

4. The site is allocated for housing in the adopted Falkirk Council Local Plan (reference H.LIM04). Therefore the principle of this proposal is accepted.
5. It is recognised that the adopted Local Plan has a policy (SC14 – Education and New Housing Development) relating to the issue of education capacity. However, that policy states “the contribution will be a proportionate one”. It is not considered that this requested sum of £172,500 for this site is either reasonable or proportionate. Both Limerigg PS and St Mungo’s have the capacity to absorb the pupil product of this site at present therefore the most reasonable and proportionate solution would be for a nil contribution towards education services. It is considered that with no capacity problems in local schools that this development is in accordance with the Adopted Local Plan.
6. This application is for a renewal of a previous planning consent (reference P/08/0617/OUT) granted on 15th May 2009. That consent was issued without any requirement for a contribution to education services in relation to any school. In fact the Committee Report on the application, dated 25th February 2009, makes reference in paragraph 3 to “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”. That fear is still the case and without a new housing development such as this proposal there is an increasing threat of closure for small village schools in today’s challenging economic times with severe pressure on Council budgets.
7. In conclusion, based on an assessment of current education provision, there is capacity available at local schools and it is unreasonable for Education Services to request the sum of £172,500 as a planning gain contribution. On that basis the single reason for refusal cannot be sustained and this application for the renewal of a previous consent should be granted consent subject to appropriate conditions.

McLean Bell Consultants Ltd

10-7-2013

P/12/0241/PPP

Print Form

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please refer to the accompanying Guidance Notes when completing this application
**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
 ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>**

1. Applicant's Details		2. Agent's Details (if any)	
Title		Ref No.	
Forename		Forename	Alastair
Surname		Surname	Bell
Company Name	James Bell Limerigg Ltd	Company Name	McLean Bell Consultants
Building No./Name		Building No./Name	c/o Atrium House
Address Line 1		Address Line 1	Callendar Business Park
Address Line 2		Address Line 2	
Town/City		Town/City	Falkirk
Postcode		Postcode	FK1 1XR
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Postal Address or Location of Proposed Development (please include postcode)			
Land to The West of 65 Slamannan Road, Slamannan Road, Limerigg			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Type of Application			
What is the application for? Please select one of the following:			
Planning Permission		<input type="checkbox"/>	
Planning Permission in Principle		<input type="checkbox"/>	
Further Application*		<input checked="" type="checkbox"/>	
Application for Approval of Matters Specified in Conditions*		<input type="checkbox"/>	
Application for Mineral Works**		<input type="checkbox"/>	
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:	P/08/0617/OUT	Date:	15/05/2012

66
**Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.

5. Description of the Proposal

Please describe the proposal including any change of use:

Renewal of planning permission for land with permission for residential purposes

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name:

Date:

Ref No.:

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

1.259

Square Metre (sq.m.)

8. Existing Use

Please describe the current or most recent use:

Vacant.

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes ☐ No ☒

If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes ☐ No ☒

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

NA

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

NA

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes ☐ No ☒

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network ☒
No, proposing to make private drainage arrangements ☐
Not applicable – only arrangement for water supply required ☐

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway ☐
Discharge to watercourse(s) (including partial soakaway) ☐
Discharge to coastal waters ☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed) ☐
Other private drainage arrangement (such as a chemical toilets or composting toilets) ☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water? Yes ☒ No ☐

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network?

Yes ☒ No ☐

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

11. Assessment of Flood Risk

Is the site within an area of known risk of flooding?

Yes ☐ No ☒

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

Are there any trees on or adjacent to the application site?

Yes ☐ No ☒

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling)

Yes ☐ No ☐

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats?

Yes ☒ No ☐

If yes how many units do you propose in total?

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☐

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed ☒

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes ☒ No ☐ N/A ☐

Signature:

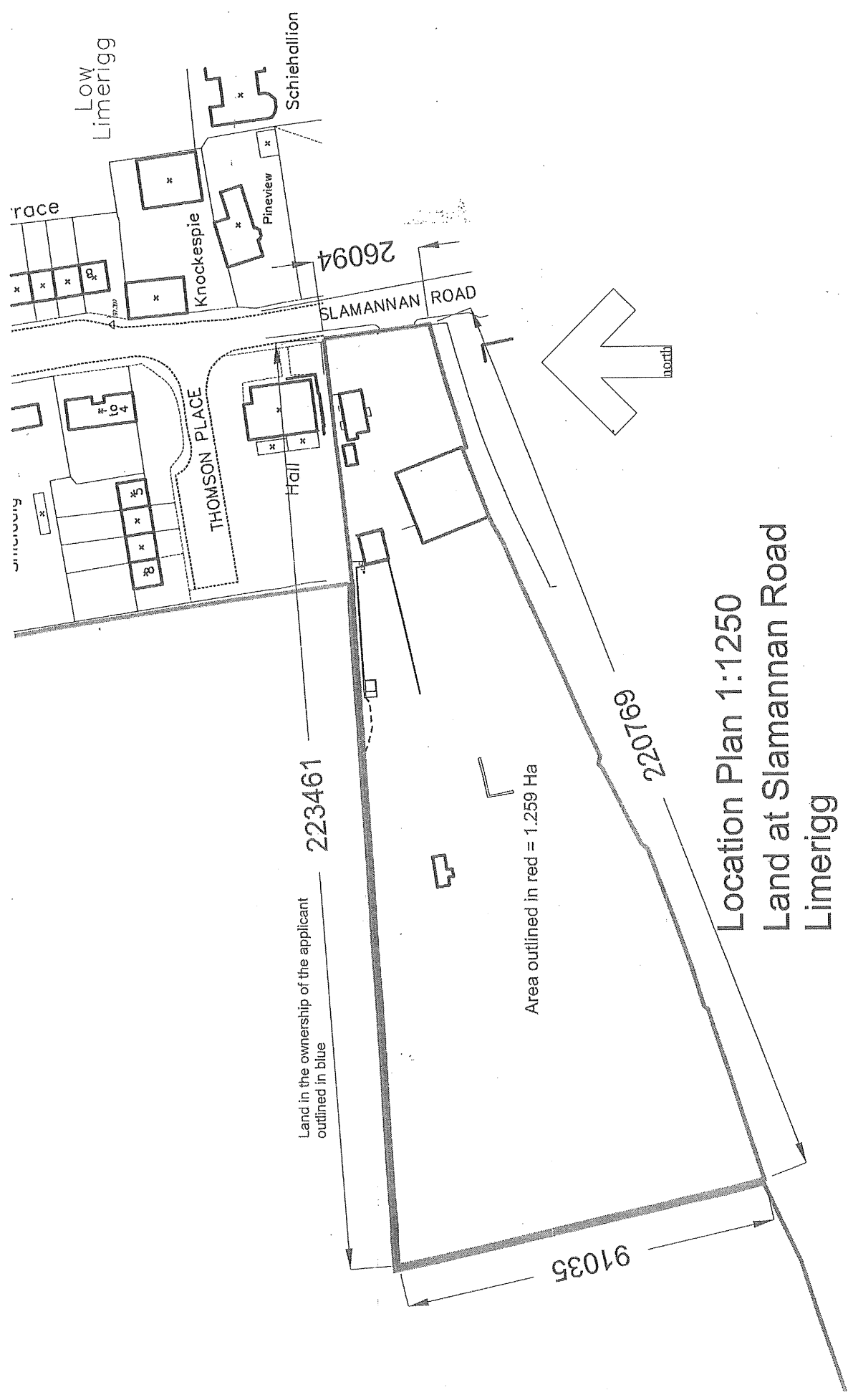
Name:

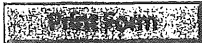
A. Bell

Date:

2/5/2012

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.





LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2008

CERTIFICATE A, B, C OR CERTIFICATE D MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than the applicant was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☒
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☐

Signed:

[Redacted Signature]

On behalf of:

McLean Bell Consultants Ltd

Date:

2/05/2012

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☐
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

PLANNING APPLICATION DETERMINED BY DIRECTOR OF DEVELOPMENT SERVICES UNDER DELEGATED POWERS – REPORT OF HANDLING

PROPOSAL : Development of Land for Residential Purposes (Renewal of Planning Application P/08/0617/OUT).
LOCATION : Land To The West Of 65 Slamannan Road, Slamannan Road, Limerigg,
APPLICANT : James Bell Limerigg Ltd
APPN. NO. : P/12/0241/PPP
REGISTRATION DATE : 10 May 2012

1. SITE LOCATION / DESCRIPTION OF PROPOSAL

This application for planning permission in principle requests the renewal of a previously granted planning permission P/08/0617/OUT for development of land for residential purposes. The application site is located within central Limerigg on the western side of Slamannan Road.

2. SITE HISTORY

The site was historically used as a dismantlers yard and outline planning permission was refused for development of the site for residential purposes in 2007. A further application was then made in 2008 and planning permission P/08/0617/OUT was granted on 15/05/2009 following consideration of the proposal by the Planning Committee. The site is also now identified as an allocated housing site, H.LIM04 in the Falkirk Council Local Plan.

3. CONSULTATIONS

The following responses to consultation were received:

Roads Development Unit	No objections.
Scottish Water	No objections.
Environmental Protection Unit	No objection however a contaminated land survey has been requested.
Scottish Environment Protection Agency	No objection.
Transport Planning Unit	No objections.
Education Services	<p>This development will necessitate capacity related investment at Limerigg Primary School and exacerbate existing pressures at St Mungo's RC High schools. For that reason Education Services request that, if approved, it is on the condition that the applicant makes the following pro-rata contribution:</p> <p>Limerigg Primary School: £2,600 per house St Mungo's High School: £850 per house Total contribution required: £3,450 per house</p>
Central Scotland Police	No response to consultation.

Where the local Community Council requested consultation, their comments appear above.

4. PUBLIC REPRESENTATION

During consideration of the application, no letters of objection or representation were received.

5. THE DEVELOPMENT PLAN

The proposed development was assessed against the undernoted Development Plan(s):

Falkirk Council Structure Plan.

Com.5 Developer Contributions

Falkirk Council Local Plan

The proposed development was assessed against the following policy or policies:

SC04 - Special Needs and Affordable Housing

SC13 - Open Space and Play Provision in New Residential

SC14 - Education and New Housing Development

5A. MATERIAL CONSIDERATIONS

The following matters were considered to be material in the consideration of the application:

Responses to Consultation

Falkirk Council Supplementary Guidance

6. PLANNING ASSESSMENT

The Development Plan

The proposal was assessed against both the Falkirk Council Structure Plan and the Falkirk Council Local Plan.

Structure Plan Policies

The proposed development of this site is considered to put pressure on existing schools infrastructure and it is considered appropriate for a development of this nature to make a financial contribution towards infrastructure required to meet the needs and demands generated by the development. Given that the applicant has challenged this and has not confirmed that they are willing to meet this financial requirement, the proposal is considered to be contrary to the terms of the Falkirk Council Structure Plan.

Local Plan Policies

The application site is identified as allocated housing site H.LIM04 for approximately 50 units and is located within the urban limits of Limerigg.

In the time since the previous outline approval on the site, Falkirk Council has introduced a revised affordable housing policy. It is considered that the new policy is a material change in circumstances and should therefore be applied to the current application. The revised policy requires that 25% of the units on the site should be reserved for affordable housing. This requirement can be covered by way of a suitably

worded legal agreement to be finalised prior to the issuing of any planning permission.

The application site is of a sufficient size to accommodate on site open space provision to meet the terms of policy SC13 and supplementary planning guidance. It is however considered appropriate to attach a condition to any outline planning permission given requiring the provision of open space on site or a financial contribution towards off site works.

Education services have identified capacity related constraints within the existing schools provision in this catchment area and have requested that a financial contribution be made in order to mitigate against the impact of this development on schools infrastructure. The applicant has challenged the need for this payment however it is considered that a contribution is entirely appropriate in this instance. Failure to agree to enter into this financial contribution means that the proposal is contrary to the terms of the Falkirk Council Local Plan.

Responses to Consultation

As was the case for the previous planning approval on the site, Education services has requested a financial contribution towards capacity related investment at Limerigg Primary School and St Mungo's High School. Due to an administrative error during consideration of planning application P/08/0617/OUT, this contribution requirement was not applied prior to issuing outline planning permission. Whilst this oversight was unfortunate, it is considered appropriate that the current application for renewal of planning permission addresses the current requirements for contributions associated with the development of the site. A contribution of £3,450 per dwellinghouse is therefore required and should be secured by way of a suitably worded legal agreement prior to issuing any planning permission.

This request for financial contribution has been put to the applicant but has been disputed on the basis that this is a renewal application and as such the current application should not be subjected to this requirement. Legal advice has been sought on this matter and it is clear that the current application should be determined based on the current requirements and should not be constrained by previous administrative errors. Contributions to mitigate the impacts of the development are considered entirely appropriate in this instance. This information has been relayed to the applicant however, no confirmation has been received indicating that they are happy to meet the required contributions. It is therefore assumed that the applicant is not willing to meet this financial requirement.

Falkirk Council Supplementary Guidance

Supplementary Planning Guidance note - Education and New Housing Development, sets out the guiding principles for assessing education infrastructure needs for developments of this nature. The guidance sets out a framework to identify in which instances financial contributions are appropriate and to establish the level that these contributions should be set at in each instance. The contribution requested by Education Services is considered to be in line with the guidance set out in this document and as the applicant has failed to confirm willingness to meet this financial requirement, the proposal fails to meet the terms of this guidance note.

Supplementary Planning Guidance Note - Affordable Housing, sets out the background for the requirement for new housing development to contribute towards affordable housing provision. The guidance note defines what is considered to be acceptable affordable housing tenure types and provides a hierarchy to assist in determining which tenures should be used in each instance. The proposed affordable housing requirement for this site is considered to be capable of fitting in with the terms of this guidance note.

Supplementary Planning Guidance Note - Public Open Space, Falkirk Greenspace and New Development, sets out the required standards of provision for open space in new housing developments. This provision is broken down into active and passive open space provision the guidance identifies what types of provision are acceptable and unacceptable. The guidance also sets out a framework justifying financial contributions in instances where open space provision cannot be accommodated on site. The proposed development site is considered capable of meeting the terms of this guidance note with on site open space provision.

7. CONCLUSION