



## **Agenda Item 7**

**CONSTRUCTION OF ROAD,  
VEHICULAR ACCESS AND  
ROUNDBOUT AT LAND TO THE  
WEST OF 65 SLAMANNAN ROAD,  
SLAMANNAN ROAD, LIMERIGG, FOR  
MANOR FORREST LTD - P/19/0580/PPP**

**FALKIRK COUNCIL**

**Subject:** CONSTRUCTION OF ROAD, VEHICULAR ACCESS AND  
ROUNDAABOUT AT LAND TO THE WEST OF 65  
SLAMANNAN ROAD, SLAMANNAN ROAD, LIMERIGG, FOR  
MANOR FORREST LTD - P/19/0580/PPP

**Meeting:** PLANNING COMMITTEE

**Date:** 26 August 2020

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Upper Braes

Councillor Gordon Hughes  
Councillor James Kerr  
Councillor John McLuckie

**Community Council:** No Community Council

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

[View this Application on Public Access](#)

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

- 1.1 This application seeks planning permission in principle for the construction of a new roundabout on Slamannan Road, Limerigg and for the formation of a new access road from this roundabout through land to the north west of Limerigg.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 This application has been called in by Councillor McLuckie as he wishes a site visit to seek further information from the developer and officers as to how this proposal would operate with site H67 for 50 houses and site H66 across the road which is passed with a condition for a roundabout approximately where the proposed northern access is.

**3. SITE HISTORY**

- 3.1 P/07/0531/OUT - Outline - Refused 27 July 2007 - Development of Land for Residential Purposes.
- 3.2 P/08/0617/OUT - Outline - Granted 15 May 2009 - Development of Land for Residential Purposes.
- 3.3 P/12/0241/PPP - Review Allowed with Conditions 14 June 2013 - Development of Land for Residential Purposes (Renewal of Planning Application P/08/0617/OUT).

- 3.4 P/18/0295/PPP - Planning Permission in Principle - Refused 14 September 2018 - Construction of Road, Vehicular Access and Roundabout.
- 3.5 F/98/0389 - Detail - Granted 20 January 2000 - Extension to Dismantlers Yard (Detailed).

#### **4. CONSULTATIONS**

- 4.1 Roads Development Unit advise that insufficient details have been submitted to allow a full assessment to be carried out. Indicative drawings provided only.
- 4.2 Scottish Water have no objections however development may impact on Scottish Water assets. If planning permission were to be granted it is recommended that an informative note advising applicant to contact Scottish Water is applied.
- 4.3 Environmental Protection Unit has no objections, contaminated land survey requested.
- 4.4 Transport Planning Unit advise that the submitted transport assessment demonstrates that the proposed junction arrangements can accommodate the level of traffic resulting from the current allocated housing site and makes a reasonable assumption of traffic generated from any future housing development on land also currently owned by the applicant.
- 4.5 The Coal Authority objects to this application on the grounds that the coal mining risk assessment submitted in support of the proposal does not cover the entire site area. The assessment is not therefore specific to the scheme of development proposed and does not demonstrate that the site is safe and stable in respect of past coal mining.

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

- 5.1 No Community Council.

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

- 6.1 In the course of the application, one contributor(s) submitted letter(s) to the Council. The salient issues are summarised below:-
- The proposal is premature and appears to have no purpose.

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

- 7.1 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.1 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.2 The majority of the application site is located outwith the settlement boundary of Limerigg and within an area of countryside as defined by the Falkirk Local Development Plan. The southernmost part of the proposed access road is located within allocated housing site H67. However the current local plan allocation does not include any reference to the need for any additional access road or roundabout to serve H67. The proposed development is not supported by any information which demonstrates a justification for this form of development within this location. The proposal would therefore result in an unacceptable and unjustified loss of countryside in this location. The proposal is contrary to the terms of policy CG01.

7a.3 Policy INF10 - Transport Assessments states:-

1. *The Council will require transport assessments of developments where the impact of the development on the transport network is likely to result in a significant increase in the number of trips, and is considered likely to require mitigation. The scope of transport assessments will be agreed with the Council and in the case of impact on trunk roads, also with Transport Scotland.*
2. *Transport assessments will include travel plans and, where necessary, safety audits of proposed mitigation measures and assessment of the likely impacts on air quality as a result of proposed development. The assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over use of the car.*
3. *The Council will only support development proposals where it is satisfied that the transport assessment and travel plan has been appropriately scoped, the network impacts properly defined and suitable mitigation measures identified.*

7a.4 The application has been supported by a Transport Assessment which demonstrates that, whilst detailed engineering drawings are still required for assessment, the proposed access road and roundabout would be capable of accommodating the level of traffic generated by allocated housing site H67 and a reasonable assumption of traffic generation from adjacent land currently in the ownership of the applicant. The proposal accords with policy INF10 of the Falkirk Local Development Plan.

7a.5 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.*
2. *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.6 No drainage strategy has been provided in support of the proposed road and roundabout. It is not therefore clear whether the proposed infrastructure can be adequately drained in accordance with current best practice. The proposal is contrary to the terms of policy INF12 of the Falkirk Local Development Plan.

7a.7 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.8 Existing watercourses have been identified within close proximity to the proposed road and roundabout. No Flood Risk assessment has been submitted in support of the application and it is not therefore possible to establish that the proposals would not adversely increase the risk of flooding within the surrounding area or downstream of the development site. The proposal is contrary to the terms of policy RW06 of the Falkirk Local Development Plan.

7a.9 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.10 The application site falls within the Development High Risk Area; therefore within the site and surrounding area there are historic coal mining legacy features which may pose a risk to the proposed development. The applicants have not submitted an adequate Coal Mining Risk Assessment in support of their proposal and it cannot therefore be demonstrated that the risks associated with coal mining legacy impacts can be adequately avoided, managed or mitigated. The proposal is contrary to the terms of policy RW10 of the Falkirk Local Development Plan.

### **Supplementary Guidance Forming Part of Local Development Plan**

7a.11 Supplementary Guidance SG01 – Countryside.

7a.12 This guidance note sets out the circumstances within which new development in the countryside may be considered acceptable. The proposed development does not fall into any of the categories of development set out in this guidance and the document does not therefore support the form of development proposed. The proposal is contrary to the advice contained within SG01.

7a.13 Accordingly, the proposal is contrary to the Falkirk Local Development Plan.

### **7b Material Considerations**

The material consideration to be assessed are the Falkirk Local Development Plan 2 (Proposed Plan), the applicants proposed planning condition, site history and assessment of public representations.

## **Falkirk Local Development Plan 2 (Proposed Plan)**

- 7b.1 The Proposed Falkirk Local Development Plan 2 (LDP2) was submitted to Scottish Ministers in July 2019. Unresolved representations to the Proposed LDP2 were considered through the LDP Examination which took place between October 2019 and March 2020. The Examination Report, containing the reporters' recommendations in relation to each of the representations, was published on 31 March 2020, and these recommendations were approved by the Council on 30 June 2020. The next step is for the Council to publish notification of its intention to adopt the plan as modified, and to submit the Modified Plan to Scottish Ministers prior to adopting it. Adoption is scheduled for early August 2020. Pending adoption of the new plan, the Proposed LDP2, read in conjunction with the Examination Report, constitutes a material consideration and should be given significant weight in the determination of planning applications. The relevant policies contained within the Proposed Falkirk LDP2 and the approved changes from the Examination Report are not considered to be materially different from those within the current adopted plan and, in this instance, would not result in the proposal being assessed differently.

### **Proposed Planning Condition**

- 7b.2 During consideration of this application, the applicant's agent proposed that the issue of prematurity could be addressed by way of a negative suspensive condition restricting the phasing of the development. The phasing suggested would prevent development of the section of road outwith the allocated housing site H67 until such a time that the remaining land had been allocated for housing within the Local Development Plan. This approach is not supported as the proposed condition is unnecessary as the condition seeks to duplicate the local development plan process. The local plan process itself is the correct mechanism for determining the release of land for housing. The proposed condition fails to meet the tests for conditions set out within Planning Circular 4/1998: the use of conditions in planning permissions.

### **Site History**

- 7b.3 Whilst part of the application site is located within an allocated housing site (H67), no current live planning permission exists for this site. The previously granted planning permission in principle has now lapsed and it is not clear what form of development is likely to take place on the site. There is not therefore any current justification or requirement for a new access road or roundabout as is proposed by this planning application.

### **Assessment of Public Representations**

- 7b.4 It is agreed that the proposed development is premature. It is noted that whilst the applicant intends the proposed road to serve as access to new housing land, this land is not yet allocated for development within the Falkirk Local Development Plan.

## **7c Conclusion**

- 7c.1 This application represents an unacceptable form of development which is contrary to the terms of the Falkirk Local Development Plan. The applicants have failed to demonstrate that a justification for this form of development within this countryside setting and have failed to demonstrate that the proposal would be acceptable in terms of ground stability, flood risk and drainage arrangements. There are no material planning considerations that warrant a grant of planning permission in this instance.

## **8. RECOMMENDATION**

- 8.1 It is recommended that the Committee refuse Planning Permission for the following reason(s):-

1. The applicant has failed to demonstrate any suitable form of justification for the proposed development which is proposed to be located within the countryside. The proposal therefore represents an unacceptable loss of countryside to the detriment of the environmental quality. The proposal is contrary to the terms of policy CG01 'Countryside' of the Falkirk Local Development Plan and Supplementary Guidance SG01 'Countryside'.
2. The applicant has failed to demonstrate that risks to the development proposal posed by past coal mining activity have been adequately assessed and can be adequately managed or mitigated. The proposed development therefore remains at risk of safety and stability issues associated with past coal mining works and is contrary to the terms of policy RW10 'Vacant, Derelict, Unstable and Contaminated Land' of the Falkirk Local Development Plan.
3. The applicant has failed to demonstrate that the proposed development could be adequately drained. The proposal therefore represents a potential flood risk to the surrounding area and is contrary to the terms of Policy INF12 Water and Drainage Infrastructure of the Falkirk Local Development Plan.
4. The applicant has failed to demonstrate, by submission of a Flood Risk Assessment, that the proposed development would not increase the risk of flooding to nearby developments or further downstream from the site. The proposal therefore has the potential to cause unacceptable flood risk and is contrary to the terms of policy RW06 Flooding of the Falkirk Local Development Plan.



**Informative(s):-**

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

.....  
**pp Director of Development Services**

**Date:** 17 August 2020

**LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan.
2. Falkirk Local Development Plan 2 (Proposed Plan).
3. Supplementary Guidance SG01 'Development in the Countryside'.
4. Objection received from Mr George Callaghan, 65 Slamannan Road, Limerigg, Falkirk, FK1 3BN on 19 September 2019

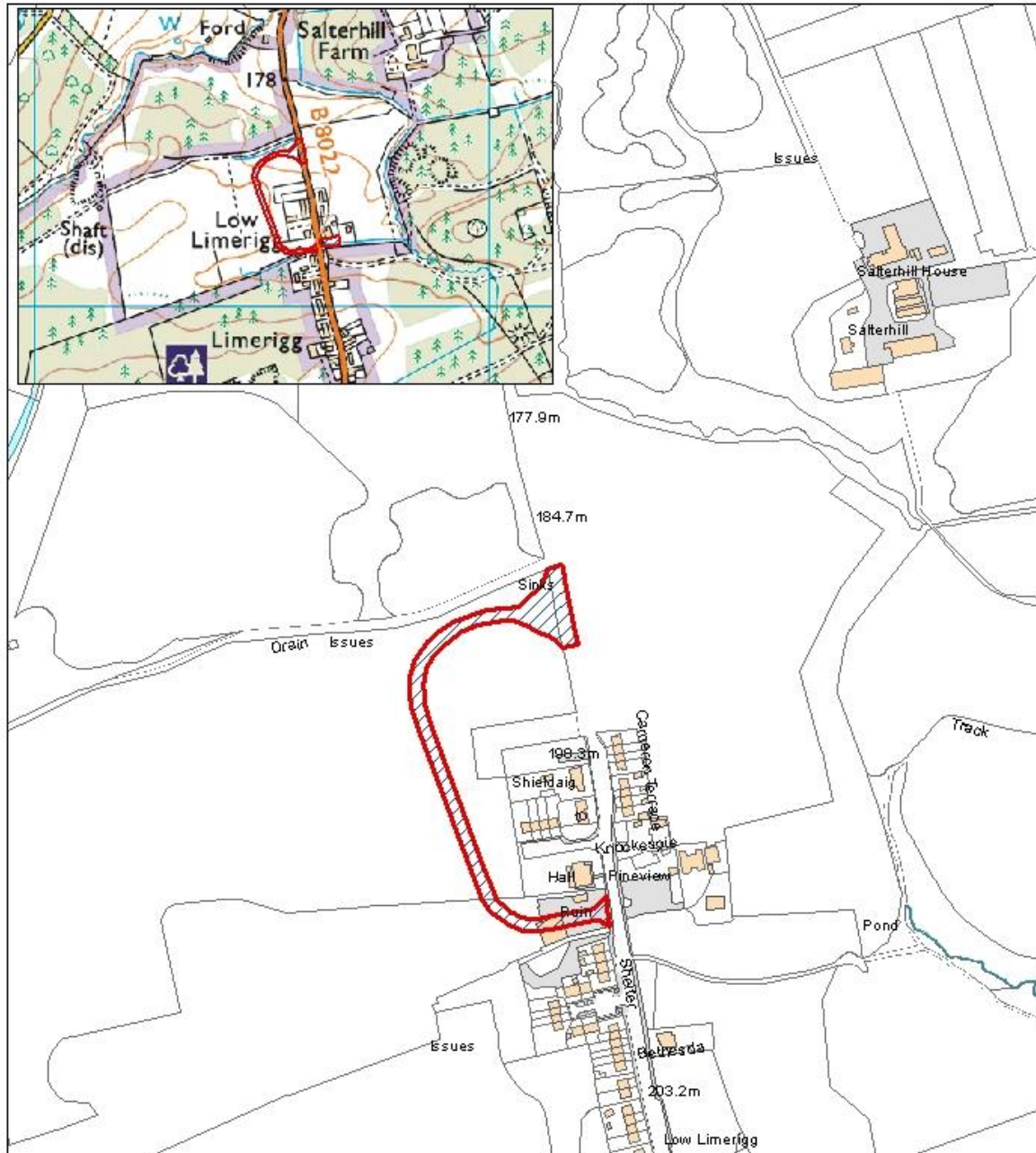
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/19/0580/PPP**

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



© Crown copyright and database rights 2020 Ordnance Survey 100023384. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.