

Representation to
Proposed West Lothian Local Development Plan

In relation to
Land at Main Street, Dechmont (Proposed LDP Site H-DE2)

Prepared by
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On behalf of
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SUPPORTING CD CONTAINS SUPPORTING KEY ASSESSMENTS FORMING PART OF PLANNING APPLICATION REF.0586/P/14 FOR EASE OF REFERENCE

Introduction

This representation to **West Lothian Council's (WLC) Proposed Local Development Plan (LDP)** has been prepared by Clarendon Planning & Development Ltd on behalf of John Macfarlane and Colin Macfarlane and follows previous representations made to the Main Issues Report with respect to land identified within **Figure 1** at Main Street, Dechmont.

Part 1 of this representation provides comments on the Proposed LDP policies while **Part 2** supports proposed housing site Ref.H-DE2 subject to amendments to proposed density.

Whilst the allocation of Site Ref.H-DE2 at Main Street, Dechmont is wholly supported, this representation objects to the proposed site capacity (60 units) and seeks an increase in capacity to 120 units based upon the reasoning and justification within this representation and in light of the clear housing land supply shortfall detailed hereafter.

In this respect, it is considered that the LDP as it presently stands will not meet the Council's obligations of providing a 5 year effective housing land supply and SESplan strategic requirements and therefore additional housing opportunities must be identified.



Figure 1 - Wider Site Context

Section 3 - Role and Purpose of the Plan

The role and purpose of the plan is generally supported but, as detailed within this representation, John Macfarlane and Colin Macfarlane do not agree with the statement in **Paragraph 3.1**, whereby it is stated that the LDP has been prepared under the terms of Scottish Planning Policy 2014 (SPPI4). SPPI4 requires LDPs to ensure that a generous supply of housing land is provided and a 5 year effective housing land supply is maintained at all times.

As set out within this document and also detailed by Homes for Scotland, the minimum requirement of a 5 year supply of housing land has not been provided by WLC in the Proposed LDP, therefore additional housing must be allocated within the plan to allow it to adhere to SPPI4.

In particular, SPP Paragraph 123 states, *“Planning authorities should actively manage the housing land supply. They should work with housing and infrastructure providers to prepare an annual housing land audit as a tool to critically review and monitor the availability of effective housing land, the progress of sites through the planning process, and housing completions, to ensure a generous supply of land for house building is maintained and there is always enough effective land for at least five years”*.

The principle of the role and purpose of the plan is supported, but on the basis that it does not meet SPP requirements for housing land, the plan fails to meet its required objectives.

Section 4 - Vision Statement and Aims

The vision statement and aims are generally supported, however in order to support the section on **Sustainable Housing Locations**, WLC must demonstrate an effective supply of housing land. Until the housing land supply meets the SDP requirement, as detailed hereafter, and a five year effective supply is demonstrated, this key aim will not be achieved.

Section 5 - Spatial Strategy

The spatial strategy focuses on the established growth areas set out within the previous Structure Plan and current SESplan. It is noted in Paragraph 5.4 that additional allocations will be required to meet SESplan requirements in full whilst Paragraph 5.5 notes that major development outwith the previously established CDA locations will be resisted unless meeting specific planning aims.

SESplan Figure 7 highlights the Strategic Development Area for West Lothian and this diagram should be included within the LDP for clarity. This also demonstrates that new housing can come forward in a wider range of locations on the basis they can address SESplan Policy 7 considerations in relation to infrastructure, settlement character impact and Green Belt objectives.

With regard to **Housing Land Requirements for the LDP**, Paragraph 5.38 states that the LDP has been prepared in the context of SESplan and refers in Figure 3 to the SESplan requirements across the periods 2009-19 and 2019-24.

However, it is noted in Paragraphs 5.38-5.41 that WLC refer to the Housing Needs and Demand Assessment 2 (HoNDA2) which has been prepared as a preliminary stage of the emerging SESplan2.

As confirmed via recent appeal decisions at Linlithgow (Clarendon Farm and Burghmuir), the use of HoNDA2 is not deemed appropriate at this stage as it is set to inform a SESplan which has not yet been prepared. The findings of HoNDA2 will not be translated literally into spatial strategy and associated housing land requirements in SESplan2 - the document is an information base from which to then make planning policy decisions. As such, there is clear guidance from the Scottish Government via the recent appeals that WLC cannot utilise HoNDA2 figures at this stage and it is therefore irrelevant in the preparation of the current LDP which must conform to the currently approved SESplan. **References to HoNDA2 should therefore be removed from the LDP.**

John Macfarlane and Colin Macfarlane therefore **object to the reasoning behind the failure of WLC to meet SESplan requirements for the period 2009-19, as set out in LDP Figure 5.**

It is noted in Figure 5 that allowing for LDP allocations there would be a shortfall of 3,623 units in the first SESplan period to 2019 with a surplus of 3,656 units in the second SESplan period (2019-24) with an overall surplus of 33 units across the whole plan period. Notwithstanding the failure to meet SESplan requirements to 2019, there are points to note in terms of the calculation of these figures.

Firstly, in terms of the WLC figures, we would note the following:-

- For 2009-19, the total supply from existing sources (I) should read 7,416 with the associated target for LDP allocations (J) being 5,146 and

the shortfall in this period (L) being 3,650

- For 2009-24, the total supply from existing sources (I) should read 15,711 with the associated target for LDP allocations (J) being 4,100 and the surplus in this period (L) being 6
- The statement that the overall SESplan target to 2024 has been met clearly masks the disproportionate undersupply of housing land within the first period of the plan (to 2019) and the associated oversupply within the second period of the plan.
- **The LDP therefore fails to meet the requirements of SESplan or of SPP in terms of constantly providing a minimum of a 5 year effective housing land supply**

The correct calculation, utilising the WLC figures, would therefore be an overall surplus of just 6 units, which is hardly generous or providing flexibility over and above the minimum 10% additional allowance included.

Secondly, as noted by Homes for Scotland, we would note the following points in terms of a more accurate assessment:-

- Paragraph 5.48 states that programming within the agreed 2014 HLA has been reviewed but there is no industry agreement to revisions
- Constrained sites should not be included in the 2009-19 figures as if they are constrained in the 2014 HLA there is little prospect of them contributing towards the first SESplan period
- The allowance of constrained sites for the second SESplan period is too high (currently 3,716) and there is no compelling evidence (as set out in SPP Paragraph 15) in terms of this

Part I: Comments on Proposed LDP Policy

figure within the calculation of the housing land supply

- Taking the above into account, this fundamental aspect of the plan is flawed and should be addressed by bringing forward additional deliverable short term housing sites.

To illustrate the above, **Table 1** mirrors the housing supply element of Figure 5 within the Proposed LDP but amends calculations to remove constrained sites from 2009-19 and 2019-24 given the lack of evidence to support inclusion at this stage. The table retains the WLC estimated programming of the effective land supply and estimated programming of LDP allocations.

Table 1 demonstrates a substantial reliance upon constrained sites for WLC's housing land supply without which land for a further 4,352 units would be required across the plan period with the majority within the immediate, short term period.

To illustrate further, **Table 2** highlights the shortfall in the context of the 5 year effective housing land supply requirement (and the agreed 2014 HLA) and demonstrates that West Lothian have a current shortfall of 5,323 subject to contribution from new LDP sites. On the basis that only 1,496 units are estimated to be derived from LDP sites to 2019, this leaves a **substantial shortfall** of 3,827 units.

In order for this shortfall to be addressed, it is appreciated that a significant increase in the rate of housing completions is required. WLC are obliged to facilitate the identified housing land requirements and therefore it is clear that additional housing outlets will be required across West Lothian in the short term and a 'no action' policy is not acceptable. Also, as set out within SPP Paragraph 116, WLC must justify the application of a 10% generosity

allowance as opposed to 20%.

Reference to the SESplan paper 'Maintaining a Five Year Effective Land Supply' (May 2015) in Paragraph 5.51 should be deleted as this was not consulted upon and has no material status.

Paragraph 5.52 should be amended to reflect the need to meet requirements for both SESplan periods.

Paragraph 5.53 & 5.90 state the responsibility of providing additional education infrastructure is placed on housing providers. Whilst the application of developer contributions is accepted policy, there is a **fundamental requirement for WLC to forward-fund infrastructure via a long-term funding mechanism** and then recoup costs. **Without a clear commitment to infrastructure delivery, WLC will wholly fail to meet its housing growth requirements and associated economic aims. Furthermore, the last sentence refers to the approach to assessing the 5 year effective land supply which is not yet applicable in the context of the current LDP.**

Policy HOU2 should be amended with the word 'endeavour' deleted. WLC are required to maintain a 5 year effective land supply via SPP and SESplan and this policy should be amended to provide criteria by which to assess new sites (in line with SESplan Policy 7) to contribute to identified housing land shortfalls.

Policy HOU8 is not accepted as developer contributions towards healthcare is unreasonable, unquantifiable and addressed by other funding.

Policy INFI requires amendment with Supplementary Guidance on developer contributions not yet produced or consulted upon.

	2009-2019	2019-2024	2009-2024
Effective Land Supply	4422	4279	8701
Constrained Sites	0	0	0
Windfall	480	400	880
Completions 2009-2014	2440	0	2440
Demolitions	568	100	668
Total Supply Existing Sources	6774	4579	11353
Land Supply Target (+10%)	12562	7249	19811
New LDP Allocations Target	5788	2670	8458
New LDP Allocations Proposed	1496	2610	4106
Shortfall/Surplus	-4292	-60	-4352

Table 1 - Constrained Sites Impact on Proposed LDP Housing Land

2009-2019 Target (11,420 plus 10% generosity allowance)	12562
2009-2014 Completions	2440
2014-2019 Net Requirement	10122
2014-2019 Programmed Effective Land Supply (2014 HLA)	4799
2014-2019 Effective Land Supply Surplus/Shortfall	-5323
New LDP Allocations Proposed (programmed pre-2019)	1496
Shortfall/Surplus	-3827

Table 2 - Effective Housing Land Supply 2014-2019

Part 2: Objection to Site Capacity of Proposed Site H-DE2 - Main Street, Dechmont

Introduction

The site is currently allocated for housing in the Proposed LDP following its inclusion as a preferred housing site within the LDP Main Issues Report stage.

Representations were submitted to the Call for Sites exercise in 2011 and the MIR in October 2014 and a Planning Permission in Principle application was submitted in August 2014 (Ref.0586/P/14) outlining scope for approximately 120 units. An appeal was subsequently submitted on non-determination grounds in October 2015 (DPEA Ref.PPA-400-2059) which is currently under consideration.

Notwithstanding the background studies supporting the 120 unit proposal, the site has been allocated for just 60 units (increasing from 30 within the MIR).

It is noted that the site area for the proposed site in the LDP is 6.2 hectares which reflects the application site but the LDP map for Dechmont appears to be only half this area, as detailed hereafter.

It remains the view that the site can comfortably accommodate 120 units as outlined in the application and still allow for a substantial area of open space and woodland to form a strong eastern edge.

On the basis of the clear housing land supply shortfall identified in Part 1 of this representation, John Macfarlane and Colin Macfarlane object to the stated capacity of Site H-DE2 and seek amendment from 60 to 120 units.

Site Description

The site, as noted within **Figure 2**, is located on the eastern edge of Dechmont, a small town located immediately north of Livingston and the M8 motorway. The site is bound by established housing to the west, a continuation of Dechmont Main Street to the north, the A899 and tree-line to the east and a combination of established housing, mature woodland and the A89 to the south.

The site extends to approximately 15 acres and comprises a mix of grazing land and rough scrubland and woodland. Mature trees and hedgerow bounds the east and north of the site, which create a strong sense of containment.

LDP Site Assessment

The LDP MIR's supporting *Strategic Environmental Assessment* stated that, **"land between the edge of Dechmont settlement envelope and the A899 represents a logical area for the village to extend into, with the A899 providing a clear defensible boundary..."**. The assessment goes on to say that, **"this general area, close to Dechmont roundabout on the A89, is already quite urbanised, more so with the recent opening of Dobbies and the justification for sustaining the Livingston Countryside designation here is just that little bit less convincing than it perhaps once was"**.

The site is located within the Bathgate Hills Landscape Character Area (LCA), as defined by the *West Lothian Landscape Character Area Classification* (August 2014) and is not subject to any protective landscape designations with the Landscape and Visual Impact Assessment which supported the planning application providing a positive analysis.

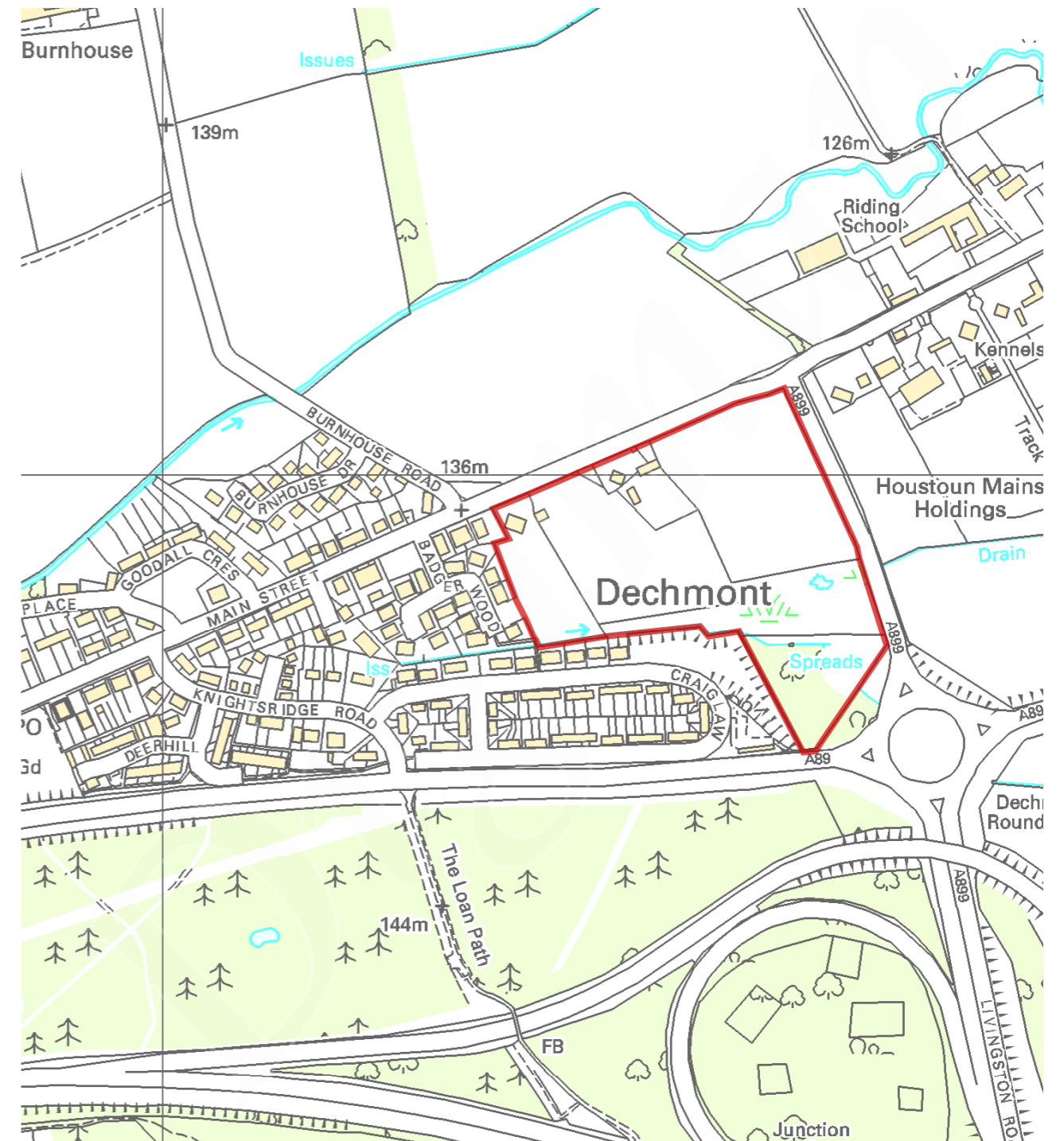


Figure 2 - Site Location Plan

Part 2: Objection to Site Capacity of Proposed Site H-DE2 - Main Street, Dechmont

Site Capacity

Proposed LDP

Page 85 of the LDP notes a proposed capacity of 60 units for Site H-DE2 on a site area of 6.2 hectares. The supporting plan (LDP Map 5) for Dechmont is included at **Figure 3** which shows the eastern site boundary leaving a residual area outwith the settlement boundary towards the A899.

Appendix 2 (Page 177) outlines the requirements for the site which includes a “requirement to accommodate a landscaped no build zone of at least 70m depth, located west of the site boundary with the A899”.

Whilst objecting to the site capacity, it should also be noted that the residual area in **Figure 2** between the site allocation and the A899 extends to greater distance than 70m.

Implications of existing Site Capacity

Development on the site is generally supported by WLC and the eastern boundary of the A899 is established as the natural extent of development as per the aforementioned LDP Site Assessment. A development of 60 units as per the Proposed LDP would require an unreasonably large extent of new woodland and, based on the actual measurements, potential some residual ‘left over’ land between new housing and woodland.

There is no detailed landscape justification to support the requirement for a 70m width woodland as proposed. The area for new woodland is also outwith the site boundary in terms of any planning application boundary.

Proposed Site Capacity

The indicative site layout contained within the planning application provides for 120 units. This is supported by a full Transport Assessment (scale of development can be accommodated within the current road network), a Landscape and Visual Impact Assessment (key views can be maintained with landscape impact mitigated through design), Ground/Services Study (no physical restrictions), Flood Risk Assessment/Outline Drainage Strategy (scale of development can be accommodated whilst retaining flood risk area and allowing for suitable surface water management) plus archaeology, ecology and education capacity studies.

The proposals allow for a 30m-40m width of woodland on the site’s eastern edge to form a clear and defensible boundary to development and retain a sense of transition between Livingston and Dechmont.

Therefore, **in general capacity terms, the proposed scale can be accommodated as illustrated in Figure 4 on Page 8.**

Proposed Site Density

The 120 units are contained within a net developable area of 3.55 hectares (8.77 acres) with the gross site area being 6.2 hectares (15.36 acres). This equates to a **density of 19-34 dwellings per hectare (8-14 dwellings per acre)** depending on whether gross or net site area is utilised (it is noted that the Council’s *Residential Development Guide Supplementary Planning Guidance 2013* states a preference for gross site areas to be utilised to calculate density).

This is based upon a mix of cottage flats, terraced, semi-detached and detached units and the site

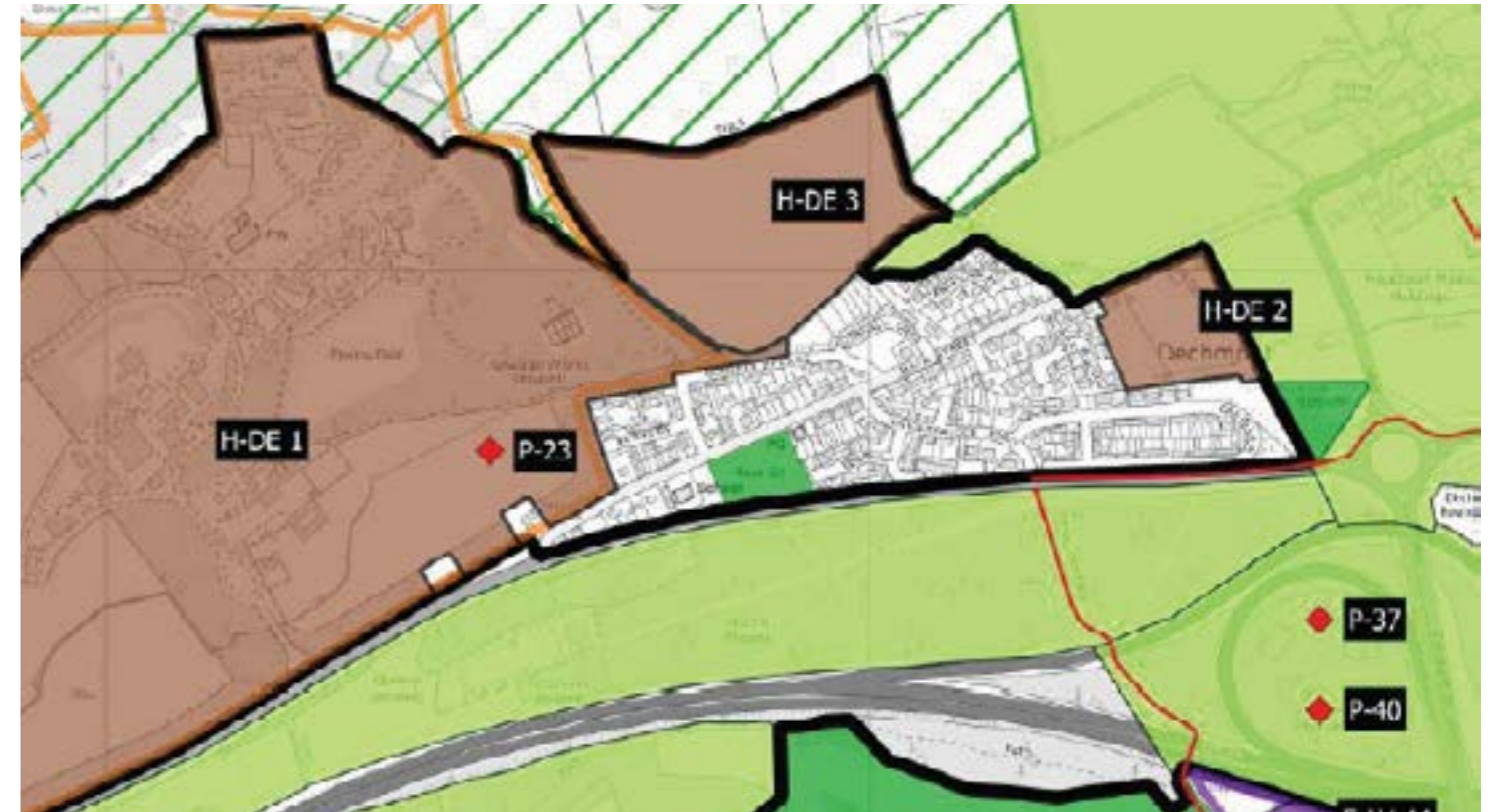


Figure 3 - Proposed LDP plan for Dechmont

layout allowing for approximately 2.65 hectares of amenity open space and landscaping of varying forms, comprising formal parks, an extensive area on the south-eastern edge including playing field/play area, semi-natural greenspace, SUDS and woodland, woodland/landscaped buffers on northern/western edges and a significant woodland buffer (of varying width between 30m to 40m) on the eastern site edge.

In terms of open space provision, the proposals provide a generous allowance with a variety of active open space types. The Council’s *Residential Development Guide SPG* does not provide specific open space requirements but reference is made to the National Playing Field Association ‘6 acre standard’ for ‘outdoor play space’, i.e. 2.4 hectares

per 1000 persons. Whilst this is generally applicable across a wider area in line with the Council’s Open Space Strategy, it should be noted that the indicative design would require an allowance of 0.86 hectares if accommodated all on site (120 units x 3 persons = 360 persons; 0.36 x 2.4). As noted above, the proposals actually provide well in excess of this at present.

The indicative density generally accords with ‘medium’ density levels of 30 dwellings per hectare, as outlined within Paragraph 6.39 of the adopted West Lothian Local Plan and the aforementioned design SPG, which states that:

“housing density should always relate to the character of the wider area and its accessibility. However, in order to

Part 2: Objection to Site Capacity of Proposed Site H-DE2 - Main Street, Dechmont

sustainably meet long term-housing needs, it is important that new developments are designed to make the best and most efficient use of the land available. Typically, higher densities help to reduce land take and contribute to the viability of local services and public transport, and, as a general rule, the council will encourage higher density housing developments within and adjacent to town centres, adjacent to public transport facilities and along key transportation corridors where appropriate” (Page 15).

Additionally, the SPG reinforces this point by stating, “to sustain local services and public transport, minimise land take for new development and promote social inclusion, new housing developments within the CDAs are expected to provide a diversity of house types, tenures and densities, and within the mixed use areas listed in policies CDA 7 - CDA 9, net housing densities should average at least 25 residential units per hectare” (Page 16).

By way of comparison, housing developments within Dechmont provide the following densities:

- **Craiglaw** (2 storey terraced/semi) **35-52 dwellings per hectare** (83 units on 1.6 hectares or 2.4 hectares including adjoining roads and verge landscaping)

- **Badger Wood** (1&2 storey bungalows/detached) **17 dwellings per hectare** (23 units/plots on 1.37 hectares)

- **Burnhouse Drive** (1 storey bungalows) **15 dwellings per hectare** (16 units on 1.05 hectares)

- **Deerhill** (2 storey terraced/semi including open space) **30 dwellings per hectare** (34 units on 1.12 hectares)

- **Burnside** (2 storey terraced/semi) **35 dwellings per hectare** (48 units on 1.37 hectares)

Overall, it is considered that the proposals provide for a highly suitable density in terms of both policy guidance on medium density development, optimising the use of greenfield land and within the context of surrounding housing densities.

The eastern boundary (A899) is referred to within the Council’s own LDP environmental assessment as the most appropriate long term boundary and the proposals provide for extensive woodland to create a strong visual barrier and edge to Dechmont.

In this respect, it is clear that the site capacity for Main Street as presently proposed in the LDP is too low and that site capacity should be amended to 120 units which would allow for the sustainable use of the whole site as illustrated in the application indicative site layout in Figure 4.

Key Assessments

As part of the current PPP application, John Macfarlane and Colin Macfarlane have commissioned a full range of supporting assessments which have been submitted to the Council. These include the following:-

- Housing Land Assessment
- Design Statement
- Education Capacity Appraisal & Addendum
- Pre-application Consultation Report
- Landscape and Visual Impact Assessment
- Archaeological Assessment
- Habitat Survey
- Transport Assessment
- Desktop Ground & Services Study

- Coal Mining Risk Assessment
- Flood Risk Assessment & Outline Drainage Strategy

Copies of all documents have been provided on a CD under separate cover for ease of reference for subsequent LDP examination.



Figure 4 - Indicative Site Layout

Part 2: Objection to Site Capacity of Proposed Site H-DE2 - Main Street, Dechmont

Site Effectiveness Summary

Scottish Planning Policy (SPP) and guidance set out in PAN 2/2010 Affordable Housing and Housing Land Audits require that sites allocated within Local Development Plans are effective, being able to contribute completions during the plan period (up to year 10 from LDP adoption).

As such, PAN2/2010 criteria for assessing site effectiveness provide a test against which sites require to be gauged with **land at Main Street, Dechmont considered effective, being free of potential site constraints and able to deliver units within the plan period.** Specifically:-

Ownership Status: **Effective**

- The site is owned by a willing seller with confirmed interest from national housebuilders seeking to start construction at the earliest opportunity.

Physical Status: **Effective**

- The **Desktop Ground/Services study** and **Coal Mining Risk Assessment** indicates there are no restrictions to the proposed site layout with regard to ground conditions or services. The **FRA/Drainage Strategy** sets out the area to be kept free from development which has been accommodated within the site layout. Surface water drainage options exist to east and south-east of the site. The **Archaeology Assessment** confirms the site is not subject to constraints that would hinder development, subject to further investigations through the detailed planning stage.

Contamination Status: **Effective**

- The site, given its greenfield nature, has been deemed to have a low risk of contamination as indicated within the **Desktop Ground/**

Services study.

Deficit Funding Status: Effective

- The development would be privately funded, also allowing for required infrastructure upgrades.

Marketability Status: Effective

- The Dechmont and wider Livingston housing market remains a highly marketable location with demand for both private and affordable units confirmed via the SESplan Housing Needs and Demand Assessment. The proposed site could be **completed within the first SESplan period, i.e. pre-2019.**

Infrastructure Status: Effective

- Utility connections and water and drainage connections are available to the site with any localised upgrading of capacity able to be met by the developer.
- The **Transport Assessment** confirms that the scale of development can be accommodated within the local road network and access proposals and associated sightlines are achievable. **The site is thus fully deliverable and effective in terms of transport considerations.**
- The **Education Capacity Appraisal and Addendum** outline a proposed strategy to accommodate development within Dechmont Infant School, Kirkhill Primary School, Broxburn Academy, St.Margaret's Academy and St.Nicholas RC Primary School with financial contributions towards required extensions acceptable.

Land Use Status: Effective

- Housing (both private and affordable) is the predominant proposed use for the site.

Overall

There are no known constraints which will hinder delivery of housing completions within the LDP period and the site's allocation is wholly supported.

The site allows for a well defined extension of Dechmont which can integrate well with the existing urban area and have no adverse landscape impact.

The landowners have submitted a planning application (and current appeal to the DPEA) and undertaken supporting studies which demonstrate site deliverability in the short term. A viable education capacity strategy has been presented as part of the planning application submission.

The site is capable of making a significant contribution to West Lothian's housing land supply shortfall within the pre-2019 period.

It has been demonstrated that the proposed site capacity at Main Street (120 units) is suitable, contextual and achievable. The site capacity for Site H-DE2 should therefore be amended to 120 units within the Proposed LDP.

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