

**FALKIRK COUNCIL**

**Subject: ERECTION OF 12 FLATS AND DEMOLITION OF EXISTING CLUBHOUSE AT 86 BURNHEAD ROAD, LARBERT FK5 4BD FOR FALKIRK TRYST GOLF CLUB - P/07/0222/FUL**  
**Meeting: PLANNING COMMITTEE**  
**Date: 19 September 2012**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members:** Ward - Carse, Kinnaird and Tryst  
Councillor Stephen Bird  
Councillor Steven Carleschi  
Councillor Charles MacDonald  
Councillor Craig Martin

**Community Council:** Larbert, Stenhousemuir and Torwood

**Case Officer:** David Paterson (Planning Officer), ext 4757

**UPDATE REPORT**

1. This application was originally considered at the meeting of the former Regulatory Committee on 28 January 2009 (copy of previous reports appended), when it was agreed that planning permission be granted subject to the conclusion of an agreement under Section 69 of the Local Government (Scotland) Act 1973 to secure a developer contribution towards education provision at St Francis RC Primary School and St Mungo's RC High school. The contribution agreed by committee was £650 per flat, with the total amount being £7,800.
2. It was later agreed under powers delegated to the Director of Development Services that the contribution towards education provision be secured by means of an agreement under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997, now a Section 75 Planning Obligation, the 1997 Act having subsequently been as amended by the Planning etc. (Scotland) Act 2006.
3. The revised provision would allow planning permission to be issued on the conclusion of the Section 75 Agreement, thus allowing the applicant the opportunity to seek funding for the proposed development. The contribution towards education provision would have to be made to the Council prior to the commencement of development on site.

4. There have been difficulties reaching a successful conclusion of the Section 75 agreement since the consideration of the application by the Regulatory Committee on 28 January 2009. It is noted that the applicant encountered difficulties ascertaining the identity of parties required to be signatories to the Section 75 Agreement.
5. The identity of all appropriate parties are now known and the applicant wishes to take steps to secure the issue of planning permission. However, as a result of the significant passage of time since the consideration of the application by the Regulatory Committee, it is deemed appropriate to revisit the issue of the impact of the proposed development on education provision in order to ensure that any contribution addresses current requirements in respect of education provision at St. Francis RC Primary School and St Mungo's RC High School. An assessment has been carried out taking into account Policy SC14 'Education and New Housing Development of the Falkirk Council Local Plan and the Supplementary Planning Guidance Note 'Education and New Housing Development'.
6. In consultation with Education Services, it is now considered that there is sufficient capacity at St Francis RC Primary School and St Mungo's RC High School to provide education services for the proposed development. It is not now considered that a developer contribution towards education provision at these schools as a result of the proposed development is appropriate.

## **7. RECOMMENDATION**

### **7.1 It is therefore recommended that planning permission be granted subject to the conditions as detailed below contained in the report agreed by the former Regulatory Committee on 28 January 2009:-**

- (1) The development to which this permission relates must be begun within three years from the date of this permission.
- (2) All boundary treatments shall be completed prior to the occupation of any of the flats.
- (3) No work shall commence on site until details of landscaping have been approved in writing by the Planning Authority.
- (4) All landscaping shall be completed by the end of the first planting season following the occupation of the first flat. For the avoidance of doubt the date of the end of the planting season shall be taken to be 31 March.
- (5) The access roadway into the site, the two parallel parking bays on Burnhead Road and all footways shall be designed and constructed in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000."
- (6) Visibility Splays measuring 2.4 metres x 60 metres shall be provided in both directions from the car park access within which there should be no obstruction to visibility over 1 metre in height above carriageway level.
- (7) The parking area shall be constructed to ensure that no surface water or loose material is discharged onto the public road.

- (8) Before development on the site begins details of a footpath link between points A and B on Drawing No PF-02C shall be submitted to and approved in writing by the Planning Authority. The footpath shall be constructed in accordance with the approved scheme before development of the flats begins.
- (9) Prior to any works commencing on site a site investigation to establish if contamination (as defined in Part 11a of the Environmental Protection Act 1990) is present on site shall be approved in writing by the Planning Authority. Where contamination is identified, the site investigation shall include a scheme of remediation measures which shall include:-
  - a. The nature, extent and type(s) of contamination on the site.
  - b. Measures to treat/remove contamination to ensure the site is fit for the proposed use.
  - c. Measures to deal with contamination during construction works.
  - d. Condition of the site on completion of decontamination measures.
  - e. Details of a monitoring programme following site redemption.
- (10) No work shall commence on site until any contamination remediation measures approved in writing by the Planning Authority and required to be carried out prior to development are completed and the completion of which has been confirmed in writing by the Planning Authority.
- (11) There shall be no work on site until such times as a drainage strategy has been submitted to, and approved in writing by the Planning Authority.
- (12) The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by the Planning Authority.

**Reason(s):-**

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-4) To safeguard the visual amenity of the area.
- (5-7) To safeguard the interests of users of the highway.
- (8) To ensure the safety of pedestrians.
- (9, 10) To safeguard the environmental amenity of the area.
- (11) To ensure that adequate drainage is provided.

- (12) To ensure that the development is carried out to the satisfaction and approval of the Planning Authority.

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**Director of Development Services**

**Date:** 12 September 2012

**UPDATED LIST OF BACKGROUND PAPERS**

1. Planning Application P/07/0222/FUL.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson (Planning Officer).

# Planning Committee

## Planning Application Location Plan P/07/0222/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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**FALKIRK COUNCIL**

**Subject:** ERECTION OF 12 FLATS AND DEMOLITION OF EXISTING CLUBHOUSE AT 86 BURNHEAD ROAD, LARBERT, FK5 4BD FOR FALKIRK TRYST GOLF CLUB - P/07/0222/FUL  
**Meeting:** REGULATORY COMMITTEE  
**Date:** 28 January 2009  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Councillor Steven Carleschi  
Councillor Lynda Kenna  
Councillor Charles McDonald  
Councillor Craig Martin

**Community Council:** Larbert, Stenhousemuir and Torwood

**Case Officer:** David Paterson (Planning Officer), ext 4757

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this application was originally considered at the meeting of the Regulatory Committee on 03 December 2008 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit.
2. At the site meeting a summary of the petition (11 names) expressing concerns at this development were raised by Mr H Lynch. Comments in response to these concerns are as follows.
3. The matter in respect of the Golf Club's future not being dependent on the house building or a new clubhouse is not a material planning consideration. Falkirk Council as planning authority is obliged to determine any valid planning application submitted to it for consideration.
4. No account was taken of the objections in a previous petition relating to the Public Inquiry in 2006 for residential building on the Tryst as this relates to a separate planning application which has since been determined. No such petition was lodged with this planning application other than the recent petition of 11 names which was lodged on the morning of the meeting of the Regulatory Committee on 3 December 2008.
5. The impact upon the environment, amenity and wildlife would be minimal in this particular case as the majority of the site is presently occupied by the existing clubhouse. The impact on the open green recreational spaces is minimal apart from the relocation of the 4<sup>th</sup> Tee.

6. The Roads and Development Unit has raised no objection to this proposal in respect of road safety.
7. Education Services have confirmed that the financial contribution associated with this particular proposal (for a flatted development) only requires to meet the capacity related needs of St Mungo's RC High School and St Francis RC Primary School.
8. The lack of community consultation by the Club Committee on the proposals is not a material consideration. All statutory requirements in respect of neighbour notification of the proposals have been undertaken.
9. In conclusion, the proposed development would not have a significant detrimental impact upon the recreation and amenity value of the golf course, albeit the relocation of the 4<sup>th</sup> Tee is required as part of the proposal. The applicant states that the proposal, in conjunction with other related planning applications, would assist in safeguarding the future of the Tryst Golf Club.
10. The proposed development is not considered to represent a significant departure to the Development Plan. Should Members be minded to grant planning permission, the proposed development would not require to be referred to Scottish Ministers.
11. **It is recommended that Members indicate they are minded to grant planning permission subject to the successful completion of a Section 69 Agreement requiring the payment of a pro-rata sum of £650 per flat (£7,800 total) as a contribution to education provision at St. Francis RC Primary School and St. Mungo's RC High School as a result of the impact of the development.**
12. **On completion of the Section 69 Agreement referred to in paragraph 11 above, the Members 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 five years from the date of this permission.**
  - (2) **All boundary treatments shall be completed prior to the occupation of any of the flats.**
  - (3) **No work shall commence on site until details of landscaping have been approved in writing by the Planning Authority.**
  - (4) **All landscaping shall be completed by the end of the first planting season following the occupation of the first flat. For the avoidance of doubt the date of the end of the planting season shall be taken to be 31 March.**
  - (5) **The access roadway into the site, the two parallel parking bays on Burnhead Road and all footways shall be designed and constructed in accordance with the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000."**

- (6) Visibility Splays measuring 2.4 metres x 60 metres shall be provided in both directions from the car park access within which there should be no obstruction to visibility over 1 metre in height above carriageway level.
- (7) The parking area shall be constructed to ensure that no surface water or loose material is discharged onto the public road.
- (8) Before development on the site begins details of a footpath link between points A and B on Drawing No PF-02C shall be submitted to and approved in writing by the Planning Authority. The footpath shall be constructed in accordance with the approved scheme before development of the flats begins.
- (9) Prior to any works commencing on site a site investigation to establish of contamination (as defined in Part 11a of the Environmental Protection Act 1990) is present on site shall be approved in writing by the Planning Authority. Where contamination is identified, the site investigation shall include a scheme of remediation measures which shall include:-
  - f. The nature, extent and type(s) of contamination on the site.
  - g. Measures to treat/remove contamination to ensure the site is fit for the proposed use.
  - h. Measures to deal with contamination during construction works.
  - i. Condition of the site on completion of decontamination measures.
  - j. Details of a monitoring programme following site redemption.
- (10) No work shall commence on site until any contamination remediation measures approved in writing by the Planning Authority and required to be carried out prior to development are completed and the completion of which has been confirmed in writing by the Planning Authority.
- (11) There shall be no work on site until such times as a drainage strategy has been submitted to, and approved in writing by the Planning Authority.
- (12) The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by the Planning Authority.

**Reason(s):**

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-5) To safeguard the visual amenity of the area.
- (5-7) To safeguard the interests of users of the highway.
- (8) To ensure the safety of pedestrians.
- (9, 10) To safeguard the environmental amenity of the area.
- (11) To ensure that adequate drainage is provided.



- (12) To ensure that the development is carried out to the satisfaction and approval of the Planning Authority.

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**Director of Development Services**

**Date: 20 January 2009**

**UPDATED LIST OF BACKGROUND PAPERS**

1. Larbert and Stenhousemuir Local Plan
2. Falkirk Council Local Plan Finalised Draft (Deposit Version)
3. Scottish Planning Policy (SPP)3 - Planning For Housing
4. Planning Advice Note (PAN) 43 - Golf Club Development
5. Planning Application File F/90/0993
6. Planning Application File F/94/0441
7. Planning Application File F/96/0094
8. Planning Application File F/97/0019
9. Planning Application File F/97/0908
10. Planning Application File F/2002/0500
11. Planning Application File F/2004/0606
12. Planning Application File 06/0968/FUL
13. Planning Application File 06/0969/FUL
14. Planning Application File P/07/0254/FUL
15. Letter dated 10 March 2007 from Mr K Harper 67 Burnhead Road, Larbert FK5 4BD.
16. Letter dated 8 March 2007 from Mr and Mrs Lynch 69 Burnhead Road, Larbert FK5 4BD.
17. Signed Petition dated 1 December 2008 from Hugh J Lynch, 69 Burnhead Road, Larbert FK5 4BD.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson (Planning Officer).

**FALKIRK COUNCIL**

**Subject:** ERECTION OF 12 FLATS AND DEMOLITION OF EXISTING CLUBHOUSE AT 86 BURNHEAD ROAD, LARBERT, FK5 4BD FOR FALKIRK TRYST GOLF CLUB - P/07/0222/FUL  
**Meeting:** REGULATORY COMMITTEE  
**Date:** 03 December 2008  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Councillor Steven Carleschi  
Councillor Lynda Kenna  
Councillor Charles McDonald  
Councillor Craig Martin

**Community Council:** Larbert, Stenhousemuir and Torwood

**Case Officer:** David Paterson (Planning Officer), ext 4757

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

- 1.1 The site measures approximately 0.25 hectares in area and comprises the existing golf clubhouse and 4<sup>th</sup> tee on the east side of Burnhead Road, Larbert.
- 1.2 The site is bounded by the golf club car park and practice area to the north, by a 1 ½ storey house to the south, and by the golf course to the east.
- 1.3 There is an existing footpath across the site joining Burnhead Road to Tryst Road.
- 1.4 It is proposed to demolish the existing clubhouse and erect 12 flats in one block 40 metres in length. The block is 2 storeys in height and has a similar footprint to the existing clubhouse. However, it is proposed to erect the block to the north of the existing clubhouse, 19 metres from the house to the south of the site. The 4<sup>th</sup> tee would be relocated beyond the eastern boundary of the site.
- 1.5 It is proposed to take vehicular access from Burnhead Road.
- 1.6 The proposed development includes provision for the existing path across the site to be re-routed 30 metres further north of the point where it currently meets Burnhead Road.
- 1.7 Provision has also been made for the relocation of the golf clubhouse and professionals shop. This is the subject of a separate planning application ref 06/0968/FUL.

## **2. REASON FOR CONSIDERATION BY COMMITTEE**

- 2.1 The proposal constitutes a departure from the approved Development Plan.

## **3. SITE HISTORY**

- 3.1 The following applications relate to development associated with Falkirk Tryst Golf Club:
- 3.2 F/90/0993 - alterations and extension to golf clubhouse - approved 27 November 1990.
- 3.3 F/94/0441 - extension to clubhouse - approved 25 June 1994.
- 3.4 F/96/0094 - installation of temporary building for use as green-keeping staff office and store - approved 18 April 1996.
- 3.5 F/97/0019 - erection of safety fence - approved 24 February 1997.
- 3.6 F/97/0908 - extension and alterations to clubhouse - approved 9 February 1998.
- 3.7 F/2002/0500 - development of land for residential purposes (outline) - refused 26 February 2003.
- 3.8 F/2004/0606 - erection of new fence - approved 9 July 2004.
- 3.9 06/0968/FUL - erection of golf clubhouse and professional shop - this is the subject of a separate report on this agenda.
- 3.10 06/0969/FUL - erection of green-keepers facilities and ancillary works - approved 9 January 2008.
- 3.11 P/07/0254/FUL - erection of 9 dwellinghouses - this is the subject of a separate report on this agenda.

## **4. CONSULTATIONS**

- 4.1 The Roads and Development Unit has advised that prior to the commencement of work on site, a drainage strategy in respect of the proposal should be approved in writing by the planning authority.
- 4.2 The Environmental Protection Unit has advised that the applicant should undertake a site investigation to establish if contamination (as defined in Part 11a of the Environmental Protection Act 1990) is present on site.
- 4.3 The Education Services Unit has advised that the development would be expected to create demand for extra schools provision at St. Francis RC Primary School and St. Mungo's RC High School. It is requested therefore that the applicant provide a pro-rata contribution of £650 per flat (£7,800 total) towards necessary educational investment.

4.4 Scottish Water has raised no objections.

4.5 The Scottish Environmental Protection Agency has raised no objections.

4.6 Sportscotland have confirmed that at the time of the submission of this planning application, they were not a Statutory Consultee. Notwithstanding the fact that this planning application remained undetermined after Sportscotland became a statutory consultee in respect of such proposals on 1 January 2008, there is no statutory requirement to formally consult Sportscotland.

## **5. COMMUNITY COUNCIL**

5.1 The Larbert, Stenhousemuir and Torwood Community Council has raised no objections.

## **6. PUBLIC REPRESENTATION**

6.1 Two letters of objection have been received. Concerns are:-

- Burnhead Road should be widened to the north of the proposed vehicular access.
- The proposed development would potentially lead to increased traffic, sewerage and water problems.
- The loss of green space would have an adverse environmental impact.

## **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 Structure Plan***

7a.1 It is not considered that the proposal raises any strategic issues.

#### ***Larbert and Stenhousemuir Local Plan***

7a.2 Policy LAR 5 - ‘New Residential Development’ states:

*“New residential development is directed towards sites H1 to H20 identified on the Policies, Proposals and Opportunities Map and other appropriate brownfield sites which become available within the Urban Limit.”*

7a.3 The site is within the urban limit. It is noted that the area to the west of the Golf Club is mainly residential use.

7a.4 The proposed development accords with Policy LAR 5.

7a.5 Policy LAR 33 - 'Public Transport Users, Cyclists and Pedestrians' states:

*"The Council will generally support projects which would:*

- (i) enhance the range and quality of facilities for public transport users; and*
- (ii) promote the interests of cyclists and pedestrians.*

*There will be a general presumption against development proposals which are not accessible by public transport and do not make adequate provision for cyclists and pedestrians."*

7a.6 Bicycle storage would be provided for each flat and the Transport Planning Unit has advised existing bus services are accessible and suitable for the proposed development.

7a.7 The existing footpath across the site would be re-routed 30 metres further north of the point where it currently meets Burnhead Road.

7a.8 The proposed development accords with Policy LAR 33.

7a.9 Policy LAR 48 'Provision of Leisure and Recreation Facilities' states:

*"The Council will exercise a presumption against the loss of existing leisure and recreation facilities which would adversely affect the range and quality of provision. In general, the Council welcomes the development of new leisure and recreation facilities to meet the needs of existing and new residents and visitors."*

7a.10 Planning application 06/0968/FUL detailed in section 3.8 of this report is noted. The golf club have applied for planning permission to erect a new golf clubhouse at Tryst Road, Stenhousemuir as a means to secure the future of the golf club. The proposal to which this report refers is proposed as enabling development. It is also noted that the proposed development is supported by a financial statement which has been assessed by Community Services and has been found to be reliable in its conclusions.

7a.11 The proposed development accords with Policy LAR 48.

7a.12 Policy LAR 49 – 'Protection of Open Space' states:

*"The Council will generally protect parks, playing fields and other areas of public open space from unrelated development which would diminish their recreational or amenity value. Proposals involving the loss of any area of public open space, whether through built development or incorporation as private garden ground, will normally be resisted where the proposal would :-*

- (i) adversely affect the recreational value of any area of active or passive open space, considered in relation to overall standards of provision in the surrounding area;*
- (ii) result in the loss of amenity open space such that the character or appearance of the area or its setting will be adversely affected; and*

- (iii) *set an undesirable precedent for further incremental loss of public open space such that the provision of amenity or recreation open space in the area would be eroded."*

- 7a.13 The proposed development will have an impact on the character of the western boundary of the Tryst Golf Club grounds. The proposed development differs in character to the existing open space nature of the application site.
- 7a.14 The proposed development does not accord with Policy LAR 49.
- 7a.15 The proposal does not accord with all relevant policies of the Development Plan. Accordingly the proposed development is not considered to accord with the Development Plan.

## **7b Material Considerations**

- 7b.1 The material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version), Scottish Planning Policy (SPP) 3 "Planning for Housing", consultation responses, representations from the public and Planning Advice Note 43 "Golf Courses and Associated Development".

### ***Falkirk Council Local Plan Finalised Draft (Deposit Version)***

- 7b.2 Policy SC6 - 'Housing Density And Amenity' states:

- "(1) Overall density in new residential developments should conform to the indicative capacity shown for allocated sites or, in the case of windfall sites, be dictated by the character of the surrounding area and the design objectives for the site, as established in the Design Concept Statement. Higher densities may be allowed where this helps to achieve design excellence.*
- (2) On large sites, housing density should be varied to create areas of different character, reflecting the structure of streets and spaces in the development. A mix of housing types will be required.*
- (3) Adequate properly screened private amenity space should be provided for dwellinghouses. In flatted developments, communal space for clothes drying and private amenity should be provided.*
- (4) Housing layouts should be designed to ensure adequate privacy and to avoid excessive overshadowing of houses or garden ground. A minimum distance between overlooking windows of 18 metres will generally be required."*

- 7b.3 The density of the proposed development is approximately 20 units per acre. It is considered that each flat is afforded a satisfactory amount of private garden ground and that the level of amenity provided is in keeping with that provided in the surrounding area.
- 7b.4 The proposed development would result in the availability of a more varied mix of housing types in the area.
- 7b.5 The proposed block of flats is sufficiently distant from, and offset to adjacent dwellinghouses, to ensure that there is not a significant impact on the amenity or privacy of adjacent properties.
- 7b.6 The proposed development accords with Policy SC6.

7b.7 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.*

7b.8 The proposed development shall have an impact on the character of the western boundary of the Tryst Golf Club grounds. The proposal differs in character from the existing open space nature of the application site.

7b.9 The application site is not identified in any open space audit or a site specific local audit as surplus to recreational requirements.

7b.10 The proposed development does not accord with Policy SC12.

7b.11 The proposed development does not accord with all relevant policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version). Accordingly the proposed development is not considered to accord with the draft plan.

### ***SPP3 "Planning For Housing"***

7b.12 In terms of residential environments and creating communities SPP3 states that "Local Authorities, developers and other housing providers should consider the need to provide a choice of house types". Some central urban sites, for example, may provide opportunities for new flatted development".

7b.13 Furthermore Scottish Government policy encourages more diverse, attractive, mixed residential communities both in terms of tenure and land use. "To create mixed communities, a range of housing types is needed providing for the needs of all in the community, and all segments of the market from affordable housing and starter homes to executive housing and including homes for families, older people, and people with special housing needs. In the past much of the family accommodation in cities was in flats. There is now increasing demand for lower density housing with gardens although there is also evidence of households without children seeking flatted accommodation".

7b.14 It is considered that the proposed development would help provide a more varied mix of housing types and opportunities helping to create a more mixed and balanced community.

7b.15 The proposed development accords with SPP3.

### ***Consultation Responses***

- 7b.16 It is noted that there were no objections to the proposed development as a result of the consultation process. However, it is noted that a site contamination report and a drainage strategy is required.
- 7b.17 These issues can be addressed by condition.

### ***Public Representations***

- 7b.18 In terms of the potential increase in traffic and associated road safety concerns, it is noted that the Roads Development Unit has raised no objections.
- 7b.19 There is no evidence to support the view that the proposed development would cause sewerage and water problems in the area.
- 7b.20 It is not considered that the loss of a small area of golf course would have an adverse environmental impact on the area.

### ***Planning Advice Note 43 "Golf Courses and Associated Development"***

- 7b.21 Planning Advice Note 43 states that in cases where a golf course proposal includes enabling development, the key issues in determining the way in which the proposal is evaluated will be whether the golf course is of primary or secondary significance to the development and the comparative scale of the scheme's components.
- 7b.22 In this case the golf course remains in existence. However, the issues remain the same.
- 7b.23 It is also noted that planning application F/2002/0500, development of land for residential purposes (outline) was refused planning permission on 26 February 2003. There was considerable opposition to the application on the basis that the loss of the golf course would be significantly detrimental to the environment and amenity of the area and to wildlife.
- 7b.24 It is considered that the safeguarding of the existing golf course and the reduction of pressures to develop the land is the primary concern. The proposed development is modest in scale utilising only a small area of the golf club property.
- 7b.25 The environmental benefits outweigh the minimal loss of golf club land in this instance.
- 7b.26 The proposed development accords with PAN 43.

### **7c Conclusion**

- 7c.1 The proposed development does not accord with the Development Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version).
- 7c.2 The proposed development requires the relocation of the 4<sup>th</sup> tee. It is not considered that the recreation and amenity value of the golf course will be diminished by the proposed development.



- 7c.3 The existing footpath across the site would be re-routed 30 metres further north of the point where it currently meets Burnhead Road. It is therefore considered that connectivity within the overall open space network would be retained.
- 7c.4 The proposed development would help to safeguard the future of the Tryst Golf Club. In this instance the environmental benefits outweigh the minimal loss of golf club land. The proposal accords with the terms of Planning Advice Note 43 "Golf Clubs and Associated Development".
- 7c.5 It is considered that the proposed development respects the character of the area.
- 7c.6 The proposed development includes a satisfactory amount of private garden ground for each flat and a level of amenity in keeping with the surrounding area.
- 7c.7 The flatted blocks are located at a distance, and in an offset manner, that safeguards the amenity and privacy of residents of adjoining housing.
- 7c.8 The flatted nature of the proposed development would provide a more varied mix of house types in the area.
- 7c.9 Issues raised by consultees can be addressed by condition.
- 7c.10 It is not considered that the proposed development is a significant departure from the Development Plan. It is not therefore considered that the proposal would require to be referred to Scottish Ministers.

## **8. RECOMMENDATION**

- 8.1 It is recommended that Members indicate they are minded to grant planning permission subject to the successful completion of a Section 69 Agreement requiring the payment of a pro-rata sum of £650 per flat (£7,800 total) as a contribution to education provision at St. Francis RC Primary School and St. Mungo's RC High School as a result of the impact of the development.
- 8.2 On completion of the Section 69 Agreement referred to in section 7.1 above, the Members 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 five years from the date of this permission.
  - (2) All boundary treatments shall be completed prior to the occupation of any of the flats.
  - (3) No work shall commence on site until details of landscaping have been approved in writing by the Planning Authority.
  - (4) All landscaping shall be completed by the end of the first planting season following the occupation of the first flat. For the avoidance of doubt the date of the end of the planting season shall be taken to be 31 March.

- (5) The access roadway into the site, the two parallel parking bays on Burnhead Road and all footways shall be designed and constructed in accordance with the “Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.”
- (6) Visibility Splays measuring 2.4 metres x 60 metres shall be provided in both directions from the car park access within which there should be no obstruction to visibility over 1 metre in height above carriageway level.
- (7) The parking area shall be constructed to ensure that no surface water or loose material is discharged onto the public road.
- (8) Before development on the site begins details of a footpath link between points A and B on Drawing No PF-02C shall be submitted to and approved in writing by the Planning Authority. The footpath shall be constructed in accordance with the approved scheme before development of the flats begins.
- (9) Prior to any works commencing on site a site investigation to establish of contamination (as defined in Part 11a of the Environmental Protection Act 1990) is present on site shall be approved in writing by the Planning Authority. Where contamination is identified, the site investigation shall include a scheme of remediation measures which shall include:-
  - k. The nature, extent and type(s) of contamination on the site.
  - l. Measures to treat/remove contamination to ensure the site is fit for the proposed use.
  - m. Measures to deal with contamination during construction works.
  - n. Condition of the site on completion of decontamination measures.
  - o. Details of a monitoring programme following site redemption.
- (10) No work shall commence on site until any contamination remediation measures approved in writing by the Planning Authority and required to be carried out prior to development are completed and the completion of which has been confirmed in writing by the Planning Authority.
- (11) There shall be no work on site until such times as a drainage strategy has been submitted to, and approved in writing by the Planning Authority.
- (12) The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by the Planning Authority.

**Reason(s):**

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-6) To safeguard the visual amenity of the area.
- (5-7) To safeguard the interests of users of the highway.

- (8) To ensure the safety of pedestrians.
- (9, 10) To safeguard the environmental amenity of the area.
- (11) To ensure that adequate drainage is provided.
- (12) To ensure that the development is carried out to the satisfaction and approval of the Planning Authority.

.....  
**Director of Development Services**

**Date: 27<sup>th</sup> November 2008**

#### **LIST OF BACKGROUND PAPERS**

- 15. Larbert and Stenhousemuir Local Plan
- 16. Falkirk Council Local Plan Finalised Draft (Deposit Version)
- 17. Scottish Planning Policy (SPP)3 - Planning For Housing
- 18. Planning Advice Note (PAN) 43 - Golf Club Development
- 19. Planning Application File F/90/0993
- 20. Planning Application File F/94/0441
- 21. Planning Application File F/96/0094
- 22. Planning Application File F/97/0019
- 23. Planning Application File F/97/0908
- 24. Planning Application File F/2002/0500
- 25. Planning Application File F/2004/0606
- 26. Planning Application File 06/0968/FUL
- 27. Planning Application File 06/0969/FUL
- 28. Planning Application File P/07/0254/FUL

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson (Planning Officer).

**Subject:       ERECTION OF 12 FLATS AND DEMOLITION OF EXISTING  
CLUBHOUSE AT 86 BURNHEAD ROAD, LARBERT, FK5 4BD FOR  
FALKIRK TRYST GOLF CLUB - P/07/0222/FUL**

**UPDATED LIST OF BACKGROUND PAPERS**

29. Larbert and Stenhousemuir Local Plan
30. Falkirk Council Local Plan Finalised Draft (Deposit Version)
31. Scottish Planning Policy (SPP)3 - Planning For Housing
32. Planning Advice Note (PAN) 43 - Golf Club Development
33. Planning Application File F/90/0993
34. Planning Application File F/94/0441
35. Planning Application File F/96/0094
36. Planning Application File F/97/0019
37. Planning Application File F/97/0908
38. Planning Application File F/2002/0500
39. Planning Application File F/2004/0606
40. Planning Application File 06/0968/FUL
41. Planning Application File 06/0969/FUL
42. Planning Application File P/07/0254/FUL
15. Letter dated 10 March 2007 from Mr K Harper 67 Burnhead Road, Larbert FK5 4BD.
16. Letter dated 8 March 2007 from Mr and Mrs Lynch 69 Burnhead Road, Larbert FK5 4BD.