

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 28 MAY 2014 at 9.30 A.M.

COUNCILLORS:

Baillie William Buchanan (Convener)
Steven Carleschi
Colin Chalmers
Adrian Mahoney
Craig Martin
Cecil Meiklejohn
John McLuckie
John McNally
Malcolm Nicol
Alan Nimmo
Baillie Joan Paterson
Sandy Turner

OFFICERS:

John Angell, Head of Planning and Transportation
Katherine Chorley, Assistant Planning Officer
Kevin Collins, Transport Planning Co-ordinator
Ian Dryden, Development Manager
Rose Mary Glackin, Chief Governance Officer
Iain Henderson, Legal Services Manager
Stuart Henderson, Environmental Health Officer
Kirsty Hope, Assistant Planning Officer
Antonia Sobieraj, Committee Officer
Russell Steedman, Network Co-ordinator
Richard Teed, Senior Forward Planning Officer
Brent Vivian, Senior Planning Officer

P9. APOLOGIES

No apologies were intimated.

P10. DECLARATIONS OF INTEREST

No declarations were made.

P11. MINUTE

Decision

The minute of meeting of the Planning Committee held on 30 April 2014 was approved.

P12. ORDER OF BUSINESS

In terms of Standing Order 14.2(i), Baillie Buchanan advised of a variation to the order of business from that detailed on the agenda for the meeting. The following items have been recorded in the order that they were taken.

P13. DISCHARGE OF PLANNING OBLIGATION IN RESPECT OF PLANNING PERMISSION F/95/0456 WHICH RESTRICTED FOR ALL TIME COMING, THE OCCUPATION OF ANY DWELLINGHOUSE ERECTED ON THE SITE IN TERMS OF THAT PERMISSION TO A PERSON OR PERSONS CURRENTLY OR LAST EMPLOYED IN AGRICULTURE AS DEFINED IN SECTION 277(1) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, TOGETHER WITH THE DEPENDANTS OF SUCH PERSON OR PERSONS AT AGRICOLAE HOUSE, CEMETERY ROAD, AIRTH, FALKIRK, FK2 8JG FOR - MRS JEANETTE VIRGINIA SUTHERLAND – P/14/0041/75D

The Committee considered a report by the Director of Development Services on an application for full planning permission for the discharge of a planning obligation in respect of planning permission F/95/0456 which restricted for all time coming the occupation of the dwellinghouse authorised by said permission to a person or persons currently or last employed in agriculture as defined in section 277(1) of the Town and Country Planning (Scotland) Act 1997 together with the dependants of such person or persons.

Decision

The Committee agreed to discharge the Section 75 Agreement on the ground that it no longer serves a planning purpose.

P14. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES ON LAND TO THE NORTH OF ELMVIEW, LARBERT FOR GLENBERVIE GOLF CLUB – P/14/0063/PPP

The Committee considered a report by the Director of Development Services on an application for planning permission in principle for the development of land for residential purposes on land to the north of Elmview, Larbert.

Decision

The Committee agreed to continue consideration of this item of business to allow an inspection of the site by Committee.

P15. EXCLUSION OF PUBLIC

RESOLVED in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the meeting the press and public from the meeting for the following item of business on the ground that it would involve the likely disclosure of exempt information as defined in Paragraph 12 of Part 1 of Schedule 7A to the said Act.

Councillor McNally entered the meeting during consideration of the following item of business.

P16. MODIFICATION OF PLANNING AGREEMENT ATTACHED TO PLANNING PERMISSION P/08/0296/FUL REMOVING THE REQUIREMENT TO MAKE A TRANSPORT CONTRIBUTION OF £550,000 ON LAND TO THE WEST OF 21 OLD MILL WAY, KIRKLAND DRIVE, STONEYWOOD FOR MACTAGGART & MICKEL – P/13/0074/75M

The Committee considered a report by the Director of Development Services outlining the appeal decision issued by the Reporter from the Directorate of Planning and Environmental appeals, the legal assessment of that decision and the options available to the planning authority.

Decision

The Committee noted the DPEA decision to allow the appeal and agreed that no appeal to the Court of Session be pursued in relation to this matter.

P17. PROPOSAL FOR 307 NEW HOMES (INCLUDING 46 AFFORDABLE HOMES) AND DENNY EASTERN ACCESS ROAD (DEAR), INCLUDING PROVISION OF GREENSPACE, SUSTAINABLE URBAN DRAINAGE AND ASSOCIATED INFRASTRUCTURE ON LAND TO THE SOUTH OF MYDUB FARM, GLASGOW ROAD, DENNY FOR BETT HOMES & CALLENDAR ESTATES – P/12/0546/FUL (CONTINUATION)

With reference to Minutes of Meetings of the Planning Committee held on 26 February and 26 March 2014 (Paragraphs P137 and P149 refer), Committee gave (a) further consideration to a report by the Director of Development Services, and (b) considered an additional report by the said Director on an application for full planning permission for the proposal of 307 new homes (including 46 affordable homes) and Denny Eastern Access Road (DEAR) including provision of greenspace, sustainable urban drainage and associated infrastructure on land to the south of Mydub Farm, Glasgow Road, Denny.

The Convener agreed an adjournment at 11.00 a.m. prior to full consideration of this item of business to allow officers to check with colleagues within the Economic Development section of Development Services in relation to the development of other sites within the area which would contribute to the DEAR and the marketing of these sites. The meeting reconvened at 11.25 a.m. with all Members present as per the sederunt. The Head of Planning and Transportation thereafter provided the Committee with clarification on the matters raised.

Decision

The Committee agreed that it is **MINDED** to **GRANT** planning permission subject to the satisfactory conclusion of an **Obligation** under the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997. The **Obligation** is to secure the following, with sums indexed linked from the date of any minded to grant decision by the Committee:-

- (a) A developer contribution towards education provision at Denny Primary School, Denny High School and nursery school provision. The developer contribution should consist of:-

Denny Primary School	£2600 per house	£798,200 for 307 dwellings
Denny High School	£2100 per house	£644,700 for 307 dwellings
Nursery Provision	£350 per house	£107,450 for 307 dwellings
Total		£1,550,350

The nursery provision contribution should be paid in full no later than completion of the 50th unit. The contribution towards education provision at Denny Primary School should be paid in full no later than the completion of the 150th unit, payment to be phased in four payments with the first payment on commencement of the development and the remaining 3 payments aligned to the completion of each 50 units. The contribution towards education provision at Denny High School to be paid in full no later than the 200th unit with an agreement to pay a pro-rata proportion before this, if the development stalls for an agreed period of time.

- (b) A pro-rata developer contribution towards the construction of DEAR, in accordance with the terms of SPG “Delivery of Denny Eastern Access Road (DEAR)”. The developer contribution is calculated at £3,383,900. Payment of the developer contribution is to be phased, with the first contribution comprising any sum directly met by the applicant (and, for the avoidance of doubt, not reimbursed by the Council) in relation to the proper and reasonable cost of works carried out by the applicant to construct the roundabout on Glasgow Road and the first part of DEAR, including the new roundabout to provide access to the residential development, as detailed on the drawing bearing the applicant's reference

RMDC/319/SL (1:500)/001 Revision N and the Planning Authority's reference 03B, ("the works"), said proper and reasonable costs to be fully vouched and demonstrated by the applicant to the satisfaction of the Director of Development Services. The nature and extent of the developer's contribution towards the works shall be the subject of written agreement and shall be quantified taking account of any potential funding available to the Council for delivery of the works. The residual monetary contribution (which shall be quantified by deduction of the developer's contribution in respect of the works from the total developer's contribution of £3,383,900) shall be paid in full by the applicant no later than:-

- The completion of the 251st dwellinghouse, including the 46 affordable housing units; or
- The completion of the 210th mainstream dwellinghouse, excluding the 46 affordable housing units,

whichever occurs first.

- (c) Development of 46 affordable housing units, the type, tenure, mix and means of delivery to be agreed in writing with the Planning Authority. Development of the housing development shall not progress beyond phase 1, as detailed on the drawing bearing the Planning Authority's reference 120A, until written agreement is secured.
- (d) A developer contribution towards the development of an adoptable standard footway at the north side of Nethermain Road, Denny to provide adequate pedestrian access to public transport links. The contribution required is £20,000 and is to be paid prior to the commencement of development.

In the event that an agreement has not been concluded with the applicant in respect of any or all of the above within a period of six months from the date of the Committee's agreement to be minded to grant planning permission, the application shall be referred back to the Planning Committee for further consideration.

Thereafter, on conclusion of the foregoing matters, revert to the Director of Development Services to grant planning permission subject to the following conditions and informatives:-

- (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) Development shall not commence on site until such time as details have been submitted to, and approved in writing by, the Planning Authority demonstrating how the development will minimise its energy use and, consequently, its carbon footprint through design, materials and any other integral features.
- (3) Development shall not commence on site until such time as details have been submitted to, and approved in writing by, the Planning Authority demonstrating how the Falkirk Council Outdoor Access Network would be maintained free of obstruction during the development or, alternatively, what temporary arrangements would be put in place to mitigate any temporary closure. If temporary closure of any outdoor access footpath is proposed, the details to be submitted shall demonstrate how this would be achieved. For the avoidance of doubt, the outdoor access footpaths and access ways to be considered are numbered 012/327, 012/296, 012/340 and 012/343 as identified in the Falkirk Council Core Paths Plan May 2010.
- (4) There shall be no development which would have any physical impact on the Little Denny Burn until such time as details have been submitted to, and approved in writing by, the Planning Authority demonstrating that the proposed box culvert to be formed at the Little Denny Burn shall be constructed to a satisfactory standard and designed to a 1 in 200 year flooding event standard.
- (5) Development shall not commence on site until such time as the scheme of archaeological work detailed in the Archaeological Written Scheme of Investigation has been carried out with the written approval of the Planning Authority.
- (6) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of drainage maintenance have been submitted to, and approved in writing by, the Planning Authority.
- (7)
 - (i) No development shall commence on site unless otherwise agreed with the Planning Authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.
 - (ii) Where contamination (as defined by Part 11A of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.

- (iii) Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
 - (iv) If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
- (8) Notwithstanding any details previously submitted, there shall be no development on site, other than ground reprofiling works or works falling within phase 1 of the development as detailed on the drawing bearing the Planning Authority's reference 120A until such time as further phasing details have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt, the further phasing details to be submitted shall demonstrate the means by which pedestrian access to the transport network for the households already occupied shall be maintained and the Council's core footpath network, as detailed in the Falkirk Council Core Paths Plan May 2010, shall be safeguarded.
- (9) Notwithstanding any details previously submitted, development shall not commence on site until such time as details have been submitted to, and approved in writing by, the Planning Authority demonstrating that the development of, and diversion of, culverts on site shall not constitute a flood risk either on or off site.
- (10) Notwithstanding any details previously submitted, there shall be no development on site, other than ground reprofiling or works falling within phase 1 of the development as detailed on the drawing bearing the Planning Authority's reference 120A, until such time as details of play equipment to be installed at the open space and a maintenance scheme have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt, the details shall include timing of installation of the play equipment with reference to phasing details to be submitted in compliance with condition 8.
- (11) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of the implementation and future maintenance of the landscaping scheme have been submitted to, and approved in writing by, the Planning Authority.

- (12) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of external finishes in respect of the proposed residential development have been submitted to, and approved in writing by, the Planning Authority.
- (13) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of boundary treatments along the length of the proposed Denny Eastern Access Road have been submitted to, and approved in writing by, the Planning Authority.
- (14) There shall be no development of dwellinghouses, other than within phase 1 of the residential development as shown on the drawing bearing the Planning Authority's reference 120A, until such time as the temporary vehicular access to phase 1 of the residential development has been closed off with the written approval of the Planning Authority, in accordance with the drawing bearing the Planning Authority's reference 03B.
- (15) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of the formation of the first junction within the proposed residential development have been submitted to, and approved in writing by, the Planning Authority, demonstrating that service vehicles shall be able to negotiate the junction.
- (16) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of final surfacing of roads and hard landscaped areas within the proposed residential development have been submitted to, and approved in writing by, the Planning Authority.
- (17) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of the formation and surfacing of the footpath at the east side of Glasgow Road, as shown on the drawing bearing the Planning Authority's reference 121, have been submitted to, and approved in writing by, the Planning Authority.
- (18) No dwellinghouse shall be occupied until such time as the footpath at the east side of Glasgow Road, as shown on the drawing bearing the planning authority's reference 121 and referred to in condition 17, has been finished with the written approval of the Planning Authority.
- (19) Notwithstanding any details previously submitted, development shall not commence on site until such time as details of the formation of the footpath to be constructed from the proposed new roundabout at Glasgow Road running between plots 25 and 26 to the internal roadway at the proposed residential development have been submitted to, and approved in writing by, the Planning Authority.

- (20) For the avoidance of doubt, the extent of road infrastructure to which this condition refers comprises of the new roundabout at Glasgow Road in its entirety to the north, south and west, as shown on the drawing bearing the applicants reference RMDL/319/SL (1:500)/001 Revision N and the Planning Authority's reference 03B, and also part of the Denny Eastern Access Road from the proposed new roundabout at Glasgow Road to a point measuring 50 metres eastward of the centre of the said roundabout (together referred to as "the initial road works"). There shall be no work on site in respect of the proposed residential development, other than ground reprofiling work, until such time as the initial road works have been completed to wearing course level, together with all necessary traffic management features, in accordance with the written approval of the Planning Authority.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) To ensure that the proposed development is energy efficient.
- (3) In order that satisfactory pedestrian access to the transport network and the Core Path Network is maintained.
- (4) To ensure that the proposed development does not constitute a flood risk either on or off the site.
- (5) To safeguard archaeological remains.
- (6) To ensure adequate drainage is safeguarded.
- (7) To ensure the ground is suitable for the proposed development.
- (8) In order that the Planning Authority can control phasing of the development beyond Phase 1.
- (9) To ensure that the proposed development does not constitute a flood risk either on or off the site.
- (10) To ensure a satisfactory standard of play equipment is installed.
- (11) To ensure that a satisfactory standard of landscape quality is maintained.
- (12-13) In the interests of visual amenity.
- (14-16) In the interests of safety of highway users.
- (17-19) To ensure the formation of pedestrian links to, form the proposed residential development.

- (20) To safeguard the safety of users of the wider road network at Glasgow Road and to ensure that there is a satisfactory standard of roadway in respect of site traffic taking access to and from the east side of the proposed new roundabout at Glasgow Road.

Informative:-

- (1) For the avoidance of doubt, the plans to which the decision refers bear the approved drawing numbers indicated on the Council's web site.

FALKIRK COUNCIL

**MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on
MONDAY 9 JUNE 2014 commencing at 9.30 a.m.**

COUNCILLORS:

Baillie William Buchanan (Convener)
Steven Carleschi
Colin Chalmers
Adrian Mahoney
John McLuckie
John McNally
Malcolm Nicol
Sandy Turner

OFFICERS:

Shona Barton, Committee Services Officer
Ian Dryden, Development Manager
Stuart Henderson, Environmental Health Officer
John Milne, Senior Planning Officer
Russell Steedman, Network Co-ordinator
Karen Quin, Solicitor

P18. APOLOGIES

Apologies were intimated on behalf of Baillie Paterson; Councillors Martin, Meiklejohn and Nimmo.

**P19. DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES ON
LAND TO THE NORTH OF ELMVIEW, LARBERT FOR
GLENBERVIE GOLF CLUB – P/14/0063/PPP**

With reference to Minute of Meeting of the Planning Committee held on 28 May 2014 (Paragraph P14 refers), Committee gave further consideration to a report by the Director of Development Services on an application for planning permission in principle for the development of land for residential purposes on land to the north of Elmview, Larbert.

The Convener introduced the parties present.

The Senior Planning Officer (J Milne) outlined the nature of the application.

Mr Bell, the applicant's agent, was heard in relation to the application.

John McCabe, Chairman of Glenbervie Golf Club was heard in relation to application.

Claire Anderson, Director of Glenbervie Golf Club was heard in relation to the application.

Neil Macdonald, Director of Glenbervie Golf Club was heard in relation to the application.

Iain Webster, Secretary of Glenbervie Golf club was heard in relation to the application.

Alastair Cruickshank, an objector was heard in relation to the application.

The objections included the following issues:-

- The proposal is outwith the village limit and does not conform with the policy criteria for new development in the countryside
- The existing trees provide significant shelter and containment for golf balls which find their way onto residential property
- The preference for the houses to mirror existing development in having them fronted along the road
- The need for appropriate screening or fencing to deal with the golf balls going into the objector's garden

Questions were then asked by Members of the Committee.

Councillor Coleman, a local Member for the area, was heard in relation to the application.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Planning Committee on 26 June 2014.

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT
LAND TO THE NORTH OF ELMVIEW, LARBERT, FOR
GLENBERVIE GOLF CLUB - P/14/0063/PPP
Meeting: PLANNING COMMITTEE
Date: 26 June 2014
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Baillie Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: John Milne, Senior Planning Officer, Ext. 4815

UPDATE REPORT FOLLOWING SITE VISIT

1. Members will recall that this application was originally considered at the Planning Committee on 28 May 2014 (copy of previous report appended), where it was agreed to continue the application for a site visit. This visit took place on 9 June 2014.
2. Following the summary of the proposal by the case officer, clarification was sought in respect of the habitat/ecological status of the application site. It can be confirmed that the site is not covered by any designation relating to habitats or ecology. However, in the emerging Falkirk Local Development Plan, Green Network Opportunity GN25 – Glenbervie to Denny Strategic Route/Corridor – fronts the site. This proposal is an opportunity to provide a missing link within the core path network to enable a circular route between North Broomage and Denny via Glenbervie and Torwood.
3. The development of the site would not adversely impact on the aspirations of Green Network Opportunity GN25, with pedestrian access being taken on the public footpath fronting the site.
4. A further letter has been received from the applicant's agent, confirming the following matters:-
 - A check on the title deeds will be required to establish ownership boundaries but, following a preliminary check, the club's solicitors have advised that the boundary wall that fronts the site, along the Stirling Road from the Clubhouse appears to be owned by the golf club.

- With regard to the issue of errant golf balls raised by Mr Cruickshank of Elmview, having duly considered his position, Glenbervie Golf Club would like to restate the points made previously that they will ensure that suitable ball stop measures will be in place. This will comprise (i) the retention of the existing trees nearest the 17th fairway, which are approximately 10 metres from the boundary of the proposed development, particularly those nearest the 17th tee; (ii) further broad leaf tree planting also to be carried out in this area again as close as possible to the existing and proposed housing development; (iii) this area classified as “out of bounds” to golfers. Consideration will also be given to; (iv) the erection of a metal wire ball stop fence; and (v) the possible slight realignment of the 17th fairway, provided this doesn’t change the integrity of the golf course.
- If the Planning Committee is minded to grant planning permission for this development proposal, the club will accept appropriate planning conditions which address the protection of houses and gardens from miss-hit golf balls.

5. In addition, the applicant’s agent has confirmed that no removal of trees on the site would take place prior to survey and discussions with regard to tree retention/replacement planting with the Planning Authority.

6. Members are respectfully reminded that the layout of 4 dwellinghouses is indicative only and that the number of dwellinghouses and format of layout are not established at this moment in time.

7. **RECOMMENDATION**

7.1 **With no matters further arising that are material to the planning application, it is recommended that the Planning Committee refuse planning permission for the following reasons:**

- (1) **The proposal is contrary to Scottish Planning Policy (May 2010); Falkirk Council Structure Plan Policy ENV1 Countryside and Protected Areas; Falkirk Council Local Plan Policies SC3 Housing Development in the Countryside, Policy EQ19 'Countryside' in that the proposal represents new residential development in a rural location with insufficient justification and therefore fails to meet the terms of Development Plan policy.**

Pp

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Director of Development Services

Date: 17 June, 2014

LIST OF BACKGROUND PAPERS

1. Planning Application P/14/0063/PPP.
2. Letter of Objection from Alastair Cruickshank, Elmview, Stirling Road, Torwood FK5 4SL received on 5 March 2014.
3. Scottish Planning Policy (May 2010).
4. Falkirk Council Structure Plan.
5. Falkirk Council Local Plan
6. Falkirk Local Development Plan.

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

FALKIRK COUNCIL

Subject: DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AT
LAND TO THE NORTH OF ELMVIEW, LARBERT, FOR
GLENBERVIE GOLF CLUB – P/14/0063/PPP
Meeting: PLANNING COMMITTEE
Date: 28 MAY 2014
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward – Bonnybridge and Larbert

Baillie Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: John Milne, Senior Planning Officer, Ext. 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises an area of wooded land to the edge of an existing golf course. The site, some 0.278ha, sits to the north of a small group of residential properties, located parallel to Stirling Road, Torwood.
- 1.2 The applicant proposes, in principle, a development of 4 houses, taking vehicular access from an existing lay-by which runs parallel to Stirling Road. The applicant indicates that vehicular access to the site would be by means of a single access road.
- 1.3 As the application is in principle, no details of house types or definitive housing layout has been submitted nor considered. An indicative plan showing 4 detached dwellinghouses was submitted with the application. A supporting statement was also submitted and is included as Appendix 1 of this report.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been referred to the Planning Committee at the request of Councillor Nicol.

3. SITE HISTORY

- 3.1 No site history post 1990.

4. CONSULTATIONS

- 4.1 Scottish Water have no objection to the application.
- 4.2 Falkirk Council's Environmental Health Unit advise that if permission were to be granted the applicant should undertake a noise impact assessment to determine the impact of transportation noise on the development. In addition, in the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site should cease and further approach made to the planning authority.
- 4.3 Falkirk Council's Roads and Development Unit advises that the application site is located on the eastern side of the A9, approximately 150m south of Torwood. The A9 at this location is a derestricted unlit distributor road which links North Broomage with Plean. Vehicular access to the proposed site is via an existing adopted layby which runs parallel to the A9 for a length of 180m or thereby.
- 4.4 The layby provides access to several existing residential properties. Therefore, the principle of turning and emerging traffic at this location is well established. Nevertheless, the intensification of traffic onto the A9 is not considered to be in the best interests of road safety. However, should planning permission be granted, a number of suspensive planning conditions are recommended by the Roads Development Unit.
- 4.5 In addition, the Council's Flood Prevention Team has requested submission of a Surface Water Drainage Strategy for review.

5. COMMUNITY COUNCIL

- 5.1 The Larbert, Stenhousemuir & Torwood Community Council object to the planning application for the 4 houses. The proposed site is contrary to the Local Plan as it is outwith the urban boundaries of both Larbert and Torwood on land designated as Countryside under Policy EQ19 of the Falkirk Council Local Plan
- 5.2 The view of the Community Council is that the proposal does not appear to meet the 3 criteria required under Policy SC3 Housing Development in the Countryside of the Falkirk Council Local Plan. The development is not essential for the management of a business which requires a countryside location, it is not a conversion of residential or farm properties, and it does not appear to meet the requirements of infill development.
- 5.3 Finally, the Community Council are aware that the Local Plan has only made provision for small scale growth at 2 housing development sites within the Torwood area – McLaren Park and the Torwood Special School site.

6. PUBLIC REPRESENTATION

- 6.1 One letter of objection has been received by a neighbouring occupier, who raises the following matters:

- It is noted that the site is outwith any urban and village limits and is therefore countryside. The proposal does not conform the policy criteria for new development in the countryside.
- The loss of the existing trees would be detrimental to the rural character of the area as a whole.
- The existing trees provide significant shelter and a visual containment to the adjacent 17th hole on the golf course. If removed, there would be an increase in golf balls finding their way onto existing residential property.
- If the application is approved the proposed plan, albeit indicative only, indicates 4 large detached properties serviced by a cul-de-sac. From the point of view of the setting of the site and the pattern of the nearby existing development, it would be preferable if the houses “fronted” the adjacent layby on the west boundary of the site with minimal front gardens. This would ensure a sense of continuity with existing development and avoid an incongruous presentation of “gables” to Stirling Road. In such a format, it might be possible to retain a wider strip of trees than that shown on the indicative plan. The Council might also wish to consider that with judicious planning and potential reduction in the number of units proposed, that a more significant section of the stand of trees could be retained protecting both the existing and proposed houses from stray golf balls. Another possibility is for the Council to request that the Golf Club redesign the nature of the adjacent 17th hole perhaps by narrowing the fairway and / or moving it in an eastward direction.
- It should be considered that if the Council be of a mind to grant consent that they require the Club to carry out alterations to the 17th fairway. These alterations could also include an enhanced tree planting scheme to the rear of the neighbouring property with the possibility of some form of defensive net or barrier being included in such a measure.
- The terms of the Supporting Statement submitted with the application is noted, but the Council should consider the nature of the supporting arguments presented. The Club’s work with young people is to be applauded at a time when the nature of golf going forward is under some pressure. However, the extent of the Club’s economic benefit to the area is limited. Admittedly, there is a significant staffing level with perhaps higher than might be found at other golf courses in the area, but the Clubhouse itself is closed for long periods during the winter and unavailable to Members and local people alike.

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 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.2 The Development Plan identifies the boundaries between urban areas and the countryside. To protect the amenity of the countryside, the aim is generally to confine built development to the urban areas, unless it can be demonstrated that it is essential for the development to be located in the countryside or it is an appropriate form of agricultural diversification. The proposed development does not satisfy these criteria. An assessment of Local Plan policy follows.

Falkirk Council Local Plan

7a.3 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.”*

7a.4 The proposal is not considered to comply with the criteria listed nor has any justification been provided by the applicant in terms of the acceptable criteria.

7a.5 Policy SC8 ‘Infill Development and Subdivision of Plots’ states:

“Proposals for the erection of additional dwellinghouse within the emphasize of existing properties or on small gap sites will only be considered favourably where:

- (1) the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;*
- (2) adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or functioning of existing gardens;*
- (3) adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- (4) the proposal would not result in the loss of features such as trees, vegetation or walls, such that the character or amenity of the area would be adversely affected;*
- (5) the proposed vehicular access and other infrastructure is of an adequate standard; and*
- (6) the proposal complies with other Local Plan policies.”*

7a.6 In this instance, the proposal cannot be considered as emphasize a small “gap site” within the existing cluster of buildings. The site is at the periphery of the residential grouping, and its development would continue a ribbon of existing development.

7a.7 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 emphasise 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 emphasise treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

7a.8 This policy further distinguishes between urban, village limits and countryside, representing the desirable limits to the expansion of settlements for the period of the Local Plan. In this instance, the proposal does not meet the criteria whereby new development in the countryside could be considered acceptable.

7a.9 Policy EQ26 – ‘Trees, Woodland And Hedgerows’ states:

“The Council emphasizes 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.”*

7a.10 The application site is covered with woodland, with approximately 75% of the area to the western (A9) side comprising a block of mature conifer woodland (Sitka Spruce, Larch, Pine) and the remaining 25% of the area to the east (golf course side) being mixed semi-mature broadleaves. It is likely that the planting will have been established by the golf course itself for screening. The woodland is not covered by a TPO, nor is it an ‘ancient and semi-natural woodland’ site; however, it does make some landscape contribution to the woodland setting and the approaches to the village.

7a.11 Although woodland removal for development is generally not appropriate in terms of national and local policy, the developers may use the argument that the conifers are a commercial crop, or that they may be reaching their terminal height in terms of wind blow in any case, so that removal may need to be considered for other reasons in the long term. However, in normal circumstances of felling there would always be general expectation that the area would be restocked with trees following felling of the conifers for any commercial reason. Removal of the semi-mature broad leaves on the inner eastern side of the site would not be appropriate due to the amenity contribution.

7a.12 On balance, the loss of trees on the site could not be prevented although, if development were approved, the applicant would be encouraged to retain elements of mature trees.

7a.13 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

- 7b.1 The material consideration to be assessed are Scottish Planning Policy (May 2010), the policies within the emerging Falkirk Local Development Plan, the points raised by the applicant and comment from objectors and consultees.

Scottish Planning Policy

- 7b.2 Paragraphs 94-95 of Scottish Planning Policy emphasize the opportunity to expand the opportunities for new development in the countryside through Development Plan policy:

“Development plans should support more opportunities for small scale housing development in all rural areas, including new clusters and groups, extension to existing clusters and groups replacement housing, plots on which to build individually designed houses, holiday homes and new build or conversion housing which is linked to rural businesses or would support the formation of new businesses providing funding. Opportunities to replace rundown housing and steadings, and to provide limited new housing along with converted rehabilitated buildings, should be supported where the new development is designed to fit in the landscape setting and will result a cohesive grouping.”

“The aim is not to see small settlements lose their identity nor to suburbanise the Scottish countryside but to maintain and improve the viability of communities and to support rural businesses.”

“All new development should respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards, particularly in relation to energy efficiency. Planning authorities should apply proportionate standards to access roads to enable small developments to remain viable.”

- 7b.3 In this instance, the site is not supported by Development Plan policy. While the application is to secure the principle of 4 dwellinghouses the linear nature of the existing housing raises concerns that new development may not respond to the specific local character of the location.

Falkirk Local Development Plan (Proposed Plan)

- 7b.4 The Proposed Falkirk Local Development Plan (FLDP) was approved by the Council for consultation in 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.5 The following policies of the emerging Falkirk Local Development Plan are relevant to the assessment of the application under consideration:

- Policy CG03 – Housing in the Countryside
- Policy CG01 – Countryside
- Policy HSG05 – Infill Development and Subdivision of Plots
- Policy GN04 – Trees, Woodland and Hedgerows

- 7b.6 These policies broadly accord with current Development Plan policies and have been considered in part 7a of this report.

Points Raised by Applicant

- 7b.7 The applicant has submitted a statement in support of the proposal (Appendix 1). While explaining the background of the golf club, the statement also emphasizes the aspiration of the club to improve the golf course and maintain a strong level of membership. In order to pursue these goals, the club intends to sell the application site if planning permission is achieved.
- 7b.8 It should be noted that no reference is made to current Development Plan policy to support the proposal.

Points Raised by Objectors

- 7b.9 It is acknowledged that the proposal does not accord with Development Plan policy with regard to new housing in the countryside.
- 7b.10 As the proposal is recommended for refusal, no suspensive planning conditions have been incorporated to mitigate the loss of the existing woodland.

Points Raised by Consultees

- 7b.11 As the application has been recommended for refusal, matters raised by consultees with regard to traffic impact noise assessment, sustainable urban drainage systems, screen and structure tree planting have not been raised with the applicant. This might have incurred abortive costs for the applicant and these matters would not be significant enough to alter the recommendation to refuse the application.

7c Conclusion

- 7c.1 The proposal is contrary to Scottish Planning Policy and Development Plan policy in that the established criteria for new housing in the countryside have not been met.
- 7c.2 Regardless of the woodland cover issue, dwellings at the location would visually contribute to ribbon development along the A9 corridor and would be in a location that is physically detached from the main building grouping of Torwood. Acceptance of any housing in this location would set an unwarranted precedent for housing development alongside the A9 in this location.
- 7c.3 While the applicant has submitted a statement supporting the proposal, economic justification for housing does not outweigh the considerations of Development Plan policy.
- 7c.4 The application site is outwith the village limit of Torwood in the designated countryside, where there is an overriding presumption against development unless exceptional circumstances can be demonstrated. No acceptable supporting information has been submitted to justify a rural location.

8. RECOMMENDATION

8.1 It is recommended that the Planning Committee refuse planning permission for the following reasons:

- (1) The proposal is contrary to Scottish Planning Policy (May 2010); Falkirk Council Structure Plan Policy ENV1 Countryside and Protected Areas; Falkirk Council Local Plan Policies SC3 Housing Development in the Countryside, Policy EQ19 'Countryside' in that the proposal represents new residential development in a rural location with insufficient justification and therefore fails to meet the terms of Development Plan Policy.

Pp

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Director of Development Services

Date: 19 May 2014

LIST OF BACKGROUND PAPERS

1. Planning Application P/14/0063/PPP.
2. Letter of Objection from Alastair Cruickshank, Elmview, Stirling Road, Torwood FK5 4SL received on 5 March 2014.
3. Scottish Planning Policy (May 2010).
4. Falkirk Council Structure Plan.
5. Falkirk Council Local Plan
6. Falkirk Local Development Plan.

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

GLENBERVIE GOLF CLUB Ltd

Application for Outline Planning Permission

Supporting Statement

1. Background

- 1.1 Glenbervie Golf Club (the Club) has been around for over 80 years having been founded in 1932 and plans to ensure its continued existence to provide a sporting facility for the youth of today and future generations. The Club owns and occupies circa 190 hectares {270 acres} of spectacular land in the Larbert area of Falkirk, to the east side of the A9 road and just to the north of the M876 motorway. It has operated as a private members club since opening and whilst a Limited Company, any profits are re invested in the Club and not available for distribution to members. A copy of the Memorandum and Articles of Association is attached. The Club has an inclusive membership of male, female, junior and senior members with total numbers in excess of 900. The Club conforms to equality legislation and has done so for a number of years. Not all members are playing members and there exists a category for Clubhouse membership, allowing those members to use the clubhouse and dining facilities.
- 1.2 Glenbervie is a well-known club in golfing circles. The late John Panton, a Ryder Cup player and much honoured man in the golfing world was the Club professional for many years and, as with his daughter Cathy, won many golfing titles and awards. The Club currently has two young golfers with Scottish International Caps, Graeme Robertson and Fraser Moore. We see that very much as a consequence of our policy of actively encouraging young golfers to achieve their potential. A significant feature of our development plans is to enhance the experience for young people as they are introduced to the game of golf.

2. Current Innovations

- 2.1 The Club has developed a 5 year strategy for the development of the course the purpose of which is twofold, firstly to improve the golf course but secondly to maintain a strong level of membership of the Club. The Club intends to make the golf course playable and fit for purpose over a longer period of the year. Because Glenbervie is very much a parkland type course, drainage is a major issue especially given recent weather patterns. It is important for any golf club to retain membership and indeed introduce new members to the game of golf and therefore it is important that Glenbervie utilizes its assets in the best way possible.
- 2.2 The Club is closely involved with ClubGolf. This is Scotland's national junior golf programme supporting the early development of young golfers through structured coaching. ClubGolf has many partners and stakeholders; they include, as partners; Scottish Golf Union, Scottish Ladies' Golfing Association, Professional Golfers' Association, the Golf Foundation and SportsScotland; and as stakeholders; The R&A, European Tour, Ryder Cup Ltd, Scottish Golf Clubs, national and local government, Active Schools Network, Local Authorities.

- 2.3 The Scottish Golf Union has recently (July 2013) accepted Glenbervie Golf Club as a Development Centre to provide golf coaching to aspiring young golfers to allow them to achieve their potential in the sport. Although Development Centres are sited throughout Scotland Glenbervie is the only one in Falkirk District.
- 2.4 Both ClubGolf and coaching through the Development Centre are open to non-members of Glenbervie Golf Club.

3. Facilities

- 3.1 The Club has an eighteen-hole golf course, which has in the past hosted a number of major events including Regional Qualifying for the Open Championship and on two occasions the British Boys Championships. On the first occasion this was won by Ryder Cup player and recent captain Jose Maria Olazabal and on the second occasion by Ryder Cup player David Howell. As part of its commitment to invest in both young people and novice golfers the Club recently developed part of its extensive practice ground to form a 9-hole par 3 Academy Course. Other practice facilities include covered bays, artificial turf areas from which to play, a practice green and bunkers. The Professional and his staff provide lessons in all aspects of the game which are available to all, members and non-members alike, using the Club's facilities.
- 3.2 The Clubhouse provides locker rooms and changing facilities for male and female players, a restaurant and lounges for the benefit of members and visiting golfers.

4. Community Benefits

- 4.1 Golf is an integral part of life in Scotland - the home of golf. So it is in the Larbert area with Glenbervie a significant player in the development of the game. Membership is available to all who wish to join and the Club is an important asset in the local leisure industry. Many of the Club's members live out with the Larbert/Falkirk area and bring economic benefit to the area. The Club is also a significant employer over a range of skills and talents. Members of the community may wish to simply join as Clubhouse members to enjoy the benefits that brings. The Club is very aware of its role in maintaining the land on which it sits and preserving the wonderful woodlands within its boundaries.
- 4.2 The Club hosts 'Open' competitions during the year which attract players from all over Scotland to the Larbert area, some of whom stay in local hotels and generally contribute to the local economy.

5. Membership Profile

- 5.1 The Club has a current membership of 617 Ordinary members, 91 Junior/Young members, 34 Honorary and Life members, 139 Non-playing Clubhouse members and 26 Country members. There is little doubt that golf in Scotland is going through a difficult period in relation to golf club membership. The causes are varied but include the recent financial climate affecting all walks of life and the weather patterns over the past few summers. Indeed 2013 was a welcome break from the summers of recent years past. Scottish Golf Union (the body governing amateur golf in Scotland) figures suggest that last year alone, 5000 members were lost from the game. This figure is typical of the last few years.

6. Flora and Fauna

- 6.1 The land owned by the Club is significant and covers about 190 hectares (270 acres), only a part of which is the golf course. Aside from being one of the most outstanding golf courses in Central Scotland, if not the whole of Scotland, the Club has a long standing relationship with the Scottish Woodland Trust for the preservation and maintenance of the historic Wallacebank Wood which is situated on Club land. Last year, the Club entered into a programme of tree replacement on and around the golf course itself with about 40 trees being planted, each one sponsored by a member with a sum of £6000 raised. Wild flowers, including wild orchids can be found on the property.
- 6.2 Wildlife abounds within the confines of the land owned by the Club. Deer, Rabbits, Hare, and Squirrels can all be seen regularly on the course. The Head Green Keeper is very much aware of the environment in which he works and much of this work is for the promotion of wildlife and their habitat.

7. Care for the Environment

- 7.1 For the irrigation of the course the club draws its water from its own natural Bore Hole rather than treated water from the public supply.
- 7.2 The overall development plans include improvements to our waste to water processes. Whilst Scottish Environment Protection Agency (SEPA) are content with our current arrangements we have opened discussions with SEPA to identify opportunities to make further improvements.

8. Glenbervie as an Employer

- 8.1 The Club provides employment over a range of skills and expertise for up to 30 people throughout the year. Those roles are; 2 administrative staff; 6 green keeping staff; one labourer; one seasonal worker (Summer only); one gardener; one handyman; one cleaner; 12/14 staff employed in Bar/Catering activities; a professional and two additional shop staff.

9. Buildings

- 9.1 The Club has three main buildings; the Clubhouse which has male and female locker rooms, lounges and a restaurant, office accommodation; The Professional's shop premises; and the Green keeper's shed which contains a changing room, toilet, head green keeper's office, small workshop, mess room and equipment garage. In addition, there is a toilet block on the course.

10. Future Plans

- 10.1 The Club has a vision for the future beyond the 5 year Course Strategy, to expand the range of facilities to not only promote golf and help with membership of the Club but also to include other sporting and leisure activities. This vision will help sustain and increase employment at the Club.

- 10.2 It is our plan to continue with the drainage work on the course greens, the practice area and fairways and in addition, to replace old and expensive to maintain machinery and equipment that is no longer fit for purpose. We intend to further develop the 9-hole Academy Course and other leisure facilities, and replace and improve Green Keeping equipment. The accommodation for Green keeping staff, equipment and vehicles has reached the end of its economic life and is no longer fit for purpose. The overall development plans include the replacement of these facilities and further development of the course.
- 10.3 The implementation of these plans would result in the Club increasing staff numbers.

11. Financial Implications

- 11.1 The successful implementation of this plan will inevitably result in significant expenditure. In order to raise the necessary funds, a proportion of which it is anticipated be funded from the Club's existing financial resources, the Club would offer, for sale and development, land which is surplus to requirements. The area of land identified to be surplus to requirements and which does not interfere with the playing of golf on the course, is that situated adjacent to the lay-by on the A9 road close to Torwood Village. The enabling finance realized from the sale of this land, with outline Planning Permission for the erection of 4 dwelling houses, is seen as an appropriate method of securing a contribution to the funds needed to take our vision and plans forward and allow the current Board and members to pass Glenbervie on to future generations in excellent condition.

12. Summary

- 12.1 Glenbervie Golf Club Limited has current facilities which have stood the Club in good stead since 1932. It is an inclusive club, rich in golfing history. The golfing environment is currently such that all clubs must ensure that they are using their facilities and more importantly their potential, in the best possible way ensuring their members gain value for their membership. A golf club is nothing without its members and their retention is crucial to the continuation of any club. The game of golf is an integral part of life in Scotland however nothing can be taken for granted and clubs must do their utmost to ensure it remains so. The opportunities for Glenbervie to enhance their product are very much viable if the resources to achieve them are available. It is the belief of the Club's Directors that the proposal to sell land for development that is surplus to requirements would contribute to the resources to fulfill our plans and bring them to fruition.
- 12.2 The game of golf provides not only sporting skills but also life skills that are important for young people. Glenbervie Golf Club has embraced both ClubGolf and the work of the Scottish Golf Union through their Development Centre programme to introduce children and young people to the game and improve their skills.
- 12.3 As a small business, Glenbervie Golf Club Limited is employer to a not insignificant number of staff who rely on the existence of the Club for their livelihood. There are also clear benefits to the local economy via the existence of the golf club. The realization of our plans will ensure sustained levels of employment and indeed provide the opportunity to increase staff numbers.

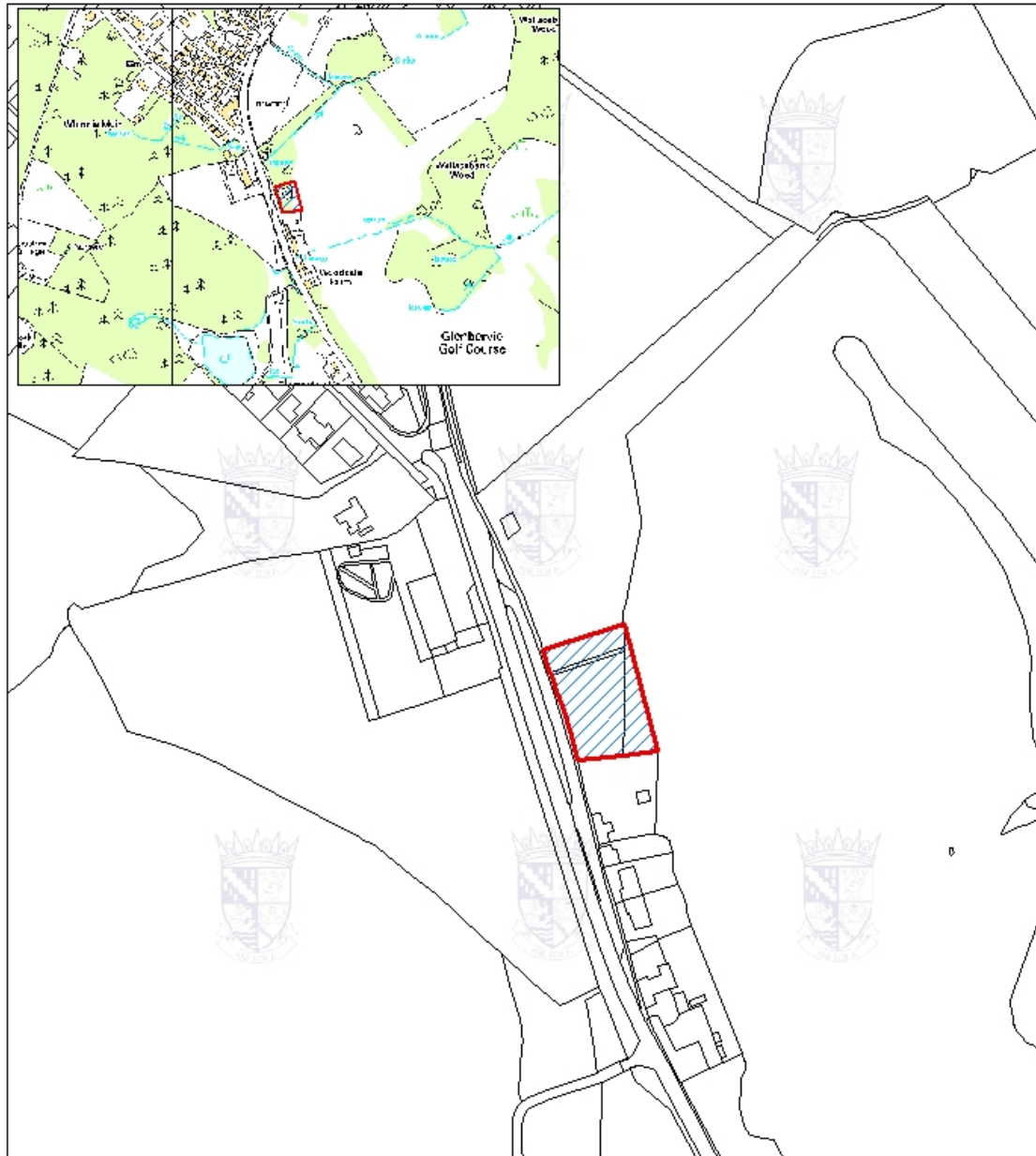
- 12.4 There is little doubt that Glenbervie Golf Club Limited has the potential to flourish in the golfing world and become a centre of excellence in the game. If the Club is enabled to realize this potential, the benefits would spread to the wider community through employment and visitor footfall.
- 12.5 It is with the foregoing in mind that the Directors of Glenbervie Golf Club Limited seek the approval of the Planning Authority of the application before them.

Planning Committee

Planning Application Location Plan

P/14/0063/PPP

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: DEMOLITION OF EXISTING FARM BUILDINGS AND FARMHOUSE, AND ERECTION OF 8 NO. DWELLINGHOUSES WITH ASSOCIATED WORKS AT NETHERTON, FALKIRK, FK2 0BU FOR SPRINGFIELD PROPERTIES PLC - P/13/0706/FUL

Meeting: PLANNING COMMITTEE

Date: 26 June 2014

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes

Councillor Gordon Hughes
Councillor John McLuckie
Councillor Rosie Murray

Community Council: Avonbridge and Standburn

Case Officer: Allan Finlayson (Senior Planning Officer), Ext. 4706

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises a vacant farmhouse and 5 derelict farm buildings on a site extending to 1.4 hectares at Netherton Farm, Candie, Falkirk. The site lies within a larger agricultural holding of approximately 30 hectares.
- 1.2 The application site is served by an existing vehicular access from the C62 Candie Road, taken from the A801. The site is level and surrounded on all sides by agricultural land. Mature tree planting screens the site to the immediate north and at a greater distance on the south, west and eastern boundaries.
- 1.3 The proposed development is for the demolition of all existing buildings and redevelopment of the site to provide 8 detached dwellinghouses arranged and constructed in a manner reflecting the arrangement and design of existing buildings on the site.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposed development is considered to be contrary to the Development Plan, but not significantly so.

3. SITE HISTORY

- 3.1 No site history exists.

4. CONSULTATIONS

- 4.1 Falkirk Council's Roads Development Unit has expressed concern that the development is proposed in the countryside on a rural road of restricted width lacking footway and lighting provision. The Roads Development Unit considers that traffic generated by the proposed development could result in a road safety concern with the resulting increase in vehicular movements at the site and on surrounding rural roads.
- 4.2 The Environmental Protection Unit has requested the imposition of a contaminated land condition and construction noise informative in the event that planning permission is granted.
- 4.3 Scottish Natural Heritage has no objections to the proposed development.
- 4.4 Scottish Water has no objections to the proposed development.
- 4.5 The Coal Authority advises that the site is at risk of being affected by historic mine working activity. A mine entry is recorded to the south of the site. The applicant has provided a Coal Mining Report, which has been reviewed by the Coal Authority. A planning condition requiring pre-development investigation and, if necessary remediation, has been requested.

5. COMMUNITY COUNCIL

- 5.1 No comment received.

6. PUBLIC REPRESENTATION

- 6.1 One objection has been made, by a resident of the surrounding area. The objection is made on the grounds that the existing road network is not suitable for an increase in the number and type of vehicular traffic that would result from residential development. The objector does not object to new development but seeks alternative access to the A801 to avoid the use of C62 Candie Road.

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 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.2 The Structure Plan recognises the boundaries between urban areas and the countryside. To protect the countryside the aim is generally to confine built development to urban areas unless it can be demonstrated that it is essential for it to be located in the countryside or it is an appropriate form of agricultural diversification. The proposed development does not satisfy these criteria. An assessment of Local Plan policy follows.

Falkirk Council Local Plan

7a.3 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.”*

7a.4 The proposed development is not essential to the pursuance of agriculture and no demonstration of operational need has been made. Whilst the proposal represents new development on the site, it can also be considered that rehabilitation of the site is taking place given that the layout and orientation of new buildings replicates the existing form of the farmhouse and farm buildings.

7a5 The proposed development is considered to represent a form of development that will positively contribute to the rural landscape when compared with the existing dilapidated buildings. The applicant has provided a structural engineer’s report. This report confirms that the existing buildings lack foundations and are in such a poor state of repair that renovation is not a viable option.

7a.6 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.”*

7a.7 The application site lies within the countryside. The proposed development of new houses in the countryside has not been demonstrated to be essential. The proposal does however utilise the layout and orientation of existing buildings and stone will be re-used as feature elements of the proposed new houses.

7a.8 The proposed development is considered, on balance, to be contrary to policies ENV 1 of the Structure Plan and policies SC3 and EQ19 of the Falkirk Local Plan. However the development advances a sensitively designed proposal that seeks to replicate the layout of existing dilapidated buildings which are unsuitable for conversion. Proposed building styles are appropriate and re-use of existing stone is proposed. Boundary treatments and landscaping proposals are sensitively designed. The proposal is considered to represent a positive rehabilitation of this site.

7a.9 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."*

7a.10 The application site has mature landscaping immediately adjacent to the north. Additional mature landscaping exists in proximity to the south, west and eastern boundaries. The landscaping to the north would require protection during construction works. The applicant has submitted satisfactory tree protection proposals. All remaining landscaping is to be retained and augmented with additional planting proposals.

7a.11 Policy ST1 - 'Core Path Network' states:

"The Council will safeguard and promote the development of the core path network as and when this is defined. Where appropriate, developer contributions to the implementation of the network will be sought."

7a.12 The proposed development has been negotiated to provide footpath and cycle linkage from the site to Falkirk Council Core Path 022/0947. This in turn provides further linkage to Core Paths 022/905 and 022/944. The proposed development therefore represents an opportunity to link the site to Standburn to the north and the Avon Gorge to the south to aid sustainable travel and recreational use.

- 7a.13 Accordingly, the proposed development does not fully accord with housing development in the countryside policies of the Structure Plan (Policy ENV1) and the Falkirk Local Plan (Policies SC3 and EQ19) on the basis that the existing farmhouse and buildings are to be demolished and rebuilt. However, the proposed development is considered to comply with all other relevant Development Plan policies in that a high quality design appropriate and sympathetic to the countryside is proposed.

7b Material Considerations

- 7b.1 The material considerations to be assessed are Scottish Planning Policy, the policies contained within the emerging Falkirk Local Development Plan (Proposed Plan), the views of Falkirk Council's Roads Development Unit and the submitted objection from a resident of the surrounding area.

Scottish Planning Policy

- 7b.2 Scottish Government Scottish Planning Policy (2010) recognises the opportunity to expand the opportunities for new development in the countryside through Development Plan policy. In addition, the possible opportunity for sensitive redevelopment of 'brownfield' sites is recognised.
- 7b.3 The proposed development is considered to accord with the guiding principles of Scottish Planning Policy by the utilisation of an existing 'brownfield' site with appropriately designed new development.

Falkirk Local Development Plan (Proposed Plan)

- 7b.4 The Falkirk Local Development Plan (Proposed Plan) was approved by the Council for consultation in 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.5 The following policies of the emerging Falkirk Local Development Plan (Proposed Plan) are relevant to the assessment of the application under consideration:
- Policy CG01 – Countryside
 - Policy CG03 – Housing in the Countryside
 - Policy GN04 – Trees, Woodland & Hedgerows
 - Policy GN05 – Outdoor Access
- 7b.6 The above policies evolve policy considerations expressed in the extant Falkirk Council Local Plan and previously considered in this report. The most relevant policy evolution is contained in Policy CG03 – Housing in the Countryside which introduces the acceptance of the replacement of substantially intact buildings in the countryside with sensitive new development.
- 7b.7 The proposed development is considered to accord with all relevant policies of the emerging Falkirk Local Development Plan (Proposed Plan).

Points Raised by Consultees

- 7b.8 The Roads Development Unit of Falkirk Council has expressed concerns that the proposed development is not appropriate development for a rural location because of the nature of the C62 Candie Road in terms of restricted width, lack of lighting and passing places.
- 7b.9 The applicant has submitted supporting information that provides a comparison between the traffic impacts resulting from the proposed eight dwellinghouses and what could be expected to be generated if farming was re-established at the site. In addition the applicant has offered to provide a vehicular access junction and access road to the proposed development that is constructed to an adoptable standard. The Roads Development Unit considers that the suggested access arrangement would not address their more general concerns relating to increased vehicular use of rural roads. The comparison of traffic generation between farming and residential usage is noted by the Roads Development Unit. However, concerns remain that higher trip generation would result especially at the peak am and pm periods.
- 7b.10 Two opportunities exist to access the C62 Candie Road from the A801. Both are single track roads of limited width with no street lighting. The northern access from the A801 is of wider construction with opportunity for the passing of two vehicles. The southern access from the A801 is more restricted in width. Passing opportunities do however exist although less regularly. A new passing place has been provided on the southern access from the A801 negotiated during the approval of previous planning permission for the re-development of Melonsplace Farm, Candie.
- 7b.11 It is considered that there is similarity between the traffic that would be generated in comparison of farming or residential use although the differences in peak time generation are noted. It is also considered that, given the proximity between accesses/egress of the C62 on the A801 and the increased width of the northern route, drivers are likely to select the northern route when accessing or egressing the C62 Candie Road.
- 7b.12 On balance, it is considered that there is similarity between traffic generation of agricultural and residential uses and that the C62 Candie Road affords adequate capacity to serve limited residential development at the site.

Points raised by Objection

- 7b.13 The submitted objection does not object to the principle of the proposed development. Concern is however raised at the suitability of the C62 Candie Road to accommodate an increase in vehicular traffic. A more direct vehicular access to the A801 is suggested by the objector.
- 7b.14 The suitability of the C62 to accommodate the proposed development is considered above in the assessment of the concerns raised by the Roads Development Unit. A more direct access to the A801 is not achievable.

7c Conclusion

- 7c.1 The proposed development accords with Scottish Planning Policy and emerging Development Plan policy (Falkirk Local Development Plan) in respect of sensitive new development in the countryside.

- 7c.2 The proposed development has been demonstrated to be contrary to a strict interpretation of policy SC3 – Housing Development in the Countryside given that neither the rehabilitation of existing former residential properties nor conversion of existing farm buildings is proposed. The proposed development is therefore considered to be a departure from the extant Development Plan but not significantly so on the basis that it is in accordance with established Scottish Planning Policy and the emerging Development Plan (Falkirk Local Development Plan).
- 7c.3 Material considerations relative to concerns over the ability of the existing road network to accommodate the proposed development are considered to have been adequately assessed. No significant adverse impact is considered likely to result should the proposed development be approved.

8. RECOMMENDATION

8.1 It is recommended that the Planning Committee approve planning permission subject to the following planning 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 development commences, site investigations shall be undertaken as identified in the approved Coal Mining Risk Assessment Report. In the event that site investigations confirm the need for remedial works to ensure the safety and stability of the development all necessary works shall be undertaken prior to the occupation of any approved dwellinghouse. The developer shall inform Falkirk Council as Planning Authority in writing in advance of any necessary site remediation works.**
- (3) Before development commences on site samples of all construction materials for all masonry, slate, aluminium rainwater goods, wet dash render, timber fenestration and timber cladding shall be submitted for the written approval of Falkirk Council as Planning Authority including amendment as required.**
- (4) Before development commences on site construction techniques for the re-use of all retained natural stone in the approved dwellinghouses shall be submitted for the written approval of Falkirk Council as Planning Authority including amendment as required.**
- (5) The site access arrangements approved in the "Site Access Arrangements" plan (drawing number 29) shall be implemented prior to the occupation of any approved dwellinghouse.**
- (6) All approved core path connection works (drawing number 30) shall be implemented prior to the occupation of the last dwellinghouse.**

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) In the interest of public safety.
- (3, 4) In the interests of visual amenity.
- (5) In the interest of road safety.
- (6) In the interests of recreation use.

Informative(s):-

- (1) 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.
- (2) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online number(s) 01 - 30.
- (3) The builder should ensure that noisy work which is audible at the site boundary shall **ONLY** be conducted between the following hours:

Monday to Friday	08:00 – 18:00 Hours
Saturday	09:00 – 17:00 Hours
Sunday / Bank Holidays	10:00 – 16:00 Hours

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Health Unit.
- (4) The developer should contact Scottish Water and SEPA to seek water connection and approval of the proposed private drainage arrangements.

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Director of Development Services

Date: 17 June, 2014

LIST OF BACKGROUND PAPERS

1. Letter of Objection received from Mr Douglas Frater, The Hawes, Candie, Falkirk, FK20BU on 6 January 2014.
2. Scottish Planning Policy.
3. Falkirk Council Structure Plan.
4. Falkirk Council Local Plan.
5. Falkirk Local Development Plan (Proposed Plan).

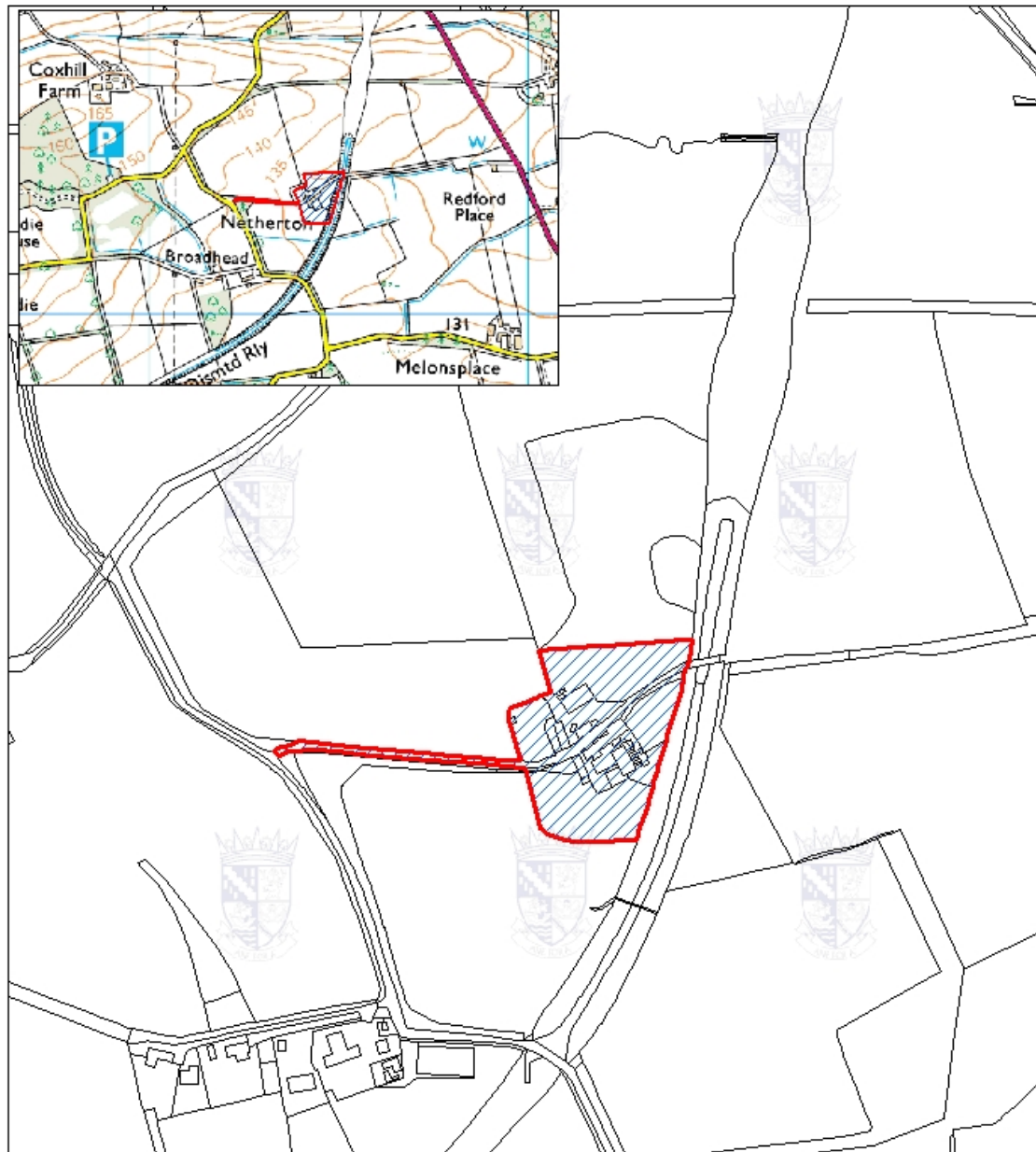
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/13/0706/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: PROGRESS ON ALLOCATED SITES EXPECTED TO
CONTRIBUTE TO THE DENNY EASTERN ACCESS ROAD
(DEAR) THROUGH DELIVERY OF THE DEAR
SUPPLEMENTARY PLANNING GUIDANCE (SPG)

Meeting: PLANNING COMMITTEE

Date: 26 June 2014

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: Brent Vivian (Senior Planning Officer), Ext. 4935

1. BACKGROUND

- 1.1 The Planning Committee decided, on 28 May 2014, that it was Minded to Grant permission for planning application P/12/0546/FUL to erect 307 dwellinghouses including a portion of the Denny Eastern Access Road (DEAR). The site subject to the planning application was described as Land to the South of Mydub Farm, Glasgow Road, Denny.
- 1.2 This proposed development is fundamental to the overall provision of the DEAR and will deliver the western portion of the bypass including a roundabout at the junction of the new road and Glasgow Road, Denny.
- 1.3 The Council's Supplementary Planning Guidance (SPG) for DEAR sets out a cost sharing approach to the delivery of DEAR whereby contributing development sites provide a financial contribution based on relative traffic impact on the local road network.
- 1.4 In determining the Mydub application, the Planning Committee requested information on progress on allocated sites expected to contribute to DEAR through delivery of the DEAR SPG.

1.5 The following table provides this information:-

Site	Total units	Percentage contribution to total cost (ref. DEAR SPG)	Ownership/ developer	Progress towards development
<u>Falkirk Council</u> <u>Local Plan</u>				
H.DEN04 Denny High School	200	10.35%	Council	To be marketed in 2015
H.DEN11 Broad Street	c.100	6.97%	Mixed Council/ private	Progress awaits approval of LDP extension to east
H.DEN09 Nethermains Rd/Castlerankine Rd	25	1.23%	Council	To be marketed in 2015
H.DEN08 Duke Street West	15	0.82%	Council	Included in Council's Strategic Housing Investment Plan as council new-build site 2015/16
H.DEN12 Mydub Farm	307	53.48%	Callendar Estates/Bett Homes	Minded to grant pending completion of S75 obligation (6 month timescale for completion)
H.B&B07 Longcroft/ Dennyloanhead	550	1.64%	McTaggart and Mickel/ landowner	Minded to grant pending completion of S75 obligation
H.B&B16 Banknock North SIRR	504	1.43%	I&H Brown	Minded to grant pending completion of S75 obligation - Proposal of Application Notice received for site engineering and infrastructure works

H.B&B09,10,11,17 Banknock South SIRR	270	0.82%	Mixed Council/ JB Bennett	Viability masterplan prepared for site; development brief in preparation
ED.DEN02 Winchester Ave Industrial Estate 3		0.41%	private	No planning permission in place
ED.DEN01 Denny Town Centre		21.72%	Council	Phase 1 soon on site; phase 2 currently being marketed
Windfall site allowance		1.23%		No sites yet
<u>Falkirk Local Development Plan</u> - Additional contributing sites (if approved)				
H16 Mydub 2	270	To be assigned	Callendar Estates/Bett Homes	Awaiting approval, pending LDP Examination
M05 Broad Street (extension)	c.100	To be assigned	Mixed Council/ private	Awaiting approval of LDP
H22 Rosebank, Dunipace	110	To be assigned	McTaggart and Mickel/ landowner	Awaiting approval, pending LDP Examination

2. CONCLUSION

- 2.1 This report provides a summary of the progress on allocated sites expected to contribute to DEAR through delivery of the DEAR SPG. This information was requested by the Planning Committee following the approval of the Mydub planning application (ref: P/12/0546/FUL), which is a major contributor to the delivery of the overall DEAR.

3. RECOMMENDATION

- 3.1 That Committee note the information contained in this report with respect to the progress on allocated sites expected to contribute to DEAR through delivery of the DEAR SPG.

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Director of Development Services

Date: 17 June, 2014

LIST OF BACKGROUND PAPERS

1. Delivery of Denny Eastern Access Road (DEAR) : Supplementary Planning Guidance Note, June 2013.

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