

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

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**PROPOSAL** : Erection of Dwellinghouse  
**LOCATION** : Land To The South East Of Tappernail Farm, Hillcrest Square, Reddingmuirhead, ,  
**APPLICANT** : Mr Philip MacFarlane  
**APPN. NO.** : P/16/0215/FUL  
**REGISTRATION DATE** : 6 May 2016

## **1. SITE LOCATION / DESCRIPTION OF PROPOSAL**

The application site is located at the north-west side of the junction of Hillcrest Square and the B810 Shieldhill Road between Shieldhill and Reddingmuirhead.

It is proposed to erect a two storey, four bedroom dwellinghouse with roof terrace above the integral garage.

## **2. SITE HISTORY**

Relevant history is:-

F/2000/0517 - Rehabilitation and extension to former residential building to form dwellinghouse at Hillcrest, Shieldhill - Approved 10.04.2001.

F/20020113 - Erection of 8 dwellinghouses at Hillcrest, Reddingmuirhead Road, Shieldhill - Refused 12.06.2002.

F/2002/0938 - Erection of 10 dwellinghouses, associated infrastructure and landscaping at Hillcrest, Shieldhill Road, Reddingmuirhead - Refused 13.03.2003.

F/2004/0196 - Erection of 10 dwellinghouses and detached garage at Hillcrest, Reddingmuirhead, Falkirk - Approved 19.05.2004.

F/2004/0786 - Erection of 10 dwellinghouse (amendment to F/2004/0196 - rear extensions to properties at plots 7-10) - Approved 02.11.2004.

F/2005/0335 - Erection of dwellinghouse at land to the north-east of Hillcrest - Refused outline 19.07.2005.

06/0783/OUT - Erection of dwellinghouse at land to the east of Hillcrest - Refused 20.10.2006.

P/07/1127/OUT - Development of land for housing purposes at land to the west of Hillcrest Square - Refused 31.01.2008.

P/10/0144/PPP - Development of land for residential purposes (plot 4) at land west of 7 Hillcrest Square - Refused 28.06.2010.

P/10/0145/PPP - Development of land for residential purposes (plot 3) at land west of 7 Hillcrest Square - Refused 29.06.2010.

P/10/0147/PPP - Development of land for residential purposes (plot 2) at land west of 7 Hillcrest Square - Refused 29.06.2010.

P/10/0146/PPP - Development of land for residential purposes (plot 1) at land west of 7 Hillcrest Square - Refused 29.06.2010.

## **3. CONSULTATIONS**

The following responses to consultation were received:

The Coal Authority	It is advised that a condition be attached to ensure the carrying out of an intrusive ground survey.
Roads Development Unit	No objections. Steps required to ensure visibility splay maintained.
Scottish Water	No comments received.
Environmental Protection Unit	Contamination can be addressed by condition. Noise need not be considered a determining factor.
Shieldhill And California Community Council	Objection on grounds that the proposal does not accord with the Development Plan.
Reddingmuirhead And Wallacestone Community Council	Policy and design concerns raised.

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

#### **4. PUBLIC REPRESENTATION**

In the course of the application, 3 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.

Concerns raised in addition to those raised by Reddingmuirhead and Wallacestone, and Shieldhill and California Community Councils are:-

- . The site forms part of a larger site which is subject to a current Pre Application Notice (PAN) for residential development. The proposal should not be considered in isolation.
- . The proposal would result in the loss of trees at the site.
- . Development of the site would block access to Hillcrest Square.
- . The naming of the site address is misleading.

#### **5. THE DEVELOPMENT PLAN**

The Falkirk Local Development Plan was adopted on 16 July 2015. The proposed development was assessed against the following policy or policies:

D02 - Sustainable Design Principles

#### **5A. MATERIAL CONSIDERATIONS**

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

Consideration of the site in relation to coal mining legacy

## Responses to Consultation

### Assessment of Public Representations

## 6. PLANNING ASSESSMENT

### The Development Plan

The Falkirk Local Development Plan (LDP) was adopted on 16 July 2015. It replaces the previous Structure Plan and Local Plan and includes a number of Supplementary Guidance documents which now have statutory status.

### Local Plan Policies

The application site forms part of a wider area of land identified in the Falkirk Local Development Plan (FLDP) as an opportunity for housing development, Opportunity H69, "Hillcrest, Shieldhill".

The FLDP emphasizes that the site requires a sensitive approach. The skyline location requires that substantial greenspace should be retained, including extensive tree planting to contain development, and ensure habitat enhancement. It is envisaged that approximately 30 housing units could be accommodated.

A site wide assessment of environmental, landscape and habitat issues approach is required. Consideration of incremental development proposals prior to full site wide assessments is not appropriate and is considered to be premature.

The disposition of the proposed dwellinghouse within would not respect the setting of the application site. In order to respect the site's setting, the dwellinghouse should front on to the B810 Shieldhill Road. Satisfactory visibility would require to be demonstrated. The proposed roof terrace would be detrimental to the privacy of residents at Hillcrest Square. It would need to be demonstrated that boundary treatments would both need to safeguard the amenity of residents of the proposed development and respect the rural setting of the site. The proposed development does not accord with Policy D02.

It is noted that there are trees at the site which would be removed. It is noted that the existing trees are not large mature trees of significant age. It is considered that landscaping at the application site could satisfactorily mitigate any removal of trees at the site. The proposal accords with Policy GN04 and Supplementary Guidance SG06 "Trees and Development".

Accordingly, however, the proposed development does not accord with the Falkirk Local Development Plan.

### Responses to Consultation

The Roads Development Unit has advised that the proposed development encroaches into the visibility splay of the junction of Hillcrest Square and the B810 Shieldhill Road. The proposal should be amended to demonstrate that the visibility splay would be safeguarded.

The Environmental Protection Unit has advised that contamination can be addressed by means of a condition. Noise need not be considered a determining factor.

The Coal Authority has advised that an intrusive site survey should be conducted prior to the development of the site to establish the potential extent of mining legacy issues. It is advised that this can be addressed by condition.

Shieldhill and California, and Reddingmuirhead and Wallacestone Community Councils have raised the following concerns:-

- . The site is agricultural land, not brownfield.
- . The site forms part of the open space associated with Hillcrest Square.
- . The proposed development would impact on visibility at the junction of Hillcrest Square and the B810.
- . The scale of the proposal does not respect the setting of the site.
- . The proposed dwellinghouse should front on to the B810 Shieldhill Road.
- . The proposed roof terrace would be detrimental to the amenity of adjacent residents.
- . The proposal could encourage coalescence of Shieldhill and Reddingmuirhead.
- . The site forms part of the land identified in the Development Plan as housing opportunity H69, as detailed in the policy section of this report. It is not appropriate to consider incremental development proposals before environmental issues across the H69 site have been fully assessed as proposed in the Development Plan.

## **Assessment of Public Representations**

(Assessment includes comments received from Community Councils)

- . Comment that the application site is not brownfield land is noted.
- . The application site is not formally open space relating to the residential development at Hillcrest Square. The site did not form part of planning application F/2004/0196 detailed in the planning history section of this report.
- . The issue of visibility is referred to in the consultations and policy sections of this report.
- . It is not considered that the scale of the proposed development would sit reasonably well with the Hillcrest Square backdrop.
- . The disposition of the proposal is referred to in the policy section of this report.
- . Privacy of residents of Hillcrest square is referred to in the policy section of this report.
- . Reference to Pre -Application Notice PRE/2015/0018/PAN is noted.
- . It is not considered that the proposed development would set a precedent for coalescence of settlements in the area.
- . The issue of existing trees is referred to in the policy section of this report.
- . There is no evidence to support that view that access to Hillcrest Square would be blocked as a result of the proposal.
- . The site address was drafted by the Planning Authority for the purposes of processing this application.
- . The issue of incremental development is referred to in the policy section of this report.

## **Consideration of the Site in relation to Coal Mining Legacy**

The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. Any development proposal not exempt on grounds of type or

nature, which would intersect with the ground requires the submission of a desk based Coal Mining Risk Assessment and Consultation with the Coal Authority.

The process recognises the need for flexibility and in cases where a further application (Matters Specified in Conditions) is necessary, the Coal Mining Risk Assessment may be deferred until that stage. If an assessment has been received and the views of the Coal Authority sought, these are summarised within the consultation responses above and appropriate conditions and/or informatives have been applied.

## **7. CONCLUSION**

The proposed development does not accord with the Falkirk Local Development Plan.

Consideration of incremental development proposals prior to a full site wide assessment of environmental, landscape and habitat issues in accordance with housing opportunity H69 is not appropriate and is considered to be premature.

Additionally, the disposition of the proposed development does not respect the rural nature and roadscape setting of the application site.

The proposed development would be detrimental to the privacy of residents at Hillcrest Square.

It has not been demonstrated that the proposed development would respect the rural character of the application site and its setting.

## **8. RECOMMENDATION**

Refuse Planning Permission

Refusal is recommended for the following reason(s):

1. Residential opportunity H69 of the Falkirk Local Development Plan "Hillcrest, Shieldhill" requires a site wide environmental , landscape and habitat assessment approach. Consideration of incremental development proposals prior to full site wide assessment is not appropriate. The proposed development is considered to be premature and does not accord with housing opportunity H69.
2. The disposition of the proposed development would not respect the setting of the application site. It has not been demonstrated that satisfactory visibility would be achieved at the junction of Hillcrest Square and the B810 Shieldhill Road. The proposed roof terrace would be detrimental to the privacy of residents at Hillcrest Square. It has not been demonstrated that boundary treatments would respect the rural setting of the application site. The proposed development does not accord with Policy D02 of the Falkirk Local Development Plan "Sustainable Design Principles".



1.7.16

Date

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