

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES (OUTLINE)
AT LAND TO THE WEST OF 65 SLAMANNAN ROAD, SLAMANNAN
ROAD, LIMERIGG, SLAMANNAN, FALKIRK FOR JAMES BELL
LIMERIGG LTD - P/08/0617/OUT

Meeting: PLANNING COMMITTEE

Date: 25 February 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Upper Braes

Case Officer: David Paterson (Planning Officer), ext 4757

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall this application was originally considered at the meeting of the Regulatory Committee on 28 January 2009 (copy of the previous report appended), when it was agreed to continue the application and to undertake a site visit. This took place on 10 February 2009.
2. At the site meeting the applicant's agent stated that the application site had been included in the Falkirk Council Local Plan Finalised Draft (Deposit Version), as a modification to the plan and identified as an opportunity for residential development. Concern was also expressed that the Falkirk Council Local Plan has been in preparation since 2001 and is not likely to be adopted until at least 2011. This being the case the agent promoted the view that the proposal represents an opportunity to develop the site prior to 2011 and that the village of Limerigg will enjoy more immediate regeneration benefits as a result. The agent also referred to Policy COM 1 – Housing Land Allocations as contained in the Falkirk Council Structure Plan 2007 which advocates that the Council will support special initiatives for residential led regeneration at various locations within the District. These general locations include Slamannan. Such developments must be accompanied by a masterplan development framework and must be able to demonstrate the satisfactory provision of necessary social and physical infrastructure. No such information has been offered by the applicant in support of this.
3. Members of the Committee expressed a view that the village of Limerigg would benefit from regeneration initiatives particularly developments which would increase the number of pupils attending the village primary school, which is operating under capacity and potentially under pressure for closure.

4. Members were advised that owing to the scale of the proposed housing development in relation to the village of Limerigg, in terms of the size of the site, the proposed development is considered to represent a significant departure from the Development Plan and would require to be referred to Scottish Minister should Members be minded to grant planning permission.
5. **It is recommended that planning permission be refused for the following reasons:**
 - (1) **A countryside location is not essential for the proposed development and therefore the proposed development does not accord with Policy ENV 1 of the Falkirk Council Structure Plan "Countryside and Protected Areas" and Policy Rural 1 of the Rural Local Plan "New Development in the Countryside".**
 - (2) **The proposed development is not a clear gap site or an appropriate infill opportunity. The proposed development does not therefore accord with Policy Rural 1 of the Rural Local Plan "New Development in the Countryside".**
 - (3) **The proposed development would extend the village area of Limerigg beyond the village boundary resulting in undesirable sporadic development in the countryside. The proposed development does not therefore accord with Policy Rural 2 of the Rural Local Plan "Village Limits".**
 - (4) **The application is considered premature pending the consideration of the site's designation within the emerging Falkirk Council Local Plan through the Local Plan Inquiry process.**

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For Director of Development Services

Date: 18 February 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Scottish Planning Policy 3 "Planning for Housing"
5. Planning application F/98/0389
6. Planning application P/07/0531

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

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES (OUTLINE)
AT LAND TO THE WEST OF 65 SLAMANNAN ROAD, SLAMANNAN
ROAD, LIMERIGG, SLAMANNAN, FALKIRK FOR JAMES BELL
LIMERIGG LTD - P/08/0617/OUT
Meeting: REGULATORY COMMITTEE
Date: 28 January 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Upper Braes

Case Officer: David Paterson (Planning Officer), ext 4757

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 It is proposed that the land be developed for residential purposes (outline).
- 1.2 The application site measures 1.94 hectares and is located on the west side of Slamannan Road, Limerigg south of the public hall at Thompson Place.
- 1.3 The site is currently vacant. The previous use of the site was a transportation and commercial vehicle dismantling business.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called-in to Regulatory Committee by Councillor McLuckie.

3. SITE HISTORY

- 3.1 Planning application F/98/0389 was granted on 20 January 2000 for an extension to dismantlers yard.
- 3.2 Planning application P/07/0531, development of 3.43 hectares of land, used as a transportation and commercial vehicle dismantling business, for residential purposes (outline) was refused planning permission on 27 July 2007.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised on design measures which require to be addressed should planning permission be granted. The advice can be addressed via a series of planning conditions should permission be granted. A Flood Risk Assessment and drainage strategy would require to be submitted as a reserved matter.
- 4.2 The Environmental Protection Unit has advised that several potentially contaminative activities may exist within close proximity to the site. Should outline planning permission be granted, a site investigation study to establish if there is contamination at the site should be submitted as a reserved matter.
- 4.3 Scottish Water has advised that the applicant should contact them to discuss the impact of the proposed development on the existing infrastructure at a time when more details of the proposal are known.
- 4.4 The Transport Planning Unit has advised that existing public transport facilities are well within reasonable walking distance of the proposed development. No additional public transport facilities will be required. Other Transport Planning issues will be assessed at the reserved matters stage should outline planning permission be granted.
- 4.5 The Scottish Environment Protection Agency has not objected to the proposed development.
- 4.6 Education Services has advised that the development can be expected to contribute to the requirement for capacity related investment at Limerigg Primary, Braes High, St Andrews R.C. Primary and St. Mungo's R.C. High schools. For that reason Education Services request that, if approved it is on the condition that the applicant makes a pro-rata contribution of £4500 per house (based on current costs). This could be achieved by means of a Legal Agreement between the applicant and Falkirk Council.
- 4.7 Central Scotland Police has raised no objections.

5. COMMUNITY COUNCIL

- 5.1 No representation has been received from the Slamannan and Limerigg Community Council .

6. PUBLIC REPRESENTATION

- 6.1 No representations have been received.

7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 Policy ENV.1 ‘Countryside and Protected Areas’ states:

- “(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

7a.2 It is not considered that a countryside location is essential for the proposed development, notwithstanding the fact that the site is a brownfield site.

7a.3 The former and currently authorised use is not agriculture and therefore the issue of agriculture diversification is not relevant. In any case residential development of this nature is not considered to be an appropriate form of diversification.

7a.4 The proposed development does not accord with Policy ENV 1.

7a.5 Accordingly the proposed development does not accord with the Falkirk Council Structure Plan.

Rural Local Plan

7a.6 Policy RURAL 1 ‘New Development in the Countryside’ states:

“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*
- 3. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 4. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*

5. *Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council's Tourism Strategy are particularly welcomed.*
6. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council's "Design Guide For Buildings In The Rural Areas" and sympathetic to vernacular architectural forms will be expected."

- 7a.7 It is noted that the site lies partially within the Limerigg village boundary as detailed in the Rural Local Plan. Some 1800 sq.m (0.18ha) at the eastern end of the site lies within the village boundary. This area is however minimal compared with the overall proposed site. The majority of the site measuring 1.94 hectares lies outwith the village boundary. It is appropriate therefore to consider the application on the basis that the site lies within the countryside.
- 7a.8 The proposal is not absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location.
- 7a.9 The application site is not a clear gap site. The development is considered to be an undesirable form of sporadic development.
- 7a.10 The proposal does not accord with Policy Rural 1.
- 7a.11 Policy RURAL 2 'Village Limits' states:
- "That the boundary of the village areas as indicated on the Village Maps is regarded as the desirable limit to the growth of the villages at least for the period of the Local Plan. Accordingly, there will be a general presumption against proposals for development which would either extend the village areas beyond this limit or which would constitute undesirable sporadic development in the countryside."*
- 7a.12 The proposal would extend the village area of Limerigg beyond the village boundary resulting in undesirable sporadic development in the countryside.
- 7a.13 The proposal does not accord with Policy Rural 2.
- 7a.14 Accordingly the proposed development does not accord with the Development Plan.

7b Material Considerations

- 7b.1 Material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version). Scottish Planning Policy (SPP) 3 "Planning for Housing", and the responses from consultees.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.2 The majority of the application site lies outwith the Limerigg village limit as defined in the Falkirk Council Local Plan Finalised Draft (Deposit Version) April 2007. However, the Falkirk Council Local Plan Finalised Draft (Deposit Version) was amended by the Proposed Pre-Inquiry Modifications, published in May 2007, to extend the village limit to include the application site and allocate it as part of a new housing proposal. It should be noted that the application site does not cover the whole of the area proposed for allocation by the Proposed Pre-Inquiry Modifications.
- 7b.3 There have, however, been three objections to the above mentioned modification. The Falkirk Council Local Plan Finalised Draft (Deposit Version) is to be subject to a Local Plan Inquiry in 2009. The inclusion of the west housing site and the amendment of the village limit in the Local Plan will be considered as part of the inquiry.

SPP3 Planning For Housing

- 7b.4 SPP3 states that planning authorities should draw up long term sustainable settlement strategies to provide certainty and variety for housing providers and local communities. Key considerations include the efficient use of land resources and infrastructure, co-ordination with improvements in infrastructure, ensure good access to jobs and services to all sections of the community and the protection and enhancement of the environment. The Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version) are fundamental to promoting the housing strategy of the Council. It is considered that the sporadic nature of this proposal, and that it does not accord with the current Development Plan. As stated in paragraph 7b.3 above the west site and adjacent land are to be the subject of consideration at the forthcoming Local Plan Inquiry.

Responses From Consultees

- 7b.5 The advice of the Director of Education is noted. A developer contribution could be secured by means of a legal agreement. It is also noted, however that the proposal does not accord with the Development Plan. A developer contribution would not justify a departure from the Development Plan.
- 7b.6 All other comments of consultees can be addressed by condition.

7c Conclusion

- 7c.1 It is noted that the site lies partially within the Limerigg village boundary as detailed in the Rural Local Plan. Some 1800 sq.m (0.18ha) at the eastern end of the site lies within the village boundary. This area is however minimal in relation to the overall site area that is proposed. The majority of the site measuring 1.94 hectares lies outwith the village boundary. It is appropriate therefore to consider the application on the basis that the site lies within the countryside.
- 7c.2 The proposed development does not accord with the Development Plan as noted above.

- 7c.3 It is noted that the application site has been included in the Falkirk Council Local Plan Finalised Draft (Deposit Version) as a housing opportunity modification. There has, however been objections to this modification and its inclusion will be one of the issues to be considered when the draft plan is subject to a Local Plan Inquiry in 2009. It is considered that it is premature at this stage to determine whether the proposed development accords with the draft plan.
- 7c.4 Comments of consultees can be addressed by condition. There are no material considerations however which would justify a departure from the Development Plan at this time.
- 7c.5 If Members were minded to grant consent, consideration will require to be made as to whether this proposal would be a significant departure to the Development Plan. If so, it would require to be referred to Scottish Ministers.

8. RECOMMENDATION

- 8.1 It is therefore recommended that outline planning permission be refused for the following reasons:-
- (1) A countryside location is not essential for the proposed development and therefore the proposed development does not accord with Policy ENV 1 of the Falkirk Council Structure Plan "Countryside and Protected Areas" and Policy Rural 1 of the Rural Local Plan "New Development in the Countryside".
 - (2) The proposed development is not a clear gap site or an appropriate infill opportunity. The proposed development does not therefore accord with Policy Rural 1 of the Rural Local Plan "New Development in the Countryside".
 - (3) The proposed development would extend the village area of Limerigg beyond the village boundary resulting in undesirable sporadic development in the countryside. The proposed development does not therefore accord with Policy Rural 2 of the Rural Local Plan "Village Limits".
 - (4) The application is considered premature pending the consideration of the site's designation within the emerging Falkirk Council Local Plan through the Local Plan Inquiry process.



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For Director of Development Services

Date: 20 January 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Scottish Planning Policy 3 "Planning for Housing"
5. Planning application F/98/0389
6. Planning application P/07/0531

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