



## DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

### 1 DESCRIPTION

Erection of a 420sqm storage building for hire of plant & machinery for forestry and associated purposes on land at 6 Dunnet Way, Broxburn, West Lothian.

### 2 DETAILS

<b>Reference no.</b>	<a href="#">0408/FUL/24</a>	<b>Owner of site</b>	Talamanca Limited
<b>Applicant</b>	Talamanca Limited	<b>Ward &amp; local members</b>	<b>Broxburn, Uphall and Winchburgh</b>  Councillor Tony Boyle Councillor Diane Calder Councillor Janet Campbell Councillor Angela Doran-Timson
<b>Case officer</b>	Lucy Hoad	<b>Contact details</b>	01506 282558 <a href="mailto:lucy.hoad@westlothian.gov.uk">lucy.hoad@westlothian.gov.uk</a>

**Reason for referral to Development Management Committee:** Referred by Councillor Diane Calder.

### 3 RECOMMENDATION

3.1 Refuse planning permission.

### 4 DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 The application site (0.15ha) is an area of land between 2 existing industrial units at 6a and 6b Dunnet Way, set within the industrial park in Broxburn. The land is designated as Employment Land within the West Lothian Local Development Plan. Part of the site lies within a medium pressure pipeline buffer and the site is within a coal authority development low risk area.
- 4.2 The application is for the erection of a new industrial unit for the storage and hire of plant and machinery for forestry and associated purposes. The applicant was requested to provide additional details in order to support the proposals to include levels, a site investigation report and drainage assessment. The applicant declined the opportunity and sought a determination on the information initially provided.
- 4.3 Records indicate that there is a Low and Medium Likelihood risk of surface water flooding within 10 m of the site boundary.

## History

4.4 LIVE/0195/FUL/07 - Erection of a 90sqm stores/deliveries building and formation of window on existing office building 6B Dunnet Way, Broxburn - Consent Granted May 2007.

0154/FUL/22 - Change of use from vehicle hire (sui generis) to offices (class 4) and retail (class 1) and formation of doors 6A Dunnet Way, Broxburn - Consent Granted June 2022.

0468/FUL/19 - Change of use from storage and distribution (class 6) to a vehicle hire business (sui generis)  
266/FUL/19 6A Dunnet Way, Broxburn - Consent Granted June 2019

## EIA Development

4.5 The nature and scale of the proposal is such that it is not EIA development.

## Equalities Impact

4.6 The application has been assessed and has no impact in terms of equalities or human rights.

## 5. REPRESENTATIONS

5.1 There have been no representations received on the application.

## 6. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
WLC Roads & Transportation	No	From a Roads & Transportation view, this application can be approved without conditions.	Noted.
WLC Flood Officer	No	There is risk of Low and Medium Likelihood surface water flooding within 10 m of the site boundary. A Drainage Assessment is requested due to the proposed increase in impermeable area of this commercial site (420 sqm of the storage building). The applicant needs to show how they intend to manage this surface water run-off within the site boundary (using SUDS) as the proposed connection to the Scottish Water system is unlikely to be permissible. Additionally soakaways are rarely viable	Noted. Drainage details were requested but not submitted.

		within WLC (due to soil conditions).	
WLC Environmental Health Officer	No	None	Noted.

**7. PLANNING POLICY**

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 The development plan comprises of National Planning Framework 4 (NPF4) and the West Lothian Local Development Plan, 2018 (LDP).
- 7.3 It is important to bear in mind that NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and should be used to guide decision-making and Scottish Ministers indicated that conflicts between policies are to be expected. Factors for and against development will therefore require to be weighed up in the balance of planning judgement
- 7.4 Relevant development plan policies are listed below.

Plan and Policy	Policy Summary	Assessment	Conform?
National Planning Framework (NPF) 4  Policy 1 Tackling climate change and the nature crisis	This policy states significant weight is to be given to the global climate and nature crises in assessing proposals.	The site is adjacent to existing facilities and services. It will provide additional storage space for uses within the industrial estate.	Yes
NPF 4  Policy 2 Climate mitigation and adaptation	This policy requires development to be sited and designed to minimise greenhouse gas emissions and adapt to risk from climate change.	The site is adjacent to existing facilities and services. It will provide additional storage space for uses within the industrial estate.	Yes

NPF 4  Policy 3 Biodiversity	This policy requires development proposals to conserve, restore and enhance biodiversity	The existing site is cleared and has no biodiversity. It may be appropriate to condition biodiversity enhancements that can be implemented on site, for example bat or swift boxes.	Yes
NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings)	Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use	A site investigation report has not been submitted.	No. The land has been cleared of trees and imported materials (unknown) have been used to infill and create a level platform. A site investigation report is required to ascertain ground conditions and any remediation works that may be required
NPF4 Policy 14 (Design quality and place)	Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.	The scale and design of the proposed extension will not adversely impact on the character and amenity of the surrounding area.	Yes
NPF4 Policy 22 (Flood Risk and Water Management)	Development proposals will: i. not increase the risk of surface water flooding to others, or itself be at risk. ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing bluegreen infrastructure. All proposals should presume no surface water connection to the combined sewer; iii. seek to minimise the area of impermeable surface.	A drainage assessment has not been submitted.	No. Agreement to provision of sustainable drainage measures for the site is required and these details have not been provided.

NPF4 Policy 26 (Business and Industry)	NPF 4 Policy 26 (Business and Industry) Development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported. Development proposals will take into account the impact on surrounding residential amenity, sensitive uses and the natural and historic environment.	The site is adjacent to existing facilities and services. It will provide additional storage space for uses within the industrial estate.	Yes
West Lothian Local Development Plan, 2018 (WLLDP)  Policy DES1 (Design Principles)	All development proposals will require to take account of and be integrated with the local context and built form'.	The scale and design of the proposed extension will not adversely impact on the character and amenity of the surrounding area.	Yes.
WLLDP  Policy EMP1 (Safeguarding and Developing Existing Employment Land)	Policy EMP 1 supports the new development for Class 4, 5 and 6 uses on industrial land, subject to four criteria. The proposal is compatible with neighbouring uses, will not have a detrimental impact on amenity and the transport implications of development are acceptable.	There are no infrastructure deficiencies that require to be remedied. The proposal complies with EMP 1 (a) to (d) of the LDP.	Yes.
WLLDP  Policy EMG 3 (Sustainable Drainage)	SUDs will be a required part of all proposed development.	A drainage assessment has not been submitted.	No. Agreement to provision of sustainable drainage measures for the site is required and these details have not been provided.

WLLDP  Policy EMG6 (Vacant, Derelict and Contaminated Land)	Where it is suspected by the council that a development site may be contaminated, the developer will be required to undertake a site investigation, to the satisfaction of the council.	A site investigation report has not been submitted.	No. The land has been cleared of trees and imported materials (unknown) have been used to infill and create a level platform. A site investigation report is required to ascertain ground conditions and any remediation works that may be required.
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## 8. ASSESSMENT

8.1 The determining issues in respect of this application are:

- the impact on the amenity and appearance of the surrounding area
- potential land contamination
- treatment of surface water flow

### Amenity

8.2 NPF4 Policy 14 (Design, Quality and Place) states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported. NPF 4 Policy 26 (Business and Industry) states that development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported. Development proposals will take into account the impact on surrounding residential amenity, sensitive uses and the natural and historic environment. Policy DES 1(Design Principles) of the West Lothian LDP states that all development proposals will require to take account of and be integrated with the local context and built form. It also states that it should have no significant adverse impact on adjacent buildings or streetscape in terms of scale, massing, design or amenity. Policy EMP 1 supports the new development for Class 4, 5 and 6 uses on industrial land, subject to four criteria. The proposal is compatible with neighbouring uses, will not have a detrimental impact on amenity and the transport implications of development are acceptable.

8.3 The site is currently vacant land with a gravel/hard surface. Vehicular access is to be via the existing industrial estate road network and existing private entrance.

8.4 From aerial photography, it is evident that tree vegetation had been removed from site in recent years. From the site visit, it was evident that at some point imported material has been brought in to raise the land level to form a level platform, requiring the use of large concrete retaining blocks. Whilst this has created a level platform, no detail of the imported materials has been provided to the council. Planning permission has not been granted for the engineering works to form this platform, therefore, these works are unauthorised.

- 8.5 A new building (420m<sup>2</sup>) rectangular in form with low pitch roof (7.3m to ridge) is proposed for the site. The building would be steel frame with Kingspan cladding detail (goosewing grey), and brick base course (grey). Visually the development is acceptable, in terms of form, scale and external materials.
- 8.6 The siting and design of the building within this infill plot would provide storage facilities for the business at this location. The land is currently classed as employment land and the new facilities will increase the provision of space for business use within the existing complex without adversely impacting on the character and appearance of the wider area.

### **Infrastructure Impacts**

- 8.7 The estate is well-served by the existing road network. Transportation has no objection to the increase in floorspace for the intended use.
- 8.8 The council's Environmental Health Officers have confirmed that they have no objections to the application, nor require any conditions be attached to consent.
- 8.9 NPF4 Policy 22 (Flood Risk and Water Management) requires development proposals manage all rain and surface water through sustainable urban drainage systems. Policy EMG3 (Sustainable Drainage) states that a drainage assessment may be required to ensure that surface water flows are properly taken into account in the design of development.
- 8.10 There is risk of Low and Medium Likelihood surface water flooding within 10 m of the site boundary. A Drainage Assessment was requested due to the proposed increase in impermeable area of this commercial site (420 sqm of the storage building). The details were requested but not submitted. The council's Flood Officer advised that the applicant needs to show how they intend to manage this surface water run-off within the site boundary (using SUDS) as the proposed connection to the Scottish Water system is unlikely to be permissible.

### **Land Contamination**

- 8.11 Policy NPF4 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) requires development proposals to demonstrate that the land is, or can be made, safe and suitable for the proposed new use where contamination may be suspected. Policy EMG6 (Vacant, Derelict and Contaminated Land) requires developers to undertake a site investigation. Where contamination is found, a programme of remedial works is to be agreed.
- 8.12 A site investigation report has not been submitted and no details have been provided of imported materials to site. Thus, the presence of any potential contaminants is unknown nor the requirement for any appropriate remediation strategy if required, all which are necessary in the interest of protecting human health.

### **Other matters**

- 8.13 Policy 3 (Biodiversity) of NPF4 requires that development proposals contribute to the enhancement of biodiversity. Enhancement measures were requested. The applicant proposes to provide two bird boxes, affixed to the building at eaves level.

## **9. CONCLUSIONS AND RECOMMENDATIONS**

- 9.1 In terms of the building design, the proposal does not raise any issues of visual amenity. However the proposal is contrary to National Planning Framework 4 Policies 9 (Brownfield, vacant and derelict land and empty buildings) and 22 (Flood risk and water management) and West Lothian Local Development Plan polices EMG3 (Sustainable Drainage) and EMG6 (Vacant, Derelict and Contaminated land) in that the applicant has not adequately demonstrated that the site is suitable for development works to be undertaken without an understanding of potential contamination on site or whether remediation works are required. The applicant has not provided a drainage assessment to demonstrate the suitable treatment of surface water for the site.
- 9.2 It is therefore recommended that planning permission be refused.

## **10. BACKGROUND REFERENCES & ATTACHMENTS**

- Draft Reason for refusal
- Location Plan
- Site plan
- Member referral form

Plans and photographs are available in the accompanying presentation pack.

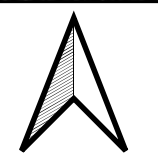
Craig McCorrison

**Head of Planning, Economic Development and Regeneration**      **Date: 21 August 2024**

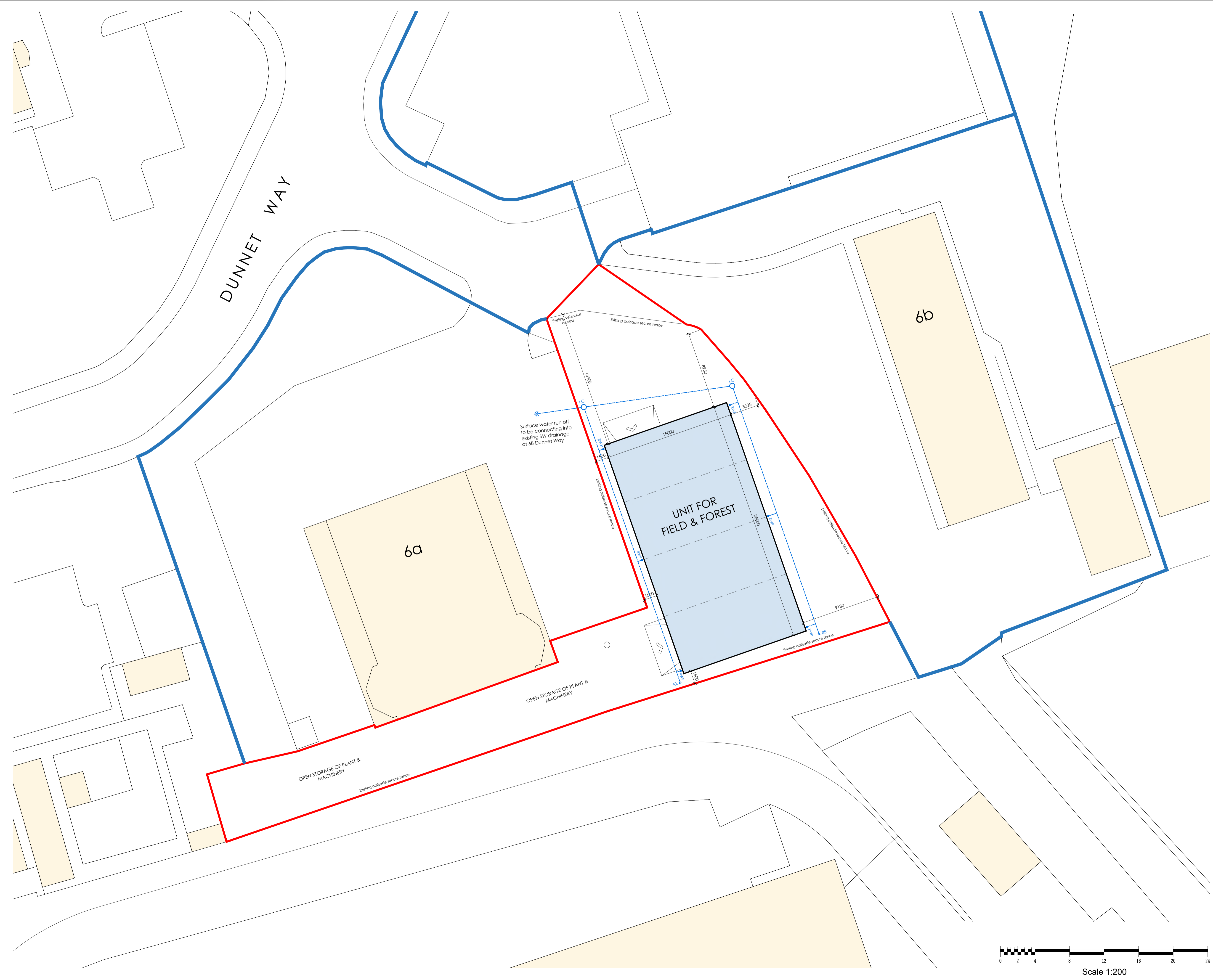
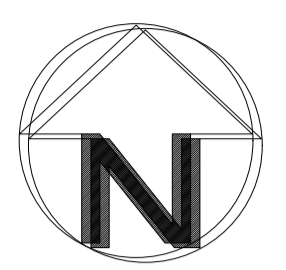
## **Draft Reason for Refusal**

1 The proposal is contrary to National Planning Framework 4 Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and West Lothian Local Development Plan (2018) Policy EMG6 (Vacant, Derelict and Contaminated Land) in that the applicant has not adequately demonstrated that the site is suitable for development works to be undertaken without an understanding of potential contamination on site or whether remediation works are required

2 The proposal is contrary to National Planning Framework 4 Policy 22 (Flood Risk and Water Management) and West Lothian Local Development Plan (2018) Policy (EMG3 (Sustainable Drainage) in that the applicant has not provided a drainage assessment in order to demonstrate the suitable treatment of surface water flow for the site.



- Notes:
1. The dimensions are based on the ground.
  2. All dimensions shown on drawings are based on the centre of the road.
  3. All dimensions shown on drawings are based on the centre of the road.
  4. All dimensions shown on drawings are based on the centre of the road.
  5. All dimensions shown on drawings are based on the centre of the road.
  6. All dimensions shown on drawings are based on the centre of the road.



- Application Site (Area: 0.14 ha)
- Other Land In Applicants ownership

REV:	DESCRIPTION:	BY:	DATE:
STATUS: <b>PLANNING</b>			

**ERECTION OF BUILDING FOR STORAGE & HIRE OF PLANT & MACHINERY FOR FORESTRY AND ASSOCIATED PURPOSES**

CLIENT:  
**Talamanca Limited**

SITE:  
6 Dunnet Way, East Mains Industrial Estate  
Broxburn, EH52 5NN

TITLE:  
**PROPOSED SITE PLAN**

SCALE AT A1:	DATE:	DRAWN:	CHECKED:
1:200	May 2024	AM	-
PROJECT NO:	DRAWING NO:	REVISION:	
DW-01	AL(0)03	-	

Scale 1:200

**PROPOSED DELEGATED PLANNING DECISIONS**

**☒ LOCAL MEMBER REFERRAL REQUEST ☒**

In accordance with standing orders members wishing a planning application to be heard at the Development Management Committee have to either represent the ward in which the application site is located or be chair of Development Management Committee and complete and return this form to Development Management within 7 days and by 12 Noon.

*The planning application details are available for inspection within the Planning & Building Standards web site by clicking on the link below.*

<https://planning.westlothian.gov.uk/publicaccess/>

<p><b><u>Application Details</u></b></p> <p><b>Application Reference Number</b>          .....0408/FUL/24.....          .....</p> <p><b>Site Address</b>          6 Dunnet Way, Broxburn, West Lothian,          EH52 5NN (Grid Ref: 309372,672488)          .....</p> <p><b>Title of Application</b>          Erection of a 420sqm storage building for          hire of plant &amp; machinery for forestry and          associated purposes          .....</p> <p><b>Member's Name</b>          Cllr .....Diane          Calder.....</p> <p><b>Date</b>          29 July 2024          .....</p>	<p><b><u>Reason For Referral Request</u></b> (please tick ✓)</p> <p><b>Applicant Request</b>..... <input type="checkbox"/></p> <p><b>Constituent Request</b>..... ✓ <input checked="" type="checkbox"/></p> <p><b>Other (please specify)</b>..... <input type="checkbox"/></p>
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