

FALKIRK COUNCIL

Subject: CHANGE OF USE OF OPEN SPACE TO PRIVATE GARDEN
GROUND AND ERECTION OF 2 METRE HIGH FENCE AT 58
BRIDGE CRESCENT, DENNY FK6 6PD FOR MR AND MRS
MUHAMMAD ASHRAF – P/13/0174/FUL

Meeting: PLANNING COMMITTEE

Date: 29 May 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock

Councillor Jim Blackwood
Councillor Brian McCabe
Councillor John McNally
Councillor Martin David Oliver

Community Council: Denny and District

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to the change of use of an area of public open space to garden ground. The applicant owns the adjacent 'four in a block' style ground floor flat. The proposed development would extend an existing area of private garden ground to the rear of the property and enclose with a 2 metre high fence matching the existing fence.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 Falkirk Council own the application site. Under the Council's amended Scheme of Delegation, such applications require consideration by the Planning Committee.

3. SITE HISTORY

- 3.1 There is no relevant planning history for this site.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit do not object to the application.

5. COMMUNITY COUNCIL

- 5.1 Denny and District Community Council has not made representation in relation to the proposed development.

6. PUBLIC REPRESENTATION

- 6.1 Following neighbour notification and advertisement in the local press, no letters of representation have been received to date. However, the period for representation specified in the press advertisement does not expire until 30 May 2013.

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 The proposed development is not considered to be of a strategic nature. The policies of the Falkirk Council Structure Plan are not therefore relevant to the proposed development.

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 a settlement and neighbourhood audit 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 The application site forms an area of flat grass to the side of the applicant's garden. The area is adjacent to a public footpath giving access to the communal parking area accessed from Castle Terrace. There is an area of open space and play area to the rear of properties on Bridge Crescent, also accessed via the footpath. There is another larger area of open space adjacent to the application site, the application site being clearly bounded by garden ground and footpaths.
- 7a.4 It is considered that the application site has limited recreational benefit as a result of its size and relationship with surrounding footpaths and gardens. The site has no ecological value and granting of the proposed development would not threaten connectivity within the overall open space network. The shape and relationship of the application site gives the site the appearance of being a side garden for the adjacent flatted dwellings. The proposed development would make a logical extension to the existing garden area and it is considered that the proposed development would not significantly affect the visual amenity of the established residential area. The proposed development does not offend the terms of policy SC12 'Urban Open Space'.
- 7a.5 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed are the policies of the Falkirk Local Development Plan.

Falkirk Local Development Plan

- 7b.2 The Proposed Falkirk Local Development Plan was approved by the Council for consultation March 2013, with the period for representations running from April to June 2013. It is expected to be adopted in early 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan Policy and constitutes a material consideration in the determination of planning applications.
- 7b.3 Policy INF03 'Protection of Open Space' reinforces the terms of policy SC12 'Urban Open Space' of the Falkirk Council Local Plan. It is considered that the application site has no significant landscape, amenity, recreational or ecological value and as such the proposed development does not offend the terms of policy INF03.

7c Conclusion

- 7c.1 The proposal is an acceptable form of development and has been assessed as being in accordance with the Development Plan and the Proposed Falkirk Local Development Plan. There are no material planning considerations that warrant a refusal of planning permission in this instance.

8. RECOMMENDATION

- 8.1 It is therefore recommended that the Planning Committee grant planning permission subject to:-
- (a) No representations being received in relation to the advertisement in the local press, expiring on 30 May 2013; and

(b) The following conditions:

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
- (2) Before use of the area of private garden ground commences, the area shall be enclosed by a 2 metre high fence to match the existing 2 metre high boundary fence shown on the approved plan (our online reference number 03).

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) In the interests of visual amenity, to ensure the proposed fence matches the existing fence.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02B and 03.
- (2) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.

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Director of Development Services

Date: 21 May 2013

LIST OF BACKGROUND PAPERS

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1. Falkirk Council Local Plan
 2. Proposed Falkirk Local Development Plan

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/13/0174/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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