

FALKIRK COUNCIL

Subject: ERECTION OF 4 FLATS AND ANCILLARY WORKS AT LAND TO THE NORTH OF 46 CARSE CRESCENT, CARSE CRESCENT, LAURIESTON FOR FALKIRK COUNCIL - P/09/0487/FUL

Meeting: PLANNING COMMITTEE

Date: 23 September 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Lower Braes

Case Officer: Kevin Brown (Planning Officer), ext 4701

1. SITE LOCATION/DESCRIPTION OF PROPOSAL

- 1.1 The application site is located on an area comprising open grassland hard surfacing adjacent to a garage court in a predominantly residential area of Laurieston.
- 1.2 This detailed application proposes the erection of 4 flats and associated garden ground and parking areas on this area of land and proposes to utilise the existing vehicular access for the garage compound.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been made by Falkirk Council and relates to land in their ownership. Under the Council's amended Scheme of Delegation, such applications require consideration by the Planning Committee.

3. SITE HISTORY

- 3.1 None relevant to this application.

4. CONSULTATIONS

- 4.1 The Roads Development Unit requested slight amendments to the dimensions of the parking bays. These amendments have been received and the Roads Development Unit has no objections to this proposal and has raised no concerns in relation to road safety.

4.2 No response has been received from Scottish Water.

4.3 The Environmental Protection Unit has requested that the applicant undertake a noise and contaminated land survey. These points can be adequately covered by conditions attached to any consent given.

5. COMMUNITY COUNCIL

5.1 The Lower Braes Community Council has not made any representations.

6. PUBLIC REPRESENTATION

6.1 In the course of the application, 2 letters of objection were received. The salient issues are:

- Noise, road safety, visual amenity, inadequate landscaping and environmental issues.

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 There are no specific policies in the Structure Plan that relate to the proposal.

Polmont Local Plan

7a.2 Policy POL 2.2 ‘Urban Limit’ states:

“The Urban Limit, as indicated on the Policies, Proposals and Opportunities Map, is regarded as the desirable limit to the growth of the urban and village areas of Polmont and District for the period of the Plan. Accordingly, there will be a general presumption against development proposals which would extend the urban area beyond this limit or which would constitute sporadic development in the countryside.”

7a.3 Policy POL 3.1 ‘New Residential Development’ states:

“New residential development is directed towards sites H1 to H28, as identified on the Policies, Proposals and Opportunities Map. Other brownfield sites which become available within the Urban Limit will also be considered favourably for housing, subject to other Local Plan policies and proposals, provided that:

- (i) *the proposed housing use is compatible with neighbouring uses;*
- (ii) *a satisfactory level of residential amenity can be achieved;*
- (iii) *access, parking, drainage and other infrastructure can be provided to a standard acceptable to the Council; and*
- (iv) *essential services and community facilities such as shops, public transport and schools are readily accessible and can accommodate any increase in use associated with the proposed new development (see also POL 2.4)."*

7a.4 Policy POL 9.3 'Protection of Open Space' states:

"The Council will generally protect parks, playing fields and other areas of public open space from unrelated development which would diminish their recreational or amenity value. Proposals involving the loss of any area of public open space, whether through built development or incorporation as private garden ground, will normally be resisted where the proposal would:

- (i) *adversely affect the recreational value of any area of active or passive open space, considered in relation to overall standards of provision in the surrounding area. When considering redevelopment proposals for playing fields and public open space, there should be a clear long term excess of pitches, playing fields and public open space in the wider area, taking into account long term strategy, recreational and amenity value and any shortfall in adjoining local plan areas;*
- (ii) *result in the loss of amenity open space such that the character or appearance of the area or its setting will be adversely affected; or*
- (iii) *set an undesirable precedent for further incremental loss of public open space such that the provision of amenity or recreation open space in the area would be eroded.*

Where a proposal is permitted which involves the loss of an area of open space, the Council may require a contribution from the developer towards upgrading other open space in the vicinity or the provision of replacement facilities to offset the loss. This alternative provision should be of equal community benefit and accessibility."

7a.5 The application site is within the Urban Limits as defined in the Polmont and District Local Plan and the proposed development is considered to be compatible with the neighbouring residential land uses. A satisfactory level of residential amenity can be achieved and access, parking and drainage can be provided to an acceptable standard. The proposal is therefore considered to be in accordance with the terms of Policy POL 2.2 and POL 3.1 of the Polmont and District Local Plan.

7a.6 The proposed relocation of the grassed open space and planting of new trees in this area is considered to adequately mitigate the removal of the open space currently occupying part of the application site. The relocation of this area is not considered to have any detrimental effects on the amenity value or recreational value of this space and as such, the proposal is in accordance with the terms of Policy POL 9.3 of the Polmont and District Local Plan.

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

7b Material Considerations

The material planning considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version) and the representations received insofar as they relate to material considerations.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.1 Policy SC2 - ‘Windfall Housing Development Within The Urban / Village Limit’ states:

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

- (1) The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;*
- (2) The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- (3) The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- (4) Existing physical infrastructure, such as roads and drainage, water supply, sewage capacity and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy SC11;*
- (5) In the case of small gap sites and sub-divided plots, Policy SC8 is satisfied; and*
- (6) There is no conflict with any other Local Plan policy or proposal.”*

7b.2 Policy SC12 - ‘Urban Open Space’ states:

“The Council will protect all urban open space, including parks, playing fields and other areas of urban greenspace, which is considered to have landscape, amenity, recreational or ecological value, with particular reference to the areas identified on the Proposals Map. Development involving the loss of urban open space will only be permitted where:

- (1) There is no adverse effect on the character and appearance of the area, particularly through the loss of amenity space planned as an integral part of a development;*
- (2) In the case of recreational open space, it can be clearly demonstrated from the Council’s open space audit and strategy, or a site specific local audit of provision in the interim, that the area is surplus to recreational requirements, and that its release for development will be compensated for by qualitative improvements to other open space or recreational facilities;*
- (3) The area is not of significant ecological value, having regard to Policies EQ24 and EQ25; and*
- (4) Connectivity within the overall open space network is not threatened and public access routes in or adjacent to the open space will be safeguarded.”*

7b.3 Policy SC2 Windfall Housing Development Within the Urban/Village Limit and Policy SC12 Urban Open Space of the Falkirk Council Local Plan Finalised Draft (Deposit Version) are considered to affirm the position of the Polmont and District Local Plan. Therefore, the application is in accordance with the terms of this document.

Representations

- 7b.4 In relation to the representations received, road safety issues have been assessed by the Roads Development Unit who have raised no concerns. Visual amenity and landscaping issues have been assessed in the Planning Assessment section of this report and are not deemed to be determining factors in this application. In relation to noise, the Environmental Protection Unit has requested a noise survey to ensure the occupants of the proposed properties are protected from transportation noise. However, no other noise issues have been raised. It is considered that none of the points raised by way of representations warrant amendment or refusal of the planning application.

7c Conclusion

- 7c.1 This detailed application accords with the terms of the Development Plan and there are no material planning considerations that warrant a refusal of planning permission in this instance.

8. RECOMMENDATION

- 8.1 It is recommended that planning permission be granted subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2)
 - (i) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites .
 - (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
 - (iii) Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.

- (3) Development shall not begin until a scheme for protecting the new dwellings from noise from transportation has been submitted to and approved in writing by the Planning Authority. The flatted dwellinghouses shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction 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) To ensure that the occupants of the property are safeguarded against excessive noise intrusion.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference numbers 01, 02, 03A, 04, 05 and 06



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Director of Development Services

Date: 15 September 2009

LIST OF BACKGROUND PAPERS

1. Polmont and District Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. Letter of representation received from Mr and Mrs J Scott, 46 Carse Crescent, Laurieston, Falkirk, FK2 9NS on 17 July 2009.
4. Letter of representation received from Mr D Hill, 50 Zetland Drive, Laurieston, Falkirk, FK2 9NP on 30 July 2009.

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

Regulatory Committee

Planning Application Location Plan

P/09/0487/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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