

FALKIRK COUNCIL

Subject: **ERECTION OF 48 DWELLINGHOUSES AND ASSOCIATED
ENGINEERING OPERATIONS AT LAND TO THE EAST OF
AGRICULTURAL HOLDINGS NO 9, KILSYTH ROAD, HAGGS
FOR MANOR FORREST LIMITED - P/11/0191/MSC**

Meeting: **PLANNING COMMITTEE**
Date: **19 September 2012**
Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Denny and Banknock**
Councillor Jim Blackwood
Councillor Brian McCabe
Councillor John McNally
Councillor Martin Oliver

Community Council: **Banknock, Haggs and Longcroft**

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

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the Planning Committee on 22 August 2012 (copy of previous report appended), where it was agreed to continue the application for a site visit. This visit took place on 3 September 2012.
2. Following the case officer's introduction and a brief statement by the applicant's representative, a number of objectors were heard in opposition to the proposed development. Of the issues raised, road safety, drainage capacity and general principle of development instigated the most discussion during the meeting.
3. Falkirk Council's Roads representative confirmed that the proposal meets Falkirk Council design and parking standards and advised that the section of Cumbernauld Road affected by the development would be reduced to a 30 mph speed limit should development go ahead. Clarification was also given that visitor parking bays would be formed within the site boundaries and would not result in a narrowing of Cumbernauld Road. A new 2 metre wide adopted footpath is also proposed along the site frontage with Cumbernauld Road. A number of residents raised concerns regarding the safety of the existing junction between Cumbernauld Road and the A803. Falkirk Council's Roads representative reiterated that the proposed development is not likely to have an adverse impact on the functioning of this junction.

4. The issue of drainage capacity was discussed at length, with concerns raised by objectors, Committee Members and local elected Members in regard to this. It was apparent on site that there may have been some confusion over what the proposed drainage strategy is for the site. By way of clarification, it is confirmed that the applicant is proposing separate systems to deal with foul and surface water drainage. Surface water run-off from the whole site is proposed to be collected and passed through a filter trench along the site frontage with Cumbernauld Road. It would then be attenuated in an underground storage tank at the south-west corner of the site. This tank is designed to have capacity to attenuate all surface water run-off from the site during 1:200 year storm events, with the water then being discharged to a nearby watercourse at a controlled rate. No surface water run-off from the site is proposed to be discharged into the existing sewerage network. The foul sewage from the site is intended to be connected into the existing sewerage network. Scottish Water have advised that they have no objections to this proposal but advised that the applicant should contact them directly to secure consent to connect to their infrastructure. The applicant has been in contact with Scottish Water throughout the design process, and Scottish Water have confirmed in writing that there is sufficient capacity within the existing drainage network to serve the application site on the basis of the development currently proposed. Development Management have also written to Scottish Water under separate cover following Committee's request for further information relating to general investment in sewage infrastructure in the vicinity of the site. At the time of writing this report no response has been received, a verbal update on this issue will be given to Committee on 19 September 2012.
5. A number of questions were raised in reference to the principle of developing the site. For clarification, the application site is allocated for housing in the Falkirk Council Local Plan and benefits from planning permission in principle (P/10/0064/PPP). The principle of developing the site for housing is therefore established.
6. In addition to the discussions outlined above, some objectors raised concerns relating to the adverse impact on biodiversity resulting from the removal of the existing hedgerow along the Cumbernauld Road frontage of the site. It is recognised that the removal of these trees and bushes will undoubtedly affect existing wildlife habitats, however no evidence has been produced to suggest that any protected species will be adversely affected. The site is allocated for development in the Development Plan and has planning permission in principle for residential development. The proposed layout also proposes a large area of woodland planting positioned on the slope behind the proposed houses fronting onto Cumbernauld Road. It is considered that this large area of woodland will more than compensate for the loss of habitat resulting from the removal of the boundary hedging.
7. Since Committee met on site the applicant has submitted a letter in support of the application outlining the impact that the economic downturn has had on developments of this nature. Reference is drawn to initial plans for the site to be developed for around 25 medium to large family homes which reflected the buoyant market of years gone by. The current application for 48 units reflects market analysis for this locale which highlights the demand for smaller more affordable homes such as those proposed. The supporting letter goes on to state that the site would be the first new build development site within the village of Hags for a number of years and would create up to 42 jobs within the locale. Once complete the development would generate circa £70,000 of Council Tax revenue per annum.
8. One further letter of representation has been submitted in objection to the proposal from a local resident who spoke during the site visit. The letter raises issues relating to the principle of development, wildlife, extra traffic/road safety, sewerage capacity and overdevelopment of the site. This representation does not raise any new issues which have not already been considered during the assessment of this application.

9. RECOMMENDATION

9.1 It is therefore recommended that Committee grant Matters Specified in Conditions subject to the following conditions:-

1.
 - (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.
2. Throughout the development, acoustic glazing with a specification of 6/12/6 or acoustic equivalent ensuring that the internal noise levels with the windows closed do not exceed 45dB daytime and 35dB night-time, when measured as LAeq,T, and permanent ventilation shall be provided in order that windows can be kept closed without loss of ventilation.
3. 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 as well as a biodiversity management plan covering the landscape embankment.

Reason(s):-

1. To ensure the ground is suitable for the proposed development.
2. To ensure that the occupants of the properties are safeguarded against excessive noise intrusion from transportation.

3. To safeguard the environmental amenity of the area whilst promoting biodiversity.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A - 10A, 19C, 20A - 27A, 28 and 29.

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Director of Development Services

Date: 12 September, 2012

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan.
2. Letter of objection from Richard Greenaway, 8 Longcroft Holdings, Cumbernauld Road, Longcroft, Bonnybridge, FK4 1SZ, received on 13 April 2011.
3. Letter of objection from Owner/Occupier, 71 Castlevie Terrace, Haggs, Bonnybridge, FK4 1HS, received on 13 April 2011.
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28. Letter of objection from Karen Houston, 9 Guthrie Crescent, Larbert, FK5 4GE, received on 21 April 2011.
29. Letter of objection from Mrs Elizabeth Crosbie, Glenetive, 2 Kilsyth Road, Bonnybridge, FK4 1QB, received on 21 April 2011.
30. Letter of objection from Mrs Schuit, 14 Cumbernauld Road, Longcroft, Bonnybridge, FK4 1QJ received on 7 September 2012.

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

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FOR MANOR FORREST LIMITED - P/11/0191/MSC

Meeting: PLANNING COMMITTEE
Date: 22 August 2012
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock
Councillor Jim Blackwood
Councillor Brian McCabe
Councillor John McNally
Councillor Martin Oliver

Community Council: Banknock, Haggs and Longcroft

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application proposes the approval of matters specified in conditions for the erection of 48 dwellinghouses on a site previously granted planning permission in principle reference P/10/0064/PPP. The site is located to the west of Falkirk on the southern side of Kilsyth Road, Haggs.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called to Committee by Councillor Jim Blackwood.

3. SITE HISTORY

- 3.1 Previous application P/10/0064/PPP was granted planning permission in principle on 30 September 2010. There is a planning obligation in place under section 75 of the Town and Country Planning (Scotland) Act. The obligation requires the developer to pay a financial contribution of £1,800 per unit to the Council towards slip road upgrades on the A80/M80 and education provision.

4. CONSULTATIONS

- 4.1 Scottish Water have no objection to the proposal.

- 4.2 The Environmental Protection Unit have no objection but conditions relating to acoustic glazing and a contaminated land survey have been requested.
- 4.3 The Roads Development Unit have no objections. Amendments were requested to the parking arrangements for Cumbernauld Road and for the drainage arrangements. These amendments have been made and the proposal is now judged by the Roads Development Unit to be acceptable.
- 4.4 The Transport Planning Unit have no objection to the proposal.
- 4.5 The Scottish Environment Protection Agency have no objection to the proposal.

5. COMMUNITY COUNCIL

- 5.1 Banknock, Haggs and Longcroft Community Council have not commented on the proposal.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 28 letters of objection were received. The salient issues are summarised below:

- Overshadowing and privacy issues;
- Number of houses is above local plan allocation;
- Impact on local services and schools;
- Roads safety concerns;
- Impact on wildlife by removing hedgerows;
- Insufficient sewage infrastructure;
- Principle of development and erosion of buffer between Longcroft and Haggs;
- Loss of a view;
- Noise and dust problems 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 There are no policies relevant to the proposal contained in the Structure Plan.

Falkirk Council Local Plan

7a.2 Policy EQ3 ‘Townscape Design’ states:

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

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

7a.3 The proposed siting, layout and density of the new development proposed is considered to be acceptable with housing frontages to Kilsyth Road and Cumbernauld Road being achieved on a difficult site. The scale and design of new buildings on the site are considered to be appropriate for the surrounding area.

7a.4 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.”*

7a.5 The indicative site capacity indicated in the Falkirk Council Local Plan is 25 units. The overall density of development (48 houses) is higher than that identified in the Local Plan however this is considered appropriate due to the benefits in design terms that direct street frontages to Cumbernauld and Kilsyth Roads bring to the site. Adequate private amenity space and privacy levels are achieved whilst also achieving off street parking standards. The site topography and location sandwiched between Cumbernauld and Kilsyth Roads lends itself well to dual frontage. The sizing of plots and units proposed is in keeping with modern housing elsewhere in the district. The site is considered to be appropriate for the density of development proposed.

7a.6 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."*

7a.7 The proposal includes a large area of passive open space shown to be planted up as woodland and also includes a small toddlers play area within the site. This small toddlers play area falls short of the suggested provision for active open space within the SPG however, as was considered during the assessment of the planning permission in principle application, financial contributions towards further off site play provision are not considered appropriate due to the busy main roads in the area and associated road safety concerns. The proposed toddler play provision at the site is considered an acceptable level of provision for the scale of development proposed in this instance.

7a.8 Policy ST11 - 'Sustainable Urban Drainage' states:

"Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation. A drainage strategy, as set out in PAN 61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment."

7a.9 The applicants have proposed a drainage scheme for the site to deal with surface water and foul sewage. This scheme has been assessed and is considered to be a workable solution.

7a.10 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the summary of terms of Planning Obligation Under Section 75 and representations received.

Summary of Terms of Planning Obligation Under Section 75.

7b.2 Through consideration of the previous application P/10/0064/PPP a legal agreement was put in place to secure financial contributions towards junction upgrade works at the A80/M80 slip road and education provision. This legal agreement would be relevant to the current application and the amount payable is linked to the number of houses on the site (totaling £1,800 per unit).

Representations Received

7b.3 The proposed design has been assessed and it is not considered that the proposal would result in an adverse impact on overshadowing or privacy levels across the site and to neighbouring properties. The right to a view is not a material planning consideration and the scale of development proposed is considered appropriate for the location.

7b.4 The number of houses proposed is above that identified in the Local Plan for the site. The plans submitted demonstrate that housing density levels and design are appropriate for this location and that adequate residential amenity levels can be achieved. The loss of a buffer area between settlements is noted. However, this is an issue relating to the principle of development on the site which has already been established by way of the previous consent on the site.

7b.5 The impact on local schools is noted and addressed through the associated legal agreement. Road safety concerns and sewerage/drainage arrangements have been assessed by the Roads Development Unit who are satisfied that the proposal meets all relevant standards.

7b.6 The removal of the hedgerows on the site would undoubtedly have an impact on wildlife in the short term. However, the provision of a large wooded area within the site is considered to mitigate any potential impacts and improve general biodiversity in the area.

7b.7 Impacts of construction work at the site in terms of noise or dust nuisance are not material planning considerations.

7c Conclusion

7c.1 The proposal is an acceptable form of development and accords with the terms of the Falkirk Council Local Plan. There are no material planning considerations that warrant a refusal of planning permission in this instance.

8. RECOMMENDATION

8.1 It is therefore recommended that Committee grant Matters Specified in Conditions subject to the following conditions:-

1. (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.
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Reason(s):-

1. To ensure the ground is suitable for the proposed development.
2. To ensure that the occupants of the properties are safeguarded against excessive noise intrusion from transportation.
3. To safeguard the environmental amenity of the area whilst promoting biodiversity.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A - 10A, 19C, 20A - 27A, 28 and 29.

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Director of Development Services

Date: 14 August 2012

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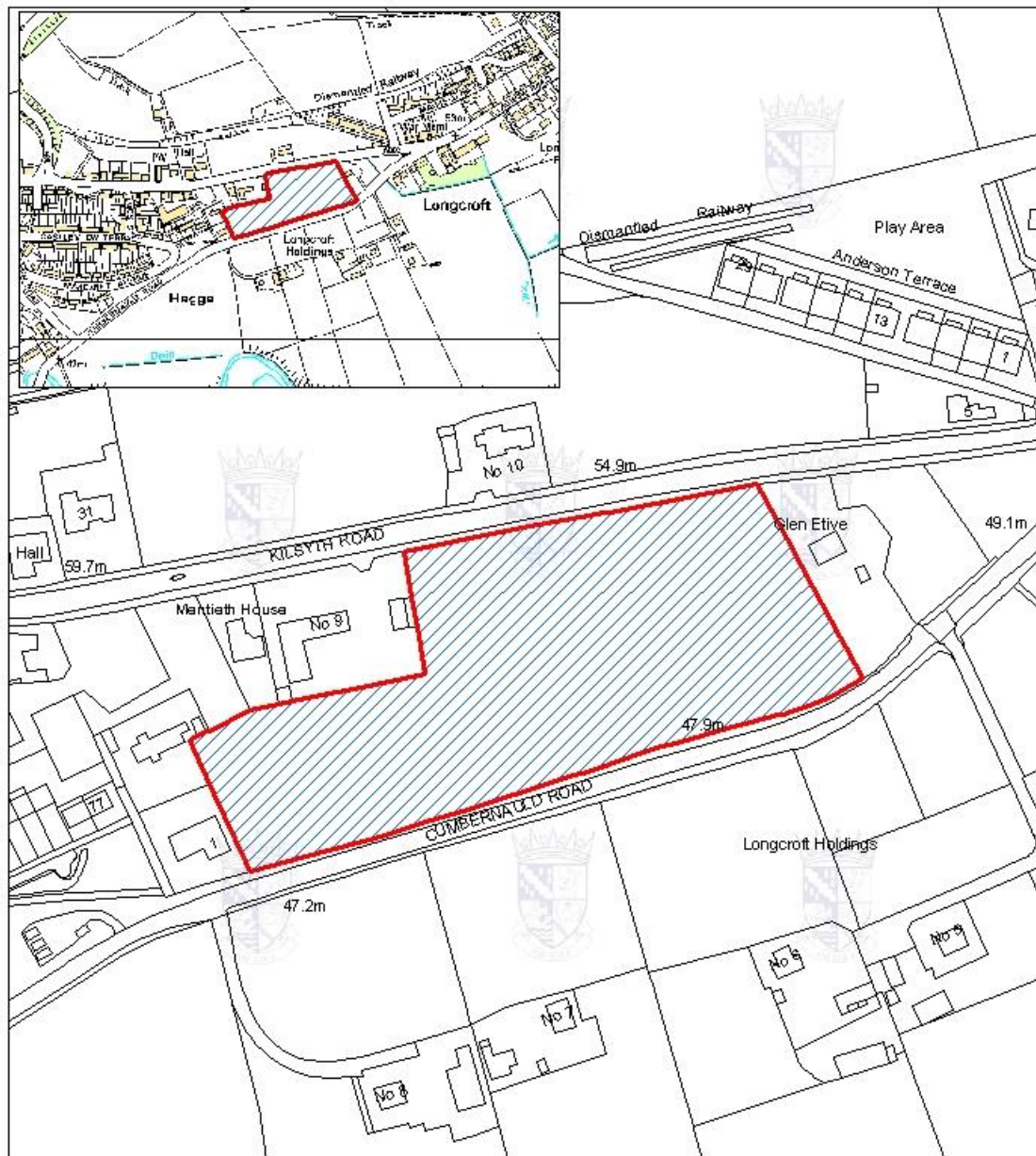
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan

P/11/0191/MSC

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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