

West Lothian Council Local Development Plan – Proposed Plan

Representation on behalf of CALA Management Ltd

H-LL3 Land at Boghall East, Linlithgow

1. Executive Summary

- 1.1 This submission relates to Section 7 ‘The Spatial Strategy’ and Section 8 ‘Development Proposal by Settlement’ of the LDP Consultation Response Portal.
- 1.2 CALA is supportive of the proposed Local Development Plan (LDP) allocation for residential development at Boghall East (H-LL3) in principle.
- 1.3 West Lothian Council (WLC) has recognised that this site is no longer appropriately allocated for employment purposes. The emerging LDP comes forward against the background of a revised strategic planning framework (SESplan) which identifies a large housing land requirement, particularly in the period up to 2019. The ‘area of restraint’ policy which has restricted the growth of Linlithgow is removed and Linlithgow is now allocated within a Strategic Development Area (SDA) where smaller scale sites, satisfying a local need and facilitated by local infrastructure are supported.
- 1.4 The Proposed Plan follows the SESplan position and confirms that Linlithgow is no longer an area of restraint and allocates the Boghall East site for residential use.
- 1.5 However, CALA does object to the Proposed Plan under the following terms;
- Other potential constraints attributed to this site within the Schedule of Housing Sites have been resolved through negotiations associated with CALA’s current planning application (LPA Ref: 14/0302/FUL) and the Proposed Plan should be amended to reflect that position.
 - The proposed re-allocation of Boghall East from the catchment area of Springfield Primary to Low Port Primary school.
 - The application of a sequential approach to the selection of housing sites does not prioritise the most effective allocations and delivery of the housing land requirement.
- 1.6 Delivering the housing land requirement as laid out in SESplan and the Housing Land SPG must be the key priority for this Plan. The sequential approach, whereby brownfield should be developed in advance of greenfield is irrelevant and the Plan should bring forward effective sites, not simply apply a hierarchical approach to the allocation of housing land. Indeed, the LDP has in effect already completed that sequential decision making process, by deeming that greenfield land is required across Linlithgow to meet the strategic housing land requirements.

- 1.7 The current LDP Review represents an opportunity to address the issues highlighted through the recent Ministerial appeal decisions in Linlithgow, at Burghmuir and Clarendon. Against this background, the plan must also address the significant housing land shortfall and particularly, the ever increasing pressure on housing delivery pre-2019. The sequential approach adopted by WLC to new development in Linlithgow fails to address these priorities. It will not deliver the housing land requirement, nor will it address the significant housing land shortfall pre-2019. The priority must be delivery of effective sites, which can help to meet the housing land shortfall pre-2019 and in doing so, provide contributions towards the delivery of the Winchburgh secondary schools programme.

2. The Site

- 2.1 The 3.3 ha site at Boghall East, Linlithgow is located south of the A803 (Blackness Road), within a wider residential area east of the town's core. The site is open and flat with a single mature tree near its northern boundary. It is bounded on three sides by residential properties and a private road access is located on the western boundary servicing residential properties.
- 2.2 It lies within an established residential location within the defined settlement boundary of the town. It is close to Springfield Primary School, on a bus route and has excellent connections to the town centre of Linlithgow, the train station, and via Blackness Road, to the M9 motorway at Junction 3.

3. Background

- 3.1 CALA submitted a detailed planning application (Ref: 14/0302/FUL) in April 2014, which was not determined and is currently the subject of an appeal to the DPEA (ref: PPA-400-2058). It proposes the erection of 49 units, incorporating 4 and 5 bedroom family houses and affordable housing.
- 3.2 WLC's Main Issues Report (MIR) for the emerging LDP was the subject of a consultation process from 25 August 2014 to 17 October 2014. The site at Boghall East (reference E01-0015) was supported as a preferred new housing site with capacity to support 50 houses. The MIR also advised that the Council no longer supported Class 4 development on the site as set out in the adopted West Lothian Local Plan (WLLP).
- 3.3 The LDP has now progressed to the Proposed Plan stage. The site is identified as a housing allocation with a development capacity of 50 units (Ref:H-LL3). The Council continues to support the change of use of this site from employment to residential use.

4 CALA's Objection

Schedule of Housing Sites/Site Delivery Requirements

- 4.1 Housing sites allocated within the LDP are identified within this schedule which also sets out the requirements associated with the delivery of those sites. These requirements relate to potential site constraints and other infrastructural requirements.

4.2 The site at Boghall East is listed under this schedule at page 193 of the Proposed Plan which confirms its allocation as a housing site with a capacity for 50 units. However, there are a number of constraints/issues associated with this allocation which CALA has resolved through negotiations during the determination of their detailed planning application (Ref: 14/0302/FUL). These issues are addressed below.

Access: CALA's detailed planning application proposes a priority junction access onto Blackness Road. The private access to the west of the site is retained and a new pedestrian link would be created into Grange Knowe.

Archaeological potential: West of Scotland Archaeological Society confirmed through their consultation response that only a field evaluation would be required prior to development of this site.

Noise: WLC did not request a noise assessment to support CALA's planning application and this issue was not raised during the consultation process. Therefore, there is no potential for noise related impact resulting from the proposed residential development.

Contaminated land: The Council's Contaminated Land Officer raised no objection to the planning application and was ultimately satisfied that the soils within the site posed a low risk of contamination.

Flooding & drainage: Through the process of determining the planning application negotiation took place between CALA, WLC and Scottish Water (SW). The objections raised by the Flood Prevention Officer have been addressed. The conclusions from those negotiations are summarised as follows;

- The key statutory consultees SW and SEPA did not object to this application subject to appropriate, standard conditions.
- The Drainage Impact Assessment (DIA) prepared by SW confirms that foul discharge from the proposal can be mitigated to achieve 'zero impact' as required by them. WLC's insistence that the applicant achieve betterment was completely dismissed by SW.
- Storm run-off rates have been calculated and a system proposed to attenuate those predicted flows by way of SUDS treatment, in compliance with SW guidelines and approved by them. Indeed, discharge from the site will be at Greenfield rates.
- The level of proposed treatment for run off is appropriate and proposes two levels of treatment for roads run-off.
- SW confirms that run off water quality will be of a higher standard than is required by them. SEPA has not objected to the proposed drainage solution thereby acknowledging its acceptability.

Education

- 4.3 CALA objects to Boghall East's inclusion in the school catchment area for Low Port Primary school.
- 4.4 The site is located within the Springfield estate and CALA's proposals (now at appeal) are promoted on the basis that the pupils of primary school age would attend Springfield Primary. This is the closest primary school to the site and consultation responses from WLC's Education Department in response to CALA's planning application confirm the site's relationship with Springfield Primary. Indeed, the subsequent appeal has been progressed on these terms.
- 4.5 Moreover, the version of the Draft Proposed Plan which was approved by the Council Executive on 15th September 2015 identified the Boghall East site as falling into the catchment area for Springfield Primary.
- 4.6 At the time of making this submission, Ryden (on CALA's behalf) has sought clarification from WLC regarding this proposed change. In particular, CALA is keen to understand whether a separate schools catchment area review and consultation has taken place to justify the proposed amendment to the Proposed Plan.
- 4.7 WLC has confirmed by email on 11 November 2015 that the Boghall East site does in fact still fall within the catchment area for Springfield Primary and that the change was a drafting error. However, CALA reserves their position until the Proposed Plan has been amended to rectify this mistake.

Sequential Approach to Housing Site Selection

- 4.8 At paragraphs 5.65/5.66 the Proposed Plan sets out the sequential approach to new residential development in Linlithgow/Linlithgow Bridge. In essence, this prioritises brownfield sites within the current settlement boundary, then appropriate and suitable greenfield sites within the current settlement boundary and thereafter, greenfield release outside the current settlement boundary.
- 4.9 CALA objects to the application of this approach as it is not appropriate for determining which housing sites should be delivered in advance of others. The sole purpose of the Plan's housing land development strategy is to deliver the requirement set out in SESplan with a particular focus on the shortfall identified across the period up to 2019. On this basis, it is effective sites capable of being delivered pre-2019 and in doing so making contributions towards the delivery of the Winchburgh secondary schools, which should be prioritised.
- 4.10 CALA's site at Boghall East is allocated in the Proposed Plan as a greenfield site which lies within the settlement boundary. It falls behind brownfield sites under the terms of the sequential approach of the Proposed Plan yet it is more deliverable than those other sites. Through the planning application and ongoing appeal process, CALA has confirmed that the site is;
- In the ownership of a party who will release it to CALA Homes in the event planning permission is granted.

- Free from physical constraints, flood risk, access issues and contamination risk. Services infrastructure is available to support this proposed housing development. Education services are available to support this development at both primary school and secondary school levels.
- Does not require public funding.
- Occupies a highly marketable location for new housing.
- Deliverable by 2019. The site would therefore make an early contribution to the effective housing land supply to 2019 to assist towards achieving a five year supply of effective housing land.

4.11 The allocated brownfield sites which the Proposed Plan prioritises over Boghall East are;

- 81-87 High Street (HLi27).
- Falkirk Road, Land at BSW Timber (EOI-105).
- Clarendon House (EOI-0184).

81-87 High Street (HLi27)

4.12 Site HLi27, High Street has planning consent for 41 units restricted to occupation by residents over the age of 55 and construction has already commenced. It will not provide much needed family housing and has no impact on the existing school estate in Linlithgow.

Falkirk Road, Land at BSW Timber (EOI-105)

4.13 The site at Falkirk Road is owned by BSW Timber who have vacated the property. It is identified in the Proposed Plan for residential development of 18 units.

4.14 In assessing the effectiveness of this site to support their appeal submission, CALA undertook a full assessment of its developability including an indicative layout and development appraisal. The work concludes that the site is severely constrained as detailed below;

- The junction to Falkirk Road cannot be achieved in line with WLC Road Standards. The available title at the road renders sightlines deficient. To achieve the sightline, 3rd party land would be required from 'Lingate' and the owner of open space to the east. Alternatively, the junction would require to be 'built-out' into the public road to achieve the 4.5m x 70m forward visibility requirements. This would compromise the existing cycle-way and result in the narrowing of the public road, which serves as a District Distributor. This would in turn compromise the existing access to the residential properties to the west, by impacting upon their sightline to the east.
- From Falkirk Road, the access to the site is via an existing private track. The track is owned by BSW, although a single bungalow (Lochmill House) also utilises the route. This bungalow has a right of access over the track. Agreement from the proprietor of the bungalow will be required to restrict the use of the track during construction period.
- A pinch-point between the bungalow and adjacent title of "Ganavan" means that insufficient width is available to permit construction of an adoptable road and pedestrian footway/service area. The developer is required to provide the bungalow with continued means of access to their existing driveway.

- 4.15 It is clear that agreement with 3rd party landowners is essential to access the site. Therefore, it is ransomed in two separate locations; at the junction with Falkirk Road, and by Lochmill House. The site is not effective in terms of ownership.
- 4.16 Subject to solving the above issues the site is capable of accommodating a limited scale of residential development. That said, it lies immediately adjacent Edinburgh-Glasgow railway line. It sits at grade and the same level as the site, as such noise impact from this very busy commuter line will be significant. Consequently, the site is not an attractive proposition for family housing. Its potential is limited to smaller accommodation, potentially starter homes of 1 and 2 bedroom properties.

Clarendon House (EOI-0184)

- 4.17 This is a listed building, owned by West Lothian Council and allocated (in part) as a housing site for up to 8 units. Its development is supported by an approved Development Brief.
- 4.18 The most significant physical constraint relates to drainage and flooding with downstream, cumulative run-off impact a particular issue. WLC confirms through the Proposed Plan that development at this site is likely to require the developer to invest in additional off-site engineering in order to provide capacity in the combined sewer system.
- 4.19 The site also lies within the catchment for Low Port Primary School. Evidence from the appeal decision for the adjoining site (Clarendon Farm) found that the impact on that school roll was an insurmountable problem, for which there is currently no solution.

Conclusions – Brownfield Site Assessments

- 4.20 The brownfield sites in Linlithgow as allocated within the Proposed Plan, are expected to contribute some 67 units in total. The site at the Former Bus Depot is not allocated but has planning permission for residential development of 41 units restricted to occupation by residents over 55 years of age and as a consequence, will have no impact on the school estate.
- 4.21 The two remaining sites at Falkirk Road (BSW Timber) and Clarendon House will contribute a maximum of 26 units. The former has previously been refused consent for residential use and is severely constrained by way of; ownership, and physically due to its location adjacent to a railway line and also in terms of accessibility. At best, this site could come forward for a much smaller proposal if all constraints were resolved. Nevertheless, it is questionable whether a developer would want to take on this site given all of the issues identified and likely end value. It is not effective.
- 4.22 It is debateable whether the allocation at Clarendon House is currently effective but in any event, this site will contribute a maximum of only 8 units to the effective housing land supply.
- 4.23 The CALA site at Boghall East is effective, it is an appropriate and suitable greenfield site within the settlement boundary and must be prioritised in light of the above conclusions. Other brownfield sites allocated cannot guarantee delivery of housing pre-2019 and as such, development at Boghall East will not prevent those sites coming forward.
- 4.24 The Plan must enable effective sites which can deliver the housing requirement as a priority and if necessary, over other allocated sites which are defined more favourably under the Plan's sequential approach, which is flawed and must be amended accordingly.

5. **Summary of CALA's Representation**

- 5.1 CALA supports in principle the allocation of the site at Boghall East (H-LL3) for residential use. WLC acknowledges that the site is no longer suitable for employment use and is more appropriately allocated as a housing site, which can help to deliver the housing land requirement pre-2019 and is capable of making contributions towards the delivery of the Winchburgh secondary schools.
- 5.2 The Schedule of Housing Sites identifies the issues/constraints associated with allocations in the Proposed Plan. Despite assurances from WLC that the inclusion of Boghall East in the catchment area for Low Port Primary is a drafting error, CALA maintains an objection to this point and requests that the plan is amended to confirm that the site indeed falls in to the catchment area for Springfield Primary.
- 5.3 Moreover, other issues identified as potential constraints such as flooding and drainage, archaeology, contaminated land and noise have all been resolved through the negotiation of CALA's detailed planning application (Ref: 14/0302/FUL) and the Proposed Plan should be amended accordingly.
- 5.4 CALA objects to the application of the sequential approach to the selection of housing sites, as it is presented in the Proposed Plan. This approach is not appropriate for determining which housing sites should be delivered in advance of others. The sole purpose of this approach should be to drive forward the delivery of the housing land requirement set out in SESplan and with particular emphasis on addressing the shortfall in the period to 2019. The Ministerial appeal decisions in respect of proposals for Burghmuir and Clarendon, both in Linlithgow, lay down a clear marker for WLC in terms of housing land supply shortfall and what is required by the LDP review. The sequential approach proposed through the LDP does not reflect the reasoning behind these decisions.
- 5.5 The Proposed Plan should be amended to promote the delivery of effective sites capable of development pre-2019 and in doing so, making contributions towards the delivery of the Winchburgh secondary schools programme. This consideration should outweigh the hierarchical nature of the sequential approach currently identified in the Plan.