
Report to : Planning Committee

Date of Meeting: 8th September 2022

Subject: Residential Development (Including Education Facilities) With Associated Works Including Access, Parking, Landscaping, Open Space And SUDs at land North Of Blackfaulds Street And Wardlaw Street, Coalsnaughton, Clackmannanshire – Ref: 20/00267/PPP

Report by: Grant Baxter , Principal Placemaking Officer

1.0 Purpose

- 1.1 This report provides an assessment of and makes a recommendation on the above noted planning application. The application requires to be determined by the Planning Committee as, due to the site area, it falls into the “Major” category of developments.

2.0 Recommendation

- 2.01 The application is considered to comply with the relevant provisions of the Clackmannanshire Local Development Plan and there are no material considerations that indicate it should not be approved.
- 2.02 It is therefore recommended that the Planning Committee approve the application for Planning Permission in Principle (PPP) subject to officers concluding a Section 75 Agreement (Planning Obligation) between the Council and the applicant as set out in draft Heads of Terms in Appendix 1 to this report, and a set of detailed Matters to be Specified in Conditions (MSC), as set out in Appendix 2 to this report, subject to any variation by the Committee.

3.0 Considerations

Background

- 3.01 This planning application relates to 11.9Ha of land adjoining Coalsnaughton and Devonside. It extends between Wardlaw Street in the south to Alexandra Street in the north and comprises the western portion of the public park on Wardlaw Street, unused scrub land lying north and south of Blackfaulds Street

and on both sides of the Crankie Brae path, with areas of mature and semi-mature woodland along the site's eastern and western edges and in its northwest corner. Part of the eastern edge adjoins a steep wooded gully, whilst other boundaries are onto roads or residential properties in Coalsnaughton and Devonside. The site and adjoining land generally slope at various gradients downwards from south to north.

- 3.02 The site encompasses land identified in the Clackmannanshire Local Development Plan, adopted 2015 as Housing Proposal H45 which has an indicative capacity of 240 units. The application site also the western part of the public park off Wardlaw Street in the south and an area of scrub and mature/semi mature woodland in the northwest. The LDP site has been a long-standing housing proposal site which was also identified in the previous Local Plan, and this is one of several planning applications that have been submitted for the development of the site since 2005. Planning permission in principle was granted in 2011 for residential development, but was never implemented and has now expired.
- 3.03 This current application is also for Planning Permission in Principle (PPP) for residential development, and also includes land identified for educational facilities. An Indicative Masterplan accompanies the application which shows the likely layout of uses, including housing, education, open spaces and SUDs
- 3.04 The main access to the site would be via Wardlaw Street, to the south, and through the western portion of the existing park. A secondary access is proposed from The Craigs, Devonside at the northern end. Whilst the development spans both sides of Blackfaulds Street, it is not anticipated that this street would be used to serve additional housing development, given its restricted geometry.
- 3.05 The application represents "major" development as the site is greater than 2Ha in size. As such the application was subject to pre-application community consultation. The Pre-application Consultation (PAC) Report accompanies the application and summarises the consultation arrangements and responses received. All consultations and the public event were carried out remotely due to COVID 19 restrictions in place at that time. The developer created a website for the proposals where plans could be viewed and comments made or questions asked during the pre-application period. A total of 10 feedback forms were completed in response to the pre-application consultation, perhaps reflective of the fact the site is a long established LDP housing proposal, with previous planning applications. The PAC Report, accompanying the application summarises the responses.
- 3.06 The application site includes land owned by the Council, however this has no bearing on the planning assessment of this application and should not be material to its determination.
- 3.07 The proposed development was also subject to an Environmental Impact Assessment (EIA) Screening, which concluded that an EIA was not required in relation to the proposals.
- 3.08 The application is accompanied by:
 - Indicative masterplan drawing

- Design & Access Statement
- Education Assessment
- Engineering Design Proposals
- Flood Risk Assessment
- Pre-application Consultation Report
- Preliminary Ecological Appraisal
- Transport Statement
- Planning Statement
- Tree Survey
- Coal Mining Risk Assessment

4.0 Consultations

- 4.01 Roads: Recommendations of Transport Assessment are generally acceptable, but bus stop enhancements are required on B9140; consideration should be given to additional off-street parking at The Craigs; and details of travel improvements around Main Street are required; traffic calming and safe crossing points on the A908 require to be considered. Robust traffic management, school travel plan and possible School Exclusion Zone should be considered as part of the new school annexe proposals. New turning facilities on Blackfaulds Street will require to be designed to an adoptable standard. Detailed comments on indicative layout, including noting the need to address steep site gradients in the road layout. Detailed comments on flood risk, noting the assessment is carried out in accordance with correct methodology, and request for more detailed assessment of impact on received watercourses and surface water. *Comment: The matters in relation to off-site traffic management are largely acknowledged by the developer and can be addressed in conditions/obligation, however there may be limited scope to provide additional parking in the site to serve residents in The Craigs, and indeed there are no means to require residents to use such parking if provided. The shape and topography of the site, to a large extent, dictate a road layout, however the detailed design and use of materials in this can still achieve safe and attractive streetscape. Traffic exclusion zones and school travel plans will be matters for the Council to take forward. The applicant's flooding consultant has responded to acknowledge and clarify detailed flooding points made and confirm that the development provides potential to address any pre-existing localised flooding and drainage issues at the detailed design stage.*
- 4.02 Scottish Water: No objections. The applicant will require to complete a Pre-development enquiry to receive detailed advice on water and waste water capacity and any required mitigation. No surface water run-off will be permitted not combined sewers and should be treated by SUDs.

- 4.03 Regional Archaeologist: Whilst there are no known remains on the site, as it has been undeveloped, there is a possibility of unknown/unrecorded remains, and the village name of Coalsnaughton has links to a Pictish King. In advance of construction, a scheme of archaeological works is recommended, and a condition proposed. *Comment: This can be incorporated in to MSCs.*
- 4.04 The Coal Authority: Initial objection as no coal mining risk assessment (CMRA) submitted, however subsequently re-consulted after submission of CMRA. The Coal Authority now proposes a planning condition requiring further investigation in accordance with the CMRA recommendations. *Comment: The required investigation can be addressed as an MSC.*
- 4.05 Sportscotland: Initially note the reduction in pitch size and advise of the need for further consultation on pitch use and future proposals, such as compensatory measures. Further comments were made following liaison with the Council's Sports Development Team, applicant and school on a set of additional and compensatory measures. Sportscotland provided further advice on minimum pitch size (60 x 40m, or 60 x 50m if possible with 6m margins. Run-offs of 3m) and scale/nature of compensatory measures. *Comment: The indicative site layout shows sufficient space for the minimum pitch sizes and run off areas set out by Sportscotland It would be for the Council, rather than the applicant to provide the recommended minimum pitch size and new and compensatory play and recreation elements in the public park, and therefore, the proposed approach is that the developer will provide a commensurate financial contribution to play and recreation, which the Council would then use to provide facilities, in consultation with the community.*
- 4.06 Environmental Health: Comments on requirement for remediation of contaminated land. Detailed comments on requirements for construction management to retain amenity of the area. *Comment: Contaminated land matters can be addressed by a planning condition. Construction management issues can be covered by a management plan, however any issues of nuisance caused during construction can be addressed via Environmental Health legislation.*
- 4.07 Education: No secondary education impacts that require mitigation. Coalsnaughton Primary School cannot be extended sufficiently to accommodate the additional children from the development. For primary and nursery, a school annexe and developer contribution would be appropriate mitigation. The annexe would serve P4-7, with the existing school serving infant years and nursery. Detailed specification of accommodation needs are provided for the new annexe, but generally comprise 4 classrooms, staff room, an indoor gym/dining hall and car-parking. Detailed costings are provided based on SFT metrics. *Comment: As part of a planning obligation, the developer will be required to provide land and a financial contribution for the provision of the school annexe, in accordance with the Council's Developer Contributions policy.*
- 4.08 Housing: Proposed contribution of £250,000 and 10 affordable units on site are acceptable, based on the affordable housing and developer contributions policy and taking account of other contributions and the development viability issues demonstrated by the applicant, in relation to the impact of

contributions on the development viability. *Comment:* As set out in the planning assessment, below this is the appropriate level of affordable housing contribution arising from the development.

4.09 Tillicoultry, Coalsnaughton and Devonside Community Council (TCDCC) Community Council submitted a detailed response objecting to certain elements of the proposals. This also enclosed a summary of community consultation that the community council had undertaken to seek wider views, before submitting the representation.

- The notional site layout submitted does not constitute a masterplan, and the development should be masterplan led. *Comment:* The applicant has undertaken initial design analysis appropriate with the PPP status of the application, but any plans/layouts are only indicative at this stage. A full masterplan will be required as part of any Matters Specified in Conditions (MSCs) if PPP is granted.
- Concerns about the siting of the school annexe as the Council's preferred option for providing additional primary school accommodation, and expressed preference for an entirely new school (or annexe if determined to be suitable) to be built on the existing public park in the village, in lieu of proposed housing in this location. *Comment:* Options for providing additional primary school space to accommodate the pupils from the new development have been considered in detail by the Council's Education Service, in consultation with Planning, Property and Roads Services and the school. The existing school site cannot accommodate the additional teaching space required, and there are no plans in the Council's capital programme to provide a wholly new school in Coalsnaughton. The land proposed in the application for additional education facilities (school annexe), approximately 130m west of the school along Blackfaulds Street provides a workable solution for the school to function. Detailed assessment and consultation within the community on this proposal will be required, including consideration of further traffic calming and pedestrian enhancement measures in the vicinity.
- Concerns on possible closure of Blackfaulds Street to traffic for residents. *Comment:* The Council's Roads Service have consistently advocated the closure of Blackfaulds Street to traffic, east and west of the new road that would connect the north and south parts of the development site that span Blackfaulds Street. This would eliminate the risk of additional traffic rat-running through Blackfaulds Street, which is a narrow residential street that suffers on-parking issues. Details of how and precisely where the street would be closed and associated street works will be subject of further detailed consideration through MSCs which the community council would be consulted on.
- Objection to housing being built on part of the public park as shown in the indicative proposals. Accepted that access would come through the park, but with housing alongside as this will reduce the size of this community asset. *Comment:* The development proposes access from Wardlaw Street via the western end of the park, as has previously been accepted. The addition of housing alongside has been considered in consultation with the Council's Sports Development Team and

Sportscotland. Discussions were held with the developer on enhancements they could deliver within the remaining parkland. The primary school was consulted on this and carried out a survey of families to assess what facilities were wanted. A range of enhancements to the play and recreation offer in the park were proposed, including a MUGA, new play area, improved pitch drainage, new play surfacing and paths and removal of the derelict changing building. A developer contribution towards play and recreation enhancements that is appropriate to deliver the range of enhancements proposed would form part of a planning obligation if PPP is granted. As such, Sportscotland have indicated that a reduced pitch size would be acceptable, alongside enhancement measures, The minimum pitch size can be accommodated with the proposed development alongside and the precise nature of such enhancements would be subject of further community consultation.

- Concern that proposals to deal with surface water run off may create or exacerbate flood risk elsewhere in the community. Comment: *The PPP application is supported by a flood risk assessment and drainage impact assessment outlining how water will be managed in the proposals, and include new on-site SUDs basins. There are no objections to these proposals in respect of surface water management or flood risk from SEPA, Scottish Water or the Council's Roads Service who are the flooding authority, and further detailed proposals on water management will form part of MSCs.*
- Concern regarding impact on biodiversity, trees, woodland and hedges. Comment: *Whilst the site is not subject to any statutory habitat, tree or landscape designations, development will require, as far as possible, to protect and enhance habitat and biodiversity. The application is accompanied by a Habitat survey, and further discussions in light of comments from SWT have indicated the need for sufficient set back of built development from adjoining woodland. MSCs will include the need for details of wildlife and habitat protection and enhancement in the detailed scheme.*

5.0 Representations

5.01 A total of 140 neighbours were notified of the application, which was also advertised in the Alloa Advertiser, and was subject to pre-application consultation by the applicant. In response, ten objections were received from the following parties:

- Hannah Tainsh, 15 Dunmoss View, Coalsnaughton
- Andrew Tasker & Erin Barr, 10 Dunmoss View, Coalsnaughton
- James Brown, 26 Dunmoss View, Coalsnaughton
- Nicholas Smith, 23 Dunmoss View, Coalsnaughton
- Colin and Catriona Rennie, 16 Hawthorn Avenue, Coalsnaughton
- Anne Bernard, 67 Blackfaulds Street, Coalsnaughton

- David Budd, 28 Hawthorn Avenue, Coalsnaughton
- Simon Woodward, 20 Benbuck View, Coalsnaughton
- Dr Graham Hunter, Glenhead Cottage, 34 Main Street, Coalsnaughton
- Lawrence Martin, 30 Simpson Drive, Coalsnaughton
- Liz Albert, Scottish Wildlife Trust, Stirling and Clackmannanshire Local Group

On the following grounds:

- Objection to Dunmoss View, to the east of the site, being used as a new access into the development. *Comment: There are no plans to use Dunmoss View to access the development which lies on the opposite side of a steep-sided gorge from Dunmoss View.*
- Concern over loss of greenspace and woodland walks resulting from development. *Comment: The site is largely scrub land, although contains some informal paths and the Crankie Brae route. The development should provide additional and enhanced paths within it and would not affect path routes that existing in adjoining woodlands.*
- The development will put additional stress on utilities. *Comment: There are no objections to the application from utility providers consulted as part of the planning application, such as the Council's Roads Service and Scottish Water.*
- Lack of leisure and recreation facilities to support new residents. *Comment: The development will provide contributions to new and enhanced play and recreation facilities in the public park as well as smaller local play areas in the development.*
- Additional flood risk to houses in Devonside and concern that existing local water issues may be made worse by development. *Comment: The site is not in an identified area of medium or high flood risk on the SEPA flood map. The application is accompanied by a flood risk assessment and there are no flood-based objections from SEPA or the Council's Roads Service as flooding authority. The developer is required to ensure surface water run off rates remain at greenfield levels, and surface water management measures will be set out in detail as part of MSCs to follow..*
- Concern over impact on wildlife and habitat, in particular in woodland at the gorge adjoining the eastern edge of the development, and location of SUDs in woodland in the northwest corner of the site. *Comment: The development will require to ensure sufficient set back of built development from this woodland edge in order to protect biodiversity. Detailed assessment of tree removal and replacement planting that achieves net biodiversity gain will be required as part of MSC applications.*
- Detailed proposals should include measures to enhance biodiversity through appropriate species choice, maintenance and incorporation of nesting/roosting opportunities for birds and bats. *Comment: This can be made a requirement of MSCs if approval is granted.*

- Roads and pavements around the village require upgrading to cope with the development. *Comment: Traffic calming has recently been installed on Wardlaw Street, and appropriate additional traffic calming and pedestrian enhancements will require to accompany the detailed plans.*
- The site contains former brick/tile works and coal working and these areas will need to be addressed to reduce the risk of contamination and building damage. *Comment: These areas have been identified by Environmental Health and the Coal Authority and MSCs can set out conditions that require these ground issues to be fully investigated and addressed.*
- Comments on quality of public engagement and publicity on the application. *Comment: The development of the site has been publicised both through the development plan process and planning applications, involving neighbour notification and advertisement in the local press. The application was also subject to pre-application consultation procedures carried out by the applicant, which are summarised in the PAC Report accompanying the application. Council officers have met and discussed the proposals with Community Council members and the applicant has also met with community council representatives since submission of the application. The local school has been consulted on plans and has carried out its own survey of school families on play and recreation facilities. The community council also organised their own consultation event locally and incorporated views expressed in their representation. .*
- Concern about loss of light, overlooking and loss of privacy. *Comment: The site is allocated in the LDP for residential development. The application is in principle only, and no details of house positions or types has been submitted, other than indicative information. All such details will be subject of further MSC applications, where assessment of impact on any neighbouring properties can be fully made.*
- Concern about noise/disruption during construction. *Comment: Such matters can be addressed through appropriate construction management.*
- Loss of view to hills. *Comment: Private views cannot be protected through the planning process.*

6.0 Planning Assessment

- 6.01 The majority of the site is identified as Housing Proposal H45 in the Clackmannanshire Local Development Plan (LDP) adopted 2015. This shows an indicative capacity of 240 units, and refers to a number of development parameters, including a masterplan, traffic calming, a MUGA, path improvements, new planting and landscaped edges, affordable housing and public art. The additional areas of land outwith the LDP Proposal, but within the application site, are an area containing woodland in the northwest corner of the site, adjoining the west of Devonside, and a the western portion of the public park at the site's southern end.
- 6.02 Policy SC1 of the LDP seeks to ensure a robust and deliverable housing land supply is maintained. Approval of this application for a long-standing allocated site would assist with this aim.

- 6.03 Policy SC2 sets out criteria for the delivery of affordable housing, and seeks on site provision of up to 25% for larger sites such as this and/or commuted sum contribution where it is demonstrated that on-site provision is not possible. In respect of this Policy and Policy SC9 on developer contributions, and related Supplementary Guidance, the Council will consider the impact of contributions on development viability, and may reduce or vary required contributions, including for affordable housing, where these may make development of the site unviable.
- 6.04 In this case, the applicant has highlighted development viability issues in relation to this site, in respect of overall market value and abnormal costs associated with its development, including ground conditions and topography. Development viability information has been submitted confidentially and independently checked by a surveyor appointed by the Council. As a result, the proposed affordable housing contribution for the development is in the form of 10 units on site and a commuted sum of £250,000 for the provision of affordable housing elsewhere.
- 6.05 Policy SC5 deals with layout and design principles. This is a PPP application however is accompanied by an indicative layout, design and access statement. The applicant has also indicated a notional development of 262 units. Whilst this is a PPP application, the site shape, topography and proposed access points, to an extent dictate the generality of the housing layout and this is referenced in the Design and Access Statement. Further technical and design work is required to produce a detailed layout and such work should be in the form of a masterplan-led approach as advocated by the LDP. Such an exercise is also the suitable means to inform on the final house numbers that the site can accommodate, rather than an arbitrary number being imposed at this stage.
- 6.06 Roads and Transportation have provided some detailed comments on layout and design characteristics that should inform streetscape, and these principles are set out in more detail in the SG3 Placemaking. One particular consideration in this site is that housing layout and design should seek to avoid large areas of cut and fill and significant level differences between adjacent houses and gardens that are too steep to be useable. Such matters can be addressed at MSC stage, with appropriate design information that will also accord with Policy SC6 on additional design information.
- 6.07 Policy SC7 deals with energy efficiency and low carbon development, and whilst it has to some extent been superseded by changes in Building Regulations, a MSC can seek details of energy efficiency elements in the development.
- 6.08 Policy SC9 deals with developer contributions and is supported by SG1. As noted under Policy SC2, Affordable Housing, above, development viability considerations have been raised by the applicant and considered by the Council, with the assistance of an independent surveyor, and it is clear that the site has limited viability, and therefore the level of contributions proposed and considered appropriate has been adjusted accordingly.
- 6.09 Affordable housing is already referred to above. In respect of education, Coalsnaughton Primary School cannot accommodate the additional pupil numbers arising from the development. Education Services have set out the

space requirements for additional primary and nursery accommodation to serve the development, but that these cannot be accommodated in the existing Coalsnaughton Primary School site. In consultation with the Council's Planning and Education Services, the applicant proposes to provide land for a school annexe (if deemed to be required), on the south side of Blackfaulds Street, approximately 130m west of the existing school. In practice, this could function as the "upper years" of the school (P4-P7), with the existing school site providing for nursery and infant year (P1-P3). In addition to the land, the applicant would provide a commuted sum towards education provision of £600,000.

- 6.10 Public art provision would be in the form of a £250 per house contributions, in accordance with SG1. Play and recreation and transport contributions issues are addressed below.
- 6.11 Policy SC10 of the LDP seeks to retain and enhance the provision of community facilities and open spaces. The policy makes a presumption against developments that would result in the loss of open spaces unless certain criteria apply. Circumstances where such development will be permitted include where this would not be detrimental to the value and function of open spaces and the proposal would result in the provision of alternative facilities of equivalent or enhanced value or function. The policy notes the need for consultation with Sportscotland in such cases, in respect of assessment of existing and proposed provision.
- 6.12 In this case, the development would entail construction of an access road and a small number of house units on the western part of the public park on Wardlaw Street. It has been a long established principle of this development that a portion of the park would be used for providing access to the development, and the possibility of a small number of houses. In accordance with Policy SC10, and guidance from Sportscotland, consultation has taken place on this matter, involving the applicant, the Council's Sports Development team as well as the local school. As a result, it was demonstrated that the grass pitch in the park was under-used and a smaller pitch could serve the needs of the community,(within minimum sizes recommended by Sportscotland) accompanied by a range of enhancements in the park, including a new play area, MUGA, new surfaces, paths and removal of the derelict changing building.
- 6.13 The delivery of these types of improvements are within the Council's control, and in recognition of the scale of enhancement required, the developer would provide a commuted sum of £200,000 towards open space, play and recreation enhancement which the Council would use, in full consultation with the community, to enhance the public park.
- 6.14 Policy SC11 deals with the access and transport requirement for new developments. In this case, the main development access is from the south via the B9140 at Wardlaw Street, as per previous proposals. This application also proposes a secondary access at the northern end, via The Craigs, leading on to Alexandra Street (A908). The main road running south to north through the site would connect at both ends, and also crosses Blackfaulds Street, which runs east to west. It is proposed that development traffic would not be permitted to access Blackfaulds Street, due to the restricted width and on-street parking on this residential street. As such, Blackfaulds Street would

be stopped up to vehicle traffic at its western end, allowing active travel modes only to access the development and Blackfaulds Road, to the west.

- 6.15 Additional traffic calming and pedestrian/cycle enhancement measures will be required on Blackfaulds Street, around the school and proposed school annexe and on Alexandra Street to reduce vehicle speeds and allow safe crossing onto the national cycle route, opposite. Traffic calming measures have recently been installed by the Council on Wardlaw Street (B9140), however enhanced bus stops, involving raised bus boarders will need to be provided by the developer. These matters can be addressed in MSCs or the planning obligation.
- 6.16 Policy SC20 seeks to ensure that developments are served by the required standards of water and drainage infrastructure and Policy EA9 deals with managing food risk.
- 6.17 Scottish Water have no objections to the application but will require the developer to submit a pre-development enquiry if planning permission is granted to confirm capacity or advise on required upgrades to water or waste water networks. No surface water will be permitted in the combined sewers, and SUDs are proposed to deal with this in any event, as shown on the indicative layout.
- 6.18 The site is not within the identified medium or high flood risk area as identified by the SEPA flood map, however a flood risk assessment by an engineer accompanies the application. It concludes that the development is not at risk from flooding and will not create or exacerbate flood risk elsewhere. The Council's Roads Service, as flooding authority, has made comments requiring further clarification on impacts to adjoining water courses and the need to ensure that surface water flood risk is properly addressed. The engineer has responded to these points, and further clarification can be made on these detailed matters as part of MSC applications.
- 6.19 Policy EA2 deals with habitats and biodiversity and Policies EA6 and EA7 deal with woodlands, trees and hedgerows. The site is not subject to any statutory habitat, tree or landscape designations. Trees and woodland adjoin and form part of the site's eastern and western edges and part of the northwest corner. The application is accompanied by a preliminary ecological appraisal, which notes the development will result in the loss of habitat of local importance that exists currently on the site. The report makes a series of recommendations for further detailed surveys before any works commence on site, and these matters can be dealt with as an MSC.
- 6.20 The application will result in a degree of tree loss and a tree survey has been submitted assessing trees in and adjoining the site. A SUDs basin proposed in the northwest corner of the site would require a small number of mature trees to be removed. Linear areas of mature woodland along the west and east side of the site may be at risk from detrimental impact should built development come too close to their roots/canopy. There is a need to ensure an appropriate setback distance from such trees to houses, in order to ensure their health is retained and also that they do not create safety/amenity issues for residents in the future. This matter will require further assessment and as such can be recorded as an MSC in any approval.

- 6.21 An MSC can also be used to ensure that new landscaping and planting proposals are based on supporting and enhancing biodiversity and habitat in the area.
- 6.22 Policy EA20 seeks to protect unscheduled archaeological resources, and as noted, there is a requirement for an archaeological investigation on the site before development commences, due to the possible existence of unknown/unrecorded remains.

7.0 Summary

- 7.01 In summary, the application accords with the relevant provisions of the adopted LDP, and outstanding matters can appropriately be addressed by MSC or the proposed planning obligation. These additional provisions would address comments from representations and consultation responses.

8.0 Resource Implications

8.1 Financial Details

- 8.2 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

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

9.0 Exempt Reports

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

10.0 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)

- Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all
- Our families; children and young people will have the best possible start in life
- Women and girls will be confident and aspirational, and achieve their full potential
- Our communities will be resilient and empowered so that they can thrive and flourish

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

11.0 Equalities Impact

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

Yes No

12.0 Legality

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

13.0 Appendices

13.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 – Indicative Heads of Terms of Planning Obligation

Appendix 2 – Planning Conditions and Reasons and List of Plans and Documents to be Approved

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

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Approved by

NAME	DESIGNATION	SIGNATURE
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APPENDIX 1

INDICATIVE HEADS OF TERMS OF PLANNING (SECTION 75) OBLIGATIONS COVERING COMMUNITY INFRASTRUCTURE REQUIREMENTS ARISING FROM DEVELOPMENT –

Residential Development (Including Education Facilities) With Associated Works Including Access, Parking, Landscaping, Open Space And SUDs at land North Of Blackfaulds Street And Wardlaw Street, Coalsnaughton, Clackmannanshire –Ref: 20/00267/PPP

Subject Matter	Proposed Approach
Education Provision	<ul style="list-style-type: none">• The developer will transfer the education land identified in relevant plans to the Council at nil cost, at a stage in the development to be agreed between the parties. If the land is deemed not to be required for educational purposes, the contribution will be adjusted accordingly.• The developer will require to pay the Council a financial contribution of not less than £600,000 towards expansion of the primary and nursery school estate, at a stage in the development to be agreed between the parties.
Transportation Infrastructure - Offsite Transportation Works	<ul style="list-style-type: none">• The developer will provide for traffic management measures on Blackfaulds Street in the vicinity of Coalsnaughton Primary School and the education land referred to above; traffic management and safe pedestrian/cycle crossing measures on the A908 road at Alexandra Street, Devonside; and enhancement to bus stops on the B9140, Wardlaw Street, Coalsnaughton, in the vicinity of the development.• Such measures will require to be provided at a stage in the development to be agreed between the parties.

<p>Affordable Housing</p>	<ul style="list-style-type: none"> • The developer will require to pay the Council a financial contribution of not less than £250,000 towards the provision of affordable housing in the local area, at a stage in the development to be agreed between the parties. • The development will include a minimum of 10No. affordable homes, as defined by the Council's Affordable Housing Supplementary Guidance, August 2015
<p>Play and Recreation</p>	<ul style="list-style-type: none"> • The developer will require to pay the Council a financial contribution of not less than £200,000 towards the provision of open space, play and recreation facilities in Coalsnaughton, at a stage in the development to be agreed between the parties.
<p>Public art</p>	<ul style="list-style-type: none"> • The developer will pay the Council a financial contribution of not less than £250 per house towards the provision of public art at a stage in the development to be agreed between the parties.

Appendix 2

Conditions and Reasons -20/00267/PPP – Coalsnaughton North

Conditions

1. (a) Before any construction works commence on site, the written approval of the Council as Planning Authority shall be obtained for the details of the siting, design and external appearance of all buildings, the means of access, landscaping and associated infrastructure. (Matters Specified in Conditions (MSC)).

(b) Particulars of the MSCs referred to in item (a) above shall be submitted for consideration by the Planning Authority, and no work shall begin until written approval has been given.

2. The application or applications for the approval of MSC described in Condition 1 above shall include:

a) Site Layout Plans at a minimum scale of 1:500 showing the position of all buildings, public utility and energy infrastructure, roads, footpaths, parking areas, public and private spaces, walls, fences, active and passive open spaces, play facilities and landscaping.

b) Plans and elevations of all buildings, showing the dimensions and type and colour of external materials.

c) Details of existing and finished ground levels and finished floor levels, in relation to a fixed datum (preferably Ordnance Survey) and including levels immediately adjacent to the site.

3. The application or applications for the approval of MSC described in Condition 1 above shall include:

a) A detailed masterplan, design briefs and design coding, prepared in accordance with the Scottish Government Policy Statement, Designing Streets, and which shall meet the six qualities of successful places, set out therein.

b) A detailed phasing plan setting out the programme for the construction and of all buildings, means of access, landscaping and the provision of all on and off-site supporting infrastructure.

c) A detailed Flood Risk Assessment Addendum to the Flood Risk Assessment prepared by Kaya Consulting Ltd, dated October 2020. This assessment will have specific regard to the safeguarding of the proposed development and existing downstream properties from all potential forms of flood risk, including surface water flooding, arising from the development of the site and analysis of impacts on existing watercourse to the east and west of the site.

d) A Drainage Impact Assessment prepared in accordance with the advice contained in "Drainage Assessment - A Guide for Scotland" and proposals prepared in accordance with "Sustainable Urban Drainage Systems - Design Manual for Scotland and Northern Ireland". These will include connections to existing infrastructure and upgrading thereof, the provision of on-site filtration and attenuation facilities, design for biodiversity, and including appropriate planting, timescales for implementation and arrangements for future maintenance.

e) An Arboricultural Impact Assessment, based on the Tree Survey and Arboricultural Constraints Report by Alan Motion Tree Consulting Ltd, dated 25 November 2020, and setting out details of all impacts on trees within and adjoining the site arising from the proposed development, in particular areas of woodland in the northwest of the site and adjoining east and west boundaries. Such assessment will propose minimum set back distances from buildings to mature trees, all tree works required within and adjacent to the site and details of compensatory planting.

f) A Construction Method Plan or plans that contain the arrangements to minimise the environmental and road safety impact of construction activity and all vehicle movements on the adjacent public road network, including hours of operation, during the construction phase or phases of the development. The plan will include community liaison arrangements.

g) An Energy Statement, comprising the measures to reduce the use of energy in the construction phases and within the completed development including:

- (i) Site layout proposals to maximise benefits from the environment;
- (ii) Energy efficiency building design techniques;
- (ii) Thermal efficiency techniques in building design;
- (iv) Proposals to maximise the use of renewable energy sources;
- (v) The incorporation of sources of and facilities for renewable energy in the development.

h) A detailed Transport Statement setting out the transport implications of the proposed development and identify all on and off-site measures required to ensure sustainable and environmentally efficient proposals, including:

- (i) Traffic calming and bus boarding facilities on Wardlaw Street (B9140);
- (ii) Traffic calming and active travel enhancement measures on Blackfaulds Street, between the development (including education facilities) and Coalsnaughton Primary School.
- (iii) Details of measures to close Blackfaulds Street where the new development road crosses it, including closure measures, turning facilities and active travel measures.
- (iv) Traffic calming and pedestrian/cycle crossing facilities on Alexandra Street (A908).

i) A Travel Plan, including a residential travel, prepared in accordance with the Council's advice on Travel Plans for Housing Developments. It shall incorporate:

- (i) Measures to reduce the need to travel;
- (ii) Measures to promote and facilitate access to public transport;
- (iii) Measures to promote and facilitate walking and cycling within the development and connecting to existing path and cycle networks and off-site improvements to existing networks;

- (iv) A detailed travel plan for proposed retail use, taking account of the above principles;
- (v) Modal split targets with 5 year review periods;
- (vi) Monitoring of recommendations, actions and outcomes for a period of 3 years.

j) All roads, parking, shared surfaces and paths within and provided to support the development designed and constructed in accordance with the SCOTS National Roads Development Guide.

k) A landscaping masterplan, details of all hard and soft landscaping proposals, planting schedules and arrangements for future implementation and maintenance, all informed by principles of biodiversity and habitat enhancement, fully in accordance with the recommendations of the Preliminary Ecological Appraisal by Taxus Ecology and its Appendices, dated November 2020.

The development shall thereafter proceed in accordance with the requirements of any approval of MSC issued by the Council unless subsequently otherwise agreed in writing by the Council, as Planning Authority.

4. No development shall take place until:

a) a desk study detailing the history of the site, hazardous materials, substances used together with details of a site investigation strategy based on the information revealed in the desk study has been submitted to and approved in writing by the Local Planning Authority;

b) any intrusive site investigation approved as part of the site investigation strategy in a) above, has been carried out comprising: sampling of soil, soil vapour, ground gas, surface water and groundwater to the satisfaction of the local planning authority. Such work to be carried out by suitably qualified and accredited geoenvironmental consultants in accordance with the current U.K. requirements for sampling and testing.

c) written reports of:

i) the findings of the above site investigation and

ii) a risk assessment for sensitive receptors together with a detailed remediation strategy designed to mitigate the risk posed by the identified contamination to sensitive receptors have been submitted to and approved in writing by the Local Planning Authority.

The buildings hereby permitted shall not be occupied until:

a) any remediation works approved as part of the remediation strategy have been carried out in full and in compliance with the approved strategy. If during the remediation or development work new areas of contamination are encountered, which have not been previously identified, then the additional contamination should be fully assessed in accordance with part 1 (b & c) above of this condition and an adequate remediation scheme shall be submitted to and approved in writing by the Local Planning Authority and fully implemented thereafter;

b) a verification report, produced on completion of the remediation work, has been submitted to and approved in writing by the Local Planning Authority. Such report shall include:

- i) details of the remediation works carried out and
- ii) results of verification sampling, testing and monitoring and
- iii) all waste management documentation showing the classification of waste, its treatment, movement and disposal in order to demonstrate compliance with the approved remediation strategy.

If during the development work, areas of contamination are encountered, then the applicant shall immediately notify the Local Planning Authority. The nature and extent of any contamination found shall be fully assessed by way of a site investigation and an adequate site investigation report and remediation strategy shall be submitted to and approved by Local Planning Authority in writing. Any remediation work agreed shall be fully implemented and a remediation verification report submitted to and approved in writing by the Local Planning Authority.

5. Prior to the submission of any application seeking approval of a detailed layout of development for the site, intrusive investigations shall be carried out on site in order to establish the exact situation in respect of coal mining legacy at the site. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

a) Any application seeking approval of a detailed layout of development for the site, shall include the following details for consideration and approval by the Local Planning Authority:

- b) A report of findings arising from the intrusive site investigations;
- c) The submission of a proposed layout plan which: identifies the positions of the recorded mine entries; identifies the potential zones of influence of the mine entries; and defines suitable 'no build' zones around these features; and
- d) The submission of details of remedial / mitigatory measures required to protect the development and site from the effects of coal mining related land instability.
- e) Following approval, the remedial / mitigatory measures required to protect the development and site from the effects of coal mining related land instability shall be implemented on site in complete accordance with the approved details.

6. No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority. Such a programme of works could include some or all of the following historical research, excavation, post-excavation assessment and analysis, publication in an appropriate academic journal and archiving, and should involve the following archaeological works:

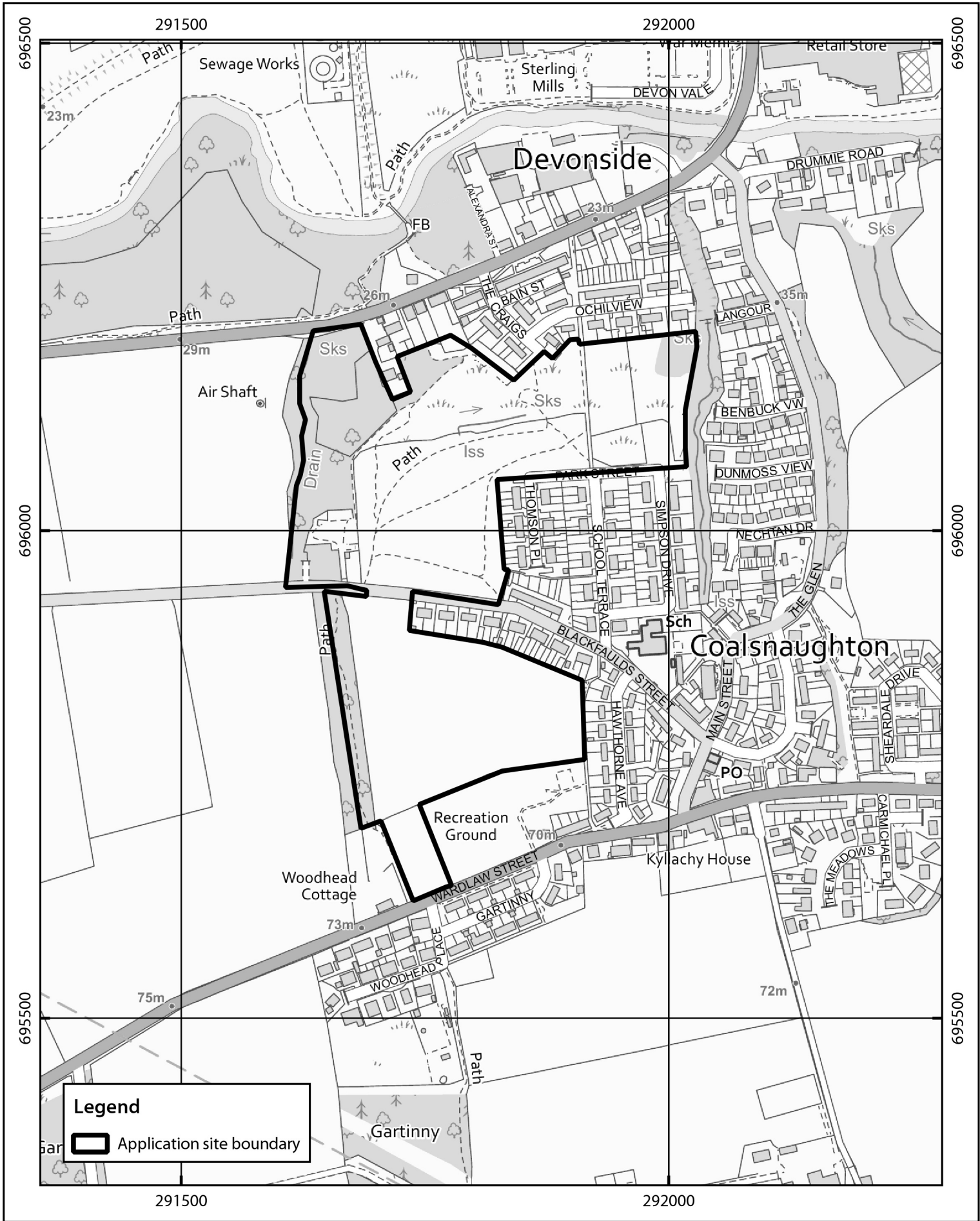
- a) a photographic record of the current site conditions;
- b) a metal detection survey of the development area;
- c) a 5% ground breaking evaluation of the proposed development

Reason for Conditions

1. To accord with the Planning etc (Scotland) Act 2006.
2. In order to ensure that the applications for Matters Specified in Conditions comply with the development that has been approved as part of this planning permission in principle.
3. In order to ensure that the applications for Matters Specified in Conditions comply with the development that has been approved as part of this planning permission.
4. In the interests of environmental safety and residential amenity.
5. In the interests of environmental safety and residential amenity.
6. In order to safeguard and record the archaeological potential of the site.

List of Plans and Documents to be Approved

- Location Plan – 3452/P/100



Date:
19 Aug 2022

20/00267/PPP – Land North Of Blackfaulds Street And Wardlaw Street, Coalsnaughton
 Residential Development (Including Education Facilities) With Associated Works Including Access,
 Parking, Landscaping, Open Space And SuDS

Ward: Clackmannanshire North
 0 50 100 150 200 250 metres

OS Grid Ref: NS917959
 Scale: 1:5,000

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