

**FALKIRK COUNCIL**

**Subject:** CONSTRUCTION OF NEW CARRIAGEWAY 7.3 METRES WIDE, APPROXIMATELY 210 METRES LONG WITH ASSOCIATED 3 METRE WIDE CYCLEWAY/FOOTWAY AT LAND TO THE SOUTH EAST OF WESTER NEWLANDS, LAURIESTON ROAD, GRANGEMOUTH FOR FALKIRK COUNCIL - P/13/0304/VRC

**Meeting:** PLANNING COMMITTEE

**Date:** 29 May 2013

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Lower Braes  
Councillor Steven Jackson  
Councillor Malcolm Nicol  
Councillor Alan Nimmo

**Community Council:** Grangemouth

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

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

- 1.1 Application Ref: P/07/1158/FUL for the construction of a new carriageway and cycleway/footway, was granted planning permission on 8 May 2008. This application proposes to vary the planning permission by amending the position of the proposed cycleway/footway. It should be noted that this application for a variation to planning permission, is considered retrospective as the cycleway/footway has already been constructed in the amended position.
- 1.2 The amended position of the cyclepath is closer to the north east boundary of the application site and allows for a landscaped area between the proposed new road and cyclepath. Construction of the road and other aspects of the project have not yet commenced.

**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 Application Ref: P/07/1158/FUL for the construction of a new carriageway 7.3 metres wide, approximately 210 metres long with associated 3 metre wide cycleway/footway was granted on 8 May 2008.

#### **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit advise that the proposals are acceptable and there are no roads conditions to be attached to any granting of planning permission.
- 4.2 The Coal Authority have not responded to the consultation.
- 4.3 Falkirk Community Trust have not responded to consultation.

#### **5. COMMUNITY COUNCIL**

- 5.1 The Grangemouth Community Council made no comments in relation to the application.

#### **6. PUBLIC REPRESENTATION**

- 6.1 One letter of representation to the application was received. The objection can be summarised as follows:-
- The proposed road would be closer to an adjacent residential property and existing traffic has caused damage to the property (stress cracks); and
  - Residential properties should be screened from the noise and lights on the new section of road.
- 6.2 The application was advertised in the Falkirk Herald on 9 May 2013. The advert expires on 30 May 2013. To date no further representations have been received.

#### **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 policies relevant to the proposal contained in the Structure Plan.

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

- 7a.2 Policy EQ17 "Antonine Wall" states

*The Council will seek to retain, protect, preserve and enhance the Antonine Wall, its associated archaeology, character and setting. Accordingly:*

- (1) *There will be a presumption against development which would have an adverse impact on the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' as defined on the Proposals Map;*

- (2) *There will be a presumption against development within the 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site' buffer zones, as defined on the Proposals Map, which would have an adverse impact on the Site and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Scotland can be taken to redress the adverse impact, and there is no conflict with other Local Plan policies; and*
- (3) *The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line, or within the setting, of the Antonine Wall as defined on the Proposals Map.*

7a.3 The application site is located within the Antonine Wall World Heritage Site Buffer Zone. This application relates to a variation of the original planning consent to amend the position of the cyclepath. It is considered that the amendment would not have an adverse impact on the heritage site or its setting and does not offend the terms of policy EQ17 'Antonine Wall'.

7a.4 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 Councils 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.*

7a.5 Policy EQ20 "Green Belt" states

*There will be a strong presumption against development in the Green Belt except where it can be demonstrated that:*

- (1) *The proposal satisfies Policy EQ19 and any relevant countryside policies as set out in Table 3.3; and*
- (2) *The proposal will not undermine the role of the Green Belt by detracting from its existing landscape character;  
reducing the visual separation between settlements; or  
compromising its existing or potential future use for countryside recreation.*

*Where proposals satisfy these criteria, developer contributions to landscape improvement, access and countryside recreation will be sought in accordance with Policy EQ21.*

7a.6 The application site is located within the countryside and green belt as identified on the policy and proposals map. It is considered that the amendment would not detract from the existing landscape character of the area, reduce the visual separation between settlements or compromise the area's existing or future use for countryside recreation. It is considered that the proposed development would not offend the terms of policy EQ19 'Countryside' or policy EQ20 'Green Belt'.

7a.7 Policy EP18 "Major Hazards" states

*Within the Major Hazard and Pipeline Consultation Zones identified on the Proposals Map, proposals will be judged in relation to the following criteria:*

- (1) The increase in the number of people exposed to risk in the area, taking into account the advice of the Health and Safety Executive, any local information pertaining to the hazard, and the existing permitted use of the site or buildings;*
- (2) The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means. and*
- (3) The potential impact that the proposals may have upon chemical and petrochemical establishments*

7a.8 The application site is within the middle hazard consultation zone for Calachem. It is considered that the proposed development would not increase the number of people exposed to risk in the area. It is considered that the proposed cyclepath would achieve regeneration benefits for the area and the proposal is not likely to have an impact on chemical or petrochemical establishments, in accordance with Policy EP18 'Major Hazards'.

7a.9 Policy ST6 "Improving the Road Network"

*Falkirk Council will work with other authorities, Transport Scotland and developers in delivering necessary improvements to the road network. Any improvements identified will be taken forward as part of packages of measures that support sustainable transport.*

7a.10 It is considered that the proposed development is supported by policy ST6 'Improving the Road Network'.

7a.11 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations to be assessed are the Falkirk Local Development Plan, Proposed Plan (April 2013), response to consultation and assessment of public representation.

### ***Falkirk Local Development Plan***

7b.2 The policies in the Falkirk Local Development Plan, Proposed Plan (April 2013) reinforce the policies of the Development Plan, namely policies CG01 'Countryside', CG02 'Green Belt', GN01 'Falkirk Green Network' and BUS05 'Major Hazards and Pipelines'.

7b.3 The application site is identified on the policies and proposals map as forming part of a transport project for Falkirk A904 corridor transport improvements (INF12). Policy INF07 'Walking and Cycling' and Policy GN05 'Outdoor Access' of the Falkirk Local Development Plan, Proposed Plan (April 2013) promotes the development of the core path network, pedestrian and cycle infrastructure.

- 7b.4 Accordingly the application accords with and is supported by the Falkirk Local Development Plan, Proposed Plan (April 2013).

### ***Responses to Consultation***

- 7b.5 No issues have been raised through consultation that require any further action, but a response is awaited from the Coal Authority. An update will be provided at the meeting of the Committee.

### ***Public Representation***

- 7b.6 The letter of representation, comments on road construction matters only. The author of the representation contacted the Development Management Unit to discuss the application and is now aware that this application relates to the re-positioning of the cyclepath only. The individual verbally advised that he has no objection to the location of the cyclepath. Development Management has written to the individual, giving him an opportunity to withdraw his representation.

### **7c Conclusion**

- 7c.1 The proposal has been assessed as being in accordance with the Development Plan and the Falkirk Local Development Plan, Proposed Plan (April 2013). There are no material planning considerations raised to date which would warrant refusal of the application contrary to the Development Plan. The issues raised through third party representation are discussed and addressed in the body of this report. The advertisement expires on 30 May 2013 and a consultation response is awaited from the Coal Authority, as such the application should not be progressed to a decision until after this date and after a response is received from the Coal Authority.

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that the Planning Committee grant planning permission subject to:-
- (a) Expiration of the Falkirk Herald Advertisement dated 9 May 2013 and no further objections being received before the advert period expires; and
  - (b) The receipt of a satisfactory consultation response from the Coal Authority.

And thereafter, on conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions and other conditions as may be required to address issues raised through consultation with the Coal Authority.

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
- (2) The development hereby approved shall be implemented in accordance with condition 2 and the informative contained within planning permission Ref: P/07/1158/FUL.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2) As this application relates to a variation of planning permission Ref: P/07/1158/FUL.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02 and Supporting Documents.
- (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**

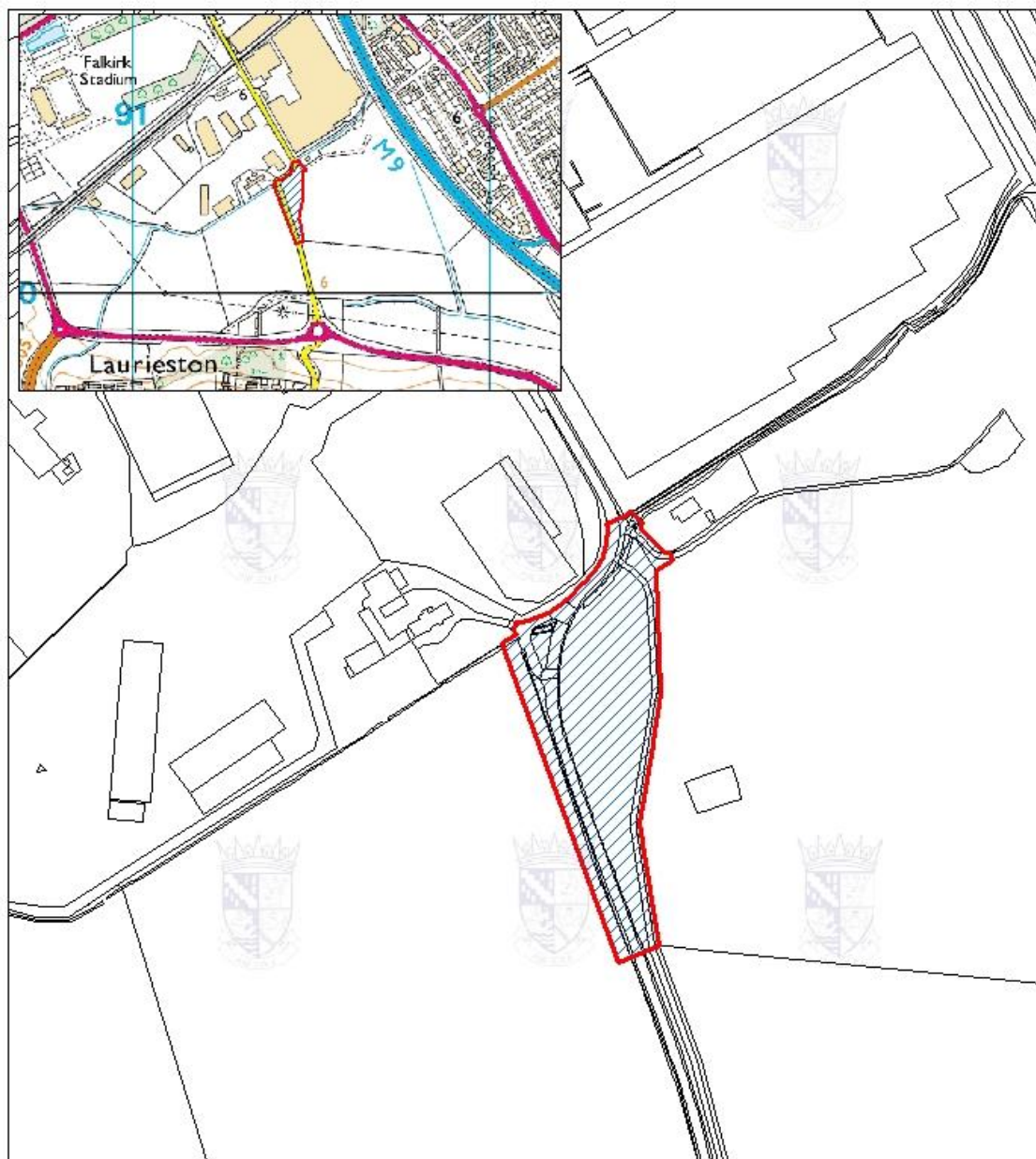
1. Falkirk Council Local Plan.
2. Falkirk Local Development Plan, Proposed Plan (April 2013)
3. Letter of representation from Mr Stuart Conway, Newlands Cottage, Laurieston Road, Grangemouth received on 7 May 2013.

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/13/0304/VRC**

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



Falkirk Council



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