



Development Management Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

6 November 2019

A meeting of the **Development Management Committee** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre, Livingston** on **Wednesday 13 November 2019 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 16 October 2019 (herewith)

Public Items for Decision

5. Application No.0927/FUL/18 - Erection of 18 houses with associated infrastructure and landscaping (as amended) at land to south east of Tarbert Drive, Murieston, Livingston (herewith)
6. Application No.0864/FUL/19 - Erection of house, garage and associated works at The Paddocks, Kirknewton (herewith)
7. Application No.0918/MSD/19 - Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethersheil, Calderwood, East Calder (herewith)

Public Items for Information

8. Consider list of delegated decisions on planning applications and enforcement actions for 11 October to 1 November 2019 (herewith)

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

CODE OF CONDUCT AND DECLARATIONS OF INTEREST

This form is to help members. It is not a substitute for declaring interests at the meeting.

Members should look at every item and consider if they have an interest. If members have an interest they must consider if they have to declare it. If members declare an interest they must consider if they have to withdraw.

NAME	MEETING	DATE

AGENDA ITEM NO.	FINANCIAL (F) OR NON- FINANCIAL INTEREST (NF)	DETAIL ON THE REASON FOR YOUR DECLARATION (e.g. I am Chairperson of the Association)	REMAIN OR WITHDRAW

The objective test is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.

Other key terminology appears on the reverse.

If you require assistance, please ask as early as possible. Contact Julie Whitelaw, Monitoring Officer, 01506 281626, julie.whitelaw@westlothian.gov.uk, James Millar, Governance Manager, 01506 281695, james.millar@westlothian.gov.uk, Carol Johnston, Chief Solicitor, 01506 281626, carol.johnston@westlothian.gov.uk, Committee Services Team, 01506 281604, 01506 281621, committee.services@westlothian.gov.uk

SUMMARY OF KEY TERMINOLOGY FROM REVISED CODE

The objective test

“...whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor”

The General Exclusions

- As a council tax payer or rate payer or in relation to the council's public services which are offered to the public generally, as a recipient or non-recipient of those services
- In relation to setting the council tax.
- In relation to matters affecting councillors' remuneration, allowances, expenses, support services and pension.
- As a council house tenant, unless the matter is solely or mainly about your own tenancy, or you are in arrears of rent.

Particular Dispensations

- As a member of an outside body, either appointed by the council or later approved by the council
- Specific dispensation granted by Standards Commission
- Applies to positions on certain other public bodies (IJB, SEStran, City Region Deal)
- Allows participation, usually requires declaration but not always
- Does not apply to quasi-judicial or regulatory business

The Specific Exclusions

- As a member of an outside body, either appointed by the council or later approved by the council
- The position must be registered by you
- Not all outside bodies are covered and you should take advice if you are in any doubt.
- Allows participation, always requires declaration
- Does not apply to quasi-judicial or regulatory business

Categories of “other persons” for financial and non-financial interests of other people

- Spouse, a civil partner or a cohabitee
- Close relative, close friend or close associate
- Employer or a partner in a firm
- A body (or subsidiary or parent of a body) in which you are a remunerated member or director
- Someone from whom you have received a registrable gift or registrable hospitality
- Someone from whom you have received registrable election expenses

MINUTE of MEETING of the DEVELOPMENT MANAGEMENT COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, LIVINGSTON, on 16 OCTOBER 2019.

Present – Councillors Charles Kennedy (Chair), Tom Kerr, Stuart Borrowman, William Boyle, Harry Cartmill, Pauline Clark, Lawrence Fitzpatrick, George Paul and David Tait

1. DECLARATIONS OF INTEREST

Agenda item 6 – Application No.0512/P/19 - Councillor Lawrence Fitzpatrick declared an interest in that he was a council appointed member of the West of Scotland Archaeology Service, who were a statutory consultee on the application, but would participate in the item of business.

Agenda item 5 – Application No.0955/FUL/18 - Councillor Lawrence Fitzpatrick declared an interest in that he was ex adverso to the service lane serving the hotel. Therefore, he would not participate in the item of business but would address committee as a local ward member.

Agenda item 10 – Application 0831/FUL/19 - Councillor Tom Kerr declared an interest in that the applicant had visited his surgery about the application but as he had made no comment on it he would participate in the item of business.

Agenda item 8 – Application No.0639/FUL/19 - Councillor Stuart Borrowman declared an interest in that two of the objectors were known to him and that he had attended a presentation by the developer at a recent meeting of the Blackridge Community Council, but as he had made no comment on the application he would participate in the item of business.

Agenda item 10 – Application No.0831/FUL/19 - Councillor Stewart Borrowman declared an interest in that one of the objectors to the application had contacted him but as he had not discussed the merits of the application with them, he would participate in the item of business.

Agenda item 6 – Application No.0512/P/19 - Councillor Pauline Clark declared an interest in that an objector had contacted her about the application but as she had not discussed the merits of the application with them, she would participate in the item of business.

Agenda item 10 – Application No.0831/FUL/19 - Councillor Pauline Clark declared an interest in that the applicant had visited her surgery but as she had not discussed the merits of the application with them, she would participate in the item of business.

Agenda item 10 – Application No.0831/FUL/19 - Councillor George Paul declared an interest in that the applicant was known to him but would participate in the item of business.

Agenda item 10 – Application No.0831/FUL/19 - Councillor David Tait

declared an interest in that the applicant was known to him but would participate in the item of business.

Agenda item 10 – Application No.0831/FUL/19 - Councillor Willie Boyle declared an interest in that the applicant was known to him but would participate in the item of business.

Agenda item 10 – Application No.0831/FUL/19 - Councillor Charles Kennedy declared an interest in that the applicant was known to him but would participate in the item of business.

2. ORDER OF BUSINESS

The Chair ruled that the business of the meeting would be taken in the following order :- Agenda Items 5, 8, 7,9. 10 and 6.

It was noted that there were speakers against all agenda items except for agenda item 6.

3. MINUTE

The committee approved the Minute of its meeting held on 25 September 2019 as a correct record, but subject to the following amendments :-

1. Page 152 (Minute Item 2) and 154 (Minute Item 5) to reflect Application No.0512/P/19; and
2. Minute Item 2 (Declarations of Interest) – Councillor Lawrence Fitzpatrick, in declaring an interest, also advised that he would be addressing committee as a local ward member.

4. APPLICATION NO.0955/FUL/18

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>
0955/FUL/18	Erection of a 12 unit hotel lodge complex and 4 bedroom annex, with associated landscaping and paths (as amended) at Bankton House Hotel, Bankton Wood, Murieston, Livingston	Grant planning permission subject to conditions.

The committee then heard from Mr Robert Stevenson, Mr Davidson

McQuarrie, Mr Gordon Sloan, Ms Liz Robertson and Mr Iain Brown (Murieston Community Council) all speak in support of their objections to the application. It was also noted that Mr Davidson McQuarrie also spoke on behalf of Mr Adam Weir and Ms Christina Rocea with regards to their objections to the proposal.

The committee then heard from Ms Natalie Conduoso, the applicant and from Mr Dan Henderson, her agent, both speak in support of the application.

The committee then heard from Councillor Lawrence Fitzpatrick, a local ward member, who spoke in support of his objections to the proposal.

The committee then heard from Councillor Peter Johnston, a local ward member, who spoke in support of the proposal.

Decision

To approve the terms of the report subject to the conditions outlined in the report and was to include the following additional conditions :-

- A 2 metre high fence was to be constructed at the boundary with 6 Bankton Glade prior to the construction of the lodges;
- Planting and screening proposals were to be implemented prior to the lodges being brought into use and to be at least extra heavy standard;
- BBQ's to be only allowed at the "barbeque pit" area at the south of the site; and
- No generators to be audible within residential properties between 8pm and 8am

5. APPLICATION NO.0639/FUL/19

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</u>	<u>Proposal</u>	<u>Recommendation</u>
0639/FUL/19	Erection of nursery building, external play space, MUGA and car parking at Blackridge Primary School, 56 Main Street, Blackridge	Grant planning permission subject to conditions

The committee then heard from Mr Jim Cameron, the applicant, speak in support of the application.

The committee also noted that whilst the applicant's agent, Ms Lise Wisen was in attendance she did not wish to address committee but was available to answer questions.

Decision

To approve the terms of the report

6. APPLICATION NO.0636/FUL/19

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>
0636/FUL/19	Erection of 27 retirement lodges (caravan site in terms of the Caravan Sites and Control of Development Act), communal building, access roads, car parking, lighting, boundary treatment and drainage infrastructure at 11B Humble Holdings, Kirknewton	Grant planning permission, subject to condition

The committee then heard from Mr John Sives and Mr Vic Garrad (Kirknewton Community Council) both speak in support of their objections to the application.

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

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

Decision

To grant planning permission subject to conditions.

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

7. APPLICATION NO.0705/FUL/19

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>
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0705/FUL/19

Infrastructure and Grant planning enabling works permission subject to including formation of condition roundabouts, access works, cycleway, footpaths, engineering works, car parking and landscaping at former Bangour Village Hospital, Dechmont

The committee then heard from Mr Robert Evan, the applicant's agent and Mr Gordon Coster, the applicant, both speak in support of the application.

The committee also noted that Mr John Ross was in attendance but did not wish to address committee but was available to answer questions.

Decision

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

8. APPLICATION NO.0831/FUL/19

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</u>	<u>Proposal</u>	<u>Recommendation</u>
0831/FUL/19	Erection of 3 houses at Kenbog, Lower Bathville, Armadale	Refuse planning permission

The committee then heard from Mr John Sibbald, the applicant, speak in support of the application.

Motion

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

- Moved by the Chair and seconded by Councillor Lawrence Fitzpatrick

Amendment

To grant planning permission, with conditions and a legal agreement delegated to the Development Management Manger, as the proposal would address an area that had lain derelict for many years and was the development of a brownfield site.

- Moved by Councillor Stuart Borrowman and seconded by Councillor Willie Boyle

A roll call vote was taken. The result was as follows :-

<u>Motion</u>	<u>Amendment</u>
Lawrence Fitzpatrick	Stuart Borrowman
Charles Kennedy	Willie Boyle
George Paul	Pauline Clark
	Tom Kerr
	David Tait

Decision

Following a vote, the amendment was successful by 5 votes to 3 and was agreed accordingly

9. APPLICATION NO.0512/P/19

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</u>	<u>Proposal</u>	<u>Recommendation</u>
0512/P/19	Planning permission in principle for residential development (to replace lapsed permission 0337/P/13) at Site Y1, Mossend, West Calder	Grant planning permission in principle subject to conditions and securing of developer contributions

Decision

To approve the terms of the report and grant planning permission in principle subject to conditions and the securing of developer contributions

10. 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 and enforcement action for the period 20 September to 4 October 2019 was submitted for the information of the committee.

Decision

To note the list of delegated decisions

11. APPEALS:-

The committee noted that the following appeals, which had been submitted following refusal of planning permission, had been dismissed :-

Application No.Proposal

0275/FUL/19

Formation of car wash facility including storage containers (in part retrospect) on land at Breich Inns, Breich

0524/P/09

Park & ride facility, Kirknewton Station, 7 Station Road, Kirknewton

The committee noted that the following appeal, which had been submitted following refusal of planning permission had been allowed :-

Application No.Proposal

0584/P/14

Planning permission in principle for a 6.5ha residential development at land at Main Street, Dechmont

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Erection of 18 houses with associated infrastructure and landscaping (as amended) at Land to South East of Tarbert Drive, Murieston, Livingston

2 DETAILS

Reference no.	0927/FUL/18	Owner of site	Mr Neil Lind
Applicant	Cruden Homes (East) Ltd	Ward & local members	Livingston South Councillor Peter Johnston Councillor Lawrence Fitzpatrick Councillor Peter Heggie Councillor Moira Shemilt
Case officer	Matthew Watson	Contact details	01506 283536 matthew.watson@westlothian.gov.uk

Reason for referral to Development Management Committee: More than 15 objections received and an objection from Murieston Community Council.

3 RECOMMENDATION

Grant planning permission, subject to conditions and a legal agreement to secure developer contributions.

4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 The application proposes the erection of 18 houses and associated infrastructure and landscaping to the south east of Tarbert Drive, Murieston.
- 4.2 The site is rectangular in shape and the red line of the planning application covers an area of 1.37 hectares. Residential properties in Tarbert Drive and Murieston Valley bound the site to the north and residential properties in Teviot Drive bound the site to the east. The Murieston Trail is situated to the south of the site.
- 4.3 The application site is allocated for residential development in the West Lothian Local Development Plan (site reference: H-LV 3) with an indicative capacity of 9 units.

- 4.4 The site is affected by land contamination having been used by the then Edinburgh Corporation to deposit incinerator ash on land at Murieston between 1907 and 1912. This thin layer of ash is present across most of the site. The site has been subject to a number of phases of site investigation and assessment for the proposed end uses (residential and public open space). This has showed elevated concentrations of beryllium, lead and nickel to be present within topsoil and ash deposits in planned private gardens and communal areas.
- 4.5 There are a substantial number of trees on the site and the site is covered by a blanket Tree Preservation Order (TPO), which was designated in 2009. A total of 155 trees have been surveyed by the applicant's arborist and landscape architect.
- 4.6 The original plans for the site sought to retain the bulk of the central woodland area and incorporate this as part of an area of open space for the development. Updated site investigations during the application process detected contamination within the central woodland area. The revised plans for the site therefore propose the removal of 125 trees (111 trees within the boundary fence of the site and 14 outwith the boundary fence), including the removal of the entire central woodland. The level of tree removal relates to the measures necessary to remediate the site.
- 4.7 A total of 30 existing trees are to be retained. These are predominately at the western boundary of the site and are of higher value. 70 trees are proposed as compensatory planting for the trees shown for removal, including 17 semi-mature specimens.
- 4.8 Remedial measures are proposed that will remove the incinerator ash from the site and then install a capping layer in gardens and the area of open space.

History

- 4.9 0769/TPO/14: Removal of 6 entire trees, Granted, 04/12/2014
- 4.10 1269/FUL/06: Erection of 16 houses with associated works, Refused, 06/02/2008 and appeal dismissed (ref: PPA/400/284), 03/04/2009
- 4.11 0146/FUL/04: Erection of 16 houses with associated works, Withdrawn, 08/11/2006

5. REPRESENTATIONS

- 5.1 82 objections have been received in relation to the proposed development. 81 objections are from local residents and one objection is from Murieston Community Council. Given the number of objections, a sample of representations is attached to the report. All representations are available to view in the online case file.
- 5.2 A summary of representations is located in the table below.

Comments	Response
<ul style="list-style-type: none"> Removal of protected trees 	<ul style="list-style-type: none"> The removal of trees covered by a TPO is necessary to secure the remediation of the site

<ul style="list-style-type: none"> • Impact on human health as contamination would be exposed during construction • The site is not suitable for development due to it being contaminated • Traffic impact from the development with large numbers of lorries needed to remove contaminated material • Impact of construction vehicles using a small cul-de-sac • Traffic impact from an additional 18 houses • Noise pollution during construction from plant and machinery • Impact on wildlife • Loss of privacy • East Calder Waste Treatment Works (WTW) has limited capacity • Impact on local infrastructure 	<ul style="list-style-type: none"> • The site investigation and remediation strategy are acceptable. A dust management plan has been submitted and found to be acceptable by WLC Environmental Health. See further details in the 'Remediation of the Site' and 'Impact on Residential Amenity' sections below. • The site has been allocated in the Local Development Plan for housing development. See the 'Principle of Development' section below for further detail. • Noted. A construction management plan is required to be submitted via a planning condition. Details of a wheel washing facility are also required via planning condition. • The council's roads and transportation service has raised no objection to the application on traffic impact grounds. • This is addressed through a construction condition that limits times of use for plant and machinery. • The applicant has submitted a ecological appraisal, bat survey and badger survey. No protected species were found on site. Scottish Natural Heritage has raised no objection to the proposal. • The application will not result in an unacceptable loss of privacy. See the 'Impact on Residential Amenity' section below for further detail. • Scottish Water has not objected to the application on the grounds of limited capacity at East Calder WTW. • The impacts on local infrastructure
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	are to be addressed through developer contributions.
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6. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
Transportation	No	No objection to the application.	Noted.
Environmental Health	No	No objection subject to conditions related to the dust management plan and construction hours.	Noted and conditions are proposed to be attached to any planning permission.
Arboricultural Officer	No	Given the extent of land contamination there is little else than can be done regarding the proposed level of trees to be removed. A method statement should be submitted to ensure work in the vicinity of root protection areas of trees to be retained does not damage these trees.	Noted. Conditions for a method statement and protective fencing to be erected around trees to be retained are proposed to be attached to any planning permission.
Flood Risk Management	No	The drainage assessment submitted is acceptable and planning permission should be conditional upon the drainage layout being implemented.	Noted and a condition is proposed to be attached to any planning permission.
Contaminated Land Advisor	No	The site investigation and remediation strategy submitted are acceptable. A further planning condition for ground gas monitoring to be carried out will need to be attached to any permission.	Noted and condition attached. A verification report, demonstrating the remedial measures have been installed to the satisfaction of the planning authority will also be required.
Education Planning	No	No objection subject to receiving developer contributions towards the building of a denominational secondary school in West Lothian. A phasing condition should be attached preventing occupation prior to August 2020 due to pressure on the Livingston school estate.	Noted. The phasing condition is no longer necessary as any occupations would take place after August 2020.
Housing Strategy & Development	No	A commuted sum will need to be determined	Noted and this exercise has been carried out.

		independently by the District Valuer.	
Coal Authority	No	The site is in a low risk area and an advisory note should be attached to any decision pointing the applicant to the Coal Authority's standing advice.	Noted and advisory note to be attached if the proposal is granted planning permission.
West of Scotland Archaeology Service	No	Archaeological work is not required in relation to this application.	Noted.
SEPA	No	The remediation plan should be amended to address our re-use guidelines to the satisfaction of the contaminated land officer.	Noted. The remediation strategy has been found to be acceptable by the council's contaminated land advisors.
Scottish Natural Heritage	No	Surveys conclude that no protected species are present on site. The bat survey recommends prior to any tree works, that trees are checked for roosts again. This approach is acceptable.	Noted. An advisory note will be attached to any decision notice reminding the applicant of their responsibilities in this regard.
Scottish Water	No	No objection to the application.	Noted.
NHS Lothian in consultation with Health Protection Scotland	No	NHS Lothian and HPS are in agreement with the council's contaminated land advisors in the assessment of the site investigation and remediation strategy. The dust mitigation measures set out address the concerns expressed on previous planning applications at the site.	Noted.
Health and Safety Executive	No	HSE does not intend to provide comment on the application.	Noted.

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 The development plan comprises the Strategic Development Plan for South East Scotland (SESplan) and the West Lothian Local Development Plan, 2018.
- 7.3 The relevant development plan policies are listed below:

Policy	Policy Summary	Assessment	Conform ?
West Lothian Local Development Plan	This policy states that residential	The proposal is for housing and is therefore acceptable.	Yes

(LDP) (2018) HOU 1 Allocated Housing Sites	development on sites allocated for housing is supported in principle.	The LDP lists the site as having an indicative capacity of 9 houses. The application proposes 18 houses. This is acceptable for the reasons set out in the 'Principle of Development' section below.	
West Lothian LDP EMG 6 Vacant, Derelict and Contaminated Land	This policy states the redevelopment of vacant land is supported in principle. The policy also states that, where a site is suspected to be contaminated, site investigations and remedial measures need to be submitted.	A remediation strategy has been submitted by the applicant and the council's contaminated land advisors have found the strategy to be acceptable, subject to a condition for further gas monitoring.	Yes
West Lothian LDP ENV 9 Woodlands, Forestry, Trees and Hedgerows	This policy states there is a presumption against development that adversely affects woodlands unless there is a proven locational need.	The proposal involves the loss of a significant number of trees and the central woodland within the site. The tree removals are necessary to successfully remediate the site. On balance, the remediation of the site will remove historic contamination and thereby deliver significant public benefits at this location. See further assessment below in 'Impact on Trees' section below.	Yes
West Lothian LDP ENV 10 Protection of Urban Woodland	This policy states that proposals which involve removal of urban woodland will only be supported where it achieves significant public benefits.	The proposal involves the loss of a significant number of trees and the central woodland within the site. The tree removals are necessary to successfully remediate the site. On balance, the remediation of the site will deliver significant public benefits. See further assessment below in 'Impact on Trees' section below.	Yes
West Lothian LDP	This policy states that	The proposed layout is	Yes

DES 1 Design principles	development needs to integrate with its context and the surrounding built form and have an acceptable impact on amenity.	acceptable. Although some of the proposed houses sit at higher level than existing houses, the impact on privacy is acceptable. This is examined in the 'Residential Amenity' section in further detail. Overall, the proposal is acceptable in design terms and does not cause harm to neighbouring amenity.	
West Lothian LDP EMG 3 Sustainable drainage	This policy states drainage proposals need to ensure surface water can be attenuated.	A drainage assessment has been submitted with the application and has been found to be acceptable by the council's Flood Risk Management team.	Yes
West Lothian LDP HOU 4 Affordable Housing	This policy requires housing sites of less than 25 houses in Livingston South to contribute towards affordable housing via a commuted sum payment.	A commuted sum has been calculated independently by the District Valuer and the applicant has agreed to pay this sum.	Yes
West Lothian LDP INF 1 Infrastructure Provision and Developer Obligations	This policy requires developers to enter into a legal agreement to secure developer contributions towards local infrastructure.	The proposal will result in a need for contributions towards education, public art, open space and affordable housing. These have been agreed with the applicant and the proposal is acceptable, subject to a legal agreement securing these contributions.	Yes
Supplementary Guidance Residential Development Guide	This document requires residential development to accord with the guidance in the RDG.	The proposal is in accordance with the principles of the RDG.	Yes
Supplementary Guidance Affordable Housing	This document requires proposals to accord with the text of the SG.	The proposal accords with the SG with the provision of a commuted sum towards affordable housing.	Yes

7.4 The determining issues in relation to this application are set out below:

Principle of Development

7.5 Policy HOU 1 of the LDP states that 'sites listed in Appendix 2 of the Plan and shown on the Proposals Map are allocated as housing sites which contribute to meeting the LDP housing land requirements' and that 'Development of housing on these sites will be supported in principle'.

- 7.6 Policy EMG 6 of the LDP states that 'The development of vacant and derelict land is supported in principle provided that the proposal is compatible with other policies of the Local Development Plan'.
- 7.7 The application site is allocated for housing development in the LDP Proposals Map as site H-LV 3. Appendix 2 of the LDP lists the application site as having an indicative capacity for 9 units.
- 7.8 This application proposes the erection of 18 houses. The capacity stated in Appendix 2 of the LDP is indicative and does not prevent development for larger or smaller numbers of houses coming forward. The application site is situated in a sustainable location, close to existing services, is of a similar density to surrounding housing developments and makes best use of urban land. Roads and Transportation has not objected to the number of houses proposed on grounds of traffic impact. The proposal also provides for the remediation and redevelopment of a vacant and contaminated site. The increase from the 9 house capacity in the LDP to the 18 houses proposed in this application is acceptable for these reasons.
- 7.9 The suitability of the site for residential development has been questioned in representations. The reporters for the Examination of the West Lothian LDP in assessing the suitability of site as a housing allocation stated the following points at p.700 of the Examination Report:
- "I note the concerns raised about contamination on the site. However, I have seen no detailed evidence which would indicate that this could not be satisfactorily addressed prior to development. As the council points out, remediation of contaminated land prior to (or in association with) its redevelopment is fairly commonplace. I am content that the detailed proposals for this, and the assessment of it, could be left to the development management process."*
- "I can understand the concern that, previous proposals for development of the site having come to nothing, its development for housing still remains a prospect. However, it was matters related to the detail of the previous proposals, not the principle of development on the site, which led these to falter. Based on the evidence before me and my inspection of the site, I see nothing which indicates that the principle of residential development here (long-established through the previous local plans) ought to be reversed."*
- 7.10 The suitability of the site for housing has been assessed in detail through the LDP Examination and the principle of housing development has been established on this site.
- 7.11 Overall, the principle of housing development on the application site is acceptable and the proposal is compliant with policies HOU 1 and EMG 6 in this respect.

Remediation of the Site

- 7.12 Policy EMG 6 states that 'Where it is suspected by the council that a development site may be contaminated, the developer will be required to undertake a site investigation, to the satisfaction of the council. Where contamination is found, and prior to the granting of

any planning permission, the developer must submit a programme of remedial works to be agreed with the council'.

- 7.13 As noted in para 4.4 above, the application site is affected by a layer of incinerator ash found to contain elevated concentrations of nickel, lead and beryllium across the site and some organic contaminants on a more localised basis.
- 7.14 The applicant has submitted a site investigation and a remediation strategy that seek to analyse the contaminated nature of the site and identify acceptable remedial measures.
- 7.15 The site investigation concluded that ash fill was present across the site (found within 31 of the 34 trial pits dug). The central woodland area was identified as having elevated concentrations of lead and beryllium in near surface soils and ashy made ground when compared against published soil assessment criteria for public open space adjacent to residential end use. The 'pathways' for exposure to soils by site uses comprise direct soil and dust ingestion as well as potential for 'tracking-back' into houses of dust on shoes and clothes.
- 7.16 The identified risk is planned to be mitigated through placement of 300 mm of clean imported material applied as a cap to public open spaces, with an underlying geomembrane. This will necessitate removal of the existing trees within this area. Where new or replacement trees are to be planted, ash material will be removed from tree pits and a minimum depth of 750mm of suitable growing medium placed and a 200mm drainage layer (total depth 950mm) installed. Where necessary, membranes will fold to prevent mixing of imported soils with residual ash material. In private gardens, the identified risk is planned to be mitigated through 600mm of clean imported material (assumed to be 450mm of subsoil and 150mm topsoil), with an underlying geomembrane or 490mm of topsoil with no subsoil or geomembrane.
- 7.17 These measures have been found to be acceptable to the council's contaminated land advisors, subject to a planning condition that requires further ground gas monitoring and assessment.
- 7.18 The public concern expressed about the remediation of the site is understandable and justified. Significant amounts of technical information have been submitted by the applicant and revised throughout the application process to meet the standard of remediation expected on this site. The council's contaminated land advisors have rigorously examined the information submitted, including the assessment of risk to human health set out in the site investigation. Their findings on the site investigation and remediation strategy have been agreed with by NHS Lothian's Consultant in Public Health Medicine, in consultation with Health Protection Scotland.
- 7.19 A planning condition is proposed that states the remedial measures are to be installed, as per the details in the remediation strategy. The same condition requires the applicant to submit a verification report, which will require the applicant to demonstrate that the remedial measures have been undertaken in accordance with the approved strategy.
- 7.20 The applicant has submitted a remediation strategy that proposes measures that will remediate the site of contamination in an acceptable manner. The proposal therefore complies with Policy EMG 6 of the LDP.

Impact on Trees

- 7.21 Policy ENV 9 states at criterion (a) that ‘there will be a presumption against development proposals which involve the loss of or damage to, woodlands [and] groups of trees (including trees covered by a tree preservation order (TPO))’. It is stated at criterion (b) of ENV 9 that ‘Proposals that involve the removal of woodland in part or in its entirety will only be supported where it would achieve significant and clearly defined public benefits’
- 7.22 Policy ENV 10 states that woodlands within an urban area ‘that contribute to townscape, landscape amenity, biodiversity, cultural or historic value, particularly where their loss would jeopardise ongoing contribution to place-making and/or green network objectives, will be protected from development. Proposals that involve the removal of urban woodland in part or in its entirety will only be supported where it would achieve significant and clearly defined public benefits’.
- 7.23 A tree survey has been submitted with the application. The majority of trees on the site are semi-mature or early mature and are category B and C trees, in terms of their quality. A total of 41 trees are recorded as being marginal B category (B2) trees due to landscape value, as opposed to individual quality. The majority of tree species of the 115 trees within the boundary fence are sycamore trees.
- 7.24 Since the tree survey was submitted, an updated site investigation and a remediation strategy have been submitted. The site investigation has detected contamination right up to the southern boundary of the site and within the central woodland area. The method proposed to secure the remediation of the site requires the removal of the central woodland in its entirety. A geomembrane and 300mm cap of imported material are required to remediate the area currently occupied by the central woodland. The ground disturbance and compaction caused by the installation of remedial measures means the trees in this area would not survive this intrusion.
- 7.25 The loss of the central woodland is regrettable. The loss and status of these trees, protected by a TPO, has to be weighed against the policy support for the remediation of contaminated sites in West Lothian and the allocation of the site for residential development in the LDP.
- 7.26 As mentioned above at para 4.4, the proposal, as amended, seeks to remove a total of 125 trees. The table below sets out the numbers of trees proposed to be removed. The table also states the quality of trees to be removed in terms of category (A being highest and U being lowest).

	A	B	C	U	TOTAL
Trees removed	4	55	57	9	125
Trees retained	13	17	0	0	30

- 7.27 The council’s arborist has been consulted on the revised proposals and has raised no objection to the removal of the trees, including the central woodland, due to the extent of contamination across the site. The applicant has proposed significant replanting in the form of 70 trees, including 17 semi-mature specimens. This will result in 100 trees being

present on site. The site is currently fenced off and remediation of the site will allow for public access to an area of open space with extensive tree planting, as well as allowing for a more structured planting scheme.

- 7.28 Reporter Hickman stated the following in the determination of the previous appeal against the refusal of planning permission on the site for 16 houses:

“Removal of the central woodland would allow the layer of contaminated ash in that area to be removed. However it has not been argued that the removal of the central woodland is necessary for reasons of ground contamination. There are concerns if the woodland is retained, there would be a public health risk if the ground is disturbed by tree roots or through excavations by animals or children at play, but no evidence has been put forward to suggest that this risk could not be mitigated in a manner that does not require the removal of the central woodland area.”

“For these reasons, I find that it has not been demonstrated that there is a proven locational need to develop the appeal site in the manner proposed...”

- 7.29 The evidence submitted by the applicant through the site investigation demonstrates that there is contamination, in the form of elevated levels of metals – lead and beryllium, within soils in the central woodland area. The site investigation indicates this contamination is within the topsoil and underlying ashy made ground. The applicant’s remediation strategy has put forward measures to remediate this part of the site and this has been reviewed and accepted by the council’s contaminated land advisors. The measures proposed will result in tree roots being impacted to a degree that trees will not survive the remedial measures. There is a proven need to remediate this part of the site and this overcomes the reason for the previous refusal at appeal.
- 7.30 On balance, these factors weigh in favour of the removal of the central woodland to allow for the remediation and redevelopment of the site. This will deliver a significant public benefit in the context of policies ENV 9 and 10. The removal of the central woodland is therefore justified.
- 7.31 For trees that are to be retained, an arboricultural method statement will be required via a planning condition to set out methods to be employed when working near to or within root protection areas. A condition is also proposed to be attached which requires protective fencing to be erected during construction works around root protection areas of trees to be retained, in accordance with British Standard 5837:2012. In addition, a planning condition will be required to secure the replanting proposed.
- 7.32 On balance, the loss of trees covered by a TPO is acceptable in order to secure the necessary remediation of the site, which will bring significant public benefits. The proposal complies with policies ENV 9 and 10 of the LDP.

Impact on Residential Amenity

- 7.33 Policy DES 1 (a) states developers are ‘required to ensure that...there is no significant adverse impact on adjacent buildings...in terms of...amenity’.
- 7.34 A number of representations have made reference to contaminated material being exposed during construction and the impact of construction vehicles.

- 7.35 The remediation of the site requires a large amount of ground to be removed from the site. An anticipated total of 4,425 cubic metres of material will be removed from the site for off-site disposal. An anticipated total of 5,760 cubic metres of material will be imported to the site. A planning condition is proposed that requires the developer to submit a construction management plan for approval. This plan will need to set out the anticipated vehicle movements and how these will be minimised. It should also set out timescales for how long it will take for material to be removed from the site. Conditions are also recommended that require the developer to show the position of a wheel washing area for construction vehicles and restricts the hours heavy good vehicles can arrive and leave the site to 9am to 5pm Monday to Saturday and 9am to 1pm on Saturday. No generators are to be used between 8pm and 8am. With these planning conditions in place, the proposal complies with Policy DES 1 of the LDP.
- 7.36 The applicant has submitted a dust management plan, which sets out dust monitoring and mitigation measures. The plan sets out trigger levels that if reached require mitigation measures to be put in place and, if levels continue to rise, require work to cease on site. A number of other mitigation measures to be employed as standard during remediation works are also set out. Dust levels can be remotely monitored by the council and if dust particulate levels exceed the agreed baseline then the council can shut down construction on the site. The use of specific dust monitoring equipment takes monitoring to a higher level than that recommended in the response by NHS Lothian, in consultation with Health Protection Scotland. The council's Environmental Health service has analysed this document and has raised no objection to the measures contained within it. A number of planning conditions are proposed by Environmental Health. In terms of dust management, it is proposed that the site will be closely monitored by Environmental Health. The proposed dust management plan is acceptable in terms of Policy DES 1.
- 7.37 Privacy impact has also been raised in a number of representations. The houses proposed at the north and east of the site (plots 1 to 9) face towards existing residential properties on Tarbert Drive and Teviot Drive. The proposed houses will sit slightly higher than the existing properties around them. This difference in ground level is minor at 0.5 metres. The proposals comply with the council's standards in terms of privacy and overlooking. The proposal complies with Policy DES 1 in this respect.
- 7.38 Overall, with suitable planning conditions in place, the impact on residential amenity is acceptable and the proposed development complies with Policy DES 1 (a).

Design & Layout

- 7.39 Policy DES 1 states that 'All development proposals will require to take account of and be integrated with the local context and built form'.
- 7.40 The layout of the proposed development will include two courtyards at the south of the site with tree planting. This is a positive aspect of the development and will be a visually interesting layout than a housing development with standard cul-de-sacs.
- 7.41 The houses are proposed to be finished with white wet dash render and aluminum cladding. Red tiles are proposed as the roof finish for all house types. The materials chosen complement the modern design and will create a high quality development. A

planning condition is proposed to be attached to any permission, which requires the developer to submit samples of the proposed materials to ensure the eventual material finishes are of a high quality.

- 7.42 The resultant development will be high quality housing within a mature woodland setting. A planning condition is proposed to be attached to any permission that requires the developer to submit information on the factoring arrangements for the site and a schedule of landscape maintenance.
- 7.43 Overall, the proposal is of a high quality design that will integrate with the surrounding area and create a high quality housing development. The proposal complies with Policy DES 1 in this respect.

8. CONCLUSION AND RECOMMENDATION

- 8.1 In summary, the proposed development is acceptable in principle and will secure the remediation of a long standing vacant site within an urban area. The proposal will not cause harm to residential amenity and is of a high quality design. The proposal will result in the loss of several trees protected by a tree preservation order. The loss of these trees, although regrettable, is outweighed by the benefits of securing the remediation of the site.
- 8.2 Consequently, and in view of the above, it is recommended that planning permission is granted, subject to conditions and a legal agreement securing developer contributions.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Draft Conditions
- Location Plan
- Aerial Plan
- Proposed Site Plan
- Proposed Tree Removal Plan
- Proposed Planting Plan
- Proposed Sections
- Sample of Representations

Craig McCorriston

Head of Planning, Economic Development and Regeneration Date: 13 November 2019

Draft Conditions – 0927/FUL/18

1. The remedial measures shall be undertaken in accordance with the details in the report titled 'Cruden Homes. Tarbert Drive, Murieston Development. Remediation Options and Strategy. 16467-REP-005. October 2019' prior to the occupation of any of the houses.

Following completion of the measures identified in the approved Remediation Strategy, a Verification Report that demonstrates the effectiveness of the remediation carried out must be prepared. The Verification Report must be submitted to and approved in writing by the Planning Authority prior to commencement of the new use of the land.

Reason: To ensure that remedial measures are installed to an acceptable standard, in the interest of protecting future occupiers of the houses.

2. Prior to the commencement of development, the applicant shall carry out further ground gas monitoring. A report shall be submitted to and approved in writing by the planning authority. Any gas protection measures that are required on site shall accord with the requirements of BS8485:2015. Once approved, the ground gas protection measures shall be installed prior to the occupation of any of the houses in accordance with the approved details.

Reason: To ensure ground gas protection measures are acceptable, in the interest of protecting future occupiers of the houses.

3. The landscaping, including tree replanting, as approved in drawing 4468.004 K shall be implemented in the first planting season following any residential unit being occupied, or completion of the development, whichever is sooner.

The new planting shall be maintained for a minimum period of five years until it becomes established. Any trees which within a five year period following completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.

Reason: To ensure proper implementation of the planting proposals in the interest of the amenity of the site and the area as a whole.

4. All trees, hedges and shrubs within or adjacent to the site, except those whose removal or trimming has been approved by the planning authority, shall be protected from damage during construction work in accordance with section 6 (barriers and ground protection) of BS 5837 Trees in relation to design, demolition and construction - recommendations.

Prior to the commencement of development, measures in accordance with section 6 (barriers and ground protection) of BS 5837 Trees in relation to design, demolition and construction – recommendations shall be erected for the inspection and agreement of the planning authority.

Reason: To ensure trees to be retained are adequately protected during construction, in the interests of visual and environmental amenity.

5. Prior to the commencement of development, an arboricultural method statement shall be submitted to and approved in writing by the planning authority. Thereafter, the measures identified in the method statement shall be carried out during the construction of the development.

Reason: In the interests of the preservation of trees proposed for retention that are protected by a tree preservation order

6. Prior to the commencement of development, a plan showing all common areas and details of the body who will own and maintain the common areas together with a schedule of maintenance works has been submitted to and approved in writing by the planning authority. Thereafter the common areas shall be maintained in accordance with the details as approved.

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.

7. Prior to the commencement of development, full details and samples of the materials to be used as external finishes on all buildings and for all parking and hardstanding areas shall be submitted to and approved by the planning authority, and the development shall be carried out strictly using those approved materials.

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.

8. Prior to the commencement of development, details of the height and finishes of all walls, fences and other means of enclosure shall be submitted of the written approval of the planning authority. Once approved, these details shall be implemented prior to occupation of the houses.

Reason: To enable consideration of these details which have yet to be submitted and in the interests of privacy and amenity.

9. Prior to the commencement of development, the applicant shall submit a construction management plan for the written approval of the planning authority. The construction management plan shall set out the level of vehicle movements expected to remove incinerator ash; the hours of operation of the vehicles; the timescales for completing the work; and any mitigation measures required to be in place for the duration of the works.

The dust management plan titled 'Method Statement. Dust Monitoring and Mitigation Measures' and dated 3 April 2019 shall be updated to accord with the measures in the construction management plan.

Once approved, the developer shall comply with the agreed measures in the construction management plan and the updated dust management plan.

Reason: To minimise disruption from vehicle movements during construction and to ensure dust does not disrupt the living conditions of neighbouring residential properties, in the interests of residential amenity.

10. Prior to the commencement of development, the position of a wheel washing area for construction vehicles and details of how mud on roads during construction works will be dealt with shall be submitted to and approved in writing by the planning authority. Once approved, the wheel washing area shall be constructed in the agreed location prior to any other development taking place on site and measures to deal with mud on roads shall be strictly adhered to.

Reason: To prevent construction vehicles spreading mud on the road, in the interests of road safety and residential amenity.

11. Prior to the commencement of development, the location and type of dust monitoring equipment within the site boundary, as well as the arrangements for access for real time data, shall be submitted to and approved in writing by the planning authority. Dust monitoring equipment shall be installed in the approved location during the development of the site.

Reason: To ensure monitoring of dust particulates is accurate, in the interest of residential amenity.

12. Prior to the commencement of development, monitoring of dust particulates for a period of 2 weeks in accordance with the approved dust management plan titled 'Method Statement. Dust Monitoring and Mitigation Measures' and dated 3 April 2019 shall be undertaken. Results of baseline dust monitoring shall be submitted to and a baseline concentration of PM10 shall be agreed in writing by the planning authority prior to development commencing.

Reason: To ensure monitoring of dust particulates is accurate, in the interest of residential amenity.

13. Surface water from the development shall be treated and attenuated by a sustainable drainage system (SUDS) in accordance with the Water Assessment & Drainage Assessment Guide (published by SUDS Working Party) and The SUDS Manual C753 (published by CIRIA).

The proposed drainage layout shall be implemented in accordance with the report titled 'Proposed Housing Development Murieston Livingston, West Lothian Drainage Assessment and Stage 1 Flood Risk Assessment' and dated September 2018.

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

14. Prior to the commencement of development, details of electric charging points for one in six of the houses shall be submitted to and approved in writing by the planning authority. Thereafter, the approved details shall be installed prior to the occupation of the relevant houses.

Reason: To comply with the requirements of the Air Quality Planning Guidance, in the interest of sustainability.

15. The following restrictions shall apply to the construction of the development:

Noise (Construction)

- 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 0900 and 1800 Monday to Friday and 0900 and 1300 on a Saturday and at no time on a Sunday. This includes deliveries and operation of on-site vehicles and equipment.
- No generators shall be audible within any residential properties between the hours of 2000 and 0800.

Noise (Vehicles/Plant)

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

- Heavy goods vehicles shall not arrive or leave the site except between the hours of 0900 and 1700 Monday to Friday and 0900 and 1300 on a Saturday. No heavy goods vehicles shall arrive or leave the site on a Sunday.

Vibration (Construction)

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

Site Compound

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

Waste

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

Reason: In the interests of visual and environmental amenity.







D	31.10.19	Landscaping updated for Planning Application	GN
C	06.12.18	Visitor parking spaces and driveways modified	GN
B	28.11.18	Extent of adoptive road modified on plots 17& 18	GN
A	22.10.18	Updated for Planning Application	GN
REV. DATE	DETAILS		BY

PLANNING APPLICATION

META
architecture

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Tarbert Drive, Murieston
Livingston
Cruden Homes (East) LTD

Proposed site plan

CML(PL)002

Revision: D Drawn by: MF
Scale/format: 1:250 @A1 Date: 25.07.18

1. This drawing is intended for Planning Application only.
2. Do not scale from drawing. Request from architect any further dimensions.

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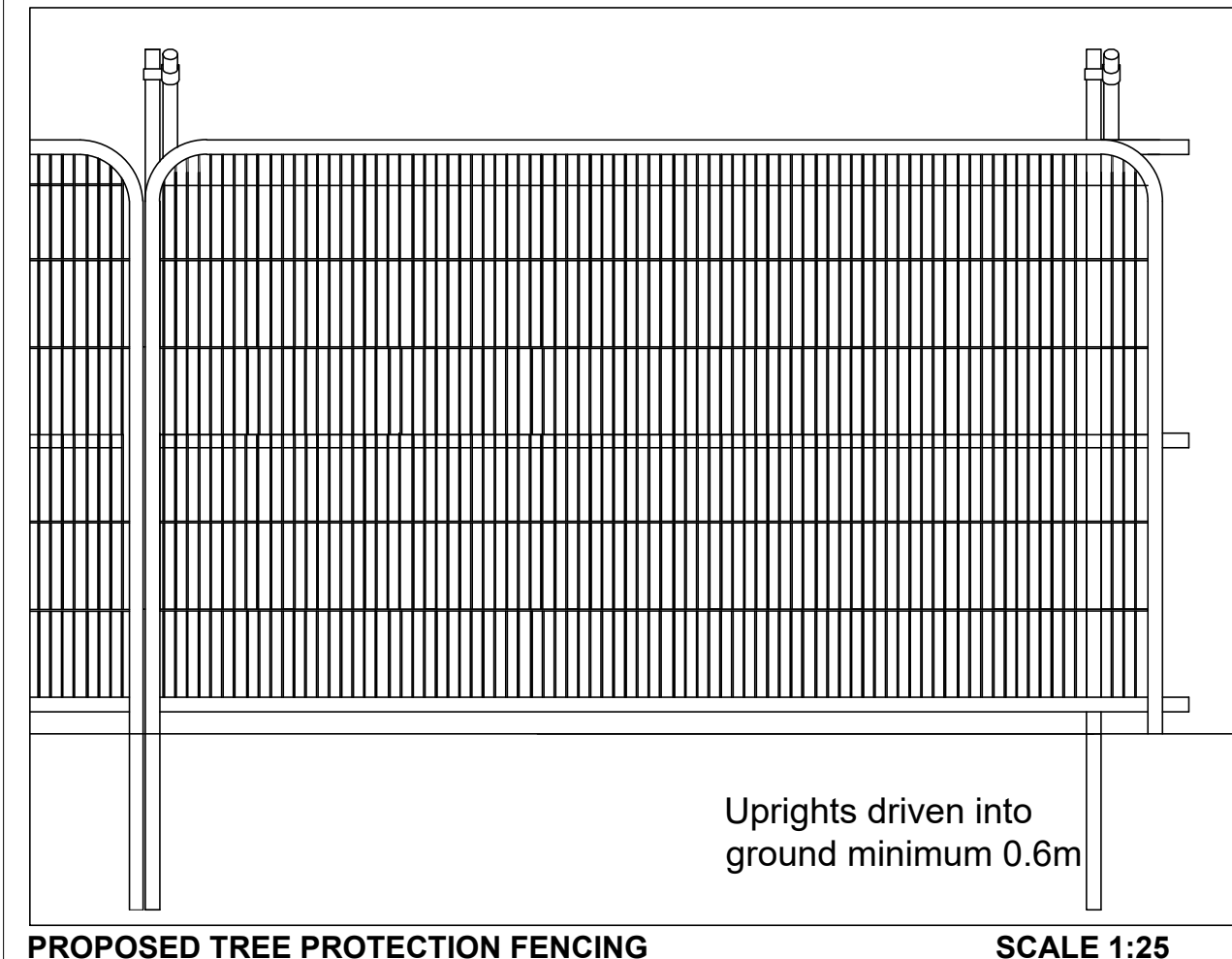
0 5 10 15 20 1:250@A1



REVISIONS		
NO.		DATE
A	Adjusted proposals as per planners comments & adjusted base plan.	24.05.19
B	Adjusted proposals as per planners comments.	30.08.19
C	Adjusted proposals as per arboriculturists comments & proposed retaining wall.	03.10.19
D	Added tree protection fencing details and specification notes. Added notes regarding Group 1.	04.10.19

KEY	
	Trees to be retained Category A
	Trees to be retained Category B
	Trees to be retained Category C
	Trees to be removed Category A
	Trees to be removed Category B
	Trees to be removed Category C
	Existing understorey planting retained
	Existing understorey planting removed
	Root Protection Area
	Tree Protection Fencing

SCALE 1:250
0 2.5 5 10m



PROPOSED TREE PROTECTION FENCING SCALE 1:25

Tree Protection Fencing

All trees that are being retained on site will be protected by a barrier (in accordance with BS5837:2012), before any materials or machinery are brought onto site, and before any demolition, development or stripping of soil commences. The vertical barriers will form a construction exclusion zone. Once installed, the barriers should not be altered without prior recommendation of the project arboriculturalist. Barriers should be fit for the purpose of excluding construction activity and appropriate to the degree and proximity of work taking place around the retained trees. Barriers should be maintained to ensure that they remain rigid and complete.

It should be confirmed with the project landscape architect that the barriers have been correctly set out on site, prior to the commencement of any other operations.

The barrier will consist of a vertical and horizontal scaffold framework, well braced to resist impacts, as illustrated opposite. The vertical tubes should be spaced at a maximum interval of 3m and driven securely into the ground. Onto this framework, welded mesh panels should be securely fixed. Care should be exercised when locating the vertical poles to avoid underground services and, in the case of the bracing poles, also to avoid contact with structural roots.

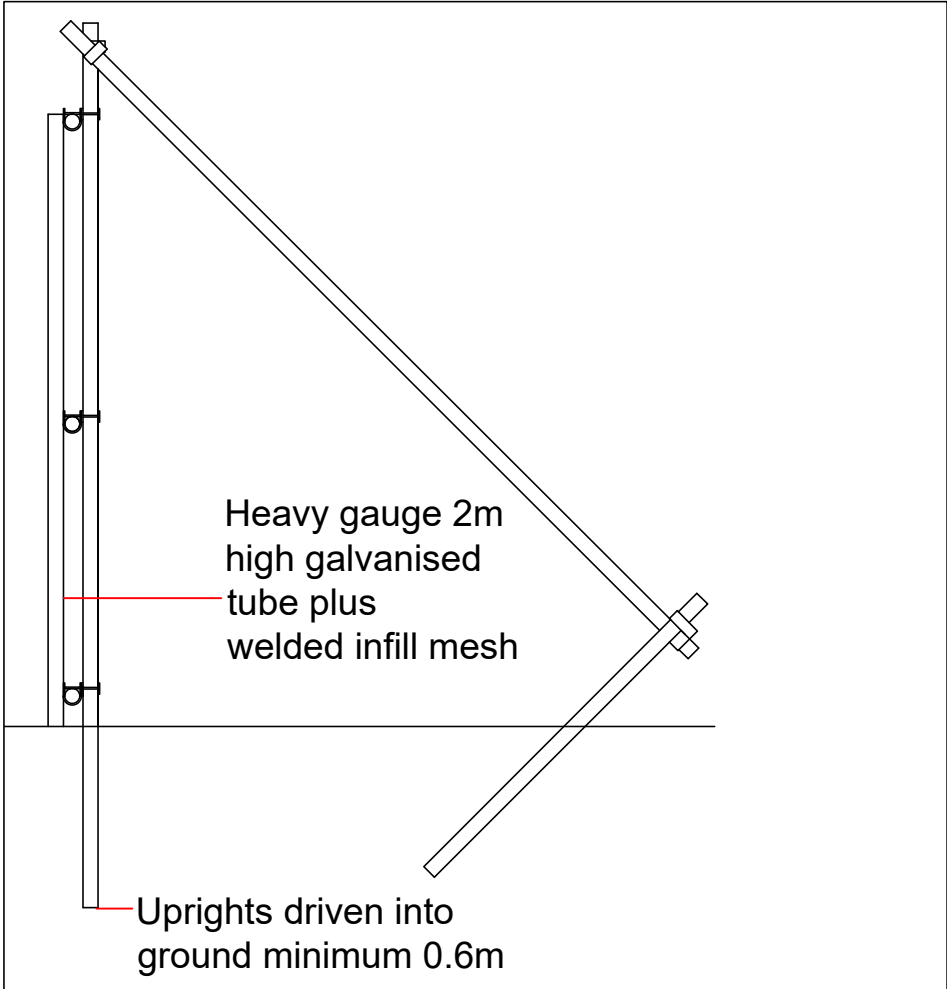
Ground protection during demolition and construction

Where construction working space or temporary construction access is justified within the RPA (Root Protection Area), this should be facilitated by a set-back in the alignment of the tree protection barrier. No bracing to be within the tree crown spread.

Avoiding physical damage to the roots during demolition or construction

To avoid damage to the roots, existing ground levels should be retained within the RPA. Intrusion into the soil within the RPA is generally not acceptable, and topsoil within it should be retained in situ. However, limited manual excavation within the RPA might be acceptable, subject to justification. Such excavation should be undertaken carefully, using hand-held tools and preferably by compressed air soil displacement.

Roots smaller than 25mm diameter may be pruned back, making a clean cut with a suitable sharp tool (eg. bypass secateurs or handsaw).



PROPOSED TREE PROTECTION FENCING SCALE 1:25

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CLIENT: CRUDEN HOMES (EAST) LTD		
PROJECT: MURIESTON		
STATUS: PLANNING		
DRAWING TITLE: TREE REMOVAL PLAN		
DRAWING NUMBER: 4468.002	NORTH 	
REVISION: D	SCALE: 1:250@A1	SHEET: A1
DATE: 25.06.18	DRAWN: SYI	CHECKED: BC



REVISIONS		
NO.		DATE
A	Updated architects information added Landscape updated accordingly	23.07.18
B	Woodland path removed, Fence & gate added to existing retained woodland. Marginals added to SuDS pond for additional interest	07.08.18
C	Updated architects information added Landscape updated accordingly (amenity turf areas)	07.08.18
D	Adjusted labelling to SuDS.	07.09.18
E	Adjusting tree proposals to plots 9 & 10 and plots 13 & 14	14.09.18
F	Adjusted tree proposals as per architects comments.	17.09.18
G	Adjusted proposals as per planners comments & adjusted base plan.	24.05.19
H	Adjusted proposals as per planners comments.	30.08.19
I	Adjusted proposals as per arboriculturists comments & proposed retaining wall.	03.10.19
J	Amended retaining wall graphic. Added notes.	04.10.19
K	Adjusted tree species and location as per planners comments.	10.10.19

KEY

Trees to be retained with root protection area (RPA)

Existing understorey planting & woodland retained

Proposed trees

Proposed wetland seed mix to SuDS detention basin (565m²)

Proposed marginal planting and wetland seed

Proposed shrub/hedge planting

Plot 7 Type A1

Plot 8 Type B

Proposed garden grass
Front garden turf - 540m²
Back garden seed - 3790m²

Proposed public amenity grass turf

Tree Protection Fencing to BS 5837:2012

Proposed 1.8m high timber palisade fence

Proposed retaining wall 0.5m high - refer to architects drawing

PLANT SCHEDULE				
TREES				
Ref	No	Species	Specification	Spacing
APL	2	Acer pseudoplatanus 'Atrypureum'	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.	as shown
APA	2	Acer pseudoplatanus 'Lesopoli'	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.	as shown
AGL	4	Alnus glutinosa 'Laciniata'	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.	as shown
BAF	3	Betula albasinensis 'Fascination'	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.	as shown
BUJ	3	Betula utilis 'Jacquemontii'	Specimen, 4x, 20-25cm, min 4m ht, 2m clear stem, Rootballed.	as shown
BE*	3	Betula ermanii	Specimen, 4x, 20-25cm, min 4m ht, 2m clear stem, Rootballed.	as shown
BE	5	Betula ermanii	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.	as shown
BP	3	Betula pendula	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.	as shown
BPD	3	Betula pendula 'Dalecarlica'	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.	as shown
BE	3	Betula utilis 'Edinburgh'	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.	as shown
CPS	6	Crataegus 'Paul's Scarlet'	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.	as shown
PPW	8	Prunus padus 'Wateri'	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.	as shown
PCC	8	Pyrus calleryana 'Chanticleer'	Specimen, 4x, 20-25cm, min 4m ht, 2m clear stem, Rootballed.	as shown
SOL	3	Sorbus aria 'Lutescens'	Specimen, 4x, 20-25cm, min 4m ht, 2m clear stem, Rootballed.	as shown
SOSS	10	Sorbus 'Sheenwater Seedling'	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.	as shown
Note: Plant as double staggered row at 500mm centres and random mix where two species are used, in groups of 1 - 5 of the same species.				
SHRUBS (for front garden hedges)				
Ref	No	Species	Specification	Centres
221		Escallonia 'Iveyi'	2L pot, 30-30cm height, Bushy, Well branched, even shape	5/lin m
186		Escallonia rubra macrantha	2L pot, 20-30cm height, Bushy, Well branched, even shape	5/lin m
103		Euonymus 'Ovalis Aureus'	2L pot, 20-40cm height, Bushy, Well branched, even shape	5/lin m
324		Lonicera pileata	2L pot, 30-40cm height, Bushy, Well branched, even shape	5/lin m
186		Photinia 'Little Red Robin'	2L pot, 20-30cm height, Bushy, Well branched, even shape	5/lin m
230		Prunus lusitanica 'Otto Luyken'	2L pot, 40-60cm height, Bushy, Well branched, even shape	5/lin m
TURF				
Location		Type	Rate	
Public Amenity Areas		e.g. Stewart's Turf - Sportsman	n/a	
Front Gardens		e.g. Stewart's Turf - Emerald Lawn Turf	n/a	
Seed				
Location		Type	Rate	
Back Gardens		e.g. Germinal A19 All purpose landscaping	50g / m²	
SuDS Detention Basin		e.g. Germinal WFG9 Wetland and Pond Areas	5g / m²	

PLANT SCHEDULE						
MARGINAL PLANTING TO SUDS BASIN						
Species	Specification	Density	Area 1	Area 2	Area 3	Area 4
Acorus calamus	9cm dia. pot.	8/m²	17	28	18	18
Alisma plantago-aquatica	9cm dia. pot.	8/m²	17	28	18	18
Angelica sylvestris	9cm dia. pot.	8/m²	25	42	27	27
Berula erecta	9cm dia. pot.	8/m²	17	28	18	18
Butomus umbellatus	9cm dia. pot.	8/m²	8	14	9	6
Filipendula ulmaria	9cm dia. pot.	8/m²	17	28	18	18
Geum rivale	9cm dia. pot.	8/m²	8	14	9	6
Iris pseudocorus	9cm dia. pot.	8/m²	8	14	9	6
Mentha aquatica	9cm dia. pot.	8/m²	8	14	9	6
Persicaria amphibia	9cm dia. pot.	8/m²	17	28	18	18
Ranunculus lingua	9cm dia. pot.	8/m²	25	42	27	27
Notes: All species selected to suit varying water depths. However, plant the Geum and Mentha at the upper contour levels. Plant in random groups of 5 - 9 of same species.						
ESTABLISHMENT & MAINTENANCE SCHEDULE						
Grass Areas						
Grass cutting						
Waste Control						
Fertiliser spring application						
Fertiliser autumn application						
Litter & fallen leaf removal						
Stem cutting and removal of arisings/cleanings off site						
Hedge planting						
Shrub establishment inspection						
Prune / trim to neat shape annually (to suit species)						
Dead shrub replacement						
Litter & fallen leaf removal						
Shrub and Marginal planting						
Shrub establishment inspection						
Pruning (excluding summer only prune species)						
Dead shrub replacement						
Litter & fallen leaf removal						
Tree Planting						
Tree and Shrub establishment inspection						
Pruning and thinning (outside the bud resting season)						
Dead tree replacement						
Fertiliser application						
Residual herbicide application						
Translocated herbicide application						
Check stakes, ties and tree shelters (removal after 3 years)						
Litter & fallen leaf removal						
Inspection and wire tightening						

SPECIFICATION NOTES:

TOP SOIL
Imported topsoil should comply with BS 3882:2015.
Spread to a depth of:
150mm throughout all grassed areas.
450mm for shrub areas.
Topsoil shall be laid over a minimum 300mm depth of subsoil if available on site.
Areas of soil remediation within RPA's to consist of topsoil only, to engineers required depth.
For tree pits see below.

PLANT MATERIAL
All plant material to be grown in UK, inspected by LA and approved at the growing nursery or on site before incorporation in the works. All plants must comply with full and detailed LA specification.
All trees and shrubs to be planted between November and early March.

All trees to be planted between November and early March. All trees to have grass no closer than 500mm to the stem and the area beneath the tree shall have a 75mm layer of medium grade bark mulch. Tree pits within 3000mm of services and/or paths and where indicated on drawing to be lined with REROOT 600 root deflection barrier by Greenleaf Products.

SHRUB AND HEDGE PLANTING
Plant shrubs in prepared areas of topsoil with peat free compost incorporated at a rate of 3:1. Topsoil to be cultivated to the full depth of 450mm and graded to running levels.

All shrub planted areas to receive a 25mm layer of composted bark mulch, particle size 0-8mm to be spread after watering. Mulch to be applied only on the satisfactory completion of the planting works. All planting to take place between November and early March in frost free conditions.

SUDS PLANTING
Ensure all species specified are available for planting to allow plants to establish before the detention basin becomes operational. Notch plant the plug plants at rates indicated in the table, ensuring good mix/blend of species throughout each bed.

TURF
Cultivate previously spread topsoil to a depth of 150mm. Soil to be graded to running levels and further cultivated to a fine tilth stone picked and firmed. Top dressing to be made up of 1 part peat free compost, 2 part sharp sand and spread at a rate of 15kg/m² and lightly raked in to top surface. Stewarts Turf or similar approved to be laid stagger bonded and well firmed. Turf to be watered on completion and fertilised with Sierablen Turf Mix 27N 5P 5K 5f applied at a rate of 70g/m² at the start of the growing season (April).

AMENITY GRASS SEED: Apply pre-seeding granular fertiliser to tilth at a rate of 70g/m² and lightly rake in. Sow Germinal A19 grass seed mix at a rate of 50g/m², over seed to manufactures recommendations. Area to be watered on completion.

SUDS DETENTION BASIN GRASS SEEDING
All areas to be grassed, previously spread topsoil to be cultivated to a depth of 150mm. Soil graded to running levels and further cultivated to a fine tilth. Germinal WFG9 Wetland and Pond Areas or similar to be sown into prepared seedbed at a rate of 5g/sq m, and harrowed in. No fertiliser to be used in soil preparation.

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Landscape Architects
Unit 1.1, 59 Main Street,
Cumbernauld, G67 2RT
Tel: 01236 780660

Email: info@connondesign.co.uk
www.connondesign.co.uk

CLIENT:
CRUDEN HOMES (EAST) LTD

PROJECT:
TARBERT DRIVE
MURISTON, LIVINGSTON

STATUS:
PLANNING

DRAWING TITLE:
PLANTING PLAN

DRAWING NUMBER:
4468.004

REVISION:
K

SCALE:
1:250@A1

SHEET:
A1

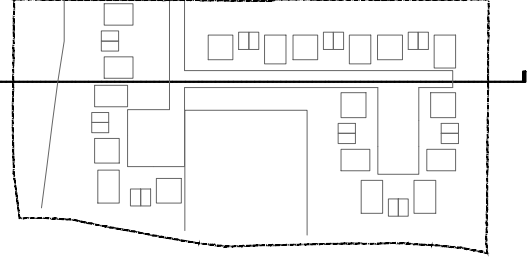
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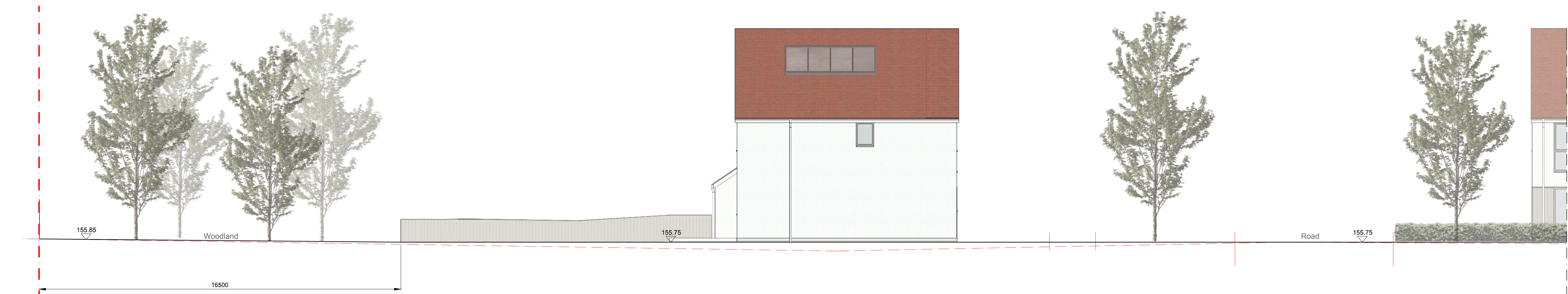
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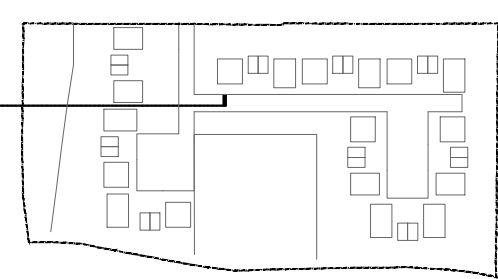
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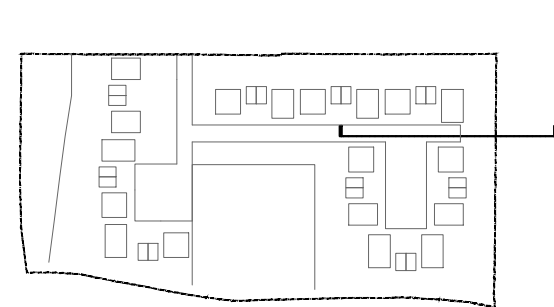
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1:100@A1



03 Site section 1.2
1:100@A1



0 1 2 3 4 5m 1:100@a1 10m

A 08.10.19 Levels updated
REV. DATE DETAILS BY

PLANNING APPLICATION

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Tarbert Drive, Murieston
Livingston
Cruden Homes (East) LTD

**Proposed site elevations
Section 1**

CML(PL)003

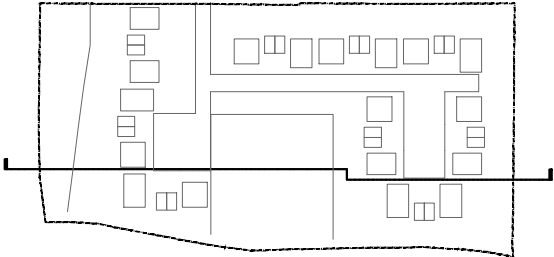
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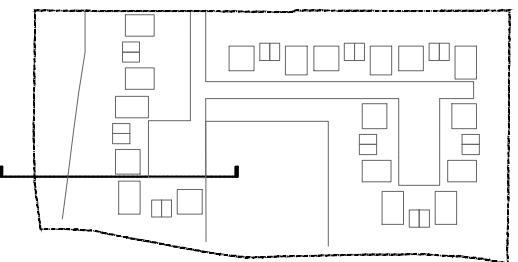
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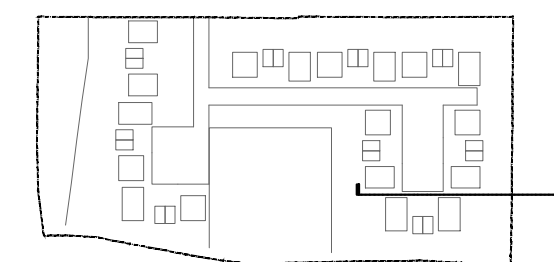
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**Proposed site elevations
Section 2**

CML(PL)004

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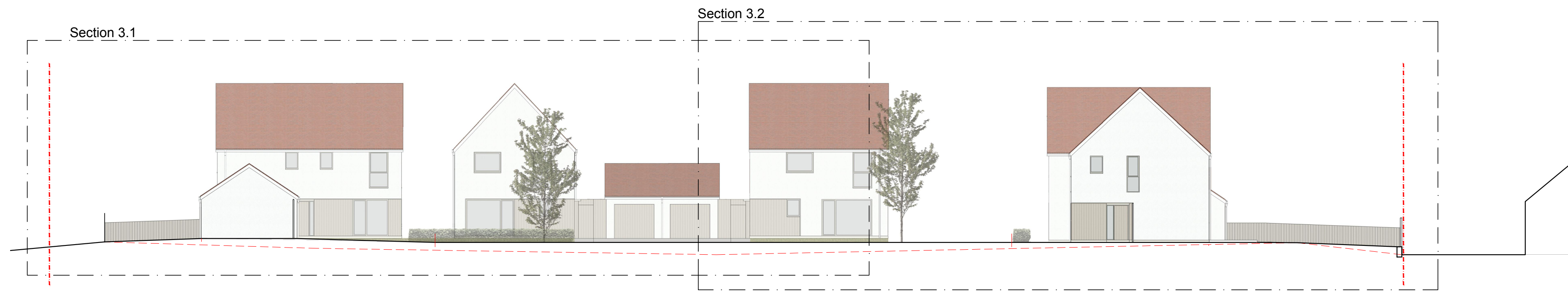
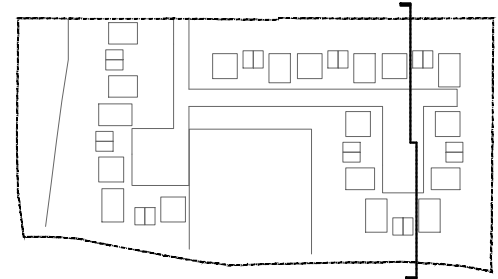
**Proposed site elevations
Section 3**

CML(PL)005

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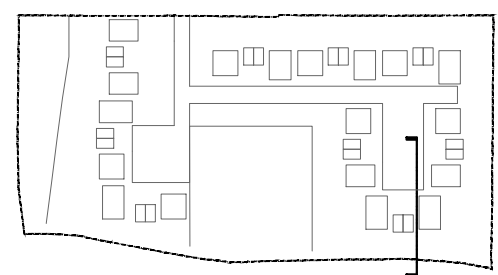
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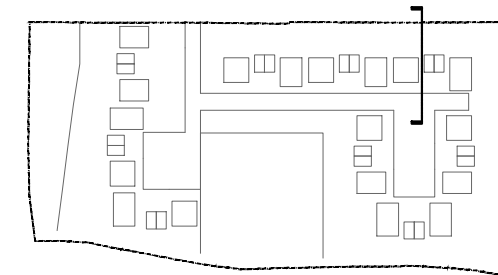


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03 Site section 4.2
1:100@A1

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**Proposed site elevations
Section 4**

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MURIESTON COMMUNITY COUNCIL

Chair: Chris Dryden E-mail: [REDACTED]

Secretary: Davidson McQuarrie Tel [REDACTED] E-mail: [REDACTED]

Planning Secretary: Ian Brown Tel [REDACTED] Email [REDACTED]

Web: <http://murieston.communitycouncil.org.uk>

19th October 2018

Mr Matthew Watson
Development Management
West Lothian Council
Civic Centre
Howden South Road
Livingston
West Lothian
EH54 6FF

Your Ref. 0927/Ful/18

Dear Mr Watson

Planning Application: 0927/FUL/18 | Erection of 18 houses with associated infrastructure and landscaping Land to the South of Tarbert Drive Murieston Livingston

Murieston Community Council wish to lodge an objection to the above planning application for the following reasons.

Firstly, this site was previously the subject of a planning application (LIVE/1269/FUL/06) and was rejected by West Lothian Council. The subsequent appeal on this decision was also rejected by the Scottish Government's Directorate for Planning and Environmental appeal division reference (P/PPA/400/284). The Reporter's conclusion makes it clear that any development on this site should not take priority over the existing Tree Preservation Order (TPO), quote;

"I conclude that although the proposed remedial works and housing at the appeal site would be in accordance with local plan proposals and policies, the development of the appeal site in the manner proposed would result in a significant loss of trees leading to a breach of local plan policies ENV 11 and ENV 14; and that the reasons put forward in support of the proposal, including the provision of houses on a site allocated for residential development in the local plan and the removal of contaminated material in an acceptable manner, do not justify this departure from policy to permit the particular development that is proposed."

There has been no material change between 2006 and 2018 in the area referred to in this planning application and although ENV 11 and ENV 14 relate to the 2009 West Lothian Local Plan these environmental guidelines have subsequently been replaced by ENV 9 within the 2018 adopted Development Plan. As such the reporters findings of 2006 are still valid.

The site was again reviewed in 2017 by the Scottish Government's Directorate for Planning and Environmental appeal division reference (LDP-400-1) issue No 16A. in which the reporter stated *"As I observed during my site inspection, the TPO would protect the trees on the site but need not, given the remaining land available, rule out development of the site entirely"*. From this statement the Reporter clearly indicates that the existing TPO should be preserved and that any development should not be carried out if it requires removal of woodland.

MURIESTON COMMUNITY COUNCIL

Chair: Chris Dryden E-mail: [REDACTED]

Secretary: Davidson McQuarrie Tel [REDACTED] E-mail: [REDACTED]

Planning Secretary: Ian Brown Tel [REDACTED] Email [REDACTED]

Web: <http://murieston.communitycouncil.org.uk>

Secondly; The site is known to contain contaminated materials received from Edinburgh City between 1903 and 1912, materials which are hazardous to health; this is not disputed by the developer. These materials consisted of domestic, industrial waste, animal offal from Slaughterhouses, carcasses from Veterinary hospitals and other infected animals. Although the developer has provided historical data on chemicals found onsite, they have not provided any risk assessment or biological analysis of materials which could be derived from such animal waste. The Community Council are concerned that bacterium such as the microbe *Bacillus anthracis* (anthrax) etc. which has been attributed deaths in Slaughterhouse workers and Fellmongers could be present in the soil, if they existed in the first place.

Considering the known contaminates and potential contaminates, the developer has not provided a risk assessment or any details on how these materials would be handled and, more importantly, how the local residents would be protected against any potential contamination either airborne or through onsite personnel and vehicle movement.

Taking into consideration the above issues, Murieston Community Council does not support the development of the Tarbert Drive site.

Yours sincerely



Ian Brown
Planning Secretary
Murieston Community Council

44 Bankton Way
Livingston
EH54 9EG

Attachment: Document MCC 68 The City of Edinburgh District Council.

DEPARTMENT OF ENVIRONMENTAL SERVICES
KING'S STABLES ROAD, EDINBURGH EH1 2JZ
PHONE 031-225 2424, TELEX 727143
FAX No 031-529 3014

68

Murieston Community Council
29 Wester Bankton
Murieston
Livingston
West Lothian EH54 9DY



FAO: Fiona E Neill (Secretary)

DATE
YOUR REF 11 October 1994
OUR REF
PC/WMO/RSN/FH

MCC 68
15 pages

Dear Ms Neill

LAND CONTAMINATION IN MURIESTON

Further to your request to our Planning Department for information concerning the above. Our records for the time are limited and not comprehensive compared to the current situation as you can appreciate.

However, the records do show that refuse supplies (a term used in the 1900's to describe household refuse etc.) were indeed railed to the Murieston area. Unfortunately, details of composition of waste or refuse are not listed fully, nor is there a detailed account of the exact area in Murieston, or the extent, to which refuse was disposed.

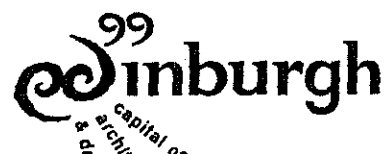
Enclosed is a report which may be of use to you, it gives all recorded detail of refuse disposal before, during and after the use of the Murieston area including specific volumes of refuse supplies to Murieston and notations (see appendices attached). I trust this information will be sufficient for your needs.

Yours sincerely

Alan Harper
Senior Waste Management Officer

Encls.

Please address all correspondence to the Executive Director
If calling in person, please contact ALAN HARPER at 15 Johnston Terrace



EDINBURGH CORPORATION CLEANING DEPARTMENT RECORDS
REFUSE DISPOSAL AT MURIESTON

REPORT

Background

1893 to 1903 Over 100,000 tons of refuse was collected and disposal of by the Edinburgh Cleansing Department annually of this approximately 20,000 tons was disposed of by destructor (incineration) method. Ash and residuals were disposed of in fields local to the destructor site. The remaining 80-90 thousand tons annually were infilled at Redhall Quarries, Craigleith, Ravelston Quarry, Millerhill Clayhole, Clapperton Hall Farm and latterly Burnhouse Farm and Camps.

1903 to 1907 Refuse continued to be disposed of by destructor, and infilling at Roman Camp and Holmes Farm near Uphall in addition to the above. Three methods therefore prevailed in refuse disposal i.e. (1) Destructor (incineration) Residual ash etc. resold, (2) Farm Utilization (manure), (3) Land Reclamation (road sweepings sand and mud).

The majority of the refuse collected by Edinburgh Cleansing Department which had no resale i.e. revenue potential continued to be disposed of primarily at Burnhosue Farm, East Camps and Camps Estate up until December 1907 (see map attached).

1907 to 1913 In December 1907 the Department commenced to send refuse supplies to Murieston some 179,000 tons of refuse supplies were sent to Murieston chiefly by rail links. Records show refuse sent to Murieston was suspended in November 1912.

1912 to 1945 No reference to refuse supplies being taken to Murieston. Refuse disposed of at Burnhouse, Joppa, Moredun, Gilmerton, Powderhall and local city tooms in the main with small amounts i.e. <50 tons going to farmers, the majority however going to Burnhouse. 1939 (approx) Hailes Quarry began to be used for refuse disposal and as more of the smaller tips were completed e.g. Joppa, Moredun etc., volumes of refuse to Hailes Quarries greatly increased. No refuse reported as being transported to Murieston during this period 1930-45.

1945 to 1974 Refuse was primarily disposed of at Redhall, Hailes Quarries and Granton Foreshore with only slight site variations none of which were at Murieston. Average annual tonnage of refuse disposed of amounts to approximately 360-460 thousand tons.

Percentage by Weight

Details	Summer %	Autumn %	Winter %	Spring %	Average %
Fine Dust (under 5/16")	27.85	35.33	42.45	39.92	36.38
Small Cinder (between 5/16" and 3/4")	15.01	20.35	23.35	19.62	19.63
Large Cinder (over 3/4")	14.18	16.00	14.38	15.44	15.00
Vegetable and Putrescible	4.03	1.68	.75	2.22	2.17
Paper	17.80	12.71	8.34	10.66	12.38
Metal - containers (a) Food (b) Other Other Metals	2.76 .79 .60	1.64 .55 .67	1.55 .46 .22	1.66 .63 .31	1.90 .61 .45
Rags, including Bagging and all Textiles	1.98	1.34	.86	1.36	1.39
Glass (a) Bottles and Jars (b) Broken Glass (Cullet)	2.46 1.00	1.84 .54	1.95 .54	1.62 .62	1.97 .67
Bones	.29	.17	.31	.26	.26
Combustible, not class classified above (wood, straw, leather, etc.)	5.23	1.75	1.36	1.04	2.35
Incombustible, not classified above (bricks, stones, pottery, etc.)	6.02	5.43	3.29	4.54	4.84
	100%	100%	100%	100%	100%
Density of Refuse - cwts. per cubic yard	5.601	6.687	6.744	5.540	6.143
Density of Refuse - lbs. per cubic foot	23.233	27.739	26.786	22.981	25.185
Density of Dust - cwts. per cubic yard	10.663	8.577	8.599	8.034	8.968
Density of Dust - lbs. per cubic foot	44.232	35.578	35.686	32.136	36.908

DECEMBER 1907 TO NOVEMBER 1912

REFUSE TO MURIESTON

It would appear from our records that disposal of refuse at Murieston began in the year 15th May 1907 to 15th May 1908, earliest entry shows commencement to be December 1907. Method of carriage is unspecified, however, the most probable conveyance was railway.

During the period 1908 to 1912, when in November of 1912 refuse to Murieston area was suspended, both the Caledonian and North British Railway companies were mentioned as the form of transport for refuse going to Murieston.

Quantities of Refuse to Murieston

Table 1.0

QUANTITIES OF REFUSE AND PER CENTAGE OF TOTALS DISPOSED OF SENT TO MURIESTON FOR THE PERIOD 1907 TO 1912		
YEAR 15TH MAY 1907 TO 15TH MAY 1908	7,111 TONS	5.5% OF TOTAL REFUSE
" 1908 " 1909	49,445 "	39.6% "
" 1909 " 1910	72,010 "	57.0% "
" 1910 " 1911	19,900 "	16.0% "
" 1911 " 1912	21,980 "	18.5% "
" 1912 " 1913	8,919 "	9.0% "
	179,365 IN TOTAL	

1913 Annual Report starts in relation to operations for refuse disposal at Murieston. "Operations were suspended indefinitely here in November last, and the corporation have purchased a portion of the railway plant for use of the Department at Burnhouse Sidings.

Composition (Analysis) of Refuse to Murieston

No recorded notations have been made in the annual reports concerning analysis or composition of refuse sent to Murieston for disposal.

Later (circa 1930s) analysis carried out seasonally shows typical compositions as shown in Table 2.0 below.

Table 2.0

Typical Analysis of Refuse (Seasonal) Seen Circa 1930s-40s

DESTRUCTOR (INCINERATOR) RESIDUUM COMPOSITION

Residual material from Incineration (Destructor) processes were largely resold for revenue generation purposes and comprised of ash, clinker and scrap metal, mostly with some small quantities of organic matter vegetables (carrot tops) orange peelings, etc. The small amount of material that could not be reused or resold was buried in local fields by the destructor e.g. Powderhall and the fields nearby at the time.

Conclusion It is likely that the composition of the refuse 1907-1913 was very similar in nature to that which is shown in table 2.0 with probably minor changes. During the 1900s there were a greater number of open fireplaces in the community housing as a whole and the amount of refuse actually collected would be significantly reduced. This was due to as much combustible material as possible being used in open fires within the residential stock of housing in Edinburgh.

It is highly improbable therefore that high levels, if any, of arsenic, cadmium, lead, mercury, zinc, boron, etc. would have originated from domestic refuse deposited at Murieston over such a short period albeit there is no evidence to the contrary.

Further, to support the above, if the refuse of that day did contain high levels/amounts of the substances identified then similar situations would be in existence at others of the many sites used for refuse disposal in and around Edinburgh. There is no evidence to support contamination of a similar nature at any of the sites used by Edinburgh Corporation for disposal of refuse on record today.

RESULTS OF THE RESPECTIVE DISPOSAL METHODS, IN
COMPARISON WITH THOSE OF PREVIOUS YEAR.

THE DESTRUCTOR.

It will be observed that the cremation rate is 2s. 9½d. This shews an advance of 3½d. per ton.

This is distinctly disappointing, as, if the actual working expenses were alone concerned, there would have been instead of an increase, a slight reduction.

The excess is due to a large and successful claim on the City by the Parish Council in the name of rates, a proportion of which has to be borne by the Cleaning Department.

For the year ending 15th May 1907, the amount with which the Destructor was debited for taxes and insurance, was £56, 5s. 5d.; but for the year at present under review the amount was £344, 4s. 5d., being an increase of £287, 19s.

The tonnage dealt with by the Destructor was 16,071, being an excess of 710 tons over that of the previous year.

The unfortunate burden imposed by the Parish Council is just about equal to 4d. per ton, shewing that, but for this abnormal and unexpected charge, the rate would have practically remained stationary.

The number of silent days, on which the Destructor was shut down, in order to admit of repairs and readjustments, was much the same as last year, viz., 28.

FARMERS AND ROMAN CAMP.

The quantity sent to farmers, it will be noted, amounted to 20,494 tons.

This shews a decrease of 10,185 tons as compared with previous year.

The shrinkage is largely accounted for by the late harvest of 1907, and the necessity of restricting in the earlier months of 1908, supplies to farmers, so as to meet the demands of the Distress Committee for Murieston.

The cost disposal rate to farmers is 1s. 0½d. per ton, which is ½d. more than that of the previous year.

It has been already explained that the Destructor rate instead of advancing would have fallen slightly, but for the Parish Council claim referred to; and this also holds good of the disposal rate to farmers.

Instead of the increase of ½d., there would have been a slight reduction.

The 81,614 tons sent to Roman Camp, etc., shew an excess of 2491 tons over the quantity of previous year.

There is an advance of ½d. on the disposal rate, but it also, in common with those of the Destructor and farmer rates, would have been less but for the increase in taxes referred to.

This is obvious from the fact that whereas the tax proportion for maintenance of Refuse Loading Banks and Sidings for year ended 15th May 1907 was £170, 0s. 5d., it is for year under review £575, 7s. 1d., being an increase of £405, 6s. 10d.

MURIESTON.

The Department commenced, in December 1907, to send refuse supplies to Murieston, and up to 15th May 1908, the quantity dispatched amounted to 7,111 tons.

The carriage, viz., 10d. per ton, is paid for by the Corporation, and in addition thereto, 6d. per ton is given.

CLINKER.

This residuum from the Destructor was but little in demand throughout the year.

The revenue therefrom was only £60, 8s. 9d.

The proceeds from the sale of Clinker in the previous year was £110, 5s. 5½d., shewing by comparison a falling off of £49, 16s. 8½d.

The market for this commodity is generally somewhat fitful; and the lessening demand for it in the year under review may at least be partly accounted for by the depression in the building trade, which use it for several purposes.

OLD TINS, Etc.

The market for this class of material was active during the year, and the Department had no difficulty in disposing of its old scrap accumulations, and, indeed, could have sold more had it been available.

In short, the demand was such that instead of getting 10/- a ton, as formerly, an advance of 8/- has been secured, making the price 18/- a ton.

The whole of the old tins are sent to the Glasgow Metal Co., Coatbridge, with which firm a three years' contract is running.

The revenue from this source in 1906-1907 was £119, 10s., while for the year in question the amount was £215, 10s. 1½d., an increase of £96, 0s. 1½d.

REVENUE FROM SPECIAL SERVICES BY CLEANING DEPARTMENT.

These services consist in the removal of trade refuse and other accumulations, which, in the interest of public health, are removed by the Department and charged for.

The Department does nothing to encourage this kind of service, preferring that what is outwith its special sphere should be undertaken by private enterprise.

The revenue from these services amounted to £286, 5s. 9d., the corresponding income for the previous year from this source being £260, 10s. 4d., shewing an increase of £25, 15s. 5d.

SCAVENGING SERVICES FOR GRASSMARKET.

An arrangement has been come to between the City Superintendent of Works and the Cleaning Department, whereby the Market is cleaned up every Wednesday afternoon. For this the men's time is charged, the amount for 1907-1908 being £11, 9s. 6½d.

CLEANING SERVICES AT SLAUGHTERHOUSE.

An annual sum of £200 is received from the Markets Committee for removing refuse from the Slaughterhouse.

CLEANING SERVICES AT WAVERLEY MARKET.

A further annual sum of £156 is got from the Markets Committee for cleaning the Waverley Market after the fruit and vegetable traffic is over in the morning.

CLEANING.

MUNICIPAL YEAR ENDING 15TH MAY 1909.

COLLECTION AND DISPOSAL OF REFUSE.

The total quantity dealt with amounted to 124,915 tons, and was disposed of thus:—

By Destructor, 15,416 tons, or 12'35 per cent.; to farmers, 21,631 tons, or 17'31 per cent.; to Roman Camp, 38,423 tons, or 30'76 per cent.; and to Murieston, 49,445 tons, or 39'57 per cent.

The railway carriage to farmers was at the rate of 8d. per ton; to Roman Camp, 10d.; and to Murieston, 10d.

The mud, sand, etc., from the macadamised roads totalled 60,015 tons, which were deposited in "tooms" at St Margaret's, Queensferry Road, Powderhall, and Baileyfield Road, Portobello.

The refuse and mud taken together shows a total of 184,930 tons, and the average all over rate for disposal was 11d. per ton.

The Destructor was shut down for repairs on 29 days, as against 28 in the preceding year.

The disposal cost rate was 2s. 7½d. per ton, which is 1½d. less than the corresponding figure in previous year.

The demand for manure at Murieston has greatly increased during the past year, and since 2nd December the depositing operations of the Department at Roman Camp have had to be suspended in order to admit of the Distress Committee getting additional supplies for their farming purposes.

Previous to the date mentioned, the refuse supplies for Murieston were restricted to what was conveyable by the Caledonian line, but the services of the North British are now also requisitioned for that purpose.

All the available refuse of the city is now being forwarded to Murieston, with the exception of what is reserved for farmers.

THE NEW LOADING BANK AT JOPPA.

The illustration on the following page is a representation of the new Loading Bank at Joppa, which has been provided by the North British Railway Company for the exclusive use of the Cleaning Department.

As regards convenience, sanitation, and amenity, it is in all respects satisfactory and up-to-date.

It has not, however, been placed without considerable obstruction and opposition on the part of the citizens in the district, probably due to the present day susceptibility to imaginary dangers, and to the fact that the average individual is unable to judge as to the wisdom of new proposals until they are embodied in the concrete of actual working.

The Bank was opened for traffic in September 1908, and after it was in operation the following testimony as to its suitability and freedom from objection was borne by the Medical Officer of Health. He says:—

"I have upon several occasions paid visits to the new Loading Bank at Joppa, and have seen it under different circumstances and conditions.

"Great care has been exercised in the formation of the bank, and it is perfectly

CLEANING.

MUNICIPAL YEAR ENDING 15TH MAY 1911.

COLLECTION AND DISPOSAL OF REFUSE.

The quantity dealt with amounted to 124,199¹⁹⁹ tons, and was disposed of thus:—

To Roman Camp	-	54,435	tons equal to	43.82	per cent. of total.
" Farmers,	-	22,608	"	18.20	"
" Murieston	-	19,900	"	16.03	"
" Destructor,	-	13,371	"	10.76	"
" Redhall	-	13,102	"	10.54	"
" Burnhouse	-	558	"	.45	"
" Holmes	-	225	"	.19	"
		<u>124,199</u>	"	<u>99.99</u>	"

As the Distress Committee did not take full supplies in May, June, October, and November, 2010 tons had to be sent per Caledonian Railway to Roman Camp, the carriage rate being 1s. 4d. per ton.

That, however, meant no extra expense to the Department, as the rate corresponded with that to Murieston.

Of the 22,608 tons sent to farmers, 2240 tons were sold, and realised £245, 4s. 8d.; the receivers, in addition, paid the carriage.

4768 tons were sent by canal, the only expense incurred being £7, 4s. for emptying 24 boats, at 6s. each.

The balance of 15,600 tons was railed at a cost to the Department of 8½d. per ton.

In addition to the railway rate of 10d. per ton on material sent to Murieston by the Caledonian Railway, the Corporation allowed the Distress Committee a bonus of 6d. per ton, bringing the cost up to that which it would have been had the refuse been sent to Roman Camp in the usual way, viz., 1s. 4d. per ton.

The sum paid in this connection during the year was £398, 8s. 6d.

For the annual overhaul and repairs, the Destructor was shut down in July and August, and again from September to November, owing to burst tubes.

Altogether it was closed on 89 days, as compared with 36 in the preceding year.

The cost of cremation and disposal was 2s. 5½d. per ton, or 2½d. less than in 1909-10. The decrease is principally accounted for by the Destructor having been out of operation for a longer period than usual, and that the wages of the workmen were, in consequence of employment having been found for them elsewhere, not charged against it.

For the conveyance of refuse by the Union Canal to Redhall Quarry, 11d. per ton was paid for trackage and dues.

MUD AND SAND, ETC.

The mud, sand, etc., from macadamised roads was deposited in "tooms" at St Margaret's, Queensferry Road, Powderhall, and Baileyfield Road, Portobello.

It totalled 55,801 tons.

Taken together, the refuse, mud, sand, etc., show a total of 180,000 tons, and the average rate for disposal was 11d. as against 10½d. for previous year.

ROMAN CAMP.

Operations have been completed at Roman Camp, at least so far as depositing refuse is concerned, as none has been sent there since 12th May 1911.

It now only remains to have the place levelled and left in a satisfactory condition, and it is hoped that the work will be finished shortly.

In the meantime the plant is being gradually transferred to the new tipping ground acquired at Holmes, where the depositing of refuse was commenced on 12th May 1911.

Since 1901, when the Department first began sending City refuse to Roman Camp, 345,475 tons have been deposited there.

Early in the year, tipping accommodation at Roman Camp being nearly exhausted, it became necessary to look for an outlet elsewhere, and after due consideration of the various methods of refuse disposal to which recourse could be had, it was resolved to purchase a part of Holmes Estate, in the neighbourhood, as best meeting requirements from economic and other points of view.

The ground at Holmes has an area of 40·388 acres, and extends from the North British Railway line to the Beugh Burn. It forms the southern section of Holmes Farm, on which are the site and debris heaps of the old Holmes Oil Works.

The locality is very suitable for the operations of the Cleaning Department; and it is estimated that it will serve as a place for the disposal of City refuse for about twenty years.

The cost of railway carriage and working expenses will be practically the same as at Roman Camp.

When the operations of the Department are completed, the ground, with the exception of the debris heaps, will be excellently adapted for cultivation, and if sold, should realise a good deal more than it cost.

In order to secure suitable access to the City's property at Burnhouse and Camps, additional land has been purchased there from the Earl of Morton and Bell's Trustees. That purchased from the former comprises an area of about 6½ acres, and cost £250; while that from the latter amounts to 13·236 acres, of which 6 acres are arable and 7½ acres are partly disused quarry and partly waste ground.

The 13·236 acres here referred to, as well as the 40 odd acres at Holmes, belonged to Bell's Trustees, and the price paid by the Corporation for these lands was £2000.

DISPOSAL OF REFUSE—*Continued.*

HOW DISPOSED OF.	Holmes.	Burnhouse Quarries.	Burnhouse Farm.	Murleston.	Redhall.	Powderhall and Meadowbank.	Farmers.	Powderhall Destructor.	TOTAL.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
Railed at—									
Coltbridge Siding,	10,244	...	...	...	...	...	1,674	...	11,918
St Margarets ^{N.B.R.} ..	11,356	...	...	...	...	...	949	...	12,305
St Leonards ..	14,547	...	...	...	...	...	752	...	15,299
Balcarres Street ..	7,344	...	...	...	...	...	1,742	...	9,086
Heriothill ..	1,608	...	108	...	...	...	1,435	...	3,151
Joppa ..	3,428	...	32	...	...	...	15	...	3,475
Dundee Street, C.R.	2,408	2,356	...	6,020	...	...	244	...	11,028
Tynecastle ..	1,304	1,920	...	2,899	...	...	2,309	...	8,432
Carted direct . . .	...	...	...	...	2,441	807	1,780	16,921	21,949
TOTAL . . .	52,233	4,276	140	8,919	2,441	807	10,900	16,921	96,637
Percentage of Total . .	54.05	4.42	.15	9.23	2.52	.83	11.27	17.52	...

MUD, SAND, SWEEPINGS, ETC.

Tons.

The quantity of this material collected from the Macadamised roads and elsewhere, and deposited in the various "Tooms" amounted to . . .

50,393

SWEEPINGS, ETC.

Sweepings and collected Stable Manure (sold) which realised £211, 5s. 3d.

1,926

TOTAL TONNAGE.

The total tonnage dealt with was therefore . . .

148,956

LOADING BANKS.

In the foregoing Table it will be noted that six of these are on the North British Railway system and two are on the Caledonian Railway. Two, viz., those at Tynecastle and Balcarres Street, are the property of the Corporation, and there are also stables at these places.

Caledonian Railway. 1890. 1891. 1892.

CLEANING.

MUNICIPAL YEAR ENDING 15TH MAY 1912.

COLLECTION AND DISPOSAL OF REFUSE.

TOTAL QUANTITY DEALT WITH.

Refuse	118,973 tons.
Mud and Sand, etc.	50,959 "
	<u>169,932</u>

HOW DISPOSED OF.

REFUSE.

54,570 tons to Holmes . . .	equal to 45.86 per cent. of total.
15,985 " Farmers . . .	13.43 "
21,980 " Murieston . . .	18.47 "
17,201 " Destructor . . .	14.46 "
7,516 " Redhall . . .	6.32 "
1,150 " Burnhouse . . .	.96 "
571 " { Powderhall and St. Margaret's } . . .	.49 "
<u>118,973</u>	<u>99.99</u>

MUD AND SAND, ETC.

(From Macadamised Roads).

50,959 tons deposited in "Tooms" at St. Margaret's, Queensferry Road, Powderhall, and Baileyfield Road, Portobello.

169,932 tons, being the total collection.

COST OF DISPOSAL, ETC.

TO FARMERS.

Of the 15,985 tons sent to farmers, 1780 tons were sold, and realised £188, 19s. 10d.; the receivers, in addition, paying the railway carriage.

1432 tons were carted, and 798 tons sent by the canal, both free of expense to the Department, with the exception of the small charge of 18s. for emptying three boats.

The balance of 11,975 tons was dispatched by rail at a cost to the Department of 8½d. per ton.

BY CANAL TO REDHALL.

6208 tons were forwarded by canal boats to Redhall Quarry, at a cost of £284, 10s. 8d. for trackage and dues, and 1308 tons were carted.

The last consignment to leave by canal was on 30th September 1911.

CLEANING.

MUNICIPAL YEAR ENDING 15TH MAY 1910.

COLLECTION AND DISPOSAL OF REFUSE.

The total quantity dealt with amounted to 126,223 tons, and was disposed of thus:—

By Destructor, 15,756 tons, or 12·5 per cent.; to farmers, 17,271 tons, or 13·68 per cent.; to Roman Camp, 8,870 tons, or 7·02 per cent.; to Murieston, 72,010 tons, or 57·04 per cent.; and to Redhall, 12,316 tons, or 9·75 per cent.

The railway carriage to farmers was at the rate of 7d. per ton; to Roman Camp, 10d.; to Murieston, 10d.; and for trackage and dues to Redhall, 11d.

In addition to the above railway rate of 10d. per ton on material sent to Murieston by the Caledonian Railway, the Corporation allowed the Distress Committee 6d. per ton, which brings the cost up to that which it would have been had the refuse been sent in the usual way to Roman Camp, viz., 1s. 4d. per ton.

The mud, sand, etc., from the macadamised roads totalled 58,009 tons, which were deposited in "tooms" at St Margaret's, Queensferry Road, Powderhall, and Baileyfield Road, Portobello.

The refuse and mud taken together show a total of 184,232 tons, and the average all over rate for disposal was 10½d. per ton, as against 11d. for previous year.

The Destructor was closed for repairs on 36 days, as against 29 in the preceding year.

The disposal cost rate was 2s. 8d. per ton, which is ½d. more than the corresponding figure in the previous year, and is accounted for by the increased cost of repairs and lower revenue from Clinker.

On 25th March last, at the request of the Distress Committee, the Department discontinued sending manure to Murieston by the North British Railway, and forthwith resumed operations at Roman Camp, where the refuse is now being deposited.

LOADING BANKS.

The Loading Banks throughout the City number nine, and are situated as follow:—

Dundee Terrace	Tynecastle
Coltbridge	Logie Green
St Margaret's	St Leonard's
Balcarras Street	Canal
	Joppa

Negotiations have been concluded with the North British Railway Company, securing a connection with that system, but a considerable amount of work must be undertaken by the Department in laying down the necessary sidings.

A locomotive belonging to the Corporation is stationed here to shunt the wagons.

BURNHOUSE FARM.

Burnhouse Farm was acquired along with the last named property and was carried on by the Department until Martinmas last, when it was leased to a tenant.

MURRESTON.

Operations were suspended indefinitely here in November last, and the Corporation have purchased a portion of the railway plant for the use of the Department at Burnhouse Sidings.

REDHALL QUARRY.

That portion available for the depositing of refuse is gradually nearing the stage when this may be expected to terminate.

Being situated on the environs of the City, and within driving distance of the western districts, this "Tip" forms a useful auxiliary, more especially during those seasons when railway wagons are so scarce that the whole of the refuse cannot be dispatched by rail the same day as it is collected.

POWDERHALL DESTROYER.

The Destroyer continues to meet the requirements of the north-east portion of the City in disposing of ordinary refuse, and fulfils an equally important function for the whole City in disposing of material which could not readily be got rid of otherwise.

Old books and documents from business houses and Government Offices, the residue left on the hands of those agencies who collect and sort waste paper, offal from the Slaughterhouses, carcases from Veterinary hospitals, others from sources of infection, are sent here for cremation, as many as ninety pigs having been sent at one time quite recently.

The Destroyer was closed down for repairs on two occasions, being out of action for thirty working days altogether during the year.

Considering that the plant has been 20 years in use, it is not surprising that it should suffer in comparison with more modern

Strategic Planning & Transportation
County Buildings
Linlithgow
West Lothian
EH49 7EZ

For the attention of George Flett

Monday, 11 October 2004

Project:760244

Ref: Easter Murieston - Second Response - DRAFT /LRB

Dear Sirs

**Easter Murieston, Livingston
Review of Supplementary Information**

Thank you for requesting Carl Bro to provide an opinion on the acceptability of the following reports with respect to the proposed redevelopment of the Murieston, Livingston:

- Final Site Investigation Report, IKM Consulting Ltd, August 2004; and,
- Method Statement for Removal of Incinerator Ash, IKM Consulting Ltd, August 2004.

We have reviewed the above reports with particular reference to the comments previously made in our letter dated 31st May 2004 and the subsequent letter from Mr Tony Irving (West Lothian Council, Development & Regulatory Services) to Mr Neil Lind.

Background

Before considering the above reports in detail, it is useful to establish the current position with respect to the planning application for this site. In short, a residential development is planned for the site by the owner. The current use of the site may be loosely described as 'public open space', as it is currently fully accessible to the public, neighbouring residents, dog-walkers, etc. The change of site use planned has triggered the planning process, including the use of Planning Advice Note (PAN) 33, which deals with the development of contaminated land.

One of the principal roles of the town and country planning and building control departments under PAN 33 is as follows:

*"Ensuring that land is made suitable for any new use, as planning permission is given for that new use - in other words, assessing the potential risks from contamination, on the basis of the proposed future use and circumstances, before permission is given for the development and, where necessary, to avoid unacceptable risks to human health and the environment, remediating the land before the new use commences."*¹

¹ <http://www.scotland.gov.uk/library/pan/pan33-01.asp#b3>

Carl Bro Consultants

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Registered in London No: 02237772

Whether confirmed or suspected, contamination is a material planning consideration and as such, it is considered as one of the factors in the preparation of development plans, as well as in the determination of planning applications.

Proposed Site Use and Acceptability Standards

The proposed use of the site is residential with gardens, and as such, IKM Consulting have identified unacceptable risks associated with the made ground at the site (ash from the former Destructor / Incinerator at Powderhall, Edinburgh). Section 6.4 of their report identifies that: *“redevelopment of the site in its current condition for domestic housing would represent unacceptable risks to future occupiers”*. They conclude that *“these risks can be effectively removed if the ash material is removed”*. We would agree with this statement. Furthermore, in their Recommendations section, IKM state that *“it is our recommendation that the site is totally cleared of all destructor ash”*.

This complete ‘dig and dump’ remediation solution, if managed correctly, should lead to the removal of significant risks associated with the ash material. It relies upon the topsoil above the ash and the subsoil below it being clean. This should be proven through validation testing.

Asbestos and Dioxins

Our previous letter noted two areas of specific concern, regarding the potential for the presence of asbestos and/or dioxins in the incinerator ash. IKM regard the likelihood of asbestos being present in the ash as being “low”. Some reliance is placed on the operating temperature of the incinerator, e.g.:

“One of the properties of asbestos is that it does not have a “melting point” as such. Instead, the fibres break down above approximately 600°C. Modern incinerators operate at above 800°C to reduce the potential production of dioxins from chlorine-containing compounds”².

It is unlikely that at the time of incineration (circa 1910) the material being incinerated was subject to the same controls and operating temperatures that modern incinerators must meet through licensing requirements. It is thus considered that the above statement could be misleading, as it implies that the conditions at the Edinburgh Powderhall incinerator at the time of the production of the ash in question were comparable to those at present-day incinerators. Considering that wood fragments have been found within the ash at the site³, it seems apparent that the complete combustion of all municipal solid waste was unlikely.

With respect to dioxins, IKM state that:

“Several studies have looked at time-based trends in dioxin levels and have concluded that levels were consistently low prior to the 1930s...”⁴

In the absence of quantitative testing data for the ash in question at the site, we would recommend that the studies referred to above are fully referenced in order for their applicability to be assessed by West Lothian Council. It is likely that these studies have focussed on levels of dioxins in the environment (e.g. park grass) rather than on incinerator ash itself.

² Section 5.2, IKM Final Site Investigation Report

³ Section 4.2.1, IKM Final Site Investigation Report

⁴ Section 5.3, IKM Final Site Investigation Report

The immobility of dioxins is discussed as a positive attribute, although once in the food chain, it is this recalcitrance and potential for bioaccumulation that set dioxins apart as particularly hazardous compounds.

We acknowledge that around the likely time of production of this ash material, the levels of plastic compounds such as PVC in municipal solid waste would be insignificant, if present at all. However, we understand that the production of dioxins from other chlorine-containing compounds such as those used in the bleaching of paper may be possible ⁵, hence we feel that the potential presence of dioxins in the ash material in question cannot be ruled out.

IKM do not rule out the possible presence of either asbestos or dioxins in the ash material, but regard the likelihood of the presence of asbestos to be “low”, and “*levels of dioxin in the ash can be expected to be low and typical of ash materials...*”. These assessments are provided as justifications for the absence of quantitative laboratory testing for these potential contaminants.

Summary

As we have previously stated, the presence or otherwise of asbestos or dioxins with respect to the future use of the site does not appear to be the key issue of concern for the suitability of the proposed development, as it is proposed by IKM in any case to totally clear the site of all destructor ash. The chief concern then is the safety of the remediation works, with particular consideration for adjacent residents that may be affected by dust which, according to IKM's latest report, may contain “low” levels of asbestos or dioxins.

Given the known hazards associated with asbestos and dioxins, the city analyst's comments in 1998 that asbestos may be present in the ash ⁶, and the absence of any evidence to show that these contaminants are not present, we consider that the position has not changed significantly since our last correspondence in May 2004, namely:

“An additional site investigation consisting of one day's trial pitting with a JCB-type excavator plus limited additional testing is likely to suffice. This investigation could also focus around the more heavily-wooded areas in order to assess their contaminative status.

It is important to be able to rule out asbestos and dioxins as potentially being present in this material as if they were present, even more stringent health and safety standards would be necessary during remedial works.”⁷

We would recommend that, in accordance with PAN 33, the remedial method statement should demonstrate how any risks associated with asbestos or dioxins in the ash would be mitigated. For example, how would the remediation method statement alter if it was known that “low” levels of asbestos or dioxins were present in the ash?

⁵ Incineration and Dioxins: Review of Formation Processes, Australian Government - Department of the Environment and Heritage, www.deh.gov.au/industry/chemicals/dioxins/pubs/review.pdf

⁶ Letter: Comments on IKM 1998 Investigation, Andrew Mackie, 1998

⁷ Letter to West Lothian Council's Strategic Planning & Transportation dept, 31st May 2004

In conclusion, IKM have acknowledged that there is a potential for the presence of both asbestos and dioxins in the ash material. However, they have not considered these contaminants in their method statement for the removal of ash from the site. The Precautionary Principle would advocate the assumption that asbestos and dioxins are present (until proven otherwise), and as such, methods of ash removal should be suitably designed to ensure that no additional risk is created to any potential receptors, including site workers and adjacent residents.

Carl Bro Group would be please to assist further, either in the assessment of additional reports or auditing of remedial works to on behalf of WLC.

Should you have any further queries or comments, please do not hesitate to contact us.

Yours faithfully
Carl Bro Group Ltd

Lewis Barlow BEng Hons MSc DIC CEng MCIWEM
Senior Contaminated Land Consultant

Approved by:

R. W. Apted
Technical Director

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Ms Amie Butchard

Address: 5 Tarbert Drive, Murieston, Livingston, West Lothian EH54 9GZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Notice of objection, this land should be de-zoned for any future development and wish to prevent any further planning applications being submitted.

Contaminated Soil:

This strip of land should have been scraped when Murieston Valley was being built but because it wasn't, the lives of us local people will be drastically affected. Not I hasten to add that of the developer, who no doubt doesn't live where they will be impacted from this proposed development;

There is great concern that the harmful chemicals/particles, once disturbed in this contaminated soil, would be inhaled by local residents, particularly Tarbert Drive. Many have young families in this street and are already worrying about the long term health implications of the soil disruption; Contaminated soil would be strewn down our street and clearing it up would only dilute and spread the hazard into our homes and gardens; and

What once was a safe, clean cul-de-sac for young children to play would rapidly become a no go area.

Heavy duty Vehicles versus Infrastructure:

The suggested no. Of trucks, which would be required to remove the contaminated soil, will create extreme disruption to our small cul-de-sac of nine houses and the narrow roads in the surrounding area. We who live within Tarbert Drive will have quality of our lives vastly diminished by the noise and pollution.

Construction Phase:

The on-going noise level of subsequent construction would be incredibly disruptive to our street and surrounding area;

Once construction is complete, the level of traffic flowing through the narrow Tarbert Drive will cause much disruption to our already busy street. We all bought homes here so that we wouldn't live in a through road;

The suggestion that the new street would bring only 20 additional cars and that our street could accommodate their visitor parking is ridiculous. Our street has 18 cars for the 9 houses and will only increase as the children living here become of driving age. Visitors currently park along the paths as residents need to use visitor spaces.

Wildlife/Trees:

There are protected bats and badgers within this land, the construction would disrupt their habitat; and

There are also protected trees which help create the peaceful habitat for the animals.

Future Development within Murieston:

Murieston is a lovely picturesque and peaceful area, which I feel is going to be destroyed by the current and future proposed construction of new builds/affordable housing. Murieston is appealing and sought after because of its current unspoilt landscape and tranquility. It will no longer offer this amenity if all land within Murieston is built on, almost becoming a new town in its own right;

The impact on overall house prices for Murieston could potentially fall as the appeal for the area would diminish. It would just be another overly large estate overrun by traffic and residents screaming out for further facilities to cope with demand, creating yet more building and disruption.

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mrs Annie Dryden

Address: 8 Tarbert Drive Murieston Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to formally object to the proposed planning application submitted by Cruden.

A T.P.O. (tree preservation order) is in existence which covers the whole area of land under consideration for development. Any proposed development would result in the removal of several mature trees, which would be in breach of this order.

Serious concerns have been raised over the contamination of the land and have never been satisfactorily addressed in any proposed development application. This is contaminated land which contains waste that is known to be hazardous to health. The removal of the soil will result in run off into the surrounding land and water courses and will require the contaminated material to be transported through a densely populated area which has many families with young children living there.

With a nursery, after school club, school, doctors, dentists, vets and nursing home all within close proximity it would have a serious impact on the health of all residents, especially the young and elderly.

The land should have been decontaminated when the rest of the valley was developed many years ago. This did not happen, I feel that this opportunity has gone and the risk for the residents and general public is far too great to take place now.

It has been nearly ten years since the CALA appeal was rejected by the reporter and my understanding is that this decision was final.

I can find neither rationale nor reasoning which would support that decision being over turned.

I feel very disappointed that we, as residents, have to go through this yet again. The site should be removed from the local development plan.

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mr Campbell Maclean

Address: 8 Gelder Drive Livingston

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. A tree preservation order exists, for good reason, on the area to preserve the natural and often mature woodland, the proposed development would result in the removal of several mature trees. These provide much a needed environment for our insect and bird life as well as enhancing the environment for the benefit of locals living in and frequently walking in this area, as I do with my family regularly.

2. Disturbance of contaminated waste with no definitive assessment of impact on humans and local flora and faun

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mrs Carol Hallesy

Address: 4 Teviot Drive Murieston Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am resubmitting this as my previous objection is not showing under 'Documents'.

I wish to object to this previously rejected planning application on the following grounds:

1. This is contaminated land which contains waste that is known to be hazardous to health. The removal of the soil will result in run off into the surrounding land and water courses and will require the contaminated material to be transported through a densely populated area which has many families with young children living there. The developer has not submitted a definitive assessment of airborne pollution and has allowed contractors to remove soil samples without any form of protective clothing - which suggests a lack of awareness and/or consideration for public health. With a nursery, after school club, school and nursing home all within close proximity it is concerning that the developer has not put this issue at the forefront of their application.

2. A Tree Preservation Order exists on the area and the proposed development would result in several mature trees being removed.

3. The current application is for more houses than the previously rejected application and as the elevation is higher than the surrounding houses will impact adversely on the area.

From: [Planning](#)
To: [Watson, Matthew](#)
Subject: Comments for Planning Application 0927/FUL/18
Date: 07 October 2018 20:33:08

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 8:32 PM on 07 Oct 2018 from Mrs Carolyn Oliver.

Application Summary

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

[Click for further information](#)

Customer Details

Name: Mrs Carolyn Oliver

Email: [REDACTED]

Address: 3 Tarbert Drive Murieston Livingston

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: Further to my husbands earlier comments I am deeply concerned about removal of old waste from the site. There are many documented incidents uk wide of old waste being disturbed resulting in serious illness. I have 2 children and many of the neighbours have babies and young children. When no scientific report has been produced to show what is under the ground and a risk assessment carried out how do you know it is safe to remove material ? Should this result in ill health I can guarantee that I and all the neighbours will take legal action. Would the council or Cruden homes be prepared for the public backlash if health was affected ? Cruden would end up bust. With social media the way it is now health implications and them not doing their due diligence before the build would not take long for their reputation being destroyed.....is this worth the risk for just 18 homes ? Plenty safe land elsewhere in the area...why take the risk for a small development.

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Miss Dawn Carmichael

Address: 15 Teviot Drive Murieston Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: would like to object to all proposed building plans on this greenfield site. There have been several previous failed attempts to achieve planning permission on the site and I do not see how conditions have changed to warrant a new application.

In evidence from previous submissions by its own admission West Lothian Council (WLC) stated "the site is embraced by and adjacent to land adversely affected by contamination" which should it be disturbed may result in potentially serious health concerns for local residents, wildlife and vegetation. Transporting this waste would put all residents at risk due to the fact the area is in a no through road. Planning permission has been refused on previous occasions on this basis.

In 2009 a tree preservation order was made by WLC therefore this proposed development would be in direct contravention of this order and completely negates the reason it was implemented. I believe that by removing the trees it would ruin the setting and aesthetics of the area, which infringes into the Murieston trail, which is enjoyed by residents and visitors alike. Development would remove habitat for native wildlife whilst also having a detrimental affect on the visual impact of the area for local residents.

The character of the neighbourhood would also be irrevocably impacted in a negative way by removing trees and further building development. The building of new homes in this area would also have a noise impact to this quiet area which would disrupt sleeping patterns for residents. This noise pollution would likely be over a long period which is known to have negative effects on health. The impact on the road network around this area would also be detrimental. The road network is currently busy but this would further increase traffic and make it more hazardous for residents, especially children.

I believe the local infrastructure is insufficient to support this proposed development, including the following; The fact the valley road is a no through road (increased traffic volume is felt more), the local doctors surgery, dentist and schools would also be burdened by an increase in residents. Previous planning proposals also stated that there was a "limited capacity" at East Calder waste water treatment works; further evidence that the current infrastructure is not conducive to increased development. It has also been noted previously that there has been erosion to Murieston water with remedial works having been carried out in 2012, and with further construction this is likely to have an impact on the amount of water which will flow into Murieston water (as per site survey) further increasing erosion increasing the potential for flooding and costing the council in further maintenance.

Mr Glyn Thomas
56 Murieston Valley
Livingston
EH54 9HB

18th October 2018

**Subject: Planning Application 0927/FUL/18 - Land To The South Of Tarbert Drive
Murieston Livingston**

I strongly object to the planning application above. There have been several planning applications to build on this site rejected in the past. I do not understand what has materially changed to consider granting permission now.

In particular the previous application from CALA homes (PPA/400/284) was rejected on appeal due to the removal of trees under existing preservation orders and not meeting the requirements of local plan policies ENV11 and ENV14. If these preservation orders are still valid, what has changed to consider approving this application.

I am also concerned by the issue of contaminated soil and sub soil. The Stockpile Waste Classification Report V1 dated 24th September 2018 concludes that there are no contamination issues. I would suggest that the samples taken and analysed for this report are not representative of the site. The plan of sample points contained in the report show them being retrieved from 2 stockpiles. These are at the top of Tarbert drive and not from the whole proposed area. If these stockpiles represent top soil gathered from the whole site then these have been standing there for a long time and have been subject to weathering. This would allow leachate to dissipate over time thus making the stockpile less contaminated than fresh samples of top soil. Of course any insoluble contaminant would be collected too and it is comforting to know that asbestos is not present.

A better method of collecting samples would have been by digging a simple trench or by hand auger at representative points across the site.

At this point I believe that there is no evidence to suggest there is no contamination and this would constitute a risk to health of residents and the workers on the site if planning is approved.

Yours Sincerely

Glyn Thomas MIMMM MIQ CSci CEng

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mr Gordon Todd

Address: 10 Mureiston Park Livingston

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the proposal to develop on the site at Tarbert Drive.

Any risks associated with removal of contaminated material should be avoided at all costs. I see no benefit to the local community in removing this undisturbed material for 18 houses.

Given the sites available in the West Lothian development plan I see no reason why there would be any appetite to put at risk public health; Either through escape of airborne toxins, or the large volume of heavy plant associated with the removal of this moving through residential streets past playgrounds & sports grounds.

Further to the above. The wider area of Livingston South has number of large developments in process or with planning approval in place. Together these have the potential to seriously impact the natural environment in the area. As I understand it there is a Tree Preservation order in place on this site and removal of trees on the site would further impact the natural environment.

This is not withstanding any risks to the natural environment as a result of the spread of contaminants through the removal process.

Regards

Gordon Todd

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbet Drive Murieston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mr Iain Gold

Address: 11 Teviot Drive Murieston Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to this planning application in its entirety.

It's a greenfield site with lots of wild animals inhabiting the area proposed. These include protected bats and badgers as well as a wealth of other animals, insects & birds such as deer, buzzards & many more. Their homes would be destroyed by this development with a severe detrimental effect on surrounding wildlife. Our children love watching all the wildlife here often asking questions all about the animals, even naming the deer they have seen. I'm sure many other families do the same. It would be a travesty to destroy this wonderful natural environment & teaching aid.

The ancient woodland on site must be preserved, any building would surely damage their roots as well as the damage due to pollution caused by building works and increased traffic. This proposed development would be in direct contravention of the 2009 tree preservation order made by WLC completely negating the reason it was implemented. The development would have a detrimental effect on the character & visual impact of the area.

In evidence from previous submissions by its own admission West Lothian Council (WLC) stated "the site is embraced by and adjacent to land adversely affected by contamination" which should it be disturbed may result in potentially serious health concerns for local residents, wildlife and vegetation. I have deep concerns for my family & friends health should this land be disrupted. Transporting this waste would put all residents at risk due to no through road. Planning permission has been refused on previous occasions on this basis.

It has also been noted previously that there has been erosion to Murieston water with remedial works having been carried out in 2012, and with further construction this is likely to have an impact on the amount of water which will flow into Murieston water (as per site survey) further increasing

erosion increasing the potential for flooding & costing the council in further maintenance.

The building of new homes in this area would create a lot of noise to this quiet area. I have 2 small children & have serious concerns about their sleep patterns & our mental health due to sleep deprivation & noise pollution. Having seen how many other small children there are living in the surrounding area many residents will be in the same situation.

20-40 cars extra leaving Tarbet drive every morning will be dangerous to the many young people, train commuters & shoppers who pass there.

The proposed plans place houses very close to our property. They will likely be higher which will invade our privacy also blocking the natural light we get, especially in the winter months and causing drainage issues.

An increase in residents would burden local doctors surgery, dentist, schools & other services especially with other proposed substantial developments relying on these too. Previous planning proposals stated there was "limited capacity" at local waste water treatment.

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbet Drive Murieston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mrs irene whitelaw

Address: 58 Murieston Valley 58 Murieston Valley Livingston

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I would like to object to this recent planning application. There have been several previous failed attempts to achieve planning permission on this site and I do not see how conditions have changed significantly to warrant a new application. In evidence from previous submissions by West Lothian Council (WLC) stated "the site is embraced by and adjacent to land adversely affected by contamination" which should it be disturbed may result in potentially serious health concerns for local residents, wildlife and vegetation. Transporting this waste would put all residents at risk due to the fact the area is in a no through road. Planning permission has been refused on previous occasions on this basis.

Also my understanding is once the reporter has made a decision this is final , and given there has been no changes to the condition of this land then I'm at a loss to understand why this would even be considered.

In 2009 a tree preservation order was made by WLC therefore this proposed development would be in direct contravention of this order and completely negates the reason it was implemented. I believe that by removing the trees it would ruin the setting and aesthetics of the area, which infringes into the Murieston trail, which is enjoyed by residents and visitors alike. Development would remove habitat for native wildlife whilst also having a detrimental effect on the visual impact of the area for local residents.

The character of the neighbourhood would also be irrevocably impacted in a negative way by removing trees and further building development. The building of new homes in this area would also have a noise impact to this quiet area especially for those who work from home and also for those who work nighshifts - it would disrupt sleeping patterns for residents. This noise pollution would likely be over a long period which is known to have negative effects on health.

The impact on the road network around this area would also be detrimental. The road network is currently busy but this would further increase traffic and make it more hazardous for residents, especially children. I believe the local infrastructure is insufficient to support this proposed

development, including the following; The fact the valley road is a no through road (increased traffic volume is felt more), the local doctors surgery, dentist and schools would also be burdened by an increase in residents. Previous planning proposals also stated that there was a "limited capacity" at East Calder waste water treatment works; further evidence that the current infrastructure is not conducive to increased development. It has also been noted previously that there has been erosion to Murieston water with remedial works having been carried out in 2012, local doctor's surgery, dentist and schools would also be burdened by an increase in residents. Previous planning proposals also stated that there was a "limited capacity" at East Calder waste water treatment work.

I strongly object.

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mr James Rae

Address: 8 Rothes Drive Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to this planning application. The site is known to be contaminated with waste from Edinburgh city including medical waste.

The development would also encroach upon a mature tree belt and disturb and distress existing wildlife.

My wife has severe dust allergies and is allergic to many chemicals and the removal of toxic soil and the amount of dust created would have an adverse effect on her health.

I have doctors letters to support this.

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mrs Katrina Taylor

Address: 24 Rothies Drive Murieston Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I live in the street adjacent to this land and cannot believe another planning application has been submitted to build here. All previous applications have been refused and I cannot understand why another one would be considered. I would have serious concerns for the safety of my family if consent was given to disturb this land thereby making the contamination airborne. As with the other applications, the due diligence required by the land owner and developer have not been demonstrated which shows a complete disregard for the safety of the people living around this area. Additionally, what compliance will be shown to Tree Preservation Orders if the regard for hazardous contamination is questionable?

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mrs Margaret Brown

Address: 42 Rothes Drive Murieston Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The land at Tarbert Drive has been confirmed as contaminated and my main objection to this planning application is around the possible health implications for the residents who live on or near the route any vehicle will take as they dispose of this contaminated soil.

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Dr Moira Shemilt

Address: 25 Murieston Drive Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am a recently elected member for Livingston South. However, I raise my objections as a member of the community of Murieston for over thirty years. I deem myself and my family to live within the neighbourhood of this proposed development as our house lies within close proximity, over the river, to this proposed development.

My primary objection is that, almost 10 years ago, the Scottish Reporter refused an application to build on this plot, intimating that the site is embraced by and adjacent to land adversely affected by contamination. Disturbing and redistributing this land may result in potentially serious health concerns for local residents, wildlife and vegetation. Transporting this waste, therefore, would put all members of the local community at risk due to the fact the area is in a no through road. Planning permission has been refused on previous occasions on this basis.

My second objection is in relation to the trees which the developer proposes to remove, these include mature trees with preservation orders. While the developer proposes to replace removed trees, these would in no way provide compensation. Like would not replace like with like.

Thirdly, the developer is proposing to build 18 houses on this small plot of land, which appears to me to be excessive and out of keeping with the context and area.

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbet Drive Murieston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mr Neil Harris

Address: 5 Teviot Drive Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to all proposed building plans on this greenfield site. There have been several previous failed attempts to achieve planning permission on the site and I do not see how conditions have changed to warrant a new application.

In evidence from previous submissions by its own admission West Lothian Council (WLC) stated "the site is embraced by and adjacent to land adversely affected by contamination" which should it be disturbed may result in potentially serious health concerns for local residents, wildlife and vegetation. Transporting this waste would put all residents at risk due to the fact the area is in a no through road. Planning permission has been refused on previous occasions on this basis.

In 2009 a tree preservation order was made by WLC therefore this proposed development would be in direct contravention of this order and completely negates the reason it was implemented. I believe that by removing the trees it would ruin the setting and aesthetics of the area, which infringes into the Murieston trail, which is enjoyed by residents and visitors alike. Development would remove habitat for native wildlife whilst also having a detrimental affect on the visual impact of the area for local residents.

The character of the neighbourhood would also be irrevocably impacted in a negative way by removing trees and further building development.

The building of new homes in this area would also have a noise impact to this quiet area which would disrupt sleeping patterns for residents. This noise pollution would likely be over a long period which is known to have negative effects on health. The impact on the road network around this area would also be detrimental. The road network is currently busy but this would further increase traffic and make it more hazardous for residents, especially children.

I believe the local infrastructure is insufficient to support this proposed development, including the following; The fact the valley road is a no through road (increased traffic volume is felt more), the

local doctors surgery, dentist and schools would also be burdened by an increase in residents. Previous planning proposals also stated that there was a "limited capacity" at East Calder waste water treatment works; further evidence that the current infrastructure is not conducive to increased development. It has also been noted previously that there has been erosion to Murieston water with remedial works having been carried out in 2012, and with further construction this is likely to have an impact on the amount of water which will flow into Murieston water (as per site survey) further increasing erosion increasing the potential for flooding and costing the council in further maintenance.

Watson, Matthew

To: Planning
Subject: RE: 0927/FUL/18 OBJECTION - [OFFICIAL]

From: Nicola Graham [REDACTED]
Sent: 17 October 2018 21:33
To: Planning
Subject: Ref: 0927/FUL/18 OBJECTION
Importance: High

Dear sir/madam

OBJECTION to planning application by Cruden Homes Ref: 0927/FUL/18.

Date: 17th October 2018

I wish to object to planning permission being sought at Tarbert Drive, Murieston, Livingston, EH54 by Cruden Homes. My main objection is that I am extremely concerned about the health risk to the residents in the area (not to mention the people who would be working on site) due to the hazardous waste being unearthed and transported along Murieston Valley where I live with my partner and my young son. This is extremely worrying and fills me with dread at the possible risk this may cause to all our health. From speaking to neighbours I know this is a major concern of us all. Even if this does not affect us in the short term, who knows what the long term effects might be. This particular concerns me for my 15 month old son who is vulnerable given his immune system isn't developed yet and who knows what airborne diseases/viruses could be unearthed.

I also object on the following grounds:

The tree preservation order which is in place to protect our woodland. We moved to this area due to the fact it is surrounded by lovely woodland walks. This is important for the environment. If this diminishes with more and more houses being built (there are other applications in the area for housing estates) then the area will be less attractive to move to.

There will be much more traffic in the area which is already a huge issue due to the volume of traffic and the fact many vehicles drive very fast on Murieston Valley, much faster than the 30mph speed limit which is not adhered to. This is a big concern especially given I have a young son. The cars ignore the traffic calming measures which need replaced as they're worn away.

There will be more pressure on the local amenities such as the schools, doctor surgery, dental surgery and local shops.

My main concern is however due to health risks which seems to be very much an unknown and it appears no reassurances can be given to how to safely deal with this given potential risks may be airborne. This really really worries me and causes me a great deal of stress and anxiety. The health of the residents of this area must be the priority. Given we are aware there are health risks, there can be no excuses to allowing this planning application to go ahead.

Thank you for your time and I trust these objections will be taken into consideration.

Yours faithfully

Ms Nicola Graham
79 Murieston Valley, Livingston, EH54 9HJ

Watson, Matthew

Subject: RE: Application 2821 = Tarbert Drive, Murieston - [OFFICIAL]

From: peter mcgowan [REDACTED]
Sent: 13 October 2018 10:36
To: Planning
Subject: Application 2821 = Tarbert Drive, Murieston

I am making an objection to this planning application for 18 homes in this locale.

The land has been contaminated for over a century and if the soil is disturbed the removal could cause health concerns for residents in the Murieston Valley area. There are many children including my grandchildren near the site and I worry that the disturbance of the land will affect youngsters and older people alike.

The transport of materials for removal and building works would necessitate several hundred lorries being driven along the valley and this would cause problems for residents as this road is not suitable for heavy lorry traffic. When completed the residents would provide at least 35 to 40 more cars for traffic in the valley, especially at peak times, the valley is a cul de sac and with other developments the junction at the end of the valley will become congested, more so when building is going on with all the lorry traffic.

The site itself is an area with mature trees and I can not see how 18 houses can be built without removing at least eight to ten of these trees. Our planet needs more trees rather than removing trees we should be planting more.

Wildlife including birds, deer and foxes use this land and we should not be restricting any further their habitat.

There are already many other plans for larger developments planned in Murieston and there is no real need to be using small unsuitable contaminated sites. The developers for this site seem to be trying to get approval for this site before they have the competition from developers of other sites in the area.

This application is less to do with providing homes and more to do with profit for developers.

Please do the right thing and turn down this application.

Peter D McGowan
6 Lyon Drive
Murieston
EH54 9HF

Sent from [Mail](#) for Windows 10

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbet Drive Murieston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mr Philip Stevenson

Address: 52 Murieston Valley Murieston Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to raise a formal objection to this planning application.

This is currently a quiet cul-de-sac where children can play safely due to traffic limitations. The approval of this application will result in a conservative estimate of a minimum 60 additional car journeys each day entering and exiting the location.

The green space on the proposed site is habitat to numerous species of wildlife and contains preservation order mature trees. Losing this secluded natural environment would have a huge impact on the eco-system.

I understand the land contains contaminates, which have previously been identified as hazardous to health. This is extremely concerning in relation to this land being disturbed resulting in those contaminants being released into the atmosphere. Surely the safest course of action here is to ensure the status quo, which I understand to be the outcome of previous planning applications for this site.

No reassurance has been given in relation to flood impact on existing homes which sit below this elevated site. The introduction of increased non porous surfacing will have a negative effect resulting in run off, thus increasing the flooding potential. The building work will cause a great deal of disruption to an already established area in relation to heavy plant, machinery and noise in such a small street.

I'm disappointed there has as yet been no direct communication with those residents living in the immediate vicinity of this planning application. Knowledge of the application has only come to my attention via a social media community forum, which puts those who do not use such mediums at

a disadvantage.

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbet Drive Murieston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mr Richard & Freida Whitson

Address: 18 Rothes Drive Murieston Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

Sirs

I write to you concerning this further application to build houses to the south of Tarbert Drive.

We moved to Rothes Drive 20 years ago because it .had everything that we were looking for. Beautiful green areas, loads of lovely walks and lots of wildlife. You continually want to take more and more of this away.

Given that similar applications have been rejected by the Scottish Government and other legal agencies, I find it surprising that another such application to build houses on this piece of contaminated land is now in the pipeline. I would be most surprised if the reasons for the previous rejections have changed in any way therefore this latest attempt should not be given the time of day and dismissed for good.

I have read all of the letters of objection lodged and endorse all of the comments made therein.

Yours sincerely

Dick and Freida Whitson

18 Rothes Drive

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mr Robert Allan

Address: 8 Roy Drive Murieston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sirs,

I'd like to object to the proposed development for a number of reasons. Firstly, and notably, there's already a housing development of significant size (circa 700 units) moving forward at the site south of Murieston Road. Given the majority of local residents objected to this yet it still achieved planning approval, I feel additional development in the area will only "add salt to the wound" so to speak. I don't therefore don't believe we need any further housing development in this area.

I appreciate it's only 18 units proposed, at this stage, however this will only add to the current traffic numbers in the area, which combined with the other development currently going ahead will only compound any future issues. The current car park at Livingston Station is already over subscribed and I believe there will be issues with local nursery and school places and, of course, the doctors surgeries in the area. I just feel further development will add further pressure to an already 'squeezed' system.

We, as residents, have endured the rail upgrade of late that has, in many cases, impacted in local residents during the evening hours. I myself have a young child and found myself impacted by this. I also object to any further works traffic travelling up and down the Murieston Valley to access/egress the site. Again, having a young child playing within the area I am already concerned with any potential air quality issues from current traffic levels, let alone works traffic carrying contaminated soil.

I'd be grateful if you would consider the above and accept my objections to this proposed development moving forward.

Kind regards,

Rober Allan

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1	DESCRIPTION
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Erection of a house, garage and associated works at The Paddocks, Leyden Road, Kirknewton

2	DETAILS
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Reference no.	<u>0864/FUL19</u>	Owner of site	Mr & Mrs Crombie
Applicant	Mr & Mrs Crombie	Ward & local members	East Livingston & East Calder Councillor Damian Timson Councillor Frank Anderson Councillor Carl John Councillor Dave King
Case officer	Steven McLaren	Contact details	01506 282404 <u>steve.mclaren@westlothian.gov.uk</u>

Reason for referral to Development Management Committee: Referred by Councillor Dave King

3	RECOMMENDATION
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Refuse planning permission

4.	DETAILS OF THE PROPOSAL AND BACKGROUND
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- 4.1 Planning permission is sought for the construction of a substantial two storey detached house and double garage on a plot of land off Leyden Road and approximately 800m to the south west of Kirknewton. The site currently contains an existing stable block, hard standing and open grass land to the rear.
- 4.2 The house has a gross floor area of approximately 345sqm (3,717sqft) and comprises 5 bedrooms with 3 en-suite on the first floor, 4 public rooms on the ground floor, a large kitchen leading to a conservatory, a large double height entrance hall with feature staircase, small office and separate bathroom.
- 4.3 The proposed house would benefit from a first floor balcony and be finished in natural slate, render and stone cladding. The house is orientated facing west towards Leyden Road where the existing access to the site will be relocated to align with the front of the property and the house will be set some 30m into the site from Leyden Road.

- 4.4 The existing stable block is some 166sqm in size and lies towards the northern edge of the application site. The stable block, which was granted planning permission on 18/1/05, is finished in white render with a slate roof and will remain in situ. The existing hard standing at the site is larger than that granted in 2005 and the house, driveway and front garden area would be constructed on this existing hard standing. The rear garden would extend into the open grass area to the rear and screen planting is proposed predominately on the southern boundary of the site.
- 4.5 There have been six previous applications to develop this site which, are detailed in the table below:

0746/FUL/96	Change of use from agricultural land to animal sanctuary	Granted 19/9/96
1038/FUL/04	Erection of stables and associated facilities	Withdrawn 21/10/04
1456/FUL/04	Erection of stable and associated facilities	Granted 18/1/05
0132/FUL/10	Establishment of an equestrian stud, erection of a house with office accommodation and double garage	Withdrawn 27/4/10
0189/FUL/10	Formation of 20 horse box livery with hay shed, tack units and car parking	Refused 8/9/11
0810/FUL/10	Establishment of an equestrian stud business and erection of a house, incorporating stud office accommodation and erection of a double garage	Refused 25/8/11

- 4.6 Planning application 0810/FUL/10 above is of the greatest relevance and was refused on the grounds of an unjustified intrusion into the countryside, an adverse impact on the appearance and character of the locality and that the proposed house was too large and of an inappropriate design for the setting, being an incongruous element in the countryside.

5. REPRESENTATIONS

- 5.1 There has been 1 representation received.
- 5.2 A summary of the representation is set out in the table below:

Comments	Response
<ul style="list-style-type: none"> The scale of the property is inappropriate. 	<ul style="list-style-type: none"> It is agreed that the scale of the house is unnecessary and out of character with other properties in the area and would result in an incongruous element in the countryside.
<ul style="list-style-type: none"> A single storey house would be more appropriate. 	<ul style="list-style-type: none"> There is no justification for a house on this site regardless of its scale.
<ul style="list-style-type: none"> There is an outstanding enforcement order on land to the north. 	<ul style="list-style-type: none"> Enforcement action was taken regarding the importation of material on land to the north of the site (Ref: ENF/0033/12). An enforcement notice was issued on 13/7/13 requiring the material to be removed. A challenge to the enforcement notice was dismissed at appeal. The material has not been removed and it was not in the public interest to pursue the matter through the Procurator Fiscal or incur expense through direct action. Since that time, vegetation is becoming established and the site is greening up.

6. CONSULTATIONS

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

Consultee	Objection?	Comments	Planning Response
Transportation	No	Technical comments made regarding sight lines and impact on visibility.	Noted. If granted, suitable conditions can be used to ensure compliance.
Edinburgh Airport	No	Does not conflict with safeguarding criteria	Noted.
Education	No	Contributions required	Noted. If granted, developer contributions will require to be secured through S69 or S75 process.
Environmental Health	No	No comments received	There and no adjacent uses or operations which adversely affect the amenity of the site.
Flood Risk Management	No	Technical comments made regarding the use of soakaways and the heavy nature of West Lothian soils to cope.	Noted. If granted, drainage from the site will require to be installed to the satisfaction of the council and SEPA.

7. ASSESSMENT

7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

7.2 The development plan comprises the Strategic Development Plan for South East Scotland (SESplan) and the West Lothian Local Development Plan, 2018.

7.3 The relevant development plan policies are listed below:

Policy	Policy Summary	Assessment	Conform?
West Lothian Local Development Plan, 2018 (LDP) DES1 – Design Principle	This policy seeks to protect residential and visual amenity for neighbours and the surrounding area. Proposed developments are required to take into account the local context and built form and should have no significant adverse impact on the local community. Poorly designed developments will not be supported and the development proposals must also accord with any other relevant policies and proposals in the development	The scale, massing and design of the house is out of keeping with the countryside setting and out of character with the scale and design of houses in the vicinity. The house would therefore appear as an incongruent element in the countryside, being in a prominent location on Leyden Road.	No

	plan.		
West Lothian LDP ENV2 – Housing Development in the Countryside	<p>This policy sets out criteria under which housing development in the countryside will be permitted. Only development which meets this criteria and does not impact adversely on the established landscape character will be considered acceptable.</p> <p>The detailed requirements of statutory guidance 'Development in the Countryside' will apply.</p>	The application has been submitted against the criterion relating to the restoration of a brownfield site. Whilst the site is brownfield in that it has previously been developed, it is not visually intrusive and does not meet the test in the statutory SG for re-development.	No

7.4 The determining issues in relation to this application are set out below:

Non-compliance with statutory supplementary guidance and impact on the visual character and context of the countryside.

- 7.5 The applicant seeks planning permission to construct a house on an area of hard standing located within the countryside. The justification for the house is the re-development of a brownfield site.
- 7.6 Policy ENV2 and the approved statutory Supplementary Guidance (SG) (Development in the Countryside) are of primary consideration. Also of relevance are recent appeal decisions relating to the construction of houses in the countryside.
- 7.7 Before considering the scale and design of the proposed house, the principle must be established. Policy ENV2 sets out that housing development in the countryside will only be permitted where the proposal provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition.
- 7.8 The site has no natural heritage value but it would be possible to grub up the hard standing and return it to either grazing land or to carry out tree planting.
- 7.9 ENV2 also sets out other qualifying criteria for the construction of a house in the countryside. These relate to the replacement of an existing house which is of poor design or poor structural condition; infilling a gap of single plot size between existing houses; the conversion or rehabilitation of existing rural buildings or development which is supported by the council's lowland crofting policy. The development does not meet these criteria and therefore the development does not accord with policy ENV2 of the LDP.

- 7.10 The proposal is also required to comply with the statutory SG as set out in policy ENV2. For the re-development of rural brownfield sites, applications are scrutinised thoroughly and it must be shown that the development meets nine tests (attached as an appendix to this report).
- 7.11 The SG is also explicit in that the underlying justification for making an exception to the general planning policy is to secure the removal of inappropriate buildings and to improve the visual and environmental amenity of the countryside. It also clarifies that residential development will only be supported on rural brownfield sites which have previously been occupied by substantive buildings. If a site has never accommodated buildings, such as a storage yard, then only appropriate non-residential uses will be considered.
- 7.12 Considering the proposals against each of the nine tests in the SG, item F is the only criteria where the proposed development does not fail. The development therefore fails on the remaining eight points and therefore does not meet the defining criteria set out in the council's adopted statutory planning guidance.
- 7.13 Turning to the design, and policy DES1, the policy requires that all development proposals will take account of and be integrated with the local context and built form. The proposed house being 345sqm in size and 8.6m high over two storeys is substantially larger than the houses immediately adjacent to the site and visible from Leyden Road, being traditional single storey cottages or farm houses.
- 7.14 The fenestration adopted for the window design and the overall appearance of the house is inappropriate. It is an unjustified intrusion into the countryside, resulting in an adverse impact on the appearance and character of the locality, impacting adversely on the context of the area and being an incongruous element in the countryside. The proposal does not therefore accord with policy DES 1 of the LDP
- 7.15 A recent appeal decision for planning application 1197/FUL/18 for the construction of three houses at Wester Woodside Farm, Torphichen is of material consideration. The proposal was for the re-development land which contained modern farm buildings and a silage pit. The applicant sought permission on the basis that the land was brownfield and that the removal of redundant buildings and silage pit was in line with council policy.
- 7.16 The council refused permission on the basis that the development did not meet any of the exemption criteria for this type of development and refused permission as the development did not comply with policies ENV2 and DES1. The Reporter concluded that the development did not accord with the development plan and the appeal was dismissed.
- 7.17 Appeals have also been dismissed at Oakwell (Ref: 0260/FUL/17) and Rosend (Ref: 0993/P/18) by Philpston as being contrary to the council's countryside and design policies.

8. CONCLUSION AND RECOMMENDATION

- 8.1 The principle, scale, massing and appearance of the proposed house is out of keeping with the context of the countryside setting and whilst the majority of the application site is technically brownfield, in that there is existing hardstanding, it is not intrusive and has previously been developed, it does not meet the exception criteria which would allow for the re-development of the site for a house.
- 8.2 Allowing the site to be developed as proposed would set an undesirable precedent for other similar sites within the district, to the detriment of the West Lothian countryside. Recommendation is therefore to refuse planning permission.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Draft Reasons for Refusal
- Location Plan
- Aerial Plan
- Supplementary Guidance 9 Tests
- Approved Stable Block & Layout
- Proposed Site Plan
- Elevations
- Floor Plan
- Local Member Referral Form
- Representation

Craig McCorriston
Head of Planning, Economic Development and Regeneration Date: 13 November 2019

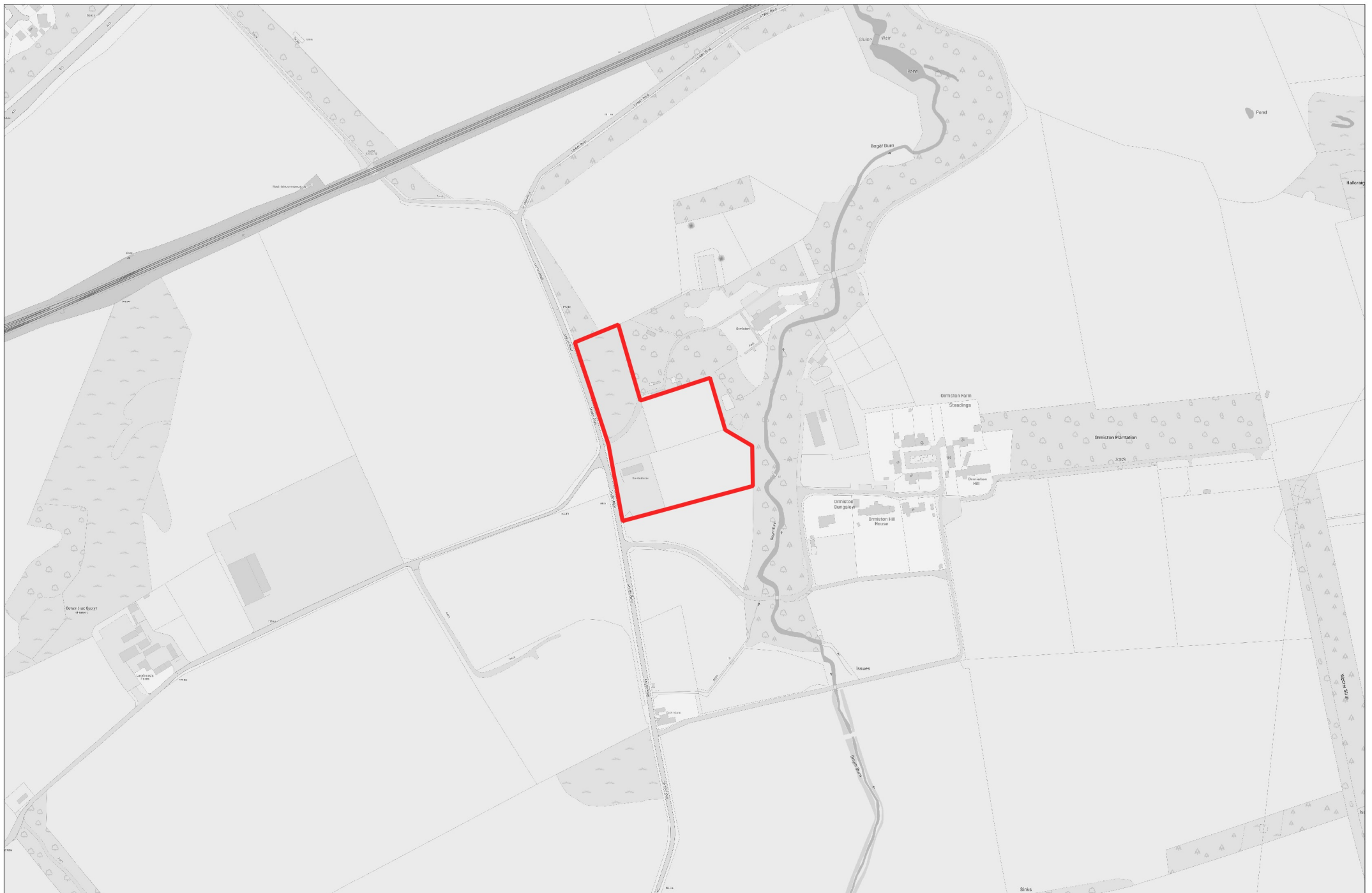
Draft reason for refusal.

1. The development site lies outwith the settlement envelope of Kirknewton and constitutes the development of a house in the countryside. Housing development is only permitted under certain exemption criteria and the proposal does not meet this criteria. The site is not an infill site nor brownfield land that would be improved by the proposed development.

The proposal is therefore an unjustified intrusion into the countryside of this part of West Lothian which, if approved, will have an adverse impact on the appearance and character of the locality and set an undesirable precedent for other similarly unsuitable developments in the locality and elsewhere in West Lothian. Moreover, the proposed scale and design of the house and garage is too large and of an inappropriate design for the setting and would be an incongruous element that is out of keeping with the rural character of the area.

The proposal is therefore contrary to the following policies of the development plan and local guidance:

ENV2 (housing development in the countryside) of the West Lothian Local Development Plan, 2018;
DES1 (design principles) of the West Lothian Local Development Plan, 2018 and Statutory Supplementary Guidance 'Development in the Countryside (2018)'.





Supplementary Guidance test for housing in the countryside

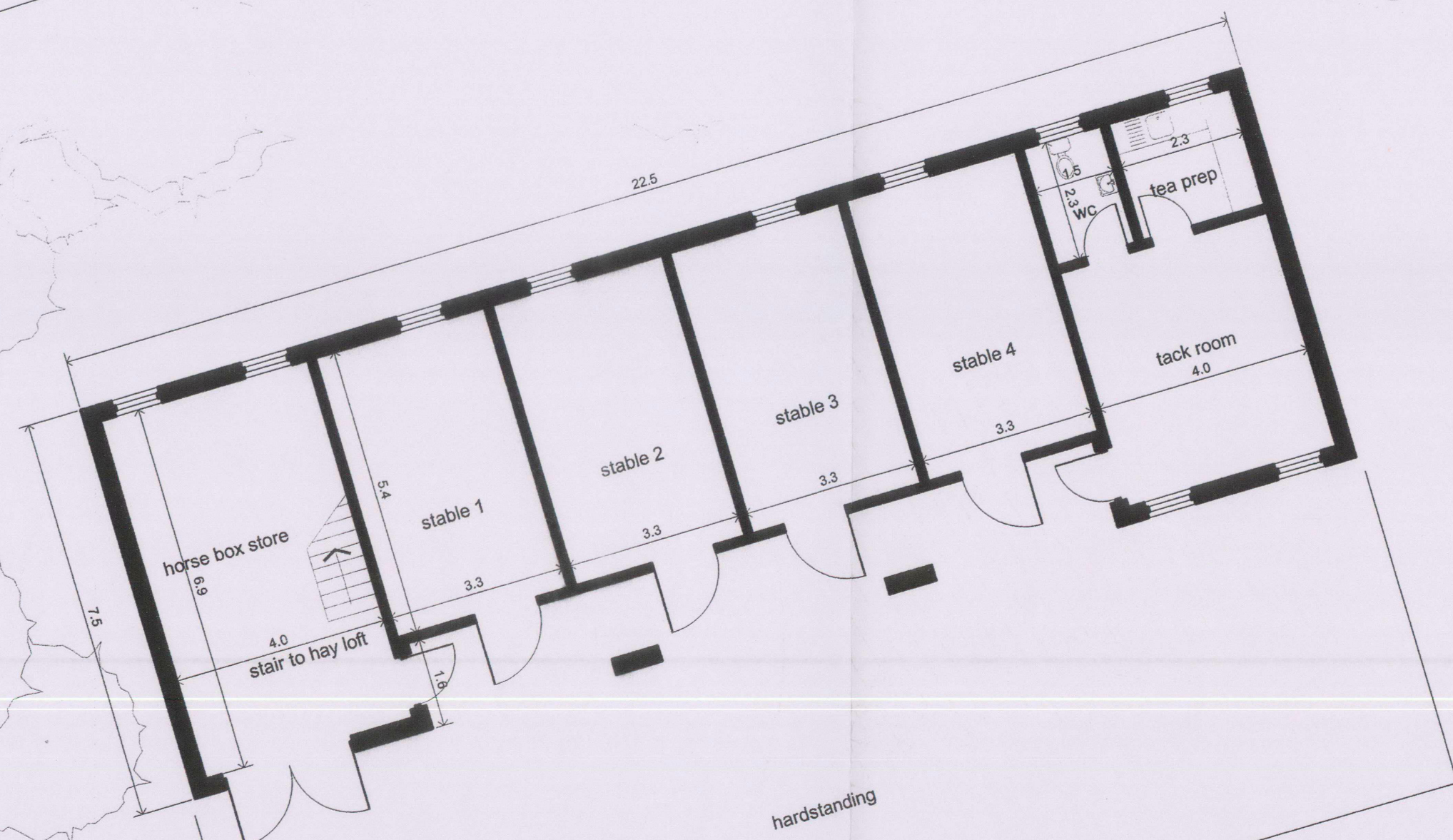
Justification

38. All applications for planning permission to re-develop a rural brownfield site will be scrutinised thoroughly, and in the first instance it will be necessary for applicants to satisfactorily demonstrate that:

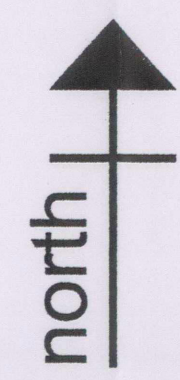
- ☐ A the site is no longer required for its original purpose;
- ☐ B the site is significantly visually and/or environmentally intrusive;
- ☐ C the site has been significantly degraded by a former activity to the point where it can no longer be used productively without substantial investment and remediation;
- ☐ D existing buildings are beyond economic repair and retention;
- ☐ E there is no realistic prospect of the site being returned to agricultural land or woodland;
- ☐ F the site has negligible ecological or biodiversity value and re-development proposals will have no adverse impact on biodiversity (including the European wide network of protected Natura 2000 sites, Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), Special Protected Areas (SPAs), protected species, or features which make a significant contribution to the cultural and historic landscape value of the area;
- ☐ G there will be significant environmental, visual and/or community benefits to be had by redevelopment as opposed to retaining the site in its current state;
- ☐ H the proposal takes account of the LDP's sustainability strategy; and
- ☐ I the site meets all of the planning and environmental criteria set out in policies ENV 1, ENV 2, ENV 3, ENV 4, ENV 7, EMP 3, EMP 7 and DES 1 of the LDP.

Note:

1. No dimensions to be scaled from this drawing.	3. All drainage to comply with BS 8301 and to be to the satisfaction of the Building Control Authority.
2. Contractor to check all sizes on site.	4. All electrical work to comply with BS7671 and to be to the satisfaction of the Building Control Authority.

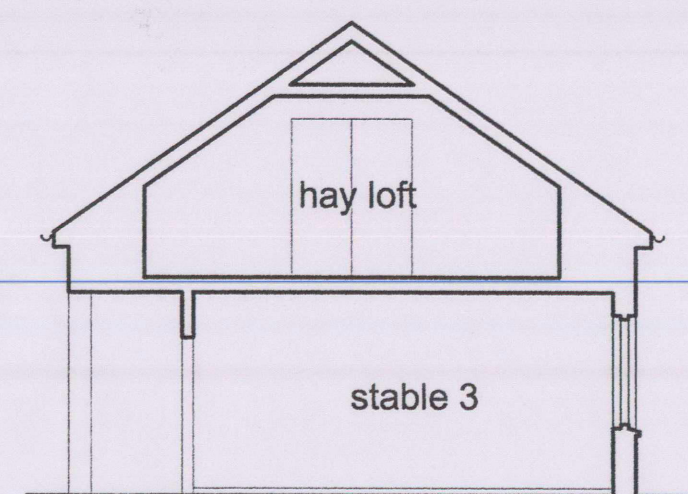


Outline Specification:
Roofs: Natural or synthetic slate
Walls: Wet dash Harling
Windows: Traditional timber sash and case
doors: Timber faced

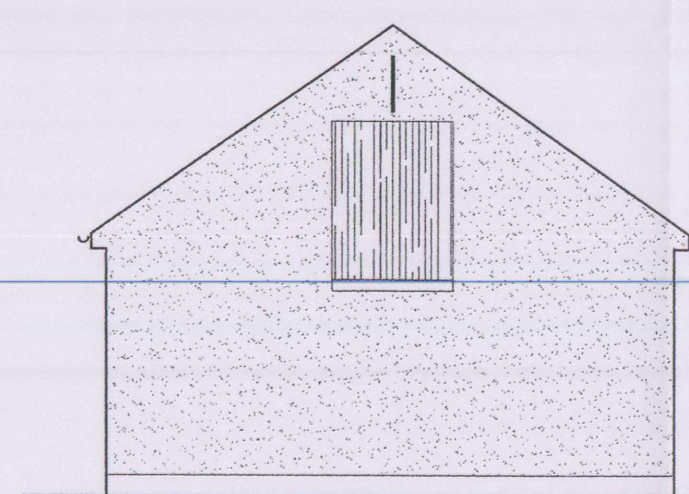


Proposed tree species:	
Fagus Sylvatica	Beech
Fraxinus Excelsior	Ash
Quercus Robur	Oak
Betula Pendula	Birch
Sorbus Aucuparia	Rowan
Pinus Sylvestris	Scots Pine

site plan @ 1:200



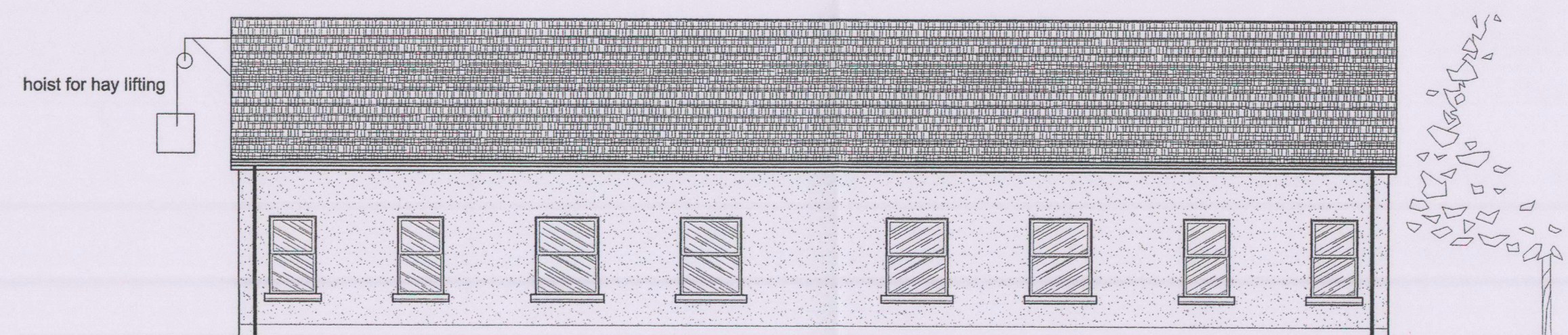
section 1-1 and 2-2 @1:100



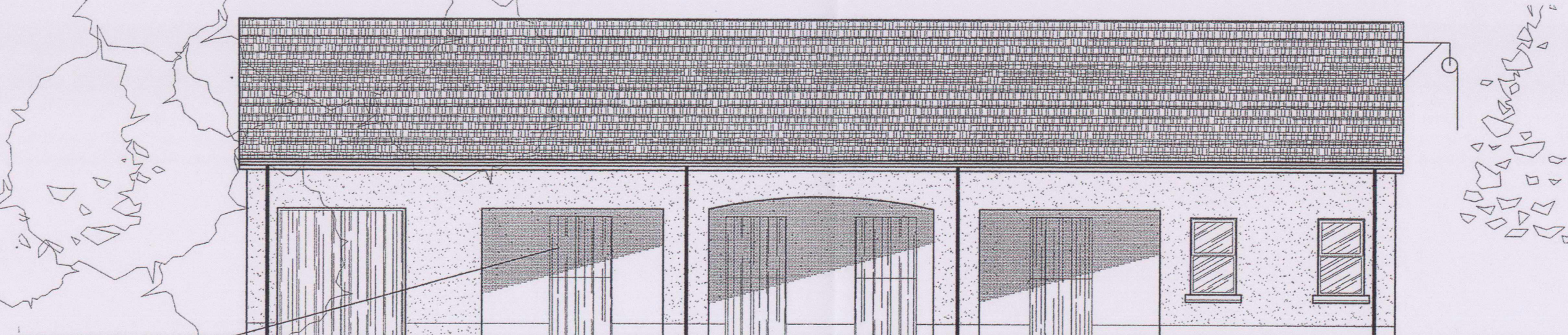
east gable elevation @ 1:100



west gable elevation @ 1:100

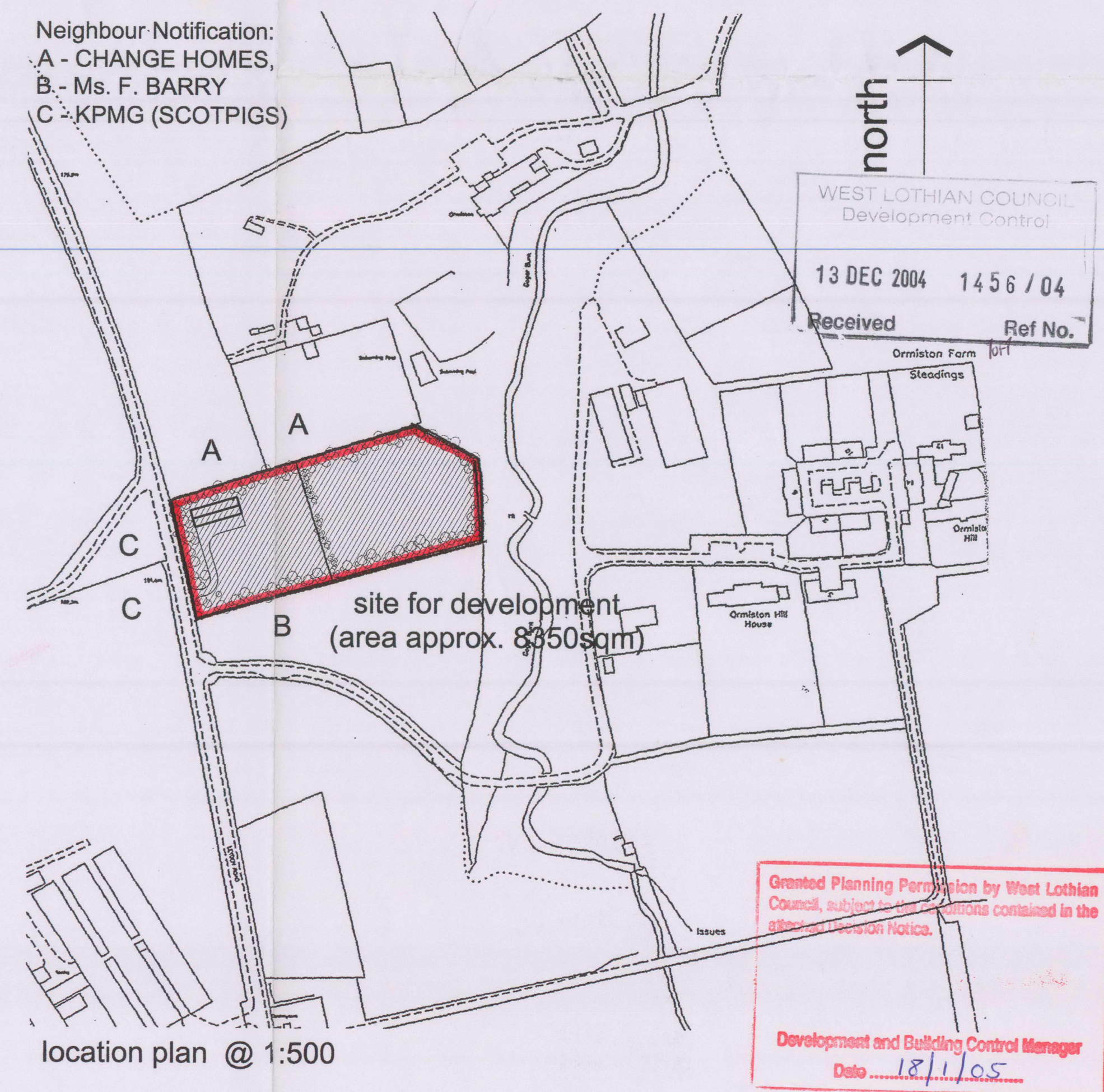


north elevation @ 1:100



front elevation (courtyard) @ 1:100

ground floor plan @ 1:100



Project.

**PROPOSED ERECTION OF STABLES &
ASSOCIATED FACILITIES AT LAND
AT LEYDON RD., KIRKNEWTON**

Revision.

Client: MR. B. GILFINNAN			
Drawing Title: PROPOSED PLAN, SECTIONS & ELEVATIONS, SITE & LOCATION PLANS			
Project/Drawing Number: 1060/sk05 rev A	Scale: 1:100/1:200	Date: 04.11.04	Drawn by:

AREA - 19134.5 Sq. m
ACRE - 4.7
HA - 1.9

Screen Trees - Pyrus calleryana
'Chanticleer' (pear)

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

Driveway area Tree - Prunus serrulata
(Cherry blossom)

Specimen trees groups - Betula
Pendula (Birch)

Site enclosure Hedge - Carpinus
(Hornbeam)

Establishment Maintenance

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

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

Herbaceous planting
8 visits for hadn weeding and forking; 1 fertiliser; 1 pruning; 1 top up
bark mulch; watering to field capacity in periods of drought as required.
Amenity grass
16 cuts and trims to edges; 1 edge with half round iron; 2 fertiliser
(35gm/m2); 2 spike aerations; 1 selective herbicide if required

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

New Access road formed from
centre of yard including stone
wall and piers with timber gate

Access to existing stables
maintained

Existing yard to be given
over to garden ground
access driveway

Access to office from stables

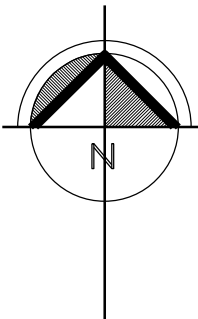
Patio / outdoor sitting area

Drying area

Proposed screen tree planting
along southern edge of site
ownership to ensure any
impact on existing country
scape is minimized, refer to
planting specification

Paddock

SITE AREAS	
-EXISTING-	
Total Area -	19134 Sqm or 1.91 Ha
Yard Area -	2611 Sqm or 0.26 Ha
Paddock Area -	6074 Sqm or 0.60 Ha
Brownfield Area -	8685 Sqm or 0.868 Ha
Stables Area -	167 Sqm or 1797Sqft
Green space Area - (total minus yard)	16523 Sqm or 1.65 Ha
Green Percentage -	86%



2
NTS
Existing
Site Aerial



1
1:250
Proposed
Site Plan

REV.		DATE	DRAWN	DESCRIPTION	
REVISIONS					
02	4	10	20	40	80
1	3	5	15	30	60
CLIENT: Mr Joseph Crombie					
JOB: Proposed New Dwelling					
The Stables, Leyden Road					
DRAWING:Proposed Site Plan					
DRAWN		JOB NO 0047	DR NO PL04		
DATE Aug 19		REV.	SCALE 1:250		

ROBERTSON ARCHITECTURE
& DESIGN



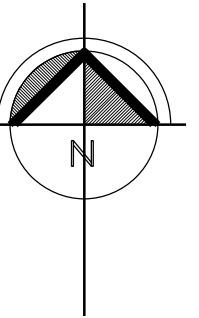
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Please do not scale from these drawings, all dimensions to be site sized.



3 Proposed
1:100 Side Elevation 1 (South)



4 Proposed
1:100 Side Elevation 2 (North)



2 Proposed
1:100 Rear Elevation



1 Proposed
1:100 Front Elevation

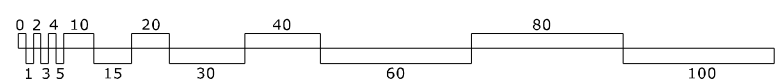


Materials key

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

REV. DATE DRAWN DESCRIPTION

REVISIONS

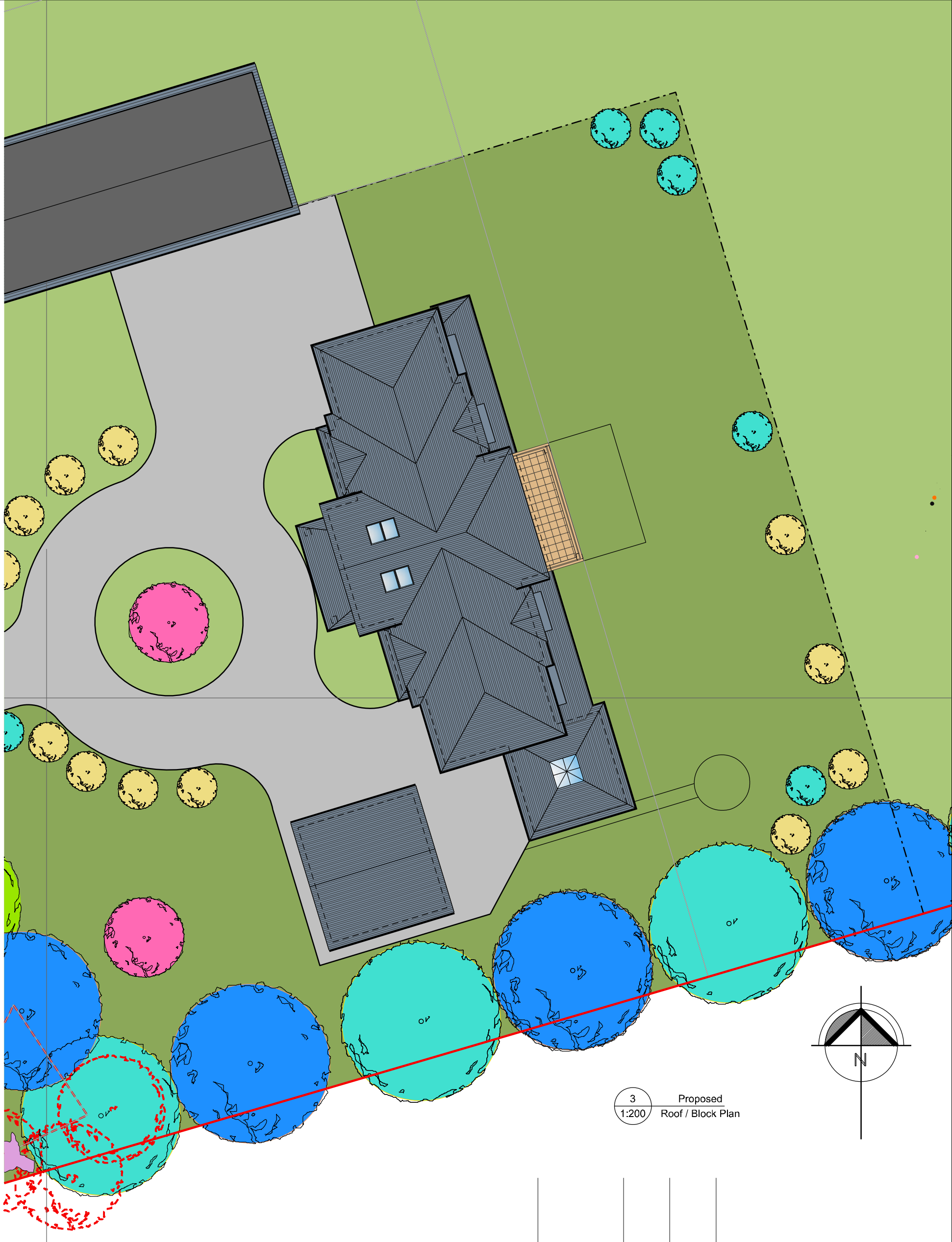
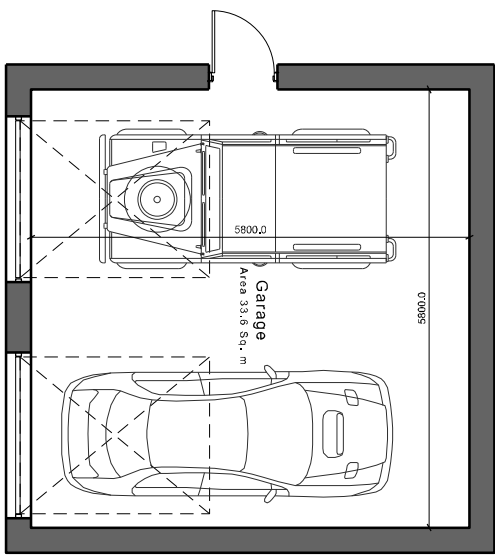
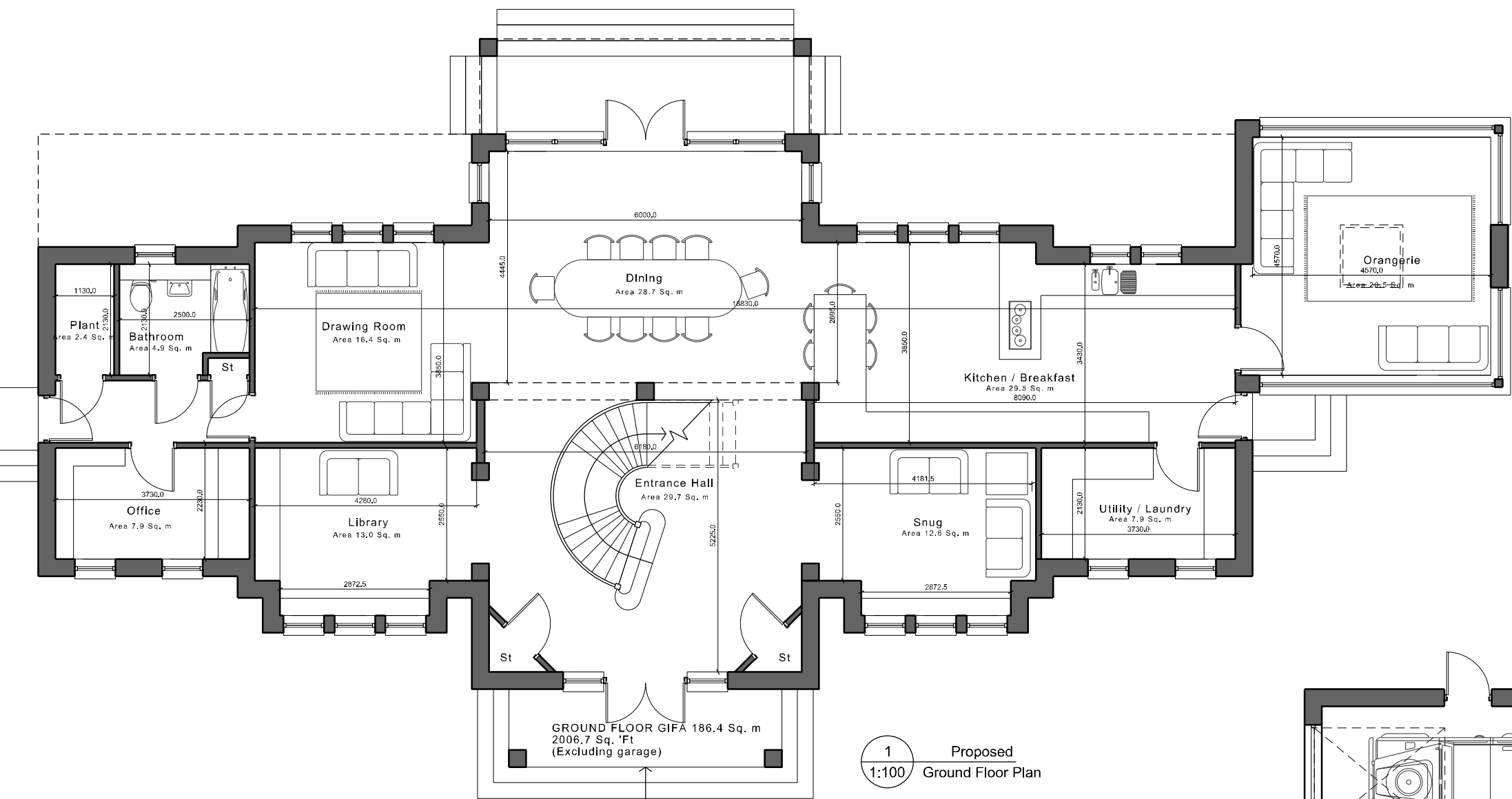
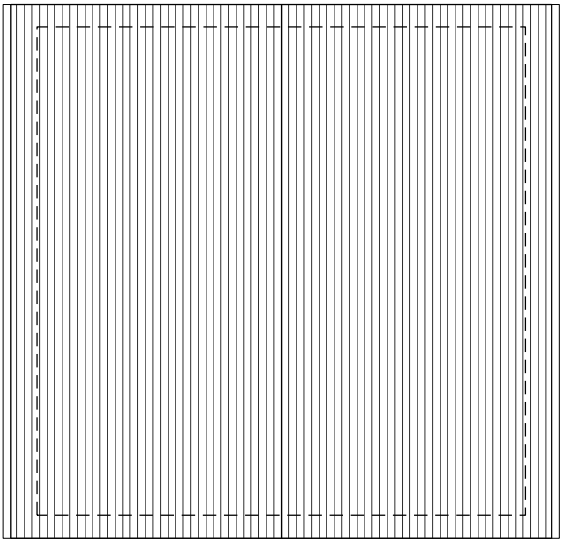
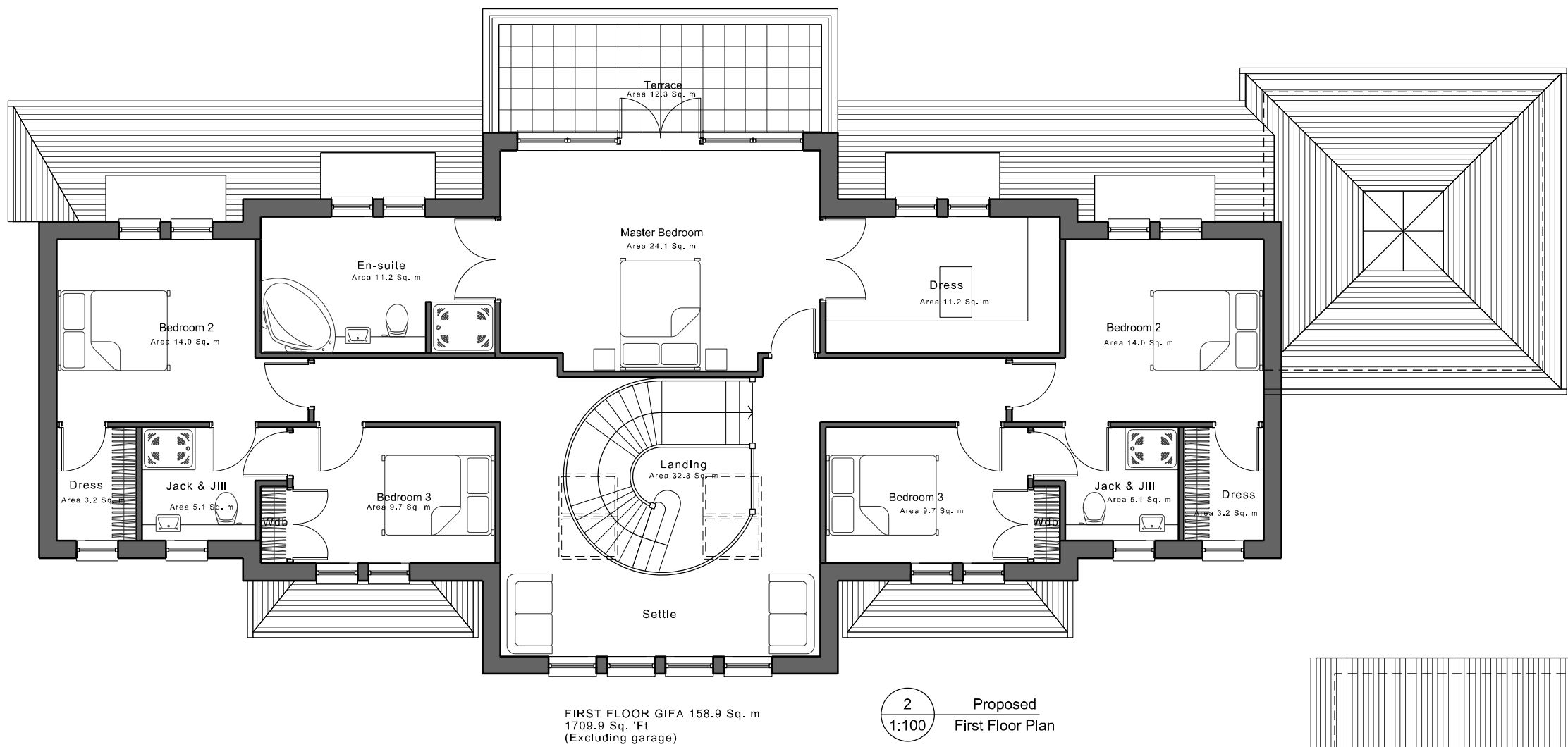


CLIENT: Mr Joseph Crombie
JOB: Proposed New Dwelling
The Stables, Leyden Road
DRAWING: Proposed Elevations
DRAWN: JOB NO 0047 DR NO PL06
DATE Aug 19 REV. SCALE 1:100



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- Materials key
- ① Through coloured white scraped texture render
 - ② 'Cupa Heavy 3' Natural slate to match existing
 - ③ RAL 7016 Anthracite UPVC windows
 - ④ RAL7016 painted timber soffit / barge boards
 - ⑤ Rainwater goods to be black UPVC to match existing
 - ⑥ 'Velux' GGL roof windows
 - ⑦ Natural stone quions

REV.	DATE	DRAWN	DESCRIPTION
REVISIONS			
0	2	4	10
1	3	5	15
2	6	8	20
3	9	11	30
4	12	14	40
5	15	17	60
6	18	20	80
7	21	23	100

CLIENT: Mr Joseph Crombie
JOB: Proposed New Dwelling
The Stables, Leyden Road
DRAWING: Proposed Floor Plans
DRAWNER: JOB NO 0047 DR NO PL07
DATE Aug 19 REV. SCALE 1:100



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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/performanceOption.do?action=search>

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
Application Reference Number 0864/FUL/19.....	Applicant Request ✓
Site Address The Paddocks, Kirknewton, West Lothian, EH27 8DW	Constituent Request <input type="checkbox"/>
Title of Application Erection of a house, garage and associated works	Other (please specify) <input type="checkbox"/>
Member's Name Cllr ...Dave King.....	
Date 15 Oct 2019.....	

Comments for Planning Application 0864/FUL/19

Application Summary

Application Number: 0864/FUL/19

Address: The Paddocks Kirknewton West Lothian EH27 8DW

Proposal: Erection of a house, garage and associated works

Case Officer: Steven McLaren

Customer Details

Name: Mr Andrew Coutts

Address: 1 Latch Farm Cottages KIRKNEWTON

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment:1) I have no problem at all with a home on this site; but I do think the scale of the proposed building will be a blot on the landscape. Given the area of land available to the applicant there is no need for a 2 storey building. The same accommodation could be contained within a single storey building (ie ground floor only) and still leave a huge amount of land untouched.

2) I note with interest that the applicant gives a local address. The Royal Mail does not seem to know about it as far as I can ascertain.

3) I understand that part of the land involved in this application (the strip of land running north along Leyden Road) still has a Planning Enforcement order on it which has not been enforced. as yet.

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel (in retrospect) at Calderwood, East Calder

2 DETAILS

Reference no.	0918/MSC/19	Owner of site	Stirling Developments Ltd
Applicant	Stirling Developments Ltd	Ward & local members	East Livingston & East Calder Councillor Damian Timson Councillor Frank Anderson Councillor Carl John Councillor Dave King
Case officer	Tony Irving	Contact details	Phone 01506 282410 Email tony.irving@westlothian.gov.uk

Reason for referral to Development Management Committee: Referred by Councillor Damian Timson

3 RECOMMENDATION

Approve subject to conditions.

4 DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 The proposal is for a temporary access road to link residential and business premises at Nethershiel to Clifton Road. A haulage business (Basil Baird & Sons Ltd) has operated from Nethershiel Farm for around 60 years and the implementation of new road infrastructure at Calderwood has affected its historical access from Clifton Road to Nethershiel Farm.
- 4.2 To avoid commercial vehicles having to use the new access road infrastructure, which will serve new housing and the new primary school, Stirling Developments has formed an alternative temporary access road to facilitate a direct access from Nethershiel to Clifton Road. The haulage business will continue to operate from Nethershiel for several more years until housing development at Calderwood reaches toward the north of the site where Nethershiel is situated. This application seeks a temporary permission for a period of five years.
- 4.3 Vehicle movements each day for the haulage business comprise on average 12 lorries leaving Nethershiel at around 5am and returning at around 5pm.

- 4.4 The temporary access road had also been used by Calderwood construction traffic but this has ceased and access is now solely for Nethershiel.

History

- 4.5 The application site forms part of Stirling Development's Calderwood development. Planning permission in principle (0524/P/09) was granted in March 2013 for a mixed use development including 2300 residential units. Development of Calderwood continues on site and there are now around 500 homes occupied.

5 REPRESENTATIONS

- 5.1 13 objections have been received.
- 5.2 A summary of the representations is set out in the table below. The full documents are contained in the application file.

Comments	Response
The access road has been in use for many months for Calderwood construction traffic and for traffic to Nethershiel.	The access road was formed without consent from the council as planning authority. This application has been made to address the situation. While the access had been used for Calderwood construction traffic this use has now ceased.
The plans for Calderwood involve closing Clifton Road at Overshiel. The temporary access road doesn't accord with this and the result is noise and disturbance for residents at Overshiel as a result of the use of the temporary access.	<p>The planning approvals for Calderwood involve closing a section of Clifton Road to traffic and changing it to a greenway for pedestrian and cycle use. This has now been implemented and Clifton Road is now closed to through traffic at Overshiel.</p> <p>The temporary access road brings traffic from the haulage business and from the houses at Nethershiel onto Clifton Road at Overshiel. Although this means such traffic passing properties at Overshiel, this has historically happened for decades as the same traffic previously joined Clifton Road slightly further west and travelled eastward along Clifton Road past the properties at Overshiel.</p> <p>The small number and timing of haulage vehicle movements from the business is such that it is not considered to have unacceptable impacts on the residential amenity of residents at Overshiel.</p>
The temporary access road adversely affects road safety.	WLC Roads & Transportation has assessed the access and raises no concerns about road safety.

6 CONSULTATIONS

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

Consultee	Objection	Comments	Planning Response
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WLC Roads & Transportation	No	A road opening permit is required. The first 10m of the access road must be surfaced in a bituminous material.	Noted. The access road is all hard surfaced.
WLC Environmental Health	No	Hours of use of the road should be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and at no time on Sunday.	Noted. However given the fact that traffic from Nethershiel has past the properties at Overshiel for decades, it is not considered that such a restrictive planning condition is necessary or justified.
City of Edinburgh Council	-	-	No comments were received from CEC.

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 The development plan comprises the Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the West Lothian Local Development Plan 2018 (LDP).
- 7.3 The relevant development plan policies are listed below:

Policy	Policy Summary	Assessment	Conform
West Lothian LDP DES1 Design Principles	All proposals will require to take account of and be integrated with the local context and built form. Proposals should have no significant adverse impacts on the local community and be high quality in their design. Proposals which are poorly designed will not be supported. Proposals must also accord with other relevant policies and proposals in the LDP and with supplementary guidance.	The temporary access road is compatible with adjacent uses and the impacts on residential amenity are acceptable.	Yes
West Lothian LDP HOU1 Allocated Housing Sites	Development of housing on allocated sites will be supported in principle and proposals shall have regard to and be in accordance with the Residential Development Guide and accord with requirements identified in Appendix 2.	The site is part of Calderwood which is allocated for housing (and other uses). The temporary access road has no adverse impact on the build out of the housing.	Yes
West Lothian LDP CDA1 Development in Previously Identified Core Development Areas	The council will continue to support housing and mixed used development within those parts of West Lothian previously designated Core Development Area (CDAs) subject to the preparation of master plans to be approved by the council. Infrastructure requirements are identified in Appendix 2 of the LDP.	The site is part of the Livingston & Almond Valley CDA and is part of the Almondell CDA allocation. The applicant has previously prepared a masterplan for the allocation. The temporary access road doesn't	Yes

		prejudice the implementation of the CDA.	
West Lothian LDP TRAN1 Transport Infrastructure	Development will only be permitted where transport impacts are acceptable.	The proposal will have acceptable impacts on the road network.	Yes

The principle of the development

7.4 The temporary access road is required to maintain access for the haulage business from Nethershiel to Clifton Road avoiding use of the new road infrastructure that serves new housing and the future new primary school. This is to allow the haulage business to continue to operate for a further period of time from Nethershiel until housing at Calderwood progresses to the north of the site where Nethershiel is situated.

7.5 The principle of a temporary access road is consistent with the CDA allocation.

Impact of the development on the surrounding area and existing residents

7.6 The objections received raise issues about adverse impacts of construction traffic and Nethershiel traffic on the residential amenity of properties at Overshiel. It is acknowledged that Calderwood construction traffic had been using the temporary access road, leading to a significant number of vehicles using it during the day. This however has now ceased with all construction traffic using new Calderwood road infrastructure off the B7015.

7.7 The remaining traffic using the temporary access road is haulage vehicles and residential movements from Nethershiel. This traffic has previously joined Clifton Road slightly further to the west and thus has always been using Clifton Road and passing properties at Overshiel. The haulage vehicle movements are small in scale and limited to leaving the site early in the morning and returning in the early evening. It is considered that such movements have minimal impact on residential amenity.

8 CONCLUSION AND RECOMMENDATION

8.1 The proposal will allow the haulage business at Nethershiel to continue to operate for a further period of time without using the new road infrastructure which has been designed to serve the new community in Calderwood. The characteristics of the use of the temporary access road are such that it will have acceptable impacts on the amenity of residents at Overshiel. Further, as the road is temporary in nature any impacts that do arise will be time limited.

8.2 In summary, the proposal is consistent with the development plan and there are no material considerations that would merit refusal of the application.

8.3 It is thus recommended that the application be approved subject to conditions.

9 BACKGROUND REFERENCES & ATTACHMENTS

- Draft Conditions
- Location Plan
- Aerial Plan
- Layout Plan
- Calderwood Masterplan
- Representations

Craig McCorriston

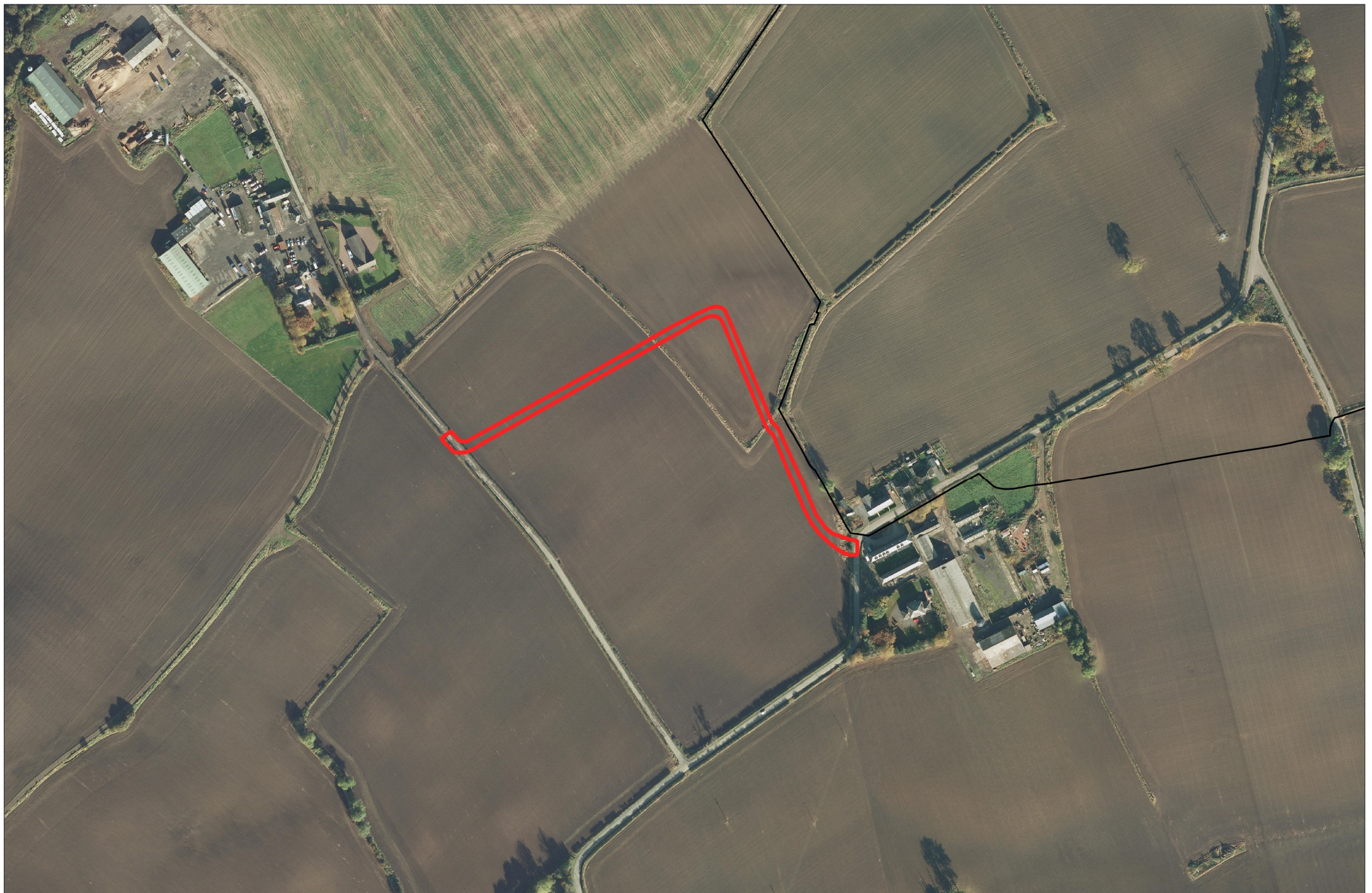
Head of Planning, Economic Development and Regeneration **Date:** 13 November 2019

Draft conditions 0918/MSC/19

- (1) Approval is granted for a limited period until 13 November 2024. No later than this date, the temporary access road shall be removed and the land reinstated to its former condition.

Reason: Due to the temporary nature of the development, in the interests of the proper planning of the core development area.





NOTES:
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Nethershiel
Farm

ershiel
arm

Track

Future development
parcel

Future development
parcel

Future development parcel

Future development parcel

Proposed Calderwood Primary School

Future development parcel

Future development parcel

Future development parcel

Future development parcel

Future development parcel

Future development parcel

CS

Def

PR1

Rowantree
Cottage

Overshiel Farm Cottages

Clifton Road

102.0m

Overshiel

Overshiel Farm

Revision	Description	Initial	Date

**Stirling
Developments.**

Halbeath Interchange
Business Park
King Seat Road
Dunfermline
KY11 8RY
T: 01383 720 768

info@stirlingdevelopments.co.uk
www.stirlingdevelopments.co.uk

Project
CALDERWOOD

Description
**Nethershiel access
Location Plan**

Status
PLANNING

Scale
1:500@A0

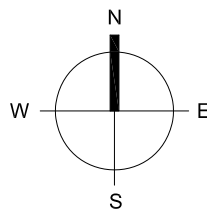
Job number
100

Drawn
NB

Drawing number
SK715

Date
SEPT-19

Revision
.



-113-



MASTERPLAN

1. CALDERWOOD PRINCIPAL ENTRANCES

2. VILLAGE CENTRE

3. PRIMARY SCHOOL 1

4. PRIMARY SCHOOL 2

5. COMMUNITY HIGH SCHOOL

6. DROVERS WALK PARK

7. HISTORIC LIMEKILNS

8. FUTURE EXPANSION OF CAMPS IND. EST.

9. CEMETERY

10. PARKS

11. RESIDENTIAL AREAS

12. COMMUNITY HUB

A. MEADOW AND WOODLAND EDGE

B. WOODLAND STRUCTURE PLANTING

C. ROAD FRONTAGE PLANTING

D. GREENWAYS

E. PYLON / HABITAT CORRIDOR

F. MULTI- FUNCTIONAL & NETWORKED PUBLIC OPEN SPACE

G. S.U.D.S BASINS.

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Revision	Description	Initial	Date
A	MASTERPLAN UPDATED	MM	06.10.11
B	MASTERPLAN UPDATED	NB	11.10.11
C	NEIGHBOURHOOD PARK INCREASED & ROADS AMENDED	MM	07.08.18
D	MASTERPLAN UPDATED	GT	15.10.18
E	MASTERPLAN UPDATED	GT	26.11.18
F	ROAD WIDTHS UPDATED	GT	09.02.19

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Project
CALDERWOOD

Description
MASTERPLAN

Status
PLANNING

Scale
1:2500@A0

Drawn
NB

Job number
100

Date
JULY-09

Revision
G

Drawing number
103

Comments for Planning Application 0918/MSC/19

Application Summary

Application Number: 0918/MSC/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mr Paul Martin

Address: 4 overshiel farm cottages East calder West Lothian

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Regarding planning application 0918/msc/19 Calderwood temporary access.As this application is for a temporary access onto an Edinburgh district road surely this application should be lodged with Edinburgh planning and not West Lothian.regards paul Martin 4 overshiel farm cottages east calder West Lothian eh53 0ht

Comments for Planning Application 0918/MS/19

Application Summary

Application Number: 0918/MS/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mr Mariusz Wlazalak

Address: Unit 2 overshiel farm East calder Livingston West lothian

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Regarding Clifton Road access which is being used without permission and is causing problems for my business because of the volume of construction traffic and also the the damage these vehicles are doing to the road.surely this should be closed as agreed last year regards mariusz wlazalak

Comments for Planning Application 0918/MS/19

Application Summary

Application Number: 0918/MS/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mr Andrew McLeman

Address: McLeman QS Network Ltd Workshop 2, Overshiel Farm East Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This "proposed" road (that incidentally already has existed for 9 months! - presumably without planning permission!) was an understandable temporary alternative route to access Nethershiel Farm via Oversheil farm since Clifton Road was closed at the West end (earlier this year) until the new road from the new roundabout re-created the link to Nethersheil, and now this link has already been created, why is it still required?

We have over the last year faced large amounts of disruption - construction traffic, Nethershiel traffic, drainage works in the road and road resurfacing and we can only now access our office from the East end of Clifton Road. We were told that there would be from now on no more construction or Nethershiel traffic and all access to the West was permanently closed. This application re-opens a link West from Oversheil to Calderwood, that no doubt will be used as a re-creation of Clifton Road. Why is it only now being applied for now the reason for having it is no longer valid.?

Comments for Planning Application 0918/MS/19

Application Summary

Application Number: 0918/MS/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mrs jakki mckenzie

Address: 2 Overshiel Farm Cottages East Calder Livingston

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a resident of Overshiel Farm Cottages I am strongly objecting against any further traffic being given temporary access from Clifton Road and Nethershiel Farm. We have tolerated not only the construction traffic to and from Calderwood, but also the large haulage vehicles from Nethershiel Farm often starting from 5.00am in the morning and returning constantly throughout the day and as late as midnight. Often leaving in convoy creating noise and inconvenience early hours. There has also been an increase in residents from Calderwood using this road as a short cut to Newbridge which is totally unacceptable. There are signs erected stating that there is no access to Calderwood or Nethershiel which are being totally ignored and vehicles are gaining access and becoming an increasing annoyance and inconvenience. This has been tolerated for too long now and therefore submit my objection to you.

Comments for Planning Application 0918/MS/19

Application Summary

Application Number: 0918/MS/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mr Bryan Martin

Address: 1 overshiel farm cottages East calder Livingston West Lothian

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I object to planning application for access road this road has been used illegally for 18 months plus now we have had to put up with construction traffic vehicles from new house and lorries which travel past my house at all hours of the day and night .i have to young girls and would not like to see them run over as some of these vehicles are travelling at some speed when they hit this junction and I have seen 2 or 3 near misses involving vehicles exiting from the development .there is plenty other access points into site so it should be shut as was originally agreed .signs where even erected..West Lothian side was shut quickly so ours should be to.

Comments for Planning Application 0918/MSC/19

Application Summary

Application Number: 0918/MSC/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mrs Isobel Charles

Address: 6 Overshiel Farm Cottages Mid Calder Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to the planning for this road as we have had to put up with traffic from this development for the last 18 months which we believe has had no permission to do so. We have been wakened regularly by the heavy trucks going past, sometimes during the night and very early morning. We are already having to put up with constant noise, dust and mud being left on the roads. Surely it's not too much to ask that we have a bit of privacy like the residents on the other side of Clifton Road whose road was closed immediately. There are already many access routes that could easily be used instead of this

Comments for Planning Application 0918/MSC/19

Application Summary

Application Number: 0918/MSC/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mr Stephen Charles

Address: 6 overshiel farm cottages Mid calder Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this access road due to the disruption we have experienced over the last 18 months or so.

There has been traffic noise at all hours, mud and dust on roads, vehicles trying to get to Calderwood and getting stuck. The road closed signs are constantly ignored and cars are coming along and using residents driveways to turn.

I also notice on the application diagram the access point is further up Clifton road than the current one.

The residents on the west side of Clifton Road have had their road closed, why can't this side have the same.

Comments for Planning Application 0918/MSC/19

Application Summary

Application Number: 0918/MSC/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mr Ian mulley

Address: 5 overshiel farm cottage Cliftonville Road Mid Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the planning permission of the temporary road .

We have had enough the last 18 months of heavy lorry's coming and going some times early in the morning or late at night and getting Woking up plus the amount of dirt and dust from these lorry's bring which is bad for our health and the speed these lorry's come down the lane aswell there is a main road they can use not a small country lane

Comments for Planning Application 0918/MSC/19

Application Summary

Application Number: 0918/MSC/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mr Meirion Mulley

Address: 5 overshiel farm cottage Clifton Road Mid Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I'm objecting to the planning permission as we have had enough of these heavy lorry's coming and going especially early in the morning and late at night and I suffer with asthma and with the dust from these lorry's I've been suffering more with my asthma

Comments for Planning Application 0918/MSC/19

Application Summary

Application Number: 0918/MSC/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mr Martyn Mulley

Address: 5 overshiel farm cottage Mid Calder Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I'm injecting to the planning permission as we have had enough of these lorry's coming and going the last 18 months get desturbed at all time of the day getting Woking up at all times during the night,early morning they make a mess of the road creating pot holes etc

We have had a number of damage to our cars through debris left on the roads from these lorry's and as for the dust it gets every where we sometimes can't leave our windows open to let fresh air in

Comments for Planning Application 0918/MSC/19

Application Summary

Application Number: 0918/MSC/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Mrs yvonne mulley

Address: 5 overshiel farm cottage Cliftonville Road Mid Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I'm objecting to the planning as we should not have to put up with more of these heavy lorry's

Creating dirt ,dust,and noise at all times of the day and getting desturbed early in the morning

They have a main road which they can use why do we have to put up with it

And they have just moved a badger den to the corner of the road so you will risk the life's of these badgers to

Comments for Planning Application 0918/MSC/19

Application Summary

Application Number: 0918/MSC/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Lord harry garriock

Address: Unit 4, Overshiel Farm, Clifton Road, East Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application is completely unnecessary. This access has been used illegally for the past year + This has had a detrimental effect on my business which is now near closure due to the state of this road which is unusable some days due to the volume of heavy plant and lorries etc. I object most strongly to this application as it is not necessary and was never meant to be an access road but a turning point as was laid out in the original plans, the signs that were erected at the end of the road states no access to Calderwood are being ignored by all and sundry

Regards.

Harry

Comments for Planning Application 0918/MS/19

Application Summary

Application Number: 0918/MS/19

Address: Calderwood East Calder West Lothian

Proposal: Approval of matters specified in conditions of planning permission 0524/P/09 for temporary access road off Clifton Road from Overshiel to Nethershiel

Case Officer: Tony Irving

Customer Details

Name: Miss Shann Macleod

Address: Overshiel Farmhouse Clifton Road East Calder

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to lodge my objection to this proposal.

The 'Access road to serve Nethershiel' in the 'Description of the proposal' has already been in use for more than 18 months now. It has not just been used by the residents of Nethershiel but by construction traffic and Calderwood residents, at all times of the day and night.

It states that this road is being used 'in advance of constructing prospectively adoptable road', as well as 'a route for Nethershiel residents to access Clifton Road while Calderwood Access Road 3 constructed'. Access road 3 has already been constructed and has been in use for over a year now, making this whole application redundant.

As well as this road there are other roads and access points, that could be used and would be more suitable than a road on a sharp corner, so close to the cottages, and out onto a road which is in Edinburgh District.

Nethershiel has been there since before the development started, and therefore this should have been taken into consideration before now, and if it hasn't surely it should not take 5 years (as well as the previous 18 months) to come up with something more suitable.

I have a letter, dated 21st November stating that this section of Clifton road was to be closed off completely and the work was due to be undertaken in early 2019. It also came with a map clearly showing a dead end, and a turning circle situated where the road is now. This is what the actual plan for this road has always been. Permanent 'no through road' signs have been erected, but that is all. This means that the cottages are now directly linked to a construction site, and that people who have no connection to the development at all are the ones that are being made to suffer.

Development Management

List of Delegated Decisions - 11th October 2019

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.:	0592/H/19	Recommendation:	Grant Planning Permission
Proposal:	Extension to house		
Address:	18 Deanburn Road, Linlithgow, West Lothian, EH49 6EY, (Grid Ref: 299616,676231)		
Applicant:	Mrs Karen Anderson	Type:	
Ward:	Linlithgow	Case Officer:	Rachael Lyall
<u>Summary of Representations</u> One objection - - impact on sunlight - impact on current view - height of extension			
<u>Officers report</u> Planning permission is sought for a rear extension to a detached house at 18 Deanburn Road, Linlithgow. The proposed rear extension is to provide a sun lounge and raised decking for the existing property. The proposed sun lounge shows the use of a mixture of roof lights, white UPVC windows and patio doors. There is currently a privacy issue between the application property and the neighbouring property, no.16, where a conservatory on a raised platform has been erected which overlooks the applicant's garden. The proposed works will slightly increase this current impact on the privacy of neighbours and surrounding developments due to the sun lounge extension leading out onto a raised patio decking in the garden at the rear of the existing dwelling, which will give rise to additional overlooking. In order to reduce the current and potential impact, a condition is proposed which requires a 1.5m high railing or fence to be erected to improve screening. The sun lounge is to be finished with an external buff facing brick and concrete roofing tiles, which are to match that of the existing house to allow for an integrated design. The proposed extension is of an acceptable scale and will have no significant overlooking or privacy, impact on the surrounding properties. The			

completed works will also still allow for adequate usable garden space whilst increasing the size of the property. Accordingly, it is recommended that planning permission is granted.

Ref. No.:	0864/FUL/19	Recommendation:	Refuse Permission
Proposal:	Erection of a house, garage and associated works		
Address:	The Paddocks, Kirknewton, West Lothian, EH27 8DW, (Grid Ref: 309802,666427)		
Applicant:	Mr & Mrs J Crombie	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Steven McLaren

Summary of Representations

One representation -

-concern over the scale of the house proposed but does not object to the principle of a house on the site.

Officers report

The proposal is for the construction of a large two storey, five bedroom house and double garage on a site off Leyden Road, Kirknewton. The site contains an existing stable building on the northern edge of the site which will remain as part of the overall development. The remainder of the site consists of a hard standing yard area and undeveloped grazing land.

The site is not visually intrusive and there are no redundant buildings on the site which are in poor condition and which are detrimental to the visual amenity of the area. The council's statutory Supplementary Guidance, Development in the Countryside, states that the underlying justification for making an exception to general planning policy is to secure the removal of inappropriate buildings and to improve the visual and environmental amenity of the countryside.

Policy ENV2 of the adopted Local Development Plan sets out various criteria in respect of new housing in the countryside. These criteria relate to the restoration of brownfield sites; a replacement house; infill development; conversion or rehabilitation, Lowland Crofting and whether the design, location and landscaping make it an exceptional contribution to appearance of the countryside.

Policy DES1 requires that all development proposals take account of and be integrated with the local context and built form.

Given the site is predominately hard standing and grazing land, it is not classified as brownfield as defined in the Supplementary Guidance. The scale, massing and design of the house is also out of context with the local area and there are no intrusive redundant buildings on the site.

The proposed house and garage therefore is contrary to LDP policies ENV2 and DES1 and contrary to statutory Supplementary Guidance, Development in the Countryside. It is recommended therefore that planning permission is refused.

Development Management

List of Delegated Decisions - 18th October 2019

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.:	0742/H/19	Recommendation:	Refuse Permission
Proposal:	Erection of a fence		
Address:	11 Clarendon Road, Linlithgow, West Lothian, EH49 6AN, (Grid Ref: 300536,676789)		
Applicant:	Ms and Mr Orla and Paul Bennett-Valentine	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Rachael Lyall
<u>Summary of Representations</u> One representation with a general comment; 1. Concerns over the impact on the open plan design of housing estate.			
<u>Officers report</u> This application looks to receive planning permission for the erection of a fence a 11 Claerndon Road. The proposed fence is to surround the garden boundary on three sides and will be erected at a height of 2m, located adjacent to the footway and in front of the principal elevation of the house. The fence is to be constructed of pressure treated wood, posts and vertical slats. West Lothian Council's advises in the House Extension and Alteration Design Guide states that "in front gardens, walls and fences should not generally exceed on metre in height". Therefore these proposed works are contrary to thus guidance. Along with this, the location of the fence with impact the visual amenity of the streetscene and does not reflect the character of the neighbourhood.			

Ref. No.:	0771/H/19	Recommendation:	Grant Planning Permission
Proposal:	Extension to house and erection of detached garage		
Address:	54 Heatherwood, Seafield, Bathgate, West Lothian, EH47 7BX (Grid Ref: 300832,666364)		
Applicant:	Mr Allan Stewart	Type:	Local Application
Ward:	Whitburn & Blackburn	Case Officer:	Hannah Bennie
<p><u>Summary of Representations</u></p> <p>1 Objection,</p> <p>- Concerns over the positioning of the proposed garage and impact on amenity.</p>			
<p><u>Officers report</u></p> <p>The application consists of a proposed single storey side elevation extension, a small rear extension, front canopy and the erection of a single garage within the rear garden. Having reviewed the proposed plans, it is considered that the extensions and garage are of an acceptable scale, massing and design for this property found within a residential estate. The proposed works will not result in any detriment to the residential or visual amenity of the streetscene and therefore is in accordance with DES1 of the West Lothian Local Development Plan.</p> <p>Furthermore, the proposed extension and garage will not overshadow, overbear or result in a loss of daylight or privacy to neighbouring property due to its location and design. The finishing materials for the proposal shall match those of the existing dwelling house as described on the submitted plans again aligning with policy DES1.</p>			

Ref. No.:	0804/H/19	Recommendation:	Refuse Permission
Proposal:	Extension to house		
Address:	16A Limefield Road, Polbeth, West Calder, West Lothian, EH55 8UD (Grid Ref: 303021,664230)		
Applicant:	Mr Alistair Chisholm	Type:	Local Application
Ward:	Fauldhouse & The Breich Valley	Case Officer:	Rachael Lyall
<u>Summary of Representations</u>			
N/A			
<u>Officers report</u>			
<p>This applications seeks planning permission for a side extension at 16A Limefield Road.</p> <p>The extension is to provide space for a single story granny annex located at the side of the existing property. West Lothian Council's House Extension and Alteration Design Guide states that 'care must be taken to ensure that the extension does not detract from the overall streetscene' and that 'side extensions should not project in front of the principal elevation of the existing building.' This proposal is contrary to this guidance as the side extension projects forwards of the main building line and therefore appears as out of scale and dominates the existing property. The design of the existing dwelling is mirrored with the neighbouring property next door. Therefore, this extension will appear as out of context and will detract from the overall streetscene.</p> <p>The gable end roof style which is proposed for the extension contrasts with the existing hipped roof style. This is again contrary to guidance which demonstrates that extensions should be designed as an integral part of the property and compliment the existing dwelling. The application proposes a new fence in the front garden with a height of 1.8m. In front gardens, walls and fences should not generally exceed one metre in height.</p> <p>The application is contrary to West Lothian Council's LDP DES1 Policy, therefore it is recommended for a refusal.</p>			

Ref. No.:	0806/FUL/19	Recommendation:	Grant Planning Permission
Proposal:	Change of shop front		
Address:	The Club, 14 Greendykes Road, Broxburn, West Lothian, EH52 5AG (Grid Ref: 308326,672304)		
Applicant:	Manjinder Sandhu	Type:	Local Application
Ward:	Broxburn, Uphall & Winchburgh	Case Officer:	Matthew Watson

Summary of Representations

One objection:

- Existing noise impact
- Two further entrances will add to noise levels already experienced at the property

Officers report

The application proposes alterations to the ground floor frontage at The Club, 14 Greendykes Road. The alterations are to installed three sets of doors.

The proposed alterations at ground floor level will not harm the appearance of the building or the surrounding area. The proposed alterations are acceptable in design terms as they integrate sufficiently with the surrounding area.

One representation has raised objections in relation to noise impact. The council's Environmental Health service requested that double doors are installed at the entrance to the wine bar to prevent breakout noise. The applicant has provided revisions that show double doors in the requested location and Environmental Health have found this arrangement acceptable.

It should be noted that the inclusion of a takeaway facility would require a separate planning application for a change of use. A condition will be attached to any planning permission that states the uses shown on the floor plan are not approved as part of this planning permission.

Consequently, and in view of the above, it is recommended that planning permission is granted, subject to conditions.

Ref. No.:	0838/H/19	Recommendation:	Grant Planning Permission
Proposal:	Extension to house		
Address:	100 Springfield Road, Linlithgow, West Lothian, EH49 7JW, (Grid Ref: 301243,677400)		
Applicant:	Ms Anne Marie Johnson	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Rachael Lyall

Summary of Representations

Four objections which raise the following concerns:

- Overall design,
- Layout of garden and potential for flooding,
- Levelling groundwork's,
- Size of proposed extension,
- Value of existing properties,
- Boundaries and access for works,
- Disruptions during construction works.

Officers report

This application seeks planning permission for a property located at 100 Springfield Road. The original plans demonstrated an extension which was large in size, was to be erected right up to the boundary line and consisted of a flat roof which was not sympathetic to the overall design. Revised plans show a reduction in size, allowing for a further distance (1.2m) between the proposed extension and boundary line of the neighbouring property. A change in roof style from a flat roof to a combination of a mono-pitch and gable style roof has also been proposed in order to ensure a more integrated design. In order to maximise the privacy of neighbouring properties, the window within the kitchen and diner area has been replaced with a smaller, high level window, which contain an opaque glazing.

To allow for sufficient space for the works, the existing conservatory and garage are to be taken down which will also result in an existing wall which is currently built on the boundary line, being partially removed. To compensate, the applicant will construct a replacement fence.

The external finishes and roofing materials which are to be used for the proposed works must be considered to ensure that they match the materials and finishes of the existing house.

Development Management

List of Delegated Decisions - 25th October 2019

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.:	0322/MS/19	Recommendation:	Grant Matters Specified in Conditions
Proposal:	Erection of seven retirement dwellings and associated access, services and landscaping		
Address:	Land East Of Hillhouse Wynd, Kirknewton, West Lothian, , (Grid Ref: 311635,667314)		
Applicant:	Mr Tony Foster Kirknewton Community Development Trust	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Matthew Watson
<u>Summary of Representations</u> One comment in support and one objection. Support - Support the erection of elderly housing as it will be good for the community - Consideration should be made for no construction works at night - Noise should not be a problem with double glazing Objection - Project is for the elderly but 55 is not even pension age - Draft business case looks unsustainable - Insufficient space for number of houses leading to lack of visitor parking - Road access has low visibility - Village does not need another 'community hub' - Not close to services in the village			
<u>Officers report</u> The application proposes the erection of seven retirement dwellings at land to the east of Hillhouse Wynd, Kirknewton. The houses proposed are single storey and finished with natural stone, timber cladding and coloured render. Roofs are proposed to be spanish slate and the south facing roof planes will			

have solar panels.

The principle of residential development on this site is acceptable having been established by application 0578/P/15.

The houses proposed are acceptable in their design and will integrate with their context. There are minor departures from policy in terms of garden sizes but these are acceptable given the nature of the housing proposed.

A noise barrier and fixed pane windows on the rear elevation of houses will be required via a planning condition to make sure the requirements of the Noise Supplementary Guidance are met.

A suspensive condition will be required to ensure Scottish Water vest the drainage infrastructure for the development. Scottish Water are carrying out a drainage assessment in the wider area and are unable to confirm vesting of the drainage infrastructure before a decision is made on the application.

Overall, the proposal complies with the relevant provisions of the development plan.

It is therefore recommended that this matters specified in conditions application is approved, subject to conditions.

Ref. No.:	0759/H/19	Recommendation:	Grant Planning Permission
Proposal:	Erection of linked residential accommodation		
Address:	10 Back Station Road, Linlithgow, West Lothian, EH49 6AD, (Grid Ref: 300680,677042)		
Applicant:	Mr and Mrs Graham	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Rachael Lyall

Summary of Representations

One objection -

- Overbearing due to difference in ground levels,
- Impact on natural lighting,
- Impact on privacy,
- Increase in traffic.

Officers report

This application seeks permission for the erection of linked residential accommodation at 10 Back Station Road. The two-storey accommodation is to replace an existing garage which is located to the west of the existing property and is to consist of a garden, kitchen, shower rooms and lounge on the ground floor and a studio/office and shower room on the first floor.

Previous submitted drawings demonstrated the accommodation in a different location and position which would have had an impact on the privacy of the neighbouring property at No. 8. Since, the proposed accommodation has been moved accordingly in order to avoid this impact. The extension proposes several windows and openings on both the side and rear elevations of the proposed accommodation, which will not have a detrimental effect on the privacy of neighbours due to the size of the plot which is adequately screened by heavy greenery. The accommodation will not appear as overbearing due to the difference in ground levels throughout the plot area, resulting in the proposed accommodation being lower than the existing dwelling.

The proposed works are to be externally finished using a combination of white smooth render, zinc cladding, oak and reclaimed stonework and the roof is proposed to be natural slate with oak fascias and soffit boards. The UPVC windows are to be a gunmetal grey in order to complement the proposed materials, finishes and existing surroundings.

A condition is proposed which will prevent the accommodation being let or sold as a separate dwelling.

The proposed extension is of an acceptable scale and would have no detrimental impact on the original property, or overlooking or privacy issues for the surrounding properties. It accords with policy DES 1 of the LDP and follows council guidance on house extensions and alterations and it is recommended that planning permission is granted.

Ref. No.:	0852/H/19	Recommendation:	Refuse Permission
Proposal:	Installation of a dormer and formation a terrace		
Address:	64 High Street, Linlithgow, West Lothian, EH49 7AQ, (Grid Ref: 300358,677145)		
Applicant:	Mr Sam Lawrie jnewey@ekjn.co.uk	Type:	Local Application
Ward:	Linlithgow	Case Officer:	Rachael Lyall

Summary of Representations

One objection -
- Privacy and overlooking
- Overshadowing

Officers report

This application proposes the removal of an existing mansard roof and dormer in a category C listed building in order to allow space for the construction of a larger dormer extension and roof terrace.

A pre-application enquiry was submitted prior to the planning application. The pre-application advice stated that the dormer extension would be supported providing it met the guidelines outlined within the Supplementary Guidance on "Household Extension and Alteration Design Guide", although it was advised that the proposed balcony terrace would not be supported. The plans submitted show a dormer extension containing floor to roof glazed doors and windows, similar to what was outlined within the pre-application submission and contrary to the advice contained in council guidance, and includes a proposal for a roof terrace. Grey aluminium privacy screens are proposed on each side of the terrace in order to mitigate overlooking issues.

The proposed works would result in the loss of several traditional features to the rear of the property which be detrimental to the appearance of the listed building: the slate roof over the existing stairwell would be removed; chimney heads would be removed; and the existing small rear dormer would be removed, along with the mansard roof in which it sits.

The addition of the privacy screens around the roof terrace would be detrimental to the appearance and character of the listed building. Without screening, the balcony would severely affect the privacy of neighbouring properties.

The proposed works would have a significant adverse effect on the character and appearance of the existing building and the conservation area. The application is contrary to policies DES1, ENV1, ENV 24, ENV 25 and ENV 28 in the West Lothian Local Development Plan and the Council's House Extension and Alteration Design Guide, and it is accordingly recommended that planning permission is refused.

Ref. No.:	0921/FUL/19	Recommendation:	Refuse Permission
Proposal:	Erection of 2 houses as an extension to the rear of existing flats		
Address:	131 South Street, Armadale, West Lothian, EH48 3JT, (Grid Ref: 293711,667937)		
Applicant:	Mr Alex Walker	Type:	Local Application
Ward:	Armadale & Blackridge	Case Officer:	Kirsty Hope

Summary of Representations

Three objections -

- overlooking
- traffic issues
- proposed development too large for the site

Officers report

This application seeks planning permission for the erection of 2 (1 bedroom) dwellings to the rear elevation of the existing flatted property.

The scale of this development within the rear garden of the existing flats would result in very little amenity space for the proposed dwellings or indeed the existing flats. There would be no screened private amenity space for the residents. The gable windows would result in the overlooking of neighbouring properties which would result in a detrimental impact on residential amenity.

The agent has failed to provide requested information in relation to site drainage and site contamination. The proposal is therefore contrary to LDP policies DES1 (Design Principle) as well as the lack of information submitted in relation to site contamination Policy EMG 6 (Vacant, Derelict and Contaminated Land) and Policy EMG 3 (Sustainable drainage) in relation to drainage.

Accordingly, it is recommended that planning permission is refused.

Ref. No.:	0956/FUL/19	Recommendation:	Refuse Permission
Proposal:	Change of use of open space to private garden ground and erection of timber boundary fence (in retrospect)		
Address:	28 Oldwood Place, Eliburn, Livingston, West Lothian, EH54 6UJ (Grid Ref: 303377,667746)		
Applicant:	Mr Matthew Dyson	Type:	Local Application
Ward:	Livingston North	Case Officer:	Matthew Watson

Summary of Representations

One objection from Eliburn Community Council:

- contrary to policy ENV 21
- the 6' high fence bordering the public path goes against the principle of 'open spaces'

Officers report

The application seeks retrospective planning permission for the enclosure of an area of public open space to private garden ground at 28 Oldwood Place. The property is detached and situated at the south end of a cul-de-sac. A footpath runs south from the cul-de-sac to the wider path network. An extensive area of public open space has been enclosed to the south of the property. The total area enclosed is 442.67 sq m. A 1.8 m high fence has been erected around the boundary of the area.

Policy ENV 21 of the West Lothian LDP states there must be a locational justification for the loss of open space. The applicant has incorporated the area of land into their garden ground, which is not in itself a justification for the loss of open space, in particular where the open space would otherwise be accessible to surrounding residents and other members of the public. The application is therefore contrary to Policy ENV 21 (a).

Policy DES 1 of the West Lothian LDP states that development must integrate with its context. The 1.8 metre high fence that has been erected hard up against the public footpath is a visually intrusive addition to the edge of the public footpath which fails to integrate with its context. The application is contrary to Policy DES 1 for this reason.

It is therefore recommended that planning permission is refused and enforcement action initiated against the unauthorised works that have taken place.

Development Management

List of Delegated Decisions - 1st November 2019

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.:	0802/FUL/19	Recommendation:	Grant Planning Permission
Proposal:	Change of use from public open space to private garden ground and formation of raised deck and erection of fencing (in retrospect)		
Address:	68 Pentland Park, Craigshill, Livingston, West Lothian, EH54 5NS (Grid Ref: 306608,667615)		
Applicant:	Mr Chris Hume	Type:	Local Application
Ward:	East Livingston & East Calder	Case Officer:	Matthew Watson

Summary of Representations

One objection -

- Loss of privacy to upper floor lounge window
- The access gate to the side restricts the ability to extend in future

Officers report

The application seeks retrospective planning permission for the change of use of an area of open space to private garden ground and the erection of an area of raised decking with fencing.

The principle of the loss of open space has been set by application 0296/FUL/13 for the change of use of the open space to private garden ground, which was granted on 27 June 2013 but has since lapsed. There has been no material change in circumstances since the application lapsed.

The issue of loss of privacy to their upper floor windows as a result of the formation of the deck has been raised by an objector. From the proposed deck there is a view towards the upper floor windows of 67 and 69 Pentland Park, albeit at an angle. Mutual overlooking currently exists between the garden of the application property and windows of neighbouring properties. The impact on privacy from the new decking is not considered to constitute an exacerbation of the current situation, so the proposal complies with Policy DES 1.

The appearance of the deck, being unfinished timber, has a rather stark appearance within its context. It is proposed to attach a planning condition requiring the decking to be painted brown within three months of a decision on the application. This will help the decking integrate better with its context.

where neighbouring properties have dark brown fences. With this condition in place, the proposal complies with Policy DES 1.

Consequently, and in view of the above, it is recommended planning permission is granted, subject to a condition requiring the painting of the fencing around the decking.

Ref. No.:	0853/LBC/19	Recommendation:	Refuse Listed Building Consent
Proposal:	Listed building consent for alteration to rear roofs to create a roof terrace and dormer		
Address:	64 High Street, Linlithgow, West Lothian, EH49 7AQ, (Grid Ref: 300358,677145)		
Applicant:	Mr Sam Lawrie	Type:	Other
Ward:	Linlithgow	Case Officer:	Rachael Lyall

Summary of Representations

None

Officers report

This application proposes the removal of an existing mansard roof and dormer in a category C listed building in order to allow space for the construction of a larger dormer extension and roof terrace.

A pre-application enquiry was submitted prior to the planning application. The pre-application advice stated that the dormer extension would be supported providing it met the guidelines outlined within the Supplementary Guidance on "Household Extension and Alteration Design Guide", although it was advised that the proposed balcony terrace would not be supported. The plans submitted show a dormer extension containing floor to roof glazed doors and windows, similar to what was outlined within the pre-application submission and contrary to the advice contained in council guidance, and includes a proposal for a roof terrace. Grey aluminium privacy screens are proposed on each side of the terrace in order to mitigate overlooking issues.

The proposed works would result in the loss of several traditional features to the rear of the property which be detrimental to the appearance of the listed building: the slate roof over the existing stairwell would be removed; chimney heads would be removed; and the existing small rear dormer would be removed, along with the mansard roof in which it sits.

The addition of the privacy screens around the roof terrace would be detrimental to the appearance and character of the listed building. Without screening, the balcony would severely affect the privacy of neighbouring properties.

The proposed works would have a significant adverse effect on the character and appearance of the existing building and the conservation area. The application is contrary to policies DES1, ENV1, ENV 24, ENV 25 and ENV 28 in the West Lothian Local Development Plan and the Council's House Extension and Alteration Design Guide, and it is accordingly recommended that planning permission is refused.

Proposed Enforcement Actions - 18/10/2019

Ref. No.	Owner/ Developer	Location & Alleged Breach of Planning Control	Ward	Proposed action	Reasons for decision and summary steps to comply if applicable
ENF/0279/19	Mr Adam Keatinge	45 Longpark Place Elburn Livingston West Lothian EH54 6TU	Livingston North	Enforcement Notice	<p>Owner of the property has extended the garden ground and erected a boundary fence without planning permission. The encroachment into the open space is contrary to the LDP and is deemed to be having a negative impact of the residential amenity of the area.</p> <p><u>Steps to comply</u></p> <ol style="list-style-type: none"> 1. Remove the fence 2. Reinstate the original boundary line 3. Return the land to its original condition & use.
ENF/0249/19	Ms M Stewart	Main Street, Breich	Fauldhouse & The Breich Valley	Amenity Notice	<p>The area of land is being used to store numerous old vehicles; its appearance is causing a detrimental impact on the street scene and residential area. The land owner also failed to comply with a Planning Contravention Notice served on them.</p> <p><u>Steps to comply</u></p> <ol style="list-style-type: none"> 1. Remove all vehicles from this land.

Proposed Enforcement Actions - 24/5//2019

Ref. No.	Owner/ Developer	Location & Alleged Breach of Planning Control	Ward	Proposed action	Reasons for decision and summary steps to comply if applicable
ENF/0270/19	Mr Kenny Chan	20 Main Street Deans Livingston EH54 8BE The siting of an air conditioning unit.	Livingston North	Serve Enforcement Notice	The owner has installed an air conditioning unit to the rear of the property. This unit is causing a noise nuisance to neighbouring residents and is having a detrimental effect on the surrounding area and neighbours. Steps to comply: 1. Remove the Air Conditioning Unit