

**FALKIRK COUNCIL**

**Subject:** ERECTION OF 24 FLATTED DWELLINGS AND ASSOCIATED ROADS, FOOTWAYS AND PARKING AREAS AT LAND TO THE SOUTH WEST OF 26 CADZOW AVENUE, CADZOW AVENUE, BO'NESS FOR FALKIRK COUNCIL - P/10/0508/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 3 November 2010

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Ward** Bo'ness and Blackness

**Local Members:** Councillor John Constable  
Councillor Ann Ritchie  
Councillor Adrian Mahoney

**Community Council:** Bo'ness

**Case Officer:** John Angell (Acting Head of Planning and Transportation), ext. 4951

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

- 1.0 The application site comprises an area of 0.45 hectares at the west side of Cadzow Avenue, Bo'ness.
- 1.2 The site is an area of public open space situated between Baker Street/Comrie Terrace to the north and Newtown to the south. The application site is bounded by residential properties to the north, south and west.
- 1.3 The application site slopes down at the north boundary. Residential properties at Comrie Terrace to the north are at a lower level.
- 1.4 The open space has no formal recreational use. The main value of the site is its contribution to visual amenity.
- 1.5 It is intended to build 24 flats comprising 6 blocks of 2 storeys. All associated parking provision would be located within the application site. It is not proposed to provide any areas of public open space within the proposed development.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been made by Falkirk Council and, under the Council's amended Scheme of Delegation, such applications require consideration by the Planning Committee. The proposal also constitutes a departure from the Development Plan.

### **3. SITE HISTORY**

3.1 No relevant site history.

### **4. CONSULTATIONS**

4.1 The Roads Development Unit has advised that a detailed drainage scheme, including the means by which surface water run-off would be treated using sustainable drainage principles, remains to be submitted for approval. A flood risk assessment also requires to be submitted and approved.

4.2 Scottish Water has advised that a separate drainage system would be required, and that surface water run-off would have to be treated using sustainable drainage principles.

4.3 The Environmental Protection Unit has advised that the submission of a contaminated land investigation can be addressed by condition.

4.4 The Transport Planning Unit has advised that a travel pack should be provided for each flat, and advised that a bus shelter would have to be relocated.

4.5 Education Services has confirmed that there is no significant impact on education provision envisaged.

4.6 Community Services has raised no objections.

### **5. COMMUNITY COUNCIL**

5.1 No representations received.

### **6. PUBLIC REPRESENTATION**

6.1 One letter of objection has been received. Concern is raised that the privacy of the residential property at Linhurst, Baker Street, to the west of the application site, could be compromised by the siting of the two storey block comprising Units 9-12.

### **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.3 ‘Special Needs and Affordable Housing’ states:

*“The Council will support the provision of affordable and special needs housing, based on housing needs assessments for each community. Local Plans will identify suitable sites and where appropriate, stipulate the proportion of larger housing sites which should be reserved to meet specific housing needs.”*

7a.2 It is considered that the proposed development is for the provision of affordable rented housing, not associated with any general needs development scheme, but dedicated for such purpose by the applicant.

7a.3 The proposed development accords with Policy COM.3.

7a.4 Policy COM.6 ‘Open Space and Recreational Facilities’ states:

*“The Council will seek to ensure that a satisfactory distribution and quality of open space and recreational facilities exists across the Council area. Accordingly:*

- (1) the loss of open space and recreational facilities will not normally be permitted except where, as part of a community-wide assessment of provision, it is demonstrated that the loss will have no adverse impact on visual or recreational amenity and will release resources for qualitative improvements to facilities in the community as a whole;*
- (2) Local Plans will identify and seek to address any remaining localised deficiencies in provision;*
- (3) resources will generally be concentrated on improving the quality, management and accessibility of existing provision; and*
- (4) all new housing development must contribute to the provision and maintenance of open space and recreational facilities either through on-site provision or contributions to off-site provision. Standards will be set out in Local Plans based on the provision of 2.8ha per 1000 persons.”*

7a.5 The loss of the existing area of open space has been evaluated as part of a community-wide assessment of open space provision. The open space is identified as having amenity value, albeit of limited value. It is not considered that the loss of the area as open space would have an impact on recreation space provision in the area. Furthermore, it is not considered that the impact of the loss of the open space in terms of amenity value would be significant.

7a.6 It is noted, however, that the proposed development does not include provision of public open space within the development.

7a.7 The proposed development does not accord with Policy COM.6.

7a.8 Policy ENV.7 ‘Quality of Development’ states:

- “(1) Priority is attached to the achievement of high standards of design in all new development. Proposals for development which would have significant visual and physical impact on a site and its surroundings must be accompanied by a "design concept statement" incorporating the relevant factors outlined in Schedule ENV.7 which sets out how design principles have been addressed and how quality objectives will be achieved.*
- (2) Local Plans and Supplementary Planning Guidance will provide detailed guidance on how significant impact will be assessed and the details to be included in such design concept statements.”*

7a.9 The proposal is not considered to be of a significant scale as to merit a “design concept statement”, but reference should be made to Supplementary Planning Guidance as to the merits of the scheme.

7a.10 The proposal accords with Policy ENV.7.

7a.11 Accordingly, the proposal does not fully accord with the Falkirk Council Structure Plan.

### ***Bo’ness Local Plan***

7a.12 Policy BNS 4 ‘Residential Development’ states:

*“New residential development will be directed towards sites H1 - H15, as identified on the Policies, Proposals and Opportunities Map, and also to other suitably located brownfield sites which become available within the Urban Limit.”*

7a.13 It is noted that the application site is not identified as an opportunity for housing development on the Policies, Proposals and Opportunities Map. However, the application site is located within the urban area and is considered to be an infill site.

7a.14 It is not considered that the loss of the application site as open space would have a significant impact on the provision of recreation or amenity space in the area. The site is considered suitable for development.

7a.15 The proposal accords with Policy BNS 4.

7a.16 Policy BNS 6 ‘Special Needs and Affordable Housing’ states:

*“Within the urban area, the District Council will support:*

- (i) proposals for special needs housing which address identified shortfalls in provision or which will facilitate the provision of community-based health care in accordance with “Care in the Community” policies. Locations should be suited to the particular client group being catered for and should satisfy other Local Plan policies, including restrictions arising within the Pipeline Consultation Zone (see Policy BNS 30); and*
- (ii) initiatives to provide affordable housing for rent or ownership to meet local needs.”*

7a.17 It is considered that the proposed development is for the provision of affordable rented housing, not associated with any general needs development scheme, but dedicated for such purposes by the applicant.

7a.18 The proposed development accords with Policy BNS 6.

7a.19 Policy BNS 8 'Environment Quality in New Housing' states:

*"Proposals for new residential development will be required to achieve a high standard of design and amenity. In particular, they should:*

- (i) respect and complement the character of the surrounding townscape and/or landscape;*
- (ii) combine layout and built form in a manner which affords a visually attractive, safe, defensible and convenient environment;*
- (iii) incorporate amenity and recreational open space commensurate with the size and nature of the development (see Policy BNS 33);*
- (iv) incorporate adequate and appropriate landscaping (see Policy BNS 38);*
- (v) retain and enhance, where possible, existing landscape features and/or buildings where they make a contribution to the amenity of the area;*
- (vi) provide for the amenity and safety of pedestrians and cyclists, including the use, where appropriate, of traffic calming; and*
- (vii) take account of the potential for energy-efficient design"*

7a.20 The proposal would respect the character of the surrounding townscape. It is considered that the proposal would provide an adequate level of amenity for residents of the proposed flats whilst safeguarding to an adequate level the amenity of existing residents adjacent.

7a.21 Although this opportunity to provide landscaping is limited, landscaping features are proposed where possible.

7a.22 It is noted, however, that the proposed development does not include the provision of open space within the site.

7a.23 The proposed development does not fully accord with Policy BNS 8.

7a.24 Policy BNS 31 'Protection of Open Space' states:

*"The District Council will protect parks, playing fields and other areas of public open space from unrelated development which would diminish their recreational or amenity value. Proposals involving the loss of any area of public open space, whether through built development or incorporation as private garden ground, will normally be resisted where:-*

- (i) the proposal will have an adverse effect on the recreational value of any area of active or passive open space, considered in relation to overall standards of provision in the local area;*

- (ii) *the proposal will result in the loss of amenity open space such that the character or appearance of the area or its setting will be adversely affected, or*
- (iii) *the proposal is likely to set an undesirable precedent for further incremental loss of public open space such that amenity or recreational provision in the area will be eroded.”*

7a.25 The application site is an existing area of open space. The site has been evaluated as part of a community wide assessment of open space provision. It has been identified, however, as having limited amenity value. It is not considered that the loss of the site as an area of open space would have an impact on recreation space provision in the area. Furthermore, it is considered that the loss of the open space in terms of amenity value would not have a significant impact. It is noted that there is an extensive area of open space to the east of the application site, which provides recreation space for the area and significantly contributes to the amenity of the area.

7a.26 It is not considered that the proposal would have a significant impact on the character of the area.

7a.27 It is not considered that the proposal would set a precedent for further incremental loss of open space.

7a.28 The proposed policy accords with Policy BNS 31.

7a.29 Policy BNS 33 ‘Open Space in New Developments’ states:

*“The District Council will require the provision of public open space and play areas in new residential developments and adequate arrangements to be made for their future maintenance. The extent of provision should be commensurate with the size, form and density of the development and the character of the site and in general accordance with the District Council’s approved standards. The location, design and landscaping of the open space should be such that :*

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

7a.30 It is noted that the proposed development does not include the provision of open space within the application site.

7a.31 The proposed development does not accord with Policy BNS 33.

7a.32 Policy BNS 24 ‘Roads and New Development’ states:

*“Road layout, access and parking provision in new developments should generally conform with Central Regional Council’s ‘Development Roads : Guidelines and Specification’. In the case of major development proposals likely to generate significant volumes of additional traffic, a Traffic Impact Analysis will be required.”*

7a.33 The Roads Development Unit has raised no objections in terms of road layout, access and parking provision. It is considered that the proposed development would make adequate provision.

7a.34 The proposed development accords with Policy BNS 24.

7a.35 Accordingly, the proposed development does not fully accord with the Development Plan.

## **7b Material Considerations**

7b.1 Material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010), consultation responses, Supplementary Planning Guidance Notes (SPG) “Affordable Housing” and “Housing Layout and Design”, Scottish Planning Policy, Planning Advice Note 2/2010 “Affordable Housing and Housing Land Audits”, and the letter of representation.

### ***Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010)***

7b.2 Policy EQ1 ‘Sustainable Design Principles’ states:

*“New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:*

- (1) Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
- (2) Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site’s surroundings, and create buildings and spaces that are attractive, safe and easy to use;*
- (3) Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
- (4) Resource Use. Development should promote the efficient use of natural resources, and take account of life cycle costs, in terms of energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
- (5) Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
- (6) Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.”*

7b.3 The application endeavours to address the issues of scale, siting and design in order to create a group of buildings which are safe and easy to use. The issues of drainage, flood risk and landscaping require to be addressed and are subject to condition.

7b.4 The proposed development accords with Policy EQ1.

7b.5 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.6 In terms of scale, height and massing, the proposed 2 storey structures are not considered an incongruous feature within a housing area predominantly consisting of 2 storey semi-detached/terraced houses and flats.

7b.7 The proposal accords with Policy EQ3.

7b.8 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.9 The site comprises an area of open space which does not significantly contribute to amenity in the area. The site is set within existing residential developments, where an adequate level of amenity can be achieved.

7b.10 It is noted, however, that the proposal does not accord with other policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).



7b.11 The proposed development does not therefore accord with Policy SC2.

7b.12 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.13 The site is dedicated towards affordable rented accommodation, funded by the applicant.

7b.14 The proposed development accords with Policy SC4.

7b.15 Policy SC6 - ‘Housing Density And Amenity’ states:

- “(1) Overall density in new residential developments should conform to the indicative capacity shown for allocated sites or, in the case of windfall sites, be dictated by the character of the surrounding area and the design objectives for the site, as established in the Design Concept Statement. Higher densities may be allowed where this helps to achieve design excellence.*
- (2) On large sites, housing density should be varied to create areas of different character, reflecting the structure of streets and spaces in the development. A mix of housing types will be required.*
- (3) Adequate properly screened private amenity space should be provided for dwellinghouses. In flatted developments, communal space for clothes drying and private amenity should be provided.*
- (4) Housing layouts should be designed to ensure adequate privacy and to avoid excessive overshadowing of houses or garden ground. A minimum distance between overlooking windows of 18 metres will generally be required.”*

7b.16 The privacy impact both for prospective occupiers of the flats and adjacent neighbours is adequate. However, the density proposed would have some overshadowing impact upon the garden ground of neighbouring houses.

7b.17 Therefore, the proposed development does not fully accord with Policy SC6.

7b.18 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, 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.19 The application site is identified in a community-wide assessment of open space provision as a site which has limited value as amenity space. It is not considered that the site has recreational value. It is not considered that the loss of the area of open space would have a significant impact on the character of the area. It is considered that there is adequate open space situated to the east of the site to protect the amenity of the area and provide recreational space.

7b.20 The proposed development accords with Policy SC12.

7b.21 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 be informed by 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) Open space and facilities for play and outdoor sport should be provided in broad accordance with the guidance in Table 4.2. These requirements may be increased where the extent and quality of facilities in the area are proven by the open space audit to be below a suitable standard. Above ground SUDS features, small incidental amenity areas, structure planting and road verges will not count towards requirements.*
- (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 indicated in Table 4.2, 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’.*
- (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.22 It is noted that the proposal comprises more than 10 dwelling units. It is also noted, however, that the application site measures less than 0.5 hectares in area, as referred to in Table 4.2 of the emerging Falkirk Council Local Plan, and para. (1) of Policy 7b.21. Furthermore, in developing the site for 24 flats, there would be no practical opportunity to provide open space within the site.

7b.23 In considering whether the proposal accords with Policy SC13, it is noted that the proposal does not meet all criteria specified in Table 4.2 of the emerging Falkirk Council Local Plan, and that the loss of the site as an area of open space would not have a significant impact on amenity and recreation space in the area.

7b.24 On balance, it is considered that the proposed development does not fully accord with Policy SC13.

7b.25 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.26 Education Services has no objection to the proposals, nor requires any form of commuted payment towards existing school facilities.

7b.27 The proposed development accords with Policy SC14.

7b.28 Accordingly, the proposed development does not fully accord with the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).

### ***Consultation Responses***

7b.29 No objections have been received. It is noted that the following issues can be addressed by condition:-

- Detailed drainage scheme.
- Flood risk assessment.
- Contaminated land investigation.
- Landscaping.

7b.30 It is noted that the following can be addressed by informative:-

- Advise the applicant that drainage should be on a separate system.
- A travel pack should be provided for each flat.
- A bus shelter would be required to be relocated.

### ***SPG “Affordable Housing”***

7b.31 The SPG advises that, in order to fully secure the housing needs of the people in the Falkirk area, consideration needs to be given to the provision of affordable housing. The SPG provides guidance based around Policy SC4 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).

7b.32 It is noted that the proposal is for dedicated low cost rented housing, and that the proposed development accords with Policy SC4 referred to above.

7b.33 The proposed development accords with SPG “Affordable Housing”.

### ***SPG “Housing Layout and Design”***

7b.34 The SPG advises that it is important when developing new housing within existing house developments, that a harmonious fit is achieved. This should pay attention to adjacent building lines, height, scale, window and door arrangements, proportions and materials. In this regard, it is considered that the fit of the proposed development into existing housing developments adjacent is adequate.

7b.35 The SPG also, however, advises that new development should incorporate open spaces, thus supporting the Development Plan in this regard. It is noted that there is no open space provision proposed.

7b.36 The proposed development does not therefore fully accord with SPG “Housing Layout and Design”.

### ***Scottish Planning Policy***

7b.37 Scottish Planning Policy advises that “the siting and design of new housing should take account of its setting, the surrounding landscape, topography, character, appearance, ecology and the scope for using local materials. The aim should be to create places with a distinct character and identity, promoting a well integrated mix of land uses including well designed homes of different types and tenures”.

7b.38 Furthermore, Scottish Planning Policy advises that authorities should give consideration to the need for affordable housing, and means of provision. A mix of provision is encouraged, including social rented accommodation.

7b.39 It is considered that the proposed development would provide affordable rented accommodation, dedicated for the purpose. Furthermore, it is considered that the proposal

would integrate with the character of the area and contribute to a mix of housing types and tenures in the Bo'ness area.

7b.40 The proposed development accords with Scottish Planning Policy.

***Planning Advice Note (PAN) 2/2010 “Affordable Housing and Housing Land Audits”***

7b.41 PAN 2/2010 advises that a range of housing types, at different prices, tenures and locations, are needed to cater for the increasing number and variety of households, to maintain the viability of communities and support the operation of labour markets and the wider economy. The Government's ambitions include to increase housing supply across all tenures over the long-term and to increase the choice of housing available to those on low incomes.

7b.42 It is noted that the proposed development consists of dedicated low cost rented housing. It is considered that the proposed development would contribute positively towards provision of a mix of housing types in the Bo'ness area, and would accord with the aspirations of PAN 2/2010.

7b.43 The proposed development accords with PAN 2/2010.

***Letter of Representation***

7b.44 It is considered that levels and boundary treatment in respect of the north-west corner area of the site would be adequate to safeguard the privacy of the adjacent property at Linhurst, Baker Street.

**7c Conclusion**

7c.1 The proposed development does not fully accord with the Development Plan, the Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010) or Supplementary Planning Guidance Note “Housing Layout and Design” for the reasons that it is not proposed to provide open space area(s) within the application site and some overshadowing of the gardens of the adjacent properties in Comrie Terrace.

7c.2 It is noted, however, that there are extensive areas of open space to the east of the application site, which it is considered could provide adequate levels of recreation and amenity space for both existing residents in the area and residents of the dwelling units proposed in this application.

7c.3 Furthermore, it is noted that, as a result of a community-wide assessment of open space, the application site is identified as having limited visual amenity value. It is not considered that the site has value as recreation space. It is considered that the loss of the site as an area of open space would not have a significant impact on the recreation space or visual amenity of the area. There would be no conflict in terms of land use.

7c.4 It is considered that the proposal reflects the character of the surrounding area. The proposed development would provide a level of amenity for residents of the proposed flats, and safeguard the amenity of existing residents in terms of privacy/overlooking.

7c.5 On balance, the proposed development is an acceptable departure from the Development Plan.

7c.6 The proposed development is not considered a significant departure from the Development Plan, and as such would not require to be referred to Ministers under the terms of Circular 3/2009 “Notification of Planning Applications”.

## **8. RECOMMENDATION**

**8.1 It is therefore 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) (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.**  
**(ii) Where contamination (as defined by Part 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.**  
**(iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.**
- (3) 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”.**
- (4) Prior to the occupation of dwellinghouses, cycle parking provision as shown on the approved drawings shall be installed on site.**
- (5) Prior to the occupation of dwellinghouses, the car parking provision as shown on the approved drawings shall be completed and brought into use.**
- (6) Prior to any works on site, a detailed drainage strategy, including the treatment of surface water run-off by sustainable drainage methods, shall be submitted to and approved in writing by the Planning Authority.**

- (7) 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;
  - (iv) programme for completion and subsequent maintenance.
- (8) Prior to any works on site, a flood risk assessment shall be submitted to and approved in writing by the Planning Authority.
- (9) Prior to the proposed junction with Cadzow Avenue being brought into use, it shall be formed with visibility splays of 2.4m by 30m, which shall thereafter be maintained at all times, in both directions, within which there shall be no obstruction to visibility over 0.6m in height.
- (10) The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by the Planning Authority.

**Reason(s):**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the environmental amenity of the area.
- (3) To safeguard the interests of users of the highway.
- (4) To ensure the provision of bicycle storage.
- (5) To ensure that adequate car parking is provided.
- (6) To ensure that adequate drainage is provided.
- (7) To safeguard the visual amenity of the area.
- (8) To ensure against the risk of flooding.
- (9) In the interests of users of the highway.
- (10) To ensure that the development is carried out to the satisfaction and approval of the Planning Authority.

**Informative(s):**

- (1) For the avoidance of doubt, the plans to which this decision refer(s) bear our reference 01, 02, 03A, 04A, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20.
- (2) The applicant is advised that drainage should be by means of a separate system.
- (3) The applicant is advised to arrange the relocation of a bus shelter at Cadzow Avenue with the Transport Planning Unit.
- (4) A travel pack should be provided to occupants of the proposed flats. The Transport Planning Unit will advise.



Pp

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Director of Development Services

Date: 26 October 2010

#### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Bo'ness Local Plan.
3. The Falkirk Council Local Plan Finalised Draft (Deposit Version) (April 2007) as amended by the Final Proposed Modifications (June 2010).
4. Scottish Planning Policy.
5. Planning Advice Note 2/2010 "Affordable Housing and Housing Land Audits".
6. Supplementary Planning Guidance Note "Affordable Housing".
7. Supplementary Planning Guidance Note "Housing Layout and Design".
8. Letter of Objection received from April Simmons, Linhurst, Baker Street, Bo'ness, EH51 9BZ on 15 October 2010.

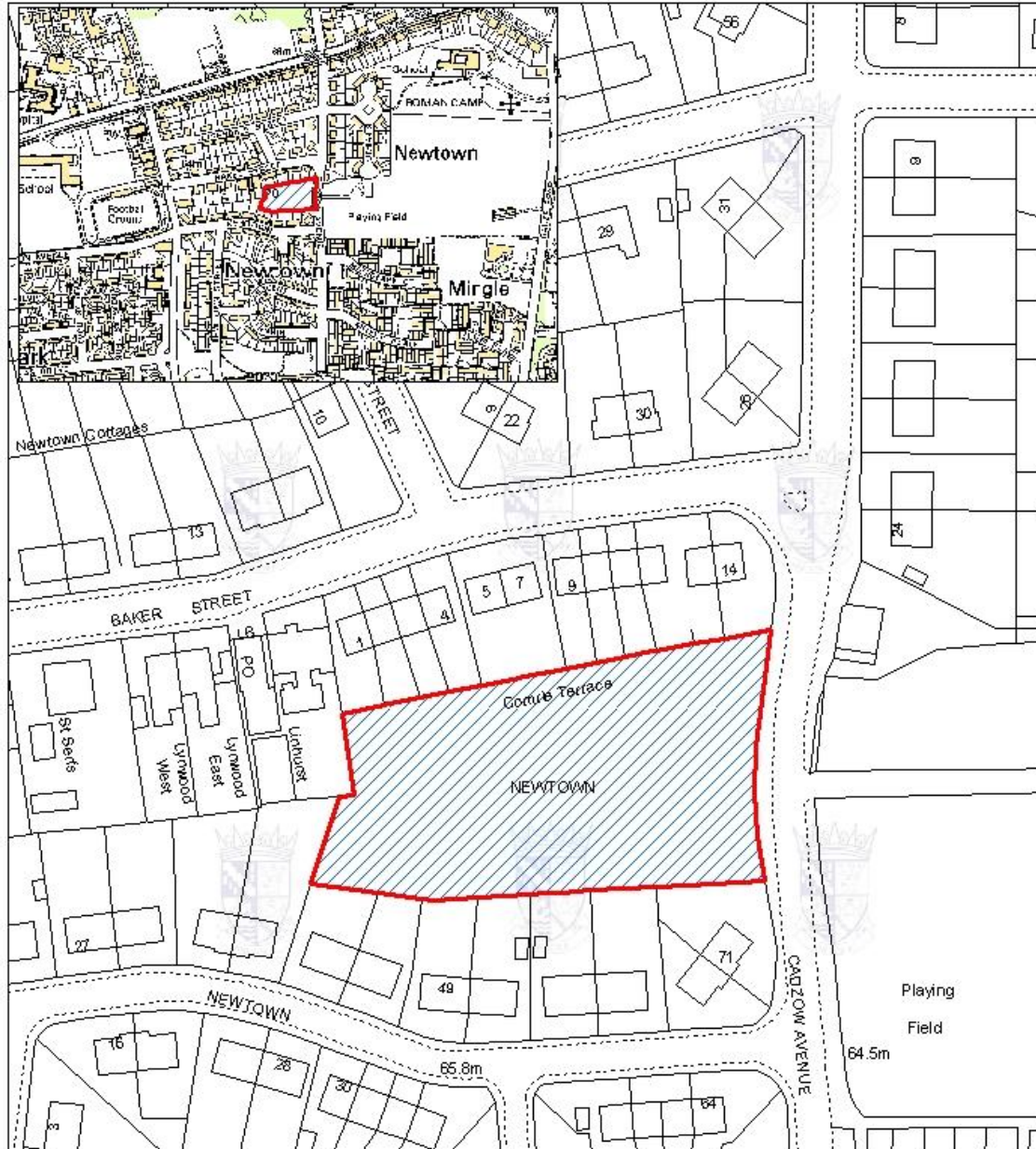
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson, Planning Officer.



# Planning Committee

## Planning Application Location Plan P/10/0508/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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