



## **Agenda Item 7**

**ERECTION OF 4 RESIDENTIAL UNITS  
WITH ON-SITE CARE PROVISION  
(CLASS 8 - RESIDENTIAL INSTITUTION)  
AT LAND TO THE EAST OF 18 UNION  
ROAD, UNION ROAD, FALKIRK, FOR MR  
BARRY SAVILLE - P/19/0465/FUL**

**FALKIRK COUNCIL**

**Subject:** ERECTION OF 4 RESIDENTIAL UNITS WITH ON-SITE CARE PROVISION (CLASS 8 - RESIDENTIAL INSTITUTION) AT LAND TO THE EAST OF 18 UNION ROAD, UNION ROAD, FALKIRK, FOR MR BARRY SAVILLE - P/19/0465/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 20 November 2019

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Falkirk North

Councillor David Alexander  
Councillor Robert Bissett  
Councillor Dennis Goldie  
Councillor Cecil Meiklejohn

**Community Council:** No Community Council

**Case Officer:** Katherine Chorley (Planning Officer), Ext. 4704

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**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 The application site consists of an area of land located to the rear of commercial and residential buildings. The site is overgrown with a storage container and trees defining the site. It can be accessed from a small alley way to the east and a communal parking area to the west. Neither access is indicated as being within the ownership of the applicant.
- 1.2 The applicant seeks planning permission for the erection of a two storey building comprising 4 x 1 bed residential units, including care provision. The applicant has indicated that these units are to be used by 'Step Up', who provide an accommodation based housing support service for care experienced young people aged 16 to 25.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application was called in by Councillor Meiklejohn for the followings reasons;
- *'There is a demand for this type of provision and design is bespoke to its use. It is an infill development that would enhance area. Parking demand for this type of facility would be limited because of client group. I would wish the Committee to give further consideration to the application.'*

### **3. SITE HISTORY**

- 3.1 A planning application for a double domestic garage (P/07/1243/FUL) was granted on 7 February 2008.
- 3.2 A planning application (P/18/0383/FUL) for development of the site for residential purposes (flatted dwellings) was returned to the applicant in 2018, as the application was not accompanied by sufficient information to validate it.
- 3.3 A planning application (P/19/0135/FUL) was withdrawn on 2 May 2019 for the Erection of 4 Flatted Dwellings, because the application lacked sufficient information and the incorrect type of development had been applied for.

### **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit have raised concerns in relation to the level of parking provision, unconfirmed access and lack of detail relevant to the proposed use.
- 4.2 The Council's Environmental Protection Unit have recommended informatives on noise during construction work and contaminated land. No significant air quality concerns are anticipated with the application.
- 4.3 Scottish Water have advised that there is currently sufficient capacity in the Carron Valley Water Treatment Works and Dalderse Waste Water Treatment Works. However capacity cannot be reserved. Scottish Water have stated that they will not normally accept any surface water connections in to the combined sewer system.
- 4.4 The Coal Authority advised that they consider that the content and conclusions of the Mining Risk Assessment Report are sufficient in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building warrant application.

### **5. COMMUNITY COUNCIL**

- 5.1 There is no active community council in the area at this time.

### **6. PUBLIC REPRESENTATION**

- 6.1 In the course of the application, 1 objection letter was submitted. The salient issues are summarised as follows:-
  - No mention of how vehicles are going to access the development. Access via the lane between the dentist and 10 Union Road is poor and would be unacceptable.
  - If the landscaping was carried out and parking spaces tarred/ painted on the access lane/parking area then development would be acceptable.

## 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 The application site is located to the rear of existing residential and commercial units. The occupants of the proposed development would have limited outlook and a lack of privacy, specifically from the ground floor units. The kitchen windows (habitable rooms) would look towards a fence approximately 1m away. This would provide limited outlook and light for the occupants. The first floor flats would be accessed from a central entrance meaning they would pass the ground floor front windows. This would limit the privacy for these ground floor units.

7a.4 The applicant has indicated that they do not wish to provide off-street parking and instead wish to install a high fence around the development. No plans have been submitted showing this, but it would further reduce the outlook for ground floor residents. Alternatively if parking were provided as shown, it would limit the amenity of the ground floor flats with the loss of privacy and disturbance associated with car parking.

7a.5 The first floor rear windows would require to be obscure glazed to limit overlooking of neighbouring properties, given the short distances between buildings. These windows would include kitchen windows. The occupants would have a limited outlook.

7a.6 No bin storage or cycle parking areas have been shown, no private amenity space would be available for the residents. The development proposes a large building on a small plot with insufficient parking, access and storage space. The proposal would constitute an unacceptable overdevelopment of the site and provide a lack of satisfactory private amenity space and residential environment. The proposal does not accord with policy HSG09.

7a.7 The site has good access to public transport, being within walking distance of bus routes and the train station.

7a.8 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.9 The proposed development would require a contribution to open space improvements in the area. The Supplementary Guidance associated with policy INF04 - Open Space and New Residential Development indicates that contributions are only required for passive open space in relation to applications for rest homes and nursing homes. This would appear to be appropriate in this case. This results in a contribution of £2058 towards open space improvements in the area. Following discussion and requests the applicant has not confirmed his agreement to paying this sum. The proposal therefore does not comply with the policy or supplementary guidance.

7a.10 Policy INF07 'Walking and Cycling' states:-

- 1. The Council will safeguard and promote the development of the core path network. Where appropriate, developer contributions to the implementation of the network will be sought.*
- 2. New development will be required to provide an appropriate standard of pedestrian and cycle infrastructure, including cycle parking, which complies with current Council guidelines and meets the following criteria:*

- *Where appropriate, infrastructure supporting the two modes of walking and cycling should be combined and support objectives in agreed Travel Plans helping to support active travel;*
- *Pedestrian and cycle facilities in new developments should offer appropriate links to existing networks in surrounding areas, in particular to facilitate school journeys and provide connections to public transport, as well as links to other amenities and community facilities;*
- *The surfacing, lighting, design, maintenance and location of pedestrian and cycle routes should promote their safe use. Particular emphasis should be given to the provision of suitable lighting, and the provision of suitably designed and located crossing facilities where routes meet the public road network;*
- *Where practical, no pedestrian route should be obstructed by features that render it unsuitable for the mobility impaired.*

7a.11 The policy requires, amongst other things, that adequate cycle parking be provided on site. The block plan indicates that adequate cycle parking could not be accommodated within the site, when all other necessary infrastructure is included.

7a.12 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.13 The submitted plan shows four off-street parking spaces. Policy INF11 - Parking, requires that adequate parking be provided on site. The applicant indicated that he did not want to provide any off-street parking. No amended plans have been submitted deleting off-street parking.
- 7a.14 Parking requirements for the proposed development type depends on bed and staff numbers. Requests have been made for further information on how the development would operate, to allow consideration of whether the parking requirement could be reduced. Four one bed units would normally require four parking spaces. A statement was provided explaining that staff numbers would be dynamic with 'an appropriate level of staffing' provided. Without firm staff numbers, the parking requirements could not be determined. It is unlikely that this development would have no parking impact. While the residents of three of the units may not have cars, parking would be required for staff and visitors. In addition to this, the use would not be limited to Step Up and other care providers could take on the building. A personal permission would not be appropriate.
- 7a.15 The proposed parking layout does not meet current standards. Given the constrained nature of the site, a maximum of two parking spaces could be provided which would meet the Council standards.
- 7a.16 The site is only accessible by crossing privately owned neighbouring land. This is for both pedestrian and vehicular access. Repeated requests have been made that the applicant confirm ownership or right of access over this land. This information has not been provided.
- 7a.17 The boundary is currently defined on one side by parking for residents of the existing nearby flats. Opening up this boundary would then prevent parking in front of this boundary, resulting in the displacement of a number of spaces. This would increase the demand for parking nearby and could lead to indiscriminate parking which may in turn give rise to an increased accident risk.
- 7a.18 There appears to be a change in levels between the site and the existing parking area. Despite requests for further information in this respect, no further details have been provided. It is not therefore clear whether a level access to the parking and entrance could be achieved.
- 7a.19 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.*

7a.20 Limited detail has been provided in relation to policy INF12. If planning permission were to be granted a condition is recommended requiring the submission of further information in this respect.

7a.21 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.22 There are a number of small trees within the site which would need to be removed as a result of the development. These trees have not been included in the plans, however they do not have significant amenity value. Their loss is considered to be acceptable. Policy GN04 - Trees, Woodland and Hedgerows, encourages planting of replacement trees. The site is not large enough to accommodate replacement planting due to the extent of development proposed.

7a.23 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 'Neighbourhood 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.*

7a.24 The Policy requires that developments create attractive and safe places for people to live, work and visit. The occupants of the ground floor units would have limited outlook and the development would constitute an over development of the site. The design is fairly simple but would not be highly visible from public areas and is considered acceptable.

7a.25 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.26 The policy requires that all applications are accompanied by an Energy Statement. This should show that 10 percent of the overall reduction in CO2 emissions as required by Building Standards has been achieved via on-site low and zero carbon generating technologies.

7a.27 The submitted Energy Statement is brief. It makes reference to photovoltaic panels being used. Amended plans were requested to include these panels. These have not been received. If planning permission were to be granted it is recommended that a condition relating to a more detailed Energy Statement and clarification in relation to solar panels be required.

## **7b Material Considerations**

7b.1 The material consideration to be assessed are the Falkirk Local Development Plan 2 (LDP2), the assessment of public representation and the consideration of the site in relation to coal mining legacy.

### **Falkirk Local Development Plan 2 (Proposed Plan)**

7b.2 The current Falkirk Local Development Plan is in the process of being replaced by a new plan. The Proposed Falkirk Local Development Plan 2 (LDP2). The consultation period ran from 27 September 2018 to 23 November 2018. Following consideration by Scottish Ministers of representations received it is expected that LDP2 will be adopted in 2020, at which point it will replace the current Falkirk Local Development Plan. LDP2 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. In the case of this particular planning application, the proposed plan in its current form does not introduce any new policy considerations or land use allocations which would alter the above assessment and justify an approval of planning permission in this instance.

### **Assessment of Public Representation**

7b.3 The applicant has not indicated that he can secure an access to the building. No indication has been given that he would landscape or tar/paint parking spaces on the access lane/parking area.

## **Consideration of the Site in relation to Coal Mining Legacy**

- 7b.4 The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. Any development proposal not exempt on grounds of type or nature, which would intersect with the ground requires the submission of a desk based Coal Mining Risk Assessment and Consultation with the Coal Authority.
- 7b.5 The process recognises the need for flexibility and in cases where a further application (Matters Specified in Conditions) is necessary, the Coal Mining Risk Assessment may be deferred until that stage. If an assessment has been received and the views of the Coal Authority sought, these are summarised within the consultation responses above and appropriate conditions and/or informatives have been applied.

### **Step Up**

- 7b.6 It is not possible to control the end user of a development, nevertheless the applicant has verbally indicated that there is a particular need for care supported accommodation for those aged 16-25. A request was made to provide more detailed written information in this respect. However only limited details were provided and they focussed more on the company's roles and responsibilities. The information did include a reference to the promotion of positive outcomes with all of the young people who have participated and completed the programme since 2013 100% have successfully made the transition to their own local authority tenancy.

### **7c Conclusion**

- 7c.1 No facilities for bin storage or cycle parking have been proposed, no amenity space would be available for the residents and the internal living environment for the ground floor residents in particular would be substandard. The development proposes a large building on a small plot with insufficient parking, access and storage space. The proposal would constitute an overdevelopment resulting in substandard living accommodation for the occupants. The proposal does not accord with policy HSG09.
- 7c.2 Insufficient information has been provided at this time to fully assess the application. A reduced parking provision may be considered acceptable but this has not been demonstrated. Confirmation has not been provided that the applicant is willing to agree a payment towards open space provision. As a result the proposal fails to comply with the relevant policies in the Local Development Plan. The applicant has verbally indicated the wider need for care accommodation. However the current proposal would provide a substandard living environment for the occupants and the need in this case does not outweigh the requirement to comply with the Development Plan. The application therefore is recommended for refusal.

## **8. RECOMMENDATION**

- 8.1 **It is therefore recommended that the Committee refuse planning permission for the following reasons:-**
- 1. Inadequate information has been submitted to allow a detailed assessment of the application. The required parking provision cannot be determined, the applicant has not agreed to a financial contribution to open space improvements and access to the site cannot be guaranteed. As such the proposal fails to comply with policies INF11, Parking, HSG09**

**Residential Care Homes and INF04 Open Space and New Residential Development of the Falkirk Local Development Plan.**

2. No facilities for bin storage or cycle parking have been shown, no amenity space would be available for the residents and the internal living environment for the ground floor residents in particular would be inadequate. The development proposes a large building on a small plot with insufficient parking, access and storage space. The proposal would constitute an overdevelopment resulting in substandard living accommodation for the occupants. The proposal would be contrary to policies HSG09 - Residential Care Homes, INF07- Walking and Cycling and INF11 - Parking of the Falkirk Local Development Plan.

**Informative(s):**

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

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**Director of Development Services**

**Date: 08 November 2019**

**LIST OF BACKGROUND PAPERS**

1. The Falkirk Local Development Plan.
2. The Draft Falkirk Local Development Plan 2
3. Objection received from Mr Jamie Rollo, 10 Union Road, Camelon, Falkirk, FK1 4PG on 26 July 2019

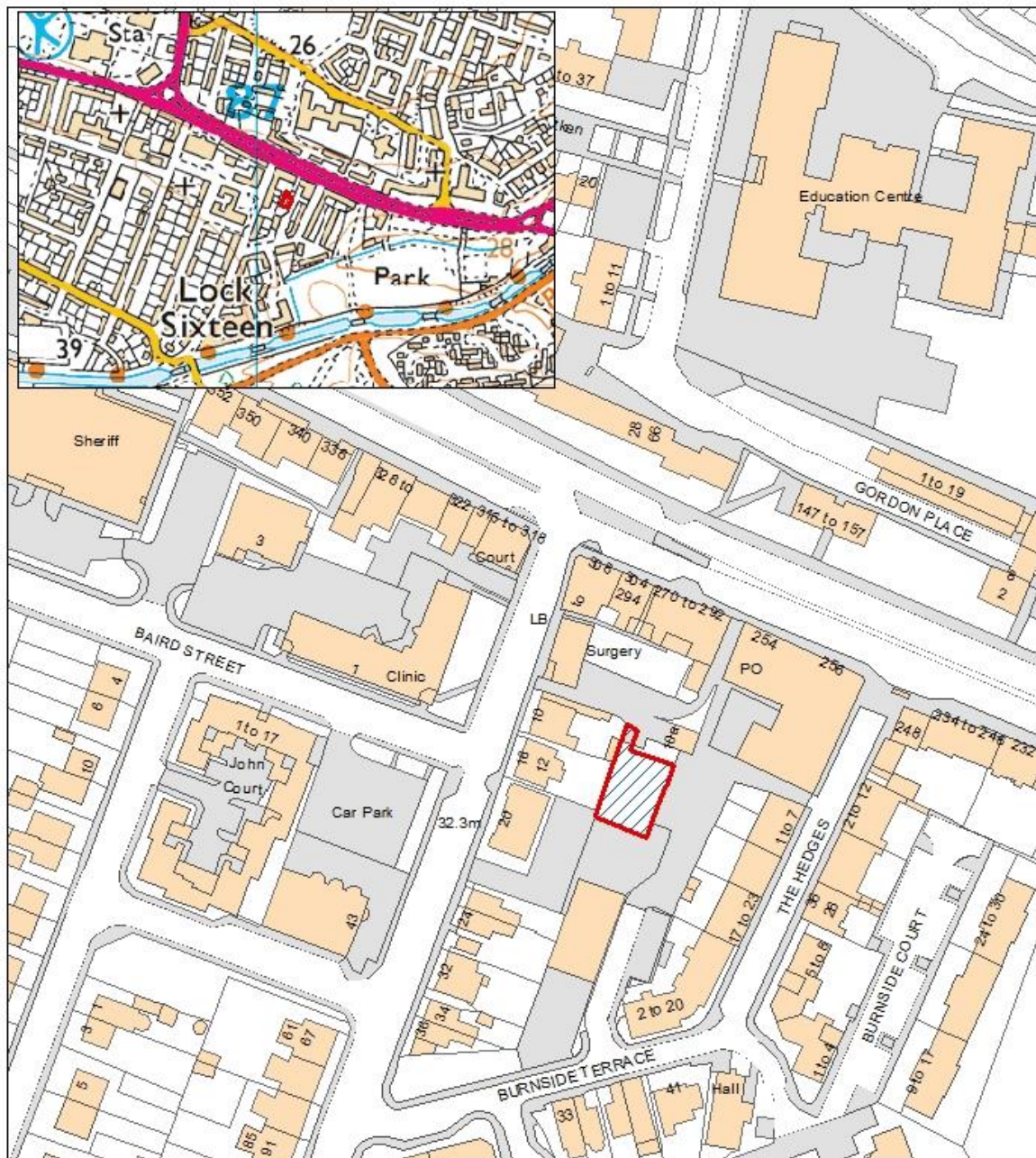
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Katherine Chorley, Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/19/0465/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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