

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on WEDNESDAY 17 JUNE 2009 at 9.30 A.M.

PRESENT: Councillors Buchanan, Carleschi, J Constable, Lemetti, A MacDonald, J McLuckie, A McNeil, Mahoney, C Martin, Nicol and Oliver.

CONVENER: Councillor Buchanan.

APOLOGY: Councillor H Constable.

ATTENDING: Director of Development Services; Acting Director of Law and Administration Services; Development Manager; Acting Legal Services Manager (D Blyth); Senior Planning Officer (B Vivian); Senior Forward Planning Officer; Roads Development Officer (C Russell); Transport Planning Officer (K Short) and Committee Officer (H Oliver).

DECLARATIONS OF INTEREST: Councillor Carleschi declared a non-financial interest in minute item P41 (planning application P/08/1007/FUL) due to his business connection with an objector to the application. Councillor Carleschi left the meeting during consideration of this item of business.

Councillor Buchanan declared a non-financial interest in minute item P46 and P47 (Planning applications P/08/0874/OUT and P/08/0866/OUT) as a family member was distantly related to the applicant. Councillor Buchanan left the meeting during consideration of this item of business.

Prior to consideration of business, the Members below made the following statements:-

- Councillor Carleschi informed the Committee that as he had not attended the site visit he would not take part in consideration of planning application P/07/1208/OUT (minute P42).
- Councillor McNeill informed the Committee that as he had not attended the site visits he would not take part in consideration of planning applications P/08/1007/FUL and P/07/1208/OUT (minutes P41 and P42).
- Councillor Martin informed the Committee that he had not attended the site visit but that he would take part in consideration of planning application P/07/1208/OUT (minute P42) as he was sufficiently familiar with the site.

P40. MINUTES

There was submitted and **APPROVED:-**

- (a) Minute of Meeting of the Planning Committee held on 20 May 2009; and
- (b) Minute of Meeting of the Planning Committee held On-Site on 2 June 2009.

In accordance with his declaration of interest in the following item of business, Councillor Carleschi left the meeting and took no part in the discussion on this matter.

P41. ERECTION OF 20 FLATTED DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING (DETAILED) AT THE ROYAL BRITISH LEGION, PARK TERRACE, BRIGHTONS, FALKIRK, FK2 0HY FOR EAGLESTONE HOMES SELECT) LTD - P/08/1007/FUL (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 20 May 2009 (Paragraph P35 refers), Committee gave further consideration to Report (circulated) dated 13 May 2009 by the Director of Development Services and an additional Report (circulated) dated 10 June 2009 by the said Director on an application for detailed planning permission for the erection of a 3 storey block comprising 20 flatted dwellings and associated parking and landscaping at the Royal British Legion, Park Terrace, Brightons.

AGREED to **REFUSE** planning permission, for the following reasons:-

- (1) that the design of the development is out of keeping with the character of the area;
- (2) that the proposed development would impact adversely on the privacy of adjacent properties, and
- (3) that the development was not in the best interests of road safety.

Councillor Carleschi re-entered the meeting following consideration of the foregoing item of business.

Councillor Martin entered the meeting during the foregoing item of business but took no part in the consideration or determination.

R42. ERECTION OF DWELLINGHOUSE ON LAND TO THE WEST OF WESTER BOWHOUSE FARM, FALKIRK FOR MR I MCGILLIVARY - P/07/1208/OUT (CONTINUATION)

With reference to Minute of Meeting of the Planning Committee held on 20 May 2009 (Paragraph P33 refers), Committee gave further consideration to Report (circulated) dated 13 May 2009 by the Director of Development Services and an additional Report (circulated) dated 10 June 2009 by the said Director on an application for outline planning permission for the erection of a single dwellinghouse on land to the west of Wester Bowhouse Farm, Falkirk.

AGREED that the Committee was **MINDED** to **GRANT** planning permission, subject to the satisfactory conclusion of a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 restricting the occupation of the dwellinghouse to that of an agricultural worker and to remit thereafter to the Director of Development Services to grant planning permission subject also to appropriate conditions.

R43. ERECTION OF DWELLINGHOUSE ON LAND TO THE NORTH OF 53 BO'NESS ROAD, GRANGEBURN ROAD, GRANGEMOUTH FOR MR AND MRS T MUNRO - P/09/0106/FUL

There was submitted Report (circulated) dated 10 June 2009 by the Director of Development Services on an application for detailed planning permission for the erection of a one and a half storey, detached dwellinghouse on land to the north of 53 Bo'ness Road, Grangeburn Road, Grangemouth.

AGREED to **GRANT** planning permission, subject to the following conditions:-

1. The development to which this permission relates must begin within five years of the date of this permission.
2.
 - (i) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites .
 - (ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
 - (iii) Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
3. Development shall not begin until a scheme for protecting the proposed dwellinghouse from noise from road traffic has been submitted to and approved in writing by the Planning Authority. The dwellinghouse shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Planning Authority.
4. Vehicular access to the site shall be by means of a dropped kerb footway crossing constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.

5. Any access gates shall only open inwards.
6. There shall be no obstruction over 1m in height above carriageway level within 2.5m of the road channel over the full frontage of the site.
7. A schedule outlining the external finishing materials to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.

Reasons:

1. To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. To ensure the ground is suitable for the proposed development.
3. To ensure that the occupants of the property are safeguarded against excessive noise intrusion.
- 4-6. To safeguard the interests of the users of the highway.
7. To safeguard the visual amenity of the area.

Informatives:-

1. For the avoidance of doubt, the plans to which this decision refers bear planning reference 01, 02, 03 and 04

R44. CHANGE OF USE OF FORMER AGRICULTURAL LAND/BUILDINGS TO STABLES, LIVERY AND RIDING SCHOOL, SITING OF TEMPORARY STAFF OFFICE AND TOILET ACCOMMODATION (RETROSPECTIVE) AND ERECTION OF TEMPORARY MANAGER'S LIVING ACCOMMODATION AT RIVERSIDE FARM, DENNY, FK6 5JF FOR MR AND MRS S RAE - P/08/0804/FUL

There was submitted Report (circulated) dated 10 June 2009 by the Director of Development Services on an application for detailed planning permission for the change of use, in retrospect, of former agricultural land and buildings to a stables, livery and riding school, siting of temporary staff office and toilet accommodation and for the erection of temporary manager's living accommodation at Riverside Farm, Denny.

AGREED to **CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

R45. CHANGE OF USE FROM AGRICULTURAL LAND TO FORM FLOODLIT SCHOOLING AREA AT RIVERSIDE FARM, DENNY, FK6 5JF FOR MR AND MRS RAE - P/09/0128/FUL

There was submitted Report (circulated) dated 10 June 2009 by the Director of Development Services on an application for detailed planning permission for the change of use, in retrospect, of agricultural land to form a floodlit outdoor schooling arena at Riverside farm, Denny.

AGREED to **CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

In accordance with his declarations of interest in the following items of business, P46 and P47, Councillor Buchanan left the meeting and took no part in the discussion on these matters.

In Councillor Buchanan's absence as Convener, Councillor Nicol assumed the Chair.

P46. ERECTION OF AGRICULTURAL WORKERS DWELLINGHOUSE AT HOUSEHILL FARM, LARBERT, FK5 4RZ FOR JOHN POLLOCK AND SONS LTD (OUTLINE) - P/08/0874/OUT

There was submitted Report (circulated) dated 10 June 2009 by the Director of Development Services on an application for outline planning permission for the erection of an agricultural worker's dwellinghouse at Househill Farm, Larbert.

AGREED that the Committee was **MINDED** to **GRANT** planning permission, subject to the satisfactory conclusion of a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 restricting the occupation of the dwellinghouse to that of an agricultural worker and to remit thereafter to the Director of Development Services to grant planning permission subject also to appropriate conditions including that, prior to commencement of works an archaeological survey should be undertaken.

P47. ERECTION OF AGRICULTURAL WORKER DWELLINGHOUSE ON LAND TO THE NORTH EAST OF BONNYSIDE FARM, BONNYSIDE ROAD, BONNYBRIDGE FOR JOHN POLLOCK AND SONS LTD (OUTLINE) - P/08/0866/OUT

There was submitted Report (circulated) dated 10 June 2009 by the Director of Development Services on an application for outline planning permission for the erection of an agricultural worker's dwellinghouse on land to the north east of Bonnyside Farm, Bonnyside Road, Bonnybridge.

AGREED that Committee was **MINDED** to **GRANT** planning permission, subject to the satisfactory conclusion of a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 restricting the occupation of the dwellinghouse to that of an agricultural worker and to remit thereafter to the Director of Development Services to grant planning permission subject also to appropriate conditions.

Councillor Buchanan re-entered the meeting following consideration of the foregoing item of business and resumed the Chair.

P48. ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE (DETAILED) ON PLOT 2 AT DENOVAN MAINS FARM, DENNY FOR MUSTO PROPERTIES LTD - P/09/0174/FUL

There was submitted Report (circulated) dated 10 June 2009 by the Director of Development Services on an application for detailed planning permission for the erection of a one and a half storey detached dwellinghouse and detached garage on Plot 2 at Denovan Mains Farm, Denny.

Councillor Mahoney, seconded by Councillor Oliver moved that planning permission be granted in accordance with the recommendations in the Report.

By way of an amendment Councillor Nicol, seconded by Councillor Buchanan moved that this item of business be continued to allow an inspection of the site by Committee.

On a division, 4 Members voted for the Motion and 7 for the Amendment.

Accordingly, **AGREED** to **CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

P49. ERECTION OF DWELLINGHOUSE (DETAILED) ON LAND TO THE EAST OF 6 ERNGATH ROAD, BO'NESS FOR MR AND MRS D KING - P/08/0886/FUL

There was submitted Report (circulated) dated 10 June 2009 by the Director of Development Services (a) referring to the decision of the Planning Committee on 25 March 2009 to grant detailed planning permission for the erection of dwellinghouse on land to the east of Erngath Road, Bo'ness subject to conditions, including the removal of decking to address privacy concerns; (b) attaching, as an appendix to the Report, copy of the report considered at said meeting in March 2009, and (c) providing details of the revised application.

AGREED to **GRANT** planning permission, subject to appropriate conditions, as determined by the Director of Development Services.

P50. ERECTION OF DWELLINGHOUSE (DETAILED) AT THE HATHERLEY, 1 ARNOTHILL LANE, FALKIRK, FK1 5SL FOR MASTER HOMES LTD - P/08/0840/FUL

There was submitted Report (circulated) dated 10 June 2009 by the Director of Development Services on an application for detailed planning permission seeking to amend a previous consent F/2001/0735 for the erection of a two storey dwellinghouse on land to the north of The Hatherley, 1 Arnothill Lane, Falkirk.

AGREED to **CONTINUE** consideration of this item of business to allow an inspection of the site by Committee.

Councillor Mahoney left the meeting following consideration of the foregoing item of business.

P51. ERECTION OF 29 HOUSES AND ASSOCIATED INFRASTRUCTURE (DETAILED) ON LAND TO THE WEST OF 23 CHURCH ROAD, CALIFORNIA FOR DUNDAS ESTATES - P/07/0809/FUL

There was submitted Report (circulated) dated 10 June 2009 by the Director of Development Services on an application for detailed planning permission (a) referring to the decision of the Regulatory Committee on 18 June 2008 to grant detailed planning permission for the erection of 29 dwellinghouses and associated infrastructure on land to the west of 23 Church Road, California, subject to the payment by the applicants of a contribution of £116,000 towards education provision; (b) attaching, as an appendix to the report, a copy of the report considered at the said meeting in June 2008, and (c) recommending that the required contribution towards education capacity improvements in terms of the Section 75 Agreement be reduced, in line with ongoing school capacity programme reviewing.

AGREED that Committee was **MINDED** to **GRANT** planning permission subject to the conclusion of a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure the provision of £110,200 towards education improvements required as a result of the proposed development and on completion of the legal agreement to remit to the Director of Development Services to grant planning permission subject to the following conditions:-

- (1) The development to which this permission relates must begin within five years from the date of this permission.
- (2) Within 3 months of the date of this permission, details of a carriageway narrowing 30mph marker 'gateway' feature at the position indicated in pink on the approved site layout plan (PL 01.06) shall be submitted for the approval of the Planning Authority. The details shall be designed and constructed in accordance with the Design Guidelines and Construction Standards for Roads in the Falkirk Area, and installed prior to the occupation of any dwellinghouse onsite.
- (3) Development shall not begin until details of the materials to be used on the external surfaces of the buildings, and in the construction of any hard standings/walls/fences, have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.
- (4) 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 restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density programme for completion and subsequent maintenance.
- (5) Prior to the occupation of any dwellinghouse on the site the footway on the east side of the B8028 Rosemead Terrace shall be widened to

2 metres in width, as highlighted in pink on the approved site layout (drawing number (PL)01.06). The works shall be carried out to adoptable standard as defined by the "Design Guidelines and Construction Standards for Roads in the Falkirk Council Area".

- (6) Development shall not begin until a replacement position for the existing bus stances on the B8028, required as a result of Condition 4 above, has been agreed in writing with the Planning Authority.
- (7) The development shall be implemented in accordance with the approved phasing scheme and the approved landscape scheme for each phase shall be fully implemented by the end of the first planting and seeding season following the occupation of the last house within that phase of the development.
- (8) Access to the proposed parking spaces shall be by means of a standard footway crossing constructed in accordance with Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area, October 1997, as amended January 2000.
- (9) There shall be no obstruction to visibility over 1 metre in height above carriageway level within 2.5 metres of the carriageway edge along the full frontage of the site with Rosewood Terrace (B8028).
- (10) Development shall not begin until detailed surface water and flood risk calculations including 1 in 100 and 1 in 200 year storm events have been submitted to and approved by the Planning Authority.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (3,4,7) To safeguard the visual amenity of the area.
- (2,5,6,8,9) To safeguard the interests of the users of the highway.
- (10) To ensure that adequate drainage is provided.

P52. EXCLUSION OF PUBLIC

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

P53. ERECTION OF 181 RESIDENTIAL UNITS AND ASSOCIATED LANDSCAPE AND ROADWORKS AT DRUM FARM, GRAHAMSDYKE ROAD, BO'NESS, EH51 9SY FOR MACTAGGART & MICKEL LTD - P/07/0275/REM

There was submitted Report (circulated) dated 10 June 2009 by the Director of Development Services (a) referring to the decision of the Regulatory Committee on 6 August 2008 to refuse planning permission for the erection of 181 residential units and associated landscape and roadworks at Drum Farm, Grahamsdyke Road, Bo'ness; (b) advising that the applicant has appealed against the decision of the Committee; (c) attaching, as appendices to the report, the formal decision letter dated 22 October 2008 and position statement received from Roger Jessop, Mouchel/Scotland Transerv, Planning Consultants dated 29 May 2009, and (d) outlining the options available to the Council in respect of the Appeal.

AGREED:-

- (1) that the matter be referred to another planning consultant to advise the Council on its prospects of successfully defending the Appeal;
- (2) to request the Sisting of the Appeal, and
- (3) that a progress report will be submitted to a future meeting.

FALKIRK COUNCIL

MINUTE of SPECIAL MEETING of the PLANNING COMMITTEE held in the MUNICIPAL BUILDINGS, FALKIRK on THURSDAY 9 JULY 2009 at 9.30 A.M.

PRESENT: Councillors Buchanan, H Constable, J Constable, Lemetti, J McLuckie, Mahoney, Nicol and Oliver.

CONVENER: Councillor Buchanan.

APOLOGY: Councillor McNeil.

ATTENDING: Director of Development Services; Acting Head of Planning and Transportation; Senior Planning Officer (J Milne); Roads Development Officer (C Russell); Legal Services Manager (C Moodie); Committee Officer (H Oliver) and Committee Services Assistant (S McGhee).

ALSO

ATTENDING: Ged Hailey, Ryden.

DECLARATIONS None
OF INTEREST:

P54. EXCLUSION OF PUBLIC

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

P55. ERECTION OF 181 RESIDENTIAL UNITS AND ASSOCIATED LANDSCAPE AND ROADWORKS AT DRUM FARM, GRAHAMSDYKE ROAD, BO'NESS, EH51 9SY FOR MACTAGGART & MICKEL LTD - P/07/0275/REM

With reference to Minutes of Meetings of the Regulatory Committee held on 30 January 2008, 27 February 2008 and 6 August 2008 (Paragraph R99, R115 and R48 refers) and of the Planning Committee held on 17 June 2009 (Paragraph P53 refers), Committee gave consideration to Report (circulated) dated 3 July 2009 by the Director of Development Services (a) referring to the decision of Committee held on 17 June 2009, (b) advising that the Scottish Government's Directorate of Planning and Environmental Appeals had refused the request to sist the appeal by letter dated 2 July 2009; (c) attaching, as an appendix to the Report, position statement received from Ged Hailey, Ryden dated 2 July 2009, and (d) outlining the options available to the Council in respect of the Appeal.

Councillor J Constable, seconded by Councillor H Constable moved that Council maintain its opposition to the Appeal by the developer.

By way of an amendment Councillor Nicol moved the following recommendation as an addition to the Motion:-

“To authorise Councillor J Constable to appear at the Appeal Hearing along with one or both of the Members from the Bo’ness area.”

Councillor J Constable, with the consent of Councillor H Constable, as seconder, agreed to alter the terms of the Motion to incorporate the amendment.

AGREED:-

- (1) That the Council maintain its opposition to the Appeal by the developer;
and
- (2) To authorise Councillor J Constable to appear at the Appeal Hearing along with the one or both of the Members from the Bo’ness area.

FALKIRK COUNCIL

MINUTE of MEETING of the PLANNING COMMITTEE held ON SITE on WEDNESDAY 5 AUGUST 2009 commencing at 9.45 A.M.

PRESENT: Councillors Buchanan, McNeill, Mahoney, Nicol and Oliver (for application P/08/0804/FUL).

CONVENER: Councillor Buchanan.

APOLOGIES: Councillors H Constable, J Constable, A MacDonald and McLuckie.

ATTENDING: Development Manager (for applications P/08/0804/FUL, P/09/0128/FUL and P/09/0174/FUL); Development Management Coordinator (for application P/08/0840/FUL); Senior Planning Officer (A Finlayson) (for application P/08/0840/FUL); Roads Development Officer (C Russell); Planning Officer (D Paterson) (for application P/09/0174/FUL); Assistant Planning Officer (K Hope) (for application P/08/0804/FUL); Acting Legal Services Manager (D Blyth); and Committee Officer (A Sobieraj).

DECLARATIONS OF INTEREST: None.

P54. CHANGE OF USE OF FORMER AGRICULTURAL LAND/BUILDINGS TO STABLES, LIVERY AND RIDING SCHOOL, SITING OF TEMPORARY STAFF OFFICE AND TOILET ACCOMMODATION (RETROSPECTIVE) AND ERECTION OF TEMPORARY MANAGER'S LIVING ACCOMMODATION AT RIVERSIDE FARM, DENNY, FK6 5JF FOR MR AND MRS S RAE - P/08/0804/FUL

There was submitted Report (circulated) dated 17 June 2009 by the Director of Development Services on an application for detailed planning permission for the change of use of former agricultural land/buildings to a stables, livery and riding school, the siting of a temporary staff office and toilet accommodation (retrospective) and the erection of temporary manager's living accommodation at Riverside Farm, Denny.

The Development Manager outlined the nature of the application.

Mr Smith, the applicants' agent, was heard in support of the application.

Mr Rae, the applicant, was heard in support of the application.

Mr Rintoul, on behalf of Denny and District Community Council, an objector, was heard in relation to the application.

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

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

Ms Steele, an objector, and on behalf of Ms Heggie, was heard in relation to the application.

Ms Stephenson, an objector, and on behalf of Mr and Mrs Stephenson and Dr Gettigan, was heard in relation to the application.

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

The objectors were concerned with the following issues:-

- The retrospective nature of the application and the disregard of Planning rules;
- The development not being in keeping with the area, tourism potential or the Council's tourism activity;
- The noise, increased traffic and activity, the problem of parking and the effect on cyclists, walkers and other road users;
- The manager's accommodation as a 24 hour daily presence and small operation;
- The setting of a precedent for further log style cabins and obstruction of views of the River Carron;
- The impact on flora, fauna, wildlife, landscape, natural amenity and character of the area as an area free from urban development in the Carron area;
- That the development was within the Carron Glen SSSI;
- The obscuring of the Pictish settlement visible from the road;
- The effect on site hydrology and ground water drainage;
- The noise, dust, dirt, lights (including being on overnight), fumes and vibration nuisance; and pollution;
- The early morning and late night vehicular and other activity;
- The privacy, security and amenity of the neighbouring property and garden and associated noise;
- The unsightly portacabins close to the roadside;
- The road safety issues including passing place narrowness, poor visibility and unsuitability for increased traffic on the B818, narrow width and poor visibility;
- The issues relating to the site boundary drawings and land use;
- The widening of the access to the site and the extension of the site in all direction;
- The number of businesses operating from the site;
- The existing provision for stabling, livery, equestrianism facilities in the Denny area;
- The aggregate from near the River Carron and industrial dumping on the site;
- The increase in activity and disturbance from events;
- The use of the property for motorcross and quad biking at late night;
- The wellbeing of the horses;
- The location of the Plant Hire business;
- The removal of the dry stone dyke;
- The size of the site for equestrian business;
- The development of the business since lodged objections;
- The contaminated land assessment and its parameters;
- The consultation on the overflow car park; and
- The fuel dependency and lack of sustainability.

The applicants' agent and the applicant replied addressing the concerns raised.

Ms Anderson was heard in support of the application.

Ms Hislop was heard in support of the application.

Ms Paterson was heard in support of the application.

Ms McLeary was heard in support of the application.

Issues of support included:-

- The well managed and high quality facilities;
- The care and welfare of horses of very high order;
- The neat and tidy yard;
- The majority of local opinion not being against the business;
- The facilities helping promote tourism in the area;
- The promotion of the Carron valley for walking, cycling and horse riding;
- The use of facilities by guests of a local bed and breakfast/self catering establishment for riding treks;
- The applicant helping develop bridleways in the area;
- The amenity for local community and visitors wishing to horse ride; and.
- The provision of employment.

Questions were then asked by Members of the Committee.

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

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

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

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Committee on 26 August 2009.

The Committee thereafter made a brief visual inspection of the site.

P55. CHANGE OF USE FROM AGRICULTURAL LAND TO FORM FLOODLIT SCHOOLING AREA AT RIVERSIDE FARM, DENNY, FK6 5JF FOR MR AND MRS RAE – P/09/0128/FUL

There was submitted Report (circulated) dated 17 June 2009 by the Director of Development Services on an application for detailed planning permission for the change of use from agricultural land to form a floodlit schooling area at Riverside Farm, Denny.

The Development Manager outlined the nature of the application.

Mr Smith, the applicants' agent, was heard in support of the application.

Mr Rae, the applicant, was heard in support of the application.

Ms Stephenson, an objector and on behalf of Mr and Mrs Stephenson and Dr Gettigan, was heard in relation to the application.

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

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

Mr Rintoul, on behalf of Denny and District Community Council, an objector, was heard in relation to the application.

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

Ms Steele, an objector, and on behalf of Ms Heggie, was heard in relation to the application.

The objectors were concerned with the following issues:-

- That Planning rules were disregarded as the outdoor riding arena was constructed prior to application;
- The impact on the amenity, character and wildlife including bats and owls;
- The loss of agricultural land;
- The noise, increased traffic and activity associated with the riding school;
- The showcase events and announcement system increasing activity and disturbance;
- The light pollution and noise from the light generator (for floodlighting);
- The narrowness of the B818 and passing places, poor visibility and unsuitability for increased traffic;
- The increase in cars, trailers and horse transporting vehicles using the B818;
- The close proximity of the neighbouring farm's fields to the schooling area and the effect on the field's use;
- The safety risk from noise for the neighbouring farm's cattle from shouting, equipment and lorries, and the effect on cattle handling, calf birthing and the field/land use by the neighbouring farm;
- The loss of enjoyment, views, peace and amenity by elderly residents of the neighbouring property from noise, light pollution and reduced privacy;
- The light pollution across the Valley, homes and the neighbouring property; and
- The impact on the River Carron and neighbouring SSSI.

The applicants' agent and the applicant replied addressing the concerns raised.

Ms Hislop was heard in support of the application.

Ms Anderson was heard in support of the application.

Ms Paterson was heard in support of the application.

Ms McLeary was heard in support of the application.

Issues of support included:-

- The majority of local opinion not being against the application;
- The facilities helping to promote tourism in the area;

- The proposals fitted well with local authority promotion of the Carron Valley for walking, cycling and horse riding; and
- The equestrian business being clean, well run and high quality.

Questions were then asked by Members of the Committee.

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

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

The Committee thereafter made a brief visual inspection of the site and neighbouring property.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Committee on 26 August 2009.

P56. ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE (DETAILED) ON PLOT 2 AT DENOVAN MAINS FARM, DENNY FOR MUSTO PROPERTIES LTD – P/09/0174/FUL

There was submitted Report (circulated) dated 17 June 2009 by the Director of Development Services on an application for detailed planning permission for the erection of a dwellinghouse and detached garage (detailed) on plot 2 at Denovan Mains Farm, Denny.

The Development Manager outlined the nature of the application.

Mr Matson, the applicant's agent, was heard in support of the application.

Questions were then asked by Members of the Committee.

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

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Committee on 26 August 2009.

P57. ERECTION OF DWELLINGHOUSE (DETAILED) AT THE HATHERLEY, 1 ARNOTHILL LANE, FALKIRK, FK1 5SL FOR MASTER HOMES LTD - P/08/0840/FUL

There was submitted Report (circulated) dated 17 June 2009 by the Director of Development Services on an application for detailed planning permission for the erection of a dwellinghouse at the Hatherley, 1 Arnothill Lane, Falkirk.

The Development Management Co-ordinator outlined the nature of the application.

Mr Hardie, the applicant's agent, was heard in support of the application.

Mr Master, the applicant, was heard in support of the application.

Sister Gabriel, an objector, was heard in relation to the application.

Mr Nimmo, an objector, was heard in support of the application.

The objectors were concerned with the following issues:-

- The development's inconsistency with Development Plan policy and the established development pattern of the surrounding area;
- The negative effect on the amenity of the area and being out of keeping;
- The adverse impact on privacy from the development;
- The adverse impact on the setting of the listed building: The Hatherley, the Arnothill Conservation Area, the Antonine Wall WHS, and trees protected by a Tree Preservation Order;
- The impact and intrusion on the privacy and amenity of the secluded order: the Carmelite Monastery;
- The visibility of the Priory from the property's tower; and
- The possibility that the property could increase in height in future, resulting in increased lack of privacy.

Questions were then asked by Members of the Committee.

Provost Reid, as a local Member for the area, was heard in relation to the application.

The Committee thereafter made a brief visual inspection of the site.

The Convener concluded by thanking the parties for their attendance and advising that the matter would be determined by the Committee on 26 August 2009.

FALKIRK COUNCIL

Subject: **ERECTION OF DWELLINGHOUSE (DETAILED) AT THE
HATHERLEY, 1 ARNOTHILL LANE, FALKIRK FK1 5SL FOR MASTER
HOMES LTD – P/08/0840/FUL**
Meeting: **PLANNING COMMITTEE**
Date: **26 August 2009**
Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Councillor D Alexander
Councillor C R Martin
Councilor C Meiklejohn
Councillor P Reid**

Community Council: **Falkirk Central**

Case Officer: **Allan Finlayson (Senior Planning Officer), ext 4706**

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall this application was originally considered at the meeting of the Planning Committee on 17 June 2009 (copy of the previous report appended), when it was agreed to continue the application and to undertake a site visit. The site visit was undertaken on 5 August 2009.
2. At the site meeting, the applicant and his agent were heard in support of the proposal. The design of the proposed dwellinghouse was discussed. The applicant promoted the view that the incorporation of design elements of the Hatherley Listed Building and the limited impact on amenity of surrounding properties resulted in an acceptable form of development.
3. The objectors were heard and spoke in agreement with the recommendation to refuse planning permission. Objectors raised concerns regarding potential impact of the proposed dwellinghouse on the amenity of the adjacent Carmelite Monastery, a closed religious order.
4. Provost Reid as Local Member was heard in relation to the proposed development.
5. Following these discussions the applicant advised that, if appropriate, the tower feature of the proposed dwellinghouse could be removed. It should be noted that the design implications of such an amendment would require careful consideration and may require the submission of a further planning application.

6. Members viewed recently constructed dwellinghouses to the south of The Hatherley, the surrounding area from its roof and thereafter visited the grounds of the adjacent Carmelite Monastery and heard the objector's concerns regarding impacts on the amenity of this closed religious order.

7. **Conclusion**

- 7.1 The application proposes a dwellinghouse of inferior design quality from that previously approved on the site and raises concerns relating to an unacceptable standard of architectural design and an adverse visual impact upon the Arnothill Conservation Area and The Hatherley Listed Building and as such, is contrary to the Development Plan. Should Members be of a mind to support this proposal, this would constitute a departure from the Development Plan. However, there would be no need to refer this application to Scottish Ministers as the departure is not deemed to be significant.

8. **RECOMMENDATION**

- 8.1 It is therefore recommended that detailed planning permission be refused for the following reasons:-

- (1) The proposed development does not comply with the terms of Policy FAL 5.6 Infill Development and Subdivision of Plots of the Falkirk Local Plan and Policy SC8-Infill Development and subdivision of plots of the Falkirk Council Local Plan Finalised Draft (Deposit Version), in that the scale and architectural design of the proposed dwellinghouse does not respect the architectural and townscape character of the area.
- (2) The proposed dwellinghouse in terms of scale and architectural design is considered to be contrary to the terms of Policy FAL 3.11 'Conservation Areas' and Policy FAL 3.12 Listed Buildings of the Falkirk Local Plan and Policy EQ3 (Townscape Design) and Policy EQ12 (Conservation Area) of the Falkirk Council Local Plan Finalised Draft (Deposit Version) in that the development would adversely affect the setting of the Arnothill Conservation Area and The Hatherley, a category B Listed Building.

.....
Director of Development Services

Date: 18 August 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version)
3. Letter of objection from Sr Gabriel, Prioress, 3 Arnothill, Falkirk FK1 5RZ on 22 October 2008.
4. Letter of objection from Mr Andrew Nimmo, Arnotpark, 9 Arnothill Falkirk FK1 5RZ on 3 November 2008.
5. Letter of objection from Keith Patrick Cardinal O'Brien, Archbishop of St Andrews and Edinburgh, Archbishop's House 42 Greenhill Gardens Edinburgh on 25 November 2008.

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

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE (DETAILED) AT THE
HATHERLEY, 1 ARNOTHILL LANE, FALKIRK FK1 5SL FOR MASTER
HOMES LTD – P/08/0840/FUL
Meeting: PLANNING COMMITTEE
Date: 17 June 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor D Alexander
Councillor C R Martin
Councilor C Meiklejohn
Councillor P Reid

Community Council: Falkirk Central

Case Officer: Allan Finlayson (Senior Planning Officer), ext 4706

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises residential development plot to the north of The Hatherley, Arnothill, Falkirk. The Hatherley is a 'B' listed building.
- 1.2 The site is surrounded to the north by detached one and a half storey dwellinghouses, to the south by the Hatherley listed building, to the west by Arnot Grange, a large detached sandstone building and to the east by the Carmelite Monastery, a large detached stone building with associated chapel and outbuildings.
- 1.3 The application site lies within the Arnothill Conservation Area. A Tree Preservation Order exists protecting all trees within the Conservation Area.
- 1.4 The proposal comprises the erection of a 2 storey dwellinghouse located to the extreme north of the curtilage of The Hatherley.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor J. Patrick.

3. SITE HISTORY

- 3.1 Planning permission (ref: F/2001/0735) was granted on 7 January 2002 for the erection of three detached dwellinghouses in The Hatherley garden grounds. This permission remains live on the basis that two of the three houses approved have been constructed. The third house can therefore be constructed in accordance with the approved plans without further planning permission being required. The current applicant seeks planning permission for a different house on the site of the most northerly dwellinghouse previously approved.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has expressed concerns with regard to the proposed development on the grounds of unsatisfactory access, visibility, internal access arrangements and the number of vehicles served from a private access.
- 4.2 The Environmental Health Manager has advised that a contaminated land assessment is required.
- 4.3 Community Services (Archaeology and Local History) has recommended that planning permission is refused for the reason that the application site lies on the line of the Antonine Wall World Heritage Site (WHS).
- 4.4 Scottish Water has not objected.
- 4.5 Scottish Civic Trust has objected on the basis of an unacceptable adverse impact on the setting of The Hatherley listed building.

5. COMMUNITY COUNCIL

- 5.1 Falkirk Central Community Council has not made representations.

6. PUBLIC REPRESENTATION

- 6.1 Three letters of objection have been submitted from neighbouring properties. The grounds of objection relate to the development's inconsistency with Development Plan policy and the established development pattern of the surrounding area. Concern is also expressed relating to an adverse impact on privacy resulting from the development of the proposed house.
- 6.2 Specific further concerns include the adverse impact on the setting of The Hatherley listed building, the Arnothill Conservation Area, the Antonine Wall WHS, trees protected by a Tree Preservation Order and particularly unique impacts on the privacy and amenity of the secluded order Carmelite Monastery.

7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

7a The Development Plan

- 7a.1 There are no specific policies within the approved Falkirk Council Structure Plan relevant to this application.

Falkirk Local Plan

- 7a.2 The site lies within an established residential area as defined by the Falkirk Local Plan, Policy FAL 5.6 ‘Infill Development and Subdivision of Plots’ applies.

- 7a.3 Policy FAL 5.6 ‘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:

- (i) the scale, density, disposition and design of the proposed houses respect the architectural and townscape character of the area;*
- (ii) adequate garden ground can be provided to serve the proposed houses without an unacceptable impact upon the size or function of existing gardens;*
- (iii) adequate privacy will be afforded to both the proposed houses and neighbouring properties;*
- (iv) 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;*
- (v) the proposed houses would have a direct street frontage; and*
- (vi) the proposed vehicular access and other infrastructure is of an adequate standard.”*

- 7a.4 Planning permission has previously been granted for a detached two storey dwellinghouse on the site of the proposed development. The principle of a house in this location has therefore been established. The scale and design of the proposed dwellinghouse does not, however, respect the architectural and townscape character of the surrounding area comprising the Arnohill Conservation area and, specifically, the Hatherley Listed Building. Therefore the proposal is contrary to this policy.

- 7a.5 The site is located within the Arnohill Conservation Area. Policy FAL 3.11 ‘Conservation Areas’ applies.

- 7a.6 Policy FAL 3.11 ‘Conservation Areas’ states:

“The Council will protect the visual amenity and historic character of each Conservation Area, including its setting, buildings, open space and trees. Favourable consideration will only be given to proposals which make a positive contribution to the appearance of the Conservation Area and are compatible with the historic character in terms of size, scale, design and materials. The Council will give priority to a review of the boundaries of the Falkirk Town Centre Conservation Area.”

7a.7 The proposed building in terms of scale and architectural design is considered to have an adverse impact on the existing qualities of the Arnothill Conservation Area and compromise the setting of the Hatherley listed building.

7a.8 Planning permission for the site has been approved for an individually designed building exhibiting architectural qualities of scale, mass and detailing references specifically related to The Hatherley Listed Building. The current proposal seeks to replicate these qualities without plagiarising the original design. The design now proposed is, however, based on a standard kit construction, and as such the floor plan and fenestration dimensions are limited to standard sizes, therefore lacking the individuality of the previously approved design. In addition, the proposed double garage, linked to the dwellinghouse by a visually dominant two storey element, is visually disruptive and further emphasises the excessive mass of building proposed when related to the Hatherley Listed Building. The sum total of these amendments moves the proposal significantly away from the ancillary "coach house" feel of the dwellinghouse previously approved to that of a large detached dwellinghouse which visually dominates the entrance to The Hatherley. The proposal is therefore contrary to this policy.

7a.9 Policy FAL 4.4 'Trees, Woodland and Hedgerows' states:

"The Council recognises the landscape, recreational and nature conservation value of trees, woodland and hedgerows, and accordingly will:

- (i) protect ancient, long established and semi-natural woodlands as a habitat resource of irreplaceable value;*
- (ii) safeguard trees, woodland and hedgerows of landscape, nature conservation or recreational value. Where necessary, endangered trees and woodlands will be protected through the designation of Tree Preservation Orders and introduction of Management Agreements. Within an area covered by a TPO there will be a presumption against development unless it can be proven that the proposal would not adversely affect the stability, vitality or appearance of protected trees. Where felling of protected trees is permitted for safety or other reasons, the Council will require appropriate replacement planting;*
- (iii) continue to support through partnerships and other initiatives, proposals for community woodlands and amenity planting, particularly through the Falkirk Greenspace and Central Scotland Forest Initiatives. Tree planting proposals will be particularly encouraged within the urban fringe, along transport corridors, in wildlife corridors and to enhance open space; and*
- (iv) require the use of native species of trees and shrubs in all new planting proposals."*

7a.10 The proposed development is located a considerable distance from protected trees and does not affect trees covered by a Tree Preservation Order located within the site but outwith the developable area. The proposal is in accordance with this policy.

7a.11 Policy FAL 3.12 'Listed Buildings' states:

"There will be a presumption against proposals which would destroy, or adversely affect, the architectural character, appearance or setting of Listed Buildings. The re-use of vacant Listed Buildings will be encouraged, provided that the proposal would have no adverse impact upon the character of the building, its setting or the amenity of the area."

7a.12 The proposed development in terms of architectural scale and design is considered to have a detrimental impact on the setting of The Hatherley Listed Building. This assessment is made on the basis that the standard dimensions, mediocre building design and unacceptable scale and mass of the proposed dwellinghouse detract from the visual quality and individuality of The Hatherley. Therefore the proposal is not in accordance with this policy.

7a.13 Policy FAL 3.15 'Antonine Wall' states:

"Along the Antonine Wall, there will be a presumption against development proposals which would adversely affect the line, setting and amenity of the Wall. Proposals which would lead to a sympathetic use of the Wall for tourism, recreation and interpretation will generally be supported."

7a.14 Planning permission has previously been granted for a dwellinghouse on the site in 2002. This approval predated the scheduling of the Antonine Wall as a World Heritage Site. The development would not adversely affect the line, setting and amenity of the wall. The proposal is not therefore contrary to Policy FAL 3.15.

7a.15 Accordingly, on balance, taking into consideration the above policy context, the proposed development fails to comply with the Development Plan on the grounds of the relationship with the existing architectural and townscape character of the immediately surrounding area and, specifically, The Hatherley Listed Building.

7b Material Considerations

7b.1 The material considerations to be assessed are the views expressed in the submitted objections and from consultees, the Falkirk Council Local Plan Finalised Draft and the existing planning permission for a detached dwellinghouse at the site.

7b.2 The concerns relating to a proposed development which is contrary to established Development Plan policy in relation to the Conservation Area and the setting of a listed building are noted and substantiated following detailed assessment.

7b.3 The impact on privacy, adverse impacts on protected trees and the Antonine Wall WHS are not substantiated given the previous grant of planning permission for a two storey detached dwellinghouse on the site, the distance from protected trees and the subsequent designation of the Antonine Wall WHS.

7b.4 The views of the Roads Development Unit, Environmental Protection Unit and Community Services do not take into consideration the live planning permission for a house on the site. Were planning permission to be granted, however, planning conditions could be used to address the concerns raised by these consultees.

7b.5 The objection from the Scottish Civic Trust regarding an adverse impact on the setting of The Hatherley is noted and, following assessment of considerations of building design and impacts on The Hatherley, considered to be substantiated.

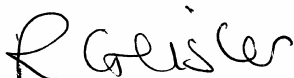
7b.6 The proposal has been considered against policies EQ3 (Townscape Design), EQ12 (Conservation Area) and SC8 (Infill Development and subdivision of plots) of the Falkirk Council Local Plan Finalised Draft. These policies affirm those of the Falkirk Council Local Plan and the development is therefore considered to be contrary to these policies of the emerging Development Plan.

7c Conclusion

- 7c.1 The application proposes a dwellinghouse of inferior architectural design from that previously approved on the site. The proposal raises concerns relating to an unacceptable standard of architectural design and an adverse visual impact upon the Arnothill Conservation Area and The Hatherley Listed Building.
- 7c.2 The proposal is unrelated to the high quality of the established surrounding area in terms of scale and architectural design.
- 7c.3 The proposal, in terms of the design promoted, is likely to have an unacceptable impact on the Arnothill Conservation Area and The Hatherley Listed Building and as such, is contrary to the Development Plan. Should members be of a mind to support this proposal, this would constitute a departure from the Development Plan. However, given that the impacts that this proposal would have relate to the immediate locality, it is not considered to be a significant departure and therefore there would be no requirement to refer this planning application to Scottish Ministers.

8. RECOMMENDATION

- 8.1 It is therefore recommended that detailed planning permission be refused for the following reasons:-
- (1) The proposed development does not comply with the terms of Policy FAL 5.6 Infill Development and Subdivision of Plots of the Falkirk Local Plan and Policy SC8-Infill Development and subdivision of plots of the Falkirk Council Local Plan Finalised Draft (Deposit Version), in that the scale and architectural design of the proposed dwellinghouse does not respect the architectural and townscape character of the area.
 - (2) The proposed dwellinghouse in terms of scale and architectural design is considered to be contrary to the terms of Policy FAL 3.11 'Conservation Areas' and Policy FAL 3.12 Listed Buildings of the Falkirk Local Plan and Policy EQ3 (Townscape Design) and Policy EQ12 (Conservation Area) of the Falkirk Council Local Plan Finalised Draft (Deposit Version) in that the development would adversely affect the setting of the Arnothill Conservation Area and The Hatherley, a category B Listed Building.



.....
Director of Development Services

Date: 10th June 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Local Plan.
2. Falkirk Council Local Plan Finalised Draft (Deposit Version)
3. Letter of objection from Sr Gabriel, Prioress, 3 Arnothill, Falkirk FK1 5RZ on 22 October 2008.
4. Letter of objection from Mr Andrew Nimmo, Arnotpark, 9 Arnothill Falkirk FK1 5RZ on 3 November 2008.
5. Letter of objection from Keith Patrick Cardinal O'Brien, Archbishop of St Andrews and Edinburgh, Archbishop's House 42 Greenhill Gardens Edinburgh on 25 November 2008.

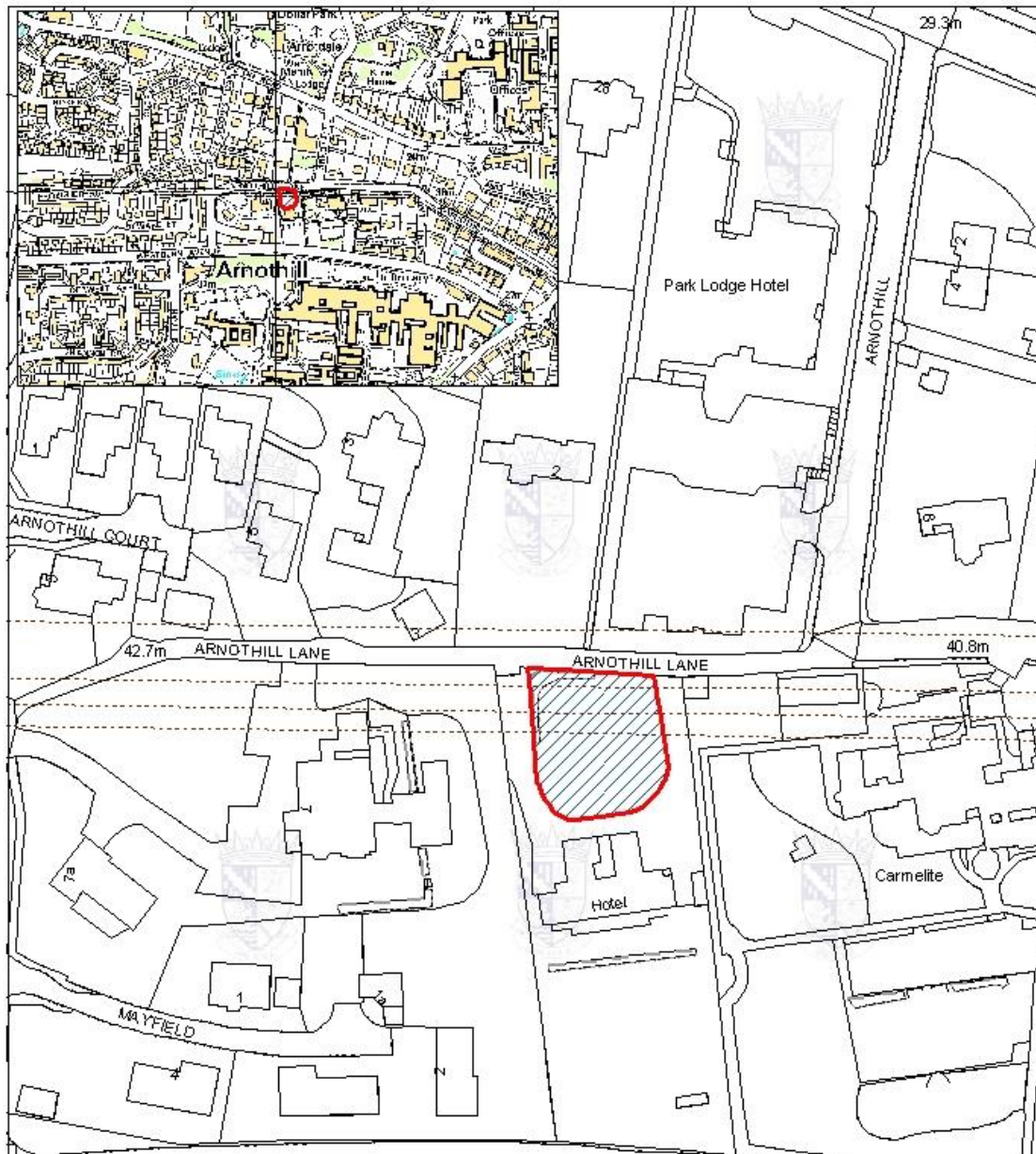
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/08/0840/FUL

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



Falkirk Council

Based upon Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationary Office (HMSO) (c) Crown Copyright. Unauthorised reproduction infringes Crown copyright Falkirk Council 100023384 (2009)

FALKIRK COUNCIL

Subject: ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE (DETAILED) AT PLOT 2 AT DENOVAN MAINS FARM, DENNY FOR MUSTO PROPERTIES LTD - P/09/0174/FUL
Meeting: PLANNING COMMITTEE
Date: 26 August 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: Denny and Dunipace

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 at the meeting of the Planning Committee on 17 June 2009 (a copy of the previous report is appended), when it was agreed to continue consideration to allow a site visit to be carried out. This visit took place on 5 August 2009.
2. The Development Manager confirmed at the site meeting that enforcement action is being taken in respect of breach of access related conditions of the original planning permission granted for the steading conversion and new dwellinghouses. Discussion is underway between the applicant and planning officials, with a view to resolving this matter.
3. The agent for the applicant advised that separate planning permission has previously been granted for a dwellinghouse on Plot 2 and considers that the applicant should not be held responsible for the lack of progress on access related matters as required by the original permission. The applicant accepts the recommended condition requiring the submission of a contaminated land assessment for Plot 2.
4. Members of the Planning Committee and Local Members were heard in relation to the application. Members noted concerns at the lack of progress regarding access provision and land contamination assessment. Members also noted that the overall development had been originally granted to enable improvements to the adjacent farmhouse buildings which are listed.

5. Recommendation

5.1 It is recommended that detailed planning permission be granted subject to the following conditions:-

- (1) The development to which this permission relates must be begun within five years from the date of this permission.**
- (2) Before the development commences, samples of all proposed external finishing materials for the buildings, hardsurfaces and retaining walls shall be submitted to and approved in writing by this Planning Authority. Thereafter the development shall be completed in accordance with the approved details.**
- (3) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the dwellinghouse is occupied, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.**
- (4) Notwithstanding the provisions of the Town and Country Planning Act 1992 (or any order revoking and re-enacting that order), no development within classes 1-7 shall be undertaken without the express prior approval of this Planning Authority.**

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.**
- (2) To safeguard the visual amenity of the area.**
- (3) To ensure the ground is suitable for the development.**
- (4) To retain proper control over development of the site in the interests of visual amenity and the setting of a listed building.**

.....
Director of Development Services

Date: 18th August 2009

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan
2. Adopted Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)

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: ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE
(DETAILED) AT PLOT 2 AT DENOVAN MAINS FARM, DENNY FOR
MUSTO PROPERTIES LTD - P/09/0174/FUL
Meeting: PLANNING COMMITTEE
Date: 17 June 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: Denny and Dunipace

Case Officer: Brent Vivian (Planning Officer), ext 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks detailed planning permission for the erection of a one and a half storey detached dwellinghouse and a detached garage.
- 1.2 The application site is described as plot 2 and lies within the envelope of an existing group of buildings at Denovan Mains Farm. Adjoining the site are a steadings (Category B Listed), a former stables block converted to a dwellinghouse (plot 1) and a new dwellinghouse (plot 3) currently under construction. Beyond these buildings is open countryside.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 An almost identical proposal was subject to planning application ref: P/07/0638/FUL which was refused by the then Regulatory Committee at its March 2008 meeting. The only difference between the current application and the previously refused application is the deletion of windows considered by the Development Management Unit to give rise to privacy issues.

3. SITE HISTORY

- 3.1 Denovan Mains Farm has an extensive planning history. In 2002, planning application ref: F/2001/0578 was granted for conversion of the listed farm buildings to form four dwellinghouses and for the erection of three dwellinghouses (one of these being the conversion of the former stables).

- 3.2 In 2003, planning application ref: F/2003/0431 was granted for alterations and extension to the former stables to form a dwellinghouse (plot 1). This dwellinghouse is now occupied.
- 3.3 In 2006, planning application ref: 05/0426/FUL was granted for the erection of a dwellinghouse (plot 2). The permission has not, to date, been implemented.
- 3.4 In 2006, planning application ref: 06/0050/FUL was granted for the erection of a dwellinghouse (plot 3). This dwellinghouse is nearing completion.
- 3.5 In 2008, the Regulatory Committee refused planning application ref: P/07/0638/FUL for the erection of a dwellinghouse and detached garage at plot 2. This decision was contrary to officer recommendation to approve the application subject to appropriate conditions. The reasons for refusing the application were:
- (1) In the interest of road safety. The construction of a dwellinghouse is premature until such time as the required vehicular access to the site is completed and the existing vehicular access is stopped up.
 - (2) The applicant has failed to satisfactorily demonstrate that potential ground contamination has been identified and can be remediated to a satisfactory extent.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has requested that conditions of the original planning permission (ref: F/2001/0578) relating to formation of a new access from Denovan Road and closure of the existing access be imposed as conditions of any approval of the current application. The new access and ancillary works have been started but not completed.
- 4.2 Scottish Water has no objection to the application.
- 4.3 The Environmental Protection Unit has requested the undertaking of a Contaminated Land Assessment to establish if contamination is present on the site.
- 4.4 Historic Scotland has no comments.

5. COMMUNITY COUNCIL

- 5.1 The Denny and District Community Council has not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 No public representations to the application have been received.

7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

7a The Development Plan

Approved Falkirk Council Structure Plan

7a.1 Policy ENV.1 ‘Countryside and Protected Areas’ states:

“(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.

(2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”

7a.2 This policy sets out a general presumption against development in the countryside unless it has been demonstrated that a countryside location is essential. In this instance it has not been demonstrated that a countryside location is essential for the proposed development. The application is therefore contrary to this policy.

Adopted Rural Local Plan

7a.3 The application site lies within the countryside under the adopted Rural Local Plan and therefore the countryside policies apply.

7a.4 Policy RURAL 1 ‘New Development in the Countryside’ states:

“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*

3. *Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
4. *Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
5. *Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council's Tourism Strategy are particularly welcomed.*
6. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council's "Design Guide For Buildings In The Rural Areas" and sympathetic to vernacular architectural forms will be expected."

7a.5 This policy presumes against development in the countryside except in limited circumstances, as detailed in the policy. In this instance it has not been demonstrated that the proposed dwellinghouse is absolutely essential to the pursuance of an economic activity requiring a rural location (criterion 1). The only other criterion of potential relevance is criterion 3. Under this policy the proposed development in strict terms could be considered backland development as the application site does not have a road frontage. The proposed development therefore does not accord with this policy.

7a.6 Accordingly, the proposal does not accord with the Development **Plan**.

7b Material Considerations

7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the planning history for the site, the consultation responses, the design and layout of the proposed development and potential impact on residential amenity.

The Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 The application site lies within a rural housing opportunity area (H.RUR2) under the Falkirk Council Local Plan Finalised Draft (Deposit Version). This plan indicates that H.RUR2 has a capacity of 7 units, which reflects the number of units granted under the original planning permission (ref: F/2001/0578).

7b.3 The proposed development is of plot 2, which forms one of the two new build plots approved under the original planning permission. On this basis the proposed development accords with H.RUR2.

7b.4 Policy EQ14 'Listed Buildings' states:

"The Council will seek to preserve the character and appearance of listed buildings. Accordingly:

- (1) Development affecting a listed building, or its setting, shall preserve the building or its setting, or any features of special architectural or historic interest which it possesses. The layout, design, materials, scale, siting and use of any development shall be appropriate to the character and appearance of the listed building and its setting.*
- (2) Proposals for the total or substantial demolition of a listed building will only be supported where it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it. This will be demonstrated by inclusion of evidence to the Council that the building:*
 - has been actively marketed at a reasonable price and for a period reflecting its location, condition and possible viable uses without finding a purchaser; and*
 - is incapable of physical repair and re-use through the submission and verification of a thorough structural condition report; and*
- (3) RCAHMS shall be formally notified of all proposals to demolish listed buildings to enable features to be recorded."*

7b.5 The layout of the proposed development is considered to be appropriate to the character of the listed B steading on the property. This is explained in more detail in paragraph 7b.9 of this report.

7b.6 The design of the proposed dwellinghouse reflects traditional Scottish vernacular in terms of massing, scale and form, whilst incorporating some contemporary design elements, and the proposed external finishes are predominantly traditional, in keeping with the setting of the listed building.

7b.7 The proposed development therefore accords with this policy.

Planning History

7b.8 As detailed previously in the report, planning permission ref: F/2001/0578 was granted in 2002 for the conversion of the listed farm building at Denovan Mains Farm to form 4 dwellinghouses and the erection of three additional dwellinghouses. Subsequent to this, stand alone applications for plots 1, 2 and 3 have been granted for amendments to the proposals for these plots granted under the original permission. The conversion of the stables (plot 1) has now been completed and the new build on plot 3 is nearing completion. Plot 2 has an extant planning permission and the current application seeks to change the development for this plot.

7b.9 Under the original planning permission, plots 1, 2 and 3 were arranged around a courtyard to reflect the character of the listed steading on the property. Whilst the courtyard concept has been compromised by the varying levels in this area, particularly between plots 1 and 2, the current application seeks, as far as practicable, to adhere to the original concept.

7b.10 In view of these comments, it is accepted that the current proposal seeks to adhere to the original courtyard concept and is essentially a change of house type on a previously approved plot. These considerations are strong material considerations in support of the application.

- 7b.11 The application for plot 2 considered by the Regulatory Committee in 2008 was refused due to issues surrounding the lack of progress in upgrading the new vehicular access and the failure to address potential contaminated land issues. In accordance with the previous report to committee, it remains the view that these issues should be addressed with reference to conditions of the original planning permission (ref: F/2001/0578). Enforcement action is currently being pursued in relation to breach of the access and contaminated land related conditions of this permission. An update regarding this matter will be provided at the Committee Meeting.

Consultation Responses

- 7b.12 The consultation responses have been summarised in section 4 of this report. The matters raised by the Roads Development Unit and the Environmental Protection Unit could be the subject of conditions of any grant of the application.

Design and Layout

- 7b.13 The design and layout of the proposed development are supported for the reasons detailed in this report. These aspects are considered to be material considerations in favour of the proposed development.

Impact on Residential Amenity

- 7b.14 The courtyard arrangement of the dwellinghouses at this location raises the potential for impacts on residential amenity. In particular, a material impact on the sunlighting and daylighting of plot 3 is unavoidable given the proximity of the proposed dwellinghouse to this plot. However, this impact is considered acceptable in this instance in order to realise the original vision of a courtyard development. There are constraints to easing the proposed dwellinghouse away from the dwellinghouse on plot 3 due to a steep fall in levels.

7c Conclusion

- 7c.1 This application, for the erection of a dwellinghouse and detached garage, does not comply with the Development Plan as it has not been demonstrated that it requires a countryside location. However, there are considered to be material planning considerations to justify setting aside the terms of the Development Plan in this instance. The application accords with the Falkirk Council Local Plan Finalised Draft (Deposit Version), which designates the site as within a rural housing opportunity area, there is an extant permission for the erection of a dwellinghouse on the application site, and the design and layout of the proposed dwellinghouse reflects the original approval for a courtyard arrangement at this location and respects the character and the setting of the listed building on the property.
- 7c.2 Enforcement action is currently being pursued against the breach of conditions of the original planning permission (ref: F/2001/0578) relating to vehicular access and contaminated land. As previously advised, it is considered that issues surrounding these matters should not impact on determination of this application and the issues as they apply to this proposal could be the subject of conditions.
- 7c.3 The application is therefore recommended for conditional approval. Conditions are recommended to enable the dwellinghouse to be constructed but not occupied prior to satisfactory completion of the new vehicular access.

8. RECOMMENDATION

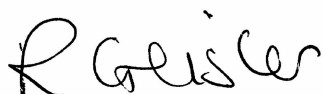
8.1 It is recommended that the planning application be granted subject to the following conditions:-

- (1) The development to which this permission relates must be begun within five years from the date of this permission.
- (2) Before the development commences, samples of all proposed external finishing materials for the buildings, hardsurfaces and retaining walls shall be submitted to and approved in writing by this Planning Authority. Thereafter the development shall be completed in accordance with the approved details.
- (3) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the dwellinghouse is occupied, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.
- (4) Before the dwellinghouse is occupied, the existing access shall be closed up and the new access indicated in RED on approved plan 01 shall be formed to a width of 5.5 metres with a 6 metre radii and with the bellmouth constructed in accordance with the Council's Design Guidelines and Construction Standards within the Falkirk Area, October 1997 as amended January 2000. A bound surface for the access shall be provided.
- (5) Before the dwellinghouse is occupied, a 4.5 x 140 metre visibility splay shall be provided to the north from the new access and a splay of 4.5 metres depth shall be provided in a southerly direction to the outside of the bend in Denovan Road, within which there shall be no obstruction in visibility above 1 metre in height of the carriageway level.
- (6) Before the dwellinghouse is occupied, the private road and driveway to serve the proposed dwellinghouse shall be constructed with a maximum gradient of 1:10 and in a manner to ensure that no surface water or loose material is discharged onto the public road.
- (7) Notwithstanding the provisions of the Town and Country Planning Act 1992 (or any order revoking and re-enacting that order), no development within classes 1-7 shall be undertaken without the express prior approval of this Planning Authority.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To safeguard the visual amenity of the area.
- (3) To ensure the ground is suitable for the development.

- (4-6) To safeguard the interests of the users of the public highway.
- (7) To retain proper control over development of the site in the interests of visual amenity and the setting of a listed building.



.....
Director of Development Services

Date: 10 June 2009

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan
2. Adopted Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)

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

Planning Committee

Planning Application Location Plan

P/09/0174/FUL

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



Based upon Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationary Office (HMSO) (c) Crown Copyright. Unauthorised reproduction infringes Crown copyright Falkirk Council 100023384 (2009)

FALKIRK COUNCIL

Subject: **FORMATION OF A NEW LINED CELL, THE DEPOSITION OF WASTE, RAISING OF LAND FORM LEVELS, BOUNDARY AND ANCILLARY EARTHWORKS, LANDSCAPING AND RESTORATION AT WEST CARRON LANDFILL, STENHOUSE ROAD, CARRON, FOR G R SERVICES (FALKIRK) LTD - (P/07/0897/FUL)**

Meeting: **PLANNING COMMITTEE**

Date: **26 August 2009**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Member: **Councillor Steven Carleschi**
 Councillor Lynda Kenna
 Councillor Charles MacDonald
 Councillor Craig Martin

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: Allan Finlayson (Senior Planning Officer), ext 4706

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The Oran Group is seeking detailed planning permission for an extension, by means of a new landfill 'cell' within the greater site area of its existing landfill site at West Carron, Falkirk.
- 1.2 The existing landfill site area is approximately 20.23 hectares in size and the proposed new cell is 9.6 hectares. The new cell is situated in the southern part of the existing landfill site, towards Cauldhame Farm, Falkirk.
- 1.3 The site abuts the riparian land of the River Carron. Residential areas of Larbert and New Carron Village are located 200 metres away.
- 1.4 The landfill operations at West Carron have taken place in excess of 200 years, the site having previously been used for the deposition of spoil from the Carron Iron Works and subsequent uses thereafter.
- 1.5 It is proposed to extend the existing landfill to provide additional capacity for the disposal of commercial, industrial and domestic wastes classified as 'inert' and 'non-hazardous' under landfill directives.
- 1.6 The new landfill cell would provide additional capacity and secure the operation of West Carron Landfill until approximately 2015 - 2020. However the final "fill date" is a best estimate due to the variation of factors involved, such as weight, rate and volume of materials deposited.

- 1.7 In the first planting and seeding season following any approval of planning permission, screening woodland and riparian planting would be implemented around the perimeter of the site. There are currently no obligations on the site operator to landscape the site.
- 1.8 The site would be progressively restored to final levels and it is intended that the fully restored site would be used for informal recreation with the emphasis on the creation of a habitat to enhance local biodiversity.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposed development is contrary to the Development Plan as the site is located in the Green Belt and represents additional landfill capacity at a site not identified for this purpose.

3. SITE HISTORY

- 3.1 The deposition of waste material at the site dates back to the 1700's and the inception of the Carron Iron Works. Extracted coal and ironstone at the site was used in the foundry process and resultant voids from aggregate extraction were infilled with foundry slag and associated waste products.
- 3.2 The site was vacated by the Carron Iron Works in the 1950's and previously deposited foundry waste material was excavated for road construction purposes. The site, since the 1950's, has been used for landfill purposes by a number of site owners and landfill operators.
- 3.3 The inception of landfill at the site pre-dated the need for planning permission by some 200 years. The operators of the site in 2005 (G R Services) sought and were granted, a Certificate of Lawful Use and Development (CLUD) for the site on 02 June 2005 (application reference F/2005/0164). The issue of this Certificate confirms the lawful use of the site for landfill purposes.
- 3.4 The application under consideration is for the formation of a new landfill 'cell' within the site. The lawful use of the site is not being re-assessed.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit has no objections to the development and has confirmed that the regulation of the site with regards to noise, odour and waste management regulations is the responsibility of the Scottish Environment Protection Agency (SEPA).
- 4.2 The Roads Development Unit has no objections to the development. The limitation of vehicle movements and use of wheel washing facilities is requested to be controlled by planning conditions.
- 4.3 Scottish Water has no objections to the development.

- 4.4 SEPA has objected to the application on the basis of a lack of information relating to National Waste Strategy. In the absence of additional information on National Waste Strategy considerations, SEPA cannot be satisfied of the need for additional landfill capacity within the central belt and therefore the requirement for capacity at this site. SEPA has further objected on the grounds of lack of information in relation to flood risk and the impacts of the development with regards to potential exacerbation of surface water run-off, through land raising, on the adjacent River Carron.
- 4.5 Scottish Natural Heritage (SNH) has no objection to the development. SNH considers that the development will not have an impact on the Carron Dams Site of Special Scientific Interest (SSSI) which lies 300 metres to the north of the proposed area of deposition and the Firth of Forth Special Protection Area (SPA), SSSI and Ramsar Site which lies 5 kilometres south of the application site.
- 4.6 A screening assessment for the development in relation to the Environmental Assessment (Scotland) Regulations 1999 has confirmed that an Environmental Impact Assessment is not required. This is on the basis of unlikely environmental impact on the surrounding environment.

5. COMMUNITY COUNCIL

- 5.1 The Larbert and Stenhousemuir Community Council has not made representation.

6. PUBLIC REPRESENTATION

- 6.1 Thirty five objections have been received in relation to the application. These include a holding objection from the agent for another landfill operator in the Falkirk Council Area, an objection from the developer of a housing site in the surrounding area and an objection from Friends of the Earth. The remaining objections include residents of the surrounding areas of Larbert, New Carron and the recent housing development at Mungal/Cauldhame Farm. The majority of objections have been received from residents overlooking the site.
- 6.2 The objections are on grounds of Development Plan policy, waste management justification for additional landfill capacity and concerns in relation to potential environmental and amenity impact.

7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

7a The Development Plan

Approved Falkirk Council Structure Plan

7a.1 Policy ENV.2 ‘Green Belt’ states:

“There will be a system of Green Belts in the areas generally described in Schedule ENV.1 and indicated on the Key Diagram. Within these there will be a long term presumption against development in order to prevent the coalescence of settlements, protect their landscape setting, and avoid prejudicing future proposals for landscape enhancement and countryside recreation.

The detailed boundaries will be defined in Local Plans, having regard, where appropriate, to the Strategic Development Opportunities set out in Policy Econ.1 and Schedule Econ.1 and other structure plan policies.”

7a.2 The development is located within the larger site of West Carron landfill operations. Whilst the site is located within Green Belt land, the existing landfill use, historic site operation and restoration proposals for public recreation following completion of operations are considered to represent acceptable development in the context of the aims of Policy ENV.2.

7a.3 Policy ENV.3 ‘Nature Conservation’ states:

“The protection and promotion of nature conservation interests will be an important consideration in assessing all development proposals. Accordingly:

(1) Any development likely to have a significant effect on a designated or potential European Site under the Habitats or Birds Directives (Special Areas of Conservation and Special Protection Areas) or on a Ramsar or Site of Special Scientific Interest (see Schedule Env.3), must be subject to an appropriate assessment of the implications for the sites conservation objectives. The development will only be permitted where the appropriate assessment demonstrates that:

- (a) it will not adversely affect the integrity of the site, or;*
- (b) there are no alternative solutions and there are imperative reasons of overriding national public interest.*

- (2) *Sites of local or regional importance, including Wildlife Sites and Sites of Importance for Nature Conservation, will be defined in Local Plans. The designation of Sites will be based on Scottish Wildlife Trust criteria. Development likely to have an adverse impact on any such site or feature will not be granted planning permission unless it can be clearly demonstrated that there are reasons which outweigh the need to safeguard the site or feature. Until such areas are defined in Local Plans, identified or potential sites will be afforded the same protection.*
- (3) *Local Plans will identify opportunities for enhancing the natural heritage including new habitat creation, the identification of 'wildlife corridors' and measures to ensure the protection of priority local habitats and species as identified in the forthcoming Falkirk Local Biodiversity Action Plan.*
- (4) *The aims and objectives of the forthcoming Falkirk Local Biodiversity Action Plan and any associated Species Action Plans and Habitat Action Plans will be a material consideration in assessing any development proposal likely to impact on local priority species and habitats."*

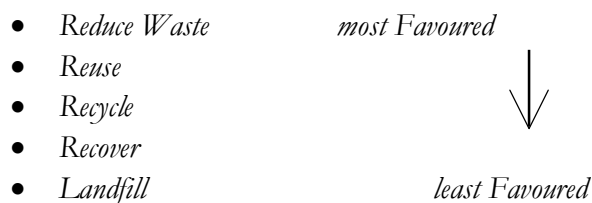
7a.4 The proposed development, following detailed assessment and consultation, has been demonstrated to have no significant impact on the Carron Dams SSSI and the Firth of Forth SPA and Ramsar SSSI. Therefore the proposal is acceptable within the context of this policy.

7a.5 Policy ENV.11 'General Approach to Waste Management' states:

"Provision will be made for a range of waste management facilities which will adequately treat the waste generated in the area and assist in meeting any specific regional waste management needs identified by the National Waste Strategy and any subsequent Regional Waste Strategy, subject to the following general principles:

- (1) *A general presumption in favour of new facilities which support the aims of the 'Waste Hierarchy' (see Figure 2) in shifting the emphasis away from landfilling of waste towards other options including: waste minimisation, re-use of materials, re-cycling and recovery of waste materials.*

Fig. 2: The Waste Hierarchy



- (2) *The treatment of waste as close as possible to the area in which it is generated.*
- (3) *The minimisation of the impact on the local environment and the amenity of communities through the selection of appropriate sites and adoption of best operational practices.*

The preferred location for new waste management facilities will be within or adjacent to existing waste management sites or alternatively within general industrial areas."

- 7a.6 Policy ENV.11 establishes that provision will be made for a range of waste treatment facilities subject to the waste hierarchy and establishes a general presumption in favour of reducing waste and recycling rather than landfilling. The preferred location for new facilities will be within or adjacent to existing waste management sites or within general industrial areas where minimisation of amenity and environmental impacts will occur.
- 7a.7 The landfill extension is located within an existing landfill site and is served by adjacent materials recycling and general industrial uses. The applicant has not, however, provided justification of the need for additional capacity at West Carron. The development is therefore contrary to this policy.
- 7a.8 Policy ENV.12 'Landfill Sites' states:
- "Land at Avondale, Polmont shall be safeguarded to permit the extension of the existing landfill facility."*
- 7a.9 Policy ENV.12 identifies the Avondale landfill site at Polmont to be safeguarded for future expansion to accommodate landfill needs. Further landfilling at West Carron has to be considered in the context of the Structure Plan which only identifies Avondale to meet the Area Waste Plan requirements. The applicant has not submitted evidence to justify the proposal on the basis of capacity. The development is therefore contrary to this policy.
- 7a.10 A review of landfill capacity has not yet been undertaken in the context of the Structure Plan. The Waste Action Plan for 2007/2008 conducted through the Forth Valley Waste Strategy Group identifies the need to carry out this review.

Larbert and Stenhousemuir Local Plan

- 7a.11 Policy RURAL 11 'The Green Belt' states:

"That there will be a presumption against new development in the areas of designated Green Belt indicated on the Policies and Proposals Map, with the exception of development required for farming and forestry, and appropriate recreation and tourism purposes that require a countryside location. Other types of development such as telecommunications and temporary uses, including mineral and landfill activity, may be acceptable provided that :-

1. *A Green Belt location is essential;*
2. *There is no serious detrimental impact on the character of the Green Belt.*

Temporary uses will only be permitted where these operate within a clearly limited timescale, and where landscape improvements are obtained. In general proposals which strengthen the function of the Green Belt and enhance its character and landscape qualities will be encouraged.

In accordance with the provisions of S.D.D Circular 24/1985 "Development in the Countryside and Green Belts", the District Council strongly supports the principle of the Green Belt:

- a. *To separate the main settlements of the District;*
- b. *To provide areas for countryside recreation (excluding such urban forms as hotels, time-shares and holiday villages);*

- c. *To provide a clear segregation of urban and rural uses;*
- d. *To enhance the landscape adjacent to built up areas;*
- e. *To provide a corridor for essential services.”*

- 7a.12 The development site lies within the site area previously confirmed as operating legally by the issue of a Certificate of Lawful Use and Development in 2005. Nevertheless the site lies within an area defined as Green Belt and the criteria of Policy Rural 11 require to be addressed.
- 7a.13 The development proposed lies within an existing landfill site. The operation of this existing site, albeit without planning controls relating to landscape impact, has resulted in rehabilitated land (grass seeded and boundary planted) to the north and unkempt scrub land to the south, the site of the current area of deposition of materials.
- 7a.14 The development includes proposals for the rehabilitation of final land form with meadow flower planting, planting along the riparian land of the River Carron and woodland and screening planting. The land, once reinstated, would be available to the public for informal recreation.
- 7a.15 The purpose of the Green Belt designation in this area is to separate the settlement of Falkirk and Larbert. The existing landscape setting is poor on the basis of a lawful use uncontrolled by conditions ensuring a visually attractive landscape setting. A Green Belt location for landfill is not essential however and the development is therefore contrary to this policy.
- 7a.16 Policy RURAL 12 ‘Ecological Sites’ states:

“That to protect and conserve wildlife and other natural features of significance :-

1. *There will be an overriding presumption against development which would adversely affect sites designated as a Special Protection Area, a Special Area of Conservation or a Ramsar site, Sites of Special Scientific Interest or any sites proposed by the UK Government or Scottish Natural Heritage for such designation.*
2. *Development likely to adversely affect Listed Wildlife Sites and local or non-statutory nature reserves will not normally be permitted.*
3. *Other sites of high nature conservation value will be safeguarded wherever possible.*
4. *Where development is to be approved which could affect any site of high nature conservation value, appropriate measures will be required to conserve, as far as possible, the site’s biological or geological interest and to provide for replacement habitats or features where damage is unavoidable,*
5. *Appropriate site management will be encouraged wherever possible,*
6. *Local nature reserves will be designated as appropriate.”*

- 7a.17 The development has, through detailed assessment and consultation with SNH demonstrated no significant impacts on the Carron Dams SSSI and Firth of Forth SPA and Ramsar SSSI and is in compliance with this policy.

7a.18 Policy RURAL 30 ‘Tipping and Waste Disposal’ states:

“That applications for tipping and waste disposal will be considered on their merits, in accordance with all relevant District Council policies and standards of provision. There will be a general presumption against proposals which, in the opinion of the District Council, would have a significant adverse impact on the visual and residential amenity of the surrounding area or result in unacceptable levels of pollution. Conditions will be imposed to strictly control the timescale of operations and to ensure satisfactory restoration of the land.”

7a.19 The proposed development is within the site area of existing lawful landfill use which operates without planning controls protecting visual and residential amenity and offers the potential for environmental improvement following rehabilitation. The proposal accords with this policy on the basis of opportunity to control future land use and environmental impact.

7a.20 Policy LAR 44 - ‘Watercourses’ states:

“The Council recognises the importance of Larbert and Stenhousemuir’s rivers and burns, and adjacent banks in terms of landscape, recreation and nature conservation value, and seeks to improve recreational usage and overall quality of these watercourses. Accordingly:

- (i) there will be a general presumption against development which would increase pollution or have a detrimental impact upon water quality, aquatic ecosystems or recreational amenity of watercourses. Development likely to adversely affect groundwater or major aquifers will not normally be permitted. Where necessary the Council will require applicants to submit supplementary information to assist in the determination of planning applications;*
- (ii) the Council supports SEPA’s efforts to promote best practice in the treatment of surface water within new developments; and*
- (iii) there will be a general presumption in favour of proposals to improve the use of water courses and adjacent banks for appropriate recreation and/or habitat enhancement.”*

7a.21 The proposed development would allow the opportunity to improve landscape setting at the River Carron and ensure future recreational use. The potential for pollution of the River Carron is controlled by SEPA in respect of the requirement of the site operator to adhere to the requirements of an operating license. The proposal is therefore considered to accord with this policy.

7a.22 In conclusion, the application is contrary to the Development Plan as the site lies within the Green Belt and the proposed development represents additional landfill capacity at a site not identified for this purpose.

7b Material Considerations

7b.1 The material considerations relating to the application are national planning policy, the Falkirk Council Local Plan Finalised Draft and the views of consultees and the submitted objections.

The National Waste Plan (2003)

7b.2 The National Waste Plan acknowledges the need to take full account of local needs and circumstances in order to identify the best solutions for waste management across Scotland through Waste Strategy Areas. Falkirk Council area falls within the Forth Valley Waste Area together with Stirling and Clackmannanshire Councils.

- 7b.3 The Forth Valley Area Waste Plan (2003) conforms to the national plan and identifies the existing Avondale Landfill site at Polmont as the preferred location for landfill within the Falkirk Council Area.

Scottish Planning Policy (SPP) 10 – Planning for Waste Management

- 7b.4 SPP 10 remains the basis for government guidance on planning and waste management. SPP 10 emphasises that ‘Planning Authorities already have a duty to provide policies for suitable waste disposal sites or installations in order to supply the land necessary for waste treatment and disposal to take place.’ Therefore relevant Structure and Local Plans are required to address this issue in a manner appropriate to their locality.
- 7b.5 SPP 10 also identifies key planning contributions and in the context of this proposal the following are relevant:
- Apply the appropriate aims of the Government’s sustainable development strategy.
 - Implement the National Waste Strategy by appropriate land allocations.
- 7b.6 In relation to the strategy of sustainable development, SPP 10 refers to the issues of proximity, regional self sufficiency, the precautionary and the polluter pays principles and the best practicable environmental option.
- 7b.7 In assessing the proposal against these issues it is considered that the site is well located in terms of the source of waste arising and that the local road network provides an efficient route to the site. Of less certainty however, given the applicant’s failure to justify the need for landfill at the site in the context of the National Waste Strategy, are the issues of best practicable environmental option.

Scottish Planning Policy (SPP) 21 – Green Belt

- 7b.8 Scottish Planning Policy 21: Green Belt announces new procedures relating to the control of development in green belts.

Key objectives of Green Belt policy are; -

- To direct planned growth to the most appropriate locations and support regeneration;
- To protect and enhance the character, landscape setting and identity of towns and cities; and
- To protect and give access to open space within and around towns and cities, as part of the wider structure of green space.

Appropriate uses within the Green Belt may include;-

- Agricultural uses, including re-use of historic agricultural buildings in keeping with their surroundings;
- Woodland and forestry, including community woodlands;

- Horticulture, including market gardening (but not retailing unconnected with or out-of-scale with this purpose) and
- Recreational uses that are compatible with an agricultural or natural setting.

Where a proposed use would not normally be consistent with Green Belt designation, exceptionally it may still be considered appropriate, either as a national priority or to meet an established need, and only if no other suitable site is available. Proposals for non-conforming uses will also need to be sympathetic in scale and form to link with walking, cycling and public transport provision. In this instance, the existing landfill facility containing the application site and future rehabilitation and recreational use are considered to fulfill the criteria for appropriateness of a Green Belt location. The requirement for additional landfill capacity is addressed in para 8b.14 below.

Regional Planning Policy

Forth Valley Area Waste Plan – (2003)

- 7b.9 The National Waste Plan (Scotland) sets out strategy for waste management and it is delivered through Area Waste Plans. The Forth Valley Area Waste Plan is the principle vehicle for action on waste issues in the Falkirk Council Area. The Forth Valley Area Waste Plan was approved by Scottish Ministers in January 2003. The goal of the plan is to significantly reduce the amount of waste landfilled and this reflects European and national objectives. A range of measures are to be put into place of which land use planning is one aspect. However, the key land use implication of the Area Waste Plan is:

“Action 11 – Maintain a 10 year landfill capacity for all wastes with planning permission across the Forth Valley area.”

- 7b.10 National Planning guidance makes it clear that the policies of the Area Waste Plan can be a material consideration in the assessment of development proposals.
- 7b.11 A sub group of the Area Waste Group carried out a study and concluded that there was not a 10 year landfill capacity. In addition, a number of possible new sites across the Forth Valley area were investigated, and the best option was considered to be the extension of the Avondale site at Polmont into the adjacent sand and gravel workings. It was the work of this study that formed the basis of the altered Structure Plan Policy ENV.12 and Finalised Falkirk Council Local Plan Policy ST.17. A 10 year landfill capacity therefore now exists.
- 7b.12 It is recognised that waste not recycled, composted or recovered in any other way, will continue to be disposed of to landfill. In addition, reject materials from other waste management processes will still need to be landfilled.
- 7b.13 The proposal for further landfill at West Carron is not therefore necessary to achieve the objectives of the National Waste Strategy and could be seen to obstruct the move towards recycling of material and the future reduction in landfill waste deposited. The proposed development could therefore be seen as contrary to the aims of the National Waste Strategy.

- 7b.14 However, the site has operated as a landfill site for a lengthy period, and is located adjacent to a materials recycling facility and general industrial uses. In addition the proposed regulation of final land forms and rehabilitation of land into recreational ground following completion could be considered to outweigh the apparent contradiction with the National Waste Strategy.

Falkirk Council Local Plan Finalised Draft

- 7b.15 Policy ST 17 'Landfill' of the Local Plan Finalised Draft safeguards the existing landfill site at Avondale in Polmont for future landfill expansion.
- 7b.16 Policy ST 18 'Waste Management Facilities' directs landfill to locations within or adjacent to existing waste management facilities and general industrial areas where impacts on the environment and local communities are considered to be acceptable.
- 7b.17 The proposal would direct landfill to an existing facility remote from site identified in the Local Plan at Avondale. The site is however located within an existing landfill site adjacent to a waste recycling centre and general industrial uses and has an acceptable impact on the environment and local communities in terms of limited additional impacts and the opportunity to control site operation and achieve longer term recreational improvement. The proposal is considered to accord with Policy ST18.

Consultations

- 7b.18 The views of the Roads Development Unit with regards the installation of wheel washing facilities can be achieved by planning condition. The limitation, by condition, of vehicle movements to the site could not properly be enforced.
- 7b.19 The objection from SEPA has been made on basis of a lack of information relating to the justification of landfill at the site in the context of the National Waste Strategy and information relating to potential flooding at the River Carron.
- 7b.20 The applicant has declined to submit justification of landfill in the context of the National Waste Strategy. The applicant has stated that, on the basis the site is an existing landfill site, that this is not required. The assessment of the proposal without this justification has therefore been necessary. It is considered for the reasons stated in paragraph 7b.17 of this report that continued landfill at the site can be justified.
- 7b.21 The Roads Development Unit acting in Falkirk Council's capacity as flooding authority has not required the submission of a flood risk assessment or further information relative to potential flood risk. It is considered that the new landfill cell would not exceed finished ground levels of land surrounding the cell and that there is no significant risk of flooding south of the River Carron through increased surface water run off. The land immediately adjacent to the application site does flood. This, however, is a natural occurrence which is catered for by an existing flood plain. The development is not considered to impact on existing surface water conditions.

Objections

- 7b.22 Thirty five letters of objection have been received as a result of neighbour notification and advertisement of the development in the Falkirk Herald.
- 7b.23 The Walker Group, housing developer at the nearby Mungal/Cauldhame Farm, objects to the development on the basis of a final landform inappropriate to the scale and character of the surrounding environment. The opportunity for Falkirk Council to introduce additional controls over the operation of the site is raised.
- 7b.24 Agents for the operators of the Avondale landfill site in Polmont registered a 'holding' objection early in the assessment of the application. The objection was made on the grounds of lack of supporting environmental information and proximity to River Carron flood plain, Carron Dams SSSI, Firth of Forth SPA and Ramsar site and nearby residential areas. No further objection has been received.
- 7b.25 The remaining received from residents in the surrounding area on the following grounds:
- the proposal is contrary to national planning policy, national waste strategy, and local Development Plan policies.
 - adverse impact on residential amenity by means of noise, odour, litter and other associated impacts resulting from landfill use.
 - inappropriate site for landfill deposition given proximity of residential areas.
 - unsatisfactory monitoring and enforcement of environmental impacts resulting from the development.
 - increased flood risk.
- 7b.26 Friends of the Earth (Falkirk) have objected on the grounds of Development Plan policy, national planning policy and national waste strategy.
- 7b.27 The grounds of objection are considered as follows:
- 7b.28 The proposed final land form would not exceed the highest ground level, now restored, from previous landfill operations at the site. The opportunity to impose planning controls is noted.
- 7b.29 The requirement for environmental supporting information has been assessed through the preparation of a screening opinion under the direction of the Environmental Impact Assessment (Scotland) Regulations, 1999. The information submitted by the applicant is considered to be acceptable to allow detailed assessment of the development. The supporting information provides information on materials to be deposited, hours of operation, obligations for environmentally sensitive working practices and final landform and restoration proposals. Any requirement for further environmental information is not supported following consultation.

- 7b.30 The development, through detailed assessment, has been demonstrated to be acceptable development in the context of national planning policy, national waste strategy and Development Plan policy. Whilst it could be seen to be potentially contrary to this guidance, the location of the proposed development within an existing landfill site, adjacent to recycling facilities and general industrial uses, with limited impacts on the environment and amenity are considered to be strong material considerations in support of the development.
- 7b.31 The potentially adverse impacts on the environment and residential amenity are noted. The environmental regulation of the site is the responsibility of SEPA and the operators require to comply with the Pollution Prevention Control (PPC) issued for the site by SEPA. Failure to comply with the PPC could result in site closure. Evidence of acceptable operating procedures, albeit with occasional difficulties in relation to litter, have been submitted to Falkirk Council.
- 7b.32 It should be noted that all objections but two have been submitted from residents to the south and south west of the application site and with a view towards the site. On the basis of prevailing south westerly winds and the northern back drop of the previously restored landfill use it is considered that no adverse impacts on the environmental or residential amenity of Larbert and Stenhousemuir settlements to the north are exhibited.
- 7b.33 The prevailing south westerly wind will limit both noise and odour nuisance to the south and south west of the site. The visual impact of landfill operations and occasional litter, seagull attraction and vehicle noise are, however, noted. These impacts are considered to be unavoidable and historic given the previous landfill use of the site. The staged renovation measures proposed will allow progressive environmental improvement and screening and it is considered that final landform will provide a more attractive visual environment from that which exists at present.
- 7b.34 The formation of a riverside park as part of the Mungal Farm housing development immediately to the south of the River Carron is designed to act as a natural flood plain for the River Carron. The River Carron historically floods in this area comprised of ground conditions of sand and gravel.
- 7b.35 The proposed increase in material to be stored at the site would not increase the area of the existing landfill site, or the length of its boundary with the River Carron to the south. It has no impact on the flood plain of the River Carron.
- 7b.36 Land levels would be raised in the development and the slopes created would increase land surface area. The slopes would be finished in top soil, grassed and planted with vegetation at some locations. Surface water run-off would, therefore, be as a greenfield surface i.e. infiltration until saturated then run-off. There would be no immediate run-off as created by an impermeable surface such as hardstanding.
- 7b.37 Cut-off drains collecting leachate are proposed for treatment prior to discharge, for water quality purposes. Surface water discharge from the site, to the River Carron, during storm events would not, therefore, be immediate, therefore allowing attenuation.
- 7b.38 The additional land surface, from which surface water could discharge directly to the River Carron from the raised ground, has been estimated at 1% of the proposed 9.6Ha site extension. The impact on the hydraulic regime of the River Carron from the additional surface water run-off generated by land raising at this locus is, therefore, considered negligible.

7c Conclusion

- 7c.1 The proposed development of additional landfill capacity at West Carron is considered to be acceptable in the context of national planning policy, National Waste Strategy and Development Plan policy for the reasons that the site is an existing landfill location, is located adjacent to materials recycling facilities and general industrial uses and has a limited impact on environmental and residential amenity. In these respects the proposal is considered to be acceptable development in the context of SSP10 Planning for Waste Management, SSP 21 Green Belt and the National Waste Management Plan for Scotland.
- 7c.2 For these reasons the development is considered to be an acceptable departure from Structure Plan policies ENV 11 'Waste Management' and ENV 12 'Landfill Sites', ENV 2 'Green Belt' and Larbert and Stenhousemuir Local Plan policy Rural 11 'Green Belt'.
- 7c.3 The assessment of consultation responses received has demonstrated that there is no likely unacceptable impact on the Carron Dams SSSI, Firth of Forth SPA, SSSI and Ramsar site and the River Carron in terms of flood risk or pollution.
- 7c.4 The acknowledged concerns of residents to the south of the site with regards to noise, odour, litter and residential amenity are not, in themselves, considered to justify refusal of the application. The ability to impose planning control on the site with regards to operation and future restoration are considered to represent a long term opportunity for environmental improvement and public recreation outweighing the short term limited environmental impacts arising from landfill development.
- 7c.5 For the reason that the applicant has declined to provide justification of landfill development in the context of the National Waste Management Plan and information on flooding, SEPA maintains an objection to the development. Therefore, if Committee is minded to approve the application, it requires to be notified to Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009. Whilst contrary to certain provisions it is not considered that the development marks a significant departure from the approved Structure Plan or Larbert and Stenhousemuir Local Plan and is not considered to prejudice the implementation of the strategic objective of the Structure Plan. The proposal does not require to be notified to Scottish Ministers on this basis. Although, it is considered that Falkirk Council has an interest in the site as it has been used for the deposition of municipal waste, the proposal is not considered to be a significant departure, and so it would not require to be referred to Ministers on that count.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee indicate that it is minded to grant detailed planning permission subject to:-
- (a) Notification of the application to Scottish Ministers by virtue of the Town and Country Planning (Notification of Applications) (Scotland) Amendment Direction 2009.

- (b) The satisfactory completion of an Agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 addressing the following matters:-
- The final landscape treatment and maintenance of the site following completion of works including surfacing and landscaping;
 - Access arrangements to the site to members of the public following completion of the works;
 - A financial security by way of an appropriate bond in the eventuality of non-completion of agreed restoration works.
- (c) And thereafter on conclusion of the Agreement and notification procedure in satisfactory terms, to remit to the Director of Development Services to grant planning permission subject to the following conditions:
- (1) The development to which this permission relates must be begun within five years from the date of this permission.
 - (2) Prior to development commencing on site, a Construction Method Statement, including details of all on site earth movement, road/track construction, drainage, mitigation, restoration and reinstatement timetables shall be submitted to and approved in writing by the Planning Authority. The site shall thereafter be operated in accordance with the approved details.
 - (3) Wheel washing and road sweeping proposals outlined in paragraph 5.1.2 of the SEPA PPC Permit (PP/A/1004300) shall be implemented on commencement of landfill operations hereby approved.
 - (4) All advance planting and screen fencing shall be completed in accordance with the submitted details and unless otherwise agreed in writing by the Planning Authority shall be within one year of the grant of planning permission.
 - (5) All screen planting and fencing shall be maintained during the operational period to provide adequate screening of operations. Details for maintenance shall be submitted for the prior written approval of the planning authority.
 - (6) Within one year of completion of the deposit of waste materials, restoration works indicated on the approved plans shall be completed, all buildings and ancillary plant shall be removed from the site and all operations shall cease with the exception of those operations, buildings and plant which are required for the monitoring and management of gas, leachate and ground water.
 - (7) The landfill operations shall be undertaken in accordance with a working plan to be submitted to and approved in writing by the Planning Authority.
 - (8) Restoration contouring, landscaping and removal of haul roads after the landfill operations are completed shall be conducted in accordance with the approved working plan and approved plans and shall be completed on a phase by phase basis.

- (9) In the event of the landfill operation being abandoned before the approved profile of the site is achieved, an appropriately amended scheme of restoration shall be submitted for the written approval of the Planning Authority within 6 months and shall be implemented within a period of 12 months from approval.
- (10) In the event that the approved post-settlement final levels of restoration are not achieved, an amended restoration plan shall be submitted for the written approval of the Planning Authority.
- (11) On an annual basis a report shall be submitted to the Planning Authority outlining the extent of landfill operations during the preceding 12 month period. This shall also detail the remaining void and estimated capacity/time period for operations.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure natural heritage impacts are minimised during construction, operation, restoration and reinstatement.
- (3) In the interests of road safety and uses of the public highway.
- (4-5) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
- (6-9) To enable the Planning Authority to exercise proper control over the nature and duration of the development.
- (10-11) To ensure that the completed land contours and levels are in accordance with the approved plans.

.....
Director of Development Services

Date: 18 August 2009

LIST OF BACKGROUND PAPERS

1. Scottish Planning Policy (SPP) 10 – Planning For Waste Management.
2. The National Waste Management Plan.
3. Scottish Planning Policy 21 – Green Belts.
4. Certificate of Lawfulness of Development (Reference F/2005/0164).
5. Falkirk Council Structure Plan.
6. Larbert and Stenhousemuir Local Plan.

7. Letter of representation received on 30 October 2007 from Friends Of The Earth (Falkirk), C/o N Philip 37 School Road Redding Falkirk
8. Letter of representation received on 01 November 2007 from Mr Chris Ferrie, 18 Westpark Crescent Falkirk FK2 7GH
9. Letter of representation received on 08 November 2007 from Jamie Hepburn MSP, Dalziel Workspace, Mason Street, Motherwell ML1 1YE.
10. Letter of representation received on 26 November 2007 from Rr Graeme Patrick, Strategic Land Director Walker Group (Scotland) Ltd Westerwood House Royston Road. Livingston
11. Letter of representation received on 14 October 2007 from Councillor Meiklejohn, Falkirk Council, Members Service Municipal Buildings Falkirk FK1 5RS.
12. Letter of representation received on 23 October 2007 from Friends Of The Earth Falkirk, C/o N Philip 37 School Road Redding Falkirk.
13. Letter of representation received on 08 October 2007 from Chris Ferrie, 18 Westpark Crescent Falkirk FK2 7GH.
14. Letter of representation received on 15 October 2007 from Avondale Environmental Ltd, C/o McLean Bell Consultants Ltd 33 Miller Park Polmont Falkirk.
15. Letter of representation received on 05 December 2007 from Mr Brian Callery, 57 Carrongrange Gardens Stenhousemuir Larbert FK5 3DU.
16. Letter of representation received on 11 March 2008 from Walker Group (Scotland) Limited, Westerwood House Royston Road Deans Industrial Estate Livingston.
17. Letter of representation received on 13 June 2008 from Phyllis MacNicol, 23 Doune Crescent Stenhousemuir Larbert FK5 4TW.
18. Letter of representation received on 13 June 2008 from Mark McGuire, 32 Sainford Crescent Falkirk FK2 7QF
19. Letter of representation received on 16 June 2008 from Mr G Urquhart, 2 Mulloch Avenue Falkirk FK2 7GA.
20. Letter of representation received on 12 June 2008 from Councillor Meiklejohn, Falkirk Council, Members Service Municipal Buildings Falkirk FK1 5RS.
21. Letter of representation received on 17 June 2008 from Iain Grant Fleming, 51 Stephens Croft Falkirk FK2 7GU.
22. Letter of representation received on 17 June 2008 from Derek W McLeod, 3 Mulloch Avenue Falkirk FK2 7GA.
23. Letter of representation received on 17 June 2008 from Scott MacNicol, 51 Sainford Crescent, Falkirk FK2 7QE.
24. Letter of representation received on 17 June 2008 from Suzanne Wilson, 3 Mulloch Avenue, Falkirk FK2 7GA.
25. Letter of representation received on 17 June 2008 from Mr and Mrs M Crothers, 11 Westpark Crescent Falkirk FK2 7GH.
26. Letter of representation received on 10 June 2008 from Mr and Mrs Ferrie, 18 Westpark Crescent Falkirk FK2 7GH.
27. Letter of representation received on 10 June 2008 from Ms S Dalli, 2 Goosedubs Place Falkirk FK2 7GW.
28. Letter of representation received on 10 June 2008 from Mr B Jess, 2 Goosedubs Place Falkirk FK2 7GW
29. Letter of representation received on 10 June 2008 from Mr Andrew J Patrick, 8 Sainford Crescent Falkirk FK2 7QF
30. Letter of representation received on 10 June 2008 from Mr Steven Weir, 4 Crofthead Street Falkirk FK2 7GG.
31. Letter of representation received on 09 June 2008 from Mr David McFadden, 1 Mulloch Avenue, Falkirk FK2 7GA.

32. Letter of representation received on 09 June 2008 from Mr and Mrs C Scholes, 4 Cotland Drive Falkirk FK2 7GE.
33. Letter of representation received on 12 June 2008 from Steven Soroka, 18 Crofthead Street, Falkirk Fk2 7GG.
34. Letter of representation received on 12 June 2008 from Friends Of The Earth Falkirk, C/O N. Philip 37 School Road Redding Falkirk.
35. Letter of representation received on 12 June 2008 from Fraser Fleming, 22 McNally Crescent Falkirk FK2 7GY.
36. Letter of representation received on 20 June 2008 from Mr Derek N Hastings, 9 Westpark Crescent Falkirk FK2 7GH.
37. Letter of representation received on 13 June 2008 from Miss G Watson & Miss C Byers, 11 Mungal Mill Court Falkirk FK2 7GL.
38. Letter of representation received on 20 June 2008 from Mr Anthony McNairney, 17 Westpark Crescent Falkirk FK2 7GH.
39. Letter of representation received on 20 June 2008 from Mrs Janette McNairney, 17 Westpark Crescent Falkirk FK2 7GH.
40. Letter of representation received on 20 June 2008 from Frances Ansari, 11 McNally Crescemt, Falkirk FK2 7GY.
41. Letter of representation received on 23 March 2009 from Rita Jardine, 22 Burder Park, Carron, Falkirk FK2 8FL.

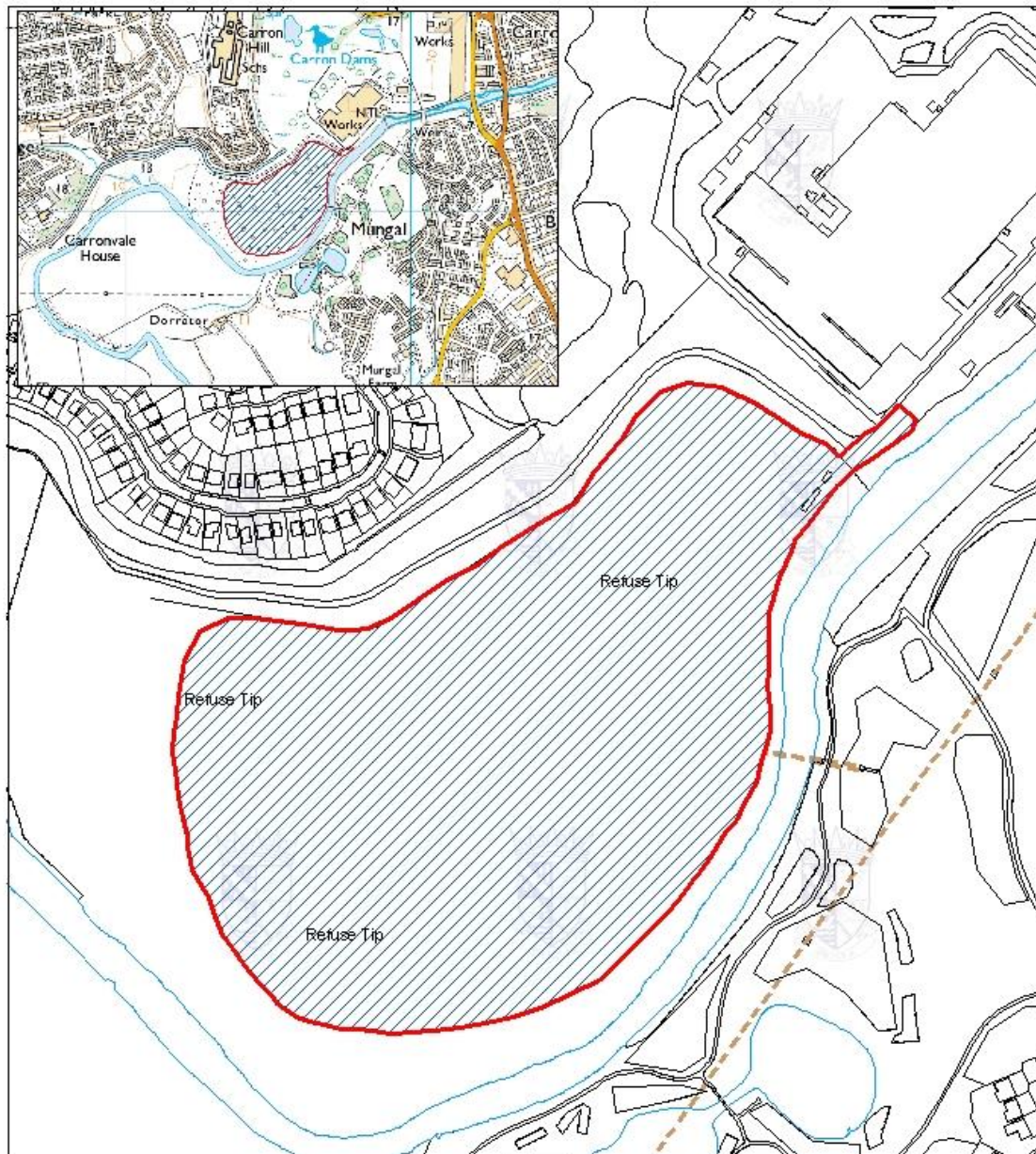
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/07/0897/FUL

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



Falkirk Council

Reproduced by permission of Ordnance Survey on behalf of HM SO. © Crown copyright and database right 2009. All rights reserved. Ordnance Survey Licence number 100023384

FALKIRK COUNCIL

Subject: CHANGE OF USE, ALTERATIONS AND EXTENSION TO VACANT/REDUNDANT BARN TO PROVIDE OFFICES, ERECTION OF 468 SQM GREENHOUSE AND ANCILLARY DEVELOPMENT COMPRISING ACCESS/EGRESS, CAR PARKING AND EXTERNAL PLANT STORAGE AND DISPLAY AREA AT MELONSPLACE FARM, FALKIRK, FK2 0BT FOR BENHOLM PLANT DISPLAYS – P/08/0911/FUL

Meeting: PLANNING COMMITTEE

Date: 26 August 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Avonbridge and Standburn

Case Officer: Allan Finlayson, Senior Planning Officer, Ext: 4706

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The proposed development is for the renovation and extension to the existing stone barn, formation of new hardstanding and yard area and replacement of agricultural buildings with the erection of greenhouses to provide for the change of use from agricultural to offices, greenhouses and external storage areas for a horticultural plant display and storage business.
- 1.2 The proposed development includes the formation of a replacement access and egress onto the C62 Candie Lower Road served by the A801.
- 1.3 The application site is a redundant agricultural stone barn with associated hardstanding, redundant prefabricated metal farm buildings and agricultural land at Melonsplace Farm, Maddiston, Falkirk.
- 1.4 The site is level ground of approximately one acre and is surrounded to the north, south and west sides by agricultural fields and by Melonsplace Farm to the east.
- 1.5 The site boundaries comprise a mix of hedgerows, fencing and stone walling.
- 1.6 A mature tree belt lies to the south of the site. Individual mature trees lie to the west.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in to Planning Committee by Councillor Malcolm Nicol.

3. SITE HISTORY

- 3.1 There are no applications relevant to the proposed development.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has expressed concern that the C62 access road is of restricted width and lacks footway and lighting provision. The existing visibility at the junction of the C62 with the A801 is considered to be poor. Traffic generation of the proposed development is considered to have a potential significant impact on the operation and road safety of the C62. The Roads Development Unit considers that these concerns would justify refusal of planning permission on road safety grounds.
- 4.2 The Environmental Protection Unit has no objections to the proposed development but has requested that a Contaminated Land Assessment is submitted and provided guidance on action to be taken should ground contamination be encountered during construction. This assessment can be required by planning conditions.
- 4.3 Scottish Water has no objections to the proposed development.

5. COMMUNITY COUNCIL

- 5.1 The Avonbridge and Standburn Community Council has not been consulted and has not made representations.

6. PUBLIC REPRESENTATION

- 6.1 No representation received.

7. DETAILED APPRAISAL

When determining planning applications, the status of the development plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

7a The Development Plan

Falkirk Structure Plan

- 7a.1 The proposed development raises no issues of strategic importance. The policies of the Falkirk Structure Plan are not therefore relevant.

7a.2 The proposed development site lies within an area identified as countryside as defined by the Falkirk Council Rural Local Plan. Policy RURAL 1 – New Development in the Countryside applies. Policy RURAL 1 states:

7a.3 Policy RURAL 1 ‘New Development in the Countryside’ states:

“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*
- 3. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 4. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- 5. Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council’s Tourism Strategy are particularly welcomed.*
- 6. Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council’s “Design Guide For Buildings In The Rural Areas” and sympathetic to vernacular architectural forms will be expected.”

7a.4 Policy RURAL 1 states that industrial/business development will not be permitted unless there is an overriding national or local need and a rural site is the only suitable location.

7a.5 The development proposes the renovation of the existing stone barn and the incorporation of existing stonework and architectural features. The proposed greenhouse structure is consistent with the design of existing agricultural buildings to be replaced. In terms of the requirement for a rural location it is considered that opportunities for suitable locations for a horticultural use within the urban limit are rare and that a rural location is therefore acceptable for horticultural use. The proposed offices are clearly ancillary to the main uses of horticultural and distribution.

7a.6 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

- 7b.1 The material considerations to be assessed are the Falkirk Council Local Plan (Finalised Draft), Scottish Government guidance and the views of the Roads Development Unit.
- 7b.2 Policy EP5 (Business and Industrial Development in the Countryside) of the Falkirk Council Local Plan Finalised Draft requires the need for a rural location to be demonstrated. Policy EP5 further develops the policy position expressed in Policy RURAL 1 of the Falkirk Rural Local Plan to acknowledge the acceptability of proposals to re-use existing buildings or uses where the scale and nature of the activity is compatible with the location. The proposed development is considered to accord with the terms of Policy EP5 in relation to the need for a rural location and the re-use of existing buildings.
- 7b.3 Scottish Government SPP15 – Planning for Rural Development is broadly supportive of rural diversification. Scottish Government PAN 73 – Rural Diversification advises that small scale business developments utilising redundant buildings are acceptable in rural areas. The proposed development is considered to be consistent with Scottish Government Planning advice.
- 7b.4 The Roads Development Unit have expressed concerns with regards to the suitability of the restricted width C62 access road and the visibility at the junction of the C62 with the A801.
- 7b.5 The applicant has in response to the concerns of the Roads Development Unit, commissioned a report from a transport consultancy. Particular attention is given to issues of trip generation, development layout, C62 access road characteristics and egress from the C62 onto the A801.
- 7b.6 The conclusions of the report submitted by the applicant are that:-
- maximum trip generation levels would not exceed 28 vehicle movements per day and that, of these, 14 would involve exiting onto the A801 from the C62;
 - the development layout, access to the site from the C62 and internal parking arrangements are acceptable to the Roads Development Unit;
 - the existing characteristics of the C62 exhibit low traffic levels, good forward visibility, carriageway widths of 5.5 metres, historical non-agricultural traffic of the C62 demonstrates a previously higher volume of vehicular movements;
 - the C62 existing road width can accommodate two passing private cars. A passing place to permit the passing of commercial vehicles is proposed on the C62 and to be funded by the applicant;
 - C62 egress onto the A801 is acceptable when measuring vehicle movements and traffic time gaps on the A801. In addition, the absence of records of accidents at this junction in 30 years is noted.
- 7b.7 The Roads Development Unit has responded to the applicant's transport consultant. Concerns are re-stated on issues of vehicle movements, C62 width, visibility at the A801 junction with the C62 and vehicle speed on the A801.

- 7b.8 The proposed southern visibility at the C62 and A801 junction is less than the requirements of Falkirk Council roads design standards. The visibility distance when egressing from the C62 onto the A801 is required to be either 108 metres or 125 metres based on 85th percentile and 95th percentile vehicle speeds respectively. An on site assessment calculated the actual visibility distance as approximately 40 metres. It is considered that this distance is significantly less than the required distance on a principal distributor road with the national maximum speed limit for a single carriageway.
- 7b.9 The visibility requirements and road safety concerns have been confirmed by the Senior Accident Investigation Officer as being valid concerns.
- 7b.10 The Roads Development Unit considers that the increase in vehicle traffic on the C62 would represent a 46% increase over existing usage. The average width of the C62 is considered to be 4.5 metres and, whilst two-way car movement would be possible, one or more passing places to provide for the passing of commercial vehicles would be required. The vehicle speeds on the A801 provided by the applicant's consultant are not accepted.

7c Conclusion

- 7c.1 The proposed development accords with Scottish Government planning policy and the Development Plan.
- 7c.2 The application has raised concerns from the Roads Development Unit regarding egress onto the A801, C62 passing provision and visibility at the junction of the C62 and A801.
- 7c.3 It is considered following the assessment of these concerns and the consideration of the submitted transport statement that junction egress visibility has been demonstrated to be significantly inadequate to the extent it would justify refusal of the application on road safety grounds. The use of planning conditions could secure the implementation of a vehicle passing place on the C62. The removal of overgrown vegetation and limited visibility improvements at the junction of the C62 and A801 proposed by the applicant cannot, however, overcome road safety concerns. On this basis, the proposed development is considered, on balance, to be unacceptable.

8. RECOMMENDATION

- 8.1 It is recommended that planning permission be refused for the following reason:

- (1) The proposed development would, by means of egress from the C62 to the A801, result in a significant increase in vehicular movements at a junction with sub-standard visibility and would not therefore be in the interests of road safety.

.....
Director of Development Services
Date: 18 August 2009

LIST OF BACKGROUND PAPERS

1. Scottish Planning Policy (SPP) 15 Planning for Rural Development
2. Scottish Planning Advice Note (PAN) 73 Rural Diversification.

3. Falkirk Council Structure Plan
4. Falkirk Council Rural local Plan
5. Falkirk Council Local Plan Finalised Draft

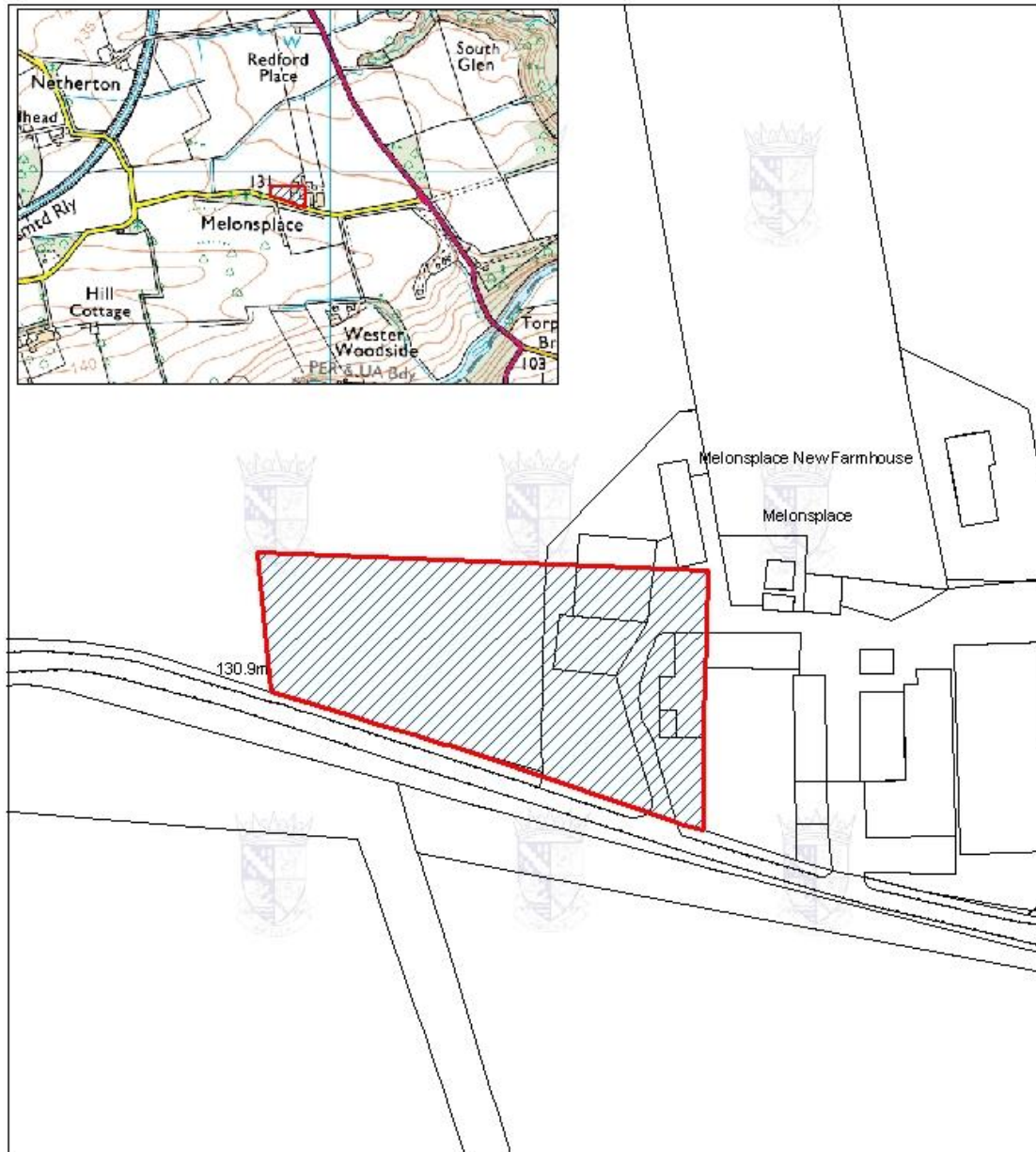
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/08/0911/FUL

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



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2009. All rights reserved. Ordnance Survey Licence number 100023384

FALKIRK COUNCIL

Subject: **ERECTION OF FEED STORE/HORSE SHELTER AT WESLEYMOUNT,
CHURCH ROAD, CALIFORNIA, FALKIRK, FK1 2BD FOR MR AND MRS
LEACH – P/09/0233/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **26 August 2009**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Member: **Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie**

Community Council: Shieldhill and California

Case Officer: Gavin Clark (Assistant Planning Officer), Ext: 4704

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This is a detailed application for the erection of a feed store/horse shelter at Wesleymount, Church Road, California.
- 1.2 The site is bounded by Wesleymount Farm to the north, Birchtree Farm to the north-east and fields on all other sides. The site has been allocated for housing in the Falkirk Council Local Plan (Finalised Draft) Deposit Version (H.CAL 5).

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Gordon Hughes.

3. SITE HISTORY

- 3.1 Application ref: P/09/0326/FUL for the siting of a residential caravan (temporary) was registered on 17 July 2009 and is currently pending consideration.
- 3.2 Application ref: P/09/0251/FUL for the siting of a mobile home (retrospective) was granted on 11 June 2009.
- 3.3 Application ref: F/2005/0322 for the erection of 4 dwellinghouses was withdrawn on 12 January 2006.
- 3.4 Application ref: F/2004/1051 for the siting of a static caravan was granted on 6 April 2005.

- 3.5 Application ref: F/2004/0584 for the siting of a temporary mobile home (retrospective) was refused on 12 December 2004.
- 3.6 Application ref: F/2004/0552 for the erection of a dwellinghouse was refused on 2 February 2005.
- 3.7 Application ref: A/2004/0005 for the erection of an agricultural building was granted on 12 October 2004.
- 3.8 Application ref: 05/1141/FUL for the siting of a mobile home (retrospective) was granted temporary consent on 13 November 2006.
- 3.9 Application ref: F/90/0636 for the erection of a dwellinghouse was refused planning permission on 14 September 1990.
- 3.10 Enforcement ref: ENF/2009/0032 for unauthorised development received on 27 March 2009.

4. CONSULTATIONS

- 4.1 Scottish National Heritage has no objections to the proposal.

5. COMMUNITY COUNCIL

- 5.1 Shieldhill and California Community Council has not made representation

6. PUBLIC REPRESENTATION

- 6.1 One letter of representation was received. The following issues were raised:
- not notified that planning application had been submitted.
 - there is a variety of wildlife in the area which could be affected by the proposed development.
 - tree presently on site which has been in place since the 1930s.
 - caravan and septic tank erected without planning consent.

7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

7a The Development Plan

7a.1 Falkirk Council Structure Plan (2007)

7a.2 There are no specific policies in the Structure Plan that relate to the proposal and therefore, no strategic issues require to be addressed.

Rural Local Plan

7a.3 Policy RURAL 1 ‘New Development in the Countryside’ states:

“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*
- 3. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
- 4. Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
- 5. Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council’s Tourism Strategy are particularly welcomed.*
- 6. Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council’s “Design Guide For Buildings In The Rural Areas” and sympathetic to vernacular architectural forms will be expected.”

7a.4 The proposed feed store/horse shelter by its nature is to support the applicant's recreational hobby of horse riding. The horse is presently kept in the field. The nature of the hobby is considered to require a rural location and therefore the proposal is in accordance with Criterion 5 as contained in Policy Rural 1 above.

Accordingly the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version) and the objection received in so far as it relates to material planning considerations.

Falkirk Council Local Plan (Finalised Draft) Deposit Version

7b.2 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.”*

7b.3 It is considered that the siting of the feed store/ horse shelter require a countryside location, would be unobtrusive, and integrate into the surrounding landform.

Points Raised Through Comment

7b.4 The applicant has certified that all appropriate neighbours were notified of the application.

7b.5 Scottish Natural Heritage (SNH) was consulted on this application. They raised no concerns in relation to wildlife and offered no objections to the proposal. There is no indication of protected species in the surrounding areas, and any impact would be minimal from the erection of a feed store/ horse shelter.

7b.6 The tree within the site is not protected by a tree preservation order (TPO).

7b.7 A planning application has been submitted for the caravan and septic tank. (ref: P/09/0326/FUL) and is pending consideration.

7c Conclusion

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

8. RECOMMENDATION

- 8.1 It is recommended that detailed planning permission be granted subject to the following condition:

- (1) The development to which this permission relates must be begun within three years from the date of this permission.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

.....
Director of Development Services

Date: 18 August 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Letter of objection from Carol Anderson, c/o Birchtree Farm, Wesleymount, Church Road, Falkirk, FK1 2BD dated 17 April 2009

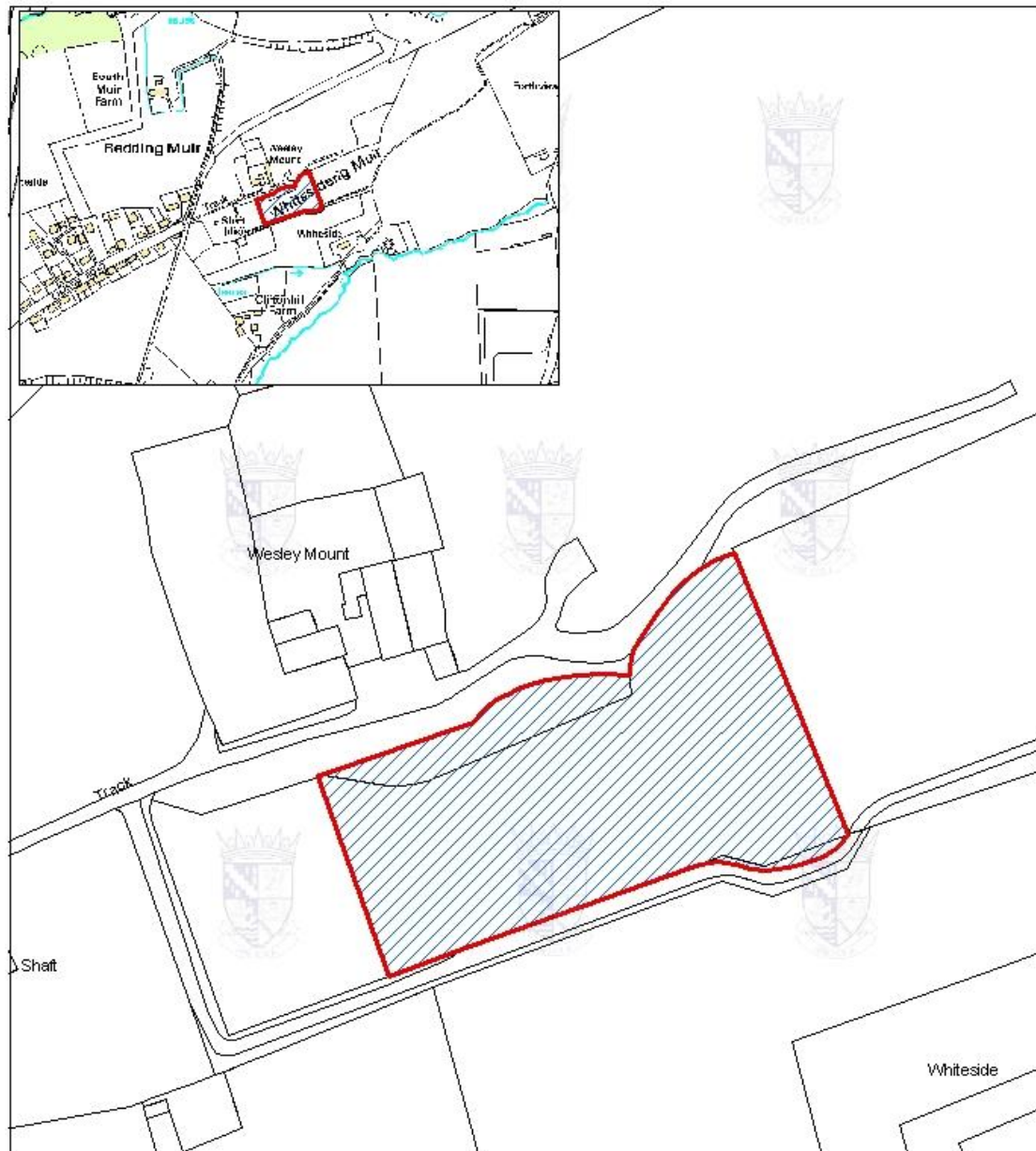
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504704 and ask for Gavin Clark (Assistant Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0233/FUL

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



Falkirk Council

Reproduced by permission of Ordnance Survey on behalf of HM SO. © Crown copyright and database right 2009. All rights reserved. Ordnance Survey Licence number 100023384

FALKIRK COUNCIL

Subject: SUBDIVISION OF GARDEN GROUND AND ERECTION OF DWELLINGHOUSE AT BRAEFACE COTTAGE, BONNYBRIDGE, FK4 1UE FOR MR & MRS DANIEL HENDERSON - P/09/0273/FUL

Meeting: PLANNING COMMITTEE

Date: 26 August 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Jim Blackwood
Councillor John McNally
Councillor Martin David Oliver
Councillor Alexander John Waddell

Community Council: Banknock, Haggs and Longcroft

Case Officer: Brent Vivian (Senior Planning Officer), ext 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks detailed planning permission for the erection of a one and a half storey dwellinghouse.
- 1.2 The application site forms part of a large residential property on elevated ground to the north of Banknock. The site largely contains the remnants of a formal garden and lies to the east of the existing dwellinghouse on the property, which is a single storey traditional cottage. The site is well screened by mature hedges and other planting along its northern, eastern and road boundaries.
- 1.3 The residential property lies at the eastern end of a row of dwellinghouses situated on the north side of Kelt Road. The adjoining land to the north, south and east is in open pasture.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposed development represents a departure from the Development Plan.

3. SITE HISTORY

- 3.1 Outline planning application ref: 06/0359/OUT for the erection of a dwellinghouse was refused by the Regulatory Committee at its meeting on 30 August 2006.

- 3.2 Outline planning application ref: P/07/0020/OUT for the erection of a dwellinghouse was approved by the Regulatory Committee at its meeting on 28 February 2007. This application was a re-submission of application ref: 06/0359/OUT, refused planning permission in 2006.
- 3.3 Condition 4 of outline planning permission ref: P/07/0020/OUT restricts the height of the proposed dwellinghouse to single storey. The current proposal is to erect a one and a half storey dwellinghouse, therefore a detailed planning application rather than an application for the approval of reserved matters has been submitted.
- 3.4 The reason for the current proposal is due to the location of a Scottish Water water main which crosses through the site. This has constrained the location of the dwellinghouse and the size of the footprint, such that it is considered by the applicant to be impractical to erect a single storey dwellinghouse.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised of its requirements in respect of construction of the proposed new vehicular access and provision of visibility splays for the new access.
- 4.2 The Environmental Protection Unit is satisfied that an adequate contaminated land risk assessment has been undertaken and that the site appears to be suitable for its intended use.
- 4.3 Scottish Water has no objection to the application and is satisfied that an existing Scottish Water water main is located a safe distance from the proposed dwellinghouse.

5. COMMUNITY COUNCIL

- 5.1 The Banknock, Haggs and Longcroft Community Council has not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 One objection to the application has been received, on the following grounds:-
- The proposed dwellinghouse should be limited to ground floor only as it is very high and out of character with the other cottages/bungalows.
 - This land should not be built on as it was Green Belt and fenced off to extend an existing garden.
 - Proximity to a large water pipe running through the site.
 - Concern regarding rainwater disposal as there are no drains nearby.

7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

7a The Development Plan

Approved Falkirk Council Structure Plan

7a.1 Policy ENV.1 ‘Countryside and Protected Areas’ states:

- “(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

7a.2 It has not been demonstrated that a countryside location is essential for the proposed dwellinghouse. In addition, the proposal does not represent a form of agricultural diversification. Therefore, the proposed development does not accord with this policy.

Adopted Rural Local Plan

7a.3 The application site lies within the countryside under the adopted Rural Local Plan.

7a.4 Policy RURAL 1 ‘New Development in the Countryside’ states:

“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*
- 3. Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*

4. *Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
5. *Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council's Tourism Strategy are particularly welcomed.*
6. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council's "Design Guide For Buildings In The Rural Areas" and sympathetic to vernacular architectural forms will be expected."

7a.5 The proposed development does not accord with this policy as it fails to satisfy any of the exceptions to the general presumption against new development in the countryside. With regard to exception 3, the proposed dwellinghouse would not occupy a clear gap site within an existing development pattern. The proposed development is therefore not considered to represent appropriate infill development within the context of this policy.

7a.6 Accordingly, the application does not accord with the Development Plan.

7b Material Considerations

7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the consultation responses, the planning history for the site, the design of the proposed dwellinghouse and its setting in the landscape, and the representation received.

Falkirk Council local Plan Finalised Draft (Deposit Version)

7b.2 The application site lies within the countryside under the Falkirk Council Local Plan Finalised Draft (Deposit Version).

7b.3 Policy SC3 - 'Housing Development In The Countryside' states:

"Housing development in the countryside will only be permitted in the following circumstances:

- (1) *Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
 - *The operational need for the additional house in association with the business*
 - *That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
 - *That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
 - *That the business as a whole is capable of providing the main source of income for the occupant;*

- (2) *Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
- *The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
 - *The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
 - *The restored or converted building is of comparable scale and character to the original building*
 - *In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*
- (3) *Appropriate infill opportunities within the envelope of an existing group of residential buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8.”*

7b.4 The proposed dwellinghouse would not satisfy any of the circumstances detailed in this policy to support housing development in the countryside. The proposed development therefore does not accord with this policy. With regard to circumstance 3, the proposed dwellinghouse does not lie within the envelope of an existing group of residential buildings and therefore is not considered to represent an appropriate infill opportunity within the terms of this policy.

Consultation Responses

7b.5 The consultation responses are summarised in section 4 of this report. The requirements of the Roads Development Unit could be the subject of conditions of any grant of planning permission. The comments of the Environmental Protection Unit and Scottish Water are noted.

Planning History

7b.6 The planning history for the site is detailed in section 3 of this report. The principle of development of the property for an additional dwellinghouse can be seen to be accepted through the grant of outline planning permission ref: P/07/0020/OUT. The current proposal for a one and half storey dwellinghouse does not satisfy condition 4 of the grant of outline permission, which restricts the proposed dwellinghouse to single storey. Given that the principle of the proposed dwellinghouse has been accepted, a determining consideration in this application is the acceptability of exceeding a single storey dwellinghouse.

Design and Landscape Setting

7b.7 The design of the proposed dwellinghouse is considered to be sympathetic to vernacular architectural forms and traditional external finishes are proposed. Accordingly, it is considered to be compatible with the Council's Design Guide for Buildings in the Rural Area. The Design Guide promotes steeper roof pitches (preferably 45°) in order to allow for attic space or a dormer extension. In view of this, the proposal for a one and a half storey dwellinghouse incorporating 2 dormer windows is considered to be acceptable. In addition, there is a range of house styles in the area.

- 7b.8 The application site defines the eastern edge of the row of residential properties at this location and is screened by mature boundary planting. In addition, the site is relatively low lying in comparison to the other dwellinghouses on the north side of Kelt Road at this location. The proposed dwellinghouse would therefore not be highly visible and subject to the retention or replacement of existing boundary planting would be satisfactorily absorbed into the landscape setting.

Representation Received

- 7b.9 The objection to the application has been summarised in section 6 of this report. With regard to the concerns raised, the following comments are considered to be relevant:
- The design of the proposed dwellinghouse is considered to be acceptable for the reasons detailed in paragraph 7b.7.
 - The principle of an additional dwellinghouse at this location has been accepted through grant of outline planning permission ref: P/07/0020/OUT.
 - Scottish Water has advised that the dwellinghouse would be located at a safe distance from the existing water main.
 - The applicant has advised that surface water would discharge to a soakaway. The location and design of the proposed soakaway would be assessed through the Building Warrant process and would be subject to the Water Environment (Controlled Activities) Regulations (CAR) administered by SEPA.

7c Conclusion

- 7c.1 The proposed development is considered to be contrary to the Development Plan for the reasons detailed in this report. However, the principle of the proposed dwellinghouse has previously been accepted by grant of outline planning permission ref: P/07/0020/FUL. The reason for this detailed planning application is to seek permission for a one and a half storey dwellinghouse incorporating two dormer windows. The outline permission restricted the dwellinghouse to single storey. Notwithstanding this, the design of the proposed dwellinghouse is considered to be acceptable, for the reasons detailed in this report. In addition, it is considered that the dwellinghouse would be satisfactorily absorbed into the landscape setting. It is therefore considered that there are material considerations to justify setting aside the terms of the Development Plan in this instance. The application is therefore recommended for approval subject to the imposition of appropriate conditions.
- 7c.2 The Council does not have an interest in this development and it is considered the application is not a significant departure from the Development Plan. In accordance with circular 3/2009, 'Notification of Planning Applications', it is not necessary to refer the application to Scottish Ministers.

8. RECOMMENDATION

8.1 It is therefore recommended that planning permission be granted subject to the following conditions:

- (1) The development to which this permission relates must be begun within three years from the date of this permission.
- (2) Before the development commences, the exact details of the colour and specification of all proposed external finishes shall be submitted to and approved in writing by this Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- (3) Before the development commences, the details of 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) An indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration/replacement;
 - (ii) The location of all new trees, shrubs, hedges and grassed areas;
 - (iii) A schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - (iv) A programme for completion and subsequent maintenance;

No existing trees, shrubs or hedges shall be removed prior to the written approval of the scheme of soft landscaping.

- (4) The scheme of landscaping shall be implemented in accordance with the approved details by the end of the first planting and seeding season following the occupation of the proposed dwellinghouse.
- (5) The new access driveway shall have a minimum width of 5 metres, meet Kelt Road at right angles and have a gradient of no greater than 1 in 10.
- (6) The new access driveway shall be constructed in a manner to ensure that surface water and loose material does not discharge onto the public carriageway.
- (7) There shall be no obstruction to visibility over 1 metre in height within 2.5 metres of the carriageway edge along the entire frontage of the site.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-4) To safeguard the visual amenity of the area.

(5-7) To safeguard the interests of the users of the public highway.

Informative(s):

- (1) The new access driveway will require to be constructed under a Minor Roadworks Consent, issued and approved by Roads Services, Earls Road, Grangemouth.
- (2) The builder will be required to ensure that noisy work which is audible at the site boundary shall only be conducted between the following hours:

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

Deviation from these hours will not be permitted unless in emergency circumstances and with the prior approval of the Environmental Health Manager.

.....
Director of Development Services

Date: 18 August 2009

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan
2. Adopted Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Falkirk Council Design Guide for Buildings in the Rural Areas

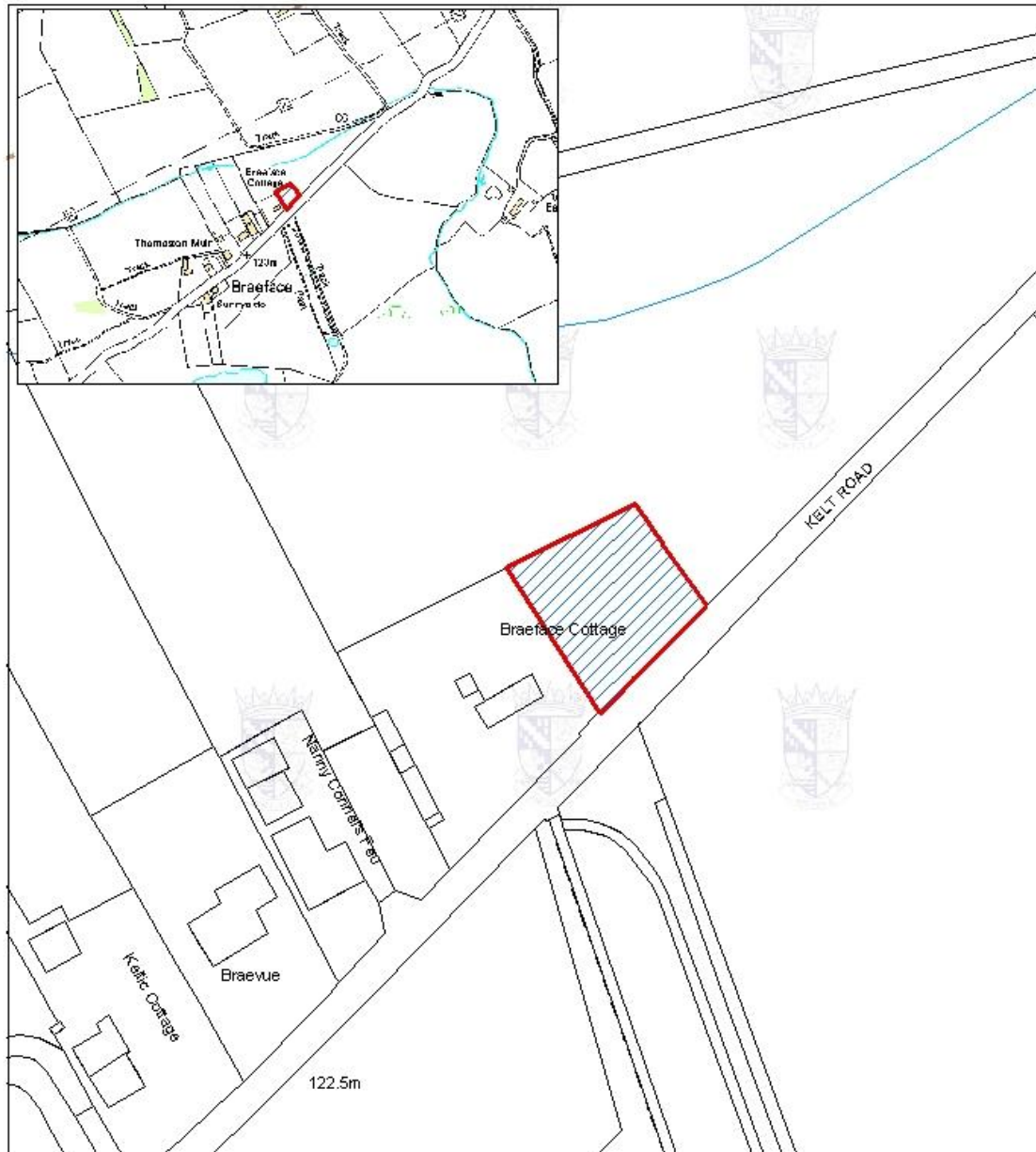
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0273/FUL

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



Falkirk Council

Reproduced by permission of Ordnance Survey on behalf of HM SO. © Crown copyright and database right 2009. All rights reserved. Ordnance Survey Licence number 100023384

FALKIRK COUNCIL

Subject: ERECTION OF TWO DWELLINGHOUSES AT MILNQUARTER FARM,
ROMAN ROAD, BONNYBRIDGE FK4 2DE FOR STEWART HOMES
(SCOTLAND) LTD – P/09/0334/FUL

Meeting: PLANNING COMMITTEE

Date: 26 August 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Billy Buchanan
Councillor Tom Coleman
Councillor Linda Gow

Community Council: No Community Council

Case Officer: Brent Vivian (Senior Planning Officer) Ext: 4935

1. DESCRIPTION OF PROPOSAL/SITE LOCATION

- 1.1 The application seeks detailed planning permission for the erection of two semi-detached one and half storey dwellinghouses.
- 1.2 The application site is located to the immediate east of a farm steading converted to residential use. The steading is served by a private access which crosses the Milnquarter Burn to connect to a new housing development and Roman Road, Bonnybridge. The design of the proposed dwellinghouse would be in the style of the converted steadings.
- 1.3 The site forms part of an open area between housing to the west and a mix of urban uses fronting Broomhill Road. Its current use is the storage of building materials and containers. In addition an area has been hardsurfaced for car parking. A Roman Camp associated with the Antonine Wall lies to the south of the site and the Antonine Wall is to the north.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been called in by Councillor Buchanan.

3. SITE HISTORY

- 3.1 Planning application ref: 06/0793/FUL for the conversion of a barn to form two dwellinghouses was approved in December 2007.
- 3.2 Planning application ref: P/08/0752/FUL for the erection of two dwellinghouses was withdrawn. The current application is identical to this withdrawn application.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has advised that the proposed development would result in 7 dwellinghouses being served by a shared private access. This number of dwellinghouses requires to be served by a minor access road, with footway and lighting provision, in order to comply with the Design Guidelines for Roads in the Falkirk Council Area. The existing access therefore requires to be upgraded, with a new bridge over the Milnquarter Burn. The design of the new bridge would require a Flood Risk Assessment, to ensure that Milnquarter Burn is not disrupted by the new structure. Together, the proposed development and the existing residences would require turning facilities for service vehicles and 16 parking spaces (14 resident and 2 visitor spaces). Details for surface water drainage, including SUDS, are required to be submitted.
- 4.2 The Environmental Protection Unit has requested the submission of a contaminated land assessment due to records indicating the presence of potential sources of land contamination within 250 metres of the site.
- 4.3 Scottish Water has no objection to the application.
- 4.4 Historic Scotland has advised that the proposed development lies partly within the buffer zone for the Antonine Wall World Heritage Site, and immediately to the north of a part of the Antonine Wall termed 'Antonine Wall, Milnquarter, Roman Camp'. The line of the wall itself is to the north. Historic Scotland are concerned that the application contains no analysis of the impact of the proposal upon the Antonine Wall World Heritage Site. However, Historic Scotland consider that the two proposed dwellinghouses would appear in the landscape to form part of the bulk and form of the existing Milnquarter Farm complex, and therefore would not adversely affect the setting of the Antonine Wall. On this basis, Historic Scotland does not object to the application. However, it is stressed that development of this small piece of the buffer zone should not be seen as setting a precedent for further development of the area.
- 4.5 Scottish Natural Heritage has no objection to the application. It notes that the site lies within a Site of Importance for Nature Conservation (SINC) but it would appear that previous activities have rendered the development site of limited ecological value.

5. COMMUNITY COUNCIL

- 5.1 There is no Community Council for this area at present.

6. PUBLIC REPRESENTATION

- 6.1 No representations have been received to this application.

7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 Policy ENV.1 ‘Countryside and Protected Areas’ states:

“(1) There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.

(2) The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”

7a.2 It has not been demonstrated that a countryside location is essential for the proposed dwellinghouses. In addition, they are not a form of agricultural diversification. The proposed development therefore does not accord with this policy.

Adopted Rural Local Plan

7a.3 The application site lies outwith any urban or village limits, in the countryside, under the adopted Rural Local Plan.

7a.4 Policy RURAL 1 ‘New Development in the Countryside’ states:

“That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

- 1. Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
- 2. On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council’s “Guide to Tree Planting/Housing Proposals on Slamannan Plateau”.*

3. *Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
4. *Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
5. *Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council's Tourism Strategy are particularly welcomed.*
6. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council's "Design Guide For Buildings In The Rural Areas" and sympathetic to vernacular architectural forms will be expected."

7a.5 This policy has a general presumption against new development in the countryside except in limited circumstances. In this instance, the relevant potential exceptions are 1 and 3. With regard to exception 1, it has not been demonstrated that the proposed dwellinghouses are essential to the pursuance of agriculture or any other economic activity requiring a rural location. With regard to exception 3, the proposed dwellinghouses would encroach onto open ground outwith existing building lines, and as such would not occupy a clear gap site in an existing development pattern. The proposed development is therefore not considered to represent appropriate infill development within the context of this policy. The proposed development therefore does not accord with this policy.

7a.6 Policy RURAL 17 'Antonine Wall' states:

"That along the Antonine Wall there will be a presumption against development proposals which would adversely affect the line, setting and amenity of the wall. Proposals which would lead to a sympathetic use of the wall for tourism, local recreation and interpretation will generally be considered favourably."

7a.7 Historic Scotland consider that the proposed dwellinghouses would not adversely affect the setting of the Antonine Wall as they would appear in the landscape to form part of the bulk and form of the existing Milnquarter Farm complex. This view is accepted. In addition, the proposed development would not have any direct impacts on the line of the wall or affect its amenity. The proposed development therefore accords with this policy.

7a.8 Accordingly, the application proposed is not considered to accord with the Development Plan,. Taking into consideration the provisions of ENV 1 of the Falkirk Council Local Plan and Rural 1 of the Rural Local Plan.

7b Material Considerations

7b.1 The material considerations in respect of this application are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the consultation responses, the planning history for the site and impact on rural amenity.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.2 The application site lies within the urban limits for Bonnybridge under the Falkirk Council Local Plan Finalised Draft Deposit Version) as amended by the Proposed Pre-Inquiry Modifications, dated May 2008.
- 7b.3 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, water supply, 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 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.”*
- 7b.4 The application site is not proposed as part of a housing opportunity site, but as it falls within the urban limits for Bonnybridge, as modified by the Proposed Pre-Inquiry Modifications, it can be considered as a potential windfall housing opportunity and therefore subject to the criteria of Policy SC2.
- 7b.5 The main potential issues under this policy are considered to relate to criteria (1), (3) and (4). With regard to criterion (1), details of the previous use of the land relative to the application site boundaries are required in order to confirm that the application site is brownfield. With regard to criterion (4), an upgraded access road would be required in order to accommodate an increase in use of the access and comply with the Design Guidelines for Roads in the Falkirk Council Area. With regard to criterion (3), the access upgrade would need to make satisfactory provision for pedestrians in order to ensure good accessibility by walking. The proposed development is considered to accord with criterion (2) and the site is not considered to be a small gap site or a subdivided plot, therefore criterion (5) is not relevant. The proposed development is not considered to conflict with any other policies of the Falkirk Council Local Plan Finalised Draft (Deposit Version), in reference to criterion (6). In summary, it has not been demonstrated that criteria (1), (3) and (4) of this policy are fully complied with or would be complied with. The proposed development therefore does not accord with these aspects of the policy.
- 7b.6 It should be noted that Proposed Pre-Inquiry Modifications to include the application site within the urban limits for Bonnybridge is subject to a number of objections. It is therefore considered that little weight can be afforded to this policy at this present time pending the outcome of the local plan review process. The Reporter’s recommendations arising from the local plan inquiry are expected by the end of the year.

7b.7 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 not conflict with other Local Plan policies; and*
- (3) The Council, in association with partner Councils and Historic Scotland, will prepare Supplementary Planning Guidance on the criteria which will be applied in determining planning applications for development along the line, or within the setting, of the Antonine Wall as defined on the Proposals Map.”*

7b.8 It is considered that the proposed dwellinghouses would not adversely impact on the setting of the Antonine Wall, for the reasons detailed in the assessment of the application against Policy Rural 17 of the adopted Rural Local Plan. Accordingly, for the same reasons, the proposed development is considered to accord with Policy EQ17.

7b.9 Policy EQ24 ‘Ecological Sites and Features’ states:

- “(1) Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions; and there are imperative reasons of overriding public interest, including those of a social or economic nature. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).*
- (2) Development affecting Sites of Special Scientific interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- (3) Development affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- (4) Development likely to have an adverse affect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.*

- (5) *Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site's natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required along with provision for its future management.*
- (6) *The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest."*

7b.10 Part of the application site lies within a locally designated Site of Importance for Nature Conservation (SINC). The particular interest of this SINC is a predominance of marshy grassland and rushes. In this instance it is considered that the proposed development would not compromise the overall integrity of this SINC. This is because the application site appears to lie within an area of made ground with little opportunity to restore it to its previous damp grassland habit. The comments by Scottish Natural Heritage reinforce this. Subject to the applicant demonstrating that the application site lies entirely within the infill/raised area, the proposed development would accord with the policy. Mitigation in the form of temporary fencing to protect the balance of the SINC during the construction period would be required. This could be the subject of a condition if planning permission were to be granted.

Consultation Responses

7b.11 The consultation responses are summarised in section 4 of this report. The advice detailed in these responses is supported. The applicant has not submitted details in relation to upgrade of the existing private access or surface water drainage, therefore there are potential issues in relation to road safety, sustainable transport and drainage/flooding. The provision of 16 parking spaces and a turning area to serve the overall development is also an unresolved issue. The requirement for a contaminated land assessment could be the subject of a condition if planning permission were to be granted.

Planning History

- 7b.12 The planning history for the site is detailed in section 3. The previous application for the same proposal (ref: P/08/0752/FUL) was withdrawn following it being recommended for refusal.
- 7b.13 The current proposal encroaches over land which was indicated in planning permission ref: 06/0793/FUL for car parking to serve the 5 units forming the steading redevelopment. This permission provided for the conversion of a barn to form 2 dwellinghouses to increase the number of dwellinghouses to 5. It is understood that the two new dwellinghouses are now completed. The provision of car parking and turning facilities to serve the overall development, including the current proposal, is unresolved.

Impact on Rural Amenities

7b.14 It is accepted that the proposed dwellinghouses would not impact on the open character of the countryside. This is because they would appear in the landscape setting as part of the existing steading complex.

7c Conclusion

- 7c.1 This application, for the erection of two dwellinghouses, is considered to be contrary to the Development Plan, for the reasons outlined in this report. Whilst it is recognised that the proposed development would not impact on the open character of the countryside, the Antonine Wall or the SINC, these considerations do not justify setting aside the terms of the Development Plan. In addition, the application does not comply with Policy SC2 of the Falkirk Council Local Plan Finalised Draft, as modified by Proposed Pre-Inquiry Modification. Even if it were to comply, granting the application under this policy would be prejudicial to the outcome of the local plan review process, for the reasons detailed in this report. Concerns are also raised in this report regarding parking and turning provision within the context of the existing residential development at this location.
- 7c.2 The applicant was requested to confirm if they wished to address the access, parking and surface water drainage issues in relation to the proposed development. However, no response has been received and the application is being recommended for determination on the basis of the submitted information.

8. RECOMMENDATION

- 8.1 It is recommended that detailed planning permission be refused for the following reasons:-
- (1) The application does not accord with Policy ENV1 of the approved Falkirk Council Structure Plan or Policy Rural 1 of the adopted Rural Local Plan as it has not been demonstrated that a countryside location is essential for the proposed dwellinghouses and the proposed dwellinghouses are not considered to represent an appropriate infill opportunity. The proposed development therefore represents unjustified development in the countryside.
 - (2) The application does not accord with Policy SC2 of the Falkirk Council Local Plan Finalised Draft (Deposit Version), as modified by Proposed Pre-Inquiry Modifications as it has not been demonstrated that the application site is brownfield, that the existing access has the capacity to accommodate the increase in use associated with the proposed development, or that adequate provision would be made for pedestrians. In any case, granting the application within the terms of this policy would be prejudicial to the outcome of the local plan review process as objections have been received to the proposed modification to include the application site within the urban limits of Bonnybridge.
 - (3) No details have been submitted in relation to upgrade of the existing access or surface water drainage, therefore it has not been demonstrated that the proposed development is acceptable in road safety, sustainable transport or drainage terms.

- (4) It has not been demonstrated that adequate car parking and turning facilities would be provided for the overall residential development comprising the proposed dwellinghouses subject to this application, the two dwellinghouses approved under planning permission ref: 06/0793/FUL and three existing dwellinghouses.

.....
Director of Development Services

Date: 18 August 2009

LIST OF BACKGROUND PAPERS

1. Approved Falkirk Council Structure Plan
2. Adopted Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)

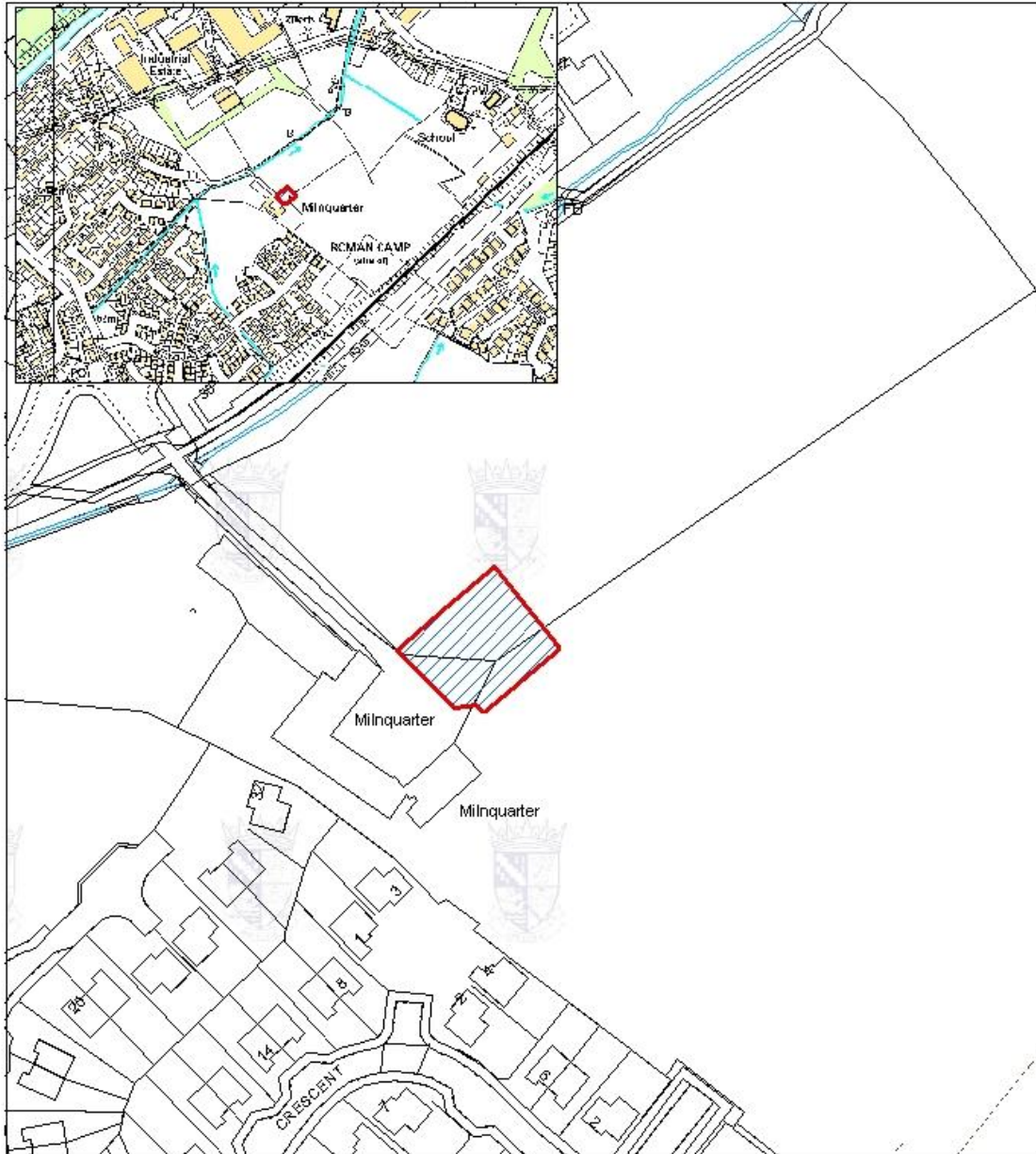
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/09/0334/FUL

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



Falkirk Council

Reproduced by permission of Ordnance Survey on behalf of HM SO. © Crown copyright and database right 2009. All rights reserved. Ordnance Survey Licence number 100023384

FALKIRK COUNCIL

Subject: EXTENSION TO DWELLINGHOUSE AT 8 MANNERSTON HOLDINGS,
LINLITHGOW, EH49 7NP, FOR MR DAVID LAWSON (P/09/0359/FUL)
Meeting: PLANNING COMMITTEE
Date: 26 August 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor John Constable
Councillor Harry Constable
Councillor Adrian Mahoney

Community Council: Blackness Area

Case Officer: Kirsty Hope (Assistant Planning Officer) 4705

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is located within an area of established small holdings and residential properties to the west of Blackness. The plot currently accommodates a small, single storey, detached dwellinghouse which is typical in the area.
- 1.2 This detailed application proposes a significant extension to the existing single storey dwellinghouse to create additional bedrooms and floor space, as well as increasing the overall height to a one and a half storey dwellinghouse. The application is a resubmission following the refusal of application ref: P/08/0901/FUL and is for the same proposal.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 Councillor Malcolm Nicol has requested that the Planning Committee considers the application in view of a possibly similar application in this area recommended for approval on the weekly list.

3. SITE HISTORY

- 3.1 P/08/0928/FUL – erection of stable block was granted detailed planning permission on 8 January 2009.
- 3.2 P/08/0901/FUL – extension to dwellinghouse was refused detailed planning permission on 12 March 2009.

4. CONSULTATIONS

- 4.1 The Roads Development Unit indicated that there is adequate in-curtilage parking and turning provision on site. This application does not propose the removal of parking provision.

5. COMMUNITY COUNCIL

- 5.1 The Blackness Community Council has commented on the application and has explained that the previous application was unanimously rejected by all attendees, but after further discussion with Mr Lawson with regards to flooding on site and restrictions from the nearby burn, there were some positive comments. The Community Council advises that previous objections are still considered relevant by some members present. The Community Council's comments can be summarised as follows:

- A one and a half storey dwellinghouse would be less obtrusive on this site than in other locations.
- Other developments have set a precedent, including extensions of no.10 Mannerston Holdings and no.45 Mannerston Holdings.
- Concerns were raised that as in the case of no.10 Champany, construction of the extension would result in the original dwellinghouse being demolished and a new house being built. The applicant assured the Community Council that he had no intention to demolish.
- Concerns were raised regarding the design of the extension. In particular the roof shape, gable ends and dormers are not considered to be in keeping with the character of the area. However members of the public who attended the meeting did not generally make negative comments.

6. PUBLIC REPRESENTATION

- 6.1 Following the neighbour notification process, no letters of representation have been received.

7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 There are no policies in the structure plan that relate to the proposals and therefore no strategic issues require to be assessed.

Rural Local Plan

- 7a.2 Policy RURAL 6 ‘Extensions to Existing Dwellinghouses within the Countryside’ states:

“That proposals to extend existing dwellinghouses within the countryside will be considered favourably provided that in the opinion of the District Council the proposed extension is of an appropriate scale, size and style in relation to the existing building and the design is compatible with the District Council’s “Design Guide for Buildings in the Rural Areas”.”

- 7a.3 The proposed extension and in particular the one and a half storey element of the development is considered to be unacceptable in terms of scale and character and its relationship with the existing dwellinghouse. The proposal is therefore considered to be contrary to the terms of the Rural Local Plan.

- 7a.4 Accordingly, the proposal does not accord with the Development Plan.

7b Material Considerations

- 7b.1 The material planning considerations to be addressed are the Falkirk Council Local Plan Finalised Draft (Deposit Version), the Supplementary Planning Guidance on House Extensions and Alterations and comments received.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.2 Policy SC9 - ‘Extensions And Alterations To Residential Properties’ states:

“Extensions and alterations to residential properties will be permitted where:

- (1) the scale, design and materials are sympathetic to the existing building;*
- (2) the location and scale of the extension or alterations will not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties; and*
- (3) it will not result in overdevelopment of the plot, thereby giving rise to adverse impacts on the functioning of garden ground, or the unacceptable loss of off-street parking.”*

- 7b.3 Policy SC9 affirms the position of Policy Rural 6 of the Rural Local Plan.

- 7b.4 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.”

- 7b.5 Whilst the scale of the development is not considered large enough to require a landscape and visual assessment to be carried out, it is considered that the proposed extension is unsympathetic to the scale and character of the existing property and therefore contrary to the terms of the Policy EQ23.
- 7b.6 The proposal is therefore considered to be contrary to the terms of the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Supplementary Planning Guidance Note – House Extensions and Alterations

- 7b.7 This general guidance note is designed to help householders achieve an appropriate level of design quality that enhances the character of the house and the surrounding area whilst protecting the neighbouring amenity levels.
- 7b.8 This guidance note advises that the roof pitches and forms shall match that of the existing dwellinghouse and the dominance of the existing dwellinghouse should be reinforced with the extension being of the same or smaller scale than the main house. Exceptions to this can be considered on large detached dwellinghouses where the work would result in the seamless transition between the existing and new parts of the property.
- 7b.9 It is considered that the proposed extension is not in accordance with the terms of this guidance note.

Comments Received

- 7b.10 The dwellinghouse faces on to the main road and will be highly visible.
- 7b.11 There is no planning history for No.10 Mannerston Holdings however, this may have been mistyped as No. 11 was recently granted a 1 and ½ storey extension by the Planning Committee. However, following architectural advice No. 11 has subsequently submitted plans for a single storey extension that is more in-keeping with the surrounding area. The application for this revised proposal, ref: P/09/0460/FUL was granted on 13 August 2009. Planning permission ref: P/07/1229/FUL was granted by the Planning Committee, to convert redundant piggery buildings at 45 Mannerston Holdings. The height of the original roof was not increased in this application. Additionally No.45 is not located on a through road.
- 7b.12 The Community Council comment on No.10 Champany needing to be rebuilt. The current application for 8 Mannerston Holdings is to extend the dwellinghouse and not to demolish. However, if the dwellinghouse was to be demolished a separate planning application would need to be submitted for the erection of a dwellinghouse.
- 7b.13 It is accepted that there are concerns in relation to roof shape, gable ends and dormers.
- 7b.14 The Councillor's reason to call-in the application relates to permission being granted for a 1 and ½ storey extension to No. 11 Mannerston Holdings, however the applicant has since submitted a new application P/09/0460/FUL, for a single storey that is more in-keeping with the area, and this has subsequently been granted.

7c Conclusion

- 7c.1 It is considered that the proposal is an unacceptable form of development and is contrary to the terms of the Rural Local Plan and the Falkirk Council Local Plan Finalised Draft (Deposit Version) and the Supplementary Planning Guidance Note on House Extensions and Alterations. There are no other material planning considerations that would warrant an approval of planning permission in these circumstances.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee refuse the planning application for the following reason(s):

1. The proposal by reason of its overall size and design would result in an unacceptable form of development that would be detrimental to the visual amenity of the area. The proposal is therefore contrary to the terms of Policy Rural 6 – Extensions to existing Dwellinghouses within the Countryside of the Rural Local Plan, Policy SC9 – Extensions and Alterations to Residential Properties, Policy EQ23 – Areas of Great Landscape Value of the Falkirk Council Local Plan Finalised Draft (Deposit Version) and Falkirk Council Supplementary Planning Guidance Note – House Extensions and Alterations.

.....
Director of Development Services

Date: 18 August 2009

LIST OF BACKGROUND PAPERS

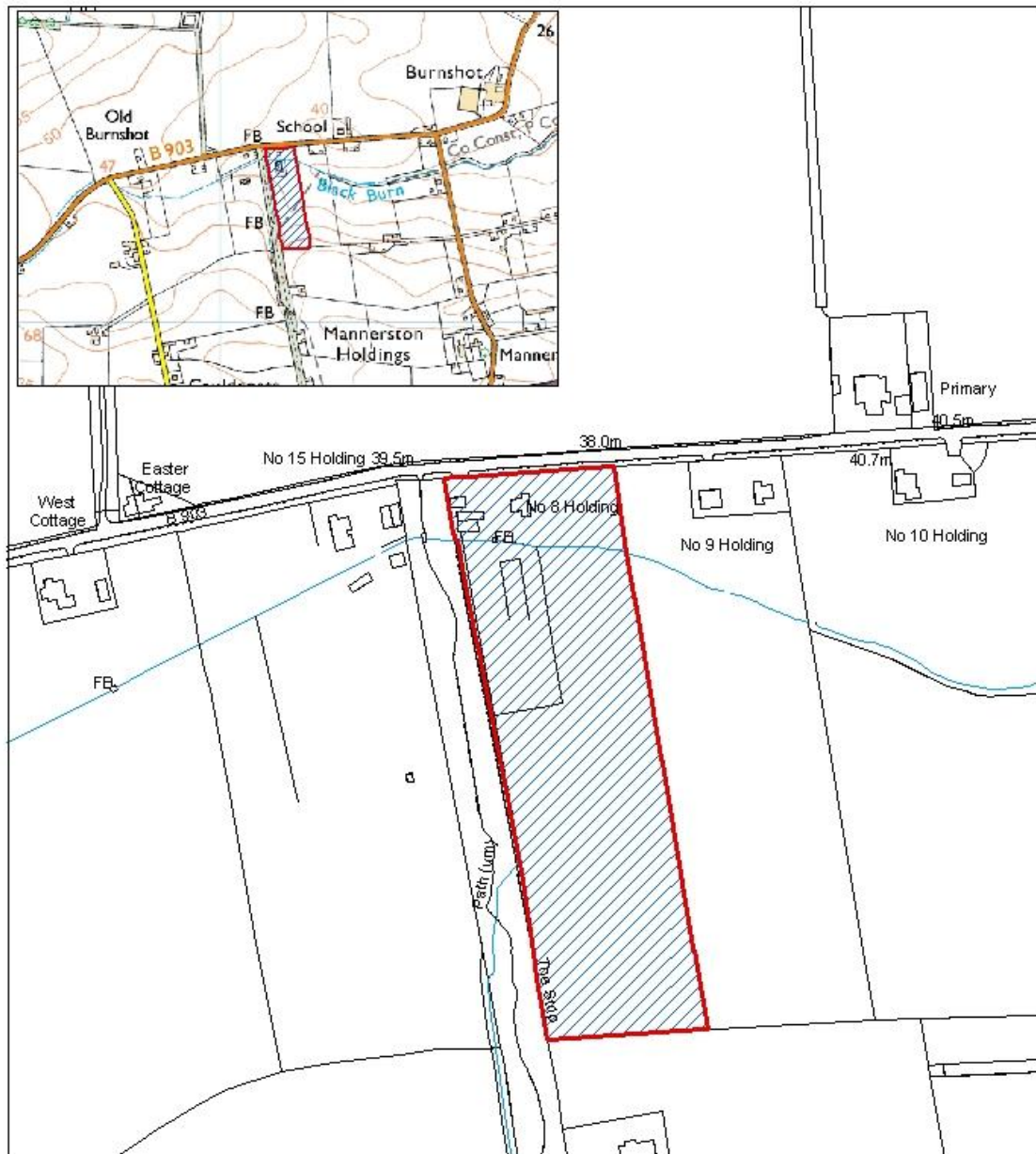
1. Adopted Rural Local Plan
2. Falkirk Council Local Plan Finalised Draft (Deposit Version)
3. Letter of representation from Blackness Area Community Council, Cauldcoats Steading, Linlithgow EH49 7LX on 26 June 2009

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504705 and ask for Kirsty Hope (Assistant Planning Officer).

Planning Committee

Planning Application Location Plan **P/09/0359/FUL**

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



Falkirk Council

Reproduced by permission of Ordnance Survey on behalf of HM SO. © Crown copyright and database right 2009. All rights reserved. Ordnance Survey Licence number 100023384

FALKIRK COUNCIL

Subject: ERECTION OF SUPERSTORE, PETROL FILLING STATION AND FORMATION OF CAR PARK AND ACCESS ROAD AT LAND AT REDDING ROAD TO THE SOUTH OF LIVINGSTONE TERRACE REDDING ROAD, REDDING, FALKIRK FOR TESCO STORES LTD & SANTON GROUP DEVELOPMENTS LTD – P/07/0422/FUL

Meeting: PLANNING COMMITTEE

Date: 26 August 2009

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Reddingmuirhead, Brightons and Rumford

Case Officer: Bernard Whittle (Development Management Co-ordinator), ext 4875

1. INTRODUCTION

- 1.1 The purpose of this report is to seek Committee approval to revise the terms of the required Section 75 agreement and to authorize amendments to the site layout and proposed planning conditions.

2. BACKGROUND

- 2.1 At the meeting on 5 November 2008 the Regulatory Committee agreed it was minded to grant planning permission reference P/07/0422/FUL subject to referral of the application to Scottish Ministers, conditions and a legal agreement under section 75 of the Town and Country Planning (Scotland) Act. Scottish Ministers have advised that they are content for the Council to determine the planning application and negotiations to conclude a section 75 agreement are progressing. The previous report to Committee and agreed minute of the meeting on 5 November 2008 are attached for information.

- 2.2 The Committee decision requires, amongst other things, that the legal agreement should include provision for land to the east of the application site to be reserved for 5 years for additional car parking (Minute R91 paragraph (b)(3)(iv)). The applicants have subsequently advised that they wish to provide the additional car parking as part of the development rather than reserve the land for provision at some point in the future. Accordingly, they have requested that the heads of terms of the agreement be amended to remove the requirement for reservation of the land. An amended site layout plan showing 122 additional car parking spaces on the land to the east of application site has been submitted and neighbours re-notified. There is no change in the application site boundary. In addition the applicant has asked that the wording of condition 14 be amended to substitute the terms ‘convenience’ and ‘comparison’ for ‘food retail’ and ‘non-food retail’ to reflect terminology in the retail impact assessment considered and accepted by the Council.

3. CONSULTATIONS

- 3.1 The Roads and Development Unit has advised that the amended car park details are acceptable subject to conditions requiring adequate directional signage within the site being provided.

4. COMMUNITY COUNCIL

- 4.1 The Community Council has not made any representations.

5. PUBLIC REPRESENTATION

- 5.1 One letter of representation was received in respect of the revised car parking proposal. No objection is raised but comment is made requesting the applicants provide adequate screening between the site and neighbouring residential properties (Blair Cottages).

6. DETAILED APPRAISAL

When determining planning applications, the status of the development plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

6a The Development Plan

Falkirk Council Structure Plan

- 6a.1 The proposed amendment to car parking provision and revision to the wording of condition 14 raise no strategic policy issues.

Adopted Polmont and District Local Plan

6a.2 Policy POL 5.4 'Design Considerations in Retail Development' states:

"The Council will require a high standard of design in new retail development. Accordingly:

- (i) proposals should integrate with, and contribute positively towards the existing townscape in terms of form, layout, detailing and materials;*
- (ii) where appropriate, a comprehensive scheme of hard and soft landscaping should be integral to proposals;*
- (iii) shopfronts and commercial signage should be sensitively designed with due regard to the character of the building; and*
- (iv) proposals should facilitate safe and attractive access for all users, particularly pedestrians, those with mobility problems, public transport users and cyclists."*

6a.3 The proposed car park is considered to achieve a high standard of design, and accords with this policy. A comprehensive landscaping scheme is proposed for the entire site to visually soften the impact of the development and to take account of the relationship of the development to adjoining land uses. The proposed road layout and pedestrian and cycle facilities within the whole site will facilitate safe and attractive access for all.

6b Material Considerations

6b.1 The material considerations in determining the amendment are the Falkirk Council Local Plan Finalised Draft (Deposit Version), consultation responses, the representation received and planning history

Falkirk Council Local Plan Finalised Draft (Deposit Version)

6b.2 Policy ST10 - 'Parking' states:

"The Council will manage parking provision as an integral part of wider transport planning policy to ensure that road traffic reduction, public transport, walking, cycling and safety objectives are met.

- (1) There will be a presumption against significant additional public parking in Falkirk Town Centre.*
- (2) There will be a presumption against the removal of existing parking provision in Falkirk Town Centre where this would adversely affect the vitality and viability of the centre.*
- (3) Park and ride facilities will be promoted at Westfield, Falkirk. The feasibility of providing facilities on the B902 Stenhousemuir-Falkirk corridor will be investigated.*
- (4) Parking in District and Local Centres will be managed to promote sustainable travel and the role of the centres.*
- (5) The maximum parking standards set out in SPP 17 will be applied where relevant, in tandem with the Council's minimum standards. Where the minimum standards cannot be met, then enhanced travel plan resources may be required in compensation."*

6b.3 The amended car parking layout ensures that the Council's parking standards are met and as a consequence the requirement for land to be safeguarded for provision of additional parking in the future is no longer required. The amended parking layout is therefore considered to accord with this Policy.

6b.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."*

6b.5 The siting and layout of the revised parking area accords with this Policy for the reasons detailed earlier in this report in respect of Polmont and District Local Plan Policy POL 5.4.

Consultation Response

6b.6 The consultation response from the Roads and Development Unit is summarised in paragraph 3 of this report. The matters referred to regarding directional signage can be the subject of an additional planning condition.

Representation Received

6b.7 The comment received regarding screening of the car park has been raised with the applicant. Landscaping and boundary enclosure are matters covered by the approved planning conditions and the applicant is required to seek approval from the Council for these details before development commences. .

Planning History

6b.8 The development of the site for a superstore, petrol filling station, car park and access has previously been considered by the Council and determined to be acceptable. The proposed amendment to the application prior to conclusion of the section 75 agreement to provide car parking on an area that the Council wished safeguarded for car parking is not considered to be a significant variation to the scheme already considered by Members. But procedurally this change does require Committee approval to change the heads of terms of the proposed section 75 agreement previously approved by Members. In addition to address matters raised by the Roads Development Unit a further condition is required to ensure directional signage is provided within the site to the car parking area to the east. Also, amendment to Condition 10 is required to ensure the additional car parking is provided.

- 6b.9 The amendment to condition 14 to substitute the word convenience and comparison for food and non-food retail would more properly and precisely reflect the proposal as submitted to and analyzed by the Council. The difference between the two sets of terms is that reference to "food" excludes alcoholic drink, books, newspapers, matches, soap and other cleaning materials whereas "convenience" includes all these goods. The retail analysis was based on use of the terms "convenience" and "comparison" and therefore use of these terms in condition 14 would be more appropriate.

6c Conclusion

- 6c.1 Having taken into account all relevant planning issues it is considered that the proposed amendments are acceptable.

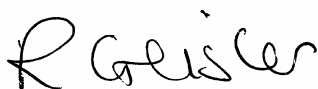
7. RECOMMENDATION

- 7.1 It is recommended that the Committee agrees to the following:**

- (a) The amendment of the heads of terms of the section 75 agreement to delete the requirement to safeguard land for car parking as stated at R91 Paragraph(b)(3)(iv) of the minute of the meeting of the Regulatory Committee meeting on 5 November 2008 and provision of additional parking as shown on the amended drawings submitted.
- (b) The amendment of condition 14 to substitute the terms 'convenience' and 'comparison' for 'food retail' and 'non-food retail'.
- (c) The amendment of condition 10 to state, 'Before the proposed development is brought into use, all proposed pedestrian, cycling, public transport, parking and road infrastructure, as indicated on approved Drawing no.1306(P)001 Rev.T, shall be fully completed in accordance with full details approved in writing with this Planning Authority'.
- (d) The following additional condition and reason:
 - 1. Before the proposed development is brought into use, details of directional signage within the site, including signs informing customers of car parking to the east of the petrol filling station and the location of signs, shall be submitted for the written approval of this Planning Authority and erected.

Reason(s):

1. In the interests of road safety; to avoid parking on the public road



.....
Director of Development Services

Date: 18 August 2009

LIST OF BACKGROUND PAPERS

1. Letter of representation from Mrs J Kean, Eversley House, Redding Road, Redding, Falkirk on 17 June 2009
2. The Approved Falkirk Local Plan
3. The Polmont and District Local plan
4. The Falkirk Council Local Plan Finalised Draft (Deposit Version)

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504875 and ask for Bernard Whittle (Development Management Co-ordinator).

AGENDA ITEM

FALKIRK COUNCIL

Subject: ERECTION OF SUPERSTORE, PETROL FILLING STATION AND FORMATION OF CAR PARK AND ACCESS ROAD AT LAND AT REDDING ROAD TO THE SOUTH OF LIVINGSTONE TERRACE, REDDING ROAD, REDDING FOR TESCO STORES LTD & SANTON GROUP DEVELOPMENTS LTD - P/07/0422/FUL

Meeting: REGULATORY COMMITTEE

Date: 5 November 2008

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Member: Councillor Steven Jackson
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Reddingmuirhead, Brightons and Rumford

Case Officer: Bernard Whittle (Development Co-ordinator), ext. 4875

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site comprises 4.7 hectares of vacant land. The site is bounded to the south by the Union Canal. Polmont Young Offenders' Institute lies to the south of the canal. To the north the site is bounded by the main Edinburgh to Glasgow railway. To the east the site is bounded by the B805 (Redding Road). There are houses adjacent to the eastern boundary and further housing to the north of the railway and to the east of Redding Road.
- 1.2 Detailed planning permission is sought for the erection of a 6,940 square metre superstore, a petrol filling station, car park and access road. Access to the site is proposed by a roundabout to be constructed on Redding Road. The access road would be extended through the site to link with Redding Road, Reddingmuirhead, at the western end of the site near the Canal bridge.

2. REASON FOR CONSIDERATION BY COMMITTEE

- 2.1 This application is contrary to Policies POL 4.2 (Other Economic Development Opportunities), POL 4.3 (Business and Industry Areas for Improvement), POL 5.1 (The Shopping Hierarchy) and POL5.5 (Foodstores) of the adopted Polmont and District Local Plan.

3. SITE HISTORY

- 3.1 Outline planning application reference F/98/0870 for the erection of a food superstore (4,645 m²), non-food retail warehousing (929 m²), petrol filling station, restaurant, office accommodation and associated car parking was withdrawn. This followed the Council's decision that it was minded to grant the application being called in by Scottish Ministers due to possible implications for national retailing policies, the recently approved Structure Plan and the adopted Polmont and District Local Plan. The application was withdrawn before the Public Local Inquiry commenced.
- 3.2 Outline planning application reference F/2002/0895 was granted in October 2004 for the erection of a local shopping centre, including a food superstore (3,716 m²), non food retail units (929 m²), library/office, petrol filling station and restaurant. The permission was granted following the conclusion of a Section 75 legal agreement to secure an adoptable road link onto the former Redding Road and a financial contribution towards the construction of a new library and upgrading of footpath links to Livingstone Terrace.
- 3.3 Approval of reserved matters, reference F/2005/0304, was granted in December 2005 for the erection of the supermarket, shop units, petrol filling station and formation of car parking. This planning permission has not been implemented.

4. CONSULTATIONS

- 4.1 Scottish Water and SEPA have no objections in principle to the proposed development.
- 4.2 Network Rail requested a formal consultation and subsequently advised that they have no objections to the proposal.
- 4.3 No response has been received from British Waterways.
- 4.4 The Environmental Protection Unit has requested further information regarding ground contamination, noise and odour control. These matters could be addressed by planning conditions.
- 4.5 The Transport Planning Unit has no objections in principle subject to the implementation of measures to compensate for a shortfall in on-site parking and to improve off-site roadway and pedestrian facilities. These matters could be addressed by conditions and/or a Section 75 legal agreement.
- 4.6 The Roads and Development Unit has advised that amended details for the proposals for surface water drainage are under consideration. Any update regarding this matter will be given at the Committee meeting.
- 4.7 The Research and Information Unit, Corporate and Neighbourhood Services, have generally accepted the findings of the Retail Impact Assessment submitted with the application, and have accepted that the increase in the size of the proposed superstore from that approved under outline planning application ref : F/2002/0895 would only have a marginally greater impact on Polmont Local Centre.

5. COMMUNITY COUNCIL

- 5.1 The Reddingmuirhead and Wallacestone Community Council has not made any representations.

6. PUBLIC REPRESENTATION

- 6.1 Two representations to the application have been received. The concerns raised in these representations can be summarised as follows:

- Contrary to the Development Plan, which seeks to support a local centre, not a large foodstore;
- The market share and turnover of the proposed development is likely to be higher than predicted;
- The proposal will have a significant retail impact on Polmont Local Centre;
- The scale of the proposed development has the potential to compete with higher order centres, such as Stenhousemuir;
- Noise levels from a 24-hour operation;
- Adequate boundary screening is required;
- Increase in traffic and potential for congestion.

7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

7a The Development Plan

Approved Falkirk Council Structure Plan

- 7a.1 The key diagram of the approved Structure Plan indicates improved food retail provision for the Polmont area. This reflects the Structure Plan strategy to decentralise food retailing to district and local centres. The proposed superstore satisfies, in principle, this strategic aim.

- 7a.2 Policy ECON.4 ‘Falkirk Town Centre and the District Centres’ states:

“The Council will seek to maintain and enhance the principal role of Falkirk Town Centre and the local service role of the District Centres. Accordingly:

- (1) priority will be given to the expansion of Falkirk and Grangemouth Town Centres as provided for in Policy ECON.1, and opportunities for consolidation and expansion which may arise in the other District Centres, commensurate with their local role;*
- (2) co-ordinated strategies to improve the environment, management and accessibility of Falkirk Town Centre and the District Centres will be developed; and*
- (3) In Grangemouth and Bo’ness the proposals will be compatible with the petrochemical and chemical industries.”*

7a.3 The site of the proposed development is not identified as a Town or District Centre. An assessment of the impact of the proposed superstore on the principal role of Falkirk Town Centre and the local service role of the District Centres is therefore required.

7a.4 A Retail Impact Assessment (RIA) has been submitted with the application and reviewed by the Research and Information Unit, Corporate and Neighbourhood Services. Both the RIA and the review by Corporate and Neighbourhood Services conclude that the main impact of the proposed superstore would be on the main stores in Falkirk Town Centre. Particular concern has been raised at officer level at the impact of the proposal on the future viability of the Callendar Road Tesco within the Falkirk Town Centre. However, it is accepted that the proposed superstore is unlikely to seriously threaten the overall food retail function of the Falkirk Town Centre and is an inevitable consequence of the Structure Plan strategy to decentralise food retailing in the Falkirk Council area. These conclusions were similarly reached in respect of outline planning permission ref F/2002/0895.

7a.5 Policy ECON.5 ‘Location of New Retail and Commercial Leisure Development’ states:

“The scale of new retail development will be commensurate with maintaining the hierarchy of shopping centres shown in Schedule ECON.5 and enhancing them. Proposals for significant new retail and commercial leisure development should accord with the following principles:

- 1. non food retailing will be directed to Falkirk Town Centre and the District Centres. In addition, provision will be made for bulky household goods retailing at Middlefield/ Westfield Strategic Development Opportunity (up to 25,000 sq m gross), and for limited specialist retailing at the Falkirk Canal Interchange Strategic Development Opportunity, as set out in Schedule ECON.1 and subject to the criteria in Policy ECON.2;*
- 2. priority will be given to the provision of new food retail floorspace in Grangemouth, Larbert/Stenhousemuir, the Polmont area, Denny and Bonnybridge/Banknock, of a scale commensurate with the local catchment. New food retail floorspace will be directed to the District Centres and other established local centres, and only to new local centres where they meet the criteria set out in Policy ECON.6;*
- 3. new food retail floorspace in Falkirk will be restricted to existing commitments, neighbourhood stores of less than 1,000 sq. m. gross floorspace, and limited extensions to existing stores; and*

4 *commercial leisure developments will be directed to Falkirk Town Centre, the District Centres and those other Strategic Development Opportunities for which such uses are specified in Schedule ECON.1.”*

- 7a.6 The proposed development is located within the Redding Local Centre under the Hierarchy of Shopping Centres as set out in Schedule ECON.5. The Redding Local Centre is identified as a Local Centre based on a large food store. Policy ECON.5 seeks to ensure that the scale of new retail development will be commensurate with maintaining the hierarchy of shopping centres. The proposed development is considered to include significant new retail development and therefore requires assessment against this policy.
- 7a.7 The proposed food superstore incorporates and increases, by 989 m² of sales area, the non-food retail approved under outline planning application ref : F/2002/0895 as separate retail units. The first principle of Policy ECON.5 directs significant non-food retailing to Falkirk Town Centre and the District Centres. However, the scale of the proposed non-food retail would not have any significant impact on the Town and District Centres and can be considered to be complementary to the proposed foodstore. This conclusion was similarly reached in respect of outline planning application ref : F/2002/0895.
- 7a.8 The main aspect of the proposed development is food retail, which is strongly supported by Sub-section 2 of this policy. Sub-section 2 indicates that priority will be given to the provision of new food retail floorspace in the Polmont area. The scale of the proposed food retail, at an additional 849 m² of sales area from the food superstore approved under planning application ref : F/2002.0895, is considered to be of a scale commensurate with the local catchment. This is because it is accepted that the catchment of the proposed development would be the Polmont area and that the proposed superstore is unlikely to seriously threaten the overall food retail function of Falkirk Town Centre and the District Centres, as detailed earlier in this report.
- 7a.9 In addition, it is recognised that the Polmont area, with the Polmont Local Centre would assume a more neighbourhood role as a consequence of the proposed development. In that regard, there should not be any conflict in function and catchment between the two centres. Nonetheless, it was accepted in approval of outline planning application ref : F/2002/0895 that the proposed foodstore subject to that application would have a reasonably high impact on the Polmont Co-op. This was recognised as an inevitable consequence of the priority given to provision of new food retail floorspace in the Polmont area. However, Corporate and Neighbourhood Services have accepted that the larger foodstore now proposed would have only a marginally greater effect on the Polmont Local Centre than that approved under outline planning application ref : F/2002/0895, and this is accepted by this Planning Service.

7a.10 Sub-section 2 of Policy ECON.5 directs new food retail floorspace to the District Centres and other established local centres, and only to new local centres where the criteria set out in Policy ECON.6 is met. The site of the proposed superstore is located in the Redding Local Centre. However this is a new local centre and therefore, technically, requires assessment against Policy ECON.6.

7a.11 Policy ECON.6 ‘Out-of-Centre Retail and Leisure Development’ states:

“Proposals for significant retail or commercial leisure development not within or adjacent to Falkirk Town Centre, or the District Centres or not provided for within a Strategic Development Opportunity as specified in Schedule ECON.1, will be assessed in relation to the following:

- (1) the impact on the vitality and viability of Falkirk Town Centre, the District Centres, and any other Strategic Development Opportunity;*
- (2) the need for the development;*
- (3) the proposal’s ability to meet the sequential approach;*
- (4) the accessibility of the proposal by a choice of means of transport ;*
- (5) the impact on the number and length of car trips; and*
- (6) whether the proposal lies within the existing or proposed urban area as defined in the Local Plan.*

A Retail/Leisure Impact Assessment addressing these factors will be required for all retail developments of 2,500 sq. m. gross floorspace or more, and for major commercial leisure developments. Assessment of smaller retail developments (between 1,000 and 2,500 sq.m. gross) may also be required in certain circumstances.”

7a.12 A detailed assessment of the proposed superstore against the criteria of Policy ECON.6 has been submitted with the application. With regard to criterion 1, the impact of the proposed superstore on the Falkirk Town Centre and the District Centres is considered to be acceptable, for the reasons detailed earlier in this report. With regard to the other criteria, the applicant has advised that the matters subject to these criteria were all satisfactorily addressed in respect of outline planning application ref: F/2002/0895. Specifically:-

- the need for the proposed development is reflected in the terms of Policy ECON.5 and by a householder survey which showed that residents of the Polmont area carry out most of their food shopping outside the local area;
- there are limited options for the location of significant new food retailing in the Polmont area such that the only real option for achieving the wider objectives of the Structure Plan is a new local centre;
- the site of the proposed development is centrally located with the Polmont Local Plan area and is served by a number of bus routes;
- by clawing back trade principally from Falkirk, the proposal should result in a reduction in the number and length of car trips by residents of the Polmont area, thereby supporting the sustainability objectives of the Council.

The current proposal is not considered to alter these previous conclusions

- 7a.13 In light of the above comments, it is considered that the proposed development accords with the broad objectives of the Structure Plan retail policies, to improve food retail provision in the Polmont area and complies with Policies ECON.4, ECON.5 and ECON.6.

Adopted Polmont and District Local Plan

- 7a.14 The application site is designated partly as a Business and Industrial Area for Improvement and partly as Economic Development Proposal ED2 under the adopted Polmont and District Local Plan. Proposal ED2 advises that the site would be suitable for business and industrial development (Classes 4, 5 and 6), and that access to the site from the B8051 (Redding Road) could be considered and that the sewer will require to be upgraded.

- 7a.15 Policy POL 4.2 ‘Other Economic Development Opportunities’ states:

“The Council will safeguard and promote Opportunities ED2 – ED6 for economic development, as identified on the Policies, Proposals and Opportunities Map, in accordance with the range of appropriate uses (in terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997) specified for each site.”

- 7a.16 Since part of the site is allocated by Proposal ED2 for business and industrial development, the proposed retail development is contrary to this policy.

- 7a.17 Policy POL 4.3 ‘Business and Industrial Areas for Improvement’ states:

“The existing business and industrial areas identified for improvement on the Policies, Proposals and Opportunities Map will be reserved primarily for Business (Class 4), General Industrial (Class 5) and Storage and Distribution (Class 6) uses, as defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997. The Council will support upgrading, rationalisation and redevelopment to improve their environment, utilisation and economic potential. Changes of use as part of comprehensive redevelopment proposals for these areas may be considered favourably subject to economic development, amenity, environmental and traffic considerations.”

- 7a.18 Since part of the site is allocated for a Business and Industry Area for Improvement, the proposed retail development is contrary to this policy.

- 7a.19 Policy POL 5.1 ‘The Shopping Hierarchy’ states:

“The Council will support the existing hierarchy of shopping centres within the Polmont and District Local Plan area. Specifically, it will promote and enhance:

- (i) Brightons, Laurieston and Polmont Local Centres; and*
- (ii) the provision of other localised neighbourhood shops.*

- 7a.20 Whilst it is considered that the proposed development would have a different function and catchment than the existing hierarchy of shopping centres within the Polmont Local Plan area, it is accepted that it would have some impact on the existing hierarchy as defined under this Plan. To that extent the proposed development would not support the existing shopping hierarchy, and is contrary to this policy.

7a.21 Policy POL 5.3 ‘Off-Centre Retail Development’ states:

“Proposals for significant retail development which are not located in or adjacent to existing centres will only be favourably considered where the Council is satisfied that all the following criteria are met:

- (i) the vitality and viability of existing centres, or proposals for their improvement will not be prejudiced;*
- (ii) the development would meet a deficiency in the quantity or quality of shopping provision which cannot satisfactorily be met on sites in or adjacent to existing centres;*
- (iii) the development is well located in relation to its catchment, offers good access by public transport, cycle and on foot, and would not lead to a significant increase in travel by private car; and*
- (iv) there will be no significant effect on the industrial/ business land supply.*

Planning conditions and/or legal agreements restricting the range of goods to be sold from off-centre retail developments will be used where they are justified by the need to protect the vitality and viability of existing centres.”

7a.22 The site of the proposed development is not located in or adjacent to existing centres, and therefore requires assessment against this policy. The criteria detailed in this policy have to a large extent been considered earlier in this report with regard to Policy ECON.6 of the Structure Plan. It is similarly concluded that the proposed development satisfies this criteria. In addition, with regard to criterion (iv), whilst the proposed development would result in the loss of an existing industrial site, opportunities exist with the local plan area for major employment opportunities. The proposed development therefore accords with this policy.

7a.23 Policy POL 5.4 ‘Design Considerations in Retail Development’ states:

“The Council will require a high standard of design in new retail development. Accordingly:

- (i) proposals should integrate with, and contribute positively towards the existing townscape in terms of form, layout, detailing and materials;*
- (ii) where appropriate, a comprehensive scheme of hard and soft landscaping should be integral to proposals;*
- (iii) shopfronts and commercial signage should be sensitively designed with due regard to the character of the building; and*
- (iv) proposals should facilitate safe and attractive access for all users, particularly pedestrians, those with mobility problems, public transport users and cyclists.”*

7a.24 The proposed development is considered to achieve a high standard of design, and therefore accords with this policy. Whilst the proposed superstore is large in scale, the site is physically contained by the adjoining Union Canal and the railway line, and there are generous separation distances between the proposed superstore and the closest buildings. Design changes have been made to the proposed superstore, in the form of the introduction of additional glazing and canopy features to improve the presentation of the building to the proposed through-road and the Canal, and in the form of a reduction in the width of the building to enhance the opportunity for landscaping between the proposed superstore and the proposed through-road. A comprehensive Landscape Scheme is proposed in order to visually soften the impact of the entire development from the surrounding area and to establish a gateway entrance. The road layout and the inclusion of pedestrian and cycle facilities within the site and to link to the surrounding area would facilitate safe and attractive access for all users. Accordingly, the proposed development is considered to accord with this policy.

7a.25 Policy POL 5.5 'Foodstores' states:

"The Council will seek to maintain and improve access to food shopping for local communities. New foodstores, other than small neighbourhood stores, should be located within or adjacent to existing centres, in accordance with Policy POL 5.2, and only on off-centre sites where the criteria in Policy POL 5.3 are satisfied. The scale of proposals should be commensurate with the local catchment population and should not exceed 2,500 square metres net."

7a.26 The proposed superstore improves access to food shopping within the Polmont area and achieves the strategic aim of the Structure Plan to improve food retail provision in the Polmont area. The proposed superstore is considered to accord with Policy 5.3 for the reasons detailed earlier in this report. However, whilst the scale of the proposal is considered to be commensurate to the local catchment, for the reasons detailed earlier in this report, the 2,500 m² food retail size limit is exceeded. In strict terms, therefore, the proposed development is contrary to this policy.

7a.27 Accordingly, the proposed development does not fully comply with the relevant policies of the adopted Polmont and District Local Plan, for the reasons detailed above, and therefore does not accord with the Development Plan. However, Policies 5.1 and 5.5 of the adopted Polmont and District Local Plan do not accord fully with the approved Structure Plan, which effectively supersedes the local plan when there is a conflict. The adopted Polmont and District Local Plan was prepared under the former Structure Plan. The proposed development is considered to accord with the retail policies of the approved Structure Plan, for the reasons detailed in this report.

7b Material Considerations

7b.1 The material planning considerations in determining this application are national planning policy guidance and advice, the Falkirk Council Local Plan Finalised Draft (Deposit Version), the planning history for the site, the consultation responses and the representations received.

National Planning Policy Guidance and Advice

- 7b.2 Scottish Planning Policy 8 : Town Centres and Retailing (SPP8) states that planning authorities should adopt a sequential approach to selecting sites for all retail and commercial developments. The sequential approach identifies a preference for town centre sites followed by edge of town centre sites and then other commercial centres identified within the Development Plan. Out-of-town centres are the least preferred option, and must be accessible by a choice of modes of transport.
- 7b.3 The site of the proposed development is identified as a Local Centre under the Shopping Centre Hierarchy for the Falkirk area, as set out in the approved Structure Plan. The site therefore falls within the category of 'other commercial centre' under the sequential approach, as it is a designated Local Centre (based on a large food store) but it is not a town centre site or an edge of town centre site. The allocation of the new Local Centre (at Redding) followed assessment of the options of improving food retail in the Polmont area. It was concluded that a new Local Centre was the only real option given constraints at and adjacent to existing local centres. In addition, the impact of the proposed development on the existing network of centres as set out in the Development Plan is considered to be acceptable, for the reasons detailed in this report. Accordingly, the proposed development is supported by SPP8.
- 7b.4 Scottish Planning Policy 17 : Planning for Transport (SPP17) promotes the location of new development to maximise sustainable transport modes (walking, cycling and public transport).
- 7b.5 The proposed development is considered to be supported by SPP17. In particular, footway and cycleway links are proposed to integrate the development to the surrounding area, and the new car park would be accessed by a bus service. In addition, the proposed car park has significantly less spaces than required by the Falkirk Council parking standards and, as compensation for this, a Travel Plan will be required in order to constrain private vehicle use and encourage more sustainable modes of transport. This will include the provision of a Shoppers' Bus.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

- 7b.6 The site of the proposed development is located within Economic Development Opportunity Area ED.POL3 under the Falkirk Council Local Plan Finalised Draft (Deposit Version). The Deposit Version was amended, in May 2008, to incorporate Proposed Pre-Inquiry Modifications. The specific uses identified for ED.POL3 are a foodstore and local centre. The proposed development is therefore supported by ED.POL3, although it is recognised that the current proposal for a single building (a superstore) can less readily be regarded as a local centre than a group of retail buildings. However, the non-food retail space approved as separate units under outline planning permission ref: F/2002/0895 is incorporated into the proposed superstore, thereby providing the same complementary function, and there is residual land within the site which could accommodate other uses appropriate in a local centre, albeit that this land is proposed to be set aside for at least 5 years, for the reasons detailed in this report.

7b.7 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.”*

7b.8 The proposed development is considered to contribute positively to the quality of the built environment for the reasons detailed earlier in this report, with reference to Policy POL 5.4 of the adopted Polmont and District Local Plan. In addition, the only existing site features which are considered to contribute to the local townscape are stone boundary walls. These walls are proposed to be retained and repaired. Accordingly, the proposed development is considered to accord with this policy.

7b.9 Policy EP6 ‘Hierarchy of Centres’ states:

“The Council will promote and enhance the hierarchy of centres as set out in Table 5.2 as the continuing focus of retail, leisure and major community uses in the Council area. The boundaries of centres are identified on the Proposals Map and the detailed policies in respect of each centre are set out under the relevant Settlement Statement.”

7b.10 The site of the proposed development is identified as a new local centre under the Town Centre Hierarchy set out in Table 5.2 of the emerging local plan. This table further states that, where merited by larger catchments, local centres may be anchored by a supermarket that serves a proportion of main food shopping needs. It is considered that the new Redding Local Centre would serve a larger catchment (the Polmont area) and therefore that an anchor supermarket is merited. This is recognised in the Hierarchy of Shopping Centres set out in Schedule ECON.5 of the approved Structure Plan, which identifies the Redding site as a Local Centre based on a large food store. The proposed development is therefore considered to promote the hierarchy of centres, and accords with Policy EP6.

7b.11 Policy EP7 - ‘New Retail Development’ states:

- “(1) New retail development in excess of 500 m² 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 m² 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.”*

7b.12 The proposed superstore represents a retail development significantly in excess of the 250 m² limit set under this policy, and therefore requires assessment against Policies ECON.5 and ECON.6 of the approved Structure Plan. This assessment has been made earlier in this report, and it has been concluded that the proposed development accords with the broad strategic aims of these policies. The proposed development is also considered to accord with the specific policy for Local Centres in Polmont (POL1) set out in the Polmont Settlement Statement, for the reasons detailed in paragraph 7b.25.

7b.13 The proposed development is considered to demonstrate a high level of design quality, for the reasons detailed earlier in this report, and to be compatible with adjoining land uses. The physical containment of the site and proposed structure planting assists in mitigating the impact of the proposed development on the area. As the first development within the new Redding Local Centre, the proposed development will establish the overall functioning of the Local Centre and its visual character. The design and layout of the proposed development is supported for the reasons detailed in this report.

7b.14 Policy EP17 - ‘Canals’ states:

“The Council, in conjunction with British Waterways and other key partners, will seek to promote the sustainable development of the Forth & Clyde and Union Canals as a major recreational, tourism and heritage asset. Accordingly, the Council will support:

- (1) *The protection and enhancement of the ecology, archaeology, built heritage, visual amenity and water quality of the canals and their immediate environs, having regard to the detailed policies on these matters contained in the Local Plan;*
- (2) *The protection and enhancement of the operational capacity of the canals*
 - *for recreational use, including the maintenance of navigation and the provision of infrastructure and amenities for a wide range of canal users;*
 - *for freight use, including the development of any necessary freight transfer facilities;*
- (3) *The improvement of access, signage and interpretation associated with the canals, with particular emphasis on linkages to and from adjacent communities, tourist attractions, public transport facilities and the wider countryside access network, whilst generally continuing to restrict access to the off-side bank (except for approved mooring areas, where access already exists and in urban areas) for nature conservation reasons; and*
- (4) *Appropriate canal-side development which*
 - *is compatible with the broad objectives, policies and key development opportunities set out in the Council’s ‘Canal Corridor Development Framework’;*
 - *is compatible with the operational requirements of the canals and contributes to their recreational amenity through the provision, where appropriate, of public access, amenity areas, mooring points and slipways;*
 - *achieves high design standards, particular attention being paid to the relationship of layout and form to the canal and to the sympathetic use of materials and detailing in buildings and canal-side landscaping;*
 - *incorporates measures to ensure that there is no detriment to the canal water environment; and*

- *accords with other Local Plan policies including Policy ST12 (Flooding;*
- *ensures there is no detriment to the structural stability of the canal."*

7b.15 The site is identified as part of the Reddingmuirhead opportunity in the Council's Canal Corridor Development Framework and is a significant opportunity for redevelopment of a redundant canal-side site. The proposed development is not considered to have any impacts on canal operational requirements and, by creating new footpath links between the proposed development and the Canal path, contributes to recreational amenity. Design changes have been incorporated into the proposed superstore to improve the presentation of the proposed building to the Canal. These changes include the incorporation of additional glazing and canopy features along the Canal-facing elevation. The visual impact of the proposed superstore on the Canal environment is mitigated to some extent by the lower level of the site relative to the Canal. No detriment to the Canal water environment is anticipated as a consequence of the proposed development. In the context of the existing character of the Canal at this location and the relationship of the application site to the Canal, the proposed development is considered to be appropriate canal-side development. The proposed development is therefore considered to accord with this policy.

7b.16 Policy ST2 - 'Pedestrian Travel And Cycling' states:

"New development will be required to provide an appropriate standard of pedestrian and cycle infrastructure. This will consist of on- and where appropriate off-site measures that allow pedestrian and cycle movements within and beyond developments, and ensure that those wishing to use pedestrian/cycle networks are not dissuaded from doing so through the absence of suitable infrastructure.

- (1) *All pedestrian and cycle routes will comply with the standards set out in the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. Where appropriate, infrastructure supporting the two modes will be combined.*
- (2) *Pedestrian and cycle facilities in new developments should offer appropriate links to existing networks in surrounding areas, to other amenities and community facilities and support objectives in agreed Travel Plans where relevant.*
- (3) *Pedestrian and cycle movement within developments should be allowed for via direct routes without barriers.*
- (4) *Pedestrian and cycle links should be provided that offer connections to public transport connections in the surrounding area. For guidance, in new developments, no pedestrian should have to walk more than 400m to the nearest bus stop.*
- (5) *Where practical, no pedestrian route should be obstructed by features that render it unsuitable for the mobility impaired.*
- (6) *The surfacing, lighting, design, maintenance and location of pedestrian and cycle routes should promote their safe use. Particular emphasis should be given to the provision of suitable lighting, and the provision of suitably designed and located crossing facilities where routes meet the public road network.*
- (7) *Pedestrian and cycle routes for school journeys should be provided in residential development where a need to do so is identified. In all cases, the aim should be to provide an overall walking/cycling distance between home and school of not more than 2 miles wherever practical, or not more than 1 mile for pedestrian journeys to primary school.*
- (8) *Cycle parking should be provided in accordance with the standards set out in Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area."*

7b.17 The proposed development is considered to provide an appropriate standard of pedestrian and cycle infrastructure. This includes proposals for pedestrian crossings of Redding Road to link the development to the wider community, pedestrian links to the Canal, a cycleway along the proposed new thoroughfare road, and pedestrian provision within the proposed superstore car park. The design of the pedestrian and cycling infrastructure could be the subject of a condition, as could the provision of cycle parking. Subject to the imposition of appropriate conditions, the proposed development is considered to accord with this policy.

7b.18 Policy ST3 - 'Bus Travel And New Development' states:

"New development will be required to provide appropriate levels of bus infrastructure or suitable links to existing bus stops, services or stations, as identified within travel plans. This provision will be delivered through direct funding of infrastructure and / or the provision of sums to support the delivery of bus services serving the development.

- (1) Bus infrastructure should be provided at locations and to phasing agreed with Falkirk Council, and designed in accordance with the standards set out in Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area.*
- (2) Bus facilities within new developments should offer appropriate links to existing pedestrian or cycle networks in surrounding areas. Alternatively, new development should be linked to existing bus infrastructure via pedestrian or cycle links as described in Policy ST2.*
- (3) New development should incorporate routes suitable for the provision of bus services. Where bus services already exist, new developments should not be designed or constructed in ways that impede the routing of these services.*
- (4) New developments may require bus links to rail stations or other public transport infrastructure."*

7b.19 The proposed development incorporates a bus route and bus lay-by within the car park for the proposed superstore, and pedestrian links from the bus lay-by to the proposed superstore and petrol station. The development is therefore considered to provide an appropriate level of bus infrastructure, and accords with this policy.

7b.20 Policy ST7 - 'Transport Assessments' states:

- "(1) Falkirk Council will require transport assessments of developments where the impact of that development on the transport network is considered likely to require mitigation. In all cases, this mitigation will be delivered to a level that achieves no net detriment to the capacity of the network.*
- (2) Transport assessments will include travel plans and, where necessary, safety audits of proposed mitigation measures and assessment of the likely impacts on air quality as a result of proposed development.*
- (3) Developers will agree the scope of the assessment with Falkirk Council, then undertake the assessment in accordance with the scoping. In all cases, the assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over unnecessary use of the car.*
- (4) The Council will only grant planning permission where it is satisfied that the transport assessment and travel plan has been appropriately scoped, the network impacts properly defined and suitable mitigation measures identified."*

7b.21 The Transport Planning Unit has accepted the conclusions and proposed mitigation measures set out in the Transport Assessment submitted with the application. These measures address issues at existing roundabouts on the B805 (Redding Road). The final content of the required Travel Plan would be subject to a Section 75 legal agreement. Subject to these matters being secured by condition/legal agreement, the proposed development accords with this policy.

7b.22 Policy ST10 - 'Parking' states:

"The Council will manage parking provision as an integral part of wider transport planning policy to ensure that road traffic reduction, public transport, walking, cycling and safety objectives are met.

- (1) There will be a presumption against significant additional public parking in Falkirk Town Centre.*
- (2) There will be a presumption against the removal of existing parking provision in Falkirk Town Centre where this would adversely affect the vitality and viability of the centre.*
- (3) Park and ride facilities will be promoted at Westfield, Falkirk. The feasibility of providing facilities on the B902 Stenhousemuir-Falkirk corridor will be investigated.*
- (4) Parking in District and Local Centres will be managed to promote sustainable travel and the role of the centres.*
- (5) The maximum parking standards set out in SPP 17 will be applied where relevant, in tandem with the Council's minimum standards. Where the minimum standards cannot be met, then enhanced travel plan resources may be required in compensation."*

7b.23 It is considered that the Travel Plan and the proposals for pedestrian, cycling and public transport infrastructure provide the opportunity to manage the new Redding Local Centre so that sustainable modes of transport are promoted. As detailed earlier in this report, the Council's minimum parking standards for the proposed development are not met. However, as compensation, enhanced Travel Plan resources have been agreed with the applicant. The proposed development is therefore considered to accord with this policy.

7b.24 Policy POL1 - 'Local Centres in Polmont' states:

"The Council will seek to promote the role of Polmont, Brightons and Laurieston as Local Centres, with a new Local Centre to be established at Redding Road. Changes of use which would reduce the range of shops and services available will not be permitted unless it can be clearly demonstrated that there is no demand for such uses."

7b.25 The site of the proposed development is at the new Redding Local Centre. The provision of food retailing at this new Local Centre supports the strategic aim to improve food retail in the Polmont area, therefore the proposed development, incorporating a superstore, accords with this policy.

Planning History

- 7b.26 The planning history of the application site is set out in paragraph 3. Outline planning permission ref : F/2002/0895 included a 3,716 m² food superstore, which was downsized from the 4,654 m² food superstore proposed under planning application ref : F/98/0870. This application was withdrawn following the decision by Scottish Ministers to call in the application in light of the Council's decision that it was minded to grant it. The reasons for the call in were possible implications for national retailing policies, the recently approved Structure Plan and the adopted Polmont and District Local Plan.
- 7b.27 Since the approval of outline application ref : F/2002/0895, the Council has added Redding to its list of Local Centres, as part of an Alteration to the Structure Plan. A large foodstore is indicated for Redding Local Centre in order to achieve the strategic aim for the Polmont area of improving food retail. The increase in retail, as a consequence of the current application, is considered to be justified, notwithstanding that the reduction in food retail to 3,716 m² under outline planning application ref : F/2002/0895 was recorded in the associated officer's report as welcomed as being more appropriate to local needs. As detailed earlier in this report, the RIA has been reviewed by Corporate and Neighbourhood Services and its findings have largely been accepted by this Service. This includes acceptance that the current proposal would have only a marginally greater impact on Polmont Local Centre than the foodstore approved under outline planning permission ref : F/2002/0895. In addition, the applicant has advised that the Callendar Road Tesco store is unlikely to remain operational in its present format as a consequence of the proposed development and other approved superstores in the Falkirk Council area.

Consultation Responses

- 7b.28 The consultation responses are summarised in paragraph 4 of this report. The matters referred to by the Environmental Protection Unit and the Roads and Development Unit could be the subject of conditions of any approval of the application.
- 7b.29 The matters referred to by the Transport Planning Unit could be the subject of conditions and/or a Section 75 agreement. These matters relate to:-
- The payment of £15,000 in lieu of modifications to the Redding Road/Newlands Avenue/Harlow Road Roundabout (which would be used for sustainable methods of travel to the site over and above those detailed in the Travel Plan).
 - The preparation of a Travel Plan Framework.
 - The operation of a shoppers' bus service by Tesco for at least 2 years to transport store customers.
 - The reservation of the residual land on the site for any future need for additional car parking.
 - The provision of a pedestrian island on Redding Road and revisions to the white-lining of the Redding Road/Livingstone Terrace Roundabout.

Representations Received

7b.30 The representations to the application have been summarised in paragraph 6. The following comments are considered to be relevant in response to the concerns raised in those representations:

- The concerns raised in relation to the retail impact of the proposed superstore on the Hierarchy of Shopping Centres and the appropriateness of the proposed development to a Local Centre have been addressed in this report.
- The physical containment of the application site, generous separation distances to the nearest properties and the proposed structure planting will help to minimise the impact of the proposed development on the surrounding area.
- Mitigation measures to improve the existing road infrastructure and provide opportunities for alternative modes of transport are all requirements of the proposed development.

7c Conclusion

7c.1 This application has been assessed in this report as being contrary to the Development Plan. This is due to non-compliance with the policies of the adopted Polmont and District Local Plan detailed in this report. There are, however, considered to be material planning considerations to justify approval of the application contrary to the Development Plan. First, the proposed development has been assessed in this report as complying with the broad strategic objectives of the approved Structure Plan retail policies, to improve food retail provision in the Polmont area, and with the relevant policies of the Falkirk Council Local Finalised Draft (Deposit Version). Second, the adopted Polmont and District Local Plan (2001) is out of date as its policies do not fully accord with the approved Structure Plan dated January 2007. In these circumstances, the approved Structure Plan policies effectively supersede the adopted Local Plan. Third, planning permission has previously been granted for retail development at the application site. The principle of retail development, focused on food retail, has therefore been established at this location, albeit not at the scale now being proposed. However, this scale of retail development is considered to be justified for the reasons detailed in this report.

7c.2 The proposed development does, however, represent a significant departure to the adopted Polmont and District Local, and therefore on that basis requires referral to Scottish Ministers.

7c.3 Accordingly, the application is recommended for conditional approval subject to it being referred to Scottish Ministers and the satisfactory completion of a Section 75 agreement.

8. RECOMMENDATION

8.1 It is recommended that Committee indicate that it is minded to grant planning permission subject to:

- (a) The application being notified to the Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997, as amended.
- (b) The satisfactory completion of an agreement in terms of Section 75 of the Town and Country (Scotland) Planning Act in respect of measures to promote travel to the proposed development by modes of transport other than the private car and to safeguard the residual land at the site for additional on-site car parking should this be deemed to be necessary in the future; namely:
 - (i) The payment of £15,000 in lieu of modifications to the Redding Road/Newlands Avenue/Harlow Road Roundabout.
 - (ii) The preparation of a Travel Plan Framework to be annexed to the Section 75 agreement; the focus being to identify the objectives, mechanisms and facilities to reduce the need for staff to travel to work by car.
 - (iii) The operation of a shoppers' bus service by Tesco to transport store customers along an agreed route for at least 2 years from the date of the store opening (the continuation or otherwise to be agreed with the Council).
 - (iv) The reservation of the residual land on the site (as indicated on Drawing No. 1306(P)001 Rev. 0) for any future need for additional car parking as identified in surveys, and subject to review, in accordance with details to be agreed with the Council. The land shall be reserved for at least 5 years from the date of opening of the store.
- (c) And thereafter, on the conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following conditions:
 - (1) The development to which this permission relates must be begun within 5 years of the date of this permission.
 - (2) Before the development commences, details of the phasing of the proposed development and the location(s) of the works compound and construction vehicle parking area(s) shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

- (3) Before the development commences, full details of the colour and specification of all proposed external finishes for all buildings, structures and hardsurfaces shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (4) Before the development commences, full details of the colour and specification of all proposed walls, fences, gates and any other means of enclosure shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (5) Notwithstanding the approved plans, before the development commences, a scheme of landscaping shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include:
 - (i) an indication of any existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their retention;
 - (ii) the location of all new trees, shrubs, hedges and grass areas;
 - (iii) a schedule of plants to comprise species, plant sizes and proposed numbers/species;
 - (iv) a programme for the completion and subsequent management and maintenance for all proposed landscaping and boundary treatments;
 - (v) the provision of a 2 m wide grass verge to the south of the proposed distributor road as measured from the kerb line.

The landscaping shall be implemented in accordance with an approved phasing plan.

- (6) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the proposed development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.
- (7) Before the development commences, exact details of any proposed odour extraction system and measures to be employed to control noise emission from all proposed plant/equipment and HGV deliveries shall be submitted to and approved in writing by this Planning Authority. Thereafter, all plant/equipment shall be installed, operated and maintained, and all HGV deliveries carried out, in accordance with the approved details.
- (8) Before the development commences, full details of all measures to be employed for surface water drainage, including calculations and details of how these measures will be maintained, shall be submitted to and approved in writing by this Planning Authority, and shall accord with the principles of Sustainable Urban Design Systems (SUDS). Thereafter, the surface water drainage arrangements shall be completed in accordance with the approved details before the proposed superstore is brought into use.

- (9) All proposed roads, cycleways, footways/footpaths and road crossings to be adopted by Falkirk Council shall be constructed in accordance with the Falkirk Council Design Guidance and Construction Standards.
- (10) Before the proposed development is brought into use, all proposed pedestrian, cycling, public transport and road infrastructure, as indicated on approved Drawing No. 1306(P)001 Rev. 0, shall be fully completed in accordance with full details approved in writing by this Planning Authority.
- (11) Notwithstanding the approved plans, the exact position of the required pedestrian island on Redding Road shall be subject to the written approval of this Planning Authority.
- (12) The exact details of the required revisions to the white lining of the Redding Road/Livingstone Terrace Roundabout shall be subject to the written approval of this Planning Authority.
- (13) Cycle parking shall be provided on the site at location(s) and in accordance with details, including the number and design, submitted to and approved in writing by this Planning Authority.
- (14) The sales areas within the proposed superstore shall not exceed 2,700 m² for food retail and 1,600 m² for non-food retail.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure an orderly and appropriate progression of development and to safeguard the amenity of the area.
- (3-5) To safeguard the visual amenity of the area.
- (6) To ensure the ground is suitable for the proposed development.
- (7) In the interests of residential amenity.
- (8) To ensure the site is drained in an acceptably sustainable manner and that the drainage infrastructure is properly maintained.
- (9) To safeguard the users of the public highway.
- (11-12)
- (10) To ensure that the proposed development is accessible to sustainable.
- (13) Modes of transport and appropriate facilities are provided.

- (14) To ensure compliance with Structure Plan policies.



.....
Acting Head of Planning & Transportation

Date: 30 October 2008

LIST OF BACKGROUND PAPERS

1. Letter of representation from Mr and Mrs J Kean, Eversley House, Redding Road, Redding, Falkirk on 25 June 2007.
2. Letter of representation from The Co-operative Group Property Division, c/o James Barr, 226 West George Street, Glasgow G2 2LN on 25 July 2007.
3. Approved Falkirk Council Structure Plan.
4. Adopted Polmont and District Local Plan.
5. Falkirk Council Local Plan Finalised Draft (Deposit Version).
3. Scottish Planning Policies 8 : Town Centres and Retailing; and 17 : Planning for Transport.

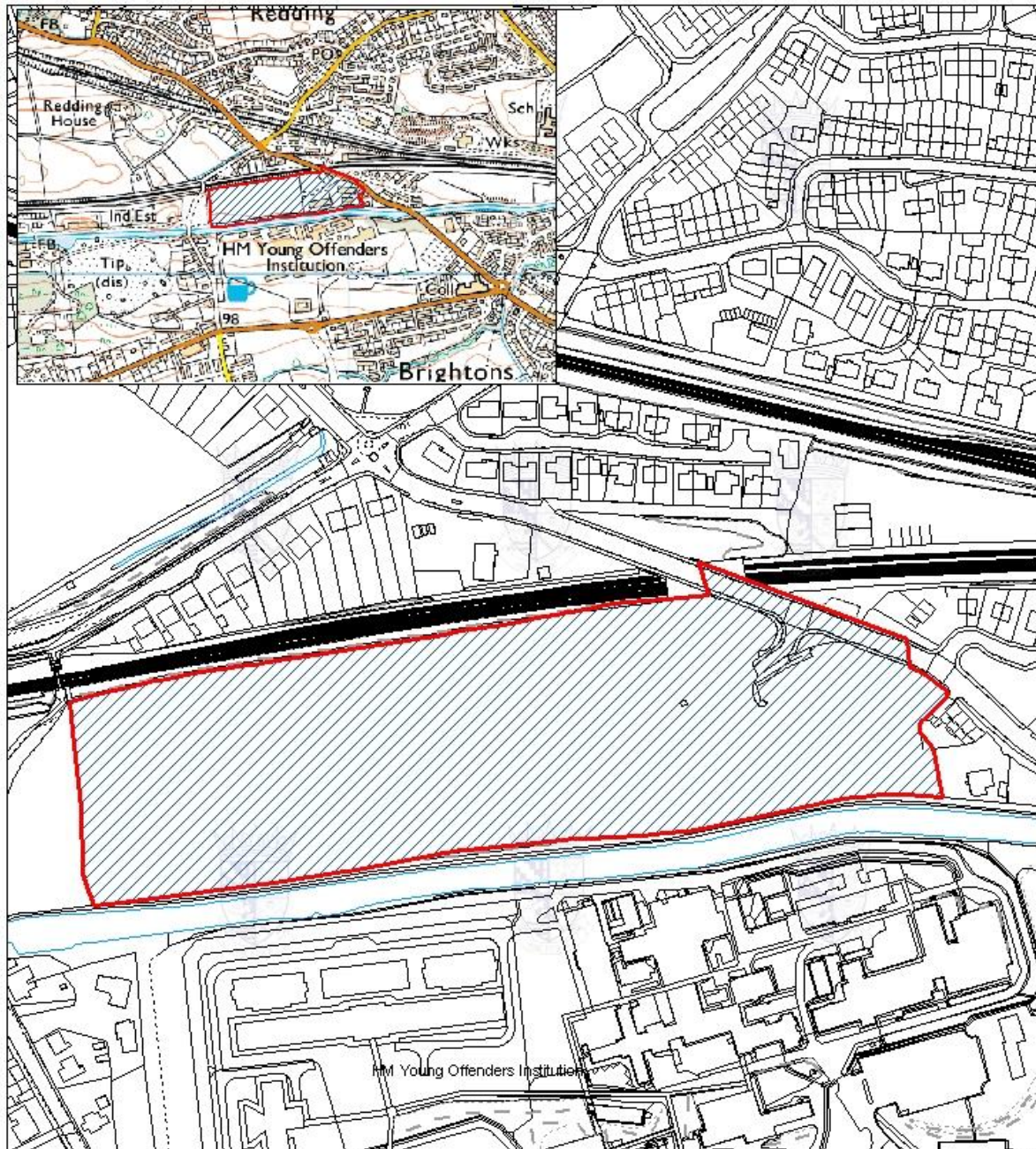
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian (Planning Officer).

Regulatory Committee

Planning Application Location Plan

P/07/0422/FUL

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



Reproduced by permission of Ordnance Survey on behalf of HMSO.
© Crown copyright and database right 2009. All rights reserved.
Ordnance Survey Licence number 100023384

R91. ERECTION OF SUPERSTORE, PETROL FILLING STATION AND FORMATION OF CAR PARK AND ACCESS ROAD AT LAND AT REDDING ROAD TO THE SOUTH OF LIVINGSTONE TERRACE, REDDING ROAD, REDDING FOR TESCO STORES LTD AND SANTON GROUP DEVELOPMENTS LTD - P/07/0422/FUL

Councillor Martin entered the meeting during consideration of this item of business.

There was submitted Report (circulated) dated 30 October 2008 by Director of Development Services on an application for detailed planning permission for the erection of a superstore, petrol filling station, car park and access road at land at Redding Road, Redding.

AGREED that the Committee is **MINDED TO GRANT** planning permission, subject to:

- (a) The application being notified to the Scottish Ministers under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997, as amended.
- (b) The satisfactory completion of an Agreement in terms of Section 75 of the Town and Country (Scotland) Planning Act in respect of measures to:
 - (1) landscape and maintain in perpetuity the area of land adjacent to the westernmost boundary of the application site which is bounded by the proposed link road to the north and west and the union canal to the south;
 - (2) construct a roadway to adoptable standard in accordance with Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area October 1997, as amended January 2000, and Roads Construction Consent through the Land as part of the development, to link onto the former Redding Road north of the existing bridge over the Union Canal, the route of which, insofar as lying outwith the Land, shall be as near as may practicably be to that shown on the plan annexed to the existing legal agreement relating to the development of the site; subject to the terms of any Roads Construction Consent or other consent necessary, the roadway shall be 7.3 metres wide with a single 2.0 metre wide footpath along its southern boundary, and associated street lighting and will provide access to the proposed residential development at the former Nobel site south of the Union Canal; and
 - (3) promote travel to the proposed development by modes of transport other than the private car and to safeguard the residual land at the site for additional on-site car parking should this be deemed to be necessary in the future; namely:
 - (i) The payment of £15,000 in lieu of modifications to the Redding Road/Newlands Avenue/Harlow Road Roundabout;
 - (ii) The preparation of a Travel Plan Framework to be annexed to the Section 75 Agreement; the focus being to identify the objectives, mechanisms and facilities to reduce the need for staff to travel to work by car;

- (iii) The operation of a shoppers' bus service by 'Tesco to transport store customers along an agreed route for at least 2 years from the date of the store opening (the continuation or otherwise to be agreed with the Council); and
 - (iv) The reservation of the residual land on the site (as indicated on Drawing No. 1306(P)001 Rev. 0) for any future need for additional car parking as identified in surveys, and subject to review, in accordance with details to be agreed with the Council. The land shall be reserved for at least 5 years from the date of opening of the store.
- (c) And thereafter, on the conclusion of the foregoing matters, to remit to the Director of Development Services to grant planning permission subject to the following conditions:
- (1) The development to which this permission relates must be begun within 5 years of the date of this permission;
 - (2) Before the development commences, details of the phasing of the proposed development and the location(s) of the works compound and construction vehicle parking area(s) shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;
 - (3) Before the development commences, full details of the colour and specification of all proposed external finishes for all buildings, structures and hardsurfaces shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;
 - (4) Before the development commences, full details of the colour and specification of all proposed walls, fences, gates and any other means of enclosure shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details; and
 - (5) Notwithstanding the approved plans, before the development commences, a scheme of landscaping shall be submitted to and approved in writing by this Planning Authority. Details of the scheme shall include:
 - (i) an indication of any existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their retention;
 - (ii) the location of all new trees, shrubs, hedges and grass areas;
 - (iii) a schedule of plants to comprise species, plant sizes and proposed numbers/species;
 - (iv) a programme for the completion and subsequent management and maintenance for all proposed landscaping and boundary treatments; and
 - (v) the provision of a 2 m wide grass verge to the south of the proposed distributor road as measured from the kerb line.

The landscaping shall be implemented in accordance with an approved phasing plan.

- (6) Before the development commences, a contaminated land assessment shall be submitted to and approved in writing by this Planning Authority. Before the proposed development is brought into use, any necessary remedial works to make the ground safe shall be carried out in accordance with an approved remediation strategy, and any necessary remediation completion reports/validation certificates shall be submitted to and approved in writing by this Planning Authority.
- (7) Before the development commences, exact details of any proposed odour extraction system and measures to be employed to control noise emission from all proposed plant/equipment and HGV deliveries shall be submitted to and approved in writing by this Planning Authority. Thereafter, all plant/equipment shall be installed, operated and maintained, and all HGV deliveries carried out, in accordance with the approved details.
- (8) Before the development commences, full details of all measures to be employed for surface water drainage, including calculations and details of how these measures will be maintained, shall be submitted to and approved in writing by this Planning Authority, and shall accord with the principles of Sustainable Urban Design Systems (SUDS). Thereafter, the surface water drainage arrangements shall be completed in accordance with the approved details before the proposed superstore is brought into use.
- (9) All proposed roads, cycleways, footways/footpaths and road crossings to be adopted by Falkirk Council shall be constructed in accordance with the Falkirk Council Design Guidance and Construction Standards.
- (10) Before the proposed development is brought into use, all proposed pedestrian, cycling, public transport and road infrastructure, as indicated on approved Drawing No. 1306(P)001 Rev. 0, shall be fully completed in accordance with full details approved in writing by this Planning Authority.
- (11) Notwithstanding the approved plans, the exact position of the required pedestrian island on Redding Road shall be subject to the written approval of this Planning Authority.
- (12) The exact details of the required revisions to the white lining of the Redding Road/Livingstone Terrace Roundabout shall be subject to the written approval of this Planning Authority.
- (13) Cycle parking shall be provided on the site at location(s) and in accordance with details, including the number and design, submitted to and approved in writing by this Planning Authority.
- (14) The sales areas within the proposed superstore shall not exceed 2,700 m² for food retail and 1,600 m² for non-food retail.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

- (2) To ensure an orderly and appropriate progression of development and to safeguard the amenity of the area.
- (3-5) To safeguard the visual amenity of the area.
- (6) To ensure the ground is suitable for the proposed development.
- (7) In the interests of residential amenity.
- (8) To ensure the site is drained in an acceptably sustainable manner and that the drainage infrastructure is properly maintained.
- (9) To safeguard the users of the public highway.
- (11-12)
- (10) To ensure that the proposed development is accessible to sustainable
- (13) modes of transport and appropriate facilities are provided.
- (14) To ensure compliance with Structure Plan policies.

FALKIRK COUNCIL

Subject: IMPLEMENTATION OF THE PLANNING ETC (SCOTLAND) ACT 2006 – CONSEQUENTIAL CHANGES TO DEVELOPMENT MANAGEMENT OPERATION (EFFECTIVE FROM 3 AUGUST 2009)
Meeting: PLANNING COMMITTEE
Date: 26 August 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION AND CONTEXT

- 1.1 The purpose of this report is to update the Planning Committee on the consequential changes to the development management operation within Falkirk Council, with effect from 3 August 2009.
- 1.2 The Planning etc. (Scotland) Act 2006 made provision for major changes to the delivery of planning services across Scotland, including a new Development Management System. This, to date, has resulted in a number of procedural changes comprising:

- **Statutory Pre-Application Consultation**

Applicants submitting a planning application for "national" and "major" development proposals require to submit a Proposal of Application Notice at least 12 weeks prior to the submission of a planning application. In addition, they have to undertake a Pre-Application consultation exercise (PAC). As a minimum, this has to include one public event and a newspaper advert, and the applicant must also consult every Community Council where any part of its area is within or adjoins land where the proposed development is situated. It should be noted that proposals may alter at any stage of this process, and it is a matter for the applicant to decide upon the final submission detail. Therefore, it is important that the Community Council considers the proposal again when a planning application is formally submitted. A letter was sent to all Community Councils at the end of June, advising them of this change in procedure.

- **Submitting an Application**

The responsibility for undertaking neighbour notification now rests with the Planning Authority, only once the planning application is deemed to be valid. It is now mandatory for national and major planning applications (and in some local developments) to include design or design and access statements as part of the submission.

- **Notification of Planning Applications in Local Press**

As part of the revised neighbour notification procedures, in the event that there are no premises on neighbouring land in relation to a planning application site, the Planning Authority is required to advertise the planning application in the local press (either Bo'ness Journal or Falkirk Herald). Applicants are now responsible for meeting the cost of the advertisement, and the cost is equally divided among those applicants whose proposals have been advertised. A decision cannot be issued until the cost has been recovered. Proposals which do not accord with the provisions of the development plan now have to be advertised at the applicant's expense, with costs similarly recoverable.

- **Revised Scheme of Delegation**

The Council's Scheme of Delegation which was approved by full Council on 24th June was formally approved by Scottish Ministers on 3 July 2009 and came into force on 3 August 2009. This scheme describes the circumstances in which officers can take decisions in respect of planning applications. The provision to enable individual members to request referral of an application to the Planning Committee for consideration is retained. However, a reason for the referral request is required.

- **Local Review Body**

The establishment of a Local Review Body in principle has also been agreed. This body is required to determine requests by applicants to review a decision of the appointed officer in respect of an application for a local development or the failure of the appointed officer to determine such an application. A detailed report on the formal setting up and procedures of the Local Review Body will be presented to the September Planning Committee.

- **Pre-Determination Hearings**

Any planning application in respect of a "major" development proposal which is significantly contrary to the Development Plan or any application in respect of a national development must be subject to a pre-determination hearing. The decision making responsibility for such applications now rests with the full council and not the planning committee. The pre-determination hearing procedures will apply to all relevant planning applications which were undetermined as at 3 August 2009. Further details in respect of the pre-determination hearing process will be the subject of a report to planning committee in September.

- **Delegated List**

Members now have the opportunity for one week at the end of the application determination process to "call-in" the application for determination at planning committee. In these cases the applicant cannot have the decision reviewed, but still has a right of appeal to Scottish Ministers.

- **Duration of Planning Permission**

The standard period for implementing planning permission is reduced from 5 years to 3 years.

- **Other Publicity for Planning Applications**

All major planning applications, including "bad neighbour" proposals, are required to display a site notice for the duration of works. For all planning applications submitted, the applicant is now required to serve notice on the Planning Authority of their intention to commence development on site. It is also a requirement that the person(s) undertaking such works are obliged to notify the Planning Authority of the completion of the works on site.

2. LEGAL IMPLICATIONS

- 2.1 The Local Review Body procedure is an entirely new concept and has not been trialed elsewhere in the UK. The potential for legal challenge of decisions taken by the Local Review Body is similarly untested. Any concern that the Local Review Body has not made a fair and impartial decision or that it has insufficient expertise to make the decision could invite challenge under Human Rights Legislation. Review decisions will be open to challenge in the courts (as can happen at present), and therefore continued care will be needed in drafting decisions.

3. FINANCIAL IMPLICATIONS

- 3.1 There will be financial implications arising in terms of the provision of the legal, technical and administrative support required to carry out the review function of the Local Review Body and the possible pursuance of advert fees from applicants. Balanced against this, it is anticipated that there would be savings in the legal, technical and administrative costs associated with preparing and reviewing Committee Reports and attending Committee meetings, if Committee workload is reduced. Costs associated with appeals to Scottish Government will also reduce as a consequence of decisions on local development now being subject to Local Review Body procedures. The cost implications cannot be quantified until the new procedures are in practice.

4. PERSONNEL

- 4.1 Additional personnel resources will be required in the provision of legal, technical and administrative support required to carry out the review function of the Local Review Body. However, this could to some extent be offset if the Committee workload is reduced. The overall workload may, however, increase with the neighbour notification responsibilities now resting with the Planning Authority. However, it is difficult to quantify the staff resource requirements at this time until the level of planning application submissions return to normal.

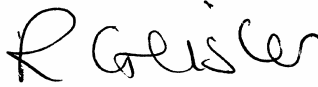
5. CONCLUSION

- 5.1 This report provides an update on the key procedural changes now in place in respect of dealing with planning applications following the coming into force of the new planning legislation on 3 August 2009. The new legislation is part of the modernising planning agenda which seeks to improve the delivery of planning services and make the system fit for a purpose, more open, transparent and efficient. A further report in respect of the procedural requirements in setting up the Local Review Body/pre-determination hearings is expected to be considered by the Planning Committee in September.

6. RECOMMENDATION

6.1 It is recommended that committee:

- (a) note the implications and changes to recent procedures resulting from the Implementation of the Planning etc. (Scotland) Act 2006 and subsequent Regulations which have come into force on 3 August 2009.

.... 
Di.....vices

Date: 18 August 2009

LIST OF BACKGROUND PAPERS

1. The Planning etc. (Scotland) Act 2006
2. The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008
3. The Town and Country Planning (Schemes of Delegation and Local Review Procedures) (Scotland) Regulation 2009
4. The Town and Country Planning (Appeals) (Scotland) Regulations 2008