



Agenda Item 7

**ERECTION OF 2 DWELLINGHOUSES
AT LAND TO THE NORTH EAST OF
STANDBURN VILLA, FALKIRK, FOR
MS D GREEN - P/18/0541/FUL**

FALKIRK COUNCIL

Subject: ERECTION OF 2 DWELLINGHOUSES AT
LAND TO THE NORTH EAST OF STANDBURN VILLA,
FALKIRK, FOR MS D GREEN - P/18/0541/FUL

Meeting: PLANNING COMMITTEE

Date: 24 January 2019

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor James Kerr
Councillor John McLuckie

Community Council: Avonbridge and Standburn

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application proposes the erection of two detached dwellinghouses on Falkirk Local Development Plan allocated housing site H73 in the centre of Standburn. The proposal includes the formation of a new access onto the B825 Main Street. The applicant has provided indicative plans in support of their proposal in an effort to demonstrate that the remainder of the development potential of housing site H73 can be suitably accessed from the main road.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by Councillor McLuckie for further scrutiny of the application having regard to the planning history of the site and specifically work that may have been undertaken following refusal of application P/17/0517/FUL by the Council's Planning Review Committee.

3. SITE HISTORY

- 3.1 06/0822/OUT - Application Refused 23 October 2006 - Development of Land for Housing Purposes.
- 3.2 P/07/0614/OUT - Outline Refused 4 October 2007 - Development of Land for Housing Purposes.
- 3.3 P/07/1118/OUT - Outline Granted 8 July 2008 - Development of Land for Housing Purposes.

- 3.4 P/09/0228/FUL - Detail Granted 25 August .2011 - Erection of 3 Dwellinghouses.
- 3.5 P/17/0309/FUL - Application Withdrawn 14 July.2017 - Erection of Two Dwellinghouses.
- 3.6 P/17/0517/FUL - Review Refused 6 October 2017 - Erection of 2 Dwellinghouses.

4. CONSULTATIONS

- 4.1 The Coal Authority have no objection subject to the imposition of a planning condition requiring further investigative works in relation to coal mining legacy issues on the site.
- 4.2 The Council's Environmental Protection Unit have no objection, subject to a contaminated land condition and informative relating to construction working times and air quality.
- 4.3 The Council's Roads Development Unit comment that access to the application site and wider area is generally acceptable however the proposed access to this site should be changed to a dropped kerb access as opposed to a bellmouth. The submitted Flood Risk Assessment appears acceptable for these two units however further information is required in relation to drainage and flood risk for the wider allocated housing site.
- 4.4 Scottish Water has no objections to this planning application but advise that this does not confirm that the proposed development can be adequately serviced. Scottish Water advise that the applicants should contact them to seek their approval should a planning permission be granted.

5. COMMUNITY COUNCIL

- 5.1 Avonbridge and Standburn Community Council has not commented on this application.

6. PUBLIC REPRESENTATION

- 6.1 During consideration of the application, no letters of objection or representation were received.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

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

7a.1 Policy 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.2 In support of the application, a flood risk assessment has been undertaken. This has been assessed as being accurate and no flooding concerns have been raised. The proposal has however failed to demonstrate that the wider H73 allocated site could be adequately drained which would be to the potential detriment of the wider area by virtue of surface water flooding. The proposal therefore fails to accord with Policy INF12.

7a.3 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.4 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.5 The application site forms part of a wider allocated housing site (H73) which is allocated for 30 residential units. The proposed form of development, whilst not out of character with the pattern of development in the surrounding area has not been masterplanned in accordance with the supplementary guidance relating to this site and would result in piecemeal development to the potential detriment of visual amenity, urban design, landscape quality and placemaking. The applicants have however provided plans demonstrating the current proposed access would not prevent an acceptable access from being formed to serve the wider allocated housing site. The proposal is contrary to the terms of policy HSG04 and D01.

7a.6 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.7 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.8 Policy INF05 - Education and New Housing Development states:-

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

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

7a.9 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.10 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.11 Falkirk Local Development Plan site H73 is allocated for 30 residential units and attracts a need for developer contributions towards Education, Open Space and the Core Path network. In addition, the site should include 25% affordable housing. Whilst the current application is for only 2 residential units, it is considered that it should still make a proportionate contribution towards these elements to avoid a potential shortfall in future. To date, the applicant has failed to demonstrate how affordable housing could be met and has failed to agree towards the payment of developer contributions. The proposal is therefore contrary to the terms of Policies INF02, INF04, INF05, INF07 and HSG02.

7a.12 Accordingly, the development fails to accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the previous refusal reasons, Falkirk Council Non-statutory Supplementary Guidance, Falkirk Local Development Plan 2 (Proposed Plan) and consideration of the site in relation to coal mining legacy.

Previous Refusal Reasons

7b.2 The applicants have submitted a statement in support of their application. This statement attempts to address the refusal reasons associated with planning application P/17/0517/FUL. The application for 2 dwellinghouses refused by an appointed officer under the scheme of delegation and subsequently refused by the Planning Review Committee for the following reasons:-

1. The proposal fails to demonstrate that the wider allocated housing site (H73) could be suitably and safely accessed following completion of the current application proposal to the potential detriment of road safety and contrary to the terms of policy HSG04 - Housing Design of the Falkirk Local Development Plan.
2. By virtue of a lack of detail in respect of boundary treatments, landscape planting and a wider masterplan for the H73 site, the proposal fails to achieve the proposed design and layout quality set out within the H73 site schedule and supplementary guidance 'Standburn Housing Allocation - H.STA1' to the potential detriment of urban design, residential, visual and landscape amenity and placemaking. The proposal fails to accord with the terms of policy HSG04 - Housing Design, D01 - Placemaking and GN04 - Trees, Woodland and Hedgerows of the Falkirk Local Development Plan.

3. The proposal fails to demonstrate how affordable housing requirements for the wider H73 housing site would be met with the potential consequence that a shortfall in provision would occur as a result of this proposal. The application is therefore contrary to the terms of policy HSG02 - Affordable Housing of the Falkirk Local Development Plan.
4. The proposal fails to demonstrate how developer contribution requirements relating to Education infrastructure requirements for the wider H73 housing site would be met with the potential consequence that a shortfall in provision would occur as a result of this proposal. The application is therefore contrary to the terms of policy INF05 - Education and New Housing Development and INF02 - Developer Contributions of the Falkirk Local Development Plan.
5. The proposal fails to demonstrate how developer contribution requirements relating to Open Space provision requirements for the wider H73 housing site would be met with the potential consequence that a shortfall in provision would occur as a result of this proposal. The application is therefore contrary to the terms of policy INF04 - Open Space and New Residential Development and INF02 - Developer Contributions of the Falkirk Local Development Plan.
6. The proposal fails to demonstrate how developer contribution requirements relating to Core Path upgrade requirements in the surrounding area would be met with the potential consequence that a shortfall in provision would occur as a result of this proposal. The application is therefore contrary to the terms of policy INF07 - Walking and Cycling and INF02 - Developer Contributions of the Falkirk Local Development Plan.
7. The proposal fails to demonstrate that the wider allocated housing site (H73) could be suitably drained following completion of the current application proposal with the potential for surface water flooding to increase as a result of development. The proposal is therefore contrary to the terms of policy INF12 - Water and Drainage Infrastructure of the Falkirk Local Development Plan.

In relation to refusal reason 1 of the previous application, it is now accepted that access to the wider allocated site (H73) has been demonstrated as being achievable and this element is therefore no longer considered to be a reason for refusal of this application.

In relation to refusal reasons 2 to 7 of P/17/0517/FUL, the applicant's agent contests that as the current application is for two dwellinghouses only, the current proposal should not be expected to require a masterplan or drainage strategies to be prepared for the wider (H73) site or for affordable housing provision to be put in place and developer contributions to be made towards deficiencies in provision caused by development of the wider allocated site. This view is not supported by the Planning Authority and is contrary to the decision of the Planning Review Committee. The development of this site in the piecemeal manner proposed is considered to amount to "salami slicing" of the wider allocated housing site. It is considered that refusal reasons 2 to 7 of P/17/0501/FUL have not been addressed and these remain relevant to the current application.

Falkirk Council Non-statutory Supplementary Guidance

7b.3 Supplementary Planning Guidance - Standburn Housing Allocation - H.STA1

This guidance is referred to within the H73 site schedule within the Falkirk Local Development Plan and forms an intrinsic part of the overall housing land use allocation for this site. The guidance covers layout, design, site access, structure planting and flood risk and clearly states that the site should be masterplanned to avoid a piecemeal approach. The guidance also reiterates the need for developer contributions and affordable housing provision on the site.

By virtue of the fact that the proposed development has not been planned in conjunction with any form of masterplan for the site, the proposal fails to accord with this guidance document. The proposal does not contain sufficient detail in respect of drainage, landscaping or boundary treatments for the wider site and it is not therefore possible to say with any certainty that the proposed development would not adversely impact upon the potential future development of the wider site or the design, visual and landscape amenity of the area as a whole.

Falkirk Local Development Plan 2 (Proposed Plan)

7b.4 The current Falkirk Local Development Plan is in the process of being replaced by a new plan, LDP2. The Proposed Falkirk Local Development Plan 2 (LDP2) has been approved by the Council for consultation. The consultation period ran from 27 September 2018 to 23 November 2018. Following consideration by Scottish Ministers of representations received it is expected that LDP2 will be adopted in 2020, at which point it will replace the current Falkirk Local Development Plan. LDP2 provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications. In the case of this particular application, the proposed plan in its current form does not introduce any new policy considerations or land use allocations which alter the policy assessment carried out against the current adopted local plan. The current allocated housing site H73 has been carried forward within the LDP2 as proposed site H28. The indicative capacity of the site remains unchanged, as does the requirement for a masterplan to be prepared for the whole site and for developer contributions and affordable housing requirements to be met.

Consideration of the Site in Relation to Coal Mining Legacy

7b.5 The application site falls within the Development High Risk Area as defined by the Coal Authority. The Coal Authority have confirmed that an adequate risk assessment has been undertaken and that coal mining legacy potentially poses a risk to the proposed development. In order to address this risk, the Coal Authority have requested that a condition be applied to any planning permission granted in order to secure a scheme of intrusive site investigation works and the undertaking of any necessary remedial works or mitigation prior to development.

7c Conclusion

7c.1 The proposal is an unacceptable form of development and is contrary to the terms of the Development Plan and the Council's approved supplementary Planning Guidance relating specifically to site H73. There are no material planning considerations that warrant a grant of planning permission in this instance.

8. RECOMMENDATION

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

- 1. By virtue of a lack of detail in respect of boundary treatments, landscape planting and a wider masterplan for the H73 site, the proposal fails to achieve the proposed design and layout quality set out within the H73 site schedule and supplementary guidance 'Standburn Housing Allocation - H.STA1' to the potential detriment of urban design, residential, visual and landscape amenity and placemaking. The proposal fails to accord with the terms of policy HSG04 - Housing Design, D01 - Placemaking and GN04 - Trees, Woodland and Hedgerows of the Falkirk Local Development Plan.**
- 2. The proposal fails to demonstrate how affordable housing requirements for the wider H73 housing site would be met with the potential consequence that a shortfall in provision would occur as a result of this proposal. The application is therefore contrary to the terms of policy HSG02 - Affordable Housing of the Falkirk Local Development Plan.**
- 3. The proposal fails to demonstrate how developer contribution requirements relating to Education infrastructure requirements for the wider H73 housing site would be met with the potential consequence that a shortfall in provision would occur as a result of this proposal. The application is therefore contrary to the terms of policy INF05 - Education and New Housing Development and INF02 - Developer Contributions of the Falkirk Local Development Plan.**
- 4. The proposal fails to demonstrate how developer contribution requirements relating to Open Space provision requirements for the wider H73 housing site would be met with the potential consequence that a shortfall in provision would occur as a result of this proposal. The application is therefore contrary to the terms of policy INF04 - Open Space and New Residential Development and INF02 - Developer Contributions of the Falkirk Local Development Plan.**
- 5. The proposal fails to demonstrate how developer contribution requirements relating to Core Path upgrade requirements in the surrounding area would be met with the potential consequence that a shortfall in provision would occur as a result of this proposal. The application is therefore contrary to the terms of policy INF07 - Walking and Cycling and INF02 - Developer Contributions of the Falkirk Local Development Plan.**
- 6. The proposal fails to demonstrate that the wider allocated housing site (H73) could be suitably drained following completion of the current application proposal with the potential for surface water flooding to increase as a result of development. The proposal is therefore contrary to the terms of policy INF12 - Water and Drainage Infrastructure of the Falkirk Local Development Plan.**

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01-06 inclusive.

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pp Director of Development Services

Date: 15 January 2019

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Proposed Falkirk Local Development Plan 2.
3. Planning Application P/17/0517/FUL.
4. Supplementary Planning Guidance - Standburn Housing Allocation - H.STA1.

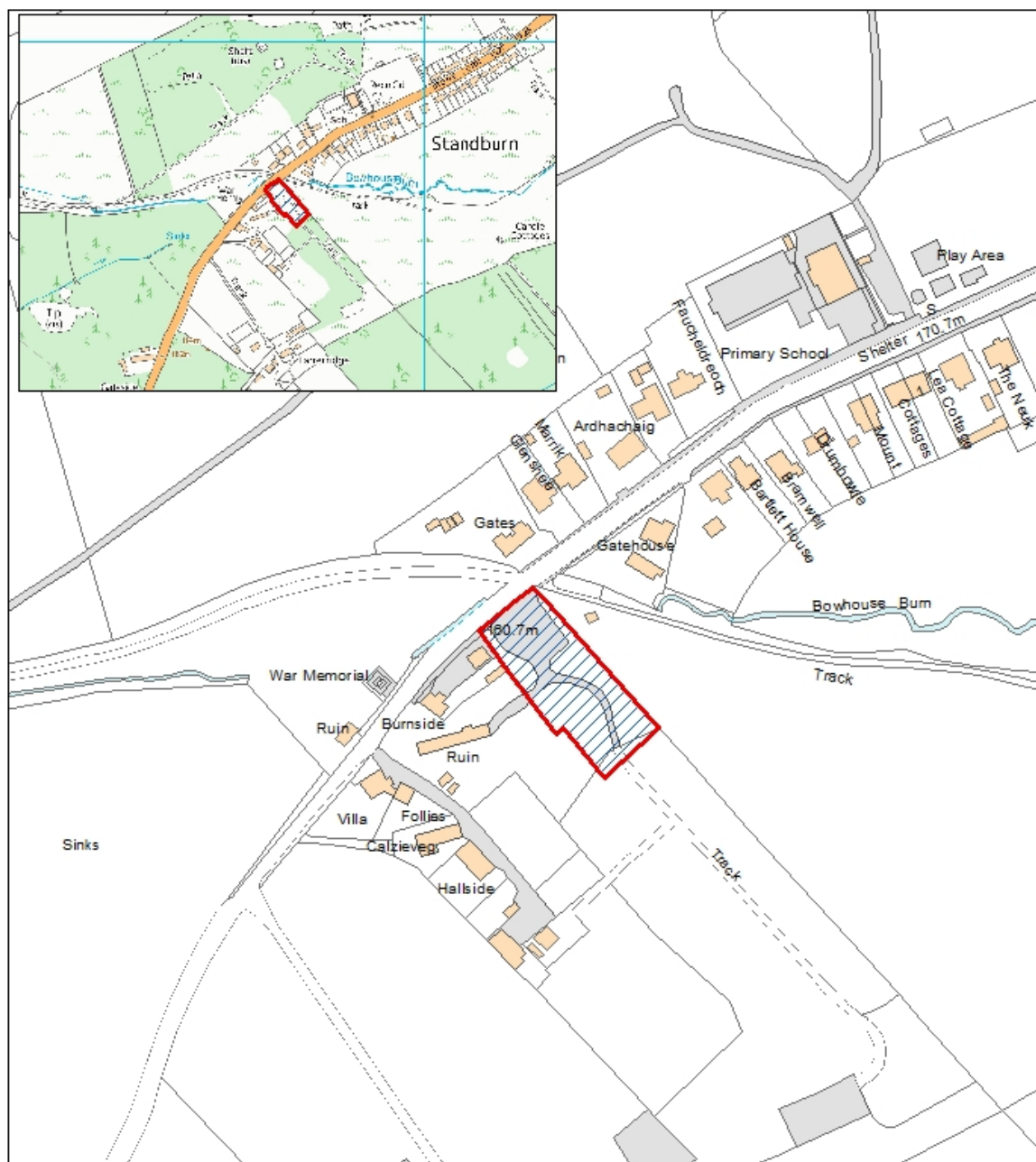
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan

P/18/0541/FUL

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



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