



# **AGENDA ITEM**

**4**

**Distributor Road and Associated Earth  
Works at Land to the North of Shamistie,  
Maddiston, Falkirk for Manor Forrest Ltd  
and Land Options West Ltd -  
P/14/0483/PPP**

**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:** 25 January 2017

**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

**UPDATE REPORT**

1. Members will recall that this application was last considered by the Planning Committee on 24 February 2016 (copy of report attached as Appendix 1) when it was agreed to continue the application and await the decision of the Executive in relation to the Development Framework for the Maddiston East Strategic Growth Area.
2. The application was originally considered by Committee on 27 May 2015 (Appendix 4) and then on 25 June 2015 (Appendix 3) and 28 October 2015 (Appendix 2). Committee site visits took place on 8 June 2015 and 9 November 2015. The respective reports are all attached as Appendices 1 to 4.
3. The Development Framework for the Maddiston East Strategic Growth Area was considered and approved by the Executive on 29 November 2016 with the preferred strategic access option (as shown on the map within the document) to include the following accesses to the north, in order to bring forward housing sites H45(N) and H47:-
  - A link from the roundabout at Glendevon Drive, northwards along a route yet to be determined by further detailed assessment, linking to a roundabout on the A801 which has extant planning consent.
  - An emergency link to Nicolton Road. This will take the form of a restricted access road of a specification suitable for use by emergency vehicles and pedestrian/cycle users. This would be controlled via bollards of a specification and design to be agreed with the Council.

The map within the document is attached as Appendix 5.

4. The map shows the indicative route of the A801 link to the north of The Haining walled garden. The route proposed in planning application P/14/0483/PPP (between the walled garden and The Haining listed building) is therefore not supported by the Development Framework as the preferred access option for the area.
5. The applicant has made the following submissions in response to the preferred access option as shown in the Development Framework:
  - The applicant welcomes and supports the Council's intention and commitment to support an east / west route through this wider area to link with the A801, via the consented roundabout junction of the A801;
  - The preferred route of the road is not intended to be taken as being a prescriptive delineation of the route of the road, rather, it is drawn up to illustrate the acceptance of the principle of the provision of this through route, with it being acknowledged and understood that the actual alignment of the route of the road would require to be determined following an appropriate technical appraisal;
  - It is clear that, at this stage, no such technical appraisal has been undertaken of this 'preferred' route. The suggested preferred route may yet fail to stand up to scrutiny of the Council's own standards given, for example, the topography at the eastern end of the preferred route;
  - In contrast to this, the road alignment proposed in this planning application takes full cognisance of the need to minimise its landscape and visual impact and represents a solution that clearly works from a technical perspective.
6. It can be noted that a planning application in principle (P/16/0756/PPP) for a mixed use development (including a mixed tenure care village and a hotel) was received on 6 December 2016 and is currently under consideration. The application site is to the north of The Haining walled garden and extends to the A801. The application is accompanied by an indicative concept plan and an access and design statement which show a street network accessed from the consented A801 roundabout and with a potential link to the Maddiston East allocated housing sites.
7. The report to Committee dated 24 February 2016 identified the following outstanding concerns:-
  - The proposal would result in the loss of trees within a woodland classified as Long Established Woodland of Plantation Origin (LEPO). Forestry Commission Scotland have objected to the application as national policy indicates a strong presumption against removal of woodland with a LEPO designation.
  - There are concerns that, during the construction phase, a greater number of trees may be lost than is immediately apparent from the submitted tree survey. In addition, changes to drainage and natural landform, post construction, can have an impact on tree longevity.

- The visual effects of the proposal when viewed towards the proposed road from the vicinity of the listed building (The Haining) and the walled garden are considered to be at least 'moderate' in significance and potentially significant. Whilst the applicant proposes new planting, it is considered inevitable that (a) the woodland removal for the development would clearly open up direct views of the new road from both these features and (b) the road would clearly physically divide and separate the features of the Haining/Parkhall designed landscape.
  - The Council's Transport Planning Unit had reviewed the Transport Assessment which considered the redistribution of existing traffic from the Parkhall housing area and the capacity of the existing B805 Glendevon Drive roundabout and the proposed A801 roundabout to accommodate the redistributed and new traffic, both in terms of vehicle type and an increase in vehicle numbers. The Transport Planning Unit were concerned that assumptions made in the analysis had not been discussed or agreed with them and the assessment was not informed by the most up-to-date information (travel to work information of the 2011 census data).
8. The previous recommendation to Committee dated 24 February 2016 listed six reasons for refusal (see Appendix 1). The first reason was that the application is contrary to Policy CG01 (Countryside) of the LDP as it had not been demonstrated that there is an essential need for the development proposal at this countryside location. As detailed in this report, the approved Development Framework for the Maddiston East Strategic Growth Area now promotes the provision of a link from the roundabout at Glendevon Drive northwards and linking to the approved roundabout on the A801. The need for a strategic access link at this (general) countryside location is therefore accepted. It is therefore recommended that this potential refusal reason is removed.
  9. The sixth reason was that the application is considered to be premature pending the preparation of a Development Framework for the Maddiston East Strategic Growth Area. As detailed in this report, there is now an approved Development Framework in place for this strategic growth area. Although the framework advises that the precise route of the strategic access link will be determined by further detailed assessment, it does give a clear indication that the preferred alignment is to the north of The Haining walled garden (rather than between The Haining walled garden and The Haining listed building as proposed in this application). This recommended reason for refusal (now 5) is amended accordingly.
  10. The Development Framework recognises that the preferred strategic access option has potential impacts in terms of landscape, ecological and historic environmental interests. These impacts are currently unknown and would need to be determined through detailed assessment. Consideration of planning application P/16/0756/PPP (see paragraph 6) will be relevant to some extent in respect of these impacts, noting however that this application is for a much larger built development including a care village.
  11. The road alignment proposed in this application is sensitive in terms of landscape, ecological and historic impacts as detailed in paragraph 7 of this report. The proposal is particularly sensitive in terms of its impacts on the setting of The Haining designed landscape and listed building, and on the Long Established Woodland for Plantation Origin (LEPO). These concerns formed the basis of the previous recommended refusal reasons 2, 3 and 4, and remain. They are similarly recommended as refusal reasons in this report (reasons 1, 2, and 3).

12. In advance of a detailed assessment of the potential impacts of the preferred strategic access option, it is not possible to determine the best and precise alignment of the road. In that context, it would be premature to consider granting this application at this time. It is anticipated that the carrying out of a detailed assessment of the preferred option would be developer led.
13. Although planning permission has been granted for a roundabout on the A801, the amount of traffic which the proposed distributor road would attract to such a roundabout has not been satisfactorily quantified by the applicant (see paragraph 7, bullet point 4). There is therefore a danger that, if the application were approved, the size of roundabout would be inadequate to cope with the traffic. Accordingly, previous recommended refusal reason 5 is reiterated (as 4).

#### **14. RECOMMENDATION**

##### **14.1 It is therefore recommended that the Committee agree to refuse planning permission in principle for the following reasons:-**

- (1) The application is considered to be contrary to Policy D09 (Listed Buildings) of the Falkirk Local Development Plan as it has not been demonstrated that the development proposal would preserve the setting of a B-Listed building (The Haining).**
- (2) The application is considered to be contrary to Policy D12 (Historic Gardens and Designed Landscapes) of the Falkirk Local Development Plan as the development proposal would not retain the character and setting of a non-inventory designed landscape (The Haining).**
- (3) The application is considered to be contrary to Policy GN04 (Trees, Woodland and Hedgerows) of the Falkirk Local Development Plan as the development proposal would not protect a long established woodland of plantation origin as a habitat resource of irreplaceable value.**
- (4) The application is considered to be contrary to Policy INF10 (Transport Assessments) of the Falkirk Local Development 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.**
- (5) The application does not reflect the guidance as contained in the approved Development Framework for the Maddiston East Strategic Growth Area which indicates that the preferred strategic access option is to the north of The Haining walled garden. Granting the application would be premature in advance of a detailed assessment to determine the best and precise alignment of the strategic access.**

## **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan.
2. Objection received from Tyrone & Michele Strang, Manor House, Maddiston, Falkirk FK2 0BN on 24 September 2014
3. Objection received from A Anderson, Shamistle, Parkhall Farm, Maddiston, Falkirk FK2 0BN on 22 September 2014
4. Objection received from Dr Matthew Taylor, 9 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 5 January 2015
5. Objection received from Me Kirsteen Ramsay, 62 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 7 January 2015
6. Objection received from Miss Yvonne McKinnon, 57 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 25 September 2014
7. Objection received from Mr Desmond Irwin, 18 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 6 January 2015
8. Objection received from Ms Jacqueline McDevitt, Magdalene Cottage, Vellore Road, Maddiston, Falkirk FK2 0AR on 28 January 2015
9. Objection received from Mr Peter Willett, 13 Gannel Drive, Maddiston, Falkirk FK2 0AL on 2 June 2015
10. Objection received from Miss Sara McHarg, 5 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 3 June 2015
11. Objection received from Mr Craig Wilson, 3 Cleuch Place, Maddiston, Falkirk FK2 0HF on 5 June 2015
12. Objection received from Mr Bryce Tillie, 28 Kings Seat Place, Falkirk FK2 0JG on 2 June 2015
13. Objection received from Mr Eric Stafford, 17 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 3 June 2015
14. Objection received from Mrs Sarah Macnab, 25 Gannel Drive, Maddiston, Falkirk FK2 0AL on 5 June 2015
15. Objection received from Mr David Hill, 18 Gannel Drive, Maddiston, Falkirk FK2 0AL on 3 June 2015
16. Objection received from Mr Barry Wardrope, 20 Gannel Drive, Maddiston, Falkirk FK2 0AL on 2 June 2015
17. Objection received from Mrs Denise Ralston, 3 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 2 June 2015
18. Objection received from Ms Kathleen Campbell, 22 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 2 June 2015
19. Objection received from Mr Alex McGregor, 35 Gannel Drive, Maddiston, Falkirk FK2 0AL on 2 June 2015
20. Objection received from Mrs Jayne Holmes, 15 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 6 June 2015
21. Objection received from Mrs Charlene Dhami, 29 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 6 June 2015
22. Objection received from Mrs Katie Gardinier, 4 Gannel Drive, Maddiston, Falkirk FK2 0AL on 6 June 2015
23. Objection received from Ms Lynne Barrett, 52 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 7 June 2015
24. Objection received from Mr David John Kolosowski, 5 Gannel Drive, Maddiston, Falkirk FK2 0AL on 4 June 2015
25. Objection received from Mr James Laidlaw, 17 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 5 June 2015
26. Objection received from Mr Darren Murray, 17 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 5 June 2015

27. Objection received from Miss Catherine Hainey, 5 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 7 June 2015
28. Objection received from Mrs Kristie Cowan, 44 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
29. Objection received from Mrs Linda Crawford, 36 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
30. Objection received from Mr Martin Penman, 1 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
31. Objection received from Mr John Crawford, 36 Cleuch Place, Maddiston, Falkirk FK2 0HF on 6 June 2015
32. Objection received from Mr Craig Horsburgh, 7 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 6 June 2015
33. Objection received from Mr Martin Quinn, 10 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 6 June 2015
34. Objection received from Miss Mhairi Campbell, 5 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 7 June 2015
35. Objection received from Miss Sarah-Jane McMahon, 20 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 7 June 2015
36. Objection received from Mr & Mrs Scott Rintoul, 52 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
37. Objection received from Mrs Cheryl Penman, 1 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
38. Objection received from Mrs Jennifer Laurie, 50 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
39. Objection received from Mrs Lisa Wilson, 48 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
40. Objection received from Mr Grant Ormsby, 42 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
41. Objection received from Mrs Caroline Herring, 9 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
42. Objection received from Miss Alison Hardie, 35 Gannel Drive, Maddiston, Falkirk FK2 0AL on 4 June 2015
43. Objection received from Mrs Linda Stott, 22 Gannel Drive, Maddiston, Falkirk FK2 0AL on 3 June 2015
44. Objection received from Miss Jessica Holmes, 15 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 6 June 2015
45. Objection received from Miss Charlotte Hallows, 22 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
46. Objection received from Mrs Alison Melville, 13 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
47. Objection received from Mr Liam Melville, 13 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
48. Objection received from Mr Graeme Gilbertson, on 3 June 2015
49. Objection received from Mr Daniel Hunter, 11 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 5 June 2015
50. Objection received from Mrs Diane Barbero, 58 Cleuch place, Maddiston, Falkirk FK2 0HF on 8 June 2015
51. Objection received from Felsham Planning and Development, FAO Philip Neaves, 1 Western Terrace, Edinburgh EH12 5QF on
52. Objection received from Mrs Lisa Smith, 1 Gannel Drive, Maddiston, Falkirk FK2 0AL on 6 June 2015
53. Objection received from Mr Nigel Balfour, 56 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015

54. Objection received from Mr Simon Black, 22 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
55. Objection received from Mr Scott Baxter, 24 Cleuch Place, Maddiston, Falkirk FK2 0HF on 5 June 2015
56. Objection received from Mr Andrew Donaldson, 42 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 5 June 2015
57. Objection received from Miss Lynne Hobbs, 31 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 2 June 2015
58. Objection received from Mr Mark Smith, 35 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 2 June 2015
59. Objection received from Miss Sarah Drysdale, 21 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 2 June 2015
60. Objection received from Mr Scott Macdonald, 46 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 2 June 2015
61. Objection received from Mrs Penny MacLachlan, 9 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 2 June 2015
62. Objection received from Mr Mark Tattersall, 44 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 2 June 2015
63. Objection received from Mrs Jacqueline Napier, 6 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 2 June 2015
64. Objection received from Mr Terence Cassidy, 12 Gannel Drive, Maddiston, Falkirk FK2 0AL on 2 June 2015
65. Objection received from Mr Paul Smith, 6 Gannel Drive, Maddiston, Falkirk FK2 0AL on 4 June 2015
66. Objection received from Miss Louise Burt, 36 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 3 June 2015
67. Objection received from Ms Lindsey Porter, 9 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 4 June 2015
68. Objection received from Mr John McPherson, 20 Kingseat Place, Maddiston, Falkirk FK2 0JG on 7 June 2015
69. Objection received from Mr Gavin Johnston, 19 Gannel Drive, Maddiston, Falkirk FK2 0AL on 3 June 2015
70. Objection received from Mr Paul Braid, 36 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 3 June 2015
71. Objection received from Mr Stephen McNie, 59 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 5 June 2015
72. Objection received from Mrs Carol Crawford, 37 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 6 June 2015
73. Objection received from Mr Ryan St John, 1 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 9 June 2015
74. Objection received from Mr Paul McPhail, 10 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 2 June 2015
75. Objection received from Mr David Taylor, 3 Gannel Drive, Maddiston, Falkirk FK2 0AL on 6 June 2015
76. Objection received from Mr Shane Holmes, 15 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 6 June 2015
77. Objection received from Paul Braid, 36 Kings Seat Place, Maddiston, FK2 0JG on 27 June 2015
78. Objection received from Simon Amor, Forestry Commission Scotland, Bothwell House, Hamilton, ML3 0QA received on 30 July 2015
79. Letter of Support received from Chris Benson, Ochilview, Maddiston, Falkirk, FK2 0JG received on 11 August 2015



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

**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:** 24 February 2016

**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

**UPDATE REPORT**

**1. INTRODUCTION**

- 1.1 Members will recall that this application was considered by the Committee on 28 October 2015 (copy of previous report attached), when it was agreed to continue the application: -
- (a) to allow the applicants to provide information to officers in relation to areas of concern identified in the report;
  - (b) to enable officers to provide information to Members in relation to previous applications, permissions and development at Parkhall Farm insofar as it may be relevant to the current application; and
  - (c) to undertake a site visit by Members of the Committee only, to view the physical characteristics of the site.
- 1.2 The application was originally considered by the Committee on 27 May 2015 (see Appendix 1 of the attached report dated 28 October 2015), when it was agreed to continue the application for a site visit. The site visit took place on 8 June 2015.
- 1.3 The application was then considered by the Planning Committee on 25 June 2015 (see Appendix 2 of the attached report dated 28 October 2015), when it was agreed to continue the application to a future meeting of the Committee to allow officers to obtain further information as reflected in the report and as considered appropriate by the Director of Development Services.
- 1.4 The purpose of this report is to update the Committee in relation to the three items of their decision on 28 October 2015 and other notes of relevance, and recommend accordingly.

- 1.5 In respect of item (c), the site visit (the second by the Committee) took place on 9 November 2015. The purpose of the second site visit was to provide new Committee Members with an opportunity to view the physical characteristics of the site. Items (a) and (b) of the Committee's decision on 28 October 2015 are now considered in turn.

## **2. FURTHER INFORMATION**

- 2.1 The report to Committee on 28 October 2015 recorded that the applicant had submitted the following information since the Committee considered the application on 25 June 2015: -
- an Ecological Assessment;
  - a Bat Survey;
  - a Landscape and Visual Impact Assessment;
  - a Revised Tree Survey and Arboricultural Constraints Report (the previous report received 11 June 2015 was considered to be deficient);
  - a response to the Transport Planning Unit's comments on the Transport Statement received 12 June 2015; and
  - a drawing showing details of the Core Path crossing the proposed link road.
- 2.2 This additional information was considered in the report dated 28 October 2015 (see Appendix 1 of that report). In short, concerns were retained at: -
- (a) the extent of trees that would be lost (within a woodland area identified in the inventory of ancient and semi-natural woodlands as Long Established Woodland of Plantation Origin (LEPO));
  - (b) the impact of the proposal on The Haining Non - Inventory designed landscape and the setting of The Haining B listed building (which the applicant up until that time had not assessed); and
  - (c) the lack of supporting information to demonstrate that the proposal was acceptable in transport terms, including whether the existing B805/Glendevon Drive roundabout and the proposed A801 roundabout would be able to operate within capacity with the proposed distributor road in place.
- 2.3 Since the Committee meeting on 28 October 2015, the applicant has submitted the following additional information:-
- additional comments in respect of potential tree loss;
  - a Desk Based Archaeological Assessment and Visual Impact Assessment; and
  - a Transportation Assessment.

### ***Tree Loss***

- 2.4 The Council's Landscape Officer has reviewed the additional information but is still concerned that a greater number of trees may be lost than is immediately apparent from the submitted tree survey (which indicated that 19 large trees in good condition would have to be felled). Experience has shown that construction works of this nature within a woodland area inevitably result in greater tree loss if the essential protective fencing (to protect the critical root protection areas) is too limiting to accommodate the required working space for machinery access and manoeuvring, the grading of edges and to allow for unforeseen drainage problems. Changes to drainage and the natural landform, post construction, can also have an impact on tree longevity. The landscape officer also retains concerns in respect of the accuracy of many of the trees plotted on the tree survey which also introduces a level of uncertainty concerning the extent of tree loss.

- 2.5 The applicant has intimated that, if there is an issue, they would be happy to work to a ‘tree friendly’ method during the construction of the road which would have to be agreed with the Council. This could include careful hand digging or the use of geotextiles, sand and temporary boarding to enable vehicles to cross the site without causing significant compaction to the tree root zone. These comments are noted but the practicality of such methods is questioned. If the proposed road is approved, an accurate tree protection plan would be required, and the position of the temporary protection fencing for the retained trees/woodland (to remain in place for the duration of the works) would be subject to the approval of the planning authority.
- 2.6 The applicant has acknowledged the classification of the woodland as Long Established Woodland of Plantation Origin (LEPO) but contends that this LEPO is not plantation woodland and has been severely compromised by such factors as development of the Manor within the walled garden. However, it can be noted that the walled garden and area to its immediate south are not included in the LEPO. The LEPO classification means that the site has been historically planted and has been under continuous woodland cover for at least 150 years and up to 260 years. It does not necessarily mean that a woodland area with this classification is currently plantation, or indeed, under tree cover. In this case, other species have been planted or have colonised the site since. As detailed in the report dated 28 October 2015, Forestry Commission Scotland object to the application as national policy indicates a strong presumption against removal of woodland with a LEPO designation. Similarly, Policy GN04 of the Falkirk Local Development Plan seeks to protect long established woodland as a habitable resource of irreplaceable value.

### *Landscape, Visual Impact and Archaeology*

- 2.7 The Council’s Landscape Officer has reviewed the archaeological assessment and visual impact assessment. His comments can be summarised as follows:-
- The methodology of the visual impact assessment on The Haining as a designed landscape is roughly in accordance with the standard ‘Guidelines for Landscapes and Visual Impact Assessment’ produced by the Landscape Institute;
  - The assessment concludes that the level of visual impact of the proposed development on the setting of The Haining is ‘slight’ or ‘moderate’. When assessing the overall visual impact of the proposal on the designed landscape in its entirety, this could be a reasonable conclusion. However, when assessing visual effects of the proposal specifically from the immediate vicinity of The Haining building itself and from the walled garden, looking towards the proposed road, it is suggested that the level of significance would be at least ‘moderate’ and potentially significant;
  - In considering visual impact from the vicinity of The Haining and the walled garden, the application has given consideration to previous alterations to the designed landscape including the present access road to the dwellinghouse within the walled garden (the Manor), which was created when the Manor was built. It is accepted that the designed landscape has been altered in the past. However, it cannot be disputed that the proposed road is a linear feature that would divide the designed landscape into two, separating The Haining from the walled garden and a substantial section of the North Avenue. There would clearly be a much greater land take and impact than previous alterations, resulting in a high level of ‘landscape effect’ on the character and fabric of the landscape; and

- The applicant proposes to minimise the visual effects of the proposal through planting and landscaping. It is accepted that substantial mitigating planting could help to reduce the visual effect of the road over time, as seen from The Haining building and the walled garden area. However, it is inevitable that (a) the woodland removal for the development would clearly open up direct views of the new road from both these features and (b) as stated above, the road would clearly physically divide and separate the features of the designed landscape i.e. there would be a level of landscape effect.

- 2.8 Falkirk Community Trust's Archaeologist has advised that the archaeological assessment lists all of the known sites of archaeological and historic interest in the area but appears to indicate that one of the most significant, that of The Haining or Parkhall House, is of relatively late date. This is the case with the existing building, which dates to 1825, but it is the ancient seat of the Livingstones and is therefore of greater significance. However, the site of the original house is not known. Its presence means that there may be features of an early date to the immediate north, but is unlikely that any such features would extend to the line of the proposed road. The applicant has agreed to an archaeological evaluation/watching brief to determine this.
- 2.9 The Trust's Archaeologist also notes that the assessment makes no mention of any direct impacts of the proposed road on the sites listed. The ice-house is one of the closest and appears to be vulnerable. The applicant has confirmed that the ice-house would not be affected by the proposed development. During the construction phase, any significant cultural heritage sites (such as upstanding post medieval buildings) located within 50 metres of any element of the proposed development would be fenced off, or similarly protected, at the time of the relevant phase of the project to ensure that they are adequately protected. The applicant has also intimated that there is scope within the proposed development to provide information on and interpretation of the heritage of the area which could include interpretation boards on aspects of the heritage. This could increase public knowledge and appreciation of the designed landscape of The Haining and key elements of it, such as the ice-house. The Trust's Archaeologist has noted these comments and would be pleased to see some remedial work undertaken on the ice-house together with an interpretation panel.

### ***Transport***

- 2.10 The Council's Transport Planning Unit have reviewed the Transport Assessment which considers the re-distribution of existing traffic from the Parkhall housing area and the capability of the existing B805 Glendevon Drive roundabout and the proposed A801 roundabout to accommodate the re-distributed and new traffic, both in terms of vehicle type and an increase in vehicle numbers. The Transport Planning Unit are concerned that assumptions made in the analysis have not been discussed or agreed with them and the assessment is not informed by the most up-to-date information (travel to work information of the 2011 Census data).
- 2.11 The Transport Assessment suggests that, whilst not its primary purpose, the road offers the potential to act as a 'relief road', facilitating traffic movement between Maddiston and the A801. However, the position of the Transport Planning Unit is that there is no requirement to form a relief road in this area at present (notwithstanding any access options which may emerge from the proposed Development Framework). Whilst the Transport Assessment states that there are existing delays on the local road network, and in particular Station Road, no evidence has been presented to support these statements. The report dated 28 October 2015 indicated that the applicant would be more than happy to discuss the introduction of further traffic calming measures given the concerns of local residents in relation to traffic increase and the safety of pedestrians, in particular school children. It is considered that new traffic calming measures would be required on the new distributor road section.

2.12 Given the current level of development accessed from Glendevon Drive, any further development will require an additional access. The Transport Statement considers the options for provision of a second access and identifies, in practical terms, two possible routes. The first is a connection onto Vellore Road but the Transport Statement advises that this option is constrained by third party land ownership. The second is to link the end of Glendevon Drive, at the recently built roundabout, to the proposed roundabout on the A801 which already has planning permission. As previously advised to Committee, the Council is currently preparing a Development Framework/Brief to provide guidance for the new Maddiston East Strategic Growth Area identified in the Falkirk Local Development Plan. This framework will develop an access strategy for this new growth area. This framework is considered further later in this report.

2.13 The Transport Assessment considers the history of development in the area and the extent to which the Council may have agreed (or insisted) on the design of the roundabout at the B805/Glendevon Drive junction being 'future-proofed', in the event of further development (of potentially up to 1000 houses) and future extension of the road through to the A801. This matter was considered in detail in the report to Committee on 28 October 2015. Paragraph 18 of that report is reproduced as follows:-

*"The Transport Planning Unit have advised that the figure of 1000 houses was an arbitrary figure adopted by the applicant at that time for the purposes of the transport assessment. That did not support the notion that the Council endorsed this scale of development or an eventual road link through to the A801. Indeed, there is Council correspondence to the applicant's transport consultant stating that the Council had not committed to any further development of the land to the north and east (see the attached letter dated 14 December 2001). However, it is clear from the Council's guidelines at the time that between 400 and 1000 dwellings should be served from a local distributor road. The Council would have been remiss if it had not taken into account the 1000 dwellinghouses figure adopted by the applicant and not required the necessary infrastructure to 'future proof' possible future development to the north and east."*

The letter dated 14 December 2001 referred to in this quote is contained within Appendix 3 of the attached report dated 28 October 2015. The planning history of the area is set out in section 3 of this report.

2.14 The Transport Planning Unit have noted that implementation of the proposed distributor road relies upon delivery of a new roundabout on the A801. This roundabout is outwith the application site for the proposed distributor road and is the subject of a separate planning application (reference P/12/0694/FUL). A condition of any granting of planning permission should require completion of the roundabout prior to the new road being brought into use. Without this control, there is concern that the road could be constructed in phases and without a connection to the A801, such that it functions as a cul-de-sac rather than a distributor road, with attendant dangers if it were to be blocked.

2.15 Members previously suggested that the proposed distributor road would benefit Nicolton Road. The Transport Planning Unit have advised that it can be expected that the proposed link to the A801 would result in some vehicles currently using Nicolton Road diverting to use the new route. However, detailed origin/destination surveys would need to be carried out to determine the relevant proportion of trips that would divert. The most likely trips to divert would be those currently originating or terminating south of Glendevon Drive using Main Street/Nicolton Road to access the A803 and the M9 at Lathallan. It is less likely that traffic from north of Glendevon Drive (north of Rainhill Avenue) would divert.

## *Outdoor Access*

- 2.16 The Transport Assessment considers the proposed core path crossing of the proposed distributor road and the advice of the Council's outdoor access officer that gradients leading down to the new crossing point should be mobility compliant, i.e. no steeper than 1 in 20 (5%). The Transport Assessment makes the point that the existing core path route is steep along most of its length and is therefore unsuitable for people with mobility difficulties. However, the Outdoor Access Officer's concern is to 'future proof' access in the context of possible upgrade of the core path as part of future development of the new allocated housing areas. As previously advised to Committee, the provision of suitable gradients for the road crossing could be the subject of a condition of any grant of planning permission in principle.

### **3. RELEVANT PREVIOUS APPLICATIONS, PERMISSIONS AND DEVELOPMENT**

- 3.1 The relevant planning history for this area is summarised as follows:-

- Outline planning application F/2001/0592 for development of land for residential purposes (10.9 hectares) was determined as a minded to grant decision but was withdrawn in December 2005. The application was accompanied by a Masterplan incorporating a wider area outwith the application site boundaries. This Masterplan was strictly indicative and included a road link to the A801, north of the walled garden at The Haining. At the request of the applicant, correspondence in relation to this planning application was considered by the Planning Committee on 28 October 2015 (see Appendix 3 of the attached report dated 28 October 2015). This correspondence reflected the Council's concern to ensure that adequate road infrastructure was put in place should there be further development in the future. The position of the Transport Planning Unit in respect of this matter is set out in paragraph 2.13 of this report;
- Planning application F/2002/0945 for the erection of 195 houses, formation of a roundabout and access road (11.1 hectares) was also withdrawn in December 2005;
- Outline planning application F/2004/0198 for the development of land for residential purposes (32.8 hectares) was refused in April 2005;
- Planning application F/2004/0996 for the erection of 212 dwellinghouses, formation of a roundabout, distributor road and erection of a school (16.2 hectares) was granted in November 2005. The earlier applications (F/2001/0592 and F/2002/0945) were withdrawn on the back of this approval;
- Planning application 05/1182/FUL for the erection of 239 dwellinghouses, formation of a roundabout/distributor road and a school site was granted in May 2007;
- 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 application included a new roundabout at the eastern end of Glendevon Drive. The proposed distributor road (subject to this current application) would connect to this roundabout via its northern access spur;
- Planning application P/09/0457/OUT for development of land for residential purposes was granted in May 2011. At this time, this land was outwith the urban limits but is now housing site H46 in the Falkirk Local Development Plan.
- Planning application P/09/0483/OUT for the development of land for residential development was withdrawn in March 2010. This land was outwith the urban limits but is now H45 in the Falkirk Local Development Plan.

- Planning application P/09/0527/OUT for the development of land for residential purposes was withdrawn in March 2010. This land was housing site H.POL13 in the Falkirk Council Local Plan and is now housing site H48 in the Falkirk Local Development Plan.
- 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;
- 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;
- 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 has been implemented by virtue of the carrying out of preparatory earthworks;
- 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 the A801. This permission remains live until 26 April 2016;
- Planning application P/14/0276/MSD for the erection of 34 dwellinghouses and associated works was approved on 19 December 2014. This site is housing site H46 in the Falkirk Local Development Plan. The approved access to this site is from Vellore Road;
- Planning application P/14/0655/PPP for the development of land for residential purposes was withdrawn on 4 March 2015. This land was outwith the urban limits at this time but is now part of housing site H45 in the Falkirk Local Development Plan;
- 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 included housing site H44 and also land to the north, outwith the urban limits; and
- Proposal of Application Notice PRE/2016/0001/PAN for residential development including associated landscaping and infrastructure was received on 11 February 2016. This notice relates to land within the southern portion of housing site H45 in the Falkirk Local Development Plan.



## **4. OTHER MATTERS**

- 4.1 The report dated 25 June 2015 advised that work on a development framework for the Maddiston East Strategic Growth Area was being progressed. This framework will include an access strategy for the new housing allocations within the Maddiston East new growth area. The situation remains that this framework is under preparation. At the time of writing this report, it was anticipated that a draft Development Framework would be presented to the Executive in April 2016 to authorise public consultation. The framework would then be finalised later this year.
- 4.2 The previous reports to Committee have considered this application to be premature pending the preparation and adoption of the Maddiston East Strategic Growth Area Development Framework. Whilst the Transport Statement submitted by the applicant considers the access options, the most appropriate means to consider this matter is through the Council's development framework process. This approach would be consistent with the Government's support for a Plan-led approach to new development.
- 4.3 The applicant finds it difficult to consider this application as premature if the proposed road is considered in respect of the Council's aspirations 15 years ago. This matter was considered in detail in the Committee report dated 28 October 2015 (see also paragraph 2.13 of this report). The planning history of the area is covered in section 3 of this report.
- 4.4 It is acknowledged that the proposed distributor road may provide an opportunity to access the new housing allocations under the Falkirk Local Development Plan, in particular the northern allocations (H47, H44 and the northern portion of H45). However, the Committee should also note that the drawing submitted with the application shows potential future development accesses on the north side of the proposed distributor road. This land lies within the countryside, outwith the urban limits. Granting the application may result in pressure to develop the land to the north, contrary to the Local Development Plan.
- 4.5 Since the Committee meeting on 28 October 2015, the applicant has again raised concerns at tree removal in connection with drainage works carried out by the Council, as roads authority, in the vicinity of The Haining. This matter was raised at the Committee site visit on 8 June 2015 and is not relevant to this planning application. Nonetheless, it can be noted that the area in question comprises planting undertaken on the A801 embankment following construction of this road, together with natural regeneration of native trees. It does not lie within the LEPO designated area at The Haining, within which there is a strong presumption against woodland removal, and is therefore likely to be of lower ecological value. The Council's Road Services is to undertake remedial works to the affected area, including replacement planting.

## **5. CONCLUSION**

- 5.1 This report provides an update to Committee following its decision on 28 October 2015 to continue the application for the three reasons detailed in paragraph 1.1 of this report. The report considers these matters, including further information submitted by the applicant, and also other relevant matters. In summary, the report retains the previous concerns in relation to tree loss, impacts on The Haining designed landscape and deficiencies in the transport assessment. The report highlights the loss of trees within a woodland which has significance as a Long Established Woodland of Plantation Origin (LEPO). The report also recognises the impact of the proposed road as a linear feature by severing important aspects of the designed landscape. The impact of the traffic, post construction, on the ambience of the setting is also a consideration.

- 5.2 Balanced against this, the applicant is proposing new planting to compensate for the visual and landscape impacts, although it has to be recognised that it would take some considerable time to replicate the maturity of the woodland as it currently exists, and close off the views from The Haining listed building and the walled garden that would be opened up by the tree loss. The proposed development also provides an opportunity to provide information and interpretation of the heritage of the area, which could include interpretation boards. The possibility of remedial works to the ice-house could also be explored.
- 5.3 The report also highlights that the Council is currently preparing a development framework for the Maddiston East Strategic Growth Area. It is considered that this framework is the appropriate means by which to consider a co-ordinated approach to development of the new housing allocations, including consideration of the access options and identification of a preferred option. Until this work is completed, this planning application is considered to be premature. Clearly, the concerns raised in this report (e.g. impacts on The Haining designed landscape and loss of trees within an area with a LEPO designation) would have to be weighed up as part of the development framework process in considering the access options.
- 5.4 It is recognised that finalisation of the development framework could take some time. In the meantime, the application is considered to be premature and is a legacy case as it has remained undetermined for more than a year. The Scottish Government is advocating that planning authorities bring legacy cases to a conclusion.
- 5.5 In light of the above-stated concerns, the recommendation set out in section 6 below is made. However, should the Committee be minded to grant planning permission in principle, it is recommended that there should be a number of conditions/advisories pertinent to such an application. This should include a requirement for the entire distributor road through to the A801 to be in place prior to any of the road being brought into use and an advisory that the submitted drawings are purely indicative and do not imply any acceptance by the Council of the possibility of land to the north being accessed from the distributor road for new development.

## **6. RECOMMENDATION**

- 6.1 It is therefore recommended that the Committee agree to refuse planning permission in principle for the same reasons as set out in the previous report to Committee dated 28 October 2015; those reasons being as follows:
- (1) The application is considered to be contrary to Policy CG01 (Countryside) of the Falkirk Local Development 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 D09 (Listed Buildings) of the Falkirk Local Development 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 D12 (Historic Gardens and Designed Landscapes) of the Falkirk Local Development Plan as the development proposal would not retain the character and setting of a non-inventory designed landscape (The Haining).
  - (4) The application is considered to be contrary to Policy GN04 (Trees, Woodland and Hedgerows) of the Falkirk Local Development Plan as the development proposal would not protect a long established woodland of plantation origin as a habitat resource of irreplaceable value.

- (5) The application is considered to be contrary to Policy INF10 (Transport Assessments) of the Falkirk Local Development 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.
- (6) 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.

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**pp Director of Development Services**  
**Date: 15 February 2016**

#### **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan.
2. Objection received from Tyrone & Michele Strang, Manor House, Maddiston, Falkirk FK2 0BN on 24 September 2014
3. Objection received from A Anderson, Shamistle, Parkhall Farm, Maddiston, Falkirk FK2 0BN on 22 September 2014
4. Objection received from Dr Matthew Taylor, 9 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 5 January 2015
5. Objection received from Me Kirsteen Ramsay, 62 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 7 January 2015
6. Objection received from Miss Yvonne McKinnon, 57 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 25 September 2014
7. Objection received from Mr Desmond Irwin, 18 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 6 January 2015
8. Objection received from Ms Jacqueline McDevitt, Magdalene Cottage, Vellore Road, Maddiston, Falkirk FK2 0AR on 28 January 2015
9. Objection received from Mr Peter Willett, 13 Gannel Drive, Maddiston, Falkirk FK2 0AL on 2 June 2015
10. Objection received from Miss Sara McHarg, 5 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 3 June 2015
11. Objection received from Mr Craig Wilson, 3 Cleuch Place, Maddiston, Falkirk FK2 0HF on 5 June 2015
12. Objection received from Mr Bryce Tillie, 28 Kings Seat Place, Falkirk FK2 0JG on 2 June 2015
13. Objection received from Mr Eric Stafford, 17 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 3 June 2015
14. Objection received from Mrs Sarah Macnab, 25 Gannel Drive, Maddiston, Falkirk FK2 0AL on 5 June 2015
15. Objection received from Mr David Hill, 18 Gannel Drive, Maddiston, Falkirk FK2 0AL on 3 June 2015
16. Objection received from Mr Barry Wardrope, 20 Gannel Drive, Maddiston, Falkirk FK2 0AL on 2 June 2015

17. Objection received from Mrs Denise Ralston, 3 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 2 June 2015
18. Objection received from Ms Kathleen Campbell, 22 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 2 June 2015
19. Objection received from Mr Alex McGregor, 35 Gannel Drive, Maddiston, Falkirk FK2 0AL on 2 June 2015
20. Objection received from Mrs Jayne Holmes, 15 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 6 June 2015
21. Objection received from Mrs Charlene Dhami, 29 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 6 June 2015
22. Objection received from Mrs Katie Gardinier, 4 Gannel Drive, Maddiston, Falkirk FK2 0AL on 6 June 2015
23. Objection received from Ms Lynne Barrett, 52 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 7 June 2015
24. Objection received from Mr David John Kolosowski, 5 Gannel Drive, Maddiston, Falkirk FK2 0AL on 4 June 2015
25. Objection received from Mr James Laidlaw, 17 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 5 June 2015
26. Objection received from Mr Darren Murray, 17 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 5 June 2015
27. Objection received from Miss Catherine Hailey, 5 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 7 June 2015
28. Objection received from Mrs Kristie Cowan, 44 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
29. Objection received from Mrs Linda Crawford, 36 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
30. Objection received from Mr Martin Penman, 1 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
31. Objection received from Mr John Crawford, 36 Cleuch Place, Maddiston, Falkirk FK2 0HF on 6 June 2015
32. Objection received from Mr Craig Horsburgh, 7 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 6 June 2015
33. Objection received from Mr Martin Quinn, 10 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 6 June 2015
34. Objection received from Miss Mhairi Campbell, 5 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 7 June 2015
35. Objection received from Miss Sarah-Jane McMahon, 20 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 7 June 2015
36. Objection received from Mr & Mrs Scott Rintoul, 52 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
37. Objection received from Mrs Cheryl Penman, 1 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
38. Objection received from Mrs Jennifer Laurie, 50 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
39. Objection received from Mrs Lisa Wilson, 48 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
40. Objection received from Mr Grant Ormsby, 42 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
41. Objection received from Mrs Caroline Herring, 9 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
42. Objection received from Miss Alison Hardie, 35 Gannel Drive, Maddiston, Falkirk FK2 0AL on 4 June 2015
43. Objection received from Mrs Linda Stott, 22 Gannel Drive, Maddiston, Falkirk FK2 0AL on 3 June 2015

44. Objection received from Miss Jessica Holmes, 15 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 6 June 2015
45. Objection received from Miss Charlotte Hallows, 22 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
46. Objection received from Mrs Alison Melville, 13 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
47. Objection received from Mr Liam Melville, 13 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
48. Objection received from Mr Graeme Gilbertson, on 3 June 2015
49. Objection received from Mr Daniel Hunter, 11 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 5 June 2015
50. Objection received from Mrs Diane Barbero, 58 Cleuch place, Maddiston, Falkirk FK2 0HF on 8 June 2015
51. Objection received from Felsham Planning and Development, FAO Philip Neaves, 1 Western Terrace, Edinburgh EH12 5QF on
52. Objection received from Mrs Lisa Smith, 1 Gannel Drive, Maddiston, Falkirk FK2 0AL on 6 June 2015
53. Objection received from Mr Nigel Balfour, 56 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
54. Objection received from Mr Simon Black, 22 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
55. Objection received from Mr Scott Baxter, 24 Cleuch Place, Maddiston, Falkirk FK2 0HF on 5 June 2015
56. Objection received from Mr Andrew Donaldson, 42 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 5 June 2015
57. Objection received from Miss Lynne Hobbs, 31 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 2 June 2015
58. Objection received from Mr Mark Smith, 35 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 2 June 2015
59. Objection received from Miss Sarah Drysdale, 21 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 2 June 2015
60. Objection received from Mr Scott Macdonald, 46 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 2 June 2015
61. Objection received from Mrs Penny MacLachlan, 9 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 2 June 2015
62. Objection received from Mr Mark Tattersall, 44 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 2 June 2015
63. Objection received from Mrs Jacqueline Napier, 6 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 2 June 2015
64. Objection received from Mr Terence Cassidy, 12 Gannel Drive, Maddiston, Falkirk FK2 0AL on 2 June 2015
65. Objection received from Mr Paul Smith, 6 Gannel Drive, Maddiston, Falkirk FK2 0AL on 4 June 2015
66. Objection received from Miss Louise Burt, 36 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 3 June 2015
67. Objection received from Ms Lindsey Porter, 9 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 4 June 2015
68. Objection received from Mr John McPherson, 20 Kingseat Place, Maddiston, Falkirk FK2 0JG on 7 June 2015
69. Objection received from Mr Gavin Johnston, 19 Gannel Drive, Maddiston, Falkirk FK2 0AL on 3 June 2015
70. Objection received from Mr Paul Braid, 36 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 3 June 2015
71. Objection received from Mr Stephen McNie, 59 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 5 June 2015

72. Objection received from Mrs Carol Crawford, 37 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 6 June 2015
73. Objection received from Mr Ryan St John, 1 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 9 June 2015
74. Objection received from Mr Paul McPhail, 10 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 2 June 2015
75. Objection received from Mr David Taylor, 3 Gannel Drive, Maddiston, Falkirk FK2 0AL on 6 June 2015
76. Objection received from Mr Shane Holmes, 15 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 6 June 2015
77. Objection received from Paul Braid, 36 Kings Seat Place, Maddiston, FK2 0JG on 27 June 2015
78. Objection received from Simon Amor, Forestry Commission Scotland, Bothwell House, Hamilton, ML3 0QA received on 30 July 2015
79. Letter of Support received from Chris Benson, Ochilview, Maddiston, Falkirk, FK2 0JG received on 11 August 2015

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

**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:** 28 October 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

**UPDATE REPORT**

***Introduction***

1. The application was originally considered by the Committee on 27 May 2015 (copy of previous report appended – Appendix 1), when it was agreed to continue the application for a site visit. The site visit took place on 8 June 2015.
2. The application was then considered by the Planning Committee on 25 June 2015 (copy of previous report appended – Appendix 2), when it was agreed to continue the application to a future meeting of the Committee to allow officers to obtain further information as reflected in the report and as considered appropriate by the Director of Development Services.
3. Since the application was considered on 25 June, the following three additional representations have been received:-
  - An objection on the grounds that the submitted Transport Statement did not take into account the safety implications of redirecting traffic through a quiet family based estate and past a primary school entrance.

- An objection from Forestry Commission Scotland (FCS) on the grounds that the proposal includes plans to remove woodland from a designated Long-Established Woodland of Plantation Origin (LEPO). FCS advise that the Scottish Government's Policy on Control of Woodland Removal states that *'there will be a strong presumption against removing the following types of woodland'* which includes *'areas supporting priority habitats and species listed in the UK Biodiversity Action Plan'*. This includes woodland with LEPO designations. FCS note that there are no suggestions or calculations for compensatory planting and are concerned that removal of the woodland would be likely to lead to fragmentation or disconnection of important forest habitat networks.
  - A representation in support of the application on the grounds that the proposed road would be beneficial to the area as it would cut journey times and remove congestion from Maddiston Town Centre.
4. The three additional representations take the total number of representations received to 78 (77 objections and 1 in support).
  5. In addition, the Maddiston Community Council have forwarded the minutes of a public meeting held by the Maddiston Community Council on 22 July 2015 to discuss the planning application. The minutes of the meeting record that Members of the Community Council, two local Councillors and 39 members of the public attended the meeting. The minutes record that members of the public were asked for a show of hands to demonstrate support or opposition to the application and the results were 1 abstention, 0 for and 38 against, with 3 further members of the public unable to attend the meeting in person but wishing to express their vote against. From the results of the vote, the Community Council feel that they are indeed representing the community with their opposition to the planning application.
  6. Since the application was considered by the Committee on 25 June, the applicant has submitted the following additional information:-
    - An Ecological Assessment;
    - A Bat Survey;
    - A Landscape and Visual Impact Assessment;
    - A revised Tree Survey and Arboricultural Constraints Report (the previous report received 11 June 2015 was considered to be deficient);
    - A response to the Transport Planning Unit's comments on the Transport Statement received 12 June 2015; and
    - A drawing showing details of the Core Path crossing the proposed link road.

### ***Ecology***

7. The submitted Ecological Assessment found no evidence of species with statutory protection. The site was assessed as having moderate to low level wildlife interest owing to the lack of protected species but the status was raised by the presence of ancient and semi-natural woodland. The potential for birdlife (assessed as Medium) was also noted. The findings of the Ecological Assessment are accepted and it is recommended that any tree felling should take place outwith the breeding bird season (March to September).



8. The submitted Bat Survey confirmed that there are constraints on the proposed development relating to bats. The survey assessed four trees with Medium Potential for bats but none of which provide optimum conditions for roosting bats due to the small size of the cavities. It was recommended that all trees identified with Medium Potential be avoided during the course of the development and, if this was not possible, that all trees impacted upon by the proposed development be inspected immediately before the work commences in order to confirm the bat interest. The findings and recommendations of the Bat Survey are accepted.
9. Subject to the recommendations detailed in paragraphs 7 and 8, above, the application is considered to accord with Policy GN03 (Biodiversity and Geodiversity) of the Falkirk Local Development Plan. This addresses Reason 6 of the previous recommendation to refuse the application (see the attached report dated 25 June 2015 – Appendix 2).

### ***Revised Tree Survey***

10. The submitted revised Tree Survey indicates that 53 of the larger trees located along and beside the route of the proposed road were surveyed and assessed. From the submitted survey and accompanying plan of tree position, approximately 32 larger trees would need to be felled for the road route (this includes 13 trees that are already in poor condition). A further 9 trees outside the road corridor would require felling due to their condition. The Council's landscape officer generally agrees that the assessments of the surveyed and tagged trees are accurate in terms of general details, health condition, the category each tree has been given and recommended work.
11. The landscape officer is, however, concerned that a greater number of trees would be lost than is immediately apparent from the tree survey and associated plan. This is due to the space that may be required for earthworks / construction works, the exposure of retained trees (that have had the benefit of mutual support in the past) to windblow, and the potential for the critical root protection areas of retained trees to be impacted upon by the works (which would result in the gradual death of these edge trees in the longer term). He also reiterates that the woodland area is identified in the inventory of ancient and semi-natural woodlands as Long Established Woodland of Plantation Origin (LEPO). Whilst it is accepted that the woodland is now depleted in terms of native tree cover / tree condition and protected species, the soil and ground flora are critical issues. The landscape officer also notes the objection of Forestry Commission Scotland (FCS) to the application (which was received since the Committee last considered the application on 25 June 2015). The objection is summarised in paragraph 3 of this report and highlights that Scottish Government Policy on Control of Woodland Removal contains a strong presumption against removing woodland with a LEPO designation.
12. Policy GN04 of the Falkirk Local Development Plan discourages felling detrimental to landscape, amenity, nature conservation or recreational interest. The policy specifically seeks to protect ancient, long established and semi-natural woodland as a habitat resource of irreplaceable value. The revised tree survey confirms the loss of a significant number of trees and the Council's landscape officer has concerns that the actual tree loss would be even greater. Whilst it is accepted that the woodland is somewhat depleted, the landscape officer and FCS have highlighted the special value of the site (as a LEPO). In addition, the landscape officer has explained that the irreplaceable value of the woodland is linked not just to the present woodland trees but the seedbank contained in the soils and also the ground flora. It is therefore considered that the application is contrary to Policy GN04 (Trees, Woodland and Hedgerows.)

## ***Landscape and Visual Impact***

13. The submitted landscape and visual impact assessment (LVIA) assesses the significance of visual effects from 7 selected viewpoints from the surrounding area. The Council's landscape officer is satisfied that the LVIA is thorough and reasonably accurate in its findings and conclusions. The LVIA assesses residual effects and proposes mitigating native woodland mix screen planting to the north and south of the road over its full length to the west of The Haining woodland, and on the north and south sides to the east of The Haining woodland. The LVIA also proposes wildlife meadow planting between footpaths and on embankment / verges of the road corridor. These proposals are welcomed. It is considered that the LVIA satisfactorily addresses the requirements of Policy GN02 (Landscape and Visual Assessment). Designed landscape issues are considered separately in paragraph 14.
14. The LVIA mentions that 'The Haining' is a local 'Non-Inventory designed landscape' but does not go on to assess the impact of the proposal on the designed landscape. Clearly, the proposed route of the road would result in the loss of 'policy' woodland and the physical separation of the important historical elements of the designed landscape (walled garden, lime tree-lined northern driveway, part of the policy woodland) from the main existing house of The Haining. The 'policy' woodland around The Haining is a vital component of this designed landscape in its own right and contributes to the setting of The Haining as a listed building. The landscape officer's view is that, given the current position of the proposed road, no mitigation would effectively reduce the effect of the proposal on the designed landscape. On this basis, it is considered that the application is contrary to Policy D12 (Historic Gardens and Designed Landscapes).
15. The landscape officer has noted that there may be a location to the immediate north of The Haining (near the existing access to the house within the walled garden) where trees removed for the road might open up some filtered views of the proposal from The Haining. This would be more apparent in winter when the broadleaf trees are not in leaf. There is an argument therefore that the proposal could impact on the setting of The Haining as a listed building. In the absence of a proper assessment and proposals for mitigation in respect of this matter, it is considered that the application remains contrary to Policy D09 (Listed Buildings) as it has not been demonstrated that the development would preserve the setting of a B Listed building.

## ***Transport / Road Safety***

16. The Council's Transport Planning Unit (TPU) have reviewed the response by the applicant's transport consultant to the Transport Planning Unit's comments on the applicant's Transport Statement. TPU retain concerns in respect of the information submitted, due to insufficient supporting evidence having been submitted to enable TPU to agree or disagree with the assumptions and conclusions reached by the applicant's consultant. In particular, the consultant has assumed a 50:50 east / west split in the distribution of the existing traffic from the Parkhall Farm housing but the methodology / modelling to explain how this assumption has been arrived at has not been submitted for TPU review. In addition, the consultant has asserted that both the existing B805 / Glendevon Drive roundabout and the proposed A801 roundabout would operate within capacity, but no supporting evidence has been submitted to enable TPU to audit this matter. On this basis, it is considered that the application remains contrary to Policy INF10 (Transport Assessments) as it has not been demonstrated that the existing road network could accommodate an increase in traffic as a result of the proposed road.

17. At the Committee site visit on 8 June 2015, the applicant's agent appeared to suggest that a report by the Director of Development Services dating from 2001/2002 supported the design of the access road into the new Parkhall housing area to distributor road standards in order to accommodate up to 1000 new houses. Since then, the applicant has cited planning application F/2001/0592 (for the development of land for housing purposes at Parkhall Farm) as evidence that it was the aspiration of the Council for the road to be to local distributor road standard. This application had a minded to grant decision but was later withdrawn. A condition of the minded to grant decision was a requirement for the formation of a 7.3 metre wide road from the B805 to the north-east corner of the site, to be constructed to Local Distributor standard. The applicant has asked for correspondence in relation to planning application F/2001/0592 to be attached to the report. This information is attached as Appendix 3.
18. The Transport Planning Unit have advised that the figure of 1000 houses was an arbitrary figure adopted by the applicant at that time for the purposes of the transport assessment. That did not support the notion that the Council endorsed this scale of development or an eventual road link through to the A801. Indeed, there is Council correspondence to the applicant's transport consultant stating that the Council had not committed to any further development of the land to the north and east (see the attached letter dated 14 December 2001). However, it is clear from the Council's guidelines at the time that between 400 and 1000 dwellings should be served from a local distributor road. The Council would have been remiss if it had not taken into account the 1000 dwellinghouses figure adopted by the applicant and not required the necessary infrastructure to 'future proof' possible future development to the north and east.
19. Following the Committee site visit on 8 June 2015, the applicant has noted the understandable concerns of local residents regarding the safety of school children in terms of the proximity of the school to the distributor road. The applicant has referred to studies on road safety which illustrate that a 20mph speed restriction outside schools, together with other traffic calming measures, such as speed bumps and raised kerbs, significantly increase the benefits to vulnerable road users such as school children. The applicant would be more than happy to discuss the introduction of further traffic calming measures both with the Council and residents, if this would help address concerns. This is noted.

### ***Outdoor Access***

20. The Council's outdoor access officer has reviewed the submitted drawing showing a crossing of the proposed road by the Core Path. He has advised that the path gradients leading down to the crossing point (at 8%) do not meet the 1 in 20 (5%) gradients required for DDA and EA purposes. Gradients at 5% or less would be required. He has also advised that further information would be required in respect of such matters as the surfacing, interface of the Core Path with the footways along the road and details of the crossing point. It is considered that these matters could be the subject of a condition of any grant of planning permission in principle.

### ***Other Matters***

21. Since the Committee last considered the application on 25 June 2015, the Falkirk Local Development Plan was adopted on 16 July 2015. The report to Committee dated 27 May 2015 assessed the application against the Falkirk Local Development Plan (see paragraphs 7b.2 to 7b.8 of that report). The report advised that the policies of the Falkirk Local Development Plan of relevance to this application are similar to those of the (now replaced) Falkirk Council Local Plan.
22. The report to Committee dated 27 May 2015 advised that a Development Framework / Brief will be prepared to provide guidance for the new Maddiston East Strategic Growth Area identified in the Falkirk Local Development Plan. This framework will develop a co-ordinated access strategy for the Maddiston East Strategic Growth Area. The report to Committee dated 25 June 2015 advised that work on the Development Framework is being progressed now that there is certainty over the final combination of housing sites to be considered in the Framework.

23. At the time of writing this report, the Council's Transport Planning Unit were undertaking traffic modelling to inform the options for taking access to the Maddiston East Strategic Growth Area. It is anticipated that a draft Development Framework will be presented to the Executive early next year to authorise public consultation. The Framework would be finalised later in 2016. It remains the case that this application is considered to be premature pending the preparation of the Development Framework. Clearly the concerns raised in this report (e.g. impacts on The Haining designed landscape and loss of Long – Established Woodland of Plantation Origin) would have to be weighed up as part of the Development Framework process in considering the access options.

## **Conclusion**

24. It is therefore recommended that the Committee refuse planning permission in principle for the reasons set out below in paragraph 25. As some issues have now been satisfactorily addressed, Refusal Reasons 4, 5, and 7 of the report to Committee dated 25 June 2015 have been removed and the numbering has been changed accordingly. In addition, there are changes to the wording, for the sake of refinement, and to reflect that the Falkirk Local Development Plan is now adopted (the references to policies of the Falkirk Council Local Plan are therefore removed).

## **25. RECOMMENDATION**

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

- (1) The application is considered to be contrary to Policy CG01 (Countryside) of the Falkirk Local Development 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 D09 (Listed Buildings) of the Falkirk Local Development 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 D12 (Historic Gardens and Designed Landscapes) of the Falkirk Local Development Plan as the development proposal would not retain the character and setting of a non-inventory designed landscape (The Haining).
- (4) The application is considered to be contrary to Policy GN04 (Trees, Woodland and Hedgerows) of the Falkirk Local Development Plan as the development proposal would not protect a long established woodland of plantation origin as a habitat resource of irreplaceable value.
- (5) The application is considered to be contrary to Policy INF10 (Transport Assessments) of the Falkirk Local Development 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.

- (6) 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.

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pp Director of Development Services

Date: 20 October 2015

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan.
2. Objection received from Tyrone & Michele Strang, Manor House, Maddiston, Falkirk FK2 0BN on 24 September 2014
3. Objection received from A Anderson, Shamistle, Parkhall Farm, Maddiston, Falkirk FK2 0BN on 22 September 2014
4. Objection received from Dr Matthew Taylor, 9 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 5 January 2015
5. Objection received from Me Kirsteen Ramsay, 62 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 7 January 2015
6. Objection received from Miss Yvonne McKinnon, 57 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 25 September 2014
7. Objection received from Mr Desmond Irwin, 18 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 6 January 2015
8. Objection received from Ms Jacqueline McDevitt, Magdalene Cottage, Vellore Road, Maddiston, Falkirk FK2 0AR on 28 January 2015
9. Objection received from Mr Peter Willett, 13 Gannel Drive, Maddiston, Falkirk FK2 0AL on 2 June 2015
10. Objection received from Miss Sara McHarg, 5 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 3 June 2015
11. Objection received from Mr Craig Wilson, 3 Cleuch Place, Maddiston, Falkirk FK2 0HF on 5 June 2015
12. Objection received from Mr Bryce Tillie, 28 Kings Seat Place, Falkirk FK2 0JG on 2 June 2015
13. Objection received from Mr Eric Stafford, 17 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 3 June 2015
14. Objection received from Mrs Sarah Macnab, 25 Gannel Drive, Maddiston, Falkirk FK2 0AL on 5 June 2015
15. Objection received from Mr David Hill, 18 Gannel Drive, Maddiston, Falkirk FK2 0AL on 3 June 2015
16. Objection received from Mr Barry Wardrope, 20 Gannel Drive, Maddiston, Falkirk FK2 0AL on 2 June 2015
17. Objection received from Mrs Denise Ralston, 3 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 2 June 2015
18. Objection received from Ms Kathleen Campbell, 22 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 2 June 2015
19. Objection received from Mr Alex McGregor, 35 Gannel Drive, Maddiston, Falkirk FK2 0AL on 2 June 2015

20. Objection received from Mrs Jayne Holmes, 15 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 6 June 2015
21. Objection received from Mrs Charlene Dhami, 29 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 6 June 2015
22. Objection received from Mrs Katie Gardinier, 4 Gannel Drive, Maddiston, Falkirk FK2 0AL on 6 June 2015
23. Objection received from Ms Lynne Barrett, 52 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 7 June 2015
24. Objection received from Mr David John Kolosowski, 5 Gannel Drive, Maddiston, Falkirk FK2 0AL on 4 June 2015
25. Objection received from Mr James Laidlaw, 17 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 5 June 2015
26. Objection received from Mr Darren Murray, 17 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 5 June 2015
27. Objection received from Miss Catherine Hailey, 5 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 7 June 2015
28. Objection received from Mrs Kristie Cowan, 44 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
29. Objection received from Mrs Linda Crawford, 36 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
30. Objection received from Mr Martin Penman, 1 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
31. Objection received from Mr John Crawford, 36 Cleuch Place, Maddiston, Falkirk FK2 0HF on 6 June 2015
32. Objection received from Mr Craig Horsburgh, 7 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 6 June 2015
33. Objection received from Mr Martin Quinn, 10 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 6 June 2015
34. Objection received from Miss Mhairi Campbell, 5 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 7 June 2015
35. Objection received from Miss Sarah-Jane McMahon, 20 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 7 June 2015
36. Objection received from Mr & Mrs Scott Rintoul, 52 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
37. Objection received from Mrs Cheryl Penman, 1 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
38. Objection received from Mrs Jennifer Laurie, 50 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
39. Objection received from Mrs Lisa Wilson, 48 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
40. Objection received from Mr Grant Ormsby, 42 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
41. Objection received from Mrs Caroline Herring, 9 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
42. Objection received from Miss Alison Hardie, 35 Gannel Drive, Maddiston, Falkirk FK2 0AL on 4 June 2015
43. Objection received from Mrs Linda Stott, 22 Gannel Drive, Maddiston, Falkirk FK2 0AL on 3 June 2015
44. Objection received from Miss Jessica Holmes, 15 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 6 June 2015
45. Objection received from Miss Charlotte Hallows, 22 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
46. Objection received from Mrs Alison Melville, 13 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015

47. Objection received from Mr Liam Melville, 13 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
48. Objection received from Mr Graeme Gilbertson, on 3 June 2015
49. Objection received from Mr Daniel Hunter, 11 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 5 June 2015
50. Objection received from Mrs Diane Barbero, 58 Cleuch place, Maddiston, Falkirk FK2 0HF on 8 June 2015
51. Objection received from Felsham Planning and Development, FAO Philip Neaves, 1 Western Terrace, Edinburgh EH12 5QF on
52. Objection received from Mrs Lisa Smith, 1 Gannel Drive, Maddiston, Falkirk FK2 0AL on 6 June 2015
53. Objection received from Mr Nigel Balfour, 56 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
54. Objection received from Mr Simon Black, 22 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
55. Objection received from Mr Scott Baxter, 24 Cleuch Place, Maddiston, Falkirk FK2 0HF on 5 June 2015
56. Objection received from Mr Andrew Donaldson, 42 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 5 June 2015
57. Objection received from Miss Lynne Hobbs, 31 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 2 June 2015
58. Objection received from Mr Mark Smith, 35 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 2 June 2015
59. Objection received from Miss Sarah Drysdale, 21 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 2 June 2015
60. Objection received from Mr Scott Macdonald, 46 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 2 June 2015
61. Objection received from Mrs Penny MacLachlan, 9 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 2 June 2015
62. Objection received from Mr Mark Tattersall, 44 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 2 June 2015
63. Objection received from Mrs Jacqueline Napier, 6 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 2 June 2015
64. Objection received from Mr Terence Cassidy, 12 Gannel Drive, Maddiston, Falkirk FK2 0AL on 2 June 2015
65. Objection received from Mr Paul Smith, 6 Gannel Drive, Maddiston, Falkirk FK2 0AL on 4 June 2015
66. Objection received from Miss Louise Burt, 36 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 3 June 2015
67. Objection received from Ms Lindsey Porter, 9 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 4 June 2015
68. Objection received from Mr John McPherson, 20 Kingseat Place, Maddiston, Falkirk FK2 0JG on 7 June 2015
69. Objection received from Mr Gavin Johnston, 19 Gannel Drive, Maddiston, Falkirk FK2 0AL on 3 June 2015
70. Objection received from Mr Paul Braid, 36 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 3 June 2015
71. Objection received from Mr Stephen McNie, 59 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 5 June 2015
72. Objection received from Mrs Carol Crawford, 37 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 6 June 2015
73. Objection received from Mr Ryan st john, 1 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 9 June 2015
74. Objection received from Mr Paul McPhail, 10 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 2 June 2015

75. Objection received from Mr David Taylor, 3 Gannel Drive, Maddiston, Falkirk FK2 0AL on 6 June 2015
76. Objection received from Mr Shane Holmes, 15 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 6 June 2015
77. Objection received from Paul Braid, 36 Kings Seat Place, Maddiston, FK2 0JG on 27 June 2015
78. Objection received from Simon Amor, Forestry Commission Scotland, Bothwell House, Hamilton, ML3 0QA received on 30 July 2015
79. Letter of Support received from Chris Benson, Ochilview, Maddiston, Falkirk, FK2 0JG received on 11 August 2015

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



**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:** 25 June 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

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this application was originally considered by the Planning Committee on 27 May 2015 (copy of previous report appended), when it was agreed to continue the application for a site visit. The site visit took place on 8 June 2015.
2. The site meeting took place at a recently constructed roundabout at the east end of Glendevon Drive. After the conclusion of the meeting, the Committee, accompanied by officers, visited The Haining and the A801 to view the route of the proposed road from those vantage points.
3. At the site meeting, the case officer summarised his report, the applicant's agent spoke in support of the proposal and objectors to the application were heard. Members of the Planning Committee commented and raised queries and a Local Member was heard.
4. The case officer advised at the site meeting that further objections to the application had been received since preparation of the Committee report (the report indicated that seven objections had been received, including an objection from Maddiston Community Council). At the time of writing this update report, the total number of objections received stood at 75. The concerns raised in the further objections are overwhelmingly concerned with the stated creation of, in effect, a new bypass road into the Maddiston area and the potential consequences of this including an increase in traffic and road safety issues.
5. The applicant's agent advised at the site meeting that the purpose of the proposed distributor road is two-fold: (1) to provide an alternative access to driving south or north for residents of the Parkhall housing estate (so they can access the wider road network,); and (2) to provide access to the new allocated housing sites at Parkhall. He suggested that the new housing sites would not be effective otherwise, due to land ownership constraints.

6. It is acknowledged that land ownership issues in the Parkhall/Vellore Road area are complex. It is not possible to ascertain the impact that land ownership would have on access and site delivery until a co-ordinated access strategy is finalised. It is likely that agreements would need to be reached between different landowners but the need for such agreements does not necessarily render the land ineffective. The assumption is that agreement can be reached between parties over time.
7. The agent appeared to suggest at the site meeting that a report by the Director of Development Services dating from 2001/2002 supported the design of the access road into the new Parkhall housing area to distributor road standards, to accommodate up to 1000 new houses. He suggested that the road had therefore been 'future proofed' at a width of 7.3 metres, otherwise the road would have been 5.5 metres in width and also the entrance roundabout would have been smaller. Without further details, this is difficult to confirm. It is the case that a 'General Access Road' serving up to around 200 dwellings from one access point would have required to be a minimum of 5.5m in width. In any event, in respect of a planning application received in 2004 (Ref. F/2004/0996), the roads officer commented as follows:

"I note that this application relates to 210 dwellinghouses, a new primary school and a roundabout with distributor road. It does not include any provision for further development to the east linking through to the A801, although it is believed that this is the developer's long term intentions. The proposed roundabout solution at the B805 and the Local Distributor Road through the site appear to be designed to serve the larger scale development and will be assessed on this basis, although the approval of this roads layout should not necessarily be seen as an acceptance of the future development".

This statement appears to support the position that it was the decision of the developer to 'future proof' the road and that in accepting the submitted road layout the Council was not necessarily accepting the developer's long term aspirations at that time.

8. The agent indicated at the site meeting that their tree surgeon had advised that the affected trees at The Haining are of no significant merit. He noted that the Council has allocated The Haining for new housing and he failed to see how the proposed distributor road could have any greater impact on the setting of the B listed building and the designed landscape than new housing. He suggested that the existing right-of-way could be readily safeguarded by the provision of a suitable crossing of the new road. He raised concerns that the Council has gone ahead and undertaken drainage works near the A801 (involving tree removal) yet the applicant was being asked to provide a wealth of further information.
9. The objectors to the application re-iterated and expanded on the concerns raised in their written representations. A major concern for residents was their lack of awareness of the application owing to a lack of notification and community consultation. This meant that residents were not best placed at this late stage, to comment at the site meeting. An overwhelming concern of residents related to the function of the new road (which they considered to be a by-pass for the wider area) and related traffic and road safety impacts. An objector was concerned that the new road would open up a large area of land to the north for additional housing (within an area that the Council has not identified for new housing).
10. Since the site meeting, a letter dated 9 June 2015 has been received from the Maddiston Community Council which summarises the issues raised by residents at the site meeting. This letter is appended to this report.

11. Council officers from Development Services made comments at the site meeting in response to the issues raised. The Development Manager advised that the required neighbour notifications had been carried out and the application had been advertised [in the Falkirk Herald]. He advised that the applicant was not bound by statute in this instance to stage a community consultation event. The Network Co-ordinator (Roads and Design) advised that the proposed road was designed to an urban standard, which was unusual given the rural setting. The Head of Planning and Transportation advised that the applicant had had a response in relation to the emergency drainage works undertaken by the Council in the vicinity of the A801.
12. The applicant's agent indicated at the site meeting that he had no issues with meeting the local community if the application was continued (i.e. if a decision on the application was deferred). He indicated that he would seek to clarify why the road had been designed to urban road standards.
13. A Member of the Planning Committee queried at the site meeting the type of housing that was allocated for The Haining. He suggested that the intention was for the housing to be located within the open space areas around The Haining and the existing trees would be retained. He queried whether the use of Nicolton Road or the proposed new road would be better in terms of road safety. He queried what should come first: the new road infrastructure or housing from the newly allocated housing sites.
14. The Network Co-ordinator (Roads and Design) advised at the site meeting that Nicolton Road is a historic single track rural road and is not known to have a road safety problem. The Development Manager advised at the site meeting that the Falkirk Local Development Plan (Proposed Plan) indicates the need for a Development Framework for the newly allocated housing sites (identified as the Maddiston East Strategic Growth Area) and this will consider a co-ordinated approach to the issue of access to the new housing. This should occur in advance of the housing otherwise solutions that are tailored solely to individual housing sites could prejudice the achievement of satisfactory access for the wider development.
15. Another Member of the Committee sought clarification at the site meeting in relation to the urban character of the proposed road. He requested that relevant officers in respect of heritage issues attend the Committee meeting on 25 June [relevant officers will be in attendance].
16. Local Member Councillor Murray attended the site meeting and asked questions in relation to preparation of a Development Framework for the area and supported the concerns of local residents in relation to traffic impact and road safety.
17. Work on the Development Framework is being progressed now that there is certainty over the final combination of housing sites to be considered in the Framework. The new housing sites have been confirmed with the Examination Report by independent reporters having been issued and the Modified Plan approved by the Council on 13 May 2015. Another variable was whether a lead developer would emerge who would be willing to acquire sites and take the initiative on master planning. This has not happened so it has become apparent that the Council will have to take a lead on developing the access strategy.
18. It is confirmed that a new housing allocation under the Falkirk Local Development Plan (Proposed Plan) is at The Haining (H47). The Proposed Plan does not prescribe the type of housing within H47 but does envisage a very low density of development (a capacity of 20 units is indicated) in order to fit sensitively within the woodland setting of The Haining. The size of H47, within which there are substantial woodland clearings, provides considerable scope for the sensitive location of houses and access routes. Any planning application for housing within H47 would similarly need to be accompanied by further information to assess the impacts on the woodland, the designed landscape and the setting of the listed building.

19. On 11 June 2015 the applicant submitted a Tree Survey and Arboricultural Constraints Report, dated 4 June 2015. This report has been reviewed by the Council's Landscape officer and is considered to be deficient as only 3 trees have been surveyed individually and it simply groups all other trees in the woodland into two groups and recommends removal of both of these groups to 'facilitate development' (without survey detail having been provided). Furthermore, there is no consideration of the contribution that the trees make, or the impact of their loss, on the designed landscape or the setting of the listed building. At present, there is no evidence that environmental and heritage factors have been given any weight on the choice of route of the proposed distributor road.
20. On 12 June 2015, the applicant submitted a Transport Statement, dated June 2005. Any update in relation to this matter will be provided at the Committee Meeting.
21. It is considered that no new issues were raised at the Committee site visit that would alter the previous recommendation. The application is considered to be premature pending the preparation by the Council of a co-ordinated access strategy as part of a Development Framework for the Maddiston East Strategic Growth Area and, whilst noting that a Tree Survey and a Transport Statement were submitted after the Committee site meeting (the Transport Statement was being reviewed at the time of writing of this update report), the application remains deficient in terms of the supporting information as there is information requested which has yet to be submitted and the submitted information reviewed to date (the Tree Survey) is deficient. The previous recommendation is therefore re-iterated as follows:

## **22. RECOMMENDATION**

- 22.1 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.

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Director of Development Services

Date: 16<sup>th</sup> June 2015

## **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan (Proposed Plan).
4. Objection received from Tyrone & Michele Strang, Manor House, Maddiston, Falkirk FK2 0BN on 24 September 2014
5. Objection received from A Anderson, Shamistle, Parkhall Farm, Maddiston, Falkirk FK2 0BN on 22 September 2014
6. Objection received from Dr Matthew Taylor, 9 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 5 January 2015
7. Objection received from Me Kirsteen Ramsay, 62 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 7 January 2015
8. Objection received from Miss Yvonne McKinnon, 57 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 25 September 2014
9. Objection received from Mr Desmond Irwin, 18 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 6 January 2015
10. Objection received from Ms Jacqueline McDevitt, Magdalene Cottage, Vellore Road, Maddiston, Falkirk FK2 0AR on 28 January 2015
11. Objection received from Mr Peter Willett, 13 Gannel Drive, Maddiston, Falkirk FK2 0AL on 2 June 2015
12. Objection received from Miss Sara McHarg, 5 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 3 June 2015
13. Objection received from Mr Craig Wilson, 3 Cleuch Place, Maddiston, Falkirk FK2 0HF on 5 June 2015
14. Objection received from Mr Bryce Tillie, 28 Kings Seat Place, Falkirk FK2 0JG on 2 June 2015
15. Objection received from Mr Eric Stafford, 17 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 3 June 2015
16. Objection received from Mrs Sarah Macnab, 25 Gannel Drive, Maddiston, Falkirk FK2 0AL on 5 June 2015
17. Objection received from Mr David Hill, 18 Gannel Drive, Maddiston, Falkirk FK2 0AL on 3 June 2015
18. Objection received from Mr Barry Wardrope, 20 Gannel Drive, Maddiston, Falkirk FK2 0AL on 2 June 2015
19. Objection received from Mrs Denise Ralston, 3 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 2 June 2015
20. Objection received from Ms Kathleen Campbell, 22 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 2 June 2015
21. Objection received from Mr Alex McGregor, 35 Gannel Drive, Maddiston, Falkirk FK2 0AL on 2 June 2015
22. Objection received from Mrs Jayne Holmes, 15 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 6 June 2015
23. Objection received from Mrs Charlene Dhami, 29 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 6 June 2015
24. Objection received from Mrs Katie Gardinier, 4 Gannel Drive, Maddiston, Falkirk FK2 0AL on 6 June 2015
25. Objection received from Ms Lynne Barrett, 52 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 7 June 2015
26. Objection received from Mr David John Kolosowski, 5 Gannel Drive, Maddiston, Falkirk FK2 0AL on 4 June 2015
27. Objection received from Mr James Laidlaw, 17 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 5 June 2015
28. Objection received from Mr Darren Murray, 17 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 5 June 2015
29. Objection received from Miss Catherine Hainey, 5 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 7 June 2015

30. Objection received from Mrs Kristie Cowan, 44 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
31. Objection received from Mrs Linda Crawford, 36 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
32. Objection received from Mr Martin Penman, 1 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
33. Objection received from Mr John Crawford, 36 Cleuch Place, Maddiston, Falkirk FK2 0HF on 6 June 2015
34. Objection received from Mr Craig Horsburgh, 7 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 6 June 2015
35. Objection received from Mr Martin Quinn, 10 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 6 June 2015
36. Objection received from Miss Mhairi Campbell, 5 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 7 June 2015
37. Objection received from Miss Sarah-Jane McMahon, 20 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 7 June 2015
38. Objection received from Mr & Mrs Scott Rintoul, 52 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
39. Objection received from Mrs Cheryl Penman, 1 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
40. Objection received from Mrs Jennifer Laurie, 50 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
41. Objection received from Mrs Lisa Wilson, 48 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
42. Objection received from Mr Grant Ormsby, 42 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
43. Objection received from Mrs Caroline Herring, 9 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
44. Objection received from Miss Alison Hardie, 35 Gannel Drive, Maddiston, Falkirk FK2 0AL on 4 June 2015
45. Objection received from Mrs Linda Stott, 22 Gannel Drive, Maddiston, Falkirk FK2 0AL on 3 June 2015
46. Objection received from Miss Jessica Holmes, 15 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 6 June 2015
47. Objection received from Miss Charlotte Hallows, 22 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
48. Objection received from Mrs Alison Melville, 13 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
49. Objection received from Mr Liam Melville, 13 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
50. Objection received from Mr Graeme Gilbertson, on 3 June 2015
51. Objection received from Mr Daniel Hunter, 11 Glendevon Drive, Maddiston, Falkirk FK2 0GT on 5 June 2015
52. Objection received from Mrs Diane Barbero, 58 Cleuch place, Maddiston, Falkirk FK2 0HF on 8 June 2015
53. Objection received from Felsham Planning and Development, FAO Philip Neaves, 1 Western Terrace, Edinburgh EH12 5QF on
54. Objection received from Mrs Lisa Smith, 1 Gannel Drive, Maddiston, Falkirk FK2 0AL on 6 June 2015
55. Objection received from Mr Nigel Balfour, 56 Cleuch Place, Maddiston, Falkirk FK2 0HF on 7 June 2015
56. Objection received from Mr Simon Black, 22 Cleuch Place, Maddiston, Falkirk FK2 0HF on 8 June 2015
57. Objection received from Mr Scott Baxter, 24 Cleuch Place, Maddiston, Falkirk FK2 0HF on 5 June 2015

58. Objection received from Mr Andrew Donaldson, 42 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 5 June 2015
59. Objection received from Miss Lynne Hobbs, 31 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 2 June 2015
60. Objection received from Mr Mark Smith, 35 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 2 June 2015
61. Objection received from Miss Sarah Drysdale, 21 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 2 June 2015
62. Objection received from Mr Scott Macdonald, 46 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 2 June 2015
63. Objection received from Mrs Penny MacLachlan, 9 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 2 June 2015
64. Objection received from Mr Mark Tattersall, 44 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 2 June 2015
65. Objection received from Mrs Jacqueline Napier, 6 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 2 June 2015
66. Objection received from Mr Terence Cassidy, 12 Gannel Drive, Maddiston, Falkirk FK2 0AL on 2 June 2015
67. Objection received from Mr Paul Smith, 6 Gannel Drive, Maddiston, Falkirk FK2 0AL on 4 June 2015
68. Objection received from Miss Louise Burt, 36 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 3 June 2015
69. Objection received from Ms Lindsey Porter, 9 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 4 June 2015
70. Objection received from Mr John McPherson, 20 Kingseat Place, Maddiston, Falkirk FK2 0JG on 7 June 2015
71. Objection received from Mr Gavin Johnston, 19 Gannel Drive, Maddiston, Falkirk FK2 0AL on 3 June 2015
72. Objection received from Mr Paul Braid, 36 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 3 June 2015
73. Objection received from Mr Stephen McNie, 59 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 5 June 2015
74. Objection received from Mrs Carol Crawford, 37 Kings Seat Place, Maddiston, Falkirk FK2 0JG on 6 June 2015
75. Objection received from Mr Ryan st john, 1 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 9 June 2015
76. Objection received from Mr Paul McPhail, 10 Mellock Crescent, Maddiston, Falkirk FK2 0RH on 2 June 2015
77. Objection received from Mr David Taylor, 3 Gannel Drive, Maddiston, Falkirk FK2 0AL on 6 June 2015
78. Objection received from Mr Shane Holmes, 15 Innerdouny Drive, Maddiston, Falkirk FK2 0LW on 6 June 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 & TRANSPORTATION

Enquiries to: Graeme Finlay  
Direct Dial No: 01324 504738  
Fax No: 01324 504747



**Falkirk Council**  
Development Services

Mr Jim Hanson  
Montgomery Forgan Associates  
Eden Park House  
Cupar  
Fife  
KY15 4HS

Our Ref: DB/POL/1/GF/SR  
Your Ref:

7 September 2001

Dear Mr Hanson

**Parkhall Farm, Maddiston – Development Brief**

Thank you for your letter of 29 June 2001 and the attached Development Brief and Transport Assessment. I have circulated the documents to the appropriate people and have now had comments or meetings with them all. The following issues were raised.

**1. Introduction**

- 1.2 The quote from the Reporters' Report should be replaced by the wording from the proposed modifications which were approved at Committee.
- 1.3 Could be incorporated in paragraph 1.2 after the first sentence with the text from the modifications following.
- 1.4 The revised boundary increases the size of the site. The new site size should be identified in this paragraph.

**2. Residential Development**

- 2.1 A suitable site for a sheltered housing complex or other special needs housing within the site would be near Main Street, in easy reach of bus stops, local facilities and any other new subsidiary uses which may be provided in the site such as a public house/restaurant or neighbourhood shop. It would not be acceptable to locate such a development at the back of the site. As such it is considered that a suitable site should be identified on plan 1 attached to the brief. Consideration should also be given to what would happen on this site should a suitable proposal not emerge. Housing will not be permitted on this site unless the Council are satisfied that sufficient educational provision exists in Maddiston Primary School.

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n/admingf/sharon/2001/sep/gf/parkhall

Director: Rhona Geisler

Abbotsford House,  
David's Loan, Falkirk FK2 7YZ.

LP 3 Falkirk-2  
Telephone: 01324 504950

www.falkirk.gov.uk

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#### **4. Access and Circulation**

- 4.7 Who is responsible for the maintenance of the footpath should be established in the brief and made explicit, probably by reference to it in paragraph 5.2. The level of maintenance should also be established, with a minimum of 2 cuts of the verge per summer and one herbicide application on the side of the whin path. A detailed survey of path levels will be required to establish that the route of the path is practical and can remain within the Council's maximum gradient of 1 in 12.

Due to difficulties securing a footpath link to Nicolton Road through the site immediately to the west of the Parkhall Farm site, it will be necessary to secure a link through the field immediately to the north of the site. This is a relatively small 35 metre stretch, however it is unclear who owns the field. It should nevertheless be reflected in the brief that this link will be sought in order to complete the path network.

#### **5. Landscape**

- 5.1 Contours should be shown on plan 1 with a clear indication as to how the development is to be accommodated within the site topography, this will be particularly important at the access to the site from Main Street.
- 5.2 The structure planting along the northern and eastern boundaries will have to be wider than 10 metres if it is to incorporate a footpath, approximately 15 metres. Sample specification for structure planting and footpath provision is not attached. This should be forwarded for comment.
- 5.3 The play areas and open space provision figures are in draft form at the moment. This should be mentioned in the text, along with the possibility that they may change before they are approved. Therefore while any application in advance of the approval of the standards should comply with the figures in the brief, any application subsequent to the brief being approved should comply with the Council's approved Supplementary Planning Guidance on Open Space Standards. (It is of course possible that the approved figures will be no different from the figures in the brief).

#### **6. Infrastructure**

- 6.1 Guidance should be sought from SEPA, ESWA, and the Council's Roads – Development Control and Flooding Unit in order that more firm guidance and details of surface water, foul drainage and flood risk can be incorporated into the brief. This would be asked for at the outline application stage anyway will therefore simply save time at a later stage. It will also inform other parts of the brief if there are any issues arising from such guidance, which it is desirable know about and address at an early stage.

### Transportation Assessment

The proposed junction type should be adequate for the proposed housing development. The provision of a right turn lane as outlined for the future should be considered for earlier use as this offers better safety and reduces any delays that might take place.

The provision of any junction at this location must also take account of the visibility standards set out in the Council's Design Guide.

Access for pedestrians and cyclists must be provided into the site, and along the B805, crossing the access road junction. Where bus stops on the B805, or other features are likely to create a pedestrian desire line, adequate provision must be made for their safe crossing.

Parking and roads design standards within the site are more properly the remit of Roads Development Control section, which will offer more detailed input as necessary although this may be too detailed at the Development Brief stage.

Should any future proposals to extend the site eastwards be made the design of the access and provision of walking and cycling would have to be revisited.

### Others

The issue of school capacity at Maddiston needs to be highlighted, along with reference to developer contributions and phasing, as highlighted in the modifications. Reference could also be made to the inclusion of a replacement Maddiston Primary School in the Council's capital programme.

Yours sincerely

Graeme Finlay  
Planning Officer

## DOUGALL BAILLIE ASSOCIATES



CONSULTING ENGINEERS  
Civil . Structural . Transportation

**FACSIMILE**

3 Glenfield Road  
East Kilbride G75 0RA

Tel: 01355 . 266480 Fax: 01355 . 221991

Ref. No: 01066-OF-03

To: Falkirk Council – Transportation Fax No: 01324 504850

For: **Mr Jim Reap** Subject: **Maddiston**

From: **Andrew Carrie** Date: 01 November 2001

Further to our discussion yesterday, I have checked with my client and his agent, and can confirm that a Transportation Assessment was lodged with your Council's Planning Department (per Mr Graeme Finlay) on 29 June, with a request that he pass a copy on to Stewart Wilson in Transportation, who had attended a previous meeting with our client.

Our Transportation Analysis report was prepared on the basis of a meeting I had with Jim McGregor and Kevin Collins on 29 May, to agree the scope and methodology etc, and to ascertain what traffic information was available. Kevin kindly forwarded us the necessary information within a couple of days.

Our Assessment report demonstrates that a simple priority junction would work at the site access, for the development proposed by our client at this stage. The development itself does not need a significant junction improvement.

We also examined in the Transport Assessment, the effect of the aspirations for further development, of an assumed additional 1,000 houses, to the east of the current site (ie up to the A801), and found that this would require a right-turning lane as shown in Figure 14 of the report. We considered that there might be merit in constructing the right turn lane at the outset.

We advised our client accordingly the necessary access junction, and on meeting the Council's request that the access road be built from the outset to distributor road standard, ie 7.3 metres width rather than 5.5 metres. This has a bearing, not only on costs for site infrastructure, but also on the amount of site land that has to be reserved for long term site access.

Your Council wrote back to our client on 7 September, and we attach a copy of that letter for ease of reference. This letter clearly concurs with the access strategy we proposed in the report.

Number of pages to follow:

(4)

We have heard, in the last week, of a request for a roundabout access at this point. This requirement has not arisen in any of our previous discussions or correspondence, and carries a significant implication for costs and, equally importantly, land reservation, and our client is therefore anxious that we meet with you to resolve this matter as soon as possible.

We shall therefore contact you within the next few days to arrange a suitable convenient time.

Regards,

Cc Mr George Stewart, Central Scotland Housing Group 01324 670022  
Mr J Hanson, Montgomery Forgan 01334 656629

## DOUGALL BAILLIE ASSOCIATES



CONSULTING ENGINEERS  
Civil . Structural . Transportation

**FACSIMILE**

3 Glenfield Road

East Kilbride G75 0RA

Tel: 01355 . 266480

Fax: 01355 . 221991

Ref. No: 01066-OF-09

To: Falkirk Council – Transportation Fax No: 01324 504850

For: **Mr Jim Reap**

Subject: **Maddiston**

From: *Andrew Carrie*

Date: 12 December 2001

Dear Jim

I attach a note of our meeting on Monday.

I should be grateful if you would let me have any comments on the roundabout option (particularly the little service road) as soon as possible so that our client can amend his planning application boundary as appropriate.

Regards,

Cc Mr George Stewart, Central Scotland Housing Group 01324 670022  
Mr J Hanson, Montgomery Forgan 01334 656629

Number of pages to follow:

**(1)**

ROADS AND DESIGN  
Enquiries to: Jim Reap  
Tel No: 01324 504848  
Fax No: 01324 504850

Dougall Baillie Associates  
3 Glenfield Road  
Kelvin  
East Kilbride  
G75 0RA

Attention of Andrew Carrie

Dear Sirs

**Development of Land for Residential Purposes (Outline)  
Parkhall, Maddiston  
Central Scotland Housing Group**

I refer to your Fax received on 12 December 2001 following our meeting on 10 December.

I would firstly point out that the figure of 1000 houses which you refer to is an arbitrary figure which you have chosen for the purposes of your Transport Assessment. The Council has not committed to any further development of land to the north and east of the site identified in the Local Plan, and an application by your Clients for this identified site is currently under consideration.

On the basis of your Clients current submission for Planning Permission this Unit has advised Planning that if the application is to be approved this should be subject amongst other things to the access being formed at the mid-point of the site frontage to the B805 and that land should be reserved adjacent to the access to permit construction of a roundabout to possible future development of land to the north and east.

If your Clients wish to amend the application site boundaries of their current submission to include the site of the Four Mile Inn and put forward the option of constructing a roundabout at the B805/California Road junction this would be acceptable in principle from a Roads point of view. This would mean however that the roundabout would have to be constructed at the outset to give access to the current application site.

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JA		
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**Falkirk Council**  
*Development Services*

Our Ref: AT/JTR F/2001/0592

Your Ref:

14 December, 2001



Director: Rhona Geisler

Abbotsford House,  
David's Loan, Falkirk FK2 7YZ.

LP 3 Falkirk-2.

Telephone: 01324 504950

[www.falkirk.gov.uk](http://www.falkirk.gov.uk)

JTR0165

The initial sketch proposal which you tabled shows a roundabout with a 28 metre ICD. A roundabout with a 32 metre ICD would be preferred to allow all mandatory signage to be accommodated within the central island. The scale of any possible future development of land to the north and east would be determined by the capacity of any new roundabout constructed at this location.

The question of the service road access would require to be considered in some detail but the options would be to retain it as per your sketch layout, to close it up adjacent to California Road or to consider introducing a one-way system with no access from it on to California Road. I would consider this to be a matter for consideration at the time of any Detailed Planning Application, but whichever option is chosen would require to be implemented as part of the construction of the roundabout by any Developer.

I trust these comments are sufficient for your purposes at this time.

Yours faithfully

Jim Reap  
Roads Development Unit

cc Stuart Wilson, Transport Planning  
David Eaglesham, Development Control  
Graeme Finlay, Planning & Environment



## DOUGALL BAILLIE ASSOCIATES



CONSULTING ENGINEERS  
Civil, Structural, Transportation

**FACSIMILE**

3 Glenfield Road  
East Kilbride G75 0RA

Tel: 01355 266480 Fax: 01355 221991

Ref. No: 01066-OF-10

To: Central Scotland Housing Group Fax No: 01324 670022

For: **Mr George Stewart** Subject: **Maddiston**

From: *Andrew Carrie* Date: 17 December 2001

We received the attached letter from Falkirk Council today.

They agree in principle to the roundabout which we sent to them. They say that consideration of what we do with the wee service road can wait for a detailed application.

It would seem that the best way forward would be to amend the planning application to include the Four Mile Inn site, and promote this as the site access.

They ask for the roundabout to be slightly bigger. The roundabout as we drew it was designed to fit into the frontage of the Four Mile Inn and avoid any possibility of ransom. They have asked that the roundabout be slightly bigger, and this is awkward within the frontage of that site, so we may have to "spread" into the original site. Is that satisfactory?

Nevertheless, we seem to be getting there!

Regards

Number of pages to follow:

**(2)**

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

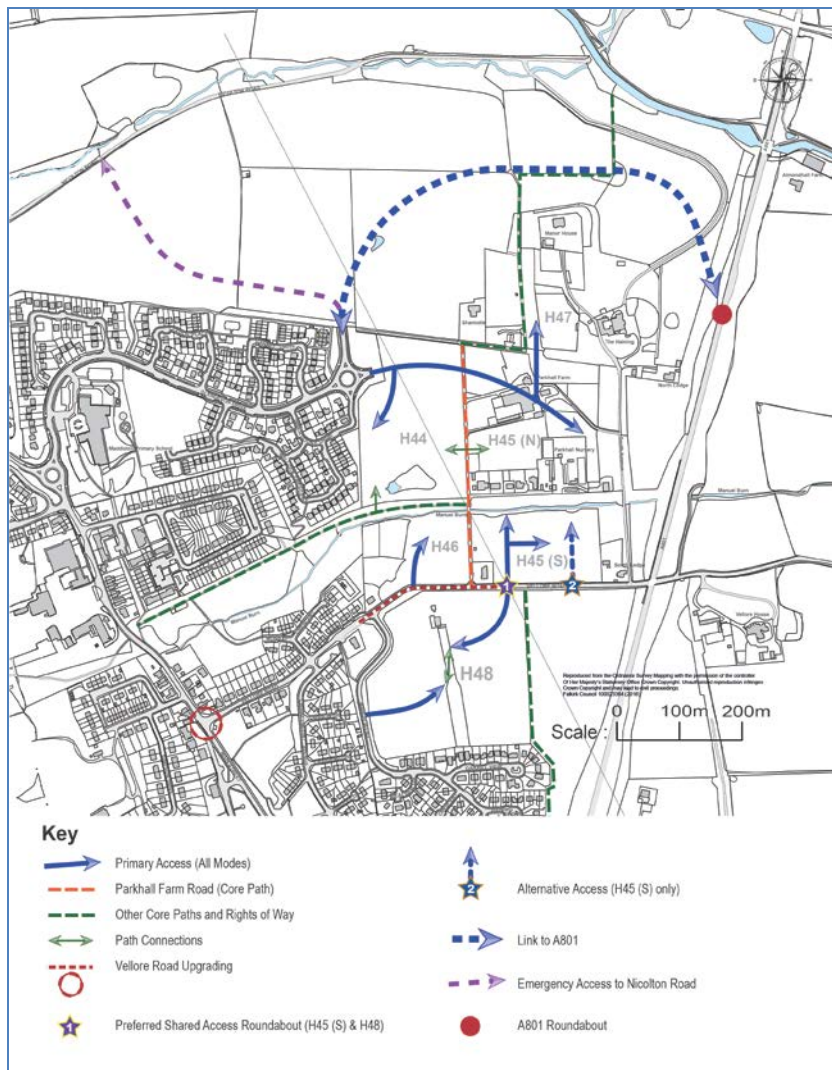
Date: 18 May 2015

### **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.

The preferred strategic access option within the Maddiston East Development Framework is shown on the map below:-

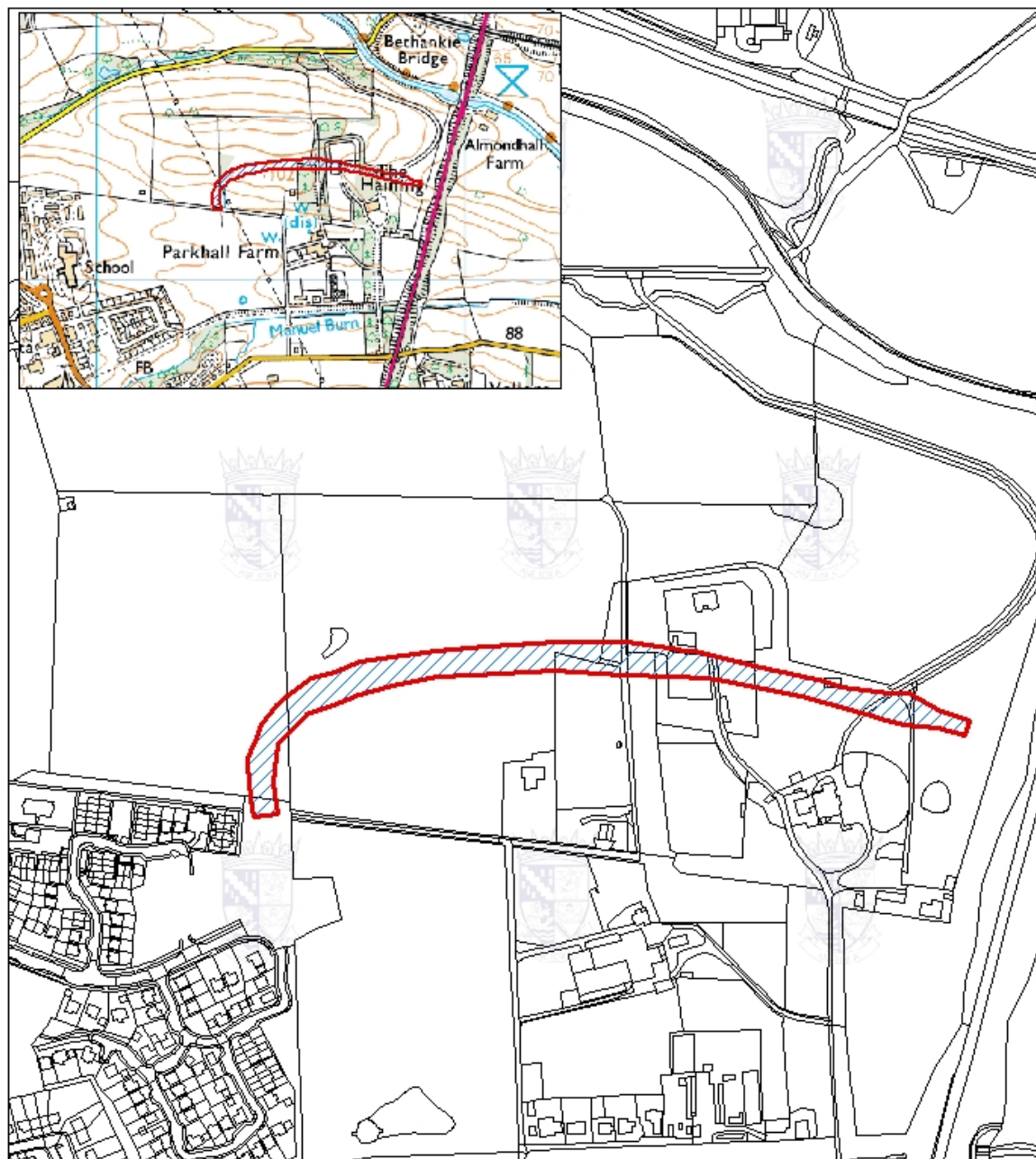


# Planning Committee

## 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.



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