



West Lothian Council (Planning)

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

16 August 2018

A meeting of the **West Lothian Council (Planning)** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Wednesday 22 August 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 25 April 2018 (herewith).

Public Items for Decision

5. Application No.0057/P/18 - Planning permission in principle of a 6.5ha residential development and associated access, engineering works and landscaping on land at Clarendon Farm, Linlithgow (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, LIVINGSTON, on 25 APRIL 2018.

Present – Provost Tom Kerr (Chair), Councillors Alison Adamson, Stuart Borrowman, William Boyle, Harry Cartmill, Pauline Clark, Lawrence Fitzpatrick, Chris Horne, John McGinty, Andrew McGuire, Dom McGuire, George Paul, Kirsteen Sullivan, David Tait and Damian Timson

Apologies – Councillors Dave King, Tom Conn, David Dodds, Angela Doran, Bruce Fairbairn, Charles Kennedy and Sarah King

Absent – Councillors Frank Anderson, Diane Calder, Janet Campbell, Robert De Bold, Jim Dickson, Peter Heggie, Carl John, Peter Johnston, Andrew Miller, Cathy Muldoon and Moira Shemilt

1. DECLARATIONS OF INTEREST

- Item 6 (App No.0411/P/17) - Councillor Lawrence Fitzpatrick declared that he was a council appointed member of the West of Scotland Archaeology Society who were a statutory consultee on the application but would participate in the item of business;
- Item 6 (App No.0411/P/17) - Councillor Damian Timson declared that he was a council appointed substitute member of the West of Scotland Archaeology Society who were a statutory consultee on the application but would participate in the item of business;
- Item 6 (App No.0411/P/17) - Councillor George Paul declared that he was a local ward member for the proposed application site but would participate in the item of business; and
- Item 6 (App No.0411/P/17) - Councillor Kirsteen Sullivan declared that she was a local ward member for the proposed application site but would participate in the item of business

2. MINUTE

West Lothian Council (Planning) confirmed the Minute of its meeting held on 16 November 2016.

3. APPLICATION NO.0411/P/17

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>
0411/P/17	Planning permission in	To refuse planning

principle for residential permission
development with
associated public open
space and
infrastructure at Hens
Nest Road, East
Whitburn

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.

Decision

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

Councillor Willie Boyle having moved an alternative position which did not receive a seconder had his dissent to the decision recorded.



WEST LoTHIAN COUNCIL (PLANNING)

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Planning permission in principle for a 6.5ha residential development and associated access, engineering works and landscaping on land at Clarendon Farm, Linlithgow

2 DETAILS

Reference no.	0057/P/18	Owners of site	Manor Forrest Ltd Mr William Hamilton West Lothian Council
Applicant	Gladman Developments Ltd	Ward & local members	Linlithgow Cllr Tom Conn Cllr Tom Kerr Cllr David Tait
Case officer	Steven McLaren	Contact details	01506 282404 steve.mclaren@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 a 6.5ha residential development and associated access, engineering works and landscaping on land at Clarendon Farm, Linlithgow. 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 predominately prime agricultural land on the eastern edge of Linlithgow. The site is located out with the settlement envelope of Linlithgow as defined in the adopted West Lothian Local Plan (WLLP) and the post examination West Lothian Local Development Plan (as modified) (WLLDP).
- 4.2 The site is not allocated for residential development in either the adopted WLLP or the proposed WLLDP and would extend urban development into a part of the countryside which is subject to special protection by its designation as a Special Landscape Area (SLA) in the WLLDP.

- 4.3 The location of the site on the periphery of the Linlithgow settlement makes it a sustainable location in that there are links to existing road, footpath and public transport infrastructure. Many of the technicalities in developing a site of this scale can be overcome through the implementation of current standards and good practice in relation to drainage, flooding, archaeology, land contamination, air quality, access and parking.
- 4.4 There are local constraints. Until the conclusion of the City Region Deal process for underwriting the cost of the schools at Winchburgh there remains considerable constraint on the number of house completions which could be achieved until 2024.
- 4.5 A further area of constraint is the level of traffic associated with Manse Road, on street parking and the conflict between vehicles and pedestrians at the canal bridge junction. The reporters in both the Clarendon Farm appeal and the WLLDP examination considered the implications of this conflict unacceptable and these opinions continue to be material planning considerations.
- 4.6 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. The matter relating to effective housing land supply has been considered in detail by the Reporter in the examination of the replacement Strategic Development Plan for Edinburgh & South East Scotland (SESPan 2) and it is clear that the level of housing land supply required by West Lothian as a partner authority for this area is more than provided for in the WLLDP housing land allocations.
- 4.7 In the assessment of development land allocations under the WLLDP examination process, the site as referred to in the proposed WLLDP (H-LL10) was specifically deleted by the Reporter and the land designated as a Special Landscape Area (SLA), due to the quality and character of the surrounding landscape. These designations were accepted by the council at the meeting of 22 March 2018 when it agreed the plan for adoption.
- 4.8 In summary, the proposal is contrary to the existing development plan, the proposed West Lothian Local Development Plan and the proposed SESPlan 2. There are no material considerations that outweigh the development plan presumption against residential development at this location.

5	RECOMMENDATION
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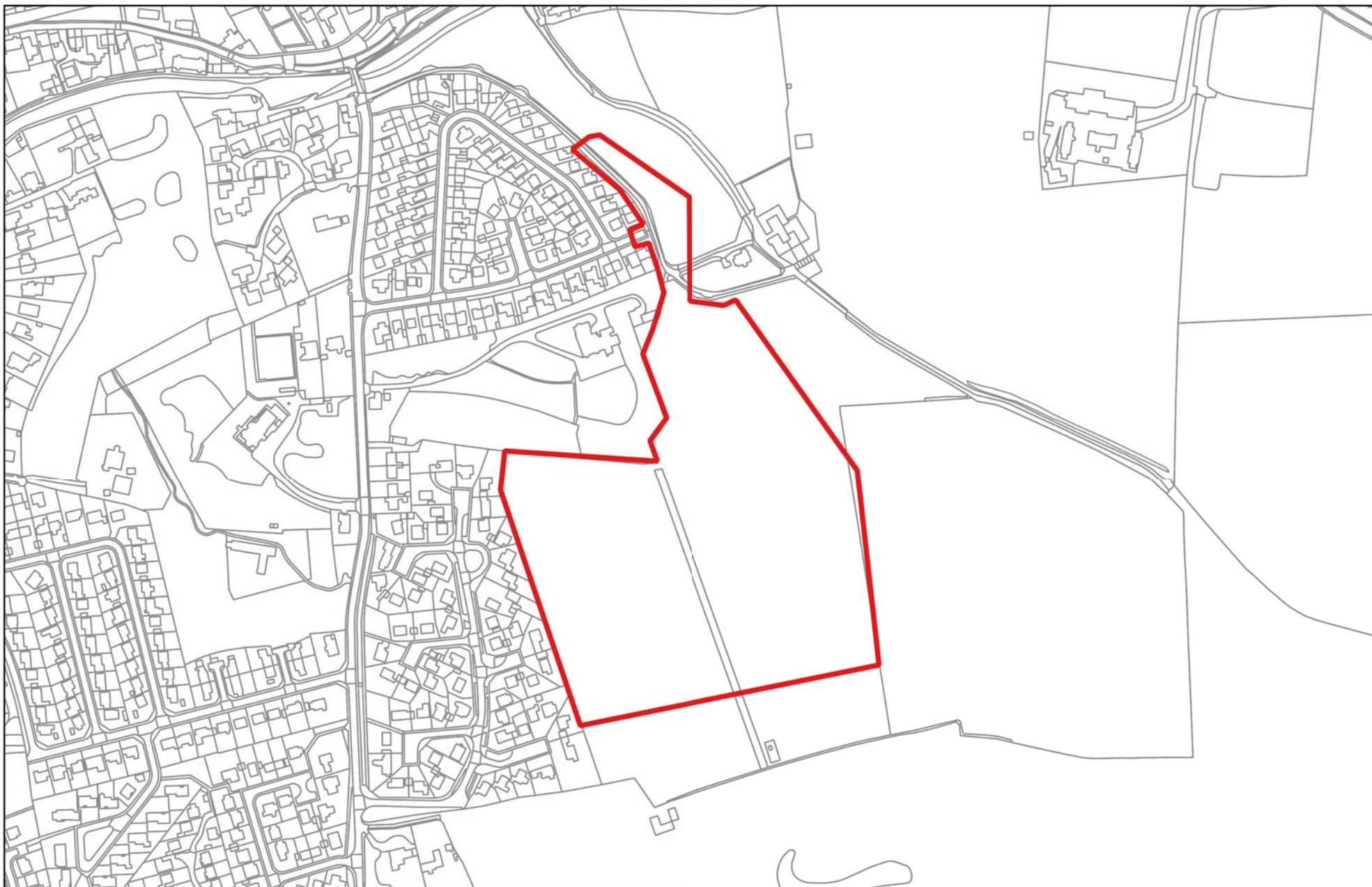
- 5.1 It is recommended that planning permission in principle for the proposed residential development be refused for the reasons attached to this report.
- 5.2 If members are minded to overturn this recommendation the case will require to be referred to Scottish Ministers in accordance with relevant notification regulations as it is a proposal which is significantly contrary to the development plan and one in which the council has a land ownership interest. Additionally a schedule of planning conditions and the heads of terms of a planning obligation will require to be agreed, in consultation with local members.

6	ATTACHMENTS
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- Location plan
- Aerial
- Indicative master plan
- Draft reasons for refusal

Craig McCorriston
Head of Planning, Economic Development & Regeneration

Date: 22 August 2018







Shared surface



SUDs pond



Proposed site boundary



New structured planting



Gardens and boundaries



Site and wide footpaths



Roads, footpaths and service strips in accordance with designing streets



Play areas



Meadows with mown paths



Table with change in material separating conventional streets and level surfaces



Potential Swale

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Figured dimensions only to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand IF IN DOUBT ASK.
CDM: Hazard Elimination & Risk Reduction has been undertaken and recorded where appropriate, in accordance with the requirements of "The Construction (Design and Management) Regulations 2007" and the "Industry Guidance for Designers"

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Drawing		
Clarendon Farm		
Indicative Masterplan		
Project No.	Drawing No.	Rev
212217	L(--)001	
Scale	Date	
1:1000	01.10.13	
Client	Gladman Developments	

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Draft reasons for refusal

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 out with the settlement envelope of Linlithgow on land designated in the West Lothian Local Development Plan (intention to adopt) as a Special Landscape Area (SLA). The proposal would constitute an unjustified intrusion into the SLA 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 is not allocated for housing in the adopted West Lothian Local Plan. The proposed West Lothian Local Development Plan (intention to adopt) 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 out with the terms of this policy.
4. The proposal is contrary to Policy 7 of the Strategic Development Plan for Edinburgh and South East Scotland. 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 have a detrimental impact on the strategic purpose of the SLA. There are education infrastructure constraints in that until there is a secured position for the delivery of new secondary schools at Winchburgh the development is premature. The proposal thus fails criteria (a) and (c) of Policy 7.
5. 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 (intention to adopt) allocates this land as being within and SLA. The proposal would constitute an unjustified intrusion into the SLA and have a significant adverse impact on the strategic purposes of this designation.
6. The proposal is contrary to Policy ENV 31 of the adopted West Lothian Local Plan. The site is located outside the settlement boundary of Linlithgow 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.
7. The proposal is contrary to Policy HOU 1 of the adopted West Lothian Local Plan. The site is not allocated for housing in the adopted local plan.

8. The proposal is contrary to Policy HOU 2 of the adopted West Lothian Local Plan. The site lies out with the settlement boundary of Linlithgow as defined in the adopted local plan.
9. The proposal is contrary to Policy HOU 1 of the West Lothian Local Development Plan (intention to adopt). The site is not allocated for housing in the proposed local development plan.
10. The proposal is contrary to Policy HOU 2 of the West Lothian Local Development Plan (intention to adopt). The site is not allocated for housing in the proposed local development plan and is not required in order to maintain a five year effective housing supply. The proposal would have a detrimental impact on the strategic purpose of the SLA to its detriment. It would further require additional infrastructure commitment in respect of secondary education which is not secured at this time. The proposal thus fails criteria (a) and (b) of Policy HOU 2.
11. The proposal is contrary to Policy HOU 3 of the West Lothian Local Development Plan (intention to adopt). The site lies out with the settlement boundary of Linlithgow and within an SLA as defined in the proposed local development plan.
12. The proposal is contrary to Policy ENV 1 of the West Lothian Local Development Plan (intention to adopt). The site is located within an SLA where there is a presumption against development which would undermine the landscape character and visual qualities for which the area was designated. The site was specifically removed from the Linlithgow settlement boundary during the LDP examination process and included in the SLA. The development does not accord with this policy.
13. 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 Linlithgow 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.
14. Development will not be permitted where it results in the permanent loss of prime agricultural land as defined by the James Hutton Institute Land Capability Classes 1, 2, and 3.1. The development does not meet the 4 tests for this policy and would result in the permanent loss of prime agricultural land. The proposals therefore do not accord with policy ENV 4 of the West Lothian Local Development Plan (intention to adopt)