

AGENDA ITEM

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Erection of 130 Dwellinghouses, 38 Flats and Formation of Access, Landscaping and Associated Infrastructure at Site a Transco, Holder Station, Etna Road, Falkirk for Persimmon Homes (East Scotland) – P/17/0295/FUL

FALKIRK COUNCIL

Subject: ERECTION OF 130 DWELLINGHOUSES, 38 FLATS AND FORMATION OF ACCESS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE AT SITE AT TRANSCO HOLDER STATION, ETNA ROAD, FALKIRK, FOR PERSIMMON HOMES (EAST SCOTLAND) - P/17/0295/FUL

Meeting: PLANNING COMMITTEE

Date: 20 February 2018

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North

Councillor David Alexander
Councillor Robert Bissett
Councillor Dennis Goldie
Councillor Cecil Meiklejohn

Community Council: Grahamston, Middlefield and Westfield

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application proposes the development of a vacant former industrial site, previously used for the storage and distribution of gas, for residential purposes. Extending to some 4.87 hectares, the site is located to the south of the Forth & Clyde Canal, which is a Scheduled Ancient Monument, and to the north of Etna Road, Falkirk. To the west, there are residential developments and to the east, existing industrial/commercial units.
- 1.2 The site currently consists of a largely level area, part surfaced in demolition materials and part surfaced in unkempt vegetation. There is an area where surface water has gathered, albeit in conjunction with demolition material run-off. There is also a limited area of naturally seeded bush and tree stock.
- 1.3 The site is allocated for residential use through the Falkirk Local Development Plan.

- 1.4 The proposed development consists of a housing mix (flats, detached, semi-detached and terraced properties) and associated infrastructure, retaining a natural “green buffer” to the north and permeable access to a secondary pathway along the canal corridor. The proposed flats in the northern part of the site would be 3 storeys high, with the remainder of the proposed development being 2 storey. The site would have a single vehicular access point from Etna Road. As part of the proposals, the applicant has agreed to contribute a financial sum (£25,000) to facilitate the natural extension of the secondary canal path to the nearest canal crossing point eastwards to Abbots Road. The applicant has also agreed to a commuted payment towards education provision (£478,400).

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called to the planning committee by Councillor Meiklejohn stating reasons relating to overdevelopment of the site; impact on local services and amenities which are already stretched.

3. SITE HISTORY

- 3.1 Proposal of Application Notice reference PRE/2016/0034/PAN, submitted on 6 December 2016. This being required as the application is a Major Development as defined in the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009.

4. CONSULTATIONS

- 4.1 Historic Environment Scotland has no comments to make on the proposal.
- 4.2 Falkirk Community Trust - Museum Services advises that the site lies adjacent to the scheduled monument of the Forth & Clyde Canal, on the site of the old gas works. It is welcomed that there would be a canal side path and a buffer between the proposed housing and the waterway. There is no historic interest in the site of the gas works and no objections to the proposed development.
- 4.3 Scottish Water has no objections to the proposals but cannot reserve capacity at their facilities to accommodate development.
- 4.4 Falkirk Council's Transport Planning Unit have no objections to the proposals, subject to planning conditions securing a travel pack for residents, a further road safety audit (stage 2 and 3) and cycle parking provision. The matter of a temporary/ repositioned bus stop on Etna Road can be the subject of a legal agreement.
- 4.5 Falkirk Council's Roads Development Unit does not object to the application.
- 4.6 Scottish Canals advise that land may be made available to facilitate the secondary footpath extension. However, this is not the subject of this current planning application and will be a project led by others.

4.7 Falkirk Council's Children's Services (Education) advise that a commuted payment would be required to address education facility provision. This would amount to:-

Bainsford Primary School	£2,600/house & £1,000/flat	= £376,000 for 130 houses and 38 flats
Nursery Provision	£700/house & £300/flat	= £102,400 for 130 houses and 38 flats
Total Contribution	£3,300/house & £1,300/flat	= £478,400 for 130 houses and 38 flats

4.8 The Forestry Commission advise that there is no historic Felling Licence relating to this site. The Forestry Commission advise that planning permission would exempt the landowner from obligations on the Felling Licence that require restocking of the site.

5. COMMUNITY COUNCIL

5.1 No comments received.

6. PUBLIC REPRESENTATION

6.1 Three letters of representation have been submitted, one objection and two representations regarding the technical information submitted by the applicant. The objector raises concern that the proposed development would destroy habitat for wildlife in the proposed area, especially when the existing pond is the perfect habitat for newts. Evidence was sought by the objector that the area has been appropriately surveyed to ensure the proposals would not disrupt the habitat of any rare species.

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 planning 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 is identified as an allocated site for residential development (H26). Policy HSG01 of the Local Development Plan (LDP) sets out specific sites where new housing will be promoted. The sites schedule advises that the site has an indicative site capacity of 150 units. It is an existing supply site. The proposal is for 168 units in total. This would be 18 units above the indicative site capacity as identified in the LDP. The Council does not currently have a 5 year effective housing land supply. In such circumstances the Council will consider supporting sustainable development proposals that are effective in an order of preference as identified by HSG01 (2). The application is therefore supported in principle by HSG01.

7a.4 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

Proportion of total site units required to be affordable

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

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

7a.5 The applicant has provided 25 units on-site to address affordable housing requirements. These units would be managed by the applicant who has reached agreement with a Registered Social Landlord to deliver the full requirement on site as social rented units (25 units, plots 6-30).

7a.6 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.7 Planning policy clearly states that indicative site capacities in the site schedule may be exceeded where a design solution can achieve balance with residential amenity. In this instance, the applicant has introduced a broad range of house types (including flats) which has raised the overall site density. The applicant has been able to provide an appropriate proportion of open space provision and therefore demonstrate that a good level of residential amenity can be achieved.

7a.8 Policy GN01 - 'Falkirk Green Network' states:-

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

7a.9 Part 3 of the policy seeks that new development should contribute to the green network, not least through enabling opportunities for improvement on nearby land. In this instance, it is recognised that the site has a degree of natural green regeneration through disuse and demolition of existing structures associated with gas storage and distribution. The area to the northern edge of the site is a Site of Importance for Nature Conservation (SINC). In this regard, the applicant has retained a large "green buffer" of open space, introducing drainage ponds and landscaping to enhance this area. In addition, permeability to a secondary canal pathway is intended through the introduction of pedestrian footpaths. To complete this linkage with the existing green corridor created by canal side, the applicant has committed to a commuted payment to allow the newly created pathway within their land ownership to be extended to the nearest canal crossing point. This extension to the pathway would require land purchase negotiations and construction works by other parties.

7a.10 Policy D01 - 'Placemaking' states:-

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

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

7a.11 The importance of the canal corridor to the site has been recognised and the applicant has sought to utilise and enhance access provision to this asset. This is balanced with the need to secure the retention and enhancement of the area of land designated as a SINC. Environmental enhancement is considered to have been achieved on both of these elements.

7a.12 Policy INF02 – 'Developer Contributions to Community Infrastructure' states: -

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

1. *Specific requirements identified against proposals in the LDP or in development briefs;*
2. *In respect of open space, recreational, education and healthcare provision, the general requirements set out in Policies INF04, INF05 and INF06;*
3. *In respect of physical infrastructure any requirements to ensure that the development meets sustainability criteria;*
4. *In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
5. *Where a planning obligation is the intended mechanism for securing contributions, the principles contained in Circular 3/2012.*

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

7a.13 The proposed development generates a deficiency in education provision that will be addressed by financial contribution. It will also make a positive contribution towards the potential enhancement of canalside footpath access. The development will also provide funding for the relocation of existing bus stop provision on Etna Road.

7a.14 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.15 On-site open space provision is proposed as well as a voluntary financial contribution for pedestrian access to the nearest Forth & Clyde canal crossing point. This would allow opportunities for prospective residents and existing residents to visit the numerous active open space facilities already linked to the canal corridor.

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 Insufficient capacity has been identified by Children's Services (Education). They have recommended that a financial contribution of £478,400 (£376,000 for Bainsford Primary School and £102,400 for nursery provision) is required. A financial contribution to improve capacity provision at relevant education facilities has been agreed by the applicant.

7a.18 Policy INF07 - 'Walking and Cycling' states:-

1. *The Council will safeguard and promote the development of the core path network. Where appropriate, developer contributions to the implementation of the network will be sought.*
2. *New development will be required to provide an appropriate standard of pedestrian and cycle infrastructure, including cycle parking, which complies with current Council guidelines and meets the following criteria:*

Where appropriate, infrastructure supporting the two modes of walking and cycling should be combined and support objectives in agreed Travel Plans helping to support active travel;

Pedestrian and cycle facilities in new developments should offer appropriate links to existing networks in surrounding areas, in particular to facilitate school journeys and provide connections to public transport, as well as links to other amenities and community facilities;

The surfacing, lighting, design, maintenance and location of pedestrian and cycle routes should promote their safe use. Particular emphasis should be given to the provision of suitable lighting and the provision of suitably designed and located crossing facilities where routes meet the public road network;

Where practical, no pedestrian route should be obstructed by features that render it unsuitable for the mobility impaired.

7a.19 The applicant has proposed pedestrian/cycle footpath provision to the nearby Forth & Clyde canal, albeit to a secondary footpath running parallel with the primary canal footpath. This would allow pedestrian / cycle access direct to Grahams Road and points westward. In addition, the applicant has agreed to a financial contribution to allow this secondary footpath to be extended eastward to link with the nearest canal crossing point at Abbots Road. This would provide ready access to the primary canal pathway. Cycle parking is the subject of a planning condition.

7a.20 Policy INF08 - 'Bus Travel and New Development' states:-

1. *New development will be required to provide appropriate levels of bus infrastructure or suitable links to existing bus stops or services, as identified within travel plans, taking account of the 400m maximum walking distance required by SPP. This provision will be delivered through direct funding of infrastructure and/ or the provision of sums to support the delivery of bus services serving the development.*
2. *Bus infrastructure should be provided at locations and to phasing agreed with the Council, and designed in accordance with the standards set out in current Council guidelines.*
3. *New development, where appropriate, should incorporate routes suitable for the provision of bus services. Bus facilities within new developments should offer appropriate links to existing pedestrian networks in surrounding areas. Alternatively, new development should be linked to existing bus infrastructure via pedestrian links as described in Policy INF07.*

7a.21 As part of the alterations to the existing road network at Etna Road, the applicant would provide a repositioned bus stop position. This would allow residents to readily access the bus transport network.

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 The applicant has submitted supporting information in relation to traffic impacts and no objection has been raised by the Transport Planning Unit. However, suspensive planning conditions are recommended, requiring further stage 2 and stage 3 road safety audits to be completed, as well as the requirement for a travel pack to be available to prospective residents.

7a.24 Policy INF11 - 'Parking' states:-

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

- 1. The scale of public parking provision in Falkirk Town Centre will be maintained broadly at its current level and any proposed change to parking provision will be assessed against its effect on the vitality and viability of the centre.*
- 2. The feasibility of promoting Park and Ride facilities on the road corridors into Falkirk Town Centre will continue to be investigated.*
- 3. Parking in District and Local Centres will be managed to promote sustainable travel and the role of the centres.*
- 4. New parking will be provided to support the strategic role of railway stations, with priority given to new provision at Falkirk High. Where possible, the provision of new off street parking facilities will be associated with traffic management and other measures to reduce uncontrolled on-street parking.*

5. *The maximum parking standards set out in the SPP will be applied to new development, where relevant, in tandem with the Council's minimum standards. Where the minimum standards cannot be met, developer contributions to enhance travel plan resources may be required in compensation.*

7a.25 The applicant has proposed parking provision commensurate with the level of development and to the satisfaction of the Roads Development Unit.

7a.26 Policy INF12 - 'Water and Drainage Infrastructure' states:-

1. *New development will only be permitted if necessary sewerage infrastructure is adopted by Scottish Water or alternative maintenance arrangements are acceptable to SEPA.*
2. *Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation.*
3. *A drainage strategy, as set out in PAN61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment.*

7a.27 No objection from Scottish Water has been received, although the applicant is advised that capacity at Scottish Water resources cannot be reserved. Surface water management is to be achieved through the introduction of shallow drainage ponds and, being placed in the area of the SINC. This would also contribute to ecological biodiversity on the site. With regard to the adjacent Ladysmill Burn, this has been included in consideration of the overall flood risk assessment for the site.

7a.28 Policy BUS05 - 'Major Hazards and Pipelines' states:-

1. *Proposals within Major Hazard and Pipeline Consultation Zones as defined by the HSE and shown on the Proposals Map will be assessed in relation to the following factors:*
 - *The increase in the number of people exposed to risk in the area;*
 - *The existing permitted use of the site or buildings;*
 - *The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means; and*
 - *The potential impact on existing chemical and petrochemical sites and pipelines.*

2. *The Council will give careful consideration to applications for hazardous substances consent (HSC) that would extend major hazard distances within the urban area, to balance the desirability of growth and development at nationally important clusters of industries handling hazardous substances with the possibility of prejudice to the development of sites allocated in the LDP. Applications for HSC should demonstrate that off-site constraints have been minimised as far as possible through the optimum location and method of storage, and by ensuring that the quantity/type of materials applied for is specifically related to operational needs.*
3. *The revocation of HSC consents where the use on the site has ceased will be pursued.*
4. *The preferred location for new pipelines will be in existing Pipeline Consultation Zones.*

7a.29 The site was previously included in the library of hazardous installations held by the Health and Safety Executive (HSE). Following the demolition of the gasometer the status of the site has been revisited. Hazardous substance consent has been revoked and the site is no longer of interest to the HSE.

7a.30 Policy 'GN02 - Landscape' states:-

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

7a.31 A landscape design statement has been submitted by the applicant in support of this proposal and this is considered acceptable.

7a.32 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.33 The site, at present, has an area to the north designated as a Site of Importance for Nature Conservation (SINC). This is due to the sites proximity to the green corridor created by the Forth & Clyde Canal and the linkages to the urban area. The applicant has submitted information relating to the existing biodiversity of the site and concluded that development of the area may have significant benefits. These benefits would be the creation of a managed wetland (the SUDs pond), the introduction of managed landscape and the potential extension of the secondary canal pathway to Abbots Road, allowing further access routes for wildlife. As such, no off-site mitigation measures would be required.

7a.34 Policy GN04 - 'Trees, Woodland and Hedgerows' states:-

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

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

7a.35 The site has had a legacy whereby tree felling took place. In order to address this matter, the site owner is required to carry out landscape planting. As this requirement was a matter imposed by the Forestry Commission, it is not within the Planning Authorities control. However, it is acknowledged that by the issue of planning permission on the site, this requirement from the Forestry Commission would fall. Instead, the applicant will introduce a landscape planting scheme as is appropriate for the development to be undertaken. The importance of suitable landscaping across the site in terms of visual amenity, open space amenity and ecological biodiversity has been addressed.

7a.36 Policy D02 - 'Sustainable Design Principles':-

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

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

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

Figure 5.3, Sustainable Design Principles - Supporting Policies/Guidance provides further guidance.

7a.37 While there is no masterplan for the site, the broad development aims for the site have been highlighted in the Falkirk Local Development Plan. The applicant has, sought to reflect those aims in the development strategy for the site, as well as taking into account Supplementary Planning Guidance.

7a.38 Policy D03 - 'Urban Design' states:-

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

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

7a.39 The siting, design and density of the proposed development have been balanced with the practical requirements to create a suitable living environment with a high degree of residential amenity. The proposals provide for on-site open space provision, affordable housing, enhancement of the SINC, and good pedestrian/cycle access to the existing secondary canal pathway. The rationale behind this approach is contained within the Design and Access statement submitted by the applicant.

7a.40 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.41 The applicant's Design and Access Statement advises that on-site zero and low carbon equipment will be provided as part of the development. This will include thermal performance measures in the dwellings, solar panels on selected roofs and high efficiency heating systems. It is acceptable to progress the application with an appropriate planning condition to address this matter.

7a.42 Policy D14 'Canals' states:-

The Council, in conjunction with Scottish Canals and other key partners, will seek to promote the sustainable development of the Forth & Clyde and Union Canals as a major recreational, tourism and heritage asset. Accordingly, the Council will support:

1. *The protection and enhancement of the ecology, archaeology, built heritage, visual amenity and water quality of the canals and their immediate environs, having regard to the detailed policies on these matters contained in the LDP;*
2. *The protection and enhancement of the operational capacity of the canals for recreational use, including the maintenance and improvement of navigation and the provision of moorings and other infrastructure for a wide range of canal users;*
3. *The improvement of access, signage and interpretation associated with the canals, with particular emphasis on linkages to and from adjacent communities, tourist attractions, public transport facilities and the wider countryside access network, whilst generally continuing to restrict access to the off-side bank (except for approved mooring areas, where access already exists and in urban areas) and to the Firth of Forth SPA for nature conservation reasons;*
4. *Residential moorings where an appropriate level of natural surveillance, amenity and access to community facilities can be achieved; and*

5. *Appropriate canal-side development which complies with other LDP policies is compatible with the operational requirements of the canals and contributes to their recreational amenity through the provision, where appropriate, of public access, amenity areas, moorings and slipways, together with any appropriate commuted sums for maintenance; achieves high design standards, particular attention being paid to the relationship of layout and form to the canal and to the sympathetic use of materials and detailing in buildings and canal-side landscaping; incorporates measures to ensure that there is no detriment to the canal water environment; and ensures there is no detriment to the structural stability of the canal.*

7a.43 The proposals incorporate ready pedestrian and cycle access to the secondary canal pathway running parallel to the primary canal pathway. In addition, the applicant has proposed a voluntary financial contribution to extend the secondary pathway to the Abbots Road canal crossing.

7a.44 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.45 A flood risk assessment has been submitted by the applicant and is considered to be acceptable.

7a.46 Policy RW07 - 'Air Quality' states:-

The Council will seek to contribute to the improvement of air quality. Impacts on air quality will be taken into account in assessing development proposals, particularly within Air Quality Management Areas (AQMAs). An Air Quality Assessment may be required for developments that are within AQMAs or where the proposed development may cause or significantly contribute towards a breach of National Air Quality Standards. Development proposals that result in either a breach of National Air Quality Standards or a significant increase in concentrations within an existing AQMA will not be permitted unless there are over-riding issues of national or local importance.

7a.47 It is recommended by consultee that the developer demonstrates that the Scottish Air Quality Objectives will not be exceeded at receptor locations due to increased traffic flows attributed to the development. This can be addressed through planning condition.

7a.48 Policy RW10 - 'Vacant, Derelict Unstable and Contaminated Land' states:-

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

7a.49 The site has a former industrial use (storage and distribution of gas), with previous buildings demolished and the site reduced to ground level. The site sits in close proximity to residential occupants and separated from existing industrial premises by the Ladysmill Burn. It is clearly in the best interests of visual amenity to see the re-use of the site and the proposals as submitted will achieve the introduction of an acceptable land use and enhancement of the site in landscape and ecological terms.

7a.50 Accordingly, the proposals are considered to accord with the Falkirk Local Development Plan.

7b Material Considerations

The material considerations to be assessed are the status of the site in terms of the Falkirk Local Development Plan; reflection of the application in terms of Supplementary Planning Guidance; the points raised by consultees and the points raised by the objector.

Status of Site

7b.1 The site is identified with the Falkirk Council Local Development Plan as a preferred site for housing development, H26 – Etna Road 2. The allocation estimates a site area with an indicative housing capacity of approximately 150 units. The designation also attaches comments that the site is part of Falkirk Canal Corridor Strategic Growth Area; Former gas works on canal side; Site requirements set out under Strategic Growth Area Guidance and a Feasibility study required to assess the potential for channel restoration of the Ladysmill Burn along the eastern boundary of the site.

- 7b.2 It should be emphasised that the development potential of the site is only an estimate based on available information and that site capacity may be subject to increase based on housing mix and good approach to design.
- 7b.3 The applicant has provided an increased site density primarily based on the introduction of a 3 storey flatted element in the north of the site. This 3 storey element takes advantage of the site topography, where the Forth and Clyde Canal sits higher than the ground level of the development site. This is balanced with the provision of extensive on-site open space, albeit some proportion being utilised to form a wetland SUDs ponds within the SINC area.

Supplementary Planning Guidance

- 7b.4 The following supplementary guidance documents are considered to be applicable to the proposals;-

Neighbourhood Design
Biodiversity and Development
Local Nature Conservation and Geodiversity Sites
Affordable Housing
Open Space and New Development
Low and Zero Carbon Development

- 7b.5 The supplementary guidance documents add support to the appropriate Local Development Plan policies through elaboration of the purpose and preferred approach to addressing that particular policy topic.
- 7b.6 The applicant has submitted a supporting statement reviewing each policy as reasoning for the submitted proposals.

Points raised by consultees

- 7b.7 There are no objections to the proposals raised through consultation. In some instances, consultees have requested the imposition of planning conditions to ensure the submission of a financial sum to provide mitigation. Where requested, suspensive planning conditions have been recommended and financial mitigation subject to a legal agreement.

Points raised by objectors

- 7b.8 In the context of the current ecological value of the site, the applicant recognises that an area of land to the north has designation as a Site of Importance for Nature Conservation (SINC) and, through redundancy of use, the site may have proven attractive to certain species through natural regeneration. However, the applicant also notes the area is of relative poor quality and has been the subject of previous tree felling. The applicant has submitted survey information on trees, bats and great crested newts. There are no issues of an ecological nature which would preclude development of a site allocated for housing in the Development Plan. The applicant contends that the intended works to the site will have the potential to actively raise the ecological attractiveness of the site and promote habitat creation in the improved managed environment.

7c Conclusion

- 7c.1 This planning application accords with the provisions of the Falkirk Council Local Development Plan, the site being allocated (H26 - Etna Road 2), for housing. The site capacity has extended beyond the indicative level of 150 units through the introduction of a varied housing mix (including flats) and design approach. Adequate car parking, open space and affordable housing have all been proposed on-site. In addition, the application seeks to strengthen existing pedestrian and cycle links to the secondary footpath on the adjacent Forth & Clyde Canal. The applicant has also proposed a financial contribution to help extend the secondary canal path eastward towards the nearest canal crossing point at Abbots Road and to mitigate impacts of the development on education provision. The ecological value of the site has been appraised and the proposals considered appropriate to promote ecological diversity in the Site of Importance for Nature Conservation (SINC).
- 7c.2 The proposal complies with the Falkirk Local Development Plan and there are no relevant material planning considerations which would not support a favourable recommendation.

8. RECOMMENDATION

- 8.1 **It is therefore recommended that Committee are Minded to Grant Planning Permission subject to:-**
- (a) **the satisfactory completion of an appropriate Legal Agreement within 6 months of the date of a Minded to Grant decision and index linked from that date, as follows:-**
- i) **the payment of a financial contribution towards potential extension of canalside footpath amounting to £25,000 prior to the occupation of the 1st dwellinghouse;**
 - ii) **the payment of a financial contribution totalling £478,400 towards Education, allocated in the following manner:-**

Bainsford Primary School	£376,000
Nursery Provision	£102,400;
 - iii) **conclusion of the detail and funding of the relocation of the eastbound bus stop and shelter on Etna Road. This may also include temporary provision during the construction of the vehicular access arrangements;**
- (b) **and thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission 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. Samples of external materials and boundary treatments to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.**
- 3. Further information shall be submitted to and approved in writing by the planning authority as to the feasibility of channel restoration to Ladysmill Burn.**
- 4. i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.**
ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- 5. Before any building is occupied, the car parking shown on the Approved Plan shall be completed.**
- 6. Before development begins a scheme for the maintenance of open space, including any play areas, within the development shall be submitted to and approved in writing by the Planning Authority.**

- 7. Development shall not begin until details of earthworks have been submitted to and approved in writing by the Planning Authority. Details shall include existing and proposed levels (in relation to a fixed datum, preferably ordnance) and contours in relation to surrounding vegetation and landform (with datum levels). Development shall be carried out in accordance with the approved details.**
- 8. The development hereby approved shall not be occupied or brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:**
 - i) a copy of the appropriate sustainability label (i.e. at least Bronze Active); and**
 - ii) a Statement of Conformity which confirms that 10%, of the required CO₂ emissions reduction is achieved through the installation of low and zero carbon generating technologies.**

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

- 9. Prior to any works on site, further information shall be submitted to and approved in writing by the planning authority as to the ecological acceptance of the SUDs facility design.**
- 10. Prior to any works on site, further details shall be submitted to and approved in writing by the planning authority as to the construction standard of the proposed canal pathway.**
- 11. Prior to works on site, further information shall be submitted to and approved in writing by the planning authority that the Scottish Air Quality Objectives will not be exceeded at receptor locations due to increased traffic flows attributed to the development.**
- 12. Prior to occupation of any dwellinghouse, a copy of a Welcome Travel Pack shall be submitted to and approved in writing by the Planning Authority. Such submission shall include details of distribution.**
- 13. Prior to any development on site, a stage 2 Road Safety Audit shall be applied to the detailed design proposals by the applicant, submitted to and approved in writing by the Planning Authority.**
- 14. Within one month of the proposed vehicular access being utilised, a stage 3 Road Safety Audit shall be conducted by the applicant, submitted to and approved in writing by the Planning Authority. Any required changes to the design as a consequence of the Road Safety Audit shall be funded and implemented by the applicant prior to occupation of any dwellinghouse.**

15. Prior to works on site further details shall be submitted to and approved in writing by the Planning Authority with regard to cycle parking provision and its implementation on site.

Reason(s):-

1. As these drawings and details constitute the approved development.
- 2, 3. To enable the Planning Authority to consider this/these aspect(s) in detail.
4. To ensure the ground is suitable for the proposed development.
5. To ensure that adequate car parking is provided.
6. To safeguard the environmental amenity of the area.
7. To enable the Planning Authority to consider this/these aspect(s) in detail.
8. To ensure the development achieves the required CO₂ emission reduction as a result of development.
- 9-11. To enable the Planning Authority to consider this/these aspect(s) in detail.
- 12-15. To enable the Planning Authority to consider this/these aspect(s) in detail.

Informative(s):-

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
2. The applicant should consult with Development Services Roads Unit to obtain Roads Construction Consent before any potentially adoptable road or addition to an existing road is constructed.
3. Separate consent may be required from Scottish Water for certain aspects of this development.
4. The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

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

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

5. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02E, 03, 04A, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15A, 16, 17, 18, 19A, 20B, 21A, 22A, 23A, 24A, 25A, 26A, 27, 28, 29, 30, 31B, 32A 33 and 34.

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Pp Director of Development Services

Date: 12 February 2018

LIST OF BACKGROUND PAPERS

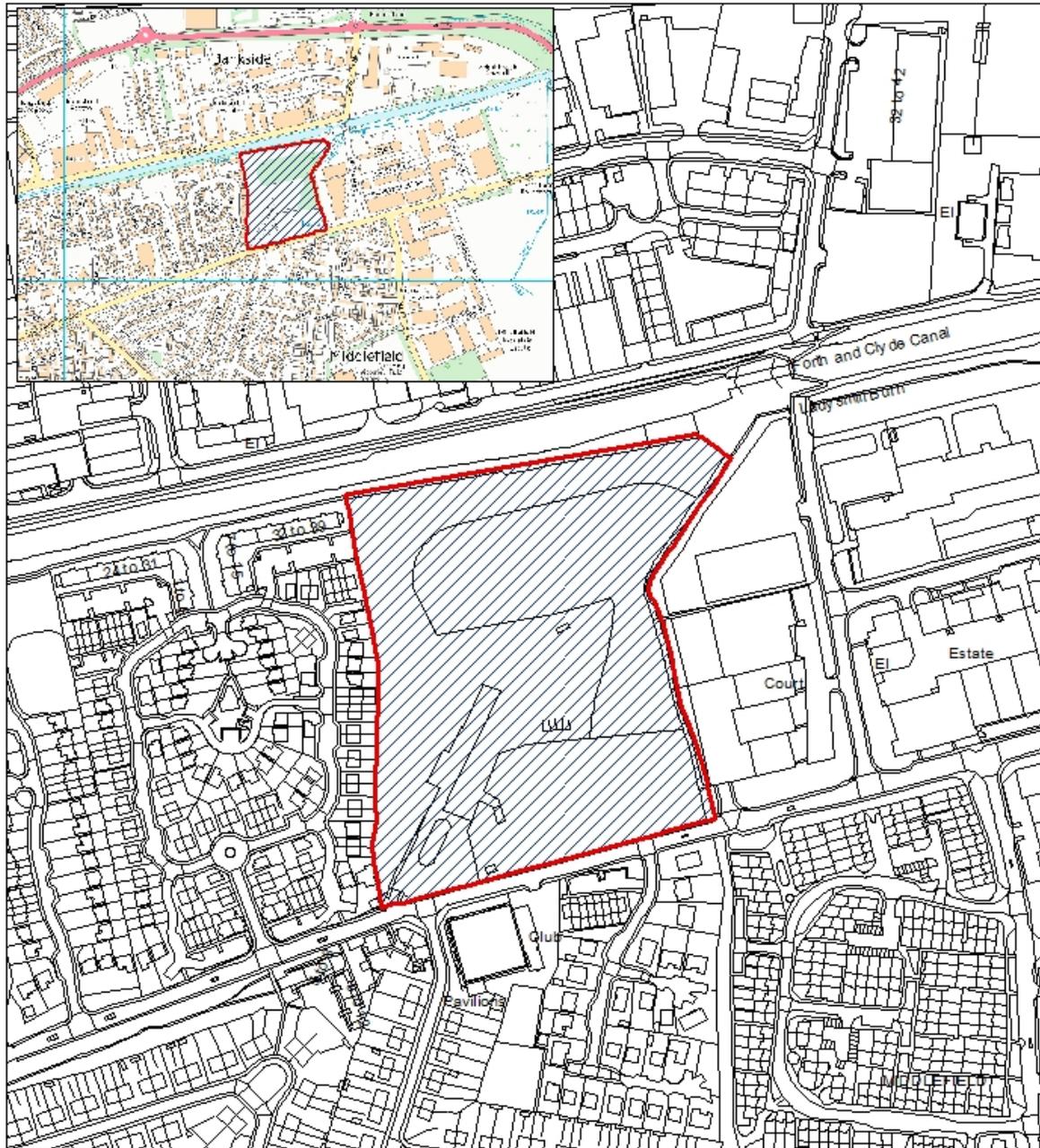
1. Falkirk Local Development Plan.
2. Objection received from Miss Lindsey Laing, 40 Canavan Park, Falkirk, Fk2 9GD on 16 May 2017.
3. Representation received from Mr Graeme Rice, 77 Kersehill Crescent, Falkirk, FK2 9GJ on 19 May 2017.
4. Representation received from Margaret Foy, 97 Kersehill Crescent, Falkirk, FK2 9GJ on 18 May 2017.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan **P/17/0295/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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