

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES
WITH PROVISION FOR 20% AFFORDABLE HOUSING AT
PARKHALL FARM, VELLORE ROAD, MADDISTON, FALKIRK,
FK2 0BN, FOR CENTRAL SCOTLAND HOUSING -
P/11/0194/PPP

Meeting: PLANNING COMMITTEE

Date: 21 September 2011

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this planning application was originally considered at the Planning Committee on 24 August 2011 (copy of previous report appended), where it was agreed to continue the planning application for a site visit. This visit took place on 5 September 2011. The Committee viewed the site from the adjacent residential site that is still under construction.
2. On hearing statements from objectors and the applicant's representative, the main points of discussion focused on education impacts and the planning history of the roundabout from which access to the site is proposed to be taken.
3. In relation to education and schools capacity and in response to questions raised on site, it can be confirmed that Maddiston Primary School is a two stream school and currently has a rising school roll with capacity pressures being anticipated within the next 5 years. Capacity related issues at this school, St Andrews Primary School, Braes High School and St Mungo's High school have prompted a request for a financial contribution of £3,800 per house should Members be minded to grant planning permission in this instance. In response to concerns raised at the Committee site visit, Education Services have confirmed that they have no current plans to utilise any financial contribution to bus local children to schools outwith the usual catchment areas. Instead, contributions of this nature are generally put towards the provision of additional classroom accommodation on either a temporary or permanent basis depending on roll projections.

4. The planning history of the roundabout to the west of the application site was discussed at length during the site visit. For clarification it can be confirmed that outline planning permission, P/07/0108/OUT was granted for this roundabout by the Planning Committee on 22 April 2008. This decision overturned initial officer recommendation to refuse planning permission. The detailed make up of this roundabout was then approved by way of planning permission P/10/0249/MSC. At the related Planning Committee site inspection in 2008, the applicant's agent advised Committee that the roundabout would provide a needed turning area for buses.
5. No other matters were raised which would amend the original recommendation to refuse planning permission in principle.

RECOMMENDATION

6.1 It is therefore recommended that Committee refuse planning permission in principle for the following reasons:-

- (1) The site is not identified for residential development in the adopted Falkirk Council Local Plan and there are no reasons to depart therefrom. The proposal is therefore contrary to Policy ENV1 of the approved Falkirk Council Structure Plan and Policies EQ19 and SC3 of the Falkirk Council Local Plan 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 SC6 and SC13 of the Falkirk Council Local Plan 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.

Pp

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Director of Development Services

Date: 14 September 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan.
2. Falkirk Council Structure Plan.
3. Falkirk Council Supplementary Guidance.
4. Letter of representation from Mr Peter O'Donnell Parkhall Nursery, Vellore Road, Maddiston, FK2 0BN received on 26 April 2011.
5. Letter of objection from Mr Shane Homes, 15 Innerdouny Drive Maddiston Falkirk FK2 0LW on 9 July 2011.
6. Letter of objection from Mr Nick Thompson, 4 Innerdouny Drive Maddiston FK2 0LW on 4 July 2011.
7. Letter of objection from Ms Lindsey Taylor, 9 Innerdouny Drive Maddiston FK2 0LW on 16 July 2011.
8. Letter of objection from Ms Kirsteen Ramsay, 62 Mellock Crescent The Meadcows Maddiston FK20RH on 14 August 2011.
9. Letter of objection from Mr Desmond Irwin, 18 Glendevon Drive Maddiston Falkirk FK2 0GT on 25 July 2011.
10. Letter of objection from Mr Craig Horsburgh, 7 Innerdouny Drive Maddiston Falkirk FK20LW on 14 July 2011

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

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FK2 0BN, FOR CENTRAL SCOTLAND HOUSING -
P/11/0194/PPP

Meeting: PLANNING COMMITTEE

Date: 24 August 2011

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/MS).
- 1.2 The applicant has also indicated that 20% of the proposed housing development would take the form of Affordable Housing and that the area of open space beneath the electricity pylons, but outwith the application site, would be maintained by way of a community burden placed on the properties within the site.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by Councillor McLuckie.

3. SITE HISTORY

- 3.1 Previous planning application P/10/0258/PPP proposed the same development minus the affordable housing provision, however this application was withdrawn on 27 January 2011. Prior to this, the site formed part of a larger housing application in 2004 which was refused planning permission (F/2004/0198).

4. CONSULTATIONS

- 4.1 The Roads Development Unit has no objections but a flood risk assessment and full drainage strategy have been requested. It is considered that these details could be conditioned to be considered on submission of an application for matters specified in conditions.
- 4.2 Scottish Water has no objections.
- 4.3 The Environmental Protection Unit has no objections but a contaminated land survey has been requested.
- 4.4 The Transport Planning Unit has no objections.
- 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 Scottish Environmental Protection Agency (SEPA) has no objections.

5. COMMUNITY COUNCIL

- 5.1 Maddiston Community Council has objected to the proposal on the grounds that the development would put too much pressure on existing schools infrastructure. Concerns have also been raised in reference to road safety and non compliance with Development Plan policies.

6. PUBLIC REPRESENTATION

- 6.1 Seven letters of representation have been received. Issues raised include:-
- Maintenance of existing SUDS pond.
 - Desire for a through road to be created.
 - Traffic volume increases.
 - Pressure on local schooling.
 - Loss of a view.
 - Loss of flora and fauna.
 - Affordable housing element could affect property values.

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 The site lies outwith the settlement boundaries identified in the Falkirk Council Local Plan, in an area designated countryside. 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 Structure Plan Policy ENV.1.

Falkirk Council Local Plan

7a.3 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."*

7a.4 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."*

7a.5 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.”*

7a.6 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.”*

7a.7 The proposal does not require a countryside location and does not utilise existing buildings. The proposal does not propose housing which is essential for the pursuance of agriculture, horticulture, forestry or the management of a business for which a countryside location is essential and is not considered to represent an appropriate infill development.

7a.8 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.

7a.9 The awkward shape of the site makes the provision of appropriate open space areas difficult to achieve. 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, and beneath power lines. This area would not form an integral or attractive part of the development and would not create a safe and easily supervised area of open space.

7a.10 The applicant's intention to secure maintenance of this area by way of a community burden is noted, however this maintenance arrangement does not ensure that the open space is secure or well overlooked and does not ensure that the open space would serve as a community facility. It is worth noting that community and title burdens of this nature are outwith the control of the planning process, and the long-term use of this area as valuable open space cannot be guaranteed in this way alone.

7a.11 On balance, the application fails to meet the terms of the Falkirk Council Local Plan.

7a.12 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are as follows.

Falkirk Council Supplementary Guidance

7b.2 Supplementary Planning Guidance Note – Housing Layout and Design, provides advice 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 suggests 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.3 The applicant has submitted an indicative layout of the proposed development in support of their proposal. Whilst this layout demonstrates that the site can 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 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 create secure, accessible areas of open space. The proposal does not accord with the terms of this guidance.

Assessment of Public Representations

7b.4 The maintenance of the existing SUDS pond which is unconnected to the proposed development is not a material planning consideration and cannot be assessed or controlled through this application.

7b.5 The desire for a through road is noted however, the application does not propose this at this stage and this cannot therefore be considered.

7b.6 Traffic volumes and pressures on local schooling have been assessed by our standard consultees. A summary of each consultation response is outlined in section 4 of this report.

- 7b.7 Loss of a view and impact on property values are not material planning considerations.
- 7b.8 There is no evidence to suggest that any protected species of flora or fauna is present at the site. The site is not protected by any special biodiversity designations, and this is not therefore considered to be a determining factor in the assessment of this application.

Affordable Housing Provision

- 7b.9 The application site sits outwith the Urban Limit but within an area identified as having a shortfall in affordable housing provision. Guidance for sites within the settlement boundary is set out in Falkirk Council Supplementary Planning Guidance Note - Affordable Housing, where reference is made to unit number thresholds set out in the adopted Falkirk Council Local Plan. Policy SC4 of the Falkirk Council Local Plan requires that developments in this 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 however indicated that they wish for the site to include 20% of the total unit numbers as affordable housing. This in some respects is a token gesture and does not lend any weight to the proposal and the assessment against Development Plan policies. If however, planning permission were to be granted, it would be appropriate to tie down this affordable housing element by way of a legal agreement.

Open Space Arrangements

- 7b.10 Should members be minded to grant planning permission in principle for this development, it is recommended that this be done subject to the completion of a Section 75 planning obligation securing details of the continued maintenance of the open space beneath the electricity lines. It is also recommended that permission be subject to appropriately worded conditions, ensuring that the development fronts onto this area of open space in order to maximise natural surveillance.

7c Conclusion

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

8. RECOMMENDATION

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

- (1) The site is not identified for residential development in the adopted Falkirk Council Local Plan and there are no reasons to depart therefrom. The proposal is therefore contrary to Policy ENV1 of the approved Falkirk Council Structure Plan and Policies EQ19 and SC3 of the Falkirk Council Local Plan 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 SC6 and SC13 of the Falkirk Council Local Plan 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.

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Director of Development Services

Date: 16 August 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan.
2. Falkirk Council Structure Plan.
3. Falkirk Council Supplementary Guidance.
4. Letter of representation from Mr Peter O'Donnell Parkhall Nursery, Vellore Road, Maddiston, FK2 0BN received on 26 April 2011.
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Planning Committee

Planning Application Location Plan

P/11/0194/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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