

FALKIRK COUNCIL

Subject: REDEVELOPMENT OF FORMER PAPER MILL TO PROVIDE 129 DWELLINGHOUSES AND 53 FLATS; 750M² OF COMMERCIAL FLOORSPACE; ROADS INFRASTRUCTURE INCLUDING NEW ROUNDABOUT; OPEN SPACE, LANDSCAPING, WOODLAND MANAGEMENT AND PUBLIC PATHWAY PROVISION; CONSTRUCTION OF A FISH LADDER; AND ALTERATIONS TO LISTED BUILDING TO RETAIN BUSINESS USE AT CARRONGROVE PAPER MILL, DENNY FK6 5HJ FOR MCTAGGART & MICKEL - P/08/0296/FUL

Meeting: PLANNING COMMITTEE

Date: 2 November 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward: - Denny and Banknock
Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: Denny and District

Case Officer: Brent Vivian (Senior Planning Officer), ext 4935

1. BACKGROUND

- 1.1 Members may recall that this application was originally considered at the meeting of the Planning Committee on 24 February 2010 (a copy of the previous report is appended). At this meeting, the Committee indicated that it was minded to grant the application subject to the satisfactory conclusion of a Section 75 Legal Agreement (Planning Obligation) and thereafter to grant planning permission. The matters to be subject to the Planning Obligation relate to improvements to educational, transportation and recreational facilities and infrastructure, and to the provision of live-work units and affordable housing.
- 1.2 The Planning Obligation has not been concluded as the applicant has proposed a number of amendments to the application. A factor contributing to these proposed amendments are appraisals of the costs of the proposed road infrastructure and engineering works, which suggest that proposed phase 1 of the scheme is unviable. Proposed phase 1 is the provision of 27 affordable housing units (social rented) and has an anticipated completion date of September 2013. The applicant has therefore reviewed the scheme, including the site layout, taking into account the post-demolition levels.

1.3 The main proposed amendments to the application are:

- Vehicular access to the site solely from a new roundabout rather than from a new priority junction (principal access) and a new roundabout (secondary access);
- Changes to the internal road configuration so that a main access road serves, to the north, a series of north-south oriented cul-de-sacs;
- An increase, by 9, of the overall number of residential units;
- An increase in the number of dwellinghouses from 108 to 129 and a reduction in the number of flats from 65 to 53;
- Changes to house types;
- Provision for surface water drainage by a new SUDS pond rather than underground filter trenches and attenuation tanks;
- Removal of the majority of high internal and external retaining walls;
- The provision of a local shop (250m²) and office space (500m²) in place of the original proposal for 480m² of commercial floor space;
- Relocation of the commercial floor space from within the development site to the site entrance at the new roundabout; and
- Removal of the live-work units.

1.4 The following information has been submitted in support of the proposed amendments to the application:-

- Revised Site Layout and Site Levels Plans;
- An updated Ecological Impact Assessment;
- Tree Survey Information and Details of Proposed Tree Works (Proposed Phase 1);
- A Revised Flood Risk and Drainage Impact Assessment;
- A Supporting Infrastructure Statement;
- A Supporting Transportation Statement; and
- A Statement on Removal of the Live-Work Units.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was previously considered by the Planning Committee. In accordance with the discretion afforded to the Director of Development Services under the Scheme of Delegation, it is considered that the proposed amendments to the application should also be considered by the Planning Committee.

3. SITE HISTORY

- 3.1 The site history is detailed in the previous report, which is appended.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have advised that the proposed carriageway and parking provision generally accords with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. However, they have road safety concerns with the proximity of the proposed delivery layby for the retail unit, to the proposed new roundabout on the B818. Accordingly, they consider that the parking and servicing arrangements at this location require further consideration. They accept the conclusions and recommendations of the updated Flood Risk and Drainage Impact Assessment.
- 4.2 The Transport Planning Unit have advised that the amended proposal for one vehicular access point is acceptable in principle subject to the proposed roundabout satisfying the Design Manual for Roads and Bridges. They have advised that the previously agreed off-site mitigation measures and developer contributions as they relate to transportation matters should stand.
- 4.3 The Environment Protection Unit have no comments in respect of the proposed amendments.
- 4.4 Education Services have requested an increased pro-rata contribution arising from the proposals to increase the overall number of residential units and the ratio of dwellinghouses to flats, as this would directly affect the number of pupils from the development.
- 4.5 Corporate and Neighbourhood Services fully support the proposed amendments to the site layout for the affordable housing element (phase 1), as this reflects the applicant's bid for the National Housing Trust (NHT) initiative. They advise that delivery of 27 NHT units would meet the Council's Affordable Housing policy requirements.
- 4.6 Museum Services consider that the revised site layout does not have any more significant impact upon the setting of the listed building of Carrongrove House than the original proposal. They request that an historic building survey of the house be undertaken and the record deposited in the Council's archives.
- 4.7 SEPA are satisfied that the proposed amendments to the site layout comply with the principles of the Flood Risk and Drainage Impact Assessment, and accept in principle the proposed amendments to surface water drainage. They seek clarification regarding the second level of SUDS treatment and recommend the imposition of a planning condition requiring the submission of full details for the proposed integrated SUDS scheme.

- 4.8 Scottish Water have no objection to the proposed amendments to the application.
- 4.9 Scottish Natural Heritage note the presence of two European Protected Species (otters and bats) in the area but advise that the proposed development would not be detrimental to maintenance of the otter and bat populations. This is based on an appraisal of survey results, the proposed mitigation measures outlined in the updated Ecological Impact Assessment and the fact that derogation licenses have previously been issued in relation to demolition works on the site. They advise that a Badger Protection Plan should be submitted as two badger setts have been recorded within the development site.
- 4.10 Central Scotland Police have not responded to the proposed amendments.
- 4.11 The Royal Society for the Protection of Birds (RSPB) have no further comments to their consultation response dated 18 July 2008.
- 4.12 The Scottish Wildlife Trust have not responded to the proposed amendments.
- 4.13 The Scottish Civic Trust have not responded to the proposed amendments.
- 4.14 The Glenwood Tenants and Residents Association have not responded to the proposed amendments.

5. COMMUNITY COUNCIL

- 5.1 The Denny and District Community Council have not made any representations to the proposed amendments.

6. PUBLIC REPRESENTATION

- 6.1 No representations have been received in respect of the proposed amendments to the application.

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 A detailed appraisal of the application against the Development Plan is contained in the report considered by the Planning Committee on 24 February 2010 (which is appended). This current report is concerned with assessing the proposed amendments to the application against the relevant planning considerations.

- 7a.2 Since consideration of the application by the Planning Committee on 24 February 2010, the adopted Falkirk Council Local Plan has replaced the adopted Denny and District Local Plan. The relevant Development Plan considerations are therefore now contained in the approved Falkirk Council Structure Plan and the adopted Falkirk Council Local Plan.

Design and Layout

- 7a.3 The proposed development was assessed as respecting the character and appearance of the townscape and responding positively to the surroundings. The proposed amendments to the application do not change this assessment and it is evident that the proposed increase in units and change in mix can be satisfactorily accommodated. In particular, the listed building, and views of it, have been integrated sensitively into the development by provision of a courtyard setting framed by (higher density) housing blocks. The proposed changes introduce some houses that back on to the river edge but this a relatively small element of the development and, overall, the development responds positively to its natural surroundings. The proposal to remove the majority of the high retaining walls is supported. Overall, the application, as amended, contributes positively to the quality of the built environment and accords with Policy EQ3 (Townscape Design) of the adopted Falkirk Council Local Plan.

Open Space

- 7a.4 The application includes substantial areas of passive open space and active open space in the form of an equipped play facility. In addition, a cycleway through the site linking to the former railway line to Denny is proposed and developer contributions towards upgrading the former railway line and providing or upgrading recreational facilities in the local area have been agreed with the applicant. Further to this, a planning condition requires the provision of a Multi Use Games Area (MUGA) within the proposed development, to serve the local area. The proposed amendments to the application provide an opportunity to review the overall open space provision against the Council's new Supplementary Planning Guidance Note for Public Open Space and New Development. This review has been undertaken and indicates that the overall provision exceeds the requirements promoted in the guidance, if some credit is given to the contribution that the proposed cycleway and upgrades to the former railway line would make towards active recreation. On this basis it is considered that there is flexibility to remove the requirements for a MUGA, whilst acknowledging the overall enhancement to recreational opportunities that the proposed development would provide for the local community. The remainder of the originally proposed/agreed open space provision would be unchanged and includes an extensive path network, including a link to Johnston Park, and viewing/seating areas to take advantage of the aspect to the River Carron.

Impact on Trees

- 7a5 The proposed amendments to the application introduce a SUDS pond within a wooded area at the eastern end of the site and encroachment of Phase 1 of the development eastwards towards a line of lime trees along the former access road. The wooded area has been subject to a recent Tree Survey, which identifies a number of trees in poor condition that need to be removed along with trees proposed to be removed for the access roundabout and the SUDS pond and associated access track. The Council's Landscape Officer has reviewed the relevant information and considers the overall tree survey to be accurate and the recommendations for tree removal and surgery to be appropriate and reasonable, taking into account the proposals for compensatory new tree planting. In response to concerns that the extent of infill and retaining wall construction for proposed phase 1 may adversely impact on the roots of the lime

trees and their setting, the proposed development has been pulled back to the edge of the former access road and level changes have been reduced. These changes are considered to be acceptable. The proposed development is therefore considered to be sensitive to its surrounding landscape and provides an opportunity to enhance and effectively manage this woodland area. The application, as amended, therefore accords with Policies EQ4 (Landscape Design) and EQ26 (Trees, Woodland and Hedgerows) of the adopted Falkirk Council Local Plan.

Ecology

- 7a.6 An updated Ecological Impact Assessment has been submitted in support of the proposed amendments to the application, and was informed by updated badger and otter surveys and an updated bat survey for proposed Phase 1 of the development. The updated assessment predicts no significant effects on otter, bats or badger as a result of the proposed development but acknowledges that the amended proposal for a SUDS pond, at the wooded east end of the site, affects the previous commitment to retain a rookery. The original suite of mitigation measures are presented in the updated assessment, along with further environmental commitments. In addition, detailed Species Protection Plans for otter, bats and badgers are proposed. The further environmental commitments include the re-positioning of a bat roost (under license), which is within a bat box attached to a tree to be lost to the proposed Phase 1 works. A planning condition would require the submission of a Method Statement to show how impacts in construction and operation of the SUDS pond on the existing habitat would be minimised. In addition, a planning condition would require the submission of an Environmental Management Plan, covering habitat enhancement measures, compensatory new planting and design of the SUDS pond to benefit biodiversity. In light of these comments, the application, as amended, is considered to accord with Policies EQ24 (Ecological Sites and Features) and EQ25 (Biodiversity) of the adopted Falkirk Council Local Plan.

Provision of Retail/Commercial Development

- 7a.7 The original application included 480m² of commercial floorspace, for a range of uses such as shops and offices. The potential for up to 480m² of retail floorspace was considered to be commensurate with maintaining the hierarchy of shopping centres in the Falkirk Council area. The application, as amended, proposes 250m² of floorspace for local shops and 500m² of floorspace for offices. In addition, the proposal for 565m² of office floorspace within Carrongrove House is retained. The application, as amended, is similarly considered to maintain the local retail hierarchy and therefore accords with Policy ECON.5 (Location of New Retail and Commercial Leisure Development) of the approved Falkirk Council Structure Plan and Policy EP7 (New Retail Development) of the adopted Falkirk Council Local Plan.

Transportation

- 7a.8 The application, as amended, provides for a single access point to serve the proposed development. The Transport Planning Unit have advised that this is acceptable in principle and a revised Transport Assessment is not required as the overall trip generation is anticipated to be similar to the original proposal. The previous requirements for developer contributions to fund off-site works to the local road and cycle networks remain unchanged and the applicant has accepted this. These contributions would be secured by a Section 75 Planning Obligation. Accordingly, impacts on the surrounding road network would be adequately mitigated and the application, as amended, accords with Policy TRANS.3 (Transport Assessment) of the approved Falkirk Council Structure Plan and Policy ST7 (Transport Assessments) of the adopted Falkirk Council Local Plan.

Surface Water Drainage/Flooding

- 7a.9 The original proposals to divert the existing Sandyford Burn culvert and a culvert from the Strathcarron Hospice pond, which cross the site to the River Carron, remain unchanged. These culverts would pass below roads, parking areas and open space areas of the proposed development. The Roads Development Unit are satisfied that the potential for culvert blockage has been satisfactorily taken into account in the design and that retention of the existing culvert size under the B818 for Sandyford Burn is acceptable subject to the existing trash screen provision being improved. In addition, the Roads Development Team have accepted the proposed changes to the SUDS scheme to include a pond. They recognise that the principles of the revised drainage and SUDS design do not vary from those included in the previously accepted Flood Risk and Drainage Impact Assessment. Accordingly, no significant flood related impacts are anticipated and a suitable surface water management scheme is proposed. The application, as amended, is therefore considered to accord with Policy ENV.4 (Coastal Planning and Flooding) of the approved Falkirk Council Structure Plan and Policies ST11 (Sustainable Urban Drainage) and ST12 (Flooding) of the adopted Falkirk Council Local Plan.
- 7a.10 Accordingly, in light of the above comments, the application is considered to accord with the Development Plan.

7.b Material Considerations

- 7b.1 An appraisal of the application against the relevant material planning considerations is contained in the report considered by the Planning Committee on 24 February 2010 (which is appended). This current report is concerned with assessing the proposed amendments to the application against the relevant planning considerations.

Planning Brief

- 7b.2 The Planning Brief for the former Paper Mill site, dated March 2007, sets out the Council's requirements and expectations for the future development of the site. It identified the key land use, design, environmental and infrastructural considerations as well as additional community benefits that are likely to be required.
- 7b.3 The proposed amendments to the site layout indicate a single access and a spine road parallel to the river, serving north-south orientated cul-de-sacs. This satisfies the Indicative Layout contained in the Planning Brief to a greater extent than the original proposal. The Brief promotes active housing frontages to the river and retention of the eastern woodland area. However, the amended proposals include a small element of housing backing onto the river and accommodation of a SUDS pond within the eastern woodland area but these are considered to be acceptable as detailed in this report. In accordance with the Brief, the amended proposal retains a riverside woodland walk/cycleway, bespoke housing around the listed building and a fish ladder at the Fankerton Weir.
- 7b.4 The Planning Brief indicated the provision of approximately 1.5 hectares of business/industrial land. The application as previously considered by the Planning Committee proposed 480m² of commercial floor space for retail and office uses, alterations to Carrongrove House to provide 565m² for business use and 18 live-work units, specifically designed to enable both residential and business use. Taking into account the locational constraints of the site for industry and the

largely residential character of the proposed development, the proposed commercial and business use provision in lieu of 1.5 hectares of business/industrial land provision was accepted.

- 7b.5 The application, as amended, proposes to delete the live-work units and increase the proposed commercial floorspace from 480m² to 750m². The applicant has submitted a statement to support removal of the live-work units, which refers to information from the Office of National Statistics confirming that development of communication technologies is making it increasingly feasible for people to work from home. The statement also refers to revisions to Scottish Building Regulations to improve the accessibility of housing and its adaptability to meet the various needs of householders, including working from home. Against this background, the statement indicates that all house types within the proposed development would be suitable for home working and dedicated live-work units are no longer appropriate. Having reviewed this matter, it is considered that removal of the dedicated live-work units can be accepted taking into account the submissions of the applicant, the proposed increase in business provision and experience elsewhere that indicates the operation of live-work units through the planning system is not always straightforward. For example, difficulties can arise in enforcing the retention of dedicated work space which is integral to a dwellinghouse.

Consultations

- 7b.6 The updated consultation responses are summarised in section 4 of this report. The matters referred to in these responses would be the subject of suitable planning conditions or a Section 75 Planning Obligation. The previously approved terms of the Section 75 Planning Obligation and the planning conditions would be amended, as appropriate.
- 7b.7 Since the proposed amendments to the application were submitted, the developer contribution rates for education have changed. Education Services have advised that an increased pro-rata contribution is required due to the proposals to increase the overall number of residential units and the ratio of dwellinghouses to flats. Given that the advice from Education Services on the updated contribution for the proposed amendments to the application pre-dated the new rates, it is considered reasonable for the contribution to reflect the advice at the time rather than the new rates.

7.c Conclusion

- 7c.1 This report provides an update of proposed changes to this application and concludes that the application, as amended, accords with the Development Plan. The Planning Committee decided on 24 February 2010 that it is minded to Grant the application subject to the satisfactory conclusion of a Section 75 Legal Agreement (Planning Obligation) and, thereafter, remit to the Director of Development Services to grant planning permission subject to appropriate conditions. Given that the proposed changes to the application are considered to be acceptable, it is recommended that the previous decision stand. However, changes to the terms of the Section 75 Planning Obligation and planning conditions are recommended, to reflect the proposed changes, the submission of update information and the receipt of updated consultation responses. These changes are incorporated into the recommendation as detailed below.

8. RECOMMENDATION

8.1 It is recommended that the Committee indicate that it is minded to grant detailed planning permission subject to:-

- (a)** the satisfactory completion of a Planning Obligation within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of:-
 - (i)** the payment of a financial contribution of £501,750 towards the provision and upgrade of educational facilities in the area;
 - (ii)** the payment of a financial contribution of £550,000 towards the provision of a roundabout at the junction of Nethermain Road and Glasgow Road, Denny and a mini-roundabout at the junction of Nethermain Road and Stirling Street, Denny;
 - (iii)** the payment of a financial contribution of £20,000 towards the upgrade of a former railway line for the purposes of a cyclepath (Safer Routes to School) between Stoneywood and Denny;
 - (iv)** the payment of a financial contribution of £30,000 towards the provision, upgrade and maintenance of recreational facilities in the local area; and
 - (v)** the nature and provision of the proposed affordable housing units;
- (b)** the submission of a Stage 2 Road Safety Audit for the written approval of this Planning Authority, which assesses all of the new road infrastructure to be constructed by the applicant;
- (c)** further consideration and the agreement of the Planning Authority in respect of the proposed parking, access and servicing arrangements for the retail, office and residential uses comprising the proposed 3 storey flatted block at the entrance to the proposed development;
- (d)** and thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions:-
 - (1)** The development to which this permission relates must be begun within three years from the date of this permission.
 - (2)** Before the development commences, details of the phasing of the proposed development and the location(s) of the works compound and construction vehicle parking areas shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.
 - (3)** Before the development commences, full details of the colour and specification of all proposed external finishes shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.
 - (4)** Before the development commences, full details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate):

- (i) existing and proposed finished ground levels in relation to a fixed datum, preferably ordnance;
 - (ii) the location of all new trees, shrubs, hedges and grassed areas;
 - (iii) a schedule of plants to comprise species, plant sites and proposed numbers/density;
 - (iv) the location, height, colour and specification of all proposed walls, fences, gates and any other means of enclosure (including details of the proposed treatment along the river edge);
 - (v) the location, colour and specification of all proposed hard surface materials;
 - (vi) existing and proposed services such as cables, pipelines, sub-stations, etc;
 - (vii) other artefacts and structures such as seating, litter bins, dog bins, external lighting, bollards, trail and interpretive signage and viewing galleries. Thereafter, the development shall be completed in accordance with the approved details.
- (5) Before the development commences, a scheme for the provision of active recreational facilities shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include:
- (i) the location of a toddler/junior play area and the type and location of all associated play equipment, seating, fences, walls and litter bins;
 - (ii) the surface treatment of play areas;
 - (iii) the location and specification of all proposed cycleways and footways within the application site and proposed connections to the wider network. Gradient, cross-section and signage details shall be submitted as appropriate;
 - (iv) details of the proposed pedestrian/cycle crossing point on the B818, east of the new access roundabout. The details shall include a plan showing relevant dropped kerbs and provision of a 3 metre wide footpath to link the proposed development to Kirkwood Drive (for use by pedestrians and cyclists).
- (6) The existing stone wall along the frontage of the site to the B818 shall be made good and re-built where gaps exist or damage has occurred or where sections have been removed to achieve the required visibility splays, in accordance with details approved in writing by this Planning Authority.
- (7) Before the development commences, a final statement and plan confirming the existing trees proposed to be removed shall be submitted to and approved by this Planning Authority. No existing trees shall be removed until the final statement and plan have been approved in writing. The existing trees proposed for removal shall be marked, and the Planning Authority shall be notified when the trees are marked, in order to provide the opportunity for an inspection of the marked trees.
- (8) Before the development commences, a Tree Protection Plan shall be submitted to and approved in writing by this Planning Authority. The plan shall include details of the exact location and specification of the temporary fencing to protect the areas of retained habitat, and a Method Statement showing how surrounding

woodland and other habitat would be protected during construction and operation of the SUDs pond. The protective fencing shall be put in place before the development commences and shall remain in place until all construction works are complete. The Planning Authority shall be notified in order to provide an opportunity for inspection of the protective fencing once it is in place.

- (9) During construction, no excavation, level changes, material storage, fires or vehicle movement shall take place within the fenced off areas indicated in the approved Tree Protection Plan.
- (10) Before the development commences, the exact details of the proposed environmental measures as detailed in Tables 1A and 1B of the updated Ecological Impact Assessment prepared by Heritage Environmental Limited, dated July 2011, shall be submitted to and approved in writing by this Planning Authority, in consultation with SEPA and SNH (as appropriate). Thereafter, the development shall proceed in accordance with the approved details.
- (11) Before the development commences, Species Protection Plans for otter, bats and badgers shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall proceed in accordance with the approved details, under the supervision of a suitably experienced ecologist acting as Ecological Clerk of Works.
- (12) Before the development commences, an Environmental Management Plan shall be submitted to and approved in writing by this Planning Authority. The plan shall include woodland management measures and management prescriptions for the SUDS pond and habitat, and consider the opportunities for access and recreation within the various habitat areas. Thereafter, the development shall proceed in accordance with the approved details.
- (13) In respect of otter:
 - (a) No vehicular access, works or pedestrian access shall occur within 30 metres of the otter resting places identified in the otter survey(s). This exclusion zone shall be marked on the site with temporary posts and high visibility tape or similar before the development commences (to be removed at the end of the contract). The positioning and erection of fences demarcating the boundaries of exclusion zones shall be supervised, and subsequently monitored, by a suitably experienced ecologist acting as Ecological Clerk of Works.
 - (b) The existing scrub/trees screening the otter resting places from the area where works are proposed shall be retained.
 - (c) All personnel, including contractors and sub-contractors, shall be made aware of the presence of otters and their holts, their protected status and the conditions of any granted licence.
- (14) Should the development not commence within 12 months of the last survey of the site for otter, bats and badgers, a further walk-over survey of the site shall be

conducted and the results of the survey submitted for the written approval of this Planning Authority.

- (15) Tree, scrub and hedgerow removal shall only occur between the months of September to March (inclusive) in order to avoid the destruction of birds nesting during the breeding season.
- (16) Before the development commences, the presence and breeding status of any barn owls on the site shall be confirmed by a suitably experienced consultant. Should their presence and breeding be confirmed, restrictions on timings of works as per other breeding bird species shall apply, such that works may only be carried out between the months of September to March (inclusive).
- (17) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.
- (18) Waste management facilities for the proposed development shall be provided in accordance with the Council's Refuse and Recycling Collection Requirements for Housing and Commercial Developments.
- (19) Before the development commences, the design and construction details of the proposed fish ladder shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (20) Within one year of the commencement of the development, a separate planning application shall be submitted for the provision of a small-scale hydro-electric power scheme. The application shall include the detailed design for the scheme and an assessment of its potential impacts on flooding and flood management.
- (21) Unless otherwise agreed in writing by this Planning Authority, all new road and footway design and construction shall be carried out in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.
- (22) All individual driveways shall be constructed to meet the public road at right angles, with a maximum gradient of 1:10, and in a manner to ensure that no surface water or loose material is discharged onto the public road.
- (23) Parking shall be provided in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. All dedicated car parking spaces for the proposed commercial and business uses shall be demarcated for that purpose.
- (24) The proposed development shall be carried out in accordance with the recommendations detailed on page 43 of the Flood Risk and Drainage Impact

Assessment, Revision H, prepared by Waterman Civils Limited, dated September 2011.

- (25) Before the development commences, details of the provision of an improved trash screen for the Sandyford Burn under the B818 and arrangements for the maintenance of the proposed and existing culverts and outfalls that cross/adjoin the application site shall be submitted to and approved in writing by this Planning Authority. Thereafter, the approved trash screen shall be installed in accordance with an agreed timescale and maintenance of the culverts shall be carried out in accordance with the approved details.
- (26) Before the development commences, details of the location and specification of all proposed bus stop infrastructure shall be submitted to and approved in writing by this Planning Authority. The details shall include: provision of new bus shelter(s) for eastbound stops, with appropriate flagpoles and timetable information; relocation of the westbound stop; and provision of a connecting footpath to the westbound stop. Thereafter, the development shall be carried out in accordance with the approved details.
- (27) One cycle locker per flat shall be provided, in accordance with details to be submitted to and approved in writing by this Planning Authority before the development commences.
- (28) Before the first unit is occupied, a Residential Travel Plan, including a Travel Pack, shall be submitted to and approved in writing by this Planning Authority and the Travel Pack shall be distributed to households prior to occupation.
- (29) Before the cycleway/pedestrian path to the B818 at the western end of the site is brought into use, a section of footpath to link the cycleway/pedestrian path to the existing footpath at Fankerton shall be constructed in accordance with the Design Guidance and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.
- (30) Before the development commences, details of the party (parties) to implement the Environmental Management Plan, and the timescale thereof, and details of the on-going future management and maintenance of the hard and soft landscaping areas, the active recreational facilities and the fish ladder, shall be submitted to and approved in writing by this Planning Authority. Documentary evidence shall be submitted to demonstrate the long-term securing of the management and maintenance of these areas and infrastructure.
- (31) Before the first residential unit is occupied, the new pedestrian/cyclist crossing point of Fintry Road and the new bus stop infrastructure shall be fully completed in accordance with the approved details.
- (32) Unless otherwise agreed in writing by this Planning Authority, the new entrance roundabout to serve the proposed development shall be fully completed before the first residential unit is occupied, in accordance with details approved in writing by this Planning Authority. The details to be submitted for approval shall include a swept path assessment.

- (33) No residential unit shall be occupied until a mini-roundabout has been constructed at the junction of Stirling Street and Nethermains Road in accordance with an approved Road Construction Consent.
- (34) Before the 50th residential unit is occupied, the toddler/junior play area and the fish ladder shall be fully completed in accordance with the approved details.
- (35) Before the 70th residential unit is occupied, the alterations to the listed building (Carrongrove House) to retain business/office use shall be fully completed in accordance with the approved details.
- (36) The proposed ground floor shop contained within the 3 storey flatted block shall be restricted to a use(s) with Class 1 of the Schedule of the Town and Country Planning (Use Classes) (Scotland) Order 1997, and any other use will require to be the subject of a further application to and approved by this Planning Authority.
- (37) The listed building (Carrongrove House) and the proposed offices contained within the 3 storey flatted block shall be restricted to a use(s) within Class 4 of the Schedule of the Town and Country Planning (Use Classes) (Scotland) Order 1997, and any other use will require to be the subject of a further planning application to and approved by this Planning Authority.
- (38) Before the development commences, full details of the proposed integrated SUDS scheme shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (39) Before the commencement of any works to Carrongrove House, a historic building survey shall be undertaken and the record submitted to the Planning Authority for deposit in the Council's archives.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997
- (2) To enable the Planning Authority to consider these aspects in more detail.
- (3-4,6) To safeguard the visual amenity of the area.
- (5) To ensure the provision of adequate and appropriate recreational facilities.
- (7-9) To safeguard the visual and environmental amenity of the area.
- (10-16) To safeguard the environmental amenity of the area and ecological and biodiversity interests.
- (17) To ensure the ground is suitable for the proposed development.
- (18) To ensure the provision of appropriate waste management facilities.

- (19) To enable this Planning Authority to consider these aspects in more detail.
- (20) To secure an application for the provision of a small scale hydro-electric scheme, in accordance with the requirements of the Planning Brief.
- (21-22) To safeguard the interests of the users of the highway.
- (23) To ensure the provision of appropriate parking facilities.
- (24-25) To safeguard the site against the risk of flooding.
- (26-29) To ensure the provision of facilities and measures to support sustainable modes of transport.
- (30) To secure the ongoing maintenance of the common areas and facilities.
- (31-35) To secure the timeous provision of facilities and infrastructure which are a requirement of the proposed development.
- (36-37) In order to retain proper control over the use of the development.
- (38) To ensure that adequate drainage is provided, which accords with sustainable urban drainage principles.
- (39) To maintain a record of the historic interest of Carrongrove House.

Informative(s):-

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference numbers 02A, 03C, 04B, 05, 06, 07, 08, 09 , 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22A, 23A, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36A, 37A, 38A, 39A, 40, 41, 42, 43A, 44 & 45.
- (2) All proposed adoptable roads, cycleways and footpaths will require Road Construction Consent, issued by Falkirk Council Development Services.
- (3) Bollards and lighting within roads and footpaths to be adopted as public will require to satisfy the Council's Design Guidelines and Construction Standards. The Council specification for bollards is Marshalls Steel Rhino Bollard RB119.
- (4) Retaining structures should be outwith a 1 in 2 slope zone of a footpath or carriageway to be adopted as public. Design calculations and drawings for any structure within this zone will require to be submitted to Falkirk Council as part of the Road Construction Consent process.
- (5) The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR) require general binding rule (GBR) 10 of CAR to be complied with in relation to surface water drainage. GBR 10 makes Sustainable Urban Drainage Systems (SUDS) a requirement for new development. SEPA has

requested the submission of a Drainage Management Plan, including details of proposed SUDS systems, prior to works commencing on site.

- (6) Any proposals for modifications to the bank of the Carron River and other works within the vicinity of the river will require SEPA authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR).
- (7) SEPA has requested the submission of information on the feasibility of an eel pass on the River Carron.
- (8) Scottish Water has requested the developer to make contact in order to understand the proposed phasing and timescales, to enable consideration of the options for connections and the impact of the development on existing infrastructure.
- (9) Scottish Natural Heritage should be contacted to ensure that valid licenses are in place for the carrying out of works that will affect European protected species or their shelter/breeding places.
- (10) Due to proximity to the River Carron, which hosts species that respond to changing light levels, including salmon fish and otters, careful consideration should be given to the design of street lighting to minimise impact on the river. Scottish Natural Heritage recommends that proposals for lighting are reviewed in accordance with the Scottish Governments Guidance Note on Controlling Light Pollution and Reducing Light Energy Consumption.

Pp

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Director of Development Services

Date: 25 October 2011

LIST OF BACKGROUND PAPERS

- 1. Approved Falkirk Council Structure Plan.
- 2. Adopted Falkirk Council Local Plan.
- 3. Falkirk Council Supplementary Planning Guidance Note for Public Open Space, Falkirk Greenspace and New Development, June 2011.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 50935 and ask for Brent Vivian (Senior Planning Officer).

FALKIRK COUNCIL

Subject: REDEVELOPMENT OF FORMER PAPER MILL TO PROVIDE 108 DWELLINGHOUSES AND 65 FLATS; 5700 SQ. FT. OF COMMERCIAL FLOORSPACE; ROADS INFRASTRUCTURE INCLUDING NEW ROUNDABOUT; OPEN SPACE, LANDSCAPING, WOODLAND MANAGEMENT AND PUBLIC PATHWAY PROVISION; CONSTRUCTION OF A FISH LADDER; AND ALTERATIONS TO LISTED BUILDING TO RETAIN BUSINESS USE AT CARRONGROVE PAPER MILL, DENNY FK6 5HJ FOR MCTAGGART & MICKEL - P/08/0296/FUL

Meeting: PLANNING COMMITTEE

Date: 24 February 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: Denny and Dunipace

Case Officer: Brent Vivian (Planning Officer), ext 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This is a detailed major application for the redevelopment of the former Carrongrove Paper Mill site to provide for 108 dwellinghouses, 65 flats, 5,700 square feet of commercial floorspace, the alteration of a listed building to retain business use and the construction of a fish ladder. The application also provides for roads infrastructure (including a new roundabout), open space, landscaping, woodland management, a cycleway and pathways.
- 1.2 The application site extends to nearly 15 hectares and lies on the north side of the B818 (Fintry Road), between Stoneywood and Fankerton, which are predominantly residential in character. The River Carron bounds the site to the north and Strathcarron Hospice lies to the south of the site. The site is accessed from Fintry Road.
- 1.3 The site has an attractive setting, being framed by mature woodland, the River Carron where it narrows to a gorge, and the Carron Glen Site of Special Scientific Interest (SSSI), which lies on the opposite side of the River Carron. The site falls steeply from the B818 along part of the road boundary and generally falls in a south to north direction, towards the River Carron. There is a Category B listed building (Carrongrove House) towards the eastern end of the site. The former mill buildings are in an advanced state of demolition.

- 1.4 The proposed development can be seen to comprise two distinct areas. First, a formal arrangement of higher density housing set around the listed building; and second, a suburban layout comprising mainly detached houses to the west of the formal layout. The mix of house types includes affordable housing, townhouses, terraced housing, live-work units, flats and detached dwellinghouses. A cyclepath and a footway are proposed through the site, to link to Stoneywood and Fankerton.
- 1.5 The Council has prepared a Planning Brief for the site, dated March 2007. The brief is a material consideration in determination of the application.
- 1.6 The application originally included a proposal for a small-scale hydro-electric scheme. This proposal has been deleted from the current application and is intended to be the subject of a separate application. In addition, the application originally included a proposal to change the use of the listed building from offices to flats. The proposal is now to retain the business use of the building.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Waddell.

3. SITE HISTORY

- 3.1 Listed Building Consent ref : P/08/0488/LBC for internal and external alterations to the Category B listed building (Carrongrove House) was granted in April 2009.

4. CONSULTATIONS

- 4.1 The Roads Development Unit is generally satisfied with the proposed site layout and has accepted that matters of detail such as the location of retaining walls, vehicular access design and the areas to be adopted can be determined through the Roads Construction Consent process. The Roads Development Unit has accepted the findings of the Flood Risk Assessment and the proposals for surface water drainage.
- 4.2 The Transport Planning Unit has agreed with the findings of the Transport Assessment that the Denny Cross junction has insufficient capacity to accommodate the traffic that would be generated by the proposed development. In order to contribute towards measures to mitigate the impact of the development on this junction, the Transport Planning Unit recommend accepting a financial contribution of £550,000 towards the cost of a new roundabout at the junction of Nethermain Road/Glasgow Road as part of the Denny Eastern Access Road (DEAR) proposal and the provision by the applicant of a mini-roundabout at the Nethermain Road/ Stirling Street junction, at an estimated cost of £50,000. These works could facilitate use of Nethermain Road to by-pass Denny town centre. In addition, the Transport Planning Unit has made recommendations for measures to ensure the site is accessible by walking, cycling and public transport. These include the payment of a financial contribution of £20,000 towards the cost of upgrading the former railway path to Denny (as part of the Safer Routes to Schools Programme), the provision of adequate links to the wider footpath and cycle network, and the provision of suitable bus stop infrastructure.

The Transport Planning Unit has advised that there would not be any requirement to contribute towards enhancement to existing bus services along Fintry Road as this has been secured by other development proposals. The Transport Planning Unit has also advised that a Stage 2 Safety Audit will be required in relation to all new road infrastructure to be constructed by the applicant.

- 4.3 The Environmental Protection Unit has reviewed the site investigation reports and environmental risk assessment prepared to date and has noted that further site investigations and gas monitoring are proposed. The results of these works and the resultant remediation strategy will be reviewed at the appropriate time.
- 4.4 Education Services have identified capacity issues at Denny High School and Denny Primary School within the next 5 to 10 years. In order to fund capacity related investment at these schools, a pro-rata financial contribution of £3,150 per dwellinghouse and £1,800 per flat is requested (£457,200 in total).
- 4.5 Community Services (Parks and Recreation) have requested the provision of active recreational facilities calculated at the rate of £750 per residential unit (£129,750 in total). Community Services (Parks and Recreation) have suggested that an acceptable standard of provision for a development of this size would be a toddler/junior play zone and a multi-use games area (MUGA) to the value of £90-100,000. The balance of the figure could contribute towards the provision and enhancement of recreational facilities in the local area.
- 4.6 Community Services (Economic Development) have raised concerns that the proposed development does not incorporate an area of approximately 1.5 hectares for business/ industrial use. This was a requirement of the Council's Planning Brief for the former Paper Mill site. However, Community Services (Economic Development) have accepted that the location of the site is not ideal for certain types of business and, as an alternative to on-site provision, would accept a payment of a financial contribution of £500,000 to fund the provision of business property in the Denny area, at a location to be agreed. Community Services (Economic Development) have estimated the increase in land value from increased residential in lieu of business/ industrial to be circa. £1m to £1.4m. In recognition of the effect of the economic downturn of the present viability of the scheme, Community Services (Economic Development) would accept deferred payment of this contribution to no later than occupation of the 100th unit.
- 4.7 Corporate and Neighbourhood Services have accepted the proposed affordable housing comprising a mix of 18 flats within a 3 storey building, 5 two-storey terraced dwellinghouses and 4 mews flats, but have indicated a preference for the provision of serviced land at affordable land value to accommodate high density low rise units.
- 4.8 Museum Services recognise that the listed building of Carrongrove House is placed as a focal point in the proposed development and consider that the new buildings would be kept at a reasonable distance from the listed building and take suitable cognisance of the contours. Museum Services, therefore, have no objection to the overall layout. It is advised that there is no need for any archaeological work as the earliest complex would appear to have been further to the west and the later re-builds of the Paper Mill removed much of the early evidence for development in these areas.

- 4.9 SEPA has no objection to the application on flood grounds, as it has accepted that suitable arrangements would be made for the diversion of existing pipes/culverts from the Strathcarron Hospital Pond and the Sandyford Burn. SEPA supports the proposed surface water drainage arrangements as reflective of Sustainable Urban Drainage Systems (SUDS) and has advised that works within the vicinity of the River Carron and any other watercourses would require SEPA authorisation under the Water Environment (Controlled Activities) Regulations (CAR). The provision of a fish pass is supported, and information on the feasibility of an eel pass is requested. SEPA has, however, objected to the provision of a small-scale hydro-electric scheme on the grounds that it is likely to lead to an immediate deterioration in the status of the River Carron. SEPA would consider removing its objection to the proposed hydro-electric scheme if the determination process under the CAR regulations concluded that the scheme is "consentable".
- 4.10 Scottish Water has no objection to the application, and has requested the applicant to contact it to discuss phasing and timescales in order to examine all options available to enable connection.
- 4.11 Scottish Natural Heritage has no objection to the application subject to conditions being applied to any permission granted. These conditions relate to otter and breeding bird mitigation, the undertaking of a further badger survey, confirmation of the presence of barn owls and the securing of access provision.
- 4.12 Historic Scotland has not made any comments.
- 4.13 Architecture and Design Scotland has not made any comments.
- 4.14 Central Scotland Police have made recommendations in relation to boundary treatment, natural surveillance, landscaping, the proposed play area and the proposed commercial unit, in order to ensure that the development is designed to minimise the opportunities for crime.
- 4.15 The Scottish Rights of Way and Access Society has advised that there are no public rights of way within the application site boundaries.
- 4.16 The Royal Society for the Protection of Birds is satisfied that there would not be any significant impacts on birds in the area, and has requested the preparation of detailed biodiversity and woodland management plans.
- 4.17 The Scottish Wildlife Trust has requested the retention and management of existing woodland, measures to safeguard protected species, and the monitoring of water quality and measures to control pollution during the construction phase. Discussion is sought regarding access links between the development site and the Carron Glen Wildlife Reserve and the impact of the development on Scottish Wildlife facilities/infrastructures.
- 4.18 The Scottish Civic Trust supports the mix of building scales and house types and the courtyard arrangement around the listed building, and would support enlargement of the courtyard setting, the use of high quality traditional materials and application of the materials and distinctive detailing of the listed building on the buildings forming the courtyard.

- 4.19 The Glenwood Tenants and Residents Association has no objection to the proposed development, and is particularly supportive of the proposed hydro-electric scheme and the plans to link the development to Johnston Park. It has advised that a high priority of the Residents Association is the provision of a play area within Stoneywood, for all ages. It has queried whether a proposal for housing on the opposite side of the B818 has been taken into account in the location of the main entrance to the proposed development.

5. COMMUNITY COUNCIL

- 5.1 The Denny and District Community Council has not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 Three letters (one objection and two representations) have been received to the application. The concerns raised in these representations can be summarised as follows:-
- The B818 is unsuitable for the amount of traffic that it would be expected to accommodate.
 - Could existing schools cope with the increase in students?
 - There would be a vast increase in the population of Stoneywood and Fankerton.
 - Land contamination issues.
 - A footpath link from the development site to the Glenview play area would be objected to.
 - Ensure a good distance from Glenview to the proposed footpath link to the B818.
 - Clarification sought regarding bus stop provision opposite the main entrance to Strathcarron Hospice.
 - Clarification sought regarding any pedestrian crossing proposed to link the development to the grounds of Strathcarron Hospice.

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,

Approved Falkirk Council Structure Plan

- 7a.1 The following (strategic) policies of the approved Falkirk Council Structure Plan are considered to be relevant to this application.

7a.2 Policy ECON. 5 ‘Location of New Retail and Commercial Leisure Development’ states:

“The scale of new retail development will be commensurate with maintaining the hierarchy of shopping centres shown in Schedule ECON 5 and enhancing them. Proposals for significant new retail and commercial leisure development should accord with the following principles:

- 1. non food retailing will be directed to Falkirk Town Centre and the District Centres. In addition, provision will be made for bulky household goods retailing at Middlefield/Westfield Strategic Development Opportunity (up to 25,000 sq m gross), and for limited specialist retailing at the Falkirk Canal Interchange Strategic Development Opportunity, as set out in Schedule ECON.1 and subject to the criteria in Policy ECON.2;*
- 2 priority will be given to the provision of new food retail floorspace in Grangemouth, Larbert/Stenhousemuir, the Polmont area, Denny and Bonnybridge/Bankenock, of a scale commensurate with the local catchment. New food retail floorspace will be directed to the District Centres and other established local centres, and only to new local centres where they meet the criteria set out in Policy ECON.6;*
- 3 new food retail floorspace in Falkirk will be restricted to existing commitments, neighbourhood stores of less than 1,000 sq. m. gross floorspace, and limited extensions to existing stores; and*
- 4 commercial leisure developments will be directed to Falkirk Town Centre, the District Centres and those other Strategic Development Opportunities for which such uses are specified in Schedule ECON.1.”*

7a.3 The proposed development includes provision for 480m² of commercial floorspace which would be available for a range of uses such as shops and offices. The potential for up to 480m² of retail development is not considered to be significant within the terms of this policy and would be commensurate with maintaining the hierarchy of shopping centres in the Falkirk Council area. The floor plan submitted with the application indicates 4 units ranging in size from 75m² to 134m². The intention would be to provide for uses to serve local needs. Accordingly, the proposed development is considered to accord with this policy.

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

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

7a.5 The proposed development includes the provision of 27 affordable housing units consisting of 22 flats and 5 terraced dwellings. This proportion of affordable units relative to the total number of 173 units satisfies the requirement of the Falkirk Council Local Plan Finalised Draft (Deposit Version) for 15% of units in large scale new housing developments in the Denny area to be affordable. The applicant has advised that the proposed affordable housing would transfer to a social registered landlord (Link Housing Association) and arrangements to that effect have been secured. The applicant has also advised that the affordable housing would comprise the first phase of the development. Whilst the preference by Corporate and Neighbourhood Services for serviced land is noted, there is no priority afforded to this type of provision under Development Plan policy, the proposed affordable housing consists of a range of house types and the need for the proposed affordable housing is demonstrated by the advice from the applicant that a transfer arrangement to a social registered landlord has been secured. The proposed development is therefore considered to accord with this policy.

7a.6 Policy COM.5 ‘Developer Contributions’ states:

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

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

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

7a.7 Developer funding for on and off-site works is considered to be necessary to meet the infrastructure needs of the proposed development and mitigate its impact on the locality. Financial contributions and the provision of facilities and infrastructure by the applicant have been requested by the Transport Planning Unit, Education Services and Community Services as detailed in Section 4 of this report. The agreed level of funding is in the sum of £1,206,950 and is considered to be reasonable and related to the scale and nature of the proposed development and takes account of relevant Council standards.

7a.8 The Planning Brief for the site promotes the provision of 1.5 hectares of business/industrial land. As an alternative to on-site provision, Community Services (Economic Development) have suggested the payment of a financial contribution of £500,000 towards off-site provision, as detailed in paragraph 4.6 of this report. The applicant considers that a contribution of this nature would not meet the criteria outlined in Circular 12/1996 Planning Agreements. This circular states that a planning authority should not treat an applicant's need for planning permission as an opportunity to obtain a benefit, financial or environmental, which is unrelated in nature, scale or kind to the development proposed. The circular states that planning agreements need to achieve a planning purpose, relate to the proposed development, be appropriate in scale and kind, and be reasonable. Circular 12/1996 was replaced by Circular 1/2010 in January 2010. This new circular reiterates and strengthens the criteria of Circular 12/1996.

7a.9 Having regard to Circular 1/2010, it is accepted that the financial contribution suggested by Community Services (Economic Development) would not directly relate to the proposed development, insofar as it is not required to meet the infrastructure needs of the development, mitigate the impact of the development on the locality, or compensate for the loss of business or industrial land allocated in the Development Plan or the emerging Falkirk Council Local Plan to maintain the business and industrial land supply. Balanced against this, a contribution of this nature could be considered as an alternative to satisfy an on-site requirement of the Council's Planning Brief, for business/industrial land. However, concern that the contribution would not directly relate to the proposed development in turn raises concerns regarding its

reasonableness and whether it reasonably relates in scale and kind to the proposed development.

7a.10 The proposed development is therefore considered to accord with this policy as all developer funding which is considered to be reasonable and directly related to the proposed development has been agreed with the applicant.

7a.11 Policy COM.6 'Open Space and Recreational Facilities' states:

"The Council will seek to ensure that a satisfactory distribution and quality of open space and recreational facilities exists across the Council area. Accordingly:

- (1) the loss of open space and recreational facilities will not normally be permitted except where, as part of a community-wide assessment of provision, it is demonstrated that the loss will have no adverse impact on visual or recreational amenity and will release resources for qualitative improvements to facilities in the community as a whole;*
- (2) Local Plans will identify and seek to address any remaining localised deficiencies in provision;*
- (3) resources will generally be concentrated on improving the quality, management and accessibility of existing provision; and*
- (4) all new housing development must contribute to the provision and maintenance of open space and recreational facilities either through on-site provision or contributions to off-site provision. Standards will be set out in Local Plans based on the provision of 2.8ha per 1000 persons."*

7a.12 Item 4 of this policy is relevant to the proposed development. In this instance the applicant has accepted the recommendations of Community Services (Parks and Recreation) as detailed in paragraph 4.5 of this report. Accordingly, qualitative improvements to the area would accrue in the form of the provision of recreational facilities within the local area. In addition, existing open space within the application site including woodland and the riparian margin would be retained and enhanced through arrangements for long term management and maintenance. Subject to the provision and implementation of these facilities and measures, the proposed development accords with this policy.

7a.13 Policy ENV.3 'Nature Conservation' states:

"The protection and promotion of nature conservation interests will be an important consideration in assessing all development proposals. Accordingly:

- (1) Any development likely to have a significant effect on a designated or potential European Site under the Habitats or Birds Directives (Special Areas of Conservation and Special Protection Areas) or on a Ramsar or Site of Special Scientific Interest (see Schedule Env.3), must be subject to an appropriate assessment of the implications for the sites conservation objectives. The development will only be permitted where the appropriate assessment demonstrates that:*
 - (a) it will not adversely affect the integrity of the site, or;*
 - (b) there are no alternative solutions and there are imperative reasons of overriding national public interest.*

- (2) *Sites of local or regional importance, including Wildlife Sites and Sites of Importance for Nature Conservation, will be defined in Local Plans. The designation of Sites will be based on Scottish Wildlife Trust criteria. Development likely to have an adverse impact on any such site or feature will not be granted planning permission unless it can be clearly demonstrated that there are reasons which outweigh the need to safeguard the site or feature. Until such areas are defined in Local Plans, identified or potential sites will be afforded the same protection.*
- (3) *Local Plans will identify opportunities for enhancing the natural heritage including new habitat creation, the identification of 'wildlife corridors' and measures to ensure the protection of priority local habitats and species as identified in the forthcoming Falkirk Local Biodiversity Action Plan.*
- (4) *The aims and objectives of the forthcoming Falkirk Local Biodiversity Action Plan and any associated Species Action Plans and Habitat Action Plans will be a material consideration in assessing any development proposal likely to impact on local priority species and habitats."*

7a.14 The application site lies on the opposite bank of the River Carron from the Carron Glen Site of Special Scientific Interest (SSSI). Therefore the proposed development requires assessment against item 1 of this policy. The Carron Glen SSSI is designated for its ancient/long established deciduous woodland and lowland grassland. The Ecological Impact Assessment submitted with the application has identified that any pollution incident, such as windblown dust or debris from the development site, could have the potential for a significant adverse effect on the SSSI. Subject to the implementation of dust containment and arrestment measures, the proposed development would not adversely affect the integrity of the SSSI, and therefore accords with this policy. The proposed development does not affect any site of local or regional importance such as a Wildlife Site or a Site of Importance for Nature Conservation (SINC).

7a.15 Policy ENV.4 'Coastal Planning and Flooding' states:

"The Council will apply the following general principles with regard to coastal planning and flooding issues:

- (1) *There will be a general presumption against development in the undeveloped coastal zone (as indicated generally on the key diagram), unless it is clearly demonstrated that a coastal location is essential for that development.*
- (2) *In assessing proposals for development within the coastal zone or coastal defence measures on the developed coast, particular attention will be paid to the likely implications in terms of flooding, existing and future coastal defence works, nature conservation, landscape impact, water pollution and the need to work in partnership with other agencies to promote the integrated management of the estuary and its resources.*
- (3) *The Coastal zone north of the River Carron will be a priority area for evaluating the feasibility for managed retreat and other coastal zone management measures.*
- (4) *In areas where there is a significant risk of flooding, there will be a presumption against new development which would be likely to be at risk or would increase the level of risk for existing development. Where necessary the Council will require applicants to submit*

supplementary information to assist in the determination of planning applications.”

- 7a.16 The Flood Risk Assessment submitted with the application has concluded that the proposed development would not be at direct risk of flooding from the River Carron. In addition, it has indicated that existing culverts from the Sandyford Burn and the Strathcarron Hospice pond, which cross the site to the River Carron, would be diverted beneath new roadways. Periodic maintenance of the culvert entrances is recommended in order to avoid blockage. The Roads Development Unit has accepted the findings and recommendations of the Flood Risk Assessment and is satisfied that the required flood level (1 in 200 years with a 20% increase in flood flows to allow for climate change) and the potential for culvert blockage have been taken into account in the design. In addition, the Roads Development Unit is satisfied that land and building levels adjacent to the flood routes over new roadways (in the event of culvert blockage failure) are acceptable.
- 7a.17 The Roads Development Unit has accepted the proposed surface water drainage arrangements, which include measures such as porous paving, filter trenches, enlarged storage pipes, attenuation tanks and outflow controls on discharge to the River Carron. In addition, the Roads Development Unit is satisfied that the proposed surface water drainage arrangements would be able to cope with a 1:200 year flood.
- 7a.18 Accordingly, it is considered that the proposed development would not be at risk of flooding or increase the level of risk to existing development, and therefore accords with this policy. As detailed in paragraph 4.9, SEPA has no objection to the application on flood grounds.
- 7a.19 Policy ENV.16 ‘Contaminated Land’ states:

“The Council will support the rehabilitation of vacant, derelict and contaminated land through the promotion of redevelopment on specific sites and investment, in partnerships with other agencies, in a prioritised programme of site investigation and remediation measures. Detailed proposals will be incorporated in Local Plans.”

- 7a.20 The application site has been vacant since closure of the Carrongrove Paper Mill in November 2005 and the Mill buildings are in the final stages of demolition. Site investigations undertaken to date have indicated sources of contamination in the form of made ground across the site and contaminated soil and groundwater from metals and hydrocarbons. Remedial measures would be required to break the identified pollution linkages between contamination in the soils and the proposed end uses. The Council has supported rehabilitation of this vacant and contaminated site by preparation of the Planning Brief dated March 2007. The proposed development and associated remediation of the site can therefore be seen to support this policy.

- 7a.21 Policy TRANS.3 ‘Transport Assessment’ states:

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

- 7a.22 A Transport Assessment has been submitted with the application, which indicates that Denny Cross would have insufficient capacity to accommodate the traffic generated by the proposed development. In order to mitigate this impact, measures have been agreed with the applicant in the form of financial contributions towards the provision of new

roundabouts at the Nethermain Road/Stirling Street and Nethermain Road/Glasgow Road junctions. These will facilitate the use of Nethermain Road instead of Denny Cross, particularly for southbound traffic (by easing two right turning movements). In addition, measures have been agreed in order to encourage sustainable modes of transport. These measures include the provision of a cyclepath and footway through the site and enhancement of the former railway line to Denny as part of the Safer Routes to School Programme. Subject to the payment of the agreed contributions and provision of all proposed transport related infrastructure, the proposed development accords with this policy.

Adopted Denny and District Local Plan

7a.23 The application site lies within the urban limits for Stoneywood/Fankerton under the adopted Denny and District Local Plan. In addition, it is identified as an opportunity site (ED8) for industrial/business development complementary to the Paper Mill. This opportunity arose as a result of technological innovations which significantly reduced the requirement for land and buildings, such that the western part of the Mill site had become surplus. The adopted Denny and District Local Plan dates from June 1996 and is out of date as the Paper Mill closed in November 2005. The Planning Brief for the site, dated March 2007, reflects the Council's current aspirations for development of the site.

7a.24 Policy DEN 1 'Urban Limit' states:

"The Urban Limit, as indicated on the Policies, Proposals and Opportunities Map, is regarded as the desirable limit to the growth of Denny and District for the period of the Plan. Accordingly there will be a general presumption against development proposals which would extend the urban area beyond this limit. Within the Urban Limit, proposals for development or changes of use will generally be acceptable, provided that:

- (i) they are consistent with the policies and proposals contained in The Local Plan; and*
- (ii) access, car parking, drainage, and other servicing can be provided to a standard acceptable to the District Council.*

Note: Outwith the Urban Limit, development proposals will be subject to the relevant countryside policies of the Rural Local Plan (listed by Appendix 1)."

7a.25 The application site lies within the urban limits as defined in the adopted Denny and District Local Plan. With regard to proviso (i) of this policy, the proposed development is considered to be consistent with the policies and proposals of the adopted Denny and District Local Plan, for the reasons detailed in this report. With regard to proviso (ii), it is considered that access, car-parking and services can be provided to an acceptable standard. The proposed development is therefore considered to accord with this policy.

7a.26 Policy DEN 4 'New Residential Development' states:

"Residential development is directed towards sites H1 to H13 identified on the Policies, Proposals and Opportunities Map, and other brownfield sites which become available within the Urban Limit."

7a.27 The footprint of the former Paper Mill buildings and associated previously developed land represents a significant brownfield site within the urban limit. The proposed residential development of this land accords with this policy.

7a.28 Policy DEN 7 ‘Special Needs and Affordable Housing’ states:

“The Council will support proposals for special needs housing, the provision of community based health care and affordable housing, provided that:

- (i) the location is suited to the particular group being catered for; and*
- (ii) other local planning criteria can be met.”*

7a.29 The proposed development includes the provision of 27 affordable housing units. For the reasons detailed in paragraph 7a.5, the proposed development is considered to accord with this policy.

7a.30 Policy DEN14 ‘Development Outwith Allocated Areas’ states:

“Proposals for the introduction of Business, General Industrial or Storage and Distribution Uses (Classes 4, 5 and 11), outwith the established industrial areas, will normally be opposed unless it can be demonstrated that:

- (i) the nature and scale of activity would be compatible with the character of the surrounding area; and*
- (ii) there would be no adverse effect upon local amenity, including considerations of visual intrusion, noise, disturbance, generation and environmental pollution.”*

7a.31 The proposed development includes alterations to the listed building on the site to retain business use and the erection of 18 live/work units. The nature and scale of these uses would be compatible with the character of the new development and would be unlikely to give rise to any adverse impacts on local amenity. These aspects of the proposed development are therefore considered to accord with this policy.

7a.32 Policy DEN 17 ‘Roads and New Development’ states:

“Road layouts, car parking and access provision in new developments should generally conform with Central Regional Council’s standards entitled “Development Roads Guidelines and Specification”. In the case of major development proposals likely to generate significant volumes of additional traffic, a traffic impact analysis will be required. Development proposals should make satisfactory provision for cyclists and pedestrian safety, amenity, and convenience.”

7a.33 The proposed road layout, carparking and access provision is considered to be acceptable within the terms of the Council's current standards and guidelines for roads and car-parking. The Transport Assessment submitted with the application has detailed capacity issues in the local road infrastructure and mitigation measures in relation to these issues have been agreed, as detailed in paragraph 7a.22. In addition, satisfactory provision would be made for cyclists and pedestrians. Accordingly, the proposed development accords with this policy.

7a.34 Policy DEN 20 ‘Town Centre Shopping Function’ states:

“The Council will exercise a general presumption against significant new retail development, including retail warehousing, which is:

- (i) detached from the Town Centre and likely, by virtue of its size, nature or location, to have*

- (ii) *an adverse affect on the vitality, viability or convenience of the Town Centre; or disproportionately large in relation to the Town's role as a local centre within the Council's hierarchy of shopping centres (generally in excess of 2,500 square metres net floorspace in the case of foodstores)."*

7a.35 As detailed in this report, the proposed development includes provision for 480m² of commercial floorspace. It is considered that the potential use of this floorspace for retailing would not have any adverse impact on the viability or vitality of Denny Town Centre. In addition, this scale of development would not be disproportionately large in relation to the role of Denny Town Centre as a Local Centre within the Council's hierarchy of shopping centres. Accordingly, the proposed development is considered to accord with this policy.

7a.36 Policy DEN 22 'Townscape' states:

"The Council will require to be satisfied that development proposals:

- (i) respect the character and appearance of the townscape in terms of form, layout and design;*
- (ii) take cognisance of the architecture of neighbouring properties; and*
- (iii) promote a safe, secure environment through the integration of design principles which would reduce the scope for crime."*

7a.37 The proposed development is considered to respect the character and appearance of the townscape and respond to its surroundings. In particular, the listed building on the site has dictated the courtyard arrangement around this building and the height and form of the courtyard buildings. As such, the listed building, and views of it, have been integrated sensitively into the proposed development. The detached housing character of the western half of the proposed development is reflective of the general character of the area and the proposed development is considered to respond to its natural surroundings, in particular by fronting the River Carron and the riparian margin. In addition, the proposed development has been designed with due cognisance to the creation of a safe and secure environment by, for example, ensuring that public spaces have a high level of natural surveillance. Within the context of the character of the site and its relationship to its surroundings, the proposed development is considered to accord with this policy.

7a.38 Policy DEN 23 'Landscaping' states:

"Proposals for development should, in general, include a comprehensive landscape scheme as a fundamental and integral part of the submission for planning permission which:

- (i) respects the setting and character of the development site;*
- (ii) retains, where practical, existing vegetation and incorporates natural features;*
- (iii) details proposed planting indicating the number, size and species of trees and shrubs, and;*
- (iv) demonstrates that satisfactory arrangements have been made for the future maintenance and management of areas of landscaping.*

Note : Proposed landscaping should integrate native tree and plant species."

7a.39 The landscape framework for the site respects the setting and character of the site by retaining to a large extent the existing woodland which contains the site. The landscape framework integrates with the proposed open space and pedestrian and cycleway provision

and includes proposals for high quality hard landscaping, street furniture and viewing areas (of the River Carron). In addition, new planting and management and maintenance of all landscaped areas are proposed. The exact details with regard to these matters would be the subject of conditions of any grant of planning permission. Accordingly, the proposed development is considered to accord with this policy.

7a.40 Policy DEN 24 'Listed Buildings' states:

"There will be a presumption against proposals which would demolish, or adversely affect, the architectural character, appearance or setting of Listed Buildings. The re-use of vacant Listed Buildings will be encouraged, provided that the proposed use would have no detrimental impact upon the building, its setting or the amenity of the surrounding area."

7a.41 The proposed development incorporates a courtyard arrangement around the Category B Listed Building. The scale, design and external finishes of the proposed courtyard buildings are considered to be sympathetic to the character and setting of the listed building. In addition, the proposed development secures the future use of this vacant listed building. Listed building consent has been granted for internal and external alterations to this building to facilitate its re-use, in consultation with Historic Scotland. No detrimental impacts are anticipated as a consequence of its re-use. Accordingly, the proposed development is considered to accord with this policy.

7a.42 Policy DEN 26 'Ecological Sites' states:

"The Council will exercise an overriding presumption against development which could have a detrimental impact upon the ecological, landscape and geological value of sites designated to be of international or national importance (e.g. Special Areas of Conservation, Sites of Special Scientific Interest). Development likely to adversely affect Wildlife Sites or sites considered to be of regional and local significance will not normally be permitted. Other sites of high nature conservation value will be safeguarded wherever possible. Where development proposals are acceptable in principle, measures to mitigate their effects upon the natural environment should be included."

7a.43 The application site lies in close proximity to the Carron Glen Site of Special Scientific Interest (SSSI). The potential impact of the proposed development on this SSSI has been considered in this report. Subject to the implementation of the measures detailed in paragraph 7a.13, the proposed development would not have any detrimental impact on this SSSI, and therefore accords with this policy. The proposed development would not impact on any Wildlife Site or site considered to be of regional or local significance.

7a.44 Policy DEN 28 'Watercourses' states:

"There will be a general presumption against development which could have a detrimental impact upon aquatic ecosystems. Where necessary, the Council will require applicants to submit supplementary information to assist the determination of planning applications."

7a.45 The development site adjoins the River Carron and works within the proximity of the river such as bank stabilisation works and construction of viewing platforms are proposed. In addition, surface water discharge to the river is proposed. These proposals would be subject to the Water Environment (Controlled Activities) Regulations (CAR) administered by SEPA. A substantial undeveloped riparian corridor is proposed to be retained, with provision for pedestrian access. Subject to the CAR regulations being complied with, any

potential impacts on the aquatic environment should be adequately addressed, thereby ensuring compliance with this policy.

7a.46 Policy DEN 32 'Open Space Provision' states:

"The Council will require the provision of active and passive open space in residential developments, with adequate arrangements made for their future maintenance. The extent of provision should be commensurate with the size, form and density of development, and generally accord with the Council's approved standards. The location, design and landscaping of open space should:

- (i) form an attractive and integral part of the development, contributing to its character and identity;*
- (ii) incorporate existing natural features in, or adjacent to, the site; and*
- (iii) create play areas that are convenient, safe and easily supervised."*

7a.47 The applicant has accepted the requirements of Community Services (Parks and Recreation) with regard to the provision of active open space. In addition, the proposed development incorporates areas of passive open space, such as within the courtyard setting for the listed building, at the main entrance to the development, and potentially within the woodland areas, subject to detailed consideration as part of an Environmental Management Plan. The extent of on-site open space provision is generally considered to be commensurate with the size and character of the proposed development and its location and design is considered to satisfy the requirements of items (i) - (iii) of this policy. The payment of a financial contribution as a partial alternative to on-site provision would fulfil the requirements for active open space provision and lead to qualitative improvements to recreational facilities in the area. The proposed development is therefore considered to accord with this policy.

7a.48 Overall, the proposed development is considered to accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations in assessment of this application are national planning policy and guidance, the Falkirk Council Local Plan Finalised Draft (Deposit Version), Falkirk Council Supplementary Planning Guidance, the Council's Planning Brief for the Former Carrongrove Paper Mill, the consultation responses, the representations received, the Conservation (Natural Habitats & c) Regulations 1994 (as amended), and planning issues related to the viability of the proposed development.

National Planning Policy and Guidance

7b.2 Scottish Planning Policy (February 2010) sets out the Scottish Government's policy on the supply and delivery of housing and the need for high quality design which contributes to the creation of sustainable places. The proposed development is supported by SPP as it is considered to represent a high quality development of a significant brownfield site within the urban limits that would contribute towards the housing land supply.

7b.3 Scottish Planning Policy (February 2010) sets out the Scottish Government's commitment to increasing the amount of electricity generated from renewable energy sources and supporting low and zero carbon developments. The provision of a small-scale hydro-electric scheme as part of the proposed development would be supported by SPP. In addition, the applicant

incorporates design sustainability features into its buildings in order to reduce CO² emissions. Such measures are supported by SPP.

- 7b.4 Scottish Planning Policy (February 2010) sets out the Scottish Government's expectations that new development should not take place if it would be at significant risk of flooding or would materially increase the risk of flooding elsewhere. Flooding issues in respect of the proposed development have been adequately addressed, as detailed in this report. Accordingly, the proposed development is supported by SPP.
- 7b.5 Scottish Planning Policy (February 2010) sets out the Scottish Government's commitment to achieving a high quality integrated transport system that maximises sustainable transport modes. As detailed in this report, the proposed development provides for sustainable transport modes and measures to mitigate traffic impacts of the development on the roads infrastructure have been agreed. Accordingly, the proposed development is supported by SPP.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.6 The application site lies within the urban limits for Stoneywood/Fankerton under the Falkirk Council Local Plan Finalised Draft (Deposit Version). In addition, it is identified as an opportunity site (ED DEN6) for a mixed use development and for access and woodland management. The accompanying text states that redevelopment of the site should conform to the planning brief for the site.
- 7b.7 A number of the policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version) of relevance to the proposed development are similar to policies of the approved Falkirk Council Structure Plan and the adopted Denny and District Local Plan, and do not raise any additional issues. These similar policies are detailed as follows:

<u>Falkirk Council Local Plan Finalised Draft (Deposit Version</u>	<u>Adopted Denny and District Local Plan</u>	<u>Approved Falkirk Council Structure Plan</u>
EQ3 (Townscape Design) and EQ5 (Design and Community Safety)	DEN22 (Townscape)	
EQ4 (Landscape Design) EQ8 (Vacant, Derelict and Contaminated Land)	DEN23 (Landscaping)	ENV.16 (Contaminated Land)
EQ14 (Listed Buildings) and EQ15 (Re-Use of Buildings)	DEN24 (Listed Buildings)	
EQ27 (Watercourses) SC4 (Special Needs and Affordable Housing)	DEN28 (Watercourses) DEN7 (Special Needs and Affordable Housing)	COM.3 (Special Needs and Affordable Housing)
SC11 (Developer Contributions to Community Infrastructure)		COM.5 (Developer Contributions)
SC13 (Open Space and Play Provision)	DEN32 (Open Space Provision)	COM.6 (Open space and Recreational Facilities)

SC14 (Education and New Housing Development)		COM.7 (School Provision)
EP6 (Town Centre Hierarchy)	DEN20 (Town Centre Shopping Function)	ECON.5 (Location of New Retail and Commercial Leisure Development)
ST2 (Pedestrian Travel and Cycling) and ST3 (Bus Travel and New Development) and ST7 (Transport Assessments) ST12 (Flooding)	DEN17 (Roads and New Development)	TRANS.3 (Transport Assessment)
		ENV.4 (Coastal Planning and Flooding)

7b.8 For the reasons detailed in this report in relation to the above-stated policies of the approved Falkirk Council Structure Plan and adopted Denny and District Local Plan, the proposed development is similarly considered to accord with the above-stated policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version). The relevant policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version) that raise additional issues are detailed below.

7b.9 Policy EQ6 ‘Design and Energy Use’ states:

“Developers should demonstrate how they have assessed and pursued opportunities for sustainable energy use in new developments. In particular:

- (1) Local climatic factors should be taken into account, and opportunities taken to maximise solar gain and minimise wind chill in the layout and orientation of buildings;*
- (2) The utilisation of renewable energy sources in meeting the energy needs of developments will be encouraged where appropriate in terms of type, scale and impact; and*
- (3) Combined heat and power and community heating schemes as part of new developments will be encouraged.”*

7b.10 The applicant has assessed the viability of providing a hydro-electric scheme, utilising the River Carron, to meet the energy needs of the proposed development and remains committed to this. In addition, the applicant incorporates design sustainability features into its buildings such as high insulation specifications, good standards of air tightness and ventilation and super insulated glazing. The applicant has advised that research indicates that design sustainability features such as these can equate to a 15% reduction in CO² emissions. The applicant has therefore demonstrated the opportunities for sustainable energy use in the proposed development. Subject to the implementation of measures to reduce energy and utilise renewable energy resources, the proposed development accords with this policy.

7b.11 Policy EQ24 ‘Ecological Sites and Features’ states:

- “(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. 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, including those of a social or economic nature. 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 affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance 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.*
- (4) *Development likely to have an adverse affect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.*
- (5) *Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site's 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) *The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest."*

- 7b.12 The main issues in relation to this policy are the impact of the proposed development on the Carron Glen Site of Special Scientific Interest (SSSI) and on species which are protected under the Wildlife and Countryside Act 1981, as amended, or the Protection of Badger Act 1992. The potential impact of the proposed development on the SSSI has been considered in this report. Subject to the implementation of the measures detailed in paragraph 7a.14, the proposed development would not have any detrimental impact on this SSSI.
- 7b.13 The application site and surrounds have been surveyed for the presence of species protected under the Wildlife and Countryside Act 1981, as amended, and for suitable habitat for these species. The species protected by the Act which were found to be present within the study area are otter and bats. A total of 14 otter resting up sites were found on the banks of the River Carron, 3 non-breeding bat roost sites were found on existing buildings and the presence of low numbers of foraging and commuting bats was evident. In addition, whilst no tree bat roost sites were found, a number of trees were identified as having a high potential for supporting bat roosts.
- 7b.14 The Ecological Impact Assessment has predicted impacts on otter and bats due to the proximity of works to the River Carron and the removal of existing buildings and trees. In consequence, the Ecological Impact Assessment has detailed general measures to mitigate the

impact of the proposed development on otter and bats. These measures include the seeking of licences from the Scottish Government where disturbance to these species would be unavoidable, the undertaking of further update surveys and the implementation of an Environmental Management Procedure.

- 7b.15 The applicant intends to prepare a Species Protection Plan for otter in consultation with the planning authority and Scottish Natural Heritage. This Plan would detail the specific measures to mitigate the potential construction and operational impacts identified in the Ecological Impact Assessment, and would include the information required by the Scottish Government in the licensing process. The preparation of this Plan is considered to be an acceptable approach and would be the subject of a condition of any grant of permission.
- 7b.16 The site and surrounds have also been surveyed for the presence of badger. Whilst the surveys found no evidence of badger, the presence of suitable habitat for badger was recognised. An update survey may be required depending on the time lapsed since the last survey. This matter would be the subject of a condition of any grant of permission.
- 7b.17 Subject to the imposition of appropriate conditions and the implementation of an approved Species Protection Plan, the proposed development is considered to accord with this policy. As detailed in this report, Scottish Natural Heritage has no objection to the proposed development subject to the imposition of appropriate conditions, which include conditions in relation to protected species.
- 7b.18 Policy EQ25 'Biodiversity' states:

"The Council will promote the biodiversity of the Council area and ensure that the aims and objectives of the Falkirk Area Biodiversity Action Plan are promoted through the planning process. Accordingly:

- (1) Developments which would have an adverse effect on the national and local priority habitats and species identified in the Falkirk Area Biodiversity Action Plan will not be permitted unless it can be demonstrated that there are overriding national or local circumstances;*
- (2) The safeguarding, enhancement and extension of the broad and key habitats and the species of conservation concern identified in 'The Biodiversity of Falkirk' will be given particular attention in the consideration of development proposals;*
- (3) Development proposals should incorporate measures to promote, enhance and add to biodiversity, through overall site planning, and infrastructure, landscape and building design, having reference to the Supplementary Planning Guidance Note on 'Biodiversity and Development'; and*
- (4) Priority will be given to securing appropriate access to and interpretation of areas of local nature conservation interest. The designation of Local Nature Reserves, in consultation with communities, local wildlife groups and statutory bodies will be pursued."*

- 7b.19 The application site and surrounds have been surveyed for the presence of the national and local priority habitats and species identified in the Falkirk Area Biodiversity Action Plan. The priority habitats found at this location are broadleaved and mixed woodland, grassland and the River Carron. The priority species found are otter, bats and 2 species of flora (ox-eye daisy and wych elm).
- 7b.20 The overall site planning is considered to promote biodiversity interests as it retains the majority of the existing broadleaved, semi-natural woodland and neutral grassland areas. In

order to compensate for the loss of priority habitat, new planting and management and maintenance measures are proposed. The management measures proposed for the existing habitats are detailed in a Woodland Management Plan. These measures include removal of non-native and invasive species (e.g. Japanese Knotweed, Snowberry and Rhododendron), woodland thinning, removal of flying tipping and enhancement of grassland habitats. The provision of access and recreational opportunities within the habitat areas would be considered as part of an Environmental Management Plan (incorporating woodland management). This matter would be the subject of a condition of any grant of permission. Measures are also proposed to mitigate the potential impacts of construction activities on the existing habitats within and adjacent to the site (e.g. the River Carron and the Carron Glen SSSI). Potential impacts and mitigation measures in relation to otter and bats have been assessed in this report.

7b.21 Subject to the imposition of appropriate conditions and implementation of an approved Environmental Management Plan, the proposed development is considered to promote the biodiversity of the Falkirk Council area and accord with this policy.

7b.22 Policy SC6 - 'Housing Density And Amenity' states:

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

7b.23 The overall housing density for the proposed development of 173 units exceeds the housing density of 120 units indicated in the Planning Brief. The proposed housing density has been influenced by the reduction in industrial/business land provision from the 1.5 hectares indicated in the Planning Brief. In addition, the housing density has been informed by the character of the site and the design objectives for the proposed development. An example of this is the provision of higher density development to create a formal courtyard setting for the listed building, which is considered to reflect design excellence. Adequate private amenity space is provided for the proposed dwellinghouses, and the proposed flatted buildings are set within communal amenity areas. The overall housing layout has been designed to ensure adequate privacy and avoid excessive overshadowing. On balance, the proposed development is considered to accord with this policy. Whilst the overall housing density indicated in the Planning Brief is exceeded, the proposed site layout, the mix of house types and the range of densities across the site are considered to achieve design excellence, and can be accommodated whilst retaining the majority of the woodland setting.

Falkirk Council Supplementary Planning Guidance

7b.24 The Council's Supplementary Planning Guidance on Housing Layout and Design, Education and New Housing Development, Biodiversity and Development, Trees and Development and

Affordable Housing are relevant to the proposed development. This guidance is intended to assist developers in meeting the requirements of Development Plan policy. The proposed development is considered to be supported by this guidance and accords with the relevant policies of the Development Plan and Falkirk Council Local Plan Finalised Draft (Deposit Version) for the reasons detailed in this report.

Planning Brief

7b.25 The Planning Brief for the former Paper Mill site sets out the Council's requirements and expectations for the future development of the site. It identifies the key land use, design, environmental and infrastructural considerations as well as additional community benefits that are likely to be required. The Brief indicates that the site represents an opportunity to provide a high quality, imaginative and sustainable mixed use development of a significant brownfield site, contained within a heavily landscaped setting.

7b.26 The key requirements and aspirations of the Planning Brief can be summarised as follows:

- Housing land of 5 hectares (1 hectare being high density and 4 hectares low density), with total housing potential being in the order of 120 units;
- Business/industrial land of 1.5 hectares;
- Affordable housing (15% of total number of units);
- Main spine road parallel to river with frontage housing;
- Active housing frontages towards the river and the B818;
- Bespoke housing around the listed building;
- Two accesses from the B818;
- A Transport Assessment and Travel Plan;
- Possible enhancements to existing bus services;
- Upgrading of old railway path to the new Denny High School (Safer Routes to Schools Programme);
- A riverside woodland walk/cycleway linking to existing path network to the west and Kirkland Drive/old railway path to east;
- Footpath upgrade (adjacent to B818);
- Appropriate provision for waste storage, recycling and collection and composting facilities;
- Retention of an element of the former mill complex, e.g. as a feature of public art;

- Trail and interpretive signage along a riverside walkway, portraying historical, industrial, woodland and wildlife information;
- A toddler/junior equipped play area in the heart of the residential area, with a provisional value of £60-70,000;
- Woodland retention/enhancement and biodiversity/habitat enhancement;
- Consideration of the potential for energy efficiency measures;
- Construction of a small scale hydro-electric scheme (potential for stand alone system to be investigated);
- Construction of a fish ladder at existing weir;
- A Flood Risk Assessment, a Drainage Impact Assessment and use of Sustainable Urban Drainage Systems (SUDS);
- A Contaminated Land Assessment;
- A contribution towards educational provision.

7b.27 The proposed development is considered to broadly satisfy the requirements of the Planning Brief or could do so through the imposition of appropriate conditions on any grant of permission. The majority of the requirements have been considered in this report in the context of Development Plan or emerging replacement Local Plan policy. With regard to other requirements, the provision of waste management facilities and trail and interpretive signage would be the subject of conditions of any grant of permission. Consideration of retention of an element of the former mill complex as public art has not revealed any obvious feature. The provision of a fish ladder at Fankerton Weir, with an estimated cost of £150,000, is proposed.

7b.28 There are, however, several important requirements of the Planning Brief which are not complied with or where compliance is uncertain. These relate to the provision of 1.5 hectares of business/industrial land and a small-scale hydro-electric power scheme. In addition, the number of housing units exceeds the 120 indicated in the Brief.

7b.29 The applicant's position is that the Brief should retain a flexible approach to the provision of employment related land to take account of prevailing marked conditions. The requirement of the Brief for 1.5 hectares of business/industrial land was driven by an aspiration to retain employment generating activity within the area. However, Ryden, who were appointed to market the property, have advised that the location is unviable for the provision of employment/business land at the scale indicated in the Brief. Ryden consider that this is due to the remoteness of the site from the main arterial routes such as the M80, the need to pass through Denny and the increasing number of residential units in the area which can constrain working time, vehicle movements and noise levels. Community Services (Economic Development) have accepted that the location of the site is not ideal for certain types of business, hence the suggestion that a financial contribution towards the provision of small-scale business units in the Denny area could serve as an alternative to on-site provision.

7b.30 A further constraint to the provision of industrial land within the proposed development is compatibility with the residential aspect of the development. Industrial uses by their very

nature can raise amenity and compatibility issues which may detract from the quality and attractiveness of the residential environment. In that regard it is considered that business uses, rather than industrial uses, would be more suitable as a component of the overall development.

- 7b.31 Ryden have advised that the site has the potential to accommodate a modest scale of employment uses linked to a housing development. There may, for example, be a demand for locally based small scale business workshop uses. As a reflection of this advice and the need to adopt a flexible approach, the applicant has proposed 5,700 square feet of commercial floorspace for retail and office use, alterations to the listed building (Carrongrove House) to retain business use (approximately 6,000 square feet) and 18 live/work units (approximately 6,400 square feet), specifically designed to enable both residential and business use. The applicant has advised that the live/work units would target business start ups and entrepreneurs who do not require formal business premises. It is accepted that live/work units can contribute positively to the range of business opportunities and is a sustainable form of development, by bringing the workplace and place of residence together, and so reduce vehicle trips. In order to safeguard the business use of the live/work units, it is considered that a legal agreement would be required.
- 7b.32 Taking into account the locational constraints of the site and the nature of the proposed development, it is considered that the proposed provision for commercial and business uses as detailed above is acceptable. It is considered that payment of a £500,000 financial contribution towards off-site business provision, as promoted by Community Services (Economic Development), to compensate for the 1.5 hectare business/industrial land requirement of the Planning Brief cannot be justified. The reasons for this are detailed in paragraph 7a.9 of this report. In addition, the applicant has estimated the cost of refurbishment of Carrongrove House for business use to be at least £900,000. This cost approximates the £1m to £1.4m increase in land value estimated by Community Services (Economic Development) arising from an increase in residential in lieu of business/industrial.
- 7b.33 The Planning Brief promotes the construction of a small scale hydro-electric scheme due to the proximity of the site to the River Carron. The Brief indicates that the potential for a stand-alone system, as opposed to one which is connected to the National Grid, should be investigated. A feasibility report prepared by the applicant has concluded that the installation of a 180 kW small hydro-electric scheme is marginally viable and it is not considered to be viable to supply direct to the National Grid. The applicant has costed the scheme at £450,000.
- 7b.34 SEPA has objected to the provision of a hydro-electric scheme on the grounds detailed in paragraph 4.9 of this report. It has advised that it would consider removing its objection should the determination process conclude that the scheme is "consentable" under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR). It has recommended against the use of a suspensive condition to address this issue. The applicant has not progressed an application under CAR to date. However, the applicant has indicated that it would still wish to explore the viability of the scheme and would revisit this and submit a separate planning application when there is sufficient operator interest.
- 7b.35 Taking into account the marginal viability of a hydro-electric scheme and uncertainty regarding operator interest, it is considered reasonable to enable the submission of a separate planning application, which could be secured by a condition of any grant of the current application. It should be noted, however, that the acceptability of the proposed hydro-electric scheme would ultimately be influenced by the consentability of the scheme under the CAR regulations with consideration of the design detail and potential changes to the hydraulic regime. The removal

of the proposed hydro-electric scheme from the current application effectively removes the objection of SEPA to this application.

Consultation Responses

- 7b.36 The consultation responses are summarised in section 4 of this report. The main issues raised in these responses are by Community Services (Economic Development) in relation to business/industrial land provision, and by SEPA in relation to the provision of a small-scale hydro-electric scheme. These matters have been discussed in detail in this report.
- 7b.37 The matters raised by the Roads Development Unit, the Transport Planning Unit, the Environmental Protection Unit, Scottish Natural Heritage, Central Scotland Police, the Royal Society for the Protection of Birds and the Scottish Wildlife Trust have generally been addressed in the application or would be by the imposition of appropriate conditions on any grant of permission.
- 7b.38 The applicant has agreed to the payment of the financial contributions sought by the Transport Planning Unit, Education Services and Community Services (Parks and Recreation) in respect of new road infrastructure upgrade of a former railway path to create a Safer Route to Schools, upgrade of educational facilities in the area and provision and enhancement of local recreational facilities.
- 7b.39 The comments of the Scottish Civic Trust are noted. The external finishes proposed for the new buildings would be consistent throughout the entire development, and this is supported in principle. The exact details of the finishes would be the subject of a condition of any grant of permission and consideration would be given to compatibility with the setting of the listed building.
- 7b.40 The comments of the Glenwood Tenants and Residents Association are noted. The provision of a hydro-electric scheme has been discussed in this report. In response to a query by the Residents Association, it is confirmed that the Transport Assessment has taken into account housing proposals in the area which have been granted planning permission.

Representations Received

- 7b.41 Three representations to the application have been received. The concerns raised in these representations are summarised in section 6 of this report. In respect of the concerns raised, the following comments are considered to be relevant:-
- The B818 is considered to be suitable to accommodate the traffic generated by the proposed development. A priority junction and a roundabout junction are proposed in order to provide suitable access to the new development.
 - A financial contribution towards upgrading educational facilities to cope with the anticipated rise in school rolls as a consequence of this development has been agreed.
 - Sources of land contamination have been identified and remedial measures would be required in order to ensure that the site is suitable for the proposed development. This matter would be the subject of a condition of any grant of permission.
 - No direct footpath link from the development to the Glenview play area is proposed.

- The footpath link from the development to the B818 would follow the line of an existing path. Mature planting between this path and Glenview would be retained.
- The existing bus stop opposite the main entrance to Strathcarron Hospice would be retained.
- There is no proposal for a pedestrian crossing from the proposed development to Strathcarron Hospice.

The Conservation (Natural Habitats & c) Regulations 1994 (as amended)

- 7b.42 As detailed in paragraph 7b.13 of this report, bats and otter were found to be present within the study area for the proposed development. Bats and otter and their shelter/breeding places are given full protection under the Conservation (Natural Habitats & c) Regulations 1994 (as amended) and are referred to under these regulations as European protected species.
- 7b.43 A licence is required from the Scottish Government where it is proposed to carry out works that would disturb European protected species or their shelter/breeding places. A licence may only be issued by the Scottish Government if three tests as detailed in the regulations are satisfied. In this instance, the applicant had a valid licence until 1 November 2009 to disturb otter, and has excluded and destroyed, under licence, two roosts from the former mill buildings and provided 30 bat boxes within the woodland as mitigation. One roost remains, within the listed building, and a heated bat box has been installed. Further licence(s) may be required to update the current otter licence and in the event that any trees proposed for felling or surgery contain a bat roost.
- 7b.44 Consideration of European protected species must be included as part of the planning application process and not as an issue to be dealt with at a later stage, in order to comply with European Directives. In this instance, as detailed in this report, surveys have found the presence of otter and bats within the study area and an Ecological Impact Assessment has predicted the likely impacts on otter and bats and detailed general measures to mitigate these impacts. The preparation of a Species Protection Plan in consultation with the Planning Authority and Scottish Natural Heritage is proposed. This Plan would detail the specific mitigation measures in relation to otter. Accordingly, it is considered that adequate consideration has been given to European protected species within this planning application process.

Planning Issues Related to the Viability of the Proposed Development

- 7b.45 The applicant has submitted information in relation to the viability of the proposed development. In consideration of this information, Community Services (Economic Development) has advised that the proposed development would appear to be unviable at this present time of economic downturn, but that timing or phasing of the development to coincide with market recovery would be a factor in overall viability. However, the applicant has advised that a first phase of affordable housing could proceed soon.
- 7b.46 The applicant has made reference to the requested developer contributions as a particular burden to viability in addition to upfront development costs. Specific reference is made to the costs in provision of a hydro-electric scheme, which to date has attracted limited operator interest. Concern is raised that provision of 1.5 hectares of business/industrial land would further reduce the level of contribution that could be delivered. Upfront development costs

have included costs associated with preparing this substantial brownfield site for the proposed development. These costs include those associated with demolition works, remediation of contaminated land and refurbishment of the listed building. The applicant has indicated that some of these costs were unforeseen at site acquisition, when a survey was undertaken.

- 7b.47 Falkirk Council has approved an Economic Action Plan in response to the economic downturn. This Plan promotes a flexible approach to planning legal agreements in order to help attract investment and maintain jobs. In recognition of this, it is considered that the phasing of payments in respect of the agreed contributions can be supported, with the detail of the phasing being the subject of consideration in a Section 75 Legal Agreement.
- 7b.48 As detailed in this report, the applicant has agreed to the payment of financial contributions and the provision of facilities and infrastructure in the sum of £1,206,905. The applicant has submitted, however, that any additional contributions would result in the redevelopment of this significant brownfield being postponed for the foreseeable future. The agreed level of contribution does not include the £500,000 requested by Community Services (Economic Development) to compensate for the 1.5 hectare business/industrial land requirement of the Planning Brief not being satisfied. In recognition of current viability issues, Community Services (Economic Development) would accept deferred payment of the contribution. The applicant, however, has declined to offer any additional contributions above the agreed £1,206,905. The justification for the financial contribution with the terms of Circular 1/2010 has been discussed in this report.

7c Conclusion

- 7c.1 The proposed development is considered to accord with the Development Plan for the reasons detailed in this report. The proposal is considered to reflect the high aspirations for the site as envisaged in the Planning Brief and satisfies the majority of requirements of this Brief. In particular, the proposal respects and enhances the setting of the listed building, secures its refurbishment and future use, provides for affordable housing as phase 1 of the development, provides for a fish ladder on the River Carron, secures and enhances the provision of recreational facilities in the local area and walking and cycling infrastructure, retains the woodland setting of the site, secures enhancement of existing habitats and its future management, and protects biodiversity interests. In addition, financial contributions have been agreed to mitigate the impacts of the proposed development on existing infrastructure and facilities, and a condition of any grant of permission would require a separate application for a small-scale hydro-electric scheme in recognition that this was a requirement of the Planning Brief and the applicant's continued interest to deliver this scheme.
- 7c.2 An outstanding issue relates to the provision of 1.5 hectares of business/industrial land as required by the Planning Brief. However, in recognition that the location of the site is not ideal for certain types of business, Community Services (Economic Development) would accept as compensation, the payment of a financial contribution of £500,000 towards business provision at an alternative location in the Denny area. This payment could be deferred until occupation of the 100th unit in recognition of current viability issues. However, the applicant has declined to agree to this contribution and it is not considered that this contribution can be justified within the terms of Circular 01/2010. With reference to these terms, the contribution is not considered to directly relate to the proposed development or be reasonably related in scale and kind to the proposed development. The applicant is, however, proposing some business use on the site and this includes refurbishment of Carrongrove House for business use at an estimated

cost of £900,000 which represents a substantial commitment and a contribution to the supply of business property in the Denny area.

- 7c.3 The application is therefore recommended as a minded to grant subject to the satisfactory conclusion of a Section 75 Legal Agreement and, thereafter, grant of planning permission subject to appropriate conditions.

8. RECOMMENDATION

8.1 It is recommended that the Committee indicate that it is minded to grant detailed planning permission subject to:-

- (a) the satisfactory completion of an agreement within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of:-**
 - (i) the payment of a financial contribution of £457,200 towards the provision and upgrade of educational facilities in the area;**
 - (ii) the payment of a financial contribution of £550,000 towards the provision of a roundabout at the junction of Nethermain Road and Glasgow Road, Denny and a mini-roundabout at the junction of Nethermain Road and Stirling Street, Denny;**
 - (iii) the payment of a financial contribution of £20,000 towards the upgrade of a former railway line for the purposes of a cyclepath (Safer Routes to School) between Stoneywood and Denny;**
 - (iv) the payment of a financial contribution of £30,000 towards the provision, upgrade and maintenance of recreational facilities in the local area;**
 - (v) the nature and provision of the 18 proposed live/work units;**
 - (vi) the nature and provision of the proposed affordable housing units.**
- (b) the submission of a Stage 2 Road Safety Audit for the written approval of this Planning Authority. The audit shall assess all of the new road infrastructure to be constructed by the applicant and include the short internal link between the priority access junction on the B818 and the first internal junction;**
- (c) and thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions:-**
 - (1) The development to which this permission relates must be begun within five years from the date of this permission.**
 - (2) Before the development commences, details of the phasing of the proposed development and the location(s) of the works compound and construction vehicle parking areas shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.**
 - (3) Before the development commences, full details of the colour and specification of all proposed external finishes shall be submitted to and approved in writing**

by this Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.

- (4) Before the development commences, full details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate):
- (i) existing and proposed finished ground levels in relation to a fixed datum, preferably ordnance;
 - (ii) the location of all new trees, shrubs, hedges and grassed areas;
 - (iii) a schedule of plants to comprise species, plant sites and proposed numbers/density;
 - (iv) the location, height, colour and specification of all proposed walls, fences, gates and any other means of enclosure;
 - (v) the location, colour and specification of all proposed hard surface materials;
 - (vi) existing and proposed services such as cables, pipelines, sub-stations, etc.;
 - (vii) other artefacts and structures such as seating, litter bins, dog bins, external lighting, bollards, trail and interpretive signage and viewing galleries. Thereafter, the development shall be completed in accordance with the approved details.
- (5) Before the development commences, a scheme for the provision of active recreational facilities shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include:
- (i) the location of a toddler/junior play area and a Multi Use Games Area (MUGA) and the type and location of all associated play equipment, seating, fences, walls and litter bins;
 - (ii) the surface treatment of play areas;
 - (iii) the location and specification of all proposed cycleways and footways within the application site and proposed connections to the wider network. Gradient and cross-section details shall be submitted as appropriate;
 - (iv) details of the proposed pedestrian/cycle crossing point on the B818, east of the new access roundabout. The details shall include a plan showing relevant dropped kerbs, suitable connection details into Kirkland Drive and a central island.
- (6) The existing stone wall along the frontage of the site to the B818 shall be made good and re-built where gaps exist or damage has occurred or where sections have been removed to achieve the required visibility splays, in accordance with details approved in writing by this Planning Authority.
- (7) Before the development commences, a final statement and plan confirming the existing trees proposed to be removed shall be submitted to and approved by this Planning Authority. No existing trees shall be removed until the final statement and plan have been approved in writing. The existing trees proposed for removal shall be marked, and the Planning Authority shall be notified when

the trees are marked, in order to provide the opportunity for an inspection of the marked trees.

- (8) Before the development commences, a Tree Protection Plan shall be submitted to and approved in writing by this Planning Authority. The plan shall include details of the exact location and specification of the temporary fencing to protect the areas of retained habitat. The protective fencing shall be put in place before the development commences and shall remain in place until all construction works are complete. The Planning Authority shall be notified in order to provide an opportunity for inspection of the protective fencing once it is in place.
- (9) During construction, no excavation, level changes, material storage, fires or vehicle movement shall take place within the fenced off areas indicated in the approved Tree Protection Plan.
- (10) Before the development commences, the exact details of the proposed environmental measures as detailed in Section 6, Table 9, of the Ecological Impact Assessment prepared by Heritage Environmental Limited, dated March 2009, shall be submitted to and approved in writing by this Planning Authority, in consultation with SEPA and SNH (as appropriate). Thereafter, the development shall proceed in accordance with the approved details.
- (11) Before the development commences, a Species Protection Plan for otter shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall proceed in accordance with the approved details, under the supervision of a suitably experienced ecologist acting as Ecological Clerk of Works.
- (12) Before the development commences, an Environmental Management Plan shall be submitted to and approved in writing by this Planning Authority. The plan shall include woodland management measures and consider the opportunities for access and recreation within the various habitat areas. Thereafter, the development shall proceed in accordance with the approved details.
- (13) In respect of otter:
 - (a) No vehicular access, works or pedestrian access shall occur within 30 metres of the otter resting places identified in the otter survey(s). This exclusion zone shall be marked on the site with temporary posts and high visibility tape or similar before the development commences (to be removed at the end of the contract). The positioning and erection of fences demarcating the boundaries of exclusion zones shall be supervised, and subsequently monitored, by a suitably experienced ecologist acting as Ecological Clerk of Works.
 - (b) The existing scrub/trees screening the otter resting places from the area where works are proposed shall be retained.

- (c) All personnel, including contractors and sub-contractors, shall be made aware of the presence of otters and their holts, their protected status and the conditions of any granted licence.
- (14) Should the development not commence within 12 months of the last survey of the site for badgers, a further walk-over survey of the site shall be conducted and the results of the survey submitted for the written approval of this Planning Authority.
- (15) Tree, scrub and hedgerow removal shall only occur between the months of September to March (inclusive) in order to avoid the destruction of birds nesting during the breeding season.
- (16) Before the development commences, the presence and breeding status of any barn owls on the site shall be confirmed by a suitably experienced consultant. Should their presence and breeding be confirmed, restrictions on timings of works as per other breeding bird species shall apply, such that works may only be carried out between the months of September to March (inclusive).
- (17) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.
- (18) Waste management facilities for the proposed development shall be provided in accordance with the Council's Refuse and Recycling Collection Requirements for Housing and Commercial Developments.
- (19) Before the development commences, the design and construction details of the proposed fish ladder shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (20) Within one year of the commencement of the development, a separate planning application shall be submitted for the provision of a small-scale hydro-electric power scheme. The application shall include the detailed design for the scheme and an assessment of its potential impacts on flooding and flood management.
- (21) All new road and footway design and construction shall be carried out in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.
- (22) All individual driveways shall be constructed to meet the public road at right angles, with a maximum gradient of 1:10, and in a manner to ensure that no surface water or loose material is discharged onto the public road.
- (23) Parking shall be provided in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. All dedicated car

parking spaces for the proposed commercial and business uses shall be demarcated for that purpose.

- (24) The proposed development shall be carried out in accordance with the recommendations detailed on page 37 of the Flood Risk and Drainage Impact Assessment, Revision E, prepared by Waterman Civils Limited, dated July 2009.
- (25) Before the development commences, details of the arrangements for the maintenance of the proposed and existing culverts and outfalls that cross/adjoin the application site shall be submitted to and approved in writing by this Planning Authority. Thereafter, maintenance of the culverts shall be carried out in accordance with the approved details.
- (26) Before the development commences, details of the location and specification of all proposed bus stop infrastructure shall be submitted to and approved in writing by this Planning Authority. The details shall include provision of new bus shelters for eastbound stops, with appropriate flagpoles and timetable information. Thereafter, the development shall be carried out in accordance with the approved details.
- (27) One cycle locker per flat shall be provided, in accordance with details to be submitted to and approved in writing by this Planning Authority before the development commences.
- (28) Before the first unit is occupied, a Travel Plan Welcome Pack shall be submitted to and approved in writing by this Planning Authority and distributed to households prior to occupation.
- (29) Before the cycleway/pedestrian path to the B818 at the western end of the site is brought into use, a section of footpath to link the cycleway/pedestrian path to the existing footpath at Fankerton shall be constructed in accordance with the Design Guidance and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.
- (30) Before the development commences, details of the party (parties) to implement the Environmental Management Plan, and the timescale thereof, and details of the on-going future management and maintenance of the hard and soft landscaping areas, the active recreational facilities and the fish ladder, shall be submitted to and approved in writing by this Planning Authority. Documentary evidence shall be submitted to demonstrate the long-term securing of the management and maintenance of these areas and infrastructure.
- (31) Before the first residential unit is occupied, the new pedestrian/cyclist crossing point of Fintry Road and the new bus stop infrastructure shall be fully completed in accordance with the approved details.
- (32) Unless otherwise agreed in writing by this Planning Authority, the new entrance roundabout to serve the proposed development shall be fully completed before the first residential unit is occupied, in accordance with the approved details.

- (33) No residential unit shall be occupied until a mini-roundabout has been constructed at the junction of Stirling Street and Nethermains Road in accordance with an approved Road Construction Consent.
- (34) Before the 50th residential unit is occupied, the toddler/junior play area and the fish ladder shall be fully completed in accordance with the approved details.
- (35) Before the 70th residential unit is occupied, the alterations to the listed building (Carrongrove House) to retain business/office use shall be fully completed in accordance with the approved details.
- (36) Before the 100th residential unit is occupied, the Multi Use Games Area (MUGA) shall be fully completed in accordance with the approved details.
- (37) The ground floor commercial area of proposed Block 3 shall be restricted to a use within Classes 1, 2 and 4 of the Schedule of the Town and Country Planning (Use Classes) (Scotland) Order 1997, and any other use will require to be the subject of a further planning application to and approved by this Planning Authority.
- (38) The listed building (Carrongrove House) shall be restricted to a use within Class 4 of the Schedule of the Town and Country Planning (Use Classes) (Scotland) Order 1997, and any other use will require to be the subject of a further planning application to and approved by this Planning Authority.
- (39) Notwithstanding the approved details, before the development commences, the design of the south facing elevation of the 3 storey flatted building shall be subject to further consideration and the submission of amended proposals for the written approval of this Planning Authority. Thereafter, the development shall proceed in accordance with the approved details.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997
- (2) To enable the Planning Authority to consider these aspects in more detail.
- (3-4,6) To safeguard the visual amenity of the area.
- (5) To ensure the provision of adequate and appropriate recreational facilities.
- (7-9) To safeguard the visual and environmental amenity of the area.
- (10-16) To safeguard the environmental amenity of the area and ecological and biodiversity interests.
- (17) To ensure the ground is suitable for the proposed development.
- (18) To ensure the provision of appropriate waste management facilities.
- (19) To enable this Planning Authority to consider these aspects in more detail.

- (20) To secure an application for the provision of a small scale hydro-electric scheme, in accordance with the requirements of the Planning Brief.
- (21-22) To safeguard the interests of the users of the highway.
- (23) To ensure the provision of appropriate parking facilities.
- (24-25) To safeguard the site against the risk of flooding.
- (26-29) To ensure the provision of facilities and measures to support sustainable modes of transport.
- (30) To secure the ongoing maintenance of the common areas and facilities.
- (31-36) To secure the timeous provision of facilities and infrastructure which are a requirement of the proposed development.
- (37-38) In order to retain proper control over the use of the development.
- (39) In the interests of design quality and visual amenity.

Informative(s):

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference numbers 01, 02C, 03C, 04B, 05B, 06F, 07C, 08C, 09C, 10C, 11B, 12B, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22A, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34C, 35, 36A, 37A, 38, 39, 40, 41, 42D, 43B, 44B, 45G, 46F, 47F, 48A, 49A and 50.
- (2) All proposed adoptable roads, cycleways and footpaths will require Road Construction Consent, issued by Falkirk Council Development Services.
- (4) Bollards and lighting within roads and footpaths to be adopted as public will require to satisfy the Council's Design Guidelines and Construction Standards. The Council specification for bollards is Marshalls Steel Rhino Bollard RB119.
- (4) Retaining structures should be outwith a 1 in 2 slope zone of a footpath or carriageway to be adopted as public. Design calculations and drawings for any structure within this zone will require to be submitted to Falkirk Council as part of the Road Construction Consent process.
- (5) The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR) require general binding rule (GBR) 10 of CAR to be complied with in relation to surface water drainage. GBR 10 makes Sustainable Urban Drainage Systems (SUDS) a requirement for new development. SEPA has requested the submission of a Drainage Management Plan, including details of proposed SUDS systems, prior to works commencing on site.
- (6) The proposal for modifications to the bank of the Carron River and other works within the vicinity of the river will require SEPA authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR).

- (7) SEPA has requested the submission of information on the feasibility of an eel pass on the River Carron.
- (8) Scottish Water has requested the developer to make contact in order to understand the proposed phasing and timescales, to enable consideration of the options for connections and the impact of the development on existing infrastructure.
- (9) Scottish Natural Heritage should be contacted to ensure that valid licenses are in place for the carrying out of works that will affect European protected species or their shelter/breeding places.
- (10) Due to proximity to the River Carron, which hosts species that respond to changing light levels, including salmonid fish and otters, careful consideration should be given to the design of street lighting to minimise impact on the river. Scottish Natural Heritage recommends that proposals for lighting are reviewed in accordance with the Scottish Governments Guidance Note on Controlling Light Pollution and Reducing Light Energy Consumption.
- (11) The level of provision for the toddler/junior play area and the Multi Use Games Area (MUGA) will require to be commensurate with a total cost of £100,000 inflation adjusted at the time of provision.

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 Director of Development Services

Date: 16 February 2010

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Denny and District Local Plan.
3. Scottish Planning Policy (February 2010).
4. Circular 12/1996 Planning Agreement.
5. Circular 1/2010 Planning Agreements.
6. Falkirk Council Local Plan Finalised Draft (Deposit Version).
7. Falkirk Council Planning Brief: Former Carrongrove Paper Mill, Denny, March 2007.
8. Falkirk Council's Supplementary Planning Guidance on Housing and Design, Education and New Housing Developments, Biodiversity and Development, Trees and Development and Affordable Housing.
9. Falkirk Council Economic Action Plan.
10. Letter of objection received from Mr & Mrs Kirkwood, 16 Glenview, Fankerton, Denny, FK6 5HY on 24 April 2008.
11. Letter of representation received from Mrs K Doherty, 17 Glenview, Fankerton, Denny, FK6 5HY on 15 April 2008.
12. Letter of representation received from Strathcarron Hospice, Randolph Hill, Denny, FK6 5HJ on 11 June 2008.

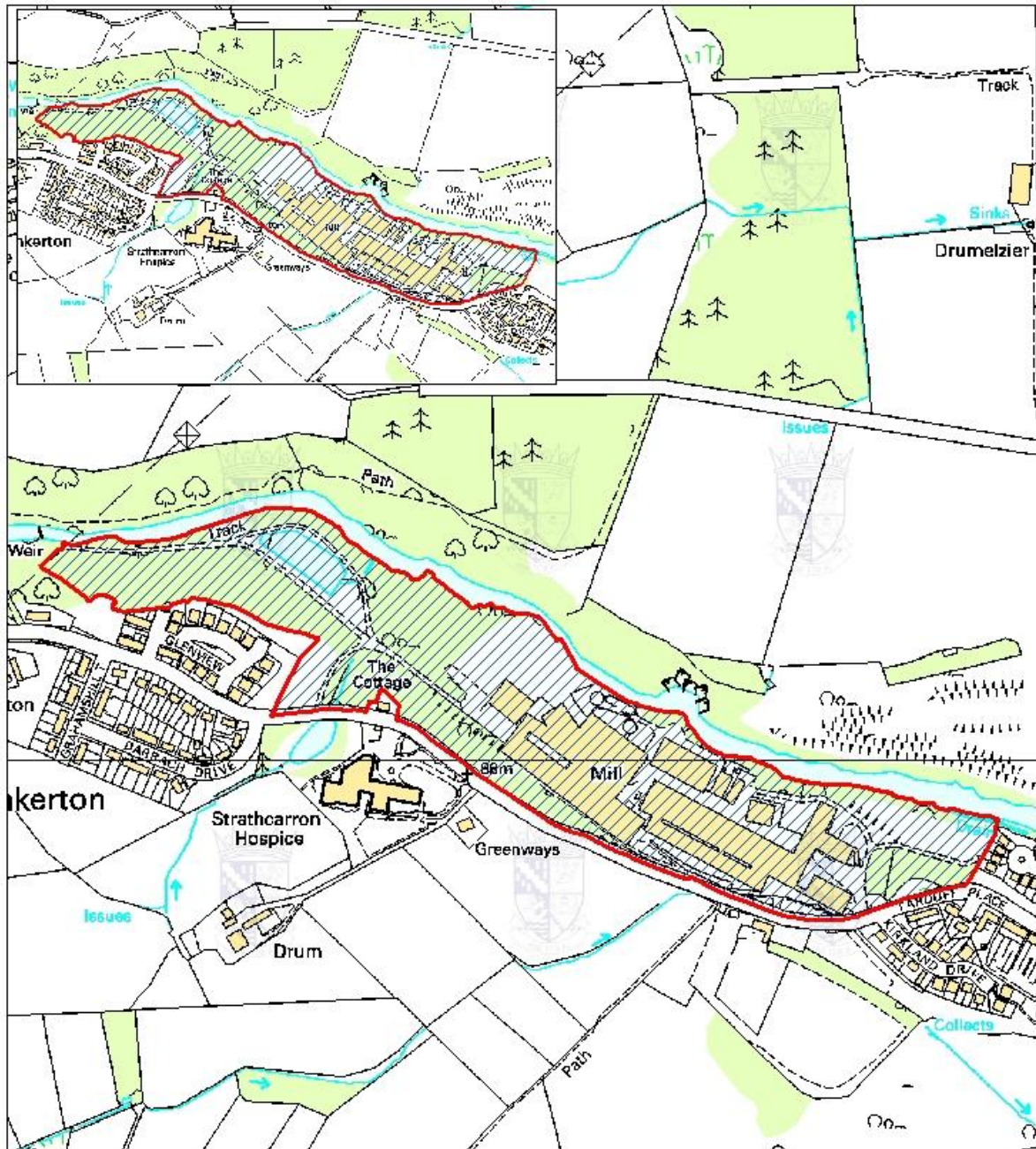
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 50935 and ask for Brent Vivian (Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/08/0296/FUL

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



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