



## **Agenda Item 5**

**ERECTION OF 8 DWELLINGHOUSES  
AT LAND TO THE NORTH EAST OF  
BRAEHEAD 1 MAIN STREET, MAIN  
STREET, SHIELDHILL, FOR DAVID  
ANGUS LIMITED - P/21/0040/FUL**

**FALKIRK COUNCIL**

**Subject:** ERECTION OF 8 DWELLINGHOUSES AT  
LAND TO THE NORTH EAST OF BRAEHEAD 1 MAIN  
STREET, MAIN STREET, SHIELDHILL, FOR DAVID ANGUS  
LIMITED - P/21/0040/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 20 January 2022

**Author:** DIRECTOR OF PLACE SERVICES

**Local Members:** Ward - Upper Braes

Councillor Gordon Hughes  
Councillor James Kerr  
Councillor John McLuckie

**Community Council:** Shieldhill and California

**Case Officer:** Kevin Brown (Planning Officer), Ext. 4701

[View this Application on Public Access](#)

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

- 1.1 This detailed application proposes the construction of 8 detached dwellinghouses on an area of agricultural land on the southern side of Main Street, Shieldhill. The proposed houses are each two storeys in height and are proposed to be served by individual driveways onto the southern side of the B810.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application was called in for the determination of the Planning Committee by Councillor Gordon Hughes to allow the planning committee to consider the application in relation to the Development Plan Policy and also consideration of roads and infrastructure.

**3. SITE HISTORY**

- 3.1 None relevant to this application

**4. CONSULTATIONS**

- 4.1 The Coal Authority – No objections
- 4.2 Scottish Water – No objections

- 4.3 The Council's Environmental Protection Unit – No objection. Contaminated land condition requested.
- 4.4 The Council's Roads Development Unit – No objection. Additional drainage information requested and provided.
- 4.5 The Council Children's Services – No objections. No capacity issues identified. No contributions requested.

## **5. COMMUNITY COUNCIL**

- 5.1 Concerns raised in respect of compliance with Development Plan policy. Specifically, the loss of open space, unallocated nature of the site, countryside location, impact on services and road safety.

## **6. PUBLIC REPRESENTATION**

- 6.1 In addition to the community council comments summarised above, in the course of the application, 5 further contributor(s) submitted letter(s) to the Council. The additional salient issues are summarised below.

- Sewer capacity issues.
- Lack of need for additional housing.
- Parking issues along Main Street.
- Road safety.
- Alternative uses could be found for the site.

## **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 \(LDP2\)](#) was adopted on 7 August 2020. The proposed development was assessed against the following policy or policies:

7a.2 PE01 – Placemaking

The proposal would result in a distinctive development with a scale, siting and design which responds positively to the site's surroundings and the character of the wider area. The proposals include hedge planting to mitigate the loss of the existing boundary hedge on the site. The proposal would create a safe and secure environment with high levels of natural surveillance and would not exacerbate any existing air quality or pollution issues. The development is located adjacent to existing pedestrian footpath facilities and is located on a bus route. The development would be welcoming and adaptable. The proposal accords with the general principles of policy PE01.

7a.3 HC02 - Windfall Housing

The application site is a greenfield site located within the urban limit of Shieldhill as defined by the Falkirk Local Development Plan 2 and is therefore classed as a windfall site for the purposes of policy assessment. Whilst the application site is currently used as agricultural land, the site is not located within the countryside. The site is not identified in the Falkirk Local Development Plan 2 as an area of open space however, by virtue of its undeveloped greenfield character, the proposal requires to be assessed against the terms of policy PE16 'Protection of Open Space'. As set out below, the proposal is considered to accord with the terms of policy PE16. The proposed housing use is compatible with neighbouring residential land uses and the site enjoys good access to public transport, active travel and community facilities. The existing infrastructure of Shieldhill is considered capable of accommodating the level of development proposed and the site is not at risk of flooding. The proposal accords with the terms of Policy HC02.

7a.4 PE16 - Protection of Open Space

The application site is an area of undeveloped greenfield land which is currently used as agricultural land. The site is grassed with an established boundary hedge along its northern boundary to the B810. The site is not open to the public and does not form part of an amenity space planned as an integral part of the wider Shieldhill development. The land has no recreational value, and the ecological value of the site is minimal. The proposal would result in a change in character and appearance of the site however this would not be to the detriment of the visual amenity or character of the area. The applicant has also proposed some replacement hedge planting as part of the scheme. The loss of this area of land can therefore be justified. The proposal accords with the terms of policy PE16.

7a.5 IR02 - Developer Contributions

The scale of development proposed is below the thresholds for contributions towards open space or affordable housing provision as set out within current adopted supplementary guidance. Children's Services has confirmed that there is available capacity at each of the catchment schools for this location and have not therefore requested a contribution. There are no further issues which require to be addressed by developer contributions for a development of this scale. The proposal accords with the terms of policy IR02.

7a.6 IR10 - Drainage Infrastructure

The developer has provided a drainage strategy outlining proposals to take foul drainage to the public sewer which passes through the application site. All surface water drainage is proposed to be discharged to the Polmont Burn in line with SEPA guidance and following attenuation and treatment on site in line with current best practice for Sustainable Urban Drainage Systems (SUDS). No surface water is proposed to be discharged to the public sewer. The proposed drainage arrangements are considered appropriate. The proposal accords with policy IR10.

7a.7 IR13 - Low and Zero Carbon Development

The applicant has indicated that the required 12% reduction in carbon emissions will be achieved by way of installation of solar hot water systems within each property. This approach would comply with the guidance set out in draft supplementary guidance SG14 'Renewable and Low Carbon Energy'. The proposal accords with the terms of policy IR13.

7a.8 The proposal accords with the terms of the Falkirk Local Development Plan 2.

**7b Material Considerations**

7b.1 The material considerations to be assessed are, Falkirk Council supplementary guidance, consideration of the site in relation to coal mining legacy and assessment of public and community council representations.

**Falkirk Council Supplementary Guidance**

7b.2 SG05 'Green Infrastructure and New Development'

This guidance sets out the circumstances within which developer contributions would be sought towards the provision of public open space. The guidance sets size thresholds for developer contributions. The requirement to provide, or contribute to, recreational open space does not apply to proposals for 10 units or fewer. The proposed development is therefore exempt from requiring to contribute towards open space provision.

7b.3 SG13 'Developer Contributions'

This guidance sets out the circumstances within which developer contribution would be sought for a variety of circumstances. In particular, the guidance clarifies a number of size thresholds for proposed development types, below which no developer contributions would be sought. The proposed development of 8 units in this location is below the size thresholds set out within SG13. No developer contributions are therefore sought in this instance.

7b.4 SG02 'Neighbourhood Design'

This guidance seeks to promote high quality design and placemaking standards for any new residential neighbourhoods within the Falkirk Council area through the delivery of good buildings and places to enhance quality of life. The guidance focuses on the six qualities of successful places as identified within The Scottish Government's Scottish Planning Policy. The design and layout of the proposed development meets the aspirations of this guidance and respects the context within which it sits. The proposal accords with the principles set out within SG02.

7b.5 SG14 'Renewable and Low Carbon Energy'

This draft guidance is intended to replace non statutory guidance in the form of SG15 'Low and Zero Carbon Development' and is aimed at developers or individuals seeking to fulfil the planning requirements for inclusion of low and zero carbon technologies in new development. The guidance sets out the level of information required so that the terms of policy IR13 'Low and Zero Carbon Development' can be met. Specifically, the guidance identifies the type of renewable and low carbon generating technologies which are considered appropriate to meet the requirements of this policy. The applicant proposes to meet the required 12% reduction in carbon emissions by way of installation of solar hot water systems within each property. This proposal accords with the guidance set out within SG14.

**Consideration of the Site in relation to Coal Mining Legacy**

7b.6 The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. Any development proposal not exempt on grounds of type or nature, which would intersect with the ground requires the submission of a desk based Coal Mining Risk Assessment and Consultation with the Coal Authority.

7b.7 The process recognises the need for flexibility and in cases where a further application (Matters Specified in Conditions) is necessary, the Coal Mining Risk Assessment may be deferred until that stage. If an assessment has been received and the views of the Coal Authority sought, these are summarised within the consultation responses above and appropriate conditions and/or informatives have been applied.

**Assessment of Public and Community Council Representations**

7b.8 Scottish Water has provided a consultation response indicating that they have no objection to the proposed development. The applicant will be required to secure separate consent from Scottish Water in order to connect into their infrastructure. The proposed surface water drainage arrangements are considered appropriate for the scale of development proposed. The applicant will be required to secure a licence from SEPA to allow discharge to the Polmont Burn. The proposal is not considered to contribute towards increased flood risk or to exacerbate existing sewer capacity issues within the wider Shieldhill Area.

7b.9 The need, or otherwise, for the proposed development is not material to the assessment of this application. The proposed development is assessed as being in accordance with the terms of the Development Plan.

7b.10 The Council's Roads Development Unit has been consulted on his application and are satisfied that the proposed access arrangements are safe and in accordance with current design standards. No road safety concerns have been highlighted. The scale of development proposed is not likely to result in a significant increase in traffic in this location.

7b.11 The assessment of this application cannot consider which alternative uses may or may not be appropriate for this parcel of land. The assessment requires to be made against the terms of the Falkirk Local Development Plan 2. As has been highlighted within the policy assessment above, the site is not located within the countryside and the development of the land for housing is considered to be in accordance with the development plan.

## **7c Conclusion**

- 7c.1 The proposal is an acceptable form of development and accords with the Development Plan. There are no material planning considerations that warrant a refusal of planning permission in this instance.

## **8. HUMAN RIGHTS AND EQUALITY ASSESSMENT**

- 8.1 Officers have considered the Human Rights Act 1998 in making this recommendation. It is considered that the proposed recommendation would not adversely impact on any protected characteristic groups as identified within the Equality Act 2010.

## **9. RECOMMENDATION**

- 9.1 **It is recommended that Planning Committee grant planning permission subject to the following conditions:-**

- 1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
- 2. Notwithstanding the details on the approved plans, the driveways associated with the 'Rosie' housetypes shall be formed in a manner so as to accommodate three off street parking spaces.**
- 3. 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.
- 4. Prior to the start of work on site, a fully finalised drainage strategy shall be submitted to and approved in writing by the planning authority. The drainage strategy shall include confirmation of landowner consent and maintenance arrangements for surface water drainage outflows from the site as well as confirmation of acceptance from SEPA for any such outflows to nearby watercourses. Thereafter, the drainage from the site shall be maintained in accordance with these approved details unless otherwise agreed in writing with the Planning Authority.
- 5. The development hereby approved shall not be occupied or brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:
  - i) a copy of the appropriate sustainability label (i.e. at least Bronze Active); and
  - ii) a Statement of Conformity which confirms that 12%, of the required CO2 emissions reduction is achieved through the installation of low and zero carbon generating technologies.

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

**Reason(s):**

- 1. As these drawings and details constitute the approved development.
- 2. To ensure that adequate car parking is provided.
- 3. To ensure the ground is suitable for the proposed development.
- 4. To ensure that adequate drainage is provided.
- 5. To ensure the development achieves the required CO2 emission reduction as a result of development.

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pp Director of Place Services

Date: 12 January 2022



## **LIST OF BACKGROUND PAPERS**

1. Objection received from Martin & Angela Oliver, on 15 March 2021
2. Objection received from Mr Joseph Oliver, Treyarnon, Shieldhill Road, Reddingmuirhead, Falkirk, FK2 0DT on 8 February 2021
3. Objection received from Martin & Angela Oliver, on 15 March 2021
4. Objection received from Mr Tom Nimmo, Herdhill, 3 Main Street, Shieldhill, Falkirk, FK1 2DZ, on 17 March 2021
5. Objection received from Shieldhill and California Community Council, FAO: Jit Singh on 3 March 2021
6. Objection received from Mr Joseph Oliver, Treyarnon, Shieldhill Road, Reddingmuirhead, Falkirk, FK2 0DT, on 9 February 2021
6. SG05 'Green Infrastructure and New Development'
7. SG13 'Developer Contributions'
8. SG02 'Neighbourhood Design'

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

## **Policy Schedule**

### **PE01 Placemaking**

Development proposals should promote the six qualities of successful places as defined in Scottish Planning Policy by addressing the following principles:

#### **1. Distinctive**

- Existing natural and historic environment features should be identified, conserved, enhanced and integrated sensitively into development. Further guidance is set out in Policies PE05-PE27, and accompanying Supplementary Guidance SG07- SG12;
- The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create a coherent structure of buildings, streets and public spaces that are attractive, distinctive and create a sense of identity within the development. Further guidance is set out in SG02 'Neighbourhood Design';
- Development should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, manages surface water sustainably, and contributes, where appropriate, to the wider green network. Further guidance is set out in SG05 'Green Infrastructure and New Development';
- Developments of a significant scale should contribute to public art either through a contribution to an existing local project, or through provision of public art within the development, guided by a strategy prepared by the developer in consultation with the Council and Falkirk Community Trust. Further guidance is set out within SG13 'Developer Contributions' and the public art procurement guide produced by Falkirk Community Trust.

#### **2. Safe and pleasant**

- Development should create a safe and secure environment for all users through the provision of high levels of natural surveillance for access routes and public spaces and provision of safe access for all. Further guidance is set out in SG02 'Neighbourhood Design';
- Development should not exacerbate existing air quality issues or introduce new sources of pollution which impact on local air quality without appropriate mitigation.

#### **3. Easy to move around and beyond**

- Development should be designed to encourage the use of active travel and sustainable, integrated transport. Further guidance is set out in Policies IR05-IR07;
- Development should build on the existing network of paths, edges, nodes, districts and landmarks to create places that people can navigate easily around.

#### **4. Welcoming**

- Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality hard or soft landscape treatment. Further guidance is set out in SG02 'Neighbourhood Design'.

## **5. Adaptable**

- Development should be designed to consider how people use places differently, for example depending on age or degree of personal mobility;
- Where appropriate, development should provide a mix of building densities, tenures and typologies where a variety of diverse but compatible uses can be integrated.

## **6. Resource efficient**

- In support of climate change mitigation, development should promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through: energy efficient design; choice and sourcing of materials; reduction of waste; recycling of materials and incorporating space to separate materials at source; incorporation of low and zero carbon generating technologies and integration into neighbourhood and district heating networks. Further guidance is set out in Policies IR12-IR14;
- In support of climate change adaptation, infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise;
- Provision should be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.

## **HC02 Windfall Housing**

Housing development on sites within the Urban and Village Limits, which are not identified as LDP proposals, will be supported where:

1. The site is brownfield or, if greenfield, will meet the terms of the Policy PE16 on protection of open space;
2. Housing 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 infrastructure, such as transport, drainage, education and healthcare has the capacity to accommodate the proposed development, or can be upgraded through appropriate developer contributions, as required by Policy IR02;
5. The site is not at risk of flooding in terms of Policy PE24; and
6. The proposed development complies with other LDP policies.

## **PE16 Protection of Open Space**

1. Development which will result in the loss of open space will only be permitted where:
  - o There is no adverse effect on the character or appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;

- o There will be no significant adverse effect on the overall recreational provision in the local area, taking account of the Council's open space standards (as defined within the Open Space Strategy), or the loss will be compensated for by qualitative improvements to other open space in the local area commensurate with its recreational value. Guidance on how loss of open space should be compensated is set out in Supplementary Guidance SG05 'Green Infrastructure and New Development';
  - o The area is not of significant ecological value; and
  - o Connectivity within, and functionality of, the wider green network is not threatened and public access routes in or adjacent to the open space will be safeguarded.
2. Where development would also involve the loss of outdoor sports facilities, it must additionally be demonstrated that:
- o The proposed development is ancillary to the principal use of the site as an outdoor sports facility; or
  - o The proposed development involves a minor part of the outdoor sports facility which would not affect its use and potential for sport and training; or
  - o The outdoor sports facility which would be lost would be replaced by a new facility of comparable or greater benefit for sport and in a location which is convenient for its users, or by the upgrading of an existing outdoor sports facility to provide a better quality facility either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area; or
  - o The Council's pitch strategy and consultation with Sportscotland has shown that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site could be developed without detriment to the overall quality of provision.

## **IR02 Developer Contributions**

Developers will be required to contribute to the provision, upgrading and, where appropriate, the maintenance of infrastructure where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The types of infrastructure where contributions may be required are set out in Table 4.1. The nature, scale and phasing of developer contributions will be determined by:

1. Guidance and contribution rates set out in SG13 'Developer Contributions';
2. Site specific requirements set out in the LDP or relevant development brief; and
3. The principles contained in Circular 3/2012 'Planning Obligations and Good Neighbour Agreements'.

In assessing applications where developer contributions are required, the economic viability of proposals will be taken into account as a material consideration where supported by a Development Viability Statement. Developer contributions for education and open space will be waived for flatted residential development, or conversions of buildings for residential use, of up to 50 units within town centre boundaries.

### **IR10 Drainage Infrastructure**

1. Necessary sewerage infrastructure associated with new development should either be adopted by Scottish Water or have alternative maintenance arrangements which are acceptable to SEPA. Connection to the public sewer is the most sustainable option and will ensure that any pollution risk to the environment is minimised.
2. Surface water management for new development should comply with current best practice on Sustainable Urban Drainage Systems (SUDS), where appropriate forming an integral part of the development's landscape structure as set out within Supplementary Guidance SG05 'Green Infrastructure and New Development'. SUDS will be required to meet the specifications as detailed in the most recent version of Sewers for Scotland should the developer wish the surface water system to vest in Scottish Water.
3. For developments that involve a change of use and/or redevelopment, wherever possible, opportunities should be taken to retrofit SUDS.
4. 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. The strategy should follow the latest version of the SUDS Manual.

### **IR13 Low and Zero Carbon Development**

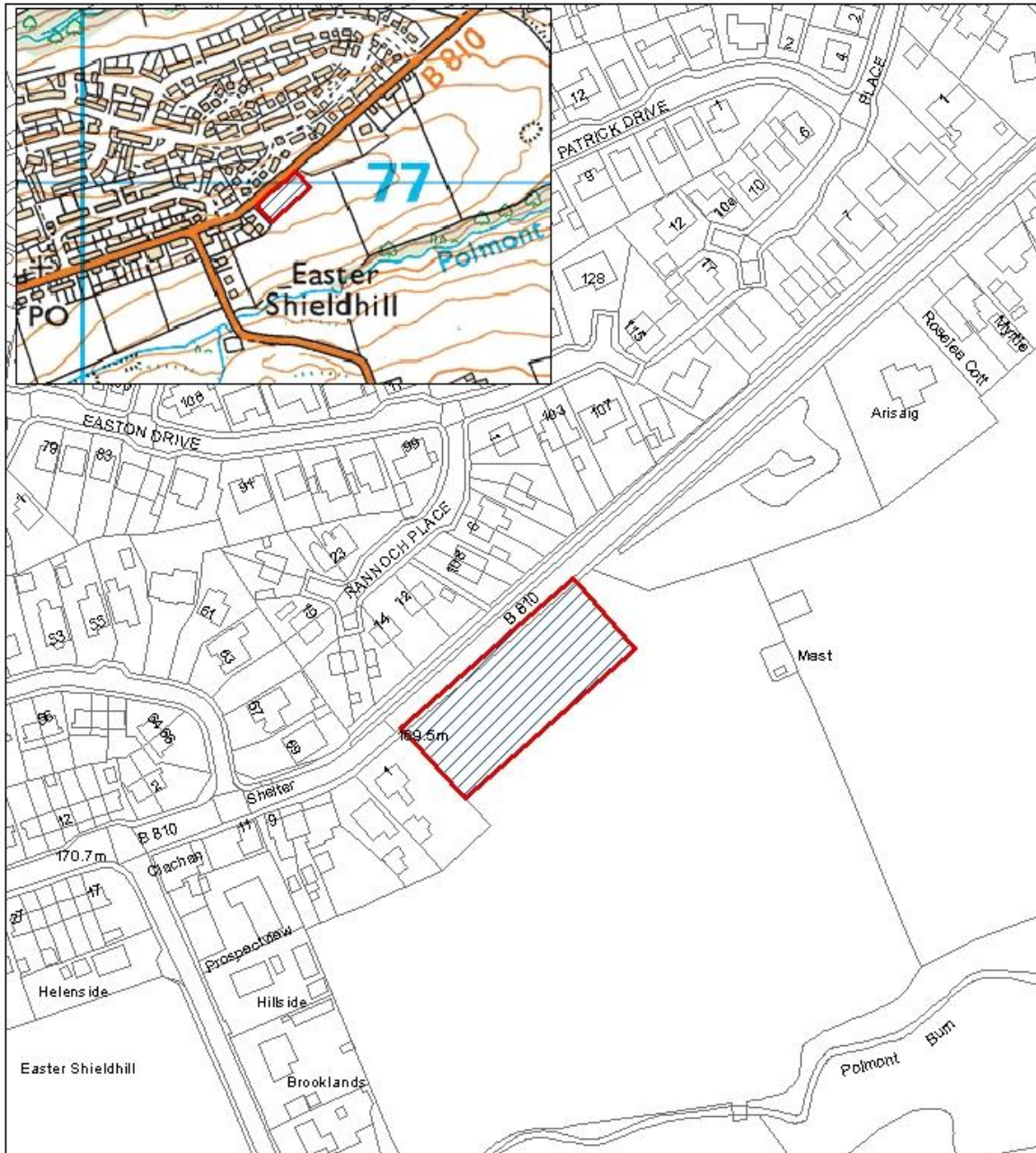
1. All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 12% of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site LZCGT. 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 is contained in Supplementary Guidance SG14 Renewable and Low Carbon Energy. 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 the other sustainability aspects of the current Sections 6 and 7 of the current Building Standards Technical Handbook.

# Planning Committee

## Planning Application Location Plan **P/21/0040/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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