

---

Report to Planning Committee

---

Date of Meeting: 23<sup>rd</sup> January 2020

---

**Subject:** Planning Application ref: 19/00148/FULL - Residential Development Of 50 No. Houses With Associated Access, Infrastructure, Landscape Treatment And Engineering Operations at Former Bowling Green, Green Loan, Pool Of Muckhart, Clackmannanshire

---

**Report by:** Grant Baxter, Principal Planner

---

**1.0 Purpose**

- 1.1. This report provides an assessment and recommendation on a planning application in relation to proposals for the former bowling green and adjoining land at Green Loan, Pool of Muckhart.
- 1.2. The application is being reported to Planning Committee as the application, being for 50 houses and on a site of more than 2Ha in size, is classified as a Major development and there is a substantial body of objections.

**1.3. Site Location**

- 1.4. A location plan for the site is provided within this report.

**2.0 Recommendations**

- 2.1. It is recommended that the Committee **APPROVE** the application subject the conditions and reasons set out below and conclusion of a Section 75 Agreement in respect of the provisions set out in paragraph 3.24.

**2.2 Conditions**

1. Before any works commence on site exact details and specifications of foul and surface water drainage proposals, including arrangements for future maintenance, shall have been submitted to and approved in writing by the Council. Such details shall demonstrate no discharge of foul or surface water from the housing development to the "Pool" wetland that lies within the site boundary and immediately west of the proposed housing. Thereafter, the development shall be completed in accordance with such approved details, unless otherwise approved in writing by the Council.

2. Before any works commence on site, a construction management plan shall have been submitted to and approved in writing by the Council. This shall demonstrate measures to control noise, dust and lighting during the construction phase, hours of construction, waste management arrangements and the safe management of construction traffic entering and exiting the site. Once approved, the development shall be carried out in accordance with such approved details, unless otherwise approved in writing by the Council.
3. The construction management plan shall incorporate recommendations of the National Vegetation Classification Survey by Direct Ecology, dated 31/07/2019 in respect of pollution prevention measures and appointment of an Ecological Clerk of Works for the duration of the construction phase.
4. Before any other works commence on the approved development, a programme of archaeological works shall have been completed, in accordance with a written scheme of investigation to be submitted to and approved in writing by the Council as Planning Authority. Such scheme and works shall be undertaken by a suitably qualified archaeologist and shall include the following elements:
  - a) A photographic record of the current site conditions;
  - b) A metal detector survey of the above noted elements of the development;
  - c) A 5% ground breaking evaluation of the above noted elements of the development.
5. Before construction of the first house on site, samples of all external finishing materials shall have been submitted to and approved in writing by the Council. Thereafter, the development shall be implemented in accordance with such approved details. The details shall include the following:
  - a) External wall cladding
  - b) External roof cladding (all roofs shall be finished in Quinn Rathmore graphite concrete tiles).
  - c) External window and door design and finishes
  - d) Fascias, soffits and rainwater goods.

Once approved, the development shall be carried out in accordance with such approved details, unless otherwise approved in writing by the Council.
6. Before any works commence on site, details of all external hard surfaces and boundary enclosures and street furniture shall have been submitted to and approved in writing by the Council. The details shall include the following:
  - a) Road, driveway and footpath surfaces.
  - b) Boundary treatment within house plots and in communal areas.
  - c) Streetlighting columns and bollards design and finish.

Once approved, the development shall be carried out in accordance with such approved details, unless otherwise approved in writing by the Council.

7. Proposed ground, finished floor and roof levels shall accord with the stamped approved level plans, unless otherwise approved in writing by the Council.
8. Before any works commence on site, a phasing plan for the implementation of the proposed development and associated off-site works shall have been submitted to and approved in writing, by the Council. The Phasing Plan shall include:
  - a) Completion of all roads, on-street parking and footpaths within the site;
  - b) Completion of all other hard and soft landscaping within the site;
  - c) Completion of drainage infrastructure, SUDs, open space and remote paths;
  - d) Completion of all off-site traffic management measures;

Once approved, these works shall be carried out in accordance with such approved Phasing Plan unless otherwise approved in writing by the Council.

9. Before any works commence on site, exact details of all sustainable practices in the design and construction of the proposed house shall have been submitted to and approved in writing by the Council. Thereafter, the development shall be completed in accordance with such approved details.
10. Before any works commence on site, detailed arrangements for the provision of public art within the development site in accordance with Supplementary Guidance (SG1 - Developer Contributions), of the Local Development Plan 2015, shall have been submitted to and approved in writing by the Council, as planning authority. Thereafter, the development shall be implemented in accordance with the approved details.
11. All trees and hedges to be retained within and adjacent to the site shall be protected from damage during demolition and construction work in accordance with BS5837 (Trees in Relation to Construction) 2012. Such measures shall be installed prior to the commencement of construction works, and shall remain in place for the duration of the construction.
12. The approved landscaping plans and specifications shall be revised in accordance with the recommendations of the National Vegetation Classification Survey by Direct Ecology, dated 31/07/2019 and include details of play facilities within the landscaping plan around the former bowling green. Once approved, these works shall be carried out in accordance with such approved details unless otherwise approved in writing by the Council.

13. Before any works commence on site, the following details shall have been submitted to and approved in writing by the Council as Planning Authority:
  - a) A minimum of 25% (13 spaces) on-street visitor parking, evenly distributed throughout the site.
  - b) Junction squares at nodes, including 90 degree bends and at junctions, within the development layout.
  - c) All road access arrangements to comply with the National Roads Development Guide, 2015.
  
14. The development shall be carried out and completed in accordance with the stamped approved plans and the recommendations of following reports:
  - a) Archaeological Appraisal by Guard Archaeology dated 12/02/2019
  - b) Phase 1 Desk Top Study Report by ARC Environmental dated 22/01/2018
  - c) Updated Tree Survey Report by Enviro Centre dated 10/06/2019
  - d) Landscape Maintenance and Management Proposals by LUC, dated June 2019
  - e) Transport Statement by SWECO UK Ltd, dated 12/06/2019
  - f) Extended Phase 1 Survey Report by Direct Ecology, dated 25/03/2019
  - g) National Vegetation Classification Survey by Direct Ecology, dated 31/07/2019
  - h) Flood Risk Assessment by Kaya Consulting Ltd, dated 04/10/2019
  - i) Drainage Assessment Revision 1 by Springfield, dated 18/06/2019
  - j) Preliminary Ground Investigation Report by ARC Environmental, dated 01/03/2018
  - k) Soil Investigation Report

Unless otherwise approved in writing by the Council.

## Reasons

1. In the interests of residential amenity and local environmental quality.
2. In the interests of residential amenity and local environmental quality.
3. In the interests of local environmental quality.
4. In order to safeguard and record the archaeological potential of the area.
5. In the interests of residential amenity and local environmental quality.
6. In the interests of residential amenity and local environmental quality.
7. In the interests of residential amenity and local environmental quality.
8. In order to ensure appropriate phasing of all elements of the approved development.
9. In the interests of residential amenity and local environmental quality.
10. In the interests of residential amenity and local environmental quality.
11. In the interests of residential amenity and local environmental quality.
12. In the interests of residential amenity and local environmental quality.
13. In the interests of residential amenity and road and pedestrian safety.
14. In the interests of residential amenity and local environmental quality.

## DRAFT HEADS OF TERMS OF SECTION 75 AGREEMENT CONVERING THE FOLLOWING MATTERS;

- Construction of 12No. affordable homes on site.
- Contribution of £307,000 towards the provision of primary school works and local path improvements.
- Implementation of traffic management scheme on A91, generally as shown on approved Springfield Drawing Proposed Off-site Traffic Calming Proposal Drawing – PM01-ENG-TC-100 Revision B.
- Contribution of £25,000 towards enhancement of existing play area in Muckhart.

### Plans relating to the Decision

As set out at Appendix 2

### **3.0 Considerations**

#### 3.1. Background

3.2. The application relates to a 4.5Ha site lying to the southeast of Pool of Muckhart.

3.3. The site has a narrow frontage to the south side of the A91 road in the centre of Muckhart and this constitutes the former bowling green. It widens out to the south and east, with the eastern and southern portions being agricultural grazing land and the western portion being a marshy area of land that constitutes the 'Pool' area that gave the village its name. The site bounds farmland, gardens and woodland, with the eastern boundary formed by Maudie's Loan, a footpath bounded by beech hedging. The site is undulating and falls generally from north to south.

3.4. This is a detailed planning application for 50No. houses with associated access, infrastructure, landscape and engineering. The houses would generally be located in the eastern and southern portions of the site with the western area retained as wetland. The houses are generally detached, two-storey or 1.5 storey, and a mix of 3, 4 & 5 bedrooms. The housing mix includes 12No. affordable homes, laid out in three short terraces in the southern part of the site. Three of these units would be single storey, and three of the private houses are also single storey. House designs and finishes generally reflect a Scottish vernacular and Muckhart Conservation Area.

3.5. All houses would be accessed off a new road served from a new road junction with the A91 in Pool of Muckhart. The road design would be informed by the Government's Designing Streets policy and the Council's own guidance and advice on place-based street design.

3.6. The proposals include a detailed landscaping scheme including new planting and informal path network around the wetland area, links to the adjoining path network and public parking close to the existing village. The originally designed SUDs scheme included an underground stormcell in the southern portion of the site, but has subsequently been revised to instead incorporate a

roadside swale and a small detention basin in lieu of the underground storm cell, and in the same location at the southern end of the site. This system is designed to ensure surface water run off from houses and roads does not drain onto the Pool area. Foul drainage is proposed to be provided by on-site treatment facilities, with its outlet discharging to the public sewer. Final details of this and arrangements for any upgrading of the existing sewage treatment works in Muckhart would be discussed and agreed between the developer and Scottish Water if planning permission is granted.

- 3.7. The application is within the 'Major' category of developments and therefore was subject to pre-application community consultation prior to the planning application being submitted. The application is accompanied by a Pre-application Consultation Report.
- 3.8. The site forms part of a larger site identified for housing development in the Clackmannashire Local Development Plan, adopted 2015. Site H49 extends to 6.64Ha and includes land adjoining the current application site's western boundary. This land is in separate ownership from the current application site, does not form part of the application being considered and is not subject to any separate planning application or consent.
- 3.9. The northern part of the site comprising the former bowling green lies within Muckhart Conservation Area.
- 3.10. The application is accompanied by a number of supporting documents, namely:
  - Flood Risk Assessment
  - Drainage Assessment
  - Pre-application Consultation Report
  - Design and Access Statement
  - Planning Statement
  - Archaeological Appraisal
  - Landscape Plan & Maintenance Schedule
  - Tree Survey
  - Transport Statement
  - Phase 1 Habitat Survey
  - Ground Investigation Report
  - Site Investigation Report

### 3.11. Consultations

- Roads: Detailed comments on new access design, traffic calming on A91 and associated off-site transport improvements, including school path upgrading. Detailed comments on internal road networks design and the need for additional public parking spaces close to the village centre. The development provides opportunity to provide betterment in SUDs to address surface water flood risk. Final details of SUDs to serve roads will be subject to approval at Roads Construction Consent (RCC) stage. *Comment: A detailed scheme of traffic calming on the A91 in accordance with Roads' requirements is at an advanced stage of design and its final approval will be subject to further public consultation through the Roads Construction Consent (RCC) process, which would take place if planning permission is granted. The internal road layout includes new public parking close to the site entrance, and other measures recommended, such as an internal linking road to spread traffic. The final details of school path upgrade design will be subject to ongoing consultation with Muckhart Community Council.*
- Scottish Water: No objections. Sufficient capacity in the foul water system cannot be confirmed, and will be subject to a pre-development enquiry process if planning permission is granted. A separate on-site "klargest" sewage plant is proposed within the development. *Comment: The plans allow for direct connection to the Muckhart Sewage Treatment Works, subject to suitable upgrading of this facility, which would be discussed between the developer and Scottish Water through the Pre-development Enquiry process that would follow the grant of planning permission.*
- Environmental Health: No objections. Suggest air quality assessment, and other standard conditions in relation to construction and waste disposal. *Comment: The scale and nature of the development and site location, would not warrant an air quality assessment being undertaken. Planning conditions can ensure a detailed construction management plan is in place to control the environmental impacts of the construction phase.*
- Scottish Natural Heritage: No comments.
- Regional Archaeologist: No Objections. Possible risk of unrecorded remains so suggest suspensive condition proposed. *Comment: An appropriate condition can be applied to any consent.*
- SEPA: No objections on flood risk grounds, but object in respect of details of SUDs scheme. Replacement of the originally proposed stormcell with a SUDs basin and swale is welcomed, but maintain objection on basis of lack of information on SUDs. SEPA would prefer a pond as opposed to a basin for biodiversity reasons and that the basin is larger and shallower than proposed, but have asked for clarification from the applicant on the choice and design of the proposed basin. Clarification on how overflow from the proposed swale is handled and what source control measures are proposed. A ecological condition is required to ensure no surface water discharges to the existing Pool. *Comment: The revised SUDs scheme is designed to ensure no surface water discharge to the Pool area and appropriate level of treatment of*

surface water arising from the development. The SUDs infrastructure proposed is small in scale, and has minimal impact on the layout and character of the development, and its main biodiversity element is that it will not impact on the existing Pool wetland, which is the dominant wetland feature in the site and will be preserved in its entirety in the proposals. Should the base of the basin prove to be within the water table, it can be lined to prevent ground water seepage. Final details of the choice and design of SUDs infrastructure, including the shape of the basin and inlet/outlet positions, can be addressed via a planning condition, as is normally the case. This process would involve further discussion with the relevant authorities, including SEPA, both to address the ecology comment raised by SEPA and to deal with final SUDs details. A meeting between the applicant, Council planning officers and SEPA took place on 17<sup>th</sup> January 2019 to address SEPA's outstanding objection and comments. A verbal update on the outcomes of this meeting will be provided at the Planning Committee meeting.

- 3.12. A total of 61 No. neighbouring properties were notified of the application and it was also advertised in the Alloa Advertiser and Edinburgh Gazette.
- 3.13. In response, a total of 50 No. parties, including Muckhart Community Council, made representations on the applications. Details of these parties are set out in Appendix 1 to this report. The points raised are summarised below:
- The site, including additional land to the west, is identified for only 35 No. houses in the LDP. This figure was agreed by the Council's Planning Committee and the Reporter appointed by Scottish Ministers in respect of the LDP. Future development of the remainder of the LDP site could increase the site capacity above the 50 No. units currently proposed. Concern about the impact of this number of houses on the character/infrastructure of the village. Comment: *The development would involve an increase in the number of units proposed above that envisaged in the LDP, however, this figure represents a very low density across a site of this size. In summarising consideration of the proposed site capacity for the LDP, the Reporter, appointed by Scottish Ministers, noted that the density, based on 35 units was very low (around 5.3 dwellings per hectare), albeit across the larger site. The Reporter also noted that drainage issues on the site may limit how much of it could be developed, but in deciding not to modify the plan in any way, did not offer any strong view that the site's capacity must be limited to 35 units. There are currently no proposals for the remaining part of the LDP site and this application must be determined on its individual merits. In assessing the site layout and design, there is no compelling planning reason to indicate that the site cannot adequately accommodate the number and mix of houses proposed.*
  - Development density is higher than elsewhere in the village. Comment: *There are a number of objections estimating the density of the development and wider village. Density estimates of both depend on what land is or isn't included, and so is very much a subjective matter. Lower density development would clearly reduce house numbers, but would more likely mean a greater proportion of large house types, and also reduces the efficiency of land use. The village of Pool of Muckhart appears to have an overall house density of around 8 houses per*



hectares, but with areas of varying density throughout. The application site extends to 4.5Ha and with 50No. houses creates a density of approximately 11 houses per hectare. Clearly this increases if the pool area is removed from the calculation, however this forms part of the application site and is to remain undeveloped. Density calculations will also vary if the development access road is or isn't included in calculations. Any proposals for a 35No. house development on the same site would almost certainly involve a greater proportion of large house types, creating a layout and character of development that would be less in keeping with the character of the area. Taking full account of the location of the proposed houses and their relationship to the existing village, the development density is not considered to be unacceptable or inappropriate in this case.

- The range of house types includes too many large units, and lack of down-sizing/bungalow units. Comment: The site contains a mix of 3, 4 and 5 bedroomed houses private houses and 2 & 3 bedroomed affordable homes. Whilst the balance of private houses is towards 4 and 5 bedroomed units, there are 15No. 2 or 3 bedroomed units in total, including both private and affordable bungalows. The need for affordable homes and units such as bungalows for down-sizing has been identified by the Community Council as needed for the village. As noted above, any proposal for a significantly lower number of houses would almost certainly lead to a reduction in the proportion of smaller house types and number of affordable homes.
- Request from Community Council for continued involvement in commenting on details such as traffic calming and landscaping, should planning permission be granted. Comment: The Planning Service is committed to continued liaison with the Community Council post-decision. This commitment has been confirmed in regular engagement meetings with the community council and local Members.
- Affordable homes are in a small enclave at end of the development. Comment: The affordable homes are grouped together for two key reasons. Firstly that they can be completed and handed over to the recipient Housing Association, and secondly so that the Housing Association can manage their property as one entity. This is typical of what happens on other sites.
- The style/layout of houses not in keeping with conservation area. Comment: None of the proposed houses lie within Muckhart Conservation Area, however, the Planning Service has sought to ensure development proposals take full account of how they relate to the character and setting of the village conservation area. Overall, house designs reflect a Scottish rural vernacular with steep roof pitches, traditional window proportions and dormer roofs and finishing materials including white render and slate effect roofs. Particular care has been taken in the layout and design of the first street of the development and associated planting and boundary treatment. This part of the site includes land in the conservation area and demonstrates a strong visual connection with the village. The new access road will be framed by a mix of native hedging and natural rubble walls. The arrangement of house

*types includes a row of traditionally designed bungalows framed by larger house types with traditional proportions and features.*

- The proposals will result in more traffic in the village. Road already busy and traffic speeds high. *Comment: The development will be supported with an integrated package of traffic calming measures along the whole length of the A91 through the village, in accordance with the Roads Service's requirements, incorporating views made in representations to the application and community engagement meetings.*
- There is a lack of public transport serving the village. Residents of the new development will need to use cars to travel. There are no job opportunities locally, so house buyers will be commuters. The re-located bus stop requires a shelter. *Comment: Enhanced bus stop facilities will be delivered by the development, to assist with improved public transport services in Muckhart, if provided by operators.*
- The roads within the development are too narrow for vehicles to pass each other, such as a car and bin lorry. *Comment: The road design has been fully informed by the Council's Roads Service to ensure all vehicles can take access and egress safely. Low speed traffic environments will often include narrowed sections of road, where drivers are required to slow or stop to allow opposing vehicles to pass.*
- The application has not been accompanied by an Environmental Impact Assessment (EIA). Concerns about the impact of the development on the existing habitat and species that live within the area, such as within the wetland. Concerns regarding impact of streetlighting on the area and habitat. The pool area requires to be protected during construction. *Comment: The proposal was screened for the need for an EIA, and whilst it did not meet the criteria for such an assessment, paragraph 3.10 outlines the significant amount of supporting environmental information that has been submitted and considered as part of the application by the Council and consultees.*
- Loss of privacy and residential amenity. *Comment: The location and layout of the proposed houses do not give rise to issues of privacy and residential amenity in respect of any existing houses that would require the proposals to be revised in any way.*
- Mature hedging and trees are to be felled, in particular laburnum trees at the site entrance and hedging along Maudie's Loan. *Comment: Formation of access to the site for any development will inevitably involve removal of laburnum trees in the conservation area. The hedging along Maudie's Loan is to be retained, with new houses set back accordingly. Significant new tree planting is proposed within the application site including in the area around the site entrance. These measures will provide managed formal planting to improve existing un-managed informal landscaping.*
- The wider visual and landscape impact of the development has not been properly assessed. *Comment: A detailed landscape and visual impact assessment has been carried out and its findings and proposed*

*mitigations are considered appropriate in respect of assimilating the development into the wider landscape.*

- Concerns regarding noise and air pollution during construction and thereafter. *Comment: Construction work will inevitably come with a degree of temporary disruption however will require to be carried out in accordance with a detailed management plan. The scale and nature of the development is not such that it would be considered to significantly impact on air quality or cause noise nuisance.*
- There is no district heating system and a lack of sustainability elements in the development. *Comment: Whilst the development is not of a scale to warrant consideration of a district heating system and choice of energy suppliers makes such a scheme less viable to progress in any event, the use of air source heat pumps will ensure the houses meet Gold standard in respect of energy efficiency.*
- Concerns regarding flood risk. *Comment: All of the proposed houses lie outwith the 1 in 200 yr (0.5% probability) flood risk zone. A flood risk assessment has been prepared by an engineer on behalf of the applicant and discussed in detail with SEPA and the Council's Flooding Officer. Neither SEPA nor the Council's Flooding Officer have any objections to the proposals on flood risk grounds.*
- The sewage system will be overloaded. *Comment: The applicant proposes a private treatment plant to deal with foul sewage, however an option to upgrade Muckhart Waste Water Treatment Works may exist, and can be explored if planning permission is granted. A planning condition can be used to ensure final details of the arrangement are submitted before works commence.*
- Concerns from Muckhart Community Council about the SUDs proposals in terms of their design, function and lack of biodiversity and recreational value. Comment that the number of house should be reduced on the site to create space of a larger SUDs pond or basin. Concerns that lower parts of the proposed pond shall sit below the water table. *Comment: Matters in relation to the SUDs proposals are covered in Paragraph 3.11 in respect of SEPA's comments. Final details of the SUDs scheme, as would normally be the case can be addressed through discharge of a suspensive planning condition. There is no indication that water table levels or the number of houses proposed are impediments to a suitable scheme being approved.*
- Parking spaces outside café will be lost to make way for the new access road. *Comment: The applicants propose new public car parking spaces close to the site entrance. The new speed table at site entrance will cause traffic to brake/accelerate, creating more fumes. The speed table may cause further drainage problems for adjacent houses. Comment: The final design of traffic calming will be subject to Roads Construction Consent and a further public consultation exercise. The general layout and design is of long, shallow graded ramps to avoid sharp braking and accelerating, and its design will take account of how adjoining properties are affected.*

- The houses plots are small, with limited space for extension, and out of keeping with the rest of Muckhart. *Comment: House plot ratios and garden sizes are considered appropriate and comparable with houses plots elsewhere in the village, such as Cairns Place and School Road.*
- The PAC report suggests an access may be taken from Green Loan. *Comment: There are no proposals to take access from Green Loan*
- The development will significantly increase traffic in the village, with inadequate traffic management measures to control speeds. *Comment: A set of village-wide traffic management measures, funded by the developer, are to be brought forward in association with the development. These will slow traffic speeds along the length of the A91 through the village. New and improved crossing points will also be delivered in this scheme. It will be subject to detailed public consultation if planning permission is granted.*
- There is a requirement for enhanced play provision to serve the village and new residents. *Comment: The applicant is committed to upgrading the existing play area in Muckhart and will provide an additional area for informal play within the site and this can be required by condition.*
- Muckhart Primary School will not be able to accommodate additional pupils. *Comment: A scheme of works including new outdoor nursery have been put forward by the developer and agreed in principle by the Council's Education Services as meeting the requirements of the development in the primary school. These would be fully funded by the developer.*
- The development will be good for local businesses, including the Inn, Mona's and golf club. *Comment: Noted*
- The proposals will sterilise the remainder of the LDP site from being developed. *Comment: The development layout does not physically sterilise the possibility of an access road being extended into the remainder of the site.*

#### 3.14. Local Development Plan

3.15. The site is part of a larger area of land (6.64Ha) allocated for housing in the LDP (Proposal H49). The LDP shows a notional capacity of 35 units.

3.16. In summarising consideration of the proposed site capacity for the LDP, the Reporter, appointed by Scottish Ministers, noted that the density, based on 35 units was very low (around 5.3 dwellings per hectare) across the larger site. The Reporter also noted that drainage issues on the site may limit how much if it could be developed, but in deciding not to modify the plan in any way, did not offer any strong view on the appropriate development density for the site.

3.17. There are currently no proposals before the Council for the remaining part of the LDP site, and whilst there is potential for an application to be lodged to build houses here and further increase the number of units overall, such a proposal is not before the Council, and this application must be determined on its own individual merits.

- 3.18. Policy SC2 of the LDP supports the delivery of affordable housing , and expects new developments of over 20No. houses to provide a proportion of affordable housing or a commuted sum towards provision elsewhere. The application proposes 12No. affordable homes to be constructed on site, thereby fulfilling the provisions of this policy.
- 3.19. Policy SC5 of the LDP sets out layout and design principles in accordance with the place-led approach of the Scottish Government's Designing Places policies. Policy EA23 addresses development in conservation areas.
- 3.20. The site of the proposed houses lies to the southeast of the main village, and there are no houses fronting the main street nor within the conservation area. Muckhart Conservation Area is characterised by linear rows of weaver's cottages, and the village has expanded with more modern housing developments, such as along School Road, Cairns Place and Kirkhill, along with infill developments on the main street and Drumburn Road.
- 3.21. Whilst none of the proposed houses are located in the conservation area, the site entrance and access road are. Overall, the house designs reflect a Scottish rural vernacular with steep roof pitches, traditional window proportions and dormer roofs and finishing materials including white render and slate effect roofs. Particular care has been taken in the layout and design of the first street of the development and associated planting and boundary treatment. This part of the site includes land in the conservation area and has a strong visual connection with the village. The new access road will be framed by a mix of native hedging and natural rubble walls. The arrangement of house types includes a row of traditionally designed bungalows framed by larger house types with traditional proportions and features.
- 3.22. The street layout and design in the development incorporates the principles of Designing Streets and the Council's own placemaking policies, being a permeable layout with shared surface streets designed for low traffic speeds.
- 3.23. Policy SC7 sets out the Council's expectations in respect of energy efficiency in new developments. The details of this policy have been partly superseded by the updating of Building Standards legislation. The applicant has confirmed that whilst the potential for a district heating system is restricted by the small size of the development and the ability of householders to choose their supplier rather than connect to such a system. The applicant's proposals include plans for air source heat pumps for each house in order to achieve Gold standards through the Building Regulations.
- 3.24. Policy SC9 sets out how the Council will ensure new developments respond appropriately to infrastructure requirements arising from their proposals. These matters are addressed in accordance with Supplementary Guidance SG1. In this case, the developer is committed to the following contributions:
- 12 affordable homes (to be owned and managed by Kingdom Housing Association)
  - Upgrades of Muckhart Primary School to accommodate additional pupils anticipated to be generated by the development, including upgrades the existing toilets , allowing the existing hall to be used as a general purpose space, delivery of a new 40 place forest nursery within the school

grounds. These measures have been designed in consultation with the Council's Education Service.

- Upgrading of paths around Muckhart including the school path.
  - A minimum sum of £25,000 for improvement of existing play area within the village, and new play provision within the development.
  - Provision of public art.
  - Delivery of a traffic management scheme on the entire length of the A91 through Pool of Muckhart, designed in consultation with the Council's Roads Service.
- 3.25. In response to comments from the Community Council, the Planning Service is committed to continued liaison with Muckhart Community Council in the detail of traffic management, path and play improvements. This package of contributions represents is considered to fully meet the requirements of Policy SC9.
- 3.26. Policy SC11 & SC12 set out how new developments should provide for improvements in transport networks and development layouts that promote cycling and walking. As noted above, a package of traffic management and path improvement measures will be delivered by the proposals and the design of the development supports cycling and walking. A re-located bus stop will be provided with new bus boarder kerbing, however, the development cannot deliver additional public transport services to the village.
- 3.27. Policy SC20 deals with drainage infrastructure and Policy EA9 deals with flood risk. The application proposes a new sewage treatment plant on site and discharge to a combined sewer. Whilst the existing sewage treatment works (STW) in Muckhart do not currently have sufficient capacity to serve the development, the option remains for the developer, in agreement with Scottish Water, to facilitate enhancement of the existing STW. This option would be explored with Scottish Water once planning permission is in place. Surface water run-off rates will be retained at greenfield rates, and final details of SUDs to fully address the Council and SEPA's requirements can be addressed via a planning condition.
- 3.28. Part of the site has been identified as at risk from flooding, although no houses are proposed within this area. The site contains small watercourses and the main 'Pool' wetland. A Flood Risk Assessment (FRA) was prepared and submitted with the application. This sets out how the site will developed to ensure no existing or proposed houses are placed at risk from flooding as a result of the development. The FRA has been considered by SEPA who have confirmed that they have no objections on flood risk grounds.
- 3.29. Policy EA2 deals with habitat networks and biodiversity and Policy EA12 deals with the water environment. These policies require new developments to protect and enhance the natural environment.
- 3.30. The application was initially accompanied by a Phase 1 Habitat Survey. Scottish Natural Heritage (SNH) had no objections on the proposals and SEPA made a number of comments in respect of the water environment to be

created in the 'Pool' area of the site. In addition, Scottish Wildlife Trust provided detailed comments in their representation about how the development could enhance the biodiversity in the site.

- 3.31. Subsequently, and as recommended by the Phase1 Habitat Survey, a National Vegetation Classification Survey Report was prepared and submitted by the applicant, and which proposes adoption of a number of measures, including those as set out by SWT in the construction phase and thereafter. These include preparation of a biodiversity action plan to accompany the landscaping plan for the site, and this can be made a planning condition.
- 3.32. Policy EA4 deals with the landscape impact of planning proposals. The application has been accompanied by a detailed Landscape and Visual Appraisal which assesses the visual impact of the development in the wider landscape from near and more distant viewpoints. The assessment sets out how the development layout, finishing materials, treatment of open spaces in the site and landscaping scheme are designed to minimise landscape impact of the proposals. These provisions ensure that the application complies with Policy EA4.
- 3.33. Policy EA7 deals with trees and hedging in respect of new developments. Whilst there are few trees on the site it also bounded by native hedging, such along the eastern boundary with Maudie's Loan. A row of four trees (3 laburnums and one rowan) lie at the site's proposed entrance location of the A91, in the former bowling green site. These trees lie in the conservation area. Access to the site for any Loan of development will inevitably entail impact on these trees, and 3 of the 4 are proposed to be felled. Notwithstanding this, the house layout has been careful to ensure suitable setback distance from hedging on Maudie's Loan and includes extensive proposals for new native tree and hedge planting aimed at providing a high quality landscape setting to the development and enhance biodiversity.
- 3.34. In summary, the proposals are considered to address the provisions of the relevant policies of the LDP, and taking account of these and all other material considerations, can therefore be recommended for approval as set out in Section 2.0 of this report

## **4.0 Resource Implications**

### *4.1. Financial Details*

- 4.2. 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

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

### *4.4. Staffing*

## 5.0 Exempt Reports

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

## 7.0 Declarations

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

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

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)

## 8.0 Equalities Impact

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

## 9.0 Legality

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

## 10.0 Appendices

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

Appendix 1 – List of Representations  
Appendix 2 – List of Approved Plans and Reports

## 11.0 Background Papers


11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)  
Yes  (please list the documents below) No

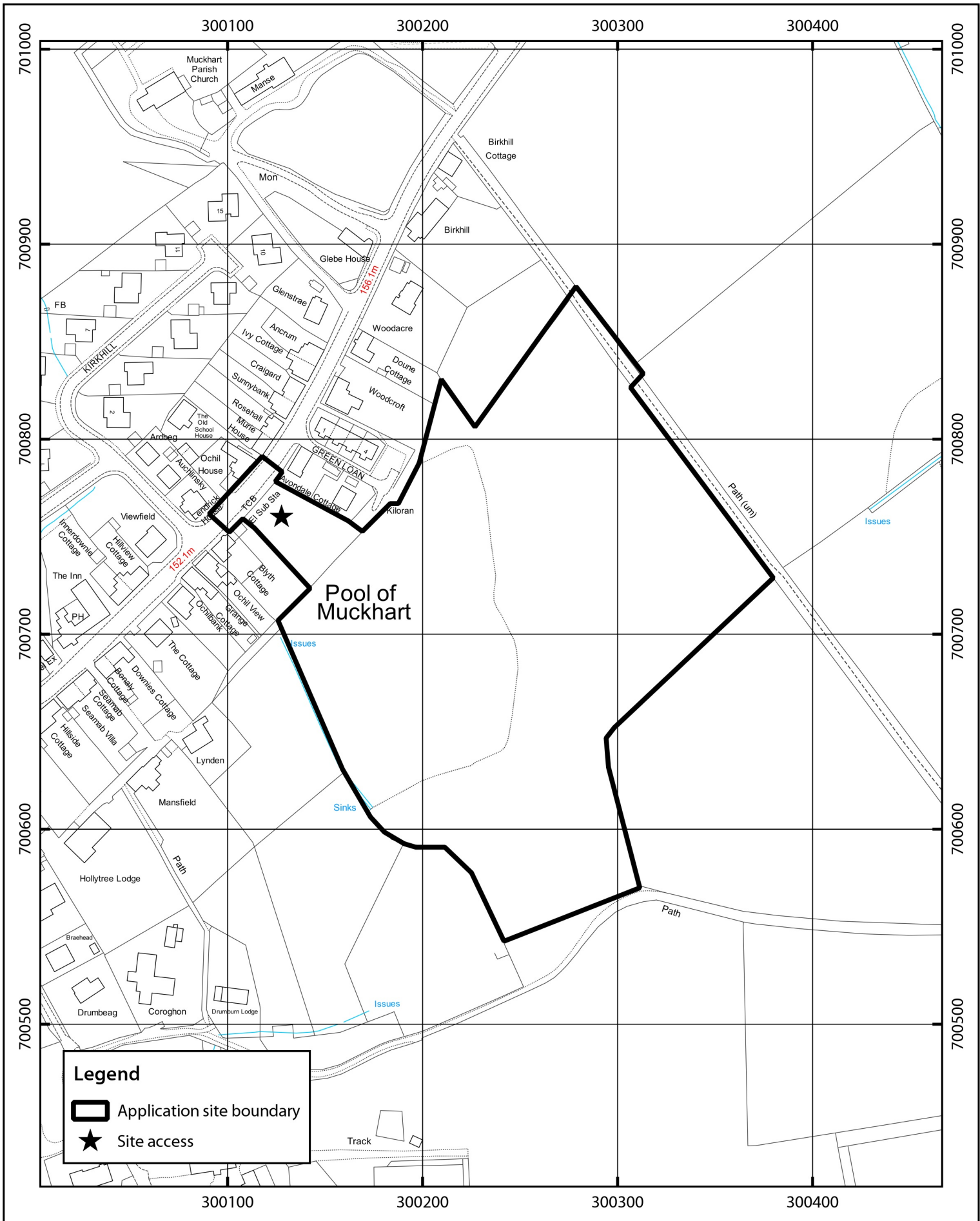



**Author(s)**

<b>NAME</b>	<b>DESIGNATION</b>	<b>TEL NO / EXTENSION</b>
Grant Baxter	Principal Planner	2615

**Approved by**

<b>NAME</b>	<b>DESIGNATION</b>	<b>SIGNATURE</b>
Allan Finlayson	Planning & Building Standards Team Leader	





Date:  
08 Jan 2020

### 19/00148/FULL – Former Bowling Green, Pool Of Muckhart


Residential Development Of 50 No. Houses With Associated Access, Infrastructure, Landscape Treatment And Engineering Operations

Ward: Clackmannanshire East

OS Grid Ref: NO002007

Scale: 1:2,500

© Crown copyright and database rights 2020 Ordnance Survey 100020783. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



**Clackmannanshire Council**  
www.clacks.gov.uk

Comhairle Siorrachd Chlach Mhanann

Development & Environment  
Tel: 01259 450 000  
planning@clacks.gov.uk

24

## APPENDIX 1 – LIST OF OBJECTORS AND REPRESENTATIONS

Mrs Alison Hollis, 1 Cairns Place, Pool Of Muckhart, FK14 7LH  
Ms H Finlayson, 4 Cairns Place, Pool Of Muckhart, FK14 7LH  
Mr Paul Nelson, 12 Cairns Place, Pool Of Muckhart, FK14 7LH  
Mrs Kirstie Nelson, 12 Cairns Place, Pool Of Muckhart, FK14 7LH  
Mrs Lynn Macgregor, 1 Green Loan, Pool Of Muckhart, FK14 7JS  
Ms Kim Duke, 1 Green Loan, Pool Of Muckhart, FK14 7JS  
B A White, 2 Green Loan, Pool Of Muckhart, Clackmannanshire, FK14 7JS  
C Sutherland, 2 Kirkhill, Pool Of Muckhart, FK14 7JQ  
Mr Carl Roemmele, 5 Kirkhill, Pool Of Muckhart, FK14 7JQ  
Mrs Carole Watt, Ashby, 6 Kirkhill, Pool Of Muckhart, FK14 7JQ  
Dr Ben Price, 7 Kirkhill, Pool Of Muckhart, FK14 7JQ  
Mrs Liz Logan, 15 Kirkhill, Pool Of Muckhart, FK14 7JQ  
Dr Margot McKerrell, Ardbeg, Kirkhill, Pool Of Muckhart, FK14 7JQ  
Sarah Smart, Avondale Cottage, Green Loan, Pool Of Muckhart, FK14 7JW  
Ms Alison Peden, Balliliesk, Yetts O Muckhart, FK14 7JT  
Mrs Hilary Craig, Bourach, Drumburn Road, Pool Of Muckhart, FK14 7JW  
Mr Philip Lord, Birkhill, Pool Of Muckhart, Clackmannanshire, FK14 7JW  
Miss Catherine Macdonald, Birkhill, Pool Of Muckhart, FK14 7JW  
Mrs Julie Wilson, Birkhill Cottage, Pool Of Muckhart, FK14 7JW  
Mrs Margret Plummer, Burnside, Broadmeadow, Pool Of Muckhart, FK14 7JH  
Mrs Alison Stupart, Coroghon, Drumburn Road, Pool Of Muckhart, FK14 7JW  
Mr Peter Stupart, Coroghon, Drumburn Road, Pool Of Muckhart, FK14 7JW  
Dr Mireille Pouget, Drumbeag, Drumburn Road, Pool Of Muckhart, FK14 7JW  
Miss Natalie Padbury, Dunloe South, Drumburn Road, Pool Of Muckhart, FK14 7JW  
Mrs Susan Duthie, East Manse, Yetts O Muckhart, Clackmannanshire, FK14 7JT  
Mr Peter Wyatt, Hollytree Lodge, Pool Of Muckhart, FK14 7JW  
Mrs Elizabeth Wyatt, Hollytree Lodge, Pool Of Muckhart, FK14 7JW  
Mr Graham Macrae, Iolair, Yetts O Muckhart, KY13 0QD  
Mrs Sandra Macrae, Iolair, Yetts O Muckhart, KY13 0QD  
Mrs A Ostroumoff-Croucher, Lendrick House, Kirkhill, Pool Of Muckhart, FK14 7JQ  
Mr Thomas Mullan, Lynden, Pool Of Muckhart, FK14 7JW  
Mrs Moira Miller, Monas Of Muckhart Restaurant, Pool Of Muckhart, FK14 7JN  
Mr Patrick Thomson, Mossspark House, Yetts O Muckhart, KY13 0QE  
Mrs Katherine Nicholas, New Broadmeadows, Pool Of Muckhart, FK14 7JH  
Dr Elaine Carlyle, Orchard House, Yetts O Muckhart, FK14 7JT  
Dr David Carlyle, Orchard House, Yetts O Muckhart, FK14 7JT  
Mrs Alexandra Wilson, Rossardan, Drumburn Road, Pool Of Muckhart, FK14 7JW  
Mrs Joanne Wills, Rowberrow, Drumburn Road, Pool Of Muckhart, FK14 7JW  
Dr Kenneth Hunter, The Grange, Pool Of Muckhart, FK14 7JW  
Dr Sheena Anderson, The Willows, Drumburn Road, Pool Of Muckhart, FK14 7JH  
Mr John Anderson, The Willows, Drumburn Road, Pool Of Muckhart, FK14 7JH  
Muckhart Community Council, Viewfield, Pool Of Muckhart, FK14 7JN  
Mr Stuart Dean, Viewfield, Pool Of Muckhart, FK14 7JN  
Mrs Sheena Dean, Viewfield, Pool Of Muckhart, FK14 7JN  
Mrs Emma Volland, Pool Cottage, Pool Of Muckhart, FK14 7JW  
Mrs Marlene White, Woodacre, Pool Of Muckhart, FK14 7JW  
Mrs Ruth Stewart, Woodcroft, Pool Of Muckhart, FK14 7JW

Tony Thomas, APT Planning & Development, 6 High Street, East Linton, East Lothian, EH40 3AB on behalf of Tim Allen, Drumburn Farm, Muckhart

## **LIST OF REPRESENTATIONS**

SWT, Harbourside House, 110 Commercial Street, Edinburgh , EH6 6NF  
Mr Douglas Stewart, Blyth Cottage, Pool Of Muckhart, Clackmannanshire, FK14 7JW

## APPENDIX 2 – LIST OF APPROVED PLANS AND REPORTS

Drawing No	Title
10570-LD-003 A	Landscape Layout Affordable Housing Properties 1-4 Affordable Housing Properties 5-8 Affordable Housing Properties 9-12 Double Garage Details House Type - Arden House Type - Arden plus Sunroom House Type - Bowmore House Type - Bowmore plus Sunroom House Type - Cramond House Type - Cramond plus Sunroom House Type - Culbin House Type - Culbin plus Sunroom House Type - Dunmore House Type - Dunmore plus Sunroom House Type - Dunning House Type - Dunning plus Sunroom House Type - Dunrobin House Type - Dunrobin plus Sunroom House Type - Kincaig House Type - Kincaig plus Sunroom House Type - Melford House Type - Melford plus Sunroom Location Plan
PM01-ENG-001	Levels Layout – 1 of 2
PM01-ENG-002	Levels Layout – 2 of 2
PM01-ENG-003 C	Drainage Layout – 1 of 2
PM01-ENG-004 C	Drainage Layout – 2 of 2
PM01-ENG-005	Road & Sewer Sections 1 of 2
PM01-ENG-006	Road & Sewer Sections 2 of 2
G/SH/1071	Topographic Survey
893BWD(AS)901	Jura House Type
PM/01/SL/02 B	External Levels Layout
PM/01/SL/01 H	Site Layout Plan Proposed Traffic Calming Landscape Management and Maintenance Proposals Archaeological Appraisal Drainage Assessment Landscape and Visual Appraisal Tree Survey – Part 1 Tree Survey – Part 2 Planning Statement Transport Statement Transport Statement Appendices Extended Phase 1 Survey Report Ground Investigation Report Soil Investigation Report National Vegetation Survey

