



Our Ref : DL/JL/1381

17 October 2014

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

Dear Sir / Madam,

**REPRESENTATION : WEST Lothian LOCAL DEVELOPMENT PLAN MAIN ISSUES REPORT
SITE AT BALMORAL GARDENS, LIVINGSTON**

Following the recent publication of the West Lothian Local Development Plan Main Issues Report, we write on behalf of our client, Dr Rehana Karim, to provide comment in relation to the site at Balmoral Gardens, Livingston.

The site subject to this representation is bound to the north by an existing residential development at Balmoral Gardens, to the east by existing woodland, to the south by an existing railway line and to the west by Murieston Road (**see Appendix 1**). The site is a former railway siding and at present is disused and overgrown.

Upfront and for the avoidance of doubt it is submitted that in order to maintain an effective 5 year housing land supply at all times an increased supply of land for housing should be allocated within the emerging West Lothian LDP. The site at Balmoral Gardens (see attached plan) is a small, consented, effective and deliverable housing site which would contribute to maintaining an effective 5 year housing land supply. It is considered significant to note that development of the site has previously been established via planning consent 0144/P/08 and has been subsequently renewed via 0816/FUL/10 and 0213/FUL/14. In this regard, outline planning consent (0144/P/08) and the subsequent renewals allow for the erection of 4 houses on the Balmoral Gardens site. In all regards the site has been established as a residential site and has been proven to be effective. It is therefore submitted that the site should be identified as a zoned residential housing site (within the settlement boundary) in the emerging West Lothian LDP.

At the outset it should be noted that the preferred housing strategy, as detailed in the West Lothian Local Development Plan Main Issues Report is welcomed. It is however submitted

P L A N N I N G & D E V E L O P M E N T C O N S U L T A N T S

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that the strategy should go further and allocate a greater number of sites for residential purposes in order to provide an increased and truly generous supply of land for housing in order to maintain an effective 5 year housing land supply at all times.

Indeed the content of Scottish Planning Policy (2014) should be considered with some significance. It states :

“The planning system should :

- *identify a **generous** supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining **at least** a 5 year supply of effective housing land at all times.”*

Furthermore, in relation to providing a generous housing land supply, Scottish Planning Policy continues and states :

*“Within the overall housing supply 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 land for housing is provided.”*

In this regard it is submitted that although generally welcoming the preferred strategy, it is submitted that additional (particularly smaller and effective) sites should be allocated in order to provide a generous housing land supply which will in turn help to encourage development, and help ensure that at least a 5 year effective housing land supply is available at all times. The allocation of an increased generous supply of housing land (particularly small and effective housing sites) will in all regards maximise flexibility and help to deliver units on the ground at a time when the housing building and development industry is under extreme economic and market pressures.

In light of the above it is submitted that an increase in the number of allocated housing sites within the emerging West Lothian Local Development Plan will help increase the flexibility available to housebuilders and developers and will in turn encourage development.

As previously outlined, it should be noted that this representation seeks the identification of the site at Balmoral Gardens, Livingston (**see Appendix 1**) as a zoned residential housing site (within the settlement boundary) in the emerging West Lothian Local Development Plan.

In assessing the site at Balmoral Gardens, Livingston for inclusion as a housing site within the emerging West Lothian Local Development Plan, the effectiveness criteria as stated within PAN2/2010 entitled ‘Affordable Housing and Housing Land Audits’ should be considered with some significance. In this regard PAN2/2010 advises as follows :

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“The effectiveness of individual sites should be determined by planning authorities in the light of consistent interpretation of the following criteria and through discussions with housing providers. The aim is to achieve a realistic picture of the available effective land supply which can contribute to the housing requirement so that the level of additional housing, and therefore land needed to meet the overall requirement, can be established. To assess a site or a portion of a site as being effective, it must be demonstrated that within the five-year period beyond the date of the audit 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:

ownership : *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;*

physical : *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;*

contamination : *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;*

deficit funding : *any public funding required to make residential development economically viable is committed by the public bodies concerned;*

marketability : *the site, or a relevant part of it, can be developed in the period under consideration;*

infrastructure : *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; and*

land use : *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.”*

In all regards, given the above, it is submitted that the site at Balmoral Gardens, Livingston can be positively considered against the terms of the aforementioned criteria. In this respect the site is under the control of a party which can be expected to develop it or release it for development, is capable of being free of constraints, does not require deficit funding and is considered highly marketable. The site is therefore considered to be an effective

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housing site and it is submitted that it should be allocated within the emerging West Lothian Local Development Plan for residential purposes.

In addition, it is considered significant to note that development of the site has previously been established via planning consent 0144/P/08 and has been subsequently renewed via 0816/FUL/10 and 0213/FUL/14. In this regard, outline planning consent (0144/P/08) and the subsequent renewals allow for the erection of 4 houses on the Balmoral Gardens site.

In light of the established outline planning consent for the erection of 4 houses, it is submitted that the site at Balmoral Gardens has been established as a residential housing site and has been proven to be effective. It is therefore submitted that the site should be identified as a zoned residential housing site (within the settlement boundary) in the emerging West Lothian Local Development Plan. In all regards, such an allocation within the emerging local development plan would reflect the established planning consent which exists on the site. In addition, it is significant to note that the proposed development includes a tree management plan which will see existing trees protected while new planting will enhance the area and replace any trees removed as part of the development.

The site itself is currently overgrown scrubland with trees present. In this regard reports carried out during the previously mentioned planning application / consent process have indicated that a solution can be achieved whereby part of the site is developed while the remainder of the site is enhanced with additional planting to complement the existing woodland.

Furthermore, it is significant to note that the proposed site can be safely accessed via Balmoral Gardens and as such the proposed development of 4 dwellinghouses will have a minimal impact in traffic terms. In relation to community facilities, the site is well placed to take advantage of local retail facilities at Murieston West Road (approximately 1 mile walk) and local transport facilities at Livingston South Railway Station (some 1 mile walk from the site). In addition local bus services and schools are accessible within acceptable walking distances.

In all regards it is submitted that the site is capable of positive consideration against relevant aspects of national planning policy.

Given all of the aforementioned, it is submitted that in order to maintain an effective 5 year housing land supply at all times an increased supply of land for housing should be allocated within the emerging West Lothian LDP. The site at Balmoral Gardens (see attached plan) is a small, consented, effective and deliverable housing site which would contribute to maintaining an effective 5 year housing land supply. It is considered significant to note that development of the site has previously been established via planning consent 0144/P/08 and has been subsequently renewed via 0816/FUL/10 and 0213/FUL/14. In this regard, outline planning consent (0144/P/08) and the subsequent renewals allow for the erection of 4 houses on the Balmoral Gardens site. In all regards

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the site has been established as a residential site and has been proven to be effective. Given all of the aforementioned, it is therefore submitted that the site should be identified as a zoned residential housing site (within the settlement boundary) in the emerging West Lothian LDP.

I trust that the above and enclosed is sufficient, however, should you require any further information please do not hesitate to contact us.

Yours sincerely,

SCOTT GRAHAM
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Enc :

Appendix 1 : Balmoral Gardens – Site Location Plan

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Balmoral Gardens – Site Location Plan

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Development Control

16 NOV 2010 0816/10

Received

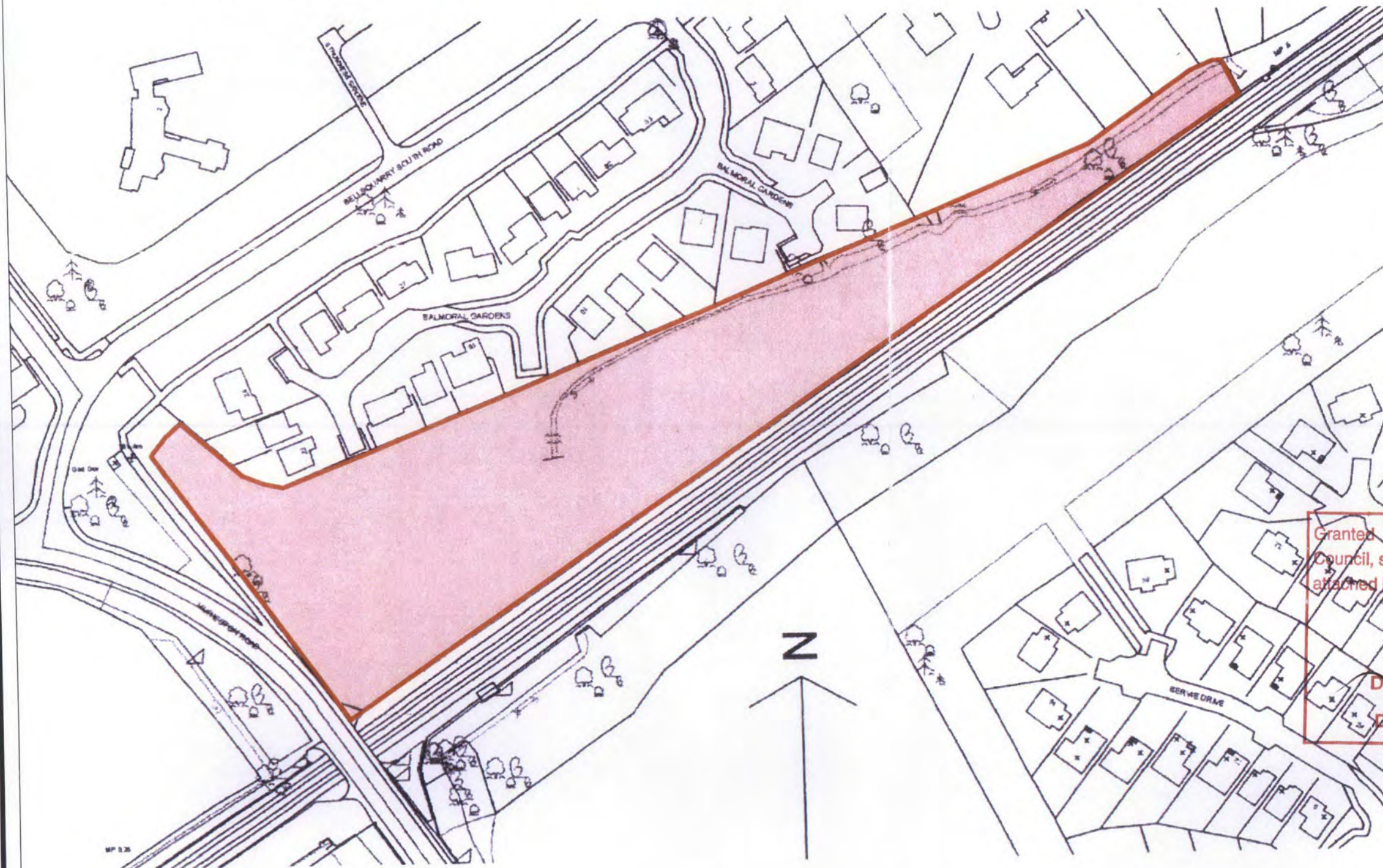
Ref No.

Balmoral Gardens

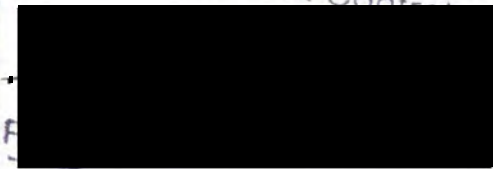
Location Plan

Scale 1 : 1250

January 2008



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Development Control



Ref No.

Granted Planning Permission by West Lothian Council, subject to the conditions contained in the attached Development Control Manager
Date: 30/05/08



McINALLY

PLANNING & DEVELOPMENT CONSULTANTS