

FALKIRK COUNCIL

Subject: **ERECTION OF 8 FLATS AND ANCILLARY WORKS AT LAND TO THE SOUTH OF 32 LOCHPARK PLACE, LOCHPARK PLACE, DENNY FOR FALKIRK COUNCIL - P/09/0180/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **23 September 2009**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Member: **Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell**

Community Council: Denny and Dunipace

Case Officer: Brent Vivian (Senior Planning Officer), ext 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks detailed planning permission for the erection of 2 two-storey buildings, each containing 4 flats, and ancillary works.
- 1.2 The application site lies between Lochpark Place and Sawers Avenue in Denny. The site consists of a former lock-up garage facility. The area is residential in nature, with a predominance of two-storey terraced and flatted dwellings. The site has a road frontage to Lochpark Place.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been made by the Council and relates to land in the ownership of the Council. Under the Council's amended Scheme of Delegation, such applications require consideration by the Planning Committee.

3. SITE HISTORY

- 3.1 Planning application ref : P/09/0041/FUL for the erection of 10 flats and ancillary works was withdrawn. The current application is a revision of the withdrawn application.

4. CONSULTATIONS

- 4.1 The Roads Development Unit is satisfied with the proposed parking and access arrangements and with the proposals for surface water drainage.
- 4.2 The Transport Planning Unit has advised that one cycle locker, either accommodated within the buildings or within a bin store or similar type building, should be provided.
- 4.3 The Environmental Protection Unit is satisfied that an adequate contaminated land assessment has been undertaken. Subject to the submission of a satisfactory remediation validation certificate, the application site would appear to be suitable for its intended use.
- 4.4 Scottish Water has no objection to the application.
- 4.5 The Scottish Environmental Protection Agency has no objection to the application and has advised that surface water drainage is required to comply with the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR).
- 4.6 Central Scotland Police have made recommendations in relation to boundary treatment, car parking and landscaping, to ensure that the development is designed to minimise the opportunity for crime.
- 4.7 Education Services has no objection to the application.
- 4.8 Community Services, Parks and Recreation, has advised that a development of this nature and scale would have a minimal impact on existing open space and play facility provision in the area. A financial contribution towards the provision, upgrade or maintenance of open space/ play facilities is therefore not requested by that Service.

5. COMMUNITY COUNCIL

- 5.1 The Denny and District Community Council has not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 No public representations have been received to the application.

7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

7a The Development Plan

Approved Falkirk Council Structure Plan

- 7a.1 The proposed development does not have any strategic implications and therefore the policies of the approved Falkirk Council Structure Plan are not considered to be relevant.

Adopted Denny and District Local Plan

- 7a.2 Policy DEN 4 'New Residential Development' states:

"Residential development is directed towards sites H1 to H13 identified on the Policies, Proposals and Opportunities Map, and other brownfield sites which become available within the Urban Limit."

- 7a.3 The application site is a former garage lock-up facility and lies within the urban limits. As the site can be considered brownfield, the proposed development is considered to accord with this policy.

- 7a.4 Policy DEN 6 'Environmental Quality in New Housing' states:

"Proposals for residential development are required to be of a high standard of design and should:

- (i) respect and complement the character of the surrounding townscape and/ or landscape;*
- (ii) combine a layout and built form which provides a safe, defensible and aesthetically pleasing environment; and*
- (iii) incorporate energy efficient design.*

Note : Complementary development control criteria are given by policies DEN 17, DEN 22, DEN 23, and DEN 32."

- 7a.5 The design of the proposed development is considered to respect the character of the surrounding townscape. The rear garden ground of the proposed flats would be enclosed by 1.8 metre high fencing, in accordance with the recommendations of Central Scotland Police. The exposed edges of the development (facing Sawers Avenue and public open space) would be planted with a beech hedge, in order to provide an aesthetically pleasing environment. Ground source heat pumps would be trialed in this development, therefore the proposal can be seen to incorporate energy efficient design. The proposed development is therefore considered to accord with this policy.

- 7a.6 Policy DEN 32 'Open Space Provision' states:

"The Council will require the provision of active and passive open space in residential developments, with adequate arrangements made for their future maintenance. The extent of provision should be commensurate with the size, form and density of development, and generally accord with the Council's approved standards. The location, design and landscaping of open space should:

- (i) form an attractive and integral part of the development, contributing to its character and identity;*
- (ii) incorporate existing natural features in, or adjacent to, the site; and*

(iii) *create play areas that are convenient, safe and easily supervised.”*

7a.7 The proposed development does not include any active or passive open space. However, such provision would not be practical or reasonable given the small scale and nature of the development. The local area is served by a large expanse of well maintained greenspace, which contains a play facility considered fit for purpose. This greenspace adjoins the application site. Community Services has advised that it would not require a financial contribution towards off-site provision in lieu of on-site provision. This view is supported. Accordingly, having regard to the scale and nature of the proposed development and existing open space provision in the area, the proposed development is considered to accord with this policy.

7a.8 Accordingly, the application is considered to accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version) and the consultation responses.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 The application site lies within the urban limits for Denny under the Falkirk Council Local Plan Finalised Draft (Deposit Version). Policies EQ3 (Townscape Design), SC2 (Windfall Housing Development Within the Urban Limit), SC12 (Urban Open Space) and SC13 (Open Space and Play Provision in New Development) are relevant to the proposed development, and do not raise any additional issues to those considered under the comparable policies of the Development Plan. For the reasons detailed in this report, the proposed development is similarly considered to accord with the above-mentioned policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.3 Policy SC6 - ‘Housing Density And Amenity’ states:

- “(1) Overall density in new residential developments should conform to the indicative capacity shown for allocated sites or, in the case of windfall sites, be dictated by the character of the surrounding area and the design objectives for the site, as established in the Design Concept Statement. Higher densities may be allowed where this helps to achieve design excellence.*
- (2) On large sites, housing density should be varied to create areas of different character, reflecting the structure of streets and spaces in the development. A mix of housing types will be required.*
- (3) Adequate properly screened private amenity space should be provided for dwellinghouses. In flatted developments, communal space for clothes drying and private amenity should be provided.*
- (4) Housing layouts should be designed to ensure adequate privacy and to avoid excessive overshadowing of houses or garden ground. A minimum distance between overlooking windows of 18 metres will generally be required.”*

7b.4 The density of the proposed development is in keeping with the character of the area. Adequate private amenity space is being provided, having regard to the nature of the development (flats). The development has been designed to ensure adequate privacy and avoid excessive overshadowing. The site is separated from adjacent residential properties by roads and open space. The development is therefore considered to accord with this policy.

Consultation Responses

- 7b.5 The consultation responses are summarised in section 4 of this report. No objections have been raised in these responses. The requirements of the Roads Development Unit and the Transport Planning Unit in relation to parking, vehicular access and cycle storage are incorporated into the site layout plan. The requirement of the Environmental Protection Unit for the submission of a remediation validation certificate in relation to contaminated land would be the subject of a condition of any grant of planning permission.

7c Conclusion

- 7c.1 The application is considered to accord with the Development Plan, for the reasons detailed in this report. Accordingly, the application is recommended for approval, subject to the imposition of appropriate conditions. There are no material considerations to justify setting aside the terms of the Development Plan in this instance.

8. RECOMMENDATION

- 8.1 It is therefore recommended that detailed planning permission be granted subject to the following conditions:-

1. The development to which this permission relates must be begun within three years of the date of this permission.
2. Before the development commences, exact details of the colour and specification of all proposed external finishes and hard surface finishes shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
3. The proposed timber fencing shall be painted/stained a colour to be agreed in writing by this Planning Authority before the development commences.
4. Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion report/validation certificate shall be submitted to and approved in writing by this Planning Authority.

Reasons:

1. To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2.-3. To safeguard the visual amenity of the area.
4. To ensure the ground is suitable for the proposed development.

Informative(s):

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference numbers 02A, 03A, 04, 05, 06, 07 and 08.

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For Director of Development Services

Date: 15 September 2009

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan.
2. Adopted Denny and District Local Plan.
3. Falkirk Council Local Plan Finalised Draft (Deposit Version).

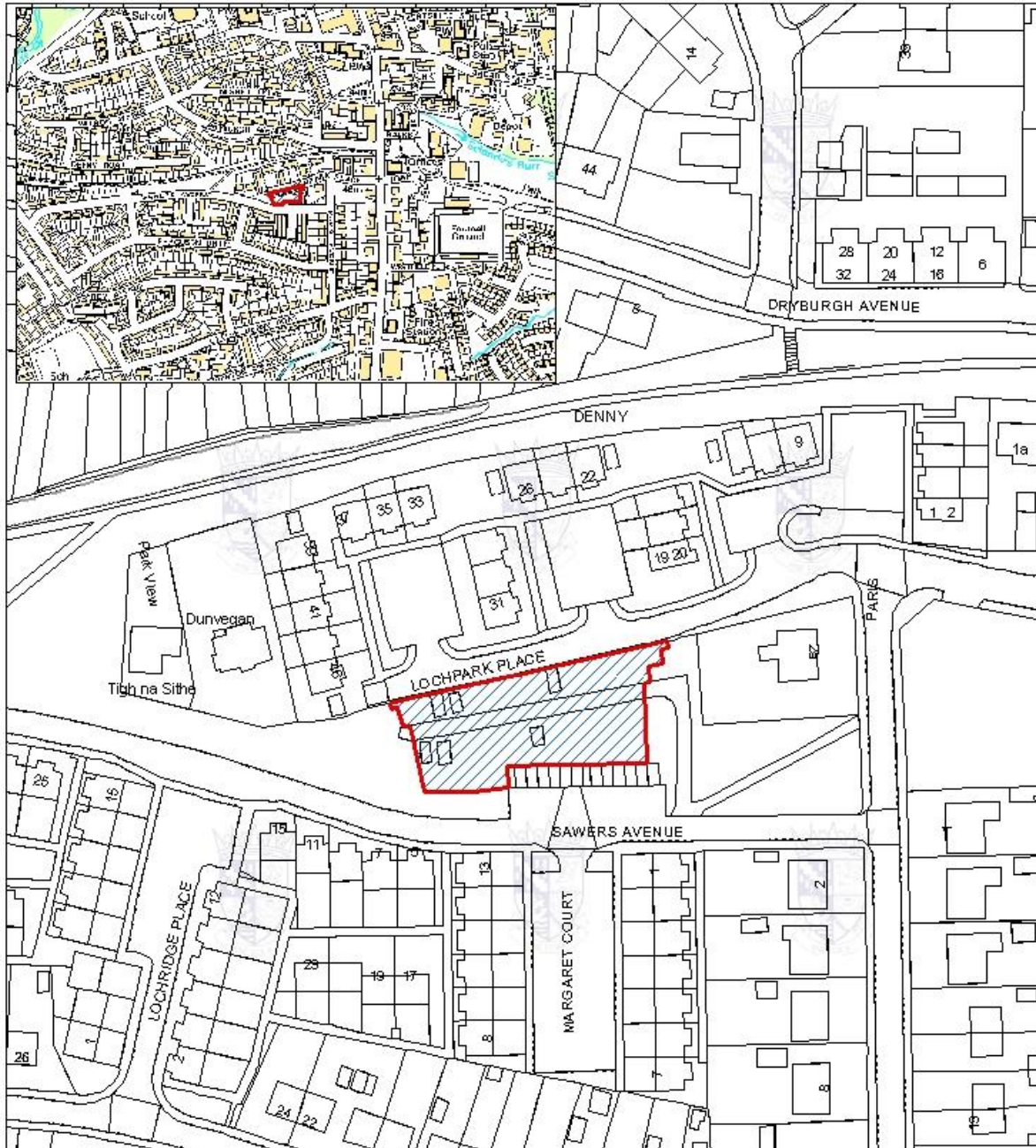
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Senior Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0180/FUL

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



Falkirk Council

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