



AGENDA ITEM

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**Erection of 6 Flatted Dwellinghouses and
Associated Infrastructure (Amendment to
P/10/0321/FUL) at Land to the North of 17
Kinacres Grove, Bridgeness Road, Bo'ness
for Alpha Glen Development Ltd –
P/17/0628/FUL**

FALKIRK COUNCIL

Subject: ERECTION OF 6 FLATTED DWELLINGHOUSES AND ASSOCIATED INFRASTRUCTURE (AMENDMENT TO P/10/0321/FUL) AT LAND TO THE NORTH OF 17 KINACRES GROVE, BRIDGENESS ROAD, BO'NESS FOR ALPHA GLEN DEVELOPMENTS LTD - P/17/0628/FUL

Meeting: PLANNING COMMITTEE

Date: 20 February 2018

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness

Depute Provost Ann Ritchie
Councillor David Aitchison
Councillor Lynn Munro

Community Council: Bo'ness

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the erection of 6 flatted dwellinghouses, at Bridgeness Road, Bo'ness.
- 1.2 The building is 2-storey in height, with accommodation in the roof space. Access would be taken via Bridgeness Road. This application is an amendment to planning permission P/10/0321/FUL for 4 flats, comprising the formation of an additional two 1-bedroom flats in the roofspace.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires to be referred to the Planning Committee for determination, as it was called in by Depute Provost Ann Ritchie for the following reason:
 - Over development of site.

3. SITE HISTORY

- 3.1 A planning application (Ref: P/08/0773/FUL) for the erection of 6 flats and associated infrastructure was refused on 27 November 2009.

- 3.2 A planning application (Ref: P/10/0321/FUL) for the erection of 4 flatted dwellings and associated infrastructure was granted on appeal on 8 November 2010. This development commenced on site within 3 years of the granting of planning permission and as such this planning permission is therefore extant. This means the development can be completed without a further approach to the Planning Authority.

4. CONSULTATIONS

- 4.1 The Coal Authority has no objection.
- 4.2 The Council's Roads Development Unit has no objection.
- 4.3 Scottish Water has no objection.
- 4.4 The Council's Environmental Protection Unit has no objection, subject to a planning condition in relation to ground contamination.

5. COMMUNITY COUNCIL

- 5.1 The Bo'ness Community Council did not make comment.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 2 contributors submitted letters to the Council objecting to the application. The salient issues are summarised below.
- Parking is inadequate and will put a strain on existing parking issues in the area;
 - Surrounding residential properties will be overshadowed by the 3-storey development. The proposal should be redesigned to be 2-storeys, to overcome issues in relation to overshadowing, density, noise and parking;
 - The privacy of adjacent properties would be unacceptably impacted as a result of development;
 - The previous application was refused by Falkirk Council and at appeal; and
 - There should be no access from Kinacres Grove.

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

- 7a.1 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.2 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.3 The site is not brownfield, but is located within the urban area. The proposed development is compatible with the surrounding residential area and enjoys good accessibility by public transport, recreation and other facilities. The existing physical infrastructure has the capacity to accommodate the development and the site is not at a significant risk of flooding. Policy HSG05 is satisfied and the application accords with policy HSG03 'Windfall Housing'.

7a.4 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.5 The development has been designed to match the general architectural character of the surrounding area. It is considered that the development would represent a good quality design solution, delivering a good level of residential amenity, in accordance with HSG04 'Housing Design'.

7a.6 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.7 The scale, density and disposition of the proposed development would generally respect the townscape character of the area. The proposal would harmonise with the surrounding area in terms of ridge height, building line, materials and architectural detailing. It is considered that adequate privacy would be afforded to the proposed development and neighbouring properties. The proposal would not result in the loss of any features and access, parking and other infrastructure is to an adequate standard. The application accords with policy HSG05 'Infill Development and Subdivision of Plots'.

7a.8 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.9 The applicant has not submitted a proposal for on-site low and zero carbon generating technologies, however, this is reasonable to request by condition in accordance with policy D04 'Low and Zero Carbon Development' and SG15.

7a.10 Policy INF02 - 'Developer Contributions to Community Infrastructure' states:-

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

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

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

7a.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.*

7a.12 At the last application stage, a legal agreement for contributions towards open space was concluded with the developer. As development has commenced on site, the contributions have been made and used to upgrade open space / play facilities in the surrounding area. The two additional units would generate additional open space requirements. Residential development of greater than 3 units require to contribute to open space and play provision in accordance with policy INF04. The proposal will result in a net increase in units, on the basis that 4 flats are already approved on site and can be developed. The addition of two units would not require contributions. The addition of 2 units, falls below the threshold where affordable housing or education contributions would be expected. The application therefore accords with policy INF02 'Developer Contributions to Community Infrastructure' and INF04 'Open Space and New Residential Development'.

Supplementary Guidance Forming Part of Local Development Plan

7a.13 The application accords with the guidance contained in SG02 'Neighbourhood Design', SG13 'Open Space and New Development' and SG15 'Low and Zero Carbon Generating Technologies'.

7a.14 Accordingly, the application accords with the Falkirk Local Development Plan.

7b Material Considerations

7b.1 The material consideration to be assessed are the planning history of the site and public representations

Planning History

7b.2 Planning application (Ref: P/10/0321/FUL) was granted for 4 flats on the application site. Planning permission is extant, so development of the site can proceed and be completed without further approach to the Planning Authority. This current application relates to a proposed building with a similar footprint, design, scale and massing to that granted. The only change relates to the addition of two small 1-bedroom flats in the roof space and some minor amendments to the appearance of the building. The applicant has amended the car park provision to accommodate the additional units.

7b.3 It is considered that this application represents a minor amendment to planning permission Ref: P/10/0321/FUL. The proposed additional flats would be modestly accommodated in the roof space and there is capacity in curtilage, to accommodate the additional parking requirements. The scale, massing and general appearance of the building would be similar and as such there would not be a significant impact on the amenity of the surrounding area.

Assessment of Public Representations

7b.4 The proposed development has adequate parking provision to serve the number and type of residential development proposed. The Roads Development Unit do not object to the application.

7b.5 The proposed development is not 3-storey. It relates to a 2-storey building with accommodation in the roof space.

- 7b.6 It is considered that there would not be an unacceptable impact on the privacy of adjacent properties as a result of development. There are bedroom windows on the ground and first floor rear elevation and a hall window to roof level. The gable of the proposed building would have obscure glazing to bathroom windows.
- 7b.7 Planning application (Ref: P/10/0321/FUL) was granted for 4 flats in 2010.
- 7b.8 No access is shown from Kinacres Grove.

7c Conclusion

- 7c.1 The application is assessed as being in accordance with the Falkirk Local Development Plan. Issues raised through consultation can be dealt with by planning condition and the comments raised by representation are addressed in the body of this report. No material planning considerations have been raised to warrant refusal of planning permission.

8. RECOMMENDATION

- 8.1 It is recommended that the Planning Committee grant planning permission subject to the following condition(s):-**

- 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. 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.

4. Samples of all external 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.
5. Prior to occupation of any of the flatted dwellinghouses, hereby approved, the parking courtyard shall be completed in accordance with the approved plan (online reference number 02B) and available for use.

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 ensure the development achieves the required CO2 emission reduction as a result of development.
4. To safeguard the visual amenity of the area.
5. To ensure adequate parking would be provided.

Informative(s):-

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.

2. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02B, 03A, 04A, 05 - 08 and Supporting Documents.
3. 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 - 19:00 Hours
Saturday	08:00 - 13:00 Hours
Sunday / Bank Holidays	No noise audible at site boundary

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

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pp Director of Development Services

Date: 9 February 2018

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan.
2. Objection received from Mr William Scholefield, 15 Kinacres Grove, Bo'ness EH51 9LT received on 11 November 2017.
3. Objection received from Miss Claire Edwards, 17 Kinacres Grove, Bo'ness EH51 9LT received on 20 November 2017

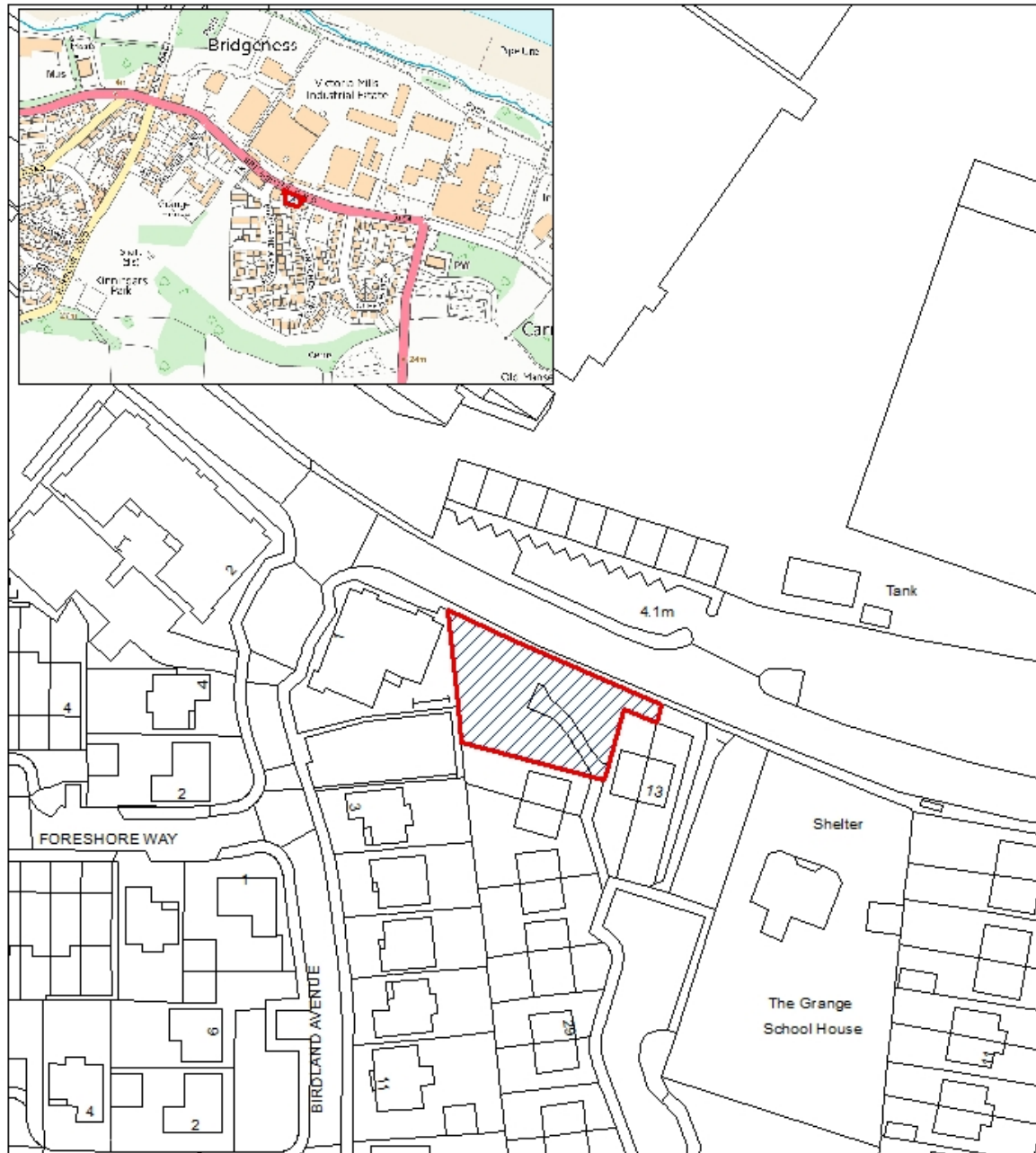
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/17/0628/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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