

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

---

**PROPOSAL** : Development of Land for Residential Use with Associated Access  
**LOCATION** : Land To The North Of 41 Kings Seat Place, Glendevon Drive, Maddiston, ,  
**APPLICANT** : Manor Forrest Ltd  
**APPN. NO.** : P/18/0151/PPP  
**REGISTRATION DATE** : 15 March 2018

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

This planning permission in principle application proposes the development of land for residential use with associated access. The application site is located on a field out with the urban limit and immediately to the north of Kingseat Place, Maddiston. The application has not been accompanied by any indicative layout proposals. The application site does however include a narrow spur which links to Nicolton Road to the north of the site.

### **2. SITE HISTORY**

P/14/0707/PPP – Residential Development with Open Space, Access, Landscaping and Associated Engineering Works – Withdrawn 12/05/2015.

P/14/0483/PPP – Distributor Road and Associated Earth Works – Refused 27/03/2017.

F/2004/0198 – Development of Land for Housing Purposes and Associated Infrastructure – Refused 04/04/2005.

### **3. CONSULTATIONS**

The following responses to consultation were received:

Transport Planning Unit

Concerns raised over the number of houses proposed to be accessed from a single access point. Nicolton Road is not seen as a suitable second access point. Dwellinghouses within the development would be outwith the maximum 400m distance from bus provision and re-routing buses into this area is not considered appropriate until such time that a second access point is provided out to the A801.

Childrens Services

Concerns raised regarding impacts on the capacity of Maddistion Primary School in particular. If approved, developer contributions requested.

NHS Forth Valley	No response to consultation.
Roads Development Unit	Concerns raised over the proposal to connect to Nicolton Road and the need for a connection out to the A801. Lack of drainage and Flood Risk Assessment details submitted.
Scottish Water	No objections.
Environmental Protection Unit	No objection. Contaminated land condition requested.

#### Maddison Community Council

- Lack of investment in infrastructure needs to meet the rise in house numbers in Maddiston area.
- Lack of housetype diversity in Maddiston area.
- Nicolton Road is not fit to be a second point of access.

## 4. PUBLIC REPRESENTATION

In the course of the application, 10 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.

- Site is out with allocated housing site area and does not accord with the local plan.
- Impact on Nicolton Road.
- Road safety concerns.
- Increased traffic.
- Impact on schools infrastructure.
- Impact on Medical Services and local amenities.
- Impact on wildlife.
- Issues with drainage in the area.
- Impact on ancient woodland.
- Increased noise and disturbance.
- Increased air pollution.
- Loss of green space.
- Lack of detail provided with application.

## 5. THE DEVELOPMENT PLAN

The Falkirk Local Development Plan was adopted on 16 July 2015. The proposed development was assessed against the following policy or policies:

CG01 - Countryside

CG03 - Housing in the Countryside

HSG01 - Housing Growth

INF04 - Open Space and New Residential Development

INF05 - Education and New Housing Development

INF12 - Water and Drainage Infrastructure

RW06 - Flooding

INF08 - Bus Travel and New Development

INF10 - Transport Assessments

HSG02 - Affordable Housing

INF06 - Healthcare and New Housing Development

INF02 - Developer Contributions to Community Infrastructure

## **5A. MATERIAL CONSIDERATIONS**

The following matters were considered to be material in the consideration of the application:

Consideration of the site in relation to coal mining legacy

Assessment of Public Representations

Falkirk Council Non-statutory Supplementary Guidance

## **6. PLANNING ASSESSMENT**

### **The Development Plan**

The Falkirk Local Development Plan (LDP) was adopted on 16 July 2015. It replaces the previous Structure Plan and Local Plan and includes a number of Supplementary Guidance documents which now have statutory status.

### **Supplementary Guidance forming part of Local Development Plan**

Supplementary Guidance SG01 – Development in the Countryside.

### **Local Plan Policies**

CG01 – Countryside

The application site is located out with the urban limit as defined by the Falkirk Local Development Plan and in an area defined as countryside. The proposal does not meet any of the criteria set out within policy CG03 'Housing in the Countryside' or within Supplementary Guidance SG01 'Development in the Countryside'. The proposal is therefore contrary to the terms of Policy CG01.

### CG03 - Housing in the Countryside

The application site is located out with the urban limit as defined by the Falkirk Local Development Plan and in an area defined as countryside. The proposal does not meet any of the criteria set out within policy CG03 'Housing in the Countryside' or within Supplementary Guidance SG01 'Development in the Countryside'. The proposal is therefore contrary to the terms of Policy CG03.

### HSG01 - Housing Growth

Scottish Planning Policy (paragraph 125) states that where there is a shortfall in the 5 year effectively housing supply, development plan policies will not be considered up to date. There will be a presumption in favour of proposals in favour of sustainable Development. The criteria are set out in paragraphs 32-35 of SPP.

Policy HSG01 of the Falkirk LDP reflects the requirements of SPP. In the event of a shortfall in the 5 year 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

The most recent Housing Land Audit 2016/17 identifies a shortfall in the 5 year effective supply of 760 units in total of which 572 are indicated to be private housing and 188 affordable housing. The development of the site could therefore contribute to the shortfall if it meets the criteria in SPP and HSG01. The site is greenfield, and therefore last in the sequential preference in HSG01. Assessing it against the sustainability criteria in SPP paragraph 29, the fact that the site is greenfield, and the fact that there was very limited information submitted with the application to enable us to assess whether the site could help meet the 5 year housing shortfall (application is for planning permission in principle and therefore has a questionable deliverability timeframe) or contribute to good design and placemaking would mean that the proposal as it stands is contrary to the Policy HSG01

### INF04 - Open Space and New Residential Development

The current application site would require to contribute towards active and passive open space provision within the site and/or by way of developer contributions towards the upgrading of nearby open space areas. This application has not been supported by any plans or documentation to demonstrate how open space proposals will be incorporated into the development however the site is of a sufficient size that this is considered possible to be achieved at a detailed design stage.

### INF05 - Education and New Housing Development

Childrens Services have confirmed that the unplanned nature of this proposed development raises concerns in relation to future capacity pressures at Maddiston Primary School. Whilst an extension is planned to accommodate existing known growth at Maddiston Primary, space to extend the school is finite, and this proposal would increase the risk of

potential overcrowding in the future. The proposal would therefore be contrary to the terms of Policy INF05.

#### INF12 - Water and Drainage Infrastructure

The application does not accord with Policy INF12 'Water and Drainage Infrastructure' of the LDP as it has not been demonstrated that the proposed development would be served by suitable surface water drainage facilities, which will include compliance with current best practice on sustainable urban drainage systems.

#### RW06 - Flooding

The application does not accord with Policy RW06 'Flooding' of the LDP as it has not been demonstrated, by means of a Flood Risk Assessment, that the proposed development would be free of risk of flooding, that it would not increase the risk of flooding for existing development, or that any flood risks can be managed to an acceptable level, both within and outwith the site.

#### INF08 - Bus Travel and New Development

Without improvements to the existing bus services which presently operate along the B805; some parts of the proposed site will be out with the maximum of 400m which is permitted for dwellings to be from an existing bus stop. In order to overcome this it would be necessary for bus services to be diverted into the site. This is not considered to be feasible until the distributor road is completed through to the A801 and therefore the existing proposal is premature as it would result in a significant number of properties without appropriate access to bus provision. The proposal is contrary to the terms of Policy INF08.

#### INF10 - Transport Assessments

The proposed development is likely to generate a significant increase in traffic on the existing network and as a result a Transport Assessment is considered necessary in this instance. No such assessment has been submitted with this application.

The applicant has made reference to previous Transport Assessments carried out to assess the capacity of the main roundabout access to the wider development adjacent to Maddiston Primary School. This transport assessment is not up to date however and does not take account of current guidelines or the specific site circumstances including the proposed link to Nicolton Road.

Reference is also made by the applicants of a need for this development to take place in order to help fund a distributor road link out to the A801. Whilst a link out to the A801 does form part of the Maddiston East Development Framework, this does not justify the approval of development on unallocated housing sites out with the urban limit.

The application does not accord with Policy INF10 'Transport Assessments' of the LPD as it has not been demonstrated, by means of an appropriately scoped Transport Assessment, that the transport network impacts have been properly defined and that suitable mitigation measures have been identified to address road capacity, road safety and sustainable transport issues.

#### HSG02 - Affordable Housing

The applicant has failed to demonstrate that the required 20% affordable housing provision will be met on this site. The proposal therefore fails to accord with HSG02.

#### INF06 - Healthcare and New Housing Development

Supplementary Guidance SG11 – Healthcare and New Housing Development suggests that there is currently capacity to absorb additional patients being generated in this location. NHS Forth Valley has not responded to consultation on this application and there is therefore no rationale to request developer contributions in this instance. It is however noted that NHS Forth Valley has requested developer contributions towards healthcare provision in relation to other larger scale sites within the Polmont area. The proposed development accords with the terms of INF06 as the proposal would not result in a deficiency in healthcare provision.

#### INF02 - Developer Contributions to Community Infrastructure

The lack of detail provided in support of the current application means that it has not been demonstrated that developer contributions towards community infrastructure would not be required in this instance. No evidence has been submitted to suggest that the viability of the development would be at risk as a result of developer contribution requirements.

The proposal fails to accord with the terms of the Falkirk Local Development Plan.

#### **Assessment of Public Representations**

- It is acknowledged that the site is out with the allocated housing site area and does not accord with the local plan.
- Concerns are noted in respect of the potential impact on Nicolton Road and general road safety. The current application seeks to establish the principle of development only and does not provide details in respect of junction arrangements or road geometry. It is not therefore possible to assess the full impacts of the proposal on road safety at this time however it is agreed that Nicolton Road would not be suitable for a vehicular access in its current form.
- The potential increase in traffic is noted and is assessed elsewhere in this report.
- Impact on schools infrastructure, medical services and local amenities are noted and assessed elsewhere in this report.
- Concerns over the potential impact on wildlife are noted however there is no evidence that protected species would be impacted on at this stage. The current application seeks to establish the principle of development only and does not provide details of the exact location or form of development. Detailed survey work would require to be undertaken prior to the submission of a detailed planning application.
- Issues with drainage in the area are noted, no information has been submitted by the applicant to address this issue.
- The application site does not contain any ancient woodland.
- Potential increased noise and disturbance is inevitable with any new development. The proposed residential use would be compatible with neighbouring land uses however and noise from construction can be adequately controlled through the use of existing statutory nuisance legislation.
- The impact of the development on air pollution levels cannot be assessed in detail until such time a detailed planning application is submitted. An air quality assessment is required for developments of 10 units or more. In treating this as a

local application, the maximum number of units which could be considered on this site as part of this application would be 49. This number of units would therefore trigger the requirement for the submission of an air quality assessment which could be secured by way of a suitably worded planning condition attached to any permission given.

- The loss of countryside is assessed elsewhere in this report.
- The lack of detail provided with application is noted.

## **Falkirk Council Non-statutory Supplementary Guidance**

### **Maddiston East Development Framework**

The Maddiston East Development Framework sets how the remaining sites within the Maddiston East Strategic Growth Area should be developed so as to provide a cohesive and sustainable extension to the village. The framework seeks to provide guidance to landowners and developers on planning, design and infrastructure.

The preferred strategic access option shown in Section 3.3.4 of the Development Framework identifies a link to the A801, together with an emergency link to Nicolton Road, crossing this application site. This application has reflected the content of the Development Framework in this regard.

The proposed site is not however an allocated site within the current local plan and has not being progressed as a preferred site within the Main Issues Report for the emerging local plan. The site is out with the scope of the Maddiston East Development Framework.

Reference by the applicant to the supposed need for the development in order to fund the preferred strategic link to the A801 is therefore not relevant at this stage as the link to the A801 is envisaged to be required only in order to facilitate development of allocated housing sites H45(N) and H47 (The Haining). To date, no planning applications have been considered on these sites and as a result a vehicular access link to the A801 would be premature at this time. The rationale put forward by the applicant in respect of funding for this access link is therefore flawed.

## **Consideration of the Site in relation to Coal Mining Legacy**

The application site falls within or is partially within the Development Low Risk Area as defined by the Coal Authority. However, as coal mining activity was undertaken at depth, no recorded surface hazards currently exist which could pose a risk to new development. Unrecorded coal mining related hazards could still exist. It is not necessary to consult the Coal Authority on any planning applications which fall within the Development Low Risk Area.

Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

## **7. CONCLUSION**

The proposal is an unacceptable form of development which is contrary to the terms of the Development Plan. There are no material planning considerations that warrant a grant of planning permission in this instance.

## **8. RECOMMENDATION**

### **Refuse Planning Permission in Principle**

Refusal is recommended for the following reason(s):

1. The proposal is contrary to the terms of Policies CG01 'Countryside', CG03 'Housing in the Countryside' as well as Supplementary Guidance SG01 'Development in the Countryside' as it has not been demonstrated that a countryside location is essential for the proposed development and the proposal therefore represents unjustified development in the countryside.
2. The proposal would result in undesirable growth out with the allocated sites promoted within the Falkirk Local Development Plan. It has not been demonstrated that the proposed site is sustainable or deliverable within a timeframe which would meet the current housing land supply shortfall. The proposal is therefore contrary to the terms of Policy HSG01 'Housing Growth' of the Falkirk Local Development Plan.
3. The proposal would result in unplanned development within the catchment area for schools currently identified as having potential future capacity restrictions. It has not been demonstrated how these capacity issues would be overcome which would be to the potential detriment of education provision. The proposal is contrary to the terms of Policy INF05 'Education and New Housing Development' of the Falkirk Local Development Plan.
4. The application does not accord with Policy INF12 'Water and Drainage Infrastructure' of the Falkirk Local Development Plan as it has not been demonstrated that the proposed development would be served by suitable surface water drainage facilities, which will include compliance with current best practice on sustainable urban drainage systems.
5. The application does not accord with Policy RW06 'Flooding' of the Falkirk Local Development Plan as it has not been demonstrated, by means of a Flood Risk Assessment, that the proposed development would be free of risk of flooding, that it would not increase the risk of flooding for existing development, or that any flood risks can be managed to an acceptable level, both within and outwith the site.
6. The proposal would result in a number of properties without appropriate access to bus service provision to the potential detriment of sustainability. The proposal is contrary to the terms of Policy INF08 'Bus Travel and New Development' of the Falkirk Local Development Plan.
7. The application does not accord with Policy INF10 'Transport Assessments' of the Falkirk Local Development Plan as it has not been demonstrated, by means of an appropriately scoped Transport Assessment, that the transport network impacts have been



properly defined and that suitable mitigation measures have been identified to address road capacity, road safety and sustainable transport issues.

8. The application does not accord with Policy HSG02 'Affordable Housing' of the Falkirk Local Development Plan as it has not been demonstrated that the required 20% affordable housing provision will be met on the site.

**Informatives:**

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

Director of Development Services

Date

Contact Officer : Kevin Brown  
(Planning Officer) 01324 504701

  
Director of Development Services

*10.5.18*  
Date

Contact Officer : Kevin Brown  
(Planning Officer) 01324 504701