



West Lothian Council (Planning)

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

21 February 2018

A meeting of the **West Lothian Council (Planning)** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston** on **Wednesday 28 February 2018** at **11:00am** or at the conclusion of the West Lothian Planning Committee

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 West Lothian Council (Planning) held on Wednesday 16 November 2016 (herewith).

Public Items for Decision

5. Application No.0411/P/17 - Planning permission in principle for residential development with associated public space and infrastructure at Hens Nest Road, East Whitburn (herewith)

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

DATA LABEL: Public

MINUTE of MEETING of the WEST LOTHIAN COUNCIL (PLANNING) of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 16 NOVEMBER 2016.

Present – Councillors Tom Kerr (Chair), Alexander Davidson, Stuart Borrowman, William Boyle, Tom Conn, Jim Dixon, David Dodds, Lawrence Fitzpatrick, Dave King, Greg McCarra, John McGinty, Anne McMillan, George Paul, David Tait, Frank Toner and Jim Walker

Apologies – Councillor Tony Boyle, Harry Cartmill, Carl John, Sarah King, Danny Logue, Angela Moohan, Cathy Muldoon and Barry Robertson

Absent – Councillors Frank Anderson, Diane Calder, Janet Campbell, Robert De Bold, Jim Dickson, Mary Dickson, Peter Johnston, Andrew Miller and John Muir

1. DECLARATIONS OF INTEREST

- 1) Application No.0496/P/16 – Councillor S Borrowman declared a non-financial interest in that he was acquainted with two of the objectors but would take part in the item of business;
- 2) Application No.0496/P/16 – Councillor F Toner declared a non-financial in that he was employed by Neil Findlay MSP whose office had been involved in a campaign to stop the development from going ahead. Therefore he would not take part in the meeting but would address committee as a local ward member;
- 3) Application No.0496/P/16 – Councillor L Fitzpatrick declared a non-financial interest in that he was a council appointed member of the West of Scotland Archaeology Service who were a statutory consultee on planning applications but would participate in the item of business; and
- 4) Application No.0496/P/16 – Councillor T Kerr declared a non-financial interest in that he had met with objector Karen Rogers but would participate in the item of business.

2. MINUTE

West Lothian Council (Planning) confirmed the Minute of the meeting held on 1 June 2016. The Minute was thereafter signed by the Chair.

3. APPLICATION NO.0496/P/16

West Lothian Council (Planning) 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>
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0496/P/16

Planning permission in principle for a 13.7ha residential development with associated infrastructure, landscaping, access road and engineering other works on land at Pumpherston Farm, Livingston

To note the contents of the report and any representations made prior to a decision being taken by West Lothian Council (Planning)

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

Motion

To refuse planning permission for the reasons set out in the report,

- Moved by the Chair and seconded by Councillor King

Amendment

To refuse planning permission for the reasons set out in the report subject to deletion of any reference to any unwillingness on the part of the developer to enter into a section 75 obligation because there was no evidence to show that they had stated that would not do so.

- Moved by Councillor McCarra and seconded by Councillor W Boyle

It was agreed that a roll call vote be taken which resulted as follows :-

Motion

Sturt Borrowman

Tom Conn

Alex Davidson

Jim Dixon

David Dodds

Lawrence Fitzpatrick

Tom Kerr

Dave King

John McGinty

Amendment

Willie Boyle

Greg McCarra

Anne McMillan

George Paul

David Tait

Decision

Following a vote the motion was successful by 12 votes to 2, with 1 abstention, and it was agreed accordingly.

WEST LoTHIAN COUNCIL (PLANNING)

Report by Head of Planning, Economic Development & Regeneration

1 DESCRIPTION AND LOCATION

- 1.1 Planning permission in principle for residential development with associated public open space and infrastructure at Hens Nest Road, East Whitburn.

2 DETAILS

Reference no.	0411/P/17	Owner of site	Ogilvie Homes Ltd
Applicant	Ogilvie Homes Ltd	Ward & local members	Whitburn & Blackburn Jim Dixon Bruce Fairbairn George Paul Kirsteen Sullivan
Case officer	Tony Irving	Contact details	01506 282410 tony.irving@westlothian.gov.uk

3 PRE-DETERMINATION HEARING

- 3.1 West Lothian Council Planning Committee has heard a report prepared by the Head of Planning, Economic Development & Regeneration relating to a planning application for permission in principle for residential development at Hens Nest Road, East Whitburn. The decision on a major development such as this, which is significantly contrary to the development plan, can only be discharged by the full council and not by a committee of the council.

4 SUMMARY AND CONCLUSIONS

- 4.1 The application site comprises a predominantly greenfield site on the southern edge of East Whitburn. The site is located outwith the settlement envelope of East Whitburn as defined in the adopted West Lothian Local Plan (WLLP). The WLLP also shows the site as being with the countryside belt at Whitburn.
- 4.2 The site is not allocated for residential development in either the adopted WLLP or the proposed West Lothian Local Development Plan (WLLDP) and would extend urban development into a part of the countryside which is subject to special protection by its designation as the Bathgate/Whitburn Countryside Belt. The proposed scale of development proposed in relation to the size of the existing settlement at East Whitburn would have a detrimental impact on the character of the village. The proposal would also harm the integrity of the countryside belt at this location by eroding the countryside belt between East Whitburn and Whitburn and prejudicing the continued visual and physical separation of the two settlements.

- 4.3 Further, the location of the site is such that it has relatively low accessibility to services and community infrastructure. Homes on the site, particularly at the south, would be beyond recommended guidelines for accessibility of housing to public transport. A development of the size proposed at this location would not contribute to sustainable travel and sustainable development objectives.
- 4.4 The applicant argues that there is not an effective five year housing land supply and this is justification to allow a departure from the development plan. The council's position is that this is not the case. Even if it lack of an effective five year housing land supply was accepted, the proposal would fail SESplan policy 7 criteria (a). Further, the site is not considered to be a sustainable location for a housing development of the size proposed due to its relative low accessibility to services and community infrastructure and would likely result in unsustainable patterns of transport and travel.
- 4.5 In summary, the proposal conflicts with the development plan and there are no material considerations that outweigh the presumption against residential development at this location.

5 RECOMMENDATION

- 5.1 It is recommended that planning permission in principle for the proposed residential development be refused for the reasons attached to this report.

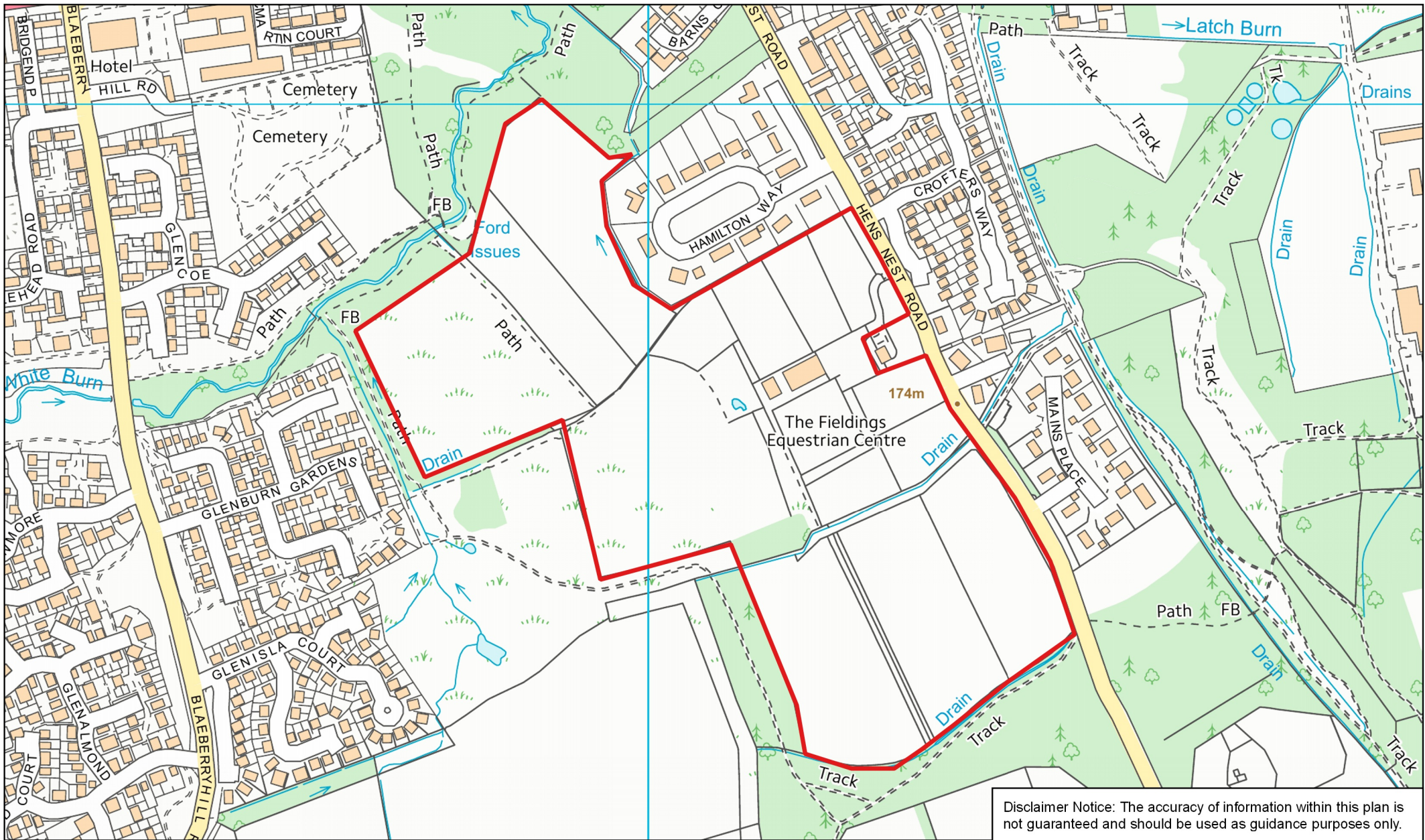
6 ATTACHMENTS

- Location plans
- Indicative site masterplan
- Draft reasons for refusal



Craig McCorriston

Head of Planning, Economic Development & Regeneration

Date: 28 February 2018



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0411/P/17

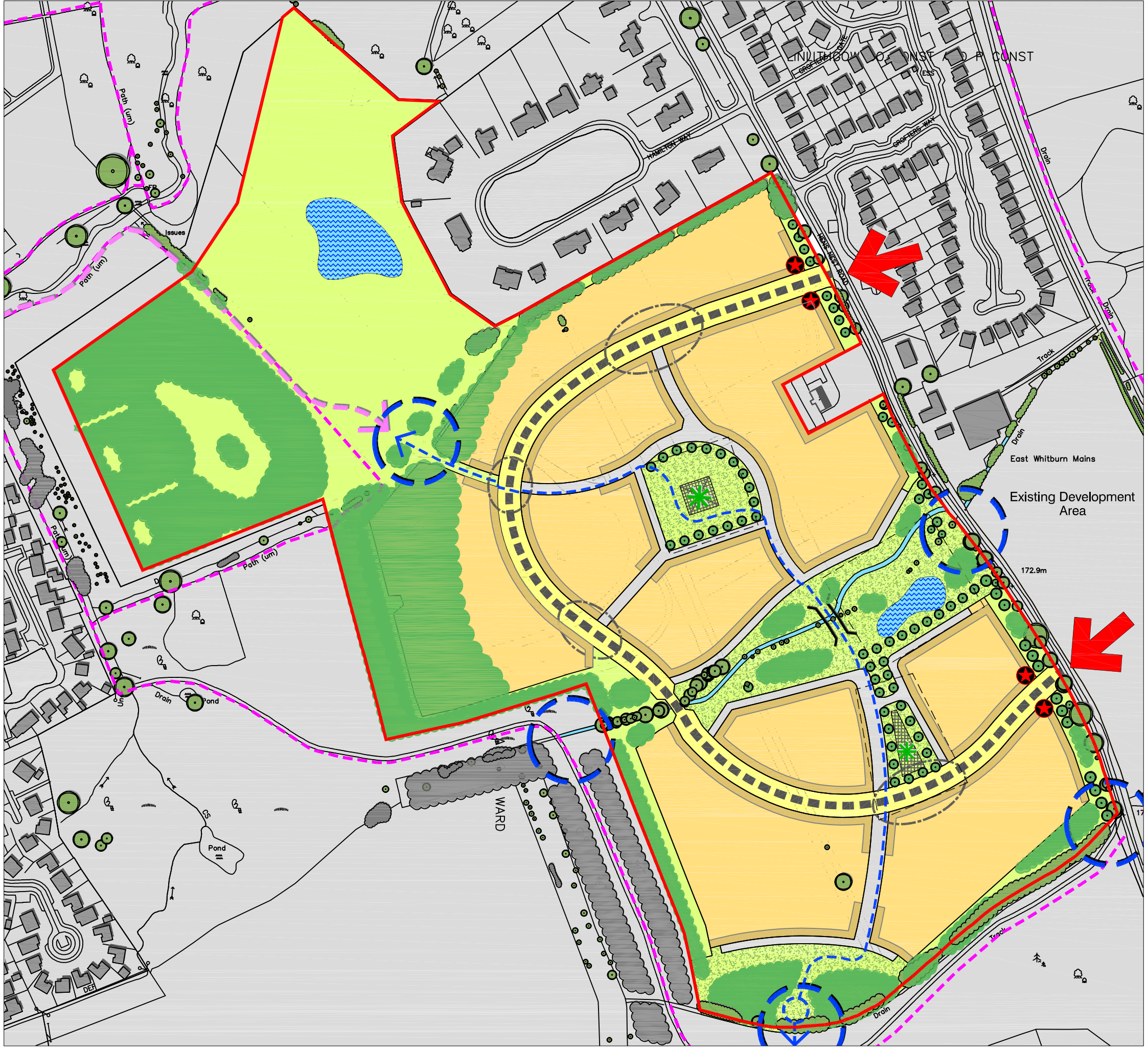
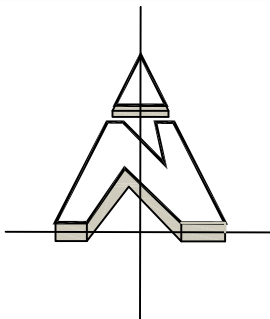
Planning, Economic Development & Regeneration,
West Lothian Civic Centre, Livingston, EH54 6FF

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- Legend
- Boundary of Subject Site

Residential

Formal Open Space

Informal Open Space

Kick-About Area

LEAP

Access Points

Distributor Road

Internal Roads

Existing Footpath / Cycleway

Proposed Footpath / Cycleway

Footpath Connection Points

Gateway Buildings

Key Frontages

Existing Development

Existing Open Space

Existing Planting

Structure Planting

Proposed Tree Planting including Avenue Planting

Watercourses

Safe Route to School

SUDS Treatment Area

Traffic Calming Device
-
- REVISIONS
- | |
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- ogilvie

HOMES

Ogilvie Homes Ltd, Ogilvie House,
Pirnhall Business Park,
Stirling, FK7 8ES
Tel: 01786 811811 Fax: 01786 816935
- PROJECT
HENS NEST ROAD,
WHITBURN
- DRAWING
INDICATIVE MASTER PLAN
- | | | | |
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- 11 -

Draft reasons for refusal 0411/P/17

- (1) The proposal is contrary to Policy 1B of the Strategic Development Plan for Edinburgh and South East Scotland. The site is a predominantly greenfield site located outwith the settlement envelope of East Whitburn on land designated in the adopted West Lothian Local Plan as countryside belt. The proposal would constitute an unjustified intrusion into the countryside belt and have a significant adverse impact on the strategic purposes of this designation.
- (2) The proposal is contrary to Policy 5 of the Strategic Development Plan for Edinburgh and South East Scotland. The site not allocated for housing in the adopted West Lothian Local Plan. The proposed West Lothian Local Development Plan allocates sufficient land which is capable of becoming effective to deliver the housing requirement for West Lothian.
- (3) The proposal is contrary to Policy 6 of the Strategic Development Plan for Edinburgh and South East Scotland. There is a generous supply of housing land in West Lothian and granting permission on this unallocated site would be outwith the terms of this policy.
- (4) The proposal is contrary to Policy 7 of the Strategic Development Plan for Edinburgh and South East Scotland insofar as the site is not allocated for housing in the adopted West Lothian Local Plan and is not required in order to maintain a five year effective housing supply. The proposal would not be in keeping with the character of the settlement and local area. It would have a detrimental impact on the strategic purpose of the countryside belt and give rise to visual/physical coalescence of East Whitburn and Whitburn. The proposal thus fails criteria (a) of Policy 7.
- (5) The proposal is contrary to Policy 8 of the Strategic Development Plan for Edinburgh and South East Scotland. The site is outwith the settlement envelope of East Whitburn and has relatively low accessibility to services and community infrastructure. A development of the size proposed at this location would not contribute to sustainable travel and sustainable development objectives and granting permission would likely to result in a high proportion of journeys by car.
- (6) The proposal is contrary to Policy 13 of the Strategic Development Plan for Edinburgh and South East Scotland. The proposed West Lothian Local Development Plan has carried out a Local Landscape Designation Review in 2013 that formed the basis for the natural environment strategy set out in the plan. The site still remains in the countryside belt in the proposed plan. The proposal would constitute an unjustified intrusion into the countryside belt and have a significant adverse impact on the strategic purposes of this designation.
- (7) The proposal is contrary to Policy ENV 22 of the adopted West Lothian Local Plan. The Bathgate/Whitburn Countryside Belt forms an important area of visual and physical separation between East Whitburn and Whitburn. The proposal within the countryside belt is unjustified and would neither protect nor enhance the designation.
- (8) The proposal is contrary to Policy ENV 23 of the adopted West Lothian Local Plan. The application site is outwith the East Whitburn settlement envelope in an area designated as the Bathgate/Whitburn Countryside Belt. The proposal has no locational need and would give rise to visual/physical coalescence of East Whitburn and Whitburn. The proposal would constitute an unjustified intrusion into the countryside belt and have a significant adverse impact on the strategic purposes of this designation.
- (9) The proposal is contrary to Policy ENV 31 of the adopted West Lothian Local Plan. The site is located outside the settlement boundary of East Whitburn where there is a presumption against development except in limited circumstances where development is compatible with a rural area or where

there is a specific locational need. The proposed development can be characterised as an unjustified development of a predominantly greenfield site and does not meet the criteria contained in policy ENV 31 for allowing development in the countryside.

- (10) The proposal is contrary to Policy HOU 1 of the adopted West Lothian Local Plan. The site is not allocated as a housing site in the adopted local plan.
- (11) The proposal is contrary to Policy HOU 2 of the adopted West Lothian Local Plan. The site lies outwith the settlement boundary of East Whitburn as defined in the adopted local plan.
- (12) The proposal is contrary to Policy HOU 1 of the proposed West Lothian Local Development Plan. The site is not allocated as a housing site in the proposed plan.
- (13) The proposal is contrary to Policy HOU 2 of the proposed West Lothian Local Development Plan. The site is not identified for longer term expansion that can be brought forward in the event a shortfall in the effective housing supply has been identified.
- (14) The proposal is contrary to Policy HOU 3 of the proposed West Lothian Local Development Plan. The site lies outwith the settlement boundary of East Whitburn as defined in the proposed plan.
- (15) The proposal is contrary to Policy ENV 2 of the proposed West Lothian Local Development Plan. The site is located outside the settlement boundary of East Whitburn where there is a presumption against development except in limited circumstances where development is compatible with a rural area or where there is a specific locational need. The proposed development can be characterised as an unjustified development of a predominantly greenfield site and does not meet the criteria contained in policy ENV 2 for allowing development in the countryside.
- (16) The proposal is contrary to Policy ENV 7 of the proposed West Lothian Local Development Plan. The site is outwith the East Whitburn settlement envelope in an area designated as the Bathgate/Whitburn Countryside Belt. The proposal has no locational need and would give rise to visual/physical coalescence of East Whitburn and Whitburn. The proposal would constitute an unjustified intrusion into the countryside belt and have a significant adverse impact on the strategic purposes of this designation.
- (17) The proposal is contrary to Policy NRG 1 of the proposed West Lothian Local Development Plan. The site is outwith the settlement envelope of East Whitburn and has relatively low accessibility to services and community infrastructure. A development of the size proposed at this location would not contribute to sustainable travel and sustainable development objectives and granting permission would likely to result in a high proportion of journeys by car.