



Agenda Item 4

**CONSTRUCTION OF DWELLINGHOUSE
AT LAND TO THE SOUTH OF GREYRIGG
FARM, FALKIRK, FOR UNIQUE
DEVELOPMENTS SCOTLAND LTD -
P/22/0310/FUL**

FALKIRK COUNCIL

Subject: CONSTRUCTION OF DWELLINGHOUSE AT
LAND TO THE SOUTH OF GREYRIGG FARM, FALKIRK,
FOR UNIQUE DEVELOPMENTS SCOTLAND LTD -
P/22/0310/FUL

Meeting: PLANNING COMMITTEE

Date: 21 September 2022

Author: DIRECTOR OF PLACE SERVICES

Local Members: Ward - Upper Braes

Councillor Claire Brown
Councillor Siobhan Paterson
Councillor Jim Robertson

Community Council: Avonbridge and Standburn

Case Officer: John Cooney (Assistant Planning Officer), Ext. 4705

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1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the development of a detached dwellinghouse on the southern side of Boxton Road, opposite Greyrigg Farm. The site is wholly within countryside, and the natural land levels slope downwards from the road frontage. The site is also within Inner and Middle Pipeline Consultation Zones, and Agricultural Land Class 4.2.
- 1.2 The site contains a ruined building close to the road which appears to have been abandoned in the early 20th century, as it is marked as “ruin” in 1955 Ordnance Survey Mapping (Sheet NS9074 - A).

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Brown, to allow members to consider the application in light of the existence of a previous dwelling on this site.

3. SITE HISTORY

- 3.1 A previous identical scheme (Ref: P/22/0023/FUL) was withdrawn in May 2022 and re-submitted with a Coal Mining Risk Assessment.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit officer noted that the application site lies in a rural location on the east side of Boxton Road, South West of Greyrigg Farm. Boxton Road is an adopted link road without footway or lighting provision and whose restricted geometry and narrow width is typical of many rural roads in the area.
- 4.2 The Roads Officer commented that the position of the access proposed in the drawings given wouldn't provide an acceptable visibility splay, As National Roads Development Guidelines (NRDG) advises at least 160m, given that it is a national speed limit road and there is a blind bend situated 45m to the North East of the access and a mini roundabout 75m to the South West.
- 4.3 The Roads Officer further noted that vehicular traffic generated by the proposal is unlikely to significantly affect the capacity of the public road network, however, the development may result in pedestrian traffic being generated which roads officers would not support having regard to the absence of footway and lighting in the area.
- 4.4 In view of the rural setting of the site and the lack of pedestrian facilities in the area, the Roads officer advised that consent should only be granted if the proposal is essential to the pursuance of agricultural, forestry or other economic activity appropriate to a rural location.
- 4.5 In summary, the Roads Officer stated that the concern detailed in their response could be used to support a recommendation of refusal of planning permission.. However, in the event the application was approved, no roads related conditions were requested.
- 4.6 Scottish Water commented that there is sufficient capacity in the Carron Valley Water Treatment works for mains water, but that no public waste water infrastructure is located within the vicinity of the proposed development. They advised the applicant to investigate private treatment options. It was also advised that the applicant submit a Pre-Development Enquiry (PDE) form to Scottish Water in the event of approval, to allow Scottish Water to fully appraise the proposals.
- 4.7 The Council's Environmental Protection Unit advise noise need not be considered as a determining factor in considering this application. An informative regarding construction hours has been requested in the event of approval.
- 4.8 A contaminated land condition has been requested in the event of approval due to agricultural buildings and land use of the site, extensive mining under the site and in the surrounding area, a reservoir, extensive made ground and potentially other contaminative activities within 250m of the site.
- 4.9 There are no significant local air quality concerns associated with this application. Informatives have been requested regarding construction dust and in the event of solid fuel stove / open fire (with flue) installation, were the application to be approved.

- 4.10 The Council's Roads Flooding Unit commented that with guidance from the SEPA flood risk maps there is no surface water or coastal flood risk to the dwelling and therefore a flood risk assessment is not required. Due to the size of the proposed dwelling it is recommended that suitable drainage is accounted for, to prevent surface water flooding during periods of heavy rainfall.
- 4.11 The Roads Flooding Unit confirmed that a drainage impact assessment is required for this proposed dwelling and details of the SUDS arrangements should be provided as highlighted in the Non-Householder application. As soakaways have been highlighted in the application the guidance on soakaways must be followed as detailed in section 3.9 of the Falkirk Council Planning Application Advice on Flood Risk and Surface Water Drainage guidance document.
- 4.12 The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority therefore has no objection to the proposed development subject to the imposition of two planning conditions outlined in their response letter.

5. COMMUNITY COUNCIL

- 5.1 Avonbridge and Standburn Community Council have not made any representation.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 1 contributor(s) submitted letter(s) to the Council. The salient issues are summarised below.
- Concern that Boxtan Road would be blocked by vehicles or materials during construction.
 - Concern at increased traffic along Boxtan Road during construction
 - Clarity requested regarding construction hours and request that weekend hours be limited.
 - Concern that access to neighbouring properties could be affected during construction and following occupation of the proposed dwellinghouse
 - Proposed dwellinghouse will exacerbate poor visibility at a blind spot on Boxtan Road direct to the north of the building.
 - Clarity requested regarding site safety protocols during construction.
 - Clarity requested regarding timescales for commencement and completion of development
 - Concern at how close the proposed dwellinghouse will be to the road.
 - Opposition to any new trees which would block existing residents' view.

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

- 7a.2 It is considered that the proposed development does not promote the six qualities of successful places as defined in Scottish Planning Policy (SPP). The proposed development relates to unjustified development in the countryside, which would not encourage the use of sustainable travel or promote the efficient use of land. Whilst the design of the proposed house would be a high-quality contemporary design, the applicant has not demonstrated that safe access can be achieved, and has also failed to demonstrate that the impact on existing ecology or trees would be acceptable. The application is therefore contrary to policy PE01.

Policy PE14 - Countryside

- 7a.3 The application site is located in the countryside. Policy PE14 - Countryside advises that the proposed development should be assessed in relation to Policy HC05 - Housing in the Countryside. Policy PE14 requires development proposals in the countryside to demonstrate that there would not be a significant adverse impact on the rural environment. It is considered that the proposed development would be outwith the established settlement pattern of the Greyrigg area, and as such would represent an incongruous form of development. As such, the proposal is contrary to policy PE14.

Policy HC01 - Housing Land

- 7a.4 Policy HC01 supports residential development as indicated in the LDP2 spatial strategy, settlement statements and on suitable windfall sites which accord with policy HC02 - Windfall Housing. The application site is not indicated on the spatial strategy or the local settlement statement, and Policy HC02 is not relevant as it relates to urban areas.

- 7a.5 According to the Council's latest Housing Land Audit, there is a 5-year effective supply of land for 2,978 houses. Using the residual method of calculation, this would meet the 5 year requirement for the Housing Land Target as set out in the Local Development Plan, but only 4.1 years of the Housing Land Requirement (a shortfall of 632 homes). There is no definitive guidance from Scottish Government on which of the above two calculations (Housing Land Target or Housing Land Requirement) should be used, but case law does indicate that decision makers should have regard to the Housing Land Requirement in calculating shortage. National Planning Framework 4 (NPF4) is expected to move away from the 5-year supply calculations towards a different method of monitoring housing delivery later this year. However, in the meantime, this proposal should be considered against the relevant part of Policy HC01 which supports additional sites for housing where they are assessed as being sustainable development (having regard to the relevant criteria of Scottish Planning Policy) and compliant with other Development Plan policies. Policy HC01 also indicates that the scale of the proposed development relative to the scale of the shortfall will be a material consideration.
- 7a.6 In this instance, the designation of the site as countryside gives considerable weight to the site not being suitable for housing development. In addition, the application is not classed as sustainable development with regard to the criteria in Scottish Planning Policy (SPP), and this proposal for a single house would have a minimal impact on the Housing Land Requirement shortfall of 632 homes. As such, the application is contrary to policy HC01 – Housing Land.

HC05 - Housing Development in the Countryside

- 7a.7 Policy HC05 contains criteria where housing development in the countryside will be supported. This includes housing required for the pursuance of a rural activity, restoration and replacement of existing houses, conversion of non-domestic rural buildings, infill development, heritage-enabling development and traveller sites. The proposed development does not fit any of the relevant criteria where housing development is acceptable in the countryside. The application is therefore contrary to policy HC05.

PE19 - Biodiversity and Geodiversity

PE20 - Trees, Woodland and Hedgerows

- 7a.8 Following pre-application discussions with the applicant's agent, officers advised that a Tree Survey and Protection Plan be submitted with this application, and that a walk-over survey be undertaken to identify any ecology including protected species that could be impacted by the proposals. No such documents have been submitted with this application, and officers are therefore unable to properly assess the proposal against the requirements of Policies PE19 and PE20, and the proposal is therefore in conflict with these policies.

PE24 - Flood Management

IR10 - Drainage Infrastructure

- 7a.9 The proposal does not raise flooding concerns, however the applicant has failed to provide sufficient detail regarding the drainage arrangements on site. Whilst this does not constitute a reason for refusal, a planning condition could be placed in the event of that the proposal was recommended for approval.

IR05 - Travel Hierarchy and Transport Assessment

IR07 - Bus Travel

IR09 - Parking

- 7a.10 It is noted that sufficient car parking would be provided on site, and the hourly No. 29 Bus Route runs through the nearby crossroads/mini-roundabout at Greyrigg Reservoirs. However, the opportunities for active travel in this rural area are limited, and the proposed development would be heavily car-dependent by virtue of its isolation from local services in nearby urban settlements. The applicant has not demonstrated that the travel demands of the development could be met first through walking, then cycling, then public transport and finally through the use of private cars. As such, the proposal fails to accord with the intent of Policy IR05.

JE06 - Major Hazards

- 7a.11 The proposal is for one new house within Inner and Middle Pipeline Consultation Zones. In applying the HSE Matrix, the proposal attracts the following advice: "Do Not Advise Against Development". This means that the risk to occupiers of the proposed development is appropriate, and the proposal therefore accords with Policy JE06 - Major Hazards.

Policy PE25 - Soils and Agricultural Land

- 7a.12 The agricultural soil at this site falls under Class 4.2 "Land capable of producing a narrow range of crops, primarily on grassland with short arable breaks of forage crops." As such, the proposal would not involve the loss of prime quality agricultural land (Classes 1, 2, and 3.1), or impacts to carbon-rich soils. As such, the proposal would accord with Policy PE25 – Soils and Agricultural Land.

PE27 - Vacant, Derelict, Unstable and Contaminated Land

- 7a.13 The proposal, whilst containing a ruined agricultural building, is not considered as a vacant or derelict site for the purposes of this policy, and would not outweigh policies concerned with development in the countryside. Notwithstanding this, were approval to be recommended, a planning condition would require contaminated land investigation in light of agricultural use, extensive mining history, a reservoir, extensive made ground and potentially other contaminative activities within 250 metres of the site.

IR02 - Developer Contributions

- 7a.14 The proposal for only one house in this instance does not trigger requirements for developer contributions towards infrastructure. As such, the proposal accords with Policy IR02 – Developer Contributions.

IR13 - Low and Zero Carbon Development

- 7a.15 Full details of low and zero carbon generating technology required as a result of development can be requested in the event of approval by condition in accordance with Policy IR13 - Low and Zero Carbon Development.

- 7a.16 Accordingly, the application is contrary to the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed are Falkirk Council Supplementary Guidance, National Planning Policies and Guidance, consultations, public representations, and coal mining legacy.

Falkirk Council Supplementary Guidance

7b.2 SG01 - Development in the Countryside

Supplementary guidance SG01 directs new housing development in rural areas to the existing villages, in order to sustain their vitality and take advantage of village services and infrastructure. It is recognised that there are some instances where housing development in the countryside is necessary or supported and policy HC05 sets out the circumstances where development will be supported.

7b.3 The supporting documents claim the development would support a growing interest for rural living and help create a “slow-living community”, and argues that the site is situated within an established building cluster. However, when applying the criteria of SG01, it is clear that the application site is not one of the instances where development would be supported. Whilst it is acknowledged that three houses were built in recent years at the nearby crossroads, these were constructed on the site of a former reservoir and enclosed on three sides by the existing road junction and a farm. By contrast, the application site is enclosed only on one side by the Boxtou Road to the north, and is therefore outwith the established building cluster as set out in Paragraph 3.8 of SG01.

7b.4 Specifically, there are no existing intact buildings within the area to the south-east of the crossroads, and as such, any development within that south-eastern quadrant would extend the established building cluster without credible justification. The existence on the application site of a ruined building which was abandoned prior to 1955 does not overcome these matters. The location of the proposed development does not therefore respect the existing character, layout, or built pattern of the area, and the applicant’s arguments regarding the creation of a community are undermined by the site’s remoteness from essential services in Falkirk and other large settlements, which would perpetuate occupants’ dependence on the private car to access such services.

7b.5 The application is contrary to policy HC05 and Supplementary Guidance SG01, as it does not comply with any of the criteria where the development of housing in the countryside is considered acceptable.

7b.6 SG07 - Biodiversity and Development

SG07 provides guidance on ecological surveys which are recommended for sites which may contain protected species such as nesting birds, bat roosts, and badger setts. Despite a request by officers prior to the application being submitted, no such information has been submitted within the application, and for that reason the proposal is contrary to the terms of SG07.

7b.7 SG10 - Trees and Development

SG10 provides guidance regarding tree surveys, to inform proposed site layout and the likely impact of proposed development on existing trees. Retained trees are shown on the Proposed Site Plan, however no detail has been provided regarding species, root protection zones, or removed trees, despite officer requests for this information. As such, the proposal is contrary to the terms of SG10.

7b.8 SG14 - Renewable and Low Carbon Energy

Full details of proposed low and zero generating technology can be requested by planning condition in the event of approval, and would therefore accord with SG14.

National Planning Policies and Guidance

- 7b.9 Scottish Planning Policy (SPP) advises that an up-to-date Development Plan takes primacy over SPP. The Falkirk Local Development Plan 2 was recently adopted, however, the council does not currently have an effective 5 year supply of housing. Policy HC01 supports additional sites for housing where the proposal constitutes sustainable development and accords with other Development Plan policy.
- 7b.10 SPP advises that where a shortfall in the 5 year supply of housing land emerges, Development Plan policies for the supply of housing will not be considered up-to-date. In this instance, the SPP presumption in favour of development that contributes to sustainable development is a significant material consideration. Decision making would also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits, when assessed against the wider policies of SPP. The principles of sustainable development as set out in SPP are as follows:
- giving due weight to net economic benefit;
 - responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
 - supporting good design and the six qualities of successful places;
 - making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
 - supporting delivery of accessible housing, business, retailing and leisure development;
 - supporting delivery of infrastructure, for example transport, education, energy, digital and water;
 - supporting climate change mitigation and adaptation including taking account of flood risk;
 - improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
 - having regard to the principles for sustainable land use set out in the Land Use Strategy;
 - protecting, enhancing and promoting access to cultural heritage, including the historic environment;
 - protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
 - reducing waste, facilitating its management and promoting resource recovery; and
 - avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.
- 7b.11 It is considered that the proposed development is not classed as sustainable development with specific reference to the six qualities of sustainable places, the principles of sustainable land use, protecting green infrastructure, landscape and the wider environment, and avoiding over-development and protecting the amenity of new and existing development. The proposal also proposes just one house, which would have a minimal impact on the 632-home shortfall identified by the Housing Land Requirement residual calculation. It is considered that there are no benefits of the development which would outweigh the unsustainable nature of this countryside development. On this basis the application is not supported by SPP.

Consultations

- 7b.12 The comments of the Council's Roads Flooding and Drainage Unit are noted, and it is acknowledged that no Drainage Impact Assessment or detail of the SUDS arrangements beyond a high-level schematic have been submitted by the applicant.
- 7b.13 The comments of the Coal Authority are acknowledged and appropriate planning conditions would be placed on the decision notice in the event of approval.
- 7b.14 The comments of the Council's Environmental Protection Unit have been noted and planning conditions and informatives would be placed on the decision notice in the event of approval.
- 7b.15 The Roads Development Unit raise fundamental concerns in relation to visibility at the access to the site. No further plans have been submitted by the applicant to demonstrate that the required level of visibility can be achieved.

Public Representations

- 7b.16 The public representations are summarised in Section 6 of this report, and are addressed in turn as follows:
- In the event of approval, the blocking of a public road during construction work would be a matter for Police Scotland.
 - In the event of approval, there is likely to be increased traffic along Boxton Road, and appropriate safety signs are likely to be required to alert road users to the construction site. Officers are concerned that the site access itself would be unsafe by virtue of a failure to provide sufficient visibility splays near a blind bend.
 - In the event of approval, construction work which generates audible noise at the site boundary would be limited to 08:00 to 19:00 Monday to Friday, and 08:00 to 13:00 on Saturdays. No noise which is audible at the site boundary would be permitted outwith these hours, on Sundays or Bank Holidays.
 - The blocking of access to neighbouring properties would be a matter for Police Scotland.
 - Officers agree that there is already poor visibility at the bend in Boxton Road directly north of the proposed dwellinghouse, but that the proposed building will neither improve nor exacerbate that situation. Officers are however concerned that the proposed access further west will be unsafe.
 - Construction Site safety is a matter for the Health and Safety Executive..
 - In the event of approval, the proposal would be required to be commenced within 3 years of a decision. There is no time limit on the completion of development following its commencement.
 - The proximity of the proposed dwellinghouse to the road is a lesser concern to officers than the principle of building a new dwellinghouse in the countryside, and the issue of safe road access to the site.
 - Loss of a view is not a planning consideration.

Consideration of the site in relation to coal mining legacy

- 7b.17 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.18 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.

7c Conclusion

- 7c.1 The application is assessed as being contrary to the Development Plan. There are no material planning considerations which would justify the proposed development and the application is recommended for refusal.

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 Equalities Act 2010.

9. RECOMMENDATION

- 9.1 **It is recommended that the Planning Committee refuses planning permission for the following reason(s):**
1. **The principle of residential development is not supported as the proposed development does not relate to housing required for the pursuance of an appropriate rural activity, the restoration or replacement of an existing house, the conversion of non-domestic farm buildings, appropriate infill development, historic building/structure enabling development or a gypsy/traveller site, and therefore is contrary to policies PE14 - Countryside, HC01 - Housing Land, and HC05 - Housing in the Countryside of the Falkirk Local Development Plan and Supplementary Guidance SG01- Development in the Countryside.**
 2. **The development would not respect the settlement pattern of the countryside area or respond sympathetically to the site's surroundings. The development would contribute towards unsustainable growth in car-based commuting and the suburbanisation of the countryside, contrary to Policy PE01 - Placemaking of the Falkirk Local Development Plan and IR05 - Travel Hierarchy and Transport Assessment.**

3. The applicant has not demonstrated that a safe access, with the required level of visibility, can be achieved in accordance with the National Roads Development Guide, and the proposals would therefore not be in the best interests of road safety.
4. The applicant has not demonstrated that the proposal would have an acceptable impact on existing ecology and trees on site. The proposal is therefore contrary to Policies PE19 - Biodiversity and Geodiversity and PE20 - Trees, Woodland and Hedgerows of the Falkirk Local Development Plan, and Supplementary Guidance SG07 - Biodiversity and Development, and SG10 - Trees and Development.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04, 05, 06, and Supporting Documents.

.....
Director of Place Services

Date: 9 September 2022

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan (LDP2), August 2020.
2. Falkirk Council Supplementary Guidance SG01 Development in the Countryside.
3. Falkirk Council Supplementary Guidance SG07 Biodiversity and Development.
4. Falkirk Council Supplementary Guidance SG10 Trees and Development.
5. Falkirk Council Supplementary Guidance SG14 Renewable and Low Carbon Energy.
6. Objection received from Mrs Lorna Nicol, Greyrigg Farm, Falkirk, FK1 2JB on 6 July 2022.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for John Cooney, Assistant 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.

PE14 Countryside

1. The Urban and Village Limits defined on the Proposals Map represent the limit to the expansion of settlements. Land outwith these boundaries is designated as countryside. Development in the countryside will be assessed in terms of the relevant countryside policies for specific uses (HC05 and JE05);
2. Development proposals in the countryside for uses not covered by policies for specific uses will only be permitted where:
 - o It can be demonstrated that they require a countryside location;
 - o They constitute infill development; or
 - o They utilise appropriate existing buildings.

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 Development in the Countryside;

3. Development proposals in the countryside should additionally demonstrate that their scale, siting and design is such that there will be no significant adverse impact on the rural environment, having regard to other policies on the natural and historic environment, and design guidance in Supplementary Guidance SG01 'Development in the Countryside'.

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'.

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.

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.

PE25 Soils and Agricultural Land

1. Any proposal for development that would involve the loss of prime quality agricultural land (Classes 1, 2 and 3.1), will not be permitted unless it is essential because it would be:
- o On a site specifically allocated for development in the LDP; or
 - o For development that would meet an overriding local or national need and where no other suitable site is available; or
 - o For small-scale development directly linked to a rural business; or
 - o For the generation of energy from a renewable source, or for the extraction of minerals, where this would accord with other policy objectives and secure provision could be made for restoration to return the land to its former status.

2. Proposals for development that would be likely to disturb or cause significant irreversible damage to areas of carbon rich soils (basin peat, blanket bog, peat alluvium complex, peaty podzols, peaty gleys and salt marshes) or rare soils (podzols, humus iron podzols and saltings) will be required to submit a soil or peat management plan which demonstrates that:
 - o The areas of highest quality soil or deepest peat have been avoided;
 - o Any disturbance, degradation or erosion has been minimised through mitigation; and
 - o Any likely release of greenhouse gas emissions caused by disturbance is offset.
3. Development should ensure the sustainable use of soils during construction and operation and commit to minimise soil sealing, erosion and compaction.

PE27 Vacant, Derelict and Contaminated Land

Proposals that reduce the incidence of vacant, derelict, unstable and contaminated land will be supported, subject to compliance with other LDP policies, particularly those related to development in the countryside. Where proposals involve the development of unstable or contaminated land, they will only be permitted where appropriate remediation or mitigation measures have been undertaken, and proposals are consistent with the requirements of PAN 33.

HC01 Housing Land

1. The housing supply target is 6,894 homes for the period 2017–2030. To meet this target, the Council will support residential development as indicated generally in the Spatial Strategy and as detailed in the Proposals and Opportunities Schedule and Settlement Statements, and on suitable windfall sites which satisfy Policy HC02.
2. The Council will maintain at least 5 years' supply of effective housing land to ensure that the Housing Supply Target is met in full over the development plan period. The Housing Land Audit is the primary source of evidence for monitoring the availability of effective housing land. If, during the period of the plan, a shortfall in the 5 year supply of effective land emerges, additional sites for housing will be supported where the proposal would constitute sustainable development, having regard to the relevant criteria in Scottish Planning Policy and other LDP policies. In such circumstances, the scale of the proposed development relative to the scale of the shortfall will be a material consideration. The Council may also impose specific time limits on any planning permissions granted, to ensure that housing is delivered to a timescale that will address the identified shortfall.

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.

HC05 Housing in the Countryside

Proposals for housing development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:

1. Housing required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential;
2. Restoration or replacement of houses which are still substantially intact, provided that the restored/ replacement house is of a suitable size and design;
3. Conversion or restoration of non-domestic farm buildings to residential use, including the sensitive redevelopment of redundant farm steadings;
4. Appropriate infill development;
5. Limited enabling development to secure the restoration of historic buildings or structures; or
6. Small, privately owned gypsy traveller sites which comply with Policy HC09.

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'.

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.

IR05 Travel Hierarchy and Transport Assessment

1. Development proposals should support a hierarchy of travel which maximises the extent to which its travel demands are met first through walking, then cycling, then public transport and finally through use of private cars.
2. Transport assessments will be required for development proposals where the impact of the development on the transport network is likely to result in an increase in the number of trips, such that there will be significant impact on the operation of the transport network, requiring mitigation. Assessments will focus on the hierarchy of travel and should include, where appropriate:
 - o Travel plans;
 - o Safety audits of proposed mitigation measures; and
 - o Air quality impact assessments.
3. The Council will only support development proposals where the transport assessment and travel plan have been appropriately scoped, the network impacts properly defined, and suitable mitigation measures identified.

IR07 Bus Travel

Development should benefit from good access to bus services, taking account of the 400 metre maximum walking distance required by Scottish Planning Policy. Measures to secure this should be assessed and agreed through Travel Plans and may include:

1. Links to existing bus stops, or the provision of new bus stops
2. In the case of larger developments, inclusion of routes suitable for provision of bus services through the development; and
3. Provision of financial contributions to support the delivery of bus services serving the development.

IR09 Parking

1. The parking standards in the National Roads Development Guide will be applied to new development, subject to the local variations approved by the Council.
2. Parking in town and local centres will be managed to support the role of the centres whilst promoting sustainable travel. Proposed changes to parking provision in centres will be assessed against the effect on their vitality and viability.

3. New car parking provided as part of significant new commercial or community uses should incorporate electric vehicle charging points.

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.

JE06 Major Hazards

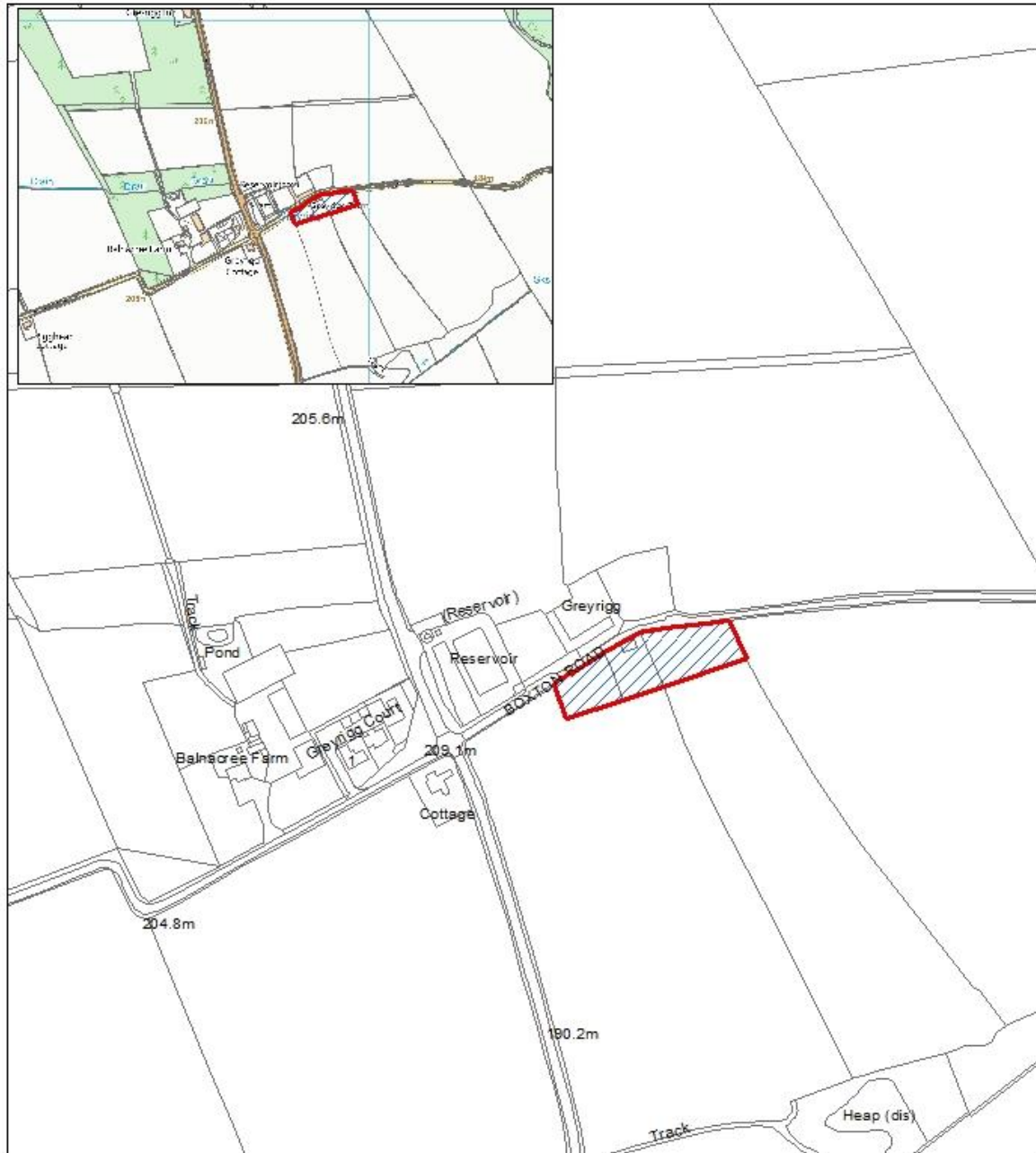
1. Proposals within Major Hazard and Pipeline Consultation Zones and not themselves major hazard developments will be assessed against the following factors:
 - Any increase in the number of people exposed to risk in the area;
 - The existing permitted use of the site or buildings;
 - The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means; and
 - The potential impact on chemical and petro-chemical sites and pipelines.
2. Applications for hazardous substance consent (HSC) that would extend major hazard consultation distances within the urban area will be assessed against their impact on allocated development plan sites and any increase in the number of people exposed to risk in the area while taking into account the need to safeguard nationally important clusters of industry handling hazardous substances.
3. Applications for HSC should demonstrate that off-site impacts have been minimised as far as possible through the optimum location and method of storage and by ensuring that the quantity/type of materials applied for is specifically related to operational needs.
4. The revocation of HSC consents will be pursued where the use on the site has ceased. Redevelopment of existing major hazard sites for other non-hazardous uses should also include a review of the HSC's associated with the site.
5. The preferred location for new pipelines will be in existing Pipeline Consultation Zones.

Planning Committee

Planning Application Location Plan

P/22/0310/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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