



# **AGENDA ITEM**

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**Development of Land for Residential  
Use at Milnquarter Farm, Roman  
Road, Bonnybridge, FK4 2DE for  
Manor Forrest Ltd – P/18/0024/PPP**

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**FALKIRK COUNCIL**

**Subject:** DEVELOPMENT OF LAND FOR RESIDENTIAL USE AT  
MILNQUARTER FARM, ROMAN ROAD, BONNYBRIDGE,  
FK4 2DE, FOR MANOR FORREST LTD – P/18/0024/PPP  
**Meeting:** PLANNING COMMITTEE  
**Date:** 30 May 2018  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bonnybridge and Larbert  
  
Provost William Buchanan  
Councillor Niall Coleman  
Councillor David Grant

**Community Council:** Bonnybridge Community Council

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

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

- 1.1 The application seeks planning permission in principle for the development of land for residential use. The application site extends to 1.5 hectares and the applicant has advised that the number of units would be less than 50. The proposed development is therefore a local development under the Scottish Government 'hierarchy of developments'.
- 1.2 The site consists of pastoral grazing land and lies to the west of an industrial site and St. Joseph's Primary School in High Bonnybridge which take access from Broomhill Road. The site rises in level to the west, where it adjoins the site of a Roman temporary camp associated with the Antonine Wall. Further to the west is a residential area. Adjoining the site to the south is a railway line.
- 1.3 The application is accompanied by:-
- A Transport Assessment; and
  - A Coal Mining Risk Assessment.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application requires consideration by the Planning Committee as it has been called in by Provost Buchanan, to allow further scrutiny of the application given the previous planning history of the site and involvement of the Planning Committee.

### **3. SITE HISTORY**

- 3.1 Planning application P/11/0142/PPP for the development of land for residential purposes was refused by Scottish Ministers on 28 July 2016. The application was called in by Scottish Ministers prior to the Council determining the application. The Council were asked by the Scottish Government Reporter to advise how they would have been minded to decide the application. The Planning Committee decided that it would have been minded to approve the application.
- 3.2 Planning application P/14/0046/PPP for a distributor road and associated earthworks was also refused by Scottish Ministers on 28 July 2016. The two applications were therefore considered together by the Scottish Government. The application was originally refused under the scheme of delegation and was then the subject of a review of the decision by the Council's Planning Review Committee. The Planning Review Committee indicated that it was minded to grant the application subject to referral to Scottish Ministers given an objection to the application by Historic Scotland (now Historic Environment Scotland). The Scottish Government decided to call both applications in and they were both refused, as detailed above.
- 3.3 The current application relates to part of the previous application site subject to P/11/0142/PPP. The size of the application site is reduced from 5.79 hectares to 1.5 hectares. In addition, the current proposal does not include a distributor road, to link Milnquarter Road to Broomhill Road.
- 3.4 Planning application P/15/0631/PPP for development of land for residential purposes (renewal of P/11/0039/PPP) was granted on 14 September 2016. This application relates to the adjoining industrial site. The current application relies on access through this site to access Broomhill Road.

### **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit have advised that the site lies to the rear of a haulage and repair yard and has no identified means of access [a Transport Assessment has been submitted since these comments]. They have requested the submission of a Flood Risk Assessment.
- 4.2 The Council's Environmental Protection Unit have requested the submission of a contaminated land assessment due to the presence of factory land, unknown filled ground and other potential sources of contaminated land within 250 metres of the site. They also request the submission of a noise impact assessment to determine the impact of railway noise on the proposed development.
- 4.3 Scottish Water have no objection to the application. They advise that the Carron Valley Water Treatment Works and the Bonnybridge Waste Water Treatment Works currently have sufficient capacity to serve the proposed development.
- 4.4 The Council's Children's Services have advised that a financial contribution at the rate of £2850 per dwellinghouse would be required towards addressing further capacity issues at Denny High School (£2150 per dwellinghouse) and in respect of nursery provision (£700 per dwellinghouse). No capacity issues are identified at Antonine Primary School, St. Joseph's RC Primary School or St. Mungo's RC High School.

- 4.5 Historic Environment Scotland (HES) have objected to the application on the grounds that residential development within the proposed site has the potential to adversely impact on the Outstanding Universal Value (OUV) of the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site (WHS), and on the setting of several related scheduled monuments. They note that the development incorporates a substantial area that was the subject of previous applications which were refused by Scottish Ministers on the basis of adverse impacts on the WHS and related scheduled monuments [see paragraphs 3.1 and 3.2 of this report]. The report provided to Scottish Ministers by the Directorate of Planning and Environment Appeals contained a number of conclusions regarding adverse impacts, and HES recommend that the applicant carry out a Heritage Impact Assessment which provides detailed proposals and takes account of previous HES advice and the conclusions of the Scottish Government Reporter on the previous proposals.
- 4.6 Falkirk Community Trust, Museum Services, have advised that it is not possible to provide a reasoned response at this stage due to a lack of information. There is no indication of access routes, building density, building mass, lines of services, or additional future proposals which will impact either directly or indirectly upon the scheduled monument of Milnquarter Roman temporary camp and the Antonine Wall World Heritage site.
- 4.7 The Council's Transport Planning Unit have reviewed the submitted Transport Assessment. They require further information in relation to the sustainability of the site for walking, cycling and public transport, they have concerns around the deliverability of a traffic controlled junction on Broomhill Road, they note that delivery of the access proposals are intrinsically linked to development of an adjacent site, and they were still to carry out a detailed audit of the junction analyses at the time of writing this report.
- 4.8 Network Rail have no issue with the principle of the proposed development subject to conditions being attached to any grant of planning permission in relation to the provision of a suitable trespass proof fence adjacent to the railway line, and the submission and approval by the planning authority of a surface and foul water drainage scheme, a landscape scheme and a noise impact assessment.
- 4.9 NHS Forth Valley had not responded to consultation on the application at the time of writing this report.
- 4.10 The Council's Housing Strategy team, Corporate and Housing Services, have advised that the preferred option for affordable housing at the site is social rented dwellinghouses. There is a greater need for one and two bedroom properties but there is some pressure on four plus bedroom properties so a small number of four bedroom properties could be considered. Where viable, wheelchair accessible properties should also be considered.
- 4.11 The Coal Authority have reviewed the submitted Coal Mining Risk Assessment (CMRA) and have no objection to the application. They consider that the content and conclusions of the CMRA are sufficient for the purposes of the planning system in demonstrating that the site is safe and stable for the proposed development.

## **5. COMMUNITY COUNCIL**

- 5.1 The Bonnybridge Community Council have not made any representations.

## **6. PUBLIC REPRESENTATION**

- 6.1 No public representations have been received in respect of the application.

## **7. DETAILED APPRAISAL**

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

Accordingly,

### **7a The Development Plan**

- 7a.1 The Falkirk Local Development Plan (LDP) was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:
- 7a.2 The application site lies within the Bonnybridge urban limits, as defined in the LDP. In addition, the site lies within the Antonine Wall World Heritage Site Buffer Zone and adjoins the Milnquarter Roman temporary camp. This Roman temporary camp lies within the Antonine Wall World Heritage Site and is a scheduled monument.
- 7a.3 Policy HSG02 – ‘Affordable Housing’ states: -

*New housing developments of 20 units and over will be required to provide a proportion of the units as affordable or special needs housing as set out in Figure 5.1. The approach to provision should comply with Supplementary Guidance SG12 "Affordable Housing".*

*Figure 5.1 Affordable Housing Requirements in Settlement Areas*

*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.4 If the number of units exceeds 20, then 15% of the units would need to be affordable housing units in order to meet this policy. The Council's Housing Strategy team have provided advice, as detailed in paragraph 4.10. The provision of affordable housing can be secured by means of a Section 75 Planning Obligation. The applicant has agreed in principle to the provision of 15% affordable housing.
- 7a.5 Policy HSG03 – ‘Windfall Housing’ states: -

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

- 1. The site is brownfield, or is open space whose loss can be justified in terms of Policy INF03;*

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

7a.6 The application provides a potential opportunity for a relatively large windfall development within the urban limits. With respect to criterion 1 of the policy, the site is agricultural land rather than brownfield land or open space. With respect to criterion 2, the site is potentially compatible with neighbouring uses. This assumes redevelopment of the adjoining industrial site and noise impacts arising from proximity to the railway line being satisfactorily addressed. With respect to criterion 3, further information is required in respect of the access to the site by public transport, walking and cycling. With regard to criterion 4, it would appear that existing infrastructure has the capacity to serve the proposed development, subject to developer contributions as appropriate. With regard to criterion 5, a flood risk assessment will be required to demonstrate that the site is free of significant flood risk. With regard to criterion 7, the application does not comply with other policies of the LDP.

7a.7 Policy HSG04 – ‘Housing Design’ states: -

*The layout, design and density of the new housing development should conform with any relevant site-specific design guidance, Supplementary Guidance SG02 'Neighbourhood Design' and the Scottish Government's policy on 'Designing Streets'. Indicative site capacities in the site schedules may be exceeded where a detailed layout demonstrates that a high quality design solution, which delivers the requisite level of residential amenity, has been achieved.*

7a.8 The site is not an allocated housing site in the LDP and therefore it does not have an indicative site capacity or site-specific guidance. The applicant has indicated a site capacity not exceeding 50 units. For the purposes of this planning application in principle, a masterplanning exercise is required, utilising the conclusions of a Heritage Impact Assessment, to sensitively develop the site in terms of layout, design and density. This is to ensure that there are no adverse impacts on the Outstanding Universal Value (OUV) of the Antonine Wall World Heritage Site and related scheduled monuments. A masterplanning exercise should also take into account SG02 ‘Neighbourhood Design’ and the Scottish Government’s Policy on ‘Designing Streets’.

7a.9 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.10 The application site is not identified in the LDP for housing and so the LDP does not set out any specific requirements for the site as far as developer contributions are concerned. The general requirements of Policies INF04, INF05 and INF06 will apply as appropriate.

7a.11 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.12 As previously indicated, a masterplanning exercise is required to support the application. It is anticipated that the masterplanning would consider the provision of active and passive open space within the site, and the appropriateness of a financial contribution towards off-site provision as an alternative to either full or part on-site provision. The requirements for open space are set out in SG13 'Open Space and New Development'. At the time of writing this report, a masterplan had not been submitted.

7a.13 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.14 A financial contribution of £2850 per dwellinghouse would be required towards improving capacity at Denny High School and in respect of statutory nursery provision (see paragraph 4.4). The contribution for Denny High School (£2150) has been calculated in accordance with SG10 'Education and New Housing Development.' The nursery contribution (£700) has been calculated at double the rate set out in SG10. This is because statutory duties for pre-school provision are changing and 3 and 4 year olds will be offered a full day place at nursery from August 2020 rather than the half day place they are currently offered. Any surplus capacity in the local nurseries will be used by 2020 to meet the new duty. The rate of £350 per dwellinghouse in SG10 is based on half-day provision and the figure of £700 is a proxy for the effective doubling of the statutory duty. The contribution can be secured in a Section 75 Planning Obligation attached to any grant of planning permission in principle. The applicant has agreed in principle to a contribution of £2850 per dwellinghouse.

7a.15 Policy INF06 – 'Healthcare and New Housing Development' states: -

*In locations where there is a deficiency in the provision of health care facilities identified by NHS Forth Valley, developer contributions will be sought to improve the quantity and quality of such provision commensurate with the impact of the new development. The approach to the improvement of primary healthcare provision will be set out in Supplementary Guidance SG11 'Healthcare and New Housing Development'.*

7a.16 SG11 'Healthcare and New Housing Development' indicates that there is no existing capacity in the Bonnybridge area to accommodate potential additional patients from new housing developments. Additional space and contributions will therefore be required. The implication is that developers will contribute towards improving capacity either through site provision or contributions towards health service provision. At the time of writing this report, NHS Forth Valley had not responded to the application. Therefore, the position of NHS Forth Valley, with respect to this application, is not known. Any available update will be provided at the Committee meeting.



7a.17 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.18 The development would be required to provide an appropriate standard of pedestrian and cycle facilities within the site. In addition, appropriate links to existing networks in the surrounding area should be provided. Further information is required in respect of access to the site by walking and cycling, which should be considered as part of the masterplanning exercise.

7a.19 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.20 There is an existing bus service (the X37) operating on Broomhill Road, Reilly Road and Greenhill Road within the area. However, this service is only an hourly bus service, which is not ideal from the point of view of frequency of service. More frequent bus services are available in Bonnybridge, but these are more than 400 metres walking distance from the site, which is the maximum walking distance stated in Scottish Planning Policy (SPP).

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 Council’s Transport Planning Unit have reviewed the submitted Transport Assessment. The assessment considers sustainable transport modes, the capacity of the local road network to accommodate the proposed development, and road safety considerations. The comments of the Transport Planning Unit are summarised in paragraph 4.7 of this report. As noted, further information is required and a detailed audit of the junction analyses was still to be carried out at the time of writing this report.

7a.23 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.24 The proposal is to connect the foulwater to the existing public drainage system. No information has been submitted in relation to the surface water drainage proposals. A surface water drainage strategy, which complies with current best practice on sustainable urban drainage systems (SUDs), should to be submitted in support of the application.

7a.25 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.26 The application site is currently in agricultural use. The Milnquarter Site of Importance for Nature Conservation (SINC) lies to the north of the site. There is intervening land between this SINC and the site and so the overall integrity of the SINC is unlikely to be compromised by the proposed development.

7a.27 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.28 An energy statement would be required to demonstrate the required provision of on-site low and zero carbon generating technologies (LZCGT). It is considered that this matter could be the subject of a condition of any grant of planning permission in principle.

7a.29 Policy D07 – ‘Antonine Wall’ states:-

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

1. *There will be a presumption against development which would have an adverse impact on the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' as defined on the Proposals Map;*

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

7a.30 The proposed development has the potential to adversely affect the setting of the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site. In particular, the site lies in between the line of the Antonine Wall and the Milnquarter Roman temporary camp and has the potential to impact on the inter-visibility between the two. While no above-ground remains of the Roman temporary camp or the wall at this location are visible, the topographic dominance of the camp and the wall can be clearly understood and appreciated due to the open fields between the two features. The camp occupies a prominent knoll set back from the line of the Antonine Wall, while the line of the wall follows a prominent ridge which is clearly visible from the surrounding area. A Heritage Impact Assessment is required in order to inform a masterplan and demonstrate that any impacts on the inter-visibility between these two features, and on the Outstanding Universal Value of the World Heritage Site, can be mitigated to an acceptable level. A Heritage Impact Assessment has not yet been submitted.

7a.31 Policy D08 – 'Sites of Archaeological Interest' states:-

1. *Scheduled ancient monuments and other identified nationally important archaeological resources will be preserved in situ, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting will not be permitted unless there are exceptional circumstances;*
2. *All other archaeological resources will be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications; and*
3. *Developers may be requested to supply a report of an archaeological evaluation prior to determination of the planning application. Where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development.*

7a.32 Part of the Antonine Wall at this location is a scheduled monument, along with the Milnquarter Roman temporary camp. The proposed development has the potential to adversely affect the integrity of the setting of these scheduled monuments. As detailed in paragraph 7a.30 above, a masterplan, as informed by a Heritage Impact Assessment, is required to demonstrate that any adverse impacts can be mitigated to an acceptable level.

7a.33 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.34 A flood risk assessment is required to demonstrate that the proposed development is not at significant risk of flooding and would not increase the risk of flooding elsewhere. The Milnquarter Burn and a culverted tributary of the Milnquarter Burn are in close proximity to the site. At the time of writing this report, a Flood Risk Assessment had not been submitted.

7a.35 In conclusion, the application is currently assessed as contrary to the LDP. As highlighted in this report, there is a deficiency in information to enable a full assessment of the application.

**Supplementary Guidance forming part of the Local Development Plan**

7a.36 The following supplementary guidance is relevant to the application and has been referred to as appropriate in the policy assessment: -

- SG02 ‘Neighbourhood Design’;
- SG10 ‘Education and New Housing Development’;
- SG11 ‘Healthcare and New Housing Development’;
- SG12 ‘Affordable Housing’;
- SG13 ‘Open Space and New Development’; and

- SG15 'Low and Zero Carbon Development'.

## **7b Material Considerations**

- 7b.1 The material considerations to be assessed in respect of the application are the consultation responses and other Falkirk Council planning guidance.

### ***Consultation Responses***

- 7b.2 The consultation responses are summarised in Section 4 of the report. Historic Environment Scotland have objected to the application. Some matters raised in the consultation responses could be the subject of planning conditions / a Section 75 Planning Obligation. In addition, further information is required from the applicant which will result in further consideration of the application by the relevant consultees.

### ***Other Falkirk Council Planning Guidance***

- 7b.3 The Council's Supplementary Planning Guidance on 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' is also relevant to the application. It is expected that the applicant will adhere to this guidance in preparing the requested Heritage Impact Assessment.

## **7c Conclusion**

- 7c.1 The application is currently assessed as contrary to the LDP. As highlighted in the report, there is a deficiency in information to enable a full assessment of the application.
- 7c.2 The information from the applicant outstanding at the time of writing this report was: -
- A masterplan;
  - A Heritage Impact Assessment;
  - A Surface Water Drainage Strategy;
  - A Flood Risk Assessment;
  - A Noise Impact Assessment; and
  - Further information in relation to the Transport Assessment.
- 7c.3 The above-stated information is relevant to determining the principle of development of the site for housing, taking into account the various constraints at this location. The applicant was invited to withdraw the application and engage in further discussions with the Council's Development Management Unit to inform a resubmission. The application was not withdrawn and so it was progressed to a recommendation in the interests of dealing with the application timeously. The current application is therefore recommended for refusal.

## **8. RECOMMENDATION**

**8.1 It is therefore recommended that the Planning Committee refuse planning permission in principle for the following reasons:-**

- 1. The application is contrary to Policy HSG03 'Windfall Housing' of the Falkirk Local Development Plan (LDP) as it does not satisfy all of the criteria of the policy. In particular, it has not been demonstrated that the site enjoys good accessibility by walking and cycling (criterion 4) or that the site is free of significant risk of flooding (criterion 5). In addition, the application does not accord with criterion 7 of the policy as it does not comply with other LDP policies.**
- 2. The application is contrary or potentially contrary to Policy INF10 'Transport Assessments', Policy INF07 'Walking and Cycling' and Policy INF08 'Bus Travel and New Development' of the LDP as it has not yet been determined that the transport network impacts have been properly defined and that suitable mitigation measures have been identified to address road capacity, road safety and sustainable transport issues.**
- 3. The application is contrary to Policy INF12 'Water and Drainage Infrastructure' of the LDP as it has not been demonstrated that the proposed development would be served by suitable surface water drainage facilities, which include compliance with current best practice on sustainable urban drainage systems.**
- 4. The application is contrary to Policies D07 'Antonine Wall' and D08 'Sites of Archaeological Interest' of the LDP as it has not been demonstrated that the proposed development would avoid an adverse impact on the setting of the 'Frontiers of Roman Empire (Antonine Wall) World Heritage Site, or on the Milnquarter Roman camp and Antonine Wall, 160m ENE to 155m NW of St Joseph's Church scheduled monuments, or that any adverse impacts can be mitigated to an acceptable level. In particular, the proposal has the potential to diminish the visual and topographical relationships between the line of the wall and camp, and the setting of the camp itself. This in turn would reduce the ability to appreciate these important relationships which are key elements in both the setting of the scheduled monuments and on the Outstanding Universal Value (OUV) of the World Heritage Site.**
- 5. The application is potentially contrary to Policy INF06 'Healthcare and New Housing Development', as local healthcare facilities may not have sufficient capacity to serve the proposed development. [At the time of writing this report, a consultation response from NHS Forth Valley, to confirm their position with respect of this application, was outstanding].**



6. The application is contrary to Policy RW06 'Flooding' of the LDP as it has not been demonstrated, by means of a Flood Risk Assessment, that the proposed development would be free of risk of flooding, that it would not increase the risk of flooding for existing development, and that any flood risks can be managed to an acceptable level, both within and outwith the site.

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**pp Director of Development Services**

**Date: 21 May 2018**

#### **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan.
2. Supplementary Guidance Note SG02, July 2015, Neighbourhood Design
3. Supplementary Guidance Note SG10, July 2015, Education and New Housing Development
4. Supplementary Guidance Note, SG11, November 2015, Healthcare and New Housing Development.
5. Supplementary Guidance Note, SG12, July 2015, Affordable Housing.
6. Supplementary Guidance Note, SG13, July 2015, Open Space and New Development.

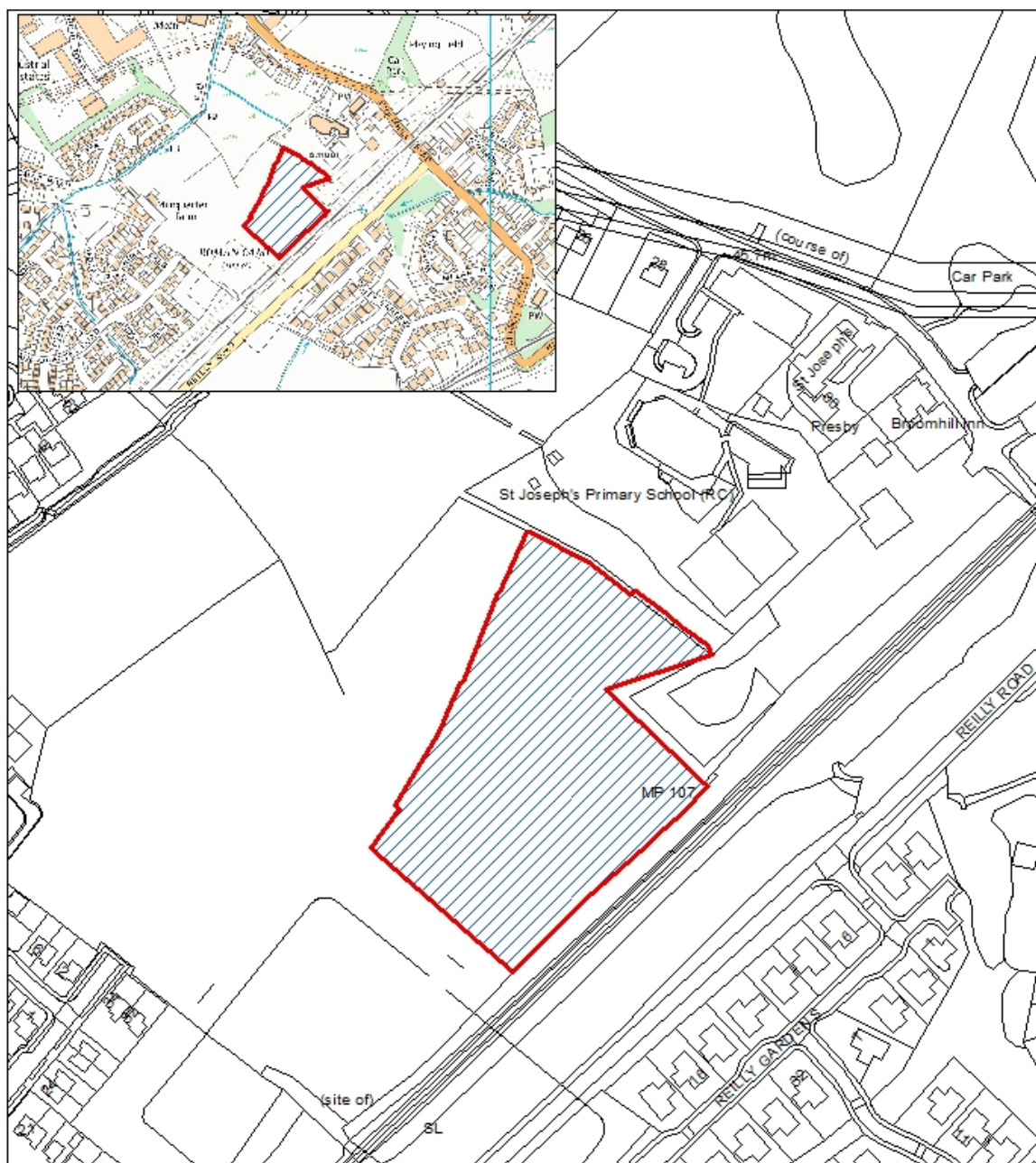
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/18/0024/PPP**

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



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