

FALKIRK COUNCIL

Subject: **ERECTION OF 20 FLATTED DWELLINGS AND ASSOCIATED ROADS, FOOTWAYS AND PARKING AREAS, LAND TO THE SOUTH WEST OF 11 SHIEL GARDENS, FALKIRK FOR FALKIRK COUNCIL – P/10/0038/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **24 March 2010**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Provost Pat Reid**
 Councillor David Alexander
 Councillor Craig R Martin
 Councillor Cecil Meiklejohn

Community Council: **Langlees, Bainsford and New Carron**

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The site of the application is open space and a former play area at Shiel Gardens, Langlees, Falkirk.
- 1.2 The site is bounded to the north by open space and to the south, west and east by existing housing and a social club.
- 1.3 The site is level and mature planting exists to the north of the site adjacent to its boundary with existing open space. A public path runs through the site from Haugh Street and connects to Shiel Gardens.
- 1.4 The proposed development is for the erection of 20 two bedroom flats (in 3 blocks) with access taken from Shiel Gardens, 25 car parking spaces and landscaping.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application is made by Falkirk Council and, under the Council's amended Scheme of Delegation, such applications require consideration by the Planning Committee.

3. SITE HISTORY

- 3.1 Planning permission ref: P/07/0641/FUL for the erection of 22 houses and 10 flats was approved on 8 November 2007.

- 3.2 Former play area facilities on the site were removed by Falkirk Council Community Services in 2009 following concerns of under use and anti-social behaviour.

4. CONSULTATIONS

- 4.1 The Director of Education has no objection to the proposed development and has confirmed that capacity exists at existing schools in the catchment area in which the application site is located.
- 4.2 The Roads Development Unit has no objections to the proposed development subject to the provision of acceptable drainage calculations for surface water treatment (SUDs) and Flood Risk Assessment.
- 4.3 The Environmental Protection Unit has no objections to the proposed development subject to the consideration of a further Contaminated Land Assessment.
- 4.4 SEPA has no objections to the proposed development.
- 4.5 Scottish Water has no objections to the proposed development.

5. COMMUNITY COUNCIL

- 5.1 The Langlees, Bainsford and New Carron Community Council objected to the proposed development. The grounds of objection are:
- The site is too small for housing and parking.
 - Family housing and not flats are required in the area.
 - Additional housing does not solve problems in Langlees.
 - Development of the site would use a designated play area.
 - Unspecified fencing issues.

6. PUBLIC REPRESENTATION

- 6.1 Six letters of representation comprising one letter of support, a letter of comment and four letters of objection have been received from residents of the surrounding area.
- 6.2 The grounds of objection relate to the proximity of proposed flats to existing housing and the concerns of potential resultant impacts on privacy and residential amenity. In addition, concerns are expressed regarding overlooking, the loss of open space and the absence of a play area to replace the previously removed facilities. A further objection regarding the loss of pedestrian access into an existing rear garden has been made by one resident.
- 6.3 The letter of support agrees with the principle of housing, but requests the provision of a replacement play 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 Policy COM.2 ‘Implementation of Housing Land Requirement’ states:

“In implementing the housing land requirement set out in Schedule COM.1a, Local Plans will:

- 1 take into account completions since 30th June 2001 and the current effective and established housing land supply;*
- 2 make an assessment of the likely output from windfall and small sites in arriving at the amount of land to be allocated and add to that amount a 10% flexibility allowance;*
- 3 adopt an approach to site selection whereby priority is given to brownfield sites and to sites which enjoy a high level of accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- 4 ensure the housing land allocation is based on the phasing guidelines set out in Schedule COM.1a;*
- 5 ensure that there are adequate community facilities and physical infrastructure to accommodate the allocation;*
- 6 ensure that the location, scale, and design of allocated sites is sympathetic to the character of settlements and that significant land releases are accompanied by the preparation of masterplans; and*
- 7 take into account the location and firm development proposals of business and industrial premises including chemical and petrochemical facilities.*
- 8 Local Plans will also identify the site or area of search of the general locations listed in Schedule Com.1b taking into account the avoidance of adverse impact on European sites and specific requirements for new social and physical infrastructure.”*

7a.2 The proposed development accords with Policy COM. 2.

Falkirk Local Plan

7a.3 The application site lies within the established settlement area. There are no site specific policies. The following policies of the adopted Falkirk Local Plan apply:

7a.4 Policy FAL 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 Falkirk 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.”

7a.5 The site lies within the urban limit and accords with Policy FAL 2.2

7a.6 Policy FAL 3.1 'Design and Townscape' states:

"New development will be required to achieve a high standard of design and amenity, and should contribute positively to the visual quality of the built environment. Proposals should accord with the following principles:

- (i) the siting, layout and density of new development should create an attractive and coherent structure of spaces and built forms which integrates well with the pattern of the local townscape/landscape, and fosters a sense of place;*
- (ii) the design of new buildings should blend with that of the surrounding urban fabric in terms of scale, height, massing, building line, architectural style and detailing;*
- (iii) building materials and finishes should be chosen to reflect those prevailing in, or traditional to, the local area;*
- (iv) opportunities should be taken within the development to incorporate new public spaces, enhance existing ones or create other focal points;*
- (v) existing buildings or natural features which contribute to the local townscape should be retained, where possible, and incorporated as an integral part of the design; and*
- (vi) the contribution to the townscape of important landmarks, skylines and views should be respected."*

7a.7 The development proposed is a modest but tidy residential development grouped in an orderly manner around adequate open space. Materials complement the urban fabric of the surrounding area. The proposed development therefore accords with the aims of Policy FAL 3.1.

7a.8 Policy FAL 3.2 'Design and Landscaping' states:

"Development proposals should incorporate appropriate hard and soft landscaping which enhances the character of the development and the local area. The landscaping scheme should:

- (i) respect the setting and character of the development site;*
- (ii) retain, where practical, existing vegetation and natural features such as ponds, wildflower meadows/verges, and scrub;*
- (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 development proposed is accompanied by a landscape plan which details the planting of semi-mature trees in an open grassed setting with appropriate hard landscaping. The proposal accords with Policy FAL 3.2.

7a.10 Policy FAL 3.3 'Design and Accessibility' states:

"Development proposals should incorporate, where appropriate, safe and attractive access for all users, particularly pedestrians, cyclists and public transport users. In particular, they should ensure:

- (i) *the provision and protection of pedestrian/cycle routes through the site, linking into the wider strategic network of routes beyond, and particularly to public transport stops and community facilities; and*
- (ii) *the provision, as far as possible, of a barrier-free environment for those with access difficulties such as disabled persons and the elderly.”*

7a.11 The development would maintain an existing pedestrian route which traverses the existing site. This route would benefit from increased surveillance and would not compromise the requirements of Policy FAL 3.3

7a.12 Policy FAL 3.4 ‘Design and Crime Prevention’ states:

“Development proposals should create a safe and secure environment for all users, through the application of the general principles contained in the Planning Advice Note (PAN 46) on Planning and Crime Prevention. In particular:

- (i) *buildings, public spaces, access routes and parking areas should benefit from a good level of natural surveillance and, where appropriate, should be covered by extensions to the Town Centre Closed Circuit Television System;*
- (ii) *boundaries between public and private space should be clearly defined; and*
- (iii) *access routes should be direct, clearly defined and well lit, with recognised points of entry.”*

7a.13 The development layout has adequate surveillance of open spaces, sensible boundary treatments and would result in improved street lighting. The development complies with Policy FAL 3.4.

7a.14 Policy FAL 4.4 ‘Trees, Woodland and Hedgerows’ states:

“The Council recognises the landscape, recreational and nature conservation value of trees, woodland and hedgerows, and accordingly will:

- (i) *protect ancient, long established and semi-natural woodlands as a habitat resource of irreplaceable value;*
- (ii) *safeguard trees, woodland and hedgerows of landscape, nature conservation or recreational value. Where necessary, endangered trees and woodlands will be protected through the designation of Tree Preservation Orders and introduction of Management Agreements. Within an area covered by a TPO there will be a presumption against development unless it can be proven that the proposal would not adversely affect the stability, vitality or appearance of protected trees. Where felling of protected trees is permitted for safety or other reasons, the Council will require appropriate replacement planting;*
- (iii) *continue to support through partnerships and other initiatives, proposals for community woodlands and amenity planting, particularly through the Falkirk Greenspace and Central Scotland Forest Initiatives. Tree planting proposals will be particularly encouraged within the urban fringe, along transport corridors, in wildlife corridors and to enhance open space; and*
- (iv) *require the use of native species of trees and shrubs in all new planting proposals.”*

7a.15 The proposed development would result in the loss of approximately twenty poor quality saplings which have limited landscape value. Twenty eight replacement semi-mature trees are proposed in locations considered to have an improved landscape value. The proposal therefore accords with Policy FAL 4.4

7a.16 Policy FAL 4.5 'Protection of Open Space' states:

"The Council will protect parks, playing fields and other areas of open space and urban greenspace from any development which would diminish their recreational, amenity or ecological value. The Council will generally resist proposals for development or changes of use where they 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 locality;*
- (ii) result in a loss of amenity open space which would have a detrimental impact upon the character and appearance of the area;*
- (iii) weaken an existing wildlife corridor or otherwise adversely affect any ecological value which the open space may have; or*
- (iv) set an undesirable precedent for further incremental loss of public open space such that the amenity, recreational or ecological value of the area will be adversely affected."*

7a.17 The application site is an area of passive open space with limited recreational value and lies adjacent to significant open space north of the site. The application site previously contained a formal play area. This play area was removed in 2009 for the reason that the facility was under used for play but was becoming a focal point for anti-social behaviour, including drug abuse. It is considered that, in the context of existing passive open space of limited recreational value and the previously removed play area, that the proposed development would not significantly diminish recreational or amenity value. The development would introduce improved public access to significant open space to the immediate north of the site.

7a.18 Policy FAL 5.4 'Affordable Housing' states:

"The Council will support proposals for the provision of low cost and affordable housing for rent or purchase. Particular emphasis will be placed on meeting the needs of:

- (i) young single people;*
- (ii) newly formed households and first time buyers; and*
- (iii) tenure diversification in Bainsford/Langlees and other areas covered by the Community Urban Regeneration Strategy.*

The Council will consult with Scottish Homes and developers of major housing developments on the means of providing affordable housing, taking account of evidence of need, site and market conditions at that time."

7a.19 The proposed development is for 20 affordable rented flats and complies with the aims of Policy FAL 5.4.

7a.20 Policy FAL 5.5 'Open Space Provision' states:

"The Council will require the provision of public open space and play areas in new residential developments and that adequate arrangements are made for their future maintenance. The extent of provision should relate to the size, form and location of the development, and generally accord with the Council's Guidance Note on 'Play Areas and Open Space'. In appropriate circumstances, the Council may seek contributions to the upgrading of existing facilities in the area in lieu of on-site provision. The location, design and landscaping of open space should be such that:

- (i) *it forms an attractive and integral part of the development, contributing to its character and identity;*
- (ii) *existing natural features in, or adjacent to, the site are incorporated; and*
- (iii) *play areas are convenient, safe and easily supervised.”*

7a.21 The level of open space is considered adequate for the proposed development. A formal play area has not been proposed or requested on the basis of previous concerns outlined in paragraph 7a.17 of the report.

7a.22 Policy FAL 8.2 ‘Roads and New Development’ states:

“Road layout, access and parking provision in new developments should generally conform to Falkirk Council’s ‘Design Guidelines and Construction Standards for Roads’. Major development proposals likely to generate significant traffic volumes will require a multi-modal Transport Impact Assessment.”

7a.23 The proposed development complies with Falkirk Council’s ‘Design Guidelines and Construction Standards for Roads’ and therefore Policy FAL 8.2.

7a.24 Policy FAL 10.1 ‘Existing Community Facilities’ states:

“There will be a general presumption against the loss of existing community facilities unless the Council is satisfied that there is no longer a need for the facility or an acceptable alternative facility is available.”

7a.25 The previous loss of play facilities on the site in 2009 was not the result of any development proposals at that time. The view of Falkirk Council’s Community Services that this facility was no longer required, for reasons previously provided in this report, is considered to be unrelated to the development now proposed. Community Services has confirmed that a replacement formal play area will be provided in an area in the immediate surroundings of the application site.

7a.26 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the Falkirk Local Plan Finalised Draft, the views of consultees, the objections made by the Langlees, Bainsford and New Carron Community Council and the comments submitted by residents of the surrounding area.

7b.2 The proposal has been assessed against the following policies of the Falkirk Local Plan Finalised Draft:

EQ3 – Townscape Design

EQ4 – Landscape Design

EQ5 – Design and Community Safety

SC2 – Windfall Housing Development Within the Urban/Village Limit

SC6 – Housing Density and Amenity

SC10 – Existing Community Facilities

SC12 – Urban Open Space

7b.3 The proposed development is considered to comply with the requirements of the above policies. In particular, the following policies require specific assessment.

7b.4 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.5 The application site comprises urban open space where loss is addressed in the context of Policy SC12 "Urban Open Space" assessed below. The proposed housing use is compatible with surrounding residential use, a satisfactory level of residential amenity would be achieved, the site enjoys good accessibility and the development can be supported by existing infrastructure. The proposal is therefore considered to comply with Policy SC2.

7b.6 Policy SC10 - 'Existing Community Facilities' states:

- "(1) There will be a presumption against the loss of existing community facilities unless the Council is satisfied that there is no longer a need for the facility or an acceptable alternative facility is available; and*
- (2) The provision of new community facilities, including churches and places of worship, will generally be supported provided that:*
 - The proposal is compatible in terms of scale, character and design with the surrounding area;*
 - There is no adverse impact on local amenity;*
 - There is good access by public transport, on foot and by cycle; and*
 - It complies with other Local Plan policies."*

7b.7 The loss of play provision at the site following the removal by Falkirk Council Community Services has previously been addressed. The proposed development would not therefore result in the loss of community facilities. Replacement play provision is proposed by Community Services.

7b.8 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.9 The open space that would be lost if the development were to be approved is considered to be of limited recreational or amenity value. The proposed development retains a smaller area of passive open space and provides improved pedestrian access to a significant area of existing open space to the north of the site. It is therefore considered that the proposal would not have an adverse impact on the appearance of the area or amenity currently enjoyed by residents. The proposal does not therefore contradict the terms of Policy SC12.

7b.10 The views of consultees have been satisfactorily addressed by the development proposed or additional information submitted.

7b.11 The views of objectors and submitted comments are considered below.

- The loss of open space has been previously assessed against policies of the adopted Falkirk Local Plan and the Falkirk Council Local Plan Finalised Draft. The loss of open space is considered acceptable in view of its limited quality and recreational value, the retention of a smaller more surveyed area of open space and the improved pedestrian access to existing open space to the north of the application site.
- The absence of replacement play provision in the proposed development has been the subject of consultation and detailed discussion with Falkirk Council Community Services. The reasoning behind the removal of previous play facilities is considered to be a strong reason why the provision should not be replaced at this location. Community Services has confirmed that play provision improvements are being considered at more suitable sites in the surrounding area. These are likely to be implemented in 2011.
- The views of objectors with regard to the proximity of proposed flats to existing housing and concerns of overlooking, privacy and residential amenity are noted. All flatted blocks proposed are located an acceptable distance from existing housing and have no impact on residential amenity with no direct overlooking or privacy impacts.
- The loss of pedestrian access to the rear garden of one house adjacent to the site is not considered to be a material planning consideration. The access has been informally created by this householder gap land outwith their control.

- 7b.12 In addition to the above concerns, the Langlees, Bainsford and New Carron Community Council has objected on the grounds that the site is too small to adequately accommodate the proposed flats and associated parking. The preference for houses and not flats is expressed and unspecified fencing issues are raised. In response, the site is considered to provide an adequate arrangement of flatted blocks within the site. An acceptable number of car parking spaces are provided and the details to proposed boundary treatments are to a high standard and compatible with approved details at an adjacent new housing development.

7c Conclusion

- 7c.1 The proposal represents an acceptable form of development which complies with Development Plan policy. The proposal satisfactorily addresses the views of consultees. The concerns of surrounding residents with regards to loss of open space and impacts on residential amenity are not substantiated. Concerns at the absence of replacement formal play provision are being addressed by Falkirk Council Community Services with planned replacement facilities outwith the site in the near future.

8. RECOMMENDATION

- 8.1 It is recommended that the Committee grant planning permission 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) Prior to the commencement of works on site, details of intrusive site investigations programmed in the approved phase 1 contaminated land assessment and subsequent phase 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) 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.
- (4) Prior to work commencing on site a Flood Risk Assessment shall be submitted for the assessment of the Planning Authority. No development shall commence until the written approval of the Flood Risk Assessment has been provided.

Reason(s)

- (1) To accord with the provisions of 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 adequate drainage is provided.

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03, 04, 06, 07, 08, 09, 10, 11, 12, 13 and 14.**

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Director of Development Services

Date: 16 March 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Structure Plan
2. Falkirk Local Plan
3. Falkirk Council Local Plan Finalised Draft
4. Letter of Objection from Mrs Annette Rodgers, 7 Lomond Drive, Falkirk FK2 7UQ on 24 February 2010
5. Letter of Objection from Miss Morag Mcleod, 5, Lomond Drive, Langlees, Falkirk FK2 7UQ on 18 February 2010
6. Letter of Objection from Mr James Webster, 3 Lomond Drive, Langlees, Falkirk FK2 7UQ on 16 February 2010
7. Letter of Representation from Ms Dominika Rozanska, 20 Shiel Gardens, Falkirk FK2 7UP on 17 February 2010
8. Letter of Support from Mrs Tracey Eddie, 8 Shiel Gardens, Langlees, Falkirk FK2 7UP on 17 February 2010.
9. Letter of Objection from Mrs Alison Heenan, 19 Lomond Drive, Langlees, Falkirk FK2 7UQ on 22 February 2010.
10. Letter of objection from Mrs Val Hunter, Secretary of the Langlees, Bainsford and New Carron Community Council on 17 March 2010

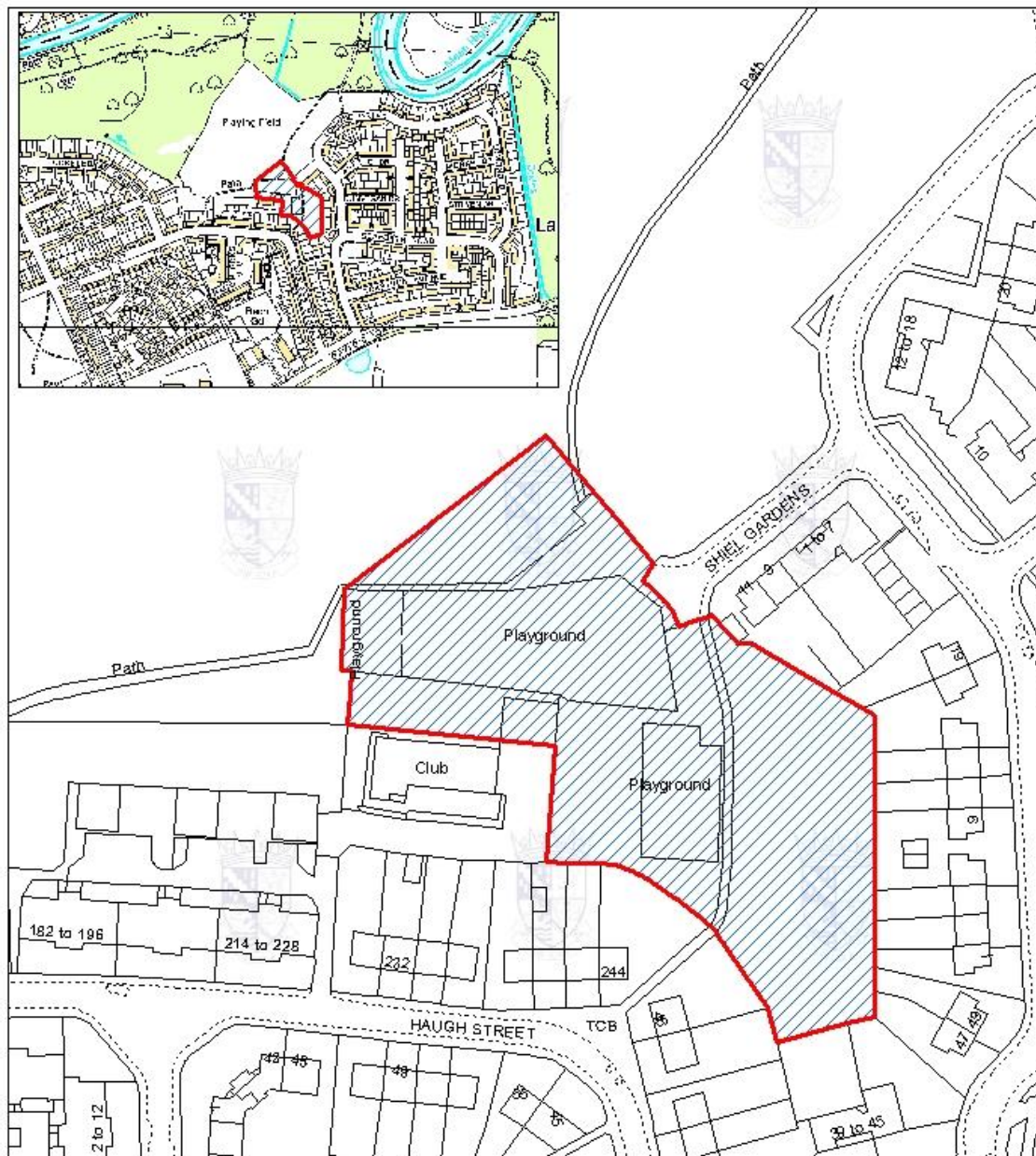
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/10/0038/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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