



## **Agenda Item 6**

**ERECTION OF 6 DWELLINGHOUSES AT  
LAND TO THE NORTH OF ALDI,  
GREENPARK DRIVE, POLMONT FOR  
ABHAINN DEVELOPMENTS -  
P/20/0617/FUL**

**FALKIRK COUNCIL**

**Subject:** ERECTION OF 6 DWELLINGHOUSES AT LAND TO THE NORTH OF ALDI, GREENPARK DRIVE, POLMONT FOR ABHAINN DEVELOPMENTS - P/20/0617/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 28 JUNE 2022

**Author:** DIRECTOR OF PLACE SERVICES

**Local Members:** Ward - Lower Braes

Councillor Gordon Forrest  
Councillor Anne Hannah  
Councillor James Kerr

**Community Council:** Polmont

**Case Officer:** Katherine Chorley (Planning Officer) Ext. 4704

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

- 1.1 The application site comprises of 0.4 hectares of open space at the east side of Airlie Drive, Polmont to the north of an existing retail store.
- 1.2 This application proposes the erection of six detached three bedroom, two-storey dwellinghouses and associated infrastructure. It is proposed that access is taken from Appin Grove. The access would be of no-dig construction. It is not proposed that the roadway at the proposed development be an adopted highway.
- 1.3 The application is supported by supporting statements including :-
- Tree Survey
  - Arboricultural Assessment
  - Ecology Report
  - Design Statement
  - Noise Impact Statements
  - Cycle Storage Statement
  - Drainage Details
  - Traffic Assessment
  - Design Statement
  - Supporting Statement

## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application was called in by Councillor Alan Nimmo, to allow the Planning Committee to consider impacts on the amenities of existing residents and the character and appearance of the area.

## **3. SITE HISTORY**

- 3.1 There is no site history relevant to the consideration of this application.

## **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit have advised that they have no objections to the application.
- 4.2 Scottish Water have advised they have no objections to the application. However, they have recommended that the applicant should liaise with the Scottish Water Asset Impact Team.
- 4.3 The Council's Environmental Protection Unit have advised they have no objections to the application. Potential contamination can be addressed by condition. Noise and air quality can be addressed by means of conditions and informatives.
- 4.4 The Council's Children's Services Unit have advised that there would be no significant impact on the provision of education services.

## **5. COMMUNITY COUNCIL**

- 5.1 The comments from Polmont Community Council can be summarised as follows;
- Concerns over massing of buildings, out of keeping with adjoining properties and visible from road and car park.
  - Limited garden space for new dwellings
  - Loss of privacy to existing dwellings
  - Concerns regarding noise impact on new dwellings from adjacent business.
  - Insufficient parking for proposals
  - Removal of trees and building of houses would remove landscape buffer.
  - Access road would be narrow and no pavement/lighting indicated, not suitable for refuse vehicles
  - Application boundary shown to include services
  - Concerns over ownership of service road to rear
  - No privacy for new dwellings
  - Trees may be protected by a TPO. No protection shown for these trees. Trees will eventually die.
  - Sewer has insufficient clearance/wayleave provision.

## **6. PUBLIC REPRESENTATION**

6.1 During consideration of the application, 53 contributors submitted representations to the Council. This included 47 objections, 2 in support and 4 representations. The salient issues are summarised below.

- Detrimental impact on wildlife.
- The applicant may not be financially solvent.
- The proposed access does not accord with national roads guidance as there should be a road bond in place, a shared surface is not appropriate for a development of this nature, the proposed 2 metre footpath connection to Airlie Drive is not appropriate, the proposal does not accord with parking standards and there is no cycle storage proposed.
- Appin Grove is not of an acceptable standard to provide access to the proposed development.
- The proposed access arrangement would not be in the interests of the road safety of existing householders adjacent to the site or public highway arrangements in close proximity to the retail store adjacent to the south.
- Surface water from the proposed development would not be satisfactorily treated.
- Three storey dwellings are not appropriate for the location.
- There is sufficient capacity for new housing at other sites in Polmont. No need has been demonstrated at the application site.
- The proposal would result in unacceptable traffic congestion.
- The proposed development would cause flooding at the application site and land adjacent.
- The proposal would result in the loss of privacy to properties at Appin Grove.
- The proposal would result in the unacceptable loss of trees.
- The proposal would result in a significant loss of residential amenity for existing residents.
- There would be an unacceptable loss of an area of open space which has capacity to become a community orchard.
- There would be an unacceptable loss of a dog walking area.
- The proposal constitutes over-development of the application site.
- The proposed development is not appropriate for a Conservation Area setting.
- There would be an unacceptable noise impact on adjacent residents.

- There would be a significant impact on the provision of health care and education services in the area.
- The proposed development would be contrary to Scottish Control of Woodland Removal Policy.

## 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:

PE01 - Placemaking, HC02 - Windfall Housing and HC04 - Housing Density and Site Capacity

- 7a.2 The proposed development would respond sympathetically to the application site and its setting in terms of scale siting and design. The proposed housing would be compatible with neighbouring uses. There would be a satisfactory level of residential amenity and the residential amenity of the area would be safeguarded. The site enjoys good transport links. The proposal would not constitute an unacceptable loss of open space (see Policy PE16 section of this report). The proposal accords with other relevant Development Plan policies. The proposal accords with policies PE01, HC02 and HC04.

PE16 - Protection of Open Space

- 7a.3 The proposed site is an attractive area of trees and scrub with informal paths across the site. It is noted however that there would be no significant adverse impact on the overall provision of recreational open space in the area. No households would be brought below the Council's standards for access to open space as a result of the proposal. The proposal accords with Policy PE16.

PE17 - Open Space and New Development

- 7a.4 The proposal would include a satisfactory level of passive open space. There would be no significant impact on the provision of active open space in the area. The proposal accords with policy PE17.

PE19 - Biodiversity and Geodiversity

- 7a.5 It has been satisfactorily demonstrated that there would be no significant impact on any potential wildlife at the application site, including bats or roosting birds. Any further survey work required and timing of development can be addressed by conditions. The proposal accords with Policy PE19.

PE20 - Trees, Woodland and Hedgerows

- 7a.6 The application has been accompanied by a Tree Survey Constraints Plan; a Retention and Removal Plan and an Impact Assessment Report. The tree survey and tree constraints have been prepared in accordance with SG10 "Trees & Development" and BS5837:2012 recommendations. However the key does not fully indicate the protective fencing to the construction exclusion zone (CEZ). This should be clarified prior to the commencement of development to prevent any confusion.
- 7a.7 The layout of the proposed development has been informed by the tree constraints plan. The proposed dwellings are to be located to the southern part of the site, which reduces the impact on existing trees. The site is not covered by an extant Tree Preservation Order.
- 7a.8 The Arboricultural Impact Assessment Report notes the trees proposed for removal, these include 13 category C trees (some of which are recommended to be removed due to poor quality/form/squirrel damage), 5 category B trees and 7 category A trees.
- 7a.9 Policy PE20 advises that where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting on site comprising similar species and numbers to the trees and hedgerows removed." The applicant's Arboricultural report notes replacement planting should be at a ratio 2:1 for trees of category A & B removed, and 26 new trees are proposed. Given the constraints of the site the number of new trees proposed is reasonable. A significant number of trees are to be retained.
- 7a.10 A no-dig specification for the access road within the tree root zone is acceptable. Given the above comments, the proposal is considered to be acceptable and accords with the requirements of policy PE20.

PE24 - Flood Management and IR10 - Drainage Infrastructure

- 7a.11 Waste water would connect to the existing combined sewer network. No significant issues are envisaged regarding treatment of surface water. Details can be secured by condition. The proposal accords with policies PE24 and IR10.

IR02 - Developer Contributions and IR03 - Education and New Housing Development

- 7a.12 The proposed development does not generate the requirement for any other developer contributions. This is due to the relatively small number of units proposed.

IR13 - Low and Zero Carbon Development

- 7a.13 It is proposed that the required minimum 12% of carbon reduction would be achieved by the inclusion of energy generating technologies comprising of air source heat pumps and photovoltaic solar panels. Details can be secured by condition. The proposal accords with Policy IR13.

**7b Material Considerations**

- 7b.1 The material considerations to be assessed in determining this application are Falkirk Council non-statutory supplementary planning guidance, the consultation responses, the public representations, coal mining legacy and national planning policies and guidance.

## **Non-Statutory Supplementary Planning Guidance**

- 7b.2 Supplementary Guidance in association with LDP2 is at various stages of preparation. Largely consisting of the updating and consolidation of Supplementary Guidance prepared alongside LDP1, a number of Supplementary Guidance notes have been adopted, while the others are being finalised or consulted on prior to adoption.
- 7b.3 The proposed development accords with guidance contained in supplementary guidance SG05 “Green Infrastructure and New Development”, SG07 “Biodiversity and Geodiversity”, SG10 “Trees and Development”, SG13 “Developer Contributions” and SG15 “Low and Zero Carbon Development”.

## **Consultation Responses**

- 7b.4 The comments raised by consultees are noted and can be adequately addressed by conditions and informatives.

## **Assessment of Public Representations**

- 7b.5 Comments relating to access, traffic and layout are noted. The National Roads Development Guide and Scottish Government “Designing Streets” guidance support the proposed development. It is noted that:-
- The proposal does not include any adoptable shared surface within the development.
  - Plans indicate a 2m wide footpath from the access to the site round to the access to the ALDI service road, to be provided by the applicant.
  - No garages are proposed. Plots have space to accommodate two off-street parking spaces which meets Council Standards for three bedroom dwellinghouses.
  - “Designing Streets” guidance states that the design of streets should accommodate service vehicles without allowing their requirements to dominate the layout. On streets with low traffic flows and speeds, it may be assumed that vehicles will be able to use the full width of the carriageway to manoeuvre. Larger vehicles which are only expected to use a street infrequently, such as pantechnicons, need not be fully accommodated – designers could assume that they will have to reverse or undertake multi-point turns to turn around for the relatively small number of times they will require access. The access proposed would satisfactorily accommodate the occasional entry of large vehicles.
  - The Roads Development Unit has raised no concerns in terms of additional traffic at Appin Crescent.
  - The cycle storage statement submitted in support of the proposal clarifies that access to the rear gardens of the dwellinghouses would be locked. Cycle storage can be satisfactorily accommodated in the rear garden areas.
- 7b.6 It has been satisfactorily demonstrated that there would be no significant impact on wildlife at the application site. Any potential impacts can be addressed by condition.

- 7b.7 The financial arrangements of the applicant is not a material planning consideration.
- 7b.8 The internal road layout is not intended to be adopted therefore no Roads bond is applicable.
- 7b.9 It is considered that satisfactory treatment of surface water runoff can be achieved. Details can be secured by condition.
- 7b.10 The proposal is to erect two-storey dwellinghouses. The proposal would respect the application and it's setting in terms of scale and design. The proposed development would integrate well with the area.
- 7b.11 Policy HC02 of the Development Plan "Windfall Housing" is noted. Policy HC02 allows for residential development to be considered on sites not specifically identified in the Development Plan as opportunities for housing development, provided that criteria set out in the policy are met. Section 6 of this report is noted. In this case the terms of the policy are met and the proposal can be considered as an appropriate and satisfactory windfall housing site.
- 7b.12 The proposed dwellinghouses would be in excess of 25 metres from existing properties at Appin Grove. Furthermore, there would be significant tree cover between the properties. There would be no significant loss of privacy to existing dwellinghouses at Appin Grove.
- 7b.13 The application is supported by a tree survey and a landscaping plan. The landscape plan details replacement planting in mitigation of trees to be removed. The landscape plan demonstrates that the amenity and quality of the open space included in the proposal would satisfactorily safeguard the amenity of the area.
- 7b.14 It is noted that the proposal meets the terms of policy PE16 "Protection of Open Space".
- 7b.15 The policy assessment of this report is noted and that the proposal meets the terms of the policies of the Development Plan. The proposal does not constitute over-development of the site.
- 7b.16 The application site is not located in a Conservation Area as identified in the Development Plan.
- 7b.17 Construction noise is regulated by other legislation. Construction noise can be addressed by means of an informative.
- 7b.18 The Scottish Government's Policy on Control of Woodland Removal is addressed in the National Policy section of this report.
- 7b.19 The Children's Services Unit have advised that the proposed development would have no significant impact on the provision of education services in the area.
- 7b.20 The proposed development does not meet the threshold for consideration of health care provision as set out in the Development Plan and relevant guidance. No significant impact is envisaged.



## **Coal Mining Legacy**

- 7b.21 The application site falls within or is partially within the Development Low Risk Area as defined by the Coal Authority. However, as coal mining activity was undertaken at depth, no recorded surface hazards currently exist which could pose a risk to new development. Unrecorded coal mining related hazards could still exist. It is not necessary to consult the Coal Authority on any planning applications which fall within the Development Low Risk Area.

## **National Planning Policies and Guidance**

- 7b.22 Scottish Planning Policy “Designing Streets” aims to “move development away from development whose main function is to facilitate the movement of motor traffic”. Designing Streets seeks to give greater emphasis to creating sense of identity and a sense of place, and the safer movement of people to benefit from a greater sense of place. The proposed development accords with the aims of and the guidance provided by the “Designing Streets” policy.
- 7b.23 The Scottish Government’s Policy on Control of Woodland Removal has been raised by an objector to the proposed development. The “guiding principles” of the policy include:-
- Woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance.
  - Planning conditions and agreements are used to mitigate the environmental impacts arising from development and Forestry Commission Scotland will also encourage their application to development-related woodland removal.
- 7b.24 The Falkirk Local Development Plan 2 (FLDP2) recognises the public benefit of addressing the need for additional housing and setting out policies making appropriate provision. The proposed development accords with the relevant policies of the FLDP2. The proposal would provide additional housing in the Polmont area in a manner which is appropriate and sustainable. The public benefit is demonstrated by the proposed development against the terms of the FLDP2. It is noted that appropriate landscaping can be secured by condition to satisfactorily mitigate the removal of trees from the site. The proposal accords with the Scottish Government’s Policy on Control of Woodland Removal.

## **7c Conclusion**

- 7c.1 The proposed development accords with the Development Plan, associated guidance and the Scottish “Designing Streets” policy
- 7c.2 The proposed development would respond sympathetically to the application site and its setting in terms of scale, siting and design. The proposed housing would be compatible with neighbouring uses. There would be a satisfactory level of residential amenity achieved and the residential amenity of the area would be safeguarded. The proposal raises no amenity, privacy or overshadowing issues.
- 7c.3 The proposal would provide a satisfactory level of parking.
- 7c.4 The interests of protected species and other wildlife would be safeguarded.

- 7c.5 The application is considered to accord with LDP2, for the reasons detailed in this report. It is therefore recommended for approval subject to appropriate conditions. There are not considered to be any material planning considerations to justify refusal of the application.

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

- 8.1 Officers have considered the Human Rights Act 1998 in making this recommendation to grant planning permission. 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 therefore recommended that the Planning 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. No development shall commence on site until such time as details of surface water runoff treatment have been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, details shall include confirmation of acceptance of surface water to the Scottish Water network where appropriate and only the approved details shall be implemented.**
- 4. There shall not at any time be any fencing or walls erected, within or at the perimeter of, the open space areas outwith private garden boundaries other than those details shown on the layout drawing bearing the Planning Authority's reference 03A and the tree retention/removals drawing bearing the Planning Authority's reference 06.**
- 5. Prior to commencement of development on site and notwithstanding any details previously submitted, the development shall not commence until such time as details of a landscape maintenance schedule has been submitted to and approved in writing by the Planning Authority and only the approved details shall be implemented.**
- 6. Prior to commencement of development on site and notwithstanding any details previously submitted, an updated tree protection plan shall be submitted to and approved in writing by the Planning Authority. The protection fencing shall be in place prior to the commencement of development and retained for the duration of construction work. For clarity, there shall not at any time be materials, plant or machinery of any kind kept or stored within any tree protected area whilst the tree protection fencing is in place.**
- 7. Notwithstanding any details previously submitted, the development shall not proceed beyond foundation level until such time as details of acoustic fencing adjacent to the southern boundary of the site have been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the acoustic fencing should be constructed using interlocking panels on steel beams and cross supports with suitable concrete foundations and where the density of the panels exceeds 10kg/m<sup>2</sup>. The fencing shall be constructed in place prior to occupation of the dwellings and retained in perpetuity.**
- 8. Prior to occupation commencing and notwithstanding any details previously submitted, all habitable rooms at south facing elevations shall be fitted with acoustic glazing and trickle vents to comply with BS 8233 Table 4 noise criteria.**

9. No development shall commence on site until such time as the site has firstly been inspected by a licensed bat worker and a consequent report submitted to and approved in writing by the planning authority, demonstrating that there are no roosting bats at the application site or if bats are present, specifying mitigation measures. Thereafter all mitigation measures detailed shall be adhered to.
10. There shall be no construction work at the application site between the months of March to August inclusive unless a report has been submitted to and approved in writing by the planning authority. The report shall be prepared by a suitably qualified person demonstrating that there are no nesting birds at the site or that any nests present are no longer in use.
11. 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 CO<sub>2</sub> emissions reduction is achieved through the installation of low and zero carbon generating technologies.

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

**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 that adequate drainage is provided.
4. To ensure public access to public open space areas.
5. To ensure that that landscape areas become satisfactorily established.
6. To safeguard trees to be retained at the development site.
- 7-8. To satisfactorily mitigate the impact of any noise from the adjacent retail development.
9. To safeguard the interests of roosting bats.
10. To safeguard the interests of nesting birds.

**11. To ensure a satisfactory level of carbon reduction.**

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**pp Director of Place Services**

**Date: 17 June 2022**

**LIST OF BACKGROUND PAPERS**

1. The Falkirk Local Development Plan (LDP2), August 2020.
2. Falkirk Council Supplementary Guidance SG07 'Biodiversity and Development'.
3. Falkirk Council Supplementary Guidance SG05 "Green Infrastructure and New Development",
4. Falkirk Council Supplementary Guidance SG10 "Trees and Development",
5. Falkirk Council Supplementary Guidance SG13 "Developer Contributions",
6. Falkirk Council Supplementary Guidance SG15 "Low and Zero Carbon Development".
7. Objection received from Mr Kevin Walsh, 5 Ashley Road, Polmont, Falkirk, FK2 0QF on 5 January 2021.
8. Objection received from George & Helen Hendry, 5 Airlie Drive, Polmont, Falkirk, FK2 0QE on 14 January 2021.
9. Objection received from Robert & Margaret Fiddes, 5 Appin Grove, Polmont, Falkirk, FK2 0QN on 7 January 2021.
10. Objection received from Mrs Maureen Campbell, 3 Ashley Road, Polmont, Falkirk, FK2 0QF on 11 January 2021.
11. Objection received from Mr Martyn Bacon, 1 Ashley Road, Polmont, Falkirk, FK2 0QF on 8 January 2021.
12. Objection received from Mrs Agnes Hotchkiss, 3 Appin Grove, Polmont, Falkirk, FK2 0QN on 2 January 2021.
13. Objection received from Mrs Kathleen Jardine, 23 Breadalbane Place, Polmont, Falkirk, FK2 0RF on 7 January 2021.
14. Objection received from Mr Colin Smith, 1 Appin Grove, Polmont, Falkirk, FK2 0QN on 7 January 2021.
15. Objection received from Mr Martyn Bacon, 1 Ashley Road, Polmont, Falkirk, FK2 0QF on 8 January 2021.
16. Objection received from Mr Michael Stuart, 70 Eastcroft Drive, Polmont, FK2 0SU on 12 January 2021.
17. Objection received from Mrs Rosalind Waddell, 25 Smiddy Brae, Old Polmont, FK2 0XZ on 12 January 2021.
18. Objection received from Mr W Parker, 3 Comely Terrace, Brightons, Falkirk, FK2 0JD on 20 January 2021.
19. Objection received from Mr Michael Stuart, 70 Eastcroft Drive, Polmont, FK2 0SU on 12 January 2021.
20. Objection received from Mrs Lara McGillion, 4 Airlie Drive, Polmont, Falkirk, FK2 0QE on 22 January 2021.
21. Representation received from Mr Duncan Ross, 2 Miller Park, Polmont, Falkirk, FK2 0UJ on 16 December 2020.

22. Objection received from Mrs Agnes Hotchkiss, 3 Appin Grove, Polmont, Falkirk, FK2 0QN on 2 January 2021.
23. Objection received from Mrs Gerry Stewart, 12 Wallace Brae Rise, Reddingmuirhead, Falkirk, FK2 0GD on 16 March 2021.
24. Objection received from Elaine Irvine-Donaldson on 24 February 2021 .
25. Intimation of Support received from LCP Management Ltd, FAO: Roddy Proudfoot, Associate Director - Head Of Office, Unit 26, Harmony Row, Glasgow, G51 3BA on 9 April 2021.
26. Objection received from Mrs Yvonne Japp, 45 Aitken Crescent, Redding, Falkirk, FK2 9GL on 7 February 2021.
27. Objection received from Mrs Mary Thompson, 2 Avonlea Drive, Polmont, Falkirk, FK2 0QJ on 16 February 2021.
28. Objection received from Mr David Weir, 8 Stevenson Avenue, Polmont, Falkirk, FK2 0GU on 14 May 2021.
29. Objection received from Pamela Hayworth, No Address Given on 19 February 2021.
30. Objection received from Mr Daniel Martin, 25 Ashley Road, Polmont, Falkirk, FK2 0QG on 20 February 2021.
31. Intimation of Support received from Alex Whiteman, No Address Given on 19 February 2021.
32. Objection received from Mrs Sarah Cochrane, 5 Fortingall Crescent, Polmont, Falkirk, Falkirk, FK2 0QD on 4 February 2021.
33. Objection received from Mr William Thompson, 2 Avonlea Drive, Polmont, Falkirk, FK2 0QJ on 16 February 2021.
34. Objection received from Ms Michele Thorpe, Lyndale Cottage, Charlotte Street, Falkirk, FK2 0HP on 4 March 2021.
35. Objection received from Mr Niall Syme, Gleneg, Orchard Grove, Polmont, Falkirk, FK2 0XE on 23 February 2021.
36. Objection received from Mrs Sheila Redfern, 1 Airlie Drive, Falkirk, FK2 0QE on 15 February 2021.
37. Objection received from Kirsty Irvine Donaldson, 24 Abbotsview, Polmont, Falkirk, FK2 0QL on 9 February 2021.
38. Objection received from Avison Young UK Ltd, FAO Michael Nelson, 40 Torphichen Street , Edinburgh, EH3 8JB on 18 February 2021.
39. Objection received from Mr Derek Watson, 4 Avonlea Drive, Polmont, Falkirk, FK2 0QJ on 7 February 2021.
40. Objection received from Mrs Moira Watson, 4 Avonlea Drive, Polmont, Falkirk, FK2 0QJ on 7 February 2021.
41. Objection received from Mrs Ann Japp, 4 Lime Grove, Polmont, Falkirk, FK2 0QB on 7 February 2021.
42. Objection received from Mrs Jane Brown, 29 Killin Drive, Polmont, Falkirk, FK2 0QQ on 14 February 2021.
43. Objection received from Mrs Claire Martin, 25 Ashley Road, Polmont, Falkirk, FK2 0QG on 20 February 2021.
44. Objection received from Mr James Campbell, 6 Fullerton Drive, Polmont, Falkirk, FK2 0XX on 17 February 2021.
45. Objection received from Mrs Margaret Fiddes, 5 Appin Grove, Polmont, Falkirk, FK2 0QN on 8 September 2021.
46. Objection received from Mr Martyn Bacon, 1 Ashley Road, Polmont, Falkirk, FK2 0QF on 20 September 2021.
47. Objection received from Mrs Rosalind Waddell, 25 Smiddy Brae, Old Polmont, FK2 0XZ on 22 September 2021.
48. Objection received from Mrs Kathleen Jardine, 23 Breadalbane Place, Polmont, Falkirk, FK2 0RF on 8 September 2021.
49. Representation received from Ruth Morgan, 1 Ashley Road, Polmont, Falkirk, FK2 0QF on 20 September 2021.

50. Objection received from Mrs Sarah Cochrane, 5 Fortingall Crescent, Polmont, Falkirk, FK2 0QD on 10 September 2021.
51. Representation received from Helen and George Hendry, 5 Airlie Drive, Polmont, Falkirk, FK2 0QE on 14 September 2021.
52. Objection received from Mr and Mrs Robert and Margaret Fiddes, 5 Appin Grove, Polmont, Falkirk, FK2 0QN on 9 September 2021.
53. Objection received from Mr James Campbell, 6 Fullerton Drive, Polmont, Falkirk, FK2 0XX on 27 September 2021.
54. Objection received from Mrs Sheila Redfern, 1 Airlie Drive, Polmont, Falkirk, FK2 0QE on 9 September 2021.
55. Objection received from Mrs Claire Martin, 25 Ashley Road, Polmont, Falkirk, FK2 0QG on 7 September 2021.
56. Representation received from Avison Young (UK) Limited, FAO Michael Nelson, 40 Torphichen Street, Edinburgh, EH3 8JB on 7 September 2021.
57. Objection received from Mrs Agnes Hotchkiss, 3 Appin Grove, Polmont, Falkirk, FK2 0QN on 24 September 2021.
58. Objection received from Mrs Lara McGillion, 4 Airlie Drive, Polmont, Falkirk, FK2 0QE on 21 September 2021.
59. Objection received from William Dixon, 2 Appin Grove, Polmont, Falkirk, FK2 0QN on 9 May 2022.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for Katherine Chorley, 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.

**PE16 Protection of Open Space**

1. Development which will result in the loss of open space will only be permitted where:

- 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;
- 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';
- The area is not of significant ecological value; and
- 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:
  - The proposed development is ancillary to the principal use of the site as an outdoor sports facility; or
  - 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
  - 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
  - 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.

### **PE17 Open Space and New Development**

New development should contribute positively to the provision of open space in the area and support the objectives of the Open Space Strategy. Accordingly:

1. Where appropriate, proposals for new development should include public open space to create a sense of place, integrate the site with the wider green network, promote physical activity, sport and active travel, enhance biodiversity, and manage water within the site; and
2. Where the quantity, quality or accessibility of recreational and sport open space and play facilities in the locality is insufficient to meet the recreational needs of proposed new residential development, as informed by the standards in the Open Space Strategy, the proposal should address the identified deficiencies through either the provision of new on-site recreational and sport open space, or contributions to the improvement of off-site open space.

The detailed planning and design of new open space within new developments, including the methodology for determining and addressing recreational open space deficiencies, should accord with SG05 'Green Infrastructure and New Development'.

## **PE19 Biodiversity and Geodiversity**

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 interests 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, there are imperative reasons of overriding public interest, including of a social or economic nature and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected. 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 for 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 significant adverse effects are clearly outweighed by social, environmental 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, and 8 of the Wildlife and Countryside Act 1981 (as amended); or badgers as per section 10 of the Protection of Badgers Act 1992, 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 on the Proposals Map and 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, local habitat or local species population 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, habitat or species of significant local 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 or fragmentation is unavoidable, the creation of replacement habitat to compensate for any negative impacts will be required, along with provision for its future management. Where adverse impacts on locally important species are unavoidable, measures to protect and enhance the wider local population of that species will be required; and
6. All development proposals should conform to Supplementary Guidance SG07 'Biodiversity and Development'.

## PE24 Flood Management

1. The Council will support the delivery of the objectives and actions set out in the Local Flood Risk Management Strategies and Local Flood Risk Management Plans covering the area. There will be a presumption against development which would prejudice the implementation of the relevant actions.
2. Development proposals will be assessed against the Flood Risk Framework set out in Scottish Planning Policy, with development being avoided in locations at medium to high flood risk, unless it accords with the criteria set out in the Framework. 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;
  - Result in a use more vulnerable to flooding or with a larger footprint than any previous development on site; or
  - Lead to an increase in the probability of flooding elsewhere.
3. Development proposals on land identified as being at medium to high risk from any source of flooding, and low to medium risk areas as identified by the Flood Risk Framework, or where other available information suggests there may be a risk, including proposals to restore the natural course of watercourses, will be required to provide a flood risk assessment in accordance with SEPA's Technical Flood Risk Guidance for Stakeholders 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 (including any development permitted in medium to high risk areas (that accords with the exceptions in the Flood Risk Framework) or is located in adjacent low to medium risk areas).
4. Development proposals on previously developed land which is at risk of flooding will be limited to uses which are of equal or less vulnerability as defined by SEPA's Land Use Vulnerability Guidance.
5. 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.

## **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.

## **HC04 Housing Density and Site Capacity**

1. The density and overall capacity of housing sites should be determined by a site planning process, based on the placemaking principles set out in Policy PE01, and in particular prior consideration of:
  - The context of the site and the character of the surrounding area;
  - Existing natural and built features which require to be retained within an appropriate setting;
  - Open space, flooding and surface water management, and other green infrastructure requirements;
  - Landscape impacts and associated mitigation requirements;
  - Other site constraints; and
  - Residential amenity, with particular regard to privacy, daylighting and suitable provision of private garden ground.
2. Where housing capacity figures set out in the Proposals and Opportunities Schedule have yet to be informed by an approved detailed masterplan, they will be regarded as indicative, pending the preparation of such a masterplan. However, where a proposed site capacity exceeds that set out in the Schedule, this will need to be fully justified through a design statement, which addresses Policy PE01 and the factors listed in sub section (1) above.

## **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.

### **IR03 Education and New Housing Development**

Where there will be insufficient capacity within catchment schools to accommodate children from proposed new housing development, or where Council nursery provision will be adversely affected, developer contributions will be sought in line with Policy IR02 to mitigate these impacts. In the rare circumstances where such mitigation cannot be achieved in a manner which is consistent with the Council's education policies, the proposed development will not be supported.

### **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.

## **PE20 Trees, Woodland and Hedgerows**

1. There will be a presumption against the removal of safe and healthy trees, non-commercial woodlands or hedgerows, where such removal would be detrimental to landscape, local amenity, nature conservation, recreation or historic environment interests, or erosion and natural flood management. Criteria in the Scottish Government's policy on Control of Woodland Removal will be used to determine the acceptability of woodland removal;
2. Ancient, long-established and semi-natural woodland, including sites identified in the Scottish Ancient Woodland Inventory, will be protected as a resource of irreplaceable value;
3. In areas covered by a Tree Preservation Order (TPO) or Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, health or stability of trees, or their landscape, biodiversity or historic value. Where appropriate, other endangered trees or woodlands which have amenity, cultural or historic importance will be protected through the designation of further TPOs;
4. Development which is likely to affect trees should comply with Supplementary Guidance SG06 'Trees and Development'. A Tree Survey and Tree Constraints Plan will be required to inform the design, together with a Tree Protection Plan. Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting on site comprising similar species and numbers to the trees and hedgerows removed;
5. The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a tree group or woodland area is integral to a development proposal, developers will be required to prepare and implement an appropriate Management Plan;

6. The provision of new trees and woodland in association with new development will be encouraged in accordance with Supplementary Guidance SG05 'Green Infrastructure and New Development'; and
7. There will be a preference for the use of locally native species in new and replacement planting schemes, or other species where these are integral to an historic landscape.



**Planning Application Location Plan      P/20/0617/FUL**

The map shows the Appin area in Scotland, with the River Forth flowing through it. Key features include:

- Streets:** Main Street (A803), Air Drive, Harvey Avenue, and others.
- Landmarks:** Education Centre, Police House, Black Bull Inn, and various residential developments.
- Infrastructure:** A red hatched area is highlighted, likely indicating a specific site of interest.
- Other Labels:** Appin Grove, Orchard Grove, and various residential plots.



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