



## **Agenda Item 6**

**ERECTION OF 18 DWELLINGHOUSES,  
21 FLATTED DWELLINGS,  
ASSOCIATED LANDSCAPING, ROADS  
AND DRAINAGE INFRASTRUCTURE AT  
LAND TO THE SOUTH OF HILL OF  
KINNAIRD FARMHOUSE, FALKIRK  
FOR CALA HOMES (WEST) LTD -  
P/18/0311/FUL**

**FALKIRK COUNCIL**

**Subject:** ERECTION OF 18 DWELLINGHOUSES, 21 FLATTED DWELLINGS, ASSOCIATED LANDSCAPING, ROADS AND DRAINAGE INFRASTRUCTURE AT LAND TO THE SOUTH OF HILL OF KINNAIRD FARMHOUSE, FALKIRK FOR CALA HOMES (WEST) LTD - P/18/0311/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 24 January 2019

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Carse, Kinnaird and Tryst

Councillor Gary Bouse  
Councillor Joan Coombes  
Councillor Jim Flynn  
Councillor Laura Murtagh

**Community Council:** Larbert, Stenhousemuir and Torwood

**Case Officer:** David Paterson (Planning Officer), Ext. 4757

**UPDATE REPORT**

1. Members will recall that this application was originally considered at the Planning Committee on 21 November 2018 (copy of report appended), when it was agreed to continue consideration of the application so that further information could be provided by officers in relation to:
  - Impact on education provision in the area.
  - The number of residential units envisaged for the wider site.
  - Whether there is scope for any additional contributions to be sought in relation to education provision.

**Impact on Education Provision in the Area**

2. Following Committee's decision to continue consideration of the application Children's Services has documented the history of Kinnaird Primary School from its original construction, including all subsequent arrangements for additional accommodation. It is calculated that at the currently applied ratio of 0.25 compared to the original ratio of 0.19, the proposed development is likely to generate an additional two pupils in addition to what is likely to have been originally envisaged under the terms of outline planning permission F/2002/0611 and the approved masterplan. Children's Services has confirmed the potential increase in pupil numbers generated in comparison to the original calculation is not significant.

3. The pressure on the provision of education services at Kinnaird Primary School is noted. However, it is also noted that the school can accommodate pupils generated by the proposed development.

### **Number of Residential Units Envisaged for the Wider Site**

4. The masterplan approved under the terms of outline planning permission F/2002/0611 indicates a total number of 1700 residential units across the Bellsdyke/Hill of Kinnaird mixed use development.
5. The proposed development, together with the residential units proposed by current planning applications P/18/0540/FUL and P/18/0604/FUL would deliver 123 units across site G as identified in the masterplan. It is envisaged that the final remaining site, site J, would deliver 50 units. Planning applications have been submitted for site J over 2 phases and these remain underdetermined. This would result in the total number of residential units across the Masterplan area of 1694 units, 6 short of the 1,700 units identified in the masterplan. As of 30 June 2018, 1,350 units were complete, with 350 remaining.

### **Scope for Additional Contributions to be Sought in Relation to Education**

6. The application site is part of the larger site granted outline planning permission in 2006 (Ref. F/2002/0611). As part of this permission, a Section 75 planning obligation was entered into requiring the landowner to undertake infrastructure works and pay financial contributions. There has been full compliance with the Section 75 obligation, including the construction of Kinnaird Primary School, a 2-stream school with a capacity of 434 pupils. Although the outline permission is considered time-expired, that permission is still a material consideration and, given the continuing support in the Development Plan for housing development on the site, that permission is still a significant material consideration.

This current application seeks full (detailed) planning permission. It is not an application for approval of reserved matters. Accordingly, it is a “fresh” application and any changes in planning circumstances since outline planning permission was granted require to be taken into account in its determination. In law, it is available to the Council to revisit the terms of the developer contributions in relation to this fresh application. However, in doing so, the Council must have regard to all material planning considerations and in particular:-

- a. The evidence base to demonstrate that there are infrastructure deficiencies connected with the development proposed in the new planning application.

In this regard, there is no evidence to suggest that there are any infrastructure deficiencies resulting from the proposed development.

- b. The current planning policy framework in relation to those deficiencies, including the Local Development Plan and Circular 3/2012 “Planning obligations and good neighbour agreements”.

In this regard, Development Plan policies are considered to support the proposed development. No deficiencies have been identified which would require to be addressed by means of a S75 Obligation.

- c. The previous developer contributions paid or provided in kind.

In this regard, all required contributions have been paid or provided in full.

- d. Whether seeking further developer contributions could prejudice delivery of further houses, for example in consequence of the negative impact on development viability caused by additional liability for developer contributions.

In coming to a view that no further contributions would be sought, financial viability was considered. It was acknowledged that the development was significantly complete. The viability of the remaining sites could be compromised if development contributions were to be revisited at this late stage.

- e. Previous undertaking given to the developer in relation to further contributions.

In July 2016 the developers at Kinnaird were advised that no further applications for Matters Specified in Conditions (MSC) would be accepted for the remaining sites identified in the outline permission/masterplan as the time limits had expired. Any further applications would require to be made for full planning permission. It was agreed with the developers that as all required contributions had been met in relation to the outline permission/Section 75 Agreement further contributions would not be sought for the remaining residential sites as long as proposals complied with the masterplan and outline planning permission. Any proposals which deviated would require to be assessed “de-novo”.

- 7. As stated in the report to Committee of 21 November 2018 at 7c.2 it is considered that

*“The proposed development accords with the approved masterplan for Bellsdyke/Hill of Kinnaird urban expansion area as approved under the terms of outline planning permission F/2002/0611”.*

- 8. This application seeks planning permission for residential units included in the calculation of the developer contribution in the Section 75 which have been paid/provided in full. Requiring additional contributions in relation to this application or any application where the same circumstances apply is not considered to be reasonable or appropriate.

## CONCLUSION

- 9. The proposed development does not compromise the total number of residential units to be constructed across the mixed use development as envisaged in the approved masterplan.
- 10. Pressure on the capacity of Kinnaird Primary School is noted. This particular planning application will generate an additional level of pupils that can be accommodated at Kinnaird Primary School. The undertaking detailed in section 6e of this report is considered to be reasonable, appropriate and robust. It would not be reasonable at this stage to revisit developer contributions towards the provision of additional education capacity. Such an approach could compromise the build-out of the remaining few sites and, consequently, compromise the successful implementation of the Councils housing growth strategy in the Larbert and Stenhousemuir area.

11. The proposed development accords with the Falkirk Local Development Plan, the emerging Falkirk Local Development Plan 2, Outline Planning Permission F/2002/0611 and the approved masterplan.
12. There are no issues arising which would change the previous recommendation to grant planning permission.

### **13. RECOMMENDATION**

#### **13.1 It is therefore recommended that the Committee grant planning permission 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 should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
  - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
  - iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.

3. **Notwithstanding any details previously submitted, there shall be no work on any dwellinghouse or flatted block above foundation level until such time as details of the play area have been submitted to, and approved in writing by, this Planning Authority.**
4. **Notwithstanding any details previously submitted, no development shall commence until the precise details of the proposed low and zero carbon development (LZCGT) measures have been submitted to and approved in writing by this Planning Authority. For the avoidance of doubt, details to be submitted shall include calculations relating to the Standard Assessment Procedure Energy rating (SAP) and demonstrate accordance with policy D04 "Low and Zero Carbon Development" and Supplementary Guidance SG15 "Low and Zero Carbon Development" of the Falkirk Local Development Plan. Thereafter, the development shall be carried out in accordance with the approved details.**

**Reason(s):-**

1. **As these drawings and details constitute the approved development.**
2. **To ensure the ground is suitable for the proposed development.**
3. **To ensure the provision of a satisfactory standard of play equipment.**
4. **To ensure that a satisfactory level of low and zero carbon development is achieved by the inclusion of on site low and zero carbon generating technologies.**

**Informative(s):-**

1. **For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02C, 03A, 04A and 05-15.**
2. **If any coaling mining feature is encountered during the development, the applicant is advised to contact The Coal Authority (tel 0345 762 6848).**
3. **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.**

4. The applicant shall ensure that noisy work which is audible at the site boundary shall **ONLY** be conducted between the following hours:

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

**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: 16 January 2019**

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

1. Falkirk Local Development Plan.
2. Proposed Falkirk Local Development Plan 2.
3. Scottish Planning Policy.
4. Scottish Government "Designing Streets" design guidance.
5. Outline Planning Permission F/2001/0611.
6. Objection received from Mr Stephen Spowart, 8 Geesmuir Gardens, Falkirk, FK2 8BE on 30 September 2018.
7. Objection received from Mr Simon Hopkins, 2 Geesmuir Gardens, Larbert, Falkirk, FK2 8BE on 3 September 2018.
8. Objection received from Miss Frances Robinson, 10 Geesmuir Gardens, Falkirk, FK2 8BE on 3 September 2018.
9. Objection received from Mr Thomas Gorman, 7 Geesmuir Gardens, Kinnaird Village, Larbert, FK2 8BE on 3 September 2018.
10. Objection received from Mrs Danielle McCulloch, 6 Geesmuir Gardens, Kinnaird Village, Larbert, Falkirk, FK2 8BE on 3 September 2018.
11. Objection received from Mr Ryan McCulloch, 6 Geesmuir Gardens, Kinnaird, Falkirk, FK2 8BE on 3 September 2018.
12. Objection received from Mr Andrew Milligan, 11 Geesmuir Gardens, Larbert, FK2 8BE on 3 September 2018.
13. Objection received from Thomas Gorman, 7 Geesmuir Gardens, Kinnaird Village, Larbert, FK2 8BE on 11 September 2018.
14. Objection received from Mrs Jaimi Spowart, 8 Geesmuir Gardens, Larbert, FK2 8BE on 3 September 2018.
15. Objection received from Mr Mark Everingham, 14 Geesmuir Gardens, Falkirk, FK2 8BE on 3 September 2018.
16. Objection received from Mrs Jennifer Good, 13 Geesmuir Gardens, Kinnaird Park, Larbert, FK2 8BE on 3 September 2018.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson, Planning Officer.

**FALKIRK COUNCIL**

**Subject:** ERECTION OF 18 DWELLINGHOUSES, 21 FLATTED DWELLINGS, ASSOCIATED LANDSCAPING, ROADS AND DRAINAGE INFRASTRUCTURE AT LAND TO THE SOUTH OF HILL OF KINNAIRD FARMHOUSE, FALKIRK FOR CALA HOMES (WEST) LTD - P/18/0311/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 21 November 2018

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Carse, Kinnaird and Tryst

Councillor Gary Bouse  
Councillor Joan Coombes  
Councillor Jim Flynn  
Councillor Laura Murtagh

**Community Council:** Larbert, Stenhousemuir and Torwood

**Case Officer:** David Paterson (Planning Officer), Ext. 4757

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

- 1.1 The application site comprises 1.25 hectares of land at Hill of Kinnaird, Stenhousemuir. The site comprises part of development site G as identified in the masterplan approved under the terms of outline planning permission P/2002/0611 detailed in section 3 of this report.
- 1.2 This application proposes the erection of 18 dwellinghouses and 21 flatted dwellings and associated landscaping, roads and drainage.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been referred to the Planning Committee at the request of Councillor Bouse. The reasons for the call-in relate to consideration by Committee of issues of potential over-development and infrastructure support.

**3. SITE HISTORY**

- 3.1 F/2002/0611 - Development of land for residential (1,700 units), business/employment purposes, local services, community primary school, public park, off-road footpaths, landscaping and open space, sustainable urban drainage systems and construction of distributor roads and two roundabouts (outline) at Bellsdyke Hospital and Hill of Kinnaird, Larbert - granted 18 May 2006.



- 3.2 P/10/0640/FUL - Earthworks, roads and drainage infrastructure for the development of sites G, H, I and J at land to the east of 4 Titlandhill Cottages, Falkirk - granted 28 January 2016.
- 3.3 P/18/0540/FUL - Erection of 19 dwellinghouses, 24 flatted dwellings and all associated landscaping, roads and drainage infrastructure at land to the north east of 22 Jardine Avenue, Lanton Road, Falkirk (Phase 2 site G) - application currently under consideration.

#### **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit has not objected to the proposed development.
- 4.2 The Environmental Protection Unit has advised that contamination can be addressed by condition. It is also advised that a noise assessment is undertaken to ensure that the proposed development would be safeguarded from the impact of traffic noise from the M9 Motorway to the north of the application site.
- 4.3 The Coal Authority has advised that, should planning permission be granted, an informative be attached to ensure that any unexpected mining feature encountered during the development be reported to the Coal Authority.
- 4.4 The Transport Planning Unit has advised that a cycleway connection should be kept free from obstruction. It is noted that the original submission indicated that the proposed sales facility would temporarily obstruct the cycleway at the distributor road which bisects the application site.
- 4.5 Children's Services has raised no objection on the grounds that the proposed development accords with the masterplan approved under the terms of outline planning permission F/2002/0611 detailed in section 3 of this report.

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

- 5.1 No comments have been received from the Larbert, Stenhousemuir and Torwood Community Council.

#### **6. PUBLIC REPRESENTATION**

- 6.1 In the course of the application, 11 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.
- 6.2 Object to flats being erected outwith the centre of Kinnaird Village which would obstruct view northwards to the Ochil Hills.
- 6.3 The proposed development would result in the loss of an area of open space which is used by existing residents for recreation and exercising pets.
- 6.4 The application site is one of the few open spaces in the Kinnaird Village area.

- 6.5 There is not sufficient capacity at the Kinnaird Primary School to accommodate the proposed development.
- 6.6 The erection of properties in excess of 2 storeys would not respect the character of the application site and its setting.
- 6.7 The erection of flatted dwellings would be detrimental to visual amenity and be detrimental to the positive visual impact of trees in this area.
- 6.8 The proposed development would exacerbate the unsustainable rise in population of the Kinnaird Village area.
- 6.9 The proposed development would exacerbate the lack of amenities in the Kinnaird Village area.
- 6.10 The proposed development includes an excessive number of affordable/social housing units.

## **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**

The Falkirk Local Development Plan (FLDP) 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.1 The application site forms part of a larger area identified in the FLDP as an opportunity for residential development, H37 Hill of Kinnaird. It is noted that there is a masterplan in place approved under the terms of outline planning permission F/2002/0611. The site forms part of the North Larbert Strategic Growth area identified in the FLDP.
- 7a.2 Land to the north of the application site, and south of the M9 motorway, is identified in the FLDP for landscape enhancement to provide buffer planting as part of the Bellsdyke/Hill of Kinnaird urban expansion. It is noted that the landscape buffer has been implemented.
- 7a.3 The application site forms part of housing opportunity H37, Hill of Kinnaird, and is included in the Council's housing growth programme to meet the housing need in the Larbert and Stenhousemuir area over the timeframe of the FLDP. Accordingly, the proposal accords with policy HSG01 – Housing Growth.

- 7a.4 Affordable housing requirement generated by the Bellsdyke/Hill of Kinnaird urban expansion is addressed by the masterplan approved under the terms of outline planning permission F/2002/0611. Affordable housing has been constructed at earlier phases of the urban expansion area sufficient to meet the requirement generated by additional housing requirement. There is therefore no requirement to develop any affordable housing units at the application site. The proposal accords with policy HSG02 - Affordable Housing.
- 7a.5 The proposed development has a good level of connectivity both within the proposed development and to the wider Bellsdyke/Hill of Kinnaird urban expansion area in terms of pedestrian movements, cycling and connection to the public transport network. It is noted that the proposal includes design features in accordance with the Scottish Government "Designing Streets" design guidance. The proposal accords with policy HSG04 - Housing Design and INF07 - Walking and Cycling.
- 7a.6 Residential developments of the scale proposed potentially generate developer contributions to mitigate impacts in terms of affordable housing delivery, education provision, provision of recreational and amenity open space and healthcare provision. The proposed development does not generate any additional impacts not addressed in the masterplan and outline planning permission. The proposal accords with policy INF02 - Developer Contributions to Community Infrastructure, INF04 - Open Space and New Residential Development and INF05 - Education and New Housing Development.
- 7a.7 The proposed development would provide a satisfactory level of water and drainage infrastructure and would integrate with the wider Bellsdyke/Hill of Kinnaird urban expansion water and drainage network. The proposal accords with Policy INF12 - Water & Drainage Infrastructure.
- 7a.8 The application would integrate well with the wider Bellsdyke/Hill of Kinnaird urban expansion area in terms of design, character, connectivity and infrastructure. The proposal accords with policy D02 – Sustainable Design Principles.
- 7a.9 The proposed development would include air source heat pump and photo-voltaic solar panel energy generating technologies to satisfactorily reduce carbon emissions. The approval of details can be addressed by condition. The proposed development accords with policy D04 - Low and Zero Carbon Development.
- 7a.10 The application accords with the guidance contained in supplementary guidance SG02 "Neighbourhood Design", SG10 "Education and New Housing Development", SG12 "Affordable Housing", SG13 "Open Space and New Development" and SG15 "Low and Zero Carbon Development".
- 7a.11 Accordingly, the proposed development accords with the Falkirk Local Development Plan.

## **7b Material Considerations**

The material consideration to be assessed are Scottish Planning Policy, Scottish Government design guidance "Designing Streets", Responses to Consultation, Assessment of Public Representations, the emerging Falkirk Local Development Plan 2, Outline Planning Permission F/2002/0611 and consideration of the site in relation to Coal Mining Legacy.

## ***Scottish Planning Policy***

- 7b.1 Principles of Scottish Planning Policy in respect of delivery of sustainable housing development include enabling provision for a range of attractive, well designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places and having a sharp focus on the delivery of allocated sites.
- 7b.2 It is noted that the application site forms part of a larger area allocated in the FLDP. Furthermore, the proposed development includes a range of housing options including semi-detached, terraced, town house and flatted units.
- 7b.3 The proposed development accords with the principles of Scottish Planning Policy.

## ***Scottish Government "Designing Streets" Design Guidance***

- 7b.4 The proposed development includes appropriate design features of the design toolkit - "Designing Streets" guidance to ensure that traffic movements are managed to maximise opportunities for pedestrian and cycling connectivity. The proposed development satisfactorily accords with the "Designing Streets" guidance.

## ***Responses to Consultation***

- 7b.5 It is noted that the Environmental Protection Unit have advised that contamination can be addressed by condition. It is also noted that the Environmental Protection Unit has advised that a traffic survey be undertaken to assess the impact of traffic noise in the proposed development from the M9 motorway to the north. However, condition 9 of outline planning permission F/2002/0611 ensures that it is demonstrated that noise levels experienced across the masterplan area do not exceed specified levels. It is noted that the applicant has submitted a supporting statement demonstrating that mitigating measures, including improved glazing and screen fencing, would be adopted to satisfactorily accord with the outline planning permission.
- 7b.6 The proposed development has been amended to address issues raised by the Transport Planning Unit detailed in section 4.4 of this report.
- 7b.7 No objections have been received from consultees.

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

- 7b.8 The loss of a private view is not a material planning consideration.
- 7b.9 The application site is not a designated area of open space. The site is land which was formerly ancillary to the operation of a hospital for which the opportunity to develop for residential purposes is established in the FLDP. Furthermore, a masterplan approved for the development of the Bellsdyke/Hill of Kinnaird urban expansion area identifies the application site as land to be developed for residential development.

- 7b.10 Concerns in respect of school capacity are noted. However, the proposed development accords with the masterplan in terms of housing unit numbers. Developer contributions in respect of education provision was addressed by the construction of Kinnauld Primary School to accommodate the Bellsdyke/Hill of Kinnauld urban area as approved under the terms of outline planning permission F/2002/0611. Children's services have advised that, on the basis that the proposed development accords with the approved masterplan, further contribution towards the provision of education services is not required.
- 7b.11 It is considered that the proposed development would respect, and integrate well with, the wider Bellsdyke/Hill of Kinnauld urban expansion and provide a sustainable range of house types.
- 7b.12 The provision of community facilities and amenities as identified in the approved masterplan wider urban expansion area is not material to the proposed development.
- 7b.13 The proposed development does not include any affordable/social housing. The provision of affordable housing generated by the wider urban expansion area has been addressed in earlier phases of development.

#### ***Outline Planning Permission F/2002/0611***

- 7b.14 Outline planning permission F/2002/0611 detailed in section 3 of this report is noted. The masterplan for the wider Bellsdyke/Hill of Kinnauld urban expansion area is approved under the terms of the outline planning permission. It is noted that the proposed development accords with the terms of the masterplan in terms of land use and the developer contributions sought under the terms of the outline planning permission to address the impact of the entire urban expansion area in terms of affordable housing provision, provision of open space and the provision of education services.

#### ***The Emerging Falkirk Local Development Plan 2***

- 7b.15 The FLDP2 has been approved by the Council for consultation. The consultation period runs from 27 September 2018 to 23 November 2018. Following consideration by Scottish Ministers of representations received, it is expected that FLDP2 will be adopted in 2020, at which point it will replace the current Falkirk Local Development Plan. FLDP2 provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications.
- 7b.16 The emerging FLDP2 also identifies the application site as part of the North Larbert Strategic Growth Area (Kinnauld Village) and that the application site forms part of a wider area identified as an opportunity for residential development H46 "Hill of Kinnauld 1". The FLDP2 also acknowledges the approved masterplan in respect of the wider Bellsdyke/Hill of Kinnauld urban expansion.
- 7b.17 The emerging Local Development Plan reflects the current Falkirk Local Development Plan in respect of policy assessment.

## ***Consideration of the Site in Relation to Coal Mining Legacy***

- 7b.18 The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. It is recognised that flexibility and discretion are necessary parts of the planning system and as such there may be exemptions to the requirement for a desk based Coal Mining Risk Assessment within the Development High Risk Area.
- 7b.19 Exemption can be on the grounds of the type of application or the nature of development. Only one of these needs to be met to exempt the need for a desk based Coal Mining Risk Assessment and also the consequential need for the Council to consult the Coal Authority. This proposal is considered to fall into one of these exempt groups, but ground conditions should still be considered as part of the Building Standards process, if relevant.
- 7b.20 Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

## **7c Conclusion**

- 7c.1 The proposed development accords with the Falkirk Local Development Plan and the emerging Falkirk Local Development Plan 2.
- 7c.2 The proposed development accords with the approved masterplan for the Bellsdyke/Hill of Kinnaird urban expansion area as approved under the terms of outline planning permission F/2002/0611.
- 7c.3 The proposed development would respect the application site, and integrate well with the wider Bellsdyke/Hill of Kinnaird urban expansion area, in terms of design, character and connectivity. The proposal would provide a range of house types, in accordance with Scottish Planning Policy.
- 7c.4 The impact of the proposed development in terms of the provision of affordable housing, open space and education services has been addressed at outline planning permission stage and the approved masterplan.

## **8. RECOMMENDATION**

- 8.1 **It is therefore recommended that the Committee grant planning permission 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.**

- i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.
    - ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
    - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
    - iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
3. Notwithstanding any details previously submitted, there shall be no work on any dwellinghouse or flatted block above foundation level until such time as details of the play area have been submitted to, and approved in writing by, this Planning Authority.
4. Notwithstanding any details previously submitted, no development shall commence until the precise details of the proposed low and zero carbon development (LZCGT) measures have been submitted to and approved in writing by this Planning Authority. For the avoidance of doubt, details to be submitted shall include calculations relating to the Standard Assessment Procedure Energy rating (SAP) and demonstrate accordance with policy D04 "Low and Zero Carbon Development" and Supplementary Guidance SG15 "Low and Zero Carbon Development" of the Falkirk Local Development Plan. Thereafter, the development shall be carried out in accordance with the approved details.

1. As these drawings and details constitute the approved development.
2. To ensure the ground is suitable for the proposed development.

3. To ensure the provision of a satisfactory standard of play equipment.
4. To ensure that a satisfactory level of low and zero carbon development is achieved by the inclusion of on site low and zero carbon generating technologies.

**Informative(s):-**

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02C, 03A, 04A and 05-15.
2. If any coaling mining feature is encountered during the development, the applicant is advised to contact The Coal Authority (tel 0345 762 6848).
3. 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.
4. The applicant shall ensure that noisy work which is audible at the site boundary shall **ONLY** be conducted between the following hours:

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

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

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**pp Director of Development Services**

**Date: 12 November 2018**



## **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan.
2. Proposed Falkirk Local Development Plan 2.
3. Scottish Planning Policy.
4. Scottish Government "Designing Streets" design guidance.
5. Outline Planning Permission F/2001/0611.
6. Objection received from Mr Stephen Spowart, 8 Geesmuir Gardens, Falkirk, FK2 8BE on 30 September 2018.
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8. Objection received from Miss Frances Robinson, 10 Geesmuir Gardens, Falkirk, FK2 8BE on 3 September 2018.
9. Objection received from Mr Thomas Gorman, 7 Geesmuir Gardens, Kinnaird Village, Larbert, FK2 8BE on 3 September 2018.
10. Objection received from Mrs Danielle McCulloch, 6 Geesmuir Gardens, Kinnaird Village, Larbert, Falkirk, FK2 8BE on 3 September 2018.
11. Objection received from Mr Ryan McCulloch, 6 Geesmuir Gardens, Kinnaird, Falkirk, FK2 8BE on 3 September 2018.
12. Objection received from Mr Andrew Milligan, 11 Geesmuir Gardens, Larbert, FK2 8BE on 3 September 2018.
13. Objection received from Thomas Gorman, 7 Geesmuir Gardens, Kinnaird Village, Larbert, FK2 8BE on 11 September 2018.
14. Objection received from Mrs Jaimi Spowart, 8 Geesmuir Gardens, Larbert, FK2 8BE on 3 September 2018.
15. Objection received from Mr Mark Everingham, 14 Geesmuir Gardens, Falkirk, FK2 8BE on 3 September 2018.
16. Objection received from Mrs Jennifer Good, 13 Geesmuir Gardens, Kinnaird Park, Larbert, FK2 8BE on 3 September 2018.

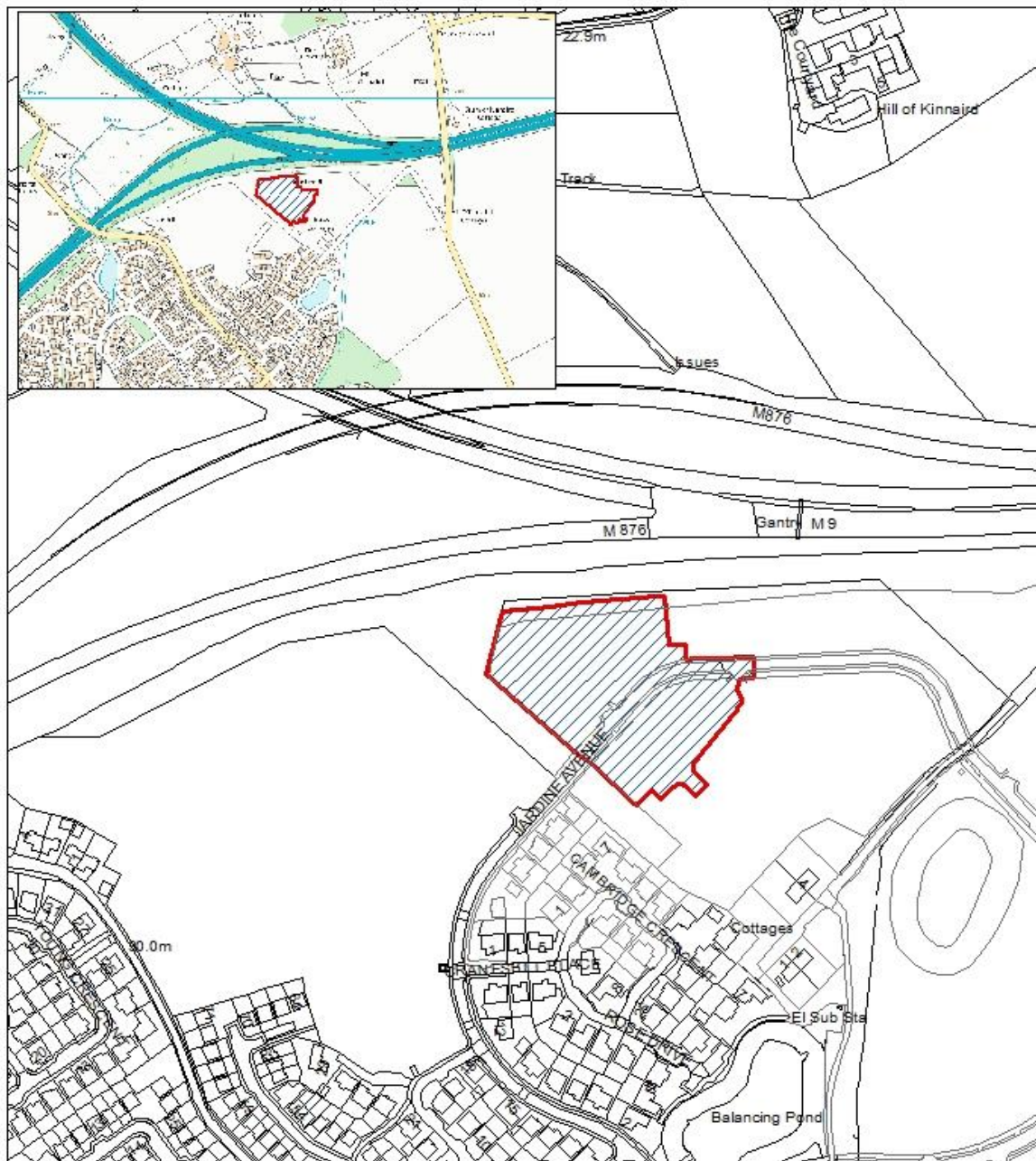
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson, Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/18/0311/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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