

LAND TO THE EAST OF RODEL DRIVE, POLMONT

SUPPLEMENTARY

PLANNING STATEMENT IN SUPPORT OF DETAILED

APPLICATION FOR THE ERECTION OF

SIX DWELLINGHOUSES

JANUARY 2013

Prepared by:

Andrew Bennie Planning Limited
3 Abbots Court
Dullatur
G68 0AP

Tel: [REDACTED]

Email: [REDACTED]

COPYRIGHT

The contents of this statement may not be reproduced in whole or in part without the written consent of Andrew Bennie Planning Limited.

CONTENTS

1.0 INTRODUCTION

2.0 RESPONSE TO FALKIRK COUNCIL LETTER OF 8TH JANUARY 2013

APPENDIX 1:

Drawing no. 2999/P/400, Site Sections

Drawing no. 2999/P/200-B, Site Plan

Drawing no. 2999/P/600, Filtration Trench Details

1.0 INTRODUCTION

This statement has been prepared by Andrew Bennie Planning Limited on behalf of Mr. Stuart Anderson in further support of planning application reference P/12/0718/FUL, which relates to the erection of six dwellinghouses on a site lying to the east side of Rodel Drive, Polmont.

This statement provides a detailed response on the various matters raised within the Council's letter of 8th January 2013, which provides an indication of the Council's concerns as regards the overall acceptability of the application proposals.

The numbering sequence used within Section 2 of this statement follows that which is set out within the Council's letter.

Should Falkirk Council require any further, relevant information or clarification of any matters addressed within this supplementary statement, Andrew Bennie Planning Limited would be pleased to assist in its timely provision.

2.0 RESPONSE TO FALKIRK COUNCIL LETTER OF 8TH JANUARY 2013

ISSUE (1) – Local Plan Designation

It is accepted that the application site falls within an area of land forming a small part of a wider SINC designation to which the provisions of Policy EQ24 of the adopted Falkirk Council Local Plan applies.

In recognition of this designation, and in pursuit of a range of development proposals dating back over the last ten years or so, three separate ecological surveys of the site have been commissioned and undertaken, all of which have highlighted the low ecological and bio-diversity value of the application site, with said reports further highlighting the fact that the proposed development of the application site would not adversely impact upon the continued integrity and wellbeing of the wider SINC designation which relates to the Polmont Hill area.

It is further noted that in their consultation response to one of the previous application submissions relating to the site, which was for a larger more intensive scale of development, Scottish Natural Heritage agreed that the application site was of low ecological value and that the development of the application site would have a strictly limited impact upon the SINC and that the overall integrity would not be affected were the site to be developed.

I am not aware if Scottish Natural Heritage have been consulted on the current application proposals and as such, I would defer to their previous response as regards the implications of the development of the application site.

Falkirk Council themselves have not to my knowledge undertaken any specific ecological survey of the application site to verify or substantiate their stated position as regards the ecological value of the application site and the impact that its development would have upon the wider SINC and have sought assign a degree of value to the site simply because it forms part of a wider designation.

Given the lack of evidence to justify their position as regards the ecological value of the application site, it is my respectful submission that the Council's stance on this matter is both unreasonable and untenable.

It is an established tenet of good planning practice, and one that is supported by relevant planning case law, that in recommending the refusal of an application, it is not sufficient to simply state that a development proposal is contrary to policy, rather, it is necessary to set out, on the basis of a fully reasoned and justified assessment, taking into account all relevant material considerations, what aspect of the policy the application proposals offend against.

In the case of this application, the Council has stated that the proposals are unacceptable simply because a degree of "value" can be ascribed to the site by virtue of its inclusion within the wider SINC. However, the Council have failed to provide any evidence to demonstrate that the integrity of the wider SINC would be materially or adversely affected by the development proposed under this application.

This point is of particular importance, as the application site has not been designated as a SINC in its own right.

The only evidence on this matter, which is before the Council, is that which has been submitted in support of the application, the terms of which clearly demonstrate that the wider SINC would not suffer adversely as a consequence of the proposed development.

The wording of part (3) of policy EQ24 states clearly and unambiguously that in relation to, amongst other things, SINC's, development **"...will not be permitted UNLESS (emphasis added) it can be demonstrated that the OVERALL (emphasis added) integrity of the site will not be compromised..."**.

In view of the information that has been submitted in relation to the ecological impact of the proposed development it is clear that the overall integrity of this SINC designation will not be compromised by the proposed development and that as such, the application proposals can be fully and reasonably justified against the provisions of policy EQ24 of the adopted Local Plan.

With regards to the open space value of the application site I would defer in the first instance to our assessment of the proposals against the requirements of policy SC12 as set out within the main Planning Statement which has been submitted in support of this application.

Further to this, I would state that the value of the site in terms of its informal/passive recreational value has not been overlooked and it is my position that the nature of the proposed development will allow for the continued use of the site for dog walking purposes, with it being noted that all of the main existing access routes through the site will be maintained and improved as part of the proposed development.

Further to this, I would wish to make clear that in my view, the visual amenity and general usability of the site has decreased markedly over the years and that this process of degradation will continue until it reaches a point that the site is effectively incapable of being used for the purposes which the Council wish to protect.

It should also be noted that the Local Plan makes no provision for the improvement of this or indeed any other area of privately owned open space and that in the absence of development taking place thereon, there is no possibility of any improvements being made to this site at any point in the future.

ISSUE (2) – Roads and Access

Taking into account the matters raised within the Roads consultation, an amended version of the Site Plan has been prepared in order to show how the proposed development could be revised to accord with the stated requirements, see Drawing no. 2999/P/200-B within Appendix 1 of this statement.

Whilst it remains my position that the access arrangements for the site as originally proposed are acceptable, these amended site layout details demonstrate that if required, the proposed development can accord fully with the relevant roads standards.

To this end, an adoptable road can be provided as the means of access to plots one to three, which would leave the remaining plots to be served by way of a private access road.

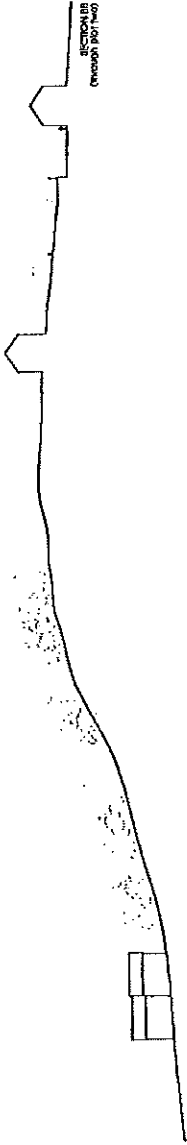
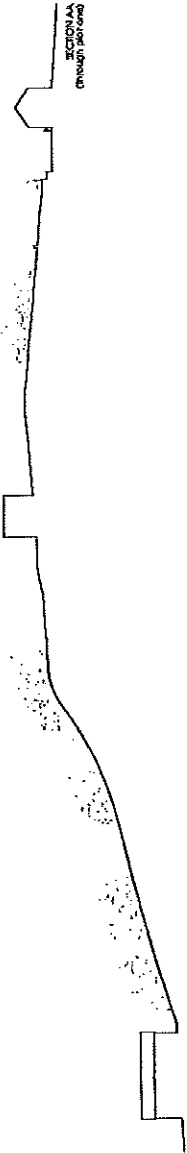
Details of the required off street parking arrangements, which meet fully the stated standards are shown on the amended site layout drawing, and these parking arrangements would remain unaltered irrespective of whether the site is accessed by way of an adopted road or private access.

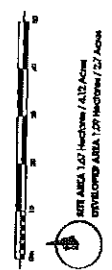
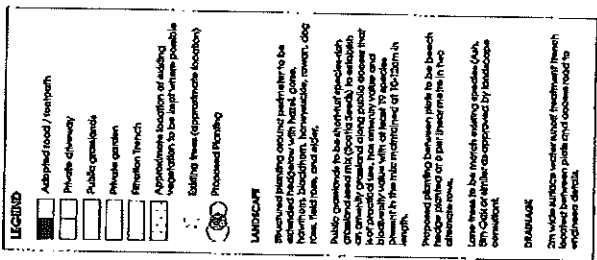
All of the remaining matters raised within the Roads consultation, such as driveway gradients and the opening direction of any gates, can be appropriately controlled via conditions attached to any planning permission issued pursuant to this application.

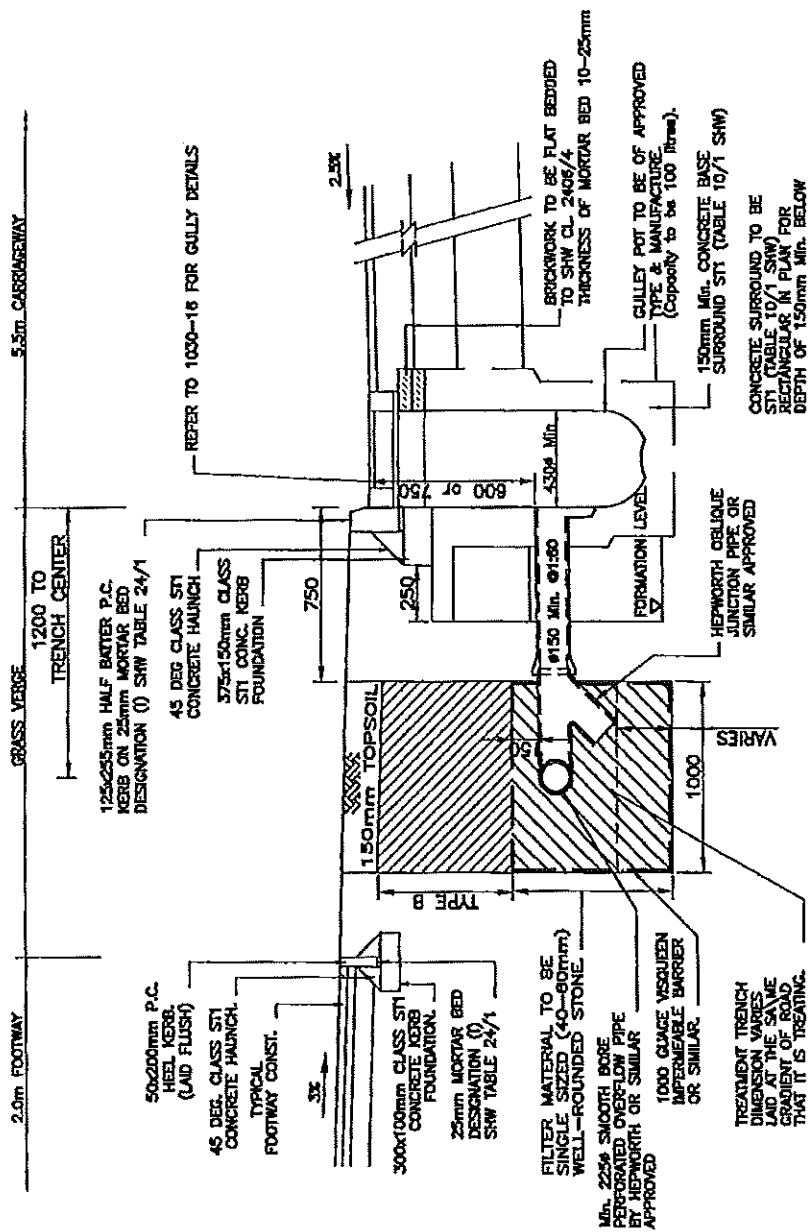
ISSUE (3) – Design and Scale

The entire Polmont Hill area is characterised by development which both approaches and sits atop the ridgeline which runs through the area and as such, especially when viewed from the east and south, the skyline within this area is already compromised by existing development to

Jewitt and Witke architects 1000 10th Avenue Suite 100 San Francisco, CA 94103 Tel: 415.774.1100 Fax: 415.774.1101	
Prepared & Checked by: Date: 10/1/90	
Project: 2088/P/400	







SURFACE WATER RUN-OFF TREATMENT TRENCH DETAIL **SHOWING CONNECTION FROM ROAD GULLY TO TRENCH**

<p>Drawn by: J. J. 11/01/12 Checked by: J. J. 11/01/12 Date: 11/01/12</p>	<p>Jewitt and Wilkie architects</p>	<p>23 New City Road Cambridge CB1 1AT 01473 332 6929 www.jewittandwilkie.co.uk</p>
<p>Project No: 2999/P/600</p>	<p>23 New City Road Cambridge CB1 1AT 01473 332 6929 www.jewittandwilkie.co.uk</p>	<p>Proposed Development of 6 New Build Houses at Model Drive, Polmont for Mr S Anderson</p>

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

PROPOSAL : Erection of 6 Dwellinghouses, Associated Roads and Landscaping
LOCATION : Land To The East Of 44 Rodel Drive, Rodel Drive, Polmont,
APPLICANT : Mr Stuart Anderson
APPN. NO. : P/12/0718/FUL
REGISTRATION DATE : 27 November 2012

1. SITE LOCATION / DESCRIPTION OF PROPOSAL

This detailed application proposes the erection of six large two storey, detached dwellinghouses on an existing area of open space in the heart of Polmont. The application site is located on the crest of a hill and is proposed to be accessed via Rodel Drive. The proposal includes the creation of a private drive to serve all six new properties and the re - routing and formalisation of existing desire lines across the site. This work includes new landscaping and planting around the periphery of the site. The application site is currently identified as an area of open space as well as a Site of Importance for Nature Conservation (SINC).

2. SITE HISTORY

F/96/0093 - Development of Land for Residential Purposes - Refused 28/05/1997.

F/2000/0491 - Residential Development - Withdrawn 20/10/2000.

* F/2001/0503 - Development of Land for Residential Purposes - Withdrawn 01/10/2001

F/2004/0489 - Development of Land for Housing Purposes - Withdrawn 06/09/2004

06/0308/OUT - Development of Land for Housing Purposes - Refused 12/10/2006 - appeal subsequently dismissed.

3. CONSULTATIONS

The following responses to consultation were received:

Biodiversity Officer - Planning and Environment	Concerns raised in regard to visual, ecological and landscape impacts.
Roads Development Unit	Concerns raised. Current roads layout unacceptable.
Scottish Water	No objection.
Environmental Protection Unit	No objections.
Education Services	Education Services has advised that due to predicted capacity pressures at local primary schools, a financial contribution of £2,600 per dwellinghouse is required to be made towards capacity related investment.
Scottish Natural Heritage	No objections.

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

4. PUBLIC REPRESENTATION

In the course of the application, 23 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.

Drainage and flooding concerns.
 Subsidence and land stability concerns.
 Loss of residential amenity.
 Privacy concerns due to proximity of re-routed footpath to rear gardens of Culdrie Circle.
 Overshadowing of neighbouring properties.
 Development is contrary to the terms of the Local Plan.
 Loss of informal play area and greenspace used by dog walkers.
 Parking concerns due to loss of parking provision to create access to the development via Rodel Drive.
 Increase in traffic and associated road safety and noise concerns.
 Current community facilities and amenities such as schools and doctors surgeries in the area are limited.
 Impact on the natural environment and wildlife.
 Concern that if approved, the proposal will be quickly amended to substantially increase the number of units on the site.
 Design concerns and impact on the skyline.
 Construction traffic and disruption.
 The 'exclusive nature' of the development would not create affordable housing for the Polmont area.
 Impact on surrounding property values.

5. THE DEVELOPMENT PLAN

The proposed development was assessed against the undernoted Development Plan(s):

Falkirk Council Structure Plan.

Com.6 Open Space and Recreational Facilities

Env.3 Nature Conservation

Falkirk Council Local Plan

The proposed development was assessed against the following policy or policies:

SC14 - Education and New Housing Development

EQ24 - Ecological Sites and Features

EQ26 - Trees, Woodland and Hedgerows

SC06 - Housing Density and Amenity

ST01 - Core Path Network

EQ22 - Landscape and Visual Assessment

EQ03 - Townscape Design

EQ24 - Ecological Sites and Features

SC02 - Windfall Housing Development Within the Urban/Village Limit

SC11 - Developer Contributions to Community Infrastructure

SC12 - Urban Open Space

SC13 - Open Space and Play Provision in New Residential

ST11 - Sustainable Urban Drainage

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

Assessment of Public Representations

Additional Planning Considerations

6. PLANNING ASSESSMENT

The Development Plan

The proposal was assessed against both the Falkirk Council Structure Plan and the Falkirk Council Local Plan.

Structure Plan Policies

The application site is part of a wider area of open space which serves the surrounding residential area. The site is well used for informal recreational uses such as dog walking and occupies a prominent hilltop location enjoying good views of the surrounding area. The development of the site would result in the loss of this open space and would have an adverse impact on the visual and recreational amenity of the area as a result. The proposed loss of this open space area is not as a result of any community wide assessment of provision. The proposal is contrary to the terms of Policy COM.6 of the Falkirk Council Structure Plan.

The application site is identified as a Site of Importance for Nature Conservation (SINC) in the Falkirk Council Local Plan and whilst its ecological value is limited at present, the development of this site would have a negative impact on the SINC. It has not been clearly demonstrated that there are reasons which outweigh the need to safeguard the site and as such the proposal is contrary to terms of Policy ENV.3 of the Falkirk Council Structure Plan.

Local Plan Policies

The felling of the existing tree cover on the site to accommodate the proposed development would be detrimental to the landscape, amenity and nature conservation and recreational value of the site and surrounding area. The planting proposed as part of the development of the site is not considered to suitably mitigate against these impacts. The proposal is contrary to the terms of Policy EQ26 of the Local Plan.

The site falls within the South Polmont Site of Importance for Nature Conservation (SINC) and as such, there is a presumption against development which would have an adverse impact on the ecological value and integrity of the SINC. The applicant correctly points out that the site is of a lesser ecological value than other parts of the wider SINC however it still represents a large area of grassland and scrub which contributes positively to the viability of the SINC as a whole. Falkirk Council has also recently received the results of a review of the ecological information held for such locally designated sites. While the review of the South Polmont SINC did recognise that the species diversity of some areas of grassland may have declined due to lack of management, it states that no change to the SINC boundary is recommended.

It is considered that the proposed development would have a negative ecological impact on the SINC in terms of the loss of habitat and the diversity of species dependant on it, the potential increased levels of disturbance and vulnerability elsewhere within the SINC, and a reduction in the overall area of the SINC making it less robust. Development of the site would also degrade the value of the site for recreation and

education. The proposed mitigation would not adequately address these impacts and it has not been demonstrated that the adverse effects of development would be outweighed by any social or economic benefits, as such the proposal is contrary to the terms of Policy EQ24 of the Local Plan.

Local Plan Policies

The elevated and tree covered character of the site means that it is visually prominent from areas of Polmont, including Main Street and other areas further north and north east towards Polmont Woods, plus a large part of Dochart Crescent and Lawers Crescent and their environs immediately below the site. The site is visible from the residential areas to the south such as parts of Taymouth Road, Ardmore Drive, Rodel Drive and parts of Gilston Crescent. The site is considered to act as a valuable visual backdrop to the surrounding housing. The presence of this elevated land with vegetation cover is valuable in improving the setting for existing housing and increasing the capacity of the landscape to absorb the current density of housing development in the area.

Development of this site is considered liable to have a major landscape effect due to the loss of locally valuable open space, loss of dense native tree and shrub cover and well as the adverse landscape impact due to the topography of the site and surrounding area and the prominence of the proposed dwellings on the skyline. Suitable mitigation of these impacts through retention of existing tree cover and new planting is not considered to be achievable. The application has not been accompanied by a Landscape and Visual Assessment demonstrating that the setting is capable of absorbing the development, in conjunction with suitable landscape mitigation measures, and that the best environmental fit has been achieved, in terms of the landscape character of the area. The proposal falls to accord with Policy EQ22 of the Local Plan.

Local Plan Policies

The application site is identified in the Falkirk Council Open Space Strategy (Consultative Draft) as part of the wider Whyteside area of open space. The strategy does not identify a shortfall of open space provision in the Polmont locality but does maintain that the site should be managed primarily for nature conservation and informal access/recreation and to improve key facilities on site.

Policy SC12 of the Falkirk Council Local Plan seeks to protect all areas of open space which is considered to have a landscape, amenity, recreational or ecological value. The proposed development would have an adverse impact on the character and appearance of the area through the loss of amenity space planned as part of the wider development. The Open Space Strategy does not identify this area as being surplus to recreational requirements. The site is part of a SINC and is considered to have a reasonable if not significant level of ecological value at present. It is recognised that the applicants intend to improve connectivity across the site as part of the development and retain existing Core Path connections, the proposal therefore accords with Policy ST01. On balance however, it is considered that the proposal falls to accord with policy SC12 of the Falkirk Council Local Plan.

Policy SC13 indicates that new development will be required to contribute to open space and play provision and that provision should be informed by the Councils Open Space Strategy and the Public Open Space, Falkirk Greenspace and New Development Supplementary Planning Guidance. With this in mind, the proposed development generates a requirement of £10,920 towards off site active and passive open space enhancement and provision.

Local Plan Policies

Policy EQ3 states that new development will be required to contribute positively to the quality of the built environment and that proposals should accord with criteria relating to the siting and layout, streets and public spaces, design and finishes of new buildings, and contribution to the townscape.

The current proposal represents development which is out of keeping with the scale, plot and street pattern of the surrounding residential area. The scale of the individual houses proposed and the topography of the site would result in a dominant development, highly visible from the surrounding area. It is unlikely that in the short to medium term that new landscape and tree screening would be capable of mitigating the visual impact of the proposed development. In terms of architectural design, the two house

styles represent an acceptable if not high standard of design quality.

Accordingly, the proposal fails to accord with Policy EQ3 of the Falkirk Council Local Plan, particularly in terms of criteria 1 relating to buildings which respect and complement the sites environs, and create a sense of identity within the development. The proposal also fails to accord with criteria 3 relating to scale and massing, and criteria 6 relating to the protection of important skylines and views.

The proposed development is considered to be a windfall housing development within the urban limits. The site is not considered to be brownfield in nature and the loss of this open space cannot be justified in terms of policy SC12. The site does enjoy good accessibility to community facilities, public transport and infrastructure and the proposal includes acceptable standards of provision in relation to garden ground areas, parking provision, daylighting and privacy levels. The proposal accords with Policy SC6. On balance however, the proposal is considered to be contrary to the terms of Policy SC 02 of the Falkirk Council Local Plan.

Local Plan Policies

Policy SC14 indicates that where there is insufficient capacity within the catchment school to accommodate children from the new development, developer contributions will be sought. Education Services has indicated that St Margaret's Primary School is under threat from capacity related pressures. In line with guidance set out in Falkirk Council Supplementary Planning Guidance Note - Education and New Housing, a contribution totalling £15,600 is therefore required to be made towards capacity related infrastructure investment.

Local Plan Policies

The applicant has submitted some drainage proposals with the application however these are not comprehensive enough to demonstrate that surface water will be dealt with properly on the site. The proposal is considered to be contrary to the terms of Policy ST11 of the Falkirk Council Local Plan.

Consideration of the site in relation to coal mining legacy

The application site is located within a low risk area as defined by the Coal Authority. No direct consultation with the Coal Authority is required however a standard Informative should be attached to any planning permission granted on the site.

Falkirk Council Supplementary Guidance

Supplementary Planning Guidance Note - Public Open Space, Falkirk Greenspace and New Development sets out guidance on expected standards of provision for active and passive open space in new developments. The guidance also includes a framework for calculating developer contributions required in circumstances where open space requirements cannot be met on site. The proposed development generates a requirement for a contribution totalling £10,920 which can be secured by way of a suitable legal agreement prepared and signed prior to any planning permission granted.

Supplementary Planning Guidance Note - Education and New Housing sets out a framework for developer contributions required where new developments are likely to impact upon capacity in local schools. The proposed development generates a requirement for a contribution totalling £15,600 which can be secured by way of a suitable legal agreement prepared and signed prior to any planning permission being granted.

Supplementary Planning Guidance Note - Housing Layout and Design is generally aimed at volume housebuilders but does contain guidance relevant to the current proposal in reference to plotted, backland and infill developments and residential amenity associated with privacy, garden ground and parking provision. The proposed development is considered to generally accord with the terms of this guidance.

Assessment of Public Representations

Drainage and flooding concerns are noted. The applicant has failed to provide sufficient information in respect of surface water drainage proposals to allow a full assessment to be carried out.

Subsidence and land stability concerns are not material planning considerations.

The proposals would result in the loss of some residential amenity due to the likely visual impacts and the loss of a well used area of open space.

Overshadowing of neighbouring properties is not considered to be significant.

Parking concerns due to loss of parking provision to create access to the development via Rodel Drive are noted but are not considered to be significant in this instance.

Increase in traffic and associated road safety and noise concerns are noted but the level of development proposed is considered to be easily absorbed by the existing road network.

Current community facilities and amenities are considered to be generally capable of coping with the level of development proposed. Education Services has however identified a potential capacity issue with local Primary School provision. A developer contribution would be required to address this issue.

Impact on the natural environment is considered to be unacceptable.

Potential future applications and amendments cannot be assessed as part of this application.

It is agreed that the development would be visually prominent and would have an adverse impact on the skyline.

Construction traffic and disruption is not a material planning consideration.

The 'exclusive nature' of the development is not a material planning consideration.

Property values are not material planning considerations.

Additional Planning Considerations

The planning history of the site is considered to be a relevant material consideration in the assessment of this application. The most recent application on the site (06/0308/OUT) and subsequent appeal (P/PPA/240/194) are considered most relevant in this regard.

In assessing 06/0308/OUT, Falkirk Council considered the then outline proposal to be contrary to a number of Development Plan policies primarily relating to nature conservation / ecological issues, loss of public open space and the potential impact on landscape and skylines. The current adopted local plan was only in draft form at the time of this application and hence a number of the policies quoted in the assessment are now superseded with updated wording. The site was at the time part of the same SINC and was designated as open space.

Appeal P/PPA/240/194 was dismissed on 14 June 2007. In dismissing the appeal the reporter agreed with Falkirk Council that the benefits of developing the site did not outweigh the terms of the Development Plan. The reporter agreed that whilst this portion of the site was of lesser ecological value than the remainder of the SINC, this was not justification for allowing the site to be developed. The sites value for informal recreation and education was also recognised by the developer.

The planning history of the site and the appeal decision from 2007 are considered to be consistent with the assessment of the existing application. Although the wording of a number of policies has now changed since previous applications, the general principle of protecting the SINC and open space status is still relevant as are the concerns touched upon by the reporter in regard to visual impacts on the skyline.

7. CONCLUSION

The proposal is an unacceptable form of development which fails to accord with the terms of the Development Plan. There are no material planning considerations that warrant granting planning permission in this instance.

8. RECOMMENDATION

Refuse Planning Permission

Refusal is recommended for the following ;

Reason(s):

1. The development would result in the loss of valuable open space to the detriment of the visual and recreational amenity and the ecological value of the surrounding area. The proposal is contrary to the terms of Policy Com. 6 - Open Space and Recreational Facilities of the Falkirk Council Structure Plan and Policy SC12 - Urban Open Space of the Falkirk Council Local Plan.
2. The development proposed would have a negative impact on the size, functioning, ecological value and integrity of the South Polmont Site of Importance for Nature Conservation (SINC). The proposal is contrary to the terms of Policy ENV. 3 - Nature Conservation of the Falkirk Council Structure Plan and Policy EQ24 - Ecological Sites and Features of the Falkirk Council Local Plan.
3. The proposed development is out of keeping with the scale, plot and street pattern of the surrounding residential area and fails to protect important skylines and views to the detriment of the visual amenity of the area. The proposal is contrary to Policy EQ3 Townscape Design of the Falkirk Council Local Plan.
4. The proposed development represents the removal of a recognised area of Public Open Space the loss of which cannot be justified and would have an adverse impact on the character and appearance of the area to the detriment of visual, residential and recreational amenity levels. The proposal is contrary to the terms of Policy SC2 - Windfall Housing Development Within the Urban/Village Limit and Policy SC12 - Urban Open Space of the Falkirk Council Local Plan.
5. The setting of the proposed development is not capable of absorbing the scale and character of the development proposed and the best environmental fit has not been achieved in terms of landscape character. The proposal would have an adverse impact on visual amenity and is contrary to the terms of Policy EQ22 - Landscape and Visual Assessment of the Falkirk Council Local Plan.
6. The proposed development would remove a large portion of mature trees and scrubland from an established area of open space in a prominent hilltop location without the ability of the site to accommodate suitable mitigation measures. The proposal would have significant adverse impacts on landscape, visual amenity, nature conservation and the recreational value of the site and surrounding area and is contrary to Policy EQ26 - Trees, Woodland and Hedgerows of the Falkirk Council Local Plan.
7. The applicant has failed to demonstrate that surface water drainage from the site will be adequately dealt with and as such the proposal is contrary to the terms of Policy ST11 - Sustainable Urban Drainage of the Falkirk Council Local Plan.

Informatives:

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


 Director of Development Services

11. 2. 13
 Date

Contact Officer : Kevin Brown

Reference No. P/12/0718/FUL



Falkirk Council

**Town and Country Planning (Scotland) Acts as Amended
Issued under a Statutory Scheme of Delegation.**

Refusal of Planning Permission

Agent

Andrew Bennie Planning Ltd

3 Abbots Court
Dullatur
G68 0ap

Applicant

Mr Stuart Anderson
60 Union Street
Bo'ness
EH51 9AQ

This Notice refers to your application registered on 27 November 2012 for permission in respect of the following development:-

Development Erection of 6 Dwellinghouses, Associated Roads and Landscaping at

Location Land To The East Of 44 Rodel Drive, Rodel Drive, Polmont,

The application was determined under Delegated Powers. Please see the attached guidance notes for further information, including how to request a review of the decision.

In respect of applications submitted on or after 1 January 2010, Falkirk Council does not issue paper plans. Plans referred to in the informatives below can be viewed online at <http://eplanning.falkirk.gov.uk/online/applicationDetails.do?action=showSummary&caseNo=P/12/0718/FUL>. In accordance with the plans docketted or itemised in the attached informatives as relative hereto, Falkirk Council, in exercise of its powers under the above legislation, hereby

Refuses Detailed Planning Permission

The Council has made this decision for the following

Reason(s):

1. The development would result in the loss of valuable open space to the detriment of the visual and recreational amenity and the ecological value of the surrounding area. The proposal is contrary to the terms of Policy Com. 6 - Open Space and Recreational Facilities of the Falkirk Council Structure Plan and Policy SC12 - Urban Open Space of the Falkirk Council Local Plan.
2. The development proposed would have a negative impact on the size, functioning, ecological value and integrity of the South Polmont Site of Importance for Nature Conservation (SINC). The proposal is contrary to the terms of Policy ENV. 3 - Nature Conservation of the Falkirk Council Structure Plan and Policy EQ24 - Ecological Sites and Features of the Falkirk Council Local Plan.
3. The proposed development is out of keeping with the scale, plot and street pattern of the surrounding residential area and fails to protect important skylines and views to the detriment of the visual amenity of the area. The proposal is contrary to Policy EQ3 Townscape Design of the Falkirk Council Local Plan.

4. The proposed development represents the removal of a recognised area of Public Open Space the loss of which cannot be justified and would have an adverse impact on the character and appearance of the area to the detriment of visual, residential and recreational amenity levels. The proposal is contrary to the terms of Policy SC2 - Windfall Housing Development Within the Urban/Village Limit and Policy SC12 - Urban Open Space of the Falkirk Council Local Plan.
5. The setting of the proposed development is not capable of absorbing the scale and character of the development proposed and the best environmental fit has not been achieved in terms of landscape character. The proposal would have an adverse impact on visual amenity and is contrary to the terms of Policy EQ22 - Landscape and Visual Assessment of the Falkirk Council Local Plan.
6. The proposed development would remove a large portion of mature trees and scrubland from an established area of open space in a prominent hilltop location without the ability of the site to accommodate suitable mitigation measures. The proposal would have significant adverse impacts on landscape, visual amenity, nature conservation and the recreational value of the site and surrounding area and is contrary to Policy EQ26 - Trees, Woodland and Hedgerows of the Falkirk Council Local Plan.
7. The applicant has failed to demonstrate that surface water drainage from the site will be adequately dealt with and as such the proposal is contrary to the terms of Policy ST11 - Sustainable Urban Drainage of the Falkirk Council Local Plan.

Informatives:-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03A, 04, 05A, 06A, 07A, 08 - 13 inclusive.

15 February 2013


Director of Development Services

28th November 2012



Falkirk Council,
Abbotsford House David's Loan
Falkirk
FK2 7YZ

SCOTTISH WATER

Customer Connections
419 Balmore Road
Glasgow
G22 6NU

Customer Support Team
T: 0141 355 5511
F: 0141 355 5386
W: www.scottishwater.co.uk
E: connections@scottishwater.co.uk

Dear Sir/Madam

PLANNING APPLICATION NUMBER: P/12/0718/FUL
DEVELOPMENT: Polmont Rodel Drive
OUR REFERENCE: 619400
PROPOSAL: Erection of 6 Dwellinghouses, Ancillary Flat, 1 Flatted Dwelling and Associated Roads and Landscaping

Please quote our reference in all future correspondence

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

Due to the size of this proposed development it is necessary for Scottish Water to assess the impact this new demand will have on our existing infrastructure. With Any development of 10 or more housing units, or equivalent, there is a requirement to submit a fully completed Development Impact Assessment form. Development Impact Assessment forms can be found at www.scottishwater.co.uk.

Balmore Water Treatment Works may have capacity to service this proposed development.

The water network that serves the proposed development may be able to supply the new demand.

Water Network – Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.

Kinneil Waste Water Treatment Works may have capacity to service this proposed development.

The waste water network that serves the proposed development may be able to accommodate the new demand.

Wastewater Network – Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

Scottish Water is funded to provide capacity at Water and Waste water Treatment Works for domestic demand. Funding will be allocated to carry out work at treatment works to provide growth in line with the Local Authority priorities. Developers should discuss delivery timescales directly with us. Developers should discuss delivery timescales directly with us.

If this development requires the existing network to be upgraded, to enable connection, the developer will generally meet these costs in advance. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules. Costs can be reimbursed by us through Reasonable Cost funding rules

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that advice that will require to be implemented by the developer to protect our existing apparatus.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website: www.scottishwater.co.uk.

Yours faithfully

Matthew McAleney
Customer Connections Administrator

Morris, John

From: MacKenzie, Roddy
Sent: 06 December 2012 09:34
To: adm1dmbcorr
Cc: Steedman, Russell
Subject: P-12-0718-FUL Rodel Drive

Development Services

Memo

To: Kevin Brown, Planning Officer
 Planning and Transportation (Development Control)

From: Roddy Mackenzie, Roads Development

Date: 06 Dec 2012

Enquiries: 4908

Our Ref: RMK/

Your Ref: P/12/0718/FUL

Proposal : Erection of 6 Dwellinghouses, Ancillary Flat, 1 Flatted Dwelling and
 associated Roads & Landscaping

Location : Land to the east of 44 Rodel Drive, Rodel Drive, Polmont

Application : P/12/0718/FUL

I refer to your consultation notice received on 27 Nov 2012 regarding the above application.

The applicant intends to develop land for housing in a site off Rodel Drive, Polmont which is an adopted residential road. As the development site will be for more than three dwellings, any access road will be required to be built to an adoptable standard.

Assuming that the access road will be formed as an extension to Rodel Drive, I would also make the following comments:-

1. The private road layout as shown would not be acceptable.
2. The road layout should be designed and constructed in accordance with this Service's "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area".
3. Excluding any garage facility, off street parking shall be provided at a rate of one space for one and two bedroom dwellings and two spaces for dwellings with three or more bedrooms.
4. The off-street parking spaces shall be a minimum of 5m long and 2.5m wide.
5. Visitors parking should be provided at the rate of 1 space for every four dwellings and should be distributed evenly throughout the site.

6. Depending upon the proposed layout, access to each dwelling should be taken via a footway crossing constructed in accordance with this Service's guidelines. No more than three properties should be served from a single private access.
7. The driveways to the plots should be formed so that their gradients do not exceed 1 in 10 and so that no surface water is discharged or loose material is carried out onto the public road.
8. Appropriate traffic management measures should be installed along the access road, in accordance with this Service's guidelines.
9. There should be no obstruction to visibility over 1m in height above carriageway level within 2.5m of the road channel over the full frontage of any plots taking access off the internal road(s).
10. At any junctions within the site, a visibility splay of 2.4m by 30m should be maintained, within which there should be no obstruction to visibility over 1m in height.
11. Any gates should only open into the plots.
12. A flood risk assessment for this site is not needed, but full details of the surface water drainage strategy including SUDS shall be required.

Regards

RMK

 The information contained in this e-mail is confidential and is intended only for the named recipient(s). If you are not the intended recipient, you must not copy, distribute or take any action or reliance on it. If you have received this e-mail in error, please notify the sender. Any unauthorised disclosure of the information contained in this e-mail is strictly prohibited.

The views and opinions expressed in this e-mail are the senders own and do not necessarily represent the views and opinions of Falkirk Council.



Morris, John

From: MacKenzie, Roddy
Sent: 24 January 2013 09:45
To: brown, kevin
Cc: Raeburn, Brian
Subject: RE: Planning Application ref: P/12/0718/FUL - Land at Rodel Drive, Polmont

Kevin,

I have looked at the amended layout and would comment as follows:-

Roads –

1. The minor access link at the entrance to the site is shown as 3.5m wide and this is not acceptable – the minimum width allowed is 3.7m.
2. With the access to the site as shown, the parking area opposite Nos 42 & 44 Rodel Drive would not be deep enough for the existing end-on parking and full width access to the proposed minor access link. This could be overcome by extending the existing parking area to the north by approximately 1.7m. Any loss of existing parking spaces will not be acceptable.
3. The other minor access link at plot 2 is too close to the minor access link at the entrance and should be removed and widened to a 5.5m wide carriageway.
4. The proposed adoptable footway should be continuous and shown across the private road to the east of the site as a dropped kerb access.
5. A filter trench running across the proposed public road is not acceptable.
6. A filter trench for the roads drainage would have to be on an adoptable verge and delineated as such. This sort of arrangement is usually shown with the filter trench located between the carriageway and the footway.

Drainage –

1. The applicant has not submitted a surface water drainage strategy.
2. There is an indication of where a filtration trench could be located, but no indication of how this relates to proposed and existing surface water drainage. Surface water would, I anticipate discharge to Scottish Water's public sewer network; which for existing development is a separate system. The applicant does not indicate where connection is to be made, or indeed, if Scottish Water has agreed to accept a discharge from this development. The applicant needs to provide their surface water drainage strategy, with confirmation from Scottish Water that they will accept the discharge.
3. The surface water filtration trench is also shown (Drg 2999/P/200-B) within the confines of a prospectively adoptable road; not acceptable.
4. As this is a detailed application, the applicant will, need to submit design calculations for the surface water system to confirm there is no surface water flooding in a 1 in 100 year event, and surcharge/flooding in a 1 in 200 year event does not affect property.

I would be obliged if you could ask the applicant to provide the requested information and amended drawings reflecting the above points.

Regards

Roddy

From: brown, kevin
Sent: 18 January 2013 14:04
To: MacKenzie, Roddy
Subject: FW: Planning Application ref: P/12/0718/FUL - Land at Rodel Drive, Polmont

Roddy,

In relation to the above planning application and in response to your previous comments, please find attached an amended layout plan and filtration trench details submitted by the applicant earlier today. I would appreciate your comments on these submissions at your earliest convenience.

Thanks,

Kevin

Kevin Brown
Planning Officer
Development Management
01324 504701

The link below is for the Development Management Survey which we would be grateful if you would complete and submit.

https://www.surveymonkey.com/s/dev_management

For information, the undernoted is the direct link to the Scottish Government eplanning website
<https://eplanning.scotland.gov.uk/WAM>

2012 Scottish Awards for Quality in Planning - Falkirk Greenspace Initiative, (Overall Winner)

<http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/awards>

From: Andrew Bennie [mailto:
Sent: 18 January 2013 13:33
To: brown, kevin
Subject: Planning Application ref: P/12/0718/FUL - Land at Rodel Drive, Polmont

Dear Kevin

I refer to the above application and to our ongoing discussions in respect thereof and I am pleased to attach for your attention, my Supplementary Planning Statement in further support of my clients application, within which I set out my response to the various matters which are raised within your letter of 8th January 2013.

I shall arrange for four hard copies of this statement to be delivered to your office in Monday morning.

I trust that you find this to be of assistance to you in terms of your ongoing consideration of this application and in look forward to discussing matters with you further in due course.

With best wishes.

Andrew Bennie, BA (Hons), MRTPI
Director

E-mail: [REDACTED]@m
Web: www.andrewbennieplanning.com
Mobile: [REDACTED]

ANDREW BENNIE
PLANNING LIMITED

Morris, John

From: Neville Makan <[REDACTED]>
Sent: 28 January 2013 09:10
To: brown, kevin; adtm1dmbcorr
Subject: East Of 44 Rodel Drive, Rodel Drive, Polmont (P/12/0718/FUL)

Dear Kevin

Thank you for consulting Scottish Natural Heritage on the proposal for the Erection of 6 Dwellinghouses, Associated Roads and Landscaping at Land To The East Of 44 Rodel Drive, Rodel Drive, Polmont (P/12/0718/FUL). We apologise for this late response.

The proposal is unlikely to require a species licence under protected species legislation.

This type of comment is in line with our Service Statement for Planning & Development
<http://www.snh.gov.uk/docs/A498949.pdf>

Please let me know if any clarification is required.

Best regards,
 Neville

Neville Makan CEnv MIEEM
 SNH Operations Officer
 Forth
 DD: ([REDACTED])
 Mobi: ([REDACTED]) 4
 Rec: ([REDACTED])

 This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager or the sender.

Please note that for business purposes, outgoing and incoming emails from and to SNH may be monitored.

Tha am post-dealain seo agus fiosrachadh sam bith na chois dìomhair agus airson an neach no buidheann ainmichte a-mhàin. Mas e gun d' fhuair sibh am post-dealain seo le mearachd, cuiribh fios dhan manaidsear-siostaim no neach-sgrìobhaidh.

Thoiribh an aire airson adhbharan gnothaich, 's dòcha gun tèid sùil a chumail air puist-dealain a' tighinn a-steach agus a' dol a-mach bho SNH

A

Development Services

Memo

From: Alexandra Lewis, Planning
and Environment

To: Kevin Brown, Development
Management

Date: 04 February 2012

Enquiries: 4738

Fax: 4709

Our Ref: P&E/DC/POL

Your Ref: P/12/0718/FUL

Subject: P/12/0718/FUL: Erection of 6 Dwellinghouses, Associated Roads and
Landscaping - Land To The East Of 44 Rodel Drive

1 Site Context

- 1.1 The site is approximately 1.7ha in size and located within the Urban Limit as shown on the Falkirk Council Local Plan proposals map. The site is located within a wider area of open space and semi-natural grassland, which is designated as a SINC within the Falkirk Council Local Plan. The site is broadly rectangular in shape, and is enclosed on three sides to the south, east and west by existing residential development. The proposed vehicular access is from Rodel Drive to the west, with pedestrian connections to the west and south on to Culduie Circle and Portree Crescent.

2 Background

Planning Application History

- 2.1 An outline application was submitted in 1996 (F/96/0093) for the development of the land for housing purposes. This application was refused and the subsequent appeal dismissed. Two applications were submitted by Bellway homes in 2000 and 2001 respectively (F/2000/491 and F/2001/503) and these were subsequently withdrawn. In 2006, an outline application (06/0308/OUT) was submitted for the development of the land for housing purposes. This was refused and an appeal was subsequently dismissed.

Local Plan History

- 2.2 The site was allocated for a school site in the 1st review of the Polmont and District Local Plan in 1989, but this was then surplus to requirements, and the site was retained as open space. The objection site was the subject of an objection to the non-inclusion of land for housing purposes within Polmont and District Local Plan

2nd review. The objection was subsequently considered at the Inquiry and the reporter recommended that the site should not be included.

- 2.3 The Open Space designation was carried forward into the Falkirk Council Local Plan and afforded protection under policy SC12. The site was also designated as a SINC in the Polmont and District Local Plan and this was also carried over to the FCLP and afforded protection under policy EQ24.

3 Policy Context

The following policies of the Falkirk Council Structure Plan are relevant to the proposal:

- 3.1 Policy ENV3 Nature Conservation of the Falkirk Council Structure Plan outlines that nature conservation interests will be an important consideration in assessing all development proposals. In general the approach is to discourage development on designated or protected sites, unless it can be demonstrated that there is no adverse impact on the areas and no suitable alternatives exist.
- 3.2 Policy ENV.6 seeks to ensure that a satisfactory distribution and quality of open space and recreational facilities exists across the Council area. Proposals involving the loss of open space and recreational facilities will not normally be permitted except where, as part of a community-wide assessment of provision, it is demonstrated that the loss will have no adverse impact on visual or recreational amenity and will release resources for qualitative improvements to facilities in the community as a whole. In addition, all new housing development must contribute to the provision and maintenance of open space and recreational facilities either through on-site provision or contributions to off-site provision.
- 3.3 Policy ENV.7 relates to the quality of new development and states that priority is attached to the achievement of high standards of design in all new development. Proposals for development which would have significant visual and physical impact on a site and its surroundings must be accompanied by a "design concept statement" incorporating the relevant factors outlined in Schedule ENV.7 which sets out how design principles have been addressed and how quality objectives will be achieved.
- 3.4 Policy TRANS.1 relates to the identification, safeguarding and development of the Core Path Network. It advises that Local Plan will dictate detailed policy provision.

The following policies of the Finalised Falkirk Council Local Plan are relevant to the proposal:

- **EQ1 Sustainable Design Principles**
- **EQ2 Implementation of Sustainable Design Principles**
- **EQ6 Design and Energy Use**
- **EQ25 Biodiversity**
- **EQ26 Trees, Woodland and Hedgerows**
- **SC1 Housing Land Provision**
- **SC4 Special Needs and Affordable Housing**
- **SC6 Housing Density and Amenity**
- **SC12 Urban Open Space**

- SC13 Open Space and Play Provision in New Residential Development
- SC14 Education and New Housing Development
- ST1 Core Path Network

4 Policy Assessment

General

- 4.1 Policy EQ1 sets out the broad sustainable design principles for all new development. New development is required to achieve a high standard of design quality and compliance with the principles of sustainable development.
- 4.2 Policy EQ2 relates to the implementation of policy EQ1. EQ2 advises that smaller proposals affecting protected sites or buildings should be accompanied by a design statement explaining how each of the factors in EQ1 have been addressed. As the proposal is located within an area of protected open space and SINCE, this would be appropriate in this instance. Section 4.0 of the Planning Statement does attempt to address this requirement.

Design and Energy Use

- 4.3 Policy EQ6 seeks to ensure that developers demonstrate how they have assessed and pursued opportunities for sustainable energy use in new development including local climatic factors and renewable energy sources. This is usually demonstrated by way of an energy statement. It is noted that this has not been included as part of this application and it may be worthwhile for the applicant to demonstrate how this policy could be satisfied.

Design/Layout

- 4.4 Policy EQ3 states that new development will be required to contribute positively to the quality of the built environment and that proposals should accord with criteria relating to the siting and layout, streets and public spaces, design and finishes of new buildings, and contribution to the townscape.
- 4.5 Ruth Smith, Urban Design Officer has provided comments relating to the layout and visual impact of the development. The current proposal represents development which is out of keeping with the scale, plot and street pattern of the surrounding residential area. The scale of the individual houses proposed and the topography of the site would result in a dominant development, highly visible from the surrounding area - it is unlikely that in the short to medium term that new landscape / tree screening would be capable of mitigating the visual impact of the proposed development. In terms of architectural design, the two house styles represent an acceptable if not exactly high standard of design quality. While I note that wood burning stoves have been incorporated, I would ask the agents to demonstrate what other sustainable building solutions are integrated into the two house types proposed.
- 4.6 Accordingly, the proposal fails to accord with Policy EQ3 of the FCLP, particularly in terms of criteria (1) relating to buildings which respect and complement the site's environs, and create a sense of identity within the development. The proposal also fails to accord with criteria (3) relating to scale and massing, and criteria (6) relating to the protection of important skylines and views.

Open Space

4.7 Policy SC12 of the Falkirk Council Local Plan relates to developments resulting in the loss of open space and seeks to protect all urban open space which is considered to have landscape, amenity recreational or ecological value. Development involving the loss of urban open space will only be permitted where:

- *There is no adverse effect on the character and appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;*
- *In the case of recreational open space, it can be clearly demonstrated from the Council's open space audit and strategy, that the area is surplus to recreational requirements, and that its release for development will be compensated for by qualitative improvements to other open space or recreational facilities;*
- *The area is not of significant ecological value, having regard to Policies EQ24 and EQ25; and*
- *Connectivity within the overall open space network is not threatened and public access routes in or adjacent to the open space will be safeguarded.*

4.8 The site is identified as site number 207 in the Falkirk Council Open Space Strategy (Consultative Draft) (CD6.9) as part of the wider Whyteside area of open space. Whilst the open space strategy does not identify a shortfall in open space in the Polmont Locality, the strategy maintains that the site should be managed primarily for nature conservation and informal access/recreation, and to improve key facilities on site. Its continued designation as open space is therefore justified given its landscape and topographic attributes, particularly as it is one of flatter, usable parts of the wider area, and the fact that it is an integral part of the wider area of informal open space at Whyteside which is well-used in terms of informal recreation.

4.9 Policy SC13 Open Space and Play Provision in New Residential Development indicates that new development will be required to contribute to open space and play provision and that provision should be informed by the Council's open space audit, and accord with the Open Space Strategy and the Public Open Space, Falkirk Greenspace and New Development SPG, based on the following principles:

- *Open space and facilities for play and outdoor sport should be provided based upon the quantitative, qualitative and accessibility standards, and the priorities for improvement, set out in the Open Space Strategy.*
- *Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where:*
 - *• existing open space or play facilities are located nearby and are able to serve the*
 - *development through suitable upgrading;*
 - *• in residential developments, the size of the development falls below the threshold of 10 houses or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*
 - *• as part of a co-coordinated approach, a centralised facility is the optimum solution to*