



Agenda Item 5

**DEVELOPMENT OF LAND FOR
RESIDENTIAL USE AT MILNQUARTER
FARM, ROMAN ROAD, BONNYBRIDGE,
FK4 2DE FOR MANOR FORREST LTD -
P/18/0024/PPP**

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: 20 May 2020

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

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UPDATE REPORT

1. Members will recall that the Planning Committee considered this application on 30 May 2018 (copy of report appended), when it was agreed to continue consideration of the application in light of recently received information from the NHS and information from the applicant.
2. The representation from NHS Forth Valley advised that they were not in a position to fully assess the impact of this development on local health care provision due to a lack of information. This included the absence of a masterplan to provide an indication of the number of units.
3. The information from the applicant included a response to the outstanding information referred to in the Committee report and advice that a masterplan and a Heritage Impact Assessment were being prepared.
4. The report considered by Committee on 30 May 2018 advised that there was a deficiency in information to enable a full assessment of the application. The outstanding information 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.

Masterplan

5. Since the previous Committee consideration, several iterations of an indicative site layout have been submitted. However, Historic Environment Scotland (HES) have maintained their objection to the application on the grounds that the potential indicative layouts would adversely impact on the Outstanding Universal Value (OUV) of the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site (WHS), and the setting of at least two scheduled monuments which form part of the WHS.
6. The latest iteration of the indicative site layout followed the preparation of a plan by HES showing a 'broad brush' indication of setting sensitivity for the scheduled monument known as Milnquarter Roman camp. The intention of this information was to assist the applicant in revising the proposal to mitigate impacts on setting. The revised indicative site layout added 10 metres to the buffer distance between the Roman camp and the proposed housing, and amended the house type from two-storey to single storey bungalows.
7. As stated in paragraph 5 above, HES have maintained their objection to the application. Their specific concerns are that the proposed housing design would place housing units within approximately 25 to 30 metres of the north-west boundary of the scheduled area of the Roman camp, and the latest revision of the indicative site layout offers no significant material change to the earlier scheme. The siting of houses so close to the scheduled monument would have a significant adverse impact on the setting of the monument by:-
 - Challenging it for dominance with its immediate setting;
 - Diminishing our potential to understand its relationship with the surrounding topography, particularly an understanding of the issues behind the selection of this site for a defensive military base; and
 - Affecting the 'sense of place' at the monument.
8. Falkirk Community Trust, Museum Services, have also been involved in further discussions with the applicant which have included a site visit and subsequent meeting. They support the concerns retained by HES.
9. It is considered that the applicant has been afforded a reasonable opportunity to address the concerns of HES. The plan prepared by HES showing a 'broad brush' indication of setting sensitivity (see paragraph 6 above) was provided to the applicant on 7 August 2019. HES have intimated that some development may be possible within the application site area, but the number of units would have to reduce and a design specification employed to mitigate impacts.

Heritage Impact Assessment

10. A Heritage Impact Assessment (HIA) has been submitted since the previous Committee consideration. HES welcome the inclusion of an HIA in support of the proposed development and its use to inform the design of the scheme. However, they do not consider the methodology used in the assessment to be appropriate and, as a result, they disagree with the conclusions reached and would object to the design that has been developed based on those conclusions.

11. The HIA places emphasis on visual impact assessment as a tool to determine the potential impact of the development on affected heritage assets. While visual impact assessment can help assess the impact of development on heritage assets, HES have advised that this type of assessment fails to consider the wide range of factors necessary to understand the impact of development. As a result, HES consider the conclusion of the HIA that the proposed development 'will not alter or impact on the characteristics of the OUV of the WHS as currently defined' to be fundamentally flawed.

Surface Water Drainage Strategy

12. An Outline SUDS Statement has been submitted since the previous Committee consideration. This information indicates that surface water would be managed by a range of source control measures (including porous driveways and roadside gravel filter drains), before conveyance to a detention basin where water would be stored and treated prior to controlled discharge to an existing culvert to the north-east of the site.
13. This information has been reviewed by the Council's consultants and further information has been requested on several points. Critically this includes the location and indicative size of the detention basin. In terms of the indicative site layout, there appears to be no available space for the basin. At the time of writing this report, a response from the applicant on these points was outstanding.
14. The location, serviceability and capacity of the existing culvert would need to be confirmed, and full drainage modelling provided, at detailed planning stage.

Flood Risk Assessment

15. A Flood Risk Assessment (FRA) has been submitted since the previous Committee consideration. The FRA is based upon a previous FRA (2012) for a larger development site and considers that the only flood risk to the site is from the Milnquarter burn.
16. The submitted information has been reviewed by the Council's consultants who recommend that the FRA should be updated at detailed planning stage. Due to the age of the previous study, some of the hydrological parameters should be updated and a new model developed based on an updated hydrological survey. In addition, updated climate change allowances would need to be applied.

Noise Impact Assessment

17. The applicant has suggested that the submission of a Noise Impact Assessment could be the subject of a condition attached to any grant of planning permission in principle. This is accepted. The noise concern relates to the proximity of the site to a railway line. It is accepted that it is likely that the noise could be mitigated by suitable window glazing and fencing specifications.

Transportation

18. The previous report to Committee highlighted that the Council's Transport Planning Unit required further information in relation to the sustainability of the site for walking, cycling and public transport, and that they were still to carry out a detailed audit of the junction analysis. They noted that access to the proposed development from Broomhill Road was dependent upon the development of land between the site and Broomhill Road.
19. In terms of capacity, the Transport Planning Unit have confirmed that the proposed signalised junction layout at Broomhill Road is predicted to have adequate capacity at the design year (2021). A traffic controlled junction incorporating the existing access to Central Demolition is therefore acceptable in principle. The new access arrangements would also have the benefit of improving management of traffic at the adjacent railway bridge to the south. The likelihood of traffic queuing back across Reilly Road to the south would need to be managed.
20. Since the previous Committee consideration, further transportation information has been submitted, including revised preliminary design proposals for the junction arrangements at Broomhill Road, a Stage 1 Road Safety Audit, and speed surveys. The Road Safety Audit identified a number of issues which would need to be fully addressed at Stage 2 of the Road Safety Audit process. Central Demolition have confirmed in writing that they agree to any land take needed to facilitate the proposed signalised junction.
21. Concerns over the sustainability of the site for walking, cycling and public transport are retained. The indicative site layout does not include any proposals for walking and cycling connections from the site to Milnquarter Road or Roman Road. The only bus service operating in the area is the X37, which is an hourly service. More frequent bus services are available in Bonnybridge, but they are more than the recommended 400 metres walking distance from the site.

Healthcare

22. NHS Forth Valley advised that they were unable to fully assess the impact of this development on local health care provision due to a lack of information (see paragraph 2 above). Since the previous Committee report, several versions of an indicative site layout have been submitted. The latest version (incorporating single storey bungalows) shows in the region of 24 units within the application site area. NHS Forth Valley have subsequently advised that on a standalone basis this reduced scale of development would not generate a requirement for additional space for primary healthcare facilities under the current methodology used to calculate healthcare contributions. They are therefore not seeking a healthcare contribution for this application.

Open Space

23. The latest version of the indicative site layout shows two phases of active open space outwith the application site area, but on land adjacent to the site and within the ownership of the applicant. The applicant has been advised that there is no need for active open space at this location as there is sufficient existing open space within an acceptable walking distance of the site. The issue is the quality of open space therefore a financial contribution would be sought towards improvement works to the existing open spaces in the local area. Furthermore, the proposed open space is not well integrated with the site layout or surroundings and there is no provision for wider paths links.

Conclusion

24. Since the previous Committee consideration, discussions with the applicant have been ongoing and the applicant has submitted further information, albeit over a protracted period of time. While some matters have been concluded, there remain several outstanding items, notably in relation to heritage assets and the impact of the proposed development on the setting of the Milnquarter Roman camp and its relationship with the surrounding topography. As noted in this report, HES retain their objection to the application. This is despite efforts at positive engagement including a site visit and subsequent meeting, and the preparation by HES of a plan showing a 'broad-brush' indication of setting sensitivity for the Roman camp scheduled monument.
25. It is considered that the applicant has now had a reasonable opportunity to address the outstanding matters. The application was validated on 30 January 2018, it was previously considered and continued by the Planning Committee on 30 May 2018, and it has been a legacy case since 30 January 2019. In assessing planning performance, the Scottish Government rates local authorities on the extent to which they have reduced the number of live applications that are more than one year old.
26. It is recognised that the proposed development has the potential to contribute to the housing supply and that the revised proposal for single storey bungalows would broaden the range of house types on offer. In addition, while the site is not specifically allocated for housing in the local development plan (LDP) or local development plan 2 (LDP2), it does lie within the urban limits. This means that development of the site for housing may be acceptable in principle if all constraints and considerations identified under LDP policy can be suitably addressed.
27. In this instance, there are a number of matters that remain outstanding as detailed in this report. Fundamentally this includes the impact of the proposed development on the setting of the Roman camp scheduled monument and its relationship with the surrounding topography. The Roman camp forms part of the Antonine Wall WHS, which is of international significance. As a matter of principle an issue of international significance takes precedence over local benefits such as the contribution the proposal could make to local housing supply.
28. The previous recommendation to refuse planning permission in principle is therefore reiterated. The reasons for refusal are updated accordingly to reflect updated advice and conclusion of certain matters since the previous report was prepared.
29. Members are advised that Scottish Ministers would need to be notified if the Committee were minded to grant planning permission in principle. This is because there is an outstanding objection to the application from HES.

RECOMMENDATION

- 30. It is therefore recommended that the Planning Committee refuse planning permission in principle for the following reason(s):-**
- 1. The application is contrary to Policy HSG03 'Windfall Housing' of the Falkirk Local Development Plan (LDP) as it does not satisfy all the criteria of the policy. In particular, it has not been demonstrated that the site enjoys good accessibility by walking and cycling (criterion 3). 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 to Policy INF07 'Walking and Cycling' of the LDP as it has not been demonstrated that the proposed development would have suitable pedestrian and cycle links to existing networks in the surrounding area.**
 - 3. The application is contrary to Policy INF12 'Water and Drainage Infrastructure' of the LDP as it has not been fully demonstrated that the proposed development would be served by suitable surface water drainage facilities, which comply 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 the setting of two scheduled monuments (Milnquarter Roman camp and Antonine Wall, 160m ENE to 155m NW of St Joseph's Church), or that any adverse impacts can be mitigated to an acceptable level. In particular, the proposed development would challenge the Roman camp for dominance within the immediate setting and diminish the potential to understand its relationship with the surrounding topography. This in turn would adversely impact on the Outstanding Universal Value (OUV) of this World Heritage Site.**

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pp Director of Development Services

Date: 13 May 2020

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Supplementary Guidance Note SG02, July 2015, Neighbourhood Design
3. Supplementary Guidance Note SG10, October 2019, 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.
7. Falkirk Local Development Plan 2.
8. Objection received from Mrs Dawn Fraser, 1 Ardgay Terrace, Bonnybridge, FK4 2FP on 22 April 2020.
9. Objection received from Mr David Mungall, 1 Ardgay Crescent, Bonnybridge, FK4 2FN on 22 April 2020.

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

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Date: 30 May 2018

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Provost Billy 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.

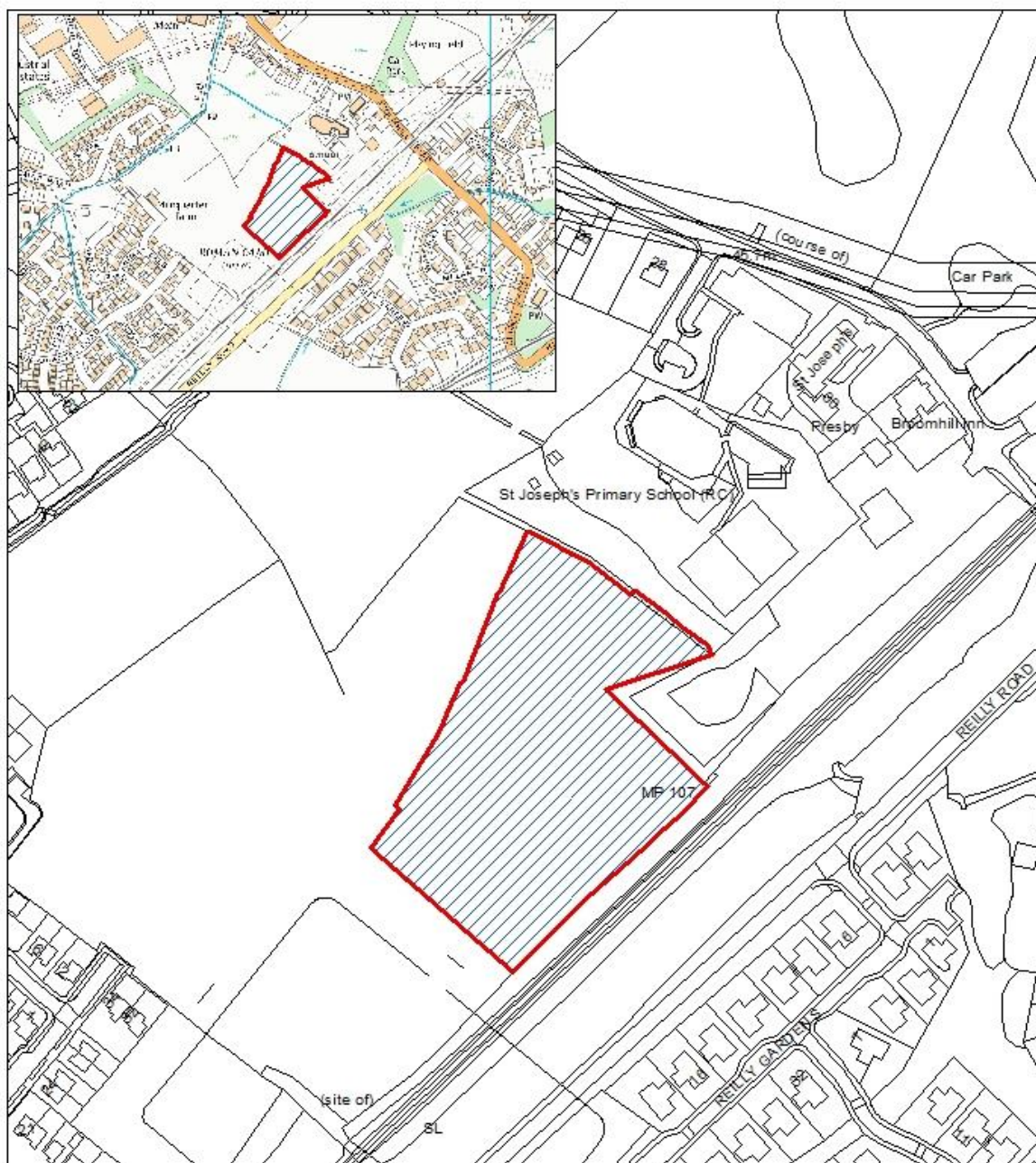
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

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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