

**FALKIRK COUNCIL**

**Subject: ERECTION OF BISTRO WITH OUTSIDE SEATING AREA, 3 COTTAGES, 1 DWELLINGHOUSE AND ASSOCIATED CAR PARKING AND PICNIC AREA AT LAND TO THE NORTH EAST OF 1 CAUSEWAYEND, LINLITHGOW FOR CAUSEWAYEND BISTRO - P/09/0313/FUL**

**Meeting: PLANNING COMMITTEE**

**Date: 23 September 2009**

**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**Local Member: Councillor Gordon Hughes  
Councillor Stephen Fry  
Councillor John McLuckie**

**Community Council: Whitecross**

**Case Officer: John Milne (Senior Planning Officer), ext 4815**

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 This is a detailed planning application for the erection of a café bistro, manager's dwelling and three holiday let cottages - with associated car parking, landscaping and pedestrian footpath - on land near Causewayend, near Linlithgow.
- 1.2 The area of land extends to some 0.36 ha and is currently a grassed area bordering the Union Canal to the east, the B825 roadway to the south, grazing fields to the west and a former railway embankment to the north. Further to the north is a former canal basin and regenerated mineral tip (almond bing) which is also home to a species of rare orchids.
- 1.3 The Union Canal is a Scheduled Ancient Monument and the adjoining road bridge (bridge no.49) on the B825 is a category 'C' listed structure.
- 1.4 The applicant proposes to install the bistro, manager's house and holiday accommodation fronting the Union Canal, while achieving vehicular access to the B825 to the South and pedestrian linkage to the northerly bridge no. 50. The pedestrian linkage has been designed to allow pedestrians from the canal towpath to take a more scenic and safer route to the bistro, avoiding the narrow, busy bridge no. 49, which has no footpath provision.
- 1.5 The pedestrian route would also allow direct access to the former canal basin, which will be a potential canal boat access for mooring purposes.

## **2. REASONS FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called in by Councillor Malcolm Nicol.

## **3. SITE HISTORY**

- 3.1 Planning application P/08/0668/FUL - erection of bistro with outside seating area, 3 cottages, 1 dwellinghouse and associated car parking and picnic area - withdrawn 6 May 2009. Incremental changes to the proposals were considered significant enough to require the application to be withdrawn, re-submitted and neighbour notification refreshed.

## **4. CONSULTATIONS**

- 4.1 Scottish Water has no objection to the planning application. The water network that serves the proposed development is currently able to supply the new development.
- 4.2 Falkirk Council's Environmental Protection Unit advise that a condition should be imposed regarding contaminated land and that further information should be lodged regarding cooking provision, noise and ventilation extraction.
- 4.3 Falkirk Council's Roads Development Unit advises that the proposal is acceptable providing planning conditions are attached relating to visibility splays, car parking, Sustainable Urban Drainage and flooding.
- 4.4 British Waterways have no objections to the proposals.
- 4.5 The Scottish Environment Protection Agency have no objections to the proposals.
- 4.6 Falkirk Council's Countryside Access Officer has reviewed the proposals and offers no objections.
- 4.7 Historic Scotland (Scheduled Ancient Monument Division) have offered no objection to the proposals.

## **5. COMMUNITY COUNCIL**

- 5.1 The Whitecross Community Council has not submitted any representations.

## **6. PUBLIC REPRESENTATION**

- 6.1 One letter of support has been received, commenting that the proposal will support the wider regeneration aspirations on the canal network, with the site adjacent to the basin an attraction for boaters. This development, with waterside access via the basin, will generate more use and awareness of the canal. Information boards are requested on the canal siding.

6.2 Five individual parties object to the proposals, based on the following concerns:-

- It is noted that the existing B825 roadway is already a dangerous road, with the new entrance on an 'S' bend opposite an already concealed entrance. Cars already park on the carriageway at Causewayend and at the lay-by at the Old Station.
- In terms of pedestrian access, walkers from the Linlithgow direction are unlikely to make this detour and will cross the nearer bridge no. 49.
- The proposal will block the view from some nearby dwellinghouses. In addition, any rear elevations should be concealed by landscaping.
- The scale of the manager's house should be reduced to single storey, to avoid disrupted views.
- The hours of opening of the bistro (0800 - 2200 hrs) should not be extended.
- Lighting to the proposals should avoid unnecessary pollution or glare.
- The ground should be investigated to ensure no contamination is present.
- Retention of existing trees and landscaping proposals should be clarified.
- The drainage provision requires to be ratified to ensure that adequate facilities will be provided.
- Has a business plan been submitted, and what measures will be imposed to prevent the business ceasing and the housing remaining?
- The proposal may have adverse impact on wildlife and wildflower conservation.
- Is there any requirement for a manager's house and three dwellinghouses associated with the bistro?
- The proposed bistro could be better sited nearer the canal basin.
- Any high fencing would be completely incongruous to the existing visual setting.

## 7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

*“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.*

Accordingly,

**7a The Development Plan**

## Falkirk Council Structure Plan

### 7a.1 Policy ECON.7 'Tourism' states:

*"The Council will support the development of sustainable tourism in the Council area, through the provision of an improved range and quality of attractions and supporting infrastructure. Accordingly:*

- (1) the key locations for development will be the Millennium Canals, Falkirk Town Centre/Callendar Park and Bo'ness;*
- (2) development which supports and expands the main target markets of day trips, short breaks, visiting friends and family and business tourism will be particularly encouraged; and*
- (3) tourism development must be environmentally sustainable, in terms of its location and design. In particular, any development outwith the urban areas must demonstrate that a countryside location is essential."*

7a.2 Tourism is seen as a key sector for economic growth and, focusing on Falkirk Council's canal heritage, the proposal is considered to utilise and offer potential upgrade of the redundant Causewayend canal basin. Moreover, it would contribute to additional tourism potential throughout the area's wider canal network.

### 7a.3 Policy ENV.1 'Countryside and Protected Areas' states:

- "(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans."*

7a.4 In this instance, the aspiration to provide tourist facilities adjacent to the Union Canal and specifically to encourage the upgrade of the Causewayend Basin would demonstrate that the location of the proposals is acceptable and appropriate. The proposed residential element would be secured by legal agreement to ensure that the buildings will be utilised for tourism/management purposes and not enter into mainstream housing provision.

### 7a.5 Policy ENV.5 'Built Environment and Heritage' states:

*"Important Archaeological Sites, Scheduled Ancient Monuments, Listed Buildings, Conservation Areas, sites included in the Inventory of Historic Gardens and Designed Landscapes and trees will be protected and enhanced. Local Plans will identify these assets and incorporate policies appropriate to the significance of the area or individual feature, including the following range of measures:*

- (1) Measures to ensure that assets are maintained in a good state of repair.*
- (2) Promotion of appropriate new uses for buildings.*
- (3) Promoting sensitive interpretation of heritage assets.*
- (4) Protection of the assets and their setting from inappropriate development.*

- (5) *Where development would damage, or result in the loss of the asset, that provision is made for adequate recording of the current status of the asset.”*
- (6) *Reviewing the boundaries of areas to ensure their continuing relevance.”*

7a.6 It is considered that the works associated with the construction of the development would not have an impact on the adjacent Union Canal (a Scheduled Ancient Monument) beyond encouraging visitors using the canal to use the proposed facilities. No engineering works are intended to influence the canal structure.

### **Falkirk Council Local Plan Area**

7a.7 Policy RURAL 1 ‘New Development in the Countryside’ states:

*“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-*

1. *Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
2. *On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*
3. *Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
4. *Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
5. *Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council’s Tourism Strategy are particularly welcomed.*
6. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

*The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council’s “Design Guide For Buildings In The Rural Areas” and sympathetic to vernacular architectural forms will be expected.”*

7a.8 It is considered that tourism related development within a rural location is acceptable, given the underlying aspiration to promote usage of the Union Canal and adjoining Causewayend Basin.

The managerial/tourism presence on site is also considered acceptable, in that the three holiday let units will require to be serviced/managed as well as the bistro facility. The residential amenities would be subject to a Section 75 Legal Agreement, ensuring retention of these units for the purposes intended, with no mainstream residential occupancy.

7a.9 Policy RURAL 13 ‘Areas of Great Landscape Value’ states:

*“That within the designated Areas of Great Landscape Value, as indicated on the Policies and Proposals Map, development appropriate to a rural location will generally be acceptable provided that it is not detrimental to the amenity of the area, and accords with all other relevant District Council policies and standards. Proposals will be subject to strict control in relation to design and landscape considerations as well as timescale, traffic generation and access, amenity and environmental impact. The District Council will pursue and encourage any measures to further enhance the environmental quality and attraction of these areas.”*

7a.10 The proposal would visually integrate with the setting of the Union Canal, where sites adjacent to the canal have previously been developed for purposes associated with the canal use. The proposed bistro/holiday let premises will sit linear to the Canal and offer opportunity for boat users and recreational walkers/cyclists to use the facilities. The design and setting of the structures is supported by the planning authority.

7a.11 Policy RURAL 18 ‘Canals’ states:

*“That the recreation potential of the Forth and Clyde Canal and the Union Canal for water and canal related activities be recognised. Accordingly, favourable consideration will be given to proposals which would lead to a sympathetic use of the canals for tourism, local recreation and interpretation. However, there will be a general presumption against development which will have an adverse effect upon the amenity, setting or nature conservation value of the canals.”*

7a.12 It is considered that the proposal would increase the use of the canal for tourism and, combined with the site's proximity to Muiravonside Country Park, contribute to the available recreation opportunities in the area.

7a.13 Policy RURAL 20 ‘Trees and Woodland’ states:

*“That the District Council recognises the economic, landscape, ecological and recreational importance of trees, woodland, afforested land and hedgerows and accordingly :-*

- 1. Felling detrimental to the character of the landscape or to the economic, nature conservation or recreational value of the planted area itself will be discouraged. The enhancement and management of existing woodland and other natural landscape features will be encouraged.*
- 2. Where necessary, endangered areas and trees will be statutorily protected through the designation of Tree Preservation Orders. Within an area covered by a T.P.O. there will be a presumption against development unless it can be proven that the proposal would not adversely affect the stability or appearance of protected species. Where permission is given to fell a tree within a Conservation Area or an area covered by a T.P.O., the District Council will normally require the provision of replacement planting appropriate in terms of number, size, species and position.*
- 3. Appropriate proposals for community woodlands and amenity planting will be encouraged, in particular within and adjacent to the rural villages, along urban fringes and transport*

*corridors, within the Green Belt and in relation to derelict and industrial sites and farmed landscapes.*

4. *When consulted on forestry planting proposals the District Council will support the provisions of the indicative forestry strategy as outlined by Central Regional Council in its approved Structure Plan.*

*The District Council favors the use of appropriate native species of trees and shrubs in new planting.”*

7a.14 The area of land immediately adjacent to the Causewayend Basin is a former mineral tip which has naturally regenerated, including the establishment of a rare species of orchid. Given the narrow confines of this land, along with its contribution to the woodland setting of the area, the area itself does not lend itself to development potential. Instead, the site subject to the planning application offers a more rational setting, with proximity to the adjacent roadway and limited pedestrian access through established woodland to the Causewayend Basin.

7a.15 Policy RURAL 22 ‘Countryside Access’ states:

*“That the District Council seeks to protect and signpost existing rights of way and other recognised footpaths and, where appropriate, will encourage the creation of new means of access to the countryside for walking, cycling and equestrian purposes.”*

7a.16 The applicant proposes to integrate an adjoining Right of Way footpath to encourage pedestrian access to the site.

7a.17 Table 5.2 Countryside Proposals

Proposal No.	Proposal	Agency	Comments
Rural 8	Causewayend Canal Basin : canal related recreation/tourism development	Unknown	This basin on the Union Canal and adjacent land provide the opportunity for an appropriate recreation/tourism development.

7a.18 Provision exists within the local plan that the site has been identified for having recreation/tourism development potential.

7a.19 Accordingly, the proposals accord with the Development Plan.

## **7b. Material Considerations**

7b.1 The material considerations to be addressed are the policies contained within the Falkirk Council Local Plan Finalised Draft (Deposit Version) and points raised through comment.

7b.2 Policy EQ19 - ‘Countryside’ states:

*“(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:*

- it can be demonstrated that they require a countryside location;*
- they constitute appropriate infill development; or*
- they utilise suitable existing buildings.*

*(2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*

- the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council’s ‘Design Guide for Buildings in the Rural Areas’; and*
- boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

7b.3 It is considered that a countryside location adjacent to the Causewayend Basin is appropriate for tourism related development and the siting, design and setting of the proposals are acceptable.

7b.4 Policy EQ23 - ‘Areas Of Great Landscape Value’ states:

*“The Council will protect Areas of Great Landscape Value from development which would be detrimental to its amenity and distinctive landscape quality. In addition to satisfying other relevant countryside policies, proposals within these areas will only be permitted where accompanied by a landscape and visual assessment demonstrating that the development can be accommodated without adverse impact on the landscape quality.”*

7b.5 The landscape nature of the area is varied but it is considered that the proposal would integrate with the development nature of new build fronting the canal and introduce a landscaping strategy on the site itself.

7b.6 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.”*

7b.7 While no trees or woodlands would be adversely affected by the proposals, the pedestrian linkages would retain existing woodland pathways and encourage linkage to an established right of way. This would also secure the retention of the rare species of orchid which is alleged to be established in the area.

7b.8 Policy SC3 - ‘Housing Development In ‘The Countryside’ states:

*“Housing development in the countryside will only be permitted in the following circumstances:*

- (1) Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
  - The operational need for the additional house in association with the business*
  - That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
  - That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
  - That the business as a whole is capable of providing the main source of income for the occupant;*
- (2) Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
  - The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
  - The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
  - The restored or converted building is of comparable scale and character to the original building*
  - In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*
- (3) Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8.”*

7b.9 It should be emphasized that the residential elements contributing to the application would comprise a Manager's dwelling and three associated holiday let units.

7b.10 These uses will be retained as part of a legal agreement, not only securing the use of the buildings but ensuring that no single unit will be sold independent of the bistro or other buildings.

7b.11 On examination, it should also be noted that the units themselves do not benefit from the expected amenity provision associated with mainstream housing, with restricted garden areas and no 'Permitted Development' rights.

7b.12 Policy EP15 'Tourism Development' states:

*"Proposals for tourism development will be supported where:*

- (1) they will support the strategic tourism priorities set out in Policy ECON.7 of the Structure Plan, and the tourism strategies of the Council and VisitScotland;*
- (2) they will complement the existing pattern of provision;*
- (3) the quality of development will be such as to enhance the image and tourism profile of the area; and*
- (4) they comply with other Local Plan policies."*

7b.13 Tourism associated with the Millennium Canals is supported through the Falkirk Council Structure Plan and the proposal is considered to complement the canal development pattern on its frontage and linkage to the Union Canal and Causewayend Basin.

7b.14 Policy EP16 - 'Leisure And Tourism Development In The Countryside' states:

*"Leisure and tourism development within the countryside will only be permitted where the use demonstrates a particular need for a countryside location and could not more appropriately be located within the Urban or Village Limits, or where existing buildings are to be utilised. In particular:*

- (1) Proposals for small-scale self-catering chalet developments, caravan and camping sites may be acceptable, subject to appropriate siting and compliance with Policy EP15. Proposals for new hotels, B&Bs, guest houses and pubs / restaurants will generally only be permitted where existing buildings are being utilised or where a specific opportunity is identified in the Local Plan;*
- (2) Proposals for outdoor sport and recreation which require a countryside location may be acceptable, subject to appropriate siting. Associated built development will be limited to that which is directly ancillary to the activity (e.g. clubhouses, changing facilities, parking);*
- (3) Proposals for new visitor attractions, heritage and interpretative centres may be acceptable, subject to appropriate siting and compliance with Policy EP15. The nature and theme of the facility must provide a clear rationale for the countryside location chosen; and*
- (4) Proposals for new roadside facilities will not be permitted unless it is demonstrated that there is a clear need for additional services. Proposals for facilities on motorways and the trunk road network should comply with the guidance in NPPG9.*

*Proposals will be subject to rigorous assessment of their impact on the rural environment, having particular regard to Local Plan policies protecting natural heritage (EQ19-EQ30) and built heritage (EQ12-EQ16), and of the adequacy of access and car parking arrangements must be satisfactory."*

7b.15 The need for a rural location for the development is based on the proximity of the Union Canal and Causewayend Basin.

7b.16 In addition, the opportunity for tourism related development at this location is specified within both the adopted Rural Area Local Plan and emerging Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.17 The proposed access and car parking arrangements are considered satisfactory.

7b.18 Policy EP17 - 'Canals' states:

*"The Council, in conjunction with British Waterways and other key partners, will seek to promote the sustainable development of the Forth & Clyde and Union Canals as a major recreational, tourism and heritage asset. Accordingly, the Council will support:*

- (1) The protection and enhancement of the ecology, archaeology, built heritage, visual amenity and water quality of the canals and their immediate environs, having regard to the detailed policies on these matters contained in the Local Plan;*
- (2) The protection and enhancement of the operational capacity of the canals*
  - for recreational use, including the maintenance of navigation and the provision of infrastructure and amenities for a wide range of canal users;*
  - for freight use, including the development of any necessary freight transfer facilities;*
- (3) The improvement of access, signage and interpretation associated with the canals, with particular emphasis on linkages to and from adjacent communities, tourist attractions, public transport facilities and the wider countryside access network, whilst generally continuing to restrict access to the off-side bank (except for approved mooring areas, where access already exists and in urban areas) for nature conservation reasons; and*
- (4) Appropriate canal-side development which*
  - is compatible with the broad objectives, policies and key development opportunities set out in the Council's 'Canal Corridor Development Framework';*
  - is compatible with the operational requirements of the canals and contributes to their recreational amenity through the provision, where appropriate, of public access, amenity areas, mooring points and slipways;*
  - achieves high design standards, particular attention being paid to the relationship of layout and form to the canal and to the sympathetic use of materials and detailing in buildings and canal-side landscaping;*
  - incorporates measures to ensure that there is no detriment to the canal water environment; and*
  - accords with other Local Plan policies including Policy ST12 (Flooding;*
  - ensures there is no detriment to the structural stability of the canal."*

7b.19 It is considered that the proposals would encourage additional usage of the canal and towpath by offering a venue for accommodation and refreshment to casual day trippers or more long term visitors.

7b.20 In addition, increased usage may promote additional expenditure by British Waterways on the Causewayend Basin and associated infrastructure.

7b.21 Policy ST2 - 'Pedestrian Travel And Cycling' states:

*“New development will be required to provide an appropriate standard of pedestrian and cycle infrastructure. This will consist of on- and where appropriate off-site measures that allow pedestrian and cycle movements within and beyond developments, and ensure that those wishing to use pedestrian/cycle networks are not dissuaded from doing so through the absence of suitable infrastructure.*

- (1) All pedestrian and cycle routes will comply with the standards set out in the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. Where appropriate, infrastructure supporting the two modes will be combined.*
- (2) Pedestrian and cycle facilities in new developments should offer appropriate links to existing networks in surrounding areas, to other amenities and community facilities and support objectives in agreed Travel Plans where relevant.*
- (3) Pedestrian and cycle movement within developments should be allowed for via direct routes without barriers.*
- (4) Pedestrian and cycle links should be provided that offer connections to public transport connections in the surrounding area. For guidance, in new developments, no pedestrian should have to walk more than 400m to the nearest bus stop.*
- (5) Where practical, no pedestrian route should be obstructed by features that render it unsuitable for the mobility impaired.*
- (6) The surfacing, lighting, design, maintenance and location of pedestrian and cycle routes should promote their safe use. Particular emphasis should be given to the provision of suitable lighting, and the provision of suitably designed and located crossing facilities where routes meet the public road network.*
- (7) Pedestrian and cycle routes for school journeys should be provided in residential development where a need to do so is identified. In all cases, the aim should be to provide an overall walking/cycling distance between home and school of not more than 2 miles wherever practical, or not more than 1 mile for pedestrian journeys to primary school.*
- (8) Cycle parking should be provided in accordance with the standards set out in Falkirk Council’s Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.”*

7b.22 The proposal would accommodate pedestrian and cycle travel, being positioned adjacent to the Union Canal towpath - a main attraction for cyclists and walkers - while linked to an established Right of Way.

7b.23 Cycle storage is catered for on site.

7b.24 Policy ST11 - ‘Sustainable Urban Drainage’ states:

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

7b.25 The surface water management on the site has been examined and is considered satisfactory.

7b.26 Policy ST12A - ‘Sewerage Infrastructure’ states:

*“New development will only be permitted if necessary sewerage infrastructure is adopted by Scottish Water or alternative maintenance arrangements are acceptable to SEPA.”*

7b.27 The ability to secure the necessary consents from Scottish Water and the Scottish Environment Protection Agency should be addressed by the applicant.

7b.28 While no objection to the proposal has been raised by Scottish Water or the Scottish Environment Protection Agency, a condition ensuring such compliance has been attached to the recommendation.

7b.29 Proposals and Opportunities

ED.RUR2 Causewayend Basin

Opportunity Canal Related Development

Agency British Waterways/Private

Comments Existing basis provides opportunities for operational canal node incorporating mooring and other canal-related facilities. Suitable access needs to be created and adjacent Almond Bing Wildlife Site requires to be safeguarded.

### ***Points Raised through Comment***

7b.30 Causewayend Basin is allocated as an opportunity for tourism development, but is restricted in pedestrian and vehicular access opportunities.

7b.31 The nearest roadway - the B825 - is a rural roadway restricted by a narrow bridge crossing over the Union Canal. The bridge is a listed structure, not served by pedestrian footpaths.

7b.32 The applicant has investigated the opportunity to introduce traffic lights to control vehicular movements over the bridge, but this has not been supported by consultees.

7b.33 The applicant has ensured that the visibility splays serving the proposed new access and parking provision within the site are to a standard supported by Falkirk Council.

7b.34 The introduction of staff accommodation supporting the bistro operation and additional holiday let provision is considered to fall within a tourist related proposal.

7b.35 The use of the dwellings and association with the bistro operation would be secured by legal agreement.

7b.36 There is no expectation that any residential accommodation would transfer into mainstream general housing provision.

7b.37 Vehicular linkage of the Canal basin to the north - to Almond Road - would incur considerable impact on the ecological setting of the Almond Bing and would not be in the best interests of the rural setting of the area.

7b.38 The design, scale and massing of the proposed structures is considered acceptable, given the variation in the built fabric of the area.

7b.39 Pedestrian access to the site from the adjacent towpath will be provided and signposted.

7b.40 It will be at the discretion of pedestrians as to which route is taken to access the site, although the applicant will work with Falkirk Council's Countryside Access Officers to provide and maintain an attractive pedestrian access alternative to the B825 roadway.

## **7c Conclusion**

7c.1 The allocation of the Causewayend Basin for tourism potential is identified within the Development Plan. This is maintained in the emerging Falkirk Council Local Plan Finalised Draft (deposit version). Vehicular and pedestrian access to the site has been secured to the satisfaction of Falkirk Council and the retention of the structures for tourism use will be secured by legal agreement.

7c.2 The proposal will contribute to the cycle and pedestrian facilities associated with the canal network and will contribute to the upgrade and increased usage of the Causewayend Basin.

## **8. RECOMMENDATION**

**8.1 It is recommended that Committee indicate that it is minded to grant planning permission subject to:**

**(a) The satisfactory completion of an agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act which retains the bistro, manager's house and three holiday let units as a single planning unit, retaining the individual uses and ensuring that no piecemeal sale or change of use takes place.**

**(b) To secure such measures as to ensure the satisfactory upgrade and maintenance of the pedestrian pathway via the application site and Almond Road/Bridge No. 50.**

**(c) And thereafter, on conclusion of the foregoing matters, remit 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. (i) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites .**

**(ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The**

strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.

- (iii) Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- 3. No development shall take place until fencing has been erected in a manner and position to be agreed with the Planning Authority at the canal bank to prevent spillage of materials and no development shall take place within the fenced area until the prior written approval of the Planning Authority has been given.
- 4. Within 6 months of the date of this permission, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no further development shall take place on the site without prior planning permission having been granted by the Planning Authority.
- 6. Before the building is occupied, the car parking shown on the Approved Plan shall be completed.
- 7. Provision shall be made for the parking of bicycles in appropriate racks to the satisfaction of the Planning Authority. Details, including number and location, shall be submitted to and approved by the Planning Authority prior to the commencement of works. Thereafter the facilities approved will be provided before the use of the premises commences.
- 8. Prior to any works on site, a strategy for illumination of the buildings, car park and pathways shall be submitted to and approved in writing by the Planning Authority.
- 9. The bistro shall only be open to the public between the hours of 08.00 hours and 22.00 hours.
- 10. Prior to any works on site, further information shall be submitted to and approved in writing by the Planning Authority to address flood and drainage design issues as identified in the letter dated 31 August, 2009 from Halcrow Group Limited (ref WBFCFD/110 author J Tricker).
- 11. Vehicular access to the site shall be by means of a bellmouth access, designed and constructed in accordance with the "Design Guidelines and Construction

Standards for Roads in the Falkirk Council Area", formed and completed prior to the operation of the Bistro or occupation of the residential elements.

12. Prior to the occupation of the development, a visibility splay measuring 2.5m x 215m in a westerly direction shall be provided in perpetuity from the vehicular access. There shall be no obstruction to visibility greater than 600mm above carriageway level within this splay.
13. Prior to the occupation of the development, a visibility splay measuring 2.5m x 70m in a easterly direction shall be provided in perpetuity, to the extent practicable with the site boundary. There shall be no obstruction to visibility greater than 600mm above carriageway level within this splay.
14. The vehicular access shall be constructed such that no loose material or surface water is discharged onto the public road.
15. Prior to any works on site, further information shall be submitted to and approved in writing by the Planning Authority as to odour and noise control to the Bistro. Such information shall include a detail specification of the cooking odour extraction system, including its proposed location on the external facade of the property, and; measures employed to control noise emissions from any extraction or ventilation systems. Such measures as approved shall be implemented and completed prior to the opening of the Bistro.

**Reasons:**

1. To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. To ensure the ground is suitable for the proposed development.
3. To safeguard the environmental amenity of the area.
- 4,8. To safeguard the visual amenity of the area.
5. To ensure that the Planning Authority can control the future use of the premises.
6. To ensure that adequate car parking is provided.
- 7,15. To enable the Planning Authority to consider this/these aspect(s) in detail.
9. To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.
10. The development would not be acceptable without these additional works.
- 11-14. To safeguard the interests of the users of the highway.

**Informative(s):**



1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our reference numbers
2. It is an offence to display without consent signs which require consent under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984; you may be liable to a fine of up to £200 and £20 per day in the case of a continuing offence.
3. All drainage shall comply with the requirements of the Scottish Environment Protection Agency and Scottish Water and evidence of such compliance shall be exhibited to the Planning Authority on demand.
4. The primary responsibility for safeguarding land or property against flooding remains with the owner. Approval of this application does not imply the absence of flood risk. Development at risk of flooding may face difficulties with the cost or availability of insurance and the applicant may wish to seek the views of insurers at an early stage.
5. The applicant should consult with Development Services Roads Unit to obtain Roads Construction Consent before any potentially adoptable road or addition to an existing road is constructed.
6. Prior to any works on site, the applicant should seek confirmation that Scheduled Ancient Monument Consent need not be required from Historic Scotland.

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Director of Development Services

Date: 15 September 2009

### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan
2. Rural Area Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of representation from David and Jean Watt, Firview Cottage, The Loan, Muiravonside, Linlithgow on 14 July 2009.
5. Letter of representation from Mr Danny Callaghan, 2 Nobel View, Reddingmuirhead, Falkirk FK2 0EF on 28 May 2009
6. Letter of representation from Mr George Paterson, Firdale Causewynd Linlithgow West Lothian on 7 July 2009
7. Letter of representation from Michael N Crosby, Little Compston Linlithgow EH49 6LW on 6 July 2009
8. Letter of representation from Mr John Gilmour Manuel, Manuel House, Manuel, Linlithgow EH49 6JF on 15 July 2009
9. Letter of representation from Andrew and Helen Robertson, Compston House, Muiravonside, Linlithgow EH49 6LW on 06 July 2009.

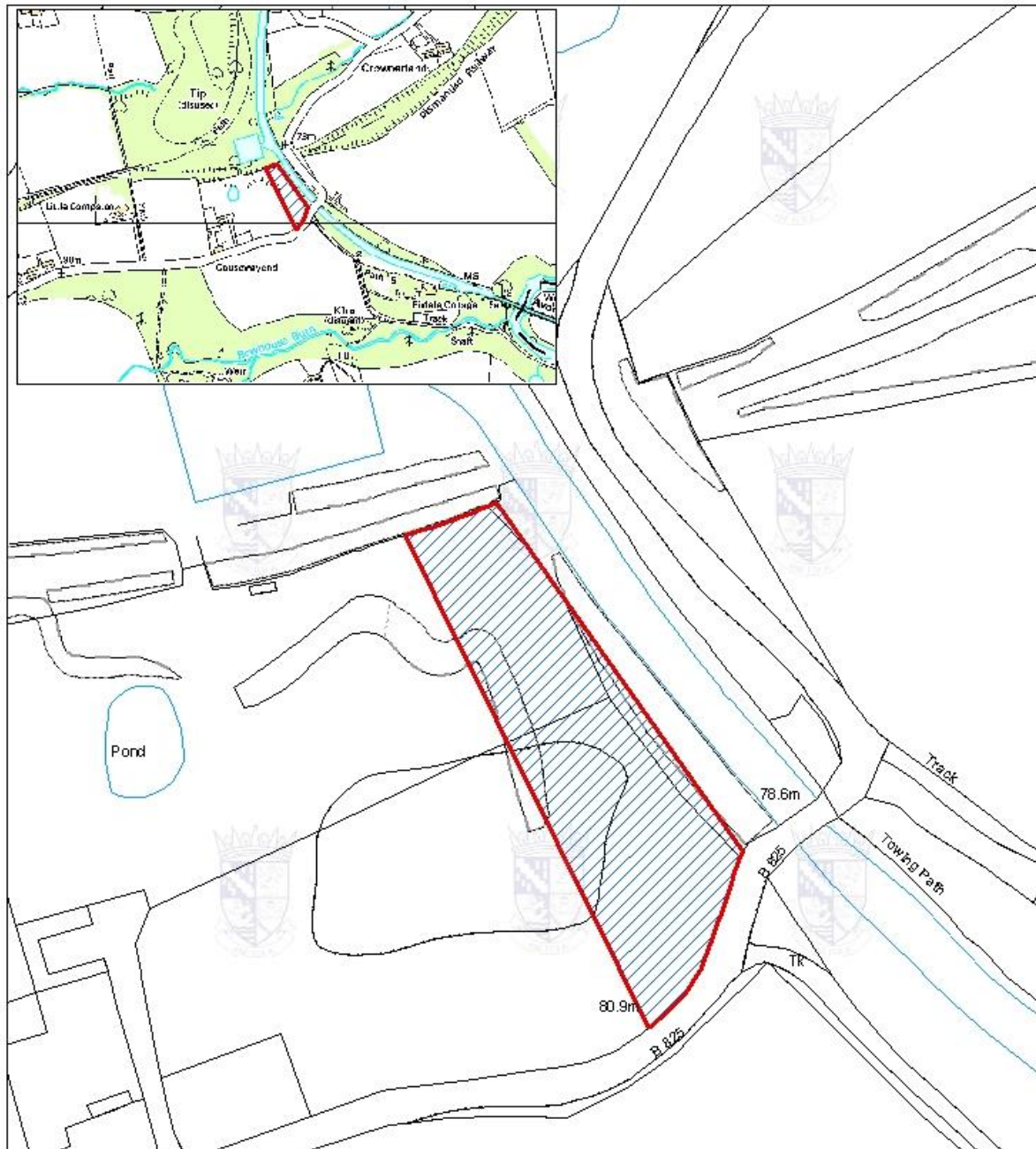
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne (Planning Officer).

# Regulatory Committee

## Planning Application Location Plan

**P/09/0313/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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