

Agenda Item 7

**DEVELOPMENT OF LAND FOR
RESIDENTIAL PURPOSES WITH
ASSOCIATED INFRASTRUCTURE AT
NORTH BANK FARM, BO'NESS, EH51
9RR FOR MR HENDERSON -
P/20/0219/PPP**

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES
WITH ASSOCIATED INFRASTRUCTURE AT
NORTH BANK FARM, BO'NESS, EH51 9RR FOR MR
HENDERSON - P/20/0219/PPP

Meeting: PLANNING COMMITTEE

Date: 22 September 2020

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness

Councillor David Aitchison
Councillor Lynn Munro
Councillor Ann Ritchie

Community Council: Bo'ness

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

[View this Application on Public Access](#)

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to planning permission in principle for residential purposes at North Bank Farm, Bo'ness. Access is shown as being taken off the existing farm track. In support of the application, an indicative site plan has been submitted showing 12 detached dwellinghouses.
- 1.2 The application site is located within a setting of open countryside to the south-east of Bo'ness. The site is currently occupied by agricultural buildings.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in for the consideration of the Planning Committee by Councillor McLuckie for the following reason:
- To look at the proposal in relation to the Miller Homes application in the Falkirk Local Development Plan 2 (LDP2) and the Reporter's recommendations

3. SITE HISTORY

- 3.1 There is no planning history of relevance to the application site.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit comment that the proposed development would be accessed off the C27 Borrowstoun to Champany Road. The access road is a derestricted, unlit, single carriageway with sub-standard horizontal and vertical alignment, consisting of blind bends, steep gradients and width (as little as 3.5m) with no footpath provision.
- 4.2 The Roads Development Unit also comment that the application submission does not contain enough information, to determine if an access can be developed, in accordance with Designing Streets and the National Roads Development Guide. The proposed access road on the indicative layout shows a road with an approximate gradient of 10%. The maximum gradient on a residential street is 8%. The Unit acknowledge that this application is in principle at this stage, but require engineering details to demonstrate that an acceptable access can be achieved.
- 4.3 The Council's Environmental Protection Unit has not objected to the proposed development, subject to a condition in relation to ground contamination.
- 4.4 The Council's Transport Planning Unit did not make comment.
- 4.5 The Council's Children's Services advise that the proposed development would impact Grange Primary School and contributions of £4,398 per house are required.
- 4.6 The Coal Authority have no objection to the application, subject to a condition requiring intrusive site investigations.
- 4.7 Scottish Natural Heritage (SNH) advise that the proposed development would be unlikely to have a significant effect on any qualifying interests of the Firth of Forth SPA. They recommend that a bat survey is carried out.
- 4.8 Scottish Water have no objection to the application.

5. COMMUNITY COUNCIL

- 5.1 Bo'ness Community Council object to the proposed development. They note that the application is in principle and the drawings are indicative, but consider that not enough detail has been submitted. There is no tree cover at the site, so proposed landscaping will take time to grow. The proposed houses would be higher and more prominent than the existing farm buildings. Concerns are also raised about the number of cars likely to be using the access road. The Community Council feel that more clarity is required.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 7 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.
- The drawings show one access road, however, there is a second access track to the east of the farm for farm vehicle access. Concerns are raised that the secondary access could be used, which is single width and would not be suitable and could be dangerous.
 - The development would result in the loss of a viable farm and further erosion of the rural character of Bo'ness.
 - Questions whether 12 luxury villas meet the social and affordable housing needs of the area.
 - The public roads surrounding the application site are not suitable for further residential development.
 - General support for the application. The development would be an improvement on the appearance of existing farm buildings and the development will improve biodiversity.
- 6.2 The Planning Authority received a telephone call from a person named as supporting the application, to complain that the letter was sent to the Council fraudulently. Written confirmation is awaited.

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 2 (LDP2) was adopted on 7 August 2020. The proposed development was assessed against the following policies:
- 7a.2 Policy PE01 'Placemaking' is outlined in Appendix 1,
- 7a.3 The proposed development does not promote the six qualities of successful places as defined in Scottish Planning Policy. The development relates to unjustified development in the countryside, which would not encourage the use of sustainable travel or promote the efficient use of land. The applicant has not demonstrated that safe access can be achieved and proposed landscaping would be outwith the application site. The application is contrary to policy PE01.

- 7a.4 Policy PE14 'Countryside' is outlined in Appendix 1,
- 7a.5 A section of the access track to serve the development proposed is located within housing opportunity H56, as identified in LDP2. As the main body of the application site and all proposed residential development is outwith H56, the application site is assessed as being in the countryside. Policy PE14 advises that the proposed development should be assessed in relation to policy HC05 'Housing Development in the Countryside' and supplementary guidance SG01 'Development in the Countryside'.
- 7a.6 Policy PE15 'Green Belt' is outlined in Appendix 1,
- 7a.7 The application site is also located in the green belt as identified in LDP2. It is considered that the proposed development would not significantly impact the visual separation of settlements, noting that the site is currently occupied by agricultural buildings. The development would not impact access for recreation. Whilst the strategic purposes of the greenbelt are not considered to be significantly undermined, the proposed development fails to satisfy the criteria in policy PE14 'Countryside'. As such, the application is contrary to policy PE15.
- 7a.8 Policy PE17 'Open Space and New Development' is outlined in Appendix 1,
- 7a.9 New development should include public open space, where the quantity, quality or accessibility of recreational open space and play facilities in the locality is insufficient to meet the recreational needs of the new development. In this case it is considered that the remote location of the proposed development would trigger the need for on-site open space provision. The indicative plan does not show open space being incorporated into the development. The application is contrary to policy PE17.
- 7a.10 Policy PE18 'Landscape' is outlined in Appendix 1,
- 7a.11 The application site is located in a local landscape area as identified in LDP2. It is acknowledged that there are visually prominent agricultural buildings at the site, however, farm buildings are expected in a countryside location and they do not have a significant visual impact on the landscape setting of the area. It is considered that the redevelopment of the site with a suburban development (12 detached, 2-storey, modern dwellinghouses are shown on the indicative plan), would have an adverse impact on the landscape character and scenic interest of the area. It is also noted that the site is elevated and visible over a wide area.
- 7a.12 The applicant has submitted a landscape and visual assessment. The assessment relies on screen planting which is outwith the application site and implementation of development which has not been granted planning permission or constructed. It is considered that the proposed development would have a significant landscape and visual affect, contrary to policy PE18.
- 7a.13 Policy PE19 'Biodiversity and Geodiversity' is outlined in Appendix 1,
- 7a.14 The application site is situated close to the Firth of Forth SPA. SNH are of the view that natural heritage interests would not be adversely affected by the proposed development. The applicant has submitted a bat survey which concludes that existing buildings at the site are unsuitable for bat roosting. The application accords with policy PE19.

- 7a.15 Policy HC01 'Housing Land' is outlined in Appendix 1,
- 7a.16 Policy HC01 supports residential development as indicated in the LDP2 spatial strategy, settlement statements and on suitable windfall sites which accord with policy HC02. The application site is identified as countryside as well as being in the green belt in the LDP2. The Council has 5 year supply of effective housing land and there is no justification for development of the site for housing. The application is contrary to policy HC01.
- 7a.17 Policy HC03 'Affordable Housing' is outlined in Appendix 1,
- 7a.18 Housing developments of 20 units and over require 15% of the units to be affordable housing in the Bo'ness area. It is noted that the indicative plan shows 12 houses, however, more units could potentially be developed on site if planning permission in principle is granted. Affordable housing would require to be addressed by legal agreement in accordance with policy HC03, where a positive decision is made and the units developed exceed the affordable housing requirement threshold..
- 7a.19 Policy HC05 'Housing in the Countryside' is outlined in Appendix 1,
- 7a.20 Policy HC05 contains criteria where housing development in the countryside will be supported. This includes housing required for the pursuance of a rural activity, restoration and replacement of existing houses, conversion of non-domestic rural buildings, infill development, enabling development and traveller sites. The proposed development does not fit any of the relevant criteria where housing development is acceptable in the countryside. The application is contrary to policy HC05.
- 7a.21 Policy IR02 'Developer Contributions' is outlined in Appendix 1,
- 7a.22 The proposed development would potentially exacerbate deficiencies in open space, education and affordable housing provision. The full detail of the proposed development and the extent of burden on community infrastructure would be determined at the Matters Specified in Conditions application stage. A legal agreement would be required at this Planning Permission in Principle stage to address potential deficiencies, in accordance with policies PE17, HC03 and IR03, where a positive decision is made.
- 7a.23 Policy IR03 'Education and New Housing Development' is outlined in Appendix 1,
- 7a.24 Children's Services identify that there would be insufficient capacity in Grange Primary School to accommodate the proposed development. Developer contributions would be sought in accordance with policy IR03, where a positive decision is made.
- 7a.25 Policy IR13 'Low and Zero Carbon Development' is outlined in Appendix 1,
- 7a.26 The applicant has not submitted an energy statement to support the application. It is considered reasonable to request on-site low and zero carbon-generating technologies by planning condition in accordance with policy IR13, where a positive decision is made.
- 7a.27 Accordingly, the application is contrary to the LDP2.

7b Material Considerations

7b.1 The material consideration to be assessed are National Planning Policy, supplementary planning guidance, the assessment of public representations and additional planning considerations.

National Planning Policies and Guidance

7b.2 Scottish Planning Policy (2014) (SPP) advises that an up-to-date Development Plan takes primacy over SPP. In this instance the Falkirk Local Development Plan is up-to-date (being adopted this summer) and as such the application should be assessed in accordance with its policies, with SPP as a material planning consideration.

7b.3 The Falkirk Council area is an accessible or pressured rural area, where there is a high level of concern of unsustainable growth in long-distance car-based commuting and suburbanisation of the countryside. SPP supports a more restrictive approach to new housing development within such areas and it is noted that the relevant rural policies guide new development to locations within settlements and sets out circumstances in which new housing out with settlements may be appropriate.

7b.4 LDP2 policy HC05 clearly sets out the circumstances where housing development in the countryside will be accepted in accordance with SPP. The application is not supported by this particular policy in LDP2 nor SPP.

Falkirk Council Non-Statutory Supplementary Planning Guidance

7b.5 Supplementary guidance SG01 'Development in the Countryside' directs new housing development in rural areas to the existing villages, in order to sustain their vitality and take advantage of village services and infrastructure. It is recognised that there are some instances where housing development in the countryside is necessary or supported and policy HC05 gives the circumstances where development will be supported. The application is contrary to LDP2 policy HC05 and Supplementary Guidance SG01, as it does not comply with any of the criteria where the development of housing in the countryside is considered acceptable. The existing agricultural buildings on site (which would be demolished to facilitate development) do not provide justification for the proposed development.

7b.6 The applicant has not submitted an energy statement, in accordance with SG15 'Low and Zero Carbon Development', however, it would be reasonable to require this information to be submitted for approval by condition where a positive recommendation is made.

7b.7 The application accords with the general guidance contained in supplementary guidance SG05 'Biodiversity and Development'. Subject to conclusion of a legal agreement the application would accord with supplementary guidance SG10 'Education and New Housing Development', SG12 'Affordable Housing' and SG13 'Open Space and New Development'.

Assessment of Public Representations

7b.8 The concerns in relation to access to the site and road safety issues are noted.

7b.9 It is noted that the development would result in the loss of farm buildings / land and erosion of the countryside setting of Bo'ness.

7b.10 General support for the application is noted, however, it does not outweigh the terms of the LDP2 in relation to unjustified housing development in the countryside and Green Belt.

Additional Planning Considerations

Falkirk Local Development Plan 2

7b.11 This application was called in for consideration by the Planning Committee, to allow examination of the proposed development in relation to the Miller Homes application and the LDP2.

7b.12 The Miller Homes planning application (P/19/0129/PPP) relates to land to the west and north of this application site. The Planning Committee refused the application on 24 September 2019. The decision was appealed to the Scottish Government. The Reporter issued a Notice of Intention, indicating that they are minded to grant the application, subject to conclusion of a legal agreement. Miller Homes and the Council are currently working to conclude the require legal agreement.

7b.13 The Miller Homes site is an allocated housing site (H56) in the LDP2. It includes land to the west and north of the application site, including a section of the access track that would serve the proposed development .

7b.14 A representation that application site (P/20/0219/PPP) should be allocated in LDP2 as a housing site within the settlement boundary was considered by Scottish Ministers. The examination Reporter considered the application site, but did not allocate it on the basis that the site would be better assessed under the housing in the countryside policy, HC05. Members accepted the examination Reporter's recommendations.

7b.15 The LDP2 was adopted by the Council on 7 August 2020. The application has been assessed in relation to policy HC05. The proposed development does not fit any of the criteria where housing in the countryside is accepted in accordance with policy HC05 and is assessed as being contrary to the LDP2.

Indicative Plan

7b.16 Members should note that the indicative plan (submitted to support the application) has a larger planning application site (red line area) than the submitted location plan. The location plan is the application site boundary for the purposes of this application.

7b.17 The inaccuracies between the two plans raise concerns that the proposal shown on the indicative site plan could not be achieved. This is particularly relevant to the access road arrangements. The location plan has the red line boundary 'tight' around the access track, which is a single width rough track which gives access to the existing farm. In addition to the concerns raised by the Roads Development Unit, it is considered that that there may not be enough width to allow the formation of an adoptable standard road to serve the proposed development.

7c Conclusion

7c.1 The application is assessed as being contrary to the LDP2. The matters raised by consultees and third party representation are addressed in the body of this report. There are no material planning considerations which would justify the proposed development and the application is recommended for refusal.

8. RECOMMENDATION

8.1 It is therefore recommended that the Committee refuse Planning Permission in Principle for the following reasons:-

- 1. The principle of residential development is not supported as the proposed development does not relate to housing required for the pursuance of an appropriate rural activity, the restoration or replacement of an existing house, the conversion of non-domestic farm buildings, appropriate infill development, historic building/structure enabling development or a gypsy/traveller site, and therefore is contrary to policies PE14 'Countryside', PE15 'Green Belt', HC01 'Housing Land' and HC05 'Housing in the Countryside' of the Falkirk Local Development Plan 2 and Supplementary Guidance SG01 'Development in the Countryside'.**
- 2. The development would not respect the landscape character or settlement pattern of the countryside area or respond sympathetically to the sites surroundings. The development would contribute towards unsustainable growth in car-based commuting and the suburbanisation of the countryside, contrary to policies PE18 'Landscape' and PE01 'Placemaking' of the Falkirk Local Development Plan 2.**
- 3. The applicant has not demonstrated that a suitable access can be achieved to serve the residential development which would accord with the National Roads Development Guide (SCOTS, 2014) and would therefore would not be in the best interests of road safety**
- 4. The drawings submitted are inaccurate. The application site boundary shown on the indicative site plan is larger and differs from the location plan, which is the application site boundary for the purposes of this application. The inaccuracies between the two plans raise concerns that the proposal on the indicative site plan is not achievable, particularly in relation to the access road arrangements and therefore raises further concern in respect of road safety**

Informatives:

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and Supporting Documents.**

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pp Director of Development Services

Date: 11 September 2020

LIST OF BACKGROUND PAPERS

1. Falkirk local Development Plan 2
2. Supplementary Guidance SG01 'Development in the Countryside'
3. Supplementary Guidance SG15 'Low and Zero Carbon Development'
4. Supplementary Guidance SG05 'Biodiversity and Development'
5. Supplementary Guidance SG10 'Education and New Housing Development'
6. Supplementary Guidance SG12 'Affordable Housing '
7. Supplementary Guidance SG13 'Open Space and New Development'.
8. Scottish Planning Policy
9. National Roads Development Guide (SCOTS, 2014).
10. Objection received from Mr Kenneth Arbuckle, 1 Bonhard Cottages, Borrowstoun Road, Bo'ness, EH51 9RR on 10 June 2020.
11. Objection received from Mrs Helen Brown, 2 Bonhard Cottage, Bo'ness, EH51 9RR on 19 June 2020
12. Intimation of Support received from Mr Graeme Brown, 3 West Church Drive, Grangemouth, FK3 8HR on 8 July 2020.
13. Intimation of Support received from Mr Grant McCormack, 21A Philpingstone Road, Bo'ness, EH51 9JL on 8 July 2020.
14. Intimation of Support received from Mrs D McInnes, 4 Kinglass Park, Bo'ness, EH51 9RD on 6 July 2020
15. Intimation of Support received from Ronald McMeechan, 18 Craigallan Park, Bo'ness, EH51 9QY on 14 July 2020.
16. Intimation of Support received from Gavin Struthers, Ferry View, 7 Gauze Road, Bo'ness, EH51 9QB, on 14 July 2020

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

FALKIRK LOCAL DEVELOPMENT PLAN 2 POLICIES

Policy PE01 'Placemaking' states :-

Development proposals should promote the six qualities of successful places as defined in Scottish Planning Policy by addressing the following principles:

1. Distinctive

- *Existing natural and historic environment features should be identified, conserved, enhanced and integrated sensitively into development. Further guidance is set out in Policies PE05-PE27, and accompanying Supplementary Guidance SG07- SG12;*
- *The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create a coherent structure of buildings, streets and public spaces that are attractive, distinctive and create a sense of identity within the development. Further guidance is set out in SG02 'Neighbourhood Design';*
- *Development should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, manages surface water sustainably, and contributes, where appropriate, to the wider green network. Further guidance is set out in SG05 'Green Infrastructure and New Development';*
- *Developments of a significant scale should contribute to public art either through a contribution to an existing local project, or through provision of public art within the development, guided by a strategy prepared by the developer in consultation with the Council and Falkirk Community Trust. Further guidance is set out within SG13 'Developer Contributions' and the public art procurement guide produced by Falkirk Community Trust.*

2. Safe and pleasant

- *Development 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 provision of safe access for all. Further guidance is set out in SG02 'Neighbourhood Design';*
- *Development should not exacerbate existing air quality issues or introduce new sources of pollution which impact on local air quality without appropriate mitigation.*

3. Easy to move around and beyond

- *Development should be designed to encourage the use of active travel and sustainable, integrated transport. Further guidance is set out in Policies IR05-IR07;*
- *Development should build on the existing network of paths, edges, nodes, districts and landmarks to create places that people can navigate easily around.*

4. Welcoming

- *Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality hard or soft landscape treatment. Further guidance is set out in SG02 'Neighbourhood Design'.*

5. Adaptable

- *Development should be designed to consider how people use places differently, for example depending on age or degree of personal mobility;*
- *Where appropriate, development should provide a mix of building densities, tenures and typologies where a variety of diverse but compatible uses can be integrated.*

6. Resource efficient

- *In support of climate change mitigation, 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 incorporating space to separate materials at source; incorporation of low and zero carbon generating technologies and integration into neighbourhood and district heating networks. Further guidance is set out in Policies IR12-IR14;*
- *In support of climate change adaptation, 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;*
- *Provision should be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.*

Policy PE14 'Countryside' states:-

1. *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. Development in the countryside will be assessed in terms of the relevant countryside policies for specific uses (HC05 and JE05);*
2. *Development proposals in the countryside for uses not covered by policies for specific uses will only be permitted where:*
 - *It can be demonstrated that they require a countryside location;*
 - *They constitute infill development; or*
 - *They utilise appropriate existing buildings.**Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 Development in the Countryside;*
3. *Development proposals in the countryside should additionally demonstrate that their scale, siting and design is such that there will be no significant adverse impact on the rural environment, having regard to other policies on the natural and historic environment, and design guidance in Supplementary Guidance SG01 'Development in the Countryside'.*

Policy PE15 'Green Belt' states:-

1. *The following areas are designated as Green Belt:*
 - *Falkirk/Stenhousemuir/Grangemouth/Laurieston Corridor;*
 - *Polmont/Grangemouth/Bo'ness/Linlithgow Corridor;*
 - *Falkirk/Larbert/Denny/Bonnybridge Corridor;*
 - *Callendar Park and Woods.*

2. *The purpose of the Green Belt is:*

- *To direct development to the most appropriate locations and support regeneration;*
- *To protect and enhance the character, landscape setting and identity of the settlement, including maintaining their visual separation;*
- *To protect and provide access to open space.*

3. *Within the Green Belt, development will not be permitted unless it can be demonstrated that the proposal satisfies the relevant countryside policies, and it can be demonstrated that it will not undermine any of the purposes of the Green Belt as set out in (2) above.*

Policy PE17 ‘Open Space and New Development’ states:-

New development should contribute positively to the provision of open space in the area and support the objectives of the Open Space Strategy. Accordingly:

1. *Where appropriate, proposals for new development should include public open space to create a sense of place, integrate the site with the wider green network, promote physical activity, sport and active travel, enhance biodiversity, and manage water within the site; and*
2. *Where the quantity, quality or accessibility of recreational and sport open space and play facilities in the locality is insufficient to meet the recreational needs of proposed new residential development, as informed by the standards in the Open Space Strategy, the proposal should address the identified deficiencies through either the provision of new on-site recreational and sport open space, or contributions to the improvement of off-site open space.*

The detailed planning and design of new open space within new developments, including the methodology for determining and addressing recreational open space deficiencies, should accord with SG05 ‘Green Infrastructure and New Development’.

Policy PE18 ‘Landscape’ states:-

1. *The Council will seek to protect and enhance landscape character and enhance landscape quality throughout the Council area in accordance with Supplementary Guidance SG09 ‘Landscape Character Assessment and Landscape Designations’;*
2. *Development within Local Landscape Areas should be designed to minimise any adverse effects on the landscape character and scenic interest for which the area is designated ; and*
3. *Development proposals which are likely to have significant landscape and visual effects must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved.*

Policy PE19 ‘Biodiversity and Geodiversity’ states:-

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

1. *Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Qualifying interests of a Natura 2000 site may not be confined to the boundary of a designated site. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions, there are imperative reasons of overriding public interest, including of a social or economic nature and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected. 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 for 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 significant adverse effects are clearly outweighed by social, environmental 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, and 8 of the Wildlife and Countryside Act 1981 (as amended); or badgers as per section 10 of the Protection of Badgers Act 1992, will only be permitted where the applicant can demonstrate that a species licence is likely to be granted;*
4. *Development affecting Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites (as identified on the Proposals Map and 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, local habitat or local species population 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, habitat or species of significant local 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 or fragmentation is unavoidable, the creation of replacement habitat to compensate for any negative impacts will be required, along with provision for its future management. Where adverse impacts on locally important species are unavoidable, measures to protect and enhance the wider local population of that species will be required; and*
6. *All development proposals should conform to Supplementary Guidance SG07 'Biodiversity and Development'.*

Policy HC01 'Housing Land' states:-

1. *The housing supply target is 6,894 homes for the period 2017–2030. To meet this target, the Council will support residential development as indicated generally in the Spatial Strategy and as detailed in the Proposals and Opportunities Schedule and Settlement Statements, and on suitable windfall sites which satisfy Policy HC02.*

2. *The Council will maintain at least 5 years' supply of effective housing land to ensure that the Housing Supply Target is met in full over the development plan period. The Housing Land Audit is the primary source of evidence for monitoring the availability of effective housing land. If, during the period of the plan, a shortfall in the 5 year supply of effective land emerges, additional sites for housing will be supported where the proposal would constitute sustainable development, having regard to the relevant criteria in Scottish Planning Policy and other LDP policies. In such circumstances, the scale of the proposed development relative to the scale of the shortfall will be a material consideration. The Council may also impose specific time limits on any planning permissions granted, to ensure that housing is delivered to a timescale that will address the identified shortfall.*

Policy HC03 'Affordable Housing' states:-

Housing developments of 20 units and over will provide affordable housing as set out below. The approach to provision should comply with Supplementary Guidance SG06 'Affordable Housing'.

| Settlement Areas | Percentage of affordable housing on site |
|--|--|
| Larbert/Stenhousemuir Rural North Braes and Rural South | 25% |
| Bo'ness Bonnybridge and Banknock Denny Falkirk Grangemouth | 15% |

Policy HC05 '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 that the restored/ replacement house is of a suitable size and design;*
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 HC09.*

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'.

Policy IR02 ‘Developer Contributions’ states:-

Developers will be required to contribute to the provision, upgrading and, where appropriate, the maintenance of infrastructure where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The types of infrastructure where contributions may be required are set out in Table 4.1. The nature, scale and phasing of developer contributions will be determined by:

- 1. Guidance and contribution rates set out in SG13 ‘Developer Contributions’;*
- 2. Site specific requirements set out in the LDP or relevant development brief; and*
- 3. The principles contained in Circular 3/2012 ‘Planning Obligations and Good Neighbour Agreements’.*

In assessing applications where developer contributions are required, the economic viability of proposals will be taken into account as a material consideration where supported by a Development Viability Statement. In rare circumstances developer contributions for education and open space will be waived for flatted residential development, or conversions of buildings for residential use, of up to 50 units within town centre boundaries.

Policy IR03 ‘Education and New Housing Development’ states:-

Where there will be insufficient capacity within catchment schools to accommodate children from proposed new housing development, or where Council nursery provision will be adversely affected, developer contributions will be sought in line with Policy IR02 to mitigate these impacts. In the rare circumstances where such mitigation cannot be achieved in a manner which is consistent with the Council’s education policies, the proposed development will not be supported.

Policy IR13 ‘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 12% 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 is contained in Supplementary Guidance SG14 Renewable and Low Carbon Energy. 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.*

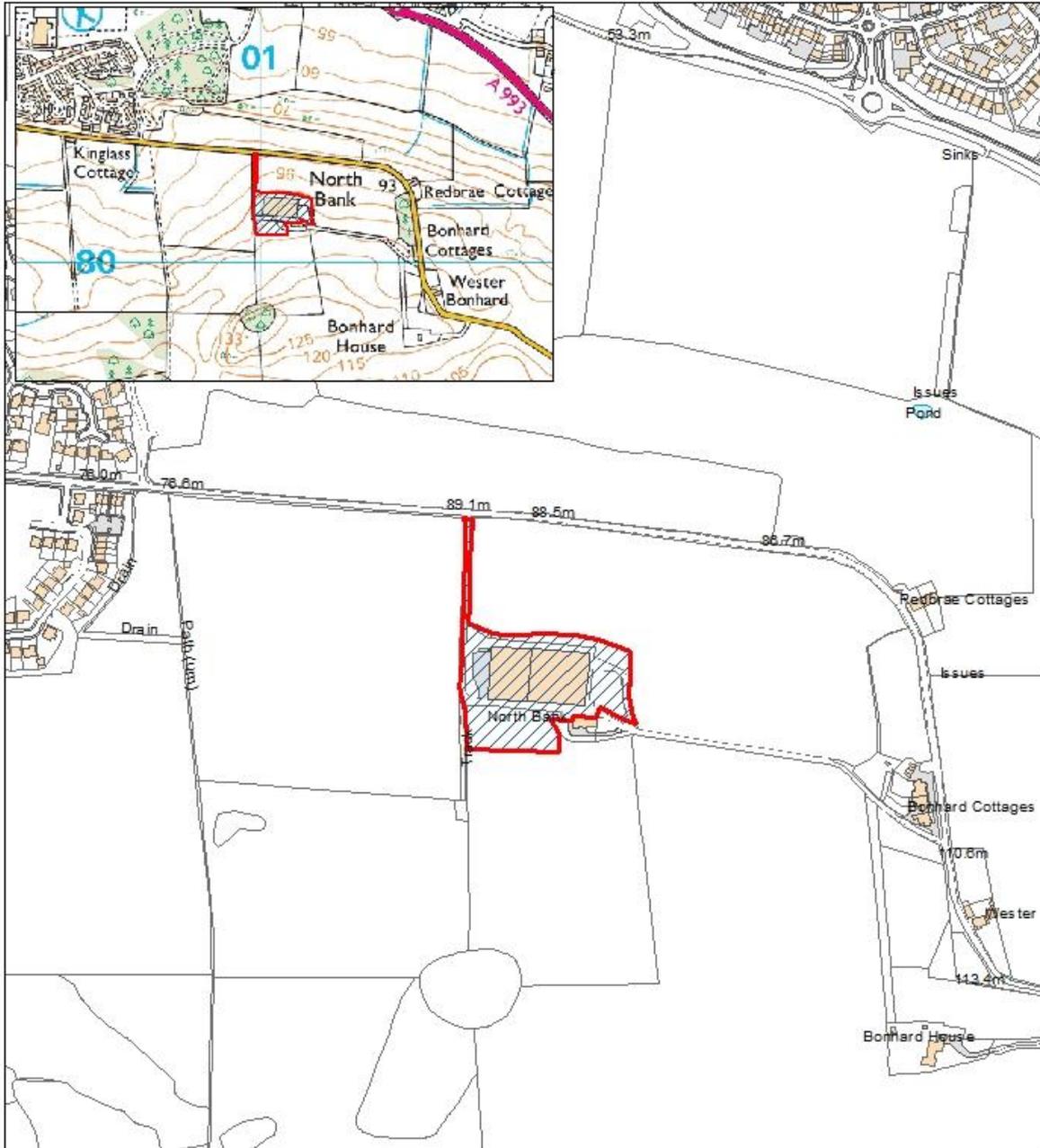
- 2. The design and layout of development should, as far as possible, seek to minimise energy requirements through the other sustainability aspects of the current Sections 6 and 7 of the current Building Standards Technical Handbook.*

Planning Committee

Planning Application Location Plan

P/20/0219/PPP

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



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