

21st January 2017

To : Antonia Sobieraj, Committee Services Officer , Falkirk Council.

For attention of : Local Review Body/Planning Committee

SCCC objection to Planning Application P/16/0215/FUL – Erection of Dwellinghouse at land to South East of Tappernail Farm, Hillcrest Square, Reddingmuirhead.

Falkirk Local Development Plan (FLDP) allocates H69 Hillcrest, Shieldhill as a 5.5 ha site with housing capacity for 30 units. The FLDP acknowledges it as a *“Greenfield site representing consolidation of existing development at Hillcrest Square/Tappernail Farm. The skyline location of the site requires sensitive landscape approach.”* The reason for the low-density housing is due to the *“substantial greenspace to be retained within the site including extensive tree planting to contain new development, appropriate access provision and habitat enhancement.”*

The Reporter’s findings and decision re. FLDP Public Inquiry (Issue 13) supports the greenspace requirements of site H69. The Reporter in a response to a representation by the owner who considered that the site comments about greenspace requirements being overly prescriptive at this early stage responded stating Point 19 *“how critical these space requirements are to allowing development on the site at all, and it follows that I am not prepared to reduce them to any degree.”*

The applicant (and his agent) fails to understand or chose to ignore (Production No. 03) why permission *“depends on the application by neighbouring properties”* which he believes to be *“grossly unfair.”* The Reporter has made it very clear that in allowing any development on the site, which includes this single dwelling house, the greenspace requirements must be provided for. This will require the cooperation of the McFarlane family owning 2ha in three separate tracts and Persimmon Homes 3.5ha in order to produce a master plan for the provision of both the housing and greenspace elements of this site. They will after all have to cooperate and work together to agree road access to the full site. Time will tell whether the requirements of developing the site are too “onerous and unrealistic to any developer” according to the applicant ((Production No. 03) or that *“the site is not an effective housing allocation.”* (Statement of Case)

The Reporter further determines in the decision report (highlights in yellow are mine and not in original document):

Point 3 *“I am satisfied that the extra space in this comparatively small site provides scope for more extensive planting and habitat improvements, as well as greater sensitivity of design. All of this is reflected in the Site Comments for the enlarged H69 allocation in the LDP. “*

Point 10 *“Next, from my site inspections, I note that Hillcrest is an enclave of 2 storey houses located high on an open, north facing hillside in the green gap between Shieldhill and Reddingmuirhead. The housing has no planting or other form of containment, so that it and the farm at Tappernail do not sit easily in the landscape. The buildings are exposed and prominent in views from many places in the surroundings so that the visual impact is also significant. Irrespective of the reasons why this has come about, I have no doubt that the circumstances would benefit from improvement. In that regard, development on H69 offers a chance to soften that impact and enhance the degree of integration with the nearby housing along Belmont Avenue, as well as with the farm steading. It follows from this, that I agree with the LDP*

conclusion that allowing a **limited** amount of extra housing would help to facilitate improvement, and I note the specific reference in the H69 site comments to **the retention of substantial green space and to tree planting**, each to secure that specific end. I also note that LDP Policy D04(2) expects that the design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter.”

Neither the McFarlane family development of 14 houses in 2ha of the site, of which this house is designated 1 in the Site Plan (Production no. 01), nor the Persimmon Homes development of 96 dwelling houses and 16 flatted dwelling houses in 3.5ha accord with the LDP in providing the “*substantial greenspace to be retained within the site including extensive tree planting to contain new development, appropriate access provision and habitat enhancement.*”

Further the Reporter states in Point 12 “*The representations confirm that local residents value the use of the green space around Hillcrest for recreation. However, the vicinity is not designated as recreational open space and any use for that can only be informal. Further, while the objectors might prefer a community woodland on the site, no evidence has been provided to show that such a scheme is a realistic proposition or that it has funding and would be delivered during the LDP period. In any event, I am satisfied that the reference in the Site Comments for H69 about the safeguarding of green space and extensive tree planting provide scope to keep some recreational value, possibly even in the form of a community woodland.*”

The plans before Falkirk Council do not accord with the LDP making no provision to such a vision.

Further Point 13 “*The concerns that development on H69 would harm wildlife and remove ecologically valuable habitats are not about a particular individual plant or species that the site might host. Further, neither the current adopted local plan nor the LDP show any protective designation, such as a Site of Special Scientific Interest, on or immediately adjoining H69. Given that, I am satisfied that the natural value of the site is not so individually significant that all development should be prevented. However, the LDP and the adopted local plan each show a protected wildlife site a short distance north of H69 along a section of the Westquarter Burn corridor. Appendix 2 to the revised Environmental Report for the LDP (CD17) adds that development on site H69 could have a significant negative effect on the biodiversity of Craigbank Quarry wildlife site because it might be connected to semi-improved grassland to the north west of the Westquarter Burn. The council also notes in its assessment of H69 as a candidate for development, that much of the site appears to support semi-improved grassland and scrub. As such, the site might have some ecological value with the grassland mentioned above (CD21). Therefore, I find it likely that the site contributes to the natural value of the wider surroundings. However:*

☐ *development would not bring about the loss of valuable agricultural land;*

☐ *substantial parts of H69 were in railway use and so are likely to be degraded;*

☐ *land close to the existing housing will already be disturbed; and*

☐ *H69 is separated from the designated areas by what appears to be a reasonable buffer; and*

☐ ***the Site Comments for H69 expect green space provision and habitat enhancements within the site.*** “

Falkirk Council refused detailed planning permission on 6th May 2016 for the following reasons:

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

The applicant appealed the decision and at the Planning Review Committee meeting held on 27th October 2016 made a request for further information to the Director of Development Services and the applicant to determine the application. However the additional information supplied by the applicant does not change the reasons for refusal in relation to Reason 1 which as the applicant acknowledges in their Statement of Case - *“Reason 1 for Refusal is the most pertinent.”* . The Director of Services response to the additional information request states :

“(a) The Planning and Environment Unit , Development services, consider that the amended plans do not change the policy position regarding the wider site identified in the FLDP (see the attachment memorandum dated 28November). The Planning and Environment Unit therefore do not consider that the amended plans change Reason 1 of the refusal notice.”

In relation to the 2nd Reason 2 for refusal the agent in the Statement of Case considers this *“padding”*. Concerns raised by Roads Development but not addressed by the applicant over the visibility are not *“padding”* and the applicant has failed to submit a new plan to address the visibility and sightline concerns. The application is now at the detailed planning stage and *“the devil is always in the detail.”* The contention made by the agent on behalf of the applicant in the Statement of Case that they would be *“happy to work with officers on this matter if it is an issue following the upholding of the appeal”* is derisory.

In conclusion the application does not accord with the FLDP, or the Reporters findings and decision notice re Issue 13 relating to site H69 in the Local Plan Public Inquiry prior to the adoption of the FLDP. SCCC therefore respectfully request the application be denied.

Yours sincerely,

Jit Singh.

(Convener - For and on behalf of Shieldhill and California Community Council)