

# **West Lothian Local Development Plan Main Issues Report**

On behalf of

**Manse LLP**

**Gregory Road, Livingston**

17<sup>th</sup> October 2014

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## **1. Introduction**

- 1.1 The following submission has been prepared on behalf of Manse LLP and Royal London Asset Management (RLAM) in response to the West Lothian Local Development Plan Main Issues Report (MIR).
- 1.2 Manse is a privately owned property investment and development company, based in Edinburgh. Over recent years, Manse has established a strong track record in the delivery of residential and mixed use development projects within Scotland and in the north of England.
- 1.3 This submission supports the allocation for housing of two adjacent sites on either side of Gregory Road, Livingston in the Proposed Local Development Plan (LDP). The two sites are identified on MIR Map 6 South Livingston with references ELv48 (Gregory Road West) and ELv46 (Gregory Road East). Gregory Road West is approximately 8.4 hectares in size and Gregory Road East measures 3.69 hectares. The sites are identified on Map 6 as committed employment sites.
- 1.4 The sites are owned by RLAM as part of their wider portfolio of ownerships in the area. Having owned the land for some time with little prospect emerging of viable development for their allocated use, RLAM have agreed to work in partnership with Manse LLP in seeking to promote the use of the sites for residential development.
- 1.5 It should be noted that the owners of the site were not aware of the Council's 'Expression of Interest' exercise undertaken in 2011, and so the subject sites have not previously been brought to the attention of the Council.
- 1.6 This representation should be read in conjunction with our representation on housing supply and demand issues, which considers the context set by SESplan and its Supplementary Guidance in terms of the housing requirements for West Lothian and the housing supply position set out in the MIR. This concludes that there do not appear to be enough Preferred Sites for housing identified in the MIR to meet the Housing Supply Target in the two periods identified by SESplan i.e. 2009 – 2019 and 2019 – 2024.
- 1.7 In our view, the sites at Gregory Road, within the existing urban area of Livingston, are well placed to assist in meeting this apparent shortfall in identified housing sites.

## **2. SESplan**

- 2.1 Scottish Ministers approved SESplan with modifications on the 23rd June 2013. As a result, SESplan as modified constitutes the strategic development plan for the South East Scotland Strategic Development Plan and sets the context for the emerging West Lothian Local Development Plan.
- 2.2 SESplan identifies the whole of West Lothian as a Strategic Development Area (SDA). As indicated in paragraphs 26 and 113 of SESplan, priority will be given to housing development on brownfield sites and land within SDAs.
- 2.3 The subject sites are both brownfield and lie within the West Lothian SDA. The sites have been serviced by the Livingston Development Corporation and currently comprise and have the appearance of wasteland.

### 3. The West Lothian Main Issues Report

3.1 The MIR, as it should, identifies Preferred Sites and Reasonable Alternative Sites for housing. Our understanding is that this consideration has been based largely upon the Council's request in 2011 to landowners and developers to indicate the availability of specific sites for development. As indicated above, the owners of the Gregory Road sites were not aware of this request and hence the sites were not brought to the Council's attention then.

3.2 A meeting to discuss the sites' availability for housing was discussed with the Council in March 2014, at which they were advised by the planning officer that it was then too late to refer to the sites within the MIR. However, Manse LLP was encouraged to respond to the MIR in support of the sites' allocation for housing in the Proposed LDP.

3.3 We are aware that a great deal of work has been undertaken by the Council in assessing the suitability of many sites for development, and understand that to date the subject sites have not been considered in this context. The purpose of this submission, therefore, is to provide information that will assist the Council in assessing its merits. We would very much welcome further discussion with the Council on the potential for allocating the sites for housing development and Manse LLP will be happy to provide any further information that might be required.

3.4 On page 153 of the MIR, there is a description of Livingston and its characteristics. It is noted that the town is the West Lothian's administrative centre and performs a key role as a retail and employment centre. The town is served by 2 railway stations and has excellent communications in a very strategic location.

3.5 There is a lengthy commentary on infrastructure considerations, which suggests that there are no major constraints to further development, albeit the pressures on local schools are described.

3.6 Under the heading of 'Employment Land', the following is stated:

***"There are significant levels of employment land available for development in Livingston, which require to be reviewed to ensure they are the right location and remain fit for purpose".***

3.7 Under the heading of 'Housing Land', it goes on to say:

***"The amount of available housing site allocations has reduced in recent years as the town matures and develops. However, in addition to the allocations at the West Livingston CDA there are opportunities now arising that could potentially contribute to the housing land supply from the existing employment land supply as additional employment land in the CDA in particular comes forward."***

3.8 The section concludes by stating that:

***“The availability of infrastructure, strategic location, and existing facilities make the town an attractive option for development”***

## 4. Site Assessment

- 4.1 As described above, the sites can currently be characterised as wasteland, and can be defined as brownfield by virtue of having been serviced for development.
- 4.2 The sites are allocated for employment in the adopted West Lothian Local Plan 2009:
- Elv46 Gregory Road east; and
  - Elv48 Gregory Road west
- 4.3 The sites form part of the extension to Kirkton Campus and are located to the east of the West Livingston/Mossend CDA. The Plan explains that the Campus is characterised by low density, high quality buildings, set within extensive landscaping. Appendix 5.1 categorises the sites as 'Class C' high amenity use classes 4 and 5.
- 4.4 We agree with the statement in the MIR that there is an opportunity to utilise existing employment sites for housing development. In this particular case, the sites have been allocated for employment use for a number of years. Realistically, there is no prospect of them coming forward for such use in the foreseeable future. This is also in the context that there is currently an over-supply of employment land in Livingston, and the fact that additional land for such use is identified in the existing Core Development Areas, which are likely to be more attractive to potential occupiers.

### **Suitability for Housing**

- 4.5 Livingston is West Lothian's principal town and is located within one of SESplan's Strategic Development Areas. The subject sites are located within the urban area and are within walking distance of local services and facilities. Whilst other proposed housing sites in West Lothian are constrained by education capacity, the sites are located within a local catchment where capacity is available.
- 4.6 The sites are extremely well connected by public transport and there are bus stops at both ends of Gregory Road, which have a choice of regular buses (First Group and Horsburgh Coaches), connecting the area with Livingston Town Centre, Edinburgh and Glasgow. Moreover, the sites are within walking distance of employment opportunities in Kirkton Campus.
- 4.7 The proposed development offers an opportunity to create a new, distinctive residential development in a sustainable location. Allocating the sites for housing will enhance the character of the area, by bringing unused sites back into use and will create a genuinely mixed use environment.

## 5. Description of Proposals

5.1 Both sites present an opportunity for development in a sustainable location in terms of proximity to:

- 5.1.1 Strategic foot and cycle path networks
- 5.1.2 Easy access via the strategic foot and cycle path networks to the major employment centres of Kirkton Campus to the north and Brucefield Industrial Estate to the south
- 5.1.3 Easy access to local amenities in Livingston Village to the north
- 5.1.4 Easy access via the strategic foot and cycle paths to the town centre a short walk to the east, including the major shopping centre and West Lothian College
- 5.1.5 The James Young High School is 1.4 miles away by foot to the east, using in part the strategic foot and cycle path network and in part the residential neighbourhoods of Dedridge. West Calder High School is 1.6 miles away by foot to the west.
- 5.1.6 Livingston Village Primary School is 1 mile to the north, while other primary schools in Livingston are readily accessible further afield.

5.2 The capacity for new housing is significant, amounting to almost 300 units between both sites, assuming a broad mix of accommodation from 2 bed terraced houses to 5 bedroom detached houses. Site A (to the east) has a capacity for approximately 90 new homes, including affordable housing. Site B (to the west) has a capacity for approximately 195 new homes, including affordable housing.

5.3 Indicative layouts have been prepared for both sites to illustrate how they could be designed to:

- 5.3.1 Create new neighbourhoods with a sense of place and an identity specific to this part of Livingston, creating frontage and enclosure where appropriate.
- 5.3.2 Retain and reinforce the existing landscape structure. In the case of the western site, trees that predate the development of this part of Livingston would be retained in a central park area, connected to perimeter woodland planting by a new Green Network. In the case of the eastern site, block woodland that provides a defensible boundary and containment to the west would be retained, with new block woodland planted to the north and east.
- 5.3.3 Integrate fully with adjacent strategic footpath links which connect the sites to the extensive community facilities and employment and retail opportunities in Livingston.



## 6. Site Effectiveness

6.1 In line with Scottish Planning Policy, the Local Development Plan should only allocate land for housing which is effective or capable of becoming effective. We can confirm that the subject sites meet the necessary criteria in this respect, as follows:

**Ownership:** the site is controlled by parties who will actively promote the site for the development of housing, which can be delivered in the early part of the plan period. Manse LLP is highly experienced in bringing forward residential development, with various recent project undertaken at locations from the north east of Scotland down to Teesside in England. This has given Manse a strong understanding of the residential development market and excellent relationships with housing and mixed use developers.

**Physical:** there are no known physical constraints that would prevent the site's development.

**Public Funding:** no public funding would be required to make residential development viable. This is a private housing site controlled by a developer.

**Marketability:** there are no delivery constraints affecting the site. Livingston has a strong housing market and there is no doubt that housing in this location would be in demand.

**Infrastructure:** there are no infrastructure constraints. Water supply, foul drainage, educational capacity, electricity and telecoms are all either available or can be provided by the developer.

**Land Use:** Housing (private and affordable) will be the primary use of the land.

# **West Lothian Local Development Plan Main Issues Report**

On behalf of

**Manse LLP**

**Gregory Road, Livingston**

## **HOUSING SUPPLY AND DEMAND**

17<sup>th</sup> October 2014

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## 1. Introduction

- 1.1 This report considers issues relating to housing supply and demand and the adequacy of the West Lothian LDP Main Issues Report in addressing the requirements of SESplan, its related Supplementary Guidance and Scottish Planning Policy.
- 1.2 As described below, the content of the MIR is not consistent with any of these, and therefore should not be progressed in its current form.

## 2. SESplan and Supplementary Guidance (SG)

- 2.1 SESplan is the Strategic Development Plan (SDP), which was approved in 2013. Policy 5 (Housing Land) explains that for the period from 2009 up to 2024, there is a requirement for sufficient housing land to be allocated so as to enable 107,545 houses to be built in the SESplan area. Moreover, it indicates that the requirement for the period 2009 to 2019 is for 74,835 houses. It then goes on to say that:

***“Supplementary Guidance will be prepared to provide detailed further information for Local Development Plans as to how much of that requirement should be met in each of those six areas, both in the period 2009 – 2019 and in the period 2019 to 2024”***

- 2.2 In contradiction of this, analysis of MIR and supporting background paper on Housing indicates that West Lothian Council has effectively brought together the requirements for 2009 – 2019 and 2019 – 2024 into a single requirement of 18,010 for 2009 – 2024. A similar approach has recently also been adopted by City of Edinburgh Council within Proposed LDP2.
- 2.3 There is no basis to combine the two periods in this manner and, on this basis alone, the MIR is not consistent with SESplan Policy 5, the text of which was introduced by way of a modification by the Scottish Ministers to ensure that housing need and demand was met within the appropriate timescales.
- 2.4 The MIR and Housing Background Paper misinterpret SESplan Policy 5. The two partitions identified in SESplan Policy 5 relate to meeting the housing requirement in those two periods, as identified in the Housing Need and Demand Assessment.
- 2.5 Moreover, as explained below, the bringing together of these requirements has the effect of constraining the delivery of housing by not providing enough land in the first period to allow the housing requirement to be met.
- 2.6 Table 3.1 of the Supplementary Guidance identifies West Lothian’s housing requirement as 11,420 for 2009 – 2019 and 6,590 for 2019 – 2024. In accordance with SESplan Policy 5, sufficient housing land needs to be allocated within the West Lothian LDP to enable these numbers of houses to be built in each period. As explained in detail below, the MIR is deficient in this regard.
- 2.7 It is notable that the Scottish Government and an Appeal Reporter have recently addressed this matter of interpretation.

2.8 Firstly, the Scottish Government involved themselves in the context of the Supplementary Guidance. In this regard it was notable that the SESplan Authority's Proposed SG contained the following sentence in paragraph 3.13.

***“Member authorities will base their calculation of the five year land supply on the period 2009 – 2024, taking into consideration housing completions”***

2.9 On the 18 June, the Scottish Ministers issued a direction requiring this sentence to be deleted the final sentence of their letter stating:

***“While it may be considered to provide useful further information or detail, the inclusion of this also gives rise to a potential inconsistency between SESplan itself and the supplementary guidance. Ministers therefore consider that to avoid such inconsistency, to ensure compliance with the legislation and to avoid potential further delays in the process, that the relevant sentence be removed.”***

2.10 The SG has now been approved with this modification.

2.11 Secondly, a recent appeal decision (PPA-230-2124) on a proposal for housing in Ratho reached the following conclusion in respect to interpretation of SESplan Policy 5:

***“Paragraph 24 - ....I agree with the appellant about the basis for calculating the annual average and thus the 5 year requirement. Policy 5 of SESplan clearly states in the last sentence of the first paragraph that the requirement for each council area should be met for each of the two periods. To roll them together, resulting in a much lower average requirement for the first period, would be contrary to this intention.”***

2.12 SESplan Policy 6 (Housing Land Flexibility) requires West Lothian Council to maintain a five year land supply at all times and that the scale of this supply shall derive from the housing requirement identified through the SG.

2.13 SESplan Policy 7 (Maintaining a Five Year Land Supply) indicates that sites for greenfield housing development proposals either within or outwith the identified SDAs may be allocated in LDPs to maintain a 5-year housing land supply. The SDAs are identified in Policy 1A of SESplan and development principles are identified in Policy 1B. West Lothian is identified as a single SDA.

2.14 Thus, the combination SESplan policies referred to above requires land to be allocated in the West Lothian LDP sufficient to allow enough houses to be built to meet the housing requirements identified in Table 3.1 of the Supplementary Guidance. Below we explain why the MIR does not comply with this requirement.

### **3. West Lothian Local Development Plan: Main Issues Report (August 2014)**

3.1 Paragraphs 3.37 – 3.47 of the MIR identify the above noted SESplan policies and their terms, before presenting the housing requirements of the SESplan Supplementary Guidance within Figure 11. Figure 11 correctly identifies West Lothian’s partitioned housing requirements i.e. 11,420 homes in the period 2009 – 2019 and 6,590 homes in the period 2019 – 2024. Paragraph 3.48 then states

***“The housing land requirement set out in Figure 11 will require to be translated into site allocations in the LDP”***

3.2 If this were the case, then we would have no objection. However, the information contained within the MIR and associated Appendices is not sufficient to verify this statement and, based upon our own analysis, we conclude that the List of Preferred Housing Site (Appendix 3) would fail to meet this objective.

3.3 The remainder of paragraph 3.48 – 3.50 provides brief commentary on West Lothian’s established housing supply, concluding that *“much of the housing requirements over the LDP plan period will therefore already be met through land allocations made in the West Lothian Local Plan”*. Paragraph 3.51 sets out the intention to allocate a number of new sites to *“augment the supply”* and *“ensure that a wider choice of housing is available, that a generous supply of housing land is provided and an effective five years housing land supply can be made available at all times”*. Appendices 1-4 set out the preferred housing allocations and suggested alternative sites, together with proposed phasing.

3.4 Paragraph 3.52 identifies the requirements of Scottish Planning Policy (SPP) that local authorities provide a generous housing land supply to meet housing needs across all tenures and to maintain at all times a five year effective supply of housing. Also the need to allocate land on a range of sites which are effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted year of plan adoption, ensuring a minimum of 5 years effective land supply at all times.

3.5 The MIR notes at paragraph 3.53 that *“to achieve a five year effective supply at all times may result in more sites being required to be identified in the LDP for development”*. Further, at paragraph 3.54 the MIR acknowledges that there may be a need to exceed the allocations currently set out in the SDP in order to achieve a sufficiently generous housing land supply and provide an effective five year supply at all times across the plan period.

3.6 Paragraphs 3.55 – 3.62 set out three scenarios to provide for housing requirements. ‘Scenario 3’ is recommended as the preferred option. Scenario 3 states:

***Provide for a total of 26,347 houses which represents 3,500 houses above the base supply***

3.7 It is notable that the Council’s base supply figure of 22,847 units contains 8,566 units which are identified as being ‘constrained’ – equating to 37% of base supply.

3.8 As noted, neither the MIR or the Housing Background Paper contain sufficient information to determine how the LDP will allocate sufficient land capable of becoming effective and delivering

the scale of housing requirements for the periods 2009-2019 and 2019-2024 as identified by SESplan Supplementary Guidance.

3.9 Whilst Appendix 3 does contain a List of Preferred Housing Sites and Proposed Phasing this fails to take realistic account of delivery timescales, notably with respect to the 'new' housing sites. Given that the LDP is not scheduled for adoption until 2016, we can reasonably assume that little or no development will take place on these sites until 2017 at the earliest.

3.10 Neither does Appendix 3 appear to take appropriate account of the 'constrained' nature of many of the sites – 70 of which have been included within Appendix 3 and identified as producing outputs during the periods 2009-2019 and 2019-2024. It is crucial that this source of housing supply is underpinned by a robust explanation, supported by those that control the delivery of those sites. Otherwise they should not be counted. At present, therefore, there is significant uncertainty as to what assumption, if any, should be made for housing delivery from constrained sites.

3.11 In an attempt to address these key matters, we have undertaken our own assessment of Housing Land Needed to be provided for by the LDP. This is presented in Table 1 on page 5.

**Table 1 – Housing Land Needed**

<b>Setting the LDP Housing Land Supply Target</b>	<b>2009 – 2019</b>	<b>2019 - 2024</b>	<b>2009 - 2024</b>
(1) Housing Land Requirement	11,420	6,590	18,010
(2) + 15% to ensure a generous supply	1,713	989	2,702
(3) LDP Housing Land Supply Target	13,133	7,579	20,712
<b>Meeting the LDP Housing Land Supply Target</b>			
(4) Effective Supply 2013-2019	4,336	3,227	7,563
(5) Constrained Sites coming forward	0	0	0
(6) Housing Completions 2009-2013	1,825	0	1,825
(7) Windfall	480	400	880
(8) Demolitions	-568	-100	-668
(9) Total Supply from Existing Sources	6,073	3,527	9,600
(10) LDP Housing Land Supply Target	13,133	7,579	20,712
(11) Total Supply from Existing Sources	6,073	3,527	9,600
<b>(12) House building Target to be met through new LDP allocations</b>	<b>7,060</b>	<b>4,052</b>	<b>11,112</b>
<b>New LDP Allocations</b>			
<b>(13) Estimate of Total Houses Built on New LDP Allocations</b>	<b>912</b>	<b>2281</b>	<b>3,193</b>
<b>(14) Shortfall/Surplus</b>	<b>6,148 Shortfall</b>	<b>1,771 Shortfall</b>	<b>7,919 Shortfall</b>

3.12 Table 1 disaggregates the Housing Requirement into the two periods specified in SESplan Policy 5 and the Supplementary Guidance i.e. 2009 – 2019 and 2019 – 2024.

3.13 Working down the table, it is straight forward to identify the starting point which is the housing requirement +15% for each of the periods (Line 3). Paragraph 116 of Scottish Planning Policy, states:



*“Within the overall housing target, plans should indicate the number of new homes to be built over the plan period. This figure should be increased by a margin of 10 to 20% to establish the housing land requirement, in order to ensure that a generous supply of housing is provided. The exact extent of the margin will depend on local circumstances, but a robust explanation for it should be provided in the plan”.*

3.14 We have therefore adopted a generosity margin figure of 15% for current purposes.

3.15 The second part of the table deals with the existing potential sources of housing supply. The first component of this is the effective supply. The figure for 2009-2019 has been calculated from Housing Land Audit 2013 and excludes the ‘new’ sites within the MIR. The figure for 2019-2024 reflects the information contained with the SESplan SG Technical Note and MIR Housing Background Paper (Line 4). Clearly, this figure requires to be updated but unfortunately the Council MIR documentation does not do this.

3.16 Line 5 contains an estimate for the delivery of constrained sites. Given that the MIR and Housing Background Paper, upon our analysis, does not provide a robust explanation, supported by those that control the delivery of those sites, regarding likely development output we have concluded that constrained sites should not be counted on within Table 1.

3.17 Line 6 identifies total completions for the period 2009-2013 sourced directly from the Housing Background Paper which takes account of Housing Land Audit 2013.

3.18 Line 7 contains an assumption for the delivery of Windfall sites, but this is not justified by any evidence as required SESplan Policy 5. Notwithstanding this position we have utilised the Council’s figure of 880 homes from windfall sources during the period 2009 to 2024, which is the amount that was identified within the SESplan SG Technical Note)

3.19 Line 8 contains details of demolitions. We have taken these figures from the SESplan SG Technical Note and MIR Housing Background Paper.

3.20 Line 9 calculates the Total Supply from Existing Sources i.e. Effective Supply + Constrained + Windfall + Completions – Demolitions.

3.21 The second part of the table concludes by subtracting the existing housing supply sources from the LDP Housing Supply Targets (Line 12).

3.22 The third part of the table addresses the new LDP allocations. As noted, MIR Appendix 3 contains a List of Preferred Housing Sites and Proposed Phasing however this fails to take realistic account of delivery timescales with respect to the ‘new’ housing sites. Appendix 3 appears to be, very optimistically, assuming that new sites will deliver significant housing numbers in the period 2014-2019.

3.23 Given that the LDP is not scheduled for adoption until 2016, we can reasonably assume that little development will take place on these ‘new’ sites until 2017 at the earliest given the associated timescale to secure planning permission, and this assumes that planning applications relating to new sites are granted permission before the LDP is adopted.

- 3.24 Appendix 3 estimates that 3,193 units will be delivered by these new sites by 2024 – which is a 7 year period from 2017. Specifically, Appendix 3 assumes delivery of 2010 units (2014-19) and 1183 units (2019-2024). As an estimate it might therefore be reasonable to assume that 2/7 of 3,193 will be built in the period to 2019 (i.e. 912) which is the figure we have used at Line 13 in the 2009 – 2019 column. The remaining 2,281 units have been programmed across the 2019 – 2024 period. This is a rough calculation, and it is essential that the Council, in preparing the Proposed LDP, make as accurate an assessment as possible of the delivery programme of new sites.
- 3.25 Line 14 subtracts the estimate of total houses built on new LDP allocation (Line 13) from the House Building Target to be met through new LDP allocations (Line 12) to determine whether an overall shortfall or surplus exists.
- 3.26 This demonstrates that within the period 2009 – 2024 there is a significant shortfall in the number of houses that are likely to be delivered as an outcome of the MIR strategy. In the first period there is a shortfall of 6,148 homes to be precise (Line 14). Within the period 2019 – 2024, there is a shortfall of 1,771 houses. It should be noted that this shortfall in the second period is in addition to the shortfall in the first period. Therefore, overall, by the end of 2024 there will be a total deficit of 7,919 houses.

## **4. Conclusion**

- 4.1 The MIR is not consistent with SESplan and its Supplementary Guidance, or Scottish Planning Policy in respect to meeting housing land requirements. A substantial number of additional effective housing sites need to be allocated, and various sections of the MIR need to be rewritten to properly reflect the terms and requirements of SESplan and SPP. Additional analysis is also required to substantiate the basis for assumptions on supply flexibility and housing delivery from constrained sites.



**AREA B  
(APPROX 195)**

**AREA A  
(APPROX 90)**



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