

FALKIRK COUNCIL

Subject: ERECTION OF 30 DWELLINGHOUSES AND ASSOCIATED WORKS AT LAND TO THE EAST OF 53 HAZEL ROAD, AUCHINCLOCH DRIVE, BANKNOCK FOR LINK GROUP – P/09/0386/FUL

Meeting: PLANNING COMMITTEE

Date: 22 September 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: Banknock, Haggs and Longcroft

Case Officer: Brent Vivian (Senior Planning Officer), ext 4935

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 25 August 2010 (copy of previous report appended), when it was agreed to continue consideration of the application and to undertake a site visit. This visit took place on 6 September 2010.
2. At the site meeting the case officer summarised his report, the applicant's agent described the proposal and objectors and Local Members were heard.
3. The objectors reiterated and expanded on the concerns raised in their representations. Concerns were raised in relation to construction related impacts, noise from the motorway, parking provision, the number of units, the type of housing (social rented), safety and crime, community facilities, loss of green space and road and pedestrian safety. Submissions were made in relation to the history of the site. The reason for the housing allocation of this site was queried.
4. Members of the Committee were heard in relation to concerns raised by objectors. Councillor Blackwood also spoke in support of concerns raised by objectors. The issue that the roads contribution should be used to upgrade local road junctions was raised, and it was also queried why a contribution is not required toward improving Bankier Primary. His view is that the application is sound but not the location. Councillor Blackwood raised density concerns and queried the assumptions about traffic impacts from the site. He referred to a memorandum from the Council's Transport Planning Unit, dated 31 March 2009.
5. Councillor Waddell requested an updated Traffic Noise Assessment and information regarding objections to the allocation of the site for housing under the new Local Plan.

6. Relevant Council officers responded at the site visit to concerns raised. It was clarified that no previous planning applications have been received for residential development at this site. It was advised that alternative sites are not a relevant consideration. It was advised that the planning process is just one aspect of the overall development process and other requirements such as health and safety legislation would have to be satisfied before any development could proceed.
7. With regard to the history of the site, the Council's Planning and Environment Unit has advised that the site was confirmed in the adopted Bonnybridge and Banknock Local Plan 2nd Edition 1982 as a proposal for a new Roman Catholic Primary School. This proposal was removed from this Plan in the 2nd Alteration of the Local Plan 1995 and the site remained within the urban limit but with no defined proposal.
8. The Planning and Environment Unit has advised that the site first appeared as a housing opportunity in the Consultative Draft of the new Falkirk Council Local Plan in 2003. The Local Plan Publicity and Consultation Report (April 2007) indicates that the Council tried to encourage a high level of public participation in the preparation of the new Local Plan. The consultation methods included: a one day workshop for community groups, including community councils; formal notice in the Falkirk Herald of the Council's intention to commence preparation of the Local Plan; preparation of a consultation pack; information provided on the Council's web site; and the holding of community workshops. A workshop at Banknock was held on 10 December 2003 and was attended by 10 people. At no point during the consultation process or objection period for the Finalised Draft (Deposit Version) April 2007 have any representations been received objecting to the proposed housing opportunity for this site.
9. The Planning and Environment Unit has provided information regarding sheltered housing in the local area given the reference to this at the site visit. The need for greater provision of sheltered and small sized housing was identified as a key issue in the Bonnybridge and Banknock Local Plan Policies Proposals and Choices Report in December 1979. Three proposals were made to meet this need being (1) land adjoining Bankier Primary School between Hollandbush Inn and Bog Road, (2) land adjoining Banknock Community Centre (where the health centre is located), and (3) land opposite the Scot-Mid Store in Haggs. Proposals 1 and 2 were discounted as there was considered to be a more suitable site available at John Bassey Drive. Proposal 3 was confirmed for sheltered housing/small sized houses and the John Bassey Drive site was confirmed for standard houses or specialised/small houses in the Bonnybridge and Banknock Local Plan 2nd Edition 1982. These sites remain as housing proposals in the new Local Plan (H.B B12 and H.B B15 respectively) and are available for development.
10. It should also be noted that the large scale housing proposals for the Banknock/Haggs Special Initiative for Residential Led Regeneration (SIRR) will be required to upgrade the local road network and provide a bespoke solution for upgrading Bankier Primary School. In addition, these proposals will enhance community facilities.

11. The memorandum from the Transport Planning Unit referred to by Councillor Blackwood was pre-application comment for housing development of this site. The comments indicated that the proposal for 30 units would be a departure from the Council's Design Guidelines and Construction Standards from Roads with respect to the provision of access off a "short cul-de-sac" (a maximum of 20 dwellinghouses). It is highlighted that these comments were made pre-application and were not reflected in the formal consultation responses to the application by either the Transport Planning Unit or the Roads Development Unit. The Roads Development Unit has confirmed that Bog Road, Laburnum Road and Hazel Road best fit the description of a "general access road" under the Council's road network hierarchy. Whilst the easternmost length of Hazel Drive (beyond Holly Grove) is a cul-de-sac, terminating a general access road in this arrangement is neither unusual or contrary to the Council's guidelines. An example of a typical short cul-de-sac in the local area is Ash Place, where vehicular access is provided via a priority junction perpendicular to the general access road.
12. Two noise surveys have been carried out for the proposed development, on 22 April 2008 between 10:50 and 14:53 and 9 September 2010 between 10:19 and 14:35. The latter survey was undertaken at the request of the Planning Committee. The noise measurements taken in the 2010 survey were significantly lower than those recorded in 2008, due to the reduced A80 traffic speeds associated with the major roadworks being undertaken. Mitigation is recommended in relation to the double glazing specification and wall and roof construction. In addition, permanent attenuated ventilation is recommended. The Environmental Health Unit has reviewed the updated Traffic Noise Assessment and is satisfied with its findings.
13. No matters were raised that would amend the original recommendation to grant planning permission.

14. RECOMMENDATION

- 14.1 **It is recommended that the Committee indicate that it is minded to grant full planning permission subject to:-**
 - (a) **the satisfactory completion of an appropriate legal agreement in respect of:**
 - (i) **the payment of a financial contribution of £22,500 towards the provision, upgrade and maintenance of recreational facilities at Hollandbush Park, Banknock;**
 - (ii) **the payment of a financial contribution of £30,000 towards the upgrade of the A80/M80 slip road junctions;**
 - (iii) **The payment of a financial contribution of £30,000 towards the improvement of education facilities at Denny High.**
 - (b) **and thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions:-**
 - (1) **The development to which this permission relates must be begun within three years from the date of this permission.**

- (2) Before the development commences, details of the phasing of the proposed development, the location of the works compound and construction vehicle parking areas, and measures to suppress dust and mitigate the carrying of mud and other debris onto the public road shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- (3) Before the development commences, full details of the colour and specification of all proposed external finishes shall be submitted to and approved in writing by this Planning Authority. Thereafter the development shall be completed in accordance with the approved details.
- (4) Before the development commences, full details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by this Planning Authority. The details of the scheme shall include (as appropriate):
 - (i) existing and proposed finished levels in relation to a fixed datum, preferably ordinance;
 - (ii) an indication of all existing trees, shrubs and hedges to be removed, those to be retained, and proposals for the restoration of any that are damaged;
 - (iii) the location of all proposed trees, shrubs, hedges and grassed areas;
 - (iv) a schedule of all plants to comprise species, plant size and proposed numbers/density;
 - (v) the location, height, colour and specification of all proposed walls, fences, gates and any other means of enclosure;
 - (vi) existing and proposed services such as cables, pipelines, sub stations etc;
 - (vii) other structures and artefacts such as seating, litter bins, dog bins, external lighting and bollards; and
 - (viii) a programme for the completion and subsequent management and maintenance of all landscaping areas.

Thereafter, the landscaping shall be fully implemented in accordance with an approved phasing scheme. No existing planting shall be removed prior to the scheme of landscaping being approved in writing.

- (5) Before the development commences, a notice stating 'PRESERVED' shall be placed on the trunk of all trees to be retained and this notice shall not be removed until all construction work on the site is completed.
- (6) Before the development commences, temporary protective fencing shall be erected in a position(s) to be agreed in writing by this Planning Authority, around the tree crown spread of the trees to be retained. The fencing shall not be removed until all construction work on the site is completed and no level changes, excavation or storage of materials, vehicles, plant or machinery shall occur within the fenced off areas.

- (7) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion reports / validation certificates shall be submitted to and approved in writing by this Planning Authority.
- (8) Before the development commences, detailed measures to mitigate the potential for nuisance from transportation noise shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (9) All new road and footway design and construction shall be carried out in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.
- (10) All individual driveways shall be constructed to meet the public road at right angles, with a maximum gradient of 1:10, and in a manner to ensure that no surface water or loose material is discharged onto the public road.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To enable the Planning Authority to consider these aspects in more detail.
- (3 - 6) To safeguard visual and environmental amenity.
- (7) To ensure the ground is suitable for the proposed development.
- (8) To ensure the occupants of the properties are safeguarded against excessive noise nuisance.
- (9 - 10) To safeguard the interests of the users of the highway.

Informative(s):

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference 01, 03, 04A, 05A, 06A, 07A, 08A, 09A, 10A, 11A, 12A, 13E, 14, 15A and 16.
- (2) All proposed adoptable roads and footpaths will require Road Construction Consent, issued by Falkirk Council Development Services.

- (3) Noisy works which are audible at the boundary should only be conducted between the following hours:

Monday to Friday	08.00 to 18.00 hours
Saturday	09.00 to 17.00 hours
Sunday / Bank Holiday	10.00 to 16.00 hours

Deviation from these hours, unless in emergency circumstances, will require the approval of the Environmental Health Manager.

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For Director of Development Services

Date: 15 September 2010

LIST OF BACKGROUND PAPERS

1. Letter of Representation from Mrs M Leadbetter, 6 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on
2. Letter of Representation from D Leadbetter, 6 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 9 June 2009
3. Letter of Representation from Owner/Occupier, 2 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 9 June 2009
4. Letter of Representation from Irene Buchanan, 2 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 9 June 2009
5. Letter of Representation from Mr T Shaw, 16 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 9 June 2009
6. Letter of Representation from Mrs Isabel Shaw, 16 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 9 June 2009
7. Letter of Representation from Mr William Murphy Clark, 52 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 10 June 2009
8. Letter of Representation from Mr A G Mansfield, 51 Hazel Road Banknock, Bonnybridge, FK4 1LQ on 10 June 2009
9. Letter of Representation from I M Glencross, 47 Hazel Road Banknock, Bonnybridge, FK4 1LQ on 24 June 2009
10. Letter of Representation from F J Glencross, 47 Hazel Road Banknock, Bonnybridge FK4 1LQ on 24 June 2009
11. Letter of Representation from G Glencross, 47 Hazel Road Banknock, Bonnybridge FK4 1LQ on 24 June 2009
12. Letter of Objection from MR John Divers, 6 Cedar Road, Banknock, Bonnybridge FK4 1JQ on 8 July 2009
13. Letter of Representation from David Thomson, 112 Hazel Road Banknock, Bonnybridge FK4 1LQ on 15 June 2009
14. Letter of Representation from Jaime McGuire, 112 Hazel Road Banknock, Bonnybridge FK4 1LQ on 15 June 2009

15. Letter of Representation from David Weir, 47 Hawthorn Drive Banknock, Bonnybridge FK4 1LF on 15 June 2009
16. Letter of Representation from A Weir, 47 Hawthorn Drive Banknock, Bonnybridge FK4 1LF on 15 June 2009
17. Letter of Objection from Mr David Forssyth, 53 Hazel Road Banknock, Bonnybridge FK4 1LQ on 16 June 2009
18. Letter of Representation from Gerard McGuire, 49 Hazel Road Banknock, Bonnybridge FK4 1LQ on 23 June 2009
19. Letter of Representation from Mary McGuire, 49 Hazel Road Banknock, Bonnybridge FK4 1LQ on 23 June 2009
20. Letter of Representation from Gerard McGuire, 49 Hazel Road Banknock, Bonnybridge FK4 1LQ on 23 June 2009
21. Letter of Representation from Mr C H McFarlane, 22 Auchincloch Drive, Banknock Bonnybridge FK4 1LB on 23 June 2009
22. Letter of Representation from Mrs J McFarlane, 22 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 23 June 2009
23. Letter of Representation from Miss Lindsay Marshall & Mr Christopher Clancy, 51 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 23 June 2009
24. Letter of Representation from E Mooney, 57 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 11 June 2009
25. Letter of Representation from K Mooney, 57 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 11 June 2009
26. Letter of Representation from Mr P Killiard, 12 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 11 June 2009
27. Letter of Representation from Mr P J A Killiard, 12 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 11 June 2009
28. Letter of Representation from Mrs J Killiard, 12 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 11 June 2009
29. Letter of Representation from Heather Gordon, 45 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 11 June 2009
30. Letter of Representation from Alastair Jolly, 45 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 11 June 2009
31. Letter of Representation from W Hiddleston, 53 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 11 June 2009
32. Letter of Representation from Mr and Mrs J Thomson, 24 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 17 June 2009
33. Letter of Representation from Alan McCann, 108 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 22 June 2009
34. Letter of Representation from John Glasgow, 108 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 22 June 2009
35. Letter of Representation from MSP Michael Matheson, 15A East Bridge Street, Falkirk FK1 1YD on 3 August 2009
36. Letter of Representation from Louise McLaren, 49 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 12 June 2009
37. Letter of Representation from John McLaren, 49 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 12 June 2009
38. Letter of Representation from Arlene McLaren, 49 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 12 June 2009
39. Letter of Representation from Robert McLaren, 45 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 12 June 2009

40. Letter of Representation from Mr S Kujawa, 43 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 12 June 2009
41. Letter of Representation from Mrs P Kujawa, 43 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 12 June 2009
42. Letter of Representation from Mark Dyer, 56 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 12 June 2009
43. Letter of Representation from Craig Dyer, 56 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 12 June 2009
44. Letter of Representation from Pauline Dyer, 56 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 12 June 2009
45. Letter of Representation from Graham Dyer, 56 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 12 June 2009
46. Letter of Representation from Mr Robert Thomson, 106 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 12 June 2009
47. Letter of Representation from Owner/Occupier, 20 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 12 June 2009
48. Approved Falkirk Council Structure Plan
49. Adopted Bonnybridge and Banknock Local Plan
50. Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications (June 2010)

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

FALKIRK COUNCIL

Subject: ERECTION OF 30 DWELLINGHOUSES AND ASSOCIATED WORKS AT LAND TO THE EAST OF 53 HAZEL ROAD, AUCHINCLOCH DRIVE, BANKNOCK FOR LINK GROUP – P/09/0386/FUL

Meeting: PLANNING COMMITTEE

Date: 25 August 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: Banknock, Haggs and Longcroft

Case Officer: Brent Vivian (Senior Planning Officer) Ext: 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks full planning permission for the erection of 30 dwellinghouses and associated works. The proposed development is for affordable and special needs housing and consists of 28 two-storey terraced and semi detached dwellinghouses and two single-storey dwellinghouses with wheelchair access.
- 1.2 The application is for a local development and the application site extends to 1.27 hectares. The site lies at the edge of the Banknock urban limits to the east of Hazel Road and Hawthorn Drive and to the south of Auchincloch Drive. To the south of the site is open countryside, which falls towards Bonny Water, and to the east is a field and beyond that the M80.
- 1.3 The application site comprises two distinct areas. First, an existing amenity space adjoining Hazel Road and Hawthorn Drive which is predominantly maintained in grass. Second, vacant grazing land to the east of the amenity space which is bounded by the rear gardens of residential properties on Auchincloch Drive. A row of mature planting separates the amenity space from the vacant grazing land. There is also a row of mature planting adjoining the southern boundary of the site. The levels of the site fall from north to south.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires consideration by the Planning Committee as part of the application site is in the ownership of Falkirk Council.

3. SITE HISTORY

- 3.1 There are no previous planning applications for this site.

4. CONSULTATIONS

- 4.1 The Roads Development Unit is satisfied with the proposed site layout and surface water drainage arrangements and has advised that the development will be required to be constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- 4.2 Scottish Water has no objection to the application and has advised that the submission of a completed Development Impact Assessment form is required
- 4.3 The Environmental Protection Unit is satisfied with the findings of the Traffic Noise Assessment, subject to the proposed mitigation measures being implemented, and has requested the submission of a Contaminated Land Assessment.
- 4.4 The Scottish Environmental Protection Agency (SEPA) has no objection to the application and is satisfied with the surface water drainage proposals.
- 4.5 The Transport Planning Unit has advised that the anticipated traffic generation from the site is likely to be relatively small and that, by the time the traffic is distributed through the existing local road network, the traffic impact on this network is likely to be minimal. In addition the Transport Planning Unit has requested a financial contribution in the sum of £30,000 towards the cost of upgrading the M80/A80 slip road junction onto the A803. The M80/A80 slip road junctions are currently at capacity and therefore cannot accommodate any traffic generated by this development without upgrade.
- 4.6 Education Services has no objection to the application and has advised that a financial contribution towards addressing future anticipated capacity issues at Bankier Primary will not be required as the cost of upgrading this school would be met by the development proposals within the Banknock SIRR area (Special Initiative for Residential Led Regeneration). In addition, a pro-rata financial contribution of £30,000 is requested towards addressing future anticipated capacity issues at Denny High as a consequence of new housing growth in the area. This contribution has been calculated in accordance with the Council's Supplementary Planning Guidance for Education and New Housing Development.
- 4.7 Community Services (Parks and Recreation) has requested a financial contribution at the rate of £750 per dwellinghouse towards the provision and enhancement of play facilities at Hollandbush Park, which lies some 250 metres to the north of the application site.
- 4.8 Central Scotland Police has noted that the applicant intends to submit an application for Secured by Design.

- 4.9 Corporate and Neighbourhood Services supports the proposed development as it seeks to increase the supply of affordable housing in the Banknock area in accordance with the priorities set out in the Local Housing Strategy 2004-09 and subsequent updates, to meet an identified need in this area. The development has been noted as a priority in the 2009 Strategic Housing Investment Plan (SHIP) and will attract around £3.5m of inward investment which includes £2.2m Scottish Government grant funding. The development site is held on the Housing Revenue Account (HRA) and was declared surplus to operational requirements by the Council's Policy and Resources Committee on 16 January 2007 to facilitate the development of new social rented housing in a partnership between the Council and Link Housing Association.

5. COMMUNITY COUNCIL

- 5.1 The Banknock, Haggs and Longcroft Community Council has advised that it fully supports the objections by local residents to the proposed development.

6. PUBLIC REPRESENTATION

- 6.1 Forty seven letters of representation have been received to the application. These letters are in the form of two objections and 45 representations raising concerns. The concerns raised can be summarised as follows:-

- Noise impact.
- Loss of sunlight.
- Impact on privacy.
- Impact on natural outlook.
- Impact on the peace and beauty of the area.
- Impact on wildlife (e.g. deer).
- The existing amenity space should not have a play facility.
- Construction related problems (e.g. traffic, dust).
- Traffic increase/traffic congestion.
- Existing congested roads.
- Existing roads are unsuitable for additional traffic.
- Road safety concerns.
- Insufficient parking proposed.

- Provide parking for existing residents.
- Information requested regarding house type, house tenure e.g. social rented or mortgaged and the criteria used to select tenants.
- Increase in pressure on local amenities.
- Impact on property values.

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

Approved Falkirk Council Structure Plan

7a.1 Policy COM.3 ‘Special Needs and Affordable Housing’ states:

“The Council will support the provision of affordable and special needs housing, based on housing needs assessments for each community. Local Plans will identify suitable sites and where appropriate, stipulate the proportion of larger housing sites which should be reserved to meet specific housing needs.”

7a.2 The proposed development is for affordable and special needs housing and Corporate and Neighbourhood Services has advised that the development would contribute towards meeting local housing needs. The proposed development is therefore fully supported by this policy.

7a.3 Policy COM.5 ‘Developer Contributions’ states:

“The Council will ensure that proper provision is made to meet the physical and social infrastructure needs of new development and to mitigate the impact of such development on the locality. Where it is required to make a proposal acceptable in land use planning terms, serve a planning purpose and is directly related to the proposed development, developer funding for on- or off-site works will be sought in respect of:

- (1) environmental enhancement required to mitigate, or compensate for landscape, townscape or ecological impacts;*
- (2) physical infrastructure required to make the development acceptable, particularly transport provision required to ensure that the development meets sustainability criteria;*
- (3) community and recreational facilities required to meet demand generated by the development.*

The required provision will be reasonable and related to the scale and nature of the proposed development, taking into account the relevant Council standards and will be specified within Local Plans and development briefs as appropriate. Examples of the range of matters which developers may be asked to address are provided in Schedule COM.5.”

7a.4 It is considered that developer contributions are necessary in order to meet the infrastructure needs of the proposed development and mitigate the impact of the proposed development on the locality. These contributions have been detailed in Section 4 of this report and are for the purposes of funding recreational and educational improvements and upgrading of the A80/M80 sliproad junctions. The level of the contributions have been calculated on a pro rata basis and are considered to be reasonable and related to the scale and nature of the proposed development, and have been agreed to by the applicant. Subject to the satisfactory completion of a legal agreement to secure these contributions, the proposed development accords with this policy.

7a.5 Policy COM.7 ‘School Provision’ states:

“New housing development will not be permitted unless adequate school capacity is available or will be made available.”

7a.6 Education Services has advised that the Bankier SIRR housing developments will fund future upgrade of Bankier Primary and a financial contribution in respect of anticipated future capacity issues at Denny High is required. Subject to securing this contribution, the proposed development accords with this policy.

Adopted Bonnybridge and Banknock Local Plan

7a.7 The application site lies within the urban limits as defined in the Bonnybridge and Banknock Local Plan (2nd Alteration), adopted November 1995.

7a.8 Policy BON 2 states:

“That within the urban area uses will generally be acceptable provided they accord with all other relevant District Council policies and standards of provision.”

7a.9 The proposed development is considered to represent an acceptable urban use on land within the urban limits as defined in the adopted Local Plan. There are no known Council policies or standards of provision that the development would not accord with. Therefore, the proposed development accords with this policy.

7a.10 Accordingly, the proposal development accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations in respect of the application are the Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications (June 2010), the consultation responses and the representations received.

Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications (June 2010)

7b.2 The application site lies within the urban limits and is allocated as a housing opportunity site (H.B and B17) and lies within the boundaries of the Banknock and Haggs Special Initiative for Residential Led Regeneration (SIRR).

7b.3 The Local Plan Finalised Draft (Deposit Version) states that H.B and B17 has the capacity for approximately 15 units and that the site lies within the defined urban limits and was originally acquired for a new school. It states that the development of this small site will not be the subject of a development framework (i.e. the Development Framework for the SIRR). It is therefore acceptable for a planning application for this site to come forward independent of the wider Banknock SIRR development.

7b.4 Policy EQ3 ‘Townscape Design’ states:

“New development will be required to contribute positively to the quality of the built environment. Proposals should accord with the following criteria:

- (1) The siting, layout and density of new development should create a coherent structure of streets, amenity space and buildings which respects and complements the site’s environs and creates a sense of identity within the development;*
- (2) Streets and public spaces should have buildings fronting them, and where this is not possible, a high quality architectural or landscape treatment will be required as an alternative;*
- (3) The design of new buildings should reflect the surrounding urban fabric in terms of scale, height, massing and building line;*
- (4) Building materials, finishes and colours should be chosen to complement those prevailing in the local area;*
- (5) Existing buildings or structures which contribute to the local townscape should be retained and integrated sensitively into the layout; and*
- (6) The contribution to the townscape of important landmarks, skylines and views should be respected.”*

7b.5 It is considered that the proposed development would contribute positively to the local area by virtue of siting, layout, density and design. In particular, the proposed dwellinghouses would be in-keeping with the surrounding urban fabric, which has a predominance of 2 storey terraced and semi-detached properties. The proposed development therefore accords with this policy.

7b.6 Policy EQ4 - ‘Landscape Design’ states:

“Development proposals should include a landscape framework which enhances the development and assists integration with its surroundings. The landscape scheme should:

- (1) Be informed by the surrounding landscape;*
- (2) Retain and incorporate existing vegetation, natural and cultural features where they contribute to the amenity and biodiversity of the site, with provision for replacement planting where removal is authorised;*
- (3) Integrate with strategies for the provision of open space, pedestrian access, and sustainable urban drainage systems on the site;*
- (4) Promote biodiversity, including the use of native tree and plant species (see Policy EQ25);*

- (5) *Incorporate robust structure planting to provide structure in larger developments, and screen the edge of developments where necessary;*
- (6) *Incorporate street trees and informal open space planting to assist in structuring and unifying streets and spaces;*
- (7) *Incorporate high quality hard landscaping, including surface materials, boundary enclosures and street furniture which are robust and complement the development; and*
- (8) *Demonstrate that satisfactory arrangements have been made for the future maintenance and management of all landscaped areas."*

7b.7 The landscape scheme for the proposed development has been informed by the existing character of the site. In particular, the existing amenity space and mature planting is to be retained. In addition, new structure planting is proposed along the southern boundary to screen the edge of the development, and along the boundary shared with the properties on Auchincloch Drive in order to enhance amenity and safeguard privacy. The proposed new planting would provide the opportunity to promote biodiversity. The detailed planting regime and the proposals for future management and maintenance of the landscape scheme would be the subject of conditions of any grant of permission. Subject to implementation of the approved details, the proposed development accords with this policy.

7b.8 Policy SC1 - 'Housing Land Provision' states:

- "(1) Through the Local Plan, the Council will aim to meet the housing land requirements of the Falkirk Council Structure Plan for at least the period up to 2015, as detailed in Table 4.1. Sites contributing towards the requirement are detailed under the relevant Settlement Statements.*
- (2) Within the areas identified as Special Initiatives for Residential-Led Regeneration (SIRRs) on the Proposals Map, housing development in addition to the base requirement will be supported subject to:*
 - the preparation of a satisfactory masterplan or development framework for the area; and*
 - demonstration that the necessary social and physical infrastructure requirements for the area will be met through a co-ordinated approach to developer contributions."*

7b.9 The application site has been identified as a housing opportunity site (H.B and B17), to contribute towards meeting the base housing land requirement of the approved Falkirk Council Structure Plan. By virtue of this, the proposed development accords with this policy.

7b.10 Policy SC6 - 'Housing Density And Amenity' states:

- "(1) Overall density in new residential developments should conform to the indicative capacity shown for allocated sites or, in the case of windfall sites, be dictated by the character of the surrounding area and the design objectives for the site, as established in the Design Concept Statement. Higher densities may be allowed where this helps to achieve design excellence.*
- (2) On large sites, housing density should be varied to create areas of different character, reflecting the structure of streets and spaces in the development. A mix of housing types will be required.*
- (3) Adequate properly screened private amenity space should be provided for dwellinghouses. In flatted developments, communal space for clothes drying and private amenity should be provided.*
- (4) Housing layouts should be designed to ensure adequate privacy and to avoid excessive overshadowing of houses or garden ground. A minimum distance between overlooking windows of 18 metres will generally be required."*

- 7b.11 This policy indicates that new residential development should conform to the indicative capacity shown for allocated sites. In this instance, the indicative capacity for H.B. and B17 is approximately 15 units, whilst the proposed development is for 30 units. It is evident, however, that the site can accommodate an increased density whilst respecting the existing character of the area, creating a satisfactory living environment and retaining the existing amenity space within the site. To that extent, the proposed development can be seen to achieve design excellence which, in accordance with the policy, could justify a higher density.
- 7b.12 Parts 2, 3 and 4 of the policy promote a mix of housing types on larger sites, the provision of adequate, properly screened private amenity space and the avoidance of overlooking or excessive overshadowing. The proposed development is considered to satisfy these matters. In particular, the house types consist of a mix of semi-detached, terraced and wheelchair access properties, the site layout has been amended to enhance the provision of usable private garden ground and the requirement for at least 18 metres between overlooking windows is achieved.
- 7b.13 On balance, the proposed development is considered to accord with this policy.
- 7b.14 Policy SC13 ‘Open Space and Play Provision in New Development’ states:

“New development will be required to contribute to open space and play provision. Provision should accord with the Council’s open space audit and strategy and the SPG Note on ‘Open Space and New Development’, once available, or a site-specific local audit of provision in the interim, and should accord with the following principles:

- (1) The baseline standard for open space development in new residential development is 60 m² per dwelling, any alternative standard that may be set by the open space strategy, or any site-specific standard that may be set in a development brief;*
- (2) Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where:*
 - existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;*
 - in residential developments, the size of the development falls below the threshold of 10 houses, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*
 - as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area;*
 - The required financial contribution per house will be set out in the SPG Note on ‘Open Space and New Development’.*
 - The open space strategy indicates that there is a sufficient amount of open space in the area, and that priority should be given to qualitative improvements to existing open space;*
- (3) The location and design of open space should be such that it:*
 - forms an integral part of the development layout, contributing to its character and identity;*
 - is accessible and otherwise fit for its designated purpose;*
 - links into the wider network of open space and pedestrian/ cycle routes in the area;*
 - sensitively incorporates existing biodiversity and natural features within the site;”*
 - promotes biodiversity through appropriate landscape design and maintenance regimes; and*
 - enjoys good natural surveillance;*

- (4) *Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it."*

- 7b.15 Retention of the existing amenity space is an integral part of the proposed development and satisfies the requirement under the policy for the provision of a baseline standard of 60m² per dwellinghouse. Its retention preserves the existing character of the area, is accessible and links to the wider pedestrian network. The new management and maintenance arrangements for this area would be the subject of a condition of any grant of permission.
- 7b.16 The proposal is to maintain the existing amenity space in its current state, rather than enhance it for active recreation. The preference, as informed by Community Services (Parks and Recreation), and as provided for by the terms of Part 2 of the policy, is to accept a financial contribution towards enhancing the existing play facilities at Hollandbush Park, which provides a centralised facility. The applicant has agreed to this contribution at a rate of £750 per dwellinghouse.
- 7b.17 Subject to the satisfactory completion of a legal agreement to secure this contribution, the proposed development accords with this policy.

Consultation Responses

- 7b.18 The consultation responses are summarised in section 4 of this report. The matters raised in these consultations could be the subject of conditions of any grant of permission or a legal agreement. As detailed in this report, the applicant has agreed to the requested financial contributions. The support of Corporate and Neighbourhood Services to the proposed development is noted.

Representations Received

- 7b.19 The concerns raised in the representations are summarised in section 6 of this report. In relation to these concerns, the following comments are considered to be relevant:-
- The proposed development would not give rise to any material impacts on overlooking or overshadowing. The requirement for 18 metres between facing windows is satisfied and a landscape buffer is proposed along the boundary shared with the Auchincloch Drive properties to help safeguard privacy.
 - The existing outlook over the site is restricted by its enclosure by mature planting and boundary fencing.
 - Whilst the site may be used by wildlife such as deer, the site is allocated for housing under the Local Plan Finalised Draft (Deposit Version) and the site represents a small amount of open ground at this location for use by wildlife.
 - No play facility is proposed for the existing amenity space which will be maintained in its current state.
 - Whilst some degree of disruption is inevitable during the construction stage, conditions could be imposed on any grant of permission to minimise construction related impacts.

- The Council's Transport Planning Unit has advised that the anticipated traffic generated by the proposed development would be relatively small and the impact on the local road network is likely to be minimal.
- The Council's Parking Guidelines allow for one car park space per unit for low cost housing. The provision of visitor car-parking is integral to the scheme.
- An existing area at the end of Hazel Road could potentially be used by existing residents for parking.
- The proposed house types have been detailed in this report. The applicant has advised that they would be social rented houses.
- The criteria used to select tenants and impact on property values are not material planning considerations.

7c Conclusion

- 7c.1 The proposed development is considered to accord with the Development Plan for the reasons detailed in this report. It is therefore recommended for approval subject to the satisfactory completion of a legal agreement and the imposition of appropriate conditions. There are not considered to be any material considerations to justify setting aside the terms of the Development Plan. The contribution of the proposed development to meeting local housing needs and helping economic recovery are recognised. At the same time, the development is considered to respect the character of the area and concerns raised in objections and representations have been addressed in the site layout or could be addressed, to some extent, by conditions of any grant of permission. In addition, financial contributions have been agreed to mitigate the impacts of the development on local infrastructure.

8. RECOMMENDATION

- 8.1 It is recommended that the Committee indicate that it is minded to grant full planning permission subject to:-
- (a) the satisfactory completion of an appropriate legal agreement in respect of:
 - (i) the payment of a financial contribution of £22,500 towards the provision, upgrade and maintenance of recreational facilities at Hollandbush Park, Banknock;
 - (ii) the payment of a financial contribution of £30,000 towards the upgrade of the A80/M80 slip road junctions;
 - (iii) The payment of a financial contribution of £30,000 towards the improvement of education facilities at Denny High.
 - (b) and thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years from the date of this permission.
- (2) Before the development commences, details of the phasing of the proposed development, the location of the works compound and construction vehicle parking areas, and measures to suppress dust and mitigate the carrying of mud and other debris onto the public road shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- (3) Before the development commences, full details of the colour and specification of all proposed external finishes shall be submitted to and approved in writing by this Planning Authority. Thereafter the development shall be completed in accordance with the approved details.
- (4) Before the development commences, full details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by this Planning Authority. The details of the scheme shall include (as appropriate):
 - (i) existing and proposed finished levels in relation to a fixed datum, preferably ordinance;
 - (ii) an indication of all existing trees, shrubs and hedges to be removed, those to be retained, and proposals for the restoration of any that are damaged;
 - (iii) the location of all proposed trees, shrubs, hedges and grassed areas;
 - (iv) a schedule of all plants to comprise species, plant size and proposed numbers/density;
 - (v) the location, height, colour and specification of all proposed walls, fences, gates and any other means of enclosure;
 - (vi) existing and proposed services such as cables, pipelines, sub stations etc;
 - (vii) other structures and artefacts such as seating, litter bins, dog bins, external lighting and bollards; and
 - (viii) a programme for the completion and subsequent management and maintenance of all landscaping areas.

Thereafter, the landscaping shall be fully implemented in accordance with an approved phasing scheme. No existing planting shall be removed prior to the scheme of landscaping being approved in writing.

- (5) Before the development commences, a notice stating 'PRESERVED' shall be placed on the trunk of all trees to be retained and this notice shall not be removed until all construction work on the site is completed.
- (6) Before the development commences, temporary protective fencing shall be erected in a position(s) to be agreed in writing by this Planning Authority, around the tree crown spread of the trees to be retained. The fencing shall not be removed until all construction work on the site is completed and no level changes, excavation or storage of materials, vehicles, plant or machinery shall occur within the fenced off areas.

- (7) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion reports / validation certificates shall be submitted to and approved in writing by this Planning Authority.
- (8) Before the development commences, detailed measures to mitigate the potential for nuisance from transportation noise shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (9) All new road and footway design and construction shall be carried out in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.
- (10) All individual driveways shall be constructed to meet the public road at right angles, with a maximum gradient of 1:10, and in a manner to ensure that no surface water or loose material is discharged onto the public road.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To enable the Planning Authority to consider these aspects in more detail.
- (3 - 6) To safeguard visual and environmental amenity.
- (7) To ensure the ground is suitable for the proposed development.
- (8) To ensure the occupants of the properties are safeguarded against excessive noise nuisance.
- (9 - 10) To safeguard the interests of the users of the highway.

Informative(s):

- (1) For the avoidance of doubt, the plans to which this decision refers bear our reference 01, 03, 04A, 05A, 06A, 07A, 08A, 09A, 10A, 11A, 12A, 13E, 14, 15A and 16.
- (2) All proposed adoptable roads and footpaths will require Road Construction Consent, issued by Falkirk Council Development Services.

- (3) Noisy works which are audible at the boundary should only be conducted between the following hours:

Monday to Friday	08.00 to 18.00 hours
Saturday	09.00 to 17.00 hours
Sunday / Bank Holiday	10.00 to 16.00 hours

Deviation from these hours, unless in emergency circumstances, will require the approval of the Environmental Health Manager.

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Director of Development Services

Date: 18 August 2010

LIST OF BACKGROUND PAPERS

1. Letter of Representation from Mrs M Leadbetter, 6 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on
2. Letter of Representation from D Leadbetter, 6 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 9 June 2009
3. Letter of Representation from Owner/Occupier, 2 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 9 June 2009
4. Letter of Representation from Irene Buchanan, 2 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 9 June 2009
5. Letter of Representation from Mr T Shaw, 16 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 9 June 2009
6. Letter of Representation from Mrs Isabel Shaw, 16 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 9 June 2009
7. Letter of Representation from Mr William Murphy Clark, 52 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 10 June 2009
8. Letter of Representation from Mr A G Mansfield, 51 Hazel Road Banknock, Bonnybridge, FK4 1LQ on 10 June 2009
9. Letter of Representation from I M Glencross, 47 Hazel Road Banknock, Bonnybridge, FK4 1LQ on 24 June 2009
10. Letter of Representation from F J Glencross, 47 Hazel Road Banknock, Bonnybridge FK4 1LQ on 24 June 2009
11. Letter of Representation from G Glencross, 47 Hazel Road Banknock, Bonnybridge FK4 1LQ on 24 June 2009
12. Letter of Objection from MR John Divers, 6 Cedar Road, Banknock, Bonnybridge FK4 1JQ on 8 July 2009
13. Letter of Representation from David Thomson, 112 Hazel Road Banknock, Bonnybridge FK4 1LQ on 15 June 2009
14. Letter of Representation from Jaime McGuire, 112 Hazel Road Banknock, Bonnybridge FK4 1LQ on 15 June 2009

15. Letter of Representation from David Weir, 47 Hawthorn Drive Banknock, Bonnybridge FK4 1LF on 15 June 2009
16. Letter of Representation from A Weir, 47 Hawthorn Drive Banknock, Bonnybridge FK4 1LF on 15 June 2009
17. Letter of Objection from Mr David Forssyth, 53 Hazel Road Banknock, Bonnybridge FK4 1LQ on 16 June 2009
18. Letter of Representation from Gerard McGuire, 49 Hazel Road Banknock, Bonnybridge FK4 1LQ on 23 June 2009
19. Letter of Representation from Mary McGuire, 49 Hazel Road Banknock, Bonnybridge FK4 1LQ on 23 June 2009
20. Letter of Representation from Gerard McGuire, 49 Hazel Road Banknock, Bonnybridge FK4 1LQ on 23 June 2009
21. Letter of Representation from Mr C H McFarlane, 22 Auchincloch Drive, Banknock Bonnybridge FK4 1LB on 23 June 2009
22. Letter of Representation from Mrs J McFarlane, 22 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 23 June 2009
23. Letter of Representation from Miss Lindsay Marshall & Mr Christopher Clancy, 51 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 23 June 2009
24. Letter of Representation from E Mooney, 57 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 11 June 2009
25. Letter of Representation from K Mooney, 57 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 11 June 2009
26. Letter of Representation from Mr P Killiard, 12 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 11 June 2009
27. Letter of Representation from Mr P J A Killiard, 12 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 11 June 2009
28. Letter of Representation from Mrs J Killiard, 12 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 11 June 2009
29. Letter of Representation from Heather Gordon, 45 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 11 June 2009
30. Letter of Representation from Alastair Jolly, 45 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 11 June 2009
31. Letter of Representation from W Hiddleston, 53 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 11 June 2009
32. Letter of Representation from Mr and Mrs J Thomson, 24 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 17 June 2009
33. Letter of Representation from Alan McCann, 108 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 22 June 2009
34. Letter of Representation from John Glasgow, 108 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 22 June 2009
35. Letter of Representation from MSP Michael Matheson, 15A East Bridge Street, Falkirk FK1 1YD on 3 August 2009
36. Letter of Representation from Louise McLaren, 49 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 12 June 2009
37. Letter of Representation from John McLaren, 49 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 12 June 2009
38. Letter of Representation from Arlene McLaren, 49 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 12 June 2009
39. Letter of Representation from Robert McLaren, 45 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 12 June 2009

40. Letter of Representation from Mr S Kujawa, 43 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 12 June 2009
41. Letter of Representation from Mrs P Kujawa, 43 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 12 June 2009
42. Letter of Representation from Mark Dyer, 56 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 12 June 2009
43. Letter of Representation from Craig Dyer, 56 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 12 June 2009
44. Letter of Representation from Pauline Dyer, 56 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 12 June 2009
45. Letter of Representation from Graham Dyer, 56 Hawthorn Drive, Banknock, Bonnybridge FK4 1LF on 12 June 2009
46. Letter of Representation from Mr Robert Thomson, 106 Hazel Road, Banknock, Bonnybridge FK4 1LQ on 12 June 2009
47. Letter of Representation from Owner/Occupier, 20 Auchincloch Drive, Banknock, Bonnybridge FK4 1LB on 12 June 2009
48. Approved Falkirk Council Structure Plan
49. Adopted Bonnybridge and Banknock Local Plan
50. Falkirk Council Local Plan Finalised Draft (Deposit Version) as amended by the Final Proposed Modifications (June 2010)

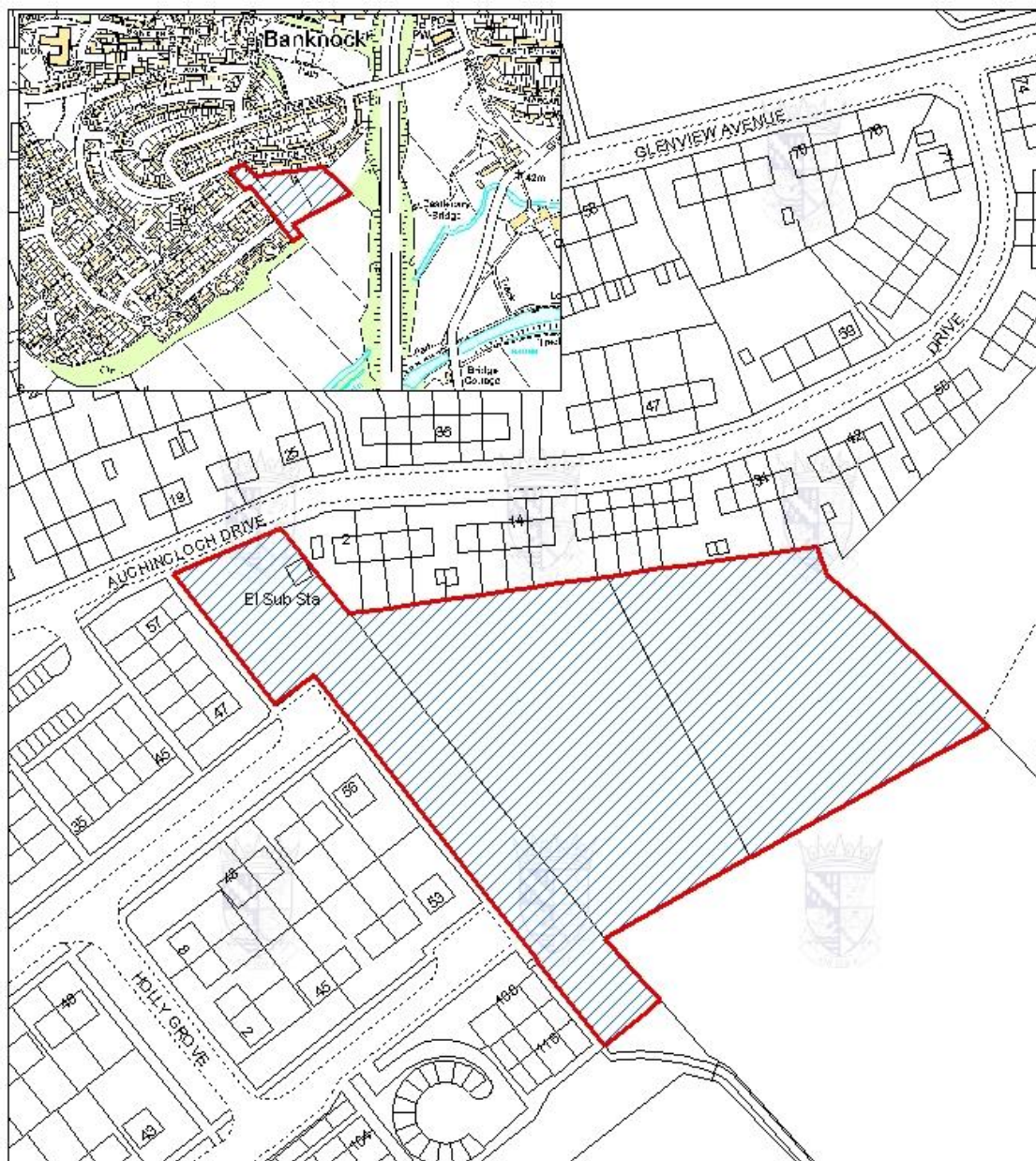
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0386/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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