



Agenda Item 8

**ERECTION OF SUB STATION AT
LAND TO THE EAST OF PARKLEA,
MADDISTON, FALKIRK FOR
PERSIMMON HOMES EAST
SCOTLAND - P/18/0573/FUL**

FALKIRK COUNCIL

Subject: ERECTION OF SUB STATION AT LAND TO THE EAST OF
PARKLEA, MADDISTON, FALKIRK FOR PERSIMMON
HOMES EAST SCOTLAND - P/18/0573/FUL
Meeting: PLANNING COMMITTEE
Date: 24 January 2019
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor James Kerr
Councillor John McLuckie

Community Council: Maddiston

Case Officer: Kevin Brown (Planning Officer), Ext. 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application proposes the construction of an electricity sub station on open space currently being formed within a new housing estate to the east of Maddiston. The application site forms part of Falkirk Local Development Plan allocated housing site H45 which is located to the north of Vellore Road. The substation is proposed to be enclosed within a Glass Reinforced Plastic (GRP) housing measuring 2.8m x 2.8m with a height of approximately 2.3m. Additional laurel hedge planting is also proposed around the edges of the substation and associated access track.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called-in by Councillor Kerr who has requested a site visit to see what the environmental impact the substation may have on this site.

3. SITE HISTORY

- 3.1 P/14/0655/PPP - Application Withdrawn 04 March 2015 - Development of Land for Residential Purposes.
- 3.2 P/16/0525/FUL Detail - Granted 3 December 2017 - Erection of 60 Dwellings with Associated Amenity, SUDS and Parking.

4. CONSULTATIONS

- 4.1 The following responses to consultation were received:
- 4.2 Scottish Natural Heritage has no comments concerning this proposal.
- 4.3 The Council's Roads Development Unit sought amendments to the location of the access and vehicle turning area details. Amended plans have been submitted to address these initial concerns. The Roads Development Unit have no objection to the proposal as amended.
- 4.4 The Council's Environmental Protection Unit have no objections.

5. COMMUNITY COUNCIL

- 5.1 The Maddiston Community Council has not commented on this application.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, one representation of objection was received. The salient issues are summarised below.
- Concern over potential health impacts of sub station adjacent to residential property.
 - Visual impact.
 - Impact on property value.
 - Risk to the health of horses who graze on the site adjacent.

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 Policy INF03 - Protection of Open Space states:-

The Council will protect all urban open space, including parks, playing fields and other areas of urban greenspace, which is considered to have landscape, amenity, recreational or ecological value. Accordingly:

1. *Development involving the loss of urban open space will only be permitted where:*
 - *There is no adverse effect on the character or appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;*
 - *There will be no significant adverse effect on the overall recreational amenity of the local area, taking account of the Council's open space standards (defined within the Open Space Strategy) and its release for development will be compensated for by qualitative improvements to other parts of the green network in the local area;*
 - *The area is not of significant ecological value (this can include areas that are not specifically designated for ecological features, but which are important in supporting the qualifying features of Natura 2000 sites); and*
 - *Connectivity within, and functionality of, the wider green network is not threatened and public access routes in or adjacent to the open space will be safeguarded.*
2. *Where development would also involve the loss of playing fields or sports pitches, it must additionally be demonstrated that:*
 - *The proposed development is ancillary to the principal use of the site as a playing field; or*
 - *The proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training; or*
 - *The playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users, or by the upgrading of an existing playing field to provide a better quality facility either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area; or*
 - *The Council's pitch strategy has shown that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.*

- 7a.3 The application site is located within an area of land which is identified for open space as part of planning approval P/16/0525/FUL. This open space area takes the form of amenity open space and is proposed to be planted with grass and trees. The proposed development would represent the loss of only a very small proportion of this wider open space area and would not result in any significant impact on the character of the area or loss of amenity value. The proposal will have no impact on the recreational value of the open space in this location and, as the open space area has not yet been formed, the ecological impacts of the proposal would be minimal. The proposal would not impact upon connectivity within the wider green network. The proposal accords with Policy INF03. The loss of the small area of open space is considered acceptable.

Supplementary Guidance formally Part of the Local Development Plan, SG13 - Open Space and New Development

- 7a.4 The guidance note sets out the Council's policy on protection of existing areas of open space as well as provision of new areas of active and passive open space within new development. The guidance sets out a framework for seeking developer contributions towards open space improvements where on site provision is not possible or where valuable areas of open space would be lost as a result of development. In the case of this application site, the substation is proposed to be located upon a new area of passive open space to be formed as part of housing development P/16/0525/FUL. The passive open space requirements set out within SG13 are exceeded by the provisions within P/16/0525/FUL. The proposed substation is of a sufficiently small scale as to have a negligible impact on the functionality of this passive open space area and the resulting size of passive open space still accords with the requirements set out within SG13. In addition, the proposal includes additional planting to mitigate the visual impact of the proposals. The developer of P/16/0525/FUL has also agreed to make a financial contribution towards active open space requirements within the local area. The proposed development has no impact on this financial contribution or active open space provision within the local area. The proposed development accords with the guidance set out within SG13.

7b Material Considerations

- 7b.1 The material considerations to be assessed are Assessment of Public Representations, Falkirk Local Development Plan 2 (Proposed Plan) and Consideration of the Site in relation to Coal Mining Legacy.

Assessment of Public Representations

- 7b.2 Concerns over potential health impacts on humans or animals are not material planning considerations. It is noted that the design and siting of the substation is not unusual. GRP housing substations of this scale are commonplace.
- 7b.3 Concerns over visual impact are noted. The applicants have however amended the plans to include laurel hedging between the proposed sub station and the neighbouring property. The sub station is also proposed to be located approximately 3m from the neighbouring boundary and 12.5m from the dwellinghouse. The limited scale of the sub station is also such that its visual impact would be insignificant. The proposed external colour of the substation is either 'mid brown' or 'date green' and this will also assist in mitigating concerns in relation to visual impact
- 7b.4 Impact on property value is not a material planning consideration.

Falkirk Local Development Plan 2 (Proposed Plan)

- 7b.5 The current Falkirk Local Development Plan is in the process of being replaced by a new plan, LDP2. The Proposed Falkirk Local Development Plan 2 (LDP2) has been approved by the Council for consultation. The consultation period ran from 27 September 2018 to 23 November 2018. Following consideration by Scottish Ministers of representations received it is expected that LDP2 will be adopted in 2020, at which point it will replace the current Falkirk Local Development Plan. LDP2 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. In the case of this particular application, the proposed plan in its current form does not introduce any new policy considerations or land use allocations which justify a refusal of planning permission in this instance.

Consideration of the Site in Relation to Coal Mining Legacy

- 7b.6 The application site falls within an area defined by the Coal Authority as being low risk. A Coal Mining Risk Assessment is not required, but ground conditions should still be considered as part of the Building Standards process, if relevant.
- 7b.7 Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

7c Conclusion

- 7c.1 The proposal is an acceptable form of development and accords with the Development Plan. There are no material planning considerations that warrant a refusal of planning permission in this instance.

8. RECOMMENDATION

- 8.1 **It is therefore recommended that the Planning Committee grant planning permission subject to the following condition(s):-**

1. **The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
2. **The proposed planting and landscaping works as shown on approved planning drawing 04A (DWA Landscape Architects Ltd drawing number 143.103.04b) shall be completed within the first available planting season following construction of the substation. Thereafter, the hedge and landscape planting shall be retained in perpetuity and maintained in accordance with the details set out on approved planning drawing 04A (DWA Landscape Architects Ltd drawing number 143.103.04b).**

Reason(s):-

1. **As these drawings and details constitute the approved development.**

2. To ensure that the proposed landscaping works are completed within an appropriate timescale, maintained to an acceptable standard and to protect visual amenity levels.

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, 03 and 04A.
2. In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
3. The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

| | |
|------------------------|-----------------------------------|
| Monday to Friday | 08:00 - 19:00 Hours |
| Saturday | 08:00 - 13:00 Hours |
| Sunday / Bank Holidays | No noise audible at site boundary |

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Protection Unit.

4. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.

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pp Director of Development Services

Date: 15 January 2019

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Proposed Falkirk Local Development Plan 2.
3. Supplementary Guidance SG13 - Open Space and New Development.
4. Objection received from Fraser Comrie-Bryant, On Behalf Of Mrs Comrie-Bryant, Parklea, Maddiston, Falkirk, FK2 0BN on 29 October 2018.

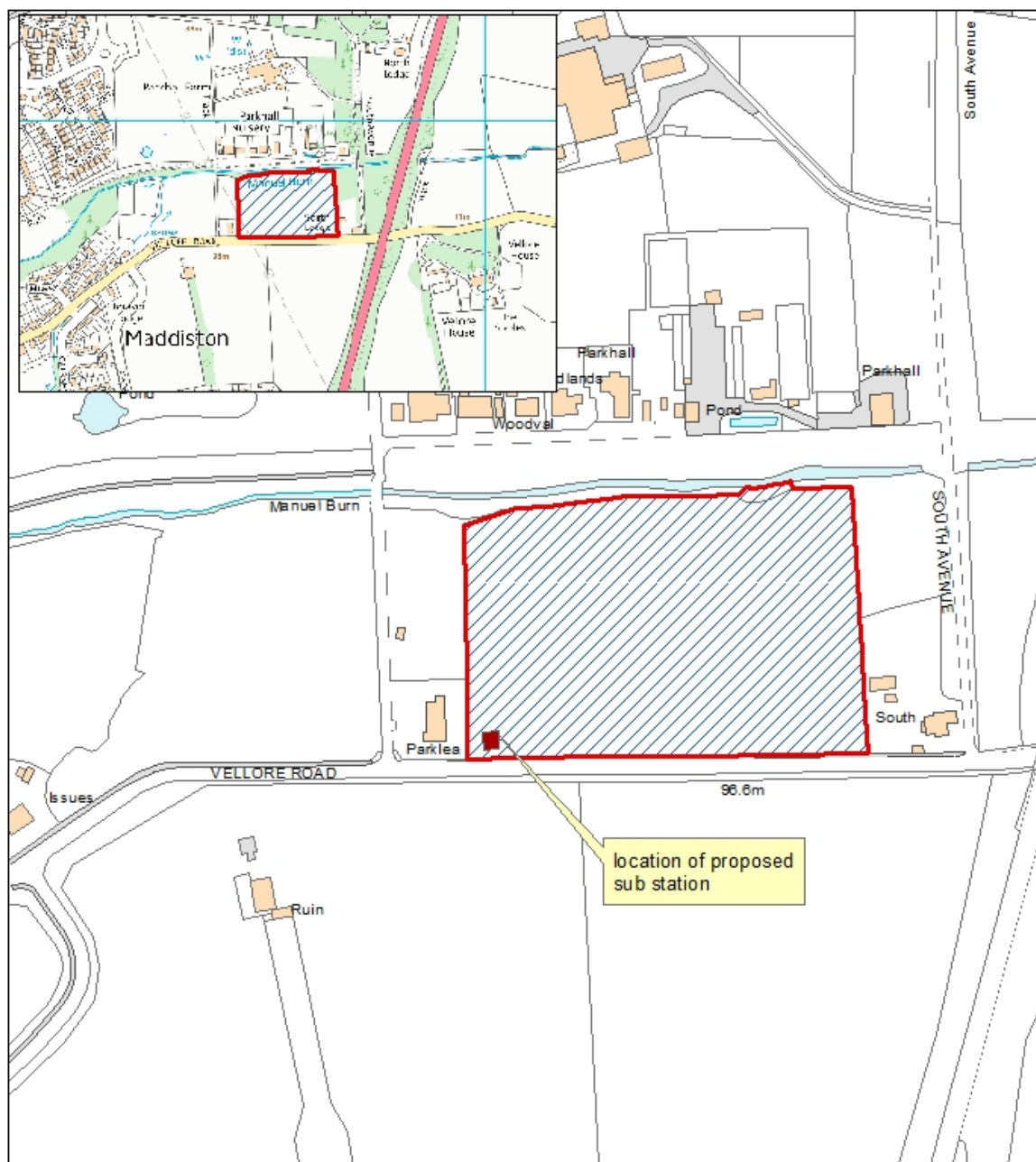
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan

P/18/0573/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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