

FALKIRK COUNCIL

**Subject:** FORMATION OF ROUNDABOUT, AT SITE TO THE SOUTH WEST OF ALMONDHALL FARM FALKIRK FOR LAND OPTIONS WEST (P/08/0844/OUT)  
**Meeting:** PLANNING COMMITTEE  
**Date:** 20 May 2009  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Councillor Gordon Hughes  
Councillor Stephen Fry  
Councillor John McLuckie

**Community Council:** Maddiston

**Case Officer:** John Milne (Senior Planning Officer), ext 4815

**UPDATE REPORT FOLLOWING SITE VISIT**

1. Members will recall that a site inspection took place on Tuesday 5 May and that the issues raised can be summarised as follows: -
  - 1.1 That the development may prejudice development at Whitecross.
  - 1.2 That the Committee does not have adequate information such as comprehensive traffic impact survey to determine this application.
  - 1.3 A request that, should Committee be minded not to refuse this application, this matter be deferred to allow a further application to be submitted within 8 weeks by Tyler Parkes Partnership which would take into consideration two junctions on A801 to provide access to the east and west of the road.
2. In response to these issues, it is considered that: -
  - 2.1 The emerging Local Plan is a material consideration in the determination of this application. It includes a proposal for the Whitecross SIRR and anticipates access levels via a junction on A801 (p 279 of the draft plan). Without detail in relation to the roundabout proposed in this application and without information, yet to be produced, (see para 1.3) in relation to the access to the Whitecross SIRR, it is not possible to eliminate the possibility that the roundabout proposed in this application might impact adversely on the access to the Whitecross SIRR.

- 2.2 No traffic impact assessment has been submitted in support of this application. A traffic impact assessment was not sought by the planning authority prior to recommendation of this application as: -
- (i) There is no Local Plan designation for new housing in the western area, therefore the proposed level of vehicle traffic generated by new development is not quantifiable to any accurate degree.
  - (ii) The indicative drawing accompanying the application shows access only to land on the west of the site being served and does not consider any impact of the additional development i.e. Whitecross SIRR, potentially utilising the A801 roadway.
  - (iii) The principle of development is not considered acceptable in terms of the Development Plan and the emerging Local Plan and any request for substantial survey information was considered financially abortive for the applicant.
- 2.3 Members should be aware that, should the application be deferred, the applicant is at liberty to submit an appeal against non-determination of the application. The applicant is entitled to have the current application assessed on its individual merits and is not compelled to enter into a joint venture with another party to secure a planning permission.
3. One additional letter of comment has been received from the Tyleparkes Partnership representing the Morston Assets, who are the land developer for the Whitecross SIRR, to the effect;-
- 3.1 There is no proposal within the current Local Plan review to allocate land within this area, and obviously any such allocation is a matter for the Council to consider as part of the next round of policy review. In that sense, the application is premature.
- 3.2 Whilst it was suggested that the proposed roundabout could provide some local traffic benefits by providing an alternative access onto the A801 and the M9 motorway, these benefits could only be achieved following the allocation of land for a substantial housing development in the successor to the current Local Plan. The roundabout, and any future relief link, would not be provided in advance of any such allocation, and there would be no local benefit to be achieved by granting planning permission now.
- 3.3 The applicants pointed to the likely difficulties involved in seeking consent for a new access onto the A801 in the event that it became a trunk road, and the desire to ‘future-proof’ the situation by seeking consent now.
- 3.4 In reality, however, there is little likelihood that the A801 will be trunked in the near future, since it is not included within any transport Scotland programme. It seems that any decision on possible trunking will be dependent on the A801 Avon Gorge improvement, which itself is not yet committed. In addition, there can be no certainty that Park Hall Farm will be allocated as a site for substantial residential development in the next planning policy round, and that therefore there is no need to pre-judge that position now, by ‘future-proofing’ a decision that has not yet been made.

- 3.5 The proposed roundabout is obviously intended to serve a substantial new housing development, and will also attract existing traffic seeking a more convenient access onto the principal road network. The applicants' agent himself said that the link would attract a 'large amount of traffic', but no attempt has been made by the applicants to quantify what that volume of traffic would be, nor whether that would cause unacceptable levels of congestion at the Whitecross roundabout, or even at the nearby motorway junction.
- 3.6 At the site visit, the applicant indicated that he was seeking permission in principle only and that the size of the roundabout could be adjusted to cater for whatever traffic levels were likely to be generated in the future. This is a gross oversimplification of the potential problem. The additional traffic brought on to the A801 by the proposed access may well cause congestion beyond the boundary of the application site, which the scheme will not be capable of resolving.
- 3.7 Tylerparkes suggest that the above makes it clear that much more needs to be done before the Committee can be satisfied that the proposed application would not prejudice a future Whitecross access, and the matter is simply too important to take a decision until that has happened. Morston continue to have grave concerns over the lack of information that has been provided.

This letter has been copied to the applicant's agent for information

**4 It is recommended that planning permission be refused for the following reasons:-**

- (1) The proposal is considered contrary to Policy ENV.1 – Countryside and Protected Areas – within the Falkirk Council Structure Plan, Rural Area Local Plan Policy Rural 1 – New Development in the Countryside and Falkirk Council Local Plan Finalised Draft (Deposit Version) Policy EQ19 – Countryside, in that no exception to the presumption against development in the countryside has been justified by the applicant or identified by Falkirk Council.**
- (2) The proposal is considered contrary to the Falkirk Council Local Plan Finalised Draft (Deposit Version) Policy ST6 – Improving the Road Network – in that no improvement in the A801 at this location is required as a consequence of development or as a consequence of Development Plan land allocations.**
- (3) The proposal is considered contrary to the Falkirk Council Local Plan Finalised Draft (Deposit Version) Policy ST7 – Transport Assessments – in that the quantifiable traffic impact on the A801 as a consequence of the introduction of a roundabout has not been able to be assessed on basis of the information provided.**

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For Director of Development Services

Date: 13 May 2009

**FALKIRK COUNCIL**

**Subject:** FORMATION OF ROUNDABOUT, AT SITE TO THE SOUTH WEST OF ALMONDHALL FARM FALKIRK FOR LAND OPTIONS WEST (P/08/0844/OUT)  
**Meeting:** PLANNING COMMITTEE  
**Date:** 22 April 2009  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Councillor Gordon Hughes  
Councillor Stephen Fry  
Councillor John McLuckie

**Community Council:** Maddiston

**Case Officer:** John Milne (Senior Planning Officer), ext 4815

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

- 1.1 The application site comprises an area of land on the A801 roadway, between the Lathallan roundabout and Bowhouse roundabout. More specifically, the site is identified as south of the Union Canal and north of "The Haining".
- 1.2 While the application is for the principle of the formation of a roundabout, the applicant has included an indicative drawing showing a roundabout set within the existing A801 carriageway and a spur leg taken to the west and extending outwith the application site. The area of land adjacent to the site is currently agricultural land. Development opportunities exist at nearby Parkhall and Gilston, with the applicant suggesting that the proposal may serve a potential expansion (not allocated in any Local Plan) of the Parkhall development which may be subject to future planning applications.

**2. REASON FOR CONSIDERATION BY COMMITTEE**

- 2.1 The planning application has been called to the Planning Committee at the request of Councillor Malcolm Nicol.

**3. SITE HISTORY**

- 3.1 No relevant site history.

#### **4. CONSULTATIONS**

- 4.1 Transport Scotland has advised that the A801 roadway is not within its scope of interest.
- 4.2 The Transport Planning Unit advise that no indication has been given as to the context of the proposed development, beyond a submitted plan annotated as relating to the Proposed Gilston Development (drawing ref. 07656/SK/04 - project : proposed development, Gilston). Any access arrangements on the A801 should not prejudice the proposed Whitecross SIRR (Special Initiative for Residential-Led Regeneration). The Transport Planning Unit consider the current proposals to lack sufficient detail on what will be accessed from the roundabout, and no inclusion of the potential Whitecross development seems to have been addressed.
- 4.3 The Roads Development and Flooding Unit can only give a qualified response as the extent of land to be developed and served by the proposed roundabout is unknown. Given that adjoining land is outwith the urban limit, the current proposal is considered premature as a roundabout may or may not be appropriate, and its size cannot be determined at this time.
- 4.4 Scottish Water has no objection to the application.

#### **5. COMMUNITY COUNCIL**

- 5.1 Maddiston Community Council has not submitted comments.

#### **6. PUBLIC REPRESENTATION**

- 6.1 One representation has been received, commenting that:-
- 6.2 The Falkirk District Local Plan Finalised Draft (Deposit Version) requires the Whitecross development to be served by a new access from a roundabout to be constructed on the A801.
- 6.3 The concern from the contributor is not about the applicant's desire to construct an access, but about any prejudicial impact that such an access may have on the feasibility of constructing what would then be an additional access on the A801.
- 6.4 The contributor is confident that an acceptable solution, involving a double roundabout arrangement, may be achievable.
- 6.5 The contributor has asked that the current planning application be deferred but, as the contributor is not the applicant nor agent to the applicant, such a request cannot be acceded to.

#### **7. DETAILED APPRAISAL**

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

*“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.*

Accordingly,

## 7a The Development Plan

### ***Falkirk Council Structure Plan***

7a.1 Policy ENV.1 ‘Countryside and Protected Areas’ states:

- “(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

7a.2 No justification for the development at this location has been submitted in the context of the existing roadway network. The proposal would infringe the road network infrastructure and adjoining agricultural land without demonstrating that the works are likely to improve the quality of life for local residents or established uses within the rural area. Therefore, the proposal does not accord with this policy.

### ***Rural Area Local Plan***

7a.3 Policy RURAL 1 ‘New Development in the Countryside’ states:

*“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-*

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*
- 3. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 4. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- 5. Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council’s Tourism Strategy are particularly welcomed.*

6. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

*The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council's "Design Guide For Buildings In The Rural Areas" and sympathetic to vernacular architectural forms will be expected."*

7a.4 The applicant has not substantiated the reason for the introduction of a roundabout at this location beyond speculation that adjoining land may be developed in the future. From consultation responses, the proposal is not required to improve the highway infrastructure within the rural area and would have an adverse effect on adjoining agricultural land.

7a.5 Accordingly the proposal does not accord with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations to be addressed are the policies within the Falkirk Council Local Plan Finalised Draft (Deposit Version) and points raised through comment.

### ***Falkirk Council Local Plan Finalised Draft (Deposit Version)***

7b.2 Policy ST7 - 'Transport Assessments' states:

- "(1) Falkirk Council will require transport assessments of developments where the impact of that development on the transport network is considered likely to require mitigation. In all cases, this mitigation will be delivered to a level that achieves no net detriment to the capacity of the network.*
- (2) Transport assessments will include travel plans and, where necessary, safety audits of proposed mitigation measures and assessment of the likely impacts on air quality as a result of proposed development.*
- (3) Developers will agree the scope of the assessment with Falkirk Council, then undertake the assessment in accordance with the scoping. In all cases, the assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over unnecessary use of the car.*
- (4) The Council will only grant planning permission where it is satisfied that the transport assessment and travel plan has been appropriately scoped, the network impacts properly defined and suitable mitigation measures identified."*

7b.3 In this instance, there is a lack of identifiable linkage of the roundabout to established/proposed development identified in the Development Plan and emerging Development Plan. Also, the proposal is not required at this time to enhance the existing road network provision. This renders the submission and analysis of a Transport Assessment as hypothetical. The variation in potential traffic impact on the existing A801 cannot be quantified or analysed at this juncture.

7b.4 Policy ST8 - 'Transport Safety' states:

- “(1) Falkirk Council will require safety audits of new schemes where appropriate. These will be undertaken in line with the Institute of Highway and Transportation’s “Guidelines for the Safety Audit of Highways”.*
- (2) Developers will provide or contribute to the provision of safety based infrastructure where this is agreed through the scoping for Transport Assessments, Freight Partnerships or other appropriate processes.”*

7b.5 No statistical analysis of the existing road network has been submitted in support of the proposal and no quantifiable information as to what the roundabout will access is available.

7b.6 Policy EQ19 - 'Countryside' states:

- “(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:*
  - it can be demonstrated that they require a countryside location;*
  - they constitute appropriate infill development; or*
  - they utilise suitable existing buildings.*
- (2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*
  - the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
  - building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council’s ‘Design Guide for Buildings in the Rural Areas’; and*
  - boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

7b.7 There is no reasoned justification for the proposed roundabout to be located at the site proposed on existing road infrastructure within a rural location.

7b.8 Policy ST6 - 'Improving The Road Network' states:

*“Falkirk Council will work with other authorities, the Scottish Executive and developers in delivering necessary improvements to the road network. Any improvements identified will be taken forward as part of packages of measures that support sustainable transport.”*

7b.9 The proposed roundabout is not required to address deficiencies in the existing A801 traffic management nor is it required to service identified development opportunities within the current Development Plan.

## ***Proposals and Opportunities***

### 7b.10 Opportunities (SIRR)

W.WHT1	Whitecross New Settlement
Site Area	Unknown
Capacity	1000-1500
Developer	Private
Status	Opportunity – SIRR
Comment	See paragraphs 5.1 – 5.6 Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.11 It is envisaged that while a full Transport Assessment and Travel Plan will be required, a new access via a roundabout from the A801 will be required.

7b.12 The impact of the current planning application on the proposed Whitecross SIRR (Special Initiative for Residential Led Regeneration) cannot be evaluated as no detailed proposals for the initiative have yet been lodged.

## ***Points Raised Through Comment***

7b.13 While the proposal may or may not have a detrimental impact on the proposed Whitecross SIRR (Special Initiative for Residential led Regeneration), as identified in the emerging Development Plan in terms of road access, no planning application for the development has yet been lodged. It could therefore be suggested that such considerations may be premature and the application for the roundabout should be considered on its individual merits, setting aside aspirations of the Whitecross SIRR.

7b.14 The applicant has failed to quantify the development to be served by the proposed roundabout, beyond drawing reference to nearby development at Parkhall. It is understood that the Parkhall development is currently served by adequate road infrastructure.

7b.15 The applicant suggests the roundabout is to provide a link from Parkhall to the A801, but will not be constructed unless relevant consents for additional housing is forthcoming. However, if this application is granted, the roundabout could be constructed in advance and may prejudice future consideration of development strategy.

7b.16 The applicant suggests that the proposed roundabout is ‘forward planning’. However, this ‘forward planning’ on the part of the applicant has no basis in either the current or proposed Development Plan.

7b.17 The applicant has offered to substantiate potential Traffic Impacts subject to qualification of criteria from Falkirk Council. Given the lack of Development Plan basis for development, such an exercise would be considered abortive at this juncture, given the application is for the principle of a roundabout and Falkirk Council has no development intentions as envisaged by the applicant.

**7c Conclusion**

- 7c.1 While the application for the roundabout is in principle, it reflects the aspirations of the applicant to provide - at some future date and dependent on further successful applications for development – a link route from the nearby Parkhall development. However, at this moment in time, there is no Development Plan basis for the additional roadway linkage nor has any evidence been submitted that the roundabout would contribute to an improvement in the existing roadway infrastructure. It is considered that the proposal is not supported by policies in the Development Plan and emerging district wide Local Plan and that there are no material planning considerations which would overturn a refusal of planning permission.
- 7c.2 If Members are minded to grant planning permission, the application has been advertised as development potentially contrary to the Development Plan in the Falkirk Herald on 27 January 2009. However, the proposal is not considered to be of such significance as to merit referral to Scottish Ministers.

**8. RECOMMENDATION**

**8.1 It is recommended that planning permission be refused for the following reasons:-**

- (1) **The proposal is considered contrary to Policy ENV.1 – Countryside and Protected Areas – within the Falkirk Council Structure Plan, Rural Area Local Plan Policy Rural 1 – New Development in the Countryside and Falkirk Council Local Plan Finalised Draft (Deposit Version) Policy EQ19 – Countryside, in that no exception to the presumption against development in the countryside has been justified by the applicant or identified by Falkirk Council.**
- (2) **The proposal is considered contrary to the Falkirk Council Local Plan Finalised Draft (Deposit Version) Policy ST6 – Improving the Road Network – in that no improvement in the A801 at this location is required as a consequence of development or as a consequence of Development Plan land allocations.**
- (3) **The proposal is considered contrary to the Falkirk Council Local Plan Finalised Draft (Deposit Version) Policy ST7 – Transport Assessments – in that the quantifiable traffic impact on the A801 as a consequence of the introduction of a roundabout has not been able to be assessed on basis of the information provided.**



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For Director of Development Services

Date: 15 April 2009

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan (2007)
2. Rural Area Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) 2007
4. Letter of representation from The Tyler Parkes Partnership Centre Court 1301 Stratford Road Hall Green, Birmingham dated 9 March 2009

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne (Senior Planning Officer).

# Planning Committee

## Planning Application Location Plan

# P/08/0844/OUT

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



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