

FALKIRK COUNCIL

Subject: DISTRIBUTOR ROAD AND ASSOCIATED EARTH WORKS AT LAND TO THE NORTH OF SHAMISTLE, MADDISTON, FALKIRK FOR MANOR FORREST LTD & LAND OPTIONS WEST LTD - P/14/0483/PPP

Meeting: PLANNING COMMITTEE

Date: 27 May 2015

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor John McLuckie
Councillor Rosie Murray

Community Council: Maddiston

Case Officer: Brent Vivian (Senior Planning Officer), Ext. 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application is for a local development and seeks planning permission in principle for the construction of a distributor road and associated earthworks. The proposed road is 7.3 metres wide with 2 x 2 metre wide verges and a 3 metre wide footway/cycleway. The proposed distributor road would link a recently constructed roundabout at the Parkhall housing development at Maddiston (see paragraphs 3.1 and 3.2) to an approved roundabout on the A801 (see paragraphs 3.3 and 3.4).
- 1.2 The application site lies to the north-east of the Parkhall development. The proposed route would be located on agricultural land with the eastern part of the route falling within a woodland area of parkland associated with The Haining. The line of the road would follow an east-west ridge before dropping down to Parkhall. Potential future development accesses are indicated to the north and north-west onto land designated as countryside and not allocated for housing under the Falkirk Council Local Plan or the Falkirk Local Development Plan (Proposed Plan).

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application is being reported to the Planning Committee at the discretion of the Director of Development Services because of (a) its potentially significant impact on traffic patterns in Maddiston and Rumford, and (b) its inter-connectedness to planning applications P/07/0818/OUT (see paragraph 3.1) and P/10/0761/PPP (see paragraph 3.3) which were likewise determined by the Planning Committee. In granting these applications the Committee established the circumstances to justify the construction of the eastern roundabout at Parkhall Farm (P/07/0818/OUT) and a new roundabout on the A801 to the south of the Union Canal (P/10/0761/PPP).

3. SITE HISTORY

- 3.1 Planning application P/07/0818/OUT for the construction of a distributor road with roundabouts and associated works was granted on 28 April 2008. This permission established the principle of a new distributor road (now called Glendevon Drive) from B805 Main Street, Maddiston, eastwards through the new Parkhall housing area, including a new roundabout at the eastern end to facilitate turning manoeuvres through its use as a turning circle. This roundabout is currently under construction and the proposed distributor road (subject to this current application) would connect to this roundabout via a new access spur.
- 3.2 Planning application P/10/0249/MSD for the approval of matters specified in conditions (in respect of the formation of a new roundabout) was approved on 16 July 2010.
- 3.3 Planning application P/10/0761/PPP for a mixed use development (canal hub facility) comprising a marina, pontoon moorings, visitor facility, hotel/tourism accommodation, canal footbridge, boat service buildings, car-parking, lay-by, natural landscaping works and ancillary development was granted on 20 May 2011. The permission established the principle of the construction of a new roundabout on the A801 to access the proposed canal hub facility. The permission lapsed on 20 May 2014.
- 3.4 Planning application P/12/0694/FUL for the construction of a 50 metre ICD roundabout on the A801 was granted on 1 February 2013. The purpose of this application was to approve a detailed scheme of access from the A801 for the proposed canal hub facility approved under P/10/0761/PPP (see paragraph 3.3 above). This permission remains live until 1 February 2016.
- 3.5 Planning application P/13/0079/PPP for the development of land for holiday cottages and associated car parking, access road and landscaping was granted on 26 April 2013. This development is proposed to be accessed via the new roundabout on A801 approved under P/10/0761/PPP and P/12/0694/FUL. This permission remains live until 26 April 2016.
- 3.6 Planning application P/14/0707/PPP for residential development at Parkhall with open space, access, landscaping and associated engineering works was withdrawn on 12 May 2015. The application was the subject of a pre-determination hearing on 30 March 2015.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit have noted that no supporting information has been submitted regarding the extent of development associated with the proposed distributor road or in respect of the proposals for surface water drainage. They request the submission of a full transport assessment (to be assessed and approved by the Council's Transport Planning Unit) and a proposed surface water drainage strategy.
- 4.2 The Council's Transport Planning Unit have noted that no supporting information has been submitted regarding the extent of development associated with the proposed distributor road. Without this information and an appropriate transport assessment it is not possible for them to make any further comments on the proposal. They therefore request the submission of a transport assessment which should include an assessment of the junctions to be used to access the site. The scope of the assessment should be agreed with them.

- 4.3 The Council's Environmental Protection Unit have advised that a contaminated land assessment would be required if any made ground, suspect substances or odours are encountered during any site works/operations following the commencement of development. They advise that a noise assessment in terms of the Noise Insulation (Scotland) Regulations 1975, as amended, would be required due to the proximity of the proposed distributor road to an existing dwellinghouse.
- 4.4 Falkirk Community Trust's Museum Services have advised that the route of the proposed distributor road passes through the designed landscape associated with Haining House and would separate Haining House from the former walled garden and cut through the Northern Avenue and obliterate an ice-house. They advise that Haining House is a listed building of 1825 and the proposed distributor road would severely affect its setting. They therefore object to the application.
- 4.5 The Scottish Rights of Way and Access Society (ScotsWay) has advised that the National Catalogue of Rights of Way shows that right of way CF32 is affected by the proposed distributor road. They also understand that a Council Core Path is affected. They object to the application on the grounds that the submitted documentation is lacking in that the drawings do not clearly show the position of the affected areas and the proposed changes are not explained and do not include arrangements for the continued provision of public access.

5. COMMUNITY COUNCIL

- 5.1 The Maddiston Community Council have objected to the application on the following grounds:-
- siting a roundabout on this stretch of road will inhibit the free flow of traffic in this area (the A801 was intended as the main link between the M8 and M9); and
 - the gradient on this road means that large goods vehicles will take time to build up speed once stopped at the roundabout thus leading to congestion.

6. PUBLIC REPRESENTATION

- 6.1 Six public representations have been received in respect of the application. All of these representations are objections and raise the following concerns:-
- Is the proposed road included in the Local Plan for this area?;
 - No previous notification or consultation with the community;
 - Impact on wildlife;
 - Impact on mature trees;
 - Loss of privacy;
 - Proximity to a residential property;
 - Loss of peaceful environment;
 - Noise, disturbance, fumes;
 - Health concerns from motor vehicle emissions;
 - Visual and landscape impacts;
 - Safety concerns for countryside walkers;
 - Volume and speed of traffic;
 - Flow of traffic from a busy A road through a small residential area, with an adjoining primary school;
 - The road would become the main route into Maddiston from the M9 (Glendevon would become a de facto bypass for Maddiston);

- The existing routes into Maddiston are not significantly longer;
- The existing route is proven to be safe and causes less disturbance;
- Road safety concerns;
- Safety risks to school children (the school is already a congested area during peak times);
- Increased risk of traffic accidents;
- Substantial measures would be required to ensure road safety and crossings;
- Impacts on local drainage system and flooding; and
- Construction related impacts.

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 The Millennium Canal Link is identified in the Falkirk Council Structure Plan as a key location for development. In addition, Gilston, Polmont, is identified as a Strategic Development Opportunity for office/industry/distribution and leisure/tourism (ancillary to business use and/or Millennium Link related).
- 7a.2 The roundabout on the A801 approved under applications P/10/0761/PPP and P/12/0694/FUL was to provide access to canal related leisure and tourism facilities at this key strategic location. As detailed in this report, this application is to utilise this approved roundabout to provide a distributor standard link road from A801 to housing development to the west at Parkhall, Maddiston.
- 7a.3 This application in itself is not considered to raise any strategic issues under the Falkirk Council Structure Plan.

Falkirk Council Local Plan

- 7a.4 The application site lies outwith the urban limits, within the countryside, as defined in the Falkirk Council Local Plan.
- 7a.5 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.6 This policy provides for development in the countryside where it can be demonstrated that the development proposal requires a countryside location. Access from the existing Maddiston urban area to the strategic road network (the A801, A803 and M9) is currently provided for via the B805 and the Bowhouse roundabout at A801. No supporting information, including a transport assessment, has been submitted by the applicant to demonstrate an essential need for the proposed development (an additional access onto the A801) at this countryside location. The application is therefore considered to represent unjustified development in the countryside and is therefore contrary to this policy.

7a.7 Policy EQ14 - 'Listed Buildings' states:

"The Council will seek to preserve the character and appearance of listed buildings. Accordingly:

- (1) *Development affecting a listed building, or its setting, shall preserve the building or its setting, or any features of special architectural or historic interest which it possesses. The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting.*
- (2) *Proposals for the total or substantial demolition of a listed building will only be supported where it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it. This will be demonstrated by inclusion of evidence to the Council that the building:*
 - *has been actively marketed at a reasonable price and for a period reflecting its location, condition and possible viable uses without finding a purchaser; and*
 - *is incapable of physical repair and re-use through the submission and verification of a thorough structural condition report; and*
- (3) *RCAHMS shall be formally notified of all proposals to demolish listed buildings to enable features to be recorded."*

7a.8 This policy seeks to preserve the character, appearance and setting of listed buildings. The proposed distributor road passes to the north of The Haining and effectively severs The Haining from the Walled Garden. The Haining is a B - listed building and the gardens along with the parkland setting of the house should be retained as far as possible, as they contribute to the setting of the main house. To date the applicant has failed to provide any assessment of the impacts of the proposal on the setting of the listed building or outline possible mitigation measures. Accordingly, it has not been demonstrated that the setting of the listed building would be preserved. The application is therefore considered to be contrary to this policy.

7a.9 Policy EQ18 - 'Historic Gardens And Designed Landscapes' states:

"There will be a general presumption against development which would adversely affect the character or setting of sites identified in the 'Inventory of Gardens and Designed Landscapes in Scotland' and other historic gardens and landscapes of national, regional or local significance. The Council will seek to encourage sensitive management of historic gardens and designed landscapes."

7a.10 This policy generally presumes against development that would adversely affect the character or setting of sites identified in the 'Inventory of Gardens and Designed Landscapes in Scotland' and other historic gardens and landscape of national, regional or local significance. The woodland around The Haining provides a parkland setting for the main house and is identified as a non-inventory designed landscape of local historic and cultural significance. The proposed distributor road has the potential to adversely affect the character and setting of this designed landscape. A suitably scoped assessment is therefore required. In the absence of an assessment which demonstrates that the character and setting of the designed landscape would be retained, the application is considered to be contrary to this policy.

7a.11 Policy EQ22 - 'Landscape and Visual Assessment' states:

"Development proposals which are likely to have a significant landscape impact must be accompanied by a comprehensive landscape and visual assessment as part of the Design Statement, which demonstrates that the setting is capable of absorbing the development, in conjunction with suitable landscape mitigation measures, and that best environmental fit has been achieved, in terms of the landscape character of the area."

7a.12 This policy states that a comprehensive landscape and visual assessment must accompany development proposals which are likely to have a significant landscape impact. The proposed distributor road follows an east-west ridge and has the potential for significant localised visual and landscape impacts. No landscape/visual assessment, incorporating suitable landscape mitigation measures, accompanies the application. In the absence of a suitably scoped assessment which demonstrates that the setting is capable of absorbing the development proposal, the application is considered to be contrary to this policy.

7a.13 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.14 This policy presumes against development likely to have an adverse effect on protected species. The proposed development impacts on broadleaved woodland which could potentially form an important habitat for badgers and bats. To date no protected species survey has been submitted. In the absence of a suitably scoped survey/assessment which demonstrates that any impacts on protected species can be mitigated, the application is considered to be contrary to this policy.

7a.15 Policy EQ26 - 'Trees, Woodland And Hedgerows' states:

"The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:

- (1) *Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- (2) *In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
- (3) *Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
- (4) *The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare a plan and make provision for its future management; and*
- (5) *There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character."*

7a.16 This policy discourages the felling of trees that would be detrimental to landscape, amenity, nature conservation or recreational interests. In particular, ancient, long established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value. The proposed distributor road would impact on woodland around The Haining which provides a parkland setting for the main house. Parts of the woodland are identified as Ancient Woodland. The submission of a tree survey is required indicating the condition of the mature trees, those proposed for removal/retention, and proposals for compensatory new planting. To date no such information has been submitted. Accordingly, it has not been demonstrated that the impacts on the woodland resource would be acceptable. The application is therefore considered to be contrary to this policy.

7a.17 Policy EQ29 - 'Outdoor Access' states:

- (1) *The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network.*

- (2) *In promoting new routes particular emphasis will be placed on*
 - *opportunities specified on the Proposals Map*
 - *other opportunities which support and provide linkages in respect of the Falkirk Greenspace Initiative, the recreational use of the major river corridors, including the Forth Estuary, and sustainable travel within and between settlements;*
 - *other areas of proven demand as identified through community consultation; and*
 - *the need to safeguard protected habitats and species in accordance with Policies EQ24 and EQ25;*
 - *the need to safeguard protected buildings and archaeological sites in accordance with Policies EQ16 and EQ17.*
- (3) *When considering planning applications, the Council will*
 - *Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed.*
 - *Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development, particularly where they relate to the priority areas identified in sub-section (2) above.*
 - *Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development.”*

7a.18 This policy seeks to safeguard, improve and extend the network of countryside access routes, with particular emphasis on the core path network. The proposed distributor road crosses a core path/public right of way (CF32). No information has been submitted by the applicant to explain how this issue is to be addressed. On that basis it has not been demonstrated that the existing countryside access network would be safeguarded. The application is therefore considered to be contrary to this policy.

7a.19 Policy ST6 - ‘Improving The Road Network’ states:

“Falkirk Council will work with other authorities, the Scottish Executive and developers in delivering necessary improvements to the road network. Any improvements identified will be taken forward as part of packages of measures that support sustainable transport.”

7a.20 This policy indicates that the Council will work to deliver necessary improvements to the road network. A table on Page 71 of the Falkirk Council Local Plan lists road improvement proposals and opportunities. The proposed distributor road (between Parkhall, Maddiston, and the A801) is not listed in this table. The proposed distributor road is therefore not supported under the Falkirk Council Local Plan insofar as it is not specifically identified as a road improvement proposal or opportunity.

7a.21 Policy ST7 - ‘Transport Assessments’ states:

- (1) *Falkirk Council will require transport assessments of developments where the impact of that development on the transport network is considered likely to require mitigation.*
- (2) *Transport assessments will include travel plans and, where necessary, safety audits of proposed mitigation measures and assessment of the likely impacts on air quality as a result of proposed development.*
- (3) *Developers will agree the scope of the assessment with Falkirk Council, then undertake the assessment in accordance with the scoping. In all cases, the assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over unnecessary use of the car.*

- (4) *The Council will only grant planning permission where it is satisfied that the transport assessment and travel plan has been appropriately scoped, the network impacts properly defined and suitable mitigation measures identified."*

7a.22 This policy requires the submission of a transport assessment where the impact of the development on the transport network is considered likely to require mitigation. The proposed distributor road would be utilised in connection with existing development and new housing allocations identified in the Falkirk Local Development Plan (see paragraphs 7b.2 onwards). An assessment is required to ensure that the existing road network (including the approved roundabout on the A801) could accommodate an increase in traffic as a result of the proposed distributor road link. This would include consideration of any need for mitigation measures along Glendevon Drive and past Maddiston Primary School. Even if no new housing allocations were identified in this area, a transport assessment would still be required due to the potentially significant impact on traffic patterns in the Maddiston and Rumford area as a result of the proposed distributor road. To date no transport assessment has been provided. In the absence of a suitably scoped transport assessment to demonstrate that the impact could be adequately mitigated, the application is considered to be contrary to this policy.

7a.23 Accordingly, the application is considered to be contrary to the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed in respect of this application are the Falkirk Local Development Plan (Proposed Plan), Falkirk Council Supplementary Guidance, the consultation responses and the representations received.

Falkirk Local Development Plan (Proposed Plan)

7b.2 The Proposed Falkirk Local Development Plan (FLDP) was approved by the Council for consultation in March 2013, with the period for representations running from April to June 2013. It is expected to be adopted in 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications.

7b.3 The application site lies predominantly outwith the urban limits, within the countryside, as defined in the Falkirk Local Development Plan (Proposed Plan).

7b.4 The Proposed Plan's overall strategy for the Polmont area is to focus on (a) the existing committed growth area of Redding/Overton, where two major, long term sites are being developed, and (b) a growth area at Maddiston East, where ongoing and committed developments are augmented by six additional sites. The proposed distributor road runs along the northern edge of one of these additional sites (H47 The Haining).

7b.5 The Proposed Plan identifies these six additional sites as the Maddiston East Strategic Growth Area and sets out guidance for this Strategic Growth Area (SGA). The guidance sets out the requirements for access, ecology/green network, design and placemaking, and open space. In terms of access, the guidance indicates that access would be taken through, and as an extension to, the new housing area (Parkhall Farm), or from Vellore Road. The guidance does not promote this proposal to construct a distributor road link to the A801.

- 7b.6 It is intended that the guidance for the Maddiston East SGA will be augmented by a Development Framework/Brief following the conclusion of the FLDP process. The Examination Report into the FLDP has now been published by the Directorate for Planning and Environmental Appeals (DPEA) and was approved by Falkirk Council on 13 May 2015. The DPEA report confirms the proposed new housing allocations at Maddiston East.
- 7b.7 The Development Framework/Brief would be required to develop a co-ordinated access strategy for the Maddiston East SGA. In contrast, the proposed distributor road is shown in isolation and no supporting information has been submitted to demonstrate the rationale behind its scale and location, or its relationship to the new housing sites. The application is considered to be premature in advance of the preparation of a Development Framework/Brief for the wider Maddiston East SGA.
- 7b.8 The relevant supporting policies of the Proposed Plan are Policies CG01 'Countryside', GN02 'Landscape', GN03 'Biodiversity and Geodiversity', GN04 'Trees, Woodland and Hedges', GN05 'Outdoor Access', D09 'Listed Buildings', D12 'Historic Gardens and Designed Landscapes' and INF10 'Transport Assessments'. These policies are similar to the relevant policies of the Falkirk Council Local Plan which the application has been assessed in this report as being contrary to.
- 7b.9 In light of the above comments, the application is considered to be contrary to the Proposed Plan.

Falkirk Council Supplementary Guidance

- 7b.10 The following Falkirk Council Supplementary Guidance is relevant to the development proposal:-
- SG05 'Biodiversity and Development';
 - SG06 'Trees and Development'; and
 - SG09 'Landscape Character Assessment and Landscape Designations'.
- 7b.11 The Supplementary Guidance provides detailed guidance on how particular local development plan policies should be applied in practice. The guidance scopes the information required of an applicant to assess the impacts of a development proposal. As detailed in this report, the required information in relation to landscape and biodiversity impacts has not been submitted by the applicant. The advice as set out in the above guidance has therefore not been followed. Accordingly, the application is not supported by this guidance.

Consultation Responses

- 7b.12 The consultation responses are summarised in Section 4 of this report. Concerns have been raised by the Council's Roads Development Unit, Transport Planning Unit and Environmental Protection Unit, the Falkirk Community Trust's Museum Services and the Scottish Right of Way and Access Society. No information has been submitted to date by the applicant to enable these consultees to further consider the development proposal and review their position.

Representations Received

- 7b.13 The representations received are summarised in Sections 5 and 6 of this report. To a large extent the concerns raised in the representations have been considered in the policy assessment contained in this report. The report has highlighted 'in principle' issues and the need for further information to assess the impacts of the development proposal and demonstrate that the impacts could be satisfactorily addressed.

7c Conclusion

- 7c.1 The application is considered to be contrary to the Development Plan, for the reasons detailed in this report.
- 7c.2 In terms of the Falkirk Council Local Plan, the report identifies an ‘in principle’ issue with respect to the ‘Countryside’ policy and highlights the need for further information from the applicant across a range of issues (in particular, the impact on road traffic patterns) in order to demonstrate that the impacts of the development proposal can be satisfactorily addressed.
- 7c.3 In terms of the Falkirk Local Development Plan (Proposed Plan), the development proposal is considered to be premature pending the preparation of a Development Framework/Brief for the Maddiston East Strategic Growth Area to provide detailed guidance for the development of this Strategic Growth Area including in relation to access.
- 7c.4 The application is therefore recommended for refusal.

8. RECOMMENDATION

8.1 It is therefore recommended that the Committee refuse planning permission for the following reasons:-

- (1) The application is considered to be contrary to Policy EQ19 (Countryside) of the Falkirk Council Local Plan and to Policy CG01 (Countryside) of the Falkirk Local Development Plan (Proposed Plan) as it has not been demonstrated that there is an essential need for the development proposal at this countryside location. The proposal therefore represents unjustified development at this countryside location.**
- (2) The application is considered to be contrary to Policy EQ14 (Listed Buildings) of the Falkirk Council Local Plan and to Policy D09 (Listed Buildings) of the Falkirk Local Development Plan (Proposed Plan) as it has not been demonstrated that the development proposal would preserve the setting of a B-Listed building (The Haining).**
- (3) The application is considered to be contrary to Policy EQ18 (Historic Gardens and Designed Landscapes) of the Falkirk Council Local Plan and to Policy D12 (Historic Gardens and Designed Landscapes) of the Falkirk Local Development Plan (Proposed Plan) as it has not been demonstrated that the development proposal would retain the character and setting of a non-inventory designed landscape (The Haining).**
- (4) The application is considered to be contrary to Policy EQ22 (Landscape and Visual Assessment) of the Falkirk Council Local Plan and to Policy GN02 (Landscape) of the Falkirk Local Development Plan (Proposed Plan) as it has not been demonstrated that the setting is capable of absorbing the development proposal in conjunction with suitable landscape mitigation measures.**
- (5) The application is considered to be contrary to Policy EQ24 (Ecological Sites and Features) of the Falkirk Council Local Plan and to Policy GN03 (Biodiversity and Geodiversity) of the Falkirk Local Development Plan (Proposed Plan) as it has not been demonstrated that the development proposal is capable of satisfactorily mitigating any potential impacts on protected species.**

- (6) The application is considered to be contrary to Policy EQ26 (Trees, Woodland and Hedgerows) of the Falkirk Council Local Plan and to Policy GN04 (Trees, Woodland and Hedgerows) of the Falkirk Local Development Plan (Proposed Plan) as it has not been demonstrated that the impact of the development proposal on the woodland resource would be acceptable and offset by satisfactory mitigation/compensation measures.
- (7) The application is considered to be contrary to Policy EQ29 (Outdoor Access) of the Falkirk Council Local Plan and to Policy GN05 (Outdoor Access) of the Falkirk Local Development Plan (Proposed Plan) as it has not been demonstrated that the development proposal would safeguard the existing countryside access network.
- (8) The application is considered to be contrary to Policy ST7 (Transport Assessments) of the Falkirk Council Local Plan and to Policy INF10 (Transport Assessments) of the Falkirk Local Development Plan (Proposed Plan) as it has not been demonstrated that the existing road network (including the approved roundabout on the A801) could accommodate an increase in traffic as a result of the development proposal (proposed distributor road link) in conjunction with any necessary mitigation measures.
- (9) The application is considered to be premature pending the preparation of a Development Framework/Brief for the Maddiston East Strategic Growth Area to provide detailed guidance for the development of this Strategic Growth Area including in relation to access.

.....
pp Director of Development Services

Date: 18 May 2015

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan (Proposed Plan).
4. Letter of Objection received from Tyrone & Michele Strang, Manor House, Maddiston, Falkirk, FK2 0BN, on 24 September 2014.
5. Letter of Objection received from A Anderson, Shamistle, Parkhall Farm, Maddiston, Falkirk, FK2 0BN, on 22 September 2014.
6. Letter of Objection received from Dr Matthew Taylor, 9 Innerdouny Drive, Maddiston, Falkirk, FK2 0LW on 5 January 2015.
7. Letter of Objection received from Me Kirsteen Ramsay, 62 Mellock Crescent, Maddiston, Falkirk, FK2 0RH on 7 January 2015.
8. Letter of Objection received from Miss Yvonne McKinnon, 57 Kings Seat Place, Maddiston, Falkirk, FK2 0JG on 25 September 2014.
9. Letter of Objection received from Mr Desmond Irwin, 18 Glendevon Drive, Maddiston, Falkirk, Fk2 0gt on 6 January 2015.
10. Letter of Objection received from Maddiston Community Council, c/o Ms Jacqueline McDevitt, Magdalene Cottage, Vellore Road, Maddiston, FK20AR on 28 January 2015.

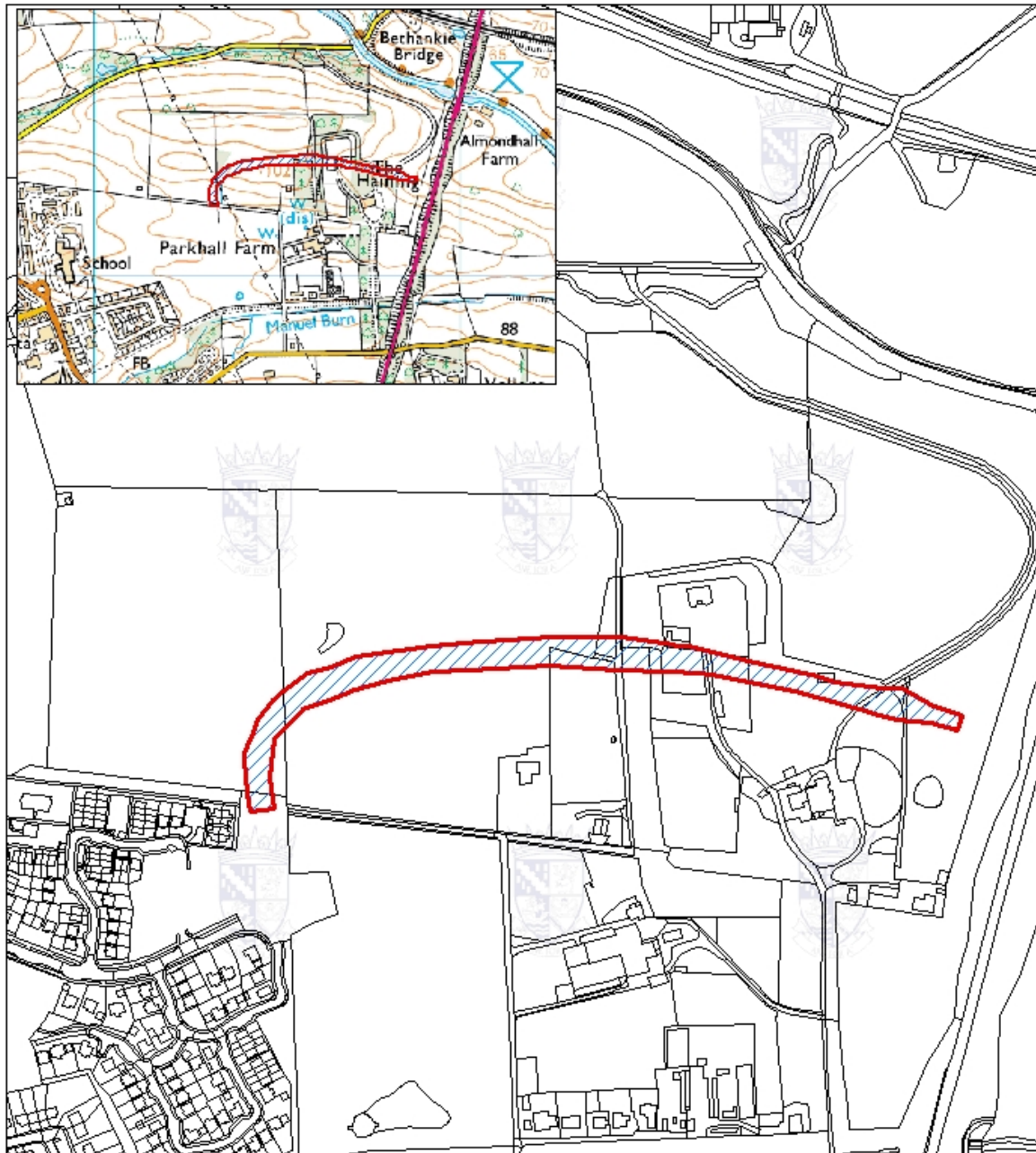
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/14/0483/PPP

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



Reproduced by permission of Ordnance Survey on behalf of HMSO.
© Crown copyright and database right 2015. All rights reserved.
Ordnance Survey Licence number 100023384