



Agenda Item 4

**DEVELOPMENT OF LAND FOR
RESIDENTIAL USE AT LAND TO THE
NORTH OF 41 KING SEAT PLACE,
GLENDEVON DRIVE, MADDISTON
FOR MANOR FORREST LIMITED -
P/21/0717/PPP**

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL USE AT
LAND TO THE NORTH OF 41 KING SEAT PLACE,
GLENDEVON DRIVE, MADDISTON FOR MANOR FORREST
LIMITED - P/21/0717/PPP

Meeting: PRE DETERMINATION HEARING

Date: 17 January 2023

Author: DIRECTOR OF PLACE SERVICES

Local Members: Ward - Upper Braes

Councillor Claire Brown
Councillor Siobhan Paterson
Councillor Jim Robertson

Community Council: Maddiston

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application is a major development and seeks planning permission in principle for the development of land for residential use.
- 1.2 The application site lies to the east of Maddiston on land to the immediate north of Cleuch Place, Gannel Drive and King Seat Place. The site is bounded by Nicolton Road to the north and by open agricultural land to the east. The site currently comprises open grassland.
- 1.3 The site is proposed to be accessed via the existing road spur and roundabout adjacent to the south eastern corner of the site.
- 1.4 The following information accompanies the application: -
 - Pre-Application Consultation Report
 - Location Plan
 - Planning Statement
- 1.5 The following points are highlighted from the submitted information:-

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 A pre-determination hearing is required for an application for a major development that is significantly contrary to the Development Plan. Thereafter consideration of the application by the Council's Planning Committee is required. The proposed development is considered to be significantly contrary to Falkirk Local Development Plan 2 owing to the scale of the proposed housing outside of the village limits and within the countryside.
- 2.2 This report provides factual and background information in relation to the proposed development. No planning assessment of the proposal is included or implied (this would be prepared after the pre-determination hearing).

3. SITE HISTORY

- 3.1 Planning application P/18/0151/PPP for the Development of land for Residential Use with Associated Access was refused planning permission on 16th May 2018 and subsequently then refused permission by the Council's Planning Review Committee on 30 April 2019.
- 3.2 Proposal of Application Notice PRE/2021/0008/PAN was submitted for this development on 19 May 2021. As part of procedural requirements, a public consultation event was held by the applicants on 24th August 2021 in the form of a web based public meeting. The event was advertised in the local newspaper in advance of the public meeting. One interested party joined the event online and thirty nine written submissions were made through the associated consultation website. The Pre-Application Consultation report submitted in support of this application summarises the issues raised through this process and sets out how the developers have considered each point in turn.
- 3.3 The application site was considered at the Falkirk Local Development Plan 2 (LDP2) Examination, with the site being proposed by the applicant for residential development. The site was not recommended for inclusion in LDP2 by the Scottish Government Reporter. The Reporter found that:

"whilst I consider this site offers some scope for development in landscape and visual terms, there are unresolved access constraints which I am concerned could not be satisfactorily overcome whilst reliance is placed on the use of Nicolton Road. Furthermore, I am mindful that the existing Maddiston East allocations in the proposed plan already allow for considerable growth. Whilst additional appropriate sites are required, I find that an additional substantial allocation in this location could lead to the scale of new development overwhelming the area and exacerbating community concerns regarding the scale and pace of growth. The site's allocation would not reflect the proposed plan's spatial strategy and I do not support the site's allocation on this basis."

I am aware that a Proposal of Application Notice was submitted to the council in November 2019. Whilst this indicates developer interest in the site, it does not alter the basis of my findings, and no modification is required.”

- 3.4 The Examination Report was considered at the meeting of Falkirk Council on 30 June 2020. The Reporter’s recommendation for the site was accepted and it was not included within the settlement boundary and was not allocated for residential development in LDP2.

4. CONSULTATIONS

- 4.1 Falkirk Council’s Engineering Design Unit have referred to national policy and guidance documents ‘Designing Streets’ and the ‘National Roads Development Guide’ as indicators for the standards expected to be provided in a development site of this nature. Reference is also made to the content of the ‘Maddiston East Development Framework (November 2016)’ which sets out a requirement for an access to be formed to the A801 prior to further development at this location. The Engineering Design Unit has noted that the application submissions do not contain any outline plans indicating any layout or proposed access points for the site. It is not therefore possible to carry out even a basic assessment against current road safety policy and guidance. It is the opinion of the Engineering Design Unit that planning permission in principle should be withheld until such time as the applicant supplies sufficient information to assess the application. This information should include a draft roads layout, housing layout with an indication of the number of dwellings proposed, a flood risk assessment and traffic assessment.
- 4.2 Falkirk Council’s Transport Planning Unit has highlighted the lack of supporting information provided with this application. Specifically, the lack of a suitable Transport Assessment is highlighted. It is not therefore possible for a full assessment of the transport impact of this development on the surrounding road network to be carried out. Similar to the Engineering Design Unit, the Transport Planning Unit has also made reference to the content of the ‘Maddiston East Development Framework (November 2016)’ which sets out a requirement for an access to be formed to the A801 prior to further development at this location. The Transport Planning Unit has also highlighted that without improvements to the existing bus services which presently operate along the B805; some parts of the proposed site will be out with the maximum of 400m which is permitted for dwellings to be from an existing bus stop. In order to overcome this, it would be necessary for bus services to be diverted into the site. This is not considered to be feasible until the distributor road is completed through to the A801.

- 4.3 The Council's Environmental Protection Unit have requested the carrying out of a noise impact assessment to determine the impact of transportation noise (Railway Line) on the development. A contaminated land assessment is required which covers the entire planning application site boundary due to the historical agricultural land use and probable workings on site, quarrying, infilled ground and potentially other contaminative activities within 250m of the site. An Air Quality Impact Assessment (AQIA) has also been requested to be provided.
- 4.4 The Coal Authority mapping records indicate that part of the site is located within a Development High Risk Area for coal mining legacy features. A Coal Mining Risk Assessment is therefore required to be provided. Further consultation with the Coal Authority would be carried out upon submission of this information.
- 4.5 Scottish Water have no objection to the application but advise that this does not confirm that the proposed development can currently be serviced. It is suggested that the applicant complete and submit a Pre-Development Enquiry (PDE) Form. Their records indicate that the development proposals impact on existing Scottish Water infrastructure. Any identified conflicts with assets may be subject to restrictions on proximity of construction.
- 4.6 The Scottish Environmental Protection Agency (SEPA) have produced a triage framework which outlines how and when planning authorities should consult with SEPA. SEPA indicative flood maps show the application site as being at risk of flooding from both a nearby watercourse and surface water. In these circumstances, consultation with SEPA in respect of flood risk should be undertaken but only once the applicant has provided a certain level of detail within their application submission. In this instance, the application has not been supported by any additional information assessing this flood risk or providing any detail in respect of proposed development areas and their proximity to flood risk areas. SEPA's triage framework therefore indicates that consultation with SEPA should not be undertaken until such time that this additional information is submitted.
- 4.7 Falkirk Council's Children's Services have advised that the site falls within the catchments for Maddiston Primary School, Braes High School, St Andrews RC Primary School and St. Mungo's High School. St Andrews RC Primary School and St Mungo's High School are anticipated to be able to accommodate the pupils from this proposed development. The development would, however, contribute to rising schools rolls and capacity pressures at Maddiston Primary School and Brae's High School. There are also insufficient nursery places within the area to meet the demands from this development. A developer contribution is therefore requested, in accordance with Supplementary Guidance SG13 'Developer Contributions'. The requested contributions can be broken down as follows:

- Nursery School - £1794.10 per dwellinghouse
- Primary School - £5038.61 per dwellinghouse
- High School - £2673.97 per dwellinghouse.

These figures are up to date as of 29 November 2022.

- 4.8 At the time of drafting a consultation response was awaited from NHS Forth Valley.
- 4.9 Falkirk Council's Flooding Team have indicated that a Flood Risk Assessment and Drainage Impact Assessment is required. A Flood Risk Assessment is required because part of the site is shown on the SEPA flood hazard mapping as being at risk of flooding from the Gardrum Burn. The SEPA mapping is only suitable for strategic assessments and so a site-specific assessment of flood risk should be provided for this application.
- 4.10 NatureScot have indicated that they have no comments to offer on this application.

5. COMMUNITY COUNCIL

- 5.1 The Maddiston Community Council have not commented on this application.

6. PUBLIC REPRESENTATION

- 6.1 A total of 63 public representations have been received in relation to the application. These consist of 2 neutral representations and 61 objections.
- 6.2 The matters raised in the representations can be summarised as follows:-
- School capacity.
 - Pressure on local amenities and community facilities.
 - Loss of recreation space.
 - Loss of greenspace.
 - Impact on trees.
 - Impact on ecology and wildlife.
 - Lack of need for additional housing.
 - Increase in congestion and road safety impact.
 - Pollution.
 - Loss of a view.
 - Reduction in property value.
 - Disturbance during construction.
 - Loss of semi-rural character of the area.
 - Lack of detail submitted with application.
 - Drainage in the area is currently poor.

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 Falkirk Local Development Plan 2 (LDP2) was adopted on 7 August 2020. The proposed development will be assessed against the policies set out below.
- 7a.2 The application site lies outside of the Maddiston limits, within the countryside, as defined in LDP2.
- 7a.3 The spatial strategy as set out in LDP2 sees a continuity with previous plans, with the bulk of new housing being on sites which have previously been allocated. Most communities will have a level of housing growth, while the focus will be on 12 Strategic Growth Areas.
- 7a.4 Policy PE01 - Placemaking states:-

Development proposals should promote the six qualities of successful places as defined in Scottish Planning Policy by addressing the following principles:

1. Distinctive

- *Existing natural and historic environment features should be identified, conserved, enhanced and integrated sensitively into development. Further guidance is set out in Policies PE05-PE27, and accompanying Supplementary Guidance SG07-SG12;*
- *The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create a coherent structure of buildings, streets and public spaces that are attractive, distinctive and create a sense of identity within the development. Further guidance is set out in SG02 'Neighbourhood Design';*
- *Development should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, manages surface water sustainably, and contributes, where appropriate, to the wider green network. Further guidance is set out in SG05 'Green Infrastructure and New Development';*

- *Developments of a significant scale should contribute to public art either through a contribution to an existing local project, or through provision of public art within the development, guided by a strategy prepared by the developer in consultation with the Council and Falkirk Community Trust. Further guidance is set out within SG13 'Developer Contributions' and the public art procurement guide produced by Falkirk Community Trust.*

2. Safe and pleasant

- *Development 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 provision of safe access for all. Further guidance is set out in SG02 'Neighbourhood Design';*
- *Development should not exacerbate existing air quality issues or introduce new sources of pollution which impact on local air quality without appropriate mitigation.*

3. Easy to move around and beyond

- *Development should be designed to encourage the use of active travel and sustainable, integrated transport. Further guidance is set out in Policies IR05-IR07;*
- *Development should build on the existing network of paths, edges, nodes, districts and landmarks to create places that people can navigate easily around.*

4. Welcoming

- *Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality hard or soft landscape treatment. Further guidance is set out in SG02 'Neighbourhood Design'.*

5. Adaptable

- *Development should be designed to consider how people use places differently, for example depending on age or degree of personal mobility;*
- *Where appropriate, development should provide a mix of building densities, tenures and typologies where a variety of diverse but compatible uses can be integrated.*

6. Resource efficient

- *In support of climate change mitigation, 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 incorporating space to separate materials at source; incorporation of low and zero carbon generating technologies and integration into neighbourhood and district heating networks. Further guidance is set out in Policies IR12-IR14;*
- *In support of climate change adaptation, 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;*
- *Provision should be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.*

7a.5 Policy PE02 - Placemaking Tools states:-

The use of design and placemaking tools will be required to raise the standard of design and embed the six qualities of successful place in new development:

1. *Development frameworks will generally be required for large, multi phased developments, where the co-ordination of a series of sites within a growth area is necessary;*
2. *Masterplans should be prepared for all development sites where a co-ordinated approach to design is necessary. Masterplans should conform to any relevant development framework, or other planning brief, and should be accompanied, where appropriate, by a design statement which demonstrates how the six qualities of successful places and the principles in Policy PE01 have been achieved;*
3. *Where major development is proposed, developers will be expected to engage constructively with local communities and utilise local knowledge and feedback in the design of proposals. The use of the Place Standard and interactive design workshops will be encouraged.*

7a.6 Policy PE13 - Green and Blue Network states:-

- 1. The Council will support the delivery of the Central Scotland Green Network in the Falkirk area, and Falkirk Greenspace: A Strategy for Our Green Network, through the development and enhancement of a multi-functional network of green and blue components and corridors as set out in the Spatial Strategy;*
- 2. Within the green and blue network the key priorities of biodiversity, outdoor access, landscape character enhancement, climate change, placemaking and serving disadvantaged communities will be promoted, with particular reference to the opportunities detailed in the Proposals and Opportunities Schedule; and*
- 3. New development should contribute to the green and blue network, where appropriate, through the integration of green infrastructure into masterplans or through enabling opportunities for green and blue network improvement on adjacent land, in accordance with SG05 'Green Infrastructure and New Development'.*
- 4. The seven community growing sites identified at Appendix 1 (Proposal GN24) shall be safeguarded from development unless proposals can demonstrate, on a case-by-case basis, that there is no longer a proven demand for allotment space.*

7a.7 Policy PE14 - Countryside states:-

- 1. The Urban and Village Limits defined on the Proposals Map represent the limit to the expansion of settlements. Land outwith these boundaries is designated as countryside. Development in the countryside will be assessed in terms of the relevant countryside policies for specific uses (HC05 and JE05);*
- 2. Development proposals in the countryside for uses not covered by policies for specific uses will only be permitted where:*
 - It can be demonstrated that they require a countryside location;*
 - They constitute infill development; or*
 - They utilise appropriate existing buildings.*

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 Development in the Countryside;

3. *Development proposals in the countryside should additionally demonstrate that their scale, siting and design is such that there will be no significant adverse impact on the rural environment, having regard to other policies on the natural and historic environment, and design guidance in Supplementary Guidance SG01 'Development in the Countryside'.*

7a.8 Policy PE17 - Open Space and New Development states:-

New development should contribute positively to the provision of open space in the area and support the objectives of the Open Space Strategy. Accordingly:

1. *Where appropriate, proposals for new development should include public open space to create a sense of place, integrate the site with the wider green network, promote physical activity, sport and active travel, enhance biodiversity, and manage water within the site; and*
2. *Where the quantity, quality or accessibility of recreational and sport open space and play facilities in the locality is insufficient to meet the recreational needs of proposed new residential development, as informed by the standards in the Open Space Strategy, the proposal should address the identified deficiencies through either the provision of new on-site recreational and sport open space, or contributions to the improvement of off-site open space.*

The detailed planning and design of new open space within new developments, including the methodology for determining and addressing recreational open space deficiencies, should accord with SG05 'Green Infrastructure and New Development'.

7a.9 Policy PE18 - Landscape states:-

1. *The Council will seek to protect and enhance landscape character and enhance landscape quality throughout the Council area in accordance with Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations';*
2. *Development within Local Landscape Areas should be designed to minimise any adverse effects on the landscape character and scenic interest for which the area is designated ; and*
3. *Development proposals which are likely to have significant landscape and visual effects must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved.*

7a.10 Policy PE19 - 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 interests 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, there are imperative reasons of overriding public interest, including of a social or economic nature and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected. 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 for 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 significant adverse effects are clearly outweighed by social, environmental 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, and 8 of the Wildlife and Countryside Act 1981 (as amended); or badgers as per section 10 of the Protection of Badgers Act 1992, 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 on the Proposals Map and 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, local habitat or local species population 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, habitat or species of significant local 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 or fragmentation is unavoidable, the creation of replacement habitat to compensate for any negative impacts will be required, along with provision for its future management. Where adverse impacts on locally important species are unavoidable, measures to protect and enhance the wider local population of that species will be required; and*
6. *All development proposals should conform to Supplementary Guidance SG07 'Biodiversity and Development'.*

7a.11 Policy PE20 - Trees, Woodland and Hedgerows states:-

1. *There will be a presumption against the removal of safe and healthy trees, non-commercial woodlands or hedgerows, where such removal would be detrimental to landscape, local amenity, nature conservation, recreation or historic environment interests, or erosion and natural flood management. Criteria in the Scottish Government's policy on Control of Woodland Removal will be used to determine the acceptability of woodland removal;*
2. *Ancient, long-established and semi-natural woodland, including sites identified in the Scottish Ancient Woodland Inventory, will be protected as a resource of irreplaceable value;*
3. *In areas covered by a Tree Preservation Order (TPO) or Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, health or stability of trees, or their landscape, biodiversity or historic value. Where appropriate, other endangered trees or woodlands which have amenity, cultural or historic importance will be protected through the designation of further TPOs;*
4. *Development which is likely to affect trees should comply with Supplementary Guidance SG06 'Trees and Development'. A Tree Survey and Tree Constraints Plan will be required to inform the design, together with a 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 on site comprising similar species and numbers to the trees and hedgerows removed;*

5. *The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a tree group or woodland area is integral to a development proposal, developers will be required to prepare and implement an appropriate Management Plan;*
6. *The provision of new trees and woodland in association with new development will be encouraged in accordance with Supplementary Guidance SG05 'Green Infrastructure and New Development'; and*
7. *There will be a preference for the use of locally native species in new and replacement planting schemes, or other species where these are integral to an historic landscape.*

7a.12 Policy PE24 - Flood Management states:-

1. *The Council will support the delivery of the objectives and actions set out in the Local Flood Risk Management Strategies and Local Flood Risk Management Plans covering the area. There will be a presumption against development which would prejudice the implementation of the relevant actions.*
2. *Development proposals will be assessed against the Flood Risk Framework set out in Scottish Planning Policy, with development being avoided in locations at medium to high flood risk, unless it accords with the criteria set out in the Framework. 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;*
 - *Result in a use more vulnerable to flooding or with a larger footprint than any previous development on site; or*
 - *Lead to an increase in the probability of flooding elsewhere.*
3. *Development proposals on land identified as being at medium to high risk from any source of flooding, and low to medium risk areas as identified by the Flood Risk Framework, or where other available information suggests there may be a risk, including proposals to restore the natural course of watercourses, will be required to provide a flood risk assessment in accordance with SEPA's Technical Flood Risk Guidance for Stakeholders 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 (including any development permitted in medium to high risk areas (that accords with the exceptions in the Flood Risk Framework) or is located in adjacent low to medium risk areas).*
4. *Development proposals on previously developed land which is at risk of flooding will be limited to uses which are of equal or less vulnerability as defined by SEPA's Land Use Vulnerability Guidance.*
 5. *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.13 Policy PE27 - Vacant, Derelict and Contaminated Land states:-

Proposals that reduce the incidence of vacant, derelict, unstable and contaminated land will be supported, subject to compliance with other LDP policies, particularly those related to development in the countryside. Where proposals involve the development of unstable or contaminated land, they will only be permitted where appropriate remediation or mitigation measures have been undertaken, and proposals are consistent with the requirements of PAN 33.

7a.14 Policy HC01 - Housing Land states:-

1. *The housing supply target is 6,894 homes for the period 2017–2030. To meet this target, the Council will support residential development as indicated generally in the Spatial Strategy and as detailed in the Proposals and Opportunities Schedule and Settlement Statements, and on suitable windfall sites which satisfy Policy HC02.*

2. *The Council will maintain at least 5 years' supply of effective housing land to ensure that the Housing Supply Target is met in full over the development plan period. The Housing Land Audit is the primary source of evidence for monitoring the availability of effective housing land. If, during the period of the plan, a shortfall in the 5 year supply of effective land emerges, additional sites for housing will be supported where the proposal would constitute sustainable development, having regard to the relevant criteria in Scottish Planning Policy and other LDP policies. In such circumstances, the scale of the proposed development relative to the scale of the shortfall will be a material consideration. The Council may also impose specific time limits on any planning permissions granted, to ensure that housing is delivered to a timescale that will address the identified shortfall.*

7a.15 Policy HC03 - Affordable Housing states:-

Housing developments of 20 units and over will provide affordable housing as set out below. The approach to provision should comply with Supplementary Guidance SG06 'Affordable Housing'.

Settlement Areas of Larbert/Stenhousemuir; Rural North; Braes; and Rural South - affordable housing on site - 25%

Settlement Areas of Bo'ness; Bonnybridge and Banknock; Denny; Falkirk; and Grangemouth - 15%

7a.16 Policy HC04 - Housing Density and Site Capacity states:-

1. *The density and overall capacity of housing sites should be determined by a site planning process, based on the placemaking principles set out in Policy PE01, and in particular prior consideration of:*
 - *The context of the site and the character of the surrounding area;*
 - *Existing natural and built features which require to be retained within an appropriate setting;*
 - *Open space, flooding and surface water management, and other green infrastructure requirements;*
 - *Landscape impacts and associated mitigation requirements;*
 - *Other site constraints; and*
 - *Residential amenity, with particular regard to privacy, daylighting and suitable provision of private garden ground.*

2. *Where housing capacity figures set out in the Proposals and Opportunities Schedule have yet to be informed by an approved detailed masterplan, they will be regarded as indicative, pending the preparation of such a masterplan. However, where a proposed site capacity exceeds that set out in the Schedule, this will need to be fully justified through a design statement, which addresses Policy PE01 and the factors listed in sub section (1) above.*

7a.17 Policy HC05 - Housing in the Countryside states:-

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

1. *Housing required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential;*
2. *Restoration or replacement of houses which are still substantially intact, provided that the restored/ replacement house is of a suitable size and design;*
3. *Conversion or restoration of non-domestic farm buildings to residential use, including the sensitive redevelopment of redundant farm steadings;*
4. *Appropriate infill development;*
5. *Limited enabling development to secure the restoration of historic buildings or structures; or*
6. *Small, privately owned gypsy traveller sites which comply with Policy HC09.*

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'.

7a.18 Policy IR02 - Developer Contributions states:-

Developers will be required to contribute to the provision, upgrading and, where appropriate, the maintenance of infrastructure where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The types of infrastructure where contributions may be required are set out in Table 4.1. The nature, scale and phasing of developer contributions will be determined by:

1. *Guidance and contribution rates set out in SG13 'Developer Contributions';*

2. *Site specific requirements set out in the LDP or relevant development brief; and*
3. *The principles contained in Circular 3/2012 'Planning Obligations and Good Neighbour Agreements'.*

In assessing applications where developer contributions are required, the economic viability of proposals will be taken into account as a material consideration where supported by a Development Viability Statement. Developer contributions for education and open space will be waived for flatted residential development, or conversions of buildings for residential use, of up to 50 units within town centre boundaries.

7a.19 Policy IR03 - Education and New Housing Development states:-

Where there will be insufficient capacity within catchment schools to accommodate children from proposed new housing development, or where Council nursery provision will be adversely affected, developer contributions will be sought in line with Policy IR02 to mitigate these impacts. In the rare circumstances where such mitigation cannot be achieved in a manner which is consistent with the Council's education policies, the proposed development will not be supported

7a.20 Policy IR04 - Community Facilities states:-

1. *Proposals involving the loss of existing community facilities will only be supported where it can be demonstrated that:*
 - *There is no longer a need for the facility;*
 - *The facility is no longer financially viable; or*
 - *The services offered by the facility will be delivered satisfactorily in alternative ways.*
2. *Proposals for new community facilities will be supported where:*
 - *In the case of proposals generating significant footfall, the sequential town centre first approach is met;*
 - *In other cases, there is good access by public transport, walking and cycling;*
 - *The proposal is compatible with the surrounding area in terms of scale, character and design; and*
 - *The proposal complies with other LDP policies.*

3. *Proposals for major new public buildings, major community facilities or major commercial developments which are publically accessible, should incorporate a Changing Places toilet.*

7a.21 Policy IR05 - Travel Hierarchy and Transport Assessment states:-

1. *Development proposals should support a hierarchy of travel which maximises the extent to which its travel demands are met first through walking, then cycling, then public transport and finally through use of private cars.*
2. *Transport assessments will be required for development proposals where the impact of the development on the transport network is likely to result in an increase in the number of trips, such that there will be significant impact on the operation of the transport network, requiring mitigation. Assessments will focus on the hierarchy of travel and should include, where appropriate:*
 - *Travel plans;*
 - *Safety audits of proposed mitigation measures; and*
 - *Air quality impact assessments.*
3. *The Council will only support development proposals where the transport assessment and travel plan have been appropriately scoped, the network impacts properly defined, and suitable mitigation measures identified.*

7a.22 Policy IR06 - Active Travel states:-

1. *The Council will safeguard, improve and extend the network of active travel routes, with particular emphasis on the core path network. Development proposals should contribute to active travel infrastructure, either through direct provision or developer contributions, and should address the following requirements, as appropriate:*
 - *Support objectives set out in Travel Plans;*
 - *Support the Falkirk Greenspace Strategy by improving the extent and connectivity of routes within the green network;*
 - *Safeguard and improve existing active travel routes affected by the development, including the provision of temporary alternative routes where routes are disrupted by construction;*

- *Provide linkages to the existing active travel network in the vicinity of the site and to schools, community facilities, local amenities and public transport; and*
 - *Provide appropriate additional infrastructure such as cycle parking, seating and signage.*
2. *The design of routes, including line, construction, surfacing, and, where appropriate, lighting should be specified within proposals and should:*
- *Be appropriate to the location and intended use of the routes;*
 - *Facilitate, where appropriate, access to a wide range of users including pedestrians, cyclists and the mobility impaired;*
 - *Promote ease of maintenance; and*
 - *Meet relevant standards where routes are to be adopted by the Council.*

7a.23 Policy IR07 - Bus Travel states:-

Development should benefit from good access to bus services, taking account of the 400 metre maximum walking distance required by Scottish Planning Policy. Measures to secure this should be assessed and agreed through Travel Plans and may include:

1. *Links to existing bus stops, or the provision of new bus stops*
2. *In the case of larger developments, inclusion of routes suitable for provision of bus services through the development; and*
3. *Provision of financial contributions to support the delivery of bus services serving the development.*

7a.24 Policy IR09 - Parking states:-

1. *The parking standards in the National Roads Development Guide will be applied to new development, subject to the local variations approved by the Council.*
2. *Parking in town and local centres will be managed to support the role of the centres whilst promoting sustainable travel. Proposed changes to parking provision in centres will be assessed against the effect on their vitality and viability.*

3. *New car parking provided as part of significant new commercial or community uses should incorporate electric vehicle charging points.*

7a.25 Policy IR10 - Drainage Infrastructure states:-

1. *Necessary sewerage infrastructure associated with new development should either be adopted by Scottish Water or have alternative maintenance arrangements which are acceptable to SEPA. Connection to the public sewer is the most sustainable option and will ensure that any pollution risk to the environment is minimised.*
2. *Surface water management for new development should comply with current best practice on Sustainable Urban Drainage Systems (SUDS), where appropriate forming an integral part of the development's landscape structure as set out within Supplementary Guidance SG05 'Green Infrastructure and New Development'. SUDS will be required to meet the specifications as detailed in the most recent version of Sewers for Scotland should the developer wish the surface water system to vest in Scottish Water.*
3. *For developments that involve a change of use and/or redevelopment, wherever possible, opportunities should be taken to retrofit SUDS.*
4. *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. The strategy should follow the latest version of the SUDS Manual.*

7a.26 Policy IR13 - 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 12% of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance is contained in Supplementary Guidance SG14 Renewable and Low Carbon Energy. 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 the other sustainability aspects of the current Sections 6 and 7 of the current Building Standards Technical Handbook.*

7a.27 Policy IR14 - Heat Networks states:-

1. *Decentralised energy generation with heat recovery, and district heating systems, 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 viability for such schemes. Scotland's Heat Map and applicable local Council strategies should inform this assessment.*
2. *Where the provision of a local energy centre or district heating system is not feasible, developers should futureproof their sites where possible for connection to future heat networks. The installation of pipework to the curtilage of development and safeguarding of piperuns within developments to allow future connection will be required unless the submitted Energy Statement, informed by Scotland's Heat Map and local Council strategies, demonstrates that there are financial or technical barriers to installation. SG14 'Renewable and Low-Carbon Energy', sets out guidance on heat networks and the matters Energy Statements are expected to address.*

7a.28 Policy IR18 - Waste Management in New Development states:-

All development should minimise waste during construction and operation, particularly through site waste management. The layout and design of development should provide for the collection and storage of waste and recyclable materials, including composting facilities and the vehicular collection of waste.

7b Material Considerations

- 7b.1 The material planning considerations to be assessed in determining this planning application are Scottish Planning Policy, draft National Planning Framework 4, Falkirk Council Supplementary Guidance, the consultation responses, the public representations, and the planning history for the site.

Scottish Planning Policy

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

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

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

- Giving due weight to net economic benefit
- Responding to economic issues, challenges and opportunities, as outlined in local economic strategies
- Supporting good design and the six qualities of successful places
- Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities
- Supporting delivery of accessible housing, business, retailing and leisure development
- Supporting delivery of infrastructure, for example transport, education, energy, digital and water
- Supporting climate change mitigation and adaptation including taking account of flood risk

- Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation
- Having regard to the principles for sustainable land use set out in the Land Use Strategy
- Protecting, enhancing and promoting access to cultural heritage, including the historic environment
- Reducing waste, facilitating its management and promoting resource recovery
- Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality

7b.4 SPP advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained, and SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

7b.5 Where relevant policies in a development plan are not up-to-date or the plan does not contain policies relevant to the proposal, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision Making should also take into account any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the wider policies of the SPP. Where a shortfall in the 5 year effective housing land supply emerges, development plan policies for the supply of housing will not be considered up-to-date.

7b.6 The Falkirk Council 2021/22 Housing Land Audit (HLA) indicates that that Council has a 4.8 year effective housing land supply. This amounts to a shortfall in the 5 year effective supply of 122 units. The HLA uses the Council's housing land requirement to calculate the effective housing land supply. The presumption under SPP in favour of development that contributes to sustainable development will therefore be a significant material consideration in determining this application.

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

- Facilitate new housing development by identifying a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times

- Enable provision of a range of attractive, well designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places
- Have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stake-holders

Falkirk Council Supplementary Guidance

7b.8 The following adopted Falkirk Council Supplementary Guidance (SG) is relevant to the application:-

- SG01 Development in the Countryside
- SG02 Neighbourhood Design
- SG05 Green Infrastructure and New Development
- SG06 Affordable Housing
- SG07 Biodiversity and Development
- SG10 Trees and Development
- SG13 Developer Contributions
- SG14 Renewable and Low Carbon Energy

Consultation Responses

7b.9 The consultation responses are summarised in section 4 of the report. These responses are material to determination of the application and will be considered in the planning assessment.

Representations Received

7b.10 The representations are summarised in section 6 of the report. They consist of a total number of 63 representations. The representations are also material to determination of the application and will be considered in the planning assessment.

Planning History

7b.11 The relevant planning history for the site is set out in section 3 of the report. As detailed, planning application P/18/0151/PPP for the Development of land for Residential Use with Associated Access was refused planning permission on 16 May 2018 and subsequently then refused permission by the Planning Review Committee on 30 April 2019. This history is also material to determination of the application and will be considered in the planning assessment.

National Planning Framework 4 (NPF4)

7b.12 NPF4 was laid before the Scottish Parliament on 8 November 2022 for approval. As it has not completed its parliamentary process only limited weight can be attached to it as a material consideration in the determination of this application at the time of drafting.

8. HUMAN RIGHTS AND EQUALITY ASSESSMENT

- 8.1 The Human Rights Act 1998 and the Equality Act 2010 (the 2010 Act) are required to be considered in determining the application.

9. SUMMARY

- 9.1 This report provides factual and background information in relation to the proposed development and no assessment is included or implied in the report. A full assessment of the planning issues raised will be presented to a subsequent meeting of the Planning Committee, following consideration of the matters discussed at this Hearing.

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pp Director of Place Services

Date: 22 December 2022

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Development Plan 2, August 2020.
2. SG01 'Development in the Countryside'.
3. SG02 'Neighbourhood Design'.
4. SG05 'Green Infrastructure and New Development'.
5. SG06 'Affordable Housing'.
6. SG07 'Biodiversity and Development'.
7. SG09 'Landscape Character Assessment and Landscape Designations'.
8. SG10 'Trees and Development'.
9. SG12 'Listed Buildings and Unlisted Properties in Conservation Areas'.
10. SG13 'Developer Contributions'.
11. SG14 'Renewable and Low Carbon Energy' (Draft).
12. SG15 'Low and Zero Carbon Development', Adopted under LDP1.
13. Scottish Planning Policy 2014.
14. Falkirk Council Housing Land Audit, 2021/22.
15. Draft National Planning Framework.
16. Objection received from Mrs LeeAnne Wilson, 10 Gannel Drive, Maddiston, FK2 0AL on 20 December 2021.
17. Objection received from Mr John Crawford, 36 Cleuch Place, Maddiston, Falkirk, FK2 0HF on 7 January 2022.

18. Objection received from Mr Paul Braid, 36 Kings Seat Place, Falkirk, FK20JG on 7 January 2022.
19. Objection received from Miss Amanda McPherson, 16 Cleuch Place, Maddiston, Falkirk, FK2 0HF on 7 January 2022.
20. Objection received from Mr Greg Graham, 65 Craigs Crescent, Rumford, Falkirk, FK2 0ET on 9 January 2022.
21. Objection received from Teresa Davies, 23 Gannel Drive, Maddiston, Falkirk, FK2 0AL on 20 December 2021.
22. Objection received from Mr Michael McWilliams, 69 Craigs Crescent, Rumford, FK2 0ET on 7 January 2022.
23. Objection received from Mr Russell Croal, 14 Lendrick Drive, Maddiston, Falkirk, FK2 0GW on 7 January 2022.
24. Objection received from Craig Wilson, 38 Cleuch Place, Maddiston, Falkirk, FK2 HF on 7 January 2022.
25. Objection received from Miss Arlene Huggan, 14 Cleuch Place, Maddiston, FK2 0HF on 7 January 2022.
26. Objection received from Mr Lee Clark, 14 Cleuch Place, Maddiston, FK2 0HF on 7 January 2022.
27. Objection received from Mrs Laura Cook, 18 Cleuch Place, Maddiston, FK2 0HF on 7 January 2022.
28. Objection received from Mrs Gwen Hunter, 63 Craigs Crescent, Falkirk, FK2 0ET on 7 January 2022.
29. Objection received from Mr David Hill, 18 Gannel Drive, Maddiston, Falkirk, FK2 0AL on 7 January 2022.
30. Objection received from Mr Martin Hunter, 46 Lendrick Drive, Maddiston, FK2 0GW on 8 January 2022.
31. Objection received from Mr Roderick Wells, 15 Innerdouny Drive, Maddiston, FK2 0LW on 8 January 2022.
32. Objection received from Mrs Laura Spry, 29 Gannel Drive, Maddiston, FK2 0AL on 8 January 2022.
33. Objection received from Miss Imogen Fullbrook, 7 Craigs Way, Falkirk, FK2 0EU on 8 January 2022.
34. Objection received from David Bremner, 43 Gannel Drive, Falkirk, FK2 0AL on 8 January 2022.
35. Objection received from Paul McPhail, 10 Mellock Crescent, Maddiston, Falkirk, FK2 0RH on 20 December 2021.
36. Objection received from Miss A Huggan on 20 December 2021.
37. Objection received from Paul Braid, 36 Kings Seat Place, Maddiston, Falkirk, FK2 0JG on 20 December 2021.
38. Objection received from Louise Braid, 36 Kings Seat Place, Maddiston, Falkirk, FK2 0JG on 20 December 2021.
39. Objection received from Miss Erin Wells, 55 Kings Seat Place, Maddiston, FK2 0JG on 7 January 2022.
40. Objection received from Mrs Linda Stott, 22 Gannel Drive, Maddiston, Falkirk, FK2 0AL on 7 January 2022.
41. Objection received from Mrs Erin Roff, 25 Glendevon Drive, Maddiston, FK2 0GT on 7 January 2022.

42. Objection received from Kaire Konton-Smith, 35 Kings Seat Place, Maddiston, Falkirk, FK2 0JG on 20 December 2021.
43. Representation received from Peter Willett, 13 Gannel Drive, Maddiston, Falkirk, FK2 0AL on 20 December 2021.
44. Objection received from Mrs Linda Crawford, 36 Cleuch Place, Maddiston, Falkirk, FK2 0HF on 7 January 2022.
45. Objection received from Mr Niall Macdonald, 16 Glendevon Drive, Maddiston, FK2 0GT on 7 January 2022.
46. Objection received from Mrs Jodie Maclaren, 2 Kings Seat Place, Maddiston, Falkirk, FK2 0JG on 7 January 2022.
47. Objection received from Mr Sam Mitchell, 42 Kings Seat Place, Falkirk, FK2 0JG on 7 January 2022.
48. Objection received from Mr Stephen Edwards, 37 Gannel Drive, Maddiston, FK2 0AL on 8 January 2022.
49. Objection received from Mr Scott Rintoul, 52 Cleuch Place, Maddiston, Falkirk, FK2 0HF on 8 January 2022.
50. Objection received from Mr Darren Cooper, 2 Gannel Drive, Maddiston, FK2 0AL on 9 January 2022.
51. Objection received from Mrs Louise Braid, 36 Kings Seat Place, Falkirk, FK2 0JG on 7 January 2022.
52. Objection received from Ms Michelle Hughes, 17 Kings Seat Place,, Maddiston, Falkirk, FK2 0JG on 7 January 2022.
53. Objection received from Mr James Dustan, 25 Kings Seat Place, Maddiston, Falkirk, FK2 0JG on 6 January 2022.
54. Objection received from Mr Derek Murray, 16 Cleuch Place, Maddiston, FK2 0HF on 7 January 2022.
55. Objection received from Miss Rachel Wilcox, 15 Kings Seat Place, Maddiston, Falkirk, FK2 0JG on 7 January 2022.
56. Objection received from Kirsteen Ransay, 62 Mellock Crescent, Maddiston, Falkirk, FK2 0RH on 7 January 2022.
57. Objection received from Mr Paul McPhail, 10 Mellock Crescent, Maddiston, Falkirk, FK2 0RH on 7 January 2022.
58. Objection received from Mrs Karen Edwards, 37 Gannel Drive, Maddiston, Falkirk, FK2 0AL on 7 January 2022.
59. Objection received from Matthew Barclay, 42 Craigs Crescent, Falkirk, FK2 0EN on 8 January 2022.
60. Objection received from Chris Benson on 22 December 2021.
61. Representation received from Mr M McWilliams on 22 December 2021.
62. Objection received from Mrs Sarah Cooper, 2, Gannel Drive, Maddiston, Falkirk, FK2 0AL on 7 January 2022.
63. Objection received from Miss Kathrine Newlands, 42 Kings Seat Place, Maddiston, FK2 0JG on 7 January 2022.
64. Objection received from Kevin Lindsay, 4 Cleuch Place, Falkirk, FK2 0HF on 7 January 2022.
65. Objection received from Mrs Lynne Love, 21 Gannel Drive, Maddiston, FK2 0AL on 7 January 2022.
66. Objection received from Mr R Kennedy, 3, Innerdouny Drive, Falkirk, FK2 0LW on 7 January 2022.

67. Objection received from Mr Scott Baxter, 24 Cleuch Place, Maddiston, Falkirk, FK2 0HF on 5 January 2022.
68. Objection received from Mrs Anderson Cecilia, 35 Craig's Crescent, Rumford Grange, Falkirk, FK2 0ET on 13 January 2022.
69. Objection received from Miss L H, 31 Kings Seat Place, Maddiston, FK2 0JG on 14 January 2022.
70. Objection received from Mrs Yvonne Towfigh, 16 Gannel Drive, Maddiston, Falkirk, FK2 0AL on 12 January 2022.
71. Objection received from Mrs Laura Goodfellow, 1 Innerdouny Drive, Maddiston, FK2 0LW on 11 January 2022.
72. Objection received from Mr Ken Anderson, 35 Craigs Crescent, Rumford, Falkirk, FK2 0ET on 13 January 2022.
73. Objection received from Mr Michael Wilson, 37 Craigs Crescent, Rumford Grange, Rumford, FK2 0ET on 13 January 2022.
74. Objection received from Mr Robert Goodfellow, 1 Innerdouny Drive, Maddiston, Falkirk, FK2 0LW on 11 January 2022.
75. Objection received from Cheryl Hyslop, 4A Glendevon Drive, Maddiston, FK2 0GT on 20 January 2022.
76. Objection received from Dr Matthew Taylor, 9 Innerdouny Drive, Falkirk, FK2 0LW on 13 January 2022.
77. Objection received from Mr Richard Kingston, 31 Kings Seat Place, Maddiston, FK2 0JG on 14 January 2022.

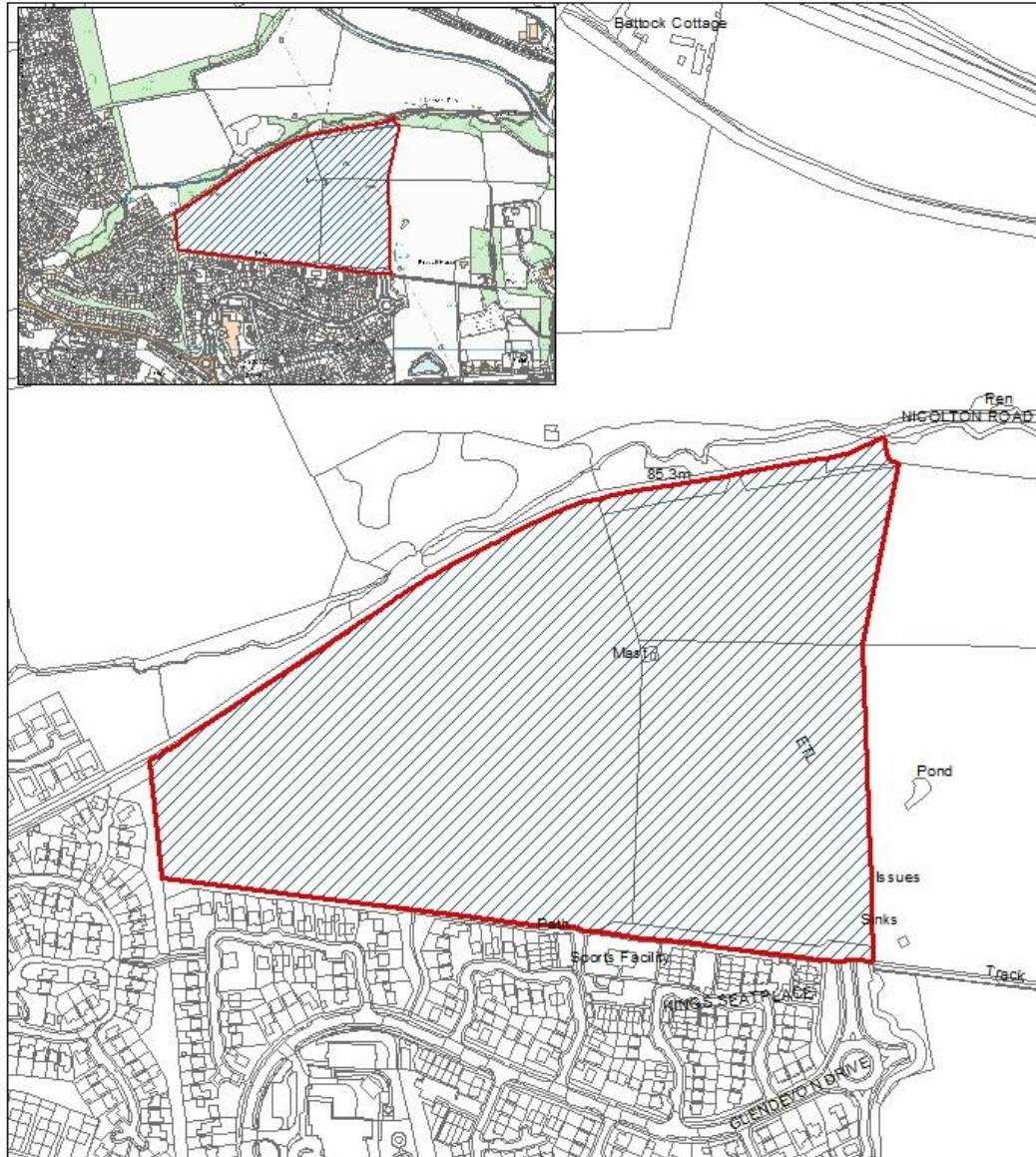
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan

P/21/0717/PPP

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



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