

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT LAND TO THE EAST OF TORAVON LODGE, VELLORE ROAD, MADDISTON FOR ECOSSE HOMES – P/09/0527/OUT

Meeting: PLANNING COMMITTEE

Date: 24 March 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

**Local Members: Councillor Gordon Hughes
Councillor Stephen Fry
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 is located on the south side of Vellore Road, Maddiston. The application site measures 6.7 hectares in area, is a major application and is split into two parts by Manor Wynd, Maddiston. The main part of the application site is located on the east side of Manor Wynd between Vellore Road to the north and Toravon Homes housing development Phase 1 to the south. The smaller part of the site is located on the west side of Manor Wynd.
- 1.2 The application site slopes downwards from south to north. There is an existing line of trees across the site from south to north. There is also a derelict agricultural shed at the north part of the site.
- 1.3 This application proposes that the site be developed for residential development. The application is accompanied by a supporting statement and indicative layout plan. It is estimated that up to 120 units could be constructed at the site, 50% of which the applicant proposes could be special needs units and affordable housing. The remainder of the residential units would be for private sale, including properties designed to provide work/live units.
- 1.4 The application is accompanied by a landscape impact assessment and additional supporting statements.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 Another similar outline application in this area is currently being considered by Falkirk Council. Both this application, and application P/09/0483/OUT are outline applications for sites outwith the settlement boundary as identified in the Development Plan, and have not been identified as housing opportunities. The potential cumulative impact of these developments may impact upon the policies and performance of the Development Plan and the emerging Falkirk Council Local Plan. For this reason both applications have been put forward for Committee consideration.

3. SITE HISTORY

- 3.1 Planning application F/2004/0081 was refused planning permission on 15 December 2004 in respect of the development of the site for housing purposes (Outline). This decision was the subject of an appeal to Scottish Ministers. The appeal was dismissed on 8 February 2006.
- 3.2 It was noted that the application site was considered as a housing opportunity in the public local inquiry into the second review of the Polmont and District Local Plan. The Reporter gave full consideration to the issues of land use, urban regeneration, landscape impact, impact on settlement character, nature consideration, school provision, local services and public transport. The Reporter's overall conclusion was that the site should *"be deleted from the proposals and opportunities noted in the Local Plan review and should be deleted from the proposals map"*. The Reporter gave significant weight to the issue of landscape impact in terms of which he concluded that *"the development of housing on this site would represent a significant intrusion into open countryside, in an area of sensitive landscape character, and should be avoided unless there are insufficient more suitable greenfield opportunities available in the Local Plan area"*.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that access, which is not of adoptable standard, to a substantial part of the site would be by means of a private road leading from Vellore Road, and that taking access from this private road would not accord with Council standards until it is adopted. It is noted, however, that the private road currently services 135 existing dwellinghouses to the south of the application site and is to be brought up to adoptable standard by a developer.
- 4.2 The Roads Development Unit has also advised that, in order to fully assess the proposal, a flood risk assessment and drainage strategy is required. No flood risk assessment or drainage strategy has been submitted.
- 4.3 Furthermore, it is advised that the vehicular access at the south side of the site, as shown on the indicative layout plan, would not meet Council standards in terms of geometry or distance from adjacent junctions.
- 4.4 The Environmental Protection Unit has advised that a contaminated land assessment is required in respect of the site. It is, however, advised that this issue could be addressed by condition.

- 4.5 Education Services has objected to the proposed development. The site falls within the catchment areas of Maddiston Primary School, St Andrews RC Primary School, Braes High School and St Mungo's RC High School. The local primary school has recently been extended to meet ongoing, and projected, growth in the area. Any further unplanned growth, which is not currently projected, would put the school under considerable pressure. Furthermore, the proposal would significantly increase the pressure on Braes High School. Should, however, planning permission in principle be granted, a developer contribution should be secured towards education provision at Maddiston Primary School, Braes High School and St Mungo's High School. The contribution which should be sought is calculated at £3,800 per dwellinghouse. This is based on a development potential of 120 dwellinghouses.
- 4.6 The Transport Planning Unit has advised that a Transport Assessment is required in order that the proposed development can be assessed. It is noted that a Transport Assessment has not been submitted.
- 4.7 Scottish Water has not raised any objection to the proposed development.
- 4.8 The Scottish Environment Protection Agency has raised concerns in terms of the treatment of foul waste and the treatment of surface water run-off. It is noted that no drainage strategy has been submitted.
- 4.9 Scottish Natural Heritage has raised no objection. It is advised that existing trees at the site should be protected and that development of the site should not adversely affect the existing right of way adjacent to the eastern boundary of the site.

5. COMMUNITY COUNCIL

- 5.1 Maddiston Community Council has objected to the proposed development on the following grounds.
- 5.2 Phase 1 of the Toravon housing development, adjacent to the south, has not yet been completed.
- 5.3 The proposed access shown on the indicative plan at the south side of the site is not adequate in terms of position and geometry. Furthermore, the indicative plan shows a footpath at only one side of this access, highlighting the lack of space available to form this access.
- 5.4 Manor Wynd has an existing drainage and flooding problem. The proposal would make this problem worse.
- 5.5 There is not sufficient local community amenities and services to service the proposed development.
- 5.6 There is not sufficient school capacity to service the proposed development.
- 5.7 The access road to the site is not adopted by the Council.
- 5.8 The application site lies outwith the urban limit as detailed in the Development Plan and is contrary to the policies of the Development Plan.

- 5.9 The proposal would result in an unacceptable loss of greenfield land which significantly contributes to the character of the area.
- 5.10 Trees which should have previously been planted at Manor Wynd have not been planted.
- 5.11 Any houses built at the south side of the site could compromise the privacy of adjacent dwellinghouses to the south and block daylight to these dwellinghouses.
- 5.12 It is not clear from the indicative plan if existing trees at the site are to be retained.
- 5.13 The application site comprises steep sloping land. It is not clear if the site can be adequately drained, and if there would be a risk of flooding, as a result of the proposal.
- 5.14 A previous planning application for a similar development at the site was refused planning permission and a subsequent appeal against that decision was dismissed.

6. PUBLIC REPRESENTATION

- 6.1 A total of 55 letters of objection have been received. In addition to the issues raised by Maddiston Community Council, the following concerns have been raised.
- Dwellinghouses adjacent to the south side of the site would experience a significant loss of views to the north.
 - Existing houses would lose value.
 - There is over capacity in the housing market.
 - Traffic noise in the area would increase.
 - The proposal would have an adverse impact on wildlife at the site.
 - The proposed development is detrimental to the visual amenity of the area.
 - The proposed development would not create a defensible boundary to the settlement envelope.
 - There is not adequate water and electricity supply to service the proposed development.
 - The land between Nos. 7 and 9 Manor Wynd is not owned by the applicant.
- 6.2 A total of 3 petitions of support for the proposed development have been received which are signed by 73 people from Maddiston, Redding, Laurieston, Larbert, Stenhousemuir, Bo'ness and Linlithgow.

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

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. The proposed development does not constitute agricultural diversification.

7a.3 The proposed development does not accord with Policy ENV.1.

7a.4 Policy COM.3 ‘Special Needs and Affordable Housing’ states:

“The Council will support the provision of affordable and special needs housing, based on housing needs assessments for each community. Local Plans will identify suitable sites and where appropriate, stipulate the proportion of larger housing sites which should be reserved to meet specific housing needs.”

7a.5 It is noted that the applicant proposes that 50% of the proposed housing would consist of affordable and special needs dwelling units. Policy COM.3 stipulates, however, that Local Plans should identify suitable sites for special needs and affordable housing. It is noted that the application site is in a countryside location and that the proposed development does not accord with Policy ENV.1, detailed above. Furthermore, it is noted that the application site is not identified in the Polmont and District Local Plan as either a housing land opportunity or a suitable site for special needs and affordable housing.

7a.6 The proposed development therefore does not accord with Policy COM.3.

7a.7 Policy COM.5 ‘Developer Contributions’ states:

“The Council will ensure that proper provision is made to meet the physical and social infrastructure needs of new development and to mitigate the impact of such development on the locality. Where it is required to make a proposal acceptable in land use planning terms, serve a planning purpose and is directly related to the proposed development, developer funding for on- or off-site works will be sought in respect of:

- (1) environmental enhancement required to mitigate, or compensate for landscape, townscape or ecological impacts;*
- (2) physical infrastructure required to make the development acceptable, particularly transport provision required to ensure that the development meets sustainability criteria;*
- (3) community and recreational facilities required to meet demand generated by the development.*

The required provision will be reasonable and related to the scale and nature of the proposed development, taking into account the relevant Council standards and will be specified within Local Plans and development briefs as appropriate. Examples of the range of matters which developers may be asked to address are provided in Schedule COM.5.”

7a.8 This policy sets out the Development Plan framework for seeking developer contributions to mitigate the impacts of development proposals. In this instance, should planning permission in principle be granted a developer contribution towards education provision should be sought based on the advice of Education Services and the Council's approved Supplementary Planning Guidance, "Education and New Housing Development". A contribution towards open space provision is not considered to be necessary in this instance. The application site and proposed development is of a size that would allow sufficient space for on-site provision. Should the Planning committee be minded to grant planning permission in principle on-site open space provision standards could be conditioned and detailed within any subsequent planning application for approval of reserved matters.

7a.9 Policy TRANS.3 ‘Transport Assessment’ states:

“Proposals which could result in a significant increase in travel demand will be required to submit a Transport Assessment and where appropriate a Green Transport Plan. These should demonstrate how the impact of the development on the surrounding traffic network can be minimised and how other modes of travel rather than the car will be encouraged.”

7a.10 It is considered that the proposed development would result in a significant increase in traffic demand. It is noted that no Transport Assessment has been submitted. It has not, therefore, been possible to fully assess the impact of the proposed development on the transport network.

7a.11 The proposed development does not accord with Policy TRANS.3.

7a.12 Accordingly, the proposed development does not accord with the Falkirk Council Structure Plan.

Polmont and District Local Plan

7a.13 Policy POL 11.1 ‘New Development in the Countryside’ states:

“Within the countryside (i.e. outwith the urban limit), there will be a general presumption against new development except in the following circumstances:

- (i) 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 277(1) of the Town and Country Planning (Scotland) Act 1997, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons;*
- (ii) appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms;*
- (iii) industrial/business development where there is an overriding national or local need and a rural site is the only suitable location;*
- (iv) development for tourism and countryside recreation purposes where the 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 area. Proposals which accord with the Council’s Economic Development Strategy are particularly welcomed; and*
- (v) 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 Council.*

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

7a.14 It is noted that the application site lies outwith the Maddiston settlement boundary, as identified in the Local Plan, and therefore constitutes a “countryside” location. It is not considered that the proposed development is absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location.

7a.15 The proposed development does not accord with Policy POL 11.1.

7a.16 Policy POL 6.4 ‘Roads and New Development’ states:

“Road layout, access and parking provision in new developments should generally conform with the Council’s standards entitled ‘Design Guidelines and Construction Standards for Roads in the Falkirk Council Area’. In the case of major development proposals likely to generate significant volumes of additional traffic, a Transport Impact Assessment will be required. (see also Policy POL 7.2 ‘Landscape Design’).”

7a.17 It is noted that the application is for a major development proposal. Under the terms of Policy POL 6.4 the applicant is required to submit a Transport Impact Assessment.

7a.18 It is noted that no Transport Impact Assessment has been submitted. It has not therefore been possible to assess fully the impact of the proposed development on the transport network.

7a.19 The proposed development does not accord with Policy POL 6.4.

7a.20 Policy POL 8.8 'Flooding' states:

"In areas where there is significant risk of flooding, there will be a presumption against new development which would be likely to be at risk, would increase the level of risk for existing development or would be likely to require high levels of public expenditure on flood protection works. Applicants will be required to provide information demonstrating measures to mitigate the effects of flooding both within and outwith the site."

7a.21 It is noted that there has been no flood risk assessment submitted. It has not therefore been possible to assess fully whether there would be a significant risk of flooding.

7a.22 The proposed development does not accord with Policy POL 8.8.

7a.23 Accordingly, the proposed development does not accord with the Polmont and District Local Plan.

Rural Local Plan

7a.24 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.25 The proposed development would result in an extension to the Maddiston Village Limit as identified in the Rural Local Plan.

7a.26 The proposed development does not accord with Policy Rural 2.

7a.27 Accordingly, the proposed development does not accord with the Rural Local Plan.

7a.28 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), Supplementary Planning Guidance Note "Affordable Housing", Supplementary Planning Guidance Note "Education and New Housing Development", Scottish Planning Policy (SPP), Planning Advice Note (PAN) 74 "Affordable Housing", issues raised by Maddiston Community Council, letters of objection, the petitions of support and consultation responses.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy SC3 - 'Housing Development In The Countryside' states:

"Housing development in the countryside will only be permitted in the following circumstances:

- (1) Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
 - The operational need for the additional house in association with the business*
 - That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
 - That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
 - That the business as a whole is capable of providing the main source of income for the occupant;*

- (2) Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
 - The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
 - The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
 - The restored or converted building is of comparable scale and character to the original building*
 - In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*

- (3) Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8."*

7b.3 It is not considered that the proposed residential development is essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential.

7b.4 The proposed development does not involve the rehabilitation of former residential properties or the conversion of a farm or other buildings.

7b.5 The proposed development does not constitute an infill opportunity within the envelope of an existing group of residential buildings.

7b.6 The proposed development does not accord with Policy SC3.

7b.7 Policy SC4 ‘Special Needs and Affordable Housing’ states:

“For large new housing developments, the Council will require a diversity of house types and tenures in order to create mixed communities. In particular there will be a requirement across the Council area for new housing sites of 100 units and over to provide 15% of the total number of units as affordable or special needs housing. In the settlement areas of Larbert/Stenhousemuir, Polmont and District and Rural North, where there is an identified shortfall in affordable housing provision, there will be a requirement for sites of 60 units and over to provide 25% of the total number of units as affordable or special needs housing. Acceptable approaches could include:

- (1) Provision of general needs social rented houses;*
- (2) Provision of social housing for people with particular needs (specifically the elderly and physically disabled); or*
- (3) Provision of shared equity or shared ownership housing*

Developers will be expected to work in partnership with the Council, Communities Scotland and Registered Social Landlords to comply with this policy.”

7b.8 It is noted that housing development proposals in the Polmont and District area require to provide 25% as special needs or affordable housing for developments of 60 units or more.

7b.9 The proposed development accords with Policy SC4.

7b.10 Policy EQ22 ‘Landscape and Visual Assessment’ states:

“Development proposals which are likely to have a significant landscape impact must be accompanied by a comprehensive landscape and visual assessment as part of the Design Statement, which demonstrates that the setting is capable of absorbing the development, in conjunction with suitable landscape mitigation measures, and that best environmental fit has been achieved, in terms of the landscape character of the area.”

7b.11 It is noted that the application is supported by a landscape and visual assessment. The submitted report concludes that the development would successfully integrate into the local landscape and that landscape mitigation measures would enhance the local environment.

7b.12 It is considered, however, that the development of the site would have a significant landscape impact, changing the character of Vellore Road, and introducing built development on a prominent north facing slope which forms an important part of the countryside setting of Maddiston. The decision of the Reporter in respect of the Polmont and District Local Plan second review, detailed in section 3.2 of this report, is noted and is a relevant consideration.

7b.13 It is not considered that the current landscape setting is capable of absorbing the proposed development without detriment to the visual landscape and countryside setting of Maddiston.

7b.14 The proposed development does not accord with Policy EQ22.

7b.15 Policy EQ26 - '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) 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 a plan and make provision for its future management; 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."*

7b.16 It is noted that the western section of the smaller section of the application site is subject to a Tree Preservation Order (TPO). It is noted that the application is for outline planning permission and that there is no detailed layout available at this stage. The indicative layout, however, would indicate that some trees subject to the TPO would be removed as a result of the proposal. This would also have an adverse impact on the setting of the remainder of the TPO.

7b.17 The proposed development does not accord with Policy EQ26.

7b.18 Policy ST7 - 'Transport Assessments' states:

- "(1) Falkirk Council will require transport assessments of developments where the impact of that development on the transport network is considered likely to require mitigation. In all cases, this mitigation will be delivered to a level that achieves no net detriment to the capacity of the network.*
- (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.*
- (3) Developers will agree the scope of the assessment with Falkirk Council, then undertake the assessment in accordance with the scoping. In all cases, the assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over unnecessary use of the car.*
- (4) The Council will only grant planning permission 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."*

7b.19 The Transport Planning Unit has advised that a Transport Assessment is required in order to assess the impact of the proposed development on the transport network.

7b.20 It is noted that no Transport Assessment has been submitted. It is not therefore possible to assess whether the proposal would have an adverse impact on the transport network.

7b.21 The proposed development does not accord with Policy ST7.

7b.22 Policy ST11 - 'Sustainable Urban Drainage' states:

"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. A drainage strategy, as set out in PAN 61, 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."

7b.23 It is noted that no drainage strategy has been submitted in respect of the proposed development. It is not therefore possible to assess whether drainage in association with the proposed development would meet best practice in terms of sustainable drainage and whether sufficient flood attenuation measures can be put in place.

7b.24 The proposed development does not accord with Policy ST11.

7b.25 Policy ST12 - 'Flooding' states:

"In areas where there is significant risk of flooding, there will be a presumption against new development which would be likely to be at risk, would increase the level of risk for existing development or would be likely to require high levels of public expenditure on flood protection works. Applicants will be required to provide information demonstrating that any flood risks can be adequately managed both within and outwith the site."

7b.26 It is noted that no flood risk assessment has been submitted. It has not therefore been sufficiently demonstrated that any flood risk can be adequately managed both within and outwith the site.

7b.27 The proposed development does not accord with Policy ST12.

7b.28 Policy EQ19 - 'Countryside' states:

"(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:

- it can be demonstrated that they require a countryside location;*
- they constitute appropriate infill development; or*
- they utilise suitable existing buildings.*

(2) *In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*

- *the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- *building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- *boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species."*

7b.29 The proposed development would result in an expansion of the Maddiston Village Limit. Furthermore, it is noted that the proposed development is not considered to be essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. The proposed development does not accord with Policy SC3 of the Plan, as detailed in sections 7b.2 – 7b.6 above, which is included in the criteria detailed in table 3.3 of the Plan, which, in turn, is referred to in Policy EQ19.

7b.30 Accordingly, the proposed development does not accord with Policy EQ19.

7b.31 Accordingly, the proposed development does not accord with the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Supplementary Planning Guidance "Affordable Housing"

7b.32 It is noted that for large new housing developments, the Council will require a diversity of house types and tenures in order to create mixed communities. In particular, there will be a requirement to provide special needs and affordable housing. Furthermore, it is noted that the applicant proposes to provide 50% special needs and affordable housing, which exceeds the current standard of 25% in the Polmont and District area for developments in excess of 60 dwelling units.

7b.33 It is also noted, however, that the proposed development lies outwith the Maddiston Village Limit and does not accord with Policy ENV.1 of the Falkirk Structure Plan "Countryside and Protected Areas" and Policy POL.11.1 of the Polmont and District Local Plan "New Development in the Countryside". It is not considered that the offer of an increased level of special needs and affordable housing would justify setting aside the terms of the Development Plan and the emerging Falkirk Council Local Plan Finalised Draft (Deposit Version).

Supplementary Planning Guidance "Education and New Housing Developments"

7b.34 The Falkirk Council approved supplementary guidance note provides guidance on the implementation of Development Plan Policies relating to developer contribution to education provision and explains the reasoning and the technical basis upon which impacts on schools are judged. Should planning permission in principle be granted, a developer contribution of £3,800 per dwellinghouse should be secured in accordance with this guidance and the advice of Education Services as set out in paragraph 4.5.

Scottish Planning Policy

- 7b.34 It is noted that the aim of the Scottish Government’s approach to housing is to provide a range of tenures at sites which are accessible to good transport links and community amenities. Local authorities are required to formulate strategies to meet these needs. It is considered that the majority of housing land requirements will be met within or adjacent to existing settlements. However, this requires to be part of a strategy. In planning terms, the Development Plan sets out the strategy in order that development can be promoted in a structured manner and co-ordinated with infrastructure improvements and availability of community facilities and services.
- 7b.35 It is noted that the proposed development does not accord with the Development Plan and would be additional to housing land which has been identified by means of such a structured and co-ordinated Development Plan process.
- 7b.36 It is not considered that the proposed development accords with the strategic approach promoted in the Scottish Planning Policy which requires to be implemented through the Development Plan process.

Planning Advice Note 74 “Affordable Housing”

- 7b.37 PAN 74 advises that the Development Plan should set out the means of delivering affordable housing and indicate the likely nature and scale of other contributions expected from each development.
- 7b.38 It is noted however that the proposed development does not accord with the Development Plan. The proposal to include affordable housing does not justify a departure from the Development Plan.

Issues Raised by Maddiston Community Council and Letters of Objection

- 7b.39 Issues relating to Phase 1 of the Toravon housing development are noted. These issues are not, however material considerations to this application.
- 7b.40 The consultation response of the Roads Development Unit in respect of roads and access issues are noted.
- 7b.41 Issues relating to drainage and flooding are noted. It is also noted that there has been no drainage strategy or flood risk assessment submitted.
- 7b.42 Issues relating to community facilities and services are noted. Also noted is the requirement to allocate housing land through a structured and co-ordinated Development Plan process as detailed in section 7b.32 – 7b.34 of this report.
- 7b.43 The consultation response of Education Services is noted in terms of school roll issues.
- 7b.44 Comments relating to the Development Plan are noted.
- 7b.45 Comments relating to the loss of Greenfield land are noted. Section 7a of this report “the Development Plan” is also noted.

- 7b.46 Issues relating to tree planting which has not taken place are noted. These issues are not, however, relevant to this application.
- 7b.47 Issues relating to privacy and daylighting could be addressed in the preparation of a detailed layout.
- 7b.48 Issues relating to protection of existing trees can be addressed by condition.
- 7b.49 The planning history of the site is noted in Section 3 of this report.
- 7b.50 Property value is not a material planning consideration.
- 7b.51 Loss of view is not a material planning consideration.
- 7b.52 Housing market issues are not a material planning consideration.
- 7b.53 Issues relating to noise are noted. It is also noted that the Environmental Protection Unit has raised no objections in terms of noise.
- 7b.54 Issues relating to wildlife are noted. It is also noted that Scottish Natural Heritage has raised no objections.
- 7b.55 Issues relating to visual amenity are noted. It is noted from sections 7b.10 – 7b.14 of this report that it is not considered that the current landscape setting is capable of absorbing the proposed development without detriment to the visual landscape and countryside setting of Maddiston.
- 7b.56 A defensible eastern boundary could be created in the preparation of a detailed layout.
- 7b.57 There is no evidence to support the view that there is not adequate electricity or water supply to service the proposed development.

Supporting Statements

- 7b.58 The applicant has submitted supporting statements which can be considered in two parts.
- 7b.59 Firstly, the applicant takes the view that any additional information which has been requested through the consultation process is not necessary at the planning permission in principle stage, and could be addressed by conditions.
- 7b.60 Additional information which has been requested and has not been submitted includes a flood risk assessment, a drainage strategy and a transport assessment. It is not considered that these issues can be addressed by condition. Sections 7b.18 – 7b.28 of this report are noted.
- 7b.61 Secondly the applicant considers that there is support for setting aside the Development Plan in this case, and granting planning permission in principle, as housing allocation in the Development Plan has failed to provide sufficient numbers of housing units built on the ground to meet housing demand.

- 7b.62 In relation to the Polmont sub area of the Development Plan, the applicant takes the view that there are sites which:
- (a) Have been identified as housing opportunities for many years and have not been subject to planning applications or
 - (b) Have been granted planning permission but have not been developed.
- 7b.63 Furthermore the applicant takes the view that the Development Plan process has failed to provide any special needs or affordable housing in the Polmont area.
- 7b.64 The applicant estimates that the deficiency in numbers of dwellinghouses built, in relation to numbers projected is a minimum of 150 units. The 110-120 units expected as a result of the proposed development would address the deficiency in numbers.
- 7b.65 The applicant considers that the emerging Falkirk Council Local Plan Finalised Draft (Deposit Version) reflects the provision of the Development Plan and will similarly fail to address housing need, particularly in respect of special needs and affordable housing.
- 7b.66 The applicant's view that the Development Plan has failed, and that the emerging Falkirk Council Local Plan will fail, to provide adequate housing opportunities both in terms of general tenure and affordable housing/special needs, is not supported. It is considered that the Development Plan is robust in terms of the identification of appropriate housing opportunity sites and in the provision of a range of houses as part of a structural and co-ordinated strategy.
- 7b.67 The Development Plan process remains the appropriate means by which to ensure the provision of housing where it is most needed and to ensure it is provided in conjunction with the appropriate infrastructure and availability of amenities. It is not considered that there is any failure in the Development Plan process which would merit a departure from the Development Plan in this case.

7c Conclusion

- 7c.1 The proposed development does not accord with the Development Plan or the emerging Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7c.2 It has not been possible to assess the proposed development fully as no transport assessment, flood risk assessment or drainage strategy has been submitted.
- 7c.3 The indicative layout plan submitted in support of the application does not demonstrate that the proposed access to the site meets the standards of provision required.
- 7c.4 Information submitted in support of the application would suggest that trees protected by a Tree Preservation Order would be removed.
- 7c.5 There are no material considerations which would justify a departure from the Development Plan.

7c.6 It is noted that, should Members be minded to grant planning permission in principle, the application would be required to revert to the Director of Development Services to address the issue of securing a developer contribution towards education provision and any matters arising from a Transport Assessment. Furthermore, it is noted that SEPA has objected to the proposed development. The application would therefore be required to be referred to Scottish Ministers.

8. RECOMMENDATION

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

- (1) A countryside location is not essential for the proposed development. The proposed development is not essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. Furthermore, the proposed development would extend the Maddiston Village Limit beyond its existing boundary. The proposed development does not, therefore, accord with Policy ENV.1 of the Falkirk Council Structure Plan 2007 “Countryside and Protected Areas”, Policy POL 11.1 of the Polmont and District Local Plan “New Development in the Countryside”, Policy EQ19 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) “Countryside” and Policy RURAL 2 of the Rural Local Plan “Village Limits”.
- (2) The application site is not identified in the Polmont and District Local Plan, either as a housing land opportunity or a site suitable for special needs and affordable housing. The proposed development does not, therefore, accord with Policy COM.3 of the Falkirk Council Structure Plan “Special Needs and Affordable Housing”.
- (3) Information submitted in support of the application would suggest that trees protected by a Tree Preservation Order would be removed as a result of the proposed development and therefore the appearance of the trees protected by the Tree Preservation Order would be affected. The proposed development does not therefore accord with Policy EQ 26 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) “Trees Woodland and Hedgerows”.
- (4) There has been no flood risk assessment submitted in respect of the proposed development. It has not been demonstrated whether there would be a significant risk of flooding and whether any flood risks can be managed both within and outwith the application site. The proposed development does not therefore accord with POL 8.8 of the Polmont and District Local Plan “Flooding” or Policy ST12 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) “Flooding”.

- (5) There has been no Transport Assessment submitted in respect of the proposed development. It has not therefore been possible to assess whether the proposed development would have an adverse impact on the transport network. The proposed development does not therefore accord with TRANS.3 of the Falkirk Council Structure Plan “Transport Assessment”, Policy POL 6.4 of the Polmont and District Local Plan “Roads and New Development” or Policy ST7 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) “Transport Assessments”.

- (6) There has been no drainage strategy submitted in respect of the proposed development. It has not therefore been possible to assess whether drainage in association with the proposed development would meet best practice in terms of sustainable drainage and whether sufficient flood attenuation measures can be put in place. The proposed development does not therefore accord with Policy ST11 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) “Sustainable Urban Drainage”.

Informative(s)

- (1) For the avoidance of doubt, the plans to which this decision refers bears our reference 01, 02 and 03.

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pp Director of Development Services

Date: 18 March 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Polmont and District Local Plan
3. Rural Local Plan.
4. Falkirk Council Local Plan Finalised Draft (Deposit Version).
5. F/2004/0081.
6. Scottish Planning Policy.
7. Supplementary Planning Guidance "Education and New Housing Development"
8. Supplementary Planning Guidance "Affordable Housing".
9. Planning Advice Note 74 "Affordable Housing".
10. Letter of Objection from Mr Grant McMillan, 29 Fowler Crescent Maddiston Falkirk FK2 0BZ received on 14 August 2009
11. Letter of Objection received from Mr Grant McMillan, 1 Cairneymount Avenue Maddiston Falkirk FK2 0AT on 14 August 2009
12. Letter of Objection received from Fiona Hague, 29 Fowler Crescent Maddiston Falkirk FK2 0BZ on 14 August 2009.
13. Letter of Objection received from Mr Robert McDonald, 26 Fowler Crescent Maddiston Falkirk FK2 0BZ on 14 August 2009.
14. Letter of Objection received from Y Honeyman, 2 Fowler Crescent Maddiston Falkirk FK2 0BZ on 14 August 2009.
15. Letter of Objection received from Mr Steven Grant , 20 Fowler Crescent Maddiston Falkirk FK2 0BZ on 14 August 2009.
16. Letter of Objection received from Debbie McDonald, 26 Fowler Crescent Maddiston Falkirk FK2 0BZ on 14 August 2009.
17. Letter of Objection received from Frances Newns, 21 Oak Hill View Maddiston Falkirk FK2 0DB on 14 August 2009.
18. Letter of Objection received from Mr and Mrs Baillie, 5 Oak Hill View Maddiston Falkirk FK2 0DB 14 August 2009.
19. Letter of Objection received from A Millar, 5 Heather Grove Maddiston Falkirk FK2 0BB on 13 August 2009.
20. Letter of Objection received from Owner/Occupier, 22 Fowler Crescent Maddiston Falkirk FK2 0BZ on 13 August 2009.
21. Letter of Objection received from Mr Paul Mercer, 1 Fowler Crescent Maddiston Falkirk FK2 0BZ on 13 August 2009.
22. Letter of Objection received from Linda Holleran, 11 Manor Wynd Maddiston Falkirk FK2 0AP on 13 August 2009
23. Letter of Objection from Mr Hutchson, 8 Heather Grove Maddiston Falkirk FK2 0BB on 13 August 2009.
24. Letter of Objection received from Mrs Lindsey Squire, 2 Heather Grove Maddiston Falkirk FK2 0BB on 13 August 2009.
25. Letter of Objection received from Susan and John Rogers, 2 Manor Wynd Maddiston Falkirk FK2 0AP on 13 August 2009.
26. Letter of Objection received from Mrs Diane Walker, 3 Heather Grove Maddiston Falkirk FK2 0BB on 13 August 2009.
27. Letter of Objection received from Owner/Occupier, 9 Heather Grove Maddiston Falkirk FK2 0BB on 13 August 2009.
28. Letter of Objection received from Mrs Nicola Gibson, 10 Manor Wynd Maddiston Falkirk FK2 0AP on 13 August 2009.
29. Letter of Objection received from Sally Ibbotson, 12 Manor Wynd Maddiston Falkirk FK2 0AP on 13 August 2009.

30. Letter of Objection received from Ria Marshall, Toravon Manor Manor Wynd Maddiston on 13 August 2009.
31. Letter of Objection received from Alan Wallace, 8 Fowler Crescent Maddiston Falkirk FK2 0BZ on 13 August 2009.
32. Letter of Objection received from Ian Hannah, 14 Fowler Crescent Maddiston Falkirk FK2 0BZ on 13 August 2009.
33. Letter of Objection from Mr Stuart Hunter, 5 Manor Wynd Maddiston Falkirk FK2 0AP on 12 August 2009.
34. Letter of Objection received from Mrs Lynda Hunter, 5 Manor Wynd Maddiston Falkirk FK2 0AP on 12 August 2009.
35. Letter of Objection received from Mr and Mrs Gilchrist, 24 Fowler Crescent Maddiston Falkirk FK2 0BZ on 27 August 2009.
36. Letter of Objection received from Mr Tom Pitt, 21 Fowler Crescent Maddiston Falkirk FK2 0BZ on 27 August 2009.
37. Letter of Objection received from Manor Forrest LTD, F.A.O Fiona Stewart Atrium House Callendar Boulevard Falkirk on 10 August 2009.
38. Letter of Objection received from Mstr Ethan French, 1 Oakhill View, Vellore Road, Maddiston, Falkirk FK20DB on 11 August 2009.
39. Letter of Objection received from Mr & Mrs Wilson, 15 Oak Hill View Maddiston Falkirk FK2 0DB on 3 August 2009.
40. Letter of Objection received from Mr C M Fowler, 7 Oak Hill View Maddiston Falkirk FK2 0DB on 19 August 2009.
41. Letter of Objection received from Mrs Janet Lewis, 11 Oak Hill View Maddiston Falkirk FK2 0DB on 10 August 2009.
42. Letter of Objection received from Mrs M McColl, 7 Manor Wynd Maddiston Falkirk FK2 0AP on 10 August 2009.
43. Letter of Objection received from Mr Michael Lewis, 11 Oak Hill View Maddiston Falkirk FK2 0DB on 10 August 2009.
44. Letter of Objection received from Maddiston Community Council, Magdalene Cottage Vellore Road Maddiston Falkirk on 17 September 2009.
45. Letter of Objection received from J Scott, 6 Manor Wynd Maddiston Falkirk FK2 0AP on 6 August 2009.
46. Letter of Objection received from Mr. Stephen French, 1 Oakhill View, Vellore Road, Maddiston FK20DB on 11 August 2009.
47. Letter of Objection received from Mstr. Connor French, 1 Oakhill View, Vellore Road, Maddiston, Falkirk FK2 0DB on 11 August 2009.
48. Letter of Objection received from Mr & Mrs Smith, 9 Fowler Crescent Maddiston Falkirk FK2 0BZ on 17 August 2009.
49. Letter of Objection received from Mike & Denise Tierney, 10 Fowler Crescent Maddiston Falkirk FK2 0BZ on 17 August 2009.
50. Letter of Objection received from Mr Iain Smith, 19 Oak Hill View Maddiston Falkirk FK2 0DB.
51. Letter of Objection received from Mrs. Wendy French, 1 Oakhill View, Vellore Road, Maddiston FK20DB on 11 August 2009.
52. Letter of Objection received from Owner/Occupier, 15 Fowler Crescent Maddiston Falkirk FK2 0BZ on 17 August 2009.
53. Letter of Objection received from Tony Jinks, 28 Fowler Crescent Maddiston Falkirk FK2 0BZ on 17 August 2009.
54. Letter of Objection received from Gillian Carter, 19 Fowler Crescent Maddiston Falkirk FK2 0BZ on 17 August 2009.

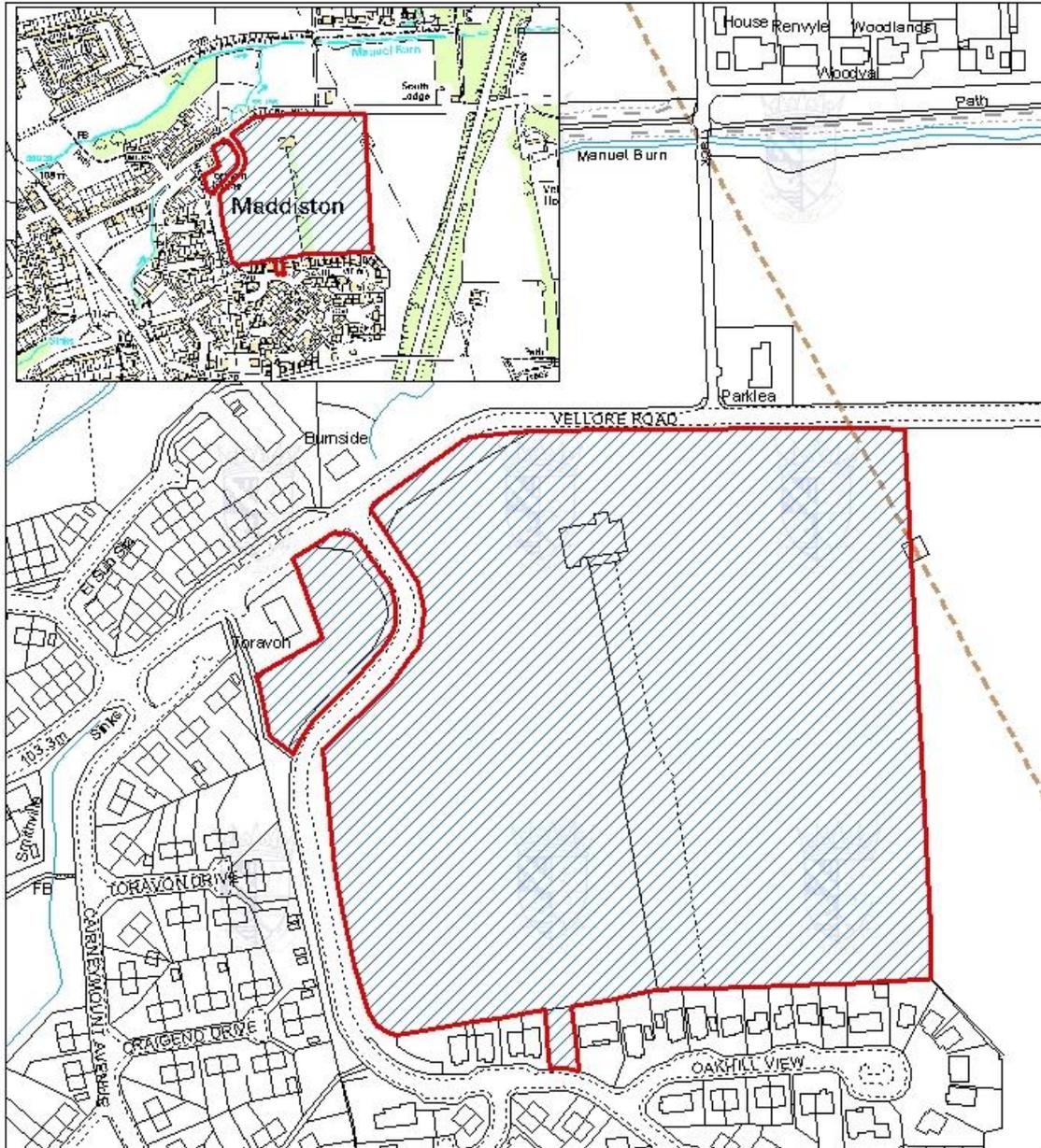
55. Letter of Objection received from Jack Chapman, 16 Fowler Crescent Maddiston Falkirk FK2 0BZ on 17 August 2009.
56. Letter of Objection received from Anne McCabe, 16 Fowler Crescent Maddiston Falkirk FK2 0BZ on 17 August 2009.
57. Letter of Objection from Russell Binnie, 18 Fowler Crescent Maddiston Falkirk FK2 0BZ on 17 August 2009.
58. Letter of Objection received from Mary Kelly, 18 Fowler Crescent Maddiston Falkirk FK2 0BZ on 17 August 2009.
59. Letter of Objection received from Derek Powel, 14 Manor Wynd Maddiston Falkirk FK2 0AP on 17 August 2009.
60. Letter of Objection received from Owner/Occupier, 11 Manor Wynd Maddiston Falkirk FK2 0AP on 17 August 2009.
61. Letter of Objection received from Kathleen Body, 3 Manor Wynd Maddiston Falkirk FK2 0AP on 17 August 2009.
62. Letter of Objection received from Jonathan Neale, 12 Oak Hill View Maddiston Falkirk FK2 0DB on 17 August 2009.
63. Letter of Objection received from Mrs Linda Holleran, 11 Manor Wynd, Maddiston, Falkirk FK2 0AP on 26 August 2009.
64. Letter of Objection received from Mr and Mrs Robert Lessels, Toravon Lodge Vellore Road Maddiston Falkirk on 28 August 2009.
65. Letter of Objection received from Fiona & Dave Gorman, 11 Fowler Crescent Maddiston Falkirk FK2 0BZ on 19 August 2009.
66. Letter of Objection received from Diane Taylor, 3 Oak Hill View Maddiston Falkirk FK2 0DB on 19 August 2009.
67. Three petitions of Support with a total of 73 signatories received on 26 January 2010.

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

Regulatory Committee

Planning Application Location Plan P/09/0527/OUT

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



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