

FALKIRK COUNCIL

Subject: ERECTION OF 99 DWELLINGHOUSES AND FLATTED DWELLINGS ASSOCIATED LANDSCAPING AND ROAD AND DRAINAGE INFRASTRUCTURE (DETAILED) AT LAND TO THE NORTH WEST OF COCKBURN WORKS, GOWAN AVENUE, FALKIRK FOR KONON LTD - P/07/0518/FUL
Meeting: PLANNING COMMITTEE
Date: 19 May 2010
Author: DIRECTOR OF DEVELOPMENT SERVICES

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

Community Council: Grahamston, Middlefield and Westfield

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The proposed development is a major application for the erection of 99 dwellings consisting of 12 terraced houses and 87 flatted dwellings with associated access, parking, open space and SUDS infrastructure. This would be on vacant industrial land to the north of Gowan Avenue, Falkirk.
- 1.2 The proposed housing character and materials of construction are consistent with that of adjacent existing residential development and similar housing developments recently approved adjacent to the Forth and Clyde Canal.
- 1.3 The application site is level and surrounded by an existing residential development to the north, the Forth and Clyde Canal to the west and industrial land to the south and east.

2. REASON FOR CONSIDERATION AT COMMITTEE

- 2.1 The application is potentially contrary to the Development Plan with regards to policies relating to roads infrastructure.

3. SITE HISTORY

- 3.1 No relevant planning history.

4. CONSULTATIONS

- 4.1 Education Services has no objections subject to the requirement for a financial contribution of £181,500 (based on 12 houses and 87 flats) to secure future education provision as a result of the proposed development. The applicant has agreed to provide this contribution. This figure has been reduced from a previous request for £201,300 based on roll projections at that time. The applicant has agreed to the re-direction of the £19,800 reduction to an increased contribution to road improvements.
- 4.2 The Roads Development Unit (RDU) and the Transport Planning Unit (TPU) have both raised concerns about the impact of traffic from the proposed development on the adjacent roads network – most particularly at the junction of B902 Grahams Road/Dalderse Avenue; at the junction of B902 Grahams Rd/Gowan Avenue; and the need for traffic calming features at the northern ends of Alma Street and Russel Street. Whilst their preferred access would be via Boyd Street, the applicant has stated that this option is not currently available.
- 4.3 At one stage, when the applicant proposed to address issues at Dalderse Avenue by also providing linked signals at the Gowan Avenue junction, the two Units raised concerns about potential road safety issues at the Gowan Avenue junction. The applicant then dropped that proposal and demonstrated, by an independent road safety audit, that an improvement to the Dalderse signals (with a more up to date control mechanism which continuously monitors approaching traffic) combined with the existing Gowan Avenue junction would be acceptable.
- 4.4 As an alternative to access via Boyd Street, both RDU and TPU have indicated that they would be prepared to recommend acceptance of a contribution equivalent to the cost of upgrading the Dalderse Avenue signals. As detailed in parts 7a.11 – 7a.13 below, the overall planning assessment is that such contribution should be restricted to £119,800 (which includes the £19,800 referred to in paragraph 4.1 above).
- 4.5 The Environmental Protection Unit has no objections subject to conditions requiring the submission of noise and finalised contaminated land assessment information.
- 4.6 Historic Scotland has no objections to the proposed development which lies adjacent to the Forth and Clyde Canal Scheduled Ancient Monument.
- 4.7 SEPA raised an initial objection on the basis of lack of information relating to Sustainable Urban Drainage (SUDs). This was subsequently removed following receipt of acceptable drainage details.
- 4.8 Scottish Water has no objections.
- 4.9 Central Scotland Police has provided guidance on safety and crime prevention.

5. COMMUNITY COUNCIL

- 5.1 Representation has been received from Grahamston, Middlefield and Westfield Community Council. Concern has been expressed at the proposed site access being solely from Gowan Avenue, and potential traffic congestion resulting from the development.
- 5.2 The Community Council has also requested that the application is discussed in public at a Committee site visit.

6. PUBLIC REPRESENTATION

- 6.1 Two letters of representation have been received. One is an objection from a resident of an adjacent house in Ewing Avenue. The grounds of objection relate to overlooking, overshadowing, traffic congestion, building heights and ownership of Boyd Lane.
- 6.2 The other is a letter of representation advising of concerns relating to vehicular access and traffic congestion.

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 Structure Plan

- 7a.1 The following policies of the Falkirk Structure Plan apply:
- 7a.2 Policy COM.5 'Developer Contributions' states:

"The Council will ensure that proper provision is made to meet the physical and social infrastructure needs of new development and to mitigate the impact of such development on the locality. Where it is required to make a proposal acceptable in land use planning terms, serve a planning purpose and is directly related to the proposed development, developer funding for on- or off-site works will be sought in respect of:

- (1) environmental enhancement required to mitigate, or compensate for landscape, townscape or ecological impacts;*
- (2) physical infrastructure required to make the development acceptable, particularly transport provision required to ensure that the development meets sustainability criteria;*
- (3) community and recreational facilities required to meet demand generated by the development.*

The required provision will be reasonable and related to the scale and nature of the proposed

development, taking into account the relevant Council standards and will be specified within Local Plans and development briefs as appropriate. Examples of the range of matters which developers may be asked to address are provided in Schedule COM.5.”

- 7a.3 The proposed development addresses, through developer contributions, direct impacts on education capacity and road junction capacity (see paragraphs 7a.11 to 7a.13 for discussion of the traffic impacts). On the basis of the agreement to contribute to the mitigation of development impacts, the proposal is considered to comply with Policy COM.5.

Falkirk Local Plan

- 7a.4 The application site lies within the established urban limit as identified in the Falkirk Local Plan. The following policies apply:-

- 7a.5 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.6 The site lies within the urban limit and represents acceptable brownfield redevelopment in relation to other Development Plan policies and therefore accords with Policy FAL 2.2.

- 7a.7 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.8 The proposal has reasonable access for pedestrians and cyclists. There are frequent buses on Grahams Road. The proposal therefore accords with Policy FAL 3.3.

- 7a.9 Policy FAL 5.1 ‘New Residential Development’ states:

“The Council will support residential development on sites H1 to H28 as identified in 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 community services such as schools, shops and public transport are available and easily accessible.*

The reuse of upper floors in Falkirk Town Centre for residential purposes will be encouraged, subject to access and amenity considerations.”

- 7a.10 The application site is not identified as one of the sites H1 – H28 but is a brownfield site and the proposed residential use is compatible with adjacent residential uses. Satisfactory levels of residential amenity are proposed and the site can be served by existing community uses.
- 7a.11 The proposed access to the site from Grahams Road to Gowan Avenue has not, in view of relevant consultation responses, been demonstrated to be in accordance with established roads guidelines. However, issues of traffic signalisation and junction capacity could be resolved through developer contribution. Upgrading the traffic signals at the junction of B902 Grahams Road/Dalderse Avenue to a more modern system would increase capacity. Officers estimate the cost of the works to be between £195,900 (base value) to £260,100 (worse case). The applicant estimates the cost as £80,000 but this excludes traffic management works during installation and fees (about £85,000, which would bring the total to £165,000).
- 7a.12 Irrespective of the difference in the two estimates, two other factors have to be considered. The Council had intended to upgrade the signals eventually (although the works are not programmed and it is not known when funds would be available) and any request for a developer contribution is subject to a test of reasonableness and proportionality (Circular 1/2010). In addition to contributing to education provision, the applicant has agreed to pay £119,800 towards the signals prior to the 34th residential unit being occupied, i.e. at the beginning of the second phase of the development. The contribution would be index-linked and is reclaimable after 15 years if the signals had not been upgraded by then. On balance, this is considered to be a reasonable approach.
- 7a.13 The proposal does not comply with Policy FAL 5.1 with regard to access from Grahams Road to Gowan Avenue for reasons of junction dimension and visibility. However, these constraints could not be resolved for any development because, to provide junction dimensions and visibility standards that would comply with the Council's standards for new construction, would necessitate the demolition of the 'B' listed Star Inn building. The junction has historically been used by commercial vehicles and industrial uses could recommence at any time without the need for planning permission (although the traffic impact of such uses would be spread throughout the working day, instead of being concentrated more in the peaks, which would be the case with housing). On balance, it is considered that the proposed development accords with Policy FAL 5.1 to the extent that is practical, and in the context of it being a brownfield site and a developer contribution being provided for mitigation of traffic impact.
- 7a.14 Policy FAL 6.3 'Existing Industrial Areas for Improvement' states:
- "Within the industrial areas identified for improvement on the Policies, Proposals and Opportunities Map, the Council will support upgrading, rationalisation and redevelopment to improve their environment, utilisation and economic potential. Changes of use as part of comprehensive redevelopment proposals for these areas may be considered favourably subject to economic development, amenity, environmental and traffic considerations."*
- 7a.15 The proposed change of use from industrial land to residential development adjacent to the Forth and Clyde Canal represents an opportunity for environmental improvement. The proposed development would physically relate to adjacent residential development and improve amenity access to the Canal. In doing so the proposal complies with Policy FAL 6.3.

7a.16 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.17 The proposed level and location of open space proposed is acceptable in the terms of this policy. An area for toddler play is to be provided. In addition, improvements to the canal frontage are proposed which would encourage use of riparian land for amenity purposes. A landscaped courtyard with public artwork is proposed within the development.

7a.18 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.19 The proposed access at Gowan Avenue/Grahams Road does not conform to the standards for new construction in Falkirk Council’s Design Guidelines and Construction Standards for Roads in the Falkirk Area, October 1997, as amended January 2000. However, as stated above in paragraph 7a.13, the proposed arrangement is considered to be broadly acceptable in the context of development impacts, existing junction constraints, contributions from the developer and the brownfield nature of the site. The proposal therefore accords with Policy FAL 8.2.

7a.20 Policy FAL 8.5 ‘Pedestrian Amenity and Traffic Calming’ states:

“The Council will seek to promote a safe and attractive environment for pedestrians in Falkirk. Accordingly, it will:

- (i) support the implementation of measures designed to improve pedestrian safety including footpath/footway improvements, upgrading of streetlighting, provision of improved crossing points where appropriate, and the construction of traffic calming measures; and*
- (ii) ensure that development proposals make satisfactory provision for pedestrian access, safety and convenience, including traffic calming measures where appropriate.”*

7a.21 The proposed developer contributions towards junction improvements at Dalderse Avenue represent an opportunity to improve pedestrian crossing facilities. Traffic calming would be provided before the 34th residential unit is occupied. The proposal therefore accords with Policy FAL 8.5.

7a.22 Policy FAL 9.3 'Canals' states:

"In recognition of the significant recreational, tourism, and ecological potential of the Forth and Clyde Canal and the Union Canal, the Council will:

- (i) support the Millennium Link proposals to open up the canals to through navigation, including the removal of existing obstructions (Proposal LT 8), the restoration of a link between the two canals at Roughcastle (Proposal LT 9) and the extension of the Forth & Clyde Canal to the River Carron (Proposal LT 10); and*
- (ii) support proposals for appropriate canal-related development, particularly for recreation and tourism, where it accords with the Council's 'Canal Corridor Development Framework', there is no adverse impact on the amenity, setting or nature conservation value of the canals, and other Local Plan policies (including those of the Forth & Clyde Canal Local Plan) are satisfied."*

7a.23 The proposed development would improve pedestrian amenity access to the Forth and Clyde Canal and is consistent with this policy and previously approved residential development adjacent to the Forth and Clyde Canal and therefore accords with Policy FAL 9.3.

7a.24 Accordingly, the proposed development complies with land use and design policies and is, on balance, considered to accord with the Development Plan in relation to road capacity.

7b Material Considerations

7b.1 The material considerations to be assessed are the Falkirk Council Local Plan Finalised Draft (Deposit Version) April 2007, the views of consultees with regard to road safety and capacity issues and the representations submitted.

7b.2 The Finalised Draft Local Plan identifies the site as within an existing Business and Industrial Area with Potential for Improvement (Policy EP3) and in this regard affirms the policy position expressed in the Falkirk Local Plan.

7b.3 Policies ST2 Pedestrian Travel and Cycling", ST6 "Improving the Road Network, ST7 "Transport Assessments" and ST8 "Transport Safety" of the Falkirk Council Local Plan Finalised Draft (Deposit Version) affirm Policies FAL 8.2 "Roads and New Development" and FAL 8.5 "Pedestrian Amenity and Traffic Calming" of the Falkirk Local Plan with regard to road safety, capacity and construction design.

7b.4 The views of consultees are considered as follows:-

- Education Services has requested a total financial contribution of £181,500 to secure required increases in capacity at schools within whose catchment areas the site lies. The applicant has agreed to the provision of this contribution, to be secured by means of a legal agreement.
- The Environmental Protection Unit, SEPA, Scottish Water, Historic Scotland and Central Scotland Police have no objections.
- The Roads and Development Unit's and Transport Planning Unit's initial objections to the proposed development on the basis of potential concerns relating to junction capacity at Dalderse Avenue/Grahams Road, have been considered and largely addressed by developer contribution, to the extent practicable.

- 7b.5 The development under assessment provides, through developer contribution, the opportunity to improve junction capacity and geometry over that existing in the current road network. It is considered that, on the basis of these improvements, the proposed residential use can be justified in the recommendation to approve planning permission as the concerns of junction capacity can be satisfactorily addressed.
- 7b.6 The applicant has agreed to the provision of a financial contribution of £119,800 towards the upgrading of the B902 Grahams Road/Dalderse Avenue junction. The contribution would contribute significantly to any road network improvements if other funds become available and allow the opportunity for the works to progress earlier than anticipated. An appropriately worded legal agreement can restrict the commencement of relevant stages of development subsequent to the provision of the required junction improvement contribution. In addition, development phasing restrictions can be achieved by legal agreement to limit the transport impact.
- 7b.7 The views of the Community Council and the submitted representations are considered as follows:
- The applicant has submitted a Transport Assessment seeking to confirm that the proposed site access is acceptable and would not compromise traffic flow in the surrounding area. The preferred access and traffic signalling arrangements have been amended following detailed assessment by the Transport Planning Unit. Stage 1 and 2 safety audits have been undertaken seeking to confirm the acceptability of the proposed access arrangements. These issues have been addressed in the assessment of consultation responses from the Roads Development Unit and Transport Planning Unit, in the light of the proposed developer contribution and the brownfield status of the site.
 - The Transport Assessment and proposed junction amendments have been considered in detail. The submitted safety audit, with regards to junction design, and therefore road safety, and the proposed contribution to signal upgrading to accommodate the increase in vehicular traffic arising from the proposed development are considered to have been satisfactorily addressed.
 - The proposed flatted units on the Forth and Clyde Canal have been reduced in height from 4 to 3 storeys. The terraced housing remains at 2 storey height. The proposed buildings are located a minimum of 21 metres from the nearest existing housing which is at 2 storey height. A degree of indirect overlooking will occur onto existing properties in Ewing Drive. The windows proposed on this elevation are the kitchen and bedroom windows for three flats. The minimum window to window distances are approximately 25 metres and exceed the minimum standard of 18 metres.
 - The objection regarding the ownership of Boyd Lane maintains that the pedestrian access over this ground will not be possible. The ownership of Boyd Lane does not affect public right of passage.
 - The proposed development is consistent with the design, density and arrangement of existing residential development adjacent to the application site. The concerns over overlooking, overshadowing and impacts on privacy from residents within these established areas are therefore not substantiated.

7c Conclusion

- 7c.1 The proposed development complies with Development Plan policies with regards to planning policy, land use and architectural design.
- 7c.2 The proposed development complies, on balance, with the Development Plan when considered against policies relating to transport impacts. In this respect the application has been advertised as a development potentially contrary to the Development Plan but, following detailed consideration of roads issues and developer contributions, it is considered to accord with the Development Plan.

8. RECOMMENDATION

- 8.1 It is recommended that Committee indicate they are minded to grant planning permission subject to the successful completion of an appropriate legal agreement requiring:
- (i) the payment of a sum of £181,500 to secure the future education provision as a result of the proposed development at St Mungo's High School and St Francis's Primary School, and
 - (ii) the financial contribution of £119,800 to improve the Dalderse Avenue/B902 Grahams Road junction.
 - (iii) Timescales for the phasing of development in relation to the above developer contributions.
- 8.2 On completion of the legal agreement referred to in paragraph 8.1 above the Committee remit 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 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 commence until details of two traffic calming features, to be installed at the northern end of Alma Street and Russel Street, have been submitted to and approved by Falkirk Council. The features shall be designed in accordance with Falkirk Council's "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000" and installed prior to the occupation of the thirty fourth residential unit.
 - (4) All approved traffic calming and road infrastructure works shall be implemented prior to the occupation of approved residential units unless otherwise agreed in writing with the Planning Authority.

- (5) Development shall not begin until an amended contaminated land assessment has been submitted for the approval of the Planning Authority. The amended assessment shall include revisions required in the memorandum from Falkirk Council's Environmental Protection Unit (Ref: 79488) dated 13 May 2008.
- (6) Development shall not begin until a noise survey to determine the effects of existing industrial/commercial activities on the approved residential units has been submitted to the Planning Authority. The survey shall be conducted in accordance with BS 4142 and approved, amended as necessary, by the Planning Authority.
- (7) All approved landscaping works shall be implemented not later than the end of the first planting and seeding season following the occupation of the last residential unit on the development.
- (8) Before development begins a scheme for the provision of the play area and related open space area and other areas of open space/landscaping outwith individual residential plot boundaries, as outlined (drawing ref: 290.01.01b) 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. Details to be submitted include:-
 - i. Type and location of play equipment, seating, fences, walls and litter bins.
 - ii. Surface treatment of the play area proposals for the implementation/phasing of play area in relation to the construction of houses on the site.
 - iii. Landscape planting and phasing details.
 - iv. Proposed public artwork to be located adjacent to the Forth and Clyde Canal.
 - v. Maintenance arrangements for all hard and soft landscaping works.
- (9) All works required for the provision of the play area and open space shall be implemented in accordance with the scheme approved in writing with the Planning Authority by the end of the first planting and seeding season following the occupation of the last residential unit on the development.
- (10) Details of the phasing of the development shall be submitted to the Planning Authority for approval, and no work shall begin until the phasing scheme has been approved in writing. Following approval, the development shall be implemented in accordance with the approved scheme.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the visual amenity of the area.
- (3-4) To safeguard the interests of the users of the highway.
- (5-6,10) To safeguard the environmental amenity of the area.
- (7-9) To ensure that adequate landscaping/play facilities are provided.

Informative(s):

- (1) For the avoidance of doubt the approved plans bear our references 01, 02 etc.**
- (2) All drainage should comply with the requirements of the Scottish Environment Protection Agency and Scottish Water and evidence of such compliance shall be exhibited to the Planning Authority on demand.**

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For Director of Development Services

Date: 11 May 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Council Finalised Draft Local Plan.
4. Letter of objection from Mr Timothy Sims, 19 Ewing Drive, Falkirk FK2 7LT on 18 June 2008
5. Letter of objection from Grahamston, Middlefield & Westfield Community Council, 26 Alma Street, Falkirk FK2 7HD on 19 July 2007
6. Letter of representation from Councillor Cecil Meiklejohn, Members' Services, Municipal Buildings, Falkirk FK1 5RS on 19 July 2007

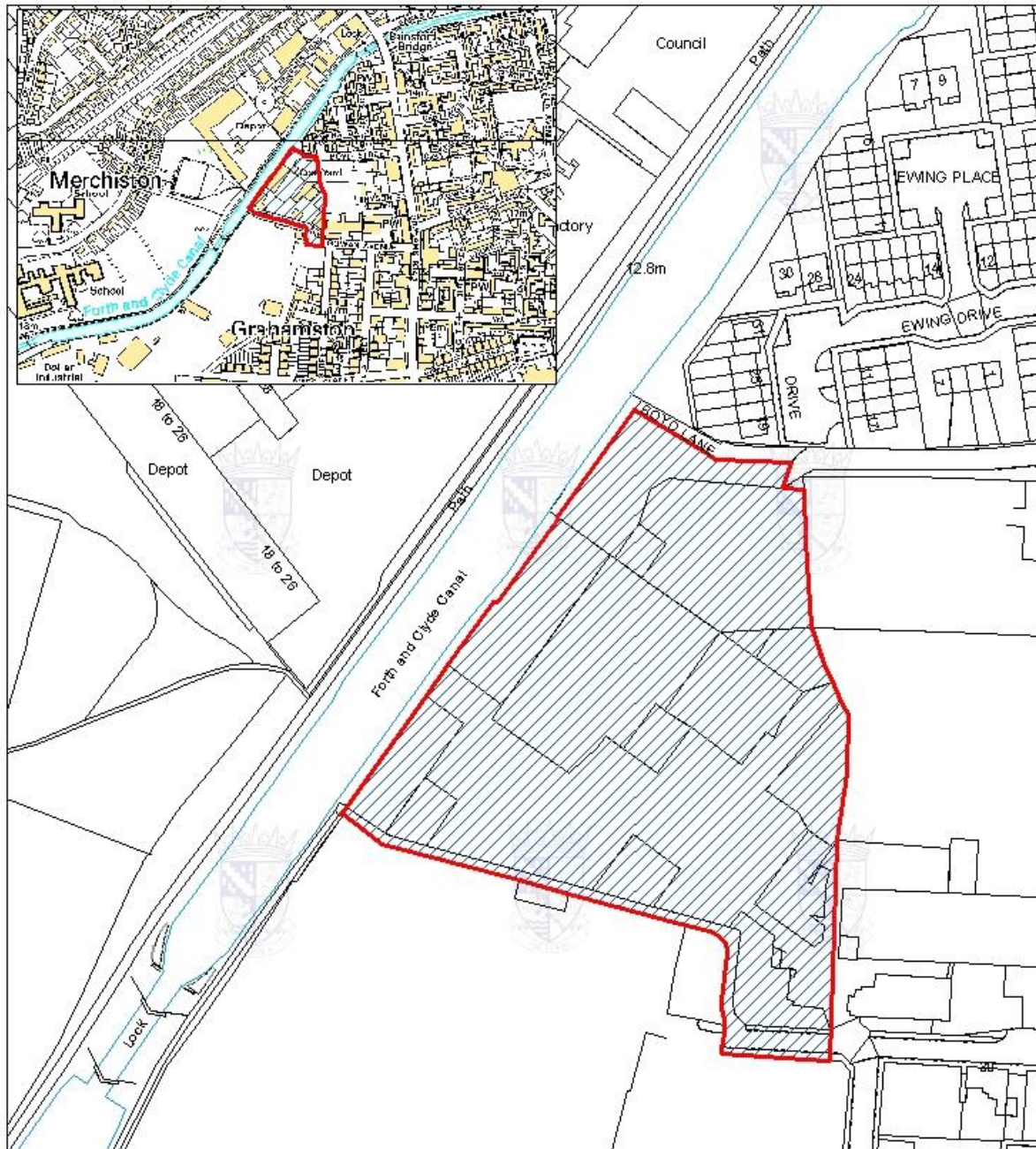
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for Allan Finlayson (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/07/0518/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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