

**FALKIRK COUNCIL**

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

**Meeting:** PLANNING COMMITTEE

**Date:** 7 March 2012

**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:** Banknock, Haggs and Longcroft

**Case Officer:** Brent Vivian, Senior Planning Officer, Ext. 4935

**UPDATE REPORT FOLLOWING SITE VISIT**

1. Members will recall that this planning application was originally considered at the meeting of the Planning Committee on 1 February 2012 (copy of previous report appended), where it was agreed to continue consideration of the application and undertake a site visit. The site visit took place on 20 February 2012.
2. At the site meeting, the Head of Planning and Transportation summarised the officer's report and highlighted the outstanding issues. He advised that the application is a significant regeneration proposal and generally complies with all of the relevant policies and guidance which include the Structure Plan and the Council's development framework for the Banknock SIRR.
3. He indicated that the remaining areas of concern related to road safety and road capacity. The former could be addressed to some extent at the detailed design stage. The latter needed to be balanced against the substantial benefits of the scheme. The main road safety concern is the proximity of three existing accesses (at the Health Centre, Community Centre and Denny Tippers) to the proposed new junction arrangements. However, these had been considered by the applicant's road safety audit and were not raised as an issue. "Keep Clear" markings would be installed. He advised that the applicant had agreed to a financial contribution of £80,000 which would be used to address any issues which emerge as the access strategy is refined at a later stage.

4. The applicant advised that the Banknock North project is the first phase of the regeneration of the local area and they have worked in collaboration with the Council and the Community Council in preparation of the development framework and bringing the application forward. He highlighted that the site is a significant brownfield area and the applicant looks forward to reinvesting in the site to bring forward housing and a new village centre and other benefits, to regenerate the area. He advised that the applicant is committed to funding the necessary infrastructure.
5. The applicant's consultant spoke to the development Masterplan and explained the various aspects comprising and promoted by the Masterplan.
6. Two local residents attended the site meeting and had queries in relation to play park provision, storey height and access. The applicant confirmed that the proposal for a play park and a gateway building near to existing residential properties had been removed from the Masterplan. It was advised that the detailed proposals would be subject to future planning applications and this would include consideration of storey height in the high density area forming the new village centre. The applicant advised that the access arrangements for Rusticbank Cottage had been updated on the Masterplan and would be subject to detailed proposals in consultation with the affected residents.
7. Local Members raised concerns or had queries in relation to traffic impact, pressures on existing facilities, the future gradients given the existing topography, and surface water drainage.
8. The applicant advised that the existing community centre would be upgraded and that they had tried without success to consult with the local health centre but were proposing to offer land or building space within the new village centre should the health centre wish to relocate in the future. He advised that they have had initial discussions regarding the future upgrade of Bankier Primary School and are committed to progressing the matter to more detailed consideration if they have the comfort of a 'Minded to Grant' decision. He advised that their studies to date give them confidence that the site can be designed and platformed to be suitably graded and they have the capability to undertake the necessary earthworks.
9. The Roads Officer advised that the roads, including gradients, would be considered against the Council's design guidelines at the detailed planning stage. He advised that the proposed surface water drainage retrofit for Bankier Primary School has been assessed by the Council's term consultants and they are satisfied with the information submitted.
10. Since completion of the previous report, Transport Scotland have provided a formal response advising of conditions to be attached to any grant of permission. The recommendation to Committee has therefore been updated to incorporate their conditions and remove the reference to referral to Scottish Ministers if Transport Scotland recommend refusal. The precise wording of the relevant conditions has been subject to further consideration and agreement. In addition, the opportunity has been taken to revise some aspects of the original recommendation. This includes adding a requirement to submit a noise impact assessment with each detailed application, where relevant.
11. It is considered that no matters were raised at the site visit that would alter the original 'Minded to Gant' recommendation. Accordingly, the original recommendation is reiterated subject to changes to reflect the matters referred to in paragraph 10 above.

## 12. RECOMMENDATION

12.1 It is recommended that Committee indicate that it is Minded to Grant Planning Permission in Principle 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 terms satisfactory to the Director of Development Services in respect of:-
  - (i) The provision of an extension to Bankier Primary School;
  - (ii) The provision of additional and/or enhanced pre-school/nursery facilities;
  - (iii) The payment of a financial contribution towards increasing the future capacity of Denny High School, at a rate of £1000 per dwellinghouse and £550 per flat;
  - (iv) The upgrade of the M80 east and west slip road junctions on the A803;
  - (v) The payment of a financial contribution towards the provision of the Denny Eastern Access Road (DEAR), in the sum of £90,000;
  - (vi) The preparation of a Travel Plan Framework;
  - (vii) The payment of a financial contribution towards the upgrade of the local Core Path Network, in the sum of £50,400;
  - (viii) The payment of a financial contribution towards the upgrade and enhancement of existing recreational facilities in the local area, in the sum of £135,640 less the cost of the proposed on-site equipped play provision;
  - (ix) The payment of a financial contribution towards the upgrade of the Banknock Community Centre;
  - (x) The payment of a financial contribution towards the implementation of local community projects;
  - (xi) The payment of a financial contribution towards (a) the monitoring of air quality in the local area, at a rate of £500 per annum until the end of the build period, and (b) the implementation of air quality action plan measures;
  - (xii) The amount, type and phasing of the provision of affordable housing;
  - (xiii) The payment of a financial contribution in the sum of £80,000 towards any works which may be considered necessary by the Director of Development Services to address any issues which emerge as the access strategy is refined at a more detailed stage; and
  - (xiv) Maintenance of the relevant area to the Council's satisfaction in all time coming (being the land required to achieve the necessary forward visibility at the proposed enlarged M80 east slip road/A803 junction);
- (b) and thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission in principle subject to the following conditions:-

- (1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:
  - (a) the siting, size, height, design & external appearance of the proposed development;
  - (b) details of the access arrangements;
  - (c) details of landscaping of the site and future maintenance of landscaping.
- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:
  - (a) the expiration of 5 years from the date of the grant of planning permission in principle; or
  - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
  - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

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

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

#### *Approval of Further Details*

- (4) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, and yearly thereafter until 3 years after the development has been fully constructed, a suitably qualified person shall submit an update report for the written approval of this Planning Authority in respect of implementation of the following:-
  - (a) The Action Plan set out in Section 8 of the Banknock SIRR Conservation Strategy, Version 4, dated March 2010 (as amended 2 June 2011); and
  - (b) Conditions 16 to 23 of this permission;

- (5) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, the following site-wide details shall be submitted for the written approval of this Planning Authority:-
- (a) An Energy Framework/Strategy; and
  - (b) A Public Art Framework/Strategy;
- (6) Prior to, or with, submission of the first application for the approval of Matters Specified in Conditions, a detailed design and a Stage 2 Road Safety Audit for the proposed western and eastern access junctions, to the A803 Kilsyth Road/Hollandbush Avenue junction and the proposed upgrades to the A803 Kilsyth Road/M80 east and west slip road junctions shall be submitted to and agreed in writing by this Planning Authority;
- (7) Each application for the approval of Matters Specified in Conditions shall be accompanied by the following details (where relevant) for consideration for approval in writing by this Planning Authority:-
- (a) Detailed site layout and design information, which accords with the approved Banknock North SIRR Development Masterplan, Revision C, dated July 2011, unless otherwise agreed in writing by this Planning Authority;
  - (b) A detailed Phasing Plan showing the exact sequence of preparatory levelling/earthworks and vegetation removal and development for the proposed land uses, provision of infrastructure, landscaping, open space and play facilities;
  - (c) A detailed strategy for embedding sustainable energy use into the proposed development through, for example, site and building design and the utilisation of renewable energy sources, having regard to the approved site-wide Energy Framework/Strategy;
  - (d) Proposals to incorporate public art/interpretive facilities into the development having regard to the approved site-wide Public Art Framework/Strategy;
  - (e) A detailed scheme of soft landscaping works incorporating measures to promote, enhance and safeguard biodiversity. The scheme shall include the location of all proposed new trees, shrubs, hedges and grass areas and a schedule of plants to comprise species, plant sizes and proposed numbers/densities;
  - (f) Proposals for the provision of newt friendly infrastructure within residential areas, which accord with the Banknock SIRR Great Crested Newt Assessment and Mitigation Strategy, Version 5, dated 6 June 2011;
  - (g) An updated Tree Protection and Removal Plan, as informed by an updated Tree Survey;
  - (h) A detailed scheme of hard landscaping works, which includes the specification and colour of all proposed surface material and the location and design of all proposed artefacts, structures and enclosures e.g. street furniture, lighting, walls, fences and gates;
  - (i) The proposed long term management and maintenance arrangements for all open spaces, water bodies, SUDS ponds and structured landscaping areas;
  - (j) A Construction Environmental Management Plan;

- (k) The exact location and design of all proposed waste management facilities, which accord with the Council's guidance for refuse and recycling collection in new housing and commercial developments;
- (l) A Contaminated Land Assessment, which determines the nature and extent of any contamination on the site, including contamination that may have originated elsewhere, and any potential risks to human health, property, the water environment and designated ecological sites;
- (m) A full site-specific surface water drainage scheme, which accords with SUDS principles;
- (n) An updated Flood Risk Assessment/Statement, which details all proposed flood alleviation measures and demonstrates that pluvial flood risk is managed as part of the drainage design, that all properties have a suitable freeboard over the design event, that all properties have safe access and egress during the design event and that the design of the new culverts is robust and provision has been made for flood waters to safely bypass them in the event of blockage;
- (o) The exact location and specification of all proposed foot/cycle paths, including connections to the wider path network;
- (p) A Travel Plan, including a Travel Pack;
- (q) Proposals for access to public transport services (including school bus services); and
- (r) A Noise Impact Assessment;

#### *Number of Units*

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

#### *Tree Protection and Removal*

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

### *Biodiversity*

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

### *Great Crested Newts*

- (16) The development shall be carried out in accordance with the mitigation and compensation measures set out in Section 4.2 of the Banknock SIRR Great Crested Newt Assessment and Mitigation Strategy, Version 5, dated 6 June 2011;
- (17) The integrity of all amphibian fencing shall be monitored at least monthly between February and November every year, or for the anticipated duration of construction estimated at 15 years, after which time the fence shall be removed. Any repairs or appropriate remediation measures shall be undertaken immediately in the event of the fence being found to be damaged or affected in any way which is likely to impair its effectiveness;
- (18) The habitat creation and enhancements works within the proposed Nature Conservation Area shall be completed, and made available to newts (i.e. all newt fencing removed from this area), by 31 December 2013;
- (19) A new pond shall be created during the construction period to replace the loss of the Railway Pond (PN13) and be situated in approximately the same location;
- (20) The new ponds (i.e. the new Railway Pond, the new Brown Pond and the new ponds within the proposed Nature Conservation Area) shall be monitored for three years from their creation, within any remedial action identified by the monitoring being implemented in accordance with details approved in writing by this Planning Authority;

- (21) No works shall be carried out within the application site boundaries within 3 years of the erection of the one-way newt fence, unless otherwise agreed in writing by this Planning Authority in consultation with Scottish Natural Heritage. After the one-way newt fence has been in place for at least 3 years (i.e. until 29 February 2012), a risk assessment(s) for all staged works then proposed within the application site boundaries shall be carried out to determine if they are likely to cause an offence under Regulation 39/43 of the Habitats Regulations. The risk assessment(s) shall be submitted for the written approval of this Planning Authority and shall include an appraisal of the monitoring and maintenance records for the one-way newt fence.
- (22) The great crested newt meta-population shall be monitored for 3 years after the development has been constructed and the one-way newt fence removed, with any remedial action identified by the monitoring being implemented in accordance with details approved in writing by this Planning Authority;
- (23) Arrangements shall be made to secure the long-term management of the newt-friendly infrastructure, including the new ponds and associated habitat, in accordance with details approved in writing by this Planning Authority;

#### *Cultural Heritage*

- (24) Unless otherwise agreed in writing by this Planning Authority, no development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by this Planning Authority;
- (25) During implementation of the approved programme of archaeological work, access at all reasonable times shall be afforded to any archaeologist nominated by this Planning Authority, to allow that person to observe work in progress and record items of interest and finds;
- (26) Not less than 14 days prior to the development commencing, the Planning Authority shall be notified in writing of the commencement date of ground breaking works, the site contact person and the archaeologist appointed by the applicant;

#### *Provision of New/Enhanced Local Facilities and Features*

- (27) Unless otherwise agreed in writing by this Planning Authority, the proposed retail development, associated public realm area and gateway features shall be fully completed prior to the completion of either phase 1 of the proposed development or the 100<sup>th</sup> residential unit, whichever is the earliest, in accordance with details approved in writing by this Planning Authority;
- (28) Land or floor space for the relocation of the existing health centre to the proposed Village Centre shall be set aside in accordance with details and a timescale to be agreed in writing by this Planning Authority, unless it is demonstrated to the satisfaction of the Planning Authority that there is no need for land or floor space for this purpose;



### *Contaminated Land*

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

### *Surface Water Drainage/Flooding*

- (31) The proposed surface water drainage retrofit at Bankier Primary School, to release foul capacity to serve the proposed development, shall be fully completed in accordance with a final design scheme approved in writing by this Planning Authority;
- (32) No landraising or built development shall occur within the 0.5% annual probability flood plain as shown hatched on the approved Banknock North SIRR Development Masterplan Revision C, dated July 2011;

### *Outdoor Access*

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

### *Roads/Transportation*

- (34) Unless otherwise agreed in writing by this Planning Authority, having regard to the Scottish Government Policy Statement: Designing Streets, all new roads and associated infrastructure shall be designed and constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area;
- (35) Unless otherwise agreed in writing by this Planning Authority, no part of the development shall be occupied until the proposed western and eastern access junctions, and the Urban Traffic Control (UTC) system proposed to link the new traffic signals, have been fully completed in accordance with details submitted to and approved in writing by this Planning Authority;
- (36) Within one month of opening of each new/upgraded road junction, a Stage 3 Road Safety Audit shall be submitted for the written approval of this Planning Authority. Any required changes to the design as a consequence of the Stage 3 Road Safety Audit shall be funded by the applicant;

- (37) Before the development commences, exact details of the proposed pedestrian crossings of the A803 Kilsyth Road and the Urban Traffic Control (UTC) system proposed to link the new traffic signals, shall be submitted to and approved in writing by this Planning Authority unless otherwise agreed. Thereafter any agreed facilities shall be provided in accordance with the approved details and a timescale(s) to be agreed in writing by this Planning Authority;
- (38) Before the development commences, exact details of the provision of a suitable route though the site to accommodate bus use, including stopping points and shelter facilities, shall be submitted to and approved in writing by this Planning Authority unless otherwise agreed in writing by this Planning Authority. Thereafter the facilities shall be provided in accordance with the approved details and a timescale(s) to be agreed in writing by this Planning Authority;
- (39) Before the development commences, exact details of the proposed relocation/upgrading of the existing bus stops on Kilsyth Road shall be submitted to and approved in writing by this Planning Authority. Thereafter the facilities shall be relocated in accordance with the approved details and a timescale(s) to be agreed in writing by this Planning Authority;
- (40) Vehicle and cycle parking shall be provided in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area;
- (41) At the same time as completion of the proposed western access junction, the existing access to the Bankview Nursing Home shall be closed off and the kerbing reinstated in accordance with details approved in writing by this Planning Authority.
- (42) Unless otherwise agreed with the Planning Authority in consultation with Transport Scotland, no part of the development shall be occupied until the infrastructure mitigation at the M80 West Slip Road Junction as generally illustrated in the JMP Drawing No SCT3178/I/WS/001/ Rev E dated October 2011 is provided. These works will be completed to the satisfaction of the Planning Authority in consultation with Transport Scotland.
- (43) Unless otherwise agreed with the Planning Authority in consultation with Transport Scotland, no part of the development shall be occupied until the infrastructure mitigation at the M80 East Slip Road Junction as generally illustrated on the JMP Drawing No SCT3178/I/ES/001 Rev I dated December 2011 is provided. These works will be completed to the satisfaction of the Planning Authority in consultation with Transport Scotland.
- (44) No development shall commence until details of proposed new signage on the M80 West Slip Road have been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland.
- (45) No development shall commence until lighting details within the site have been submitted to and approved by this Planning Authority in consultation with Transport Scotland.

- (46) No development shall commence until boundary fencing details with the M80 Slip Road have been submitted to and approved in writing by this Planning Authority in consultation with Transport Scotland.
- (47) The development shall not affect the integrity of the trunk road drainage network. No connections shall be made to the trunk road drainage network.

Reason(s):

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4-7) To enable the respective matters to be considered in detail at the appropriate time following grant of planning permission in principle.
- (8) To limit the number of units to reflect the scale of development subject to the Transport Assessment.
- (9-12) To safeguard the visual and environmental amenity of the area.
- (13-23) To protect, mitigate and enhance natural heritage and protected species interests.
- (24-26) To safeguard the archaeological interest of the area.
- (27-28) To secure the delivery of new facilities in accordance with appropriate timescales.
- (29-30) To ensure the ground is suitable for the proposed development.
- (31-32) To ensure that suitable drainage is provided and that potential flood risk is mitigated to an acceptable level.
- (33) To safeguard the existing public path network.
- (34-36,41) To safeguard the interests of the users of the highway and to ensure the delivery of infrastructure in accordance with appropriate timescales.
- (37-39) To provide appropriate infrastructure to promote alternative modes of transport to the private car and manage traffic progression and queuing.
- (40) To ensure that adequate parking is provided.
- (42-44) To ensure the impact of the development is adequately mitigated against with minimum interference to the safety and free flow of traffic on the trunk road.
- (45) To ensure there will be no distractions or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

- (46) To minimise the risk of pedestrians gaining uncontrolled access to the trunk road with the consequential risk of accidents.
- (47) To ensure the efficiency of the existing trunk road drainage is not affected.

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Director of Development Services

Date: 28 February 2012

### **LIST OF BACKGROUND PAPERS**

1. Approved Falkirk Council Structure Plan.
2. Adopted Falkirk Council Local Plan.
3. National Planning Policies & Guidance.
4. Falkirk Council Supplementary Planning Guidance.
5. Letter of Objection from Mr Roy MacDonald, Rustic Bank Cottage, Kilsyth Road, Banknock, Bonnybridge, FK4 1UE, received 30 June 2010.
6. Letter of Objection from Mr Alexander Skullen, 225 Kilsyth Road, Banknock, Bonnybridge, FK4 1UF received 9 June 2010.
7. Letter of Objection from Mr and Mrs Robert Cooper, Rusticbank Cottage, Kilsyth Road, Banknock, Bonnybridge, FK4 1UF received 16 June 2010.
8. Letter of Representation from Mrs Suzanne Reynolds, Cedar Road, Banknock, Bonnybridge, FK4 1JQ received 17 June 2010.
9. Letter of Objection from Alasdair and Nicola Sinclair, Hazelwood, Braeface Road, Banknock Bonnybridge, FK4 1UE received 10 September 2010.
10. Letter of Objection from Miss Lynne Hobbs, 12 Bankier Terrace, Banknock, Bonnybridge, FK4 1JF received 23 June 2010.
11. Letter of Objection from Mr Macaulay, Windy Hollow, 2 Coneypark Place, Banknock, Bonnybridge, FK4 1TZ received 22 June 2010.
12. Letter of Objection from [Angusmacaulay411@hotmail.com](mailto:Angusmacaulay411@hotmail.com), received 21 June 2010.
13. Letter of Objection from Mr Martin Dick, Prima Casa, Braeface Road, Banknock, Bonnybridge, FK4 1UE, received 20 June 2010.
14. Letter of Objection from A MacAulay, Windy Hollow, 2 Coneypark Place, Banknock, Bonnybridge, FK4 1TZ, received 30 June 2010.

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

**FALKIRK COUNCIL**

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

**Meeting:** PLANNING COMMITTEE

**Date:** 1 February 2012

**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:** Banknock, Haggs and Longcroft

**Case Officer:** Brent Vivian, Senior Planning Officer, Ext. 4935

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

- 1.1 The application is a major development and seeks planning permission in principle for the development of land for up to 550 dwellinghouses, a Neighbourhood Centre including retail and community uses, a Nature Conservation Area and associated infrastructure including access junctions, new roads and paths, surface water drainage facilities and landscaping.
- 1.2 The application site extends to approximately 31 hectares and is bounded by the A803 (Kilsyth Road) to the south, the slip road to Junction 4 of the M80 to the east, Braeface Road to the west and field boundaries to the north. The site also extends across Kilsyth Road to include Bankier Primary School and open space.
- 1.3 The application site includes open fields, wooded areas, previously developed land and a portion of the Bankier Nursing Home grounds. The site has a history of industrial mining and has previously been served by tramways and railway lines. The northern area of the site includes the former Cannerton Brickworks. The site generally rises in level from south to north and there are several areas of steeply sloping land.
- 1.4 The following information has been submitted in support of the application:-
  - A Design and Access Statement and Village Centre Masterplan Study;
  - A Development Masterplan;
  - A Planning Statement;

- Environmental Supporting Information;
- A Conservation Strategy;
- Bat Surveys;
- A Great Crested Newt Assessment and Mitigation Strategy;
- A Foul and Surface Water Drainage Strategy;
- A Drainage Retrofit Report (Bankier Primary School);
- A Flood Risk Assessment;
- A Services Appraisal Report;
- A Pre-Application Consultation Report;
- A Transport Assessment with Road Safety Audit and subsequent Traffic Modelling and other information;
- A Geotechnical and Geo-environmental Supporting Statement; and
- An Air Quality Assessment.

1.5 The Design and Access Statement and Village Centre Masterplan Study indicates the following land uses:

- A Village Centre comprising an anchor food retail unit, a number of smaller units, a village green and higher density housing up to 3 storeys;
- Medium and lower density housing areas arranged in perimeter blocks to create a rectilinear street network;
- Two principal access points, to the east and west of Bankview Nursing Home;
- An open space network including a strategic green corridor along the northern boundary, a Nature Conservation Area, structure planting, a village green corridor, Sustainable Urban Drainage ponds, path networks and local play spaces.

1.6 A Transport Assessment was received in June 2010, with supplementary information received in June 2011. An updated Transport Assessment was received on 18 January 2012. This differs in a number of ways from earlier submissions but the Transport Planning Unit has not had time to check it fully before completion of this report. The conclusions of the updated Transport Assessment can be summarised as follows:-

- The applicant contends that the proposals for development have been predicated upon sustainable principles in terms of community growth, design principles and travel. Scottish Planning Policy document 'Designing Streets' has been applied to achieve a balance between place making and the need to accommodate vehicular movement. The key issue is that the extended village of Banknock will in the future straddle the A803, making its through traffic purpose secondary to its redefined role as a route through the new village (a 'High Street');
- The proposed access strategy comprises the following key aspects:-
  - Two points of access (east and west) on either side of Bankview Nursing Home, in the form of signalised junctions with pedestrian phases. These locations have been determined to overcome land ownership constraints relating to the access locations indicated in the Development Framework;
  - Upgrading of the A803/M80 west slip road to include the installation of traffic signals and additional traffic lanes through the junction;
  - Upgrading of the existing mini-roundabout at the A803/M80 east slip road to an enlarged 30 metre diameter roundabout. This has been achieved through the applicant obtaining land or control over land from third parties;
  - Linking of all three proposed traffic signal junctions by means of the implementation of an Urban Traffic Control system along the Kilsyth Road corridor. This would provide the Council (or Transport Scotland) with a greater level of control and management of traffic progression and queuing;
- The applicant contends that appropriate priority has been given to walking, cycling and public transport in order to achieve connectivity to the enlarged community and to areas beyond. Pedestrian phases will be provided at the traffic signals at the development access junctions and the west slip road. A signalised crossing is also proposed to replace the existing median island east of Bog Road. The improved facilities will be designed to support cyclists;
- The assessment states that the Council requested the undertaking of two design scenarios for the traffic signal controlled network namely a 'worst' case scenario with full pedestrian demands at all signals in each cycle; and a 'best' case scenario with no pedestrian demands. The applicant considers that these scenarios are unlikely to be experienced during peak periods (8 to 9 a.m. and 5 to 6p.m.). In addition, the applicant has developed a further scenario to represent what it considers to be a realistic representation of pedestrian demands during peak periods with variable demand for pedestrian crossing facilities;
- The assessment states that the Council required the application of National Road Traffic Forecasts Central Growth to reflect background traffic growth on the A803. The assessment further states that the central growth increases background traffic on the A803. by 15% but that traffic surveys undertaken for the applicant suggests that there has been no background traffic growth between 2008 and 2011. According to the applicant, this suggest that the analysis undertaken in the assessment would overestimate background traffic by up to 20%;

- The assessment states that the Council required high (85% percentile) trip rates to be applied to the development. The applicant contends that this is contrary to national planning guidance and is a reflection of a requirement to predict and provide which has widely been recognised as no longer appropriate;
- According to the applicant, the detailed junction analysis indicates that the majority of the junctions operate within 'Practical Reserve Capacity', and those operating over capacity do so only marginally except for Kilsyth Road (east) at the western slip road during the a.m. peak. A 'Keep Clear' road marking is proposed at the Hollandbush Road mini-roundabout to assist with the operation of this junction during the a.m. peak when queues from the west development access are predicted to extend back through the Hollandbush Road junction. Should the 'worst case' scenario ever materialise, then Garngrew Avenue may be affected by queuing back from the west slip road during the a.m. peak;
- The assessment recognises that there are queues formed by the presence of signals at this location of Kilsyth Road. However, traffic signals formed part of the Development Framework Access Strategy for the SIRR and, as such, according to the applicant, the likelihood of queues forming as a consequence of stopping traffic associated with traffic signals was accepted by the Council as a consequence. The location of the queues has changed as the development has progressed through the planning process but it should be recognised that the extent of the queues would probably have been of a similar magnitude whatever access strategy was adopted as the traffic levels would be similar;
- The assessment notes that it is important to understand that vehicles will progress through the network in platoon and will not be constantly starting and stopping at the signalised junctions as they progress through the linked signals. Queue management along the corridor is such that static queues are, in the majority, contained within the available spacing to the preceding junction, with the exception of Hollandbush Avenue;
- The Council has advised that the A803 Kilsyth Road should be considered as a District Distributor Road in terms of their current guidance and that the proposed access strategy does not adhere to the guidelines for minimum junction spacing. The experience of the applicant's traffic consultants is that road design is dominated by the desire to facilitate smooth flow of vehicular traffic resulting in design standards that accommodate, and perhaps encourage, driving first and as a result do not sufficiently prioritise walking and cycling. The hierarchical approach is primarily based on 'greenfield' design and less easily applied to an existing urban framework; and
- The applicant states that he has considered the opportunity to provide roundabout junctions to replace the proposed traffic signal solution. Consideration of implementing 30m-32m roundabouts, the smallest which could be developed consistent with design standards, demonstrated that appropriately designed junctions could not be accommodated within the land available to the applicant. In addition, a roundabout based strategy is considered by the applicant to be a traffic based solution, which places the needs of the pedestrian as secondary as they would be required to divert to remote crossings and indirect routes.



## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application requires consideration by the Planning Committee as the application site includes land within the ownership of Falkirk Council.

## **3. SITE HISTORY**

- 3.1 Pre-Application Notice ref: P/09/0734/PAN for the proposed development was received in October 2009. Two community consultation events in the form of exhibitions were held at Banknock Community Hall on 29 October 2009 and 8 December 2009. The Pre-Application Consultation Report submitted with the application indicates that between 50 and 60 people attended the first consultation event and 26 people attended the second event. The comments received through the community consultation process were summarised in the Pre-Application Consultation Report.

## **4. CONSULTATIONS**

- 4.1 The Roads Development Unit have advised that the development layout would need to comply with the Design Guidelines and Construction Standards (DGCS) for Roads in the Falkirk Council Area. They note the publication of Designing Streets by the Scottish Government but advise that the Council has not yet completed a review of the DGCS in the context of Designing Streets. They are satisfied with the proposed surface water drainage strategy and the Flood Risk Assessment, and recognise that the detailed drainage design and maintenance would be considered at full planning stage and take into account the risk from all potential sources of flooding. They are satisfied that the proposed development areas would not encroach within the flood area (as defined by the 1 in 200 year flood event plus climate change plus blockage).
- 4.2 The Roads Development Unit have reviewed the Stage 1 Road Safety Audit submitted with the application and a Supplementary Note to the original audit. They note that there are a few instances where the designer has not fully implemented the recommendations of the audit and that justification for the non-compliance has been presented to the auditor. One of the outstanding matters is provision of traffic islands at the signal controlled junctions but the Roads Development Unit advise that this is probably a matter for Falkirk Council as the roads authority to consider, possibly at Stage 2 of the Road Safety Audit process. Another matter is provision of a side road ahead warning sign on the A80 western slip road but this is a matter for Transport Scotland to consider. Whilst not raised as a concern in the Road Safety Audit, the Roads Development Unit are concerned that the arrangement as proposed, which comprises the introduction of signalised junctions and an increase in the number of lanes from 2 to 4, could increase the risk of collision between vehicles either accessing or egressing the Health or Community Centre car parks, and those using the A803. They advise that the applicant's proposal to introduce Keep Clear carriageway markings adjacent to the Health and Community Centres would not alleviate this concern. They advise that a recent amendment to the design of the proposed enlarged east slip road roundabout, coupled with a Deed of Servitude, achieves the required forward visibility for eastbound drivers on the A803. The Deed of Servitude is between the applicant and the owner of 63 Kilsyth Road.
- 4.3 Scottish Water have no objection to the application but advise that capacity at their water and wastewater treatment works is unable to be reserved in advance of a formal agreement. They advise that a fully completed Development Impact Assessment form would need to be submitted to them due to the size of the proposed development.

- 4.4 The Scottish Environmental Protection Agency (SEPA) have no objection to the application subject to planning conditions requiring the details for the SUDS scheme to be submitted for approval and for there to be no land raising or built development within the 0.5% annual probability flood plain. They accept the surface water drainage proposals in principle. They recommend that bridging solutions or bottomless or arched culverts should be used where watercourse crossings are required, as these do not affect the bed and banks of the watercourse.
- 4.5 The Environmental Protection Unit have requested the submission of a contaminated land assessment due to the presence of considerable made ground, former brickworks factories, railways, a distillery, mining operations and potential sources of contaminated land within 250 metres of the site. They have also requested the submission of a noise survey to determine the impact of transportation noise on the proposed development. They have reviewed the Air Quality Assessment submitted with the application and have requested the developer to contribute towards the costs of air quality monitoring and the implementation of action plan measures in the local area, due to the potential impacts of the proposed development on air quality from nitrogen dioxide emissions.
- 4.6 The Transport Planning Unit have reviewed the first Transport Assessment and subsequent submissions (except for the Transport Assessment submitted on 18 January 2012) and have agreed the traffic generation rates, the background traffic growth forecast and the trip distribution with the applicant, for the purposes of the traffic modelling. However, they retain fundamental concerns with the proposed access strategy on road capacity grounds. In particular, they advise that the traffic modelling continues to indicate that some of the road junctions are likely to operate beyond practical capacity in the design year (2019) when the pedestrian stages are called at the signalised crossings, and on the A803 Kilsyth Road approaches to the proposed enlarged roundabout at the M80 (East) slip road junction with the A803. They consider that this is likely to lead to traffic queuing through adjoining junctions during the morning peaks and evening periods, which in turn could have a detrimental impact on traffic congestion and pollution levels in the area. They advise that a contributing factor to these concerns is the close proximity of the existing and proposed road junctions along the A803 to one another, such that the relevant minimum junction spacing standards, as detailed in the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area (DGCS), are not met. This limits available storage space for vehicles between some of the junctions. As a result they have requested that an alternative access strategy be investigated to address these concerns.
- 4.7 The Transport Planning Unit are also concerned that the proposed cycling facilities across the A803 do not link into the existing road/cycle network. In addition, they advise that the options for the provision of new/relocated bus facilities along the A803 would need to be considered at a detailed stage. They note that the applicant has agreed to make a contribution towards provision of the Denny Eastern Access Road (DEAR).
- 4.8 Transport Scotland have advised that they have sufficient information to provide a formal response to Falkirk Council if the local access issues can be resolved without any impact on the trunk road junctions. However, they advise that if the resolution of the local access issues were to affect the capacity/safe operation of the trunk road junction, then they would need to consider the revised output from the traffic model and any required alterations to the layout at the trunk road junctions due to the new analysis. For this reason, Transport Scotland have not yet issued a formal response to Falkirk Council.

- 4.9 Scottish Natural Heritage are generally content with the proposed development provided it proceeds in accordance with requirements outlined in the Development Framework, the Conservation Strategy and the Great Crested Newt Assessment and Mitigation Strategy. They recommend planning conditions if the application is granted, which cover the provision and maintenance of a one-way fence for three years prior to any works taking place (to allow any mature newts within the application site to reach breeding maturity and leave for the nearby breeding ponds outwith the site), the creation of new ponds and maintenance of the one-way fence until at least the development is completed (to prevent newts from re-entering the site during the construction stage).
- 4.10 Central Scotland Police have not responded.
- 4.11 Education Services have advised that the proposed development would give rise to capacity issues at Bankier Primary School and Denny High School. They advise that an extension to Bankier Primary School would be required and that discussions between the relevant parties will be necessary to agree the scope of the extension and the design, phasing and means of delivery. They request the payment of a financial contribution at the rate of £1000 per house and £550 per flat (subject to change) towards addressing future capacity issues at Denny High School. They accept the proposals to alter the existing surface water drainage arrangements at Bankier Primary School on the basis that the school drainage regime would be improved, the grounds would be reinstated and disruption to the school would be kept to a minimum.
- 4.12 Former Community Services (Parks and Recreation) advised that an appropriate balance should be sought between the provision of on-site play facilities and open space and the payment of a financial contribution towards the improvement of Hollandbush Park.
- 4.13 Museum Services have requested an archaeological evaluation of the fields either side of the former site of Bankview House. They note that residual elements of the designed landscape at Bankview House, such as the tree-lined avenues, pond and East Lodge, would appear to have been taken into account in the masterplan.
- 4.14 Corporate and Neighbourhood Services support the proposed development as a means to achieve a strategic objective of the Council to regenerate Banknock. They acknowledge the commitment of the applicant to meet the Council's affordable housing requirements.
- 4.15 Architecture and Design Scotland have not responded.
- 4.16 NHS Forth Valley have not responded.

## **5. COMMUNITY COUNCIL**

- 5.1 The Banknock, Hags and Longcroft Community Council have not made any representations.

## **6. PUBLIC REPRESENTATION**

- 6.1 A total of 10 representations have been received to the application. Eight of these are objections. One of the objections is in the form of a petition with 7 signatories.
- 6.2 The concerns raised in the representations can be summarised as follows:-

### Amenity

- Proximity of proposed 3 storey flats to existing residences giving rise to overlooking and loss of privacy;
- Proximity of proposed play park to existing residences giving rise to overlooking, loss of privacy, noise nuisance and a source of anti-social behaviour;
- Increase in vehicular noise near existing residences;
- Increase in pedestrian traffic near existing residences;
- Loss of mature trees which afford privacy to existing residences;
- Loss of countryside views;
- Noise pollution and vibration during the construction process;

### Planning

- Previous planning on the north side of Kilsyth Road has restricted houses to not higher than 1 and a half storeys;
- Lack of detail regarding house types and proposed access;

### Rural Character

- The proposed development would erode the rural nature of Banknock and change it from a small rural village to a town;

### Natural Environment

- The site is infested with Japanese Knotweed;
- Negative impact on local wildlife, such as bats, rabbits, fox, deer and bird species;

### Traffic Impact/Vehicular Access

- Kilsyth Road would not be able to cope with the increase in traffic;
- Strongly oppose the proposal for traffic lights;
- Increased congestion would make it difficult to access Kilsyth Road from Braeface Road;
- The proposed development would result in no, or unsatisfactory, access to existing residential properties;

### Infrastructure and Community Facilities

- Impact on local services and amenities, especially the school;

## Other

- Decrease in property values.

## **7. DETAILED APPRAISAL**

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

Accordingly,

### **7a The Development Plan**

#### ***Approved Falkirk Council Structure Plan***

7a.1 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 iddlefield/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/Banknock, 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.2 The proposed development includes a new Village Centre for Banknock, which it is anticipated would be anchored by a 1500m<sup>2</sup> supermarket and includes some 400m<sup>2</sup> of non-food retail services. This scale of retail development is considered to be commensurate with the local catchment, as informed by a retail capacity assessment undertaken by the applicant, and would maintain the hierarchy of shopping centres in the Falkirk Council area. It is below the threshold where a retail impact assessment is required. The application therefore accords with this policy.

7a.3 Policy COM.1 'Housing Land Allocations' states:

*"The Council will:*

- 1 support the phased provision of land for new housing as detailed in Schedule COM.1a to which a flexibility allowance of 10% will be added under Policy COM.2;*
- 2 maintain an effective 5 year supply of the housing land set out in Schedule 1a;*
- 3 review the housing calculations and allocations at intervals of no more than 5 years; and*
- 4 In delivering the requirement in Schedule Com.1a the Council will support special initiatives for residential led regeneration at the location listed in Schedule Com.1b, provided that action plans and masterplans/ development frameworks are prepared in accordance with the local plan. In particular these must address phasing, social and physical infrastructure provision, the avoidance of adverse impacts on European sites, the removal of significant restraints and land acquisition as appropriate."*

7a.4 This policy indicates that the Council, in delivering the housing land requirement, will support special initiatives for residential led regeneration (SIRR's) at the locations listed in Schedule COM.1b of the adopted Falkirk Council Local Plan. Banknock is indicated in this schedule as a SIRR, with a maximum requirement within the range of 500 to 750 units. The Bannock SIRR comprises two main development areas which, together, broadly reflect this requirement, and a development framework, prepared by the Council, dated June 2009, and covers the entire SIRR area. The application site is the main development area and a masterplan accompanies the application. The development framework addressed the relevant issues and, to a large extent, the Masterplan submitted with the application responds positively to the site constraints, the requirements of the development framework and infrastructure requirements. However, there are outstanding concerns regarding the proposed transportation infrastructure, as detailed in this report, which would need to be satisfactorily addressed in order for the application to fully accord with this policy.

7a.5 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.6 The proposed development adjoins the A803, which forms part of the Council's strategic road network. Due to the significant increase in travel demand associated with the proposed development, a Transport Assessment has been submitted. The applicant has made the case that the proposed access strategy satisfactorily addresses impacts on the surrounding road network but the Transport Planning Unit retains fundamental concerns with the strategy and the potential for traffic congestion, as detailed in paragraph 4.6 of this report. The applicant's case is summarised in paragraph 1.6.

7a.7 It is accepted that the likelihood of queues forming by stopping traffic associated with traffic signals is a consequence of the signalised junction solution promoted by the Council's Development Framework. However, the concerns with traffic congestion raised by the Transport Planning Unit arise from the applicant's access strategy, which proposes the west development access in close proximity to Hollandbush Avenue and the east development access in close proximity to the west slip road, thereby reducing the available storage between these junctions for queuing vehicles.

- 7a.8 Fundamental to the concerns of the Transport Planning Unit are the detailed junction analysis which indicates that not all of the junctions would operate at 'Practical Reserve Capacity' during peak hours and the applicant's interpretation that the static queues would, in the majority, be contained within the available spacing to the preceding junction, with the exception of Hollandbush Avenue. They consider that there would be of blocking through junctions, and, as a consequence, that the platooning of vehicles through the network may not happen in practice, which the traffic model is not able to take account of. They also have concerns with the operational capacity of the proposed enlarged roundabout at the east slip road to manage queuing, as the proposed design is smaller than they requested. Concerns at the effective operation of 'Keep Clear' markings is also highlighted, for example, at the Hollandbush Avenue mini roundabout, although it is accepted that this cannot be determined as it is influenced by driver behaviour.
- 7a.9 The applicant makes the case that the majority of queuing issues are under the 'worst case' scenario at peak hours. However, the Transport Planning Unit have advised that the queue lengths indicated in the modeling are those predicted to occur when the pedestrian phases are called at the signalised junctions. The frequency of the pedestrian phases being called, which it is difficult to quantify, would influence how often the predicted queuing would occur. In addition, whilst the applicant has raised concerns regarding the traffic generation rates and the background traffic growth forecast which the Transport Planning Unit considered should be applied, these matters were agreed between the two for the purpose of the modelling exercise for the Development Framework process. They were reconfirmed with Transport Scotland in October 2010. Eighty fifth percentile trip rates are appropriate according to Government advice in relevant situations. The Council has carried out surveys at comparable local housing areas and these demonstrate that 85<sup>th</sup> percentile trip rates are experienced in this area. The claimed lack of traffic growth on the A803 will be caused to a greater or less extent by the completion of the A80/M80 works and will require several months of traffic monitoring.
- 7a.10 The concerns raised by the Transport Planning Unit in response to the applicant's case are considered to be reasonable and are accepted. Accordingly, the potential adverse impacts of the proposed access strategy on the surrounding traffic network are recognised and the application is not considered to accord with this policy.
- 7a.11 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.12 The Council is a development partner in the regeneration of Banknock through the SIRR proposals. The proposed development would lead to the rehabilitation of approximately 15.3 hectares of land on the Scottish Vacant and Derelict Land Register. This represents approximately 7.5% of the total vacant and derelict land across the Falkirk Council area. The proposed development therefore affords a significant opportunity to rehabilitate land and the application complies with this policy.

### ***Adopted Falkirk Council Local Plan***

- 7a.13 The Settlement Statement for Banknock and Bonnybridge set outs the key issues for the local area and proposes a number of key provisions. These include the identification of Banknock as a location for further residential development to help community regeneration.

7a.14 The majority of the application site lies within housing opportunity site H.B&B16 (Cannerton Brickworks) as defined in the adopted Falkirk Council Local Plan. The accompanying text indicates that this site is the major part of the Banknock/Haggs SIRR but has a number of constraints that will have to be carefully addressed, based on the guidance in the development framework prepared by the key partners.

7a.15 The balance of the application site lies to the south of Kilsyth Road and includes Bankier Primary School and open space. This area has been included within the application site as surface water associated with the primary school is proposed to be removed from the combined sewer to provide foul capacity for the proposed development.

7a.16 Policy EQ3 ‘Townscape Design’ states:

*“New development will be required to contribute positively to the quality of the built environment. Proposals should accord with the following criteria:*

- (1) The siting, layout and density of new development should create a coherent structure of streets, amenity space and buildings which respects and complements the site’s environs and creates a sense of identity within the development;*
- (2) Streets and public spaces should have buildings fronting them, and where this is not possible, a high quality architectural or landscape treatment will be required as an alternative;*
- (3) The design of new buildings should reflect the surrounding urban fabric in terms of scale, height, massing and building line;*
- (4) Building materials, finishes and colours should be chosen to complement those prevailing in the local area;*
- (5) Existing buildings or structures which contribute to the local townscape should be retained and integrated sensitively into the layout; and*
- (6) The contribution to the townscape of important landmarks, skylines and views should be respected.”*

7a.17 The proposed development masterplan and the Design and Access Statement set out a comprehensive framework to inform the full planning applications and achieve design quality. The key design principles reflect a ‘place making approach’ and a desire to create a clear and legible settlement structure. The masterplan includes perimeter development blocks with building frontages to the roads and public spaces and a clear hierarchy of built form. A new Village Centre would provide an identifiable focus and a range of housing densities is proposed, with the highest in and around the new centre, where building form would define and enclose the streets and spaces. In addition, the masterplan has an integrated landscape framework including structure planting around the edges, the retention of mature trees where practicable and amenity open space and two equipped play parks connected by a footpath network. In light of these comments, the application is considered to accord with this policy.

7a.18 Policy EQ5 ‘Design and Community Safety’ states:

*“Development proposals should create a safe and secure environment for all users through the application of the following principles:*

- (1) Buildings, public spaces, access routes and parking areas should benefit from a high level of natural surveillance;*
- (2) Boundaries between public and private space should be clearly defined;*



- (3) *Access routes should be direct, clearly defined and well lit, with recognised points of entry; and*
- (4) *Contributions to the provision of CCTV may be sought, where appropriate."*

7a.19 The creation of a safe and secure environment is integral to the proposed masterplan. The key public spaces and access routes would be fronted by buildings and therefore a good level of natural surveillance would be achieved. This matter would be considered in detail at full planning stage. In light of these comments, the application is considered to accord with this policy.

7a.20 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."*

7a.21 A site-wide sustainable energy framework would be required to inform the provision of sustainable energy use in the new development. The framework would consider site and layout aspects and the utilisation of sustainable energy sources, whilst recognising that guidance and regulations in this area are ever developing. The application is therefore considered to accord with this policy.

7a.22 Policy EQ8 - 'Vacant, Derelict And Contaminated Land' states:

*"The Council will seek to reduce the incidence of vacant, derelict and contaminated land, particularly within the priority areas for enhancement set out in Policy EQ7. Subject to compliance with other local plan policies, development involving the rehabilitation and re-use of derelict land will be encouraged."*

7a.23 The application accords with this policy for the reasons detailed in respect of policy ENV.16 of the approved Falkirk Council Structure Plan.

7a.24 Policy EQ9 - 'Public Art' states:

*"The Council will encourage the incorporation of public art in the design of buildings and the public realm. Developers will be required to adopt 'Percent for Art' schemes in respect of major commercial development schemes."*

7a.25 The masterplan indicates a new Village Centre, a Village Green and an open space network, which could potentially feature items of public art. A site-wide public art framework would be required to inform this matter at full planning stage. The application is therefore considered to accord with this policy.

7a.26 Policy EQ16 'Sites of Archaeological Interest' states:

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

7a.27 The site does not contain any known archaeological resources but there are large fields either side of the former Banknock House which do not appear to have been disturbed by past industrial activities. A planning condition of any grant of permission would secure the implementation of a programme of archaeological work for this area. The feasibility of preserving archaeological resources in situ would be assessed at the time of the works. In light of these comments, the application is considered to accord with this policy.

7a.28 Policy EQ22 'Landscape and Visual Assessment' states:

*“Development proposals which are likely to have a significant landscape impact must be accompanied by a comprehensive landscape and visual assessment as part of the Design Statement, which demonstrates that the setting is capable of absorbing the development, in conjunction with suitable landscape mitigation measures, and that best environmental fit has been achieved, in terms of the landscape character of the area.”*

7a.29 A Landscape and Visual Impact Assessment has been submitted with the application. The assessment recognises that the proposed development would bring some significant changes to the landscape character, and would have a fairly even mix of adverse and beneficial impacts. In terms of visual impact, the assessment recognises that impacts on views would be moderate to substantial adverse for a few properties surrounding the site. The findings and recommendations of the assessment are accepted, and the capacity of the proposed landscape framework to mitigate the impacts and absorb the new development into its setting is recognised. Critical to the mitigation is the phasing of existing tree and scrub removal and new landscape planting, which would be subject to detailed consideration at full planning stage. On the basis of these comments, the application is considered to accord with this policy.

7a.30 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.*
- (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.”*

7a.31 The application site and surroundings have been surveyed for protected species, and the presence of great crested newts and otter activity was identified (although no otter resting places were found). Whilst there was no evidence of water voles, badgers or bat roosts, habitat potentially suitable for these species was identified. Due to the presence of great crested newts in the area, a Great Crested Newt Assessment and Mitigation Strategy (updated in June 2011) was prepared. This assessment found that the application site contains two ponds and foraging habitat of low importance to great crested newts. Notwithstanding this, the potential for disturbance to this European Protected Species is recognised and mitigation and compensation measures have been agreed with the applicant, in consultation with Scottish Natural Heritage. The measures include the creation of habitat and enhancement works (including new compensatory ponds) within the proposed Nature Conservation Area, measures to exclude newts from the application site (e.g. by the erection of one-way newts fences) and the provision of newt friendly infrastructure. Pre-construction surveys would be required to update the previous badger, bat and otter surveys and would inform any necessary species protection plans. The Bat Survey (August 2010) recommends that the landscape and habitat management plan provide for habitat suitable for foraging bats. The relevant matters regarding protected species would be secured by planning conditions of any grant of permission. In light of these comments, the application is considered to accord with this policy.

7a.32 The proposed development does not affect any Natura 2000 site, Site of Special Scientific Interest (SSSI), Wildlife Site or Site of Importance for Nature Conservation (SINC). These aspects of the policy are therefore not relevant to the application.

7a.33 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."*

7a.34 A phase 1 habitat survey undertaken in 2007 identified a total of 19 habitats across the Banknock SIRR sites. With respect to the application site, the habitats included plantation woodland, dense scrub, semi-improved grassland, marshy grassland, ephemeral/short perennial, amenity grassland and standing water. The survey found the presence of a locally rare butterfly orchid, an alien plant species (Japanese Knotweed) and five bird species of high conservation concern. The survey concluded that the application site is completely man-made (although within it there are semi-natural plant communities) and that biodiversity has not been considered in the management of past land uses. Based on the survey results, it is accepted that the proposed development would have a low impact on national and local priority habitats and species, whilst presenting a significant opportunity to promote biodiversity. To that end, a Conservation Strategy has been prepared, which outlines a 5 year action plan to mitigate impacts on priority species and habitats, maximise opportunities to create new habitat, compensate for loss of habitat and eradicate invasive alien species. The strategy suggests that a Residents Management Group could oversee the implementation of the Conservation Strategy, although overall management and maintenance arrangements would be confirmed at full planning stage. Implementation of this strategy would be secured by a condition of any grant of permission. In light of these comments, the application is considered to accord with this policy.

7a.35 Policy EQ29 'Outdoor Access' states:

- “(1) The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network once it is defined.*
- (2) In promoting new routes particular emphasis will be placed on*
  - opportunities specified on the Proposals Map*
  - other opportunities which support and provide linkages in respect of the Falkirk Greenspace Initiative, the recreational use of the major river corridors, including the Forth Estuary, and sustainable travel within and between settlements;*
  - other areas of proven demand as identified through community consultation; and*
  - the need to safeguard protected habitats and species in accordance with Policies EQ24 and EQ25.*
- (3) When considering planning applications, the Council will*
  - Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed.*
  - Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development, particularly where they relate to the priority areas identified in sub-section (2) above.*
  - Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development.”*

7a.36 The masterplan indicates an extensive path network that incorporates existing access routes and provides new opportunities for public access. The path network includes a perimeter route and north-south routes through the site. Existing Core Paths within the site would be safeguarded or re-routed to the satisfaction of the Council's Access Officer. Suitable arrangements to enable use of the Core Path network during construction works would need to be put in place. In addition, a financial contribution in the sum of £50,400 has been agreed with the applicant to help fund enhancements to the wider core path network. In light of these comments, the application is considered to accord with this policy.

7a.37 Policy EQ30A - 'Air Quality' states:

*"The Council will seek to contribute to the improvement of air quality. Impacts on air quality will be taken into account in assessing development proposals, particularly within Air Quality Management Areas (AQMAs). Air Quality Assessments may be required for developments within AQMAs"*

7a.38 A small portion of the application site falls within an Air Quality Management Area (AQMA) whilst the rest of the site is adjacent to the AQMA. The AQMA was declared in March 2010 due to the nitrogen dioxide levels in the vicinity of Junction 4 of the M80 at Haggs. An Air Quality Assessment has been submitted with the application, which concludes that the proposed new uses are not predicted to be exposed to an exceedance of the long term objectives for nitrogen dioxide and particulate matter. The assessment also concludes that the predicted change in traffic volumes (as a result of the proposed development) is not expected to lead to a marked increase in nitrogen dioxide or particulate matter. However, the Council's Air Quality Specialist has referred to recent evidence which suggests that nitrogen dioxide emissions and ambient concentrations are not decreasing as quickly as expected, which means that the impacts are potentially greater. In response to this, the applicant has agreed to contribute towards the cost of air quality monitoring and the implementation of action plan measures, which would be secured as part of a Section 75 Planning Obligation. On this basis, the application is considered to accord with this policy.

7a.39 Policy SC1 - 'Housing Land Provision' states:

- “(1) Through the Local Plan, the Council will aim to meet the housing land requirements of the Falkirk Council Structure Plan for at least the period up to 2012, as detailed in Table 4.1. Sites contributing towards the requirement are detailed under the relevant Settlement Statements.*
- (2) Sites identified as long-term development opportunities on the Proposals map will be the preferred locations for residential growth within the relevant settlements for the period 2012 - 2020. Consideration will only be given to bringing forward these sites for development prior to 2012 where clearly justified by supply, phasing and infrastructure factors.*
- (3) Within the areas identified as Special Initiatives for Residential-Led Regeneration (SIRRs) on the Proposals Map, housing development in addition to the base requirement will be supported subject to:*
  - the preparation of a satisfactory masterplan or development framework for the area; and*
  - demonstration that the necessary social and physical infrastructure requirements for the area will be met through a co-ordinated approach to developer contributions. “*

7a.40 The application site is identified in the adopted Falkirk Council Local Plan as housing opportunity H.B&B16, to contribute towards meeting the base housing land requirement and allowing a continuity of housing land supply up to 2020. In addition, the site lies within a Special Initiative for Residential-Led Regeneration (SIRR) and has been subject to a development framework and a development master plan process. The necessary infrastructure requirements would be secured by a co-ordinate approach to developer contributions, where relevant. On this basis, the application is considered to accord with this policy.

7a.41 Policy SC4 'Special Needs and Affordable Housing' states:

*“For large new housing developments, the Council will require a diversity of house types and tenures in order to create mixed communities. In particular there will be a requirement across the Council area for new housing sites of 100 units and over to provide 15% of the total number of units as affordable or special needs housing. In the settlement areas of Larbert/Stenhousemuir, Polmont and District and Rural North, where there is an identified shortfall in affordable housing provision, there will be a requirement for sites of 60 units and over to provide 25% of the total number of units as affordable or special needs housing. Acceptable approaches could include:*

- (1) *Provision of general needs social rented houses;*
- (2) *Provision of social housing for people with particular needs (specifically the elderly and physically disabled); or*
- (3) *Provision of shared equity or shared ownership housing*

*Developers will be expected to work in partnership with the Council, Communities Scotland and Registered Social Landlords to comply with this policy."*

7a.42 Corporate and Neighbourhood Services have been involved in the development framework process for the SIRR and have advised that the applicant has demonstrated its commitment to meet the requirement for 15% of the total number of units to be affordable. The precise amount, phasing and type of provision would be secured as part of a Section 75 Planning Obligation. On this basis, the application is considered to accord with this policy.

7a.43 Policy SC6 - 'Housing Density And Amenity' states:

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

7a.44 The adopted Falkirk Council Local Plan indicates that the capacity of housing opportunity H.B&B16 is unknown, whilst the approved Structure Plan indicates a maximum requirement for the entire Banknock SIRR within the range of 500 to 750 units. The application conforms to this requirement as a maximum number of 504 units is proposed (as the Transport Assessment was prepared on this basis) and sufficient capacity is reserved for the Banknock South SIRR. The precise number of units would be informed by detailed analysis. The masterplan indicates lower, medium and higher density areas, which would support a range of house types and different character areas. Part 2 of the policy is therefore satisfied. The matters referred to in Parts 3 and 4 of the policy would be considered at full planning stage. In light of these comments, the application is considered to accord with this policy.

7a.45 Policy SC11 - 'Developer Contributions To Community Infrastructure' states:

*"Developers will be required to contribute towards the provision, upgrading and maintenance of community and recreational facilities required to meet demand generated from new development. The nature and scale of developer contributions will be determined by the following factors:*

- (1) Specific requirements identified against proposals in the Local Plan or in development briefs;*
- (2) In respect of open space, recreational, and education provision, the general requirements set out in Policies SC13 and SC14;*
- (3) In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
- (4) Where a planning agreement is the intended mechanism for securing contributions, the principles contained in Circular 12/1996."*

7a.46 The scale and nature of the proposed development requires the developer to contribute to the provision, upgrade and maintenance of community infrastructure. The infrastructure requirements are set out in detail in the Development Framework and relate to drainage, sewerage and water supply, transportation and access, primary and secondary education and community facilities. These matters are discussed in detail in this report, in respect of the relevant policies. In some cases, developer contributions would be sought, whilst the applicant may deliver the necessary works in other cases. Detailed consideration of the appropriate delivery mechanisms would follow any grant of planning permission in principle, as part of the preparation of a Section 75 Planning Obligation, where relevant. Formal agreement would be required with Scottish Water regarding connection to its water and wastewater treatment works and the developer would generally meet the costs of the necessary upgrade to the existing network. The contributions agreed with the applicant are considered to be reasonable and necessary to mitigate the impact of the proposed development, and satisfy the principles set out in Circular 1/2010 (which replaces Circular 12/1996). On this basis, the application is considered to accord with this policy.

7a.47 Policy SC13 'Open Space and Play Provision in New Development' states:

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

- (1) Open space and facilities for play and outdoor sport should be provided in broad accordance with the guidance in Table 4.2. These requirements may be increased where the extent and quality of facilities in the area are proven by the open space audit to be below a suitable standard. Above ground SUDS features, small incidental amenity areas, structure planting and road verges will not count towards requirements.*
- (2) Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where*
  - existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;*
  - in residential developments, the size of the development falls below the threshold of 10 houses indicated in Table 4.2, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*
  - as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area;*



- *The required financial contribution per house will be set out in the SPG Note on 'Open Space and New Development'.*
- (3) *The location and design of open space should be such that it:*
- *forms an integral part of the development layout, contributing to its character and identity;*
  - *is accessible and otherwise fit for its designated purpose;*
  - *links into the wider network of open space and pedestrian/ cycle routes in the area;*
  - *sensitively incorporates existing biodiversity and natural features within the site;"*
  - *promotes biodiversity through appropriate landscape design and maintenance regimes; and*
  - *enjoys good natural surveillance;*
- (4) *Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it."*

7a.48 The proposed development has been informed by the Council's Open Space Strategy and Supplementary Planning Guidance (SPG) Note on Open Space and New Development. The development masterplan indicates a substantial landscape framework, which includes a strategic green corridor, a nature conservation area, a village green corridor and two equipped play parks. The SPG sets out the passive and active open space standards and the accessibility standards which apply to new development. The passive open space areas indicated on the development masterplan readily meet the passive open space standards, whilst the provision of two on-site equipped play parks and funding towards the upgrade of existing recreational facilities (e.g. Hollandbush Park and John Bassey Park) satisfies the active open space standards. The provision of a financial contribution towards the upgrade of existing recreational facilities would be secured by a Section 75 Planning Obligation. The accessibility standards, which are based on maximum walking distances to different types of open space, are largely satisfied. Whilst the proposed development would lead to the loss of the open space to the north of Bankier Primary School (due to it being annexed by the extended primary school), this would not unduly disadvantage the existing community due to the overall increase in open space and the distribution of existing open space. The development masterplan indicates that the proposed equipped play parks would be integral to the open space network, accessible and have good natural surveillance. The detailed provision and design would be considered at full planning stage. In light of these comments, the application is considered to accord with this policy.

7a.49 Policy SC14 'Education and New Housing Development' states:

*"Where there is insufficient capacity within the catchment school to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council's education policies. The contribution will be a proportionate one, the basis of which will be set out in the SPG Note on 'Developer Contributions; Education and New Housing Development'. In cases where the school cannot be improved in a manner consistent with the Council's education policies, the development will not be permitted."*

7a.50 Development of the Banknock SIRR North and South sites results in the need to expand the capacity of Bankier Primary School. Education Services have undertaken some preliminary work which indicates that the school expansion could be phased and that some development of the SIRR sites could occur in advance of the expansion, taking into account existing capacity. A suitable design approach and cost sharing and delivery mechanism would be secured by a Section 75 Planning Obligation. The options include the Council designing and building the extension using developer contributions or the developers delivering the extension in accordance with an agreed specification. A proportional contribution would be sought towards funding the future capacity needs of Denny High School. On the basis of these comments, the application is considered to accord with this policy.

7a.51 Policy EP7 - 'New Retail Development' states:

- “(1) New retail development in excess of 250 sq.m. gross will be permitted where it is consistent with Policies ECON.5 and ECON.6 of the Structure Plan, and specific policies for individual centres in the Settlement Statements.*
- (2) Retail developments smaller than 250 sq.m. serving neighbourhood needs will be permitted within the urban area, subject to other Local Plan policies.*
- (3) Retail development must demonstrate a high level of design quality, compatibility with adjacent land uses and an ability to integrate functionally and visually with any centre of which it is to form part.”*

7a.52 The application indicates that the new Village Centre would be anchored by a 1500m2 supermarket. This scale of retail development has been assessed under Policy ECON.5 of the approved Structure Plan as commensurate with the local catchment. The detailed design and relationship to surrounding land uses would be considered at full planning stage. In light of these comments, the application is considered to accord with this policy.

7a.53 Policy ST2 - 'Pedestrian Travel And Cycling' states:

*“New development will be required to provide an appropriate standard of pedestrian and cycle infrastructure. This will consist of on- and off-site measures that allow pedestrian and cycle movements within and beyond developments, and ensure that those wishing to use pedestrian/cycle networks are not dissuaded from doing so through the absence of suitable infrastructure.*

- (1) All pedestrian and cycle routes will comply with the standards set out in the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. Where appropriate, infrastructure supporting the two modes will be combined.*
- (2) Pedestrian and cycle facilities in new developments should offer appropriate links to existing networks in surrounding areas, to other amenities and community facilities and support objectives in agreed Travel Plans where relevant.*
- (3) Pedestrian and cycle movement within developments should be allowed for via direct routes without barriers.*
- (4) Pedestrian and cycle links should be provided that offer connections to public transport connections in the surrounding area. For guidance, in new developments, no pedestrian should have to walk more than 400m to the nearest bus stop.*
- (5) Where practical, no pedestrian route should be obstructed by features that render it unsuitable for the mobility impaired.*
- (6) The surfacing, lighting, design, maintenance and location of pedestrian and cycle routes should promote their safe use. Particular emphasis should be given to the provision of suitable lighting, and the provision of suitably designed and located crossing facilities where routes meet the public road network.*

- (7) *Pedestrian and cycle routes for school journeys should be provided in residential development where a need to do so is identified. In all cases, the aim should be to provide an overall walking/cycling distance between home and school of not more than 2 miles wherever practical, or less than 1 mile for pedestrian journeys to primary school.*
- (8) *Cycle parking should be provided in accordance with the standards set out in Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area."*

7a.54 The development masterplan indicates a comprehensive and integrated network of pedestrian routes, with signalised crossing facilities of the A803 and links to Braeface Road/Kelt Road and the surrounding countryside. In addition, a contribution towards the upgrade of the local Core Path Network has been agreed with the applicant. The majority of the proposed development areas within the application site lie within 400 metres of existing/proposed bus infrastructure on the A803, thereby satisfying the Council's threshold walking distance. The development masterplan also provides for cycling infrastructure, including crossing facilities of the A803. A contribution would be required to fund the necessary works to link the cycle crossings of the A803 to the wider network. The detail of the agreed pedestrian and cycle infrastructure could be considered at full planning stage. On the basis of these comments, the application is considered to accord with this policy.

7a.55 Policy ST3 - 'Bus Travel And New Development' states:

*"New development will be required to provide appropriate levels of bus infrastructure or suitable links to existing bus stops, services or stations, as identified within travel plans. This provision will be delivered through direct funding of infrastructure and / or the provision of sums to support the delivery of bus services serving the development.*

- (1) *Bus infrastructure should be provided at locations and to phasing agreed with Falkirk Council, and designed in accordance with the standards set out in Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.*
- (2) *Bus facilities within new developments should offer appropriate links to existing pedestrian or cycle networks in surrounding areas. Alternatively, new development should be linked to existing bus infrastructure via pedestrian or cycle links as described in Policy ST2.*
- (3) *New development should incorporate routes suitable for the provision of bus services. Where bus services already exist, new developments should not be designed or constructed in ways that impede the routing of these services.*
- (4) *New developments may require bus links to rail stations or other public transport infrastructure."*

7a.56 The proposed development results in the need to relocate existing bus stops along the A803. The details regarding the new locations, the nature of provision and linkages to the facilities would be considered at full planning stage. The Transport Planning Unit is satisfied that the existing bus services along the A803 would be suitable to serve the proposed development and therefore the payment of a contribution towards enhancing the existing service is not considered to be necessary. The incorporation of a route within the development to accommodate a bus service would be considered at full planning stage. On the basis of these comments, the application is considered to accord with this policy.

7a.57 Policy ST7 - 'Transport Assessments' states:

- “(1) Falkirk Council will require transport assessments of developments where the impact of that development on the transport network is considered likely to require mitigation. In all cases, this mitigation will be delivered to a level that achieves no net detriment to the capacity of the network.*
- (2) Transport assessments will include travel plans and, where necessary, safety audits of proposed mitigation measures and assessment of the likely impacts on air quality as a result of proposed development.*
- (3) Developers will agree the scope of the assessment with Falkirk Council, then undertake the assessment in accordance with the scoping. In all cases, the assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over unnecessary use of the car.*
- (4) The Council will only grant planning permission where it is satisfied that the transport assessment and travel plan has been appropriately scoped, the network impacts properly defined and suitable mitigation measures identified.”*

7a.58 A Transport Assessment has been submitted, due to the impact of the proposed development on the transport network. The assessment is based on trip generation rates, a background traffic growth projection and a trip distribution agreed between the Council and the applicant, and gives appropriate consideration to walking, cycling and public transport facilities. For the reasons detailed in paragraphs 7a.7 and 7a.10 of this report, it is not accepted that suitable mitigation measures to address road capacity issues have been fully identified. A Stage 1 Road Safety Audit has been submitted and the recommendations of the audit have largely been implemented by the designer or could be considered at a later stage of the audit process, as advised by the Roads Development Unit (refer to paragraph 4.2 of this report). However, the Roads Development Unit retain road safety concerns relating to the interaction of vehicles and the proposed road arrangements, where the vehicles are accessing the Health and Community Centres and Denny Tippers Yard but it is acknowledged that this risk is uncertain. Overall, it is considered that the application does not accord with this policy.

7a.59 Policy ST11 - 'Sustainable Urban Drainage' states:

*“Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation. A drainage strategy, as set out in PAN 61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment.”*

7a.60 A Foul and Surface Water Drainage Strategy has been submitted with the application. The strategy recommends that the proposed development be drained via separate surface water and foul water sewer systems, and that the drainage design provide for controlled surface water discharge after robust treatment using both source control and site control SUDS. The source control would include porous surfacing, filter trenches and roadside swales, where practicable. The site control would comprise detention basins. Two outfalls for the discharge have been identified being Doups Burn and a culvert passing under the M80. These watercourses are both flood sensitive therefore the discharge rate would need to be carefully controlled in accordance with the Council's guidelines. The proposed drainage strategy reflects a SUDS approach and the proposed detention basins form part of the open space network and offers opportunities to enhance local biodiversity. The detailed SUDS design and maintenance arrangements would be considered at full planning stage. In light of these comments, the application is considered to accord with this policy.

7a.61 Policy ST12 - 'Flooding' states:

*"In areas where there is significant risk of flooding, there will be a presumption against new development which would be likely to be at risk, would increase the level of risk for existing development or would be likely to require high levels of public expenditure on flood protection works. Applicants will be required to provide information demonstrating that any flood risks can be adequately managed both within and outwith the site."*

7a.62 A Flood Risk Assessment has been submitted with the application. The hydraulic modelling applied in the assessment indicates that flood waters during the 1 in 200 year flood event encroach upon the site along the Doups Burn. In addition, the assessment indicates a number of locations where ponding and overland flow would take place during extreme rainfall events and the potential for an increase in flooding to downstream areas through increased runoff from the newly urbanised catchment, if surface water is not adequately managed. The Council's flood consultants have accepted the conclusions and recommendations of the Flood Risk Assessment and are satisfied that the proposed development areas would not encroach within the flood area (as defined by the 1 in 200 year flood event plus climate change plus blockage). They recognise that the detailed drainage design would need to manage pluvial (surface water) flood risk, provide for the bypass of water in the case of culvert blockage and ensure that all properties have adequate freeboard and safe access and egress during the flood design event. These matters would be considered at full planning stage. In light of these comments, the application is considered to accord with this policy.

7a.63 Accordingly, the application complies with most aspects of the Development Plan. However, for the reasons detailed in this report, the application is not considered to accord with Policy TRANS.3 of the approved Falkirk Council Structure Plan or with Policy ST7 of the adopted Falkirk Council Local Plan. The application therefore does not accord with the Development Plan in its entirety.

## **7b Material Considerations**

7b.1 The material considerations in respect of this application are National Planning Policies and Guidance, Falkirk Council's Supplementary Planning Guidance, the consultation responses and the representations received and the potential regeneration benefits of the proposed development.

## ***National Planning Policies and Guidance***

- 7b.2 Designing Places (2001) is a national policy statement to promote design quality. It identifies six key qualities of successful places, being: identity; safe and pleasant spaces; ease of movement; adaptability; and good use of resources.
- 7b.3 Designing Streets (2010) is a national policy statement to promote quality in street design. It is based on the premise that good street design derives from creating successful places, rather than from the application of rigid standards with no appreciation of context. It advises that all thoroughfares within urban settings and rural boundaries should normally be treated as streets, and that streets have an important public realm function beyond those related to motor traffic. Whilst its technical advice is aimed particularly at residential and lightly trafficked streets, many of the key principles are also applicable to other types of street, for example rural and high streets. It advises that when considering busier streets, the movement function of the street may well become more significant or complex, but this should be resolved through an integrated design approach and should not compromise the quality or sense of place.
- 7b.4 Scottish Planning Policy (2010) is a statement of Scottish Government policy on land use and indicates the following:-

### **Economic Development**

- The planning system should support economic development by promoting development in sustainable locations, regeneration and integration of employment generating opportunities with supporting infrastructure and housing development.

### **Town Centres**

- Town centres should be the focus for a mix of uses including retail and community facilities. They should have a high level of accessibility by walking, cycling and public transport and provide a high quality, inclusive and safe environment.

### **Housing**

- The planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements across all tenures.

### **Historic Environment**

- Archaeological sites are an important, finite resource. Where preservation in situ is not possible, appropriate excavation and recording shall be undertaken.

### **Landscape and Natural Heritage**

- Landscape and natural heritage are sensitive to inappropriate development and planning authorities should ensure that potential effects are considered when deciding planning applications. A strategic approach to natural heritage in which wildlife sites and corridors, landscape features, watercourses and areas of open space are linked together in integrated habitat networks can make an important contribution to biodiversity.

## **Open Space and Physical Activity**

- Access to good quality open space and opportunities for sport and recreation make important contributions to a healthier Scotland. Planning authorities should support, protect and enhance open space and opportunities for sport and recreation. New development should incorporate new and enhanced access opportunities, linked to wider access networks.

## **Transport**

- The planning system should support a pattern of development that reduces the need for travel, facilitates travel by public transport and provides safe and convenient opportunities for cycling and walking. A Transport Assessment should be carried out where a new development is likely to result in a significant increase in the number of trips. Planning permission should not be granted for significant travel generating uses in locations which would encourage reliance on the private car and where: direct links to walking and cycling networks are not available or cannot be made available; access to public transport networks would involve walking more than 400 metres; there would be a detrimental effect on the capacity of the strategic road; or the Transport Assessment does not identify suitable mechanisms for meeting sustainable transport requirements.

## **Flooding and Drainage**

- Planning authorities must take the probability of flooding from all sources and the risk involved into account in deciding planning applications. Development which would have a significant risk of flooding or would increase the probability of flooding elsewhere should not be permitted. The Water Environment (Controlled Activities) (Scotland) Regulations 2005 require all surface water for new development to be treated by SUDS before it is discharged into the water environment.

- 7b.5 The proposed development is considered to be generally supported by most aspects of national planning policy and guidance. However, there is a potential conflict with the Scottish Government's Policy on Transport as set out in Scottish Planning Policy (2010). This is due to the potential for detrimental impacts on the capacity of the strategic road network.
- 7b.6 Designing Streets (2010) would be particularly relevant to informing the detailed design of the new residential streets at full planning stage. In addition, it is acknowledged that Designing Streets is relevant to the A803 (Kilsyth Road), as this road is a thoroughfare within an urban setting and would provide access to the new development. An opportunity exists to create a new "high street" within the vicinity of the new village centre and to integrate the existing and new areas of the settlement straddling Kilsyth Road. At the same time, it is recognised that an appropriate balance must be struck between the public realm function of the new "High Street" and its function to facilitate the movement of motor traffic on a key strategic route in the Falkirk Council area. Key aspects of Designing Streets relevant to Kilsyth Road would be considered in detail at full planning stage. The creation of local distinctiveness and visual quality by creating a strong relationship between Kilsyth Road and the buildings and spaces that frame it would be important considerations. Designing Streets promotes a return to the prioritisation of pedestrian movement over vehicle movement. The proposed access strategy supports this approach as it provides for formal (signalised) junction crossings of Kilsyth Road, so minimising the delay for pedestrians and responding to pedestrian desire lines.

### ***Falkirk Council Supplementary Planning Guidance***

7b.7 The following Falkirk Council supplementary planning guidance is relevant to the proposed development:-

- Banknock and Hags SIRR Development Framework (June 2009);
- Housing Layout and Design;
- Design Statements;
- Education and New Housing Developments;
- Flooding and Sustainable Urban Drainage Systems;
- Biodiversity and Development;
- Public Open Space, Falkirk Greenspace and New Development;
- Trees and Development; and
- Affordable Housing;

7b.8 The Banknock and Hags SIRR Development Framework (June 2009) was prepared to establish a strategic level masterplan-led approach in the development of the SIRR, ensuring that all the key issues defined in the Development Plan are addressed in an integrated and co-ordinate manner. The Development Framework won a Commendation for Outstanding Performance and Quality in Development Planning at the 2009 Scottish Awards for Quality in Planning. The access strategy proposed in this application differs to that presented at the time of the awards.

7b.9 The key requirements included in the Development Framework are:-

- An equitable contribution to the cost of necessary drainage studies and upgrading the sewerage infrastructure;
- Residential uses predominating to cross-fund infrastructure but with commercial and leisure components;
- A landscape/visual assessment and strategy to define development areas, and to show how development will be integrated into the countryside, including mitigation through new structure planting;
- A clear urban design strategy for each site demonstrating how development will enhance the townscape;
- Addressing potential impacts on protected wildlife species, including satisfying the three tests of the Habitats Regulations in respect of European Protected Species;
- Maximising opportunities for biodiversity and countryside access;



- A clear open space strategy for each site demonstrating how provision in the area will be improved and better linked;
- Securing linkages to the Forth and Clyde Canal and maximising associated leisure and recreational opportunities;
- Potential off-site road network constraints and upgrading to be addressed;
- Flooding and surface water drainage to be addressed;
- Poor ground conditions and land contamination issues to be addressed;
- A strategy for mitigating the impact that the development may have on the setting of the Antonine Wall World Heritage Site.

7b.10 A Development Framework Concept Plan was developed to guide development within the SIRR boundary and ensure that key site assets, connections and features are protected and enhanced. The Development Framework indicates that development proposals should reflect the Concept Plan and that any proposed departures from the Concept Plan should be fully justified and demonstrate how they meet this sustainable design principles of the Development Framework, the aims and objectives of the individual policies of the Development Plan together with other relevant considerations such as National Planning Policy. The Concept Plan defines the principal areas for development, the land uses, the green space network and the indicative road and path network.

7b.11 Some aspects of the proposed development masterplan submitted with this application vary from the Concept Plan, but a number of these are relatively minor and have been justified by the applicant. The differences includes a slight eastward movement of the proposed Village Centre, the inclusion of medium density housing along the frontage of Kilsyth Road, within the grounds of Bankview Nursing Home, the provision of a north-south, rather than east-west, aligned open space corridor in the north-east corner, and removal of a road connection from the development site to Braeface Road.

7b.12 The main substantive difference between the Masterplan and the Concept Plan is the location of the proposed vehicular access points connecting the development site to A803 Kilsyth Road. The Concept Plan indicates these access points at the existing Bog Road and Hollandbush Avenue junctions, whereas the access points in the proposed access strategy are to the east of Hollandbush Avenue and to the west of the M80 west slip road junction (so that they are either side of Bankview Nursing Home). The applicant has indicated that the proposed changes to the access points were in response to a number of considerations and constraints. These included some local opposition to the western access being in line with Bog Road (due to issues of noise from idling vehicles), the land necessary to secure the western access not being in the applicant's control (giving rise to potential delivery issues) and the eastern access point taking up land identified in the village centre study as the optimum location for the village centre. In addition, the applicant considers that the proposed eastern access point provides a more direct link to the housing in the north-east portion of the site.

- 7b.13 The reasons for the proposed changes in access are noted. The applicant considers that he has justified these changes against the sustainable design principles of the Development Framework. However, one of the sustainable design principles is to enhance the community and ensure that both new and existing areas benefit from shared infrastructure. The potential for queuing through some of the junctions during the peak morning and evening periods, resulting in the potential for traffic congestion, could be to the detriment of the existing community. Likewise, potential conflict with access to the Health Centre, Community Centre and Denny Tippers yard could impact on existing residents.
- 7b.14 In contrast to the proposed access strategy, the access points indicated on the Concept Plan comply with the junction spacing standards set out in the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, and minimise the potential for conflict with the existing accesses to the Health Centre, Community Centre and Denny Tippers yard. With regard to the land ownership issue, the Council advised the applicant to demonstrate the acceptability of alternative access options, in order to avoid a "ransom" situation in having to use Council land for access. If acceptable, the alternatives could then have been incorporated into the Development Framework. However, the current planning application was submitted without this having been demonstrated, and no alternative access options were included in the Development Framework, although the Development Framework acknowledges that the access points and road pattern may be subject to change as a result of technical investigation and design.
- 7b.15 In the main, the proposed development is considered to be supported by the Council's Supplementary Planning Guidance, and most of the requirements of the Development Framework have been satisfactorily addressed, with the significant exception being the proposed access locations to the site.

### ***Consultation Responses***

- 7b.16 The consultations responses are summarised in Section 4 of this report. The various matters raised in these responses have been considered against the policies of the Development Plan and, where relevant, would be addressed by means of conditions of any grant of planning permission or a Section 75 Planning Obligation. The fundamental concerns retained by the Transport Planning Unit in respect of road capacity are summarised in paragraph 4.6 of this report. Road safety concerns raised by the Roads Development Unit are summarised in paragraph 4.2.

### ***Representations Received***

- 7b.17 The representations received to the application are summarised in Section 6 of this report. In response to the concerns raised in the representations, the following comments are considered to be relevant:-
- The original masterplan submitted with the application indicated a three storey flatted gateway development near the western end of the site. This proposal was subsequently reviewed and deleted from the updated masterplan with the agreement of the Development Management Unit;

- The original masterplan indicated three play areas; one of which was to the west of Rusticbank Cottages. Due to concerns by residents, this play area has been deleted from the updated masterplan with the agreement of the Development Management Unit. The provision of two on-site play areas and upgrading of existing nearby play facilities would be suitable to meet the needs of the new development;
- It is acknowledged that the proposed development would increase vehicle and pedestrian activity near existing residences but this must be balanced against the regeneration benefits of the scheme;
- The updated masterplan indicates areas where existing trees would be retained. In addition, other areas of trees and scrub would be retained where practicable taking into account the requirements for earthworks and changes in levels. This would be assessed at full planning stage. Any loss of existing trees would be compensated for by new planting within the structure landscaping and open space areas;
- The loss of a view from an existing dwellinghouse is not a material planning consideration;
- Construction related impacts would be controlled by restrictions on hours of operation and compliance with relevant industry standards and guidance, and the requirements of the relevant regulatory authorities. A condition of any grant of planning permission would require the submission of a Construction Environment Management Plan;
- The north side of Kilsyth Road previously fell outwith the settlement boundaries, within the countryside, and planning applications for dwellinghouses would have been considered in that context, which may have informed building height. The planning context has now changed due to the Banknock SIRR and the proposals for a new Village Centre on the north side of Kilsyth Road and higher densities nearest the Village Centre, to support an accessible, sustainable and viable new community;
- This application seeks planning permission in principle. The detailed design and layout, including house types, would be submitted and considered at full planning stage;
- It is recognised that the proposed development would increase the size of Banknock. It is part of a residential-led regeneration scheme which has been subject to extensive community consultation and a development framework prepared by the Council.
- The proposed development has been assessed in terms of its landscape and visual impacts and the capacity of the proposed structure landscaping to mitigate impacts and absorb the new development into its setting is recognised;
- The Conservation Strategy submitted with the application identifies the eradication of invasive alien plants (e.g. Japanese Knotweed) as a key issue and sets out an action plan to address the conservation issues. Implementation of the action plan would be required by a condition of any grant of permission;
- The development site has been subject to habitat and species surveys, which have informed the detailed mitigation measures set out in the Conservation Strategy. Separate reports and recommendations have been prepared for bats and great crested newts, which are European Protected Species;

- It is recognised that the proposed development would result in a material increase in traffic on Kilsyth Road. The Transport Planning Unit have concerns regarding road capacity and the applicant's case is set out in paragraph 1.6 of this report.
- The development masterplan has been updated to provide satisfactory access arrangements to the two properties at Rustic Bank;
- The development framework for the Banknock SIRR requires impacts on local facilities and infrastructure to be considered in an integrated and co-ordinated manner. The local facilities include schools, nursery and the community centre. In addition, it has been agreed that the developer would set aside land or floor space to provide the existing Medical Centre with an opportunity to relocate into the new Village Centre. Measures to mitigate impacts on local facilities would be subject to conditions of any grant of planning permission or a Section 75 Planning Obligation;
- Consideration of impacts on property values is not a material planning consideration.

### ***Potential Regeneration Benefits***

7b.18 The potential regeneration and economic benefits of the application are recognised and are a strong material consideration. The application site forms part of a special initiative area for residential led regeneration (SIRR) in order to overcome infrastructure constraints that affect the area and to permit regeneration of a community that has seen little development over the last 20 years. The proposed upgrades to the A803/M80 east and west slip road junctions are critical to unlocking development opportunities across a much greater area than just the application site and includes the large housing opportunity site at Dennyloanhead (H.B. & B07), which the Committee has previously indicated that it is minded to grant subject to transport infrastructure constraints being satisfactorily resolved.

### **7c Conclusion**

7c.1 The application site is identified in the Development Plan as a location for residential led regeneration and the proposed development represents a unique opportunity to regenerate the settlement of Banknock, create an integrated community that straddles a new “High Street” (Kilsyth Road) centred on the new village centre, rehabilitate significant tracts of vacant and derelict land and enhance biodiversity. The proposed development has been assessed in the report as complying with almost all aspects of the Development Plan and the Banknock and Haggs Development Framework (June 2009), and the proposed development has been subject to a comprehensive masterplanning process. The high quality of the Masterplan is evident and commendable. In addition, the opportunity that the proposed development provides to upgrade/enhance local facilities and infrastructure and address strategic constraints that would assist to ‘unlock’ wider development opportunities is recognised.

- 7c.2 Balanced against the benefits of the proposed development are the fundamental concerns that the Transport Planning Unit have with the proposed access strategy, based on the agreed parameters for the traffic modeling and the detailed junction analysis. Their concerns relate to road capacity issues and the potential for traffic queuing which blocks junctions during the peak hours. In addition, the Roads Development Unit retain some road safety concerns arising from the close proximity of existing accesses (e.g. the Health and Community Centres) to proposed signalised junctions. In contrast, the access strategy promoted by the Council's Development Framework would potentially address their road capacity and safety concerns but its implementation would involve land owned by the Council and therefore not within the control of the applicant. However, the opportunity has existed to negotiate with the Council regarding its ownership interest and this opportunity would continue in the future and there may be an opportunity to negotiate with other parties to refine the exact locations of the proposed west and east accesses to the site.
- 7c.3 It is acknowledged that the road capacity issues are confined to peak times being 8 to 9 a.m. and 5 to 6 p.m. The potential for queuing and interaction between junctions would therefore likely arise for relatively short periods of time, in common with the situation in many modern day urban settings. However, the potential disruption and driver frustration associated with traffic congestion, to the detriment of the existing community, is acknowledged, albeit that long queuing would be for relatively short periods of time.
- 7c.4 The applicant has addressed the majority of road safety concerns, notably the forward visibility issue at the eastbound approach to the proposed enlarged M80 east slip road roundabout. Concerns remain regarding safe ingress and egress from the Community and Health Centres and the Denny Tippers yard but the Stage 1 Road Safety Audit did not raise this as an issue and the risk is uncertain as it is influenced by driver behaviour.
- 7c.5 In conclusion, it is considered that the application is finely balanced but that it can be supported having regard to the wide ranging potential benefits of the proposed development whilst recognising that there is the potential for road capacity and safety issues, albeit that congestion would be likely for relatively short periods of time and there is uncertainty regarding risks to safety. In view of various areas of uncertainty which cannot, at this stage, be fully resolved, the applicant has offered to include in the S75 obligation the sum of £80,000. This would be used by the Council to address any issues which emerge as the access strategy is refined at a more detailed stage. This could include junction improvements and pedestrian/cycling issues.
- 7c.6 On balance, it is therefore recommended that the Committee indicate that it is minded to Grant the application subject to the terms detailed below and thereafter grant planning permission in principle subject to the conditions as detailed below. One of the minded to Grant terms is referral of the application to Scottish Ministers should Transport Scotland fail to formally respond or formally respond by recommending refusal.

## **8. RECOMMENDATION**

- 8.1 It is recommended that Committee indicate that it is minded to Grant Planning Permission in Principle 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 terms satisfactory to the Director of Development Services in respect of:-**

- (i) The provision of an extension to Bankier Primary School;
  - (xii) The provision of additional and/or enhanced pre-school/nursery facilities;
  - (xiii) The payment of a financial contribution towards increasing the future capacity of Denny High School, at a rate of £1000 per dwellinghouse and £550 per flat;
  - (xiv) The upgrade of the M80 east and west slip road junctions on the A803;
  - (xv) The payment of a financial contribution towards the provision of the Denny Eastern Access Road (DEAR), in the sum of £90,000;
  - (xvi) The preparation of a Travel Plan Framework;
  - (xvii) The payment of a financial contribution towards the upgrade of the local Core Path Network, in the sum of £50,400;
  - (xviii) The payment of a financial contribution towards the upgrade and enhancement of existing recreational facilities in the local area, in the sum of £135,640 less the cost of the proposed on-site equipped play provision;
  - (xix) The payment of a financial contribution towards the upgrade of the Banknock Community Centre;
  - (xx) The payment of a financial contribution towards the implementation of local community projects;
  - (xxi) The payment of a financial contribution towards (a) the monitoring of air quality in the local area, at a rate of £500 per annum until the end of the build period, and (b) the implementation of air quality action plan measures;
  - (xv) The amount, type and phasing of the provision of affordable housing;
  - (xvi) The payment of a financial contribution in the sum of £80,000 towards any works which may be considered necessary to address any issues which emerge as the access strategy is refined at a more detailed stage; and
  - (xvii) Maintenance of the relevant area to the Council's satisfaction in all time coming (being the land required to achieve the necessary forward visibility at the proposed enlarged M80 east slip road/A803 junction);
- (b) referral of the application to the Scottish Ministers should Transport Scotland fail to respond or formally respond by recommending refusal;
- (c) and thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission in principle subject to the following conditions:-
- (1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced:
- (a) the siting, size, height, design & external appearance of the proposed development;
  - (b) details of the access arrangements;
  - (c) details of landscaping of the site and future maintenance of landscaping.

- (2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:
- (a) the expiration of 5 years from the date of the grant of planning permission in principle; or
  - (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
  - (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed,

whichever is the latest.

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

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

#### *Approval of Further Details*

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

- (7) Each application for the approval of Matters Specified in Conditions shall be accompanied by the following details (where relevant) for consideration for approval in writing by this Planning Authority:-
- (a) Detailed site layout and design information, which accords with the approved Banknock North SIRR Development Masterplan, Revision C, dated July 2011, unless otherwise agreed in writing by this Planning Authority;
  - (b) A detailed Phasing Plan showing the exact sequence of preparatory levelling/earthworks and vegetation removal and development for the proposed land uses, provision of infrastructure, landscaping, open space and play facilities;
  - (c) A detailed strategy for embedding sustainable energy use into the proposed development through, for example, site and building design and the utilisation of renewable energy sources, having regard to the approved site-wide Energy Framework/Strategy;
  - (d) Proposals to incorporate public art/interpretive facilities into the development having regard to the approved site-wide Public Art Framework/Strategy;
  - (e) A detailed scheme of soft landscaping works incorporating measures to promote, enhance and safeguard biodiversity. The scheme shall include the location of all proposed new trees, shrubs, hedges and grass areas and a schedule of plants to comprise species, plant sizes and proposed numbers/densities;
  - (f) Proposals for the provision of newt friendly infrastructure within residential areas, which accord with the Banknock SIRR Great Crested Newt Assessment and Mitigation Strategy, Version 5, dated 6 June 2011;
  - (g) An updated Tree Protection and Removal Plan, as informed by an updated Tree Survey;
  - (h) A detailed scheme of hard landscaping works, which includes the specification and colour of all proposed surface material and the location and design of all proposed artefacts, structures and enclosures e.g. street furniture, lighting, walls, fences and gates;
  - (i) The proposed long term management and maintenance arrangements for all open spaces, water bodies, SUDS ponds and structured landscaping areas;
  - (j) A Construction Environmental Management Plan;
  - (k) The exact location and design of all proposed waste management facilities, which accord with the Council's guidance for refuse and recycling collection in new housing and commercial developments;
  - (l) A Contaminated Land Assessment, which determines the nature and extent of any contamination on the site, including contamination that may have originated elsewhere, and any potential risks to human health, property, the water environment and designated ecological sites;
  - (m) A full site-specific surface water drainage scheme, which accords with SUDS principles;



- (n) An updated Flood Risk Assessment/Statement, which details all proposed flood alleviation measures and demonstrates that pluvial flood risk is managed as part of the drainage design, that all properties have a suitable freeboard over the design event, that all properties have safe access and egress during the design event and that the design of the new culverts is robust and provision has been made for flood waters to safely bypass them in the event of blockage;
- (o) The exact location and specification of all proposed foot/cycle paths, including connections to the wider path network;
- (p) A Travel Plan, including a Travel Pack; and
- (q) Proposals for access to public transport services (including school bus services);

#### *Number of Units*

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

#### *Tree Protection and Removal*

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

#### *Biodiversity*

- (13) Unless otherwise agreed in writing by this Planning Authority, the development shall be carried out in accordance with the Action Plan set out in Section 8 of the Banknock SIRR Conservation Strategy, Version 4, dated March 2010 (as amended 2 June 2011);
- (14) Unless otherwise agreed in writing by this Planning Authority, all approved tree and scrub removal shall be carried out in the months of August to April, in order to avoid disturbance to breeding birds;

- (15) Where the respective development phase has not commenced within 12 months of the last survey of the site for badgers, bats, otters and breeding birds, further walkover survey(s) and any necessary species protection plan shall be submitted to and approved in writing by this Planning Authority prior to that development phase commencing;

*Great Crested Newts*

- (16) The development shall be carried out in accordance with the mitigation and compensation measures set out in Section 4.2 of the Banknock SIRR Great Crested Newt Assessment and Mitigation Strategy, Version 5, dated 6 June 2011;
- (17) The integrity of all amphibian fencing shall be monitored at least monthly between February and November every year, or for the anticipated duration of construction estimated at 15 years, after which time the fence shall be removed. Any repairs or appropriate remediation measures shall be undertaken immediately in the event of the fence being found to be damaged or affected in any way which is likely to impair its effectiveness;
- (18) The habitat creation and enhancements works within the proposed Nature Conservation Area shall be completed, and made available to newts (i.e. all newt fencing removed from this area), by 31 December 2013;
- (19) A new pond shall be created during the construction period to replace the loss of the Railway Pond (PN13) and be situated in approximately the same location;
- (20) The new ponds (i.e. the new Railway Pond, the new Brown Pond and the new ponds within the proposed Nature Conservation Area) shall be monitored for three years from their creation, within any remedial action identified by the monitoring being implemented in accordance with details approved in writing by this Planning Authority;
- (21) No works shall be carried out within the application site boundaries within 3 years of the erection of the one-way newt fence, unless otherwise agreed in writing by this Planning Authority in consultation with Scottish Natural Heritage. After the one-way newt fence has been in place for at least 3 years (i.e. until 29 February 2012), a risk assessment(s) for all staged works then proposed within the application site boundaries shall be carried out to determine if they are likely to cause an offence under Regulation 39/43 of the Habitats Regulations. The risk assessment(s) shall be submitted for the written approval of this Planning Authority and shall include an appraisal of the monitoring and maintenance records for the one-way newt fence.
- (22) The great crested newt meta-population shall be monitored for 3 years after the development has been constructed and the one-way newt fence removed, with any remedial action identified by the monitoring being implemented in accordance with details approved in writing by this Planning Authority;
- (23) Arrangements shall be made to secure the long-term management of the newt-friendly infrastructure, including the new ponds and associated habitat, in accordance with details approved in writing by this Planning Authority;

### *Cultural Heritage*

- (24) Unless otherwise agreed in writing by this Planning Authority, no development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by this Planning Authority;
- (25) During implementation of the approved programme of archaeological work, access at all reasonable times shall be afforded to any archaeologist nominated by this Planning Authority, to allow that person to observe work in progress and record items of interest and finds;
- (26) Not less than 14 days prior to the development commencing, the Planning Authority shall be notified in writing of the commencement date of ground breaking works, the site contact person and the archaeologist appointed by the applicant;

### *Provision of New/Enhanced Local Facilities and Features*

- (27) Unless otherwise agreed in writing by this Planning Authority, the proposed retail development, associated public realm area and gateway features shall be fully completed prior to the completion of either phase 1 of the proposed development or the 100<sup>th</sup> residential unit, whichever is the earliest, in accordance with details approved in writing by this Planning Authority;
- (28) Land or floor space for the relocation of the existing health centre to the proposed Village Centre shall be set aside in accordance with details and a timescale to be agreed in writing by this Planning Authority, unless it is demonstrated to the satisfaction of the Planning Authority that there is no need for land or floor space for this purpose;

### *Contaminated Land*

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

### *Surface Water Drainage/Flooding*

- (31) The proposed surface water drainage retrofit at Bankier Primary School, to release foul capacity to serve the proposed development, shall be fully completed in accordance with a final design scheme approved in writing by this Planning Authority;

- (32) No landraising or built development shall occur within the 0.5% annual probability flood plain as shown hatched on the approved Banknock North SIRR Development Masterplan Revision C, dated July 2011;

*Outdoor Access*

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

*Roads/Transportation*

- (34) Unless otherwise agreed in writing by this Planning Authority, having regard to the Scottish Government Policy Statement: Designing Streets, all new roads and associated infrastructure shall be designed and constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area;
- (35) Unless otherwise agreed in writing by this Planning Authority, no dwellinghouse shall be occupied until the proposed western and eastern access junctions, the proposed upgrades to the A803 Kilsyth Road/Hollandbush Avenue junction and the proposed upgrades to the A803 Kilsyth Road/M80 east and west slip road junctions, including the Urban Traffic Control (UTC) system proposed to link the new traffic signals, have been fully completed in accordance with details submitted to and approved in writing by this Planning Authority;
- (36) Within one month of opening of each new/upgraded road junction, a Stage 3 Road Safety Audit shall be submitted for the written approval of this Planning Authority. Any required changes to the design as a consequence of the Stage 3 Road Safety Audit shall be funded by the applicant;
- (37) Before the development commences, exact details of the proposed pedestrian crossings of the A803 Kilsyth Road and the Urban Traffic Control (UTC) system proposed to link the new traffic signals, shall be submitted to and approved in writing by this Planning Authority unless otherwise agreed. Thereafter any agreed facilities shall be provided in accordance with the approved details and a timescale(s) to be agreed in writing by this Planning Authority;
- (38) Before the development commences, exact details of the provision of a suitable route though the site to accommodate bus use, including stopping points and shelter facilities, shall be submitted to and approved in writing by this Planning Authority. Thereafter the facilities shall be provided in accordance with the approved details and a timescale(s) to be agreed in writing by this Planning Authority;
- (39) Before the development commences, exact details of the proposed relocation/upgrading of the existing bus stops on Kilsyth Road shall be submitted to and approved in writing by this Planning Authority. Thereafter the facilities shall be relocated in accordance with the approved details and a timescale(s) to be agreed in writing by this Planning Authority;

- (40) Vehicle and cycle parking shall be provided in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area;
- (41) At the same time as completion of the proposed western access junction, the existing access to the Bankview Nursing Home shall be closed off and the kerbing reinstated in accordance with details approved in writing by this Planning Authority.

**Reason(s):**

- (1) To comply with paragraph 4(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4-7) To enable the respective matters to be considered in detail at the appropriate time following grant of planning permission in principle.
- (8) To limit the number of units to reflect the scale of development subject to the Transport Assessment.
- (9-12) To safeguard the visual and environmental amenity of the area.
- (13-23) To protect, mitigate and enhance natural heritage and protected species interests.
- (24-26) To safeguard the archaeological interest of the area.
- (27-28) To secure the delivery of new facilities in accordance with appropriate timescales.
- (29-30) To ensure the ground is suitable for the proposed development.
- (31-32) To ensure that suitable drainage is provided and that potential flood risk is mitigated to an acceptable level.
- (33) To safeguard the existing public path network.
- (34-36,41) To safeguard the interests of the users of the highway and to ensure the delivery of infrastructure in accordance with appropriate timescales.
- (37-39) To provide appropriate infrastructure to promote alternative modes of transport to the private car and manage traffic progression and queuing.
- (40) To ensure that adequate parking is provided.

## Director of Development Services

**Date:** 25 January 2012

### LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Falkirk Council Local Plan.
3. National Planning Policies & Guidance.
4. Falkirk Council Supplementary Planning Guidance.
5. Letter of Objection from Mr Roy MacDonald, Rustic Bank Cottage, Kilsyth Road, Banknock, Bonnybridge, FK4 1UE, received 30 June 2010.
6. Letter of Objection from Mr Alexander Skullen, 225 Kilsyth Road, Banknock, Bonnybridge, FK4 1UF received 9 June 2010.
7. Letter of Objection from Mr and Mrs Robert Cooper, Rusticbank Cottage, Kilsyth Road, Banknock, Bonnybridge, FK4 1UF received 16 June 2010.
8. Letter of Representation from Mrs Suzanne Reynolds, Cedar Road, Banknock, Bonnybridge, FK4 1JQ received 17 June 2010.
9. Letter of Objection from Alasdair and Nicola Sinclair, Hazelwood, Braeface Road, Banknock Bonnybridge, FK4 1UE received 10 September 2010.
10. Letter of Objection from Miss Lynne Hobbs, 12 Bankier Terrace, Banknock, Bonnybridge, FK4 1JF received 23 June 2010.
11. Letter of Objection from Mr Macaulay, Windy Hollow, 2 Coneypark Place, Banknock, Bonnybridge, FK4 1TZ received 22 June 2010.
12. Letter of Objection from [Angusmacaulay411@hotmail.com](mailto:Angusmacaulay411@hotmail.com), received 21 June 2010.
13. Letter of Objection from Mr Martin Dick, Prima Casa, Braeface Road, Banknock, Bonnybridge, FK4 1UE, received 20 June 2010.
14. Letter of Objection from A MacAulay, Windy Hollow, 2 Coneypark Place, Banknock, Bonnybridge, FK4 1TZ, received 30 June 2010.

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

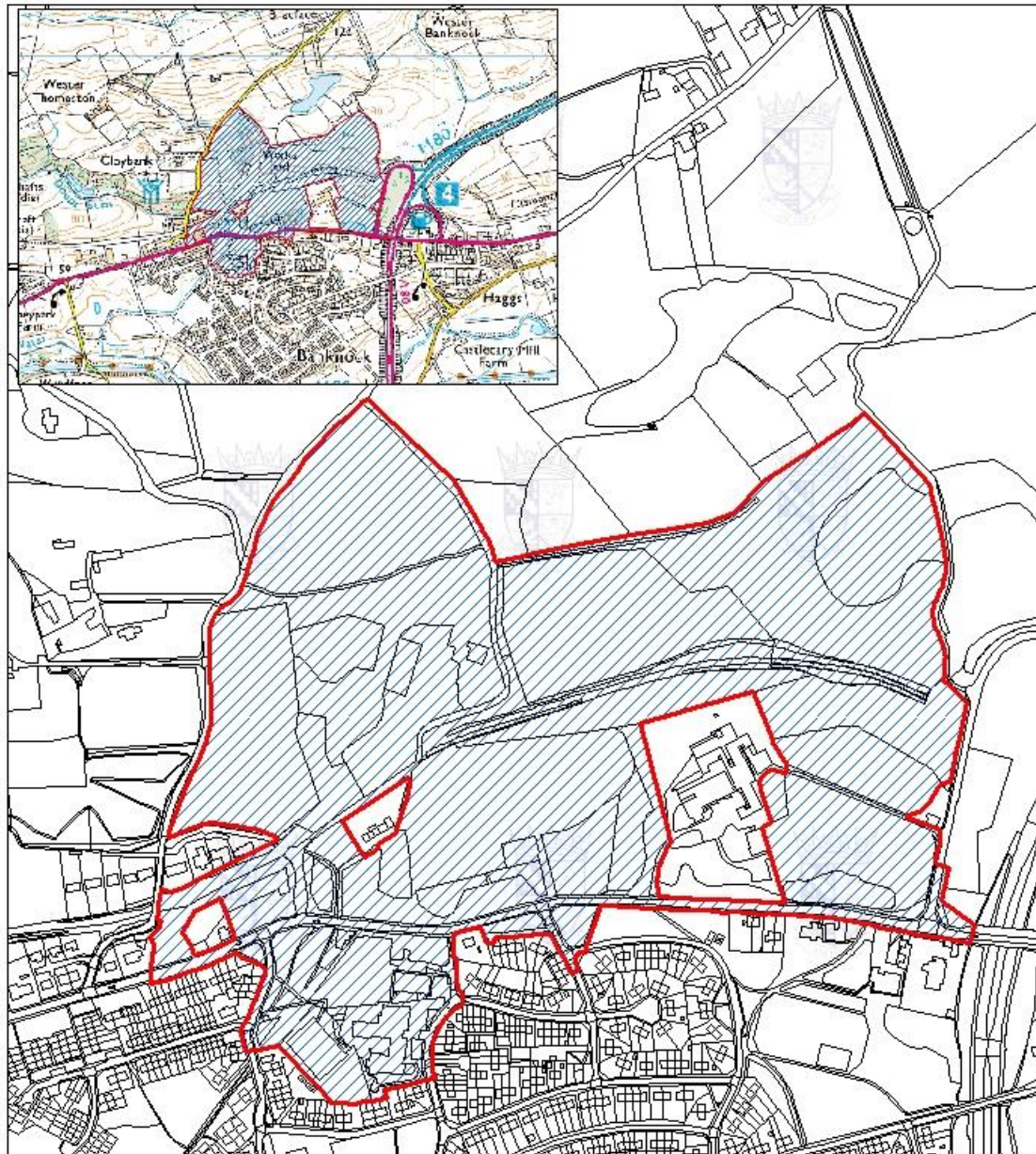


# Planning Committee

## Planning Application Location Plan

**P/10/0360/PPP**

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



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