

FALKIRK COUNCIL

Subject: **SITING OF A STORAGE CONTAINER (RETROSPECTIVE) AT SHIELDHILL YOUTH COMMUNITY HALL, MAIN STREET, SHIELDHILL, FALKIRK, FK1 2HA, FOR SHIELDHILL FLUTE BAND – P/11/0674/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **5 December 2011**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Upper Braes**
Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: **Falkirk South**

Case Officer: John Milne (Senior Planning Officer) Ext. 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks to regularize the presence of a storage container adjacent to an existing modular building used as a band hall and youth/community hall at land to the north of 26 Elim Drive, Main Street, Shieldhill.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been referred to the Planning Committee as Falkirk Council has an interest in terms of land ownership.

3. SITE HISTORY

- 3.1 06/1225/FUL – Erection of Modular Building for Use as a Band Hall and Youth/Community Hall – Withdrawn 17 April 2007.
- 3.2 P/07/0432/FUL – Erection of Modular Building for Use as Band Hall and Youth/Community Hall at Land to the North of 26 Elim Drive, Main Street, Shieldhill – Approved 17 September 2007.
- 3.3 P/11/0685/VRC – Erection of Modular Building for Use as Band Hall and Youth/Community Hall – Deletion of Condition 2. This application is the subject of a separate report on the agenda for this Committee.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit has no objection to the proposal.
- 4.2 The Roads Development Unit has no objection to the proposal.

5. COMMUNITY COUNCIL

- 5.1 No comments have been received.

6. PUBLIC REPRESENTATION

- 6.1 Two letters of objection have been received from neighbouring proprietors, concerned that:-
- The applicant has placed the container on site without the benefit of planning permission,
 - The appearance of the container is an eyesore,
 - The container does not meet the urban open space policy, especially with regard to visual appearance,
 - There is no proper foundation for the container,
 - What is being stored is not known,
 - This will become a permanent feature.

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 There are no issues of a strategic nature arising as a consequence of the application.

Falkirk Council Local Plan

- 7a.2 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 the Council's open space audit, or a site-specific local audit of provision in the interim, 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.3 It can be considered that the area of open space has been developed, in part, through the construction of the existing modular building and associated road access and car parking facilities.

7a.4 The installation of the storage container is not, therefore, likely to have an adverse effect on the character and appearance of the area, provided visual amenity of neighbouring residents is not compromised.

7a.5 Policy SC10 – Existing Community Facilities states:

- "(1) There will be a presumption against the loss of existing community facilities unless the Council is satisfied that there is no longer a need for the facility or an acceptable alternative facility is available; and*
- (2) The provision of new community facilities, including churches and places of worship, will generally be supported provided that:*
 - * The proposal is compatible in terms of scale, character and design with the surrounding area;*
 - * There is no adverse impact on local amenity*
 - * There is good access by public transport, on foot and by cycle; and*
 - * It complies with other Local Plan policies."*

7a.6 It is considered that the storage facility in association with the existing band hall and youth/ community hall could be considered to augment existing provision, allowing secure storage of goods.

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

7b Material Considerations

7b.1 The matters under consideration include comments received from neighbours and responses from consultees.

Comments Received

7b.2 In response to comments received, it may be noted that:-

- The application is acknowledged to be retrospective,
- The appearance of the container may be controlled through planning condition,
- The policy implications of the proposal are addressed in part 7a of the report.
- The structural integrity of the container is not a planning consideration,
- The content of the storage facility is not a planning consideration, with any offensive items (i.e. odourous or untidy material) being controlled through other legislation.

- If permission were to be granted it is recommended that it be for a temporary period, although the applicant would be at liberty to make an application to extend the period.

Response from Consultees

7b.3 There are no matters arising which cannot be controlled through planning condition.

7c Conclusion

7c.1 It is considered that the siting of the storage container is acceptable on a temporary basis and that the concerns regarding the erosion of visual amenity to neighbours do not outweigh the reasons to support the approved community facility on the site, including enhancement of storage provision.

8. RECOMMENDATION

8.1 It is recommended that the Committee grant planning permission subject to the following conditions:-

- (1) This permission shall be valid for a limited period until 1 December 2016 and at that time, unless further permission is granted, the storage container shall be removed and the site reinstated to its original condition.
- (2) The external appearance of the container shall be maintained in a neat and tidy condition, with further information regarding maintenance to be submitted to and approved in writing by the Planning Authority.

Reason(s):-

- (1) The proposal is not considered to be a suitable form of permanent development.
- (2) To protect visual amenity.

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Director of Development Services

Date: 25 November 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Local Plan.
2. Letter of objection received from Mr Tom Fitzsimmons, 47 Mavisbank Avenue, Shiledhill, Falkirk FK1 2EU on 1 November 2011.
3. Letter of objection from Mr & Mrs Bain, 27 Elim Drive, Main Street, Shieldhill, Falkirk FK1 3EZ on 1 November 2011.

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

Planning Committee

Planning Application Location Plan **P/11/0674/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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