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Report to Planning Committee: 18 March 2010

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**Subject: Planning Application 10/00019/FULL – Erection of 39 No. Houses With Associated Roads, Footpaths, Drainage and Landscaping at Playing Pitch and Open Space and Former Builders Yard, Keilarsbrae, Sauchie, Clackmannanshire - Report of Handling**

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**Applicant: Ochilview Housing Association, Ochil House, Marshill, Alloa, FK10 1AB.**

**Agent: Machin Associates, 30 Ludgate, Alloa, FK10 1DS**

**Prepared by: Grant Baxter, Principal Planner**

**Electoral Ward: Clackmannanshire Central**

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## **1.0 Purpose**

- 1.1. This is a report of the handling of the above noted planning application, submitted to Clackmannanshire Council on 27 January 2010. The report assesses the application proposals in the context of the Clackmannanshire Development Plan, and other material considerations, including consultation responses, representations and the Finalised Alteration to the Clackmannanshire Local Plan. The report makes a recommendation to Committee based on this assessment.
- 1.2. The Council has an interest in the planning application, as owner of part of the application site, and this is the reason for the application being reported to Committee for a decision.

## **2.0 Recommendations**

- 2.1. The application is recommended for **approval** subject to the following conditions:-
  1. Before any works commence on site, plans shall be submitted showing existing and finalised proposed ground levels and finished floor levels of all proposed buildings, set against a fixed datum point marked on or adjacent to the site. The development shall then be completed in accordance with such approved levels, unless otherwise approved in writing by the Council.

2. Before any work starts on site, a demolition, ground works and construction traffic management plan shall have been submitted to and approved in writing by the Council. It shall include:-

- a) All road and pedestrian safety measures within and adjacent to the site, including carriageway work, signing, traffic control measures and supervision.
- b) Internal site servicing and construction vehicle/site personnel parking.
- c) Measures to control noise and dust from demolition/construction activity causing nuisance to surrounding residents.
- d) Phasing of all elements of demolition/ground works and construction.
- e) Formation of any temporary works on the existing private roads adjacent to the site.

Once approved, the demolition, ground works and construction shall be carried out in accordance with the approved plan unless otherwise approved in writing by the Council.

3. Before any works commence on site, the following additional details shall have been submitted to and approved in writing by the Council:

- a) Finalised design details of proposed communal open space, including proposed levels, landscaping, boundary hedging, informal play facilities and remote footpaths.
- b) Shared surface road design serving Plots 10-39.
- c) Finalised details of the design, surface finish, edging of the two shared surface square features in the road layout.
- d) Details of the scope to enlarge and enhance the western-most shared surface square feature.
- e) Finalised arrangements for the layout, arrangement and orientation of Plots 1-5.
- f) Proposals for the provision of public art within or adjacent to the site.
- g) Details of the enhancement of the remaining section of private road serving 72-78 Keilarsbrae, Sauchie.

Once approved, the proposed development shall be completed in accordance with such approved details.

4. Before any work starts on site, samples of all external finishing materials shall have been submitted to and approved in writing by the Council, and shall include:

- a) Samples of all external building materials, including roof cladding, window colour, render, brick and timber cladding.

- b) Samples of road, footpath, shared surface and parking area surface materials.
- c) Front, side and rear boundary enclosure to all house plots.

Thereafter the site shall be developed in accordance with such approved details.

5. Before any work starts on site, details of a scheme for the discharge of surface water from roads, footpaths, gardens and roofs shall have been submitted to and approved in writing by the Council. Thereafter, the scheme shall be implemented in accordance with the approved details. The scheme shall be designed in accordance with the principles set out in the "Sustainable Urban Drainage Systems, Design Manual for Scotland and Northern Ireland".

6. The site's over-land surface water flow path shall be designed to ensure that there will be no flooding to any existing or proposed properties from a 1 in 200 year return period event (i.e. a 0.5% probability of occurrence in any one year).

7. Construction work within the site, and the associated operation of vehicles and machinery shall only take place between the hours of 0800-1800 hours Monday to Friday, 0800-1300 hours on Saturdays and at no time on Sundays or Local Bank Holidays.

8. Before any works (including demolition) commence on site, protective fencing shall have been erected around all trees to be retained as part of this development, as identified on the Tree Survey by Alan Motion, dated 18/02/2010, in accordance with BS 5837 (2005). The fencing shall be inspected by a representative of the Council once erected and prior to commencement of works, and shall remain in place for the duration of the demolition and construction work.

9. Before any works commence on site, a scheme of landscaping shall have been submitted to and approved in writing by the Council. It shall include:-

- a) The type, number and location of proposed trees and shrubs, including new indigenous tree and beech hedge planting in open space.
- b) Details of landscaping/planting/boundary enclosure in front gardens of house plots.
- c) Timescale for phased implementation.
- d) Arrangements for future maintenance, both prior to site completion and following the completion of development.

The landscaping shall thereafter be implemented in accordance with the approved details, specification, timescale(s) and maintenance.

10. Prior to the transfer of any communal land within the development (or adjoining woodland) to the Council or a private factor, the developer shall make arrangements for inspection by the Council of all such areas. No communal land shall be transferred to the Council or a private factor until the Council has confirmed in writing that such areas have been completed in accordance with approved plans and details, following such an inspection.

11. Before any works commence on the site, an appropriate contamination investigation/risk assessment shall have been submitted to and approved in writing by the Council. This assessment shall be carried out by a competent consultancy in accordance with relevant guidelines to determine the nature, extent and potential impacts of any contamination associated with the previous use of the site. Thereafter, the development shall be carried out in accordance with such approved details.

12. Before any works commence on site, the Council will have approved details of compensatory recreational facilities, in lieu of the existing pitch on the site.

For the following reasons:

1. In the interests of visual amenity and local environmental quality.
2. In the interests of residential amenity and road safety.
3. In the interests of visual amenity and local environmental quality.
4. In the interests of visual amenity and local environmental quality.
5. In the interests of residential amenity.
6. In the interests of residential amenity.
7. In the interests of residential amenity.
8. In order to ensure adequate protection of trees to be retained.
9. In the interests of visual amenity.
10. In order to ensure satisfactory completion and future maintenance of open space.
11. In the interests of residential amenity and local environmental quality.
12. In order to ensure the provision of adequate recreational facilities within the vicinity of the site, to compensate for that which would be removed as a result of the proposed development.

## 2.2 Reasons for Decision

1. The proposals involve redevelopment of a vacant and derelict brownfield site.
2. The proposals involve development of affordable housing on the former builder's yard, which is identified for housing in the adopted Local Plan.
3. The proposals enable the provision of compensatory recreational facilities in lieu of the kick about pitch on the site.
4. The proposals involve a high quality of development design and layout that take account of new Government policies on residential developments and will enhance the site and surroundings.
5. The proposals therefore comply with the Council's adopted Development Plan and there are no material considerations that would indicate that the application should not be approved.
6. The Finalised Alteration to the Local Plan proposes the whole site for housing development and is therefore a significant material consideration in support of the application.

## 2.3 Section 75 Obligations

None.

## 3.0 **Background to the Proposals**

- 3.1. The site extends to 1.279Ha and can be split into two distinct parts. One is the former Todds Yard, a derelict builder's yard on level ground in the eastern portion of the site, fenced off and containing an industrial building. The other is the western portion of the site, and is grassed open space containing a small kick about pitch adjoining Todds Yard, and more sloping ground towards the Keilarsbrae frontage.
- 3.2. The site adjoins woodland to the east and southeast, agricultural land to the north, a detached house, known as Keilarsbrae House to the southwest, and a section of private road to the west and northwest, on the opposite side of which lie more houses.
- 3.3. The whole site is shown as lying in the settlement of Sauchie in the Clackmannanshire Local Plan, 2004, and the former builder's yard is also identified for housing development under Policy H35. The Finalised First Alteration (Housing Land) to the Clackmannanshire Local Plan, 2009 now identifies the whole planning application site as Policy H21, for housing development.
- 3.4. Members will recall that the Council has already granted planning permission for the formation of an access road on the site to serve housing development in the former yard (Planning Permission 05/00095/FULL, Approved 5 August 2008).

- 3.5. The current application by Ochilview Housing Association proposes 39No. houses, including a mix of two storey semi-detached and four in a block houses and detached accessible needs bungalows, served off a new cul-de-sac from Keilarsbrae. The application also proposes open space adjoining the Keilarsbrae frontage to the site and enhancement to an existing section of private road serving adjacent houses.
- 3.6. The proposals have been subject to pre-application consultation with Development Services, which has resulted in significant changes in the proposals including a net reduction in the number of units proposed, increased open space and a more innovative road layout.

#### **4.0 Consultations**

- 4.1. Roads and Transportation: Pre-application advice advocates a design reflecting new and emerging Government guidance on designing streets. No objections to the application, but some detailed design changes are required. A statement should be submitted to assess potential flood risk to the site and adjoining developments. In response to comments from objectors, Roads have further advised that the existing road network surrounding the site can accommodate the traffic associated with the proposed development with no change to road safety standards. *Comment: The proposed layout has been designed to reflect officers' advice and Government policy on designing streets. A flood report from an engineer has been submitted which indicates that flood risk to the site and adjacent properties would not be aggravated by the proposed development, and final details of the surface water run-off control scheme can be dealt with by conditions.*
- 4.2. Land Services: The proposals will result in the loss of a kick about pitch which Land Services object to. There is inadequate play provision to serve the proposed 39 houses within the site. A tree survey and landscape design should be required. *Comment: Issues regarding open space and play provision are addressed in Section 6 of this report. A tree survey has now been submitted, showing that of the 13No. trees in the site. The report recommends that four of these require to be felled for health or safety reasons, whilst five require to be felled to accommodate the development and the remainder can be retained. None of the trees are in the highest "A" category that would normally indicate trees that should be retained, and all are in either fair or poor condition. The proposals offer an opportunity for a high quality landscape scheme including new tree and hedge planting.*
- 4.3. Environmental Health: No objections. Proposed restriction on hours of demolition/construction. The site may contain asbestos and Japanese knotweed, and appropriate measures require to be taken to deal with this. The applicant's Phase One Risk Assessment findings are agreed. The next stage of Risk Assessment should be undertaken if approval is granted. Gas Risk Assessment will also require to be undertaken. *Comment: Planning conditions can be used to ensure these issues are dealt with properly, in consultation with the Council's Environmental Services.*

- 4.4. Housing Services: No objections; fully support new affordable housing and the mix proposed.
- 4.5. Central Scotland Police, Architectural Liaison Officer: No objections; the area has suffered from high levels of anti-social behaviour in the past, and contact has been made with the developer regarding Secure by Design Accreditation. Traffic issues should be considered. *Comment: Traffic issues are addressed under Roads' consultation section above.*
- 4.6. Scottish Water: No objections. The developer will require to submit a Development Impact Assessment. SUDs will be required for surface water.

## 5.0 Representations

- 5.1. A total of 20 neighbouring properties were notified of the application and a Neighbour Notification advertisement was placed in the local press on 4 February 2010. In response 10 No. representations have been received from the parties listed in Appendix 1 to this report. The key planning issues raised in these representations are as set out below:
- 5.2. Query over neighbour notification. *Comment: Neighbour notification has been carried out in accordance with the Planning Regulations, and also an advert placed in the local press.*
- 5.3. Loss of open space and play pitch and lack of play provision for residents of new houses. *Comment: Issues of open space/play provision are dealt with in detail under paragraphs 6.7 to 6.12 of this report. It is concluded that the development of the site will enable new off-site facilities to compensate for the loss of a kick about pitch, and also that amenity open space and informal play provision can be accommodated within the site to meet the needs of the new households.*
- 5.4. Increased density of development over that initially proposed/Over-development of site. *Comment: Issues of density are addressed under paragraphs 6.13 to 6.15 of this report, and it is concluded that the proposals involve an acceptable level of development density for the site, in accordance with the Development Plan.*
- 5.5. Detrimental impact on privacy and amenity of residents. *Comment: The site layout and house positions have been designed to respect privacy and amenity of residents of existing houses. The nearest house within the proposed development to existing houses would be some 18m away, with set back distances between existing and new houses typically over 30m. These distances comply with recommended standards in the Local Plan.*
- 5.6. Increased traffic on local roads. *Comment: The consultation response and additional comments provided by Roads indicate that the proposals are acceptable in road safety terms.*

- 5.7. Concern regarding disruption during construction. *Comment: If approved, a planning condition is recommended to ensure that site construction management, and hours of construction is properly controlled to minimise disruption to residents.*
- 5.8. Comment that site was previously deemed unsuitable for development due to ground conditions. *Comment: The developer proposes to deal with ground conditions in order to enable the development, including the grouting of former mine workings.*
- 5.9. Impact on trees on the site. *Comment: A tree survey has been submitted by an arboricultural consultant, and details of this are set out under the Land Services' consultation response above. Whilst some felling is required, no trees of significant value would be lost as a result of the development.*
- 5.10. Concern regarding surface water run-off and drainage. *Comment: Proposals of the methodology to deal with these issues have been submitted by an engineer, and planning conditions can be used to control final details of the scheme, which will be designed to safeguard adjoining properties.*
- 5.11. Support in principle as the development will resolve anti-social behaviour on the site.
- 5.12. Concern regarding accessing of development over a private road, and that the remaining private road should be upgraded. *Comments: These points are addressed under paragraphs 6.16 to 6.19 of this report.*
- 5.13. Communal land on the site should be maintained properly. *Comments: Under planning conditions, details of future land maintenance will require to be submitted by the developer.*

## **6.0 Planning Considerations**

### Provisions of the Development Plan

- 6.1. The application requires to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 6.2. The key issues in relation to the application are considered to be: Principle of the Development; Open Space and Play Provision; Density of the Development; Access and Traffic; Design and Amenity; Infrastructure and Site Construction.

### Principle of the Development

- 6.3. The builders' yard portion of the site is already allocated for housing in the adopted Local Plan. The remainder of the site is shown as "white land" in the settlement boundary but with no specific allocation. This land is also now allocated for housing development in the Finalised Local Plan Alteration, November 2009 following the approval of planning permission for an access road over it, to serve housing on the former yard.
- 6.4. The site is in an area of predominantly residential development, and the proposals will bring a vacant and derelict site back into use in a manner



compatible with its surroundings, and replace the active and passive recreational space. In addition the proposals would develop 39No. new affordable houses in the area, two of which would also be for particular needs. As such the proposals are considered to be acceptable in principle, and in accordance with the Development Plan.

#### Open Space and Play Provision

- 6.5. In deciding to allow the development of a road on the existing open space, at its meeting of 19 June 2008, the Council took account of the need to provide adequate compensatory facilities in the planning conditions imposed on that permission. The Council's decision to sell its land for development includes an undertaking to set aside £85,000 from the proceeds for the provision of compensatory recreational facilities. It is envisaged that these would involve enhanced facilities at Fairfield park, but, the final details will be subject to public local consultation. Whilst the Council decision would effectively address the planning condition previously imposed, it would be appropriate to condition any permission in this case in a similar manner, in order to ensure consistency of decision making on planning applications for the site.
- 6.6. Policy RES 10 of the Local Plan requires developments of this scale to provide a children's play area, a kick about pitch and amenity open space. Issues regarding kick about are commented on above, and the loss of the existing facility will be compensated for, should development proceed.
- 6.7. Nonetheless the proposals contain approximately 1500m<sup>2</sup> of amenity open space, which will be safe, useable, attractive and overlooked by existing and proposed houses to provide passive surveillance. This space is suitable for play and through careful design and suitable landscaping can provide this function, and also provide a significant visual enhancement to the setting of the site. A planning condition is proposed to control the detailed design of this area to maximise its amenity and recreational value for existing and new residents.
- 6.8. In addition, the site layout contains a new type of shared surface area which is designed to slow traffic and provide for safe play. This approach is as advocated by the Scottish Government in its new policy document Designing Streets.
- 6.9. It is therefore considered that the development will provide new recreational facilities in the local area and appropriate passive amenity and informal play space within the site, in accordance with the Development Plan.

#### Density of Development

- 6.10. The proposals contain a mix of house types. The overall development density is 30 units per hectare which is in keeping with surrounding area, other recent Registered Social Landlord (RSL) developments in Clackmannanshire, the existing Local Plan allocation for the builders' yard and current Local Plan guidance for such housing development as contained in the First Alteration to the Local Plan. As such, the proposed development density is considered appropriate to the site, compatible with its surroundings and of acceptable density for the type of housing proposed, in accordance with the Local Plan.

#### 6.11. Access and Traffic

- 6.12. The proposed access road already has planning approval. The proposals will involve formation of a new junction on an existing private section of Keilarsbrae. This would entail upgrading, a short section of the existing road to an adoptable standard. In addition, a further private section of the same road serving other houses on Keilarsbrae, east of the new junction, would be upgraded.
- 6.13. The proposed road layout has been designed to take account of the latest Government policy on designing streets, in that it would create useable shared space within the street layout rather than a traditional car-dominated road. In these shared spaces, pedestrians will have priority over cars, and areas such as the square features on the layout will slow traffic and be useable for children's play.
- 6.14. Roads and Transportation have made detailed comments on the layout that can be addressed by conditions, and have also confirmed that traffic volumes associated with the development will not reduce road safety on the surrounding road network. Construction traffic will require to be managed properly, and again planning conditions can ensure this.

#### Design and Amenity

- 6.15. The high standard of design and finish of houses will visually enhance the site. The quality of proposed house styles build on those recently developed successfully by Ochilview Housing at Newmills, Tullibody and Ash Grove, Alloa.
- 6.16. Site sections indicate an acceptable relationship with existing houses and street, in terms of house positions, height and orientation, and privacy/amenity standards are within the acceptable parameters, as set out in the Local Plan, taking account of both the relationship between existing and proposed houses and between those proposed within the site.
- 6.17. Planning conditions can ensure a high quality landscaping and planting scheme within the site and also a contribution to public art.

#### Infrastructure and Site Construction

- 6.18. Site development will incorporate a sustainable urban drainage (SUDs) system and measures to control surface water run-off to protect proposed and existing houses. An outline of the proposed methodology of such a scheme has been submitted; the final approval of such details can be subject to conditions. Similarly, the manner in which known and potential contamination on the site is addressed. As noted above, the developer will require to submit details of site construction and traffic management for the development phase in order to ensure impact on adjacent residents is minimised.

#### Summary

- 6.19. Taking account of the above noted considerations, in the context of the Council's Development Plan, it can be concluded that the proposals comply with Development Plan policies, and current housing allocation in the adopted

Local Plan and the more recent First Alteration: Material considerations would not otherwise indicate that planning permission should be withheld. Certain detailed elements of the proposals require to be dealt with by planning conditions, and these are as set out in Section 2.0 of this report.

## **7.0 Sustainability Implications**

- 7.1. The proposed development will involve the redevelopment of an existing vacant, derelict and contaminated site for beneficial use as affordable housing.

## 8.0 Resource Implications

8.1. Financial Details

8.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate.

8.3. Staffing - None

## 9.0 Exempt Reports Only - Reasons for Exemption

9.1. The report details

## 10.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities 2008 - 2011** (Please tick )

The area has a positive image and attracts people and businesses	<input type="checkbox"/>
Our communities are more cohesive and inclusive	<input type="checkbox"/>
People are better skilled, trained and ready for learning and employment	<input type="checkbox"/>
Our communities are safer	<input checked="" type="checkbox"/>
Vulnerable people and families are supported	<input type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>
Health is improving and health inequalities are reducing	<input type="checkbox"/>
The environment is protected and enhanced for all	<input checked="" type="checkbox"/>
The Council is effective, efficient and recognised for excellence	<input type="checkbox"/>

(2) **Council Policies** (Please detail)

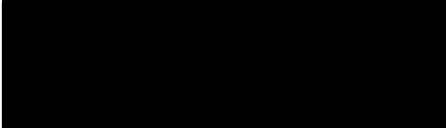
## 11.0 Equalities Impact

11.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes  No

## 12.0 Legality

12.1 In adopting the recommendations contained in this report, the Council is acting within its legal powers Yes

APPROVAL/SIGNATURE	DATE
Head of Service	
	10th March 2010

**REPORT TO PLANNING COMMITTEE**

**To: Head of Administration and Legal Services, Greenfield, Alloa FK10 2AD**

**Report author: Grant Baxter, Principal Planner**

**Service: Development and Environmental Services**

**Report title:** Planning Application 10/00019/FULL – Erection of 39 No. Houses With Associated Roads, Footpaths, Drainage and Landscaping at Playing Pitch and Open Space and Former Builders Yard, Keilarsbrae, Sauchie, Clackmannanshire - Report of Handling

**Date of meeting: 18th March 2010**

**It is recommended that the attached report be:**

1. **Given unrestricted circulation**

**List any appendices attached to this report (if there are no appendices, please state 'none')**

1. **Appendix 1 - List of Representees**

**List the background papers used in compiling this report . If you have completed a sustainability checklist please add this to your list (if there are no background papers please state 'none')**

1. **Clackmannanshire and Stirling Structure Plan**
2. **Clackmannanshire Local Plan**
3. **Letters of representation**
4. **Consultation responses**

Nb. All documents listed must be kept available by the author for public inspection for four years from the date of the meeting at which the report is considered.

## **APPENDIX 1 TO REPORT TO PLANNING COMMITTEE - 18 MARCH 2010**

### **LIST OF REPRESENTEES**

<u>Name</u>	<u>Address</u>
Mr Jim Littlejohn	Sandwick Cottage, 78 Keilarsbrae, Sauchie, FK10 3NH
Mrs Jennifer McGowan	76 Keilarsbrae, Sauchie, FK10 3NH
Mr Christopher Allan	72 Keilarsbrae, Sauchie, FK10 3NH
Mr Pete Harkins	68 Keilarsbrae, Sauchie, FK10 3NJ
J Robertson	66 Keilarsbrae, Sauchie, FK10 3NJ
Mr Kenneth Archibold	80A Keilarsbrae, Sauchie, FK10 3NH
Mrs Eileen Marr	Keilarsbrae House Keilarsbrae, Sauchie, FK10 3NH
Mrs Jean Ferguson	74 Keilarsbrae, Sauchie, FK10 3NH
Miss Caroline Glass	60 Keilarsbrae, Sauchie, FK10 3NJ
Mr Jim Dennis	80 Keilarsbrae, Sauchie, FK10 3NH





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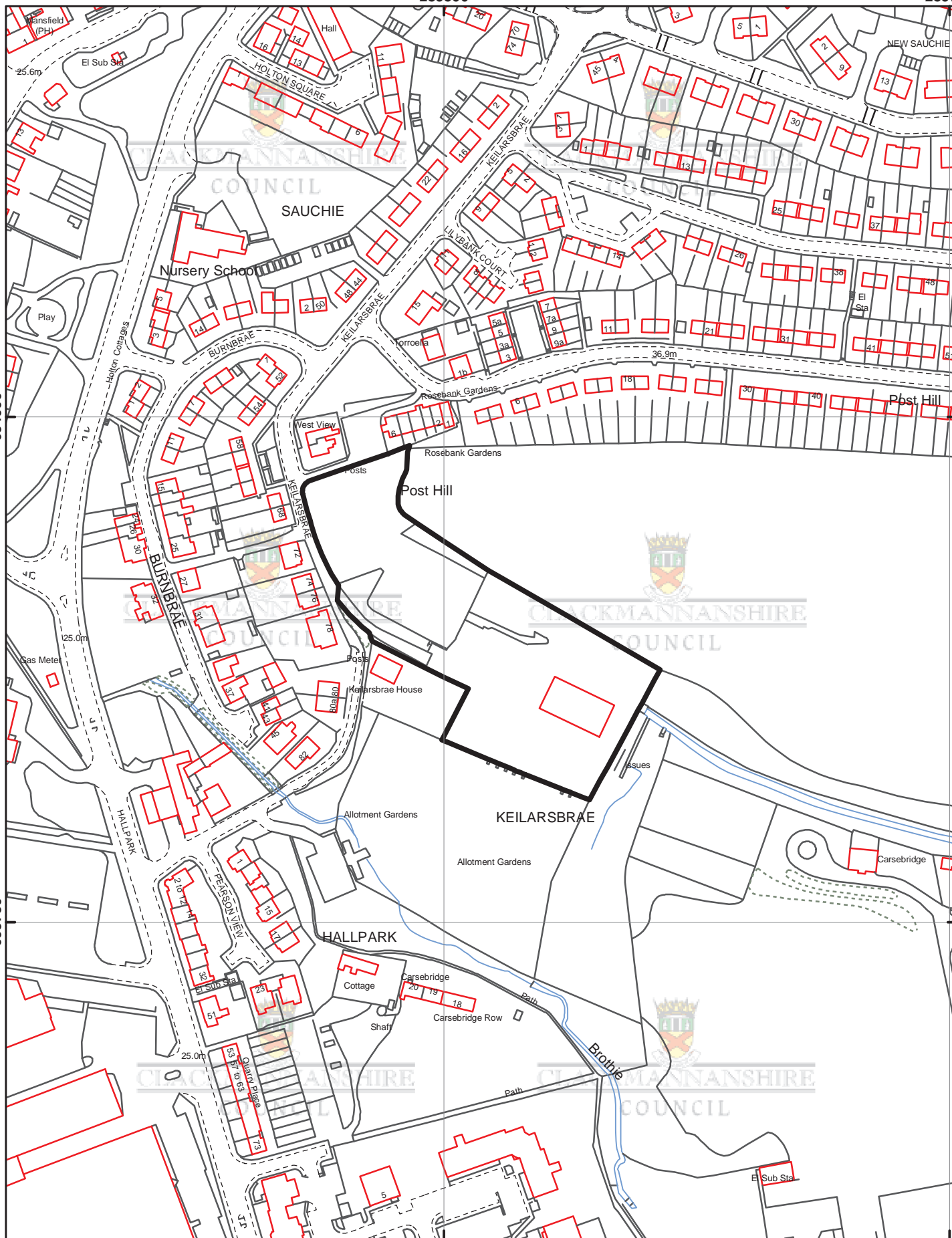
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Date:  
08-Mar-2010

**10/00019/FULL - Former Builder's Yard, Keilarsbrae, Sauchie  
Erection Of 39 No. Houses With Associated Road, Footpaths,  
Drainage And Landscaping At Playing Pitch And Open Space**

**Ward: Gartmorn**

**OS Grid Ref: NS 894 937**

**Scale: 1:2,500**

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