



# **AGENDA ITEM**

## **5**

**ERECTION OF 96 DWELLINGHOUSES, 16  
FLATTED DWELLINGHOUSES FORMATION  
OF ACCESS, OPEN SPACE, SUDS,  
LANDSCAPING AND RELATED  
INFRASTRUCTURE AT LAND TO THE  
SOUTH WEST OF TAPPERNAIL FARM,  
REDDINGMUIRHEAD FOR PERSIMMON  
HOMES (EAST SCOTLAND) - P/16/0706/FUL**

**FALKIRK COUNCIL**

**Subject:** ERECTION OF 96 DWELLINGHOUSES, 16 FLATTED DWELLINGHOUSES FORMATION OF ACCESS, OPEN SPACE, SUDS, LANDSCAPING AND RELATED INFRASTRUCTURE AT LAND TO THE SOUTH WEST OF TAPPERNAIL FARM, REDDINGMUIRHEAD FOR PERSIMMON HOMES (EAST SCOTLAND) - P/16/0706/FUL  
**Meeting:** PLANNING COMMITTEE  
**Date:** 3 April 2017  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Lower Braes

Councillor Alan Nimmo  
Councillor Malcolm Nicol  
Councillor Stephen Jackson

**Community Council:** Reddingmuirhead and Wallacestone

**Case Officer:** Julie Seidel (Planning Officer), Ext. 4880

**UPDATE REPORT**

1. Members will recall that this application was considered by the Planning Committee on 22 March 2017 (copy of report appended), when it was agreed to continue the application to allow officers to assess the supporting information (submitted on 21 March 2017) and report back to Committee on 3 April.
2. The application was originally considered by Committee on 23 February 2017 and then on site on 6 March 2017. These reports are all attached as part of the Appendix.
3. The applicant has submitted two supporting documents as a result of comments made at Planning Committee on site. The additional supporting information can be summarised as follows:
  - (a) Falkirk Council is not maintaining an effective 5 year supply of effective housing land. The applicant claims that the Council only has a 4.3 year land supply, justifying the increase in the partial development of a site with a capacity of 30 units to 112 units. The proposal does not represent an overdevelopment of the site;
  - (b) the proposed development includes significant areas of landscaping and public open space. The site would achieve 25% open space, greater than that required by supplementary guidance SG13;

- (c) the development would secure the green network link as a substantial green wedge would be retained between the application site and Belmont Avenue;
- (d) the proposed houses would be lower than existing houses at Hillcrest Square;
- (e) the existing vehicular access can accommodate the proposed development and is acceptable in terms of visibility and safety. Mitigation measures are proposed in rumble strips and advanced signage;
- (f) the submitted Transport Assessment is robust and credible without amendment;
- (g) the principle of residential development of the site is accepted by the Council;
- (h) the site has limited ecological value, as demonstrated by the submitted Habitat Survey and Breeding Bird Survey;
- (i) the site is of suburban, not rural character;
- (j) the proposed development would not result in coalescence with Shieldhill and Reddingmuirhead, as a green wedge would remain between settlements;
- (k) there is no requirement to masterplan the site and it is unachievable as part of the site is outwith the applicant's control;
- (l) the proposed development represents an appropriate scale, density and design of development, when considered in relation to the context of the surrounding area;
- (m) developer contributions in relation to education are not reasonably justified by the Council;
- (n) developer contributions in relation to bus service provision is unjustified and undeliverable;
- (o) the emergency access could not be accommodated within the current layout, without detriment to landscaping and open space provision; and
- (p) the applicant has submitted appendices as follows - open space calculation/plan, cross sections, statements from their transport consultant, B810 mitigation plan, summary of landscape and visual ecological issues and walkover survey update.

## **Housing Land Supply**

- 4. In relation to effective housing land supply, the Council acknowledges that there is a shortfall equating to a 4.3 year supply of housing, however, this does not provide justification for the proposed development.
- 5. Local Development Plan policy HSG01, advises that where there is a shortfall in effective land supply, the Council will consider supporting sustainable development proposals that are effective in the following order of preference:
  - Urban Capacity sites
  - Additional brownfield sites
  - Sustainable greenfield sites

The development of a rural site, substantially exceeding the housing allocation site capacity, does not represent sustainable development and it is noted that greenfield sites are last in the order of preference as specified in policy HSG01.

## **Transport Planning**

- 6. The Council's Transport Planning Unit advise that the applicant submitted their Transport Assessment scoping to the Council on 21 October 2016, 3 weeks before submission of the planning application. The applicant was originally advised that scoping of the Transport Assessment was required in the early summer of 2016. The applicant did not give the Council adequate time to respond to the scoping request before submission of the application. It should be noted that the Council provided a scoping response on 17 November 2017 and to date the applicant has not amended the Transport Assessment in accordance with advice given.

7. The Transport Assessment is not robust and credible as stated by the applicant, as the sample size for trip rate generation is too low and may lead to erroneous trip rates (either too small or too large depending on the sites chosen) and there is no account taken of the Newlands Roundabout (this junction currently experiences peak time congestion). Members should note that previously, where it was not possible to mitigate the impact of development on the Newlands Roundabout, a commuted sum was received by the Council for sustainable transport.

## **Bus Service**

8. Scottish Planning Policy (paragraph 287) advises that planning permission should not be granted for significant travel generating uses, at locations which would increase the reliance on the car where:
- *3rd bullet point – “the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements”*
9. Transport Assessment Guidance, 2012 (paragraph 5.49) advises of important features for successful public transport including:
- *1st bullet point – “A network that serves people’s travel needs”*
  - *4th bullet point – “Services which operate at suitable times, appropriate frequencies and are well integrated”*
10. The Transport Assessment submitted by the applicant contains incorrect information on the existing bus service, serving the site. The site is currently served by the F25, a 2 hourly service. This service cannot be considered a commuter service given the low frequency. The cost of £110,000 per annum, is the current estimated cost of enhancing this service, to run as an hourly service. The minimum duration the Council seek the bus service contributions is over three years, to allow the additional service to become established and encourage new passengers from the proposed development site to use the service. The developer would not be subsidising a private sector business, but would be providing the necessary funding to increase the frequency of the F25 bus service, serving the proposed development. On this basis, the bus service contribution is considered reasonable and meets all of the policy tests contained in Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

## **Education**

11. The Council’s Children’s Services (Education) respond to the applicant’s statement. They advise that the proposed development would coincide with a rising secondary school roll, other housing developments (affecting catchment schools serving the application site area) and the development would contribute directly to immediate secondary school numbers and primary school / nursery children (who would also feed into the affected secondary schools). Children’s Services stand by their assessment. If Members are minded to grant planning permission, it should be subject to the contribution towards education.

## **Other matters**

12. The supporting information raised other general issues in relation to the level of open space achieved on site, masterplaning, coalescence and ecology which have already been discussed.
13. It is considered that no new issues were raised at the site visit that would amend the previous recommendation to refuse planning permission.

## **14. RECOMMENDATION**

- 14.1 It is therefore recommended that Committee refuse Planning Permission for the following reasons:-**

### **Reason(s):-**

1. **The proposed development does not accord with Falkirk Local Development Plan housing opportunity H69, as it exceeds the housing capacity of 30 units and represents an overdevelopment of the site. The proposal does not represent a sensitive landscape approach which would achieve substantial greenspace, including extensive tree planting to contain the development, appropriate access provision or habitat enhancement. The proposal does not reflect the rural character of the area and would result in coalescence with the neighbouring villages of Shieldhill and Reddingmuirhead, contrary to the Falkirk Local Development Plan.**
2. **The siting, density and design of the proposed development would not respect the site's context or create a sense of identity. The layout and design does not accord with the Government's policy document Designing Streets and the landscape and greenspace is substandard and fails to integrate the development with its surroundings (including contributing meaningfully to the green network), contrary to policies GN01 'Falkirk Green Network', GN02 'Landscape', HSG04 'Housing Design', D02 'Sustainable Design Principles', D03 'Urban Design' and INF07 'Walking and Cycling' and supplementary guidance SG02 'Neighbourhood Design' of the Falkirk Local Development Plan.**
3. **The Council are not satisfied that the submitted Transport Assessment has been appropriately scoped and as such the network impacts properly defined, contrary to policy INF10 'Transport Assessments' of the Falkirk Local Development Plan.**
4. **The proposed layout and street design is contrary to the Government's policy document Designing Streets and the National Roads Development Guide (SCOTS, 2014).**

### **Informative(s):-**

1. **For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03B, 04 - 14 and Supporting Documents.**

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**pp Director of Development Services**

**Date: 24 March 2017**

**LIST OF BACKGROUND PAPERS**

- 1) The Falkirk Local Development Plan.
- 2) Objection received from Mrs Joanne Mitchell of 6 Hillcrest Square, Reddingmuirhead on 15 December 2016.
- 3) Objection received from Mr Alistair Mitchell of 6 Hillcrest Square, Reddingmuirhead on 16 December 2016.
- 4) Objection received from Fiona, Robbie and Calum Tierney of 8 Belmont Avenue, Sheidhill on 18 December 2016.
- 5) Objection received from Mr and Mrs McGuire of 8 Hillcrest Square, Reddingmuirhead on 13 January 2016.
- 6) Objection received from Marion and Keith Silver of Marclau, 5 Belmont Avenue, Sheidhill on 16 December 2016.
- 7) Objection received from Mr Danny Callaghan of 2 Nobel View, Reddingmuirhead on 25 January 2017.
- 8) Objection received from Ms Irene Fotheringham of 2 Rosemount Gardens, Sheildhill on 1 February 2017.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

**FALKIRK COUNCIL**

**Subject:** ERECTION OF 96 DWELLINGHOUSES, 16 FLATTED DWELLINGHOUSES FORMATION OF ACCESS, OPEN SPACE, SUDS, LANDSCAPING AND RELATED INFRASTRUCTURE AT LAND TO THE SOUTH WEST OF TAPPERNAIL FARM, REDDINGMUIRHEAD FOR PERSIMMON HOMES (EAST SCOTLAND) - P/16/0706/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 22 March 2017

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Lower Braes

Councillor Alan Nimmo  
Councillor Malcolm Nicol  
Councillor Stephen Jackson

**Community Council:** Reddingmuirhead and Wallacestone

**Case Officer:** Julie Seidel (Planning Officer), Ext. 4880

**UPDATE REPORT**

1. Members will recall that this application was presented to the Planning Committee on 23 February 2017 (copy of previous report appended), when it was agreed to continue the application for a site visit. The site visit took place on 6 March 2017.
2. At the site visit the case officer summarised the report and the applicant's agent, objectors, Community Council representatives and Members of the Planning Committee were heard. Members viewed the application site and surrounding area.
3. The applicant's agent outlined the background to the planning application and spoke in support of the proposed development, advising that the principle of residential development is established by the allocation of the site, in the Falkirk Local Development Plan. The development of the site for 112 units is considered acceptable, as demonstrated by the application submission, and the development accords with the character and layout of the surrounding area. The applicant's agent raised concerns in relation to the reasonableness of education and bus service contributions.
4. Supporters spoke, commenting that the proposed development would be a great opportunity to get new houses, encouraging people back to live in the area. Supporters commented that there is no wildlife on site and the development would enhance the area.
5. Objectors spoke, raising concerns in relation to poor visibility at the access onto the B810, traffic generation and impact on the road network. Other issues raised included

the local schools and health centres being at capacity, clarification in relation to the local ward for the application site, the height of the proposed houses (exceeding 2 storeys), inadequate bus service, inadequate landscaping and wildlife on site.

6. A representative of the Reddingmuirhead and Wallacestone Community Council raised concerns in relation to the local ward for the application site and raised concerns in relation to play facilities not being developed in new housing developments, despite being approved.
7. A representative of the Shieldhill and California Community Council reiterated points made in formal representation to the application.
8. Members commented that they would have liked to hear more support and justification for the application from the applicant. Members commented that a competent Transport Assessment is required and asked questions in relation to the bus service.
9. A Member acknowledged that the principle of development of the site was established in the Local Development Plan, but that more justification would have been expected from the applicant for the significant increase in the number of houses proposed. Access off the B810 is a concern and it was questioned why reasonable financial contributions should not be made.
10. The Council's Roads Network Co-ordinator advised that visibility at the access onto the B810 was acceptable.
11. The applicant's agent responded to questions by advising that depopulation is not being used as a justification for the proposed development. They advised that the houses proposed are not 3 storeys (as claimed by objectors) and are 2 storey with accommodation in the roof space. The applicant's agent also commented that there is no policy requirement to masterplan the site and the proposed development demonstrates that a higher density can be developed, without impacting the skyline or key views.
12. Following the last presentation of the application to the Planning Committee, an additional third party representation had been received; raising no new issues. The Shieldhill and California Community Council also provided additional comments on 22 February, in relation to housing land supply, representations made to Scottish Government at the Local Development Plan Public Enquiry in 2015 and the Falkirk Local Development Plan 2, Main Issues Report (February 2017).
13. In relation to points made on site, clarification is provided as follows:
  - (a) The application site is not in an area where there is an identified healthcare deficiency. The NHS were consulted, but to date have not provided a response.



- (b) The reasons for seeking education contributions are as follows. Falkirk Local Development Plan Policy INF05, 'Education and New Housing Development' and Supplementary Guidance SG10, 'Education and New Housing Development' set out the planning policy context for seeking contributions towards education provision where there is insufficient capacity within the catchment schools to accommodate children from new housing development. Scottish Government Circular 3/2012 sets out government policy with regard to the use of section 75 planning obligations to secure the payment of contributions to the Council for this purpose. Where a planning obligation is considered essential it must have a relevant planning purpose and must always be related and proportionate in scale and kind to the development in question. The contributions sought are relevant and proportionate in scale and kind to the proposed development and accord with policy INF05 and SG10.
- (c) Falkirk Council Children's Services have undertaken detailed analysis of the impacts of the proposed residential development on schools within the catchment area of the application site. This analysis demonstrates that the development would have an impact on the Braes High School, St Mungo's RC High School and nursery provision. Contributions are sought in accordance with policy INF05 and SG10 towards these schools and nursery provision as detailed in the report to the Planning Committee on 23 February 2017. The proposal is expected to increase the number of children at Shieldhill Primary School and St Andrews RC Primary School but both have capacity to accommodate this increase and therefore contributions have not been sought towards these schools. Whilst the applicants challenged the reasonableness of contributions at the Committee site visit they have not submitted evidence to support their claim, either in relation to impacts on the viability of developing the site or why they consider the contributions do not comply with Circular 3/2012.
- (d) The planning application was submitted before the Council could provide a response to the Transport Assessment scoping, requested by the applicant. A scoping response was sent to the applicant's transport consultants on 17 November 2016, after the planning application was submitted. The applicant has not amended their Transport Assessment (November 2016) following the scoping response or consultation response from the Council's Transport Planning Unit.
- (e) The reasons for asking for the commuted sum for bus service improvements are as follows:

Scottish Planning Policy - paragraph 287:

Planning permission should not be granted for significant travel generating uses at locations which would increase the reliance on the car where:

2<sup>nd</sup> bullet point - "access to local facilities via the public transport networks would involve walking more than 400m";

3<sup>rd</sup> bullet point - "the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements".

Transport Assessment Guidance 2012 - paragraph 5.49

Important features for successful public transport access include:

1<sup>st</sup> bullet point - "A network that serves people's travel needs";

4<sup>th</sup> bullet point - "Services which operate at suitable times, appropriate frequencies and are well integrated".

The Transport Assessment submitted by the applicant contains incorrect information on existing bus service adjacent to the site. It is currently served by service F25 every 2 hours. This service cannot be considered a commuter service given the low frequency. All the proposed houses would be within 400m of the eastbound bus stop. Some of the proposed houses would not be within 400m of the westbound bus stop and it may be difficult to relocate the bus stop.

- (f) The cost of £110,000 per annum is the current estimated cost of enhancing this service to run as an hourly service. The minimum duration sought for this obligation would be three years to allow the additional service to become established and encourage new passengers from the proposed development site. Other development sites where planning obligations have been agreed to enhance existing bus service provision are:

- F/2002/0611 - former Bellsdyke Hospital site (£400,000 Bus/Parking Contribution)
- P/10/0188/PPP - Whitecross (financial contribution to fund enhancements to existing bus services and possible new services)
- P/07/0803/OUT - Gilston Development (£300,000 bus subsidy)
- P/07/0422/FUL - Tesco, Redding (provision of dedicated bus service for 2 years from date of store opening)
- 06/1066/FUL - FV Royal Hospital (£2.6m over 3 years by NHSFV)

Infrastructure Works for possible future bus penetration:

- P/10/0360//PPP – Banknock North (provision of a distributor road to allow future bus penetration)
- P/10/0249/MSD - Parkhall Farm formation of roundabout plus bus turning facility

- (g) The proposed development generates an active open space requirement of 2,184 square metres and a passive open space requirement of 5,094 square metres. Supplementary Guidance SG13 indicates that open space should be provided on site except in specific circumstances, including where the site is too small or where there is sufficient open space (of different types) nearby which are able to serve the development through suitable upgrading. The site is not within the maximum walking distances of existing active and passive open space (table 2, page 7 of SG13); as such the development should include on-site open space.
- (h) For open space to be considered as contributing to the open space requirements generated by development, it has to be considered functional. There are minimum size requirements set out in SG13 and additionally it must actually serve the recreational needs of its users, provide a valuable habitat for biodiversity, be appropriately sited, designed, maintained and fit for purpose. The applicant has not submitted enough information to allow a full assessment to be made in relation to the functionality of the open space i.e. no details of the active play / recreation area. As stated in the Planning Committee report, a reduction could be made in the open space contributions, if more information is submitted. If contributions were made, open space at Shieldhill playing fields and the play park at Main Street, Shieldhill have been identified as priorities for quality improvements, in the Open Space strategy.

- (i) If Members are minded to grant the planning application, financial contributions are recommended in section 7b.18 of the Planning Committee report (appendix 1). The suggested financial contributions meet the 5 policy tests of a planning agreement; being necessary to make the proposal acceptable in planning terms, serve a planning purpose, relate to the proposed development, fairly and reasonably relating in scale and kind to the proposed development and reasonable in all other respects.
- (j) In relation to masterplanning, appendix 1 (point 2, site schedule) of the Falkirk Local Development Plan advises that indicative site allocation figures may be exceeded where a detailed masterplan demonstrates that the figures can be achieved, whilst achieving a high quality design solution and the requisite level of residential amenity. The applicant proposes to significantly increase the allocation figures, without providing a masterplan, contrary to the Falkirk Local Development Plan.
- (k) LDP allocation of 30 units: The wider site (including the adjoining allocation to the east) was allocated for 30 units in the LDP to ensure that the development was a consolidation of the Hillcrest Square development, rather than an extension to Shieldhill village. For this reason, the site is allocated within the Countryside designation and not within the village limit. It is accepted that a suitable scheme could potentially incorporate additional units, provided that it was an appropriate rural design and layout solution, whereas the current proposal represents a suburban development scale, density and layout. As such, is not appropriate for a rural housing site.
- (l) In the examination report into the current LDP the Reporter stated *“While the preamble to Appendix 1 of the LDP makes clear that the various site capacities are estimates and may change once the details of any particular scheme emerge, 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.”*
- (m) The Reporter also stated: *“ . . . 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.”*

14. It is considered that no new issues were raised at the site visit that would amend the previous recommendation to refuse planning permission.

## **15. RECOMMENDATION**

**15.1. It is therefore recommended that Committee refuse Planning Permission for the following reasons:-**

### **Reason(s):-**

- 5. The proposed development does not accord with Falkirk Local Development Plan housing opportunity H69, as it exceeds the housing capacity of 30 units and represents an overdevelopment of the site. The proposal does not represent a sensitive landscape approach which would achieve substantial greenspace, including extensive tree planting to contain the development, appropriate access provision or habitat enhancement. The proposal does not reflect the rural character of the area and would result in coalescence with the neighbouring villages of Shieldhill and Reddingmuirhead, contrary to the Falkirk Local Development Plan.**
- 6. The siting, density and design of the proposed development would not respect the site's context or create a sense of identity. The layout and design does not accord with the Government's policy document Designing Streets and the landscape and greenspace is substandard and fails to integrate the development with its surroundings (including contributing meaningfully to the green network), contrary to policies GN01 'Falkirk Green Network', GN02 'Landscape', HSG04 'Housing Design', D02 'Sustainable Design Principles', D03 'Urban Design' and INF07 'Walking and Cycling' and supplementary guidance SG02 'Neighbourhood Design' of the Falkirk Local Development Plan.**
- 7. The Council are not satisfied that the submitted Transport Assessment has been appropriately scoped and as such the network impacts properly defined, contrary to policy INF10 'Transport Assessments' of the Falkirk Local Development Plan.**
- 8. The proposed layout and street design is contrary to the Government's policy document Designing Streets and the National Roads Development Guide (SCOTS, 2014).**

### **Informative(s):-**

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03B, 04 - 14 and Supporting Documents.**

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**pp Director of Development Services**

**Date: 14 March 2017**

### **LIST OF BACKGROUND PAPERS**

1. The Falkirk Local Development Plan.
2. Objection received from Ms Jackie Brodie, 8 Hillcrest Square, Reddingmuirhead, Falkirk, FK2 0GR, received on 13 January 2017.
3. Objection received from Fiona, Robbie & Calum Tierney, 8 Belmont Avenue, Shieldhill, Falkirk, FK1 2BS, received on 5 January 2017.
4. Objection received from Mr Danny Callahan, 2 Nobel View, Reddingmuirhead, Falkirk, FK2 0EF, received on 26 January 2017.
5. Objection received from Jit Singh, Greenacre, 56 Belmont Avenue, Shieldhill, Falkirk, FK1 2BS, received on 23 February 2017.
6. Objection received from Marion & Keith Silver, Marclau, 5 Belmont Avenue, Shieldhill, Falkirk, FK1 2BS, received on 17 January 2017.
7. Objection received from Mrs Joanne Mitchell, 6 Hillcrest Square, Reddingmuirhead, Falkirk, FK2 0GR received on 15 December 2016.
8. Objection received from Irene Fotheringham, 2 Rosemount Gardens, Shieldhill, Falkirk, FK1 2FB, received on 1 February 2017.
9. Objection received from Mr Alistair Mitchell, 6 Hillcrest Square, Reddingmuirhead, Falkirk, FK2 0GR received on 16 December 2016.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

**FALKIRK COUNCIL**

**Subject:** ERECTION OF 96 DWELLINGHOUSES, 16 FLATTED DWELLINGHOUSES FORMATION OF ACCESS, OPEN SPACE, SUDS, LANDSCAPING AND RELATED INFRASTRUCTURE AT LAND TO THE SOUTH WEST OF TAPPERNAIL FARM, REDDINGMUIRHEAD FOR PERSIMMON HOMES (EAST SCOTLAND) - P/16/0706/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 23 February 2017

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward – Lower Braes

Councillor Alan Nimmo  
Councillor Malcolm Nicol  
Councillor Stephen Jackson

**Community Council:** Reddingmuirhead and Wallacestone

**Case Officer:** Julie Seidel (Planning Officer), Ext. 4880

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

- 1.1 This major application proposes the erection of 96 dwellinghouses and 16 flats at Tappernail Farm, Reddingmuirhead.
- 1.2 Residential access is proposed via the existing vehicular access serving Hillcrest Square. The application includes open space/landscaping and associated surface water drainage infrastructure.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application requires consideration by the Planning Committee as it has been called in by Councillor McLuckie, for the following reason:
- This site is in the Local Plan and wish to discuss and assess the access and open space issues in the application.

**3. SITE HISTORY**

- 3.1 There have been a number of historic refusals of planning permission for the application site (and land within the application site), including applications Ref: P/07/1127/OUT, P/10/0145/PPP, P/10/0144/PPP, P/10/0146/PPP, P/10/0147/PPP.

- 3.2 A Proposal of Application Notice PRE/2015/0018/PAN was submitted on 3 June 2015.
- 3.3 An application for the erection of a dwellinghouse (Ref: P/16/0215/FUL) in land adjacent to the application site was refused on 1 July 2016. The decision is subject to the Local Review Committee. On the same site there was a refusal of planning permission (Ref: 06/0783/OUT) on 20 October 2006.

#### **4. CONSULTATIONS**

- 4.1 The Coal Authority have no objection, subject to a condition requiring intrusive site investigations.
- 4.2 The Council's Children's Services (Education) advise that a contribution of £375,200 is required in respect of education provision.
- 4.3 The Council's Transport Planning Unit raise concerns in relation to the methodology and data used in the Transport Assessment, that requires to be addressed.
- 4.4 The Unit advise that further details are required in relation to the proposed junction between the existing access road into Hillcrest Square and proposed new development. A footway is required on the east side of the access road from the B810 Shieldhill Road, into the proposed development. Additional signage and rumble strips are required on the B810 Shieldhill Road. Vehicle swept path analysis is required to demonstrate service vehicle access. A travel pack is required for each dwellinghouse / flat, incorporating nearest bus service / bus stop locations, the nearest rail stations / frequency of services, nearest walking and cycling networks, safer routes to catchment schools and local facilities. The Unit also advise that a contribution of £110,000 (per annum for 3 years) is required towards bus service provision.
- 4.5 The Council's Roads Development Unit raise a number of concerns in relation to the layout of the proposed development and request that the site layout be amended in accordance with the National Roads Development Guide (SCOTS, 2014) and the Government's policy document, Designing Streets, including the provision of a 3 metre wide footpath/emergency access (with collapsible bollard and guard rails) to the south-west of the site.
- 4.6 The Roads Development Unit advise that the proposed development represents an over engineered road layout contrary to the National Roads Development Guide (SCOTS, 2014) and the Government's policy document, Designing Streets, which promote the use of short lengths of carriageway, off-set road alignment, lane narrowing, squares (off-set if possible), block paved shared surfaces and private parking courts to reduce the speed of vehicles by design.
- 4.7 Scottish Water did not respond to consultation.
- 4.8 The Council's Environmental Protection Unit request a condition in relation to ground contamination.
- 4.9 Scottish Natural Heritage have not objected to the proposed development.
- 4.10 The Scottish Environmental Protection Agency have not objected to the proposed development.
- 4.11 NHS Forth Valley did not respond to consultation.

## **5. COMMUNITY COUNCIL**

5.1 The Reddingmuirhead and Wallacestone Community Council made the following representations in relation to the application:

- The application is contrary to the Falkirk Local Development Plan and housing allocation H69, with specific mention to the number of houses and flats proposed;
- The application represents only part of H69 and when the remainder of the wider site is developed, it will represent a significant increase in the 30 units allocated for the site;
- The proposed development has inadequate greenspace;
- The play area is on a busy road and not in a suitable location;
- Access to the site is via a road out with the applicants ownership;
- The access road is dangerous and the junction inappropriate for the number of units proposed;
- The proposal will lead to coalescence of Shieldhill and Reddingmuirhead;
- The developer states that there has been a sustained period of depopulation in the area - this is false;
- The roads and sewer system serving the development cannot accommodate the proposed development; and
- Catchment schools and healthcare provision cannot accommodate the proposed development.

5.2 The Shieldhill and California Community Council made the following representations in relation to the application:

- The application is justified [by the applicant] on the basis of a period of sustained depopulation in the local area – this is factually incorrect;
- The application does not provide substantial greenspace within the application site, including extensive tree planting, access provision or habitat enhancement;
- The proposed development does not accord with housing allocation H69 or the Reporters findings; and
- The application does not accord with the Falkirk Local Development Plan and request that the application be refused.

## **6. PUBLIC REPRESENTATION**

6.1 In the course of the application, 7 objection letters were submitted to the Council. The salient issues are summarised below:

- No objection to the principle of residential development of the site, but the current proposal is inappropriate and does not accord with the Falkirk Local Development Plan;
- The landscaped boundary between residents at Hillcrest Square, open space and planting is welcomed;
- The proposals include houses exceeding 2 storeys and flats which is contrary to the public consultation. Town houses and flats are not appropriate for the site;
- The proposed materials (brick) do not respect the surrounding area including Hillcrest Square;
- Concerns in relation to road safety, including access to the site and the speed of vehicles on the B810;
- The speed limit of the B810 should be reduced as a result of development;
- Children walking to school will be at risk;
- The proposed development would unacceptably increase traffic generation in the area;



- Bus Services are poor and there is difficulty parking at Polmont and Falkirk High Stations;
- Outdoor space would be curtailed as a result of development;
- Concerns that Falkirk Council will split school catchment through the site;
- The development of 112 units exceeds the housing allocation by 2/3. The proposed development is an overdevelopment of the site;
- The site does not include substantial green space and that shown is minimal;
- The site will be visually prominent, regardless of the level of planting;
- The proposed development will overlook existing properties;
- Existing drainage is unfit to serve the proposed development;
- Loss of wildlife;
- Increased pressure on schools, medical and dental practices;
- Impact on noise and residents during construction, no answer as to the length of the construction phase; and
- No thought given to single storey housing to suit the needs of the elderly or those downsizing.

## **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**

- 7a.1 The Falkirk Local Development Plan was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:
- 7a.2 The application site forms part of a larger housing allocation (H69) in the Falkirk Local Development Plan (FLDP). The opportunity states that the proposal is a greenfield site, representing consolidation of existing development at Hillcrest Square and Tappernail Farm. The opportunity also refers to the skyline location and sensitive landscape approach being required. Substantial greenspace requires to be retained, including extensive tree planting to contain new development, appropriate access provision and habitat enhancement. 25% affordable housing is required.
- 7a.3 H69 was seen by the Reporter, who examined the LDP, as a chance to soften the impact of Hillcrest and to allow for modest growth within the area. The site is out with the neighbouring village boundaries of Shieldhill and Reddingmuirhead and is therefore within a rural area. Substantial greenspace is required to prevent coalescence with neighbouring settlements.
- 7a.4 The proposed development fails to accord with housing allocation H69, as it does not show:
- substantial greenspace;
  - appropriate access provision;
  - habitat enhancement; or
  - extensive tree planting to contain development.

7a.5 The application site represents only part of H69, although the number of units and area of the site covered by development represents an overdevelopment of the site (noting the overall housing capacity of H69 at 30 residential units). If the entire housing allocation H69 were developed to a general density shown in this application, it would result in approximately 167 units, a 456.6% increase in capacity.

7a.6 It is considered that the proposed development does not reflect the rural character of the area and would lead to coalescence with Shieldhill and Reddingmuirhead. Higher capacities will only be considered on allocated housing sites where the site is masterplanned, the development represents a high quality solution and the requisite level of residential amenity can be achieved. The site has not been masterplanned (as stipulated in the LDP in circumstances where indicative capacities are exceeded) and it is considered that the proposed development, as presented, does not represent a high quality design solution.

7a.7 Policy HSG01 'Housing Growth' states:-

- "1. The Council will aim to achieve an average housing growth of 675 dwellings per year across the Council area over the Plan period, and will ensure that a five year effective land supply is maintained;*
- 2. The Council will monitor and update the effective housing land supply figures annually to make sure that a minimum five year supply is maintained at all times. If this Housing Land Audit process identifies a shortfall in the effective land supply, the Council will consider supporting sustainable development proposals that are effective, in the following order of preference:*
  - Urban Capacity sites*
  - Additional brownfield sites*
  - Sustainable greenfield sites**In doing so, account will be taken of other local development plan policies and of any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.*
- 3. The overall scale of housing allocations in each settlement area to meet the target level of growth, including flexibility, will be as shown in Figure 3.1.*
- 4. The specific sites where new housing will be promoted are listed in the Settlement Statements, and detailed in the Site Schedule in Appendix 1.*
- 5. The locations for most significant growth are identified as Strategic Growth Areas (SGAs). Within these areas, the preparation of development frameworks, masterplans and briefs, as appropriate, and the co-ordination of social and physical infrastructure provision, will be a particular priority. Site requirements are set out in Appendix 2. "*

7a.8 The application relates to the development of an allocated housing site and residential development is therefore supported in principle by policy HSG01.

7a.9 Policy 'HSG02 - Affordable Housing' states:-

*"New housing developments of 20 units and over will be required to provide a proportion of the units as affordable or special needs housing as set out in Figure 5.1. The approach to provision should comply with Supplementary Guidance SG12 "Affordable Housing".*

*Figure 5.1 Affordable Housing Requirements in Settlement Areas*

*Proportion of total site units required to be affordable*

*Larbert / Stenhousemuir, Polmont Area, Rural North and Rural South - 25%*

*Bo'ness, Bonnybridge / Banknock, Denny, Falkirk and Grangemouth - 15%."*

7a.10 The application includes a proposal for 25% affordable housing provision, on site social rented units, in accordance with policy HSG02.

7a.11 Policy 'HSG04 - Housing Design' states:-

*"The layout, design and density of the new housing development should conform with any relevant site-specific design guidance, Supplementary Guidance SG02 'Neighbourhood Design' and the Scottish Government's policy on 'Designing Streets'. Indicative site capacities in the site schedules may be exceeded where a detailed layout demonstrates that a high quality design solution, which delivers the requisite level of residential amenity, has been achieved."*

7a.12 It is considered that the layout, design and density of the proposed housing fails to conform with the relevant site-specific guidance, Supplementary Guidance and Designing Streets. The site has not been masterplanned and does not demonstrate a high quality design solution, so the increased number of units is not acceptable, contrary to policy HSG04.

7a.13 Policy 'INF02 - Developer Contributions to Community Infrastructure' states:-

*"Developers will be required to contribute towards the provision, upgrading and maintenance of community infrastructure where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The nature and scale of developer contributions will be determined by the following factors:*

- 1. Specific requirements identified against proposals in the LDP or in development briefs;*
- 2. In respect of open space, recreational, education and healthcare provision, the general requirements set out in Policies INF04, INF05 and INF06;*
- 3. In respect of physical infrastructure any requirements to ensure that the development meets sustainability criteria;*
- 4. In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
- 5. Where a planning obligation is the intended mechanism for securing contributions, the principles contained in Circular 3/2012.*

*In applying the policy, consideration of the overall viability of the development will be taken into account in setting the timing and phasing of payments."*

7a.14 The proposed development generates a deficiency in open space, education, affordable housing and bus service provision. The applicant has informally agreed to make financial contributions in accordance with policy INF02.

7a.15 Policy 'INF04 - Open Space and New Residential Development' states:-

*"Proposals for residential development of greater than 3 units will be required to contribute to open space and play provision. Provision should be informed by the Council's open space audit, and accord with the Open Space Strategy and the Supplementary Guidance SG13 on 'Open Space and New Development', based on the following principles:*

- 1. New open space should be well designed; appropriately located; functionally sized and suitably diverse to meet different recreational needs in accordance with criteria set out in Supplementary Guidance SG13 'Open Space and New Development'.*
- 2. Where appropriate, financial contributions to off-site provision, upgrading, and maintenance may be sought as a full or partial alternative to direct on-site provision. The circumstances under which financial contributions will be sought and the mechanism for determining the required financial contribution is set out in Supplementary Guidance SG13 'Open Space and New Development'.*
- 3. Arrangements must be made for the appropriate management and maintenance of new open space."*

7a.16 As a result of proposed development, a deficiency in open space provision has been identified. It is considered that passive open space on site does not meet the minimum size requirements set out in Supplementary Guidance SG13. An indicative, equipped play area is shown to the north of the site which could contribute towards the active open space requirements generated by the development (subject to minimum size requirements and catering for toddler, junior and teen play). As such there is an open space deficit which cannot be accommodated on site and contributions are required for off-site open space and play provision, in accordance with policies INF02 and INF04.

7a.17 Policy INF05 'Education and New Housing Development' states:-

*"Where there is insufficient capacity within the catchment school(s) to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council's education policies. The contribution will be a proportionate one, the basis of which is set out in Supplementary Guidance SG10 'Education and New Housing Development'. Where proposed development impacts adversely on Council nursery provision, the resourcing of improvements is also addressed through the Supplementary Guidance.*

*In circumstances where a school cannot be improved physically and in a manner consistent with the Council's education policies, the development will not be permitted. "*

7a.18 There is insufficient capacity in local catchment schools to accommodate children from the proposed development. Children's Services (Education) recommend that a financial contribution of £375,200 toward schools (primary and secondary) and nursery provision is required. The applicant has confirmed willingness to make the required contributions in accordance with policy INF05.

7a.19 Policy INF07 Walking and Cycling

*"1. The Council will safeguard and promote the development of the core path network. Where appropriate, developer contributions to the implementation of the network will be sought.*

*2. New development will be required to provide an appropriate standard of pedestrian and cycle infrastructure, including cycle parking, which complies with current Council guidelines and meets the following criteria:*

- Where appropriate, infrastructure supporting the two modes of walking and cycling should be combined and support objectives in agreed Travel Plans helping to support active travel;*
- Pedestrian and cycle facilities in new developments should offer appropriate links to existing networks in surrounding areas, in particular to facilitate school journeys and provide connections to public transport, as well as links to other amenities and community facilities;*
- The surfacing, lighting, design, maintenance and location of pedestrian and cycle routes should promote their safe use. Particular emphasis should be given to the provision of suitable lighting, and the provision of suitably designed and located crossing facilities where routes meet the public road network;*
- Where practical, no pedestrian route should be obstructed by features that render it unsuitable for the mobility impaired."*

7a.20 This policy seeks to promote the development and use of pedestrian and cycle networks by setting requirements for pedestrian and cycle provision within new development. The Council's Transport Planning Unit and Roads Development Unit have expressed concerns regarding the proposed site layout and the accessibility of the development and in this regard the applicant has failed to demonstrate compliance with part 2 of Policy INF07.

7a.21 Policy INF10 'Transport Assessments' states:-

- "1. The Council will require transport assessments of developments where the impact of the development on the transport network is likely to result in a significant increase in the number of trips, and is considered likely to require mitigation. The scope of transport assessments will be agreed with the Council and in the case of impact on trunk roads, also with Transport Scotland.*
- 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. The assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over use of the car.*
- 3. The Council will only support development proposals 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 The application was submitted with a supporting Transport Assessment, however the Council's Transport Planning Unit have expressed concerns in relation to the methodology and data contained in the report. As such, the Council is not satisfied that the Transport Assessment has been appropriately scoped, contrary to policy INF10.

7a.23 Policy GN01 'Falkirk Green Network' states:-

- "1. The Council will support the Central Scotland Green Network in the Falkirk area through the development and enhancement of a multi-functional network of green components and corridors as defined in Map 3.5.*
- 2. Within the green network, biodiversity, habitat connectivity, active travel, recreational opportunities, landscape quality, placemaking, sustainable economic development and climate change adaptation will be promoted, with particular reference to the opportunities set out in the Settlement Statements, and detailed in the Site Schedule in Appendix 1.*
- 3. New development, and in particular the strategic growth areas and strategic business locations, should contribute to the green network, where appropriate, through the integration of green infrastructure into masterplans or through enabling opportunities for green network improvement on nearby land."*

7a.24 The green network (GN16, Lower Braes Southern Fringe) runs along the western boundary of the application site. It is noted that plots 41 – 51 back hard onto the green network. It is considered that increased greenspace, particularly on the western and northern boundaries would support the green network. The application does not accord with policy GN01.

7a.25 Policy GN02 Landscape states:-

- "1. The Council will seek to protect and enhance landscape character and quality throughout the Council area in accordance with Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations.*
- 2. Priority will be given to safeguarding the distinctive landscape quality of the Special Landscape Areas identified on the Proposals Map.*
- 3. Development proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved."*

7a.26 The application was submitted with a supporting Landscape Assessment. It is considered that the level of green space and landscaping which would be developed, would not achieve an appropriate landscape fit with the surrounding rural area, contrary to policy GN02.

7a.27 Policy GN03 'Biodiversity and Geodiversity' states:-

*"The Council will protect and enhance habitats and species of importance, and will promote biodiversity and geodiversity through the planning process. Accordingly:*

- 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. Qualifying features of a Natura 2000 site may not be confined to the boundary of a designated site. 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. 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 likely to have an adverse effect on European protected species, a species listed in Schedules 5, 5A, 6, 6A and 8 of Wildlife and Countryside Act 1981 (as amended), or a species of bird protected under the Wildlife and Countryside Act 1981 (as amended) will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.*
- 4. Development affecting Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites (as identified in Supplementary Guidance SG08 'Local Nature Conservation and Geodiversity Sites'), and national and local priority habitats and species (as identified in the Falkirk Local Biodiversity Action Plan) will not be permitted unless it can be demonstrated that the overall integrity of the site, habitat or species will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- 5. Where development is to be approved which could adversely affect any site or species of significant nature conservation value, the Council will require appropriate mitigating measures to conserve and secure future management of the relevant 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. All development proposals should conform to Supplementary Guidance SG05 'Biodiversity and Development'. "*

7a.28 The application was submitted with a supporting Habitat Survey and Breeding Bird Survey which demonstrates that the development of the site would not adversely affect any habitats or species of importance, in accordance with policy GN03.

7a.29 Policy D02 - 'Sustainable Design Principles' states:-

*"New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:*

1. *Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
2. *Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, distinctive, welcoming, adaptable, safe and easy to use;*
3. *Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
4. *Climate Change & Resource Use. Development should promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
5. *Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
6. *Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.*

*Masterplans will be required for significant development proposals requiring a co-ordinated approach to design and infrastructure, and should demonstrate how the above principles have been incorporated into the proposals.*

*Masterplans should be informed by a development framework or brief where relevant. "*

7a.30 It is considered that the proposed development would not achieve a high standard of design quality and compliance with principles of sustainable development. The scale, siting and design of the proposed development fails to respond positively and sympathetically to the site's surroundings, and would fail to achieve buildings and spaces that are attractive, distinctive, welcoming, adaptable, safe and easy to use, contrary to policy D02.

7a.31 Policy 'D03 - Urban Design' states:-

*"New development should create attractive and safe places for people to live, work and visit. Accordingly:*

1. *Development proposals should conform with any relevant development framework, brief or masterplan covering the site. Residential proposals should conform with Supplementary Guidance SG02 'Neighbourhood Design';*



2. *The siting, density and design of new development should create a coherent structure of streets, public spaces and buildings which respects and complements the site's context, and creates a sense of identity within the development;*
3. *Street layout and design should generally conform with the Scottish Government's policy document 'Designing Streets';*
4. *Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality architectural or landscape treatment;*
5. *Development proposals should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, and contributes, where appropriate, to the wider green network;*
6. *Development proposals should create a safe and secure environment for all users through the provision of high levels of natural surveillance for access routes and public spaces; and*
7. *Major development proposals should make provision for public art in the design of buildings and the public realm."*

7a.32 It is considered that the proposed development would not create an attractive and safe place for people to live, work and visit. The siting, density and design of the proposed development would not respect the site's context and create a sense of identity. The street layout and design does not accord with the Government's policy document Designing Streets. Landscaping and green infrastructure is substandard and fails to integrate the development with its surroundings or contribute to the green network. The application is a major development and does not make provision for public art. The application is contrary to policy D03.

7a.33 Policy 'D04 - Low and Zero Carbon Development' states:-

- "1. *All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:*
  - *Proposals for change of use or conversion of buildings;*
  - *Alterations and extensions to buildings;*
  - *Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
  - *Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
  - *Temporary buildings with consent for 2 years or less; and*
  - *Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*

2. *The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;*
3. *Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes.”*

7a.34 The applicant has not submitted an Energy Statement, contrary to policy D04.

### ***Supplementary Guidance Forming part of Local Development Plan***

7a.35 The proposed development fails to accord with the principles set out in SG02 'Neighbourhood Design'.

7a.36 The developer proposes to accommodate 25% affordable housing on site, in accordance with SG12 'Affordable Housing'.

7a.37 SG13 'Open Space and New Development' sets out the framework used to calculate developers' contributions, towards active and passive open space requirements and clarifies in which instances off-site contributions are considered acceptable in lieu of on-site provision. The passive and active open space requirements generated by the development cannot be fully accommodated on site. The passive open space shown does not meet the minimum functional sizes set out in SG13. The indicative small play area shown to the south of the site does not meet all of the active open space requirements of the site.

7a.38 An open space financial contribution of £198,744 (£1,911 per house and £955.50 per flat) is required where the passive and active open space contributions generated by the development cannot be accommodated on site. If a play area which meets the minimum functional sizes as set out in Supplementary Guidance and catering for toddler, junior and teen play can be accommodated, a financial contribution of £182,376 (£107,448 for passive open space and £74,928 for active open space) should be sought.

7a.39 The applicant has not submitted an Energy Statement contrary to SG15 'Low and Zero Carbon Development'. However a condition can be used to secure the requirements of SG15.

7a.40 Accordingly, the proposal fails to accord with the Falkirk Council Local Development Plan.

### **7b Material Considerations**

7b.1 The material considerations to be assessed are the representations received and consultation responses.

### ***Assessment of Public Representations***

7b.2 Support for the principle of residential development and the landscaped boundary between residents at Hillcrest Square, open space and planting is noted.

7b.3 It is accepted that there are town houses and flats proposed on site, however the town houses are 2 ½ storeys and the flats contained in a 2 storey block. It is considered that the principle of flats and townhouses on the site is acceptable, subject to detailed design considerations.

- 7b.4 The use of materials are noted. It is considered that the proposed development does not respect the character of the surrounding area.
- 7b.5 Concerns in relation to traffic generation and road safety are noted. A financial contribution towards bus service serving the area would be required if the application was granted.
- 7b.6 The school catchment for the proposed development is not a material planning consideration.
- 7b.7 It is accepted that the proposed development exceeds the housing allocation and is considered an overdevelopment of the site.
- 7b.8 It is accepted that substantial green space would not be achieved on site.
- 7b.9 It is considered that there would not be a significant impact on the privacy of existing properties as a result of the distance of the new development from existing properties and the proposed landscape buffer.
- 7b.10 The applicant has submitted a Habitat Survey and Breeding Bird Survey which demonstrates that there would not be an unacceptable loss of wildlife.
- 7b.11 The NHS has not responded to consultation, although the application site is not located in an area where there is an identified deficiency, in accordance with SG11 'Healthcare and New Housing Development'. Catchment schools can accommodate the proposed development subject to financial contribution.
- 7b.12 It is accepted that there may be a degree of noise and disturbance during the construction phase of development.
- 7b.13 It is accepted that the proposed development does not include single storey housing, although affordable housing, including ground floor flats are proposed.

### ***Consultation Responses***

- 7b.14 The Roads Development Unit have raised concerns in relation to the layout of the proposed development and ask that it be amended, including the provision of a 3 metre wide footpath/emergency access (with collapsible bollards and guard rail) to the south-west of the site. The proposed development has not been designed in accordance with the National Roads Development Guide (SCOTS, 2014) and Designing Streets, which advocate consideration of place before movement and a street design that contributes positively to its environment.
- 7b.15 The Transport Planning Unit raise concerns in relation to the data and methodology, used in the Transport Assessment, that requires to be addressed. The Unit require further information in relation to the junction into the development from the Hillcrest Square access road, a footway on the east side of the access road, additional signage and a rumble strip on the B810 Shieldhill Road, swept path analysis for service vehicles and the provision of travel packs for new residents. A financial contribution is also required for bus services serving the area.
- 7b.16 Children's Services (Education) advise that a contribution of £375,200 is required.

**If the Committee is minded to grant planning permission the following issues require to be addressed:**

7b.17 The Transport Assessment requires to be amended in accordance with the concerns raised by the Transport Planning Unit, in relation to the data and methodology used.

7b.18 Conclusion of a Legal Agreement within 6 months of the date of a Minded to Grant decision and index linked from that date, as follows:

- A financial contribution of £375,200 (£3,350 per unit) towards school (primary and secondary) and nursery provision;
- A financial contribution of £198,744 towards active and passive open space provision or £182,376 where an equipped play area of a minimum of 400 m2 is accommodated on site serving toddler, junior and teen play (this figure can be adjusted depending on the size of play area proposed);
- A financial contribution of £110,000 per annum for 3 years (triggered on completion of the first 40 units) towards bus service provision; and
- The provision of 28 units (25% of 112 units) affordable housing, social rented accommodation, to be accommodated on site or a financial contribution to be assessed by the District Valuer Service.

## **7c Conclusion**

7c.1 The proposal represents an unacceptable form of development and is assessed as being contrary to the Falkirk Local Development Plan. The representations received are assessed and addressed in the main body of this report and comments received via consultation are noted. There are no material planning considerations that would justify the granting of planning permission in this instance.

## **8. RECOMMENDATION**

**8.1 It is therefore recommended that Committee refuse Planning Permission for the following reasons:-**

**Reason(s):-**

- 1) The proposed development does not accord with Falkirk Local Development Plan housing opportunity H69, as it exceeds the housing capacity of 30 units and represents an overdevelopment of the site. The proposal does not represent a sensitive landscape approach which would achieve substantial greenspace, including extensive tree planting to contain the development, appropriate access provision or habitat enhancement. The proposal does not reflect the rural character of the area and would result in coalescence with the neighbouring villages of Sheildhill and Reddingmuirhead, contrary to the Falkirk Local Development Plan.**

- 2) The siting, density and design of the proposed development would not respect the sites context or create a sense of identity. The layout and design does not accord with the Government's policy document Designing Streets and the landscape and greenspace is substandard and fails to integrate the development with its surroundings (including contributing meaningfully to the green network), contrary to policies GN01 'Falkirk Green Network', GN02 'Landscape', HSG04 'Housing Design', D02 'Sustainable Design Principles', D03 'Urban Design' and INF07 'Walking and Cycling' and supplementary guidance SG02 'Neighbourhood Design' of the Falkirk Local Development Plan.
- 3) The Council are not satisfied that the submitted Transport Assessment has been appropriately scoped and as such the network impacts properly defined, contrary to policy INF10 'Transport Assessments' of the Falkirk Local Development Plan.
- 4) The proposed layout and street design is contrary to the Government's policy document Designing Streets and the National Roads Development Guide (SCOTS, 2014).

**Informative(s):-**

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03B, 04 - 14 and Supporting Documents.

.....  
**pp Director of Development Services**

**Date: 15 February 2017**

**LIST OF BACKGROUND PAPERS**

- 1) The Falkirk Local Development Plan.
- 2) Objection received from Mrs Joanne Mitchell of 6 Hillcrest Square, Reddingmuirhead on 15 December 2016.
- 3) Objection received from Mr Alistair Mitchell of 6 Hillcrest Square, Reddingmuirhead on 16 December 2016.
- 4) Objection received from Fiona, Robbie and Calum Tierney of 8 Belmont Avenue, Sheidhill on 18 December 2016.
- 5) Objection received from Mr and Mrs McGuire of 8 Hillcrest Square, Reddingmuirhead on 13 January 2016.
- 6) Objection received from Marion and Keith Silver of Marclau, 5 Belmont Avenue, Sheidhill on 16 December 2016.
- 7) Objection received from Mr Danny Callaghan of 2 Nobel View, Reddingmuirhead on 25 January 2017.
- 8) Objection received from Ms Irene Fotheringham of 2 Rosemount Gardens, Sheildhill on 1 February 2017.

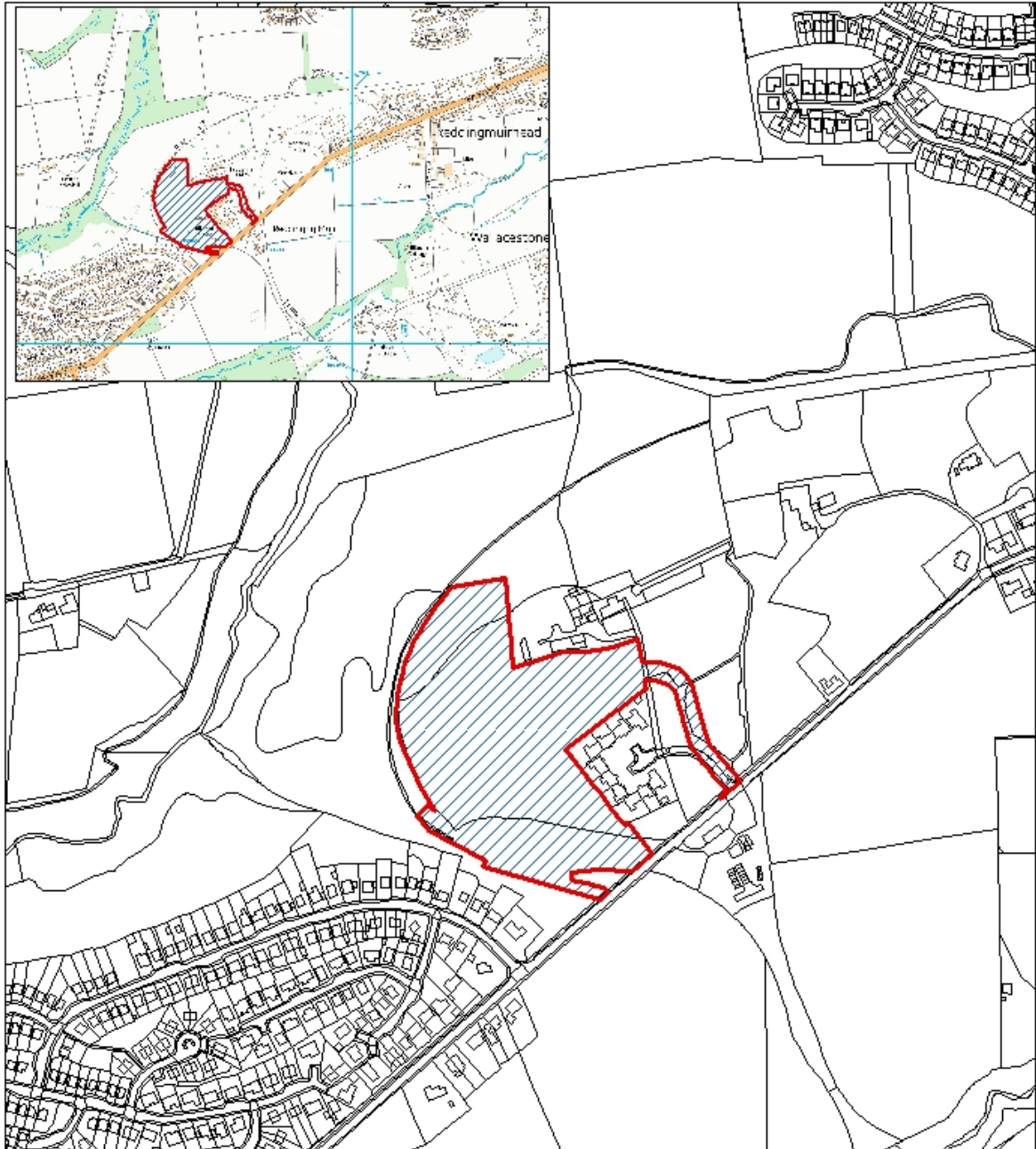
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/16/0706/FUL**

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



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