

**FALKIRK COUNCIL**

**Subject:** DEVELOPMENT OF LAND FOR HOUSING PURPOSES AT CANAL BANK, STATION ROAD, BRIGHTONS, FALKIRK, FK2 0UE FOR MR WILLIAM SCOBIE - P/08/0923/OUT

**Meeting:** PLANNING COMMITTEE

**Date:** 24 February 2010

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Councillor Steven Jackson  
Councillor Malcolm Nicol  
Councillor Alan Nimmo

**Community Council:** Brightons

**Case Officer:** Ian Dryden (Development Manager), ext 4756

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 27 January 2010 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This visit took place on 15 February 2010.
2. In support of the planning application the applicant summarised the proposal, which comprises residential development in principle. An indicative layout plan reveals 3 detached dwellings being accessed from Station Road, via an existing private road which presently serves three residential dwellings. The site comprises a vacant building that was previously in use as an MOT Testing Centre. The previous occupier leased these premises and has now moved the business to Whitecross. The prior use of the site was as a workshop. In planning terms the site could be used for workshop use without the need for further planning permission. The applicant also stated that the traffic generation associated with the proposed residential development will be substantially less.
3. Comments from a neighbour were raised on site in respect of the issue of safe disposal of the asbestos from the existing buildings on site. Although this is not a material planning consideration, the applicant confirmed that the required precautionary measures in respect of asbestos removal would be undertaken.

#### 4. RECOMMENDATION

4.1 It is recommended that planning permission be granted subject to the following condition(s):-

(1) This permission is granted under the provisions of paragraph 10(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Order 2009 on an application for planning permission in principle, and the further approval of the Council or of the Scottish Ministers on appeal shall be required in respect of the undermentioned matters hereby specified before any development is commenced.

- (a) the siting, size, height, design and external appearance of the proposed development;
- (b) details of the access arrangements
- (c) details of landscaping of the site

(2) That in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, in the case of the matters specified, application for approval must be made before:

- (a) the expiration of 3 years from the date of the grant of outline permission; or
- (b) the expiration of 6 months from the date on which an earlier application for such approval was refused; or
- (c) the expiration of 6 months from the date on which an appeal against such refusal was dismissed, whichever is the latest.

Provided that only one such application may be made in the case after the expiration of the 3 year period mentioned in sub-paragraph (a) above.

(3) That the development to which this permission relates must be begun not later than whichever is the later of the following dates:

- (a) the expiration of 5 years from the date of the grant of this outline planning permission; or
- (b) the expiration of 2 years from the final approval of the specified matters or, in the case of approval on different dates, the final of the last such matter to be approved.

(4) For the avoidance of doubt the layout and elevation details on approved plan 03 (Drawing Number GB7013/02a) are for indicative purposes only and are not approved as part of this planning permission.

(5) (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 11A 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 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.
- (6) A shared turning head, formed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Area shall be provided within the application site.
  - (7) In-curtilage parking shall be provided within each plot, in accordance with the Design Guidelines and Construction Standards for Roads in Falkirk Council Area.

**Reason(s):**

- (1) To comply with paragraph 4 (1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992.
- (2-3) To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- (4) To allow the planning authority to give future consideration to and control the layout and elevational details.
- (5) To ensure the ground is suitable for the proposed development.
- (6) To safeguard the interests of the users of the highway.
- (7) To ensure that adequate car parking is provided.

**Informative(s):**

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



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**Director of Development Services**

**Date: 16 February 2010**

**LIST OF BACKGROUND PAPERS**

1. Structure Plan
2. Polmont and District Local Plan
3. Falkirk Council Finalised Local Plan
4. Letter of comment dated 28 November 2008 from Mr Joseph Boyle, 4 Heriot Gardens, Brightons, Falkirk, FK2 0WR

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope (Assistant Planning Officer).

**FALKIRK COUNCIL**

**Subject:** DEVELOPMENT OF LAND FOR HOUSING PURPOSES AT CANAL BANK, STATION ROAD, BRIGHTONS, FALKIRK, FK2 0UE FOR MR WILLIAM SCOBIE - P/08/0923/OUT

**Meeting:** PLANNING COMMITTEE

**Date:** 27 January 2010

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Councillor Steven Jackson  
Councillor Malcolm Nicol  
Councillor Alan Nimmo

**Community Council:** Brightons

**Case Officer:** Kirsty Hope (Assistant Planning Officer), ext 4705

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

- 1.1 The site comprises a former MOT test centre and two garages. The site is relatively flat and is bounded to the north by the Polmont Burn and to the south by the Union Canal.
- 1.2 The application seeks planning permission in principle for the development of land for housing purposes. A supporting statement has been submitted with the application as well as an indicative layout plan.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called in by Councillor Malcolm Nicol.

**3. SITE HISTORY**

- 3.1 There is no relevant planning history.

**4. CONSULTATIONS**

- 4.1 The Roads Development Unit has no objections.
- 4.2 No comments were received from Scottish Water.
- 4.3 The Environmental Protection Unit has no objections, however a request has been made for a condition to be attached to any consent requiring a contaminated land survey to be carried out.

- 4.4 SEPA were consulted and raised objections. However, after further negotiations following the submission of a more detailed Flood Risk Assessment, SEPA removed their objection to the proposal.
- 4.5 No comments were received from British Waterways Board.
- 4.6 The Museum Service has no objections.
- 4.7 Historic Scotland has no objections.

## **5. COMMUNITY COUNCIL**

- 5.1 Brightons Community Council has made no comment on the application.

## **6. PUBLIC REPRESENTATION**

- 6.1 1 Letter of comment has been received. The salient issues are summarised below.
- Concerns were raised in relation to appropriate safeguards to be taken as the existing structure on site contains asbestos within the roof.

## **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 proposed development was assessed against the undernoted Development Plan Policies POL 2.2 - Urban Limit, Policy POL 3.1 – New Residential Development and Policy 3.6 – Infill Development and Subdivision of Plots.

#### ***Falkirk Council Structure Plan***

- 7a.2 There are no relevant policies within the Falkirk Council Structure Plan.

#### ***Polmont Local Plan***

- 7a.3 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.4 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.5 Policy POL 3.6 ‘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 functioning 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.6 The existing brownfield site is within close proximity to residential uses and is considered to be compatible with the surrounding area. The proposed access to the site has been assessed and is considered to be satisfactory in road safety terms and the proposal would not result in the removal of any trees, vegetation or walls such that the character or amenity of the area would be adversely affected. The application site is considered large enough to accommodate adequate levels of residential amenity including garden ground provision. The proposed site is in close proximity to local shops and the railway station. The proposal is considered to be in accordance with the terms of POL 2.2, POL 3.1 and POL 3.6 of the Polmont and District Local Plan and therefore is in accordance with the Development Plan.

## **7b Material Considerations**

7b.1 The following matters were considered to be material in the consideration of the application:

- Falkirk Council Local Plan Finalised Draft (Deposit Version).
- Assessment of Public Representations.

### ***Falkirk Council Local Plan Finalised Draft (Deposit Version)***

7b.2 The emerging Local Plan affirms the position of the Polmont and District Local Plan specifically in relation to Policy SC8 Infill Developments and Subdivision of Plots and SC 2 Windfall Housing Development within the Urban/Village Limit. The proposal is therefore in accordance with the terms of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

### ***Assessment of Public Representations***

7b.3 The concern raised in respect of asbestos removal is not a material planning consideration.

## **7c Conclusion**

7c.1 The proposal represents an acceptable form of development which is in accordance with the terms of the Development Plan. There are no material planning considerations that warrant a refusal of planning permission in these circumstances.

## **8. RECOMMENDATION**

8.1 It is recommended that planning permission be granted subject to the following condition(s):-

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**Informative(s):**

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

A handwritten signature in black ink, appearing to be 'M. G. G.', written in a cursive style.

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**Director of Development Services**

**Date: 19 January 2010**

### **LIST OF BACKGROUND PAPERS**

1. Structure Plan
2. Polmont and District Local Plan
3. Falkirk Council Finalised Local Plan
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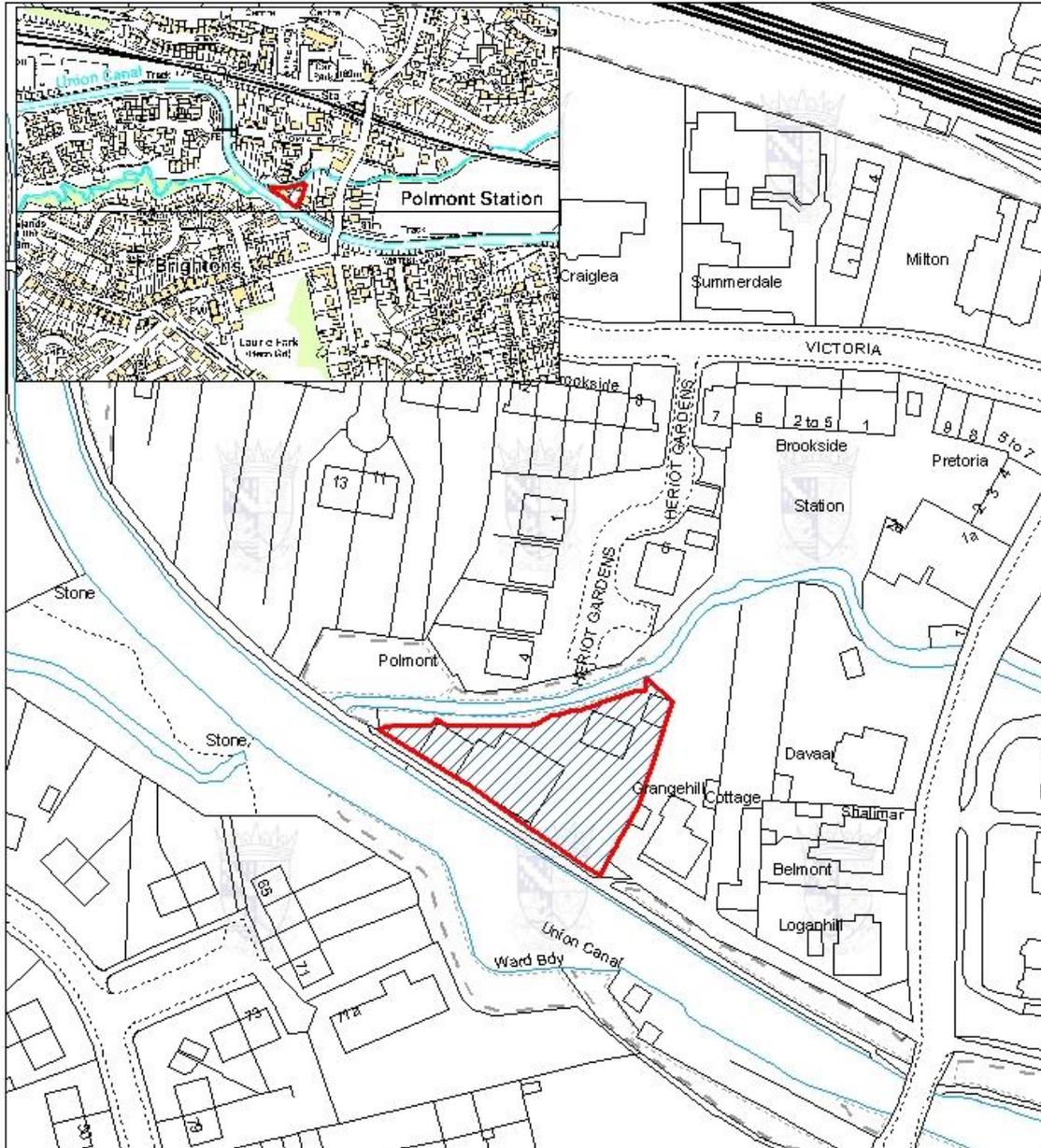
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope (Assistant Planning Officer).

# Regulatory Committee

## Planning Application Location Plan

# P/08/0923/OUT

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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