



**West Lothian
Council**

**DECISION NOTICE
GRANT PLANNING PERMISSION IN PRINCIPLE**
Town and Country Planning (Scotland) Act 1997, as amended

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **grants planning permission in principle for the development described below subject to an agreement under section 75 of that Act**, and in the planning application and attached docketted plan(s). This decision must be read in conjunction with any conditions set out on the following pages, the accompanying advice notes, and any guidance from the Coal Authority on ground stability

APPLICATION REFERENCE: 0881/P/07

PROPOSAL AND LOCATION: Planning Permission in Principle for the erection of storage and distribution (class 6) and office and light industrial (class 4) units, with ancillary retail (class1) and hotel (class7) floorspace and associated car parking, access and landscaping (as amended to delete retail and hotel uses) at J4M8 Storage and Distribution Park, Pottishaw, Bathgate

APPLICANT: Strawson J4M8 Ltd c/o
Quayside House
127 Fountainbridge
Edinburgh
EH3 9QG

The above major application was decided by the West Lothian Council Development Management Committee. Please see the guidance notes for further information, including how to appeal the conditions.

Docquetted plans, relative to this decision, are identified in Annex 1, Schedule of Plans. Where relevant, this includes the identification of varied plans. An obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, was entered into in connection with the development hereby approved. The terms of the obligation or a summary of its terms may be inspected by visiting West Lothian Council's online planning site at www.westlothian.gov.uk and searching on the application reference number.

Dated: 30/07/2013

**Chris Norman
Development Management Manager
West Lothian Council
County Buildings
Linlithgow
EH49 7EZ**

Signature _____

The reason why the council made this decision is as follows:

The proposals, as amended, and subject to agreed transport interventions, accord with the policies and provisions of the development plan and there are no material considerations which would indicate that the application should not be approved.

This permission is granted subject to the following conditions:-

1 Time Limits on Planning Permission in Principle

This planning permission in principle is granted subject to: -

(a) that, in the case of any matters specified in condition 2, application for approval must be made before:-

- (i) the expiration of 5 years from the date of the grant of planning permission in principle;
- (ii) the expiration of 6 months from the date on which an earlier application for such approval was refused, or
- (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest, and

(b) that the development to which the permission relates must be begun not later than: -

- (i) that expiration of 7 years from the date of the grant of planning permission in principle,
- (ii) if later, the expiration of 2 years from the final approval of the matters specified in condition 2, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason This is a direction relating to time limits made by the planning authority under the terms of the Town & Country Planning (Scotland) Act, as amended.

2 Matters Specified for Submission

No work shall begin in any individual development area until the written approval of the authority has been given of all these details and particulars relating to that individual development area through the submission of the matters specified below ("MSC" application):

- a) Existing and proposed buildings, vehicular accesses, internal estate roads, cycleways/footpaths, car parking, storage yards, lighting, walls/fences/boundary enclosures;
- b) plans, sections and elevations of all buildings indicating the type and colour of all external materials;
- c) hard and soft landscaping details including the location of all existing trees, trees to be removed and 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/management arrangements;
- d) existing and proposed ground levels and proposed finished floor levels and at least two sections (one east-west and one north-south) through the site of the proposed buildings. These sections shall be based on professionally surveyed levels;
- e) surface water and foul drainage arrangements for individual plot areas, which should tie into site drainage infrastructure.;
- f) a construction method statement which shall specify any wheel-washing and

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road-sweeping measures to the satisfaction of the planning authority, the location of any site compound and loading/unloading and storage facilities, together with the position(s) and extent of any soil dump(s).

Thereafter, the development shall be carried out in accordance with that approval(s).

Reason To ensure that the matters referred to are given full consideration, in order to avoid adverse surface water consequences for the occupiers of this or neighbouring development and to control construction impacts in the interest of road safety and amenity of the area.

3 J4M8 Floorspace Limit

The maximum gross building floor area over the entire J4M8 site, as shown within the red line boundary on approved plans number 1 & 2, shall be restricted as detailed below:

1. 185,000 sqm of class 6 storage and distribution floor area (including ancillary offices within the distribution units), and
2. 18,550 sqm of class 4 (offices and light industry)

For the avoidance of doubt, the class 4 uses shall be restricted to the area hatched in green on the approved plan number 3.

Reason In the interests of road safety given the capacity of the surrounding road network and to limit development in the peatland/bog areas around the suds pond.

4 Master Plan and Accompanying Documents

Unless otherwise agreed with the planning authority, the detailed plans to be submitted under the terms of condition 2 of this permission shall be prepared to generally accord with the terms of the master plan (Revision G, or any subsequent revision approved by West Lothian Council) and the accompanying design and planning statements; the transport assessment (as amended), the flood risk assessment and drainage strategy and the phase 1 habitat survey.

Reason To ensure the proposed development is of a high standard, in the interests of environmental amenity.

5 Public Transport

Bus stops and shelters shall be provided by the developer as part of the new through route between the A7066 and the A801. The location, number, specification and timing of the delivery of these facilities shall be agreed in writing with the planning authority prior to installation.

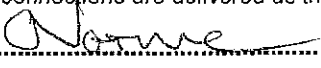
Reason To ensure the appropriate infrastructure is in place when required.

6 Pedestrian/Cycle Access

Prior to the occupation of any of the class 4 offices within Site 7 of the master plan, or such other date as agreed in writing with the planning authority, footpath/cyclepath links shall be formed from Site 7 as follows: (i) eastwards to connect with the existing north-south track/right of way located at the east end of the application site and (ii) southwards to connect with the existing and proposed path network at Riddochhill at suitable points along the ownership boundary.

The full details of the proposed paths shall be agreed in writing with the planning authority prior to implementation.

Reason To ensure the appropriate foot and cycle connections are delivered as the development expands.

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7 **Green Transport Plan**

A Green Transport Plan shall be prepared within six months of occupation of any new building within the application site. Each plan should accord with the approved travel plan framework and be submitted for the written approval of the planning authority. Each plan should identify the measures to be provided, the system of management, monitoring, review and reporting. Thereafter, each Green Transport Plan shall be implemented in accordance with the approved details.

Reason In the interests of sustainable transport and to allow the Council to monitor how successful the sustainable transport initiatives have been.

8 **Tree Protection**

All trees, hedges and shrubs within or adjacent to the site, except those whose removal or trimming has been approved by the planning authority, shall be protected from damage during construction work in accordance with the attached Landscaping Specification 1, unless otherwise agreed with the planning authority.

Reason In the interest of visual and environmental amenity.

9 **Right of way**

The right of way through the site, as diverted and agreed in the submitted access strategy, shall be protected and be available for use during construction works, unless otherwise agreed with the planning authority.

Reason In the interests of environmental and visual amenity.

10 **Drainage**

The surface water on the site shall be treated and attenuated to meet the best practice requirements for Sustainable Urban Drainage Systems (SUDS). Details of new or amended SUDS facilities shall be submitted for approval to the planning authority under the terms of condition 2, along with evidence that the facility is acceptable to the Scottish Environment Protection Agency and Scottish Water.

Site and regional SUDS, comprising swales and retention ponds, which have been installed at the site provide the second and third levels of treatment required, and attenuation up to the 1 in 200 year return period storm event. Each plot developed will require to provide source control as the first level of treatment, in accordance with CIRIA C697 The SUDS Manual, within plot curtilage.

Assuming that the developer will wish any new above ground system to be adopted, further detailed information shall be submitted. This shall include construction details, risk assessments and confirmation that the facility can be accessed from a public road or that a servitude right of access is otherwise included in the title.

If the developer is to consider a wetland or open water body, such proposals must be accompanied by a risk assessment and the inclusion of any engineering controls that may be required arising from it. It is recommended that the applicant refer to the RoSPA publication 'Safety at Inland Water Sites - Operational Guidelines' First edition, 1999 (ISBN 185088 0921).

Details of the maintenance arrangements for the facilities shall be agreed in writing with the council as planning authority.

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No work shall commence on an individual development area until such time as the planning authority has approved the details of the permanent and temporary surface water treatment and attenuation facilities, the maintenance arrangements and the timescale for implementation, in respect of that particular development area.

Due to the heavy local soils and the poor drainage characteristics, the developer must carefully consider techniques to minimise the risk of compacting sub-soils and damaging the structure of topsoils in areas of landscaping and open space. When it is not possible to avoid the compaction of sub-soils such as in the immediate environs of a proposed structure, the developer must ensure that all debris is removed from site and that intensive methods of soil cultivation and decompaction are employed prior to the spreading of topsoil.

Domestic sewage, trade effluent lorry wash bay drainage and surface water run-off from the loading bay and waste storage areas must be connected to the public foul sewer.

Reason To enable full consideration to be given to those details which have yet to be submitted, in the interests of visual and environmental amenity and to reduce the risk of flooding.

11 Archaeology

Prior to, or concurrently with, the submission of any of the matters under the terms of condition 2 or any detailed application for any individual development area on the approved master plan, the developer shall prepare and submit, for the written approval of the planning authority, an archaeological evaluation/written scheme of investigation, which identifies areas of potential archaeological interest and an appropriate programme of archaeological works, for that individual development area.

Thereafter, no development shall take place in any individual development area until the agreed programme of archaeological works for that area is fully implemented, to the satisfaction of the planning authority.

Reason To ensure that any archaeological deposits are identified and recorded/protected where appropriate.

12 Public Art

Prior to, or concurrently with the submission of any of the matters under the terms of condition 2 or any detailed application for any individual development area on the approved master plan, the developer shall undertake and submit, for the written approval of the planning authority, a Public Art Plan which identifies proposals for the provision of on site public art, in accordance with the best practice principles set out in the council's Public Art Strategy and SPG, Developer contributions towards public art. The Public Art Plan shall include a timetable for the delivery of the agreed public art and maintenance provisions.

Once approved, the public art proposals shall be implemented in accordance with that Plan and the timetable for delivery, to the satisfaction of the planning authority.

Reason In order to secure the provision of public art in accordance with local plan and SPG requirements.

13 Peat Bogs

Prior to, or concurrently with, the submission of any of the matters under the terms of condition 2 or any detailed application for any individual development area on the approved master plan, the developer shall undertake and submit, for the written approval of the planning authority, a report with proposals for the retention, protection, enhancement and long term management of the existing areas of peat bog on the site (as identified in the approved phase 1 habitat survey) which

are outwith those areas to be physically developed.

Once approved, the protection and management of the peat bog areas shall be undertaken in accordance with that report, and any subsequent applications shall take into account the provisions and recommendations of that report and implement any specific measures which are relevant to that development area, to the satisfaction of the planning authority.

Reason *To protect and enhance these valuable habitat areas.*

14 External Storage and Operations

External storage of materials shall be limited to those areas approved under the terms of condition 2a. The stacking of materials in approved areas shall be restricted to a maximum of 3 metres in height unless otherwise agreed in writing with the planning authority.

No industrial process shall be carried out outwith any building.

Reason *To safeguard the amenity of the development and surrounding area.*

Notes

Notification of the Start of Development:

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. A form is enclosed with the planning permission which can be used for this purpose. Failure to provide the above information may lead to enforcement action being taken.

Notification of Completion of Development:

The person who completes this development must, as soon as practicable, give notice of completion to the planning authority. A form is enclosed with the planning permission which can be used for this purpose.

Advisory Note to Applicant:

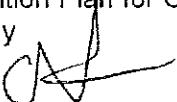
As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.

Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.

To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service at www.groundstability.com.

Annex 1, Schedule of Plans

- 1 of 4 : Drawing L(90)004 : Location/Boundary Plan
- 2 of 4 : Drawing L(90)001 Rev G : Indicative Master Plan
- 3 of 4 : Drawing L(90)001 Rev G : Planning Condition Plan for Class 4 Zone
- 4 of 4 : Drawing L(90)002 Rev C : Access Strategy

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