

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

PROPOSAL : Erection of 9 Dwellinghouses with Associated Garages and Engineering Infrastructure
LOCATION : Site To The West Of Castlewood, Glen Road, Torwood, ,
APPLICANT : Mr Jim Scobie
APPN. NO. : P/21/0046/FUL
REGISTRATION DATE : 3 February 2021

1. SITE LOCATION / DESCRIPTION OF PROPOSAL

The application site extends to 2.57 hectares and consists of part of a woodland area situated on the south side of Glen Road adjoining the village of Torwood. Part of the site has recently been cleared under a felling permission issued by Scottish Forestry. The site slopes upwards away from the road.

The application seeks planning permission to erect 9 large, four bedroom, detached dwellinghouses and associated garages. Changes in levels would be required to facilitate the development, including the creation of building platforms. The dwellinghouses would be accessed by two new common driveways onto Glen Road, apart from plot 1 which would be accessed from an existing private access. A 25 metre wide woodland planting edge would be provided along the rear site boundary.

The application is supported by a planning statement. The applicant has also indicated that compensatory planting equal to the extent of the proposed residential development would be provided, either within the green open areas south of Torwood Castle, at the Blairs Farm, bordering the Ancient Woodland along the edge of Glenbervie Golf Course, or at a suitable alternative location to be agreed with the Council.

2. SITE HISTORY

There is no planning history of relevance to the current application.

3. CONSULTATIONS

The following responses to consultation were received:

Children's Services	Financial contribution requested
Museum Service	No objection
Roads Development Unit	Further information required
Scottish Water	No objection
Environmental Protection Unit	No objection

Forestry Commission Scotland Concerns raised

Case Officer - Coal Standing Low risk area
Advice Area

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

4. PUBLIC REPRESENTATION

In the course of the application, 10 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.

Local Plan Policy

- The site is outside the village boundary and therefore designated countryside
- The policies underpinning LDP2 should be applied to protect the woodland in Torwood from housing development and further reduction in the extent of woodland
- Allowing the application would completely disregard the LDP2 process
- LDP2 provides for two housing sites within the village, which are currently underway and will significantly increase the size of the village by 25 houses

Woodland

- The site is a woodland recently felled under licence from Scottish Forestry and awaiting restocking under Scottish Forestry rules
- It is not agreed that local residents have welcomed the recent felling of the woodland
- Local people appreciate the woodland for its greenspace and biodiversity, as well as for recreational pursuits

Character, Amenity and Landscape

- The development would adversely affect the character and countryside setting of the village
- The development would not be a 'mirror image' of previously approved housing in the village
- The proposal constitutes ribbon development
- The woodland is at the heart of the village and gives it its rural and peaceful character
- The proposed development is at a higher level than existing properties, hence there would be overlooking and a significant infringement on privacy
- The line of proposed houses would be a huge blot on the landscape
- Removal of woodland views enjoyed by walkers, cyclists and residents
- The development would not benefit the 'gateway edge' of the village - rather it would ruin the view up to the main woodland from Glen Toad and the Castle Lane
- The proposed development has no connection to the existing character of the village

Traffic and Road Safety

- It is not agreed that the development would reduce vehicle speed on the upper stretch of Glen Road - the opposite would be true
- Existing issues with traffic, speed of traffic and irresponsible parking on Glen Road
- Existing heavy volume of construction traffic using Glen Road
- Residents object to location of the new site accesses opposite their houses/ driveways
- The development would increase traffic through the village, making it less safe
- The proposed new accesses are immediately after the blind summit at the start/ end of the 30mph speed zone

Flooding

- It is not agreed that the existing village isn't at greater risk of flooding as a result of new housing development
- Removal of the woodland would likely increase the amount of water that makes its way onto and down Glen Road

Ecology

- Existing habitat and countryside is being destroyed by constant ongoing building works
- Impacts on flora and fauna
- The site has fantastic wildlife

Recreation

- The development does not take into account the longstanding paths which lead from Glen Road (opposite Torell/ Torlene) to Tappoch Broch
- These paths have been on the site in excess of 20 years and are well trodden and well visualised, and the impression is that they now constitute public rights of way
- The paths would fall under the protection of the Countryside (Scotland) Act 1967
- The site is used by cyclists and walkers

Infrastructure

- Existing schools are at capacity
- Allowing further development would be ill considered and premature - a period of time should be given beyond the developments currently taking place to fully assess the impacts in terms of traffic, services and drainage etc

Heritage

- The site is close to historic landmarks dating back to the Iron Age

Comments made in support of the application

- Torwood is a lovely area and has demand for housing, but no availability
- Falkirk is a popular area to locate to which is good for the local economy, but there is a lack of high end housing
- More housing would hopefully attract the professionals we require in this area
- The proposed development would enhance this part of Glen Road, which is currently pretty poor to look at
- The area across the road has already been developed

Local Plan Policy

- The site is outside the village boundary and therefore designated countryside
- The policies underpinning LDP2 should be applied to protect the woodland in Torwood from housing development and further reduction in the extent of woodland
- Allowing the application would completely disregard the LDP2 process
- LDP2 provides for two housing sites within the village, which are currently underway and will significantly increase the size of the village by 25 houses

5. THE DEVELOPMENT PLAN

The Falkirk Local Development Plan was adopted on 7 August 2020. The proposed development was assessed against the following policy or policies:

PE01 - Placemaking

PE06 - Archaeological Sites

PE13 - Green and Blue Network

PE14 - Countryside

PE16 - Protection of Open Space

PE18 - Landscape

PE19 - Biodiversity and Geodiversity

PE20 - Trees, Woodland and Hedgerows

PE21 - Promotion of Forestry and Woodland

HC01 - Housing Land

HC05 - Housing in the Countryside

IR03 - Education and New Housing Development

IR06 - Active Travel

IR10 - Drainage Infrastructure

IR13 - Low and Zero Carbon Development

5A. MATERIAL CONSIDERATIONS

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

Consideration of the site in relation to coal mining legacy

Falkirk Council Supplementary Guidance

Responses to Consultation

Information Submitted in Support of the Proposal

Assessment of Public Representations

6. PLANNING ASSESSMENT

The Development Plan

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 -

Local Plan Policies

The application site lies outwith the Torwood village limits, within the countryside, as defined in LDP2, and also forms part of a protected Open Space area.

Policy PE01

The proposed development is considered to run counter to some elements of successful place-making. In particular, the proposal would impact on the distinctive woodland setting of the village, a satisfactory landscape/ streetscape fit has not been demonstrated, and the proposal fails to take into account the existing network of informal paths in the area.

Policy PE06

There are no known archaeological sites within the proposed development area. The settings of Torwood Castle to the south and Tappoch Broch and a Roman road to the south-west, are unlikely to be affected due the distance of these sites from the proposed development.

Policy PE13

While the application includes proposals for compensatory new planting, the effect of the proposed development is the loss of a woodland area, permanent landscape change, potential biodiversity issues, and reduction in outdoor access opportunities at an important location within the green network.

Policy PE14

As the site lies outwith the village limits, the proposal requires assessment against the relevant countryside policy, in the case Policy HC05 'Housing in the Countryside' (see below).

Policy PE16

The application site lies within an Open Space area as defined in LDP2. Under the terms of this policy, the proposed development is considered to adversely affect the character and appearance of this open space area, potentially affect an area of significant ecological value, and threatens connectivity to the wider green network.

Policy PE18

It has not been demonstrated, through submission of a landscape and visual impact assessment, that the proposed development would achieve a satisfactory landscape fit. In particular, the building platform is on rising ground above Torwood village, and the development would impact on the woodland setting of the village.

Policy PE19

It has not been demonstrated, through submission of a habitat and protected species survey, that the proposed development would protect and enhance habitats and species of importance. It is known that there are red squirrel, pine marten and birds of prey in this area.

Policy PE20

Under this policy the criteria in the Scottish Government's policy on Control of Woodland Removal will be used to determine the acceptability of woodland removal. Scottish Forestry

have advised that the woodland removal policy seeks to protect the existing forest resource, and supports woodland removal only where it would achieve significant and clearly defined additional public benefits. Scottish Forestry also intimate that a proposal for compensatory planting may form part of the determination. While the applicant's indicative proposals for compensatory planting are noted, it has not been demonstrated what the significant additional public benefits would be from removal of the existing forest resource.

In addition, Scottish Forestry have highlighted that only 0.66 hectares of the development area is covered by the felling permission, and the application does not mention additional felling of woodland that would be required to enable the development. As such, it has not been demonstrated that the development would avoid the removal of safe and healthy trees, or non-commercial woodland, where such removal would be detrimental to landscape, local amenity, nature conservation or recreation interests.

Policy PE21

The Falkirk Forestry and Woodland Strategy 2015 to 2055 provides a long term vision for the management and expansion of the woodland resource within the Falkirk Area. The strategy recognises Torwood as the single largest woodland in the lowland fringes area of Falkirk.

Policy HC01

This policy indicates that the Council will maintain at least a 5 year supply of effective housing land to ensure that the housing land supply target is met over the development plan period. The applicant has not raised effective housing land supply as an issue in support of the application.

Policy HC05

The application does not meet any of the circumstances set out in the policy to support housing in the countryside. The proposed development cannot be considered 'appropriate infill development' as it does not meet all of the criteria set out in SG01. The criteria indicate that ribbon development is an unacceptable form of development in the countryside. The proposal represents extensive ribbon development beyond the village boundary on the south-east side of Glen Road.

Policy IR03

A financial contribution of £2334 per dwellinghouse in accordance with SG10 would be required towards addressing growing capacity pressures at Larbert High School attributable to new housing development in the area. No other school capacity issues have been identified.

Policy IR06

The proposed development fails to safeguard, improve and extend the network of active travel routes. In particular, the proposal fails to accommodate existing informal routes within the site, which may be long established and which link to the wider network.

Policy IR10

The applicant has advised that a surface water drainage strategy would be prepared to fully satisfy the Council's requirements. Initial design work has been carried out based on attenuation/ treatment measures on-site before controlled discharge to a ditch.

Policy IR13

The development would need to incorporate on-site low and zero carbon generating technologies to meet a proportion of the overall energy requirements. The details of the provision could be the subject of a condition of any grant of planning permission.

Falkirk Council Supplementary Guidance

Supplementary Guidance in association with LDP2 is at various stages of preparation. Largely consisting of the updating and consolidation of Supplementary Guidance prepared alongside LDP1, a number of Supplementary Guidance notes have been adopted, while the others are being finalised or consulted on prior to adoption.

The following Falkirk Council supplementary guidance was taken into account in considering the application:-

- Adopted SG01 'Development in the Countryside', May 2021
- Adopted SG02 'Neighbourhood Design', November 2020
- Finalised SG05 'Green Infrastructure and New Development', May 2021
- Adopted SG07 'Biodiversity and Development', May 2021
- Adopted SG09 'Landscape Character Assessment and Landscape Designations', April 2021
- Adopted SG10 'Trees and Development', November 2020
- Non-statutory Revised SG10 'Education and New Housing Development', October 2019
- Non-statutory SG15 'Low and Zero Carbon Development', November 2015

Responses to Consultation

The Roads Development Unit have advised that the application site lies on the south-west side of the C9 Glen Road, an adopted road with footway and lighting provision on the other side of the carriageway. A vehicle speed survey has been carried out which has determined that visibility splays measuring 2.4 metres x 60 metres are required from both proposed accesses onto Glen Road. The required splays are achievable from both accesses, though roadside vegetation would need to be cut back. The required number of parking spaces has been provided within the curtilage of each property and visitor parking is proposed on both shared accesses. A surface water drainage strategy is required to be submitted. Any grant of planning permission should be subject to conditions in relation to construction of the vehicular accesses/ driveways, provision of the required visibility splays, and provision of a 2 metre wide footway along the site frontage.

Scottish Water have no objection to the application. There is currently sufficient capacity at the Turret Water Treatment Works to service the proposed development. Further investigations may be required to be carried out once a formal connection application has been submitted. Capacity at the Torwood Waste Water Treatment Works is unable to be confirmed at present. A Pre-Development Enquiry (PDE) Form should be submitted by the applicant to allow for the proposal to be fully appraised.

The Environmental Protection Unit have advised that the application appears to be satisfactory in terms of potential noise issues. A contaminated land assessment is required due to mining and quarrying, probable workings and other potential sources of contaminated land within 250 metres of the site. There are no significant local air quality concerns associated with the application.

Children's Services have advised that the proposed development will contribute to a requirement for investment to resolve growing capacity pressures at Larbert High School caused by new housing development in the area. A pro-rata contribution of £2334 per dwellinghouse in accordance with SG10 is therefore requested. Larbert Village Primary School, St Bernadette's RC Primary School and St Mungo's RC High School currently have sufficient capacity to accommodate the proposed development. The proposal is below the threshold for contributions towards nursery provision.

Falkirk Community Trust, Museum Services, have advised that there are no known archaeological sites within the proposed development area. Torwood Castle lies to the south and Tappoch Broch and a Roman road to the south-west, but these are some distance away. The nearest site of historic interest is a large quarry immediately to the south-west. It is believed that the stone from this quarry was used in the construction of Stirling Castle. However, the proposed housing stops just shy of the quarry. The topsoil coverage on the site is shallow and so the probability of any archaeological remains of significance is slight. Therefore, there is no objection to the proposed development.

Scottish Forestry have advised that the area proposed for development is designated as woodland on OS Base maps, listed within the National Forest Inventory and the Native Woodland Survey for Scotland and as such should remain that way. Part of the development area (0.66 hectares) is covered under a Felling Permission granted by Scottish Forestry on 13th December 2019. Though this gave permission for a portion of the woodland to be felled, it also placed a legal obligation on the landowner to restock the same area with Sitka spruce, Birch and Scots pine by 30 June 2022. No mention is made in the application of the additional felling of woodland that would be required to enable the development. Any proposal to change land use from that of a woodland to another development would be considered deforestation under the EIA Forestry Scotland legislation, and therefore must be screened accordingly. Where deforestation is proposed as part of a development, the Control of Woodland Removal Policy will apply. As such, suitable planning conditions to deliver compensation for any woodland removal must be applied.

Information Submitted in Support of the Proposal

The planning statement accompanying the application includes the following submissions:-

- The proposed development could be considered as rounding-off the village at the north-western end of Glen Road, still all contained within the 30mph speed limit
- The proposed development is basically providing a 'mirror image' of previously approved housing and would visually form the edge of the built environment, thereby ensuring that vehicular traffic speed is reduced and creating a more safe and pleasant environment for the existing residents
- It has been stated by the Council's former roads officials that double-sided development is a major psychological contributing factor in the reduction of traffic speed and improvement in road safety
- The tree felling operations have dramatically altered the visual landscape setting for existing residential properties and the residents immediately affected by these changes have welcomed the removal of this overgrown commercial woodland, the greater sunlight now afforded throughout the year, and the proposed development with new broadleaved planting to create a new landscape setting
- The proposed development should not be rejected as ribbon development, but should be considered as a material benefit to this gateway edge of the settlement, by securing a

design proposal of similar scale, density, disposition and design, and reflecting the countryside character of the village

With respect to these submissions, it is not accepted that the proposed development would provide a mirror image to the houses on the other side of the road. The proposed houses are sited much further back from the road. The substantial setback would also reduce their presence as part of the streetscape in 'rounding' off the village. Even if the proposed houses were to provide a 'mirror image' it is not considered that this would outweigh the terms of the local development plan, which identifies the site as outwith the village limits, within the countryside and an open space area.

The argument that the development proposal could address existing traffic speed and road safety concerns similarly does not justify the development contrary to the local development plan. The Council as roads authority would investigate any complaints in relation to this matter and consider traffic management measures as appropriate.

The applicant's suggestion that neighbours' have welcomed removal of the commercial woodland may be somewhat undermined by the objections to the application.

Assessment of Public Representations

The concerns raised in the objections to the application have to a large degree been considered in the above planning assessment. In respect of the submissions in support of the application it can be noted that additional housing opportunities in the village are provided at the former Torwood school site and at McLaren Park.

Consideration of the Site in relation to Coal Mining Legacy

The application site falls within or is partially within the Development Low Risk Area as defined by the Coal Authority. However, as coal mining activity was undertaken at depth, no recorded surface hazards currently exist which could pose a risk to new development. Unrecorded coal mining related hazards could still exist. It is not necessary to consult the Coal Authority on any planning applications which fall within the Development Low Risk Area.

Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

7. HUMAN RIGHTS AND EQUALITY ASSESSMENT

Officers have considered the Human Rights Act 1998 in making this recommendation. It is considered that the proposed recommendation would not adversely impact on any protected characteristic groups as identified within the Equality Act 2010.

8. CONCLUSION

The application is assessed as contrary to LDP2. It is therefore recommended for refusal. There are not considered to be any material planning considerations to justify granting planning permission contrary to the terms of LDP2.

9. RECOMMENDATION

Refuse Planning Permission

Refusal is recommended for the following reason(s):

1. The application is contrary to Policy PE01 'Placemaking' of Falkirk Local Development Plan 2 as the proposed development does not fully embrace all six qualities of successful placemaking. In particular, the proposal would impact on the distinctive woodland setting of the village, a satisfactory landscape/ streetscape fit has not been demonstrated, and the proposal fails to take into account the existing network of informal paths in the area.
2. The application is contrary to Policy PE13 'Green and Blue Network' of Falkirk Local Development Plan 2 as the effect of the proposed development is loss of a woodland area, permanent landscape change from countryside to residential, potential biodiversity issues, and reduction in outdoor access opportunities at an important location within the green network.
3. The application is contrary to Policies PE14 'Countryside' and HC05 'Housing in the Countryside' of Falkirk Local Development Plan 2 as the proposed development does not satisfy any of the circumstances to support new housing development in the countryside. The proposal therefore represents unjustified development in the countryside.
4. The application is contrary to Policy PE16 'Protection of Open Space' of Falkirk Local Development Plan 2 as the proposed development would have an adverse effect on the character and appearance of a designated open space area, potentially affects an area of significant ecological value, and threatens connectivity to the wider green network.
5. The application is contrary to Policy PE18 'Landscape' of Falkirk Local Development Plan 2 as it has not been demonstrated, through submission of a landscape and visual impact assessment, that the proposed development would achieve a satisfactory landscape fit. In particular, the building platform is on rising ground above Torwood village, and the development would impact on the woodland setting of the village.
6. The application is contrary to Policy PE19 'Biodiversity and Geodiversity' of Falkirk Local Development Plan 2 as it has not been demonstrated, through submission of a habitat and protected species survey, that the proposed development would protect and enhance habitats and species of importance.
7. The application is contrary to Policy PE20 'Trees, Woodland and Hedgerows' of Falkirk Local Development Plan 2 as it has not been demonstrated, with reference to the Scottish Government's policy on Control of Woodland Removal, what the significant additional public benefits would be from removal of the woodland resource. Furthermore, the existing felling permission does not cover the entirety of the application site. As such, it has not been demonstrated that the development would avoid the removal of safe and healthy trees, or non-commercial woodland, where such

removal would be detrimental to landscape, local amenity, nature conservation or recreation interests.

8. The application is contrary to Policy IR06 'Active Travel' of Falkirk Local Development Plan 2 as the proposed development fails to safeguard, improve and extend the network of active travel routes. In particular, the proposal fails to accommodate existing informal routes within the site, which may be long established and which link to the wider network.

Informatives:

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11 and 12.



24/06/21

pp Director of Development Services

Date

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