



West Lothian Council Planning Committee

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

25 February 2021

A meeting of the **West Lothian Council Planning Committee** of West Lothian Council will be held within the **MSTeams Virtual Meeting** on **Wednesday 3 March 2021** 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.
4. Procedure for Pre-determination Hearings (herewith)

Public Items for Decision

5. Application No.1019/P/19 - Planning permission in principle for a residential development with retail facilities, food and drink, community, education, assembly and leisure, non-residential institution uses and associated infrastructure (with Environmental Impact Assessment) at the site of the former Bangour Village Hospital, Dechmont (herewith)
6. Application No.0219/FUL/20 - Erection of 104 houses, formation of access roads, open space and associated engineering operations at Hens Nest Road, East Whitburn (herewith)

DATA LABEL: Public

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



West Lothian Council

Tom Kerr – Provost

**West Lothian Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF
Tel 01506 281728**

Mr Graham Hope
Chief Executive
West Lothian Council
Civic Centre
Howden South Road
Livingston

18 February 2021

Dear Graham

West Lothian Council Planning Committee - Special Meeting

In terms of Standing Order 5, I am calling a Special Meeting of West Lothian Planning Committee on 03 March 2021 at 10am to consider the following items of business:-

- Erection of 104 houses, formation of access roads, open space and associated engineering operations at Hens Nest Road, East Whitburn; and
- Planning permission in principle for a residential development with retail facilities, food and drink, community, education, assembly and leisure, non-residential institution uses and associated infrastructure (with Environmental Impact Assessment) at Bangour Village Hospital site, Dechmont.

Yours sincerely

Provost Tom Kerr

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



WEST LOTHIAN COUNCIL PLANNING COMMITTEE

PROCEDURE NOTE

1. The officers' report and other relevant documents shall be circulated to members with the agenda for the meeting at least four clear days before the meeting and made available on the internet in the usual way on the following day.
2. Copies of the reports will be e-mailed to each applicant on that day and to other parties where email addresses are known.
3. Applicants and objectors will have been contacted in advance to advise them of the meeting, and to invite them to speak and to give notice of that intention. Noon two days prior to the meeting is the deadline for that.
4. No documents other than those circulated to members with the agenda shall be permitted to be placed before the committee except with the permission of the Chair through a ruling under Standing Orders.
5. Officers shall present their reports, according to the Order of Business on the agenda, unless the Chair adjusts the running order.
6. The Chair may also invite council officers from services other than Development Management to address the committee as appropriate.
7. After the officer has presented a report, parties who have made representations against that application and who have on time expressed a wish to take part in the hearing shall address the committee. They shall be restricted to five minutes for each objector or such other period as the Chair may allow in exceptional circumstances. The Chair may request that objectors with a common interest agree to appoint a spokesperson to speak on their behalf. The Chair may also take steps to avoid undue repetition.
8. Applicants who have expressed a wish to take part in the hearing shall then address the committee. They shall be restricted to five minutes for each applicant (not per agent or representative) or such other period as the Chair may allow in exceptional circumstances.
9. Parties who have made representations in favour of the application and who have expressed a wish to take part in the hearing shall address the committee. They shall be restricted to five minutes each (and not per agent or representative) or such other period as the Chair may allow in exceptional circumstances. The Chair may request that supporters with a common interest agree to appoint a spokesperson to speak on their behalf. The Chair may also take steps to avoid undue repetition.
10. After each party has addressed the committee, members of the committee will then, through the Chair, be able to question them and to any council officers present. The parties shall not be permitted to ask questions.
11. Council officers may be offered the opportunity to respond to points made during presentations or questioning.
12. Members may then, through the Chair, comment on that application. Any views expressed by members will be considered to be provisional views, pending the completion of a hearing on each case, unless the member concerned indicates to the contrary. Parties who have addressed the committee shall not be permitted to take part in that discussion and debate.

13. After each case, or after hearing all cases, at the discretion of the Chair, the committee shall adjourn its proceedings and a meeting of full council shall be immediately convened for the purposes of making a decision on the application or applications.
14. There shall be no presentation of a report to the meeting of full council and no hearing or questioning of officers shall take place there. Parties who have taken part in the meeting of the Planning Committee shall not be entitled to take part.
15. Members shall be invited to move motions and amendments and to participate in a debate on any such motions and amendments, and then to make a decision on the applications, through a vote of necessity. Those decisions shall be the council's determination of the applications for planning permission.
16. Following disposal of that item of business the Chair shall adjourn the meeting. If there remains business for the Planning Committee then that meeting shall be reconvened.
17. Should the business of the committee and full council not be concluded on the day then the meeting will require to be adjourned to a future date to be determined by the Clerk in consultation with the Chair.

Notes

- a. Legislation requires major planning applications which are significantly contrary to the Development Plan to have a hearing before a committee of the council, and a decision made at a meeting of full council.
- b. The West Lothian Planning Committee is the body chosen by the council to provide those pre-determination hearings.
- c. The procedures to be followed in such hearings are not set down in legislation but planning authorities have a wide discretion to apply their own procedures. The council decided that the procedures to be followed should be set by the council's Chief Solicitor in consultation with the Chair of the committee.
- d. These procedures have been set with regard to the nature and extent of the business to be done by the committee, the requirement to provide a fair hearing appropriate to the circumstances of the case(s) and to be fair and even-handed in the way in which all parties are dealt with.

DATA LABEL: PUBLIC



WEST LOTHIAN PLANNING COMMITTEE

Report by Head of Planning, Economic Development & Regeneration

1 DESCRIPTION AND LOCATION

- 1.1 Planning permission in principle for a residential development with retail facilities, food and drink, community, education, assembly and leisure, non-residential institution uses and associated infrastructure (with Environmental Impact Assessment) at the site of the former Bangour Village Hospital, Dechmont.

2 DETAILS

Reference no.	1019/P/19	Owner of site	Allanwater Developments (Bangour) Ltd
Applicant	Allanwater Developments (Bangour) Ltd	Ward & local members	Broxburn, Uphall and Winchburgh Cllr Diane Calder Cllr Janet Campbell Cllr Angela Doran Cllr Chris Horne
Case officer	Gillian Cyphus	Contact details	01506 282408 gillian.cyphus@westlothian.gov.uk

Reason for referral to West Lothian Planning Committee:

- 2.1 The proposal is classified as a major development that has been deemed by the council's Head of Planning, Economic Development & Regeneration, to be significantly contrary to the development plan.
- 2.2 There is a requirement under the council's scheme of delegation that in determining such proposals the applicant and those persons who have made representations on the application may appear before, and be heard by, a committee of the council. In accordance with the scheme of delegation, the decision on an application of this type shall be discharged only by the full council and not by a committee of the council.
- 2.3 A subsequent report will be presented to West Lothian Council in order that a decision on the application can be made.

3 RECOMMENDATION

- 3.1 It is recommended that West Lothian Planning Committee notes the contents of this report and the terms of representations made both at the notification stage on the application and by those, if any, appearing at the hearing, prior to West Lothian Council being invited to make a decision on the application.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 Bangour Village Hospital lies to the west of Dechmont and north of the A89. It is a large site of nearly 90 hectares, rising from south to north and largely surrounded by farmland. A number of buildings remaining on site, many of which are listed, set within mature landscaping. The site is identified in the West Lothian Local Plan (WLLP) as a conservation area and the trees are the subject of a tree protection order (TPO). The Brox Burn runs through the southern part of the site.
- 4.2 The hospital was built in the early 1990s, initially as a psychiatric facility, and some of the existing buildings date from this time. The hospital was requisitioned during both wars, with other buildings being added throughout the years including the A listed church. The hospital closed in 2004 and the site has remained largely vacant since then.
- 4.3 In the period since the closure of the hospital was announced, there have been several attempts to secure the redevelopment of the site and the retention of the listed buildings. An initial application was withdrawn in 1999 and a subsequent application submitted in 2004 but also withdrawn in 2010. More recently an application was submitted in 2015 (0607/P/15) for the development of 891 units. The application was reported to West Lothian Council (Planning) in February 2016 with a recommendation for approval, however members were minded to continue that application for further discussion. The applicant appealed against non-determination of that application to the Directorate of Planning and Environmental Appeals (DPEA) before the application could be further considered by the council. The Scottish Ministers also called the application in meaning that Scottish Ministers rather than DPEA would make any decision on the application. However, despite the significant passage of time, that appeal remains undetermined by the Scottish Ministers.
- 4.4 The current application is for planning permission in principle for up to 998 unit residential units with associated retail, food and drink uses, community uses and a new primary school. Whilst the application is in principle and therefore no detailed layouts are provided, a supporting planning statement and indicative site master plan describe:
- A maximum of 998 mixed tenure homes, made up of 91 from the conversion of listed buildings and 907 new build.
 - A revised access from the A89 (the subject of a previous application and currently under construction).
 - Utilisation of the existing road pattern where appropriate.
 - The provision of significant new areas of public open space.
 - Landscape enhancement along the burn corridor and woodland management
 - Provision of footpath connections within the site and linking to the surrounding area.
 - The provision of suitable SUDs facilities designed to maximise their bio-diversity value.
 - A district heating system, housed in the existing boiler complex
 - Local village shop and potential for café/restaurant/community uses.
 - A new primary school incorporating the A listed recreation hall.

- Demolition of 4 C listed buildings and the partial demolition of the B listed nurses' home.
 - Repair and retention of 11 listed buildings, including the A listed church and the A listed recreation hall.
- 4.5 In addition to the planning statement indicative master plan, the application was accompanied by an Environmental Impact Assessment (EIA) and a number of other technical documents including a Transport Assessment (TA) and a Flood Risk Assessment (FRA). The EIA included chapters on ecology, landscape impact and heritage impact.

5 REPRESENTATIONS

- 5.1 Two objections were received, including one from Bathgate Community Council which is the neighbouring community council. One letter of support was also received. The representations are summarised below. The full representations are attached to this report.
- 5.2 The representation from Dechmont Community Council is summarised in section 6 of this report.

Comments	Response
Concern about impact of retail space on Livingston Centre	Any retail on the site would be to serve local needs only.
Traffic impact on the Bathgate Hills, the A89 and around Bathgate Train Station	A traffic impact assessment (TIA) has been carried out and the results are considered to be acceptable. Transport impacts are discussed in more detail in section 8 below.
Lack of parking at train stations.	Transport is discussed in further detail in section 8 below.

6 CONSULTATIONS

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

Consultee	Objection	Comments	Planning Response
WLC Transportation	No	Conditions regarding the provision of bus stop and pedestrian crossing.	Noted. Conditions will be attached.
WLC Housing	No	Affordable housing is required in accordance with policy.	Noted. A planning obligation would secure this.
WLC Flood Risk Management	No	The flood risk assessment is competent. The recommendations	Noted. Conditions will be attached.

Consultee	Objection	Comments	Planning Response
		in the FRA should be complied with.	
WLC Contaminated Land Officer	No	Further assessment will be required prior to any development taking place.	Noted. Conditions will be attached.
WLC Education Planning	No	A new non-denominational (ND) primary school will be required. Contributions towards RC primary, ND Secondary and RC secondary will be required.	Noted. The applicant has agreed to the requirements. A planning obligation would secure this.
WLC Environmental Health	No	No objections. Standard construction condition to be applied.	Noted.
WLC Open Space, Woodlands and Ranger Service	No	<p>The nature and scale of the development requires a neighbourhood park and a local park, which are both shown on the masterplan. To ensure adequate provision some flat, equipped play facilities should be provided in the eastern part of the site.</p> <p>The information provided in the EIA regarding ecology and woodland management is considered to be acceptable and the recommendations contained in the EIA should be adhered to. The creation of pedestrian and cycle links should be encouraged. The service should be consulted on the detailed proposals as they are developed.</p>	Noted. Active open space requirements can be met on-site and suitable conditions will secure this. Conditions will also be attached regarding compliance with the mitigation and recommendations contained in the EIA. Further consultation will take place on the detailed proposals.
West of Scotland Archaeology Service	No	A programme of archaeological works is required.	Noted. A planning condition will be attached.
SEPA	No	Request a planning condition is used to secure compliance with the FRA. SEPA should be consulted on any revised flooding information submitted as part of future applications	Noted. A planning condition will be attached.
Scottish Water	No	No objection.	Noted.

Consultee	Objection	Comments	Planning Response
Nature Scot (SNH)	No	Satisfied with the EIA and the mitigation and recommendations contained therein. Supportive of the proposals for woodland management which should be secured by condition. Further assessments will be required as the development proceeds, for example additional bat surveys.	Noted and agreed.
Historic Environment Scotland	No	Supportive of the proposals and accepts the loss of the buildings which are identified for demolition and the substantial new build development as a means of achieving the restoration and maintenance of the important listed buildings. Conditions regarding phasing should be attached to secure the redevelopment of the listed buildings.	Noted and agreed.
Edinburgh Airport	No	Conditions required including the submission of a bird hazard management plan.	Noted and agreed.
NHS	No	Some further assessment will be required at the detailed planning application stage.	Noted and agreed.
Dechmont Community Council	Yes.	Concerns regarding the scale of development, the traffic impacts, the location of schools and the long term management of the woodland.	Noted. The issues raised by the community council are discussed in more detail below.

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 (LDP) (2018)	Development of housing on these sites shall be supported in	The site is allocated for residential development with a notional capacity of 550	No

HOU 1 Allocated Housing sites	principle. Where applicable proposals must accord with the specific development requirements set out in appendix 2 of the LDP.	units. The application is for 998 units which is significantly higher than the LDP allocation. The scale of development is discussed further below.	
West Lothian LDP HOU 4 Affordable Housing	This policy requires a contribution towards affordable housing via on-site provision.	The applicant is to provide 20% on-site provision for affordable housing, which is to be secured through a Section 75 agreement. The LDP sets out different rates of contribution in different housing market areas. In this location the rate required in the LDP is 25%. The previous, superseded policy required 15% through out West Lothian. This application offers affordable housing at the rate of 20% of the total number of units. As the site was purchased prior to the new policy being brought in, and the applicant has provided an open book assessment of the viability of the development, it is considered that 20% can be accepted in these circumstances.	Yes
West Lothian LDP ENV 1 Character and Special Landscape Areas	Development will not be permitted where it significantly affects local landscape character. Development out with Special Landscape Areas which would adversely affect their setting will not be supported.	The impact of the development on the Bathgate Hills AGLV would not be significant and would not affect its setting or character.	Yes
West Lothian LDP ENV 9 Woodlands, Forestry, Trees and Hedgerows	This policy sets out the criteria for loss of trees of amenity value and that are subject to a TPO. Significant public benefits need to be demonstrated to	The application delivers significant public benefits. Removal of all the trees indicated in the indicative site layout is, not acceptable. Compensatory planting and long-term	No

	allow for removal of woodland and compensatory planting needs to be secured.	management will be secured through planning conditions. See the 'Impact Trees' section below for more detail. The proposal complies with Policy ENV 9.	
West Lothian LDP ENV 20 Species Protection and Enhancement	This policy states development affecting protected species will not be permitted, unless four criteria can be demonstrated.	Nature Scotland has been consulted on the application, including the EIA and the mitigation in relation to protected species. Subject to the inclusion of the suggested conditions, the application complies with this policy.	Yes
West Lothian LDP ENV24 Conservation Areas	New development will not be permitted which would have an adverse effect on the character or appearance of a conservation area. The policy sets out criteria to be met when considering the demolition of buildings within a conservation area.	Having been vacant for some time, many of the buildings are in an advanced state of disrepair and the applicant argues that it is not financially viable to restore and retain them all. The loss of the buildings which are identified for demolition will facilitate the wider redevelopment of the site. The redevelopment of the site will be subject to a detail design guide to ensure that the character of the conservation area is protected and enhanced.	Partly
West Lothian LDP ENV28 Listed Buildings	There is a presumption in favour of the retention and sympathetic restoration of listed buildings. Demolition will only be permitted where certain criteria are met. Enabling development, where essential to secure the long-term future for a building at risk, may be considered favourably where the	The demolition of a small number of buildings and the enabling new build which is proposed is justified by the developer on the overall viability of the site. The redevelopment will secure the long-term future of 11 of the listed buildings, including the most important A listed buildings. While there will inevitably be an impact on the character of the conservation area, the site will be developed in a manner which is sensitive and appropriate to the	Partly

	character and setting is not adversely affected, the works are economically justified to ensure the survival of the building and where the benefits outweigh any dis-benefits to the building or its setting.	setting of the remaining listed buildings and the conservation area. This will, however, require a detailed assessment of the design and visual impacts of each development parcel as they come forward. Whilst it is disappointing that more building are not retained and the level of enabling development is significantly above the allocation in the development plan, on balance the benefits outweigh any dis-benefits and justify the setting aside of this aspect of policy.	
West Lothian LDP ENV29 Unoccupied and Threatened Listed Buildings	Proposals for the adaption and use of threatened listed buildings will be considered sympathetically.	The development will allow the conversion of 9 unused and at risk listed buildings for residential development. In addition, the former recreation hall and church will be brought back in to use.	Yes
West Lothian LDP ENV 32 Archaeology	This policy requires development not to have a negative impact on archaeological sites.	It is proposed to attach a condition for a programme works for archaeology. With this condition in place, the proposal complies with Policy ENV 32.	Yes
West Lothian LDP DES 1 Design principles	This policy states that development needs to integrate with its context and the surrounding built form and have an acceptable impact on amenity.	The proposed layout is indicative only and will require more detailed assessment as development parcels are progressed to ensure that the development integrates with its local context and built form. The development parcels identified may not be wholly developable but this is a matter to be considered at the next application stage See the 'Design and Layout' section below for more detail.	Partial
West Lothian LDP	This policy states drainage proposals need to ensure	A drainage assessment has been submitted with the application and has been	Yes

EMG 3 Sustainable drainage	surface water can be attenuated.	found to be acceptable by the council's Flood Risk Management team.	
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 cemeteries. These have been agreed with the applicant and the proposal is acceptable, subject to a legal agreement securing these contributions.	Yes
West Lothian LDP TRAN 1 Transport Infrastructure	This policy requires the transport impacts of development to be acceptable.	The submitted transport statement is acceptable and Transportation has raised no objections on the grounds of road safety. The proposal complies with Policy TRAN 1. See the 'Traffic Impact and Transport' section for more detail.	Yes
West Lothian LDP TRAN2	This policy requires the contribution towards measures which mitigate traffic impacts and/or promote sustainable travel.	The s75 will secure contributions towards public transport. The developer has also offered to discuss appropriate traffic calming measures within Dechmont.	Yes
West Lothian LDP NRG 5 Energy and Heat Networks	Development proposals for over 100 homes will be encouraged to consider the use of community energy networks in their development.	A district heating system is proposed to provide heating and hot water to all the buildings on site.	Yes

Also relevant are the following statutory supplementary guidance (SG)

- Residential Development Guide
- Flooding and Drainage
- Developer Contributions to Public Art
- Affordable Housing
- Developer Contributions for General Infrastructure Site Delivery

Non statutory planning guidance (PG)

- Health Impact Assessment
- Planning for Nature

Supplementary Planning Guidance (SPG)

- Cemetery Provision
- Planning for Education
- Denominational Secondary Education Infrastructure

8 ASSESSMENT

- 8.1 Taking the above into account, the determining issues for this application are scale, impact of built heritage, woodland management, traffic impacts and education infrastructure.
- 8.2 The adopted WLLP identifies the site for residential development, with a notional capacity of 550 units. The purpose of the allocation is to secure the repair and retention of the listed buildings, which have fallen in to a state of disrepair since the hospital was closed. It has always been recognised that new build development would be required to cross fund the retention and conversion of the listed buildings. However, the enabling development should be kept to a minimum to ensure that the setting of the listing buildings and the character of the conservation area is not affected. The level of development now being proposed is significantly higher than envisaged in the LDP. It is also around 100 houses greater than the previous application which was continued by West Lothian Council in 2016. Because of the scale of development being proposed, the application is considered to be a significant departure from the development plan.
- 8.3 The developers have indicated that, given the deteriorating condition of the buildings and the scale of infrastructure contributions required, this higher level of development is necessary to make the project financially viable. They have submitted detailed financial information which has been considered by the council's surveyors. It should be noted that a key factor in that viability assessment is the price that was paid for the site. In working out the value of a site, a developer should have regard to relevant planning policy, including developer contributions and the notional capacity in the LDP. It is unfortunate that in this case the price which was paid for the site does not appear to have reflected the LDP position and it is, at least in part, this which is driving the need for a greater number of units on the site. The number of units capable of being delivered on the site should be driven by development plan policy and any material considerations which would justify setting aside development plan policy. The price paid for the site is not a reason for setting aside development plan policy and the capacity should continue to be driven by a design which respects the physical characteristics, the listed buildings and the landscape. Consideration of these matters at the next planning stage (consideration of matters specified in conditions) may mean that the proposed 998 units cannot be delivered on the site.
- 8.4 Notwithstanding the above, a workable solution for the re-development of this site which has been vacant since 2004 needs to be achieved. This will inevitably require some compromise. The existing buildings on site are of significant historical and architectural importance and without the support of enabling development they are likely to deteriorate further and risk being lost completely. There have also been issues of anti-social behaviour and vandalism to the buildings which would be addressed by the redevelopment of the site.

- 8.5 There are a total of 15 listed buildings on the site. The proposal is to demolish 4 of the C listed buildings and an extension to one of the B listed buildings. Whilst it is always preferable to retain listed buildings, their loss can be accepted where repair is unviable or not possible or where the demolition is essential to the deliver or significant benefit for the community. In this case, the loss of these buildings, whilst regrettable, is necessary for the viability of the wider redevelopment and helps to secure the future of the remaining listed buildings. The buildings which are proposed for demolition have been chosen, in consultation with HES, because of their advanced state of disrepair or because they are of lesser heritage value.
- 8.6 The proposal would see the retention of a further 6 C listed buildings, 3 B listed buildings and the former recreation hall and church with are both A listed. The heritage value of these buildings and their setting and grouping throughout the site is key to the redevelopment. The retained C and B listed buildings would largely be converted for residential development. The recreation hall will be incorporated in the new primary school and discussions are ongoing with Historic Churches Scotland regarding the long-term use of the church. The future of these buildings will be secured by the planning obligation in the event that permission is granted. The proposed masterplan respects the setting of the listed buildings and the relationship between them. Removal of some of the other buildings and better management of the landscaping will improve the setting of some of the buildings. The proposals for the listed buildings are therefore considered to be acceptable, subject to all other matters set out in this report being achievable and proposed conditions (appended to this report in draft form) being satisfied.
- 8.7 It is imperative that restoration and conversion of the listed buildings is delivered within the early stages of the overall project. The conditions and the legal agreement will ensure that the development of all the new build units does not proceed in advance of works to the listed buildings. As a first step the developer will be required to submit a schedule of works necessary to make the listed buildings secure, wind and water tight and to prevent any further decay, and to agree the timescales for these works to be carried out. The developer has confirmed that these works will commence within the first phase of the development. The conditions also require the submission of a phasing plan which will set out the timings for the conversion of the listed buildings. Although the triggers are not yet finalised, it is key that the conversion works are delivered along side the new build units and the developer has been advised that leaving these buildings to the later phases will not be acceptable.
- 8.8 In addition to enabling the restoration of the listed buildings, the new build development must be of a standard which is appropriate for its setting within a conservation area and adjacent to the listed buildings. The site is also semi-rural in nature and a standard suburban layout and house type will not be acceptable. In order to secure a high standard of design, fitting for this unique location, the developers must submit a detailed design guide to be approved by the planning authority prior to any application for housing layouts being submitted. The design guide will also require that boundary planting is retained or replaced to ensure that any phases of development close to the site boundary do not become overly visible and dominant when viewed from the open countryside around the site. All development on the site will be required to comply with this design guide. Applications for development which do not comply with the design guide will not be supported.

- 8.9 As well as being a conservation area, the site is covered by a Tree Preservation Order (TPO). The application would result the loss of a significant number of trees, particularly in the northern part of the site. The exact number has not been quantified because of the very dense nature of some of the trees. However, the proposal could result in the removal of somewhere in the region of 7,000 trees. The developer has, however, been advised that this level of tree removal is not acceptable unless it is for sound woodland management purposes and to open up public access to the site. That said, many of the trees are a commercial plantation and are now at a stage where felling would ordinarily be undertaken.
- 8.10 The indicative masterplan submitted with the application indicates the removal of parts of the original landscaping planting being removed to create development platforms. This is unlikely to be acceptable and is not supported as part of this application. This has been accepted by the applicant and a condition would be attached to any planning consent. Some of the areas proposed for development are areas of scrub or coniferous forestry which did not form part of the original landscape setting. Development in these areas may be acceptable subject to replacement planting on a 1 to 1 basis. It is recognised that this is not necessarily achievable on the site, taking in to account the setting of the listed buildings, and it may therefore be appropriate to consider off-site compensatory planting. As well as tree removal to facilitate built development, a large area of scrub land will be cleared and developed as an improved parkland. Despite the extent of tree removal which may be necessary, it is accepted that the landscape proposals will bring significant benefits in terms of management of the woodland, improved diversity of species with associated enhancements to ecology and accessibility. Replacement planting is proposed throughout the site, particularly along the realigned corridor of the Brox Burn.
- 8.11 As well as the TPO, mapping records show a small section of ancient woodland overlapping with the application on the north eastern boundary. On closer assessment it appears that the ancient woodland map overlay is incorrect as it does not correlate to the field boundaries on the ground or the landscaping shown on historical maps. It appears that the ancient woodland actually lies just outside the site boundary. The detailed application for development in this phase will require a trees survey and will establish the exact boundary. The loss of trees in any area of ancient woodland will not be permitted.
- 8.12 The application was supported by a TIA which demonstrates that the level of traffic associated with the development can be accommodated on the existing road network. The access to the development is already under construction having been granted planning permission separately. Dechmont Community Council has expressed concern that the development will result in a greater volume of traffic coming through the village, particularly if the A89 becomes busier and there is queueing at the existing Dechmont roundabout. In order to mitigate traffic impacts in the village, the developer will fund a package of traffic management measures, the details of which shall be agreed in consultation with the council's transportation service. In addition, the developer will be required to submit a travel strategy which will include appropriate levels of funding for public transport connections to train stations and other services and communities. The strategy will be prepared in consultation with the council's public transport team.

- 8.13 The development will include a new primary school, which will incorporate the redevelopment of the A listed recreation hall. The site is centrally located within the Bangour site, but also accessible from Dechmont which will be included within the catchment. At present the site is within the catchment for Broxburn Academy, however with the development of a new primary school it is proposed to change the catchment to the new secondary school at Winchburgh. The planning obligation for this site will therefore secure contributions to the Winchburgh schools in line with council policy for those units which are in excess of those which could ordinarily have been accommodated at the catchment school.

9 SUMMARY AND CONCLUSIONS

- 9.1 This application for planning permission in principle is considered to be a significant departure from the development, due to the scale of development being proposed. It is regrettable that some of the listed buildings are unable to be saved and a significant amount of woodland is to be removed. On the other hand, the redevelopment of the site will secure the future of a further 11 listed buildings including two which are A listed and of significant heritage value. Previous proposals for the site have faltered and many of the buildings on site are now at very real risk of being lost. The remaining woodland will be enhanced and managed resulting in an improved landscape setting with public access for cycling and walking. Importantly, the development can be accommodated in terms of education infrastructure and road capacity.
- 9.2 On balance, the current application represents an opportunity to save the buildings and protect their future. However, the development of 998 units as set out in the indicative drawings is far beyond what was promoted in the LDP. There is a risk that this level of development results in unnecessary loss of trees and impacts on the character and setting of the listed buildings and the conservation area. For this reason, the application is recommended for approval, subject to conditions which will require the submission and approval of a detailed design guide and further assessment and protection of trees. The applicant should be in no doubt that, in complying with these conditions, it may not be possible to develop 998 units on the site.

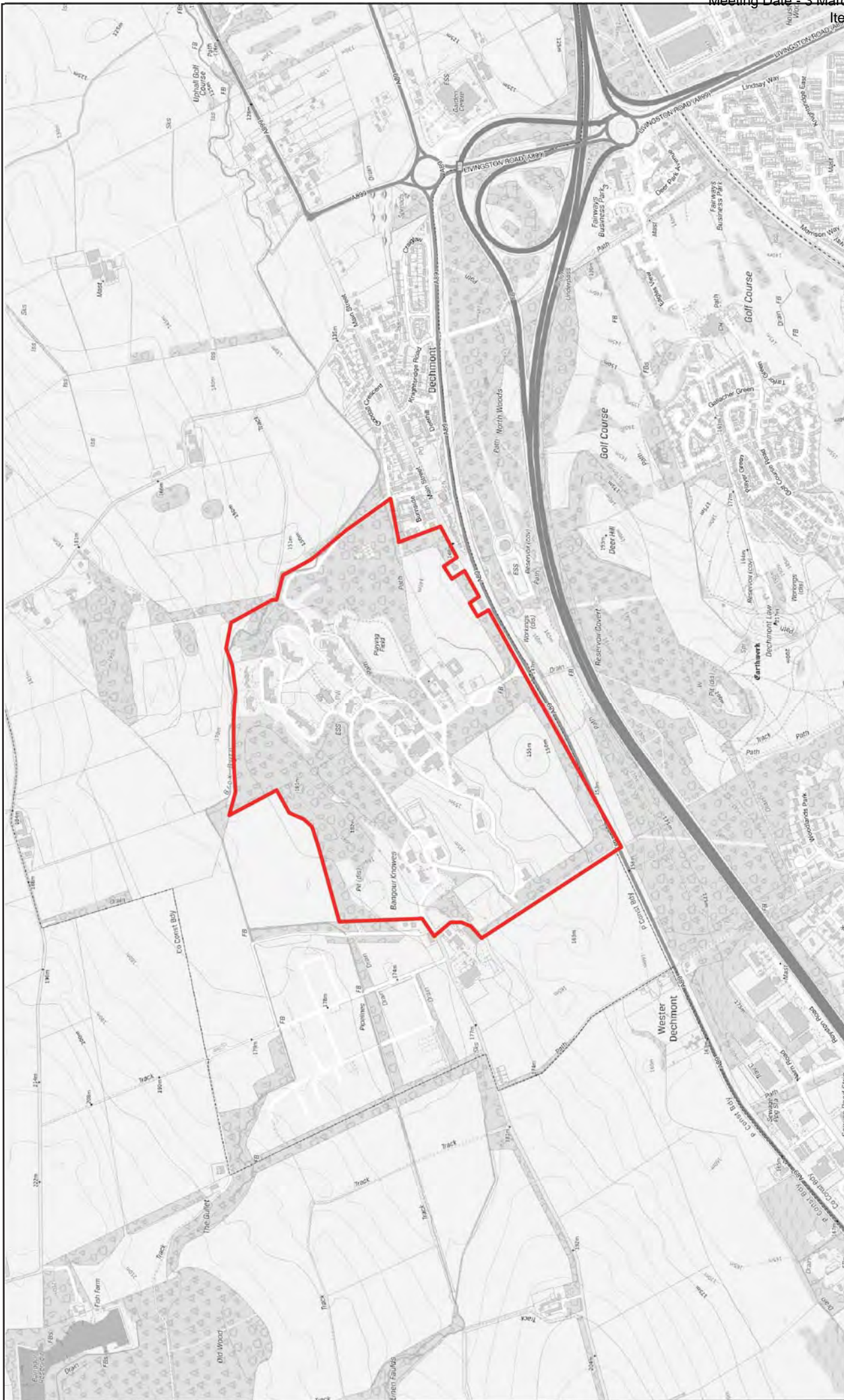
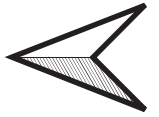
10 ATTACHMENTS

- Location plan
- Indicative site masterplan
- Listed building plan
- Representations
- Draft conditions

Craig McCorriston

Head of Planning, Economic Development & Regeneration

Date: 3rd March 2021



1019/P/19 - Bangour Village Hospital - Dechmont

Development Management - West Lothian Civic Centre - EH54 6FF

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1019/P/19 - Bangour Village Hospital - Dechmont

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LEGEND

- | | | | | | |
|-------------------|-----------------------------|----------------|-------------------------|-------------------|------------|
| PLANNING BOUNDARY | EXISTING BUILDINGS RETAINED | BURY CORRIDOR | RESIDENTIAL DEVELOPMENT | CODE PATH NETWORK | OPEN SPACE |
| EXISTING WOODLAND | SLOPES | COMMERCIAL HUB | NODES | | |

PLANNING



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 Architecture & Design
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 Glasgow
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 0141 233 1603
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AMBAADOR GROUP LTD AND
 ALLANWATER (BANGOUR) LTD

BANGOUR VILLAGE

PROPOSED MASTERPLAN

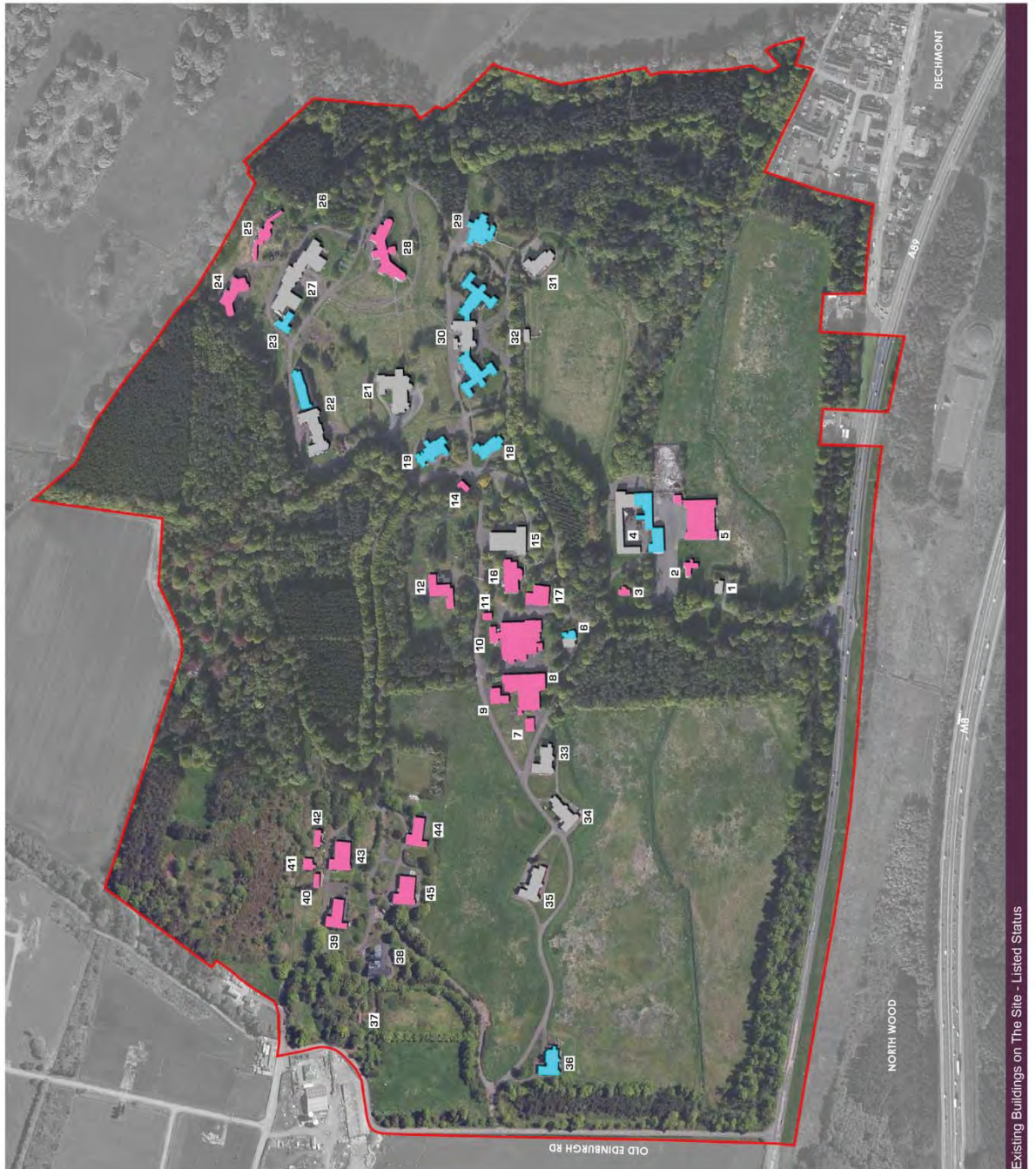
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18-03 AL(0)308

Meeting Date - 3 March 2021
 Item No.5



LEGEND		
	EXISTING BUILDINGS RETAINED	
	EXISTING UNLISTED BUILDINGS TO BE DEMOLISHED	
	EXISTING BUILDINGS PROPOSED TO BE DEMOLISHED WHERE CONSENT IS STILL REQUIRED	
NO	NAME	LISTED
1.	HONEYSUCKLE COTTAGE	CAT. C
2.	GARDENERS & PORTERS	UNLISTED
3.	GATEWAY COTTAGE	UNLISTED
4.	BOILER HOUSE COMPLEX	CAT. C
5.	BUILDING WORKS DEPT.	UNLISTED
6.	SHOP	UNLISTED
7.	VALLEY LAUNDRETTE	DEMOLISHED
8.	OLD LAUNDRY	UNLISTED
9.	STEEL TISSO	UNLISTED
10.	MAIN KITCHEN & STORAGE	UNLISTED
11.	LAUNDRETTE	UNLISTED
12.	INDUSTRIAL THERAPY UNIT	UNLISTED
13.	GARDEN CENTRE	DEMOLISHED
14.	DOMESTIC STORE	UNLISTED
15.	RECREATION HALL	CAT. A
16.	OCCUPATIONAL THERAPY	UNLISTED
17.	INDUSTRIAL UNIT	UNLISTED
18.	VILLA 8	CAT. C
19.	VILLA 7	UNLISTED
20.	SUB STATION	CAT. A
21.	CHURCH	UNLISTED
22.	NURSES BLOCK	CAT. B
23.	PHYSIOTHERAPY & FIRE TRAINING	UNLISTED
24.	VILLA 29	UNLISTED
25.	VILLA 31	UNLISTED
26.	GARDEN STORE	UNLISTED
27.	WARD 3- 6 & PHYSIOTHERAPY	CAT. B
28.	VILLA 32	UNLISTED
29.	VILLA 9	CAT. C
30.	ADMINISTRATION WARD 1 & 2	CAT. B
31.	VILLA 10	CAT. C
32.	CRICKET PAVILION	UNLISTED
33.	VILLA 18	CAT. C
34.	VILLA 19	CAT. C
35.	VILLA 20	CAT. C
36.	VILLA 21	CAT. C
37.	OLD GARDENERS STORE	DEMOLISHED
38.	VILLA 23	UNLISTED
39.	VILLA 24	UNLISTED
40.	GARDENERS SHED	UNLISTED
41.	BOILER	UNLISTED
42.	X RAY STORE & SCHOOL	UNLISTED
43.	VILLAS 25- 26	UNLISTED
44.	VILLA 27	UNLISTED
45.	VILLA 28	UNLISTED



Existing Buildings on The Site - Listed Status

Dechmont Community Council
02/10/2020

REF: 1019/P/19 Bangour Village Hospital

Dear Sir/Madam

Dechmont Community Council (DCC) would like to lodge a formal objection to the Planning application 1019/P/19.

Our reasons are as follows;

1. Excessive number of houses

The application is for around 1000 houses, well in excess of the 550 houses that are currently agreed within the West Lothian Local Development Plan for the site. These additional 450 houses along with the already agreed increase of 60 additional houses at the East of Dechmont will result in an extra 510 houses being built in the area over and above the West Lothian Local Development Plan. DCC are concerned that the local infrastructure cannot cope with this additional housing and will adversely affect the character of Dechmont.

2. Traffic Problems

Traffic within Dechmont and the surrounding area has been a constant issue for local residents and has been continuously on the agenda of DCC for a long time. The scale of the proposed development will result in an even larger number of vehicles using Dechmont. DCC are concerned that the Dobbie's Roundabout will not have the capability to deal with the additional traffic from Bangour resulting in even more traffic using Dechmont. Currently traffic from Linlithgow uses Dechmont as a rat run due to the problems at Dobbie's Roundabout. DCC would like to see additional traffic measures being introduced in the Main Street.

- Current temporary traffic speed limit of 20mph being made permeant.
- Access only to HGV for Dechmont.
- Full length speed bumps throughout the village.

The current lack of parking spaces at local railway stations will also need to be addressed to cope with the additional vehicles from Bangour. Bathgate Community Council is also concerned regarding parking at local railway stations and the additional traffic which would be using the Old Edinburgh Road. DCC agree with their concerns. Bus services currently to Livingston can only be accessed from the East of Dechmont which requires to be addressed. The current route of the 31 bus service should be rerouted through Bangour to supply public transport to Livingston both for Dechmont and Bangour. This additional cost should be supported by the developer.

Local residents would expect the Reporter Recommendation for the previous application by NHS would apply for this application. The recommendation regarding traffic within Dechmont stated under (Appendix 6 Section 3/10),

“Before any development commences a scheme for the local traffic provisions in Dechmont village shall be submitted to and agreed in writing by the planning authority, following consultation with Dechmont Community Council. Upon written approval, the scheme shall be implemented unless otherwise agreed in writing by the planning authority.

Reason: In the interest of road and traffic safety.”

3. Location of Primary School/Secondary Schools

The two suggested sites for the Bangour Primary school would not help to integrate Dechmont with Bangour. The potential loss of Dechmont Memorial Hall together with increase distance to access the new Primary School would result in even more traffic using the Main Street. The two new suggested Secondary schools denominational and non-denominational being in Winchburgh is not local and does not have any direct transport links. This means pupils will be tied to school transport limiting out of hours activities or parents will have to drive 22 miles round trip to collect them.

4. Woodland Management

No clear woodland management plan is in place. A legal contract is needed to be set up to ensure the woodland areas around the site are maintained together with guaranteed access rights for all.

Yours sincerely,

Ian Ferrel
Dechmont Community Council

From: [REDACTED]
To: [Burton, Ross](#)
Subject: Former Bangour Hospital Estate, Dechmont, Broxburn West Lothian. Your Ref: 1019/P/19
Date: 31 October 2019 14:02:27

I refer to the above.

We at Bathgate Community Council have over the years attended a number of meetings relating to this site, the last being in September 2018 just over a year ago.

We also recall that the number of units being considered in the past was 800. We note that the proposal is 'up to 1000 units in successive phases'. We sincerely hope that there is not an over density of any group of units.

We would like also to make the following observations -

Our comments and concerns relate mostly in the area of traffic.

The Old Edinburgh Road is lightly used although at peak times there is a marked increase in traffic and Drumcross Road (over the hills to Bathgate) is very narrow at places and at these peak times dangerous. Care needs to be taken.

We are concerned that this development will increase the traffic flow which could impact on the traffic entering Bathgate over the Bathgate Hills rather than taking the main A89 route.

We were pleased to note that there will be no road access to/from Old Edinburgh Road leading to Drumcross Road as encouragement to use this route should be avoided.

We believe however that the road needs to be widened and enhanced.

(We note that the proposal suggests 'improvements to Old Edinburgh Road and providing crossing points and footpath/cycle links. Will improvements extend to Drumcross Road in order to address our concerns - more detail would be welcome.)

In addition we are concerned regarding the potential increase/build up of traffic caused by the roundabout at the entrance on the A89.

Also at the road exiting from Dechmont onto the A89.

Trains - we recognise that the nearest stations are Livingston North and Uphall.

We rather suspect that the station of choice for many may very well be Bathgate especially for commuters going west. We do have a concern therefore relating to increased traffic congestion.

In addition the large car park at Bathgate station remains completely full Monday to Friday with a number of vehicles parking on streets in the vicinity of the station.

An expansion of the car park was carried out a couple of years ago in order to ease this situation but I'm afraid the problem is returning. A solution (relating to Bangour) may be to have a service bus in operation at peak times specifically for the residents.

Yours sincerely

John Macdonald

Planning Officer Bathgate Community Council.

- Edinburgh
- Glasgow
- Manchester



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SV10031/78

email: planning@westlothian.gov.uk

22 November 2019

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

FAO Ross Burton

Dear Sir

PLANNING PERMISSION IN PRINCIPLE FOR A RESIDENTIAL DEVELOPMENT WITH RETAIL FACILITIES, FOOD AND DRINK, COMMUNITY, EDUCATION, ASSEMBLY AND LEISURE, NON-RESIDENTIAL INSTITUTION USES AND ASSOCIATED INFRASTRUCTURE (WITH ENVIRONMENTAL IMPACT ASSESSMENT) AT THE FORMER BANGOUR HOSPITAL ESTATE, WEST LOTHIAN
APPLICATION REFERENCE: 1019/P/19

We act on behalf of Livingston Centre Ltd the owners of The Centre, Livingston, and Livingston Almondvale Ltd, owners of Almondvale West Retail Park.

On behalf of our clients we submit the following comments to the application for your attention.

Briefly stated our clients have concerns in relation to the proposed development. Whilst our client would not object to a small convenience type of offering, they would have significant concerns in respect of a single large format and open Class 1 retail unit, which is out with the town centre. We would therefore look for clarification and comfort that any future retail use on this site would be ancillary to the residential development, and not be detrimental to the retail operations of Livingston Town Centre.

Background

By way of background our clients have significant interests in Livingston Town Centre. Livingston Centre Ltd own The Centre, Livingston and Livingston Almondvale Ltd owns Almondvale West Retail Park.

Livingston Town Centre is defined as a Strategic Town Centre within SESplan and the West Lothian Local Development Plan. The development plan states that the council will promote the development and regeneration of town and village centres and consolidate and enhance Livingston's role as a sub-regional retail and commercial centre.

Proposed Development

The development proposes a residential and mixed use development including retail, community, education, leisure and non-residential institutional use with associated infrastructure access, roadworks and ancillary works.

The proposals refer to "retail/commercial uses of 2,000 sqm" as well as "the potential for a commercial family pub restaurant/coffee shop/crèche and community use – including the church" but they also refer to the "retention of a local village convenience unit." We are not aware of any existing retail on site.

The applicant's submission further states that *"proposed non-residential uses would be focused centrally, making use of select existing listed buildings to enhance the local place identity, effectively creating a village hub, whilst the phased areas of residential development would be spread across the site between existing mature tree belts."*

A previous application for planning permission in principle (reference LIVE/0607/P/15) was submitted in 2015 to provide for up to 891 new residential units, a new primary school, access roads, open space, the refurbishment of 15 listed buildings and associated infrastructure. This application was then appealed against non-determination, and that appeal then recalled by Ministers for their own determination.

The proposed site lies out with the Livingston Town Centre Boundary within the West Lothian Local Development Plan. It is also formally allocated for housing within the LDP as H-DE1 (Bangour Village Hospital) with a capacity of 550 units, but which does not explicitly mention retail uses.

Policy Context

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. Scotland Act 2006 requires all planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan comprises the Strategic Development Plan for South East Scotland (SESplan) which was approved by Scottish Ministers with changes on 27th June 2013, and the West Lothian Local Development Plan which was adopted on 4th September 2018.

Scottish Planning Policy

Paragraph 62 of SPP relates to the sequential approach, stating that the approach *"should be used when selecting locations for all retail and commercial leisure uses unless the development plan identifies an exception."* The sequential approach requires that locations are considered in the following order:

- Town Centre
- Edge of town centre
- Other commercial centres identified in the development plan
- Out of centre locations that are or can be easily accessible by a choice of transport modes.

It continues that *"where development proposals in edge of town centre, commercial centre or out of centre locations are not consistent with the development plan, it is for the applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing centres is acceptable."*

SESplan

SESplan notes that town centres make a significant contribution to the SESplan area as centres of employment and services, and a focus for civic activity. Retail and commercial development is supported in the four strategic town centres in the SESplan area. Whilst the scale of these centres is different, they all serve wide geographical areas and perform a range of strategic functions at a sub-regional level.

The Plan continues that unless an exception is identified through an LDP and justified by rigorous analysis, priority should be given to town centre then edge of centre locations, then established commercial centres and finally out of centre locations.

POLICY 3 relates to Town Centres and Retail stating that Local Development Plans will:-

- a) *Identify town centres and commercial centres clearly defining their roles*
- b) *Support and promote the network of centres, and identify measures necessary to protect these centres including setting out criteria to be addressed when assessing development proposals; and*
- c) *Promote a sequential approach to the selection of locations for retail and commercial leisure proposals. Any exceptions identified through Local Development Plans should be fully justified.*

West Lothian Local Development Plan 2018

The Plan states that West Lothian has a well-established hierarchy of town, district and local neighbourhood centres which has provided a robust basis for retail planning and is committed to the principle of *"town centre first."*

The proposed site lies out with the Livingston Town Centre Boundary within the West Lothian Local Development Plan. It is also formally allocated for housing within the LDP as H-DE1 (Bangour Village Hospital) with a capacity of 550 units, but does not explicitly mention retail uses.

Policy TCR 1 Town Centres states that proposals for retail will be supported in the sub-regional centre and identified town centres where it can be demonstrated that the proposal is of a scale and type commensurate to the centre's role as set out in the network of centres.

Policy TCR 2 Location of New Retail and Commercial Leisure Developments requires a sequential approach to new retail proposals, with the town centre being the immediate preference. New shopping facilities will be supported in local neighbourhood centres provided they do not undermine the vitality and viability of the sub-regional centre or any of the identified town centres.

Further local neighbourhood centres will be supported in major new housing developments and identified in master plans provided there is no adverse impact on the amenity of surrounding residents. It is only when retail development is over 2,500sqm and out with a town centre that a Retail Impact Assessment must be submitted for assessment.

Representation

Briefly stated our clients have concerns in relation to the proposed development. Whilst our client would not object to a small convenience type of offering they would have significant concerns in respect of a single large format and open Class 1 unit, which is out with the Town Centre.

Our client have concerns regarding the viability of the existing retail provision in Livingston Town Centre, and would therefore look for clarification and comfort that any future retail use on this site would be ancillary to the residential development that it serves, and not be detrimental to the retail operations of Livingston Town Centre.

We submit that any large format, uncontrolled retail development in this location could undermine Livingston's role as a sub-regional retail and commercial centre. We would expect the planning authority to impose conditions or require a legal agreement in respect of the nature and scale of any retail development.

We consider that due to the scale of retail proposed (suggested to be 2,000sqm) that this be first and foremost a local neighbourhood provision, and we would ask the Council to confirm these intentions. Our client would be concerned if the 2,000sqm retail unit were to operate as a single retail unit for example, and would ask that consideration be given to the need for sequential testing in this respect.

We trust that the above representation will be given due regard in the Council's consideration of the proposed development. We would reserve the right to add to these comments should further information be provided.

We would be grateful to receive acknowledgement of the receipt of the representation. Should you require further information or clarification at this stage please do not hesitate to contact Lisa Proudfoot ([REDACTED]@montagu-evans.co.uk) of this office direct.

Yours faithfully,



Lisa Proudfoot MRTPI
Montagu Evans LLP

Comments for Planning Application 1019/P/19

Application Summary

Application Number: 1019/P/19

Address: Former Bangour Hospital Estate Dechmont Broxburn West Lothian

Proposal: Planning permission in principle for a residential development with retail facilities, food and drink, community, education, assembly and leisure, non-residential institution uses and associated infrastructure (with Environmental Impact Assessment)

Case Officer: Ross Burton

Customer Details

Name: Mrs Patricia Hamilton

Address: 19 Uphall Station Road Pumpherston Livingston

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I was told many years ago, by local residents, that some of the buildings have asbestos in them and it would be costly to remove safely. I have read some of the documents but found no mention of this.

I am in favour of this site being developed and support the plans.

- 1) Development shall not begin until details of the following matters have been submitted to and approved in writing by the planning authority. Thereafter the development shall be carried out in accordance with that approval.

Matters for Approval:

- a) Existing and proposed buildings, roads, footways/footpaths, cycle routes, pedestrian and cycle crossings, car and cycle parking, boundary enclosures.
- b) Plans, sections and elevations of all existing and proposed buildings & structures indicating the type and colour of all external materials.
- c) Hard and soft landscaping details including the location of all proposed new trees, hedges and shrubs; a schedule of plants to comprise species, plant size and proposed number/density; a programme of implementation and subsequent maintenance.
- d) Design and configuration of public and open spaces.
- e) Existing and proposed ground levels and proposed finished floor levels.
- f) Surface water and drainage arrangements including a SUDS strategy to treat and attenuate surface water.
- g) A contaminated land site investigation report and remediation strategy to ensure the site is suitable for residential use.
- h) An archaeological mitigation strategy of investigation to be agreed with the council's archaeologist (West of Scotland Archaeology Service).
- i) Phasing of the development.
- j) Details of the ownership proposals and maintenance arrangements for all parts of the application site which are not part of private garden space.
- k) Assessment of noise and mitigation measures where necessary.
- l) Assessment of air quality impacts and mitigation measures where necessary.
- m) A statement on the sustainable use and the movement and storage of soils.
- n) Details of low and zero carbon technologies including electric vehicle charging points.

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

- 2) All applications for approval of such matters specified in condition 1 (MSC applications) shall comply with the details set out in the Environmental Impact Assessment, the Flood Risk Assessment, the Transport Assessment and other supporting information submitted in respect of this application.

Reason: To ensure the details accord with the submitted technical and environmental assessments, in the interests of environmental amenity.

- 3) The first application for the approval of matters specified by conditions shall include a revised masterplan and detailed design guide for the site. The design guide shall ensure that all new development respects the character of the listed buildings and conservation area and the landscape setting. Once approved all further applications shall accord with the masterplan and design guide, or any subsequent amended and approved masterplan or design guide. No development shall take place on site until these details are approved.

Reason To ensure that all applications for the approval of matters specified by conditions are considered in the context of the whole site

- 4) Prior to the commencement of development on site the developer shall submit a phasing plan for the written approval of the planning authority. The plan shall include the delivery of the public open space, roads and other infrastructure. No work shall start on site until these details are approved and thereafter the development shall be carried out in accordance with the approved phasing.

Reason: To allow full consideration of these details yet to be provided and to ensure appropriate phasing of development on the site.

- 5) Prior to the commencement of development on site, proposals for the timing of the conversion of the listed buildings which are to be retained shall be submitted for the written approval of the planning authority. No work shall start on site until these details have been approved. Thereafter the development shall be carried out in accordance with these details as approved.

Reason: To ensure the timely conversion of the listed buildings.

- 6) Within two months of the date of the council's resolution to be minded to grant planning permission in principle, the applicant shall submit to the council for its approval a strategy for the stabilisation, making wind and watertight, removal of dampness, removal of any dry rot, and other urgent repair of the listed buildings that are not subject to listed building consent for their demolition and all unlisted buildings within the conservation area that are to be retained. The strategy shall include:

- i. a detailed description of the condition each listed building and retained building within the conservation area,
- ii. it shall identify all steps which in the opinion of the council are required to bring the building up to the standard and condition required to prevent further deterioration,
- iii. it shall set out a programme of phasing for the stabilisation of each building, including the intended use

No work shall start on site until such time as this strategy is approved. Thereafter the development will be carried out in accordance with these details as approved.

Reason: To ensure the timely safeguarding of the buildings.

- 7) Prior to the commencement of development on site, the developer shall submit a woodland management plan, covering all tree belts on the application site for the written approval of the planning authority. The management plan shall include details of the future ownership and maintenance arrangements for the woodland areas. No work shall take place until this plan is approved and thereafter development shall be carried out in accordance with approved plan.

Reason To ensure the woodland on the site is properly managed.

- 8) Notwithstanding the development parcels shown on the indicative plans, no trees on the application site shall be felled without the written permission of the planning authority. Applications for approval of matters specified in/by condition shall be accompanied by detailed tree surveys for each phase. Where ever possible trees on the site shall be retained and any tree loss which is justified must be replaced on a 1:1 basis either with replacement planting on site or compensatory replacement planting off site on a location agreed with the planning authority.

Reason To ensure that the existing tree cover on site is adequately safeguarded and that replacement planning is provided.

- 9) All trees on or adjacent to the site, which do not have permission to be removed, shall be protected during construction in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – recommendations.

Reason To ensure that the existing tree cover on site is adequately safeguarded.

- 10) With each application for the approval of matters specified by condition a species survey of the application site will be carried out. The survey shall seek to identify any protected species on the site. If any protected species is found, a species protection plan shall be completed, with a detailed mitigation plan designed to ensure that safeguards are put in place to ensure that the protected species is/are not adversely affected by the development. Development shall not begin on site until the planning authority is satisfied that any safeguards required for the protection of any protected species on site are in place or suitably programmed.

Reason To ensure that any protected species on the application site is not adversely affected by the development hereby authorised.

- 11) Prior to the commencement of development, the developer shall submit for the written approval of the planning authority an archaeological mitigation strategy. The strategy will include a programme of archaeological trial trenching comprising 8% of the total greenfield area of the application site. Once the strategy is approved the developer shall ensure that the strategy is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the planning authority.

Reason To ensure that any archaeological remains on the site are properly recorded

- 12) Prior to? Old Edinburgh Road shall be widened to 6 metres, with a 3 metre cycleway, along the full western frontage of the development site from its junction with the A89 to the north-west corner of the site.

Reason In the interest of road and traffic safety

- 13) A signalised Toucan crossing to the east of the site access on the A89 shall be provided by the developer prior to the occupation of the first house. Details shall be provided for the written approval of the planning authority before work begins on site.

Reason in the interest of pedestrian safety

- 14) A linked cycleway/footway from the Toucan crossing into and through the site shall be provided by the developer. Details of the cycleway/footway shall be provided with the first application for the approval of matters specified by conditions.

Reason In the interest of pedestrians and cyclists

- 15) No residential unit/house shall be occupied until improvements to the Dechmont Roundabout A89/A899 have been implemented to the satisfaction of the planning authority. Details of the improvements shall be submitted for the written approval of the planning authority with the first submission for the approval of matters specified by conditions. Thereafter,, the improvements shall be implemented in accordance with those approved details.

Reason In the interest of road and traffic safety

- 16) A Transportation Quality Audit shall be submitted prior to the submission of the first application for the approval of matters specified by conditions. The audit shall address planning and road layouts including access for pedestrians. The road layout must be appropriate for the volume and type of traffic that potentially shall use the road.

Reason In the interest of road and traffic safety

- 17) The internal road layout shall be suitable for use by public transport, with appropriate locations for bus stops within the site. Details of this shall be submitted with the first application for the approval of matters specified by conditions.

Reason In the interests of sustainability

- 18) No residential unit/house shall be occupied until a traffic calming strategy which sets out proposed traffic calming measures for Dechmont Main Street has been submitted to the planning authority. Details of the improvements shall be submitted with the first submission for the approval of matters specified by conditions. Thereafter, the improvements shall be implemented in accordance with those approved details.

Reason In the interest of road and traffic safety

- 19) Prior to the commencement of development on site, the developer shall submit a bird hazard management plan for the written approval of the planning authority, in consultation with Edinburgh Airport. No work shall start on site until the plan is approved. Thereafter the development shall be carried out in accordance with these details as approved.

Reason In the interests of aviation safety.

20) 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 0800 and 1800 Monday to Friday and 0800 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 2100 and 0800.

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.

Dust (Construction)

The development shall not begin until a dust management plan has 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 (Construction)

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.

Wheel Cleaning (Construction)

All construction vehicles leaving the site shall do so in a manner that does not cause the deposition of mud or other deleterious material on surrounding roads. Such steps shall include the cleaning of the wheels and undercarriage of each vehicle where necessary and the provision of road sweeping equipment.

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

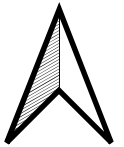
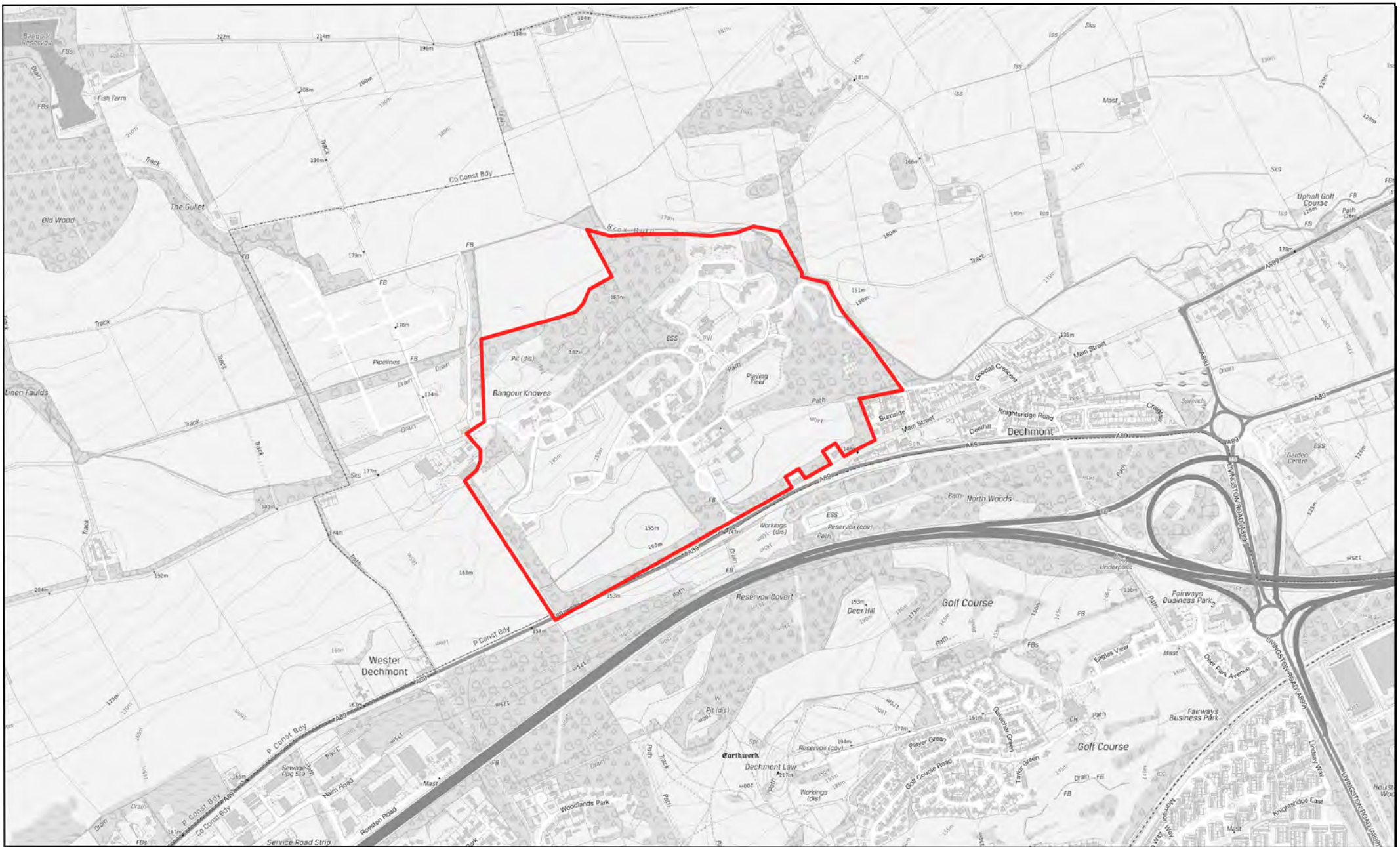
West Lothian Planning Committee

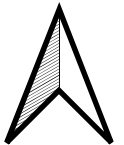
03 March 2021

Item No 05: Application No. 1019/P/19

Planning permission in principle for a residential development with retail facilities, food and drink, community, education, assembly and leisure, non-residential institution uses and associated infrastructure (with Environmental Impact Assessment) at the site of the former Bangour Village Hospital, Dechmont.









Existing Buildings on The Site - Listed Status

LEGEND

	EXISTING BUILDINGS RETAINED
	EXISTING UNLISTED BUILDINGS TO BE DEMOLISHED
	EXISTING BUILDINGS PROPOSED TO BE DEMOLISHED WHERE CONSENT IS STILL REQUIRED

NO	NAME	LISTED
1.	HONEYSUCKLE COTTAGE	CAT. C
2.	GARDENERS & PORTERS	UNLISTED
3.	GATEWAY COTTAGE	UNLISTED
4.	BOILER HOUSE COMPLEX	CAT. C
5.	BUILDING WORKS DEPT.	UNLISTED
6.	SHOP	UNLISTED
7.	VALLEY LAUNDRETTE	DEMOLISHED
8.	OLD LAUNDRY	UNLISTED
9.	SITE OF TSSU	UNLISTED
10.	MAIN KITCHEN & STORAGE	UNLISTED
11.	LAUNDRETTE	UNLISTED
12.	INDUSTRIAL THERAPY UNIT	UNLISTED
13.	GARDEN CENTRE	DEMOLISHED
14.	DOMESTIC STORE	UNLISTED
15.	RECREATION HALL	CAT. A
16.	OCCUPATIONAL THERAPY	UNLISTED
17.	INDUSTRIAL UNIT	UNLISTED
18.	VILLA 8	CAT. C
19.	VILLA 7	CAT. C
20.	SUB STATION	UNLISTED
21.	CHURCH	CAT. A
22.	NURSES BLOCK	CAT. B
23.	PHYSIOTHERAPY & FIRE TRAINING	UNLISTED
24.	VILLA 29	UNLISTED
25.	VILLA 31	UNLISTED
26.	GARDEN STORE	UNLISTED
27.	WARD 3- 6 & PHYSIOTHERAPY	CAT. B
28.	VILLA 32	UNLISTED
29.	VILLA 9	CAT. C
30.	ADMINISTRATION WARD 1 & 2	CAT. B
31.	VILLA 10	CAT. C
32.	CRICKET PAVILION	UNLISTED
33.	VILLA 18	CAT. C
34.	VILLA 19	CAT. C
35.	VILLA 20	CAT. C
36.	VILLA 21	CAT. C
37.	OLD GARDENERS STORE	DEMOLISHED
38.	VILLA 23	DEMOLISHED
39.	VILLA 24	UNLISTED
40.	GARDENER'S SHED	UNLISTED
41.	BOILER	UNLISTED
42.	X RAY STORE & SCHOOL	UNLISTED
43.	VILLAS 25- 26	UNLISTED
44.	VILLA 27	UNLISTED
45.	VILLA 28	UNLISTED

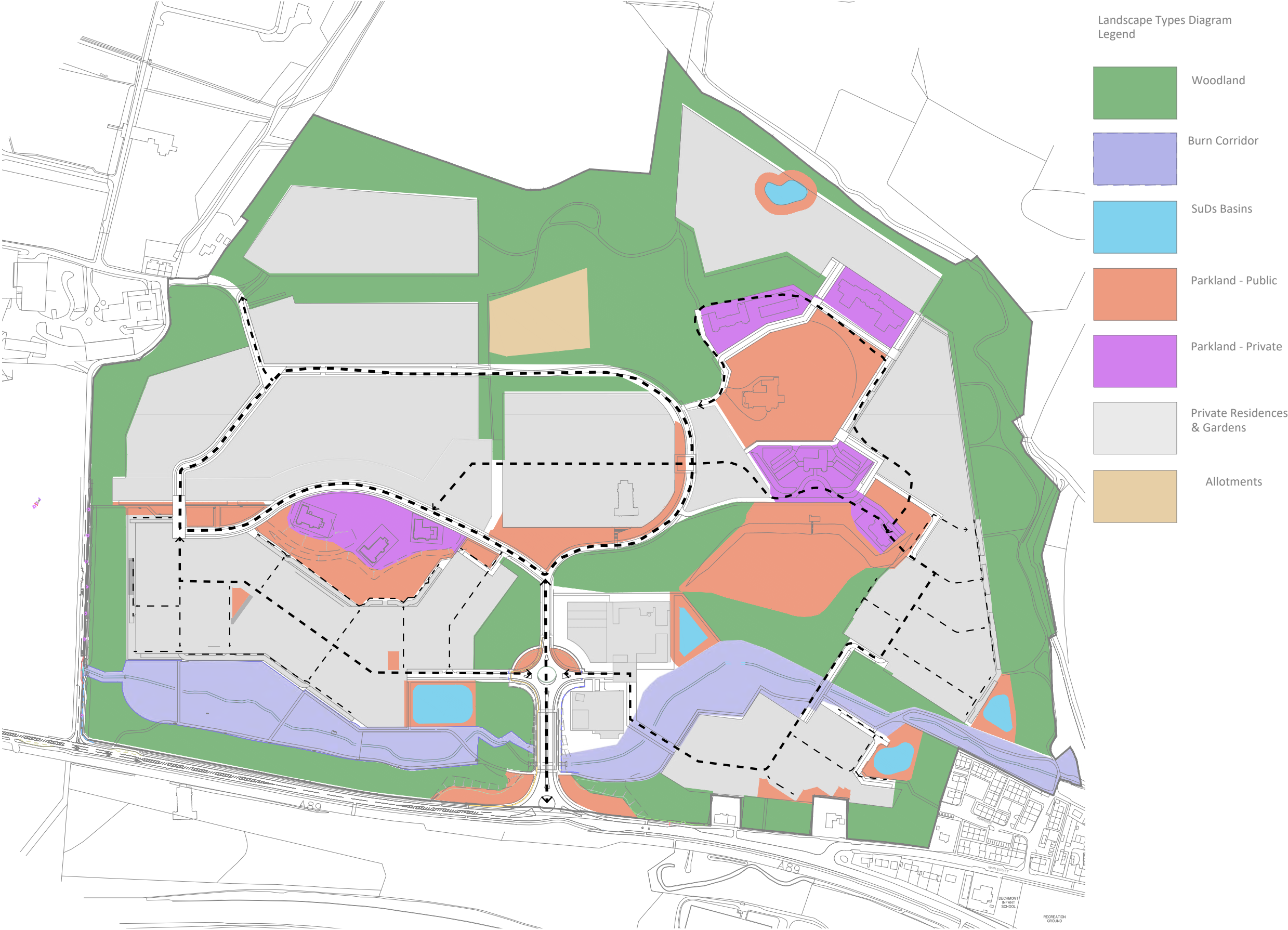
Diagram 1 - Proposed development layout and phasing



Diagram 3 - Alan Motion's tree loss diagram



Diagram 5 - Maintenance Plan: Landscape Types









DATA LABEL: PUBLIC



WEST LOTHIAN PLANNING COMMITTEE

Report by Head of Planning, Economic Development & Regeneration

1 DESCRIPTION AND LOCATION

- 1.1 Erection of 104 houses, formation of access roads, open space and associated engineering operations at Hens Nest Road, East Whitburn.

2 DETAILS

Reference no.	0219/FUL/20	Owner of site	Ogilvie Homes Ltd
Applicant	Ogilvie Homes Ltd	Ward & local members	Whitburn & Blackburn Cllr Jim Dickson Cllr Bruce Fairbairn Cllr George Paul Cllr Kirsteen Sullivan
Case officer	Mahlon Fautua	Contact details	01506 282426 mahlon.fautua@westlothian.gov.uk

Reason for referral to West Lothian Planning Committee:

- 2.1 The proposal is classified as a major development that has been deemed by the council's Head of Planning, Economic Development & Regeneration to be significantly contrary to the development plan.
- 2.2 There is a requirement under the Town and Country Planning (Scotland) Act 1997, as amended, that in determining such proposals the applicant and those persons who have made representations on the application may appear before, and be heard by, a committee of the council.
- 2.3 A subsequent report will be presented to West Lothian Council in order that a decision on the application can be made.

3 RECOMMENDATION

- 3.1 It is recommended that West Lothian Planning Committee notes the contents of this report and the terms of representations made both at the notification stage on the application and by those, if any, appearing at the hearing, prior to West Lothian Council being invited to make a decision on the application.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 This is an application for planning permission for the erection of 104 houses and associated works on a 5.66 hectare site at East Whitburn. The application site is on the west side of Hens Nest Road, to the south of existing housing at Hamilton Way. Opposite the site, to the east, is existing housing. To the south and west of the site is general countryside with fields immediately surrounding the site and woodland beyond. To the north of the site is housing at Hamilton Way and areas of woodland, with housing at the east side of Whitburn lying beyond. The application site also surrounds an existing house on Hens Nest Road.
- 4.2 The site is generally level with a small watercourse on the southern boundary. The site was previously partly occupied by an equestrian centre. The remainder of the site is generally open in character comprising mostly semi-improved grassland.
- 4.3 The proposed residential development comprises predominantly detached dwellings with semi-detached and terrace units. The proposed road layout will predominantly be a loop road with two proposed access junctions onto Hens Nest Road north and south of the existing residential property. The proposed road will mainly be shared surface throughout the development. Areas of open space have been provided within the proposed development. The proposed development will include 26 affordable housing units.
- 4.4 The application is accompanied by:
- (a) A planning statement
 - (b) A pre-application consultation report
 - (c) A Phase 1 site investigation report
 - (d) A flooding risk assessment
 - (e) An ecology appraisal
 - (f) A coal mining risk assessment
 - (g) A transport assessment

History

- 4.5 The now demolished equestrian centre was granted planning permission in 1996 (0557/96). This permission included 15 house plots (Hamilton Way).
- 4.6 A planning application for 48 houses on land between Hamilton Way and the former equestrian centre was withdrawn (1334/04)
- 4.7 0469/PAC/16 - Proposal of application notice for a residential development with associated public open space, road, infrastructure and landscaping.

4.8 0411/P/17 - Planning Permission in Principle for a residential development with associated public open space and infrastructure. This application was refused on 25 April 2018 and the subsequent appeal was dismissed.

4.9 0834/PAC/19 - Proposal of application notice for residential development.

EIA Development

4.10 The scale and nature of this residential development is such that it falls within the description of development set out in Class 10(b) of Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2017 (EIA regulations).

4.11 In this instance, it is considered that the proposed development would not constitute EIA development. This is also in line with the previous application for planning permission in principle.

5 REPRESENTATIONS

5.1 A total of 11 representations were received, all of them objections including an objection from Whitburn & District Community Council.

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

Comments	Response
The proposal does not accord with the local plan.	Agreed. The local development plan (LDP) does not allocate the site for housing and shows the site as within the countryside.
This rural village will lose its village status and will coalesce with Whitburn.	The site forms part of the designated countryside belt between Whitburn and East Whitburn. It is agreed that the proposal would erode this.
There is inadequate education provision to accommodate the development.	Developer contributions are sought to provide the required education infrastructure.
There are other more appropriate sites that can be developed in terms of the council's housing strategy.	The local development plan allocates housing sites in West Lothian. This site is not identified for housing.
Impact on the heath centre.	Noted. However, this is not an infrastructure constraint that can be remedied by planning policy
Impact on the road network/road safety/walking distances	The council's Roads & Transportation section has no objection to the proposal subject to mitigation measures.
Proposal will add to the flooding issues on Hens Nest Road.	SEPA and the council's Flood Risk Management section have no objection to the proposal subject to mitigation measures.
The rural setting of East Whitburn would be eroded.	The proposal would urbanise the existing south western edge of East Whitburn.

The proposal will harm wildlife.	The application is supported by an ecology report that found that the habitats of the site are common and widespread. Surveys revealed no statutory protected species within or near to the site.
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6 CONSULTATIONS

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

Consultee	Objection	Comments	Planning Response
WLC Roads & Transportation	No	A 2 metre wide footway is required along the site frontage. Traffic signals are required at the junction of Hens Nest Road/A705. Additional bus stops are required on the A705.	Noted. A planning condition and/or planning obligation would secure this.
WLC Housing	No	Affordable housing is required in accordance with policy.	Noted. A planning obligation would secure this. Notwithstanding this, the proposed layout accommodates affordable units.
WLC Flood Risk Management	No	Recommends conditions to secure compliance with the flood risk assessment. Note that no drainage assessment has been submitted with the application.	Noted. A planning condition would require development to comply with the FRA. The applicant has not submitted a drainage assessment.
WLC Contaminated Land Officer	No	The submitted phase 1 site investigation is satisfactory. Further intrusive investigations are required.	Noted. A phase 2 site investigation has not been submitted.
WLC Education Planning	No	The development is a windfall site as it is not allocated for housing in the LDP. Catchment schools are Whitdale Primary, St Joseph's RC Primary, Whitburn Academy and St Kentigern's Academy. There are no immediate problems at primary level.	Noted. A planning obligation would secure this.

Consultee	Objection	Comments	Planning Response
		A contribution to RC Secondary is required	
WLC Environmental Health	No	Recommend conditions mainly to do with noise during construction.	Noted. A planning condition would secure this.
West of Scotland Archaeology Service	No	A programme of archaeological works is required.	Noted. A planning condition would secure this.
SEPA	No	Request a planning condition to secure: Culverts ST2 and ST3 along Drain 2 are removed prior to development to ensure the 1 in 200 year design flow estimates remain in bank.	Noted. A planning condition would secure this.
Scottish Water	No	No objection.	Noted.
Coal Authority	No	The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area.	Noted.

7 PLANNING POLICY ASSESSMENT

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

The development plan comprises of the Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the West Lothian Local Development Plan (LDP).

7.1 Relevant development plan policies are listed below.

Policy	Policy Summary	Assessment	Conform
SESplan - Policy 1A The spatial strategy: development locations	This policy states that local development plans (LDP) will direct further strategic development to strategic development areas (SDA). It lists West Lothian as a strategic development area.	The site lies within the West Lothian SDA and is not identified as an area of restraint.	Yes

Policy	Policy Summary	Assessment	Conform
SESplan Policy 1B The spatial strategy: development principles	This policy states that LDP will ensure that there are no significant adverse impacts on the integrity of international, national and local designations; on the integrity of international and national built or cultural heritage; have regard to the need to improve the quality of life in local communities; contribute to the response to climate change and have regard to the need for high quality design, energy efficiency and sustainable building materials.	The site forms part of the locally designated countryside belt at Whitburn. This countryside designation aims to maintain the separate identity and prevent the coalescence of Whitburn and East Whitburn	No
SESplan Policy 5 Housing land	This policy states that for the period from 2009 up to 2024, there is a requirement for sufficient housing land to be allocated so as to enable 107,545 houses to be built across the SESplan area, including on land which is currently committed for housing development.	Since the proposal is not allocated in the LDP and does not benefit from planning permission, the site is not considered as being necessary to meet the West Lothian housing land supply target. The council's position is the LDP allocates sufficient land to meet SESplan targets.	No
SESPlan Policy 6 Housing land flexibility	This policy states that each planning authority in the SESplan area shall maintain a five year effective housing land supply at all times. The scale of this supply shall derive from the housing requirements for each LDP area identified through the supplementary guidance provided for by Policy 5. For this purpose planning authorities may grant planning permission for the earlier development of sites which are allocated or phased for a later period in LDP.	The council's position is that it has an effective five year housing land supply, therefore this policy does not trigger. In the event where a shortfall in the effective five year housing land supply had been identified, it would then fall to bring forward sites which are allocated or phased for a later period of the WLLDP. The site is not allocated for housing for any time period, therefore the development of this site would not be supported even in the event of a five year effective housing land supply not been maintained.	No

Policy	Policy Summary	Assessment	Conform
SESPlan Policy 7 Maintaining a five year housing land supply	This policy states that sites for greenfield housing development proposals either within or outwith the identified SDA may be allocated in the LDP or granted planning permission to maintain a five years' effective housing land supply, subject to satisfying certain criteria.	The council's position is that a five year effective housing supply is being maintained and therefore it is not necessary to consider this policy. Irrespective of this, the proposal is contrary to criteria (a) as the development will not be in keeping with the character of the settlement and local area	No
SESplan Policy 8 Transportation	This policy states that local planning authorities will support sustainable travel and that LDP will ensure, amongst other objectives, that development likely to generate significant travel demand is directed to locations that support travel by public transport, foot and cycle; ensure that new development minimises the generation of additional car traffic, relate density and type of development to public transport accessibility; ensure that the design and layout of new development demonstrably promotes non-car modes of travel; and consider the merits of protecting existing and potential traffic-free cycle and walking routes.	The site has relatively low accessibility to services and community infrastructure and its development would contribute to the generation of additional car use, rather than minimise such modes of transport. PAN 75 recommended guidelines for the accessibility of housing to public transport is less than 400m to bus services and up to 800m to rail services. In this instance, the railway station is some three miles (4.8km) away from the site and the nearest bus stop is approximately 600m from the northern site access. While the site was considered for allocation in the proposed WLLDP, it was concluded that more suitable and sustainable sites existed. The relatively low accessibility of the site was just one of the determining factors in reaching this decision.	No

Policy	Policy Summary	Assessment	Conform
SESplan Policy 9 Infrastructure	This policy states that LDP will provide policy guidance that will require sufficient infrastructure to be available, or its provision to be committed, before development can proceed.	There is or will be infrastructure to serve the development. Developer contributions will be sought in accordance with council policy to meet any deficiencies. The applicant has specifically advised it is agreeable to the specific education infrastructure requirements.	Yes
SESPlan Policy 13 Other countryside designations	This policy states that LDP should review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the green belt as appropriate.	A review of countryside belts has been undertaken and no issues were raised or challenges received in regards to the continuation of the countryside belt designation surrounding Whitburn. The site is with the countryside belt, specifically designated to prevent the settlement coalescence of Whitburn and East Whitburn, and it is concluded that development of the nature proposed at this location would constitute an unjustified environmental intrusion into the countryside belt.	No
LDP - DES 1 Design Principles	Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design.	As a predominantly greenfield site, the proposal does not take account of and integrate with the East Whitburn settlement, local context and built form in particular Hens Nest Road.	No
LDP - HOU 1 Allocated Housing Sites	This policy states that residential development on sites allocated for housing is supported in principle.	The site is not allocated for housing	No

Policy	Policy Summary	Assessment	Conform
LDP – HOU2 Maintaining an Effective Housing Land Supply	The council is required to maintain a minimum of a 5 year effective housing land supply at all times throughout the lifetime of the plan. Where additional sites are needed to maintain a 5 year effective housing land supply, greenfield sites will be supported subject to the certain criteria.	In summary, the council is maintaining a 5 year effective land supply. This is further assessed below.	No
LDP – HOU 4 Affordable Housing	This policy requires developers to make provision for affordable housing and identifies general principles.	The proposal will include affordable housing to meet policy requirements.	Yes
LDP – INF 1 Infrastructure Provision and Developer Obligations	The council will seek developer obligations in accordance with Scottish Government guidance to mitigate the development's individual or cumulative impacts upon infrastructure, including cross-boundary impacts. Any such obligations will be concluded prior to the issue of planning permission.	The proposal does not raise any infrastructure capacity concerns. Nonetheless, developer contributions would be necessary to be secured for each unit in line with LDP policy should permission be granted.	Yes, subject to the relevant planning obligations being secured.
LDP – TRAN 1 Transport Infrastructure	Development will only be permitted where transport impacts are acceptable.	WLC Roads & Transportation has not objected to the number of houses proposed on grounds of impact on the road network.	Yes, subject to conditions
LDP – ENV 2 Housing Development in the Countryside	Housing development in the countryside will only be permitted subject to certain criteria.	The proposed development does not meet any policy exemptions.	No
LDP – ENV 7 Countryside Belts and Settlement Setting	Housing development in the countryside belts will only be permitted subject to certain criteria.	The proposed development does not meet any policy exemptions.	No
LDP – ENV 20 Species Protection and Enhancement	Development that would affect a species protected by European or UK law will not be permitted subject to certain criteria	The application is supported by an ecology appraisal that found that the habitats of the site are common and	Yes, subject to conditions

Policy	Policy Summary	Assessment	Conform
		widespread. Further surveys and mitigation measures are recommended.	
LDP – ENV 34 Art and Development	Developers of major residential sites will be required to fund or contribute to the cost of works of art appropriate to the setting and scale of their surrounding area.	Developer contributions would be necessary to be secured	Yes, subject to the relevant planning obligations being secured.
LDP – NRG 1 Climate Change and Sustainability	The reduction of greenhouse gas emissions through a wide range of measures designed to mitigate and adapt to climate change in particular directing new developments to locations accessible by a choice of modes of transport.	The site is such that it is in an area that has relatively low accessibility to services and community infrastructure. A development of the size proposed at this location will thus not contribute to sustainable travel and likely result in a high proportion of journeys by car.	No
LDP – NRG 1a Low and Zero Carbon Generating Technology	At least 10% of the current carbon emission reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies.	It hasn't been demonstrated that the proposed development involves low and zero-carbon generating technologies. However, the proposed layout does not preclude this technology from being implemented. Thus, it can be delivered through a condition of consent.	Yes, subject to condition
LDP – EMG 2 Flooding	When considering proposals for development, the council will adopt a precautionary approach to the flood risk from all sources.	A Flood Risk Assessment has been submitted with the application. Appropriate mitigation and design measure can be implemented.	Yes

Policy	Policy Summary	Assessment	Conform
LDP – EMG 3 Sustainable Drainage	Developers may be required to submit a Drainage Impact Assessment (DIA) to ensure that surface water flows are properly taken into account in the design of a development.	A drainage assessment has not been submitted with the application. However, treatment and attenuation will be through a SUDS basin and the necessary supporting details should be submitted for approval prior to any site start.	Yes, subject to conditions
LDP - EMG 4 Air Quality	This policy requires air quality assessments where considered necessary.	WLC Environmental Health raise no objection on the basis of air quality. It is noted the applicant has accepted electric vehicle charging points to be installed within the proposed development	Yes, subject to conditions
LDP - EMG 5 Noise	There is a presumption against developments that are likely to generate significant amounts of noise being located close to noise sensitive developments	WLC Environmental Health raise no objection on the basis of noise, but subject to conditions controlling any noise during construction.	Yes, subject to conditions
LDP - EMG 6 Vacant, Derelict and Contaminated Land	Where it is suspected by the council that a development site may be contaminated, the developer will be required to undertake a site investigation.	A site investigation has been submitted with the application which concludes that the overall risk to human health is considered to be low. Further intrusive studies are required.	In Part. A Phase 1 report has been however a phase 2 report has not.

7.2 Other planning policy documents of relevance are

- Scottish Planning Policy 2014 (SPP)
- Creating Places
- Designing Streets
- Planning Advice Notes (PAN):
PAN 33 *Development of Contaminated Land*
PAN 60 *Planning for Natural Heritage*

PAN 61 *Planning and Sustainable Urban Drainage Systems*
PAN 65 *Planning and Open Space*
PAN 75 *Planning for Transport*
PAN 77 *Designing Safer Places*
PAN 78 *Inclusive Design*
PAN 79 *Water and Drainage*
PAN 83 *Masterplanning*
PAN 2/2010 *Affordable Housing and Housing Land Audits*
PAN 2/2011 *Planning and Archaeology*
PAN 1/2020 *Assessing the extent of the 5 year supply of effective housing land*

7.3 Statutory Supplementary Guidance

Planning and Noise
Development in the Countryside
Residential Development Guide
Flooding and Drainage
Affordable Housing
Developer Contributions Towards Public Art
Developer Obligations for General Infrastructure Site Delivery

7.4 Non Statutory Planning Guidance

West Lothian Active Travel plan 2016-21 "Making Active Connections"
Health Impact Assessment
Air Quality
Planning for Nature

8 ASSESSMENT

8.1 The determining issues for consideration in relation to this application are set out below:

Principle of Development – Housing in the Countryside/Countryside Belts

8.2 The adopted LDP identifies the site as within the countryside and also within the countryside belt at Whitburn. The site is not allocated for housing. The proposal is in clear conflict with LDP policies ENV 2 (Housing Development in the Countryside) and ENV 7 (Countryside Belts and Settlement Setting).

The Housing Land Supply

8.3 Scottish Planning Policy, as amended on 18 December 2020 (SPP), SESplan and the LDP policy HOU 2 require that planning authorities maintain a five year effective housing land supply at all times. The applicant considers that the council is failing to maintain an effective five year supply of housing land and this is reflected in recent appeal decisions including the previous appeal for this site.

8.4 Therefore, the applicant maintains that SESplan policy 7 and LDP policy HOU 2 apply and this is reason for setting aside the terms of the adopted LDP.

8.5 The planning appeal for the previous application for planning permission in principle that included this site noted that:

'neither the appellant nor the council provide any numerical evidence of the current housing land supply position'

and concluded in paragraph 10

'Whilst I acknowledge there are ongoing disagreements on matters related to the methodology for calculation of the five-year effective supply, had I been satisfied on other matters, I would have sought further information on the housing land supply position before reaching a decision on the appeal. However, until such time when, and if, an agreed method is established in policy, and on the basis of any evidence to the contrary before me in this appeal, I have no reason to disagree with the conclusions of the LDP examination report in relation to the housing land supply position in West Lothian. I have therefore assessed this proposal on the basis that there is a shortfall in the five-year effective housing land supply.'

8.6 The applicant also refers to the recent appeal decision (Ref PPA-400-2097) at Falside Crescent, Bathgate to support their position.

8.7 The reporter states:

'In conclusion, I find there is a shortfall in the five year effective housing land supply. The conclusions set out in the examination report for the local development plan therefore remain relevant. On this basis I find SESplan policy 7 and local development plan policy HOU 2 are engaged.'

8.8 Notwithstanding the above, since both appeal decisions and the update to SPP in December 2020, the council's position is that it is maintaining a five year effective housing land supply and therefore considers that there are no material considerations which merit setting aside the Development Plan. This is set out below.

Council Position on 5 Year Supply of Effective Housing Land

8.9 On 18 December 2020 the Scottish Government published an errata to Scottish Planning Policy (SPP) as a result of changes to paragraphs 28, 29, 30, 32, 33 and 125. Planning Advice Note (PAN) 1/2020: Assessing the extent of the 5 year supply of effective housing land was released on the same day.

8.10 SPP and PAN 1/2020 are important material considerations which are required to be considered when making a determination.

8.11 The main changes can be summarised as follows:

- The affirmation of the primacy of the development plan in the determination of planning applications.
- The removal of a direct link between the presumption in favour of sustainable development and a development plan being out of date.
- The status of the presumption in favour of development that contributes to sustainable development is no longer a 'significant' material consideration.
- The weight to be afforded to any shortfall in housing land is a matter for the decision maker.
- PAN 1/2020 introduces a methodology for the calculation of a 5 year supply of effective housing land.

8.12 The council's calculation of the 5 year supply of effective housing land does not take a shortfall from a previous plan period into account. This is now confirmed as the correct approach and is in accordance with the defined methodology in PAN 1/2020.

8.13 The council's Housing Land Audit (HLA) 2020 was published in November 2020. The HLA has been disputed by Homes for Scotland in relation to three sites. The audit demonstrates a 5 year supply of effective housing land of 8,363 homes, of which 206 are disputed. The audit therefore demonstrates an agreed figure of 8,157.

8.14 Taking the methodology in PAN 1/2020, the council can demonstrate an effective five year housing land supply:

8.15 The defined methodology in PAN1/2020 is as follows:

"To calculate the 5 year land supply of effective housing land required, the housing land requirement set out in the adopted development plan should be divided by the plan projection period (i.e. the plan period) (years) in order to identify an annual figure.

The annual figure should then be multiplied by 5

5 year land supply of effective land requirement = (development plan housing land requirement / plan period) x5"

8.16 The relevant variables for West Lothian are as follow:

Adopted Development Plan: Strategic Development Plan 1 and West Lothian Local Development Plan

Plan Period 2009-24: 15 Years

Strategic Development Plan 1 Housing Land Requirement: 19,811 dwellings

Annual Requirement: 1,321

Identified 5 Year Supply Audit 2020 (Disputed + Undisputed): 8,363

Years Supply: 6.33 years

- 8.17 The council has agreed a position in terms of the land supply calculation at its meeting of the Council Executive on 23 February 2021. As detailed above, it is the council's position that when tested against the requirements of PAN 1/2020 the existence of a 5 year supply of effective housing land is indisputable.
- 8.18 The revisions to SPP reaffirm the primacy of the development plan. Paragraphs 33 and 125 of the newly updated SPP state that 'proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise'. It remains the council's position that there are no material considerations which merit setting aside the development plan and this position is now further strengthened by changes to SPP and the publication of PAN 1/2020.
- 8.19 As noted at the planning policy assessment at section 7 of this report, the location of the site is such that it is in an area that has relatively low accessibility to services and community infrastructure. A development of the size proposed at this location will thus not contribute to sustainable travel. The proposal would therefore not contribute to sustainable travel and sustainable development objectives as set out in SESPlan policy 8, LDP policy NRG 1 and Scottish Planning Policy 2014.

Road Layout

- 8.20 The road layout generally complies with the council's Residential Development Guide and adopts the principles of Designing Streets. However, certain aspects of the detailed street design are not acceptable in relation surface materials for the shared surface and location of footways in appropriate locations.

9 SUMMARY AND CONCLUSIONS

- 9.1 This application for planning permission for 104 houses in East Whitburn is significantly contrary to the development plan.
- 9.2 It is acknowledged that the issue of maintaining an effective five year housing land supply is a material consideration in the determination of this application. However, as set out above, the council's position is that there is an effective five year housing land supply in West Lothian. SESplan policy 7 thus does not apply. Even it were accepted that it did, the proposal fails criteria (a) of this policy.
- 9.3 Further, the location of the site in relation to services and community facilities is such that it is not suited to such a large scale residential development and thus would fail to contribute to sustainable travel and sustainable development objectives.
- 9.4 In summary, the proposal conflicts with the development plan (Strategic Development Plan for Edinburgh & South East Scotland and West Lothian Local Development Plan). There are no material considerations that outweigh the development plan presumption against residential development at this location.

- 9.5 Members are asked to note the conflict with development plan policies when the application is reported to Full Council for a decision.

10 ATTACHMENTS

- Aerial Photograph
- Location Plan
- Site Layout
- Representations

Aerial plan, site layout and site photos are also available in the accompanying slide presentation pack

Craig McCorriston

Head of Planning, Economic Development & Regeneration **Date: 3 March 2021**



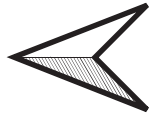
0219/FUL/20 Site at Hens Nest Road - East Whitburn

Development Management - West Lothian Civic Centre - EH54 6FF

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0219/FUL/20 Site at Hens Nest Road - East Whitburn

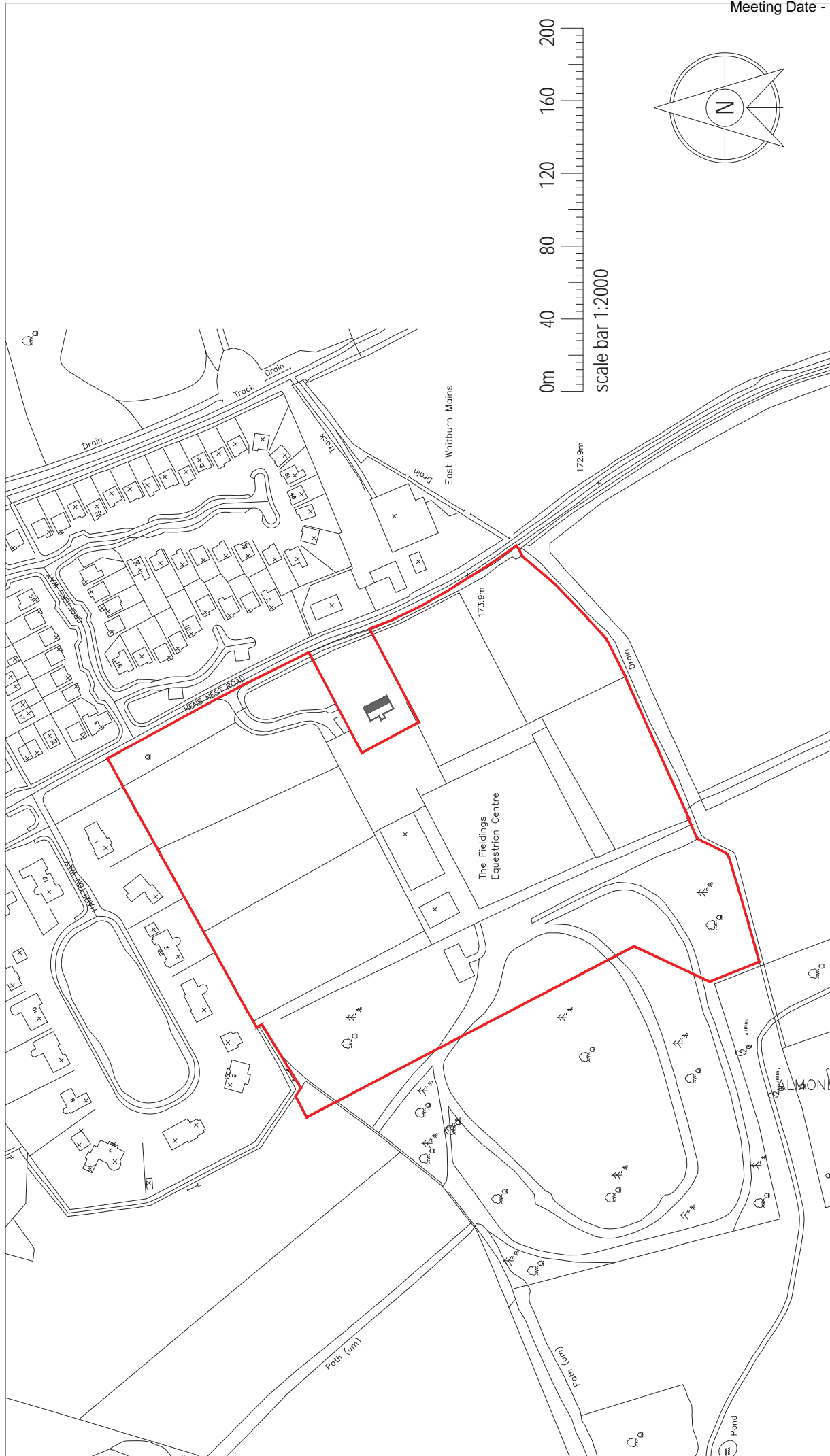
Development Management - West Lothian Civic Centre - EH54 6FF

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Meeting Date - 3 March 2021
Item No.6

PROJECT
Hens Nest Road,
East Whitburn

DRAWING
Location Plan

SCALE	DATE	DRAWN BY	JOB No.	DRAWING No.	REV.
1:2000 (A3)	27.01.2020	GR		(PL)001	-

REVISIONS

ogilvie
HOMES

Ogilvie Homes Ltd, Ogilvie House,
Pinhall Business Park,
Stirling, FK7 8ES

Tel: 01786 811811 Fax: 01786 816935

Whitburn Community Council

Chairperson Tam Lynch
Vice Chairperson Bryan Raine
Treasurer Marilyn Bonnar
Secretary Ian Tennant
Planning Secretary Jim Simpson

Note Community Councils are non-party political organisations whose purpose is to be the voice of the local people

33 West Main Street
Whitburn
West Lothian
EH47 0QD

23/03/2020

Mr Mahlon Fautua
Planning Department
West Lothian Council
Civic Centre
Livingston

Dear Sir

Planning Application 0219/FUL/20

Whitburn Community Council objects to the proposed erection of 104 houses on this site at Hen's Nest Road East, Whitburn

Firstly, as this site was created under the Lowland Crofting Scheme by either West Lothian District Council or Lothian Regional Council to create employment in these various plots of land, I am surprised that the use of this land for house building has not been prohibited.

At a our February meeting a representative of Ogilvies, Mr Fraser Miller, gave a presentation to the Council members on the proposed application and we suggested that a development such as Dalscone Indoor and Outdoor Playpark, in Dumfries would be a better model for this land. It would provide facilities for children in all weather and as the one in Dumfries has been running for years a fairly successful venture.

He was also advised of the serious position within Whitburn Health Centre which is now running over capacity. At a meeting in the Centre, on 12th March, attended by Isobel Penman and Marjory Brisbane, Lothian Health Board and Mr John Martin, Centre Manager, and Community Council representatives, this planning application along with the Heartlands was discussed.

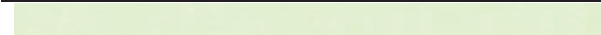
As Heartlands still have some 1500 homes to build and this application was made years ago the Community Council has no control over this and this will lead to another approx 3500 people who will be looking for Health Care in an already straining Centre. As such all, at this meeting, felt that this Application be opposed as we would be bringing people into the area without providing them with proper Health Care.

The Community Council has taken the stance that it will object to all new Housing Applications until the Health Centre has increased capacity to take on additional patients.

There is no use bringing people into an area if you cannot support them healthwise.

For the above reasons Whitburn Community Council object to this planning application.

Best regards

A large black rectangular redaction box covering the signature of Ian Tennant.A light green rectangular redaction box covering a line of text, likely a contact number or email address.

Ian Tennant

Secretary

A large black rectangular redaction box covering the signature of the official.

From: [Planning](#)
To: [Fautua, Mahlon](#)
Subject: FW: Planning Application Ref 0219/ful/20 - [OFFICIAL]
Date: 25 March 2020 08:22:30

DATA LABEL: OFFICIAL

Morning Mahlon,

One for you

-----Original Message-----

From: ron hood [REDACTED]
Sent: 24 March 2020 15:05
To: Planning
Subject: Planning Application Ref 0219/ful/20

Ref Planning application for erection of 104 Houses at Hens Nest Road, East Whitburn

I object to this application on the grounds:= That the area is a designated as a green belt area.
There is insufficient infrastructure to support this number of new dwellings The increaser in traffic will have a detrimental effect to the area and lower house values.

Regards

Ron Hood
[REDACTED]

[REDACTED]

[REDACTED]

West Lothian Council - Data Labels:

OFFICIAL - Sensitive: Contains Personal or Business Sensitive Information for authorised personnel only

OFFICIAL: Contains information for council staff only

PUBLIC: All information has been approved for public disclosure NON-COUNCIL BUSINESS: Contains no business related or sensitive information

Link to Information Handling Procedure: <http://www.westlothian.gov.uk/media/1597/Information-Handling-Procedure/pdf/infohandling1.pdf>

P SAVE PAPER - Please do not print this e-mail unless absolutely necessary.

[Please remember to wash your hands. 20200316]<<https://www.nhsinform.scot/coronavirus>>

Comments for Planning Application 0219/FUL/20

Application Summary

Application Number: 0219/FUL/20

Address: Site At Hens Nest Road East Whitburn West Lothian

Proposal: Erection of 104 houses, formation of access roads, open space and associated engineering operations

Case Officer: Mahlon Fautua

Customer Details

Name: Mr Alan Hogg

Address: 3 Crofters Way Bathgate

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Again - after being assured the previous three applications having been turned down, the issues are the same there is Hens nest road as access at best single lane to traffic and cannot sustain additional vehicle or even works access, there is no infrastructure to accommodate the extra housing 104 houses times at least two vehicles per building and the additional; needs for services like medical, dental, schooling, and no shops - the traffic during construction will be a serious inconvenience at best! and this is still green belt land and space with wildlife and nature to be affected, I fail to see how anything has changed since the last application, its still not a sustainable development and will have negative connotations for life to residents during construction and afterwards, the traffic management will be a major issue before during and after, the effects also turn east Whitburn and Whitburn into one. Hens nest road cannot provide for access for construction vehicles and increased traffic beyond what it already has to endure now, let alone during and after, quality of life here will be intolerable, and building on green field sites where so many other house building sites exist around the area is still contrary to the proposals laid out in the last report the council conducted, nothing has changed in that respect.

We object most strongly to this proposal.

Alan Hogg.

Comments for Planning Application 0219/FUL/20

Application Summary

Application Number: 0219/FUL/20

Address: Site At Hens Nest Road East Whitburn West Lothian

Proposal: Erection of 104 houses, formation of access roads, open space and associated engineering operations

Case Officer: Mahlon Fautua

Customer Details

Name: Ms Karen Allan

Address: 23 Hens Nest Road East Whitburn

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I live on Hen's Nest Road and feel strongly that this road could not sustain more houses in the area. This is a fairly narrow road, would Ogilvie then build a new road so that it is able to cope with this increase in traffic? On average each house will have 2 cars and this road could not cope with this increase. There would also be a need for traffic lights at the end on Hen's Nest Road, with this upsurge in demand. This is before we consider overcrowding in the local schools and the impact on the Health Centre in Whitburn.

Where is the transport assessments and traffic reports on the possible impact to the local community and residents from the potential new development? This is important information which should be available now!

Comments for Planning Application 0219/FUL/20

Application Summary

Application Number: 0219/FUL/20

Address: Site At Hens Nest Road East Whitburn West Lothian

Proposal: Erection of 104 houses, formation of access roads, open space and associated engineering operations

Case Officer: Mahlon Fautua

Customer Details

Name: Mr Paul McLay

Address: 2 Hens Nest Road East Whitburn West Lothian

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am of the opinion that this location is unsuitable for a new housing development of this scale and oppose the granting of planning permission. Please note my initial comments which I consider to be material considerations in the determination of this planning application:

There are existing traffic problems on Hens Nest Road due to the increased volume generated from the recent housing developments. This has been recognised by the Council's Highways Department as traffic calming measures have been introduced. Regrettably, the traffic calming measures have not addressed the speed of traffic entering Hens Nest Road at the junction with Main Street as the first speed retardant is located too far up Hens Nest Road to have a positive affect at the junction with main Street. We feel that a development of this scale would considerably increase the volume of traffic onto Hens Nest Road and the proposed plan does not appear to show adequate provision for traffic management at this junction. We are also concerned that proximity of our entrance and the shop entrance will create a significant safety issue for all traffic entering Hens Nest Road.

Over recent years, we have made several complaints to the Council and the Police in relation to so called 'Boy Racers' driving down Hens Nest Road at great speed and intentionally making intolerable noise from their modified exhausts. Regrettably, despite our complaints, this problem is progressively getting worse and at times prevents us from getting to sleep and occasionally is so bad it actually wakes us up. This behaviour is in our opinion anti-social behaviour and I fear that this will be exasperated if a development of 104 houses are built. In reality, this will increase the number of cars using Hens Nest Road by at least 200.

It is envisaged that increased traffic volume will also create a road safety issue for pedestrians

who cross Hens Nest Road at the junction to Main Street. It should be noted that the majority of pedestrian traffic in this location is from children crossing the road to walk to school and parents taking infants to the nursery in the community hall. The crossing point from Hens Nest Road on to Main Street can only be accessed at the junction to Main Street as only one side of Hens Nest Road has a pedestrian pathway.

I am also concerned that a development of this scale will add to the flooding issues that already exist on Hens Nest Road. Although a SUDS system is indicated, increased hard surfaces will inevitably increase rain water run off on to Hens Nest Road.

Local Services within Whitburn are already significantly stretched due to the scale of development to the west of Whitburn. This development will put increased pressure on community infrastructure such as schools and healthcare.

Comments for Planning Application 0219/FUL/20

Application Summary

Application Number: 0219/FUL/20

Address: Site At Hens Nest Road East Whitburn West Lothian

Proposal: Erection of 104 houses, formation of access roads, open space and associated engineering operations

Case Officer: Mahlon Fautua

Customer Details

Name: Mr David Lewington

Address: 2 Mains Place Bathgate

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to record my objections to this proposed development for the exact same reasons that I stated a matter of months ago when objecting to this development then for a larger amount of houses.

The site is one of the very few open spaces available in East Whitburn and removal of this would further reduce the amount of open space available to each resident and my children.

The hens nest road is extremely busy at certain times of the day and anticipating 2 cars per house this would add a further 208 vehicles to an already stretched country road.

The site is not part of the local development plan and is designated as a countryside site which should not be built on.

East whitburn is a hamlet, completely different in composition to the neighbouring town of Whitburn which is built up and more industrial with flats and more built up areas.

The health centre is already stretched beyond capacity and unable to get appointments at most times and unable to cope with further enrolment.

There are still a further 1500 houses to be built at heartlands and therefore no shortage of housing stock for supply.

Further destruction of the natural habitat would see many species disappear and further reduce any benefits of nature to the residents if the hamlet.

The developer at consultation when pushed also admitted that this application would very much be phase one of what would become a larger development in line with the previous application.

Despite this development being refused a matter of months ago all the way to the Scottish Government the issues that caused this to be rejected previously still remain.

Further pressure on the main whitburn road is unsustainable and if in future traffic surveys are carried out can I suggest that this is done once traffic has returned to normal.

Lodging this application in the middle of a global pandemic when everyone's attention is elsewhere is both crass and uncalled for and allows some insight into the morals and objectives of this developer and I urge you to reject this AGAIN.

Comments for Planning Application 0219/FUL/20

Application Summary

Application Number: 0219/FUL/20

Address: Site At Hens Nest Road East Whitburn West Lothian

Proposal: Erection of 104 houses, formation of access roads, open space and associated engineering operations

Case Officer: Mahlon Fautua

Customer Details

Name: Mrs Gillian Wiggins

Address: 8 Hamilton Way East Whitburn West Lothian

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I am writing again to object to this development to be honest I do not understand how these developers are allowed to keep applying when they refused last year then appealed which was also REFUSED

Comments for Planning Application 0219/FUL/20

Application Summary

Application Number: 0219/FUL/20

Address: Site At Hens Nest Road East Whitburn West Lothian

Proposal: Erection of 104 houses, formation of access roads, open space and associated engineering operations

Case Officer: Mahlon Fautua

Customer Details

Name: Mrs Ann Wardrop

Address: 5 Mains Place East Whitburn

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I would like to strongly object to this application on the grounds of insufficient infrastructure to support additional traffic and increase in number of residents. Additionally the impact on the countryside and wildlife would be devastating.

Comments for Planning Application 0219/FUL/20

Application Summary

Application Number: 0219/FUL/20

Address: Site At Hens Nest Road East Whitburn West Lothian

Proposal: Erection of 104 houses, formation of access roads, open space and associated engineering operations

Case Officer: Mahlon Fautua

Customer Details

Name: Mrs Gwen Kempik

Address: 4 Bridgend East Whitburn Bathgate

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: An application for this site was declined and the appeal was dismissed for several good reasons.

This application, although for fewer houses on less land, is Phase 1.

Using a foot in the door technique to try and fool us into thinking they've made a compromise.

This land is not suitable for the project they are proposing.

This rural village will lose its village status and will coalesce with Whitburn.

The health Centre in whitburn is overwhelmed with new patients with the Heartlands project.

The Hen's Nest Road could not cope with more traffic.

More houses but no more facilities for a growing population.

A roundabout at the Hen's Nest Road/A705. The A705 can barely cope with the volume of traffic it has.

If Ogilvies want to use the land to benefit the villagers by providing more facilities then that would be a proposal I would consider.

Comments for Planning Application 0219/FUL/20

Application Summary

Application Number: 0219/FUL/20

Address: Site At Hens Nest Road East Whitburn West Lothian

Proposal: Erection of 104 houses, formation of access roads, open space and associated engineering operations

Case Officer: Mahlon Fautua

Customer Details

Name: Mr David Robinson

Address: 3 Mains Place East Whitburn

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the application for the following reasons:

Road Safety

Hens Nest Road and the A705 road are currently the designated safe walking routes to the local Primary School and two Secondary Schools used by children in the village, an increase in traffic in the region of 200 vehicles using these routes could cause an additional and real danger to the children using these routes, who currently have issues crossing from the east side of Hens Nest Road (no footpath on west side) to access the A705.

The junction of Hens Nest Road at the A705 is only controlled by give way lines and is during busy periods difficult to exit due to the volume of traffic using both roads, this is compounded by patrons using the local shop who can from time to time park on the A705 restricting the view of traffic exiting Hens Nest Road. An increase in traffic can only make this situation worse and potentially more dangerous.

Local Infrastructure/Sustainability

East Whitburn currently has a popular Local shop and a small Community Education Centre that is also well used by the community, this is all the village has to offer.

All other amenities are located within Whitburn, the local Health Centre is close to if not already at full capacity likely due to the on-going development of the Heartlands project, and may not be able to cope with an additional 104 houses. Facilities in Whitburn can all be accessed on foot from the

proposed development site, however with them all being over a mile away most if not all new residents would more than likely use their vehicles, putting even more pressure on the almost non-existent parking provisions in Whitburn.

Planning Policy

The proposed build site lies within a larger site owned by the applicant and has been referred to as Phase 1 by representatives of the applicant at a local information event. All location plan drawings and mapping within the Master Plan submitted by the applicant make reference to the larger area which gives the impression that it would be the applicants desire to eventually build on the larger site. West Lothian Council rejected this proposal and an appeal to the Scottish Government was also rejected.

The West Lothian Local Development Plan 2018 clearly shows the proposed site to be within an area of Countryside Belt. Appendix 2 of the plan in relation to East Whitburn also clearly states that there are "no housing proposals relative to this settlement" and the Housing Land Allocation to be zero.

Supplementary Guidance issued by West Lothian Council and in particular the Development in the Countryside document makes reference to policy ENV2 that identifies the specific circumstances where new housing in the countryside may be supported, the proposed development by Ogilvie Homes does not fulfil any of the specified circumstances.

For the reasons stated above I feel that West Lothian Council cannot support the current application.

Comments for Planning Application 0219/FUL/20

Application Summary

Application Number: 0219/FUL/20

Address: Site At Hens Nest Road East Whitburn West Lothian

Proposal: Erection of 104 houses, formation of access roads, open space and associated engineering operations

Case Officer: Mahlon Fautua

Customer Details

Name: Mr Mark Gibson

Address: 1 Mains Farm Place East Whitburn

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I object to this building project. It appears to be another back door attempt to regenerate the previous building program that was refused by the Scottish Government.

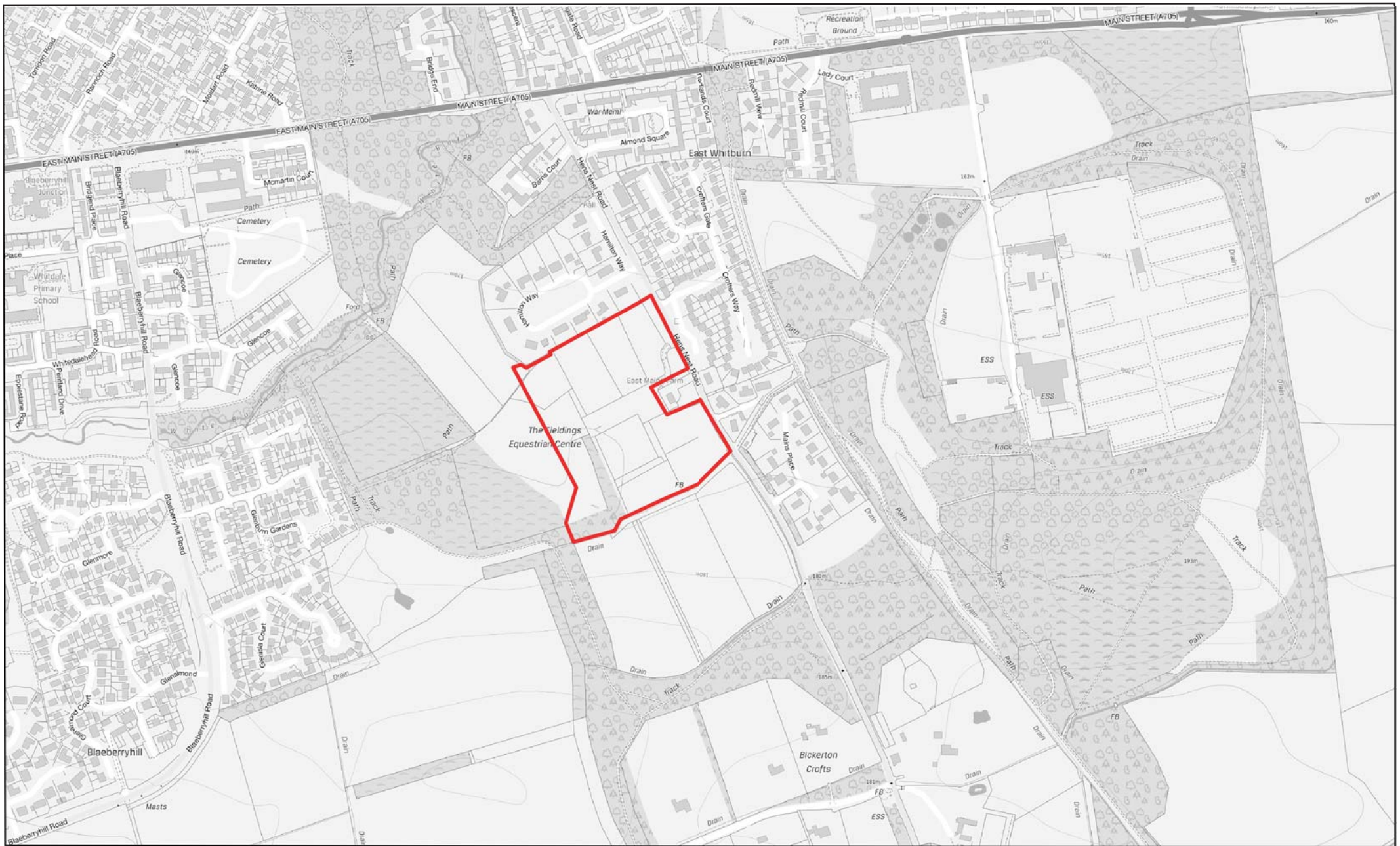
West Lothian Planning Committee

03 March 2021

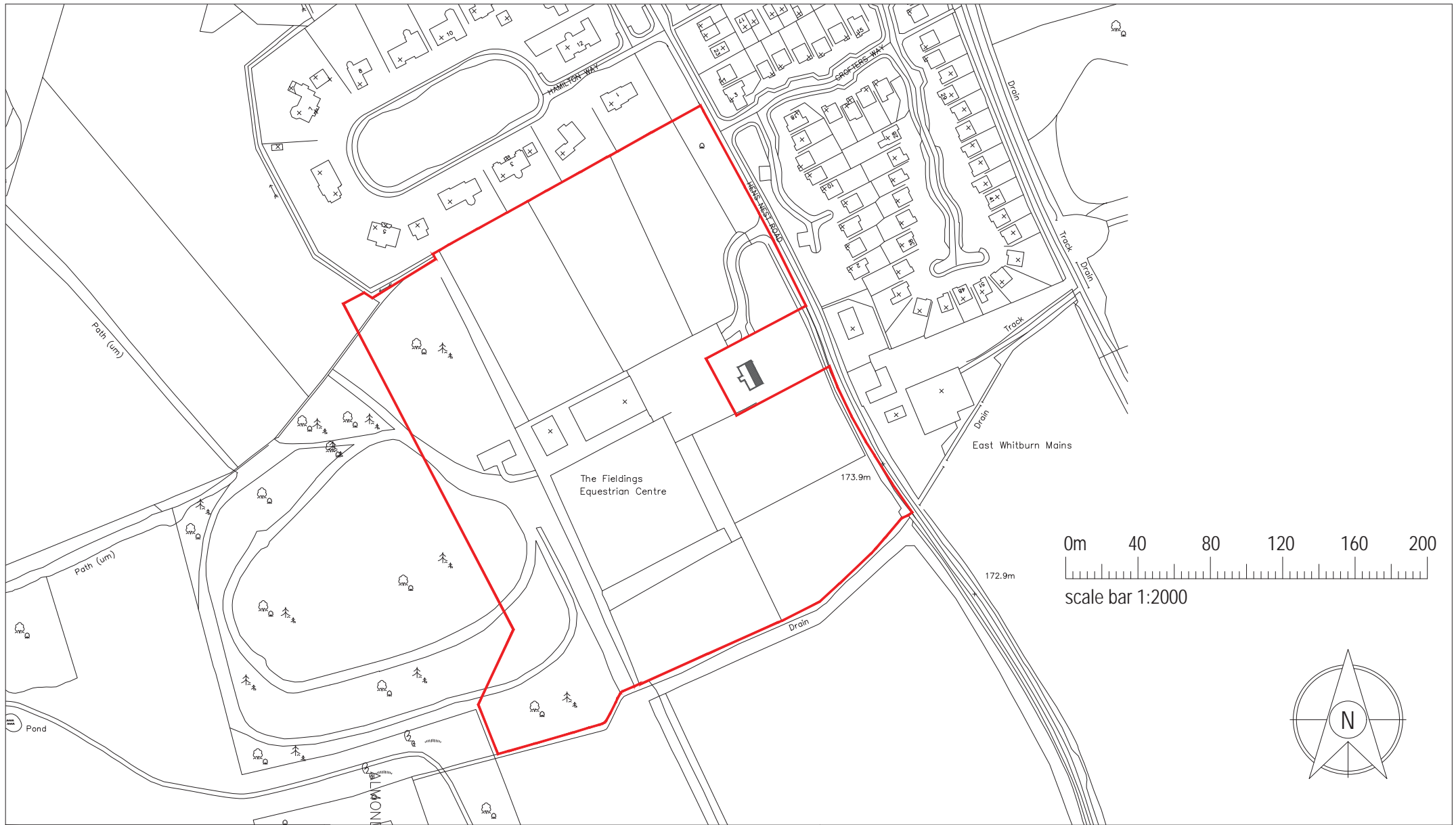
Item No 06: Application No. 0219/FUL/20

Erection of 104 houses, formation of access roads,
open space and associated engineering operations at
Hens Nest Road, East Whitburn.









REVISIONS

ogilvie
HOMES

Ogilvie Homes Ltd, Ogilvie House,
Pirnhall Business Park,
Stirling, FK7 8ES
Tel: 01786 811811 Fax: 01786 816935

PROJECT Hens Nest Road, East Whitburn					
DRAWING Location Plan					
SCALE 1:2000 (A3)	DATE 27.01.2020	DRAWN BY GR	JOB No. HNR	DRAWING No. (PL)001	REV. -



NOTES



0m 10 20 30 40 50
scale bar 1:500

Legend

Site Boundary (offset for clarity)

Accommodation Schedule			
Private	Arrangement	Floor Area	No.
Tay-5	3 bed semi	9380 ²	8
Clyde-5	3 bed semi	9570 ²	10
Edin	3 bed detached	9770 ²	9
Spey	4 bed detached	11270 ²	14
Tweed	4 bed detached	12750 ²	9
Deveron	4 bed detached	13680 ²	9
Courtshaw	4 bed detached	15440 ²	11
Kishom	4 bed detached	16980 ²	2
Marne	4 bed detached	19300 ²	6
Total private plots		97,3920 ²	78
Affordable:			
	Arrangement	Floor Area	No.
2 bed BW	2 bed bungalow	7920 ²	2
3 bed BW	3 bed bungalow	10350 ²	1
2 bed	2 bed terrace / semi	9720 ²	15
3 bed	3 bed semi detached	1,0310 ²	8
Total affordable plots (25.0%)		25,5250 ²	26
Total plots		122,9170 ²	104

- C 17.11.2020 Road width revised: SUDS layout updated. GR
B 26.11.2020 Ditch maintenance stand-off added: House GR
types at plots 66 & 67 changed.
A 11.09.2020 Parallel parking spaces increased to 6m long: GR
Bin stances added at shared driveways: Tay
house type driveways increased to 6m long:
Bin store added at plot 79: Plot 2 handed &
speed table extended: Footpaths added in front
of plots 19/20: Plot 49 changed type.

REVISIONS

PLANNING

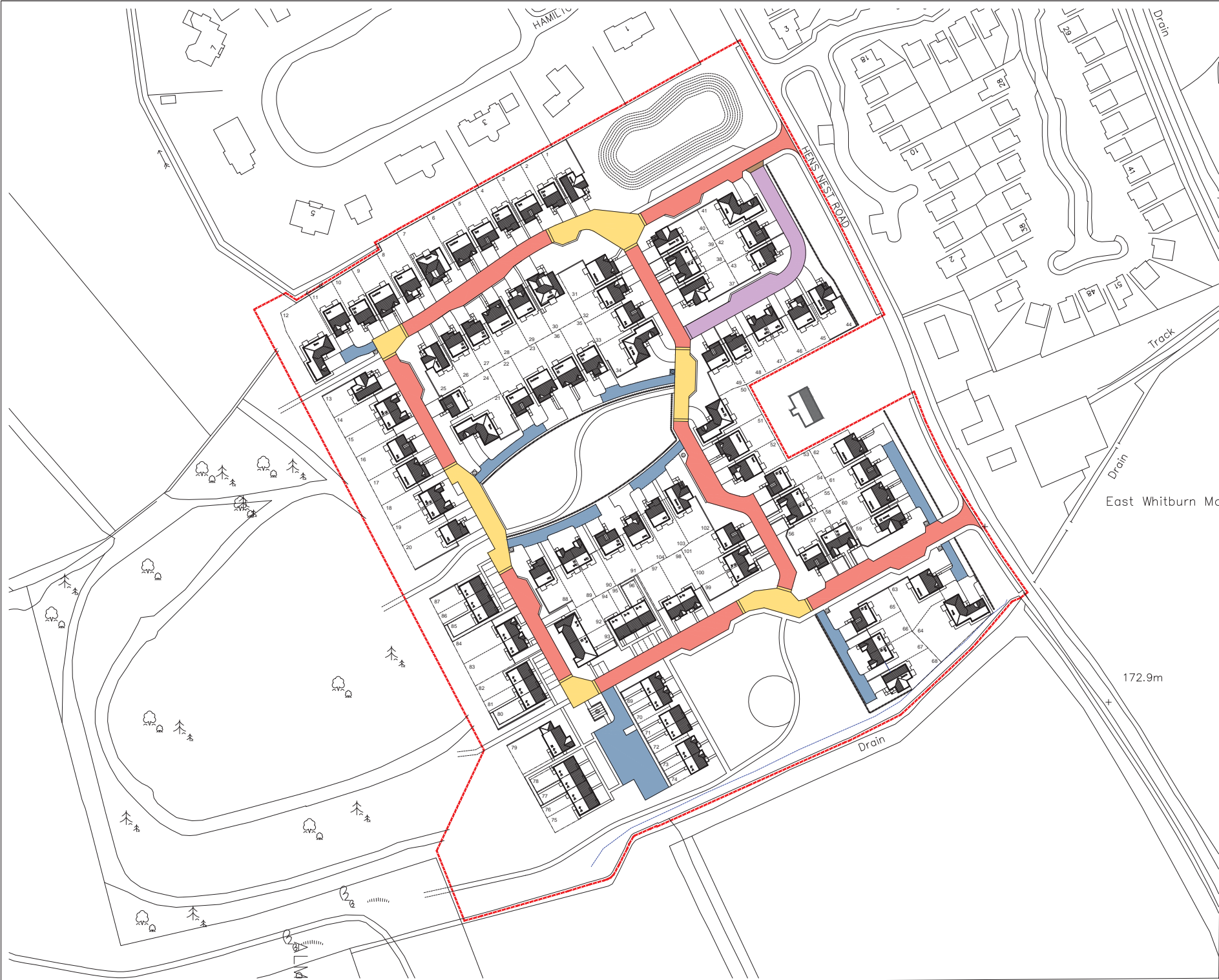
ogilvie
CONSULTANTS

Ogilvie Homes Ltd, Ogilvie House,
Portlatch Business Park,
Sirling, FK7 8ES
Tel: 01786 811811 Fax: 01786 816935

PROJECT
Hens Nest Road, East Whitburn

DRAWING
Proposed Site Layout

SCALE 1:500 (A1)			
DATE 27.01.2020	JOB No. HNR	DRAWING No. (PL)003	REV. C
DRAWN BY GR			



NOTES



- Legend
- Site Boundary (offset for clarity)
 - Main road link
 - Shared feature / Road calming
 - Secondary road link
 - Private shared surface

- C 17.11.2020 Road width revised. SUDS layout updated. GR
B 26.11.2020 Ditch maintenance stand-off added. House GR
types at plots 66 & 67 changed.
A 11.09.2020 Parallel parking spaces increased to 6m long. GR
Tay house type driveways increased to 6m
long. Spend table extended at plot 1. Footpath
added in front of plots 19/20.

REVISIONS

PLANNING

ogilvie
CONSULTANTS

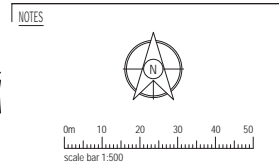
Ogilvie Homes Ltd, Ogilvie House,
Portlatch Business Park,
Sirling, FK7 8ES
Tel: 01786 818111 Fax: 01786 816935

PROJECT
Hens Nest Road, East Whitburn

DRAWING
Road Hierarchy

SCALE
1:500 (A1)

DATE	JOB No.	DRAWING No.	REV.
27.01.2020	HNR	(PL)004	C
DRAWN BY GR			



- Legend
- Site Boundary (offset for clarity)
 - 3-bedroom homes
27m / 35% of all private plots
 - 4-bedroom homes
51m / 65% of all private plots
 - Affordable mix determined by
Housing Association

C	17.11.2020	Road width revised; SUDS layout updated.	GR
B	26.11.2020	Ditch maintenance stand-off added; House types at plots 66 & 67 changed.	GR
A	11.09.2020	Plot 2 handed; Plot 49 changed type.	GR

REVISIONS

PLANNING

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Ogilvie Homes Ltd, Ogilvie House,
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PROJECT
Hens Nest Road, East Whitburn

DRAWING
Bedroom Mix

SCALE 1:500 (A1)	DATE 27.01.2020	JOB No. HNR	DRAWING No. (PL)005	REV. C
---------------------	--------------------	----------------	------------------------	-----------



NOTES

0m 10 20 30 40 50
scale bar 1:500

Legend

- Site Boundary (offset for clarity)
- 2-bedroom homes
17 plots, 1 space per plot,
17 spaces in total
+ additional 5 spaces
- 3-bedroom homes
36 plots, 2 spaces per plot,
72 spaces in total
- 4-bedroom homes
51 plots, 2 spaces per plot,
102 spaces in total
- On street visitor parking
27 spaces / 26% provided

223 spaces over entire site provided.

East Whitburn Mc

172.9m

Drain

Drain

Drain

Track

REVISIONS

NO.	DATE	DESCRIPTION	BY
C	17.11.2020	Road width revised: SUDS layout updated.	GR
B	26.11.2020	Ditch maintenance stand-off added: House types at plots 66 & 67 changed.	GR
A	11.09.2020	Parallel parking spaces increased to 6m long: Tay house type driveways increased to 6m long: Plot 2 handed: Plot 49 changed type.	GR

PLANNING

ogilvie
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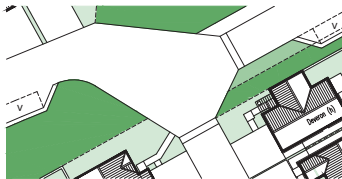
Ogilvie Homes Ltd, Ogilvie House,
Portlaoise Business Park,
Sirling, FK7 8ES
Tel: 01786 811811 Fax: 01786 816935

PROJECT
Hens Nest Road, East Whitburn

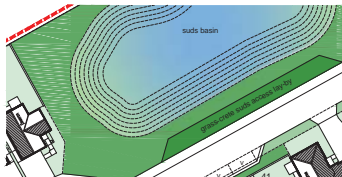
DRAWING
Car Parking Layout

SCALE
1:500 (A1)

DATE	JOB No.	DRAWING No.	REV.
27.01.2020	HNR	(PL)006	C



Landscaping features at road junctions.



Enhanced landscaping at SUDs feature.



Footpath connections to attractions out with the development.



Village green located centrally in the site with enhanced landscaping.



Play area & open space with enhanced landscaping.



Landscaping buffer parallel with Hens Nest Road.



Landscaping buffer at western boundary.



NOTES



C	17.11.2020	Road width revised: SUDs layout updated.	GR
B	26.11.2020	Ditch maintenance stand-off added: House types at plots 66 & 67 changed.	GR
A	11.09.2020	Parallel parking spaces increased to 6m long: Bin stances added at shared driveways: Tay house type driveways increased to 6m long: Bin store added at plot 79: Plot 2 handed & speed table extended: Footpath added in front of plots 19-20: Plot 49 changed type.	GR

REVISIONS

PLANNING

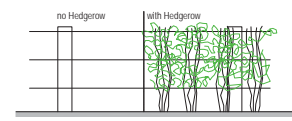


PROJECT
Hens Nest Road, East Whitburn

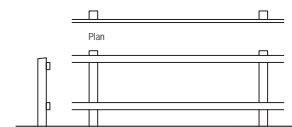
DRAWING
Greenspace Layout

SCALE
1:500 (A1)

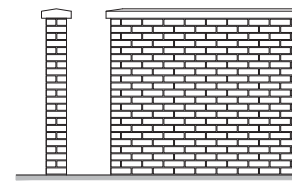
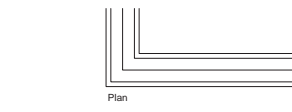
DATE 27.01.2020	JOB No. HNR	DRAWING No. (PL)007	REV. C
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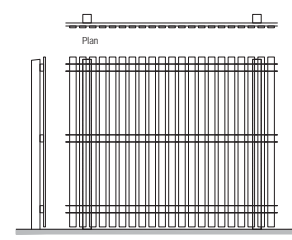
Elevation
Post & Wire Fence (with) Hedging 1:20
900mm high post & wire fence with or without hedging



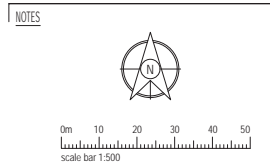
Post & Rail Fence 1:20
750mm high timber post & rail fence.



Facing Brick Feature Wall 1:20
1800mm high masonry wall



Timber Screen Fence 1:20
1.8m high timber boundary fence.



- Legend**
- Site Boundary (offset for clarity)
 - 750mm high timber fence
 - 900mm high hedge
 - 1800mm high timber boundary fence
 - 1800mm high masonry feature wall

- REVISIONS**
- | NO. | DATE | REVISION | BY |
|-----|------------|--|----|
| C | 17.11.2020 | Road width revised; SUDS layout updated. | GR |
| B | 26.11.2020 | Ditch maintenance stand-off added; House types at plots 66 & 67 changed. | GR |
| A | 11.09.2020 | Boundary treatments updated to site plan updates. | GR |

PLANNING

ogilvie
Ogilvie Homes Ltd, Ogilvie House,
Portmell Business Park,
Sirling, FK7 8ES
Tel: 01786 811811 Fax: 01786 816935

PROJECT
Hors Nest Road, East Whitburn

DRAWING
Boundary Treatments

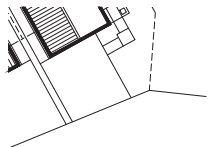
SCALE 1:500 (A1)	DATE 27.01.2020	JOB No. HNR	DRAWING No. (PL)008	REV. C
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Roadways



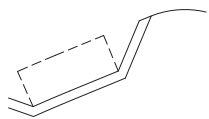
Roadways to be finished in asphalt with white chip.



Footpaths



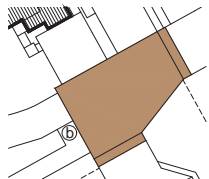
Asphalt finish to all footpaths.



Service strips.



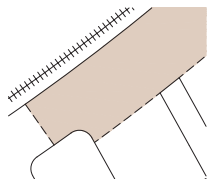
All road side service strips will be grass finished.



Speed calming / Road features.



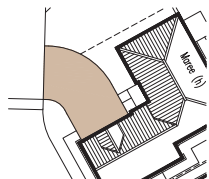
Raised tables and surface features to be pavours in brindle.



Private shared driveways



Shared driveways to be pavours in brindle.



Private driveways



Private driveways to be pavours in brindle.



NOTES



0m 10 20 30 40 50
Scale bar 1:500

Legend

Site Boundary (offset for clarity)

- C 17.11.2020 Road width revised: SUDS layout updated. GR
- B 26.11.2020 Ditch maintenance stand-off added: House GR
- A 11.09.2020 Parallel parking spaces increased to 6m long: GR
- Bin stances added at shared driveways: Tay
- house type driveways increased to 6m long:
- Bin store added at plot 79: Plot 2 handed &
- speed table extended: Footpath added in front
- of plots 19/20: Plot 49 changed type.

REVISIONS

PLANNING

ogilvie
HOMES LTD

Ogilvie Homes Ltd, Ogilvie House,
Portmell Business Park,
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PROJECT
Hens Nest Road, East Whitburn

DRAWING
Road Surfaces

SCALE
1:500 (A1)

DATE	JOB No.	DRAWING No.	REV.
27.01.2020	HNR	(PL)009	C
DRAWN BY			
GR			













