



Agenda Item 6

**ERECTION OF RESIDENTIAL CARE
HOME (CLASS 8 - RESIDENTIAL
INSTITUTION) AT FALKIRK
AMBULANCE STATION, WINDSOR
ROAD, FALKIRK, FK1 5EW FOR
MEALMORE LTD - P/18/0100/FUL**

FALKIRK COUNCIL

Subject: ERECTION OF RESIDENTIAL CARE HOME (CLASS 8 - RESIDENTIAL INSTITUTION) AT FALKIRK AMBULANCE STATION, WINDSOR ROAD, FALKIRK, FK1 5EW FOR MEALMORE LTD - P/18/0100/FUL

Meeting: PLANNING COMMITTEE

Date: 15 August 2018

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk South

Councillor Lorna Binnie
Councillor John Patrick
Councillor Pat Reid

Community Council: No Community Council

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

UPDATE REPORT

1. Members will recall that this application was originally considered by the Planning Committee on 19 June, 2018 (copy of previous report appended), when it was agreed to continue the application for a site visit. This site visit took place on Monday 6 August 2018.
2. The case officer advised that following the last Committee meeting a petition of objection had been received. The objections raised by the 29 signatories can be summarised as follows:-
 - Overdevelopment
 - The proposal will result in on street parking on surrounding roads
 - Increased noise pollution
 - The height of the proposed building in relation to nearby houses
 - Overlooking and loss of privacy to nearby houses and gardens
 - Overshadowing and loss of sunlight
 - Drawings misleading in relation to proposed ridge and eaves heights
 - 50% increase in floor space
 - Orientation of proposed building not accurately shown in relation to north point
 - Reference to bus services inaccurate
 - Increased light pollution
 - Maggie Woods Loan and Windsor Road junction unsafe
 - Ground levels could be reduced to lower the height of the building

3. The case officer and the applicants agent responded to points raised in the petition. The response to the matters raised can be summarised as follows:-

- Overdevelopment of the site.

It is considered the size, scale and massing of the building is acceptable. It is conceded that the configuration of the site - roughly rectangular in shape - has resulted that amenity space has been created to the sides of the development with a courtyard amenity space in the middle of the "C" shaped structure. This has placed the front and rear building lines on the property close to both Windsor Road and Greenhorn's Well Drive respectively. However, this configuration does not result in overdevelopment of the site as a whole.

- The proposal will result in on street parking on surrounding roads.

This is not evidenced through submission by the applicant in terms of use of public transport by staff, nor raised as an issue in consultation response by the Roads Development Unit. On street parking exists in the vicinity of the application site and beyond. The site is considered to have adequate parking provision. Parking provision is in accordance with the National Roads Development Guidance.

- Increased noise pollution.

An additional informative has been added to ensure that the applicant is aware of Environmental Protection legislation regarding this matter (Informative 7).

- The height of the proposed building in relation to nearby houses.

A drawing showing the height of the building in relation to neighbouring dwelling houses accompanies the planning application. There is no planning restriction in the construction of buildings higher than neighbouring property - other material considerations (sunlight, daylight, overlooking, etc.) being acceptable. Variation in ridge heights is apparent throughout the Greenhorns Well residential area, given the topography of the site and variation in house types.

- Overlooking and loss of privacy to nearby houses and gardens.

The applicant has reduced the number of windows and introduced obscure glazing on the upper floor nearest Greenhorns Well Drive.

- Overshadowing and loss of sunlight.

A sun path drawing accompanies the planning application. The new building will not cast a shadow towards Greenhorns Well Drive.

- Drawings misleading in relation to proposed ridge and eaves heights.

Drawings showing eaves height comparisons accompany the planning application. These drawings show the reduction in ridge height of the building. The heights of the proposed building are confirmed through annotated drawings accompanying the application. These drawings have been published on the Council website (drg. nos. 05C and 14)

- 50% increase in floor space.

A drawing showing existing and proposed development area accompanies the planning application. This shows the development footprint - the inclusion of a first floor would have no effect on the development footprint. There will be an overall reduction in development footprint of the site, but an increase in building floor space from existing.

- Orientation of proposed building not accurately shown in relation to North Point.

The layout drawing and sun path drawing have been amended to show a North Point.

- Reference to bus services inaccurate.

Freedom of choice will be exercised by individuals visiting or working within the care facility as to mode of transport to the site. Consideration may include, no doubt, the convenience of parking provision in the area at the time required. Adequate parking provision - as ratified through the Roads consultation response - has been provided on the site for the purposes of the development. No overspill of parking is envisaged. Visitor patterns to the facility may also provide variation in car park usage.

- Increased light pollution.

Artificial light to aid visitors to the property will be commensurate to a residential facility. The applicant advised that, befitting residential premises, no high beam security lighting will be introduced. Low light security bollards, etc. are the norm for such developments.

- Maggie Wood's Loan and Windsor Road junction unsafe.

Reference is made to the consultation response from the Roads Authority that car parking provision is adequate and the site access (with alteration) is appropriate. The matter of general road improvements in the area are matters outwith the scope of consideration of this application.

- Ground levels could be reduced to lower the height of the building.

The applicant has explained that excavation to the site has already been incorporated. Further reduction of ground levels is constrained by requirements to ensure disabled access.

4. Questions were asked by members of the Committee. In particular members requested that an officer from the Environmental Protection Unit attend the next meeting of the Planning Committee. Also, members requested that the views of NHS Forth Valley be sought in relation to concerns about potential impact of the proposals on local health care provision. A verbal update will be provided at the Planning Committee.
5. It is clarified that the property would fall within the broad definition of Class 8 of the Town and Country Planning (Use Classes (Scotland) Order 1997:-
 - (a) for the provision of residential accommodation and care to people in need of care other than a use within class 9 (houses);
 - (b) as a hospital or nursing home; or
 - (c) as a residential school, college or training centre.
6. The 3 ward Members were heard in relation to the application.
7. No issues were raised at the site visit which would alter the officer recommendation to grant planning permission

8. RECOMMENDATION

- 8.1 **On review of the additional matters raised through representation and expressed through site inspection, there are no new matters which would alter the recommendation to approve the above application, subject to planning conditions.**
- 8.2 **It is therefore recommended that the 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.**

- 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. For the avoidance of doubt, prior to the occupation of the nursing home, the existing bell-mouth entrance off Greenhorns Well Crescent shall be removed and a standard dropped kerb footway crossing installed, all to the satisfaction of Falkirk Council.
4. Before any work is commenced on the site a notice stating "PRESERVED" shall be placed on the trunk of all trees to be retained and this notice shall not be removed until all construction work on the site is completed.
5. Before any work is commenced on the site 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 and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off areas.
6. Samples of 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.

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To ensure the ground is suitable for the proposed development.
3. To safeguard the interests of the users of the highway.
- 4-5. To ensure that the existing trees are retained and protected during construction work.
6. To safeguard the residential amenity of the area.

Informative(s):-

1. Further guidance on the requirements of the Low and Zero Carbon Development condition can be found in Supplementary Guidance document SG15 'Low and Zero Carbon Development', available on our website.
2. 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.
3. The Roads Manager within Corporate and Commercial Services should be contacted to obtain a Minor Roadworks Consent before forming a vehicular access onto the public road or undertaking any work on, or under, the public road.
4. It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect this development.

e-mail - envhealth@falkirk.gov.uk

5. 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.

6. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02C, 03, 04C, 05C, 06C, 07C, 08, 09A, 10B, 11, 12, 13, 14 and 15.
7. Any plant or equipment associated with the completed development should be sited and operated in such a manner as to prevent any noise nuisance occurring at nearby dwellings. Noise associated with the completed development shall not give rise to a noise level, assessed with the windows open, within any dwelling or noise sensitive buildings in excess of the equivalent to Noise Rating Curve (N.R.C.) 35 between 07.00 hours and 22.00 hours and N.R.C. 25 at all other times. If complaints are received about noise from the development, the Environmental Health Unit would be obliged to investigate and take action as necessary if the complaints were found to be justified under Statutory Nuisance legislation contained in the Environmental Protection Act 1990.

.....
pp Director of Development Services

Date: 7 August 2018

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Supplementary Guidance SG03 - Residential Extensions and Alterations.
3. Supplementary Guidance SG11 - Healthcare and New Housing Development.
4. Objection received from Mr Stuart Haddow, 9 Greenhorns Well Drive, Falkirk, FK1 5HJ on 20 March 2018.
5. Objection received from Mrs Yvonne Irvine, 13 Greenhorns Well Drive, Falkirk, FK1 5HJ on 10 March 2018.
6. Objection received from Mr David Hopkins, 8 Greenhorns Well Avenue, Falkirk, FK1 5HL on 13 March 2018.
7. Objection received from Mr Alan Lapsley, 6 Greenhorns Well Drive, Falkirk, FK1 5HJ on 26 March 2018.
8. Objection received from Mrs Aileen Wallace, 10 Greenhorns Well Avenue, Falkirk, FK1 5HL on 25 March 2018.
9. Objection received from Mrs Rhona Webster, 2 Hurworth Street, Falkirk, FK1 5EN on 25 March 2018.
10. Objection received from Mr Malcolm Surgenor, 4 Greenhorns Well Avenue, Falkirk, FK1 5HL on 13 March 2018.
11. Objection received from Miss Janet Miller, 6 Windsor Road, Falkirk, FK1 5EJ on 24 March 2018.
12. Support received from Mr William Kidd, 17 Gartcows Crescent, Falkirk, FK1 5QH on 27 March 2018.
13. Objection received from Mr David Paterson, 4 Greenhorns Well Drive, Falkirk, FK1 5HJ on 26 March 2018.

14. Objection received from Mrs Rhona Wilson, 6, Windsor Dive, Falkirk, FK1 5QN on 27 March 2018.
15. Objection received from Mr John Brown, 5 Gartcows Gardens, Falkirk, FK1 5QL on 27 March 2018.
16. Objection received from Mr Chris Miller, 2 Greenhorns Well Drive, Falkirk, FK1 5HJ on 26 March 2018.
17. Objection received from Mr David McNair, 4 Windsor Road, Falkirk, FK1 5EJ on 26 March 2018.
18. Objection received from Mrs Lynne Hopkins, 8 Greenhorns Well Avenue, Falkirk, FK15HL on 26 March 2018.
19. Objection received from Mr Anthony O'Doherty, 11 Greenhorns Well Drive, Falkirk, FK1 5HJ on 28 March 2018.
20. Objection received from Mrs Angela Paterson, 4 Greenhorns Well Drive, Falkirk, FK1 5HJ on 26 March 2018.
21. Objection received from Mr Stephen Peddie, 8 Greenhorns Well Drive, Falkirk, FK1 5HJ on 26 March 2018.
22. Representation received from Alison C L Finlay, ecossaise52@gmail.com on 28 March 2018.
23. Objection received from Dr Andrew Crowe, 9 Greenhorns Well Avenue, Falkirk, FK1 5HL on 26 March 2018.
24. Objection received from Mr John Hannah, 6 Greenhorns Well Avenue, Falkirk, FK1 5HL on 27 March 2018.
25. Support received from Mr Colin Reekie, 45 Maggiewoods Loan, Falkirk, FK1 5EH on 27 March 2018.
26. Objection received from Mr Peter Kinloch, Dunrosa, 22 Gartcows Crescent, Falkirk, FK1 5QH on 28 March 2018.
27. Objection received from Angela Paterson, angpaters@sky.com on 29 March 2018.
28. Objection received from Lesley Park, 28 Gartcows Drive, Falkirk, FK1 5QQ on 29 March 2018.
29. Objection received from Mr David Hopkins, 8 Greenhorns Well Avenue, Falkirk, FK1 5HL on 3 April 2018.
30. Objection received from Stephen and Mary Peddie, 8 Greenhorns Well Drive, Falkirk, FK1 5HJ on 3 April 2018.
31. Objection received from Mr Stuart Tolmie, 17 Greenhorns Well Drive, Falkirk, FK1 5HJ, on 3 April 2018.
32. Representation received from Mr Alister Young, 3 Greenhorns Well Avenue, Falkirk, FK1 5HL on 3 April 2018.
33. Objection received from Mr Ronald McDowall, Ronaldmcdowall@gmail.com on 3 April 2018.
34. Objection received from Mr David Hopkins, Hoppyda@yahoo.co.uk on 14 March 2018.
35. Objection received from Mr R.W. Russell, 36 Gartcows Crescent, Falkirk, FK1 5QH on 4 April 2018.
36. Objection received from Mr James Pettet, 38 Windsor Road, Falkirk, FK1 5EJ on 22 March 2018.
37. Objection received from Mr David Irvine, 13 Greenhorns Well Drive, Falkirk, FK1 5HJ on 27 March 2018.
38. Objection received from Mr John Menzies, 43 Gartcows Crescent, Falkirk, FK1 5QH on 21 March 2018.
39. Objection received from Mrs Anne Kennedy, 8 Windsor Rd, Falkirk, FK1 5EJ on 24 March 2018.
40. Objection received from Mrs Alison Finlay, 4 Gartcows Crescent, Falkirk, FK1 5QH on 27 March 2018.

41. Objection received from Mrs Lynne Hopkins, 8 Greenhorns Well Avenue, Falkirk, FK1 5HL on 27 March 2018.
42. Objection received from Mr Martin Miller, 39 Gartcows Crescent, Falkirk, FK1 5QH on 27 March 2018.
43. Objection received from Mrs Kathryn Higgins, 5 Greenhorns Well Drive, Falkirk, FK1 5HJ on 26 March 2018.
44. Objection received from Mr Jim Pettet, 38 Windsor Road, Falkirk, FK1 5EJ on 26 March 2018.
45. Objection received from Mr Wayne Grant, 10 Greenhorns Well Avenue, Falkirk, FK1 5HL on 26 March 2018.
46. Support received from Mr Stephen Carr, 28 Gartcows Crescent, Falkirk, FK1 5QH on 26 March 2018.
47. Objection received from Mr Alister Young, 3, Greenhorns Well Avenue, Falkirk, FK1 5HL on 26 March 2018.
48. Objection received from Mr Alistair Robertson, 14 Greenhorns Well Crescent, Falkirk, FK1 5HN on 18 March 2018.
49. Objection received from Mr David Connell, 38 Gartcows Crescent, Falkirk, FK1 5QH on 29 March 2018.
50. Objection received from Mr Jim Sellars, 28 Greenhorns Well Crescent, Falkirk, FK1 5HN on 26 March 2018.
51. Objection received from Mr Stuart Tolmie, 17 Greenhorns Well Drive, Falkirk, FK1 5HJ on 14 March 2018.
52. Objection received from Tony O'Doherty, 11 Greenhorns Well Drive, Falkirk, FK1 5HJ on 21 March 2018.
53. Objection received from C R D Bristow, 7 Greenhorns Well Drive, Falkirk, FK1 5HJ on 21 March 2018.
54. Objection received from Miss Moira Alison Bruce, 2, Windsor Road, Falkirk, FK1 5EJ on 20 March 2018.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

FALKIRK COUNCIL

Subject: ERECTION OF RESIDENTIAL CARE HOME (CLASS 8 - RESIDENTIAL INSTITUTION) AT FALKIRK AMBULANCE STATION, WINDSOR ROAD, FALKIRK, FK1 5EW FOR MEALMORE LTD - P/18/0100/FUL

Meeting: PLANNING COMMITTEE

Date: 19 June 2018

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk South

Councillor Lorna Binnie
Councillor John Patrick
Councillor Pat Reid

Community Council: No Community Council

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The applicant proposes to develop a site of a former ambulance depot to provide a residential care facility accommodating 32 bedrooms across a two storey building, with associated day rooms, service facilities, treatment rooms, landscaped gardens and parking. The proposed development would provide a range of care and support services for those who need assistance to look after themselves day-to-day and who wish to learn to lead independent lives. Each group would have access to their own lounge, tea preparation kitchen and dining space. There would be treatment rooms, activity rooms, assisted bathing and office/staff accommodation. Service areas include a kitchen, laundry and plant room. The proposed building is of a traditional pitched hipped roof design, with walls finished in a combination of render and reconstituted stone blockwork, with cladding feature panels.
- 1.2 The site is located south of Windsor Road at its junction with Gartcows Road and Greenhorns Well Crescent, Falkirk and, until recent times, was one a local depot for the Scottish Ambulance Service. The depot building is now vacant and is due to be demolished.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been referred to Committee by Councillor Patrick responding to local residents wishes to discuss application with local Councillors before decision by Committee.

- 2.2 The application has been referred to Committee by Councillor Reid based on objections received in relation to the size of the proposed building, its location in terms of roads and traffic issues and effect on surrounding neighbourhood.
- 2.3 The application has been referred to Committee by Councillor Binnie as the development is large and complex and it would be beneficial for Members of the Planning Committee to have the opportunity to consider matters such as the appearance of the proposed development and its impact on the surrounding area.

3. SITE HISTORY

- 3.1 F/97/0442 - Extensions to Ambulance Station (Detailed) - Approved 9 September 1997.

4. CONSULTATIONS

- 4.1 Scottish Water advise that there is currently sufficient capacity in the Carron Valley Water Treatment Works. For foul water, there is currently sufficient capacity in the Dalderse Waste Water Treatment Works.
- 4.2 The Coal Authority has no objection to the proposed development.
- 4.3 Environmental Heath have no objection to the application, but request a condition relating to a contaminated land assessment, and informatives relating to noisy work during construction.
- 4.4 The Roads Development Unit have no objection to the application, but request that the existing bell-mouth entrance off Greenhorns Well Crescent be removed and a standard dropped kerb footway crossing installed to the satisfaction of Falkirk Council.

5. COMMUNITY COUNCIL

- 5.1 No Community Council active in the area.

6. PUBLIC REPRESENTATION

- 6.1 46 letters of objection were received. 3 letters of support and 2 letters neither supporting nor objecting to the application were received. The points raised by those objecting can be summarised as follows:-

- The proposal would hide views from existing houses.
- The proposal would have a negative impact on house prices.
- There are other sites more suitable for this development.
- Local GPs would not cope with the additional demands of this provision.
- The proposal would overlook existing houses, all to the detriment of privacy to existing residents.
- The proposal would overshadow existing houses.
- The proposal is over development of the site.
- Existing traffic conditions and on-street parking would be exacerbated.
- The proposal would increase noise and pollution.

- There are insufficient car spaces for staff and visitors.
- The drainage system would struggle with the additional requirements.
- Children would not have a safe passage along pavements
- The complicated junction at Maggie Woods Loan/Windsor Road requires work.
- The building should be excavated into the ground to reduce storey height.
- Windows should minimise overlooking of adjacent property.

6.2 The points raised by those in support can be summarised as:-

- The development of the derelict site is welcomed, given the decay of the existing building.
- The proposed residential care facility is sympathetic to the surrounding area and has been designed to a domestic scale with the accommodation being contained over two storeys.
- With this addition, Falkirk Council should trial a 20mph speed restriction in the area.
- The proposal would bring jobs and investment to Falkirk Town Centre
- Considering the history of the site, the proposed care home is a sensible use.

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 HSG09 - Residential Care Homes states:-

Proposals for residential care homes will generally be permitted where:

- 1. The location provides an appropriate residential environment;*
- 2. There is good access to public transport;*
- 3. The development is of a scale and character appropriate to the site;*
- 4. Sufficient amenity space can be provided for the enjoyment of residents;
and*
- 5. The proposal complies with other LDP policies.*

7a.3 With regard to the above policy, it is considered that the proposals accord with the terms stated, as further discussed later in this report. The application site is within an area of well-established residential character; the site is well located in proximity to the Town Centre and nearby transport links; the size, scale and massing of the proposed building is considered acceptable; amenity space has been provided, along with retention of a large element of existing mature treescape; the proposals does not offend any other Development Plan policies.

7a.4 Policy INF11 - Parking states:-

The Council will manage parking provision as an integral part of wider transport planning policy to ensure that road traffic reduction, public transport, walking, cycling and safety objectives are met.

- 1. The scale of public parking provision in Falkirk Town Centre will be maintained broadly at its current level and any proposed change to parking provision will be assessed against its effect on the vitality and viability of the centre.*
- 2. The feasibility of promoting Park and Ride facilities on the road corridors into Falkirk Town Centre will continue to be investigated.*
- 3. Parking in District and Local Centres will be managed to promote sustainable travel and the role of the centres.*
- 4. New parking will be provided to support the strategic role of railway stations, with priority given to new provision at Falkirk High. Where possible, the provision of new off street parking facilities will be associated with traffic management and other measures to reduce uncontrolled on-street parking.*
- 5. The maximum parking standards set out in the SPP will be applied to new development, where relevant, in tandem with the Council's minimum standards. Where the minimum standards cannot be met, developer contributions to enhance travel plan resources may be required in compensation.*

7a.5 The Roads and Development Unit have reviewed the proposed car parking and vehicular access arrangements for the site and do not object to the proposals. A Transport Impact Assessment is not required due to the limited scale of the proposals.

7a.6 Policy GN04 - Trees, Woodland and Hedgerows states:-

The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:

- 1. Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*

2. *In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
3. *Development which is likely to affect trees should comply with Supplementary Guidance SG06 'Trees and Development', including the preparation where appropriate of a Tree Survey, Constraints Plan, and Tree Protection Plan. Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
4. *The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare and implement an appropriate Management Plan; and*
5. *There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character.*

7a.7 The application site is not covered by a Tree Preservation Order but does feature mature trees. The applicant seeks to retain as many of the mature trees that merit retention and has submitted a Landscape Proposals plan. This demonstrates the retention of five trees at the northern boundary, while proposing removal of three Cypress and one Sycamore at the frontage. An appropriate Management Plan would be required to ensure the long term care of the retained trees and any other introduced landscaping.

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 submitted a supporting statement to the effect that the building would be traditionally constructed with a highly insulated envelope and low air permeability. The building would incorporate a balanced mechanical ventilation system and a combined heating and power plant will provide the principal heating source as well as producing some of the electrical power supply. Further design details could be required by planning condition.

7a.10 Policy RW10 - Vacant, Derelict Unstable and Contaminated Land states:-

Proposals that reduce the incidence of vacant, derelict, unstable and contaminated land will be supported, subject to compliance with other LDP policies, particularly those relating to development in the countryside. Where proposals involve the development of unstable or contaminated land, they will only be permitted where appropriate remediation or mitigation measures have been undertaken.

7a.11 The site has been vacant for some time and a building warrant approved for the demolition of the existing building. A detailed site investigation report has been submitted as part of the application process, and it is considered appropriate that, if granted, potentially contaminated land can be covered by condition.

7a.12 Accordingly, the proposal is considered to accord with Development Plan policies.

7b Material Considerations

7b.1 The material considerations to be assessed are the points raised through consultation, the points raised in representations and available Supplementary Planning Guidance.

Matters raised through Representation

7b.2 In response to earlier concerns regarding the size, privacy, overshadowing issues and car parking arrangements, the applicant has altered the original proposals by: -

- reducing the overall height of the building;
- limiting upper floor rear elevation windows nearest adjoining residents to that of corridor provision, not of bedroom window provision;
- introducing obscure glass to the corridor window provision;
- submitting a site layout (window distances) drawing showing distances to/from property on Greenhorns Well Drive;
- submitting a Sun Path drawing showing the path of the sun in relation to the proposals;
- submitting an eaves and ridge height comparison drawing (with sunlight and daylight comparisons);
- submitting a development comparison drawing; and
- revising the car parking site layout.

Since these alterations are a reduction in proposals, the changes are not considered as material or significant as to exacerbate previous concerns raised by contributors and, therefore, no new neighbour notification has been issued. It is not considered that any of the changes introduced are, themselves, likely to raise concern on their individual merits but they do attempt to address and clarify matters based on comments received.

7b.3 On the matters raised as objection, it should be noted that:-

- Loss of view is not a material planning consideration.
- Impact on house prices is not a material planning consideration.
- The availability or suitability of alternative sites is not a material planning consideration. The application requires to be determined on its own merits.
- The identification of areas vulnerable to medical service coverage has been undertaken through the preparation of Supplementary Guidance SG11 - Healthcare and New Housing Development. The application site is not identified as being vulnerable for service and no expression of interest on the application has been received from the National Health Service.
- The proposal is likely to have windows overlooking two main areas, the frontage to Windsor Road and the rear elevation to Greenhorns Well Drive. With regard to the rear elevation to Greenhorns Well Drive, the applicant has submitted a site layout showing potential window to window distances, all of which are within an acceptable distance (reference is made to Supplementary Guidance SG03 - Residential Extensions and Alterations - Acceptable Window to Window Distances). In addition, the upper elevation closest to Greenhorns Well Drive will contain only glazing serving corridor use and such glazing will consist of obscure glass. Bedroom windows on the upper floor will be set at an acute angle (i.e. less than 90 degrees) to the nearest property on Greenhorns Well Drive. On Windsor Road, the proposed new window details will again be at an acute angle with existing dwellinghouses and be located at a minimum of approximately 20m away.
- The applicant has submitted a Sun Path plan which shows that there will be no overshadowing of adjacent properties as a consequence of development. The applicant has also submitted a Sunlight and Daylight drawing, while pointing out that if development lies due north of existing property, current advice is that sunlight loss need not be analysed. This refers to property in Greenhorns Well Lane.
- The proposal is not considered overdevelopment of the site. The applicant has submitted a comparison drawing showing area of hardstanding/building as existing (2755 sqm) and area of hardstanding/building as proposed (2303 sqm). The applicant advises that the hard surface area of the proposed development is approximately 394sqm less than existing. This drawing also indicates a new build plot ratio of 1:3.4 compared to typical plot ratios of neighbouring residential properties between 1:3.0 - 1:3.6. While the new development is two storey in height compared with the existing single storey ambulance depot, the Eaves and Ridge Height drawing shows comparable heights of the new build to properties in 11 and 13 Greenhorns Well Drive.
- Falkirk Council's Roads and Development Unit has advised that the proposal is acceptable. Given that the site had previous active ambulance traffic generation, the substitution of this use with a residential care home is unlikely to generate increased traffic. Traffic generation is likely to be restricted to service staff and visiting members of the public, although it is envisaged that service staff and visitors may take the opportunity of the readily accessible transport provision in the immediate area (train and bus links).

- The site had a previous General Industrial class active use which generated limited levels of noise and pollution. The re-use of the site is considered acceptable in planning terms and the use as a residential care home considered more compatible within a residential setting than either the previous or continued use as a general Industrial activity. Issues of noise and pollution, if arising, can be addressed by Falkirk Council's Environment Health team.
- There are, in the opinion of Falkirk Council's Roads and Development Unit, sufficient car parking spaces for staff and visitors.
- Scottish Water have raised no concerns regarding the existing drainage infrastructure.
- Public footpath provision would not change as a consequence of development.
- The existing junction at Maggie Woods Loan/Windsor Road operated when heavily trafficked from the previous ambulance depot activities. There are no highway concerns from consultees that the junction arrangement is sub-standard or requires improvement as a consequence of the proposals.
- The further reduction of the building height by means of land excavation is not considered necessary or reasonable.
- Windows have been designed to minimise overlooking to immediate neighbours, through window to window distances, the introduction of obscure glass and avoiding bedroom to bedroom window placement on the rear elevation of the proposed care home.

7b.4 The matters raised through support of the proposal are noted.

7c Conclusion

7c.1 The application site is a former ambulance depot no longer in active use. The redevelopment of the site as a residential nursing home, in a predominantly residential area, does not offend Development Plan policies. In response to objections raised, the applicant has sought to address objections by reducing the height of the building; introducing obscure glazing details on the upper rear elevation; reducing bedroom window details on the upper rear elevation; providing Sun Path and Daylight drawings; providing comparative elevational height drawings; providing comparative floor area calculations with the existing building and hardstanding; providing revised parking layout drawings and appropriate landscape assessment, seeking retention of the majority of trees on site.

7c.2 The size, scale and massing of the proposed building is greater than the existing redundant structure on site, but considered acceptable and would not introduce any impacts which would justify refusal of planning permission.

8. RECOMMENDATION

8.1 It is therefore recommended that the 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.**

- 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. For the avoidance of doubt, prior to the occupation of the nursing home, the existing bell-mouth entrance off Greenhorns Well Crescent shall be removed and a standard dropped kerb footway crossing installed, all to the satisfaction of Falkirk Council.
4. Before any work is commenced on the site a notice stating "PRESERVED" shall be placed on the trunk of all trees to be retained and this notice shall not be removed until all construction work on the site is completed.
5. Before any work is commenced on the site 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 and no materials, vehicles, plant or machinery shall be stored or any excavations carried out within the fenced off areas.
6. Samples of 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.

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To ensure the ground is suitable for the proposed development.
3. To safeguard the interests of the users of the highway.
- 4-5. To ensure that the existing trees are retained and protected during construction work.
6. To safeguard the residential amenity of the area.

Informative(s):-

1. Further guidance on the requirements of the Low and Zero Carbon Development condition can be found in Supplementary Guidance document SG15 'Low and Zero Carbon Development', available on our website.
2. 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.
3. The Roads Manager within Corporate and Commercial Services should be contacted to obtain a Minor Roadworks Consent before forming a vehicular access onto the public road or undertaking any work on, or under, the public road.
4. It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect this development.

e-mail - envhealth@falkirk.gov.uk

5. 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.

6. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02C, 03, 04C, 05C, 06C, 07C, 08, 09A, 10B, 11, 12, 13, 14 and 15.

.....
pp Director of Development Services

Date: 11 June 2018

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Supplementary Guidance SG03 - Residential Extensions and Alterations.
3. Supplementary Guidance SG11 - Healthcare and New Housing Development.
4. Objection received from Mr Stuart Haddow, 9 Greenhorns Well Drive, Falkirk, FK1 5HJ on 20 March 2018.
5. Objection received from Mrs Yvonne Irvine, 13 Greenhorns Well Drive, Falkirk, FK1 5HJ on 10 March 2018.
6. Objection received from Mr David Hopkins, 8 Greenhorns Well Avenue, Falkirk, FK1 5HL on 13 March 2018.
7. Objection received from Mr Alan Lapsley, 6 Greenhorns Well Drive, Falkirk, FK1 5HJ on 26 March 2018.
8. Objection received from Mrs Aileen Wallace, 10 Greenhorns Well Avenue, Falkirk, FK1 5HL on 25 March 2018.
9. Objection received from Mrs Rhona Webster, 2 Hurworth Street, Falkirk, FK1 5EN on 25 March 2018.
10. Objection received from Mr Malcolm Surgenor, 4 Greenhorns Well Avenue, Falkirk, FK1 5HL on 13 March 2018.
11. Objection received from Miss Janet Miller, 6 Windsor Road, Falkirk, FK1 5EJ on 24 March 2018.
12. Support received from Mr William Kidd, 17 Gartcows Crescent, Falkirk, FK1 5QH on 27 March 2018.
13. Objection received from Mr David Paterson, 4 Greenhorns Well Drive, Falkirk, FK1 5HJ on 26 March 2018.
14. Objection received from Mrs Rhona Wilson, 6, Windsor Dive, Falkirk, FK1 5QN on 27 March 2018.
15. Objection received from Mr John Brown, 5 Gartcows Gardens, Falkirk, FK1 5QL on 27 March 2018.
16. Objection received from Mr Chris Miller, 2 Greenhorns Well Drive, Falkirk, FK1 5HJ on 26 March 2018.
17. Objection received from Mr David McNair, 4 Windsor Road, Falkirk, FK1 5EJ on 26 March 2018.
18. Objection received from Mrs Lynne Hopkins, 8 Greenhorns Well Avenue, Falkirk, FK15HL on 26 March 2018.
19. Objection received from Mr Anthony O'Doherty, 11 Greenhorns Well Drive, Falkirk, FK1 5HJ on 28 March 2018.

20. Objection received from Mrs Angela Paterson, 4 Greenhorns Well Drive, Falkirk, FK1 5HJ on 26 March 2018.
21. Objection received from Mr Stephen Peddie, 8 Greenhorns Well Drive, Falkirk, FK1 5HJ on 26 March 2018.
22. Representation received from Alison C L Finlay, ecossaise52@gmail.com on 28 March 2018.
23. Objection received from Dr Andrew Crowe, 9 Greenhorns Well Avenue, Falkirk, FK1 5HL on 26 March 2018.
24. Objection received from Mr John Hannah, 6 Greenhorns Well Avenue, Falkirk, FK1 5HL on 27 March 2018.
25. Support received from Mr Colin Reekie, 45 Maggiewoods Loan, Falkirk, FK1 5EH on 27 March 2018.
26. Objection received from Mr Peter Kinloch, Dunrosa, 22 Gartcows Crescent, Falkirk, FK1 5QH on 28 March 2018.
27. Objection received from Angela Paterson, angpaters@sky.com on 29 March 2018.
28. Objection received from Lesley Park, 28 Gartcows Drive, Falkirk, FK1 5QQ on 29 March 2018.
29. Objection received from Mr David Hopkins, 8 Greenhorns Well Avenue, Falkirk, FK1 5HL on 3 April 2018.
30. Objection received from Stephen and Mary Peddie, 8 Greenhorns Well Drive, Falkirk, FK1 5HJ on 3 April 2018.
31. Objection received from Mr Stuart Tolmie, 17 Greenhorns Well Drive, Falkirk, FK1 5HJ, on 3 April 2018.
32. Representation received from Mr Alister Young, 3 Greenhorns Well Avenue, Falkirk, FK1 5HL on 3 April 2018.
33. Objection received from Mr Ronald McDowall, Ronaldmcdowall@gmail.com on 3 April 2018.
34. Objection received from Mr David Hopkins, Hoppysda@yahoo.co.uk on 14 March 2018.
35. Objection received from Mr R.W. Russell, 36 Gartcows Crescent, Falkirk, FK1 5QH on 4 April 2018.
36. Objection received from Mr James Pettet, 38 Windsor Road, Falkirk, FK1 5EJ on 22 March 2018.
37. Objection received from Mr David Irvine, 13 Greenhorns Well Drive, Falkirk, FK1 5HJ on 27 March 2018.
38. Objection received from Mr John Menzies, 43 Gartcows Crescent, Falkirk, FK1 5QH on 21 March 2018.
39. Objection received from Mrs Anne Kennedy, 8 Windsor Rd, Falkirk, FK1 5EJ on 24 March 2018.
40. Objection received from Mrs Alison Finlay, 4 Gartcows Crescent, Falkirk, FK1 5QH on 27 March 2018.
41. Objection received from Mrs Lynne Hopkins, 8 Greenhorns Well Avenue, Falkirk, FK1 5HL on 27 March 2018.
42. Objection received from Mr Martin Miller, 39 Gartcows Crescent, Falkirk, FK1 5QH on 27 March 2018.
43. Objection received from Mrs Kathryn Higgins, 5 Greenhorns Well Drive, Falkirk, FK1 5HJ on 26 March 2018.
44. Objection received from Mr Jim Pettet, 38 Windsor Road, Falkirk, FK1 5EJ on 26 March 2018.
45. Objection received from Mr Wayne Grant, 10 Greenhorns Well Avenue, Falkirk, FK1 5HL on 26 March 2018.
46. Support received from Mr Stephen Carr, 28 Gartcows Crescent, Falkirk, FK1 5QH on 26 March 2018.

47. Objection received from Mr Alister Young, 3, Greenhorns Well Avenue, Falkirk, FK1 5HL on 26 March 2018.
48. Objection received from Mr Alistair Robertson, 14 Greenhorns Well Crescent, Falkirk, FK1 5HN on 18 March 2018.
49. Objection received from Mr David Connell, 38 Gartcows Crescent, Falkirk, FK1 5QH on 29 March 2018.
50. Objection received from Mr Jim Sellars, 28 Greenhorns Well Crescent, Falkirk, FK1 5HN on 26 March 2018.
51. Objection received from Mr Stuart Tolmie, 17 Greenhorns Well Drive, Falkirk, FK1 5HJ on 14 March 2018.
52. Objection received from Tony O'Doherty, 11 Greenhorns Well Drive, Falkirk, FK1 5HJ on 21 March 2018.
53. Objection received from C R D Bristow, 7 Greenhorns Well Drive, Falkirk, FK1 5HJ on 21 March 2018.
54. Objection received from Miss Moira Alison Bruce, 2, Windsor Road, Falkirk, FK1 5EJ on 20 March 2018.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Application Location Plan P/18/0100/FUL

The map displays a residential neighborhood with several streets labeled: GREENHORN AVENUE, WELL DRIVE, and EL SUB ST. A large area is highlighted with blue diagonal hatching and a red boundary. An inset map at the top left shows a wider view of the area, including the University of Pretoria and surrounding roads, with a red circle indicating the location of the main map.



Reproduced by permission of Ordnance Survey on behalf of HMSO.
© Crown copyright and database right 2018. All rights reserved.
Ordnance Survey Licence number 100023384