



WEST LOTHIAN PLANNING COMMITTEE

Report by Head of Planning, Economic Development & Regeneration

1 DESCRIPTION AND LOCATION

- 1.1 Planning permission in principle for residential development with associated works at Brotherton Farm, Brucefield, Livingston.

2 DETAILS

Reference no.	0528/P/21	Owner of site	Mr & Mrs C&J Pittendrigh
Applicant	Taylor Wimpey UK Ltd	Ward & local members	Livingston South Cllr Lawrence Fitzpatrick Cllr Peter Heggie Cllr Maria MacAulay Cllr Moira Shemilt
Case officer	Mahlon Fautua	Contact details	01506 282426 mahlon.fautua@westlothian.gov.uk

Reason for referral to West Lothian Planning Committee:

- 2.1 The proposal is classified as a major development that has been deemed by the council's Head of Planning, Economic Development & Regeneration to be significantly contrary to the development plan.
- 2.2 There is a requirement under the Town and Country Planning (Scotland) Act 1997, as amended, that in determining such proposals the applicant and those persons who have made representations on the application may appear before, and be heard by, a committee of the council.
- 2.3 A subsequent report will be presented to West Lothian Council in order that a decision on the application can be made.

3 RECOMMENDATION

- 3.1 It is recommended that West Lothian Planning Committee notes the contents of this report and the terms of representations made both at the notification stage on the application and by those, if any, appearing at the hearing, prior to West Lothian Council being invited to make a decision on the application.

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 This is an application for planning permission in principle for residential development and associated works on a 15.7 hectare site at Brotherton farm, Livingston. The application site is on the north side of the A71 approximately 300 metres west from the Wilderness Roundabout. The site sits between Brotherton Farm to the east and Harwood Water to the west. To the north of the site is open countryside.
- 4.2 The site is undulating but generally flat and is typical of countryside fields. There is a line of mature trees cutting the site towards the southern part of the site. The application is accompanied by an indicative masterplan which shows a new access proposed on the A71. The site is located within the Livingston Countryside Belt, as designated in the adopted West Lothian Local Development Plan, 2018.
- 4.3 Residential developments to the south of A71 opposite the site and to the east of the site adjacent to Brotherton farm are in progressed stages of construction
- 4.4 The application is also accompanied by:
- (a) Planning statement
 - (b) Pre-application consultation report
 - (c) Design and access statement
 - (d) Acoustics report
 - (e) Landscape and visual impact assessment
 - (f) Geotechnical report
 - (g) Flooding risk/drainage assessment
 - (h) Ecology appraisal
 - (i) Tree report
 - (j) Transport assessment

History

- 4.5 0317/EIA/21 - EIA screening opinion for a 15.7 Ha residential development with associated works. Environmental Assessment not required - 7th May 2021
- 4.6 0225/PAC/20 - Proposal of application notice for residential development and associated infrastructure

EIA Development

- 4.7 The scale and nature of this residential development is such that it falls within the description of development set out in Class 10(b) of Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2017 (EIA regulations).
- 4.8 In this instance, the applicant submitted a screening opinion request to the planning authority on 24 March 2021 and taking into account all the considerations set out in the submission, in particular the assessment against Schedule 3, the planning authority

considered that the proposed development is not likely to have significant effects on the environment due to its characteristics, location and characteristics of potential impacts. Therefore, the proposed development does not require to be subject to Environmental Impact Assessment.

5 REPRESENTATIONS

5.1 A total of 7 representations have been received, all of them objections including an objection from Bellsquarry & Adamrae Community Council.

5.2 The representations are summarised below and are attached to this report.

Comments	Response
The proposal does not accord with the local plan.	Agreed. The local development plan does not allocate the site for housing and shows the site as being within the countryside.
Already new builds in area.	Noted.
There is inadequate education provision to accommodate the development.	Developer contributions would need to be sought to provide the required education infrastructure if permission were forthcoming.
Impact on the heath facilities.	Noted. However, this is not an infrastructural constraint that can be remedied by planning policy at this time.
Loss of green space/countryside belt	Agreed. The local development plan does not allocate the site for housing and shows the site as within the Livingston Countryside Belt.
Impact of road safety/road infrastructure	The council's Roads & Transportation section has no objection to the proposal, subject to mitigation measures.

6 CONSULTATIONS

6.1 The consultations are summarised below. The full consultations are contained in the application file.

Consultee	Objection	Comments	Planning Response
WLC Roads & Transportation	No	Permission should be subject to conditions in relation to: <ul style="list-style-type: none"> - Traffic island - Foot and road links - Road widening at Newpark roundabout 	Noted. A planning condition and/or planning obligation would secure these requirements if permission were granted. Some details would require to be submitted at the subsequent detailed planning stage.

Consultee	Objection	Comments	Planning Response
WLC Flood Risk Management	No	The Flood Risk Assessment and Drainage Assessment submitted with the application are accepted.	Noted. A planning condition would require development to comply with these assessments if permission were granted. The applicant has submitted further clarification on the level of treatment in dealing with road traffic volumes.
WLC Contaminated Land Officer	No	The submitted phase 1 site investigation is satisfactory subject to clarification on some minor points.	Noted. A planning condition would secure the recommended intrusive reports to be submitted and approved at the subsequent detailed planning stage.
WLC Education Planning	Yes	The development is a windfall site as it is not allocated for housing. While there is no objection on school capacity grounds, the site is not in a sustainable location because it is located more than 1.5 miles from any non-denominational primary school. The site is currently split across 2 non-denominational primary school catchments but is more than 1.5 miles from Parkhead Primary School and more than 2 miles from Bankton Primary school.	The objection in terms of distances to primary schools is noted and agreed. A planning obligation would secure the contribution requirements if permission were granted.
WLC Environmental Health	No	The submitted acoustic reports are generally competent.	Noted. Updated acoustic reports would require to accompany any detailed layouts at any subsequent planning stage.
West of Scotland Archaeology Service	No	A programme of archaeological works is required.	Noted. A planning condition would secure this.

Consultee	Objection	Comments	Planning Response
SEPA	No	Request a planning condition to secure the following changes: There should be no built development over the possible location of the culvert, between the southern site boundary and the watercourse within the site as currently shown by the masterplan.	Noted. A planning condition would secure this.
HSE App	No	Based on the revised illustrative masterplan, HSE does not advise, on safety grounds, against the granting of planning permission in this case.	Noted. The applicant reduced the proposed housing areas on the illustrative masterplan based on an initial advisory against residential development.

7 PLANNING POLICY ASSESSMENT

- 7.1 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.
- 7.2 The development plan comprises of the Strategic Development Plan for Edinburgh and South East Scotland (SESplan) and the West Lothian Local Development Plan (LDP).
- 7.3 Relevant development plan policies are listed below.

Policy	Policy Summary	Assessment	Conform
SESplan - Policy 1A The spatial strategy: development locations	This policy states that local development plans (LDP) will direct further strategic development to strategic development areas (SDA). It lists West Lothian as a strategic development area.	The site lies within the West Lothian SDA and is not identified as an area of restraint.	Yes

SESplan Policy 1B The spatial strategy: development principles	This policy states that LDP will ensure that there are no significant adverse impacts on the integrity of international, national and local designations; on the integrity of international and national built or cultural heritage; have regard to the need to improve the quality of life in local communities; contribute to the response to climate change and have regard to the need for high quality design, energy efficiency and the use of sustainable building materials.	The site forms part of the locally designated countryside belt. This countryside designation aims to maintain the separate identity and prevent the coalescence of Polbeth and Livingston.	No
SESplan Policy 5 Housing land	This policy states 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 across the SESplan area, including on land which is currently committed for housing development.	Since the proposal is not allocated in the LDP and does not benefit from planning permission, the site is not considered as being necessary to meet the West Lothian housing land supply target. The council's position is that the LDP allocates sufficient land to meet SESplan targets.	No

SESPlan Policy 6 Housing land flexibility	This policy states that each planning authority in the SESplan area shall maintain a five year effective housing land supply at all times. The scale of this supply shall derive from the housing requirements for each LDP area identified through the supplementary guidance provided for by Policy 5. For this purpose planning authorities may grant planning permission for the earlier development of sites which are allocated or phased for a later period in LDP.	The council's position is that it has an effective five year housing land supply, therefore this policy does not trigger. In the event where a shortfall in the effective five year housing land supply had been identified, it would then fall to bring forward sites which are allocated or phased for a later period of the WLLDP. The site is not allocated for housing for any time period, therefore the development of this site would not be supported even in the event of a five year effective housing land supply not been maintained.	No
SESPlan Policy 7 Maintaining a five year housing land supply	This policy states that sites for greenfield housing development proposals either within or outwith the identified SDA may be allocated in the LDP or granted planning permission to maintain a five years' effective housing land supply, subject to satisfying certain criteria.	The council's position is that a five year effective housing supply is being maintained and therefore it is not necessary to consider this policy. Irrespective of this, the proposal is contrary to criteria (a) as the development will not be in keeping with the character of the settlement and local area.	No

SESplan	<p>Policy 8 Transportation</p> <p>This policy states that local planning authorities will support sustainable travel and that LDP will ensure, amongst other objectives, that development likely to generate significant travel demand is directed to locations that support travel by public transport, foot and cycle; ensure that new development minimises the generation of additional car traffic, relate density and type of development to public transport accessibility; ensure that the design and layout of new development demonstrably promotes non-car modes of travel; and consider the merits of protecting existing and potential traffic-free cycle and walking routes.</p>	The site has relatively low accessibility to services and community infrastructure and its development would contribute to the generation of additional car use, rather than minimise such modes of transport.	No
SESplan Policy 9 Infrastructure	This policy states that LDP will provide policy guidance that will require sufficient infrastructure to be available, or its provision to be committed, before development can proceed.	There is or will be infrastructure to serve the development. Developer contributions will be sought in accordance with council policy to meet any deficiencies.	Yes

SESPlan Policy 13 Other countryside designations	This policy states that LDP should review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the green belt as appropriate.	<p>A review of countryside belts has been undertaken and no issues were raised or challenges received in regards to the continuation of the countryside belt designation.</p> <p>The site is with the countryside belt, specifically designated to control urban development where there are development pressures that are likely to cause the unwanted merger of two settlements i.e. Polbeth and Livingston.</p> <p>It is concluded that development of the nature proposed at this location would constitute an unjustified environmental intrusion into the countryside belt.</p>	No
LDP - DES 1 Design principles	Development proposals should have no significant adverse impacts on the local community and where appropriate, should include measures to enhance the environment and be high quality in their design.	As a greenfield site, the proposal would result in the loss of countryside land. Furthermore, whilst countryside belts are not necessarily idyllic countryside, they offer a definable edge to urban development and avoid suburbanisation of the countryside and sporadic development which can harm the setting of settlements and their identifiable characteristics.	No
LDP - HOU 1 Allocated Housing Sites	This policy states that residential development on sites allocated for housing is supported in principle.	The site is not allocated for housing	No

LDP – HOU2 Maintaining an Effective Housing Land Supply	<p>The council is required to maintain a minimum of a 5 year effective housing land supply at all times throughout the lifetime of the plan.</p> <p>Where additional sites are needed to maintain a 5 year effective housing land supply, greenfield sites will be supported subject to the certain criteria.</p>	<p>In summary, the council is maintaining a 5 year effective land supply.</p> <p>This is further assessed below.</p>	No
LDP – HOU 4 Affordable Housing	This policy requires developers to make provision for affordable housing and identifies general principles.	The proposal will include affordable housing to meet policy requirements.	Yes, subject to the relevant planning obligations being secured.
LDP – INF 1 Infrastructure Provision and Developer Obligations	The council will seek developer obligations in accordance with Scottish Government guidance to mitigate the development's individual or cumulative impacts upon infrastructure, including cross-boundary impacts. Any such obligations will be concluded prior to the issue of planning permission.	The proposal does not raise any infrastructure capacity concerns. Nonetheless, developer contributions would be necessary to be secured for each unit in line with LDP policy should permission be granted.	Yes, subject to the relevant planning obligations being secured.
LDP – TRAN 1 Transport Infrastructure	Development will only be permitted where transport impacts are acceptable.	WLC Roads & Transportation has not objected to the principle of residential development and the expected capacity.	Yes, subject to conditions
LDP – ENV 2 Housing Development in the Countryside	Housing development in the countryside will only be permitted subject to certain criteria.	The proposed development does not meet any policy exemptions	No
LDP – ENV 7 Countryside Belts and Settlement Setting	Housing development in the countryside belts will only be permitted subject to certain criteria.	<p>The proposed development does not meet any policy exemptions.</p> <p>This is further assessed below.</p>	No

LDP – ENV 20 Species Protection and Enhancement	Development that would affect a species protected by European or UK law will not be permitted subject to certain criteria	The application is supported by a preliminary ecology appraisal that is accepted.	Yes, subject to conditions that the detailed design complies with this report.
LDP – ENV 34 Art and Development	Developers of major residential sites will be required to fund or contribute to the cost of works of art appropriate to the setting and scale of their surrounding area.	Developer contributions would be necessary to be secured	Yes, subject to the relevant planning obligations being secured.
LDP – NRG 1 Climate Change and Sustainability	The reduction of greenhouse gas emissions through a wide range of measures designed to mitigate and adapt to climate change in particular directing new developments to locations accessible by a choice of modes of transport.	In summary, the site is such that it is in an area that has relatively low accessibility to services and community infrastructure. A development of the size proposed at this location will not contribute to sustainable travel.	No
LDP – NRG 1a Low and Zero Carbon Generating Technology	At least 10% of the current carbon emission reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies.	To be assessed at any subsequent planning stage.	Yes, subject to condition
LDP – EMG 2 Flooding	When considering proposals for development, the council will adopt a precautionary approach to the flood risk from all sources.	A Flood Risk Assessment has been submitted with the application and is accepted.	Yes, subject to conditions
LDP – EMG 3 Sustainable Drainage	Developers may be required to submit a Drainage Impact Assessment (DIA) to ensure that surface water flows are properly taken into account in the design of a development.	A drainage assessment has been submitted with the application and is accepted.	Yes, subject to conditions
LDP - EMG 4 Air Quality	This policy requires air quality assessments where considered	WLC Environmental Health raise no objection on the	Yes, subject to

	necessary.	basis of air quality.	conditions
LDP - EMG 5 Noise	There is a presumption against developments that are likely to generate significant amounts of noise being located close to noise sensitive developments	The submitted acoustic reports are generally competent. Updated acoustic reports would require to accompany any detailed layouts at any subsequent planning stage.	Yes, subject to conditions
LDP - EMG 6 Vacant, Derelict and Contaminated Land	Where it is suspected by the council that a development site may be contaminated, the developer will be required to undertake a site investigation.	A site investigation has been submitted with the application which recommends further intrusive works. A planning condition would secure the recommended intrusive reports to be submitted and approved at any subsequent planning stage.	Yes, subject to conditions

7.1 Other planning policy documents of relevance are

- Scottish Planning Policy 2014 (SPP)
- Creating Places
- Designing Streets
- Planning Advice Notes (PAN):
 - PAN 33 *Development of Contaminated Land*
 - PAN 60 *Planning for Natural Heritage*
 - PAN 61 *Planning and Sustainable Urban Drainage Systems*
 - PAN 65 *Planning and Open Space*
 - PAN 75 *Planning for Transport*
 - PAN 77 *Designing Safer Places*
 - PAN 78 *Inclusive Design*
 - PAN 79 *Water and Drainage*
 - PAN 83 *Masterplanning*
 - PAN 2/2010 *Affordable Housing and Housing Land Audits*
 - PAN 2/2011 *Planning and Archaeology*
 - PAN 1/2020 *Assessing the extent of the 5 year supply of effective housing land*

7.2 Statutory Supplementary Guidance

Planning and Noise
Development in the Countryside
Residential Development Guide

Flooding and Drainage
 Affordable Housing
 Planning and Education
 Developer Contributions Towards Public Art
 Developer Obligations for General Infrastructure Site Delivery

7.3 Non Statutory Planning Guidance

West Lothian Active Travel Plan 2016-21 “Making Active Connections”
 Health Impact Assessment
 Air Quality
 Planning for Nature

7 ASSESSMENT

7.3 The determining issues for consideration in relation to this application are set out below:

Principle of Development – Housing in the Countryside/Countryside Belts

7.4 The adopted LDP identifies the site as within the countryside and also within the Livingston Countryside Belt. The site is not allocated for housing. The proposal does not satisfy the criteria set out in LDP policy ENV 2 (Housing Development in the Countryside).

7.5 LDP policy ENV 7 (Countryside Belts and Settlement Setting) states that Within designated Countryside Belts, development will not be permitted unless it can be demonstrated that the proposal satisfies following criteria:

- a. *a proposal is environmentally acceptable and the criteria set out in the policies ENV 1 – ENV 6 of the Local Development Plan can be met;*
- b. *the proposal will not undermine any of the strategic purposes as set out above;*
- c. *the proposal will not give rise to visual or physical coalescence between settlements, sporadic development, or the expansion of existing clusters of houses (existing groups of houses in the countryside but not within a town or a village) by more than 20% of the number of houses within that group; and*
- d. *there is a specific locational need which cannot be met elsewhere and need for incursion into Countryside Belt can be demonstrated.*

7.6 The proposal does not satisfy the above criterion a, as it cannot meet the criteria for LDP policy ENV 2.

7.7 In planning appeal PPA-400-2057, (the land adjacent to application site) the Reporter agreed with the council that the development would lead to the coalescence of the settlements of Livingston and Polbeth and was a cause for concern. It was however assessed that based on the indicative masterplan for the development of the site submitted with the application, distances from the nearest houses would be over 500 metres. However, with the current planning application, the distances between Polbeth and the nearest proposed houses could be reduced to circa 100m.

- 7.8 The applicant considers that given the influences of the recent developments surrounding the site, this has eroded the contributions the site makes to the landscape setting of the surrounding settlements and ultimately its contribution to the Countryside Belt is limited.
- 7.9 However, the contrary is actually the case as the application site's importance as a countryside belt has been heightened by the development of the adjacent site. The development of the application site will lead to actual coalescence, rather increased potential for coalescence, as it is the only remaining stretch of open countryside that distinguishes the settlements of Livingston and Polbeth.
- 7.10 The proposal therefore undermines the strategic purposes of LDP policy ENV 7 of maintaining the separate identity and visual separation of settlements and protecting the landscape setting of settlements. The proposal will give rise to visual or physical coalescence between settlements. No specific locational need which cannot be met elsewhere (such as existing allocated land) and need for incursion into Countryside Belt has been demonstrated.

The Housing Land Supply

- 7.11 The applicant argues that SDP Policy 7 and LDP Policy HOU 2 are engaged due to a shortfall in meeting Housing Land Requirement figures set out in SESplan 1, SG and replicated in LDP.

Council Position on 5 Year Supply of Effective Housing Land

- 7.12 In July 2021 and since the application was submitted in May 2021, the council acknowledges that changes to SPP and Planning Advice Note 1/2020 (PAN 1/2020) were quashed by the Court of Session. The applicant has submitted a further addendum to their planning statement based on this decision.
- 7.13 Dismissal of PAN 1/2020 regrettably perpetuates the uncertainty about the methodology to adopt when calculating the 5-year effective housing land supply and is therefore not helpful. Nevertheless, it remains the case that there is no definitive methodology for calculating the 5-year effective housing land supply and, in these circumstances, it is for the council as decision maker to decide on the appropriate means, having regard to the merits or otherwise of the methodologies before it. It is the council's position that the intentions of the Scottish Ministers with respect to the calculation of the 5-year effective housing land supply should carry very significant weight in this assessment. The recent litigation does not have the effect of precluding the use the average methodology promoted in the PAN 1/2020.
- 7.14 In any event, the council can demonstrate that it has consistently employed the average method for calculating the housing land supply, long before PAN 1/2020 came into being. The council's agreed position is not predicated on Scottish Planning Policy (SPP) 2020 and PAN 1/2020. At the same, time it remains satisfied that the average methodology provides the correct way of enumerating housing land supply in West Lothian at this time.

7.15 The council therefore continues to argue that the averaged (annualised) method is should be adopted for assessing the adequacy of the housing land supply in West Lothian and is relied upon as the basis for determining this application.

7.16 The Council put forward two calculations to demonstrate a five-year effective housing land supply is being maintained. The first element is that for years 1 – 4 the Housing Land Requirement is based on SDP 1 and for year 5 either (a) SDP1 figures are rolled forward or (b) utilise SDP2 housing land requirement figures that have been derived from SESplan Housing Need and Demand Assessment 2 (HNDA2).

7.17 The calculations are as follows;

Table 1: Rolling forward SDP1 housing land requirement to Year 5 (based on plan period 2009 – 2024)

A	Development Plan Requirement 2009 – 2024	19,811
B	Annual Requirement (19,811/ 15)	1,321
C	Identified Five Year Supply Audit 2020 (Undisputed):	8,363
D	Five year Housing Land Requirement (B x 5)	6,605
E	No. of Years Supply	6.33 years

Table 2: Using the Housing Supply Target from the SDP2 Report of recommendations for Year 5 (based on plan period 2009 – 2024)

A	Development Plan Requirement 2009 – 2024	19,811
B	Annual Requirement	1,321
C	Estimated Housing Land Requirement for Year 2025 (Housing Supply Target 2025 from SDP2 Report of Examination recommendations + 10% generosity allowance)	575
D	Requirement 2020 – 2025 (B x4)+C	5,859
E	Annual Requirement (D/5)	1,172
F	Identified supply (HLA 2020 Disputed and Undisputed)	8,363
G	No. of years supply	7.14 years

7.18 In both scenarios the maintenance of a five-year housing land supply can be demonstrated.

HNDA2 / SDP2 Report of Examination.

7.19 HNDA2 was originally commissioned to inform the preparation of SDP2, and while SDP2 did not in the end achieve adopted status, it is for the time being the most up to date,

certifiable and reliable assessment of housing need and demand available to decision makers at this time.

- 7.20 Perhaps the most significant and relevant characteristic of HNDA2 is that it identifies a reduced need and demand for housing across the whole of the SESplan area and which includes West Lothian. It evaluates the housing requirements to be around 40% lower (on a like for like bases) than the figures set out in HNDA1 and also identifies that up to 50% of demand will be for rented rather than owner occupied houses, significantly higher than the ratio identified in HNDA1.
- 7.21 HNDA 2 was certified by Scottish Government as being robust and credible in March 2015.
- 7.22 The SDP2 Report of examination (July 2018) found;
- The SDP 2013 housing targets were based on an earlier HNDA that no longer provides the most up to date and reliable picture of housing need and demand;
 - In ascertaining whether a housing shortfall has accrued the appropriate comparison would be between what was estimated to be required between 2012 and the present day in HNDA2 and what has actually been delivered over that period.
- 7.23 In two planning appeals PPA-230-2294 and PPA-230-2295 the Reporter found the City of Edinburgh Council could demonstrate a 6.5 year effective housing land supply when assessed against SDP1's housing land target and a 5.8 year effective land supply when assessed against SDP1's housing land requirement. However, the Reporter recognised the inherent limitations in assessing the adequacy of the effective housing land supply in the absence of an up-to-date housing supply target or housing land requirement.
- 7.24 On the basis of the evidence presented, (which included HNDA2 and the SDP2 Report of examination) the Reporter agreed with the appellant that it was more likely than not that, had there been an up-to date housing supply target and housing land requirement, this would require a greater number of homes than set by the SDP (and repeated by the LDP). In the Reporter's view it was therefore likely that based on the current effective housing land supply, this would fall short of the required five year minimum.
- 7.25 The position for Edinburgh is that HNDA2 and the SDP2 Report of examination suggest much greater housing need and demand than that represented in HNDA1 and SDP1. The position in West Lothian is quite the opposite with HNDA2 and SDP2 Report of examination identifying a much smaller need and demand than was identified in HNDA1 and SDP1.
- 7.26 Housing Land Audit '20 demonstrates that there is total effective housing land supply of 21,499, this is more than sufficient unconstrained housing land to meet the housing land requirement and that the five-year completions programme is above target.
- 7.27 In conclusion, the council can demonstrate a five-year effective housing land supply. The most up to date evidence of housing need and demand is HNDA2, this demonstrates a

much lower level of housing demand and need than HNDA1 / SDP1 figures, which it is argued are now out of date.

Sustainable Development

7.28 A housing development intended to meet a demonstrable shortfall is not necessarily sustainable development per se and must be rigorously tested against all thirteen principles in SPP.

7.29 The aim of the SPP as detailed in paragraph 28 is "to achieve the right development in the right place, it is not to allow development at any cost." The SPP also quantifies the assessment of sustainable development including;

- *Giving due weight to economic benefit.*

The applicant has submitted in support of their application an assessment of the economic benefits of the proposal.

However, it is considered that any economic benefits achieved would be no different from any other housing project of a similar size. The net benefits would depend on the degree to which the construction of houses on the application site would displace that on existing allocated sites.

- *Responding to economic issues, challenges and opportunities, as outlined in local economic strategies.*

Further to the above point, a recent appeal decision PPA-210-2085 at Goshen Farm, East Lothian, the reporter found;

'In terms of responding to economic issues, challenges and opportunities, the development would create some generic benefits but, in the absence of evidence of a housing land shortfall in East Lothian, there is no reason to believe that these would be different from the benefits generated by development of allocated sites'.

These findings are relevant and are applicable to this application.

- *Supporting good design and the six principles of successful places.*

It is accepted the application is for planning permission in principle application, nonetheless, the indicative masterplan does not offer anything other than a standard suburban housing estate with standard house types. It would appear that this will extend the character of the development on the adjacent land to the east.

- *Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities.*

The proposal involves the development of agricultural / greenfield land. It would be more efficient to utilise existing allocated sites. No evidence has been put forward to demonstrate how the proposal will support town centre and regeneration priorities. With a shift in retailing habits from the High Street to online, the need to direct development to focus on town centre and existing brownfield sites is heightened.

- *Supporting delivery of accessible housing, business, retailing and leisure development.*

At paragraph 73 of the planning appeal at the adjacent site at Brotherton Farm, the Reporter noted that the location of development is not ideal for access by sustainable travel modes, it is not unacceptable either. The Reporter noted the limited accessibility of the site via sustainable modes of transport to be a drawback. The proposal does not provide a full connection between Polbeth and the Alba campus via the Limefield Glen walkway, therefore does not contribute to the council's aim of enhancing the active travel network.

- *Supporting climate change mitigation and adaptation including taking account of flood risk.*

The development of greenfield land inherently does not contribute towards climate change mitigation. Supporting climate change mitigation would involve preserving agricultural land and accommodating growth on existing brownfield or allocated sites.

- *Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.*

The development of 300 homes is a substantive development and the proposal to include a community space should be a condition of any consent. This could be progressed further in the detailed stage to allow for a civic space with hard landscaping to allow for an area for residents to socialise.

- *Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.*

The proposal involves the development of the last piece of undeveloped land separating Polbeth and Livingston.

9	SUMMARY AND CONCLUSIONS
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- 9.1 The site is situated outwith a settlement boundary and in the countryside, therefore the presumption against development prevails. The proposal is contrary to LDP policy ENV 7 (Countryside Belts and Settlement Setting).

- 9.2 The council can demonstrate that there is more than sufficient effective housing land to meet current housing land requirements and the council can demonstrate a five-year effective housing land supply. Therefore, SESplan policy 7 does not apply.
- 9.3 The proposal is not sustainable development in accordance with the principles set out in SPP, nor does the proposal contribute towards sustainable development.
- 9.4 In summary, the proposal conflicts with the development plan (Strategic Development Plan for Edinburgh & South East Scotland and West Lothian Local Development Plan, 2018). There are no material considerations that outweigh the development plan presumption against residential development at this location.
- 9.5 Members are asked to note the conflict with development plan policies when the application is reported to Full Council for a decision.

10 ATTACHMENTS


- Aerial Photograph
- Location Plan
- Application Site Plan
- Illustrative Masterplan
- Representations

Craig McCorriston

Head of Planning, Economic Development & Regeneration

Date: 18 November 2021






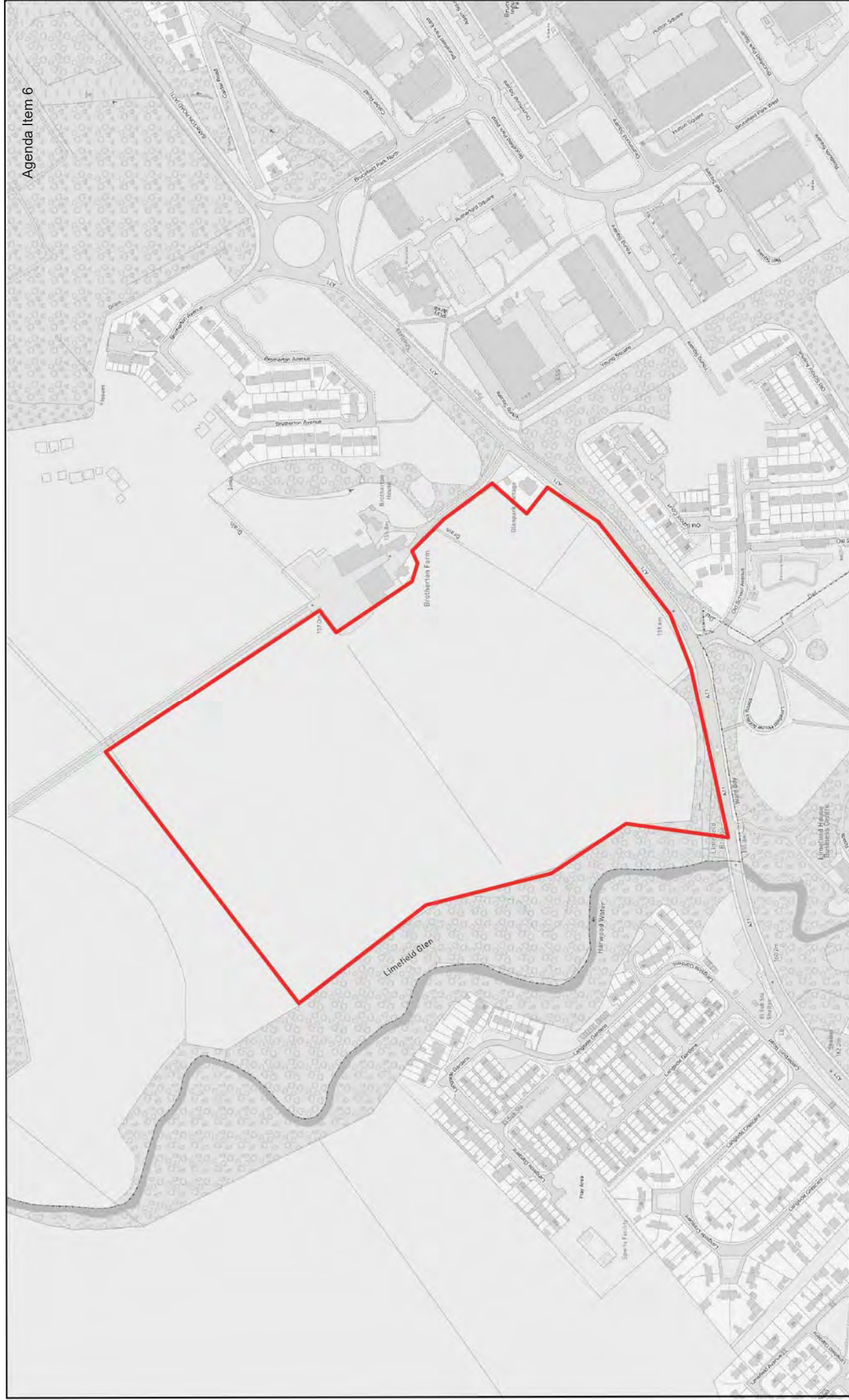
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3.	Any discrepancies found between this drawing and other drawings and specifications for the construction documents must be referred to the project manager for clarification.		
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Issue	Revision	Initial	Date



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td

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Client
Taylor Wimpey


Project
BROTHERTON
Livingston

Drawing Title
Location Plan

Scale Bar



North



Scale: **1:5000@A3** Date: **May 2021**

By: **MS** Status: **INFORMATION**

Checked: **DF** Approved: **PMAC**

Drawing Number 191376_BRO_LocationPlan	Rev -
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- NOTES**
1. This drawing is to be read in conjunction with all other drawings and specifications.
 2. Do not scale off this drawing. Written dimensions to be taken only.
 3. Any discrepancies found between this drawing and other drawings and specifications in the construction documents must be referred to the Landscape Architect prior to work commencing.
 4. This drawing must not be copied in whole or in part without prior written consent of Optimised Environments Ltd.

DRAWING INFORMATION BASED UPON

Emaspace: © Crown copyright and database rights 2021
Ordnance Survey 100031673.
OS OpenData: Contains OS data © Crown copyright and database right (2021).
Topographical Survey: Please reference Cundall's survey.

LANDSCAPE LEGEND

- Site Boundary
- Proposed Development Block
- Proposed Affordable Housing Development Block
- Development Frontage
- Pipeline Consultation Zones
- Primary Street
- Tertiary Street
- Landscape Setting and Amenity Greenspace
- Local Park and Multi-functional green space
- Existing Hedge and Tree Line Corridor
- Proposed Woodland
- Proposed Trees
- Proposed Formal Orchard
- Proposed SuDS (Attenuation and Detention basins)
- Proposed area for LEAP: Locally Equipped Area of Play and informal look about area.

1. Local Park
4.12ha - Excluding SuDS
2. Park for Informal Recreation
0.23ha
3. Formal Entrance Park containing orchard and formal planting - this will be specified during the detailed design stage.
0.36ha

Issue	Revision	Initial	Date
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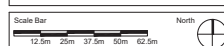


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Client
 Taylor Wimpey

Project
 Brotherton
 Polbeth

Drawing Title
 General Arrangement
 Development Framework



Drawing Number
 191376_BRO_DF

Computer File
 P:\2019\191376_Brotherton\CD\A1\CD\03\B1E15

Development in the outer zone will be restricted to 30 units with a density of under 40dph, in line with HSE guidance.



From: [Planning](#)
To: [Fautua, Mahlon](#)
Subject: Comments for Planning Application 0528/P/21
Date: 08 June 2021 12:02:29

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 08/06/2021 12:02 PM from Miss Christine Hay.

Application Summary

Address:	Brotherton Farm Brucefield Livingston West Lothian EH55 8QW
Proposal:	Planning permission in principle for a 15.7ha residential development and associated works
Case Officer:	Mahlon Fautua

[Click for further information](#)

Customer Details

Name:	Miss Christine Hay

Comments Details

Commenter Type:	Parish Councillor
Stance:	Customer objects to the Planning Application
Reasons for comment:	
Comments:	

Bellsquarry & Adambrae Community Council
 Bellsquarry, Livingston, West Lothian
 From the Chair,

Tuesday 8th June 2021

Mr Mahlon Fautua,
 Development Management,
 West Lothian Council,
 Civic Centre,
 Livingston,
 West Lothian EH54 6FF

Dear Mr Fautua,

Re: Proposal of application notice 0225/PAC/20

I am writing on behalf of Bellsquarry & Adambrae Community Council to object to the above proposal by Holder Planning on behalf of Taylor Wimpey UK Ltd for a housing development on land at Brotherton Farm. There are any number of objections that may be raised to this proposal, not least the fact that the land is part of the preserved Livingston Countryside Belt as defined in the West Lothian Local Development Plan, adopted in 2018, with a presumption against development (policy ENV 7).

Livingston Countryside Belt

Bellsquarry & Adambrae Community Council strenuously opposed the currently proceeding development by Miller Homes on the eastern part of the former Brotherton Farm. The original application for planning permission in principle (LIVE/0648/P/14) was rejected by a unanimous vote of West Lothian Council on 25th March, 2015. In what we consider to be a flawed judgement, this decision

was subsequently reversed on appeal by a Scottish Ministers' appointed reporter on 28th October, 2018. The Reporter was influenced by the premise of the developer that, although Brotherton Farm was part of the Livingston Countryside Belt as designated on the local plan current at the time (West Lothian Local Plan, adopted in 2009), this plan was out of date and West Lothian Council had failed to maintain an adequate five-year supply of housing land, as required. This argument cannot be employed for the current proposal as the present Local Development Plan (LDP) has been approved by Scottish Ministers, runs until 2024 and the latest housing land audit (HLA) reports that there is a generous supply of housing land for the next five years (LDP Housing land requirement for 2019-2024 = 7249 units; HLA 2019 Total effective supply estimate 2019-2024 = 7931 units).

The Miller Homes development has had a devastating affect on the adjacent native woodland, known as The Wilderness, which we predicted among our objections to that application. A number of veteran and notable trees within the Wilderness boundary were needlessly felled because they were deemed a hazard to the new houses, which were essentially built too close to the woodland by Miller Homes. These trees were irreplaceable, being up to 200 years old and more.

Countryside Belts are not just open spaces but also have the function of preventing coalescence of neighbouring settlements and avoiding "urban sprawl". If the proposed development is allowed, the remaining Countryside Belt between Livingston and Polbeth will disappear altogether, making Polbeth part of Livingston and joining it to Bellsquarry.

Kind regards



Comments for Planning Application 0528/P/21

Application Summary

Application Number: 0528/P/21

Address: Brotherton Farm Brucefield Livingston West Lothian EH55 8QW

Proposal: Planning permission in principle for a 15.7ha residential development and associated works

Case Officer: Mahlon Fautua

Customer Details

Name: Ailise McLoughlin

Address: 47 Old School Avenue Polbeth Polbeth Eh55 8FE

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There are already enough newbuilds in the area. It would put increasing demands on the education system with the 2 small local schools in the area. It would also lose vital green space that West Lothian is lacking.

Comments for Planning Application 0528/P/21

Application Summary

Application Number: 0528/P/21

Address: Brotherton Farm Brucefield Livingston West Lothian EH55 8QW

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Mahlon Fautua

Customer Details

Name: Mrs Susan Kinloch

Address: 22 Sundew Glade Livingston EH54 9JF

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Why do you allow so many new houses when you can't keep the roads & streets on the ones already built? They're a disgrace, full of potholes, no markings, pavements are a disgrace. Maybe do something about those first?!

Comments for Planning Application 0528/P/21

Application Summary

Application Number: 0528/P/21

Address: Brotherton Farm Brucefield Livingston West Lothian EH55 8QW

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Mahlon Fautua

Customer Details

Name: Mrs Joanne Mclaughlin

Address: 48 old school avenue Polbeth Eh55 8fa

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a resident over the road from this, I have concerns about the high traffic this will bring to an already busy road where a number of accidents have happened. Also a serious concern on infrastructure in the surrounding areas with schools already struggling

Comments for Planning Application 0528/P/21

Application Summary

Application Number: 0528/P/21

Address: Brotherton Farm Brucefield Livingston West Lothian EH55 8QW

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Mahlon Fautua

Customer Details

Name: Mrs Emma Sharkey

Address: 49 old school avenue Polbeth Eh55 8fe

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My main concern about the proposed new houses here is that the local schools won't cope with demand. I applied for my 2 year old son 6 months ago for his nursery place and I was not offered the slot I requested. I know many others who are in the same position with both St Mary's and Bellsquarry and I feel the 300 new houses will make this situation much worse.

Comments for Planning Application 0528/P/21

Application Summary

Application Number: 0528/P/21

Address: Brotherton Farm Brucefield Livingston West Lothian EH55 8QW

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Mahlon Fautua

Customer Details

Name: Miss Wendy Forrester

Address: 29 Langside Gardens Polbeth Polbeth, West Calder EH558QP

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a resident of polbeth village I feel that we are getting swamped by all these new builds surrounding us and there are no more amenities to accommodate these builds ie schools doctors dentist we will soon have no green belt left round about us

Comments for Planning Application 0528/P/21

Application Summary

Application Number: 0528/P/21

Address: Brotherton Farm Brucefield Livingston West Lothian EH55 8QW

Proposal: Planning permission in principle for residential development with associated works

Case Officer: Mahlon Fautua

Customer Details

Name: Graham McCabe

Address: 29 Langside Gardens Polbeth Polbeth, West Calder EH55 8QP

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Far too many new builds in the area polbeth no longer a small village being taken over no amenities to cope with all this new housing already struggled before all of the building no green belt left