

**FALKIRK COUNCIL**

**Subject:** DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES  
AT PARKHALL FARM, VELLORE ROAD, MADDISTON,  
FALKIRK, FK2 0BN, FOR CENTRAL SCOTLAND HOUSING  
GROUP - P/10/0258/PPP

**Meeting:** PLANNING COMMITTEE  
**Date:** 1 December 2010  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Upper Braes

Councillor Gordon Hughes  
Councillor Stephen Fry  
Councillor John McLuckie

**Community Council:** Maddiston

**Case Officer:** Kevin Brown, (Planning Officer), ext. 4701

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

- 1.1 This application for planning permission in principle proposes the development of part of an existing field within the countryside to the east of Maddiston for residential purposes. An indicative layout plan has been submitted in support of the application which shows a layout comprising 35 units in total, separated by overhead electricity lines and pylons and accessed via the eastern spur of a new roundabout recently granted planning permission (P/10/0249/MSD).
- 1.2 The application is a local development in respect of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.2 The application has been called in by Councillor McLuckie.

### **3. SITE HISTORY**

- 3.1 The site formed part of a larger housing application in 2004 which was refused planning permission (F/2004/0198) and, since then, there have been no further applications for housing in this location, although the land immediately to the west of the site has since obtained planning permission for housing, with construction work now well under way. In 2007, the applicant submitted an objection to the Falkirk Council Local Plan, seeking the allocation of the application site, and adjoining land to the south of the Manuel Burn, for housing purposes. In 2008, the Council rejected the objection on the grounds that there was no need or justification for the release of such a large greenfield site in terms of Structure Plan housing land requirements.
- 3.2 Shortly before the Local Plan Inquiry hearing session, Central Scotland Housing Group confirmed that they wanted to amend their objection to cover only the area south of the Manuel Burn, and the application site was therefore not considered by the Reporters. The emerging Local Plan does not allocate the application site for housing.

### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit have no objections and have confirmed that the existing access road and new roundabout would be acceptable to serve a development of this size. A flood risk assessment (FRA) has been requested. However, SEPA advise that the site is in an area unlikely to flood. Therefore, a full FRA is not required until a detailed or reserved matters application is submitted.
- 4.2 Scottish Water have no objections.
- 4.3 The Transport Planning Unit have no objections and have stated that the new roundabout to the west of the site which would form the access to the development has the capacity to cope with this level of development.
- 4.4 The Scottish Environment Protection Agency have no objections. SEPA have pointed out that, due to the distance of the application site to the Manuel Burn, the site is unlikely to flood.
- 4.5 Education Services has identified capacity issues at local schools and have objected to the proposal. This objection would be removed if the applicant were to make a financial contribution totaling £3,800 per unit towards upgrading schools infrastructure in the area.
- 4.6 The Environmental Protection Unit have no objections in principle but a survey to establish if contamination is present on the site has been requested. It is considered that this could be adequately covered by way of a condition attached to any consent granted.
- 4.7 SP Energy Networks have not responded to consultation.

### **5. COMMUNITY COUNCIL**

- 5.1 The local Community Council did not comment.

## 6. PUBLIC REPRESENTATION

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

## 7. DETAILED APPRAISAL

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

Accordingly,

### 7a The Development Plan

#### ***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 has not been demonstrated that a countryside location is essential or that the development would represent an appropriate form of agricultural diversification. The proposal is therefore contrary to the terms of Policy ENV1 of the Falkirk Council Structure Plan.

#### ***Polmont and District Local Plan***

7a.3 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.4 The proposal is not essential for the pursuance of agriculture, forestry or other economic activity appropriate to a rural location and the proposal is not considered to represent an appropriate infill development. The proposal is therefore contrary to the terms of Policy POL 11.1 of the Polmont and District Local Plan.

7a.5 Policy POL 3.1 'New Residential Development' states:

*"New residential development is directed towards sites H1 to H28, as identified on the Policies, Proposals and Opportunities Map. Other brownfield sites which become available within the Urban Limit will also be considered favourably for housing, subject to other Local Plan policies and proposals, provided that:*

- (i) *the proposed housing use is compatible with neighbouring uses;*
- (ii) *a satisfactory level of residential amenity can be achieved;*
- (iii) *access, parking, drainage and other infrastructure can be provided to a standard acceptable to the Council; and*
- (iv) *essential services and community facilities such as shops, public transport and schools are readily accessible and can accommodate any increase in use associated with the proposed new development (see also POL 2.4)."*

7a.6 The application site is not identified for housing and is not a brownfield site. The proposed residential land use is compatible with the existing housing to the west, which is located within the settlement boundary. Whilst access, parking, drainage and other infrastructure can be provided, a satisfactory level of residential amenity would be difficult to achieve given the awkward shape of the site. On balance, the development fails to accord with the terms of this policy.

7a.7 Policy POL 3.5 'Open Space Provision' states:

*"The Council will require the provision of public open space and play areas in new residential developments and that adequate arrangements are made for their future maintenance. The extent of provision should relate to the size, form and location of the development, and generally accord with the Council's approved standards. In appropriate circumstances, the Council may seek contributions to the upgrading of existing facilities in the area in lieu of on-site provision. The location, design and landscaping of open space should be such that:*

- (i) *it forms an attractive and integral part of the development, contributing to its character and identity;*
- (ii) *existing natural features in, or adjacent to, the site are incorporated; and*

(iii) *play areas are convenient, safe and easily supervised.*”

7a.8 The awkward shape of the application site boundary makes the provision of appropriate open space areas difficult to achieve on this site. The indicative layout plan submitted in support of this application shows a large area of dead space outwith the application site behind houses in the middle of the site, beneath power lines. It is not considered that this area would form an integral or attractive part of the development and would not create a safe and easily supervised area of open space. The proposal is therefore contrary to the terms of Policy POL 3.5 of the Polmont and District Local Plan.

7a.9 Accordingly, the proposal does not accord with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations to be addressed are the Falkirk Council Local Plan (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010), Falkirk Council Supplementary Planning Guidance Note – Housing Layout and Design and affordable housing requirements.

### ***Falkirk Council Local Plan Finalised Draft (Deposit Version)(April 2007) as amended by the Final Proposed Modifications (June 2010).***

7b.2 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.3 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.4 Policy SC6 - 'Housing Density And Amenity' states:

- "(1) Overall density in new residential developments should conform to the indicative capacity shown for allocated sites or, in the case of windfall sites, be dictated by the character of the surrounding area and the design objectives for the site, as established in the Design Concept Statement. Higher densities may be allowed where this helps to achieve design excellence.*
- (2) On large sites, housing density should be varied to create areas of different character, reflecting the structure of streets and spaces in the development. A mix of housing types will be required.*
- (3) Adequate properly screened private amenity space should be provided for dwellinghouses. In flatted developments, communal space for clothes drying and private amenity should be provided.*
- (4) Housing layouts should be designed to ensure adequate privacy and to avoid excessive overshadowing of houses or garden ground. A minimum distance between overlooking windows of 18 metres will generally be required."*

7b.5 Policy SC13 ‘Open Space and Play Provision in New Development’ states:

*“New development will be required to contribute to open space and play provision. Provision should be informed by the Council’s open space audit and strategy and the SPG Note on ‘Open Space and New Development’, once available, or a site-specific local audit of provision in the interim, and should accord with the following principles:*

- (1) Open space and facilities for play and outdoor sport should be provided in broad accordance with the guidance in Table 4.2. These requirements may be increased where the extent and quality of facilities in the area are proven by the open space audit to be below a suitable standard. Above ground SUDS features, small incidental amenity areas, structure planting and road verges will not count towards requirements.*
- (2) Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where*
  - existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;*
  - in residential developments, the size of the development falls below the threshold of 10 houses indicated in Table 4.2, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*
  - as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area;*
  - The required financial contribution per house will be set out in the SPG Note on ‘Open Space and New Development’.*
- (3) The location and design of open space should be such that it:*
  - forms an integral part of the development layout, contributing to its character and identity;*
  - is accessible and otherwise fit for its designated purpose;*
  - links into the wider network of open space and pedestrian/ cycle routes in the area;*
  - sensitively incorporates existing biodiversity and natural features within the site;”*
  - promotes biodiversity through appropriate landscape design and maintenance regimes; and*
  - enjoys good natural surveillance;*
- (4) Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it.”*

7b.6 The policies within the emerging Local Plan affirm the position of the Development Plan. The proposal is not in accordance with the terms of the emerging Local Plan.

***Supplementary Planning Guidance Note – Housing Layout and Design***

7b.7 This general guidance note aims to advise developers on expected standards of provision and sets out guidance on housing layouts with a view to achieving high standards of design which complement the existing good character and appearance of our towns and villages. Specific guidance on public open space areas suggest that these areas should take the appearance of a “village green”, accessible from an enclosing housing frontage and advice in relation to security advises against public areas being bounded by high screen fences or rear elevations.

- 7b.8 The applicants have submitted an indicative layout of the proposed development in support of their proposal. Whilst this layout demonstrates that the site is large enough to accommodate 35 units with large areas of open space or landscaping, the layout would result in a large area of dead space beneath the electricity pylons where natural passive surveillance levels would be poor. It is considered that this layout would be far from ideal in terms of creating a safe and visually attractive place to live and it therefore lends no support to the applicant's proposal in this instance. The indicative layout proposed does not demonstrate good principles in housing layout design and does not create secure, accessible areas of open space. The proposal does not accord with the terms of this guidance note.

### ***Affordable Housing Requirements***

- 7b.9 The application site sits outwith the Urban Limit but within the Polmont and District Local Plan area which has an identified shortfall in affordable housing provision. Guidance for sites of this nature is set out in Falkirk Council Supplementary Planning Guidance Note – Affordable Housing, where reference is made to unit number thresholds set out in the emerging Local Plan. Policy SC4 of the emerging local plan requires that developments within the Polmont and District area are required to provide 25% of the total number of units as affordable housing on sites of 60 units or more. As the indicative capacity of this site is shown to be well below 60 units, there is no requirement for the applicant to provide any element of affordable housing on the site. The developer has confirmed that they have no intentions at this stage to provide affordable housing on this site.

### **7c Conclusion**

- 7c.1 The proposal is an unacceptable form of development and is contrary to the terms of the Development Plan and the emerging Local Plan. There are no material planning considerations that warrant the granting of planning permission in this instance.

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that planning permission be refused for the following reason(s):-

- (1) The site is not identified for residential development in the adopted Polmont and District Local Plan or the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010) and there are no reasons to depart therefrom. The proposal is therefore contrary to Policy ENV 1 of the approved Falkirk Council Structure Plan, Policy POL 11.1 of the adopted Polmont and District Local Plan and Policies EQ19 and SC3 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modification (June 2010) all of which seek to restrict the unplanned and unjustified release of land for housing outwith the settlement boundaries identified in the Development Plan.



- (2) In the interests of residential amenity. The proposed development would be divided by an area of ground beneath the overhead power lines which, as defined by the application site boundaries and shown on the submitted illustrative layout, would result in a low standard of residential layout. The proposed development would therefore be contrary to Policies POL3.1 and POL 3.5 of the Polmont and District Local Plan, Policy SC6 and SC13 of the Falkirk Council Local Plan Finalised Draft (Deposit Version)(April 2007) as amended by the Final Proposed Modifications (June 2010), and Falkirk Council Supplementary Planning Guidance Note – Housing Layout and Design.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and 02.

**Pp**

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**Director of Development Services**

**Date:** 24 November 2010

#### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Polmont and District Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
4. Supplementary Planning Guidance Note – Housing Layout and Design.
5. Supplementary Planning Guidance Note – Affordable Housing.

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/10/0258/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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