

FALKIRK COUNCIL

Subject: ERECTION OF SHOP, HOT FOOD TAKE-AWAY AND
6 FLATTED DWELLINGS WITH ASSOCIATED CAR PARKING
AT SPAR & FLAMES, SALMON INN ROAD, POLMONT,
FALKIRK, FK2 0XF FOR MR ABDUL SATTAR - P/14/0475/FUL
Meeting: PLANNING COMMITTEE
Date: 29 April 2015
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Lower Braes

Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Lower Braes

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered by the Planning Committee on 25 March 2015 (copy of previous report appended), when it was agreed to continue the application for a site visit. This site visit took place on Monday 13 April 2015.
2. Following a summary of the proposal by the case officer, the applicant's agent, in support of the proposal, highlighted that the proposed scheme represents a sensitive design solution which has overcome the issues of overdevelopment and road safety concerns that have been raised previously. It was also highlighted that the 6 proposed flats are important in respect of the overall project viability of the site.
3. Of the three objectors who submitted representation to the proposal, one individual attended the site visit. Points of concern raised related to overlooking of nursery from the proposed flats, overdevelopment and parking / traffic congestion.
4. Members of the Planning Committee sought clarification in respect of the existing parking and traffic situation, particularly at peak times (school drop-off / pick-up). Clarification was also sought in relation to how the proposed one way system would work in practice and in respect of the overall proposed changes to access provision and parking arrangements. The Roads Development Network Coordinator confirmed that this issue would be a general police enforcement matter in respect of any abuse of the proposed one-way system, and furthermore advised that the overall proposed layout would provide a beneficial impact on the existing traffic movements, parking and congestion issues at the site.

5. In respect of concerns raised by objectors in relation to overlooking of the adjacent nursery, Members of the Planning Committee sought clarification whether there are any guidelines or policies in place pertaining to the overlooking of nursery grounds from residential properties. Specific questions were asked in relation to the potential to apply a condition requiring the installation of obscure glazing to address this element. Officers confirmed that there are no policies or guidelines in place in respect of this issue and advised Members that overlooking of nursery grounds is commonplace across the Council area. Planning officers confirmed that whilst the application of a condition requiring obscure glazing to first floor windows was technically possible, it is the view of planning officers that such a condition could be challenged on this basis and as such should not be applied in this instance. Discussion was also had in relation to the potential to alter the layout of the site so that the flats no longer overlooked the nursery. It was acknowledged by the case officer that this could potentially be achieved but that this would involve a full scale re-design of the site which could not be considered as part of this particular planning application.
6. Local Member, Councillor Jackson commented on the existing parking and access issues at the site and acknowledged the general concerns of residents in respect of this issue as well as the overlooking to the grounds of the adjacent nursery.
7. It is considered that no new matters have emerged from the site visit that would alter the officer recommendation of minded to grant planning permission. The previous recommendation is reiterated as follows.

8. RECOMMENDATION

- 8.1 **It is therefore recommended that Planning Committee indicate it is minded to grant planning permission subject to (a) a legal agreement/Planning Obligation to the satisfaction of the Director of Development Services within terms of Section 69 of the Local Government (Scotland) Act 1973 or Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, for the sum of £5,460 towards off site open space and play provision (b) And thereafter on the conclusion of (a) above, to 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) **Prior to the start of work on site, full details in regard to odour and noise control measures associated with the hot food takeaway unit shall be submitted to and approved in writing by the planning authority. These should include a detailed specification of:**
 - (i) **Cooking odour extraction system, including its proposed flue exit point on the external facade of the property;**
 - (ii) **Measures to control odour emissions;**
 - (iii) **Measures employed to control noise emissions from any extraction or ventilation systems and noise output from fan.**

- (3) Prior to the start of work on site full drainage details demonstrating how surface water drainage will be dealt with at the site shall be submitted to and approved in writing by the Planning Authority.
- (4) Prior to the start of work on site, details of the height and construction of all boundary treatments shall be submitted to and approved in writing by the planning authority.
- (5) Prior to the start of work on site, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- (6) 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.
- (7) Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their replacement;
 - ii. location of new trees, shrubs, hedges and grassed areas;
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - iv. programme for completion and subsequent maintenance.
- (8) Prior to the start of works on site, or within an alternative timescale agreed in writing by the planning authority, the access road to the rear of the site (Meadowbank) shall be converted to a one way system.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2,4,5) To safeguard the residential amenity of the area.
- (3) To ensure that adequate drainage is provided.
- (6) To ensure that adequate car parking is provided.
- (7) To safeguard the visual amenity of the area.
- (8) To safeguard the interests of the users of the highway.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02B, 03A, 04B and 05.
- (2) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (3) Separate consent may be required from Scottish Water for certain aspects of this development.
- (4) A Traffic Regulation Order is required in connection with this development to put in place a one way system on the access road to the rear of the site (Meadowbank). Prior to the start of work on site, the developer should contact the Roads and Design Network Coordinator at Abbotsford House, Falkirk to ascertain the timescales and procedures involved in obtaining such an order. The full costs of this process are to be met by the applicant.

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Director of Development Services

Date: 16 April 2015

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Council Local Development Plan - Proposed Plan.
4. Supplementary Planning Guidance Note - Public Open Space, Falkirk Greenspace and New Development.
5. Letter of Objection received from Douglas and Elaine Fraser, 46 Salmon Inn Road, Polmont, Falkirk FK2 0XA on 9 September 2014.
6. Letter of Objection received from Mr Graeme Mason, 31 Erskine Hill, Polmont, Falkirk FK2 0UH on 28 August 2014.
7. Letter of Objection received from Mr Kevin Ashe, 34 Morven Drive, Polmont, Falkirk FK2 0XD on 27 August 2014.
8. Letter of Support received from Mr Kenneth Burnside, 2 Colonsay Avenue, Polmont, Falkirk FK2 0UY on 13 January 2015.

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

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Local Members: Ward - Lower Braes

Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Lower Braes

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application proposes the redevelopment of a site currently accommodating a shop, hot food takeaway and car park to form a mixed use development of 6 flats, new shop unit and new hot food takeaway and parking areas. The existing buildings on the site are proposed to be demolished, and access to parking within the site is proposed to be reconfigured.
- 1.2 The application site is located on Salmon Inn Road, Polmont and proposes a new vehicular access to be formed onto Salmon Inn Road.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called to the Planning Committee at the request of Councillor Malcolm Nicol.

3. SITE HISTORY

- 3.1 P/13/0617/FUL - Mix Development of 8 Residential Flats and Commercial Unit and Hot Food Takeaway - refused 3 December 2013.

- 3.2 P/11/0270/PPP - Mixed Development of Residential Flatted Dwellings, Commercial Development of Shop and Hot Food Takeaway (Planning Permission in Principle) - granted 28 March 2012.
- 3.3 P/08/0815/OUT - Demolition of Existing Shop and Hot Food Shop and Development of Land to Form Retail Units, Flatted Dwellings and Associated Parking (Outline) - refused 2 April 2009.
- 3.4 F/2005/0087 - Extension to Shop to Form Extra Shop Unit - withdrawn 6 July 2005.
- 3.5 F/98/0196 - Change of Use of Shop to Hot Food Takeaway (Detailed) - granted detailed planning permission 4 June 1998.
- 3.6 F/98/0664 - Amendment of Condition Two of Planning Permission F/86/0196, Relating to Opening Hours - granted detailed planning permission 23 December 1998.
- 3.7 F/98/0754 - Installation of Shopfront (Detailed) - granted detailed planning permission 17 March 1999.
- 3.8 F/98/0769 - Display of Illuminated Fascia and Projected Advertisements - granted temporary consent 17 March 1999.

4. CONSULTATIONS

- 4.1 The Coal Authority has no objection to this application.
- 4.2 The Council's Environmental Protection Unit has no objection to the application but has requested further details with regard to odour and noise control. It is considered that these details can be adequately covered by planning conditions attached to any consent given.
- 4.3 The Council's Roads Development Unit has assessed the proposals in respect of parking provision and road safety implications, as well as road alignment and geometry. The applicant has made a number of amendments to the proposal to address each of the concerns initially raised. The proposed design and layout now meet all requirements in respect of parking standards, pedestrian footpath provision and junction alignment. The proposal also returns the existing access road to the rear of the site at its current width. This road is currently used as an informal drop off area for the adjacent school. The application proposes to make this a one-way system, to improve road safety. The Roads Unit has confirmed that this would need to be secured by way of an entirely separate traffic regulation order, with all costs involved being borne by the applicant.
- 4.4 Scottish Water has no objection to this application.

5. COMMUNITY COUNCIL

- 5.1 The Lower Braes Community Council has not commented on this application.

6. PUBLIC REPRESENTATION

6.1 In the course of this application, 4 contributors submitted letters to the Council. Three of these letters were objections and one was submitted in support of the proposals. The salient objections are summarised below:-

- General overdevelopment of the site;
- Removal of trees and greenspace;
- Poor bus stop positioning;
- Overlooking of nursery garden area;
- Increase in traffic and on-street parking resulting in increased congestion and road safety concerns;
- Loss of privacy to nearby dwellinghouses;
- Access to the school will be more difficult;
- Sewage and drainage capacity.

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 There are no relevant policies within the Falkirk Council Structure Plan.

Falkirk Council Local Plan

7a.2 Policy - EQ1 '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, 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) Resource Use. Development should promote the efficient use of natural resources, and take account of life cycle costs, in terms of 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.”*

7a.3 The proposed development responds well to the site's surroundings in terms of scale, siting and design. The proposed development would retain a well used community shop within an easily accessible location, providing safe access for all users. The proposal accords with the terms of policy EQ1.

7a.4 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.5 The siting, layout and density of development proposed respects and complements the site's environs and creates a positive sense of identity for the site, which is currently lacking. The proposal reflects the surrounding urban fabric in terms of scale, height, massing and building lines, and finishing materials have been chosen to complement the surrounding area. The proposal accords with policy EQ3.

7a.6 Policy SC2 - ‘Windfall Housing Development Within The Urban / Village Limit’ states:

“Housing development within the Urban and Village Limits, in addition to proposals identified within the Local Plan, will be supported where the following criteria are met:

- (1) The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;*
- (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, 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 SC11;*
- (5) In the case of small gap sites and sub-divided plots, Policy SC8 is satisfied; and*
- (6) There is no conflict with any other Local Plan policy or proposal.”*

7a.7 The application proposes the redevelopment of an existing site currently occupied by commercial units, parking and open space. The proposed introduction of a small residential element to the site is compatible with surrounding land uses and satisfactory residential amenity levels can be achieved. The site enjoys good pedestrian accessibility, is located directly on a bus route and is immediately adjacent to a school and recreational areas. A public library and health centre are also only a short walk from the site. Existing physical infrastructure is deemed to have sufficient capacity to cope with the scale of development proposed. The proposal complies with policy SC2.

7a.8 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.9 The overall density of the housing on the site is considered entirely appropriate for the location and is in line with densities in the surrounding area. The proposal does not include land set aside for drying areas or private amenity space, however the flatted block does manage to achieve a good setting and architectural treatment on what is an awkwardly shaped site. The proposed flats provide adequate privacy and do not generate any overshadowing concerns. The proposal complies with policy SC6.

7a.10 Policy ST11 - 'Sustainable Urban Drainage' states:

“Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation. A drainage strategy, as set out in PAN 61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment.”

7a.11 The applicant has stated an intention to provide a sustainable urban drainage system to cover the site, and has indicated an intention to carry out trial pits to confirm ground conditions to inform a finalised drainage scheme for the site. There is no evidence to suggest that a drainage solution for the site cannot be achieved. It is considered that a finalised drainage scheme can be adequately secured by way of a suitably worded planning condition attached to any planning permission granted. The proposal complies with policy ST11.

7a.12 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.13 In lieu of any on-site element of open space and play provision, the applicant has agreed to make a financial contribution totaling £5,460 towards off-site provision. This contribution is in accordance with the requirements of Falkirk Council Supplementary Planning Guidance Note - Public Open Space, Falkirk Greenspace and New Development. The proposal complies with policy SC13.

7a.14 Policy EP7 - 'New Retail Development' states:

- (1) New retail development in excess of 500 m² gross will be permitted where it is consistent with Policies ECON.5 and ECON.6 of the Structure Plan, and specific policies for individual centres in the Settlement Statements.*
- (2) Retail developments smaller than 500 m² serving neighbourhood needs will be permitted within the urban area, subject to other Local Plan policies.*

- (3) *Retail development must demonstrate a high level of design quality, compatibility with adjacent land uses and an ability to integrate functionally and visually with any centre of which it is to form part.*

7a.15 The proposed development of approximately 200sq.m of retail space is considered appropriate for this location, and represents a significant improvement in the level of design quality over the existing shop unit at the site. The proposed land use integrates well with its surroundings and is compatible with neighbouring uses. The proposal complies with policy EP7.

7a.16 Policy EP8 - 'Neighbourhood and Rural Shops and Services' states:

"The Council will support the provision, retention and improvement of neighbourhood and rural shops. Accordingly:

- (1) *Proposals involving the loss of neighbourhood or rural shops (Class 1) and services (Class 2) which serve an important community function will be only be permitted where the Council is satisfied that the premises are no longer viable for such uses; and*
- (2) *The provision of neighbourhood shops to serve major new housing developments and existing residential areas which have poor access to such facilities will be encouraged."*

7a.17 The proposal retains and improves an existing well used neighbourhood shop at the site. The proposal complies with policy EP8.

7a.18 Policy EP9 - 'Food And Drink' states:

"Proposals for Class 3 uses, hot food takeaways and public houses will be encouraged to locate within centres, in association with other neighbourhood shops or services, or in other locations where they are capable of serving a tourism function. It must also be demonstrated that:

- (1) *There will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours;*
- (2) *In the case of proposals within a centre, the proposal is consistent with the specific policies covering the relevant centre, particularly with regard to safeguarding the centre's retail function; and*
- (3) *Parking, access and traffic generation requirements are satisfied."*

7a.19 The proposal replaces an existing hot food takeaway unit at the site and offers an opportunity to improve the overall visual amenity of the area. The proposed unit is segregated from any residential properties and is well served by on and off-street parking provision. Noise disturbance, litter and odours can be adequately controlled at the site. The proposal complies with policy EP9.

7a.20 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The following matters were considered to be material in the assessment of the application:-

- Falkirk Local Development Plan - Proposed Plan;
- Supplementary Planning Guidance;
- Assessment of Public Representations.

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 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 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.

7b.4 The terms of policy D02 reflect the general considerations of the adopted Local Plan and does not introduce any new material planning considerations in this instance. The proposal accords with policy D02.

7b.5 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 'Housing Layout and 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."*

7b.6 The terms of policy D03 reflect the general considerations of the adopted Local Plan and do not introduce any new material planning considerations in this instance. The proposal accords with policy D03

7b.7 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."*

7b.8 The terms of policy HSG03 reflect the general considerations of the adopted Local Plan and introduces further consideration of whether the site is at significant risk of flooding. The site is not considered to be at significant risk of flooding. The proposal accords with policy HSG03.

7b.9 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.”

7b.10 The developer has accepted the requirement to enter into a legal agreement to secure financial contributions towards open space provision in line with Local Plan policy and supplementary guidance. The proposal accords with the terms of policy INF02.

7b.11 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.”*

7b.12 The developer has agreed to make financial contributions towards the off-site open space provision in line with current policy and guidance. The proposal accords with policy INF04

7b.13 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 out-of-centre retail and commercial leisure development 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."*

7b.14 The terms of policy TC03 generally reflects the considerations of the adopted Local Plan in this instance. The proposal accords with policy TC03.

7b.15 Policy TC04 - 'Food and Drink' states:

1. *Proposals for Class 3 uses, hot food takeaways and public houses will be encouraged to locate within centres, in association with other neighbourhood shops or services, or in locations where they are capable of fulfilling a tourism function.*
2. *Proposals must demonstrate that there will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours, and that parking and access requirement are satisfied.*
3. *Temporary consent for mobile snack bar vans may be granted where a specific need is demonstrated, and there is no adverse impact on local amenity or the visual quality of the locality*

7b.16 The terms of policy TC04 generally reflects the considerations of the adopted Local Plan in this instance. The proposal accords with policy TC04.

7b.17 Policy INF12 - 'Water and Drainage Infrastructure' states:

- “1. *New development will only be permitted if necessary sewerage infrastructure is adopted by Scottish Water or alternative maintenance arrangements are acceptable to SEPA.*
2. *Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation.*
3. *A drainage strategy, as set out in PAN61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment."*

7b.18 Scottish Water have confirmed that they have no objection to the proposal and have confirmed that separate consent would be required in order to obtain connection to their infrastructure. The applicant has confirmed their intention to provide a drainage scheme incorporating attenuation measures. The detailed design for this scheme can be adequately secured by way of a suitably worded planning condition attached to any consent given. The proposal accords with policy INF12.

7b.19 Accordingly, the proposal accords with the Falkirk Council Local Plan - Proposed Plan.

Supplementary Planning Guidance Note - Public Open Space, Falkirk Greenspace and New Development

7b.20 This guidance note 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 this guidance note as the applicant has confirmed willingness to enter into a legal agreement securing a financial contribution totaling £5,460 towards off site open space and play provision.

Assessment of Public Representations

7b.21 The proposed layout plan demonstrates that the site is of sufficient size to accommodate the proposed buildings and associated car parking works without adversely impacting on residential or visual amenity levels. The buildings would sit comfortably within the site and would reflect the scale of buildings within the surrounding area. The proposal is not considered to represent an overdevelopment of the site.

7b.22 The proposal does result in the removal of some trees and greenspace from the site, however the proposal also includes the opportunity to provide some landscaping around the flats in order to soften the development. It is considered that the existing greenspace at the site serves only as a minor visual amenity benefit and is not of sufficient size to act as a functional recreational space. The area does not contribute significantly towards biodiversity. The benefits of redeveloping the site in the form proposed would result in a vast improvement in the overall visual amenity of the area outweighing the minor impacts to visual amenity levels associated with the loss of greenspace at the site.

7b.23 During the course of this application amendments were made to the proposed layout in order to retain the bus stop provision in its current position.

7b.24 It is accepted that the first floor windows of the proposed flats would overlook the garden area of the adjacent nursery. The flats windows are however limited to bedrooms and kitchens with the main living areas within the properties orientated to look out onto Salmon Inn Road. Overlooking of children's nurseries is not considered to be a material planning consideration and is a common arrangement within nurseries throughout the district. The scale of development proposed, and the distances between the nursery and the proposed flats, would result in overlooking levels similar to those found in any residential setting where first floor windows can overlook neighbouring garden ground. Overlooking of the nursery is not therefore a determining factor in the assessment of this application.

7b.25 Parking provision at the site meets the terms of the Council's parking standards and the proposed changes to the layout and parking arrangements, when considered against the current situation at the site, would result in a general improvement in road safety terms by separating the access points for the shop car park from the rear access road used for school drop off. The applicant's intention to apply for a roads order to change this to a one-way arrangement is considered to further improve the situation at the site.

7b.26 The proposed development is located at a sufficient distance away from nearby residential properties to ensure that privacy levels would not be adversely affected.

- 7b.27 Access to the school for both pedestrians and vehicles dropping-off or picking-up pupils is considered to be generally improved by the form of development proposed. The proposed development ensures sufficient parking is provided to serve the uses within the site and segregates the main parking areas from the rear access roads therefore reducing congestion.
- 7b.28 Scottish Water have confirmed they have no objections to the proposed development. The applicants would require to make a separate application to Scottish Water for a connection to their infrastructure. This element of the development is outwith the control of the planning authority.

7c Conclusion

- 7c.1 The proposal represents an acceptable form of development in accordance with the Development Plan. There are no material planning considerations that justify a refusal of planning permission in this instance.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Planning Committee indicate it is minded to grant planning permission subject to (a) a legal agreement / Planning Obligation to the satisfaction of the Director of Development Services within terms of Section 69 of the Local Government (Scotland) Act 1973 or Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, for the sum of £5,460 towards off site open space and play provision (b) And thereafter on the conclusion of (a) above, to 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) Prior to the start of work on site, full details in regard to odour and noise control measures associated with the hot food takeaway unit shall be submitted to and approved in writing by the planning authority. These should include a detailed specification of:
 - (i) Cooking odour extraction system, including its proposed flue exit point on the external facade of the property;
 - (ii) Measures to control odour emissions;
 - (iii) Measures employed to control noise emissions from any extraction or ventilation systems and noise output from fan.
- (3) Prior to the start of work on site full drainage details demonstrating how surface water drainage will be dealt with at the site shall be submitted to and approved in writing by the Planning Authority.

- (4) Prior to the start of work on site, details of the height and construction of all boundary treatments shall be submitted to and approved in writing by the planning authority.
- (5) Prior to the start of work on site, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- (6) 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.
- (7) Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their replacement
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.
- (8) Prior to the start of works on site, or within an alternative timescale agreed in writing by the planning authority, the access road to the rear of the site (Meadowbank) shall be converted to a one way system.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2,4,5) To safeguard the residential amenity of the area.
- (3) To ensure that adequate drainage is provided.
- (6) To ensure that adequate car parking is provided.
- (7) To safeguard the visual amenity of the area.
- (8) To safeguard the interests of the users of the highway.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02B, 03A, 04B and 05.

- (2) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (3) Separate consent may be required from Scottish Water for certain aspects of this development.
- (4) A Traffic Regulation Order is required in connection with this development to put in place a one way system on the access road to the rear of the site (Meadowbank). Prior to the start of work on site, the developer should contact the Roads and Design Network Coordinator at Abbotsford House, Falkirk to ascertain the timescales and procedures involved in obtaining such an order. The full costs of this process are to be met by the applicant.

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pp Director of Development Services

Date: 16 March 2015

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Council Local Development Plan - Proposed Plan.
4. Supplementary Planning Guidance Note - Public Open Space, Falkirk Greenspace and New Development.
5. Letter of Objection received from Douglas and Elaine Fraser, 46 Salmon Inn Road, Polmont, Falkirk, FK2 0XA on 9 September 2014.
6. Letter of Objection received from Mr Graeme Mason, 31 Erskine Hill, Polmont, Falkirk, FK2 0UH on 28 August 2014.
7. Letter of Objection received from Mr Kevin Ashe, 34 Morven Drive, Polmont, Falkirk, FK2 0XD on 27 August 2014.
8. Letter of Support received from Mr Kenneth Burnside, 2 Colonsay Avenue, Polmont, Falkirk, FK2 0UY on 13 January 2015.

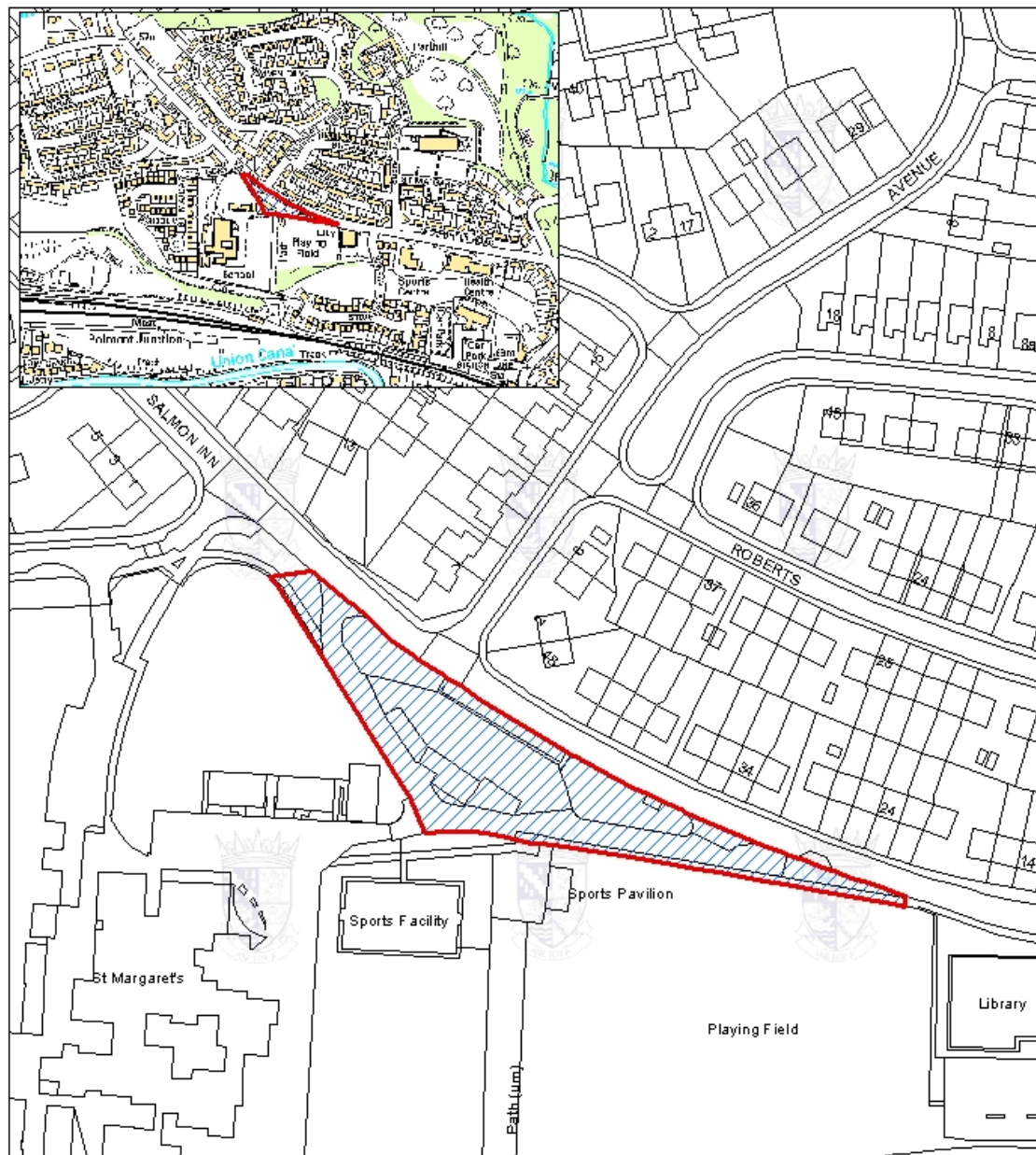
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan

P/14/0475/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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