



# **Agenda Item 11**

**MIXED USE DEVELOPMENT TO  
INCLUDE A MIXED TENURE CARE  
VILLAGE: INCLUDING RESIDENTIAL  
CARE HOME, RETIREMENT HOUSING,  
SUPPORTED HOUSING UNITS AND A  
HOTEL ALL WITH ASSOCIATED  
SERVICES, LANDSCAPING AND  
INFRASTRUCTURE AT LAND TO THE  
NORTH OF MANOR HOUSE,  
MADDISTON, FALKIRK FOR ERM LTD -  
P/16/0756/PPP**

**FALKIRK COUNCIL**

**Subject:** MIXED USE DEVELOPMENT TO INCLUDE A MIXED TENURE CARE VILLAGE: INCLUDING RESIDENTIAL CARE HOME, RETIREMENT HOUSING, SUPPORTED HOUSING UNITS AND A HOTEL ALL WITH ASSOCIATED SERVICES, LANDSCAPING AND INFRASTRUCTURE AT LAND TO THE NORTH OF MANOR HOUSE, MADDISTON, FALKIRK FOR ERM LTD - P/16/0756/PPP

**Meeting:** FALKIRK COUNCIL

**Date:** 6 December 2017

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Upper Braes

Councillor Gordon Hughes  
Councillor James Kerr  
Councillor John McLuckie

**Community Council:** Maddiston

**Case Officer:** Brent Vivian (Senior Planning Officer), Ext. 4935

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

- 1.1 The application is a major development and seeks planning permission in principle for a mixed use development consisting of a mixed tenure care village, a hotel, and associated services, landscaping and infrastructure. The breakdown of proposed uses is:-
- 1.5 to 2 storey retirement housing (indicative number 60 flats);
  - 1.5 storey amenity and community assisted dwellinghouses (indicative number 56 units);
  - 2 to 3 storey residential care home (indicative number of beds 80) and
  - 3 storey hotel (indicative number of rooms 30).
- 1.2 The application site extends to 9.15 hectares and lies to the north of The Haining listed building and walled garden, to the west of the A801 and to the south of the Union Canal. The new housing area at Parkhall Farm, Maddiston lies to the south-west. The western boundary of the site follows field boundaries.

- 1.3 The site is predominantly open pasture. There are remnant features of The Haining designed landscape within the site, including a tree lined avenue and woodland adjoining the Union Canal and Nicolson Road. The levels rise, quite steeply in places, from the A801 and the Union Canal to an east-west ridge which continues further west. Some of the field boundaries, including along the ridge line, contain mature trees.
- 1.4 The following information has been submitted in support of the application:-
- Design and Access Statement;
  - Open Space and Landscape Masterplan;
  - Landscape and Visual Impact Assessment;
  - Tree Survey and Arboricultural Report;
  - Ecological Assessment;
  - Pre-Application Consultation Report;
  - Transport Assessment;
  - Drainage and Flood Risk Statement;
  - Supporting Statement (Demand Profile for the Proposed Care Home and Residential Village); and
  - Letter of support from ION Care and Support Services Limited (operator of The Haining Care Home and Day Centre).
- 1.5 The Open Space and Landscape Masterplan indicates:-
- A new access extending off a new (consented) roundabout on the A801;
  - Two principal streets to provide potential links to the west;
  - A roundabout at the junction of the two principal streets;
  - A secondary street to provide a potential link to housing site H47 to the south;
  - A woodland wildlife garden, utilising the existing woodland area adjoining the Union Canal;
  - New woodland planting and a woodland walk adjoining the A801;
  - Retention of the existing tree lined avenue;
  - Community spaces, along the existing tree-lined ridge;
  - Diversion of an existing Core Path through the site; and
  - Location of a hotel at the new A801 entrance.

1.6 The Pre-Application Consultation Report records the following:-

- The public event took the form of a staffed public exhibition and was held on 6 June 2016 at the Salvation Army Hall, Main Street, Maddiston;
- A total of 15 members of the public attended the public exhibition;
- Three comment cards were completed at the event;
- The comments were generally supportive of the proposals and saw them as imaginative and worthy of support by the Council as they fit the care in the community agenda, help tackle loneliness in old age and enable people to retain their independence in their own home;
- The main challenges were seen to include providing suitable access to Maddiston in the form of footpaths, a cycle route and public transport; and
- The idea of a link from Glendevon Drive to a new roundabout on the A801 was not supported in the comments.

1.7 The applicant has made the following submissions in support of the care village concept:-

- As the population grows older, the demand for suitable accommodation is increasing. The proposed development would provide a mix of appropriate accommodation and services to enable older people across the area to benefit;
- The range of accommodation would offer something for everyone - from detached villas to one and two bedroom apartments, including serviced apartments;
- The village would aim to provide a home for life, with a wide range of accommodation and support options to cater for all needs and circumstances, ranging from people who are fit and active to those who need a great deal of support;
- For those who require 24-hour care and support there would be a dedicated care home. Also, the village would offer residential, nursing and specialist dementia care, and could tailor a personal care package to meet individual needs;
- Tenure options would include outright purchase, shared ownership, rent and assisted living packages;
- The concept is that one company would be involved in managing all of the accommodation;
- The applicant considers there is a strong demand and requirement in the Falkirk area for the type of facilities contained in the Care Village proposals; and

- The site is well suited to the type of facility envisaged as the semi-rural environment would create a tranquil setting, the canalside location gives an opportunity to create the right environment for the concept, and there is space to provide such facilities as rural walks, seating areas, woodland and wildlife gardens, access to the canal, etc.

## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 Council consideration is required for a major development that is significantly contrary to the Development Plan. The proposed development is considered to be significantly contrary to the Falkirk Local Development Plan, owing to the countryside designation of the site and its scale and nature (predominantly a housing proposal) within the context of the local area.
- 2.2 A Pre-Determination Hearing is required for a major development that is significantly contrary to the Development Plan. The Pre-Determination Hearing was held at Maddiston Primary School on 7 November 2017 at 7pm. At the hearing, Council officers and the applicant were heard and Members sought further information/clarification from the applicant and officers. No further information was requested by Members for reporting at the Council meeting. There were no members of the public present at the hearing.

## **3. SITE HISTORY**

- 3.1 Planning application P/10/0761/PPP for a mixed use development (canal hub facility) comprising a marina, pontoon moorings, visitor facility, hotel/tourism accommodation, canal footbridge, boat service buildings, car parking, lay-by, natural landscaping works and ancillary development was granted on 20 May 2011. The permission lapsed on 20 May 2014.
- 3.2 Planning application P/12/0694/FUL for the construction of a roundabout on the A801 was granted on 1 February 2013. The purpose of this application was to approve a detailed scheme of access from the A801 to the proposed canal hub facility approved under P/10/0761/PPP (see paragraph 3.1 above). This permission has been implemented by virtue of commencement of site preparation works on 13 April 2015.
- 3.3 Planning application P/13/0079/PPP for the development of land for holiday cottages and associated car parking, access road and landscaping was granted on 26 April 2013. This development is proposed to be accessed via the new roundabout on the A801 approved under P/12/0694/FUL.
- 3.4 Planning application P/14/0483/PPP for the construction of a distributor road and associated earthworks was refused on 27 March 2017. This application proposed a new road from Glendevon Drive to the A801, between The Haining care home and the former walled garden associated with The Haining. An appeal to the Scottish Government against the Council's decision to refuse the application was dismissed on 20 October 2017.
- 3.5 Planning application P/16/0064/PPP for the development of land for holiday lodges and associated car parking, access road and landscaping (renewal of planning permission in principle P/13/0079/PPP) was granted on 4 April 2016.

## **4. CONSULTATIONS**

- 4.1 The Roads Development Unit have advised that the principal streets should be designed and formed as distributor class roads with similar dimensions as Glendevon Drive in the existing Maddiston site to the west, and with traffic calming features. Should either one of the principal streets form part of a completed strategic route through to Glendevon Drive in the future, then the traffic calming may have to be removed and amended. They advise that the road layout for the rest of the site should be designed in accordance with Designing Streets and the National Roads Development Guide (NRDG) in terms of connectivity and the measures to be employed to reduce the speed of vehicles. They advise that parking provision for the various uses should accord with the NRDG and that a surface water drainage strategy and Sustainable Urban Drainage details would be required at detailed planning stage.
- 4.2 The Environmental Protection Unit have advised that a contaminated land assessment would be required, owing to the presence of agricultural land uses, mining, made ground and other potential sources of contaminated land on the site or within 250 metres of the site. They advise that noise need not be a determining factor in considering the application.
- 4.3 The Transport Planning Unit are satisfied with the traffic generation and distribution analysis and accept that the proposed roundabout on the A801 would operate within capacity to serve the proposed development. They advise that the proposed development is, at present, isolated from any existing development sites in the area, and therefore the ability to integrate the development into sustainable transport infrastructure is greatly hindered at present. For example, there are no bus services which operate along the A801 corridor and there is limited pedestrian/cycling infrastructure to link the site into the villages of Maddiston, Polmont and Whitecross. They advise that it is likely that public bus services would only divert into the development if the proposed access road were to be linked through to Glendevon Drive. However, they note the applicant's proposals for the provision of a private bus service and the provision of a roundabout at the junction of the principal streets, which could be utilised as a bus turning facility in the absence of a through-route.
- 4.4 Corporate and Housing Services, Housing Strategy, have advised that the proposed retirement flats and the supported accommodation units (116 in total) would generate an affordable housing contribution of 25% (29 units). They advise that the Council's Housing Need and Demand Assessment does not identify a need for additional care homes but highlights a need to explore Extra Care Housing or Intermediate Care. The Council's 'starting point' is to consider whether any existing sheltered housing developments would be suitable for Extra Care Housing. They acknowledge that the 'direction of travel' is to care for people in their own homes.
- 4.5 Scottish Water have not responded.
- 4.6 The Scottish Environmental Protection Agency (SEPA) have no objection to the application on flood grounds. They advise that, based on the information contained within the Flood Risk Assessment, the site is not at risk of fluvial flooding from the Gardrum Burn. They highlight that Scottish Canals should be contacted in relation to any flood risk associated with the Union Canal. They advise that consideration should be given to post-development overland flow paths at the detailed design stage.

- 4.7 Scottish Canals are supportive of the project as it would help to deliver improvements to this stretch of the Union Canal and may help to make a canal basin development at the location more viable. They do, however, question whether a concentration of retirement homes/care village is the best neighbour to create a thriving canal hub. It will be critical, therefore, to ensure that the proposed development is well integrated with the canal and footpaths to encourage use by nearby developments. They highlight the very attractive landscape setting and the need to ensure that the visual quality of the canal corridor is not detrimentally affected by the development. They would like to see further landscaping proposals as they affect the canal.
- 4.8 Falkirk Community Trust, Museum Services, welcomes the retention of the Lime Avenue and the use of low density housing. These aspects would preserve something tangible of the setting of The Haining listed building, though not the entire designed landscape.
- 4.9 Historic Environment Scotland have no objection to the application. They comment that this stretch of the Union Canal (Scheduled Monument) runs through predominantly rural surroundings and it seems likely that the rural character of the area would be diminished as a result of the proposals (although a line of approved holiday lodges would divide the canal from the development area). However, the impact on setting is unlikely to raise issues of national significance, but they suggest that the Council may wish to consider whether the scope and massing of the proposals could be altered to reduce the scale of impacts further.
- 4.10 Scottish Natural Heritage note that the site is situated on a high ridge which runs into the site from the west, but they consider the location to be visually well contained by the mature woodland and the tree belts around and throughout the area. They consider the proposed buildings and infrastructure to be sympathetic to the landform and landscape, with buildings being limited to 1.5 storeys at the highest part of the site. Existing mature trees and woodland would screen the new development, and the additional planting proposed would further soften the visual impact from surrounding viewpoints. They recommend early implementation of planting/ landscaping plans to assist with integration of the development into the surrounding area. They are pleased to note that the well used footpath/Right of Way connecting the Maddiston East Strategic Growth Area to the Union Canal is to be retained, enhanced and integrated into the wider access networks.
- 4.11 The Scottish Rights of Way and Access Society (Scotsway) have no objection to the application and are satisfied with the proposed diversion route of Right of Way CF32 (also a Core Path). They would welcome the opportunity to comment on the detailed proposals at later stages of the planning process.
- 4.12 NHS Forth Valley have not responded.
- 4.13 Children's Services have advised that no education contribution would be payable if the proposed housing is restricted to care units. If any housing is to be unrestricted, further analysis would be required in respect of capacity and the education contribution payable. The extent to which Maddiston Primary School can be extended is finite.

## **5. COMMUNITY COUNCIL**

- 5.1 The Maddiston and Rumford Community Council have not made any representations in respect of the application.

## **6. PUBLIC REPRESENTATION**

6.1 One objection has been received in respect of the application. The concerns raised in the objection can be summarised as follows:-

- Transport issues on the A801. Will the proposed roundabout handle the extra traffic?
- Is the bridge on the canal proposed or not, as the canal is an Ancient Monument?
- Is there a flood risk?
- The visual prominence that will be imposed on the natural surroundings and Manor House.
- The ecology of the area and wooded areas close to the canal. Has a protected species assessment been carried out, e.g. for badgers and otters?
- The proposal is an extensive village, not just a care home.

## **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 (LDP) 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 policies set out below.

7a.2 The application site lies within the countryside, outwith the urban limits, as defined in the LDP. The existing urban boundary as defined in the Local Development Plan adjoins to the south. The site adjoins the Union Canal (classified as a Scheduled Monument and a Site of Importance for Nature Conservation) to the north, and the Rumford East Site of Importance for Nature Conservation lies to the north and west. The site forms part of The Haining non-inventory designed landscape. The eastern edge of the site (adjoining the A801) is identified as an opportunity for landscape enhancement, in forming part of the Lower Braes Southern Fringe.

7a.3 The LDP sets out the Council's vision for the Falkirk area. It is:-

‘A dynamic and distinctive area at the heart of Central Scotland, characterised by a network of thriving communities and greenspaces and a vibrant and growing economy which is of strategic significance in the national context, providing an attractive and sustainable place in which to live, work, visit and invest’.



7a.4 The key strategic objectives, to achieve the vision, are set out in the LDP. They are:-

#### Thriving Communities

- To facilitate continued population and household growth and the delivery of housing to meet the full range of housing needs;
- To build sustainable attractive communities which retain a strong identity and sense of place;
- To ensure that infrastructure is provided to meet the transport, education, recreation and healthcare needs of the growing population, and to support the growth of the economy.

#### Growing Economy

- To develop the area's economic potential and establish it as a major component in the Scottish economy;
- To strengthen the area's transport connections to the rest of Scotland's and global markets;
- To make our town centres vibrant and economically viable focal points within our communities.

#### Sustainable Place

- To contribute to climate change mitigation and adaptation;
- To extend and improve the green network and protect the area's national heritage;
- To improve the sense of place in our towns and villages and to protect, enhance and promote our historic environments; and
- To manage natural resources and waste sustainably.

7a.5 The key strategic objectives inform the spatial strategy of the LDP. The spatial strategy indicates how the area is intended to grow and develop over the plan period in terms of housing, infrastructure, countryside and green belt, business development, town centres and the green network. The overall strategy will continue to be one of sustainable growth, and the key elements will be:-

- 675 new homes each year on average, distributed around the area, but with a focus on 12 Strategic Growth Areas;
- A diverse portfolio of business sites at 4 Strategic Business Locations, focused on the M9/M876/A801 corridor;
- A range of strategic transport, education, drainage, flood management and healthcare infrastructure to support growth;

- A continuing green belt to maintain the identity of settlements and manage growth;
- A network of Principal, District and Local Centres as the focus for retailing, commercial leisure and services; and
- A multi-functional Falkirk Green Network comprising a number of interconnected components and corridors.

7a.6 In response to the spatial strategy, the LDP contains a range of strategic policies and supporting policies. The strategic policies of relevance to this application:-

- Policy HSG01 'Housing Growth';
- Policy CG01 'Countryside';
- Policy GN01 'Falkirk Green Network'; and
- Policy D01 'Placemaking'.

The relevant strategic policies and supporting policies are set out in paragraphs 7a.8 onwards.

7a.7 The Settlement Statement for the Maddiston / Rumford area indicates the following: -

*'Maddiston is identified for further housing growth. The existing committed site at Torvavon (H48) will be augmented by further sites at Parkhall Farm and the Haining (H44 – H47) creating a Strategic Growth Area which is expected to deliver around 280 houses in addition to the current Parkhall Farm development. These sites will require a co-ordinated access strategy and provision of supporting infrastructure in the form of enhanced community facilities, enhanced primary school capacity (INF32), and the extension and upgrading of the green network in and around the village (GN16 & GN18).'*

The application site lies to the north and east of H47, outwith the Maddiston East Strategic Growth Area.

7a.8 Policy HSG01 - Housing Growth states:-

1. *The Council will aim to achieve an average housing growth of 675 dwellings per year across the Council area over the Plan period, and will ensure that a five year effective land supply is maintained;*
2. *The Council will monitor and update the effective housing land supply figures annually to make sure that a minimum five year supply is maintained at all times. If this Housing Land Audit process identifies a shortfall in the effective land supply, the Council will consider supporting sustainable development proposals that are effective, in the following order of preference:*
  - *Urban Capacity sites*
  - *Additional brownfield sites*
  - *Sustainable greenfield sites**In doing so, account will be taken of other local development plan policies and of any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.*

3. *The overall scale of housing allocations in each settlement area to meet the target level of growth, including flexibility, will be as shown in Figure 3.1.*
4. *The specific sites where new housing will be promoted are listed in the Settlement Statements, and detailed in the Site Schedule in Appendix 1.*
5. *The locations for most significant growth are identified as Strategic growth Areas (SGAs). Within these areas, the preparation of development frameworks, masterplans and briefs, as appropriate, and the co-ordination of social and physical infrastructure provision, will be a particular priority. Site requirements are set out in Appendix 2.*

7a.9 The Council does not currently have a 5 year effective housing land supply. The Housing Land Audit, June 2017, advises that there is a 3.9 year supply which equates to a shortfall of 760 units (see paragraph 7b.6 and 7b.12 of this report also). In such circumstances the Council will consider supporting sustainable development proposals that are effective in the following order of site preference: urban capacity sites; additional brownfield sites, and lastly sustainable greenfield sites. The site is greenfield high quality agricultural land, outside of the urban limits, and the location raises a number of sustainability issues. It is relatively isolated from local facilities and services and there is limited pedestrian/cycling infrastructure to link the site into the surrounding villages. There is no public bus service operating along the A801 and public bus accessibility would, in all likelihood, be dependent upon provision of a link road to Glendevon Drive (noting that the applicant proposes to provide a private bus service for the residents). In terms of 'effectiveness' the criteria for assessing effective housing land supply are set out in paragraph 55 of Scottish Government Planning Advice Note 2/2010 'Affordable Housing and Housing Land Audits'. The applicant has submitted correspondence from Dunedin Canmore Housing Association advising that this housing association would be delighted to work with the applicant on the amenity housing proposed for the site. However, whether the housing could be delivered timeously, to meet the current shortfall, has not been demonstrated.

7a.10 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.11 The site lies outside of the Maddiston urban limits, within the countryside, as defined in the LDP. The proposal is therefore to be assessed against the 'Housing in the Countryside' and 'Business Development in the Countryside' policies.

7a.12 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;*

2. *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.13 The proposal does not comply with any of the circumstances, as detailed above, to support new housing development in the countryside. The application is therefore contrary to this policy.

7a.14 Policy CG04 - Business Development in the Countryside states:-

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

1. *Areas specifically identified for business development on the Proposals Map;*
2. *Business development, including appropriate leisure and tourism uses, where a need for a countryside location is demonstrated, or the development constitutes an appropriate form of farm diversification;*
3. *Proposals involving the re-use of industrial, commercial or institutional land or premises, or the conversion of farm buildings for business use; or*
4. *Limited extensions to existing established business in the countryside;*

*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.15 The proposal includes a hotel and a care home. No justification has been provided for the location of the hotel at this countryside location. In terms of the care home, the location may be desirable from the applicant's point of view in terms of amenity but the inherent need for a countryside location has not been demonstrated. The application is therefore contrary to this policy.

7a.16 Policy GN01 - Falkirk Green Network states:-

1. *The Council will support the Central Scotland Green Network in the Falkirk area through the development and enhancement of a multi-functional network of green components and corridors as defined in Map 3.5.*
2. *Within the green network, biodiversity, habitat connectivity, active travel, recreational opportunities, landscape quality, placemaking, sustainable economic development and climate change adaptation will be promoted, with particular reference to the opportunities set out in the Settlement Statements, and detailed in the Site Schedule in Appendix 1.*
3. *New development, and in particular the strategic growth areas and strategic business locations, should contribute to the green network, where appropriate, through the integration of green infrastructure into masterplans or through enabling opportunities for green network improvement on nearby land.*

7a.17 The proposed development would contribute positively to the Falkirk Green Network. The eastern edge of the site (adjoining the A801) is identified in the LDP as a landscape enhancement opportunity, as part of the Lower Braes Southern Fringe. The submitted masterplan indicates a reinforcement of the green edge at this location through the planting of new broadleaf woodland.

7a.18 Policy D01 - Placemaking states:-

*The following locations are regarded as key opportunities for placemaking within the area, within which there will be a particular emphasis on high quality design and environmental enhancement:*

1. *Strategic Housing Growth Areas & Business Locations*
2. *Town and Village Centres*
3. *Town Gateways and Major Urban Road Corridors*
4. *Canal Corridor*
5. *Central Scotland Green Network*

7a.19 The site lies within the Central Scotland Green Network corridor, adjacent to the Union Canal and a major road corridor. It therefore provides a key opportunity for placemaking. The submitted masterplan reflects a landscape-led approach to placemaking, to integrate the development into the surroundings.

7a.20 Policy HSG02 - Affordable Housing states:-

*New housing developments of 20 units and over will be required to provide a proportion of the units as affordable or special needs housing as set out in Figure 5.1. The approach to provision should comply with Supplementary Guidance SG12 "Affordable Housing".*

*Figure 5.1 Affordable Housing Requirements in Settlement Areas*

*Proportion of total site units required to be affordable*

*Larbert/Stenhousemuir, Polmont Area, Rural North and Rural South - 25%*

*Bo'ness, Bonnybridge/Banknock, Denny, Falkirk and Grangemouth - 15%*

7a.21 The affordable housing requirement for the proposed development is 25%. This equates to 29 units based on an indicative number of 116 units (consisting of the retirement flats and community assisted dwellinghouses). The details of the affordable housing provision would be assessed against SG12 'Affordable Housing' and secured in a Section 75 Planning Obligation attached to any grant of planning permission in principle.'

7a.22 Policy HSG04 - Housing Design states:-

*The layout, design and density of the new housing development should conform with any relevant site-specific design guidance, Supplementary Guidance SG02 'Neighbourhood Design' and the Scottish Government's policy on 'Designing Streets'. Indicative site capacities in the site schedules may be exceeded where a detailed layout demonstrates that a high quality design solution, which delivers the requisite level of residential amenity, has been achieved.*

7a.23 The submitted masterplan is indicative only at this stage. The detailed layout, design and density of the proposed development would be considered at detailed planning stage, having regard to SG2 'Neighbourhood Design' and the Scottish Government's policy on 'Designing Streets'.

7a.24 Policy HSG09 - Residential Care Homes states:-

*Proposals for residential care homes will generally be permitted where:*

- 1. The location provides an appropriate residential environment;*
- 2. There is good access to public transport;*
- 3. The development is of a scale and character appropriate to the site;*
- 4. Sufficient amenity space can be provided for the enjoyment of residents;  
and*
- 5. The proposal complies with other LDP policies.*

7a.25 It is accepted in principle that an appropriate residential environment could be created for the proposed care home, with sufficient amenity space for the enjoyment of the residents. The scale and character of the care home proposal would be subject to consideration at detailed planning stage. However, the site does not enjoy good access to public transport and the proposal does not comply with other LDP policies e.g. Policy CG04 "Business Development in the Countryside". The application is therefore contrary to this policy.

7a.26 Policy INF02 - Developer Contributions to Community Infrastructure states:-

*Developers will be required to contribute towards the provision, upgrading and maintenance of community infrastructure where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The nature and scale of developer contributions will be determined by the following factors:*

- 1. Specific requirements identified against proposals in the LDP or in development briefs;*
- 2. In respect of open space, recreational, education and healthcare provision, the general requirements set out in Policies INF04, INF05 and INF06;*
- 3. In respect of physical infrastructure any requirements to ensure that the development meets sustainability criteria;*
- 4. In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
- 5. Where a planning obligation is the intended mechanism for securing contributions, the principles contained in Circular 3/2012.*

*In applying the policy, consideration of the overall viability of the development will be taken into account in setting the timing and phasing of payments.*

7a.27 The proposed development is not identified in the LDP and so the LDP does not set out any specific requirements for the site as far as developer contributions are concerned. The general requirements of Policies INF04, INF05 and INF06 will apply as appropriate.

7a.28 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 on-site 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.29 The submitted masterplan indicates substantial areas of open space including a woodland wildlife garden, a new woodland walk, other areas of new woodland planting and a community space. The combined size of these areas is ample to meet the passive open space requirement for the proposed development, as set out in SG13 'Open Space and New Development'. SG13 indicates that rest homes and nursing homes are only expected to provide informal open spaces as other forms of open space are clearly not reasonably related to such proposals. There may be a case to provide suitable forms of active open space for the retirement apartments and assisted living accommodation. This would be considered further at detailed planning stage.

7a.30 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.31 There would be no requirement for an education contribution for the types of housing proposed. The occupancy of the housing would need to be suitably controlled and this would be secured in the Section 75 Planning Obligation attached to any grant of planning permission in principle.

7a.32 Policy INF06 - Healthcare and New Housing Development states:-

*In locations where there is a deficiency in the provision of health care facilities identified by NHS Forth Valley, developer contributions will be sought to improve the quantity and quality of such provision commensurate with the impact of the new development. The approach to the improvement of primary healthcare provision will be set out in Supplementary Guidance SG11 'Healthcare and New Housing Development'.*

7a.33 The local health centre (Polmont Park) is identified in SG11 'Healthcare and New Housing Development' as having existing capacity to accommodate the additional housing allocations for the area. However, the proposal is not one of the allocated housing sites. NHS Forth Valley have been consulted on the application but have not responded. Any update in respect of this matter will be provided at the meeting on 6 December.



7a.34 Policy INF07 - Walking and Cycling states:-

1. *The Council will safeguard and promote the development of the core path network. Where appropriate, developer contributions to the implementation of the network will be sought.*
2. *New development will be required to provide an appropriate standard of pedestrian and cycle infrastructure, including cycle parking, which complies with current Council guidelines and meets the following criteria:*
  - *Where appropriate, infrastructure supporting the two modes of walking and cycling should be combined and support objectives in agreed Travel Plans helping to support active travel;*
  - *Pedestrian and cycle facilities in new developments should offer appropriate links to existing networks in surrounding areas, in particular to facilitate school journeys and provide connections to public transport, as well as links to other amenities and community facilities;*
  - *The surfacing, lighting, design, maintenance and location of pedestrian and cycle routes should promote their safe use. Particular emphasis should be given to the provision of suitable lighting, and the provision of suitably designed and located crossing facilities where routes meet the public road network;*
  - *Where practical, no pedestrian route should be obstructed by features that render it unsuitable for the mobility impaired.*

7a.35 The proposal includes the diversion of a Core Path which traverses the site in a north-south direction. The route of the diversion has been agreed to the satisfaction of the Scottish Rights of Way and Access Society (Scotsway). The development would be required to provide appropriate pedestrian and cycle facilities within the site. This would be considered at detailed planning stage. The opportunity to suitably link the development to existing amenities and facilities in the Maddiston and Polmont areas is limited given the relative isolation of the site. This is particularly so in the absence of a link road to Glendevon Drive. The applicant has expressed a willingness to bring forward delivery of a bridge crossing of the Union Canal. This would provide improved access to the canal towpath which is a strategic long distance walking and cycling corridor.

7a.36 Policy INF08 - Bus Travel and New Development states:-

1. *New development will be required to provide appropriate levels of bus infrastructure or suitable links to existing bus stops or services, as identified within travel plans, taking account of the 400m maximum walking distance required by SPP. This provision will be delivered through direct funding of infrastructure and/ or the provision of sums to support the delivery of bus services serving the development.*
2. *Bus infrastructure should be provided at locations and to phasing agreed with the Council, and designed in accordance with the standards set out in current Council guidelines.*

3. *New development, where appropriate, should incorporate routes suitable for the provision of bus services. Bus facilities within new developments should offer appropriate links to existing pedestrian networks in surrounding areas. Alternatively, new development should be linked to existing bus infrastructure via pedestrian links as described in Policy INF07.*

7a.37 The policy does not distinguish between the provision of public bus services and other types of bus provision. The applicant's proposal for a private bus service can therefore be seen to accord with this policy, although it would be preferable for public bus accessibility at the outset or at an early stage of the development. As detailed in paragraph 7a.9, public bus accessibility would, in all likelihood be dependent upon provision of a link road to Glendevon Drive. The provision of suitable bus infrastructure within the site would be required and this would be considered further at detailed planning stage. The required infrastructure would include a roundabout at the junction of the two principal streets to provide a turning circle for the private bus. The details in relation to the provision of the private bus service would need to be secured by a planning condition / Section 75 Planning obligation attached to any grant of planning permission in principle.

7a.38 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.39 The Council's Transport Planning Unit have reviewed the submitted Transport Assessment. They are satisfied that the proposed roundabout on the A801 would operate within capacity. The Transport Assessment considers sustainable transport modes i.e. walking, cycling and bus services. These matters are commented on in paragraphs 7a.35 and 7a.37.

7a.40 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.41 The proposal is to connect the foulwater to the existing public drainage network. Surface water would be controlled and treated on-site prior to discharge, in accordance with Sustainable Urban Drainage Systems (SUDS) principles. There are two possible options for discharges of surface water, these being the Union Canal and Gardrum Burn. The detailed strategy and design for the SUDS would be required at detailed planning stage.

7a.42 Policy GN02 - Landscape states:-

1. *The Council will seek to protect and enhance landscape character and quality throughout the Council area in accordance with Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations.*
2. *Priority will be given to safeguarding the distinctive landscape quality of the Special Landscape Areas identified on the Proposals Map.*
3. *Development proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved.*

7a.43 The site falls within the 'Manuel Farmlands' Local Landscape Character Area as defined in SG09 'Landscape Character Assessment and Landscape Designations'. Key characteristics of this landscape type are rolling farmland and its sensitivity to change, particularly on the higher ground. The guidelines for this landscape type as detailed in SG09 include ensuring that: all road and other infrastructure is appropriately mitigated to minimise landscape and visual effect; new development is appropriate in terms of scale, design and siting; and native species / structure screen planting is carried out. The submitted Landscape and Visual Impact Assessment (LVIA) demonstrates that a certain level of development can be achieved on the site in principle in landscape terms. The LVIA has informed the masterplan and includes new woodland screen / structure planting. There remain some reservations about the principal street alignments and the extent of earthworks/level changes that may be necessary to route the principal street up the steeper north face and cross over the ridge line. However, the masterplan can only be treated as indicative at this stage and the detail regarding finalised layout, level changes and mitigation measures, to address landscape and visual impacts, would be assessed at detailed planning stage.

7a.44 Policy GN03 - Biodiversity and Geodiversity states:-

*The Council will protect and enhance habitats and species of importance, and will promote biodiversity and geodiversity through the planning process. Accordingly:*

- 1. Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Qualifying features of a Natura 2000 site may not be confined to the boundary of a designated site. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions, and there are imperative reasons of overriding public interest. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).*
- 2. Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- 3. Development likely to have an adverse effect on European protected species, a species listed in Schedules 5, 5A, 6, 6A and 8 of Wildlife and Countryside Act 1981 (as amended), or a species of bird protected under the Wildlife and Countryside Act 1981 (as amended) will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.*
- 4. Development affecting Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites (as identified in Supplementary Guidance SG08 'Local Nature Conservation and Geodiversity Sites'), and national and local priority habitats and species (as identified in the Falkirk Local Biodiversity Action Plan) will not be permitted unless it can be demonstrated that the overall integrity of the site, habitat or species will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- 5. Where development is to be approved which could adversely affect any site or species of significant nature conservation value, the Council will require appropriate mitigating measures to conserve and secure future management of the relevant natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required, along with provision for its future management.*

6. *All development proposals should conform to Supplementary Guidance SG05 'Biodiversity and Development'.*

7a.45 The site adjoins the Rumford East Site of Importance for Nature Conservation (SINC), along the Gardrum Burn Corridor. In addition, the site adjoins the Union Canal, which is also a SINC. The proposed development would not affect the overall integrity of these SINCS. A 10 metre wide buffer zone has been included in the masterplan to protect the Rumford East SINC. In addition a Construction Environment Management Plan would be a requirement at detailed planning stage.

7a.46 Species surveys and ecological assessments have been carried out and submitted in support of the application. No evidence of protected species was found, although the suitability of the existing habitat for bats was recognised, given the extent of trees and woodland at this location. Of the trees proposed for removal, only one contained features that may be suitable for roosting bats. The presence of a bat licensed ecologist would be required when this tree is felled. In addition, further survey works would be required should any tree/shrub works be carried out during the bird nesting season (March to September).

7a.47 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, long-established 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.48 The submitted masterplan retains the existing trees on the site to a large extent. This includes the tree lined avenue and mature trees on the ridgeline. Most of the trees to be removed are only in a poor or moderate condition, and their removal would not give rise to any detriment to landscape, amenity or nature conservation. A Tree Protection Plan showing the root protection areas around all retained tree groups would be required, in accordance with SG06 'Trees and Development'. In addition, a Woodland Management Plan would be required.

7a.49 Policy GN05 - Outdoor Access states:-

*The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network, and routes which support the development of the Green Network. When considering development proposals, the Council will:*

- 1. Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed;*
- 2. Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development; and*
- 3. Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development.*

7a.50 As advised in paragraph 7a.35, the Core Path crossing the site would be safeguard and incorporated into the development. A permanent re-routing of the path has been agreed with the Scottish Rights of Way and Access Society (Scotsway). The surfacing and other details of the path, including any temporary arrangements during the construction period, would be considered at detailed planning stage. In addition, there is an opportunity to secure a new footpath along the canal frontage, and a bridge over the canal to link to the canal towpath. These opportunities would extend/improve the outdoor access network.

7a.51 Policy D04 - Low and Zero Carbon Development states:-

- 1. All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:*
  - Proposals for change of use or conversion of buildings;*
  - Alterations and extensions to buildings;*
  - Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
  - Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*

- *Temporary buildings with consent for 2 years or less; and*
  - *Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*
2. *The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;*
  3. *Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes.*

7a.52 The provision of on-site low and zero carbon generating technologies (LZCGT) would be considered at detailed planning stage, having regard to SG15 'Low and Zero Carbon Development'. The options for satisfying the policy include heat pumps, photovoltaic and solar thermal.

7a.53 Policy D08 - Sites of Archaeological Interest states:-

1. *Scheduled ancient monuments and other identified nationally important archaeological resources will be preserved in situ, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting will not be permitted unless there are exceptional circumstances;*
2. *All other archaeological resources will be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications; and*
3. *Developers may be requested to supply a report of an archaeological evaluation prior to determination of the planning application. Where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development.*

7a.54 The site adjoins the Union Canal which is a Scheduled Monument at this location. Historic Environment Scotland have advised that the proposal would be likely to impact on the rural character of the canal setting but they have not identified any issues of national significance. The setting issues, including the opportunity / need for mitigation, would be considered further at detailed planning stage. No other archaeological related issues have been identified.

7a.55 Policy D12 - Historic Gardens and Designed Landscapes states:-

1. *There will be a presumption against development which would adversely affect the character or setting of sites identified in the 'Inventory of Gardens and Designed Landscapes in Scotland', as identified on the Proposals Map.*

2. *The value of other historic gardens and designed landscapes not listed in the Inventory will be given due weight in the planning process, having regard to their historical significance, integrity and condition. Non-inventory sites will be identified within Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations'.*
3. *The Council will seek to encourage sensitive restoration and management of historic gardens and designed landscapes.*

7a.56 The proposed development impacts on a non-inventory designed landscape associated with The Haining Category B listed building. There are remnant features of the designed landscape within the application site, including the tree lined North Avenue and policy woodland. The submitted LVIA assesses the designed landscape as having a moderate sensitivity to change (due to it being compromised by other development and being of local significance). The assessment highlights the importance of the woodland areas and trees and their role in visual containment. The submitted masterplan responds to the sensitivity of the landscape by adopting a low density, landscape-led approach and retention of the remnant features within the site. The detailed proposals would be subject to assessment against the guidance set out in SG09 'Landscape Character Assessment and Landscape Designations'.

7a.57 Policy D14 - Canals states:-

*The Council, in conjunction with Scottish Canals and other key partners, will seek to promote the sustainable development of the Forth & Clyde and Union Canals as a major recreational, tourism and heritage asset. Accordingly, the Council will support:*

1. *The protection and enhancement of the ecology, archaeology, built heritage, visual amenity and water quality of the canals and their immediate environs, having regard to the detailed policies on these matters contained in the LDP;*
2. *The protection and enhancement of the operational capacity of the canals for recreational use, including the maintenance and improvement of navigation and the provision of moorings and other infrastructure for a wide range of canal users;*
3. *The improvement of access, signage and interpretation associated with the canals, with particular emphasis on linkages to and from adjacent communities, tourist attractions, public transport facilities and the wider countryside access network, whilst generally continuing to restrict access to the off-side bank (except for approved mooring areas, where access already exists and in urban areas) and to the Firth of Forth SPA for nature conservation reasons;*
4. *Residential moorings where an appropriate level of natural surveillance, amenity and access to community facilities can be achieved; and*
5. *Appropriate canal-side development which*
  - *complies with other LDP policies*
  - *is compatible with the operational requirements of the canals and contributes to their recreational amenity through the provision, where appropriate, of public access, amenity areas, moorings and slipways, together with any appropriate commuted sums for maintenance;*



- *achieves high design standards, particular attention being paid to the relationship of layout and form to the canal and to the sympathetic use of materials and detailing in buildings and canal-side landscaping;*
- *incorporates measures to ensure that there is no detriment to the canal water environment; and*
- *ensures there is no detriment to the structural stability of the canal.*

7a.58 The proposed development has the potential to enhance the Union Canal as a major asset while safeguarding the local environment. In particular, there is an opportunity to extend the path network including the provision of a new bridge to link to the canal towpath. As detailed in paragraph 4.7, Scottish Canals are supportive of the project. The potential impact of the proposal on the Canal setting would be considered further at detailed planning stage. This would include consideration of building location, scale and design, and the landscape proposals.

7a.59 Policy RW04 - Agricultural Land, Carbon Rich Soils and Rare Soils states:-

1. *Development involving the significant permanent loss of prime quality agricultural land (Classes 1, 2 and 3.1), carbon rich soils (basin peat, blanket bog, peat alluvium complex, peaty podzols and peaty gleys) and rare soils (podzols, humus iron podzols and saltings) will not be permitted unless:*
  - *The site is specifically allocated for development in the LDP; or*
  - *Development of the site is necessary to meet an overriding local or national need where no other suitable site is available.*
2. *Planning applications for development which is likely to disturb areas of carbon rich or rare soil will be required to submit a soil or peat management plan which demonstrates that:*
  - *the areas of highest quality soil or deepest peat have been avoided;*
  - *any disturbance, degradation or erosion has been minimised through mitigation; and*
  - *any likely release of greenhouse gas emissions caused by disturbance is offset*

7a.60 The agricultural land classification for the site is Class 3.1. The policy presumes against the significant permanent loss of prime quality agricultural land (Classes 1, 2 and 3.1) unless the site is specifically allocated for development in the LDP or development of the site is necessary to meet an overriding local or national need where no other suitable site is available. The site covers 9.15 hectares of prime quality agricultural land and is a major development of land not allocated for development in the LDP. The application is considered to be contrary to this policy.

7a.61 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.62 The submitted Flood Risk Statement concludes that the development would not be at unacceptable risk of flooding and would not increase the risk of flooding elsewhere. At detailed design stage, consideration would need to be given to post-development overland flows. In addition, groundwater levels would need to be confirmed as part of the detailed site investigation works. The Roads Development Unit have advised that a Flood Risk Assessment is not required for this site.

### ***Falkirk Council Supplementary Guidance Forming Part of the LDP***

7a.63 The following Falkirk Council Supplementary Guidance is relevant or potentially relevant to the application:-

- SG01 'Development in the Countryside';
- SG05 'Biodiversity and Development';
- SG06 'Trees and Development';
- SG09 'Landscape Character Assessment and Landscape Designations';
- SG10 'Education and New Housing Development';
- SG11 'Healthcare and New Housing Development';
- SG12 'Affordable Housing';
- SG13 'Open Space and New Development'; and
- SG15 'Low and Zero Carbon Development'.

7a.64 This guidance is referred to in the policy assessment above (paragraph 7a.8 to 7a.62) as appropriate.

## **7b Material Considerations**

7b.1 The following considerations are considered to be relevant or potentially relevant to the determination of the application:-

### ***Scottish Planning Policy***

7b.2 Scottish Planning Policy (SPP) 2014 sets out national planning policies for the development and use of land. SPP recognises that the planning system has a vital role to play in delivering high quality places for Scotland and contribute towards sustainable economic growth. It contains the following two principal policies:-

- There is a presumption in favour of development that contributes to sustainable development; and
- Planning should take every opportunity to create high quality places by taking a design-led approach.

7b.3 In terms of 'sustainable development', SPP advises that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. This means that policies and decisions should be guided by the following principles:-

- Giving due weight to net economic benefit;
- Responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- Supporting good design and the six qualities of successful places;
- Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- Supporting delivery of accessible housing, business, retailing and leisure development;
- Supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- Supporting climate change mitigation and adaptation including taking account of flood risk;
- Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- Having regard to the principles for sustainable land use set out in the Land Use Strategy;
- Protecting, enhancing and promoting access to cultural heritage, including the historic environment;

- Reducing waste, facilitating its management and promoting resource recovery; and
- Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

### Development Management

- 7b.4 SPP advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of this plan is maintained, and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.
- 7b.5 Where relevant policies in a development plan are out-of date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision making should also take into account any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the wider policies of the SPP. The same principles should be applied where a development plan is more than 5 years old.
- 7b.6 SPP advises that where a shortfall in the 5 year effective housing land supply emerges, development plan policies for the supply of housing will not be considered up-to-date. The Council's 2016/17 Housing Land Audit, dated June 2017, indicates that there is currently a 3.9 year effective housing land supply in the Falkirk Council area. This amounts to a shortfall of 760 units in terms of the requirement for a 5 year supply. Where there is a shortfall in supply, SPP considers the relevant policies of the local development plan to be out of date and the presumption in favour of development to contribute to sustainable development will be a significant material consideration in determining a planning application. The principles of sustainable development are set out in paragraph 7b.3 above. Policy HSG01 of the LDP reflects the requirements of SPP and sets out the order of preference for sustainable development proposals as being urban capacity sites, then brownfield sites, and lastly sustainable greenfield sites.
- 7b.7 Where a plan is under review, SPP advises that it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

## Rural Development

7b.8 SPP advises that in pressurised areas (easily accessible from Scotland's cities and main towns) where on-going development pressures are likely to continue, it is important to protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside. This is particularly so when there are environmental assets such as sensitive landscapes or good quality agricultural land. In such circumstances, a more restrictive approach to new housing development is appropriate, and plans and decision making should generally:-

- Guide most new development to locations within or adjacent to settlements; and
- Set out the circumstances in which new housing outwith settlements may be appropriate.

## Enabling Delivery of New Homes

7b.9 SPP advises that the planning system should:-

- Facilitate new housing development by identifying a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times;
- Enable provision of a range of attractive, well designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and
- Have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stake-holders.

7b.10 'Creating Places' is a policy statement on architecture and place making. 'Designing Streets' is a policy statement putting street design at the centre of place making.

## ***Need/Demand for the Proposed Development***

7b.11 The need/demand for a proposal can be a material planning consideration. The applicant has made submissions in relation to this matter (see paragraph 1.7). The Council's Corporate and Housing Services, Housing Strategy, have acknowledged that the 'direction' of travel is to care for people in their own homes. They have also advised that the Council's Housing Need and Demand Assessment does not identify a need for additional care homes. Their full comments are summarised in paragraph 4.4 of this report.

## ***Falkirk Council Housing Land Audit, June 2017***

7b.12 As stated in paragraph 7b.6 of this report, the Council's 2016/17 Housing Land Audit, dated June 2017, indicates that there is currently a 3.9 year effective housing land supply. This amounts to a shortfall of 760 units in terms of the requirement for a 5 year effective supply. The shortfall reflects the difference between the 5 year housing land target (3375 units) and the current effective land supply (2615 units). In addition to the effective land supply (2615 units), private windfall and small sites may also make a contribution to the housing land supply.

***Falkirk Council Maddiston East Development Framework, 29 November 2016.***

- 7b.13 The purpose of this Development Framework is to set out how the, as yet undeveloped, residential sites which form part of the Maddiston East Strategic Growth Area should be developed, so as to provide a cohesive and sustainable extension to Maddiston Village. The Development Framework is intended to provide guidance for landowners and developers on planning design and infrastructure requirements whether sites are brought forward on an individual basis or collectively.
- 7b.14 The Maddiston East Strategic Growth Area provides for further eastern growth of the village, towards the A801, encompassing further land at Parkhall Farm (LDP Housing Sites H44-46) the Haining (LDP Housing Site H47) and Toravon Farm, (LDP Housing Site H48). The site subject to this planning application lies partly within the Development Framework area but outwith these LDP Housing Sites.
- 7b.15 The Development Framework sets out the Council's preferred strategic access option for the area. It consists of:-
- Sites south of the Manuel Burn (H45(S), H46 and H48) being accessed via Vellore Road; and
  - Sites north of the Manuel Burn (H44, H45(N) and H47) being accessed via Glendevon Drive with a link to the A801 and an additional emergency access road to Nicolton Road .
- 7b.16 A connection to the A801, linking Glendevon Drive to the approved roundabout on the A801, and an emergency access road to Nicolton Road are required to bring forward sites H45(N) and H47.
- 7b.17 The Development Framework recognises that connections to both the A801 and to Nicolton Road would have potential impacts in terms of landscape, ecological and historic environment interests. The exact route of the new road should be determined based on a thorough assessment in relation to these issues.
- 7b.18 Map 6 of the Development Framework indicates the broad preferred route of the A801 link and the emergency access to Nicolton Road. The broad preferred route for the A801 link follows an alignment to the north of the Haining walled garden containing the Manor House. The proposed development can be seen to provide the eastern portion of a future link from Glendevon Drive to the A801 in accordance with the preferred routing.

***Falkirk Local Development Plan 2 (LDP2)***

- 7b.19 LDP 2 is at a relatively early stage in the process, with the Main Issues Report (MIR) having been published in February 2017 and the MIR consultation being concluded in May. The Proposed Local Development Plan 2 is planned for publication in mid 2018, with submission for examination by Ministers in April 2019 and adoption in 2020.
- 7b.20 Part of the current application site was identified in the MIR as Preferred Housing Site 142, exclusively for amenity/community care housing and a care home. There is no provision for the proposed hotel.

## ***Consultation Responses***

7b.21 The consultation responses are summarised in Section 4 of the report. The Council's Transport Planning Unit have concerns as to the relative isolation of the site from existing development in the area, which hinders the ability to integrate the development into sustainable transportation infrastructure. No other fundamental concerns have been raised in the consultation responses. There are a number of positive comments, although Historic Environment Scotland have suggested that the Council may wish to consider the scope and massing of the proposal in order to reduce the impacts on the setting of the Union Canal scheduled monument. In addition, while Scottish Canals are supportive of the project, they do question whether a concentration of retirement homes/care village is the best neighbour to create a thriving canal hub. A number of matters are raised in the consultation responses which could be the subject of conditions / a Section 75 Planning Obligation attachment any grant of planning permission in principle.

## ***Representation Received***

7b.22 One objection to the application was received. The concerns raised in the objection are summarised in Section 6. The following comments are considered to be relevant to those concerns :-

- The submitted Transport Assessment demonstrates that the proposed roundabout on the A801 would be able to accommodate the traffic generated by the development proposal;
- The applicant has indicated a willingness to bring forward the canal bridge as part of this development. A bridge crossing of the canal was previously approved in principle in connection with the planning application for the canal hub facility (see paragraph 3.1);
- The submitted Flood Risk Statement does not identify any significant flood issues. This is accepted;
- The visual impact of the proposed development would be considered further at detailed planning stage. The submitted masterplan indicates new woodland edge planting around the walled garden containing the Manor House;
- Protected species surveys have been carried out as detailed in this report. No evidence of badgers or otters were found. Update surveys would be required within 12 months of the previous surveys; and
- The comment that the proposal is an extensive village, not just a care home, is noted.

## **7c Conclusion**

7c.1 The application seeks planning permission in principle for a mixed tenure care village. Owing to the countryside designation of the site under the LDP, and its scale and nature, the application is assessed as significantly contrary to the LDP. An application is to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise.

7c.2 In this instance, there are material considerations both for and against the proposal as detailed in this report. The considerations in favour are:-

- The economic benefits of the proposal, for example, at the construction phase;
- The proposal would respond to the needs of an aging population and the 'direction of travel' towards care for people in their own homes;
- The contribution the development could make to address the Council's housing land supply shortfall (albeit that the housing would be targeted to a specific sector of the population);
- The attractive setting and desirable environment that could be created for the amenity of the residents, with space to provide a range of facilities;
- The proposal provides an opportunity to deliver the eastern portion of a future link from Glendevon Drive to the A801, in accordance with the preferred strategic access option and preferred routing as set out in the Maddiston East Development Framework; and
- The proposal provides an opportunity to extend and enhance the outdoor access network in the area, including the provision of a new bridge over the Union Canal to connect to the canal towpath.

7c.3 Balanced against this:-

- The proposal raises a number of sustainability issues. The site is an extensive area of greenfield, prime quality agricultural land. It is relatively isolated from existing development, which hinders the opportunity to suitably link the site to local amenities and facilities by means of sustainable transport infrastructure. This is particularly so in the absence of a link road to Glendevon Drive;
- Access for a public bus service would in all likelihood be dependent upon provision of a link road between the A801 to Glendevon Drive. If, or when, this link road can be delivered is unknown at present. While the applicant is proposing a private bus facility for the residents, visitors to the site would almost certainly be car dependent;
- While the development could be seen to provide the eastern portion of a future link between Glendevon Drive to the A801, and a potential link to adjoining housing site H47, it would not, itself, unlock the potential to develop the nearby allocated housing sites. H45(N) and H47 can only be brought forward when there is a completed link between the A801 and Glendevon Drive, and also an emergency access road to Nicolson Road (see paragraphs 7b.15 to 7b.18);
- A number of factors mean that there is no certainty that the nearby allocated sites will be developed. The proposed development could therefore remain a relatively isolated countryside development; and
- The proposal could undermine the LDP2 process by pre-determining decisions about the Maddiston East Strategic Growth Area. Very little weight, if any, can be given to the identification of part of the site as Preferred Housing Site H142 in the MIR, given the relatively early stage of the LDP2 process (see paragraph 7b.7);



- 7c.4 SPP advises that in circumstances where there is a shortfall in the 5 year effective housing land supply, the primacy of the development plan is maintained, while a significant material consideration is a presumption in favour of development that contributes to sustainable development. Drawing all of the above matters together, it is considered that the issues raised in relation to sustainability and prematurity outweigh the potential benefits of the proposed development. Accordingly, the application is recommended for refusal.

## **8. RECOMMENDATION**

### **8.1 It is recommended that Committee refuse the application for the following reasons: -**

- 1. The application is contrary to Policies CG01 ‘ Countryside’, CG03 ‘ Housing in the Countryside’ and CG04 ‘ Business Development in the Countryside’ of the Falkirk Local Development Plan, and to Falkirk Council Supplementary Guidance SG01 ‘Development in the Countryside’. The site lies outside of the Maddiston urban limits, within the countryside, and it has not been demonstrated that any of the circumstances as detailed in Policy CG03, to support new housing in the countryside, are satisfied. In addition, it has not been demonstrated, within the terms of Policy CG04, that a countryside location is needed for the proposed hotel and care home.**
- 2. The application is contrary to Policy HSG04 ‘Residential Care Homes’ of the Falkirk Local Development Plan as the site does not have good access to public transport and the proposal does not comply with other LDP policies.**
- 3. The application is contrary to Policy RW04 ‘Agricultural Land, Carbon Rich Soils and Rare Soils’ of the Falkirk Local Development Plan as the development involves the significant permanent loss of prime quality agricultural land, at a countryside location that is not specifically allocated for development in the LDP and where development of the site is not necessary to meet an overriding local or national need where no other suitable sites are available.**
- 4. The application is not supported by Policy HSG01 ‘Housing Growth’ of the Falkirk Local Development Plan. The Council has a shortfall in the 5 year effective housing land supply and so will consider supporting sustainable development proposals, that are effective, in the following order of preference: urban capacity sites; additional brownfield sites; and sustainable greenfield sites. The site is a greenfield site and there are a number of sustainability issues with the proposal.**
- 5. The application is not supported in SPP. SPP advises that in circumstances where there is a shortfall in the 5 year effective housing land supply, the primacy of the development plan is maintained, while a significant material consideration is a presumption in favour of development that contributes to sustainable development. On balance, the proposed development is not considered to contribute to sustainable development.**

6. The application has the potential to undermine the Falkirk Local Development Plan 2 process by pre-determining decisions about the Maddiston East Strategic Growth Area. Very little weight, if any, can be given to the identification of part of the site as Preferred Housing Site 142 in the Main Issues Report, given the relatively early stage of the LDP2 process.

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**Director of Development Services**  
**Date: 24 November 2017**

#### **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan, July 2015;
2. SG01 'Development in the Countryside';
3. SG05 'Biodiversity and Development';
4. SG06 'Trees and Development';
5. SG09 'Landscape Character Assessment and Landscape Designation';
6. SG10 'Education and New Housing Development';
7. SG12 'Affordable Housing';
8. SG13 'Open Space and New Development';
9. SG15 'Low and Zero Carbon Development';
10. Scottish Planning Policy 2014;
11. Creating Places Policy Statement;
12. Designing Streets Policy Statement;
13. Planning Advice Note 2/2010: 'Affordable Housing and Housing Land Audits';
14. Falkirk Council Maddiston East Development Framework, 29 November 2016;
15. Falkirk Local Development Plan 2, Main Issues Report, February 2017;
16. Falkirk Council Housing Land Audit, June 2017; and
17. Objection received from Mr Lee D'warte, Manor House, Maddiston, FK2 0BN received on 20 December 2016.

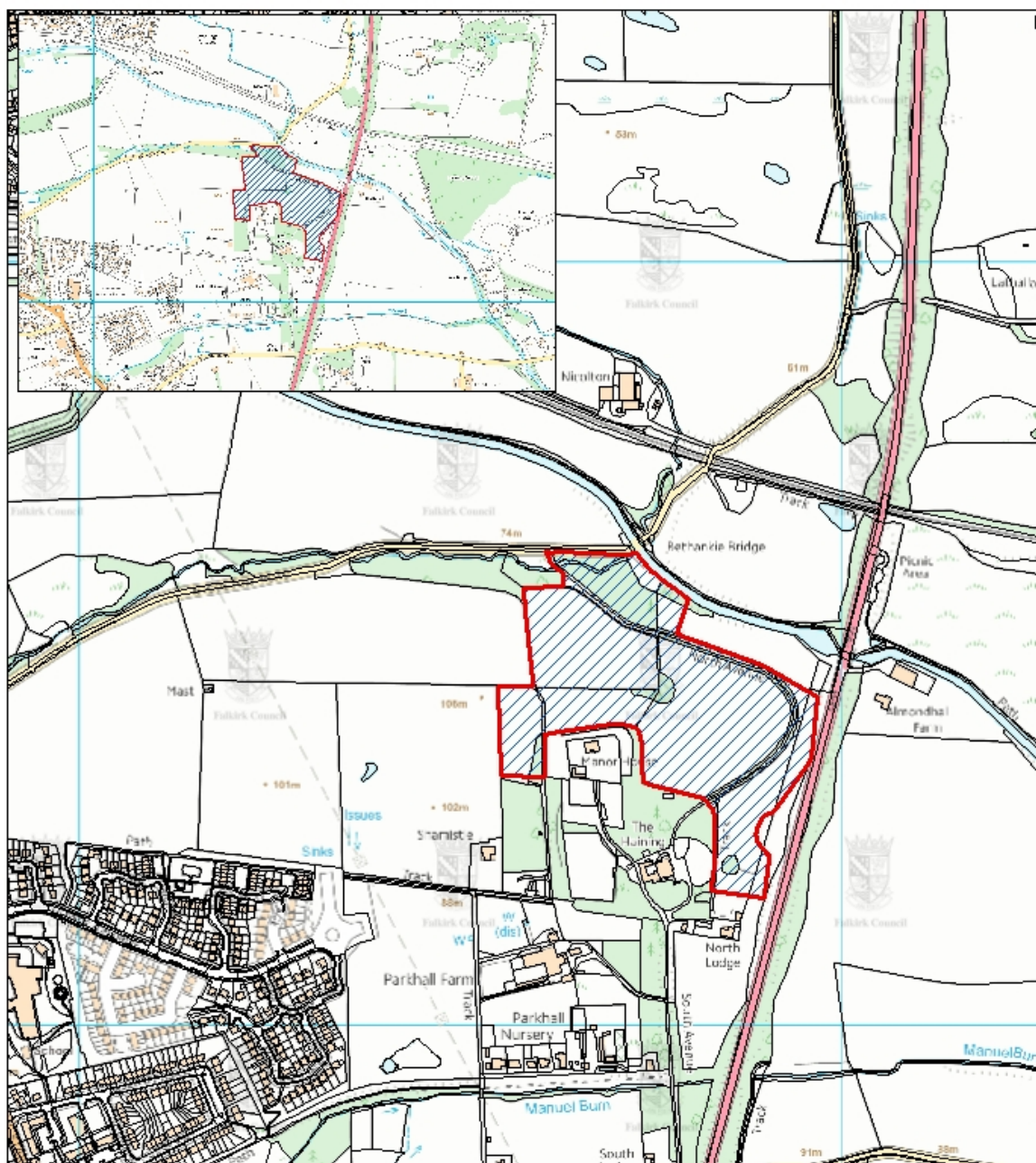
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/16/0756/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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