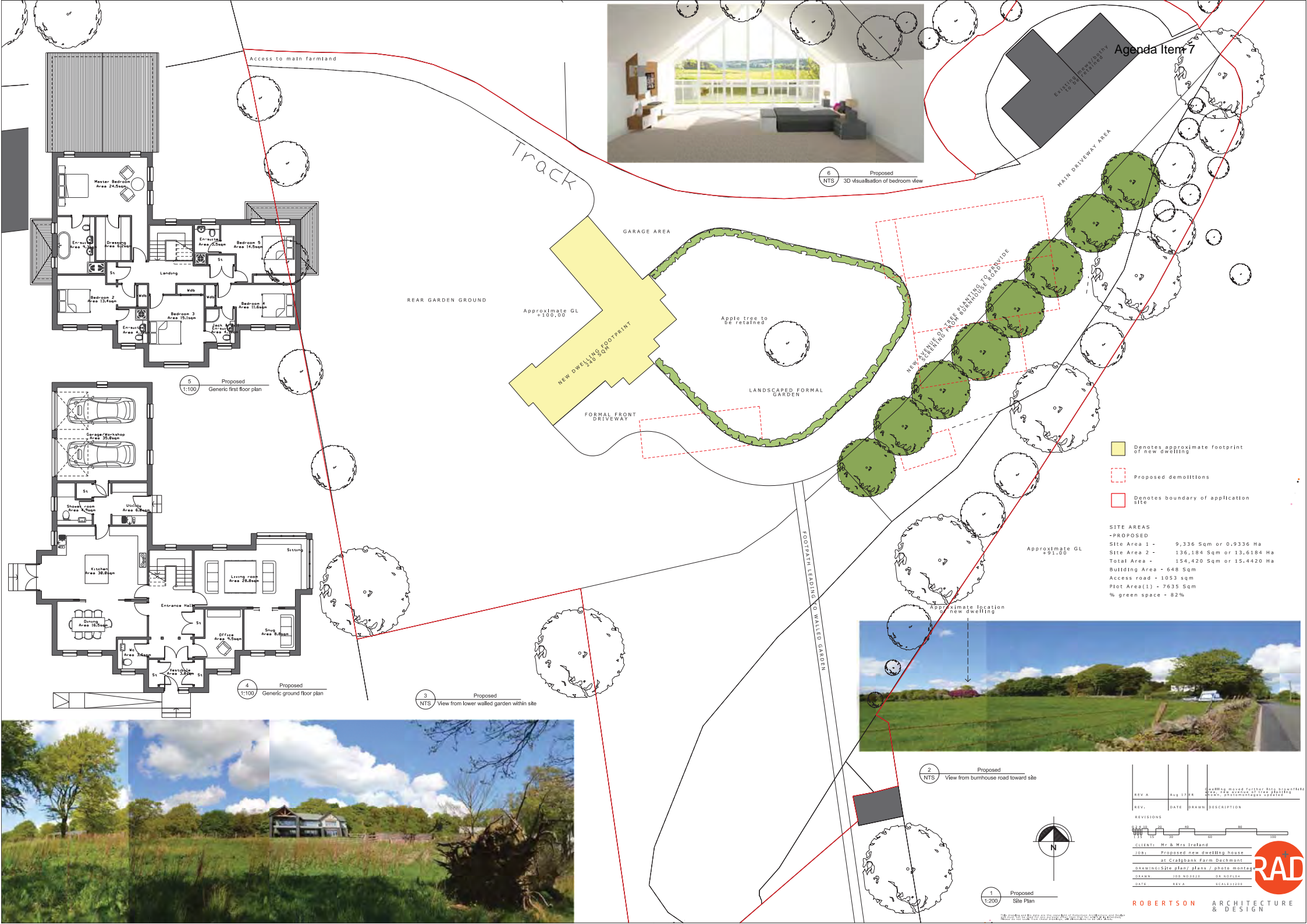
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Re: Planning application 0149-MSC-21, House at Craigbank, Dechmont - [OFFICIAL]

Euan Robertson [REDACTED]

Fri 19/03/2021 12:53 [REDACTED]

To: McLaren, Steve <Steve.McLaren@westlothian.gov.uk>

Hi Steve,

Thanks for getting back to me, I understand things are quite busy the now so I fully appreciate where you are coming from.

I think it might be worthwhile to have a phone conversation or a zoom meeting to discuss the content of your email if possible, it is always a bit easier face to face or at the very least over the phone.

If you could let me know your availability we can get something organised.

Kind regards.



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

B.Arch

FIELD HOUSE
17 Clifton Road
East Calder
Livingston
West Lothian
EH53 0HJ
Mob: 07 [REDACTED]



From: McLaren, Steve <Steve.McLaren@westlothian.gov.uk>

Sent: 18 March 2021 15:34

DATA LABEL: OFFICIAL

Hi Euan,

My apologies for not being in touch, just been a bit snowed under and had a couple of fairly lengthy committee reports to prepare recently.

I have looked at the permission in principle and there are no specific restrictions or requirements in that consent relating to the scale, design or location of the house, other than it shall be located within the former haulage yard to comply with council policy.

I think it is fair to say that the house as proposed is no shrinking violet and is a pretty substantial building. Based on the lack of any guidance in the decision, the permission in principle will have been determined on the basis that this allows for the rehabilitation/restoration of a brownfield site. The SG on development in the countryside states that policies ENV2 and ENV3 support the sensitive redevelopment or reuse of sites which can significantly enhance landscape quality by the removal of dilapidated or intrusive buildings or by their replacement by new development of an 'appropriate scale, mass and design'.

The underlying justification is for the removal of inappropriate buildings and improve the environmental amenity of the countryside. The guidance goes on to say 'as a consequence, the council requires new development to be of the very highest standard in terms of design and appearance and must make a positive and significant contribution to the landscape setting of the site. Only proposals that clearly demonstrate this will be supported.'

The SG also states that the scale of new build development shall be minimised to what is absolutely necessary to secure the rehabilitation of the site. New buildings are required to occupy the same general position on a site as those it will replace and the physical footprint of new buildings must be no greater than that of the existing buildings and will in most circumstances require to be significantly less. The SG also requires that the design of new buildings must respect the character of existing development and proposals should respond to local distinctiveness, including building traditions or materials and new structural landscaping may be required.

So, the question is, does the proposed house meet the requirements set out in the SG? The main building group is approximately 400sqm in size and taking all the buildings together, including the shed granted in 2012, the total is approximately 960sqm in size but it is not clear exactly which buildings are being removed. The footprint of the house (including canopy areas) I measure as around 590sqm and you quote 431sqm for the build area (753sqm in total floor space).

Given the SG requires the absolute minimum building size to secure the remediation of the site. It could be argued that a building of this size is not required to remediate the site and it could be located closer to the footprint of the main buildings rather than being set further back in the site. The proposals show 3 large bedrooms and guest bedroom, a 53sqm entrance hall (which my house would fit into), a cinema, effectively 5 living areas etc over 2 floors. All the buildings on the site, except the 2012 shed, are fairly low level buildings therefore the massing of the house is significantly greater than that of the buildings in the immediate vicinity.

In terms of design, each person will have their own taste. In my view, what has been proposed for your client is a large suburban house which has no link with local character. Houses in the vicinity are more traditional in appearance with a vertical emphasis to the window arrangement and tend to be either natural stone or render,

with a longer thin emphasis and extensions off. The closest building in scale is Craig Binning, a traditional stone building with a main core to the house and wings off, providing a degree of symmetry.

There seems to be a lot going on in terms of roof design with the proposed house, a combination of hips and gables and the roof over the garage seems excessive in scale given there is no accommodation proposed in that roof space. As things stand, I am finding it difficult to square the circle in terms of the requirements of the SG and the scale, massing and design of the house as proposed. I note that tree planting is proposed which will enhance the screening of the site and the house may be barely visible however, the design still needs considered in line with the SG.

I can also advise that to date I have been unable to have a peer review of the site investigation report carried out. The tender for that role is due to conclude and until a geoenvironmental consultant is appointed to continue as the council's contaminated land officer no site investigations are being reviewed. I have also noticed that the application should have been advertised in the press and it has not so that will need to be placed next week.

I am on holiday next week and should be grateful if you can discuss this with you client and see if he is prepared to further consider the proposals or if he wishes it determined as it stands. Again, apologies for the delay.

Regards

Steven McLaren
Planning Officer
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston EH54 6FF

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Re: Planning application 0149-MSC-21, House at Craigbank, Dechmont - [OFFICIAL]

Euan Robertson <[REDACTED]>

Wed 07/04/2021 14:19

To: Steve McLaren <steve.mclaren@westlothian.gov.uk>

Cc: [REDACTED]; Wendy Mccorriston <wendy.mccorriston@westlothian.gov.uk>

Good afternoon Steve,

Not sure if you are getting our emails as we haven't had any response back yet.

Please see below for our queries, this would of course be much easier if we could discuss.

The means of determining this application are I would argue open to interpretation where the approval was given and the conditions detailed for a subsequent reserved matters application noted, by your own admission they do not contain any restrictions on scale design or location. In fact, we had submitted an indicative layout and design with the PPP application which Ross Burton had seen and did not consider to be controversial. I would have thought that given the establishment of building a new house on the site based on the current legislation it would have been an easy task to condition certain restrictions on the scale, mass, design or area citing the SG on development in the countryside. Alas this did not happen, and we took the approval as it is written designing the house in accordance with the conditions in the PPP approval. On a separate side note, there was no opportunity for us to have prior engagement with WLC regarding the forthcoming reserved matters application as the pre application advice service has been stopped with no indication of when it will resume.

The house is being assessed utilising the SG on development in the countryside which we are in compliance with, yes, the house is large, however in the overall context of the land which it occupies, it is very much lost in the 50 acres. The building is sensitive to its surroundings engaging with the landscape and performing the role of a modern farmhouse given that the owners are already mindful custodians of the land which they use for agricultural purposes. Furthermore, the design includes new landscaping and screening which further emphasises the absolute improvement in the landscape character in the immediate vicinity.

The scale and massing of the building is not much different to the different dwellings encountered throughout the Dechmont hills and is fact a more efficient solution to that of a sprawling multiple bay farmhouse which would occupy more of a footprint.

So onto the SG, and the area, where it can be clearly demonstrated that the dwelling is located in the vicinity of the haulage yard, this can be evidenced by the previously submitted drawing delineating the extent of the yard, which was accepted and approved under the PPP. The house is located where it is due to on site discussion with Ross prior to approval and under his request that the dwelling be moved further back away from the existing buildings. This also make practical sense for construction as building on top of the demolished buildings is a much trickier concept having to deal with made up ground and detritus resulting in a more heavily engineered foundation solution possibly requiring piling rigs etc, this is why the house is located where it is.

The building size is absolutely necessary to facilitate the redevelopment of the site as our client currently owns two separate properties and has at least this area available to them at present for them and their family. Both properties will be sold to finance the construction of the new dwelling

therefore, it is reasonable to expect that the new house will provide the same level of space and amenity that is currently enjoyed by our clients.

You have stated that the SG *'requires the absolute minimum building size to secure the remediation of the site'* which I feel is inaccurate, the way the guidance is written is more nuanced than that, however, as stated above we can actively demonstrate that the proposals are the minimum required for our clients on the site.

The buildings being removed and those that have already been taken down equate to some 550Sqm in total, the footprint of the dwelling is 430Sqm. I notice that you had measured roof space which is technically not defined as part of the footprint legally, and is in fact expressly different, therefore the assertion of a 590Sqm building is incorrect. With this in mind it can demonstrated that the dwelling as proposed occupies less of an area than the buildings we are removing and can therefore be considered as significantly less, also coupled with the new landscape screening it provides a marked improvement to the landscape character meaning that we are compliant with the SG on development in the countryside.

The location of the house as stated previously was with agreement from Ross Burton and presents a more practical solution to the redevelopment of the site allowing for the introduction of new landscaping and screening which would otherwise be difficult to achieve. The height of the house surely can't be called into question here as there are plenty of two and even some three-storey dwelling prevalent in the Dechmont hills, not to mention the proposals for the new Bangour site immediately to the South West will be predominantly two storeys. This house is on its own by virtue of the location of the land and the rest of the residual space around, therefore, to limit the height to anything less than two storeys would seem ludicrous to me.

I do not consider the house design to be suburban, that really is a vague determination as it would seem that by simply going all stone or all render it would be considered otherwise. I would say it is a modern take on a farmhouse which engages with the surrounding landscape and views, however, it would appear that we are being asked to either produce an ultra-modern heavily glazed house or an imitation farmhouse, neither of which are palatable to our clients or indeed offer any great benefit over what is currently proposed.

The roof over the garage has been designed in such a way that should any additional space be required to the first floor then by virtue of attic trusses the attic could be converted into the future to offer additional accommodation.

The argument in its most simplified form is are the proposals a marked improvement over what is currently there and what has more of an impact on the setting, the current haulage yard or a new dwelling occupying less footprint with new landscaping and screening.

Can you please advise as to when the site investigation review has been completed and also what is going on with the neighbour notification / advertisement in the local press as the important dates section in the online file

is not making much sense and if we ultimately have to get this called to the DMC we need to know when the application will go on the delegated list.

This would have been easier to do over the phone/zoom and I would still welcome the opportunity to discuss in further detail to see if we can do anything to steer the application to a delegated decision. Now that we have clarified our position on the SG and hopefully you now agree, the only issue remaining is the subjective opinion over the design, however given the approaching time frame I do not know if there is much of an opportunity remaining to do this.

I trust the above is in order, should you need to discuss please do not hesitate to get in touch.

Kind regards.



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

B.Arch

FIELD HOUSE
17 Clifton Road
East Calder
Livingston
West Lothian
EH53 0HJ
Mob [REDACTED]

[h](#) [REDACTED]

From: Euan Robertson <[REDACTED]>
Sent: 01 April 2021 14:56
To: McLaren, Steve <Steve.McLaren@westlothian.gov.uk>
Cc: Wendy Mccorrison <wendy.mccorrison@westlothian.gov.uk> <[REDACTED]>;
[REDACTED]
Subject: Re: Planning application 0149-MSC-21, House at Craighbank, Dechmont - [OFFICIAL]

Good afternoon Steve,

Further to my last couple of email I again would ask if you can give me a call to discuss the above, or possibly arrange a zoom meeting.

I am conscious of the fact that time is ticking on here and I would like to clarify some items noted on your initial correspondence to make sure that we can properly advise our client on the next stage.

At present we are probably looking at referral to the DMC as some of the issues raised will, in all likelihood, not be fully resolved through amendments that both planning and our clients find mutually agreeable.

The assertion that the house be made significantly smaller is troubling as it is rather vague, and in our opinion, when considering the proposals against the SG they are less than existing buildings being removed anyway. Furthermore, there are no limiting conditions in the PPP approval stating maximum size, the PPP was considered using the current policies along with other supporting information illustrating the size and massing of the development.

I am only touching on some items above that would be better discussed over the phone/laptop. I appreciate that the department are busy, as are we all, however, this application represents a long-standing ambition of our clients to build their retirement home for them and all their family, and I would therefore hope that we can get the support and engagement such an endeavour requires.

I trust the above is in order, I can make myself available whenever suits best, if you can please get back to me it would be much appreciated.

Kind regards.

 **1488208493907_NEW**

**ROBERTSON ARCHITECTURE
& DESIGN**

EUAN T J ROBERTSON

B.Arch

**FIELD HOUSE
17 Clifton Road**

East Calder
Livingston
West Lothian
EH53 0HJ
Mob: 0779 [REDACTED]

From: Euan Robertson [REDACTED] >
Sent: 30 March 2021 07:13
To: McLaren, Steve <Steve.McLaren@westlothian.gov.uk>
Subject: Re: Planning application 0149-MSC-21, House at Craigbank, Dechmont - [OFFICIAL]

Good morning Steve,

Further to your last email and my follow up questions last week are you able to give me a call to discuss the application so that I can definitively determine a course of action with our client.

If you could please let me know and perhaps give me a date/time to expect your call it would be appreciated.

Kind regards.

 **1488208493907_NEW**

ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

B.Arch

FIELD HOUSE
17 Clifton Road
East Calder
Livingston
West Lothian
EH53 0HJ
Mo [REDACTED]

[ht](#) [REDACTED]

From: McLaren, Steve <Steve.McLaren@westlothian.gov.uk>

Sent: 18 March 2021 15:34

To: Euan Robertson [REDACTED]
[REDACTED]

DATA LABEL: OFFICIAL

Hi Euan,

My apologies for not being in touch, just been a bit snowed under and had a couple of fairly lengthy committee reports to prepare recently.

I have looked at the permission in principle and there are no specific restrictions or requirements in that consent relating to the scale, design or location of the house, other than it shall be located within the former haulage yard to comply with council policy.

I think it is fair to say that the house as proposed is no shrinking violet and is a pretty substantial building. Based on the lack of any guidance in the decision, the permission in principle will have been determined on the basis that this allows for the rehabilitation/restoration of a brownfield site. The SG on development in the countryside states that policies ENV2 and ENV3 support the sensitive redevelopment or reuse of sites which can significantly enhance landscape quality by the removal of dilapidated or intrusive buildings or by their replacement by new development of an 'appropriate scale, mass and design'.

The underlying justification is for the removal of inappropriate buildings and improve the environmental amenity of the countryside. The guidance goes on to say 'as a consequence, the council requires new development to be of the very highest standard in terms of design and appearance and must make a positive and significant contribution to the landscape setting of the site. Only proposals that clearly demonstrate this will be supported.'

The SG also states that the scale of new build development shall be minimised to what is absolutely necessary to secure the rehabilitation of the site. New buildings are required to occupy the same general position on a site as those it will replace and the physical footprint of new buildings must be no greater than that of the existing buildings and will in most circumstances require to be significantly less. The SG also requires that the design of new buildings must respect the character of existing development and proposals should respond to local distinctiveness, including building traditions or materials and new structural landscaping may be required.

So, the question is, does the proposed house meet the requirements set out in the SG? The main building group is approximately 400sqm in size and taking all the buildings together, including the shed granted in 2012, the total is approximately 960sqm in size but it is not clear exactly which buildings are being removed. The footprint of the house (including canopy areas) I measure as around 590sqm and you quote 431sqm for the build area (753sqm in total floor space).

Given the SG requires the absolute minimum building size to secure the remediation of the site. It could be argued that a building of this size is not required to remediate the site and it could be located closer to the footprint of the main buildings rather than being set further back in the site. The proposals show 3 large bedrooms and guest bedroom, a 53sqm entrance hall (which my house would fit into), a cinema, effectively 5 living areas etc over 2 floors. All the buildings on the site, except the 2012 shed, are fairly low level buildings therefore the massing of the house is significantly greater than that of the buildings in the immediate vicinity.

In terms of design, each person will have their own taste. In my view, what has been proposed for your client is a large suburban house which has no link with local character. Houses in the vicinity are more traditional in appearance with a vertical emphasis to the window arrangement and tend to be either natural stone or render, with a longer thin emphasis and extensions off. The closest building in scale is Craig Binning, a traditional stone building with a main core to the house and wings off, providing a degree of symmetry.

There seems to be a lot going on in terms of roof design with the proposed house, a combination of hips and gables and the roof over the garage seems excessive in scale given there is no accommodation proposed in that roof space. As things stand, I am finding it difficult to square the circle in terms of the requirements of the SG and the scale, massing and design of the house as proposed. I note that tree planting is proposed which will enhance the screening of the site and the house may be barely visible however, the design still needs considered in line with the SG.

I can also advise that to date I have been unable to have a peer review of the site investigation report carried out. The tender for that role is due to conclude and until a geoenvironmental consultant is appointed to continue as the council's contaminated land officer no site investigations are being reviewed. I have also noticed that the application should have been advertised in the press and it has not so that will need to be placed next week.

I am on holiday next week and should be grateful if you can discuss this with your client and see if he is prepared to further consider the proposals or if he wishes it determined as it stands. Again, apologies for the delay.

Regards

Steven McLaren
Planning Officer
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston EH54 6FF

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Link to **Information Handling Procedure:** <http://www.westlothian.gov.uk/media/1597/Information-Handling-Procedure/pdf/infohandling1.pdf>

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<http://www.westlothian.gov.uk>



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Re: Planning application 0149-MSC-21, House at Craigbank, Dechmont - [OFFICIAL]

Euan Robertson <[REDACTED]>

Wed 21/04/2021 09:13

To: Steve McLaren <steve.mclaren@westlothian.gov.uk>

Cc: Kenny Ireland <[REDACTED]>

Good morning Steve,

I see that we have had the above called in to the DMC as per the delegated process available to us.

I know you will need to prepare a report for the DMC over the next couple of weeks and wonder if you could forward when available so that we have the maximum time available to frame our statement / presentation to the committee.

In addition to this, I have been going through some old emails between Ross and myself regarding the PPP application where he has clearly seen and did not object to a large two storey dwelling house on the site, furthermore, it was at Ross's request that the house be moved further back into the site. This request necessitated the amendment of plans and a new drawing to show the extent of the haulage yard which was agreed along with the relocation of the house away from the existing buildings, so rather than the house being built on the same area it was always intended to build away from them but in the recognised haulage yard.

This obviously led to the condition regarding the demolition of the existing buildings prior to commencement of works to the new house to ensure the removal of inappropriate buildings as the house was to be built further into the haulage yard, not that the house had to be located on the old building area.

I thought it best to make you aware of this prior to finalisation of any draft report, if you require copies of the emails / drawings please let me know and I will send on.

I trust this is in order, should you need to discuss please do not hesitate to get in touch.

Kind regards.



Re: Application 0149-MSC-21, House at Craigbinning

Euan Robertson [REDACTED]

Wed 05/05/2021 14:00

To: steve.mclaren@westlothian.gov.uk <steve.mclaren@westlothian.gov.uk>

Cc: Wendy Mccorriston <wendy.mccorriston@westlothian.gov.uk>; Damian.Timson@westlothian.gov.uk <Damian.Timson@westlothian.gov.uk>; Johnston, Val <Val.Johnston@westlothian.gov.uk>; Kenny Ireland <ken.ireland@btconnect.com>; janet.ireland@btconnect.com <janet.ireland@btconnect.com>

Steve,

This is absolutely ridiculous; when were we going to be notified of this, I'm sorry but the level of service from WLC in this instance has been nothing short of terrible, I want an urgent call to discuss this today.

We had already received confirmation from committee services and also from yourself that this was to go to the DMC at no point in the intervening period were we given notice that the form was incorrect. The referral went in well in advance of the weeklong deadline and we had plenty of time to amend the call up and ask another whom we had spoken with to do so, this is a failing of WLC not ours.

Had we been given any indication at any time that there was an issue we would have addressed it but, yet again, I have been the one chasing only to be told that that due to a fault at your end the application has been refused, this is simply not good enough.

We had spoken with local councillors in the area and were advised that Mr Irelands local councillor Timson could do this, otherwise we would have allowed councillor Angela Doran Timson to call it up, again nobody thought it might be prudent to notify me, nor indeed the councillor of the error.

I trust the above is in order and I await your imminent response along with a phone call to discuss.

Regards.



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

B.Arch

FIELD HOUSE
17 Clifton Road
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West Lothian
EH53 0HJ
Mo [REDACTED]

From: steve.mclaren@westlothian.gov.uk <steve.mclaren@westlothian.gov.uk>

Sent: 05 May 2021 13:43

To: [REDACTED]

Subject: Application 0149-MSC-21, House at Craigbinning

Good afternoon Euan,

There has been a problem with the call-in of this application. Cllr Damien Doran-Timson referred the application to committee however, he represents the East Livingston and East Calder Ward. He does not have the authority to refer applications in the Broxburn, Uphall & Winchburgh Ward. I will therefore be issuing the refusal notice in the next day or so and you can challenge the decision at the Local Review Body.

Regards

Steven

[Please remember to wash your hands. 20200807] <<https://emea01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nhsinform.scot%2Fcoronavirus&data=04%7C01%7C%7C82952a5b5f894b20e77108d90fc3448b%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C637558153597475600%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCI6Mn0%3D%7C1000&sdata=1N6583%2FCI9VlclUnejHeUffn3Gk4qNsHs1jRtPIC%2B%2B8%3D&reserved=0>>

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<https://www.westlothian.gov.uk/article/33130/Scheme-of-Delegation>

- **by the Appointed Person (the Head of Service) issuing a decision notice;**
- **by the council's Development Management Committee making a decision to grant or refuse planning permission; and**
- **by the council's Planning Committee.**

The Appointed Person can decide on the following planning applications:

1. the granting of all local applications with no material objections;
2. the granting of all local applications with only 'out of time' objections;
3. the granting of all local applications which are potentially contrary to the development plan with fifteen objections or fewer;
4. the granting of all local applications that are in accordance with the development plan, irrespective of the number of objections;
5. the granting of all local applications that are in accordance with an approved council policy or supplementary planning guidance, irrespective of the number of objections;
6. the determination of all local applications subject to an objection from a statutory consultee in accordance with the terms of Circular 3/2009;
7. the refusal of all local applications that are contrary to the development plan;
8. the refusal of all local applications, irrespective of the number of representations of support;
9. the refusal of all local applications that are contrary to an approved council policy or to supplementary planning guidance, irrespective of the number of representations of support; and
10. all applications for consent, agreement or approval required by a condition imposed on a grant of consent for a local development.

The following applications cannot be determined by the Appointed Person and can only be determined by the Development Management Committee:

1. all local applications made by a member of West Lothian Council;
2. all local applications that have attracted more than 15 objections that the development management manager is otherwise minded to grant ;
3. all local applications that have attracted an objection from a community council which the development management manager is otherwise minded to grant;
4. any local application at the discretion of the development management manager but in consultation with the chair of the development management committee and all local ward members;
5. any local application so requested by the chair of the development management committee or a local ward member when the application is for land within that local member's ward, or if a development could have an impact in planning terms on an adjacent or adjoining ward, any member of that adjacent or adjoining ward.

Some Major planning applications and other types of application or notices can be determined by the Appointed Person. These are:

1. the granting of all major applications which are in accordance with the development plan and which have otherwise attracted five or

Re: Application 0149-MSC-21, House at Craigbinning - [OFFICIAL]

Euan Robertson <[REDACTED]>

Thu 13/05/2021 09:09

To: McCorriston, Craig <Craig.McCorriston@westlothian.gov.uk>

Good morning Craig,

Just a quick question here which I had forgotten to ask in our last conversation.

Our client Mr Ireland is a member of the East Calder community council does this preclude him from decisions under delegated powers or is it solely for elected local councillors / council employees?

Just looking to clear up some ambiguity.

Kind regards.



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

B.Arch

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Mob: [REDACTED]

[REDACTED]

From: McCorriston, Craig <Craig.McCorriston@westlothian.gov.uk>

Sent: 10 May 2021 13:40

To: Euan Robertson <[REDACTED]>
[REDACTED] OFFICIAL]

DATA LABEL: OFFICIAL

Euan

Apologies for the short delay in getting back to you - it was busy at the end of last week with the election.

I have checked the link you have provided and you are correct it does have that wording. However, this is an old version of the scheme and I will ensure that it is updated on the website. There is a further confusion in that the council had agreed further changes to the Scheme of Delegation prior to your client's application being progressed. However, these have to be approved by the Scottish Ministers. So at the time your client's application was being considered the council had agreed a further change although had not implemented those changes. The Ministers approved the changes last week and it was implemented as of last Tuesday.

I will ensure that the website is updated with the new version and apologies for any confusion that it has caused. The 'new' scheme which is now in force can be viewed via the following link. [viewSelectedDocument.asp \(westlothian.gov.uk\)](http://viewSelectedDocument.asp(westlothian.gov.uk)). You will see as an appendix to the report a copy of the 'old' scheme i.e. the one which was in play at the time your client's application was processed. You will see that there is no provision for a call in by neighbouring ward members.

In terms of the call in by a member the reason I set out that you would have used any notification to speak to (canvas) other members was because that is what I understood by what you said in your earlier email i.e. "we had plenty of time to amend the call up and ask another whom we had spoken with to do so". As I set out the intention of the weekly list is for members to consider if the application should be reported to committee and not for applicants or agents to ask members to do that.

I note what you say about conversations with two elected members. It is clearly for elected members to consider what they think best in the circumstances. There is no limit on the number of members who can call an application to committee. Any such call in would be confidential between that elected member and officers and officers could not and would not divulge the terms of any call in until the committee papers were published on the council's web site. Likewise any conversation relating to any errors in the call in procedures would be confidential between officers and that local member so, in this respect, I can't divulge what conversations took place and when.

I hope this further response is helpful in setting out the circumstances but, as always, I would be happy to look at ways in which the service can be improved. Please feel free to give me a call on 07990 797837 if you want to discuss matters further.

Regards.

Craig.

Craig McCorriston
Head of Planning, Economic Development & Regeneration

West Lothian Council
Howden South Road
Livingston
EH54 6FF

Tel: 01506 282443
Email: craig.mccorriston@westlothian.gov.uk

From: Euan Robertson <[REDACTED]>
Sent: 05 May 2021 18:54
To: McCorriston, Craig <Craig.McCorriston@westlothian.gov.uk>

Subject: Re: Application 0149-MS-21, House at Craigbinning - [OFFICIAL]

Importance: High

Craig,

I'm sorry but I must disagree with some of the assumptions in your response, also I fail to see how the issue of communication or failure to communicate with councillors has been addressed.

There appears to be some conflicting information regarding who can call up planning applications to the DMC.

You have intimated that I have misinterpreted the scheme of delegation provisions and used those for major

applications, however, I have used those noted for local applications as per the guidance published on the WLC

web site:

[Scheme of Delegation - West Lothian Council](#)

Scheme of Delegation - West Lothian Council

The scheme of delegation sets out the circumstances under which planning applications can be determined by Planning Officers, and under which circumstances a decision on an application has to be taken by a Council Committee.

www.westlothian.gov.uk

I would therefore contend that councillor Timson was within the procedural bounds to call the application to committee, if otherwise all is as per your email, then the web page needs to be corrected.

I'm afraid that you have misinterpreted my comments regarding the delegated list, I fully understand that the purpose of the list is not to canvas councillors, I'm not sure as to why you would think that was our intent. We had contacted 2 councillors prior to the application being placed on the delegated list to see if there was an appetite to take the application to the DMC to challenge the reasons for refusal. Councillor Damian Timson is councillor for our client's ward and is also part of the East Calder community Council which our client Mr Ireland is a member of also. The application was discussed and based on the reasons for refusal councillor Timson was comfortable with calling the application into the DMC. There was also at the same time a similar conversation had with councillor Doran Timson who also concluded that she was also happy to call up the application and a decision was made between them as to whom would submit the paperwork.

You may well respond that procedure was followed, and that procedure was mis-interpreted however I still think there is a questions mark over this as per the above and I would welcome your thoughts.

The other aspect which you have not addressed is the lack of communication where there seems to have been an assumption

made that I would be canvassing councillors when the application was on the delegated list. We had already secured support from councillors prior to this and had there been any form of communication during the week that the application was listed detailing an issue with the paperwork, councillor Doran Timson would have provided an alternative. I have not had any explanation as to why the issue surrounding local councillor call up wasn't conveyed to me or indeed the councillor who had submitted the form. We had correspondence with Steve McLaren after the DMC referral was made where we were looking for the handling report at his earliest convenience in order to prepare for committee. Steve acknowledged this and stated that he would upload when complete, there was no mention of any possible problem, which begs the question did he know then, if not then when did he find out, who ultimately made the decision and why wasn't any of the interested parties notified?

I would have thought that regardless of procedure, common courtesy would have been extended to both the councillor whom had submitted the referral and to the applicant/agent well in advance of where we are currently. I can only presume that at some point there has been a failure to assess the referral form around the time of submission and that the issue has only been discovered recently which is why we haven't had a refusal notice before now. What is equally disappointing is that throughout the entire process I have had to continually pursue the planning department for answers having to, at one point, email the case officer 4 times or more over the course of a couple of weeks without reply.

As with many things' communication is key and I appreciate your response, however, this approach does not appear to be consistent throughout the different departments, had the issue concerning local ward members had been brought to our attention we would have made sure that it was sorted, rather than hanging the refusal on a questionable technicality.

I trust the above is in order and would welcome your response to the questions raised as I genuinely cannot fathom how we have come to be in this position, if you would prefer to discuss over the phone, please feel free to give me a call.

Regards.



ROBERTSON ARCHITECTURE
& DESIGN

EUAN T J ROBERTSON

B.Arch

FIELD HOUSE
17 Clifton Road
East Calder
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EH53 0HJ
Mob: [REDACTED]

From: McCorriston, Craig <Craig.McCorriston@westlothian.gov.uk>
Sent: 05 May 2021 17:31
To: Euan Robertson <[REDACTED]>
Subject: RE: Application 0149-MSC-21, House at Craigbinning - [OFFICIAL]

DATA LABEL: OFFICIAL

Euan

Thanks for your email. I was aware of the issue before you contacted me but given the terms of your email I have reviewed matters again and can comment as follows.

As far as I can understand it you have two principle concerns – that the scheme of delegation has been misinterpreted and that there was a failure to communicate properly with elected members.

Dealing firstly with the scheme of delegation, it appears that you have misinterpreted the provisions. While it does contain the wording you refer to in your email to the case officer on 5 May, the provisions you refer to relate only to Major applications. For Local applications the call in is restricted to ward members. The relevant wording is as follows:

Despite the above, the following applications for local developments, as defined in the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009, shall be determined by committee in accordance with the council's Scheme of Administration:-

.....

v. any local application so requested by the chair of the development management committee or a local member when the application is for land within that local member's ward and when bona fide planning reasons are given

So to confirm, there was no provision for Cllr Damian Doran-Timson to call the application to committee.

Turning to the terms of the call in, the Delegate List is there to allow elected members to call an application to committee. I note that you suggest that you had plenty of time to amend the call up. However, that seems to be a misinterpretation of the process. The intention of the weekly list is not to allow applicants or agents to canvas for an application to be called to committee and it is for that reason that it is only sent to elected members.

I note that you had been in contact with two elected members. It is for those elected members to decide if they wish to call an application to committee if the application is in their ward. It would have been open for Cllr Angela Doran-Timson to call the application to committee if she so wished. However, that did not happen and there was no competent request for the application to be called to committee. The application therefore falls to be determined in line with the scheme of delegation and the intention set out in the delegated list.

Given this I cannot agree with you that there has been a failing in any of the council's processes and I hope my explanation is helpful in explaining the provisions and circumstances. I understand that officers have set out the options available to your client in terms of progressing the applications.

Regards.

Craig

Craig McCorriston
Head of Planning, Economic Development & Regeneration

West Lothian Council
Howden South Road
Livingston
EH54 6FF

Tel: 01506 282443
Email: craig.mccorrison@westlothian.gov.uk

From: Euan Robertson <Euan.Robertson@westlothian.gov.uk>
Sent: 05 May 2021 14:31
To: McCorriston, Craig <Craig.McCorriston@westlothian.gov.uk>
Subject: Fw: Application 0149-MS-21, House at Craigbinning
Importance: High

Good afternoon Craig,

Apologies for contacting you but I feel that I have no other alternative

Please see below email trail, regarding the above planning application and the failure of the department / committee services to act in a proper manner.

If you could have a look over and get back to me at your earliest convenience it would be appreciated.

Kind regards.



DATA LABEL: PUBLIC

HANDLING REPORT

Ref. No.:	0149/MSC/21	Email:	steve.mclaren@westlothian.gov.uk
Case Officer:	Steven McLaren	Tel No.:	01506 282404
Ward:	Broxburn, Uphall & Winchburgh	Member:	Angela Doran-Timson Chris Horne Diane Calder Janet Campbell

Title	Approval of matters specified in conditions of planning permission 0432/P/17 for the erection of new dwelling house and garage block with associated access and landscaping (Grid Ref: 303599,671737) at Craighbank, Craigbinning, Dechmont, West Lothian, EH52 6NB
Application Type	Local Application
Decision Level	Delegated List
Site Visit	Photos provided
Recommendation	Refuse Matters Specified in Conditions
Decision	Refuse Matters Specified in Conditions
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	25.03.2021
EIA Screening	Does the development require EIA screening - No

Description of Proposals

Approval of matters specified in conditions of planning permission 0432/P/17 for the erection of new dwelling house and garage block with associated access and landscaping

Site History

0221/AGR/12 - Prior notification for the erection of a 338sqm agricultural building, granted 18/4/12

0432/P/17 - Planning permission in principle for the erection of a single dwelling house, granted 14/2/18

Representations

There have been no representations made on this application.

Consultations

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

Consultee	Objection?	Comments	Planning Response
Flood Risk Management			No comments received. If planning permission were to be granted, the drainage for the development would have to be approved through condition.
CL Phase 2 SI Consultation			No comments received. If planning permission were to be granted, the site investigation for the development will require to be concluded and remediation carried out where required.
Mr Craig Sinclair (Arborist)			No comments received. The development is unlikely to impact on any existing mature trees.

Policies Considered

Policy Title	Policy Text
DES1 - Design Principles	All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals, the developer will be required to ensure that: a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity; b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates; c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety; d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping; e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices; f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided; g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary,

	mitigated prior to development. Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.
ENV2 - Housing Development in the Countryside	Housing development in the countryside will only be permitted where: a. the proposal provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition; or b. the proposal is for the replacement of an existing house in the countryside which is of a poor design or in a poor structural condition; or c. the proposal is for infill development within the curtilage of an existing building group or infilling of gaps between existing houses of a single plot width; or d. the proposal involves the conversion or rehabilitation of existing rural buildings which the council deems worthy of retention because of their architectural or historic merit; or e. the proposal is supported by the council's lowland crofting policy. Where a proposal by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside an exception to policy may be justified. Proposals should make the best use of resources, integrate with services and facilities and demonstrate the highest standards in design and environmental quality to protect and enhance the established landscape character. The detailed requirements of Supplementary Guidance on New Development in the Countryside and Lowland Crofting will apply.

Supplementary Guidance, Development in the Countryside, 2018

Policy Assessment

The proposals do not accord with policies DES1 (design principles), ENV2 (housing development in the countryside) of the council's adopted SG Development in the Countryside, 2018.

Officer Assessment

Planning permission in principle was granted for the construction of a house on this site on 14/2/18 as a means to remediate a former haulage yard. The planning permission in principle did not set out the anticipated scale or design of the house therefore it is these matters which the current application is considering and not the principle of the development. The house scale, design and massing must therefore be considered under the relevant local plan policies and the adopted Supplementary Guidance (SG): Development in the Countryside, 2018. The SG states that policies ENV2 and ENV3 support the sensitive redevelopment or reuse of sites which can significantly enhance landscape quality by the removal of dilapidated or intrusive buildings or by their replacement by new development of an 'appropriate scale, mass and design'. The new building shall also be minimised to what is absolutely necessary to secure the rehabilitation of the site and that it shall be no greater than the existing building but in most circumstances will require to be significantly less. It can be argued that the size of the house is much greater than would be necessary to ensure the remediation of the site. The key issues here are the scale, massing and design of the proposed house and the interpretation of the policy guidance. The floor plans show the house to be some 753sqm in size over the two floors.. Whilst the size of the house in its own right is not necessarily an issue, it must be considered within the context of the

guidance and the setting. The design of the house is of a suburban appearance with predominant horizontal window design, a variety of roof design with both hips and gables and an excessively large roof over the garage area which the applicant has proposed to provide future attic accommodation. The nearby properties, including the Category C listed Craig Binning House, its lodge and adjacent properties off the Dechmont Road are of a more traditional style of stone or wet dash finish, vertical window fenestration and traditional dormer windows. Whilst it is not expected that the new house would mimic these properties, its scale and design within the countryside setting must be sympathetic. The proposed development is therefore contrary to policies DES1 (design principles); ENV2 (housing development in the countryside) and the council's adopted Supplementary Guidance: Development in the Countryside.

Other Considerations

There are no other factors which require consideration

Conclusions and Reasons for Decision

The scale, massing and design of the house within the countryside setting is inappropriate and recommendation is to refuse planning permission. The proposed development is therefore contrary to policies DES1 (design principles); ENV2 (housing development in the countryside) and the council's adopted Supplementary Guidance: Development in the Countryside, 2018

List of Review Documents

Drawings schedule:

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	PL01
2	Site Context	PL03
3	Block Plan	PL02
4	Block Plan Existing	PL05
5	Drainage	PL09
6	Site Plan	PL08
7	Floor Plan (proposed)	PL06
8	Proposed Elevations	PL07
9	Sections	PL10

Other relevant documents:

West Lothian Local Development Plan, 2018; Supplementary Guidance, Development in the Countryside, 2018

Case Officer:

SM

Date: 14 May 2021.



DECISION NOTICE REFUSAL OF MATTERS SPECIFIED IN CONDITIONS

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 planning permission for the development described below**, and in the planning application and docquetted plan(s).

APPLICATION REFERENCE 0149/MS/21

PROPOSAL	Approval of matters specified in conditions of planning permission 0432/P/17 for the erection of new dwelling house and garage block with associated access and landscaping
LOCATION	Craigbank, Craigbinning, Dechmont, West Lothian, EH52 6NB, (GRID REF: 303599, 671737)
APPLICANT	Mr Kenny Ireland, 11 Raw Holdings, East Calder, Livingston, EH53 0HZ

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 request a review of any conditions.

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

Dated:
14.05.2021

Craig McCorriston
Head of Planning, Economic Development and Regeneration

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

Signature:



DATA LABEL: PUBLIC

The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0149/MSC/21, for the reason(s) set out as follows:

- 1 The proposed house is of a scale, design and massing which is not acceptable for this rural location. Fenestration is horizontal in nature and there are a variety of roof types within the design of the building including both hipped & gables and with an excessively large section of roof over the garage area. This would result in a property which would be suburban in nature and would be a discordant feature within the landscape. The nearby properties, including a Category C listed building are of a predominately traditional design. The proposed house does not pick design cues from adjacent properties to help integrate the development within the countryside setting. The use of materials does also not reflect the character of the adjacent houses and again fails to integrate within the countryside setting.

The proposals are therefore contrary to the following policies of the adopted West Lothian Local Development Plan, 2018

DES1 (design principles)

ENV2 (housing development in the countryside)

- 2 The adopted Supplementary Guidance, Development in the Countryside, 2018 states that policy ENV2 supports the sensitive redevelopment or reuse of sites which can significantly enhance landscape quality by the removal of dilapidated or intrusive buildings or by their replacement by new development of an 'appropriate scale, mass and design'. The new building shall also be minimised to what is absolutely necessary to secure the rehabilitation of the site and that it shall be no greater than the existing building but in most circumstances will require to be significantly less. The proposed house is much larger than would be necessary to ensure the remediation of the site and is not of an appropriate scale and massing for the countryside setting.

The proposals are therefore contrary to the adopted Supplementary Guidance, Development in the Countryside, 2018.

- 3 The applicant has failed to convince the Council that there are justifiable reasons to depart from the provisions of the development plan which by virtue of Section 25 of the Town and Country Planning (Scotland) Act 1997 is to be afforded primacy in decision making.

ADVISORY NOTES TO DEVELOPER

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: <https://www.westlothian.gov.uk/article/33128/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. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

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. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

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 <https://www.westlothian.gov.uk/article/34731/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**.*

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 - 0149/MSC/21

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	PL01
2	Site Context	PL03
3	Block Plan	PL02
4	Block Plan Existing	PL05
5	Drainage	PL09
6	Site Plan	PL08
7	Floor Plan (proposed)	PL06
8	Proposed Elevations	PL07
9	Sections	PL10

181.3m

BURNHOUSE ROAD

Craigbanning
South
Lodge

Craigbank

Pond

Craig Binning

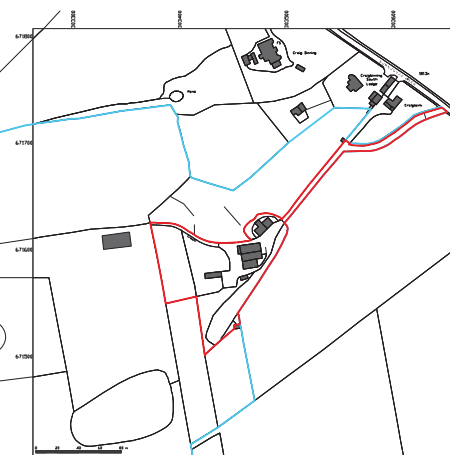
SITE AREAS

-EXISTING-

Site Area 1 - 9,336 Sqm or 0.9336 Ha
Site Area 2 - 136,184 Sqm or 13.6184 Ha
Total Area - 154,420 Sqm or 15.4420 Ha

Denotes extent of land under applicants
ownership outwith application site

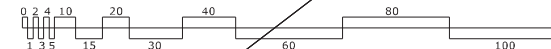
Denotes boundary of application
site



1
1:5000
Existing
Area Plan



1
1:1000
Existing
Location Plan

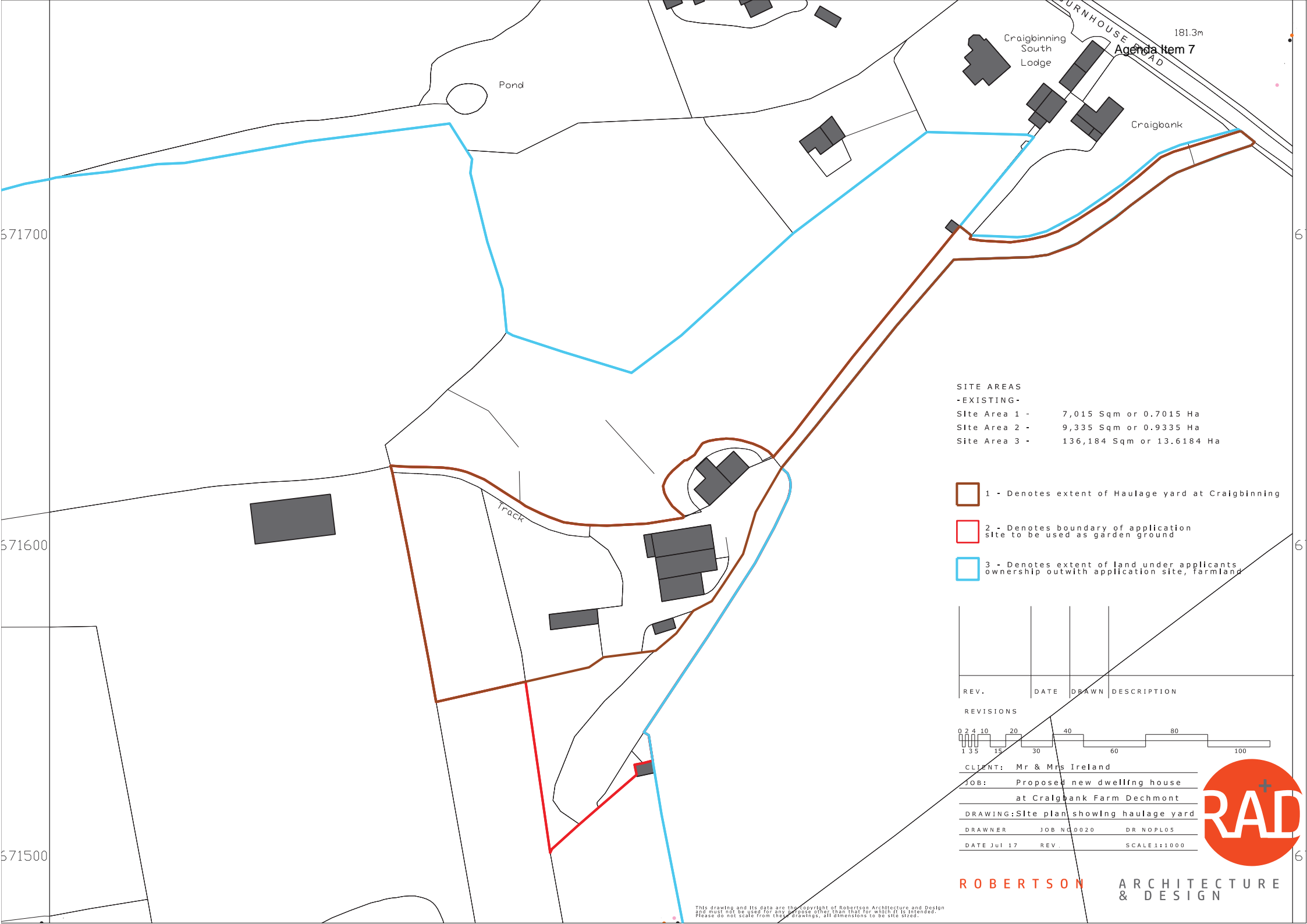


CLIENT: Mr & Mrs Ireland
JOB: Proposed new dwelling house
at Craigbank Farm Dechmont
DRAWING: Location plan
DRAWN: JOB NO: 020 DR NO: PL01
DATE: May 17 REV: SCALE: 1:1000



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& DESIGN

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Please do not scale from these drawings, all dimensions to be site sized.



SITE AREAS
-EXISTING-
Site Area 1 - 7,015 Sqm or 0.7015 Ha
Site Area 2 - 9,335 Sqm or 0.9335 Ha
Site Area 3 - 136,184 Sqm or 13.6184 Ha

- 1 - Denotes extent of Haulage yard at Craigbinning
- 2 - Denotes boundary of application site to be used as garden ground
- 3 - Denotes extent of land under applicants ownership outwith application site, farmland

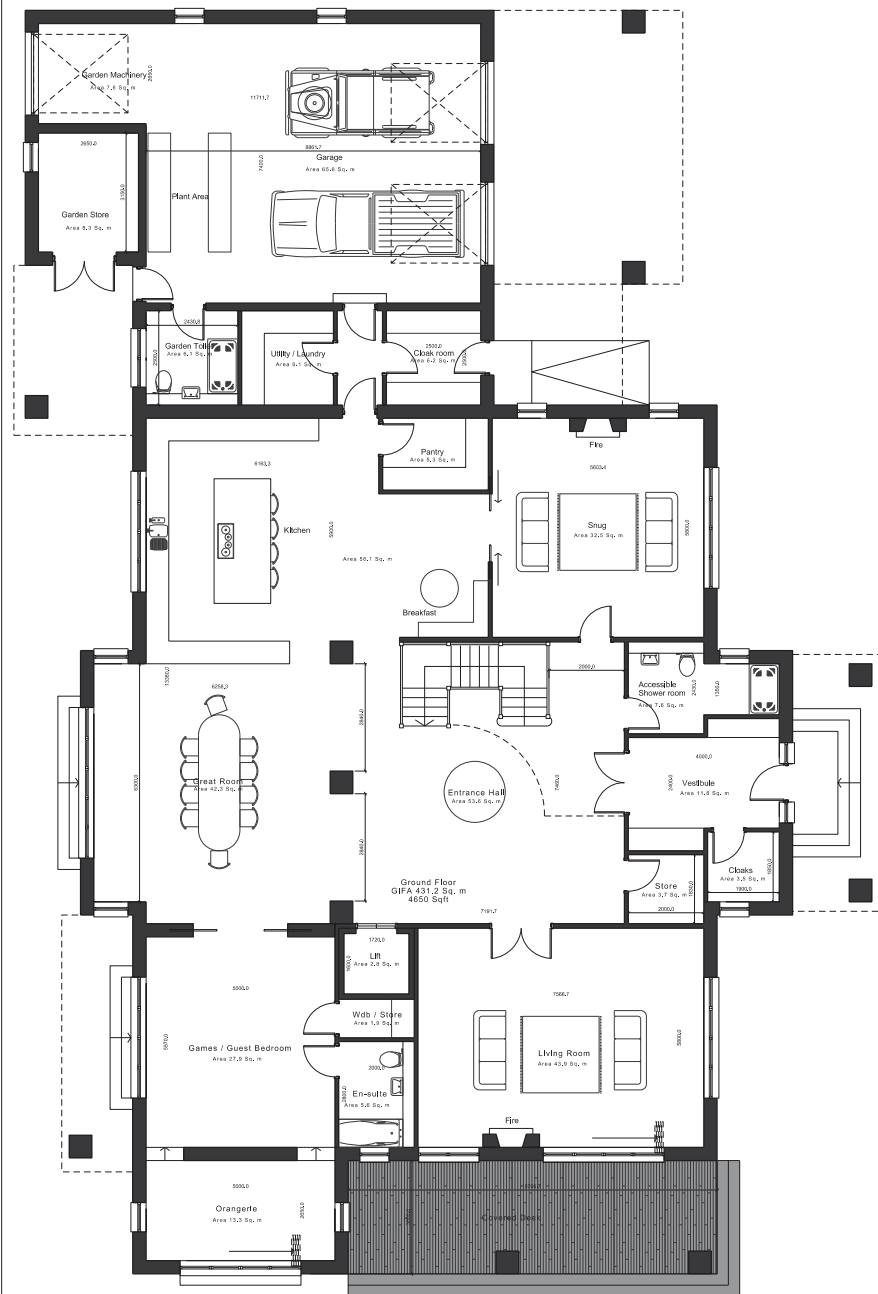
REV.	DATE	DRAWN	DESCRIPTION
REVISIONS			
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1	3	5	20
1	3	5	40
1	3	5	80
1	3	5	100

CLIENT: Mr & Mrs Ireland
JOB: Proposed new dwelling house
at Craigbank Farm Dechmont
DRAWING: Site plan showing haulage yard
DRAWNER: JOB NO 0020 DR NO PLO5
DATE Jul 17 REV. SCALE 1:1000

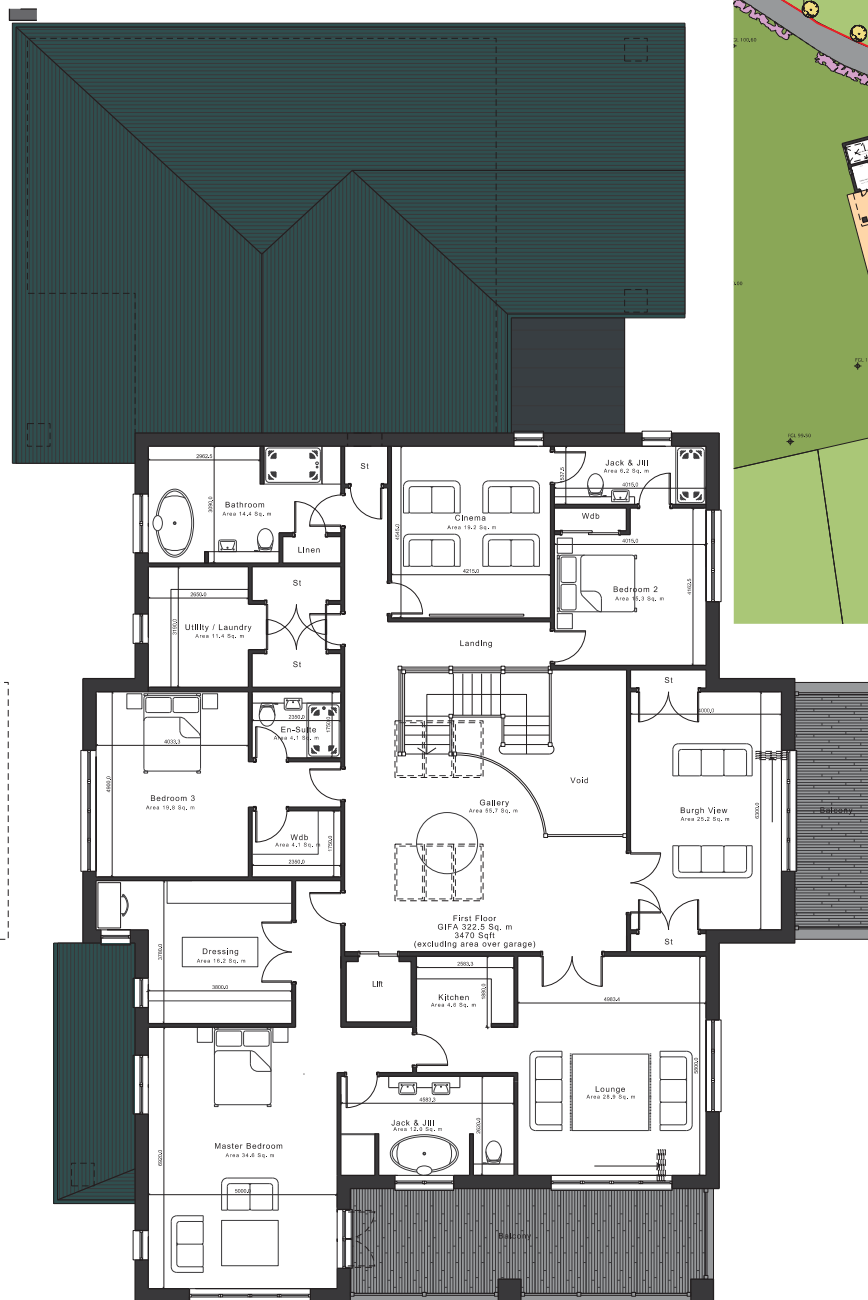


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1 Proposed
 1:100 Ground Floor Plan



2 Proposed
 1:100 First Floor Plan

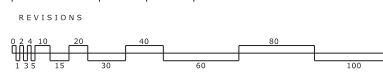


SITE AREAS
 -PROPOSED-
 Site Area 1 RED - 9,336 Sqm or 0,9336 Ha
 Building Area - 431 Sqm
 Green Space - 8905 Sqm or 0,8905 Ha
 % Green Space - 95%
 Site Area 2 BLUE - 136,184 Sqm or 13,6184 Ha
 Total Area - 154,420 Sqm or 15,4420 Ha

Denotes boundary of application site



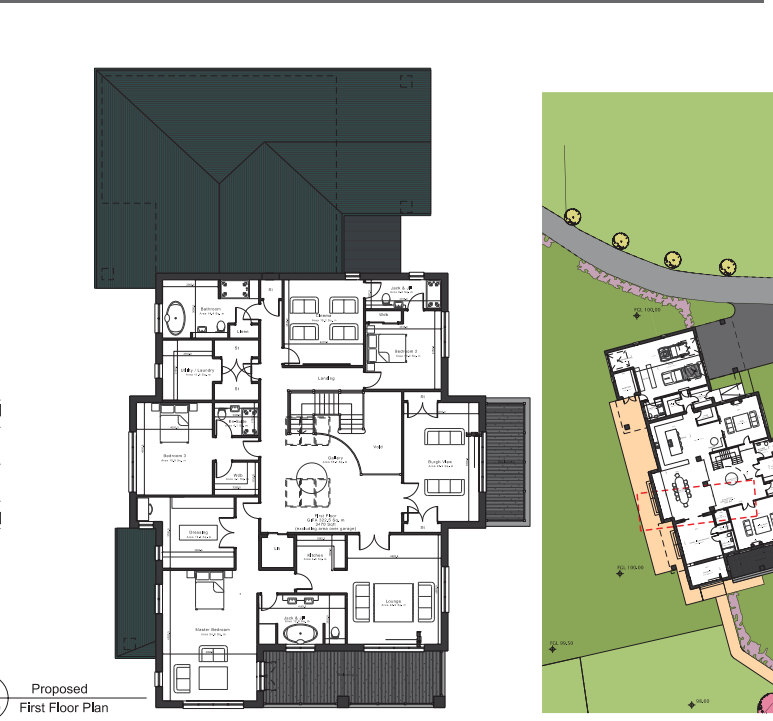
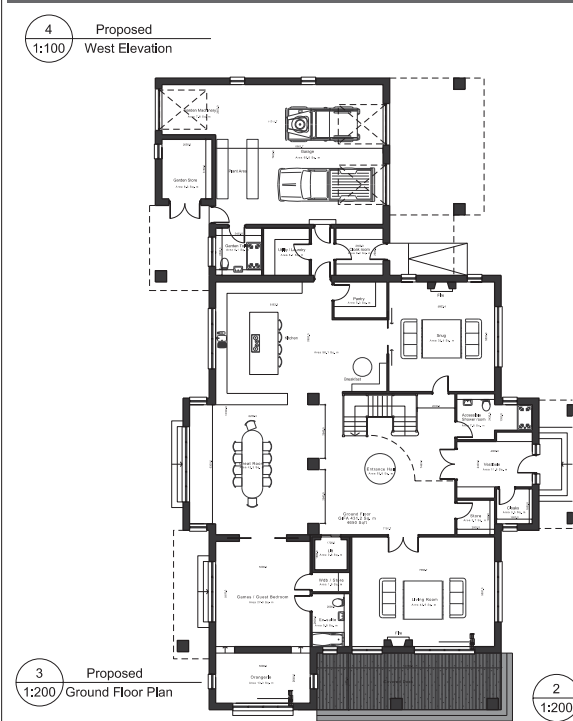
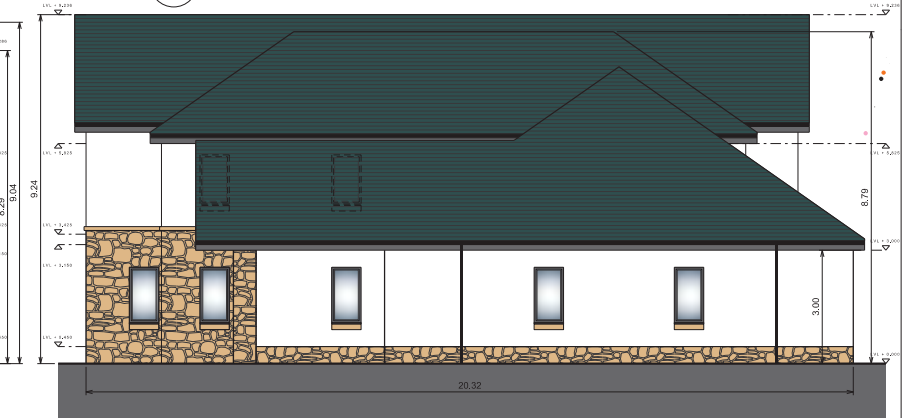
REV.	DATE	DRAWN	DESCRIPTION
REV B	Jan 21	ER	Plans changed as per discussions with client
REV A	Jan 21	ER	Plans changed as per discussions with client



CLIENT: Mr & Mrs Ireland
 JOB: Proposed new dwelling house at Craighbank Farm Dechmont
 DRAWING: Proposed Ground & First floor
 DRAWNER: JOB NO 0820 DR NO PLO6
 DATE Nov 18 REV B SCALE: 1:100



ROBERTSON ARCHITECTURE & DESIGN



Materials key

- Through coloured white scraped texture render
- 'Cupa Heavy 3' Natural slate to match existing
- RAL 7016 Anthracite UPVC windows
- RAL7016 painted timber soffit / barge boards
- Rainwater goods to be black UPVC to match existing
- 'Velux' GGL roof windows
- Natural stone

SITE AREAS

-PROPOSED-

Site Area 1 RED - 9,336 Sqm or 0.9336 Ha
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% Green Space - 95%

Site Area 2 BLUE - 136,184 Sqm or 13.6184 Ha

Total Area - 154,420 Sqm or 15.4420 Ha

Denotes boundary of application site

REV.	DATE	DRAWN	DESCRIPTION
REV B	Jan 21	ER	Plans changed as per discussions with client
REV A	Jan 21	ER	Plans changed as per discussions with client

REVISIONS

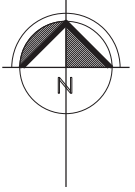
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CLIENT: Mr & Mrs Ireland
JOB: Proposed new dwelling house at Craigbank Farm Dechmont
DRAWING: Proposed Elevations
DRAWN: JOB NO 0820 DR NO P107
DATE Nov 18 REV B SCALE: 1:100

ROBERTSON ARCHITECTURE & DESIGN



Agenda Item 7



Proposed screen tree planting along South East edge of site

Screen Trees - Pyrus calleryana 'Chanticleer' (pear)

Avenue Trees to Drive - Tilia Cordata 'Greenspire' (Lime)

Driveway area Tree - Prunus serrulata (Cherry blossom)

Specimen trees groups - Betula Pendula (Birch)

Site enclosure Hedge - Carpinus (Hornbeam)

SITE AREAS

-PROPOSED-

Site Area 1 RED - 9,336 Sqm or 0.9336 Ha

Building Area - 431 Sqm

Green Space - 8905 Sqm or 0.8905 Ha

% Green Space - 95%

Site Area 2 BLUE - 136,184 Sqm or 13.6184 Ha

Total Area - 154,420 Sqm or 15.4420 Ha

Denotes boundary of application site

Establishment Maintenance

Specimen trees and others
8 visits to check and adjust ties and stakes; 1 fertiliser (450gm/tree); 1 prune to crown, weed and edge 1m diameter circle at base; watering to field capacity in periods of drought as required

Hedging
8 visits to weed and aerate trench; 1 fertiliser (35gm/m2); 1 trim to top and sides; 2 firm up; treat for aphid from leaf break; 1 visit to top up and regulate mulch; watering to field capacity in periods of drought as required.

Herbaceous planting
8 visits for hdn weeding and forking; 1 fertiliser; 1 pruning; 1 top up bark mulch; watering to field capacity in periods of drought as required.

Amenity grass
16 cuts and trims to edges; 1 edge with half round iron; 2 fertiliser (35gm/m2); 2 spike aerations; 1 selective herbicide if required

Site Wide
12 visits to lift litter and debris from landscaped areas

REV.	DATE	DRAWN	DESCRIPTION				
REVISIONS							
2	4	10	20	40	60	80	100
1	3	15	30	45	60	75	90
CLIENT: Mr & Mrs Ireland							
JOB: Proposed new dwelling house at Craighbank Farm Dechmont							
DRAWING: Proposed Site Plan							
DRAWN: JOB NO0020 DR NOFL08							
DATE Feb 21 REV SCALE: 1:200							

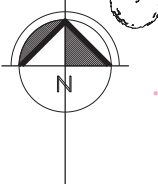


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Agenda Item 7



DRAINAGE STRATEGY
RW AND HARD STANDING RUN OFF
RW from new domestic building is dealt with via 100mm half round gutters at eaves 70mm dia. rain water down pipes as shown. The RWP discharge into the land via the soakaways/ infiltration fields shown on th plan.

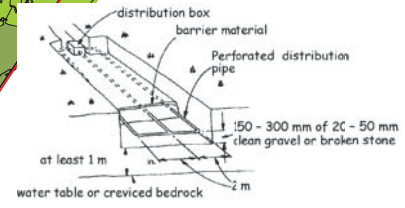
Percolation Test
Vp=1/150
Where Vp is the percolation rate in seconds per mm and t is the time in seconds. Test pits were excavated and 300 x 300 test holes were dug at the base which was approximately 1.2m below adjacent ground level, the general sub soil condition was sandy near the top bearing onto firm clay, three test pits in total were excavated over the proposed area for the Soakaway/infiltration field and the average outcome was used.
Vp=2600/150
Vp=175/mm

Soakaway Calculation
(Ax0.0145)-(axfx900)=S
Where A is the area to be served for which we have allowed 800m² between roofs and ground water run off, a is an assumed area initially to begin calculation so as to fine tune capacity however we are using the infiltration field area, f is the soil infiltration rate in m/s where we have to convert the existing s/mm using 1/Vp/1000.
1/Vp/1000
1/17/1000 = 0.0000588m/s
(Ax0.0145)-(axfx900)=S
(800x0.0145)/(20x0.0000588x900)=10.55m³ - which we will double up to 20.0m³

Soakaway has an area of 1005sqm and a depth of 0.5m giving a volumetric area of 50m³ in total.
Hard standing are predominantly porous paving and it is considered that this should reduce typical rw run off from grass land through coincidental infiltration

- SITE AREAS**
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 - Total Area - 154,420 Sqm or 15.4420 Ha

Denotes FW drainage lines
Denotes SW drainage lines
Denotes boundary of application site



SEPTIC TANK
Klargester Alpha STS04610 GRP Tank - 4600 litres
Maximum persons served 17 installed as per BSEN 12566

REV.	DATE	DRAWN	DESCRIPTION			
REVISIONS						
0	10	20	40	60	80	100
1	15	30	45	60	75	90
CLIENT: Mr & Mrs Ireland						
JOB: Proposed new dwelling house						
at Craigbank Farm Dechmont						
DRAWING: Proposed Site Drainage						
DRAWN		JOB NO 0020		DR N P O'LEARY		
DATE Feb 21		REV		SCALE: 1:200		

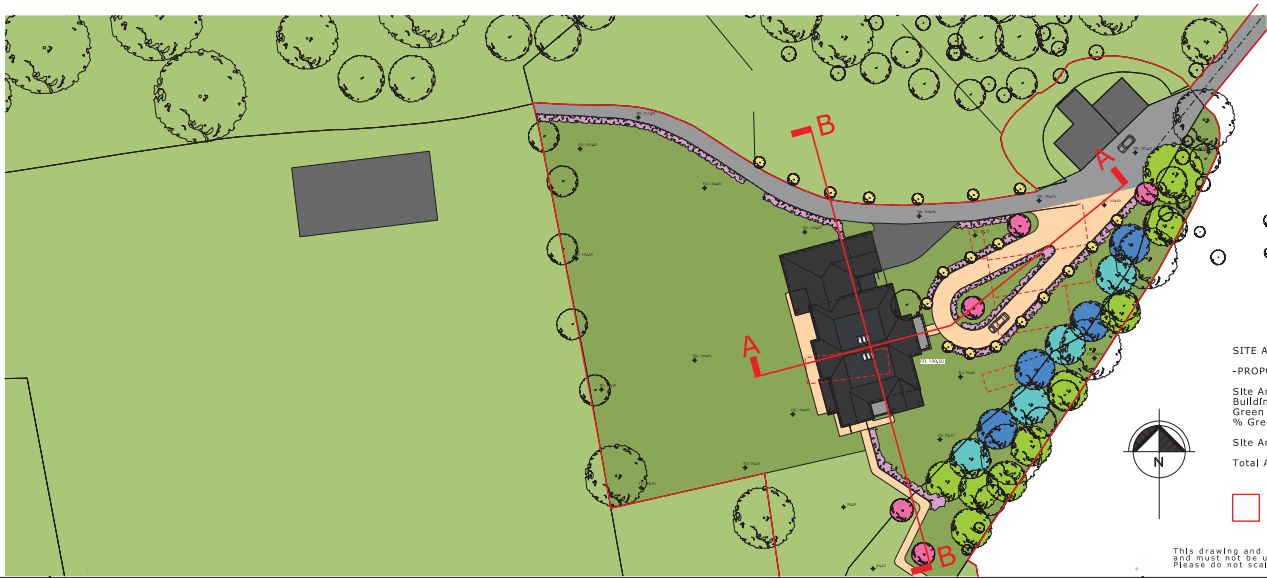
ROBERTSON ARCHITECTURE & DESIGN



2
1:200
Proposed
Section B-B



1
1:200
Proposed
Section A-A



3
1:1000
Proposed
Site Plan

SITE AREAS
-PROPOSED-
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□ 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	14	40
5	15	17	60
6	18	20	80
7	21	23	100
CLIENT: Mr & Mrs Ireland			
JOB: Proposed new dwelling house at Craighbank Farm Dechmont			
DRAWING: Site Sections			
DRAWN		JOB NO 0020	
DATE Feb 21		REV	
		SCALE 1:100	



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DECISION NOTICE REFUSAL OF MATTERS SPECIFIED IN CONDITIONS

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 planning permission for the development described below**, and in the planning application and docquetted plan(s).

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PROPOSAL	Approval of matters specified in conditions of planning permission 0432/P/17 for the erection of new dwelling house and garage block with associated access and landscaping
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APPLICANT	Mr Kenny Ireland, 11 Raw Holdings, East Calder, Livingston, EH53 0HZ

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 request a review of any conditions.

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

Dated:
14.05.2021

Craig McCorriston
Head of Planning, Economic Development and Regeneration

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

Signature:



DATA LABEL: PUBLIC

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- 1 The proposed house is of a scale, design and massing which is not acceptable for this rural location. Fenestration is horizontal in nature and there are a variety of roof types within the design of the building including both hipped & gables and with an excessively large section of roof over the garage area. This would result in a property which would be suburban in nature and would be a discordant feature within the landscape. The nearby properties, including a Category C listed building are of a predominately traditional design. The proposed house does not pick design cues from adjacent properties to help integrate the development within the countryside setting. The use of materials does also not reflect the character of the adjacent houses and again fails to integrate within the countryside setting.

The proposals are therefore contrary to the following policies of the adopted West Lothian Local Development Plan, 2018

DES1 (design principles)

ENV2 (housing development in the countryside)

- 2 The adopted Supplementary Guidance, Development in the Countryside, 2018 states that policy ENV2 supports the sensitive redevelopment or reuse of sites which can significantly enhance landscape quality by the removal of dilapidated or intrusive buildings or by their replacement by new development of an 'appropriate scale, mass and design'. The new building shall also be minimised to what is absolutely necessary to secure the rehabilitation of the site and that it shall be no greater than the existing building but in most circumstances will require to be significantly less. The proposed house is much larger than would be necessary to ensure the remediation of the site and is not of an appropriate scale and massing for the countryside setting.

The proposals are therefore contrary to the adopted Supplementary Guidance, Development in the Countryside, 2018.

- 3 The applicant has failed to convince the Council that there are justifiable reasons to depart from the provisions of the development plan which by virtue of Section 25 of the Town and Country Planning (Scotland) Act 1997 is to be afforded primacy in decision making.

ADVISORY NOTES TO DEVELOPER

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: <https://www.westlothian.gov.uk/article/33128/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. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

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. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

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 <https://www.westlothian.gov.uk/article/34731/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**.*

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 - 0149/MSC/21

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	PL01
2	Site Context	PL03
3	Block Plan	PL02
4	Block Plan Existing	PL05
5	Drainage	PL09
6	Site Plan	PL08
7	Floor Plan (proposed)	PL06
8	Proposed Elevations	PL07
9	Sections	PL10



DATA LABEL: PUBLIC

HANDLING REPORT

Ref. No.:	0149/MSC/21	Email:	steve.mclaren@westlothian.gov.uk
Case Officer:	Steven McLaren	Tel No.:	01506 282404
Ward:	Broxburn, Uphall & Winchburgh	Member:	Angela Doran-Timson Chris Horne Diane Calder Janet Campbell

Title	Approval of matters specified in conditions of planning permission 0432/P/17 for the erection of new dwelling house and garage block with associated access and landscaping (Grid Ref: 303599,671737) at Craighbank, Craigbinning, Dechmont, West Lothian, EH52 6NB
Application Type	Local Application
Decision Level	Delegated List
Site Visit	Photos provided
Recommendation	Refuse Matters Specified in Conditions
Decision	Refuse Matters Specified in Conditions
Neighbour Notification	Neighbour notification procedures have been carried out correctly - case officer verification. YES
Advertisement	25.03.2021
EIA Screening	Does the development require EIA screening - No

Description of Proposals

Approval of matters specified in conditions of planning permission 0432/P/17 for the erection of new dwelling house and garage block with associated access and landscaping

Site History

0221/AGR/12 - Prior notification for the erection of a 338sqm agricultural building, granted 18/4/12

0432/P/17 - Planning permission in principle for the erection of a single dwelling house, granted 14/2/18

Representations

There have been no representations made on this application.

Consultations

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

Consultee	Objection?	Comments	Planning Response
Flood Risk Management			No comments received. If planning permission were to be granted, the drainage for the development would have to be approved through condition.
CL Phase 2 SI Consultation			No comments received. If planning permission were to be granted, the site investigation for the development will require to be concluded and remediation carried out where required.
Mr Craig Sinclair (Arborist)			No comments received. The development is unlikely to impact on any existing mature trees.

Policies Considered

Policy Title	Policy Text
DES1 - Design Principles	All development proposals will require to take account of and be integrated with the local context and built form. Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design. Development proposals which are poorly designed will not be supported. When assessing development proposals, the developer will be required to ensure that: a. there is no significant adverse impact on adjacent buildings or streetscape in terms of layout, scale, massing, design, external materials or amenity; b. there is no significant adverse impact on landscape character, built heritage, habitats or species including European sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates; c. the proposed development is accessible for all, provides suitable access and parking, encourages active travel and has no adverse implications for public safety; d. the proposal includes appropriate integrated and accessible infrastructure, open space, green infrastructure and landscaping; e. sustainability issues are addressed through energy efficient design, layout, site orientation and building practices; f. the development does not result in any significant adverse impact on the water environment as required by the Water Framework Directive and related regulations and as appropriate, mitigation to minimise any adverse effects is provided; g. there are no significant adverse effects on air quality (particularly in and around Air Quality Management Areas), or on water or soil quality and, as appropriate, mitigation to minimise any adverse effects is provided; and h. risks to new development from unstable land resulting from past mining activities are fully assessed and, where necessary,

	mitigated prior to development. Where appropriate, developers will be required to produce masterplans, design statements and design guides in support of their proposals. Development proposals must also accord with other relevant policies and proposals in the development plan and with appropriate supplementary guidance.
ENV2 - Housing Development in the Countryside	Housing development in the countryside will only be permitted where: a. the proposal provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition; or b. the proposal is for the replacement of an existing house in the countryside which is of a poor design or in a poor structural condition; or c. the proposal is for infill development within the curtilage of an existing building group or infilling of gaps between existing houses of a single plot width; or d. the proposal involves the conversion or rehabilitation of existing rural buildings which the council deems worthy of retention because of their architectural or historic merit; or e. the proposal is supported by the council's lowland crofting policy. Where a proposal by virtue of its design, location and landscape setting makes an exceptional contribution to the appearance of countryside an exception to policy may be justified. Proposals should make the best use of resources, integrate with services and facilities and demonstrate the highest standards in design and environmental quality to protect and enhance the established landscape character. The detailed requirements of Supplementary Guidance on New Development in the Countryside and Lowland Crofting will apply.

Supplementary Guidance, Development in the Countryside, 2018

Policy Assessment

The proposals do not accord with policies DES1 (design principles), ENV2 (housing development in the countryside) of the council's adopted SG Development in the Countryside, 2018.

Officer Assessment

Planning permission in principle was granted for the construction of a house on this site on 14/2/18 as a means to remediate a former haulage yard. The planning permission in principle did not set out the anticipated scale or design of the house therefore it is these matters which the current application is considering and not the principle of the development. The house scale, design and massing must therefore be considered under the relevant local plan policies and the adopted Supplementary Guidance (SG): Development in the Countryside, 2018. The SG states that policies ENV2 and ENV3 support the sensitive redevelopment or reuse of sites which can significantly enhance landscape quality by the removal of dilapidated or intrusive buildings or by their replacement by new development of an 'appropriate scale, mass and design'. The new building shall also be minimised to what is absolutely necessary to secure the rehabilitation of the site and that it shall be no greater than the existing building but in most circumstances will require to be significantly less. It can be argued that the size of the house is much greater than would be necessary to ensure the remediation of the site. The key issues here are the scale, massing and design of the proposed house and the interpretation of the policy guidance. The floor plans show the house to be some 753sqm in size over the two floors.. Whilst the size of the house in its own right is not necessarily an issue, it must be considered within the context of the

guidance and the setting. The design of the house is of a suburban appearance with predominant horizontal window design, a variety of roof design with both hips and gables and an excessively large roof over the garage area which the applicant has proposed to provide future attic accommodation. The nearby properties, including the Category C listed Craig Binning House, its lodge and adjacent properties off the Dechmont Road are of a more traditional style of stone or wet dash finish, vertical window fenestration and traditional dormer windows. Whilst it is not expected that the new house would mimic these properties, its scale and design within the countryside setting must be sympathetic. The proposed development is therefore contrary to policies DES1 (design principles); ENV2 (housing development in the countryside) and the council's adopted Supplementary Guidance: Development in the Countryside.

Other Considerations

There are no other factors which require consideration

Conclusions and Reasons for Decision

The scale, massing and design of the house within the countryside setting is inappropriate and recommendation is to refuse planning permission. The proposed development is therefore contrary to policies DES1 (design principles); ENV2 (housing development in the countryside) and the council's adopted Supplementary Guidance: Development in the Countryside, 2018

List of Review Documents

Drawings schedule:

Docquetted Number	Drawing Description	Drawing Number
1	Location Plan	PL01
2	Site Context	PL03
3	Block Plan	PL02
4	Block Plan Existing	PL05
5	Drainage	PL09
6	Site Plan	PL08
7	Floor Plan (proposed)	PL06
8	Proposed Elevations	PL07
9	Sections	PL10

Other relevant documents:

West Lothian Local Development Plan, 2018; Supplementary Guidance, Development in the Countryside, 2018

Case Officer:

SM

Date: 14 May 2021.

Draft conditions – 0149/MSC/21

(1) No works shall commence until the Site Investigation report by Green Cat Geotechnical and dated March 2019 has been assessed and approved by the planning authority. In the event that remediation works are required, a Remediation Method Statement shall be submitted for the consideration and written approval of the planning authority. Once approved, the remediation of the site shall be carried out in accordance with that statement, to the satisfaction of the planning authority.

Where remediation works have been carried out, a Verification Report shall be submitted for the consideration and written approval of the planning authority, demonstrating that the remediation is in accordance with the approved Remediation Method Statement. The house shall not be occupied until such times as the Verification Report has been approved by the planning authority.

Reason To ensure any contamination on site is remediated to current standards and best practice and in the interest of human health.

(2) No works shall start on site until the proposed drainage as set out on drawing number PL09 (propose site drainage) has been fully considered and approved by the planning authority. Once approved, the drainage shall be implemented in accordance with that scheme to the satisfaction of the planning authority.

Reason In order to ensure the impacts of surface water from the development are fully considered.

(3) Unless otherwise agreed in writing with the planning authority, the materials to be used on the roof and walls of the house and garage hereby approved shall accord with the Materials Key drawing number PL07 Rev B (proposed elevations).

Reason In the interest of visual amenity.

(4) Within 4 weeks of the date of this decision, a revised landscape plan showing numbers and types of existing trees shall be submitted for the consideration and written approval of the planning authority. The revised plan shall give further consideration to the augmentation of the tree belt on the south eastern boundary and shall avoid the use of ornamental species. The use of compatible native tree species shall be used on this exposed edge of the development. Once approved, the landscaping shall be carried out at the earliest opportunity and prior to the occupation of the house. The landscaping shall be maintained for a minimum of 5 years until the plants are established with any which die or are removed replaced at the first opportunity and to the satisfaction of the planning authority. The tree belt on the south eastern edge of the site in particular shall be retained and maintained at all times, unless otherwise agreed in writing with the planning authority.

Reason To ensure the landscaping and tree planting is appropriate for the location and in the interest of visual and environmental amenity.

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

Noise (Construction)

- o Any work required to implement this planning permission that is audible within any adjacent noise sensitive receptor or its curtilage shall be carried out only between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 on a Saturday and at no time on a Sunday. This includes deliveries and operation of on site vehicles and equipment.

- o No generators shall be audible within any residential properties between the hours of 20:00 and 08:00.

Noise (Vehicles/Plant)

- o All site vehicles (other than delivery vehicles) must be fitted with non-tonal broadband reversing alarms.

Vibration (Construction)

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

Site Compound

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

Waste

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

Wheel Cleaning

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

Reason: In the interests of visual and environmental amenity.



LOCAL REVIEW BODY

PROCEDURE NOTICE

APPLICATION NO.0149/MSC/21 – APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION 0432/P/17 FOR THE ERECTION OF A NEW DWELLING HOUSE AND GARAGE BLOCK WITH ASSOCIATED ACCESS AND LANDSCAPING, CRAIGBANK, CRAIGBINNING, DECHMONT

The Local Review Body at its meeting on 29 September 2021 decided under Regulation 15(1) of the Town and Country Planning (Schemes of Delegation and Local Review Body Procedure) (Scotland) Regulations 2013 that further information should be provided to it by means of written submissions.

The Local Review Body agreed to continue the review to request the following information from the applicant Mr Kenny Ireland Kenny Ireland [REDACTED] (or his agent, Euan Robertson email address robertson-architecture@live.co.uk (all submissions to be made in writing via email):-

- The application of policy ENV1 (Character and Special Landscape areas) of the West Lothian Local Development Plan 2018 to the proposal

The information is to be sent to the Clerk to the Local Review Body at val.johnston@westlothian.gov.uk and to the other parties noted below so that they have the opportunity to make comments in response:-

- Appointed Person - Steve McLaren at steve.mclaren@westlothian.gov.uk

That information is to be provided on or before Friday 16 October 2021

The other parties will have 14 days from the date of receipt of any such information to make comments on it, but not to raise new matters (all comments to be submitted in writing via email) to the Clerk to the Local Review Body at val.johnston@westlothian.gov.uk. The other parties must provide a copy of their comments to the Applicant.

A copy of this Procedure Notice has been sent to the Appointed Person.

Lesley Montague
Clerk to the Local Review Body
West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF

4 October 2021

Lesley.montague@westlothian.gov.uk

LRB APPLICATION, PROCEDURE NOTE RESPONSE
ISSUED 04/10/2021 FOR
RESERVED MATTERS APPLICATION
0149/MSC/21

Approval of matters specified in conditions of planning permission 0432/P/17
for the erection of new dwelling house and garage block with associated access
and landscaping.

PREPARED BY:

ROBERTSON ARCHITECTURE & DESIGN

FIELD HOUSE

17 CLIFTON ROAD

EAST CALDER

WEST LOTHIAN

EH53 0HJ

MOB: 07793486709

E-MAIL: robertson-architecture@live.co.uk



ON BEHALF OF MR & MRS IRELAND

05/10/2021

Statement in response to the inclusion of Policy ENV1 in LRB hearing on 29th September 2021

The inclusion of ENV1 in relation to reasons for refusal after the fact is extremely worrying and we have queried whether this is procedurally correct. We had asked to include a drone video prior to the previous meeting after discovering that it is no longer common practice to carry out site visits prior to the LRB meeting. We had this request denied as there was apparently no procedure that would allow this.

The inclusion of ENV1 so late in the process and having already been considered under the planning approval **LIVE/0432/P/17** appears contradictory to the case officer's own assessment of the reserved matters application currently in front of councillors. We believe that this is a further indication that in this instance the planning process has been flawed leading to the misinterpretation of material planning policies, this has been detailed in our original submission.

Policy ENV1 covers the protection of Special Landscape Areas (SLA's) and the site is indeed located in one of these areas, being in the Dechmont Hills area, this was under the consideration of the initial planning permission in principal and it was determined that a new dwelling in this location would be acceptable.

The conditions for a reserved matters application were set out in the PPP approval, conditions which were met when the MSC application was submitted. At no point was ENV1 brought up as being a potential reason for refusal, a landscape plan was submitted following the guidance set out in the PPP approval and we do not believe that our application is in contravention of the policy context.

I hope that the introduction of this policy does not have an effect of walking back the previous approval which has established consent for the erection of a new dwelling in this location, there should be no doubt that the principle of a new home on site is acceptable. The application before the LRB is a reserved matters application, we have provided the required detailed information as per the requirements set out in the original consent.

As per policy ENV1 we consider the following relevant in the consideration of the same:

For clarity the new dwelling house won't be a 'croft' type of development this new dwelling is very much a modern farmhouse servicing the needs of our clients and their agricultural pursuits. Our clients are retaining buildings of value out with the scope of the new dwelling, and they continue to utilise those not earmarked for demolition in maintenance of the SLA.

Under the terms of the PPP approval, it was not conditioned that the new dwelling house had to meet specific requirements restricting the size, scale, or design, however, through due diligence, we have submitted a scheme which takes account of the supplementary guidance detailed under ENV2 & ENV1, only to find that it does not correlate with the appointed officer's interpretation of the same.

The distillation of the reasons for refusal against the backdrop of the relevant policies and supplementary guidance, of which we consider the scheme to be compliant with, is that this refusal is solely reliant on the appointed officer's opinion on the design.

Contrary to the case officers' statement on the first point of refusal is that the dwelling is not utilising materials present in houses nearby or design cues which is incorrect. All of the houses in the wider locale have a mixed variety of proportions, roof styles, fenestration and are a mixture of stone and render, which is hardly an established housing pattern. The proposed dwelling will utilise a mixture of stone / render and gabled / hipped roofs and is completely in its own setting and cannot be viewed in comparison to anything else.

The size and scale of the development is the second reason for refusal, the case officer has noted that the dwelling is larger than necessary to ensure remediation of the site. I would like to ascertain how the officer has arrived at this conclusion without consulting us as the agents or indeed the client, what is this scheme being assessed against; a three bed villa, a 2 bed bungalow, a caravan, or a tent, who determines what is necessary.

I would think that most people would look to maximise the site potential whilst being mindful of the supplementary guidance and restricting the building so that less land is occupied than previously, which is exactly what we have done here. Rather than having sprawling houses, ancillary accommodation and outbuildings occupying more land this development seeks to contain all in a single footprint.

It is worth baring in mind that a multiple house development could have been considered which would ultimately lead to a greater impact on the area. The development of Bangour which abounds the applicants land and the SLA has a significant impact on the setting of the same. This application is for a single dwelling and new landscaping which will remediate a brownfield site and retain some existing ancillary buildings. The site is currently a haulage yard which is why PPP approval was given for a new dwelling for the improvement of the SLA through the removal of inappropriate buildings and the introduction of a new dwelling occupying less land with significant landscaping works.

It is also worth pointing out that our clients have carried out substantial works to maintain and improve the 50 acres under their ownership. No objections were raised to the development either from the public or statutory consultees. Our clients fulfilled the terms of the original consent by adhering to the conditions imposed at the time in addition to paying upfront a considerable amount in developer contributions showing their commitment to the site.

ENV1 is not an active consideration as we were never asked to address it in the current application and consider it to have been covered under the previous PPP approval, even so the submitted landscape plan and contextualised dwelling should demonstrate our adherence to the wider issues surrounding the SLA. It appears however that we are also being refused under ENV1 without specific interpretation of the same by the appointed officer, I therefore cannot see how being given the opportunity to comment on this is reasonable without being able to further explore the issues and submit additional drawings / diagrams.

Ultimately the question should be what is more intrusive in the SLA? An active haulage yard or the design of the proposed dwelling.