



West Lothian
Council

Development Management Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

23 August 2017

A meeting of the **Development Management Committee** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Wednesday 30 August 2017 at 10:00am**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
3. Order of Business, including notice of urgent business and declarations of interest in any urgent business
4. Confirm Draft Minutes of Meeting of Development Management Committee held on Wednesday 02 August 2017 (herewith).

Public Items for Decision

5. Application No.0255/P/13 - Planning permission in principle for the erection of a 1.5ha residential development at Kirkton Business Centre, Village Lane, Kirkton North, Livingston (herewith)
6. Application No.0203/FUL/15 - Formation of access road and plot layout to serve 58 houses at land at Woodmuir Road, Breich (herewith)
7. Application No.0257/PO/17 - Application for modification of planning

obligation relating to planning permission 0694/FUL/12 in respect of payment of developer contributions at 17 Raw Cottages, Clifton Road, East Calder (herewith)

8. Application No.0487/H/17 - Extension to house at 131 Maryfield Park, Mid Calder (herewith)

Public Items for Information

9. Consider list of delegated decisions on planning applications and enforcement actions for 28 July to 18 August 2017 (herewith)
10. Appeals -
- (a) Appeal Ref PPA-400-2067 for Application No.0355/P/15 - Land at Murieston Road, Livingston - Appeal Dismissed
 - (b) Appeal Ref PPA-400-2078 for Application No.0381/H/17 - 6a Back Station Road, Linlithgow - Appeal submitted

NOTE **For further information please contact Val Johnston, Tel No.01506 281604 or email val.johnston@westlothian.gov.uk**

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 2 AUGUST 2017.

Present – Councillors Charles Kennedy (Chair), Tom Kerr, Stuart Borrowman, Harry Cartmill, Dom McGuire and David Tait

Apologies – Councillor Lawrence Fitzpatrick

Absent – Councillor William Boyle

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The committee confirmed the Minute of its meeting held on 12 July 2017. The Minute was thereafter signed by the Chair.

3. APPLICATION NO.0381/H/17

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0381/H/17	Two storey/1.5 storey detached extension to 6a Hillside, Back Station Road, Linlithgow	Refuse planning permission

The committee then heard the applicant's agent, Mr Euan Pearson, speak in support of the application.

Decision

To approve the terms of the report and refused planning permission

4. APPLICATION NO.0402/FUL/17

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0402/FUL/17	Erection of 4 houses	Grant planning

and formation of permission subject to
 footpath link to existing conditions.
 footbridge over
 Barbauchlaw Burn at
 Allison Gardens,
 Blackridge

The committee then heard Mr William Whalley and Ms Melanie Mysker, both local residents, speak in support of their objections to the application.

The committee also noted that whilst Mr W Reilly, the applicant's agent, had requested to speak he was not in attendance at the meeting.

Decision

To approve the terms of the report and granted planning permission subject to conditions.

5. APPLICATION NO.0430/H/17

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration concerning an application as follows :-

<u>Application No.</u>	<u>Proposal</u>	<u>Recommendation</u>
0430/H/17	Erection of two bollards within an area of open space to the front of the property at 60 Firbank Grove, East Calder, Livingston	Refuse planning permission

The committee then heard Kirsty Steel and Laura Daly, both local residents, speak in support of their objections to the application.

The committee then heard Councillor Frank Anderson, a local ward member, speak in support of his objections to the application.

Decision

To approve the terms of the report and refused planning permission.

6. LIST OF DELEGATED DECISIONS

The Head of Planning, Economic Development and Regeneration had delegated powers to issue decisions on planning applications and enforcement action.

A list (copies of which had been circulated) of delegated decisions and enforcement action for the period 23 June to 14 July 2017 was submitted for the information of the committee.

Decision

To note the list of delegated decisions.

7. APPEAL

The committee noted that an appeal which had been submitted to Scottish Ministers against enforcement action for the erection of a fence at 2 Murieston Walk, Livingston had been withdrawn.



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION AND LOCATION

Planning Permission in Principle for the erection of a 1.5 Ha residential development at the former Kirkton Business Centre, Kirk Lane, Livingston

2 DETAILS

Reference no.	0255/P/13	Owner of site	Grovebank Properties
Applicant	Grovebank Properties	Ward & local members	Livingston North Cllr A. Adamson Cllr R. De Bold Cllr D. McGuire Cllr A. Miller
Case officer	Wendy McCorriston	Contact details	Tel: 01506 282406 Email: wendy.mccorriston@westlothian.gov.uk

Reason for referral to Development Management Committee: Request for amendments to the Heads of Terms of the Section 75 legal agreement which were agreed by committee in June 2014

3 RECOMMENDATION

3.1 Agree the amendments to the Heads of Terms for the Section 75 legal agreement.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 The planning application which is the subject of this report seeks planning permission in principle to develop the north and eastern parts of the vacant Kirkton Business Centre site for residential use. The site lies within the Livingston settlement boundary in the West Lothian Local Plan and within the catchment area for Livingston Village Primary School, which lies immediately west of the application site.
- 4.2 A decision was taken by Development Management Committee on 4 June 2014 to grant planning permission in principle, subject to referral to Education Executive (in relation to the school extensions) and a Section 75 legal agreement (S75) to secure developer contributions and the transfer of land to the council, for affordable housing and to increase the school site size. The June 2014 committee report and the agreed Heads of Terms are attached to this report.

- 4.3 The draft S75 was sent to the applicant on 21 November 2014. This was subject to the council's normal requirement that the S75 be substantially complete within 6 months of the date of the draft. A subsequent 3 month extension to that period was agreed in May 2015. Whilst the agreement was in effect "substantially complete" by August 2015 there were ongoing discussions with regard, in particular, to the transfer of the land to the council for the school site increase and the cost of the planned school extensions.
- 4.4 Neither party could agree the final terms or was in a position to sign the agreement during 2015/16. In September 2016 the applicant asked if a review of the position in relation to the primary school capacity could be undertaken by Education Planning. He asked that this review consider whether there was still a need for the extension(s) as set out in the June 2014 committee report or the transfer of the land to increase the school site.

5 PLANNING POLICY AND FORECAST REVIEW
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- 5.1 As set out in the original committee report, the primary school capacity issues were assessed in terms of Policy 9 (Infrastructure) of SESplan and Policy IMP3 (Education constraints) of the West Lothian Local Plan (WLLP). The same policies are now reflected in the emerging Local Development Plan Policy INF1 (Infrastructure provision and developer obligations).
- 5.2 At that time, the advice from Education Planning was that undertaking modest extensions to 3 existing classrooms and the dining hall, together with some external works to parking/servicing areas would allow for an increase in the school capacity to facilitate the development, together with the transfer a small area of the application site to the council to ensure the overall school site area meets the necessary space standards once the extensions were built.
- 5.3 The council's Education Planning Officer has now reviewed the Livingston Village Primary School roll and school roll forecasts for 2016/17. Taking into account current reductions in the school roll and the school roll forecasts going forward, he has determined that only the hall extension is required for the development of this site to proceed.
- 5.4 Whilst the extension to the 3 classrooms may be required should other development sites come forward, the development of this site for in the region of 29 houses (with some potential flexibility to increase that number at the detailed stage) is acceptable without it. If other development sites come forward education contributions towards any extensions necessary to support those developments would be sought from those developers.
- 5.5 Taking into account the above position, Education Services and Construction Services have also reviewed the overall school site size to determine the optimum solution for any future development of the school. In revisiting the feasibility plans for the site, officers have concluded that, even with the hall and classroom extensions, additional land will not be required from the applicant. The land requirement set out in June 2014 was based on a larger planned extension proposal, which will no longer be taken forward by Education Services, as this would not produce an optimum education solution for the school.

6 ASSESSMENT

- 6.1 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.
- 6.2 As set out in the original committee report, there is a general presumption in favour of new development within settlement envelopes, provided there is no adverse impact on adjacent uses and development will not exacerbate problems of infrastructure or traffic congestion.
- 6.3 The development of the site for housing will give rise to capacity issues for the catchment non-denominational primary school. School roll forecasts and feasibility work undertaken in 2014 indicated that modest extensions to school classrooms and an extension to the hall, together with the transfer of a small area of land from the application site to the council, were required to address the capacity issues.
- 6.4 Recent reviews of this information in 2016/17 have now shown that only the extension to the hall and associated works are required to allow the necessary increase in pupil capacity.

7 CONCLUSION AND RECOMMENDATION

- 7.1 The principle of residential development on this site is supported by the policies and provisions of the development plan and the Development Management Committee was minded to grant the application in June 2014, subject to a legal agreement covering specific heads of terms. Following the lapse in time since that decision was taken and the review of the education capacity that has been undertaken, amended heads of terms have now been produced to reflect the current education and SPG position.
- 7.2 It is recommended that committee agrees the amended heads of terms, as attached to this report, to allow the legal agreement to be amended and concluded prior to Planning Permission in Principle being issued for the development of the site.

8 ATTACHMENTS

- Committee Report of 4 June 2014 and draft heads of terms
- Amended Draft Heads of Terms

Craig McCorrison
Head of Planning, Economic Development and Regeneration

Date: 30 August 2017



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION AND LOCATION

Planning Permission in Principle for the erection of a 1.5 Ha residential development at the former Kirkton Business Centre, Kirk Lane, Livingston

2 DETAILS

Reference no.	0255/P/13	Owner of site	Grovebank Properties
Applicant	Grovebank Properties	Ward & local members	Livingston North R. De Bold A. McMillan A. Miller A. Moohan
Case officer	Wendy McCorriston	Contact details	Tel: 01506 282406 Email: wendy.mccorriston@westlothian.gov.uk

Reason for referral to Development Management Committee: Objection from Livingston Village Community Council

3 RECOMMENDATION

Grant planning permission in principle, subject to conditions and a legal agreement to secure developer contributions/land transfer

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 This application seeks planning permission in principle to develop the north and eastern parts of the vacant Kirkton Business Centre site for residential purposes. The site lies within the Livingston settlement boundary in the West Lothian Local Plan and within the catchment area for Livingston Village Primary School, which lies immediately west of the application site. There are existing houses to the north and east and Livingston Village Conservation Area is located immediately south. There are several mature trees along the south boundary; some individual trees within the site and hedging around the boundaries.
- 4.2 The application has been submitted with an indicative site layout showing 29 residential units, including an area for four affordable housing units, with vehicular access off Kirk Lane, on the west side of the site. The layout has been amended to address initial comments from Transportation and to include a footpath link into the site from the east, off Village Lane. The amended layout also shows the realignment of Kirk Lane on the west boundary of the site. This is to facilitate the transfer of an area of land from the

applicant to the council, to become part of the wider school site for Livingston Village Primary School. A tree survey has also been submitted with the application.

- 4.3 A similar planning application for residential development was submitted by the applicant in September 2012 (ref: 0709/P/12). At that time, when there was also a proposal for residential development on the Buchanan House site, there were significant capacity issues at the primary school which prevented either of the sites being supported by the council for housing. The applicant therefore withdrew the residential application at Kirkton Business Centre in February 2013. Since that time, a school consultation has been carried which resulted in the Buchanan House site being excluded from the Livingston Village Primary School catchment.
- 4.4 An application for permission in principle for the development of a nursing home on the remaining (southwest) part of the Kirkton Business Centre site was granted in January 2013 (ref: 0708/P/12).

5 PLANNING POLICY ASSESSMENT			
Plan	Policy	Assessment	Conform
SESplan	Policy 6 (Housing land flexibility)	<p>Each planning authority in the SESplan area is required to maintain a five year effective housing land supply at all times. The scale of this supply is to be derived from the housing requirements for each Local Development Plan area and identified through supplementary guidance.</p> <p>The application site is not specifically identified for housing development in the adopted local plan, but is white land within the settlement envelope where there is a general presumption in favour residential development.</p> <p>Granting permission in principle for housing development on this site, whilst not an allocated housing development site, allows for additional flexibility in the supply of housing land within this SESplan area.</p>	Yes
SESplan	Policy 9 (Infrastructure)	<p>The Strategic Development Plan identifies, through its Action Programme, infrastructure which is required to deliver the development of the Strategy. Local Development Plans are required to:</p> <ul style="list-style-type: none"> a. Safeguard land to accommodate the necessary infrastructure to deliver the Strategic Development Plan; b. Provide policy guidance that will require sufficient infrastructure to be available, or its provision to be committed, before development can proceed; and c. Pursue the delivery of infrastructure through developer contributions, funding from infrastructure providers or other appropriate means. <p>A school consultation was carried out in 2012/13 to exclude the Buchanan House site from the Livingston Village Primary School catchment. Recently a feasibility study has been undertaken by council officers to assess whether the school can be extended to accommodate children from this current proposal. Initial work shows that modest extensions to 3 existing classrooms and the dining hall, together with some external works to parking/servicing areas, will allow</p>	Yes

		<p>for an increase in the school capacity to facilitate this development. The applicant has agreed to enter into a legal agreement to fund this extension, together with the other current SPG developer contributions. The applicant has also agreed to transfer a small area of the application site to the council to ensure the overall school site area meets the necessary space standards once the extensions are built.</p> <p>Subject to the conclusion of a legal agreement in respect of the above developer contributions and land transfers for school and affordable housing land, there will no infrastructure constraints on the site.</p>	
West Lothian Local Plan (WLLP)	HOU2 (General guidance for housing development within settlement boundaries)	<p>Within settlement envelopes this policy establishes that there is a general presumption in favour of new development provided there is no adverse impact on adjacent uses and sites can be serviced without excessive resource commitment. Development in conservation areas must be of the highest quality and of a scale and design appropriate to their setting. Development will be resisted where it will exacerbate problems of infrastructure or traffic congestion.</p> <p>The site lies within the settlement boundary for Livingston. There will be no adverse impact on adjacent uses should the site be developed for residential purposes and significant benefits will arise from the redevelopment of what is a Brownfield site. With agreement on the necessary developer contributions/ and land transfers the site can be serviced without excessive resource commitment from the council.</p>	Yes
WLLP	HOU7 (Design and layout)	<p>This policy requires developers to incorporate the highest quality of design and layout within new housing developments, having regard to energy efficiency principles in proposing layouts, housing designs and use of materials, and should conform to the guidance provided in the <i>Residential Development Guide</i> (WLC) and the design principles set out in the policy.</p> <p>These matters can be covered by condition and assessed further at the detailed application stage.</p>	Yes
WLLP	HOU8 (Access and parking)	<p>To comply with this policy, new housing developments must be designed and laid out to help reduce vehicle speeds on local residential streets to 20 mph and include safe and direct footpath and cycle path routes to the existing footpath network.</p> <p>A key pedestrian link, running east to west through the site, is shown on the amended layout but generally these matters can be covered by condition and at a detailed application stage.</p>	Yes
WLLP	HOU9 (Residential and visual amenity)	<p>The proposals will allow for the demolition of a vacant office building and are likely to enhance residential amenity and lead to an improvement in visual amenity, though these matters will be assessed further at the detailed application stage.</p>	Yes

WLLP	HOU10 (Affordable and special needs housing)	The applicant has agreed to the requirement to transfer fully serviced land capable of delivering 15% of the total site capacity as affordable housing to the council (or other AH provider as appropriate) in line with policy requirements. This will be secured through a legal agreement.	Yes
WLLP	HER 19 (Conservation areas)	<p>This policy requires any development affecting a conservation area to preserve or enhance the character and appearance of the area.</p> <p>Although the site is not within the CA, indicative plans have been submitted to show that the scale, design and character of the proposed houses are intended to be in keeping with the character and design qualities of the area. The final design and layout will be assessed in terms of this policy at the detailed application stage.</p>	
WLLP	ENV11 (Woodlands and forestry)	Whilst it is likely that shrubs and some trees will need to be removed in the centre of the site, the trees on the southern boundary; woodland beyond the western boundary and perimeter hedging can be protected and the area enhanced through on site landscaping. This can be controlled through condition and at the detailed application stage.	Yes
WLLP	IMP2 (Denominational secondary school)	<p>All developers of housing sites will be required to contribute to the cost of providing additional education infrastructure in West Lothian for the denominational secondary sector. Housing developments which will exacerbate capacity problems at existing denominational secondary schools will be resisted.</p> <p>Developer contributions towards the denominational secondary school sector have been agreed to by the applicant and will be collected through a legal agreement.</p>	Yes
WLLP	IMP3 (Education constraints)	<p>Where appropriate in considering proposals for housing development, planning conditions and/or legal agreements will be required to:</p> <p>a) secure the provision of new schools or extensions, and associated community facilities, from developers where this is directly attributable to serving their proposed housing development; and/or</p> <p>b) phase development, to manage demand on school places.</p> <p>The approach to assessing education implications of proposed housing are set out in specific SPG.</p> <p>Where education constraints cannot be overcome there will be a presumption against housing development.</p> <p>As set out above, in relation to SESplan policy 9 (Infrastructure), the applicant has agreed to enter into a legal agreement to fund an extension at Livingston Village Primary School. The extension has been shown to be required to address the capacity issues directly attributable to the proposed development. The applicant has also agreed to transfer a small area of the application site to the council to ensure the overall school site area meets the necessary space standards once the extensions are built.</p>	Yes

		Subject to the conclusion of a legal agreement in respect of the existing SPG developer contributions and the school extension contribution, together with land transfer for school and affordable housing land, there will be no infrastructure constraints on the site in respect of the current small scale proposal.	
WLLP	IMP14 (Supplementary planning guidance)	This requires developers to have regard to the planning policies guidance (SPGs) referred to in the local plan. The applicant will be required to conclude a legal agreement in respect of developer contributions, in line with council SPG's. Matters of design will form part of the detailed application stage and assessed against SPG at that stage.	Yes

Other material considerations: Scottish Planning Policy (SPP) 2010; Supplementary Planning Guidance (SPG): *Planning for Education; Developer Contributions and Residential Development Guide*.

6 REPRESENTATIONS

- 6.1. Two letters of objection have been received from local residents and one general comment. Livingston Village Community Council has also objected to the application. The material issues are set out below. The full letters are attached to this report.
- 6.2 Twenty two standard format letters of support have also been submitted, one is from a Livingston resident though the majority are from people outside Livingston. A sample of these letters is attached. The reasons for support are on the basis of the proposal being economic development which has a community benefit; removal of a derelict building, ensuring the continued successful operation of the primary school and enhancing the viability of the approved nursing home.

Representation	Response
There are too many houses proposed for the site. This will cause capacity problems at Livingston Village Primary School, which is already full. Any expansion would need to use valuable areas of open space.	The indicative plan shows a low to medium density layout, which is in keeping with the spatial character of the area. A feasibility study has been undertaken by the council which examined various options for extensions/ alterations at the school building, including examining the current usage of rooms in the building for school, nursery and community use. The study shows that with a modest extension to classrooms and the dining hall and some external works to the parking/servicing areas, there will be adequate capacity to facilitate this development. This will not require the use of any of the main open space/pitch areas to the east of the school. The extension proposals will have to undergo standard Education consultation requirements and referral to Education Executive and therefore, if committee is minded to grant this Permission in Principle, it will need to be subject to these further requirements being concluded successfully.

Although keen to see the business centre site developed, the Community Council would wish to see the school proposals for addressing capacity issues before it fully removes its objection.	Consultation on the feasibility study has been commenced by Education officers but protocols require to be followed, as this is a separate procedure from the determination of this planning application. The Community Council will be given copies of the feasibility plans at the appropriate stage. The plans will need to be worked up into a final scheme and any necessary permission obtained. A planning officer will be attending the next meeting of the Community Council to outline the overall proposals for the area.
The mature trees on the site and in particular that identified as Tree 9 on the tree survey should be retained.	The submitted layout plans are indicative only. Whilst it is likely that some trees may have to be removed to facilitate development, the retention of those on the boundary, including Tree 9 can be made a condition of any permission.
The proposals could lead to traffic problems in the area, particularly parking congestion.	The proposals will remove a commercial building and its associated traffic and replace it with housing. Transportation is satisfied that the indicative layout shows there is adequate parking for the development and that it will not have a negative impact on the existing road network. A further assessment will be made at the detailed application stage.
The footpath from Village Lane in the east to Kirk Lane in the west should be retained.	The amended indicative plan shows that a link (though in a slightly different location) will be retained through the site. The exact route will be considered at the detailed application stage.
The office building is now becoming unsightly and the open site is encouraging anti-social behaviour. It should be demolished and secured as soon as possible.	The applicant has been made aware of the concerns and has already boarded up a number of windows and has been liaising directly with the local police to ensure the site remains in a safe and secure condition. The approval of permission in principle will be a positive step which will ensure funding can be put in place to demolish the building.

7 CONSULTATIONS

7.1 This is a summary of the consultations; the full documents are contained in the application file.

Consultee	Objection?	Comments	Planning Response
WLC Transportation	No	No objections subject to conditions requiring current parking standards to be met; a footway link onto Village Lane and a footway on the west side of Village Lane to connect the pedestrian crossing to the site. A footway connection from the site access on Kirk Lane southwards to the existing footway shall be provided and the footway on the west side of the diverted Kirk Lane shall be extended along the south side of Kirkton North Road to tie in	Noted. The parking, access and footpath requirements can be made conditions of consent. The payment for the stopping up order can be covered in the legal agreement or by a note to the developer.

		with the existing footway at the pedestrian crossing. The developer shall pay the cost of the stopping up order of Kirk Lane.	
WLC Education	No	No objections, subject to developer contributions being paid for the Denominational Secondary School (in line with SPG rates) and for the necessary extension to Livingston Village Primary School. Land will require to be transferred to the council to ensure the school site area is to required standards once the extensions are undertaken. Any reference to project costs should be noted as indicative with actual costs being determined through tender procurement. The detail of land transfer should be finalised through the legal agreement process. This is suggested as part of the land that would come to the school is actually within council ownership as adopted roadway and the respective land parcels to transfer need appropriate identification in a legal property sense for land conveyance purposes. There should be a limit placed on the number of residential units to 29, as per the indicative layout, unless otherwise agreed with the planning authority.	Noted, these can be made conditions of any consent and covered through the necessary legal agreement.
SEPA	No	SEPA has no objections to the proposal, subject to meeting standard requirements for small scale residential development.	Noted.
Scottish Water	No	No objections, subject to standard requirements for obtaining the necessary connections.	Noted.
WLC Housing	No	No objections, subject to the transfer of land in line with SPG requirements for Affordable Housing.	Noted, this will form part of the legal agreement requirements.

8	ASSESSMENT
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- 8.1 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.

Development Plan

Edinburgh and the Lothians Structure Plan and West Lothian Local Plan

- 8.2 The application has been assessed in terms of the development plan policies set out in Section 5 above and the comments and concerns raised by the community council and the other representations.
- 8.3 Within the settlement envelope there is a general presumption in favour of new development, provided there is no adverse impact on adjacent uses and development will not exacerbate problems of infrastructure or traffic congestion. Redevelopment of this site is to be particularly welcomed as the existing building and associated land is falling into disrepair and becoming unsightly.
- 8.4 Technical issues, such as vehicular access, pedestrian routes, density and landscaping have been assessed and comply with the necessary standards. There will be no adverse impact on adjacent uses should the site be developed for residential purposes and significant benefits will arise from the redevelopment of the Brownfield site.
- 8.5 As set out in Section 5, the development of this site for housing will give rise to capacity problems for the catchment non-denominational school. Feasibility work has been carried out which has determined that modest extensions to the school (together with the transfer of a small area of land from the application site to the council) can be undertaken which will allow the necessary increase in pupil capacity, whilst ensuring there will be no detriment to the overall operation of the school. Should committee members be minded to grant this application, the school proposals will need to be drawn up in more detail and the necessary Education procedures undertaken and approvals sought by Education Services.

9	CONCLUSION AND RECOMMENDATION
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- 9.1 The principle of residential development on this site is supported by the policies and provisions of the development plan. The redevelopment of the site will bring significant improvements to the visual and general amenity of the area. Conditions can be imposed to protect existing trees and ensure the scale, appearance and layout of the final development is in keeping with the character of the area.
- 9.2 It is recommended that Permission in Principle be granted, subject to:
- (i) the successful conclusion of the necessary procedures by Education Services to obtain agreement to proceed with the school extensions and to establish the land required for transfer to the council and;
 - (ii) the applicant entering into a legal agreement to secure the necessary developer contributions and land transfers, as set out in the attached Draft Heads of Terms.

10 ATTACHMENTS

- Draft conditions
- Draft Heads of Terms
- Location plan
- Indicative Layout Plan (as amended)
- Letters of objection
- Sample of letters of Support

A handwritten signature in black ink that reads "Chris Norman". The signature is written in a cursive style with a large initial 'C'.

CHRIS NORMAN
Development Management Manager

Date: 4 June 2014

DRAFT CONDITIONS - APPLICATION 0255/P/13

1 MATTERS FOR APPROVAL

No development granted under the terms of this planning permission in principle shall commence until plans and particulars of the under-noted 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.

Application for approval of any such matters (approval of matters specified in a condition or "MSC application") shall be made in accordance with the additional provisions and requirements of the further conditions set out in this permission in principle.

Matters for Approval:

- a) Existing and proposed buildings, roads, footpaths, including safe routes to school, cycle routes, pedestrian and cycle crossings, car and cycle parking, classification of streets, servicing areas, including bin storage and recycling facilities, bus stops and shelters, walls/fences/boundary enclosures.
- b) Plans, sections and elevations of all buildings indicating the type and colour of all external materials.
- c) Hard and soft landscaping details including the location of all trees to be retained and proposed new trees, hedges and shrubs; a schedule of plants to comprise species, plant size and proposed number/density; a programme of implementation and subsequent maintenance.
- d) Existing and proposed ground levels and proposed finished floor levels.
- e) Surface water and drainage arrangements.
- f) Site investigation and mitigation arrangements, where appropriate.
- g) Other artifacts and structures such as street furniture, including lighting columns and fittings.

Reason To enable the council as planning authority to assess those details which have yet to be submitted.

2 In the submission of the plans and particulars for the matters required in terms of condition 1 the following transportation requirements shall be adhered to :

- (i) Car Parking standards require 3 bedroom or less properties to have 1 space; 4 or more bedrooms to have 2 spaces. There is an overall requirement for 50% visitor spaces, which should be evenly spread throughout the development.
- (ii) There shall be a footway link out onto Village Lane and a footway on the west side of Village Lane shall be provided to connect the pedestrian crossing to the development.
- (iii) A footway connection from the site access on Kirk Lane southwards to the existing footway shall be provided and the footway on the west side of the diverted Kirk Lane shall be extended along the south side of Kirkton North Road to tie in with the existing footway at the pedestrian crossing.

Reason To ensure the most appropriate access solution is implemented, in the interests of road safety.

3 In the submission of the plans and particulars for the matters required in terms of condition 1 the following additional requirements shall be adhered to :

(i) Unless specifically agreed with the planning authority trees no 9 and 10 (as denoted on the submitted tree survey) on the southern boundary of the site and, where possible, other individual trees noted as in good condition shall be retained as part of the development layout.

(ii) The perimeter hedging on the north and east boundaries of the site shall be retained and enhanced as appropriate as part of the overall landscape proposals.

Reason *To protect and enhance the existing landscaping, in the interests of the visual and environmental amenity of the area.*

DRAFT HEADS OF TERMS: Application ref: 0255/P/13, KIRKTON BUSINESS CENTRE

- Transfer of land – at nil cost to the council – for the delivery of 15% of the units as Affordable Housing , in line with SPG
- Denominational Secondary contribution at £1,983 per unit (including AH units), index linked to 1st quarter 2010 in line with SPG
- Cemetery contribution at £35 per unit (index linked) as per SPG
- Public Art contribution at £110 per unit (index linked, but not payable on AH units) as per SPG
- Play area provision on site or commuted sum (£1,000 - £1,600 per unit depending on numbers of bedrooms) as per SPG
- Payment of full and final amount for the construction/delivery of the extensions to Livingston Village Primary School, based on the feasibility study, dated Feb 2014
- Payment of cost of feasibility, approx. £2,000 (final cost awaited)
- Transfer of land – at nil cost to the council - for incorporation in the wider school site for LV PS (based on drawing 1734:00:002 – submitted by email on 9 July 2013). Final land area and land transfer requirements to be agreed.



0255/P/13



0255/P/13

An architectural elevation drawing of a row of four houses. The houses are constructed with a mix of yellow and red brickwork. The central section features a large garage with a green door and a small entrance with a red door. The houses have multiple windows with green frames and red lintels. The roof is dark grey. To the right of the houses is a large, full green tree. The background is a solid light blue sky. The foreground shows a grey ground surface and a white fence line.

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AMENDED DRAFT HEADS OF TERMS: Application ref: 0255/P/13, KIRKTON
BUSINESS CENTRE – August 2017

- Transfer of land – at nil cost to the council – for the delivery of 15% of the units as Affordable Housing, in line with SPG
- Denominational Secondary School contribution at £1,983 per unit (including AH units), index linked, in line with SPG
- Cemetery contribution at £35 per unit, index linked, in line with SPG
- Public Art contribution at £110 per unit (index linked, but not payable on AH units) in line with SPG
- Play area provision on site or commuted sum (£300 - £1,800 per unit depending on number of bedrooms) index linked, in line with SPG
- Payment of full and final amount for the construction/delivery of the extension to Livingston Village Primary School, based on the updated feasibility studies 2016/17
- Payment of cost of feasibility studies of £1,500.



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development & Regeneration

1 DESCRIPTION AND LOCATION

- 1.1 Formation of access road and plot layout to serve 58 houses on land at Woodmuir Road, Breich

2 DETAILS

Reference no.	0203/FUL/15	Owner of site	Mr D Tod
Applicant	Mr & Mrs Tod Woodmuir Park Ltd	Ward & local members	Fauldhouse and the Breich Valley Pauline Clark David Dodds Cathy Muldoon
Case officer	Mahlon Fautua	Contact details	01506 282426 mahlon.fautua@westlothian.gov.uk

Reason for referral to committee: Referred by Councillor Clark.

3 RECOMMENDATION

- 3.1 Grant planning permission subject to conditions and the securing of the relevant developer contributions.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 Planning permission is sought for the formation of an access road and plot layout to serve 58 houses on land at Woodmuir Road, Breich. The application site is 4.046 hectares in area and is an open field on the eastern side of Woodmuir Road to the south of the existing Breich settlement. The site is also bounded on the eastern boundary by Woodmuir Primary School and the Woodmuir Burn on the southern boundary.
- 4.2 The proposed layout includes two new junctions on Woodmuir Road with a looping road with visitor parking. The first junction is approximately 50m south along Woodmuir Road from Blinkbonny Gardens. The proposed plots are of a similar size. There is a central green space and a pedestrian link to the existing footpath on the north-eastern corner of the site.
- 4.3 The proposed layout has been amended from what was initially submitted, in particular 12 low-cost community houses have been removed. This was the only part of the layout that had a detailed proposal. Additionally, there were some amendments made in

response to comments from WLC Roads and Transportation. The layout plan as initially submitted was similar to a previous application that was refused.

- 4.4 The developer contributions associated with the proposed development have only recently been agreed with the applicant.

Continuation

- 4.5 This application was reported to the Development Management Committee on the 14th June 2017 and the committee decided to continue the application for three cycles to allow officers to have a dialogue with the applicant with regards to:
- a) Road safety matters including site access and parking arrangements for construction traffic;
 - b) To consider whether there was a need for alterations to the junction of Woodmuir Road and the A71;
 - c) The requirement for a bird survey;
 - d) The preparation of draft conditions which took into consideration the requirement for phasing of the development, control of construction vehicles/traffic and hours of construction and archaeology works prior to any start on site.
- 4.6 The applicant has met with officers in order to address the above requirements. As a result of those meetings the applicant has submitted an updated site plan with parking for construction traffic, an indicative layout of the junction of A71/Woodmuir Road and a breeding bird survey.
- 4.7 In order to address point d, the recommended conditions of consent attached to this report have been updated.
- 4.8 The following assessment takes into account the above.

Planning History

- 4.9 0845/PAC/14 - Proposal of application notice for the formation of access road and plot layout to serve 55 houses and erection of 12 houses with communal facility. This was pre-application consultation for the current application.
- 4.10 0123/FUL/09 - Formation of access road and plot layout to serve 55 houses and erection of 12 houses with communal facility. Refused 26 March 2014. Refusal was based on insufficient information to assess the proposal to ensure that a satisfactory residential environment could be achieved.

5 REPRESENTATIONS

- 5.1 The application was subject of statutory publicity in April 2015 and four (4) letters of representations were received. Three (3) were objections and one (1) was neither objecting nor supporting the application.

5.2 The representations are summarised below. The full representations are attached to this report.

Comments	Response
Woodmuir Road is not capable of accommodating the significant influx of vehicle.	Noted. WLC Roads and Transportation do not raise any concerns about the surrounding road network and capacity.
There were significant problems with the self-build development in Blinkbonny Gardens	Noted. However not material to the determination of this application.
The time-scale for delivery of 3-4 years is optimistic	Noted. However not material to the determination of this application.
Brieich does not require any more social housing	Noted. The affordable housing component of the proposed development has been removed from the application
Loss of privacy and daylight	Noted. However, the proposal is for a road and plot layout, therefore no privacy and daylight concerns are known at this stage.
Loss of wildlife	Noted. No evidence has been provided nor warranted, given the site is an open field.
Very close to old mine that could cause ground collapse	Noted. The site is not located within a high-risk area in terms of coal mining,
Failure to notify all interested parties	Noted. Nonetheless, it is considered that the statutory notification and pre-application consultation satisfies the relevant
Breach of Green Belt policy	Noted. Assessed further below, however the site is allocated for housing.
No retail and very limited rail and bus services	Noted.
Many developments in West Lothian remain unfinished	Noted. However not material to the determination of this application.

Other Comments	Response
A condition should be attached to any permission that access to the neighbouring properties at Woodmuir Farm and Woodmuir House will be maintained at all times.	Noted. Any closures on an adopted road require permission from Council's Operational Services and beyond the proposal considered in this application. However some parts of the Woodmuir

	Road adjacent to the site are a private road. Therefore this would be a private matter between the developer and these properties.
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6 CONSULTATIONS

6.1 The consultations are summarised below. The full consultations are contained in the application file.

Consultee	Objection	Comments	Planning Response
WLC Roads & Transportation	No	Have no objection to the original proposal and don't consider there is a requirement to upgrade the A71/Woodmuir Road junction. However, the applicant has now proposed a junction upgrade to improve visibility onto the A71 and this is acceptable in principle.	Noted. If permission is granted, then a condition should be attached for a detailed drawing of the junction to be submitted and approved prior to works starting. Any junction should be in place prior to works starting on the first phase of housing.
WLC Education Planning	No	No educational capacity concerns subject to the necessary developer contributions.	Noted. Should permission be granted, then the relevant contributions should be secured prior to the development being occupied.
WLC Flood Prevention Officer	No	None	Noted.
SEPA	No	Conditions recommended requiring development to be carried out in accordance with the Flood Risk Assessment submitted with the application. Furthermore if permission is granted, then a condition should be attached for meeting the requirements of the SUDS manual.	Noted. If permission is granted, then a condition should be attached requiring flooding and drainage compliance.
WLC Contaminated Land Officer	No	A land contamination site investigation report is required.	Noted. If permission is granted, then a condition should be attached for this to be submitted and approved prior to works starting.

Consultee	Objection	Comments	Planning Response
WLC Open Space	No	An open space contribution will be directed to upgrading the existing play park in Woodmuir Place.	Noted. Should permission be granted, the relevant contributions should be secured prior to the development being occupied.
WLC Housing Strategy & Development	No	Taking into account the location of the development and likely demand levels, the developer could provide the affordable housing obligation via a commuted sum rather than via serviced plots.	Noted. Should permission be granted, the relevant commuted sum should be secured prior to the development being occupied.
WLC Property Management & Development Unit	N/A	The affordable housing density is 12 units/acre, which in this case is an equivalent site area of 0.73 acres (0.30 Ha.).	Noted. Assessed further below.
West of Scotland Archaeology Service	No	Recommends a condition requiring a implementation of archaeological works prior to works starting on site	Noted. If permission is granted, then a condition should be attached to this effect.

7 PLANNING POLICY ASSESSMENT

- 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 the Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the West Lothian Local Plan (WLLP).
- 7.3 The West Lothian Local Development Plan - Proposed Plan (LDP) is currently with Scottish Ministers for examination and is also a material consideration.

Plan	Policy	Assessment	Conform
West Lothian Local Plan	ENV 1 to ENV 6 - Local Biodiversity Action Plan	<p>The site is not subject to any designations in relation to nature conservation.</p> <p>The applicant has submitted a breeding bird survey and concluded that no schedule 1 species or breeding birds were recorded within the site.</p>	Yes
West Lothian Local Plan	<p>HOU1 - Housing Allocation</p> <p>The sites listed in Appendix 6.1, and shown on the proposals map, are identified as housing sites which contribute to</p>	The site is allocated for housing Ref: HBc 6 – Woodmuir Road east with an estimated capacity of 120 units.	Yes

Plan	Policy	Assessment	Conform
	meeting the housing requirements over the local plan period, and the longer term.		
West Lothian Local Plan	<p>HOU5 - Open Space Provision</p> <p>Developers shall provide recreational and amenity open space in accordance with the council's Residential Development Guide.</p>	<p>Apart from garden ground provision, the RDG also identifies active and passive open space.</p> <p>The proposed development includes a central open space. As no detail of any formal play or equipped play areas are provided, this is considered to be passive open space.</p>	Yes, subject to securing the relevant planning obligations
West Lothian Local Plan	<p>HOU7 - Housing Design</p> <p>The council will require developers to incorporate the highest quality of design and layout within new housing developments. Developers shall have regard to energy efficiency principles in proposing layouts, housing designs and use of materials, and should conform to the guidance provided in the Residential Development Guide (WLC) and where appropriate, to the design principles set out in paragraph 7.49. The council will also seek compliance with the requirements of SPP 6: Renewable Energy and the relevant Building Standards.</p>	<p>The proposal is for a self-build plot development with a road and plot layout only.</p> <p>The applicant has submitted a draft design brief that largely conforms to the Residential Development Guide and is considered to be acceptable for residential development on the site.</p> <p>The full draft design brief is contained in the application file.</p> <p>Should permission be granted then a condition is recommended that the draft design brief is updated and submitted for approval prior to any work commencing on site.</p>	Yes
West Lothian Local Plan	<p>HOU8 - Access and Parking Requirements</p> <p>New housing developments must be designed and laid out to help reduce vehicle speeds on local residential streets (up to and including general access roads) to 20 mph and include safe and direct footpath and cyclepath routes to the existing footpath network. New footpath and cyclepath routes must be in place prior to the occupation of houses which they serve.</p>	<p>The proposed road layout would help reduce speeds given the relatively short length of straight road within the development.</p> <p>Additionally, suitable speed control measures can be installed throughout the development.</p> <p>There is a direct link to the existing path network proposed from the north east corner of the site.</p> <p>Should permission be granted then a condition is recommended that the finalised road layout is submitted for</p>	Yes

Plan	Policy	Assessment	Conform
		approval prior to any work commencing on site.	
West Lothian Local Plan	<p>HOU9 - Residential and Visual Amenity</p> <p>Development proposals will be assessed against the need to protect the residential and visual amenity of existing residents and other occupiers. Developments shown to adversely impact on amenity to a significant degree will not be supported.</p>	<p>No detailed designs of any buildings have been submitted with this application.</p> <p>The site is allocated for residential development, therefore there is an expectation that houses would be built on this field.</p> <p>An assessment of the residential and visual amenity should be carried out with any detailed application. Compliance with an acceptable design brief such as that submitted with the application will ensure that any adverse impact on amenity will be minimal.</p>	N/A (Plot layout only)
West Lothian Local Plan	<p>HOU10 - Affordable Housing Provision</p> <p>Developers of residential development sites will be required to transfer fully serviced land capable of delivering 15% of the total site capacity (in terms of the number of units authorised by a planning permission) as affordable housing to: the local authority; a Registered Social Landlord (RSL); or a social housing provider, to be nominated or otherwise agreed by the council. For sites where there are sound reasons for not transferring part of the development site, at the discretion of the council, one of the alternative forms of affordable housing contribution as explained in SPG may be agreed. The provision of commuted sums will automatically apply on all sites with a capacity of less than 20 houses. In addition to the 15% contribution for socially rented housing, developments within E&LSP CDAs will be expected to make an additional affordable housing contribution equating to</p>	<p>Taking into account the advice from WLC Housing Strategy, it is considered that the location of the development and likely demand levels, the affordable housing obligation should be provided via a commuted sum rather than via serviced plots. Breich is a lower demand area for affordable housing.</p> <p>See section 8 below</p>	Yes, subject to securing the relevant planning obligations

Plan	Policy	Assessment	Conform
	10% fully complete affordable houses (in accordance with Planning Advice Note Affordable Housing (PAN 74), the developer would make the same effective level of contribution had it been provided in the form of serviced land - but the developer is not precluded from offering a higher percentage in any individual development). These units can be entry level houses for sale by the developer (housing without subsidy), shared equity houses or any other form of provision conforming to the categories of affordable housing identified in PAN74 Affordable Housing. The exemptions to the above required levels of contribution are detailed in the relevant SPG. All affordable housing contributions shall be secured by Section 75 Agreements or Section 69 Agreements.		
West Lothian Local Plan	TRAN 7 - Pedestrians and cyclists Encourages walking and cycling through the provision of safe and attractive pedestrian facilities.	There is a direct link to the existing path network proposed from the north east corner of the site. The provision of this link will ensure suitable walking and cycling provision to the other parks of Breich including the adjacent Woodmuir Primary School.	Yes
West Lothian Local Plan	IMP 3 – Education	The proposal does not raise any educational capacity concerns. Nonetheless, developer contributions would be necessary to be secured for each unit in line with SPG. Contributions would be necessary for: <ul style="list-style-type: none"> • RC Secondary • West Calder High School (ND Secondary School) 	Yes, subject to securing the relevant planning obligations
West Lothian Local Plan	IMP6 - Sustainable Urban Drainage Systems Development must comply with current best practice on sustainable urban drainage practices to the satisfaction	The applicant has submitted a drainage impact assessment (DIA). Two stages of attenuation are recommended to consider the impact of surface water flows from the development in the DIA are as follows;	Yes

Plan	Policy	Assessment	Conform
	of the council, SW and SEPA. A drainage strategy, as set out in Planning Advice Note 61 Planning and Sustainable Urban Drainage Systems (PAN 61), shall be submitted with planning applications where required and must include treatment and flow submitted with planning applications where required and must include treatment and flow attenuation measures, and details for the long-term maintenance of any necessary features.	<ul style="list-style-type: none"> - swale trench at the south side of the development - Increasing the size of existing SUDS pond to the south-west of the site. <p>WLC Flood Risk Management has reviewed the proposal and the DIA and does not object to the proposal.</p>	
West Lothian Local Plan	<p>IMP7 - Flooding</p> <p>Where flooding is considered to be a risk, developers will be required to support their planning application with a Flood Risk Assessment complying with Annex B of the Scottish Environment Protection Agency Policy No.4 A SEPA Planning Authority Protocol.</p>	<p>The applicant has submitted a flood risk assessment (FRA).</p> <p>SEPA has reviewed the proposal and the FRA and does not object to the proposal subject to:</p> <ul style="list-style-type: none"> • No development or landraising occurs within the 1 in 200 year floodplain as shown on figure 4 of the FRA (dated 16th November 2011); and • Finished floor levels of 600mm above the estimated 1 in 200 year flood levels shown in table 4 of the FRA (dated 16th November 2011). 	Yes
West Lothian Local Plan	<p>IMP 14 – Supplementary Planning Guidance (SPG)</p> <p>Residential Development Guide (RDG)</p>	<p>The applicant has submitted a draft design brief that largely conforms to the RDG and therefore the SPG has been satisfactorily complied with.</p>	Yes
West Lothian Local Plan	<p>IMP15 - Design Considerations</p> <p>The council will:</p>	<p>The applicant has submitted a draft design brief that largely conforms to the Residential Development Guide and is acceptable on design grounds.</p>	Yes

Plan	Policy	Assessment	Conform
	<p>a) through the development control process, ensure that high standards of design are achieved;</p> <p>b) identify design requirements in planning briefs, outline planning permissions and through the preparation of supplementary planning guidance; and</p> <p>c) where appropriate, require developers to produce masterplans, design statements and design guides.</p> <p>Development proposals which are poorly designed will not be supported.</p>	<p>Should permission be granted then a condition is recommended that the draft design brief is updated and submitted for approval prior to any work commencing on site.</p>	
West Lothian Local Plan	<p>IMP17 - Planning Agreements</p> <p>Where appropriate, planning agreements between developers/ landowners and the council must be in place to secure key infrastructure, facilities and amenities and/or regulate the use of land or buildings before planning permission is granted. In all cases, contributions from developers will be sought in accordance with SODD Circular 12/1996 Planning Agreements.</p>	<p>It is recommended that the relevant planning obligations are secured through a legal agreement in accordance with section 75.</p> <p>The heads of terms are attached to this report.</p>	Yes

8 ASSESSMENT

- 8.1 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.
- 8.2 The development plan comprises the Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the West Lothian Local Plan (WLLP).
- 8.3 The proposed development has been assessed and is considered to be in accordance with the relevant policies of the Development Plan.

Other Material Considerations

Affordable Housing Commuted Sum

- 8.4 The Council's Affordable Housing Policy requires that commuted sums should equate to the value of "an equivalent area of fully serviced residential development land, within the same settlement as the original housing application". It specifically relates to the development site's "capacity" rather than its acreage. In this instance, the site capacity is 58 units. The required affordable housing contribution is 15% of that capacity, namely 8.70 units.
- 8.5 In terms of the policy, it seeks a theoretical residential site (fully serviced and consented) within the same settlement area (Breich) that's capable of accommodating 8.70 affordable housing units. The affordable housing density is 12 units/acre, which in this case is an equivalent site area of 0.73 acres (0.30 Ha.). A value in accordance with the equivalent site area must be secured prior to the occupation of the development.

9 SUMMARY AND CONCLUSIONS

- 9.1 The application site is currently allocated for residential development and therefore the proposed plot and road layout is acceptable in principle.
- 9.2 The applicant has submitted a draft design brief that largely conforms to the Supplementary Planning Guidance "Residential Development Guide". It is considered that the requirements of the SPG have largely been satisfied given the above assessment.
- 9.3 Taking into account the above the proposed development is acceptable and satisfies West Lothian Local policies HOU 1 (Housing Allocation), HOU 5, HOU 7, HOU 8, HOU 10, TRAN 7, IMP 3, IMP 6, IMP 7, IMP 14 (SPG: RDG) and IMP 15 (Design Considerations).
- 9.4 It is therefore recommended that planning permission is granted subject to conditions and the securing of the relevant developer contributions.

10 ATTACHMENTS

- Draft heads of terms
- Draft conditions
- Aerial photograph
- OS Map
- Proposed layout
- Indicative Junction Layout – Woodmuir Road and A71
- Indicative Phasing plan
- Breeding Bird Survey
- Representations
- Local member referral request

Craig McCorriston

Head of Planning, Economic Development & Regeneration

Date: 30 August 2017

DRAFT HEADS OF TERMS

It is recommended that a legal agreement is entered into to secure the following planning obligations:

Education Contributions Denominational Secondary	<p>£1,983 per residential unit. This is in line with para 12.17 policy IMP2 of the WLLP and the issuance of the SPG “Developer contributions to the provision of a new denominational secondary” PP&R Committee May 2005 which was subsequently updated on 29th of June 2010 by Council Executive. This payment to be index to the RICS Building Cost Information Service Tender Price Index with the 1st quarter of 2010 forming the base date. (754200-94136)</p> <p>Information updated 1/10/14 MB</p>
ND School Infrastructure for Livingston and Almond CDA	<p>To support the development strategy of the Edinburgh and Lothians Structure Plan 2015 (E&LSP) and the West Lothian Local Plan (WLLP)(as adopted 13 January 2009), the Council Executive has approved in principle the collection of moneys towards the provision of a new Non Denominational Secondary school. Contributions of £6,633 per residential unit are being requested from all developers with applications within the West Calder High School catchment (contributions are to be indexed linked to the RICS Building Cost Information Service Tender Price Index using 1st quarter 2012 as the base date). (754200-94220)</p> <p>Information updated 1/10/14 MB</p>
Affordable Housing Contributions	<p>SPG approved on 20 June 2006 applies to all residential development of 5 or more houses or flats.</p> <p>Four forms of private sector contributions will be acceptable</p> <ol style="list-style-type: none"> 1) The transfer of fully serviced land capable of accommodating affordable housing equivalent to 15% of the total site capacity to a Registered Social Landlord or social housing provider agreed with Council. 2) Off site Provision within the same settlement. 3) Off site provision elsewhere in West Lothian 4) A commuted sum equivalent to the difference between the open market value and the value for affordable housing of an equivalent area of fully serviced residential development land within the same settlement as the original housing application. <p>NOTE</p> <p>In the case of sites of less than 20 units, 15% of the value of the site for housing must be provided to the council in the form of commuted sums.</p> <p>754200-94101</p> <p>Information updated 1/10/14 MB</p>

	On April 2016, the commuted sum was valued at £297,000
Public Art Contributions	<p>Housing developments: For housing sites 10-49 units - £110 per unit For housing sites 50 units or more - £190 per unit</p> <p>In all cases actual contributions should be indexed to changes indicated in the Building Tender Price Index using first quarter 2006 as the base date. The requirements in Core Development Areas (CDAs) should be negotiated with the above standards as a guide.</p> <p>This is as per supplementary guidance approved on 20 June 2006 and amended on the 21 November 2006 and reviewed 10th January 2012.</p> <p>754200-94110 This information updated 1/10/14 by MB</p>
Play Area	<p>Play area contributions for housing</p> <p>One bedroom - £300 per unit Two or three bedrooms - £1,500 per unit Four or more bedrooms - £1,800 per unit</p> <p>Indexed to the Building Tender Price Index using third quarter of 2012 as the base date.</p> <p>754200 94115 Information updated 1/10/14 MB</p>
Cemetery Provision	<p>An updated SPG was approved on 19 May 2009. Developers are required to make contributions towards new cemetery provision in West Lothian. A contribution of £35 per house/flat is required - indexation to RICS 1st Qtr 2006</p> <p>754200-94108 Information updated MB 1/10/14</p>

DRAFT CONDITIONS - APPLICATION 0203/FUL/15

- 1 No development shall begin until an updated design brief has been submitted and approved by the planning authority.

Any development shall be implemented in accordance with the details that are approved.

Reason *To control any development coming forwarded on a site by site basis.*

- 2 No development shall begin until an updated residential phasing plan has been submitted and approved by the planning authority.

The phasing of the development shall be implemented in accordance with the details that are approved. A phase, as approved, must be completed to the reasonable satisfaction of the planning authority before the next phase commences.

Reason *To control any development coming forwarded sporadically.*

- 3 No development shall begin until the detailed design of the junction upgrade at A71/Woodmuir Road has been submitted to and approved by the planning authority.

The upgrade of the junction shall be implemented in accordance with the details that are approved and operational prior to construction commencing on any residential unit.

Reason: *To ensure appropriate measures to accommodate the proposed traffic on the A71*

- 4 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority.

Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: *To determine the character and extent of any archaeological remains within the proposed development area,*

- 5 The development shall not begin until an updated drainage impact assessment has been submitted to and approved in writing by the planning authority. The assessment shall address issues of foul, surface and ground water, including land drainage and identify the issues affecting the site pre-development and outline the strategy post-development. The assessment shall comply with the following requirements:

Surface water from the development shall be treated and attenuated by a sustainable drainage system (SUDS) in accordance with the principles contained in The SUDS Manual (CIRIA C753). The treatment shall meet the requirements of the Scottish Environment Protection Agency (SEPA). The critical post-development flow shall be attenuated to meet greenfield run-off characteristics.

Thereafter the details as approved shall be implemented prior to the development being occupied.

Reason: *To minimise the cumulative effects of surface water and diffuse pollution on the water environment.*

- 6 No development shall begin until a detailed road layout has been submitted and approved by the planning authority. The detailed layout shall but not limited to, include finished levels, visitor parking demarcation and surface materials.

The development shall be implemented in accordance with the details that are approved.

Reason *To ensure an acceptable road environment.*

- 7 No development or landraising shall take place within the 1 in 200 year floodplain as shown on figure 4 of the Flood Risk Assessment prepared by Kaya Consulting (ref: KC483/Breich) dated 16th November 2011.

Reason: *To minimise the risk from flooding*

- 8 Finished floor levels of any properties shall be set at least 600mm above the estimated 1 in 200 year flood levels shown in table 4 of the Flood Risk Assessment prepared by Kaya Consulting (ref: KC483/Breich) dated 16th November 2011.

Reason *To minimise the risk from flooding*

- 9 Prior to development commencing on site, the details of landscaping including soft and hard surfaces shall be submitted to and approved in writing by the planning authority. It shall include details of plant species, sizes, planting distances, methods of protection and, notwithstanding the details on the approved drawings, details of all paving/hard surfacing and means of enclosure. It shall comply with BS 3936-1 Nursery stock - Part 1: Specification for trees and shrubs and BS 4428 - Code of practice for general landscape operations (excluding hard surfaces).

Thereafter the landscaping as approved shall be implemented in the first planting season following the construction of the road infrastructure of each phase of the development or completion of the development, whichever is sooner.

The landscaping as approved shall thereafter be maintained to the entire satisfaction of the planning authority. Maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the landscaping.

Reason: *To enable full consideration to be given to those details which have yet to be submitted, in the interests of visual and environmental amenity.*

- 10 No works shall start on site until a plan showing all areas proposed to be outwith private feus and details of the body who will be responsible for the maintenance of these areas has been submitted to and approved in writing by the planning authority. These details shall be accompanied by an appropriate maintenance agreement and schedule of maintenance works. The maintenance agreement must be legally binding.

Reason To enable full consideration to be given to those details which have yet to be submitted, in the interests of visual and environmental amenity.

- 11 No works shall start on site until details of the design of the gates, fences, walls and other boundary markers have been submitted to and approved in writing by the planning authority.

The development shall be implemented in accordance with the details that are approved.

Reason In the interests of visual and environmental amenity.

- 12 No house within any phase of the development shall be occupied until all roads, footways, footpaths and visitor parking within that phase have been constructed and lit to the adoptable standard of the Council as roads authority.

Reason To ensure that the development is accessible and has the appropriate provision of roadway.

- 13 The following restrictions shall apply to the construction of the development:

Hours of Operation

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 0800 and 1800 Monday to Friday and 0800 and 1300 on a Saturday and at no time on a Sunday, unless otherwise agreed in writing with the planning authority.

Site Compound

The location and dimensions of any site compound shall be agreed in writing with the planning authority prior to works starting on site.

Waste

Effective facilities for the storage of refuse, building debris and packaging shall be provided on site. These shall be agreed in writing with the planning authority prior to works starting 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. All waste material including rubble arising from the construction works hereby approved shall be deposited in a waste disposal site or recycling facility licensed for that purpose by the Scottish Environment Protection Agency.

Wheel Cleaning

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.

Air Quality

There shall be no burning of any material on the site.

Dust

Measures to control the generation and release of nuisance dust shall be implemented. These shall be agreed in writing with the planning authority prior to works starting on site.

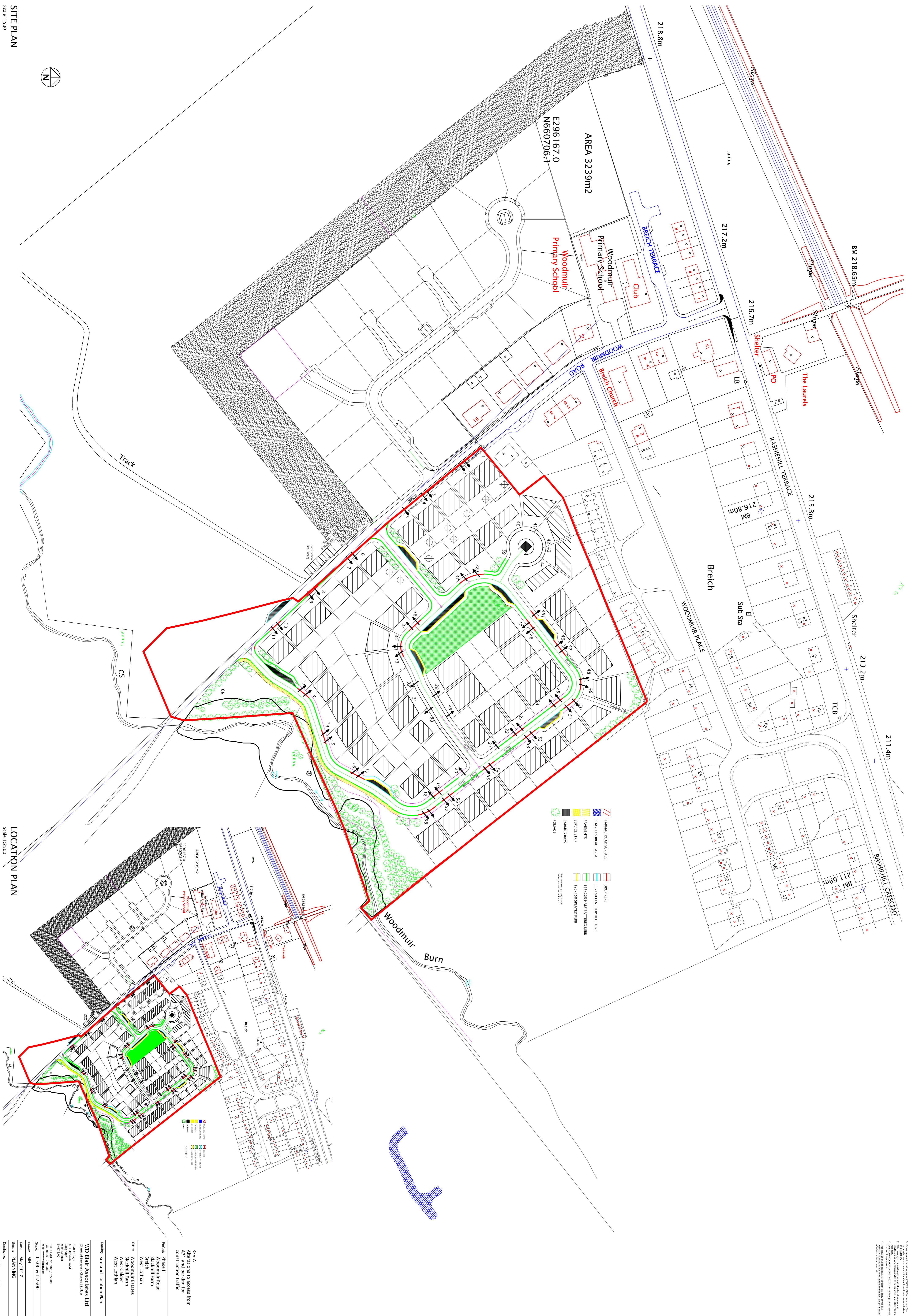
Vibration

Where piling or other significant vibration sources are likely during construction that may be perceptible in other premises, measures shall be implemented to monitor the degree of vibration created and to demonstrate best practice. These shall be agreed in writing with the planning authority prior to works starting on site.

Reason *In the interests of visual and environmental amenity.*

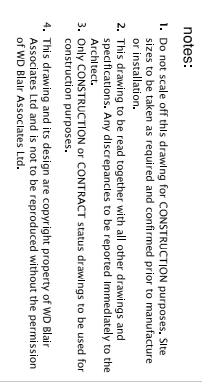






INSTRUCTIONS:

1. Do not scale all files drawing for CONSTRUCTION purposes. The files to be drawn as required and confirmed prior to manufacture.
2. This drawing to be used together with all other drawings and specifications. Any discrepancies to be reported immediately to the Architect.
3. Only CONSTRUCTION or CONTACT items drawings to be used for construction purposes.
4. The drawing and its design are copyright property of MO Ltd. The design and its drawings may be reproduced without the permission of MO Ltd. Associates Ltd.

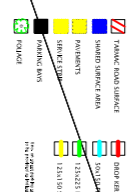


1940



Scale 1:500

Scale 1:25



REV A:
Alterations to access from
A71 and parking for
construction traffic

Project:	Phase II Woodmuir Road Blackhill Farm Breich West Lothian
Client:	Woodmuir Estates Blackhill Farm West Calder West Lothian

Drawing: Enlarged view of road access proposals

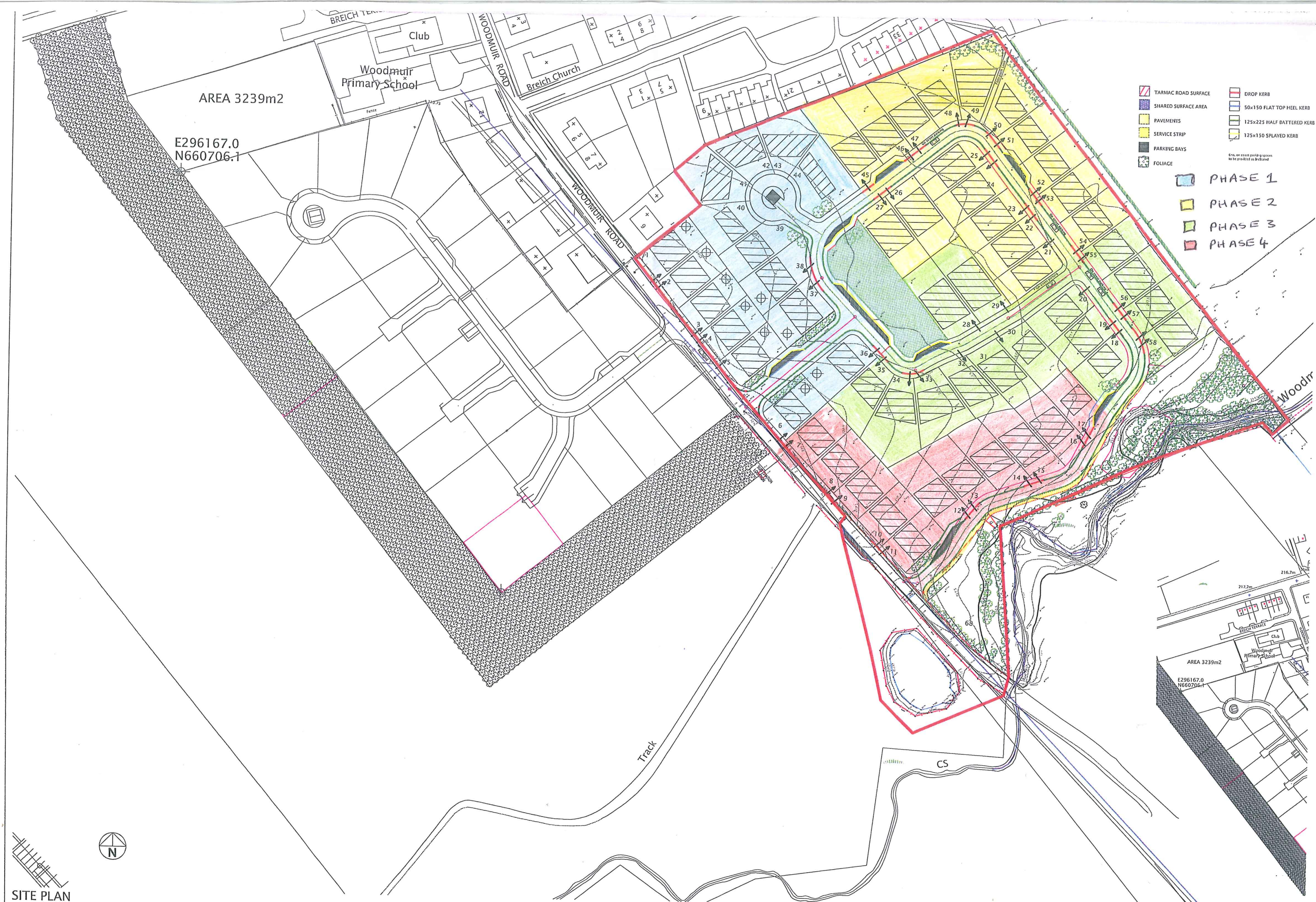
Staff Cottage
6 Faldthorpe Road
Loughborough
Leicestershire

Tel: 01 501 770 985 / 772900
Fax: 01 501 770 986
Web: www.watblair.com

CSDB:	1,100 & 1,200
rawmc	MH

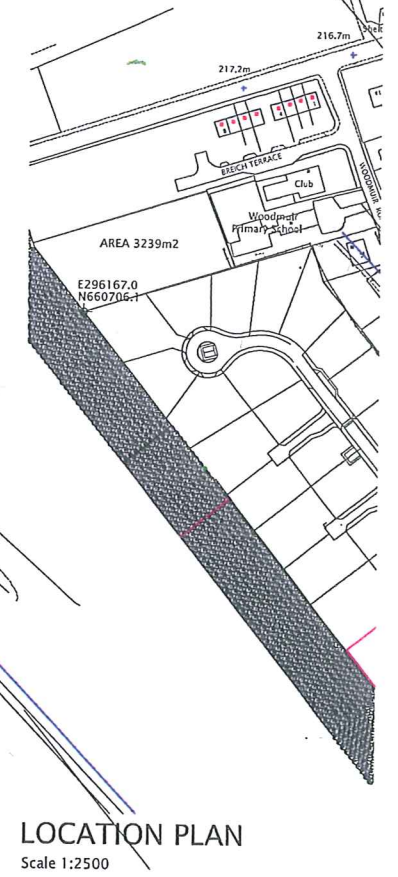
status:	PLANNING
drawing no:	

Drawing no: 2426Tod-Phase 2:D2



- TARMAC ROAD SURFACE
 - SHARED SURFACE AREA
 - PAVEMENTS
 - SERVICE STRIP
 - PARKING BAYS
 - FOLIAGE
 - DROP KERB
 - 50x150 FLAT TOP HEEL KERB
 - 125x225 HALF BATTERED KERB
 - 125x150 SPLAYED KERB
- PHASE 1
PHASE 2
PHASE 3
PHASE 4
- Any on street parking spaces to be provided as indicated

SITE PLAN
Scale 1:500



LOCATION PLAN
Scale 1:2500



8 August 2017

Mr Iain Todd
Woodmuir Estates Ltd
Blackhill Farm
West Calder
West Lothian
EH55 8JN

Dear Mr Todd

RE: WS2098/17 Breeding Bird Survey.

Wild Surveys Ltd was commissioned by yourself to conduct a breeding bird survey at a sited identified in a site plan provided by you, at Woodmuir Road, Breich (National Grid Reference: NS965606). It is understood that this survey was required to inform the removal of vegetation and the development of the site for housing.

Methods

An ornithologist visited the above site on 27 July 2017. The aim of the survey was to identify the broad habitat types on site and their potential to support breeding birds. The survey was undertaken in good conditions, commencing mid morning. Breeding season is typically between 1 March to end of August.

The surveyor observed the site from a viewpoint that would not disturb any birds then undertook a walk of the site to ensure if any breeding birds were present.

A site plan showing the area surveyed is appended to this letter.

Results

No breeding birds were observed during the survey carried out.

Discussion

Although the habitat is suitable for breeding birds, it is likely that they may have been present during the earlier part of the season.

Conclusions and Recommendations

No Schedule 1 species or breeding birds were recorded within the survey area, therefore there is no licencing or mitigation requirement at this time. All site contractors should however be made aware of the potential presence of protected species such as breeding birds. If breeding birds or other protected species are found on site, all works in the vicinity must cease, and a suitably qualified ecologist contacted for advice. We would recommend that all contractors receive a Tool Box Talk on protected species including birds. The law in relation to birds is included within in Appendix 1.

www.wildsurveys.co.uk

St James Business Centre Linwood Road Paisley PA3 3AT
Telephone 0141 887 2770 Mobile 07788 826 480 Fax 0871 503092

Any vegetation removal should be planned outwith the breeding bird season and before the next breeding bird season.

If you have any further queries about the results of this survey, please do not hesitate to contact me.

Yours sincerely,

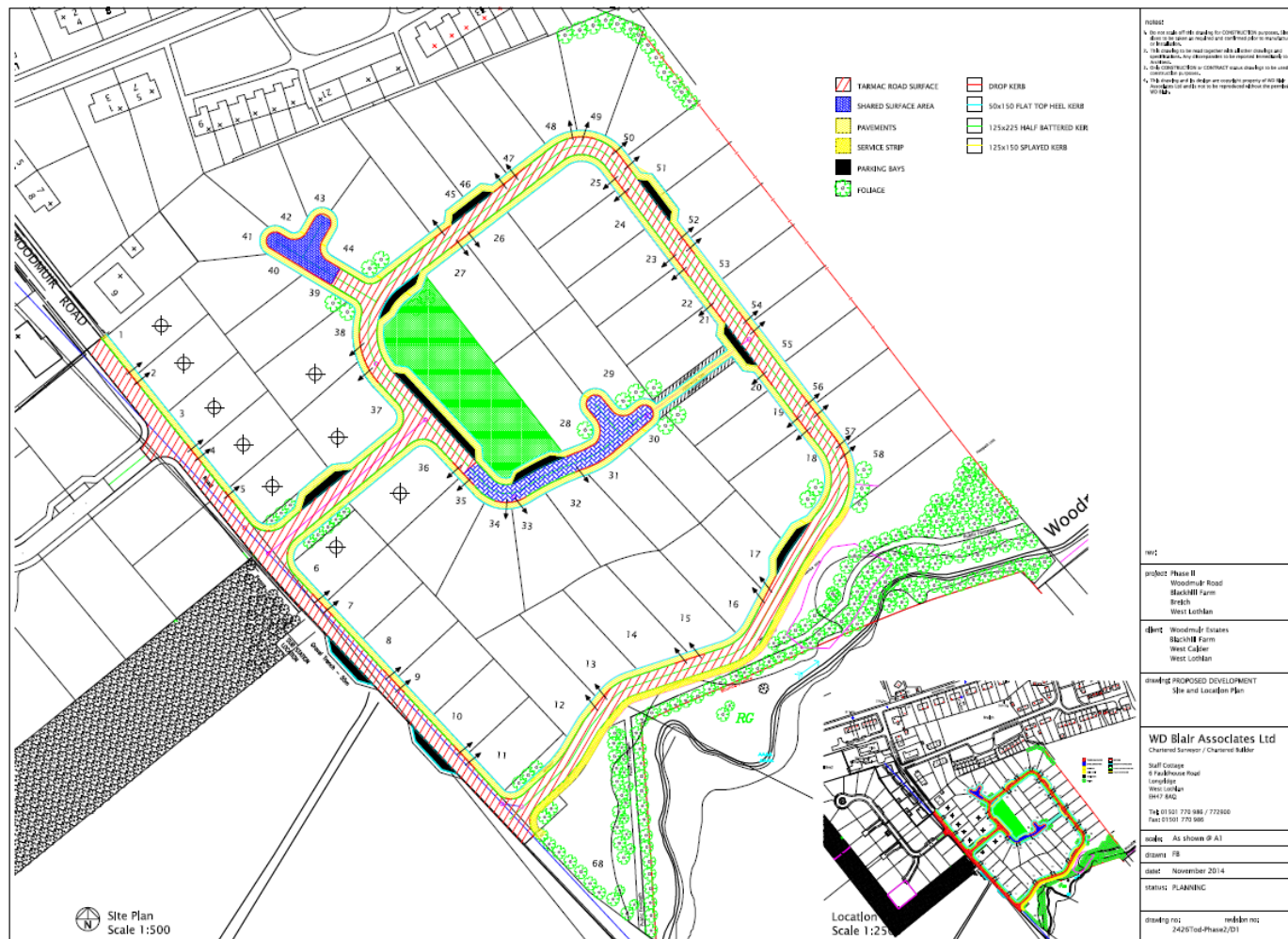
A handwritten signature in black ink that reads "Helen Lundie". The script is cursive and fluid.

Helen Lundie
Ecologist
Wild Surveys Ltd

www.wildsurveys.co.uk

St James Business Centre Linwood Road Paisley PA3 3AT
Telephone 0141 887 2770 Mobile 07788 826 480 Fax 0871 503092

Figure 1 Site Plan



www.wildsurveys.co.uk

St James Business Centre Linwood Road Paisley PA3 3AT
Telephone 0141 887 2770 Mobile 07788 826 480 Fax 0871 503092

Appendix 1– Birds and the Law

All species of wild bird and their nests are protected under the Wildlife and Countryside Act 1981 (as amended in Scotland), which makes it illegal to intentionally or recklessly:

- kill, injure or take any wild bird;
- take, damage or destroy the nest of any wild bird while that nest is in use or being built;
- At any other time takes, damages, destroys or otherwise interferes with any nest habitually used by any wild bird included in Schedule A1;
- Obstructs or prevents any wild bird from using its nest; and
- take or destroy an egg of any wild bird

There are also further offences for birds listed on Schedule 1 of the Act which includes intentionally or recklessly:

- Disturbing any wild Schedule 1 bird while it is building a nest or is in, on or near a nest containing eggs or young; and
- Disturbing a dependent young of such a bird;
- Disturb any wild bird included in Schedule 1 which leks while it is doing so; and
- Harass any wild bird included in Schedule 1A.

Please note that any person who knowingly causes or permits one of the above acts shall also be guilty of an offence.

You should note that there is no licensable purpose of development for birds.

Should there be a risk of one of the above offences it is strongly advised that works are either micro-sited to avoid the nests or timed to avoid the nesting season (typically 1 March to 31 August), depending on the species and type of work.

If active nests are found:

The project ecologist should be contacted immediately for advice before proceeding with works. Advice from SNH may be required; the project ecologist should be able to determine this.

www.wildsurveys.co.uk

St James Business Centre Linwood Road Paisley PA3 3AT
Telephone 0141 887 2770 Mobile 07788 826 480 Fax 0871 503092

cdc 15/4/15

16 Woodmuir Road Breich West Calder EH55 8JN

West Lothian Council Development Management	
Date.....	08 APR 2015
Ref No.....	
Ref To.....	
Ack'd.....	
Replied.....	
7 April 2015	

The Development Management Manager (WLC)

Dear Sir,

OBJECTION TO NOTICE FOR PLANNING PERMISSION 0203/FUL/15. - M.F.

I write on behalf of a very large number of residents who reside in the village of Breich. This large residential development fails in a number of areas:-

- Woodmuir Road is simply not capable of accommodating the very significant influx of building vehicles that will require access. We are very concerned re the safety of children. Consideration needs to be given to access the site, via WLC land at the far end of the village.
- Failure to notify all interested parties – Mr and Mrs Lynch, 15 Woodmuir Road, who will be affected by the additional traffic have not received any Formal Notice. My understanding is that other residents of Woodmuir Road have failed to be served with the Statutory Notice.
- Has the WLC breached their own policy with specific regard to Green Belt?
- With no retail establishment and very limited rail and bus services, the village is ill equipped for the erection of 67 houses.
- Our understanding is that the building plots will be made available for individual sale and as such the serious planning issues that arose in the Blinkbonny Gardens area will be greatly magnified. WLC still have issues re this first development. Such work should be undertaken by one dedicated builder with the appropriate support staff in place – it simply cannot be left on an individual self-build basis

We require the support of local Councillors and copies of this communication has been passed to them urging them to meet with all the residents at a public meeting in the School in the very near future. I also object to the date of 15 April re representations by the Councillors and other residents of Breich.

Yours faithfully,



Jim Warnock

copies to Cathy Muldoon
David Dodds
Greg McCrea

0203/FUL/15
m.f.

West Lothian Council
Development Management

19 Woodmuir Place
BREICH
EH55 8JP

10 APR 2015

Date.....

Ref No.....

Ref to.....

Ack'd.....

6.4.15

ack 15/4/15

DEAR MR. NORMAN,

I WOULD LIKE TO RAISE
A FEW POINTS WITH REGARD TO THE ABOVE
PLANNING APPLICATION.

(1) SELF BUILD - AS THE NAME SUGGESTS

THIS IS PEOPLE BUYING A PLOT AND BUILDING
A HOUSE.

WOULD THERE BE AS PART OF ANY PLANNING
CONSENT, A RESTRICTION OF WORKING HOURS
IN THE CONSTRUCTION OF ANY HOUSES?

THE PROBLEM WITH SELF BUILD AS OPPOSED
TO A CONSTRUCTION FIRM, IS THAT MUCH OF
THE WORK IS CARRIED OUT WHEN THE BUILDER
HAS SPARE TIME, I.E. AFTER 5PM AND AT
WEEK-ENDS.

ALSO THERE IS NO TIME LIMIT ON HOW LONG
IT TAKES TO BUILD THE HOUSE.

(2) WILL ANY HEIGHT RESTRICTIONS BE PUT IN PLACE
ON HOUSES TO BE BUILT?

WILL THE HOUSES BE COMPATIBLE WITH THE
EXISTING HOUSES IN WOODMUIR PLACE?

PHASE 1 AT BUNKERBONY GARDENS DWARFED
THE ADJACENT HOUSES IN WOODMUIR ROAD.

(3) TIMESCALE - AT THE PRESENTATION GIVEN BY MR. TOD, IT WAS SUGGESTED THAT THE DEVELOPMENT COULD TAKE 3-4 YEARS TO COMPLETE.

I THINK THIS TIMESCALE IS BEING VERY OPTIMISTIC GIVEN HOW LONG IT HAS TAKEN TO COMPLETE PHASE 1 AT BUNK BUNNY GARDENS ESPECIALLY AS PHASE 1 WAS A MUCH SMALLER DEVELOPMENT.

(4) TRAFFIC MANAGEMENT - WILL A STUDY BE CARRIED OUT ABOUT THE TRAFFIC MANAGEMENT WITHIN THE VILLAGE?

EG. (1) JUNCTION WOODMuir ROAD AND A71

(11) JUNCTION WOODMuir ROAD / WOODMuir PLACE

(111) JUNCTION WOODMuir PLACE / RASHIEHILL CRESCENT

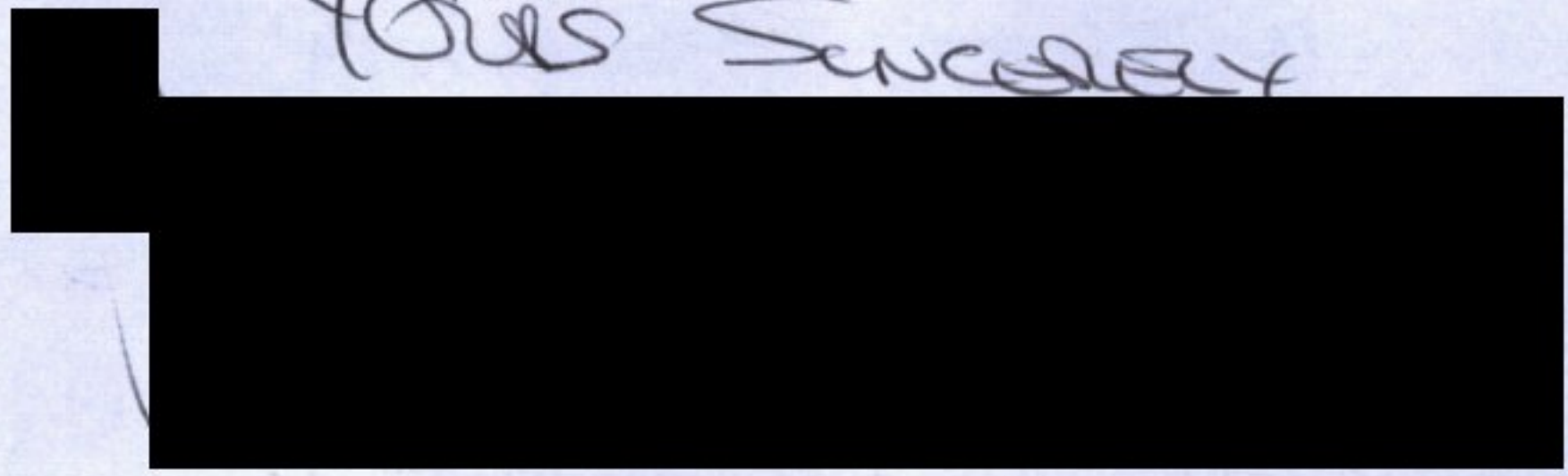
ALL THESE JUNCTIONS AT PRESENT HAVE VISIBILITY PROBLEMS. ANY INCREASE IN TRAFFIC FLOW FROM DEVELOPMENT SITE WILL MAKE MATTERS WORSE.

(5) ACCOUNTABILITY - IN THE EVENT OF THIS DEVELOPMENT GOING AHEAD, MR. TOD HAS TO APPOINT SOMEONE TO BE IN CHARGE OF THE SITE SO LOCAL RESIDENTS HAVE A POINT OF CONTACT TO RAISE ANY CONCERNS THEY MAY HAVE.

AS A PREFERENCE I WOULD RATHER HAVE
SEEN THIS SITE DEVELOPED FOR SOCIAL
HOUSING FOR RENT BY EITHER WEST LOTHIAN
COUNCIL OR A HOUSING ASSOCIATION.

BREICH NEEDS FAMILIES WITH YOUNG CHILDREN
NOT ONLY TO SUSTAIN THE LOCAL SCHOOL BUT
HOPEFULLY TO SEE THE LOCAL SHOP RE-OPEN.

FINALLY, I HOPE EVERYONE CONCERNED
IF THIS DEVELOPMENT GOES AHEAD, BOTH THE
DEVELOPER AND THE PLANNING DEPARTMENT
WILL HAVE LEARNED ANY LESSONS FROM
THE DEVELOPMENT OF PHASE 1 AT
BLINKBURN GARDENS.

Yours Sincerely


ACK. 16/4/15
(NO COMMENT)

09 April 2015

For the attention of Chris Norman

West Lothian Council
Planning Services Development Management
West Lothian Civic Centre
Howden South Road
Howden
Livingston
EH54 6FF

Woodmuir Farm
Breich
West Calder
West Lothian
EH55 8JW

Dear Sir/Madam,

Re: Planning Application Reference 0203/FUL/15

We acknowledge receipt of your 'Notice of an Application for Planning Permission' letter dated 26 March 2015 and comment as follows.

Our property, Woodmuir Farm is on Woodmuir Road which is the first property to the south of the proposed development.

We are concerned that access to our house will be affected by the proposed development during the construction period. The existing access is via a single track road from the village of Breich on Woodmuir Road.

We attended a meeting to discuss the development in January at Breich Primary School where we raised the above query regarding access and Mr Iain Tod assured the meeting 100% that access would not be affected during the construction period.

However, a previous housing development (Blink Bonny Estate) by Mr Tod on the opposite side of Woodmuir Road to the proposed development resulted in the road being closed for 6 weeks. This road was closed without prior notification to ourselves. During this time our only access and egress was via the road going south through Woodmuir Forest which resulted in a 4 mile each way detour every time we needed to access the village or the A71. More importantly, emergency service vehicles would not have been able to reach us or our neighbours at Woodmuir House during this time. Additionally, we did not receive any weekly refuse collections for the 6 week period that the road was blocked.

Please confirm by return in writing that if the above application is approved then it will include the condition that access to neighbouring properties at Woodmuir Farm and Woodmuir House will be maintained at all times during the construction period, both for ourselves and emergency service vehicles.

Yours faithfully

Christopher & Olive Jackson

SCANNED

Woodmuir Road, Breich**Effect of the proposal on your amenity**

- Building and construction work for years disturbing my family and pets.
- On completion 67-120 cars going past my house.
- Complete loss of privacy to the front of my property.
- Reduction of sunlight to the front rooms of my house.
- Phone exchange: already very poor signal and VERY slow broadband this will just get worse.
- Parking is already an issue on the road, resulting in a single land in and out. This development will make it worse.

Design and layout

- If the communal houses are flats, the height will completely block all light to my property and reduce all privacy.
- The density of the proposed plan is completely different to the rest of the village.
- There are no landscape proposals on the plan and if there were the developer has not complied with these on his previous build.
- Current plan not in-keeping with the rest of the village layout, very few green spaces, no play-park and small gardens. The poor road design leads all cars exiting down the single lane, Woodmuir Road.
- House 7-22 and 32- 38 (24/67) will be built on the "bog end" of the field and will be liable to flooding. Quality of the ground will mean extra foundations and removal of soil will be required to make it "habitable".

Environmental impact

- New build VERY close to the mine. Piling and digging could cause mine collapse and village tragedy. WLC reputation at stake. Will council pay for subsidence and compensation?
- Road congestion and increased co2 emissions near the school.
- Loss of amenity are for elderly dog walkers (field is the only lit area in the winter for them to use).
- Loss of wildlife habitat – many voles, mice, birds use the area, including oyster catcher nests.
- The bottom end of the site is currently a bog and not fit for building. May well flood every winter.
- Extra houses may disturb the bat population.

Planning Policy

- Plan submitted to villagers for comment is not the same one that is in the planning application.
- There are No local services in Breich for any of the villager. Surely a development of this size should have a shop/ post office, doctors/ dental surgery, nursery, play park etc as part of the planning application?
- The existing social housing in Breich, previously ear marked older resident accommodation, is now being used for drug users. Will the 12 "communal houses" be ear marked for them too, turning Breich into a "junkie" village?

Road safety/ access issues

- Increased traffic to Woodmuir road
- Woodmuir road is already narrow and hard to manoeuvre due to parking on one side
- A71 exit not good and not capable of supporting 67-120 additional cars coming and going
- Woodmuir Road can't support that volume of traffic
- Woodmuir Road exit to A71 already quite dangerous as blind to on coming vehicles. Will the council make the second exit at the rear of this new development, right passed its new primary school?
- A71 at West Calder, is already a bottleneck in the morning, this will make it worse.
- What will be done about child safety during an extended build programme, especially so close to the school
- Parking will be more of a nightmare along Woodmuir Road, adding to the potential for a child deaths, crashes etc

Capability of local infrastructure to support the proposed development

- Primary (Breich) and secondary school (West Calder) are not big enough for extra children.
- Local dentist and doctor already at capacity.
- There is no way in or out of Breich other than by car as the bus and rail services are very poor.
- Council don't grit Woodmuir Road now, so 100's of people stuck!
- There are no services here at all!
- Is the gas line being brought to Breich? or will 100's of oil tankers trundle down the tiny single track road (due to parked cars day and night)? Yet another potential child hazard.

Sustainability

- There are no services available for residents of a new development be able to access on foot
- Drainage system would need to be fully upgraded to take 67 new houses
- Green Field Site being used yet again... what happened to utilising brown field sites? Can't we keep Breich Green?
- Why is the new development not "sustainable homes" ie eco houses?

Questions to be answered

1. When will the WL Council adopt the roads and lighting
2. What % social housing, flats?
3. What if, any assisted living?
4. What does communal housing with facilities mean?
5. What sustainability measures will the developer need to put in, solar panels, wind turbines, ground source heat pumps?
6. How many phases will it be built over, starting where and how long is it expected to take? Will WLC guarantee this one is actually built?
7. Will this be yet another West Lothian Development that remains unfinished for years:
 - Blinkbonny Gardens, Breich (started in 2006)-3 plots still empty, 27 only recently complete and still not all planning through or complied with i.e. tree belt.
 - Curling Pond Lane, Longridge (started 2002)- still half complete
 - Falla Hill place, Fauldhouse - only recently completed, maybe planning still outstanding
 - Breichwater Place, Fauldhouse- only partially complete
 - Wester Inch Village, Bathgate (1000 house development, started 2005)- still going, years after planning was agreed.
 - Heartlands, Whitburn (2000 house development)– started 2013, only a handful of houses finished and sold. All promised amenities yet to be built...



West Lothian
Council

Planning Services
Development Management Committee

☒ LOCAL MEMBER REFERRAL REQUEST ☒

Members wishing a planning application to be heard at the Development Management Committee must complete and return this form to Development Management within 7 days.

The planning application details are available for inspection on the council's web site at <http://planning.westlothian.gov.uk/WAM133/searchsubmit/performOption.do?action=search>

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
Application Reference Number 0203/FUL/15	Applicant Request <input type="checkbox"/>
Site Address Woodmuir Road Breich EH55 8DN	Constituent Request <input checked="" type="checkbox"/>
Title of Application Woodmuir Park Ltd	Other (please specify) <input type="checkbox"/>
Member's Name Cllr Pauline Clark.....	
Date 22.05.17	



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development & Regeneration

1 DESCRIPTION AND LOCATION

- 1.1 Application for the modification of planning obligation relating to planning permission 0694/FUL/12 in respect of payment of developer contributions at 17 Raw Cottages, Clifton Road, East Calder

2 DETAILS

Reference no.	0257/PO/17	Owner of site	Mr & Mrs Robertson
Applicant	Mr & Mrs Robertson	Ward & local members	East Livingston & East Calder Frank Anderson Carl John Dave King Damian Timson
Case officer	Tony Irving	Contact details	01506 282410 tony.irving@westlothian.gov.uk

Reason for referral to committee: Original application 0694/FUL/12 was decided by Development Management Committee.

3 RECOMMENDATION

- 3.1 Refuse the modifications.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 This is an application under S75A of the Town and Country Planning (Scotland) Act 1997 to modify the terms of a planning obligation that the applicant entered into with the council for the payment of developer contributions in relation to a new house.
- 4.2 The applicant applied to build a house at Clifton Road in 2012 (0694/FUL/12). The site is within the core development area as identified in the West Lothian Local Plan.
- 4.3 That application was reported to Development Management Committee on 19 December 2012 with a recommendation to refuse permission on the basis that there was no agreement on developer contributions and that the design of the house was not acceptable. Committee decided to continue consideration of the proposal to allow discussion with officers on phased payment of contributions and to review the education contributions. Agreement was subsequently reached with the applicant to pay the contributions in five instalments. The application was reported back to Development

Management Committee on 27 February 2013 and it was granted subject to conclusion of a planning obligation for payment of contributions in phased payments.

- 4.4 The planning obligation was subsequently concluded with the applicant and planning permission for the house was granted on 23 August 2013.
- 4.5 The planning obligation requires the following contributions:
1. Denominational primary: £1643 indexed to Q1 2009.
 2. Denominational secondary: £1983 indexed to Q1 2010.
 3. Non-denominational secondary: £6633 indexed to Q1 2012.
 4. Town centre improvements: £250 indexed to Q1 2006.
 5. Cemeteries: £35 indexed to Q1 2006.
 6. A71 bus priority measures: £350.72 indexed to Q1 2002.
 7. A71 junction improvements: £215 and £22 indexed to Q1 2002.
 8. A71 Wilkieston north west bypass: £607 indexed to Q1 2012.
 9. East Calder town centre car park: £50 indexed to Q1 2012.
 10. Almondell and Calderwood country park: £250 indexed to Q1 2012.
 11. East Calder park improvement works: £500 indexed to Q1 2012.
- 4.6 The house is now built and occupied. The applicant has made the first of five payments required by the planning obligation and this has satisfied the payments for contributions denominational primary, denominational secondary and cemeteries.
- 4.7 The applicant is now disputing the need to make payments for non-denominational secondary, A71 bus priority measures, A71 junction improvements, A71 Wilkieston bypass and East Calder park improvement works and has provided a supporting statement that is attached to this report.
- 4.8 This application thus seeks to remove the requirement for contributions for non-denominational secondary, A71 bus priority measures, A71 junction improvements, A71 Wilkieston bypass and East Calder park improvement works. The total of these contributions is £8327.72.

5 PLANNING POLICY ASSESSMENT

- 5.1 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.
- 5.2 The development plan comprises of the Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the West Lothian Local Plan (WLLP).
- 5.3 Relevant development plan policies are listed below.

Plan	Policy	Assessment	Conform
WLLP	CDA 1 and CDA 2 Infrastructure and local facilities for CDA	The contributions required in the planning obligation are required to provide the necessary infrastructure and local facilities &	No

Plan	Policy	Assessment	Conform
	These policies require infrastructure to be provided or committed before planning permission can be granted and contributions toward local facilities & amenities. The policies allow for planning conditions and legal agreements to be used to secure the funding and proper phasing of development and refer to the CDA Action Plan (appendix 7.1) that lists the requirements for each CDA.	amenities as set out in the CDA action plan. The house is within the CDA and contributes to demand on infrastructure and local facilities and amenities in the same manner as any other house in the CDA.	
WLLP	CDA 9 West Livingston / Mossend and Calderwood This policy sets out the key requirements of the master plan areas. It allocates two mixed use areas to accommodate 2800 residential units at Calderwood: Almondell and Raw Holdings West.	The contributions required in the planning obligation reflect the requirements of this CDA as set out in this policy. The house is within the CDA and contributes to demand on infrastructure and local facilities and amenities in the same manner as any other house in the CDA	No
WLLP	COM 9A Contributions for cemeteries This policy requires financial contributions towards new cemeteries.	This contribution has been paid and is not affected by the present application.	Yes
WLLP	IMP 2 Denominational secondary provision This policy requires developer contributions towards denominational secondary school provision.	This contribution has been paid and is not affected by the present application.	Yes
WLLP	IMP 3 Education constraints This policy states a presumption against housing developments where education constraints cannot be overcome due to a lack of funding but provides for the use of planning conditions and legal agreements to secure appropriate developer contributions for education facilities or to ensure development is phased to ensure	The applicant is disputing the need to pay toward a new non-denominational secondary school at East Calder. The CDA action plan sets out the requirement for this education infrastructure. While some existing capacity at West Calder High is being used by new housing in the CDA at East Calder and at West Calder, the local plan requires a new secondary school to enable full delivery of the CDA.	No

Plan	Policy	Assessment	Conform
	facilities are in place.	Failure to contribute to this new school would compromise the ability to fully implement the CDA strategy and result in insufficient education infrastructure.	
WLLP	<p>IMP14 Supplementary planning guidance</p> <p>This policy requires compliance with the council's supplementary planning guidance.</p> <p>The following SPG apply:</p> <ol style="list-style-type: none"> 1. Planning for education. 2. Denominational secondary school infrastructure. 3. Developer contributions toward the provision of additional primary school capacity for the denominational sector in Broxburn, East Calder and Winchburgh. 4. School commissioning costs. 5. CDA developer contributions for town and village centre improvements. 6. Cemetery provision. 7. A71 developer contributions. 	Failure to contribute to non-denominational secondary, A71 bus priority measures, A71 junction improvements, A71 Wilkieston bypass and East Calder park would be in conflict with SPG on education and A71.	No

5.4 Other planning policy documents of relevance are

- West Lothian Local Development Plan Proposed Plan
- Scottish Planning Policy (SPP)
- Circular 3/2012 Planning obligations and good neighbour agreements

6 ASSESSMENT

6.1 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. The development plan comprises of the Strategic

Development Plan for Edinburgh and South East Scotland (SESplan) and the West Lothian Local Plan (WLLP).

- 6.2 The application site forms part of the Calderwood CDA allocation. The West Lothian Local Plan sets out the infrastructure and local facilities & amenities requirements that are required to serve the CDA. The contributions that are set out in the existing planning obligation reflect the requirements of the local plan as set out in the policies and supplementary planning guidance.
- 6.3 The applicant's case for not paying some of the required contributions is that the house is an individual self-build and not part of a large scale development and thus should be treated differently from volume housebuilders who will be developing the bulk of the CDA.
- 6.4 Local plan policy does not make any distinction between individual self-build projects and larger housing developments. Each residential unit in the CDA will place demands on infrastructure and on local facilities & amenities and thus contributions are required from all units unless there is an exemption as set out in SPG.
- 6.5 In this case there is no policy exemption that would justify non-payment of contributions for non-denominational secondary, A71 bus priority measures, A71 junction improvements, A71 Wilkieston bypass and East Calder park improvement works. The requirement for these contributions is fully required by local plan policy and SPG.
- 6.6 Circular 3/2012 Planning Obligations and Good Neighbour Agreements sets out the tests required for a planning obligation. These are:
1. Necessary to make the proposed development acceptable in planning terms.
 2. Serve a planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans.
 3. Relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area.
 4. Fairly and reasonably relate in scale and kind to the proposed development.
 5. Be reasonable in all other respects.
- 6.7 The contributions that the applicant does not wish to pay (non-denominational secondary, A71 bus priority measures, A71 junction improvements, A71 Wilkieston bypass and East Calder park improvement works) meet all five tests of Circular 3/2012 and in particular relate directly to the CDA requirements as set out in the West Lothian Local Plan.

7 SUMMARY AND CONCLUSIONS

- 7.1 Development Management Committee has previously granted planning permission for a house subject to a planning obligation to secure payment of developer contributions. The applicant now wishes to modify the obligation to remove the requirement to pay contributions for non-denominational secondary, A71 bus priority measures, A71 junction improvements, A71 Wilkieston bypass and East Calder park improvement works.
- 7.2 It is concluded that there is no justification for non-payment of these contributions. The proposal would be contrary to policy of the West Lothian Local Plan that requires

infrastructure to be provided or committed and contributions toward local facilities & amenities.

7.3 It is thus recommended that modification of the planning obligation be refused.

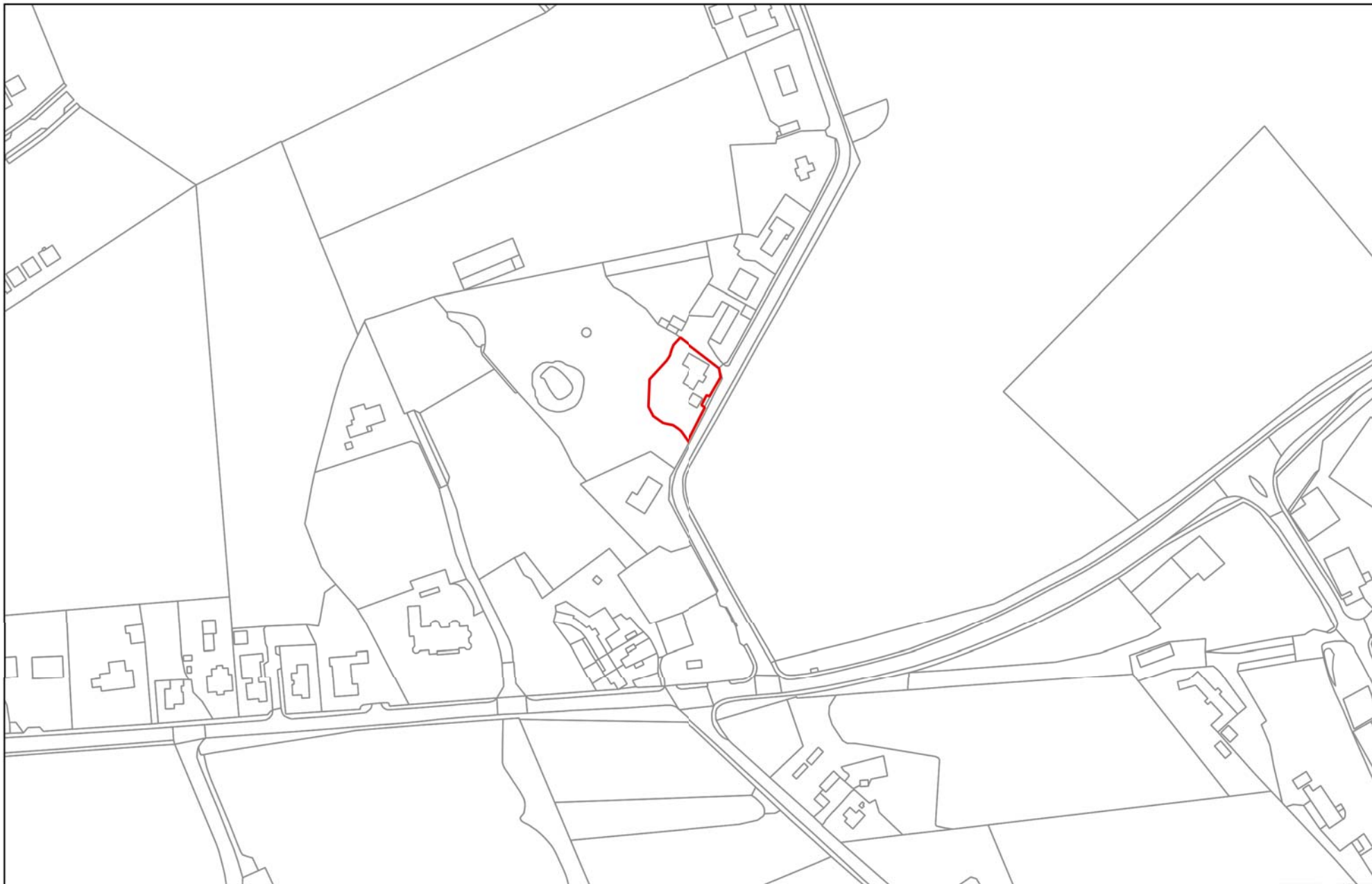
8 ATTACHMENTS

- Location plans
- Draft reasons for refusal
- Supporting statement from applicant
- Extract from existing planning obligation

Craig McCorriston

Head of Planning, Economic Development & Regeneration

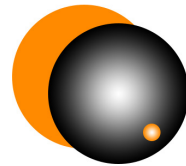
Date: 30 August 2017





0257/PO/17 DRAFT REASONS FOR REFUSAL

1. The proposed modifications to the planning obligation would result in not all required infrastructure being provided or committed and not all deficiencies in local facilities & amenities being remedied. The proposal is thus contrary to West Lothian Local Plan policies CDA1, CDA 2, CDA 9, IMP3, IMP14 and contrary to the following supplementary planning guidance: Planning for Education, School Commissioning Costs, Denominational Secondary School Infrastructure and A71 Developer Contributions.



14th March 2017

Ref: S/001/5.00/ER

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

Euan T J Robertson
B.Arch

17 Clifton Road
East Calder
Livingston
West Lothian
EH53 0HJ

FAO Wendy McCorriston

**PROPOSED ERECTION OF NEW 1&1/2 STOREY DWELLING HOUSE ON LAND
TO THE SOUTH WEST OF 19 CLIFTON ROAD, EAST CALDER, LIVINGSTON,
EH53 OHJ – REF: 0694/FUL/12 –
-APPLICATION FOR MODIFICATION OF PLANNING OBLIGATION S75-**

Mobile: 07793486709
Email: [robertson-
architecture@live.co.uk](mailto:robertson-architecture@live.co.uk)

Dear Wendy,

With reference to the above and our previous correspondence relating to the obligations we hereby enclose the proposed modifications which we feel should make the contributions more relatable to the construction of a single dwelling:

Under Paragraph 1.1 the owner is required to meet their obligations to pay the (1) denominational primary education contribution (2) Denominational secondary education contribution (3) the non-denominational secondary education contribution (4) Town Centre improvements contribution (5) cemeteries contribution (6) A71 Bus priority measures contribution (7) A71 Junction improvements contribution (8) A71 Wilkieston North West Bypass contribution (9) East Calder town centre car park contribution (10) Almondell and Calderwood country park improvement contribution and (11) East Calder park Improvement works contributions.

We would seek to delete sections (3), (6), (7), (8) and (11) and to replace the above with the following:

The owner is required to meet their obligations to pay the (1) denominational primary education contribution (2) denominational secondary education contribution (3) Town Centre improvements contributions (4) Cemeteries contribution (5) East Calder town centre car park contribution (6) Almondell and Calderwood country park improvement contribution.

Under paragraph 1.1.1 The first payment of the developer contributions shall be the sum of £3661 and which shall be indexed by applying the appropriate indexation to the following developer contributions: (First) Denominational Primary Education Contribution £1,643 Indexed, (Second) Denominational Secondary Education Contribution £1,983 Indexed and Cemeteries Contribution, £35, Indexed. The whole sum payable under this part of this Agreement shall be paid on commencement of development.

We have currently satisfied the terms of this section under the current section 75 agreement having paid the requisite amount.

Under paragraph 1.1.2 The second payment of the developer contributions shall be the sum of £2,244.72 and which shall be Indexed by applying the appropriate indexation to the following developer contributions: (First) A71 Bus Priority Measures Contribution £350.72, Indexed, (Second) A71 Wilkieston North West Bypass contribution £607 Indexed, (Third) the A71 Junction Improvement contributions of £215 Indexed and £22 Indexed, (Fourth) the Town Centre Improvements £250 Indexed, (Fifth) the East Calder town Centre Park contribution £500 Indexed, (sixth) the Almondell and Calderwood Country Park Improvement Contribution of £250 Indexed, and (Seventh) the East Calder Town Centre Car Park contribution of £50 Indexed. The whole sum payable under this part of this Agreement shall be paid on the issue of a certificate of habitation for the development.

We would seek to amend the above and replace with the following:

- 1.1.1 The second payment of the developer contributions shall be the sum of £550.00 and which shall be indexed by applying the appropriate indexation to the following developer contributions: (first) the Town centre improvements £250 indexed, (second) the Almondell and Calderwood country park improvement contribution of £250 indexed, and (third) the East Calder town centre car park contribution of £50 indexed. The whole sum payable under this part of the agreement shall be paid three months after the issue of a certificate of habitation for the development.

In addition to the above and for clarity, the remaining sections pertaining to the obligations paragraphs 1.1.3, 1.1.4, and 1.1.5 shall be removed in lieu of the adjusted contribution amount and payment terms.

We accepted the terms of the original section 75 agreement under protest so that we could progress with the construction of our family home. This was with the understanding that West Lothian council were going to have a review of developer contributions relating to self-build properties due to the stark difference in the way in which they are funded, we are unsure at this juncture whether or not this process has been undertaken.

We have removed contributions which do not directly relate to or reflect the scale of our development. We have retained the contributions for the denominational primary and denominational secondary which were historic and as detailed in earlier correspondence, sums we expected to pay, before contributions were reviewed, along with cemeteries. We would also add that these contributions have now been paid in full and therefore we have satisfied the terms of section 1.1.1 under the current section 75 agreement. We hereby propose to pay our contributions to (4) town centre improvements, (9) East Calder town car park (10) Almondell and Calderwood Country Park which we feel are fair and not as a direct result of wider larger development of the CDA by national housebuilders.

We propose the removal of contributions towards a new non-denominational secondary school as the capacity at the time of planning approval for our house being granted was sufficient and still is. It is only through the continued approval of and construction of large housing developments and in turn the influx of new people and families to the area which drives the need for greater school capacity which ultimately may not serve the immediate needs of our children given recent discussions with education. This along with other infrastructure improvements have been removed, in particular the improvement of East Calder park, which we feel is primarily required due to the approval of developments in the Raw holdings area which essentially reduces the existing amenity of the parks and associated surrounding areas. All the contributions proposed to be removed are all driven by or as a consequence of the proposed construction of the Calderwood development and the subsequent development of other sites at Raw holdings now given consent adding a prospective 3000+ houses into the area. We are a single house but have ended up being classed alongside multi nationals without comparable capital or resources.

We previously had drawn your attention to a planning circular regarding the application of section 75 agreements, our position now as was back then is that we still feel the original terms and contributions of the agreement are not site specific and do not directly relate to our project.

Again we would argue that the construction of our house does not, as a direct consequence of the development, give rise directly to the need for many of these contributions.

'Planning Circular 1 2010: Planning Agreements' cites the following tests that should be carried out before entering into a section 75:

RELATIONSHIP TO PROPOSED DEVELOPMENT TEST

(Extract)- Planning agreements must relate to the development being proposed. Where a proposed development would create a direct need for particular facilities, place additional requirements on infrastructure (cumulative impact) or have a negative impact on the environment or local amenity that cannot be resolved satisfactorily through the use of planning conditions.

SCALE AND KIND TEST

18. Planning agreements must be related in scale and kind to the proposed development. In assessing any contributions planning authorities may take into account the cumulative impact of development over time. The effect of such infrastructure investment may be to confer some wider community benefit but contributions should always be proportionate to the scale of the proposed development. Attempts to extract excessive contributions from developers towards the costs of infrastructure or to obtain extraneous benefits are unacceptable.

19. Planning agreements should not be used to resolve existing deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives which are not strictly necessary to allow permission to be granted for the particular development. Situations may arise where an infrastructure problem exists prior to the submission of an application for planning permission. Where the need to improve, upgrade or replace that Infrastructure does not arise directly from the proposed development then planning authorities should not, generally, seek to address this through a planning agreement. It is Generally inappropriate to grant planning permission for a development which would demonstrably exacerbate a situation which was clearly already unsatisfactory.

20. It is essential that planning authorities understand the implications of a planning agreement on the viability of a development. Entering into an agreement is likely to have financial consequences. Cash flow can also be affected where substantial sums of money have to be paid before a development proceeds or at an early stage in construction. Where a planning agreement requires financial contributions, staged payments in line with the construction programme can help avoid prejudicing the overall viability of a project.

The Scottish Government refers to a recent Study carried out by NASBA (national self-build association) on an action plan aimed at promoting the growth of self-build housing. Within this report reference is made to developer contributions and recommends that local planning authorities take a proportionate approach and limit the amount of conditions placed on relatively minor domestic planning permissions in relation to section 106 agreements (English equivalent to section 75 agreements).

At present and as a true indication of how self-build projects differ hugely from developer led mass development we by virtue of the way in which self-build mortgages work currently are awaiting some retention on the project which is not released until a completion certificate is issued and certain aspects of the project approved by the designated surveyor.

We therefore are self-funding many elements of the build to get to this stage and clear off loans from family members given to progress along with money borrowed on credit cards. Any money paid in contributions comes directly out of the funding for the actual construction of the house, there is no scale of economy and there will be no eventual profits which in the case of developers would help lessen the impact of such contributions on the overall feasibility of a project.

We were unfortunate to be the first single house self-build dwelling to be proposed in the CDA since the contributions were altered in August 2012. Our application was submitted early October 2012 we seen an increase in what our original perceived cost would be from £3661 to £12538.72 an increase of £8877.72. This amount is indexed linked and from what we can see currently we expect an increase on each stage of approximately £1000, which brings to real world cost to us in at around £17,500.00. We feel that the policy being adopted by WLC with regards to developer contributions is too broad and it is within their remit to be able to adjust developer contributions / conditions on a case by case basis.

We understand the requirement for developer contributions, however we feel that they should relate directly to the project and be fair and representative in scale. The changes we have detailed above, are, in our opinion a much more proportionate amount which directly relate to our house.

In addition to the contributions we are being asked to make we are also paying a substantial rate of council tax. The previous year when we made out contribution to the council under section 1.1.1 of the current agreement this payment in addition to the annual council tax rate meant that the council received somewhere in the region of £7000.00 in a year, which is a considerable amount.

Essentially our position is very much the same as it was when we initially questioned the extent of contributions required for a relatively small project when we were in front of the development management committee in January and March 2013. Our beliefs remain unchanged in that the application of these contributions is flawed and is in no way specific or related to each individual application in scale or kind.

I trust that the above is in order, should you have any questions or require additional information please do not hesitate to get in touch.

Yours faithfully,

A black rectangular box redacting the signature of Euan T J Robertson.

Euan T J Robertson
B.Arch

This is the Schedule referred to in the foregoing Minute of Agreement among The West Lothian Council and Mr & Mrs. Robertson

Part 1

AGREEMENT AREA

The area of land that comprises the Agreement Area being the land that will be bound by the terms of this Agreement and being the subjects: ALL and WHOLE that area of ground lying to the west of Clifton Road, East Calder and extending to Six hundred and Forty three square meters or thereby in the County of Midlothian, which area of ground is shown outlined and hatched in red on the plan annexed and executed as relative to the disposition by Mrs Edith Margaret Hogg or Robertson and Linn Robertson, in favour of the said Euan Thomas James Robertson dated 8th and Recorded in the division of the General Register of Sasines for the County of Midlothian on 15th both days of May 2013

Part 2

PAYMENT OF DEVELOPER CONTRIBUTIONS

1.1 The Owner shall meet their obligations to pay the (1) Denominational Primary Education Contribution, (2) Denominational Secondary Education Contribution (3) the Non-Denominational Secondary Education Contribution (4) Town Centre Improvements Contribution (5) Cemeteries Contribution (6) A71 Bus Priority Measures Contribution (7) A71 Junction Improvements Contribution, (8) A71 Wilkieston North West Bypass Contribution, (9) East Calder Town Centre Car Park Contribution (10) Almondell and Calderwood Country Park Improvement Contribution, and (11) East Calder Park Improvement Works Contribution by paying those developer contributions in instalments as follows:

1.1.1 The first payment of the developer contributions shall be the sum of £3661 and which shall be Indexed by applying the appropriate indexation to the following developer contributions: (First) Denominational Primary Education Contribution £1,643 Indexed, (Second) Denominational Secondary Education Contribution £1,983 Indexed and Cemeteries Contribution, £35, Indexed. The whole sum payable under this part of this Agreement shall be paid on commencement of development.


1.1.2 The second payment of the developer contributions shall be the sum of £2,244.72 and which shall be Indexed by applying the appropriate indexation to the following developer contributions: (First) A71 Bus Priority Measures Contribution £350.72, Indexed, (Second) A71 Wilkieston North West Bypass contribution £607 Indexed, (Third) the A71 Junction Improvement contributions of £215 Indexed and £22 Indexed, (Fourth) the Town Centre Improvements £250 Indexed, (Fifth) the East Calder Town Centre Park contribution £500 Indexed, (sixth) the Almondell and Calderwood Country Park Improvement Contribution of £250 Indexed, and (Seventh) the East Calder Town Centre Car Park contribution of £50 Indexed. The whole sum payable under this part of this Agreement shall be paid on the issue of a certificate of habitation for the development.

19 Clifton Road East Calder Section 75 Agreement

- 1.1.3** The third payment of the developer contributions shall be the sum of £2,211 which sum shall be indexed by applying the appropriate indexation to the sum of £2211 being that portion of the developer contribution for Non-Denominational Secondary Education payable under this part of this Agreement. The whole sum payable under this part of this Agreement shall be paid prior to the first anniversary of the issue of the certificate of habitation for the development.
- 1.1.4** The fourth payment of the developer contributions shall be the sum of £2,211 which sum shall be indexed by applying the appropriate indexation to the sum of £2211 being that portion of the developer contribution for Non-Denominational Secondary Education payable under this part of this Agreement. The whole sum payable under this part of this Agreement shall be paid prior to the second anniversary of the issue of the certificate of habitation for the development.
- 1.1.5** The final payment of the developer contributions shall be the sum of £2,211 which sum shall be indexed by applying the appropriate indexation to the sum of £2,211 being that portion of the developer contribution for Non-Denominational Secondary Education payable under this part of this Agreement. The whole sum payable under this part of this Agreement shall be paid prior to the third anniversary of the issue of the certificate of habitation for the development.


Signature: West Lothian Council (please sign above line ↑)

✓ 
Signature: Mr Robertson (please sign above line ↑)

✗ 
Signature: Mrs Robertson (please sign above line ↑)

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Application for a single storey rear extension to house at 131 Maryfield Park, Mid Calder, EH53 0SD

2 DETAILS

Reference no.	0487/H/17	Owner of site	Mr & Mrs Phil and Jackie Caldwell
Applicant	Mr & Mrs Phil and Jackie Caldwell	Ward & local members	East Livingston and East Calder Councillor Frank Anderson Councillor Carl John Councillor Dave King Councillor Damian Timson
Case officer	Tiwaah Antwi	Contact details	Phone: Tiwaah.antwi@westlothian.gov.uk

Reason for referral to Development Management Committee: Agent is an elected member.

3 RECOMMENDATION

Grant Planning Permission.

4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning permission is sought for the erection of a single storey rear extension to a mid-terraced house to form a new room within the established plot of 131 Maryfield Park. The extension will have a glass door and screen, a flat roof with roof light.
- 4.2 The proposed development would see the erection of a single storey extension, 4 metres in length, 3.7 metres wide and 2.6 metres in height within the rear garden of the dwelling house. The proposed development will be rendered to match the existing property and will not be highly visible from the street, thus, will not impact on the overall appearance of the property. The rendering material is considered to be complimentary to both the house and the wider area.
- 4.3 The property and neighbouring properties have established 2 metre high boundary fences which would screen a significant section of the extension and therefore the extension will be largely unseen by the adjoining neighbours.

5. PLANNING POLICY

Plan	Policy	Assessment	Conform?
West Lothian Local Plan	<p>Policy HOU 9 Residential Amenity</p> <p>Development proposals will be assessed against the need to protect the residential and visual amenity of existing residents and other occupiers. Developments shown to adversely impact on amenity to a significant degree will not be supported.</p>	<p>The proposal will not be detrimental to residential and visual amenity.</p> <p>The extension will not be visible from the front elevation of the property and any potential impact will be to the rear.</p> <p>Due to the single storey nature of the extension the proposal will not have a significant detrimental impact on the amenity currently enjoyed by neighboring residents.</p>	Yes

Also of relevance is the council's House Extension and Alteration Design Guide 2015 which the proposal complies with.

6. REPRESENTATIONS

There have been no letters of representation received.

7. ASSESSMENT

- 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 In assessing the application the impact of the proposed development on neighbouring residents and its degree of accordance with the House Extension and Alteration Design Guide, require to be assessed.
- 7.3 The proposal will not be detrimental to residential and visual amenity. The proposal will not significantly alter the overall appearance of the property, especially from the front elevation. The alterations will be visible from the rear of the property however, due to the layout of the terraced houses and the existing boundary fences between the properties the proposed extension will not be highly visible to neighboring residents and therefore will not have a detrimental or overbearing impact on the visual or residential amenity of the surrounding area. The proposal will therefore conform to policy HOU 9 of the West Lothian Local Plan which seeks to protect residential amenity.

- 7.4 The council's house extension and alteration design guide 2015 supplementary guidance states that materials should match that of the existing property. The render on the extension is proposed to match that of the existing house and therefore conforms to this guidance.

The guide also states that residents are entitled to a degree of privacy within their own gardens. The large patio windows within the proposed extension will look directly onto the applicants own garden ground meaning there will be no privacy issues as a result of the extension, in accordance with the principles of the design guide.

8. CONCLUSION AND RECOMMENDATION

- 8.1 Whilst the extension does have a minor impact on the visual appearance to the rear elevation of the property, the alterations will not be detrimental to the appearance of the existing house. The application will not be detrimental to the visual or residential amenity enjoyed by the residents of the neighboring properties and complies with policy HOU 9 of the West Lothian Local Plan and the Council's House Extension and Alteration Design Guide 2015.

- 8.2 Consequently, and in view of the above, it is recommended that planning permission is granted.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Location Plan
- Aerial
- Existing and Proposed Elevations

Craig McCorriston

Head of Planning, Economic Development and Regeneration

Date: 30/08/17



LAND REGISTER OF SCOTLAND



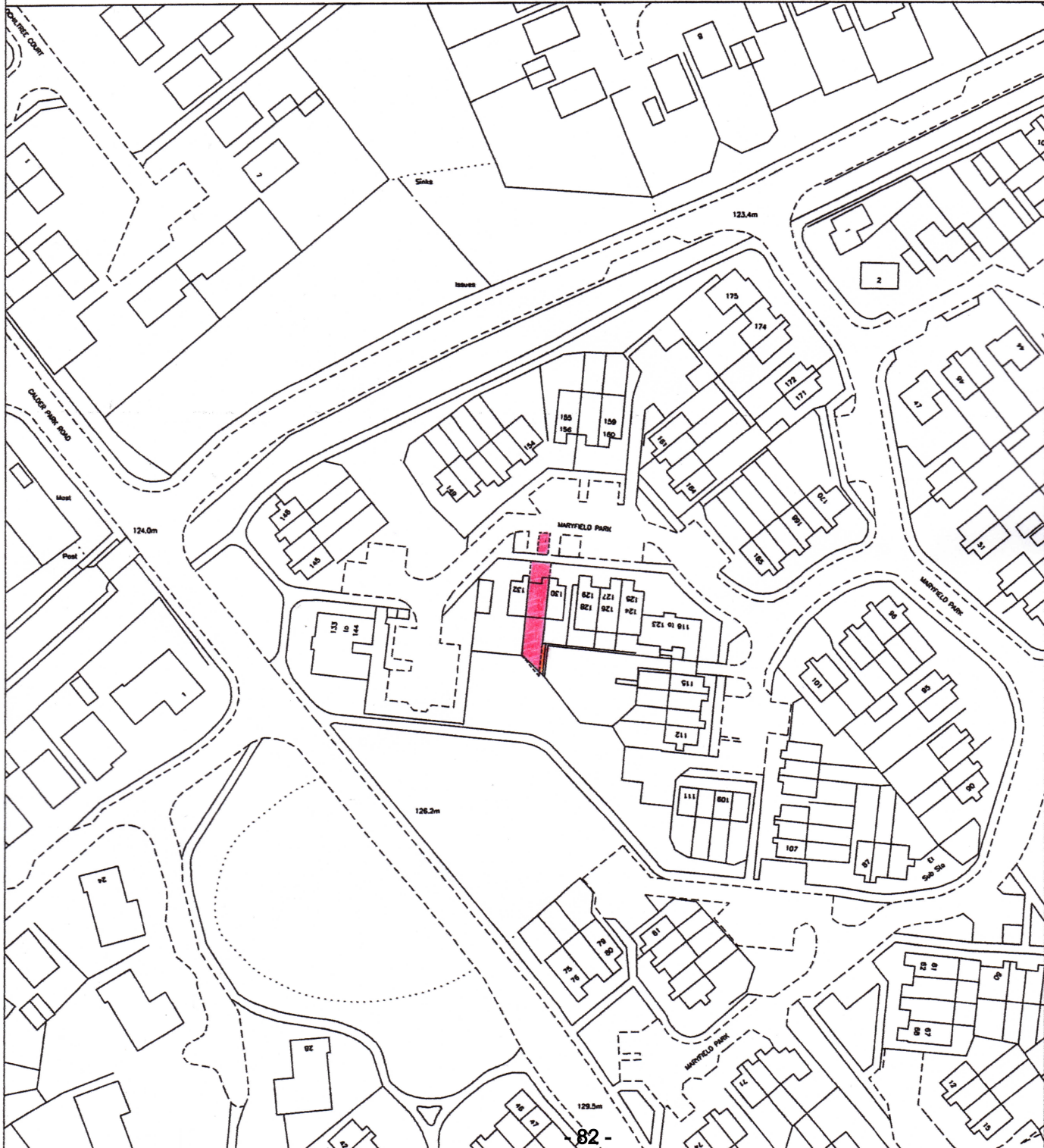
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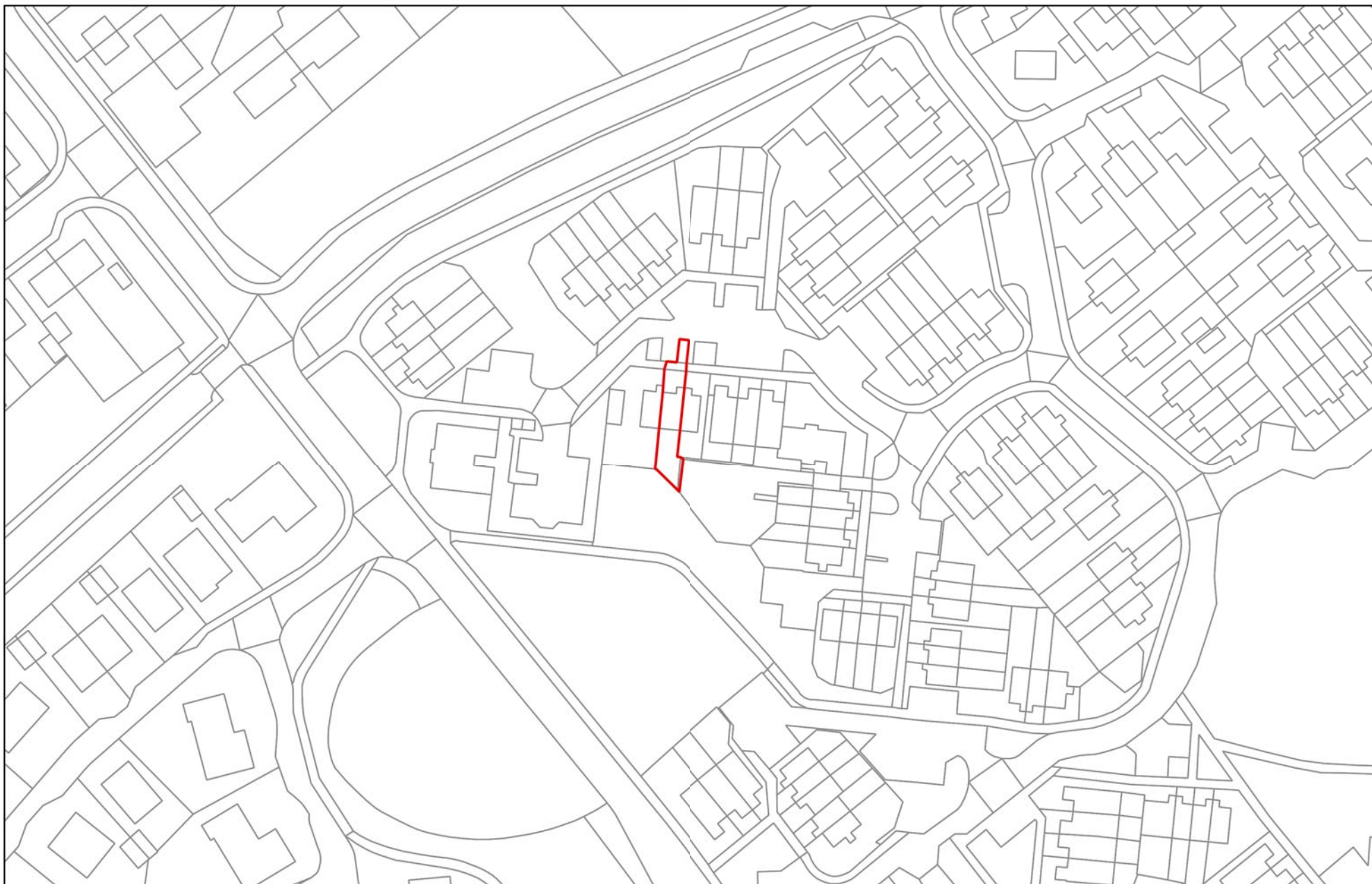
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Scale
1/1250

Survey Scale
1/1250

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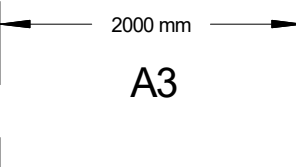
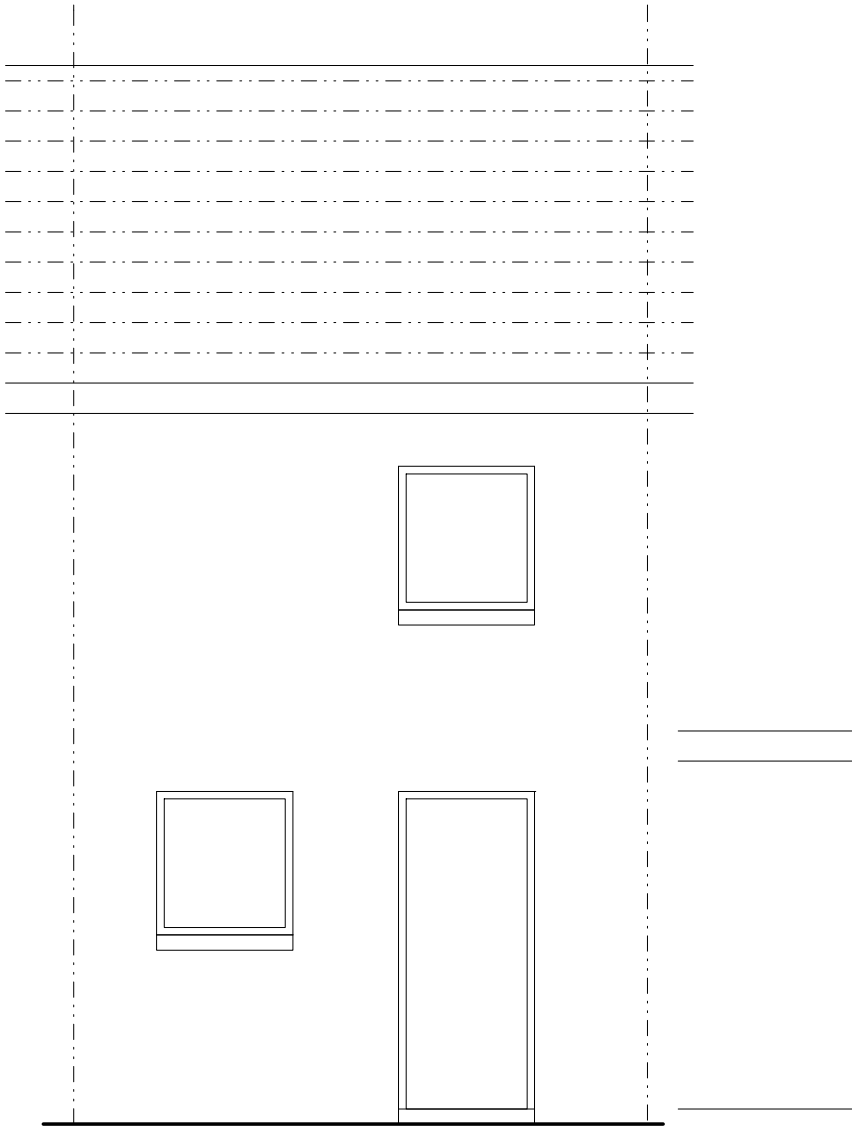
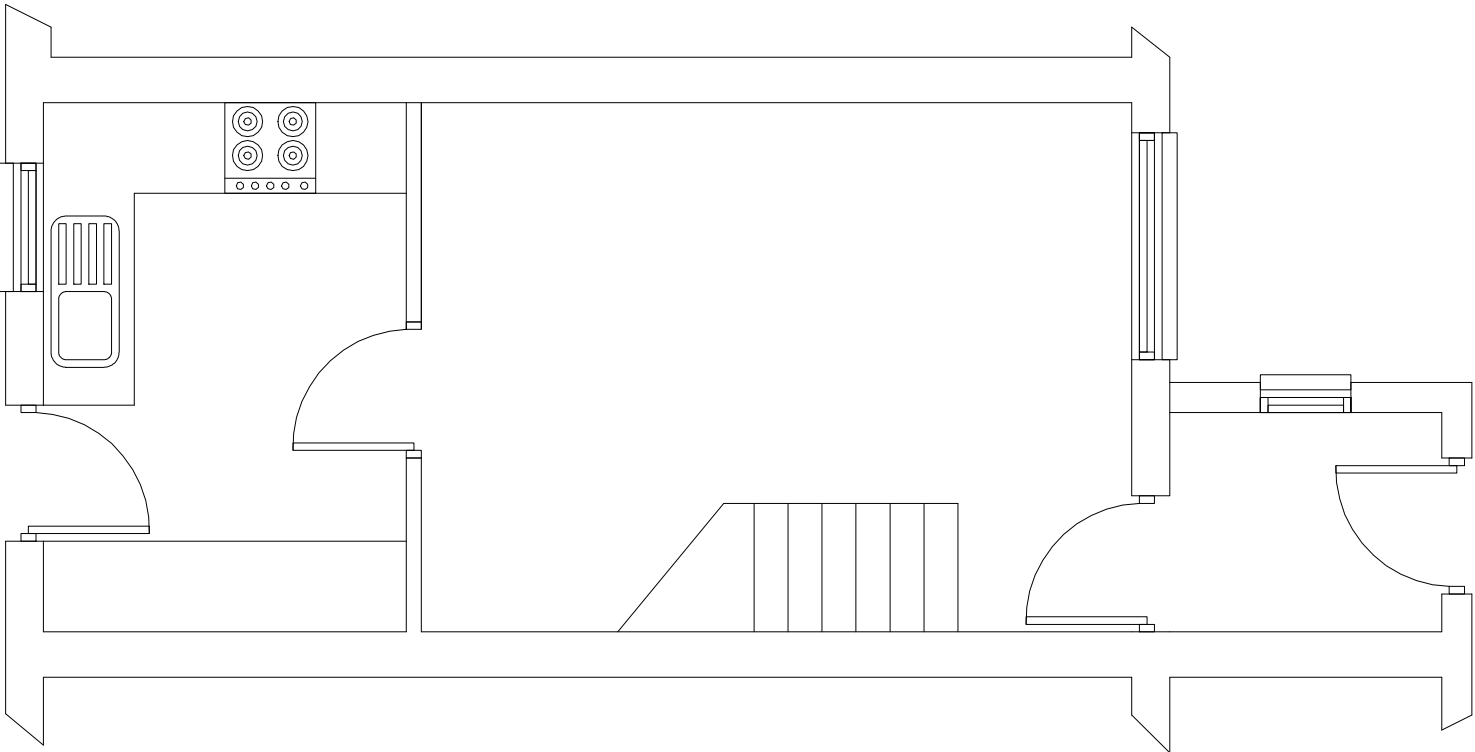
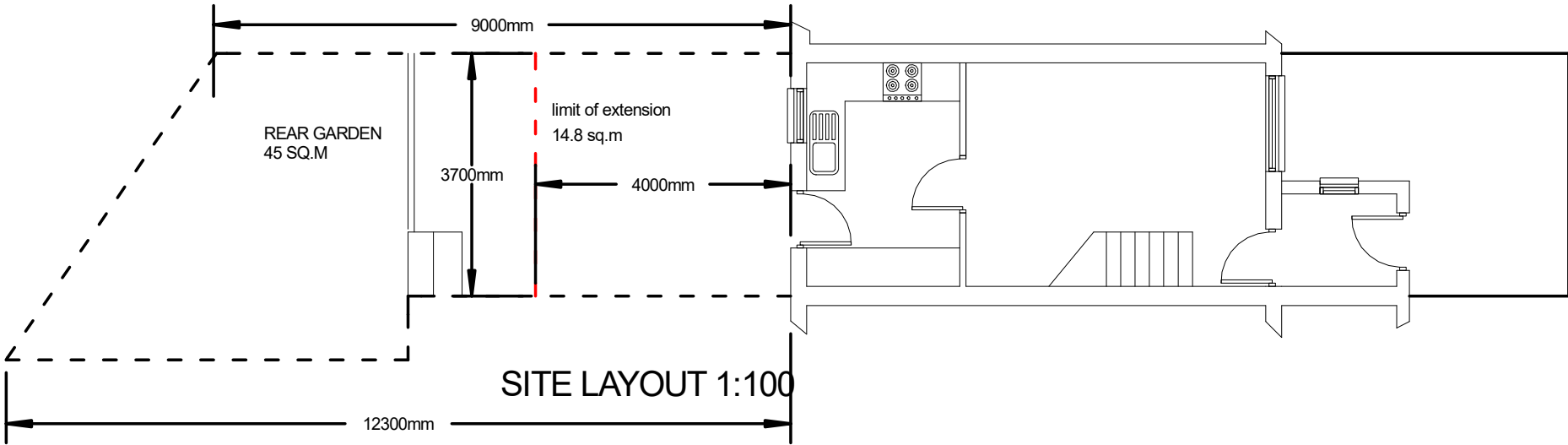




0487/H/17 - 131 Mayfield Park, Mid Calder, Livingston, EH53 0SD





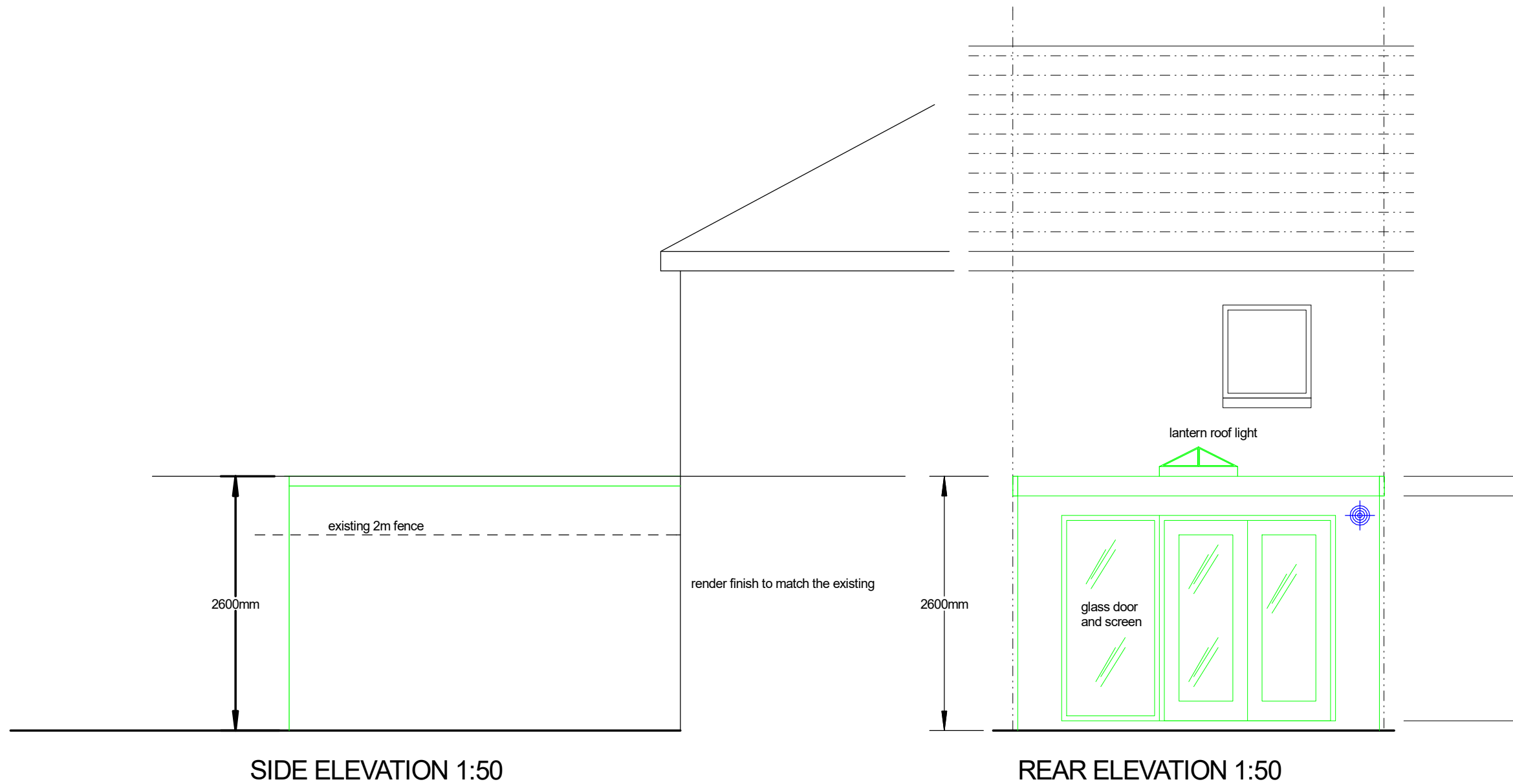
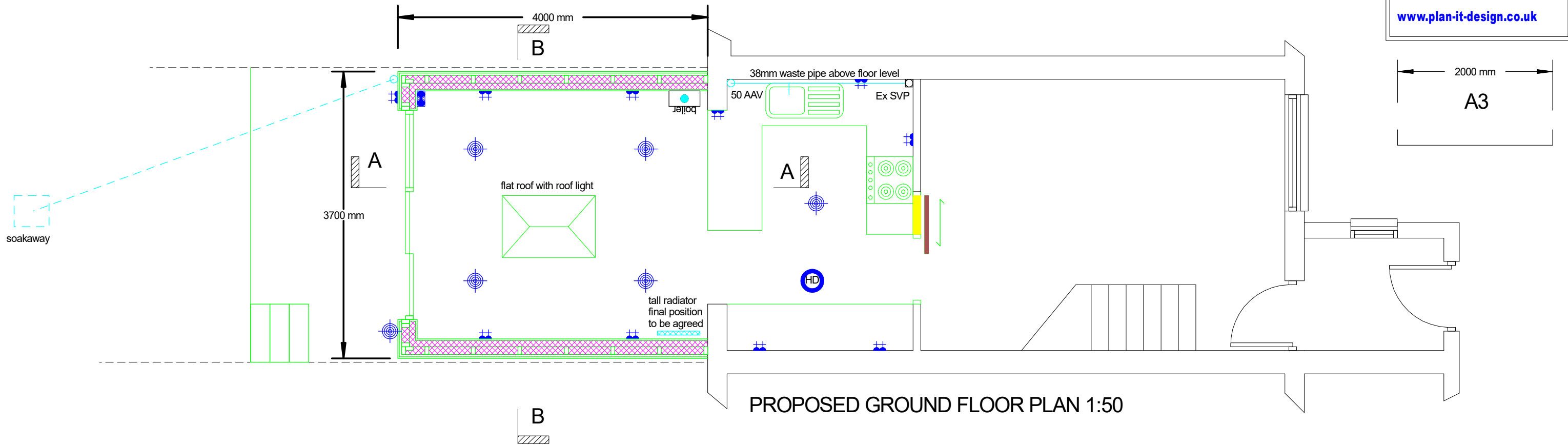


Drawing Number
171246-01

proposed alterations to . . .
131 Maryfield Park,
Mid Calder. EH53 0SD
for . . .
Mr & Mrs Caldwell
May 2017

Plan-It
Chartered Building Surveyors

1 Broombank Birches tel/fax:
Mid Calder. EH530EA 01506 884216



Amendments:
a) parapet wall removed for planning

This drawing must be read with the written notes printed separately

Note 0 Health & safety.
Note 1 Preliminaries
Note 2 Downtakings and site prep.
Note 3 Excavating and filling.
Note 4 Concrete, Founds and steps
Note 5 External Walls
Note 6 Internal walls
Note 7 Floor Insulation.
Note 8 Timber Floor.
Note 9 Roof.
Note 10 Electrics.
Note 11 Plumbing.
Note 12 Finishes
Note 13 Windows and Openings.
Note 14 Decoration
Note 15 External works.
Note 16 Services.

Drawing Number
17/1246-02a

proposed alterations to . . .

131 Maryfield Park,
Mid Calder. EH53 0SD

for . . .

Mr & Mrs Caldwell

May 2017

Plan-It
Chartered Building Surveyors

1 Broombank Birches tel/fax:
Mid Calder. EH530EA 01506 884216

Development Management

List of Delegated Decisions - 28th July 2017

DATA LABEL: OFFICIAL

The following decisions will be issued under delegated powers unless any Member requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	LIVE/0345/H/17	Recommendation:	Grant Conditional Permission
Proposal:	Two storey extension to house (Grid Ref - 308516, 674427)		
Address:	Hazeldean, Faucheldean, C19 - Faucheldean To Glass Place, Winchburgh, EH52 6PR, , , , (Grid Ref:,,)		
Applicant:	Ms Jenna Barlas	Type:	Local Application
Ward:	Broxburn, Uphall And Winchburgh	Case Officer:	Lindsey Patterson

Summary of Representations

One representation was received and is summarised below:

Overbearing

Visual Amenity

Privacy

Driveway Access/Parking

House Extension and Alteration Design Guide 2015 - Presumption against two storey extensions to single storey properties and lack of communication from the applicant before the plans were submitted (good neighbour attitudes)

Reason for Recommendation

The proposal is for a two storey extension to the rear of a single storey detached property, formation of a new driveway and installation of a septic tank.

Following consultation with Environmental Health colleagues, the plans have been amended to show the installation of a septic tank as previously there was no waste treatment in place within this property.

The plans have also been amended to show the re-location of the driveway which was not shown on the original plans but work had commenced on site. Transportation Services have been consulted and confirm that there are no objections to the location of the driveway. The objector has since raised issues regarding regarding land ownership and the propsoed driveway, however this is not a material planning consideration and cannot be taken into account.

Regarding the dominant appearance of the extension impacting residential and visual amenity, the plans have been amended to reduce the scale of the extension by reducing the length of the extension by 0.98 metres and the width by 0.63 metres. The pitch of the roof has also been altered to be more in

keeping with the existing house and the materials amended to include render and cladding, which will up the large side elevation facing the neighbouring properties. The extension now appears subsidiary in appearance to the existing property.

The dormer windows on the west elevation which would have overlooked the neighbouring properties, have also been removed and amended plans submitted showing rooflight windows. It will also be conditioned within the decision notice that the rooflights are fitted with obscure glazing to avoid privacy issues.

The council's House Extension and Alteration Design Guide 2015 states that two storey extensions to single storey properties will rarely be acceptable. However in this case, it is considered that as the first floor element is wholly within the roof space and dormer windows are proposed on an elevation which cannot be viewed from the public road/neighbouring properties, the design is considered to be acceptable.

With regard to the lack of communication from the applicants, although good neighbour attitudes are encouraged within the design guide, this is not a statutory requirement and the application cannot be refused on this basis.

The proposal will not impact on visual or residential amenity and complies with Policy HOU 9 of the local plan and the council's House Extension and Alteration Design Guide 2015. The proposal is therefore considered to be acceptable.

Ref. No.:	LIVE/0408/H/17	Recommendation:	Refuse Permission
Proposal:	Erection of a pergola and decking (Grid Ref: 306715 668596)		
Address:	28 Juniper Grove, Craigshill, Livingston, EH54 5JF, , , , (Grid Ref:,)		
Applicant:	Mrs Denholm	Type:	Local Application
Ward:	East Livingston And East Calder	Case Officer:	Arabella Stewart-Leslie

Summary of Representations

There have been no letters of representation.

Reason for Recommendation

The application is for decking in the rear garden of a teraced house, and a rectangular wooden structure which houses a hot tub. It is a retrospective application. The application site is a small rear garden which backs on to a public path and public open space.

The wooden structure is 2.4 metres high and the decking it sits on is 0.5 metres above ground level, giving a total height of just under three metres. It is considerably taller than the existing fence and the fences of neighbouring gardens; it is considered to constitute an overdominating addition to the rear garden which is visually detrimental to neighbouring properties. Accordingly, it is recommended that planning permission is refused.

Ref. No.:	LIVE/0451/H/17	Recommendation:	Grant Conditional Permission
Proposal:	Demolition of existing extension and erection of new extension (Grid Ref: 300632, 677386)		
Address:	67 Blackness Road, Linlithgow, EH49 7JD, , , , (Grid Ref:,,)		
Applicant:	Brenda Green	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Arabella Stewart-Leslie

Summary of Representations

One letter of representation received.

- Concerns over the scale and design (flat roof)
- Materials

Reason for Recommendation

The proposal is for a strikingly modern extension to a traditional (unlisted) cottage on Blackness Road, Linlithgow. The cottage is small and not well suited to present day needs in terms of usable floorspace. The applicants previously submitted an application to demolish the cottage and build a more modern house on the site. This application was refused by the council on the grounds that the cottage contributed positively to the character of the conservation area. Historic Environment Scotland supported the council's decision.

The new proposals, which have been the subject of discussion with council officers, seek to retain the cottage in its entirety, with the addition of traditional styled dormers to increase the usable floorspace within the original building, and a modern extension to the side and rear. The modern extension is of a high quality design and uses a fall in ground levels behind the cottage in a creative way, in order to reduce the massing of the extension. The extension provides a modern contrast between the old and new forms of the property to create a building which, it is considered, will enhance the appearance of the conservation area. Accordingly, it is recommended that planning permission is granted.

Development Management

List of Delegated Decisions - 4th August 2017

DATA LABEL: OFFICIAL

The following decisions will be issued under delegated powers unless any Member requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	LIVE/0294/FUL/17	Recommendation:	Grant Conditional Permission
Proposal:	Erection of 4 dwellinghouses (Grid Ref: 308259, 672043)		
Address:	Land To Rear Of 33 Station Road, Broxburn EH52 5QR,, , (Grid Ref: ,)		
Applicant:		Type:	Local Application
Ward:	Broxburn, Uphall And Winchburgh	Case Officer:	Mahlon Fautua
<u>Summary of Representations</u> Car traffic Noise Privacy Fencing			
<u>Reason for Recommendation</u> The site is within the settlement boundary. The scale of the proposed residential development would not have a detrimental impact on the character of the area due to the size of the site. The proposed house largely satisfy the planning guidelines in terms of garden ground and separation. The proposed finished height of the ridges are lower than the houses on Station Road. Therefore it is considered that the proposal would not have a detrimental visual impact from Station Road. The site is outwith the flood plain and SEPA do not object to the proposal. Further to this, flood prevention works further lower any flood risk on the site. Taking into account the above, it is recommended that planning permission be granted subject to conditions.			

Ref. No.:	LIVE/0431/H/17	Recommendation:	Grant Conditional Permission
Proposal:	Erection of a wall (in retrospect) (Grid Ref:303805, 670824)		
Address:	Little Lunnon, 62 Main Street, Dechmont EH52 6LF,, , , (Grid Ref: ,)		
Applicant:	John & Jessie Smith	Type:	Local Application
Ward:	Broxburn, Uphall And Winchburgh	Case Officer:	Arabella Stewart-Leslie
<p><u>Summary of Representations</u></p> <p>There has been 1 letter of objection to the proposal.</p> <p>-Height -Structural soundness</p>			
<p><u>Reason for Recommendation</u></p> <p>The proposal will not be significantly detrimental to residential and visual amenity. The application is retrspective. The wall does not have a negative impact on the appearance of the area; other properties have boundary fences of a similar height.</p> <p>The finish of the wall is that which will have the greatest impact on visual amenity. The wall should be rendered and a condition is attached to ensure that this will be implemented.</p>			

Ref. No.:	LIVE/0465/H/17	Recommendation:	Refuse Permission
Proposal:	Two storey extension to house (Grid Ref: 294869, 667903)		
Address:	23 Tarrareoch Court, Armadale, EH48 2TF,, , , (Grid Ref: ,)		
Applicant:	Mr C Johnson	Type:	Local Application
Ward:	Armadale & Blackridge	Case Officer:	Arabella Stewart-Leslie
<u>Summary of Representations</u> There have been 2 letters of objection. - Dominate/overbeaing/overshdadowing -Materials -Distance between windows -Angle of the extension			
<u>Reason for Recommendation</u> The proposal is for a two storey extension, angled to fit the plot. The gable wall of the proposed extension would be one metre from the boundary with the neighbouring property, which would make it an overdominating feature in the streetscene and would be detrimental to the residential amenity of the residents of the neighbouring property. The houses in Tarrareoch Court are located close together; there is currently, because of the angles between the application property and its neighbour, a noticeable gap, which would be closed off by the proposed extension. In consequence, the proposal is considered to be contary to Policy HOU 9 of the West Lothian Local Plan, in that it would be an overdominant feature on the streetscene. It is recommended, therefore, that planning permisison is refused.			

Development Management

List of Delegated Decisions - 11th August 2017

DATA LABEL: OFFICIAL

The following decisions will be issued under delegated powers unless any Member requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	LIVE/0473/FUL/17	Recommendation:	Refuse Permission
Proposal:	Erection of two 2.18m high roof mounted wind turbines with 4.65m long horizontal blades (Grid Ref: 307303, 665520)		
Address:	Jabil Circuit Ltd, Oakbank Park Drive, Livingston, EH53 0TJ,, , (Grid Ref: ,)		
Applicant:		Type:	Other
Ward:	Livingston South	Case Officer:	Matthew Watson
<u>Summary of Representations</u>			
No representations were received.			
<u>Reason for Recommendation</u>			
<p>The proposed roof mounted turbines are not acceptable as they conflict with aerodrome safeguarding criteria. Edinburgh Airport has objected to the proposal on the grounds that the turbines will appear as clutter on the radar screens of air traffic controllers. This will result in a detrimental impact on air traffic control as there will be a significant risk of mis-identification with other air traffic.</p> <p>Although the proposal is acceptable in terms of visual impact, for the reason above, the proposal is unacceptable and refusal is therefore recommended.</p>			

Ref. No.:	LIVE/0223/P/17	Recommendation:	Grant Planning Permission in Principle
Proposal:	Planning permission in principle for mixed use residential development comprising approximately 200 homes and neighbourhood centre / commercial space (use classes 1, 2, 3, 4 & sui generis hot food takeaway) with associated infrastructure (Grid Ref: 290253, 667138)		
Address:	Land To The South Of Craiginn Terrace (A89), Blackridge,, , , (Grid Ref: ,)		
Applicant:		Type:	Major Application
Ward:	Armadale & Blackridge	Case Officer:	Ross Burton

Summary of Representations

Two objections were received, on the following grounds:
 principle of development on a greenfield site
 location of proposed neighbourhood centre/commercial units

Reason for Recommendation

Planning permisison in principle is sought for a site between the village of Blackridge and the railway station. The proposal follows committee approval, subject to the conclusion of a legal agreement, in 2012. The site is allocated in the West Lothian Local Plan and the emerging Local Development Plan for housing development. Part of the site is functional flood plain; SEPA has confirmed that the proposals are acceptable, with the addition of a condition requiring an updated Flood Risk Assessment at the detailed application (MSC) stage.

Both objections are to do with the indicative layout, which does not form part of the application, and the principle of development, which was established when the site was included in the schedule of housing development sites in the West Lothian Local Plan.

The site is suitable for development, subject to safeguards in relation to flooding issues and noise from the railway which forms the southern boundary of the site. Accordingly, it is recommended that planning permission in principle is granted, subject to the successful conclusion of a legal agreement to secure the appropriate developer contributions.

Development Management

List of Delegated Decisions - 18 August 2017

The following decisions will be issued under delegated powers unless any Member requests that an application is reported to the Development Management Committee for determination. Such requests must be made on the attached form, which should be completed and sent for the attention of the Development Management Manager to planning@westlothian.gov.uk no later than 12 Noon, 7 days from the date of this list.

Ref. No.:	LIVE/0454/FUL/17	Recommendation:	Grant Conditional Permission
Proposal:	Change of use from open space to private garden ground (Grid Ref: 299192, 668820)		
Address:	81 Whitelaw Drive, Bathgate, EH48 1RN,, , , (Grid Ref: ,)		
Applicant:	Ms W Turner	Type:	Local Application
Ward:	Bathgate	Case Officer:	Mahlon Fautua
<u>Summary of Representations</u> - Blocking access to my property - Illegal decking - safety concerns with fire access - social impact about the noisy dogs			
<u>Reason for Recommendation</u> The proposed change of use from open space to private garden ground is acceptable and would not have a detrimental impact on the remainder of the open ground. The proposal would not block access to emergency services. The barking of the dogs is not a material planning matter. In therefore recommended that planning permission is granted subject to conditions.			

Ref. No.:	LIVE/0419/FUL/17	Recommendation:	Grant Conditional Permission
Proposal:	Erection of a house (Grid Ref: 298478, 677344)		
Address:	Land Adjacent To Avonmill, 57 Mill Road, Linlithgow EH49 7QJ,, , , (Grid Ref: ,)		
Applicant:		Type:	Local Application
Ward:	Linlithgow	Case Officer:	Matthew Watson

Summary of Representations

One out of time objection received for the application in its original form.

Following re-notification of the revised proposals no representations were received.

Reason for Recommendation

The proposed house is acceptable following revisions made to the application. The revisions made to reduce the height of the house from two storeys to a single storey mean the house will integrate into its surroundings and will not have an adverse visual impact on the streetscene.

The proposed house complies with the plot ratios set out in the SPG on 'Single plot and small scale infill residential development in urban areas' and provides sufficient amenity space for a one bedroom property.

The proposed house will not harm neighbouring amenity through overshadowing or loss of daylight. The rear elevation of the proposed house is located within 5.019 metres of the boundary of 6 Avonmill View. This does not strictly comply with the SPG on 'Single plot and small scale infill residential development in urban areas', however, a 1.8 metre high fence provides adequate screening at this boundary and neighbouring amenity will not be adversely affected.

The proposal complies with policies HOU2, HOU3, HOU4, HOU9, IMP14 and IMP15 of the West Lothian Local Plan. No material considerations outweigh this conclusion.

A legal agreement will be required to allow contributions to be secured for education infrastructure and cemetery provision.