

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES
AT MILNQUARTER FARM, ROMAN ROAD, BONNYBRIDGE,
FK4 2DE, FOR STEWART HOMES P/11/0142/PPP

Meeting: PLANNING COMMITTEE

Date: 19 August 2015

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Baillie Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: Bonnybridge Community Council

Case Officer: Brent Vivian (Senior Planning Officer), Ext. 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application is for a major development and seeks planning permission in principle for the development of land for residential purposes.
- 1.2 The application site consists of open ground to the east of existing housing (off Greenhill Road, High Bonnybridge) and also includes an industrial site adjoining Broomhill Road. The site generally rises in level from east to west, across open ground, whilst the industrial portion of the site is flat. A railway line and the site of a Roman Camp adjoin the site to the south. The northern portion of the site is wetland and adjoins the Milnquarter Burn and a cyclepath.
- 1.3 The following information has been submitted in support of the application:-
- A Public Consultation Report;
 - A Cultural Heritage Assessment;
 - A Flood Risk Assessment;
 - An Access Appraisal; and
 - An Indicative Site Layout Plan.
- 1.4 The indicative site layout plan shows 157 dwellinghouses, a central amenity space and a through route linking Milnquarter and Broomhill Roads. The submitted Access Appraisal suggests that the number of dwellinghouses is likely to reduce to approximately 120. The plan also shows possible sites for a future multi use game area and shared car-parking for St Joseph's and Antonine Primary Schools on land to the north-east, outwith the application site.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Scottish Ministers due to its inter-relatedness to planning application P/14/0046/PPP which has also been called in by Scottish Ministers (see paragraph 3.6 of this report). Both planning applications P/11/0142/PPP and P/14/0046/PPP propose a distributor road connecting Milnquarter Road and Broomhill Road. Scottish Ministers called in planning application P/11/0142/PPP prior to it being determined by the Council and Scottish Ministers are now asking how the Council would have determined the application if it had been in a position to do so. The application is therefore referred to Planning Committee in order for this matter to be considered.
- 2.2 The Council's Development Management Unit had not originally prepared a recommendation on planning application P/11/0142/PPP because further information from the applicant was outstanding. Then, when the related application for the distributor road (P/14/0046/PPP) was received, planning application P/11/0142/PPP was effectively held over pending the outcome of planning application P/14/0046/PPP to establish the principle of a through-route at this location.

3. SITE HISTORY

- 3.1 Planning application P/07/0069/OUT for development of land for housing purposes was granted on 11 February 2008. This application encompassed the industrial land at the Broomhill Road end of the current application site.
- 3.2 Planning application P/07/0982/OUT for the formation of a roundabout and access improvements on Broomhill Road was granted on 6 December 2007. This permission lapsed on 6 December 2012.
- 3.3 Planning application P/08/0489/REM for the approval of reserved matters in respect of the formation of a roundabout and access improvements on Broomhill Road was approved on 6 November 2008. This permission lapsed on 6 December 2012.
- 3.4 Planning application P/11/0039/PPP for the development of land for residential purposes (renewal of P/07/0069/OUT) was granted on 30 November 2012. This permission will lapse on 30 November 2015 unless either an application for approval of matters specified in conditions or a further application for renewal is received before this date.
- 3.5 Pre- application notice P/09/0803/PAN for development comprising the formation of residential development, provision of a multi-use games area and additional parking for surrounding primary schools was received on 6 November 2009. The submitted Public Consultation Report recorded that a public meeting was held in Antonine Primary School on 3 February 2010 and the majority of those present at the meeting were opposed to the development in principle. The report noted the matters raised at the meeting including concerns at whether existing infrastructure (e.g. schools) could cope with the development, the existence of a Site of Interest for Nature Conservation (SINC) on the site, the likelihood that the shared car-park for the schools would not be used, and concerns with the proposed roundabout on Broomhill Road in terms of safety and lack of need.
- 3.6 Planning application P/14/0046/PPP for a distributor road and associated earthworks was refused planning permission in principle on 16 May 2014 under delegation afforded to the Director of Development Services. The applicant subsequently requested a review of the decision and the Council's Planning Review Committee decided on 28 January 2015 that it was minded to grant planning permission in principle subject to referral to Scottish Ministers given an outstanding objection to the application from Historic Scotland. Scottish Ministers advised on 8 April 2015 that the application was called in for determination by Scottish Ministers and a decision on the application by them is pending.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit have no objection in principle to the application. They advise that no further development from Milnquarter Road would be supported without a second access point as this road already serves over 200 dwellinghouses. They note that further discussions would be required in due course regarding the most appropriate carriageway type to be used throughout the development. They advise that there are no outstanding flood or drainage related issues in relation to this application and there are matters that can be deferred for consideration at full planning stage. The applicant has accepted that the housing layout will require revision to ensure there is no housing development within the 200 year + climate change floodplain or over the line of the Milnquarter Burn Tributary culvert.
- 4.2 The Council's Transport Planning Unit have requested the submission of a Transport Assessment, the scoping of which should be agreed with them (no Transport Assessment has been submitted to date). They are satisfied with the conclusions of the submitted Access Appraisal (that there would appear to be three realistic access options for development of the site, those being (1) a cul-de-sac from Broomhill Road with no further residential development from Milnquarter, as that cul-de-sac already serves over 200 houses; (2) a through-route between Broomhill Road and Milnquarter Road, passing close to the Roman Camp but a short distance through the visibility envelope; and (3) a through-route between Broomhill Road and Milnquarter Road, passing further from the Roman Camp, over a longer distance through the visibility envelope, but at a lower position on the hill).
- 4.3 The Council's Environmental Protection Unit have requested the submission of a contaminated land assessment as the geological maps indicate deposits of made ground. They also request the submission of a noise impact assessment to determine the impact of transportation noise on the proposed development.
- 4.4 Scottish Water have no objection to the application but advise that capacity at their water and wastewater treatment works is unable to be reserved in advance of a formal agreement with them. Due to the size of the development, the submission of a fully completed Development Impact Assessment form will be required to assess the impact of the new demand on their existing infrastructure.
- 4.5 SEPA have no objection to the application subject to planning conditions to ensure that no development or landraising takes place within the 1 in 200 year flood extent, that no built development takes place over the culverted watercourse in the south-west of the site, and that a scheme detailing two levels of sustainable drainage (SUDS) surface water treatment is submitted for approval. They strongly recommend that the provision of safe overland flow paths is considered throughout the site should the culvert surcharge. They recommend that finished floor levels be set at 600mm above the 1 in 200 year flood level, regardless of whether this level remains in channel or not, as this freeboard would allow for uncertainties in the model.

- 4.6 Historic Scotland have objected to the application as they consider that a through-route connecting Milnquarter Road to Broomhill Road would be likely to have a significant adverse impact on the setting of Scheduled Monuments and the Outstanding Universal Value (OUV) of the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site and these impacts should be avoided unless there are exceptional circumstances. They consider the determining issue to be whether any proposals for additional housing could be accommodated at the site without a connector route, and whether the benefits of the development and need for a connector route present exceptional circumstances which counter national and local policies for protecting the setting of Scheduled Monuments and the OUV of World Heritage Sites. They have recommended the submission of a provisional amended house layout in order to consider the development in its entirety (to date this has not been submitted). They have reviewed the submitted Cultural Heritage Assessment and are of the view that the zone of inter-visibility identified by the applicant's archaeological consultant, to protect the views between the Antonine Wall and the outlying Roman Camp, are overly restrictive and a broader corridor of visibility should be considered.
- 4.7 Historic Scotland also objected to the related application for the distributor road (P/14/0046/PPP), for the same reasons. However, they noted in this application that they did not object to the principle of housing development at Milnquarter, should the potential impacts be properly identified and adequately mitigated through appropriate design. However, they considered that a distributor road and associated infrastructure would have a significant adverse effect on the historic environment. They advised that further information would be required to demonstrate what the potential impacts might be. The information should include details of the road size and associated infrastructure, lighting etc., and what the visual and/or other setting impacts might be. To date, information to fully address these matters has not been received. However, as detailed in paragraph 3.6 of this report, the applicant requested a review of the Council's decision to refuse this application, and the Council's Planning Review Committee were minded to grant planning permission in principle subject to referral to Scottish Ministers. As also detailed in paragraph 3.6, the application has been called in by Scottish Ministers for determination.
- 4.8 Falkirk Community Trust, Museum Services, have advised that the site of the proposed development is one of great sensitivity in terms of inter-visibility between two elements of the Antonine Wall, the running barrier at Seabegs Motte and the temporary Roman Camp at Milnquarter. The latter is almost certainly a construction camp for the Antonine Wall. The importance of the topographic setting of both monuments, classed as Scheduled Monuments and a World Heritage Site, has been recognised in the adoption of the World Heritage Site buffer zones in this area. The development as it is currently proposed would have a significant and detrimental impact on their settings. They, therefore object to the application. They have reviewed the submitted Cultural Heritage Assessment but do not consider that the assessment of the impact of the proposed development on the Scheduled Monuments (moderate or none) to be correct.
- 4.9 The Council's Education Services have withdrawn their previous objection to the application as circumstances have now changed in that Antonine Primary School now has increased capacity (due to a new extension), there is flexibility to extend further, and there has been a sustained reduction in birth rates locally. However, they request developer contributions towards additional future capacity issues at Antonine Primary School, Denny High School and St Mungo's RC High School, and in respect of nursery provision. The requested contributions reflect the figures in the Council's Supplementary Guidance for Education and New Housing Development and are at the rate of £350 per dwellinghouse (nursery provision), £2,600 per dwellinghouse (Antonine Primary), £2,150 per dwellinghouse (Denny High) and £900 per dwellinghouse (St Mungo's RC High).
- 4.10 Scottish Natural Heritage are content for Falkirk Council to identify any natural heritage impacts and address them without further reference to Scottish Natural Heritage.
- 4.11 Network Rail have no objection to the application. They have suggested conditions or advisory notes to attach to any grant of planning permission in relation to a range of matters including drainage, boundary treatment, the location of buildings, landscaping, amenity and lighting.

- 4.12 Scotland Gas Networks have advised that they have a low/medium/intermediate pressure gas main in the proximity of the site and no mechanical excavations are to take place within prescribed distances of these pressure systems. Where required, the position of the mains should be confirmed using hand dug trial holes.

5. COMMUNITY COUNCIL

- 5.1 The Bonnybridge Community Council have objected to the application on the following grounds:

- An increase in traffic on Broomhill Road;
- Milnquarter Road would become a main route from Greenhill to High Bonnybridge;
- The local primary schools are at capacity; and
- Bonnybridge Health Centre has no extra capacity for the people who would live there.

6. PUBLIC REPRESENTATION

- 6.1 Ten other objections have been received in relation to the application. The concerns raised in those objections can be summarised as follows:-

- Consultation process flawed;
- A full independent impact assessment is required;
- Community infrastructure cannot sustain this number of new properties;
- The local schools cannot accommodate so many potential pupils;
- A major upgrade of Antonine Primary School would be required;
- Impacts on primary care services including doctors and dentist;
- Not in best interests of existing community;
- Existing amenities in Bonnybridge are quite limited and parking is an issue;
- Increase in level of local traffic;
- Increase in traffic using Milnquarter Road;
- Increase in noise levels and pollution associated with increased traffic on Milnquarter Road;
- Increase in traffic in Foxdale Park estate would not be family friendly;
- Safety risk to children living in Foxdale Park/ Greenacres, particularly given the location of the playpark;
- Existing problem of heavy traffic flows past the schools would be made worse;
- School children would be less safe as a result of increased traffic past the schools;
- Plans for a roundabout adjacent to the rail bridge are not supported;
- Existing residents have not been consulted on the proposed link road;
- The plan for a 'possible' future site for school car parking is not definite;
- Lack of rail links, bus routes and frequency of services;
- Impact on existing drainage levels;
- Increase risk of flooding;
- The watercourse at present barely copes when there is heavy rainfall;
- A large section of the land is marsh land;
- There has been flooding of the proposed SUDS area and some of the proposed house plots;
- Significant noise and dust levels during construction works;
- Amenity impacts including loss of light and privacy;
- Impact on a World Heritage Site;
- Loss of green fields; and

- Not in the best interests of wildlife;

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

- 7a.1 The Falkirk Local Development Plan (LDP) was adopted on 16 July 2015. It replaces the previous Falkirk Council Structure Plan and Falkirk Council Local Plan and includes a number of Supplementary Guidance documents which now have statutory status.
- 7a.2 Under the LDP, the application site lies within the Bonnybridge urban limits. The south-eastern portion of the site is identified as an existing supply site for Housing (H12) with a capacity for 30 units, but the remainder of the site is not allocated for any specific use. The northern portion of the site lies within a flood plain and a Site of Importance for Nature Conservation (SINC). Most of the site lies within the Antonine Wall World Heritage Site buffer zone. The site adjoins a temporary Roman Camp which is part of the Antonine Wall World Heritage Site.
- 7a.3 Policy HSG02 - 'Affordable Housing' states:

"New housing developments of 20 units and over will be required to provide a proportion of the units as affordable or special needs housing as set out in Figure 5.1. The approach to provision should comply with Supplementary Guidance SG12 'Affordable Housing'."

Figure 5.1 Affordable Housing Requirements in Settlement Areas

Settlement Area	Proportion of total site units required to be affordable
Larbert/ Stenhousemuir Polmont Area Rural North Rural South	25%
Bo'ness Bonnybridge/ Banknock Denny Falkirk Grangemouth	15%

- 7a.4 This policy indicates that new housing development of 20 units and over in the Bonnybridge and Banknock area will be required to provide 15% of the total number of units as affordable housing. The applicant was requested to submit an Affordable Housing Strategy, but to date this has not been received. Therefore, the applicant has yet to agree to meet the affordable housing requirement, and there is no agreed approach regarding type of affordable housing and delivery. On that basis, the application is considered to be contrary to this policy.

7a.5 Policy HSG03 - 'Windfall Housing' states:

"Housing development within the Urban and Village Limits, in addition to proposals identified within the LDP, will be supported where:

- 1. The site is brownfield, or is open space whose loss can be justified in terms of Policy INF03;*
- 2. The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- 3. The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- 4. Existing physical infrastructure, such as roads and drainage, sewage capacity, and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy INF02;*
- 5. The site is not at significant risk of flooding in the terms of Policy RW06;*
- 6. In the case of small gap sites and sub-divided plots, Policy HSG05 is satisfied; and*
- 7. It complies with other LDP policies."*

7a.6 The proposed development lies within the Bonnybridge urban limits and therefore the general principle of the proposed housing is considered to be acceptable provided the criteria contained in the policy are met. In this instance, criteria 2 and 3 are considered to be met as the proposed housing use is compatible with neighbouring uses, a satisfactory level of residential amenity could be achieved (subject to suitable mitigation) and the site enjoys good accessibility by public transport, walking and cycling to local facilities. Criterion 4 is only satisfied if suitable developer contributions are agreed in respect of education and healthcare (see paragraphs 7a.16 to 7a.21 of this report). Criterion 5 does not apply and criterion 6 is not met as the proposed development conflicts with a number of other Local Plan policies. With regard to criterion 1, it can be noted that part of the site is brownfield (existing industrial land adjoining Broomhill Road) whilst the balance of the site is predominantly agricultural land. Owing to conflict with other Local Plan policies, the application is not considered to accord with this policy.

7a.7 Policy HSG04 - 'Housing Design' states:

"The layout, design and density of the new housing development should conform with any relevant site specific design guidance, Supplementary Guidance SG02 'Neighbourhood Design' and the Scottish Government's policy on 'Designing Streets'. Indicative site capacities in the site schedules may be exceeded where a detailed layout demonstrates that a high quality design solution, which delivers the requisite level of residential amenity, has been achieved."

7a.8 This policy indicates that the layout, density and design of new housing should conform with any relevant site specific guidance, Supplementary Guidance SG02 Neighbourhood Design and the Scottish Government's policy on 'Designing Streets'. Indicative site capacities in the site schedules may be exceeded where a detailed layout demonstrates that a high quality design solution, which delivers the requisite level of residential amenity, has been achieved.

7a.9 The brownfield element of the proposed development site comprising the former Ian Craig Haulage yard is covered by a housing opportunity (H12) with an indicative capacity of 30 units. In the submitted indicative layout the portion of the site covered by opportunity H12 contains only 14 units, so this section of the site can be considered to conform to policy HSG04, although it is being developed at a lower density than envisaged by the Local Development Plan.

7a.10 SG02 indicates that one of the key principles to be applied to the design of the site in relation to its context and character is to “make the most of the site’s assets, including safeguarding and providing a setting for existing natural and built heritage features.” The key natural and built heritage features of the site are:

- The Milnquarter Site of Interest for Nature Conservation (SINC) which lies partially within the proposed development site; and
- The site forms part of the Antonine Wall World Heritage Site buffer zone and is adjacent to a scheduled part of the World Heritage Site at Milnquarter Roman Camp.

7a.11 To conform with this policy, the proposed development would have to safeguard and provide a setting for these two features. Based on the indicative site layout and the submitted Cultural Heritage Assessment, and as informed by the comments of Historic Scotland and Falkirk Community Trust, Museum Services, the proposed development is not considered to achieve this. The application is therefore considered to be contrary to Policy HSG04. Further detail can be seen in this report under the commentaries on Policies GN03, D07 and D08.

7a.12 Policy INF04 - ‘Open Space and New Residential Development’ states:

“Proposals for residential development of greater than 3 units will be required to contribute to open space and play provision. Provision should be informed by the Council’s open space audit, and accord with the Open Space Strategy and the Supplementary Guidance SG13 on ‘Open Space and New Development’, based on the following principles:

- 1. New open space should be well designed; appropriately located; functionally sized and suitably diverse to meet different recreational needs in accordance with criteria set out in Supplementary Guidance SG13 ‘Open Space and New Development’.*
- 2. Where appropriate, financial contributions to off-site provision, upgrading, and maintenance may be sought as a full or partial alternative to direct on-site provision. The circumstances under which financial contributions will be sought and the mechanism for determining the required financial contribution is set out in Supplementary Guidance SG13 ‘Open Space and New Development’.*
- 3. Arrangements must be made for the appropriate management and maintenance of new open space.”*

7a.13 This policy indicates that open space and play facilities should be provided based on the quantitative, qualitative and accessibility standards and priorities for improvement set out in the Open Space Strategy.

7a.14 The Council’s Public Open Space, Falkirk Greenspace and New Development Supplementary Planning Guidance (SPG) provides further guidance on this issue and indicates that new housing will have to provide open space at a rate of 70m²/dwelling split between 21m² active open space and 49m² passive open space.

7a.15 The indicative site layout shows that 157 dwellings are proposed on site, which would equate to a requirement for 3297m² of active open space and 7693m² of passive open space. Although the applicant was requested to provide a schedule of proposed open space provision showing where open space is to be delivered, how much open space is to be delivered and what type of open space is to be delivered, this has not been provided to date. As such, in the event that the application is approved, it should be on the condition that open space is provided at a rate of 70m²/ dwelling split between 21m² active open space and 49m² passive open space. If this is not provided in its entirety on-site, then a sum equal to £42/m² and £21/m² should be provided in relation to any residual requirement for active and passive open space respectively.

7a.16 Policy INF05 - 'Education and New Housing Development' states:

"Where there is insufficient capacity within the catchment school(s) to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council's education policies. The contribution will be a proportionate one, the basis of which is set out in Supplementary Guidance SG10 'Education and New Housing Development'. Where proposed development impacts adversely on Council nursery provision, the resourcing of improvements is also addressed through the Supplementary Guidance.

In circumstances where a school cannot be improved physically and in a manner consistent with the Council's education policies, the development will not be permitted."

7a.17 This policy indicates that where there is insufficient capacity within the catchment schools to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council's education policies. In circumstances where a school cannot be improved physically and in a manner consistent with the Council's education policies, the development will not be permitted.

7a.18 The Council's Education Service have withdrawn their objection due to a change in circumstances, as detailed in paragraph 4.9 of this report. However, they request a number of developer contributions to address future capacity issues at local schools and in respect of nursery provision. Owing to their very recent change in position, the requested contributions have not yet been discussed or agreed with the applicant. In the absence of agreed contributions, the application is considered to be contrary to this policy.

7a.19 Policy INF06 - 'Healthcare and New Housing Development' states:

"In locations where there is a deficiency in the provision of health care facilities identified by NHS Forth Valley, developer contributions will be sought to improve the quantity and quality of such provision commensurate with the impact of the new development. The approach to the improvement of primary healthcare provision will be set out in Supplementary Guidance SG11 'Healthcare and New Housing Development'."

7a.20 This policy indicates that in locations where there is a deficiency in the provision of health care facilities identified by NHS Forth Valley, developer contributions will be sought to improve the quantity and quality of such provision commensurate with the impact of new development and that the approach to the improvement of primary healthcare provision will be set out in Supplementary Guidance 11 "Healthcare and New Housing Development".

7a.21 Supplementary Guidance 11 (which has been consulted on but is awaiting finalisation and Council approval) outlines that additional space and consultants will be required to accommodate any new housing growth within the Bonnybridge area and that provision of a developer contribution is likely to be required. The scale of the required developer contribution in this instance would need to be agreed with the Council in consultation with NHS Forth Valley. This is a new policy introduced through the Local Development Plan, and there have not been any discussions to date with the applicant in relation to this matter. In the absence of an agreed contribution, the application is considered to be contrary to this policy.

7a.22 Policy INF10 - 'Transport Assessments' states:

- "1. The Council will require transport assessments of developments where the impact of the development on the transport network is likely to result in a significant increase in the number of trips, and is considered likely to require mitigation. The scope of transport assessments will be agreed with the Council and in the case of impact on trunk roads, also with Transport Scotland.*
- 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. The assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over use of the car.*
- 3. The Council will only support development proposals 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."*

7a.23 This policy requires the submission of a Transport Statement where the impact of the proposed development is likely to have a significant impact on the transport network. The proposal in this instance, at in excess of 100 housing units, has the potential to have a significant impact on the road network. Accordingly, the applicant was requested to submit a Transport Assessment, but this has not been received to date. As part of this assessment it would have to be demonstrated that existing junctions in the locality either have capacity to take the additional traffic or are capable of being suitably upgraded. One of these junctions is the existing access at the former Ian Craig Haulage yard on Broomhill Road. This junction was required to be upgraded to a roundabout to accommodate the housing development approved for the former haulage yard site (see paragraphs 3.1 to 3.4 of this report). However, the relevant planning permission (P/08/0489/REM) has now lapsed. As part of the assessment, it would have to be demonstrated that the previously approved roundabout is sufficient to cope with the additional traffic generated by the proposed development (and the road functioning as a through-road) or that alternative mitigation is available. On the basis that a Transport Assessment has not been submitted to date, it has not been demonstrated that the traffic impacts could be satisfactorily addressed or that the proposal is acceptable from a sustainable transport point of view. The application is therefore considered to be contrary to this policy.

7a.24 Policy GN03 - 'Biodiversity and Geodiversity' states:

"The Council will protect and enhance habitats and species of importance, and will promote biodiversity and geodiversity through the planning process. Accordingly:

- 1. Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Qualifying interests of a Natura 2000 site may not be confined to the boundary of a designated site. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions, and there are imperative reasons of overriding public interest. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).*
- 2. Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*

3. *Development likely to have an adverse effect on European protected species; a species listed in Schedules 5, 5A, 6, 6A and 8 of the Wildlife and Countryside Act 1981 (as amended); or badgers as per section 10 of the Protection of Badgers Act 1992, will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.*
4. *Development affecting Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites (as identified in Supplementary Guidance SG08 'Local Nature Conservation and Geodiversity Sites'), and national and local priority habitats and species (as identified in the Falkirk Local Biodiversity Action Plan) will not be permitted unless it can be demonstrated that the overall integrity of the site, habitat or species will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
5. *Where development is to be approved which could adversely affect any site or species of significant nature conservation value, the Council will require appropriate mitigating measures to conserve and secure future management of the relevant natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required, along with provision for its future management.*
6. *All development proposals should conform to Supplementary Guidance SG05 'Biodiversity and Development'.*"

7a.25 This policy indicates that development affecting a Site of Importance for Nature Conservation (SINC) will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance. The submitted indicative layout plan shows housing and SUDS provision within the Milnquarter SINC. The particular nature conservation importance of this SINC is its grassland habitat (poorly drained). The applicant was requested to submit an Ecological Impact Assessment, but this has not been received to date. However, on the basis of the submitted layout, the proposed development could cause the destruction of approximately 1.15 ha (34%) of this SINC. In practice, the effect of boundary displacement would be likely to significantly reduce the quality of the remaining 66% of the SINC. Whilst it is acknowledged that the SUDS provision could incorporate biodiversity measures, it is considered that its creation would cause as much damage to the grassland habitat as housing. It therefore seems almost inevitable that the development proposal would compromise the overall integrity of the Milnquarter SINC and there are not considered to be any social or economic benefits of the proposal which would outweigh the adverse effect on the SINC. In order to comply with the policy, it is considered that a planning condition would be required to preclude any development with the designated SINC area.

7a.26 Policy RW05 - 'The Water Environment' states:

"The Council recognises the importance of the water environment within the Council area in terms of its landscape, ecological, recreational and land drainage functions. Accordingly:

1. *The Council will support the development of measures identified within the Forth Area River Basin Management Plan designed to improve the ecological status of the water environment;*
2. *Opportunities to improve the water environment by: opening out previously culverted watercourses; removing redundant water engineering installations; and restoring the natural course of watercourses should be exploited where possible;*
3. *There will be a general presumption against development which would have a detrimental effect on the integrity and water quality of aquatic and riparian ecosystems, or the recreational amenity of the water environment, or which would lead to deterioration of the ecological status of any element of the water environment. Where appropriate, development proposals adjacent to a waterbody should provide for a substantial undeveloped and suitably landscaped riparian corridor to avoid such impacts;*
4. *There will be a general presumption against any unnecessary engineering works in the water environment including new culverts, bridges, watercourse diversions, bank modifications or dams; and*

5. *The water environment will be promoted as a recreational resource, (subject to the requirements of policy GN03 (1) for Natura 2000 Sites), with existing riparian access safeguarded and additional opportunities for ecological enhancement, access and recreation encouraged where compatible with nature conservation objectives."*

7a.27 This policy seeks opportunities to improve the water environment, for example, by opening out previously culverted watercourses. The Milnquarter Burn Tributary culvert is present within the application site, and the applicant will be required to consider options for deculverting this tributary or, alternatively, provide a justification for retaining the culvert. It is accepted that this matter could be deferred to detailed planning stage.

7a.28 Policy RW06 - 'Flooding' states:

- "1. Development on the functional flood plain should be avoided. In areas where there is significant risk of flooding from any source (including flooding up to and including 0.5% (1 in 200 year) flood event) development proposals will be assessed against advice and the Flood Risk Framework in the SPP. There will be a presumption against new development which would:*
 - Be likely to be at risk of flooding;*
 - Increase the level of risk of flooding for existing development; or*
 - Result in a use more vulnerable to flooding or with a larger footprint than any previous development on site.*
- 2. Development proposals on land identified as being at risk from flooding, or where other available information suggests there may be a risk, will be required to provide a flood risk assessment that demonstrates that:*
 - any flood risks can be adequately managed both within and outwith the site;*
 - an adequate allowance for climate change and freeboard has been built into the flood risk assessment;*
 - access and egress can be provided to the site which is free of flood risk; and*
 - water resistant materials and forms of construction will be utilised where appropriate.*
- 3. Where suitably robust evidence suggests that land contributes or has the potential to contribute towards sustainable flood management measures development will only be permitted where the land's sustainable flood management function can be safeguarded."*

7a.29 This policy indicates that there will be a presumption against new development which would be likely to be at risk of flooding or increase the level of risk of flooding for existing development.

7a.30 The site is located within an area which is identified on SEPA's Indicative Flood Map as being at high risk of flooding. A flood risk assessment and supplementary information has been submitted by the applicant, which has been reviewed and accepted by SEPA and the Council's flood consultants. The applicant has accepted that the indicative housing development layout would have to be amended to ensure no housing development within the 200 year + climate change floodplain or over the line of the culvert. The application is considered to accord with this policy subject to planning conditions, including those requested by SEPA. The conditions would secure that no development or landraising takes place within the 1 in 200 year flood extent, that no built development takes place over the culverted watercourse, that finished floor levels are set at 600mm above the 1 in 200 year flood level, and that safe overland flow paths are provided should the culvert surcharge.

7a.31 Policy D04 - 'Low and Zero Carbon Development' states:

- "1. All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:*

 - Proposals for change of use or conversion of buildings;*
 - Alterations and extensions to buildings;*
 - Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
 - Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
 - Temporary buildings with consent for 2 years or less; and*
 - Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*
- 2. The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;*
- 3. Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes."*

7a.32 This policy seeks to ensure low and zero carbon developments and includes a requirement to incorporate on-site low and zero carbon generating technologies (LZCGT) to meet a proportion of the overall energy requirements. As the planning application is at the 'in-principle' stage, it is unlikely that details of on-site LZCGT are available, or that it can be determined whether the detailed design and layout of the development would minimise energy requirements. However, an Energy Statement could have been submitted to assess the potential for decentralised energy generation and the scope to minimise energy requirements through the design and layout of development. A condition of any grant of planning permission should require the submission and approval of an Energy Statement.

7a.33 Policy D07 - 'Antonine Wall' states:

"The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:

- 1. There will be a presumption against development which would have an adverse impact on the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' as defined on the Proposals Map;*
- 2. There will be a presumption against development within the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is no conflict with other LDP policies; and*
- 3. Supplementary Guidance SG07 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' will be applied in assessing development proposals along the line, or affecting the setting, of the Antonine Wall."*

7a.34 Policy D08 - 'Sites of Archaeological Interest' states:

- "1. Scheduled ancient monuments and other identified nationally important archaeological resources will be preserved in situ, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting will not be permitted unless there are exceptional circumstances;*
- 2. All other archaeological resources will be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications; and*
- 3. Developers may be requested to supply a report of an archaeological evaluation prior to determination of the planning application. Where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development."*

7a.35 The site of this proposed development is adjacent to scheduled monuments which form part of the Antonine Wall World Heritage Site (WHS), and the site itself lies within the WHS Buffer Zone. Any prospective development would therefore need to be particularly sensitive to the archaeology and the topographic setting of these features.

7a.36 The site's location is important because it includes two sizeable re-alignments of the Wall, taking it from a scarp immediately above the valley floor of the Bonny to a higher ridge at Rough Castle. To the west, the Wall was tactically positioned to block passage across the valley and its associated bogs, but eastward this was no longer tenable and the adjustment to the higher ground maintained a military advantage. This was rather awkwardly achieved by the re-entrant that utilised the small ridge south of the Antonine Primary School. The two sectors represent the work of different units of the Roman army and it was here that one of the work squads was based in the temporary camp. The camp is positioned to dominate the gap and its topographical relationship to the Wall is crucial. Indeed such clear views between a construction camp and a linear fortification at Milnquarter are unparalleled elsewhere within the WHS.

7a.37 Historic Scotland and Falkirk Community Trust, Museum Services, have commented on the likely impact of the proposed development on the outstanding universal value (OUV) of the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site (WHS) and advised that the proposed development, in its current form, has the potential to adversely and significantly impact on the OUV of the WHS. In order to consider this matter further, Historic Scotland have requested the submission of a provisional amended house layout, but to date this has not been submitted. In its current form, the application is considered to be contrary to this policy.

7a.38 The Council's Supplementary Planning Guidance for the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site provides detailed advice for managing the impacts of development on the Wall and its setting. This guidance should be used to inform the requested provisional amended housing layout. The guidance states that: *"In many circumstances, only full applications for planning permission will be acceptable for sites within the World Heritage Site and Buffer Zone. Applications for planning permission in principle often cannot provide sufficient information to enable detailed assessment of impacts on the World Heritage Site or its setting"*. This application seeks planning permission in principle, at odds with the guidance.

7a.39 Accordingly, the application is considered to be contrary to the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed in respect of this application are the consultation responses, the representations received and the planning history.

Consultation Responses

- 7b.2 The consultation responses are summarised in section 4 of this report. As set out in this section, Historic Scotland and Falkirk Community Trust, Museums Services, have objected to the application. Historic Scotland have requested further information, whilst the Council's Transport Planning Unit have requested a Transport Assessment. To date, this information has not been submitted. In addition, the Council's Education Services have withdrawn their objection to the application, and requested developer contributions. As this is a very recent request, it has not to date been discussed or agreed with the applicant. As such, it is considered that these matters could form the basis for a decision to refuse the application.
- 7b.3 The matters raised in the consultation responses by the Council's Roads Development Unit, the Council's Environmental Protection Unit, SEPA and Network Rail could be the subject of planning conditions or advisory notes, to ensure they are given full consideration at detailed planning stage.

Representations Received

- 7b.4 The representations received in relation to this application are summarised in sections 5 and 6 of this report. The following comments are considered to be relevant to the concerns raised in the representations:-
- Community consultation is required for a major planning application, and is undertaken by the applicant. In this case the applicant carried out a community consultation event, and the Council is unable to comment on the actual event itself;
 - Concerns in relation to community infrastructure are noted. Financial contributions would be required from the applicant towards addressing capacity issues in relation to local education and healthcare facilities;
 - Concerns in relation to traffic impacts are noted. A Transport Assessment has been requested from the applicant, but has not been received to date;
 - Flooding related issues have been addressed in this report. A Flood Risk Assessment was submitted with the application, and has been accepted by SEPA and the Council's flood consultants. Suitable mitigation measures would be required as detailed in the report;
 - This application seeks planning permission in principle, and construction related impacts and concerns with loss of light and privacy would be considered at detailed planning stage; and
 - Concerns in relation to impacts on the Antonine Wall World Heritage Site and the Milnaquarter Site of Importance for Nature Conservation (SINC) are highlighted in this report.

Planning History

- 7b.5 The relevant planning history is summarised in section 3 of this report. As noted in paragraph 3.6, related application P/14/0046/PPP was refused by the Council under delegation, and the decision to refuse was subject to review by the Council's Planning Review Committee. The Planning Review Committee were minded to approve the application subject to referral to Scottish Ministers, due to an outstanding objection from Historic Scotland.

- 7b.6 The reasons for the Council's refusal under delegation were that the applicant had failed to demonstrate that (a) the proposed road and associated infrastructure would be acceptable in terms of their impact on the setting of Scheduled Monuments and the Antonine Wall World Heritage Site; and (b) that the impacts of the proposal on the road network had been properly outlined and that suitable mitigation measures had been identified.
- 7b.7 In considering the request for review, the Planning Review Committee concluded that the proposed distributor road *"was acceptable in terms of its design and layout impacts on the surrounding area, including those relating to traffic impacts and cultural heritage, and was therefore in accordance with the Development Plan"*. This is a material consideration for the Planning Committee in considering how it might have determined planning application P/11/0142/PPP. However, the Committee should also note the decision by the Planning Review Committee, which stated: *"In its consideration of the proposed road, the FCPRC was of the view that it required to be considered on its own merits. Other planning proposals, for example for housing in the vicinity, and issues relating to them, should not be taken into account in the determination of the application subject to Review, which is for a road"*.

7c Conclusion

- 7c.1 The application has been called in by Scottish Ministers due to its inter-relatedness to planning application P/14/0046/PPP for a distributor road, which has also been called in by Scottish Ministers. The Reporter assigned to the case has asked how the Council would have determined the application if it had been in a position to do so. The application is before the Planning Committee to allow them to consider this matter.
- 7c.2 The application is considered to be contrary to the Falkirk Local Development Plan for the reasons detailed in this report. It is therefore recommended that the Planning Committee indicate to Scottish Ministers that it would have decided to have refused the application based on the applicant's current submissions.
- 7c.3 The application site lies within the Bonnybridge urban limits and it is considered that the proposed development could be acceptable in principle (as a sizable windfall housing opportunity) if the potential impacts of the development could be satisfactorily addressed. However, as detailed in the report, this is not the current position as there is outstanding information and matters to resolve. In particular, a Transport Assessment and an Ecological Impact Assessment have not been submitted, and further information is required to fully assess the impacts of the proposal on the inter-visibility between the Antonine Wall and the Roman Camp (including an updated provisional housing layout).
- 7c.4 The recommendation in section 8 is therefore based on a deficiency of information, and this is consistent with the decision of the Director of Development Services under delegation in respect of planning application P/14/0046/PPP.
- 7c.5 As noted in paragraphs 7b.5 to 7b.7, the Planning Review Committee decided that the traffic and cultural heritage impacts of the proposed distributor road (planning application P/14/0046/PPP) were acceptable and the Committee were minded to approve the application subject to referral to Scottish Ministers. This is a material consideration for the Planning Committee in considering how it might have determined planning application P/11/0142/PPP. However, the Planning Review Committee were careful to emphasise that the review was solely in relation to a road and was to be considered on its individual merits. In contrast, planning application P/11/0142/PPP is not only for the road but for a sizable housing scheme, and so the potential impacts, including in relation to traffic and the setting of the Antonine Wall, can be seen to be wider ranging and potentially more significant, and have not been satisfactorily addressed by the applicant to date.

8. RECOMMENDATION

8.1 It is therefore recommended that the Committee indicate to Scottish Ministers that it would have been minded to refuse planning permission in principle for the following reasons:-

- (1) The application is considered to be contrary to Policy HSG02 (Affordable Housing) of the Falkirk Local Development Plan as to date there is no agreement with the applicant with respect of the provision of 15% of the total number of housing units as affordable housing units.
- (2) The application is considered to be contrary to Policy HSG03 (Windfall Housing) of the Falkirk Local Development Plan in consequence of the development proposal not meeting all other relevant policies of the Local Development Plan.
- (3) The application is considered to be contrary to Policy HSG04 (Housing Design) of the Falkirk Local Development Plan as, based on the submitted indicative site layout, the proposed development does not provide an appropriate setting for existing natural and built heritage features, i.e. the Antonine Wall World Heritage Site and the Milnquarter Site of Importance for Nature Conservation (SINC).
- (4) The application is considered to be contrary to Policy INF05 (Education and New Housing Development) of the Falkirk Local Development Plan as to date there is no agreement with the applicant with respect to the payment of a developer contribution in the sum of £6,000 per dwellinghouse towards addressing future capacity issues in relation to local education provision (including nursery provision).
- (5) The application is considered to be contrary to Policy INF06 (Healthcare and New Housing Development) as to date there is no agreement with the applicant with respect to the payment of an appropriate developer contribution towards addressing deficiencies in the provision of local healthcare facilities.
- (6) The application is considered to be contrary to Policy INF10 (Transport Assessments) of the Falkirk Local Development Plan as it has not been demonstrated, through the submission and approval of a Transport Assessment, that the existing road network could accommodate an increase in traffic as a result of the development proposed (new housing and a new distributor standard link road) in conjunction with suitable mitigation measures.
- (7) The application is considered to be contrary to Policy GN03 (Biodiversity and Geodiversity) of the Falkirk Local Development Plan as, based on the submitted indicative site layout, the development proposal is likely to compromise the overall integrity of the Milnquarter Site of Importance for Nature Conservation (SINC) in circumstances where the adverse impacts are not considered to be outweighed by any social or economic benefits of substantial local importance.
- (8) The application is considered to be contrary to Policy D07 (Antonine Wall) of the Falkirk Local Development Plan as the development proposal would have an adverse impact on the setting of the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' and it has not been demonstrated that suitable mitigation action could be taken to redress the adverse impact.

- (9) The application is considered to be contrary to Policy D08 (Sites of Archaeological Interest) of the Falkirk Local Development Plan as the development proposal would have an adverse effect on the integrity of the setting of the following scheduled monuments: 'Antonine Wall, Milnquarter, Roman Camp', 'Antonine Wall, 160m ENE to 155m NW of St Joseph's Church' and 'Antonine Wall and Motte, 75m SW of Antonine Primary School'.

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Director of Development Services

Date: 10 August 2015

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Falkirk Council Supplementary Guidance SG02 Neighbourhood Design.
3. Falkirk Council Supplementary Guidance SG05 Biodiversity and Development.
4. Falkirk Council Supplementary Guidance SG10 Education and New Housing Development.
5. Falkirk Council Supplementary Guidance SG12 Affordable Housing.
6. Falkirk Council Supplementary Guidance SG13 Open Space and New Development.
7. Falkirk Council Draft Supplementary Guidance SG11 Healthcare and New Housing Development.
8. Falkirk Council Supplementary Planning Guidance Frontiers of the Roman Empire (Antonine Wall) World Heritage Site.
9. Objection received from Mr Greig Chambers, 15 Foxdale Place, Bonnybridge, Falkirk, FK4 2FB on 18 May 2011.
10. Objection received from Mr David Nicholas Miller, 4 Ardgay Crescent, Bonnybridge, Falkirk, FK4 2FN on 8 April 2011.
11. Objection received from Owner / Occupier, 9 Laurel Grove, Bonnybridge, FK4 2ED on 8 April 2011.
12. Objection received from Mrs Donna Gillooly, 10 Milnquarter Road, Bonnybridge, FK4 2FG on 20 May 2011.
13. Objection received from Mr Jim Bell, 8 Foxdale Court, Bonnybridge, FK4 2FF on 19 April 2011.
14. Objection received from Mr David East, 11 Foxdale Place, Bonnybridge, Falkirk, FK4 2FB on 4 June 2011.
15. Objection received from Mr David Currie, 16 Milnquarter Road,, Foxdale Park, Bonnybridge, FK4 2FG on 18 May 2011.
16. Objection received from Bonnybridge Community Council - Mr Graham Rae, 8 Morrison Ave, Bonnybridge, FK4 1ET on 16 June 2011.
17. Objection received from Mr. Kris Procek, 7 Foxdale Avenue, Bonnybridge, FK4 2FD on 18 May 2011.
18. Objection received from Mr Andrew Gallacher, 59 Roman Road, Bonnybridge, Falkirk, FK4 2DE on 20 March 2011.
19. Objection received from Mr Alan Garvie, 44 Roman Road, Bonnybridge, FK4 2DE on 21 March 2011.

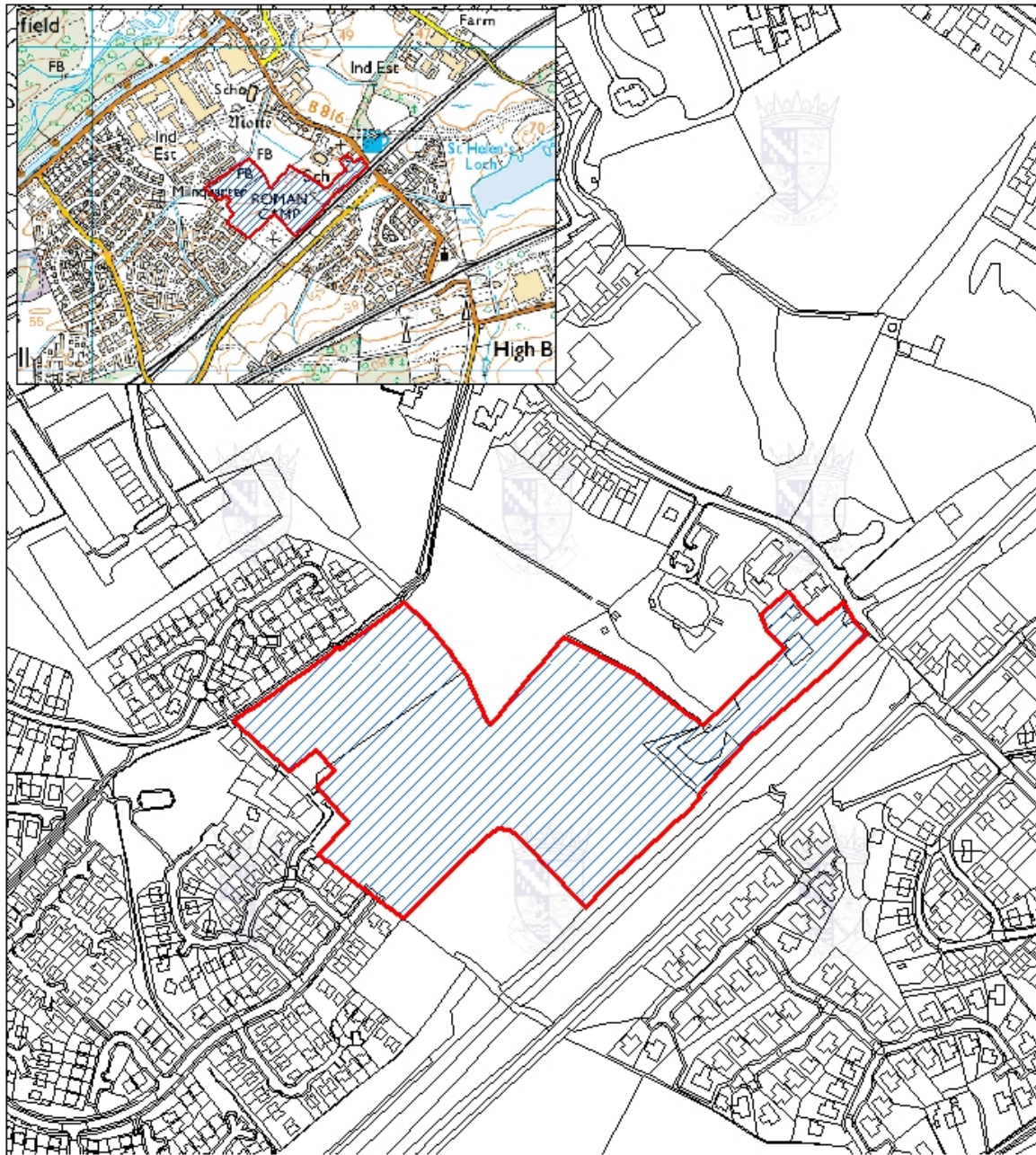
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/11/0142/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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