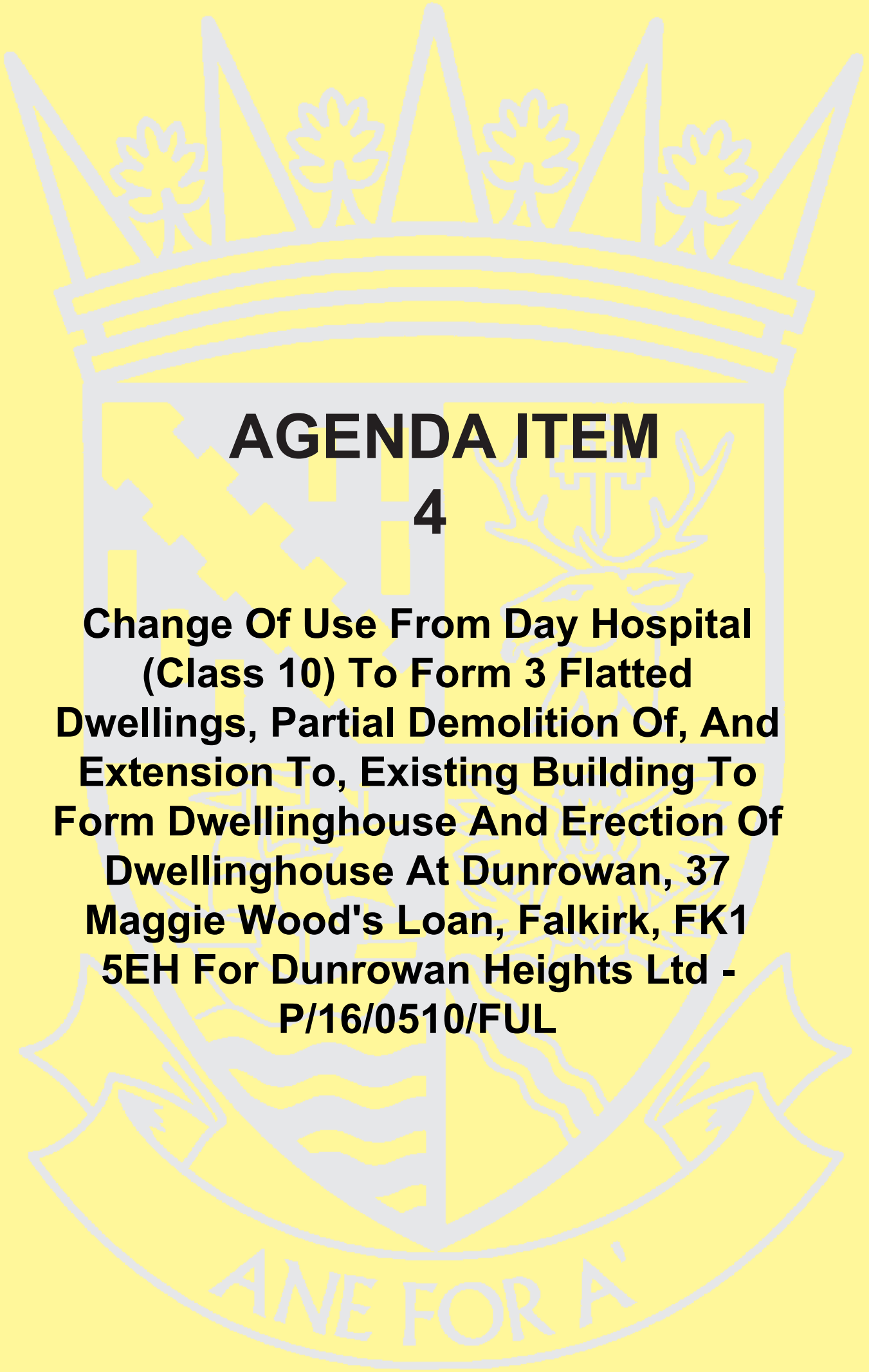




AGENDA ITEM

4

**Change Of Use From Day Hospital
(Class 10) To Form 3 Flatted
Dwellings, Partial Demolition Of, And
Extension To, Existing Building To
Form Dwellinghouse And Erection Of
Dwellinghouse At Dunrowan, 37
Maggie Wood's Loan, Falkirk, FK1
5EH For Dunrowan Heights Ltd -
P/16/0510/FUL**

FALKIRK COUNCIL

Subject: CHANGE OF USE FROM DAY HOSPITAL (CLASS 10) TO FORM 3 FLATTED DWELLINGS, PARTIAL DEMOLITION OF, AND EXTENSION TO, EXISTING BUILDING TO FORM DWELLINGHOUSE AND ERECTION OF DWELLINGHOUSE AT DUNROWAN, 37 MAGGIE WOOD'S LOAN, FALKIRK, FK1 5EH FOR DUNROWAN HEIGHTS LTD - P/16/0510/FUL PLANNING COMMITTEE

Meeting:
Date: 23 November 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: No Community Council

Case Officer: Kevin Brown (Planning Officer), Ext. 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application proposes the change of use and alterations to a former day hospital to form 3 flatted dwellings, partial demolition of, and extension to, the existing building to form a single dwellinghouse and the erection of a further dwellinghouse to the front of the site. The proposal is located centrally in Falkirk and intends to utilise the existing access to the site from Maggie Woods Loan to serve all of the proposed properties.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 This application has been called in by Councillor Chalmers because of concerns over backland development, privacy / overshadowing, compatibility of proposed building materials and to allow concerns raised by constituents to be assessed by Committee.

3. SITE HISTORY

- 3.1 P/16/0470/FUL Detail - Granted 02.09.2016 Change of Use from Day Hospital (Class10) to Dwellinghouse (Class 9).
- 3.2 F/94/1030 Detail - Granted 09.03.1995 Alterations and Change of Use of Nurses Accommodation to Form Day Care Centre (Detailed).

4. CONSULTATIONS

- 4.1 The Coal Authority has no objection to the proposal.
- 4.2 The Roads Development Unit has no objection to the proposal but have requested an amendment to site access
- 4.3 Scottish Water have not responded to the consultation.
- 4.4 The Environmental Protection Unit have no objection to the proposal.

5. COMMUNITY COUNCIL

- 5.1 No Community Council.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 3 contributors submitted letters to the Council. The salient issues are summarised below.

The following concerns have been raised by neighbours to the site:

- Privacy;
- Overshadowing;
- Impact on townscape character and 'Victorian era' appearance of Maggie Wood's Loan;
- Backland development;
- Removal of a mature Silver Birch tree;
- Drainage impacts.

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 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.2 The application site is located within the urban limits of the Falkirk Local Development Plan and the proposed new build properties would result in the sub-division of the existing plot. The housing proposed would be compatible with neighbouring residential uses and the site is centrally location with good access to physical infrastructure and community facilities. The site is not at significant risk of flooding. The proposal accords with Policy HSG03.

7a.3 Policy HSG05 - Infill Development and Subdivision of Plots states

Proposals for the erection of additional houses within the curtilage of existing properties or on small gap sites will be permitted where:

- 1. The scale, density, disposition and design of the proposed houses respect the townscape character of the area;*
- 2. Adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or functioning of existing gardens;*
- 3. Adequate privacy will be afforded to both the proposed houses and neighbouring properties;*

4. *The proposal would not result in the loss of features such as trees, vegetation or walls, such that the character or amenity of the area would be adversely affected;*
5. *The proposed vehicular access, parking and other infrastructure is of an adequate standard for both proposed and existing houses; and*
6. *The proposal complies with other LDP policies.*

7a.4 The proposed development takes the form of a small infill opportunity within the grounds of a large detached property. The proposal achieves acceptable levels of garden ground and parking provision for each property and the design, scale and character of development proposed would make a positive contribution to the character of the area. The proposed development does not introduce any unacceptable over-shadowing or privacy concerns and does not represent an over-development of the plot. The proposal would not result in the loss of existing features from the site such that character or amenity would be adversely affected. The proposal accords with Policy HSG05.

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 The proposed development is respectful of surrounding build densities and would achieve a high quality design solution in this location which would comply with Supplementary Guidance SG02 'Neighbourhood Design' and government policy 'Designing Streets'. The proposal accords with Policy HSG04.

7a.7 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.8 The applicants have demonstrated that sufficient levels of passive open space would be provided to serve the proposed development and have agreed to enter into a suitably worded legal agreement to secure a financial contribution of £2,205 towards off-site active open space requirements in line with Supplementary Guidance SG13 'Open Space and New Development'. The proposal accords with Policy INF04.

7a.9 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.10 The applicant has provided a statement indicating their intention to install solar PV panels to meet the 10% reduction in CO2 emissions as required and have indicated that each property will be built to 'bronze active' standard with a 'statement of conformity' to be submitted to the Council prior to occupation of the development. It is considered that this aspect can be secured by a suitably worded planning condition. The proposal accords with Policy D04.

7a.11 The proposal accords with the terms of the Falkirk Local Development Plan.

Supplementary Guidance forming part of Local Development Plan

7a.12 Supplementary Guidance SG02 - Neighbourhood Design

7a.13 This guidance sets out advice to developers in relation to townscape character and offers specific advice in relation to detailed aspects such as road layout, parking, design, building spacing and materials. The proposal is considered to accord with the terms of this guidance.

7a.14 Supplementary Guidance SG03 – Residential Extensions and Alterations

7a.15 This guidance offers specific advice in relation to privacy standards in the form of minimum window to window over-looking distances. The proposed development exceeds the minimum distances in all areas and accords with the terms of this guidance.

7a.16 Supplementary Guidance SG06 – Trees and Development

7a.17 This guidance offers specific advice to developers considering proposals which may impact upon mature trees and offers particular guidance in respect of tree protection measures during construction. The existing site is not covered by any form of tree preservation order. Mature trees to the north of the site do have the potential to be impacted upon by proposed construction work and it is therefore considered appropriate to condition appropriate tree protection measures during any construction work in this location. The proposal accords with the terms of this guidance.

7a.18 Supplementary Guidance SG13 – Open Space and New Development

7a.19 This guidance sets out requirements for open space provision required to serve new development and sets out a framework for calculating developer contributions in instances where on-site provision cannot be met. In this case, the developers can provide sufficient passive open space provision within the site and have agreed to make a financial contribution of £2,205 to meet active open space requirements. The proposal accords with the terms of this guidance.

7a.20 Supplementary Guidance SG15 – Low and Zero Carbon Development

7a.21 This guidance sets out the requirement for 10% of the overall reduction of CO² emissions as required by Building Standards to be met by on-site low and zero carbon generating technologies and explain what form of technologies may be considered appropriate to meet this requirement. The applicants have committed to installing solar PV panels to meet this 10% reduction in CO² emissions and have committed to the provision of a 'Statement of Conformity' prior to occupation of this development. Securing this by way of a suitability worded planning condition accords with terms of this guidance.

7b Material Considerations

7b.1 The material considerations to be assessed are consideration of the site in relation to assessment of public representations and coal mining legacy.

Assessment of Public Representations

- 7b.2 The applicant has provided additional plans demonstrating that privacy levels would be well within the Council's guidelines set out within Supplementary Guidance SG03 – Residential Extensions and Alterations. The proposed plans have also been amended to remove ground floor windows from the existing building and erect a fence to remove overlooking of garden ground to the south of the site.
- 7b.3 The orientation of the proposed development in relation to the sun is such that overshadowing is not considered to be problematic and is not a determining factor in the assessment of this application.
- 7b.4 Maggie Wood's Loan is not characterised by one particular form of housing and a variety of sizes and designs of dwellinghouses are prevalent in the area. The proposal is considered to make a positive contribution to the character of the area and takes design inspiration from the existing Dunrowan building whilst retaining the majority of the large landscaped area to the front of the property to the benefit of visual amenity levels.
- 7b.5 There is no policy presumption against forms of backland development. Each proposed property within the development has a good degree of residential amenity and garden ground provision whilst benefiting from an attractive outlook.
- 7b.6 The applicant has stated their intention to connect to the existing public water and drainage network. Whilst Scottish Water have not responded to consultation, separate consents would require to be granted by Scottish Water in relation to these connections to enable work to progress. This is not therefore a determining factor in the assessment of this application.
- 7b.7 The Birch tree adjacent to the southern boundary and in front of Plot 2 is not protected by a Tree Preservation Order. The applicant has indicated their intention to keep this tree and prune it where necessary to avoid interference with the proposed dwellinghouse.

Consideration of the Site in relation to Coal Mining Legacy

- 7b.8 The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. Any development proposal not exempt on grounds of type or nature, which would intersect with the ground requires the submission of a desk based Coal Mining Risk Assessment and Consultation with the Coal Authority.
- 7b.9 The process recognises the need for flexibility and in cases where a further application (Matters Specified in Conditions) is necessary, the Coal Mining Risk Assessment may be deferred until that stage. If an assessment has been received and the views of the Coal Authority sought, these are summarised within the consultation responses above and appropriate conditions and/or informatives have been applied.

7c Conclusion

- 7c.1 The proposal is an acceptable form of development and accords with the terms of the Development Plan. There are no material planning considerations that warrant a refusal of planning permission in this instance.

8. RECOMMENDATION

8.1 It is therefore recommended that the 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 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 open space improvements to the sum of £2,205; 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. Prior to the start of work on site, details of all external finishing materials to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.
- 4. The development hereby approved will not be occupied or brought into use until the following documents have been submitted to and approved in writing by the Planning Authority:
 - i) a copy of the appropriate sustainability label (i.e. at least Bronze Active); and
 - ii) a Statement of Conformity which confirms that 10%, of the required CO² emissions reduction is achieved through the installation of low and zero carbon generating technologies.

Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by Falkirk Council. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

- 5. Before development commences a Tree Protection Plan shall be submitted for the approval of Falkirk Council as Planning Authority. The Tree Protection plan shall detail measures to protect all retained trees, including those outwith the site boundaries, from construction damage and detail all trees to be removed and tree surgery works.
- 6. Temporary protective fencing, in full accordance with the approved Tree Protection Plan, must be erected prior to any works commencing on site and must remain in position until all construction works are completed. This fenced off area will form the Construction Exclusion Zone and no excavation, increase in levels, trenching, material storage, building material run off, fire, pedestrian or machinery access shall take place within the fenced off Construction Exclusion Zone.

Reason(s):-

- 1. As these drawings and details constitute the approved development.
- 2. To ensure the ground is suitable for the proposed development.
- 3. To safeguard the visual amenity of the area.
- 4. To ensure the development achieves the required CO₂ emission reduction as a result of development.

- 5-6. To ensure that the existing trees are retained and protected during construction work.

.....
pp Director of Development Services

Date: 14 November 2016

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan
2. Supplementary Guidance SG02 - Neighbourhood Design.
3. Supplementary Guidance SG03 - Residential Extensions and Alterations.
4. Supplementary Guidance SG06 - Trees and Development.
5. Supplementary Guidance SG13 - Open Space and New Development.
6. Supplementary Guidance SG15 - Low and Zero Carbon Development.
7. Objection received from Mrs Fiona Johnston, 39 Maggie Wood's Loan, Falkirk, FK1 5EH on 25 August 2016
8. Objection received from Mr James Watson-Fargie, 13 Windsor Drive, Falkirk, FK1 5QN on 9 August 2016
9. Objection received from Mr & Mrs Graeme and Fiona Johnston, 39 Maggie Wood's Loan, Falkirk, FK1 5EH, on 14 September 2016

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan

P/16/0510/FUL

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



Reproduced by permission of Ordnance Survey on behalf of HMSO.
© Crown copyright and database right 2016. All rights reserved.
Ordnance Survey Licence number 100023384