

FALKIRK COUNCIL

Subject: AMENDMENT TO PLANNING PERMISSION F/2004/0663
(SUBSTITUTION OF HOUSETYPE PLOT 207-238) WHICH
INCORPORATES AN ADDITIONAL 6 DWELLINGS AT
LAND SOUTH WEST OF 8 KIRKLAND DRIVE, KIRKLAND
DRIVE, STONEYWOOD, FOR OGILVIE HOMES –
P/14/0471/FUL

Meeting: PLANNING COMMITTEE
Date: 27 November 2014
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock

Councillor Jim Blackwood
Councillor Brian McCabe
Councillor John McNally
Councillor Martin David Oliver

Community Council: Denny and District

Case Officer: Brent Vivian, (Senior Planning Officer), Ext. 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks full planning permission to substitute the house types on 26 previously approved house plots and incorporate an additional six dwellinghouses. The approved scheme provided for detached dwellinghouses, whilst the current application provides for a mix of detached, semi-detached and terraced properties. The approved road layout would essentially remain the same, although a turning head would be replaced with a turning circle.
- 1.2 The application site forms part of an approved housing site at Stoneywood, Denny. The housing is currently under construction and the application site is currently being used for the storage of building materials.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires consideration by the Planning Committee as it has been called in by Councillor Brian McCabe.

3. SITE HISTORY

- 3.1 Planning application F/2004/0663 for the erection of 83 dwellinghouses and 6 flats was granted in February 2006.
- 3.2 Planning application P/10/0290/FUL for the substitution of house types on approved house plots 1, 3 and 87 was granted in June 2010.
- 3.3 Planning application P/10/0814/FUL for a part change of use of a former railway platform to private garden ground, erection of 1.8 metre high fencing, erection of 1.1 metre high fencing and landscaping was granted in May 2011.
- 3.4 Planning application P/11/0383/FUL for a proposed new SUDS system, including the introduction of a roadside swale, and subsequent road and house realignments (plots 5 to 12 inclusive) was granted in August 2011.
- 3.5 Planning application P/11/0656/FUL for the erection of 33 dwellinghouses (amendment to F/2004/0663 and incorporating 3 additional units) was granted in January 2012.
- 3.6 Planning application P/12/0684/FUL for the substitution of 7 approved units with 8 proposed units (amendment to F/2004/0663) was granted in January 2013.
- 3.7 Planning application P/14/0050/FUL for a proposed house type remix consisting of plot substitution of 4 approved units with 6 proposed units was granted in April 2014.
- 3.8 The applications (including the current application) since grant of the original planning permission (ref: F/2004/0663) increase the number of units from the originally approved 83 dwellinghouse and 6 flats to 91 dwellinghouses and 10 flats.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have advised that the overall scheme, as amended, provides for 24 visitor parking spaces, which is at the same rate (1 per 4.2 dwellinghouses) as the original permission (F/2004/0663). On that basis, the visitor parking provision is acceptable. They have requested that approval of a traffic calming scheme be the subject of a planning condition.
- 4.2 The Environmental Protection Unit have advised that a contaminated land assessment would be required if any made ground, suspect substances or odours are encountered during any site works/ operations following the commencement of the development.
- 4.3 Education Services have advised that the proposed increase in dwellinghouses by 6 exceeds the threshold where contributions are taken in respect of Denny Primary School. Whilst no education contribution was required in respect of the original application (granted in February 2006), circumstances have changed and there is an identified capacity issue at Denny Primary School. A pro-rata contribution of £2,100 is requested for each of the 6 additional houses.
- 4.4 Scottish Water have not responded.

- 4.5 The Transport Planning Unit have advised that a financial contribution towards the Denny Eastern Access Road (DEAR) would not be required given the small scale of the increase in the number in units.

5. COMMUNITY COUNCIL

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

6. PUBLIC REPRESENTATION

- 6.1 No public representations have been received in respect of the application.

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

Falkirk Council Structure Plan

- 7a.1 The proposed development does not raise any strategic issues and therefore the application has been assessed solely against the Falkirk Council Local Plan.

Falkirk Council Local Plan

- 7a.2 The application site lies within the urban limits as defined in the Falkirk Council Local Plan and forms part of housing opportunity site H.DEN06. The principle of the development of housing at the site was established in grant of planning permission F/2004/0663.

- 7a.3 Policy EQ3 – ‘Townscape Design’ states:-

“New development will be required to contribute positively to the quality of the built environment. Proposals should accord with the following criteria:

- (1) The siting, layout and density of new development should create a coherent structure of streets, amenity space and buildings which respects and complements the site’s environs and creates a sense of identity within the development;*
- (2) Streets and public spaces should have buildings fronting them, and where this is not possible, a high quality architectural or landscape treatment will be required as an alternative;*
- (3) The design of new buildings should reflect the surrounding urban fabric in terms of scale, height, massing and building line;*
- (4) Building materials, finishes and colours should be chosen to complement those prevailing in the local area;*

- (5) *Existing buildings or structures which contribute to the local townscape should be retained and integrated sensitively into the layout; and*
- (6) *The contribution to the townscape of important landmarks, skylines and views should be respected.”*

7a.4 The proposed development is considered to contribute positively to the quality of the built environment. In particular, the design of the buildings would be in keeping with the existing housing in the area. The application is therefore considered to accord with this policy.

7a.5 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.”*

7a.6 The indicative capacity for housing opportunity site H.DEN06 is 89 units (which reflects the original planning permission), whilst subsequent permissions increased the overall number of units by six, reflecting a shift to smaller house types. The current application also reflects this shift (in increasing the number of units by a further six) and it can be noted that a mix of house types is supported by part 2 of the policy. In addition, the application is considered to be acceptable within the terms of parts 3 and 4 of the policy. Overall, the application is considered to accord with this policy.

7a.7 Policy SC13 - ‘Open Space and Play Provision in New Development’ states:

“New development will be required to contribute to open space and play provision. Provision should be informed by the Council’s open space audit and strategy and the SPG Note on ‘Open Space and New Development’, once available, or a site-specific local audit of provision in the interim, and should accord with the following principles:

- (1) Open space and facilities for play and outdoor sport should be provided in broad accordance with the guidance in Table 4.2. These requirements may be increased where the extent and quality of facilities in the area are proven by the open space audit to be below a suitable standard. Above ground SUDS features, small incidental amenity areas, structure planting and road verges will not count towards requirements.*
- (2) Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where*
 - existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;*

- *in residential developments, the size of the development falls below the threshold of 10 houses indicated in Table 4.2, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*
 - *as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area;*
 - *The required financial contribution per house will be set out in the SPG Note on ‘Open Space and New Development’.*
- (3) *The location and design of open space should be such that it:*
- *forms an integral part of the development layout, contributing to its character and identity;*
 - *is accessible and otherwise fit for its designated purpose;*
 - *links into the wider network of open space and pedestrian/cycle routes in the area;*
 - *sensitively incorporates existing biodiversity and natural features within the site;”*
 - *promotes biodiversity through appropriate landscape design and maintenance regimes; and*
 - *enjoys good natural surveillance;*
- (4) *Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it.”*

7a.8 The overall development includes an equipped play facility and three open space areas which are considered to be sufficient to provide for the development including the additional units. A scheme of works to open space ‘Area C’ would be delivered as part of this current application and the exact details of the works, including new planting, would be the subject of conditions of any grant of permission. The application is therefore considered to accord with this policy.

7a.9 Policy SC14 – ‘Education and New Housing Development’ states:-

“Where there is insufficient capacity within the catchment school to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council’s education policies. The contribution will be a proportionate one , the basis of which will be set out in the SPG Note on ‘Developer Contributions; Education and New Housing Development’. In cases where the school cannot be improved in a manner consistent with the Council’s education policies, the development will not be permitted.”

7.10 The proposal for an additional six units results in the need for a financial contribution towards upgrading Denny Primary School to meet an identified future capacity issue. The required contribution is in the sum of £15,600 and the applicant has agreed to the payment. The application is therefore considered to accord with this policy.

7a.11 Accordingly, overall, the application is considered to accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed in respect of this application are the Falkirk Local Development Plan (Proposed Plan) and the consultation responses.

Falkirk Local Development Plan (Proposed Plan)

- 7b.2 The Proposed Falkirk Local Development Plan (FLDP) was approved by the Council for consultation in March 2013, with the period for representations running from April to June 2013. It is expected to be adopted in early 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications.
- 7b.3 The application site forms part of H18 under the Proposed Plan, which is an Existing Supply Site with a capacity for 90 units. This reflects the site capacity indicated in the Falkirk Council Local Plan (based on the number of units granted by the original permission) and the relevant policies are similar in both the Proposed Plan and the Falkirk Council Local Plan. The relevant policies of the Proposed Plan are Policies HSG04 – 'Housing Design', INF04 – 'Open Space and New Residential Development' and INF05 – 'Education and New Housing Development'.
- 7b.4 The application has been assessed in this report as complying with the Falkirk Council Local Plan therefore it is similarly concluded that the application complies with the Proposed Plan.

Consultation Responses

- 7b.5 The consultation responses have been summarised in section 4 of this report. The matters raised by the Roads Development Unit and the Environmental Protection Unit could be the subject of conditions/informatives of any grant of planning permission. The requirements for an education contribution (see paragraph 4.3) would be the subject of a legal agreement/planning obligation.

7c Conclusion

- 7c.1 The application is considered to accord with the Development Plan, for the reasons detailed in this report. It is therefore recommended as a Mind to Grant decision subject to the satisfactory conclusion of a legal agreement/planning obligation in respect of an education contribution, and thereafter for the grant of planning permission subject to appropriate conditions. There are not considered to be any material considerations to set aside the terms of the Development Plan in this instance.

8. RECOMMENDATION

8.1 It is therefore recommended that the Committee: -

- (a) indicate that it is Mind to Grant planning permission subject to the satisfactory conclusion of a legal agreement / planning obligation in respect of an education contribution in the sum of £15,600 (index-linked) towards the future upgrade of Denny Primary School; and**
- (b) thereafter, on conclusion of the foregoing matter, 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. The proposed development shall be carried out in accordance with the remedial measures and validation procedures detailed in the Remediation Statement prepared by Mason Evans Partnership Limited, dated January 2001, approved by the Planning Authority in respect of planning application ref: F/2004/0663.
3. Before the development commences, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by this Planning Authority. Details to be submitted shall include (as appropriate):
 - i. Existing and finished ground levels in relation to a fixed datum, preferably ordnance;
 - ii. Existing landscaping features and vegetation to be retained and, in the case of damage, restored;
 - iii. The height, location and construction of all proposed walls, fences and other means of enclosure;
 - iv. Soft and hard landscaping works;
 - vi. A proposed scheme for subsequent management and maintenance; and
 - vii. Proposals to provide for public access and related facilities within the open space areas.

Thereafter, the development shall be carried out in accordance with the approved details and a timescale(s) to be approved in writing by this Planning Authority. No existing planting shall be removed prior to approval of the scheme of landscaping works.

4. Before the development commences, a fence shall be erected in a position to be agreed with the Planning Authority around the tree crown spread of the trees to be retained (if relevant) and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off areas.
5. The residential units shall be protected so that externally generated noise does not cause internal noise levels to exceed 45dB(A) Leq 1 hour for the time between 0800 hours and 2000 hours and 35dB(A) Leq 1 hour for the time between 2000 hours and 0800 hours.
6. All driveways shall be constructed with a maximum gradient of 1:10 and shall be constructed to ensure that no surface water or loose material is discharged onto the public road. The first 2 metres of each driveway adjoining the public road shall be paved.
7. All road and footway construction shall be carried out in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area".

8. All parking areas shall be constructed in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area".
9. Before the development commences, samples of materials to be used in the development 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.
10. Before the development commences, calculations to demonstrate that the surface water network can attenuate surface water runoff during a 100 year return period event, to pre-development runoff flow rates, shall be submitted to and approved in writing by this Planning Authority. Similarly, calculations for a range of 200 year return period storm events, to assess the level and location of potential back up flooding within the proposed drainage network, shall be submitted to and approved in writing by this Planning Authority.
11. Vehicular access shall be by means of standard dropped kerb footway crossings, formed in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area".
12. Prior to the occupation of any of the dwellinghouses on plots 229 to 233 inclusive, all works approved within the terms of condition 3 of this permission in respect of the open space area marked Area C, shall be fully completed in accordance with the approved details.
13. Notwithstanding approved plan 03A, no development shall commence until a traffic calming scheme has been submitted to and approved in writing by this Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and a timescale to be approved in writing by this Planning Authority.

Reason(s):

1. As these drawings and details constitute the approved development.
2. To ensure the ground is suitable for the proposed development.
- 3,4. To safeguard the visual amenity of the area.
5. To ensure that the occupants of the proposed dwellinghouses are safeguarded against excessive noise intrusion.
- 6,7,11. To safeguard the interests of the users of the highway.
8. To ensure that adequate car parking is provided.
9. To safeguard the visual amenity of the area.
10. To ensure that adequate drainage is provided.

12. To ensure that the details of the treatment of the open space area are satisfactory and completed timeously.
13. To provide for further consideration of the traffic calming measures.

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, 02, 03A, 04, 05B, 06, 07, 08, 09, 10, 11, 12, 13, 14, 16 and 18.
3. In the event that any unexpected contamination is encountered following the commencement of the development, the applicant is advised to (a) ensure that all works on the affected part of the site cease, (b) notify the Planning Authority immediately, (c) carry out a contaminated land assessment and (d) undertake any necessary remediation works. In such circumstances, the applicant is advised to only recommence the development with the prior written approval of the Planning Authority.
4. The applicant shall ensure that noisy work which is audible at the site boundary shall **ONLY** be conducted between the following hours:

Monday to Friday	08:00 - 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday / Bank Holidays	10:00 - 16:00 Hours

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Health Manager.

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Director of Development Services

Date: 17 November 2014

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan (Proposed Plan).

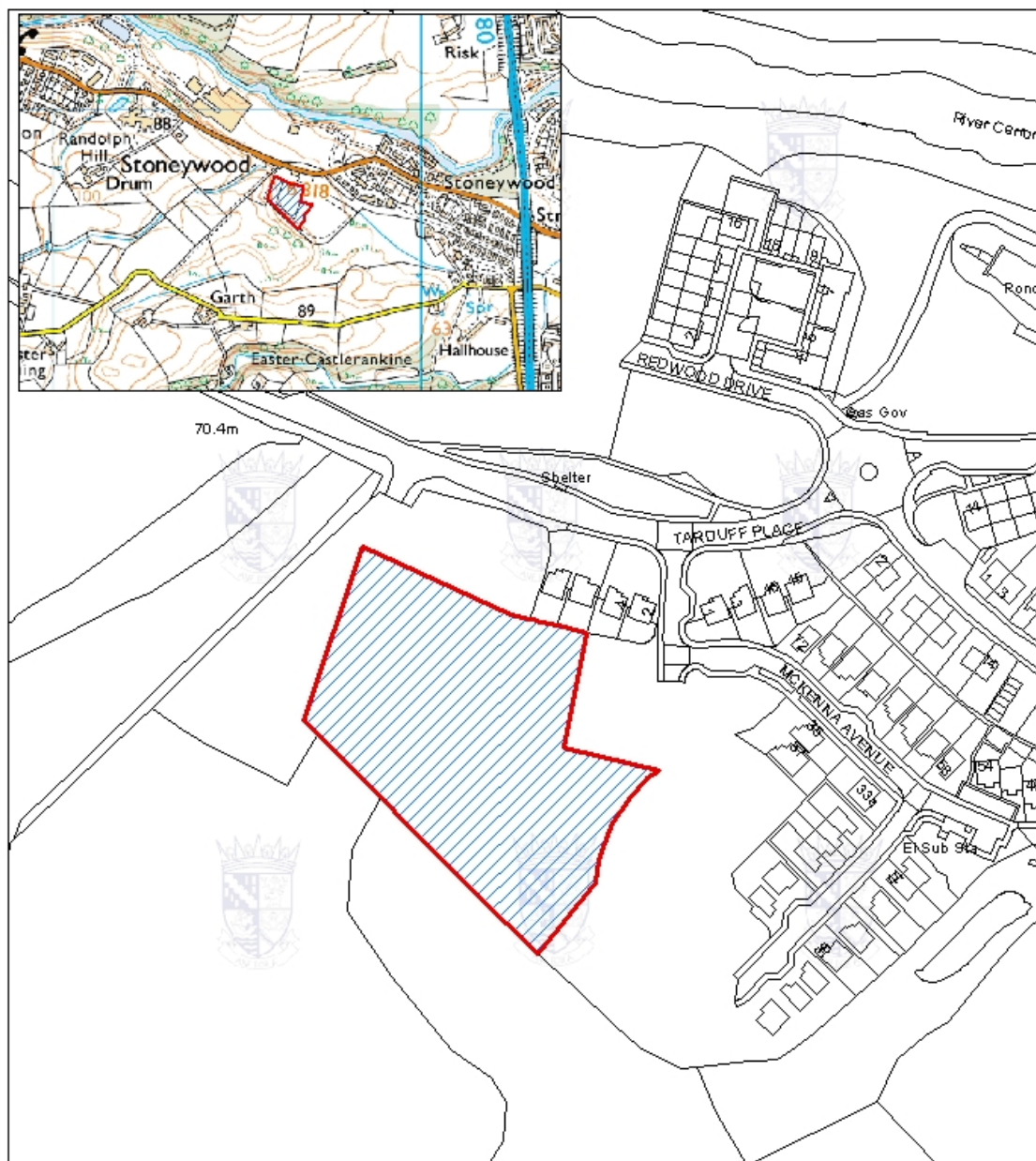
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/14/0471/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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