

P16. DEVELOPMENT OF UP TO 550 HOUSES, A NEIGHBOURHOOD CENTRE INCLUDING RETAIL AND COMMUNITY USES, ACCESS JUNCTIONS, NEW ACCESS ROADS, PROVISION OF A NATURE CONSERVATION AREA, ASSOCIATED ROADS AND INFRASTRUCTURE AT LAND TO THE NORTH OF BANKVIEW NURSING HOME, KILSYTH ROAD, BANKNOCK FOR I & H BROWN LTD - P/10/0360/PPP

With reference to Minutes of Meetings of the Planning Committee held on 1 February and 7 March 2012, 25 February 2015 and 1 February 2016, (Paragraphs P122, P135, P155 and P117 refer), Committee gave (a) further consideration to reports to those meetings by the Director of Development Services; and (b) considered an additional report by the said Director on an application for planning permission in principle for the development of land for up to 550 dwellinghouses, a neighbourhood centre including retail and community uses, a nature conservation area and associated infrastructure including access junctions, new roads and paths, surface water drainage facilities and landscaping on land to the north of Bankview Nursing Home, Kilsyth Road, Banknock.

Decision

The Committee:-

- (a) noted the contents of this report;
- (b) agreed to amend item (iv) of the Section 75 terms to acknowledge that the applicant is entitled to build out 80 units in advance of the slip road junction upgrades (subject to review by the Director of Development Services in 5 years' time if the applicant has not completed 57 units by that time);
- (c) agreed to remove item (xii) of the Section 75 terms which requested an £80,000 financial contribution to address any issues which may emerge as the access strategy is further refined, and to add a new planning condition to require the applicant to provide an additional toucan crossing (East of Bog Road) as part of Phase 4 of the development; and
- (d) agreed to the updated terms of the Section 75 Planning Obligation and addition of new planning condition 47, as detailed below, and
- (e) agreed to continue consideration of the application noting that if the Section 75 Planning Obligation has not been satisfactorily concluded and planning permission in principle granted (with the updated planning conditions detailed below) by 30 September 2016, the matter will require to be brought back to Committee for further consideration and potential refusal.

Section 75 terms

(sums quoted are at March 2012 price levels, with the possible exception of the increased element within items (viii) and (ix))

- (i) The provision of an extension to Bankier Primary School;

- (ii) The provision of additional and/or enhanced pre-school/nursery facilities;
- (iii) The payment of a financial contribution towards increasing the future capacity of Denny High School, at a rate of £1000 per dwellinghouse and £550 per flat;
- (iv) The upgrade of the M80 east and west slip road junctions on the A803 (noting that the applicant is entitled to build out 80 residential units in advance of the slip road upgrades, provided that this will be reviewed if the applicant has not completed 57 units within 5 years of the date of grant of this application);
- (v) The payment of a financial contribution towards the provision of the Denny Eastern Access Road (DEAR), in the sum of £90,000;
- (vi) The preparation of a Travel Plan Framework;
- (vii) The payment of a financial contribution towards the upgrade of the local Core Path Network, in the sum of £50,400;
- (viii) The payment of a financial contribution towards the upgrade and enhancement of existing recreational facilities in the local area, in the sum of £169,600 less the cost of the proposed on-site equipped play provision;
- (ix) The payment of a financial contribution towards the implementation of local community projects, in the sum of £75,000;
- (x) The payment of a financial contribution towards (a) the monitoring of air quality in the local area, at a rate of £500 per annum until the end of the build period, and (b) the implementation of air quality action plan measures;
- (xi) The amount, type and phasing of the provision of affordable housing, and
- (xii) Maintenance of the relevant area to the Council's satisfaction in all time coming (being the land required to achieve the necessary forward visibility at the proposed enlarged M80 east slip road/A803 junction);

Planning Conditions

- (1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2013 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced in the respective development phase:
 - (a) the siting, size, height, design & external appearance of the proposed development;
 - (b) details of the access arrangements;
 - (c) details of landscaping of the site and future maintenance of landscaping.
- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:
 - (a) the expiration of 5 years from the date of the grant of planning permission in principle; or

- (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
- (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 5 year period mentioned in sub-paragraph (a) above.

- (3) That the development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) the expiration of 5 years from the date of the grant of this planning permission in principle; or
 - (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Approval of Further Details

- (4) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, and yearly thereafter until 3 years after the development has been fully constructed, a suitably qualified person shall submit an update report for the written approval of this Planning Authority in respect of implementation of the following:-
 - (a) The Action Plan set out in Section 8 of the Banknock SIRR Conservation Strategy, Version 4, dated March 2010 (as amended 2 June 2011) or any subsequent amendment agreed by this Planning Authority in consultation with Scottish Natural Heritage;
 - (b) Conditions 16 to 23 of this permission;
- (5) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, the following site-wide details shall be submitted for the written approval of this Planning Authority:-
 - (a) An Energy Framework/Strategy; and
 - (b) A Public Art Framework/Strategy;
- (6) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, a detailed design and a Stage 2 Road Safety Audit for the proposed western and eastern access junctions and the proposed upgrades to the A803 Kilsyth Road/M80 east and west slip road junctions, shall be submitted to and agreed in writing by this Planning Authority, unless an alternative time(s) is agreed in writing by this Planning Authority for the submission of this information.
- (7) Each application for the approval of Matters Specified in Conditions shall be accompanied by the following details for consideration for approval in writing by this Planning Authority in so far as they relate to the relevant development phase:-

- (a) Detailed site layout and design information, which accords with the approved Banknock North SIRR Development Masterplan (Drawing No. 8 06 AL(0) 105, Revision J, January 2016) or any subsequent approved revision of the Development Masterplan, unless otherwise agreed in writing by this Planning Authority;
- (b) A detailed Phasing Plan showing the exact sequence of preparatory levelling/earthworks and vegetation removal and development for the proposed land uses, provision of infrastructure, landscaping, open space and play facilities;
- (c) A detailed strategy for embedding sustainable energy use into the proposed development through, for example, site and building design and the utilisation of renewable energy sources, having regard to the approved site-wide Energy Framework/Strategy;
- (d) Proposals to incorporate public art/interpretive facilities into the development having regard to the approved site-wide Public Art Framework/Strategy;
- (e) A detailed scheme of soft landscaping works incorporating measures to promote, enhance and safeguard biodiversity. The scheme shall include the location of all proposed new trees, shrubs, hedges and grass areas and a schedule of plants to comprise species, plant sizes and proposed numbers/densities;
- (f) Proposals for the provision of newt friendly infrastructure within residential areas, which accord with the Banknock SIRR Great Crested Newt Assessment and Mitigation Strategy, Version 5, dated 6 June 2011;
- (g) An updated Tree Protection and Removal Plan, as informed by an updated Tree Survey;
- (h) A detailed scheme of hard landscaping works, which includes the specification and colour of all proposed surface material and the location and design of all proposed artefacts, structures and enclosures e.g. street furniture, lighting, walls, fences and gates;
- (i) The proposed long term management and maintenance arrangements for all open spaces, water bodies, SUDS ponds and structured landscaping areas;
- (j) A Construction Environmental Management Plan;
- (k) The exact location and design of all proposed waste management facilities, which accord with the Council's guidance for refuse and recycling collection in new housing and commercial developments;
- (l) A Contaminated Land Assessment, which determines the nature and extent of any contamination on the site, including contamination that may have originated elsewhere, and any potential risks to human health, property, the water environment and designated ecological sites;
- (m) A full site-specific surface water drainage scheme, which accords with SUDS principles;
- (n) An updated Flood Risk Assessment/Statement, which details all proposed flood alleviation measures and demonstrates that pluvial flood risk is managed as part of the drainage design, that all properties have a suitable freeboard over the design event, that all properties have safe access and egress during the design event and that the design of the new culverts is robust and provision has been made for flood waters to safely bypass them in the event of blockage;

- (o) The exact location and specification of all proposed foot/cycle paths, including connections to the wider path network;
- (p) A Travel Plan, including a Travel Pack;
- (q) Proposals for access to public transport services (including school bus services); and
- (r) A Noise Impact Assessment.

Number of Units

- (8) Notwithstanding that the development description is for 'development up to 550 houses', the overall number of residential units shall not exceed 504, unless otherwise agreed in writing by this Planning Authority;

Tree Protection and Removal

- (9) No trees or scrub shall be removed from each respective development phase until an updated Tree Protection and Removal Plan for that phase has been submitted to and approved in writing by this Planning Authority;
- (10) Before the respective development phase commences, the details and specification of the protective measures necessary to safeguard the trees and other types of vegetation to be retained shall be submitted to and approved in writing by this Planning Authority;
- (11) Upon completion of the approved protection measures, the Planning Authority shall be notified and no work within the respective development phase shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable;
- (12) The protective measures shall be retained in a sound and upright condition throughout the development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery;

Biodiversity

- (13) Unless otherwise agreed in writing by this Planning Authority, the development shall be carried out in accordance with the Action Plan set out in Section 8 of the Banknock SIRR Conservation Strategy, Version 4, dated March 2010 (as amended 2 June 2011);
- (14) Unless otherwise agreed in writing by this Planning Authority, all approved tree and scrub removal shall be carried out in the months of August to April, in order to avoid disturbance to breeding birds;
- (15) Where the respective development phase has not commenced within 12 months of the last survey of the site for badgers, bats, otters and breeding birds, further walkover survey(s) and any necessary species protection plan shall be submitted to and approved in writing by this Planning Authority prior to that development phase commencing;

Great Crested Newts

- (16) The development shall be carried out in accordance with the mitigation and compensation measures set out in Section 4.2 of the Banknock SIRR

Great Crested Newt Assessment and Mitigation Strategy, Version 5, dated 6 June 2011 unless otherwise agreed in writing by this Planning Authority in consultation with Scottish Natural Heritage;

- (17) The integrity of all amphibian fencing shall be monitored at least monthly between February and November every year, or for the anticipated duration of construction estimated at 15 years, after which time the fence shall be removed. Any repairs or appropriate remediation measures shall be undertaken immediately in the event of the fence being found to be damaged or affected in any way which is likely to impair its effectiveness;
- (18) The habitat creation and enhancements works within the proposed Nature Conservation Area shall be completed, and made available to newts (i.e. all newt fencing removed from this area), by 31 December 2016 or any other date that may be agreed in writing by this Planning Authority in consultation with Scottish Natural Heritage;
- (19) A new pond shall be created during the construction period to replace the loss of the Railway Pond (PN13) and be situated in approximately the same location;
- (20) The new ponds (i.e. the new Railway Pond, the new Brown Pond and the new ponds within the proposed Nature Conservation Area) shall be monitored for three years from their creation, within any remedial action identified by the monitoring being implemented in accordance with details approved in writing by this Planning Authority;
- (21) A risk assessment for all staged works proposed within the application site boundaries shall be carried out to determine if they are likely to cause an offence under Regulation 39/43 of the Habitats Regulations. The risk assessment(s) shall be submitted for the written approval of this Planning Authority and shall include an appraisal of the monitoring and maintenance records for the one-way newt fence.
- (22) The great crested newt meta-population shall be monitored for 3 years after the development has been constructed and the one-way newt fence removed, with any remedial action identified by the monitoring being implemented in accordance with details approved in writing by this Planning Authority;
- (23) Arrangements shall be made to secure the long-term management of the newt-friendly infrastructure, including the new ponds and associated habitat, in accordance with details approved in writing by this Planning Authority;

Cultural Heritage

- (24) Unless otherwise agreed in writing by this Planning Authority, no development shall take place within the relevant development phase until the applicant has secured the implementation of a programme of archaeological work for that development phase in accordance with a written scheme of investigation which has been submitted to and approved in writing by this Planning Authority;

- (25) During implementation of the approved programme of archaeological work, access at all reasonable times shall be afforded to any archaeologist nominated by this Planning Authority, to allow that person to observe work in progress and record items of interest and finds;
- (26) Not less than 14 days prior to the development commencing, the Planning Authority shall be notified in writing of the commencement date of ground breaking works, the site contact person and the archaeologist appointed by the applicant;

Provision of New/Enhanced Local Facilities and Features

- (27) Unless otherwise agreed in writing by this Planning Authority, the proposed retail development, associated public realm area and gateway features shall be fully completed prior to the completion of either phase 1 of the proposed development or the 100th residential unit, whichever is the earliest, in accordance with details approved in writing by this Planning Authority;

Contaminated Land

- (28) Before the respective development phase is brought into use, any necessary remediation works to make the ground safe from contamination (as defined in part IIA of the Environmental Protection Act 1990) shall be carried out in accordance with a remediation strategy approved in writing by this Planning Authority;
- (29) Before the respective development phase is brought into use, any necessary remediation completion report/validation certificate, endorsed by the relevant parties, shall be submitted to and approved in writing by this Planning Authority;

Surface Water Drainage/Flooding

- (30) Any proposed surface water drainage retrofit to release foul capacity to serve the proposed development, shall be fully completed in accordance with a final design scheme approved in writing by this Planning Authority;
- (31) No land-raising or built development shall occur within the 0.5% annual probability flood plan as shown hatched on the approved Banknock North SIRR Development Masterplan (Drawing No. 8 06 AL(0)105 Revision J, January 2016) or any subsequent approved revision of the Development Masterplan;

Outdoor Access

- (32) The existing Core Path Network/Right of Ways shall be retained for use by the public during the construction phase unless temporary arrangements are put in place for a diversion(s) in accordance with details, including the provision of signage, approved in writing by this Planning Authority;

Roads/Transportation

- (33) Unless otherwise agreed in writing by this Planning Authority, having regard to the Scottish Government Policy Statement: Designing Streets, all new roads and associated infrastructure shall be designed and constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area existing at the time of the Council's minded to grant decision;
- (34) Unless otherwise agreed in writing by this Planning Authority, no part of the development shall be occupied until the proposed western junction, the proposed toucan crossing of Kilsyth Road, west of Hollandbush Avenue, and relevant signalisation is installed and has been fully completed in accordance with details submitted to and approved in writing by this Planning Authority; unless otherwise agreed in writing by this Planning Authority, the proposed eastern junction and relevant signalisation shall be fully completed and operation prior to occupation of the 200th residential unit, in accordance with details to be submitted to and approved in writing by the Planning Authority;
- (35) Within one month of opening of each new/upgraded road junction, a Stage 3 Road Safety Audit shall be submitted for the written approval of this Planning Authority. Any required changes to the design as a consequence of the Stage 3 Road Safety Audit shall be funded and implemented by the applicant;
- (36) Before the development commences, exact details of the proposed pedestrian / toucan crossings of the A803 Kilsyth Road and the Urban Traffic Control (UTC) system proposed to link the new traffic signals, shall be submitted to and approved in writing by this Planning Authority unless otherwise agreed. Thereafter any agreed facilities shall be provided in accordance with the approved details and a timescale(s) to be agreed in writing by this Planning Authority;
- (37) Before the development commences, exact details of the provision of a suitable route though the site to accommodate bus use, including stopping points and shelter facilities, shall be submitted to and approved in writing by this Planning Authority, unless otherwise agreed in writing by this Planning Authority that this infrastructure within the site is not required. Thereafter any such approved infrastructure shall be provided in accordance with the approved details and a timescale(s) to be agreed in writing by this Planning Authority;
- (38) Before the development commences, exact details of the proposed relocation/upgrading of the existing bus stops on Kilsyth Road shall be submitted to and approved in writing by this Planning Authority. Thereafter the facilities shall be relocated in accordance with the approved details and a timescale(s) to be agreed in writing by this Planning Authority;

- (39) Vehicle and cycle parking shall be provided in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area existing at the time of the Council's minded to grant decision; unless otherwise agreed in writing by this Planning Authority;
- (40) Unless otherwise agreed with the Planning Authority in consultation with Transport Scotland, no part of the development shall be occupied until the infrastructure mitigation at the M80 West Slip Road Junction as generally illustrated in the JMP Drawing No SCT3178/I/WS/001/ Rev E dated October 2011 is provided. These works will be completed to the satisfaction of the Planning Authority in consultation with Transport Scotland;
- (41) Unless otherwise agreed with the Planning Authority in consultation with Transport Scotland, no part of the development shall be occupied until the infrastructure mitigation at the M80 East Slip Road Junction as generally illustrated on the JMP Drawing No SCT3178/I/ES/001 Rev I dated December 2011 is provided. These works will be completed to the satisfaction of the Planning Authority in consultation with Transport Scotland;
- (42) Unless otherwise agreed with the Planning Authority in consultation with Transport Scotland, no development shall commence until details of proposed new signage on the M80 West Slip Road have been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland;
- (43) Unless otherwise agreed with the Planning Authority in consultation with Transport Scotland, no development shall commence until lighting details within the site have been submitted to and approved by this Planning Authority in consultation with Transport Scotland;
- (44) Unless otherwise agreed with the Planning Authority in consultation with Transport Scotland, no development shall commence until boundary fencing details with the M80 Slip Road have been submitted to and approved in writing by this Planning Authority in consultation with Transport Scotland;
- (45) The development shall not affect the integrity of the trunk road drainage network. No connections shall be made to the trunk road drainage network;
- (46) Unless otherwise agreed in writing by this Planning Authority, the first application for the Approval of Matters Specified in Conditions shall be accompanied by detailed design proposals for the internal access junction to serve the proposed retail and car parking area. The details to be submitted shall include an analysis of the operation of the proposed junction arrangement with the scoping of the analysis to be agreed with this Planning Authority. The submitted details shall be subject to the written approval of this Planning Authority and thereafter the approved details shall be completed in accordance with an agreed timescale.

Reason(s):-

- (1)** To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3)** To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4-7)** To enable the respective matters to be considered in detail at the appropriate time following grant of planning permission in principle.
- (8)** To limit the number of units to reflect the scale of development subject to the Transport Assessment.
- (9-12)** To safeguard the visual and environmental amenity of the area.
- (13-23)** To protect, mitigate and enhance natural heritage and protected species interests.
- (24-26)** To safeguard the archaeological interest of the area.
- (27)** To secure the delivery of new facilities in accordance with appropriate timescales.
- (28-29)** To ensure the ground is suitable for the proposed development.
- (30-31)** To ensure that suitable drainage is provided and that potential flood risk is mitigated to an acceptable level.
- (32)** To safeguard the existing public path network.
- (33-35)** To safeguard the interests of the users of the highway and to ensure the delivery of infrastructure in accordance with appropriate timescales.
- (36-38)** To provide appropriate infrastructure to promote alternative modes of transport to the private car and manage traffic progression and queuing.
- (39)** To ensure that adequate parking is provided.
- (40-42)** To ensure the impact of the development is adequately mitigated against with minimum interference to the safety and free flow of traffic on the trunk road.
- (43)** To ensure there will be no distractions or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.
- (44)** To minimise the risk of pedestrians gaining uncontrolled access to the road with the consequential risk of accidents.

- (45) To ensure the efficiency of the existing trunk road drainage is not affected.
- (46) To safeguard the interests of the users of the highway and ensure appropriate provision of roads infrastructure.
- (47) To provide appropriate infrastructure to promote alternative modes of transport to the private car and manage traffic progression and queuing.