

FALKIRK COUNCIL

Subject: **ERECTION OF NEW SOCIAL HOUSING CONSISTING OF 8 VILLAS AND 16 FLATS, ASSOCIATED ROADS, PARKING AND SUDS PROVISION AT LAND TO THE SOUTH OF GLENFUIR COURT SUMMERFORD, FALKIRK FOR FALKIRK COUNCIL - P/12/0827/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **27 February 2013**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

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

Community Council: **No Community Council**

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 public open space to the south of Glenfuir Court, a high rise block of flats at Summerford, Falkirk.
- 1.2 The site is bounded to the north by car parking for Glenfuir Court and open space, to the west by open space, to the south by open space (Summerford Park) and Summerford House Care Centre, and to the east by housing on Windsor Road.
- 1.3 The site slopes gently from north to south and mature planting exists to the south of the site adjacent to its boundary with Summerford Road. A public path runs through the site from Glenfuir Court and connects to Summerford Road. A public path exists on the western site boundary.
- 1.4 The proposed development is for the erection of 16 two bedroom flats (in 4 blocks) and 8, 3/4 bed terraced houses in 2 blocks. Access is proposed from Glenfuir Court with 32 car parking spaces provided within the site and 12 visitor car parking spaces proposed adjacent to the site. Retention of existing mature trees and new planting are also proposed. Retention of the western connecting footpath would allow continued pedestrian access.
- 1.5 The application is a re-submission of previously refused planning application reference P/12/0261/FUL. The application has been submitted with amendments designed to address the earlier reasons for refusal.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application is made by Falkirk Council and, under the Council's amended Scheme of Delegation, such applications require consideration by the Planning Committee.

3. SITE HISTORY

- 3.1 Planning permission for a similar proposal was refused at the meeting of the Planning Committee on 19 September 2012 and the decision letter was issued on 20 October 2012 (Ref: P/12/0261/FUL). The reasons for refusal were :-.

1. The proposed development has not fully demonstrated that no adverse impacts on road safety would result in respect of additional traffic generation and existing road safety concerns on Windsor Road adjacent to the site.
2. The proposed development has not fully demonstrated that the development would have no adverse impact on local flooding particularly with regard to the Summerford Burn to the south of the site.
3. The proposed development through loss of existing open space would have an adverse impact on the amenity of the local area and would therefore be contrary to Policy COM.6 'Open Space and Recreational Facilities' of the Falkirk Council Structure Plan, Policy SC12 - 'Urban Open Space' of the Falkirk Council Local Plan and Policy SC13 'Open Space and Play Provision in New Development' of the Falkirk Council Local Plan.

- 3.2 This application is a resubmission of the previous proposal, albeit amended in an attempt to address the reasons for refusal. The proposal now provides for the opportunity for open space improvements adjacent to the site and the payment of a financial contribution to mitigate loss of open space.

4. CONSULTATIONS

- 4.1 The Director of Education has no objection to the proposed development subject to the provision of a financial contribution of £21,600 to mitigate the impact on education capacity at St Mungo's High School which would result from the development.
- 4.2 The Roads Development Unit has no objections to the proposed development. Minor layout specification changes have been made in response to previous comments. Drainage details have been confirmed to be satisfactory.
- 4.3 The Environmental Protection Unit has no objections to the proposed development. A Contaminated Land Assessment has been submitted to accompany the planning application. Acoustic glazing is requested given the proximity of dwellinghouses to Windsor Road.
- 4.4 The Coal Authority has no objections to the proposed development. A coal investigation report has established no mining issues that would affect the proposed development.

- 4.5 Scottish Water has no objections to the proposed development. The applicant has secured permission to connect to existing infrastructure.

5. COMMUNITY COUNCIL

- 5.1 No Community Council active in this area.

6. PUBLIC REPRESENTATION

- 6.1 Fifteen letters of objection have been received from residents of the surrounding area.
- 6.2 The grounds of objection relate to the previous refusal of planning permission and the resubmission of the same proposal, the proximity of proposed flats to existing housing and the concerns of potential resultant impacts on privacy and residential amenity. In addition, concerns are expressed regarding the loss of open space and the traffic generation resulting from the development.

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 proposed development 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 proposal would involve the loss of open space. Assessment of this issue is detailed in consideration of Policy SC12 of the Falkirk Local Plan in paragraphs 7a.7-7a.12 of this report.

Falkirk Council Local Plan

7a.5 The application site lies within the established settlement area. There are no site specific policies or proposals. 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. Potential loss of open space is considered more fully in assessment against Policy SC12 later in this report. The proposed housing use is compatible and accessible with neighbouring uses. Proposed infrastructure is acceptable.

7a.8 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.9 The development is proposed on an area of passive open space. The proposed layout has been designed to ensure that the landscape character of the area would not be adversely affected. Mature trees to the south of the site are to be retained and the development would be framed by landscaping on all aspects other than Windsor Road, where direct street frontage is proposed to match the layout of existing housing in this area.

7a.10 The application would not affect open space existing to the north, west and south of the site. The open space to the south of the site is the regenerated Summerford Park, which has been remediated from an area of contaminated land to recreational use over the last 10 years. Active play provision exists within a short distance of the site to the west, at Carradale Avenue, in the form of a children's play area and a multi-use games area (MUGA).

7a.11 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.12 The location of active play facilities to the west of the site and recreational opportunities to the south of the site are considered to be sufficient to serve both existing and proposed housing. An assessment of open space has been undertaken. This has confirmed that if loss of open space were to be accepted, a financial contribution of £100,000 would be required to mitigate this loss and provide for open space improvements in the surrounding area. In addition, a sum of £29,280 to contribute to the improvement of off-site open space as a result of new housing would be required. The applicant has agreed to this contribution, totaling £129,280.

7a.13 In addition to the agreement to provide financial contribution to mitigate loss of open space the applicant proposes an area immediately adjacent to the western site boundary as a location for open space improvements. It is considered that this area could be used to provide open space improvements suitable for the residents of Glenfuir Court and the surrounding area.

7a.14 Policy EQ26 - 'Trees, Woodland And Hedgerows' states:

“The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:

- (1) *Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- (2) *In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
- (3) *Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*

- (4) *The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare a plan and make provision for its future management; and*
- (5) *There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character."*

7a.15 The proposed development has been designed so as to retain mature trees to the south and plant new trees to the west of the site in order to protect and improve landscape setting. The proposed arrangements are considered to be acceptable in consideration against Policy EQ26 subject to planning conditions required for the protection of existing trees during development.

7a.16 Policy EQ17 - 'Antonine Wall' states:

"The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:

- (1) *There will be a presumption against development which would have an adverse impact on the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' as defined on the Proposals Map;*
- (2) *There will be a presumption against development within the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is no conflict with other Local Plan policies; and*
- (3) *The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line, or within the setting, of the Antonine Wall."*

7a.17 The Antonine Wall World Heritage Site (WHS) lies approximately 50 metres to the north of the site. Given the urban character of the site, no adverse setting on the character of the Antonine Wall is considered to result. A condition requiring notification prior to commencement of works to allow the potential for archaeological investigation would, however, be appropriate given the site location.

7a.18 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are the views of consultees, the objections and comments submitted by residents of the surrounding area and Falkirk Council's Open Space Strategy as articulated in Supplementary Planning Guidance (SPG) Public Open Space, Falkirk Greenspace and New Development.

7b.2 The views of the Roads Development Unit, 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 to by the applicant.

- 7b.4 Objections and comments received from residents of the area have been considered in assessment of the planning application. Concerns relating to traffic generation, impact on community infrastructure and ground conditions 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 Concerns over the loss of open space are noted, however it is considered that if Committee were of a mind to grant planning permission, the contribution of £129,280 would compensate for its loss, in accordance with Development Plan Policy and Supplementary Planning Guidance.

7c Conclusion

- 7c.1 The proposal represents an acceptable form of development which complies with Development Plan policy. The proposal satisfactorily addresses the views of consultees. The concerns of surrounding residents with regard to loss of open space have been satisfactorily assessed and impacts on residential amenity are not substantiated.

8. RECOMMENDATION

- 8.1 It is recommended that the Committee grant planning permission subject to the following conditions:-
- (1) Unless otherwise agreed in writing with Falkirk Council as Planning Authority prior to the commencement of development, confirmation shall be provided of the arrangements for the provision and phasing of a financial contribution of £21,600 to be made to the Education Service of Falkirk Council to mitigate development impacts on education capacity in the catchment area of the application site and £129,280 to mitigate the loss of open space in the vicinity of the application site.
 - (2) Unless otherwise agreed in writing with Falkirk Council as Planning Authority, prior to the commencement of development details shall be provided of proposed open space improvements to the west of the site. Development shall not commence until approval of these details including for amendment as required.
 - (3) Development shall not commence until a period of 28 days notice of work starting on site has been provided to Falkirk Council's Keeper of Archaeology.

- (4) Development shall not commence until the following details of measures to protect trees on the site and provide additional planting and boundary enclosures have been submitted for the approval, including amendment as required, of the Planning Authority:
- (i) Details of all limbing and tree surgery proposals for all tree works demonstrating compliance with current British Standards;
 - (ii) A method statement for all areas where trenching for services is required within tree root protection areas and for vehicular access to the approved SUDs drainage pond and the construction of this access;
 - (iii) Details of all fence types and boundary treatments.
- (5) Development shall not commence until the temporary protection fencing detailed on the approved Tree Protection Plan has been erected on site. Protective fencing shall remain on site until the completion of all construction and engineering works.
- (6) No level changes, material storage, machinery access, fires or trenching (other than as detailed on the approved landscape plan) shall be located within the Root Protection Area detailed on the approved landscape plan.
- (7) Access to the Root Protection Area as detailed on the approved landscape plan shall only be for construction of the access track to the SUDs drainage pond and for trenching for drainage pipes at the positions shown on the approved landscape plan and shall be undertaken fully in accordance with the method statement required by condition 4 above.
- (8) No trees shall be removed or limbed other than as detailed on the approved landscape plan unless otherwise agreed in writing with the Planning Authority.
- (9) Acoustic glazing with a specification of 6/12/6 or equivalent shall be used in approved fenestration to achieve internal noise levels of 45dB daytime and 35dB night time when measured as LAqT.

Reason(s):-

- (1) To ensure education capacity is unaffected and open space loss is mitigated.
- (2) To provide acceptable mitigation of open space loss.
- (3) To allow for the opportunity to carry out archaeological survey of the site.
- (4-8) To ensure the protection of existing trees to be retained on site.
- (9) To protect residents from transportation noise.

Informative(s):-

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.**
- (2) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03, 04A, 05-25.**

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Director of Development Services

Date: 19 February 2013

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Council Supplementary Planning Guidance : Public Open Space, Falkirk Greenspace and New Development.
4. Letter of objection from Harley & Anne Marshall, 218 Windsor Road, Falkirk FK1 5DR on 10 January 2013.
5. Letter of objection from Mr Christopher Gibb, 222 Windsor Road, Falkirk Fk1 5DR on 27 December 2012.
6. Letter of objection from Harley and Anne Marshall, 218 Windsor Road, Falkirk FK1 5DR on 4 January 2013.
7. Letter of objection from Mrs Patricia Farrell, 220 Windsor Road, Falkirk FK15DR on 8 January 2013.
8. Letter of objection from Mr George Reid, 210 Windsor Road, Falkirk FK1 5DR on 9 January 2013.
9. Letter of objection from Lucinda Irvine. 208 Windsor Road, Falkirk FK1 5DR on 8 January 2013.
10. Letter of representation from Lynda Luke, 206 Windsor Road, Falkirk FK1 5DR on 29 January 2013.
11. Letter of objection from Mrs ML Grant, 212 Windsor Road, Falkirk FK1 5DR on 7 January 2013.
12. Letter of objection from Mrs S Connor, 216 Windsor Road, Falkirk FK1 5DR on 8 January 2013.
13. Letter of objection from Mr George Smith, 2-2 Glenfuir Court, Windsor Road, Falkirk FK1 5DU on 14 January 2013.
14. Letter of objection from Mr Edward Harrington, 214 Windsor Road, Falkirk FK1 5DR on 31 December 2012.
15. Letter of objection from Mr William Farrell, 220 Windsor Road, Falkirk FK1 5DR on 8 January 2013.
16. Letter of objection from Mr Derek Wright, 4 Summerford Road, Falkirk FK1 5DJ on 3 February 2013.

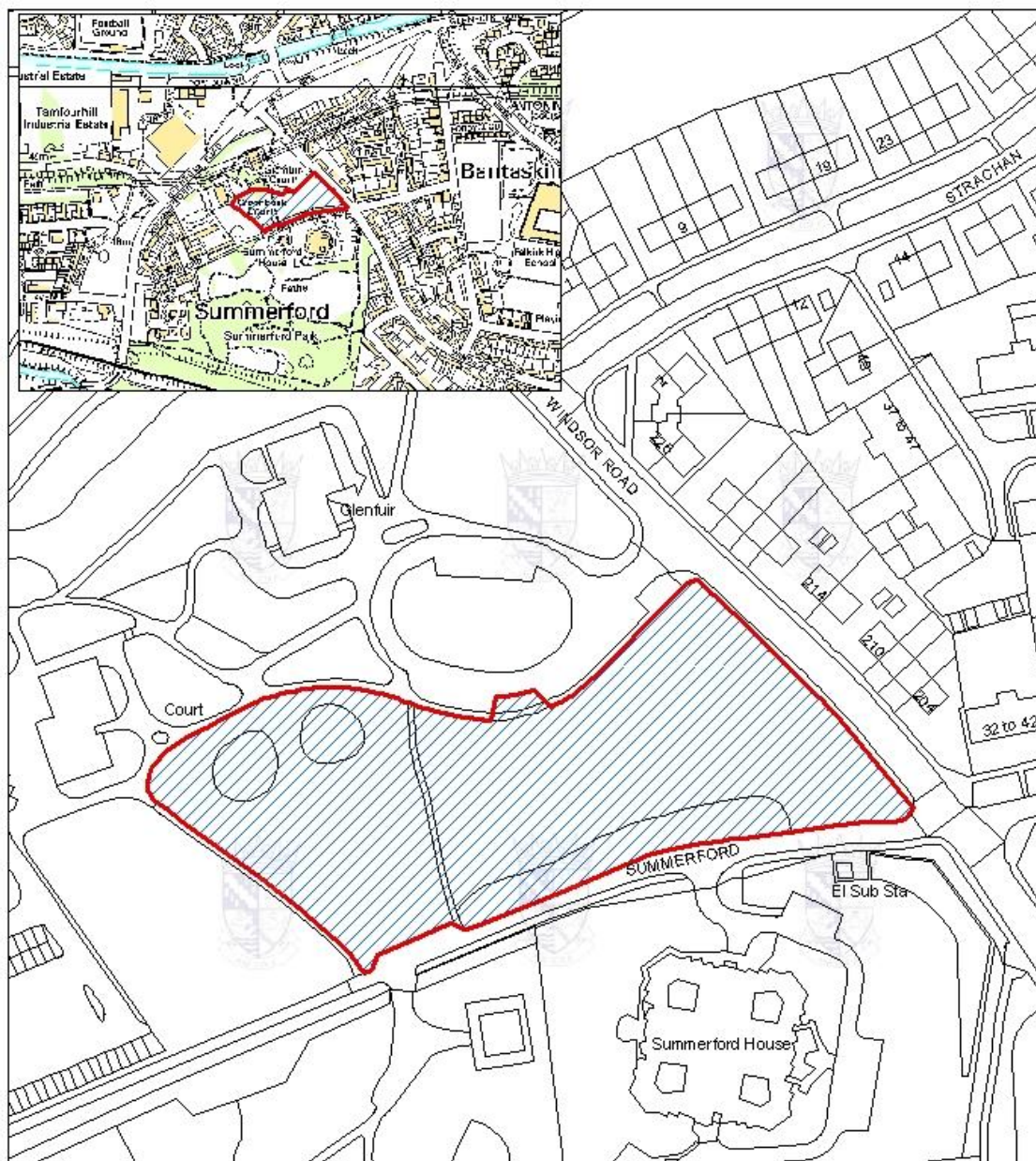
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/12/0827/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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