

**RECORD OF VOTES TAKEN AT THE MEETING OF THE PLANNING COMMITTEE  
ON WEDNESDAY 29 APRIL 2015**

Councillors in attendance:

William Buchanan	Cecil Meiklejohn		
Colin Chalmers	Malcolm Nicol		
Craig Martin	Alan Nimmo		
John McLuckie	Joan Paterson (for Item 6)		
John McNally	Sandy Turner		
Adrian Mahoney (for Item 5)			

Councillors not in attendance - Steven Carleschi

<b>Agenda Item: 5</b>	<b>Subject:</b>	<b>ERECTION OF 8 DWELLINGHOUSES AND ASSOCIATED INFRASTRUCTURE AT LAND TO THE NORTH OF 35 FOUNTAINPARK CRESCENT, BO'NESS FOR DA DEVELOPMENTS - P/14/0587/FUL</b>								
<b>MOTION</b>  That Committee grant planning permission in accordance with the recommendations within the report.  <b>Moved by: A Mahoney</b> <b>Seconded by: J McLuckie</b>										
<b>AMENDMENT</b>  That the application be refused on the grounds that it was contrary to Policies SC2 and SC8 of the Falkirk Council Local Plan as there would remain insufficient parking provision which would have an adverse impact on road safety.  <b>Moved by: S Turner</b> <b>Seconded by: C Meiklejohn</b>										
<div><div><b><u>VOTE</u></b></div><div><div><b>For the motion (7)</b></div><table><tr><td>7 Members</td><td></td></tr><tr><td></td><td></td></tr></table></div><div><div><b>For the amendment (2)</b></div><table><tr><td>2 Members</td><td></td></tr><tr><td></td><td></td></tr></table></div></div>			7 Members				2 Members			
7 Members										
2 Members										
<b>DECISION: Motion carried.</b>										

<b>Agenda Item: 6</b>	<b>Subject:</b>	<b>USE OF LAND FOR END OF LIFE VEHICLE DECONTAMINATION AND DELIQUIDISING FACILITY AND STORAGE OF SCRAP MATERIAL (RETROSPECTIVE) AT ALL PARTS AUTO SALVAGE, HILLVIEW ROAD, HIGH BONNYBRIDGE, BONNYBRIDGE FK4 2BD FOR ALL PARTS AUTO SALVAGE - P/14/0094/FUL</b>																								
<b>MOTION</b>  That consideration of the application be continued (a) for further consultation with the community with particular reference to screening arrangements, and (b) to await the outcome of the applicant's appeal against enforcement action taken by the Scottish Environmental Protection Agency (SEPA).  <b>Moved by: C Chalmers</b> <b>Seconded by: C Meiklejohn</b>																										
<b>AMENDMENT</b>  That Committee grant planning permission in accordance with the recommendations within the report.  <b>Moved by: J Paterson</b> <b>Seconded by: A Nimmo</b>																										
<div><div><b><u>VOTE</u></b></div><div><div><b>For the motion (6)</b></div><table><tr><td>William Buchanan</td><td></td></tr><tr><td>Colin Chalmers</td><td></td></tr><tr><td>John McNally</td><td></td></tr><tr><td>Cecil Meiklejohn</td><td></td></tr><tr><td>Malcolm Nicol</td><td></td></tr><tr><td>Sandy Turner</td><td></td></tr></table></div><div><div><b>For the amendment (4)</b></div><table><tr><td>Craig Martin</td><td></td></tr><tr><td>John McLuckie</td><td></td></tr><tr><td>Alan Nimmo</td><td></td></tr><tr><td>Joan Paterson</td><td></td></tr><tr><td></td><td></td></tr><tr><td></td><td></td></tr></table></div></div>			William Buchanan		Colin Chalmers		John McNally		Cecil Meiklejohn		Malcolm Nicol		Sandy Turner		Craig Martin		John McLuckie		Alan Nimmo		Joan Paterson					
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<b>DECISION: Motion carried.</b>																										

#### Notes

1. This voting record is subject to approval of the formal minute at the next meeting of the Planning Committee on 27 May 2015.
2. Only those items where a vote was taken are recorded here. For information about decisions reached on any other items considered at this meeting, please contact Antonia Sobieraj, 01324 501277.

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 25 MARCH 2015 at 9.30 a.m.**

**COUNCILLORS:** Baillie William Buchanan (Convener)  
Steven Carleschi  
Colin Chalmers  
Craig Martin  
John McLuckie  
Cecil Meiklejohn  
Alan Nimmo  
Baillie Joan Paterson  
Sandy Turner

**OFFICERS:** John Angell, Head of Planning and Transportation  
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  
Antonia Sobieraj, Committee Services Officer  
Russell Steedman, Network Co-ordinator

**P125. APOLOGIES**

Apologies were intimated on behalf of Councillors McNally and Nicol.

**P126. DECLARATIONS OF INTEREST**

No declarations were made.

**P127. REQUESTS FOR SITE VISITS**

Having heard requests by members for site visits, the Committee agreed to the continuation of planning applications P/14/0587/FUL, P/14/0094/FUL and P/14/0475/FUL.

**P128. MINUTES**

**Decision**

- (a) The minute of meeting of the Planning Committee held on 25 February 2015 was approved; and
- (b) The minute of meeting of the Planning On-Site Committee held on 9 March 2015 was approved.

**P129. DEMOLITION OF RUINED FARMHOUSE, ERECTION OF DWELLINGHOUSE AND DOMESTIC GARAGE, FORMATION OF ACCESS, CHANGE OF USE OF AGRICULTURAL LAND TO GARDEN GROUND AT DOUBLEDYKES FARM, FALKIRK FOR MRS ALISON ARNOTT - P/14/0682/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 25 February 2015 (Paragraph P119 refers), Committee (a) gave 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 demolition of ruined farmhouse and erection of dwellinghouse and domestic garage and formation of access and change of use of agricultural land to garden ground at Doubledykes Farm, Falkirk.

Members considered that, while this application is strictly contrary to the current Development Plan, looking at the particular facts and circumstances of the proposal it would improve the visual amenity of the area and road safety concerns would be mitigated by the creation of a bellmouth. It was proposed that there be an advisory in relation to potential provision by the developer of an additional passing place on Drove Road. Members considered that officers' recommendation at paragraph 7c.5 of the report, in the event of a decision to support the application, be followed and that the Committee indicate that it is minded to grant the application subject to design changes to the proposed dwellinghouse being agreed with the Director of Development Services.

**Decision**

The Committee agreed that it is MINDED to GRANT planning permission subject to design changes to the proposed dwellinghouse being agreed with the Director of Development Services and, thereafter on the conclusion of and agreement being reached on the said design changes, to remit to the Director of Development Services to grant planning permission subject to appropriate conditions as determined by the said Director and an informative with regard to creation by the applicant of an additional passing place on Drove Road.

**P130. DEMOLITION OF EXISTING FARM BUILDINGS AND FARMHOUSE, AND ERECTION OF 6 NO. DWELLINGHOUSES WITH ASSOCIATED WORKS AT NETHERTON, FALKIRK FK2 0BU FOR SPRINGFIELD PROPERTIES PLC - P/14/0716/FUL**

The Committee considered a report by the Director of Development Services on an application for full planning permission for the demolition of existing farm buildings and farmhouse and the erection of six detached dwellinghouses with associated works on a site extending to 1.4 hectares at Netherton Farm, Candie, Falkirk.

**Decision**

The Committee agreed to grant planning permission subject to the following conditions:-

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of the 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) Prior to the occupation of any approved dwellinghouse, the site access arrangements approved in the "Site Access Arrangements" plan (drawing number 16) shall be implemented.
- (6) Prior to the occupation of the last dwellinghouse all approved core path connection works (drawing number 30) and Candie Road passing places (drawing number 17) shall be implemented.

**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), the permission lapses on the expiration of a period of three years beginning with the date on which the permission is granted unless the development to which the permission relates is begun before that expiration.
- (2) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online number(s) 01 - 16, 17A, 18A and 19.
- (3) The developer should contact Scottish Water and SEPA to seek water connection and approval of the proposed private drainage arrangements.

In accordance with the decision taken at the start of the meeting, **NOTED** that the following items had been continued to a future meeting to allow an inspection of the sites by Committee:-

- P131. ERECTION OF 8 DWELLINGHOUSES AND ASSOCIATED INFRASTRUCTURE ON LAND TO THE NORTH OF 35 FOUNTAINPARK CRESCENT, BO'NESS FOR DA DEVELOPMENTS - P/14/0587/FUL**
- P132. USE OF LAND FOR END OF LIFE VEHICLE DECONTAMINATION AND DELIQUIDISING FACILITY AND STORAGE OF SCRAP MATERIAL (RETROSPECTIVE) AT ALL PARTS AUTO SALVAGE HILLVIEW ROAD, HIGH BONNYBRIDGE, BONNYBRIDGE FK4 2BD FOR ALL PARTS AUTO SALVAGE - P/14/0094/FUL**
- P133. ERECTION OF SHOP, HOT FOOD TAKE-AWAY AND 6 FLATTED DWELLINGS WITH ASSOCIATED CAR PARKING AT SPAR AND FLAMES SALMON INN ROAD, POLMONT, FALKIRK FK2 0XF FOR MR ABDUL SATTAR - P/14/0475/FUL**

**FALKIRK COUNCIL**

**MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on MONDAY 13 APRIL 2015 commencing at 9.30 a.m.**

**COUNCILLORS:**

Baillie William Buchanan (Convener)  
Adrian Mahoney (for application P/14/0587/FUL)  
John McLuckie  
Malcolm Nicol  
Sandy Turner

**OFFICERS:**

Kevin Brown, Planning Officer (for application P/14/0475/FUL)  
Ian Dryden, Development Manager  
Stuart Henderson, Environmental Health Officer (for applications P/14/0475/FUL and P/14/0094/FUL)  
Craig Russell, Roads Development Officer (for application P/14/0094/FUL)  
Julie Seidel, Planning Officer (for application P/14/0587/FUL)  
Antonia Sobieraj, Committee Services Officer  
Russell Steedman, Network Co-ordinator (for applications P/14/0475/FUL and P/14/0587/FUL)  
Karen Quin, Solicitor  
Brent Vivian, Senior Planning Officer (for application P/14/0094/FUL)

**P1. APOLOGIES**

Apologies were intimated on behalf of Baillie Paterson and Councillors McNally, Meiklejohn and C Martin.

**P2. ERECTION OF SHOP, HOT FOOD TAKE-AWAY AND 6 FLATTED DWELLINGS WITH ASSOCIATED CAR PARKING AT SPAR AND FLAMES, SALMON INN ROAD, POLMONT, FALKIRK FK2 0XF FOR MR ABDUL SATTAR - P/14/0475/FUL**

With reference to Minute of Meeting of the Planning Committee held on 25 March 2015 (Paragraph P133 refers), Committee gave further consideration to a report by the Director of Development Services on an application for full planning permission for the erection of a shop, a hot food take-away and 6 flatted dwellings with associated car parking at Spar and Flames, Salmon Inn Road, Polmont, Falkirk.

The Convener introduced the parties present.

The Planning Officer (K Brown) outlined the nature of the application.

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

Mrs Fraser, an objector, was heard in relation to the application.

The objections included the following issues:-

- The general overdevelopment of the site;
- The removal of trees and greenspace;
- The poor bus stop positioning;
- The overlooking of the nursery garden area;
- The increase in traffic and on-street parking and concerns about increased congestion and road safety;
- The loss of privacy to nearby dwellinghouses;
- The difficulty in accessing the school; and
- The inadequate sewerage and drainage capacity.

Questions were then asked by Members of the Committee.

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

The Convener concluded by thanking the parties for their attendance. The matter would be determined by the Planning Committee on 29 April 2015.

**P3. ERECTION OF 8 DWELLINGHOUSES AND ASSOCIATED INFRASTRUCTURE ON LAND TO THE NORTH OF 35 FOUNTAINPARK CRESCENT, BO'NESS FOR DA DEVELOPMENTS - P/14/0587/FUL**

With reference to Minute of Meeting of the Planning Committee held on 25 March 2015 (Paragraph P131 refers), Committee gave further consideration to a report by the Director of Development Services on an application for full planning permission for the erection of 8 semi detached dwellinghouses and associated infrastructure on land to the north of 35 Fountainpark Crescent, Bo'ness.

The Convener introduced the parties present.

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

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

Mr Gourlay, the applicant's representative, was heard in relation to the application.

Ms MacDonald, having clarified that she had submitted a letter of representation as opposed to support, was heard in relation to the application. She requested clarification on the proposed boundary enclosures, access during construction, drainage and planting.

Mrs Plumb, an objector, was heard in relation to the application.

Mr MacLachlan, an objector, was heard in relation to the application.



Mrs Georgeson, an objector, was heard in relation to the application.

Mrs Plumb, an objector, was heard in relation to the application.

The objections included the following issues:-

- The insufficient visitor parking and associated congestion and road safety issues;
- The unacceptable impact on the volume of traffic on Fountainpark Crescent;
- The existing residents parking on-street;
- The parking and access problems, particularly for large vehicles;
- The overshadowing and overlooking of existing properties and noise nuisance;
- That the road should be kept free of building materials at all times; and
- The overdevelopment of the site.

Questions were then asked by Members of the Committee.

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

Members thereafter visited the garden area of the neighbouring property at 18b South Philpingstone Lane to view the position of the proposed development and the entry point for construction traffic.

The Convener concluded by thanking the parties for their attendance. The matter would be determined by the Planning Committee on 29 April 2015.

**P4. USE OF LAND FOR END OF LIFE VEHICLE DECONTAMINATION AND DELIQUIDISING FACILITY AND STORAGE OF SCRAP MATERIAL (RETROSPECTIVE) AT ALL PARTS AUTO SALVAGE, HILLVIEW ROAD, HIGH BONNYBRIDGE, BONNYBRIDGE FK4 2BD FOR ALL PARTS AUTO SALVAGE - P/14/0094/FUL**

With reference to Minute of Meeting of the Planning Committee held on 25 March 2015 (Paragraph P132 refers), Committee gave further consideration to a report by the Director of Development Services on an application for full planning permission for the use of land for an end of life vehicle decontamination and deliquidising facility and the storage of scrap material (retrospective) at All Parts Auto Salvage, Hillview Road, High Bonnybridge, Bonnybridge.

The meeting first convened at the main entrance area of the site near the site office to view the general area of the site. The Convener introduced the parties present.

The Senior Planning Officer (B Vivian) outlined the nature of the application.

The Senior Planning Officer thereafter read out an email from the Scottish Environmental Protection Agency (SEPA) which had been received that morning submitting the organisation's apologies for the non attendance at the meeting.

Ms Philips, the applicant's agent, was heard in relation to the application.

Mr Shaw, the applicant's representative, was heard in relation to the application.

The meeting then moved and was reconvened at the north west area of the site to view the stockpile at this area. The objectors were then heard.

Mr Mayer, an objector, was heard in relation to the application.

Ms Graham, an objector, was heard in relation to the application.

Mr Allan, an objector, was heard in relation to the application.

Mr MacKenzie, an objector, was heard in relation to the application.

Ms Lees, an objector, was heard in relation to the application.

Mr Rae, on behalf of Bonnybridge Community Council, an objector, was heard in relation to the application.

Mr Casey, an objector, was heard in relation to the application.

Ms McLelland, an objector, was heard in relation to the application.

Mr Fleming, an objector, was heard in relation to the application.

Mrs McCutcheon, an objector, was heard in relation to the application.

Mr Hargreaves, an objector, was heard in relation to the application.

The objections included the following issues:-

- The insufficient visitor parking provision;
- The noise impacts due to proximity to residential house including from the crushing of vehicles;
- The heightened noise, dust levels in the air and light pollution;
- The lack of detail in relation to the crushing machine and barriers;
- The concerns in relation to operating hours;
- The increase in vehicle numbers stored at the site;
- The detrimental effect on a pleasant living area and the immediate and surrounding environment;
- The blight on the skyline from piles of scrap metal;
- That the proposed tree planting would take at least 12 years to have any visual impact;
- The road safety issues including local roads being inadequate for large HGV's, existing high levels and speed of traffic in the neighbourhood, the increase in amount of heavy vehicles visiting the site; sustained damage already on the new bridge and road blocks;
- The inadequate footpaths in the vicinity of the development and the danger to pedestrians;
- The increased traffic going past two primary schools;
- The concerns regarding the handling of hazardous substances;

- The close proximity to a railway line;
- The concerns about the ground sustaining the weight;
- The risks of fire and pollution;
- The operator deliberately flaunting the rules;
- The expiry in 2008 of the temporary permission and the operator continuing to operate the facility;
- The disregard of conditions attached to past planning permissions;
- The depreciation in house values in the area;
- The financial cost if tenants of three rental properties were lost; and
- That no mention had been made by the operator at a public meeting of the expansion of the site and the stockpile of metal in excess of the permitted height; and
- The operator's lack of dialogue with local residents.

Questions were then asked by Members of the Committee.

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

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

Members thereafter visited the view of the stockpile at the north west area of the site from 40 Reilly Gardens.

The Convener concluded by thanking the parties for their attendance. The matter would be determined by the Planning Committee on 29 April 2015.



**FALKIRK COUNCIL**

**Subject:** ERECTION OF SHOP, HOT FOOD TAKE-AWAY AND  
6 FLATTED DWELLINGS WITH ASSOCIATED CAR PARKING  
AT SPAR & FLAMES, SALMON INN ROAD, POLMONT,  
FALKIRK, FK2 0XF FOR MR ABDUL SATTAR - P/14/0475/FUL  
**Meeting:** PLANNING COMMITTEE  
**Date:** 29 April 2015  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Lower Braes

Councillor Steven Jackson  
Councillor Malcolm Nicol  
Councillor Alan Nimmo

**Community Council:** Lower Braes

**Case Officer:** Kevin Brown (Planning Officer), Ext. 4701

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this application was originally considered by the Planning Committee on 25 March 2015 (copy of previous report appended), when it was agreed to continue the application for a site visit. This site visit took place on Monday 13 April 2015.
2. Following a summary of the proposal by the case officer, the applicant's agent, in support of the proposal, highlighted that the proposed scheme represents a sensitive design solution which has overcome the issues of overdevelopment and road safety concerns that have been raised previously. It was also highlighted that the 6 proposed flats are important in respect of the overall project viability of the site.
3. Of the three objectors who submitted representation to the proposal, one individual attended the site visit. Points of concern raised related to overlooking of nursery from the proposed flats, overdevelopment and parking / traffic congestion.
4. Members of the Planning Committee sought clarification in respect of the existing parking and traffic situation, particularly at peak times (school drop-off / pick-up). Clarification was also sought in relation to how the proposed one way system would work in practice and in respect of the overall proposed changes to access provision and parking arrangements. The Roads Development Network Coordinator confirmed that this issue would be a general police enforcement matter in respect of any abuse of the proposed one-way system, and furthermore advised that the overall proposed layout would provide a beneficial impact on the existing traffic movements, parking and congestion issues at the site.

5. In respect of concerns raised by objectors in relation to overlooking of the adjacent nursery, Members of the Planning Committee sought clarification whether there are any guidelines or policies in place pertaining to the overlooking of nursery grounds from residential properties. Specific questions were asked in relation to the potential to apply a condition requiring the installation of obscure glazing to address this element. Officers confirmed that there are no policies or guidelines in place in respect of this issue and advised Members that overlooking of nursery grounds is commonplace across the Council area. Planning officers confirmed that whilst the application of a condition requiring obscure glazing to first floor windows was technically possible, it is the view of planning officers that such a condition could be challenged on this basis and as such should not be applied in this instance. Discussion was also had in relation to the potential to alter the layout of the site so that the flats no longer overlooked the nursery. It was acknowledged by the case officer that this could potentially be achieved but that this would involve a full scale re-design of the site which could not be considered as part of this particular planning application.
6. Local Member, Councillor Jackson commented on the existing parking and access issues at the site and acknowledged the general concerns of residents in respect of this issue as well as the overlooking to the grounds of the adjacent nursery.
7. It is considered that no new matters have emerged from the site visit that would alter the officer recommendation of minded to grant planning permission. The previous recommendation is reiterated as follows.

## **8. RECOMMENDATION**

- 8.1 **It is therefore recommended that Planning Committee indicate it is minded to grant planning permission subject to (a) a legal agreement/Planning Obligation to the satisfaction of the Director of Development Services within terms of Section 69 of the Local Government (Scotland) Act 1973 or Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, for the sum of £5,460 towards off site open space and play provision (b) And thereafter on the conclusion of (a) above, to remit to the Director of Development Services to grant planning permission subject to the following conditions:**

- (1) **The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
- (2) **Prior to the start of work on site, full details in regard to odour and noise control measures associated with the hot food takeaway unit shall be submitted to and approved in writing by the planning authority. These should include a detailed specification of:**
  - (i) **Cooking odour extraction system, including its proposed flue exit point on the external facade of the property;**
  - (ii) **Measures to control odour emissions;**
  - (iii) **Measures employed to control noise emissions from any extraction or ventilation systems and noise output from fan.**

- (3) Prior to the start of work on site full drainage details demonstrating how surface water drainage will be dealt with at the site shall be submitted to and approved in writing by the Planning Authority.
- (4) Prior to the start of work on site, details of the height and construction of all boundary treatments shall be submitted to and approved in writing by the planning authority.
- (5) Prior to the start of work on site, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- (6) Unless otherwise agreed in writing by the planning authority, no building on the site shall be occupied until such time that the car parking shown on the Approved Plan has been completed.
- (7) Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
  - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their replacement;
  - ii. location of new trees, shrubs, hedges and grassed areas;
  - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density;
  - iv. programme for completion and subsequent maintenance.
- (8) Prior to the start of works on site, or within an alternative timescale agreed in writing by the planning authority, the access road to the rear of the site (Meadowbank) shall be converted to a one way system.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2,4,5) To safeguard the residential amenity of the area.
- (3) To ensure that adequate drainage is provided.
- (6) To ensure that adequate car parking is provided.
- (7) To safeguard the visual amenity of the area.
- (8) To safeguard the interests of the users of the highway.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02B, 03A, 04B and 05.
- (2) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (3) Separate consent may be required from Scottish Water for certain aspects of this development.
- (4) A Traffic Regulation Order is required in connection with this development to put in place a one way system on the access road to the rear of the site (Meadowbank). Prior to the start of work on site, the developer should contact the Roads and Design Network Coordinator at Abbotsford House, Falkirk to ascertain the timescales and procedures involved in obtaining such an order. The full costs of this process are to be met by the applicant.

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

**Date: 16 April 2015**

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Council Local Development Plan - Proposed Plan.
4. Supplementary Planning Guidance Note - Public Open Space, Falkirk Greenspace and New Development.
5. Letter of Objection received from Douglas and Elaine Fraser, 46 Salmon Inn Road, Polmont, Falkirk FK2 0XA on 9 September 2014.
6. Letter of Objection received from Mr Graeme Mason, 31 Erskine Hill, Polmont, Falkirk FK2 0UH on 28 August 2014.
7. Letter of Objection received from Mr Kevin Ashe, 34 Morven Drive, Polmont, Falkirk FK2 0XD on 27 August 2014.
8. Letter of Support received from Mr Kenneth Burnside, 2 Colonsay Avenue, Polmont, Falkirk FK2 0UY on 13 January 2015.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.



**FALKIRK COUNCIL**

**Subject:** ERECTION OF SHOP, HOT FOOD TAKE-AWAY AND  
6 FLATTED DWELLINGS WITH ASSOCIATED CAR PARKING  
AT SPAR & FLAMES, SALMON INN ROAD, POLMONT,  
FALKIRK, FK2 0XF FOR MR ABDUL SATTAR - P/14/0475/FUL  
**Meeting:** PLANNING COMMITTEE  
**Date:** 25 March 2015  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Lower Braes

Councillor Steven Jackson  
Councillor Malcolm Nicol  
Councillor Alan Nimmo

**Community Council:** Lower Braes

**Case Officer:** Kevin Brown (Planning Officer), Ext. 4701

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

- 1.1 This detailed application proposes the redevelopment of a site currently accommodating a shop, hot food takeaway and car park to form a mixed use development of 6 flats, new shop unit and new hot food takeaway and parking areas. The existing buildings on the site are proposed to be demolished, and access to parking within the site is proposed to be reconfigured.
- 1.2 The application site is located on Salmon Inn Road, Polmont and proposes a new vehicular access to be formed onto Salmon Inn Road.

**2. REASON FOR COMMITTEE CONSIDERATION**

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

**3. SITE HISTORY**

- 3.1 P/13/0617/FUL - Mix Development of 8 Residential Flats and Commercial Unit and Hot Food Takeaway - refused 3 December 2013.

- 3.2 P/11/0270/PPP - Mixed Development of Residential Flatted Dwellings, Commercial Development of Shop and Hot Food Takeaway (Planning Permission in Principle) - granted 28 March 2012.
- 3.3 P/08/0815/OUT - Demolition of Existing Shop and Hot Food Shop and Development of Land to Form Retail Units, Flatted Dwellings and Associated Parking (Outline) - refused 2 April 2009.
- 3.4 F/2005/0087 - Extension to Shop to Form Extra Shop Unit - withdrawn 6 July 2005.
- 3.5 F/98/0196 - Change of Use of Shop to Hot Food Takeaway (Detailed) - granted detailed planning permission 4 June 1998.
- 3.6 F/98/0664 - Amendment of Condition Two of Planning Permission F/86/0196, Relating to Opening Hours - granted detailed planning permission 23 December 1998.
- 3.7 F/98/0754 - Installation of Shopfront (Detailed) - granted detailed planning permission 17 March 1999.
- 3.8 F/98/0769 - Display of Illuminated Fascia and Projected Advertisements - granted temporary consent 17 March 1999.

#### **4. CONSULTATIONS**

- 4.1 The Coal Authority has no objection to this application.
- 4.2 The Council's Environmental Protection Unit has no objection to the application but has requested further details with regard to odour and noise control. It is considered that these details can be adequately covered by planning conditions attached to any consent given.
- 4.3 The Council's Roads Development Unit has assessed the proposals in respect of parking provision and road safety implications, as well as road alignment and geometry. The applicant has made a number of amendments to the proposal to address each of the concerns initially raised. The proposed design and layout now meet all requirements in respect of parking standards, pedestrian footpath provision and junction alignment. The proposal also returns the existing access road to the rear of the site at its current width. This road is currently used as an informal drop off area for the adjacent school. The application proposes to make this a one-way system, to improve road safety. The Roads Unit has confirmed that this would need to be secured by way of an entirely separate traffic regulation order, with all costs involved being borne by the applicant.
- 4.4 Scottish Water has no objection to this application.

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

- 5.1 The Lower Braes Community Council has not commented on this application.

## 6. PUBLIC REPRESENTATION

6.1 In the course of this application, 4 contributors submitted letters to the Council. Three of these letters were objections and one was submitted in support of the proposals. The salient objections are summarised below:-

- General overdevelopment of the site;
- Removal of trees and greenspace;
- Poor bus stop positioning;
- Overlooking of nursery garden area;
- Increase in traffic and on-street parking resulting in increased congestion and road safety concerns;
- Loss of privacy to nearby dwellinghouses;
- Access to the school will be more difficult;
- Sewage and drainage capacity.

## 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 relevant policies within the Falkirk Council Structure Plan.

#### *Falkirk Council Local Plan*

7a.2 Policy - EQ1 'Sustainable Design Principles' states:

*"New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:*

- (1) Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;
- (2) Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, safe and easy to use;
- (3) Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;
- (4) Resource Use. Development should promote the efficient use of natural resources, and take account of life cycle costs, in terms of energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;
- (5) Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and

- (6) *Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.”*

7a.3 The proposed development responds well to the site's surroundings in terms of scale, siting and design. The proposed development would retain a well used community shop within an easily accessible location, providing safe access for all users. The proposal accords with the terms of policy EQ1.

7a.4 Policy EQ3 ‘Townscape Design’ states:

*“New development will be required to contribute positively to the quality of the built environment. Proposals should accord with the following criteria:*

- (1) The siting, layout and density of new development should create a coherent structure of streets, amenity space and buildings which respects and complements the site’s environs and creates a sense of identity within the development;*
- (2) Streets and public spaces should have buildings fronting them, and where this is not possible, a high quality architectural or landscape treatment will be required as an alternative;*
- (3) The design of new buildings should reflect the surrounding urban fabric in terms of scale, height, massing and building line;*
- (4) Building materials, finishes and colours should be chosen to complement those prevailing in the local area;*
- (5) Existing buildings or structures which contribute to the local townscape should be retained and integrated sensitively into the layout; and*
- (6) The contribution to the townscape of important landmarks, skylines and views should be respected.”*

7a.5 The siting, layout and density of development proposed respects and complements the site's environs and creates a positive sense of identity for the site, which is currently lacking. The proposal reflects the surrounding urban fabric in terms of scale, height, massing and building lines, and finishing materials have been chosen to complement the surrounding area. The proposal accords with policy EQ3.

7a.6 Policy SC2 - ‘Windfall Housing Development Within The Urban / Village Limit’ states:

*“Housing development within the Urban and Village Limits, in addition to proposals identified within the Local Plan, will be supported where the following criteria are met:*

- (1) The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;*
- (2) The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- (3) The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- (4) Existing physical infrastructure, such as roads and drainage, and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy SC11;*
- (5) In the case of small gap sites and sub-divided plots, Policy SC8 is satisfied; and*
- (6) There is no conflict with any other Local Plan policy or proposal.”*

7a.7 The application proposes the redevelopment of an existing site currently occupied by commercial units, parking and open space. The proposed introduction of a small residential element to the site is compatible with surrounding land uses and satisfactory residential amenity levels can be achieved. The site enjoys good pedestrian accessibility, is located directly on a bus route and is immediately adjacent to a school and recreational areas. A public library and health centre are also only a short walk from the site. Existing physical infrastructure is deemed to have sufficient capacity to cope with the scale of development proposed. The proposal complies with policy SC2.

7a.8 Policy SC6 - 'Housing Density And Amenity' states:

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

7a.9 The overall density of the housing on the site is considered entirely appropriate for the location and is in line with densities in the surrounding area. The proposal does not include land set aside for drying areas or private amenity space, however the flatted block does manage to achieve a good setting and architectural treatment on what is an awkwardly shaped site. The proposed flats provide adequate privacy and do not generate any overshadowing concerns. The proposal complies with policy SC6.

7a.10 Policy ST11 - 'Sustainable Urban Drainage' states:

*“Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation. A drainage strategy, as set out in PAN 61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment.”*

7a.11 The applicant has stated an intention to provide a sustainable urban drainage system to cover the site, and has indicated an intention to carry out trial pits to confirm ground conditions to inform a finalised drainage scheme for the site. There is no evidence to suggest that a drainage solution for the site cannot be achieved. It is considered that a finalised drainage scheme can be adequately secured by way of a suitably worded planning condition attached to any planning permission granted. The proposal complies with policy ST11.

7a.12 Policy SC13 - ‘Open Space and Play Provision in New Development’ states:

*“New development will be required to contribute to open space and play provision. Provision should be informed by the Council’s open space audit and strategy and the SPG Note on ‘Open Space and New Development’, once available, or a site-specific local audit of provision in the interim, and should accord with the following principles:*

- (1) Open space and facilities for play and outdoor sport should be provided in broad accordance with the guidance in Table 4.2. These requirements may be increased where the extent and quality of facilities in the area are proven by the open space audit to be below a suitable standard. Above ground SUDS features, small incidental amenity areas, structure planting and road verges will not count towards requirements.*
- (2) Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where*
  - existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;*
  - in residential developments, the size of the development falls below the threshold of 10 houses indicated in Table 4.2, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*
  - as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area;*
  - The required financial contribution per house will be set out in the SPG Note on ‘Open Space and New Development’.*
- (3) The location and design of open space should be such that it:*
  - forms an integral part of the development layout, contributing to its character and identity;*
  - is accessible and otherwise fit for its designated purpose;*
  - links into the wider network of open space and pedestrian/cycle routes in the area;*
  - sensitively incorporates existing biodiversity and natural features within the site;”*
  - promotes biodiversity through appropriate landscape design and maintenance regimes; and*
  - enjoys good natural surveillance;*
- (4) Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it.”*

7a.13 In lieu of any on-site element of open space and play provision, the applicant has agreed to make a financial contribution totaling £5,460 towards off-site provision. This contribution is in accordance with the requirements of Falkirk Council Supplementary Planning Guidance Note - Public Open Space, Falkirk Greenspace and New Development. The proposal complies with policy SC13.

7a.14 Policy EP7 - ‘New Retail Development’ states:

- (1) New retail development in excess of 500 m<sup>2</sup> gross will be permitted where it is consistent with Policies ECON.5 and ECON.6 of the Structure Plan, and specific policies for individual centres in the Settlement Statements.*
- (2) Retail developments smaller than 500 m<sup>2</sup> serving neighbourhood needs will be permitted within the urban area, subject to other Local Plan policies.*

- (3) *Retail development must demonstrate a high level of design quality, compatibility with adjacent land uses and an ability to integrate functionally and visually with any centre of which it is to form part.*

7a.15 The proposed development of approximately 200sq.m of retail space is considered appropriate for this location, and represents a significant improvement in the level of design quality over the existing shop unit at the site. The proposed land use integrates well with its surroundings and is compatible with neighbouring uses. The proposal complies with policy EP7.

7a.16 Policy EP8 - 'Neighbourhood and Rural Shops and Services' states:

*"The Council will support the provision, retention and improvement of neighbourhood and rural shops. Accordingly:*

- (1) *Proposals involving the loss of neighbourhood or rural shops (Class 1) and services (Class 2) which serve an important community function will be only be permitted where the Council is satisfied that the premises are no longer viable for such uses; and*
- (2) *The provision of neighbourhood shops to serve major new housing developments and existing residential areas which have poor access to such facilities will be encouraged."*

7a.17 The proposal retains and improves an existing well used neighbourhood shop at the site. The proposal complies with policy EP8.

7a.18 Policy EP9 - 'Food And Drink' states:

*"Proposals for Class 3 uses, hot food takeaways and public houses will be encouraged to locate within centres, in association with other neighbourhood shops or services, or in other locations where they are capable of serving a tourism function. It must also be demonstrated that:*

- (1) *There will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours;*
- (2) *In the case of proposals within a centre, the proposal is consistent with the specific policies covering the relevant centre, particularly with regard to safeguarding the centre's retail function; and*
- (3) *Parking, access and traffic generation requirements are satisfied."*

7a.19 The proposal replaces an existing hot food takeaway unit at the site and offers an opportunity to improve the overall visual amenity of the area. The proposed unit is segregated from any residential properties and is well served by on and off-street parking provision. Noise disturbance, litter and odours can be adequately controlled at the site. The proposal complies with policy EP9.

7a.20 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

7b.1 The following matters were considered to be material in the assessment of the application:-

- Falkirk Local Development Plan - Proposed Plan;
- Supplementary Planning Guidance;
- Assessment of Public Representations.

### ***Falkirk Local Development Plan (Proposed Plan)***

7b.2 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 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications.

7b.3 Policy D02 - 'Sustainable Design Principles' states:

*"New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:*

1. *Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
2. *Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site's surroundings, and create buildings and spaces that are attractive, distinctive, welcoming, adaptable, safe and easy to use;*
3. *Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
4. *Climate Change & Resource Use. Development should promote the efficient use of natural resources and the minimisation of greenhouse gas emissions through energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
5. *Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
6. *Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.*

*Masterplans will be required for significant development proposals requiring a co-ordinated approach to design and infrastructure, and should demonstrate how the above principles have been incorporated into the proposals. Masterplans should be informed by a development framework or brief where relevant.*

7b.4 The terms of policy D02 reflect the general considerations of the adopted Local Plan and does not introduce any new material planning considerations in this instance. The proposal accords with policy D02.

7b.5 Policy D03 - 'Urban Design' states:

*"New development should create attractive and safe places for people to live, work and visit. Accordingly:*

1. *Development proposals should conform with any relevant development framework, brief or masterplan covering the site. Residential proposals should conform with Supplementary Guidance SG02 'Housing Layout and Design';*



2. *The siting, density and design of new development should create a coherent structure of streets, public spaces and buildings which respects and complements the site's context, and creates a sense of identity within the development;*
3. *Street layout and design should generally conform with the Scottish Government's policy document 'Designing Streets';*
4. *Streets and public spaces should have buildings fronting them or, where this is not possible, a high quality architectural or landscape treatment;*
5. *Development proposals should include landscaping and green infrastructure which enhances, structures and unifies the development, assists integration with its surroundings, and contributes, where appropriate, to the wider green network;*
6. *Development proposals should create a safe and secure environment for all users through the provision of high levels of natural surveillance for access routes and public spaces; and*
7. *Major development proposals should make provision for public art in the design of buildings and the public realm."*

7b.6 The terms of policy D03 reflect the general considerations of the adopted Local Plan and do not introduce any new material planning considerations in this instance. The proposal accords with policy D03

7b.7 Policy HSG03 - 'Windfall Housing' states:

*"Housing development within the Urban and Village Limits, in addition to proposals identified within the LDP, will be supported where:*

1. *The site is brownfield, or is open space whose loss can be justified in terms of Policy INF03;*
2. *The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
3. *The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
4. *Existing physical infrastructure, such as roads and drainage, sewage capacity, and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy INF02;*
5. *The site is not at significant risk of flooding in the terms of Policy RW06;*
6. *In the case of small gap sites and sub-divided plots, Policy HSG05 is satisfied; and*
7. *It complies with other LDP policies."*

7b.8 The terms of policy HSG03 reflect the general considerations of the adopted Local Plan and introduces further consideration of whether the site is at significant risk of flooding. The site is not considered to be at significant risk of flooding. The proposal accords with policy HSG03.

7b.9 Policy INF02 - 'Developer Contributions to Community Infrastructure' states:

*"Developers will be required to contribute towards the provision, upgrading and maintenance of community infrastructure where development will create or exacerbate deficiencies in, or impose significantly increased burdens on, existing infrastructure. The nature and scale of developer contributions will be determined by the following factors:*

1. *Specific requirements identified against proposals in the LDP or in development briefs;*
2. *In respect of open space, recreational, education and healthcare provision, the general requirements set out in Policies INF04, INF05 and INF06;*

3. *In respect of physical infrastructure any requirements to ensure that the development meets sustainability criteria;*
4. *In respect of other community facilities, any relevant standards operated by the Council or other public agency; and*
5. *Where a planning obligation is the intended mechanism for securing contributions, the principles contained in Circular 3/2012.*

*In applying the policy, consideration of the overall viability of the development will be taken into account in setting the timing and phasing of payments.”*

7b.10 The developer has accepted the requirement to enter into a legal agreement to secure financial contributions towards open space provision in line with Local Plan policy and supplementary guidance. The proposal accords with the terms of policy INF02.

7b.11 Policy INF04 - ‘Open Space and New Residential Development’ states:

*“Proposals for residential development of greater than 3 units will be required to contribute to open space and play provision. Provision should be informed by the Council’s open space audit, and accord with the Open Space Strategy and the Supplementary Guidance SG13 on ‘Open Space and New Development’, based on the following principles:*

1. *New open space should be well designed; appropriately located; functionally sized and suitably diverse to meet different recreational needs in accordance with criteria set out in Supplementary Guidance SG13 ‘Open Space and New Development’.*
2. *Where appropriate, financial contributions to off-site provision, upgrading, and maintenance may be sought as a full or partial alternative to direct on-site provision. The circumstances under which financial contributions will be sought and the mechanism for determining the required financial contribution is set out in Supplementary Guidance SG13 ‘Open Space and New Development’.*
3. *Arrangements must be made for the appropriate management and maintenance of new open space.”*

7b.12 The developer has agreed to make financial contributions towards the off-site open space provision in line with current policy and guidance. The proposal accords with policy INF04

7b.13 Policy TC03 - ‘Retail and Commercial Leisure Development’ states:

1. *Retail development proposals in excess of 1,000 sq.m. gross floorspace, and significant commercial leisure development, should be located within the network of centres, and should be of a scale and type consistent with the role of the centre in the network and commensurate with the local catchment. Proposals for out-of-centre retail and commercial leisure development will be assessed in relation to the following:*
  - *The impact on the vitality and viability of other identified centres, or proposals for their improvement;*
  - *The need for the development;*
  - *The proposal’s ability to meet the sequential approach; and*
  - *The accessibility of the proposal by a choice of means of transport, and the impact on the number and length of car trips.*
2. *Retail development proposals of 1,000 sq.m. gross floorspace or less, serving neighbourhood needs, will be permitted more generally within the urban area, subject to other LDP policies.*

3. *Motor vehicle showrooms will be permitted within the economic development sites identified in the Site Schedule, or other business and industrial areas, provided access, servicing and any associated industrial processes can be accommodated without detriment to residential amenity, the functioning of the road network, or the operation of adjacent businesses.*
4. *Retail and commercial leisure development must demonstrate a high level of design quality, compatibility with adjacent land uses and an ability to integrate with any centre of which it is to form part."*

7b.14 The terms of policy TC03 generally reflects the considerations of the adopted Local Plan in this instance. The proposal accords with policy TC03.

7b.15 Policy TC04 - 'Food and Drink' states:

1. *Proposals for Class 3 uses, hot food takeaways and public houses will be encouraged to locate within centres, in association with other neighbourhood shops or services, or in locations where they are capable of fulfilling a tourism function.*
2. *Proposals must demonstrate that there will be no adverse impact on the amenity of adjacent residential properties, or the surrounding area generally, by virtue of noise, disturbance, litter or odours, and that parking and access requirement are satisfied.*
3. *Temporary consent for mobile snack bar vans may be granted where a specific need is demonstrated, and there is no adverse impact on local amenity or the visual quality of the locality*

7b.16 The terms of policy TC04 generally reflects the considerations of the adopted Local Plan in this instance. The proposal accords with policy TC04.

7b.17 Policy INF12 - 'Water and Drainage Infrastructure' states:

- "1. *New development will only be permitted if necessary sewerage infrastructure is adopted by Scottish Water or alternative maintenance arrangements are acceptable to SEPA.*
2. *Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation.*
3. *A drainage strategy, as set out in PAN61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment."*

7b.18 Scottish Water have confirmed that they have no objection to the proposal and have confirmed that separate consent would be required in order to obtain connection to their infrastructure. The applicant has confirmed their intention to provide a drainage scheme incorporating attenuation measures. The detailed design for this scheme can be adequately secured by way of a suitably worded planning condition attached to any consent given. The proposal accords with policy INF12.

7b.19 Accordingly, the proposal accords with the Falkirk Council Local Plan - Proposed Plan.

### ***Supplementary Planning Guidance Note - Public Open Space, Falkirk Greenspace and New Development***

- 7b.20 This guidance note sets out the framework used to calculate developers' contributions towards active and passive open space requirements and clarifies in which instances off-site contributions are considered acceptable in lieu of on site provision. The proposal accords with the terms of this guidance note as the applicant has confirmed willingness to enter into a legal agreement securing a financial contribution totaling £5,460 towards off site open space and play provision.

### ***Assessment of Public Representations***

- 7b.21 The proposed layout plan demonstrates that the site is of sufficient size to accommodate the proposed buildings and associated car parking works without adversely impacting on residential or visual amenity levels. The buildings would sit comfortably within the site and would reflect the scale of buildings within the surrounding area. The proposal is not considered to represent an overdevelopment of the site.
- 7b.22 The proposal does result in the removal of some trees and greenspace from the site, however the proposal also includes the opportunity to provide some landscaping around the flats in order to soften the development. It is considered that the existing greenspace at the site serves only as a minor visual amenity benefit and is not of sufficient size to act as a functional recreational space. The area does not contribute significantly towards biodiversity. The benefits of redeveloping the site in the form proposed would result in a vast improvement in the overall visual amenity of the area outweighing the minor impacts to visual amenity levels associated with the loss of greenspace at the site.
- 7b.23 During the course of this application amendments were made to the proposed layout in order to retain the bus stop provision in its current position.
- 7b.24 It is accepted that the first floor windows of the proposed flats would overlook the garden area of the adjacent nursery. The flats windows are however limited to bedrooms and kitchens with the main living areas within the properties orientated to look out onto Salmon Inn Road. Overlooking of children's nurseries is not considered to be a material planning consideration and is a common arrangement within nurseries throughout the district. The scale of development proposed, and the distances between the nursery and the proposed flats, would result in overlooking levels similar to those found in any residential setting where first floor windows can overlook neighbouring garden ground. Overlooking of the nursery is not therefore a determining factor in the assessment of this application.
- 7b.25 Parking provision at the site meets the terms of the Council's parking standards and the proposed changes to the layout and parking arrangements, when considered against the current situation at the site, would result in a general improvement in road safety terms by separating the access points for the shop car park from the rear access road used for school drop off. The applicant's intention to apply for a roads order to change this to a one-way arrangement is considered to further improve the situation at the site.
- 7b.26 The proposed development is located at a sufficient distance away from nearby residential properties to ensure that privacy levels would not be adversely affected.

- 7b.27 Access to the school for both pedestrians and vehicles dropping-off or picking-up pupils is considered to be generally improved by the form of development proposed. The proposed development ensures sufficient parking is provided to serve the uses within the site and segregates the main parking areas from the rear access roads therefore reducing congestion.
- 7b.28 Scottish Water have confirmed they have no objections to the proposed development. The applicants would require to make a separate application to Scottish Water for a connection to their infrastructure. This element of the development is outwith the control of the planning authority.

## **7c Conclusion**

- 7c.1 The proposal represents an acceptable form of development in accordance with the Development Plan. There are no material planning considerations that justify a refusal of planning permission in this instance.

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that Planning Committee indicate it is minded to grant planning permission subject to (a) a legal agreement / Planning Obligation to the satisfaction of the Director of Development Services within terms of Section 69 of the Local Government (Scotland) Act 1973 or Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, for the sum of £5,460 towards off site open space and play provision (b) And thereafter on the conclusion of (a) above, to remit to the Director of Development Services to grant planning permission subject to the following conditions:

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
- (2) Prior to the start of work on site, full details in regard to odour and noise control measures associated with the hot food takeaway unit shall be submitted to and approved in writing by the planning authority. These should include a detailed specification of:
  - (i) Cooking odour extraction system, including its proposed flue exit point on the external facade of the property;
  - (ii) Measures to control odour emissions;
  - (iii) Measures employed to control noise emissions from any extraction or ventilation systems and noise output from fan.
- (3) Prior to the start of work on site full drainage details demonstrating how surface water drainage will be dealt with at the site shall be submitted to and approved in writing by the Planning Authority.

- (4) Prior to the start of work on site, details of the height and construction of all boundary treatments shall be submitted to and approved in writing by the planning authority.
- (5) Prior to the start of work on site, details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- (6) Unless otherwise agreed in writing by the planning authority, no building on the site shall be occupied until such time that the car parking shown on the Approved Plan has been completed.
- (7) Development shall not begin until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
  - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their replacement
  - ii. location of new trees, shrubs, hedges and grassed areas
  - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
  - iv. programme for completion and subsequent maintenance.
- (8) Prior to the start of works on site, or within an alternative timescale agreed in writing by the planning authority, the access road to the rear of the site (Meadowbank) shall be converted to a one way system.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2,4,5) To safeguard the residential amenity of the area.
- (3) To ensure that adequate drainage is provided.
- (6) To ensure that adequate car parking is provided.
- (7) To safeguard the visual amenity of the area.
- (8) To safeguard the interests of the users of the highway.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02B, 03A, 04B and 05.

- (2) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (3) Separate consent may be required from Scottish Water for certain aspects of this development.
- (4) A Traffic Regulation Order is required in connection with this development to put in place a one way system on the access road to the rear of the site (Meadowbank). Prior to the start of work on site, the developer should contact the Roads and Design Network Coordinator at Abbotsford House, Falkirk to ascertain the timescales and procedures involved in obtaining such an order. The full costs of this process are to be met by the applicant.

.....  
pp Director of Development Services

Date: 16 March 2015

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

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Council Local Development Plan - Proposed Plan.
4. Supplementary Planning Guidance Note - Public Open Space, Falkirk Greenspace and New Development.
5. Letter of Objection received from Douglas and Elaine Fraser, 46 Salmon Inn Road, Polmont, Falkirk, FK2 0XA on 9 September 2014.
6. Letter of Objection received from Mr Graeme Mason, 31 Erskine Hill, Polmont, Falkirk, FK2 0UH on 28 August 2014.
7. Letter of Objection received from Mr Kevin Ashe, 34 Morven Drive, Polmont, Falkirk, FK2 0XD on 27 August 2014.
8. Letter of Support received from Mr Kenneth Burnside, 2 Colonsay Avenue, Polmont, Falkirk, FK2 0UY on 13 January 2015.

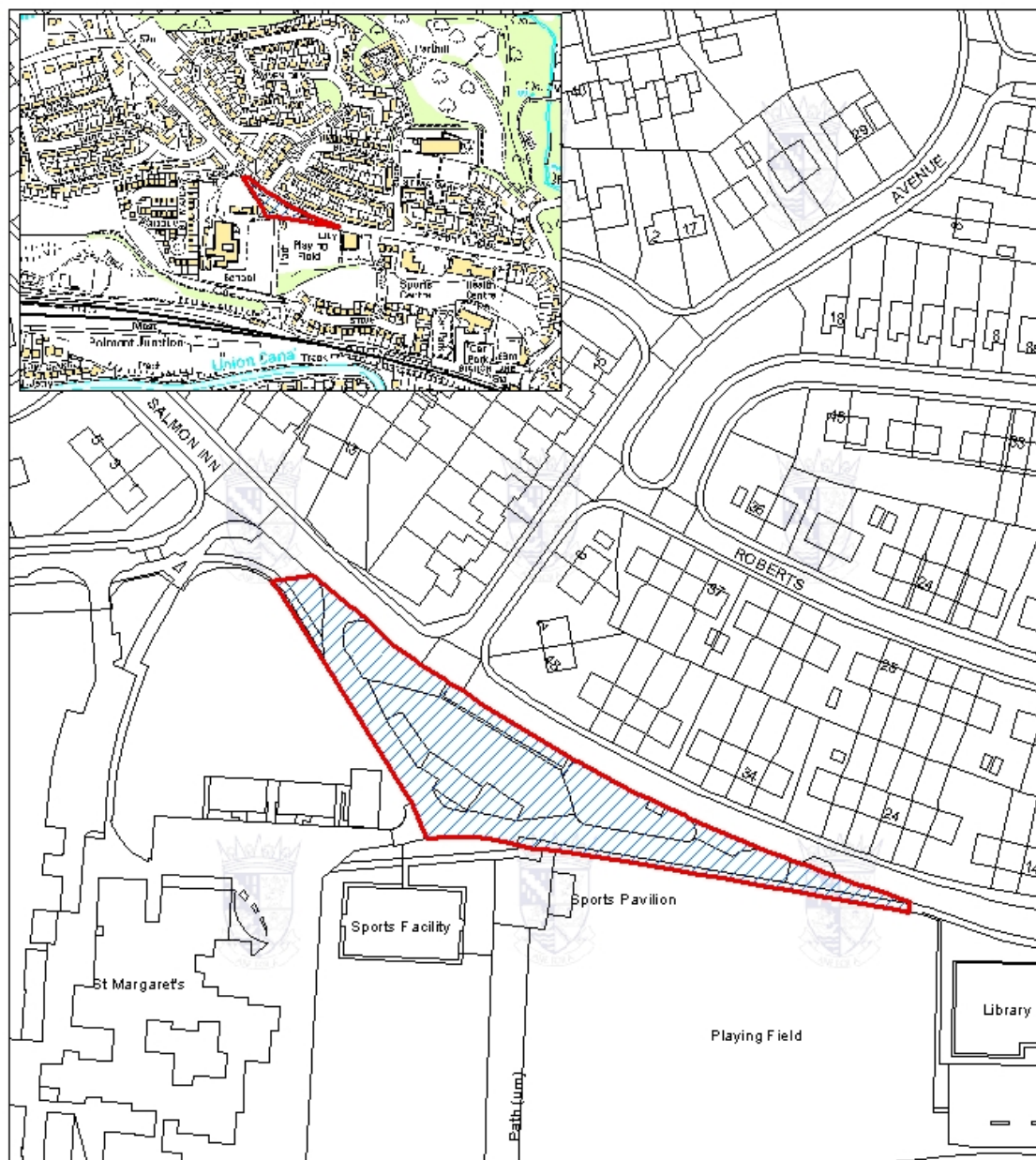
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/14/0475/FUL**

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



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**FALKIRK COUNCIL**

**Subject:** ERECTION OF 8 DWELLINGHOUSES AND ASSOCIATED  
INFRASTRUCTURE AT LAND TO THE NORTH OF 35  
FOUNTAINPARK CRESCENT, BO'NESS FOR DA  
DEVELOPMENTS - P/14/0587/FUL  
**Meeting:** PLANNING COMMITTEE  
**Date:** 29 April 2015  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward – Bo'ness and Blackness

Councillor Adrian Mahoney  
Councillor Ann Ritchie  
Councillor Sandy Turner

**Community Council:** Bo'ness

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

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this application was originally considered by the Planning Committee on 25 March 2015 (copy of previous report appended), when it was agreed to continue the application for a site visit. The site visit took place on 13 April 2015.
2. At the site visit, the case officer summarised the report, the applicant and his agent spoke and the Local Member and Members of the Planning Committee were heard.
3. The applicant and his agent highlighted the background to the site and the benefits resulting from this development proposal. The benefits included the re-use of a vacant site, removal of an eyesore and the proposed improvements to the geometry and width of the public road, including the provision of a turning area.
4. Adjoining residents who had made representations to the application, reiterated and expanded on the concerns raised in their formal submissions. The main points of discussion related to the volume of traffic using the road and a lack of parking to serve the proposed development. This would lead to further congestion and related road safety concerns.
5. Local Member Councillor Anne Ritchie supported a number of the concerns raised by neighbours and reiterated concerns in relation to traffic generation and parking.
6. Members of the Planning Committee sought clarification regarding the application being in accordance with road standards and questioned whether there was an opportunity to accommodate any additional parking into the proposed scheme.

7. In relation to parking queries raised, Council officers explained that the proposed development met the Council's parking standards in terms of residents and visitor parking. Officers also advised that the proposed road improvements would upgrade the existing sub-standard road to a suitable standard.
8. Clarification was also sought as to why the site had been undeveloped for such a long period. In response, the site's history was clarified by the applicant's agent, who advised that this related to a change (latterly) to the postulated line of the Antonine Wall. Further clarification was raised in relation to overshadowing, privacy and the stability of the site, including existing retaining walls. Members also viewed the application site from an adjoining garden to the north-east of the application site.
9. It is considered that no new issues were raised at the site visit that would alter the previous recommendation of minded to grant planning permission. Since the Committee site visit, the applicant's agent has advised in writing, that they will seek to revise the proposed layout to accommodate two additional off-street parking spaces (where possible in the turning head) and delineation of visitors spaces. This matter will be updated at Planning Committee.

## **10. RECOMMENDATION**

- 10.1 It is therefore recommended that the Planning Committee indicate it is minded to grant planning permission subject to- (a) a legal agreement / planning obligation to the satisfaction of the Director of Development Service within the terms of Section 69 of the Local Government (Scotland) Act 1973 or Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, for the sum of £14,560 (£1,820 per unit) toward open space and play provision (b) And thereafter on the conclusion of (a) above, to remit to the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority;
- (2)
  - (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 IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall 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;

- (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.
- (3) No development shall commence on site until an appropriate scheme of intrusive site investigation works has been undertaken to confirm coal mining conditions. The findings and details of any necessary remedial or other mitigation measures to ensure safety and stability of the proposed development shall be submitted to and approved in writing by the Planning Authority. The approved details shall be implemented prior to occupation/use of the development commencing.
  - (4) No development shall commence on site until a material schedule, of all external materials, has been submitted to and approved in writing by the Planning Authority. Thereafter, only the approved materials shall be used, unless otherwise agreed in writing.
  - (5) Prior to the occupation of any approved dwellinghouse, the access road, Fountainpark Crescent, across the full frontage of the site shall be brought up to an adoptable standard.

**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2,3) To ensure the ground is made suitable for the approved development.
- (4) To safeguard the visual amenity of the area.
- (5) To safeguard the interests of the users of the highway.

**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 reference number(s) 01B, 02A, 03, 04A, 05A, 06, 07, 08B, 09, 10 and Supporting Information.

.....  
pp Director of Development Services

Date: 16 April 2015

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

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2. Falkirk Council Local Plan.
3. Falkirk Council Local Development Plan (Proposed Plan).
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8. Letter of Objection from Miss Carrie Georgeson, 38 Fountainpark Crescent, Bo'ness EH51 9LB on 26 February 2015.

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



**FALKIRK COUNCIL**

**Subject:** ERECTION OF 8 DWELLINGHOUSES AND ASSOCIATED  
INFRASTRUCTURE AT LAND TO THE NORTH OF 35  
FOUNTAINPARK CRESCENT, BO'NESS FOR DA  
DEVELOPMENTS - P/14/0587/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 25 March 2015

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward – Bo'ness and Blackness

Councillor Adrian Mahoney  
Councillor Ann Ritchie  
Councillor Sandy Turner

**Community Council:** Bo'ness

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

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

- 1.1 This application relates to the erection of 8 semi-detached dwellinghouses on the north side of Fountainpark Crescent, Bo'ness. The proposed houses would be split level with 1½ and 2 storeys facing onto Fountainpark Crescent and 3 storeys to the rear elevation.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called to the Planning Committee by Councillor Ann Ritchie.

**3. SITE HISTORY**

- 3.1 There are several historic planning applications relating to the residential development of the application site. Of particular note is application Ref: F/2003/0391 for the erection of 3 houses (granted on 22 July 2003) and application Ref: F/2004/0914 for the erection of 4 houses (granted on 24 March 2005). Planning application Ref: 05/0821/FUL for the amendment of planning permission Ref: F/2004/0914 was granted on 22 December 2005. None of these permissions were implemented and they subsequently lapsed.

#### **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit has no objection to the proposal.
- 4.2 The Council's Education Services have no objection to the proposal and do not request contributions.
- 4.3 Scottish Water did not respond to the consultation.
- 4.4 The Council's Environmental Protection Unit has no objection to the proposal, subject to a condition relating to ground contamination.
- 4.5 The Coal Authority has no objection to the proposal, subject to a condition relating to intrusive site investigations.
- 4.6 Historic Scotland has no objection to the proposal.
- 4.7 Scottish Power has no objection to the proposal.

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

- 5.1 Bo'ness Community Council did not make comment.

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

- 6.1 In the course of the application, 4 contributors submitted letters of objection to the Council. There was also one letter of support. The salient issues in the letters of objection are summarised below:-

- The proposed development would have insufficient visitor parking provision;
- The proposed development would cause an unacceptable impact on the volume of traffic on Fountainpark Crescent;
- Existing residents park on-street;
- The proposed development would cause parking and access problems, particularly for large vehicles;
- The proposed houses will overshadow and overlook existing properties and cause a noise nuisance;
- The road should be kept free of building materials at all times; and
- The proposal is an overdevelopment of the available site.

- 6.2 One letter was received, supporting the application whilst asking questions in relation to the type of proposed boundary enclosures, access during construction, the type of drainage and proposed planting.

## **7. DETAILED APPRAISAL**

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

### **7a The Development Plan**

#### ***Falkirk Council Structure Plan***

- 7a.1 The proposed development is not strategic in nature. There are no relevant policies of the Falkirk Council Structure Plan.

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

- 7a.2 Policy EQ1 “Sustainable Design Principles” states:

*“New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:*

- (1) Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
- (2) Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site’s surroundings, and create buildings and spaces that are attractive, safe and easy to use;*
- (3) Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
- (4) Resource Use. Development should promote the efficient use of natural resources, and take account of life cycle costs, in terms of energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
- (5) Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
- (6) Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.”*

- 7a.3 It is considered that the development would achieve a high standard of design quality and general compliance with principles of sustainable development in accordance with policy EQ1 ‘Sustainable Design Principles’.



7a.4 Policy EQ3 “Townscape Design” states:

*“New development will be required to contribute positively to the quality of the built environment. Proposals should accord with the following criteria:*

- (1) The siting, layout and density of new development should create a coherent structure of streets, amenity space and buildings which respects and complements the site’s environs and creates a sense of identity within the development;*
- (2) Streets and public spaces should have buildings fronting them, and where this is not possible, a high quality architectural or landscape treatment will be required as an alternative;*
- (3) The design of new buildings should reflect the surrounding urban fabric in terms of scale, height, massing and building line;*
- (4) Building materials, finishes and colours should be chosen to complement those prevailing in the local area;*
- (5) Existing buildings or structures which contribute to the local townscape should be retained and integrated sensitively into the layout; and*
- (6) The contribution to the townscape of important landmarks, skylines and views should be respected.”*

7a.5 It is considered that the development would contribute positively to the quality of the built environment at Fountainpark Crescent. The proposal would front an established street, the design of the proposed houses would reflect the scale, height massing and building line of surrounding properties and the proposed materials would complement those found in the surrounding area. The application is supported by policy EQ3 ‘Townscape Design’.

7a.6 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.”*

7a.7 The application site is within the postulated line of the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site. The applicant submitted an Archeological Evaluation in support of the application. The evaluation detailed the results of archaeological investigation carried out by Falkirk Council within the application site in 2003 and in the grounds of Carndene House (just to the west of the site) in 2002. Both investigations produced a negative result and Historic Scotland conclude that it is unlikely the proposed development would have any impact on the archaeology of the World Heritage Site. The application does not offend the terms of policy EQ17 'Antonine Wall'.

7a.8 Policy SC2 - 'Windfall Housing Development Within The Urban / Village Limit' states:

*"Housing development within the Urban and Village Limits, in addition to proposals identified within the Local Plan, will be supported where the following criteria are met:*

- (1) The site is a brownfield one, or comprises urban open space whose loss can be justified in terms of Policy SC12;*
- (2) The proposed housing use is compatible with neighbouring uses and a satisfactory level of residential amenity can be achieved;*
- (3) The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities;*
- (4) Existing physical infrastructure, such as roads and drainage, and community facilities, such as education and healthcare, have the capacity to accommodate the increase in use associated with the proposed development, or can be upgraded through appropriate developer contributions as required by Policy SC11;*
- (5) In the case of small gap sites and sub-divided plots, Policy SC8 is satisfied; and*
- (6) There is no conflict with any other Local Plan policy or proposal."*

7a.9 The proposed site is a brownfield site, within the urban settlement area of Bo'ness. The proposed housing use is seen to be compatible with neighbouring uses, which are residential, and it is considered that a satisfactory level of residential amenity can be achieved. The site enjoys good accessibility by public transport, walking and cycling to shopping, recreational and other community facilities. Existing physical infrastructure such as roads, drainage, water supply and sewerage capacity are considered acceptable, or could be upgraded, if required, to accommodate residential use of the site. It is also considered that community facilities such as education and healthcare have the capacity to accommodate the site being used for residential purposes. The proposal is seen to satisfy Policy SC2 and there is no conflict with any other Local Plan policy or proposal.

7a.10 Policy SC8 'Infill Development and Subdivision of Plots' states:

*"Proposals for the erection of additional dwellinghouses within the curtilage 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.11 It is considered that the submitted development proposals are of an appropriate scale, density, disposition and design of dwellings, which respects the architectural and townscape character of the area. It is also considered that an adequate amount of garden ground would be provided to serve dwellings on the site, and that adequate privacy would be afforded to the proposed dwellings and existing neighbouring dwellings. It is also considered that no significant loss of any established features such as trees, vegetation, walls etc would result. The proposed vehicular access and other infrastructure is of an adequate standard or could be upgraded as required, and the proposal is seen to comply with other Local Plan policies. It is therefore considered that the proposal accords with Policy SC8 ‘Infill Development and Subdivision of Plots’.

7a.12 Policy SC13 ‘Open Space and Play Provision in New Development’ states:

*“New development will be required to contribute to open space and play provision. Provision should be informed by the Council’s open space audit and strategy and the SPG Note on ‘Open Space and New Development’, once available, or a site-specific local audit of provision in the interim, and should accord with the following principles:*

- (1) *Open space and facilities for play and outdoor sport should be provided in broad accordance with the guidance in Table 4.2. These requirements may be increased where the extent and quality of facilities in the area are proven by the open space audit to be below a suitable standard. Above ground SUDS features, small incidental amenity areas, structure planting and road verges will not count towards requirements.*
- (2) *Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where*
  - *existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;*
  - *in residential developments, the size of the development falls below the threshold of 10 houses indicated in Table 4.2, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*
  - *as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area;*
  - *The required financial contribution per house will be set out in the SPG Note on ‘Open Space and New Development’.*
- (3) *The location and design of open space should be such that it:*
  - *forms an integral part of the development layout, contributing to its character and identity;*
  - *is accessible and otherwise fit for its designated purpose;*
  - *links into the wider network of open space and pedestrian/cycle routes in the area;*
  - *sensitively incorporates existing biodiversity and natural features within the site;”*
  - *promotes biodiversity through appropriate landscape design and maintenance regimes; and*
  - *enjoys good natural surveillance;*
- (4) *Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it.”*

- 7a.13 All new residential development is required to contribute towards open space and play provision. Given the size of the proposed development, site constraints and proximity to established open space resources, it is considered that a financial contribution towards existing facilities is appropriate. The applicant is agreeable to commuted payments in accordance with the Supplementary Planning Guidance Note (SPG) on 'Public Open Space, Falkirk Greenspace and New Development', discussed in greater detail later in this report. The application accords with policy SC13 'Open Space and Play Provision in New Development'.
- 7a.14 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

- 7b.1 The material considerations to be assessed are the Proposed Falkirk Local Development Plan (FLDP), Falkirk Council Supplementary Planning Guidance and assessment of third party representation.
- 7b.2 The Proposed 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 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications.
- 7b.3 The following policies of the Proposed FLDP are of relevance:
- Policy HSE03 - Windfall Housing
  - Policy HSG04 – Housing Design
  - Policy HSE05 - Infill Development and Subdivision of Plots
  - INF04 – Open Space and New Residential Development
  - D02 – Sustainable Design Principles
  - D07 – Antonine Wall
- 7b.4 The above policies evolve policy thinking in respect of extant Falkirk Local Plan Policies and no new issues are introduced. The proposed development is considered to comply with all relevant policies of the Proposed FLDP.

### ***Falkirk Council Supplementary Guidance***

- 7b.5 The SPG on 'Public Open Space, Falkirk Greenspace and New Development' states that in residential developments under 10 units, financial contributions should be provided. In this instance a contribution of £14,560 (£1,820 per unit) is required. The applicant has indicated that this is acceptable and it should be subject to a Legal Agreement / planning obligation.
- 7b.6 It is considered that the site accords with guidance contained in the SPG's on 'Housing Layout and Design' and 'Frontiers of the Roman Empire (Antonine Wall) World Heritage Site'.

7b.7 The application accords with Supplementary Planning Guidance.

### ***Reponses to Objections***

- 7b.8 Fountainpark Crescent is currently of substandard width. Over a number of years the road has in effect 'slipped' into the application site. This has resulted in the restricted width, where 2 vehicles would find it difficult to pass. There are reports of bin lorries and emergency vehicles not being able to access the street and there is no turning area.
- 7b.9 This application involves the upgrading of the road to meet road standards, in terms of the width of road and turning head. The proposed development was assessed by the Roads Development Unit and deemed acceptable in terms of access, parking and road safety.
- 7b.10 Seventeen parking spaces are proposed to serve the development. This equates to 1 off-street parking space to serve each of the 2 bed houses and 2 off-street spaces to serve the each of the 3/4 bed houses. Three visitor spaces would also be provided and the widened road, including turning area, would make parking and turning easier for existing residents.
- 7b.11 It is not considered that there would be an unacceptable volume of traffic to the site if it were developed.
- 7b.12 It is considered that the location and height of the proposed houses would not overshadow or significantly overlook existing properties.
- 7b.13 It is not considered that the proposed development is an overdevelopment of the site. The scale, massing and disposition of the houses is considered acceptable and a reasonable amount of garden ground would be provided.
- 7b.14 It is acknowledged that there may be an increase in noise and disturbance during the construction of the proposed houses. However, once completed it is not considered that 8 additional houses within the established residential area would cause an unacceptable impact on the noise and residential amenity of the surrounding area.

### **7c Conclusion**

- 7c.1 It is considered that the proposal is acceptable development and is in accordance with the Falkirk Council Local Plan and therefore the Development Plan. There are no other material planning considerations which would justify a refusal of planning permission.

## **8. RECOMMENDATION**

**8.1** It is therefore recommended that the Planning Committee indicate it is minded to grant planning permission subject to- (a) a legal agreement / planning obligation to the satisfaction of the Director of Development Service within the terms of Section 69 of the Local Government (Scotland) Act 1973 or Section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, for the sum of £14,560 (£1,820 per unit) toward open space and play provision (b) And thereafter on the conclusion of (a) above, to remit to the Director of Development Services to grant planning permission subject to the following conditions:-

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**Reason(s):-**

- (1) As these drawings and details constitute the approved development.
- (2,3) To ensure the ground is made suitable for the approved development.
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pp Director of Development Services

Date: 16 March 2015

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

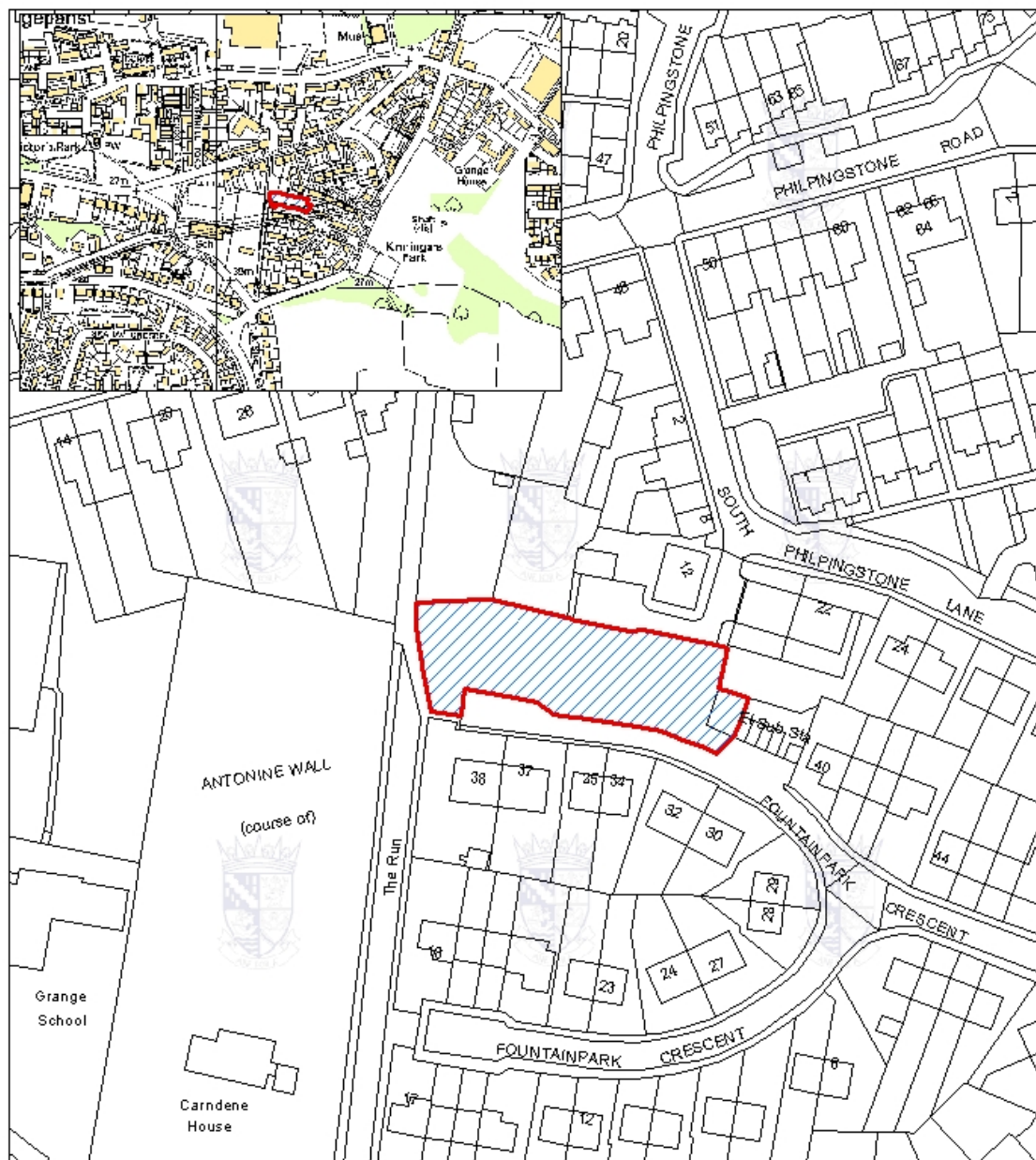


# Planning Committee

## Planning Application Location Plan

**P/14/0587/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:** USE OF LAND FOR END OF LIFE VEHICLE  
DECONTAMINATION AND DE-LIQUIDISING FACILITY  
AND STORAGE OF SCRAP MATERIAL (RETROSPECTIVE) AT  
ALL PARTS AUTO SALVAGE, HILLVIEW ROAD, HIGH  
BONNYBRIDGE, BONNYBRIDGE FK4 2BD FOR ALL PARTS  
AUTO SALVAGE - P/14/0094/FUL  
**Meeting:** PLANNING COMMITTEE  
**Date:** 29 April 2015  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bonnybridge and Larbert

Baillie Billy Buchanan  
Councillor Tom Coleman  
Councillor Linda Gow

**Community Council:** Bonnybridge Community Council

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

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this application was originally considered by the Planning Committee on 25 March 2015 (copy of previous report appended), when it was agreed to continue the application for a site visit. The site visit took place on 13 April 2015.
2. The site visit took place firstly at a vantage point within the existing end-of-life vehicle facility and then on the bund along the northern boundary of the north-west area of the site. The site visit ended with a visit to Reilly Gardens to view the stockpiled scrap metal from outside no. 40 Reilly Gardens.
3. At the site visit, the case officer summarised his report, the applicant's agent spoke in support of the application and objectors to the application were heard. In addition, Local Members were heard.
4. The case officer spoke from his report and advised that SEPA had decided not to attend the site visit. He read a written statement submitted by SEPA to the Council on the morning of the site visit which advised that SEPA were involved in ongoing enforcement action in respect of the unauthorised storage of scrap metal at the site and they have served a notice requiring removal of the scrap metal waste by Thursday 30 April 2015.

5. The agent highlighted that the north-west portion of the site always formed part of the planning application and no objections were raised during the community consultation exercise. She noted that all of the objections from residents were received following the movement onto the site of the scrap metal. She advised that the applicant has been working with SEPA and relevant Falkirk Council officers to address the outstanding matters. She advised that SEPA will only consider an application for a waste management license (in relation to use of the north-west area of the site), if planning permission is in place.
6. The objectors to the application re-iterated and expanded on the concerns raised in their written representations. The issues they raised at the site visit included concerns in relation to past fires at the site, the unauthorised use of the site, the impacts associated with the movement of the scrap metal onto the site, the unsuitability of the road network to accommodate large vehicles, and road and pedestrian safety concerns. Specific concerns raised in relation to the scrap metal stored in the north-west area included noise and disturbance, visual impact, hours of operation and amenity impacts.
7. The Bonnybridge Community Council representative raised concerns about how to hold the applicant to the conditions if planning permission is granted. He suggested that temporary planning permission should be granted for the north-west area for one year only and that the scrap metal storage height should be reduced to 2.5 metres. He suggested that mature trees should be planted to provide a more immediate screening effect.
8. Local Member Councillor Gow sought assurances that the Council would effectively monitor compliance with the planning conditions if permission is granted. She considered that local residents have a trust issue with the applicant/SEPA/Falkirk Council arising from the unauthorised use of the site.
9. Local Member Councillor Coleman noted that the site has had a chequered history including refusal of the Masterton waste station in 2010. He considered that some of the conditions in the report needed to be tightened up in the interests of enforceability. He considered that the reference to 'noisy works' in Informative 4 was too vague and that noise should be measured against a stated baseline. He considered that the hours of operation should be more restrictive than those provided for in the existing Waste Management Licences.
10. A number of matters were raised at the site that are not material to this planning application or are matters which are or can be controlled by other means. The case officer highlighted at the site visit that the existing Waste Management Licences control operational aspects of the existing end-of-life vehicle facility. These include the waste type and quantity, hours of operation, storage of fluids, the handling and storage of waste, and pollution control (including burning). The Working Plan forming part of the existing Waste Management Licences contains details on dealing with fires. The hours of operation permitted by the existing Waste Management Licences are weekdays 8am to 7pm, Saturday 8am to 5pm and Sunday 9am to 4pm. As the site visit, the site manager advised that the actual hours of opening are weekdays 8am to 5pm and Saturday 8am to 4pm (closed on Sundays).
11. Since the site visit, SEPA have confirmed that their notice requiring removal of the scrap metal waste would remain in force until such time as the waste is removed and further enforcement action is likely should this not be complied with. This is a separate issue to the issue of planning permission and any grant of planning permission would not alter the fact that there is no Waste Management Licence in place for the north-west area. As such, the ongoing enforcement action by SEPA follows a separate process and is not material to the Council's determination of this planning application.

12. Since the site visit, the Council's Environmental Health Officer has clarified with SEPA that noise would be regulated by SEPA if a waste management Licence is issued for the north-west area. In terms of procedure, the Council as planning authority would be consulted on any application for a Waste Management Licence and would be able to provide comments on suitable controls/assessments in relation to the range of matters controlled by the waste management licensing regime such as noise and hours of operation. Informative 4 of the recommendation has been amended to reflect this advice.
13. SEPA have also advised that it is within their gift to review any condition of an existing Waste Management Licence to suitably address any complaint which they found to be justified. To date, SEPA have not received any noise complaints in relation to the existing end-of-life vehicle facility and therefore review of the existing Waste Management Licences has never been considered.
14. Concerns were raised at the site visit about heavy goods vehicles (HGVs) attempting and failing to travel under the Church Street bridge, north of the site, and then reversing back into Lochinvar Place. The Council's Network Support team recall that this was an historical issue which resulted in the Council erecting a number of warning signs on the approach to the bridge, in an effort to prevent further occurrences. There are at least three warning signs on the southbound approach to the bridge, plus one at the bridge itself, warning of the height of the bridge. The site manager advised at the site visit that the vehicles are not brought onto the site by HGVs.
15. Concerns were raised at the site visit in relation to the planning conditions proposed to deal with the upgrade works to the site entrances. It is acknowledged that the one month timescale for completing the upgrade works may be tight given factors which include the need to apply for Minor Roadworks Consent (MRC). In light of this, the recommended conditions have been amended to afford flexibility in the timescale for completion.
16. Concerns were raised at the site visit in relation to the visual impact of the stockpiled scrap metal in the north-west area. The case officer's report concluded that the development is limited in its impact on the wider landscape setting, whilst acknowledging that the use of the north-west area has resulted in some localised visual impacts. However, it is highlighted that the protection of a private view is not a material planning consideration and, in planning terms, the focus is to mitigate the visual impact to what is considered to be an acceptable level, having regard to the existing amenity of the area.
17. To date a scheme of soft landscaping works has been agreed with the Council's Landscape Officer for the lower level of the north-west area. This consists of an extension of the bund along the northern boundary and planting along the top of the bund. The agreed planting is: -
  - New planting to be a native mix that includes evergreen species such as Holly, Scots Pine, Wild Cherry, Alder, Aspen, Rowan, Great Willow, Hawthorn and Birch;
  - Standard trees (1.5 to 2 metres in height at the time of planting) to be planted along the top of the bund at 4 metre centres;
  - Remaining trees to be planted as whips (60mm to 80mm in height) planted in tubes to prevent damage at 2 metre spacing in a random mix of the above species; and
  - Evergreen species to be 20% of the total number of trees.

18. Since the site visit, the applicant's agent has confirmed that the intention is to move some of the scrap metal to the lower level (there would effectively be two piles as indicated on the latest drawing) and ensure that no material is stored in excess of 5 metres in height. The agent advises that the applicant would be prepared to undertake, within reason, screen planting and bunding at the higher level if this was considered to be necessary following a visual assessment of the completed screening at the lower level.
19. Condition 5 of the report requires the approval of a final scheme of landscape works and undertaking of the works within an agreed timescale. Within the terms of this condition, the bunding/planting at the lower level should be completed as soon as practicable and prior to relocation of the scrap metal to the lower level. A subsequent visual assessment of the boundary planting at the lower level would then confirm any need for bunding/planting at the higher level. An informative to that effect (new Informative 7) has been added to the recommendation.
20. It is not considered that any new issues were raised at the site visit that would alter the previous recommendation to grant planning permission. The previous recommendation is therefore reiterated but with amended wording to conditions 7 to 10 (inclusive) and to Informative 4, and the inclusion of an additional informative (Informative 7), as detailed in this update report.
21. Following any grant of planning permission, compliance with the conditions of permission would be monitored. The planning authority also have enforcement powers available to it should this be considered necessary.

#### **14. RECOMMENDATION**

##### **14.1 It is therefore recommended that the Planning Committee grant planning permission subject to the following condition(s):-**

- 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 north-west area of the site shall be used solely for either (a) the continued storage of the scrap metal existing on this part of the site at the date of grant of this planning permission or (b) the storage of vehicles in accordance with approved drawing 03D.**
- 3. This permission insofar as it applies to the north-west area of the site shall be valid for a temporary period of 2 years until 30th April 2017 and at the end of that time, unless a further permission is granted, the site shall be vacated, cleared and left in a neat and tidy condition in accordance with details to be approved in writing by this Planning Authority.**
- 4. No scrap material shall be stored at a height in excess of 5 metres above ground level.**
- 5. Notwithstanding the approved plans, within one month of the date of this permission a scheme of soft landscaping works shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate):-**

- (i) Existing and proposed finished ground levels in relation to a fixed datum, preferably ordnance;
- (ii) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their replacement;
- (iii) The location of all proposed new trees, shrubs, hedges and grassed area;
- (iv) A schedule of plants, to comprise species, plant size and proposed numbers/density;
- (v) The profile of the bunding and the material to comprise the bunding; and
- (vi) A programme for implementation of the approved landscaping scheme and subsequent maintenance.

Thereafter, the scheme of landscaping shall be carried out in accordance with the approved details.

- 6. Subject to condition 9 of this permission, the existing woodland along the eastern site boundary shall be retained in perpetuity and managed in accordance with the submitted Woodland Management Plan prepared by Sid Nodes, Treescapes Scotland.
- 7. Within one month of the date of this permission, or any other timescale that may be agreed in writing by this Planning Authority, both the main and secondary site entrances shall be re-constructed with 10.5 metre kerbed radii to form bellmouths, of 6 metres minimum width.
- 8. Within one month of the date of this permission, or any other timescale that may be agreed in writing by this Planning Authority, both the main and the secondary site entrances shall be surfaced (and thereafter maintained) to ensure that no loose material is carried out, and no surface water is discharged, onto the public carriageway.
- 9. Within one month of the date of this permission, or any other timescale that may be agreed in writing by this Planning Authority, visibility splays measuring 2.4 metres x 90 metres at the secondary entrance, and 4.5 metres x 90 metres at the main entrance, shall be provided (and thereafter maintained), within which there shall be no obstruction to visibility above carriageway level.
- 10. Within one month of the date of this permission, or any other timescale that may be agreed in writing by this Planning Authority, the section of damaged carriageway at the main site entrance shall be reinstated in accordance with details to be approved in writing by this Planning Authority.

11. Before (a) the formation of the approved bunding or (b) any movement of the scrap metal stored on the north-west part of the site, details of the proposed method, programme and timescale in respect of these matters shall be submitted to and approved in writing by this Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.
12. Within one month of the date of this permission, portacabin (D) as shown on approved drawing 03D shall be repositioned in a southerly direction, in accordance with an exact location to be approved in writing by this Planning Authority.

**Reason(s):-**

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.
2. To ensure that the use of the land is suitably controlled, in the interests of the amenity of the area.
3. To provide a suitable trial period to monitor any additional impacts as a result of the proposed extension area.
- 4-5. To safeguard the visual and residential amenity of the area.
6. To safeguard the visual amenity of the area.
- 7-10. To safeguard the interests of the users of the highway.
11. To safeguard the residential amenity of the area.
12. To remove the risk arising from a load bearing structure being located within the zone of influence of a recorded mine entry.

**Informative(s):-**

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03D, 04, 05A, 06A, 07A, 08 and 09.
2. The applicant is advised that the required upgrade works to the site entrances will require Minor Roadworks Consent, issued by Falkirk Council Roads Services.
3. SEPA have advised that a Waste Management Licence is required to carry out waste management activities in the north-west part of the site.



4. The applicant is advised that noise would be regulated by SEPA if a waste management Licence is issued for the north-west area of the site. The Planning Authority would be notified of any such application for a Licence and would have the opportunity to provide comments on suitable controls / assessments in relation to the range of matters controlled by the waste management licensing regime including noise and hours of operation. The applicant is also advised that it is within the gift of SEPA to review any condition of an existing waste management Licence to suitably address any complaint received which they found to be justified.
5. The applicant is advised to contact SEPA prior to any importation of material or any remedial/excavation/ground preparation works (including any re-use of site won materials for bunds), as any importation, disposal or re-use of waste materials would be subject to Waste Management Regulations and require the appropriate approvals, including licensing and exemptions.
6. The applicant is advised to contact the Planning Authority immediately should any made ground, suspect odours or substances be encountered during any site works, as there would be a requirement to undertake a contaminated land risk assessment. The assessment would be subject to review and approval by the Planning Authority.
7. Within the terms of Condition 5 of the planning permission the bunding/planting along the northern boundary of the north-west area should be undertaken as soon as practicable and prior to the relocation of the scrap metal to the lower level. A subsequent visual assessment of the bunding/planting at the lower level will confirm any need for bunding/planting at the higher level.

PP

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Director of Development Services

Date: 20 April 2015

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

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan (Proposed Plan).
4. Letter of Objection received from Mr Jim Casey, 15 Lochinvar Place, Bonnybridge, FK4 2BL on 29 October 2014.
5. Letter of Objection received from Mrs Jean Rutherford, 63 Broomhill Road, High Bonnybridge, Falkirk, FK4 2AT on 30 October 2014.
6. Letter of Objection received from Mr Thomas Fitzpatrick, 23 Reilly Gardens, High Bonnybridge, FK4 2BB on 30 October 2014.

7. Letter of Objection received from Mr Jim Casey, 15 Lochinvar Place, Falkirk, FK4 2BL on 30 October 2014.
8. Letter of Objection received from Mr Graeme Healy, 4 Lochinvar Place, High Bonnybridge, Bonnybridge, FK7 4BL on 1 November 2014.
9. Letter of Objection received from Mr and Mrs Binnie, 62 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 3 November 2014.
10. Letter of Objection received from Mark Valentine and Jacqueline Wright, 82 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 3 November 2014.
11. Letter of Objection received from Mr & Mrs Pennington, 78 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 3 November 2014.
12. Letter of Objection received from William and Teresa Lucy, 11 Lochinvar Place, High Bonnybridge, Bonnybridge, FK4 2BL on 3 November 2014.
13. Letter of Objection received from David Colvan, 38 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 3 November 2014.
14. Letter of Objection received from John Lees, 76 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 3 November 2014.
15. Letter of Objection received from Anton and Christine Mayer, 12 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 3 November 2014.
16. Letter of Objection received from Mr Frank Fettes, 2 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 3 November 2014.
17. Letter of Objection received from Robert & Margaret Anderson, 4A Church Street, High Bonnybridge, Bonnybridge, FK4 2AZ on 6 November 2014.
18. Letter of Objection received from Mrs Clare Finlay, on behalf of the Bonnybridge Community Council, 7 Reilly Gardens, Bonnybridge, FK4 2BB on 12 November 2014.
19. Letter of Objection received from Mr and Mrs Graham and Katherine Mundie, Woodlea, 93 Broomhill Road, High Bonnybridge, Bonnybridge, FK4 2AT on 13 November 2014.
20. Letter of Objection received from Jim Fallon, 36 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 17 November 2014.
21. Letter of Objection received from Mrs Agnes Craig, 15 Waverley Crescent, High Bonnybridge, Falkirk, FK4 2AX on 30 October 2014.
22. Letter of Objection received from Chris and Diane Geraghty, 88 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 31 October 2014.
23. Letter of Objection received from Mrs Margaret Fitzpatrick, 23 Reilly Gardens, High Bonnybridge, FK4 2BB on 30 October 2014.
24. Letter of Objection received from Mr Tommy Owens, 35 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 28 October 2014.
25. Letter of Objection received from Mr Adam Baird, 17 Reilly Gardens, High Bonnybridge, FK4 2BB on 4 October 2014.
26. Letter of Objection received from Mr John O'Connell, 34 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 28 October 2014.
27. Letter of Objection received from Mr John Ellis, 74 Reilly Gardens, Falkirk, FK4 2BB on 29 October 2014.
28. Letter of Objection received from Mrs Mary H Easton, 68 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 31 October 2014.
29. Letter of Objection received from Mr William Upton, 21 Reilly Gardens, Bonnybridge, FK4 2BB on 2 November 2014.
30. Letter of Objection received from Mrs Christine Upton, 21 Reilly Gardens, High Bonnybridge, FK4 2BB on 2 November 2014.
31. Letter of Objection received from Mr Ian Wilkie, 56 Reilly Gardens, High Bonnybridge, Bonnybridge, FK42BB on 5 October 2014.
32. Letter of Objection received from Mrs May Fallon, 36 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 11 October 2014.

33. Letter of Objection received from Mr James Drennan, 16 Reilly Gardens, High Bonnybridge, FK4 2BB on 28 October 2014.
34. Letter of Objection received from Mr Douglas Fleming, 39 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 16 November 2014.
35. Letter of Objection received from Mrs Margaret MacKenzie, 19 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 15 October 2014.
36. Letter of Objection received from Dr Eileen Hood, 60 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 21 October 2014.
37. Letter of Objection received from Anne and Brian McVeigh, 38 Church Street, High Bonnybridge, Bonnybridge, FK4 2AZ on 10 November 2014.
38. Letter of Objection received from M Ross, 60 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 10 November 2014.
39. Letter of Objection received from Janet McLelland, 80 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 10 November 2014.
40. Letter of Objection received from Mr and Mrs Ian Wilkie, 56 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 7 November 2014.
41. Letter of Objection received from Mr Thomas Hoy, 89 Broomhill Road, High Bonnybridge, Bonnybridge, FK4 2AT on 5 November 2014.
42. Letter of Objection received from Mr Graham Upton, 21 Reilly Gardens, High Bonnybridge, FK4 2BB on 2 November 2014.
43. Letter of Objection received from Robert and Irene Bunch, Churchview, 87 Broomhill Road, High Bonnybridge, Bonnybridge, FK4 2AT on 5 November 2014.
44. Letter of Objection received from Kathleen McCoustra, 3 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 5 November 2014.
45. Letter of Objection received from Mr Alan Dunsmore, 31 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 8 November 2014.
46. Letter of Objection received from Miss Gloria Graham, 39 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2 BB on 27 September 2014.
47. Letter of Objection received from Mr Alfred Hargreaves, 40 Reilly Gardens, Reilly Gardens, High Bonnybridge, FK4 2BB on 28 September 2014.
48. Letter of Objection received from Mr & Mrs Diane & Chris Geraghty, 88 Reilly Gardens, High Bonnybridge, Falkirk, FK42BB on 4 October 2014.
49. Letter of Objection received from Mr Chris and Diane Geraghty, 88 Reilly Gardens, High Bonnybridge, Falkirk, FK42BB on 28 October 2014.
50. Letter of Objection received from Mrs Anne Russell, 72 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 18 October 2014.
51. Letter of Objection received from Mr Graham Rae, 8 Morrison Avenue, Bonnybridge, FK4 1ET on 17 November 2014.
52. Letter of Objection received from Mr Craig McWilton, 86 Reilly Gardens, Bonnybridge, FK4 2BB on 16 October 2014.
53. Letter of Objection received from Mr & Mrs Alexander & Margaret Bryson, 14 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 29 October 2014.
54. Letter of Objection received from Mrs Margaret Bryson, 14 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 30 October 2014.
55. Letter of Objection received from Mrs Irene Lees, Beaumaris, 76 Reilly Gardens, High Bonnybridge, FK4 2BB on 13 October 2014.
56. Letter of Objection received from Eleanor McCutcheon, 69 Broomhill Road, High Bonnybridge, Bonnybridge, FK4 2AT on 4 November 2014.
57. Letter of Objection received from Margaret Mulligan, 48B Broomhill Road, High Bonnybridge, Bonnybridge, FK4 2AY on 4 November 2014.
58. Letter of Objection received from Mr David Keltie, 81 Broomhill Road, Bonnybridge, FK4 2AT on 5 November 2014.

59. Letter of Objection received from Irene Lees, 76 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 2 March 2015.
60. Letter of Objection received from Dr. Eileen Hood, 60 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 18 February 2015.
61. Letter of Objection received from Mrs Janet McLelland, 80 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 18 February 2015.
62. Letter of Objection received from Mr Adam Baird, 17 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2AR on 14 February 2015.
63. Letter of Objection received from Miss Elaine Fergusson, 20 Millar Place, High Bonnybridge, FK4 2AR on 14 February 2015.
64. Letter of Objection received from Mrs Anne Russell, 72 Reilly Gardens, High Bonnybridge, FK4 2BB on 23 February 2015.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

**FALKIRK COUNCIL**

**Subject:** USE OF LAND FOR END OF LIFE VEHICLE DECONTAMINATION AND DE-LIQUIDISING FACILITY AND STORAGE OF SCRAP MATERIAL (RETROSPECTIVE) AT ALL PARTS AUTO SALVAGE, HILLVIEW ROAD, HIGH BONNYBRIDGE, BONNYBRIDGE FK4 2BD FOR ALL PARTS AUTO SALVAGE - P/14/0094/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 25 March 2015

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Bonnybridge and Larbert

Baillie Billy Buchanan  
Councillor Tom Coleman  
Councillor Linda Gow

**Community Council:** Bonnybridge Community Council

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

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

- 1.1 The application seeks full planning permission to regularise the use of land for an existing end-of-life vehicle decontamination and de-liquidising facility at Hillview Road, High Bonnybridge. The facility has operated from the site for over 10 years and has previously been granted temporary permissions but these have lapsed (see paragraphs 3.4, 3.7 and 3.8 of this report). The main elements of the facility are (a) a warehouse building where vehicles are decontaminated, de-liquidised and dismantled to source re-usable and recyclable parts; (b) outdoor storage areas where the vehicle chassis and frames are stored for disposal by crushing and bailing; and (c) an outdoor area where vehicles are stored on a temporary basis for the undertaking of insurance assessment.
- 1.2 The application also seeks to extend the site to the north-west on land which was previously used as a waste transfer station (see paragraphs 3.6 and 3.10 of this report for the relevant site history). This area is currently being used for the outdoor storage of scrap metal which was brought onto the site in August/September 2014. The applicant's intention is to continue to use this area for the storage of this scrap material until such time as an alternative site can be found, following which the applicant's intention is to extend the outdoor storage of vehicle chassis and frames into this area.
- 1.3 The application was originally for the end-of-life vehicle facility but was amended to provide for the use (in retrospect) of the north-west area of the site for the storage of scrap material. All neighbours and original objectors to the application were notified of this amendment and further consultations were undertaken. Re-notification of the application attracted a further six objections to the application (see paragraph 6.1 of this report).

- 1.4 The application site lies within an industrial area at High Bonnybridge and is accessed from Hillview Road. The site is adjoined to the north by industrial land and a railway line, beyond which there is housing. To the west and south of the application site is mature planting. There is a woodland screen along the eastern boundary adjoining Hillview Road.
- 1.5 The existing site is formed at three levels, separated by an embankment at the higher level and a retaining wall at the lower level. There is a main site entrance at the top of the site and a secondary site entrance at a lower level. The proposed extension area is formed at two levels. There is an existing bund along part of the northern boundary of the proposed extension area.
- 1.6 The application is a major development and therefore pre-application community consultation was undertaken. A Pre-Application Consultation Report accompanying the application advised that a public event (exhibition) was held on 11 April 2013 in Bonnybridge Library and that the public event was advertised in the Falkirk Herald on 28 March 2013. The report advised that 5 people attended the public event, including representatives of the Bonnybridge Community Council.
- 1.7 The applicant has submitted the following information in support of the application:-
- No material would be stored in excess of 5 metres in height above ground level. The scrap metal stored within the north-western part of the site would be reduced from its current height and some of the material transferred to the lower part of the north-west corner;
  - Additional bunding with planting is proposed along the northern boundary of the north-west part of the site, to provide additional screening at this location. It is envisaged that suitable material from the existing site would be used;
  - The applicant has been unable to acquire an alternative site to transfer the scrap metal to. The preference of the applicant is for the material to remain on the site until such time as an alternative site can be found;
  - The applicant would like to offer sincere apologies to anyone inconvenienced by its actions in storing the scrap metal in the north-west area of the site. Being mindful that moving the material to reduce its height would generate noise in the short term, the applicant would wish to agree an appropriate method, programme and timescale for its removal beforehand;
  - The scrap metal presently stored comprises dry clean metal and was not processed on the site; and
  - A car crushing vehicle is stored on the concrete yard adjacent to the warehouse building and the car crushing takes place on this concrete yard and also on the concrete area at the north-eastern part of the site.

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

- 2.1 The application requires consideration by the Planning Committee as it has been called in by Councillor Coleman.

### **3. SITE HISTORY**

- 3.1 Planning application F/90/0081 for the rehabilitation of brickworks (abandoned) and grazing land to form plant storage yards and grazing land was granted in March 1990.
- 3.2 Planning application F/92/0450 for the erection of a house and garage was refused in June 2000.
- 3.3 Planning application F/93/0223 for alterations to a warehouse building was granted in April 1994.
- 3.4 Planning application F/96/0528 for use of vacant land for a scrapyard was granted temporary permission in January 1997. The reason the permission was temporary was to monitor the site for a temporary period to assess any implications for road safety and visual amenity. The permission expired on 30 November 2001.
- 3.5 Planning application F/97/0174 for the erection of a temporary office was granted in May 1997.
- 3.6 Planning application F/97/0320 for a change of use of industrial land to form a transfer station was granted temporary planning permission in January 1998. The permission expired on 30 November 2001.
- 3.7 Planning application F/2002/0415 for use of land for a scrapyard (renewal of temporary planning permission F/96/0528) was granted temporary permission in January 2003. The previous approach to monitor the operation for a temporary period was therefore continued. The permission expired on 31 January 2008.
- 3.8 Planning application F/2003/0150 for an extension to the existing scrapyard was granted temporary permission on 13 May 2003. The grant of temporary planning permission reflected the approach taken for the original scrapyard area. The permission expired on 31 January 2008.
- 3.9 Planning application F/2004/1041 for the erection of an office building was granted in November 2005.
- 3.10 Planning application P/09/0397/FUL for a change of use of industrial land to form a transfer station was refused in October 2010.
- 3.11 Planning application P/12/0238/FUL for the erection of an office building was withdrawn in July 2012.
- 3.12 Pre- application notice PRE/2013/0002/PAN for a change of use of industrial land to form a scrapyard was received in March 2013.
- 3.13 An Environmental Impact Assessment (EIA) screening request PRE/2013/0013/SCREEN in respect of a change of use of industrial land to form a scrapyard was received in June 2013. The Council's Development Management Unit advised that an EIA was not required.

#### **4. CONSULTATIONS**

- 4.1 The Council's Roads Development Unit have advised that the scrapyards have operated at this location without having generated any known roads issues. Therefore they have no objection in principle to the application. They would prefer if all vehicular access to the facility was via the main entrance (with closure of the secondary entrance), but note that the purpose of the secondary entrance is solely to provide access for vehicles stored on a short term basis for insurance assessment (although they note that this access would have to be used to remove the scrap metal stored on the north-west area of the site to an alternative site). They have requested upgrade works to both entrances. They note that there are existing surface water drainage arrangements at the site and the areas served by the existing drainage would remain as existing.
- 4.2 Scottish Water have no objection to the application.
- 4.3 The Council's Environmental Protection Unit have advised that the original site has been in operation since the late 1990's and there have been no noise complaints to either themselves or the Scottish Environmental Protection Agency (SEPA). They advise that due to the close proximity of dwellings, the applicant should have regard to controlling any noise or odour produced by the development, to ensure that no nuisance is caused. They advise that if noise complaints were to be received, they would investigate and take any necessary action if the complaints were found to be justified under Statutory Nuisance legislation contained within the Environmental Protection Act. They advise that the applicant should contact SEPA prior to any importation of material or any remedial/excavation/ground preparation works (including any re-use of site won material for bunds), as any importation, disposal or re-use of waste materials would be subject to Waste Management Regulations and require the appropriate approvals, including licensing and exemptions.
- 4.4 SEPA have advised that the site is currently regulated by SEPA under the Waste Management Regulations and that a waste management licence would be required to carry out waste management activities in the north-west part of the site. They advise that the existing discharges of surface water and sewage are authorised as part of the waste management licences.
- 4.5 The Coal Authority have advised that the application site falls within the defined Development High Risk Area and portacabin (D) lies within the zone of influence of a recorded mine entry. They advise that positioning of a load bearing structure of this nature within this zone of influence could be dangerous. They would have no objection to the application provided the portacabin is repositioned in a southerly direction.
- 4.6 The Council's Licensing Unit have advised that the premises have a licence to sell second hand car parts. They also advise that the operator holds a Metal Dealer Exemption Warrant and therefore does not require to hold a metal dealer licence.

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

- 5.1 The Bonnybridge Community Council have objected to the application on the following grounds:-
- Further assurances are sought from Falkirk Council, SEPA and the operator regarding codes of practice, access, working patterns, noise levels and agreed storage heights.



## 6. PUBLIC REPRESENTATION

- 6.1 Fifty-four objections from local residents were originally received in respect of the application. These objections were received following the scrap metal being brought onto the north-west part of the site. (See paragraphs 1.2 and 1.3 of this report). Following re-notification of the application, a further six objections were received.
- 6.2 The matters raised in the objections can be summarised as follows:-

### *Amenity*

- Noise impacts due to proximity to residential houses;
- Noise from the crushing of vehicles;
- High levels of noise at the site;
- Dust in the air;
- Heightened noise and dust levels;
- No details of crushing machine and barriers in the application;
- Operating hours;
- Light pollution;
- Increase in vehicle numbers stored at the site;
- Detrimental to present living area;
- Detrimental to immediate and surrounding environment;
- Blight already on the skyline from piles of scrap metal;
- Proposed tree planting would take at least 12 years to have any visual impact;

### *Roads and Safety*

- Local roads are inadequate for large HGV's;
- Existing high levels of traffic in the neighbourhood;
- Speed of existing traffic;
- Increase in amount of heavy vehicles visiting the site;
- A new bridge has already sustained damage;
- Blocking of a local road included in the application;
- Inadequate footpaths in the vicinity;
- Danger to pedestrians;
- More traffic past two primary schools;
- Concerns regarding the handling of hazardous substances;
- Safety concerns;
- Proximity to railway line;
- Can the ground sustain the weight?
- Risks of fire and pollution;

### *Other*

- The operator deliberately flaunts the rules;
- The temporary permission expired in 2008 - why have they continued to operate?;
- Disregard for conditions set in past planning permissions;
- Depreciation in house values in the area;
- Financial cost if tenants of three rental properties are lost;
- At the public meeting there was no mention of expanding the site and stockpiling metal in excess of the permitted height; and

- The operator is not talking to the local residents.

## 7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

### 7a The Development Plan

#### *Falkirk Council Structure Plan*

- 7a.1 The proposed development does not raise any strategic issues and therefore the application has been assessed solely against the Falkirk Council Local Plan.

#### *Falkirk Council Local Plan*

- 7a.2 The existing end-of-life vehicle facility lies within a Business and Industry Retention Area outwith the urban limits (within the countryside). The proposed extension area to the north-west lies within the countryside.

- 7a.3 Policy EP2 -‘Land for Business and Industrial Use’ states:

*“In order to maintain the business and industrial land supply and the employment role of existing business and industrial areas:*

- (1) The sites for new business and industrial development identified on the Proposals Map will be safeguarded for the employment use specified for each site; and*
- (2) The areas for retention in business and industrial use identified on the Proposals Map will be retained and reserved for Class 4, 5 or 6 uses, except for the established business parks of Callendar Park and Gateway Business Park, Grangemouth which will be reserved for Class 4 uses only and the Glasgow Road Camelon Industrial Area which may include a food retail element to meet local needs as part of the mix.*

*Other ancillary employment uses may be permitted within these areas where they are compatible with the principal business/industrial use of the site, will not result in a significant reduction in the availability of business land or property, and are consistent with other Local Plan policies.”*

- 7a.4 This policy retains and reserves the Business and Industry Retention Areas for Class 4, 5 and 6 uses, in order to maintain the business and industry land supply and the employment role of existing businesses and industrial areas. The existing operation is a Sui Generis use which is considered to be similar in terms of impacts to many industrial uses and appropriate in principle to a general industrial area. The application is therefore not considered to raise any issues in respect of this policy.

7a.5 Policy EP5 - 'Business and Industrial Development in the Countryside' states:

*"New business and industrial development in the countryside will only be permitted in the following circumstances:*

- (1) Areas specifically identified for business and industrial development on the Proposals Map;*
- (2) Business/industrial development where the need for a countryside location is demonstrated and the proposal could not more appropriately be accommodated within the Urban or Village Limits;*
- (3) Proposals involving the reuse of vacant industrial, commercial or institutional land or premises, or the conversion of farm or other buildings for business use where the scale and nature of the activity is compatible with the location;*
- (4) Limited extensions to existing established businesses in the countryside which can be accommodated without any additional adverse impact on the rural environment;*
- (5) Proposals for the processing of secondary materials including construction and demolition wastes at existing mineral sites in addition to industrial sites; or*
- (6) Appropriate leisure and tourism development that accords with Policy EP16.*

*Proposals will be subject to rigorous assessment of their impact on the rural environment, having particular regard to Local Plan policies protecting natural heritage (EQ19-EQ30) and built heritage (EQ12-EQ18)."*

7a.6 This policy provides for business and industrial development in the countryside where the area is specifically identified for this type of development. In addition, limited extensions to existing established businesses in the countryside are permitted where they can be accommodated without any additional adverse impacts on the rural environment. The existing operation lies within a Business and Industry Retention Area, specifically identified to cater for industrial uses. The proposed extension area could be accommodated within this countryside location subject to appropriate controls attached as planning conditions or exercised under other statutory regimes such as waste management licensing and statutory nuisance.

7a.7 The policy requires proposals to be assessed in terms of their impact on the rural environment, having particular regard to the Local Plan policies protecting nature and built heritage. The relevant heritage policy in this instance is Policy EQ19 - 'Countryside'. The application is assessed in this report as complying with this policy (see paragraphs 7a.9 to 7a.12).

7a.8 Subject to monitoring of any additional impacts of the proposed extension area, the application is considered to comply with this policy.

7a.9 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.10 Part 1 of this policy refers to the detailed policies for specific uses. In this instance the relevant detailed policies are EP2 and EP5 which the application has been assessed in this report as complying with (see paragraphs 7a.3 – 7a.8).

7a.11 Part 2 of this policy states that the scale, siting and design of development will be strictly controlled to ensure there is no adverse impact on the character of countryside. In this instance, this particular countryside location is characterised by industrial uses and the site itself is brownfield land and is used or has previously been used for industrial purposes. The development itself has limited impact on the wider landscape setting, given the existing landform, the backdrop of mature planting when viewed from the north and its very limited impact on the skyline. Whilst use of the north-west part of the site has resulted in some localised visual impacts, it is considered that such impacts would be capable of mitigation through consideration of a final scheme of landscape works (including new bunding) and a restriction on the height of the vehicle storage. Most of the existing planting on the site would be retained and would be augmented by new planting.

7a.12 The application is therefore considered to accord with this policy.

7a.13 Policy EQ8 - 'Vacant, Derelict And Contaminated Land' states:

*"The Council will seek to reduce the incidence of vacant, derelict and contaminated land, particularly within the priority areas for enhancement set out in Policy EQ7. Subject to compliance with other local plan policies, development involving the rehabilitation and re-use of derelict land will be encouraged."*

7a.14 This policy states that the Council will seek to reduce the incidence of vacant, derelict and contaminated land. The proposal includes the reuse of a vacant brownfield site (the north-west part of the site) which is supported by this policy.

7a.15 Policy ST18 - 'Waste Management Facilities' states:

*"Proposals for large scale waste management facilities will be directed to locations within or adjacent to existing waste management facilities and general industrial areas as indicated by Policy EP2. Proposals must:*

- (1) *Comply with the objectives of the Zero Waste Plan;*
- (2) *Promote sustainable transport and the proximity principle;*
- (3) *Consider the need for the facility;*
- (4) *Demonstrate that the impact on the environment and local communities is acceptable; and*
- (5) *Comply with other Local Plan policies."*

- 7a.16 This policy directs proposals for large scale waste management facilities to locations within or adjacent to existing waste management facilities and general industrial areas. The development lies within a general industrial area and the site has previously been granted temporary planning permissions for waste management operations. This aspect of the policy is therefore complied with.
- 7a.17 In addition, the application is considered to comply with matters 1 to 5 of the policy. In particular, the proposal supports the Waste Hierarchy (by reusing and recycling) and therefore complies with the objectives of the Council's Zero Waste Plan. In addition, the proposal promotes the Proximity Principle (by utilising an existing waste management facility), there is considered to be a need for the facility and its impact is considered to be acceptable for the reasons detailed in this report.
- 7a.18 The application is therefore considered to accord with this policy.
- 7a.19 Accordingly, the proposal is considered to accord with the Development Plan.

## **7b Material Considerations**

- 7b.1 The material considerations to be assessed in respect of this application are the Falkirk Local Development Plan (Proposed Plan), the consultation responses and the representations received.

### ***Falkirk Local Development Plan (Proposed Plan)***

- 7b.2 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 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications.
- 7b.3 Under the Proposed Plan, the existing end-of-life vehicle facility lies within a Core Business Area outwith the urban limits (within the countryside). The proposed extension area to the north-west lies within the countryside. In addition, the existing site is specifically designated in the Proposed Plan as a Waste Management Facility.
- 7b.4 The relevant policies of the Proposed Plan are similar to the relevant policies of the Falkirk Council Local Plan, which the application has been assessed as complying with in this report. The relevant policies of the Proposed Plan are Policy CG01 - 'Countryside', Policy CG04 - 'Business Development in the Countryside', Policy BUS02 - 'Core Business Areas', Policy RW08 - 'Waste Management Facilities' and Policy RW10 - 'Vacant, Derelict and Contaminated Land'.
- 7b.5 Accordingly, the application is also considered to comply with the Proposed Plan.

## *Consultation Responses*

- 7b.6 The consultation responses are summarised in section 4 of this report. No objections have been raised in the consultation responses and the matters raised by the Council's Roads Development Unit, its Environmental Protection Unit and the Coal Authority could be the subject of conditions or informatives of any grant of planning permission. The applicant has agreed to upgrade the site entrances and to reposition portacabin (D) to address the Coal Authority concerns.

## *Representations Received*

- 7b.7 The matters raised by the Bonnybridge Community Council and in the public representations are summarised in sections 5 and 6 of this report. In response to those matters, the following comments are considered to be relevant: -
- All of the objections to the application were received following the scrap metal being brought onto the north-west part of the site. The main concerns of residents would therefore appear to relate to the impacts associated with the movement to and storage of this material on this site;
  - The development is considered to be acceptable in amenity terms for the reasons detailed in this report and subject to appropriate planning conditions;
  - Waste type and quantity, hours of operation, storage of fluids, the handling and storage of waste, and pollution control (including burning) are all matters regulated by SEPA under the waste management licensing regime;
  - The height of vehicle storage and the submission of a final landscape scheme, to mitigate visual impact, would be the subject of conditions of any grant of planning permission;
  - The Council's Roads Development Unit have advised that the existing facility has operated at this location without having generated any known roads issues. Upgrade works to the site entrances are required and have been agreed to by the applicant;
  - The application shows a named road (Broomside Road) within the application site. The Council's Roads Development Unit have advised that this road is not on the Council's list of public roads and the Council's Rights of Way records do not indicate any evidence of recorded Rights of Way within the application site boundaries. If it could be proven that the public used this road and had uninterrupted access along it prior to the gate being erected/ locked, then it might be possible to pursue this matter under the Land Reform (Scotland) Act;
  - The applicant made this application following it being brought to their attention by the Council's Development Management Unit that the previous temporary planning permission had lapsed in 2008. In addition, the application was amended to include the existing storage of scrap metal in the north-west part of the site. Making an application retrospectively is a legitimate means by which to regularise a situation in planning terms and no planning enforcement action would be considered pending a decision on a planning application;

- The community consultation event was required due to the application being a Major Development and such events are arranged by the applicant. The Council's Development Management Unit do not attend these events as a matter of standard practice and therefore cannot comment on what was said at the event held for this application; and
- Matters of depreciation of house values and financial consequences are not material planning considerations.

## **7c Conclusion**

- 7c.1 The application is considered to accord with the Development Plan, for the reasons detailed in this report. It is therefore recommended for the grant of planning permission subject to appropriate conditions. There are not considered to be any material planning considerations to set aside the terms of the Development Plan in this instance.
- 7c.2 It is considered that any grant of planning permission should provide for the temporary continued storage of the scrap metal within the north-west area of the site or its future use for vehicle storage. The ongoing use of the area for the storage of scrap metal (similar to what is already on site) is not supported due to the noise and disturbance associated with the movement of such material.
- 7c.3 As the existing end-of-life vehicle facility would appear to have operated without any significant adverse effects on the road network, or on environmental and visual amenity, it is considered that there is no continuing justification to restrict planning permission for this aspect of the operation to a further temporary period. In order to monitor any additional impacts as a result of the use of the north-west area of the site, it is considered that planning permission for this area should be granted for a temporary period.

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that the Planning Committee grant planning permission subject to the following condition(s):-
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 north-west area of the site shall be used solely for either (a) the continued storage of the scrap metal existing on this part of the site at the date of grant of this planning permission or (b) the storage of vehicles in accordance with approved drawing 03D.
  3. This permission insofar as it applies to the north-west area of the site shall be valid for a temporary period of 2 years until 31st March 2017 and at the end of that time, unless a further permission is granted, the site shall be vacated, cleared and left in a neat and tidy condition in accordance with details to be approved in writing by this Planning Authority.
  4. No scrap material shall be stored at a height in excess of 5 metres above ground level.

5. Notwithstanding the approved plans, within one month of the date of this permission a scheme of soft landscaping works shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include (as appropriate):-
- (i) Existing and proposed finished ground levels in relation to a fixed datum, preferably ordnance;
  - (ii) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their replacement;
  - (iii) The location of all proposed new trees, shrubs, hedges and grassed area;
  - (iv) A schedule of plants, to comprise species, plant size and proposed numbers/density;
  - (v) The profile of the bunding and the material to comprise the bunding; and
  - (vi) A programme for implementation of the approved landscaping scheme and subsequent maintenance.

Thereafter, the scheme of landscaping shall be carried out in accordance with the approved details.

6. Subject to condition 9 of this permission, the existing woodland along the eastern site boundary shall be retained in perpetuity and managed in accordance with the submitted Woodland Management Plan prepared by Sid Nodes, Treescapes Scotland.
7. Within one month of the date of this permission, both the main and secondary site entrances shall be re-constructed with 10.5 metre kerbed radii to form bellmouths, of 6 metres minimum width.
8. Within one month of the date of this permission, both the main and the secondary site entrances shall be surfaced (and thereafter maintained) to ensure that no loose material is carried out, and no surface water is discharged, onto the public carriageway.
9. Within one month of the date of this permission, visibility splays measuring 2.4 metres x 90 metres at the secondary entrance, and 4.5 metres x 90 metres at the main entrance, shall be provided (and thereafter maintained), within which there shall be no obstruction to visibility above carriageway level.
10. Within one month of the date of this permission, the section of damaged carriageway at the main site entrance shall be reinstated in accordance with details to be approved in writing by this Planning Authority.



11. Before (a) the formation of the approved bunding or (b) any movement of the scrap metal stored on the north-west part of the site, details of the proposed method, programme and timescale in respect of these matters shall be submitted to and approved in writing by this Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.
12. Within one month of the date of this permission, portacabin (D) as shown on approved drawing 03D shall be repositioned in a southerly direction, in accordance with an exact location to be approved in writing by this Planning Authority.

**Reason(s):-**

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.
2. To ensure that the use of the land is suitably controlled, in the interests of the amenity of the area.
3. To provide a suitable trial period to monitor any additional impacts as a result of the proposed extension area.
- 4-5. To safeguard the visual and residential amenity of the area.
6. To safeguard the visual amenity of the area.
- 7-10. To safeguard the interests of the users of the highway.
11. To safeguard the residential amenity of the area.
12. To remove the risk arising from a load bearing structure being located within the zone of influence of a recorded mine entry.

**Informative(s):-**

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03D, 04, 05A, 06A, 07A, 08 and 09.
2. The applicant is advised that the required upgrade works to the site entrances will require Minor Roadworks Consent, issued by Falkirk Council Roads Services.
3. SEPA have advised that a Waste Management Licence is required to carry out waste management activities in the north-west part of the site.

4. The applicant is advised to ensure that any noisy works which are audible at the site boundary are only conducted between the follow hours:

Monday to Friday	0800 to 1800 hours
Saturday	0900 to 1700 hours
Sunday/Bank Holidays	1000 to 1600 hours

Deviation from these hours will not be permitted unless in emergency circumstances and with the prior written approval of the Environmental Protection Unit

5. The applicant is advised to contact SEPA prior to any importation of material or any remedial/excavation/ground preparation works (including any re-use of site won materials for bunds), as any importation, disposal or re-use of waste materials would be subject to Waste Management Regulations and require the appropriate approvals, including licensing and exemptions.
6. The applicant is advised to contact the Planning Authority immediately should any made ground, suspect odours or substances be encountered during any site works, as there would be a requirement to undertake a contaminated land risk assessment. The assessment would be subject to review and approval by the Planning Authority.

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pp Director of Development Services

Date: 16 March 2015

## **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Falkirk Local Development Plan (Proposed Plan).
4. Letter of Objection received from Mr Jim Casey, 15 Lochinvar Place, Bonnybridge, FK4 2BL on 29 October 2014.
5. Letter of Objection received from Mrs Jean Rutherford, 63 Broomhill Road, High Bonnybridge, Falkirk, FK4 2AT on 30 October 2014.
6. Letter of Objection received from Mr Thomas Fitzpatrick, 23 Reilly Gardens, High Bonnybridge, FK4 2BB on 30 October 2014.
7. Letter of Objection received from Mr Jim Casey, 15 Lochinvar Place, Falkirk, FK4 2BL on 30 October 2014.
8. Letter of Objection received from Mr Graeme Healy, 4 Lochinvar Place, High Bonnybridge, Bonnybridge, FK7 4BL on 1 November 2014.
9. Letter of Objection received from Mr and Mrs Binnie, 62 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 3 November 2014.
10. Letter of Objection received from Mark Valentine and Jacqueline Wright, 82 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 3 November 2014.
11. Letter of Objection received from Mr & Mrs Pennington, 78 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 3 November 2014.
12. Letter of Objection received from William and Teresa Lucy, 11 Lochinvar Place, High Bonnybridge, Bonnybridge, FK4 2BL on 3 November 2014.
13. Letter of Objection received from David Colvan, 38 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 3 November 2014.
14. Letter of Objection received from John Lees, 76 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 3 November 2014.
15. Letter of Objection received from Anton and Christine Mayer, 12 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 3 November 2014.
16. Letter of Objection received from Mr Frank Fettes, 2 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 3 November 2014.
17. Letter of Objection received from Robert & Margaret Anderson, 4A Church Street, High Bonnybridge, Bonnybridge, FK4 2AZ on 6 November 2014.
18. Letter of Objection received from Mrs Clare Finlay, on behalf of the Bonnybridge Community Council, 7 Reilly Gardens, Bonnybridge, FK4 2BB on 12 November 2014.
19. Letter of Objection received from Mr and Mrs Graham and Katherine Mundie, Woodlea, 93 Broomhill Road, High Bonnybridge, Bonnybridge, FK4 2AT on 13 November 2014.
20. Letter of Objection received from Jim Fallon, 36 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 17 November 2014.
21. Letter of Objection received from Mrs Agnes Craig, 15 Waverley Crescent, High Bonnybridge, Falkirk, FK4 2AX on 30 October 2014.
22. Letter of Objection received from Chris and Diane Geraghty, 88 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 31 October 2014.
23. Letter of Objection received from Mrs Margaret Fitzpatrick, 23 Reilly Gardens, High Bonnybridge, FK4 2BB on 30 October 2014.
24. Letter of Objection received from Mr Tommy Owens, 35 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 28 October 2014.
25. Letter of Objection received from Mr Adam Baird, 17 Reilly Gardens, High Bonnybridge, FK4 2BB on 4 October 2014.
26. Letter of Objection received from Mr John O'Connell, 34 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 28 October 2014.
27. Letter of Objection received from Mr John Ellis, 74 Reilly Gardens, Falkirk, FK4 2BB on 29 October 2014.

28. Letter of Objection received from Mrs Mary H Easton, 68 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 31 October 2014.
29. Letter of Objection received from Mr William Upton, 21 Reilly Gardens, Bonnybridge, FK4 2BB on 2 November 2014.
30. Letter of Objection received from Mrs Christine Upton, 21 Reilly Gardens, High Bonnybridge, FK4 2BB on 2 November 2014.
31. Letter of Objection received from Mr Ian Wilkie, 56 Reilly Gardens, High Bonnybridge, Bonnybridge, FK42BB on 5 October 2014.
32. Letter of Objection received from Mrs May Fallon, 36 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 11 October 2014.
33. Letter of Objection received from Mr James Drennan, 16 Reilly Gardens, High Bonnybridge, FK4 2BB on 28 October 2014.
34. Letter of Objection received from Mr Douglas Fleming, 39 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 16 November 2014.
35. Letter of Objection received from Mrs Margaret MacKenzie, 19 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 15 October 2014.
36. Letter of Objection received from Dr Eileen Hood, 60 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 21 October 2014.
37. Letter of Objection received from Anne and Brian McVeigh, 38 Church Street, High Bonnybridge, Bonnybridge, FK4 2AZ on 10 November 2014.
38. Letter of Objection received from M Ross, 60 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 10 November 2014.
39. Letter of Objection received from Janet McLelland, 80 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 10 November 2014.
40. Letter of Objection received from Mr and Mrs Ian Wilkie, 56 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 7 November 2014.
41. Letter of Objection received from Mr Thomas Hoy, 89 Broomhill Road, High Bonnybridge, Bonnybridge, FK4 2AT on 5 November 2014.
42. Letter of Objection received from Mr Graham Upton, 21 Reilly Gardens, High Bonnybridge, FK4 2BB on 2 November 2014.
43. Letter of Objection received from Robert and Irene Bunch, Churchview, 87 Broomhill Road, High Bonnybridge, Bonnybridge, FK4 2AT on 5 November 2014.
44. Letter of Objection received from Kathleen McCoustra, 3 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 5 November 2014.
45. Letter of Objection received from Mr Alan Dunsmore, 31 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 8 November 2014.
46. Letter of Objection received from Miss Gloria Graham, 39 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2 BB on 27 September 2014.
47. Letter of Objection received from Mr Alfred Hargreaves, 40 Reilly Gardens, Reilly Gardens, High Bonnybridge, FK4 2BB on 28 September 2014.
48. Letter of Objection received from Mr & Mrs Diane & Chris Geraghty, 88 Reilly Gardens, High Bonnybridge, Falkirk, FK42BB on 4 October 2014.
49. Letter of Objection received from Mr Chris and Diane Geraghty, 88 Reilly Gardens, High Bonnybridge, Falkirk, FK42BB on 28 October 2014.
50. Letter of Objection received from Mrs Anne Russell, 72 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 18 October 2014.
51. Letter of Objection received from Mr Graham Rae, 8 Morrison Avenue, Bonnybridge, FK4 1ET on 17 November 2014.
52. Letter of Objection received from Mr Craig McWilton, 86 Reilly Gardens, Bonnybridge, FK4 2BB on 16 October 2014.
53. Letter of Objection received from Mr & Mrs Alexander & Margaret Bryson, 14 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 29 October 2014.

54. Letter of Objection received from Mrs Margaret Bryson, 14 Reilly Gardens, High Bonnybridge, Falkirk, FK4 2BB on 30 October 2014.
55. Letter of Objection received from Mrs Irene Lees, Beaumaris, 76 Reilly Gardens, High Bonnybridge, FK4 2BB on 13 October 2014.
56. Letter of Objection received from Eleanor McCutcheon, 69 Broomhill Road, High Bonnybridge, Bonnybridge, FK4 2AT on 4 November 2014.
57. Letter of Objection received from Margaret Mulligan, 48B Broomhill Road, High Bonnybridge, Bonnybridge, FK4 2AY on 4 November 2014.
58. Letter of Objection received from Mr David Keltie, 81 Broomhill Road, Bonnybridge, FK4 2AT on 5 November 2014.
59. Letter of Objection received from Irene Lees, 76 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 2 March 2015.
60. Letter of Objection received from Dr. Eileen Hood, 60 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 18 February 2015.
61. Letter of Objection received from Mrs Janet McLelland, 80 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2BB on 18 February 2015.
62. Letter of Objection received from Mr Adam Baird, 17 Reilly Gardens, High Bonnybridge, Bonnybridge, FK4 2AR on 14 February 2015.
63. Letter of Objection received from Miss Elaine Fergusson, 20 Millar Place, High Bonnybridge, FK4 2AR on 14 February 2015.
64. Letter of Objection received from Mrs Anne Russell, 72 Reilly Gardens, High Bonnybridge, FK4 2BB on 23 February 2015.

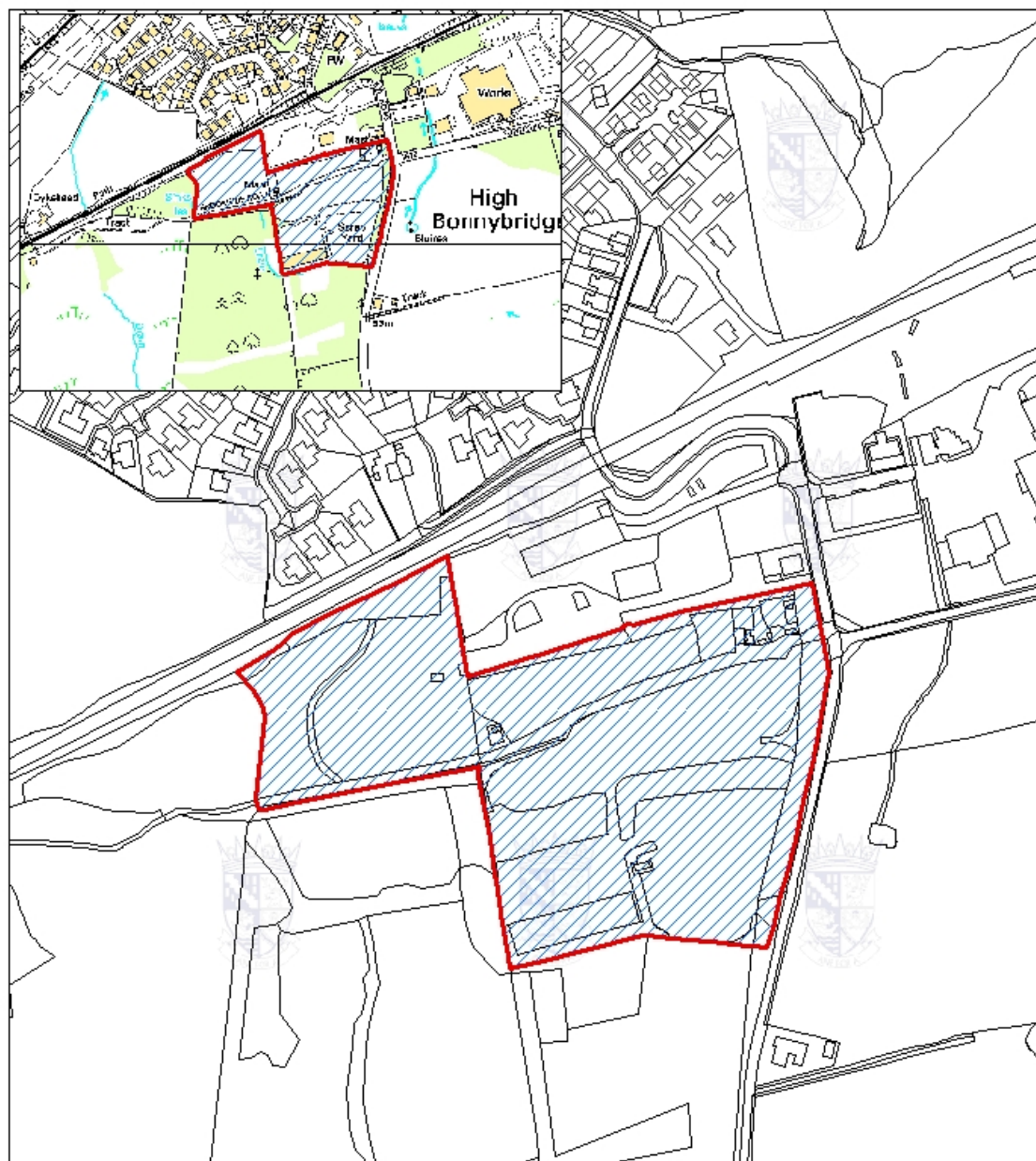
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

## Planning Committee

## Planning Application Location Plan

**P/14/0094/FUL**

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



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**FALKIRK COUNCIL**

**Subject:** ERECTION OF DWELLINGHOUSE AT LAND TO THE NORTH EAST OF VICTORIA COTTAGE, FALKIRK FOR THE FIRM OF JAMES SHANKS & SONS - P/14/0741/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 29 April 2015

**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:** John Milne (Senior Planning Officer), Ext. 4815

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

- 1.1 The application site comprises an area of land measuring 2,340sqm, most recently used for casual grazing of animals. The site is bounded on two sides by roads (the B825 and the unclassified Blackston Road), on one side by fenced agricultural land and a residential property on the remainder (Victoria Cottage).
- 1.2 The site is currently informally accessed from the adjoining roadway (Blackston Road) although the road is very narrow and the junction arrangements are not to an appropriate standard in terms of visibility. The site is also on a slight incline descending from Learigg and ascending slightly towards Victoria Cottage.
- 1.3 The proposed development consists of a 1½ storey dwellinghouse, of a traditional design character, finished in natural stone and with a slate roof. Access to the site would be via a newly constructed vehicular access to the west side and rear of the adjacent Victoria Cottage.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application was called in by Councillor Hughes.

**3. SITE HISTORY**

- 3.1 An application for planning permission (ref: P/14/0515/FUL) for a similar development, with an alternative access onto the B825, was withdrawn on 22 December 2014.

#### **4. CONSULTATIONS**

- 4.1 Falkirk Council's Roads Development Unit have no objections following receipt of revised drawings taking into account the Unit's comments.
- 4.2 The Coal Authority have no objection to the proposed development.
- 4.3 Scottish Natural Heritage have no comment on the proposal.
- 4.4 Falkirk Council's Environmental Protection Unit have no objection to the proposal, subject to planning conditions regarding contaminated land and noise.

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

- 5.1 Avonbridge and Standburn Community Council object to the proposal, based on the following:-
  - the application is contrary to the guidelines and policy for development in the countryside.
  - the application is contrary to the proposed development sites as laid down in the local plan.
  - the application is contrary to the development plan for this area of Falkirk and the site does not lie within any of the designated areas for housing as supported by the Community Council.
  - the crossroads in the immediate vicinity is very dangerous as it is and the addition of a further property would lead to accidents.
  - the site is outwith both village boundaries.
  - the site would require a change of use from agricultural to residential; this is a fully agricultural site with no building whatsoever and no previous history of development.

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

- 6.1 No representations were received in relation to the application.

#### **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.



## 7a The Development Plan

### *Falkirk Council Structure Plan*

- 7a.1 The proposal does not raise any strategic issues and has therefore not been assessed in relation to the Structure Plan.

### *Falkirk Council Local Plan*

- 7a.2 Policy EQ01 ‘Sustainable Design Principles’ states:-

*New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:*

- (1) Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
- (2) Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site’s surroundings, and create buildings and spaces that are attractive, safe and easy to use;*
- (3) Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
- (4) Resource Use. Development should promote the efficient use of natural resources, and take account of life cycle costs, in terms of energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
- (5) Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
- (6) Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.*

- 7a.3 It is considered that the proposed development would respond positively and sympathetically to the site’s surroundings and create a building that would be attractive, of traditional design and using traditional materials.

- 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 It is considered that the proposal does not meet the terms of essentially requiring a countryside location, nor seeks to utilise suitable existing buildings. However, the proposal can be considered “infill” development, given that the site is located between two existing dwellinghouses, and is of an appropriate design and would be in keeping with the established development character of the surrounding areas.

7a.6 Policy SC03 ‘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 all of the following:*  
*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; and*  
*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 all of the following criteria are met:*  
*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 residential buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8.*

7a.7 The applicant has not put forward a justification for the proposed development which would allow the dwelling to be considered essential to a countryside location. The key consideration is whether the proposal constitutes an infill opportunity.

7a.8 Policy SC08 'Infill Development and Subdivision of Plots' states:-

*Proposals for the erection of additional dwellinghouses within the curtilage 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.9 The application meets the terms of the policy, although the policy itself lacks firm definition of what constitutes a 'gap site', although appendix 5 Glossary states:-

*Infill Development refers to housing or other developments within the curtilage of existing or on small gap sites. The resulting subdivision of the curtilages of properties can distort the established form of the surrounding built environment and give the impression of over-development or cramming, and thus the character/visual attractiveness of an area can be affected.*

7a.10 In this instance and with the limited definition available, it could be considered reasonable as to consider the application site as a gap site. The site is bounded on two sides – albeit with an intervening roadway – by the curtilages of existing residential properties and with a site width of 44 metres, could be considered comparable in plot size with neighbouring development.

7a.11 Policy EQ23 'Areas of Great Landscape Value' states:-

*The Council will protect Areas of Great Landscape Value from development which would be detrimental to its amenity and distinctive landscape quality. In addition to satisfying other relevant countryside policies, proposals within these areas will only be permitted where accompanied by a landscape and visual assessment demonstrating that the development can be accommodated without adverse impact on the landscape quality.*

7a.12 The designation of Area of Great Landscape Value extends to a wide area, bounded by the B825 roadway. The application site is on the fringe of the designated area, where there are existing dwellinghouses. In this instance, given the location of the site and the topography of the land, no landscape assessment has been requested.

7a.13 Accordingly, and on balance, the proposal is considered to accord with the provisions of the Development Plan.

## **7b Material Considerations**

7b.1 The material consideration to be assessed are National Policy, the Proposed Falkirk Local Development Plan, the emerging Supplementary Planning Guidance on Development in the Countryside and consultation responses.

## ***Scottish Planning Policy***

7b.2 Scottish Planning Policy (2014) recognises that the character of rural areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to more remote and sparsely populated areas. The planning system should, in all rural areas, promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces.

7b.3 In the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land.

Paras 81-83 state:-

81. *In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:*

- *Guide most new development to locations within or adjacent to settlements; and*
- *Set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.*

82. *In some most pressured areas, the designation of green belts may be appropriate.*

83. *In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:*

- *Encourage sustainable development that will provide employment;*
- *Support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;*
- *Include provision for small-scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;*
- *Where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;*
- *Not impose occupancy restrictions on housing.*

7b.4 While it is recognised that the rural area is pressurised for development, the SPP does promote, where appropriate, the construction of single houses outwith settlements where they are well sited and designed to fit with local landscape character, taking account of landscape protection and other Local Plan policies. It is considered that the proposal is acceptable in this regard.

### ***Falkirk Local Development Plan (Proposed Plan)***

7b.5 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 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.6 The Falkirk Local Development Plan (Proposed Plan) April 2013 promotes the following policies:-

7b.7 Policy CG03 – 'Housing in the Countryside' states:

*"Proposals for housing development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:*

- 1. Housing required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential;*
- 2. Restoration or replacement of houses which are still substantially intact, provided the restored/ replacement house is of a comparable size to the original;*
- 3. Conversion or restoration of non-domestic farm buildings to residential use, including the sensitive redevelopment of redundant farm steadings;*
- 4. Appropriate infill development;*
- 5. Limited enabling development to secure the restoration of historic buildings or structures; or*
- 6. Small, privately owned gypsy/ traveller sites which comply with Policy HSG08.*

*Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment."*

7b.8 Policy HSG05 – 'Infill Development and Subdivision of Plots' states:

*Proposals for the erection of additional houses within the curtilage of existing properties or on small gap sites will be permitted where:*

- 1. The scale, density, disposition and design of the proposed houses respect the 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, parking and other infrastructure is of an adequate standard for both proposed and existing houses; and*
- 6. The proposal complies with other LDP policies.*

7b.9 Policy GN02 – ‘Landscape’ states:

- 1. The Council will seek to protect and enhance landscape character and quality throughout the Council area in accordance with Supplementary Guidance SG09 ‘Landscape Character and Assessment’.*
- 2. Priority will be given to safeguarding the distinctive landscape quality of the Areas of Great Landscape Character identified on the Proposals Map.*
- 3. Development proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved.*

7b.10 In Policy CG03 – Housing in the Countryside – there clearly is opportunity to allow appropriate infill development. This infill opportunity does not depend on the housing being required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential. Detailed guidance on the application of criteria is contained within Supplementary Guidance SG01 – Development in the Countryside.

7b.11 Policy HSG05 – Infill Development and Subdivision of plots – appears to be directed towards development within the urban envelope. However, many of the identified criteria – scale, density, disposition, design, privacy and parking – would be equally applicable to development within the rural area.

7b.12 Policy GN02 – Landscape – seeks to protect and enhance landscape character and quality throughout the Council area. In this instance, the site is on the fringe of an Area of Great Landscape Value and not envisaged to visually detract from the overall setting.

***Falkirk Council Supplementary Guidance SG01 – Development in the Countryside – (Finalised) (August 2014).***

7b.13 The above Supplementary Guidance is finalised but not yet approved and, as such, there should be due regard to the material weight it affords to any planning recommendation or decision.

7b.14 Para 3.10 (4) Infill Development states:-

*Appropriate infill development will be allowed between two residential properties where all of the following criteria are met:*

- 1. The proposed infill development must occupy a clear gap between two existing residential properties.*
- 2. The scale, density and design of the proposed infill housing should respect the character of existing development. Proposals should respond to local distinctiveness.*
- 3. The existing residential properties must front a road or access lane and be less than 80 metres apart.*
- 4. The gap is not on the edge of an existing village or urban limit where the edge of the settlement has already been defined.*
- 5. The development should not constitute ribbon or backland development. (ribbon development is defined as the outward linear growth of development along a road).*
- 6. If there is a predominant building line this should be adhered to.*
- 7. The terms of LDP Policy HSG05 (Infill Development and Subdivision of Plots) should be met.*

7b.15 In considering the proposal, the following points may be considered:-

1. The application site is located directly between the existing cottages of Learigg and Victoria Cottage, albeit intervened by a roadway, Blackston Road.
2. The proposal has been reviewed in terms of scale and design and is considered acceptable. In terms of density, the plot size is comparable with neighbouring property. For the avoidance of doubt, the curtilage of Learigg extends south west of the dwellinghouse to meet the boundary roadway.
3. The existing residential properties front a road, the B825. The curtilages of the adjoining properties – Victoria Cottage and Learigg are 51 metres apart, although some 5.5 metres of this is intervening roadway. However, the distance from each residential dwelling is 174 metres. This is, not least, a consequence of Victoria Cottage being set within the south west corner of its curtilage and Learigg being set within the north east corner of its curtilage.
4. The gap is not considered to be on the edge of an existing village. It is considered that the grouping of properties from Rosehill to Victoria Cottage represent a cluster of residential properties detached from the adjoining agricultural land.
5. The proposal is not considered to constitute ribbon development. The ‘End Stops’ for the grouping are considered to be Victoria Cottage in the south west and Rosehill in the north east.
6. The established building line is staggered, but the proposed dwelling is considered to be in keeping with the well established frontage pattern of the building group, formed along the B825.
7. This confirms that the previously urban criteria for infill development should be adopted. There are no issues of privacy, design or scale arising as a consequence of development.

### ***Consultation Responses***

7b.16 With regard to the objections raised by Avonbridge and Standburn Community Council, the following points may be considered:-

- Development Plan policy allows new residential development within the countryside without the applicant demonstrating essential need.
- The crossroads would not form part of the direct vehicular access to the site and the addition of vehicle movement from a single dwellinghouse is unlikely to impact unacceptably on the road network.
- The site is recognised as being outwith established village boundaries.
- The site is of limited agricultural use, being formerly used for grazing.
- There is no previous planning history on the site which would justify further development; however, this is not essential for new development.

## **7c Conclusion**

7c.1 This application raises a number of issues, relating to Development Plan policy and, specifically, the emerging Falkirk Council Plan Policy relating to infill development within the rural area. As a consequence, the terms of the emerging Supplementary Guidance 1 - Housing in the Countryside - are subject to consideration. In general terms, it is agreed from Development Plan policy that new infill development within the rural area is acceptable, without rural justification or 'need' demonstrated by the applicant. In consideration of whether this site is appropriate for new residential development, a number of matters need to be addressed:

- Does the existing residential cluster extend from Rosehill to Victoria Cottage, or more tightly from Rosehill to Learigg?
- Does the positioning of Victoria Cottage and Learigg – at opposing edges of their curtilages – effectively preclude development of the intervening site, given the guideline of 80 metres dwellinghouse to dwellinghouse infill restriction within the Supplementary Guideline?
- Does the topography of the housing cluster – the site being at the lower point of area – diminish the visual impact of any new development and simply add to the residential setting between Rosehill and Victoria Cottage?

7c.2 It is considered that the proposed dwellinghouse is acceptable in terms of design and that the applicant has provided a vehicular access provision acceptable in terms of highway safety.

7c.3 It is also considered that the addition of infill residential development, well designed and sensitively placed within the environment, would consolidate the limited residential cluster between Victoria Cottage and Rosehill affording opportunity to alleviate the current demands for development in other more isolated areas, without prejudice to existing residents or residential pattern.

7c.4 In this instance, the terms of the Supplementary Guidance relating to infill development within the rural area are not met. However, in this particular instance, whilst the linear measurement restrictions recommended are not met, the proposed dwellinghouse respects the physical conditions of the site and the development pattern of the existing residential cluster. This is without prejudice to the determination of any future planning applications which may be submitted. It is also noted that, whilst being material considerations, the Supplementary Guidance and Falkirk Local Development Plan have not yet been adopted.

## **8. RECOMMENDATION**

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

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



- (2) 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 IIA 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.
- (3) Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority with regard to the external finishes of the dwellinghouse, including stone walling, slate roof and timber window and door finishes.
- (4) Any access gates shall only open inwards.

**Reason(s):-**

- (1) These drawings and details constitute the approved development.
- (2) To ensure the ground is suitable for the proposed development.
- (3) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (4) To safeguard the interests of the users of the highway.

**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, 03, 04, 05 and 06.

- (2) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect this development.
- (3) Falkirk Council have determined the application on the basis of available information relating to ground contamination/landfill gas. The responsibility for the safe development and secure occupancy of the site remains with the applicant/developer.
- (4) 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: 20 April 2015

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

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Falkirk Council Local Development Plan (Proposed Plan)
4. Supplementary Planning Guidance SG01 – Development in the Countryside

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

# Planning Committee

## Planning Application Location Plan

**P/14/0741/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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