

FALKIRK COUNCIL

Subject: **ERECTION OF 26 DWELLINGS COMPRISING FLATTED DWELLINGS, MAISONETTES AND TOWNHOUSES AT LAND TO THE SOUTH OF THE COTTAGES, GLENBURN ROAD, FALKIRK FOR PAGE-PARK ARCHITECTS - P/12/0322/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **28 November 2012**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Falkirk South**
Councillor Colin Chalmers
Councillor Dennis Goldie
Councillor Gerry Goldie
Councillor John Patrick

Community Council: **Falkirk South**

Case Officer: **Allan Finlayson (Senior Planning Officer), Ext: 4706**

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the Planning Committee on 31 October 2012 (copy of previous report appended), when it was agreed to continue the application for a site visit. This visit took place on 12 November 2012.
2. The case officer presented a factual summary of the application and the applicant's agent described the proposed development to Committee.
3. Objection to the proposed development was made by a resident adjacent to the site in respect of vehicular access position, bin store location, visitor parking and overlooking. Concerns in relation to access position and visitor parking were heard from another nearby resident.
4. Members of the Committee raised questions in relation to the potential for an alternative vehicular access position to be provided and the extent of Falkirk Council's ownership interest at the site.
5. Members sought assurance that a 'pend' providing pedestrian access into the site had been removed from the proposed design given concerns of potential anti-social gatherings in this area.

6. The case officer clarified that assessment of the application had been undertaken on the basis of the vehicular access position proposed by the applicant and that this was to the satisfaction of the Roads Development Unit of Falkirk Council. The case officer undertook, however, to discuss an alternative vehicular access position with the applicant's agent and the Roads Development and Transport Planning Units of Falkirk Council.
7. The case officer indicated to Committee the areas of Falkirk Council's land ownership interests at this site.
8. In response to Member questions in relation to the 'pend' access the case officer confirmed that the originally proposed 'pend' had been re-designed following expressions of concern by nearby residents at an earlier public consultation meeting held by the applicant. The applicant's agent has subsequently confirmed however that the 'pend' remains as proposed as it provides an important pedestrian access to the site. The internal arrangements of the site have been designed to 'police' this space by the positioning of house accesses and pedestrian usage of the area. Management mechanisms are in place within Loretto Housing Association to deal with any anti-social behavior. It is not considered that residents of Mudale Court will be aware of any anti-social behavior at this area, in the unlikely event that it would occur, given the distance of the 'pend' from existing housing.
9. Subsequent to the site visit the potential for an alternative vehicular access position has been evaluated. The Roads Development and Transport Planning Units of Falkirk Council have confirmed that a potentially acceptable vehicular access position could be provided at the west of the site frontage on Glenburn Road. The Roads Development Unit has noted however that the current access position is considered acceptable and that an alternative access would result in a further access being taken from Glenburn Road. Road Safety considerations generally favour fewer accesses onto the public road network.
10. The Transport Planning Unit has similarly advised that an alternative access position may be acceptable. They have advised however that this would result in the currently proposed footpath bend adjacent to the new access position and that this may result in conflict between pedestrian and vehicular traffic. In addition a revised access position would require the re-positioning of the existing bus shelter outwith the required junction visibility splay. This would result in the bus shelter being located further from both the site and the proposed link footpath to Hallglen.
11. The application's agent spent time after the site visit discussing the objections made by the resident of Mudale Court and has provided, upon request by the case officer, a detailed response to the remaining objections made. These confirm that no net loss of visitor parking would result from implementation of the development. It has also been confirmed that no overlooking would result from the proposed development as no windows other than ground floor windows are proposed and these are screened by proposed boundary treatment. Alternative bin store locations have been investigated but it is considered that these would be less acceptable than the position currently proposed. The current arrangement has been arrived at to address concerns of a number of residents in relation to previously proposed bin store arrangements.

12. The issues raised by Committee and in objections raised have been evaluated subsequent to the site visit. It is considered that the Roads Development and Transport Planning Units are satisfied with the access position proposed and that changing this to an alternative position may introduce associated issues of potential pedestrian safety and convenience. It is considered that the applicant's agent has provided a satisfactory explanation detailing that the proposed development has been developed following community consultation. The proposed development is considered to represent the well designed provision of 26 affordable housing units in the community.
13. It is considered that the issues raised by Committee and the objection raised on site have been satisfactorily addressed and would not change the recommendation to grant planning permission.

14. RECOMMENDATION

- 14.1 It is recommended that the Committee indicates that it is minded to grant planning permission subject to the conclusion of a Section 75 Planning Obligation to secure the financial contribution of £11,700 to address education capacity at St Mungos RC High School and that on completion of the Planning Obligation the matter be remitted to the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) Prior to the commencement of development details of the position for relocation of the existing Glenburn Road bus shelter shall be provided for the written approval of Falkirk Council as Planning Authority.
- (3) Prior to the occupation of the twentieth residential unit, the existing footpath along the full length of the western site boundary shall be upgraded to adoptable standard in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- (4) Prior to the occupation of the twentieth residential unit, an adoptable footpath, a minimum of two metres wide, shall be provided along the full frontage of the site adjacent to Glenburn Road in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- (5) i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.

- ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
 - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
 - iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- (6) Acoustic glazing with a specification of 6/12/6 or acoustic equivalent for protecting the occupiers of the proposed dwellings, with windows on the Glenburn Road frontage, from transportation noise shall be specified and installed to ensure that internal levels with the windows closed do not exceed 45dB daytime and 35dB night-time, when measured as Laeq.T, and permanent ventilation be provided in order that windows can be kept closed without loss of ventilation.

Reason(s):-

- (1) To accord with the provisions of Section 28 of the Town and Country Planning (Scotland) Act 1997.
- (2) In the interests of public transport and access.
- (3-4) In the interests of pedestrian access.
- (5) To ensure the site is made suitable for residential development.
- (6) To protect residents from transportation noise.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 02C, 03A, 04A, 05A, 06, 07A, 08A and 09.

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Director of Development Services

Date: 20 November 2012

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
4. Letter of objection received from Mr W Smith, 44 Tanera Court, Falkirk on 2 July 2012.

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

FALKIRK COUNCIL

Subject: ERECTION OF 26 DWELLINGS COMPRISING FLATTED DWELLINGS, MAISONETTES AND TOWNHOUSES AT LAND TO THE SOUTH OF THE COTTAGES, GLENBURN ROAD, FALKIRK FOR PAGE-PARK ARCHITECTS - P/12/0322/FUL

Meeting: PLANNING COMMITTEE

Date: 31 October 2012

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk South
Councillor Colin Chalmers
Councillor Dennis Goldie
Councillor Gerry Goldie
Councillor John Patrick

Community Council: Falkirk South

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

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The site of the application is an area of vacant land to the north of Glenburn Road, Hallglenn, Falkirk. The site was formerly occupied by the Cottages public house, now demolished.
- 1.2 The site is bounded to the north by housing, to the west by open space, to the south by countryside and to the east by housing in Mudale Court.
- 1.3 The site slopes gently from north to south to its lowest point along its boundary with Glenburn Road. A public path runs adjacent to the site from the north and connects to Glenburn Road.
- 1.4 The proposed development is for the erection of 26 residential units comprising 4 houses, 4 maisonettes and 18 flats. Access is proposed from Mudale Court with 29 car parking spaces provided within the site. New planting within the site is also proposed. Retention of the site connecting footpath would allow continued pedestrian access through the site to Glenburn Road and an existing bus stop.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires to be considered by the Planning Committee as Falkirk Council has an ownership interest in the site.

3. SITE HISTORY

- 3.1 Outline planning permission was granted for the development of land for housing purposes on the southern part of the site in November 1999 (ref: F/99/0557).
- 3.2 Planning permission was granted for residential development on the southern part of the site on 2 March 2005 (ref: F/2004/0858).
- 3.3 Planning permission was granted for the renewal of F/2004/0858 on 22 April 2010 (ref: P/10/0094/FUL).
- 3.4 Planning permission for the demolition of an existing public house and erection of 19 flatted dwellings was refused on 23 February 2006. A subsequent appeal against this decision was dismissed on 28 August 2006.

4. CONSULTATIONS

- 4.1 Education Services has no objection to the proposed development subject to the provision by the applicant of a financial contribution of £11,700 to mitigate the impact on education capacity at St Mungos RC High School which would result from the development. The applicant has agreed to this contribution.
- 4.2 The potential for impact on pre-school capacity has been considered by Education Services. 13 of the proposed 26 houses, are either one bedroom only or are intended for elderly occupants and not therefore included in calculations to determine potential impact on education capacity. Seeking contributions towards pre-school capacity improvements is not appropriate on the basis that the proposed number of residential units that may have an impact on pre-school capacity is less than the thresholds established in Falkirk Council's Education and New Housing Development Supplementary Planning Guidance Note (SPG).
- 4.3 The Roads Development Unit has no objection to the proposed development subject to minor layout specification changes, which could be addressed by planning condition and at the Road Construction Consent (RCC) stage if the development were to be approved. Drainage details have been confirmed to be satisfactory.
- 4.4 The Transport Planning Unit has no objection to the proposed development subject to conditions securing acceptable pedestrian links and potential bus shelter relocation.
- 4.5 The Environmental Protection Unit has no objections to the proposed development subject to the submission of a Contaminated Land Assessment and implementation of necessary ground improvement actions.
- 4.6 The site lies within the Coal Authority referral area. The Coal Authority has no objections to the proposed development subject to the provision of standing advice. A Coal Investigation Report has established that there are no known mining issues which would affect the proposed development.
- 4.7 Scottish Water has no objection to the proposed development and has confirmed network capacity existing to serve the proposed housing.

5. COMMUNITY COUNCIL

5.1 No comments have been received from the Community Council.

6. PUBLIC REPRESENTATION

6.1 One letter of objection has been received from a resident of Tanera Court which is approximately one kilometre from the site.

6.2 The grounds of objection relate to:

- Visitor parking arrangements
- Additional vehicular traffic
- Inadequate garden space
- Overlooking of existing housing
- Potential parking on Glenburn Road
- Drainage impact
- Potential impact on capacity of community infrastructure
- Building design and standards of 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.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.2 The development is in part an allocated housing site identified in the Falkirk Local Plan and no adverse impacts on community infrastructure have been identified. The proposal therefore accords with Policy COM.2.

7a.3 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.4 The application site lies adjacent to an area of active and passive open space. The proposal would not involve the loss of open space and accords with Policy COM.6.

Falkirk Council Local Plan

7a.5 The northern half of the application site lies within the established settlement area. There are no site specific policies or proposals relating to this part of the site. The following policies of the adopted Falkirk Council Local Plan apply:

7a.6 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, 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.7 The site lies within the urban limit. Half of the site is identified for housing with the remainder of the site vacated since the demolition of the Cottages Public House. The proposed housing use is compatible with and accessible to neighbouring uses. Proposed infrastructure is acceptable.

7a.8 The southern half of the application site is identified as an appropriate site for housing development by opportunity H.FAL09.

7a.9 Opportunity H.FAL09 states:

H.FAL09: Glenburn Road
Capacity: 11
Site Area: 0.18 hectares
Status: Detailed Planning Permission
Comments: Flatted Development on Infill Site

7a.10 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 a settlement and neighbourhood audit 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."*

7a.11 The development is proposed adjacent to an area of passive and active open space to the west. The application would not affect existing open space provision. The housing layout has been designed to maximise the use of this open space by future residents of the proposed housing.

7a.12 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.13 The proposed development has been appropriately designed in terms of density, massing and scale with regards to the townscape character of the surrounding area. No infrastructure impacts are apparent

7a.14 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."

7a.15 The proposed development would provide 26 affordable houses for rent. The proposed development therefore meets the requirements of Policy SC4.

7a.16 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed are the views of consultees and the submitted objection.

Views of Consultees

- 7b.2 The views of the Roads Development Unit, the Environmental Protection Unit and the Coal Authority have been accommodated in the submission of amended plans and supporting information.
- 7b.3 The requirements of Education Services for financial contribution to mitigate education impacts resulting from the development have been agreed by the applicant.

Submitted Objection

- 7b.4 The objection received from a resident of Tanera Court has been considered in assessment of the planning application. Concerns relating to traffic generation and impact on community infrastructure have not been shown to be issues of concern in consultation with relevant Units of Falkirk Council or external organisations.
- 7b.5 The location of the proposed development and physical orientation of houses is considered to be acceptable and would not adversely affect residential amenity by means of overlooking, overshadowing, privacy or in any other way.
- 7b.6 The proposed building design and garden space are considered to be appropriate in the context of the surrounding area. The standard of building construction is not a material planning consideration.

7c Conclusion

- 7c.1 The proposal represents an acceptable form of development which complies with the Development Plan. The proposal satisfactorily addresses the views of consultees. Concerns raised in the objection submitted have been satisfactorily assessed and have not been substantiated.

8. RECOMMENDATION

- 8.1 It is recommended that the Committee indicates that it is minded to grant planning permission subject to the conclusion of a Section 75 Planning Obligation to secure the financial contribution of £11,700 to address education capacity at St Mungos RC High School and that on completion of the Planning Obligation the matter be remitted to the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) Prior to the commencement of development details of the position for relocation of the existing Glenburn Road bus shelter shall be provided for the written approval of Falkirk Council as Planning Authority.

- (3) Prior to the occupation of the twentieth residential unit, the existing footpath along the full length of the western site boundary shall be upgraded to adoptable standard in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- (4) Prior to the occupation of the twentieth residential unit, an adoptable footpath, a minimum of two metres wide, shall be provided along the full frontage of the site adjacent to Glenburn Road in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.
- (5)
 - i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.
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 - iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
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Reason(s):-

- (1) To accord with the provisions of Section 28 of the Town and Country Planning (Scotland) Act 1997.
- (2) In the interests of public transport and access.

- (3-4) In the interests of pedestrian access.
- (5) To ensure the site is made suitable for residential development.
- (6) To protect residents from transportation noise.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 02C, 03A, 04A, 05A, 06, 07A, 08A and 09.

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Director of Development Services

Date: 23 October 2012

LIST OF BACKGROUND PAPERS

- 1. Falkirk Council Structure Plan.
- 2. Falkirk Council Local Plan.
- 4. Letter of objection received from Mr W Smith, 44 Tanera Court, Falkirk on 2 July 2012.

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/12/0322/FUL**

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

