

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR HOUSING PURPOSES AT

LAND TO THE NORTH OF WESTERWOOD, MOSS ROAD,

FALKIRK, FK2 8RY FOR MARGARET FERNS -

P/19/0722/PPP

Meeting: PLANNING COMMITTEE

Date: 20 May 2020

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Carse, Kinnaird and Tryst

Councillor Gary Bouse Councillor Joan Coombes Councillor Jim Flynn Councillor Laura Murtagh

Community Council: Airth Parish

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

View this Application on Public Access

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

- Members will recall that this application was originally considered by the Planning Committee on 19 February 2020 (copy of previous report appended) when it was agreed to continue the application for an accompanied site visit and hearing. The site visit and hearing took place on 2 March 2020.
- 2. The case officer presented a brief summary of the proposal, and members of the Committee viewed the application site and surrounding area.
- 3. The applicant's representative was heard in support of the proposed development.
- 4. A representative of Airth Parish Community Council spoke in support of the proposal subject to appropriate planning conditions.
- 5. The following matters were discussed during the site visit and hearing:
 - The application seeks to establish the principle of development to housing and there are no elevational or site layout plans available. The applicant's representative advised that it was intended to develop the site for no more than 4 dwellinghouses designed to be in keeping with the character of the adjacent dwellinghouse (Westerwood). If planning permission was to be granted the timber storage and distribution use on the site would cease.

- It was confirmed that the proposed access currently serves the timber business and dwellinghouse and had been recently resurfaced.
- In relation to flooding and drainage the applicant's representative advised that the site previously accommodated storage buildings and that it was well drained and there had been no flooding issues during the recent adverse weather.
- It was confirmed that planning permission P/08/0938/OUT for housing on neighbouring land has lapsed. The applicant's representative advised that due to changes in landownership there was no intention of reapplying for planning permission at a future date. It should be noted that if further applications were to be received these would require to be determined on their own merit.
- In terms of any impact the proposed development would have on Airth Primary School, Children's Services have advised that a development of 4 dwellinghouses would not represent any risk to local school capacity. If the number were to increase commuted payments may be required for Larbert High School and possibly Airth Primary School.
- 6. Councillor Flynn as a local member spoke in support of the application referring to the site being well drained, having a good standard of access and that development of appropriately designed dwellinghouses would be in keeping with the character of the area.
- 7. No new matters have emerged from the site visit or hearing which would alter the officer recommendation to refuse planning permission in principle. The previous recommendation is reiterated as follows:-

8. RECOMMENDATION

- 8.1 It is recommended to refuse planning permission for the following reason(s):-
 - 1. The proposal is considered contrary to Falkirk Local Development Plan Policy CG03 Housing in the Countryside and Supplementary Guidance SG01 Development in the Countryside in that the development is not required for the pursuance of agriculture, horticulture or forestry, or for the management of a business for which a countryside location is essential. The proposal is not considered appropriate infill development, nor does it meet any other of the criteria within this policy.
 - 2. The proposal would generate pedestrian access onto Moss Road, which is without footways or street lighting at this location and would not be in the best interests of road safety.
 - 3. The proposal is considered contrary to Falkirk Local Development Plan Policy INF12 Water and Drainage Infrastructure as no information has been submitted to enable a satisfactory assessment to be undertaken.
 - 4. The proposal is considered contrary to Falkirk Local Development Plan Policy RW06 Flooding as no information has been submitted to enable a satisfactory assessment to be undertaken.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04 and 05.

pp Director of Development Services

Date: 13 May 2020

LIST OF BACKGROUND PAPERS

- 1. Falkirk Local Development Plan.
- 2. Falkirk Local Development Plan 2 Proposed Plan.
- 3. Planning application ref P/08/0938/OUT Relocation of Existing Timber Product Business, Restoration for Grazing Purposes and Development of Land for Housing Purposes M Ferns Approved 1 February 2009.
- 4. Supplementary Planning Guidance SG01 Development in the Countryside.
- 5. Supplementary Planning Guidance SG10 Education and New Housing Development.
- 6. Supplementary Planning Guidance SG13 Open Space and New Development.
- 7. Representation received from Airth Parish Community Council, 100 South Green Drive, Airth, Falkirk, FK2 8JR on 5 December 2019.

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

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1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks planning permission in principle for development of a site located off Moss Road, near Airth, for housing purposes. The site is to the east of a large detached dwellinghouse, "Westerwood", owned by the applicant. Although the application is for planning permission in principle, the applicant has indicated the potential for 4 dwellings as part of this proposal.
- 1.2 The site has for many years been used as a timber products business, prior to which it was a railway siding/junction. The applicant considers that the proposal would help meet a housing shortfall in the rural area, and would result in the closure of the business if permission were to be granted.
- 1.3 The site is accessed by a private access leading from Moss Road.

2. REASON FOR COMMITTEE CONSIDERATION

2.1 The application was called in by Councillor Jim Flynn to allow further consideration of the application in relation to Development Plan policies and road safety.

3. SITE HISTORY

- 3.1 There have been a number of applications dating back to 1991 for the erection of a dwellinghouse and for stables on the adjacent site to the west, which were withdrawn. Planning application reference F/2003/1076 Erection of Dwellinghouse and Stables (Outline) was refused on 17 February 2004. Subsequent applications F/2004/0469 (Outline) and 05/0866/REM (Reserved Matters) for the erection of a dwellinghouse (now Westerwood) were approved on 22 September 2004 and 13 December 2005. These applications were submitted by the current applicant.
- 3.2 On a site to the east of the access from Moss Road, planning application P/08/0938/OUT Relocation of Existing Timber Product Business, Restoration for Grazing Purposes and Development of Land for Housing Purposes M Ferns was approved on 1 February 2009. This permission has lapsed and the applicant has stated that it was not progressed due to the economic downturn.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit advise that vehicular access to the site is from an existing bellmouth leading to a shared private access which appears to serve two residential properties plus a commercial timber supplier. The private access is unlit and without footway provision. Having regard to the size of the site, vehicular traffic generated by the proposal is unlikely to significantly affect the public road network. However, the proposed development could introduce additional pedestrian traffic to Moss Road. As there is no footway or lighting provision in the general area, the introduction or intensification of pedestrian movements on Moss Road would not be considered to be in the best interests of road safety.
- 4.2 The National Roads Development Guide states that "6 or more individual dwellings should normally be served by a road". The existing private access serves two residential properties meaning a maximum of three new properties could share the existing access.
- 4.3 The Council's Roads Development Unit have requested additional information regarding the Sustainable Urban Design strategy to be employed on the site, as well as further information on Flood Risk through a Stage 1 Flood Risk Assessment. Given the policy presumption against the proposed development and the recommendation to refuse planning permission, this has not been submitted. However, if Members were minded to grant permission in principle, it is recommended that this information be submitted and approved prior to permission being issued.
- 4.4 The Coal Authority has reviewed the submitted Coal Mining Risk Assessment and has no objections to the application, subject to placement of a precautionary informative on any planning permission in principle.
- 4.5 Scottish Water has no objection to the application and advise that there is no Scottish Water (Water or Waste Water) infrastructure in the area. Scottish Water will not accept any surface water connections into any combined sewer system.
- 4.6 The Council's Environmental Protection Unit advise that noise need not be a determining factor in considering the application and that there are no air quality concerns. However, a suspensive planning condition should be imposed regarding contaminated land, should the application be approved.

4.7 Scottish Natural Heritage have no objections to the application.

5. COMMUNITY COUNCIL

- 5.1 Airth Parish Community Council generally support the use of brownfield sites for development, which, in the Community Council's view, the current application seems to represent.
- 5.2 The proposals would meet the perceived demand for rural housing in the area, as demonstrated by the ribbon development of new housing along Moss Road.
- 5.3 It is also considered that the vehicular traffic generation from housing would be less than that generated from the current timber business, although concern is raised that children occupying the dwellings would be isolated, with no safe footpath to the nearest public transport point.
- 5.4 Concern is also raised on the potential impact on Airth Primary School and Nursery, with transportation requirements to be considered.
- 5.5 The Community Council supports the application, subject to conditions that
 - the original permission for 7 homes on the adjacent site (P/08/0938/OUT) will not be resurrected
 - development will only take place on the brownfield site subject of the current application
 - the design of the houses would be of single storey or one and a half storey to minimise visual impact from Moss Road
 - protection for Airth Primary School and Nursery by either zoning any children to other schools in the area or by creating a mechanism to ensure no young children are permanent residents in these homes.

6. PUBLIC REPRESENTATION

6.1 No representations have been received.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

- 7a.1 The Falkirk Local Development Plan was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:
- 7a.2 Policy CG01 Countryside states:-

The Urban and Village Limits defined on the Proposals Map represent the limit to the expansion of settlements. Land outwith these boundaries is designated as countryside, within which development will be assessed in the terms of the relevant supporting countryside policies (Policies CG03 and CG04), and Supplementary Guidance SG01 'Development in the Countryside'.

- 7a.3 The application site is confirmed as being within the rural area, out with any defined urban settlement boundary.
- 7a.4 Policy CG03 Housing in the Countryside states:-

Proposals for housing development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:

- 1. Housing required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential;
- Restoration or replacement of houses which are still substantially intact, provided the restored/replacement house is of a comparable size to the original;
- 3. Conversion or restoration of non-domestic farm buildings to residential use, including the sensitive redevelopment of redundant farm steadings;
- 4. Appropriate infill development;
- 5. Limited enabling development to secure the restoration of historic buildings or structures; or
- 6. Small, privately owned gypsy/traveller sites which comply with Policy HSG08.

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment.

7a.5 No supporting information has been submitted that would address the criteria stipulated within the above policy. The applicant submits that they wish to secure planning permission for housing and close the current commercial operation. SG01 expands on the reasoning behind this policy. The proposal does not meet the terms of SG01.

7a.6 Policy HSG03 - Windfall Housing states:-

Housing development within the Urban and Village Limits, in addition to proposals identified within the LDP, will be supported where:

- 1. The site is brownfield, or is open space whose loss can be justified in terms of Policy INF03;
- The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;
- 3. The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;
- 4. Existing physical infrastructure, such as roads and drainage, sewage capacity, and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy INF02;
- 5. The site is not at significant risk of flooding in the terms of Policy RW06;
- 6. In the case of small gap sites and sub-divided plots, Policy HSG05 is satisfied: and
- 7. It complies with other LDP policies.
- 7a.7 The application site is not within an urban or village limit, as it occupies a rural location. Therefore, development of the site for residential purposes would not be considered windfall housing. The applicant has submitted that this is a brownfield site, however Policy HSG03 does not apply to such sites within areas designated as countryside.
- 7a.8 Policy INF05 Education and New Housing Development states:-

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

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

7a.9 The application seeks the principle of development on the site and, as such, no definitive number of units have been determined at this stage. Potential commuted payments towards Education may be applicable if development is for 4 or more houses and/or 10 flats or greater.

- 7a.10 Supplementary Planning Guidance SG10 Education and New Housing Development (revised October 2019) advises that exclusion to this criteria includes dwellings which would not place an additional burden on existing schools. For example, housing exclusively for the elderly, student accommodation linked with a college or university, or dwellings with occupancy restrictions secured by a planning condition or legal agreement that would prohibit occupation of the dwellings by children of nursery or school age.
- 7a.11 No supporting information has been submitted that the application represents housing other than for general needs purposes. The applicant has indicated that planning permission in principle is being sought for potential for 4 dwellinghouses. However this is not definitive. If Members were minded to grant planning permission in principle, issues regarding potential contributions would require to be addressed.
- 7a.12 Policy INF04 Open Space and New Residential Development states:-

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

- 1. New open space should be well designed; appropriately located; functionally sized and suitably diverse to meet different recreational needs in accordance with criteria set out in Supplementary Guidance SG13 'Open Space and New Development'.
- 2. Where appropriate, financial contributions to off-site provision, upgrading, and maintenance may be sought as a full or partial alternative to direct onsite provision. The circumstances under which financial contributions will be sought and the mechanism for determining the required financial contribution is set out in Supplementary Guidance SG13 'Open Space and New Development'.
- 3. Arrangements must be made for the appropriate management and maintenance of new open space.
- 7a.13 The application seeks the principle of development on the site and, as such, no definitive number of units have been determined at this stage. Under the terms of Supplementary Planning Guidance SG13 Open Space and New Development, potential commuted payments towards open space may be applicable if development is for 4 or more units. If Members were minded to grant planning permission, this matter would require to be addressed.
- 7a.14 Policy INF12 Water and Drainage Infrastructure states:-
 - 1. New development will only be permitted if necessary sewerage infrastructure is adopted by Scottish Water or alternative maintenance arrangements are acceptable to SEPA.
 - Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation.

- 3. A drainage strategy, as set out in PAN61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment.
- 7a.15 No information has been submitted to address concerns regarding the Sustainable Urban Drainage strategy to be employed on site. As no detailed assessment has been able to be undertaken, the proposal is contrary to this policy.
- 7a.16 Policy GN04 Trees, Woodland and Hedgerows states:-

The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:

- 1. Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, longestablished and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;
- 2. In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;
- 3. Development which is likely to affect trees should comply with Supplementary Guidance SG06 'Trees and Development', including the preparation where appropriate of a Tree Survey, Constraints Plan, and Tree Protection Plan. Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;
- 4. The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare and implement an appropriate Management Plan; and
- 5. There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character.
- 7a.17 The adjacent area of woodland would be unaffected by the proposals and the potential scale of development unlikely to impact on the natural heritage of the area. It is noted that the site currently operates on a commercial basis and any change to residential use is unlikely to introduce any significant detriment.
- 7a.18 Policy RW06 Flooding states:-
 - 1. Development on the functional flood plain should be avoided. In areas where there is significant risk of flooding from any source (including flooding up to and including a 0.5% (1 in 200 year) flood event), development proposals will be assessed against advice and the Flood Risk Framework in the SPP. There will be a presumption against new development which would:

- be likely to be at risk of flooding;
- increase the level of risk of flooding for existing development; or
- result in a use more vulnerable to flooding or with a larger footprint than any previous development on site.
- 2. Development proposals on land identified as being at risk from flooding, or where other available information suggests there may be a risk, will be required to provide a flood risk assessment that demonstrates that:
 - any flood risks can be adequately managed both within and outwith the site;
 - an adequate allowance for climate change and freeboard has been built into the flood risk assessment;
 - access and egress can be provided to the site which is free of flood risk; and
 - water resistant materials and forms of construction will be utilised where appropriate.
- 3. Where suitably robust evidence suggests that land contributes or has the potential to contribute towards sustainable flood management measures development will only be permitted where the land's sustainable flood management function can be safeguarded
- 7a.19 No information has been submitted to address concerns regarding Flood Risk on site. As no detailed assessment has been able to be undertaken, the proposal is contrary to this policy.
- 7a.20 Policy RW10 Vacant, Derelict Unstable and Contaminated Land states:-

Proposals that reduce the incidence of vacant, derelict, unstable and contaminated land will be supported, subject to compliance with other LDP policies, particularly those relating to development in the countryside. Where proposals involve the development of unstable or contaminated land, they will only be permitted where appropriate remediation or mitigation measures have been undertaken.

7a.21 No information has been submitted to suggest that the application site is vacant or derelict. Any potential contamination of land would be investigated and require remediation through the course of development by planning condition.

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

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

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

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

- Figure 5.3, Sustainable Design Principles Supporting Policies/Guidance provides further guidance.
- 7a.23 In terms of accessibility, the application site is in a remote rural location adjacent to Moss Road (B9124), an unlit roadway with no pedestrian footpath. The nearest public transport hub (bus stop) is located on the A905 (North Green Drive) near Airth. The proposal therefore is contrary to this policy.
- 7a.24 Accordingly, the proposal fails to accord with the provisions of the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the planning history of the site, response to matters raised by Airth Community Council, any matters raised through the emerging Falkirk Local Development Plan 2 and matters raised through the consultation response.

Planning History

The applicant submits that this proposal could be viewed as an alternative to planning permission P/08/0938/OUT and would help meet demand for new housing in the rural area, being a brownfield site. Planning application reference P/08/0938/OUT relates to a site adjacent to the current application and has lapsed. It is not considered that any significant material weight can be given in relation to P/08/0938/OUT.

Points Raised by Airth Community Council

- 7b.3 The points raised by Airth Parish Community Council are noted. In response, it is advised as of follows:-
 - (a) no information has been received that the current timber business has ceased or that attempts to market the site for continued commercial use has been undertaken
 - (b) perceived demand for rural housing should be considered through emerging Development Plan policy and strategic land allocation, not through sporadic unsustainable development in locations remote from transport links to community infrastructure
 - (c) access provision or traffic generation to the site cannot be determined at this point in time, given the lack of detailed proposals.
 - (d) lack of footpath provision to the nearest public transport link is acknowledged; the isolated location may dictate that active open space provision be provided on-site
 - (e) Planning conditions need to satisfy the following tests identified in Circular 4/1998 the use of conditions in planning permissions necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. In relation to conditions suggested by the Community Council, the following comments are made:
 - Planning permission P/08/0938/OUT relates to a different site, has lapsed and any new application would require to be determined on its own merits. This suggested condition is not considered to meet the tests.
 - ii. Any proposals outwith the site of the application would require a separate application to be made. This condition would not satisfy the tests.
 - iii. It would be possible to restrict development to one and a half storeys, if considered appropriate.
 - iv. The restriction of housing occupants to exclude young children would not meet the tests.
 - v. Finally, zoning children to schools out with the catchment area or restricting occupancy to ensure no young children were permanent residents would not meet the tests.

Falkirk Local Development Plan 2 (Proposed Plan)

7b.4 Falkirk Local Development Plan 2 will guide the future development of the Falkirk Council area in the period 2020-2040. The Proposed Plan contains policies and proposals indicating where development should or should not take place. It provides guidance on the future provision of housing, business, transport and infrastructure, recreation and community infrastructure, and will become the basis for determining planning applications. At this stage it is a material consideration when assessing any proposed development. The strategy of LDP2 is to direct new development in the rural area to existing villages in order to sustain their vitality and support existing village services and infrastructure. In doing so it seeks to prevent sporadic and intrusive development which could have a detrimental impact on the character of the countryside. While there will be circumstances where development in the countryside will be appropriate, this application does not represent such an opportunity and would therefore not be supported under the emerging Falkirk Local Development Plan 2.

7c Conclusion

7c.1 The proposed development fails to satisfy the provisions of the Development Plan as it constitutes residential development in the countryside which does not meet the circumstances where such development could be supported. The proposals also have not demonstrated that issues of flood risk, adequate drainage provision and pedestrian safety can be satisfactorily addressed. There are no material considerations which would outweigh these provisions.

8. **RECOMMENDATION**

- 8.1 It is recommended to refuse planning permission for the following reason(s):-
 - 1. The proposal is considered contrary to Falkirk Local Development Plan Policy CG03 Housing in the Countryside and Supplementary Guidance SG01 Development in the Countryside in that the development is not required for the pursuance of agriculture, horticulture or forestry, or for the management of a business for which a countryside location is essential. The proposal is not considered appropriate infill development, nor does it meet any other of the criteria within this policy.
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Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04 and 05.

pp Director of Development Services

Date: 7 February 2020

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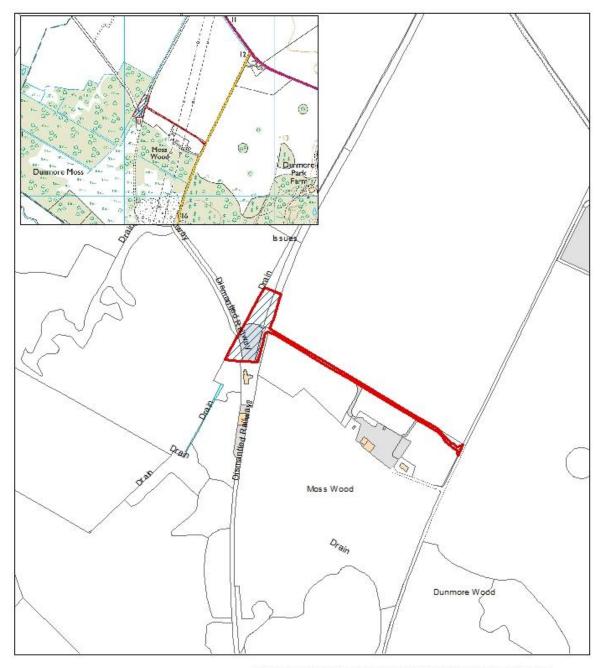
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/19/0722/PPP

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







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