

FALKIRK COUNCIL

Subject: **ERECTION OF 43 FLATTED DWELLINGS AND ASSOCIATED WORKS
AT TORWOODLEA COMPLEX, BELLSDYKE ROAD, LARBERT, FK5 4EH
FOR LINK HOUSING ASSOCIATION LTD (P/08/1013/FUL)**

Meeting: **PLANNING COMMITTEE**

Date: **25 March 2009**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Councillor Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow**

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: Allan Finlayson (Senior Planning Officer), ext 4706

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The site of the application is vacant licensed premises and industrial ground at Bellsdyke Road, Larbert.
- 1.2 The site is bounded to the north by modern office development to the east by a social club and to the south and west by housing.
- 1.3 The site is generally level. Mature tree planting exists to the north and west of the site and a stone wall runs along a public footpath to the north.
- 1.4 The proposed development is for the erection of 43 two and three bedroom flats with associated access (from Graham Avenue to the south), car parking, open space and landscaping.
- 1.5 The proposed housing layout is of 2, 3 and 4 storey flatted blocks arranged around a central courtyard of car parking with open space to the north of the site.

2. REASON FOR CONSIDERATION BY COMMITTEE

- 2.1 An application for a similar proposal was previously called to Planning Committee for determination.

3. SITE HISTORY

- 3.1 Planning application reference P/08/0111/FUL – erection of 48 flatted dwellings – Planning Committee decision of minded to grant planning permission subject to an outstanding legal agreement. A contribution to education provision consistent with the current application is required.
- 3.2 Planning application reference F/2005/0184 - erection of 41 flatted dwellings was approved 26 August 2005.
- 3.3 Planning application reference F/99/0740 - development of land for housing purposes (outline) was approved on 31 January 2000.
- 3.4 Planning application reference F/92/0015 - development of land for housing purposes (outline) was approved on 4 June 1992.

4. CONSULTATIONS

- 4.1 The Director of Education Services has no objection to the proposed development subject to the provision of £43,000 (£1,000 per residential unit) to fund educational capacity improvements required as a result of the development.
- 4.2 The Transport Planning Unit has no objections to the proposed development subject to the provision of cycle parking, the widening of footways fronting the site to create a cycle/footway and upgrading of a footway along Grahams Avenue.
- 4.3 The Roads and Development Unit has no objections to the proposed development subject to conditions requiring compliance of proposed infrastructure with Road Construction guidelines.
- 4.4 The Environmental Protection Unit has no objections to the proposed development subject to the provision and approval of further information in relation to the mitigation of potential ground contaminants.
- 4.5 SEPA has no objections to the proposed development.
- 4.6 Scottish Water has no objections to the proposed development.
- 4.7 Central Scotland Police has no comments at this stage but is reviewing a Secured by Design application made to them by the applicant.

5. COMMUNITY COUNCIL

- 5.1 Larbert, Stenhousemuir and Torwood Community Council has made no representation.

6. PUBLIC REPRESENTATION

- 6.1 No representations have been received.

7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 Policy COM.1 ‘Housing Land Allocations’ states:

“The Council will:

- 1 support the phased provision of land for new housing as detailed in Schedule COM.1a to which a flexibility allowance of 10% will be added under Policy COM.2;*
- 2 maintain an effective 5 year supply of the housing land set out in Schedule 1a;*
- 3 review the housing calculations and allocations at intervals of no more than 5 years; and*
- 4 In delivering the requirement in Schedule Com.1a the Council will support special initiatives for residential led regeneration at the location listed in Schedule Com.1b, provided that action plans and masterplans/ development frameworks are prepared in accordance with the local plan. In particular these must address phasing, social and physical infrastructure provision, the avoidance of adverse impacts on European sites, the removal of significant restraints and land acquisition as appropriate.”*

7a.2 The application site is identified in the Larbert and Stenhousemuir Local Plan as being suitable for housing development and in the Housing Land Audit. The proposal accords with this policy.

Adopted Larbert and Stenhousemuir Local Plan

7a.3 The application site lies within the urban limit and is identified as a housing site included in the agreed 1993 Housing Land Supply in the adopted Larbert and Stenhousemuir Local Plan as H3 - ‘Torwoodlea Hotel, Larbert which states:

“Opportunity: Housing/Business/Leisure

Site Area: 0.46ha/ 1.14 acre

Agency: Private

Comments: Site granted outline planning permission for 24 flats in June 1992. Alternatively business or leisure uses may be equally acceptable, particularly in recognition of the site's close proximity to Central Business Park.”

7a.4 Policy LAR 5 - ‘New Residential Development’ states:

“New residential development is directed towards sites H1 to H20 identified on the Policies, Proposals and Opportunities Map and other appropriate brownfield sites which become available within the Urban Limit.”

7a.5 The site is identified as housing site H3 and accords with this policy.

7a.6 Policy LAR 37 - 'Design and the Local Context' states:

“Development should accord with good principles of urban design and contribute to the enhancement of the built environment. Proposals should respect and complement the character of the local townscape and landscape setting in terms of the following:

- (i) the siting, layout and density of new development should create an attractive and coherent structure of public spaces and built forms which integrates well with the surrounding townscape, natural features and landforms;*
- (ii) consideration should be given to creating a safe and secure environment for all users through the application of the general principles contained in PAN46 “Planning for Crime Prevention”;*
- (iii) the design of new buildings should respond to that of the surrounding urban fabric in terms of scale, height, massing, building line, architectural style and detailing;*
- (iv) building materials and finishes should be chosen to complement those prevailing in the local area;*
- (v) opportunities should be taken within the development to incorporate new public spaces and other focal points, and to enhance existing ones; and*
- (vi) the contribution to the townscape of existing buildings, natural features, important landmarks, skylines and views should be respected.”*

7a.7 The proposed development of blocks of flatted units is considered to meet the criteria of LAR 37 and foster an attractive environment related in design, scale and massing to the surrounding area.

7a.8 Policy LAR 38 - 'Landscape Design' states:

“Proposals for development should include a scheme of hard and soft landscaping as an integral part of the submission for planning permission. The landscaping scheme should:

- (i) respect the setting and character of the site;*
- (ii) retain, where practical, existing vegetation and natural features;*
- (iii) incorporate structure planting, street trees and informal open space planting, as appropriate to the nature and location of the proposal;*
- (iv) make use of native tree and plant species;*
- (v) incorporate high quality hard landscaping, including surfacing materials, boundary enclosures and street furniture which complement the development and the local townscape; and*
- (vi) demonstrate that satisfactory arrangements have been made for the future maintenance and management of landscaped areas.”*

7a.9 The applicant has submitted a landscape scheme which maintains existing mature indigenous planting to the north and west of the site. Selective removal of non-indigenous species is proposed. Replacement low level planting is proposed. In addition, internal planting complements the proposed car park area. The existing stone boundary wall will be retained and repaired.

7a.10 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the views of consultees and site history.

7b.2 The application site is identified as a housing land audit site in proposal HL & S5 Torwoodlea, Larbert Opportunity HL & S5 states:

Site Area: 0.46 hectares

Capacity: 41 flats

Developer: Private

Status: Outline planning permission

Comments: Detailed planning application granted August 2005 for 41 flatted dwellings. Alternatively business or leisure uses may be equally acceptable, particularly in recognition of the site's close proximity to Central Business Park.

7b.3 The proposal has been further assessed against Policies EQ3 - Townscape Design, EQ4 - Landscape Design, SC6 - Housing Density and Amenity, SC11 - Developer Contributions to Community Infrastructure and is considered to comply with the requirements of these policies.

7b.4 The views and requirements of consultees can be accommodated in the form of planning conditions attached to the grant of planning permission or, in the case of financial contributions, by legal agreement.

7b.5 Education Services has requested that a contribution of £43,000 (£1,000 per flat) is made by the applicant towards required education capacity improvements at schools at Larbert and St Mungo's High Schools within the catchment area of the proposed development. The applicant has agreed to providing this contribution to be secured through legal agreement.

7b.6 The drainage arrangements for the site propose attenuation of surface water in storage tanks underneath the car parking area prior to discharge into the combined sewer. Scottish Water and SEPA have raised no objections to this arrangement.

7b.7 The provision of cycle parking spaces within external lockers requested by the Transport Planning Unit, is not favoured on the grounds of reduction in limited landscaped areas and security. It is considered that cycle storage can be accommodated internally in communal areas. However, the applicant's agent has agreed to the widening of footways fronting the site to create cycle/footways.

7b.8 The applicant has submitted an acceptable contaminated land desk study identifying potential contaminants and mitigation measures. The submission of further information is required by planning condition.

7c Conclusion

7c.1 The proposed development represents an acceptable form of development which complies with Development Plan policy. There are no material considerations which would justify the refusal of planning permission in this case.

8. RECOMMENDATION

- 8.1** It is recommended that Members indicate they are minded to grant planning permission subject to the successful completion of an appropriate legal agreement requiring the payment of a pro-rata sum of £1,000 per dwelling (£43,000 in total) as a contribution to education provision at St Mungo's High School and Larbert High School as a result of the impact of the development, or any lower sum that may be agreed by the Directors of Education Services and Development Services.
- 8.2** On completion of the legal agreement referred to in paragraph 8.1 above, the Members remit the Director of Development Services to grant planning permission subject to the following conditions:-
- (1)** The development to which this permission relates must be begun within five years from the date of this permission.
 - (2)** Prior to the commencement of any work on site details of intrusive site investigations and site investigation programmed in approved phase 1 and 2 site investigations shall be submitted for the assessment and written approval of the Planning Authority. No development shall commence, until all required remedial works are fully completed.
 - (3)** Development shall not begin until details of the materials to be used on the external surfaces of the buildings, and in the construction of any hardstandings/walls/fences, have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
 - (4)** Details of the phasing of the development shall be submitted to the Planning Authority for approval, and no work shall begin until the phasing scheme has been approved in writing. Following approval, the development shall be implemented in accordance with the approved scheme.
 - (5)** Development shall not begin until details of landscape completion programme and subsequent maintenance has been submitted for the assessment and written approval of the Planning Authority. The development shall thereafter be implemented in accordance with the approved landscaping and phasing scheme by the end of the first planting and seeding season following the occupation of the last residential unit on the development.
 - (6)** The existing footways along the site boundary within Bellsdyke Road to the north and Broomage Avenue to the west shall be widened to 3 metres. The existing footway along the site boundary with Graham Avenue shall be reconstructed to a minimum width of 2 metres and include 2 pedestrian dropped kerb crossing points. All works shall be carried out in accordance with the 'Design Guidelines and Construction Standards in the Falkirk Council Area, October 1997, as amended January 2000.'

- (7) Prior to work commencing on site a detailed specification for the restoration and enhancement of the boundary wall to the north of the site shall be submitted for the written approval of the Planning Authority. The wall shall thereafter be constructed in accordance with the approved specification prior to the occupation of the flats.
- (8) Prior to work commencing on site a detailed specification for underground surface water attenuation including design calculations for 1:100 and 1:200 year storm events and overflow provision shall be submitted for the written approval of the Planning Authority.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure the ground is suitable for the proposed development.
- (3,5,7) To safeguard the visual amenity of the area.
- (4) To safeguard the environmental amenity of the area.
- (6) To safeguard the interests of the users of the highway.
- (8) To ensure that adequate drainage is provided.

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For Director of Development Services

Date: 17 March 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Larbert and Stenhousemuir Local Plan

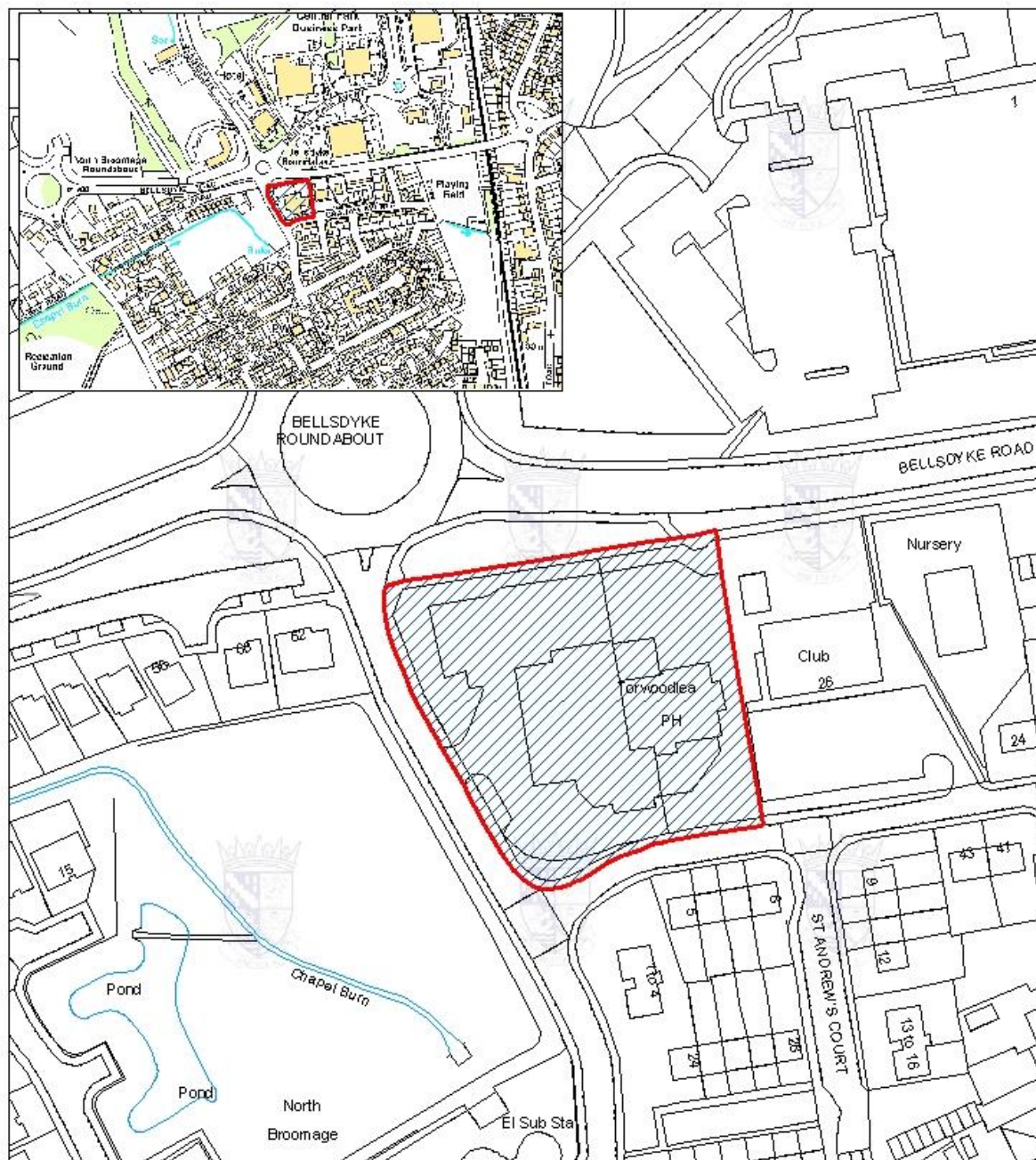
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/08/1013/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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