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## NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND)  
ACT 1997 (AS AMENDED)  
IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS



**Falkirk Council**

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL  
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

**IMPORTANT:** Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review. Please note that the guidance notes are issued by the Scottish Government. They apply to planning authorities generally and not specifically to Falkirk Council

In terms of the Act and regulations referred to above, Falkirk Council's Planning Review Committee sits as the "local review body".

Please use **BLOCK CAPITALS** if completing by hand.

### Applicant(s)

Name	James Bell Limerigg Ltd
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	Falkirk
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Tel	
Mobile	
Fax	
e-mail *	

### Agent

Name	McLean Bell Consultants Ltd
Address	33 Miller Park
	Polmont
	Falkirk
	Postcode: FK2 OJJ
Tel	
Mobile	
Fax	
e-mail *	

Mark this box to confirm all contact should be through your agent or representative: ☒

\* Do you agree to correspondence regarding your review being sent by e-mail? Yes ☒ No ☐

Planning authority's application reference number

P/12/0241/PPP

Site address

Description of proposed development

Land to the West of 65 Slamannan Road, Limerigg  
Development of Land for Residential Purposes(Renewal of Planning Application P/08/0617/OUT)

Date planning application declared  
valid by Planning Authority

10/05/2012

Date of Decision (Leave blank if  
appeal against non-determination)

14<sup>th</sup> June 2013

Note. This notice must be served on the planning authority within **three months** of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

### Nature of application

1. Application for planning permission (including householder application) ☐
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☒
4. Application for approval of matters specified in conditions ☐

### Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

## Review procedure

The Planning Review Committee will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you consider that the review should be conducted by a combination of procedures. Please note, however, that the final decision as to procedure will rest with the Planning Review Committee.

1. Further written submissions
2. One or more hearing sessions
3. Site inspection
4. Assessment of review documents only, with no further procedure

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

A hearing session is considered the most appropriate procedure in this case to allow the Review Body to obtain further legal evidence to determine whether or not there had been a material change to the extension of the previous application P/08/0617/OUT and whether the Council was correct in refusing application P/12/0241/PPP on the grounds of Education Contributions.

A site inspection is further considered necessary to allow the Review Panel to assess the advantages of developing this site within the wider context of regeneration of Limerigg Village.

## Site inspection

In the event that the Planning Review Committee decides to inspect the review site, in your opinion:

1. Can the site be viewed entirely from public land?
2. Is it possible for the site to be accessed safely, and without barriers to entry?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

If there are reasons why you think the Planning Review Committee would be unable to undertake an unaccompanied site inspection, please explain here:

Secured entrance and requires company employee to provide access

## Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Planning Review Committee to consider as part of your review.

If the Planning Review Committee issues a notice requesting further information from any other person or body, copies of any such information received will be sent to you and you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State In the space provided the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

7.	
8.	
9.	
10.	

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

### Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☐

Statement of your reasons for requiring a review ☐

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☐

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

### Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

12-7-2013

This form and other documents should be returned to:

**The Development Manager,**

Development Services

Are you submitting a statement of reasons for review in a separate document?

Yes

No



#### Reasons for Notice of Review

SEE ATTACHED DOCUMENT

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes

No



Are you submitting additional documentation?



If you answer yes to either or both of the above questions, you should explain in the box below, why you are raising new material and/or introducing additional documentation, why it was not raised with or made available to the appointed officer before your application was determined and why you think it should now be considered in your review. Please note that it will be for the Planning Review Committee to decide whether or not all or any of the new material/additional documentation will be considered in the review.

#### List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

1.	Update Report to Planning Committee, 25 <sup>th</sup> Feb 2009
2.	Policy COM.4 of Falkirk Council Structure Plan
3.	Policy COM 5 of Falkirk Council Structure Plan
4.	Policy SC14 of Falkirk Council Local Plan
5.	
6.	

## AGENDA ITEM 3

FALKIRK COUNCIL

**Subject:** DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES (OUTLINE)  
AT LAND TO THE WEST OF 65 SLAMANNAN ROAD, SLAMANNAN  
ROAD, LIMERIGG, SLAMANNAN, FALKIRK FOR JAMES BELL  
LIMERIGG LTD - P/08/0617/OUT

**Meeting:** PLANNING COMMITTEE

**Date:** 25 February 2009

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Councillor Gordon Hughes  
Councillor Stephen Fry  
Councillor John McLuckie

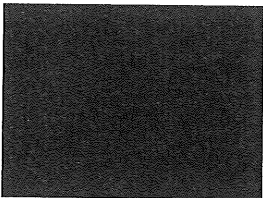
**Community Council:** Upper Braes

**Case Officer:** David Paterson (Planning Officer), ext 4757

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall this application was originally considered at the meeting of the Regulatory Committee on 28 January 2009 (copy of the previous report appended), when it was agreed to continue the application and to undertake a site visit. This took place on 10 February 2009.
2. At the site meeting the applicant's agent stated that the application site had been included in the Falkirk Council Local Plan Finalised Draft (Deposit Version), as a modification to the plan and identified as an opportunity for residential development. Concern was also expressed that the Falkirk Council Local Plan has been in preparation since 2001 and is not likely to be adopted until at least 2011. This being the case the agent promoted the view that the proposal represents an opportunity to develop the site prior to 2011 and that the village of Limerigg will enjoy more immediate regeneration benefits as a result. The agent also referred to Policy COM 1 – Housing Land Allocations as contained in the Falkirk Council Structure Plan 2007 which advocates that the Council will support special initiatives for residential led regeneration at various locations within the District. These general locations include Slamannan. Such developments must be accompanied by a masterplan development framework and must be able to demonstrate the satisfactory provision of necessary social and physical infrastructure. No such information has been offered by the applicant in support of this.
3. Members of the Committee expressed a view that the village of Limerigg would benefit from regeneration initiatives particularly developments which would increase the number of pupils attending the village primary school, which is operating under capacity and potentially under pressure for closure.

4. Members were advised that owing to the scale of the proposed housing development in relation to the village of Limerigg, in terms of the size of the site, the proposed development is considered to represent a significant departure from the Development Plan and would require to be referred to Scottish Minister should Members be minded to grant planning permission.
5. It is recommended that planning permission be refused for the following reasons:
  - (1) A countryside location is not essential for the proposed development and therefore the proposed development does not accord with Policy ENV 1 of the Falkirk Council Structure Plan "Countryside and Protected Areas" and Policy Rural 1 of the Rural Local Plan "New Development in the Countryside".
  - (2) The proposed development is not a clear gap site or an appropriate infill opportunity. The proposed development does not therefore accord with Policy Rural 1 of the Rural Local Plan "New Development in the Countryside".
  - (3) The proposed development would extend the village area of Limerigg beyond the village boundary resulting in undesirable sporadic development in the countryside. The proposed development does not therefore accord with Policy Rural 2 of the Rural Local Plan "Village Limits".
  - (4) The application is considered premature pending the consideration of the site's designation within the emerging Falkirk Council Local Plan through the Local Plan Inquiry process.



.....  
 For Director of Development Services

Date: 18 February 2009

#### LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Scottish Planning Policy 3 "Planning for Housing"
5. Planning application F/98/0389
6. Planning application P/07/0531

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson (Planning Officer).



## Rural Communities

**POLICY COM.3**  
**SPECIAL NEEDS AND**  
**AFFORDABLE HOUSING**

The Council will support the provision of affordable and special needs housing, based on housing needs assessments for each community. Local Plans will identify suitable sites and where appropriate, stipulate the proportion of larger housing sites which should be reserved to meet specific housing needs.

- 4.12 It is important for the Structure Plan to draw attention to specific housing needs within the Council area, as well as setting out overall housing land requirements. The Falkirk Council Local Housing Strategy continues to highlight ongoing shortfalls in the provision of various types of specialised and supported accommodation. The ageing population structure has particular implications for the supply of housing for the elderly.
- 4.13 The provision of affordable and special needs housing across the Council area and in individual communities must be based on housing needs assessments; including special housing needs identified through the Community Care planning process. Where such assessments reveal shortfalls, then Local Plans will identify appropriate sites. This may include requiring a proportion of affordable or special needs housing within large

**POLICY COM.4**  
**RURAL COMMUNITIES**

Within the villages of the Council Area:

1. development necessary for rural regeneration supported through the Community Planning process will be promoted within the target communities of Avonbridge, Limerigg, Slamannan, Standburn and Whitecross; and
  2. the continued viability and environmental quality of the other villages will be achieved through the appropriate distribution of the general housing land allocation indicated in Schedule Com.1a and through other initiatives to protect local services.
- 4.14 The rural communities of the Council area are diverse, with different needs and priorities. The Rural Local Plan has hitherto pursued a 'key village' strategy whereby housing and related development has been focused on the three larger villages of Slamannan, Avonbridge and Airth. Whilst this has been successful in Airth, it is clear that the problems of market failure experienced in the former mining villages of the Braes are more deeply rooted.
- 4.15 Accordingly, the Council through the local community planning process will work with its partners to address such issues as maximising opportunities for training and employment, combating isolation and the lack of affordable transport, enhancing the environment and developing facilities for young people. In Avonbridge, Limerigg, Slamannan, Standburn and Whitecross, initiatives to tackle social exclusion compounded by relative geographical isolation will be supported by the Structure Plan.
- 4.16 The open countryside outside of settlements will be protected from inappropriate development but in recognition of the problems facing the farming community, rural diversification will continue to be encouraged. (see Policy ENV.1)



## Infrastructure and Facilities in Communities

### **POLICY COM.5 DEVELOPER CONTRIBUTIONS**

The Council will ensure that proper provision is made to meet the physical and social infrastructure needs of new development and to mitigate the impact of such development on the locality. Where it is required to make a proposal acceptable in land use planning terms, serve a planning purpose and is directly related to the proposed development, developer funding for on- or off-site works will therefore be sought in respect of:

- 1 environmental enhancement required to mitigate, or compensate for landscape, townscape or ecological impacts;
- 2 physical infrastructure required to make the development acceptable, particularly transport provision required to ensure that the development meets sustainability criteria; and
- 3 community and recreational facilities required to meet demand generated by the development.

The required provision will be reasonable and related to the scale and nature of the proposed development, taking into account the relevant Council standards and will be specified within Local Plans and development briefs as appropriate. Examples of the range of matters which developers may be asked to address are provided in Schedule COM.5.

4.17 The Council is firmly committed to ensuring that developers contribute appropriately to the physical, environmental and community infrastructure which is required to serve new development and make it sustainable. This is particularly important in the context of a strategy of growth, where the impact of new households may place a serious burden on existing infrastructure in some areas. Such provision will normally be secured either through conditions or legal agreements.

4.18 There are three broad areas where provision, or contributions to provision, may be required. These are highlighted in Policy COM.5. Examples of the type of provision, and the circumstances in which it is likely to be necessary are shown in Schedule COM.5.

4.19 Firstly, environmental works may be required to mitigate impact or to compensate for loss of amenity. This will be particularly the case for greenfield developments on the edge of settlements. Secondly, physical infrastructure may be needed to make the development acceptable. This will include standard roads and sewerage improvements, but will increasingly relate to sustainable transport measures. Thirdly, provision must be made for community and recreational facilities. In this category, there will be an increasing emphasis on contributions to the upgrading of existing facilities, in line with Policy COM.6.

4.20 In determining the scope of such 'planning gain', the Council will adhere to the principles set out in Scottish Office Circular 12/96. It is important that the scale and nature of provision is determined on a consistent basis and is set out at an early stage in the development process. Local Plans and development briefs will stipulate requirements for specific sites and set criteria for assessing contributions from windfall sites.

## Sustaining Communities

DOCUMENT - 4,

4.48

### SC13 OPEN SPACE AND PLAY PROVISION IN NEW RESIDENTIAL DEVELOPMENT

New development will be required to contribute to open space and play provision. Provision should be informed by the Council's open space audit, and accord with the Open Space Strategy and the SPG Note on Open Space and New Development, based on the following principles:

- (1) Open space and facilities for play and outdoor sport should be provided based upon the quantitative, qualitative and accessibility standards, and the priorities for improvement, set out in the Open Space Strategy.
- (2) Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where
  - existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;
  - in residential developments, the size of the development falls below the threshold of 10 houses or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or
  - as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area; or
  - The Open Space Strategy indicates that there is a sufficient amount of open space in the area, and that priority should be given to qualitative improvements to existing open space.

The required financial contribution per house will be set out in the SPG Note on 'Open Space and New Development'.
- (3) The location and design of open space should be such that it:
  - forms an integral part of the development layout, contributing to its character and identity;
  - is accessible and otherwise fit for its designated purpose;
  - links into the wider network of open space and pedestrian/cycle routes in the area;
  - sensitively incorporates existing biodiversity and natural features within the site;
  - promotes biodiversity through appropriate landscape design and maintenance regimes; and
  - enjoys good natural surveillance.
- (4) Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it.

### Education

- 4.49 Access to local school facilities, both primary and high schools, in suitable accommodation and at appropriate class sizes, is an essential requirement for new housing. In overall terms it is anticipated that there will be adequate capacity in existing and proposed new schools to accommodate the residential development permitted by the Local Plan. However, there are localised areas where school improvements may be necessary.
- 4.50 Having replaced five of its secondary schools under Scotland's first schools PFI project in 2000, the remaining four schools have also now been rebuilt under the Community Schools project. In addition, new non-denominational primary schools have been built at North Larbert and Maddiston, and a new denominational primary school is planned for the Larbert/Stenhousemuir area. In addition, where a known housing site is identified and school capacity is an issue that has to be addressed through developer contributions, this is noted against the relevant proposal.
- 4.51 Windfall sites may raise issues concerning school capacity. Such proposals will be assessed in terms of Policy SC14 below. Where capacity problems exist, contributions will be sought unless increases in capacity are not possible or will prejudice the Council's education policies. It is the Council's preference that primary schools do not exceed 2-stream capacity (430) pupils.
- 4.52 **SC14 EDUCATION AND NEW HOUSING DEVELOPMENT**

Where there is insufficient capacity within the catchment school to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council's education policies. The contribution will be a proportionate one, the basis of which is set out in the SPG Note Education and New Housing Development. In cases where the school cannot be improved in a manner consistent with the Council's education policies, the development will not be permitted.
- 4.53 There is increasing demand for nursery and child care facilities either through new development or changes of use of existing buildings. Such proposals will be favourably considered provided the criteria set out in Policy SC15 are met.

**Supporting statement for Planning Application P/12/0241/PPP.**

**Land to the west of 65 Slamannan Road, Limerigg.**

**Reasons for Notice of Review**

1. The village of Limerigg is identified in the Approved Falkirk Council Structure Plan (Policy COM.4) as a target community for “rural regeneration”. The Structure Plan supports appropriate development necessary for rural regeneration in the five target villages. This proposal to develop a derelict/unused site for housing is therefore in accordance with Policy COM.4 of the Structure Plan.
2. It is accepted that Policy COM.5 of the Approved Falkirk Council Structure Plan is relevant. That policy relates to “developer contributions” (commonly known as planning gain) and the key issue relates to education provision. At present Limerigg primary school has a capacity of 50 with a current school roll of 31 thereby leaving a spare capacity of 19. The application site is estimated to have a capacity of 50 houses thereby generating 13 additional pupils who would attend the local Primary School and that is fewer than the current spare capacity at the school. Policy COM.5 states that the “required provision will be reasonable and related to the scale and nature of the proposed development”. It is not considered that the requested sum of £130,000 towards Limerigg PS is reasonable and, in fact, given the spare capacity at the school it would appear that there is no requirement to contribute towards education provision at that school. In addition, the site would generate an additional 4 pupils for St Mungo’s Secondary School. This school has spare capacity at present but based on current estimates of house building the Education Service predicts it may have capacity issues in 5 – 10 years. Consequently they request an additional £42,500 towards the cost based on 4 additional pupils. When it is clear that St Mungo’s School has spare capacity at present it is not reasonable to request £42,500 for 4 additional pupils on the basis that a prediction suggests there may be capacity problems in the future. This comes to a total requested contribution of £172,500 for both schools for the site and this is not considered reasonable or proportionate in relation to a proposal for redevelopment in Limerigg.
3. Housing development in Limerigg is difficult to justify on an economic viability basis at the best of times. However, a demand for a contribution of £172,500 will simply make the proposal uneconomic and it will not happen.