

FALKIRK COUNCIL

Subject: ERECTION OF 10 NO. FLATS AND DEMOLITION OF EXISTING BUILDING AT 1 GARTCOWS ROAD, FALKIRK, FK1 5QU - P/09/0384/FUL
Meeting: PLANNING COMMITTEE
Date: 4 November 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Gerry Goldie
Councillor Joe Lemetti
Councillor John Patrick
Councillor Georgie Thomson

Community Council: Falkirk Central

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 Demolition of existing dwellinghouse and erection of 10 flatted dwellings in a building. A maximum of three and a half storeys on Gartcows Road and reducing to three storeys to the north of the site.
- 1.2 The application site consists of a detached cottage and garden at 1 Gartcows Road on the north side of the junction of Gartcows and High Station Road.
- 1.3 The site measures 0.11 hectares and slopes downward from south to north, the difference in level across the length of the site being over 3.5 metres.
- 1.4 The site is bounded by mature trees on the west side which are located immediately adjacent to the boundary, the crown spreads of which overhang the site.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor John Patrick.

3. SITE HISTORY

- 3.1 P/07/0197/FUL – was refused planning permission on 28 May 2007 for the demolition of the existing dwellinghouse at the site and erection of two dwellinghouses and garages.
- 3.2 P/08/0179/FUL – for the demolition of the existing dwellinghouse and erection of two dwellinghouses was withdrawn on 9 April 2009.

4. CONSULTATIONS

- 4.1 The Roads and Development Unit has advised on the specification for the access to the site and the arrangement of car parking spaces.
- 4.2 The Environmental Protection Unit has advised that:-
- The application site falls within Noise exposure Category (NEC) B and C and therefore the applicant is required to submit a scheme for protecting the proposed development from transportation noise.
 - Records have indicated that there have historically been several potentially contaminative activities in close proximity to the site. The applicant is therefore required to undertake a site investigation to establish if contamination (as defined in part 11A of the Environmental Protection Act 1990) is present on site.
- 4.3 Scottish Water has raised no objections.

5. COMMUNITY COUNCIL

- 5.1 The Falkirk Central Community Council has not made representation.

6. PUBLIC REPRESENTATION

- 6.1 Six objections received. Concerns raised are:-
- There is no existing vehicular access. The proposed development cannot be implemented without a vehicular access.
 - The proposed development will be hazardous to road traffic.
 - The proposed flatted units will have a detrimental impact on the privacy of adjacent properties.
 - It is not acceptable to use the existing vehicular access to the dwellinghouses to the west of the application site.
 - The proposed development would endanger the survival of trees which are located at the driveway to the property adjacent to the west of the site.
 - The height of the proposed building, the number of persons living there and the overlooking from flat windows, will all detract from the residential amenity of the area.

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

Falkirk Council Structure Plan

7a.1 There are no strategic issues in respect of the development proposed.

Falkirk Local Plan

7a.2 Policy FAL 5.6 'Infill Development and Subdivision of Plots' states:

"Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on small gap sites will only be considered favourably where:

- (i) the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;*
- (ii) adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or function of existing gardens;*
- (iii) adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- (iv) the proposal would not result in the loss of features such as trees, vegetation or walls, such that the character or amenity of the area would be adversely affected;*
- (v) the proposed houses would have a direct street frontage; and*
- (vi) the proposed vehicular access and other infrastructure is of an adequate standard."*

7a.3 The existing dwellinghouse and large garden contributes to the townscape character of the area. The existing dwellinghouse at the site is a traditional stone built cottage and the dwellinghouse to the west fronting Gartcows Road is a bungalow style house. There is an existing access track leading to dwellinghouses at the rear of the neighbouring bungalow. One dwellinghouse in particular is a 2 storey stone flatted built villa of good quality design. The proposed flatted dwellings, despite the proximity of lower buildings, are considered to respect the architecture and townscape character of the area in terms of scale, disposition, design and density.

7a.4 The proposed building, at maximum of three and a half storeys in height, continues the ridge line of the adjacent three storey building at 74 and 76 Gartcows Road. It is considered that the proposed design achieves a balance between the differing storey heights of surrounding existing development and provides a corner feature when viewed from outwith the site.

7a.5 The proposal clearly impacts on the size and function of the existing garden as it is proposed to erect ten flatted dwellings in place of the existing single dwellinghouse. The existing garden arrangement would be altered, however, to provide car parking; and an area of garden ground, sufficient for the use of the proposed flats, is accommodated.

- 7a.6 It is noted that there is a row of mature trees running the length of the site on land to the west. It is considered that these trees contribute significantly to the townscape character of the area. These trees overhang the application site. The proposed development layout, particularly with regard to the access road position, parking spaces arrangement and building location can be achieved without the loss of any significant trees.
- 7a.7 Details with respect to levels and cross sections submitted to determine the impact of the proposed development on the amenity of adjacent properties confirm that the highest part of the building is located adjacent to Gartcows Road. Thereafter, the building height reduces as the ground falls from south to north. The mass of the building and positioning of fenestration are considered to be appropriate in the context of existing surrounding development.
- 7a.8 The proposed building would have a direct street frontage and the vehicular access is to the satisfaction of the roads Development Unit and Falkirk Council established guidance, and therefore complies with Policy FAL 5.6.
- 7a.9 The proposal therefore fully accords with Policy FAL 5.6.
- 7a.10 Accordingly the proposed development accords with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version), Supplementary Planning Guidance Note (SPG) “Housing Layout and Design”, consultation responses and letters of representation.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.2 Policy SC8 ‘Infill Development and Subdivision of Plots’ states:

“Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on small gap sites will only be considered favourably where:

- (1) the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;*
- (2) adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or functioning of existing gardens;*
- (3) adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- (4) the proposal would not result in the loss of features such as trees, vegetation or walls, such that the character or amenity of the area would be adversely affected;*
- (5) the proposed vehicular access and other infrastructure is of an adequate standard; and*
- (6) the proposal complies with other Local Plan policies.”*

- 7b.3 Section 7a, Falkirk Local Plan Policy FAL 5.6 “Infill Developments and Subdivision of Plots” is relevant to the requirements of Policy SC8.
- 7b.4 The proposed development is considered to fully accord with Policy SC8 for the reasons stated above.

- 7b.5 Accordingly the proposed development accords with the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Supplementary Planning Guidance Note (SPG) “Housing Layout and Design”

- 7b.6 The SPG states that buildings should integrate well with any slope. It is clear from details submitted, with respect to levels and cross sections, that the impact of the proposed development on the amenity of adjacent properties would be acceptable.
- 7b.6 The proposed development therefore accords with the terms of the SPG.

Consultation Responses

- 7b.7 The issues raised by the Environmental Protection Unit can be addressed by condition.
- 7b.8 No other material issues have been raised.

Representation Received

- 7b.9 There is an existing vehicular access at the site. It is noted, however, that it is not proposed that this is used to access the proposed development. The proposal includes the formation of a new vehicular access, located adjacent to the existing access. This has the benefit of allowing an improved access specification and increasing the distance of the proposed building from neighbouring properties to the west.
- 7b.10 The Roads and Development Unit has raised no objection in terms of road safety and is satisfied that an access can be formed to the required standard.
- 7b.11 Any potential privacy issues are with properties to the west of the application site. It is noted there are no habitable room windows of any of the proposed flatted dwellings facing westwards. It is not considered that there is a significant privacy issue on the basis that no direct overlooking would occur.
- 7b.12 The objection raised in terms of safeguarding of adjacent trees is noted. It is also noted that the applicant has demonstrated that the proposed development would not be detrimental to the safeguarding of the existing trees at the adjacent property to the west.
- 7b.13 The proposed building height is considered to be acceptable and appropriate in the context of surrounding building heights and levels. The building would be considerably higher than the existing single storey dwellinghouses to the west. The continuity of the proposed building with the existing building height at 74 and 76 Gartcows Road, the distance from dwellinghouses to the west and the arrangement of proposed windows are factors considered to result in an acceptable arrangement with no significant impact on the amenity of any existing dwellinghouse.

7c Conclusion

7c.1 The proposed development accords with the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version) as:-

- The proposed development respects the scale, disposition, design and density of the existing property and surrounding areas.
- The proposed development can be carried out without significant damage to the mature line of trees which run the length of the site, at land adjacent to the west which contribute significantly to the amenity and townscape character of the area.

7c.2 Furthermore there are sufficient details in terms of levels and cross sections to establish that the proposed development would not have a detrimental impact on the amenity of adjacent residents.

8. RECOMMENDATION

8.1 It is recommended that detailed 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) 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 hard standings/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.
- (3) Development shall not begin until details of the scheme of hard and soft landscaping works have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance.
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored.
 - iii. location and design, including materials, of walls, fences and gates.
 - iv. soft and hard landscaping works.
 - v. existing and proposed services such as cables, pipelines, sub-stations.
 - vi. other artefacts and structures such as street furniture, play equipment programme for completion and subsequent maintenance.
- (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) A noise survey to determine the impact of transportation noise on the development shall be conducted in terms of PAN 56. The survey shall identify the noise exposure category within which the development will fall. If it falls within Category B or C then a scheme for protecting the proposed dwellings from transportation noise should be included as part of the noise survey and the scheme shall ensure that the internal levels, with the windows closed, do not exceed 45dB daytime and 35dB night-time when measured as LAeq,T, and permanent ventilation be provided in order that windows can be kept closed without loss of ventilation. The survey shall be submitted to, and approved by, the Planning Authority.
- (6) The applicant shall undertake a site investigation to establish if contamination (as defined in Part 11A of the Environmental Protection Act 1990) is present on site. Where contamination is identified, development shall not begin until a scheme has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:-
 - (i) The nature, extent and type(s) of contamination on the site.
 - (ii) Measures to treat/remove contamination to ensure site is fit for the use proposed.
 - (iii) Measures to deal with contamination during construction works.
 - (iv) Condition of the site on completion of decontamination measures.
 - (v) Details of monitoring programme following site redemption.

Reason(s)

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-3) To safeguard the visual amenity of the area.
- (4) To ensure that the existing trees are retained and protected during construction work.
- (5) To ensure that the occupants of the property are safeguarded against excessive noise intrusion.
- (6) To ensure the ground is suitable for the proposed development.

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Director of Development Services

Date: 27 October 2009

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

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Local Plan.
3. Falkirk Council Local Plan Finalised Draft.
4. Letter of representation dated 20 July 2009 from Mrs Joyce Kerr, 2 Gartcows Place, Falkirk, FK1 5PL.
5. Letter of objection dated 29 July 2009 from Mr & Mrs Anthony Baird, 5 Gartcows Road, Falkirk, FK1 5QU.
6. Letter of representation dated 16 June 2009 from Caledonian Heritable Ltd, 4 Hope Street Edinburgh, EH2 4DB.
7. Letter of objection dated 19 July 2009 from Mrs Elaine Barr, 3 Gartcows Road, Falkirk, FK1 5QU.
8. Letter of representation dated 11 June 2009 from Mary Fotheringham, 1 Gartcows Place, Falkirk, FK1 5PL.
9. Letter of objection dated 18 June 2009 from Mrs Agnes Gardner, 3A Gartcows Road, Falkirk, FK1 5QU.

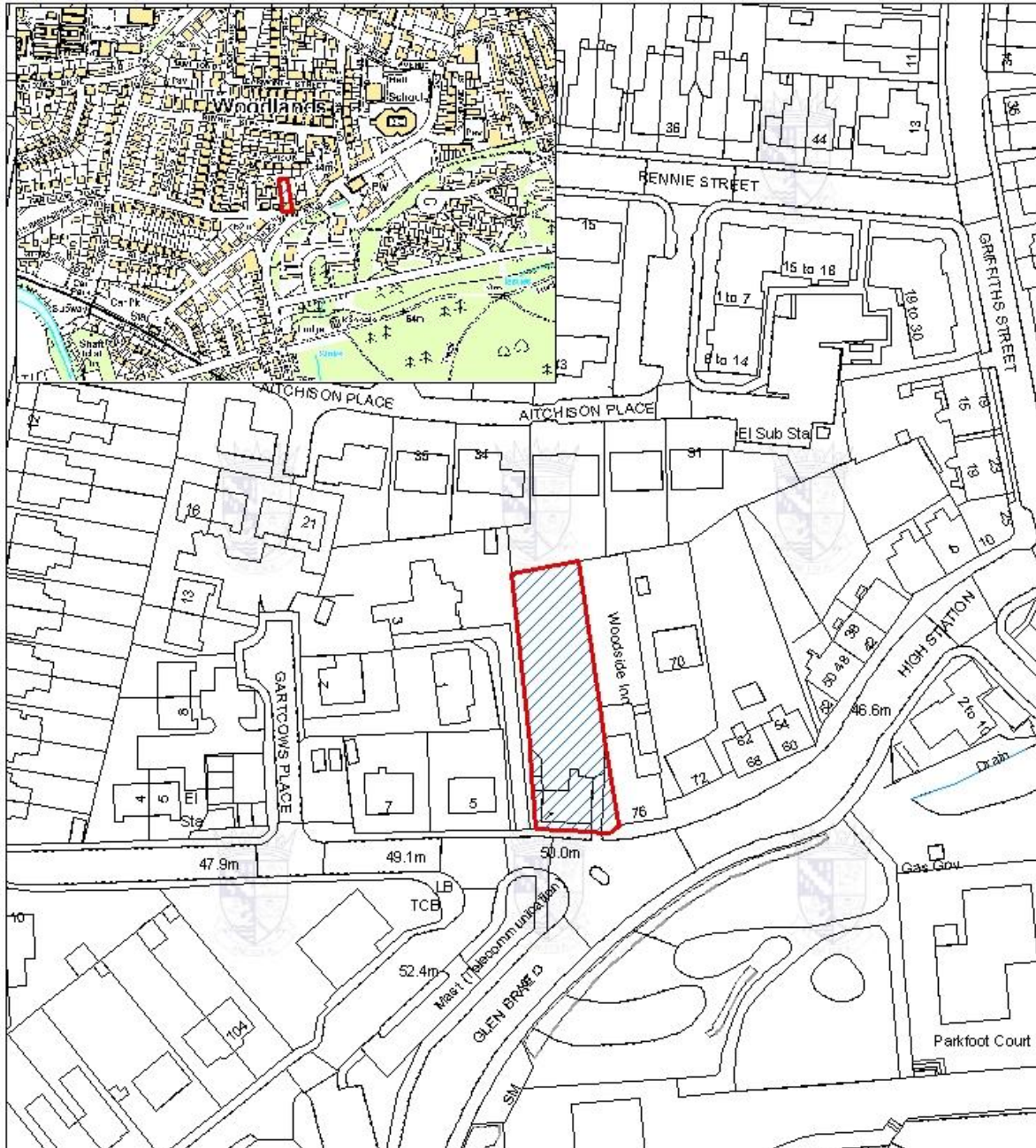
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Senior Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/09/0384/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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