

FALKIRK COUNCIL

Subject: **ERECTION OF 6 DWELLINGHOUSES (RENEWAL OF PLANNING PERMISSION 05/1166/FUL), AT LAND TO THE NORTH OF 34 SEAFORTH ROAD, SEAFORTH ROAD, FALKIRK FOR MR GEORGE NEELY - P/11/0087/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **18 May 2011**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Falkirk North**
Councillor David Alexander
Councillor Craig R. Martin
Councillor Cecil Meiklejohn
Provost Pat Reid

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

Case Officer: **Gavin Clark (Assistant Planning Officer), ext. 4704**

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall this application was originally considered at the meeting of the Planning Committee on 20 April 2011 (copy of the previous report appended), when it was agreed to continue the application and to undertake a site visit. This site visit took place on 12 May 2011.
2. Members of the Committee requested clarification on the delay in commencement of development and the general appearance of the site. The Committee were advised that there was no remit with the terms of the current planning application submission or indeed the previous consent for the applicant to maintain the site in a tidy condition as he was not the owner.
3. Councillors Cecil Meiklejohn, and Craig R Martin as Local Members, sought clarification about clearance of the site, and stated their disappointment that the applicant was not at the site visit. The applicant was to be contacted with regard to the site condition and clarification sought in respect of a possible timescale for a site start should planning permission be forthcoming. An update on this matter will be reported verbally at the Planning Committee.
4. Councillor David Alexander, as Local Member, enquired as to whether clean-up of the site could be inserted as a condition to the planning permission. This is not possible as highlighted in paragraph 2 above. However investigations would continue in respect of any other options that may be available to address this matter. A verbal update on this matter will be reported at the Planning Committee.

5. No matters were raised that would amend the original recommendation to approve planning permission.

6. RECOMMENDATION

- 6.1 It is therefore recommended that 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) Samples of all external materials to be used in the development 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.
- (3) The existing footpath along the site frontage with Seaforth Road shall be reconstructed in accordance with Falkirk Council Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- (4) All drainage shall be provided to meet the requirements of Scottish Water and evidence of such compliance shall be submitted to the Planning Authority on demand.
- (5)
 - (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.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

- (2) To safeguard the visual amenity of the area.
- (3) To safeguard the interests of the users of the highway.
- (4) To ensure that adequate drainage is provided.
- (5) To ensure the ground is suitable for the proposed development.

Informative(s);

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and supporting documents.
- (2) The applicant shall ensure that noisy work which is audible at the site boundary shall **ONLY** be conducted between the following hours:

Monday to Friday	08:00 - 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday / Bank Holidays	10:00 - 16:00 Hours

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Health Manager.

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 Director of Development Services

Date: 13th May, 2011

LIST OF BACKGROUND PAPERS

- 1. Approved Falkirk Structure Plan
- 2. Adopted Falkirk Council Local Plan
- 3. Falkirk Council's Supplementary Planning Guidance Note on "Housing Layout and Design"

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Gavin Clark, Assistant Planning Officer.

FALKIRK COUNCIL

Subject: ERECTION OF 6 DWELLINGHOUSES (RENEWAL OF PLANNING PERMISSION 05/1166/FUL), AT LAND TO THE NORTH OF 34 SEAFORTH ROAD, SEAFORTH ROAD, FALKIRK FOR MR GEORGE NEELY – P/11/0087/FUL

Meeting: PLANNING COMMITTEE

Date: 20 April 2011

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk North
Councillor David Alexander
Councillor Craig R. Martin
Councillor Cecil Meiklejohn
Provost Pat Reid

Community Council: Langlees, Bainsford and New Carron

Case Officer: Gavin Clark, (Assistant Planning Officer) Ext. 4704

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks permission for the erection of 6 terraced dwellinghouses on a vacant site. The application is for the renewal of previous permission Ref: 05/1066/FUL
- 1.2 The application site is located next to an existing shop unit, and is surrounded by dwellinghouses on all other sides. Parking facilities would be accessed from the private road to the rear of the site and the proposed dwellings would front onto Seaforth Road.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called to Committee by Councillor Cecil Meiklejohn and Councillor Craig R Martin.

3. SITE HISTORY

- 3.1 Planning application 05/1066/FUL was granted detailed planning permission on 21 February 2006 for the erection of 6 dwellinghouses on the same site. This current application was validated on 18 February 2011 and as such the application should be assessed as being for a renewal of planning permission.
- 3.2 Planning application F/95/0094 was granted detailed planning permission on 21 December 1995 for the erection of two flatted dwellings.

- 3.3 Planning application F/97/0927/FUL for the erection of 12 flatted dwellings was withdrawn on 12 May 1998.
- 3.4 Planning application F/99/0369/FUL was granted detailed planning permission for partial demolition of building on 23 July 1999.

4. CONSULTATIONS

- 4.1 The Roads Development Unit advises of conditions relating to parking provision and have provided advice in relation to drainage.
- 4.2 Scottish Water have no objection to the application, but have advised that a separate drainage system will be required for the development. A condition has been added to the planning consent in this regard.
- 4.3 Education Services have no objection to the proposal.
- 4.4 The Transport Planning Unit have no objection to the proposal.
- 4.5 No response has been received from Central Scotland Police.
- 4.6 The Environmental Health Unit have requested a condition in relation to contaminated land due to the presence of a former industrial factory, made ground and potentially other contaminative activities within 250m of the site.

5. COMMUNITY COUNCIL

- 5.1 Langlees, Bainsford and New Carron Community Council have not made representation.

6. PUBLIC REPRESENTATION

- 6.1 No letters of representation have been received.

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 There are no policies relevant to the proposal in the Structure Plan.

Falkirk Council Local Plan

7a.2 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.”*

7a.3 The proposal is considered to be compatible with the uses in the surrounding area, is considered to have good transportation links and good capacity levels to local infrastructure. There are also no conflicts with other local plan policies. It is considered that the application accords with Policy SC2 of the Falkirk Council Local Plan.

7a.4 Policy SC8 ‘Infill Development and Subdivision of Plots’ states:

“Proposals for the erection of additional dwellinghouses within the curtilage of existing properties or on small gap sites will only be considered favourably where:

- (1) the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;*
- (2) adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or functioning of existing gardens;*
- (3) adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- (4) the proposal would not result in the loss of features such as trees, vegetation or walls, such that the character or amenity of the area would be adversely affected;*
- (5) the proposed vehicular access and other infrastructure is of an adequate standard; and*
- (6) the proposal complies with other Local Plan policies.”*

- 7a.5 The scale, density, disposition and design of the proposed dwellinghouses is considered to respect the character of the surrounding area. Adequate garden ground would be provided to each property, and adequate privacy would be afforded to the proposed dwellings and those in the surrounding area. The amenity of the area would not be adversely affected and adequate parking provision would be provided. There are no conflicts with other local plan policies. Consequently, it is considered that the application accords with Policy SC8 of the Falkirk Council Local Plan.

7b Material Considerations

Falkirk Council Supplementary Planning Guidance Note

- 7b.1 The proposal accords with Falkirk Council's Supplementary Planning Guidance Note on "Housing Layout and Design". There is considered to be a harmonious fit of "new" with existing, as there are a number of terraced and semi-detached dwellings in the surrounding area. The height, scale and design of the terraced dwellings is also considered to be acceptable.

Responses to Consultation

- 7b.2 The Roads Development Unit have raised no objections to the planning permission being renewed subject to conditions in respect of parking and drainage.
- 7b.3 Scottish Water has raised no objections to planning permission being renewed. The developer will however require separate approval from Scottish Water to connect to their infrastructure .
- 7b.4 Other matters raised by consultations can be addressed by planning conditions.

7c Conclusion

- 7c.1 The proposal has been assessed as being in accordance with the Development Plan and Supplementary Planning Guidance. The points raised through consultation are addressed elsewhere in this report. Accordingly, the application is recommended for approval.

8. RECOMMENDATION

- 8.1 It is therefore recommended that 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) Samples of all external materials to be used in the development 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.
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Director of Development Services

Date: 12 April 2011

LIST OF BACKGROUND PAPERS

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2. Adopted Falkirk Council Local Plan
3. Falkirk Council's Supplementary Planning Guidance Note on "Housing Layout and Design"

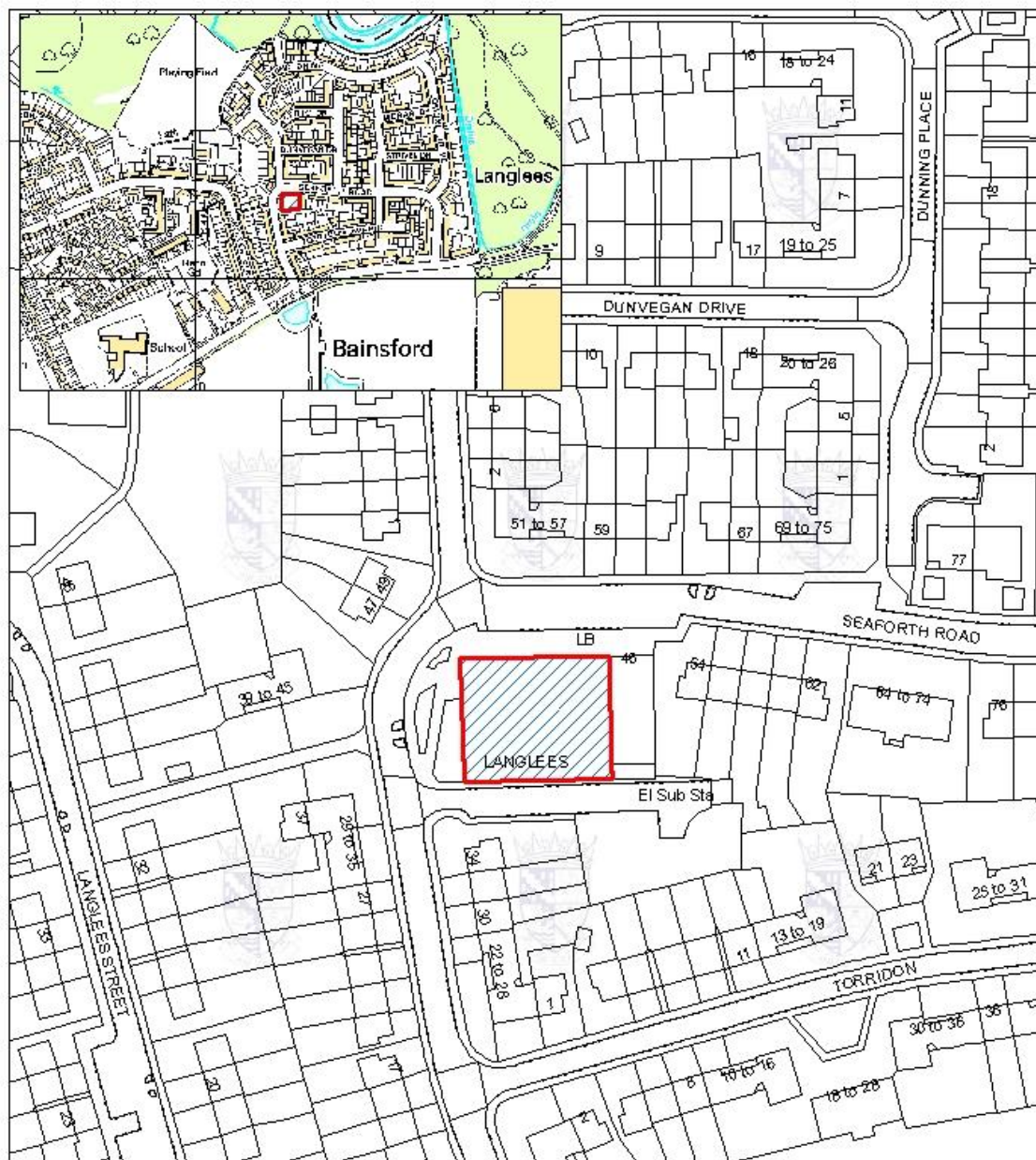
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Gavin Clark, Assistant Planning Officer.

Planning Committee

Planning Application Location Plan

P/11/0087/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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