

FALKIRK COUNCIL

Subject: ERECTION OF 34 DWELLINGHOUSES AND ASSOCIATED WORKS AT LAND TO THE NORTH EAST OF BURNSIDE, VELLORE ROAD, MADDISTON FOR MANOR FOREST LTD - P/14/0276/MSC

Meeting: PLANNING COMMITTEE

Date: 27 November 2014

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor John McLuckie
Councillor Rosie Murray

Community Council: Maddiston

Case Officer: Kevin Brown (Planning Officer), Ext. 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application for approval of matters specified in condition relates to the previous grant of planning permission in principle P/09/0457/OUT, for residential development. The proposal includes the erection of 34 semi-detached and terraced dwellinghouses accessed via a new road connecting to Vellore Road, Maddiston.
- 1.2 The site lies directly to the south of the Manuel Burn and east of a small tributary and includes the provision of landscape planting adjacent to this tributary as well as informal kick about space and play area.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in for consideration by the Planning Committee by Councillor Rosie Murray and Councillor Gordon Hughes.

3. SITE HISTORY

- 3.1 P/09/0457/OUT - Development of Land for Housing Purposes Granted Outline Planning Permission - 20 May 2011.
- P/13/0795/75M - Modification of Planning Obligation Approved - 26 February 2014.

4. CONSULTATIONS

- 4.1 SEPA have no objection to the proposed development.
- 4.2 The Roads Development Unit is satisfied the revisions made to the roads layout during the course of the application are acceptable.
- 4.3 The Transport Planning Unit has maintained that access to the application site requires to be designed in accordance with a wider access strategy for the allocated sites along Vellore Road. The applicant has confirmed that this approach is not possible and is not justifiable given that this element is not a matter specified in conditions attached to planning permission in principle P/09/0457/OUT.
- 4.4 The Environmental Protection Unit has no objection to the proposed development.
- 4.5 The Coal Authority has no objection to the proposed development.
- 4.6 At the time of writing this report Scottish Water has not responded to consultation despite reminders. Scottish Water did however provide a response to the original application in which they expressed no objection to the development of the site. It should be noted that approval of the current application does not guarantee a connection to Scottish Water infrastructure and that such a connection requires to be applied for separately to Scottish Water. The lack of a consultation response at this time is not considered to be a determining factor in the assessment of this application.
- 4.7 Education Services has identified capacity pressures at Maddiston Primary School, St Mungo's High School and a requirement for contributions towards nursery provision. A financial contribution of £3,800 per unit was secured by a legal agreement associated with planning permission P/09/0457/OUT in order to mitigate these concerns.

5. COMMUNITY COUNCIL

- 5.1 The Maddiston Community Council has objected to this application on the grounds of education capacity, flooding, biodiversity and a lack of local infrastructure.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 7 letters of objection, from 4 individuals, have been received in relation to this proposal. Of these, 3 are duplicate letters from one individual and 1 contains comments from Maddiston Community Council as outlined in 5.1 above. The main issues raised in objections are summarised as follows:-

- Land ownership concerns;
- Education capacity issues;
- Site is outwith urban limit;
- Lack of local infrastructure;
- Impact on the Site of Importance for Nature Conservation along the Manuel Burn;
- Risk of Flooding; and

- Traffic/access problems.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 Policy ENV.1 - 'Countryside and Protected Areas' states:

- “(1) *There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) *The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

7a.2 The application site is outwith the urban limits and within an area defined as countryside. The proposal is therefore contrary to the terms of ENV.1 of the Falkirk Council Structure Plan. It should however be noted that the principle of development has been established by permission P/09/0457/OUT and that the current application relates solely to approval of matters specified in condition attached to this planning permission in principle.

Falkirk Council Local Plan

7a.3 Policy EQ19 - 'Countryside' states:

- “(1) *The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:*
- *it can be demonstrated that they require a countryside location;*
 - *they constitute appropriate infill development; or*
 - *they utilise suitable existing buildings.*
- (2) *In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*

- *the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- *building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- *boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species."*

7a.4 Policy SC3 - 'Housing Development In The Countryside' states:

"Housing development in the countryside will only be permitted in the following circumstances:

- (1) *Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
 - *The operational need for the additional house in association with the business*
 - *That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
 - *That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
 - *That the business as a whole is capable of providing the main source of income for the occupant;*
- (2) *Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
 - *The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
 - *The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
 - *The restored or converted building is of comparable scale and character to the original building*
 - *In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*
- (3) *Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic residential development, and the proposal satisfies Policy SC8."*

7a.5 The proposal is outwith the urban limits and is therefore contrary to the terms of EQ19 'Countryside' and SC3 'Housing Development in the Countryside'.

7a.6 The proposal is however designed in a manner considered to be appropriate for this countryside setting on the edge of the urban area.

7a.7 Policy EQ24 - 'Ecological Sites and Features' states:

- “(1) Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions; and there are imperative reasons of overriding public interest, including those of a social or economic nature. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers)..*
- (2) Development affecting Sites of Special Scientific interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- (3) Development affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- (4) Development likely to have an adverse effect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.*
- (5) Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site's natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required along with provision for its future management.*
- (6) The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest.”*

7a.8 The northern part of the site incorporates part of the Maddiston Site of Importance for Nature Conservation (SINC). The land in question is however considered to be of limited ecological value and is predominantly open farmland. The area of land immediately adjacent to the Manuel Burn forms an access track to an adjacent field and is also of limited ecological value. The proposed development is not considered to compromise the overall integrity of the wider SINC. The proposal therefore accords with Policy EQ2.

7a.9 Policy ST11 - 'Sustainable Urban Drainage' states:

“Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation. A drainage strategy, as set out in PAN 61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment.”

7a.10 The applicant has proposed a surface water drainage scheme incorporating sustainable urban drainage systems and appropriate flood attenuation measures. The proposal accords with Policy ST11.

7a.11 Policy ST12 - 'Flooding' states:

"In areas where there is significant risk of flooding, there will be a presumption against new development which would be likely to be at risk, would increase the level of risk for existing development or would be likely to require high levels of public expenditure on flood protection works. Applicants will be required to provide information demonstrating that any flood risks can be adequately managed both within and outwith the site."

7a.12 Flood risk at the site has been assessed and is not seen to be a barrier to development in this instance. The proposed development is also not considered to increase flood risk elsewhere as a result of development. The proposal accords with Policy ST12.

7a.13 Accordingly, although benefitting from the planning permission in principle, the proposal fails to comply with the terms of the Development Plan as it lies within an area of Countryside as defined in the Development Plan.

7b Material Considerations

7b.1 The following matters were considered to be material in the consideration of the application:-

- Falkirk Local Development Plan (Proposed Plan);
- Planning history;
- Assessment of public representations; and
- Supplementary Planning Guidance

Falkirk Local Development Plan (Proposed Plan)

7b.2 The proposed plan now includes the application site as an allocated housing site (H46) with an indicative capacity of approximately 20 units. The site is proposed as part of the wider Maddiston East Strategic Growth Area. The remainder of relevant policies contained within the proposed plan reflects the wording and policy position of the current policies within the adopted Falkirk Council Local Plan. The proposed development therefore now accords with the terms of the Falkirk Local Development Plan (Proposed Plan).

Planning History

7b.3 The approval of planning permission in principle P/09/0457/OUT has established the principle of developing the site as a stand alone development. The site is also now allocated within the proposed Local Development Plan and, as this application is for approval of matters specified in conditions, the fact that the site is not allocated for housing within the current adopted plan cannot be used as a reason for refusal of this application.

Assessment of Public Representations

7b.4 Land ownership concerns are legal matters and are not material planning considerations.

- 7b.5 It is acknowledged that the proposed development will put pressure on existing schools infrastructure. Education contributions totaling £3800 per unit were secured through the granting of planning permission P/09/0457/OUT in order to mitigate these concerns.
- 7b.6 Issues relating to the principle of developing the site are considered in paragraphs 7b.2 and 7b.3 above.
- 7b.7 Issues relating to flooding and biodiversity have been considered during the assessment of this application. It is not considered that this development would increase flood risk downstream from the site and the proposed development is not considered to compromise the overall integrity of the wider Maddiston SINC.
- 7b.8 The proposed layout and access arrangements have been assessed and are considered to be acceptable in this instance. Access to the site from Vellore Road is considered to be acceptable in terms of road safety and the proposed parking provision and road layout in the site is considered to comply with Falkirk Council design guidelines.
- 7b.9 Concerns in relation to the proposed development and its impacts on surrounding local infrastructure are noted but are not determining factors in the assessment of this application. The principle of developing the site is now established by way of the previous planning permission in principle and the site is now allocated for housing within the proposed Falkirk Local Development Plan.

Supplementary Planning Guidance

- 7b.10 Supplementary Planning Guidance Note – Housing Layout and Design

The proposed development has been assessed against the terms of this guidance which seeks to achieve a high standard of design within development sites of this size. The proposed layout would achieve a good standard of design and would ensure acceptable levels of residential amenity provided for each proposed house. The proposal accords with the terms of this guidance.

- 7b.11 Supplementary Planning Guidance Note – Public Open Space, Falkirk Greenspace and New Development

The proposed development includes reasonable provision of passive open space areas on the western portion of the site. This greenspace provision is considered to meet the terms of this guidance. In respect of active open space requirements, the applicant has provided a small informal kickabout space within the site. The size of this kickabout area (approximately 440sq.m) is below the suggested minimum functional size set out in this guidance (1000sq.m). However, this provision is also proposed to be supplemented by the provision of a small play area within the centre of the site (250sq.m). The combination of these two areas is considered to meet the active open space requirements for the site.

7c Conclusion

7c.1 The proposal in an acceptable form of development. Whilst the proposal is contrary to the terms of the Development Plan, the site does benefit from planning permission in principle and is proposed to be allocated within the Falkirk Local Development Plan (Proposed Plan). These material considerations are considered to justify a departure from the Development Plan in this instance.

8. RECOMMENDATION

8.1 It is recommended the Committee approve the matters specified in conditions 1-7 of planning permission P/09/0457/OUT.

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Director of Development Services

Date: 17 November 2014

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan (Proposed Plan).
4. Supplementary Planning Guidance Note - Housing Layout and Design.
5. Supplementary Planning Guidance Note - Public Open Space, Falkirk Greenspace and New Development.
6. Letter of objection received from Mr Lionel McMillan, 45 Gannel Drive, Maddiston, Falkirk, FK2 0AL on 17 May 2014.
7. Letter of objection received from Mrs Jacqueline McDevitt, Magdalene Cottage, Vellore Road, Maddiston, Falkirk, FK2 0AR on 2 June 2014.
8. Letter of objection received from Mr Thomas Millar, South Lodge, The Haining, Maddiston, Falkirk, FK2 0BN on 6 June 2014.
9. Letter of objection received from Mrs Sarah Bull, 36 Craigs Crescent, Rumford, Falkirk, FK2 0EN received on 21 May 2014.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan P/14/0276/MSC

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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