



## **Agenda Item 4**

**DEVELOPMENT OF LAND FOR  
RESIDENTIAL USE WITH ASSOCIATED  
WORKS, INCLUDING ACCESS,  
INFRASTRUCTURE AND LANDSCAPING  
AT SCOTTISH FIRE AND RESCUE, MAIN  
ROAD, MADDISTON, FALKIRK, FK2 0LG  
FOR SCOTTISH FIRE AND RESCUE  
SERVICE - P/17/0347/PPP**

**FALKIRK COUNCIL**

**Subject:** DEVELOPMENT OF LAND FOR RESIDENTIAL USE WITH ASSOCIATED WORKS, INCLUDING ACCESS, INFRASTRUCTURE AND LANDSCAPING AT SCOTTISH FIRE AND RESCUE, MAIN ROAD, MADDISTON, FALKIRK, FK2 0LG FOR SCOTTISH FIRE AND RESCUE SERVICE - P/17/0347/PPP

**Meeting:** PLANNING COMMITTEE

**Date:** 20 February 2019

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Upper Braes

Councillor Gordon Hughes

Councillor James Kerr

Councillor John McLuckie

**Community Council:** Maddiston

**Case Officer:** David Paterson (Planning Officer), Ext. 4757

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

- 1.1 The application site comprises of the site of the former Scottish Fire and Rescue Headquarters at the west side of Main Street, Maddiston. The site measures 3.8 hectares in area.
- 1.2 This application proposes the principle of developing the site for residential development. The proposal is supported by an indicative masterplan which indicates that the site could be developed for around 90 dwellinghouses.
- 1.3 The proposed development constitutes a major development under the terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The proposed development was subject to the appropriate pre-application consultation process.
- 1.4 The proposed development has been screened in relation to The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. An Environmental Impact Assessment is not required.
- 1.5 In addition to the appropriate drawings, the following supporting documents have been submitted by the applicant:
  - Pre – Application Consultation Report
  - Design and Access Statement
  - Geological and Mining Reports
  - Drainage Strategy

- Planning Statement
- Transport Assessment
- Site Walkover Survey
- Habitat Survey
- Bat Survey
- Flood Risk Assessment
- Road Safety Audit.

1.6 The proposed development includes an indicative layout drawing which concludes that the application site could support development of up to 90 dwellinghouses consisting of a mix of detached, semi-detached and terraced units.

1.7 The Pre-Application Report records the following:-

- The public event took the form of a staffed public exhibition which was held on 14 October 2016 at the Maddiston Community Education Centre, Parkhall Drive, Maddiston.
- Approximately 18 people attended the event.
- A total of 8 feedback questionnaire forms were received by the applicant.
- The responses reflected that all eight participants supported development of the site, 50% supported residential development, 37% supported development for other uses and 12.5% supported mixed use development including residential development.
- The written responses received reflected discussions at the public event.
- Concerns raised by written responses included lack of community facilities to support residential development of the site, road congestion, lack of school capacity and a need to provide public car parking at the site.

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

2.1 This application has been referred to the Planning Committee as the recommendation of this report does not accord with the terms of the Falkirk Local Development Plan.

## **3. SITE HISTORY**

3.1 PRE/2016/0022/PAN – Appropriate steps taken and process followed.

3.2 F/91/1103 – Erection of garage accommodation – Granted 31 December 1991

3.3 F/92/0996 – Extension to fire brigade headquarters - Granted 11 January 1993

3.4 F/97/0358 – Erection of temporary office – Granted 09 July 1997

3.5 F/97/0521 – Erection of garages – Granted 27 August 1997

3.6 F/98/0321 – Erection of flagpole and alteration to building – Granted 30 September 1998

3.7 F/2005/0003 – Erection of office extension and alterations – Granted 07 April 2005.

#### **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit have raised no objections. It is advised that conditions be attached in respect of road layout design and parking provision.
- 4.2 The Council's Environmental Protection Unit have advised that contamination can be addressed by condition. Noise need not be considered a determining factor.
- 4.3 The Council's Corporate and Housing Services have advised that affordable housing should be provided at a rate of 25%. Preference is for on-site provision.
- 4.4 The Council's Transport Planning Unit have raised no objection. Conditions are advised in respect of site frontage footpath width, temporary road signage and residential travel pack provision.
- 4.5 The Council's Children's Services have advised that a developer contribution towards education provision at Maddiston Primary School, Braes High School and nursery provision would be applicable.
- 4.6 The Scottish Environment Protection Agency have raised no objection. Conditions are advised in respect of restricting building area outwith the envisaged flood plain and the setting of finished floor levels.
- 4.7 The Coal Authority have raised no objection. It is advised that steps be taken to secure a further intrusive ground survey by condition.
- 4.8 No comments have been received from the Scottish Wildlife Trust.
- 4.9 The Scottish Rights of Way Society have advised that steps should be taken to safeguard the core footpath traversing the south part of the application site.
- 4.10 No comments have been received from NHS Forth Valley.
- 4.11 Scottish Water have raised no objection. An advisory note is advised to inform the applicant to liaise with Scottish Water in respect of any potential impact on Scottish Water infrastructure.

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

- 5.1 Maddiston Community Council have objected to the proposed development. The grounds for objection are as follows:-
- 5.2 The Maddiston and Rumford area has a population of approximately 5000 persons and there is a lack of community facilities to accommodate the population, particularly for young people. There is no longer a church in the area and the community facilities which exist are ageing. The proposed development would exacerbate the problem of a lack of community facilities.

- 5.3 The application site, and its surrounding area, lacks transport infrastructure and, accordingly, lacks satisfactory access to shopping and community facilities.
- 5.4 The application site is located at the centre of Maddiston and is the last remaining vacant site where community facilities could be developed. The Community Council is seeking financial support to purchase the application site and secure its future for community facilities development.
- 5.5 The population density of Maddiston (29.9 persons per ha) is high in comparison to other areas i.e. Polmont (26.48 persons per ha). The proposed development would raise the Maddiston density to 42.2 persons per ha, exacerbating the problem.
- 5.6 The proposal would result in the loss of the only significant car parking area in Maddiston.
- 5.7 The proposal would be detrimental to road safety due to traffic speeds.
- 5.8 The proposed development does not constitute sustainable development.
- 5.9 The application site is not suitable for affordable housing due to the isolation of the site from community and other facilities and the poor transport infrastructure.
- 5.10 There is not sufficient school capacity to accommodate the proposed development.
- 5.11 The Community Council refers to a Maddiston and Rumford Community Plan 2014-2019 which concludes that community investment is required in the Maddiston area. The Community Plan was prepared independently by the Community Council with Falkirk Council assistance. The findings of the report have not been adopted by the Council. The Community Council also refer to a deprivation study. No details of this study have been submitted.

## **6. PUBLIC REPRESENTATION**

- 6.1 Two letters of objection have been received. One on behalf of the Maddiston Community Council as detailed in Section 5 of this report and one further objection raising the following additional concerns:-
- 6.2 There is not sufficient school capacity in the Maddiston area to accommodate the proposed development.
- 6.3 There is not a satisfactory standard of access to the application site. The site access would constitute a road safety hazard due to traffic speeds.
- 6.4 The site is not identified as an opportunity for residential development in the emerging Falkirk Local Development Plan 2.

## **7. DETAILED APPRAISAL**

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

Accordingly,

## **7a The Development Plan**

- 7a.1 The Falkirk Local Development Plan was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:
- 7a.2 The western and southern parts of the application site are identified in the Falkirk Local Development Plan as “Open Space” which constitutes part of the Falkirk Council Green Network. (Refer to Section 7a.23 - 7a.25 of this report, in respect of Policy INF03 – “Protection of Open Space”).
- 7a.3 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.4 Policy HSG01 - “Housing Growth” states that the Council will aim to achieve an average housing growth of 625 dwellings per year, and ensure that a five year effective supply is maintained. HSG01 also goes on to state that if the Housing Land Audit process identifies a shortfall in 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
- 7a.5 The Housing Land Audit position as of June 2018 is that the overall supply is 80%, 4.3 year supply. There is, however, a shortfall of 482 units.

7a.6 The proposed development site is considered an “Urban Capacity Site” being both brownfield and located within the urban limit. The site is considered a sustainable opportunity to address the shortfall in housing land supply identified in the Housing Land Audit.

7a.7 The proposed development accords with the Policy HSG01.

7a.8 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.9 The applicants propose that 25% of the development would be affordable housing. This can be secured by means of an Obligation under the terms of Section 75 of The Town and Country Planning (Scotland) act 1997. The proposal accords with Policy HSG02.

7a.10 Policy HSG03 – “Windfall Housing” states:-

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

- 1. The site is brownfield, or is open space whose loss can be justified in terms of Policy INF03;*
- 2. The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- 3. The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- 4. Existing physical infrastructure, such as roads and drainage, sewage capacity, and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy INF02;*
- 5. The site is not at significant risk of flooding in the terms of Policy RW06;*
- 6. In the case of small gap sites and sub-divided plots, Policy HSG05 is satisfied; and*
- 7. It complies with other LDP policies.*

7a.11 The application site constitutes a brownfield site, part of which is identified in the Falkirk Local Development Plan as open space. The loss of the open space can be justified under the terms of Policy INF03 “Protection of Open Space” see Section 7a.23-7a.25 of this report.

7a.12 The proposed development would be compatible with neighbouring uses in the area and it is considered that a satisfactory level of residential amenity could be achieved. The site enjoys good accessibility by public transport, walking and cycling to shopping and community facilities.

7a.13 The application site is satisfactorily served in terms of infrastructure. It has been satisfactorily demonstrated that there would be no significant risk from flooding.

7a.14 The proposed development accords with Policy HSG03.

7a.15 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.16 It is considered that there is satisfactory opportunity to develop the application site in accordance with Scottish Government Policy “Designing Streets”.

7a.17 The proposed development accords with Policies HSG04.

7a.18 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.19 The proposed development would generate the requirement for a developer contribution towards education provision at Braes High School, Maddiston Primary School and nursery provision.
- 7a.20 The developer contribution towards education provision can be achieved by means of an Obligation under the terms of Section 75 of The Town and Country Planning (Scotland) Act 1997.
- 7a.21 It is also considered that any potential shortfall in open space provision under the terms of the Policy INF04 and supplementary guidance SG13 “Open Space and New Development” could be satisfactorily compensated by developer contribution.
- 7a.22 The applicant has agreed to mitigate the impact of the proposed development by means of a Section 75 planning obligation. The proposed development accords with Policy INF02.
- 7a.23 Policy INF03 – “Protection of Open Space” states:-

*The Council will protect all urban open space, including parks, playing fields and other areas of urban greenspace, which is considered to have landscape, amenity, recreational or ecological value. Accordingly:*

1. *Development involving the loss of urban open space will only be permitted where:*
  - *There is no adverse effect on the character or appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;*
  - *There will be no significant adverse effect on the overall recreational amenity of the local area, taking account of the Council's open space standards (defined within the Open Space Strategy) and its release for development will be compensated for by qualitative improvements to other parts of the green network in the local area;*
  - *The area is not of significant ecological value (this can include areas that are not specifically designated for ecological features, but which are important in supporting the qualifying features of Natura 2000 sites); and*
  - *Connectivity within, and functionality of, the wider green network is not threatened and public access routes in or adjacent to the open space will be safeguarded.*
2. *Where development would also involve the loss of playing fields or sports pitches, it must additionally be demonstrated that:*
  - *The proposed development is ancillary to the principal use of the site as a playing field; or*
  - *The proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training; or*

- *The playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users, or by the upgrading of an existing playing field to provide a better quality facility either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area; or*
- *The Council's pitch strategy has shown that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.*

7a.24 The western and southern parts of the application site are identified in the Falkirk Local Development Plan as open space which forms part of the Falkirk Green Network. It is noted that The Falkirk Council Open Space Audit seeks to ensure that the landscape character of the setting of the core path traversing the southern part of the site is safeguarded. The landscape character could be safeguarded by design at application for approval of matters specified in conditions stage. The application site is brownfield land. The site does not constitute functional recreational open space. There is sufficient greenspace outwith the application site to satisfactorily integrate the proposed development sensitively into the surrounding area. There would not be significant decrease in the overall recreational amenity of the area.

7a.25 The proposed development accords with Policy INF03.

7a.26 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.27 It is noted that the proposed indicative layout can provide active and passive areas of open space on site. Should this not prove possible, any potential shortfall in provision could be compensated by a developer contribution towards appropriate provision, upgrading or maintenance of off-site open space. This can be secured by means of an Obligation under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997.

7a.28 The proposed development accords with Policy INF04.

7a.29 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.30 Children's Services have advised that the proposed development would impact on capacity pressures at Maddiston Primary School, Braes High School and nursery provision. The impact of the proposed development could be mitigated by means of a developer contribution of £2,600 per unit towards education provision at Maddiston Primary School, £2,100 per unit towards provision at Braes High School and £700 per unit towards nursery provision. A developer contribution could be secured by means of a Section 75 Planning Obligation.

7a.31 The proposed development accords with Policy INF05.

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 It is noted that NHS Forth Valley have advised that the Council's supplementary guidance (SG15) for the healthcare and new housing development, dated 2 November 2015, is outdated and cannot be relied upon. The SG indicates that there is a surplus capacity of 1,032 spaces at the local health centre at Polmont Park, whereas NHS Forth Valley have advised that the latest information from the Practices concerned shows that there are capacity issues at this location. The Health Centre at Meadowbank also brings its own challenges, in that expansion of the site would not be possible given tight site constraints. The additional space required to facilitate a greater number of patients would therefore require a new site. It is noted that NHS Forth Valley have offered no specific comment in respect of the proposed development.

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 application site enjoys good connection to the public footpath network. There is a core path route travelling through the southern part of the site. Satisfactory connection to the wider area, and safeguarding of the core path route, can be secured by a planning condition.

7a.36 The proposed development accords with Policy INF07.

7a.37 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.38 The proposed development enjoys a satisfactory level of public transport accessibility.

7a.39 The proposal accords with Policy INF08.

7a.40 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.41 The proposed development is supported by a Transport Assessment. The Transport Planning Unit (TPU) has raised no objection. It has been demonstrated that the impact on the transport/network would be satisfactory. TPU has advised that temporary traffic signage should be agreed. This can be secured by Road Construction Consent procedures. TPU has also advised that a travel pack be provided with each dwellinghouse. The applicant can be advised of this requirement.

7a.42 The proposed development accords with Policy INF10.

7a.43 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.44 It is considered that the proposed development can be satisfactorily served by water and drainage infrastructure.

7a.45 The proposed development accords with Policy INF12.

7a.46 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.47 The application site incorporates part of the Falkirk Green Network which incorporates a core path route. It is considered that the core path route and a satisfactory level of amenity to safeguard the character of The Falkirk Green Network could be secured by design at application for approval of matters specified in conditions stage if planning permission in principle were granted.

7a.48 The proposal accords with Policy D01.

7a.49 D02 - "Sustainable Design Principles" states:-

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

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

*Masterplans will be required for significant development proposals requiring a co-ordinated approach to design and infrastructure, and should demonstrate how the above principles have been incorporated into the proposals. Masterplans should be informed by a development framework or brief where relevant.*

*Figure 5.3, Sustainable Design Principles - Supporting Policies/Guidance provides further guidance.*

7a.50 Policy D03 - "Urban Design" states:-

*New development should create attractive and safe places for people to live, work and visit. Accordingly:*

- 1. Development proposals should conform with any relevant development framework, brief or masterplan covering the site. Residential proposals should conform with Supplementary Guidance SG02 'Neighbourhood Design';*
- 2. The siting, density and design of new development should create a coherent structure of streets, public spaces and buildings which respects and complements the site's context, and creates a sense of identity within the development;*
- 3. Street layout and design should generally conform with the Scottish Government's policy document 'Designing Streets';*
- 4. Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality architectural or landscape treatment;*
- 5. Development proposals should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, and contributes, where appropriate, to the wider green network;*
- 6. Development proposals should create a safe and secure environment for all users through the provision of high levels of natural surveillance for access routes and public spaces; and*
- 7. Major development proposals should make provision for public art in the design of buildings and the public realm.*

7a.51 It is considered that a high standard of design to safeguard the character of the area, and ensure that the proposed development integrates successfully in the area, can be secured through an application for approval of matters specified in conditions if planning permission in principle is granted.

7a.52 The proposed development accords with Policy D02 and Policy D03.

7a.53 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 CO<sub>2</sub> 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.54 It is proposed that the development would incorporate on-site low and zero energy generating technologies.

7a.55 Details can be secured by condition. The proposal accords with Policy D04.

7a.56 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.57 The character and amenity of The Falkirk Green Network can be safeguarded by good quality/sustainable design at application for approval of matters specified in conditions stage if planning permission in principle is granted.

7a.58 The proposal accords with Policy GN01.

7a.59 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.60 A good quality landscaping plan, safeguarding the character and amenity of The Falkirk Green Network, successfully integrating the proposed development with the wider area, can be achieved by design at application for approval of matters specified in conditions stage if planning permission in principle is granted.

7a.61 The proposal accords with Policy GN02.

7a.62 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.63 The application is supported by a site walkover survey, a habitat survey and a bat survey.

7a.64 No invasive non-native species were recorded. No evidence of roosting bats was identified. No evidence of otters was identified. No evidence of water vole was identified. No evidence of badgers was identified. No evidence of hedgehogs was identified, although suitable foraging habitat is present.

7a.65 As a safeguard, it is recommended, however that if planning permission in principle were to be granted that further surveys should be carried out at appropriate times. Further surveys, together with impact mitigation strategies could be secured by planning condition.

7a.66 The presence of nesting swallows was identified within a building on the site. It is suggested that works to demolish buildings are conducted between October and April to avoid nesting season. This can be secured by planning condition.

7a.67 The proposal development accords with Policy GN03.

7a.68 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.69 There are areas of broadleaf trees and scattered scrub present at the site. It is considered that appropriate landscaping can be achieved by design at application for approval of matters specified in conditions stage to ensure that the character and amenity of the area are safeguarded and that the proposal integrates satisfactorily with the surrounding area.

7a.70 The proposal accords with GN04.

7a.71 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.72 The application site includes part of The Falkirk Green Network at the southern part of the site and lies adjacent to open space to the west and a public park to the north. Satisfactory access to these areas can be secured by design at application for approval of matters specified in conditions stage.

7a.73 The proposal accords with Policy GN05.

7a.74 RW05 – “The Water Environment” states:-

*The Council recognises the importance of the water environment within the Council area in terms of its landscape, ecological, recreational and land drainage functions. Accordingly:*

1. *The Council will support the development of measures identified within the Forth Area River Basin Management Plan designed to improve the ecological status of the water environment;*
2. *Opportunities to improve the water environment by: opening out previously culverted watercourses; removing redundant water engineering installations; and restoring the natural course of watercourses should be exploited where possible;*
3. *There will be a general presumption against development which would have a detrimental effect on the integrity and water quality of aquatic and riparian ecosystems, or the recreational amenity of the water environment, or which would lead to deterioration of the ecological status of any element of the water environment. Where appropriate, development proposals adjacent to a waterbody should provide for a substantial undeveloped and suitably landscaped riparian corridor to avoid such impacts;*
4. *There will be a general presumption against any unnecessary engineering works in the water environment including new culverts, bridges, watercourse diversions, bank modifications or dams; and*
5. *The water environment will be promoted as a recreational resource, (subject to the requirements of policy GN03 (1) for Natura 2000 Sites), with existing riparian access safeguarded and additional opportunities for ecological enhancement, access and recreation encouraged where compatible with nature conservation objectives.*

7a.75 It has been satisfactorily demonstrated for the purposes of planning permission in principle that the proposal would integrate successfully in terms of the water environment. Further detailed drainage assessment can be secured by planning condition.

7a.76 The proposal accords with Policy RW05.

7a.77 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.78 The proposed development is supported by a Flood Risk Assessment. It has been satisfactorily demonstrated that the proposed development would not be at risk of flooding and that there would be no significant risk of flooding in the area as a result of the proposal development. It is noted that SEPA has advised that the developable area of the site be restricted to ensure no significant risk. This can be achieved by planning condition.

7a.79 The proposed development accords with Policy RW06.

7a.80 The proposed development accords with the guidance contained in supplementary guidance SG02 “Neighbourhood Design”, SG05 “Biodiversity and Development”, SG06 “Trees and Development”, 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.81 It is noted that the application site is not identified in the adopted Falkirk Council Local Plan as an opportunity for any specific development or use. The proposed development accords with the general policy provisions of the adopted Development Plan.

## **7b Material Considerations**

7b.1 The material considerations to be assessed are the emerging Falkirk Local Development Plan 2 (Proposed Plan). Responses to Consultation, The Environmental Impact Assessment (Scotland) Regulations 2017, Scottish Planning Policy, Scottish Government Designing Streets Policy, Assessment of Public Representations and Circular 3/2012 "Developer Contributions towards Community Infrastructure and Good Neighbour Agreements".

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

7b.2 The Proposed Local Development Plan 2 (FLDP2) was published by the Council for consultation in September 2018, and a number of representations were received. The issues raised by representations will be considered at an LDP Examination commencing later in 2019. Following modifications arising out of the Examination, it is expected that FLDP2 will be adopted in summer 2020, at which point it will replace the current Falkirk Local Development Plan. The Proposed Falkirk Local Development Plan 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.

7b.3 The policies of FLDP2 generally reflect the policies of the adopted Falkirk Local Development Plan detailed in Section 7a of this report. The exceptions being:-

- Policy HC02 "Windfall Housing" supports the development of sites for development constituting windfall housing which are not specifically identified as opportunities for development in the proposed plan. It is noted that the proposed plan identifies the application site as an opportunity for business, retail and community use. Accordingly, the proposed development does not accord with Policy HC02.
- Policy IR13 "Low and Zero Carbon Development" increases the percentage of carbon reduction required to be achieved by means of on-site energy generating technologies to 12%. The previous target under the terms of Policy D04 of the adopted Falkirk Local Development Plan "Low and Zero Carbon Development" was 10%. The new reduction target in accordance with Policy PE01 can be secured by condition.

7b.4 FLDP2 identifies the application site as an opportunity for business, retail or community use development, Opportunity BUS 22 "Maddiston Fire Station". The identification of the application site, for development including community use recognises feedback from the FLDP2 consultation process that the Maddiston area lacks a satisfactory provision of community facilities and is distanced from shopping facilities. This concern is highlighted by the representation from Maddiston Community Council detailed in Section 5 of this report. The identification of Opportunity BUS 22 allows for detailed assessment of the needs of the Maddiston Community and appropriate development identified to address the findings of detailed assessment. It is considered that the application site is the most appropriate location in the area for any such development and that the application site should be safeguarded for this purpose.

- 7b.5 Development of the site for residential purposes would not safeguard the site in accordance with the aspirations of FLDP2 Opportunity BUS 22. Furthermore, the proposed development does not accord with Policy HC02 “Windfall Housing”. Accordingly, the proposed development does not accord with the emerging Falkirk Local Development Plan 2.

### ***Responses to Consultation***

- 7b.6 It is noted that advice of consultees detailed on Section 4 of this report can be addressed by means of conditions or by securing an Obligation under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997.

### ***The Environmental Impact Assessment (Scotland) Regulations 2017***

- 7b.7 The proposed development has been screened in relation to these Regulations. An Environmental Assessment is not required.

### ***Scottish Planning Policy (SPP)***

- 7b.8 It is noted that the application site constitutes an Urban Capacity Site under the terms of Policy HSG01 of the Falkirk Local Development Plan detailed in Sections 7a.3 – 7a.7.
- 7b.9 Scottish Planning Policy introduces tests to assess the suitability of such sites including:-
- Giving due weight to meet 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 regeneration policies;
  - Supporting delivery of accessible housing, business, retailing and leisure development;
  - Having regard to the principles for sustainable land use;
  - Protecting, enhancing and promoting access to natural heritage including green infrastructure, landscape and the wider environment;
  - Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.
- 7b.10 On the basis that there is a shortfall in the delivery of housing in terms of the Councils housing growth strategy, and that the application site constitutes a sustainable Urban Capacity Site as detailed in Sections 7a.3 – 7a.7 of this report, Scottish Planning Policy supports the development of the site for residential development in terms of “Enabling Delivery of New Homes”.
- 7b.11 However, SPP policy principles also include making efficient use of existing capacities of land and infrastructure and supporting delivery of accessible business and retail development. In terms of “Business and Employment”. SPP highlights opportunities for planning to support business reasons for which include strengthening communities.

- 7b.12 It is noted that there are concerns in respect of the lack of business, retail and community use infrastructure reflected in the aspirations of the Proposed Falkirk Local Development Plan 2 detailed in Sections 7b.2-7b.5 of this report. The application site is considered to constitute the most appropriate location for business, retail and community use as a means to address an infrastructure deficit in respect of such uses and strengthen the community. Scottish Planning Policy would, accordingly, support the development of the site for business, retail and community use as proposed by opportunity BUS 22 of the FLDP2 detailed in Section 7b.4 of this report.
- 7b.13 In terms of “Development Management” SPP emphasises the significance of Development Plans under review in circumstances where granting planning permission would prejudice the emerging plan. This would be applicable in cases where development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process. In this case, the uniqueness of the application site in terms of location and scale in relation to the community is significant to the successful implementation of the emerging plan in terms of provision of business, retail and community facilities in the Maddiston community. Granting planning permission for this proposal would undermine the emerging plan in this case. SPP supports safeguarding the site for successful implementing of the emerging FLDP2.

### ***Scottish Government Designing Streets Policy***

- 7b.14 This application is for planning permission in principle. If granted, a residential development design which accords with “Designing Streets” policy can be secured by means of a planning condition which ensures that an application for approval of matters specified in conditions includes a supporting statement demonstrating satisfactorily that the Designing Streets design toolkit has informed the development design.

### ***Assessment of Community Council Representation***

- 7b.15 The comments of the Community Council in respect of the current provision of community facilities in the area are noted. The Community Council refers to a Community Action Plan carried out in 2014 with Council assistance. The action plan emerged through the Locality Planning process which informs Strategic Outcomes and Local Delivery Plans (SOLDP). It is envisaged that the Community Action Plan, as proposed through the SOLDP process, would integrate with the function of individual Council Services.
- 7b.16 Comments in respect of transport infrastructure and access to shopping and community infrastructure are noted. The application site enjoys good links to transport infrastructure and good access to shopping and community infrastructure. It is noted that the Transport Planning Unit and the Roads Development Unit have not objected to the proposed development.
- 7b.17 It is noted that Maddiston Community Council is seeking support and funding with a view to developing community facilities at the application site and take the view that the site should be safeguarded for this purpose. It is also noted that the emerging Falkirk Local Development Plan 2 identifies the site as an opportunity for neighbourhood retail, business or community use. The aspirations of the emerging FLDP2 give support to the aspirations of the Community Council to recommend the proposed residential development be refused.



- 7b.18 The application site currently accommodates local community parking on an informal basis only. There is no obligation on the part of the applicant to provide public parking at the application site. The loss of informal public parking cannot be considered to carry significant weight.
- 7b.19 The Roads Development Unit has raised no objections in terms of road safety.
- 7b.20 The proposed development is considered to be sustainable under the terms of the Development Plan and Scottish Planning Policy.
- 7b.21 The application site enjoys good levels of public transport, pedestrian and cycling travel links.
- 7b.22 Children's Services has advised that the impact of the proposed development on education provision in the area can be satisfactorily mitigated by means of a developer contribution.
- 7b.23 No details of the deprivation study, or the Maddiston and Rumford Community Plan 2014-2019 have been submitted. It has not been possible to assess or comment.

### ***Assessment of Public Representation***

- 7b.24 The letter of representation reflects comments received from the Maddiston Community Council addressed in Sections 7b.15 - 7b.23 of this report.
- 7b.25 It is also acknowledged that the emerging FLDP2 does not support the development of the application site for residential purposes.

### ***Circular 3/2012 "Developer Contributions towards Community Infrastructure and Good Neighbour Agreements"***

- 7b.26 The developer contribution advised by Children's Services meets the tests of the Circular.

## **7c Conclusion**

- 7c.1 It is considered that the application site could be developed for sustainable residential development which:-
- Integrates well with, and respects the character of, the area.
  - Enjoys good access to public transport and community infrastructure.
  - Provides a good level of connectivity.
  - Safeguards The Falkirk Council greenspace and the core footpath route traversing the site.
- 7c.2 Issues raised by consultees can be addressed by condition or by securing an Obligation under the terms of Section 75 of The Town and Country Planning (Scotland) Act 1997.

- 7c.3 However, it is noted that the Proposed Falkirk Local Development Plan 2 identifies the application site as an opportunity for retail, business or community use, Opportunity BUS 22. "Maddiston Fire Station" - Opportunity BUS 22 reflects concern that the Maddiston Community is becoming increasingly distanced from community and shopping facilities. The application site is identified as the most appropriate location for development addressing the needs of the community, following appropriate assessment. The emerging FLDP2 seeks to safeguard the site for this purpose. Furthermore, it is noted that the proposed development does not accord with Policy HC02 of the Proposed FLDP2 "Windfall Housing" as detailed in Section 7b.3 of this report.
- 7c.4 Whilst the proposed development accords with the Falkirk Local Development Plan, the Falkirk Local Development Plan 2 provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy. In seeking to address the increasing lack of access to community facilities, the emerging FLDP2 carries significant weight as a material consideration in respect of the proposed development. The terms of the Proposed Falkirk Local Development Plan 2 carry sufficient weight in this case to outweigh the terms of the adopted Development Plan.
- 7c.5 The uniqueness of the application site in terms of location and scale is significant to the successful development of the site for business, retail and community uses as identified in the emerging FLDP2 to address a deficit of such facilities in The Maddiston community. The proposed development of the site would undermine the emerging FLDP2 and, accordingly, does not accord with Scottish Planning Policy in terms of "Development Management".

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that the Council refuse planning permission in principle for the following reasons:-**

### **Reason(s):-**

- 1. The site is located at the core of the village of Maddiston and offers a brownfield opportunity for retail, business or community use, which would provide necessary improvements to the range of facilities available in this growing community. The site has been allocated as opportunity site BUS22 in the Falkirk Local Development Plan 2, Proposed Plan (September 2018) (FLDP2) to be developed for these purposes. The FLDP2 Proposed Plan sets out the latest and most up to date policy position of the Council and is a material consideration. The proposed residential development is contrary to allocation BUS22 and would prejudice development of the site for retail, business or community use in accordance with the Council's current policy position.**
- 2. The proposed development does not accord with Policy HC02 "Windfall Housing" of the Falkirk Local Development Plan 2 Proposed Plan (September 2018) in that the proposal would prejudice the identified development of the site for retail, business or community use in accordance with Falkirk Local Development Plan 2, Proposed Plan (September 2018) allocation BUS22.**

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**Director of Development Services**

**Date: 11 February 2019**

**LIST OF BACKGROUND PAPERS**

1. Proposal of application notice PRE/2016/0022/PAN.
2. Planning application F/91/1103.
3. Planning application F/92/0996.
4. Planning application F/97/0358.
5. Planning application F/97/0521.
6. Planning application F/98/0321.
7. Planning application F/2005/0003.
8. Falkirk Local Development Plan.
9. Falkirk Local Development Plan 2 (Proposed Plan).
10. Scottish Planning Policy.
11. Scottish Government Policy "Designing Streets".
12. Circular 3/2012 "Developer Contributions towards Community Infrastructure and Good Neighbour Agreements".
13. The Environmental Impact Assessment (Scotland) Regulations 2017.
14. Falkirk Council Housing Land Audit 2017.
15. Falkirk Council Open Space Audit
16. Objection received from Mr James Ashe, 40 Ercall Road, Brightons, Falkirk, FK2 0TS on 4 July 2017
17. Objection on behalf of Maddiston Community Council received from Ms Jacqueline McDevitt, Magdalene Cottage, Vellore Road, Maddiston, Falkirk, FK2 0AR on 8 June 2017

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson, Planning Officer.

**P/17/0347/PPP**



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