

FALKIRK COUNCIL

Subject: **ERECTION OF 16 FLATTED DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING AT THE ROYAL BRITISH LEGION, PARK TERRACE, BRIGHTONS, FALKIRK FK2 0HY FOR LINK GROUP – P/09/0866/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **24 March 2010**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Councillor Gordon Hughes**
 Councillor Stephen Fry
 Councillor John McLuckie

Community Council: **Brightons**

Case Officer: **Kevin Brown (Planning Officer) , Ext 4701**

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application proposes the erection of 16, two bedroom, flats in two blocks varying in height from two to two and a half storeys. The proposed blocks would have a pitched roof with dormer windows front and rear and a mixture of buff render and facing block as the main elevational treatments. The proposed development includes vehicular access taken off Park Terrace and parking provision on the eastern proportion of the site with a communal garden and bin store areas located on the northern portion of the site. The applicant has advised that the flatted development would be built to provide affordable housing units in partnership with Falkirk Council and Link Housing.
- 1.2 The application site is located in a predominantly residential area and is currently occupied by a (vacant) large single storey social club with car parking on the eastern portion of the site, accessed directly from Park Terrace.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 A similar planning application, by the same applicant was previously considered and refused by the Planning Committee in June 2009.

3. SITE HISTORY

- 3.1 Planning application P/08/0722/FUL for the erection of 20 flats on this site was withdrawn on 23 December 2008.

- 3.2 Planning application P/08/1007/FUL for the erection of 20 flats on this site was refused by the Planning Committee on 17 June 2009. A subsequent appeal was lodged to Scottish Ministers and the appeal was dismissed on 23 October 2009.

4. CONSULTATIONS

- 4.1 Community Services has raised no objection to the proposal. However, they have requested a commuted sum payment of £12,000 (£750 per unit) towards the provision of off site park and play enhancements. This payment is requested on the basis that play provision within the area is limited and the nearby Laurie Park facilities are in need of an upgrade.
- 4.2 The Roads Development Unit has no objection to the proposal and has advised that the development is served by sufficient parking and access provision.
- 4.3 The Environmental Protection Unit has no objection to the proposal.
- 4.4 The Transport Planning Unit has no objection to the proposal.
- 4.5 Education Services has no objection to the proposal and, due to the relatively small impact of this development on local schools, no financial contribution has been requested.
- 4.6 Scottish Water has no objection to the proposal.

5. COMMUNITY COUNCIL

- 5.1 The Brightons Community Council has not made representations.

6. PUBLIC REPRESENTATION

- 6.1 10 letters of representation (9 of them objections) have been received following the neighbour notification process. Issues raised include:
- Privacy
 - Traffic problems, road safety and parking.
 - Design
 - Loss of daylight and overshadowing
 - Drainage capacity
 - Loss of a view
 - Disturbance and damage caused during construction work
 - Refuse storage and collection

- Anti-social behaviour

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 policies in the Structure Plan that relate to the proposal and therefore no strategic issues require to be assessed.

Polmont and District 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 The proposed development is within the urban limit as defined by the Polmont and District Local Plan and the proposal therefore accords with policy POL 2.2.

- 7a.4 Policy POL 2.4 'Developer Contributions to Local Infrastructure and Facilities' states:

"Where proposed development will create or exacerbate deficiencies in, or impose significantly increased burdens on, local infrastructure, facilities, amenities, or the environment, contributions related in scale and kind to the development being proposed, towards provision or upgrading of such infrastructure may be sought from prospective developers and/or landowners. Mechanisms, including the discriminate use of Section 75 agreements, may be used to seek developer contributions where it is clear that it would be wrong to grant planning permission without them."

- 7a.5 Community Services has requested developer contributions towards the upgrading of play and open space provision in the area. The applicant has agreed to enter into an appropriate legal agreement to secure these funds. The proposal therefore accords with Policy POL 2.4.

- 7a.6 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.7 The proposed development of flatted properties is considered compatible with the residential nature of the surrounding area and the applicant has managed to amend the design to ensure that an appropriate level of residential amenity is achieved for both the new development and those existing properties neighbouring the site.

7a.8 Access, parking and drainage can all be achieved to an adequate standard and the site is within easy reach of essential services and community facilities which are capable of accommodating the likely increase in use.

7a.9 The proposal is therefore in accordance with the terms of Policy POL 3.1.

7a.10 Policy POL 3.4 '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; and*
- (ii) *newly formed households and first time buyers.*

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.11 The applicants have advised that the proposed development would be 100% affordable housing units for general needs social rent.

7a.12 The proposal is therefore in accordance with the terms of Policy 3.4.

7a.13 Policy POL 3.5 '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 approved standards. 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.14 Community Services has requested a commuted sum payment of £12,000 to go towards off-site play and open space provision. The applicants have confirmed they are happy to enter into an appropriate legal agreement to secure these funds. The proposal is therefore in accordance with POL 3.5.

7a.15 Policy POL 7.1 '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 with built forms which integrates well with the surrounding townscape, natural features and landforms;*
- (ii) 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;*
- (iii) building materials and finishes should be chosen to complement those prevailing in the local area;*
- (iv) opportunities should be taken within the development to incorporate new public spaces and other focal points, and to enhance existing ones; and*
- (v) the contribution to the townscape of existing buildings, natural features, important landmarks, skylines and views should be respected."*

7a.16 It is considered that the proposed design solution accords with good principles of urban design and would contribute positively to the built environment whilst respecting the townscape character of the area.

7a.17 The proposed development in terms of its built form has taken cognizance of the topography of the site. In particular, the careful design of the roof and elevational treatments helps the building to sit well with the surrounding properties and the street scene as a whole. The proposal is considered to accord with the terms of Policy POL 7.1.

7a.18 The proposal is considered to accord with the terms of the Polmont and District Local Plan and therefore accords with the Development Plan.

7b Material Considerations

7b.1 The material planning considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the representations received in so far as they relate to material planning considerations, Supplementary Planning Guidance Notes – Affordable Housing and Education and New Housing Development and the planning history of the site.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy EQ3 'Townscape Design' states:

"New development will be required to contribute positively to the quality of the built environment. Proposals should accord with the following criteria:

- (1) *The siting, layout and density of new development should create a coherent structure of streets, amenity space and buildings which respects and complements the site's environs and creates a sense of identity within the development;*
- (2) *Streets and public spaces should have buildings fronting them, and where this is not possible, a high quality architectural or landscape treatment will be required as an alternative;*
- (3) *The design of new buildings should reflect the surrounding urban fabric in terms of scale, height, massing and building line;*
- (4) *Building materials, finishes and colours should be chosen to complement those prevailing in the local area;*
- (5) *Existing buildings or structures which contribute to the local townscape should be retained and integrated sensitively into the layout; and*
- (6) *The contribution to the townscape of important landmarks, skylines and views should be respected."*

7b.3 Policy EQ3 confirms the position of the Polmont and District Local Plan. The proposal is therefore in accordance with the terms of Policy EQ3.

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 is currently occupied by a vacant social club building which has fallen into disrepair. The loss of this building is justified and the application site is within the urban limits. The proposed housing use is compatible with the surrounding residential land use and the site is well served by existing recreational and community facilities. The proposed development is in accordance with the terms of Policy SC2.

7b.6 Policy SC4 'Special Needs and Affordable Housing' states:

"For large new housing developments, the Council will require a diversity of house types and tenures in order to create mixed communities. In particular there will be a requirement across the Council area for new housing sites of 100 units and over to provide 15% of the total number of units as affordable or special needs housing. In the settlement areas of Larbert/Stenhousemuir, Polmont and District and Rural North, where there is an identified shortfall in affordable housing provision, there will be a requirement for sites of 60 units and over to provide 25% of the total number of units as affordable or special needs housing. Acceptable approaches could include:

- (1) *Provision of general needs social rented houses;*
- (2) *Provision of social housing for people with particular needs (specifically the elderly and physically disabled); or*
- (3) *Provision of shared equity or shared ownership housing*

Developers will be expected to work in partnership with the Council, Communities Scotland and Registered Social Landlords to comply with this policy."

7b.7 The applicant has indicated that 100% of the proposed units would be general needs affordable housing and, whilst the size of this site does not trigger a requirement for this provision, the application would serve to contribute towards Falkirk Council's wider affordable housing aspirations. The proposal is therefore in accordance with the general terms of Policy SC4.

7b.8 Policy SC11 - 'Developer Contributions To Community Infrastructure' states:

"Developers will be required to contribute towards the provision, upgrading and maintenance of community and recreational facilities required to meet demand generated from new development. The nature and scale of developer contributions will be determined by the following factors:

- (1) *Specific requirements identified against proposals in the Local Plan or in development briefs;*
- (2) *In respect of open space, recreational, and education provision, the general requirements set out in Policies SC13 and SC14;*
- (3) *In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
- (4) *Where a planning agreement is the intended mechanism for securing contributions, the principles contained in Circular 12/1996."*

7b.9 Policy SC11 affirms the position of the Polmont and District Local Plan. The proposal is therefore in accordance with Policy SC11.

7b.10 Policy SC13 'Open Space and Play Provision in New Development' states:

"New development will be required to contribute to open space and play provision. Provision should accord with the Council's open space audit and strategy and the SPG Note on 'Open Space and New Development', once available, or a site-specific local audit of provision in the interim, and should accord with the following principles:

- (1) *The baseline standard for open space development in new residential development is 60 m² per dwelling, any alternative standard that may be set by the open space strategy, or any site-specific standard that may be set in a development brief;*
- (2) *Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where:*
 - *existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;*
 - *in residential developments, the size of the development falls below the threshold of 10 houses, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*
 - *as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area;*

- *The required financial contribution per house will be set out in the SPG Note on 'Open Space and New Development'.*
 - *The open space strategy indicates that there is a sufficient amount of open space in the area, and that priority should be given to qualitative improvements to existing open space;*
- (3) *The location and design of open space should be such that it:*
- *forms an integral part of the development layout, contributing to its character and identity;*
 - *is accessible and otherwise fit for its designated purpose;*
 - *links into the wider network of open space and pedestrian/cycle routes in the area;*
 - *sensitively incorporates existing biodiversity and natural features within the site;"*
 - *promotes biodiversity through appropriate landscape design and maintenance regimes;*
and
 - *enjoys good natural surveillance;*
- (4) *Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it."*

7b.11 Policy SC13 affirms the position of the Polmont and District Local Plan. The proposal is therefore in accordance with Policy SC13.

7b.12 The proposal is in accordance with the terms of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Representations Received

7b.13 Privacy concerns have been addressed by the installation of high level windows and velux style roof windows in the most sensitive locations to avoid direct window to window overlooking with neighbours. In addition to this, the floor plan layout of the properties on the first and second floor is reversed from that of the ground floor. This results in bedrooms being the main windows on the rear elevations as opposed to the more widely used living rooms and kitchens which are orientated to the front of the property. It is considered that these design changes are sufficient to address privacy issues without compromising the design integration of the proposed development.

7b.14 Traffic congestion, parking and road safety concerns have been assessed by the Roads Development Unit and the proposed development accords with all required current standards of provision. It is not considered that the proposed development would exacerbate existing congestion in the area which is primarily related to school traffic at peak times.

7b.15 The design and materials of the proposed development respect the character of the area. The roofing materials and elevational treatments proposed, reflect a diverse range of materials in the surrounding area and the proposed building heights, scale and massing are also considered appropriate for this location.

7b.16 The proposed development will not result in unacceptable over-shadowing of neighbouring properties. In most instances it is considered that over-shadowing would be reduced from that which currently occurs owing to the size and positioning of the existing building on the site.

- 7b.17 Scottish Water have assessed the proposals in relation to drainage capacity and have confirmed that they have no objection in this regard. The applicant has provided details to show that the surface water run-off from the proposed development would in fact be less than that of the current building. This is primarily due to the reduction in building footprint and introduction of landscaped areas.
- 7b.18 The loss of a view is not a material planning application.
- 7b.19 Disturbance and drainage caused during construction work is not a material planning consideration.
- 7b.20 Refuse collection facilities and storage areas are considered appropriate for this size of development.
- 7b.21 Anti-social behaviour is not a material planning consideration. However, it is considered that the development of this site and the subsequent increase in natural surveillance could help reduce anti-social behaviour in the area.

Supplementary Planning Guidance Note – Affordable Housing

- 7b.22 This guidance note outlines the general need for affordable housing in the Falkirk Council Area and supports the proposal for social rented affordable housing in this location.

Supplementary Guidance Note – Education and New Housing Development

- 7b.23 The SPG emphasises that financial contributions from developers will be sought when new housing is proposed in the catchment areas of schools which will have inadequate or no capacity for additional pupils likely to be generated by such housing.
- 7b.24 In this particular case Education Services has confirmed that they have no objection to this particular proposal as it stands.

Planning History - Previous Appeal Decision

- 7b.25 The applicants have made a number of significant design changes in the current application to address the concerns of the Planning Committee during the assessment of the previous application, P/08/1007/FUL, and the concerns of the Reporter following his appeal decision.
- 7b.26 The building has been reduced from 20 flats to 16, reduced to 2½ storeys in height and the main block split in two to address concerns in relation to over dominance. The materials used have been changed to closer reflect the palette of the surrounding area and the mono-pitch roof detail has been removed.
- 7b.27 The window designs and placements on the rear elevation, coupled with the reduction in building heights, has addressed concerns relating to privacy. It is accepted that the proposed development would result in some degree of over-looking of neighbouring property but it is not considered that any over-looking is significant enough in this instance to warrant a refusal of planning permission. In built-up areas overlooking of garden areas is inevitable.

7c Conclusion

- 7c.1 The proposed development is considered to be in accordance with the terms of the Development Plan and there are no material considerations that would warrant a refusal of planning permission in this instance.

8. RECOMMENDATION

- 8.1 It is recommended that Committee indicate they are minded to grant detailed planning permission subject to the conclusion of an appropriate legal agreement outlining the tenure of the proposed affordable housing and securing the payment of £12,000 towards open space and play provision in the area.

- 8.2 On completion of the Legal Agreement referred to in paragraph 8.1 above, the Committee remit to 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 three years from the date of this permission.
- (2) Development shall not begin until a scheme to deal with contamination on the site 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 types(s) of contamination on the site.
 - ii. measures to treat/remove contamination to ensure the 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.

Before any unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

- (3) A schedule of all external finishing materials shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.
- (4) All road and footway construction shall be carried out in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, as amended January 2000".
- (5) A schedule outlining the proposed landscaping, planting and maintenance provisions shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.
- (6) All proposed access, parking and footpath construction shall be completed to the satisfaction of the Planning Authority prior to the occupation of the first flatted dwellinghouse.

Reason(s):

- (1) The development to which this permission relates must be begun within five years from the date of this permission.**
- (2) To ensure the ground is suitable for the proposed development.**
- (3,5) To maintain the visual amenity of the area.**
- (4,6) To safeguard the interests of the users of the highway.**

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pp Director of Development Services
Date: 17 March 2010

LIST OF BACKGROUND PAPERS

- 1. Falkirk Council Structure Plan
- 2. Polmont and District Local Plan
- 3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
- 4. Supplementary Planning Guidance Note – Affordable Housing
- 5. Supplementary Planning Guidance Note – Education and New Housing Development
- 6. Letter of representation from Mr Ivor Dalrymple, Easdale Cottage, Crossgatehead Road, Brightons, Falkirk FK2 0HW on 21 December 2010
- 7. Letter of Objection from Mr Graham Mckean, Lilac Cottage, Charlotte Street, Brightons, Falkirk on 23 December 2009
- 8. Letter of Objection from Lynn & Alistair Morrison, Strath Fiag, 25 Park Terrace, Brightons, Falkirk on 8 January 2010
- 9. Letter of Objection from Ms M Thorpe, Lyndale Cottage, Charlotte Street, Brightons, Falkirk on 20 December 2009
- 10. Letter of Objection from Miss Vicky Cameron & Mr Mark Furby, Roselea, Charlotte Street, Brightons, Falkirk on 21 December 2009
- 11. Letter of Objection from Carl Bianco & Elaine Gillies, Calmar, Charlotte Street, Brightons, Falkirk FK2 0HP on 5 January 2010
- 12. Letter of Objection from M McGregor, Kenwell, 23 Park Terrace, Brightons, Falkirk on 21 December 2009
- 13. Letter of Objection from Mrs Mary Bell, Ranoch, 11 Park Terrace, Brightons, Falkirk FK2 0HY on 21 December 2009
- 14. Letter of Objection from MS Fiona Hunter, Denholm, Charlotte Street, Brightons, Falkirk FK2 0HP on 17 December 2009
- 15. Letter of Objection from Eileen Bennie, Langray, 9 Park Terrace, Brightons, Falkirk on 24 December 2009

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

Planning Committee

Planning Application Location Plan

P/09/0866/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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