
Report to **Planning Committee**

Date of Meeting: **4th May 2023**

Subject: **Residential Development Of 244 Houses With Associated Infrastructure Including Roads, Footpaths, Landscaping, Drainage, Open Space And Associated Works at Land North And South Of A91 To The West Of Alva, Alva, Clackmannanshire.**

Report by: **David Paterson, Principal Planner**

1.0 Purpose

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

2.0 Recommendations

- 2.1. It is recommended that the Planning Committee :
- 2.2. Refuse planning permission for the proposed development based on the reasons for refusal set out below.
1. It has not been satisfactorily demonstrated that the proposed development would not be at risk from flooding or that existing residential developments would not be at greater risk from flooding. The proposed development does not accord with policies EA9 and EA12 of the Clackmannanshire Local Development Plan “Managing Flood Risk” and “Water Environment” respectively, policy 22 of National Planning Framework policy 22 “Flood Risk and Water Management”, supplementary guidance SG4 “Water” and Planning Advice Note 79 “Water and Drainage”
 - 2 The proposed development involves development in the countryside which does not accord with policy SC23 of the Clackmannanshire Local Development Plan “Development in the Countryside” and policies 4 and 17 of National Planning Framework 4 “Natural Places” and “Rural Homes” respectively.
 - 3 The proposed development would not safeguard amenity, landscape quality and function of the Green Belt. The proposed development does not accord with policy EA8 of the Clackmannanshire Local Development Plan “Green Belt”, policies 4 and 8 of National Planning Framework 4

“Natural Places” and “Green Belt” respectively and Supplementary Guidance SG6 “Green Infrastructure”.

- 4 The proposal would not contribute to the safeguarding or enhancement of the Clackmannanshire Green Network. The proposal does not accord with policy EA1 of the Clackmannanshire Local Development Plan “Clackmannanshire Green Network”, policy 4 of National Planning Framework 4 “Natural Places” and Supplementary Guidance SG6 “Green Infrastructure”.
- 2.3. If members should wish to grant planning permission, the application will require to be notified to Scottish Ministers and may be called in by Scottish Ministers for final determination in accordance with the provisions of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 taking account of an outstanding objection by SEPA in respect of flood risk.

3.0 Considerations

3.1. Background.

- 3.2. The application relates to 20.69 hectares of arable land intersected by the A91 road adjacent to the existing the western town edge of Alva. The application site comprises of land forming housing proposal H42 as identified by the Clackmannanshire Local Development Plan (LDP) and additional land extending southwards to the River Devon.
- 3.3. The land which comprises housing proposal H42 lies within the Alva settlement boundary as identified in the LDP. The additional land to the south also forming part of the application site does not lie within the settlement boundary and is identified as countryside in the LDP.
- 3.4. The part of the application site at the north side of the A91 road rises in level towards Back Road at the north boundary of the site. This part of the site is also bound by existing residential development to the east, an existing waste recycling station at the north west corner and the track leading to the waste recycling station, and to Balquharn Farm and Cottages, at the west side. There is an existing mature tree belt screening the application site from the waste recycling station.
- 3.5. The part of the application site which lies on the south side of the A91 road is partly bounded by existing residential development to the east, an agricultural access track at the west side and extends to the River Devon to the south. A rural access track extending westwards from existing housing adjacent to the east delineates the southern boundary of housing proposal H42 land which is also the southern edge of the settlement boundary.
- 3.6. The current application proposes the construction of 244 detached, semi-detached and terraced dwellinghouses. This would comprise of a mix of 3, 4 and 5 bedroom mainstream houses totalling 183 units and a mix of 2, 3 and 5 bedroom affordable housing units totalling 61 units.
- 3.7. The part of the site at the north side of the A91 would contain 79 mainstream units and 20 affordable housing units. This part of the site would also include the principle proposed open space and play area. An existing underground water course would be opened up.

- 3.8. The remainder of the mainstream and affordable housing units would be constructed at the part of the site south of the A91 and north of the rural access track extending westwards from the southern edge of the existing residential development to the east. This part of the site would include an open space biodiversity corridor with trim recreation trails at the east boundary.
- 3.9. The southernmost part of the application site which lies in the countryside is intended to accommodate the sustainable urban drainage (SUDS) pond as part of the drainage system to treat surface water runoff.
- 3.10. The application also proposes the construction of a new roundabout at the A91 road from which access to the proposed residential development would be taken. There would also be a new pedestrian crossing and bus stops formed on the A91.
- 3.11. Structural planting at the west boundary of the application site is proposed.
- 3.12. The application is supported by a phasing plan.
- 3.13. This application represents a major development as the site is more than 2.0 Ha in area and also as the construction of more than 50No. houses is proposed. As such the applicant undertook a pre-application consultation exercise, including consultation with Alva Community Council and a drop in event was held at the Cochrane hall on 10 June 2022. Comments made in response to the consultation are addressed in the planning application submission. A summary of the comments received through the consultation and the applicant's response to these is contained within the Pre-application Consultation Summary Report accompanying the application.
- 3.14. The application is also accompanied by a number of technical reports and supporting documents. These include, Biodiversity and Habitat Assessments (including bird, bat, otter and badger surveys) Flood Risk Assessments, Play Area Assessments, Noise Impact assessment, Air Quality Assessment, Affordable Housing Statement, Transport Assessment, Ground Report, Drainage Impact Assessment, Design and Access Statement, Groundwater Modelling and Design Statements (layout design, public art, Designing Streets, energy efficiency, minimising waste, 20 minute neighbourhoods, community benefit, women's safety, electric vehicle charging)
- 3.15. The application site was subject to a previous application for the development of 275 houses, 21/00144/FULL. The application site in respect of application 21/00144/FULL included less land in the area designated countryside in the LDP. Application 21/00144/FULL was withdrawn in order to resolve established flooding concerns.. The proposed development would have been located within a functional flood plain. It had not been satisfactorily demonstrated that the proposed development and existing residential developments adjacent would be protected from the risk of flooding.
- 3.16. Consultations
- 3.17. SEPA:- SEPA object to the proposed development. It is noted that parts of the application site lies within the 1 in 200 years event functional flood plain of the Balquharn Burn located to the west of the application site.

- 3.18. Principally, SEPA do not accept, and consequently object to, built development on a functional flood plain. SEPA also note that the methodology adopted for the flood risk assessments accompanying the application does not calculate and identify the extent of the flood plain. In response to the proposal that the proposed development, and adjoining existing residential development, would be satisfactorily safeguarded from flooding by the existing tracks at the west side of the application site, SEPA advise that this is not accepted. The position, level and construction of the access tracks would not satisfactorily safeguard the site from flood risk posed by the Balquharn Burn. SEPA objects for this reason.
- 3.19. SEPA have also commented on the proposal to open up (daylight) an existing underground culverted water course which crosses the northern part of the application site and then runs under the A91 at the south east corner of the northern part of the application site. The north part of the application site accumulates water at times of heavy rainfall. Since the culvert was created, the north part of the application site also accumulates overflow from the culverted water course. The applicant proposes to daylight the culverted water course and connect it to an existing drain at the south east corner of the north part of the application site which runs under the A91. It is proposed that the daylighting of the water course will alleviate any existing accumulation of water currently running through the culvert. Whilst SEPA agree with the principle of daylighting culverted water courses, they have commented that the applicant has not satisfactorily demonstrated that the daylighted water course in this case would perform as proposed. The applicant has not satisfactorily surveyed and investigated the existing culverted water course to ascertain its route, condition, dimensions, capacity and levels. Without satisfactorily ascertaining these aspects of the existing culverted water course, SEPA advise that it is not possible to satisfactorily model a replacement daylighted water channel. The applicant has not therefore satisfactorily demonstrated that the daylighting of the water course would alleviate existing accumulation of water at the north part of the application site. The proposed development and existing housing to the east would be at risk of flooding as a result and SEPA objects for this reason.
- 3.20. The application also raises the issue of maintenance of flooding defence and resilience measures. It is noted that it is not accepted that access tracks at the west side of the site constitutes an acceptable flooding defence measure to prevent flooding from the Balquharn Burn. It is mooted that the applicant could put maintenance arrangements in place which would render the access tracks an acceptable flooding defence measure. The applicant's case is that the location, construction and level in relation to the application site and proposed development of the access tracks would satisfactorily safeguard built development in the functional flood plain from flooding. The applicant proposes that a maintenance agreement could be put in place to safeguard the integrity of the access track as a flood defence measure. This is not accepted by SEPA. The access tracks do not constitute a formal defence of a functional flood plain. Also the proposed daylighted water course at the north part of the application site would connect to a drain adjacent to the A91, and such connection would require a maintenance schedule in place. These flood defence and drainage measures would necessitate a critical maintenance burden in order to safeguard their function at all times. This burden should not be left to as private factoring company or similar. Only the local authority

would constitute a satisfactory maintenance body as an “in perpetuity” body. The local authority would not take on the maintenance burden for the measures proposed. For clarity, flood defence measures to safeguard flooding of a functional flood plain require to demonstrate existing need, be purpose designed and be approved through a formal process. *Comment:- No exceptional circumstances have been demonstrated in any of the flood risk assessments, or any other details submitted by the applicant, which would outweigh the objections of SEPA in this case. The objections of SEPA are reflected in the recommendation of this report.*

- 3.21. Transportation:- Transportation has advised in terms of transport network impact, layout, flooding and drainage issues.
- 3.22. The proposed access arrangements including the proposed new roundabout at the A91 and positioning of associated traffic calming and crossing arrangements are acceptable in principle. Detailed comments are provided with respect to parking distribution, standard of connections to the existing wider surrounding footpath and transport network, the creation of a bespoke gateway feature at entrance to re-positioned urban edge, number of unites from a private driveway arrangement, inclusion of Scottish Government Designing Streets Policy design features, shared surface step off heights, road surface materials, traffic calming features, electric vehicle charging capability and drainage arrangements. Waste drainage and Sustainable Urban Drainage (SUDS) arrangements are satisfactory. However, Transportation note that the site is known to have high lying ground water. Developing the site could potentially disperse ground water horizontally causing flooding issues to the existing houses to the east. No supporting documentation submitted thus far satisfactorily calculates the extent of existing ground water and the likely impact of the proposed development on the movement of ground water. It is not satisfactorily demonstrated that the proposed development would not put existing houses at risk of flooding. Transportation objects to the application for this reason and views accord with SEPA in terms of flood risk and development within the functional flood plain. Transport object to the proposed development for this reason also. *Comment:- The applicant has satisfactorily addressed concerns with regard to Designing Streets, layout issues, parking and electric vehicle charging capability. Amended details and drawing submitted by the applicant address issues raised. There remain four plots at plot nos. 180-183 which would take access from a private driveway arrangement. It is noted that there is turning capability and that these plots would provide a good frontage to, and afford good visibility over, the A91 road and associated public footpaths. It is considered that on balance the access arrangement at these plots is acceptable. Transportation objections on grounds of groundwater and flooding are reflected in the recommendation of this report.*
- 3.23. Scottish Water:- Scottish Water raises no objection There is capacity in the water network at this time to accommodate the proposed development. The applicant is advised to liaise with Scottish water with regard to any potential off site works and any potential impact on Scottish Water infrastructure and assets. *Comment:- The advice of Scottish Water could be addressed by means of an informative note added to any planning permission.*
- 3.24. Contaminated Land Team:- It is advised that any planning permission should be subject to condition(s) to ensure that appropriate site investigations, and

any mitigations works which may be required as a result, are carried out prior to development of the site to ensure that the land is suitable for the proposed development. Comment:- Any planning permission could be subject to such condition(s).

- 3.25. Education:- Education Services advise that there would be capacity at Alva Academy and relevant denominational primary school to accommodate the proposed development. Alva Primary School is currently running at capacity and could not currently accommodate pupils generated by the proposed development. It is noted however that currently Alva Primary School accommodates library services. The library could be relocated and the school reconfigured to accommodate an additional classroom rendering the school able to accommodate pupils generated by the proposed development. Cost of reconfiguring the school would have to be met by the applicant. The proposed development would also have an impact of the provision of nursery services. The impact of the development could be mitigated by a financial contribution towards the provision of nursery services. Comment:- The mitigation of the impact of the proposed development could be secured by developer contribution secured by means of a Section 75 agreement. This is detailed in section 4 of this report. The applicant has agreed to make the necessary contributions.
- 3.26. Environmental Health:- At the request of Environmental Health, the applicant has submitted Air Quality Impact and Noise Impact assessments. The air quality impact assessment concludes that no mitigation measures are required. Prohibiting burning on site and minimising dust should be secured. The noise impact assessment concludes that windows facing the A91 road should be of appropriate noise reduction standard. Restricting construction activity hours and minimising light pollution is also advised. Comment:- Issues raised could be addressed by conditions attached to any planning permission.
- 3.27. Land Services:- Land Services advise that landscaping proposals and proposed play provision would be satisfactory. Comment:- The advice of Land Services is noted.
- 3.28. Sustainability:- As advised by the Sustainability Team, the applicant submitted appropriate habitat assessments prepared by Acorna Ecology Ltd. The habitat assessments conclude that there is no evidence of roosting bats and that there would be no significant impact on the interests of otters or badgers. Comment:- Any planning permission could include conditions regulating scheduling of development works and requiring appropriate nesting/roosting boxes for bats and birds. An advisory note could guide the applicant to advice on best practice.
- 3.29. The Coal Authority:- The proposed development would not lie within land at high risk from the impact of historic mining workings. The Coal Authority has advised that any planning permission should include an informative note advising that should any mining features be encountered during development the matter is reported to the Coal Authority. Comment:- Any planning permission could include such an informative note.

- 3.30. Alva Community Council:- The Community Council have raised concerns in terms of flooding, drainage, impact on the provision of education services, access arrangements, access to transport links, traffic calming, road safety, impact on wildlife, loss of Green Belt, rejection of previous planning application, ongoing issues with applicant with respect to other sites, lack of facilities and employment and time frame for development. *Comment:- In terms of flooding, Sections 3.17-3.20 of this report with regard to objection from SEPA is noted. Proposed waste drainage and Sustainable Urban Drainage (SUDS) arrangements is considered to be satisfactory. There would be good access to transport links. Access arrangements and traffic calming measures proposed is considered to be satisfactory. It is noted that Roads and Transport has not objected in terms of access, access to public transport, traffic calming and road safety. With regard to impact on wildlife, section 3.28 of this report is noted. No significant impact is envisaged. In terms of Green Belt, section 4 of this report is noted. There would be detrimental impact on the integrity and function of the Green Belt. It is noted that the planning application 21/00144/FULL was withdrawn on flooding grounds. The application did not progress to recommendation or decision. Any potential issues the community council, or any other party, have with the applicant which may or may not be ongoing is not a material planning consideration to the determination of this application. There is no evidence to support the view that the proposed development would not successfully integrate with the Alva community and wider area. The time frame for commencement of development is set out in legislation. In terms of the impact on education provision, section 3.25 of this report regarding the advice of education services is noted.*
- 3.31. Archaeology:- There are no known archaeological sites in the area of the proposed development. There may potentially be however previously unknown medieval and prehistoric settlement remains in the area. It is recommended that any planning permission includes a condition to ensure a programme of archaeological investigation is carried out prior to commencement of development by way of mitigation. *Comment:- Any planning permission could include such a condition.*
- 3.32. National Health Service Forth Valley:- Forth Valley NHS have not advised of any shortfall in health care services in the area. *Comment:- No mitigating measures or developer contribution is required.*
- 3.33. Housing:- It is confirmed that the proposed mix of on-site affordable housing units comprising 2, 3 and 5 bedroom units in semi-detached and terraced blocks is satisfactory. It is also confirmed that the proposal that these units would be taken over by the Council is acceptable. *Comments:- Delivery of on-site affordable housing units can be addressed by means of a Section 75 agreement.*
- 3.34. Representations
- 3.35. A total of 59 No. neighbouring properties were notified of the planning application, and an advertisement was also placed in the Alloa Advertiser on 6 July 2022. In response representations have been received from 61 parties. There have been 53 objections, 6 general comments and 2 letters of support. Representations have been received from:-

3.36. Objectors

Ms Juliet Molteno, 84 Beauclerc Street, Alva, FK12 5LE
Ms Lorraine Burton, 12 Craighorn Road, Alva, FK12 5DN
Mr Douglas Burton, 55 St Serfs Walk, Alva, FK12 5DP
Scott And Susan Marshall, 1 Cleuch Drive, Alva, FK12 5NY
Annika Balonier, 18 Craighorn Road, Alva, FK12 5DN
Mr Rabea Hajjar, 10 Craighorn Road, Alva, FK12 5DN
Mr Gordon Bruce, 8 Dumyat Road, Alva, FK12 5NN
Mrs Pamela Glass, 2 Dumyat Road, Alva, FK12 5NN
Mrs Linda Greig, 10 George Street, Alva, FK12 5AS
Mr Alex Pollock, 75 Cleuch Drive, Alva, FK12 5NY
Mr Alexander Forson, 5 Cleuch Drive, Alva, FK12 5NY
Mrs Christina Wilson, 47 Cleuch Drive, Alva, FK12 5NY
Ms Jean Milton, 37 Cleuch Drive, Alva, FK12 5NY
Val Dolton, 21 Cleuch Drive, Alva, FK12 5NY
Megan Kennedy, 67 Cleuch Drive, Alva, FK12 5NY
Ms M Parry, 69 Cleuch Drive, Alva, FK12 5NY
Mrs Deborah Prentice, 63 Long Row, Menstrie, FK11 7BA
Mrs Louise McIntosh, 4 Stanley Terrace, Alva, FK12 5AU
Mr Bryan Clapperton, 45 Cleuch Drive, Alva, FK12 5NY
Mrs Tracy Leary, 81 Caroline Crescent, Alva, FK12 5BU
Gary Walker, 20 Cleuch Drive, Alva, FK12 5NY
Mr Graham Burt, 45 Beauclerc Street, Alva, FK12 5LD
Michael Philip, 35 Beauclerc Street, Alva, FK12 5LD
Mr Michael Maclean, 2 Blindwells, Alva, FK12 5BA
Mr Paul Cassidy, Cairnbrook, Back Road, Alva, FK12 5LH
Mr James Gilmour, 4 Cleuch Drive, Alva, FK12 5NY
Miss Lindsay Mitchell, 2 Inch View, Alloa, FK10 2FF
Mr Ian Stewart, 14 Keir Hardie Road, Alva, FK12 5NA

Mrs Lynsey Scott, 13 Strude Howe, Alva, FK12 5JU
Mr Les Sharp, Elmbank, 56 Main Street West, Menstrie, FK11 7BS
Nancy Smith, 10 Grodwell Drive, Alva, FK12 5NW
Chrisandra Courtney, 35 Brookfield Place, Alva, FK12 5AB
Mr Iain Anderson, 24 Main Street West, Menstrie, FK11 7BS
Mrs Hazel Cook, 25 Stirling Road, Alva, FK12 5DA
Dr Kareen Gallacher, Greenacres, Back Road, Alva, FK12 5LH
Tanya Strickler, 88 Henry Street, Alva, FK12 5LQ
Angela Laird, 17 Glenwinel Road, Alva, FK12 5NX
Adri-anne Strickler, 88 Henry Street, Alva, FK12 5LQ
Beryl Donnelly, 46 Queen Street, Alva, FK12 5EP
Christina Murray, 30 Cleuch Drive, Alva, FK12 5NY
Miss Emily Adams, 51 The Nebit, Alva, FK12 5DH
Mrs Jean Mckerracher, 4 Maxton Crescent, Alva, FK12 5NE
Miss Lynne Russell, 7 Viewfield Drive, Alva, FK12 5DT
Mrs Marilyn Macgillivray, 47 Beauclerc Street, Alva, FK12 5LD
Mr John Spruce, 58 Dickies Wells, Alva, FK12 5JB
Mrs Victoria Taylor, 25 Glenwinel Road, Alva, FK12 5NX
Eric Barrett, Cera Care, Lime Tree House, North Castle Street, Alloa, FK10 1EX
Amy McCrorie, 3 Glenwinel Road, Alva, FK12 5NX
Mr Jim Maxwell, 19 Clifford Park, Menstrie, FK11 7AQ
Mr Steven Haldane, 4 Blairdenon Road, Alva, FK12 5NL
Mrs A Lancaster, 24 Wharry Road, Alva, FK12 5NT
Colin Smith, 100 Beauclerc Street, Alva, FK12 5LE
Mrs Deborah Cassidy, Cairnbrook, Back Road, Alva, FK12 5LH

3.37. General Comments

Mr John Cunningham, 49 Cleuch Drive, Alva, FK12 5NY
Liz Albert, Scottish Wildlife Trust, Stirling And Clackmannanshire Local Group

Alva PS Parent Council

Iain Craig, Alva Community Council

Graham Gilmour, Alva Community Resilience Team

Mr P McLaren (Silverglen RA), 18 Hodgson Crescent, Alva, FK12 5FA

3.38. Supporters

Miss Ashley Blyth, Woodhill Fishery, Alva, FK12 5HU

Tracey Polley, Crown Inn, 77 Stirling Street, Alva, FK12 5ED

3.39. Parties making representation included the Scottish Wildlife Trust Stirling and Clackmannanshire Local Volunteers Team, Alva Community Resistance Team, Chair of Alva Primary School Parents Group and Silverglen Residents Association who expressed a wish to speak at Committee.

3.40. These representations raised similar issues to that raised by the Alva Community Council detailed in section 3.30 of this report. In addition, the following issues are raised:-

3.41. Settlement creep. *Comment:- Section 4 of this report assesses issues relating to the function of the Green Belt including settlement creep.*

3.42. Detrimental to the character of the Ochil Hills foothill settlements, unacceptable expansion of Alva, loss of green space, unacceptable landscape impact, brownfield sites should be developed, loss of village identity and close proximity to the waste recycling plant to the north west of the site. *Comment:- It is noted that the site which would be developed with housing is identified in the LDP as housing opportunity. When the LDP was adopted in 2015, the principle of developing the site had been fully assessed in terms of housing land requirement in the area, landscape impact and character and settlement creep. The proposal is in keeping with the strategy of the LDP. It is considered that the layout design and level of landscaping proposed would respect the character of Alva and the surrounding area. No significant impact from the existing waste recycling plant on the proposed housing is envisaged. The site is separated from the plant by a tree belt.*

3.43. There is not sufficient water pressure in the area to support the proposed development. *Comment:- It is noted that Scottish water has raised no objection to the proposal and has advised that there is capacity in the water network to accommodate the proposed development.*

3.44. There is not sufficient leisure facilities and play space to support the proposed development. *Comment:- There is no evidence to support the view that there would be significant pressure on leisure facilities in the area as a result of the proposal. The proposal includes a satisfactory level of play and green space on-site.*

3.45. The proposal would be detrimental to the privacy of, daylight to and parking at the existing residential development to the east of the application site. *Comment:- There is sufficient separation between the proposed development and existing housing to ensure there would be no significant impact on privacy*

and daylight. The proposal includes parking which meets the Council's standards.

- 3.46. The impact of construction traffic would be detrimental to the residential amenity and safety of existing residents. Comment:- *There is no evidence to support the view that there would be significant harm to residential amenity and safety over and above what would normally be expected in this case. It is noted that Transportation do not object on these grounds and that construction times, as advised by Environmental Health, can be controlled by condition.*
- 3.47. Lack of public transport. Comment:- *The application site is well placed to provide access to public transport. Additional development may potentially encourage and safeguard public transport services.*
- 3.48. The proposed development does not accord with the Local Development Plan. Comment:- *A full assessment of the LDP is detailed in section 4 of this report.*
- 3.49. There would be a detrimental impact on the function of the public footway at Back Road to the north of the application site. Comment:- *The proposal would provide access to Back Road. Back Road would be adjacent to green space forming part of the proposal. The existing stone wall separating Back Road from the site would be retained. The amenity of Back Road would be safeguarded. There would be no significant detrimental impact.*
- 3.50. Traffic control would be required. Comment:- *Transportation have advised that the proposed new roundabout at the A91 and associated traffic controlling infrastructure is satisfactory.*
- 3.51. The Transport Assessment (TA) submitted in support of the proposed development does not fully address the issues of junction layout, population increase levels, traffic crossing and speed limits. Comment:- *Transportation have advised that the TA is satisfactorily.*
- 3.52. There is no planning statement accompanying the application. Comment :- *The supporting documents accompanying the application are detailed in section 3.14 of this report. This includes planning statements.*
- 3.53. The proposed eastern boundary treatment shown as part of the proposal is not acceptable. Comment:- *The proposal shows green space at the eastern boundary of the site. This would serve to provide separation form the existing housing to the east whilst safeguarding amenity of the existing housing. The proposal is considered to be acceptable.*
- 3.54. Affordable housing provision should be on-site. Comment:- *On-site affordable hosing provision is proposed by the proposed development.*
- 3.55. There is not sufficient parking provision in Alva to accommodate the additional vehicles which would be generated by the proposed development. Comment:- *There is no evidence to support this view. This has not been raised by Transportation as an issue.*
- 3.56. The mix of housing proposed is not satisfactory. Comment:- *The proposed mix of mainstream housing has been proposed as reflecting housing demand*

in the area. There is no evidence to support the view that this is the case. A mix of house types and bedroom provision is proposed. Housing Services have advised that the mix of affordable housing proposed is satisfactory.

- 3.57. No benefit to local shops and businesses. Comment:- *There is no evidence to support this view. It is difficult to support the view that increasing resident numbers would decrease trade locally.*
- 3.58. There is no demand for new housing. Comment:-*National Planning Framework 4, and it's National Planning Policy predecessor, requires planning authorities to identify local housing land requirement for their area to meet it's duty for a housing target. Deliverable land should be allocated to meet a 10 year housing requirement. The application site has been identified as a housing opportunity in the LDP having undergone the appropriate due and diligent process in consideration of housing need and demand.*
- 3.59. Low carbon energy generating technologies should be included. Comment:- *It is proposed to install photovoltaic solar panel and air source heat pump low carbon development energy generating technologies.*
- 3.60. The proposed development would result in an increase of crime and vandalism in the area. Comment:- *There is no evidence to support this view.*
- 3.61. The site is unsuitable due to the presence of Japanese Knotweed. Comment:- *No Japanese Knotweed has been recorded at the site. In any case, the applicant can be advised to take appropriate measures to investigate and if necessary mitigate any presence of Japanese Knotweed during development.*
- 3.62. Open space and play areas will not be satisfactorily maintained. Comment:- *It is noted that the applicant proposes that the responsibility of maintenance of open space and play areas will be passed to a factor. Comment:- This is a standard arrangement in respect of developments of this type. Maintenance for these areas would not be accepted by the Council There is no evidence to support the view that a factoring arrangement would not be successful in this case.*
- 3.63. Garden areas are too small and would not be conducive to good mental health. Comment:- *The garden areas proposed as part of the proposed development meets Council standards in terms of residential amenity and potential for future modest extension.*
- 3.64. The application site is important for agriculture. Comment:- *The application site does not constitute prime agricultural land. There is no evidence to support the view that the land is essential to agriculture.*
- 3.65. The proposal is not sustainable. Comment:- *The proposal generally accords with sustainability related policies of the National Planning Framework 4 and the LDP in terms of transport issues, residential related green space, carbon reduction and biodiversity. It is noted however that the proposal does not accord with LDP policies related to flooding and development in the countryside.*
- 3.66. The proposal does not accord with protection of the countryside guidance as set out by Article 8 of the Human Rights Act. Comment:- *Article 8 of the*

Human Rights Act refers to the principle of development. In this case the principle of development is established in respect of the majority of the site under the terms of the LDP. The majority of the site is identified as an opportunity for housing development following due and diligent Development Plan process. However, part of the site lies in the countryside as identified in the LDP. The proposal does not accord with development in the countryside related policies of the Development Plan.

- 3.67. Development contributions are not utilised for the purposes for which the contributions are intended. Comment:- *There is no evidence to support this view.*
- 3.68. The proposed development is profit driven. The developer has a history of not fulfilling obligations. Protest groups will be organised. Comment:- *These are not material planning considerations in the consideration of the proposed development.*
- 3.69. General comments expressed that maintenance of any open space would be essential, bird and bat boxes would be required and that the provision of education services should be a critical issue.
- 3.70. There were two expressions of support for the proposed development which comment that there is shortage of housing in Alva and that the proposed development would help support the local economy and community facilities.

4.0 Planning Assessment

4.1 National Planning Framework 4.

- 4.1.1 The National Planning Framework 4 (NPF4) was adopted on 13th February 2023 and is now part of the statutory Development Plan. As a consequence, Scottish Planning Policy 2014 is superseded. Decisions on planning applications have to be made in accordance with the Development Plan unless material considerations indicate otherwise. The NPF4 and the adopted Clackmannanshire Local Development Plan 2015 and associated Supplementary Guidance currently comprise the Development Plan. A review of the Local Development Plan (LDP) is underway and will be informed by the policies in the NPF4. Planning applications will be assessed against the relevant Principles, Strategies and Policies in the NPF4 and LDP. As NPF4 provides the latest national planning policy context for the assessment of planning applications, where it is considered there is incompatibility between the provisions of the adopted Clackmannanshire Local Development Plan 2015 and NPF4, the provisions of NPF4 will prevail.

4.2 Local Development Plan Position

- 4.2.1 The application site includes land identified in the Clackmannanshire Local Development Plan (LDP), adopted 2015, as a proposal for residential development, housing proposal site H42 Alva West (circa 430 units). Developing the H42 housing proposal site would accord with Policy SC1 of the LDP.
- 4.2.2 The application site also includes land to the south of housing proposal site H42 which lies in the countryside as identified in the LDP.

4.2.3 Flooding

4.2.3.1 The proposed development would involve the construction of built development within the functional flood plain of the Balquharn Burn located to the west of the application site. It is not been satisfactorily demonstrated, and therefore not accepted, that the position as proposed by the applicant that the level and construction of the access tracks at the west side of the application site would safeguard the functional flood plain and therefore the proposed development from the risk of flooding as proposed by the applicant. Furthermore, it has not been satisfactorily demonstrated that the risk of flooding to existing housing adjacent to the application site would not be created or exacerbated.

4.2.3.2 The applicant proposes to daylight the existing underground water course which crosses the northern part of the application site and this channel contains surface water runoff from the Ochil Hills. The northern part of the application site is known to the Planning and Transportation services to flood causing flooding issues to existing housing adjacent to the east. The applicant proposes that the daylighted channel would carry surface water runoff without any overflow to cause flooding issues. The flood risk assessments thus far submitted do not identify the line, condition, or capacity of the existing underground channel and without this information it is not possible to ascertain if the proposed daylighted channel will be of sufficient capacity to safeguard the proposed development and existing houses to the east from flood risk.

4.2.3.3 Transportation has advised that the application site has ground water issues. Developing the site could potentially disperse ground water horizontally causing flooding issues to the existing houses to the east. No supporting information satisfactorily calculates the extent of existing ground water and the likely impact of the proposed development on the movement of ground water. It has not therefore been satisfactorily demonstrated that the proposed development would safeguard existing houses at risk of flooding. *Conclusion:-The proposal does not accord with policies A9 and EA12 of the LDP and policy No. 22 of NPF4. Objections from SEPA and Roads in this regard are noted.*

4.2.4 Development in the Countryside

4.2.4.1 The proposed development includes sustainable urban drainage infrastructure (SUDS) located in countryside land south of the H42 housing site as identified in the LDP. The urban drainage infrastructure would be integral to the design and function of the proposed residential development. The inclusion of the SUDS at this part of the application site constitutes development in the countryside. The proposal does not accord with any criteria of LDP policy SC23 or NPF4 policies Nos 4 and 17 which detail circumstances whereby development in the countryside be supported and impact on natural places can be assessed. *Conclusion:- It has not been satisfactorily demonstrated that the proposal to locate the SUDS infrastructure required for the function of the proposed residential development in the countryside would benefit the countryside setting in terms of landscape quality, biodiversity habitat protection and creation,*

access opportunities and health and well being. No circumstances have demonstrated to indicate that the SUDS infrastructure cannot be located within the Housing proposal H42 site or justify it's proposed location in the countryside. There are therefore no exceptional circumstances to justify setting aside policies SC24 and NPF4 policies Nos 4 and 17.

4.2.5 Green Belt and Green Network

4.2.5.1 The southern part of the application site is identified as Green Belt and part of the Council's Green Network as identified in the LDP. The Green Belt and Green Network land included in the application site is open in character which reflects the character of the wider foothills area and contributes to the rural setting of the town edge. The proposed development would not safeguard the amenity, landscape quality and function of the Green Belt. The proposal would not contribute to the safeguarding or enhancement of the quality of the Clackmannanshire Green Network. Conclusion:- *Whist the proposed development is unlikely to contribute significantly to settlement creep, there are no exceptional circumstances to justify setting aside Green Belt and Green Network policies in this case. The proposal does not accord with policies EA1 and EA8 of the LDP and policies nos. 4 and 8 of NPF4.*

4.2.6 Layout and Design

4.2.6.1 The development layout has been informed by layout and design principles set out in National Designing Streets Policy, policy SC5 of the LDP, policy 14 of NPF4 and related Placemaking Supplementary guidance. The proposal would deliver a pattern of safe, pleasant, connected, distinctive and sustainable streets. There would be enhanced walking and cycling opportunities connecting to the wider walking and cycling network. Conclusion:- *The proposed development is in accordance with policies and guidance on layout and design.*

4.2.7 Affordable Housing

4.2.7.1 The proposal would provide 61 no. semi-detached and terraced 2, 3 and 5 bedroom affordable houses constructed on-site. The applicant proposes that these houses be adopted by Clackmannanshire Council. Conclusion:- *Housing Services advise that this mix of affordable housing units is appropriate to the need for such housing in the Alva area and that the Council could take the units over when constructed. Delivery of the affordable housing units could be addressed by Section 75 agreement. The proposal accords with policies SC2, SC9 and SC10 of the LDP, policy 16 of NPF4 and relevant supplementary planning guidance.*

4.2.8 Transport

4.2.8.1 The proposal includes a new roundabout to be constructed at the A91 road providing access to the proposed residential development. Traffic calming and pedestrian crossing infrastructure is also proposed. The proposed development is supported and informed by a Transport Assessment (TA).

The TA is satisfactory and transport infrastructure to be developed and provided would satisfactorily address the traffic impact of the proposal. There would be good walking and cycling connections to the wider walking and cycling network enhancing the connectivity of the area. No developer contribution is required in addition to the transport infrastructure proposed. Delivery and phasing of the new roundabout, pedestrian crossing infrastructure and traffic calming measures can be addressed by Section 75 Agreement. Conclusion:- *The proposal accords with transport related and developer contributions policies of the LDP and NPF4 and related guidance.*

4.2.9 Open Space, Play and Recreation

4.2.9.1 The proposal would provide a satisfactory level of safe recreation and green space. There would be a good quality of residential amenity and landscape quality enhancing the landscape quality of the area. Play provision proposed would satisfactorily provide for all ages. No additional developer contribution would be required. Conclusion:- *The proposal accords with policies SC5, SC9 and EA4 of the LDP and policies 14 and 21 of NPF4.*

4.2.10 Biodiversity and Habitat

4.2.10.1 With regard to the housing opportunity site H42 land, the proposal would satisfactorily mitigate any impact on the landscape by the provision of good quality on-site open space and landscaping. It is noted that Land Services advise that would satisfactorily mitigate for any loss of greenspace as a result of developing the H42 site. No significant impact on greenspace biodiversity is envisaged as a result of the proposed siting of residential development SUDS infrastructure at the southern part of the application site.

4.2.10.2 The proposed development is supported by habitat assessments. No significant impact is envisaged in terms of bats, badgers and otters. Appropriate scheduling of development and provision of bat boxes and bird nesting boxes could be addressed by condition(s). Conclusion:-*The proposal therefore accords with policies EA2 and EA3 of the LDP and policies 1, 2, 3 and 4 of NPF4.*

4.2.11 Twenty Minute Neighbourhoods

4.2.11.1 The proposed residential development would provide mainstream and affordable housing within 1.2 km of Alva town centre. There would be good quality walking and cycling connectivity to local shops, amenities and schools. Conclusion:- *The proposal therefore accords with policy 15 of NPF4.*

4.2.12 Community Benefit

4.2.12.1 As a result of the proposed development the community would benefit from enhanced landscaping, access to green space and connectivity to the walking and and cycling infrastructure network. New transport network infrastructure would serve to reduce the speed of vehicles entering Alva from the west. Conclusion:- *The proposal would therefore accord with policy 16 of NPF4 in this regard.*

4.2.13 Women's Safety

4.2.13.1 The proposed development includes good quality connectivity through and beyond the proposed development site. There would be a good quality of overlooking of public paths which would be lit. Lighting of footpath connections to the wider area through areas of landscaping and open space could be addressed by condition. There would be better overlooking of existing paths at the west boundary of the application site and connecting to existing housing. *Conclusion:- The proposal therefore accords with policies 14 and 23 of NPF4 in this regard.*

4.2.14 Energy Efficiency and Low Carbon Development

4.2.14.1 The proposed development would include to photovoltaic solar panel and air source heat pump low carbon development energy generating technologies. *Conclusion:- The proposal therefore accords with policy SC7 of the LDP, policies 1 and 11 of NPF4 and relevant supplementary guidance.*

4.2.15 Waste Reduction

4.2.15.1 The proposed development is supported by a waste reduction statement. It has been satisfactorily demonstrated that an appropriate strategy would be in place with regard to use and movement of soil, building materials and waste separation and recycling. *Conclusion:- The proposal therefore accords with policy EA18 of the LDP and policy 12 of NPF4.*

4.2.16 Archaeology

4.2.16.1 A site investigation as advised by the Regional Archaeologist can be secured by condition. *Conclusion:- The proposal therefore accords with policy EA20 of the LDP and policy 7 of NPF4.*

4.2.17 Community Growing

4.2.17.1 There is no scope to include dedicated community growing areas in the development layout. However, the applicant has agreed to set aside an area of landscaping which would be planted by school pupils in the community. *Conclusion:- The agreement of the applicant to arrange this satisfactorily provides community growing interest in the development as far as is possible. The proposal accords with policy EA14 of the LDP and policies 1 and 3 of NPF4.*

4.2.18 Developer Contributions and Section 75 Agreement

4.2.18.1 Education – The comments of education services detailed in section 3.22 of this report is noted. The applicant has agreed to make a developer contribution of £237,540 (£974 per house) towards reconfiguration of Alva Primary School which would sufficiently increase capacity to accommodate pupils generated by the proposed development. The contribution would be required as an up front payment. A developer contribution would also be required towards increasing nursery provision to accommodate nursery

pupils generated by the proposal. The applicant has agreed to make the required contribution of £191,970. This is based on the construction of an extension to the nursery or the siting of a modular nursery classroom. Costing of such accommodation is based on a new nursery classroom and toilets of an area of 56 sq.m. in total, costing £3,555 per sq.m. Delivery of the developer contributions can be secured and phased if appropriate by means of a Section 75 Agreement.

4.2.18.2 The applicant has agreed to make a developer contribution of £250 per house towards the provision of public art. The details and delivery of the public art to be funded can be secured by Section 75 Agreement.

4.2.18.3 The delivery of the 61 on-site affordable housing units can be secured by Section 75 Agreement.

4.2.18.4 Delivery and phasing of the new roundabout, pedestrian crossing infrastructure and traffic calming measures can be secured by Section 75 Agreement.

Conclusion:- No other developer contributions or Section 75 obligations apply. On the basis that an appropriate Section 75 Agreement is concluded, the proposal accords with policies SC9 and SC10 of the LDP and relevant supplementary guidance.

5.0 Summary

5.1 In summary, the proposed residential development on land forming housing proposal H42 would contribute towards the Council meeting its housing supply strategy and targets as appropriately led through the LDP. Furthermore, the layout of the proposed residential development accords with relevant policy, guidance and advice in terms of community location, street design, open space and play area provision, connectivity, biodiversity and impact on the landscape.

5.2 However, the proposal includes built development within the functional flood plain of the Balquharn Burn located to the west of the application site and includes daylighting of an existing underground water channel which crosses part of the application site which is known to flood. The application site is also known to have groundwater issues. It has not been satisfactorily demonstrated that the proposed development, and existing residential developments would be safeguarded from the risk of flooding from the Balquharn Burn, surface water runoff and groundwater sources. The proposal does not accord with flooding related policies of the LDP and NPF4.

5.3 The scale of the proposal would require additional land to that identified in housing proposal H42 detailed above. The proposal would require countryside land to locate sustainable urban drainage infrastructure which would be integral to the design and function of the residential development and would constitute development in the countryside. The proposal for development in the countryside in this case does not accord with any criteria of LDP policy SC23 or NPF4 policies Nos 4 and 17 which detail circumstances whereby

housing in the countryside be supported and impact on natural places can be assessed.

- 5.4. The countryside land included in the application site is also classified as Green Belt and forms part of the Clackmannanshire Green Network. The proposal does not accord with the terms of LDP and NPF4 Green Belt policies. The proposed development would not safeguard the amenity, landscape quality and function of the Green Belt. Furthermore, the proposal would not contribute to the safeguarding or enhancement of the quality of the Clackmannanshire Green Network.
- 5.5 There are no exceptional circumstances to justify setting aside the Development Plan in this case.

6.0 Material Planning Considerations

Supplementary guidance:-

SG1 Developer Contributions
SG3 Placemaking
SG4 Water
SG5 Affordable Housing
SG6 Green Infrastructure
SG7 Energy Efficiency and Low Carbon Development

The consideration and assessment of the proposed development has also taken into consideration:-

Clackmannanshire Council Open Space Strategy
National Designing Streets Policy
Circulars 3/2012 (revised 202) Planning Obligations
3/2009 Notifications of Planning Applications
10/96 Development Contrary to Development Plans
Planning Advice Notes (PANS)
60 Natural Heritage
61 Sustainable Urban Drainage Systems
65 Planning and Open Space
67 Housing Quality
72 Housing in the Countryside
77 Designing Safer Places
79 Water and Drainage
2/2010 Affordable Housing and Land Audits

7.0 Sustainability Implications

- 7.1 The impact of the proposal would be that:-
- a. The development proposed and existing residential development would at risk from flooding
 - b. There would be unjustified development in the countryside

- c. The proposal would not safeguard the quality, character and function of the Green Belt and the Clackmannanshire Green Network.

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

- 9.1 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)

See above

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".

None

14.0 Background Papers

14.1 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)

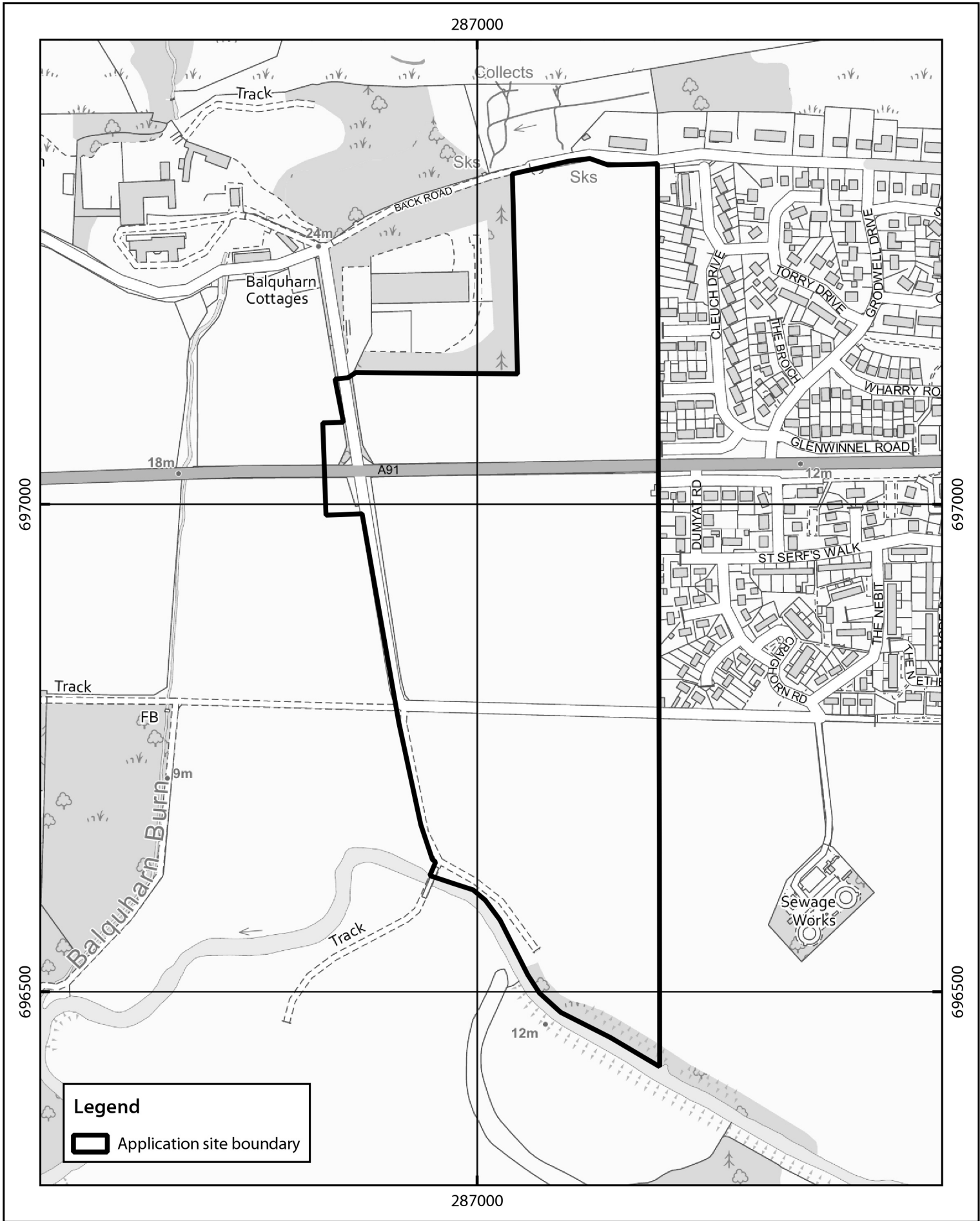
Yes (please list the documents below) No

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
Allan Finlayson	Planning & Building standards Team leader	
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Legend
 Application site boundary

22/00187/FULL – Land North And South Of A91 To The West Of Alva, Alva
 Residential Development Of 244 Houses With Associated Infrastructure Including Roads,
 Footpaths, Landscaping, Drainage, Open Space And Associated Works

Clackmannanshire Council
www.clacks.gov.uk

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 Chlach Mhanann

Development & Environment
 Tel: 01259 450 000
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Ward: Clackmannanshire North
 0 50 100 150 200 250 metres

OS Grid Ref: NS870969

Scale: 1:5,000

Date:
 14 Apr 2023

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