
Report to: Planning Committee

Date of Meeting: 30 June 2016

Subject: Planning Application 14/00250/MSC: Erection of 250 No. Houses With Associated Roads, Footpaths and Landscaping, comprising Phases 1A and 1B of Village Development at Forestmill - Discharge of Planning Conditions

Report by: Grant Baxter, Principal Planner

1.0 Purpose

- 1.1. The purpose of this report is to provide an assessment of and recommendations on the proposals and details submitted as part of the first application for approval of Matters Specified in Conditions (MSCs) of the Planning Permission in Principle (PPP) granted in July 2011 for the development of a new village (06/00283/OUT) at Forestmill.
- 1.2. The PPP for this development was granted subject to a number of conditions and a Section 75 legal agreement, and was at that time, and still is, the largest application site in Clackmannanshire. The site area covered just under 200Ha and the new village development comprises 1250No. houses, primary school, business units, shops, hotel, golf course, leisure and community facilities with associated roads, footpaths, other infrastructure, open space and landscaping.
- 1.3. This first MSC application includes:-
 1. Proposed changes to the approved Forestmill Masterplan.
 2. Detailed plans for Phases 1a & 1b (250 houses in total) of the development.
 3. Details seeking to discharge specified conditions in order to allow commencement of development on Phases 1a & 1b.
- 1.4. The main body of this report is structured around these three main headings. At the time of the application for planning permission in principle, it was agreed that the first detailed proposals for Forestmill be reported to the Planning Committee for decision.
- 1.5. The submission and determination of this first MSC application for the Forestmill development marks a significant step in the journey towards implementation of this large scale development. Section 3.0 of the report confirms that a number of the conditions have been addressed in respect of

proposed Phases 1a & 1b, however certain conditions have still to be discharged before works can commence on these initial phases. The Service is continuing to work closely with the applicant to address these outstanding matters. This continuing process, which we are monitoring on a regular basis, will ensure the development proceeds in accordance with the planning permission. Only after these conditions have been discharged will the developer be in a position to start the development.

2.0 Recommendations

2.1. It is recommended that the Committee:

2.1.1. Note the proposed changes to the approved Forestmill masterplan

2.1.2. Approve the detailed plans and drawings for Phases 1a & 1b

2.1.3. Approve the application for matters specified in conditions in accordance with Table 1 in paragraph 3.19 of this report.

2.1.4. Refuse the application for relevant matters specified in conditions listed in Table 2 in paragraph 3.20 of this report.

3.0 Considerations

3.1. Neighbour Notification, Publicity and Representations

3.2. A total of 52No. neighbours were notified of the application and a Neighbour Notification advert was placed in the Alloa Advertiser. In response, 3No. representations were received, from the following parties:

- Stan Smith, Gibsley Farm, Forestmill.
- Bill Park, Je Reviern, 3 Old School Gardens, Forestmill.
- Caroline Wright, Wester Gartgreenie, Forestmill.

3.3. On the following grounds:

3.3.1. Concern that the proposed development cuts off rights of access between Fearn's Farm and the main road (Fearn's Road). *Comment: This would be a private legal matter between the developer and other land owners to address, and not a material planning considerations. Public rights of access in the area will be unaffected.*

3.3.2. Concern regarding site construction traffic for Phase 1b passing through the existing Forestmill village, and related concerns regarding road/pedestrian safety. Request that the construction access route to Phase 1b avoids passing through the existing village. *Comment: Final details of construction traffic routing and management still require to be considered and approved before works commence on site, however, final arrangements are likely to involve some traffic using the existing road through Forestmill. Suitable management arrangements will be imposed*

to minimise impacts on the amenity of residents. We will examine the scope for local liaison arrangements.

3.3.3. Concerns that Fearn Road and the section of road through the existing Forestmill village are unsuitable for additional traffic related to the proposed development. *Comment: Improvements to Fearn Road and its junction with the A977 are not finalised. These will be agreed in consultation with the Roads Service and implemented before occupation of the houses in Phase 1b, and will include an upgraded junction and traffic calming through the village.*

3.3.4. Comments about the new development's potential to enhance existing infrastructure, including electricity, sewerage, heating and broadband serving the existing village. *Comment: Whilst there is no obligation on the developer to provide infrastructure to existing properties, it is anticipated that the development will bring infrastructure improvements to the existing settlement.*

3.3.5. Concern about potential flood risk caused by the development to existing houses in Forestmill. *Comment: SEPA have endorsed the flood risk assessment and proposals for Phases 1a & 1b, and are satisfied that they will not increase flood risk to existing properties.*

3.4. Consultations

3.4.1. Roads:

Flood Risk: Where culverting of watercourses is required to serve future phases, these will require to be designed and maintained to manage risks of blockage.

TA/Travel Plan: Initial concerns were expressed regarding the adequacy of information received with the application, and the absence of proposals for improvement to the existing road network. This was distilled down to four key issues:

(i) The absence of proposals to promote sustainable modes of transport, and rely less upon the use of the private car. *Comment: We agree that the travel plan cannot be agreed at present for this reason. Condition 2(i) is not yet discharged.*

(ii) Access arrangements. Alternative proposals for the junction of Fearn Road and the A977 are required. *Comment: The original indicative masterplan showed a new road junction and roundabout. Neither are now proposed. The applicant is formulating alternative proposals in consultation with the Road Service. Condition 4(b) is not yet discharged.*

(iii) Transport for primary and secondary school education. The applicant has not addressed this issue in the Travel Plan. *Comment: We agree with this observation. There will be a significant period of time before the planned Forestmill Primary School is built and in use. Transport implications remain unclear. One option being examined is a*

temporary school facility at Forestmill that could revert to housing when the permanent school is complete.

(iv) Phasing of road improvements. This information has not been provided. Comment: *Table 2 confirms that a village wide phasing plan has not been agreed. Condition 4 (c) cannot be discharged.*

Notwithstanding the foregoing comments we are in a position of having largely agreed the site layouts for phases 1a and 1b, and these can be approved.

- 3.4.2. Scottish Water: No objections. Comment: *The applicant will require to liaise further with SW once detailed plans are approved in order to ensure sewerage and drainage infrastructure meet their requirements.*
- 3.4.3. Environmental Health: Require further information in respect of road traffic noise assessment. Comment: *A Road Traffic Noise Assessment has been submitted, but requires to be updated to take account of current Phase 1a layout and boundary treatment proposals. It cannot be approved in its current form.*
- 3.4.4. SEPA has endorsed the FRA and now satisfied that Phases 1A and 1B of the development will be above a 0.5% (1:200) flood, including an allowance for climate change. SEPA is satisfied that the proposed development will not increase the risk of flooding to other properties. SEPA recommend discharge of Condition 2a. endorse the SUDs strategy, and recommend partial discharge of 2b. Waste Management Plan is acceptable and follows guidance.
- 3.4.5. Regional Archaeologist: Recommends that a field evaluation is undertaken in respect of Phases 1a & 1b. Comment: *An archaeological field evaluation is required to be carried out before Phases 1a & 1b can commence.*
- 3.4.6. The Coal Authority: No objections. The site lies in the High Risk Area and as such, a condition is proposed in respect of site investigations to establish ground conditions and the need for any remedial works before development commences. Comment: *The planning permission for Forestmill pre-dates the current consultation arrangements with The Coal Authority, and there is no specific condition regarding site investigation. Whilst additional conditions cannot now be added at this MSC stage, an informative note can be added to the decision notice to advise the applicant of The Coal Authority's advice.*
- 3.4.7. Land Services: Comments on the need for tree protection measures. A tree survey is required. Details of planting proposals generally acceptable. Comment: *A full tree survey for the whole site has now been submitted as part of this application and is satisfactory.*
- 3.4.8. Health & Safety Executive: Recommend condition can be discharged provided their specifications for the upgraded gas pipe are adhered to. Comment: *The applicant has indicated that the intended specification will comply with HSE's standards, but this has not been produced as yet, and*

will require liaison with Scottish Gas Networks who operate the pipeline. Condition 4(f) cannot be discharged at this stage.

3.4.9. Clackmannan Community Council: No response received.

3.4.10. Fife Council: No comments received.

3.4.11. Scottish Gas Networks; Awaiting applicant's proposals for gas pipe relaying.

3.5. Development Plan Position

3.6. As noted in Section 1, above, the entire Forestmill development is allocated as a development proposal in the adopted LDP. In this respect, the LDP reflects the provisions of the PPP and related Section 75 Agreement for the development. The principle of the development to which this MSC application relates is therefore already established and enshrined in the adopted Development Plan. We have examined the detailed proposals in the context of relevant LDP policies, and conditions of the planning permission.

3.7. Key policies that the development requires to comply with include Policy SC5 Layout & Design Principles, Policy SC11 - Development Proposals - Access and Transport Requirements, Policy EA9 - Flood Risk and Policy EA12 - Water Environment. The evidence from the consultation exercise and our subsequent analysis of the proposals described below indicates that the revised masterplan and detailed proposals for phases 1a and 1b meet these policy tests. There is no fundamental conflict with any specific policy guidance.

3.8. Proposed changes to the approved Forestmill Masterplan.

3.9. As noted above, this application sets out detailed proposals for Phases 1a & 1b of the overall masterplan, comprising a total of 250No. houses. These initial phases are located in the northern part of the masterplan site, close to the existing Forestmill village. Phase 1a involves 159No. houses in a linear development running along the A977 frontage and accessed off a new roundabout on the A977. A future commercial area, as part of later phases would adjoin this. Phase 1b involves 91No. houses on a site approximately 200m SE of Forestmill village, on the south side of the River Black Devon and accessed via Fearn Road. These two phases are shown in Appendix 1.

3.10. This represents a proposed change to the masterplan approved at the PPP stage. The area encompassing Phase 1a was previously shown to comprise commercial development and infrastructure elements such as water treatment works and a combined heat and power facility. These facilities are no longer proposed.

3.11. The applicant has indicated that the reason for this change, is to generate turnover at this early phase of the development in order to off-set significant site start-up costs and fund the next phase of development involving a new road bridge crossing of the River Black Devon which in turn will connect Phases 1b and the remainder of the masterplan site the A977. The principle of this approach is considered acceptable. The original plan was prepared before the start of the economic recession, and although the applicant chose

to exclude housing from the area now identified as Phase 1a, there is no site constraint that would have persuaded the Planning Service to impose this land use restriction, so the change in itself raises no environmental or land use conflict. Furthermore, it continues to comply with the LDP designation and guidelines for the site. A revised overall masterplan document has been submitted to accompany this current application. The detail of how this proposed change is designed in order to ensure a high quality development, as envisaged for the site, is considered later in this report.

3.12. Detailed plans for Phases 1a & 1b (250 houses in total) of the development.

3.13. As noted above, Phases 1a & 1b are physically separate, being around 200m apart, and separated by the River Black Devon. The sites would also have separate access arrangements, with Phase 1a (159No. Houses) being served off the proposed new roundabout on the A977 that would in time serve the whole development, and Phase 1b (91No. Houses) proposed to have a separate access off Fearn Road, but to be connected to the main site access following completion of the new bridge in Phase 2, as illustrated in Appendix 1.

3.14. The key design elements of Phase 1a are:

- "Village Square" entrance courtyard off new roundabout access.
- Higher density housing blocks fronting square
- Lower density houses on connected shared surface avenues, private courtyards and longer cul-de-sac.
- A mix of house types and designs to provide good quality and varied streetscapes.
- Frontage to A977 comprising a landscaped bund with a mix of masonry walls and metal railing along the top, between the road and the houses and back gardens.
- Path network including riverside trails and pedestrian link to existing Forestmill village along A977.

3.15. The housing layout is somewhat dictated by the linear shape of the site, being constrained by the main road to the north and the river flood plain to the south. The design of the internal streetscape appears well considered, including the village square and shared surface avenues and courtyards. A key issue in the design of Phase 1a has been to ensure a high quality frontage to the A977. The Service has worked with the applicant to ensure that this frontage is of appropriate design quality. This has resulted in a change in design and specification from a timber screen fence to masonry wall, supplemented by decorative railings along the top of the landscaped bund. We want to ensure that the design and articulation of the wall, railings and landscaping is of the highest quality.

3.16. The key design elements of Phase 1b are:

- Housing phase on elevated ground overlooking River Black Devon.

- Access via new junction onto Fearn Road, with future added connection into main access road serving the entire masterplan.
 - Houses laid out in crescents designed as shared surface streets with central neighbourhood park.
 - Pedestrian link to existing Forestmill village.
- 3.17. The layout and design of this second phase are well considered, meeting the design standards set out in the masterplan and providing a high quality living environment that will integrate well with future phases of development.
- 3.18. Overall, the layout and design of Phases 1a & 1b meet the design aspirations envisaged in the originally approved masterplan and in policies of the LDP, is in tune with the Government's Policy Statement, Designing Streets, the Council's development plan policy on layout and design and the related Placemaking Supplementary Guidance.
- 3.19. Details seeking to discharge specific MSCs in order to allow commencement of development on Phases 1a & 1b.
- 3.20. The planning permission for the Forestmill development was framed to incorporate conditions that required additional information, documents and assessments to be submitted and approved before any work could start on site. The following table summarises the information required and the current position in the process of discharging the relevant conditions. Some of these will continue to be discharged on a phase by phase basis, such as flood risk and waste management.

Table 1.		
Condition No. & Subject	Recommendation on Conditions	Discharged <input checked="" type="checkbox"/> <input type="checkbox"/>
2a: Flood Risk Assessment	Condition discharged for Phases 1a & 1b.	<input checked="" type="checkbox"/>
2b: Drainage Impact Assessment	Condition not fully discharged.	<input type="checkbox"/>
2c: Tree Survey	Condition discharged for whole masterplan site.	<input checked="" type="checkbox"/>
2d: Phase 2 Site Investigation	Condition discharged for Phases 1a & 1b.	<input checked="" type="checkbox"/>
2e: Site Waste Management Plan	Condition discharged for Phases 1a & 1b.	<input checked="" type="checkbox"/>
2f: Archaeology Field Evaluation	Condition not discharged.	<input type="checkbox"/>
2g: Road Traffic Noise	Condition not discharged.	<input type="checkbox"/>

Assessment		
2h: Energy Statement	Condition not discharged.	<input type="checkbox"/>
2i: Travel Plan	Condition not discharged.	<input type="checkbox"/>
2j: Health Impact Assessment	Not submitted & No longer required - Condition discharged	<input checked="" type="checkbox"/>
3a-d: Plans and Details of Proposed Development	Condition not fully discharged.	<input type="checkbox"/>
4a: Scheme of Structure Planting	Condition not fully discharged.	<input type="checkbox"/>
4b: Specification & plans of roads, paths etc	Condition not fully discharged.	<input type="checkbox"/>
4c: Phasing Plan	Condition not fully discharged.	<input type="checkbox"/>
4d: Public Art strategy	Condition not fully discharged.	<input type="checkbox"/>
4e: Works to Listed Weir	Condition discharged for whole masterplan site.	<input checked="" type="checkbox"/>
4f: Details of gas pipe re-laying	Condition not discharged.	<input type="checkbox"/>

3.21. As noted from Table 1, whilst the applicant's submission addresses a number of the conditions applied for, there are conditions that remain outstanding (not discharged or not fully discharged) in respect of Phases 1a & 1b. The reasons for this, and what is required to allow the condition to be discharged is summarised in Table 2, below:

Table 2.		
Condition No. & Subject	Reason Condition not Discharged	What is Required ?
2b: Drainage Impact Assessment	No details of foul drainage arrangements or maintenance proposals for SUDs.	Developer to engage with SW to address foul treatment and SUDs maintenance arrangements.
2f: Archaeology Field Evaluation	Archaeological Field Evaluation not submitted.	Developer to carry out Archaeological Field Evaluation

2g: Road Traffic Noise Assessment	Road Traffic Noise Assessment submitted but out of date in respect of current proposals.	Developer to provide updated Road Traffic Noise Assessment
2h: Energy Statement	Insufficient details/commitments in respect of measures to reduce use of energy.	Developer to provide revised Energy Statement meeting terms of the conditions
2i: Travel Plan	Insufficient information on: sustainable forms of transport to discourage the use of the car; phased road improvements; school transport.	Revised Travel Plan
3a-d: Plans and Details of Proposed Development	Further details of frontage boundary treatment required and assessment of construction method plan pending	Developer to provide details of site frontage boundary treatment, and amendments to construction method plan as required.
4a: Scheme of Structure Planting	Clarification needed on final details of landscape plan including proposals for any advanced planting.	Developer to confirm final details of landscaping plan, including advance planting.
4b: Specification & plans of roads, paths etc	Further consideration of outstanding detailed being undertaken by applicant/agent.	Developer to provide details of junction improvements and traffic calming.
4c: Phasing Plan	Indicative phasing details for overall masterplan submitted, and more details for Phases 1a & 1b, but additional work required to fully address condition.	Developer to provide precise phasing arrangements for infrastructure on a phase by phase basis.
4d: Public Art strategy	No details submitted with this phase.	Details can form part of later phases.
4f: Details of	No details of pipeline	Developer, in

gas pipe re-laying	upgrading works submitted.	consultation with SGN to bring forward gas pipeline upgrading works.
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3.22. Given the nature of some of the outstanding MSCs as set out in Tables 1 & 2, above, it is considered that the works cannot not yet commence on Phases 1a & 1b. The Service is continuing to work closely with the applicant to address these outstanding conditions in order to allow works on these initial phases to commence. This process will involve the ongoing submission of information and assessment by the Service, supported by other Services, where required. It is however important to emphasise that this does not prevent the Council from proceeding to examine and approve the site layout plans and house types submitted for phases 1a & 1b. This is something of a continuing process, which we are monitoring on a regular basis to ensure the development proceeds in accordance with the planning permission. Only after these conditions have been discharged will the developer be in a position to start the development.

4.0 Sustainability Implications

4.1. The proposals form the initial phases of the Forestmill masterplan which aims to deliver a new settlement which minimises the use of energy and water, maximises energy efficiency and utilises locally-generated renewable forms of energy where this is viable.

5.0 Resource Implications

5.1. *Financial Details*

5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

5.4. *Staffing*

6.0 Exempt Reports

6.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

- The area has a positive image and attracts people and businesses
- Our communities are more cohesive and inclusive
- People are better skilled, trained and ready for learning and employment
- Our communities are safer
- Vulnerable people and families are supported
- Substance misuse and its effects are reduced
- Health is improving and health inequalities are reducing
- The environment is protected and enhanced for all
- The Council is effective, efficient and recognised for excellence

(2) **Council Policies** (Please detail)

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

10.1 Appendix 1: Plan of Phases 1a & 1b

11.0 Background Papers


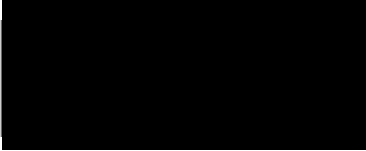
11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Author(s)

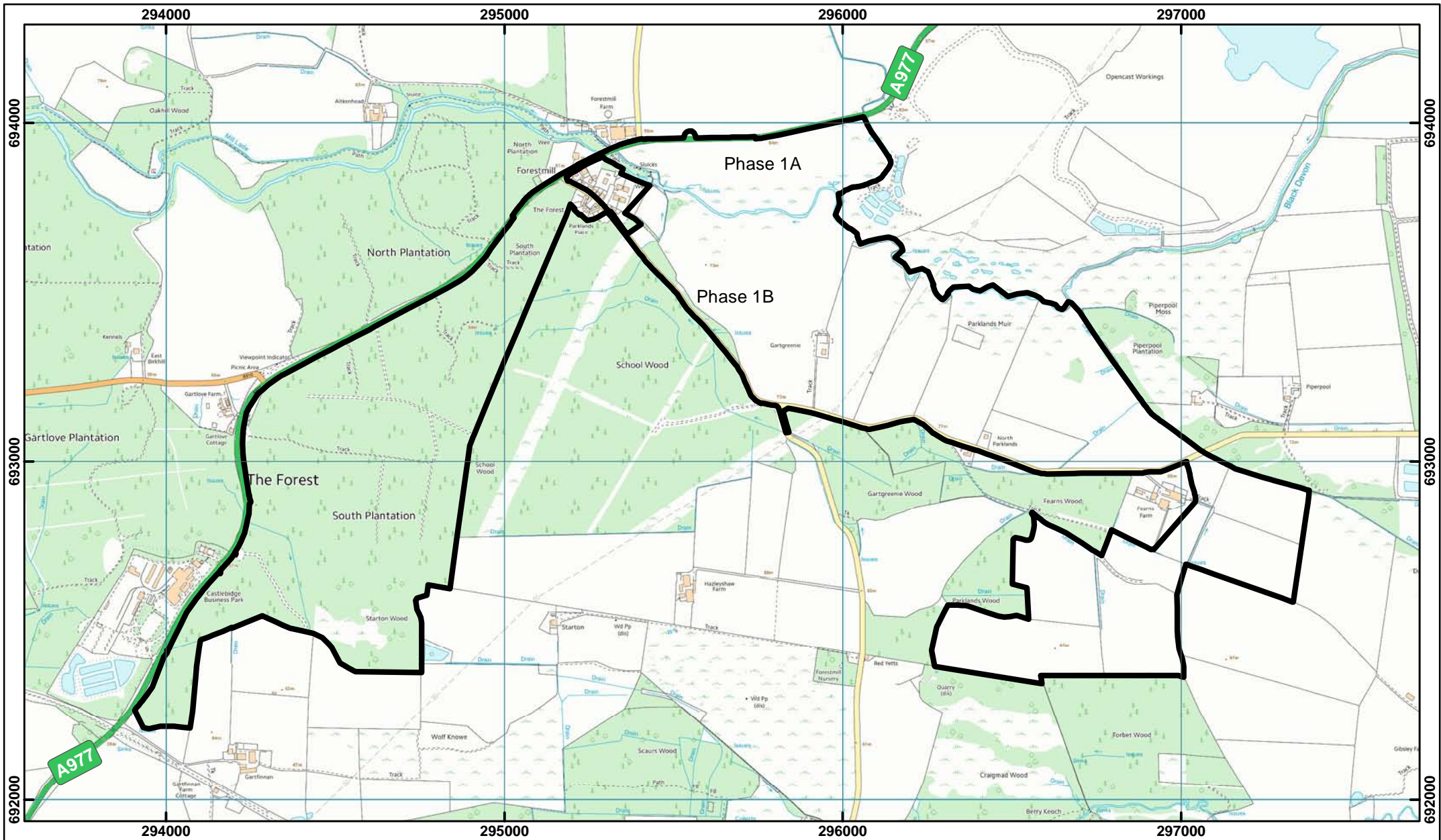
NAME	DESIGNATION	TEL NO / EXTENSION
Grant Baxter	Principal Planner	2615

Approved by

NAME	DESIGNATION	SIGNATURE
Julie Hamilton	Development Services Manager	
Gordon McNeil	Head of Development and Environment Services	

Appendix 1

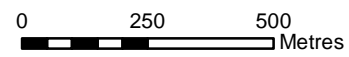




**14/00250/MSC - Land To South And East Of A977, Forestmill
Erection of 250 No. Houses With Associated Roads, Footpaths and
Landscaping, comprising Phases 1A and 1B of Village Development.**

Ward: Clackmannanshire East

OS Grid Ref: NS 99



Scale: 1:15,000

Date:
21-Jun-2016

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