



AGENDA ITEM

6

**Residential Development to Build 10
Flats, 38 Dwellinghouses and
Associated Parking Areas and
Infrastructure at Land to the West of
21 Old Mill Way, Kirkland Drive,
Stoneywood for Mactaggart and Mickel
- P/16/0429/FUL**

FALKIRK COUNCIL

Subject: RESIDENTIAL DEVELOPMENT TO BUILD 10 FLATS, 38 DWELLINGHOUSES AND ASSOCIATED PARKING AREAS AND INFRASTRUCTURE AT LAND TO THE WEST OF 21 OLD MILL WAY, KIRKLAND DRIVE, STONEYWOOD, FOR MACTAGGART AND MICKEL - P/16/0429/FUL

Meeting: PLANNING COMMITTEE

Date: 25 January 2017

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock

Councillor Jim Blackwood

Councillor Brian McCabe

Councillor Paul Garner

Councillor Martin David Oliver

Community Council: Denny and District

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks to amend the scheme approved under planning permission P/08/0296/FUL (see paragraph 3.1 below) by substituting 37 flats and 18 dwellinghouses with 10 flats and 38 dwellinghouses within a portion of the overall site. This represents a change to the unit type / mix and a reduction of seven units within this area. The proposed changes also result in the removal of previously approved commercial floor-space (250m² retail and 500m² office). The application is being considered in tandem with planning application P/16/0653/75M (see paragraph 3.9).
- 1.2 Planning application P/16/0426/FUL and Listed Building Consent application P/16/0424/LBC are also under consideration (see paragraphs 3.7 and 3.8). These applications are to convert Carrongrove House to form seven flats. The change to the unit type mix proposed in P/16/0429/FUL in combination with the seven flats matches the 182 units approved under the original application (P/08/0296/FUL).
- 1.3 The application site consists of part of a former paper mill site. The site is now cleared and the only remaining building is Carrongrove House (a Category B listed building). Phase 1 of the redevelopment, consisting of 27 affordable housing units, is completed. The River Carron corridor adjoins the site to the north.

- 1.4 As the proposal is concerned with a change in house type / mix in respect of an extant planning permission and does not increase unit numbers, this report will not revisit any fundamental aspects of the approved housing scheme or apply any new requirements introduced since the time of the original approval, either through new planning policy or relevant guidance e.g. healthcare contributions (Policy INF06 of the Falkirk Local Development Plan) and the requirement for on-site low and zero carbon generation technologies (Policy D04 of the Falkirk Local Development Plan). The report will consider the design and layout aspects of the proposed changes, as well as the proposed removal of the retail and office uses.
- 1.5 The following information has been submitted in support of the application:-
- a schedule of external finishes;
 - an updated ecological assessment;
 - a letter concerning commercial demand at this location; and
 - a phase 2 site investigation report.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application is being considered by the Planning Committee at the discretion of the Director of Development Services as it is linked to planning application P/16/0653/75M (see paragraph 3.9) which requires determination by the Planning Committee.

3. SITE HISTORY

- 3.1 Planning application P/08/0296/FUL for redevelopment of former paper mill to provide 129 dwellinghouses and 53 flats, 750 square feet of commercial floor-space, roads infrastructure including new roundabout, open space, landscaping, woodland management and public pathway provision, construction of a fish ladder and alterations to listed building to retain business use was granted on 24 May 2012. The entrance roundabout, phase 1 consisting of 27 affordable housing units, and a hydro-electric scheme with fish ladder have been completed. A Section 75 planning obligation attaches to this permission.
- 3.2 Listed building consent application P/08/0488/LBC for internal and external alterations to former office building was approved on 22 April 2009. This consent lapsed on 22 April 2014.
- 3.3 Planning application P/13/0262/FUL for alterations to Fankerton Weir for hydro-electric generation and fish passage, installation of 600 metre pipeline and construction of turbine house was granted on 6 September 2013. The hydro development and fish ladder are now completed.
- 3.4 Planning application P/13/0364/VRC to vary condition 33 of planning permission P/08/0296/FUL to allow occupation of affordable housing units prior to construction of a roundabout at the junction of Stirling Street and Nethermains Road was refused on 6 March 2013.

- 3.5 Planning application P/13/0074/75M for a modification of the planning agreement attached to planning permission P/08/0296/FUL to remove the requirement to make a transport contribution of £550,000 was approved on 24 April 2014 on appeal to the Scottish Government. The appeal was in response to the Council's decision to refuse the modification.
- 3.6 Listed building consent P/16/0302/LBC for removal of display plaques at Carrongrove House was approved on 24 June 2016.
- 3.7 Planning application P/16/0426/FUL for the conversion of former office building to create 7 flats, car parking and all other associated works is pending consideration.
- 3.8 Listed building consent application P/16/0424/LBC for the conversion of former office building to form 7 flatted dwellings is pending consideration.
- 3.9 Planning application P/16/0653/75M for a modification of the Section 75 planning obligation attached to planning permission P/08/0296/FUL to accommodate development under planning application P/16/0429/FUL is being considered by the Planning Committee in tandem with planning application P/16/0429/FUL.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have advised that the proposed development complies with the parking requirements that applied at the time of the original application (contained within the Design Guidelines and Construction Standards for Roads in the Falkirk Area), but there is a shortfall of parking provision when assessed against the current National Roads Development Guide. They have some concerns at the proximity of the bank of parking spaces for Plots 1 to 6 to the entrance roundabout but advise that there are no standards to apply in respect of this matter and there is sufficient visibility at the junction for vehicles entering the site.
- 4.2 The Environmental Protection Unit have reviewed the submitted contaminated land information and note that further information is to be submitted. This information includes further modelling of the water environment, further investigations to determine the mineral stability of the site, the specific gas protection measures and certification that the topsoil is suitable. These matters could be the subject of a planning condition. In addition, they advise that noise need not be a determining factor in considering the application.
- 4.3 The Transport Planning Unit have noted the proposed changes to the house mix. They advise that the additional traffic impact normally associated with an increase in the dwellinghouse to flat ratio is likely to be offset by the removal of the office/commercial element. Therefore they anticipate that the net impact on the wider network is likely to be minimal. On that basis, no further traffic information has been requested.
- 4.4 Children's Services have advised that the proposed changes in house type/ mix result in an increased education contribution of £14,400 (from £501,750 to £516,150), based on the identified school capacity issues and the rates that applied at the time of the original application (as set out in Supplementary Planning Guidance: 'Education and New Housing Development', February 2007).

- 4.5 SEPA have no objection to the application on the basis that the proposed culvert diversion route will follow the route approved under the original planning permission (P/08/0296/FUL).
- 4.6 Scottish Water have not provided a response.
- 4.7 Historic Environment Scotland have no comments to make on the proposal.
- 4.8 Falkirk Community Trust, Museum Services, have no objection to the application. They note that nothing is left of the original grounds of the listed building (Carrongrove House) and consider that the proposed development is set sufficiently far back to allow good views of the listed building.

5. COMMUNITY COUNCIL

- 5.1 The Denny and District Community Council have not made any representations in respect of the application.

6. PUBLIC REPRESENTATION

- 6.1 Three objections have been received in respect of this application. The concerns raised in the objections can be summarised as follows:-
- Adverse effect on residential amenity of neighbours, by reason of noise and visual impact;
 - Unacceptable impact on character of the neighbourhood;
 - Overbearing and out of scale;
 - Unacceptably high density/ overdevelopment of the site;
 - Height of the flats a concern;
 - Loss of light and privacy for neighbouring properties;
 - Loss of existing views for neighbouring properties;
 - Adverse effect on highway safety and convenience of road users entering from Nethermain Road;
 - No parks for the development, putting additional strain on nearby parks/ play areas;
 - Lack of a play area in the development;
 - Additional strain on schools and health centres; and
 - Adverse impact on market value of existing house properties.

7. DETAILED APPRAISAL

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

Accordingly,

7a The Development Plan

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

7a.2 Policy HSG01 - Housing Growth states:

1. *The Council will aim to achieve an average housing growth of 675 dwellings per year across the Council area over the Plan period, and will ensure that a five year effective land supply is maintained;*
2. *The Council will monitor and update the effective housing land supply figures annually to make sure that a minimum five year supply is maintained at all times. If this Housing Land Audit process identifies a shortfall in the effective land supply, the Council will consider supporting sustainable development proposals that are effective, in the following order of preference:*
 - Urban Capacity sites
 - Additional brownfield sites
 - Sustainable greenfield sites*In doing so, account will be taken of other local development plan policies and of any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.*
3. *The overall scale of housing allocations in each settlement area to meet the target level of growth, including flexibility, will be as shown in Figure 3.1.*
4. *The specific sites where new housing will be promoted are listed in the Settlement Statements, and detailed in the Site Schedule in Appendix 1.*
5. *The locations for most significant growth are identified as Strategic Growth Areas (SGAs). Within these areas, the preparation of development frameworks, masterplans and briefs, as appropriate, and the co-ordination of social and physical infrastructure provision, will be a particular priority. Site requirements are set out in Appendix 2.*

7a.3 The application site lies within housing opportunity site H17 as identified in the Falkirk Local Development Plan. The site is therefore specifically promoted for new housing as a contributing site to the Council's housing land supply.

7a.4 Housing opportunity site H17 is identified as an Existing Supply Site (Extended), with an indicative capacity of 200 units. Under planning permission P/08/0896/FUL, 182 housing units were approved. The current application, in combination with planning application P/16/0426/FUL (for conversion of Carrongrove House to seven flats), match the previously approved number of units.

7a.5 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.6 The proposed layout, design and density are in keeping with the previous scheme approved under P/08/0296/FUL. The main change is along the B818 frontage where two-storey terraced dwellinghouses are proposed to replace three storey blocks of flats. This results in some of the terraced dwellinghouses backing onto the B818. In keeping with SG02 'Neighbourhood Design', high quality treatment along the B818 frontage is proposed. This consists of landscaping and a new natural stone wall (using stone recovered from the existing walls). Overall, the proposed changes are considered to conform to relevant design policy and guidance including SG02.

7a.7 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.8 The proposed changes do not affect the previously approved arrangements for open space. These arrangements include large areas of passive open space, the provision of a cycleway and footpaths within the site, the provision of an equipped play area, an open space contribution of £30,000 and a cyclepath contribution of £20,000. These provisions were assessed at the time as exceeding the open space requirements as set out in the Council's Supplementary Planning Guidance Note for Public Open Space and New Development. Given the nature of the proposed changes, a review of the previously agreed arrangements was not considered to be necessary.

7a.9 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.10 As detailed in paragraph 4.4, the proposed changes in house type / mix results in an increase in the education contribution by £14,000. This change is to be secured by means of planning application P/16/0653/75M to modify the existing Section 75 planning obligation. As explained, the increase has been calculated with respect to the school capacity issues and contribution rates that applied at the time of the original application (P/08/0296/FUL).

7a.11 Policy GN03 - Biodiversity and Geodiversity states:

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

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

3. *Development likely to have an adverse effect on European protected species, a species listed in Schedules 5, 5A, 6, 6A and 8 of Wildlife and Countryside Act 1981 (as amended), or a species of bird protected under the Wildlife and Countryside Act 1981 (as amended) will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.*
4. *Development affecting Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites (as identified in Supplementary Guidance SG08 'Local Nature Conservation and Geodiversity Sites'), and national and local priority habitats and species (as identified in the Falkirk Local Biodiversity Action Plan) will not be permitted unless it can be demonstrated that the overall integrity of the site, habitat or species will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
5. *Where development is to be approved which could adversely affect any site or species of significant nature conservation value, the Council will require appropriate mitigating measures to conserve and secure future management of the relevant natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required, along with provision for its future management.*
6. *All development proposals should conform to Supplementary Guidance SG05 'Biodiversity and Development'.*

7a.12 An updated ecological assessment has been submitted in support of the application. The assessment does not identify any new issues and notes that there is an extensive area of bare ground across the site which supports no vegetation and has negligible wildlife value. The update survey found no evidence of protected species and noted the previous findings that the Carron Glen Site of Special Scientific Interest (SSSI) lies on the north bank of the River Carron, the River Carron has woodland edges and otters use the River Carron corridor. The relevant conditions of the previous permission (P/08/0296/FUL) relating to ecological matters would be carried over to any new permission as appropriate.

7a.13 Policy RW06 – Flooding states:

1. *Development on the functional flood plain should be avoided. In areas where there is significant risk of flooding from any source (including flooding up to and including a 0.5% (1 in 200 year) flood event), development proposals will be assessed against advice and the Flood Risk Framework in the SPP. There will be a presumption against new development which would:*
 - *be likely to be at risk of flooding;*
 - *increase the level of risk of flooding for existing development; or*
 - *result in a use more vulnerable to flooding or with a larger footprint than any previous development on site.*

2. *Development proposals on land identified as being at risk from flooding, or where other available information suggests there may be a risk, will be required to provide a flood risk assessment that demonstrates that:*

- *any flood risks can be adequately managed both within and outwith the site;*
- *an adequate allowance for climate change and freeboard has been built into the flood risk assessment;*
- *access and egress can be provided to the site which is free of flood risk; and*
- *water resistant materials and forms of construction will be utilised where appropriate.*

3. *Where suitably robust evidence suggests that land contributes or has the potential to contribute towards sustainable flood management measures development will only be permitted where the land's sustainable flood management function can be safeguarded*

7a.14 Potential flooding issues were addressed in the previous application (P/08/0296/FUL) and the relevant conditions of the permission would be carried over to any new permission as appropriate. As part of the overall redevelopment, existing culverts that cross the site to the River Carron are to be diverted. As detailed in paragraph 4.5, SEPA have no objection to the current application given that the proposed diversion route (of the Sandyford Burn culvert) will follow the route approved under P/08/0296/FUL. Given the nature of the current application, it is not considered that the previous flooding conclusions and recommendations need to be revisited.

7a.15 Policy RW10 - Vacant, Derelict and Contaminated Land states:

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

7a.16 The site includes a large tract of vacant and potentially unstable and contaminated land. The proposal is supported by this policy as it regenerates a previously developed site and puts in place measures to remediate the land.

7a.17 Overall, the application is considered to accord with the Local 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 Brief for the Former Carrongrove Paper Mill, dated March 2007.

Consultation Responses

- 7b.2 The consultation responses are summarised in Section 4 of this report. No objections have been received in the consultation responses. A number of the matters raised could be the subject of planning conditions or a modification to the Section 75 Planning Obligation as appropriate.
- 7b.3 Whilst the Roads Development Unit have advised that the proposal does not meet the current National Roads Development Guide, it can be noted that the original planning permission (P/08/0296/FUL) pre-dated this guide and complied with the Council's parking guidance at that time. The proposed changes are considered to improve the overall parking provision compared to the original approval, particularly with removal of the commercial floor-space.

Representations Received

- 7b.4 The concerns raised in the three objections to the application are summarised in Section 6 of this report. With respect to those concerns, the following comments are considered to be relevant:
- The proposed changes would have no more impact on the amenity and character of the area than the previously approved scheme (P/08/0296/FUL);
 - The proposed changes are comparable with the previously approved scheme in terms of such matters as density. Overall, the building height along the B818 frontage is reducing;
 - The site lies to the north of neighbouring housing developments. There would be no material impacts on the daylighting or sunlighting of these properties;
 - The proposed development meets the guidelines for 'window to window' distances and therefore no material impacts on privacy are anticipated;
 - The current proposals retain the previously agreed provision of an equipped play area at the front of Carrongrove House;
 - Transport safety and capacity issues were fully considered in respect of the original application (P/08/0296/FUL) As advised by the Transport Planning Unit, the net impact of the proposed changed compared to the original scheme is likely to be minimal;
 - Potential impacts on school infrastructure are considered in this report. Given the nature of the application, the Council's new guidance in respect of healthcare has not been applied; and
 - Loss of views and impact on property value are not material planning considerations.

Planning Brief for the Former Carrongrove Paper Mill (dated March 2007)

- 7b.5 The Planning Brief for the former Carrongrove Paper Mill promoted the provision of 1.5 hectares of business / industrial land as part of redevelopment of the site (in order to retain employment generating activity within the area). The unviability of this scale of employment land at this location was accepted in determination of the original application (P/08/0296/FUL) and alternative commercial provision was agreed. This consisted of new build (250m² retail and 500m² office) and retention of Carrongrove House for business use.
- 7b.6 The current application is accompanied by a letter from a firm of Chartered Surveyors and property consultants. The letter advises that marketing of the approved retail and commercial elements has attracted no interest owing to the location, low population, low traffic movements, and proximity and accessibility to Denny, which provides sufficient amenities for the surrounding population. This information is noted.
- 7b.7 Under the previous local plan (the Falkirk Council Local Plan), the site was identified as an opportunity for mixed use redevelopment consisting of housing and business uses. The situation is now different as the site is identified in the Falkirk Local Development Plan as solely a housing supply site (H17). There is therefore no longer any local development plan basis for requiring business use of this land.
- 7b.8 In light of the above comments, the proposed removal of the commercial floor space is considered to be acceptable. As noted in paragraph 3.7 of this report, a planning application to convert Carrongrove House to seven flats is also under consideration.

7c Conclusion

- 7c.1 This application, for a change to the house types / mix approved under P/08/0296/FUL, is considered to accord with the Local Development Plan, for the reasons detailed in this report. The proposed changes necessitate an increase in the education contribution and therefore the application is being considered in tandem with a Section 75A application (P/16/0653/75M), to modify the planning obligation attached to P/08/0296/FUL. The recommendation set out in Section 8 is therefore made.

8. RECOMMENDATION

- 8.1 **It is therefore recommended that Committee indicate that it is minded to Grant Planning Permission subject to:-**
- a) agreement to the modification of the Section 75 planning obligation sought under planning application P/16/0653/75M;**
 - b) the satisfactory conclusion of the Section 75A matters (P/16/0653/75M) and registration of the Decision Notice in the Land Register;**
 - c) and thereafter, remit to the Director of Development Services, to approve the application subject to the following conditions:**

- 1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
- 2. Before the development commences, details of the phasing of the proposed development and the location(s) of the works compound and construction vehicle parking areas shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.**
- 3. Before the development commences, full details of the colour and specification of all proposed external finishes shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be completed in accordance with the approved details.**
- 4. Before the development commences, full details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate):**
 - (i) existing and proposed finished ground levels in relation to a fixed datum, preferably ordnance;**
 - (ii) the location of all new trees, shrubs, hedges and grassed areas;**
 - (iii) a schedule of plants to comprise species, plant sizes and proposed numbers/density;**
 - (iv) the location, height, colour and specification of all proposed walls, fences, gates and any other means of enclosure;**
 - (v) the location, colour and specification of all proposed hard surface materials;**
 - (vi) existing and proposed services such as cables, pipelines, sub-stations, etc;**
 - (vii) other artefacts and structures such as seating, litter bins, dog bins, external lighting, bollards, trail and interpretive signage and viewing galleries. Thereafter, the development shall be completed in accordance with the approved details.**
- 5. Notwithstanding the approved plans, before the development commences, a scheme for the provision of active recreational facilities shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate)**
 - (i) the location of a toddler/junior play area and the type and location of all associated play equipment, seating, fences, walls and litter bins;**
 - (ii) the surface treatment of play areas;**
 - (iii) the location and specification of all proposed cycleways and footways within the application site and proposed connections to the wider network. Gradient, cross-section and signage details shall be submitted as appropriate.**

- 6. Before the development commences, a final statement and plan confirming any existing trees proposed to be removed shall be submitted to and approved by this Planning Authority. No existing trees shall be removed until the final statement and plan have been approved in writing. The existing trees proposed for removal shall be marked, and the Planning Authority shall be notified when the trees are marked, in order to provide the opportunity for an inspection of the marked trees.**
- 7. Before the development commences, a Tree Protection Plan shall be submitted to and approved in writing by this Planning Authority (as appropriate). The plan shall include details of the exact location and specification of the temporary fencing to protect the areas of retained habitat. The protective fencing shall be put in place before the development commences and shall remain in place until all construction works are complete. The Planning Authority shall be notified in order to provide an opportunity for inspection of the protective fencing once it is in place.**
- 8. During construction, no excavation, level changes, material storage, fires or vehicle movement shall take place within the fenced off areas indicated in the approved Tree Protection Plan.**
- 9. Before the development commences, the exact details of the proposed measures, either as detailed in Tables 1A and 1B of the Ecological Impact Assessment prepared by Heritage Environmental Limited, dated July 2011(submitted with P/08/0296/FUL) or as otherwise detailed in any agreed update of these Tables, shall be submitted to and approved in writing by this Planning Authority, in consultation with SEPA and SNH (as appropriate). Thereafter, the development shall proceed in accordance with the approved details.**
- 10. Before the development commences, any necessary Species Protection Plan for otter shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall proceed in accordance with the approved details, under the supervision of a suitably experienced ecologist acting as Ecological Clerk of Works.**
- 11. Before the development commences, an Environmental Management Plan shall be submitted to and approved in writing by this Planning Authority. The plan shall include woodland management measures and management prescriptions for the SUDS pond and habitat, and consider the opportunities for access and recreation within the various habitat areas. Thereafter, the development shall proceed in accordance with the approved details.**

- 12. In respect of otter:**
- (a) No vehicular access, works or pedestrian access shall occur within 30 metres of the otter resting places identified in the otter survey(s). This exclusion zone shall be marked on the site with temporary posts and high visibility tape or similar before the development commences (to be removed at the end of the contract). The positioning and erection of fences demarcating the boundaries of exclusion zones shall be supervised, and subsequently monitored, by a suitably experienced ecologist acting as Ecological Clerk of Works.**
 - (b) The existing scrub/trees screening the otter resting places from the area where works are proposed shall be retained.**
 - (c) All personnel, including contractors and sub-contractors, shall be made aware of the presence of otters and their holts, their protected status and the conditions of any granted licence.**
- 13. Should the development not commence within 12 months of the last survey of the site for otter, bats and badgers, a further walk-over survey of the site shall be conducted and the results of the survey submitted for the written approval of this Planning Authority.**
- 14. Tree, scrub and hedgerow removal shall only occur between the months of September to March (inclusive) in order to avoid the destruction of birds nesting during the breeding season.**
- 15. Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.**
- 16. Waste management facilities for the proposed development shall be provided in accordance with the Council's Refuse and Recycling Collection Requirements for Housing and Commercial Developments.**
- 17. Unless otherwise agreed in writing by this Planning Authority, all new road and footway design and construction shall be carried out in accordance with the National Roads Development Guide.**
- 18. All individual driveways shall be constructed to meet the public road at right angles, with a maximum gradient of 1:10, and in a manner to ensure that no surface water or loose material is discharged onto the public road.**
- 19. The proposed development shall be carried out in accordance with the recommendations detailed on page 43 of the Flood Risk and Drainage Impact Assessment, Revision H, prepared by Waterman Civils Limited, dated September 2011 (submitted with P/08/0296/FUL).**

20. Before the development commences, details of the provision of an improved trash screen for the Sandyford Burn under the B818 and arrangements for the maintenance of the proposed and existing culverts and outfalls that cross/adjoin the application site shall be submitted to and approved in writing by this Planning Authority. Thereafter, the approved trash screen shall be installed in accordance with an agreed timescale and maintenance of the culverts shall be carried out in accordance with the approved details.
21. One cycle store per flat shall be provided before each flat is occupied, in accordance with details to be submitted to and approved in writing by this Planning Authority before the development commences.
22. Before the first unit is occupied, a Residential Travel Plan, including a Travel Pack shall be submitted to and approved in writing by this Planning Authority and distributed to households prior to occupation.
23. Before the development commences, details of the party (parties) to implement the Environmental Management Plan, and the timescale thereof, and details of the on-going future management and maintenance of the hard and soft landscaping areas, and the active recreational facilities, shall be submitted to and approved in writing by this Planning Authority. Documentary evidence shall be submitted to demonstrate the long-term securing of the management and maintenance of these areas and infrastructure.
24. Before the 23rd residential unit within the application site is occupied, the toddler/junior play area shall be fully completed in accordance with the approved details.
25. Before the 43rd residential unit within the application site is occupied, the alterations to the listed building (Carrongrove House) shall be fully completed in accordance with the details to be approved by means of a separate planning permission/listed building consent.

Reason(s):-

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

- 16. To ensure the provision of appropriate waste management facilities.
- 17, 18. To safeguard the interests of the users of the highway.
- 19, 20. To safeguard the site against the risk of flooding.
- 21, 21. To ensure the provision of facilities and measures to support sustainable modes of transport.
- 23. To secure the on-going maintenance of the common areas and facilities.
- 24, 25. To secure the timeous provision of facilities and infrastructure which are a requirement of the proposed development.

Informative(s):-

- 1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02A, 03D, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15B, 16B, 17B, 18B, 19B, 20B, 21C, 22C, 23A, 24, 25 and 27.
- 2. All proposed adoptable roads, cycleways and footpaths will require Road Construction Consent, issued by Falkirk Council Development Services.
- 3. Bollards and lighting within roads and footpaths to be adopted as public will require to satisfy the relevant Council Standards. The Council specification for bollards is Marshalls Steel Rhino Bollard RB119.
- 4. Retaining structures should be outwith a 1 in 2 slope zone of a footpath or carriageway to be adopted as public. Design calculations and drawings for any structure within this zone will require to be submitted to Falkirk Council as part of the Road Construction Consent process.
- 5. The discharge of surface water to the water environment should be in accordance with the principles of SUDS (Sustainable Drainage Systems) Manual (C753) published by CIRIA. Surface water drainage from the construction phase should also be dealt with by SUDS. Such drainage should be in accordance with C648 and C649, both published by CIRIA. It should be noted that oil interceptors are not considered SUDS in their own right but are beneficial as part of the treatment train.
- 6. Any proposals for modifications to the bank of the Carron River and other works within the vicinity of the river will require SEPA authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR).
- 7. Scottish Natural Heritage should be contacted to ensure that valid licenses are in place for the carrying out of works that will affect European protected species or their shelter/breeding places.

8. Due to proximity to the River Carron, which hosts species that respond to changing light levels, including salmon fish and otters, careful consideration should be given to the design of street lighting to minimise impact on the river. Scottish Natural Heritage recommends that proposals for lighting are reviewed in accordance with the Scottish Governments Guidance Note on Controlling Light Pollution and Reducing Light Energy Consumption.
9. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.

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pp Director of Development Services

Date: 16 January 2017

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Supplementary Guidance SG02 'Neighbourhood Design.
3. Supplementary Planning Guidance Note 'Public Open Space and New Development'.
4. Supplementary Planning Guidance Note 'Education and New Housing Development'. February 2007.
5. Planning Brief for the Former Carrongrove Paper Mill, March 2007.
6. Objection received from Mr Michael McGuire, 15 McKenna Avenue, Denny, FK6 5GX on 27 July 2016.
7. Objection received from Miss Heather King, 15 Tarduff place, Stoneywood, Denny, FK6 5HT on 21 July 2016.
8. Representation received from Terri-Ann McCafferty, terriann.mccafferty@falkirk.gov.uk on 1 August 2016.

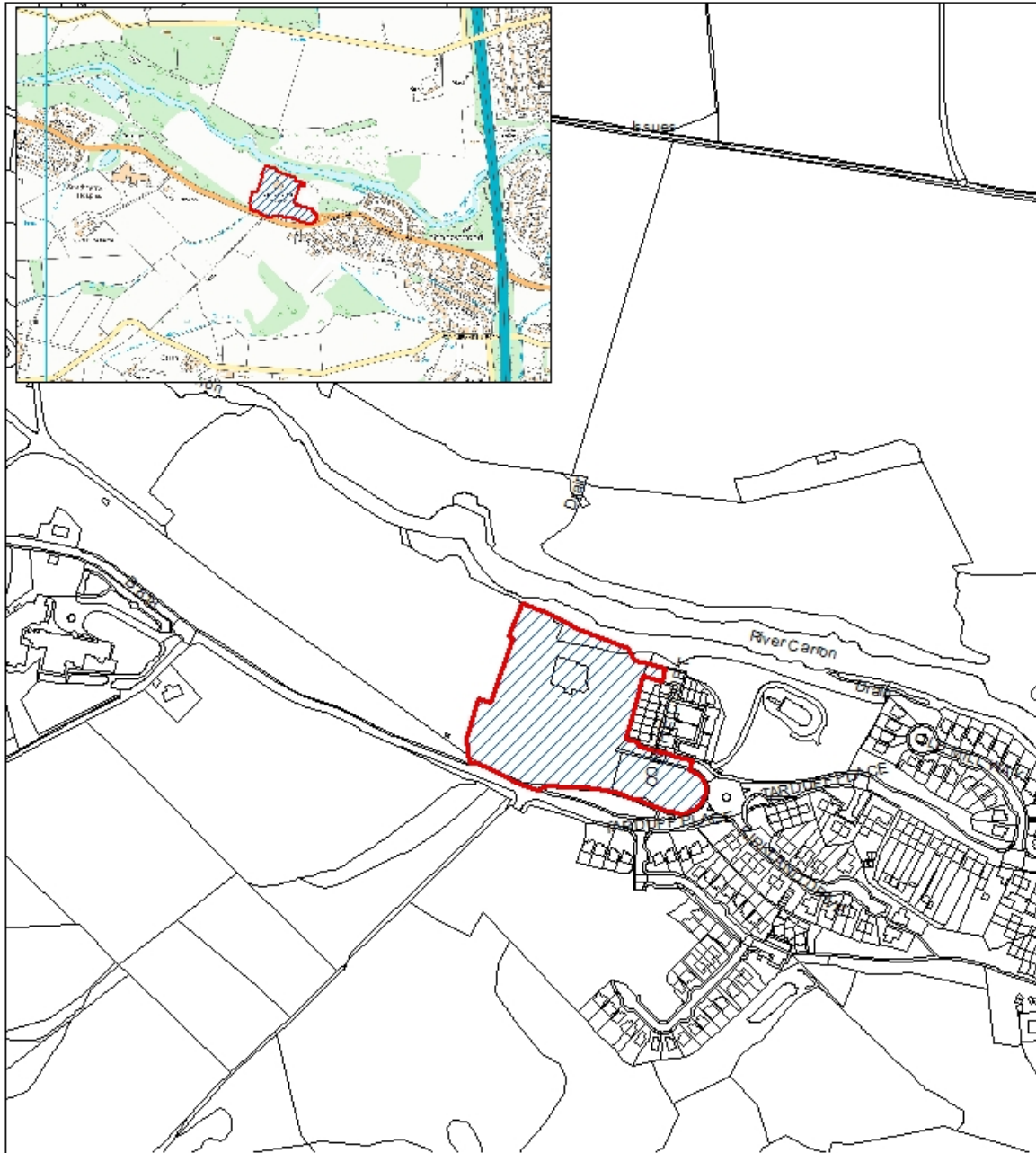
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/16/0429/FUL

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



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