



AGENDA ITEM

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**Erection of 15 Dwellinghouses,
Retail Unit and Associated
Infrastructure at Bowling Club,
Glen Crescent, Glen Village,
Falkirk FK1 2AQ for Alpha Glen
Developments Ltd - P/16/0360/
FUL
(Continuation)**

FALKIRK COUNCIL

Subject: ERECTION OF 15 DWELLINGHOUSES, RETAIL UNIT AND ASSOCIATED INFRASTRUCTURE AT BOWLING CLUB, GLEN CRESCENT, GLEN VILLAGE, FALKIRK, FK1 2AQ FOR ALPHA GLEN DEVELOPMENTS LTD - P/16/0360/FUL

Meeting: PLANNING COMMITTEE

Date: 26 October 2016

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk South

Councillor Colin Chalmers
Councillor Dennis Goldie
Councillor Gerry Goldie
Depute Provost John Patrick

Community Council: Falkirk South

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

UPDATE REPORT

1. Members will recall that this application was presented to the Planning Committee on 14 September (copy of previous report appended - Appendix 1), when it was agreed to continue the application for a site visit. The site visit took place on 26 September 2016.
2. At the site visit the case officer summarised the report and the applicant's agent, objectors and supporters, Members of the Planning Committee and a Local Member were heard. Members viewed the application site and surrounding area (including properties at Glenbank).
3. The applicant's agent outlined the background to the planning application and spoke in support of the proposed development, advising that the current proposal is the best solution for the site, is less dense than previous applications and gives a mix of residential and retail development.
4. Objectors spoke, raising concerns in relation to access / parking and the impact of the proposed retail unit on the residential amenity of the area. Other issues raised included oil deliveries at Glenbank, water quality in the area, land ownership and the loss of a community facility.
5. There was general support in relation to the proposed residential development, with the density and design of the proposed dwellinghouses receiving mention.

6. Members asked general questions in relation to oil deliveries for properties on Glenbank, the possibility of taking access for the whole development off Falkirk Road, parking and the benefits of developing an overgrown and vacant site.
7. The Local Member queried what consultation/assessment was carried out in relation to demand for the proposed retail unit and highlighted concerns raised by objectors about the vehicular access being at a dangerous location and parking issues. The possibility of noise disturbance from deliveries and anti-social behavior, in association with the proposed retail unit, was also raised and request was made for local consultation in relation to open space contributions spend in the area.
8. The Council's Roads Network Co-ordinator advised that there are no road safety concerns in relation to the proposed development. When questioned on the possibility of an amended proposal with both the residential and retail development taking access from a single access, off Falkirk Road, the Roads Network Co-ordinator advised that the current scheme is the optimum proposal in terms of road safety and integration with the surrounding residential area. The Roads Network Co-ordinator also advised that the yellow lines were covered by a historic Traffic Regulation Order and the granting of planning permission would not be a reason to remove parking restrictions.
9. The applicant's agent responded to questions, clarifying the red line boundary of the application site and works required to the adopted road (road widening and bringing the parking layby and access up to adoptable standard). The agent also explained that there was no end user for the proposed retail unit at this stage.
10. Officers advised that the submitted plans are accurate in relation to the number of bedrooms for the proposed dwellinghouses. Officers also clarified that land ownership and retail demand were not material planning considerations in this instance.
11. Members requested the agent seek clarification from the applicant in relation to access for oil deliveries (for properties on Glenbank). Members also requested a response in relation to water supply and drainage in the area. Further to the site meeting the agent has discussed the issues raised with his client. The agent's response is summarised below:
 - Following the site meeting the site layout has been revised to enlarge the turning area and provide an access path along the rear of the adjacent properties at Glenbank to allow access for oil deliveries.
 - The applicant will be obliged to apply to Scottish Water for water supply connections. Only licensed contractors, acting under the direction of Scottish Water are permitted to carry out alterations or installations to public water services. Any existing issues with water quality and supply should not be impacted by the development and would be a matter for Scottish Water.
 - The applicant will require technical approval from Scottish Water for surface water and foul water drainage prior to commencement of works. The applicant is preparing detailed drainage proposals in consultation with Scottish Water

12. With regard to other matters raised at the site meeting further comments received from the agent are summarised below:
- The applicant considers the proposed houses will not overshadow existing houses because of the distance between buildings and because in general the existing properties on Glen Crescent sit higher than those proposed.
 - The applicant confirms that 2 and 3 bedroom houses are proposed
 - No vehicular access to the retail unit is proposed from Glen Crescent or Glenbank
 - The applicant has submitted a title plan confirming the application site includes land outwith their ownership that is part of the adopted footpath and road but notes that this is not a material planning consideration
13. It is considered that no new issues were raised at the site visit that would amend the previous recommendation of minded to grant planning permission.

14. RECOMMENTION

14.1 It is therefore recommended that Committee indicate that it is minded to Grant Planning Permission subject to:-

- (a) the satisfactory completion, within 6 months, of a Legal Agreement within the terms of Section 69 of the Local Government (Scotland) Act 1973 or section 75 of the Town and Country Planning (Scotland) Act 1997, in terms satisfactory to the Director of Development Services, in respect of:-**
 - (i) the payment of a financial contribution towards off-site open space and play provision, in the sum of £21,903; and**
- (b) thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions:**
 - 1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
 - 2. i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.**

- ii. **Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.**
 - iii. **Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.**
 - iv. **If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.**
- 3. **No development shall commence on site until an appropriate scheme of intrusive site investigation works has been undertaken to confirm coal mining conditions, including mine entries on site. The findings and details of any necessary remedial or other mitigation measures to ensure safety and stability of the proposed development shall be submitted to and approved in writing by the Planning Authority. The approved mitigation measures shall be implemented prior to the development commencing.**
- 4. **No development shall commence on site until a drainage strategy has been submitted to and approved in writing by the Planning Authority. Thereafter development shall proceed in accordance with the approved details, unless otherwise agreed in writing.**
- 5. **No development shall commence on site until samples, of all external materials, has been submitted to and approved in writing by the Planning Authority. Thereafter, only the approved materials shall be used, unless otherwise agreed in writing.**
- 6. **No development shall commence on site until a detailed specification for all landscaping, play areas and the maintenance thereof have been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details unless otherwise agreed in writing.**
- 7. **Unless otherwise agreed in writing by the Planning Authority, no building on the site shall be occupied until such time that the car parking shown on the Approved Plan has been completed.**

Reason(s):-

1. As these drawings and details constitute the approved development.
- 2,3. To ensure the ground is suitable for the proposed development.
4. To ensure adequate drainage can be achieved.
5. To safeguard the visual amenity of the area.
6. To safeguard the environmental amenity of the area.
7. To ensure that adequate car parking is provided.

Informative(s):-

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
2. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03B, 04 - 14 and Supporting Documents.

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Director of Development Services

Date: 17 October 2016

FALKIRK COUNCIL

Subject: ERECTION OF 15 DWELLINGHOUSES, RETAIL UNIT AND ASSOCIATED INFRASTRUCTURE AT BOWLING CLUB, GLEN CRESCENT, GLEN VILLAGE, FALKIRK, FK1 2AQ FOR ALPHA GLEN DEVELOPMENTS LTD - P/16/0360/FUL

Meeting: PLANNING COMMITTEE

Date: 14 September 2016

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk South

Councillor Colin Chalmers
Councillor Dennis Goldie
Councillor Gerry Goldie
Depute Provost John Patrick

Community Council: Falkirk South

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application proposes the redevelopment of a former bowling club to form a mixed use development of 15 dwellinghouses and a retail unit. The site has lain vacant / derelict for a number of years. The site is now cleared of all buildings, although a hard standing, used as an informal car park, remains.
- 1.2 Residential access is proposed from Glen Crescent, with retail access being taken from Falkirk Road. The application includes parking areas and open space/landscaping, and associated surface water drainage infrastructure.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires consideration by the Planning Committee as it has been called in by Councillor Chalmers, for the following reason:
- Concerns over impact of development on residential amenity, parking and scale of development raised by a number of constituents and to allow these concerns to be assessed by the Committee.

3. SITE HISTORY

- 3.1 F/2002/0480 - Replacement of Flagpole with 12 metre Flagpost for Telecommunication Equipment and Ancillary Development - granted on 25 September 2002.

- 3.2 P/14/0136/FUL - Erection of 42 Flatted Dwellings and Associated Access and Parking - refused on 23 October 2014.
- 3.3 P/14/0638/FUL - Erection of 41 Flatted Dwellings and Associated Access and Parking - refused on 24 April 2015.
- 3.4 Previous proposals for the site related to a fairly high density flatted development. Both applications were refused for reasons relating to scale, density and design and the failure to address issues relating to education and affordable housing provision or contributions towards the provision, upgrading or maintenance of community infrastructure / open space.

4. CONSULTATIONS

- 4.1 The Coal Authority have no objection subject to a condition requiring intrusive site investigations.
- 4.2 The Council's Children's Services (Education) have not objected to the proposed development and advise that there are no contributions required in respect of education provision.
- 4.3 The Council's Transport Planning Unit have not objected to the proposed development. They requested that the steps from Falkirk Road to the retail unit be replaced with a ramp, however this is not possible due to site levels and the proposed position of the entrance to the retail unit.
- 4.4 The Council's Roads Development Unit have no objection, but requested a detailed Surface Water Drainage Strategy be submitted.
- 4.5 Scottish Water did not respond to consultation.
- 4.6 The Council's Environmental Protection Unit request conditions in relation to construction noise and ground contamination.

5. COMMUNITY COUNCIL

- 5.1 The Falkirk South Community Council made no representations in respect of the application.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 113 contributors submitted letters to the Council. The salient issues are summarised below:
- The application is an improvement on previous development proposals and perfect for Glen Village;
 - The applicant is being more reasonable in relation to the number of houses proposed;

- Properties at Glenbank (backing onto the application site from the south) will not be able to have oil heating delivered, as access is currently taken from the application site;
- Glen Crescent is already busy and the development will increase traffic;
- The applicant has not made provision for existing residents (including the post office) who use the application site to park;
- Glen Crescent is too narrow;
- Parking for the proposed development is not enough, only one per house;
- The houses will overshadow existing properties;
- Overdevelopment of the countryside should be considered;
- The retail unit will cause anti-social behaviour and noise;
- Local schools have no space for children from the proposed development;
- The proposal is an overdevelopment;
- There is no demand for retail units;
- The retail unit will affect the business of the Glen Village post office and store;
- Access to the retail unit will affect road safety, due to the proximity of other accesses and unsuitable visibility;
- The proposed materials are not in keeping with the surrounding area;
- The application includes land outwith the applicant's control; and
- The application should be subject to a legal agreement to provide funds for a community facility or a community hall should be provided on site.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

The Falkirk Local Development Plan was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:

7a.1 Policy 'HSG02 - Affordable Housing' states: -

"New housing developments of 20 units and over will be required to provide a proportion of the units as affordable or special needs housing as set out in Figure 5.1. The approach to provision should comply with Supplementary Guidance SG12 "Affordable Housing".

Figure 5.1 Affordable Housing Requirements in Settlement Areas

Proportion of total site units required to be affordable

Larbert / Stenhousemuir, Polmont Area, Rural North and Rural South - 25%

Bo'ness, Bonnybridge / Banknock, Denny, Falkirk and Grangemouth - 15%."

7a.2 The application relates to less than 20 units. Therefore, affordable housing is not required as part of this application, in accordance with policy HSG02.

7a.3 Policy 'HSG03 - Windfall Housing' states: -

"Housing development within the Urban and Village Limits, in addition to proposals identified within the LDP, will be supported where:

- 1. The site is brownfield, or is open space whose loss can be justified in terms of Policy INF03;*
- 2. The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- 3. The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- 4. Existing physical infrastructure, such as roads and drainage, sewage capacity, and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy INF02;*
- 5. The site is not at significant risk of flooding in the terms of Policy RW06;*
- 6. In the case of small gap sites and sub-divided plots, Policy HSG05 is satisfied; and*
- 7. It complies with other LDP policies."*

7a.4 The application site is brownfield, the proposed residential use is compatible with neighbouring uses and a satisfactory level of residential amenity would be achieved. The site enjoys good accessibility by public transport and access to community facilities. The existing physical infrastructure can accommodate the development and the site is not at a significant risk of flooding. The application accords with other FLDP policies and HSG03.

7a.5 Policy 'HSG04 - Housing Design' states: -

"The layout, design and density of the new housing development should conform with any relevant site-specific design guidance, Supplementary Guidance SG02 'Neighbourhood Design' and the Scottish Government's policy on 'Designing Streets'. Indicative site capacities in the site schedules may be exceeded where a detailed layout demonstrates that a high quality design solution, which delivers the requisite level of residential amenity, has been achieved."

7a.6 It is considered that the layout, design and density of the proposed housing conforms with Supplementary Guidance, including Designing Streets, and is also in accordance with policy HSG04.

7a.7 Policy 'INF02 - Developer Contributions to Community Infrastructure' states: -

"Developers will be required to contribute towards the provision, upgrading and maintenance of community infrastructure where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The nature and scale of developer contributions will be determined by the following factors:

- 1. Specific requirements identified against proposals in the LDP or in development briefs;*
- 2. In respect of open space, recreational, education and healthcare provision, the general requirements set out in Policies INF04, INF05 and INF06;*
- 3. In respect of physical infrastructure any requirements to ensure that the development meets sustainability criteria;*
- 4. In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
- 5. Where a planning obligation is the intended mechanism for securing contributions, the principles contained in Circular 3/2012.*

In applying the policy, consideration of the overall viability of the development will be taken into account in setting the timing and phasing of payments."

7a.8 Policy 'INF04 - Open Space and New Residential Development' states: -

"Proposals for residential development of greater than 3 units will be required to contribute to open space and play provision. Provision should be informed by the Council's open space audit, and accord with the Open Space Strategy and the Supplementary Guidance SG13 on 'Open Space and New Development', based on the following principles:

- 1. New open space should be well designed; appropriately located; functionally sized and suitably diverse to meet different recreational needs in accordance with criteria set out in Supplementary Guidance SG13 'Open Space and New Development'.*
- 2. Where appropriate, financial contributions to off-site provision, upgrading, and maintenance may be sought as a full or partial alternative to direct on-site provision. The circumstances under which financial contributions will be sought and the mechanism for determining the required financial contribution is set out in Supplementary Guidance SG13 'Open Space and New Development'.*
- 3. Arrangements must be made for the appropriate management and maintenance of new open space."*

7a.9 As a result of proposed development, a deficiency in open space provision has been identified. There is a civic space proposed, adjacent to the retail unit, which contributes towards the passive open space requirement generated by development. Other open space on site does not meet the minimum size requirements set out in Supplementary Guidance SG13. There is a partial passive open space deficit and an active open space deficit, which cannot be accommodated on site. As such contributions of £21,903 are required for off-site open space and play provision, in accordance with policy INF02 and INF04.

7a.10 Policy 'TC03 - Retail and Commercial Leisure Development' states: -

- 1. Retail development proposals in excess of 1,000 sq.m. gross floorspace, and significant commercial leisure development, should be located within the network of centres, and should be of a scale and type consistent with the role of the centre in the network and commensurate with the local catchment. Proposals for significant retail and commercial leisure development at out-of-centre locations will be assessed in relation to the following:*
 - The impact on the vitality and viability of other identified centres, or proposals for their improvement;*
 - The need for the development;*
 - The proposal's ability to meet the sequential approach; and*
 - The accessibility of the proposal by a choice of means of transport, and the impact on the number and length of car trips.*
- 2. Retail development proposals of 1,000 sq.m. gross floorspace or less, serving neighbourhood needs, will be permitted more generally within the urban area, subject to other LDP policies.*
- 3. Motor vehicle showrooms will be permitted within the economic development sites identified in the Site Schedule, or other business and industrial areas, provided access, servicing and any associated industrial processes can be accommodated without detriment to residential amenity, the functioning of the road network, or the operation of adjacent businesses.*
- 4. Retail and commercial leisure development must demonstrate a high level of design quality, compatibility with adjacent land uses and an ability to integrate with any centre of which it is to form part.*

7a.11 Policy TC03 generally supports retail development proposals of 1000 square metres or less, within the urban area. The application includes a 371.6 metre square retail unit. It is considered that the proposal would achieve a high level of design quality and compatibility with the surrounding residential area, and is therefore in accordance with policy TC03.

7a.12 Policy D02 – ‘Sustainable Design Principles’ states: -

“New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:

- 1. Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
- 2. Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, distinctive, welcoming, adaptable, safe and easy to use;*
- 3. Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
- 4. Climate Change & Resource Use. Development should promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
- 5. Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
- 6. Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.”*

Masterplans will be required for significant development proposals requiring a co-ordinated approach to design and infrastructure, and should demonstrate how the above principles have been incorporated into the proposals. Masterplans should be informed by a development framework or brief where relevant.

Figure 5.3, Sustainable Design Principles - Supporting Policies/Guidance provides further guidance.”

7a.13 It is considered that the proposed development would achieve a high standard of design quality and compliance with principles of sustainable development, in accordance with policy D02.

7a.14 Policy ‘D03 - Urban Design’ states:-

“New development should create attractive and safe places for people to live, work and visit. Accordingly:

- 1. Development proposals should conform with any relevant development framework, brief or masterplan covering the site. Residential proposals should conform with Supplementary Guidance SG02 ‘Neighbourhood Design’;*

2. *The siting, density and design of new development should create a coherent structure of streets, public spaces and buildings which respects and complements the site's context, and creates a sense of identity within the development;*
3. *Street layout and design should generally conform with the Scottish Government's policy document 'Designing Streets';*
4. *Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality architectural or landscape treatment;*
5. *Development proposals should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, and contributes, where appropriate, to the wider green network;*
6. *Development proposals should create a safe and secure environment for all users through the provision of high levels of natural surveillance for access routes and public spaces; and*
7. *Major development proposals should make provision for public art in the design of buildings and the public realm."*

7a.15 It is considered that the proposed development would create an attractive and safe place for people to live, work and visit. The siting, density and design of the proposed development would respect the site's context and create a sense of identity. The street layout and design generally accords with 'Designing Streets'. Streets and public spaces would have buildings fronting them and landscaping and green infrastructure is included. It is noted that the development is designed to include good levels of natural surveillance, in accordance with policy D03.

7a.16 Policy 'D04 - Low and Zero Carbon Development' states: -

"1.All new buildings should incorporate on-site low and zero carbon-generating technologies (LZCGT) to meet a proportion of the overall energy requirements. Applicants must demonstrate that 10% of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site LZCGT. This proportion will be increased as part of subsequent reviews of the LDP. All proposals must be accompanied by an Energy Statement which demonstrates compliance with this policy. Should proposals not include LZCGT, the Energy Statement must set out the technical or practical constraints which limit the application of LZCGT. Further guidance will be contained in Supplementary Guidance SG15 'Low and Zero Carbon Development'. Exclusions from the requirements of this policy are:

- Proposals for change of use or conversion of buildings;*
- Alterations and extensions to buildings;*
- Stand-alone buildings that are ancillary and have an area less than 50 square metres;*
- Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;*
- Temporary buildings with consent for 2 years or less; and*

- Where implementation of the requirement would have an adverse impact on the historic environment as detailed in the Energy Statement or accompanying Design Statement.

2. The design and layout of development should, as far as possible, seek to minimise energy requirements through harnessing solar gain and shelter;

3. Decentralised energy generation with heat recycling schemes (combined heat and power and district heating) will be encouraged in major new developments, subject to the satisfactory location and design of associated plant. Energy Statements for major developments should include an assessment of the potential for such schemes.”

7a.17 The applicant has included an Energy Statement with the application which sets out the technical and practical constraints limiting the application of low and zero carbon development. The Energy Statement states that the development will meet Bronze Active level as a minimum. The application does not offend the terms of policy D04.

7a.18 Policy ‘D06 – Shopfronts’ states: -

“The design of new or altered shopfronts should be well-proportioned and sympathetic to the character of the building of which they are part, as specified within Supplementary Guidance SG04 ‘Shopfronts’.”

7a.19 The design of the proposed shopfront is well proportioned and would be sympathetic to the retail unit building, in accordance with policy D06.

Supplementary Guidance Forming part of Local Development Plan

7a.20 The proposed development accords with the general principles set out in SG02 ‘Neighbourhood Design’ and SG04 ‘Shopfronts’.

7a.21 SG13 ‘Open Space and New Development’ sets out the framework used to calculate developers’ contributions, towards active and passive open space requirements and clarifies in which instances off-site contributions are considered acceptable in lieu of on-site provision. The proposal accords with the terms of SG13, as the applicant has confirmed a willingness to enter into a Legal Agreement, securing a financial contribution of £21,903 towards off site open space and play provision in the local area.

7a.22 The applicant has submitted an Energy Statement which sets out the technical and practical constraints limiting the application of low and zero carbon development. The application site is a small urban site, where it is considered there is limited space to provide infrastructure. The application does not offend the thrust of guidance contained in SG15 ‘Low and Zero Carbon Development’.

7a.23 Accordingly, the proposal accords with the Falkirk Council Local Development Plan.

7b Material Considerations

7b.1 The material consideration to be assessed are the representations received, consultation responses and the consideration of the site in relation to coal mining legacy.

Assessment of Public Representations

- 7b.2 General support for the application is noted.
- 7b.3 It is not considered that a residential development of 15 houses would significantly increase traffic on Glen Crescent and no concerns were raised through consultation with the Roads Development Unit.
- 7b.4 It is noted that, following demolition of the bowling club, the applicant has kept the site open, allowing residents in the area to use the former car park to provide off-street parking for their vehicles. This is an informal arrangement and there is no requirement for the applicant to provide parking for existing residents or businesses on site. Similarly, any heating oil deliveries to neighbouring properties that are made via the application site is an informal arrangement between individual residents and the land owner.
- 7b.5 The application includes the widening of Glen Crescent to a standard width, in accordance with the National Roads Development Guide (SCOTS, 2014). Parking for the proposed development is also in accordance with guidance. The proposed access onto Falkirk Road is considered acceptable in terms of road safety and visibility, as confirmed through consultation by the Roads Development Unit.
- 7b.6 It is considered that the proposed houses are set far enough away from existing properties (approximately 16 - 21 metres) and are of low enough density, so not to cause significant overshadowing to surrounding properties.
- 7b.7 The application site is brownfield and in the urban area, as identified in the Falkirk Local Development Plan. As such countryside policies and considerations are not relevant to the assessment of this application.
- 7b.8 Children's Services (Education) advise that there is adequate capacity in catchment schools to accommodate the proposed development.
- 7b.9 The proposal is not considered an overdevelopment of the site, as the site is at a density similar to that in the surrounding area and reflecting the settlement pattern of Glen Village.
- 7b.10 It is considered that proposed materials would harmonise with the surrounding area. Both brick and render are found on surrounding properties and the primarily buff tones proposed match that on adjacent properties.
- 7b.11 The applicant has certified, on submission of the application, that all of the applicant's site is in their ownership.
- 7b.12 There are local community facilities, the Hallglen Sports Centre and the Ettrich Dochart Community Hall, serving the local area within short walking distance. It is considered that the area is well served by community facilities.
- 7b.13 Demand for retail units in the area and an existing post office / shop adjacent to the site are not a material planning consideration. The possibility of anti-social behaviour as a result of retail development is not a material planning consideration.

Consultation Responses

- 7b.14 The issues raised through consultation are appropriate to be dealt with by planning condition. The Council's Environmental Health Unit have requested a condition in relation to construction noise and delivery times (for the retail unit). It is considered that a proposed noise condition would not meet all of the 'six tests' (Circular 4/1998 - use of conditions in planning permissions), as it would require compliance with other regulatory requirements, in this instance Noise Nuisance Legislation. As such it is not considered necessary or relevant to planning and should not be applied to any consent.

7c Conclusion

- 7c.1 The proposal represents an acceptable form of development and is in accordance with the Falkirk Local Development Plan. The representations received are assessed and addressed in the main body of this report and comments received via consultation are considered appropriate to be dealt with by planning conditions. There are no material planning considerations that would justify a refusal of planning permission in this instance.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee indicate that it is minded to Grant Planning Permission subject to:-
- (a) The satisfactory completion, within 6 months, of a Legal Agreement within the terms of Section 69 of the Local Government (Scotland) Act 1973 or 75 of the Town and Country Planning (Scotland) Act 1997, in terms satisfactory to the Director of Development Services, in respect of:-
 - (i) The payment of a financial contribution towards off-site open space and play provision, in the sum of £21,903; and
 - (b) And thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions.
 - 1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
 - 2. i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.

- ii. **Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.**
 - iii. **Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.**
 - iv. **If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.**
- 3. **No development shall commence on site until an appropriate scheme of intrusive site investigation works has been undertaken to confirm coal mining conditions, including mine entries on site. The findings and details of any necessary remedial or other mitigation measures to ensure safety and stability of the proposed development shall be submitted to and approved in writing by the Planning Authority. The approved mitigation measures shall be implemented prior to the development commencing.**
- 4. **No development shall commence on site until a drainage strategy has been submitted to and approved in writing by the Planning Authority. Thereafter development shall proceed in accordance with the approved details, unless otherwise agreed in writing.**
- 5. **No development shall commence on site until samples, of all external materials, has been submitted to and approved in writing by the Planning Authority. Thereafter, only the approved materials shall be used, unless otherwise agreed in writing.**
- 6. **No development shall commence on site until a detailed specification for all landscaping, play areas and the maintenance thereof have been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details unless otherwise agreed in writing.**
- 7. **Unless otherwise agreed in writing by the Planning Authority, no building on the site shall be occupied until such time that the car parking shown on the Approved Plan has been completed.**

Reason(s):-

1. As these drawings and details constitute the approved development.
- 2,3. To ensure the ground is suitable for the proposed development.
4. To ensure adequate drainage can be achieved.
5. To safeguard the visual amenity of the area.
6. To safeguard the environmental amenity of the area.
7. To ensure that adequate car parking is provided.

Informative(s):-

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
2. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03B, 04 - 14 and Supporting Documents.

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Director of Development Services

Date: 2 September 2016

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan.
2. Support received from Mr Walter Hall, 13 Hallglen Road, Glenvillage, Falkirk, FK1 2AW on 16 June 2016.
3. Objection received from Mr James Allardyce, 17 Hallglen Terrace, Glen Village, Falkirk, FK1 2AP, on 21 July 2016.
4. Objection received from Mr Albert Hunter, 2 Hallglen Terrace, Glen Village, Falkirk, FK1 2AP, on 21 July 2016.
5. Objection received from Ms Janette Hunter, 2 Hallglen Terrace, Glen Village, Falkirk, FK1 2AP, on 21 July 2016.
6. Objection received from Mr Keith Newton, 21 Hallglen Terrace, Glen Village, Falkirk, FK1 2AP, on 21 July 2016.
7. Objection received from Mr James Crothers, 4 Callendar Avenue, Glen Village, Falkirk, FK1 2AJ, on 21 July 2016.
8. Objection received from Ms Yvonne Newton, 21 Hallglen Terrace, Glen Village, Falkirk, FK1 2AP, on 21 July 2016.

9. Objection received from Ms Lynn Stirling, 47 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
10. Objection received from Mr Ryan Ewan, 21 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
11. Objection received from Ms Kirsty Buchanan, 26 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
12. Objection received from J Hunter, 24 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
13. Objection received from Mr Andrew O Hara, 23 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
14. Objection received from Mr David Binnie, 23 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
15. Objection received from Ms Helen Beurskens, 3 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
16. Objection received from Mr James Crothers, 14 Callendar Avenue, Glen Village, Falkirk, FK1 2AJ on 30 June 2016.
17. Objection received from Mrs Andrea Page, 17 Park Head Road, Glen Village, Falkirk, FK1 2AS on 28 June 2016.
18. Objection received from Mrs Rachel Riley, 3 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 30 June 2016.
19. Objection received from Ms Gaynor McPherson, 12 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
20. Objection received from Mr John Noble, 11 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
21. Objection received from Mr Brian Shirra, 2 Falkirk Road, Glen Village, Falkirk, FK1 2AG, on 21 July 2016.
22. Objection received from Mr Dean McKinna, 3 Glenbank, Glen Village, Falkirk, FK1 2AH, on 21 July 2016.
23. Objection received from Nick McDonald, 1 Hallglen Road, Glen Village, Falkirk, FK1 2AW, on 21 July 2016.
24. Objection received from Mr Thomas English, 2 Parkhead Road, Glen Village, Falkirk, FK1 2AR, on 21 July 2016.
25. Objection received from Ms Denise Mitchell, 18 Parkhead Road, Glen Village, Falkirk, FK1 2AR, on 21 July 2016.
26. Objection received from A Newton, 10 Parkhead Road, Glen Village, Falkirk, FK1 2AR, on 21 July 2016.
27. Objection received from M Montgomery, 6 Hallglen Road, Glen Village, Falkirk, FK1 2AW, on 21 July 2016.
28. Objection received from Mr Bryan Sutherland, 7 Hallglen Road, Glen Village, Falkirk, FK1 2AW, on 21 July 2016.
29. Objection received from Mr Steven Saunders, 2 Hallglen Road, Glen Village, Falkirk, FK1 2AW, on 21 July 2016.
30. Objection received from Mr R Murray, 2 Callendar Avenue, Glen Village, Falkirk, FK1 2AJ, on 21 July 2016.
31. Objection received from Ms Lisa Couston, Glencorrie, Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
32. Objection received from E Rogerson, 40 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
33. Objection received from Mr Connor Devlin, 19 Keppock Place, Falkirk, FK1 5UQ, on 21 July 2016.
34. Objection received from Ms Amanda Conny, 7 Glenbank, Glen Village, Falkirk, FK1 2AH, on 21 July 2016.

35. Objection received from Mr Stephen Colston, Glencorrie, Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
36. Objection received from Mr Jason Conny, 7 Glenbank, Glen Village, Falkirk, FK1 2AH, on 21 July 2016.
37. Objection received from Mr Paul Billingsley, 2 Glenbank, Glen Village, Falkirk, FK1 2AH, on 21 July 2016.
38. Objection received from Mr A Montgomery, 51 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
39. Objection received from Mr Andrew Chappell, 14 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 22 June 2016.
40. Objection received from Ms Pamela MacFarlane, 6 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
41. Objection received from Mr Jamie Hall, 13 Hallglen Road, Glen Village, Falkirk, FK1 2AW, on 21 July 2016.
42. Objection received from Ms Ann McRae, 20 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
43. Objection received from Ms Lisa Turner, 6 Falkirk Road, Glen Village, Falkirk, FK1 2AG, on 21 July 2016.
44. Objection received from Mr Daniel Selwyn, 12 Falkirk Road, Glen Village, Falkirk, FK1 2AG, on 21 July 2016.
45. Objection received from D Hamilton, 10 Falkirk Road, Glen Village, Falkirk, FK1 2AG, on 21 July 2016.
46. Objection received from M Hamilton, 14 Falkirk Road, Glen Village, Falkirk, FK1 2AG, on 21 July 2016.
47. Objection received from Mr Rhos English, 16 Falkirk Road, Glen Village, Falkirk, FK1 2AG, on 21 July 2016.
48. Objection received from Ms Margaret Johnson, 20 Falkirk Road, Glen Village, Falkirk, FK1 2AG, on 21 July 2016.
49. Objection received from W McClintock, 45 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
50. Objection received from L Mylis, 43 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
51. Objection received from Ms Sandra English, 2 Parkhead Road, Glen Village, Falkirk, FK1 2AR, on 21 July 2016.
52. Objection received from Mr James Webster, 16 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
53. Objection received from Fahrat Akram, Post Office, Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
54. Objection received from Mr Grant Stirling, 10 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
55. Objection received from E Hannan, 7 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
56. Objection received from Ms Susan McIntosh, 5 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
57. Objection received from Ms Jane Nimmo, 21 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
58. Objection received from Fahrat Akram, Post Office, Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 30 June 2016.
59. Objection received from Mrs Kimberley Brown, 14 Glenbank, Glen Village, Falkirk, FK1 2AH on 22 June 2016.
60. Objection received from Mrs Jennifer Chappell, 14 Glen Crescent, Glen Village, Falkirk, FK1 2AQ on 27 June 2016.

61. Objection received from Ms Audrey Williamson, 13 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
62. Objection received from Mrs RJ Riley, 3 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
63. Objection received from Mr E Riley, 3 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
64. Objection received from Ms Mary Wallace, 13 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
65. Objection received from Mrs Margaret English, 19 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
66. Objection received from D Parker, 25 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
67. Objection received from Ms Carly Winton, 22 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
68. Objection received from Mr Craig Stirling, 27 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
69. Objection received from Mr Derek Page, 17 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
70. Objection received from Mr Crawford, 27 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
71. Objection received from Mrs Crawford, 27 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
72. Objection received from E Falchey, 30 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
73. Objection received from Mrs Valerie Ross, 29 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
74. Objection received from Mr Ian Mitchell, 1 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
75. Objection received from Mr Andrew Wallace, 13 Glen Crescent, Glen Village, Falkirk, FK1 2AQ on 29 June 2016.
76. Objection received from J Newton, 5 Glenbank, Glen Village, Falkirk, FK1 2AH, on 21 July 2016.
77. Objection received from Ms Lana Ross, 8 Glenbank, Glen Village, Falkirk, FK1 2AH, on 21 July 2016.
78. Objection received from Ms Lana Ross, 8 Glenbank, Glen Village, Falkirk, FK1 2AH, on 21 July 2016.
79. Objection received from Ms I Laston, 11 Glenbank, Glen Village, Falkirk, FK1 2AH, on 21 July 2016.
80. Objection received from Ms Lynne Martin, 12 Glenbank, Glen Village, Falkirk, FK1 2AH, on 21 July 2016.
81. Objection received from Mr Michael Stanners, 12 Glenbank, Glen Village, Falkirk, FK1 2AH, on 21 July 2016.
82. Objection received from Mr Baxter, 16 Glenbank, Glen Village, Falkirk, FK1 2AH, on 21 July 2016.
83. Objection received from Mrs Baxter, 16 Glenbank, Glen Village, Falkirk, FK1 2AH, on 21 July 2016.
84. Objection received from Ms Kimberley Brown, 14 Glenbank, Glen Village, Falkirk, FK1 2AH, on 21 July 2016.
85. Objection received from Ms Eileen Rankine, 15 Glenbank, Glen Village, Falkirk, FK1 2AH, on 21 July 2016.
86. Objection received from Ms Anne Shedden, 21 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.

87. Objection received from Ms Tracy Hamilton, 20 Parkhead Road, Glen Village, Falkirk, FK1 2AR, on 21 July 2016.
88. Objection received from Mr James Shedden, 18 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
89. Objection received from Mr Vincent Whitelaw, 13 Glenbank, Glen Village, Falkirk, FK1 2AH, on 21 July 2016.
90. Objection received from Ms Jane Nimmo, 21 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
91. Objection received from Mrs Anderson, 38 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
92. Objection received from Mr Marc Young, 11 Hallglen Road, Glen Village, Falkirk, FK1 2AW, on 21 July 2016.
93. Objection received from Ms Denise Whitelaw, 11 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
94. Objection received from Ms Lesley-Anne Terry, 10 Hallglen Road, Glen Village, Falkirk, FK1 2AW, on 21 July 2016.
95. Objection received from Ms Joyce Thomson, 8 Parkhead Road, Glen Village, Falkirk, FK1 2AR, on 21 July 2016.
96. Objection received from Ms Gail Cooper, 14 Parkhead Road, Glen Village, Falkirk, FK1 2AR, on 21 July 2016.
97. Objection received from Ms Donna Christie, 16 Parkhead Road, Glen Village, Falkirk, FK1 2AR, on 21 July 2016.
98. Objection received from Mr Gary Crosbie, 32 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
99. Objection received from Alex newton, 3 Callendar Avenue, Glen Village, Falkirk, FK1 2AJ, on 21 July 2016.
100. Objection received from Ms Nicola Graham, 22 Parkhead Road, Glen Village, Falkirk, FK1 2AR, on 21 July 2016.
101. Objection received from D Gillespie, 42 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
102. Objection received from Ms June Penman, 53 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
103. Objection received from Owner/Occupier, 31 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
104. Objection received from Owner/Occupier, 7 Allan Barr Court, Glen Village, Falkirk, FK1 2AL, on 21 July 2016.
105. Objection received from Ms Susan Walker, 33 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
106. Objection received from I Cartwright, 36 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
107. Objection received from Mrs M Hester, 5 Hallglen Road, Glen Village, Falkirk, FK1 2AW, on 21 July 2016.
108. Objection received from Mr Duncan Conah, 9 Hallglen Road, Glen Village, Falkirk, FK1 2AW, on 21 July 2016.
109. Objection received from Owner/Occupier, 10 Hallglen Road, Glen Village, Falkirk, FK1 2AW, on 21 July 2016.
110. Objection received from Ms Stephanie Devlin, 20 Glen Crescent, Glen Village, Falkirk, FK1 2AQ, on 21 July 2016.
111. Objection received from Ms Lynette Pender, 11 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
112. Objection received from Mr Lee Kirk, 5 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.

113. Objection received from Mrs M Christie, 19 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.
114. Objection received from Mr Robert Newton, 21 Parkhead Road, Glen Village, Falkirk, FK1 2AS, on 21 July 2016.

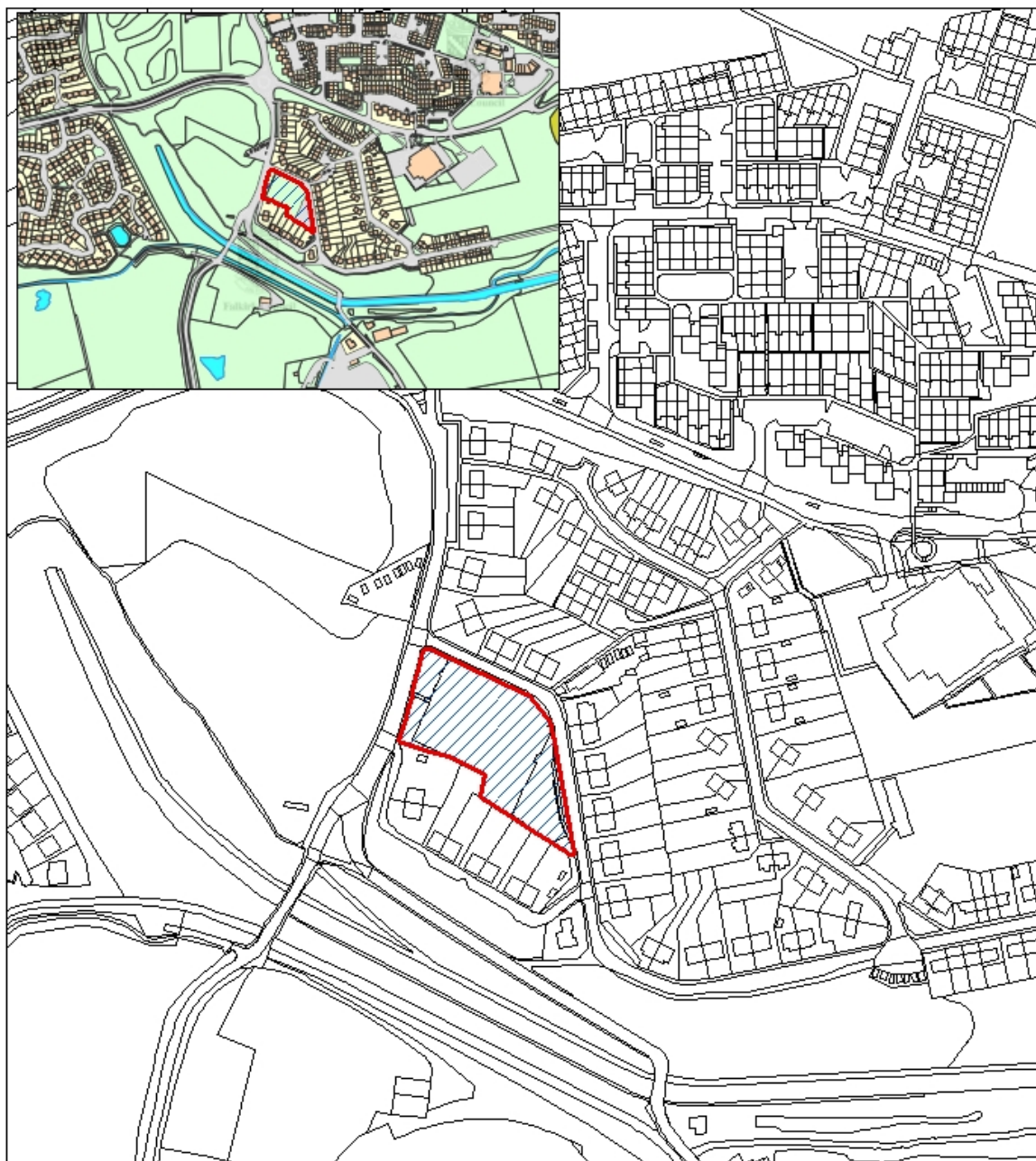
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/16/0360/FUL

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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