



Agenda Item 9

**SUBSTANTIAL DEMOLITION OF
FORMER FARM STEADING AND
REDEVELOPMENT TO FORM 12
DWELLINGHOUSES, ERECTION OF 69
DWELLINGHOUSES, 30 FLATTED
DWELLINGS, FORMATION OF
ROUNDAABOUT, LANDSCAPING AND
SUDS POND AT WOODEND FARM,
HALLGLEN ROAD, HALLGLEN,
FALKIRK, FK1 2AT FOR FALKIRK
COUNCIL - P/19/0453/FUL**

FALKIRK COUNCIL

Subject: SUBSTANTIAL DEMOLITION OF FORMER FARM
STEADING AND REDEVELOPMENT TO FORM 12
DWELLINGHOUSES, ERECTION OF 69
DWELLINGHOUSES, 30 FLATTED DWELLINGS,
FORMATION OF ROUNDABOUT, LANDSCAPING AND
SUDS POND AT WOODEND FARM, HALLGLEN ROAD,
HALLGLEN, FALKIRK, FK1 2AT FOR FALKIRK COUNCIL -
P/19/0453/FUL

Meeting: FALKIRK COUNCIL
Date: 9 March 2020
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk South

Councillor Lorna Binnie
Councillor John Patrick
Councillor Pat Reid

Community Council: Falkirk South is inactive at this time.

Case Officer: Katherine Chorley (Planning Officer), Ext. 4704

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1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application is a major development and seeks full planning permission for substantial demolition of the Category C Listed Woodend Farm Steading and its redevelopment to form 12 houses. The surrounding land would be developed to form 69 houses and 30 flats with associated landscaping, drainage pond, access road and roundabout. The development would create 111 new dwellings.
- 1.2 The application site extends to just over 7 hectares. The land is used for grazing with the exception of Woodend Farm steading which sits at a high point within the site. Existing access is obtained along a track at the eastern end of the site. This track also gives access to a Scottish Water facility, the John Muir Way and Callendar Park and Wood. The northern periphery is defined by a Category C listed sandstone wall which forms the boundary with Callendar Park and Wood. New Hallglen Road runs along the southern and western boundaries. The levels change between this road and the site is significant in places, resulting in a steep slope along the southern boundary.

- 1.3 Woodend Farm Steading is an attractive sandstone building with living accommodation and stable block located around a central courtyard. The building has suffered previous damage including a fire in 2018. Much of the roof is now missing and where it remains it is generally in a poor condition.
- 1.4 A central corridor through the site is undevelopable due to a large Scottish Water water-main. This water-main has a significant stand-off zone either side.
- 1.5 The following information has been submitted in support of the application:-
- Air Quality Impact Assessment
 - Bat Species Protection Plan
 - Bat Survey
 - Coal Mining Assessment
 - Contaminated Land Statement and Survey
 - Cultural Heritage Assessment
 - Demolition Plan
 - Demolition Statement
 - Design and Access Statement
 - Drainage Strategy
 - Energy Statement
 - Landscape and Visual Impact Assessment
 - Landscape Design Strategy
 - Pre-Application Consultation Report
 - Protected Species Report
 - Residential Travel Plan
 - Road Safety Audit
 - Site Survey
 - SNH Licensing Tests Statement
 - Stage 1 Road Safety Audit
 - Structural and Conditional Survey for Steading and Wall
 - Surface Water Drainage Report
 - Transport Assessment
 - Tree Survey Report
 - Winter Hibernation Surveys
 - Full Set of Existing and Proposed Plans
- 1.6 The Design and Access Statement includes details of the proposal. It indicates:-
- 111 dwellings;
 - 100% affordable homes;
 - Significant demolition of a Grade C listed building with reconstruction, repair, alteration and extension of the building;
 - A new roundabout on New Hallglen Road;
 - Foot and cycle path links;
 - A single primary vehicle access route, leading to a series of secondary streets and shared spaces;
 - Additional planting;
 - Open space;
 - Connections to the John Muir Way and nearby Core Path, and
 - A sustainable urban drainage pond.

1.7 The Pre-Application Consultation Report records the following:-

- The public event took the form of a staffed public exhibition which was held on 26 April 2018, from 10am to 1pm, 2pm to 5pm and 6pm to 8pm at Ettrick Dochart Community Hall;
- 30-35 members of the public attended the sessions;
- A total of 24 feedback questionnaire forms were received by the applicant;
- The responses were generally in favour of putting new affordable housing on the site and refurbishing and retaining the listed building. Concerns were noted in relation to increased pressure on the existing infrastructure, including roads, healthcare and education. Concerns were raised in relation to the type of tenants who would be housed there and traffic management during construction.
- A separate meeting was held by the applicants and attended by local councillors.
- The proposals were reviewed in the context of the feedback.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 Full Council consideration and a Pre-Determination Hearing are required for a major development that is significantly contrary to the Development Plan. The proposed development is considered to be significantly contrary to the Falkirk Local Development Plan (LDP), owing to the scale of the proposed housing within an area designated as countryside, outwith the defined settlement limits.
- 2.2 The Pre-Determination Hearing was held at Westquarter Primary School on 14 November at 7pm. At the hearing, Council officers and the applicant were heard. In addition Elected Members and members of the public asked questions and sought clarification in respect of certain matters.
- 2.3 The applicant and their representative highlighted the significant need for social housing, the timescales proposed and financing involved.
- 2.4 Members requested further clarification on the proposed education contributions. Officers can confirm that the difference in assessment for Graeme High School compared with the other schools is a result of the much larger catchment area for Graeme High School, which covers Hallglen, Redding/Westquarter, Laurieston, Polmont and Whitecross. There are a considerable number of volume house building proposals in this wider area. While in comparison for example, in the Hallglen Primary School catchment area, Woodend Farm site is the only significant development.
- 2.5 The change in contributions is as a result of the adoption of the new supplementary guidance on Education contributions which was recently approved by Scottish Ministers.

3. SITE HISTORY

- 3.1 Proposal of Application Notice PRE/2018/0002/PAN was received on 22 February 2018 for the proposed development of land for residential use. The notice set out the proposals for community consultation. A Pre Application Consultation Report has been submitted with the application (see paragraph 1.7 above).

- 3.2 No Screening Request was submitted by the applicant. However the Council have screened the development in relation to the Town and Country Planning (Environmental Impact Assessment)(Scotland)Regulations 2017. The screening opinion of the Council's Development Management Unit is that an environmental impact assessment was not required and that the potential impacts of the proposed development could be the subject of targeted assessments as required.
- 3.3 A concurrent listed building application has been submitted for the 'Substantial Demolition of Former Farm Steading and Redevelopment to form 12 Dwellinghouses.' The reference for this application is P/19/0454/LBC. This application will be placed on the weekly recommendation list once this planning application has been determined.
- 3.4 The Listed Building was fire damaged towards the end of 2018. An application (reference P/19/0597/LBC) was submitted in September 2019 for remedial works to protect the remainder of the building, in the area which had been damaged by fire. This application has been granted listed building consent.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have advised that the development is acceptable in terms of their requirements. The site access would be from a roundabout installed on New Hallglen Road at the far north west of the site. The internal road layout is a mix of standard construction roads and shared surface areas, with associated footways, remote footpaths, visitor parking spaces and private parking courts. The current layout is designed in accordance with the National Roads Design Guidance. A new footpath link adjacent to the underpass with a controlled crossing facility on New Hallglen Road would allow for a level access from the road to the site.
- 4.2 Surface water is proposed to discharge in to the West Quarter Burn and a detention basin is proposed to treat and attenuate this water run-off to an acceptable standard. Drainage should be designed to ensure that flow routes are maintained and ponding does not occur. The proposed drainage site layout indicates that some finished floor levels are below current ground level for some properties to the North of the site.
- 4.3 SEPA flood maps indicate that the site is not at risk of fluvial (river or stream) or pluvial (rain) flooding. The access route is not in an area at risk from flooding.
- 4.4 The Transport Planning Unit have advised that the development is acceptable in terms of their requirements.
- 4.5 The extension of the footway network along the east and north side of New Hallglen Road to tie into the existing provision from the roundabout access is welcomed. Footways should be 2m wide.
- 4.6 To make the site more accessible, in line with current policy, the preference would be for a controlled at-grade crossing facility to be installed on New Hallglen Road, to the south of the existing northbound bus layby and underpass.
- 4.7 The proposed footpath connection to the south of plot 104 should be a minimum of 3m wide to cater for pedestrians and cyclists, and have adequate lighting.

- 4.8 The proposed connections to the Core Path Network/John Muir Way on the east side of the development should be widened to a minimum of 3m to cater for pedestrians and cyclists. This should include a suitable link between plots 37 and 58, and the connection north of plot 21.
- 4.9 The proposed cycle store details for visitors should ideally be covered.
- 4.10 The site is served by existing bus services on New Hallglen Road, but only currently in a northbound direction which will require users to cross New Hallglen Road.
- 4.11 The nearest northbound bus stop is located on New Hallglen Road between the Findhorn Place and Dochart Place junctions. This location allows the site to be served by existing bus services within the required 400m walking threshold. However, in order to make the bus stop more accessible for all users from the site, an at-grade crossing should be incorporated.
- 4.12 The proposed access roundabout onto New Hallglen Road is acceptable in capacity terms. The pedestrian crossing point will require relevant dropped kerbs and tactile paving to be incorporated, together with suitable measures on the approaching footpaths on either side of the access road to prevent pedestrians/cyclists from travelling straight across the access road.
- 4.13 The nearside kerbline on the access road has been widened in order to accommodate HGV swept paths. However, the proposed signing/surfacing/white lining is not clear. The DMRB (CD116) states that hatching should not be used to reduce the entry width in areas adjacent to pedestrian facilities. There is a concern that a similar scenario could be created here which raises road safety concerns. TPU would therefore request that the proposed signing/surfacing/white lining is clarified in this area and that the views of the Road Safety Auditor are sought on this issue.
- 4.14 The proposed Masterplan (Dwg. No. PL-AL(0)101) does not appear to incorporate the proposed widening of the nearside kerbline on the access road, nor does it include the proposed realignment of the existing footpath to the north of the access roundabout. The Masterplan should be amended to reflect current thinking.
- 4.15 A Stage 2 Road Safety Audit should be carried out on the detailed design of the proposed access roundabout prior to implementation, followed by a Stage 3 Road Safety Audit within 1 month of opening. Any required changes to the design as a consequence of the Road Safety Audits should be implemented by the applicant.
- 4.16 The proposed phasing plan (Dwg. No. PL-AL(0)112) suggests that the Roads/Drainage Infrastructure will be provided in the first phase. This should include all relevant footway/footpaths through the site, connections to the wider network, the extension of the footway along New Hallglen Road and the installation of the pedestrian crossing facility on New Hallglen Road.
- 4.17 In terms of development, the proposed phasing suggests that the furthestmost part of the site will be developed first. Access to phases 2 and 3 will then need to be maintained and managed through phase 4, whilst phase 4 is being constructed.
- 4.18 The Travel Plan has a number of minor errors. These changes could be dealt with by condition.

- 4.19 The Environmental Protection Unit have advised that noise need not be considered as a determining factor in consideration of this application. A condition is recommended in relation to contaminated land, due to unknown filled ground within the site boundaries, extensive mining underlying the site and surrounding area and potentially other contaminating activities within 250m of the site.
- 4.20 The Air Quality Assessment is satisfactory. Increased road traffic from the development has been fully assessed with impacts at the nearest human receptors being stated as negligible. It is unlikely that air quality / dust issues would arise if the mitigation measures outlined in Appendix F of the document are fully implemented with regards to the construction phase of the development. All legislation, policies and guidance referenced within the report are current, applicable and correct.
- 4.21 Children's Services have confirmed that the site falls within the catchments for Hallglen Primary School, St Andrew's RC Primary, Graeme High School and St Mungo's RC High School.
- 4.22 Hallglen Primary School - The proposal can be expected to generate 25-30 additional pupils for Hallglen Primary School. The School currently has sufficient capacity to accommodate this proposal.
- 4.23 St Andrew's RC Primary School - St Andrew's has sufficient capacity to accommodate the additional pupils expected to arise from this development.
- 4.24 Graeme High School - Graeme HS will experience capacity pressures in the next 5-10 years due to the collective pressure of new housing development in the catchment area. All new volume developments, such as this, are requested to contribute, pro-rata, to the necessary investment in additional capacity that will be required.
- 4.25 St Mungo's RC High School - St Mungo's has sufficient capacity to accommodate the additional pupils expected to arise from this development.
- 4.26 Nursery Provision - Nursery provision in the area is currently being expanded and is expected to have sufficient capacity to accommodate this proposal.
- 4.27 In accordance with the recently adopted Supplementary Guidance the following pro-rata contributions towards local education provision are necessary –
- | | | | |
|--------------------|------------------------------|---|-----------------|
| Graeme High School | 81 houses @ £2,334 per house | = | £189,054 |
| | 14 flats @ £622 per flat | = | £8,708 |
| | Total Contribution | | £197,762 |
- One-bedroomed units are not included in the calculations.
- 4.28 Scottish Water have advised they have no objections to the proposal. There is currently sufficient capacity in the Carron Valley Water Treatment Works and Kinneil Kerse Waste Water Treatment Works. However, further investigations may be required once a formal application has been submitted to Scottish Water.
- 4.29 The site is located adjacent to an existing Scottish Water reservoir and a 27" water main runs through the site. This main requires a significant stand-off distance.

- 4.30 Scottish Water will not accept any surface water connections in to the combined sewer system.
- 4.31 The Scottish Environmental Protection Agency (SEPA) advised that they have no objections to the planning application.
- 4.32 SEPA also advise that the heat demand should be met from district heating, subject to the outcome of a feasibility statement. The development must enable connection to a heat network or heat producer, unless it can be demonstrated that this would not be feasible. An Energy Statement informed by a Feasibility Study should be provided for assessment.
- 4.33 Water quality, quantity and morphology (physical form) should be considered. Surface water from all developments should be treated by SUDS. The proposal to connect waste water to the public sewer is acceptable. There are no Controlled Activities Regulations authorised groundwater abstractions or registered groundwater-fed private water supplies (according to SEPA mapping) in the vicinity of the proposal. Space should be designated within the planning application site layout to allow for the separation and collection of waste, consistent with the type of development proposed.
- 4.34 The proposal is within a Development High Risk Area, defined by the Coal Authority, and a mine entry is mapped within around 250m of the proposed site boundary. A Coal Mining Risk Assessment would be required. The development will require a Construction Site Licence due to its size.
- 4.35 Advice on land contamination issues should be sought from the local authority contaminated land specialists because the local authority is the lead authority on these matters. This is also the case with local air quality management. SEPA have reviewed the Air Quality Impact Assessment. The assessment method is acceptable and the results indicate a negligible impact on local air quality and no predicted exceedances of air quality objectives with the scheme in place.
- 4.36 Historic Environment Scotland have considered the information received and do not have any comments to make on the proposals. The decision not to provide comments should not be taken as support for the proposals.
- 4.37 Falkirk Community Trust Museum Services have advised the amount of down-taking in the existing quadrangle necessary for this development is surprising and where possible the present stone margins should be used in their original positions during the rebuild. However, it is appreciated that the condition of the present steading is such that drastic action is required to retain the best elements of it.
- 4.38 The proposed layout of new blocks rather crowds the existing building and the south facades of blocks 2 and 4 have a linear arrangement. Museum Services would prefer to see these blocks staggered.
- 4.39 The cultural heritage report notes, the first Battle of Falkirk is often considered to have been sited in this area by historians. An Iron Age hill fort is located just to the north west and so a condition is recommended in relation to a programme of archaeological work.

- 4.40 The Coal Authority have advised that the site falls within the defined Development High Risk Area. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Coal Mining Risk Assessment Report. This report has concluded that probable shallow workings pose a risk to the surface stability of the application site. Therefore, the report recommends that intrusive site investigations are undertaken to determine the exact ground conditions of the application site and the presence or otherwise of shallow workings. A subsequent scheme of remedial measures may be required to consolidate workings. The Coal Authority agrees with the conclusions and recommendations in the report and recommends the use of a condition to require further site investigations and remedial works where necessary. The Coal Authority have no objections subject to the imposition of a condition.
- 4.41 Scottish Natural Heritage (SNH) have advised that bats (which are a protected species) are present within the development site. Even with the mitigation set out in the species protection plan submitted by the applicant, a licence from SNH will be required by the applicant before development can proceed. Based on the information currently available to SNH, it is likely that the tests would be met and therefore that a licence would be granted. There would be no detrimental impact on the favourable conservation status of bat populations. SNH recommend that alternative roosting sites for bats are planned and provided as part of the new housing development.
- 4.42 It is possible that the building is occupied by Barn Owls. Some sections of the building are inaccessible. It would be sufficient to avoid the Barn Owl nesting season which runs from March through to the end of August.
- 4.43 The John Muir Way runs along the eastern boundary of the site. It is proposed to retain the hedgerow and mature trees in this area and SNH is supportive of this proposal as it should help to retain the amenity value for users of the John Muir Way. It is understood that the footpath will remain open.
- 4.44 Police Scotland have completed a crime pattern analysis. There is continuing high risk of metal theft and or plant theft throughout Scotland. Appropriate security measures during constructions should be considered.
- 4.45 Police Scotland would strongly recommend that consideration be given to the main principles of 'Crime Prevention Through Environmental Design'.
- 4.46 NHS Forth Valley submitted late comments on the application. They have advised that the site is in the catchment area of 5 practices. These are all currently at capacity and the proposal would result in an increase in demand for Primary Care Services. NHS Forth Valley have requested a contribution of £1,585.14 per residential unit. This calculation relies on the methodology set out in SG11 - Healthcare and New Housing Development. Further consideration is given to this consultation response in paragraph 7a.33.
- 4.47 Scottish Wildlife Trust and the Scottish Rights of Way and Access Society have not provided consultation responses at the time of writing this report. If consultation responses are received following this, an update will be provided at the meeting.

5. COMMUNITY COUNCIL

5.1 Falkirk South Community Council is inactive at this time.

6. PUBLIC REPRESENTATION

6.1 One letter of representation was received during consideration of the application. The comments have been summarised below.

- Access to Callendar Woods through the northern boundary wall has not been addressed.
- Some dogs will give chase to the car lights with the roundabout and access proposed so close to the existing open access in to Callendar Woods. This is a concern.
- Recommend a self closing gate which is dog proof and a new fence along the boundary.
- Deer living in the woods may be a risk to road safety.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

7a.1 The Falkirk Local Development Plan was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the policies set out below.

7a.2 The application site lies beyond the urban village limit, as defined in the LDP. The urban area is defined by the existing settlements of Falkirk, Lionthorn and Princes Park to the north and west and Lauriston and Redding to the east and south east. Hallglen and Glen Village form a small island of urban land separate from these neighbouring areas, with the countryside expanding beyond and around these boundaries.

7a.3 The LDP sets out the Council's vision for the Falkirk area. It is:-

'A dynamic and distinctive area at the heart of Central Scotland, characterised by a network of thriving communities and greenspaces and a vibrant and growing economy which is of strategic significance in the national context, providing an attractive and sustainable place in which to live, work, visit and invest'.

7a.4 The key strategic objectives, to achieve the vision, are set out in the LDP. They are:-

Thriving Communities

- To facilitate continued population and household growth and the delivery of housing to meet the full range of housing needs;
- To build sustainable attractive communities which retain a strong identity and sense of place;
- To ensure that infrastructure is provided to meet the transport, education, recreation and healthcare needs of the growing population, and to support the growth of the economy.

Growing Economy

- To develop the area's economic potential and establish it as a major component in the Scottish economy;
- To strengthen the area's transport connections to the rest of Scotland and global markets;
- To make our town centres vibrant and economically viable focal points within our communities.

Sustainable Place

- To contribute to climate change mitigation and adaptation;
- To extend and improve the green network and protect the area's national heritage;
- To improve the sense of place in our towns and villages and to protect, enhance and promote our historic environments; and
- To manage natural resources and waste sustainably.

7a.5 The key strategic objectives inform the spatial strategy of the LDP. The spatial strategy indicates how the area is intended to grow and develop over the plan period in terms of housing, infrastructure, countryside and green belt, business development, town centres and the green network. The overall strategy will continue to be one of sustainable growth, and the key elements will be:-

- 675 new homes each year on average, distributed around the area, but with a focus on 12 Strategic Growth Areas;
- A diverse portfolio of business sites at 4 Strategic Business Locations, focused on the M9/M876/A801 corridor;
- A range of strategic transport, education, drainage, flood management and healthcare infrastructure to support growth;
- A continuing green belt to maintain the identity of settlements and manage growth;
- A network of Principal, District and Local Centres as the focus for retailing, commercial leisure and services; and

- A multi-functional Falkirk Green Network comprising a number of interconnected components and corridors.

7a.6 In response to the Spatial Strategy, the LDP contains a range of strategic policies and supporting policies. The strategic policies of relevance to this application are:-

- Policy HSG01 'Housing Growth';
- Policy CG01 'Countryside';
- Policy GN01 'Falkirk Green Network'; and
- Policy D01 'Placemaking'.

The relevant strategic policies and supporting policies are set out in paragraphs 7a.8 onwards.

7a.7 The Settlement Statement for Falkirk includes the following:-

'The theme of housing led urban renewal will continue, with a corridor of regeneration identified along the Forth & Clyde Canal... There are also housing opportunities in and around the Town Centre..'

'The other major focus for housing growth in Falkirk will be the continued development of the Mungall/Cauldhame Farm area of north Falkirk... Green belt on the eastern, northern and western boundaries of the town will remain an important tool in the settlement strategy. Greenfield development to the south of the town will also be resisted.'

7a.8 Policy HSG01 - Housing Growth states:-

1. *The Council will aim to achieve an average housing growth of 675 dwellings per year across the Council area over the Plan period, and will ensure that a five year effective land supply is maintained;*
2. *The Council will monitor and update the effective housing land supply figures annually to make sure that a minimum five year supply is maintained at all times. If this Housing Land Audit process identifies a shortfall in the effective land supply, the Council will consider supporting sustainable development proposals that are effective, in the following order of preference:*

- *Urban Capacity sites*
- *Additional brownfield sites*
- *Sustainable greenfield sites*

In doing so, account will be taken of other local development plan policies and of any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.

3. *The overall scale of housing allocations in each settlement area to meet the target level of growth, including flexibility, will be as shown in Figure 3.1.*

4. *The specific sites where new housing will be promoted are listed in the Settlement Statements, and detailed in the Site Schedule in Appendix 1.*
5. *The locations for most significant growth are identified as Strategic Growth Areas (SGAs). Within these areas, the preparation of development frameworks, masterplans and briefs, as appropriate, and the co-ordination of social and physical infrastructure provision, will be a particular priority. Site requirements are set out in Appendix 2.*

- 7a.9 The Council's 2018/19 Housing Land Audit, dated August 2019, indicates that there is a 4.1 year effective housing land supply in the Falkirk Council area. This amounts to a shortfall of 599 units in terms of the requirement for a 5 year supply. The presumption in favour of development that contributes to sustainable development will therefore be a significant material consideration in determining this planning application. It should also be noted that the provisions for supporting suitable development under part 2 of the above policy are automatically applied in the event of any shortfall, regardless of the level of shortfall at any particular time.
- 7a.10 In circumstances where there is a shortfall, part 2 of the policy states that the Council will consider supporting sustainable and effective development proposals in the following order of preference: urban capacity sites, additional brownfield sites followed by sustainable greenfield sites. The application site is greenfield in nature and therefore least preferred in this context.
- 7a.11 The proposed development displays principles of sustainable development, in representing an extension to Hallglen and given the reasonably well contained nature of the site.
- 7a.12 It is normally preferable for the impacts of, and opportunities for, urban expansion to be considered in a co-ordinated way through the local plan review process. Further consideration of the emerging LDP2 is given in paragraph 7b.13 onwards.
- 7a.13 Under part 2 of the policy, the Council will consider supporting sustainable development proposals that are effective. The tests for assessing effective housing land supply are set out in paragraph 55 of Scottish Government Planning Advice 2/2010 'Affordable Housing and Housing Land Audits'. With respect to these tests the following are considered relevant:-
- **Ownership** - The site would be developed by Falkirk Council for social housing. Subject to the required permissions being granted it is anticipated that the entire site would be developed by the end of 2023 and this has been programmed in to the Council's Strategic Housing Investment Plan;
 - **Physical** - There are no known physical or infrastructure constraints that would prevent the development as proposed;
 - **Deficit Funding** - Public funding has been secured for the development;
 - **Infrastructure** - The necessary infrastructure can realistically be provided;
 - **Land Use** - Housing is a preferred use of the land in terms of the emerging LDP2.

7a.14 It should be noted that the Falkirk Local Development Plan 2 (LDP2) is expected to address the current effective housing land supply issue. Adoption of LDP2 is currently expected in July 2020. Further consideration of the site in relation to LDP2 policies is set out in paragraph 7b.13 onwards.

7a.15 Policy HSG02 - Affordable Housing states:-

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

Proportion of total site units required to be affordable

Larbert/Stenhousemuir, Polmont Area, Rural North and Rural South - 25%

Bo'ness, Bonnybridge/Banknock, Denny, Falkirk and Grangemouth - 15%

Above is a copy of figure 5.1 Affordable Housing Requirements in Settlement Areas.

7a.16 The affordable housing requirement for this area is 15%. The applicants propose 100% affordable housing. This goes significantly beyond the minimum requirements in policy HSG02 and would make a positive contribution.

7a.17 Policy HSG04 - Housing Design states:-

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

7a.18 The detailed design in relation to the listed building is considered in further detail at paragraph 7a.93 onwards.

7a.19 The Design and Access Statement demonstrates a clear understanding of site conditions including topography and other site features and constraints; it sets out key design drivers for the development. A key aim for the scheme is to create a high quality housing development that forms a gateway to Hallglen Village from the East. The listed farmhouse is described as being a strong influence on the layout of new houses and streets; the prominent location of the farm house on high ground of the site with new housing set around it in a quasi courtyard arrangement is deemed to be appropriate. The new housing would ideally have been set back from the building line of the listed building but the proposed scale and massing of the new units allows the listed building to remain dominant when viewed through the gaps in the proposed new tree planting from New Hallglen Road.

- 7a.20 The proposed street layout provides an acceptable level of connectivity despite the number of cul de sacs created. Shared access streets encourage pedestrian movement. The proposed street layout incorporates distinctive features at key nodes to assist internal navigation.
- 7a.21 The proposed landscape layout provides a good range of landscape features across the site including pockets of trees to define the main access road, screen planting at the southern boundary and shrubs and hedges between houses. The opportunity to enhance the green infrastructure of the site using the large open space created by the water main corridor has been exploited fairly well although pathways cutting across the proposed wild flower meadows and amenity grassed areas could be considered.
- 7a.22 The proposed layout creates a coherent and integrated streetscape with a satisfactory mix of terraces, flatted units and semi-detached units set within a landscaped framework. The elevations of new units facing onto New Hallglen Road incorporate windows to provide interest and activity. The arrangement of new build units to the east and west of the listed farm steading and the arrangement of new build units and streets to form an axis from the north of the site to the listed farm steading, creating a terminal vista, is also appropriate.
- 7a.23 The detailed design of the proposed new build units reflects the shape, scale and massing of the listed building. To either side of the listed building, new build units incorporate contemporary dormer windows which provide an appropriate reference to the detailed design of the listed farm steading. The application of artificial stone to localised areas of external walls of the new build housing is acceptable in areas beyond the immediate environs of the listed building. Street view elevations demonstrate coherent design and a satisfactory mix and orientation of house types and range of finishes.
- 7a.24 The scheme is well designed and would sit comfortably in the surroundings. The proposal complies with policy HSG04.

7a.25 Policy INF02 - Developer Contributions to Community Infrastructure states:-

Developers will be required to contribute towards the provision, upgrading and maintenance of community infrastructure where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The nature and scale of developer contributions will be determined by the following factors:

1. *Specific requirements identified against proposals in the LDP or in development briefs;*
2. *In respect of open space, recreational, education and healthcare provision, the general requirements set out in Policies INF04, INF05 and INF06;*
3. *In respect of physical infrastructure any requirements to ensure that the development meets sustainability criteria;*
4. *In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*

5. *Where a planning obligation is the intended mechanism for securing contributions, the principles contained in Circular 3/2012.*

In applying the policy, consideration of the overall viability of the development will be taken into account in setting the timing and phasing of payments.

7a.26 The application site is not identified in the LDP as an allocated site, so the LDP does not set out any specific requirements as far as developer contributions are concerned. The general requirements of Policies INF04, INF05 and INF06 will apply as appropriate and are considered below.

7a.27 Policy INF04 - Open Space and New Residential Development states:-

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

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

7a.28 The proposed development includes significant areas of open space, including an extensive corridor through the site, and other undevelopable areas to the south and west. The requirements for open space are set out in SG13 'Open Space and New Development'. The development meets the passive open space requirements set out in this document, however, no active space is proposed on site.

7a.29 The Open Space Strategy recognises an abundance of play areas in Hallglen. Open space provision generally in the Falkirk area has good average quality scores and a high percentage of open space which is considered fit for purpose. The site neighbours Callendar Wood with Callendar Park located within 800m of the site, although access is via woodland. Another play area is within 800m of the site and this is more readily accessible. The development site is large enough to accommodate an area of open space above the functional minimum size. However, due to levels changes this would likely be limited to an equipped place space of which there are already a number within walking distance. Given the above, onsite provision is not required and the applicants have agreed a financial contribution to open space provision within the area. The total open space contribution would be £84,672 which could be put to green space improvements.

7a.30 Policy INF05 - Education and New Housing Development states:-

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

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

7a.31 The site falls within the catchments for Hallglen Primary School, St Andrew's RC Primary, Graeme High School and St Mungo's RC High School. The proposal can be expected to generate 25-30 additional pupils for Hallglen Primary School. The School currently has sufficient capacity to accommodate this proposal. St Andrew's RC Primary School and St Mungo's RC High School have sufficient capacity to accommodate the additional pupils expected. Nursery provision in the area is currently being expanded and is expected to have sufficient capacity to accommodate this proposal.

7a.32 Graeme High School will experience capacity pressures in the next 5-10 years due to the collective pressure of new housing development in the catchment area. To deal with the capacity issues associated with this site. A contribution of £197,762 is required. This can be broken down as follows - 81 houses at £2,334 per house and 14 flats at £622 per flat. The applicants have confirmed acceptance of this financial contribution.

7a.33 Policy INF06 - Healthcare and New Housing Development states:-

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

7a.34 The Falkirk settlement area is not identified in the associated supplementary guidance as being a location where GP services' capacity would be pressured by new housing development.

- 7a.35 NHS Forth Valley have advised that the supplementary guidance is out of date. The site is in the catchment area of 5 practices, all of which are at capacity. NHS Forth Valley have requested a contribution of £1,585.14 per unit, equating to £175,950. This is based on the methodology provided in the Supplementary Guidance, SG11. Since this request, it has become evident that healthcare contributions have been over estimated. This is because the Scottish Futures Trust metrics have been misapplied, resulting in an over estimate of the amount of space required per unit. The Council is in discussion with NHS Forth Valley to agree a new basis for calculating contribution rates which will be included in the new SG11 coming forward in conjunction with LDP2. In the meantime, a revised calculation of the rate to be applied to this proposed development, based on properly applied and verified parameters, is awaited from NHS Forth Valley.
- 7a.36 The applicants have indicated that current housing application policy is to move existing Falkirk Council tenants into new build homes. They have suggested that the residents will already be registered with a practice in the Falkirk area. In addition, very few tenancies come from residents beyond Falkirk Council's boundary. Since 2016, only one of the 286 applicants from outside the Falkirk Council boundary has been provided with a new build property.
- 7a.37 As there is no guarantee regarding the location of existing tenants and whether they are registered within 1 of the 5 practices referred to in the report, this would not be a reason to disregard a financial contribution.
- 7a.38 Policy INF07 - Walking and Cycling states:-
1. *The Council will safeguard and promote the development of the core path network. Where appropriate, developer contributions to the implementation of the network will be sought.*
 2. *New development will be required to provide an appropriate standard of pedestrian and cycle infrastructure, including cycle parking, which complies with current Council guidelines and meets the following criteria:*
 - *Where appropriate, infrastructure supporting the two modes of walking and cycling should be combined and support objectives in agreed Travel Plans helping to support active travel;*
 - *Pedestrian and cycle facilities in new developments should offer appropriate links to existing networks in surrounding areas, in particular to facilitate school journeys and provide connections to public transport, as well as links to other amenities and community facilities;*
 - *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;*
 - *Where practical, no pedestrian route should be obstructed by features that render it unsuitable for the mobility impaired.*

- 7a.39 The development would provide an appropriate standard of pedestrian and cycle facilities within the site and links to existing networks in the area. Cycle parking facilities are proposed at various locations within the development for both visitors and residents. These facilities should generally be covered and secure, however on this occasion the applicant has raised concerns that covered facilities would become a target for antisocial behaviour. Advice was sought from Police Scotland's Architectural Liaison Officer. They advised against covered facilities in this location if they cannot be secured. On this basis, as the cycle parking is for visitors and cannot be secured, it is recommended that they are not covered.
- 7a.40 The site offers good access to core path routes, including the John Muir Way to the east, the controlled crossing and paths through Hallglen to the west, and Callendar Park to the north. It also offers opportunities to connect these up more effectively. The masterplan recognises these connections. Although no path specifications are provided they are noted as being of adequate width.
- 7a.41 It would have been beneficial to include a path through the central open space from the controlled crossing directly to the John Muir Way. This would have provided a visible and high quality connection as well as helping to promote activity and use of this large greenspace. A connection from the controlled crossing point along pavements and a track will nevertheless create a link with the John Muir Way. The applicants have advised that construction within the water main stand-off zone is limited and a further path would not be approved by Scottish Water.
- 7a.42 No upgrading of the John Muir Way from New Hallglen Road to Callendar Wood is proposed. However the contribution to open space improvements referred to above could be used to make improvements to this green link. The upgrading may be limited by the stand-off zone.
- 7a.43 Policy INF08 - Bus Travel and New Development states:-
1. *New development will be required to provide appropriate levels of bus infrastructure or suitable links to existing bus stops or services, as identified within travel plans, taking account of the 400m maximum walking distance required by SPP. 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.*
 2. *Bus infrastructure should be provided at locations and to phasing agreed with the Council, and designed in accordance with the standards set out in current Council guidelines.*
 3. *New development, where appropriate, should incorporate routes suitable for the provision of bus services. Bus facilities within new developments should offer appropriate links to existing pedestrian networks in surrounding areas. Alternatively, new development should be linked to existing bus infrastructure via pedestrian links as described in Policy INF07.*

7a.44 The site is served by existing bus services on New Hallglen Road, but only currently in a northbound direction. This means users would be required to cross New Hallglen Road. The nearest northbound bus stop is located on New Hallglen Road between the Findhorn Place and Dochart Place junctions. This location allows the site to be served by existing bus services within the required 400m maximum walking threshold. The existing pedestrian crossing is via a stepped underpass, making it difficult for all users to access. In order to make the bus stop more accessible an at-grade crossing has been incorporated in to the design. The proposal complies with policy INF08.

7a.45 Policy INF10 - Transport Assessments states:-

1. *The Council will require transport assessments of developments where the impact of the development on the transport network is likely to result in a significant increase in the number of trips, and is considered likely to require mitigation. The scope of transport assessments will be agreed with the Council and in the case of impact on trunk roads, also with Transport Scotland.*
2. *Transport assessments will include travel plans and, where necessary, safety audits of proposed mitigation measures and assessment of the likely impacts on air quality as a result of proposed development. The assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over use of the car.*
3. *The Council will only support development proposals where it is satisfied that the transport assessment and travel plan has been appropriately scoped, the network impacts properly defined and suitable mitigation measures identified.*

7a.46 The transport assessment is acceptable, it considers sustainable transport modes i.e. walking, cycling and bus services. The proposed roundabout is acceptable in capacity terms and only minor changes would be required (these changes could be agreed at the roads construction consent stage). Stage 2 and 3 Road Safety Audits would need to be carried out at the appropriate time.

7a.47 The Travel Plan has a number of minor errors these changes could be dealt with by condition. The proposal complies with policy INF10.

7a.48 Policy INF11 - Parking states:-

The Council will manage parking provision as an integral part of wider transport planning policy to ensure that road traffic reduction, public transport, walking, cycling and safety objectives are met.

1. *The scale of public parking provision in Falkirk Town Centre will be maintained broadly at its current level and any proposed change to parking provision will be assessed against its effect on the vitality and viability of the centre.*
2. *The feasibility of promoting Park and Ride facilities on the road corridors into Falkirk Town Centre will continue to be investigated.*

3. *Parking in District and Local Centres will be managed to promote sustainable travel and the role of the centres.*
4. *New parking will be provided to support the strategic role of railway stations, with priority given to new provision at Falkirk High. Where possible, the provision of new off street parking facilities will be associated with traffic management and other measures to reduce uncontrolled on-street parking.*
5. *The maximum parking standards set out in the SPP will be applied to new development, where relevant, in tandem with the Council's minimum standards. Where the minimum standards cannot be met, developer contributions to enhance travel plan resources may be required in compensation.*

7a.49 The proposed development provides adequate off street parking for residents and visitors in accordance with the National Roads Design Guidance and policy INF11.

7a.50 Policy INF12 - Water and Drainage Infrastructure states:-

1. *New development will only be permitted if necessary sewerage infrastructure is adopted by Scottish Water or alternative maintenance arrangements are acceptable to SEPA.*
2. *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.*
3. *A drainage strategy, as set out in PAN61, 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.51 Scottish Water have advised that there is currently sufficient capacity in the Carron Valley Water Treatment Works and Kinneil Kerse Waste Water Treatment Works. However, further investigations may be required once a formal application has been submitted to them.

7a.52 Surface water is proposed to discharge in to the West Quarter Burn and a detention basin is proposed to treat and attenuate this water run-off to an acceptable standard. Drainage should be designed to ensure that flow routes are maintained and ponding does not occur. The proposed drainage site layout indicates that some finished floor levels are below current ground level for some properties to the North of the site. The applicants have confirmed that finished floor levels will be above ground level.

7a.53 SEPA flood maps indicate that the site, including the access is not at risk of fluvial (river or stream) or pluvial (rain) flooding. The proposal complies with policy INF12.

7a.54 Policy CG01 - Countryside states:-

The Urban and Village Limits defined on the Proposals Map represent the limit to the expansion of settlements. Land outwith these boundaries is designated as countryside, within which development will be assessed in the terms of the relevant supporting countryside policies (Policies CG03 and CG04), and Supplementary Guidance SG01 'Development in the Countryside'.

7a.55 The site lies beyond the boundary of the urban limit and is considered to be within the countryside, as defined in the LDP. The proposed development therefore requires assessment against the 'Housing in the Countryside' policy.

7a.56 Policy CG03 - Housing in the Countryside states:-

Proposals for housing development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:

- 1. Housing required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential;*
- 2. Restoration or replacement of houses which are still substantially intact, provided the restored/replacement house is of a comparable size to the original;*
- 3. Conversion or restoration of non-domestic farm buildings to residential use, including the sensitive redevelopment of redundant farm steadings;*
- 4. Appropriate infill development;*
- 5. Limited enabling development to secure the restoration of historic buildings or structures; or*
- 6. Small, privately owned gypsy/traveller sites which comply with Policy HSG08.*

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment.

7a.57 The proposal does not comply with any of the circumstances to support new housing development in the countryside. Consideration was given to whether it could meet criteria 5 on the list, however the historic building is being substantially demolished and the additional development is not limited. The application is therefore contrary to this policy and the associated guidance.

7a.58 Policy GN01 - Falkirk Green Network states:-

1. *The Council will support the Central Scotland Green Network in the Falkirk area through the development and enhancement of a multi-functional network of green components and corridors as defined in Map 3.5.*
2. *Within the green network, biodiversity, habitat connectivity, active travel, recreational opportunities, landscape quality, placemaking, sustainable economic development and climate change adaptation will be promoted, with particular reference to the opportunities set out in the Settlement Statements, and detailed in the Site Schedule in Appendix 1.*
3. *New development, and in particular the strategic growth areas and strategic business locations, should contribute to the green network, where appropriate, through the integration of green infrastructure into masterplans or through enabling opportunities for green network improvement on nearby land.*

7a.59 The site lies within the Central Scotland Green Network. While the proposal, for a major housing development, would, by definition, significantly reduce the open space character of the site, the proposal also provides opportunities to enhance and improve access to the John Muir Way and provide a green corridor. The extent of this area is shown on the proposed landscaping plan. The proposal is acceptable.

7a.60 Policy GN02 - Landscape states:-

1. *The Council will seek to protect and enhance landscape character and quality throughout the Council area in accordance with Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations.*
2. *Priority will be given to safeguarding the distinctive landscape quality of the Special Landscape Areas identified on the Proposals Map.*
3. *Development proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved.*

7a.61 The majority of the site is taken up with grass pasture, the level areas having been used for grazing in the past while the steep slopes are more overgrown. The site is relatively open with a small grouping of trees to the east. The farm steading is not easily viewed from the adjacent New Hallglen Road, as a consequence of the changes in levels. It is however more visible from distance views.

7a.62 Callendar Park is designated as an 'Inventory Garden and Designed Landscape'. The boundary wall adjacent to the wood is Category C listed. The woodland forms an important backdrop to Hallglen.

7a.63 The submitted landscape appraisal indicates that the site lies at the edge of the urban limit although it could be considered as undesignated countryside. The area is noted as being of medium sensitivity to change.

- 7a.64 The submitted landscape and visual impact assessment includes photomontages from a number of local viewpoints and concludes that the proposed development would be located in a context of settlement, landform and vegetation which would limit the adverse landscape and visual effects on the character of the area. Setting the properties back from the woodland boundary wall would limit the impact on the Inventory Garden and Designed Landscape. Maintaining existing landscaping along the eastern boundary would limit the impact on the John Muir Way and distance views. The works would not result in a significant adverse effect on the character and appearance of the site and its landscape setting.
- 7a.65 The conclusions of the assessment are noted. It is considered that the impacts on distance views are perhaps more significant than indicated in the assessment. However, the impact would remain acceptable.

7a.66 Policy GN03 - Biodiversity and Geodiversity states:-

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

- 1. Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Qualifying features of a Natura 2000 site may not be confined to the boundary of a designated site. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions, and there are imperative reasons of overriding public interest. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).*
- 2. Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- 3. Development likely to have an adverse effect on European protected species, a species listed in Schedules 5, 5A, 6, 6A and 8 of Wildlife and Countryside Act 1981 (as amended), or a species of bird protected under the Wildlife and Countryside Act 1981 (as amended) will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.*

4. *Development affecting Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites (as identified in Supplementary Guidance SG08 'Local Nature Conservation and Geodiversity Sites'), and national and local priority habitats and species (as identified in the Falkirk Local Biodiversity Action Plan) will not be permitted unless it can be demonstrated that the overall integrity of the site, habitat or species will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
5. *Where development is to be approved which could adversely affect any site or species of significant nature conservation value, the Council will require appropriate mitigating measures to conserve and secure future management of the relevant natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required, along with provision for its future management.*
6. *All development proposals should conform to Supplementary Guidance SG05 'Biodiversity and Development'.*

- 7a.67 It has been established through survey work that the site is both a summer and hibernation roost for bats. As bats are a European protected species, a license would be required prior to carrying out redevelopment of the building. The Council are required to consider whether a licence would be granted. There are three tests to be met:
1. That there is a licensable purpose;
 2. That there is no satisfactory alternative and
 3. The action authorised would not be detrimental to the favourable conservation status of the species.
- 7a.68 There is significant need to deliver affordable housing in the Falkirk Council area. The applicants have advised that this need extends to over 1000 additional properties by 2021. There would be long term benefits to the community and the proposals demonstrate imperative reasons of overriding public interest. The proposal complies with the first test.
- 7a.69 The farm building is deteriorating, the works would enable the building to be retained in use for the future. Although the roost would be destroyed if bats are present they could be relocated in a controlled manner. The proposals comply with the second test.
- 7a.70 The bat species observed are common and widespread. The bats noted within the site are of low conservation significance. By installing bat boxes nearby, the favourable conservation status would be maintained. The proposal complies with the third test.
- 7a.71 SNH have advised that they consider it likely that a licence would be granted.

- 7a.72 The site is a potential nesting location for birds and barn owls in particular. A barn owl survey has been completed but full access to the site could not be obtained. Falkirk Council staff noted the presence of a Barn Owl during a site visit. It would be appropriate to condition the timing of development to prevent a potential impact on protected species. This would involve restricting demolition works on the building to ensure it is not carried out during nesting season.
- 7a.73 The proposal complies with the requirements of policy GN02 and the Wildlife and Countryside Act 1981.
- 7a.74 Policy GN04 - Trees, Woodland and Hedgerows states: -

The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:

- 1. Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- 2. In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
- 3. Development which is likely to affect trees should comply with Supplementary Guidance SG06 'Trees and Development', including the preparation where appropriate of a Tree Survey, Constraints Plan, and Tree Protection Plan. Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
- 4. The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare and implement an appropriate Management Plan; and*
- 5. There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character.*

- 7a.75 A tree survey and arboriculture constraints report accompanies the application. The survey identified 23 individual trees and groups of trees and hedges to the north, east and south of the site. The survey noted 4 category A (trees of high quality) trees, 3 category B (moderate quality) trees, 15 category C (low quality) trees and 1 category U (less than 10 year life expectancy) tree.

- 7a.76 The proposal would result in the loss of two trees to accommodate the new access roundabout. These are both category C trees in fair condition with 10-20 years of further life expectancy. Their removal is acceptable on the basis that replacement tree planting can occur elsewhere within the site and the roundabout is fundamental to the success of the scheme.
- 7a.77 5 further trees, an area of dense holly and a small section of hedgerow would be lost. The principle group of mature trees to the north east of the site would be retained. Many of these trees have a life expectancy of more than 40 years and are in good condition. There would be a minor impact on one tree associated with construction of the turning head and parking area. One tree is recommended for removal for safety reasons. The retention of this grouping of trees is positive.
- 7a.78 There are a number of large trees beyond the boundary wall to the north, within Callendar Wood. The report recommends a minimum buffer zone of at least 5m to protect these trees. The majority of development has been excluded from the zone adjacent to these trees. Where development is shown, it is limited to gardens and boundaries.
- 7a.79 The framework drawing has been informed by the existing trees and tree retention/compensatory new planting would be considered further at detailed planning stage. Conditions are recommended in relation to tree protection measures and landscaping. The proposal complies with policy GN04.
- 7a.80 Policy GN05 - Outdoor Access states:-

The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network, and routes which support the development of the Green Network. When considering development proposals, the Council will:

- 1. 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;*
- 2. Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development; and*
- 3. 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.81 The site is adjacent to the John Muir Way. It is not expected that the path would need to be closed to accommodate construction work. The development would create new links to the green network. Additional walkways could be provided in the grassed areas by cutting routes through the grass. The proposal accords with policy GN05.
- 7a.82 Policy D01 - Placemaking states: -

The following locations are regarded as key opportunities for placemaking within the area, within which there will be a particular emphasis on high quality design and environmental enhancement:

1. *Strategic Housing Growth Areas & Business Locations*
2. *Town and Village Centres*
3. *Town Gateways and Major Urban Road Corridors*
4. *Canal Corridor*
5. *Central Scotland Green Network*

7a.83 The site lies within the Central Scotland Green Network and therefore provides a key opportunity for place-making within the area. The principles of the masterplan including the green space provision, links across the site and good design will help to successfully integrate the development into its surroundings.

7a.84 Policy D02 - Sustainable Design Principles states:-

New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:

1. *Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
2. *Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, distinctive, welcoming, adaptable, safe and easy to use;*
3. *Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
4. *Climate Change & Resource Use. Development should promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
5. *Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
6. *Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.*

Masterplans will be required for significant development proposals requiring a co-ordinated approach to design and infrastructure, and should demonstrate how the above principles have been incorporated into the proposals.

Masterplans should be informed by a development framework or brief where relevant.

7a.85 The proposed development would provide a high standard of design quality which is considered to comply with policy D02.

7a.86 Policy D03 - Urban Design states:-

New development should create attractive and safe places for people to live, work and visit. Accordingly:

- 1. Development proposals should conform with any relevant development framework, brief or masterplan covering the site. Residential proposals should conform with Supplementary Guidance SG02 'Neighbourhood Design';*
- 2. The siting, density and design of new development should create a coherent structure of streets, public spaces and buildings which respects and complements the site's context, and creates a sense of identity within the development;*
- 3. Street layout and design should generally conform with the Scottish Government's policy document 'Designing Streets';*
- 4. Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality architectural or landscape treatment;*
- 5. Development proposals should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, and contributes, where appropriate, to the wider green network;*
- 6. Development proposals should create a safe and secure environment for all users through the provision of high levels of natural surveillance for access routes and public spaces; and*
- 7. Major development proposals should make provision for public art in the design of buildings and the public realm.*

7a.87 The design of the listed building and new housing is appropriate and considered in more detail in paragraph 7a.93 onwards. The listed building would remain the dominant feature despite new development on either side of it. The proposed street layout provides an acceptable level of connectivity. While the proposed landscape layout provides a good range of landscape features across the site. The layout creates a coherent and integrated streetscape with a satisfactory mix of units. The scheme complies with policy D03.

7a.88 Policy D04 - Low and Zero Carbon Development states:-

1. *All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO₂ emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:*
 - *Proposals for change of use or conversion of buildings;*
 - *Alterations and extensions to buildings;*
 - *Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
 - *Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
 - *Temporary buildings with consent for 2 years or less; and*
 - *Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.*
2. *The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;*
3. *Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes.*

7a.89 A detailed Energy Statement has been submitted. It indicates that the requirements of policy D04 will be met through photovoltaic systems. The dwellings will be at least Bronze Active in terms of the Building Regulations.

7a.90 The potential for decentralised energy schemes has been explored although to a limited extent. These have been ruled out for a variety of reasons.

7a.91 Policy D08 - Sites of Archaeological Interest states:-

1. *Scheduled ancient monuments and other identified nationally important archaeological resources will be preserved in situ, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting will not be permitted unless there are exceptional circumstances;*

2. *All other archaeological resources will be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications; and*
3. *Developers may be requested to supply a report of an archaeological evaluation prior to determination of the planning application. Where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development.*

7a.92 The cultural heritage report notes that the first Battle of Falkirk is often considered to have been sited in this area by historians. An Iron Age hill fort is located just to the north west. As such it would be appropriate to add a condition to the permission regarding a programme of archaeological work.

7a.93 Policy D09 - Listed Buildings states:-

The Council supports the sustainable re-use and management of the historic built environment, and on that basis there is a presumption against demolition or any other works that would adversely affect the special interest or setting of a listed building. The Council recognises, however, that listed buildings will require alteration, extension and adaptation from time to time to remain in beneficial use and encourages creative and sensitive development where there are no such adverse effects. Accordingly:

1. *The layout, design, materials, scale, siting and use of any development affecting a listed building, or its setting, including extensions, replacement windows, doors, roofs, rainwater goods, boundary treatments and other features, shall be appropriate to the character and appearance of the building and its setting, and should conform to Supplementary Guidance SG16 'Design Guidance for Listed Buildings and Non-Listed Buildings in Conservation Areas'.*
2. *Proposals for the total or substantial demolition of a listed building will only be supported where it is demonstrated beyond reasonable doubt that every effort has been made by all concerned to find practical ways of keeping it. In particular it should be demonstrated that:*
 - the existing building is no longer of special interest;*
 - the existing building is incapable of physical repair and re-use, as shown by the submission and verification of a thorough structural condition report;*
 - the costs of repair and re-use are such that it is not economically viable. Supporting evidence should include a full economic appraisal, evidence that grant aid is not able to meet any funding deficit, and evidence that the building has been actively marketed at a reasonable price and for a period reflecting its location, condition and possible viable uses without finding a restoring purchaser; or*
 - the demolition of the building is essential for the delivery of significant economic benefits for the local or wider community.*

3. *RCAHMS will be formally notified of all proposals to demolish listed buildings to enable features to be recorded.*

- 7a.94 The listed farm steading dates back to circa 1850 and appears to have had some association with the wider Callendar Estate. The listing description confirms the building has a 'quadrangular symmetrical south front with single storey and attic farmhouse having 2 storey gables central section flanked by triple shafted chimneys 2-storey north entrance tower with semi-elliptical arch, semi-elliptical cartshed arches in court. Rubble with droved dressings. Slated eaves cut back.'
- 7a.95 The proposal would result in the substantial demolition of the listed building. The dountakings would include the removal of roof timbers, chimneys and inappropriate roofing tiles. Demolition of the east and south elevations and partial demolition of the remaining elevations are also proposed. Policy D09 and the associated guidance, set out criteria for considering demolition of listed buildings.
- 7a.96 The building remains of special interest, it is a category C building, meaning it is of special architectural or historic interest and is representative of a period, style or building type. In this case, it is a relatively old farm steading. The building has deteriorated over time, with fire and water damage. However, it remains of special interest. Detailed structural condition reports have been submitted which indicate that the building can be retained in part. The applicants are proposing to retain as much of the original building as possible and sympathetically extend it elsewhere. The building is owned by Falkirk Council and it is their intention to use it for social housing. They have not therefore considered marketing the site. This is one of the larger remaining sites in the Falkirk Council boundary, which is owned by Falkirk Council and suitable for housing. The Council have indicated that there is a significant need for social housing in the area. On balance, the substantial demolition and rebuild is considered acceptable.
- 7a.97 The proposed alterations and extensions to the roof areas complement the building's special architectural and historic significance. The proposed application of render to new areas of external walls above original wallhead areas is acceptable, as contrasting finishes ensure that modern alterations are legible. The detailed design for the proposed refurbishment, extension and conversion of the category C listed farmhouse is acceptable.
- 7a.98 The installation of photovoltaic panels on internal facing roof slopes of the listed building, visible only from the private internal courtyard, is acceptable. Generally speaking, the proposal represents an appropriate solution to bringing a listed building back in to use.
- 7a.99 A number of conditions are recommended in relation to the reconstruction of the listed building. Walling should be rebuilt in salvaged natural stone to match the existing retained stone walls of the farm. The use of artificial walling would not be appropriate.
- 7a.100 The proposed layout of new housing around the listed building does slightly crowd the original farmstead. However, the site is restricted and the arrangement is, on balance, acceptable.

- 7a.101 The northern boundary of the site is formed by the category C listed Callendar Park Policy Wall. The listing reads as follows; 'Probably predominantly early to earlier 19th century incorporating earlier fabric (see Notes). Long high stretch of policy walls forming southern boundary to Callendar Wood and formerly denoting boundary of Callendar House policies. Mostly sandstone rubble with flat coping, some large boulders and brick infill, of variable state of repair'. The policy walls are an integral part of Callendar Park, having existed in this location for many years.
- 7a.102 The wall is in varied condition, some parts require only minor works, while other parts are missing or unstable. The applicants survey recommends that parts of the wall should be lowered to 1.2m and fencing used to replace areas that require rebuilding. This is not considered an appropriate conservation solution. A condition is recommended in this respect and a separate listed building application.
- 7a.103 Policy D12 - Historic Gardens and Designed Landscapes states:-
1. *There will be a presumption against development which would adversely affect the character or setting of sites identified in the 'Inventory of Gardens and Designed Landscapes in Scotland', as identified on the Proposals Map.*
 2. *The value of other historic gardens and designed landscapes not listed in the Inventory will be given due weight in the planning process, having regard to their historical significance, integrity and condition. Non-inventory sites will be identified within Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations'.*
 3. *The Council will seek to encourage sensitive restoration and management of historic gardens and designed landscapes.*
- 7a.104 The site lies adjacent to the Callendar Park Garden and Designed Landscape. The proposed development is shown set back from the boundary. It is not considered that the development would adversely affect the character or setting of the inventoried site.
- 7a.105 Policy RW04 - Agricultural Land, Carbon Rich Soils and Rare Soils states:-
1. *Development involving the significant permanent loss of prime quality agricultural land (Classes 1, 2 and 3.1), carbon rich soils (basin peat, blanket bog, peat alluvium complex, peaty podzols and peaty gleys) and rare soils (podzols, humus iron podzols and saltings) will not be permitted unless:*
 - *The site is specifically allocated for development in the LDP; or*
 - *Development of the site is necessary to meet an overriding local or national need where no other suitable site is available.*
 2. *Planning applications for development which is likely to disturb areas of carbon rich or rare soil will be required to submit a soil or peat management plan which demonstrates that:*
 - *the areas of highest quality soil or deepest peat have been avoided;*
 - *any disturbance, degradation or erosion has been minimised through mitigation; and*
 - *any likely release of greenhouse gas emissions caused by disturbance is offset*

7a.106 The development would result in the loss of just over 2 hectares of prime agricultural land. The applicants note that Woodend Farm has not been farmed for nearly 50 years with more recent uses being limited to grazing land and a riding stable. The site is not allocated in the current LDP but is expected to be in LDP2. The development would create 111 affordable units. The Housing Need and Demand Assessment indicates that Falkirk Council currently needs more than 1000 new social rented properties. The development of this site, in the context of policy RW04 is considered to meet an overriding local need and therefore complies.

7a.107 Policy RW06 - Flooding states:-

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

7a.108 This site is not considered to be at risk of flooding. It is not anticipated that it would increase flood risk elsewhere.

7a.109 Policy RW07 - 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). An Air Quality Assessment may be required for developments that are within AQMAs or where the proposed development may cause or significantly contribute towards a breach of National Air Quality Standards. Development proposals that result in either a breach of National Air Quality Standards or a significant increase in concentrations within an existing AQMA will not be permitted unless there are over-riding issues of national or local importance.

7a.110 The implications of increased road traffic from the development have been considered in an Air Quality Assessment. Mitigation measures are recommended in the assessment. The proposal complies with policy RW07.

7a.111 Policy RW09 - Waste Reduction in New Development states:-

All new development (including residential, commercial, business and industrial uses) should seek to minimise the production of construction waste and seek to recycle as much waste as possible, in accordance with the Zero Waste Plan. Proposals should:

- 1. Identify the amount of construction waste to be produced and recycled;*
- 2. Identify what measures are proposed to reduce the production of construction waste and to maximise the use of recycled materials on site;*
- 3. Include appropriate provision for the collection and storage of waste and recyclable materials, including composting facilities.*
- 4. Locate communal recycling facilities in an accessible and convenient location.*

7a.112 The applicant has indicated that they are committed to minimising the production of waste and recycling waste materials on-site where possible. Adequate waste storage and recycling facilities are noted on the drawings.

7a.113 Policy RW10 - Vacant, Derelict Unstable and Contaminated Land states:-

Proposals that reduce the incidence of vacant, derelict, unstable and contaminated land will be supported, subject to compliance with other LDP policies, particularly those relating to development in the countryside. Where proposals involve the development of unstable or contaminated land, they will only be permitted where appropriate remediation or mitigation measures have been undertaken.

7a.114 The reconstruction and extension of the building would allow a currently derelict building to come back in to functional use for social housing. The proposal complies with policy RW10.

Falkirk Council Supplementary Guidance Forming Part of the LDP

7a.115 The following Falkirk Council Supplementary Guidance is relevant to the application:-

- SG01 'Development in the Countryside';
- SG02 'Neighbourhood Design';
- SG05 'Biodiversity and Development';
- SG06 'Trees and Development';
- SG09 'Landscape Character Assessment and Landscape Designations';
- SG10 'Education and New Housing Development';
- SG11 'Healthcare and New Housing Development';
- SG12 'Affordable Housing';
- SG13 'Open Space and New Development'; and
- SG15 'Low and Zero Carbon Development'.

7b Material Considerations

7b.1 The following considerations are relevant or potentially relevant to the determination of the application:-

Scottish Planning Policy

7b.2 Scottish Planning Policy (SPP) 2014 sets out national planning policies for the development and use of land. SPP recognises that the planning system has a vital role to play in delivering high quality places for Scotland and contributing towards sustainable economic growth. It contains the following two principal policies:-

- There is a presumption in favour of development that contributes to sustainable development; and
- Planning should take every opportunity to create high quality places by taking a design-led approach.

7b.3 In terms of 'sustainable development', SPP advises that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. This means that policies and decisions should be guided by the following principles:-

- Giving due weight to net economic benefit;
- Responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- Supporting good design and the six qualities of successful places;
- Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- Supporting delivery of accessible housing, business, retailing and leisure development;

- Supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- Supporting climate change mitigation and adaptation including taking account of flood risk;
- Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- Having regard to the principles for sustainable land use set out in the Land Use Strategy;
- Protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- Reducing waste, facilitating its management and promoting resource recovery; and
- Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

Development Management

- 7b.4 SPP advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of this plan is maintained, the SPP and the assumed presumption in favour of development that contributes to sustainable development will be material considerations.
- 7b.5 Where relevant policies in a development plan are out-of date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision making should also take into account any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the wider policies of the SPP.
- 7b.6 SPP advises that where a shortfall in the 5 year effective housing land supply emerges, development plan policies for the supply of housing will not be considered up-to-date. The Council's 2018/19 Housing Land Audit, dated August 2019, indicates that there is a 4.1 year effective housing land supply in the Falkirk Council area. This amounts to a shortfall of 599 units in terms of the requirement for a 5 year supply. The presumption in favour of development that contributes to sustainable development will therefore be a significant material consideration in determining this planning application. The principles of sustainable development are set out in paragraph 7b.3 above. Policy HSG01 of the LDP reflects the requirements of SPP and sets out the order of preference for sustainable development proposals. Firstly urban capacity sites, then brownfield sites, and lastly sustainable greenfield sites.

- 7b.7 Where a plan is under review, SPP advises that it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

Rural Development

- 7b.8 SPP advises that in pressurised areas (easily accessible from Scotland's cities and main towns) where ongoing development pressures are likely to continue, it is important to protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside. This is particularly so when there are environmental assets such as sensitive landscapes or good quality agricultural land. In such circumstances, a more restrictive approach to new housing development is appropriate, and plans and decision making should generally:-

- Guide most new development to locations within or adjacent to settlements, and
- Set out the circumstances in which new housing outwith settlements may be appropriate.

Enabling Delivery of New Homes

- 7b.9 SPP advises that the planning system should:-

- Facilitate new housing development by identifying a generous supply of land for each housing market area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times;
- Enable provision of a range of attractive, well designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and
- Have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stake-holders.

Sustainable Transport

- 7b.10 Paragraph 287 of SPP indicates that planning permission should not be granted for significant travel generating uses at locations which could increase reliance on the car and where:-

- Direct links to local facilities via walking and cycling networks are not available or cannot be made available;
- Access to local facilities via public transport would involve walking more than 400 metres; or
- The transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.

Placemaking

- 7b.11 'Creating Places' is a policy statement on architecture and place making. 'Designing Streets' is a policy statement putting street design at the centre of place making. The Scottish Government and Convention of Scottish Local Authorities (COSLA) have recently agreed a joint statement on the 'Place Principle', promoting place making at local level.

Falkirk Council Housing Land Audit, August 2019

- 7b.12 As stated in paragraph 7b.6 of this report, the Council's 2018/19 Housing Land Audit, indicates that there is a 4.1 year effective housing land supply. This amounts to a shortfall of 599 units. The shortfall reflects the difference between the 5 year housing land target (3,375 units) and the effective land supply (2,776 units). In addition to the effective land supply, private windfall and small sites may also make a contribution to the housing land supply.

Falkirk Local Development Plan 2 (LDP2)

- 7b.13 LDP2 is advancing towards adoption, expected in July 2020. The Main Issues Report (MIR) was published in February 2017 and the MIR consultation concluded in May 2017. The proposed LDP2 was published in September 2018 with the consultation period running from 27 September 2018 to 23 November 2018. The representations on proposed LDP2 were considered by the Council on 26 June 2019. LDP2 was submitted to the Scottish Ministers in July 2019 and the examination of unresolved representations commenced in October 2019. The Ministers report is anticipated in the coming weeks with a view to adoption of LDP2 in the Summer 2020.
- 7b.14 Proposed LDP2 provides an indication of the Council's views in relation to Development Plan policy and constitutes a material consideration in determination of planning applications.
- 7b.15 LDP2 sets out a housing land requirement of 5130 units between 2020 and 2030 as opposed to the housing land requirement of 7907 units between 2014 and 2024 in the LDP. The housing land requirement may therefore reduce from 2020, with additional allocations being added to the supply and a consequential positive impact on any shortfall. However the situation will only be confirmed once the Proposed Plan has been through the Examination process (carried out by Scottish Ministers) and adopted.
- 7b.16 Under LDP2, the application site has been moved within the boundary of the urban village limits. It is allocated for housing under site H42 with a capacity of 90 units and a site area of 4.7ha. The description reads as follows;

'New housing supply site. Greenfield site for Council housing forming extension to Hallglen. Masterplan required, supported by Landscape and Visual Assessment. Access to be taken off New Hallglen Road. Sensitive restoration of C-listed Woodend Farm building is required with setting safeguarded. Callendar Wood and boundary wall to be sensitively treated with suitable buffer, bearing in mind status as Inventory Garden and Designed Landscape. Comprehensive planting scheme required to screen new housing on exposed southern edge of site and mitigate landscape and visual impacts. Screen planting also required, to safeguard amenity of John Muir Way to the east. Linear central open space following water main should

provide path connection from Woodend Walk to John Muir Trail. Education contributions required.'

- 7b.17 The proposed development would accord with the requirements of the housing allocation H42.

Planning History

- 7b.18 The planning history for the site is summarised in section 3 of the report. This is a material consideration in the assessment of the application.

Consultation Responses

- 7b.19 The consultation responses are summarised in section 4 of the report. These responses are a material consideration in the assessment of the application.

Representations Received

- 7b.20 One representation was received in response to the application. The concerns raised are summarised in the report, at section 6.
- 7b.21 It is the responsibility of dog owners to keep their dog under appropriate control at all times. This would continue to be the case if the development were to be granted permission. The development provides new and additional footpaths with road crossing points which all comply with the current road standards. The matters regarding deer are not considered to be a significant issue in terms of wider road safety.

7c Conclusion

- 7c.1 The application is a major development and seeks planning permission for residential development in a countryside location. Owing to the countryside designation of the site under the LDP, and its scale and nature, the application was assessed as potentially significantly contrary to the LDP. Accordingly a Pre-Determination Hearing was held and the application is required to be determined by Full Council.
- 7c.2 A planning application is to be determined in accordance with the LDP unless material considerations indicate otherwise. The material planning considerations in this instance include Scottish Planning Policy (SPP), the proposed Falkirk Local Development Plan 2 (LDP2), the effective housing land supply, the consultation responses and the planning history for the site.
- 7c.3 SPP advises that in circumstances where there is a shortfall in the 5 year effective housing land supply, development plan policies for the supply of housing land will not be considered up to date and the presumption in favour of development that contributes to sustainable development will be a significant material consideration. As stated in this report, the Council has an effective housing land supply shortfall. The shortfall is 599 units, which equates to a 4.1 year effective housing land supply.

- 7c.4 In terms of 'sustainable development' SPP advises that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. This means that policies and decisions should be guided by the principles set out in paragraph 7b.3. SPP also indicates that decision making should take into account any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the wider policy of SPP.
- 7c.5 In this case the proposed development has both benefits and costs, having regard to the principles set out in SPP. The potential benefits include:-
- The economic benefits of the proposal, for example, at the construction stage;
 - The significant contribution the development could potentially make to the effective housing land supply, noting that the site is also in the site schedule for the proposed LDP2.
 - The creation of a desirable residential environment.
 - An opportunity to enhance public access opportunities through the provision of new pedestrian and cycle linkages and a new crossing point;
 - The reconstruction and expansion of a category C listed building.
 - The construction of 111 affordable houses which would contribute to reducing Falkirk Council's social housing deficit.
- 7c.6 Balanced against this:-
- The site is greenfield land in the countryside, outwith the urban limits as defined in the LDP. The development of urban capacity sites and additional brownfield sites are preferable as they are more likely to be sustainable sites and make more efficient use of land;
 - The proposal represents a large scale housing development in the countryside, at odds with the current Local Development Plan.
- 7c.7 The proposed development therefore displays some principles of sustainable development. On balance, it is considered that the development would bring significant benefits in terms of reducing the housing allocation deficit and would provide 111 affordable homes. In addition, the site is allocated in the forthcoming LDP2, which gives a clear indication of the Council's future intentions. The proposed LDP2 is a material consideration in the determination of the application. The above considerations justify a departure from the development plan in this instance.
- 7c.8 The overall conclusion is that the application is acceptable and is recommended for approval. The material considerations are a significant factor in determining this application. The application is significantly contrary to the Local Development Plan and Falkirk Council has an interest in the land. As such, if Members are minded to grant planning permission, the application will need to be referred to Scottish Ministers for their consideration in accordance with the procedures set out in circular 3/2009 'Notification of Applications'. Scottish Ministers will then decide whether they wish to call in the application for their own determination or to leave determination of the application with Falkirk Council.

8. RECOMMENDATION

- 8.1 It is recommended that the Council be minded to grant planning permission subject to notification of its intention to grant permission to the Scottish Ministers. If the Scottish Ministers do not call in the application for their own determination, the Director of Development Services shall be authorised to grant planning permission subject to the following proposed conditions:-**
- 1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and the supporting information forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by the Local Planning Authority.**
 - 2. No development shall commence on site until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;**
 - i) a programme and methodology of site investigation and recording;**
 - ii) the programme for post investigation assessment;**
 - iii) the provision to be made for analysis of the site investigation and recording;**
 - vi) the provision to be made for publication and dissemination of the analysis and records of the site investigation;**
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;**
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.**
 - 3. No development shall take place other than in accordance with the Written Scheme of Archaeological Investigation approved under condition 2, until such time as condition 2 has been complied with and the archaeological investigation has been carried out.**
 - 4. The demolition of Woodend Farm shall be carried out by hand or by hand-held tools only and the stone stored for re-use in reconstruction of the building, unless otherwise agreed in writing by the Local Planning Authority.**
 - 5. Replacement stone for the listed building shall match the existing stone as closely as possible in all respects. A petrographic analysis of the existing stone shall be undertaken to inform the choice of replacement stone. Stone replacement shall not commence until the petrographic analysis and details of the proposed replacement stone have been submitted to and approved in writing by the Local Planning Authority.**

- 6. No construction/reconstruction of building/s shall take place until a sample panel of the materials to be used in the external surfaces shall have been prepared on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.**
- 7. No development shall commence on site unless otherwise agreed by the Local Planning Authority until the following have occurred;**

 - i. A scheme of intrusive site investigations has been carried out, as recommended in the Coal Mining Risk Assessment Report (MM-EC, 10 May 2017(Contaminated Land Survey, Appendix 5)).**
 - ii. A report on the findings of the intrusive site investigation report have been submitted to and approved in writing by the Local Planning Authority.**
 - iii. A scheme of remedial works have been submitted to and approved in writing by the Local Planning Authority.**
 - iv. The remedial works have been implemented.**
- 8. i. No development shall commence on site unless otherwise agreed with the Local Planning Authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.**

 - ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.**
 - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.**

- iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- 9. Prior to the commencement of development, an updated phasing plan showing the location of the proposed works compound and construction vehicle parking area and including timescales for completion of the parking, cycle storage facilities, footway improvements, farm steading conversion and signalised crossing shall be submitted to and approved in writing and only the approved details shall be implemented.
- 10. Prior to the commencement of development on the site, a notice stating "PRESERVED" shall be placed on the trunk of all trees to be retained and this notice shall not be removed until all construction work on the site is completed.
- 11. Prior to the commencement of development on the site, temporary tree protection fencing shall be erected in a position to first be agreed with the Planning Authority around the tree crown spread of the trees to be retained and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off areas. The fencing shall not be removed until all construction work on the site is completed.
- 12. Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of development, confirmation shall be provided of the arrangements for the provision and phasing of financial contributions of £189,054 to be made to Childrens Services of Falkirk Council to mitigate the development impacts on Graeme High School and £84,672 to upgrade open space provision in the vicinity of the application site.
- 13. The development hereby approved shall not be occupied or brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:
 - i) a copy of the appropriate sustainability label (i.e. at least Bronze Active); and
 - ii) a Statement of Conformity which confirms that 10%, of the required CO₂ emissions reduction is achieved through the installation of low and zero carbon generating technologies.

Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by The Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

14. No part of the development shall be occupied until an updated Residential Travel Pack has been submitted to and approved in writing by the Local Planning Authority. The approved pack shall be provided to each residential unit at the time of first occupation.
15. There shall be no tree, scrub, grassland clearance or demolition works within the bird nesting season (March to August inclusive), unless a nesting bird check has been carried out by a suitably qualified ecologist prior to commencement of the clearance works. Prior to the works commencing the findings of the nesting bird check shall be submitted to and approved in writing by the Local Planning Authority.
16. Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.
17. Before the development is occupied, a Stage 2 Road Safety Audit shall be submitted to and approved in writing by this Planning Authority. Thereafter, within one month of the development being occupied, 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 road safety audits shall be funded and implemented by the applicant.
18. The above permission specifically excludes the wall repair and replacement details referred to in the submitted 'Woodend Farm, New Hallglen Road, Falkirk Structural Inspection of Stone Boundary Wall' report.
19. The air quality mitigation measures shall be implemented in accordance with Appendix F of the 'ITP Energised Air Quality Assessment', unless otherwise agreed in writing by the Local Planning Authority.
20. The bat mitigation measures shall be implemented in accordance with the 'Mitigation and Compensation Strategy' in Section 4 of the 'Bat Species Protection Plan', unless otherwise agreed in writing by the Local Planning Authority.

Reason(s):-

1. As these drawings and details constitute the approved development.
- 2-3. To ensure that any archaeological remains are safeguarded.
4. To preserve the original stonework from the building, to enable its reuse.

5. To protect the fabric of the listed building by ensuring that the replacement stone is a suitable match to the existing.
6. To enable the Planning Authority to consider this/these aspect(s) in detail.
- 7-8. To ensure the ground is suitable for the proposed development.
9. To enable the Planning Authority to consider this/these aspect(s) in detail.
- 10-11. To safeguard the existing trees from damage during construction work.
12. To ensure the impacts of the development are adequately mitigated.
13. To ensure the development incorporates sustainable energy solutions.
14. To encourage the use of sustainable travel options.
15. To protect birds during the bird nesting season.
16. To enable the Planning Authority to consider this/these aspect(s) in detail.
17. To ensure the roads network is safe.
18. Inadequate information has been provided and a further listed building consent would be required.
19. To ensure the development does not have a detrimental impact on air quality.
20. To protect bats and bat hibernation areas and encourage the survival of a protected species.

Informative(s):-

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
2. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 1, 02B-12, 13A, 14A-40, 41A-53A, 54A-61, 62A-86.
3. The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

Monday to Friday	08:00 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Protection Unit.

4. Under section 7(2) (b) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, recipients of consent to demolish a listed building are required to give Historic Environment Scotland notice of this consent being issued. This is to allow Historic Environment Scotland to record the building. This process can take up to 3 months.
5. A licence is required in relation to the demolition of the farm steading. Advice for developers can be found at <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing>
6. Guidance on Crime Prevention Through Environmental Design can be found on www.securedbydesign.com Police Scotland have advised that there is a high risk of metal theft and or Plant thefts throughout Scotland, and appropriate security measures must be considered during the construction phase.
7. The John Muir Way, where it bounds the site, shall remain free from obstruction associated with the construction activities during the proposed works.

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pp Director of Development Services

Date: 28 February 2020

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Development Plan, July 2015.
2. SG01 'Development in the Countryside'.
3. SG02 'Neighbourhood Design'.
4. SG05 'Biodiversity and Development'.
5. SG06 'Trees and Development'.
6. SG09 'Landscape Character Assessment and Landscape Designations'.
7. SG10 'Education and New Housing Development'.
8. SG11 'Healthcare and New Housing Development'.
9. SG12 'Affordable Housing'.
10. SG13 'Open Space and New Development'.
11. SG15 'Low and Zero Carbon Development'.
12. Scottish Planning Policy 2014.
13. Creating Places Policy Statement.
14. Designing Streets Policy Statement.
15. Proposed Falkirk Local Development Plan 2, September 2018.
16. Falkirk Council Housing Land Audit, August 2019.
17. Objection received from Mr Philip Morant, 12 Montfort Place, Falkirk, FK1 1QS on 21 February 2020.

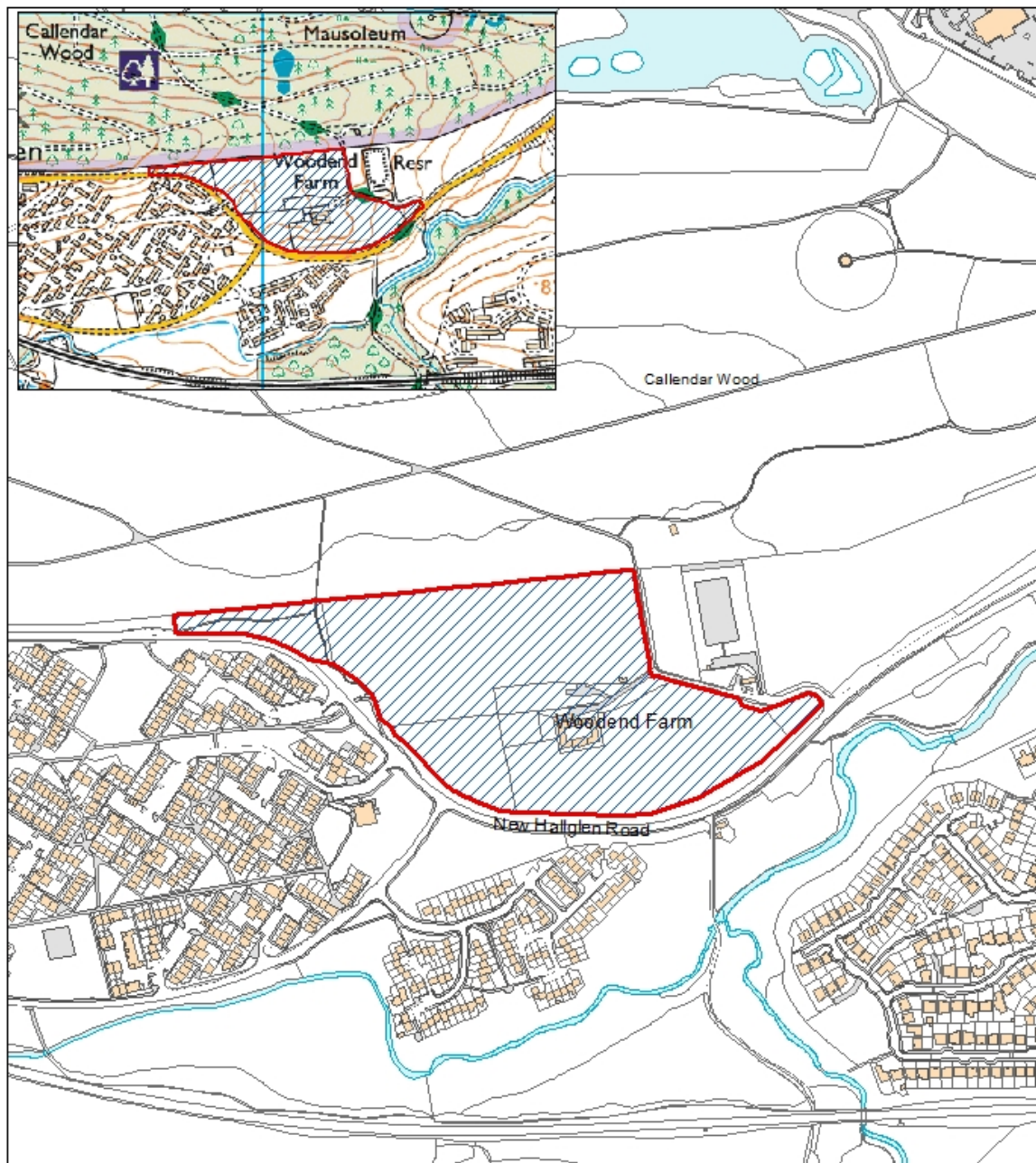
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Katherine Chorley, Planning Officer.

Falkirk Council

Planning Application Location Plan

P/19/0453/FUL

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



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