

Planning and Economic Development  
Development Planning  
West Lothian Council  
County Buildings  
High Street  
Linlithgow  
EH49 7EZ

**By E-Mail Only**

16<sup>th</sup> October 2014

Dear Sirs,

**Main Issues Report: West Lothian Local Development Plan  
Representations in respect of land at Brotherton Farm, Livingston**

Gladman, in partnership with landowner [REDACTED] wish to promote the above site for allocation in the forthcoming LDP for residential development to deliver around 180 new homes and all associated infrastructure.

The site was not represented at the Call for Sites stage of LDP preparation, and as such has no assessed status in the Main Issues Report.

There is a live planning application in respect of the site (0648/P/14); PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF A 12.4 HA RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ROADS, LANDSCAPING AND OTHER WORKS (GRID REF. 303847 664978) AT LAND AT BROTHERTON FARM, LIVINGSTON.

It is submitted, through a comprehensively supported case, that development of this site as proposed is appropriate given that:

- Livingston is the principal settlement within the West Lothian Strategic Development Area (SDA); recognised as accessible and well placed for investment and growth.
- Land at Brotherton Farm sits in the Countryside Belt on the western edge of the town, outwith any existing landscape protection designations. The site is at the eastern extremity of the boundary of the proposed 'Upper Almond Valley' Landscape Character Unit (LCU) and would not affect its overall landscape characteristics.
- As demonstrated in the LVIA and Design Statement, the development of this site follows an established pattern of development in Livingston townscape.
- The MIR preferred strategy of over provision of housing land in the LDP does not go far enough, and West Lothian Council does not currently have a five-year supply of effective housing land. Close attention must be paid to the housing growth strategy

moving forward, the content of preferred sites therein, and the statutory requirement to have a five-year effective housing land supply at all times.

- The proposal is for an economically viable stand-alone development, delivering all requisite infrastructure on a developer funded basis, on a short term basis (within 5 years), meeting key concerns of West Lothian Council.

The planning application submission thoroughly demonstrates effectiveness and potential for delivery of 180 new homes within the LDP timescale. This proposal gives WLC an opportunity to deliver units on the ground in the short term, with site start as early as 2016. This is an effective site and should be recognised and supported as such.

In order to further aid your consideration of this development option, we enclose:

- MIR Questionnaire
- Indicative Masterplan
- Planning Statement
- Site Deliverability Statement
- Design Statement
- Landscape and Visual Appraisal

Land at Brotherton Farm provides an attractive, accessible and effective option for the planned growth of Livingston, helping to meet specific housing land requirements in the critical 2009-2019 period, for which there is a significant and recognised shortfall. We would urge West Lothian Council to fully consider this proposal and approve planning permission as well as including the site as a housing allocation in the forthcoming Proposed LDP.

Gladman would wish to discuss this submission in greater detail with the relevant Council officers, given its live planning application status and positive opportunity to deliver new homes in the short term, in parallel to LDP preparation.

Yours faithfully,



**For Gladman Developments Ltd.**

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Cc. Ranald Dods

WLC Development Management



**Land at Brotherton Farm,  
Livingston**



# **Planning Statement**

**Gladman**



# **PLANNING STATEMENT**

**LAND AT BROTHERTON FARM,  
LIVINGSTON, EH55 8QW**



**PROPOSED RESIDENTIAL DEVELOPMENT, ACCESS,  
LANDSCAPING, OPEN SPACE AND ASSOCIATED WORKS**

**Application for Planning Permission in Principle**

**August 2014**

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## Brotherton Farm

### 1. INTRODUCTION

#### 1.1 Context

1.1.1 This planning statement is submitted to West Lothian Council by Gladman Developments Ltd. and [REDACTED] in support of their application for Planning Permission in Principle (PPP) for residential development on land at Brotherton Farm, Livingston.

1.1.2 Specifically, the residential development proposal comprises mainstream housing, 15% affordable, with new vehicular access and pedestrian/ cycle links, landscaping, open space and play provision.

1.1.3 Measuring some 12.4 hectares, the application site is located to the south west of Livingston town centre, and currently forms part of the Brotherton Farm land holding.

1.1.4 This planning application responds directly to the identified need to deliver additional homes in the West Lothian Council area due to a significant shortfall in the effective five year housing land supply (refer to section 6). This planning submission demonstrates how a high quality residential development is capable of being delivered in this sustainable location within the five year period.

1.1.5 Gladman has a controlling interest in the whole of the application site.

#### 1.2 About Gladman

1.2.1 Gladman was established in 1987 and has enjoyed significant success in a range of property sectors. The business takes a proactive approach to development, using experience and market knowledge to deliver housing where people want to live.

1.2.2 With a dedicated team of over 90 in-house professionals, Gladman has the skills and knowledge to develop the appropriate planning solution for development at Brotherton Farm.

1.2.3 The Company is now the largest promoter of strategic land in the UK with over 150 sites being promoted. Many of these sites have now either successfully secured planning permission, are in the process of finalising legal agreements or are awaiting decisions. Sites where planning permission has been secured have been sold and are positively contributing to the effective land supply of their respective local authority area.

1.2.4 Gladman do not 'land-bank' and as such deliver effective sites for residential development. This part of West Lothian is of interest to house builders (see Appendix One).

1.2.5 The Gladman business model aligns itself well with the Scottish Government's current objectives in so far as it seeks to increase the rate of housing delivery, and by contributing to sustainable economic



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growth through developing land in sustainable locations. As demonstrated in this planning submission, the proposal actively fulfils these objectives.

### 1.3 The Planning Application

#### 1.3.1 Proposed Development

This application seeks Planning Permission in Principle for a residential development comprising around 180 dwellings, of which 15% will be affordable homes. The proposal also includes the creation of a new vehicular access into the site, associated engineering works as well as providing new public open space, landscaping, pathways and play areas.

#### 1.3.2 Submission

The application submission comprises the following:

- Application form, landownership certificate and application fee of £9,550 (maximum fee for in principle application) payable to West Lothian Council
- Site location plan
- Indicative master plan and landscape plan
- Planning statement
- Pre-application consultation (PAC) report
- Design statement
- Landscape and visual assessment
- Education position statement
- Transport assessment
- Utilities and infrastructure report
- Economic Impact Statement
- Archaeological assessment
- Phase 1 habitat and protected species survey
- Drainage strategy and flood risk assessment
- Noise assessment
- Air Quality Assessment
- Preliminary Environmental Assessment Report
- Soils and Agriculture Assessment Report
- Tree survey
- Renewable Energy Statement
- Health Impact Assessment

### 1.4 Pre-application Consultation

1.4.1 The Pre-Application Consultation (PAC) Report sets out in full the process of consultation undertaken in respect of this planning application, and the outcomes of this process.

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- 1.4.2 A Proposal of Application Notice (PoAN) for the site was submitted to West Lothian Council on 4<sup>th</sup> March 2014. In the months leading up to this submission, extensive pre-application consultation has taken place to allow the local community, officers at West Lothian Council and key stakeholders the opportunity to comment on the initial proposals and help shape the scheme that is proposed in this application. The PAC report details the process that has taken place so far and includes the feedback received to date.
- 1.4.3 An EIA Screening Opinion was sought from West Lothian Council. The council determined that this proposal would not constitute EIA development.
- 1.4.4 On 18<sup>th</sup> March 2014, a public consultation event was held at Bellsquarry Village Hall in Livingston, at which the indicative proposals were exhibited. Local residents and other interested parties had the opportunity to come and view the scheme, discuss the development concept with Gladman representatives and give their feedback and comments by filling out a questionnaire.
- 1.4.5 The pre-application consultation process informed the indicative masterplan design, as set out in the PAC report and Design Statement.

## 1.5 Overview of Planning Case

As will be set out in the course of this statement and accompanying information, the proposed development of this site for residential use is considered as acceptable in planning terms, as follows:

- West Lothian Council face an immediate shortfall in their 5 year housing land supply, requiring action in accordance with SESplan.
- Development of this site meets key policy tests.
- Development of this site provides a logical extension to Livingston, following an established pattern of growth in this New Town (as demonstrated in the Design Statement and LVA).
- The development as proposed utilises existing infrastructure provision.
- Development of this site can meet principles of sustainable development, and design is based on successful place making.
- This site is effective under tests set out in PAN 2/2010.

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### 2. THE APPLICATION SITE

#### 2.1 Site Description

2.1.1 The site covers approximately 12.4 hectares and is located on the south-western edge of Livingston town centre. Forming part of the Brotherton Farm land holding, the site sits between the Brotherton Farm complex of agricultural buildings to the west, and adjacent to an area of woodland known as the Wilderness to the east. In the immediate area, this part of Livingston is a diverse mix of established residential areas, industrial and employment land, and education. The villages of Polbeth to the west, and Bellsquarry to the south-east are within easy walking distance.

2.1.2 The site is agricultural land in use for grazing, divided up by hedgerows and a small number of trees along field boundaries.

2.1.3 The northern edge of the application site is defined by a field boundary and ridgeline. The eastern edge of the site meets an area of woodland owned and managed by The Woodland Trust, called The Wilderness. The A71 forms the southern boundary to the site, beyond which Brucefield Industrial Park, and Bellsquarry village.

2.1.4 A detailed description and analysis of the site and its surroundings can be found in the landscape and visual impact assessment (LVA).

2.1.5 There are no known built heritage issues, and archaeological risk is low (see Archaeological Assessment).

#### 2.2 Planning Status

2.2.1 The site has no recent planning history. We are not aware that the site was promoted during the Call for Sites process in 2011. The LDP team in West Lothian Council have been kept informed of our proposals for the site as background to their LDP preparation.

2.2.2 According to the Adopted Local Plan 2008, the application site falls within the Countryside Belt.

2.2.3 As the site was not previously represented in the Call for Sites process, the site has not been assessed in respect of the recently published Main Issue Report.

2.2.4 Representations in support of the allocation of the site through the MIR process will be submitted in parallel to this planning application, highlighting the appropriateness for development in this location, in contributing to a recognised shortfall in the short term housing land supply.

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### 2.3 Agricultural Land Classification

- 2.3.1 Brotherton Farm is classified as Category 3.2 –capable of producing a Moderate Range of Crops, according to The Macaulay Institute for Soil Research, Land Capability for Agriculture Soil Survey of Scotland. The site is not considered to be prime agricultural land (confirmed in accompanying Soils and Agriculture Assessment).

### 3. THE PROPOSED DEVELOPMENT

#### 3.1 Description of Development

3.1.1 The proposed development and indicative master plan has been informed by the detailed site investigations and technical studies as submitted and referred to above, and comprises:

- Around 180 new dwellings, of which 15% will be affordable homes
- Associated infrastructure and engineering works, including new vehicular access
- Formal and informal public open space
- Landscape and habitat enhancement
- Opportunities to improve local access arrangements

3.1.2 The application site area, and development footprint therein, has been carefully determined through detailed analysis of the opportunities and constraints of the site as set out in this wider planning application submission. Of the total site area of 12.4 ha, approximately 7.7ha is proposed for development.

3.1.3 The objective is to establish a sensitively designed development that is embedded in its landscape setting on the edge of Livingston that will provide an attractive place to live to meet local housing needs.

#### 3.2 Design

3.2.1 As an application to establish the principle of development on this site, the proposal addresses the key site specific issues, including the visual impact of the development to ensure the 'best landscape fit' has been achieved.

3.2.2 The proposal aims to provide a good mix of housing sizes and tenures with a range of high quality, sustainable homes embracing a 'Homes Fit for the 21st Century' design philosophy. The housing mix will reflect the accommodation needs of different people, families and ages. Careful consideration has been given to the public open space provision, linkages, car parking, play areas and boundary treatments.

3.2.3 The indicative masterplan is principally landscape led, concentrating on the capacity of the landscape setting for new housing development. The masterplan approach establishes a pattern of development which reinforces the existing landscape structure.

3.2.4 In more detail, the masterplan cultivates active use of the street spaces by clearly orientating the dwelling frontages towards them, giving pedestrians priority in the shared surface spaces and linking

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into the wider landscape. The ambience of the neighbourhood will be fundamentally green in character, an extension of the landscape.

3.2.5 The approach to the site seeks to:

- Bring the landscape into the centre of the development through courtyards and pedestrian links
- Enhance the character of the setting with new tree planting
- Establish wildlife corridors through the site
- Nestle the development into areas where it has little impact on its wider setting
- Connect the development to its wider context through a network of footpaths
- Use principles from Designing Streets to prioritise pedestrians and enhance the quality of the public realm

3.2.6 Vehicular access is proposed to be taken off the A71, at the existing roundabout spur (refer to paragraph 3.2 of the Transportation Assessment). Pedestrian routes through the site have been designed to provide links to the green network, and to maximise permeability and connectivity within the site and to the wider area. Opportunities also exist to improve local access arrangements, as set out in the TA.

3.2.7 The proposed development retains and enhances the existing mature tree and hedgerow boundaries and incorporates them into the masterplan utilise the amenity and ecological value of these features.

3.2.8 Surface water run-off, from the roads and the housing plots, will be drained through a SUDS system, designed in accordance with the requirements of WLC and SEPA.

3.2.9 The masterplan incorporates a landscaping bund and acoustic fence in order to mitigate potential effects of noise upon a number of residential properties, as set out in the Noise Assessment.

3.2.10 We would refer the reader to the accompanying Design Statement and supporting technical documents for more specific information on the assessment of the development proposal.

## 3.3 Delivery

3.3.1 The development of the private market dwellings would be delivered by a house builder, with the affordable housing typically either provided on site by or in partnership with the Council, a registered social landlord (RSL), or by the house builder directly. For the affordable housing options might include: social rented, shared equity/ shared ownership, discounted low cost or private below market rent housing. Gladman have experience in a range of options and would work with West Lothian Council to find the most appropriate solution.

3.3.2 Upon securing Planning Permission, Gladman would market the site, selling to a house builder who would submit the necessary detailed matters specified by condition. The site could be developed by one or two builders, based on current figures could be in the region of 25 to 30 units/ year, or higher, i.e. 2-4 year build out project.

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- 3.3.3 A number of house builders have already expressed their interest in acquiring the site, including an indication of anticipated build out rates; providing a strong indicator that the delivery of the site can be secured in the short term (refer to Appendix One).
- 3.3.4 Gladman has a good relationship with the house building industry, and planning matters are progressed expeditiously, with applications for matters specified in conditions being submitted as soon after legal agreements are executed and in principle planning permission secured. The land transaction is then completed as soon as planning permission is granted. As Gladman is remunerated upon sale of the land to the house builder, the company ensures transactions are undertaken as quickly as possible, and no land banking ever takes place. Our Delivery Model (Appendix Three) sets out recent examples of progression through to site start, demonstrating the typical timescales to site start from receipt of planning consent.
- 3.3.5 In terms of infrastructure and utilities related to the proposal, as set out in our Utilities Assessment, initial investigations have not highlighted any concerns or engineering difficulties with servicing the proposed development with new gas, water, electric or telecommunication connections. A Drainage Impact Assessment will be commissioned in respect of waste water treatment capacity.

## 3.4 Planning Obligations

- 3.4.1 Gladman will seek to enter into constructive dialogue to agree obligations for on and off site provisions which are reasonably related in scale and kind to the proposed development and which meet the policy tests set out in Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

## 3.5 Summary

- 3.5.1 Through good design, and a thorough approach to preparing this application for PPP, this proposal seeks to achieve a development that can be a successful place, appropriate to its surroundings, suitable to market demand and deliverable in the short term (five years).

#### 4. THE DEVELOPMENT PLAN

##### 4.1 Overview

4.1.1 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. This is reinforced in Section 37 (2) of the Act, which requires that in determining planning applications, “the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.”

4.1.2 The Development Plan in this instance, is the Strategic Development Plan for South East Edinburgh and South East Scotland (SESplan), approved by Scottish Ministers in June 2013, and the West Lothian Local Plan (adopted 2009), which was produced under the Edinburgh and Lothians Structure Plan 2015 (revoked) The relevant development plan affecting this proposal is the approved SESplan Strategic Development Plan (June 2013) and the adopted West Lothian Local Plan (WLLP) 2009.

##### 4.2 Strategic Development Plan for South East Edinburgh & South East Scotland (SESplan)

4.2.1 Approved with modifications in June 2013, SESplan provides the strategic development plan for Edinburgh and South East Scotland. Supplementary Guidance (SG) on housing land, (introduced by Scottish Ministers in order to comply with Scottish Planning Policy requirements in providing for housing need and demand under SESplan Policy 5 – Housing Land) requires West Lothian to plan for a total of 11,420 new homes in the period 2009-2019 and 6,590 in 2019-2024, with an additional 2,130 units.

4.2.2 SESplan Member Authorities are due to ratify and ultimately adopt the Supplementary Guidance on Housing Land, as modified by Ministers. It is anticipated to be in place for the determination of this planning application.

4.2.3 The Spatial Strategy Assessment Technical Note, 2011, breaks down the SESPlan area into thirty distinct geographical zones, and its findings were used to inform the preferred areas for development, the SDAs. The application site falls largely within area no. 7 – West West Lothian, and on the notional boundary of area no. 8 – M8 Corridor

7. west West Lothian	WLC	This area has a good level of accessibility, ranked 8 <sup>th</sup> for employment and hospital facilities and 3 <sup>rd</sup> for retail.
8. M8 Corridor	WLC	This area has very good accessibility to hospital (2 <sup>nd</sup> ) and retail (4 <sup>th</sup> ) facilities and good employment accessibility (7 <sup>th</sup> ).

Figure One: SESplan SSA Technical Note 2011, West Lothian Areas 7 and 8



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- 4.2.4 Under Policy 1A, the West Lothian Sub Regional Area places emphasis on the delivery of committed development (22300 units), and sees the West Lothian Strategic Development Area (SDA) as a focus of growth through the LDP, with a series of guiding principles contained in Policy 1B.
- 4.2.5 Livingston is the principal settlement in the West Lothian SDA; its' administrative centre and a sub-regional retail centre serving the SESplan area. Of the 22,300 committed new homes, SESplan acknowledges significant investment in infrastructure (particularly education) will be required to support SDP strategy. Paragraph 89. recognises that *"In the current economic climate this may prove to be an obstacle in the short term; however West Lothian Council is working in partnership with developers and other interested parties to develop and implement mechanisms to bring development forward."*
- 4.2.6 Policy 5 – Housing Land, sets the housing land requirements for the SESplan area for the period 2009-2024. Supplementary Guidance to the policy specifically requires West Lothian Council to plan for a total of 11,420 new homes in the period 2009-2019 and 6590 in 2009-2024, with an additional requirement for 2130 units.
- 4.2.7 SESplan Policy 6 - Housing Land Flexibility – requires each SESplan planning authority to maintain a five year effective housing land supply at all times, in line with the requirements identified in the Supplementary Guidance on housing land (under SESplan Policy 5).
- 4.2.8 The need for flexibility is clear and SESplan allows LPAs to bring forward planning approvals outwith the LDP process in order to maintain a five years' effective housing land supply. The policy mechanisms contained in SESplan therefore give a clear context for dealing for proposals coming forward in situations where there is a housing land shortfall.
- 4.2.9 SESplan policy 7 - Maintaining a Five Year Housing Land Supply – states that planning consent may be granted for development of a greenfield site either within or outwith the identified Strategic Development Area to maintain a five years' effective housing land supply, wherein it can be satisfactorily demonstrated that;
- (a) The development will be in keeping with the character of the settlement and local area;
  - (b) The development will not undermine greenbelt objectives; and
  - (c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.
- 4.2.10 Notwithstanding that the LDP area specific housing allocations will be determined once the approval process for the SG has been completed, SESplan now includes a strong emphasis on providing and maintaining a five year supply of housing land in Policy 7.

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4.2.11 SESplan is clear and unequivocal that despite the recession, and the consequential difficulties in accessing finance for delivery and demand for housing, *“allocating sufficient land and maintaining a five years’ effective housing land supply **at all times** will assist in the delivery of new housing as soon as restrictions ease”*. Our assessment of the Council’s effective housing land supply is set out in more detail in section 6 and concludes that West Lothian council does not currently have a five year housing land supply. It can be summarised as follows:

	2009-2019	2009-2019 (with 10% generosity)
Base Housing Requirement 2009-2019	11,420	12,562
Actual Completions 2009-2012/13	1,825	1,825
Net Requirement (for remainder of plan period)	$(11,420-1825)= 9,595$	$(12,562-1825)= 10,737$
Annual Requirement from 2013	$(9,595 \div 6) = 1599$	$(10,737 \div 6) = 1,789.5$
5 Year Annual Supply Requirement	$(1,599 \times 5) = 7995$	$(1,789.5 \times 5) = 8947.5$
Effective Housing Land Supply 13/14-17/18	3625	3625
Actual Shortfall	$(7995-3625) = 4370$	$(8947.5-3625) = 5,323$
Percentage of 5 Year Requirement Being Met	45%	40%

Figure Two: West Lothian Five Year Housing Land Supply (based on 2013 HLA)

4.2.12. Of significant weight in the determination of this planning application is the obligation placed on planning authorities to take action when a shortfall in the 5 year effective supply emerges. Paragraph 93 states:

*“Planning authorities, developers, service providers and other partners in housing provision should work together to ensure a continuing supply of effective land and to deliver housing. Where a shortfall in the 5-year effective supply emerges, planning authorities should take action to rectify this, for instance by bringing forward future phases of effective sites already identified in development plans or approving appropriate planning applications.”*

4.2.13. Strategic Transportation issues are dealt with under SESplan Policy 8, wherein LDPs are required to support and promote the development of a sustainable transport network.

## 4.3. West Lothian Local Plan 2009

4.3.1 Adopted in 2009, pursuant to the requirements of the ELSP, the West Lothian Local Plan (WLLP) set a vision to 2015 of a prosperous place to live and work which will meet demand for housing and employment growth whilst minimising the environmental impact of that growth and bringing positive benefits and opportunities. ELSP has now been replaced by SESplan.

4.3.2 The plan identified residential land to meet the predicted housing growth at the base date of the plan (April 2005), however, as is demonstrated in section 6 the plan is no longer providing or maintaining

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the required five-years' supply of housing land. The West Lothian Local Plan is now out of date so far as its housing policies and housing land allocations are concerned.

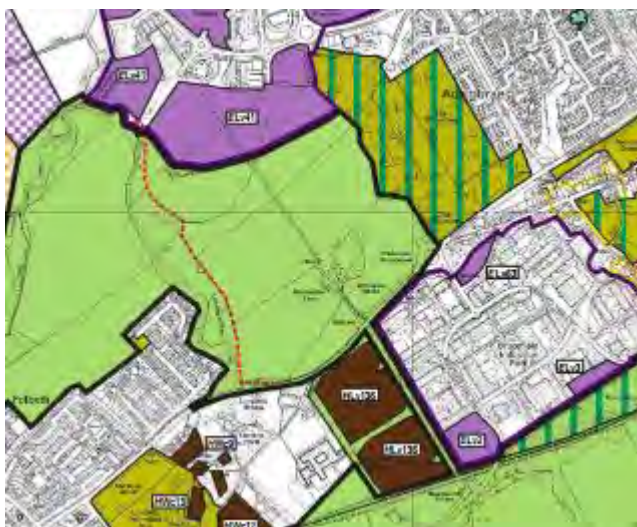


Figure Three: Extract from West Lothian Local Plan Map 3: Showing Brotherton Farm as Countryside Belt

- 4.3.3 The site lies in the Countryside Belt, outwith the settlement boundary of Livingston, as shown on the proposals map (extract above), the purpose of which is to prevent coalescence, urban sprawl and inappropriate rural development under Policy ENV23, which includes a presumption against development in the Countryside Belt, and thus on the site in the adopted plan. Policy ENV22 applies, seeking to protect and enhance the landscape of Countryside Belts.
- 4.3.4 As seen on the above extract, the site is well enclosed by a range of land use allocations, including new housing to the south, closing the gap between Brucefield and Polbeth, and areas of expansion for employment uses to the north.
- 4.3.5 The site is not identified as housing land under policy HOU1.
- 4.3.6 As noted in the site description, the site is classed a category 3:2 agricultural land, and a Soil and Agricultural Assessment Report is submitted in accordance with ENV8.
- 4.3.7 HOU10 Affordable Housing: In accordance with the policy, the site will benefit from providing 15% affordable housing (around 27 no.) units to the local authority or other social housing provider, in a method to be agreed with WLC.
- 4.3.8 Matters of residential design under policies HOU5 Open Space Provision, HOU7 High Quality Design, HOU 8 Access and Parking are dealt with in the accompanying Design Statement and Transportation Assessment.

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- 4.3.9 Environmental considerations including ENV6 Environmental/ biodiversity assessment, ENV11 & 14 Woodland and Trees, ENV23 Countryside Belts, are addressed in this statement and by supporting documentation; Landscape and Visual Assessment, Tree Survey and Phase 1 Habitat Survey.
- 4.3.10 Our education position statement has been set out in respect of policies IMP2 & 3.
- 4.3.11 Technical matters are fully addressed in terms of IMP 6 SUDS, IMP7 Flooding and IMP11 Noise.
- 4.3.12 All other additional matters including Health Impact and Renewable Energy are fully addressed in the planning submission documents.

## 4.4 Development Plan Summary

- 4.4.1 At present, the adopted Local Plan is based upon the superceded Structure Plan, and this is the first issue in terms of a robust development plan policy framework. A proposal for residential development of an unallocated site now falls somewhat outwith the bounds of the adopted local plan, which is five years old and no longer complies with the most up to date strategic plan context.
- 4.4.2 Taking the adopted Local position on housing to be out of date, this planning application, will be assessed under the remaining Development Management policies that seek to ensure well designed, contextually appropriate development. This proposal should also be assessed in terms of the ability to deliver housing numbers on a site whose development would assist in addressing the overall shortfall of strategic housing numbers, be in keeping with the character of the settlement and local area and not require any public funding in order to deliver the infrastructure required for the development.

## 5. MATERIAL CONSIDERATIONS

There are a number of considerations material to the determination of this application for planning permission in principle, to be addressed in turn:

- Scottish Planning Policy
- NPF3
- West Lothian Council LDP
- Planning Advice Note 2/2010
- Relevant appeal decisions

### 5.1 Scottish Planning Policy

- 5.1.1 SPP (June 23, 2014) states that the overarching purpose of the Scottish government is to create a more successful country, through increasing sustainable economic growth. The planning system has a vital role to play in taking a positive approach to enabling high quality development and making efficient use of land to deliver long-term benefits. As such there is a significant stated presumption in favour of sustainable development:

**Policy Principles: This SPP introduces a presumption in favour of development that contributes to sustainable development.**

- 5.1.2 A further important change in the new SPP is expressed in paragraph 125, which identifies that *“where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date”*. When this occurs, paragraph 33 is clear that *“the presumption in favour of development that contributes to sustainable development will be a significant material consideration”* and that *“decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP”*.

- 5.1.3 Paragraphs 28 and 29 of SPP state that:

*“The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost”. “This means that policies and decisions should be guided by the following principles:*

- *giving due weight to net economic benefit;*
- *responding to economic issues, challenges and opportunities, as outlined in local economic strategies;*
- *supporting good design and the six qualities of successful places;*

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- *making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;*
- *supporting delivery of accessible housing, business, retailing and leisure development;*
- *supporting delivery of infrastructure, for example transport, education, energy, digital and water;*
- *supporting climate change mitigation and adaptation including taking account of flood risk;*
- *improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;*
- *having regard to the principles for sustainable land use set out in the Land Use Strategy;*
- *protecting, enhancing and promoting access to cultural heritage, including the historic environment;*
- *protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;*
- *reducing waste, facilitating its management and promoting resource recovery; and*
- *avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.”*

5.1.4 Analysis of this development proposal against the above principles clearly demonstrates that there would be a significant contribution to sustainable development for the following reasons:

- There will be economic benefit. The construction of new homes will create employment and investment, both directly and indirectly through the procurement of materials and third party consultant work. An increased local population will increase the support and expansion of local services, increasing spend and sustaining those services over the medium to longer term. Refer to the accompanying Economic Impact Statement by Peter Brett Associates.
- The above will assist in achieving the objectives contained in the West Lothian Economic Strategy 2010-2020.
- The development will support good design and the 6 qualities necessary to support a successful place, as detailed in the supporting Design Statement.
- The proposed development will make efficient use of land and, as indicated above, will increase the population of Livingston, the principal settlement in the Strategic Development Area, and in turn support local services. The location of new housing close to existing employment uses is an established pattern in Livingston, and a compatible use.
- The proposal will support the delivery of accessible housing allowing both existing and new residents the opportunity to move from existing housing stock freeing it up for other purchasers at other points along the housing ladder, creating wider choice for all involved.
- The proposal will support the delivery of the infrastructure that is needed to serve it.
- The proposal can support the objectives of climate change mitigation, through detailed design considerations.
- The proposals will have regard to sustainable land use as set out in the Land Use Strategy. The Land Use Strategy seeks to encourage the sustainable stewardship of Scotland's land from an environmental perspective. Its focus is not on development therefore, but there is obviously a clear relationship between development and the use of land. The site is categorised as 3.2 – not considered to be prime or protected agricultural land, and thus its proposed loss is acceptable.
- The proposed development has no negative impact on cultural heritage.

## Brotherton Farm

- The proposed development will comply with local and national standards for minimising the production of waste and encouraging recycling.
- The proposal does not constitute over-development and will ensure the protection of the amenity of existing development. There will be no adverse impacts on water or air quality.

5.1.5 SPP takes further the commitment to increasing the supply of new homes, and makes it explicitly clear that the planning system and planning authorities should identify, provide and maintain **at least** a five-year supply of effective housing-land **at all times**.

5.1.6 It is clear from SPP that it “*may*” be appropriate in some circumstances to consider whether or not granting planning permission would prejudice the emerging plan. The paragraph goes on to set out specific tests which would warrant such a finding. In this case it cannot be held that the proposal would be so substantial or have a cumulative effect of such significance that to grant planning permission would “*undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan*”.

5.1.7 Paragraph 34 also notes that “*prematurity will be more relevant as a consideration the closer the plan is to adoption or approval*”. As West Lothian has not yet published a proposed plan, and is, after a call-for-sites in 2011, only just publishing its MIR, the Council has not yet formed a settled view, and as such, there is no plan for the proposal to be premature to.

5.1.8 In addition, **Policy principal: Planning should take every opportunity to create high quality places by taking a design-led approach.**

Planning should direct the right development to the right place and should support development that is designed to a high-quality, which demonstrates the six qualities of successful place.

- *Distinctive*
- *Safe and Pleasant*
- *Welcoming*
- *Adaptable*
- *Resource Efficient*
- *Easy to Move Around and Beyond*

5.1.9 It is clear that the application proposals, when assessed against the wider policies in the SPP offers significant benefits, with regard to the delivery of an effective and sustainable site for housing, and can be accommodated within the existing social and physical infrastructure, against the context of a significant shortfall in the five-year housing-land supply. These benefits are not outweighed by any adverse impacts.

## 5.2 National Planning Framework 3 (NPF3)

5.2.1 NPF3 (June 23, 2014) sets out a long term vision for the development of Scotland. The SESPlan area is projected to have the second largest rate of growth of the four SDPAs – a 20% increase in population and 32% increase in households between 2010 and 2035, and therein housing requirements are and continue to be at their most acute.

5.2.2 NPF3 requires that SESPlan leads the way with a greater and more concerted effort to deliver a generous supply of housing land in this area, indeed “Led by SESplan, we wish to see greater and more concerted effort to deliver a generous supply of housing land in this area.” West Lothian can fit in to this Plan Led programme once housing targets are ratified and adopted but in the meantime their Interim Guidance can facilitate in delivering housing to meet NPF objectives.

5.2.3 The subject site is located sustainably on the edge of Livingston. The proposal satisfies the terms of NPF3 in so far as it is a deliverable scheme in the short term which will make a positive contribution to the much needed housing requirement in West Lothian and the SESplan area, in a location where people want to live and where development and growth can be sustainably and efficiently delivered.

5.2.4 Also relevant under NPF3 –

6. The Central Scotland Green Network includes this part of West Lothian and, of local importance, the proposal offers an opportunity to improve connectivity to the existing Green Network, which can contribute to the objectives of promoting active travel to maximise community and health benefits.

8. A National Long Distance Cycling and Walking Network is needed to enhance visitor and recreation experiences, as well as ensuring that Scotland’s population has better access to the outdoors for health and well-being. Making better links between existing routes will improve connections between urban and rural, and inland and coastal areas. Whilst it has significant potential as a tourism resource, we also believe that this network can support active travel and contribute to health and well-being. The development should focus on taking best use of existing path networks – again – the proposal can contribute to this in any way West Lothian Council deem appropriate.

## 5.3 West Lothian Council Local Development Plan

5.3.1 Subject to significant delays in its preparation, West Lothian Council currently anticipate (Development Plan Scheme No. 6- March 2014), that the earliest date for adoption of the LDP would be early to mid-2016.



MAIN ISSUES REPORT

The West Lothian Council Executive approved the Main Issues Report for consultation on the 19th of June 2014. The application site was not promoted during West Lothian Council's 'Call for Sites' process in early summer 2011 and as such the site has no assessed status in the MIR.

5.3.2 The Housing Background Paper to the Main Issues Report (August 2014), shows at Figure 28 that, based on the 2012 HLA, the Council does not have a five-year effective supply of housing land and explicitly states that the Council is only meeting 47% of its five-year requirement. We would reiterate that, as shown in Figure Two of this report, even when based on the 2013 Housing Land Audit, there is still a significant shortfall to be addressed, which we calculate at around 45% of the five year target being met, at best.

5.3.3 The Main Issues Development Proposals for Livingston includes a heavy reliance on committed sites carried forward from the WLLP, whilst the Spatial Strategy recognises the new town as appropriate for limited growth to the south and west to some degree without leading to coalescence with other settlements. The strategy also acknowledges that there are reducing opportunities for infill development in the town. The proposed development sits with this strategy, avoiding coalescence, whilst making use of existing infrastructure and accessibility. Gladman will submit representations in respect of this Strategy as part of the Main Issues consultation.

5.4 PAN 2/2010: Site Effectiveness

5.4.1 Based on a thorough assessment of technical and planning matters, there are no constraints on this site that might prevent it from being developed and making an important contribution to the immediate housing land supply in West Lothian.

5.4.2 The tests of effectiveness are set out in Scottish Government Planning Advice Note (PAN) 2/2010. An assessment of the application site in terms of the PAN effectiveness criteria set is provided below.

5.4.3 In accordance with paragraph 55. Effective Land Supply, to assess a site or a portion of a site as being effective, it must be demonstrated that within the five-year period the site can be developed for housing (i.e. residential units can be completed and available for occupation), and will be free of constraints on the following basis:

PAN 2/2010	
Effective Land Supply Criteria	Result
<p><b>OWNERSHIP:</b> The site is in the ownership or control of a party which can be expected to develop it or to release it for development. Where a site is in the ownership of a local authority or other public body, it should be included only where it is part of a programme of land disposal.</p>	<p><b>Yes</b> – The site is within the one ownership and will be released for development upon securing a relevant planning permission.</p>

## Brotherton Farm

<p><b>PHYSICAL:</b> The site, or relevant part of it, is free from constraints related to slope, aspect, flood risk, ground stability or vehicular access which would preclude its development. Where there is a solid commitment to removing the constraints in time to allow development in the period under consideration, or the market is strong enough to fund the remedial work required, the site should be included in the effective land supply.</p>	<p><b>Yes</b> – An indicative master plan has been prepared for the site considering all relevant constraints and demonstrates how a housing site could feasibly be delivered.</p>
<p><b>CONTAMINATION:</b> Previous use has not resulted in contamination of the site or, if it has, commitments have been made which would allow it to be developed to provide marketable housing.</p>	<p><b>Yes</b> - There are no known contamination issues which would mean this site is undevelopable.</p>
<p><b>DEFICIT FUNDING:</b> Any public funding required to make residential development economically viable is committed by the public bodies concerned.</p>	<p><b>Yes</b> - No public funding would be required to make the residential development economically viable.</p>
<p><b>MARKETABILITY:</b> The site, or a relevant part of it, can be developed in the period under consideration.</p>	<p><b>Yes</b> - The site could be developed in the short term. There is immediate housebuilder demand in Livingston (see Appendix 2 – Housebuilder Letters of Interest).</p>
<p><b>INFRASTRUCTURE:</b> The site is either free of infrastructure constraints, or any required infrastructure can be provided realistically by the developer or another party to allow development.</p>	<p><b>Yes</b> - There are no known infrastructure requirements that would mean this site is undevelopable – refer to Utilities Appraisal</p>
<p><b>LAND USE:</b> Housing is the sole preferred use of the land in planning terms, or if housing is one of a range of possible uses other factors such as ownership and marketability point to housing being a realistic option.</p>	<p><b>Yes</b> - The sustainability and marketability of the site make it a realistic and deliverable site for housing.</p>

5.4.4 The above demonstrate that the application site is effective and free from constraints to development.

## 5.5 Relevant Appeal Decisions

5.5.1 Whilst there have been a number of recent appeal cases testing decisions relating to green field land under SESplan, of material consideration to the determination of to this application is the recent decision on behalf of Scottish Ministers in respect of land at Falside, Bathgate, West Lothian (PPA-400-2044) (Appendix Four). Issued 20<sup>th</sup> August 2014, the decision represents analysis of the most up to date position of national policy via the 2014 SPP, the development plan, and West Lothian Council's forthcoming Main Issues Report and background papers.

5.5.2 Key points from the Appeal Decision Notice are as follows:

- WLC does not have a 5 year effective housing land supply.
- The WLLP is out of date.
- The rate of development in the 2013 Housing Land Audit is ambitious, but realistic, however even that is not going to meet the strategic target.
- The Council is therefore failing in its duty to meet with requirements of SESplan Policy 6, so SESplan Policy 7 should properly apply.

## Brotherton Farm

- The WLLP is therefore out of date in the terms of SPP with regard to housing land.
- The Reporter considers that even if WLC's MIR Housing Land Background Paper (June 2014) is superseded, the supply shortage remains very significant.
- There is reference to the "*sharp focus on delivery*" in SPP.
- The importance of sustainable development, placemaking and connectivity is emphasised.
- In terms of education, the Reporter was satisfied impacts in certain schools/types of school would be limited and that careful management may well allow the Council to cope with rises in intakes.

## 5.6 Summary of Material Considerations

- 5.6.1 The proposal is considered to accord with the provisions and requirements of material considerations SPP, NPF3, PAN 2-2010, as set out above; providing housing development in an area where there is a measurable and quantifiable demand and where there is a demonstrable shortfall in the housing land supply. These proposals represent a deliverable housing site, which would contribute positively to the provision and maintenance of a five year effective housing land supply.

## 6. PLANNING ASSESSMENT

The determining issues in the consideration of this planning application are assessed in this section.

### 6.1 Development Plan

6.1.1 Taking account of the direction of Lord Clyde in the case of City of Edinburgh Council vs. Secretary of State for Scotland and Others, 1997 S.C.L.R. 1112, that it is:

*"necessary for the decision maker to consider the Development Plan, identify any provisions in it which are relevant to the question before him and make a proper interpretation of them. His decision will be open to challenge if he fails to have regard to a policy in the Development Plan which is relevant to the application or fails properly to interpret it. He will have to consider whether the development proposed in the application before him does or does not accord with the Development Plan. There may be some points in the plan, which support the proposal but there may be some considerations pointing in the opposite direction. He will require to assess all of these and then decide whether, in light of the whole plan, the proposal does or does not accord with it. He will also have to identify all other material considerations which are relevant to the application and to which he should have regard. He will then have to note which of them support the application and which do not, and he will have to assess the weight to be given to all of these considerations. He will have to decide whether there are considerations of such weight as to indicate that the Development Plan should not be accorded the priority which the Statute has given to it. And, having weighed these considerations and determining these matters, he will require to form his opinion on the disposal of the application".*

### 6.1.2 SESplan

In line with SPP requirements, SESplan facilitates flexibility in approach in order to ensure the continued delivery of housing, primarily through allocating a generous supply of housing, and maintaining a supply of effective land for at least five years at all times, primarily under Policy 6.

The need for further flexibility, of relevance to this proposal given the housing land supply position in West Lothian, is recognition (paragraph 116) that LPAs can support new housing development on greenfield land where there is a need to maintain a five years effective housing land supply. In such cases Policy 7 applies (refer to Section 4.2.9 for criteria).

- a. The development will be in keeping with the character of the settlement and local area;
- b. The development will not undermine greenbelt objectives; and
- c. Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

As detailed in the accompanying Landscape and Visual Assessment, and Design Statement, the proposal has been specifically designed so as to be complementary and appropriate to its setting.

## Brotherton Farm

Whilst the application site does not fall within the green belt, its development would not undermine wider green belt objectives. We can confirm that all costs relating to infrastructure and other necessitated by the development will be met by the developer.

Thus given the shortfall in the housing land supply in West Lothian, there is clear policy context for the favourable consideration of this proposal under the unequivocal terms set out in SESplan.

### 6.1.3 West Lothian Local Plan 2009

The site is allocated in the adopted local plan as being Countryside Belt, wherein a general presumption against development which has no locational need or will result in coalescence will be resisted under Policy ENV23.

The application site and development footprint has been determined by a range of factors, including the need to retain an open green area of countryside to the west, thereby avoiding coalescence with Polbeth.

As set out in the Design statement, the site sits within an established pattern of development in the New Town of Livingston, with a generous network of green spaces and pathways between pockets of development and neighbourhoods.

Opportunities exist through this proposal to further improve the local access network through new improvements and upgrades to existing facilities.

Matters of locational need could relate to the sustainability of the proposal, being well served by public transport, within close proximity to two villages, and to Livingston Town Centre (principal settlement in the SDA), as well as the over-riding strategic need to identify new sites for housing development in West Lothian. An edge of centre location, with good linkages, bringing potential to improve the local accessibility network, and a scheme designed according to the principles of successful place making, cannot be overlooked.

Without reviewing the terms of each other relevant policy individually as set out in Section 4.3 of this report, their terms and content have been by the design team at the outset and taken into consideration in the preparation of this proposal, as demonstrated in the extensive supporting documentation.

The proposal is in accordance with the adopted local plan with regards to other relevant policies set out in respect of density, design and layouts, parking and amenity, protection of the built and rural environment, the principles of sustainable development and the need to ensure that infrastructure is available to support housing development. The proposal does not represent unfettered housing growth, and through careful siting and design, represents a sensitive development, which protects the value and the quality of the local environment.

The proposal complies with the requirements of the plan with regards to transportation, accessibility and education provision. In terms of education there appears to be capacity at the relevant

## Brotherton Farm

catchment schools. The technical reports and position statements as submitted with the application consider these issues in detail. Gladman will enter into discussion to agree relevant planning conditions or obligations, where the contributions meet the tests set out in Scottish government circular 3/2012, and fairly and reasonably relate in scale and kind to the proposed development.

Aside from the detailed technical and environmental assessments that demonstrate the effectiveness of the site and deliverability within the timescale proposed, we would remind the Council that the scheme is indicative in nature and the in principle proposals have the ability to be controlled through condition of granting PPP.

Taking the adopted Local plan position on housing to be out of date, this planning application can be assessed under the remaining Development Management policies as effective, free from constraints and deliverable in the short term. In light of the housing land supply position for West Lothian, and the updated policy context for the site, this is a significant material consideration.

### 6.2 Relevant Appeal Decisions

As set out in Section 5.5, material to the determination of this application is appeal reference PPA-400-2044, Falside; the findings of which set out an up to date assessment of the housing land position in West Lothian, weighed against the latest policy context, significantly:

- WLC does not currently fulfil the SESplan requirement to have a five year effective housing land supply at all times.
- WLC Local Plan 2009 is considered to be out of date in terms of housing land however other policies remain relevant to the Development Management process.
- The terms of SESplan Policy 7 are a determining factor in this application.

### 6.3 Five Year Housing Land Assessment

6.3.1 As set out in Figure Two, in order to meet the 5 year housing land requirement at all times, West Lothian are required to deliver in addition to programmed completions between 4,370 and 5,323 units by 2018/19. West Lothian Council is of the view their established housing land supply and/or Proposed LDP allocations could deal with this shortfall.

6.3.2 The Main Issues Report has yet to be published for West Lothian Council, at the earliest the LDP cannot expect to be approved until 2016, and this timescale may slip.

6.3.3 The Housing Land Audit 2013 provides a list of the constrained sites, i.e. those within the established housing land supply. There is a total of 8,063 units upon constrained sites and the reasons for constraint are varied. It cannot be expected that all of these sites will become effective in the short term. Even if half of the constrained sites, which is unlikely, became effective and delivered units on the ground in the next 5 years this would still not fully meet West Lothian Council's 5 year

## Brotherton Farm

requirement, a point acknowledged in the Reporter's decision in respect of Falside (PPA-400-2044), paragraph 16.

- 6.3.4 Sites which have consent, albeit have other constraints, total 1,321 units. Of those which are allocated, yet do not yet have consent and have no other constraints listed in HLA 2013 total 2,206 units. This excludes those sites allocated as later phases of CDA. This amounts to 3,527 units, and can be broadly described as the 'most deliverable' sites on the constrained sites list. If all were delivered by 2018/19 there would still remain an 853-1,806 unit shortfall. It is extremely unlikely all of these sites would deliver units on the ground in the next 5 years. Overall, this theoretical exercise demonstrates the lack of deliverability of the established supply and how it cannot be relied upon to deliver housing completions in the short term.
- 6.3.5 SESPlan Supplementary Guidance Housing land (SG) confirms the housing land requirement for West Lothian as 11,420 homes for 2009-2019, and 6590 homes from 2019-2024, plus an additional requirement for a further 2130 units. WLC Housing Background Paper to the Main Issues Report (June 2014) states a provision of 47% of the total housing land requirement, and as such a shortfall is not disputed by WLC.
- 6.3.6 SPP and SESplan requires that a 5 year effective housing supply is maintained at all times, and as such SESPlan Policy 7 becomes relevant and the Planning Authority are expected to take immediate steps to address the housing land shortfall by releasing additional sites in order to ensure a 5 year effective housing land supply is maintained at all times.
- 6.3.7 As found by the Report in respect of Falside, paragraph 17; *"the WLLDP is likely to be adopted during 2016... In the interim, as I have concluded, the level of housing land available in West Lothian does not currently fulfil the SESplan requirement under Policy 6 to maintain a five year effective housing land supply at all times. As a consequence, it is necessary to consider the site in terms of SESplan Policy 7."*

## 6.4 Planning Assessment - Summary

- 6.4.1 SESplan combined policies 5, 6 and 7 deal with the matter of the recognised shortfall in West Lothian's Housing Land Supply. SESplan policy 7 is key to the determination of this planning application, and the proposal has been demonstrated as meeting the criteria for release of non-allocated sites.
- 6.4.2 In the likelihood that West Lothian Council view the in parallel LDP promotion of the site as a housing allocation as evidence of the prematurity of the proposal, we would reiterate that the proposal accords with all policies in the relevant, up-to-date parts of the development plan as set out in SESplan and is consistent with the mechanisms set out in SPP, SESplan and the intentions of Ministers in amending SESplan.

## 7. CONCLUSION

7.1 Benefits of residential development at this location, include:

- **Deliverable** – a valuable contribution to the 5 year housing land supply for West Lothian
- **Affordable Housing** – 15% of units on site will be affordable, equating to around 27 units.
- **High Quality Design**– careful design in line with SPP objectives for successful Placemaking and demonstrating the six qualities of successful place.
- **New public open space and access** – There is a generous provision of open space which will provide play provision and amenity space for new and existing residents.
- **Accessible** – Public transport provision adjacent to the site and available walking routes make this site accessible to a wide range of service, facilities and employment opportunities.
- **Economic** – benefits from the construction stage and from the employment of and spend of the new residents.
- **Avoids Coalescence** – between Livingston and Polbeth, through appropriate scale of development within the landscape setting, design and landscaping.
- **Avoids Prime Agricultural Land.**

7.2 In light of the identified and recognised shortfall in West Lothian Council’s five year effective land supply, it is a key material consideration that the proposed development would make a valuable contribution to the five year effective land supply, as required by Scottish Planning Policy.

7.3 Development as proposed in this application meets the criteria of SESplan Policy 7 and WLLP Development Management policies.

7.4 As an effective site, other planning policies and guidance such as Scottish Planning Policy (SPP), and recent appeal decisions, add weight to the case for granting planning permission in principle. The material considerations as a whole justify approval of the proposed development in the face of the conflict with the development plan.

7.5 The valuable element of flexibility in the Act, made explicit in both SPP paragraph 125 and SESplan Policy 7, should be exercised and planning permission in principle can and should properly be granted. West Lothian Council is therefore respectfully requested to grant planning permission in principle for residential development at Brotherton Farm, Livingston.



# APPENDICES



# APPENDICES



## Appendix 1: Letter of Interest from Housebuilders

## Lynsey Fraser

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**From:** Arthur Mann <Arthur.Mann@miller.co.uk>  
**Sent:** 14 July 2014 11:22  
**To:** Lynsey Fraser  
**Cc:** Catherine Wood  
**Subject:** Re: Brotherton Farm, Livingston

Lynsey - good to hear from you.

In answer to your question very much so - build rates are influenced by sales activity so in this location I would anticipate between 24-36 completions per annum for the open market element on site if just one developer present and 15-20 completions per annum from social housing if required.

Hope thats a help

Kind regards  
Arthur

Arthur Mann | Senior Land Manager - Scotland | Miller Homes  
T : 0870 336 5173 | M : 07764 977403 | [www.millerhomes.co.uk](http://www.millerhomes.co.uk)  
Miller House, 2 Lochside View, Edinburgh Park, Edinburgh, EH12 9DH

**miller homes**

*the place to be*

>>> Lynsey Fraser <L.Fraser@gladman.co.uk> 14/07/2014 11:06 >>>



Hi Arthur,

I wondered if you could confirm whether Miller Homes would be interested in the attached site Gladman are promoting Livingston. We are looking at approx. 180 units, in principle. If of interest to Miller, an indication of your build out rate would be of assistance.

Many thanks

Regards

Lynsey

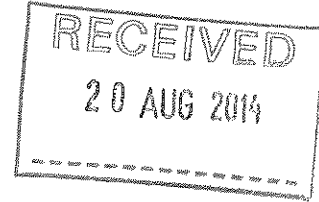
Lynsey Fraser - Senior Planner | [l.fraser@gladman.co.uk](mailto:l.fraser@gladman.co.uk) | DDI: 01506 424 933 | M: 07944 605 725 | [www.gladman.co.uk](http://www.gladman.co.uk)

Gladman Developments | 2 Eliburn Office Park | Eliburn | Livingston | West Lothian |  
T: 01506 424920 | F: 015  
[www.gladman.co.uk](http://www.gladman.co.uk)

Catherine Wood  
Strategic Land & Planning Manager  
Gladman  
2 Eliburn Office Park  
Eliburn  
Livingston  
West Lothian, EH54 6GR

19<sup>th</sup> August 2014

Dear Catherine



**Residential Development Opportunity  
Brotherton Farm, Livingston**

I write with regards to the above site at Livingston and confirm that Stewart Milne Homes (SMH) are extremely interested in progressing an offer for the above site.

Stewart Milne Group is one of the UK's leading independent homebuilding and development companies. Established in 1975 with offices across the UK, our five divisions – including three Homes operations operating across North Scotland, Central Scotland and Northwest England respectively - share a common aim; using our expertise, innovation and commitment to deliver build solutions, homes and new developments of the highest quality.

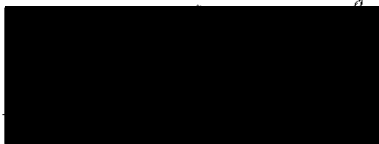
The Central Scotland Homes business has an on-going drive to be securing sites across East regions as part of a wider business growth strategy and we regard the site at Brotherton Farm, Livingston as an excellent opportunity in that context given its location, prominence, amenities and excellent communication links to the City and surrounding network.

We have a provide track record of delivery of quality developments throughout the East of Scotland and we are extremely keen to pursue this particular opportunity. We believe that this site will generate circa. 30-35 completions per year.

We would be delighted to discuss this opportunity with you further and we would hope that we are able to progress to allow construction on this site as soon as possible.

I look forward to hearing from you with regards to the above, should you require any further information please contact me on the details below.

Yours sincerely



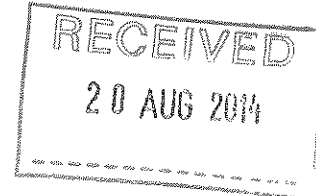
**Nicola Reid MA (Hons) Msc**  
**Senior Land Manager**  
E [Nh Reid@stewartmilne.com](mailto:Nh Reid@stewartmilne.com)  
M 07585 902 964  
T 0131 313 9005

*This letter is written without any contractual intent and therefore shall not be deemed contractual, nor incorporated in, or referred to, in any contract.*

JL

18<sup>th</sup> August 2014

Catherine Wood  
Strategic Land & Planning Manager  
Gladman  
2 Eliburn Office Park  
Eliburn  
Livingston  
West Lothian EH54 6GR



Dear Catherine,

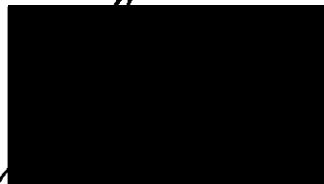
**Residential Development Opportunity**  
**Brotherton Farm, Livingston**

With reference to our discussions and your subsequent email correspondence regarding the above development opportunity enclosing a boundary plan of the site, we write expressing our interest in the site.

We note that you are about to submit a Planning Permission in Principal Planning Application for residential development with access via Wilderness Roundabout. Livingston is a strong housing market with good transport connections; this site in particular has excellent transport links. We acknowledge that the site is well connected to the existing settlement which makes the site attractive to developers.

We believe that this is an excellent development opportunity in an area Bett wish to develop and as such we formally register our interest in the site

Yours sincerely  
For Bett Homes



Senior Land Manager  
Julie.leece@betthomes.com

## Appendix 2: Gladman Company Information

## **COMPANY PROFILE**

The Company was formed in 1987 and is owned and managed by David and Karen Gladman and Jonathon Shepherd. Its origins started in executive housing and nursing homes. The business utilises the experience and market knowledge to build the right buildings in places where people want to live and work. Developing a range of both office and industrial schemes, Gladman grew to become one of the largest speculative developers in the UK constructing up to 3 million sq. ft. of space each year.

With over 25 years of experience in securing planning permissions, Gladman is today's market leader in the promotion of strategic housing land. The Company invests heavily in local economies, whether in offices providing a space for starter businesses, headquarters for major employers or reclaimed coalfield sites redeveloped as distribution parks employing many hundreds of people. The Company's Adlington division builds retirement apartments with care which are designed to meet the needs of residents in an appealing environment. The Company's residential sites will enable the next generation to settle in homes they can afford, in the sustainable communities where they want to live.

The strategic residential land division has been a rapidly growing part of the business over the last 8 years. The business model is to deliver housing land as quickly as possible without tying up land for long periods of time (normally over a 5 year period). The Company promotes land in partnership with landowners funding all of the promotion costs internally, securing a payment only when the land has secured planning permission and been successfully sold to a house builder. Sites promoted are selected carefully internally. The Company has a wealth of internal expertise who guide developments through the complexities of the planning system.

## **Gladman Strategic Residential Land – Summary - July 2014**

### **Internal Structure**

150+ staff at the Congleton head and Scottish offices plus support teams in Liverpool and Newcastle-upon-Tyne  
50+ chartered town planners (split into geographically dedicated teams, supported by experienced project managers and surveyors)

Plus a Planning Policy Team that is active in areas/LPAs, even where we have no Promotion Agreement in that location – the Company has spent over £1.5 million on SHMA's.

### **External Relations**

Board level relationships with most of the national house-builders  
Close associations with majority of key players in the Land Agency arena  
Professional teams of ecologists, highways engineers, master planners, etc. appointed.

### **Market Position**

Most successful and active strategic land promoter in the UK.

Unique amongst main competitors, the Company uses its own funds to promote sites in a very short time (average 14 months from appointment to success) and co-ordinate disposal via competitive tenders to seek the optimum land value.



## Success Rate

Latest statistics indicate 37 out of 41 planning applications have secured planning permission (over 90 %). Of the 4 refused the current position is as follows:

- 1) Thundersley:- Now Preferred Option for release from Greenbelt. High court challenge against Secretary of State. Second application now submitted.
- 2) Alsager:- Refused by Inspector, challenged by Gladman with now leave of appeal – an Appeal will be re-heard in December 2014 when a fresh decision will be made.
- 3) Blaby – Refused by an Inspector as Blaby DC are in Special Measures. This decision is not able to be challenged but a new application addressing Inspectors concerns may be submitted.
- 4) Stroud – Refused at Appeal. Possible JR challenge feasible.

## Land Statistics

131 sites contracted/sold by Gladman.

129 sites accepted/entered into legal agreements by Gladman.

On-going land promotion on circa. 38,000 plots.

5,550 plots = Number of actual plots sold by Gladman or with planning permission.

17,500 plots = Number of sites currently at planning application/appeal submission stage.

Company target of 12 planning submissions each month.

Average of 4 new sites accepted by the land team each week.

34 sites in total submitted for planning in 2013, 43 sites submitted for planning in first 6 months in 2014 (January-July).

## Appendix 3: Gladman Housing Land – Delivery Model

SITE ADDRESS	NUMBER OF DWELLINGS	% AFFORDABLE	OUTLINE/IN PRINCIPLE PLANNING APPLICATION DETERMINATION DATE	COMMITTEE OR APPEAL DECISION (IF RELEVANT)	DATE LAND SOLD	PURCHASER	RESERVED MATTERS/MATTERS SPECIFIED BY CONDITION DETERMINATION DATE	COMMENCEMENT OF DEVELOPMENT	TIMESCALE FROM INITIAL PLANNING PERMISSION TO SITE START
North Dean Avenue, Keighley West Yorks	190	15% (28NO)	12 May 2010	Committee	May 2011	Barratt Homes	Reserved matters approved May 2011 (it was submitted in December 2010)	June 2011	13 months
Golden Nook Farm Cuddington Cheshire	150	30% (45NO)	20 Feb 2012	Committee	July 2012	Bovis Homes	Approved August 2012	September 2012 (road & demolition works)	7 months
Henthorn Road Clitheroe Lancashire	270	30% (81NO)	26 March 2012	Committee	December 2012	Barratt Homes & Taylor Wimpey	Approved March 2013	March 2013	12 months
Wigan Road Clayton le Woods Lancashire	300	30% (90NO)	21 July 2011	Committee	December 2012	David Wilson Homes/ Taylor Wimpey	Approved March 2013	May 2013	22 months
Loachbrook Farm Congleton Cheshire	200	30% (60NO)	20 March 2013 (date of High Court Challenge).	High Court Approval - 20 March 2013	Subject to planning, anticipated Nov 2013	Bovis Homes	14 June 2013	November 2013	8 months
Byefield Road Woodford Halse, Daventry	200	30% (60NO)	15 February 2013	Committee	Conditional exchange of contracts October 2013	Taylor Wimpey	July 2014	Expected Autumn 2014	21 months
Warmingham Lane Middlewich Cheshire	194	30% (58NO)	9 January 2013	Committee	June 2014	Morris Homes	March 2014	June 2014	17 months
Hannay Road Steventon Oxfordshire	50	40% (20NO)	23 April 2013	Committee	July 2013	David Wilson Homes	May 2014	May 2014	13 months
Queens Drive Nantwich Cheshire	270	30% (81NO)	1 March 2013	Committee	September 2014	Barratt Homes & Bovis Homes	July 2014	September 2014 (programmed start)	18 months
Eliburn Livingston West Lothian	87	15% (13NO)	3 March 2014	Committee	Sale agreed when s.75 signed in early 2014	Barratt Homes	Submitted March 2014, approved June 2014.	Sale concluded July 2014, site works underway in August 2014.	5 months

## Appeal Decision Notice

T: 01324 696 400  
F: 01324 696 444  
E: [dpea@scotland.gsi.gov.uk](mailto:dpea@scotland.gsi.gov.uk)



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Decision by Richard Dent, a reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-400-2044
- Site address: land at Falside, Sibbalds Brae, Bathgate, West Lothian
- Appeal by Hallam Land Management Limited against the decision by West Lothian Council
- Application for planning permission in principle, reference 0203/P/13 dated 18 March 2013 refused by notice dated 13 November 2013
- The development proposed: residential development, access works and improvements, and other associated works
- Date of hearing: 29 & 30 April 2014

Date of appeal decision: 20 August 2014

---

### Decision

I dismiss the appeal and refuse to grant planning permission in principle.

### Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan, the main issues are whether the proposed development is justified in strategic terms and whether there are any constraints to development. In this latter respect particular account must be taken of landscape character and visual impacts and education infrastructure.
2. The development plan comprises the South East Scotland Strategic Development Plan (SESplan) which was approved in June 2013 and the West Lothian Local Plan (WLLP), adopted 2009.
3. SESplan Policy 5, Housing Land, sets housing targets for the period from 2009 to 2024. The policy explains that supplementary guidance will provide detailed further information for local development plans as to how much of the total requirement should be met in each of the six constituent areas, including West Lothian.
4. Policy 6, Housing Land Flexibility, requires each planning authority to maintain a five year effective housing land supply at all times. The scale of this supply is to be derived

from the housing requirements for each local development plan area identified through the supplementary guidance.

5. Policy 7, Maintaining a Five Year Housing Land Supply, indicates that sites for greenfield housing development proposals may be allocated in local development plans or granted planning permission to maintain the required effective supply. Any such permissions must satisfy criteria relating to the character of the settlement and local area, green belt objectives and the provision of any required additional infrastructure.

6. Supplementary guidance has been prepared and submitted to the Scottish Ministers who, on 18 June 2014, directed that a modification be made. The modified supplementary guidance now requires to be formally adopted by all the SESplan member authorities. That process has not yet been completed and therefore, although it must be anticipated the supplementary guidance will, in due course, form part of the development plan, it does not have that status at present.

7. The appellant asserts that there is not a five year effective housing land supply in West Lothian, contrary to the requirements of SESplan Policy 5. In support of this argument, the appellant points to Figure 28 of the recently approved Housing Background Paper of the West Lothian Local Development Plan (WLLDP) which is currently under preparation. Figure 28 indicates that, based on the 2012 housing land audit, 47% of the five year requirement was being met. Although Table 17 of the Main Issues Report (MIR) states the total effective supply is 13,294 units, the appellant explains that, in fact, this includes sites acknowledged as being constrained. Taking account of anticipated completions, the actual total effective land supply is therefore said to be 5,919 units, 26% less than the current five year land supply requirement of 7,995 units.

8. In the opinion of the appellant, 3,676 additional units will be needed to achieve the SESplan target of 11,420 units by 2019, taking into account also the 2,130 units included in the supplementary guidance. On this basis, claims the appellant, there is an urgent need in West Lothian to bring forward additional sites for residential development to fulfil the terms of Policy 5.

9. The council explains that the WLLP allocated land for some 23,500 residential units, significantly more than the previous strategic requirement, although it was anticipated that many houses would be built after 2015. House building rates declined significantly after 2008-09, for the most part because of the economic downturn. Accordingly, the council argues, the slow rate of construction has not been the result of the lack of the availability of land capable of being developed. Indeed, although the situation was generally beyond the control of the council, action has been taken to encourage an increased rate of house building including the establishment of a fund for the improvement of infrastructure.

10. The council further states that the 2013 housing land audit forecasts a five year building rate of 725 houses a year. This rate, it is argued, is accepted as being realistic by the house building industry. On this basis, says the council, the effective five year housing land supply from 2013-2018 is 3,625 with some 9,941 units programmed for development beyond 2018.

11. If necessary, states the council, development that is programmed post 2018 could be brought forward. In this respect, the housing land audit is undertaken annually and therefore permits regular monitoring. However, the council is optimistic as the position is already showing improvement. Indeed, some major development is underway including house building at the nearby large-scale “Heartlands” project. The appellant accepts the situation has improved but argues the building rate has not reached pre-recession levels.

12. Although the supplementary planning guidance requires to be approved by the SESplan authorities, the council explains it is working towards meeting the stipulated targets. A “call for sites” exercise has been undertaken as part of the WLLDP preparation process. Whilst the number of additional houses required by SESplan (2,130) is greater than the calculated housing need for West Lothian, it is not anticipated that there will be any difficulty in identifying sites for the specified level of housing land.

13. I believe that the 2013 housing land audit is a significant document as it provides details of the situation as agreed by both the council and the house building industry. The council’s argument in terms of lack of control over the rate of building is reasonable. However, the anticipated agreed rate of 725 houses a year until 2018 is above the level of construction achieved in recent years. As this rate appears to both the council and the builders to be achievable I accept it as being credible. In any event, there is an annual monitoring process.

14. I also note the level of potential effective land beyond 2018. This should provide a basis for maintaining an adequate effective supply. Although the council states that sites scheduled for development post 2018 could be brought forward if necessary, this seems somewhat at odds with the council’s parallel concerns in respect of severe infrastructure constraints.

15. The SESplan supplementary guidance, when adopted, will add to the housing land requirement in West Lothian. The council points out that ratification of all member authorities cannot be guaranteed although the appellant suggests the guidance is likely to be capable of adoption by September. Nevertheless, as explained, it has been made clear that, as a planning authority, West Lothian is working towards meeting the land requirements set out in the draft supplementary guidance. This objective is being pursued through the WLLDP and I have no reason to doubt that the call for sites exercise will provide scope for identifying the land required in the likely event that the guidance is adopted and becomes part of SESplan.

16. Nevertheless, relating the current housing land situation to the provisions of SESplan, it is clear that even the rate of development predicted in the 2013 housing land audit would not meet the strategic target. The supplementary guidance has increased the initial target of 11,420 houses in West Lothian between 2009 and 2019 by an additional 2,130 houses. This requires the development of effective land at a level significantly greater than forecast in the 2013 housing land audit. Indeed, the shortfall had previously been recognised in Table 17 of the MIR and Table 28 of the Housing Background Paper. Despite the council explaining that the terms of the MIR and background paper have been superseded, the large shortfall in effective housing land supply is very significant. Overall, despite the council believing the housing land audit 2013 provides a pragmatic and practical approach

to house building to 2018, the shortfall claimed by the appellant appears to be a reasonable assessment of the SESplan implications.

17. In development plan terms, the process for achieving a full allocation of effective housing land will be through the WLLDP which, on the basis of the council's development plan programme, is likely to be adopted during 2016. This process will comply with the core value in Scottish Planning Policy (SPP) and ensure the planning service is plan-led. In the interim, as I have concluded, the level of housing land available in West Lothian does not currently fulfil the SESplan requirement under Policy 6 to maintain a five year effective housing land supply at all times. As a consequence, it is necessary to consider the site in terms of SESplan Policy 7.

18. SESplan Policy 7 makes provision for allocating greenfield land for housing either through local development plans or by granting planning permission to maintain a five year effective land supply. In this respect the guidance in paragraph 125 in SPP is of particular relevance. Where a shortfall in the five year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up to date, and SPP paragraphs 32-35 will be relevant. On this basis, the terms of the WLLP must be considered as not being up to date insofar as housing land is concerned. This situation will not be remedied through the development plan prior to the adoption of the WLLDP in 2016 and so the possibility of granting planning permission at the appeal site, which is greenfield land, must be considered under Policy 7.

19. In assessing whether the site should be granted planning permission it is necessary to have regard to satisfying the three criteria set out in Policy 7 and also take full account of the guidance in SPP and, in particular, the presumption in favour of sustainable development. Paragraph 15 of SPP explains the importance of delivering sustainable development in the right place. However, as explained in SPP, this presumption does not change the statutory status of the development plan as the starting point for decision-making. In this respect, more detailed planning guidance is contained in the WLLP. Adopted in 2009, the local plan, as explained, is likely to be replaced by the WLLDP in 2016. In the meantime, whilst some aspects of the local plan, including housing land allocations, may have become outdated, other policies remain relevant to the development management process. The proposed development must therefore be assessed against these policies along with SESplan policy 7 in order to ensure the decision is made in accordance with the provisions of the development plan as set out in paragraph 1 above.

20. The site is shown on the local plan proposals map as being within a countryside belt and is further designated as an area of special landscape control. The local plan glossary defines a countryside belt as an area identified to prevent coalescence, urban sprawl and inappropriate rural development. Areas of special landscape control are defined as landscapes of character and of local importance, with potential for environmental enhancement.

21. Policy ENV 23 protects countryside belts from development that has no specific locational need in order to prevent coalescence. The countryside belt at this location has an important role in providing separation between Bathgate and Armadale. Clearly, physical coalescence would not result from the development of the site. Indeed, the

appellant argues that the separation distance of 800 metres between the development and Armadale compares with other separation distances in West Lothian. However, I consider that the proposed residential development would have a significant detrimental impact. The belt is both narrow and sensitive and its designation is well merited. Although the appellant also argues that existing development weakens the value of the countryside belt and has set a precedent, I do not consider this to be the case. To the contrary, I believe the existing small development area to the north-west of the appeal site would exacerbate the impact and adds weight to the need to retain the countryside belt.

22. Policy ENV 21 protects Areas of Special Landscape Control from intrusive development to retain landscape character. The character of the landscape in the vicinity of the appeal site is attractive, albeit not exceptional. There are some signs of planned landscaping and design although this is not formally designated in the Inventory of Gardens and Designed Landscapes. I believe the local plan identification of the land as being of local importance to be justified and therefore the proposed housing on the appeal site would represent intrusive development contrary to Policy ENV 21.

23. Policy ENV 31 sets out those limited forms of development that might be acceptable in the countryside. The proposed development is not within any of the categories and therefore the proposal would also be contrary to this policy.

24. The council further believes the proposal would be contrary to Policy ENV 11 and Policy ENV 14 in respect of the protection of woodland and trees. The impact of the proposed access would have an impact on the woodland close to Sibbalds Brae. This loss may well not have been an over-riding factor should other aspects of the proposal be acceptable but, in the context of Policies ENV 31 and ENV 23, I agree with the council that the formation of an access at this point would be contrary to Policies ENV 11 and ENV 14.

25. On the basis of the foregoing, I conclude that the proposal would have an unacceptable environmental impact in respect of both landscape character and the setting of this part of Bathgate and would have a similarly adverse visual impact. In turn, I conclude that the proposal would be contrary to local plan Policies ENV 11, ENV 14, ENV 21, ENV23 and ENV 31.

26. The eighth reason for refusal states that “there is a lack of education capacity to support the scale of windfall housing development proposed” and that the proposal is therefore contrary to local plan Policy IMP3.

27. Problems in the provision of education infrastructure in West Lothian have been recognised for many years and have been referred to in various development plans. Most recently both SESplan and the WLLP have recognised the need for significant investment in education infrastructure. The council has acknowledged the tensions between the need to meet housing targets and the provision of supporting infrastructure. Indeed, as explained previously, the West Lothian Local Infrastructure Fund was established to remove existing constraints including problems resulting from lack of education infrastructure.



28. Should development take place, Windyknowe primary school, St Mary's, Bathgate denominational primary school, Armadale Academy secondary school and St Kentigern's Academy denominational secondary school would serve the appeal site.

29. The council explains that the capacity of Windyknowe primary school will increase to 462 once an alternative to the existing unsatisfactory access has been provided. The council anticipates the early implementation of a new pedestrian access and drop-off point. Nevertheless, the school roll will require close monitoring.

30. St Mary's primary school is expected to exceed capacity by 2020 and, again, states the council, close monitoring is required.

31. The council believes the situation at Armadale Academy to be critical with the S1 intake to exceed its limit in 2018. This will have implications for placing in other secondary schools which are also likely to be over-subscribed. There would be some flexibility as more senior classes are unlikely to be fully occupied and so some capacity might remain. However, close monitoring will be essential.

32. It is possible, states the council, that St Kentigern's may be under its intake limit for 2020 although careful management and monitoring would be required between 2018-2020.

33. On this basis, council concludes, the various secondary schools in this part of West Lothian will all be approaching capacity from 2018 onwards. Various possible solutions are being explored involving reviews and school consultations, some of which have already informed a number of feasibility studies to examine options. Primary school consultations and school extensions will be also be necessary to support the development plan strategy across West Lothian.

34. Overall, the council concludes, there would be no capacity at primary or secondary level to serve the proposal. There are no current options for extending capacity and any capacity that does exist must be reserved for schemes that comply with the development plan. The prospect of any additional development would result in the council being faced with problems in Bathgate in meeting its statutory education responsibilities.

35. The appellant is very critical of the council's school roll forecasting methodology. Indeed, the appellant asserts that the under-supply of school places in this part of West Lothian is due to poor education planning. I do not consider that this appeal decision notice is an appropriate vehicle in which to pass judgement on the council's education planning. Indeed, the council has provided a robust defence of its methodology as it has evolved over many years. It has recognised the difficult balancing exercise between promoting new housing and fulfilling the statutory requirement to provide children with appropriate standards of education. In recent years a significant school building programme has been undertaken and it is clear that the council is endeavouring to explore options for future education provision.

36. It is significant that the appellant recognises that capacity problems do exist. In respect of Windyknowe primary school the appellant states that, despite the anticipated increase in the school roll to 462, the council must consider further extensions. To this end, the

appellant has prepared a proposal for an extension to indicate, at least in principle, that it would be possible to satisfactorily provide additional building within the school site. Alternatively, pupils in the new development could attend a primary school in Armadale. There might also be the possibility of providing land for a new primary school adjacent to the appeal site. The appellant believes that these options, supported by a fair and reasonable developer contribution, offer the basis for providing non-denominational primary school infrastructure.

37. Whilst not disputing the possibility of extending Windyknowe primary school, the council is not prepared to accept the indicative drawings prepared by the appellant without detailed assessment. In any event, the council points out, should the capacity at Windyknowe be increased, first call on the additional accommodation could well be made by children other than those generated by the proposed development.

38. The appellant believes that because of the relatively low numbers involved, the provision of denominational primary school education is not an issue.

39. Insofar as non-denominational secondary education is concerned, the appellant argues that it is by no means certain an extension to Armadale Academy will be required. However, the appellant would be willing to provide a proportionate developer contribution towards any extension to Armadale Academy that is found to be necessary.

40. The appellant considers that St Kentigern's Academy could accommodate the modest scale of the new development in the medium term. In the longer term, additional capacity would be provided in other schools that would more than meet the needs of the appeal proposal.

41. I can appreciate the concerns of the council in respect of the provision of education infrastructure. Although the appellant has questioned the education planning of the council, there can be no doubt that the provision of an adequate level of school places has been, and remains, a widely recognised issue. House building targets and the uncertain level of house building add to the complexity of the situation. More recently, the prospect of additional houses being required under the provisions of the SESplan supplementary guidance, to be reflected in the WLLDP, has added a further dimension to future education infrastructure provision.

42. It seems to me that the scale of impact on primary and secondary denominational schools, as a consequence of the proposed development, would be limited. Whilst the close monitoring envisaged by the council would be prudent, if not essential, I believe that the proposed development would conform to Policy IMP 1 in these respects.

43. Secondary non-denominational education is more of a problem and I recognise the council's opinion that the situation at Armadale Academy is "critical". However, it appears that careful management of school accommodation may well enable the council to cope with anticipated rises in S1 intakes. Again I consider that the development complies with Policy IMP 1 on this basis.

44. There is general acceptance that non-denominational primary school capacity at Windyknowe requires to be increased. No matter the forecasting methodology, it is also agreed that the proposed development would generate a significant number of pupils in this sector. I am unwilling to accept that any of the three solutions suggested by the appellant would be suitable. Should the development proceed, I believe undue pressure on the council, financially or in terms of education management would result. These pressures could be to the detriment of the wider education planning process of the council. The appellant would be willing to make a proportionate financial contribution but there has been no suggestion that this would fund an appropriate extension at Windyknowe primary school. In any event, as pointed out by the council, any increased capacity could well be better utilised to meet existing forecast demand. I therefore conclude that the proposal would be contrary to the terms of local plan Policy IMP3 in respect of primary non-denominational education infrastructure.

45. Overall, I conclude that the proposal would be contrary to various local plan policies. I further conclude that the proposal does not justify the granting of planning permission to maintain a five year effective housing land supply under SESplan Policy 7. In particular, the proposal would fail to satisfy the need to be in keeping with the character of the settlement and additional infrastructure required as a result of the development is not committed or would be funded by the developer. In this latter respect, I appreciate that a developer contribution could be required but, as explained, I cannot be confident that any such proportionate contribution could make good the deficiency.

46. These conclusions point to the refusal of planning permission. It is therefore necessary to take account of material considerations and determine whether planning permission should be granted notwithstanding the provisions of the development plan.

47. National Planning Framework 3 seeks a significant increase in house building with a greater and more concerted effort to deliver a generous supply of housing land in the Edinburgh and south-east city region. Despite this clear high level support, environmentally unsuitable sites, such as the appeal site, should not be released as housing land.

48. SPP supports the provision of housing land through the identification of a generous supply for each market area with a sharp focus on delivery. On the other hand, as pointed out by the appellant, the principal policies of SPP relate to sustainability and place-making. Indeed SPP indicates that there is a presumption in favour of sustainable development. Paragraph 29 sets out the principles which should guide decisions. It is clear that the proposal would not fly in the face of many of the principles listed although, in this case, the most directly relevant principles are those relating to education infrastructure and the protection of landscape and the wider environment.

49. In the light of my conclusions on the landscape and visual impact of the proposal and education infrastructure I do not consider the use of the land for housing could be regarded as sustainable. I am also concerned that the proposal would not accord with the principle of place-making. The development, although adjacent to existing housing, would have an individual access resulting in a largely separate residential area. There would be the potential for providing a link with the adjacent small residential development to the west which would be beneficial. Additionally, there is reference to pedestrian and cycling links to

existing streets, but, in wider townscape terms, I consider the proposal would be generally unconnected. The central spine road is shown in the masterplan to extend southwards but this is beyond the site boundary and is not part of the application.

50. The presumption in favour of sustainable development is severely weakened because of the adverse landscape and education infrastructure impacts. In turn, non-compliance with the provisions of the local plan, to which I have referred in paragraphs 25 and 44, and the criteria in SESplan Policy 7, identified in paragraph 45, outweigh the presumption in favour of sustainable development. On balance, therefore, I conclude that the development does not draw support from SPP.

51. The letter from Scottish Government Chief Planner was written in 2010 at a time of economic recession. Indeed this situation is reflected in the house completion rates for West Lothian provided by the council. It is not surprising that the Chief Planner referred to a flexible and realistic approach under the circumstances. Since then, there appears to have been an improvement in the housing market and the council remains committed to providing an effective five year housing land supply. In view of the passage of time I do not believe the letter constitutes support for granting planning permission for the appeal site. However, I recognise that SPP still calls for a flexible and realistic approach to the delivery of housing.

52. Whilst planning appeals may have similarities, the circumstances of each must be considered individually. It is inevitable that there will be differences as sites are not identical. Although an appeal at Blackburn, West Lothian was dismissed, my decision in this case does not rely or found on that earlier appeal. The intentions notice at Dunbar, refers to a situation where there are no over-riding planning objections. In my opinion, such a situation does not apply in this case. Similarly, despite the terms of the decision notices in the appeals at Haddington, North Berwick and Edinburgh, I am not persuaded that the current appeal should be allowed. Equally, I note that the appeal at the Edmonstone Estate involved a green belt site and that a designed landscape would be compromised. However, in the current case, I do not believe there are such “compelling reasons” to justify allowing the appeal.

53. All-in-all, the appeal decisions that have been brought to my attention do not lead me to set aside my conclusions in respect of the development plan.

54. I have noted the consultation responses. Apart from education infrastructure, the development has not raised any objections provided, in some cases, appropriate conditions were to be applied to any grant of planning permission. Education infrastructure has been considered separately but, despite the terms of the other consultation responses, my fundamental concern about the location of the proposed development remains.

55. Some issues raised in representations have already been dealt with. I have also noted other matters of concern insofar as relevant to planning, including concern about impact on wildlife, the inadequacy of the local road network and drainage infrastructure, the threat to archaeological remains and noise, pollution and safety.

56. The site is not within an area designated for nature conservation and therefore I do not believe any special protection for wildlife can be justified other than that afforded by statute to protected species. The consultation process undertaken by the council has not identified any problems, other than education infrastructure, that could not be remedied by the imposition of conditions.

57. Some limited support for the proposal was also received but this does not persuade me that planning permission should be granted.

58. Other material considerations that have been brought to my attention have been taken into account as part of my analysis of the proposal against the provisions of the development plan. Having assessed the material considerations, I conclude that no over-riding matters lead to the conclusion that planning permission should be granted. On this basis, I dismiss the appeal.

*Richard Dent*  
Reporter

## Appendix 4: Appeal Decision Falside PPA-400-2044

**Brotherton Farm: Representative site delivery timetable**

Task	Duration (months)	Q2-2014	Q3-2014	Q4-2014	Q1-2015	Q2-2015	Q3-2015	Q4-2015	Q1-2016	2016	2017	2018	2019	2020
<b>PPP application</b> submitted and determined	4-6		█											
<b>Section 75 agreement</b> negotiated and signed	1-3					█								
Site marketed and <b>land sold</b> to house builder(s)	3-6					█								
<b>RCC application</b> submitted and determined	6-12					█								
<b>Site investigation, utilities and drainage</b> approval	6-12					█								
<b>MSC application</b> submitted and determined	3-6							█						
<b>30 units</b> completed <i>(cumulative total 30/180)</i>	12									█				
<b>40 units</b> completed <i>(cumulative total 70/180)</i>	12									█				
<b>40 units</b> completed <i>(cumulative total 110/180)</i>	12										█			
<b>40 units</b> completed <i>(cumulative total 150/180)</i>	12											█		
<b>30 units</b> completed <i>(total 180 - complete)</i>	18-24												█	

PPP application submitted Sept 2014

House building begins on site during 2016

150 units constructed by 2019

Development complete within 5 years

**Land at Brotherton Farm,  
Livingston**



# **Design Statement, Part 1 of 2**

**7N**





# Brotherton Farm, Livingston

## Design and Access Statement

01 September 2014



Masterplan

Alba  
Business  
Campus

Allocated for  
Residential  
Development



# Executive Summary

This Design and Access Statement supports an application for Planning Permission in Principle (PPiP) for a residential development on a site at Brotherton Farm, south west of Livingston, West Lothian.

The proposals demonstrate how part of West Lothian's identified strategic housing shortfall can be delivered by development on this 12.4 Hectare site in a manner which will not be detrimental to the principles of the Countryside Belt.

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# 01

Site and Context

# Site Context

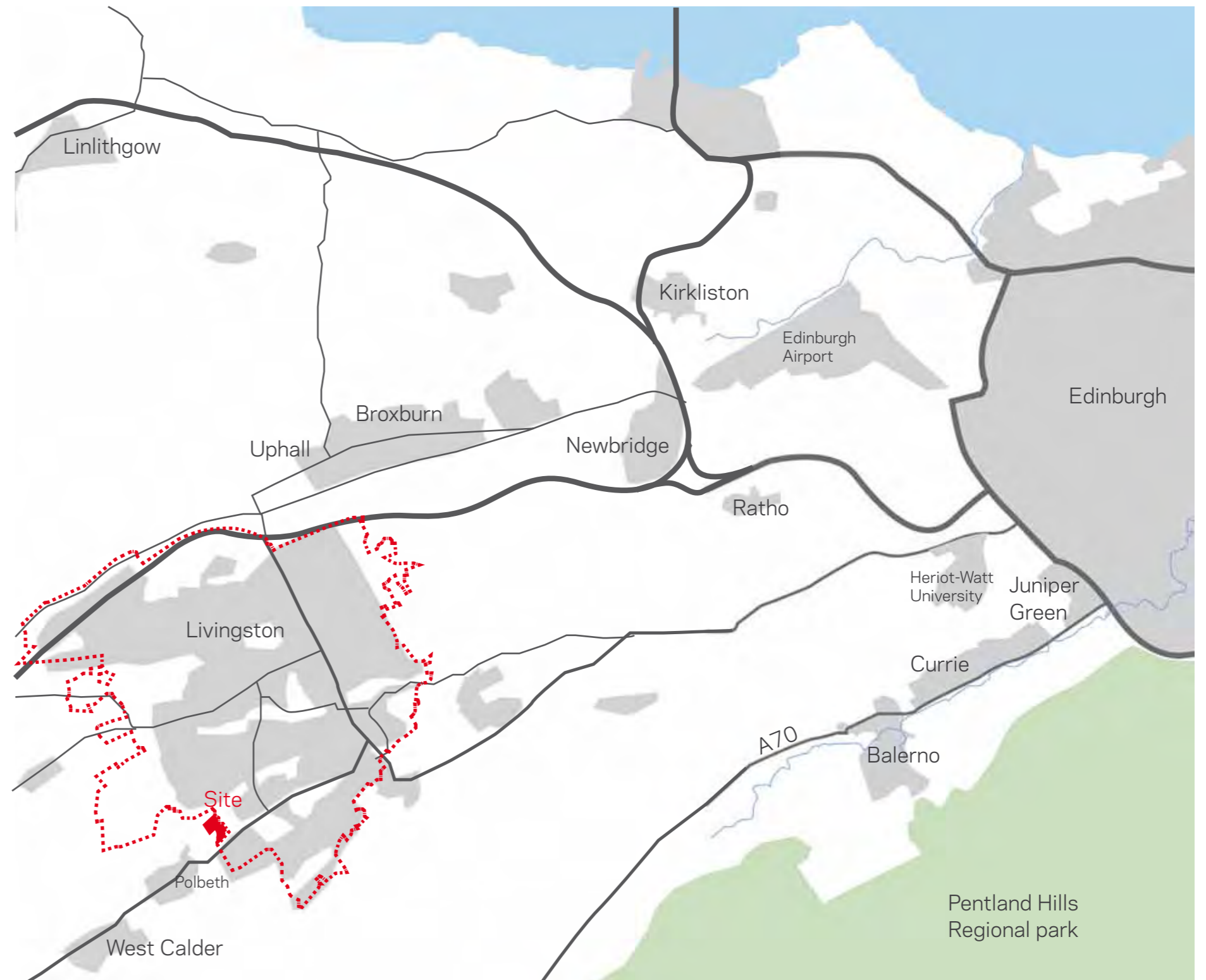
## Location

Livingston is the largest town in West Lothian and second largest (after Edinburgh) in Lothian. It sits about 13 miles west from Edinburgh in the Almond Valley and part of the Central Belt. The proposed site sits on the southwestern boundary of the Livingston settlement.

The settlement started in the ancient village of Livingston. Later the villages of Bellsquarry and Livingston Station were also founded. Livingstone's expansion into a town was set by the New Towns Act of 1946 which identified 5 locations for new towns to be built. Livingston was the fourth to be built and was designated a New Town in 1962.

Livingston further expanded in the 1980s and 1990s due to high-tech industry. Today it is known for its large retail centre.

According to the 2011 census the population is over 56,000 people.



Site

Livingston settlement boundary

Livingston and the development site in context

# Site Context

Livingston



## Livingston

Site

A899

A71

A71

Knightsbridge

Nether  
Dechmont

Deans

Ladywell

Craigshill

East Calder

Elburn

Howden

Mid  
Calder

Livingston  
Village

Almondvale

Seafield

Kirkton

Dedridge

Kirkton  
Campus

Alba  
Campus

Bellsquarry

Murieston

Brucefield  
Industrial Park

Polbeth

# Site Context

## Site

The site is situated within south-west Livingston and comprises agricultural land extending to 12.4Ha (30.6 acres). The land is bounded by established woodland to the east, the Brucefield Industrial Park and the A71 to the South, agricultural land to the west and the Alba Business Campus to the north. Access to the site will be via the existing roundabout spur on the A71.

### Why is the site suitable for development?

- o The site is in good proximity to local transport connections and services
- o The site is accessible via existing Wilderness Roundabout on the A71
- o There are opportunities to connect footpaths to established woodland areas, proposed recreational route and beyond to the wider area
- o The site is surrounded by generous areas of woodland and open green space which provides a sage and pleasant environment.
- o Proposed development areas are very well screened from view by existing tree belts and landscape topography





# Site Context

## Local Character

This area of Livingston has a distinct suburban edge character. Along Bankton Road mature trees and landscape planting is interspersed with housing or industrial development. The photographs to the right show a mix of character and setting.



Bankton Road



Polbeth



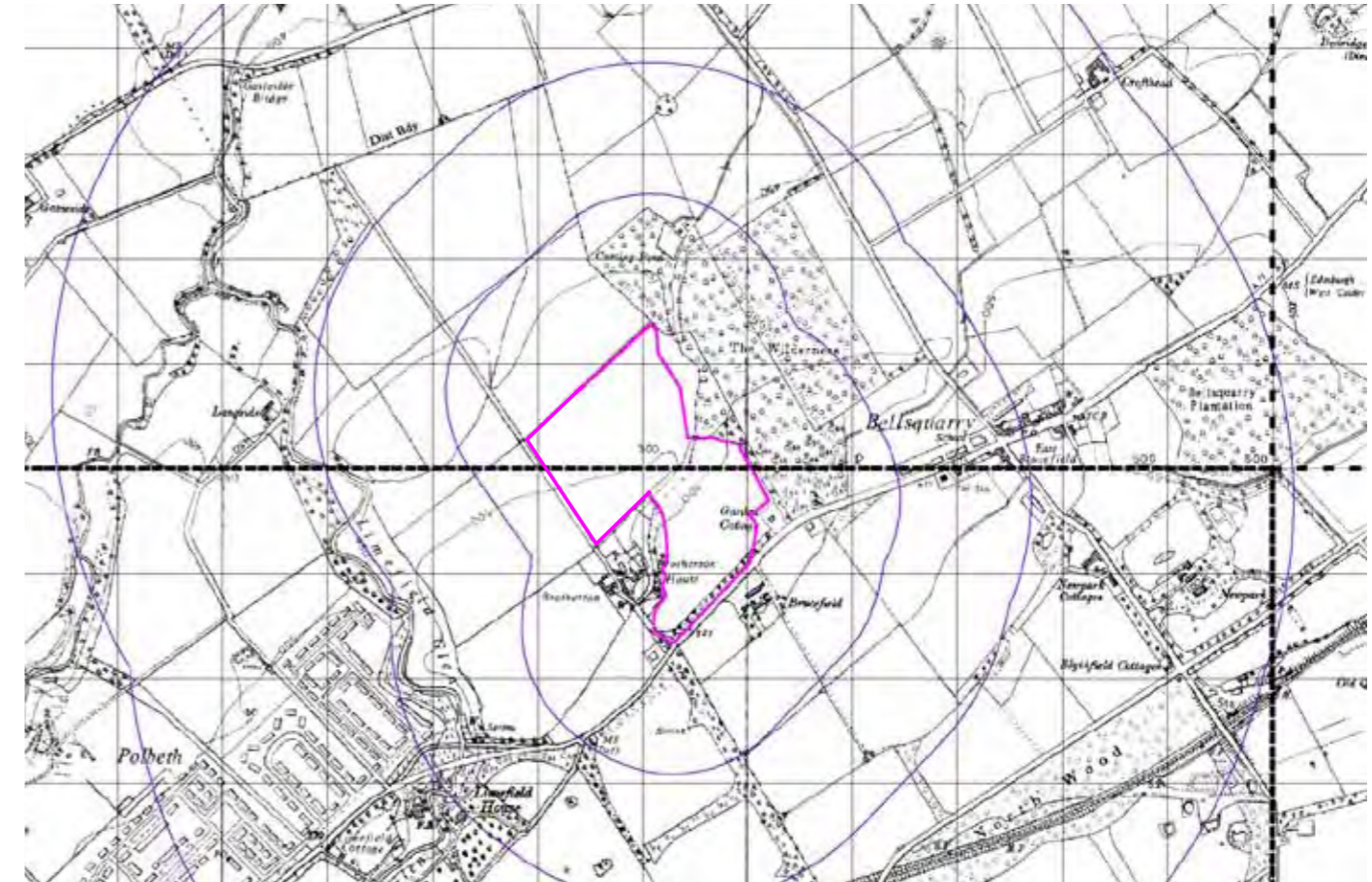
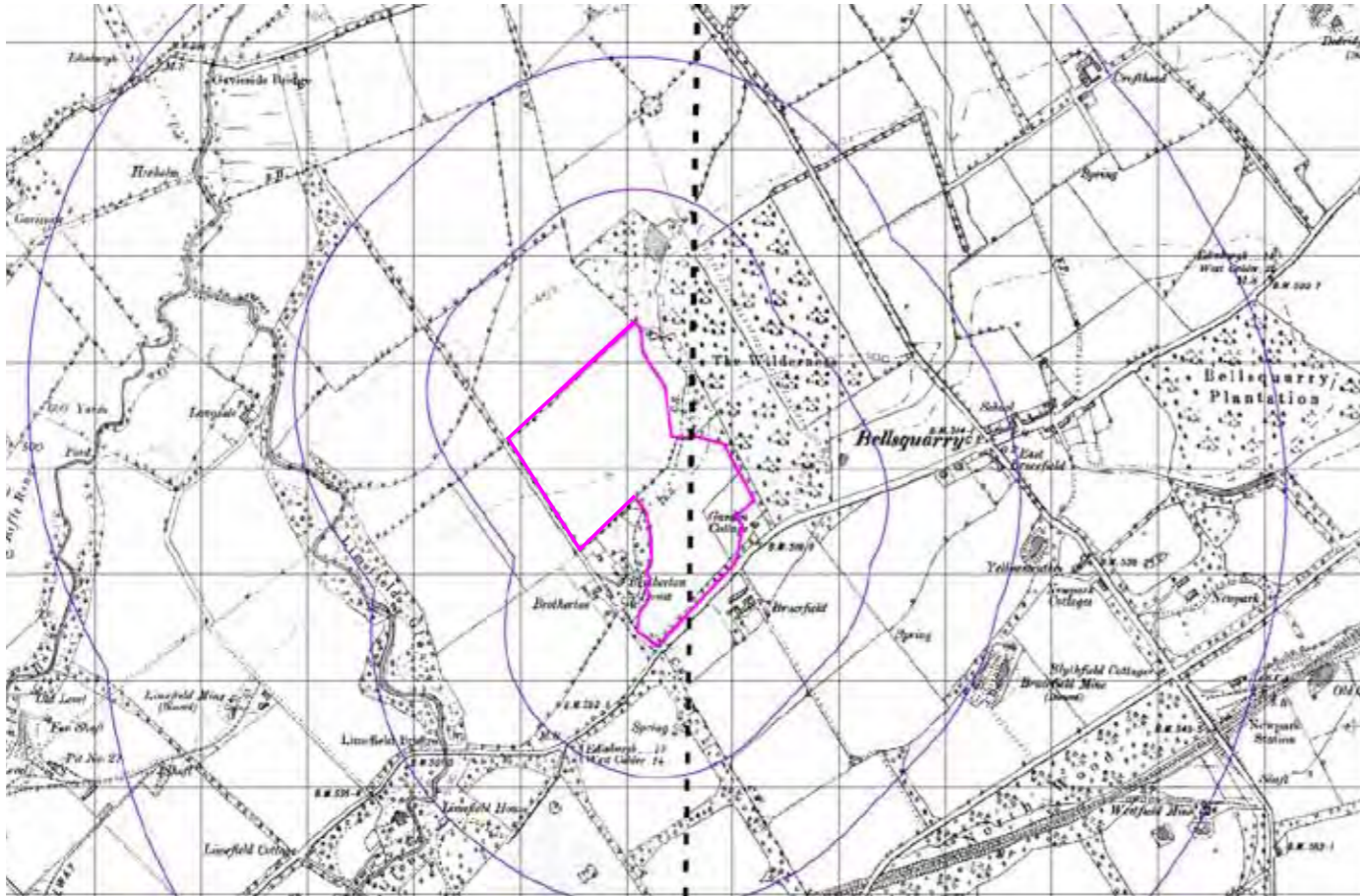
Brucefield Farm, local pub and carvery



Brucefield Industrial Park

# Site Context

## Area History

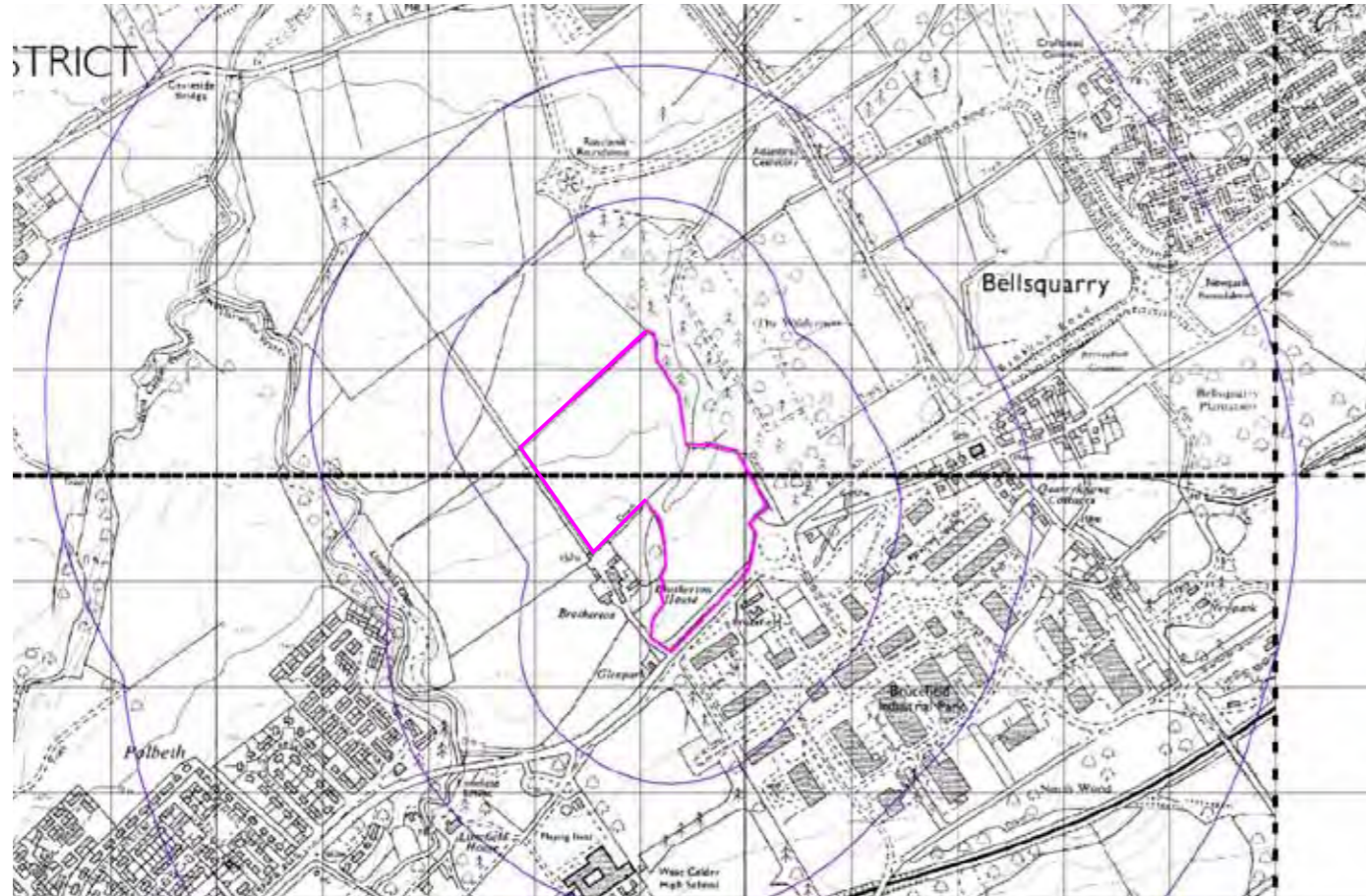


# 1895

Brotherton Farm and key area landscape features (The Wilderness, Limefield Glen, tree belts and field lines) already clearly visible.

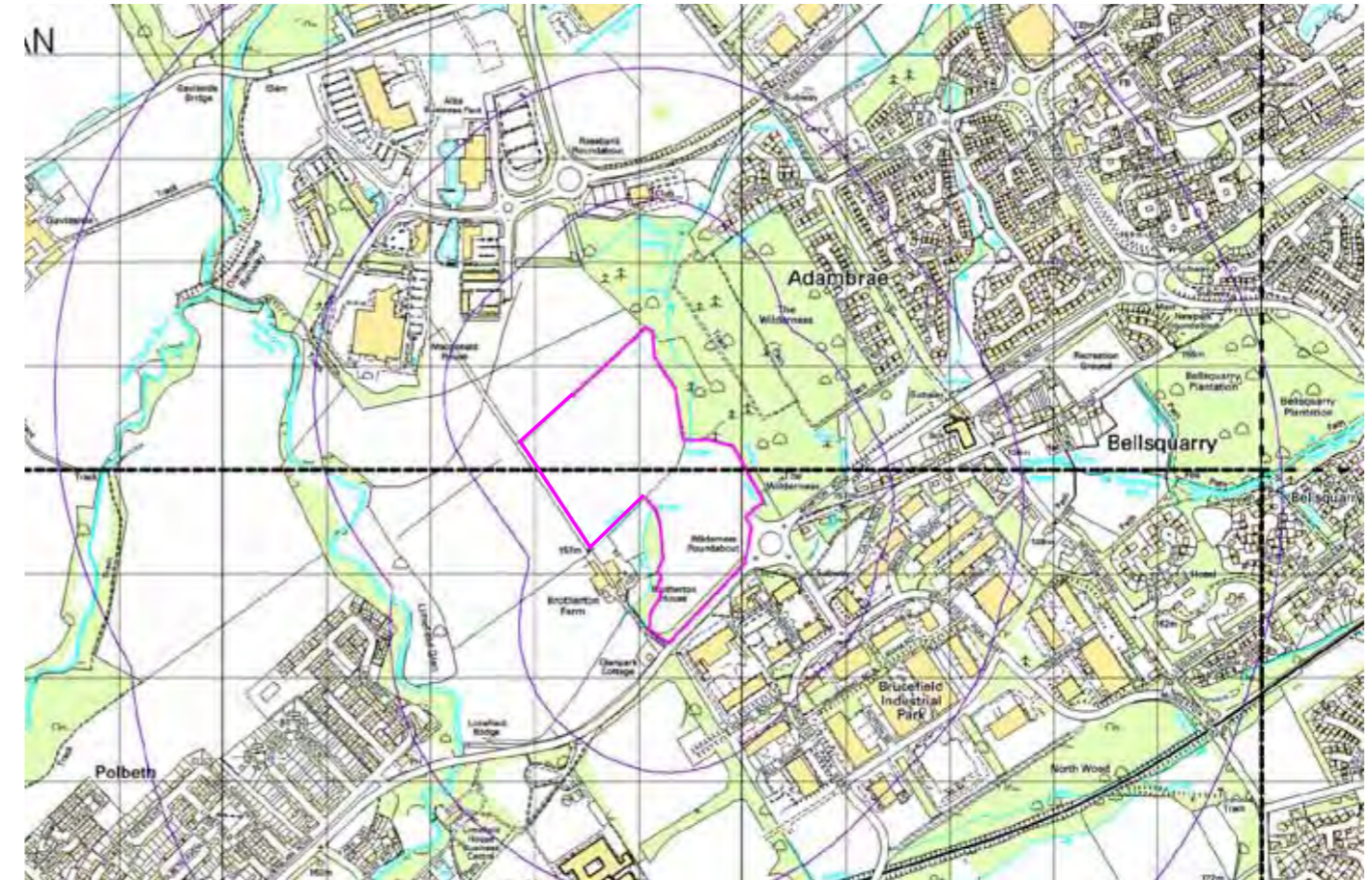
# 1957

By 1957 Polbeth housing had been built.



## 1991- 1994

Brucefield Industrial Estate and the western part of Dedridge housing had been built.



## 2013

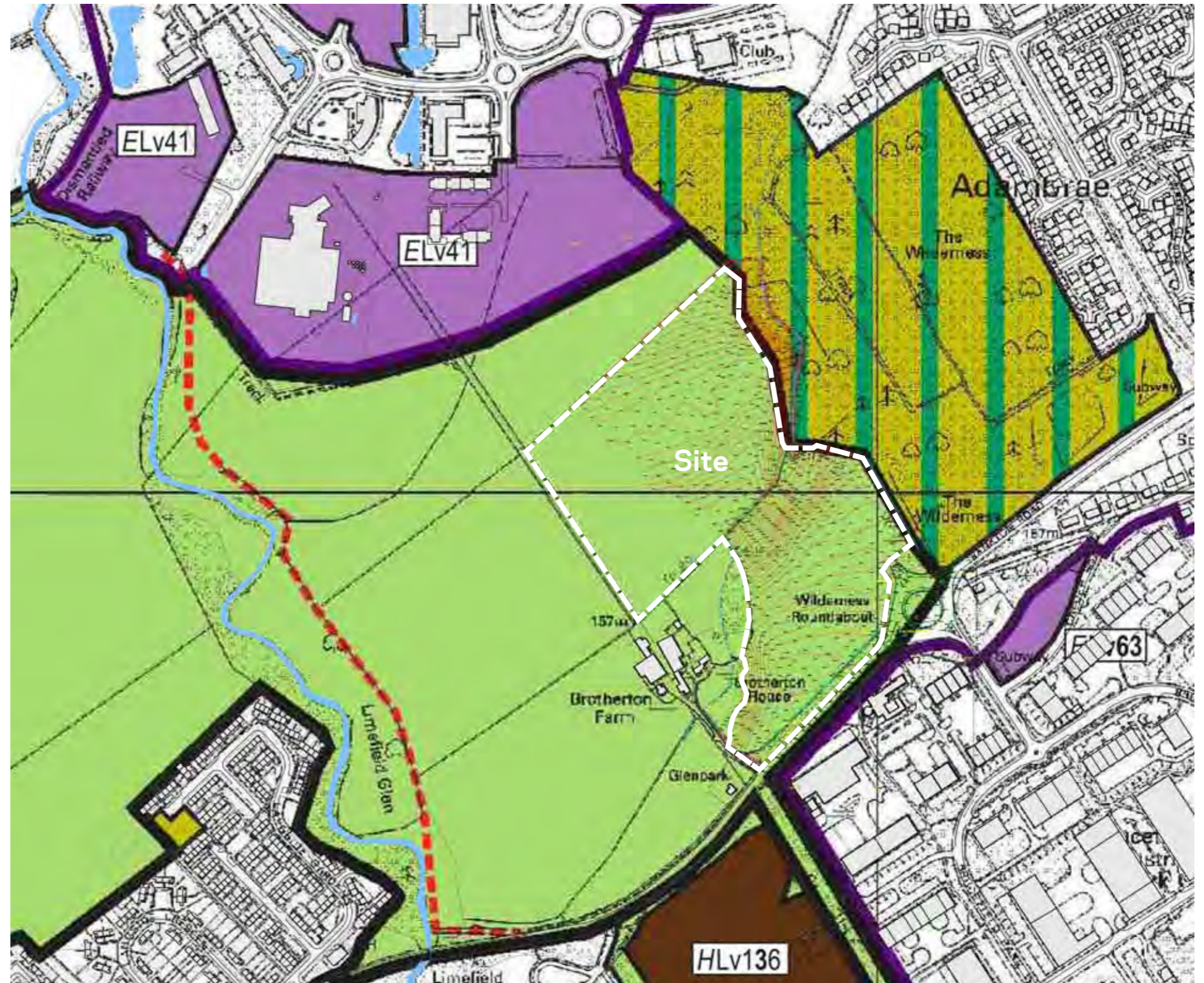
Alba Business Campus as well as Adabrae and Bellsquarry housing are built out. Key landscape features have barely been affected by development over the last 100 years and remain to this day.

# Planning Context

## Local Policy

### West Lothian Local Plan January 2009

The map to the right is an extract from the West Lothian Local Development Plan and shows that the site sits on the edge of the Countryside Belt between development to the north and to the south.



West Lothian Local Plan - January 2009

# Planning Context

## Design Policy Guidance

### Government Policy, Local Policy and Best Practice for Design

The core documents of relevance in this instance include the following:

- o Scottish Planning Policy 2014: The development proposal has been guided by the key policy principles set out in the SPP 2014, with particular reference to the six qualities of successful places referred to in paragraphs 41-46.
- o Creating Places: A Policy Statement for Scotland, June 2013
- o Designing Streets: A Policy Statement for Scotland, March 2010
- o West Lothian Local Development Plan, January 2009

The Scottish Government publish a series of Planning Advice Notes on Best Practice aimed to provide planning authorities and applicants guidance on shaping future developments. These are important documents and are material considerations in the determination of planning applications. They specifically relate to good practice and should inform planning authorities and applicants alike.

- o PAN 44 Fitting New Housing Development into the Landscape
- o PAN 67 Housing Quality
- o PAN 68 Design Statements
- o PAN 83 Masterplanning
- o PAN 72 Housing in the Countryside

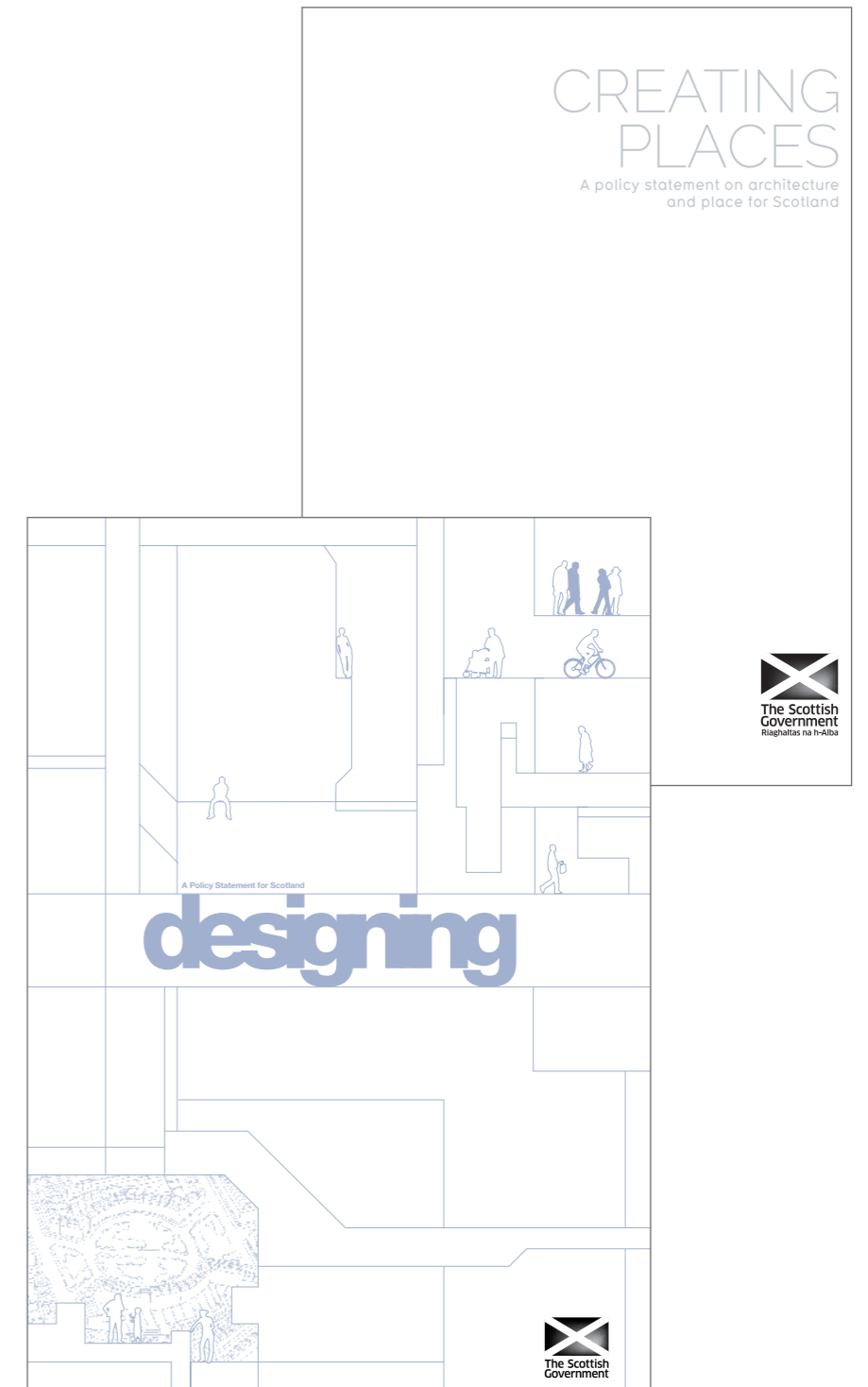
### Designing Streets: A Policy Statement for Scotland, March 2010

Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards placemaking and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's placemaking agenda and is intended to sit alongside the 2010 planning policy document Designing Places, which sets out government aspirations for design and the role of the planning system in delivering these.

Designing Streets promotes the development of places which are well integrated with adjacent land uses and requires that they are highly permeable, particularly for non-car based travel modes.

Key principles of Designing Streets include:

- o The built environment should place a high priority on pedestrian and cycle movement;
- o Where possible, cycling activity should be accommodated within road carriageways;
- o Road widths can vary throughout a development, and a variety of treatments should be adopted;
- o A design speed of 20mph should be borne in mind for roads within a development;
- o The distance between building frontages can vary between 10m and 18m;



# Planning Context

## Design Policy Guidance

### Creating Places: A Policy Statement for Scotland, June 2013

Creating Places is Scotland's policy statement on architecture and place which sets out the comprehensive value good design can deliver.

Architecture and place has an established, strong relationship with planning. The policies contained in the document are material considerations in determining planning applications and appeals.

The document contains an action plan that sets out the work that will be taken forward to achieve positive change.

The statement is in four parts:

1. The value of architecture and place,
2. Consolidation and ambition,
3. A strategy for architecture and place,
4. Resources, communications and monitoring.

### PAN 44 – Fitting New Housing Development into the Landscape

The approach expressed by PAN 72 is supported by PAN 44 Fitting New Housing Development into the Landscape. PAN 44 stresses the importance of sensitively responding to local landscape and setting, existing urban form and settlement patterns, and considering the visual impact.

**“Insensitive development can undermine the special environmental quality of towns and their setting in the countryside which have drawn people to live and invest in them in the first place”.**

The approach to the planning of town expansion areas is well tested. PAN 44 and PAN 72 provide the context to good design practice stressing the importance of good contextual design.

**“Careful attention to landscape fit should be given by housing developers, and the principles of good design should be applied consistently by authorities in their planning decisions”.**

Understanding the landscape capacity and the surrounding context for Livingston has been an integral part of the masterplan process. Our approach has been to consider an appropriate form and density of development to properly reflect the transition from suburban to rural at a location at the edge of the settlement with open countryside beyond. The proposed residential development is in harmony with and respectful to its landscape setting.

### PAN 67 - Housing Quality

PAN 67 recognises that the planning process has an essential role to play in ensuring that:

- o The design of new housing reflects a full understanding of its context – in terms of both physical location and market conditions;
- o The design of new housing reinforces local and Scottish identity; and,
- o New housing is integrated into the movement and settlement patterns of the wider area.

The guidance states that many people also want to live in a place that has a distinct identity, rather than one that could be anywhere, and that every development should be planned and designed as part of a place that does more than just house people.

Further the guidance seeks an overall approach to designing housing considering the design of streets, open space and relationship with the wider landscape/context.

The proposed development at Brotherton Farm sits well into the existing settlement pattern, using it as a basis for the assessment of landscape capacity. The identified site is well protected from views either screened by trees or topography. Sound principles of landscape planning, urban design and placemaking are at the heart of a proposal that seeks to fit with its surroundings and the existing settlement and landscape patterns rather than ignore them.

## PAN 68 – Design Statements

PAN 68 outlines good practice in preparing Design Statements and the extent of supporting information and analysis that will inform and shape the design process.

**“A design statement should explain and illustrate the design principles and design concept of the proposed layout; landscape; scale; and mix; details and materials; and maintenance. It should show, as briefly as necessary, how these will help to achieve the qualities in Designing Places.”**

## PAN 72 – Housing in the Countryside

PAN 72 reinforces the approach and methodology outlined by PAN 83 and states:

**“... landscapes have different capacities to accommodate development. It is therefore crucial that the proposed location and siting of new housing considers the impact on the landscape, in terms of both immediate and wider surroundings...”**

The guidance goes on to state that: **“The importance of layout within a site cannot be over stated”.**

The proposal for Livingston works well within the site’s capacity and its siting is respectful to both its immediate and wider surroundings and topography.

## PAN 83 - Masterplanning

The plan led system and masterplan approach is supported by government policy guidance and good planning and design practice. PAN 83 supports this approach stating that:

**“In general, masterplanning is required for areas of large-scale change such as town extensions”.**

PAN 83 and PAN 68 both also recognise context as a critical starting point. Development should be contained and should not be linear or sprawl or detached from the settlement edge. Good design is about providing shape and context and providing a good environment for all. Government guidance strongly supports this approach and provides that the landscape and topography should inform and contain the layout of any new development.

Working with the landscape and topography is at the heart of the proposal for Brotherton Farm, Livingston. It takes a very sensitive approach to masterplanning in a landscape setting and on the edges of rural landscape.

# Planning Context

## Pre-Application Community Consultation

### Community Consultation

A pre-application community consultation was undertaken on the 18th of March 2014 between 2pm and 8pm. The consultation provided local residents with the opportunity to view and comment on the development proposals.

Key comments, both positive and negative, were:

- o The location of the site means the development would not inflict significant impact onto residents.
- o There is a significant need for new homes in the Livingston area.
- o The site is within the Countryside Belt and there are other sites in the area already allocated for housing. However these sites are large and progress has been slow during the recession. A short term solution to the local housing shortage is needed
- o The inclusion of a 20m tree belt between the woodland and the development was suggested in answer to concerns about the impact of the development on the wildlife living within the woodland.
- o There is concern about the negative impact the development could have on traffic on the A71 and on routes through Bellsquarry.

The Masterplan for the development was subsequently amended in response to local residents comments and concerns raised through the community consultation. A Pre-Application Consultation Report (PAC) has been prepared by Gladman as part of this PPIp. Please refer to the report for further information.



Presentation for public consultation . Exhibition on 18th March 2014 at Bellsquarry Village Hall.









02

Site Analysis

# Site Analysis

## Connections

The site is well located to benefit from easy pedestrian and cycle access. All of the footways in Livingston are designated for cycle use. It is proposed that a new footway be provided through The Wilderness, to the south of Silverbirch Glade, by upgrading and extending an existing informal route.

There is also the possibility of a pedestrian connection to the Alba Business Campus to the north. These pedestrian and cycle connections demonstrate the 'Easy to Move Around and Beyond' principle identified as one of the six qualities of a successful place in SPP paragraph 46.

- Surfaced public footpaths
- ..... Unsurfaced footways
- ..... Proposed footpath link



# Site Analysis

## Public Transport

The site is located near to the A71 bus corridor, giving a total of 4 buses per hour in each direction between the site, the town centre, and various onward destinations. The proposal therefore meets the locational requirements of SPP and PAN75, and the policy principles of accessibility for guiding decisions in SPP paragraph 29.

- Bus stop
- Bus route. Nos. 26, 36, 71, 77



# Site Analysis

## Vehicle Access

Vehicle access to the site will be via the existing Wilderness Roundabout spur on the A71.



# Site Analysis

## Landscape Character

The site occupies an edge of settlement location comprising agricultural fields, and is located within the Livingston Countryside Belt. It comprises of open agricultural fields bounded by a mix of tree belts and woodland. The combination of tree lined boundaries, woodland and the detailed topographic pattern of the site considerably restrict the visibility of the site from the surrounding area.

The site is located within the eastern section of the 'Lowland Plateau', and specifically within the 'West Lothian Plateau' Landscape Character Area (LCA). The 'Lowland Plateau' occupies much of western West Lothian and extends westwards outwith the district, comprising a gently undulating slightly elevated plateau predominantly dominated by a grassland.

The site itself comprises a simple landscape pattern of medium scale agricultural fields which extend westwards from the edge of Livingston to Polbeth and beyond. This field pattern reflects the predominant east - west grain of the undulating low ridges and shallow valleys which cross the area. Boundaries are regular and relatively geometric or slightly curving, although their existing tree lines are too fragmented to significantly reinforce and emphasise the landscape pattern of the site. This is an area with a strong contrast between the enclosing pattern of woodlands and tree lines to the south and east of the site with a more open, expansive character to the west and north.

Horner + Maclennan (h+m) landscape architects have prepared a Landscape and Visual Impact Assessment (LVIA) of the proposed development at Brotherton Farm, Livingston which has informed the masterplan. The key aspects of the assessment are incorporated within this Design Statement but please refer to the LVIA itself for more detailed information.



Grassland with strong tree lined boundary lines



Tree lined boundary along Bankton Road

# Site Analysis

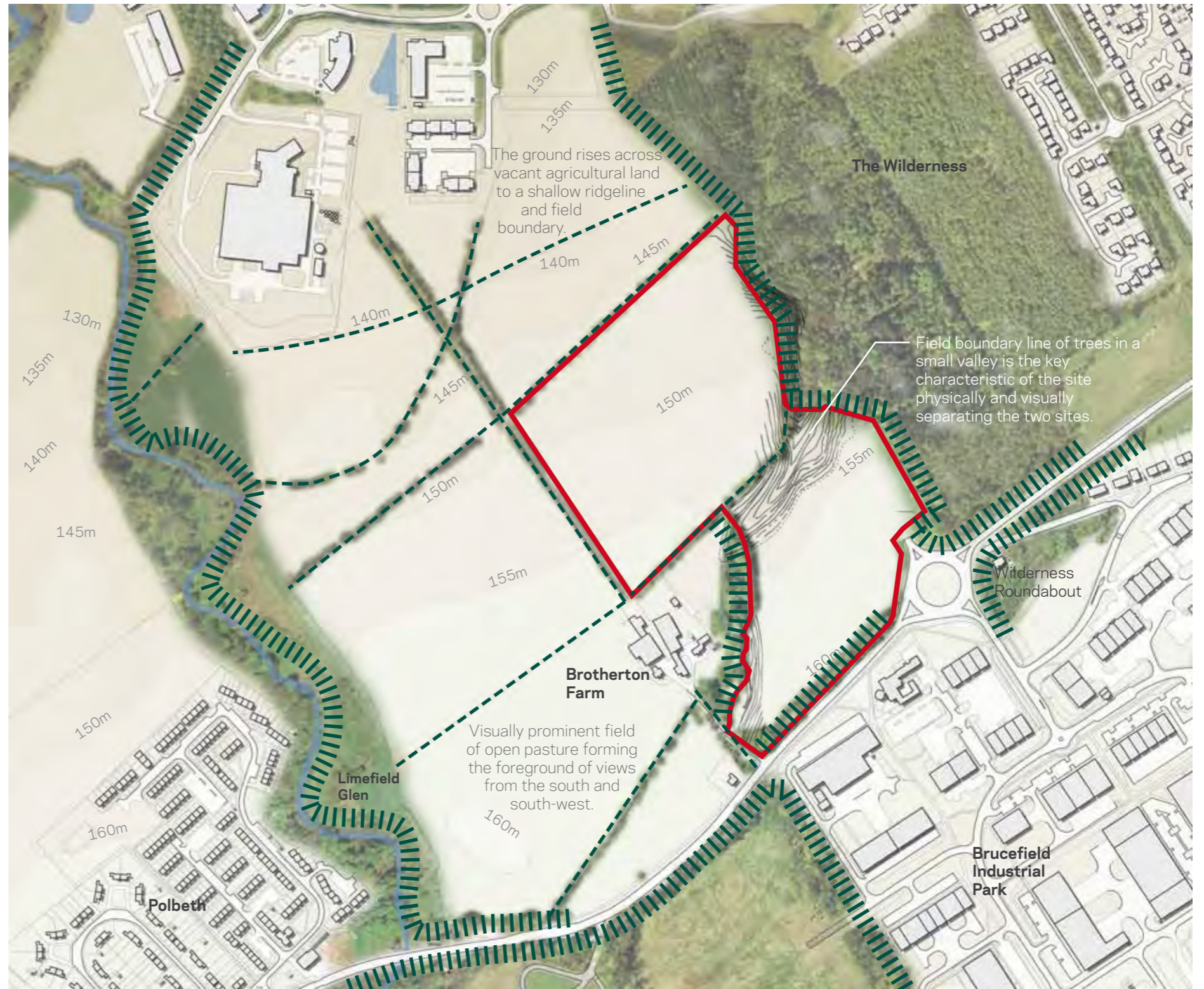
## Topography and Key Site Features

### Topography

Overall, with the exception of localised features such as the east-west valley across the site and small local ridges, the site gently slopes down in a north-west direction.

### Key Site Features

- o The site is generally located in an area where views to it from the surrounding area are relatively limited
- o Strong field boundary lines with lines of sporadic trees set out the structure of the landscape
- o Glenfield Glen, The Wilderness, tree belts along Bankton Road, the complex of Brotherton Farm buildings, tree belt east of Brotherton Farm and tree belt along farm access path to the north of Brotherton Farm form strong containment edges in the immediate landscape
- o Brotherton Farm is a cluster of residential and agricultural buildings, set within a tree group which assists in masking its overall extent and scale



— Site boundary

- - - Field boundary line with trees and hedgerows

24 ||||| A strong containment edge formed by trees



# Site Analysis

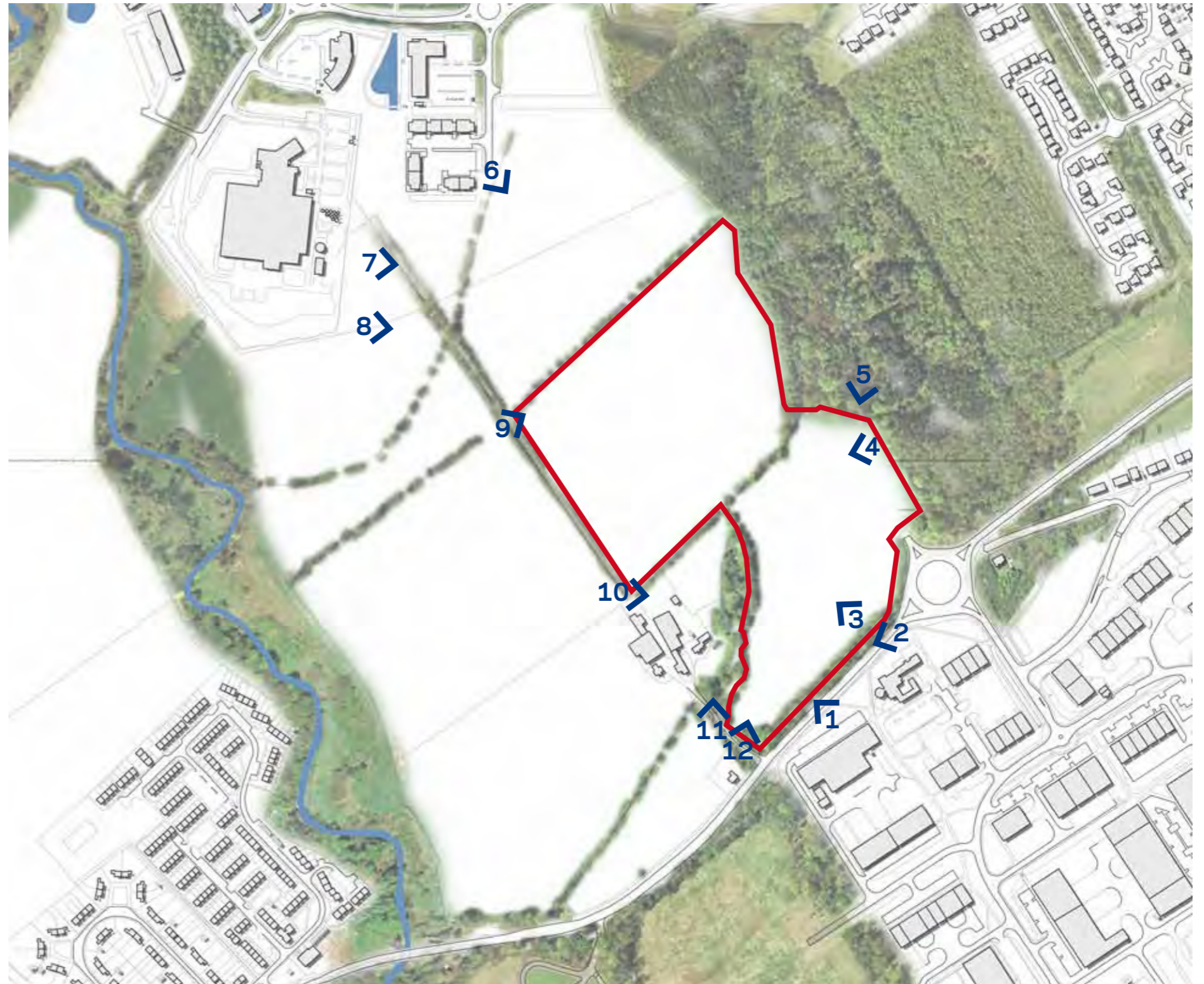
## Site Views and Visual Enclosure

### Key Views

Views of the site are largely mitigated by landscape and topography features:

- o North - Views from Kirkton Campus and the north are largely mitigated by topography, tucking the site behind a local ridgeline.
- o South/southwest - Views are broken up by trees and vegetation along Bankton Road (A71).
- o East - The site is not visible from the east due to thick screening of The Wilderness.
- o West/southwest - Views from the west both from Bankton Road (A71) road and from Polbeth are screened by Limefield Glen and trees in the area around Brohterton Farm.

The views identified on the plan are illustrated on the following pages.



# Site Analysis

## Key Views and Visual Enclosure



View 1: View from Bankton Road through tree belt to proposed site beyond



View 2: View south-west along Bankton Road with site on the right.



View 3: View north-west over site to Brotherton Farm, tree belt and fence line. Topography sloping away northwards.



View 4: Small valley with trees along the fence line in the centre of site.



View 5: View through The Wilderness trees onto the proposed site.



View 6: View from Kirkton Campus toward proposed site.



View 7: View of campus, adjacent field, edge of site and The Wilderness in background.



View 8: View towards The Wilderness. Localised dip and steep topography hide proposed site from views.



View 9: View north-east along proposed site fence line.



View 10: Brotherton Farm building and treebelt screening proposed site beyond.



View 11: Brotherton Farm house sheltered by tree belt.



View 12: View over proposed site from its southernmost corner.

# Site Analysis

## Surrounding Areas Typology and Density



The following analysis of surrounding residential developments indicates the density of development in the vicinity of the site.



### 1. Langside Crescent, Polbeth

Density: 17.8 dwellings per Hectare  
Plot sizes: 200 - 1100 m sq  
Dwelling sizes: 45 - 63 m sq in footprint (2 storeys)

### 2. Langside Gardens, Polbeth

Density: 33.3 dwellings per Hectare  
Plot sizes: 120 - 140 m sq  
Dwelling sizes: 42 - 58 m sq in footprint (1-2 storeys)



### 3. Cypres Glade, Livingston Village

Density: 16.4 dwellings per Hectare  
 Plot sizes: 340 -520 m sq  
 Dwellings: 88 - 133 m sq in footprint (2 storeys)

### 4. Saltscoats Gardens, Bellsquarry

Density: 11.4 dwellings per Hectare  
 Plot sizes: 350 m sq - 1300 m sq  
 Dwelling sizes: 148 - 180 m sq in footprint (2 storeys)