



## **Agenda Item 3**

**ERECTION OF 91 DWELLINGHOUSES  
AND ASSOCIATED INFRASTRUCTURE  
AT LAND TO THE SOUTH WEST OF  
TAPPERNAIL FARM,  
REDDINGMUIRHEAD FOR PERSIMMON  
HOMES (EAST SCOTLAND) -  
P/17/0504/FUL**

**FALKIRK COUNCIL**

**Subject:** ERECTION OF 91 DWELLINGHOUSES AND ASSOCIATED  
INFRASTRUCTURE AT LAND TO THE SOUTH WEST OF  
TAPPERNAIL FARM, REDDINGMUIRHEAD FOR  
PERSIMMON HOMES (EAST SCOTLAND) - P/17/0504/FUL  
**Meeting:** PLANNING COMMITTEE  
**Date:** 5 March 2018  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Lower Braes

Councillor Adanna McCue  
Councillor Malcolm Nicol  
Councillor Alan Nimmo

**Community Council:** Reddingmuirhead and Wallacestone

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

**UPDATE REPORT**

1. Members will recall that this application was originally considered by the Planning Committee on 24 January 2018 (copy of previous report appended), when it was agreed to continue the application for a site visit. This site visit took place on Monday 5 February 2018.
2. Following a summary of the proposal by the case officer, the applicant spoke in support of the application welcoming the officer recommendation and advising that the site is effective, as they are an established housing developer committed to commencing development as soon as possible. The applicant discussed the improvements made to the scheme, particularly in relation to landscape and the proposed layout. Affordable housing and the affordability of housing generally on the site was also discussed.
3. The representative of the former Reddingmuirhead and Wallacestone Community Council spoke and a representative of Sheildhill and California Community Council also spoke. They reiterated the comments made in their earlier objections to the Council.
4. The former Reddingmuirhead and Wallacestone Community Council and Sheildhill and California Community Council both made comment in relation to housing land supply. They referred to other development proposals in the Falkirk Council area and expressed the opinion that there has been an over development of housing in the area.

5. The new proposed housing target presented in the Main Issues Report (MIR) for the Falkirk Local Development Plan 2 (LDP2) was referred to as giving weight to there being no shortage of housing land supply in the council area. The housing supply target will change from 2020 and from that date it is accepted that there may no longer be a shortfall. The LDP2 is at an early, unadopted stage, as such the figures mentioned are not relevant to this current application. The Council have a current shortfall in housing land supply and the assessment contained in the planning committee report dated 24 January is correct.
6. The community council also referred to the quality of existing open space in the Sheildhill area. The application site is located in the countryside. The proposed development includes both active and passive open space (including an equipped play area) to fully address, and in the case of passive open space exceed, the open space requirements generated by the proposed development in accordance with the LDP. It is also noted that some of the areas of public open space referred to by the community council are in private ownership. It is considered that the quality of existing open space in Sheildhill is not material to the assessment of this application.
7. Objectors spoke, raising concerns in relation inadequate open space and services in the area and population density. Objectors considered that the application was not in accordance with the Local Development Plan and the housing allocation (H69) needs to be masterplanned. Concerns were also raised in relation to traffic generation and the impact on the surrounding road network.
8. The former Reddingmuirhead and Wallacestone Community Council and Sheildhill and California Community Council questioned the officer recommendation given it is acknowledged the proposal is contrary to the LDP. In concluding that planning permission can be granted, officers have weighed up LDP considerations and material planning considerations as required by Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended. Having weighed these considerations the recommendation of minded to grant planning permission is appropriate.
9. The Planning Committee members sought clarification in relation to the indicative capacity for the allocated site in the Development Plan (H69) and the Planning Authority assessment of the application, which was answered by officers in attendance.
10. The Sheildhill and California Community Council made further representations to the application, after planning committee, on 24 January and 9 February 2018. It is noted that Members were copied the emails, however, they are referred to in the background papers of this report.
11. The emails contained a large volume of attachments which raised issues in relation to the LDP enquiry, the planning history of the application site, the assessment of the application in relation to specific LDP policies, depopulation, the Sheildhill Environmental Group and the quality of open space in the Sheildhill area. The issues raised by the community council have already been noted and brought to the attention of the planning committee in the committee report dated 24 January and on site. It is considered that the issues raised by the community council do not raise any substantive new matters.

12. The Sheildhill and California Community Council made further representation, by email, on 21 February 2018. They requested that consideration of the application be delayed until after the 12 March, to allow the community council to make a deputation. The Reddingmuirhead and Wallacestone Community Council also made further representation, by email, on 22 February 2018. They requested that the application be heard at planning committee on 20 March, so they could make a deputation to the Planning Committee before a decision is taken. The application was discussed at planning committee on 20 February, where it was voted in favour of having a further unaccompanied site visit and special planning committee on 5 March.
13. The Reddingmuirhead and Wallacestone Community Council refer to housing allocation H69 in their further representations. A plan of H69 will be available for Members to view at planning committee.
14. Since Members last considered the application, the Department of Transport (DfT) have issued a consultation to change Section 19 and Section 22 community bus permits. This means that the community bus service proposal, is no longer a viable option for achieving a sustainable bus service to the site. As such and in light of the DfT consultation document, the recommendation in relation to the community bus service is removed from the recommended Legal Agreement.
15. It is considered that no new matters have emerged from the site visit that would alter the officer recommendation to grant planning permission. The recommendation has been amended to delete reference to a community bus service.

## **16. RECOMMENDATION**

### **16.1 It is therefore recommended that the Planning Committee are minded to grant planning permission subject to:**

**(a) Conclusion of a Legal Agreement within 6 months of the date of a Minded to Grant decision and index linked from that date, as follows:**

- A financial contribution of £254,800 (£2,800 per unit) towards the Braes High School and nursery provision;
- A financial contribution of £110,000 per annum for 3 years (triggered on completion of the first 40 units) towards bus service provision); and
- The provision of 23 units (25% of 91 units) affordable housing (social rented accommodation to be accommodated on site).

**(b) Thereafter, remit to the Director of Development Services, to approve the application subject to the following condition(s):-**

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. (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 shall 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;**
  - (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.**
- 3. No development shall commence on site until an appropriate scheme of intrusive site investigation works has been undertaken to confirm coal mining conditions, including mine entries on site. The findings and details of any necessary remedial or other mitigation measures to ensure safety and stability of the proposed development shall be submitted to and approved in writing by the Planning Authority. The approved mitigation measures shall be implemented prior to the development commencing.**
- 4. No development shall commence on site until a material schedule, of all external materials, has been submitted to and approved in writing by the Planning Authority. Thereafter, only the approved materials shall be used, unless otherwise agreed in writing.**
- 5. No development shall commence on site until a detailed specification for all landscaping, play areas and the maintenance thereof have been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details unless otherwise agreed in writing.**
- 6. Within 3 months of the occupation of the last residential unit occupied on site, all road and footway construction shall be completed in accordance with the approved site plan.**
- 7. The development hereby approved will 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 CO<sub>2</sub> 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.

8. No development shall commence on site until a public art proposal, to be developed on site, is submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details unless otherwise agreed in writing.

**Reason(s):-**

1. As these drawings and details constitute the approved development.
- 2, 3. To ensure the ground is made suitable for the approved development.
- 4,8. To safeguard the visual amenity of the area.
5. To safeguard the environmental amenity of the area.
6. To safeguard the interests of the users of the highway.
7. To ensure the development achieves the required CO<sub>2</sub> emission reduction as a result of development.

**Informative(s):-**

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
2. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 – 10, 11F, 13 – 16, 18 -21, 22A, 23, 24A, 25C, 26A, 27 - 30 and Supporting Documents.
3. The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

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

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

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**pp Director of Development Services**

**Date: 23 February 2018**

**LIST OF BACKGROUND PAPERS**

1. The Falkirk Local Development Plan.
2. Scottish Planning Policy, 2014.
3. Circular 3/2012 "Planning Obligation and Good Neighbour Agreements.
4. Objection received from Mr Wilf Allison, 18 Belmont Avenue, Shieldhill, Falkirk, FK1 2BS received on 10 September 2017.
5. Objection received from Mrs Fiona Tierney, 8 Belmont Avenue, Shieldhill, FK1 2BS received on 8 September 2017.
6. Objection received from Mr Keith Kail, 16 Belmont Avenue, Shieldhill, Falkirk, FK12BS received on 15 September 2017.
7. Objection received from Mrs Yvonne Harley, 10 Belmont Avenue, Shieldhill, Falkirk, FK1 2BS received on 15 September 2017.
8. Objection received from Mr Calum Tierney, 8 Belmont Avenue, Shieldhill, FK1 2BS received on 8 September 2017.
9. Objection received from Mrs Nicola Welsh, 3 Hillcrest Square, Reddingmuirhead, Falkirk, FK2 0GR received on 10 September 2017.
10. Objection received from Mrs Shirley Robertson, 100 Easton Drive, Shieldhill, Shieldhill Falkirk, FK1 2DR received on 11 September 2017.
11. Objection received from Mrs Angela Wilkinson, 75 Easton Drive, Shieldhill, Falkirk, FK1 2DR received on 12 September 2017.
12. Objection received from Mr Robbie Tierney, 8 Belmont Avenue, Shieldhill, FK1 2BS received on 8 September 2017.
13. Objection received from Mr Danny Callaghan, 2 Nobel View, Reddingmuirhead, Falkirk, FJ2 0EF received on 21 November 2017.
14. Representation received from Dr Joanne Mitchell, 6 Hillcrest Square, Reddingmuirhead, Falkirk, FK2 0GR, received on 14 October 2017.
15. Objection received from Mr James Glassey, 14 Belmont Avenue, Shieldhill, Falkirk, FK1 2BS received on 9 September 2017.
16. Objection with attachments received from the Sheildhill and California Community Council on 24 January 2018.
17. Objection with attachments received from the Sheildhill and California Community Council on 9 February 2018.
18. Objection with attachments received from the Sheildhill and California Community Council on 21 February 2018.
19. Objection with attachments received from the Reddingmuirhead and Wallacestone Community Council on 22 February 2018.

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



**FALKIRK COUNCIL**

**Subject:** ERECTION OF 91 DWELLINGHOUSES AND ASSOCIATED INFRASTRUCTURE AT LAND TO THE SOUTH WEST OF TAPPERNAIL FARM, REDDINGMUIRHEAD FOR PERSIMMON HOMES (EAST SCOTLAND) - P/17/0504/FUL  
**Meeting:** PLANNING COMMITTEE

**Date:** 24 January 2018

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Lower Braes

Councillor Adanna McCue  
Councillor Malcolm Nicol  
Councillor Alan Nimmo

**Community Council:** Reddingmuirhead and Wallacestone

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

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 This major planning application relates to the erection of 91 dwellinghouses and associated infrastructure at Tappernail Farm, Reddingmuirhead.
- 1.2 Access is proposed via the existing vehicular access serving Hillcrest Square. The application includes open space/landscaping and associated surface water drainage infrastructure and comprises a mixture of detached, semi-detached and terraced dwellinghouses.
- 1.3 This application is a re-submission of planning application Ref: P/16/0706/FUL. There is a reduction of 21 units (16 flats and 5 dwellinghouses), on the same application site.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application requires consideration by the Planning Committee, as it has been assessed as being contrary to the Falkirk Local Development Plan.

### 3. SITE HISTORY

- 3.1 There have been a number of historic refusals of planning permission for the application site (and land surrounding the application site), including applications Ref: P/07/1127/OUT, P/10/0145/PPP, P/10/0144/PPP, P/10/0146/PPP and P/10/0147/PPP.
- 3.2 An application for the erection of a dwellinghouse (Ref: P/16/0215/FUL) (on land adjacent to the application site, but within the same housing allocation H69), was refused on 1 July 2016. The decision was subject to consideration by the Local Review Committee and who decided that it was minded to grant the planning permission on 10 July 2017.
- 3.3 Another application for the erection of three dwellinghouses (Ref: P/17/0581/FUL) (In land adjacent to the application site, but within the same housing allocation H69), was withdrawn on 30 October 2017.
- 3.4 A Proposal of Application Notice PRE/2015/0018/PAN for the application site, by the same developer, was submitted on 3 June 2015.
- 3.5 Planning permission (Ref: P/16/0706/FUL) for the erection of 96 houses and 16 flats (on the same application site) was refused by Planning Committee, at a special meeting on 3 April 2017, for the following reasons:
  - 1) *The proposed development does not accord with Falkirk Local Development Plan housing opportunity H69, as it exceeds the housing capacity of 30 units and represents an overdevelopment of the site. The proposal does not represent a sensitive landscape approach which would achieve substantial greenspace, including extensive tree planting to contain the development, appropriate access provision or habitat enhancement. The proposal does not reflect the rural character of the area and would result in coalescence with the neighbouring villages of Sheildhill and Reddingmuirhead, contrary to the Falkirk Local Development Plan.*
  - 2) *The siting, density and design of the proposed development would not respect the sites context or create a sense of identity. The layout and design does not accord with the Government's policy document Designing Streets and the landscape and greenspace is substandard and fails to integrate the development with its surroundings (including contributing meaningfully to the green network), contrary to policies GN01 'Falkirk Green Network', GN02 'Landscape', HSG04 'Housing Design', D02 'Sustainable Design Principles', D03 'Urban Design' and INF07 'Walking and Cycling' and supplementary guidance SG02 'Neighbourhood Design' of the Falkirk Local Development Plan.*
  - 3) *The Council are not satisfied that the submitted Transport Assessment has been appropriately scoped and as such the network impacts properly defined, contrary to policy INF10 'Transport Assessments' of the Falkirk Local Development Plan.*
  - 4) *The proposed layout and street design is contrary to the Government's policy document Designing Streets and the National Roads Development Guide (SCOTS, 2014).*

#### **4. CONSULTATIONS**

- 4.1 The Coal Authority have no objection, subject to a condition requiring intrusive site investigations.
- 4.2 The Council's Children's Services (Education) advise that a contribution of £254,800 (£191,100 for the Braes High School and £63,700 for nursery provision) is required in respect of local education provision.
- 4.3 The Council's Transport Planning Unit advise that a contribution of £330,000 (£110,000 over 3 years), is required for bus service provision or the establishment of a Community Bus Service by the developer.
- 4.4 The Council's Roads Development Unit have no objection to the proposed development.
- 4.5 Scottish Water did not respond to consultation.
- 4.6 The Council's Environmental Protection Unit request a condition in relation to ground contamination.
- 4.7 Scottish Natural Heritage did not respond to consultation.
- 4.8 The Scottish Environmental Protection Agency did not respond to consultation.
- 4.9 NHS Forth Valley did not respond to consultation.

#### **5. COMMUNITY COUNCIL**

- 5.1 The Shieldhill and California Community Council made the following representations in relation to the application:
  - The application is contrary to the Falkirk Local Development Plan and housing allocation H69, with specific mention to the number of houses proposed;
  - The application site represents only part of housing allocation H69 and when the remainder of the wider site is developed, it will represent a significant increase in the 30 units allocated for the site;
  - The proposed development has inadequate greenspace. The scale of development would destroy the landscape setting and amenity of the area;
  - The applicant's statement in relation to depopulation within the surrounding area, is misleading and incorrect; and
  - The access road is dangerous and the junction inappropriate for the number of units proposed.
- 5.2 The Reddingmuirhead and Wallacestone Community Council made the following representations in relation to the application:
  - The application is contrary to the Falkirk Local Development Plan and the Reporter's examination findings and decision;
  - The application represents an over development of the site;
  - The landscape and visual impact of the development would be significant;
  - H69 should be masterplanned;

- Substantial green space would not be achieved and the proposals would destroy the landscape setting and countryside amenity of the area;
- Housing allocation H69 is bigger than that shown in the Main Issues Report. The additional space was for extensive planting and habitat improvements, not additional units;
- The applicant's statement in relation to depopulation within the surrounding area, is misleading and incorrect;
- The site would not be served by a sustainable means of transport;
- The proposed development does not represent an appropriate scale, density and design of development; and
- Road safety concerns, if planning permission is granted a roundabout or other method of safely allowing access is required.

## **6. PUBLIC REPRESENTATION**

6.1 In the course of the application, 1 neutral and 11 objection letters were submitted to the Council. The salient issues are summarised below:

- The proposed development represents an overdevelopment of the site. The previous application was refused because it exceeded the housing capacity of 30 units;
- The site is prominent and will impact the landscape negatively;
- No guarantee that the planting will be sufficient to shield the site;
- Unacceptable impact on the road network;
- Cars speed on Sheildhill Road and the development will increase the chances of serious incident, particularly school children crossing the road;
- The access is on a blind summit and is dangerous;
- Increased noise and disturbance during construction;
- The site will remove an existing green space and reduce the opportunity to walk. The site should be developed as a mini-helix;
- Unacceptable impact on the privacy of neighbouring properties;
- The site does not connect with Sheildhill or Reddingmuirhead and has no identity;
- The proposed green space would be of no value to existing residents;
- The proposed development has inadequate drainage proposals;
- Loss of a view to the outlying countryside;
- Loss of diverse wildlife;
- Inadequate capacity in catchment schools;
- No levels information and questionable boundary at No.3 Hillcrest Square; and
- Improvement from the last application, but there could be a further reduction and more detached homes.

## **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 Local Development Plan. The proposed development was assessed against the following policies.
- 7a.2 The application site forms part of a larger housing allocation (H69) in the Falkirk Local Development Plan (FLDP). The opportunity states that the proposal is a greenfield site, representing consolidation of the existing development at Hillcrest Square and Tappernail Farm. The opportunity also refers to the skyline location and sensitive landscape approach being required. Substantial greenspace requires to be retained, including extensive tree planting to contain new development, appropriate access provision, habitat enhancement and 25% affordable housing.
- 7a.3 The housing allocation was seen by the Reporter, who examined the LDP, as a chance to soften the impact of Hillcrest and to allow for modest growth within the area. The site is outwith the neighbouring village boundaries of Shieldhill and Reddingmuirhead and is therefore within a rural area. Substantial greenspace is required to prevent coalescence with neighbouring settlements.
- 7a.4 It is noted that the applicant has made improvements to the proposed development since the last application stage. The layout now accords with the Scottish Government's policy 'Designing Streets' and there is an increased level of landscaping and greenspace. However, despite a reduction of 21 units, the proposed development still represents a substantial increase to the indicative capacity of the housing allocation that is identified in the FLDP.
- 7a.5 The FLDP makes provisions for higher capacities on allocated housing sites, where the site is masterplanned, the development represents a high quality solution and the requisite level of residential amenity can be achieved. The site was not masterplanned and does not represent a high quality design solution. Whilst it is accepted that a good quality development would be achieved, the requirements of the LDP are not met and do not support a higher capacity on the site, for the development of the allocated housing site as presented.
- 7a.6 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.7 The Council does not currently have a 5 year effective housing land supply. The Housing Land Audit, June 2017, advises that there is a 3.9 year supply, which equates to a shortfall of 760 units (see paragraph 7b.19 and 7b.20 of this report also). In such circumstances the Council will consider supporting sustainable development proposals that are effective in the following order of site preference: urban capacity sites; additional brownfield sites and sustainable greenfield sites. This application relates to the development of an allocated housing site for residential development, where its development is considered to be sustainable (this will be discussed in detail in section 7b.23 of this report). The application is supported in principle by policy HSG01 ‘Housing Growth’.

7a.8 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.9 The application includes a proposal for 25% affordable housing provision, on site social rented units, in accordance with policy HSG02 ‘Affordable Housing’.

7a.10 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.11 There is no site-specific design guidance relating to the application site. The revised proposal generally accords with the guidance contained in SG02 'Neighbourhood Design' and Designing Streets. Policy HSG04 allows indicative site capacities to be exceeded where a high quality design solution, which delivers the requisite level of residential amenity, is achieved. In this instance, a high quality design solution would not be achieved. Policy HSG04 'Housing Design' does not support the development of the site to a higher density.

7a.12 It is accepted that a good level of residential amenity, one would expect to find in a residential development of this type, would be achieved. Members should note that the proposed development is not considered to be of a high quality or exemplary design standard that would give support in relation to policy HSG04. This is owing to the use of standard house types in the layout presented, albeit a pleasant environment to a reasonable standard would be achieved post development.

7a.13 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.14 The proposed development generates a deficiency in education, affordable housing and bus service provision. The applicant has agreed to make financial contributions in accordance with policy INF02 'Developer Contributions to Community Infrastructure'.

7a.15 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.16 The proposed development achieves the passive and active open space requirements generated by the scale of development on site. As such financial contributions are not required. It is considered that the proposed open space would be acceptable, appropriately located, functionally sized and diverse enough to meet different recreational needs, in accordance with policy INF04 'Open Space and New Residential Development'.

7a.17 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.18 There is insufficient capacity in local catchment schools to accommodate children from the proposed development. Children's Services (Education) recommend that a financial contribution of £254,800 (£191,100 for the Braes High School and £63,700 for nursery provision) is required. The applicant has confirmed a willingness to make the required contributions in accordance with policy INF05 'Education and New Housing Development'.

7a.19 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.20 This policy seeks to promote the development and use of pedestrian and cycle networks by setting requirements for pedestrian and cycle provision, within new development. The proposed development would achieve an appropriate standard of pedestrian and cycle infrastructure, in accordance with policy INF07 'Walking and Cycling'.

7a.21 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.22 The application was submitted with an appropriately scoped Transport Assessment, in accordance with policy INF10 'Transport Assessments'.

7a.23 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.24 The green network (GN16, Lower Braes Southern Fringe) runs along the western boundary of the application site. The layout shows the development of a green space / landscape buffer in the southwest and north of the site, which would connect with and support the existing green network, in accordance with policy GN01 ‘Falkirk Green Network’.

7a.25 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.26 The application was submitted with a supporting Landscape Assessment. It is considered that the level of green space and landscaping, would achieve an appropriate and sympathetic landscape fit with the surrounding area and soften the impact of Hillcrest in the wider landscape, in accordance with policy GN02 ‘Landscape’.

7a.27 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.28 The application was submitted with a supporting Habitat Survey and Breeding Bird Survey, which demonstrates that the development of the site would not adversely affect any habitats or species of importance, in accordance with policy GN03 'Biodiversity and Geodiversity'.

7a.29 Policy D02 - 'Sustainable Design Principles' states:-

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

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

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

7a.30 It is considered that the proposed development would achieve a good standard of design quality and compliance with principles of sustainable development. The scale, siting and design of the proposed development would respond to the site's surroundings, and would create buildings and spaces that are attractive, distinctive, welcoming, adaptable, safe and easy to use, in accordance with policy D02 'Sustainable Design Principles'.

7a.31 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.32 It is considered that the proposed development would create a good quality development, in accordance with the Government's policy document 'Designing Streets'. Landscaping and green infrastructure would be acceptable and would integrate the development with its surroundings and make a positive contribution to the green network. The application is a major development and does not make provision for public art. However, it is acceptable to progress the application with a planning condition in relation to public art. The application accords with policy D03 'Urban Design'.

7a.33 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 CO<sub>2</sub> 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.34 The applicant's Design and Access Statement advises that on-site low and zero carbon equipment will be provided as part of the development, including photovoltaic panels, thermal performance measures and high efficiency heating systems. It is acceptable to progress the application with a planning condition in relation to low and zero carbon development in accordance with policy D04 'Low and Zero Carbon Development'.

### ***Supplementary Guidance Forming part of Local Development Plan***

7a.35 The proposed development accords with the general principles set out in SG02 'Neighbourhood Design'.

7a.36 The developer proposes to accommodate 25% affordable housing on site, in accordance with SG12 'Affordable Housing'.

7a.37 SG13 'Open Space and New Development' sets out the framework for assessing open space proposals in relation to new development. The passive and active open space requirements generated by the development, would be fully accommodated on site. The passive open space would exceed requirements generated by the development and would meet the minimum functional sizes set out in SG13. The play area to the north of the site generally accords with the guidance contained in SG13.

7a.38 The application can be progressed with a planning condition in relation to low and zero carbon-generating technologies, in accordance with SG15 'Low and Zero Carbon Development'.

7a.39 Accordingly, the application fails to fully accord with the Falkirk Council Local Development Plan on the basis of a substantial increase in the housing capacity (of H69).

### **7b Material Considerations**

7b.1 The material considerations to be assessed are the representations received, issues raised by consultees, the information submitted in support of the application and housing land supply.

### ***Assessment of Public Representations***

7b.2 It is accepted that the proposed development exceeds the indicative capacity of the housing allocation.

7b.3 The applicant has submitted a Landscape and Visual Impact Assessment which demonstrates that the development would not be visually prominent from surrounding and outlying areas and would soften the existing development at Hillcrest Square and Tappernail Farm.

- 7b.4 The Transport Assessment demonstrates that there would not be an unacceptable impact on the road network.
- 7b.5 The Transport Planning and Roads Development Units raise no objections or concerns about road safety at the access, as a result of development.
- 7b.6 It is accepted that there may be an increase in noise and disturbance during the construction phase of development. However, it would be temporary for the duration of construction and is not a reason in itself to support refusal of the application. Noise concerns can be addressed under noise nuisance legislation.
- 7b.7 It is accepted that the proposed development would result in a reduction in the level of green space on the application site, however, the site is an allocated site for housing and the development proposal does provide a good level of both active and passive open space.
- 7b.8 All existing properties at Hillcrest Square would have a new 1.8 metre high screen fence and landscaping between their property and the proposed development.
- 7b.9 The site relates to a rural site outwith the village limits of Sheildhill and Reddingmuirhead. It is considered that the development has been designed to a good standard, where it would have a sense of place and distinct identity and complement the rural setting.
- 7b.10 The proposed development has adequate drainage proposals.
- 7b.11 Loss of a view to the open countryside is not a material planning consideration.
- 7b.12 The applicant has submitted a supporting Habitat Survey and Breeding Bird Survey which demonstrates that the development of the site would not adversely affect any habitats or species of importance.
- 7b.13 All of the catchment schools serving the application site can accommodate the proposed development, except for Braes High School which is expected to face capacity pressures from 2020 onwards. Children's Services (Education) have recommended a contribution to address capacity issues at Braes High school and in relation to nursery provision. The applicant has agreed to make contributions in relation to education and nursery provision.
- 7b.14 Satisfactory levels information has been submitted for the whole of the development site.

### **Information in Support of Application**

- 7b.15 The applicant has submitted a supporting justification for the proposed development in relation to housing land supply, the interpretation of LDP policy HSG04 and the design of the development. The issues raised in support of the application are discussed as follows.

## **Housing Land Supply**

- 7b.16 The applicant notes that all Scottish Councils require to maintain a minimum 5 year supply of effective housing land at all times. The applicant comments that the Council currently has a 3.9 year supply (Falkirk Housing Land Audit, 2017). As such, the applicant concludes that the site would provide much needed housing (including 25% affordable housing on site), by maximising the development potential of an allocated housing site.
- 7b.17 The Council's 2016/17 Housing Land Audit, dated June 2017, indicates that there is currently a 3.9 year effective housing land supply. This amounts to a shortfall of 760 units in terms of the requirement for a 5 year effective supply. The shortfall reflects the difference between the 5 year housing land target (3375 units) and the current effective land supply (2615 units). In addition to the effective land supply (2615 units), private windfall and small sites may also make a contribution to the housing land supply.
- 7b.18 Where a Council does not have an effective 5 year supply of housing, there is provision in the LDP (policy HSG01) and Scottish Planning Policy (SPP) to support sustainable development proposals.

## **Housing Land Supply and the Falkirk Local Development Plan**

- 7b.19 Policy HSG01 is discussed in section 7a.7 of this report. The policy seeks to ensure that the Council maintain an effective 5 year supply of housing. The policy supports applications for sustainable development proposals which are effective, in the following order of preference:

- Urban Capacity Sites;
- Additional brownfield sites;
- Sustainable greenfield sites;

The policy also requires to take account of other Local Development Plan policies and any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.

- 7b.20 The Housing Land Audit identifies a shortfall in the effective land supply. As such the Council will consider supporting sustainable development proposals which are effective. The allocation of the site for housing lends support to the application in relation to policy HSG01 and it is considered that the proposed development is both sustainable and effective (i.e. the application has been submitted by a national housing developer, that is actively building out sites and the application is made in full). The proposed development generally accords with the FLDP, except for the increase in the number of units in relation to the indicative capacity of the site. It is also considered there would be no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal. The application accords with and is supported by policy HSG01 'Housing Growth' of the FLDP.



## Housing Land Supply and National Planning Policy

- 7b.21 Scottish Planning Policy (SPP) (2014) advises that the planning system should identify a generous supply of land for each housing market area, to support the achievement of housing land requirements across all tenures, maintaining at least a 5-year supply of effective housing land at all times. Where a shortfall in the 5 year effective housing land supply emerges, Development Plan policies for the supply of housing land are not considered up-to-date and a presumption in favour of development, that contributes to sustainable development, is a significant material consideration in assessing planning applications for residential development.
- 7b.22 Paragraph 29 of SPP requires that policies and decisions be guided by the 13 principles of sustainable development. This means that policies and decisions should be guided by the following principles:-
- Giving due weight to net economic benefit;
  - Responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
  - Supporting good design and the six qualities of successful places;
  - Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
  - Supporting delivery of accessible housing, business, retailing and leisure development;
  - Supporting delivery of infrastructure, for example transport, education, energy, digital and water;
  - Supporting climate change mitigation and adaptation including taking account of flood risk;
  - Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
  - Having regard to the principles for sustainable land use set out in the Land Use Strategy;
  - Protecting, enhancing and promoting access to cultural heritage, including the historic environment;
  - protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
  - Reducing waste, facilitating its management and promoting resource recovery; and
  - Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.
- 7b.23 It is considered that the proposed development would result in sustainable development and would make a valuable contribution to the identified housing need, which carries weight in favour of the proposal. As such, National Planning Policy and the presumption in favour of development that contributes to sustainable development, is a material consideration in support of the development.
- 7b.24 It is recognised that the granting of this application could lead to pressure for further major development in the rural area. However, it is considered that the application is a unique case, where there is a large allocated housing site within the rural area. The development would not cause a precedent for major housing development in the rural area, as this application relates to an allocated site in the FLDP. Members should note that this development represents only part of housing allocation (H69) and there are likely to be other development approaches for the remainder of the site.

## **Falkirk Local Development Planning Policy HSG04**

7b.25 The applicant cites planning policy HSG04 'Housing Design', which allows indicative site capacities to be exceeded where a detailed layout demonstrates that a high quality design solution, which demonstrates the requisite level of residential amenity, is achieved. The policy is discussed in section 7a.11 and 7a.12 of this report, where it was concluded that policy HSG04 'Housing Design' does not fully support the development of the site to a higher density. As such, the justification on this point does not lend support to the application.

### **The Design Solution**

7b.26 The applicant makes comments in relation to the design of the proposed development and its context within the surrounding area. The comments in relation to design are noted and it is considered that the proposed development would achieve a good quality design solution, which has improved since the last application stage.

### **Issues Raised by Consultees**

7b.27 There are no objections to the application raised through consultation. Members should note that Scottish Water, Scottish Natural Heritage, the Scottish Environmental Protection Agency and NHS Forth Valley did not respond to consultation.

7b.28 Some of the issues raised through consultation can be dealt with by planning condition. Other issues raised will be dealt with by planning obligation and this includes financial contributions towards education and bus service provision. Members should note that the applicant has agreed to all contributions requested (also including affordable housing provision to be accommodated on site).

### **Circular 3/2012 "Planning Obligation and Good Neighbour Agreements**

7b.29 Circular 3/2012 emphasises that planning obligations have a useful role in overcoming obstacles to the grant of planning permission. In this way development can be permitted or enhanced and potentially negative impacts on land use, the environment and infrastructure be reduced eliminated or compensated for.

7b.30 The circular sets out 5 tests against which a potential planning obligation should be adjudged to assess whether the terms of the potential planning obligation is appropriate.

7b.31 In terms of the proposed development, satisfactory measures to mitigate the impact of the proposed development in terms of education, bus service provision and affordable housing, are consider to be:-

- Necessary;
- Serving a planning purpose;
- Related to the proposed development as a direct consequence of the proposal;
- Fair and reasonable in scale and kind; and
- Reasonable in all other respects.

7b.32 The proposed planning obligation accords with Circular 3/2012 and the applicant is agreeable to the contributions.

## **7c Conclusion**

- 7c.1 The proposal represents a substantial increase in the indicative housing capacity of the allocated housing site (H69). Notwithstanding the general accordance with the LDP, it is considered that the proposed development is contrary to the Falkirk Local Development Plan on the basis of the substantial increase in residential units. As such, material planning considerations are required to outweigh the terms of the Local Development Plan, to justify the granting of planning permission.
- 7c.2 There is a shortfall in housing land supply for the FLDP area. This means, as required by SPP, that there is a presumption in favour of development that contributes to sustainable development and this is a significant material planning consideration when assessing the application. It is concluded that the proposed development would contribute to sustainable development and is supported by SPP. As such, the assessment of the application in relation to the shortfall in housing land supply and National Planning Policy supports the development of the site and justifies the granting of planning permission.

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that the Planning Committee are minded to grant planning permission subject to:
- (a) **Conclusion of a Legal Agreement within 6 months of the date of a Minded to Grant decision and index linked from that date, as follows:**
- A financial contribution of £254,800 (£2,800 per unit) towards the Braes High School and nursery provision;
  - A financial contribution of £110,000 per annum for 3 years (triggered on completion of the first 40 units) towards bus service provision or the establishment of a community bus service (to be funded by the applicant); and
  - The provision of 23 units (25% of 91 units) affordable housing (social rented accommodation to be accommodated on site).
- (b) **Thereafter, remit to the Director of Development Services, to approve the application subject to the following condition(s):-**
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. (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 shall 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;
  - (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.
- 3. No development shall commence on site until an appropriate scheme of intrusive site investigation works has been undertaken to confirm coal mining conditions, including mine entries on site. The findings and details of any necessary remedial or other mitigation measures to ensure safety and stability of the proposed development shall be submitted to and approved in writing by the Planning Authority. The approved mitigation measures shall be implemented prior to the development commencing.
- 4. No development shall commence on site until a material schedule, of all external materials, has been submitted to and approved in writing by the Planning Authority. Thereafter, only the approved materials shall be used, unless otherwise agreed in writing.
- 5. No development shall commence on site until a detailed specification for all landscaping, play areas and the maintenance thereof have been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details unless otherwise agreed in writing.
- 6. Within 3 months of the occupation of the last residential unit occupied on site, all road and footway construction shall be completed in accordance with the approved site plan.
- 7. The development hereby approved will 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 CO<sub>2</sub> 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.

8. No development shall commence on site until a public art proposal, to be developed on site, is submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details unless otherwise agreed in writing.

**Reasons:**

1. As these drawings and details constitute the approved development.
- 2, 3. To ensure the ground is made suitable for the approved development.
- 4,8. To safeguard the visual amenity of the area.
5. To safeguard the environmental amenity of the area.
6. To safeguard the interests of the users of the highway.
7. To ensure the development achieves the required CO2 emission reduction as a result of development.

**Informatives:-**

4. 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.
5. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 – 10, 11F, 13 – 16, 18 -21, 22A, 23, 24A, 25C, 26A, 27 - 30 and Supporting Documents.
6. 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.

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**pp Director of Development Services**

**Date: 15 January 2018**

**LIST OF BACKGROUND PAPERS**

16. The Falkirk Local Development Plan.
17. Scottish Planning Policy, 2014.
18. Circular 3/2012 "Planning Obligation and Good Neighbour Agreements.
19. Objection received from Mr Wilf Allison, 18 Belmont Avenue, Shieldhill, Falkirk, FK1 2BS received on 10 September 2017.
20. Objection received from Mrs Fiona Tierney, 8 Belmont Avenue, Shieldhill, FK1 2BS received on 8 September 2017.
21. Objection received from Mr Keith Kail, 16 Belmont Avenue, Shieldhill, Falkirk, FK12BS received on 15 September 2017.
22. Objection received from Mrs Yvonne Harley, 10 Belmont Avenue, Shieldhill, Falkirk, FK1 2BS received on 15 September 2017.
23. Objection received from Mr Calum Tierney, 8 Belmont Avenue, Shieldhill, FK1 2BS received on 8 September 2017.
24. Objection received from Mrs Nicola Welsh, 3 Hillcrest Square, Reddingmuirhead, Falkirk, FK2 0GR received on 10 September 2017.
25. Objection received from Mrs Shirley Robertson, 100 Easton Drive, Shieldhill, Shieldhill Falkirk, FK1 2DR received on 11 September 2017.
26. Objection received from Mrs Angela Wilkinson, 75 Easton Drive, Shieldhill, Falkirk, FK1 2DR received on 12 September 2017.
27. Objection received from Mr Robbie Tierney, 8 Belmont Avenue, Shieldhill, FK1 2BS received on 8 September 2017.
28. Objection received from Mr Danny Callaghan, 2 Nobel View, Reddingmuirhead, Falkirk, FJ2 0EF received on 21 November 2017.
29. Representation received from Dr Joanne Mitchell, 6 Hillcrest Square, Reddingmuirhead, Falkirk, FK2 0GR, received on 14 October 2017.
30. Objection received from Mr James Glassey, 14 Belmont Avenue, Shieldhill, Falkirk, FK1 2BS received on 9 September 2017.

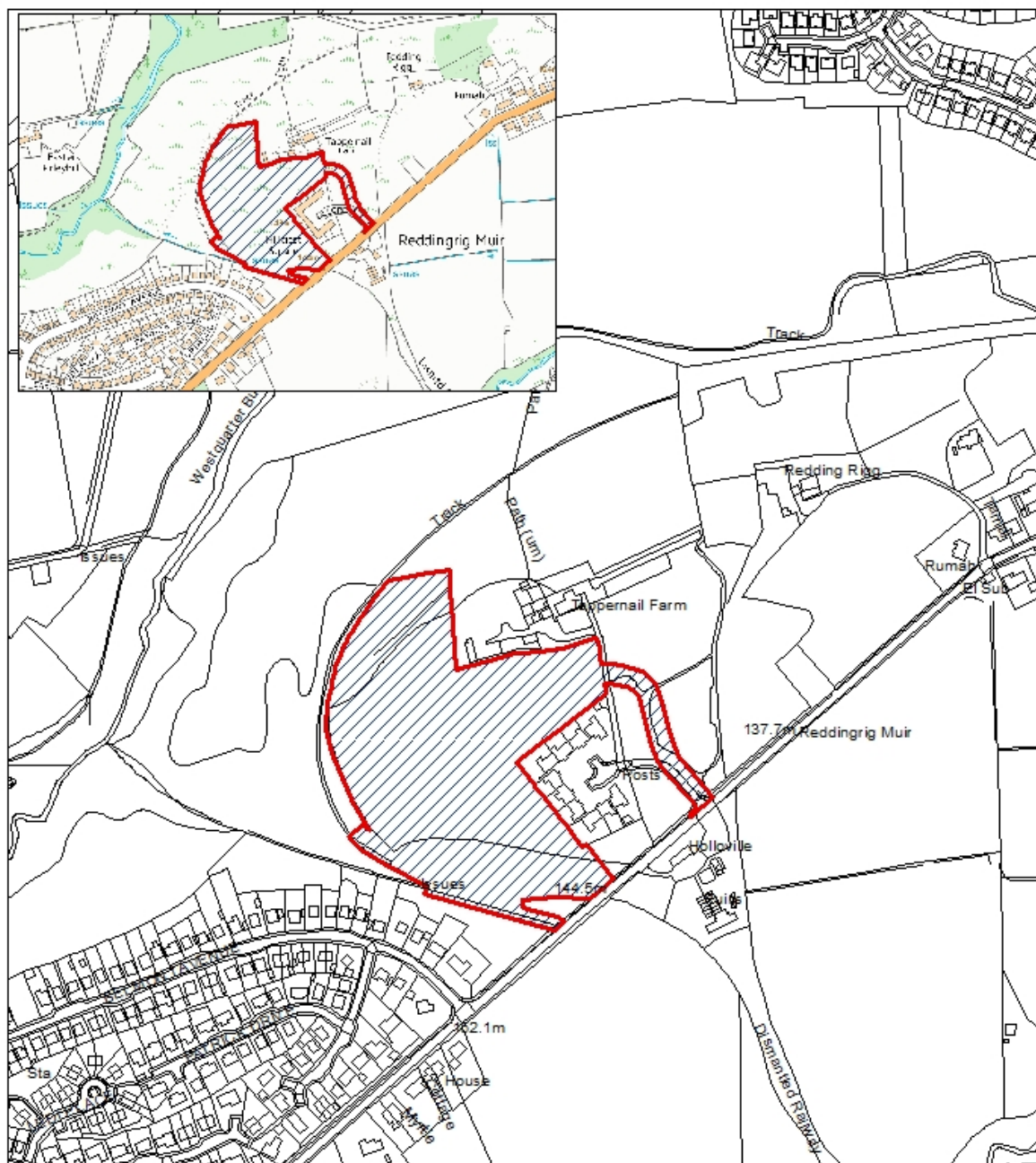
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/17/0504/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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