

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES
AT MILNQUARTER FARM, ROMAN ROAD, BONNYBRIDGE,
FK4 2DE FOR STEWART HOMES - P/11/0142/PPP
Meeting: PLANNING COMMITTEE
Date: 25 November 2015
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Baillie Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: Bonnybridge Community Council

Case Officer: Brent Vivian (Senior Planning Officer), Ext. 4935

UPDATE REPORT FOLLOWING SITE VISIT

1. Members will recall that this application was considered by the Planning Committee on 28 October 2015 (copy of previous report appended), when it was agreed to continue the application for a site visit by Members of the Committee to view the physical characteristics of the site. The site visit took place on 9 November 2015.
2. Members will also recall that the application was originally considered by the Planning Committee on 19 August 2015 (copy of previous report attached as Appendix 1), when it was agreed to continue the application to take account of (a) a further request by the Directorate for Planning and Environmental Appeals (DPEA) Reporter for further information and (b) comments from the applicant's agent dated 18 August 2015. These matters were addressed in the report to the Planning Committee dated 28 October 2015.
3. At the site visit, Members of the Committee viewed the site and setting from the eastern end of Milnquarter Road. The case officer pointed out the physical characteristics of the location. In particular, he pointed out the line of the Antonine Wall and the Roman Camp and explained the relationship between the two and the inter-visibility issues. Members viewed the site layout plan submitted with the application and were advised that an amended plan, in response to the various issues, had not yet been submitted. It was noted that the Broomhill Road end of the site was allocated for housing and had the benefit of planning permission, whilst the balance of the site is not allocated but is within the urban limits. It was also noted that planning permission was previously granted for a roundabout on Broomhill Road to serve the allocated site granted planning permission. The stand-alone application for a through-road, which the Planning Review Committee is minded to grant, was also noted.

4. It is considered that no issues were raised at the site visit that would alter the recommendation to Committee in the report dated 28 October 2015. This recommendation is therefore reiterated as detailed below. Fundamentally, the recommendation relates to a failure by the applicant to demonstrate that certain matters have been satisfactorily addressed/agreed, rather than an 'in principle' objection to development of this land for housing (of a scale and with access arrangements yet to be determined).

5. RECOMMENDATION

5.1 It is therefore recommended that the Committee

- (a) Agree to indicate to Scottish Ministers that it would have been minded to refuse planning permission in principle for the following reason(s):-
- (1) The application is considered to be contrary to Policy HSG02 (Affordable Housing) of the Falkirk Local Development Plan as to date there is no agreement with the applicant with respect of the provision of 15% of the total number of housing units as affordable housing units.
 - (2) The application is considered to be contrary to Policy HSG03 (Windfall Housing) of the Falkirk Local Development Plan in consequence of the development proposal not meeting all other relevant policies of the Local Development Plan.
 - (3) The application is considered to be contrary to Policy HSG04 (Housing Design) of the Falkirk Local Development Plan as, based on the submitted indicative site layout, the proposed development does not provide an appropriate setting for existing natural and built heritage features, e.g. the Antonine Wall World Heritage Site.
 - (4) The application is considered to be contrary to Policy INF05 (Education and New Housing Development) of the Falkirk Local Development Plan as to date there is no agreement with the applicant with respect to the payment of a developer contribution in the sum of £6,000 per dwellinghouse towards addressing future capacity issues in relation to local education provision (including nursery provision).
 - (5) The application is considered to be contrary to Policy INF10 (Transport Assessments) of the Falkirk Local Development Plan as it has not been demonstrated, through the submission and approval of a Transport Assessment, that the existing road network could accommodate an increase in traffic as a result of the development proposed (new housing and a new distributor standard link road) in conjunction with suitable mitigation measures.
 - (6) The application is considered to be contrary to Policy D07 (Antonine Wall) of the Falkirk Local Development Plan as the development proposal would have an adverse impact on the setting of the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' and it has not been demonstrated that suitable mitigation action could be taken to redress the adverse impact.
 - (7) The application is considered to be contrary to Policy D08 (Sites of Archaeological Interest) of the Falkirk Local Development Plan as the development proposal would have an adverse effect on the integrity of the setting of the following scheduled monuments: 'Antonine Wall, Milnquarter,

Roman Camp', 'Antonine Wall, 160m ENE to 155m NW of St Joseph's Church' and 'Antonine Wall and Motte, 75m SW of Antonine Primary School'.

- (b) Agree to the report dated 28 October 2015 and Appendices 1 to 5 of that report forming the Council's response to be issued to the DPEA Reporter in response to his two procedure notes dated 7 July 2015 and 10 August 2015.**

.....
pp Director of Development Services

Date:

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Falkirk Council Supplementary Guidance SG02 Neighbourhood Design.
3. Falkirk Council Supplementary Guidance SG05 Biodiversity and Development.
4. Falkirk Council Supplementary Guidance SG10 Education and New Housing Development.
5. Falkirk Council Supplementary Guidance SG12 Affordable Housing.
6. Falkirk Council Supplementary Guidance SG13 Open Space and New Development.
7. Falkirk Council Draft Supplementary Guidance SG11 Healthcare and New Housing Development.
8. Falkirk Council Supplementary Planning Guidance Frontiers of the Roman Empire (Antonine Wall) World Heritage Site.
9. Objection received from Mr Greig Chambers, 15 Foxdale Place, Bonnybridge, Falkirk, FK4 2FB on 18 May 2011.
10. Objection received from Mr David Nicholas Miller, 4 Ardgay Crescent, Bonnybridge, Falkirk, FK4 2FN on 8 April 2011.
11. Objection received from Owner / Occupier, 9 Laurel Grove, Bonnybridge, FK4 2ED on 8 April 2011.
12. Objection received from Mrs Donna Gillooly, 10 Milnquarter Road, Bonnybridge, FK4 2FG on 20 May 2011.
13. Objection received from Mr Jim Bell, 8 Foxdale Court, Bonnybridge, FK4 2FF on 19 April 2011.
14. Objection received from Mr David East, 11 Foxdale Place, Bonnybridge, Falkirk, FK4 2FB on 4 June 2011.
15. Objection received from Mr David Currie, 16 Milnquarter Road, Foxdale Park, and Bonnybridge, FK4 2FG on 18 May 2011.
16. Objection received from Bonnybridge Community Council - Mr Graham Rae, 8 Morrison Ave, Bonnybridge, FK4 1ET on 16 June 2011.
17. Objection received from Mr. Kris Procek, 7 Foxdale Avenue, Bonnybridge, FK4 2FD on 18 May 2011.
18. Objection received from Mr Andrew Gallacher, 59 Roman Road, Bonnybridge, Falkirk, FK4 2DE on 20 March 2011.
19. Objection received from Mr Alan Garvie, 44 Roman Road, Bonnybridge, FK4 2DE on 21 March 2011.

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

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES
AT MILNQUARTER FARM, ROMAN ROAD, BONNYBRIDGE,
FK4 2DE FOR STEWART HOMES - P/11/0142/PPP

Meeting: PLANNING COMMITTEE

Date: 28 October 2015

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Baillie Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: Bonnybridge Community Council

Case Officer: Brent Vivian (Senior Planning Officer), Ext. 4935

UPDATE REPORT

Introduction

1. Members will recall that this application was considered by the Planning Committee on 19 August 2015 (copy of previous report attached as Appendix 1), when it was agreed to continue the application to take account of (a) a further request by the Directorate for Planning and Environmental Appeals (DPEA) Reporter for further information and (b) comments from the applicant /agent dated 18 August 2015.
2. Members will note that the application was called in by Scottish Ministers owing to its inter-relatedness to planning application P/14/0046/PPP which has also been called in by Scottish Ministers. Planning application P/11/0142/PPP ("housing and road") is for the development of land for residential purposes and includes a local distributor road connecting Milnquarter Road and Broomhill Road, whilst planning application P/14/0046/PPP ("the road") is solely for a proposed local distributor road.
3. The Council's Development Management Unit had not prepared a recommendation on planning application P/11/0142/PPP (housing and road) when it was called in by Scottish Ministers because information requested from the applicant was outstanding.
4. Planning application P/14/0046/PPP (the road) was refused planning permission in principle under delegation afforded to the Director of Development Services. The applicant subsequently requested a review of the decision and the Council's Planning Review Committee decided that it was minded to grant planning permission in principle subject to referral to Scottish Ministers because of an outstanding objection to the application from Historic Scotland (the review decision notice is dated 28 January 2015). Scottish Ministers advised on 8 April 2015 that the application was called in for determination by Scottish Ministers.

5. Planning application P/11/0142/PPP (housing and road) was also called in by Scottish Ministers on 8 April 2015. Then, on 7 July 2015, the DPEA Reporter issued a procedure note requesting the Council to provide the following information: -
- how the Council would have determined the application if it has been in a position to do so; and
 - any further information which the Council considers is relevant to the determination of the application.
6. The report attached as Appendix 1 was prepared in response to this request by the DPEA Reporter. Members will note that the report recommends that the Committee indicate to Scottish Ministers that it would have been minded to refuse planning permission in principle for the nine reasons set out at the end of the report.
7. At the meeting on 19 August 2015, the Committee were informed that the DPEA Reporter had, in a second procedure note, dated 10 August 2015, identified the need for further specific information. A copy of the procedure note is attached as Appendix 2. The application was subsequently continued by the Committee to consider this further request and also the comments of the applicant / agent dated 18 August 2015.
8. Members will note that the second procedure note (see Appendix 2) also identified a need for further specific information in respect of the called-in application solely for the local distributor road (reference P/14/0046/PPP). As the Council's Planning Review Committee reviewed the Council's delegated decision to refuse this application, this matter has been referred back to the Planning Review Committee for its consideration. The Planning Committee will be updated in relation to this matter at the meeting.
9. The report to the Planning Committee on 19 August 2015 indicated at paragraph 7c.5 that the Planning Review Committee's decision on planning application P/14/0046/PPP (the road) is a material consideration for the Planning Committee in considering how it might have determined planning application P/11/0142/PPP (housing and road). Paragraph 9c.5 of the report went on to say: -

"However the Planning Review Committee were careful to emphasise that the review was solely in relation to a road and was to be considered on its individual merits. In contrast, planning application P/11/0142/PPP is not only for the road but for a sizable housing scheme, and so the potential impacts, including in relation to traffic and the setting of the Antonine Wall, can be seen to be wider ranging and potentially now significant, and have not been satisfactorily addressed by the applicant to date."

Second Procedure Note

10. The second procedure note from the Reporter requests further information from the Council in respect of the following matters:-
- Screening opinion on the need for Environmental Impact Assessment (EIA);
 - Assessment of the proposal in the context of the local development plan, and particularly its housing land provisions and policies, and its heritage and transport policies;
 - Copies of the relevant provisions and policies of the local development plan, including the proposals map for Bonnybridge;
 - Status of the application at the time it was called in by Scottish Ministers, and any outstanding matters being discussed between the Council and the applicant;

- Dependence (or otherwise) of the proposed development on the proposed distributor road, and the extent to which alternative vehicular access would be appropriate (also relating to the scale of the residential development);
- Consideration given to the preparation of a Masterplan or visualisations showing the scale and layout of the proposed residential development, particularly in relation to its effect on the scheduled monuments and world heritage site;
- Assessment of the further information relating to the flood risk assessment, which was received following the response by Halcrow on behalf of the Council; and
- Conditions and planning obligations in the event that planning permission in principle is granted.

11. Each of these matters is now considered in turn:-

Screening Opinion on the Need for EIA

12. The DPEA Reporter has been advised that the Council had not reached an Environmental Impact Assessment (EIA) screening opinion when the application was called in by Scottish Ministers.
13. The Council's Development Management Unit submitted to the Reporter that Section 11 of EIA Regulations seems to suggest that where an EIA application is referred to Scottish Ministers without an environmental statement that it is Scottish Ministers who must notify the applicant that an environmental statement is required (if they believe that this is the case). The Reporter subsequently advised of his intention to issue a screening opinion as to whether an EIA is required in this case.
14. The Reporter has given the applicant until 30 October 2015 to make any comments in respect of the Development Management Unit's submissions in respect of this matter. Any update in relation to this matter will be provided at the meeting.

Assessment of the Proposal against the Falkirk Local Development Plan (FLDP)

15. An assessment of the proposed development against the FLDP is provided in the Committee report dated 19 August 2015 attached as Appendix 1.
16. The Reporter has specifically requested an assessment of the proposed development against the housing land provisions and policies. The Council's Planning and Environment Unit have carried out this assessment and it is attached to this report as Appendix 3. Members will note the advice of the Planning and Environment Unit that there is currently a shortfall in the Council's 5 year effective land supply, but the shortfall is not considered to be significant and is anticipated to be a temporary shortfall given the number of large housing sites that will come into the effective housing land supply in the coming years.
17. Nonetheless, as there is a current shortfall in the effective housing land supply, Policy HSG 01 of the FLDP indicates that the Council will consider supporting sustainable development proposals that are effective. The assessment carried out by the Planning and Environment Unit concludes that the proposed development is not currently an appropriate site to meet the shortfall as, at present, it is neither a sustainable development or an effective housing site. This conclusion is accepted.

Relevant provisions of the FLDP

18. Copies of the relevant provisions and policies of the FLDP, including the proposals map for Bonnybridge, will be provided to the Reporter.

Status of the Application when it was Called-In by Scottish Ministers

19. The application was under consideration when it was called-in by Scottish Ministers on 8 April 2015, pending the submission of further information by the applicant and possible further discussions in respect of the outstanding matters.
20. The principle of the proposed development (as a windfall housing opportunity within the urban limits) and the outstanding matters are discussed in the report attached as Appendix 1. The outstanding matters are identified in the report as being in respect of: -
 - Affordable housing;
 - Education;
 - Healthcare;
 - Traffic impacts;
 - Impacts on a Site of Importance for Nature Conservation (SINC); and
 - Impacts on the Outstanding Universal Value (OUV) of the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site.
21. At the time that the application was called-in, no matters were under active discussion between the Council and the applicant. It was anticipated that discussions in respect of the remaining outstanding matters would have recommenced upon any grant of planning permission for P/14/0046/PPP (the road) to establish the principle of a local distributor standard through road at this location.
22. Since the application was called in, the Council's Children's Services have removed their objection to the application subject to the payment of a financial contribution at the rate of £6000 per dwellinghouse (see paragraph 4.9 of the report attached as Appendix 1). In addition, a new policy (Policy INF06 Healthcare and New Housing Development) has been introduced in the Falkirk Local Development Plan, adopted 16 July 2015 (see paragraphs 7a.19 to 7a.21 of the report attached as Appendix 1). This matter is also discussed in paragraph 30 of this report.

Dependence (or Otherwise) of the Proposed Development on the Proposed Distributor Road and the Extent to which Alternative Vehicular Access would be Appropriate.

23. The access strategy that was produced by the applicant highlighted the advantages and disadvantages of alternative access arrangements for the proposed residential development. Most of the alternative accesses considered would fundamentally change the nature of the surrounding streets. From a transportation perspective, it is considered that the most desirable and obvious access may be from Broomhill Road linking with Milnquarter to Greenhill Road (this would be subject to the satisfactory completion of a Transport Assessment). The current level of development served from Milnquarter Road is at its limit from a single access point.
24. A possible alternative option (to serve up to 200 units) would be a single access point off Broomhill Road through the vehicle repair yard which forms part of the application site. However, this would have to be considered against Scottish Planning Policy Designing Streets which discourages conventional cul-de-sacs in favour of networked routes and spaces which connect areas together. However, pedestrian and cycle connectivity could be achieved by providing a footpath / cycleway between a cul-de-sac off Broomhill Road, and Milnquarter.

Consideration given to the Preparation of a Masterplan or Visualisations showing the Scale and Layout of the Proposed Residential Development.

25. The applicant submitted a detailed site layout in support of the application. This drawing indicated 157 detached and semi-detached dwellinghouses accessed by a through road linking Broomhill Road with Milnquarter Road. Given that the application sought planning permission in principle (rather than full planning permission), it was suggested to the applicant that the submission of a masterplan style drawing identifying the various constraints, may be appropriate. It was suggested that the constraints would include those relating to flooding, the Site of Importance for Nature Congestion (SINC) and the inter-visibility issues between the Antonine Wall and the outlying Roman Camp. To date, a masterplan style drawing has not been submitted.
26. Historic Scotland's letter dated 25 September 2013 noted that the Access Appraisal submitted by the applicant appeared to be predicated on the provision of 120 dwellinghouses. However, no plan for the reduced housing development was submitted and Historic Scotland advised that they were unable to comment on the likely impacts this reduced scheme would have. Historic Scotland therefore recommended the submission of an amended housing layout. This was supported by the Council's Development Management Unit. To date an amended house layout has not been submitted.
27. Historic Scotland's earlier letter dated 12 October 2011 supported a broad approach to protecting views from across the north-eastern corner of the Roman Camp, and of the line of the Antonine Wall as it traverses the topography to the north east of the site. In addition the letter raised concerns at the proposals for the provision of housing and a through road on the low ground between the Roman Camp and the Antonine Wall; the reason being that development of this nature would potentially have a significant impact on the relationship of the camp to the Wall. It is considered that the submission by the applicant of visualisations would assist an assessment of the likely impacts of the development on this relationship between the Roman Camp and the Wall.

Assessment of the Further Information Relating to the Flood Risk Assessment

28. Further information in relation to flood risk was received from the applicant's flood consultant on 5 August 2014 and was subsequently reviewed by Halcrow on behalf of the Council. Halcrow advised that the further information was acceptable and on this basis it was considered that all outstanding flood and surface water drainage issues to be addressed at planning in principle stage had now been addressed and there were matters that could be deferred for consideration at full planning stage. Planning conditions would attach to any grant of planning permission in principle as appropriate. Flooding related matters are considered in paragraphs 7a.28 to 7a.30 of the report attached as Appendix 1 and were informed by the responses of the Council's Road's Development Unit and SEPA, which are set out in paragraphs 4.1 and 4.5 of the report attached as Appendix 1 respectively.

Conditions and Planning Obligations in the Event that Planning Permission in Principle is Granted

29. Recommended conditions and matters to be secured by a Planning Obligation in the event that planning permission in principle is granted are attached to this report as Appendix 4. These recommendations are predicated on the basis that Scottish Ministers are satisfied that no further information or agreement is required from the applicant in order to determine the application and are without prejudice to the views of the Council.

Policy INF06 - Healthcare and New Housing Development

30. Since the application was called in, the FLDP was adopted on 16 July 2015. This introduces Policy INF06 which provides for developer contributions to be sought to improve the quantity and quality of health care facilities where there is a deficiency in provision. Supplementary Guidance 11 provides a formula for calculating the contributions and is currently with Scottish Ministers for final approval. There have been no discussions with the applicant in respect of this matter but it can be clarified that it may be premature to seek a health care contribution in advance of the approval of Supplementary Guidance 11 by Scottish Ministers.

Comments from the Applicant / Agent dated 18 August 2015

31. A letter dated 18 August 2015 was received from Brodies LLP Solicitors, on behalf of the applicant, in response to the report attached as Appendix 1. This letter is attached as Appendix 5.
32. The letter raises a number of points for the Committee to take account of before coming to a view on the application. These points are considered in turn:-

Distributor Road

33. The letter queries the response from the Council's Roads Development Unit (see paragraph 4.1 of the report attached as Appendix 1) and suggests that the requirement for a local distributor standard road at the Greenhill housing sites had come from the Council itself over a number of years dated back to 2000.
34. The response from the Roads Development Unit, dated 26 July 2012, indicated that further discussion would be required in due course regarding the most appropriate carriageway type to be used throughout the development. The context to this is the reference in the submitted Access Strategy that the housing will be primarily accessed via a series of minor access roads. The acceptance or otherwise of this would need to be considered against the Council's guidelines at the time a site layout is considered as part of any detailed planning application.
35. The reference to the Council requiring a local distributor standard road was also raised in the submitted Access Appraisal where it was suggested that the Council required Milnquarter Road to be constructed to a higher standard, so it could be continued eastwards to serve the adjacent site (the site of the current application). However, it is worth noting that such an approach would not have reflected the adopted Local Plan at the time, as the application site was outwith the urban limits, within the countryside. At the same time, it should be noted that the Council's guidelines at the time (the Design Guidelines and Construction Standards for Roads) required developers to give full consideration to the possibility of future expansion of a site and provide for the final level of generated traffic. The agreed approach may have been to future proof the road infrastructure should further residential development and a through route be realised in the future rather than the Council actually aspiring to development at this location.

Transport Assessment

36. The letter states that the applicant had already commissioned several relevant transport assessments over the years, most recently in 2007. The letter suggests that the impacts of the present development proposal are adequately covered by the 2007 assessment.

37. The Council's Transport Planning Unit have advised that the last transport assessment (2007) was submitted in support of a smaller housing development (of the former Ian Craig Haulage yard on Broomhill Road). Whilst the assessment included a preliminary assessment for a residential development of approximately 200 units, the advice of the Transport Planning Unit was that a more comprehensive Transport Assessment, both in terms of capacity and transport issues, would need to accompany any application for a larger development. The request for a Transport Assessment in support of the current application is therefore considered to be justified and consistent with previous advice. It is also worth noting that if a further application were submitted for the former Ian Craig Haulage site, an updated assessment would be required as the previous assessment is out of date as it is 8 years old.

Affordable Housing and Developer Contributions

38. The letter suggests that the delivery of affordable housing and the payment of developer contributions in respect of education and health care facilities could be secured by planning obligations following a minded to grant decision. In compliance with Scottish Government Circular 3/2012 (paras 37-40), the standard practice of the Council's Development Management Unit is to seek, at the very least, the agreement of the applicant in principle to the delivery of affordable housing and the payment of the relevant contributions in advance of an officer's recommendation. To date the applicant has not agreed to the delivery of affordable housing or the payment of the required education contribution. In the absence of such agreement, it is considered reasonable to assess the application as contrary, or at least potentially contrary, to the relevant policies of the Development Plan. The current position in respect of health care provision is clarified in paragraph 30 of this report.

Multi-Use Games Area (MUGA)

39. The letter indicates that the applicant offers to make a contribution of £70,000 towards a MUGA in the local area. This serves to clarify the applicant's proposal in respect of this matter, as the submitted drawing showed a possible site for a future multi use games area, on land to the north-east but outwith the application site and within the SINC.
40. The requirement for open space in respect of the proposed development is 70m² per dwellinghouse (split between 21m² active open space and 49m² passive open space). This matter is detailed in paragraphs 7a.12 to 7a.15 of the report attached as Appendix 1. For a development of the scale proposed, it is anticipated that the open space requirement should be met wholly on-site.
41. Alternatively, the provision of a financial contribution towards the provision of off-site active or passive open space could potentially contribute to the overall open space requirement. In respect of the applicant's offer however, it is worth noting that a MUGA is to be provided as part of current upgrade works at St Joseph's RC Primary School (which, it is understood, would be available for community use outwith school hours), there is a MUGA at the end of Ardgay Road and planning permission has been granted for the installation of a MUGA at Duncan Stewart Park. It is therefore considered that High Bonnybridge will already be well served by MUGA facilities. Consequently, even if the applicant agreed to accept such an obligation, the applicant could subsequently seek to delete that obligation on the grounds that the obligation was not necessary because of existing provision.

Conditions

42. The comments made in the letter in respect of planning conditions that could attach to any grant of planning permission in principle are noted. In particular, it is noted that the applicant would accept a condition to prevent any development within the SINC area.

Cultural Heritage

43. The comment made in the letter in respect of the applicant's position in respect of cultural heritage is noted.

Material Considerations - Housing Land Shortfall

44. The letter suggests that, despite the recent adoption of the Falkirk Local Development Plan, there are significant concerns regarding a shortfall of housing land, as has been highlighted by Homes for Scotland. The Reporter has asked about housing land provision and this is dealt with in the response by the Council's Planning and Environment Unit, attached to this report as Appendix 3.

Conclusion

45. This application has been called in by Scottish Ministers owing to its inter-relatedness to planning application P/14/0046/PPP (the road) which has also been called in by Scottish Ministers. Since the call-in, the DPEA Reporter has issued two procedure notes. The first procedure note asked how the Council would have determined the application if it had been in a position to do so. A report in respect of this matter was prepared for the Committee meeting of 19 August 2015 and the matter was continued by the Committee to take account of a second procedure note issued by the Reporter and a letter received by the applicant's agent dated 18 August 2015. These two matters are addressed in this report.
46. It is recommended that the Committee advise the Reporter that the Committee would have determined the application in accordance with the recommendation and reasons set out below. This is the same recommendation as the Committee considered on 19 August 2015 but removes (a) Reason 5 of the previous report relating to healthcare facilities for the reasons outlined in paragraph 30 of this report and (b) Reason 7 of the previous report as the applicant's agent has advised that the applicant would accept a condition to prevent any development within the SINC area. In addition, it is recommended that this report, along with Appendices 1 to 5, form the Council's response to be issued to the Reporter in response to his two procedure notices requesting further information.

RECOMMENDATION

47. It is therefore recommended that the Committee:-
- (a) Agree to indicate to Scottish Ministers that it would have been minded to refuse planning permission in principle for the following reason(s):-
- (1) The application is considered to be contrary to Policy HSG02 (Affordable Housing) of the Falkirk Local Development Plan as to date there is no agreement with the applicant with respect of the provision of 15% of the total number of housing units as affordable housing units.
- (2) The application is considered to be contrary to Policy HSG03 (Windfall Housing) of the Falkirk Local Development Plan in consequence of the development proposal not meeting all other relevant policies of the Local Development Plan.

- (3) The application is considered to be contrary to Policy HSG04 (Housing Design) of the Falkirk Local Development Plan as, based on the submitted indicative site layout, the proposed development does not provide an appropriate setting for existing natural and built heritage features, e.g. the Antonine Wall World Heritage Site.
 - (4) The application is considered to be contrary to Policy INF05 (Education and New Housing Development) of the Falkirk Local Development Plan as to date there is no agreement with the applicant with respect to the payment of a developer contribution in the sum of £6,000 per dwellinghouse towards addressing future capacity issues in relation to local education provision (including nursery provision).
 - (5) The application is considered to be contrary to Policy INF10 (Transport Assessments) of the Falkirk Local Development Plan as it has not been demonstrated, through the submission and approval of a Transport Assessment, that the existing road network could accommodate an increase in traffic as a result of the development proposed (new housing and a new distributor standard link road) in conjunction with suitable mitigation measures.
 - (6) The application is considered to be contrary to Policy D07 (Antonine Wall) of the Falkirk Local Development Plan as the development proposal would have an adverse impact on the setting of the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' and it has not been demonstrated that suitable mitigation action could be taken to redress the adverse impact.
 - (7) The application is considered to be contrary to Policy D08 (Sites of Archaeological Interest) of the Falkirk Local Development Plan as the development proposal would have an adverse effect on the integrity of the setting of the following scheduled monuments: 'Antonine Wall, Milnquarter, Roman Camp', 'Antonine Wall, 160m ENE to 155m NW of St Joseph's Church' and 'Antonine Wall and Motte, 75m SW of Antonine Primary School'.
- (b) Agree to this report and Appendices 1 to 5 of the report forming the Council's response to be issued to the DPEA Reporter in response to his two procedure notes dated 7 July 2015 and 10 August 2015.

.....
pp Director of Development Services

Date: 20 October 2015

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Falkirk Council Supplementary Guidance SG02 Neighbourhood Design.
3. Falkirk Council Supplementary Guidance SG05 Biodiversity and Development.
4. Falkirk Council Supplementary Guidance SG10 Education and New Housing Development.
5. Falkirk Council Supplementary Guidance SG12 Affordable Housing.
6. Falkirk Council Supplementary Guidance SG13 Open Space and New Development.
7. Falkirk Council Draft Supplementary Guidance SG11 Healthcare and New Housing Development.
8. Falkirk Council Supplementary Planning Guidance Frontiers of the Roman Empire (Antonine Wall) World Heritage Site.
9. Objection received from Mr Greig Chambers, 15 Foxdale Place, Bonnybridge, Falkirk, FK4 2FB on 18 May 2011.
10. Objection received from Mr David Nicholas Miller, 4 Ardgay Crescent, Bonnybridge, Falkirk, FK4 2FN on 8 April 2011.
11. Objection received from Owner / Occupier, 9 Laurel Grove, Bonnybridge, FK4 2ED on 8 April 2011.
12. Objection received from Mrs Donna Gillooly, 10 Milnquarter Road, Bonnybridge, FK4 2FG on 20 May 2011.
13. Objection received from Mr Jim Bell, 8 Foxdale Court, Bonnybridge, FK4 2FF on 19 April 2011.
14. Objection received from Mr David East, 11 Foxdale Place, Bonnybridge, Falkirk, FK4 2FB on 4 June 2011.
15. Objection received from Mr David Currie, 16 Milnquarter Road, Foxdale Park, and Bonnybridge, FK4 2FG on 18 May 2011.
16. Objection received from Bonnybridge Community Council - Mr Graham Rae, 8 Morrison Ave, Bonnybridge, FK4 1ET on 16 June 2011.
17. Objection received from Mr. Kris Procek, 7 Foxdale Avenue, Bonnybridge, FK4 2FD on 18 May 2011.
18. Objection received from Mr Andrew Gallacher, 59 Roman Road, Bonnybridge, Falkirk, FK4 2DE on 20 March 2011.
19. Objection received from Mr Alan Garvie, 44 Roman Road, Bonnybridge, FK4 2DE on 21 March 2011.

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

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES
AT MILNQUARTER FARM, ROMAN ROAD, BONNYBRIDGE,
FK4 2DE, FOR STEWART HOMES P/11/0142/PPP
Meeting: PLANNING COMMITTEE
Date: 19 August 2015
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Councillor Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: Bonnybridge Community Council

Case Officer: Brent Vivian (Senior Planning Officer), Ext. 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application is for a major development and seeks planning permission in principle for the development of land for residential purposes.
- 1.2 The application site consists of open ground to the east of existing housing (off Greenhill Road, High Bonnybridge) and also includes an industrial site adjoining Broomhill Road. The site generally rises in level from east to west, across open ground, whilst the industrial portion of the site is flat. A railway line and the site of a Roman Camp adjoin the site to the south. The northern portion of the site is wetland and adjoins the Milnquarter Burn and a cyclepath.
- 1.3 The following information has been submitted in support of the application:-
- A Public Consultation Report;
 - A Cultural Heritage Assessment;
 - A Flood Risk Assessment;
 - An Access Appraisal; and
 - An Indicative Site Layout Plan.
- 1.4 The indicative site layout plan shows 157 dwellinghouses, a central amenity space and a through route linking Milnquarter and Broomhill Roads. The submitted Access Appraisal suggests that the number of dwellinghouses is likely to reduce to approximately 120. The plan also shows possible sites for a future multi use game area and shared car-parking for St Joseph's and Antonine Primary Schools on land to the north-east, outwith the application site.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Scottish Ministers due to its inter-relatedness to planning application P/14/0046/PPP which has also been called in by Scottish Ministers (see paragraph 3.6 of this report). Both planning applications P/11/0142/PPP and P/14/0046/PPP propose a distributor road connecting Milnquarter Road and Broomhill Road. Scottish Ministers called in planning application P/11/0142/PPP prior to it being determined by the Council and Scottish Ministers are now asking how the Council would have determined the application if it had been in a position to do so. The application is therefore referred to Planning Committee in order for this matter to be considered.
- 2.2 The Council's Development Management Unit had not originally prepared a recommendation on planning application P/11/0142/PPP because further information from the applicant was outstanding. Then, when the related application for the distributor road (P/14/0046/PPP) was received, planning application P/11/0142/PPP was effectively held over pending the outcome of planning application P/14/0046/PPP to establish the principle of a through-route at this location.

3. SITE HISTORY

- 3.1 Planning application P/07/0069/OUT for development of land for housing purposes was granted on 11 February 2008. This application encompassed the industrial land at the Broomhill Road end of the current application site.
- 3.2 Planning application P/07/0982/OUT for the formation of a roundabout and access improvements on Broomhill Road was granted on 6 December 2007. This permission lapsed on 6 December 2012.
- 3.3 Planning application P/08/0489/REM for the approval of reserved matters in respect of the formation of a roundabout and access improvements on Broomhill Road was approved on 6 November 2008. This permission lapsed on 6 December 2012.
- 3.4 Planning application P/11/0039/PPP for the development of land for residential purposes (renewal of P/07/0069/OUT) was granted on 30 November 2012. This permission will lapse on 30 November 2015 unless either an application for approval of matters specified in conditions or a further application for renewal is received before this date.
- 3.5 Pre-application notice P/09/0803/PAN for development comprising the formation of residential development, provision of a multi-use games area and additional parking for surrounding primary schools was received on 6 November 2009. The submitted Public Consultation Report recorded that a public meeting was held in Antonine Primary School on 3 February 2010 and the majority of those present at the meeting were opposed to the development in principle. The report noted the matters raised at the meeting including concerns at whether existing infrastructure (e.g. schools) could cope with the development, the existence of a Site of Interest for Nature Conservation (SINC) on the site, the likelihood that the shared car-park for the schools would not be used, and concerns with the proposed roundabout on Broomhill Road in terms of safety and lack of need.
- 3.6 Planning application P/14/0046/PPP for a distributor road and associated earthworks was refused planning permission in principle on 16 May 2014 under delegation afforded to the Director of Development Services. The applicant subsequently requested a review of the decision and the Council's Planning Review Committee decided on 28 January 2015 that it was minded to grant planning permission in principle subject to referral to Scottish Ministers given an outstanding objection to the application from Historic Scotland. Scottish Ministers advised on 8 April 2015 that the application was called in for determination by Scottish Ministers and a decision on the application by them is pending.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit have no objection in principle to the application. They advise that no further development from Milnquarter Road would be supported without a second access point as this road already serves over 200 dwellinghouses. They note that further discussions would be required in due course regarding the most appropriate carriageway type to be used throughout the development. They advise that there are no outstanding flood or drainage related issues in relation to this application and there are matters that can be deferred for consideration at full planning stage. The applicant has accepted that the housing layout will require revision to ensure there is no housing development within the 200 year + climate change floodplain or over the line of the Milnquarter Burn Tributary culvert.
- 4.2 The Council's Transport Planning Unit have requested the submission of a Transport Assessment, the scoping of which should be agreed with them (no Transport Assessment has been submitted to date). They are satisfied with the conclusions of the submitted Access Appraisal (that there would appear to be three realistic access options for development of the site, those being (1) a cul-de-sac from Broomhill Road with no further residential development from Milnquarter, as that cul-de-sac already serves over 200 houses; (2) a through-route between Broomhill Road and Milnquarter Road, passing close to the Roman Camp but a short distance through the visibility envelope; and (3) a through-route between Broomhill Road and Milnquarter Road, passing further from the Roman Camp, over a longer distance through the visibility envelope, but at a lower position on the hill).
- 4.3 The Council's Environmental Protection Unit have requested the submission of a contaminated land assessment as the geological maps indicate deposits of made ground. They also request the submission of a noise impact assessment to determine the impact of transportation noise on the proposed development.
- 4.4 Scottish Water have no objection to the application but advise that capacity at their water and wastewater treatment works is unable to be reserved in advance of a formal agreement with them. Due to the size of the development, the submission of a fully completed Development Impact Assessment form will be required to assess the impact of the new demand on their existing infrastructure.
- 4.5 SEPA have no objection to the application subject to planning conditions to ensure that no development or landraising takes place within the 1 in 200 year flood extent, that no built development takes place over the culverted watercourse in the south-west of the site, and that a scheme detailing two levels of sustainable drainage (SUDS) surface water treatment is submitted for approval. They strongly recommend that the provision of safe overland flow paths is considered throughout the site should the culvert surcharge. They recommend that finished floor levels be set at 600mm above the 1 in 200 year flood level, regardless of whether this level remains in channel or not, as this freeboard would allow for uncertainties in the model.

- 4.6 Historic Scotland have objected to the application as they consider that a through-route connecting Milnquarter Road to Broomhill Road would be likely to have a significant adverse impact on the setting of Scheduled Monuments and the Outstanding Universal Value (OUV) of the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site and these impacts should be avoided unless there are exceptional circumstances. They consider the determining issue to be whether any proposals for additional housing could be accommodated at the site without a connector route, and whether the benefits of the development and need for a connector route present exceptional circumstances which counter national and local policies for protecting the setting of Scheduled Monuments and the OUV of World Heritage Sites. They have recommended the submission of a provisional amended house layout in order to consider the development in its entirety (to date this has not been submitted). They have reviewed the submitted Cultural Heritage Assessment and are of the view that the zone of inter-visibility identified by the applicant's archaeological consultant, to protect the views between the Antonine Wall and the outlying Roman Camp, are overly restrictive and a broader corridor of visibility should be considered.
- 4.7 Historic Scotland also objected to the related application for the distributor road (P/14/0046/PPP), for the same reasons. However, they noted in this application that they did not object to the principle of housing development at Milnquarter, should the potential impacts be properly identified and adequately mitigated through appropriate design. However, they considered that a distributor road and associated infrastructure would have a significant adverse effect on the historic environment. They advised that further information would be required to demonstrate what the potential impacts might be. The information should include details of the road size and associated infrastructure, lighting etc., and what the visual and/or other setting impacts might be. To date, information to fully address these matters has not been received. However, as detailed in paragraph 3.6 of this report, the applicant requested a review of the Council's decision to refuse this application, and the Council's Planning Review Committee were minded to grant planning permission in principle subject to referral to Scottish Ministers. As also detailed in paragraph 3.6, the application has been called in by Scottish Ministers for determination.
- 4.8 Falkirk Community Trust, Museum Services, have advised that the site of the proposed development is one of great sensitivity in terms of inter-visibility between two elements of the Antonine Wall, the running barrier at Seabegs Motte and the temporary Roman Camp at Milnquarter. The latter is almost certainly a construction camp for the Antonine Wall. The importance of the topographic setting of both monuments, classed as Scheduled Monuments and a World Heritage Site, has been recognised in the adoption of the World Heritage Site buffer zones in this area. The development as it is currently proposed would have a significant and detrimental impact on their settings. They, therefore object to the application. They have reviewed the submitted Cultural Heritage Assessment but do not consider that the assessment of the impact of the proposed development on the Scheduled Monuments (moderate or none) to be correct.
- 4.9 The Council's Education Services have withdrawn their previous objection to the application as circumstances have now changed in that Antonine Primary School now has increased capacity (due to a new extension), there is flexibility to extend further, and there has been a sustained reduction in birth rates locally. However, they request developer contributions towards additional future capacity issues at Antonine Primary School, Denny High School and St Mungo's RC High School, and in respect of nursery provision. The requested contributions reflect the figures in the Council's Supplementary Guidance for Education and New Housing Development and are at the rate of £350 per dwellinghouse (nursery provision), £2,600 per dwellinghouse (Antonine Primary), £2,150 per dwellinghouse (Denny High) and £900 per dwellinghouse (St Mungo's RC High).
- 4.10 Scottish Natural Heritage are content for Falkirk Council to identify any natural heritage impacts and address them without further reference to Scottish Natural Heritage.

- 4.11 Network Rail have no objection to the application. They have suggested conditions or advisory notes to attach to any grant of planning permission in relation to a range of matters including drainage, boundary treatment, the location of buildings, landscaping, amenity and lighting.
- 4.12 Scotland Gas Networks have advised that they have a low/medium/intermediate pressure gas main in the proximity of the site and no mechanical excavations are to take place within prescribed distances of these pressure systems. Where required, the position of the mains should be confirmed using hand dug trial holes.

5. COMMUNITY COUNCIL

5.1 The Bonnybridge Community Council have objected to the application on the following grounds:

- An increase in traffic on Broomhill Road;
- Milnquarter Road would become a main route from Greenhill to High Bonnybridge;
- The local primary schools are at capacity; and
- Bonnybridge Health Centre has no extra capacity for the people who would live there.

6. PUBLIC REPRESENTATION

6.1 Ten other objections have been received in relation to the application. The concerns raised in those objections can be summarised as follows:-

- Consultation process flawed;
- A full independent impact assessment is required;
- Community infrastructure cannot sustain this number of new properties;
- The local schools cannot accommodate so many potential pupils;
- A major upgrade of Antonine Primary School would be required;
- Impacts on primary care services including doctors and dentist;
- Not in best interests of existing community;
- Existing amenities in Bonnybridge are quite limited and parking is an issue;
- Increase in level of local traffic;
- Increase in traffic using Milnquarter Road;
- Increase in noise levels and pollution associated with increased traffic on Milnquarter Road;
- Increase in traffic in Foxdale Park estate would not be family friendly;
- Safety risk to children living in Foxdale Park/ Greenacres, particularly given the location of the playpark;
- Existing problem of heavy traffic flows past the schools would be made worse;
- School children would be less safe as a result of increased traffic past the schools;
- Plans for a roundabout adjacent to the rail bridge are not supported;
- Existing residents have not been consulted on the proposed link road;
- The plan for a 'possible' future site for school car parking is not definite;
- Lack of rail links, bus routes and frequency of services;
- Impact on existing drainage levels;
- Increase risk of flooding;
- The watercourse at present barely copes when there is heavy rainfall;
- A large section of the land is marsh land;
- There has been flooding of the proposed SUDS area and some of the proposed house plots;
- Significant noise and dust levels during construction works;
- Amenity impacts including loss of light and privacy;

- Impact on a World Heritage Site;
- Loss of green fields; and
- Not in the best interests of wildlife;

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 (LDP) was adopted on 16 July 2015. It replaces the previous Falkirk Council Structure Plan and Falkirk Council Local Plan and includes a number of Supplementary Guidance documents which now have statutory status.
- 7a.2 Under the LDP, the application site lies within the Bonnybridge urban limits. The south-eastern portion of the site is identified as an existing supply site for Housing (H12) with a capacity for 30 units, but the remainder of the site is not allocated for any specific use. The northern portion of the site lies within a flood plain and a Site of Importance for Nature Conservation (SINC). Most of the site lies within the Antonine Wall World Heritage Site buffer zone. The site adjoins a temporary Roman Camp which is part of the Antonine Wall World Heritage Site.
- 7a.3 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'."

Figure 5.1 Affordable Housing Requirements in Settlement Areas

| <i>Settlement Area</i> | <i>Proportion of total site units required to be affordable</i> |
|--|--|
| <i>Larbert/ Stenhousemuir Polmont Area Rural North Rural South</i> | 25% |
| <i>Bo'ness Bonnybridge/ Banknock Denny Falkirk Grangemouth</i> | 15% |

- 7a.4 This policy indicates that new housing development of 20 units and over in the Bonnybridge and Banknock area will be required to provide 15% of the total number of units as affordable housing. The applicant was requested to submit an Affordable Housing Strategy, but to date this has not been received. Therefore, the applicant has yet to agree to meet the affordable housing requirement, and there is no agreed approach regarding type of affordable housing and delivery. On that basis, the application is considered to be contrary to this policy.

7a.5 Policy HSG03 - 'Windfall Housing' states:

"Housing development within the Urban and Village Limits, in addition to proposals identified within the LDP, will be supported where:

- 1. The site is brownfield, or is open space whose loss can be justified in terms of Policy INF03;*
- 2. The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- 3. The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- 4. Existing physical infrastructure, such as roads and drainage, sewage capacity, and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy INF02;*
- 5. The site is not at significant risk of flooding in the terms of Policy RW06;*
- 6. In the case of small gap sites and sub-divided plots, Policy HSG05 is satisfied; and*
- 7. It complies with other LDP policies."*

7a.6 The proposed development lies within the Bonnybridge urban limits and therefore the general principle of the proposed housing is considered to be acceptable provided the criteria contained in the policy are met. In this instance, criteria 2 and 3 are considered to be met as the proposed housing use is compatible with neighbouring uses, a satisfactory level of residential amenity could be achieved (subject to suitable mitigation) and the site enjoys good accessibility by public transport, walking and cycling to local facilities. Criterion 4 is only satisfied if suitable developer contributions are agreed in respect of education and healthcare (see paragraphs 7a.16 to 7a.21 of this report). Criterion 5 does not apply and criterion 6 is not met as the proposed development conflicts with a number of other Local Plan policies. With regard to criterion 1, it can be noted that part of the site is brownfield (existing industrial land adjoining Broomhill Road) whilst the balance of the site is predominantly agricultural land. Owing to conflict with other Local Plan policies, the application is not considered to accord with this policy.

7a.7 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.8 This policy indicates that the layout, density and design of new housing should conform with any relevant site specific 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.9 The brownfield element of the proposed development site comprising the former Ian Craig Haulage yard is covered by a housing opportunity (H12) with an indicative capacity of 30 units. In the submitted indicative layout the portion of the site covered by opportunity H12 contains only 14 units, so this section of the site can be considered to conform to policy HSG04, although it is being developed at a lower density than envisaged by the Local Development Plan.

7a.10 SG02 indicates that one of the key principles to be applied to the design of the site in relation to its context and character is to “make the most of the site’s assets, including safeguarding and providing a setting for existing natural and built heritage features.” The key natural and built heritage features of the site are:

- The Milnquarter Site of Interest for Nature Conservation (SINC) which lies partially within the proposed development site; and
- The site forms part of the Antonine Wall World Heritage Site buffer zone and is adjacent to a scheduled part of the World Heritage Site at Milnquarter Roman Camp.

7a.11 To conform with this policy, the proposed development would have to safeguard and provide a setting for these two features. Based on the indicative site layout and the submitted Cultural Heritage Assessment, and as informed by the comments of Historic Scotland and Falkirk Community Trust, Museum Services, the proposed development is not considered to achieve this. The application is therefore considered to be contrary to Policy HSG04. Further detail can be seen in this report under the commentaries on Policies GN03, D07 and D08.

7a.12 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.13 This policy indicates that open space and play facilities should be provided based on the quantitative, qualitative and accessibility standards and priorities for improvement set out in the Open Space Strategy.

7a.14 The Council’s Public Open Space, Falkirk Greenspace and New Development Supplementary Planning Guidance (SPG) provides further guidance on this issue and indicates that new housing will have to provide open space at a rate of 70m²/dwelling split between 21m² active open space and 49m² passive open space.

7a.15 The indicative site layout shows that 157 dwellings are proposed on site, which would equate to a requirement for 3297m² of active open space and 7693m² of passive open space. Although the applicant was requested to provide a schedule of proposed open space provision showing where open space is to be delivered, how much open space is to be delivered and what type of open space is to be delivered, this has not been provided to date. As such, in the event that the application is approved, it should be on the condition that open space is provided at a rate of 70m²/ dwelling split between 21m² active open space and 49m² passive open space. If this is not provided in its entirety on-site, then a sum equal to £42/m² and £21/m² should be provided in relation to any residual requirement for active and passive open space respectively.

7a.16 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.17 This policy indicates that where there is insufficient capacity within the catchment schools 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. 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.18 The Council's Education Service have withdrawn their objection due to a change in circumstances, as detailed in paragraph 4.9 of this report. However, they request a number of developer contributions to address future capacity issues at local schools and in respect of nursery provision. Owing to their very recent change in position, the requested contributions have not yet been discussed or agreed with the applicant. In the absence of agreed contributions, the application is considered to be contrary to this policy.

7a.19 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.20 This policy indicates that 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 new development and that the approach to the improvement of primary healthcare provision will be set out in Supplementary Guidance 11 "Healthcare and New Housing Development".

7a.21 Supplementary Guidance 11 (which has been consulted on but is awaiting finalisation and Council approval) outlines that additional space and consultants will be required to accommodate any new housing growth within the Bonnybridge area and that provision of a developer contribution is likely to be required. The scale of the required developer contribution in this instance would need to be agreed with the Council in consultation with NHS Forth Valley. This is a new policy introduced through the Local Development Plan, and there have not been any discussions to date with the applicant in relation to this matter. In the absence of an agreed contribution, the application is considered to be contrary to this policy.

7a.22 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.23 This policy requires the submission of a Transport Statement where the impact of the proposed development is likely to have a significant impact on the transport network. The proposal in this instance, at in excess of 100 housing units, has the potential to have a significant impact on the road network. Accordingly, the applicant was requested to submit a Transport Assessment, but this has not been received to date. As part of this assessment it would have to be demonstrated that existing junctions in the locality either have capacity to take the additional traffic or are capable of being suitably upgraded. One of these junctions is the existing access at the former Ian Craig Haulage yard on Broomhill Road. This junction was required to be upgraded to a roundabout to accommodate the housing development approved for the former haulage yard site (see paragraphs 3.1 to 3.4 of this report). However, the relevant planning permission (P/08/0489/REM) has now lapsed. As part of the assessment, it would have to be demonstrated that the previously approved roundabout is sufficient to cope with the additional traffic generated by the proposed development (and the road functioning as a through-road) or that alternative mitigation is available. On the basis that a Transport Assessment has not been submitted to date, it has not been demonstrated that the traffic impacts could be satisfactorily addressed or that the proposal is acceptable from a sustainable transport point of view. The application is therefore considered to be contrary to this policy.

7a.24 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 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, 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 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 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.25 This policy indicates that development affecting a Site of Importance for Nature Conservation (SINC) will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance. The submitted indicative layout plan shows housing and SUDS provision within the Milnquarter SINC. The particular nature conservation importance of this SINC is its grassland habitat (poorly drained). The applicant was requested to submit an Ecological Impact Assessment, but this has not been received to date. However, on the basis of the submitted layout, the proposed development could cause the destruction of approximately 1.15 ha (34%) of this SINC. In practice, the effect of boundary displacement would be likely to significantly reduce the quality of the remaining 66% of the SINC. Whilst it is acknowledged that the SUDS provision could incorporate biodiversity measures, it is considered that its creation would cause as much damage to the grassland habitat as housing. It therefore seems almost inevitable that the development proposal would compromise the overall integrity of the Milnquarter SINC and there are not considered to be any social or economic benefits of the proposal which would outweigh the adverse effect on the SINC. In order to comply with the policy, it is considered that a planning condition would be required to preclude any development with the designated SINC area.

7a.26 Policy RW05 - 'The Water Environment' states:

"The Council recognises the importance of the water environment within the Council area in terms of its landscape, ecological, recreational and land drainage functions. Accordingly:

1. *The Council will support the development of measures identified within the Forth Area River Basin Management Plan designed to improve the ecological status of the water environment;*
2. *Opportunities to improve the water environment by: opening out previously culverted watercourses; removing redundant water engineering installations; and restoring the natural course of watercourses should be exploited where possible;*
3. *There will be a general presumption against development which would have a detrimental effect on the integrity and water quality of aquatic and riparian ecosystems, or the recreational amenity of the water environment, or which would lead to deterioration of the ecological status of any element of the water environment. Where appropriate, development proposals adjacent to a waterbody should provide for a substantial undeveloped and suitably landscaped riparian corridor to avoid such impacts;*
4. *There will be a general presumption against any unnecessary engineering works in the water environment including new culverts, bridges, watercourse diversions, bank modifications or dams; and*

5. *The water environment will be promoted as a recreational resource, (subject to the requirements of policy GN03 (1) for Natura 2000 Sites), with existing riparian access safeguarded and additional opportunities for ecological enhancement, access and recreation encouraged where compatible with nature conservation objectives."*

7a.27 This policy seeks opportunities to improve the water environment, for example, by opening out previously culverted watercourses. The Milnquarter Burn Tributary culvert is present within the application site, and the applicant will be required to consider options for deculverting this tributary or, alternatively, provide a justification for retaining the culvert. It is accepted that this matter could be deferred to detailed planning stage.

7a.28 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 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.29 This policy indicates that there will be a presumption against new development which would be likely to be at risk of flooding or increase the level of risk of flooding for existing development.

7a.30 The site is located within an area which is identified on SEPA's Indicative Flood Map as being at high risk of flooding. A flood risk assessment and supplementary information has been submitted by the applicant, which has been reviewed and accepted by SEPA and the Council's flood consultants. The applicant has accepted that the indicative housing development layout would have to be amended to ensure no housing development within the 200 year + climate change floodplain or over the line of the culvert. The application is considered to accord with this policy subject to planning conditions, including those requested by SEPA. The conditions would secure that no development or landraising takes place within the 1 in 200 year flood extent, that no built development takes place over the culverted watercourse, that finished floor levels are set at 600mm above the 1 in 200 year flood level, and that safe overland flow paths are provided should the culvert surcharge.

7a.31 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.32 This policy seeks to ensure low and zero carbon developments and includes a requirement to incorporate on-site low and zero carbon generating technologies (LZCGT) to meet a proportion of the overall energy requirements. As the planning application is at the 'in-principle' stage, it is unlikely that details of on-site LZCGT are available, or that it can be determined whether the detailed design and layout of the development would minimise energy requirements. However, an Energy Statement could have been submitted to assess the potential for decentralised energy generation and the scope to minimise energy requirements through the design and layout of development. A condition of any grant of planning permission should require the submission and approval of an Energy Statement.

7a.33 Policy D07 - 'Antonine Wall' states:

"The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:

- 1. There will be a presumption against development which would have an adverse impact on the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' as defined on the Proposals Map;*
- 2. There will be a presumption against development within the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is no conflict with other LDP policies; and*
- 3. Supplementary Guidance SG07 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' will be applied in assessing development proposals along the line, or affecting the setting, of the Antonine Wall."*

7a.34 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.35 The site of this proposed development is adjacent to scheduled monuments which form part of the Antonine Wall World Heritage Site (WHS), and the site itself lies within the WHS Buffer Zone. Any prospective development would therefore need to be particularly sensitive to the archaeology and the topographic setting of these features.

7a.36 The site's location is important because it includes two sizeable re-alignments of the Wall, taking it from a scarp immediately above the valley floor of the Bonny to a higher ridge at Rough Castle. To the west, the Wall was tactically positioned to block passage across the valley and its associated bogs, but eastward this was no longer tenable and the adjustment to the higher ground maintained a military advantage. This was rather awkwardly achieved by the re-entrant that utilised the small ridge south of the Antonine Primary School. The two sectors represent the work of different units of the Roman army and it was here that one of the work squads was based in the temporary camp. The camp is positioned to dominate the gap and its topographical relationship to the Wall is crucial. Indeed such clear views between a construction camp and a linear fortification at Milnquarter are unparalleled elsewhere within the WHS.

7a.37 Historic Scotland and Falkirk Community Trust, Museum Services, have commented on the likely impact of the proposed development on the outstanding universal value (OUV) of the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site (WHS) and advised that the proposed development, in its current form, has the potential to adversely and significantly impact on the OUV of the WHS. In order to consider this matter further, Historic Scotland have requested the submission of a provisional amended house layout, but to date this has not been submitted. In its current form, the application is considered to be contrary to this policy.

7a.38 The Council's Supplementary Planning Guidance for the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site provides detailed advice for managing the impacts of development on the Wall and its setting. This guidance should be used to inform the requested provisional amended housing layout. The guidance states that: *"In many circumstances, only full applications for planning permission will be acceptable for sites within the World Heritage Site and Buffer Zone. Applications for planning permission in principle often cannot provide sufficient information to enable detailed assessment of impacts on the World Heritage Site or its setting"*. This application seeks planning permission in principle, at odds with the guidance.

7a.39 Accordingly, the application is considered to be contrary to the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed in respect of this application are the consultation responses, the representations received and the planning history.

Consultation Responses

- 7b.2 The consultation responses are summarised in section 4 of this report. As set out in this section, Historic Scotland and Falkirk Community Trust, Museums Services, have objected to the application. Historic Scotland have requested further information, whilst the Council's Transport Planning Unit have requested a Transport Assessment. To date, this information has not been submitted. In addition, the Council's Education Services have withdrawn their objection to the application, and requested developer contributions. As this is a very recent request, it has not to date been discussed or agreed with the applicant. As such, it is considered that these matters could form the basis for a decision to refuse the application.
- 7b.3 The matters raised in the consultation responses by the Council's Roads Development Unit, the Council's Environmental Protection Unit, SEPA and Network Rail could be the subject of planning conditions or advisory notes, to ensure they are given full consideration at detailed planning stage.

Representations Received

- 7b.4 The representations received in relation to this application are summarised in sections 5 and 6 of this report. The following comments are considered to be relevant to the concerns raised in the representations:-
- Community consultation is required for a major planning application, and is undertaken by the applicant. In this case the applicant carried out a community consultation event, and the Council is unable to comment on the actual event itself;
 - Concerns in relation to community infrastructure are noted. Financial contributions would be required from the applicant towards addressing capacity issues in relation to local education and healthcare facilities;
 - Concerns in relation to traffic impacts are noted. A Transport Assessment has been requested from the applicant, but has not been received to date;
 - Flooding related issues have been addressed in this report. A Flood Risk Assessment was submitted with the application, and has been accepted by SEPA and the Council's flood consultants. Suitable mitigation measures would be required as detailed in the report;
 - This application seeks planning permission in principle, and construction related impacts and concerns with loss of light and privacy would be considered at detailed planning stage; and
 - Concerns in relation to impacts on the Antonine Wall World Heritage Site and the Milnaquarter Site of Importance for Nature Conservation (SINC) are highlighted in this report.

Planning History

- 7b.5 The relevant planning history is summarised in section 3 of this report. As noted in paragraph 3.6, related application P/14/0046/PPP was refused by the Council under delegation, and the decision to refuse was subject to review by the Council's Planning Review Committee. The Planning Review Committee were minded to approve the application subject to referral to Scottish Ministers, due to an outstanding objection from Historic Scotland.

- 7b.6 The reasons for the Council's refusal under delegation were that the applicant had failed to demonstrate that (a) the proposed road and associated infrastructure would be acceptable in terms of their impact on the setting of Scheduled Monuments and the Antonine Wall World Heritage Site; and (b) that the impacts of the proposal on the road network had been properly outlined and that suitable mitigation measures had been identified.
- 7b.7 In considering the request for review, the Planning Review Committee concluded that the proposed distributor road *"was acceptable in terms of its design and layout impacts on the surrounding area, including those relating to traffic impacts and cultural heritage, and was therefore in accordance with the Development Plan"*. This is a material consideration for the Planning Committee in considering how it might have determined planning application P/11/0142/PPP. However, the Committee should also note the decision by the Planning Review Committee, which stated: *"In its consideration of the proposed road, the FCPRC was of the view that it required to be considered on its own merits. Other planning proposals, for example for housing in the vicinity, and issues relating to them, should not be taken into account in the determination of the application subject to Review, which is for a road"*.

7c Conclusion

- 7c.1 The application has been called in by Scottish Ministers due to its inter-relatedness to planning application P/14/0046/PPP for a distributor road, which has also been called in by Scottish Ministers. The Reporter assigned to the case has asked how the Council would have determined the application if it had been in a position to do so. The application is before the Planning Committee to allow them to consider this matter.
- 7c.2 The application is considered to be contrary to the Falkirk Local Development Plan for the reasons detailed in this report. It is therefore recommended that the Planning Committee indicate to Scottish Ministers that it would have decided to have refused the application based on the applicant's current submissions.
- 7c.3 The application site lies within the Bonnybridge urban limits and it is considered that the proposed development could be acceptable in principle (as a sizable windfall housing opportunity) if the potential impacts of the development could be satisfactorily addressed. However, as detailed in the report, this is not the current position as there is outstanding information and matters to resolve. In particular, a Transport Assessment and an Ecological Impact Assessment have not been submitted, and further information is required to fully assess the impacts of the proposal on the inter-visibility between the Antonine Wall and the Roman Camp (including an updated provisional housing layout).
- 7c.4 The recommendation in section 8 is therefore based on a deficiency of information, and this is consistent with the decision of the Director of Development Services under delegation in respect of planning application P/14/0046/PPP.
- 7c.5 As noted in paragraphs 7b.5 to 7b.7, the Planning Review Committee decided that the traffic and cultural heritage impacts of the proposed distributor road (planning application P/14/0046/PPP) were acceptable and the Committee were minded to approve the application subject to referral to Scottish Ministers. This is a material consideration for the Planning Committee in considering how it might have determined planning application P/11/0142/PPP. However, the Planning Review Committee were careful to emphasise that the review was solely in relation to a road and was to be considered on its individual merits. In contrast, planning application P/11/0142/PPP is not only for the road but for a sizable housing scheme, and so the potential impacts, including in relation to traffic and the setting of the Antonine Wall, can be seen to be wider ranging and potentially more significant, and have not been satisfactorily addressed by the applicant to date.

8. RECOMMENDATION

8.1 It is therefore recommended that the Committee indicate to Scottish Ministers that it would have been minded to refuse planning permission in principle for the following reasons:-

- (1) The application is considered to be contrary to Policy HSG02 (Affordable Housing) of the Falkirk Local Development Plan as to date there is no agreement with the applicant with respect of the provision of 15% of the total number of housing units as affordable housing units.
- (2) The application is considered to be contrary to Policy HSG03 (Windfall Housing) of the Falkirk Local Development Plan in consequence of the development proposal not meeting all other relevant policies of the Local Development Plan.
- (3) The application is considered to be contrary to Policy HSG04 (Housing Design) of the Falkirk Local Development Plan as, based on the submitted indicative site layout, the proposed development does not provide an appropriate setting for existing natural and built heritage features, i.e. the Antonine Wall World Heritage Site and the Milnquarter Site of Importance for Nature Conservation (SINC).
- (4) The application is considered to be contrary to Policy INF05 (Education and New Housing Development) of the Falkirk Local Development Plan as to date there is no agreement with the applicant with respect to the payment of a developer contribution in the sum of £6,000 per dwellinghouse towards addressing future capacity issues in relation to local education provision (including nursery provision).
- (5) The application is considered to be contrary to Policy INF06 (Healthcare and New Housing Development) as to date there is no agreement with the applicant with respect to the payment of an appropriate developer contribution towards addressing deficiencies in the provision of local healthcare facilities.
- (6) The application is considered to be contrary to Policy INF10 (Transport Assessments) of the Falkirk Local Development Plan as it has not been demonstrated, through the submission and approval of a Transport Assessment, that the existing road network could accommodate an increase in traffic as a result of the development proposed (new housing and a new distributor standard link road) in conjunction with suitable mitigation measures.
- (7) The application is considered to be contrary to Policy GN03 (Biodiversity and Geodiversity) of the Falkirk Local Development Plan as, based on the submitted indicative site layout, the development proposal is likely to compromise the overall integrity of the Milnquarter Site of Importance for Nature Conservation (SINC) in circumstances where the adverse impacts are not considered to be outweighed by any social or economic benefits of substantial local importance.
- (8) The application is considered to be contrary to Policy D07 (Antonine Wall) of the Falkirk Local Development Plan as the development proposal would have an adverse impact on the setting of the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' and it has not been demonstrated that suitable mitigation action could be taken to redress the adverse impact.

- (9) The application is considered to be contrary to Policy D08 (Sites of Archaeological Interest) of the Falkirk Local Development Plan as the development proposal would have an adverse effect on the integrity of the setting of the following scheduled monuments: 'Antonine Wall, Milnquarter, Roman Camp', 'Antonine Wall, 160m ENE to 155m NW of St Joseph's Church' and 'Antonine Wall and Motte, 75m SW of Antonine Primary School'.

pp

.....
Director of Development Services

Date: 10 August 2015

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Falkirk Council Supplementary Guidance SG02 Neighbourhood Design.
3. Falkirk Council Supplementary Guidance SG05 Biodiversity and Development.
4. Falkirk Council Supplementary Guidance SG10 Education and New Housing Development.
5. Falkirk Council Supplementary Guidance SG12 Affordable Housing.
6. Falkirk Council Supplementary Guidance SG13 Open Space and New Development.
7. Falkirk Council Draft Supplementary Guidance SG11 Healthcare and New Housing Development.
8. Falkirk Council Supplementary Planning Guidance Frontiers of the Roman Empire (Antonine Wall) World Heritage Site.
9. Objection received from Mr Greig Chambers, 15 Foxdale Place, Bonnybridge, Falkirk, FK4 2FB on 18 May 2011.
10. Objection received from Mr David Nicholas Miller, 4 Ardgay Crescent, Bonnybridge, Falkirk, FK4 2FN on 8 April 2011.
11. Objection received from Owner / Occupier, 9 Laurel Grove, Bonnybridge, FK4 2ED on 8 April 2011.
12. Objection received from Mrs Donna Gillooly, 10 Milnquarter Road, Bonnybridge, FK4 2FG on 20 May 2011.
13. Objection received from Mr Jim Bell, 8 Foxdale Court, Bonnybridge, FK4 2FF on 19 April 2011.
14. Objection received from Mr David East, 11 Foxdale Place, Bonnybridge, Falkirk, FK4 2FB on 4 June 2011.
15. Objection received from Mr David Currie, 16 Milnquarter Road,, Foxdale Park, Bonnybridge, FK4 2FG on 18 May 2011.
16. Objection received from Bonnybridge Community Council - Mr Graham Rae, 8 Morrison Ave, Bonnybridge, FK4 1ET on 16 June 2011.
17. Objection received from Mr. Kris Procek, 7 Foxdale Avenue, Bonnybridge, FK4 2FD on 18 May 2011.
18. Objection received from Mr Andrew Gallacher, 59 Roman Road, Bonnybridge, Falkirk, FK4 2DE on 20 March 2011.
19. Objection received from Mr Alan Garvie, 44 Roman Road, Bonnybridge, FK4 2DE on 21 March 2011.

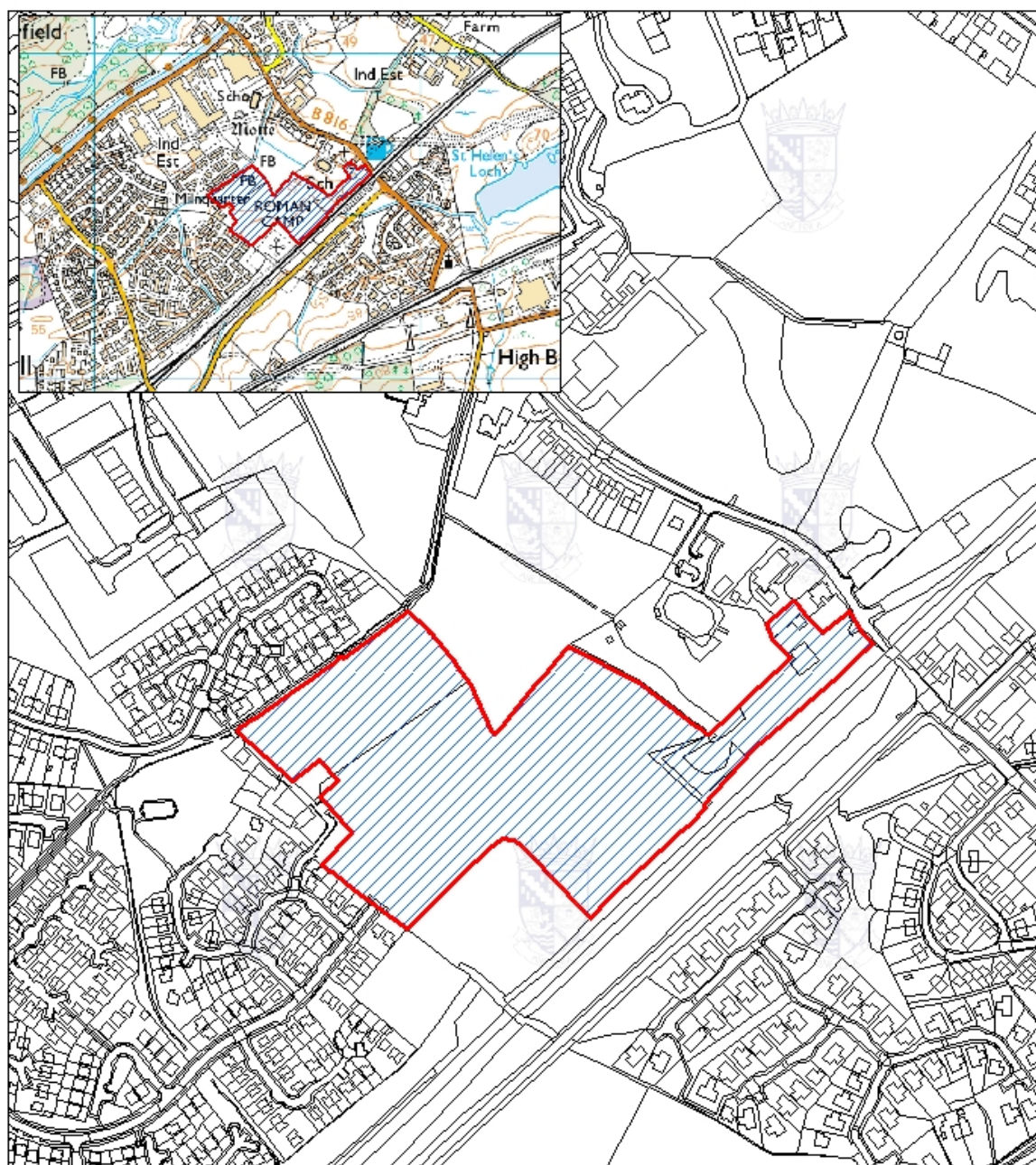
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/11/0142/PPP

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



Reproduced by permission of Ordnance Survey on behalf of HMSO.
© Crown copyright and database right 2015. All rights reserved.
Ordnance Survey Licence number 100023384

Our ref: CIN-FLK-001 & NA-FLK-035

10 August 2015

Good Afternoon

CALLED-IN APPLICATION: MILNQUARTER FARM ROMAN ROAD BONNYBRIDGE

This letter is a procedure notice requesting further information under the terms of The Town and Country Planning (Appeals) (Scotland) Regulations 2013.

The reporter appointed to make a decision on this appeal, Mr Lance Guilford DipTP MRTPI, is issuing this procedure notice to request the following information to help him consider the case.

A procedure notice for CIN-FLK-001 was issued to Falkirk Council on 7 July 2015 requesting the council to provide the following additional information:

- (1) How the council would have determined this application if it had been in a position to do so.
- (2) Any further information which the council considers relevant to the determination of the application following (1) above.

At the request of the council, the period for the submission of the above information has been extended to **18 September 2015**, to allow consideration by the council's planning committee.

Since the issue of the first procedure notice, the reporter has reviewed the information before him in more detail in preparation for his report to Scottish Ministers, and he has identified a need for further specific information on both applications CIN-FLK-001 and NA-FLK-035, in addition to the information already requested from the council on application CIN-FLK-001.

This second procedure notice is issued under the umbrella of the first notice, and the council is requested to provide the information under both procedure notices at the same time. In addition, the applicants for both applications are requested to provide the further specific information stated below, also by the same date.

The reporter has noted that the Falkirk Council Local Development Plan was adopted on 16 July 2015, which means that its provisions supersede those of the Falkirk Council Structure Plan and Falkirk Council Local Plan.

CIN-FLK-001

Further information from the council:

- (1) Screening opinion on the need for EIA
- (2) Assessment of the proposal in the context of the relevant provisions of the local development plan, and particularly its housing land provisions and policies, and its heritage and transport policies
- (3) Copies of the relevant provisions and policies of the local development plan, including the proposals map for Bonnybridge
- (4) Status of the application at the time called-in by Scottish Ministers, and any outstanding matters being discussed between the council and the applicant

- (5) Dependence (or otherwise) of the proposed development on the proposed distributor road, and the extent to which alternative vehicular access would be appropriate (also relating this to the scale of the residential development)
- (6) Consideration given to the preparation of a masterplan or visualisations showing the scale and layout of the proposed residential development, particularly in relation to its effect on the scheduled monuments and world heritage site
- (7) Assessment of the further information relating to the flood risk assessment, which was received following the response by Halcrow on behalf of the council
- (8) Conditions and planning obligation in the event that planning permission in principle is granted.

For the avoidance of doubt, the council is still requested to indicate how it would have determined the application and provide any further information (beyond that referred to above) which is relevant to the determination of the application (from the first procedure notice).

Further information from the applicant:

- (1) A planning statement supporting the proposed development, particularly taking into account (2), (5) and (6) above, and including a view on the scale of the residential development (number of houses) considered to be viable
- (2) Status of the possible future games area and car parking to the north of the application site
- (3) Confirmation (or otherwise) that the submitted access appraisal constitutes the transport assessment for the proposed residential development.

NA-FLK-035

Further information from the council:

- (1) Assessment of the proposal in the context of the relevant provisions of the local development plan, and particularly its heritage and transport policies
- (2) Copies of the relevant policies of the local development plan, including the proposals map for Bonnybridge
- (3) In the light of the response from the council's transport planning unit, whether a transport assessment should be undertaken with respect to the need for the distributor road in the event that the residential development does not proceed.

Further information from the applicant:

- (1) A planning statement supporting the proposed development, particularly taking into account (1) - (3) above, including any further information following the consideration of the application by the council's planning review committee.

What next

The reporter requests that the planning authority and the appellant send the information to me at the address provided **by 18 September 2015**, and copy it to each other.

Further comments

On receipt of each you will have **28 days to comment** on each other's information, although are not obliged to do so. A copy of any further comments should be sent to this office and as before, copied to each other.

This exchange will then bring the written submissions procedure to a close and you may only provide any additional information if specifically asked to do so.

All documents relating to the cases can be found on our website, www.dpea.scotland.gov.uk, and by typing CIN-FLK-001 or NA-FLK-035 into the "Simple Search" field.

I trust this information is clear. Please do not hesitate to contact me if you have any questions or require further information.

Yours sincerely

Jane Robertson

Kelly Sinclair
Casework Section Leader
The Scottish Government
Directorate for Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Falkirk
FK1 1XR
Tel: 01324 696 483
Fax: 01324 696 444

Development Services

Memo

To: Development Management
f.a.o: Brent Vivian

From: Danny Thallon (Planning and Environment)

Date: 19th August 2015

Enquiries: ext. 4927
Fax: 4709

Our Ref:

Your Ref: P/11/0142/PPP

RE: Development of Land for Residential Purposes at Milnquarter Farm, High Bonnybridge

In response to a further information request from the Reporter's Unit, you have asked me to assess the proposal in the context of LPD housing land provisions.

Policy HSG01 Housing Growth

Clause 2 of this policy indicates that 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.

The overall target for the term of the LDP (2014-2024) is 6750 units. The effective housing land supply target is therefore 3375 units. The 2014/2015 housing land audit indicates that we have an effective land supply of 2959 units which amount to a 4.4 year supply (at a rate of 675 houses per year) or a shortfall of 416 houses over a 5 year period.

In the context of the wider housing land supply, this shortfall is not considered to be significant taking into account the amount of housing which could be delivered on small sites or windfall sites (which are not included within the housing land audit) over this 5 year period. We are also optimistic that the shortfall is temporary as we have number of large housing sites that will come into the effective housing land supply in the coming years.

Nonetheless, as there is a shortfall in the effective land supply, the policy is clear that the Council should consider supporting sustainable development proposals that are effective. This raises the question of whether the proposed development at Milnquarter represents a sustainable development proposal and if so, whether it is effective.

Sustainability

Policy D02 “Sustainable Design Principles” of the LDP sets out a number of principles which new development proposals should comply with:

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.

With regard to principle 1: the proposed development does not conserve, enhance or integrate the setting of the Antonine Wall World Heritage Site (WHS), the setting of scheduled monuments at the Antonine Wall or Milnquarter Roman Camp or the Milnquarter SINC sensitively into the development.

With regard to principle 4: the proposed development does not currently 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. It is accepted that these details may come forward in subsequent, more detailed planning applications.

With regard to principle 5: the proposed development has not demonstrated that it will be able to address infrastructure needs and their impacts through sustainable mitigation techniques. In particular no detail has been presented to detail how the development will overcome its traffic, road safety and healthcare infrastructure impacts and no indication has been given as to whether the requested education contributions will adversely affect overall site viability.

Paragraph 29 of Scottish Planning Policy sets out 13 sustainability principles which decisions should be guided by. Due to potential impacts on the setting of the Antonine Wall WHS, the setting of scheduled monuments at the Antonine Wall and Milnquarter Roman Camp, and on the Milnquarter SINC, the proposed development does not appear to meet principles 10 and 11:

10. Protecting, enhancing and promoting access to cultural heritage, including the historic environment;
11. Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;

Taking the above into account, the proposed development does not comply with the sustainable design principles in policy D02 of the LDP or the sustainability principles set out at paragraph 29 of SPP and therefore cannot be considered to be a sustainable development proposal.

Effectiveness

PAN 2/2010 sets out a number of criteria at paragraph 55 which should determine the effectiveness of individual sites. To qualify as being effective, it must be demonstrated that within a five year period the site can be developed for housing and will be free of constraints on the following basis:

- ownership: the site is in the ownership or control of a party which can be expected to develop it or to release it for development. Where a site is in the ownership of a local authority or other public body, it should be included only where it is part of a programme of land disposal;
- physical: the site, or relevant part of it, is free from constraints related to slope, aspect, flood risk, ground stability or vehicular access which would preclude its development. Where there is a solid commitment to removing the constraints in time to allow development in the period under consideration, or the market is strong enough to fund the remedial work required, the site should be included in the effective land supply;
- contamination: previous use has not resulted in contamination of the site or, if it has, commitments have been made which would allow it to be developed to provide marketable housing;
- deficit funding: any public funding required to make residential development economically viable is committed by the public bodies concerned;
- marketability: the site, or a relevant part of it, can be developed in the period under consideration;
- infrastructure: the site is either free of infrastructure constraints, or any required infrastructure can be provided realistically by the developer or another party to allow development; and
- land use: housing is the sole preferred use of the land in planning terms, or if housing is one of a range of possible uses other factors such as ownership and marketability point to housing being a realistic option.

With regard to ownership, the majority owners of the site are Stuart Homes but a proportion of the site, which traverses the proposed line of the internal distributor road and which is critical to the delivery of the site as envisaged in the indicative site layout, is in the ownership of Falkirk Council. The land in question is not currently part of a programme of land disposal.

With regard to infrastructure, it is not yet clear:

- whether any off site mitigation of the local road network is necessary to accommodate the scale of the proposed development or whether this mitigation could be funded by the development without adversely affecting its financial viability;
- what the scale of the necessary financial contribution towards healthcare provision would be or whether this could be funded by the development without adversely affecting its financial viability; and
- whether the requested education contributions can be funded by the development without adversely affecting its financial viability.

Given the above, it could be argued that the proposed development site cannot yet be considered as effective.

In summary therefore, although there is a shortfall in the Council's 5 year effective land supply, the proposed development is not currently an appropriate site to meet that shortfall as, at present, it is neither a sustainable development proposal nor an effective housing site.

Danny Thallon
Planning Officer - Development Plans

Recommended Matters to be Secured by a Section 75 Planning Obligation

- (a) The provision of 15% of the total number of units as affordable housing.
- (b) The payment of an education contribution at the rate of £6000 per dwellinghouse and £3100 per flat.
- (c) The payment of an open space contribution, to be calculated in accordance with the Council's SG13 Open Space and New Development should the required open space provision not be provided wholly on-site.

Recommended Conditions to Attach to any Grant of Planning Permission in Principle

- (1) Plans and particular of the matters specified below shall be submitted for consideration by the Planning Authority in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval. The specified matters are:-

- (a) The siting of the buildings;
- (b) The design of the buildings;
- (c) The external appearance of the buildings;
- (d) Details of the access arrangements;
- (e) Details of landscaping of the site; and
- (f) Details of proposed boundary treatments.

Reason: to ensure that the matters specified are given full consideration and to accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006.

- (2) For the avoidance of doubt, the submitted Initial Feasibility drawing (Drawing No. 5:155-01A) is hereby NOT approved.

Reason: the submitted drawing is not considered to be acceptable.

- (3) Unless otherwise agreed in writing by this Planning Authority, the following information shall be submitted for the written approval of this Planning Authority as part of the first application for the Approval of Matters Specified in Conditions:-

- (a) A Masterplan Drawing;
- (b) A Transport Assessment;
- (c) An Energy Statement;
- (d) A Noise Impact Assessment (to determine the impact of transportation noise on the development);
- (e) A Drainage Design and Impact Assessment;
- (f) Proposals for the provision of safe overland flow paths through the site should the culverted watercourse in the south-west of the site surcharge;
- (g) Options for de-culverting the Milnquarter Burn Tributary culvert (if the applicant proposes that the tributary remains in culvert, then reasons to justify not deculverting the watercourse should be provided); and

- (h) Details to confirm the exact line and condition of the existing culvert, together with the proposed maintenance regime and details of the arrangements for the long-term maintenance of the culvert.

Any application for the approval of Matters Specified in Conditions shall thereafter accord with the details approved within the terms of this condition.

Reason: to ensure that the matters specified are given full consultation.

- (4) The Masterplan drawing required by condition 3 of this permission shall be supported by the submission of a further landscape and visual assessment, to be prepared having regard to the Council's Supplementary Planning Guidance for the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site.

Reason: to assess the impacts of the development on the inter-visibility between the Antonine Wall and outlying Roman Camp.

- (5) There shall be no development within the Site of Importance for Nature Conservation (SINC) as defined on Map 1 of the Falkirk Local Development Plan, July 2015.

Reason: to maintain the integrity of a SINC.

- (6) Unless otherwise agreed in writing by this Planning Authority, open space shall be provided on the site at a rate of 20m² per dwellinghouse (split between 21m² active open space and 49m² passive open space) and 35m² per flat (split between 0.5m² active open space and 24.5m² passive open space).

Reason: to ensure the appropriate provision of active and passive open space.

- (7) No development shall commence until a contaminated land assessment has been submitted to and approved in writing by this Planning Authority. Before any residential unit is occupied, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by this Planning Authority.

Reason: to ensure the ground is suitable for the proposed development.

- (8) No built development or landraising shall take place within the 1 in 200 year flood extent as detailed within the Flood Risk Assessment (FRA) by Sir Frederick Snow Consulting dated August 2012.

Reason: to satisfactorily mitigate the risk of flooding.

- (9) No built development shall take place over the culverted watercourse in the south-west of the site.

Reason: to satisfactorily mitigate the risk of flooding should the culvert surcharge or collapse.

- (10) No development shall commence until a scheme detailing two levels of sustainable drainage (SUDS) surface water treatment has been submitted to and approved in writing by this Planning Authority, in consultation with SEPA. Thereafter all works shall be carried out in accordance with the approved scheme. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control.

Reason: to ensure protection of the water environment from surface water run-off.

- (11) The finished floor levels shall be set at least 600mm above the 1 in 200 year flood level.

Reason: to satisfactorily mitigate the risk of flooding.

OUR REF INT
YOUR REF

Rhona Geisler
Director of Development Services
Falkirk Council
Abbotsford House
David's Loan
Bainsford
FALKIRK
FK2 7YZ

BY EMAIL : director.ds@falkirk.gov.uk

18 August 2015

Dear Madam

**DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT MILNEQUARTER FARM, ROMAN ROAD,
BONNIEBRIDGE (APPLICATION REFERENCE: P/11/0142/PPP) (the "Application")
STEWART HOMES (the "Applicant")
PLANNING COMMITTEE - 19 AUGUST 2015
REPORT TO COMMITTEE BY THE DIRECTOR OF DEVELOPMENT SERVICES (the "Report")**

We act on behalf of the Applicant. Having reviewed the Report in detail, our client has concerns regarding both the assessment of the development proposal and a number of inaccuracies/misleading statements. These are set out in more detail below.

In the event that the Planning Committee proceeds to consider the Application tomorrow despite the recommendation to defer, then please ensure that this letter is circulated to members or that they are made aware of its content in order that they may take account of the points raised below before coming to a view on the Application. If consideration of the Application is deferred, then please ensure that the points raised below are addressed in the amended report prepared for the September committee.

Distributor Road

Paragraph 4.1 of the Report relates to the consultation response from the Council's Roads Department. The Report states that, in terms of the Roads response, "further discussions would be required in due course regarding *the most appropriate carriageway type* to be used throughout the development" (italics added). As the Council is well aware, the requirement for a road to local distributor standard has come from the Council itself over a number of years dating back to 2000. The Council has imposed this requirement through previous transport assessments and through a legal agreement (section 75) over the sites known as Greenhill 1, 2 and 3 which included an obligation to provide a road built to distributor standard.

Brodies LLP is a limited liability partnership, registered in Scotland. Registered no. SO300334.
Registered office: 15 Atholl Crescent, Edinburgh, EH3 8HA. A list of all members is available for inspection at 15 Atholl Crescent Edinburgh EH3 8HA. 'Brodies' is a registered trade mark.

29177007v1

Glasgow Office:
Brodies LLP Solicitors
2 Blythswood Square
Glasgow G2 4AD,
Scotland UK

Tel: [+44] (0)141 248 4672
Fax: [+44] (0)141 221 9270
DX GW11, GLASGOW-1

While the distributor road is the subject of a separate planning application, it is important that members are aware of the full context.

Transport Assessment

Paragraph 7(a).23 of the Report states that the Applicant was asked to provide a transport assessment in support of the Application but declined to do so. This statement is inaccurate and misleading. Several relevant transport assessments have been commissioned by the Applicant over the years. The most recent of these was prepared by JMP in 2007 as part of application P/07/0069/OUT (industrial site at Broomhill Road). At the Council's request this assessment took into account the wider development area including the Milnquarter site and Greenhill. While the assessment concluded that a mini roundabout was the preferred option, a priority junction would provide capacity for up to 200 private houses on the Milnquarter site.

Accordingly the impacts of the present development proposal are adequately covered by that assessment. There has been no change of circumstances since the preparation of that transport assessment such as to justify the Council's request for a further assessment being prepared at this time.

Affordable Housing and Developer Contributions

The assessment of the proposal as contrary to policies HSG02 (Affordable Housing); INF05 (Education); and INF06 (Healthcare and New Housing Development) is ridiculous. In relation to affordable housing, the Report states that the proposal must be viewed as contrary to the policy on the basis that the type of affordable housing and delivery mechanism is yet to be agreed. As the Council is well aware such matters would commonly be addressed following a minded to grant decision with the delivery of affordable housing being secured by planning obligations. It is therefore misleading to suggest that the development proposal contravenes this policy.

Similarly, the proposal is said to contravene policies INF05 and INF06 on the basis that developer contributions have yet to be agreed (or even discussed). Again it would be standard practice for contributions to be agreed following a minded to grant decision. It is unreasonable to suggest that the proposal contravenes policy when the Council has yet to discuss the matter with the Applicant.

Multi Use Games Area (MUGA)

The Report fails to mention the Applicant's offer of a contribution of £70,000 towards a MUGA within the local area by way of community benefit. This offer should be brought to the attention of the members.

Conditions

For the avoidance of doubt the Applicant's position is as follows -

SINC - Paragraph 7a.25 of the Report suggests that a planning condition preventing development within the SINC would ensure policy compliance. The Applicant would be content to accept such a condition.

Noise – a suitable noise assessment has already been undertaken in the context of the Broomhill Road site. However the Applicant would be willing to undertake a further assessment as part of an MSC application in due course.

Flooding – the Applicant has already agreed the conditions proposed by SPEA and the Council's consultants.

Site Investigations – again this should be dealt with as part of an MSC application in due course.

On this basis, it should be made clear in the Report that none of these issues presents a barrier to development.

Cultural Heritage

For the avoidance of doubt, silence on the matter of cultural heritage within this letter should not be taken to imply agreement with the Council's position, which clearly is disputed.

Material Considerations

Despite the recent adoption of the Local Development Plan, there are significant concerns regarding a shortfall in housing land, as has been highlighted by Homes for Scotland. The Application would contribute towards meeting that shortfall and provide a much needed mixture of tenure.

Yours faithfully

On behalf of Brodies LLP

cc. Bernard Whittle (by email)