



**DATA LABEL: PUBLIC**

**WEST LOTHIAN COUNCIL (PLANNING)**

**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 Bangour Village Hospital, Dechmont.

**2 DETAILS**

Reference no.	1019/P/19	Owner of site	Allanwater Developments (Bangour) Ltd
Applicant	Allanwater Development (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

**3 PRE-DETERMINATION HEARING**

- 3.1 West Lothian Council Planning Committee has heard a report prepared by the Head of Planning, Economic Development & Regeneration relating to a planning application for a residential development with retail facilities, food and drink, community, education, assembly and leisure, non-residential institution uses and associated infrastructure at Bangour Village Hospital, Dechmont. The decision on a major development such as this, which is significantly contrary to the development plan, can only be discharged by the full council and not by a committee of the council.

**4 SUMMARY AND CONCLUSIONS**

- 4.1 The 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 Brun runs through the southern part of the site.
- 4.2 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.
- 4.3 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.
- 4.4 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.

**4 RECOMMENDATION**

- 4.3 It is recommended that planning permission in principle is granted subject to conditions and a section 75 planning obligation.

**6 ATTACHMENTS**

- Draft conditions

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

**The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0219/FUL/20, for the reason(s) set out as follows:**

- 1 The proposal is contrary to Policy 1B of the Strategic Development Plan for Edinburgh and South East Scotland. The site is a predominantly greenfield site located outwith the settlement envelope of East Whitburn on land designated in the adopted West Lothian Local Plan as countryside belt. The proposal would constitute an unjustified intrusion into the countryside belt and have a significant adverse impact on the strategic purposes of this designation.
- 2 The proposal is contrary to Policy 5 of the Strategic Development Plan for Edinburgh and South East Scotland. The site is not allocated for housing in the adopted West Lothian Local Plan. The West Lothian Local Development Plan allocates sufficient land which is capable of becoming effective to deliver the housing requirement for West Lothian.
- 3 The proposal is contrary to Policy 6 of the Strategic Development Plan for Edinburgh and South East Scotland. There is a generous supply of housing land in West Lothian and granting permission on this unallocated site would be outwith the terms of this policy.
- 4 The proposal is contrary to Policy 7 of the Strategic Development Plan for Edinburgh and South East Scotland. The site is not allocated for housing in the adopted West Lothian Local Plan and is not required in order to maintain a five year effective housing supply. The proposal would not be in keeping with the character of the settlement and local area and would have a detrimental impact on the strategic purpose of the countryside belt and give rise to visual/physical coalescence of East Whitburn and Whitburn. The proposal thus fails criteria (a) of Policy 7.
- 5 The proposal is contrary to Policy 8 of the Strategic Development Plan for Edinburgh and South East Scotland. The site is outwith the settlement envelope of East Whitburn and has relatively low accessibility to services and community infrastructure. A development of the size proposed at this location would not contribute to sustainable travel and sustainable development objectives and granting permission would likely result in a high proportion of journeys by car.
- 6 The proposal is contrary to Policy 13 of the Strategic Development Plan for Edinburgh and South East Scotland. The West Lothian Local Development Plan carried out a Local Landscape Designation Review in 2013 that formed the basis for the natural environment strategy set out in the plan. The site still remains in the countryside belt in the current plan. The proposal would constitute an unjustified intrusion into the countryside belt and have a significant adverse impact on the strategic purposes of this designation.
- 7 The proposal is contrary Policy HOU 1 of the West Lothian Local Development Plan. The site is not allocated for housing in the local development plan.
- 8 The proposal is contrary to Policy HOU 2 of the West Lothian Local Development Plan.

- 9 The site is not allocated for housing in the local development plan and is not required in order to maintain a five year effective housing supply. The proposal would not be in keeping with the character of the settlement and local area and would have a detrimental impact on the strategic purpose of the countryside belt and give rise to visual/physical coalescence of East Whitburn and Whitburn. It would further not contribute to sustainable development. The proposal thus fails criteria (a) and (c) of Policy HOU 2.
- 10 The proposal is contrary to Policy ENV 2 of the West Lothian Local Development Plan. The site is located outside the settlement boundary of East Whitburn where there is a presumption against development except in limited circumstances where development is compatible with a rural area or where there is a specific locational need. The proposed development does not meet any policy exemptions. The proposed development can be characterised as an unjustified development of a predominantly greenfield site and does not meet the criteria contained in policy ENV 2 for allowing housing development in the countryside.
- 11 The proposal is contrary to Policy ENV 7 of the West Lothian Local Development Plan. The site is outwith the East Whitburn settlement envelope in an area designated as the Bathgate/Whitburn Countryside Belt. The proposed development does not meet any policy exemptions. The proposal has no locational need and would give rise to visual/physical coalescence of East Whitburn and Whitburn. The proposal would constitute an unjustified intrusion into the countryside belt and have a significant adverse impact on the strategic purposes of this designation.
- 12 The proposal is contrary to Policy NRG 1 of the West Lothian Local Development Plan. The site is outwith the settlement envelope of East Whitburn and has relatively low accessibility to services and community facilities. A development of the size proposed at this location would not contribute to sustainable travel and sustainable development objectives and granting permission would likely to result in a high proportion of journeys by car.

- 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.*

