

FALKIRK COUNCIL

Subject: ERECTION OF 33 DWELLINGS AND ASSOCIATED INFRASTRUCTURE (AMENDMENT TO PLANNING PERMISSION P/07/0809/FUL) AT LAND TO THE WEST OF 23 CHURCH ROAD, CHURCH ROAD, CALIFORNIA FOR DUNDAS ESTATES AND DEVELOPMENT CO LTD – P/10/0082/FUL

Meeting: PLANNING COMMITTEE

Date: 16 June 2010

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Shieldhill and California

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This detailed application proposes the erection of 33 detached, semi-detached and terraced two storey dwellinghouses and flatted units with access taken from Rosewood Terrace (B8028). The proposed housing is arranged around a central amenity space. The proposed amendment to planning permission P/07/0809/FUL would constitute an increase from 29 to 33 dwellings.
- 1.2 The site is cleared of vegetation in a predominantly residential area to the rear of Church Road. The site is bounded by one and two storey detached and semi-detached residential properties to the south, east and west and agricultural grazing land to the north.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposed development is contrary to the Development Plan.

3. SITE HISTORY

- 3.1 Previous application ref: F/2002/0537 for outline permission for housing land was granted on 20 August 2003. This permission has established the principle of residential development on the site.

- 3.2 Application ref: 06/0779/OUT renewed the above outline permission and was granted on 29 November 2006.
- 3.3 Application ref: P/07/0127/REM for the erection of 24 dwellinghouses was withdrawn on 14 February 2007.
- 3.4 Application ref: P/07/0514/FUL for the erection of 29 dwellinghouses was withdrawn on 06 August 2007.
- 3.5 Application ref: P/07/0809/FUL for the erection of 29 dwellinghouses was approved on 19 August 2009.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit has requested that a contamination land survey be carried out to establish if there is any contamination within the site. This matter can be covered by condition.
- 4.2 The Roads and Development Unit has no objections to the proposed development subject to conditions.
- 4.3 The Transport Planning Unit has no objections subject to the widening of the footway on the east side of Rosemead Terrace and the relocation of an existing bus stop also on Rosemead Terrace. These matters can be covered by condition.
- 4.4 Scottish Water has no objections to the proposed development.
- 4.5 SEPA has no objections to the proposed development.
- 4.6 Education Services has previously requested a contribution of £110,200 to fund educational improvements required as a consequence of the development at schools within the site's catchment area. The applicant has agreed to make this payment which would be secured by means of a Section 69 Legal Agreement. A legal agreement exists to secure £110,200 in this regard in reference to the previous grant of planning permission P/07/0809/FUL. It is recommended that the existing agreement be amended to require an increased total contribution of £119,800 to account for the proposed additional four residential units. The applicant has agreed to this revised contribution.

5. COMMUNITY COUNCIL

- 5.1 The Shieldhill and California Community Council has not made representation.

6. PUBLIC REPRESENTATION

- 6.1 Two letters of representation have been received following the neighbour notification process. These express concerns in relation to overbearance of two storey properties in proximity to one storey existing housing, overlooking, boundary distances, visual impact of two storey housing in the context of the surrounding area, lack of information on finished ground levels and the protection of access to existing properties during construction.

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.1 'Housing Land Allocations' states:

"The Council will:

- 1 support the phased provision of land for new housing as detailed in Schedule COM.1a to which a flexibility allowance of 10% will be added under Policy COM.2;*
- 2 maintain an effective 5 year supply of the housing land set out in Schedule 1a;*
- 3 review the housing calculations and allocations at intervals of no more than 5 years; and*
- 4 In delivering the requirement in Schedule Com.1a the Council will support special initiatives for residential led regeneration at the location listed in Schedule Com.1b, provided that action plans and masterplans/ development frameworks are prepared in accordance with the local plan. In particular these must address phasing, social and physical infrastructure provision, the avoidance of adverse impacts on European sites, the removal of significant restraints and land acquisition as appropriate."*

- 7a.2 As detailed later in this report this site is identified for housing purposes in the Falkirk Council Local Plan Finalised Draft (Deposit Version) and is included as an effective site in the Housing Land Audit 2007/2008 with a capacity of 29 units. The proposal accords with this policy.

- 7a.3 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.4 This policy sets out the criteria to be used in allocating land through the Local Plan process to meet the housing land requirements. The inclusion of the site in the Falkirk Council Local Plan Finalised Draft (Deposit Version) satisfies the terms of this policy

7a.5 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.6 The applicant has agreed to a financial contribution towards educational provision (identified in Schedule Com.5) which is required as a result of the proposed development. The proposal accords with the terms of this policy.

Rural Local Plan

7a.7 The village limit policy of the California Statement in the Rural Local Plan states:-

"The boundary of the village area as defined on the California village map, is regarded as the desirable limit to growths at least for the period of the Local Plan. Accordingly, there will be a presumption against proposals for development which would extend the village area beyond this limit or which would constitute sporadic development in the countryside".

- 7a.8 The application site is outwith the village limits as defined in the Rural Local Plan and accordingly, the proposal does not accord with the Development Plan. However, it is considered that the proposed development is compatible with neighbouring uses and the character of the village and would not constitute sporadic development in the countryside. It is further considered that, on the basis of the two previous grants of outline planning permission, no sustainable policy objections exist that could resist residential development on the site.

7b Material Considerations

- 7b.1 The material considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version) and the representations received in so far as they relate to material planning considerations.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.2 The application site lies within the settlement area of California and is identified as a committed Housing Land Audit site HCAL3 with a capacity of 12 units. This application proposes 34 dwellinghouses, this being the number identified in the Housing Land Audit. The narrative in the California Village Statement states that the village contains a primary school, the roll of which has been rising in recent years and capacity may need to be increased. Developer contributions may therefore be required in accordance with Policy SC14.
- 7b.3 The difference in numbers indicated in the Local Plan and those proposed is noted, but, the proposed housing development is compatible with neighbouring uses and the proposals would create an adequate level of residential amenity for both the new dwellinghouses and the surrounding properties. The proposed dwellinghouses would benefit from an acceptable level of private garden ground and would not result in an unacceptable level of overshadowing or overlooking of neighbouring residential properties.
- 7b.4 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.5 The proposed development is compatible with the surrounding area's architectural and townscape character. The site is located adjacent to single and two storey properties. The proposed two storey designs are considered to be compatible with the scale, massing and variety of neighbouring properties.

7b.6 The predominant finishing material in the area is roughcast with a mixture of different roofing finishes visible from the site. Therefore the proposed materials are acceptable in this location.

7b.7 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.8 The provision of a financial contribution towards education provision satisfies the terms of this policy.

7b.9 Policy SC14 'Education and New Housing Development' states:

"Where there is insufficient capacity within the catchment school to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council's education policies. The contribution will be a proportionate one, the basis of which will be set out in the SPG Note on 'Developer Contributions; Education and New Housing Development'. In cases where the school cannot be improved in a manner consistent with the Council's education policies, the development will not be permitted."

7b.10 The proposed financial contribution has been calculated by the Director of Education in accordance with the above and satisfies the terms of this policy.

7b.11 Therefore the proposals accord with the terms of the Falkirk Council Local Plan Finalised Draft.

Representations Received

7b.12 The position of two storey housing in proximity to surrounding housing is consistent with that previously approved in planning permission P/07/0809/FUL. Overbearance is not considered to exist. The applicant's agent has, however, increased the distances from those originally detailed and deleted a terraced dwellinghouse. The increases are considered to be sufficient to address the views of both objectors.

- 7b.13 The proposed two storey housing is acceptable in the context of the surrounding area which includes two storey housing on the plateau of Shieldhill Road. The applicant has architecturally detailed rear elevations and proposed structure landscaping to soften the potentially exposed northern boundaries of the site.
- 7b.14 Existing and proposed ground levels have been provided and these are consistent with adjoining land. Construction access is not proposed from the existing access to which objectors have referred.

7c Conclusion

- 7c.1 The proposal is an acceptable form of development and, although the site lies outwith the settlement area defined by Policy Rural 3 of the Rural Local Plan, the existence of two previous outline permissions and one detailed planning permission have established the acceptability of residential development on the site. The allocation of the site as a committed Housing Land Audit site in the Falkirk Council Local Plan Finalised Draft (Deposit Version) establishes that the site lies within the settlement area now proposed. In addition, the design of development is acceptable in the context of the surrounding area. There are no material planning considerations which would justify the refusal of planning permission.

8. RECOMMENDATION

- 8.1 It is recommended that planning permission be granted subject to the conclusion of an amended Legal Agreement under Section 69 of the Local Government (Scotland) Act 1973 to secure the provision of £119,800 towards education improvements required as a result of the proposed development and, 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) Within 3 months of the date of this permission, details of a carriageway narrowing 30mph marker 'gateway' feature at the position indicated in pink on the approved site layout plan (PL 01.06) shall be submitted for the approval of the Planning Authority. The details shall be designed and constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Area, and installed prior to the occupation of any dwellinghouse on site.
 - (3) 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.
 - (4) a. 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 to 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.

- b. Where contamination (as defined by Part IIA 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 demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
 - c. 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.
 - d. In the event that unexpected contamination is encountered following the commencement of development, all works on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (5) Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density programme for completion and subsequent maintenance.
- (6) Prior to the occupation of any dwellinghouse on the site the footway on the east side of the B8028 Rosemead Terrace shall be widened to 2 metres in width, as highlighted in pink on the approved site layout (drawing number (PL)01.06). The works shall be carried out to adoptable standard as defined by the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area".
- (7) Development shall not begin until a replacement position for the existing bus stances on the B8028, required as a result of Condition 6 above, has been agreed in writing with the Planning Authority.
- (8) The development shall be implemented in accordance with the approved phasing scheme and the approved landscape scheme for each phase shall be fully implemented by the end of the first planting and seeding season following the occupation of the last house within that phase of the development.
- (9) Access to the proposed parking spaces shall be by means of a standard footway crossing constructed in accordance with Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.
- (10) There shall be no obstruction to visibility over 1 metre in height above carriageway level within 2.5 metres of the carriageway edge along the full frontage of the site with Rosewood Terrace (B8028).

- (11) Development shall not begin until detailed surface water and flood risk calculations including 1 in 100 and 1 in 200 year storm events as part of a drainage scheme have been submitted to and approved by the Planning Authority.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (3,5,8) To safeguard the visual amenity of the area.
- (4) To ensure that the ground is suitable for the development.
- (2,6,7,9,10) To safeguard the interests of the users of the highway.
- (11) 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 reference number(s) 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15 and 16.

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Director of Development Services

Date: 8 June 2010

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of Objection from Mr Stuart Young, Fairhill Cottage, 23 Church Road, California, Falkirk on 22 March 2010.
5. Letter of Objection from Mrs M Dundas, Dumyat, 15 Church Road, California, Falkirk on 16 March 2010.

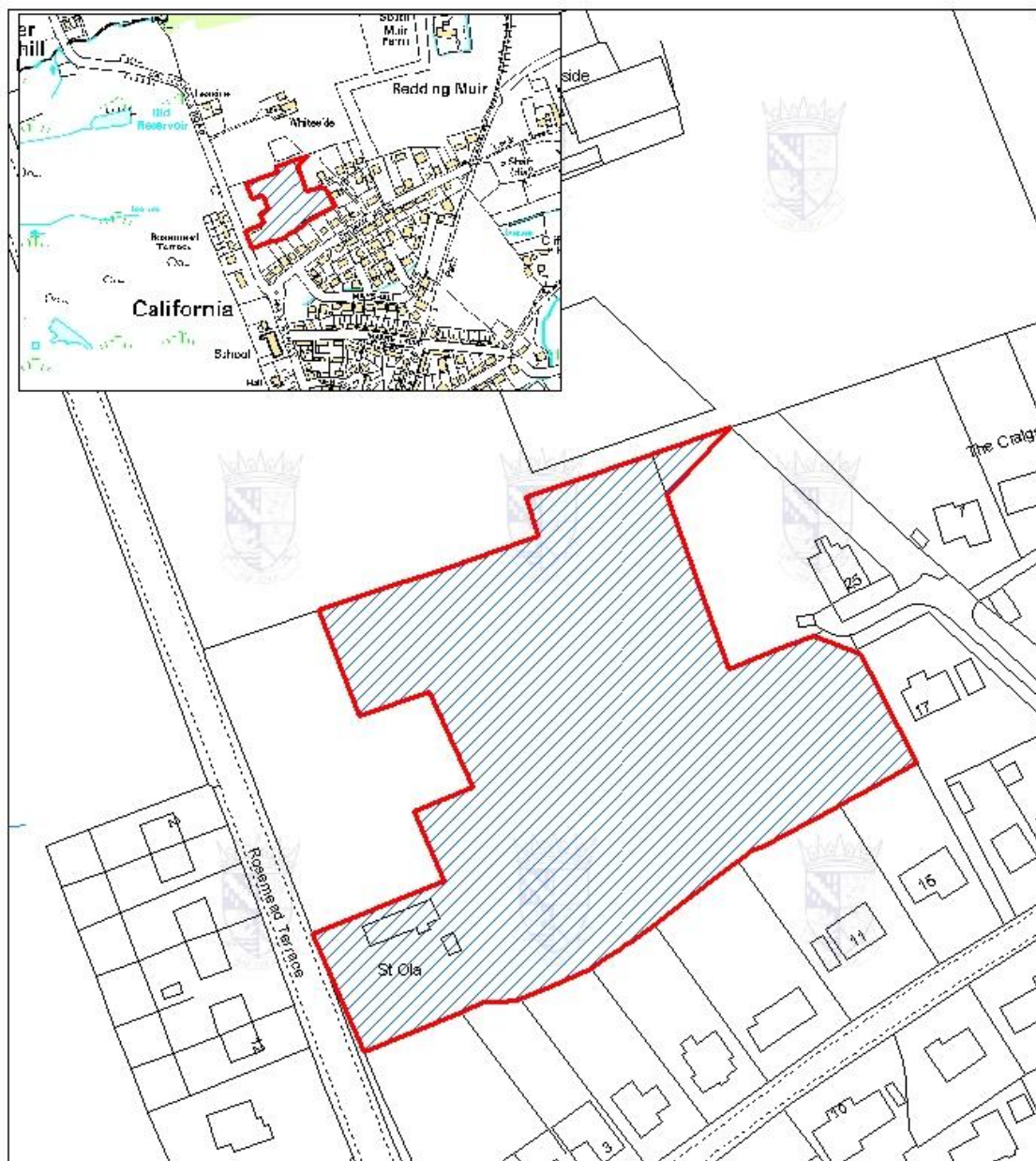
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/10/0082/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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