



## **Agenda Item 5**

**CONSTRUCTION OF 229 DWELLINGHOUSES WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING, OPEN SPACE AND DRAINAGE (PHASE 1 SUBJECT TO DETAILED APPROVAL). PLANNING PERMISSION IN PRINCIPLE IS ALSO SOUGHT FOR FURTHER RESIDENTIAL DEVELOPMENT WITH POTENTIAL COMMERCIAL / COMMUNITY USE (PHASE 2) AND ASSOCIATED ACCESS, PARKING, LANDSCAPING, OPEN SPACE AND DRAINAGE AT LAND TO THE SOUTH OF BO'NESS FIRE STATION, CRAWFIELD ROAD, BO'NESS FOR ROBERTSON RESIDENTIAL GROUP LTD, AWG PROPERTY LTD, MACTAGGART AND MICKEL HOMES LTD AND THE PARTNERS OF AND THE TRUSTEES FOR THE FIRM FOR MESSRS ROBERT POW - P/22/0009/FUL**

**FALKIRK COUNCIL**

**Subject:** CONSTRUCTION OF 229 DWELLINGHOUSES WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING, OPEN SPACE AND DRAINAGE (PHASE 1 SUBJECT TO DETAILED APPROVAL). PLANNING PERMISSION IN PRINCIPLE IS ALSO SOUGHT FOR FURTHER RESIDENTIAL DEVELOPMENT WITH POTENTIAL COMMERCIAL / COMMUNITY USE (PHASE 2) AND ASSOCIATED ACCESS, PARKING, LANDSCAPING, OPEN SPACE AND DRAINAGE AT LAND TO THE SOUTH OF BO'NESS FIRE STATION, CRAWFIELD ROAD, BO'NESS FOR ROBERTSON RESIDENTIAL GROUP LTD, AWG PROPERTY LTD, MACTAGGART AND MICKEL HOMES LTD AND THE PARTNERS OF AND THE TRUSTEES FOR THE FIRM FOR MESSRS ROBERT POW - P/22/0009/FUL

**Meeting:** PLANNING COMMITTEE  
**Date:** 19 January 2023  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bo'ness and Blackness

Councillor David Aitchison  
Councillor Stacey Devine  
Councillor Ann Ritchie

**Community Council:** Bo'ness

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

**UPDATE REPORT**

1. Members will recall that the Planning Committee considered this application on 16 November 2022 (copy of report appended), when it was agreed to continue consideration of the application to allow officers to carry out further investigations into flood risk at the site.

2. Discussions and further exchanges of flood risk assessment information have since taken place between the Council's flooding team and the applicant's drainage consultants. Confirmation has now been received from the Council's flooding team that they no longer have any objections to this planning application and that the information received from the applicants closes off all points previously queried.
3. The flood risk assessment information prepared by the applicant takes cognisance of national and local policy and guidance in respect of flood risk, climate change allowances and drainage design and is prepared using information contained within Falkirk Council's own surface water modelling reports for the Bo'ness area. The flood risk information submitted considers surface water flood risk within the application site and along Crawfield Road to the north. The likely causes of existing localised flooding along Crawfield Road have been considered however it remains unclear as to whether this flooding is caused as a direct result of:-
  - The existing road drainage network being inadequate to take the flows;
  - The existing road or main line drainage system being partially blocked;
  - Flows discharging onto the road being unable to be picked up by the gullies.
4. It is confirmed that the existing flooding along Crawfield Road poses no risk to the proposed development. Furthermore, by developing the site and installing a positive surface water drainage system, including mitigation measures in the form of cut off drains and filter trenches along the southern boundary of the site to capture any overland flow from the land to the south, the proposal will represent a general betterment to the existing flooding situation along Crawfield Road.

## 5. RECOMMENDATION

- 5.1 **It is recommended that the Committee indicate that it is minded to Grant Planning Permission subject to:-**
  - a. **The completion within 6 months of a Planning Obligation in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997, in terms satisfactory to the Director of Place Services in respect of:-**
    - i **A contribution towards addressing future capacity issues within nursery education provision at the rate of £1,629.61 per dwellinghouse;**
    - ii **A contribution towards Public Art at the rate of £100 per dwellinghouse;**

- iii A contribution towards greenspace improvements at a rate of £250 per dwellinghouse;
  - iv A proportionate contribution towards upgrading of the surrounding core path network.
  - v A contribution at the rate of £1,159 per unit towards addressing healthcare capacity issues or the provision of land within the site to accommodate a new healthcare facility; and
  - vi The provision of 15% of the residential units at the site as affordable housing.
- b and thereafter, on conclusion of the foregoing matters, remit to the Director of Place Services to grant planning permission in principle subject to the following condition(s):-

**Planning Permission in Principle Conditions and reasons relating to Phase 2 only.**

1. Plans and particulars of the matters specified below shall be submitted for the consideration by the planning authority in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning Scotland Act 1997 (as amended). The development of each respective development phase shall not commence until the written approval of the planning authority has been given in respect of the relevant specified matters (unless otherwise agreed). The development shall be carried out in accordance with each approval. The specified matters are:-
- a) Existing and proposed site levels;
  - b) Proposed finished floor levels;
  - c) The siting of the buildings;
  - d) The design of the buildings;
  - e) The external appearance of the buildings;
  - f) Details of the access arrangements, including the new street layout and parking arrangements;
  - g) Details of soft and hard landscaping and open space provision;
  - h) Details of proposed play provision and recreational open space informed by a revised Local Open Space Audit.
  - i) Details of the provision of pedestrian and cycle facilities, including links to the wider area;
  - j) Details of proposed boundary treatments;

- k) Tree protection measures;**
- l) Updated surveys for protected species;**
- m) Biodiversity enhancement measures, as informed by the Preliminary Ecological Appraisal and Preliminary Roost Assessment prepared by ITP Energised, dated September 2021 or updated appraisal as appropriate;**
- n) A detailed surface water drainage strategy, including design and calculations,**
- o) A contaminated land assessment;**
- p) A Coal Mining Risk Assessment;**
- q) Details of the size and location of suitable site within Phase 2 to be safeguarded and marketed as a neighbourhood shop/café/restaurant.**
- r) A travel plan and a residential development travel information pack;**
- s) The provision of on-site low and zero carbon generating technologies,**

**2. The details of the soft landscaping shall include (as appropriate):-**

- a) An indication of all existing trees, shrubs and hedges proposed to be removed, those to be retained and, in the case of damage, proposals for their restoration;**
- b) The location of all proposed new trees, shrubs, hedges and grassed areas;**
- c) A schedule of plants to comprise species, plant sizes, proposed numbers/ densities and nursery stock sizes;**
- d) Methods of protection (tree shelters/ guards/ staking/ fencing) and including initial maintenance to aid rapid replacement; and**
- e) A programme for completion and subsequent maintenance.**

**3. There shall be no works that affect trees within the site or immediately adjacent until any necessary tree protection fencing is in place in accordance with the approved tree protection plan, and the planning authority has confirmed in writing that it is satisfied with the fencing as erected.**

**4. The temporary tree protection fencing shall remain in place until all works within the relevant development phase have been completed (unless otherwise agreed). There shall be no tree removal, excavation, level changes, trenching, material storage or machinery access within the fenced off areas.**

**Reason(s):-**

- 1. To ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.**
- 2-4. To safeguard the visual amenity of the area.**

**Detailed planning conditions and reasons relating to Phase 1 only.**

- 1. The development to which this permission relates must be begun within three years of the date of this permission.**
- 2. 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.**
- 3. Notwithstanding details on the approved plans, and prior to the start of work on site, a finalised design and specification for all recreational play provision shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these details unless otherwise agreed in writing by the planning authority.**
- 4. All noise mitigation measures, including acoustic fencing, glazing and ventilation measures, as identified within the submitted Noise Impact Assessment (Technical Report No.R-9391-CL1-RRM, 9<sup>th</sup> August 2022), shall be implemented in full on site unless otherwise agreed in writing by the planning authority.**
- 5. Notwithstanding details on the approved plans, and prior to the start of work on site, a finalised design and specification for all boundary treatments and retaining structures across the site shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these details unless otherwise agreed in writing by the planning authority.**
- 6. Notwithstanding details on the approved plans, and prior to the start of work on site, a finalised schedule of all external finishing materials to be used in the development shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these details unless otherwise agreed in writing by the planning authority.**

- 7. Notwithstanding details on the approved plans, and prior to the start of work on site, finalised design, specification and finishing materials schedule for all footpaths across the site shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these details unless otherwise agreed in writing by the planning authority.**
- 8. Prior to the start of work on site, details of a suitable new pedestrian crossing on Crawfield Road, including a proposed timescale for installation, shall be submitted to and approved in writing by the planning authority. Thereafter, the crossing shall be installed by the developer in accordance with these approved details.**
- 9. 
  - 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.**
- 10. 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 15%, 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.**

- 11. No development shall commence on any residential unit within any part of the Phase 1 site affected by ground stability issues, as identified in the Coal Mining Risk Assessment report (June 2019, prepared by Mason Evans), until remedial treatment works to address land instability arising from shallow coal mining legacy have been carried out in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.**
- 12. Prior to the first occupation of development within the Phase 1 site area, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.**



**Reason(s):-**

- 1. To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2019.**
- 2. As these drawings and details constitute the approved development.**
- 3. To ensure adequate play provision and recreational facilities are provided.**
- 4. To protect the residential amenity of the occupants of the new housing across the site.**
- 5-6. To safeguard the visual amenity of the area.**
- 7. To ensure the design and specification of all footpaths are fit for purposes.**
- 8. To ensure adequate pedestrian crossing facilities are provided.**
- 9. To ensure the ground is suitable for the proposed development.**
- 10. To ensure the development achieves the required CO<sub>2</sub> emission reduction as a result of development.**
- 11-12. To ensure the ground is suitable for the proposed 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, 02B, 03-06, 07A, 08B, 09A, 10A, 11A, 12A, 13, 14, 15A, 16,17A, 18, 19A, 20, 21A, 22, 23A, 24A, 25, 26, 27A, 28, 29A,30, 31A, 32, 33A, 34, 35A, 36, 37A, 38, 39A, 40A, 41, 42, 43A, 44, 45, 46A, 47A, 48, 49, 50A, 51A, 52, 53, 54A, 55, 56A, 57, 58A, 59, 60, 61, 62A, 63A, 64, 65, 66A, 67A, 68, 69, 70A, 71A, 72, 73, 74B, 75B, 76B, 77, 78B, 79A, 80A, 81A, 82-85, 86A, 87A, 88A, 89A, 90A, 91A, 92A, 93A, 94A, 95A, 897A, 98A, 99A, 100A, 101A, 102A, 103-107, 108A and 109-111, 112A, 113-135.**
- 2. In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.**

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

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

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

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pp Director of Place Services

Date: 9 January 2023

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

1. Falkirk Local Development Plan 2.
2. Falkirk Council Supplementary Guidance SG02 'Neighbourhood Design'.
3. Falkirk Council Supplementary Guidance SG05 'Green Infrastructure and New Development'.
4. Falkirk Council Supplementary Guidance SG06 'Affordable Housing'.
5. Falkirk Council Supplementary Guidance SG13 'Developer Contributions'.
6. Falkirk Council Supplementary Guidance SG14 'Renewable and Low Carbon Energy'.
7. Support received from Mr Peter Cowen, West Lothian Golf Club, Airngath Hill, Linlithgow, EH49 7RH on 9 March 2022.
8. Objection received from Mr Barry Hearse, The Filter House, Linlithgow, EH49 7RJ on 12 April 2022.
9. Objection received from Brian Howlett on 1 March 2022.
10. Support received from Ms Lyn Reid, 82 Glen Tennet, East Kilbride, G74 3UY on 24 May 2022.
11. Representation received from Mr Peter Cowen, 4 School View, Bo'ness, EH51 9PZ on 9 March 2022.
12. Representation received from The Friends of Kinneil on 28 March 2022.

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

**FALKIRK COUNCIL**

**Subject:** CONSTRUCTION OF 229 DWELLINGHOUSES WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING, OPEN SPACE AND DRAINAGE (PHASE 1 SUBJECT TO DETAILED APPROVAL). PLANNING PERMISSION IN PRINCIPLE IS ALSO SOUGHT FOR FURTHER RESIDENTIAL DEVELOPMENT WITH POTENTIAL COMMERCIAL / COMMUNITY USE (PHASE 2) AND ASSOCIATED ACCESS, PARKING, LANDSCAPING, OPEN SPACE AND DRAINAGE AT LAND TO THE SOUTH OF BO'NESS FIRE STATION, CRAWFIELD ROAD, BO'NESS FOR ROBERTSON RESIDENTIAL GROUP LTD, AWG PROPERTY LTD, MACTAGGART AND MICKEL HOMES LTD AND THE PARTNERS OF AND THE TRUSTEES FOR THE FIRM FOR MESSRS ROBERT POW - P/22/0009/FUL

**Meeting:** PLANNING COMMITTEE  
**Date:** 16 November 2022  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bo'ness and Blackness

Councillor David Aitchison  
Councillor Stacey Devine  
Councillor Ann Ritchie

**Community Council:** Bo'ness

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

**UPDATE REPORT**

1. Members will recall that the Planning Committee considered this application on 25 October 2022 (copy of report appended), when it was agreed to continue consideration of the application to allow officers to carry out further investigations into surface water drainage and flood risk at the site.

2. Discussions have since taken place between the Council's flood risk and drainage consultants and the applicant's drainage consultants specifically in relation to the proposal to culvert and divert an existing field drain on the site. It has been concluded that, as this field drain is a man-made feature and is not a natural watercourse, the proposed culverting works and diversion of this field drain lies outside of the scope of SEPA policy or Scottish Planning Policy. The proposed culverting and diversion of this ditch is not therefore at odds with national policy and guidance. The Council's flooding and drainage consultants have confirmed that they have no outstanding concerns and have no further comments to offer on the proposed drainage arrangements. In addition, SEPA have confirmed that they have no objection to the proposed development.
3. In addition to the drainage issues referred to above, Members attention is drawn to the submission of a representation from The Friends of Kinneil, the content of which was omitted from the previous report in error. The submission makes a case for developer contributions from the site to be spent within the Kinneil estate. Members will note that developer contributions are sought from this development towards, greenspace improvements, public art and core path improvements. Following completion of an open space audit and consultation with the core paths team, it is envisaged that Kinneil Estate would be a suitable location for these funds to be used.
4. Members are also asked to note an update to section 2 of the previous report which referred to Councillor David Aitchison having called the application in for consideration by Committee. It should be noted that Councillor Ann Ritchie also called the application in on the basis of concerns over drainage and potential flooding issues. Whilst this call-in was received within the prescribed call-in period, it was after the deadline for finalised reports for the October Committee.

## **5. RECOMMENDATION**

### **5.1 It is recommended that the Committee indicate that it is Minded to Grant Planning Permission subject to:-**

- a. **The completion within 6 months of a Planning Obligation in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997, in terms satisfactory to the Director of Place Services in respect of:-**
  - i. **A contribution towards addressing future capacity issues within nursery education provision at the rate of £1,629.61 per dwellinghouse;**

- ii. **A contribution towards Public Art at the rate of £100 per dwellinghouse;**
  - iii. **A contribution towards greenspace improvements at a rate of £250 per dwellinghouse;**
  - iv. **A proportionate contribution towards upgrading of the surrounding core path network.**
  - v. **A contribution at the rate of £1,159 per unit towards addressing healthcare capacity issues or the provision of land within the site to accommodate a new healthcare facility; and**
  - vi. **The provision of 15% of the residential units at the site as affordable housing.**
- b. **and thereafter, on conclusion of the foregoing matters, remit to the Director of Place Services to grant planning permission in principle subject to the following condition(s):-**

**Planning Permission in Principle Conditions and reasons relating to Phase 2 only.**

1. **Plans and particulars of the matters specified below shall be submitted for the consideration by the planning authority in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning Scotland Act 1997 (as amended). The development of each respective development phase shall not commence until the written approval of the planning authority has been given in respect of the relevant specified matters (unless otherwise agreed). The development shall be carried out in accordance with each approval. The specified matters are:-**
- a) **Existing and proposed site levels;**
  - b) **Proposed finished floor levels;**
  - c) **The siting of the buildings;**
  - d) **The design of the buildings;**
  - e) **The external appearance of the buildings;**
  - f) **Details of the access arrangements, including the new street layout and parking arrangements;**
  - g) **Details of soft and hard landscaping and open space provision;**
  - h) **Details of proposed play provision and recreational open space informed by a revised Local Open Space Audit.**
  - i) **Details of the provision of pedestrian and cycle facilities, including links to the wider area;**
  - j) **Details of proposed boundary treatments;**

- k) Tree protection measures;**
- l) Updated surveys for protected species;**
- m) Biodiversity enhancement measures, as informed by the Preliminary Ecological Appraisal and Preliminary Roost Assessment prepared by ITP Energised, dated September 2021 or updated appraisal as appropriate;**
- n) A detailed surface water drainage strategy, including design and calculations,**
- o) A contaminated land assessment;**
- p) A Coal Mining Risk Assessment;**
- q) Details of the size and location of suitable site within Phase 2 to be safeguarded and marketed as a neighbourhood shop/café/restaurant.**
- r) A travel plan and a residential development travel information pack;**
- s) The provision of on-site low and zero carbon generating technologies,**

**2. The details of the soft landscaping shall include (as appropriate):-**

- a) An indication of all existing trees, shrubs and hedges proposed to be removed, those to be retained and, in the case of damage, proposals for their restoration;**
- b) The location of all proposed new trees, shrubs, hedges and grassed areas;**
- c) A schedule of plants to comprise species, plant sizes, proposed numbers/ densities and nursery stock sizes;**
- d) Methods of protection (tree shelters/ guards/ staking/ fencing) and including initial maintenance to aid rapid replacement; and**
- e) A programme for completion and subsequent maintenance.**

**3. There shall be no works that affect trees within the site or immediately adjacent until any necessary tree protection fencing is in place in accordance with the approved tree protection plan, and the planning authority has confirmed in writing that it is satisfied with the fencing as erected.**

**4. The temporary tree protection fencing shall remain in place until all works within the relevant development phase have been completed (unless otherwise agreed). There shall be no tree removal, excavation, level changes, trenching, material storage or machinery access within the fenced off areas.**

**Reason(s):-**

- 1. To ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.**
- 2-4. To safeguard the visual amenity of the area.**

**Detailed planning conditions and reasons relating to Phase 1 only.**

- 1. The development to which this permission relates must be begun within three years of the date of this permission.**
- 2. 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.**
- 3. Notwithstanding details on the approved plans, and prior to the start of work on site, a finalised design and specification for all recreational play provision shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these details unless otherwise agreed in writing by the planning authority.**
- 4. All noise mitigation measures, including acoustic fencing, glazing and ventilation measures, as identified within the submitted Noise Impact Assessment (Technical Report No.R-9391-CL1-RRM, 9<sup>th</sup> August 2022), shall be implemented in full on site unless otherwise agreed in writing by the planning authority.**
- 5. Notwithstanding details on the approved plans, and prior to the start of work on site, a finalised design and specification for all boundary treatments and retaining structures across the site shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these details unless otherwise agreed in writing by the planning authority.**
- 6. Notwithstanding details on the approved plans, and prior to the start of work on site, a finalised schedule of all external finishing materials to be used in the development shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these details unless otherwise agreed in writing by the planning authority.**

- 7. Notwithstanding details on the approved plans, and prior to the start of work on site, finalised design, specification and finishing materials schedule for all footpaths across the site shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these details unless otherwise agreed in writing by the planning authority.**
- 8. Prior to the start of work on site, details of a suitable new pedestrian crossing on Crawfield Road, including a proposed timescale for installation, shall be submitted to and approved in writing by the planning authority. Thereafter, the crossing shall be installed by the developer in accordance with these approved details.**
- 9. 
  - 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.**
- 10. 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 15% 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.**

- 11. No development shall commence on any residential unit within any part of the Phase 1 site affected by ground stability issues, as identified in the Coal Mining Risk Assessment report (June 2019, prepared by Mason Evans), until remedial treatment works to address land instability arising from shallow coal mining legacy have been carried out in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.**
- 12. Prior to the first occupation of development within the Phase 1 site area, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.**

**Reason(s):-**

- 1. To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2019.**
- 2. As these drawings and details constitute the approved development.**
- 3. To ensure adequate play provision and recreational facilities are provided.**
- 4. To protect the residential amenity of the occupants of the new housing across the site.**
- 5-6. To safeguard the visual amenity of the area.**
- 7. To ensure the design and specification of all footpaths are fit for purposes.**
- 8. To ensure adequate pedestrian crossing facilities are provided.**
- 9. To ensure the ground is suitable for the proposed development.**
- 10. To ensure the development achieves the required CO<sub>2</sub> emission reduction as a result of development.**
- 11-12. To ensure the ground is suitable for the proposed 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, 02B, 03-06, 07A, 08B, 09A, 10A, 11A, 12A, 13, 14, 15A, 16,17A, 18, 19A, 20, 21A, 22, 23A, 24A, 25, 26, 27A, 28, 29A,30, 31A, 32, 33A, 34, 35A, 36, 37A, 38, 39A, 40A, 41, 42, 43A, 44, 45, 46A, 47A, 48, 49, 50A, 51A, 52, 53, 54A, 55, 56A, 57, 58A, 59, 60, 61, 62A, 63A, 64, 65, 66A, 67A, 68, 69, 70A, 71A, 72, 73, 74B, 75B, 76B, 77, 78B, 79A, 80A, 81A, 82-85, 86A, 87A, 88A, 89A, 90A, 91A, 92A, 93A, 94A, 95A, 897A, 98A, 99A, 100A, 101A, 102A, 103-107, 108A and 109-111, 112A, 113-135.**
- 2. In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.**

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

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

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

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pp Director of Place Services

Date: 4 November 2022

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

1. Falkirk Local Development Plan 2.
2. Falkirk Council Supplementary Guidance SG02 'Neighbourhood Design'.
3. Falkirk Council Supplementary Guidance SG05 'Green Infrastructure and New Development'.
4. Falkirk Council Supplementary Guidance SG06 'Affordable Housing'.
5. Falkirk Council Supplementary Guidance SG13 'Developer Contributions'.
6. Falkirk Council Supplementary Guidance SG14 'Renewable and Low Carbon Energy'.
7. Support received from Mr Peter Cowen, West Lothian Golf Club, Airngath Hill, Linlithgow, EH49 7RH on 9 March 2022.
8. Objection received from Mr Barry Hearse, The Filter House, Linlithgow, EH49 7RJ on 12 April 2022.
9. Objection received from Brian Howlett on 1 March 2022.
10. Support received from Ms Lyn Reid, 82 Glen Tennet, East Kilbride, G74 3UY on 24 May 2022.
11. Representation received from Mr Peter Cowen, 4 School View, Bo'ness,, EH51 9PZ on 9 March 2022.
12. Representation received from The Friends of Kinneil on 28 March 2022.

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

**FALKIRK COUNCIL**

**Subject:** CONSTRUCTION OF 229 DWELLINGHOUSES WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING, OPEN SPACE AND DRAINAGE (PHASE 1 SUBJECT TO DETAILED APPROVAL). PLANNING PERMISSION IN PRINCIPLE IS ALSO SOUGHT FOR FURTHER RESIDENTIAL DEVELOPMENT WITH POTENTIAL COMMERCIAL / COMMUNITY USE (PHASE 2) AND ASSOCIATED ACCESS, PARKING, LANDSCAPING, OPEN SPACE AND DRAINAGE AT LAND TO THE SOUTH OF BO'NESS FIRE STATION, CRAWFIELD ROAD, BO'NESS FOR ROBERTSON RESIDENTIAL GROUP LTD, AWG PROPERTY LTD, MACTAGGART AND MICKEL HOMES LTD AND THE PARTNERS OF AND THE TRUSTEES FOR THE FIRM FOR MESSRS ROBERT POW - P/22/0009/FUL

**Meeting:** PLANNING COMMITTEE  
**Date:** 25 October 2022  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bo'ness and Blackness

Councillor David Aitchison  
Councillor Stacey Devine  
Councillor Ann Ritchie

**Community Council:** Bo'ness

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

[View this Application on Public Access](#)

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

- 1.1 This application seeks detailed planning permission for the construction of 229 dwellinghouses and associated access, parking and landscaping works (Phase 1) and planning permission in principle for further residential development and associated works (Phase 2) at land to the south of Bo'ness Fire Station, Crawfield Road, Bo'ness.

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

- 2.1 This application has been called in by Councillor David Aitchison who has raised concerns over drainage and potential flooding to Crawfield Road and areas to the north of this road and; lack of public transport to the area.

## **3. SITE HISTORY**

- 3.1 Planning application P/19/0409/PPP seeking planning permission in principle for the development of land for residential use (including affordable housing), community facilities & associated development was refused on 24 March 2020. The site was allocated for residential development within the Falkirk Local Development Plan 2 in August 2020 as 'Bo'ness South West Strategic Growth Area' (Site H55) with an indicative capacity of 450 units.

## **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit have no objection to the proposed development. A number of minor amendments to the road layout have been requested in order to align with Road Construction Consent requirements.
- 4.2 The Council's Transport Planning Unit have no objection to the proposed development.
- 4.3 The Council's Flooding and Drainage team have provided comments on the proposals which have lead to amendments to the overall drainage layout and design for the site in order to bring the proposals in line with current design standards.
- 4.4 The Council's Environmental Protection Unit has no objection to the proposed development subject to conditions being attached to any consent given and relating to contaminated land and noise mitigation measures.
- 4.5 The Council's Children's Services has no objection to the proposal subject to developer contributions totalling £373,181 being made towards nursery provision (phase 1) and £1,629.61 per dwellinghouse on phase 2.
- 4.6 The Council's Housing Services have confirmed that the proposed affordable housing arrangements and mix of unit types is acceptable and in line with their strategic aspirations for this location.

- 4.7 The Coal Authority has no objection to the proposal subject to a condition being applied to any permission given requiring further investigative works relating to potential coal mining legacy issues across the site.
- 4.8 Scottish Water has no objection to the proposed development.
- 4.9 The Police have no objection to the proposed development.
- 4.10 NatureScot have no objection to the proposed development.
- 4.11 Scottish Rights of Way and Access Society have no objection to the proposed development.
- 4.12 Scottish Wildlife Trust have not responded to consultation.
- 4.13 NHS Forth Valley have confirmed that medical practices serving the Bo'ness area are reaching capacity and do not currently have capacity to serve the cumulative total of new residents from the allocated housing sites in the Bo'ness area. A developer contribution towards capacity related investment has therefore been requested at a rate of £1,159 per unit.

## **5. COMMUNITY COUNCIL**

- 5.1 Bo'ness Community Council has not commented on this application.

## **6. PUBLIC REPRESENTATION**

- 6.1 During consideration of the application, three letters of objection and two letters of support were received. The following points were raised in these letters:

- Questioning the need for more housing.
- Negative impact on existing community facilities and services.
- Loss of greenbelt.
- Increased noise and traffic.
- Loss of existing peaceful outlook.
- Impact on visual amenity.
- Impact on drainage and sewage network.
- Loss of agricultural land.
- Proposal will meet demand for new housing.
- General layout comments regarding potential improvements to path linkages and bus stops.

## **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

PE13 - Green and Blue Network

PE17 - Open Space and New Development

PE19 - Biodiversity and Geodiversity

PE20 - Trees, Woodland and Hedgerows

PE24 - Flood Management

PE25 - Soils and Agricultural Land

HC01 - Housing Land

HC03 - Affordable Housing

HC04 - Housing Density and Site Capacity

IR02 - Developer Contributions

IR03 - Education and New Housing Development

IR04 - Community Facilities

IR05 - Travel Hierarchy and Transport Assessment

IR06 - Active Travel

IR07 - Bus Travel

IR10 - Drainage Infrastructure

IR13 - Low and Zero Carbon Development

PE01 - Placemaking

- 7a.2 There is no conflict with the general principles of policy PE01 'Placemaking'. The proposed development would achieve a distinctive, safe and pleasant, easy to move around, welcoming, adaptable and resource efficient housing development. The applicant has also agreed to make a contribution towards public art as part of this proposal. This contribution amounts to £100 per dwellinghouse. This can be secured by a suitably worded planning obligation. The proposal accords with policy PE01.

PE13 - Green and Blue Network

- 7a.3 The proposed detailed (phase 1) development and masterplanned (phase 2) elements of this application support the delivery of the Central Scotland Green Network by developing and enhancing a multifunctional network of open space and outdoor access routes thorough out the site and by making a developer contribution of £250 per unit towards natural greenspace improvements in the vicinity of the site. The proposal accords with policy PE13.

PE17 - Open Space and New Development

- 7a.4 The proposed detailed phase 1 layout and masterplanned phase 2 portion of the site would both make a positive contribution towards the provision of open space in the area. In line with the requirements of supplementary guidance SG05 'Green Infrastructure and New Development', a Local Open Space Audit has been carried out. The results of this have resulted in a number of improvements being made to the open space proposals for phase 1 of this site as well as the need for a £250 per unit developer contribution towards natural greenspace improvements in the vicinity of the site as highlighted in section 7a.2 above. The active and passive open space proposals for the site are now considered to accord with the requirements of policy PE17.



#### PE19 - Biodiversity and Geodiversity

- 7a.5 The application has been supported by a Preliminary Ecological Appraisal and Preliminary Roost Assessment which notes the proximity of the site to the Firth of Forth SPA and SSSI and the Bo'mains Meadows SSSI. The results of this survey work do not anticipate any direct impacts from this development on these protected areas but notes that increased pedestrian activity in the area of the Bo'mains Meadow SSSI could have detrimental impacts on the ecological structure of the grassland habitats in this area. The Bo'mains Meadow SSSI lies to the south west of the application site. It is considered that detailed designs for phase 2 can accommodate mitigation measures to ensure protection of this habitat area. In addition, the ecological appraisal has identified a number of trees with the potential for bat roosts as well as a possible active badger sett. The applicant acknowledges that compliance with specific legislation and national guidance in respect of badgers and bats will be required during any development period. It is considered that the development of the site can be carried out without adverse impacts on protected species or habitat sites. The proposal accords with policy PE19.

#### PE20 - Trees, Woodland and Hedgerows

- 7a.6 The proposed development proposals on the detailed phase 1 and masterplanned phase 2 elements of this site would not result in the removal of any protected ancient woodland or protected trees. The proposals include a good degree of native supplementary tree planting to help enhance existing tree corridors and hedgerows which in turn will aid landscape, local amenity and nature conservation in this location. The proposal accords with policy PE20.

#### PE24 - Flood Management

- 7a.7 The application site is not identified as being at specific risk of flooding on SEPA flood maps. It is however noted that Crawfield Road itself has experienced surface water flooding in recent years due to surface water run-off from these fields. The applicants have provided a detailed drainage design for phase 1 of this site which includes proposals for managing surface water run-off and proposed new surface water attenuation ponds on the southern side of Crawfield Road. This drainage arrangement is expected to improve the overall drainage in the area by intercepting all surface water run-off from the site. The proposal accords with the terms of policy PE24.

#### PE25 - Soils and Agricultural Land

- 7a.8 The application site is currently comprised of arable farmland of prime quality (Class 3/1). The site is however an allocated housing site within the Falkirk Local Development Plan 2. The loss of this agricultural land is therefore deemed to be essential in order to meet the council's wider objectives of maintaining an adequate supply of housing land. The proposal therefore accords with policy PE25.

#### HC01 - Housing Land

- 7a.9 The application site is identified as an allocated housing site (H55) within the Falkirk Local Development Plan 2. Development of this site will help support the council's wider objectives of maintaining an effective housing land supply for the Development Plan period. The proposal accords with the terms of policy HC01.

#### HC03 - Affordable Housing

- 7a.10 The application proposes to meet the required level of affordable housing provision by way of on site provision of social rent housing via a Registered Social Landlord and located in the north east corner of Phase 1. The proposal accords with the terms of policy HC03.

#### HC04 - Housing Density and Capacity

- 7a.11 The application site is identified as an allocated housing site (H55) within the Falkirk Local Development Plan 2. Site H55 is identified as having an indicative capacity of 450 units. Phase 1 of this proposal amounts to roughly half of the overall site area and proposes 229 units in its current form. The proposed housing layout includes adequate open space and landscaping and respects the character of the surrounding area. Adequate levels of residential amenity are proposed and existing landscape features on the site are proposed to be maintained. The proposal accords with the terms of policy HC04.

#### IR02 - Developer Contributions

- 7a.12 The developers have agreed to meet developer contribution requirements for education, healthcare, open space, public art and off site path improvement works in order to adequately mitigate the impacts of the development. The proposal accords with policy IR02.

### IR03 - Education and New Development

- 7a.13 Falkirk Council Children's Services have responded to consultation and advised that existing primary and secondary schools within this catchment are anticipated to be able to meet demand for school places resulting from this development. There is however anticipated to be capacity pressures on nursery provision and a request has therefore been made for a developer contribution of £373,181 (£1,629.61 per unit) towards nursery provision in this location. The applicants have agreed to meet this request which can be secured by an appropriately worded planning obligation. The proposal accords with policy IR03.

### IR04 - Community Facilities

- 7a.14 As part of the development guidance for allocated housing site H55 within the Falkirk Local Development Plan, a requirement is set out for a site to be set aside for a potential neighbourhood shop/café/restaurant. The applicants propose that this site be within phase 2 which can be secured by planning condition. The developers have also agreed to meet developer contribution requests for contributions towards healthcare as identified by NHS Forth Valley. The proposal accords with the terms of policy IR04.

### IR05 - Travel Hierarchy and Transport Assessment

- 7a.15 The application has been accompanied by a detailed Transport Assessment to assess the impacts of the proposed housing development on the surrounding road network. The result of this assessment is that the surrounding road network can cope with the level of traffic likely to be generated from this site. The site is also benefited by being located on an existing bus route and proposal to provide additional connectivity across the site to and from existing active travel networks is welcomed. The proposal accords with the terms of policy IR05.

### IR06 - Active Travel

- 7a.16 The application proposes new connections across and from the site to the existing core path network which will help to encourage active travel. The proposal accords with policy IR06.

### IR07 - Bus Travel

- 7a.17 The application site benefits from being located immediately adjacent to an existing well served bus route. Housing within the site will be within the 400m maximum distance to existing bus provision and connectivity across the site is deemed appropriate to encourage pedestrian accessibility of the bus stops in this location. The proposal accords with the terms of policy IR07.

#### IR10 - Drainage Infrastructure

7a.18 The applicants have provided a detailed drainage design for phase 1 of this site which includes proposals for managing surface water run-off and proposed new surface water attenuation ponds on the southern side of Crawfield Road. This drainage arrangement is expected to improve the overall drainage in the area by intercepting all surface water run-off from the site. Scottish Water has also confirmed that the existing drainage network within the surrounding area has the capacity to accommodate the scale of development proposed. The proposal accords with the terms of policy IR10.

#### IR13 - Low and Zero Carbon Development

7a.19 The application is supported by an Energy Report which confirms that the required CO<sub>2</sub> reductions will be met by way of photovoltaics located on each property. The detailed proposals and calculations associated with this proposal can be secured by way of an appropriately worded planning condition. The proposal accords with the terms of policy IR13.

7a.20 The proposal accords with the terms of the Falkirk Local Development Plan 2.

### **7b Material Considerations**

7b.1 The material considerations to be assessed are coal mining legacy, assessment of representations and Falkirk Council Supplementary Guidance

#### Adopted Supplementary Guidance

#### SG02 - Neighbourhood Design

7b.2 This guidance sets out aspirations for the design of new residential neighbourhoods within the Falkirk Council Area. The guidance promotes high standards of design which address the six qualities of successful places identified in The Scottish Government's Scottish Planning Policy:

- Distinctive;
- Safe and Pleasant;
- Easy to move around;
- Welcoming;
- Adaptable and
- Resource efficient.

The proposed design and layout meets these six qualities and provides a layout which has a clear hierarchy of street structure in line with the principles of 'Designing Streets'. The proposed development accords with the broad principles and guidance set out in SG02.

### SG05 - Green Infrastructure and New Development

7b.3 This guidance sets out the approach taken by Falkirk Council in assessing Green Infrastructure needs and provision for new development sites across the Falkirk Council Area. The guidance sets out general guiding principles for the provision of green infrastructure and promotes the use of Local Open Space Audits to help identify the level of open space provision required on each development. The Local Open Space Audit carried out for this development has resulted in improvements being made to the level of play provision proposed on phase 1 of the current application as well as identifying a need for developer contributions towards off site green infrastructure provision. The applicants have agreed to meet this off site contribution which amounts to £250 per unit towards natural greenspace provision. It has been suggested that the nearby Kinneil Estate would be an ideal recipient for such a contribution. It is considered that the on site recreational provision proposed as part of phase 1 and masterplanned as part of phase 2 is sufficient to meet the needs of this development. The proposed design and layout also promotes active travel through the provision of new footpath connections across the site. Landscaping and Sustainable Urban Drainage proposals across the site also meet the requirements of this guidance as well as meeting the aspirations of the Development Guidance for site H55 contained within the Falkirk Local Development Plan 2. The proposal complies with the guidance set out in SG05.

### SG06 - Affordable Housing

7b.4 This guidance sets out a framework for securing a proportion of new housing sites as affordable housing. The guidance sets out the acceptable and preferred tenure types as well as the proportion of affordable housing required within each area. The proposed development includes 15% of the total number of units on phase 1 as being affordable housing in the form of social rent units managed by a Registered Social Landlord. This proposed approach meets the terms of this guidance note. The exact details of this arrangement as well as provision on phase 2 can be secured by way of a planning obligation.

### SG13 - Developer Contributions

7b.5 This guidance sets out the instances whereby developer contributions may be sought towards a variety of infrastructure needs and sets out a mechanism for calculating the value of these contributions in each instance. In line with the terms of this guidance, the developer has agreed to meet developer contribution requests towards nursery provision, healthcare provision, open space / greenspace provision, public art and off site footpath upgrades. The proposal meets the terms of SG13.

## SG14 - Renewable and Low Carbon Energy

7b.6 This guidance sets out a requirement for all new development to meet a proportion of CO<sub>2</sub> emissions savings by way of the use of Low and Zero Carbon Generating Technologies across the site. In line with the requirements of this guidance, the applicants have confirmed that they propose to install photovoltaics to each dwellinghouse to meet the required emissions savings. The proposed development accords with the terms of this guidance.

## Assessment of Public Representations

7b.7 The application site is an allocated housing site (H55) within the Falkirk Local Development Plan 2. The need for housing in this location has therefore been established as part of the Local Plan process, as has the principle of development on this area of agricultural land on the edge of the existing settlement of Bo'ness. It is noted that development of this land will alter the outlook of some of the existing houses to the north of the site. It is however considered that the elevation and landscape treatment of the site along the Crawfield Road frontage is such that a good degree of visual amenity and landscape quality will be maintained. The site has been designed to accommodate adequate drainage infrastructure including storm water attenuation features designed to modern standards. Scottish Water has confirmed that they have no objection to the proposed drainage arrangements. The site is considered to be well connected to the core path network and existing sustainable travel options.

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

7b.8 The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. It is recognised that flexibility and discretion are necessary parts of the planning system and as such there may be exemptions to the requirement for a desk-based Coal Mining Risk Assessment within the Development High Risk Area.

7b.9 Exemption can be on the grounds of the type of application or the nature of development. Only one of these needs to be met to exempt the need for a desk based Coal Mining Risk Assessment and also the consequential need for the Council to consult the Coal Authority. This proposal is considered to fall into one of these exempt groups, but ground conditions should still be considered as part of the Building Standards process, if relevant.

7b.10 Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

## **7c Conclusion**

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

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

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

## **9. RECOMMENDATION**

- 9.1 **It is recommended that the Committee indicate that it is minded to Grant Planning Permission subject to:-**

- (a) The completion within 6 months of a Planning Obligation in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997, in terms satisfactory to the Director of Place Services in respect of:-**
- (i) A contribution towards addressing future capacity issues within nursery education provision at the rate of £1,629.61 per dwellinghouse;**
  - (ii) A contribution towards Public Art at the rate of £100 per dwellinghouse;**
  - (iii) A contribution towards greenspace improvements at a rate of £250 per dwellinghouse;**
  - (iv) A proportionate contribution towards upgrading of the surrounding core path network.**
  - (v) A contribution at the rate of £1,159 per unit towards addressing healthcare capacity issues or the provision of land within the site to accommodate a new healthcare facility; and**
  - (vi) The provision of 15% of the residential units at the site as affordable housing.**

- (b) and thereafter, on conclusion of the foregoing matters, remit to the Director of Place Services to grant planning permission in principle subject to the following condition(s):-

**Planning Permission in Principle Conditions and reasons relating to Phase 2 only.**

1. Plans and particulars of the matters specified below shall be submitted for the consideration by the planning authority in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning Scotland Act 1997 (as amended). The development of each respective development phase shall not commence until the written approval of the planning authority has been given in respect of the relevant specified matters (unless otherwise agreed). The development shall be carried out in accordance with each approval. The specified matters are:-
  - a) Existing and proposed site levels;
  - b) Proposed finished floor levels;
  - c) The siting of the buildings;
  - d) The design of the buildings;
  - e) The external appearance of the buildings;
  - f) Details of the access arrangements, including the new street layout and parking arrangements;
  - g) Details of soft and hard landscaping and open space provision;
  - h) Details of proposed play provision and recreational open space informed by a revised Local Open Space Audit.
  - i) Details of the provision of pedestrian and cycle facilities, including links to the wider area;
  - j) Details of proposed boundary treatments;
  - k) Tree protection measures;
  - l) Updated surveys for protected species;
  - m) Biodiversity enhancement measures, as informed by the Preliminary Ecological Appraisal and Preliminary Roost Assessment prepared by ITP Energised, dated September 2021 or updated appraisal as appropriate;
  - n) A detailed surface water drainage strategy, including design and calculations,
  - o) A contaminated land assessment;
  - p) A Coal Mining Risk Assessment;
  - q) Details of the size and location of suitable site within Phase 2 to be safeguarded and marketed as a neighbourhood shop/café/restaurant.
  - r) A travel plan and a residential development travel information pack;



- s) **The provision of on-site low and zero carbon generating technologies,**
- 2. The details of the soft landscaping shall include (as appropriate):-**
- (a) An indication of all existing trees, shrubs and hedges proposed to be removed, those to be retained and, in the case of damage, proposals for their restoration;**
  - (b) The location of all proposed new trees, shrubs, hedges and grassed areas;**
  - (c) A schedule of plants to comprise species, plant sizes, proposed numbers/ densities and nursery stock sizes;**
  - (d) Methods of protection (tree shelters/ guards/ staking/ fencing) and including initial maintenance to aid rapid replacement; and**
  - (e) A programme for completion and subsequent maintenance.**
- 3. There shall be no works that affect trees within the site or immediately adjacent until any necessary tree protection fencing is in place in accordance with the approved tree protection plan, and the planning authority has confirmed in writing that it is satisfied with the fencing as erected.**
- 4. The temporary tree protection fencing shall remain in place until all works within the relevant development phase have been completed (unless otherwise agreed). There shall be no tree removal, excavation, level changes, trenching, material storage or machinery access within the fenced off areas.**

**Reason(s):-**

- 1. To ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.**
- 2-4. To safeguard the visual amenity of the area.**

**Detailed planning conditions and reasons relating to Phase 1 only.**

- 1. The development to which this permission relates must be begun within three years of the date of this permission.**
- 2. 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.**

- 3. Notwithstanding details on the approved plans, and prior to the start of work on site, a finalised design and specification for all recreational play provision shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these details unless otherwise agreed in writing by the planning authority.**
- 4. All noise mitigation measures, including acoustic fencing, glazing and ventilation measures, as identified within the submitted Noise Impact Assessment (Technical Report No.R-9391-CL1-RRM, 9<sup>th</sup> August 2022), shall be implemented in full on site unless otherwise agreed in writing by the planning authority.**
- 5. Notwithstanding details on the approved plans, and prior to the start of work on site, a finalised design and specification for all boundary treatments and retaining structures across the site shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these details unless otherwise agreed in writing by the planning authority.**
- 6. Notwithstanding details on the approved plans, and prior to the start of work on site, a finalised schedule of all external finishing materials to be used in the development shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these details unless otherwise agreed in writing by the planning authority.**
- 7. Notwithstanding details on the approved plans, and prior to the start of work on site, finalised design, specification and finishing materials schedule for all footpaths across the site shall be submitted to and approved in writing by the planning authority. Thereafter, the development shall be carried out in accordance with these details unless otherwise agreed in writing by the planning authority.**
- 8. Prior to the start of work on site, details of a suitable new pedestrian crossing on Crawfield Road, including a proposed timescale for installation, shall be submitted to and approved in writing by the planning authority. Thereafter, the crossing shall be installed by the developer in accordance with these approved details.**

- 9. 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.**
- 10. 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 15%, 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.**

- 11. **No development shall commence on any residential unit within any part of the Phase 1 site affected by ground stability issues, as identified in the Coal Mining Risk Assessment report (June 2019, prepared by Mason Evans), until remedial treatment works to address land instability arising from shallow coal mining legacy have been carried out in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.**
- 12. **Prior to the first occupation of development within the Phase 1 site area, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.**

**Reason(s):-**

- 1. **To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2019.**
- 2. **As these drawings and details constitute the approved development.**
- 3. **To ensure adequate play provision and recreational facilities are provided.**
- 4. **To protect the residential amenity of the occupants of the new housing across the site.**

- 5-6. To safeguard the visual amenity of the area.
- 7. To ensure the design and specification of all footpaths are fit for purposes.
- 8. To ensure adequate pedestrian crossing facilities are provided.
- 9. To ensure the ground is suitable for the proposed development.
- 10. To ensure the development achieves the required CO<sub>2</sub> emission reduction as a result of development.
- 11-12. To ensure the ground is suitable for the proposed 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, 02B, 03-07, 08B, 09A, 10A, 11A, 12A, 13, 14, 15A, 16,17A, 18, 19A, 20, 21A, 22, 23A, 24A, 25, 26, 27A, 28, 29A,30, 31A, 32, 33A, 34, 35A, 36, 37A, 38, 39A, 40A, 41, 42, 43A, 44, 45, 46A, 47A, 48, 49, 50A, 51A, 52, 53, 54A, 55, 56A, 57, 58A, 59, 60, 61, 62A, 63A, 64, 65, 66A, 67A, 68, 69, 70A, 71A, 72, 73, 74B, 75B, 76B, 77, 78B, 79A, 80A, 81A, 82-85, 86A, 87A, 88A, 89A, 90A, 91A, 92A, 93A, 94A, 95A, 897A, 98A, 99A, 100A, 101A, 102-107, 108A and 109-135.
- 2. In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- 3. The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

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

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

.....  
**pp Director of Place Services**

**Date:** 7 October 2022

## **LIST OF BACKGROUND PAPERS**

1. Falkirk Local Development Plan 2.
2. Falkirk Council Supplementary Guidance SG02 'Neighbourhood Design'.
3. Falkirk Council Supplementary Guidance SG05 'Green Infrastructure and New Development'.
4. Falkirk Council Supplementary Guidance SG06 'Affordable Housing'.
5. Falkirk Council Supplementary Guidance SG13 'Developer Contributions'.
6. Falkirk Council Supplementary Guidance SG14 'Renewable and Low Carbon Energy'.
7. Support received from Mr Peter Cowen, West Lothian Golf Club, Airngath Hill, Linlithgow, EH49 7RH on 9 March 2022.
8. Objection received from Mr Barry Hearse, The Filter House, Linlithgow, EH49 7RJ on 12 April 2022.
9. Objection received from Brian Howlett on 1 March 2022.
10. Support received from Ms Lyn Reid, 82 Glen Tennet, East Kilbride, G74 3UY on 24 May 2022.
11. Representation received from Mr Peter Cowen, 4 School View, Bo'ness,, EH51 9PZ on 9 March 2022.

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

## **Policy Schedule**

### **PE01 Placemaking**

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

#### **1. Distinctive**

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

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

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



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

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

### **4. Welcoming**

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

### **5. Adaptable**

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

### **6. Resource efficient**

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

## **PE13 Green and Blue Network**

1. The Council will support the delivery of the Central Scotland Green Network in the Falkirk area, and Falkirk Greenspace: A Strategy for Our Green Network, through the development and enhancement of a multi-functional network of green and blue components and corridors as set out in the Spatial Strategy;
2. Within the green and blue network the key priorities of biodiversity, outdoor access, landscape character enhancement, climate change, placemaking and serving disadvantaged communities will be promoted, with particular reference to the opportunities detailed in the Proposals and Opportunities Schedule; and
3. New development should contribute to the green and blue network, where appropriate, through the integration of green infrastructure into masterplans or through enabling opportunities for green and blue network improvement on adjacent land, in accordance with SG05 'Green Infrastructure and New Development'.
4. The seven community growing sites identified at Appendix 1 (Proposal GN24) shall be safeguarded from development unless proposals can demonstrate, on a case-by-case basis, that there is no longer a proven demand for allotment space.

## **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'.

## **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 Food 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.

### **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.

### **HC03 Affordable Housing**

Housing developments of 20 units and over will provide affordable housing as set out below. The approach to provision should comply with Supplementary Guidance SG06 'Affordable Housing'.

Settlement Areas of Larbert/Stenhousemuir; Rural North; Braes; and Rural South - affordable housing on site – **25%**

Settlement Areas of Bo'ness; Bonnybridge and Banknock; Denny; Falkirk; and Grangemouth – **15%**

## 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.

### **IR04 Community Facilities**

1. Proposals involving the loss of existing community facilities will only be supported where it can be demonstrated that:
  - o There is no longer a need for the facility;
  - o The facility is no longer financially viable; or
  - o The services offered by the facility will be delivered satisfactorily in alternative ways.
2. Proposals for new community facilities will be supported where:
  - o In the case of proposals generating significant footfall, the sequential town centre first approach is met;
  - o In other cases, there is good access by public transport, walking and cycling;
  - o The proposal is compatible with the surrounding area in terms of scale, character and design; and
  - o The proposal complies with other LDP policies.

3. Proposals for major new public buildings, major community facilities or major commercial developments which are publically accessible, should incorporate a Changing Places toilet.

### **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.

### **IR06 Active Travel**

1. The Council will safeguard, improve and extend the network of active travel routes, with particular emphasis on the core path network. Development proposals should contribute to active travel infrastructure, either through direct provision or developer contributions, and should address the following requirements, as appropriate:
  - o Support objectives set out in Travel Plans;
  - o Support the Falkirk Greenspace Strategy by improving the extent and connectivity of routes within the green network;
  - o Safeguard and improve existing active travel routes affected by the development, including the provision of temporary alternative routes where routes are disrupted by construction;

- o Provide linkages to the existing active travel network in the vicinity of the site and to schools, community facilities, local amenities and public transport; and
  - o Provide appropriate additional infrastructure such as cycle parking, seating and signage.
2. The design of routes, including line, construction, surfacing, and, where appropriate, lighting should be specified within proposals and should:
- o Be appropriate to the location and intended use of the routes;
  - o Facilitate, where appropriate, access to a wide range of users including pedestrians, cyclists and the mobility impaired;
  - o Promote ease of maintenance; and
  - o Meet relevant standards where routes are to be adopted by the Council.

### **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.

### **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 CO<sub>2</sub> emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance is contained in Supplementary Guidance SG14 Renewable and Low Carbon Energy. Exclusions from the requirements of this policy are:
  - Proposals for change of use or conversion of buildings;
  - Alterations and extensions to buildings;
  - Stand-alone buildings that are ancillary and have an area less than 50 square metres;
  - Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;
  - Temporary buildings with consent for 2 years or less; and

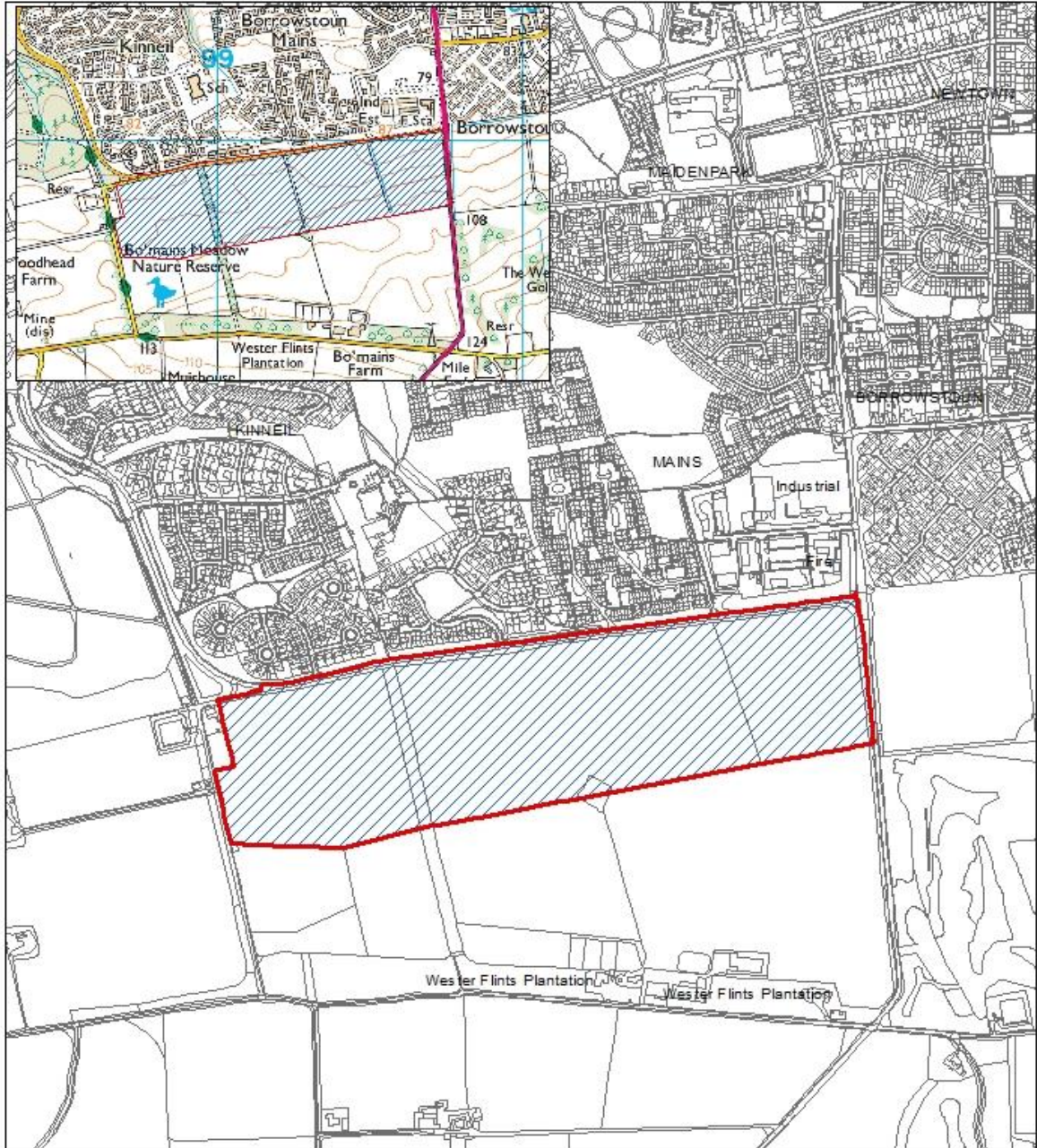
- Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.
2. The design and layout of development should, as far as possible, seek to minimise energy requirements through the other sustainability aspects of the current Sections 6 and 7 of the current Building Standards Technical Handbook.

# Planning Committee

## Planning Application Location Plan

# P/22/0009/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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