



AGENDA ITEM 4(ii)

Removal of planning conditions 9 and 11 and variation of planning condition 12 to remove the wording 'and so that no surface water is discharged or loose material carried out onto the public road' (planning conditions 9, 11 and 12 attached to planning permission in principle reference P/12/0124/PPP) at Land to the South of the Stables, Braeface Road, Banknock for Mr John Penman - P/16/0671/VRC

FALKIRK COUNCIL

Subject: REMOVAL OF PLANNING CONDITIONS 9 AND 11 AND VARIATION OF PLANNING CONDITION 12 TO REMOVE THE WORDING 'AND SO THAT NO SURFACE WATER IS DISCHARGED OR LOOSE MATERIAL CARRIED OUT ONTO THE PUBLIC ROAD' (PLANNING CONDITIONS 9, 11 AND 12 ATTACHED TO PLANNING PERMISSION IN PRINCIPLE REFERENCE P/12/0124/PPP) AT LAND TO THE SOUTH OF THE STABLES, BRAEFACE ROAD, BANKNOCK, FOR MR JOHN PENMAN P/16/0671/VRC

Meeting: PLANNING COMMITTEE

Date: 25 January 2017

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock

Councillor Jim Blackwood
Councillor Brian McCabe
Councillor Paul Garner
Councillor Martin David Oliver

Community Council: Banknock, Haggs and Longcroft

Case Officer: Brent Vivian (Senior Planning Officer), Ext. 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks removal of conditions 9 and 11 and a variation to condition 12 attached to planning permission in principle P/12/0124/PPP. The planning permission in principle is for the development of land for residential purposes (see paragraph 3.3 below).
- 1.2 Condition 9 requires the existing Cloybank Estate access road to be upgraded to adoptable standards from its junction with Braeface Road to 10 metres past the access point to the new development site.
- 1.3 Condition 11 requires the development site layout to be designed to adoptable standards.
- 1.4 Condition 12 requires the individual driveways to be formed so their gradients do not exceed 1 in 10 and so that no surface water is discharged or loose material is carried out onto the 'public road'.
- 1.5 The reason for this application is to remove the requirements for the new house plots to be serviced by an adoptable road (so that they can be served by a private access instead).

- 1.6 The application site is part of Cloybank Estate and lies at the junction of the Cloybank Estate access road and Braeface Road.
- 1.7 Planning applications P/16/0660/MSD and P/16/0778/75M are being considered in tandem with this application (see paragraphs 3.7 and 3.8 below).

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application is being considered by the Planning Committee at the discretion of the Director of Development Services as it is linked to planning application P/16/0778/75M which requires determination by the Planning Committee.

3. SITE HISTORY

- 3.1 Planning application P/07/0451/FUL for a mixed use development was granted on 29 January 2009. The approved development consists of: a dwellinghouse, estate office, staff facilities, produce handling area, golf academy (indoor), artist studio/ workshop, a hydroponicum; the use of land for fruit production, woodland, archery, clay pigeon shooting, soft fruit production (polytunnels), a bee/ honey farm; and the formation of a fishery pond and a golf academy. A Section 75 Planning Obligation attaches to this permission.
- 3.2 Planning application P/10/0524/FUL for the erection of a timber cabin for residential purposes and use of a temporary building as a coffee shop (retrospective) was granted on 17 August 2012.
- 3.3 Planning application P/12/0124/PPP for the development of land for residential purposes was granted on 3 April 2014. The permission in principle provides for six dwellinghouses and is 'enabling development' to cross-fund the development of the approved estate facilities. A Section 75 Planning Obligation attaches to the permission and secures the phased payment of financial contributions in respect of education and open space, as well as a specified amount of the sale proceeds of each of the six house plots to be invested in the Cloybank Estate business.
- 3.4 Advertisement consent P/13/0673/ADV for the display of a freestanding non-illuminated advertisement was approved on 18 November 2013.
- 3.5 Planning application P/13/0674/FUL for an extension to dwellinghouse (retrospective) was granted on 13 December 2013.
- 3.6 Planning application P/16/0428/MSD for the erection of six dwellinghouses was withdrawn on 12 October 2016 pending the submission of further information and amended proposals.
- 3.7 Planning application P/16/0660/MSD seeking the approval of the matters specified in the conditions of P/12/0124/PPP in respect of the erection of six dwellinghouses is also under consideration.
- 3.8 Planning application P/16/0778/75M to modify the Planning Obligation attached to planning permission in principle P/12/0124/PPP is also under consideration. The reason for this application is to ensure that P/16/0671/VRC is similarly bound by the terms of the Planning Obligation attached to P/12/0124/PPP.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have advised that it would be acceptable for access to be achieved via a private access, in light of the Council's removal of its local variation to the National Roads Development Guide in respect of the number of units which can be served by a private access. As a consequence, the construction of an adoptable standard road is no longer required to serve the proposed development. Accordingly, they have no objection to the proposed removal of conditions 9 and 11 or to the proposed variation of condition 12 of planning permission in principle P/12/0124/PPP.

5. COMMUNITY COUNCIL

- 5.1 The Banknock, Haggs and Longcroft Community Council have not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 No public representations have been received in respect of the application.

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

- 7a.1 The Falkirk Local Development Plan was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:
- 7a.2 The application site lies outwith the urban limits, within the countryside, as defined in the Local Development Plan.
- 7a.3 Policy CG03 - Housing in the Countryside states:

Proposals for housing development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:

- 1. Housing required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential;*

2. *Restoration or replacement of houses which are still substantially intact, provided the restored/replacement house is of a comparable size to the original;*
3. *Conversion or restoration of non-domestic farm buildings to residential use, including the sensitive redevelopment of redundant farm steadings;*
4. *Appropriate infill development;*
5. *Limited enabling development to secure the restoration of historic buildings or structures; or*
6. *Small, privately owned gypsy/traveller sites which comply with Policy HSG08.*

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment.

- 7a.4 The principle of six house plots at this location and the general arrangement of the plots and new access were established in the grant of planning permission in principle P/12/0124/PPP. The proposed scale, layout and design of the six house plots is assessed in respect of planning application P/16/0660/MS.
- 7a.5 In considering the principle of the proposed development, it was decided that the first portion of the Cloybank Estate road should be upgraded to an adoptable standard and also that the new access cul-de-sac should be similarly constructed to an adoptable standard. These requirements were to ensure that the development is served by a public road. This is no longer a requirement for the reasons detailed by the Roads Development Unit (see paragraph 4.1).
- 7a.6 Policy CG03 states that detailed guidance is provided in SG01 'Development in the Countryside'. SG01 indicates that access roadways in the countryside should be designed to take into account the character and appearance of the surrounding landscape, and be as simple and informal as possible to integrate with existing roads. The proposal, to service the new house plots by a private access, would ensure a design more in keeping with the rural character of the area.

7b Material Considerations

- 7b.1 The material consideration in this instance is the advice of the Roads Development Unit that an adoptable standard road is no longer required to serve the proposed development (see paragraph 4.1).

7c Conclusion

- 7c.1 The application seeks removal/ variation of conditions of planning permission in principle P/12/0124/PPP and is being considered in tandem with planning applications P/16/0660/MS and P/16/0778/75M.
- 7c.2 The proposed removal/ variation of conditions are considered to be acceptable for the reasons explained in this report.

- 7c.3 The application is recommended as a Minded to Grant decision subject to the Planning Committee being minded to approve planning application P/16/0660/MSC and agreeing to modify the Section 75 Planning Obligation as applied for under P/16/0778/75M. Thereafter, upon the satisfactory conclusion of the Section 75 matters, approval of the application is recommended subject to appropriate conditions.

8. RECOMMENDATION

- 8.1 It is therefore recommended that the Committee indicate that it is minded to Grant Planning Permission subject to:**

- (a) the approval of planning application P/16/0660/MSC;**
- (b) agreement of the modification to the Section 75 planning obligation sought under planning application P/16/0778/75M;**
- (c) the satisfactory conclusion of the Section 75A application (P/16/0778/75M) and registration of the Decision Notice in the Land Register; and**
- (d) thereafter, remit to the Director of Development Services, to approve the application subject to the following condition(s):-**
 - 1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
 - 2. The development shall not commence until the precise details of the colour and specification of all proposed external finishing materials and surface materials have been submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.**
 - 3. The development shall not commence until a scheme of internal soft landscape works has been submitted to and approved in writing by this Planning Authority. The details of the scheme shall include (as appropriate):-**
 - (i) An 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) The location of all new trees, shrubs, hedges and grassed areas;**
 - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/ density; and**
 - (iv) A programme for subsequent maintenance.**

4. The soft landscape works as indicated on the Landscaping Plan (approved under P/16/0660/MSC) and as approved within the terms of condition 3 above shall be carried out and maintained in accordance with the approved details, and shall be implemented in accordance with a timescale(s) to be approved in writing by this Planning Authority before the development commences.
5. A visibility splay measuring 4.5 metres x 54 metres shall be provided and retained in a northerly direction at the junction of the Cloybank Estate access road and Braeface Road, within which there shall be no obstruction to visibility greater than 1 metre above carriageway level.
6. A visibility splay measuring 4.5 metres x 48 metres shall be provided and retained in a southerly direction at the junction of the Cloybank Estate access road and Braeface Road, within which there shall be no obstruction to visibility greater than 1 metre above carriageway level.
7. The development shall not be occupied until the first 15 metres of the Cloybank Estate access road has been widened, in accordance with precise details to be agreed in writing by this Planning Authority.
8. The individual driveways shall be formed so that their gradients do not exceed 1 in 10.
9. Resident and visitor parking shall be provided in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area (as they existed at the time of grant of P/12/0124/PPP).

Reason(s):-

1. As these drawings and details constitute the approved development.
- 2-4. To safeguard the visual amenity of the area.
- 5-7. In the interests of road safety.
8. To ensure the construction is fit for purpose.
9. To ensure that adequate parking is provided.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and 02. The decision also refers to the plans approved under planning application P/16/0660/MSC.
2. 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.

3. The applicant shall ensure that noisy work which is audible at the site boundary shall **ONLY** be conducted between the following hours:

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

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

4. It is advised that SEPA will be required to review (and likely consent) the applicant's foul water disposal proposals. The applicant should provide confirmation of SEPA consent and details of any conditions for foul water disposal prior to the system being brought into use.

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pp Director of Development Services

Date: 16 January 2017

LIST OF BACKGROUND PAPERS

- 1) Falkirk Local Development Plan.
- 2) Falkirk Council Supplementary Guidance SG01 "Development in the Countryside".

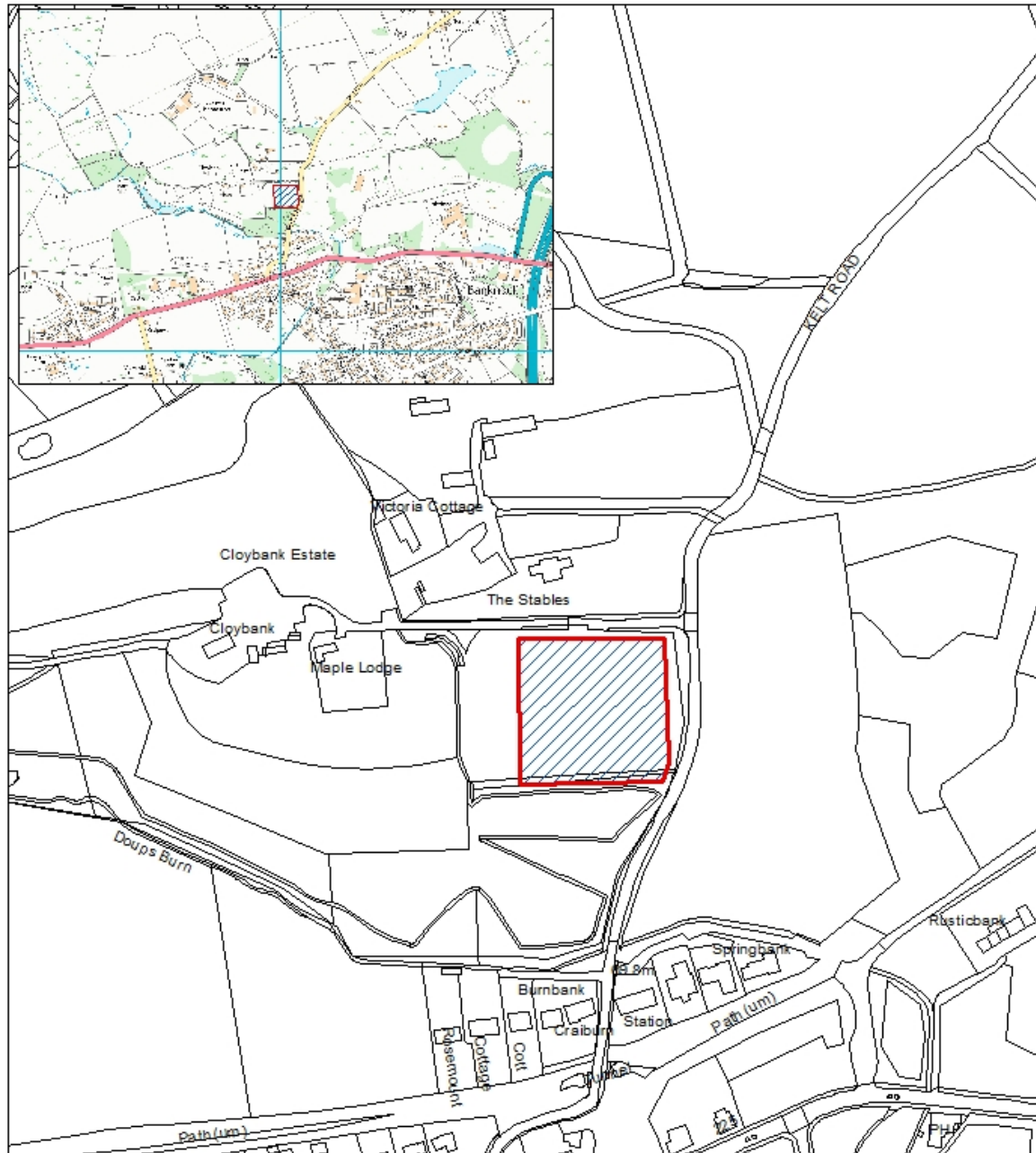
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/16/0671/VRC

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



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